PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الإحكام في أصول الأحكام

Precision in the Foundations of Legal Rulings

Ibn Ḥazm · The Electric Collective for Rigorous Islamic Science

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Foreword

The nature of this work

In the name of Allah, the Exalted. This Arabic–English edition is a translation draft for study, comparison and collaborative correction. A translation cannot convey every possibility of its Arabic original, especially in legal reasoning and statements attributed to Allah or the Prophet ﷺ. Read the English alongside the Arabic and interrogate its wording and evidence. This draft is a stepping stone towards a carefully reviewed translation; it is not a claim that every passage has been checked by a qualified scholar.

This edition contains the complete supplied working source in parallel Arabic and English. It remains an unreviewed translation draft. Completeness is checked against this witness, not every manuscript or printed edition.

Translating and making a work accessible does not imply agreement with every conclusion in it. The author's judgments, polemics and claims about other positions are presented as the author's own. Editorial remarks, quoted objections and later scholars' notes must be distinguished from that voice.

Translation method and source preservation

The new translation is produced directly from Arabic by **GPT 6.1 sol (Codex)**. No Bedrock translation service is used. Translation proceeds in bounded, resumable batches with surrounding context; these are workflow divisions, not new divisions of the author's argument. Each source unit must receive a complete translation, with genuinely ambiguous or corrupt readings flagged rather than silently resolved. Source hashes and source identifiers record which Arabic was translated. Translator's notes are labelled footnotes, distinct from the author's prose. Automated completeness checks do not establish scholarly accuracy.

The work-specific source, editorial boundaries, existing sample provenance and textual qualifications are documented below. The original Arabic source and earlier translation records are retained. New full-run passages use the direct GPT 6.1 sol method described here; earlier Codex and GPT 6.1 Terra sample passages are not relabelled.

The English appears beside the Arabic in synchronized columns. Source identifiers such as L12 refer to this edition's nonempty working-source records; they are not original manuscript line numbers. Source-page references, where available, identify the downloaded witness. UTF-8 text companions support copying without depending on a PDF viewer's ordering of the two columns.

The frequency-ranked reader's glossary is recalculated against the complete translated corpus, targeting at least 80 percent of Arabic word occurrences. It includes transliterations, observed forms, contextual definitions and labelled Lisān al-ʿArab dictionary-source footnotes. Homographs are grouped for navigation, not automatically disambiguated. Qur'an and hadith links are editorial research footnotes: wording parallels are not authenticity judgments or claims that every quotation has been identified. Source identifiers appear in the margins. Research layers do not modify the Arabic source.

Guidelines for contributors

Readers with Arabic, English, legal or typesetting expertise are invited to help improve the draft. Send corrections to @abdulqahar9 on Telegram, identifying the work, source identifier, proposed correction and supporting context. A recorded correction is not evidence that the entire book has been reviewed. Any reviewer initials apply only to the passages explicitly identified; no reviewer endorsement is inferred from earlier projects.

Render the Arabic name of God as "Allah", the Prophet's name as "Muhammed", and preserve salutations as ﷺ. Prefer precise English technical terms before transliterations, and preserve distinctions between different Arabic words where an accurate English distinction is possible. Readable, complete English takes precedence over a mechanical word-for-word rendering.

Copying and sharing

Copying and sharing this translation draft is encouraged. Retain its source credits, editorial qualifications, model attribution and any applicable source licence when redistributing an edition. May Allah correct our affairs and make this work beneficial.

Source, scope and translation history

This edition translates the complete eight-volume working transcription derived from OpenITI: `0456IbnHazm.IhkamFiUsulAhkam.Shamela0010432-ara1`. Its metadata identifies Ahmad Muhammad Shakir as editor and Dar al-Afaq al-Jadidah, Beirut, as publisher. The downloaded mARkdown file is preserved unchanged; the separate working source removes machine markup and joins wrapped lines without correcting Arabic words. Source: OpenITI transcription and metadata. The corpus, derived text and this translation are shared under CC BY-NC-SA 4.0. The work is by Ibn Hazm, rather than al-Amidi. Chapter Three lacks a separate heading at its start in the working transcription; its boundary at L24 is editorial. Chapter titles in the new directory are concise editorial descriptions; the source headings remain in the text.

The earlier published sample and its provenance are archived separately. Those seed passages were translated by Codex and GPT 6.1 Terra; their record-level credits are retained. The remaining full-book translation was produced directly by GPT 6.1 sol. No claim of scholarly review is made. Original headings, authorial polemics and later editorial material are retained as supplied. Generated chapter titles are navigation aids rather than additions to the source.

Punctuation and paragraph boundaries

The working Arabic transcription largely lacks punctuation. Its wording is preserved unchanged in the source files. For this reading edition, punctuation and continuation boundaries are recovered where matching passages can be identified uniquely in the punctuated Wikisource transcription, compared on 13 November 2026. This is a modern comparison transcription, not an independent manuscript witness or proof of the author's own punctuation. The current Shamela text was also checked; the sampled passage shares the working source's lack of punctuation.

Alignment requires matching letter contexts on both sides of each recovered mark or boundary. Differences in wording are not imported, and conflicting punctuation is withheld. The separate formatting layer permits punctuation insertions only; source words and translation records are not rewritten. Witness URLs, retrieval information, raw comparison pages, checksums and unavailable pages are documented in the working files. Where comparison is unavailable, completed English sentences supply conservative paragraph boundaries. Thus not every paragraph break or punctuation mark has been independently recovered. Completed English sentences can also provide shorter reading paragraphs within longer passages; this layout is editorial. Source identifiers in the margins retain the original record mapping even when several wrapped records form one paragraph.

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Reader’s glossary — companion to Precision in the Foundations of Legal Rulings معجم القراءة 2026



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 1: صدر الكتاب والغرض منه

Chapter 1: Opening and Purpose

Ibn Ḥazm · Arabic–English parallel edition

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L0-1 The jurist and imam Abū Muḥammad ʿAlī ibn Aḥmad—may God's mercy and good pleasure be upon him—said: Praise belongs to God, who has graciously bestowed upon us blessings both general and particular. He bestowed a general blessing upon humankind by sending them messengers bearing good tidings and warnings, so that whoever perished might perish upon clear evidence, and whoever lived might live upon clear evidence. He singled out whomever He willed among them by granting him success in attaining the truth, guiding him to it, making its understanding easy for him, directing him to choose it, and easing his path towards it. He withheld His aid from whomever He willed among them, sealing his heart and making the path of truth difficult for him. He granted some people success in one path and withheld it from them in another, as He, mighty and majestic, said: "Those who deny Our signs are deaf and dumb in darkness. Whomever God wills, He leads astray; and whomever He wills, He places upon a straight path"; and: "We made the sky a protected roof, yet they turn away from its signs."

This is without compelling someone who desires the truth to desire it, forcing someone intent upon falsehood into that intention, or preventing anyone from doing what He, exalted is He, has called or urged him to do. Rather, it is as He, mighty and majestic, said: "Know that the Messenger of God is among you. Were he to obey you in many matters, you would fall into hardship. But God has made faith beloved to you and adorned it in your hearts, and made unbelief, wrongdoing and disobedience hateful to you. Those are the rightly guided, as a bounty and favour from God; and God is knowing, wise." And as He, exalted is He, said: "Then he drew near and came down." And He, exalted is He, said: "Do not insult those whom they invoke apart from God, lest they insult God in hostility, without knowledge. Thus We have adorned the deeds of every community for them. Then to their Lord is their return, and He will inform them of what they used to do." To God.

Likewise, the two excellent prophets Abraham and Joseph—may God bless them both—said: Abraham said, "When he saw the moon rising, he said: 'This is my Lord.' But when it set, he said: 'Unless my Lord guides me, I shall certainly be among the people who go astray.'" Joseph said, "My Lord, prison is dearer to me than what they invite me to. Unless You turn their

قال الفقيه الإمام أبو محمد علي بن أحمد رحمة الله عليه ورضوانه: الحمد لله الذي امتن علينا بنعم عامة وخاصة، فعم النوع الآدمي بأن أرسل إليهم رسلا مبشرين ومنذرين ليهلك من هلك عن بينة، ويحيى من حي عن بينة، وخص من شاء منهم بأن وفقه للحق وهداه له، ويسره لفهمه، وسدده لاختياره، وسهل عليه سبيله، وخذل منهم من شاء، فطبع على قلبه، ووعر عليه طريق الحق، ووفق قوما في سبيل ما، ومنعهم التوفيق في سبيل أخرى، كما قال عز وجل: {والذين كذبوا بآياتنا صم وبكم في الظلمات من يشإ الله يضلله ومن يشأ يجعله على صراط مستقيم} و {وجعلنا السمآء سقفا محفوظا وهم عن آياتها معرضون} دون أن يجبر مريد حق على إرادته، أو يقسر قاصد باطل على قصده، أو يحول بين أحد وبين ما دعاه تعالى إليه، أو ندبه إليه، لكن كما قال عز وجل: {وآعلموا أن فيكم رسول الله لو يطيعكم في كثير من الأمر لعنتم ولكن الله حبب إليكم الأيمان وزينه في قلوبكم وكره إليكم الكفر والفسوق والعصيان أولئك هم الراشدون * فضلا من الله ونعمة والله عليم حكيم} وكما قال تعالى: {ثم دنا فتدلى} وقال تعالى: {ولا تسبوا الذين يدعون من دون الله فيسبوا الله عدوا بغير علم كذلك زينا لكل أمة عملهم ثم إلى ربهم مرجعهم فينبئهم بما كانوا يعملون} لله وكما قال النبيان الفاضلان صلى الله عليهما إبراهيم ويوسف إذ يقول إبراهيم {فلما رأى القمر بازغا قال هذا ربي فلما أفل قال لئن لم يهدني ربي لأكونن من القوم الضالين} ويقول يوسف {قال رب السجن أحب إلي مما يدعونني إليه وإلا تصرف عني كيدهن أصب إليهن وأكن من الجاهلين} وصلى الله على محمد عبده ورسوله إلى جميع الجن والإنس بالدين القيم بشيرا ونذيرا، وداعيا إلى الله بإذنه وسراجا منيرا.

scheming away from me, I shall incline towards them and be among the ignorant." May God bless Muḥammad, His servant and His messenger to all jinn and human beings, with the upright religion: a bearer of good tidings, a warner, one who calls to God by His permission, and an illuminating lamp.[1][2]

L2–3 To proceed: God, mighty and majestic, has placed different powers within the human soul. Among them is justice, which makes fairness seem beautiful to it and makes conformity to the truth beloved to it. He, exalted is He, said: "God commands justice, doing good, and giving to relatives, and forbids indecency, wrongdoing and oppression. He admonishes you so that you may take heed." He, exalted is He, also said: "You who believe, stand firmly for justice as witnesses for God, even against yourselves, your parents or your relatives. Whether a person is rich or poor, God has a greater claim upon them both. Do not follow desire, lest you turn aside from justice. If you distort or turn away, God is fully aware of what you do."

Among these powers are anger and desire, which make injustice seem beautiful to the soul and blind it to the path of right guidance. He, exalted is He, said: "When he is told, 'Fear God,' pride in sin takes hold of him. Hell is sufficient for him; what an evil resting place!" He, exalted is He, also said: "Every soul shall taste death. We test you with evil and good as a trial, and to Us you will be returned." The virtuous person rejoices through his knowledge in proportion to what God, exalted is He, has granted him; the ignorant person rejoices in something whose true character he does not know and in what brings him ruin in the Hereafter and destruction at his final return.

[1] **Translator's note (L0):** The source includes the brief quotation "Then he drew near and came down" at a seemingly abrupt point; it is retained rather than replaced or omitted. The isolated ﷻ following the quotation about insulting other objects of worship is rendered "To God." Its syntactic attachment is unclear in this transcription. The source juxtaposes the quotation about the protected sky with the discussion of guidance. This sequence is preserved.

[2] **Qur'an references (L0):** Qur'an 8:42 (Al-Anfal); Qur'an 6:39 (Al-An'am); Qur'an 21:32 (Al-Anbya); Qur'an 49:7 (Al-Hujurat); Qur'an 53:8 (An-Najm); Qur'an 6:108 (Al-An'am); Qur'an 6:77 (Al-An'am); Qur'an 12:33 (Yusuf); Qur'an 33:46 (Al-Ahzab).

وبعد: فإن الله عز وجل ركب في النفس الإنسانية قوة مختلفة، فمنها عدل يزين لها الإنصاف، ويحبب إليها موافقة الحق. قال تعالى: {إن الله يأمر بالعدل والإحسان وإيتآء ذي القربى وينهى عن الفحشاء والمنكر والبغي يعظكم لعلكم تذكرون} وقال تعالى: {يا أيها الذين آمنوا كونوا قوامين بالقسط شهدآء لله ولو على أنفسكم أو الوالدين والأقربين إن يكن غنيا أو فقيرا فالله أولى بهما فلا تتبعوا الهوى أن تعدلوا وإن تلووا أو تعرضوا فإن الله كان بما تعملون خبيرا} ومنها غضب وشهوة يزينان لها الجور ويعميانها عن طريق الرشد، قال تعالى: {وإذا قيل له اتق الله أخذته العزة بالإثم فحسبه جهنم ولبئس المهاد} وقال تعالى: {كل نفس ذآئقة الموت ونبلوكم بالشر والخير فتنة وإلينا ترجعون} فالفاضل يسر لمعرفته بمقدار ما منحه الله تعالى، والجاهل يسر لما لا يدري حقيقة وجهه ولما فيه وباله في أخراه وهلاكه في معاده. ومنها فهم يليح لها الحق من قريب، وينير لها في ظلمات المشكلات فترى به الصواب ظاهرا جليا, ومنها جهل يطمس عليها الطرق، ويساوي عندها بين السبل، فتبقى النفس في حيرة تتردد، وفي ريب تتلدد، ويهجم بها على أحد الطرق المجانبة للحق المنكبة عن الصواب تهورا وإقداما أو جبنا أو إحجاما أو إلفا وسوء اختيار قال تعالى {أمن هو قانت آنآء الليل ساجدا وقآئما يحذر الآخرة ويرجوا رحمة ربه قل هل يستوي الذين يعلمون والذين لا يعلمون إنما يتذكر أولو الألباب} وقال تعالى {وآية لهم الليل نسلخ منه النهار فإذا هم مظلمون} ومنها قوة التميز التي سماها الأوائل المنطق، فجعل لها خالقها بهذه القوة سبيلا إلى فهم خطابه عز وجل، وإلى معرفة الأشياء ما هي عليه، وإلى إمكان التفهم الذي به ترتقي درجة الفهم ويتخلص من ظلمة الجهل، فيها تكون معرفة الحق من الباطل

Among these powers is understanding, which readily reveals the truth to the soul and gives it light amid the darkness of difficult questions, so that through it the soul sees what is correct plainly and clearly. Among them is ignorance, which obscures the paths and makes the different ways seem alike, leaving the soul wavering in perplexity and turning about in doubt. It drives the soul headlong down one of the paths that depart from the truth and turn away from what is correct, through rashness and boldness, cowardice and hesitation, or habit and poor choice. He, exalted is He, said: "Is one who devoutly worships in the hours of the night, prostrating and standing, wary of the Hereafter and hoping for his Lord's mercy? Say: 'Are those who know equal to those who do not know?' Only people of understanding take heed." He, exalted is He, also said: "A sign for them is the night: We strip the day from it, and then they are in darkness."

Among them is the power of discrimination, which the ancients called logic. Through this power its Creator gave the soul a means of understanding His address, mighty and majestic; of knowing things as they are; and of being capable of learning, through which it ascends to the degree of understanding and escapes the darkness of ignorance. Through it the truth is distinguished from falsehood. He, exalted is He, said:

"Those who disbelieved will be driven to Hell in groups. When they reach it, its gates will be opened, and its keepers will say to them: 'Did messengers from among yourselves not come to you, reciting your Lord's signs to you and warning you of the meeting of this day of yours?' They will say: 'Yes, but the word of punishment has become due against the unbelievers.' It will be said: 'Enter the gates of Hell, remaining in it forever. How evil is the abode of the arrogant!' Those who feared their Lord will be led to the Garden in groups. When they reach it, with its gates opened, its keepers will say to them: 'Peace be upon you. You have been good, so enter it, remaining forever.' They will say: 'Praise belongs to God, who has fulfilled His promise to us and given us the land to inherit, so that we may dwell in the Garden wherever we wish. How excellent is the reward of those who act!' You will see the angels surrounding the Throne, glorifying their Lord with praise. Judgment will be passed between them in truth, and it will be

قال تعالى {وسيق الذين كفروا إلى جهنم زمرا حتى إذا جآءوها فتحت أبوابها وقال لهم خزنتهآ ألم يأتكم رسل منكم يتلون عليكم آيات ربكم وينذرونكم لقآء يومكم هذا قالوا بلى ولكن حقت كلمة العذاب على الكافرين * قيل ادخلوا أبواب جهنم خالدين فيها فبئس مثوى المتكبرين * وسيق الذين اتقوا ربهم إلى الجنة زمرا حتى إذا جآءوها وفتحت أبوابها وقال لهم خزنتها سلام عليكم طبتم فادخلوها خالدين * وقالوا الحمد لله الذي صدقنا وعده وأورثنا الأرض نتبوأ من الجنة حيث نشآء فنعم أجر العاملين * وترى الملائكة حآفين من حول العرش يسبحون بحمد ربهم وقضي بينهم بالحق وقيل الحمد لله رب العالمين * حم * تنزيل الكتاب من الله العزيز العليم * غافر الذنب وقابل التوب شديد العقاب ذي الطول لا إله إلا هو إليه المصير * ما يجادل في آيات الله إلا الذين كفروا فلا يغررك تقلبهم في البلاد * كذبت قبلهم قوم نوح والأحزاب من بعدهم وهمت كل أمة برسولهم ليأخذوه وجادلوا بالباطل ليدحضوا به الحق فأخذتهم فكيف كان عقاب * وكذلك حقت كلمة ربك على الذين كفروا أنهم أصحاب النار}

said: ‘Praise belongs to God, Lord of all worlds.’ Hā Mīm. The sending down of the Book is from God, the Mighty, the Knowing: forgiver of sin, acceptor of repentance, severe in punishment, possessed of bounty. There is no god but Him; to Him is the final return. None disputes God’s signs except those who disbelieve, so do not let their movement through the lands deceive you. Before them the people of Noah denied, as did the factions after them. Every community plotted to seize its messenger, and they disputed with falsehood to overthrow the truth through it. So I seized them; how was My punishment! Thus your Lord’s word has become due against those who disbelieved: they are the inhabitants of the Fire.”[3][4]

L4–7 Among them is the power of reason, which helps the discriminating soul to uphold justice, prefer what sound understanding has indicated, hold it as knowledge, and manifest it in speech and bodily action. Through this power, reason, the soul granted success in obeying Him is strengthened in disliking deviation from the truth and rejecting what ignorance, desire and anger lead towards—anger which gives rise to partisan zeal and the heated pride of ignorance. Whoever follows what sound reason has illuminated for him is saved and succeeds; whoever turns away from it perishes and may cause others to perish. He, exalted is He, said: “In that there is a reminder for one who has a heart, or who listens while attentively present.”

Abū Muḥammad ʿAlī said: He meant reason by this. As for the piece of flesh called the heart, everyone possesses it, whether he takes heed or not. But because the person without reason derives no benefit from his heart, he

[3]**Translator’s note (L2):** The supplied source gives a long uninterrupted Quran quotation extending across the end of Sūrat al-Zumar into the opening of Sūrat Ghāfir, including Hā Mīm. The whole supplied quotation is retained. The quotation “A sign for them is the night” occurs abruptly after the discussion of knowledge; its placement is retained. The unvowelled يسر in the contrast between the virtuous and ignorant is interpreted as rejoicing; this is a contextual reading, not a correction of the Arabic.

[4]**Qur’an references (L2):** Qur’an 16:90 (An-Nahl); Qur’an 4:135 (An-Nisa); Qur’an 2:206 (Al-Baqarah); Qur’an 21:35 (Al-Anbya); Qur’an 39:9 (Az-Zumar); Qur’an 36:37 (Ya-Sin); Qur’an 39:71 (Az-Zumar); Qur’an 39:72 (Az-Zumar); Qur’an 39:73 (Az-Zumar); Qur’an 39:74 (Az-Zumar); Qur’an 39:75 (Az-Zumar); Qur’an 40:3 (Ghafir); Qur’an 40:4 (Ghafir); Qur’an 40:5 (Ghafir).

ومنها قوة العقل التي تعين النفس المميزة على نصر العدل، وعلى إيثار ما دلت عليه صحة الفهم، وعلى اعتقاد ذلك علما، وعلى إظهار باللسان وحركات الجسم فعلا، وبهذه القوة التي هي العقل تتأيد النفس الموفقة لطاعته على كراهية الحود عن الحق، وعلى رفض ما قاد إليه الجهل والشهوة، والغضب المولد للعصبية، وحمية الجاهلية، فمن اتبع ما أناره له العقل الصحيح نجا وفاز، ومن عاج عنه هلك وربما أهلك قال تعالى: {إن في ذلك لذكرى لمن كان له قلب أو ألقى السمع وهو شهيد} قال أبو محمد علي: أراد بذلك العقل، وأما المضغة المسماة قلبا فهي لكل أحد متذكر، وغير متذكر، ولكن لما لم ينتفع غير العاقل بقلبه صار كمن لا قلب له، قال تعالى، شاهدا لما قلنا: {أفلم يسيروا في الأرض فتكون لهم قلوب يعقلون بها أو آذان يسمعون بها فإنها لا تعمى الأبصار ولكن تعمى القلوب التي في الصدور} وقال بعض السلف الصالح: ترى الرجل لبيبا داهيا فطنا ولا عقل له فالعاقل من أطاع الله عز وجل. قال أبو محمد علي: هذه كلمة جامعة كافية، لأن طاعة الله عز وجل، هي جماع الفضائل واجتناب الرذائل، وهي السيرة الفاضلة على الحقيقة التي تخيرها لنا واهب النعم، لا إله إلا هو، فلا فضيلة إلا اتباع ما أمر الله عز وجل به، أو حض عليه، ولا رذيلة إلا ارتكاب ما نهى الله تعالى عنه أو نزه منه، وأما الكيس في أمور الدنيا لا يبالي المرء ما وفق في استجلاب حظه فيها، من علو صوت، أو عرض جاه، أو نمو مال، أو نيل لذة من طاعة أو

becomes like one who has no heart. He, exalted is He, said, bearing witness to what we have said: "Have they not travelled through the land, so that they might have hearts with which to reason, or ears with which to hear? It is not the eyes that become blind, but the hearts within the breasts." One of the righteous predecessors said: "You see a man who is clever, resourceful and perceptive, yet he has no reason. The person of reason is the one who obeys God, mighty and majestic."

Abū Muḥammad ʿAlī said: This is a comprehensive and sufficient statement. Obedience to God, mighty and majestic, brings together the virtues and avoidance of the vices. It is, in truth, the virtuous way of life chosen for us by the giver of blessings—there is no god but Him. There is no virtue except following what God, mighty and majestic, has commanded or encouraged, and no vice except committing what God, exalted is He, has forbidden or urged us to avoid. As for worldly shrewdness, where a person does not care whether he succeeds in obtaining his share of renown, standing, increasing wealth or pleasure through obedience or disobedience, that is not reason. It is foolishness, stupidity, grave deficiency and poor choice, leading to destruction in the eternal abode. Our Lord, exalted is He, has testified that worldly enjoyment is deception. We know that one who abandons the truth and follows deception makes foolish choices, has weak reason and defective discrimination.

The demonstration of this is that every discriminating capacity by which a human being differs from the beasts testifies that choosing something small in amount, slight in benefit, mixed with pains and troubles, and soon to perish, over something abundant in amount, great in benefit, free of distress and harm, and everlasting, is extreme stupidity and a complete lack of reason. Suppose a man were given a choice in this world between living for a hundred years in an elegant, spacious palace, with gardens, rivers, meadows, trees, blossoms, flowers, servants, slaves, widespread security, evident dominion and ample wealth, with nothing on the way to it except a full day's walk along a road partly, but not wholly, rough; and spending that day walking along a road with lovely meadows interspersed with deadly dangers and terrors, and pleasant shade interspersed with horrors and places of destruction, which at

معصية، فليس ذلك عقلا، بل هو سخف وحمق ونقص شديد وسوء اختيار، وقائد إلى الهلاك في دار الخلود. وقد شهد ربنا تعالى أن متاع الدنيا غرور، وقد علمنا أن تارك الحق ومتبع الغرور سخيف الاختيار، ضعيف العقل، فاسد التمييز وبرهان ذلك أن كل تمييز في إنسان بان به عن البهائم، فهو يشهد أن اختيار الشيء القليل في عدده، الضعيف في منفعته، المشوب بالآلام والمكاره، الفاني بسرعة، على الكثير في عدده العظيم في منفعته، الخالص من الكدر والمضار، الخالد أبدا، حمق شديد وعدم للعقل البتة. ولو أن أمرأ خير في دنياه بين سكناه مائة عام في قصر أنيق، واسع ذي بساتين وأنهار ورياض وأشجار، ونواوير وأزهار، وخدم وعبيد وأمن فاش وملك ظاهر، ومال عريض، إلا أن في طريقه إلى ذلك مشي يوم كامل في طريق فيها بعض الحزونة لا كلها، وبين أن يمشي ذلك اليوم في طريق فيها مروج حسنة، وفي خلالها مهالك ومخاوف وظلال طيبة، وفي أثنائها أهوال ومتالف، ثم يفضي عند تمام ذلك اليوم إلى دار ضيقة، ومجلس ضنك ذي نكد وشقاء وخوف وفقر وإقلال، فيسكنها مائة عام، فاختار هذه الدار الحرجة لسرور يوم ممزوج بشوائب البلاء، يلقاه في طريقه نحوها لكان عند كل من سمع خبره ذا آفة شديدة في تمييزه، وفاسد العقل جدا، ظاهر الحمق رديء الاختيار، مذموما مدحورا ملوما. وهذه حال من آثر عاجل دنياه على آجل أخراه. فكيف بمن اختار فانيا عن قريب على ما لا يتناهى أبدا. اللهم إلا أن يكون شاكا في منقلبه، متحيرا في مصيره، فتلك أسوأ بل هي التي لا شوى لها، نعوذ بالله من الخذلان، ونسأله التوفيق والعصمة بمنه آمين. وكل ما قلنا فلم نقله جزافا، بل لم نقل كلمة في ذلك كله إلا مما قاله الله تعالى شاهدا بصحته، وميزه العقل، عالما بحقيقته، والحمد لله رب العالمين. وإن الله عز وجل ابتلى الأمم السالفة بأنبياء ابتعثهم إلى قومهم خاصة، فمؤمن وكافر، فريق في الجنة وفريق في السعير. ثم إنه تعالى بعث نبيه المختار وعبده المنتخب من جميع ولد آدم محمدا صلى الله عليه وسلم الهاشمي

the day's end leads to a cramped house and a narrow dwelling filled with misery, hardship, fear, poverty and want, where he would live for a hundred years. If he chose that constricted house for the sake of a day's pleasure mingled with the troubles encountered on the way to it, everyone who heard his story would regard his discrimination as gravely impaired, his reason as very defective, his stupidity as evident and his choice as poor: a man to be censured, repelled and blamed.

Such is the condition of someone who prefers his immediate worldly life to his future life in the Hereafter. What, then, of one who chooses something soon to perish over what never ends? Unless, of course, he doubts his final return and is perplexed about his destination. That is worse—indeed, it is no trifling calamity. We seek refuge in God from being forsaken, and ask Him, by His grace, for success and protection. Amen. Nothing we have said was said at random. We have not spoken a single word in all this without God's words bearing witness to its soundness and reason discerning its truth. Praise belongs to God, Lord of all worlds.

God, mighty and majestic, tested the former communities with prophets whom He sent specifically to their own peoples. Some believed and some disbelieved: one group in the Garden and another in the blazing Fire. Then He, exalted is He, sent His chosen prophet, His servant selected from all the descendants of Adam, Muḥammad—may God bless him and grant him peace—the Hāshimite of Mecca, to all His creatures among jinn and human beings. Through his religion He superseded all religions, and with him He brought the messengers to their conclusion. He distinguished him with this honour, made him foremost among all His prophets, and took him as a chosen one, an intimate confidant, a close friend and a messenger. There is

المكي إلى جميع خلقه من الجن والإنس، فنسخ بملته جميع الملل، وختم به الرسل، وخصه بهذه الكرامة وسوده على جميع أنبيائه، واتخذ صفيا ونجيا وخليلا ورسولا فلا نبي بعده، ولا شريعة بعد شريعته إلى انقضاء الدنيا.

no prophet after him, nor any revealed law after his law, until the world's end.[56]

L8–12 And since we have become certain that this world is no abode of permanence, but an abode of trial and testing and a passage to the abode of everlasting life; and it has thereby been established that there is no benefit in this world or in existing within it except knowing what He, mighty and majestic, has commanded, teaching it to the ignorant, and acting as it requires; and that everything beyond this for which people compete, such as widespread renown, is delusion; and that every base objective for which ignorant souls hunger is error, except what is intended to establish justice, suppress falsehood, judge according to the command of God Most High and the command of His Messenger, God bless him and grant him peace, revive the ways of truth, and extinguish the emerging manifestations of injustice; and that the pleasures toward which base souls incline—familiar sights that will soon change, pleasing sounds that pass away with the blowing winds, novel fragrances that dissipate after a few hours, tastes deemed sweet and delicious that undergo the most repulsive transformation within the briefest time, and admired garments that undergo a dismal change in the shortest time—are vain; and that all the occupation of those whose discernment is corrupt with acquiring wealth that will soon pass away is superfluous, except what provides sustenance, preserves the last breath of life, and is spent on acts of goodness that lead to triumph in the abode of permanence: then the best undertaking for a rational person is an exposition through which he hopes to guide his fellow human beings, rescue them from the bewilderment of doubt and the darkness of falsehood, and bring them forth into the clarity of truth and the light of certainty. For the Messenger of God, God bless him and grant him peace, declared that if God guides a single man through some-

وإذ قد تيقنا أن الدنيا ليست دار قرار، ولكنها دار ابتلاء واختبار ومجاز إلى دار الخلود، وصح بذلك أنه لا فائدة في الدنيا وفي الكون فيها إلا العلم بما امر به عز وجل وتعليمه أهل الجهل والعمل بموجب ذلك، وإن ما عدا هذا مما يتنافس فيه الناس من بعد الصوت، غرور، وأن كل ما تشره إليه النفوس الجاهلة من غرض خسيس، خطأ، إلا ما قصد به إظهار العدل وقمع الزور والحكم بأمر الله تعالى وبأمر رسوله صلى الله عليه وسلم وإحياء سنن الحق وإماتة طوالع الجور وإن ما تميل إليه النفوس الخسيسة من اللذات بمناظر مألوفة متغيرة عما قليل، وأصوات مستحسنة، متقضية بهبوب الرياح، ومشام مستطرفة، منحلة بعيد ساعات، ومذاوق مستعذبة، مستحلية في أقرب مدة أقبح استحالة، وملابس معجبة، متبدلة في أيسر زمان تبدلا موحشا، باطلا. وإن كل ما يشغل به أهل فساد التمييز من كسب المال المنتقل عما قريب فضول، إلا ما أقام القوت وأمسك الرمق، وأنفق في وجوه البر الموصلة إلى الفوز في دار البقاء، كان أفضل ما عاناه المرء العاقل بيان ما يرجو به هدى أهل نوعه، وإنقاذهم من حيرة الشك وظلمة الباطل، وإخراجهم إلى بيان الحق ونور اليقين فقد أخبر رسول الله صلى الله عليه وسلم أن من هدى الله به رجلا واحدا فهو خير له من حمر النعم وأخبر عليه السلام أن من سن سنة خير في الإسلام كان له مثل أجر كل من عمل بها لا ينتقص ذلك من أجورهم شيئا وغبط من تعلم الحكمة وعلمها فنظرنا بعون الله خالقنا تعالى لنا في هذه الطريق الفاضلة التي هي ثمرة بقائنا في هذه الدنيا فوجدناها على وجوه كثيرة: فمن أوكدها وأحسنها مغبة، بيان الدين واعتقاده والعمل به الذي ألزمنا إياه خالقنا عز وجل على لسان رسوله صلى الله عليه وسلم وشرح الجمل التي تجمع أصناف أحكامه والعبارات الواردة فيه، فإن بمعرفة العقدة من عقد تلك

[5]**Translator's note (L4):** The idiomatic phrase لا شوى لها is rendered "no trifling calamity"; its precise idiomatic force merits review. The Arabic is unchanged. The source has الحود in the phrase about deviation from truth; rendered by the apparent contextual sense "deviation," preserving the spelling in original. The author's comparisons, judgments concerning reason, slavery terminology, and claims about the finality and supersession of religions are retained as his authorial claims.

[6]**Qur'an references (L4):** Qur'an 50:37 (Qaf); Qur'an 22:46 (Al-Hajj).

one, that is better for him than red camels. He also declared, peace be upon him, that whoever institutes a good practice in Islam will have a reward equal to the reward of everyone who acts upon it, without that diminishing their rewards in the least; and he pronounced fortunate the person who learns wisdom and teaches it. So, with the help of God Most High, our Creator, we considered this excellent path, which is the fruit of our remaining in this world, and found that it takes many forms. Among the most imperative of them and the best in its outcome is explaining the religion, believing in it, and acting upon it—the religion that our Creator, mighty and majestic, has made binding upon us through the tongue of His Messenger, God bless him and grant him peace—and explaining the comprehensive principles that encompass the various kinds of its rulings and the expressions occurring in it. For knowing a single intricacy among the intricacies of those comprehensive principles brings the truth to light in thousands of questions in which thousands of people have erred. Those who followed them uncritically thus incurred two sins: the sin of uncritical adherence and the sin of error; and the rewards of those who followed them while exercising independent judgment were reduced from two portions to one portion. And anyone whom God Most High enables to explain that through which the reward of one who believes and acts upon what demonstration supports is multiplied He has thereby afforded abundant good and graciously granted an increasing reward even while that person lies crumbled in the dust. This is a share of good that only one deprived would disdain. We therefore wrote our book entitled The Book of Bringing Near, in which we discussed the manner of inference in general and the kinds of demonstration by which truth is distinguished from falsehood in every object of inquiry. We separated these from what is thought to be demonstration but is no demonstration, and explained all of this in a straightforward exposition containing no obscurity, hoping thereby for reward from God, mighty and majestic. That book thus became a foundation for knowing the signs that distinguish truth from falsehood. We also wrote our book entitled The Decisive Separation, in which we explained the correct position concerning the religions and sects over which people have differed, using the demonstrations whose general principles we established in The Book of Bringing Near. Through the success God, mighty

الجمل يلوح الحق في ألوف من المسائل غلط فيها ألوف من الناس. فإثم من قلدهم إثمين: إثم التقليد، وإثم الخطأ. ونقصت أجور من اتبعهم مجتهدا من كفلين إلى كفل واحد. ومن وفقه الله تعالى لبيان ما يتضاعف فيه أجر المعتقد والعامل بما عضده البرهان فقد عرضه لخير كثير، وامتن عليه بتزايد الأجر، وهو في التراب رميم. وذلك حظ لا يزهد فيه إلا محروم، فكتبنا كتابنا المرسوم بكتاب التقريب، وتكلمنا فيه على كيفية الاستدلال جملة، وأنواع البرهان الذي به يستبين الحق من الباطل في كل مطلوب، وخلصناها مما يظن أنه برهان وليس ببرهان، وبينا كل ذلك بيانا سهلا لا إشكال فيه، ورجونا بذلك الأجر من الله عز وجل، فكان ذلك الكتاب أصلا لمعرفة علامات الحق من الباطل، وكتبنا أيضا كتابنا المرسوم بالفصل، فبينا فيه صواب ما اختلف الناس فيه من الملل والنحل بالبراهين التي أثبتنا جملها في كتاب التقريب. ولم ندع بتوفيق الله عز وجل لنا للشك في شيء من ذلك مساغا، والحمد لله كثيرا. ثم جمعنا كتابنا هذا وقصدنا فيه بيان الجمل في مراد الله عز وجل منا فيما كلفناه من العبادات، والحكم بين الناس بالبراهين التي أحكمناها في الكتاب المذكور آنفا. وجعلنا هذا الكتاب بتأييد خالقنا عز وجل لنا، موعبا للحكم فيما اختلف فيه الناس من أصول الأحكام في الديانة مستوفى، مستقصى، محذوف الفضول، محكم الفصول، راجين أن ينفعنا الله عز وجل به يوم فقرنا إلى ما يثقل به ميزاننا من الحسنات، وأن ينفع به تعالى من يشاء من خلقه، فيضرب لنا في ذلك بقسط، ويتفضل علينا منه بحظ، فهو الذي لا يخيب رجاء من قصده بأمله وهو القادر على كل شيء: لا إله إلا هو.

and majestic, granted us, we left no room for doubt concerning any of that; abundant praise belongs to God. We then compiled this book, intending in it to explain the comprehensive principles concerning what God, mighty and majestic, intends of us in the acts of worship and adjudication between people with which we have been charged, using the demonstrations we firmly established in the book just mentioned. With the support of our Creator, mighty and majestic, we have made this book comprehensive in adjudicating the matters concerning the foundations of religious rulings over which people have differed: complete, exhaustive, stripped of superfluities, and firmly ordered in its chapters. We hope that God, mighty and majestic, will benefit us through it on the day when we stand in need of good deeds to make our balance heavy, and that He Most High will benefit through it whomever He wills among His creatures, allotting us a portion therein and graciously granting us a share of it. For He is the One who does not disappoint the hope of anyone who turns to Him in expectation, and He has power over all things; there is no god but He.[7]

L13–14 Now is the time for us to begin this, through God's might and power. We say, success coming from God Most High: since it has been established that the world is created and that it has a Creator who has always existed, mighty and majestic; and it has been established that He sent His Messenger Muḥammad, God bless him and grant him peace, to all people, so that whoever obeys him may escape from the layers of fire surrounding us into the Garden prepared for His friends, mighty and majestic, and so that whoever disobeys him may be cast headlong into the blazing Fire; and it has been established that, through the tongue of His Prophet, God bless him and grant him peace, He has made binding upon us revealed laws consisting of commands, prohibitions, and permissions, through the observance of those revealed laws one attains triumph and is delivered from destruction; and it has been established that He deposited those revealed laws in the speech that He commanded His Messenger, God bless him and grant him peace, to convey to us and called a

[7] **Translator's note (L9):** The supplied reading mustaḥliya, rendered here as "delicious," is awkward beside "the most repulsive transformation." The context suggests a possible corruption of mustaḥīla, "undergoing transformation"; the English supplies the transition required by the surrounding construction.

وهذا حين نبدأ في ذلك بحول الله وقوته فنقول وبالله تعالى التوفيق: إنه لما صح أن العالم مخلوق، وأن له خالقا لم يزل عز وجل وصح أنه ابتعث رسوله محمدا صلى الله عليه وسلم إلى جميع الناس ليتخلص من أطاعه من أطباق النيران المحيطة بنا إلى الجنة المعدة لأوليائه عز وجل، وليكب من عصاه في النار الحامية وصح أنه ألزمنا على لسان نبيه صلى الله عليه وسلم شرائع من أوامر ونواه وإباحات باستعمال تلك الشرائع، يوصل إلى الفوز، وينجي من الهلاك، وصح أنه أودع تلك الشرائع في الكلام الذي أمره به رسوله الله صلى الله عليه وسلم بتبليغه إلينا وسماه قرآنا وفي الكلام الذي أنطق به رسوله صلى الله عليه وسلم وسماه وحيا غير قرآن وألزمنا في كل ذلك طاعة نبيه عليه السلام لزمنا تتبع تلك الشرائع في هذين الكلامين لنتخلص بذلك من العذاب، ونحصل على السلامة والحظوة في دار الخلود،

Qurʾān, and in the speech that He caused His Messenger, God bless him and grant him peace, to utter and called revelation other than Qurʾān, and that in all of this He made obedience to His Prophet, peace be upon him, binding upon us: it follows that we must seek out those revealed laws in these two forms of speech, so that through this we may escape punishment and attain safety and favor in the abode of everlasting life.[8][9]

L15–18 We found that He Most High had made this binding upon us by His saying in His revealed Book: "The believers should not go forth all together. Why, then, should a party from every group of them not go forth, so that they may gain understanding in religion and warn their people when they return to them, that they may beware?" It therefore became obligatory for us to go forth for the purpose for which our Creator, mighty and majestic, summoned us forth. We found that He had said in the Qurʾān—which has been established to come from Him, mighty and majestic, and in which He deposited His injunctions addressed to us and binding upon us—"O you who believe, obey God and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to God and the Messenger, if you believe in God and the Last Day. That is better and fairer in outcome." Abū Muḥammad said: We examined this verse and found that it encompasses everything that people, from first to last, have discussed, whether they agreed upon it or differed over it, concerning the rulings and acts of worship that God, mighty and majestic, prescribed. Nothing of this falls outside it. Our entire book therefore concerns explaining the implementation of this verse and how it is to be carried out; explaining the two commanded obediences, to God Most High and to His Messenger, peace be upon him; obedience to those vested with authority; who those vested with authority are; explaining the disputes that arise among us; explaining the matters over which disputes

ووجدناه تعالى قد ألزمنا ذلك بقوله في كتابه المنزل: {وما كان المؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في الدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} فوجب علينا أن ننفر لما استنفرنا له خالقنا عز وجل، فوجدناه قد قال في القرآن الذي قد ثبت أنه من قبله عز وجل، والذي أودعه عهوده إلينا اللازمة لنا: {يا أيها الذين آمنوا أطيعوا الله وأطيعوا الرسول وأولي الأمر منكم فإن تنازعتم في شيء فردوه إلى الله والرسول إن كنتم تؤمنون بالله واليوم الآخر ذلك خير وأحسن تأويلا} قال أبو محمد: فنظرنا في هذه الآية فوجدناها جامعة لكل ما تكلم الناس فيه أولهم عن آخرهم، مما أجمعوا عليه واختلفوا فيه الأحكام والعبادات التي شرعها الله عز وجل، لا يشذ عنها شيء من ذلك، فكان كتابنا هذا كله في بيان العمل بهذه الآية وكيفيته وبيان الطاعتين المأمور بهما لله تعالى ولرسوله عليه السلام وطاعة أولي الأمر ومن هم أولو الأمر وبيان التنازع الواقع منا، وبيان ما يقع فيه التنازع بيننا، وبيان رد ما تنوزع فيه إلى الله تعالى ورسوله عليه السلام وهذا هو جماع الديانة كلها ووجدناه قد قال تعالى {حرمت عليكم الميتة والدم ولحم الخنزير وما أهل لغير الله به والمنخنقة والموقوذة والمتردية والنطيحة وما أكل السبع إلا ما ذكيتم وما ذبح على النصب وأن تستقسموا بالأزلام ذلكم فسق اليوم يئس الذين كفروا من دينكم فلا تخشوهم واخشون اليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم الأسلام دينا فمن اضطر في مخمصة غير متجانف لإثم فإن الله غفور رحيم} فأيقنا أن الدين قد

[8] **Translator's note (L13):** The final construction is syntactically awkward in the supplied Arabic. Its sense continues in the next segment: observing those revealed laws leads to triumph and deliverance.

[9] **Translator's note (L14):** The wording corresponding to "He commanded His Messenger … to convey to us" is grammatically corrupt in the supplied text: the pronouns and the words "His Messenger" and "God" do not form a coherent construction. The translation gives the apparent intended sense.

arise among us; and explaining the referral of disputed matters to God Most High and His Messenger, peace be upon him. This comprises the entirety of religion. We found that He Most High had said: "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than God's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter—and what has been slaughtered upon sacrificial stones; and that you seek apportionment by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—God is indeed forgiving, merciful." We therefore became certain that religion had been perfected and brought to completion. Whatever has been perfected, no one may add to it, subtract from it, or alter it. Thus, through this verse, it has been established with certainty that religion in its entirety is to be taken only from God, mighty and majestic, then through the tongue of the Messenger of God, God bless him and grant him peace. He is the one who conveys to us our Lord's commands, prohibitions, and permissions, mighty and majestic; no one other than he conveys anything to us from God Most High. And he —peace be upon him—says nothing on his own authority, but only from his Lord Most High; then through the tongues of those vested with authority among us, for they are the ones who convey to us, generation after generation, what the Messenger of God, God bless him and grant him peace, brought from God Most High. They have no right to say anything whatsoever on their own authority, but only to transmit from the Prophet, peace be upon him. This is the description of the true religion, everything beyond which is false and is no part of religion. For whatever does not come from God Most High is no part of God's religion at all; whatever the Messenger of God, may God bless him and grant him peace, has not explained is no part of religion at all; and whatever those vested with authority among us have not conveyed to us from the Messenger of God, may God bless him and grant him peace, is no part of religion at all. Thus, through the power and strength of God Most High, we have explained the error of whoever errs

كمل وتناهى، وكل ما كمل فليس لأحد أن يزيد فيه ولا أن ينقص منه ولا أن يبدله. فصح بهذه الآية يقينا أن الدين كله لا يؤخذ إلا عن الله عز وجل ثم على لسان رسول الله صلى الله عليه وسلم فهو الذي يبلغ إلينا أمر ربنا عز وجل ونهيه وإباحته، لا مبلغ إلينا شيئا عن الله تعالى أحد غيره وهو عليه السلام لا يقول شيئا من عند نفسه لكن عن ربه تعالى، ثم على ألسنة أولي الأمر منا، فهم الذين يبلغون إلينا جيلا بعد جيل ما أتى به رسول الله صلى الله عليه وسلم عن الله تعالى وليس لهم أن يقولوا من عند أنفسهم شيئا أصلا لكن عن النبي عليه السلام هذه صفة الدين الحق الذي كل ما عداه فباطل، وليس من الدين، إذ ما لم يكن من عند الله تعالى، فليس من دين الله أصلا وما لم يبينه رسول الله صلى الله عليه وسلم فليس من الدين أصلا وما لم يبلغه إلينا أولو الأمر منا عن رسول الله صلى الله عليه وسلم فليس من الدين أصلا فبينا بحول الله تعالى وقوته غلط من غلط في هذا الباب، بأن ترك ما هو من الدين مخطئا غير عامد للمعصية، أو عامدا لها، أو أدخل فيه ما ليس منه كذلك، فلا يخرج البتة الخطأ في أحكام الديانة عن هذين الوجهين: إما ترك، وإما زيادة، ولخصنا الحق تلخيصا لا يشكل على نصح نفسه. وقصد الله عز وجل بنيته وما توفيقنا إلا بالله عز وجل. وجعلنا كتابنا هذا أبوابا لنقرب على من أراد النظر فيه، ويسهل عليه البحث عما أراد الوقوف عليه منه، رغبة منا في إيصال العلم إلى من طلبه، ورجاء ثواب الله عز وجل في ذلك، وبالله تعالى نتأيد.

in this matter by abandoning something that belongs to religion, whether mistakenly, without intending disobedience, or deliberately intending it; or by introducing into religion something that does not belong to it, under the same alternatives. Error in religious rulings can never fall outside these two forms: either omission or addition. We have set out the truth distinctly, in a manner that will present no difficulty to anyone who deals honestly with himself and directs his intention toward God, mighty and majestic. Our success comes only through God, mighty and majestic. We have arranged this book of ours into chapters to make it accessible to anyone wishing to examine it and to make it easy for him to search for whatever he wishes to ascertain within it, out of our desire to convey knowledge to whoever seeks it and our hope for the reward of God, mighty and majestic, for doing so. From God Most High we draw support.[10]

[10]**Qur'an references (L15):** Qur'an 9:122 (At-Tawbah); Qur'an 4:59 (An-Nisa); Qur'an 5:3 (Al-Ma'idah).



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 2: ترتيب الأبواب

Chapter 2: Arrangement of the Chapters

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L19 Chapter on the Arrangement of the Chapters, Which Is the Second Chapter

For the first chapter is at the beginning of this book and states its purpose; it is the one completed before this beginning.

Chapter Two: The present chapter, on the arrangement of the chapters of this book.

Chapter Three: Establishing the proofs of reason, explaining what reason apprehends in reality, and explaining the error of those who attribute to reason what it does not possess.

Chapter Four: How the languages by which all things are expressed and through which people communicate arose.

Chapter Five: The expressions current among those engaged in inquiry.

Chapter Six: Whether things, according to reason, are prohibited or permitted, or fall under neither alternative, pending whatever pronouncement concerning them comes from their Creator, mighty and majestic.

Chapter Seven: The foundations of religious rulings, the divisions of knowledge, and whether one who makes a denial bears a burden of proof.

Chapter Eight: The meaning of clarification.

Chapter Nine: Delaying clarification.

Chapter Ten: Adhering to what the Quran entails.

L20 Chapter Eleven: The reports that constitute the transmitted practices; some sections of this chapter concern the cause of the disagreement that has arisen among the imams.

Chapter Twelve: The commands and prohibitions occurring in the Quran and the Sunnah, adhering to the apparent meaning of both, and construing all of these as requiring obligation and immediate compliance, or recommendation, or deferred compliance.

Chapter Thirteen: Construing them as general or specific.

Chapter Fourteen: The minimum number denoted by a plural occurring in them.

باب ترتيب الأبواب، وهو الباب الثاني إذ الباب الأول في صدر هذا الكتاب، وذكر الغرض فيه وهو الذي تم قبل هذا الابتداء. الباب الثاني: هذا الذي نحن فيه وهو ترتيب أبواب هذا الكتاب. الباب الثالث: في إثبات حجج العقل وبيان ما يدركه على الحقيقة، وبيان غلط من ظن في العقل ما ليس فيه. الباب الرابع: في كيفية ظهور اللغات التي يعبر بها عن جميع الأشياء ويتخاطب بها الناس. الباب الخامس: في الألفاظ الدائرة بين أهل النظر. الباب السادس: هل الأشياء في العقل على الحظر أو الإباحة. أو لا على واحد منها لكن على ترقب ما يرد فيها من خالقها عز وجل. الباب السابع: في أصول أحكام الديانة وأقسام المعارف وهل على النافي دليل أو لا الباب الثامن في معنى البيان الباب التاسع في تأخير البيان الباب العاشر في القول بموجب القرآن

الباب الحادي عشر في الأخبار التي هي السنن وفي بعض فصول هذا الباب سبب الاختلاف الواقع بين الأئمة. الباب الثاني عشر: في الأوامر والنواهي الواردة في القرآن والسنة والأخذ بالظاهر منهما وحمل كل ذلك على الوجوب والفور. أو الندب أو التراخي. الباب الثالث عشر في حملها على العموم أو الخصوص الباب الرابع عشر في أقل الجمع الوارد فيها الباب الخامس عشر في الاستثناء منها الباب السادس عشر في الكناية بالضمير

Chapter Fifteen: Exceptions from them.

Chapter Sixteen: Writing by means of a pronoun.[1]

L21 Chapter Seventeen: Writing by means of an indication.

Chapter Eighteen: Figurative usage and comparison.

Chapter Nineteen: The actions of the Messenger of God, may God bless him and grant him peace, and anything he sees or that is reported to him which he then tacitly approves, without commanding or prohibiting it.

Chapter Twenty: Abrogation.

Chapter Twenty-One: The ambiguous passages of the Quran and its unambiguous passages, and the distinction between this and the doubtful matters mentioned in the hadith concerning what lies between the lawful and the unlawful.

Chapter Twenty-Two: Consensus.

Chapter Twenty-Three: Presuming the continuation of an existing state, and the invalidity of contracts and conditions except those expressly stipulated in a text or whose validity is established by consensus; this is a category of proof based on consensus.

Chapter Twenty-Four: The least that has been asserted; this, too, is a type of proof based on consensus.

Chapter Twenty-Five: Condemning disagreement and prohibiting it.

Chapter Twenty-Six: The truth being in one position, while all the remaining positions are erroneous.

Chapter Twenty-Seven: Deviation, the meaning of this expression, and refuting the obfuscation effected by invoking it.

[1] **Translator's note (L20):** The supplied heading for Chapter Sixteen reads "writing by means of a pronoun." "Writing" may be a transcription error for "indirect reference," which would yield "indirect reference by means of a pronoun"; the supplied reading has been retained.

الباب السابع عشر في الكناية بالإشارة الباب الثامن عشر في المجاز والتشبيه الباب التاسع عشر في أفعال رسول الله صلى الله عليه وسلم وفي الشيء يراه أو يبلغه فيقره صامتا عن الأمر به أو النهي عنه الباب الموفي عشرين في النسخ الباب الحادي والعشرون في المتشابه من القرآن والمحكم، والفرق بينه وبين المتشابه المذكور في الحديث بين الحلال والحرام الباب الثاني والعشرون في الإجماع الباب الثالث والعشرون في استصحاب الحال وبطلان العقود والشروط إلا ما نص عليه منها أو أجمع على صحته، وهو باب من الدليل الإجماعي. الباب الرابع والعشرون: في أقل ما قيل وهو أيضا نوع من أنواع الدليل الإجماعي. الباب الخامس والعشرون: في ذم الاختلاف والنهي عنه. الباب السادس والعشرون: في أن الحق في واحد وسائر الأقوال كلها خطأ. الباب السابع والعشرون: في الشذوذ، ومعنى هذه اللفظة وإبطال التمويه بذكرها. الباب الثامن والعشرون: في تسمية الفقهاء المعتد بهم في الخلاف بعد الصحابة رضي الله عنهم. الباب التاسع والعشرون: في الدليل النظري والفرق بينه وبين القياس.

Chapter Twenty-Eight: Naming the jurists after the Companions, may God be pleased with them, whose views count in disagreement.

Chapter Twenty-Nine: Inferential proof and the distinction between it and analogy.[2]

L22 Chapter Thirty: The Islamic revealed law being binding upon every believer and unbeliever, and the time at which revealed laws become binding upon a human being.

Chapter Thirty-One: The manner of seeking knowledge of jurisprudence, the qualifications of the mufti, the nature of independent scholarly judgment, and what each person is obliged to seek to learn about his religion.

L23 Chapter Thirty-Two: The necessity of intentions in actions; the distinction between an intended error without intention, an unintended error, and deliberate conduct intended both in act and intention; and the circumstances in which a person's action affects another through sin or righteousness, and those in which it does not.

Chapter Thirty-Three: The revealed laws of the prophets before our Prophet, may God bless him and grant him peace: are they binding upon us or not?

Chapter Thirty-Four: Precaution and blocking the means.

Chapter Thirty-Five: Refuting juristic preference, deduction, and personal opinion.

Chapter Thirty-Six: Refuting uncritical adherence to authority.

Chapter Thirty-Seven: Implication drawn from the wording of an address.

Chapter Thirty-Eight: Refuting analogy.

Chapter Thirty-Nine: Refuting the effective causes claimed by the proponents of analogy; distinguishing them from natural causes, which are causes

[2]**Translator's note (L21):** The supplied heading for Chapter Seventeen reads "writing by means of an indication." As in Chapter Sixteen, "writing" may be a transcription error for "indirect reference"; the supplied reading has been retained. In Chapter Twenty-One, the antecedent of "this" is not explicit. The heading distinguishes Quranic ambiguity from the doubtful matters between the lawful and unlawful mentioned in the hadith.

الباب الموفي ثلاثين: في لزوم الشريعة الإسلامية لكل مؤمن وكافر ووقت لزوم الشرائع للإنسان. الباب الحادي والثلاثون: في صفة طلب الفقه، وصفة المفتي، وصفة الاجتهاد وما يلزم لكل واحد طلبه من دينه.

الباب الثاني والثلاثون: في وجوب النيات في الأعمال والفرق بين الخطأ المقصود بلا نية الخطأ غير المقصود، والعمد المقصود بالفعل والنية جميعا وحيث يلحق عمل المرء غيره من إثم وبر وحيث لا يلحق. الباب الثالث والثلاثون في شرائع الأنبياء قبل نبينا صلى الله عليه وسلم أتلزمنا أم لا الباب الرابع والثلاثون في الاحتياط وقطع الذرائع. الباب الخامس والثلاثون: في إبطال الاستحسان والاستنباط والرأي الباب السادس والثلاثون في إبطال التقليد الباب السابع والثلاثون في دليل الخطاب الباب الثامن والثلاثون في إبطال القياس الباب التاسع والثلاثون في إبطال العلل التي يدعيها أهل القياس والفرق بينها وبين العلل الطبيعية التي هي العلل على الحقيقة والكلام في الأسباب والأغراض والمعاني والعلامات والأمارات. الباب الموفي أربعين: في الاجتهاد ما هو وبيانه ومن هو معذور باجتهاده ومن ليس معذورا به، ومن يقطع عليه أنه أخطأ عند الله عز وجل فيما أداه إليه اجتهاده ومن لا يقطع عليه أنه مخطىء عند الله عز وجل وإن خالفناه في إثبات حجج العقول

in the true sense; and discussing causes, purposes, meanings, signs, and indications.

Chapter Forty: Independent scholarly judgment—what it is and its explanation; who is excused on account of his independent scholarly judgment and who is not; whose conclusion reached through independent scholarly judgment can be declared with certainty to be erroneous before God, mighty and majestic, and who cannot be declared with certainty to be mistaken before God, mighty and majestic, even though we disagree with him.

On Establishing the Proofs of Reason[3]

[3]**Translator's note (L23):** The wording of Chapter Thirty-Two is awkward and apparently defective: "the intended error without intention" is followed directly by "the unintended error," without a conjunction. The translation preserves the stated categories without supplying a missing distinction or silently repairing the wording. "On Establishing the Proofs of Reason" appears to begin the substantive chapter following the table of contents.

الباب 3: حجج العقل ومصادر المعرفة

Chapter 3: Rational Proof and the Sources of Knowledge

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L24–30 Abu Muhammad said: Some people say that nothing is known except through inspiration. Others say that nothing is known except through the pronouncement of the imam, who, according to them, is a particular man—except that, for a hundred and seventy years now, he has had no whereabouts, has been lost in person, a stray among strays. Others say that nothing is known except through a report. Others say that nothing is known except through uncritical adherence to authority. They argued for invalidating the proof of reason by saying: A person may be seen believing something, arguing in its defense, and having no doubt that it is true; then something different becomes apparent to him. If the proofs of reason were truthful, their evidences would not change.

Abu Muhammad said: This is unsound obfuscation. In someone's abandoning a position that he used to believe and defend, they have no argument against those who affirm the proofs of reason. For we have not said that anyone who believes a particular position is correct in it, nor have we said that everything anyone adduces as evidence for his position is true. Had we said that, we would have departed from the judgment of reason. Rather, we have said that some inference leads to a correct position when the inference is sound and arranged in a proper order, as we have explained and established with the utmost rigor in the Book of Approximation. Inference, when unsound, may lead to an unsound position; that happens when it departs from the method of sound inference. We have drawn attention to the branching paths and obstacles that intervene along the course of inference, explained them, and warned against them in the aforementioned book. There we left no unresolved point in explaining everything we mentioned, and made it as clear as possible. Thus, when someone moves from one position to another, one of his two inferences must necessarily be unsound, either the first or the second. Both may be unsound, so that he moves from an unsound position to an unsound position of his; or he moves from a correct position to an unsound position, or from an unsound position to a correct position. One of these alternatives is unavoidable. They cannot possibly both be correct, because a thing cannot be true without qualification at one time and in one respect. There may be numerous alternatives many, all of them false except

قال أبو محمد قال قوم لا يعلم شيء إلا بالإلهام، وقال آخرون: لايعلم شيء إلا بقول الإمام، وهو عندهم رجل بعينه إلا أنه الآن منذ مائة عام وسبعين عاما معدوم المكان، متلف العين، ضالة من الضوال وقال آخرون لا يعلم شيء إلا بالخبر وقال آخرون لا يعلم شيء إلا بالتقليد واحتجوا في إبطال حجة العقل بأن قالوا: قد يرى الإنسان يعتقد بشيء ويجادل عنه، ولا يشك في أنه حق. ثم يلوح له غير ذلك، فلو كانت حجج العقول صادقة لما تغيرت أدلتها. قال أبو محمد: هذا تمويه فاسد، ولا حجة لهم على مثبتي حجج العقول في رجوع من رجع عن مذهب كان يعتقده، ويناضل عنه، لأننا لم نقل: إن كان معتقد لمذهب ما فهو محق فيه، ولا قلنا: إن كل ما استدل به مستدل ما على مذهبه فهو حق ولو قلنا ذلك لفارقنا حكم العقول لكن قلنا إن من الاستدلال ما يؤدي إلى مذهب صحيح إذا كان الاستدلال صحيحا مرتبا ترتيبا قويما على ما قد بيناه وأحكمناه غاية الإحكام في كتاب التقريب. وقد يوقع الاستدلال إذا كان فاسدا على مذهب فاسد، وذلك إذا خولف به طريق الاستدلال الصحيح، وقد نبهنا على الشعاب والعوارض المعترضة في طريق الاستدلال وبيناها وحذرنا منها في الكتاب المذكور، ولم ندع هنالك في تبيين كل ما ذكرناه علقة وأوضحناه غاية الإيضاح. فالراجع عن مذهب إلى مذهب لا بد له ضرورة من أن يكون أحد استدلاليه فاسدا، إما الأول، وإما الثاني، وقد يكونان معا فاسدين، فيتنقل من مذهب فاسد إلى مذهبه فاسد. أو من مذهب صحيح إلى مذهب فاسد، أو من مذهب فاسد إلى مذهب صحيح. لا بد من أحد هذه الوجوه، ولا يجوز أن يكونا صحيحين معا البتة. لأن الشيء لا يكون حقا بإطلاق في وقت واحد من وجه واحد. وقد يكون أقساما كثيرة كلها باطل إلا واحدا فينتقل المرء من قسم فاسد منها إلى آخر فاسد، وهذا إنما يعرض لمن غبن عقله ولم ينعم النظر، فمال بهوى أو تهور بشهوة، أو أحجم لفرط جبنه، أو لمن كان جاهلا بوجوه طرق الاستدلال الصحيحة لم يطالعها ولا تعلمها. وأكثر ما يقع ذلك

one, so that a person moves from one unsound alternative among them to another unsound one. This happens only to someone who has cheated his own reason and failed to examine matters carefully, and has thus inclined through caprice, rushed headlong through desire, or held back through excessive cowardice; or to someone ignorant of the forms of sound methods of inference, who has neither studied nor learned them. Most often this occurs in matters that he derives from remote premises. The path leading from the first principles of knowledge to the soundness of the position sought is then a long path with many branches, along which a dull mind becomes weary. With the length of the undertaking and the amount and intricacy of the work, tedium enters, giving rise to doubt, confusion, and inadvertence, just as these affect someone performing a calculation, even though calculation is a necessary science that admits no contradiction. He finds separate numbers on a sheet of paper, and when he wishes to add them together, if they are very numerous, he may become inattentive and make a mistake. Yet when he checks carefully, makes certain, and does not occupy his mind with anything else, he arrives at certainty without doubt. This is something encountered through sensory experience, as you see. It may also affect the senses: a man sees a person with his own eyes and may suppose him to be Zayd and stubbornly insist upon it, until, when he examines him carefully, he knows that he is ʿAmr. The same occurs with a sound that is heard, something smelled, something touched, and something tasted. This may also happen with something a man seeks while it lies before him among many things: his toil in seeking it is prolonged, and finding it proves difficult, but afterward he finds it. His failure to find it does not invalidate its actually being before him. The same occurs in inference. None of this entails the invalidity of sensory apprehension or of the apprehension of reason, through which the soundness of what the senses apprehend is known. Without it, we would know nothing at all, just as the senses of a person who is wholly insane or unconscious can scarcely be of benefit. This seldom occurs with a small number of figures or with what is derived through premises close to the first principles of knowledge. There is no possibility of its occurring with what the first principles of knowledge necessarily establish, except in the case of a shameless sophist who knows with certainty in his heart that

فيما يأخذ من مقدمات بعيدة، فكان الطريق المؤدي من أوائل المعارف إلى صحة المذهب المطلوب طريقا بعيدا كثير الشعب، فيكل فيها الذهن الكليل، ويدخل مع طول الأمر وكثرة العمل ودقته السآمة، فيتولد فيها الشك والخبال والسهو، كما يدخله ذلك على الحاسب في حسابه، على أن الحساب علم ضروري لا يتناقض فيجد أعدادا متفرقة في قرطاس، فإذا أراد الحاسب جمعها فإن كثرت جدا فربما غفل وغلط، حتى إذا حقق وتثبت ولم يشغل خاطره بشيء وقف على اليقين بلا شك. هذا شيء يوجد حسا كما ترى، وقد يدخل أيضا على الحواس، فيرى المرء بعينه شخصا، فربما ظنه زيدا وكابر عليه، حتى إذا تثبت فيه علم أنه عمرو، وهكذا يعرض في الصوت المسموع وفي المشموم وفي الملموس وفي المذوق، وقد يعرض ذلك الشيء، يطلبه المرء وهو بين يديه في جملة أشياء كثيرة فيطول عناؤه في طلبه ويتعذر عليه وجوده، ثم يجده بعد ذلك، فلا يكون عدم وجوده إياه مبطلا لكونه بين يديه حقيقة، فكذلك يعرض في الاستدلال، وليس شيء من ذلك بموجب بطلان صحة إدراك الحواس، ولا صحة إدراك العقل الذي به علمت صحة ما أدركته الحواس، ولولاه لم نعلم أصلا، كما أن حواس المجنون المطبق والمغشي عليه لا يكاد ينتفع بها، وقل ما يعرض هذا في أعداد يسيرة ولا فيما أخذ بمقدمات قريبة من أوائل المعارف، ولا سبيل إلى أن يعرض ذلك فيما أوجبته أوائل المعارف إلا لسوفسطائي رقيع، يعلم يقينا بقلبه أنه كاذب، وأنه مبطل وقاح، أو لمرور ممسوس ينبغي أن يعالج دماغه، فهذا معذور، وإنما نكلم الأنفس لسنا نقصد بكلامنا الألسنة. ولا علينا قصر الألسنة بالحجة إلى الإذعان بالحق، وإنما علينا قسر الأنفس إلى تيقن معرفته فقط. فهذا الذي ظنوه من رجوع من كان على مذهب ما إلى مذهب آخر أن ذلك كله حجج عقل تفاسدت، إنما هو خطأ صريح، فمن هنا دخلت عليهم الشبهة، وإنما بيان ذلك أن ما كان من الدلائل صحيحا مسبورا محققا، فهو حجة العقل، وما كان منها بخلاف ذلك فليست حجة عقل، بل العقل يبطلها، فسقط ما ظنوا والحمد لله رب العالمين. وقد أحكمنا هذا غاية الإحكام

he is lying and is an impudent purveyor of falsehood, or a deranged man afflicted with black bile whose brain ought to be treated; this latter person is excused. We address souls; our speech is not directed at tongues. Nor is it incumbent upon us to compel tongues, by argument, to acknowledge the truth. It is incumbent upon us only to compel souls to know it with certainty. Thus their supposition, on the basis of someone's turning from one position to another, that all of this consists of arguments of reason that have invalidated one another is simply an outright error. This is how the specious doubt entered their minds. And the explanation of this is simply that whatever proofs are sound, tested, and verified constitute the argument of reason, whereas whatever among them is otherwise does not constitute an argument of reason; rather, reason invalidates it. Thus their supposition falls away, and praise belongs to God, Lord of the worlds. We have treated this with the utmost precision—and praise belongs to God, Lord of the worlds—in a chapter devoted to this subject at the end of our book entitled al-Fiṣal, headed "Chapter Discussing Those Who Maintain the Equivalence of the Proofs." They have also asked, saying: "By what did you recognize the soundness of the argument of reason: by an argument of reason or by something else? If you say, 'We recognized it by the argument of reason,' that is precisely what we dispute with you. If you say, 'By something else,' then produce it." Abū Muḥammad said: This is a question that invalidates all realities. The answer to it—and success is through God Most High—is that we recognized the soundness of what reason necessarily establishes without an intermediary and without any lapse of time. There was absolutely no interval between the first moments of our understanding and our knowledge of this. At the first moments of our understanding, we knew that the whole is greater than the part, that every individual is other than another individual, that a thing cannot be standing and sitting in the same state, and that what is long extends farther than what is short. Through this faculty we recognized the soundness of what the senses necessarily establish. Whenever there is no interval or lapse of time between the first moments of a person's knowledge and his knowledge of something, there is no time in which to infer it. No one knows how this came about for him, except that it is solely the act of God, Mighty and Majestic, in souls. Then, from this knowledge, we derived

والحمد لله رب العالمين، في باب أفردناه لهذا المعنى في آخر كتابنا الموسوم بالفصل، ترجمته باب الكلام على من قال بتكافؤ الأدلة. وقد سألوا أيضا فقالوا: بأي شيء عرفتم صحة حجة العقل؟ أبحجة عقل أم بغير ذلك؟ فإن قلتم: عرفناها بحجة العقل ففي ذلك نازعناكم وإن قلتم بغير ذلك فهاتوه قال أبو محمد وهذا سؤال مبطل الحقائق كلها والجواب على ذلك وبالله تعالى التوفيق أن صحة ما أوجبه العقل عرفناه بلا واسطة وبلا زمان، ولم يكن بين أول أوقات فهمنا، وبين معرفتنا بذلك مهلة البتة، ففي أول أوقات فهمنا علمنا أن الكل أكثر من الجزء، وأن كل شخص فهو غير الشخص الآخر، وأن الشيء لا يكون قائما قاعدا في حال واحدة، وأن الطويل أمد من القصير وبهذه القوة عرفنا صحة ما توجبه الحواس، وكلما لم يكن بين أول أوقات معرفة المرء وبين معرفته به مهلة ولا زمان، فلا وقت للاستدلال فيه، ولا يدري أحد كيف وقع له ذلك، إلا أنه فعل الله عز وجل في النفوس فقط. ثم من هذه المعرفة أنتجنا جميع الدلائل. ثم نقول له إن كنت مسلما بالقرآن يوجب صحة حجج العقول على ما سنورده في آخر هذا الباب إن شاء الله تعالى، فإن كلامنا في هذا الديوان إنما هو مع أهل ملتنا. وأما إن كان المكلم به لنا غير مسلم فقد أجبناه عن هذا السؤال في كتابنا الموسوم بالفصل، وكتابنا الموسوم بالتقريب، وتقصينا هذا الشك وبينا خطأه بعون الله تعالى، وليس كتابنا هذا مكان الكلام مع هؤلاء.

all proofs. We then say to him: "If you are a Muslim, the Qurʾān establishes the soundness of the arguments of reason, as we shall set forth at the end of this chapter, God Most High willing." Our discussion in this volume is only with the people of our own religion. But if the person addressing this to us is not a Muslim, we have answered this question for him in our book entitled al-Fiṣal and our book entitled al-Taqrīb. We have examined this doubt exhaustively and explained its error with the help of God Most High. This book of ours is not the place for discussion with these people.[1][2][3]

L31–34 Abū Muḥammad said: One who maintains inspiration is to be asked: "What is the difference between you and someone who claims that he has been inspired to recognize the falsity of your statement?" He has no way of extricating himself from this objection. The distinction between this claim and the claim of someone who claims that he apprehends through his reason the contrary of what he apprehends through reason's immediate intuition, and between what he does not apprehend through the first principles of reason, is that everyone in the East and the West, when asked about the things we have mentioned that we know through the first principles of reason, reports exactly what we report; whereas, among those who claim inspiration and the apprehension of what others apprehend through the first principles of their reason, no two agree about what each of them claims as inspiration or appre-

قال أبو محمد: ويقال لمن قال بإلهام: ما الفرق بينك وبين من ادعى أنه ألهم بطلان قولك فلا سبيل له إلى الانفصال عنه. والفرق بين هذه الدعوى ودعوى من ادعى أنه يدرك بعقله خلاف ما يدركه ببديهة العقل، وبين ما لا يدركه بأوائل العقل أن كل من في المشرق والمغرب إذا سئل عما ذكرناه أننا عرفناه بأوائل العقل أخبر بمثل ما نخبر سواء، وأن المدعين للإلهام، ولإدراك ما يدركه غيرهم بأوله عقله، لا يتفق اثنان منهم على ما يدعيه كل واحد منهم، إلهاما أو إدراكا، فصح بلا شك أنهم كذبة. وأن الذي بهم وسواس. وأيضا فإن الإلهام دعوى مجردة من الدليل، ولو أعطي كل امرىء بدعواه المعراة لما ثبت حق، ولا بطل باطل، ولا استقر ملك أحد على مال ولا انتصف من ظالم، ولا صحت ديانة أحد أبدا، لأنه لا يعجز أحد عن أن يقول: ألهمت أن دم فلان حلال، وأن ماله مباح لي أخذه، وأن زوجه مباح لي وطؤها، وهذا لا ينفك منه، وقد يقع في النفس وساوس كثيرة لا يجوز أن تكون حقا، وأشياء متضادة يكذب بعضها بعضا، فلا بد من حاكم يميز الحق منها من الباطل، وليس ذلك إلا العقل الذي لا تتعارض دلائله وقد بينا ذلك في كتاب التقريب وقال أبو محمد ويقال لمن قال بالإمام بأي شيء عرفت صحة قول الإمام، أببرهان أم بمعجزة أم بإلهام؟ أم بقوله مجردا؟. فإن قال ببرهان كلف بأن يأتي به، ولا سبيل له إليه، وإن قال بمعجزة ادعى البهتان لاسيما الآن وهم يقرون أنه قد خفي عنهم موضعه منذ مائة وسبعين عاما، وإن قالوا بالإلهام سئلوا بما ذكرنا في إبطال

[1] **Translator's note (L24):** The phrase rendered "has been lost in person" is textually awkward: the supplied wording can suggest destruction or loss of the person himself. In context it forms part of the author's polemic about the imam's prolonged disappearance; its exact reading is uncertain.

[2] **Translator's note (L25):** The supplied wording says "to an unsound position of his," where the possessive is awkward and may be a transcription error; it has been retained. The sentence beginning "because a thing cannot be true" appears incomplete or corrupt: as supplied, it lacks the opposing predicate needed to express the apparent argument against contradictory positions both being true. The translation retains the supplied assertion without inserting that predicate. The final adjective "numerous" translates the beginning of the next segment's continuation idiomatically within "numerous alternatives"; segment 26:0 retains that adjective as well so that its own supplied wording is fully represented.

[3] **Translator's note (L30):** The wording at "If you are a Muslim, the Qurʾān establishes" is syntactically irregular: the supplied text has bi-l-Qurʾān ("by/in the Qurʾān"), where the sense appears to require fa-l-Qurʾān ("then the Qurʾān"). The translation follows that apparent intended connection; the supplied reading is recorded here.

hension. It is therefore established beyond doubt that they are liars and that what afflicts them is obsessive whispering. Moreover, inspiration is a claim devoid of proof. If every person were granted what he sought on the strength of his bare claim, no right would be established, no falsehood invalidated, no one's ownership of property secured, no redress obtained from a wrongdoer, and no one's religious profession ever established as sound. For no one is incapable of saying: "I have been inspired that so-and-so's blood may lawfully be shed, that his property is lawful for me to take, and that his wife is lawful for me to have intercourse with." He cannot escape this consequence. Many obsessive whisperings may arise in the soul that cannot possibly be true, as may mutually contradictory things that give the lie to one another. There must therefore be an arbiter to distinguish the true among them from the false. This can only be reason, whose proofs do not conflict. We have explained this in the book al-Taqrīb. Abū Muḥammad said: One who maintains the authority of the imam is to be asked: "By what did you recognize the soundness of the imam's statement: by demonstration, by a miracle, by inspiration, or by his bare statement?" If he says, "By demonstration," he is required to produce it, and he has no way of doing so. If he says, "By a miracle," he makes a false allegation, especially now, when they acknowledge that his whereabouts have been hidden from them for one hundred and seventy years. If they say, "By inspiration," they are questioned using what we have mentioned in refutation of inspiration. If they say, "By his bare statement," they are asked about the difference between his statement and their opponents' statement invalidating their positions without proof. There is absolutely no fifth possibility. Abū Muḥammad said: One who maintains uncritical adherence is to be asked: "What is the difference between you and someone who uncritically follows someone other than the person whom you uncritically follow, and who, indeed, declares the person you follow an unbeliever or pronounces him ignorant?" If he begins adducing evidence for the superiority of the person he follows, he has abandoned uncritical adherence and taken the path of inference, apart from uncritical adherence. We have devoted a substantial chapter near the end of this book of ours to refuting uncritical adherence, in which we have treated its refutation exhaustively. Success is through God. Abū Muḥammad ʿAlī said: One who says that noth-

الإلهام، وإن قالوا بقوله مجردا سئلوا عن الفرق بين قوله وقول خصومهم في إبطال مذاهبهم دون دليل، ولا سبيل إلى وجه خامس أصلا. قال أبو محمد: ويقال لمن قال بالتقليد: ما الفرق بينك وبين من قلد غير الذي قلدت أنت، بل كفر من قلدته أنت أو جهله. فإن أخذ يستدل في فضل من قلده كان قد ترك التقليد، وسلك في طريق الاستدلال من غير التقليد، وقد أفردنا في إبطال التقليد بابا ضخما قرب آخر كتابنا هذا استوعبنا فيه إبطاله وبالله التوفيق قال أبو محمد علي ويقال لمن قال لا يدرك شيء إلا من طريق الخبر، أخبرنا الخبر كله حق؟ أم كله باطل؟ أم منه حق وباطل؟

ing can be apprehended except through a report is to be asked: "Tell us: are reports all true, all false, or partly true and partly false?"[4]

L35–37 If he says, "They are all false," he has invalidated that through which he said alone anything can be known. This invalidates his statement and invalidates all knowledge. If he says, "They are all true," he is confronted with reports that invalidate his position. He is consequently obliged either to abandon his position on their account or to believe a thing and its opposite at the same time, which is impossible. Every position that leads to impossibility and falsehood is necessarily false. Thus the only remaining possibility is that reports include both true and false. Since this is so, it is untenable that the truth of a report should be known through the report itself, for there is no difference between the form of a true report and the form of a false one. There must therefore be evidence distinguishing between them, and this can only be the proof supplied by reason, which distinguishes truth from falsehood. Abū Muḥammad ʿAlī said: Then all of them are to be asked: By what did you recognize the truth of what you advocate, and the truth of divine unity, prophethood, and the religion you profess? Was it through reason that you recognized the truth of all this, or without reason? And by what did you recognize the excellence of the person you follow unquestioningly, or the truth of what you claim to have received through inspiration, after a period of your life during which you had neither been inspired with it nor followed that person unquestioningly? And by what did you recognize the truth of the reports that reached you, after they had previously not reached you? Do you possess reason, or do you possess no reason? If he says, 'I recognized all this without reason, and I possess no reason,' then he has spared us the trouble of dealing with him, and we have obtained from him a greater concession

[4]**Translator's note (L32):** The comparison continued from the preceding segment is syntactically disordered: "between this claim and the claim of someone … and between what …" does not yield a clear pairing. The wording has been retained without reconstructing an argument. The supplied wording says that these claimants apprehend "what others apprehend" through the first principles of reason, although the contrast appears to call for "what others do not apprehend." The apparent missing negation has not been supplied. The phrase bi-awwalihi ʿaqlihi is also grammatically irregular; it is rendered in light of the repeated references to the first principles of reason.

فإن قال هو باطل كله كان قد أبطل ما ذكر أنه لا يعلم شيء إلا به، وفي هذا إبطال قوله وإبطال جميع العلم، وإن قال حق كله، عورض بأخبار مبطلة لمذهبه، فلزمه ترك مذهبه لذلك أو اعتقاد الشيء وضده في وقت واحد، وذلك ما لا سبيل إليه، وكل مذهب أدى إلى المحال وإلى الباطل فهو باطل ضرورة، فلم يبق إلا أن من الخبر حقا وباطلا، فإذا كان كذلك بطل أن يعلم صحة الخبر بنفسه، إذ لا فرق بين صورة الحق منه وصورة الباطل فلا بد من دليل يفرق بينهما، وليس ذلك إلا لحجة العقل المفرقة بين الحق والباطل قال أبو محمد علي ثم يقال لجميعهم بأي شيء عرفتم صحة ما تدعون إليه، وصحة التوحيد والنبوة، ودينك الذي أنت عليه، أبعقل ذلك على صحة كل ذلك أم بغير عقل؟ وبأي شيء عرفت فضل من قلدت، أو صحة ما ادعيت أنك ألهمته بعد أن لم تكن ملهما إليه ولا مقلدا له برهة من دهرك؟ وبأي شيء عرفت صحة ما بلغك من الأخبار بعد أن لم تكن بلغتك؟ وهل لك من عقل أم لا عقل لك؟ فإن قال: عرفت كل ذلك بلا عقل ولا عقل لي فقد كفينا مؤنته، وبلغنا في نفسه أكثر مما رغبنا منه، فإننا إنما رغبنا منه الاعتراف بالخطأ، فقد زادنا في نفسه منزلة لم نرغبها منه، وسقط الكلام معه ولزمنا السكوت عنه، وإلا كنا في نصاب من يكلم السكارى الطافحين والمجانين المتعرين على الطرق. فإن قال: لي عقل وبعقلي عرفت ما عرفت فقد أثبت العقل وترك مذهبه الفاسد ضرورة. قال أبو محمد: واحتجوا في إبطال الجدال والمناظرة بآيات ذكروها وهي قوله تعالى {فلذلك فدع وستقم كما أمرت ولا تتبع أهوآءهم وقل آمنت بما أنزل الله من كتاب وأمرت لأعدل بينكم الله ربنا وربكم لنا أعمالنا ولكم أعمالكم لا حجة بيننا وبينكم الله يجمع بيننا وإليه لمصير * ولذين يحآجون في الله من بعد ما ستجيب له حجتهم داحضة عند ربهم وعليهم غضب ولهم عذاب شديد} قال أبو محمد: وهذه الآية مبينة وجه الجدال المذموم، وهو قوله

about himself than we desired. For we desired only that he acknowledge his error, but he has conceded a further condition concerning himself that we did not ask him to concede. Discussion with him falls away, and we must cease addressing him; otherwise, we would rank with those who converse with thoroughly intoxicated drunkards and madmen who strip themselves naked in the streets. But if he says, 'I possess reason, and through my reason I recognized what I recognized,' then he has affirmed reason and abandoned his unsound doctrine necessarily. Abū Muḥammad said: In arguing for the invalidation of disputation and debate, they adduced verses that they cited, namely His saying, exalted is He: 'So to that call, and remain upright as you have been commanded. Do not follow their desires, and say: I believe in whatever Scripture God has sent down, and I have been commanded to deal justly between you. God is our Lord and your Lord. To us belong our deeds, and to you belong your deeds. There is no argument between us and you. God will gather us together, and to Him is the destination. And those who argue concerning God after He has been answered—their argument is invalid before their Lord; upon them is wrath, and theirs is a severe punishment.' Abū Muḥammad said: This verse makes clear the kind of disputation that is blameworthy: His saying, exalted is He, concerning someone who argues after the truth has become manifest. This describes the person who obstinately resists the truth and refuses to accept the proof after it has become manifest. This is blameworthy in the judgment of everyone possessed of reason. Among these verses is also His saying, exalted is He: 'And they said: Are our gods better, or is he? They put it to you only for the sake of disputation. Rather, they are a contentious people.'[5][6]

تعالى: فيمن يحاج بعد ظهور الحق، وهذه صفة المعاند للحق، الآبي من قبول الحجة بعد ظهورها، وهذا مذموم عند كل ذي عقل. ومنها قوله تعالى: {وقالوا أآلهتنا خير أم هو ما ضربوه لك إلا جدلا بل هم قوم خصمون}

L38–44 Abū Muḥammad said: In this verse He, exalted is He, censured only those who contended and disputed in support of falsehood, and set the gods they worshipped—unreasoning stones—against Jesus, the prophet and servant supported by miracles, including bringing the dead to life and other

قال أبو محمد: وإنما ذم تعالى في هذه الآية من خاصم وجادل في الباطل، وعارض الآلهة التي كانوا يعبدون من حجارة لا تعقل بعيسى النبي العبد المؤيد بالمعجزات، من إحياء الموتى وغير ذلك ومنها قوله تعالى {ويعلم لذين يجادلون في آياتنا ما لهم من محيص} ومنها قوله تعالى {فإن حآجوك فقل أسلمت وجهي لله ومن تبعن وقل للذين أوتوا لكتاب ولأميين أأسلمتم فإن أسلموا فقد هتدوا وإن تولوا فإنما عليك لبلاغ ولله

[5] **Translator's note (L36):** The wording أبعقل ذلك على صحة كل ذلك is syntactically awkward and may be corrupt. It is rendered according to the apparent contrast between recognizing these things through reason and recognizing them without reason.

[6] **Qur'an references (L35):** Qur'an 42:15 (Ash-Shuraa); Qur'an 42:16 (Ash-Shuraa); Qur'an 43:58 (Az-Zukhruf).

things. Among these verses is also His saying, exalted is He: 'And those who dispute concerning Our signs will know that they have no place of escape.' And among them is His saying, exalted is He: 'Then if they argue with you, say: I have submitted my face to God, as have those who follow me. And say to those who were given the Scripture and to the unlettered: Have you submitted? If they submit, they have been guided; but if they turn away, your duty is only to convey the message. And God sees His servants.' Abū Muḥammad said: He, exalted is He, said: 'God wishes to lighten your burden, and the human being was created weak.' Thus it is established by this verse that the speech of God, exalted is He, neither contradicts itself nor differs within itself. We found that He, exalted is He, praised disputation in support of truth and commanded it. We therefore knew with certainty that what He, exalted is He, commanded is, without doubt, different from what He prohibited. We examined this to learn the nature of the prohibited, blameworthy disputation and the nature of the commanded, praiseworthy disputation. For we have found that He, exalted is He, said: 'And who is better in speech than one who calls to God, acts righteously, and says: I am indeed one of those who submit?' And we have found that He, exalted is He, said: 'Call to the way of your Lord with wisdom and good admonition, and dispute with them in the manner that is best. Your Lord knows best who has strayed from His way, and He knows best those who are guided.' Thus He, exalted is He, made disputation obligatory in this verse, and in it He, exalted is He, taught all the proprieties of disputation in their entirety: gentleness, clear exposition, adherence to truth, and returning to what conclusive proof requires. He, exalted is He, said: 'Say: Then bring a Scripture from God that gives better guidance than these two, and I shall follow it, if you are truthful. But if they do not answer you, know that they follow only their desires. And who is further astray than one who follows his desire without guidance from God? God does not guide the wrongdoing people.' God, mighty and majestic, did not command His Messenger, may God bless him and grant him peace, to say this out of doubt concerning the truth of what he advocated. Rather, it was to cut off their argument, put an end to their claim, and bind them to the same commitment that he made to them: to return to what provides better guidance and follow the more correct course. It was also to

بصير بلعباد} قال أبو محمد قال تعالى {يريد الله أن يخفف عنكم وخلق لإنسان ضعيفا} فصح بهذه الآية أن كلام الله تعالى لا يتعارض ولا يختلف، فوجدناه تعالى أثنى على الجدال بالحق وأمر به، فعلمنا يقينا أن الذي أمر به تعالى هو غير الذي نهى عنه بلا شك، فنظرنا في ذلك لنعلم وجه الجدال المنهي عنه المذموم، ووجه الجدال المأمور به المحمود، لأنا قد وجدناه تعالى قد قال {ومن أحسن قولا ممن دعآ إلى الله وعمل صالحا وقال إنني من لمسلمين} ووجدناه تعالى قد قال {دع إلى سبيل ربك بلحكمة ولموعظة لحسنة وجادلهم بلتي هي أحسن إن ربك هو أعلم بمن ضل عن سبيله وهو أعلم بلمهتدين} فكان تعالى قد أوجب الجدال في هذه الآية، وعلم فيها تعالى جميع آداب الجدال كلها من الرفق والبيان، والتزام الحق والرجوع إلى ما أوجبته الحجة القاطعة وقال تعالى {قل فأتوا بكتاب من عند لله هو أهدى منهمآ أتبعه إن كنتم صادقين * فإن لم يستجيبوا لك فعلم أنما يتبعون أهوآءهم ومن أضل ممن تبع هواه بغير هدى من لله إن لله لا يهدي لقوم لظالمين} ولم يأمر الله عز وجل رسوله صلى الله عليه وسلم أن يقول هذا شكا في صدق ما يدعو إليه ولكن قطعا لحجتهم وحسما لدعواهم وإلزاما لهم، مثل ما التزم لهم من رجوعه إلى الأهدى واتباعه الأمر الأصوب، وإعلاما لنا أن من لم يأت بحجة على قوله يصير بها أهدى من قول خصمه، ويبين أن الذي يأتي به هو من عند الله عز وجل، فليس صادقا وإنما هو متبع لهواه وقال تعالى {قالوا تخذ لله ولدا سبحانه هو لغني له ما في لسماوات وما في لأرض إن عندكم من سلطان بهذآ أتقولون على لله ما لا تعلمون * قل إن لذين يفترون على لله لكذب لا يفلحون} قال أبو محمد ففي هذه الآية بيان أنه لا يقبل قول أحد إلا بحجة، والسلطان ههنا بلا اختلاف من أهل العلم واللغة هو الحجة، وإن من لم يأت على قوله بحجة فهو مبطل بنص حكم الله عز وجل، وأنه مفتر على الله تعالى، وكاذب عليه عز وجل بنص الآية لا تأويل

inform us that whoever does not bring a proof for his position by which it becomes better guided than the position of his opponent, and demonstrate that what he brings is from God, mighty and majestic, is not truthful but merely follows his own desire. He, exalted is He, said: 'They said: God has taken a child. Glory be to Him! He is the Self-Sufficient. To Him belongs whatever is in the heavens and whatever is on earth. You have no authority for this. Do you say concerning God what you do not know? Say: Those who fabricate lies against God will not prosper.' Abū Muḥammad said: This verse makes clear that no one's statement is to be accepted without proof. 'Authority' here, without disagreement among scholars and those versed in the language, means proof. Whoever does not bring proof for his statement is an upholder of falsehood by the explicit wording of the judgment of God, mighty and majestic. He is a fabricator against God, exalted is He, and a liar against Him, mighty and majestic, by the explicit wording of the verse, without interpretation or alteration. He will not prosper if he makes a statement whose truth he does not establish by conclusive proof. We have found that He, exalted is He, has taught us in these verses the ways of equitable dealing, which is the utmost justice in debate: whoever brings a manifest demonstration, one must turn to his position. This is likewise what we say, in obedience to our Lord, mighty and majestic, after the soundness of our doctrines has been established. We say it neither out of doubt concerning them nor from fear that someone might bring us something that invalidates them, but from our confidence that no one will ever bring anything with which to oppose them. For we, praise be to God, are people devoted to sifting and investigation, spending our lives seeking to establish the soundness of proof and accepting the evidences before accepting what they indicate, until we were granted success—praise be to God, exalted is He—in attaining that in which certainty finds repose. We left the people of ignorance and unquestioning adherence wavering in their doubt. We say the same concerning matters that have not yet been established as sound for us and so we say, in earnest and acknowledging this commitment: If we find something that gives better guidance than it, we shall follow it and abandon the position we hold. This applies only to questions in which the hadiths and verses conflict in their apparent wording and it has not become clear to us which abro-

ولا تبديل، وأنه لا يفلح إذا قال قولة لا يقيم على صحتها حجة قاطعة، ووجدناه تعالى قد علمنا في هذه الآيات وجوه الإنصاف الذي هو غاية العدل في المناظرة، وهو أنه من أتى ببرهان ظاهر وجب الانصراف إلى قوله. وهكذا نقول نحن اتباعا لربنا عز وجل بعد صحة مذاهبنا لا شكا فيها ولا خوفا منه أن يأتينا أحد بما يفسدها، ولكن ثقة منا بأنه لا يأتي أحد بما يعارضها به أبدا، لأننا ولله الحمد أهل التخليص والبحث، وقطع العمر في طلب تصحيح الحجة واعتقاد الأدلة، قبل اعتقاد مدلولاتها، حتى وفقنا، ولله تعالى الحمد على ما ثلج اليقين، وتركنا أهل الجهل والتقليد في ريبهم يترددون. وكذلك نقول فيما لم يصح عندنا حتى الآن فنقول مجدين مقرين إن وجدنا ما هو أهدى منه اتبعناه وتركنا ما نحن عليه. وإنما هذا في مسائل تعارضت فيها الأحاديث والآي في ظاهر اللفظ، ولم يقم لنا بيان الناسخ من المنسوخ فيها فقط أو في مسائل وردت فيها أحاديث لم تثبت عندنا، ولعلها ثابتة في نقلها، فإن بلغنا ثباتها صرنا إلى القول بها، إلا أن هذا في أقوالنا قليل جدا والحمد لله رب العالمين. وأما سائر مذاهبنا فنحن منها على غاية اليقين وقال تعالى {ولا تجادلوا أهل لكتاب إلا بلتي هي أحسن إلا لذين ظلموا منهم وقولوا آمنا بلذي أنزل إلينا وأنزل إليكم وإلهنا وإلهكم واحد ونحن له مسلمون} فأمر عز وجل كما ترى بإيجاب المناظرة في رفق، وبالإنصاف في الجدال، وترك التعسف والبذاء والاستطالة إلا على من بدأ بشيء من ذلك، فيعارض حينئذ بما ينبغي وقال تعالى {يمعشر لجن ولإنس إن ستطعتم أن تنفذوا من أقطار لسماوات ولأرض فنفذوا لا تنفذون إلا بسلطان} والسلطان الحجة كما ذكرنا وقال تعالى {وذر الذين تخذوا دينهم لعبا ولهوا وغرتهم لحياة لدنيا وذكر به أن تبسل نفس بما كسبت ليس لها من دون لله ولي ولا شفيع وإن تعدل كل عدل لا يؤخذ منهآ أولئك لذين أبسلوا بما كسبوا لهم شراب من حميم وعذاب أليم بما كانوا يكفرون} فذكر عز وجل تقدير إبراهيم عليه السلام قومه على نقله الكواكب والشمس والقمر التي كانوا يعبدون من دون الله،

gates and which is abrogated; or to questions concerning which hadiths have been transmitted that have not been established as authentic for us, though their transmission may be authentic. If their authenticity reaches us, we shall adopt what they say. Such cases, however, are very few among our positions, and praise be to God, Lord of the worlds. As for the rest of our doctrines, we possess the utmost certainty concerning them. He, exalted is He, said: 'And do not dispute with the People of the Scripture except in the manner that is best, save those among them who do wrong. And say: We believe in what has been sent down to us and what has been sent down to you. Our God and your God is one, and to Him we submit.' Thus He, mighty and majestic, commanded as you see, by making disputation with gentleness obligatory, together with fairness in argument and the abandonment of arbitrariness, foul language, and overbearing conduct—except toward someone who initiates any of these, in which case he is to be answered as appropriate. The Most High said: {O company of jinn and humankind, if you can pass beyond the confines of the heavens and the earth, then pass beyond them. You will not pass beyond them except with authority.} Authority means an argument, as we have mentioned. The Most High said: {Leave those who have taken their religion as play and amusement and whom the life of this world has deceived. Remind through it, lest a soul be delivered up on account of what it has earned, having no protector or intercessor apart from God. Even if it offers every ransom, it will not be accepted from it. Those are the ones delivered up on account of what they have earned. They shall have a drink of scalding water and a painful punishment because they used to disbelieve.} Thus He, mighty and majestic, mentioned Abraham, peace be upon him, confronting his people with the movement of the stars, the sun, and the moon, which they used to worship apart from God, and that this is evidence that they were created and a demonstration that they came into existence. He, mighty and majestic, said: {That was Our argument, which We gave Abraham against his people. We raise in degrees whomever We will. Your Lord is indeed wise, knowing.} The Most High has commanded us, in the explicit text of the Quran, to follow the religious way of Abraham, peace be upon him. The Most High has informed us that Abraham's religious way included argumentation and disputation—on one occasion with the king, and on an-

وأن ذلك لدليل على خلقها، وبرهان على حدوثها فقال عز وجل: {وتلك حجتنآ آتيناهآ إبراهيم على قومه نرفع درجات من نشآء إن ربك حكيم عليم} وقد أمرنا تعالى في نص القرآن باتباع ملة إبراهيم عليه السلام، وخبرنا تعالى أن من ملة إبراهيم المحاجة والمناظرة، فمرة للملك ومرة لقومه، والاستدلال كما أخبرنا تعالى عنه، ففرض علينا اتباع المناظرة لنصرف أهل الباطل إلى الحق، وأن نطلب الصواب بالاستدلال فيما اختلف فيه المختلفون قال الله عز وجل {إن أولى لناس بإبراهيم للذين تبعوه وهذا لنبي ولذين آمنوا ولله ولي لمؤمنين} فنحن المتبعون لإبراهيم عليه السلام في المحاجة والمناظرة، فنحن أولى الناس به، وسائر الناس مأمورون بذلك قال الله تعالى {قل صدق لله فتبعوا ملة إبراهيم حنيفا وما كان من لمشركين} ومن ملته المناظرة كما ذكرنا فمن نهى عن المناظرة والحجة فليعلم أنه عاص لله عز وجل ومخالف لملة إبراهيم ومحمد صلى الله عليهما. قال الله عز وجل وقد أثنى على أصحاب الكهف {نحن نقص عليك نبأهم بلحق إنهم فتية آمنوا بربهم وزدناهم هدى} فأثنى الله عز وجل عليهم في إنكارهم قول قومهم إذ لم يقم قومهم على قولهم حجة بينة، وصدقهم تعالى في قولهم أن من ادعى قولا بلا دليل فهو مفتر على الله عز وجل الكذب.

other with his people—and the use of inference, as the Most High has told us concerning him. It is therefore obligatory for us to follow the practice of disputation, so that we may turn the adherents of falsehood toward the truth, and to seek what is correct through inference concerning matters over which disputants disagree. God, mighty and majestic, said: {The people with the greatest claim to Abraham are surely those who followed him, this Prophet, and those who believe. God is the protector of the believers.} We, then, are those who follow Abraham, peace be upon him, in argumentation and disputation, and we therefore have the greatest claim to him. All other people are commanded to do likewise. God Most High said: {Say: God has spoken the truth. So follow the religious way of Abraham, inclining to the true faith; he was not one of the polytheists.} Disputation belongs to his religious way, as we have mentioned. Whoever forbids disputation and argument should therefore know that he is disobedient to God, mighty and majestic, and contrary to the religious way of Abraham and Muhammad, God bless them both. God, mighty and majestic, said, having praised the Companions of the Cave: {We recount their story to you in truth. They were youths who believed in their Lord, and We increased them in guidance.} God, mighty and majestic, thus praised them for rejecting their people's assertion, since their people had established no clear argument for their assertion. The Most High affirmed

their truthfulness in saying that whoever asserts a claim without evidence is fabricating a lie against God, mighty and majestic.[7][8][9][10]

L45–47 The Most High said: {Who is more unjust than someone who is reminded of his Lord's signs and then turns away from them? We shall indeed exact vengeance upon the criminals.} Thus no one is more unjust than someone against whom the argument has been established from the Book of God Most High and the words of His Prophet, God bless him and grant him peace, but who turns away from it, although it is the decisive argument and the compelling demonstration. God Most High said: {Those who consume usury will rise only as one whom Satan confounds through his touch rises. That is because they say: Trade is only like usury. Yet God has permitted trade and forbidden usury. Whoever receives an admonition from his Lord and desists may retain what has already passed, and his affair rests with God. But whoever returns—those are the inhabitants of the Fire; they shall remain in it forever.} The Most High said: {Rather, those who do wrong have followed their desires without knowledge. Who, then, can guide someone whom God has led astray? They shall have no helpers.} The Most High has thus informed us, as you hear, that whoever follows an assertion that

وقال تعالى: {ومن أظلم ممن ذكر بآيات ربه ثم أعرض عنها إنا من المجرمين منتقمون} فلا أظلم ممن قامت عليه الحجة من كتاب الله تعالى ومن كلام نبيه صلى الله عليه وسلم فأعرض عنه وهو الحجة القاطعة والبرهان الصادع وقال الله تعالى {لذين يأكلون لربا لا يقومون إلا كما يقوم لذي يتخبطه لشيطان من لمس ذلك بأنهم قالوا إنما لبيع مثل لربا وأحل لله لبيع وحرم لربا فمن جاءه موعظة من ربه فنتهى فله ما سلف وأمره إلى لله ومن عاد فأولئك أصحاب لنار هم فيها خالدون} وقال تعالى {بل تبع لذين ظلموا أهوآءهم بغير علم فمن يهدي من أضل لله وما لهم من ناصرين} فأخبر تعالى كما تسمع أن ما اتبع قولا وافقه بلا علم بصحته فهو ظالم، وإن من لم يرجع إلى ما يسمع من الحق فهو من أهل النار وقال تعالى {فإن لم يستجيبوا لك فعلم أنما يتبعون أهوآءهم ومن أضل ممن تبع هواه بغير هدى من لله إن لله لا يهدي لقوم لظالمين} أنكر الله تعالى أن يكذب المرء بما لا يعلم. فقال تعالى: {بل كذبوا بما لم يحيطوا بعلمه ولما يأتهم تأويله كذلك كذب لذين من قبلهم فنظر كيف كان عاقبة لظالمين} فصح بكل ما ذكرنا الوقوف عما لا نعلم والرجوع إلى ما أوجبته الحجة بعد قيامها وقال تعالى {ومن أظلم ممن فترى على لله كذبا أو كذب بلحق لما جاءه أليس في جهنم مثوى للكافرين} قال أبو محمد: في هذه الآية كفاية في إيجاب ألا يصدق أحد بما لم تقم عليه حجة، وألا يأتي ما قامت عليه الحجة، فمن أظلم ممن عرف ما ذكرنا وأخذ بوسواس يقوم في نفسه، أو بخبر لم يقم على وجوب تصديقه برهان، أو قلد إنسانا مثله لعله عند الله تعالى على خلاف ما يظن، وعلى كل حال فهو معصوم لكن يخطىء ويصيب وقال تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل

[7] **Translator's note (L38):** The quotation 'God wishes to lighten your burden, and the human being was created weak' is Qur'ān 4:28. The assertion immediately following it, that this verse establishes the absence of contradiction in God's speech, appears to involve a mismatched quotation or textual omission. The supplied quotation and argument have both been retained.

[8] **Translator's note (L40):** The expression حتى وفقنا ... على ما ثلج اليقين is awkward as supplied. The translation takes it to refer to being granted success in attaining settled certainty; the precise construction is uncertain.

[9] **Translator's note (L42):** The wording rendered as Abraham 'confronting his people with the movement' is textually awkward: the supplied text reads taqdīr ('assessment' or 'determination') and naqlahu/naqlat ('his moving' or 'movement'). The context suggests making his people acknowledge the celestial bodies' movement, but the precise reading is uncertain.

[10] **Qur'an references (L38):** Qur'an 42:35 (Ash-Shuraa); Qur'an 3:20 (Ali 'Imran); Qur'an 41:33 (Fussilat); Qur'an 16:125 (An-Nahl); Qur'an 28:49 (Al-Qasas); Qur'an 28:50 (Al-Qasas); Qur'an 10:68 (Yunus); Qur'an 29:46 (Al-'Ankabut); Qur'an 6:70 (Al-An'am); Qur'an 6:83 (Al-An'am); Qur'an 2:135 (Al-Baqarah); Qur'an 3:95 (Ali 'Imran); Qur'an 6:161 (Al-An'am); Qur'an 16:123 (An-Nahl); Qur'an 18:13 (Al-Kahf).

suits him, without knowledge of its correctness, is a wrongdoer, and that whoever does not turn back to the truth he hears is one of the people of the Fire. The Most High said: {If they do not respond to you, know that they are only following their desires. Who is further astray than someone who follows his desire without guidance from God? God does not guide wrongdoing people.} God Most High condemned a person's denying what he does not know. The Most High said: {Rather, they denied that which they had not encompassed in knowledge and whose interpretation had not yet come to them. Those before them likewise denied. So observe what the outcome of the wrongdoers was.} Everything we have mentioned thus establishes the correctness of withholding judgment concerning what we do not know and returning to what the argument requires once it has been established. The Most High said: {Who is more unjust than someone who fabricates a lie against God or denies the truth when it comes to him? Is there not in Hell an abode for the unbelievers?} Abū Muḥammad said: This verse suffices to establish the obligation that no one assent to anything for which no argument has been established, and that he not undertake that for which the argument has been established. Who, then, is more unjust than someone who knows what we have mentioned but adopts a whispering that arises within himself, or a report for which no demonstration has established the obligation to believe it, or blindly follows a human being like himself, who may, in God Most High's sight, be otherwise than he supposes? In any event, he is infallible, yet he errs and is correct. The Most High said: {They say: None shall enter the Garden unless they are Jews or Christians. Those are their wishes. Say: Bring your demonstration, if you are truthful.} The Most High thus made it obligatory that whoever is truthful in his claim must produce a demonstration; and if he does not produce a demonstration, he is a liar advocating falsehood, or ignorant. The Most High said: {Here you are: you have argued concerning that of which you have knowledge. Why, then, do you argue concerning that of which you have no knowledge? God knows,

هاتوا برهانكم إن كنتم صادقين} فأوجب تعالى أن من كان صادقا في دعواه فعليه أن يأتي بالبرهان وإن لم يأت بالبرهان فهو كاذب مبطل، أو جاهل. وقال تعالى: {هأنتم هؤلاء حاججتم فيما لكم به علم فلم تحآجون فيما ليس لكم به علم والله يعلم وأنتم لا تعلمون} فلم يوجب تعالى المحاجة إلا بعلم، ومنع منها بغير علم.

and you do not know.} The Most High thus made argumentation obligatory only with knowledge and prohibited it without knowledge.[11][12]

L48–53 The Most High said: {They will say: Three, their dog being the fourth of them. And they will say: Five, their dog being the sixth of them—guessing at the unseen. And they will say: Seven, their dog being the eighth of them. Say: My Lord knows their number best; none knows them except a few. So do not dispute concerning them except with an outwardly evident disputation, and do not ask any of them for a ruling concerning them.} Abū Muḥammad said: Since we found that God Most High had commanded argumentation and disputation in the verses we have mentioned, and had made the acceptance of anything obligatory only upon a demonstration, it became necessary for us to investigate blameworthy argumentation, in accordance with what we set out earlier. We found that He had said: {We send the messengers only as bearers of good tidings and warners. Those who disbelieve argue through falsehood in order to refute the truth thereby, and they take My signs and the warnings given them in mockery.} As you see, the Most High thus condemned argument without an argument to support it, and argument in the cause of falsehood. The Most High thereby invalidated the saying of the madmen: 'Everyone led astray is supplied with an argument.' The Most High made clear that the one led astray is precisely the one who is not supplied with an argument, and that the person in the right is the one truly supplied with an argument: these are the people of truth. The Most High said: {Those who argue concerning God's signs without any authority having come to them—it is greatly hateful in the sight of God and in the

وقال تعالى: {سيقولون ثلاثة رابعهم كلبهم ويقولون خمسة سادسهم كلبهم رجما بلغيب ويقولون سبعة وثامنهم كلبهم قل ربي أعلم بعدتهم ما يعلمهم إلا قليل فلا تمار فيهم إلا مرآء ظاهرا ولا تستفت فيهم منهم أحدا} قال أبو محمد: فلما وجدنا الله تعالى قد أمر في الآيات التي ذكرنا بالحجاج والمناظرة، ولم يوجب قبول شيء إلا ببرهان، وجب علينا تطلب الحجاج المذموم على ما قدمناه فوجدناه قد قال {وما نرسل لمرسلين إلا مبشرين ومنذرين ويجادل لذين كفروا بلباطل ليدحضوا به لحق وتخذوا آياتي وما أنذروا هزوا} فذم تعالى كما ترى الجدال بغير حجة والجدال في الباطل، وأبطل تعالى بذلك قول المجانين كل مفتون ملقن حجة، وبين تعالى أن المفتون هو الذي لا يلقن حجة، وأن المحق هو الملقن حجة على الحقيقة وهم أهل الحق وقال تعالى {لذين يجادلون في آيات لله بغير سلطان أتاهم كبر مقتا عند لله وعند لذين آمنوا كذلك يطبع لله على كل قلب متكبر جبار} فقد جمعت هذه الآيات بيان الجدال المذموم، والجدال المحمود الواجب، فالواجب هو الذي يجادل متوليه في إظهار الحق، والمذموم وجهان بنص الآيات التي ذكرنا: أحدهما من جادل بغير علم والثاني من جادل ناصرا للباطل بشغب وتمويه بعد ظهور الحق إليه، وفي هذا بيان أن الحق في واحد، وأنه لا شيء إلا ما قامت عليه حجة العقل، وهؤلاء المذمومون هم الذين قال الله تعالى فيهم {ألم تر إلى لذين يجادلون في آيات لله أنى يصرفون} وقوله تعالى {ومن لناس من يجادل في لله بغير علم ويتبع كل شيطان مريد} وقوله تعالى {ومن لناس من يجادل في لله بغير علم ولا هدى ولا كتاب منير * ثاني عطفه ليضل عن سبيل لله له في لدنيا خزي ونذيقه يوم لقيامة عذاب لحريق} وبقوله تعالى {ما يجادل في آيات لله إلا لذين كفروا فلا يغررك تقلبهم في لبلاد * كذبت قبلهم قوم نوح ولأحزاب من بعدهم وهمت كل أمة

[11] **Translator's note (L45):** The supplied text reads 'that he not undertake that for which the argument has been established.' This is awkward in context and may be corrupt; the translation preserves the wording rather than substituting an expected prohibition on rejecting established proof. The supplied text explicitly says 'he is infallible, yet he errs and is correct.' This is internally contradictory; a missing negation before 'infallible' is plausible but has not been supplied. The wording 'whoever follows an assertion' interprets the supplied mā ittabaʿa in light of the sentence's reference to a person; man ittabaʿa would be the expected reading.

[12] **Qur'an references (L45):** Qur'an 32:22 (As-Sajdah); Qur'an 2:275 (Al-Baqarah); Qur'an 30:29 (Ar-Rum); Qur'an 28:50 (Al-Qasas); Qur'an 10:39 (Yunus); Qur'an 29:68 (Al-'Ankabut); Qur'an 2:111 (Al-Baqarah); Qur'an 3:66 (Ali 'Imran).

sight of those who believe. Thus does God seal every heart that is arrogant and tyrannical.} These verses together explain blameworthy argument and praiseworthy, obligatory argument. Obligatory argument is that in which the person conducting it argues to make the truth manifest. Blameworthy argument has two forms, according to the explicit wording of the verses we have mentioned: first, someone's arguing without knowledge; and second, someone's arguing in support of falsehood through contentiousness and obfuscation after the truth has become apparent to him. This makes clear that the truth lies in one position, and that nothing is established except that for which the argument of reason has been established. These blameworthy people are those concerning whom God Most High said: {Have you not seen those who argue concerning God's signs? How are they turned away?} And His saying, exalted is He: {Among people is one who argues concerning God without knowledge and follows every rebellious devil.} And His saying, exalted is He: {Among people is one who argues concerning God without knowledge, guidance, or an illuminating book, * turning his side away to lead others astray from God's path. For him there is disgrace in this world, and on the Day of Resurrection We shall make him taste the punishment of burning.} And by His saying, exalted is He: {None argues concerning God's signs except those who disbelieve. So do not let their movement about the lands deceive you. * Before them, Noah's people denied, as did the factions after them And every community plotted against its messenger to seize him, and they disputed with falsehood in order to refute the truth with it. So I seized them—and how was My punishment!} Thus the Exalted has made clear, as you see, that the prohibited disputation is disputation undertaken to champion falsehood and invalidate the truth without knowledge. Abū Muḥammad said: To someone who refuses another's demand that he engage in disputation and undertake the effort of seeking demonstration, it should be said: Pharaoh said, {O my people, sovereignty is yours today, dominant in the land; but who will protect us against God's might if it comes upon us? Pharaoh said: I show you only what I see, and I guide you only to the path of right guidance.} {And the one who believed said: O my people, follow me; I shall guide you to the path of right guidance.} By what means, then, can one recognize which of the two is right and which advo-

برسولهم ليأخذوه وجادلوا بلباطل ليدحضوا به لحق فأخذتهم فكيف كان عقاب} فبين تعالى كما ترى أن الجدال المحرم هو الجدال الذي يجادل به لينصر الباطل ويبطل الحق بغير علم. قال أبو محمد: ويقال لمن أبى عن مطالبته الجدال ومعاناة طلب البرهان أن فرعون قال {يقوم لكم لملك ليوم ظاهرين في لأرض فمن ينصرنا من بأس لله إن جآءنا قال فرعون مآ أريكم إلا مآ أرى ومآ أهديكم إلا سبيل لرشاد} {وقال لذي آمن يقوم تبعون أهدكم سبيل لرشاد} فبأي شيء يعرف المحق منهما من المبطل: هل يجوز أن يعرف ذلك إلا بدلائل غير كلامها؟. فهذا كلام العزيز الجبار الخالق البارىء قد نصصناه في اتباع البرهان، وتكذيب قول من لا حجة في يديه، وهو الذي لا يسع مسلما خلافه. لا قول من قال اذهب إلى شاك مثلك فناظره فيقال له أترى رسول الله صلى الله عليه وسلم كان شاكا إذ علمه ربه تعالى مجادلة أهل الكتاب وأهل الكفر، وأمره بطلب البرهان، وإقامة الحجة على كل من خالفه، ولا قول من قال: أو كلما جاء رجل هو أجدل من رجل تركنا ما نحن عليه، أو كلاما هذا معناه. قال أبو محمد: وهذا كلام يستوي فيه مع قائله كل ملحد على ظهر الأرض، فلئن وسع هذا القائل ألا يدع ما وجد عليه سلفه بلا حجة لحجة ظاهرة واردة عليه، ليسعن اليهودي والنصراني ألا يدعا ما وجدا عليه سلفهما تقليدا بلا برهان، وألا يقبلا برهان الإسلام الواردة عليهما وحجته القاطعة. قال الله عز وجل: {قالوا يلوط إنا رسل ربك لن يصلوا إليك فأسر بأهلك بقطع من لليل ولا يلتفت منكم أحد إلا مرأتك إنه مصيبها مآ أصابهم إن موعدهم لصبح أليس لصبح بقريب * فلما جآء أمرنا جعلنا عاليها سافلها وأمطرنا عليها حجارة من سجيل منضود * مسومة عند ربك وما هي من لظالمين ببعيد * وإلى مدين أخاهم شعيبا قال يقوم عبدوا لله ما لكم من إله غيره ولا تنقصوا لمكيال ولميزان إني أراكم بخير وإني أخاف عليكم عذاب يوم محيط * ويقوم أوفوا لمكيال ولميزان بلقسط ولا تبخسوا لناس أشيآءهم ولا تعثوا في لأرض مفسدين * بقية لله خير لكم إن كنتم

cates falsehood? Can this possibly be known except through evidence other than their statements? This, then, is the speech of the Mighty, the Compeller, the Creator, the Maker, which we have expressly cited concerning following demonstration and declaring false the statement of someone who possesses no proof. This is what no Muslim may oppose—not the statement of someone who says, "Go to a doubter like yourself and debate him." Such a person should be asked: Do you think that the Messenger of God, God bless him and grant him peace, was a doubter when his Lord, the Exalted, taught him to dispute with the People of the Book and the people of unbelief, and commanded him to seek demonstration and establish proof against everyone who opposed him? Nor is it the statement of someone who says, "Are we to abandon what we follow whenever a man comes along who is more skilled in disputation than another?"—or words to that effect. Abū Muḥammad said: This is a statement in which every heretic on the face of the earth stands on equal footing with its speaker. For if this speaker may refuse, in the face of a manifest proof presented to him, to abandon what he found his predecessors following without proof, then the Jew and the Christian may likewise refuse to abandon what they found their predecessors following through imitation without demonstration, and may refuse to accept the demonstration of Islam presented to them and its decisive proof. God, Mighty and Majestic, said: {They said: O Lot, we are the messengers of your Lord. They will never reach you. So depart with your household during a portion of the night, and let none of you turn around, except your wife: what befalls them will befall her. Their appointed time is the morning. Is the morning not near? * Then, when Our command came, We turned its upper part into its lower part and rained upon it stones of baked clay, piled one upon another, * marked with your Lord; and it is not far from the wrongdoers. * And to Midian, their brother Shuʿayb. He said: O my people, worship God; you have no god other than Him And do not give short measure or weight. I see you enjoying prosperity, and I fear for you the punishment of an all-encompassing day. * O my people, give full measure and weight with justice, and do not deprive people of their things, and do not act wickedly in the land, spreading corruption. * What God leaves for you is better for you, if you are believers; and I am no guardian over you. * They said: O Shuʿayb, do your prayers command you

مؤمنين ومآ أنا عليكم بحفيظ * قالوا يشعيب أصلواتك تأمرك أن نترك ما يعبد ءاباؤنآ أو أن نفعل في أموالنا ما نشاء إنك لأنت لحليم لرشيد * قال يقوم أرأيتم إن كنت على بينة من ربي ورزقني منه رزقا حسنا ومآ أريد أن أخالفكم إلى مآ أنهاكم عنه إن أريد إلا لإصلاح ما ستطعت وما توفيقي إلا بلله عليه توكلت وإليه أنيب * ويقوم لا يجرمنكم شقاقي أن يصيبكم مثل مآ أصاب قوم نوح أو قوم هود أو قوم صالح وما قوم لوط منكم ببعيد * وستغفروا ربكم ثم توبوا إليه إن ربي رحيم ودود * قالوا يشعيب ما نفقه كثيرا مما تقول وإنا لنراك فينا ضعيفا ولولا رهطك لرجمناك ومآ أنت علينا بعزيز}

قال أبو محمد: فإذا قد حض الله تعالى على المجادلة بالحق وأمر بطلب البرهان فقد صح أن طلب الحجة هي سبيل الله عز وجل، بالنص الذي ذكرنا أن من نهى عن ذلك وصد عنه، فهو صاد عن سبيل الله تعالى، ظالم ملعون بلا تأويل إلا على عين النص الوارد من قبل الله تعالى وبالله نعتصم

that we abandon what our fathers worship, or that we do with our property whatever we wish? You are indeed the forbearing, the rightly guided! * He said: O my people, consider: if I stand upon clear evidence from my Lord, and He has provided me with a good provision from Himself? I do not wish to go against you by doing what I forbid you to do. I desire only reform, so far as I am able. My success comes only through God; upon Him I rely, and to Him I turn. * O my people, let not your opposition to me cause the like of what befell the people of Noah, or the people of Hūd, or the people of Ṣāliḥ to befall you; and the people of Lot are not far from you. * Seek your Lord's forgiveness, then repent to Him. My Lord is merciful, loving. * They said: O Shuʿayb, we do not understand much of what you say, and we certainly see you as weak among us. Were it not for your clan, we would stone you; you have no standing with us.} Abū Muḥammad said: Since God, the Exalted, has urged disputation with the truth and commanded the seeking of demonstration, it is established that seeking proof is the path of God, Mighty and Majestic, by the explicit text we have mentioned, and that anyone who prohibits this and turns people away from it is turning people away from the path of God, the Exalted—a wrongdoer, accursed without interpretive qualification, solely according to the very wording of the text received from God, the Exalted. And in God we seek protection.[13][14][15]

[13] **Translator's note (L48):** 'Everyone led astray is supplied with an argument' renders a compact saying whose word maftūn can mean someone subjected to temptation or trial, someone deluded, or someone led astray. The author's ensuing contrast favors 'led astray' here. 'Every heart that is arrogant and tyrannical' follows the supplied wording of the quotation, in which 'arrogant' and 'tyrannical' grammatically qualify 'heart.'

[14] **Translator's note (L51):** The clause introducing Pharaoh's speech is imprecise: the first sentence of the quoted passage, concerning sovereignty and protection against God's might, is spoken by the believing man in Qur'an 40:29; Pharaoh's speech begins at "Pharaoh said." The author's attribution has been preserved. The supplied text has "their statements" in a grammatically anomalous form apparently intended as the dual, referring to Pharaoh and the believer.

[15] **Qur'an references (L48):** Qur'an 18:22 (Al-Kahf); Qur'an 40:35 (Ghafir); Qur'an 22:3 (Al-Hajj); Qur'an 22:8 (Al-Hajj); Qur'an 31:20 (Luqman); Qur'an 22:9 (Al-Hajj); Qur'an 40:4 (Ghafir); Qur'an 40:5 (Ghafir); Qur'an 40:29 (Ghafir); Qur'an 11:81 (Hud); Qur'an 11:82 (Hud); Qur'an 11:84 (Hud); Qur'an 11:86 (Hud); Qur'an 11:87 (Hud); Qur'an 11:88 (Hud); Qur'an 11:89 (Hud); Qur'an 11:90 (Hud); Qur'an 11:91 (Hud).

L54–56 And the Exalted said: {It was not for the people of Medina and the Bedouins around them to remain behind the Messenger of God, nor to prefer their own lives to his. That is because no thirst, fatigue, or hunger afflicts them in the path of God, nor do they tread any ground that enrages the unbelievers, nor inflict any injury upon an enemy, without a righteous deed being recorded for them thereby. God does not allow the reward of those who do good to be lost.} Nothing enrages the unbelievers and the advocates of falsehood more than exposing their statements through a decisive proof. Great armies may be defeated, but sound proof is never overcome. It is therefore more effective in calling to the truth and more supportive of religion than sharp weapons and vast numbers. The most excellent of the Companions, who have no equals, embraced Islam only because demonstrations establishing the truth of Muḥammad's prophethood, God bless him and grant him peace, had been established for them. They were therefore superior to those who embraced Islam through being overpowered, without disagreement from any Muslim. The first thing God, Mighty and Majestic, commanded His prophet Muḥammad, God bless him and grant him peace, was to call people to Him through conclusive proof, without fighting. Then, when the proof had been established and they obstinately opposed the truth, God, the Exalted, permitted the sword at that point. And the Exalted said: {Say: To God belongs the conclusive proof. Had He willed, He would have guided you all.} And the Exalted said: {Rather, We hurl the truth against falsehood, and it crushes its head, and behold, it vanishes. And woe to you for what you describe!} There is no doubt that this is accomplished only through proof, for the sword is sometimes for us and sometimes against us. Demonstration is otherwise: it is always for us, always crushing the statement of our opponents and making it vanish. Many an exercise of physical force has used falsehood to crush much truth and make it vanish. Instances include the day of al-Ḥarrah, the day ʿUthmān was killed—may God be pleased with him—and the day al-Ḥusayn and Ibn al-Zubayr were killed—may God be pleased with them and curse their killers. Many prophets have been killed, yet their proof has never been overcome. Abū Muḥammad said: He, Mighty and Majestic, has taught us the proof against the eternalists in His exalted saying, {God knows what every female bears, what the wombs diminish and what they increase; and

وقال تعالى {ما كان لأهل لمدينة ومن حولهم من لأعراب أن يتخلفوا عن رسول لله ولا يرغبوا بأنفسهم عن نفسه ذلك بأنهم لا يصيبهم ظمأ ولا نصب ولا مخمصة في سبيل لله ولا يطأون موطئا يغيظ لكفار ولا ينالون من عدو نيلا إلا كتب لهم به عمل صالح إن لله لا يضيع أجر لمحسنين} ولا غيظ أغيظ على الكفار والمبطلين من هتك أقوالهم بالحجة الصادعة، وقد تهزم العساكر الكبار، والحجة الصحيحة لا تغلب أبدا، فهي أدعى إلى الحق، وأنصر للدين من السلاح الشاكي، والأعداد الجمة، وأفاضل الصحابة الذين لا نظير لهم، إنما أسلموا بقيام البراهين على صحة نبوة محمد صلى الله عليه وسلم عندهم فكانوا أفضل ممن أسلم بالغلبة بلا خلاف من أحد من المسلمين وأول ما أمر الله عز وجل نبيه محمدا صلى الله عليه وسلم أن يدعو له الناس بالحجة البالغة بلا قتال، فلما قامت الحجة وعاندوا الحق، أطلق الله تعالى السيف حينئذ وقال تعالى {قل فلله لحجة لبالغة فلو شآء لهداكم أجمعين} وقال تعالى {بل نقذف بلحق على لباطل فيدمغه فإذا هو زاهق ولكم لويل مما تصفون} ولا شك في أن هذا إنما هو بالحجة لأن السيف مرة لنا ومرة علينا، وليس كذلك البرهان، بل هو لنا أبدا، ودامغ لقول مخالفينا، ومزهق له أبدا. ورب قوة باليد قد دمغت بالباطل حقا كثيرا فأزهقته، منها يوم الحرة ويوم قتل عثمان رضي الله عنه، ويوم قتل الحسين وابن الزبير رضي الله عنهم، ولعن قتلتهم، وقد قتل أنبياء كثير وما غلبت حجتهم قط. قال أبو محمد: وقد علمنا عز وجل الحجة على الدهرية في قوله تعالى {لله يعلم ما تحمل كل أنثى وما تغيض لأرحام وما تزداد وكل شيء عنده بمقدار} وقوله تعالى: {ليعلم أن قد أبلغوا رسالات ربهم وأحاط بما لديهم وأحصى كل شيء عددا} وعلمنا الحجة على الثنوية بقوله تعالى {لو كان فيهمآ آلهة إلا لله لفسدتا فسبحان لله رب لعرش عما يصفون} وعلى النصارى وعلى جميع الملل، وقد بينا ذلك في كتابنا المرسوم بكتاب الفصل ورأينا

everything with Him is according to a measure,} and His exalted saying, {So that He may know that they have conveyed the messages of their Lord; and He encompasses what is with them and has counted everything in number.} He taught us the proof against the dualists through His exalted saying, {Had there been in the two of them gods other than God, both would have fallen into ruin. So glory be to God, Lord of the Throne, above what they describe,} and against the Christians and all religious communities. We have explained this in our work entitled The Book of Distinction, and in it we have seen the greatness of what God, the Exalted, has bestowed upon us in this matter of wisdom and knowledge concerning argumentation and the presentation of demonstration with the utmost brevity and concision.[16][17]

فيه عظيم ما أفادنا الله تعالى في ذلك من الحكمة والعلم بالمحاجة وإظهار البرهان بغاية الإيجاز والاختصار

L57 God has commanded disputation through the words of His Messenger, may God bless him and grant him peace, as ʿAbd Allāh ibn al-Rabīʿ informed us, saying: Muḥammad ibn Isḥāq ibn al-Salīm reported to us: Ibn al-Aʿrābī related to us: Abū Dāwūd reported to us: Abū Mūsā ibn Ismāʿīl related to us: Ḥammād—that is, Ibn Salama—related to us, from Ḥumayd, from Anas ibn Mālik, who said: The Messenger of God, may God bless him and grant him peace, said: "Strive against the polytheists with your wealth, your persons, and your tongues."

وقد أمر الله بالجدال على لسان رسوله صلى الله عليه وسلم كما اخبرنا عبد الله بن الربيع قال أنبأنا محمد بن إسحاق بن السليم، حدثنا ابن الأعرابي، أنبأنا أبو داود، حدثنا أبو موسى بن إسماعيل، ثنا حماد هو ابن سلمة عن حميد عن أنس بن مالك قال قال رسول الله صلى الله عليه وسلم جاهدوا المشركين بأموالكم وأنفسكم وألسنتكم. قال أبو محمد: وهذا حديث في غاية الصحة، وفيه الأمر بالمناظرة وإيجابها كإيجاب الجهاد والنفقة في سبيل الله قال أبو محمد وقد علمنا رسول الله صلى الله عليه وسلم وضع السؤال موضعه وكيفية المحاجة في الحديث الذي ذكر محاجة آدم موسى صلى الله عليهما وسلم. حدثنا عبد الله بن يوسف بن نامي، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، عن ابن أبي عمر المكي ومحمد بن حاتم وغيرهما، واللفظ لابن حاتم كلاهما عن سفيان بن عيينة، عن عمرو، هو ابن دينار، عن طاوس قال سمعت أبا هريرة يقول قال رسول الله صلى الله عليه وسلم احتج آدم وموسى فقال موسى يا آدم أنت أبونا خيبتنا وأخرجتنا من الجنة، فقال له آدم: أنت موسى الذي اصطفاك الله بكلامه، وخط لك بيده، أتلومني على أمر قدره الله علي قبل أن أخلق بأربعين سنة فحج آدم موسى قال أبو محمد فموسى صلى الله عليه

Abū Muḥammad said: This is a report of the utmost soundness. It contains a command to engage in debate and makes it obligatory, just as striving and spending in the path of God are obligatory.

Abū Muḥammad said: The Messenger of God, may God bless him and grant him peace, has taught us how to put a question in its proper place and how to conduct an argument, in the report mentioning Adam's argument with Moses, may God bless them both and grant them peace. ʿAbd Allāh ibn Yūsuf ibn Nāmī related to us, from Aḥmad ibn Fatḥ, from ʿAbd al-Wahhāb ibn

[16] **Translator's note (L54):** "Eternalists" renders al-dahriyyah, those who maintain the eternity of the world or attribute events to time. The references to the deaths of al-Ḥusayn and Ibn al-Zubayr use a single "day" in the supplied text, although these were separate events; that wording has been retained.

[17] **Qur'an references (L54):** Qur'an 9:120 (At-Tawbah); Qur'an 21:18 (Al-Anbya); Qur'an 13:8 (Ar-Ra'd); Qur'an 72:28 (Al-Jinn); Qur'an 21:22 (Al-Anbya).

ʿĪsā, from Aḥmad ibn Muḥammad, from Aḥmad ibn ʿAlī, from Muslim ibn al-Ḥajjāj, from Ibn Abī ʿUmar al-Makkī and Muḥammad ibn Ḥātim and others—the wording is Ibn Ḥātim's—both of them from Sufyān ibn ʿUyayna, from ʿAmr—that is, Ibn Dīnār—from Ṭāwūs, who said: I heard Abū Hurayra say: The Messenger of God, may God bless him and grant him peace, said: "Adam and Moses argued. Moses said: 'Adam, you are our father; you disappointed us and expelled us from the Garden.' Adam said to him: 'You are Moses, whom God singled out by speaking to you and for whom He wrote with His own hand. Do you blame me for something God decreed for me forty years before I was created?' Thus Adam defeated Moses in argument."

وسلم وضع الملامة في غير موضعها فصار محجوجا وذلك لأنه لام آدم صلى الله عليه وسلم على أمر لم يفعله وهو خروج الناس من الجنة، وإنما هو فعل الله عز وجل، ولو أن موسى لام آدم على خطيئته الموجبة لذلك لكان واضعا للملامة موضعها، ولكان آدم محجوجا وليس أحد ملوما إلا على ما يفعله لا على ما تولد من فعله، ولا مما فعله غيره.

Abū Muḥammad said: Moses, may God bless him and grant him peace, thus placed the blame where it did not belong and was consequently defeated in argument. This was because he blamed Adam, may God bless him and grant him peace, for something he had not done, namely, people's departure from the Garden. That was solely the act of God, mighty and majestic. Had Moses blamed Adam for his sin, which occasioned that departure, he would have placed the blame where it belonged, and Adam would have been defeated in argument. No one is blameworthy except for what he does, neither for what results from his act nor for what someone else has done.

L58–59 The unbeliever is blamed only for the act, not for entering the Fire; and the killer is blamed only for his act, not for the death of the person he killed, nor for the exacting of retribution from him. Thus the Messenger of God—may God bless him and grant him peace—taught us in this report, as you see, how to ask questions when arguing. He, may God bless him and grant him peace, made clear to us that argument is permissible and that anyone who misplaces his question is defeated in argument. Thereby the saying of God, mighty and majestic, became manifest: {Just as We have sent among you a messenger from among yourselves, reciting Our signs to you, purifying you, teaching you the Book and wisdom, and teaching you what you did not know.}[18]

والكافر إنما يلام على الفعل، لا على دخول النار، والقاتل إنما يلام على فعله، لا على موت مقتوله ولا على أخذ القصاص منه فعلمنا رسول الله صلى الله عليه وسلم في هذا الحديث كما ترى كيف نسأل عند المحاجة وبين لنا صلى الله عليه وسلم أن المحاجة جائزة وأن من أخطأ موضع السؤال كان محجوجا، وظهر بذلك قول الله عز وجل: {كما أرسلنا فيكم رسولا منكم يتلوا عليكم آياتنا ويزكيكم ويعلمكم لكتاب ولحكمة ويعلمكم ما لم تكونوا تعلمون}

L60–64 What we have mentioned is the express wording of the report, not what is

والذي ذكرنا هو نص الحديث لا ما ظنه من يتعسف الكلام ويحرفه عن مواضعه، ويطلب فيه ما ليس فيه، وليس هذا الحديث من باب إثبات القدر في شيء، وإثبات

[18] **Qur'an references (L58):** Qur'an 2:151 (Al-Baqarah).

imagined by someone who forces the language, distorts it from its proper meanings, and seeks in it what it does not contain. This report has nothing whatsoever to do with establishing predestination. Predestination is established only through other reports and other verses.

Abū Muḥammad said: The Emigrants, the Helpers, and the rest of the Companions, may God be pleased with them, argued with one another; and Ibn ʿAbbās argued with the Khārijites at the command of ʿAlī, may God be pleased with him. No Companion ever condemned disputation in pursuit of the truth. Thus no weight attaches to a statement by anyone who came after them. In general, no one is weaker than someone who attempts to invalidate disputation through disputation, wishes to demolish all argumentation through argumentation, and labors to establish the invalidity of debate through debate. For he acknowledges against himself that he is putting forward falsehood, since his argument is one of the arguments whose entirety he wishes to invalidate. This is a course pursued only by a weak ignoramus or a foolish, obstinate opponent. The disputation to which we call is the pursuit and support of truth, and the destruction and exposure of falsehood. Whoever disparages the pursuit of truth and objects to the demolition of falsehood has deviated from religion and is truly one of the adherents of falsehood. Contending through falsehood is the obstinate contentiousness concerning which he, peace be upon him, said: "The man most hateful to God is the obstinately contentious adversary"—or words to that effect, as he, may God bless him and grant him peace, said.

Since every route that our opponents have claimed leads to truths—namely, inspiration and uncritical adherence—has thus been invalidated, and since it has been established that a report's soundness cannot be known from the report itself, nor its truth distinguished from its falsehood, nor what in it is binding from what is not binding, except by evidence external to it, it has therefore been established that recourse must be to the arguments of reason and what they necessarily entail. It has also been established that reason merely distinguishes between the attributes of existing things and acquaints the person who draws inferences through it with the true characteristics of things that exist and with distinguishing what among them is impossible. As

القدر إنما يصح من أحاديث أخر وآيات أخر. قال أبو محمد: وقد تحاج المهاجرون والأنصار وسائر الصحابة رضوان الله عليهم، وحاج ابن عباس الخوارج بأمر علي رضى الله عنه، وما أنكر قط أحد من الصحابة الجدال في طلب الحق فلا معنى لقول لمن جاء بعدهم وبالجملة فلا أضعف ممن يروم إبطال الجدال بالجدال. ويريد هدم جميع الاحتجاج بالاحتجاج، ويتكلف فساد المناظرة بالمناظرة، لأنه مقر على نفسه أنه يأتي بالباطل، لأن حجته هي بعض الحجج التي يريد إبطال جملتها. وهذه طريق لا يركبها إلا جاهل ضعيف، أو معاند سخيف. والجدال الذي ندعو إليه هو طلب الحق ونصره. وإزهاق الباطل وتبينه. فمن ذم طلب الحق وأنكر هدم الباطل فقد ألحد. وهو من أهل الباطل حقا والخصام بالباطل هو اللدد الذي قال فيه عليه السلام أبغض الرجال إلى الله الألد الخصم أو كما قال صلى الله عليه وسلم فإذا قد بطلت كل طريق ادعاها خصومنا في الوصول إلى الحقائق من الإلهام والتقليد، وثبت أن الخبر لا يعلم صحته بنفسه، ولا يتميز حقه من كذبه، وواجبه من غير واجبه، إلا بدليل من غيره، فقد صح أن المرجوع إليه حجج العقول وموجباتها، وصح أن العقل إنما هو مميز بين صفات الأشياء الموجودات، وموقف للمستدل به على حقائق كيفيات الأمور الكائنات، وتمييز المحال منها. وأما من ادعى أن العقل يحلل أو يحرم، أو أن العقل يوجد عللا موجبة لكون ما أظهر الله الخالق تعالى في هذا العالم من جميع أفاعيله الموجود فيه من الشرائع وغير الشرائع، فهو بمنزلة من أبطل موجب العقل جملة. وهما طرفان أحدهما أفرط نخرج عن حكم العقل، والثاني قصر نخرج عن حكم العقل، ومن ادعى في العقل ما ليس فيه كمن أخرج منه ما فيه، ولا فرق. ولا نعلم فرقة أبعد من طريق العقل من هاتين الفرقتين معا، إحداهما: التي تبطل حجج العقل جملة. والثانية: التي تستدرك بعقولها على خالقها عز وجل أشياء لم يحكم فيها ربهم بزعمهم، فثقفوها هم ورتبوها رتبا أوجبوا أن لا محيد لربهم تعالى عنها، وأنه لا تجري أفعاله

for anyone who claims that reason makes things lawful or unlawful, or that reason discovers causes necessitating the existence of what God the Creator, exalted is He, has brought forth in this world, comprising all His acts found therein, whether religious laws or things other than religious laws, he is like someone who wholly invalidates what reason necessarily entails. These are two extremes: one goes too far and thus departs from the judgment of reason, while the other falls short and thus departs from the judgment of reason. Someone who attributes to reason what it does not contain is like someone who removes from it what it does contain; there is no difference. We know of no group further from the path of reason than these two groups alike: the first wholly invalidates the arguments of reason, while the second uses its reason to supply, as corrections to its Creator, mighty and majestic, things concerning which, so they claim, their Lord has made no determination. They themselves put these things right and arranged them in orders from which they declared that their Lord, exalted is He, could not depart, and under whose laws alone His acts, mighty and majestic is He, could proceed. Both groups have indeed fabricated a tremendous falsehood against God, mighty and majestic, and have put forward things that make the skins of rational people shudder.

We have explained that the true nature of reason consists solely in distinguishing things apprehended through the senses and understanding, and in knowing their attributes as they actually are, proceeding only in accordance with what they are: establishing that the world came into being, that the Creator is one and has always existed, the authenticity of the prophethood of anyone whose prophethood is supported by proofs, the obligation to obey Him who has threatened us with the Fire for disobeying Him, and acting upon all of this that reason has established as sound, together with everything else that exists in the world apart from religious laws, and solely in becoming acquainted with the characteristics of all of this. As for reason necessitating that swine be unlawful or lawful, or that a male goat be unlawful or lawful; that the noon prayer consist of four units and the sunset prayer of three; that the head be wiped during ablution but not the neck; that a person discharge something from his lower parts and then wash his upper parts;

عز وجل إلا تحت قوانينها. لقد افترى كلا الفريقين على الله عز وجل إفكا عظيما، وأتوا بما تقشعر منه جلود أهل العقول. وقد بينا أن حقيقة العقل إنما هي تمييز الأشياء المدركة بالحواس وبالفهم ومعرفة صفاتها التي هي عليها جارية على ما هي عليه فقط من إيجاب حدوث العالم، وأن الخالق واحد لم يزل، وصحة نبوة من قامت الدلائل على نبوته، ووجوب طاعة من توعدنا بالنار على معصيته، والعمل بما صححه العقل من ذلك كله، وسائر ما هو في العالم موجود، مما عدا الشرائع، وأن يوقف على كيفيات كل ذلك فقط. فأما أن يكون العقل يوجب أن يكون الخنزير حراما أو حلالا، أو يكون التيس حراما أو حلالا، أو أن تكون صلاة الظهر أربعا وصلاة المغرب ثلاثا أو أن يمسح على الرأس في الوضوء دون العنق، أو أن يحدث المرء من أسفله فيغسل أعلاه، أو أن يتزوج أربعا ولا يتزوج خمسا، أو أن يقتل من زنى وهو محصن وإن عفي عنه زوج المرأة وأبوها ولا يقتل قاتل النفس المحرمة عمدا إذا عفا عنه أولياء المقتول. أو أن يكون الإنسان ذا عينين دون أن يكون ذا ثلاثة أعين أو أربع، أو أن تخص صورة الإنسان بالتمييز دون صورة الفرس، أو أن تكون الكواكب المتحيرة سبعا دون أن تكون تسعا، وكذلك سائر رتب العالم كلها. فهذا ما لا مجال للعقل فيه لا في إيجابه ولا في المنع منه، وإنما في العقل الفهم عن الله تعالى لأوامره، ووجوب ترك التعدي إلى ما يخاف العذاب على تعديه، والإقرار بأن الله تعالى يفعل ما يشاء، ولو شاء أن يحرم ما أحل أو يحل ما حرم لكان ذلك له تعالى، ولو فعله لكان فرضا علينا الانقياد لكل ذلك ولا مزيد. ومعرفة صفات كل ما أدركنا معرفته مما في العالم وأنه على صفة كذا وهيئة كذا كما أحكمه ربه تعالى ولا زيادة فيه وبالله تعالى التوفيق وإليه الرغبة في دفع ما لا نطيق

that he marry four women but not five; that someone who commits illicit intercourse while possessing the legal status of a married person be killed even if the woman's husband and father pardon him, whereas someone who deliberately kills a person whose life is inviolable is not killed if the slain person's next of kin pardon him; that a human being have two eyes rather than three or four; that the human form be endowed with discernment to the exclusion of the horse's form; or that the wandering planets be seven rather than nine—and likewise all the other arrangements of the world in their entirety—these are matters in which reason has no scope, whether to necessitate them or to preclude them. Reason's province is only to understand God's commands from Him, exalted is He; to recognize the obligation to refrain from transgressing bounds whose transgression gives cause to fear punishment; and to acknowledge that God, exalted is He, does whatever He wills. Had He wished to prohibit what He has permitted, or to permit what He has prohibited, that would have been His prerogative, exalted is He. Had He done so, it would have been obligatory for us to submit to all of that, and nothing more. Its province also includes knowing the attributes of everything in the world that we have come to know, and knowing that it has such-and-such an attribute and such-and-such a configuration, just as its Lord, exalted is He, has fashioned it, with nothing added to that. Success comes through God, exalted is He, and to Him we turn in entreaty to avert what we cannot bear.[19][20]

[19]**Translator's note (L60):** The phrase rendered "what in it is binding from what is not binding" can also mean "what in it is necessary from what is not necessary"; the unqualified Arabic leaves the sense of necessity or obligation open.

[20]**Translator's note (L63):** "Possessing the legal status of a married person" renders muḥṣan, a technical legal status that can continue after the qualifying marriage has ended. "The wandering planets" renders the historical astronomical term al-kawākib al-mutaḥayyira; the source's count of seven is retained.



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 4: كيفية ظهور اللغات

Chapter 4: The Origin of Languages

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Four: How Languages Came to Appear]

L65

L66–68 Was it through divine instruction or through convention? Abū Muḥammad said: People have said much about this. The correct view is that the origin of speech is instruction from God, mighty and majestic, as shown by transmitted evidence and a necessary demonstration. The transmitted evidence is God's saying: "He taught Adam all the names, then presented them to the angels and said, 'Tell Me the names of these, if you are truthful.'" As for the necessary demonstration, if speech were a convention, only people whose minds had matured, whose reasoning had been trained, whose knowledge was complete, and who had become acquainted with all things in the world and knew their definitions, similarities, differences and natures could have agreed upon it. Yet we necessarily know that many years pass between a person's first existence and reaching this condition, during which that person needs upbringing, protection and support from another, for a person cannot look after himself until years after birth. Parents, carers and guardians cannot live together without speech by which to communicate their wishes concerning their necessities: what sustains their livelihood, such as cultivation, livestock or planting; what repels heat, cold and wild beasts; and the treatment of illness. All these things require names by which they recognize what they deal with. Every person has passed through the childhood condition we mentioned, when understanding was not yet possible and a guardian was needed. Convention entails a time before which it did not exist, because it is an act of those who agree, and every act must have a [beginning]. What, then, was the condition of those who agreed to establish language before they agreed upon it? This is necessarily impossible. ʿAlī said: This is a necessary demonstration that the human species originated, that the one first Creator—blessed and exalted is He—exists, and that prophethood and a mission exist. No human being can survive or exist without speech. Speech consists of letters arranged together, and arrangement is necessarily the act of an agent. Every act has a time at which it began, because an act is a motion measured by durations. Thus this arrangement has a beginning; a human being cannot exist without it; and whatever did not exist before something that has a beginning necessarily has a beginning itself. It follows that what

[الباب الرابع في كيفية ظهور اللغات]

أعن توقيف أم عن اصطلاح قال أبو محمد أكثر الناس في هذا، والصحيح من ذلك أصل الكلام توقيف من الله عز وجل بحجة سمع وبرهان ضروري. فأما السمع فقول الله عز وجل: {وعلم آدم الأسمآء كلها ثم عرضهم على الملائكة فقال أنبئوني بأسمآء هؤلاء إن كنتم صادقين} وأما الضروري بالبرهان: فهو أن الكلام لو كان اصطلاحا لما جاز أن يصطلح عليه إلا قوم قد كملت أذهانهم، وتدربت عقولهم، وتمت علومهم، ووقفوا على الأشياء كلها الموجودة في العالم وعرفوا حدودها واتفاقها، واختلافها وطبائعها وبالضرورة نعلم أن بين أول وجود الإنسان وبين بلوغه هذه الصفة سنين كثيرة جدا يقتضي في ذلك تربية وحياطة وكفالة من غيره. إذ المرء لا يقوم بنفسه إلا بعد سنين من ولادته. ولا سبيل إلى تعايش الوالدين والمتكفلين والحضان إلا بكلام يتفاهمون به مراداتهم فيما لا بد لهم منه، فيما يقوم معايشهم من حرث أو ماشية أو غراس، ومن معاناة ما يطرد به الحر والبرد والسباع، ويعاني به الأمراض، ولا بد لكل هذا من أسماء يتعارفون بها ما يعانونه من ذلك. وكل إنسان فقد كان في حالة الصغر التي ذكرنا من امتناع الفهم والاحتياج إلى كافل، والاصطلاح يقتضي وقتا لم يكن موجودا قبله، لأنه عمل المصطلحين، وكل عمل لا بد من أن يكون له أو فكيف كانت حال المصطلحين على وضع اللغة قبل اصطلاحهم عليه فهذا من الممتنع المحال ضرورة قال علي وهذا دليل برهاني ضروري من أدلة حدوث النوع الإنساني، ومن أدلة وجود الواحد الخالق الأول تبارك وتعالى، ومن أدلة وجود النبوة والرسالة لأنه لا سبيل إلى بقاء أحد من الناس ووجوده دون كلام، والكلام حروف مؤلفة، والتأليف فعل فاعل ضرورة لا بد له من ذلك، وكل فعل فعله فله زمان ابتدىء فيه، لأن الفعل حركة تعدها المدد، فصح أن لهذا التأليف أولا، والإنسان لا يوجد دونه. وما لم يوجد قبل ما له أول فله أول ضرورة، فصح أن للمحدث محدثا بخلافة،

is originated has an originator distinct from it. What begins with the Creator and cannot by nature be known without instruction cannot be known except through a teacher whom the Creator taught, who then taught others of his kind what his Lord had taught him. ʿAlī said: Furthermore, agreement to establish a language necessarily requires either prior speech among those making the agreement or signs whose meaning they have agreed to understand. But agreement on the meaning of those signs itself necessarily requires speech; and knowledge of the definitions and natures of the things expressed by the words of languages requires speech and instruction. The view that speech began by convention is therefore invalidated. It remains for someone to say that speech is an act of nature. ʿAlī said: A necessary demonstration invalidates this: nature performs one action, not different actions, whereas arranging speech is a voluntary act that takes many forms. Some have resorted to a confused claim that places naturally compelled their inhabitants to speak whichever language they spoke.[1]

وصح أن ما علم من ذلك مما هو مبتدأ من عند الخالق تعالى مما ليس في الطبيعة معرفته دون تعليم فلا يمكن البتة معرفته إلا بمعلم علمه الباري إياه ثم علم هو أهل نوعه ما علمه ربه تعالى قال علي وأيضا فإن الاصطلاح على وضع لغة لا يكون ضرورة إلا بكلام متقدم بين المصطلحين على وضعها. أو بإشارات قد اتفقوا على فهمها. وذلك الاتفاق على فهم تلك الإشارات لا يكون إلا بكلام ضرورة ومعرفة حدود الأشياء وطبائعها التي عبر عنها بألفاظ اللغات لا يكون إلا بكلام وتفهيم. لا بد من ذلك. فقد بطل الاصطلاح على ابتداء الكلام. ولم يبق إلا أن يقول قائل إن الكلام فعل الطبيعة قال علي وهذا يبطل ببرهان ضروري وهو أن الطبيعة لا تفعل إلا فعلا واحدا لا أفعالا مختلفة، وتأليف الكلام فعل اختياري متصرف في وجوه شتى. وقد لجأ بعضهم إلى نوع من الاختلاط، وهو أن قال: إن الأماكن أوجبت بالطبع على ساكنيها النطق بكل لغة نطقوا بها

L69–70 ʿAlī said: This is impossible and cannot occur, because, if languages were determined by what the natures of places require, no place could exist except with the language required by its nature. The falsity of this can be seen with one's own eyes, since, in most cases, various languages have entered every place in proportion to the intermingling and proximity of the speakers of those languages. What they said is therefore invalid. Furthermore, there is nothing in the nature of a place that requires water to be called māʾ rather than some other name composed of letters of the alphabet. Whoever obstinately disputes this either openly champions falsehood or lacks reason: he must be one of these two. It is therefore established that language originated through instruction commanded by God, mighty and majestic, and through teaching from Him, exalted is He. We do not, however, deny that people may have agreed to introduce various languages after there had been a single language in which they had been instructed, through which they learned the essences of things, their qualities, and their definitions. We do

قال علي وهذا محال ممتنع لأنه لو كانت اللغات على ما توجبه طبائع الأمكنة لما أمكن وجود كل مكان إلا بلغته التي يوجبها طبعه. وهذا يرى بالعيان بطلانه لأن كل مكان في الأغلب قد دخلت فيه لغات شتى على قدر تداخل أهل اللغات ومجاورتهم. فبطل ما قالوا: وأيضا فليس في طبع المكان أن يوجب تسمية الماء ماء دون أن يسمى باسم آخر مركب من حروف الهجاء. ومن كابر في هذا، فإما مجاهر بالباطل وإما عديم عقل، لا بد له من أحد هذين الوجهين. فصح أنه توقيف من أمر الله عز وجل وتعليم منه تعالى. إلا أننا لا ننكر اصطلاح الناس على إحداث لغات شتى بعد أن كانت لغة واحدة وقفوا عليها، بها علموا ماهية الأشياء وكيفياتها وحدودها، ولا ندري أي لغة هي التي وقف آدم عليه السلام عليها أولا، إلا أننا نقطع على أنها أتم اللغات كلها، وأبينها عبارة، وأقلها إشكالا، وأشدها اختصارا وأكثرها وقوع أسماء مختلفة

[1] **Qur'an references (L66):** Qur'an 2:31 (Al-Baqarah).

not know which language Adam, peace be upon him, was first instructed in. Nevertheless, we affirm with certainty that it was the most complete of all languages, the clearest in expression, the least ambiguous, the most concise, and the richest in distinct names applying to all the distinct things named, among everything in the world, whether substance or accident, because God, mighty and majestic, says: "And He taught Adam the names, all of them; then He presented them to the angels and said: Tell Me the names of these, if you are truthful." This emphasis removes ambiguity and puts an end to contentious objections concerning what we have said.[2]

على المسميات كلها المختلفة من كل ما في العالم من جوهر أو عرض لقول الله عز وجل: {وعلم آدم الأسمآء كلها ثم عرضهم على الملائكة فقال أنبئوني بأسمآء هؤلاء إن كنتم صادقين} فهذا التأكيد يرفع الإشكال ويقطع الشغب فيما قلنا.

L71 Some have said that it was Syriac; some have said that it was Greek; some have said that it was Hebrew; and some have said that it was Arabic. God knows best. What we have ascertained and know with certainty, however, is that Syriac, Hebrew, and Arabic—meaning the language of Muḍar and Rabīʿa, rather than the language of Ḥimyar—are a single language that changed as the dwelling places of its speakers changed. A roughness of pronunciation consequently arose in it, like that which occurs in an Andalusian when he attempts the intonation of the people of Qayrawān, in someone from Qayrawān when he attempts the intonation of an Andalusian, and in someone from Khurasan when he attempts its intonation. We find that someone who hears the language of the people of Faḥṣ al-Ballūṭ, which is only a single night's journey from Cordoba, almost says that it is a language other than that of the people of Cordoba. This is also the case in many lands: when the people of a town live alongside another nation, their language changes in a way that is unmistakable to anyone who considers it.[3]

وقد قال قوم: هي السريانية وقال قوم: هي اليونانية: وقال قوم: هي العبرانية. وقال قوم: هي العربية. والله أعلم. إلا أن الذي وقفنا عليه وعلمناه يقينا أن السريانية والعبرانية والعربية هي لغة مضر وربيعة لا لغة حمير، لغة واحدة تبدلت بتبدل مساكن أهلها فحدث فيها جرش كالذي يحدث من الأندلسي، وإذا رام نغمة أهل القيروان، ومن القيرواني إذا رام نغمة الأندلسي، ومن الخراساني إذا رام نغمتها. ونحن نجد من سمع لغة أهل فحص البلوط وهي على ليلة واحدة من قرطبة كاد أن يقول إنها لغة أخرى غير لغة أهل قرطبة. وهكذا في كثير من البلاد فإنه بمجاورة أهل البلدة بأمة أخرى تتبدل لغتها تبديلا لا يخفى على من تأمله.

L72–75 We find that ordinary people have altered the expressions of the Arabic language so greatly that, in their distance from the original word, they are like another language, with no difference. Thus we find them saying al-ʿaynab for al-ʿinab, "grapes"; asṭūṭ for al-sawṭ, "the whip"; and thlthdā for thalāthat

ونحن نجد العامة قد بدلت الألفاظ في اللغة العربية تبديلا وهو في البعد عن أصل تلك الكلمة كلغة أخرى ولا فرق. فنجدهم يقولون في العنب: العينب وفي السوط أسطوط. وفي ثلاثة دنانير ثلثدا. وإذا تعرب البربري فأراد أن يقول الشجرة قال السجرة. وإذا تعرب الجليقي أبدل من العين والحاء هاء فيقول مهمدا إذا أراد أن يقول محمدا ومثل هذا كثير فمن تدبر العربية والعبرانية السريانية أيقن أن اختلافهما إنما هو من نحو ما ذكرنا من تبديل ألفاظ الناس على طول الأزمان واختلاف البلدان

[2] **Qur'an references (L69):** Qur'an 2:31 (Al-Baqarah).

[3] **Translator's note (L71):** The source has an awkward additional conjunction before "when he attempts" in the Andalusian example. The translation follows the apparent parallel construction. The possessive in "its intonation" in the Khurasan example has no unambiguous antecedent; that ambiguity is retained.

danānīr, “three dinars.” When a Berber adopts Arabic and wishes to say al-shajara, “the tree,” he says al-sajara. When a Galician adopts Arabic, he substitutes hāʾ for ʿayn and ḥāʾ, saying Muḥammad with an h sound in place of ḥ when he wishes to say Muḥammad. There are many such examples. Thus whoever examines Arabic, Hebrew, and Syriac becomes certain that their differences are only of the kind we have mentioned: people’s alteration of expressions over long periods of time, differences between lands, and the proximity of nations; and that they were originally a single language. Since we are certain of this, Syriac is the source of both Arabic and Hebrew. The widely transmitted account is that the first person to speak this Arabic was Ishmael, peace be upon him, so it is the language of his descendants. Hebrew is the language of Isaac and the language of his descendants. Syriac is undoubtedly the language of Abraham—may God bless him and our Prophet and grant them peace—according to widespread transmission that establishes sound knowledge. Syriac is therefore the source of both. Some have said that Greek is the most extensive of languages. Perhaps this is only so at present, for most of a language falls out of use and disappears when the political power of its speakers collapses and others enter their dwelling places, or when they are removed from their homelands and intermingle with others. What preserves a nation’s language, its sciences, and its historical accounts is the strength of its political power, the energy of its people, and their leisure. As for those whose political power has perished, whose enemy has overcome them, and who are preoccupied with fear, need, humiliation, and serving their enemies, the death of intellectual activity among them is assured. This may cause their language to disappear, their genealogies and historical accounts to be forgotten, and their sciences to perish. This is found through observation and known through reason necessarily. Thousands of years have passed since the political power of the Syriac-speaking people disappeared and perished; an entire language can be forgotten in less time than that, so how has most of it escaped? God, exalted is He, knows best. We do not affirm with certainty that it was the language in which God, exalted is He, first gave instruction. We do not know: someone might perhaps say, “Perhaps that language has been completely effaced and has disappeared altogether, or perhaps it is one of the surviving languages, which we cannot identify individually.” This is what

ومجاورة الأمم. وأنها لغة واحدة في الأصل. وإذ تيقنا ذلك فالسريانية أصل للعربية وللعبرانية معا، والمستفيض أن أول من تكلم بهذه العربية إسماعيل عليه السلام فهي لغة ولده، والعبرانية لغة إسحاق ولغة ولده. والسريانية بلا شك هي لغة إبراهيم صلى الله عليه وعلى نبينا وسلم بنقل الاستفاضة الموجبة لصحة العلم فالسريانية أصل لهما وقد قال قوم: إن اليونانية أبسط اللغات. ولعل هذا إنما هو الآن فإن اللغة يسقط أكثرها. ويبطل بسقوط دولة أهلها ودخول غيرهم عليهم في مساكنهم أو بنقلهم عن ديارهم واختلاطهم بغيرهم، فإنما يقيد لغة الأمة وعلومها وأخبارها قوة دولتها، ونشاط أهلها وفراغهم. وأما من تلفت دولتهم، وغلب عليهم عدوهم، واشتغلوا بالخوف والحاجة والذل وخدمة أعدائهم، فمضمون منهم موت الخواطر، وربما كان ذلك سببا لذهاب لغتهم، ونسيان أنسابهم وأخبارهم وبيود علومهم، هذا موجود بالمشاهدة، ومعلوم بالعقل ضرورة. ولدولة السريانيين مذ ذهبت وبادت آلاف من الأعوام في أقل منها ينسى جميع اللغة فكيف تفلت أكثرها والله تعالى اعلم ولسنا نقطع على أنها اللغة التي وقف الله تعالى عليها أولا، ولا ندري لعل قائلا يقول: لعل تلك اللغة قد درست البتة وذهبت بالجملة أو لعلها إحدى اللغات الباقية لا نعلمها بعينها، وهذا هو الذي توجبه الضرورة ولا بد مما لا يمكن سواه أصلا، وقد يمكن أن يكون الله تعالى وقف آدم عليه السلام على جميع اللغات التي ينطق بها الناس كلهم الآن. ولعلها كانت حينئذ لغة واحدة مترادفة الأسماء على المسميات ثم صارت لغات كثيرة، إذ توزعها بنوه بعد ذلك، وهذا هو الأظهر عندنا والأقرب، إلا أننا لا نقطع على هذا كما نقطع على أنه لا بد من لغة واحدة وقف الله تعالى عليها، ولكن هذا هو الأغلب عندنا، نعني أن الله تعالى وقف على جميع هذه اللغات المنطوق بها، وإنما ظننا هذا لأننا لا ندري أي سبب دعا الناس ولهم لغة يتكلمون بها ويتفاهمون بها إلى إحداث لغة أخرى،

necessity requires, and there must be that for which no alternative is possible at all. It is also possible that God, exalted is He, instructed Adam, peace be upon him, in all the languages that all people speak today. Perhaps they were then a single language, with synonymous names for the things named, and subsequently became many languages when his descendants divided them among themselves. This is what seems more evident and more likely to us. Nevertheless, we do not affirm this with the certainty with which we affirm that there must have been a single language in which God, exalted is He, gave instruction. Rather, this is what we consider most likely: we mean that God, exalted is He, gave instruction in all these spoken languages. We have supposed this only because we do not know what reason could have induced people, when they already had a language in which they spoke and understood one another, to introduce another language and undertake the immense toil involved for no purpose. No rational person would in any way devote himself to such superfluous activity. If such a thing occurred, it would be the work of an idle meddler with poor judgment, preoccupied with what is of no benefit to the exclusion of what concerns him and what has a stronger claim upon him: the affairs of his life to come, his worldly interests, his pleasures, and all the beneficial sciences. Moreover, who could guarantee that the people of his town would obey him by abandoning their language and speaking the language he had devised for them? We do not, however, regard this as impossible or incapable of occurring. Rather, we say that it is possible but exceedingly unlikely. If they say, "Perhaps a king had various languages within his kingdom and brought together for his subjects a language through which they could all understand one another," we say to them: This is the opposite of establishing many languages; it is, rather, bringing languages together into a single language. Then we say: What would have induced this king to undertake this pointless, difficult, burdensome labor that yields no benefit? It would have been easier for him to unite them upon one of those languages they already spoke, or upon his own language. That would have been less burdensome and more practicable than introducing an entirely new language. Knowledge of that rests with God, mighty and

وعظيم التعب في ذلك لغير معنى، ومثل هذا من الفضول لا يتفرع له عاقل بوجه من الوجوه، فإن وجد ذلك فمن فارغ فضولي سيىء الاختيار، مشتغل بما لا فائدة فيه عما يعينه، وعما هو آكد عليه من أمور معاده، ومصالح دنياه ولذاته وسائر العلوم النافعة. ثم من له بطاعة أهل بلده له في ترك لغتهم والكلام باللغة التي عمل لهم، ولكنا لسنا نجعل ذلك محالا ممتنعا بل نقول: إنه ممكن بعيد جدا، فإن قالوا: لعل ملكا كانت في مملكته لغات شتى فجمع لهم لغة يتفاهمون بها كلهم، قلنا لهم: هذا ضد وضع اللغات الكثيرة، بل هو جمع اللغات على لغة واحدة، ثم نقول: وما الذي كان يدعو هذا الملك إلى هذه الكلفة الباردة الصعبة الثقيلة التي لا تفيد شيئا؟ وكان أسهل له أن يجمعهم على لغة ما من تلك اللغات التي كانوا يتكلمون بها أو على لغته نفسه فكان أخف وأمكن من إحداث لغة مستأنفة، وعلم ذلك عند الله عز وجل. وقد توهم قوم في لغتهم أنها أفضل اللغات.

majestic. Some people have imagined that their own language is the best of languages[4][5][6]

L76–77 This is meaningless, because the grounds of excellence are known: they consist only in deeds or in being specially distinguished. A language performs no deeds, and no revealed text has come declaring one language superior to another. He, exalted is He, has said: "And We have sent no messenger except in the language of his people, so that he might make things clear to them; then God leads astray whom He wills and guides whom He wills, and He is the Mighty, the Wise."[7]

L78–79 And He, exalted, said: {We have only made it easy in your tongue so that they may take heed.} Thus He, exalted, informed us that He revealed the Qur'an in the language of the Arabs only so that his people—peace be upon him—might understand it, and for no other reason. Galen erred in this matter, saying: "The language of the Greeks is the best of languages, because all other languages resemble either the barking of dogs or the croaking of frogs." ʿAlī said: This is profound ignorance, because anyone who hears a language other than his own and does not understand it places it in the category Galen mentioned; there is no difference. Some people have said: "Arabic is the best of languages because God's speech, exalted is He, is in it." ʿAlī said: This is meaningless, because God, mighty and majestic, has informed us that He sent no messenger except in the tongue of his people.

وهذا لا معنى له لأن وجوه الفضل معروفة، وإنما هي بعمل أو اختصاص ولا عمل للغة، ولا جاء نص في تفضيل لغة على لغة، وقد قال تعالى: {ومآ أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل الله من يشآء ويهدي من يشآء وهو العزيز الحكيم}

وقال تعالى: {فإنما يسرناه بلسانك لعلهم يتذكرون} فأخبر تعالى أنه لم ينزل القرآن بلغة العرب إلا ليفهم ذلك قومه عليه السلام لا لغير ذلك وقد غلط في ذلك جالينوس فقال إن لغة اليونانيين أفضل اللغات لأن سائر اللغات إنما هي تشبه إما نباح الكلاب أو نقيق الضفادع قال علي وهذا جهل شديد لأن كل سامع لغة ليست لغته ولا يفهمها، فهي عنده في النصاب الذي ذكره جالينوس ولا فرق. وقد قال قوم: العربية أفضل اللغات لأنه بها كلام الله تعالى قال علي وهذا لا معنى له لأن الله عز وجل قد أخبرنا أنه لم يرسل رسولا إلا بلسان قومه. وقال تعالى: {إني إذا لفي ضلال مبين} وقال تعالى: {وإنه لفي زبر الأولين} فبكل لغة قد نزل كلام الله تعالى ووحيه. وقد أنزل التوراة والإنجيل والزبور، وكلم موسى عليه السلام بالعبرانية، وأنزل الصحف على إبراهيم عليه السلام بالسريانية، فتساوت اللغات في هذا تساويا واحدا. وأما لغة أهل الجنة وأهل النار فلا علم عندنا إلا ما جاء في النص والاجماع، ولا نص ولا إجماع في ذلك، إلا أنه لا بد لهم من لغة يتكلمون بها ولا يخلو ذلك من أحد ثلاثة أوجه ولا رابع لها: إما أن تكون لهم لغة واحدة من اللغات، القائمة بيننا الآن، وإما أن تكون لهم لغة غير جميع هذا اللغات، وإما أن تكون لهم لغات شتى: لكن هذه المحاورة التي وصفها الله تعالى توجب القطع بأنهم يتفاهمون بلغة إما بالعربية المختلفة

[4] **Translator's note (L72):** The dialect forms are unvocalized, so their precise pronunciation is uncertain. In particular, "thlthdā" transliterates the supplied consonantal spelling of the contracted expression for "three dinars." The source writes the altered form of Muḥammad with hāʾ rather than ḥāʾ; the translation describes this distinction explicitly. The wording introducing the comparison of Arabic, Hebrew, and Syriac is grammatically irregular and lacks a conjunction before Syriac. The translation gives its apparent sense.

[5] **Translator's note (L74):** The phrase "so how has most of it escaped?" is awkward in this context. The verb supplied means "escaped" or "slipped away"; whether the author means escape from oblivion or loss through slipping away is uncertain.

[6] **Translator's note (L75):** The source has "yatafarraʿ" where the context appears to require "yatafarragh," meaning to devote oneself or find leisure for something. The supplied "fāriʿ" in the description of the meddler appears to be a corruption of "fārigh," meaning idle or unoccupied; the translation follows that apparent sense.

[7] **Qur'an references (L76):** Qur'an 14:4 (Ibrahim).

في القرآن عنهم، أو بغيرها مما الله تعالى أعلم به. وقد ادعى بعضهم أن اللغة العربية هي لغتهم، واحتج بقول الله عز وجل: {دعواهم فيها سبحانك اللهم وتحيتهم فيها سلام وآخر دعواهم أن الحمد لله رب العالمين} فقلت له: فقل إنها لغة أهل النار لقوله تعالى عنهم أنهم قالوا: {وما لنآ ألا نتوكل على الله وقد هدانا سبلنا ولنصبرن على مآ آذيتمونا وعلى الله فليتوكل المتوكلون} ولأنهم قالوا: {ونادى أصحاب النار أصحاب الجنة أن أفيضوا علينا من المآء أو مما رزقكم الله قالوا إن الله حرمهما على الكافرين}

And He, exalted, said: {Then I would indeed be in manifest error.} And He, exalted, said: {And indeed it is in the scriptures of the ancients.} Thus God's speech and revelation have come down in every language. He revealed the Torah, the Gospel, and the Psalms, spoke to Moses—peace be upon him—in Hebrew, and revealed the scrolls to Abraham—peace be upon him—in Syriac. Languages are therefore entirely equal in this respect. As for the language of the inhabitants of Paradise and the inhabitants of the Fire, we have no knowledge except what has come through explicit text and consensus, and there is neither an explicit text nor a consensus on this matter, except that they must have a language in which they speak. This must take one of three forms, with no fourth possibility: either they have a single language from among the languages existing among us now; or they have a language other than all these languages; or they have various languages. But this conversation which God, exalted, has described requires certainty that they understand one another in a language, whether in the Arabic differing in the Qur'an on their behalf, or in some other language of which God, exalted, knows best. One of them claimed that Arabic is their language, adducing the saying of God, mighty and majestic: {Their invocation therein is, "Glory be to You, O God"; their greeting therein is, "Peace"; and the conclusion of their invocation is, "Praise belongs to God, Lord of the worlds."} I said to him: Then say that it is the language of the inhabitants of the Fire, because of His saying, exalted, concerning them, that they said: {And why should we not put our trust in God, when He has guided us in our ways? We shall surely endure patiently whatever harm you inflict upon us; and in God let those who trust put their trust.} And because they said: {And the inhabitants of the Fire called to the inhabitants of Paradise: "Pour some water upon us, or

some of what God has provided you." They said: "God has forbidden both to the unbelievers."}[8][9][10]

L80–81 And because they said: {And they said: "Had we listened or reasoned, we would not have been among the inhabitants of the Blaze."} He said to me: "Yes." I said to him: Then judge that Moses and all the prophets—peace be upon them—had Arabic as their language, because their speech is reported from them in Arabic in the Qur'an. If you say this, you have declared your Lord false, and your Lord has declared you false in His saying: {And We sent no messenger except in the tongue of his people, so that he might make things clear to them. Then God leads astray whom He wills and guides whom He wills; and He is the Mighty, the Wise.} It is thus established that God, exalted, merely reports to us the meanings of each speaker's speech in his own language, using the language in which we understand one another, solely so that He, mighty and majestic, may make things clear to us. The letters of the alphabet are the same: none is superior to another, nor is there ugliness or beauty in some to the exclusion of others. They are those very same letters in every language. These deviant, base claims are therefore invalidated. Success is through God, exalted. This vulgar obsession has led the Jews to deem lying and swearing falsely permissible in languages other than Hebrew. They have claimed that the angels who carry up deeds understand only Hebrew, and therefore do not record against them anything in another language. You can see the absurdity in this. The Knower of hidden things and of what

ولأنهم قالوا: {وقالوا لو كنا نسمع أو نعقل ما كنا في أصحاب السعير} فقال لي: نعم، فقلت له: فاقض أن موسى وجميع الأنبياء عليهم السلام كانت لغتهم العربية، لأن كلامهم محكي في القرآن عنهم بالعربية، فإن قلت هذا كذبت ربك، وكذبك ربك في قوله: {وما أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل الله من يشاء ويهدي من يشاء وهو العزيز الحكيم} فصح أن الله تعالى إنما يحكي لنا معاني كلام كل قائل في لغته باللغة التي بها نتفاهم، ليبين لنا عز وجل فقط، وحروف الهجاء واحدة لا تفاضل بينها ولا قبح، ولا حسن في بعضها دون بعض، وهي تلك بأعيانها في كل لغة، فبطلت هذه الدعاوى الزائغة الهجينة، وبالله تعالى التوفيق. وقد أدى هذا الوسواس العامي، اليهود إلى أن استجازوا الكذب والحلف على الباطل بغير العبرانية، وادعوا أن الملائكة الذين يرفعون الأعمال لا يفهمون إلا العبرانية فلا يكتبون عليهم غيرها، وفي هذا من السخف ما ترى وعالم الخفيات وما في الضمائر عالم بكل لسان ومعانيه عز وجل لا إله إلا هو وهو حسبنا ونعم الوكيل

[8] **Translator's note (L78):** The quotation "Then I would indeed be in manifest error" is Qur'an 36:24. Although valid Qur'anic wording, its relevance to the argument about the languages of revelation is unclear; it has been retained as supplied. The supplied المختلفة means "differing" or "varied," making "the Arabic differing in the Qur'an on their behalf" awkward. The context suggests a possible corruption of المحكية, "reported," but the supplied reading has not been silently corrected.

[9] **Translator's note (L79):** The first quotation is Qur'an 14:12, where the speakers are messengers, not inhabitants of the Fire. The attribution in the surrounding argument is therefore an apparent quotation error, retained as supplied. The introduction "because they said" precedes a quotation describing an exchange between the inhabitants of the Fire and Paradise, rather than a statement spoken in its entirety by the inhabitants of the Fire.

[10] **Qur'an references (L78):** Qur'an 44:58 (Ad-Dukhan); Qur'an 36:24 (Ya-Sin); Qur'an 26:196 (Ash-Shu'ara); Qur'an 10:10 (Yunus); Qur'an 14:12 (Ibrahim); Qur'an 7:50 (Al-A'raf).

lies within consciences knows every tongue and its meanings—mighty and majestic is He. There is no god but Him, and He is sufficient for us: an excellent trustee.[11]

[11] **Qur'an references (L80):** Qur'an 67:10 (Al-Mulk); Qur'an 14:4 (Ibrahim).



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 5: الألفاظ الدائرة بين أهل النظر

Chapter 5: Terms Used in Rational Inquiry

Ibn Ḥazm · Arabic–English parallel edition

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L82–88

Chapter Five: Terms in Circulation among Practitioners of Rational Inquiry

Abū Muḥammad said: This is a subject in which many who have discussed its meanings have introduced confusion, entangled meanings with one another, applied names to things other than those they designate, and mixed truth with falsehood. As a result, contentious disputation and ambiguity have multiplied, the harm has grown great, and the realities have become obscured. We shall, if God, exalted, wills, distinguish the meaning of each term according to its true nature, through His power and strength. We say, seeking support from God, exalted: An essential definition is a concise expression indicating the nature of the thing being described, as when you say: "A body is anything possessing length, breadth, and depth." For length, breadth, and depth are the natural characteristics of a body; if they were removed from it, it would necessarily cease to possess corporeality and would no longer be a body. This expression therefore states the nature of a body and distinguishes it from what is not a body. A descriptive definition is a concise expression that merely distinguishes the thing being described from everything else, without indicating its nature, as when you say: "A human being is that which laughs." By this expression you have correctly distinguished the human being from everything else, but you have not stated his nature. For if you imagined laughter removed from the human being, his humanity would not thereby be invalidated, and he would thereby be prevented from speaking about what is known and engaging in the crafts, while all his other natural characteristics would remain as they are. Abū Muḥammad ʿAlī said: Since these two meanings are different, each distinct from the other, it is necessarily obligatory to express each of them by an expression different from the one we use for the other. If we expressed both by a single expression, we would have cast those who accept what we say into confusion, and we would be treating them most unjustly and failing to give them sincere counsel. This is contrary to the undertaking God, exalted, exacted from the learned, when God, exalted, says through the tongue of His Prophet—may God bless him and grant him peace—"that they should make it clear to the people and not conceal it." Whoever obscures realities has concealed them. Knowledge is being certain of a thing as it actually is: either through a necessary demon-

الباب الخامس في الألفاظ الدائرة بين أهل النظر قال أبو محمد: هذا باب خلط فيه كثير ممن تكلم في معانيه، وشبك بين المعاني وأوقع الأسماء على غير مسمياتها، ومزج بين الحق والباطل، فكثر لذلك الشغب والالتباس، وعظمت المضرة وخفيت الحقائق، ونحن إن شاء الله تعالى بحوله وقوته مميزون معنى كل لفظة على حقيقتها، فنقول وبالله تعالى نتأيد: الحد: هو لفظ وجيز يدل على طبيعة الشيء المخبر عنه كقولك: الجسم هو كل طويل عريض عميق، فإن الطول والعرض والعمق هي طبائع الجسم لو ارتفعت عنه ارتفعت عن الجسمية ضرورة ولم يكن جسما، فكانت هذه العبارة مخبرة عن طبيعة الجسم ومميزة له مما ليس بجسم. والرسم: هو لفظ وجيز يميز المخبر عنه مما سواه فقط دون أن ينبيء عن طبيعته كقولك: الإنسان هو الضحاك، فإنك ميزت الإنسان بهذا اللفظ تمييزا صحيحا مما سواه، إلا أنك لم تخبر بطبيعته لأنك لو توهمت الضحك مرتفعا عن الإنسان لم تبطل بذلك عنه الإنسانية ولامتنع بذلك من الكلام في المعلوم والتصرف في الصناعات ولبقيت سائر طبائعه بحسبها قال أبو محمد علي ولما كان هذان المعنيان متغايرين كل واحد منهما غير صاحبه، وجب ضرورة أن يعبر عن كل واحد منهما بعبارة غير عبارتنا عن الآخر، ولو عبرنا عنهما عبارة واحدة لكنا قد أوقعنا من يقبل منا في الإشكال ولكنا ظالمين لهم جدا وغير ناصحين لهم، وهذا خلاف ما أخذه الله تعالى على العلماء إذ يقول الله تعالى على لسان نبيه صلى الله عليه وسلم ليبينه للناس ولا يكتمونه ومن لبس الحقائق فقد كتمها. والعلم: هو تيقن الشيء على ما هو عليه، إما عن برهان ضروري موصل إلى تيقنه كذلك، وإما أول بالحس أو ببديهة العقل، وإما حادث عن أول على ما بينا في كتاب التقريب من أخذ المقدمات الراجعة إلى أول العمل أو الحس، إما من قرب وإما من بعد، وإما عن اتباع لمن أمر الله تعالى باتباعه، فوافق فيه الحق، وإن لم يكن عن ضرورة ولا عن استدلال، برهان ذلك أن جميع الناس مأمورون بقول الحق واعتقاده وأن رسول الله صلى الله عليه وسلم دعا الناس كلهم إلى الإيمان بالله تعالى وبما جاء به والنطق بذلك ولم يشترط عليه

stration leading to certainty of it as such; or it is primary, through sense perception or the immediate intuition of reason; or it arises from something primary, as we explained in the Book of Approximation, by taking premises that lead back to the primary basis of action or to sense perception, whether closely or remotely; or through following someone whom God, exalted, has commanded one to follow, thereby conforming to the truth, even though this is neither through necessity nor through inference. The demonstration of this is that all people are commanded to speak the truth and believe it, and that the Messenger of God—may God bless him and grant him peace—called all people to faith in God, exalted, and in what he brought, and to professing this. He—peace be upon him—did not stipulate that this should proceed from them only through inference; rather, he was satisfied with this from the learned and the ignorant, the free person and the slave, the captive and the person who has adopted Arabic. The community unanimously agreed upon this after him, maintaining it down to the present day. They were satisfied with this from those who responded to their call, and did not stipulate that they engage in inference concerning it. Since this is so, it is established that whoever believes what we have mentioned and professes it knows it with certainty and has cognizance of it. For if he did not know it, it would be forbidden for him to profess it and forbidden for him to believe it, because God, exalted, says: {And do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart: each of these will be questioned about.} And He, exalted, said: {He commands you only to evil and indecency, and to say concerning God what you do not know.} Thus, since he is commanded to believe the truth and profess it, and forbidden to say what he does not know and to pursue what he does not know, it is established that his conviction concerning the truth and his profession of it constitute sound knowledge and true cognizance, even if this does not arise through inference. Whoever claims a restriction upon the scope of God's prohibition, exalted is He, against saying that of which we have no knowledge and pursuing what we do not know, makes a claim without evidence and speaks falsely. For he is saying: {And do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart: each of these will be questioned about}—except in matters of faith, where you should pursue

السلام عليهم ألا يكون ذلك منهم إلا عن استدلال بل قنع بهذا من العالم والجاهل، والحر والعبد، والمسبي والمستعرب، واجتمعت الأمة على ذلك بعده عليه إلى اليوم. وقنعوا بذلك ممن أجابهم إليه، ولم يشترط عليهم استدلالا في ذلك؛ فإذا ذاك كذلك فقد صح أن من اعتقد ما ذكرنا وقال به فهو عالم بذلك بيقين عارف به، إذ لو كان غير عالم بذلك لحرم القول عليه بذلك، ولحرم عليه اعتقاده لأن الله تعالى يقول {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} وقال تعالى {إنما يأمركم بلسوء ولفحشآء وأن تقولوا على لله ما لا تعلمون} فصح إذ هو مأمور باعتقاده الحق والقول به، ومنهي عن القول بما لا يعلم، وعن أن يقفوا ما لا يعلم أن عقده في الحق وقوله به علم صحيح ومعرفة حقيقية وإن لم يكن ذلك عن استدلال، ومن ادعى تخصيص نهي الله تعالى عن القول بما لا علم لنا به، وعن قفو ما لا نعلم، كان مدعيا بلا دليل، ومبطلا في قوله لأنه يقول {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} إلا في الإيمان، فاقف فيه ما لا علم لك به، وهذا كذب على الله تعالى مجرد. فإن قال قائل فإن الله يقول {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} قلنا: نعم إنما خاطب الله بهذا من قال بالباطل، ولا برهان لصاحب الباطل، وأما المعتقد للحق فبرهان الحق قائم، سواء علمه المعتقد له أو جهله، وانما يكف البرهان أهل الباطل لإدحاض باطلهم؛ ولا يجوز أن يكلف المحق برهانا، لأنه لا يخلو مكلفه البرهان من أن يكون محقا مثله أو مبطلا، فإن كان محقا مثله فهو معنت له، والتعنيت لا يجوز وإن كان مبطلا فحرام عليه الجدال في الحق قال تعالى {يجادلونك في لحق بعدما تبين كأنما يساقون إلى لموت وهم ينظرون} وقال تعالى {كذبت قبلهم قوم نوح ولأحزاب من بعدهم وهمت كل أمة برسولهم ليأخذوه وجادلوا بلباطل ليدحضوا به

what you have no knowledge of. This is an outright lie against God, exalted. If someone says: "But God says: {And they said: 'None shall enter Paradise unless he is a Jew or a Christian.' Those are their wishful fancies. Say: 'Bring your demonstration, if you are truthful.'}" We say: Yes. God addressed these words only to those who asserted falsehood, and the adherent of falsehood has no demonstration. As for the person who believes the truth, the demonstration of the truth stands, whether the person believing it knows that demonstration or is ignorant of it. Demonstration is demanded only of the adherents of falsehood, to refute their falsehood. It is not permissible to require a demonstration of someone who holds the truth, because the person requiring the demonstration from him must either hold the truth as he does, or hold falsehood. If he holds the truth like himself, he is subjecting him to vexation, and subjecting someone to vexation is impermissible. If he upholds falsehood, it is forbidden for him to dispute concerning the truth. God Most High said: "They dispute with you concerning the truth after it has become clear, as though they were being driven toward death while looking on." And God Most High said: "Before them, the people of Noah denied, as did the confederates after them. Every community sought to seize its messenger, and they disputed with falsehood to refute the truth thereby. So I seized them; how, then, was My punishment!" Thus it is impermissible to require someone who upholds the truth to furnish a demonstration except solely so that he may teach it to him, not by way of opposition. For whoever does that is opposing the truth, and his opposing the truth with falsehood is impermissible. God Most High said, censuring certain people: "Before them, the people of Noah denied, as did the confederates after them. Every community sought to seize its messenger, and they disputed with falsehood to refute the truth thereby. So I seized them; how, then, was My punishment!" Some people have affected cleverness, and this has brought them to ruin. They said: "Definitions do not differ between what is eternal and what is originated." This is a statement that entails unbelief, because they thereby subject the Creator, exalted is He, to origination. For everything defined is finite and composite, and everything composite is created, since it is composed of its genus and its differentia, which distinguishes it from whatever shares its genus. They have thus made their Lord originated. Exalted is God

لحق فأخذتهم فكيف كان عقاب} فلا يجوز تكليف المحق برهانا إلا على أن يعلمه فقط لا على سبيل معارضة، لأن من فعل ذلك يكون معارضا للحق، ومعارضته الحق بالباطل لا تجوز، قال تعالى ذاما لقوم {كذبت قبلهم قوم نوح ولأحزاب من بعدهم وهمت كل أمة برسولهم ليأخذوه وجادلوا بلباطل ليدحضوا به لحق فأخذتهم فكيف كان عقاب} وقد تحذلق قوم فأداهم ذلك إلى الهلكة، فقالوا: الحدود لا تختلف في قديم ولا محدث، وهذا كلام موجب الكفر، لأنهم يوقعون بذلك الباري تعالى تحت الحدوث، لأن كل محدود متناه ومركب، وكل مركب فمخلوق، لأنه مركب من جنسه وفصله المميز له مما جامعه تحت جنسه، فقد جعلوا ربهم محدثا تعالى الله عن ذلك. وقالوا: حد العلم أنه صفة لا يتعذر بوجودها على الحي القادر إحكام الفعل قال علي وهذا حد فاسد لأن النحل لا يتعذر عليها أحكام بناء الشمع ووضع العسل، ولا تسمى عالمة، وقد يعرض للعالم الناقد خدر يبطل يديه ورجليه فيعتذر عليه كل فعل حكمة أو غير حكمة وعلمه وعقله باقيان. وقالت طائفة منهم: حد العلم منا ومن الله تعالى أنه صفة يتبين بها المعلوم على ما هو عليه من أحواله قال علي وكلا الحدين فاسد ونحن نسألهم أهذه الصفة التي ذكرتم؟ أهي والموصوف بها شيء واحد؟ أم هي والموصوف بها شيئان متغايران؟ فإن قالوا شيء واحد أبطلوا قولهم في الباري تعالى، ووافقوا خصومهم إلا في العبارة فقط، وأيضا فإن كون الصفة والموصوف شيئا واحدا غير موجود في العالم لأن الصفات تتعاقب على الموصوفات فتفنى، والموصوف باق بحسبه، ولا شك في أن الفاني غير الباقي، والصفة عرض ونحن لم نقر بعلم الباري تعالى على معنى أنه صفة كصفاتنا، ولكن اتباعا منا للنص الوارد في أن له علما فقط، إلا أننا نقطع على أنه ليس غيره تعالى وأنه ليس عرضا، ونحن لم نسم الباري تعالى عالما، وإنما قلنا: إنه عليم كما قال تعالى. فإن قالوا: فأي فرق بين عالم وعليم. قيل لهم:

above that! They said: "The definition of knowledge is that it is an attribute whose presence makes the precise execution of an act possible for a living, capable being." ʿAlī said: This is a defective definition, for bees are capable of precisely constructing wax and depositing honey, yet they are not called knowledgeable. A discerning scholar may suffer a numbness that disables his hands and feet, so that every act, whether wise or otherwise, becomes impossible for him, while his knowledge and intellect remain. A group of them said: "The definition of knowledge, both ours and God Most High's, is that it is an attribute through which the object of knowledge becomes clear as it actually is in its various states." ʿAlī said: Both definitions are defective. We ask them: Is this attribute you have mentioned one and the same thing as that which possesses it, or are it and that which possesses it two distinct things? If they say, "One thing," they invalidate their own position concerning the Creator, exalted is He, and agree with their opponents in everything except expression alone. Moreover, the attribute and that which possesses it being one thing is something that does not exist in the world. Attributes succeed one another in the things that possess them: they perish, while the thing possessing them remains as it is. There is no doubt that what perishes is other than what remains. An attribute is an accident. We have acknowledged the Creator's knowledge, exalted is He, not in the sense that it is an attribute like our attributes, but solely in adherence to the revealed text stating that He has knowledge. Nevertheless, we affirm with certainty that it is not other than Him, exalted is He, and that it is not an accident. We have not called the Creator, exalted is He, "knowing" (ʿālim); we have only said that He is "All-Knowing" (ʿalīm), as He Most High said. If they say, "What difference is there between ʿālim and ʿalīm?" they should be told: "What difference is there between 'the Compeller' (al-jabbār) and 'one who behaves imperiously' (al-mutakabbir)? Then call your Lord 'one who behaves imperiously'! And what difference is there between our calling Him, exalted

وأي فرق بين الجبار والمتجبر، فسموا ربكم متجبرا، وأي فرق بين أن نسميه تعالى خير الماكرين، وأن له مكرا، ولا نسميه ماكرا،

is He, ‘the best of those who scheme’ and saying that He has a scheme, while we do not call Him ‘a schemer’?”[1][2][3][4]

L89–91 Likewise, we call Him “Wise,” but do not call Him “rational”; we call Him “the One,” but do not call Him “the Solitary” or “the Unique.” We have explained in the Book of al-Faṣl that His names, exalted is He, are proper names and are not derived at all. And through God comes success. If they say that the attribute and that which possesses it are two distinct things, they speak truly, and thereby exclude the attributes of the Creator, exalted is He, from this judgment. Belief is the settling in the soul of a judgment concerning something: either on the basis of a demonstration, or through following someone whose statement has been established by demonstration, in which case it necessarily constitutes certain knowledge; or on the basis

وكذلك نسميه حكيما ولا نسميه عاقلا ونسميه الواحد ولا نسميه الفرد ولا الفذ. وقد بينا في كتاب الفصل أن أسماءه تعالى أعلام وليست مشتقة أصلا وبالله التوفيق. فإن قالوا: إن الصفة والموصوف شيئان متغايران صدقوا وأخرجوا بذلك صفات الباري تعالى عن هذا الحكم. والاعتقاد: هو استقرار حكم بشيء ما في النفس. إما عن برهان، أو اتباع من صح برهان قوله فيكون علما يقينا ولا بد، وإما عن إقناع فلا يكن علما متيقنا ويكون إما حقا أو باطلا، وإما لا عن إقناع لا عن برهان فيكون إما حقا بالبخت وإما باطلا بسوء الجد. والبرهان: كل قضية أو قضايا دلت على حقيقة حكم الشيء. والدليل: قد يكون برهانا وقد يكون اسما يعرف به المسمى، وعبارة يتبين بها المراد كرجل ذلك على طريق تريد قصده، فذلك اللفظ الذي خاطبك به هو دليل على ما طلبت، وقد يسمى المرء الدال دليلا أيضا. والحجة: هي الدليل نفسه إذا كان برهانا أو إقناعا أو شغبا. والدال: هو المعرف بحقيقة الشيء وقد يكون إنسانا معلما، وقد يعبر به عن الباري تعالى الذي علمنا كل ما نعلم، وقد يسمى الدليل دالا على المجاز، ويسمى الدال دليلا أيضا كذلك في اللغة العربية. والاستدلال: طلب الدليل من قبل معارف العقل ونتائجه أو من قبل إنسان يعلم. والدلالة: فعل الدال، وقد تضاف إلى الدليل على المجاز. والإقناع: قضية أو قضايا أنست النفس بحكم شيء ما دون أن توقفها على تحقيق حجة ولم يقم عندها برهان بإبطاله.

[1] **Translator’s note (L83):** The supplied ولامتنع reads naturally as “and he would be prevented,” which conflicts with the argument that removing laughter leaves the other human capacities intact. A negative reading, “nor would he be prevented,” may have been intended, but the apparent defect has been retained. The wording “that they should make it clear to the people and not conceal it” resembles Qur’an 3:187, but the supplied ليبينه has a singular object and lacks the emphatic form of the standard Qur’anic wording. The text also explicitly introduces it as God speaking through His Prophet; that attribution has been preserved. The supplied أول العمل means approximately “the primary basis of action.” In this logical context, أول العقل, “the primary basis of reason,” is a plausible intended reading, but has not been substituted.

[2] **Translator’s note (L85):** المستعرب can mean someone who has adopted Arabic language or Arab ways; “the person who has adopted Arabic” preserves its distinction from a native Arab without specifying more than the context supports. The phrase وإنما يكف البرهان أهل الباطل appears corrupt. In context it has been rendered as “Demonstration is demanded only of the adherents of falsehood,” taking يكف as an apparent defective reading of يكلف, “is required of.”

[3] **Translator’s note (L88):** The supplied فيعتذر appears corrupt for فيتعذر, ‘becomes impossible’; the translation follows the evident argument and records the emendation here. The supplied فتفتى appears corrupt for فتفنى, ‘they perish.’ The passage exploits the senses of ḥadd as both ‘definition’ and ‘limit’: ‘everything defined is finite’ preserves the author’s argument. The Arabic contrasts al-jabbār with al-mutajabbir, not al-mutakabbir. The transliteration accompanying ‘one who behaves imperiously’ should therefore be read as al-mutajabbir.

[4] **Qur’an references (L82):** Qur’an 17:36 (Al-Isra); Qur’an 2:111 (Al-Baqarah); Qur’an 8:6 (Al-Anfal); Qur’an 40:5 (Ghafir).

of persuasion, in which case it does not constitute certain knowledge and is either true or false; or on the basis of neither persuasion nor demonstration, in which case it is either true by good fortune or false by bad luck. A demonstration is any proposition or propositions that establish the truth of a judgment concerning a thing. An indicator may be a demonstration, or it may be a name by which the named thing is recognized, or an expression through which the intended meaning becomes clear, as when a man directs you to a road you wish to take: the utterance with which he addresses you is an indicator of what you sought. The person who indicates may also be called an 'indicator.' An argument is the indicator itself, whether it constitutes demonstration, persuasion, or sophistical disputation. The one who indicates is the one who makes the truth of a thing known. He may be a human teacher, and the expression may also be used of the Creator, exalted is He, who has taught us everything we know. An indicator may figuratively be called 'one who indicates,' and the one who indicates is likewise called an 'indicator' in the Arabic language. Inference is seeking an indicator from the cognitions of reason and their conclusions, or from a knowledgeable person. Indication is the act of the one who indicates, and it may figuratively be attributed to the indicator. Persuasion is a proposition or propositions that render the soul comfortable with a judgment concerning something without acquainting it with the verification of an argument, while no demonstration invalidating it has been established for the soul.[5]

L92–94 Sophistical disputation is deception by means of a false argument, through a defective proposition or propositions leading to falsehood; this is sophistry. Uncritical imitation is believing something because so-and-so said it, when no demonstration has established the correctness of his statement. As for following someone whom God has commanded us to follow, that is not uncritical imitation; rather, it is rightful obedience to God Most High. Inspiration is knowledge that occurs in souls without an indicator, inference, persuasion, or uncritical imitation, and it can only be either the action of na-

والشغب: تمويه بحجة باطلة بقضية أو قضايا فاسدة تقود إلى الباطل وهي السفسطة. والتقليد: هو اعتقاد الشيء لأن فلانا قاله ممن لم يقم على صحة قوله برهان، وأما اتباع من أمر الله باتباعه فليس تقليدا، بل هو طاعة حق لله تعالى. والإلهام: علم يقع في النفوس بلا دليل ولا استدلال ولا إقناع ولا تقليد، وهو لا يكون إلا: إما فعل الطبيعة من الحي غير الناطق ومن بعض الناطقين أيضا كنسج العنكبوت وبناء النحل وما أشبه ذلك، وأخذ الصبي الثدي وما أشبه ذلك: أو أول معرفة النفس قبل أوان استدلالها لنا كعلمنا أن الكل أكثر من الجزء، وهو فيما عدا هذين الوجهين باطل. والنبوة: اختصاص الله عز وجل رجلا أو امرأة من الناس بإعلامه بأشياء لم

[5] **Translator's note (L91):** The phrase كرجل ذلك على طريق is apparently corrupt. The translation takes it as 'as when a man directs you to a road,' apparently requiring دلّك in place of ذلك.

ture in non-rational living beings, and in some rational beings as well, such as a spider's weaving, bees' building, and similar things, or an infant's taking the breast and similar things; or the soul's initial cognition before the time for its exercise of inference in us, such as our knowledge that the whole is greater than the part. Outside these two forms it is invalid. Prophethood is God's singling out, mighty and majestic is He, a man or a woman from among humankind by imparting knowledge of things that person has not learned, either through the mediation of an angel or through a power He places in that person's soul, beyond the powers of created beings, supported by breaches of customary occurrences, which are miracles. It has ceased after Muḥammad, God bless him and grant him peace. Messengership is God Most High's commanding a prophet to warn a people and to accept His covenant. Every messenger is a prophet, but not every prophet is a messenger. Clarity is a thing's being such, in itself, that its true nature can be known by someone who wishes to know it. Making clear and clarification are the act of the one who clarifies: his bringing a meaning out of obscurity into the possibility of its being truly understood. Something from which the truth is understood may also figuratively be called 'that which clarifies,' even if that from which it is understood performs no action and has no intention of imparting understanding, as when you say: 'Death has made clear to me that people do not live forever.' Clarification is also the act of the soul of the person apprehending a thing in understanding it; this is also called discernment. The one who clarifies is the very same as the one who indicates. Truthfulness is reporting a thing as it is. Truth is a thing's having actual existence. Let no one whose understanding is limited fall into error and suppose that this definition is defective by saying: 'Unbelief and injustice actually exist, so they ought to be true.' Let him know that this is defective sophistical disputation. For the existence of unbelief and injustice as things valid within God Most High's approval is not actual; rather, it is nonexistent. God Most High's approval of them is false. As for their existing on the part of the unbeliever and the perpetrator of injustice, that is a true, actual, established fact about which there is no doubt. Distinctions such as these must be observed, and discussion of them must be precise; otherwise, obscurity arises and the investigator becomes bewildered. We have seen people dis-

يتعلمها؛ إما بواسطة ملك؛ أو بقوة يضعها في نفسه خارجة عن قوى المخلوقين تعضدها خرق العادات وهو المعجزات وقد انقطعت بعد محمد صلى الله عليه وسلم والرسالة أن يأمر الله تعالى نبيا بإنذار قوم وقبول عهده، وكل رسول نبي وليس كل نبي رسولا. والبيان: كون الشيء في ذاته ممكنا أن تعرف حقيقته لمن أراد علمه. والإبانة والتبيين: فعل المبين وهو إخراجه للمعنى من الإشكال إلى إمكان الفهم له بحقيقة، وقد يسمى أيضا على المجاز ما فهم منه الحق وإن لم يكن للمفهوم منه فعل ولا قصد إلى الأفهام مبينا كما تقول بين لي الموت أن الناس لا يخلدون، والتبيين فعل نفس المبين للشيء في فهمه إياه وهو الاستبانة أيضا والمبين هو الدال نفسه والصدق هو الإخبار عن الشيء بما هو عليه والحق هو كون الشيء صحيح الوجود ولا يغلط من لا سعة لفهمه فيظن أن هذا الحد فاسد بأن يقول الكفر والجور صحيح وجودهما فينبغي أن يكون حقا. فليعلم أن هذا شغب فاسد، لأن وجود الكفر والجور صحيحين في رضاء الله تعالى ليس هو صحيحا، بل هو معدوم، فرضا الله تعالى بهما باطل، وأما كونهما موجودين من الكافر والجائز فحق صحيح ثابت لا شك فيه، فمثل هذا من الفروق ينبغي مراعاته وتحقيق الكلام فيه، وإلا وقع الإشكال وتحير الناظر. وقد رأينا من يفرق بين الحق والحقيقة وهذا خطأ لا يخفى على ذي فهم ينصف نفسه، لأن الفرق بين هاتين اللفظتين لم تأت به لغة ولا أوجبته شريعة أصلا إلا في تسمية الباري تعالى التي لا تؤخذ إلا بالنص، ولا يحل فيها التصريف، فظهر فساد هذا الفرق بيقين، وبالله تعالى التوفيق.

tinguish between ‘truth’ (al-ḥaqq) and ‘reality’ (al-ḥaqīqah). This is an error that cannot escape anyone of understanding who is fair with himself, for no distinction between these two expressions has been supplied by language or required by revealed law at all, except in naming the Creator, exalted is He: His names are taken only from the revealed text, and modifying their forms is impermissible. The invalidity of this distinction has thus become evident with certainty. And through God Most High comes success.[67]

L95–96 Moreover, God Most High said: “Bound to say nothing about God except the truth, I have come to you with a clear proof from your Lord, so send the Children of Israel with me.” No one distinguishes between someone’s saying, ‘Such-and-such is incumbent upon me’ using ḥaqīq, and his saying, ‘Such-and-such is incumbent upon me’ using ḥaqq. The invalidity of this distinction has thus become evident. Falsehood is that which is not true. Lying is reporting a thing contrary to how it is. A foundation is what is apprehended through the primary apprehension of reason and through sense perception; we have mentioned it before. A derivative is everything known through a premise that refers back, directly or remotely, to what we have mentioned. That derivative may also be a foundation for what is deduced from it. What is known is of two kinds: what is known through the aforementioned foundation, and what is known through premises referring back to the foundation, as we have explained. Everything transmitted from the Prophet, may God bless him and grant him peace, through recurrent transmission, or unanimously transmitted from him, peace be upon him, by all the scholars of the community, or transmitted by a trustworthy transmitter from another trustworthy transmitter until the chain reaches him, peace be upon

وأيضا فإن الله تعالى قال {حقيق على أن لا أقول على لله إلا لحق قد جئتكم ببينة من ربكم فأرسل معي بني إسرائيل} ولا فرق عند أحد بين قول القائل حقيق على كذا وبين قوله حق على كذا فظهر فساد هذا الفرق والباطل ما ليس حقا والكذب هو الإخبار عن الشيء بخلاف ما هو عليه. والأصل: هو ما أدرك بأول العقل وبالحس وقد ذكرناه قبل. والفرع: كل ما عرف بمقدمة راجعة إلى ما ذكرنا من قرب أو من بعد وقد يكون ذلك الفرع أصلا لما أنتج منه أيضا. والمعلوم: قسمان: معلوم بالأصل المذكور، ومعلوم بالمقدمات الراجعة إلى الأصل كما بينا وكل ما نقل بتواتر على النبي صلى الله عليه وسلم أو أجمع عليه نقل جميع علماء الأمة عنه عليه السلام أو نقله الثقة عن الثقة حتى يبلغ إليه عليه السلام فداخل في باب ما تيقن ضرورة بالمقدمات المذكورة. والنص: هو اللفظ الوارد في القرآن أو السنة المستدل به على حكم الأشياء وهو الظاهر نفسه. وقد يسمى كل كلام يورد كما قاله المتكلم به نصا. والتأويل: نقل اللفظ عما اقتضاه ظاهره وعما وضع له في اللغة إلى معنى آخر، فإن كان نقله قد صح ببرهان وكان ناقله واجب الطاعة فهو حق، وإن كان نقله بخلاف ذلك اطرح ولم يلتفت إليه وحكم لذلك النقل بأنه باطل. والعموم: حمل اللفظ على كل ما اقتضاه في اللغة، وكل عموم ظاهر، وليس كل ظاهر عموما، إذ قد يكون الظاهر خبرا عن شخص واحد ولا يكون العموم إلا على أكثر من واحد. والخصوص: محل اللفظ على بعض ما يقتضيه في اللغة دون بعض والقول فيه كما قلنا في التأويل آنفا ولا فرق.

[6] **Translator’s note (L93):** The wording قبل أوان استدلالها لنا, rendered ‘before the time for its exercise of inference in us,’ is awkward; the precise function of لنا is uncertain. In وقبول عهده, ‘and to accept His covenant,’ the implied subject of ‘accept’ is not explicit; it may refer to the prophet or to the people being warned.

[7] **Translator’s note (L94):** The supplied الجائز ordinarily means ‘the permissible’ or ‘the one passing’; the context apparently requires الجائر, ‘the perpetrator of injustice,’ which is followed in the translation. The unvocalized المبين in the definition of clarification allows different readings. The translation takes this occurrence in the sense of someone apprehending or discerning the thing, in light of the explicit reference to understanding and discernment.

him, falls within the category of what is necessarily known with certainty through the aforementioned premises. A text is the wording occurring in the Qur'an or the Sunna that is adduced as evidence for the ruling on things; it is the apparent wording itself. Any discourse reproduced just as its speaker uttered it may also be called a text. Interpretation is transferring an expression from what its apparent wording entails and from the meaning for which it was established in the language to another meaning. If that transfer has been established as sound by demonstration, and the one making it must be obeyed, it is true. If the transfer is otherwise, it is discarded and receives no consideration, and that transfer is judged invalid. Generality is applying an expression to everything it entails in the language. Every general expression has an apparent meaning, but not every expression with an apparent meaning is general, since the apparent wording may be a statement about a single individual, whereas generality applies only to more than one. Specificity is applying an expression to some, but not all, of what it entails in the language. What we say concerning it is what we said just now concerning interpretation, without any difference. Expressions signify either one thing or more than one thing. If they are incomplete and signify nothing, they are of no account. An unelucidated expression is wording that requires an explanation, which is then obtained from another expression.[8][9][10]

والألفاظ إما دالة على واحد، وإما على أكثر من واحد فإن كانت ناقصة غير دالة كانت هدرا والمجمل لفظ يقتضي تفسيرا فيؤخذ من لفظ آخر

L97–98 An elucidating expression is wording from which the meaning of the aforementioned unelucidated expression is understood. A command is the commanding party's obligating the commanded party to perform some action. If the commanding party is the Creator, exalted is He, or His Messenger, may God bless him and grant him peace, obedience to them is obligatory. If it is someone below them, no obedience is due to him. A prohibition is the prohibiting party's obligating the prohibited party to refrain from some

والمفسر لفظ يفهم منه معنى المجمل المذكور والأمر إلزام الآمر المأمور عملا ما فإن كان الخالق تعالى أو رسوله صلى الله عليه وسلم فالطاعة لهما فرض وإن كان ممن دونهما فلا طاعة له. والنهي: إلزام الناهي المنهي ترك عمل ما، والقول فيه كالقول في الأمر فلا فرق وطاعة الأئمة فيما ليس معصية طاعة لله تعالى لتقدم أمر الله عز وجل بذلك. والفرض: ما استحق تاركه اللوم واسم المعصية لله تعالى وهو: الواحب، واللازم، والحتم. والحرام: وهو ما استحق فاعله اللوم واسم المعصية لله تعالى إلا أن يسقط ذلك عنه من الله تعالى عفو أو توبة وهو المحظور، والذي لا يجوز، والممنوع. والطاعة: تنفيذ الأمر من المأمور فيما أمر به والتوقف عن إتيان المنهي عنه وقد يسمى

[8] **Translator's note (L95):** The comparison حق على كذا / حقيق على كذا leaves the person upon whom the obligation falls implicit; 'upon me' makes that implicit relation explicit in English.

[9] **Translator's note (L96):** The supplied محل in the definition of specificity appears to be a transcription error for حمل, 'applying,' parallel to the preceding definition of generality; the translation follows that apparent sense.

[10] **Qur'an references (L95):** Qur'an 7:105 (Al-A'raf).

action. What we say concerning it is what we say concerning a command, without any difference. Obeying the leaders in what is not disobedience is obedience to God, exalted is He, because God, mighty and majestic, has already commanded this. An obligation is that whose omission makes a person deserve blame and the designation of disobedience to God, exalted is He. It is also the obligatory, the binding, and the imperative. The forbidden is that whose performance makes a person deserve blame and the designation of disobedience to God, exalted is He, unless pardon from God, exalted is He, or repentance removes that from him. It is also the prohibited, that which is impermissible, and the disallowed. Obedience is the commanded party's carrying out the command concerning what he has been commanded to do, and refraining from committing what is prohibited. Every righteous deed may also be called obedience. Disobedience is its opposite. Recommendation is a command that allows the choice of omission, except that the person who performs the act is rewarded, while the person who omits it is neither sinful nor rewarded. It is also following an example, the approved, the desirable, and the preferable. It comprises every voluntary and supererogatory act, such as bowing in prayer beyond what is obligatory, charity of the same kind, fasting of the same kind, and all other righteous deeds. Disapproval is a prohibition that allows the choice of performing the act, except that refraining from it carries a reward, while performing it carries neither reward nor sin. Examples include omitting any voluntary act; installing prayer niches in mosques; drying oneself after washing from major ritual impurity with a cloth set aside for that purpose, other than the clothing one wears; selling weapons to someone who cannot be trusted not to use them for something unlawful; purchasing eunuchs when this leads to their castration in pursuit of higher prices for them; shaving without an ailment, or outside the greater or lesser pilgrimage; and eating while reclining.[11]

L99–101 Permission is placing performance and omission on an equal footing, with neither reward nor punishment for either, as when someone sits cross-legged

[11] **Translator's note (L98):** The supplied الواحب appears to be a transcription error for الواجب, 'the obligatory.' The Arabic says simply 'shaving,' without specifying the head or another part of the body.

كل بر طاعة والمعصية ضد ذلك والندب أمر بتخيير في الترك إلا أن فاعله مأجور، وتاركه لا آثم ولا مأجور وهو: الائتساء، والمستحسن، والمستحب، وهو الاختيار وهو كل تطوع ونافلة كالركوع غير الفرض والصدقة كذلك والصوم كذلك وسائر أعمال البر. والكراهة: نهي بتخيير في الفعل إلا أن على تركه ثوابا وليس في فعله أجر ولا إثم، وذلك نحو ترك كل تطوع، ونحو اتخاذ المحاريب في المساجد، والتنشف بعد الغسل من الجنابة بثوب معد لذلك غير الذي يلبسه المرء، وبيع السلاح ممن لا يؤمن منه أن يستعمله فيما لا يحل، وابتياع الخصيان إذا أدى ذلك إلى خصائهم بطلب الغلاء في أثمانهم، والحلق في غير علة أو حج أو عمرة، والأكل متكئا.

والإباحة: تسوية بين الفعل والترك لا ثواب على شيء منهما ولا عقاب، كمن جلس متربعا أو رافعا إحدى ركبتيه، أو كمن صبغ ثوبه أخضر، أو لازورديا، وسائر الأمور كذلك وهو الحلال. والقياس: عند القائلين به والمبطلين له أن يحكم بشيء ما بحكم لم يأت به نص لشبهه شيء آخر ورد فيه ذلك الحكم، وهو باطل كله. والعلة: طبيعة

or with one knee raised, or dyes his garment green or lapis-blue; all other such matters are likewise. It is also the lawful. Analogy, according both to those who uphold it and to those who invalidate it, is assigning something a ruling for which no text has come, because of its resemblance to something else concerning which that ruling has been transmitted. It is invalid in its entirety. A necessitating cause is a nature within a thing that entails the realization of an attribute, and the attribute does not exist without it, as fire is a necessitating cause of burning, and burning is its effect. The word for a necessitating cause also means illness. There is absolutely no necessitating cause in any matter of religion, and asserting such a cause in religion is an innovation and falsehood. An occasioning cause is an event that has occurred, on account of which an agent chooses to bring about another action; had he wished not to bring it about, he would not have done so. An example is a sin's being an occasioning cause of the sinner's punishment. A purpose is an outcome that an agent intends through his action, such as satiety, which is the eater's purpose in eating. A purpose may be a matter of choice, such as God's intention, exalted is He, in instituting religious laws: to punish those who disobey Him and grant bliss to those who obey Him. An indicator is a sign between two parties who have agreed upon something: when it is found, the person finding it knows what the other party has agreed upon with him. A person may also establish one for himself, to remind himself of something he fears forgetting. Intention is directing oneself toward an action through the soul's willing that action rather than another. The soul's belief is what has become settled within it. A condition is making a ruling depend upon the obtaining of another, and removing it upon the removal of the other. This is invalid unless a text has come establishing it. An example is someone's saying, 'If you serve me for a month, I shall give you a dirham.' Interpretation and exposition both mean clarification. Abrogation is the arrival of a command contrary to an earlier command, whereby the earlier command is annulled. Exception is the arrival of wording, or clarification through an action, excluding some of what another expression entails; what was intended by the first expression was what remained after that from which the exception was made. This is the difference between abrogation and exception: in abrogation, the first expression was intended in

في الشيء يقتضي صفة تصحيحها، ولا توجد الصفة دونها ككون النار علة للإحراق والإحراق هو معلولها، والعلة أيضا المرض ولا علة في شيء من الدين أصلا، والقول بها في الدين بدعة وباطل. والسبب: أمر وقع فاختار الفاعل أن يوقع فعلا آخر من أجله، ولو شاء ألا يوقعه لم يوقعه ككون الذنب سببا لعقوبة المذنب. والغرض: نتيجة يقصدها الفاعل بفعله، كالشبع الذي هو غرض الآكل في أكله. وقد يكون الغرض اختيارا، كمراد الله تعالى بشرع الشرائع تعذيب من عصاه وتنعيم من أطاعه. والأمارة: علامة بين المصطلحين على شيء ما إذا وجدت علم الواجد لها ما وافقه عليه الآخر، وقد يجعلها المرء لنفسه ليستذكر بها ما يخاف نسيانه. والنية: قصد العمل بإرادة النفس له دون غيره واعتقاد النفس ما استقر فيها. والشرط: تعليق حكم ما بوجوب آخر، ورفعه برفعه وهو باطل ما لم يأت به نص؛ وذلك نحو قول القائل: إن خدمتني شهرا أعطيتك درهما. والتفسير والشرح: هما التبيين. والنسخ: ورود أمر بخلاف أمر كان قبله ينقض به أمر الأول. والاستثناء: ورود لفظ أو بيان بفعل بإخراج بعض ما اقتضاه لفظ آخر وكان المراد في اللفظ الأول ما بقي بعد المستثنى منه، وهذا هو الفرق بين النسخ والاستثناء، لأن النسخ كان فيه اللفظ الأول مرادا كله طول مدته، وأما المستثنى منه فلم يكن اللفظ الأول مرادا كله قط. والجدل والجدال: إخبار كل واحد من المختلفين بحجته، أو بما يقدر أنه حجته وقد يكون كلاهما مبطلا، وقد يكون أحدهما محقا والآخر مبطلا، إما في لفظه وإما في مراده أو في كليهما، ولا سبيل أن يكونا معا محقين في ألفاظهما ومعانيهما. والاجتهاد: بلوغ الغاية واستنفاذ الجهد في المواضع التي يرجى وجوده فيها في طلب الحق، فمصيب موقف أو محروم. والرأي: ما تخيلته النفس صوابا دون برهان، ولا يجوز الحكم به أصلا. والاستحسان: هو ما اشتهته النفس ووافقها كان خطأ أو صوابا

its entirety throughout its period of applicability; in the case of an expression from which an exception is made, however, the first expression was never intended in its entirety. Disputation and debate are each disputant's stating his proof, or what he supposes to be his proof. Both may be in the wrong, or one may be in the right and the other in the wrong, whether in his wording, in his intended meaning, or in both. There is no possibility that both are right together in their wordings and meanings. Independent exertion is reaching the utmost limit and exhausting one's effort in seeking the truth in the places where it may be hoped to be found: one either attains it, being granted success, or is deprived of it. Opinion is what the soul imagines to be correct without demonstration, and it is absolutely impermissible to judge by it. Juristic preference is whatever the soul desires and finds agreeable, whether it is mistaken or correct.[12][13][14]

والصواب إصابة الحق والخطأ العدول عنه بغير قصد إلى ذلك والعناد العدول عنه بالقصد إلى ذلك والاحتياط طلب السلامة والورع تجنب ما لا يظهر فيه ما يوجب اجتنابه خوفا أن يكون ذلك فيه

L102 Correctness is attaining the truth. Error is departing from it without intending to do so. Obduracy is departing from it with the intention of doing so. Precaution is seeking safety. Scrupulousness is avoiding something in which no ground requiring its avoidance is apparent, out of fear that such a ground may be present in it.

L103 Ignorance is the absence from the soul of the reality of knowledge. A nature consists of attributes present in a thing by which it exists as it is; they are

والجهل مغيب حقيقة العلم عن النفس والطبيعة صفات موجودة في الشيء يوجد بها على ما هو عليه، ولا يعدم منه إلا بفساده وسقوط ذلك الاسم عنه. ودليل الخطاب: هو ضد القياس، وهو أن يحكم للمسكوت عنه بخلاف حكم المنصوص عليه والشريعة هي ما شرعه الله تعالى على لسان نبيه صلى الله عليه وسلم في الديانة وعلى ألسنة الأنبياء عليهم السلام قبله، والحكم منها للناسخ، وأصلها في اللغة الموضع الذي يتمكن فيه ورود الماء للراكب والشارب من النهر قال تعالى {شرع لكم من لدين ما وصى به نوحا ولذي أوحيناآ إليك وما وصينا به إبراهيم وموسى وعيسى أن أقيموا لدين ولا تتفرقوا فيه كبر على لمشركين ما تدعوهم إليه لله يجتبي إليه من يشآء ويهدي إليه من ينيب} وقال امرؤ القيس ولما رأت أن الشريعة همها وأن البياض من فرائصها دامي تيممت العين التي عند ضارج يفيء عليها الظل عرمضها طامي واللغة ألفاظ يعبر بها

[12] **Translator's note (L99):** The supplied لازوديا is an unusual or corrupt form, apparently intended to designate a lapis-blue or azure color. The syntax of يقتضي صفة تصحيحها in the definition of a necessitating cause is awkward. The translation gives its apparent sense: a nature that entails an attribute's realization.

[13] **Translator's note (L100):** 'Necessitating cause' renders 'illa, while 'occasioning cause' renders sabab, preserving the author's distinction between a nature that necessarily entails an effect and an occasion on which an agent freely acts. In the definition of a condition, وجوب can mean either obligatory status or obtaining/existence. The translation uses 'obtaining,' consistent with the conditional example in the following segment.

[14] **Translator's note (L101):** The exception definition reads 'what remained after that from which the exception was made' (ما بقي بعد المستثنى منه), an awkward formulation preserved in translation. The expected sense would be 'what remained after the excepted portion was removed.' The supplied فمصيب موقف أو محروم in موقف is uncertain; 'being granted success' follows the likely intended reading موفق.

absent from it only through its corruption and the loss of that designation. The implication of discourse is the opposite of analogy: it is assigning to what is left unmentioned a ruling contrary to the ruling on what is expressly mentioned. The revealed law is what God, exalted is He, has instituted in religion through the tongue of His Prophet, may God bless him and grant him peace, and through the tongues of the prophets before him, peace be upon them. Among its provisions, the ruling belongs to the abrogating provision. Its original linguistic meaning is the place at a river where a rider and a drinker can approach the water. He, exalted is He, said: 'He has instituted for you of religion what He enjoined upon Noah, and that which We have revealed to you, and what We enjoined upon Abraham, Moses, and Jesus: establish religion and do not become divided in it. What you call them to is grievous to the polytheists. God chooses for Himself whom He wills and guides to Himself whoever turns in repentance.' Imru' al-Qays said: 'When she saw that the watering place was her concern, and that the whiteness of her flanks was bloodied, she headed toward the spring beside Darij, over which the shade returns, its waterweed rising thickly.' Language consists of expressions by which named things and the meanings one wishes to convey are expressed. Every community has its language. God, mighty and majestic, said: 'We have sent no messenger except in the tongue of his people, so that he might make things clear to them. Then God leads astray whom He wills and guides whom He wills, and He is the Mighty, the Wise.' There is no disagreement that He, exalted is He, meant languages. An utterance is everything with which the tongue is moved. He, exalted is He, said: 'When the two receivers receive, seated on the right and on the left.' Its exact definition is air expelled from the lips, molars, palate, throat, and lung in a determinate arrangement. This is also speech itself.[15][16]

عن المسميات وعن المعاني المراد إفهامها، ولكل أمة لغتهم. قال الله عز وجل: {وما أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل لله من يشآء ويهدي من يشآء وهو لعزيز لحكيم} } ولا خلاف في أنه تعالى أراد اللغات واللفظ هو كل ما حرك به اللسان قال تعالى {إذ يتلقى لمتلقيان عن ليمين وعن لشمال قعيد} وحده على الحقيقة أنه هواء مندفع من الشفتين والأضراس والحنك والحلق والرئة على تأليف محدود، وهذا أيضا هو الكلام نفسه.

[15] **Translator's note (L103):** The poem's wording is difficult, particularly 'the watering place was her concern' and 'the whiteness of her flanks was bloodied.' These follow the supplied reading without substituting another version of the verse. The final Qur'anic quotation corresponds to 50:17. Although it follows a definition of utterance, it does not contain the word 'utter'; that occurs in the following verse, which is not supplied here. The Qur'anic quotations contain numerous missing initial alifs in the transcription, and an extra closing brace follows the second quotation. Their recognizable wording has been translated; the brace has no verbal content.

L104–106 Disagreement is disputing over anything whatsoever: a person takes certain paths in speech or reasoning, while someone else takes another path. It is forbidden in religion, since it is not lawful to oppose what God, exalted is He, has established therein. He, exalted is He, said: ‘Obey God and His Messenger, and do not dispute, lest you lose heart and your strength depart; and be patient, for God is with the patient.’ And He, exalted is He, said: ‘Do they not reflect upon the Qur’an? Had it been from with someone other than God, they would have found much disagreement in it.} It is also division. God Most High said: {Do not be like those who became divided and disagreed after the clear proofs had come to them; those shall have a tremendous punishment.} Consensus, in linguistic usage, is whatever two or more people agree upon. It is agreement, and in that case it is qualified by reference to that upon which consensus has been reached. As for the consensus that constitutes authoritative proof in the revealed law, it is whatever all the Companions—may God be pleased with them—agreed in saying and professing on the authority of their Prophet, God bless him and grant him peace. Consensus in religion is nothing other than this. What does not constitute consensus in the revealed law is whatever they differed over through their independent reasoning, or whatever some of them—even a single one of them—refrained from addressing. The Sunnah is the revealed law itself. In the original linguistic usage, it is a thing’s face and outward appearance. The poet said: “She shows you the face of one whose lineage is unsullied, whose beauty is unmarred: upon it is neither mole nor scar.” The divisions of the Sunnah in the revealed law are obligation, recommendation, permission, disapproval, and prohibition. All of these were instituted by the Messenger of God, God bless him and grant him peace, on the authority of God, Mighty and Majestic. Innovation is everything said or done that has no foundation in what is attributed to him, God bless him and grant him peace. In religion, it is everything that has come neither in the Qur’an nor from the Messenger of God, God bless him and grant him peace. Yet some innovations are such that their practitioner is rewarded and is betrayed by the good he intended; some are such that their practitioner is rewarded and they are good, namely,

والخلاف: هو التنازع في أي شيء كان، وهو أن يأخذ الإنسان في مسالك من القول أو العقل، ويأخذ غيره في مسلك آخر وهو حرام في الديانة، إذ لا يحل خلاف ما أثبته الله تعالى فيها وقال تعالى {وأطيعوا الله ورسوله ولا تنازعوا فتفشلوا وتذهب ريحكم وصبروا إن الله مع لصابرين} وقال تعالى {أفلا يتدبرون القرآن ولو كان من عند غير الله لوجدوا فيه اختلافا كثيرا} وهو التفريق أيضا قال تعالى {ولا تكونوا كلذين تفرقوا وختلفوا من بعد ما جآءهم لبينات وأولئك لهم عذاب عظيم} والإجماع هو في اللغة ما اتفق عليه اثنان فصاعدا وهو الاتفاق، وهو حينئذ مضاف إلى ما أجمع عليه، وأما الإجماع الذي تقوم به الحجة في الشريعة فهو ما اتفق أن جميع الصحابة رضي الله عنهم قالوه ودانوا به عن نبيهم صلى الله عليه وسلم وليس الاجماع في الدين شيئا غير هذا وأما ما لم يكن إجماعا في الشريعة فهو ما اختلفوا فيه باجتهادهم أو سكت بعضهم، ولو واحد منهم في الكلام فيه. والسنة: هي الشريعة نفسها وهي في أصل اللغة وجه الشيء وظاهره قال الشاعر تريك سنة وجه غير مقرفة ما ساء ليس بها خال ولا ندب وأقسام السنة في الشريعة فرض أو ندب أو إباحة، أو كراهة أو تحريم كل ذلك قد سنه رسول الله صلى الله عليه وسلم عن الله عز وجل والبدعة كل ما قيل أو فعل مما ليس له أصل فيما نسب إليه صلى الله عليه وسلم وهو في الدين كل ما لم يأت في القرآن ولا عن رسول الله صلى الله عليه وسلم إلا أن منها ما يؤجر عليه صاحبه ويغذر بما قصد إليه من الخير، ومنها ما يؤجر عليه صاحبه ويكون حسنا، وهو ما كان أصله الإباحة كما روي عن عمر رضي الله عنه، نعمت البدعة هذه وهو ما كان فعل خير جاء النص بعموم استحبابه وإن لم يقرر عمله في النص. ومنها ما يكون مذموما ولا يعذر صاحبه وهو ما قامت به الحجة على فساده فتمادى عليه القائل به.

[16] **Qur’an references (L103):** Qur’an 42:13 (Ash-Shuraa); Qur’an 14:4 (Ibrahim).

those whose original status is permissibility, as is related from ʿUmar—may God be pleased with him—"What an excellent innovation this is!" This is the performance of a good deed whose recommendation is expressed generally in the text, even though its particular performance is not established in the text. Some innovations are blameworthy, and their practitioner is not excused: these are those whose invalidity has been established by authoritative proof, yet the person advocating them persists in them.[17][18]

والكناية: لفظ يقام مقام الاسم كالضمائر المعهودة في اللغات، وكالتعريض بما يفهم منه المراد وإن لم يصرح بالاسم ومنه قيل للكنية كنية. والإشارة: تكون باللفظ وتكون ببعض الجوارح وهي تنبيه المشار إليه أو تنبيه عليه. والمجاز: هو في اللغة ما سلك عليه من مكان إلى مكان وهو الطريق الموصل بين الأماكن، ثم استعمل فيما نقل عن موضعه في اللغة إلى معنى آخر، ولا يعلم ذلك إلا من دليل من اتفاق أو مشاهدة. وهو في الدين كل ما نقله الله تعالى أو رسوله صلى الله عليه وسلم عن موضعه في اللغة إلى مسمى آخر ومعنى ثان، ولا يقبل من أحد في شيء من النصوص أنه مجاز إلا ببرهان يأتي به من نص آخر، أو جماع متيقن، أو ضرورة حس وهو حينئذ حقيقيا، لأن التسمية لله عز وجل فإذا سمى تعالى شيئا ما باسم ما فهو اسم ذلك الشيء على الحقيقة في ذلك المكان، وليس ذلك في الدين لغير الله تعالى، قال عز وجل: {إن هي إلا أسمآء سميتموهآ أنتم وآبآؤكم مآ أنزل الله بها من سلطان إن يتبعون إلا لظن وما تهوى لأنفس ولقد جآءهم من ربهم لهدى} والتشبيه هو أن يشبه شيء بشيء في بعض صفاته، وهذا لا يوجب في الدين حكما أصلا وهو أصل القياس، وهو باطل لأن كل ما في العالم فمشبه بعضه لبعض ولا بد من وجه أو من وجوه، ومخالف أيضا بعضه لبعض ولا بد من وجه أو من وجوه، وهو أيضا التمثيل. والمتشابه: لا يوجد في شيء من الشرائع إلا بالإضافة إلى من جهل دون من علم، وهو في القرآن، وهو الذي نهينا عن اتباع تأويله وعن طلبه، وأمرنا بالإيمان به جملة، وليس هو في القرآن إلا

L107–108 Writing is an expression put in place of a name, like the pronouns familiar in languages, and like allusion through something from which the intended meaning is understood even though the name is not explicitly stated. From this, a kunya is called a kunya. Indication may be made verbally or with one of the bodily members, and it is alerting the person indicated, or drawing attention to him. Figurative usage, in linguistic usage, is that over which one travels from one place to another: it is the road connecting places. The term was then applied to what is transferred from its established linguistic usage to another meaning. Such a transfer can be known only through evidence consisting of agreement or observation. In religion, it is everything that God Most High or His Messenger, God bless him and grant him peace, has transferred from its established linguistic usage to another referent and a second meaning. No one's assertion that anything in the texts is figurative is accepted unless he brings a demonstration from another text, a consensus known with certainty, or a necessary deliverance of sense perception. In that case it is literal, because naming belongs to God, Mighty and Majestic. When He Most High names something with a particular name, that is the thing's literal name in that setting. In religion, this belongs to no one other than

[17] **Translator's note (L106):** The opening continues a Qur'anic quotation from the preceding segment, Qur'an 4:82. The supplied عند غير لله reads literally "with someone other than God"; the canonical wording is من عند غير الله, "from someone other than God." The supplied wording is retained. The poetic quotation appears corrupt or awkward, particularly ما ساء. The translation gives its apparent sense in context; the wording does not securely support an exact rendering of that phrase. The supplied ويغدر means "and is betrayed" or, without passive vocalization, "and betrays." In context it appears to be a transcription error for ويعذر, "and is excused," but that correction has not been silently adopted.

[18] **Qur'an references (L104):** Qur'an 8:46 (Al-Anfal); Qur'an 4:82 (An-Nisa).

God Most High. He, Mighty and Majestic, said: {They are only names that you and your fathers have named, for which God has sent down no authority. They follow only conjecture and what their souls desire, although guidance has indeed come to them from their Lord.} Assimilation is likening one thing to another in some of its attributes. This establishes no ruling whatsoever in religion. It is the basis of analogy, and it is invalid, because everything in the world necessarily resembles other things in one respect or several respects, and also necessarily differs from other things in one respect or several respects. It is also called comparison. The ambiguous does not exist in any of the revealed laws except relative to someone who does not know, as opposed to someone who knows. It does occur in the Qur'an: it is that whose interpretation we have been forbidden to pursue or seek, and which we have been commanded to believe in as a whole. In the Qur'an, it consists only of the oaths in the surah, as in His saying, Most High, {By the morning brightness; * and by the night when it grows still}, and the disconnected letters at the beginnings of the surahs. Everything in the Qur'an other than this is determinate.[19][20][21]

L109–113 The detailed is that whose divisions have been explained. In the original linguistic usage, it is that whose parts have been separated from one another. You say, "I separated the cloth," "the meat," and other such things. Derivation is bringing a defective thing out of another thing in which it was

للأقسام التي في السورة كقوله تعالى {ولضحى * والليل إذا سجى} والحروف المقطعة التي في أوائل السور وكل ما عدا هذا من القرآن فهو محكم.

والمفصل: هو ما بينت أقسامه وهو في أصل اللغة ما فرق بعضه عن بعض، تقول فصلت الثوب واللحم وغير ذلك. والاستنباط: إخراج الشيء المعيب من شيء آخر كان فيه، وهو في الدين إن كان منصوصا على جملة معناه فهو حق، وإن كان غير منصوص على جملة معناه فهو باطل لا يحل القول به. والحكم: هو إمضاء قضية في شيء ما، وهو في الدين تحريم أو إيجاب أو إباحة مطلقة، أو بكراهة، أو باختيار. والإيمان: أصله في اللغة التصديق باللسان والقلب معا، لا بأحدهما دون الثاني، وهو في الدين التصديق بالقلب بكل ما أمر الله تعالى به على لسان رسوله صلى الله عليه وسلم والنطق بذلك باللسان ولا بد من استعمال الجوارح في جميع الطاعات: واجبها، وندبها، واجتناب محرمها ومكروهها، برهان ذلك أن جميع أهل الإيمان مكذوب بأشياء منها أن يكون لله تعالى ولد، وأن يكون مسيلمة نبيا، وغير ذلك كثير ومصدقون بأشياء كثيرة، وقد أطلق الله تعالى وأطلق جميعهم بعضهم على بعض اسم الإيمان مطلقا دون

[19] **Translator's note (L107):** The supplied الكتابة means "writing," but the definition and the derivation involving kunya strongly suggest الكناية, "indirect designation" or "allusive expression." The supplied reading is retained. A kunya is a designation commonly formed with "father of" or "mother of." The Arabic connects its name with the term being defined. The sentence continues in the next segment; its object is not supplied here.

[20] **Translator's note (L108):** The supplied جماع in "a consensus known with certainty" appears to lack the initial alif of إجماع, "consensus"; the contextual sense is clear. The supplied للأقسام is grammatically awkward in the restrictive construction "it consists only of." أقسام is understood here as "oaths," as indicated by the ensuing Qur'anic example. "Assimilation," "comparison," "ambiguous," and "determinate" render tashbīh, tamthīl, mutashābih, and muḥkam respectively. The author's claims about the scope of the ambiguous in the Qur'an are retained as his own.

[21] **Qur'an references (L107):** Qur'an 53:23 (An-Najm).

contained. In religion, it is true if its overall meaning is stated in a text; if its overall meaning is not stated in a text, it is false, and it is unlawful to assert it. A ruling is the determination of a judgment concerning something. In religion, it is prohibition, imposition of obligation, or permission that is unqualified, accompanied by disapproval, or accompanied by preference. Faith, in its original linguistic usage, is affirmation with the tongue and the heart together, not with either one to the exclusion of the other. In religion, it is affirming with the heart everything that God Most High has commanded through the tongue of His Messenger, God bless him and grant him peace, and declaring this with the tongue. It necessarily includes employing the bodily members in all acts of obedience, both obligatory and recommended, and avoiding what is prohibited and disapproved. The demonstration of this is that all people of faith are belied concerning certain things, including that God Most High has a child, that Musaylima is a prophet, and many other things, while they affirm many things. God Most High has applied the designation of faith to them without qualification, and all of them have applied it to one another without qualification. No one in the community disputes that the designation of denial may be applied to them only with qualification. The unbelievers believe in many things, and no one in the community disputes that the designation of faith may not be applied to them unqualifiedly, but only with qualification. It is thus established that the designation of faith has been transferred from its established linguistic usage to what we have mentioned. Unbelief, in its original linguistic usage, is covering. He, Mighty and Majestic, said: {Know that the life of this world is only play, diversion, adornment, mutual boasting among you, and rivalry in increasing wealth and children. It is like rain whose vegetation pleases the cultivators; then it withers, and you see it turning yellow; then it becomes broken debris. In the Hereafter there is severe punishment, and forgiveness from God and approval. The life of this world is only the enjoyment of delusion.} Labīd ibn Abī Rabīʿa said: "Dhukāʾ cast her right hand into a covering one." He means the night, because it covers everything. In religion, it is the attribute of someone who denies anything that God Most High has made it obligatory to believe in, after authoritative proof has been established against him through the truth reaching him, with his heart to the exclusion of his tongue, or with

إضافة، ولا خلاف بين أحد من الأمة في أنه لا يجوز أن يطلق اسم التكذيب عليهم إلا بإضافة، والكفار مؤمنون بأشياء كثيرة، ولا خلاف بين أحد من الأمة في أنه لا يجوز أن يطلق عليهم اسم الإيمان مطلقا إلا بالإضافة، فصح أن اسم الإيمان منقول عن موضوعه في اللغة إلى ما ذكرناه. والكفر أصله في اللغة التغطية قال عز وجل {علموا أنما لحياة لدنيا لعب ولهو وزينة وتفاخر بينكم وتكاثر في لأموال ولأولاد كمثل غيث أعجب لكفار نباته ثم يهيج فتراه مصفرا ثم يكون حطاما وفي لآخرة عذاب شديد ومغفرة من لله ورضوان وما لحياة لدنيآ إلا متاع لغرور} قال لبيد بن أبي ربيعة ألقت ذكاء يمينها في كافر يريد الليل لأنه يغطي على كل شيء. وهو في الدين: صفة من جحد شيئا مما افترض الله تعالى الإيمان به بعد قيام الحجة عليه ببلوغ الحق إليه بقلبه دون لسانه أو بلسانه دون قلبه، أو بهما معا، أو عمل جاء النص بأنه مخرج له بذلك عن اسم الإيمان على ما بينا في غير هذا الكتاب برهان ذلك، أن جميع من يطلق عليه اسم الكفر فإنه مصدق بأشياء، مكذب بأشياء ولا خلاف في أنه لا يجوز أن يطلق عليهم اسم الإيمان بلا إضافة وأهل الإيمان كفار بأشياء كثيرة منها التثليث وغير ذلك ولا خلاف في أنه لا يجوز أن يطلق عليهم اسم الكفر بلا إضافة. والشرك: هو في اللغة أن يجمع شيئا إلى شيء فيشرك بينهما فيما جمعا فيه وهو في الدين معنى الكفر سواء لما قد بيناه في غير هذا المكان والتسمية لله تعالى لا لغيره. والإلزام: هو أن نحكم على الإنسان بحكم ما فإما واجب أو غير واجب. والعقل: هو استعمال الطاعات والفضائل، وهو غير التمييز لأنه استعمال ما ميز الإنسان فضله، فكل عاقل مميز وليس كل مميز عاقلا، وهو في اللغة: المنع، تقول: عقلت البعير أعقله عقلا. وأهل الزمان يستعملونه فيما وافق أهواءهم في سيرهم وزيهم، والحق هو في قول الله تعالى {وما كان لنفس أن تؤمن إلا بإذن لله ويجعل لرجس على لذين لا يعقلون} يريد الذين يعصونه وأما فقد التمييز فهو الجهل أو الجنون على حسب ما قابل اللفظ من ذلك.

his tongue to the exclusion of his heart, or with both together; or an act concerning which the text states that, by committing it, he is removed from the designation of faith, in accordance with what we have explained elsewhere than in this book. The demonstration of this is that everyone to whom the designation of unbelief is applied affirms certain things and denies certain things. There is no disagreement that the designation of faith may not be applied to them without qualification. People of faith disbelieve in many things, including the Trinity and other things, and there is no disagreement that the designation of unbelief may not be applied to them without qualification. Association, in linguistic usage, is joining one thing to another and thereby making them share in that in which they have been joined. In religion, it has exactly the same meaning as unbelief, for reasons we have explained elsewhere. Naming belongs to God Most High, and to no one else. Imposition is our passing a ruling upon a person, whether obligatory or nonobligatory. Reason is the practice of acts of obedience and virtues. It is distinct from discernment, because it is the practice of that whose excellence a person has discerned. Thus everyone who exercises reason possesses discernment, but not everyone who possesses discernment exercises reason. In linguistic usage, it means restraint. You say, "I tethered the camel; I tether it; tethering." The people of the age use it for whatever accords with their desires in their conduct and dress. The truth is in the saying of God Most High: {No soul can believe except by God's permission, and He places defilement upon those who do not exercise reason.} He means those who disobey Him. As for the absence of discernment, it is ignorance or madness, according to which of these the expression corresponds to. Immediacy is putting something into practice without delay, directly upon the arrival of the command to do it. Deferral is delaying the execution of an obligation. The ruling governing all the commands of God, Mighty and Majestic, and His Messenger, God bless him and grant him peace, is that they require immediate execution, unless a text permits deferral in a particular matter; in that case one stops at what it specifies. Precaution is scrupulousness itself: it is avoiding what a person fears may be impermissible, even though its prohibition has not been established for him, or avoiding that from which someone else has suffered loss, in the judgment of that person exercising precaution. Precaution is

والفور: هو استعمال الشيء بلا مهلة ولكن على أثر ورود الأمر به. والتراخي: تأخير إنفاذ الواجب وحكم أوامر الله عز وجل ورسوله صلى الله عليه وسلم كلها على الفور إلا أن يأتي نص بإباحة التراخي في شيء ما فيوقف عنده. والاحتياط: هو التورع نفسه وهو اجتناب ما يتقي المرء أن يكون غير جائز، وإن لم يصح تحريمه عنده، أو اتقاء ما غيره خسر منه عند ذلك المحتاط، وليس الاحتياط واجبا في الدين ولكنه حسن، ولا يحل أن يقضى به على أحد ولا أن يلزم أحدا لكن يندب إليه لأن الله تعالى لم يوجب الحكم به والورع هو الاحتياط نفسه

not obligatory in religion, but it is good. It is not lawful to pass judgment against anyone on its basis or to impose it upon anyone; rather, people are encouraged to adopt it, because God Most High has not made judging by it obligatory. Scrupulousness is precaution itself.[22][23][24][25][26]

L114 Section on the Meanings of Particles That Recur in the Texts

The coordinating wāw indicates that the second shares with the first either its ruling or the statement made about it, according to the arrangement of the discourse. If the second is a clause, the sharing concerns only the statement; if it is a single noun, it shares in the ruling applicable to the first. It does not indicate sequence: that is, it does not require that the first precede the second or follow it. Rather, the two may occur together, or one may precede the other, with an interval or without an interval. For example, when you say, “Zayd and ʿAmr came to me,” they may have come together, or Zayd may have come before ʿAmr, or ʿAmr before Zayd, by an hour, a year, or less or more.

فصل في معاني حروف تتكرر في النصوص واو العطف: لاشتراك الثاني مع الأول: إما في حكمه، وإما في الخبر عنه على حسب رتبة الكلام، فإن كان الثاني جملة فهو اشتراك في الخبر فقط، وإن كان اسما مفردا فهو مشترك في حكم الأول، وهي لا تعطي رتبة أي أنها لا توجب أن الأول قبل الثاني، ولا أنه بعده بل ممكن فيهما أن يكونا معا، أو أن يكون أحدهما قبل الآخر بمهلة بلا مهلة كقولك: جاءني زيد وعمرو، فجائز أن يأتيا معا، وجائز أن يأتي زيد قبل عمرو، وعمرو قبل زيد بساعة وبعام وبأقل وبأكثر. والفاء: تعطي رتبة الثاني بعد الأول بلا مهلة كقولك: جاءني زيد فعمرو، فزيد جاء قبل عمرو ولا بد وأتى عمرو أثره بلا مهلة وثم توجب أن الثاني بعد الأول بمهلة وواو القسم ليست واو عطف لأنها قد يبدأ بها أول الكلام ولا يبتدأ بواو العطف. وأو للشك وللتخيير: مثل قولك خذ هذا أو هذا، فإنما ملكت أخذ أحدهما، وفي الشك قولك: جاءني زيد أو عمرو فلم تقطع بمجيء أحدهما بعينه لكن حققت أن أحدهما أتاك ولم تعينه.

[22] **Translator’s note (L109):** The supplied المعيب means “defective.” The context strongly suggests المغيب, “hidden” or “concealed,” but the supplied reading is retained. “Derivation” renders istinbāṭ, the extraction or elicitation of a meaning or ruling. Its definition continues in the next segment.

[23] **Translator’s note (L110):** The supplied مكذوب means “belied” or “lied to,” and is grammatically awkward here. The argument plainly calls for “deny” or “are deniers,” probably مكذبون; the supplied reading is retained in the translation. The Qur’anic quotation is Qur’an 57:20. Its unvocalized الكفار is rendered “cultivators” in this agricultural context; the author’s lexical argument concerns its relation to covering. Dhukāʾ is a name for the sun. The poetic fragment uses kāfir, literally “one that covers,” for the night; its image of the sun casting her “right hand” is retained. The final phrase continues in the next segment.

[24] **Translator’s note (L112):** “Association” renders shirk, the joining of partners, particularly association of partners with God in religious usage. The tethering example gives the Arabic verb and its verbal noun to illustrate the lexical connection between ʿaql, “reason,” and restraint. The final definition continues in the following segment.

[25] **Translator’s note (L113):** The wording «اتقاء ما غيره خسر منه» is awkward and possibly corrupt. It has been rendered according to the supplied reading: avoiding something from which another person has suffered loss.

[26] **Qur’an references (L109):** Qur’an 57:20 (Al-Hadid); Qur’an 10:100 (Yunus).

Fāʾ indicates that the second follows the first without an interval, as when you say, "Zayd came to me, then ʿAmr." Zayd necessarily came before ʿAmr, and ʿAmr came immediately after him, without an interval. Thumma requires that the second follow the first with an interval. The wāw of an oath is not a coordinating wāw, because an utterance may begin with it, whereas an utterance is not begun with a coordinating wāw.

Aw indicates uncertainty or a choice. An example of choice is your saying, "Take this or this": you have thereby authorized taking one of the two. An example of uncertainty is your saying, "Zayd or ʿAmr came to me." You have not asserted definitely that either particular one came; rather, you have affirmed that one of them came to you without identifying him.

L115 The meaning of bāʾ is connection, as when you say, "I passed by Zayd," intending the connection of your passing with him. It implies neither taking a part nor encompassing the whole. Min means a starting point or taking a part, and ilā means an endpoint or "with." Such instances are exceedingly numerous. For this reason we have said that a jurist must be versed in grammar and language; otherwise, he is deficient, and it is not lawful for him to issue legal opinions, because he is ignorant of the meanings of expressions and far from understanding the transmitted reports.

ومعنى الباء: الاتصال مثل قولك: مررت بزيد، تريد اتصال مرورك به ولا توجب تبعيضا ولا استيفاء ومن معناها ابتداء أو تبعيض وإلى معناها الانتهاء أو مع وهذا يكثر جدا ولهذا قلنا: إنه لا بد للفقيه أن يكون نحويا لغويا وإلا فهو ناقص، ولا يحل له أن يفتي لجهله بمعاني الأسماء وبعده عن فهم الأخبار



الباب 6: الأشياء قبل ورود الشرع

Chapter 6: Things before Revealed Law: Prohibition or Permission?

Ibn Ḥazm · Arabic–English parallel edition

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L116–117 Chapter Six: Whether Things, According to Reason Before the Advent of Revealed Law, Are Prohibited or Permitted

Abū Muḥammad said: Some people have said that all things, according to reason before the advent of revealed law, are prohibited. Others have said that, on the contrary, they are permitted. Others have said that they are prohibited, with the sole exceptions of movement from one place to another and gratitude to the benefactor. Others have said that they are permitted, with the exceptions of unbelief, injustice, and disavowal of the benefactor. Others—all the adherents of the literal meaning and groups among the proponents of analogy—have said that reason assigns them no ruling whatsoever, whether prohibition or permission, and that all of this awaits what revealed law brings.

Abū Muḥammad said: This is the truth, and no other position is admissible. Those who maintain that things are prohibited argued as follows: "All things belong to God, Mighty and Majestic, and it is not permissible to make use of an owner's property without his permission."

Abū Muḥammad said: This is worthless obfuscation. Making use of property belonging to someone other than ourselves was not prohibited by reason itself. Rather, whatever of that was prohibited became prohibited through the advent of revealed law prohibiting it. If the prohibition of making use of an owner's property were embedded in the necessary dictates of reason, no revealed law could come with anything contrary to it, just as no revealed law could come stating that the whole is less than the part, or that a short thing is longer than something longer than itself. For anything that God Most High has established for reason to apprehend as possessing a particular attribute, [apprehending it] contrary to what He Most High has established is impossible and absurd, and He has established that reporting it is falsehood and fabrication. He Most High has informed us that His speech is the truth. There is no possibility that revealed law should bring an absurdity or a falsehood. Whoever allows that has departed from Islam.

We have found that, in the case of an owner among ourselves and his property, He Most High has commanded us to take it from him against his will to

الباب السادس هل الأشياء في العقل قبل ورود الشرع على الحظر أو على الإباحة

قال أبو محمد: قال قوم: الأشياء كلها في العقل قبل ورود الشرع على الحظر. وقال آخرون: بل هي على الإباحة، وقال آخرون: بل هي على الحظر حاشا الحركة النقلية من مكان إلى مكان وشكر المنعم فقط. وقال آخرون: بل هي على الإباحة حاشا الكفر والظلم وجحد المنعم، وقال آخرون وهم جميع أهل الظاهر وطوائف من أهل أصحاب القياس: ليس لها حكم في العقل أصلا لا بحظر ولا بإباحة، وإن كل ذلك موقوف على ما ترد به الشريعة. قال أبو محمد: وهذا هو الحق الذي لا يجوز غيره واحتج من قال بحظرها بأن قال: الأشياء كلها ملك لله عز وجل، ولا يجوز أن يقدم على ملك مالك إلا بإذنه. قال أبو محمد: وهذا تمويه ساقط، لأنه لم يحرم الإقدام على مالك غيرنا بنفس العقل، وإنما حرم ما حرم من ذلك ورود الشرع بتحريمه، ولو كان تحريم الإقدام على ملك المالك مركبا في ضرورة العقل، لما جاز أن يأتي شرع بخلافه كما لا يجوز أن يأتي بشرع، فإن الكل أقل من الجزء، وأن القصير أطول مما هو أطول منه، لأن كل شيء رتب الله تعالى في العقل إدراكه على صفة ما بخلاف ما قد رتبه تعالى ممتنعا ومحالا، ورتب الاخبار به كذبا وإفكا، وأخبرنا تعالى أن قوله الحق، ولا سبيل أن يرد الشرع بمحال ولا بكذب. ومن أجاز ذلك خرج عن الإسلام. وقد وجدنا المالك فيما بيننا لملكه قد أمرنا تعالى بأخذه منه كرها فيما لزمه من نفقة زوجه التي هي لعلها أغنى منه وأقدر على المال، وفي أشياء كثيرة من أروش ما أتلف بخطأ أو بغير قصد وبقصد. ووجدناه تعالى قد أجاز ما أنفذه أهل دار الحرب في أموالهم وملكهم إياها بقوله تعالى: {وأورثكم أرضهم وديارهم وأموالهم وأرضا لم تطئوها وكان الله على كل شيء قديرا} وأجاز كل ما أنفذوه فيها من هبة وبيع، ثم أطلقنا على أخذها منهم اختلاسا وغلبة وعلى كل وجه.

meet his obligation to maintain his wife, who may perhaps be wealthier than he is and have greater access to money, and in many cases involving compensation for what he has damaged by mistake, unintentionally, or intentionally. We have also found that He Most High has recognized the dispositions made by the inhabitants of the territory of war concerning their property, and has recognized their ownership of it, through His saying, "And He caused you to inherit their land, their dwellings, their possessions, and land you had not trodden; and God was powerful over all things." He recognized every disposition they made of it by gift or sale; then He gave us free rein to take it from them by stealth, by force, and in every manner.[1][2][3]

L118–120 If they say, "Their unbelief made their property lawful to take," they are told: "We can show you a protected non-Muslim who is an unbeliever, yet nothing may lawfully be taken from his property except the jizya, which scarcely amounts to a fraction of his wealth. The unbelief of each is the same. Where, then, is the claim of this heedless group that making use of an owner's property without his permission is forbidden, prohibited by reason?"

If one of them says, "That property belongs to God, Mighty and Majestic," he is told: "You declared God's property forbidden only by analogy with what is observable among ourselves—the wrongfulness, as you claim, of encroaching upon an owner's property. Do not return to what you made your foundation and invalidate it." He is also told: "Our persons, too, belong to God, Mighty and Majestic. Depriving them of nourishment and reproduction entails the extinction of the human species, and that entails destroying much property belonging to God, Mighty and Majestic, and ruining many things owned by Him. This overturns your foundation. On your account,

فإن قالوا: كفرهم أباح أموالهم، قيل لهم: نحن نوجدكم الذمي كافرا لا يحل أخذ شيء من ماله حاشا الجزية التي لا تكاد تتجزأ من ماله، وكلاهما كفره واحد، فأين ما ادعته هذه الطائفة المغفلة من أن الإقدام على ملك مالك بغير إذنه حرام محرم في العقل. فإن قال قائل منهم: تلك الأموال هي ملك الله عز وجل، قيل له: إنما حرمت أنت ملك الله تعالى قياسا على الشاهد بيننا من قبح التعدي على ملك مالك بزعمك فلا تعد إلى ما جعلته أصلا فتبطله. ويقال له أيضا: وأنفسنا ملك لله عز وجل، وفي منعها الأقوات والتناسل إبطال للنوع الإنساني، وفي ذلك إبطال ملك لله عز وجل كثير، وإتلاف مملوكات له كثيرة، وهذا فسخ لأصلك، فيكون الإتلاف على قولك حاظرا مبيحا في حالة واحدة، وهذا لا يعقل. ويقال لمن قال بإباحتها واحتج بأن في مدخل الطعام ومخرجه عبرة ودليلا على قدرة الله عز وجل، اطرد علتك وقل: وفي فسقك بالذكور وبالنساء عبرة ودليل على قدرة الله عز وجل في مداخلة الأعضاء بعضها في بعض، وفي تخلق الولد وولادته أعظم عبرة، وأدل دليلا على قدرة الله عز وجل، وكذلك في قتل النفس وسيلان الدم بعد منع الجلد له من السيلان، وفي خروج النفس وانقطاع الحركة والحس أعظم عبرة وأدل دليلا على القدرة، فأبح قتل النفس على هذا وقل: إنه حسن في العقول بل واجب، ومن قرأ كتب التشريح للأطباء علم

[1] **Translator's note (L116):** The supplied «على مالك غيرنا» literally refers to an 'owner other than ourselves,' where the argument appears to require property belonging to someone other than ourselves; the translation follows that contextual sense. The final sentence is syntactically elliptical in the supplied text. '[Apprehending it]' makes the apparent argument intelligible while preserving its continuation into the next segment.

[2] **Translator's note (L117):** The Quranic quotation corresponds to 33:27, but the supplied text reads «وكان لله» rather than «وكان الله». The former disrupts the syntax; the translation renders the apparent intended sense and flags the supplied wording here.

[3] **Qur'an references (L116):** Qur'an 33:27 (Al-Ahzab).

destruction would thus entail both prohibition and permission in one and the same circumstance, and this is unintelligible."

To someone who maintains that things are permitted and argues that the entry and exit of food contain a lesson and evidence of the power of God, Mighty and Majestic, it is said: "Apply your stated rationale consistently, and say: 'In your sexual misconduct with males and females, too, there is a lesson and evidence of the power of God, Mighty and Majestic, in the penetration of bodily members into one another; and in the formation and birth of a child there is a still greater lesson and more telling evidence of the power of God, Mighty and Majestic.' Likewise, in killing a person, in the flowing of blood after the skin had prevented it from flowing, and in the departure of the soul and the cessation of movement and sensation, there is a still greater lesson and more telling evidence of power. On this basis, then, declare killing a person permissible, and say that it is good according to reason— indeed, obligatory. Anyone who reads physicians' books on anatomy knows that this contains a very great lesson. Let him therefore say that killing people is permissible according to reason.

The proponents of permission also argued: "There must be either action or abstention, movement or rest. If you forbid him all of these, you require what is absurd and impossible."

Abū Muḥammad said: This argument is addressed only to someone who maintains prohibition. As for us, we do not say that reason contains permission for anything or prohibition of it. It contains only the discernment of existing things as they are and the understanding of discourse. In general, everything advanced in argument by the proponents of permission or prohibition consists of bare assertions.

Some proponents of permission argued from His saying, Most High: "Whoever follows guidance follows guidance only for himself, and whoever goes astray goes astray only to his own detriment. No bearer of a burden bears

أن في ذلك أعظم عبرة، فليقل إن قتل الأنفس مباح في العقل. واحتج المبيحون أيضا بأن قالوا: لا بد من فعل، أو ترك، أو حركة أو سكون فإن منعتموه الكل أوجبتم المحال والممتنع. قال أبو محمد: وهذا إنما يخاطب به من قال بالحظر، وأما نحن فلسنا نقول: إن في العقل إباحة شيء ولا حظره، وإنما فيه تمييز الموجودات على ما هي عليه وفهم الخطاب فقط. وبالجملة فكل شيء يعارض به القائلون بالإباحة أو الحظر فهي دعاوى مجردة، واحتج بعض القائلين بالإباحة بقوله تعالى {من هتدى فإنما يهتدي لنفسه ومن ضل فإنما يضل عليها ولا تزر وازرة وزر أخرى وما كنا معذبين حتى نبعث رسولا}

another's burden. And We were not to inflict punishment until We sent a messenger."[456]

L121 Abū Muḥammad said: They have no argument in this, because we did not say that He Most High punishes someone to whom He has not sent a messenger, such that they could counter us with this. This verse has nothing whatsoever to do with our question of permission and prohibition. For even if things were prohibited by an explicit text, but no threat of punishment had been issued against the person who did them, no one would be entitled to say that God Most High punishes whoever disobeys His command. There is nothing in a person's being disobedient or an unbeliever that makes it necessary that he be punished. We have learned that punishment must occur only through the Quran and the report from the Prophet, God's blessings and peace be upon him. Were it not for that, we would not have known it.

The demonstration of this is that we have found tyrannical unbelievers in this world living out their lifetimes without being punished—indeed, enjoying ease, dominion, ascendancy, and honor. There is no difference between the possibility of this for fifty years, sixty, seventy, or eighty, and its continuing in this way forever, period after period. Nor is there any difference between its being possible in the first period and its being possible in the second. No new condition has arisen for them here, except that God Most High has willed to punish them in the hereafter. Had He willed that their bliss should continue, He would have done so. But the text has declared punishment, and we have affirmed it.

Some proponents of permission said: "It is impossible that God Most High should create in us desires that call for what they call for, and then prohibit us from what He created for us."

L122–127 ʿAlī said: This is a denial of what is plainly witnessed, and this is no argu-

قال أبو محمد: ولا حجة لهم في هذا، لأننا لم نقل إنه تعالى يعذب من لم يبعث إليه رسولا فيعارضون بهذا، وليست هذه الآية من مسألتنا في الإباحة والحظر في ورد ولا صدر، لأن الأشياء لو ورد الحظر فيها بنص جلي إلا أنه لم يأت وعيد على مرتكبها لم يجز لأحد أن يقول: إن الله تعالى يعذب من خالف أمره، وليس في كون المرء عاصيا أو كافرا ما يوجب أنه يعذب ولا بد، وإنما علمنا وجوب العذاب من طريق القرآن والخبر عن النبي صلى الله عليه وسلم فقط ولولا ذلك ما علمناه برهان ذلك أن الكفار الطغاة قد وجدناهم في هذا العالم يعمرون مدة أعمارهم غير معذبين، لا بل في نعمة وملك وغلبة وكرامة، ولا فرق بين جواز ذلك خمسين عاما وستين وسبعين وثمانين، وبين تماديه هكذا أبدا وقتا بعد وقت، ولا فرق بين جواز ذلك في الوقت الأول، وبين جوازه في الوقت الثاني، وليست هنا حال حدثت لهم، إلا أن الله تعالى أراد أن يعذبهم في الآخرة، ولو شاء أن يستمر نعيمهم لفعل، ولكن ورد النص بالتعذيب قلنا به، وقال بعض القائلين بالإباحة: محال أن يخلق الله تعالى فينا الشهوات المقتضية لما تقتضيه ثم يحظر علينا ما خلق لنا

قال علي هذه مكابرة العيان وليست هذه هي حجة مسلم، لأن الله عز وجل وقد فعل ما أنكروا، وخلق فينا شهوات تقتضي إتيان الفواحش في كل امرأة جميلة نراها أو في حسان الغلمان، وشرب الخمور في البساتين، وأخذ كل شيء استحسنته النفوس والراحة، وترك التعرض لسيوف أهل الشرك، والنوم عن الصلوات في الهواجر الحارة

[4] **Translator's note (L118):** The description of the jizya, «لا تكاد تتجزأ من ماله», is unusual. It is rendered as indicating an exceedingly small fraction of the person's wealth.

[5] **Translator's note (L119):** The Quranic quotation begins with «من هتدى», apparently an orthographic omission for «من اهتدى» in 17:15. It is translated as 'Whoever follows guidance.'

ment for a Muslim, for God, mighty and majestic, has indeed done what they deny: He has created in us desires that impel us to commit indecencies with every beautiful woman we see, or with handsome boys; to drink wine in gardens; to take everything our souls find pleasing; to rest and avoid exposing ourselves to the swords of the polytheists; and to sleep through the prayers in the heat of midday and the cold of early morning. Then He has forbidden us all of that. If someone says, "But God Most High has provided compensation for these things in other things He has permitted, and has compensated the abandonment of what He has forbidden with something better, namely Paradise," we say to him—and through God Most High comes success: He Most High was certainly capable of combining both things for us together. That would certainly have meant less fatigue for us, greater pleasure for our souls, greater ease for our bodies, and more complete joy for us. But He Most High has willed only what you see; none can overturn His judgment. The explanation of this is that He has bestowed bliss upon some people in this world and the Hereafter, such as David and Solomon, peace be upon them both. He gave them great pleasures, lofty kingship, and prophethood besides, while He visited upon Job, who was a prophet like them, afflictions that no one could withstand, without any sin having previously proceeded from him or any good deed having previously proceeded from Solomon and David—blessings and peace be upon them all. He gave Muḥammad, God bless him and grant him peace, power over all his enemies, protected him from them, and granted him victory over them; yet He gave the enemies of other prophets power over them, and they killed them with various forms of mutilation. All of them, nevertheless—both the fortunate man given power over his enemy in this world and the deprived man whose enemy was given power over him in it—are all gathered together in Paradise, enjoying its bliss. He has done this with us too: there is a doer of good who enjoys bliss, and a doer of good who is made miserable. He, mighty and majestic, has also bestowed worldly bliss upon kings among the unbelievers and kept victory and support with them until He took their souls to the Fire, although they were the most tyrannical of God's creatures, the most unbelieving, and the

والغدوات القارة، ثم حرم علينا ذلك كله. فإن قال قائل: فإن الله تعالى قد عوض من ذلك أشياء أباحها، وعوض على ترك ما حرم ما هو خير وهو الجنة. قلنا له وبالله تعالى التوفيق: لقد كان تعالى قادرا أن يجمع الأمرين لنا معا، ولقد كان يكون ذلك أقل لتعبنا وألذ لنفوسنا وأروح لأجسامنا وأتم لسرورنا، ولكنه تعالى لم يرد إلا ما ترى لا معقب لحكمه. وبيان ذلك: أنه قد نعم قوما في الدنيا والآخرة، كداود وسليمان عليهما السلام وأعطاهما اللذات العظيمة والملك السنيع والنبوة مع ذلك. وسلط على أيوب وهو نبي مثلهما من البلايا ما لا قبل لأحد به دون ذنب سلف منه، ولا إحسان سلف من سليمان وداود على جميعهم الصلاة والسلام وسلط محمدا صلى الله عليه وسلم على جميع أعدائه وعصمه منهم ومنحه النصر عليهم، وسلط على أنبياء أخر أعداءهم فقتلوهم بأنواع المثل، وكلهم مع ذلك من مسعود مسلط على عدوه في الدنيا ومحروم مسلط عليه عدوه فيها، وكلهم مجتمعون في الجنة متنعمون فيها وفعل بنا ذلك أيضا، فمن محسن منعم، ومن محسن مشقي، وقد نعم أيضا عز وجل ملوكا من الكفار في الدنيا، وأصحبهم النصر والتأييد إلى أن قبض أرواحهم إلى النار، وهم أطغى خلق الله وأكفره، وأشد تسلطا على الفواحش. وحرم آخرين من الكفار، فقتلهم بالفاقة والجوع والعري والقمل والمساءلة من باب إلى باب مع العاهات العظيمة والبلايا الشنيعة والأمراض المؤلمة، ثم جعل مجتمعهم في جهنم مع منعهم في الدنيا، ومنحوس فيها، فأي عقل ترتبت فيه هذه الرتبة أو المنع منها ما يحس شيئا من ذلك في عقله إلا ناقص العقل، ينبغي له أن يتهم حسه في ذلك. ونسأل من جعل العقل مرتبا في حظر أو إباحة قبل ورود الشرع فنقول له: ما تقول في راهب في صومعة، مريد لله عز وجل بقلبه كله، موحد لله تعالى لا يدع خيرا إلا فعله ولا شرا إلا اجتنبه، إلا أنه كان في جزائر الشاشيين في أقصى الدنيا يسمع قط ذكر محمد صلى الله عليه وسلم من جميع أهل ناحيته إلا متبعا بالكذب وبأقبح الصفات

[6] **Qur'an references (L118):** Qur'an 17:15 (Al-Isra).

most unrestrained in committing indecencies. He deprived other unbelievers, killing them through destitution, hunger, nakedness, lice, and begging from door to door, along with grievous disabilities, hideous afflictions, and painful diseases. Then He made their gathering place in Hell, together with those who enjoyed bliss in this world and those who were ill-fated in it. In what intellect, then, was this arrangement established, or its prohibition? No one senses anything of this in his intellect except someone deficient in intellect, who ought to distrust his perception in this matter. We ask whoever assigns the intellect a determining role in prohibition or permission before the coming of the revealed law, saying to him: What do you say of a monk in a hermitage, seeking God, mighty and majestic, with his whole heart, affirming the oneness of God Most High, leaving no good deed undone and no evil unavoided, except that he lived in the islands of the Shāshiyyīn at the farthest end of the world, where any mention of Muḥammad, God bless him and grant him peace, that he ever heard from all the people of his region was accompanied only by accusations of lying and the ugliest descriptions? He died in that condition, doubting his prophethood, God bless him and grant him peace, or denying it. Is his destination not the Fire, abiding there, remaining there forever, without end? If anyone doubts this, he is an unbeliever by the consensus of the community. Then we say: What do you say of a Jew or a Christian who never left any Muslim he was able to kill without killing him or dispatching him, and left no indecency uncommitted, including fornication, the deed of the people of Lot, peace be upon him, and the perpetration of every abomination? Then he became certain of the prophethood of Muḥammad, God bless him and grant him peace, and believed, disavowed every religion except the religion of Islam, acknowledged that with his tongue, and died immediately afterward. Is he not among the people of Paradise, without disagreement from anyone in the community? If anyone doubts that, he has disbelieved. In what rational necessity, then, is either the affirmation or the invalidation of this to be found? And what was it in reason that necessitated singling out Muḥammad, God bless him and grant him peace, and the other prophets for these excellences? He, peace be upon him, had lived among people for forty years without His Most High having endowed him with this excellence. What intellect necessitated withholding

ومات على ذلك وهو شاك في نبوته صلى الله عليه وسلم أو مكذب لها أليس مصيره إلى النار خالدا مخلدا أبدا بلا نهاية؟ فإن شك أحد في ذلك فهو كافر بإجماع الأمة. ثم نقول: ما تقول في يهودي أو نصراني لم يدع قتل مسلم قدر عليه إلا قتله أو أنفذه ولم يبق شيئا من الفواحش إلا ارتكبه، من الزنى وفعل قوم لوط عليه السلام وفعل كل بلية ثم إنه أيقن بنبوة محمد صلى الله عليه وسلم وآمن وبرىء من كل دين إلا دين الإسلام وأقر بذلك بلسانه ومات أثر ذلك، أليس من أهل الجنة؟ بلا خلاف من أحد من الأمة، فإن شك في ذلك فقد كفر. ففي أي موجب للعقل وجد إثبات هذا أو وجد إبطاله وما الذي أوجب في العقل أن يخص محمدا صلى الله عليه وسلم وسائر الأنبياء بهذه الفضائل وقد كان عليه السلام بين أظهر الناس أربعين سنة لم يحبه تعالى بهذه الفضيلة، فأي عقل أوجب منعه من ذلك قبل أن يؤتاها أو أوجب أن يحبى بها إذ حبي بها، هل هي إلا أفعال الله تعالى واختياره، وكل هذا يبطل أن يكون للعقل محال في حظر أو إباحة، أو تحسين أو تقبيح، وأن كل ذلك منتظر فيه ما ورد من الله تعالى في وحيه فقط، نسأل الله الهدى والعافية في الدنيا والآخرة بمنه آمين.

it from him before he was given it, or necessitated his being endowed with it when he was endowed with it? Are these anything but the acts of God Most High and His choice? All of this invalidates the contention that the intellect has any scope in prohibition, permission, judging good, or judging evil, and establishes that in all of this one must await only what has come from God Most High in His revelation. We ask God, through His gracious bounty, for guidance and well-being in this world and the Hereafter. Amen.[7][8][9]

L128–135 Some of those who argue for permission, straining their arguments, have said: "Whenever God compels someone to something, He has thereby permitted it to him." Abū Muḥammad ʿAlī said: This is the statement of a man untrained in learning, and he has erred in this proposition, because compulsion is an act of God Most High: the hungry man is compelled to hunger, and the sick man is compelled to sickness. He Most High has said concerning the people of the Fire: {And when Abraham said, "My Lord, make this a secure land, and provide its people with fruits—those of them who believe in God and the Last Day," He said, "And whoever disbelieves, I shall grant him enjoyment for a little while, then compel him to the punishment of the Fire. What an evil destination!"} Is it conceivable for anyone possessed of intellect to say that God Most High has permitted hunger to the hungry, sickness to the sick, and being in Hell to the people of Hell? Only someone who does not know names, the things named, or the true way in which words express

وقال بعض المتكلفين من القائلين بالإباحة: كل من اضطره الله إلى شيء فقد أباحه له قال أبو محمد علي وهذا قول امرىء لم يتدرب في العلم وقد أخطأ في هذه القضية لأن الضرورة فعل الله تعالى، والجائع مضطر إلى الجوع، والمريض مضطر إلى المرض، وقد قال تعالى في أهل النار {وإذ قال إبراهيم رب جعل هذا بلدا آمنا ورزق أهله من لثمرات من آمن منهم بلله وليوم لآخر قال ومن كفر فأمتعه قليلا ثم أضطره إلى عذاب لنار وبئس لمصير} أفيسوغ لذي عقل أن يقول إن الله تعالى أباح للجائع الجوع، وللمريض المرض، ولأهل جهنم الكون في جهنم، وإنما يقول هذا من لا يعرف الأسماء ولا المسميات ولا حقيقة عبارة الألفاظ عن المعاني. فإن قال قائل: فإن الشريعة تبطل حكم ما في العقول، واحتج بأنه قد حسن في العقول الانقياد للأمر المنسوخ قبل أن ينسخ، ثم أتى النسخ فقبح في العقل ما كان فيه حسنا. قيل له: هذا شغب فاسد، ولم نكر أن الشريعة لا تحسن إلا ما حسنت العقول ولا تقبح ما قبحت، بل هو قولنا نفسه، وإنما أنكرنا أن يكون العقل رتبة في تحريم شيء أو تحليله أو تحسينه أو تقبيحه، وأما إذا وردت الشريعة بالنهي عن شيء أو إباحته، فواجب في العقول الانقياد لذلك، والانقياد لمنع ما أبيح، أو إباحة ما منع إن جاء أمر بخلاف الأمر المتقدم، فلم يحدث في العقول شيء لم يكن ولا غير النسخ شيئا مما كان فيها من وجوب الانقياد لما وردت به الشريعة. وقد قال بعض القائلين بالحظر إن معنى قوله عز وجل {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء

[7] **Translator's note (L123):** The uncommon adjective السنيع is rendered "lofty"; it may be a corrupt reading of the more usual السني.

[8] **Translator's note (L125):** The opening phrase مع منعهم في الدنيا ومنحوس فيها is corrupt or grammatically defective. The translation adopts the contextually likely sense "together with those who enjoyed bliss in this world and those who were ill-fated in it"; منعهم as supplied literally suggests "their deprivation" or "their withholding." The construction يسمع قط ... إلا appears to lack a negative. The translation conveys the apparent intended restriction: he heard mention of Muḥammad only in hostile terms. جزائر الشاشيين is retained as "the islands of the Shāshiyyīn"; the geographical identification is uncertain. أو أنفذه, rendered "or dispatching him," is unusual in this context; its precise intended distinction from killing is unclear.

[9] **Translator's note (L127):** محال, rendered "scope," appears to be a corrupt reading of مجال. Its ordinary senses as supplied do not fit the sentence.

meanings would say this. If someone says, "The revealed law invalidates the judgment of what is in the intellect," and argues that compliance with an abrogated command was judged good by intellects before it was abrogated, then abrogation came and what had been good in the intellect became evil in it, he is told: This is unsound disputation. We have not repeated that the revealed law judges good only what intellects have judged good, and does not judge evil what they have judged evil; rather, that is our very position. What we have denied is that the intellect has a determining role in forbidding a thing, permitting it, judging it good, or judging it evil. But when the revealed law comes prohibiting or permitting something, compliance with that is obligatory in the judgment of intellects, as is compliance with the prohibition of what was permitted or the permission of what was prohibited, if a command comes contrary to the preceding command. Nothing has therefore arisen in intellects that was not there before, nor has abrogation changed anything that was in them concerning the obligation to comply with what the revealed law has brought. Some of those who argue for prohibition have said that the meaning of His saying, mighty and majestic, {He is the One who created for you everything that is on the earth, then turned to heaven and fashioned them into seven heavens; and He knows all things}, is simply that this is for people to draw lessons from. Abū Muḥammad said: This is an arbitrary assertion resembling nothing but the arbitrary assertions of children. Whoever allows such displacement of words from their established positions in the language cannot object to the extremist Rāfiḍīs when they say that the meaning of prayer is supplication, rather than bowing and prostration; that the meaning of almsgiving is the purification of souls; and that the meaning of pilgrimage is making one's way to the imam. Whoever follows this method nullifies religion and leads to the nullification of all mutual understanding. There would be no utterance in the world of which someone could not conceivably say that what is intended by it something other than what its wording entails. This is the nullification of realities. It would then be permissible for the ʿĪsāwiyya among the Jews to say that the meaning of the Messenger of God's saying—may God bless him and grant him peace—"There is no prophet after me" is "among the Arabs only." It would be permissible for the Muʿtazila to say that "He created everything" means bodies

فسواهن سبع سماوات وهو بكل شيء عليم} إنما معنى هذا ليعتبر به. قال أبو محمد: وهذا تحكم لا يشبه إلا تحكم الصبيان. ومن استجاز مثل هذا من نقل الألفاظ عن مراتبها في اللغة. فلا ينكر على غلاة الروافض قولهم: إن معنى الصلاة الدعاء لا الركوع والسجود، معنى الزكاة طهارة الأنفس، ومعنى الحج القصد إلى الإمام، ومن سلك هذه الطريقة أبطل الديانة، وأدى إلى إبطال جميع التفاهم، ولم يكن في الدنيا كلام إلا واحتمل أن يقول فيه قائل إنه مقصود به غير ما يقتضيه لفظه، وهذا هو إبطال الحقائق. وساغ للعيسوية من اليهود أن يقولوا إن معنى قول رسول الله صلى الله عليه وسلم لا نبي بعدي أي من العرب فقط وساغ للمعتزلة أن تقول: وخلق كل شيء، أي الأجسام وأعراضها حاشا الحركات. وساغ للحشوية أي تقول: بل خلق كل شيء حاشا الروح والإيمان والكلام المسموع من القراء. وساغ للمنانية أن يقولوا خلق كل شيء من الخير فقط، وهذا كلام ومذهب يفسد الدين، ويبطل حقيقة العقل. وقد علمنا ضرورة أن الألفاظ إنما وضعت ليعبر بها عما تقتضيه في اللغة، وليعبر بكل لفظة عن المعنى الذي علقت عليه، فمن أحالها فقد قصد إبطال الحقائق جملة، وهذا غاية الإفساد وبالله تعالى التوفيق قال علي ثم نبطل كلا المذهبين معا بحول الله وقوته. قال الله تعالى {ولا تقولوا لما تصف ألسنتكم لكذب هذا حلال وهذا حرام لتفتروا على الله لكذب إن لذين يفترون على الله لكذب لا يفلحون} وقال تعالى {قل أرأيتم مآ أنزل الله لكم من رزق فجعلتم منه حراما وحلالا قل ءآلله أذن لكم أم على الله تفترون} قال علي ففي هاتين الآيتين نص واضح على تحريم القول في شيء من كل ما في العالم أنه حرام أو أنه حلال. فبطل بذلك قول من قال: إن الأشياء قبل ورود الشرع على الحظر أو على الإباحة. وصح أن من قال شيئا من من ذلك بغير إذن من الله تعالى فهو مفتر على الله عز وجل، وأما إذا ورد الشرع بأي شيء ورد من إباحة الكل، أو حظر الكل، أو حظر البعض، أو إباحة البعض فواجب القوم بكل ما ورد من

and their accidents, except for motions. It would be permissible for the Ḥashwiyya to say, rather, "He created everything except the spirit, faith, and the speech heard from reciters." It would be permissible for the Manichaeans to say, "He created everything that is good only." Such speech and such a doctrine corrupt religion and invalidate the reality of reason. We know necessarily that expressions were established only to convey what they entail in the language, and that each expression conveys the meaning to which it was assigned. Whoever diverts them from this has intended to nullify realities altogether. This is the utmost corruption. Success comes through God Most High.

ʿAlī said: Next, with God's power and strength, we invalidate both doctrines together. God Most High said: "And do not say, concerning the falsehood your tongues describe, 'This is lawful, and this is forbidden,' thereby fabricating falsehood against God. Indeed, those who fabricate falsehood against God will not prosper." And He Most High said: "Say: Have you considered the provision God has sent down for you, of which you have made some forbidden and some lawful? Say: Has God given you permission, or are you fabricating against God?"

ʿAlī said: In these two verses there is an explicit, clear text prohibiting anyone from saying of anything whatsoever in the world that it is forbidden or that it is lawful. Thus the position of those who say that things, before the arrival of revealed law, are subject to prohibition or to permissibility is invalidated. It is established that whoever says anything of that sort without permission from God Most High is fabricating against God, Mighty and Majestic. But when revealed law arrives, whatever it brings—permission for everything, prohibition of everything, prohibition of some things, or permission for some things—it is obligatory to affirm everything that has thus arrived. And He Most High said: "Have you not seen that God knows what is in the heavens and what is on the earth? There is no private conversation among three but He is their fourth, nor among five but He is their sixth, nor fewer than that nor more, but He is with them wherever they may be. Then He will inform them of what they did on the Day of Resurrection. Indeed, God knows everything." And one left without direction is one who is neither commanded

ذلك وقال تعالى {ألم تر أن الله يعلم ما في لسماوات وما في لأرض ما يكون من نجوى ثلاثة إلا هو رابعهم ولا خمسة إلا هو سادسهم ولا أدنى من ذلك ولا أكثر إلا هو معهم أين ما كانوا ثم ينبئهم بما عملوا يوم لقيامة إن الله بكل شيء عليم} والسدي المهمل الذي لا يؤمر ولا ينهى فصح بهذه الآية أن الناس لم يبقوا قط هملا دون ورود شرع، فبطل قول من قال: إن العقول تعرف وقتا من الدهر من شرع، وإذ قد بطل هذا القول، فقد بطل أن يكون الشيء في العقل قبل وورد الشرع له حكم في العقل بحظر أو إباحة، فصار قولهم محالا ممتنعا، مع كونه حراما أيضا لو كان ممكنا وقال تعالى {إنآ أرسلناك بلحق بشيرا ونذيرا وإن من أمة إلا خلا فيها نذير} فبطل هذا أن تكون أمة وقتا من الدهر لم يتقدم فيهم نذير، وقد كان آدم عليه السلام رسولا في الأرض وقال تعالى له إذ أنزله إلى الأرض {فأزلهما لشيطان عنها فأخرجهما مما كانا فيه وقلنا هبطوا بعضكم لبعض عدو ولكم في لأرض مستقر ومتاع إلى حين} فأباح تعالى الأشياء بقوله إنها متاع لنا، ثم حظر ما شاء، وكل ذلك بشرع، وكذلك إذ خلقه في الجنة لم يتركه وقتا من الدهر دون شرع بل قد قال تعالى {وقلنا ياآدم سكن أنت وزوجك لجنة وكلا منها رغدا حيث شئتما ولا تقربا هذه لشجرة فتكونا من لظالمين} فلم يخل قط وقت من الزمان عن أمر أو نهي قال علي ويقال لهم أيضا لو جاز أن نبقى دون شرع لكان حكمنا كحكمنا قبل أن نحتلم، فإن الأمور حينئذ لا حكم لها علينا لا بحظر ولا إباحة، ولا فرق بين كونهما كذلك قبل البلوغ بنصف ساعة وبين كونهما كذلك بعد البلوغ وكلا الأمرين في العقول سواء. وما في العقل إيجاب الشرع على من احتلم وسقوطه عمن لم يحتلم. وليس بين الأمرين إلا نومة لطيفة، فبطل بهذا ما ادعوه من أن العقول فيها حظر شيء أو إباحته قبل ورود الشرع وموافاة الخطاب من الله عز وجل، ولو كان كذلك للزم غير المحتلم كلزومه المحتلم إذ موجب العقل لا يختلف قال علي ويقال لمن قال لكل شيء مباح في العقل إلا الفكر، أليس إقرار

المرء بلسانه بالتثليث غير متبع له إنكارا. كفرا من قائله؛ فإن قال: لا؛ كفر، وإن قال: نعم؛ قيل له صدقت، وقد أباح الله تعالى الإعلان به دون اتباع أفكار لمن اضطر وخاف الأذى. وقد أباح الله تعالى عند خوف القتل الكفر الصحيح الذي هو كفر في غير تلك الحال، ولسنا نسألهم عن الكفر الذي هو العقد، إنما نسألهم عن الكفر الذي هو النطق به فقط؛ لأن بعضهم قال: لم يبح الله تعالى قط الكفر، لأن الكفر الذي هو العقد، ولا خلاف بين من يعتد به في النطق بالكفر دون اتباع بإنكار ولا حكاية، كفر صحيح، فعن هذا الكفر سألناهم وهم يقرون بأن امرأ لو قال بلسانه: أنا كافر بالإسلام، مقر بالتثليث، إن هذا كفر، وإنه مرتد، وهذا بعينه الذي أبيح عند الإكراه، فقد جاءت إباحة الكفر نصا، وحسن ذلك في عقولهم، وبطل قولهم، والذي نقول به إن الله تعالى لو أباح الكفر الذي هو العقد لكان حسنا مباحا، وأنه إنما حظر بالشرع فقط وبالله تعالى التوفيق. ويقال لمن قال: إن كفر المنعم محظور بالعقل. ما تقول في كافر ربى إنسانا وأحسن إليه، ثم لقيه في حرب أيقتله أم لا؟ فإن قالوا: لا. خالفوا الإجماع، وإن قالوا: نعم. نقضوا قولهم في أن كفر المنعم محظور بالعقل، فإن قالوا: إن قتله شكر له، كابر، وإن أقروا بأن قتله الذي هو سبب مصيره إلى الخلود في النار شكر له وإحسان إليه، وهذا ضد ما ميزه العقل وبالله تعالى التوفيق

nor forbidden. Thus this verse establishes that people have never been left without direction, without revealed law reaching them. The claim of anyone who says that intellects know a period of time of revealed law is therefore invalidated. Since this claim has been invalidated, it is likewise invalidated that a thing, in reason, before the arrival of revealed law, should have a ruling in reason of prohibition or permissibility Their claim has therefore become an impossible absurdity, besides also being forbidden even if it were possible. And He Most High said: "Indeed, We have sent you with the truth as a bearer of good tidings and a warner; and there is no community but a warner has passed among it." This invalidates the possibility that there should be a community at any time to which no warner had previously come. Adam—peace be upon him—was a messenger on earth. And He Most High said to him when He sent him down to the earth: "Then Satan caused them both to slip from it and brought them out of what they had been in. And We said: Go down, some of you enemies to others; and on earth you shall have a place of settlement and enjoyment for a time." Thus He Most High permitted things by saying that they are an enjoyment for us, and then prohibited whatever He willed. All of that was through revealed law. Likewise, when He created him in the Garden, He did not leave him for any period of time without revealed law. Rather, He Most High had said: "And We said: Adam, dwell, you and your wife, in the Garden, and eat freely from it wherever you both wish, but do not approach this tree, lest you both become wrongdoers." Thus no period of time was ever devoid of a command or a prohibition.

ʿAlī said: It is also said to them: If it were possible for us to remain without revealed law, our status would be like our status before experiencing a nocturnal emission: matters at that point have no ruling applicable to us, whether of prohibition or permissibility. There is no difference between the two being so half an hour before puberty and their being so after puberty. Both cases are equal in the judgment of intellects. There is nothing in reason that imposes revealed law upon someone who has experienced a nocturnal emission while exempting someone who has not, when there is nothing between the two conditions but a brief sleep. This invalidates their claim that intellects contain the prohibition or permission of anything before the ar-

rival of revealed law and the coming of the address from God, Mighty and Majestic. Were that so, it would bind someone who had not experienced a nocturnal emission just as it binds someone who had, since what reason requires does not vary.

ʿAlī said: It is said to someone who says, 'Everything is permissible in reason except reflection': Is a person's verbal profession of the Trinity, without following it with a repudiation, not unbelief on the part of its speaker? If he says no, he has committed unbelief. If he says yes, he is told: You have spoken truly. Yet God Most High has permitted its public declaration, without following it with thoughts, for someone under compulsion who fears harm. God Most High has permitted, when one fears being killed, actual unbelief that constitutes unbelief in other circumstances. We are not asking them about unbelief consisting in inward conviction; we are asking them only about unbelief consisting in its verbal utterance. For some of them have said, 'God Most High has never permitted unbelief, because unbelief is that which consists in inward conviction.' And there is no disagreement among those whose views are taken into account that uttering unbelief without following it with a repudiation, and without merely reporting it, is actual unbelief. It is about this unbelief that we have asked them. They acknowledge that if a person were to say with his tongue, 'I disbelieve in Islam and profess the Trinity,' this would be unbelief and he would be an apostate. This very thing is what was permitted under compulsion. Thus permission for unbelief has come through an explicit text; this is good in the judgment of their intellects, and their position is invalidated. What we maintain is that if God Most High had permitted unbelief consisting in inward conviction, it would have been good and permissible, and that it was prohibited only through revealed law. Success comes through God Most High.

It is said to someone who says that ingratitude toward a benefactor is prohibited by reason: What do you say concerning an unbeliever who raised a person and treated him well, and whom that person then encounters in war: does he kill him or not? If they say no, they have contravened consensus. If they say yes, they have contradicted their claim that ingratitude toward a benefactor is prohibited by reason. If they say that killing him is gratitude

toward him, he is obstinately disputing the obvious. And if they acknowledge that killing him, which is the cause of his coming to dwell eternally in the

Fire, is gratitude toward him and kindness to him—this is contrary to what reason has discerned. Success comes through God Most High.[10][11][12][13][14][15][16]

[10]**Translator's note (L128):** The sentence beginning ولم نكرر is apparently corrupt. As supplied, it says "we have not repeated," and the following claim about the revealed law not judging evil what intellects judge evil is also awkward in relation to "that is our very position." Both have been translated as supplied, without substituting a conjectural correction. The Qur'anic quotations contain numerous missing initial alifs in the supplied transcription. These orthographic defects do not materially change the translated wording. In the second quotation, the shift from singular "heaven" to plural "them" is preserved.

[11]**Translator's note (L131):** The opening continues a sentence from the preceding segment. The supplied wording introducing the Ḥashwiyya contains an apparent transcription error, 'ay taqūla,' rendered according to the surrounding parallel constructions as 'to say.' The supplied 'fa-wājib al-qawm' is syntactically defective. 'It is obligatory to affirm' follows the likely intended reading 'fa-wājib al-qawl'; the supplied text literally has 'the people' in place of 'affirming/saying.'

[12]**Translator's note (L132):** The Qur'anic quotation continues from the preceding segment. The author's ensuing explanation of being 'left without direction' has no corresponding expression in the quotation as supplied; the apparent missing textual connection has not been supplied. The supplied 'al-sudī' appears to represent 'al-sudā,' meaning someone left without direction or obligation. The phrase rendered 'intellects know a period of time of revealed law' is corrupt or incomplete. The argument suggests an intended reference to a period without revealed law, but the supplied text says 'of revealed law,' not 'without revealed law.'

[13]**Translator's note (L133):** The pronoun 'the two' in the comparison before and after puberty has an unclear antecedent in the supplied Arabic; it has been preserved. 'Everything is permissible in reason except reflection' follows the supplied 'al-fikr.' The exceptional status of 'reflection' is unexplained here and may indicate textual corruption. The first reference to following a declaration with 'a repudiation' reads 'inkāran.' The later phrase instead reads 'afkār,' meaning 'thoughts,' and has been translated accordingly; it appears likely to be a corruption of another reference to repudiation. The Arabic clause beginning 'because unbelief' lacks an unambiguous predicate as supplied. The translation gives its apparent sense, that unbelief consists in inward conviction. The final sentence continues into the following segment.

[14]**Translator's note (L134):** The opening completes the preceding segment's phrase 'those whose views are taken into account.' The supplied construction introducing 'uttering unbelief' is grammatically awkward; the translation follows the evident assertion that such an utterance constitutes actual unbelief. The final phrase continues with 'compulsion' in the following segment.

[فصل فيمن لم يبلغه الأمر من الشريعة]

قال علي بن أحمد اختلف الناس فيمن لم يبلغه الحكم الوارد من الله تعالى في الشريعة في خاص منها أو في جميعها. فقالت طائفة: كل أحد مأمور منهي ساعة ورود الأمر والنهي، إلا أنه معفو عنه غير مؤاخذ بما لم يبلغه من الأمر والنهي. وقالت طائفة: إن الله تعالى لم يأمر قط بشيء من الدين إلا بعد بلوغ الأمر إلى المأمور، وكذلك النهي ولا فرق، وأما قبل انتهاء الأمر أو النهي إليه فإنه غير مأمور ولا منهي قال علي وبهذا نقول لقول الله عز وجل {قل أي شيء أكبر شهادة قل لله شهيد بيني وبينكم وأوحي إلي هذا لقرآن لأنذركم به ومن بلغ أئنكم لتشهدون أن مع لله آلهة أخرى قل لا أشهد قل إنما هو إله واحد وإنني بريء مما تشركون} صلى الله عليه وسلم {لا يكلف لله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} ولإخبار رسول الله صلى الله عليه وسلم أنه لا يسمع به يهودي أو نصراني فلم يؤمن به إلا وجبت له النار. حدثنا أحمد بن محمد بن عبد الله الطلمنكي، ثنا ابن مفرج، ثنا محمد بن أيوب الرقي، أنبا أحمد بن عمرو بن عبد الخالق البزار، ثنا محمد بن المثنى، ثنا معاذ بن هشام الدستوائي، ثنا أبو علي قتادة عن الأسود بن سريع عن النبي صلى الله عليه وسلم قال يعرض على الله تبارك وتعالى الأصم الذي لا يسمع شيئا، والأحمق والهرم، ورجل مات في الفترة، فيقول الأصم: رب جاء الإسلام وما أسمع شيئا، ويقول الأحمق: رب جاء الإسلام وما أعقل شيئا،

[Section on Someone Whom a Command of Revealed Law Has Not Reached]

L136

L137–139 ʿAlī ibn Aḥmad said: People have disagreed concerning someone whom a ruling coming from God Most High in revealed law has not reached, whether concerning a particular part of it or all of it. One group said: Everyone is commanded and forbidden from the moment the command and prohibition arrive, except that he is pardoned and is not held accountable for commands and prohibitions that have not reached him. Another group said: God Most High has never commanded anything pertaining to religion until the command has reached the person commanded; the same applies to prohibition, without any difference. Before the command or prohibition reaches him, however, he is neither commanded nor forbidden.

ʿAlī said: This is the position we maintain, because God, Mighty and Majestic, says: "Say: What thing is greatest in testimony? Say: God is witness between me and you. This Qurʾān has been revealed to me so that through it I may warn you and whomever it reaches. Do you indeed testify that there are other gods alongside God? Say: I do not testify. Say: He is only one God, and I am free of what you associate with Him." May God bless him and grant him peace. "God does not charge a soul beyond its capacity. It shall have what it has earned, and against it shall be what it has acquired. Our Lord, do not hold us accountable if we forget or make a mistake. Our Lord, do not lay upon us a burden as You laid upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy on us. You are our Protector, so grant us victory over the unbelieving people." And because of the report of the Messenger of God—may God bless him and grant him peace—that no Jew or Christian hears of him and then fails to

[15] **Translator's note (L135):** The Arabic uses 'kufr' both for religious unbelief and for ingratitude toward a benefactor; the English distinguishes these senses. The final conditional construction is syntactically disjointed in the supplied text. Its abrupt transition to 'this is contrary' has been retained.

[16] **Qur'an references (L128):** Qur'an 2:126 (Al-Baqarah); Qur'an 2:29 (Al-Baqarah); Qur'an 16:116 (An-Nahl); Qur'an 10:59 (Yunus); Qur'an 58:7 (Al-Mujadila); Qur'an 35:24 (Fatir); Qur'an 2:36 (Al-Baqarah); Qur'an 7:24 (Al-A'raf); Qur'an 2:35 (Al-Baqarah).

believe in him without the Fire becoming incumbent upon him. Aḥmad ibn Muḥammad ibn ʿAbd Allāh al-Ṭalamankī related to us; Ibn Mufarrij related to us; Muḥammad ibn Ayyūb al-Raqqī: Aḥmad ibn ʿAmr ibn ʿAbd al-Khāliq al-Bazzār informed us; Muḥammad ibn al-Muthannā related to us; Muʿādh ibn Hishām al-Dastawāʾī related to us; Abū ʿAlī Qatāda related to us, from al-Aswad ibn Sarīʿ, from the Prophet, God bless him and grant him peace, who said: "There will be presented before God, blessed and exalted, a deaf man who hears nothing, a mentally deficient man, a senile man, and a man who died during the interval between messengers. The deaf man will say, 'Lord, Islam came, but I could hear nothing.' The mentally deficient man will say, 'Lord, Islam came, but I could understand nothing.'[17][18][19][20]

L140–144 And the one who died during the interval between messengers will say, 'Lord, no messenger from You came to me.' He will then take their solemn pledges that they will obey Him, and God Most High will send them the command, 'Enter the Fire.' By Him in whose hand is my soul, had they entered it, it would have been coolness and peace for them." Through the same chain to Qatāda, from al-Ḥasan al-Baṣrī, from Abū Rāfiʿ, from Abū Hurayra, a similar report is transmitted, with this addition at its end: "And whoever did not enter it entered the Fire." Thus, as we have presented, it is established that there is no warning until the revealed law reaches the person being warned, and that no one is charged with what lies beyond his capacity. It is beyond anyone's capacity to know the unseen so as to know a revealed law before it reaches him. It is therefore established with certainty that anyone whom the revealed law has not reached is not charged with it.

ويقول الذي مات في الفترة: رب ما أتاني لك من رسول، فيأخذ مواثيقهم ليطيعنه، فيرسل الله تعالى إليهم: ادخلوا النار، فوالذي نفسي بيده لو دخلوها لكانت عليهم بردا وسلاما. وبه إلى قتادة عن الحسن البصري، عن أبي رافع عن أبي هريرة بمثله وزاد في آخره: ومن لم يدخلها دخل النار. فصح كما أوردنا أنه لا نذارة إلا بعد بلوغ الشريعة إلى المنذر، وأنه لا يكلف أحد ما ليس في وسعه، وليس في وسع أحد علم الغيب في أن يعرف شريعة قبل أن تبلغ إليه، فصح يقينا أن من لم تبلغه الشريعة لم يكلفها واحتجت الطائفة الأخرى بقول رسول الله صلى الله عليه وسلم إذا اجتهد الحاكم فأخطأ فله أجر فسماه عليه السلام مخطئا ولا يكون المخطىء إلا من خالف ما أمر به. قال أبو محمد: وهذا الخبر لا حجة لهم فيه، بل هو حجة لنا وبه نقول، لأنه قد يكون مخطئا من لا يوافق الحق، وإن لم يكن مأمورا بالعمل به كإنسان سمى آخر بغير اسمه غير عامد، فهذا مخطىء ولا أمر يلزمه ها هنا، وكمن أنشد بيت شعر فوهم فيه، فهو مخطىء بلا شك، وهذا المجتهد مخطىء بلا شك إذا حكم بخلاف ما ورد به الحكم من عند الله عز وجل، وأدخل في الدين ما ليس منه، وإن كان غير مأمور بالحكم بما لم يبلغه فإنه منهي عن الحكم بما ظن أنه حق، وهو غير حق، وأما إذا بلغه

[17] **Translator's note (L137):** The blessing 'may God bless him and grant him peace' appears anomalously between the two Qurʾanic quotations, without an expressed antecedent. It has been retained in its supplied position. The final phrase continues into the following segment.

[18] **Translator's note (L138):** The opening completes 'the Messenger of God' from the preceding segment. The transmission chain continues in the following segment, beginning with Muḥammad ibn Ayyūb's nisba.

[19] **Translator's note (L139):** "al-Raqqī" completes the name Muḥammad ibn Ayyūb al-Raqqī in the preceding segment. The supplied transmission chain reads "Abū ʿAlī Qatāda"; this potentially defective name or linkage has been retained without correction.

[20] **Qur'an references (L137):** Qur'an 6:19 (Al-An'am); Qur'an 2:286 (Al-Baqarah).

The other group argued from the saying of the Messenger of God, God bless him and grant him peace: "When a judge exercises independent judgment and errs, he has one reward." He, peace be upon him, thus called him one who errs, and one who errs can only be someone who contravenes what he was commanded to do.

Abū Muḥammad said: This report contains no proof for them; rather, it is proof for us, and we affirm what it says. Someone who fails to accord with the truth may be in error even though he has not been commanded to act upon it. An example is someone who unintentionally calls another person by a name other than his own: he is in error, yet there is no command binding upon him here. Likewise, someone who recites a line of poetry and makes a mistake in it is undoubtedly in error. This person exercising independent judgment is undoubtedly in error when he rules contrary to the ruling that has come from God, mighty and majestic, and introduces into the religion something that does not belong to it. Although he is not commanded to rule according to what has not reached him, he is forbidden to rule according to what he supposes to be true when it is not true. But once it reaches him, he is commanded to follow it even if he forgets it, because it has reached him and become binding upon him.

If someone says, "If what you say were so, religion would be binding upon some people and not upon them all," we reply—and through God comes success: That is not so. Rather, religion is binding upon jinn and human beings when it reaches them; indeed, and upon everyone who has not yet been created, once he is created, it reaches him, and he attains the threshold of legal responsibility—not before that. You do not disagree with us concerning the revealed law: it is not binding upon someone who has not been created before he is created, nor upon someone who has not attained maturity before he attains it.

If they say, "What, then, is the condition of someone whom the command has not reached? Is he commanded to maintain his existing practice, which contravenes what God Most High has commanded him to do in a command that has not reached him? There is no possibility of a third alternative. If you say that he is commanded to do what God Most High has commanded him

فإنه مأمور به وإن نسيه لأنه قد بلغه ولزمه. فإن قال قائل: لو كان ما قلتم لكان الدين لازما لبعض الناس لا لكلهم. قلنا وبالله التوفيق: ليس كذلك بل الدين لازم للجن والإنس إذا بلغهم، نعم ولكل من لم يخلق بعد إذا خلق وبلغه وبلغ حد التكليف لا قبل ذلك، وأنتم لا تخالفوننا في الشريعة أنها لا تلزم من لم يخلق قبل أن يخلق، ولا من لم يبلغ قبل أن يبلغ. فإن قالوا: فكيف حال من لم يبلغه الأمر، أهو مأمور بما هو عليه من خلاف ما أمره الله تعالى به مما لم يبلغه، ولا سبيل إلى قسم ثالث؟ فإن قلتم: هو مأمور بما أمره الله تعالى به، وإن لم يبلغه فهو قولنا، وإن قلتم: هو غير مأمور بما أمره الله تعالى به، أو أنه مأمور بما هو عليه من خلاف ما أمر الله تعالى به كان ذلك شغبا بشيعا. قلنا وبالله التوفيق: لسنا نقول بواحد من هذين الجوابين لكنا نقول: هو غير مأمور في ذلك بشيء أصلا حتى يبلغه، وحاله في ذلك كحال من لم يبلغ حد التكليف حتى يبلغ. فإن قالوا: فكيف حكمه إن خالف ما يرى أنه الحق عامدا فوافق بذلك ما أمر الله تعالى به قلنا لهم هذا السؤال لازم لكم ولنا فأما نحن فنقول وبالله التوفيق إنه ليس في ذلك مطيعا ولا عاصيا، لكنه مستسهل لمخافة الحق، هام بترك الحق، إلا أنه لم يفعل ذلك بعد. هذه صفته على الحقيقة إلا أنه لم يخالف بفعله ذلك حقا ولا واقع باطلا قال علي أهل هذه الصفة ينقسمون ثلاثة أقسام فقسم شهدوا ورود الأمر من الله تعالى ثم نسخ ولم يشهدوا الناسخ، وليس أحد من هؤلاء موجودا بعد موت رسول الله صلى الله عليه وسلم لأن النسخ بطل بعد موته عليه السلام واستقرت الشرائع وقسم ثان علموا المنسوخ ولم يبلغهم الناسخ، أو بلغهم المجمل ولم يبلغهم المخصص. وقسم ثالث: بلغهم الناسخ والمنسوخ والمجمل والخاص ثم نسوا الخاص والناسخ، أو تأولوا فيهما تأويلا قاصدين إلى الحق فإما من كان في عصر رسول الله صلى الله عليه وسلم فبلغه المنسوخ ولم يبلغه الناسخ فهؤلاء خاصة لا يسقط

to do even though it has not reached him, that is our position. If you say that he is not commanded to do what God Most High has commanded him to do, or that he is commanded to maintain his existing practice, which contravenes what God Most High has commanded, that would be an outrageous piece of contentious sophistry." We reply—and through God comes success: We give neither of these two answers. Rather, we say that he is not commanded to do anything at all in that matter until it reaches him. His condition in this respect is like that of someone who has not attained the threshold of legal responsibility, until he attains it.

If they say, "What, then, is the ruling concerning him if he deliberately contravenes what he considers to be the truth, and thereby happens to accord with what God Most High has commanded?" we tell them: This question confronts you as well as us. For our part, we say—and through God comes success—that in this he is neither obedient nor disobedient. He does, however, treat fear of the truth lightly and intends to abandon the truth, although he has not yet done so. This is his actual description, except that through this act he has neither contravened any truth nor committed any falsehood.

ʿAlī said: People of this description fall into three categories. One category witnessed the arrival of a command from God Most High, which was subsequently abrogated, but they did not witness the abrogating command. None of these exists after the death of the Messenger of God, God bless him and grant him peace, because abrogation ceased after his death, peace be upon him, and the revealed laws became settled. A second category knew the abrogated text, but the abrogating text did not reach them; or the unelaborated text reached them, but the specifying text did not reach them. A third category received the abrogating and abrogated texts, and the unelaborated and specific texts, but then forgot the specific and abrogating texts, or interpreted those two with the intention of attaining the truth. As for someone who lived in the time of the Messenger of God, God bless him and grant him peace, whom the abrogated text reached but whom the abrogating text did not reach, these people in particular remain bound by the command contained in the abrogated text until the abrogating text reaches them. For what reached them became binding upon them with a certainty admitting

عنهم الأمر بالمنسوخ حتى يبلغ إليهم الناسخ، لأنه قد لزمهم الذي بلغهم بيقين لا شك فيه، ولا يسقط اليقين إلا بيقين. برهان هذا: أنه قد صح وثبت عند جميع أهل العلم أن المسلمين كانوا بأرض الحبشة، وبأقصى جزيرة العرب فنزل الأمر من الله تعالى على رسوله صلى الله عليه وسلم ما لم يكن فيه قبل ذلك أمر كالصوم والزكاة، وتحريم بعض ما لم يكن حراما كالحق، وإمساك المشركات وغير ذلك. فلا شك في أنه لم يأثم أحد منهم بتماديه على ما لم يعلم نزول الحكم فيه. وكذلك كان ينزل الأمر مما تقدم فيه حكم بخلاف هذا النازل كتحويل القبلة عن بيت المقدس وغير ذلك، فلا شك أيضا في أنهم لم يأثموا ببقائهم على العمل بالمنسوخ،

of no doubt, and certainty is displaced only by certainty. The demonstration of this is that it is soundly established among all people of knowledge that Muslims were in the land of Abyssinia and in the farthest reaches of the Arabian Peninsula when commands came down from God Most High to His Messenger, God bless him and grant him peace, concerning matters for which there had previously been no command: fasting, almsgiving, and the prohibition of certain things that had not been forbidden, such as truth and retaining polytheist women as wives, and other things. There is no doubt that none of them sinned by continuing in a practice concerning which he did not know that a ruling had been revealed. Likewise, a command would come down concerning a matter for which a previous ruling had been contrary to the newly revealed one, such as changing the direction of prayer away from Jerusalem, and other matters. Here too there is no doubt that they did not sin by continuing to act upon the abrogated ruling.[21][22][23]

L145–148 Rather, they were obliged to pray as they had been commanded and had learned, until its abrogation reached them. No two people disagree about this. Thus our position is established—and praise be to God—with a certainty leaving no room for doubt. Likewise, Abū Bakr and ʿUmar, may God be pleased with them both, continued for more than ten years to permit Jews, Christians, and Magians to remain in the Arabian Peninsula, since the Prophet's prohibition, peace be upon him, against allowing them to remain there had not reached them. No one disputed that they did not disobey through this; rather, they did what they had been commanded to do. If someone were to say that this was a sound and certain consensus, he would

بل كان فرضا عليهم الصلاة كما أمروا وعرفوا حتى يبلغهم نسخه هذا ما لا يختلف فيه اثنان فصح قولنا، والحمد لله يقينا لا مجال للشك فيه. وهكذا بقي أبو بكر وعمر رضي الله عنهما أزيد من عشرة أعوام مقرين لليهود والنصارى والمجوس بجزيرة العرب إذ لم يبلغهما نهي النبي عليه السلام عن إقرارهم فيها فلم يختلف أحد في أنهما لم يعصيا بذلك، بل فعلا ما أمرا به. ولو قال قائل: إن هذا إجماع صحيح متيقن لما بعد عن الصدق، لأنه لم ينكر ذلك عليهما أحد من الصحابة، وليس منهم أحد خفي عليه إقرارهما لهم قبل بلوغ النهي إليهما، وبالله تعالى التوفيق. فإن قيل: فهلا قلتم إنه سقط عنهم استقبال بيت المقدس، ولم يؤمروا باستقبال الكعبة بقول الله تعالى {ومن حيث خرجت فول وجهك شطر لمسجد لحرام وحيث ما كنتم فولوا وجوهكم شطره لئلا يكون للناس عليكم حجة إلا لذين ظلموا منهم فلا تخشوهم وخشوني ولأتم نعمتي عليكم ولعلكم تهتدون} قلنا: لا لما قد ذكرنا من أن الحكم لا يلزم حتى يبلغ، وإنما خاطب الله بهذا الأمر من بلغه ومن لم يخلق إذا خلق وبلغه، ولا دليل على سقوط ما قد

[21] **Translator's note (L141):** The objection appears textually compressed or defective: it excludes a third alternative without first explicitly setting out two alternatives. The supplied wording has been retained.

[22] **Translator's note (L143):** The supplied phrase مستسهل لمخافة الحق literally concerns treating "fear of the truth" lightly. The context suggests a possible corruption of لمخالفة الحق, "contravening the truth," but the supplied reading has not been silently corrected. المجمل is rendered "the unelaborated text." Its pairing here with specifying and specific texts suggests that it concerns wording whose scope has not yet been delimited.

[23] **Translator's note (L144):** The supplied كالحق means "such as truth" or "such as a right," which is anomalous in a list of newly prohibited things. It appears corrupt; "truth" has been retained rather than replaced with a conjectured example.

not be far from the truth, because none of the Companions objected to the two of them over this, and none of them was unaware that the two permitted those people to remain before the prohibition reached them. Through God Most High comes success.

If it is said, "Why, then, did you not say that the obligation to face Jerusalem had ceased to bind them, while they had not been commanded to face the Kaʿba, by virtue of God Most High's saying, 'And from wherever you set out, turn your face toward the Sacred Mosque; and wherever you may be, turn your faces toward it, so that people may have no argument against you, except those among them who have done wrong. So do not fear them, but fear Me, and that I may complete My favor upon you, and that you may be guided'?" we reply: No, because of what we have already stated: a ruling does not become binding until it reaches a person. Through this command God addressed only those whom it reached, and those not yet created once they are created and it reaches them. There is no evidence that their established obligation to face Jerusalem ceased to bind them except through the command to abandon it reaching them.

ʿAlī said: If they had been commanded to face the Kaʿba at the moment the command was revealed, before it reached them, then anyone among them who stepped forward and deliberately prayed toward the Kaaba before the command reached them would have performed a valid prayer. This is false. But if someone today were unaware of the indications of the prayer direction, and reasoned from the evidence, and his reasoning led him to a particular direction of which he became certain, but he then deliberately prayed facing a direction other than that one, only to discover upon pronouncing the concluding salutation that he was facing the prayer direction, his prayer would be invalid, and he would thereby be a transgressor. For he deliberately acted in his prayer in a way that he did not know he had been commanded to act in it. Thus, he intended to do something that he considered no part of his prayer, and therefore intended to invalidate his prayer; it consequently became invalid. Abū Muḥammad said: As for someone living after the Messenger of God, God bless him and grant him peace, whom neither the abrogating text nor the specific text has reached, he too is commanded to follow

ثبت عليهم من استقبال بيت المقدس إلا ببلوغ الأمر إليهم بتركه قال علي ولو كانوا مأمورين باستقبال الكعبة حين نزول الأمر من قبل أن يبلغهم لكان من أقدم منهم فصلى إلى الكعبة عامدا قبل أن يبلغهم الأمر جائز الصلاة، وهذا باطل، وأما لو أن إنسانا اليوم خفيت عليه دلائل القبلة، فاستدل فأداه استدلاله إلى جهة ما، وقطع بذلك ثم تعمد الصلاة إلى خلاف تلك الجهة، فلما سلم إذا به الى القبلة فإن صلاته باطلة، وهو بذلك فاسق، لأنه تعمد العمل في صلاته بما ليس عالما أنه أمر به فيها، فقصد العمل بما يرى أنه ليس من صلاته، فقد قصد إفساد صلاته فبطلت بذلك قال أبو محمد وأما من كان بعد رسول الله صلى الله عليه وسلم فلم يبلغه الناسخ ولا الخالص فإنه أيضا مأمور بما يعتقد من المنسوخ ومن عموم المخصوص، لأن الله تعالى لم يكلفه قط خلاف ذلك، بل افترض عليه خلافا لذلك طاعة أمره تعالى جملة، والمنسوخ من أمره فلا شك، فهو لازم لكل من بلغه بعموم الأمر المذكور حتى يبلغه نسخه وبالله تعالى التوفيق. ومن المحال الممتنع أن يكون الله تعالى يورد على عبده أمرا يأمره به ثم ينهاه عنه ولا يعلمه بنهيه عنه، وهو تعالى قد تكفل لنا بالبيان قال عز وجل {لا إكراه في لدين قد تبين لرشد من لغي فمن يكفر بلطاغوت ويؤمن بلله فقد ستمسك بلعروة لوثقى لا نفصام لها ولله سميع عليم} فلو ورد أمر الله تعالى ثم نهاه عنه، ولم يبلغه نهيه لكان ذلك إضلالا والتباسا، ولكان الرشد غير مبين من الغي وحاشا لله من هنا يقينا.

what he believes on the basis of the abrogated text and the general applicability of the text whose scope has been restricted. For God Most High has never charged him with anything contrary to that. Rather, in contrast to that, He has imposed upon him obedience to His command, Most High, in its entirety. The abrogated command is unquestionably among His commands, and therefore remains binding upon everyone whom it has reached, by virtue of the general applicability of the aforementioned command, until its abrogation reaches him. Through God Most High comes success. It is utterly impossible that God Most High should convey to His servant a command, ordering him to do something, then forbid him to do it without informing him of His prohibition, when He, Most High, has guaranteed us clarification. He, Almighty and Majestic, said: "There is no compulsion in religion. Right guidance has become distinct from error. Whoever disbelieves in false objects of worship and believes in God has indeed grasped the firmest handhold, which cannot break. God is All-Hearing, All-Knowing." If God Most High's command were conveyed and He then forbade it, but His prohibition did not reach the person, that would constitute leading astray and creating confusion, and right guidance would not be distinct from error. God is assuredly far above this.[24][25][26][27]

L149–150 As for someone whom the abrogating text and the specific text have reached, but who then forgets them or interprets them to the utmost of his ability, he is commanded to follow what has reached him of them. For, from the moment it reached him, he has been forbidden to continue in his present

وأما من بلغه الناسخ والخاص، ثم نسيهما أو تأول فيهما بمبلغ طاقته فهو مأمور بما بلغه من ذلك، لأنه منذ بلغه منهي عما هو عليه، لأنه قد بلغه النهي إلا أنه معذور مأجور مرة، مأجور بقصده الخير، ومعذور بجهله ونسيانه، فهذا حكم هذا الباب بالبرهان الصحيح، وبالله تعالى التوفيق فإن احتج محتج بحديث رسول الله صلى الله عليه وسلم إذ فرضت الصلاة ليلة الإسراء وفيه قول موسى عليه السلام: كم فرض الله على أمتك؟ قال خمسين صلاة أو نحوها فأخبر النبيان عليهما السلام أن الله تعالى فرض علينا قبل أن يبلغنا خمسين صلاة. قلنا: إنما معنى هذا أنه متى بلغنا الأمر لزمنا. وبرهان ذلك: أن ذلك لا يلزم من لم يخلق حتى يخلق، ولا من لم يبلغ حتى يبلغ، ولا من لم يأت عليه وقت الصلاة حتى يأتي وقتها. هذا ما لا خلاف فيه. فصح أن

[24] **Translator's note (L146):** The Qur'anic quotation corresponds to 2:150. The supplied forms لمسجد لحرام and لذين omit initial alifs from the usual spellings المسجد الحرام and الذين; they have been understood accordingly.

[25] **Translator's note (L147):** The supplied الخالص literally means "the unmixed" or "the pure." The context strongly suggests a corruption of الخاص, "the specific [text]," which is the sense used in the translation. The phrase بل افترض عليه خلافا لذلك is awkward as supplied; "Rather, in contrast to that, He has imposed upon him" preserves its wording without resolving the awkwardness.

[26] **Translator's note (L148):** The final هنا, literally "here," appears corrupt in the expression وحاشا لله من هنا يقينا. The translation takes the expression as referring to the situation just described.

[27] **Qur'an references (L145):** Qur'an 2:149 (Al-Baqarah); Qur'an 2:150 (Al-Baqarah).

practice, since the prohibition has reached him. Nevertheless, he is excused and rewarded once: rewarded for intending good, and excused for his ignorance and forgetfulness. This, then, is the ruling on this subject, established by sound demonstration. Through God Most High comes success. If someone adduces as an objection the report concerning the Messenger of God, God bless him and grant him peace, when prayer was made obligatory on the night of the Night Journey, which includes Moses' words, peace be upon him, "How many has God made obligatory upon your community?" and his reply, "Fifty prayers," or words to that effect—thus the two prophets, peace be upon them both, stated that God Most High had made obligatory upon us, before it reached us, fifty prayers—we reply: This means only that whenever the command reaches us, it becomes binding upon us. The demonstration of this is that it does not bind someone who has not been created until he is created, nor someone who has not reached maturity until he reaches maturity, nor someone for whom the time of prayer has not arrived until its time arrives. There is no disagreement about this. It is therefore established that the obligation mentioned applies only after creation, after maturity, after the religious law has reached the person, and after the time has begun. In this way all the reports are reconciled. Through God Most High comes success. The demonstration of this is that no Muslim ever sinned by omitting the fifty prayers. Had they been obligatory and someone omitted them, he would have been disobedient to God Most High. It is therefore established that we are bound except by what has reached us of the religion. As for someone whom an unsound report from the Prophet, God bless him and grant him peace, has reached, and for whom its soundness has been affirmed by someone exercising interpretation, an ignorant person, or a transgressor whose transgression he did not know about: this person has been the recipient of a communication. If he acts upon the falsehood that has reached him, he is excused because of his ignorance and incurs no sin, since he did not deliberately incline toward sin, and actions are judged by intentions. He is therefore one who has exercised his utmost effort, rewarded once for directing his intention toward good and toward obedience to God and His Messenger, God bless him and grant him peace. If, however, he contravenes what has reached him of that, he incurs the sin of someone who treats con-

الفرض المذكور إنما هو بعد الخلق وبعد البلوغ، وبعد انتهاء الشرع إليه، وبعد دخول الوقت: وبهذا تتألف الأخبار كلها، وبالله تعالى التوفيق. برهان ذلك: أنه لم يعص قط أحد من المسلمين بتركه الخمسين صلاة، ولو وجبت وتركها تارك لكان عاصيا لله تعالى، فصح أنه يلزمنا إلا ما بلغنا من الدين وأما من بلغ إليه خبر غير صحيح عن النبي صلى الله عليه وسلم وصححه له متأول أو جاهل أو فاسق لم يعلم هو بفسقه؛ فهذا هو مبلغ، فهو إن عمل بما بلغه من ذلك الباطل فمعذور بجهله لا إثم عليه، لأنه لم يتجانف لإثم، والأعمال بالنيات، فهو مجتهد مأجور مرة في قصده بنيته إلى الخير وإلى طاعة الله ورسوله صلى الله عليه وسلم فلو خالف ما بلغه من ذلك فإنما عليه إثم المستسهل بخلاف الرسول صلى الله عليه وسلم إما بعلمه فقط فهو فاسق وإما بنيته فهو كافر وبالله تعالى التوفيق

travening the Messenger, God bless him and grant him peace, lightly: either through his knowledge alone, in which case he is a transgressor, or through his intention, in which case he is an unbeliever. Through God Most High comes success.[28]

[28]**Translator's note (L150):** The sentence فصح أنه يلزمنا إلا ما بلغنا من الدين appears to lack a negative before يلزمنا. Its supplied wording is rendered without silently adding one. The surrounding argument evidently requires "only what has reached us of the religion binds us." The supplied بعلمه means "through his knowledge." The contrast with "through his intention" suggests that بعمله, "through his action," may have been intended; the translation retains the supplied reading.

الباب 7: أصول الأحكام وأقسام المعارف

Chapter 7: Foundations of Religious Rulings and Divisions of Knowledge

Ibn Ḥazm · Arabic–English parallel edition

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[الباب السابع في أصول الأحكام في الديانة وأقسام المعارف]

وهل على النافي دليل أو لا؟ قال علي: قد ذكرنا فيما خلا من هذا الكتاب وفي غيره من كتبنا أنه لا طريق إلى العلم أصلا إلا من وجهين أحدهما ما أوجبته بديهة العقل وأوائل الحس والثاني مقدمات راجعة إلى بديهة العقل وأوائل الحس. وقد بينا كل ذلك في غير هذا المكان، فأغنى عن ترداده؛ وقد بينا أيضا أن بالمقدمات الصحاح الضرورية المذكورة علمنا صحة التوحيد وصحة نبوة محمد صلى الله عليه وسلم وصدقه في كل ما قال وأن القرآن الذي أتى به هو عهد الله تعالى إلينا، فلما كان فيما ذكر لنا عن ربه تعالى، وجوب أشياء ألزمناها اجتهاد هذا الإنسان لم يكلفه الله تعالى أكثر ما في وسعه؛ والانتهاء عن أشياء منعنا منها ووعد بالنعيم الأبدي من أطاعه، وبالعذاب الشديد من عصاه، وتيقنا وجوب صدقه في ذلك لزمنا الانقياد لما أمرنا له بالانقياد له، وتيقنا صحة كل ما ذكر لنا ضرورة ولا محيد للنفس عنها بما نقلته الكواف مما أظهر من المعجزات التي لا يقدر عليها إلا الخالق الأول تعالى والشاهد لنبيه صلى الله عليه وسلم بها على صحة ما أتى به عنه تعالى فوجب علينا تفهم القرآن والأخذ بما فيه، فوجدنا فيه التنبيه على صحة ما كنا متوصلين به إلى معرفة الأشياء على ما هي عليه من مدارك العقل والحواس، ولسنا نعني بذلك أننا نصحح بالقرآن شيئا كنا نشك فيه من صحة ما أدركه العقل والحواس، ولو فعلنا ذلك لكنا مبطلين للحقائق، ولسلكنا برهان الدور الذي لا يثبت به شيء أصلا. وذلك أننا كنا نسأل فيقال لنا: بم عرفتم أن القرآن حق؟ فلا بد أن نقول بمقدمات صحاح يشهد لها العقل والحس. ثم يقال لنا: بماذا عرفتم صحة العقل والحس المصححين لتلك المقدمات؟ فكنا نقول بالقرآن، فهذا استدلال فاسد مبطل للحقائق. ولكنا قلنا: إن في القرآن التنبيه لأهل الجهل والغفلة وحسم شغب أهل العناد، وذلك أن قوما من أهل ملتنا يبطلون حجج العقول ويصححون حجج القرآن

[Chapter Seven: On the Foundations of Rulings in Religion and the Divisions of Knowledge]

And whether one who denies a claim must supply evidence or not. ʿAlī said: We have stated earlier in this book, and in other books of ours, that there is absolutely no path to knowledge except by two means. The first is what is necessarily established by the immediate self-evidence of reason and the primary data of sense perception. The second consists of premises that lead back to the immediate self-evidence of reason and the primary data of sense perception. We have explained all this elsewhere, making its repetition unnecessary. We have also explained that through the aforementioned sound, necessary premises we came to know the truth of divine unity and the truth of the prophethood of Muḥammad, God bless him and grant him peace, his truthfulness in everything he said, and that the Quran he brought is God Most High's covenant with us. Now, since what he related to us from his Lord, Most High, included the obligatory character of things that he bound us to perform—the utmost effort of this human being; God Most High has not charged him with more than lies within his capacity—and refraining from things from which he prohibited us, and since he promised everlasting bliss to whoever obeyed him and severe punishment to whoever disobeyed him, and we became certain that he must be truthful in this, we were bound to submit to that to which he commanded us to submit. We became certain of the truth of everything he related to us, necessarily and with no possibility for the soul to evade it, through what the multitudes transmitted concerning the miracles he manifested, which none but the First Creator, Most High, can perform, and through which He bears witness for His Prophet, God bless him and grant him peace, to the truth of what he brought from Him, Most High. It therefore became obligatory for us to understand the Quran and adhere to what it contains. In it we found attention drawn to the soundness of the means by which we had arrived at knowledge of things as they are: the apprehensions of reason and the senses. By this we do not mean that we establish through the Quran the soundness of anything apprehended by reason and the senses whose soundness we had doubted. Had we done that, we would have nullified realities and followed a circular demonstration, by

فأريناهم أن في القرآن إبطال قولهم، وإفساد مذاهبهم، وأن الله تعالى قد علم أن سيكون في العالم أمثالهم، فأخبرنا بما يبطل به شغبهم، ويزيل شكوكهم كما قال تعالى {وما من دآبة في لأرض ولا طائر يطير بجناحيه إلا أمم أمثالكم ما فرطنا في لكتاب من شيء ثم إلى ربهم يحشرون} فمما أمرنا فيه تعالى باستعمال دلائل العقل والحواس قوله تعالى {ثم سواه ونفخ فيه من روحه وجعل لكم لسمع ولأبصار ولأفئدة قليلا ما تشكرون} وصدق الله تعالى ما شكره من إبطال دلائل سمعه وبصره وعقله. وقال تعالى: {ألم نجعل له عينين * ولسانا وشفتين * وهديناه النجدين}

which nothing at all is established. For we would be asked, "By what did you know that the Quran is true?" We would necessarily have to say, "Through sound premises to which reason and sense perception bear witness." Then we would be asked, "By what did you know the soundness of reason and sense perception, which establish the soundness of those premises?" We would then say, "Through the Quran." This is unsound reasoning that nullifies realities. Rather, we have said that the Quran contains a reminder for the ignorant and heedless, and a means of putting an end to the contentious objections of the obstinate. For some members of our religious community invalidate the proofs of reason while affirming the validity of the proofs of the Quran. We therefore showed them that the Quran contains the refutation of their assertion and the invalidation of their doctrines, and that God Most High knew that people like them would exist in the world, and therefore informed us of that by which their contentious objections are refuted and their doubts removed, as He said, Most High: "There is no creature on the earth, nor any bird flying with its two wings, but they are communities like you. We have neglected nothing in the Book. Then to their Lord they will be gathered." Among the passages in which He, Most High, commanded us to employ the indications of reason and the senses is His saying, Most High: "Then He fashioned him and breathed into him of His spirit, and made for you hearing, sight, and hearts. Little do you give thanks." God Most High has spoken the truth: invalidating the indications of one's hearing, sight, and reason is no act of thanking Him. He, Most High, also said: "Have We not made for him two eyes, and a tongue and two lips, and guided him to the two elevated paths?"[1][2][3]

[1]**Translator's note (L153):** The words اجتهاد هذا الإنسان لم يكلفه الله تعالى أكثر ما في وسعه, rendered between dashes, form a syntactically disconnected passage in the supplied text. They may represent an interpolation or textual corruption; no secure correction is evident. The supplied لما أمرنا له بالانقياد له contains an awkward additional له. The translation follows its apparent sense, "that to which he commanded us to submit."

[2]**Translator's note (L155):** The supplied ما شكره من إبطال دلائل سمعه وبصره وعقله is grammatically awkward. The translation renders its apparent sense. Reading أبطل, "invalidated," in place of إبطال, "invalidating," would yield the more straightforward "Whoever invalidates the indications of his hearing, sight, and reason has not thanked Him."

L156–167 And He, exalted is He, condemned those who did not employ their indications. He said, reporting the words of a people being punished—and because of their turning away from the inference that leads to knowledge of realities, God, exalted is He, said: {We have indeed created for Hell many of the jinn and humankind. They have hearts with which they do not understand, eyes with which they do not see, and ears with which they do not hear. Those are like livestock; indeed, they are further astray. Those are the heedless. * To God belong the most beautiful names, so call upon Him by them, and leave those who deviate concerning His names. They will be recompensed for what they used to do}, down to His words: {We have indeed created for Hell many of the jinn and humankind. They have hearts with which they do not understand, eyes with which they do not see, and ears with which they do not hear. Those are like livestock; indeed, they are further astray. Those are the heedless. * To God belong the most beautiful names, so call upon Him by them, and leave those who deviate concerning His names. They will be recompensed for what they used to do}. And He, exalted is He, said, reporting the words of others like them: {And they said: Had we listened or reasoned, we would not have been among the companions of the Blaze}. God, mighty and majestic, confirmed the truth of what they said, saying, exalted is He: {So they acknowledged their sin. Away, then, with the companions of the Blaze!} And He, exalted is He, said: {We had indeed established them in that in which We have not established you, and We gave them hearing, eyes, and hearts. Yet their hearing, their eyes, and their hearts availed them nothing, since they denied God's signs, and that which they used to mock encompassed him}. Thus He, exalted is He, condemned those who did not benefit from the senses and reason He had given them. Abu Muhammad said: Consider these people who acknowledge against themselves that they neither listened nor reasoned, and that, had they listened or reasoned, they would not have entered the Fire: were their ear canals afflicted with defects that prevented sounds from being conveyed, or were they ignorant of their worldly affairs, the proper management of their tillage and planting, tending their livestock, spending and increasing their wealth, building their homes,

وذم تعالى من لم يستعمل دلائلها، فقال حاكيا عن قوم معذبين، ولإعراضهم عن الاستدلال المؤدي الى معرفة الحقائق، قال الله تعالى {ولقد ذرأنا لجهنم كثيرا من لجن ولإنس لهم قلوب لا يفقهون بها ولهم أعين لا يبصرون بها ولهم آذان لا يسمعون بهآ أولئك كالأنعام بل هم أضل أولئك هم لغافلون * ولله لأسمآء لحسنى فدعوه بها وذروا لذين يلحدون في أسمآئه سيجزون ما كانوا يعملون} إلى قوله {ولقد ذرأنا لجهنم كثيرا من لجن ولإنس لهم قلوب لا يفقهون بها ولهم أعين لا يبصرون بها ولهم آذان لا يسمعون بهآ أولئك كالأنعام بل هم أضل أولئك هم لغافلون * ولله لأسمآء لحسنى فدعوه بها وذروا لذين يلحدون في أسمآئه سيجزون ما كانوا يعملون} وقال تعالى حاكيا عن مثلهم: {وقالوا لو كنا نسمع أو نعقل ما كنا في أصحاب لسعير} فصدقهم الله عز وجل في قولهم ذلك فقال تعالى {فعترفوا بذنبهم فسحقا لأصحاب لسعير} وقال تعالى {ولقد مكناهم فيمآ إن مكناكم فيه وجعلنا لهم سمعا وأبصارا وأفئدة فمآ أغنى عنهم سمعهم ولا أبصارهم ولا أفئدتهم من شيء إذ كانوا يجحدون بآيات لله وحاق به ما كانوا به يستهزئون} فذم تعالى من لم ينتفع بما أعطاه من الحواس والعقل. قال أبو محمد: أترى هؤلاء المقرين على أنفسهم أنهم كانوا لا يسمعون ولا يعقلون، ولو سمعوا أو عقلوا ما دخلوا النار، أكانت صمخ آذانهم ذات آفات مانعة من تأدية الأصوات؟ أو كانوا جاهلين بأمور دنياهم وأحكام حرثهم وغراستهم؟ والقيام على مواشيهم ونفقات أموالهم وإنمائها، وبنيان منازلهم وعمارة بساتينهم، وتدبير متاجرهم وصناعاتهم، وحفظ أموالهم، وطلب الجاه والرياسة؟ كلا والذي عذبهم وأخزاهم وذمهم؟ بل كانوا أعلم بذلك كله، وأشد اهتبالا به، وأشغل نفوسا فيه، وأبصر لنموه وتكثيره وحياطته من أهل الفضل، المقتصرين من ذلك مما يضيع العيال والجسم بتركه أو ما جاءهم من ذلك على ما لا بد منه عفوا، وكان غير شاغل لهم عما هو آكد عليهم، المقبلين على طلب

[3] **Qur'an references (L152):** Qur'an 6:38 (Al-An'am); Qur'an 32:9 (As-Sajdah); Qur'an 90:8 (Al-Balad); Qur'an 90:9 (Al-Balad); Qur'an 90:10 (Al-Balad).

cultivating their gardens, managing their commerce and crafts, safeguarding their wealth, and seeking prestige and leadership? Certainly not, by Him who punished them and disgraced and condemned them! Rather, they knew all of that better, paid it greater attention, were more preoccupied with it, and were more discerning about its growth, increase, and protection than the people of virtue, who confined themselves in these matters to that whose neglect would bring their dependants and their bodies to ruin, or to whatever came to them of these things without effort beyond what was indispensable, and which did not distract them from what was more incumbent upon them. These people devoted themselves to seeking knowledge of realities and ascertaining the knowledge and action that lead to knowledge of the Hereafter and happiness in the abode of everlasting life, in the Garden that God, exalted is He, has promised His friends, and that keep one far from destruction and permanent residence in the abode of punishment, in the Fire that God, mighty and majestic, has promised His enemies. They occupied themselves with this instead of that upon which the people of ignorance and deficiency threw themselves, as ʻAbd Allah ibn Yusuf ibn Nami related to us, from Ahmad ibn Fath, from ʻAbd al-Wahhab ibn ʻIsa, from Ahmad ibn Muhammad, from Ahmad ibn ʻAli, from Muslim ibn al-Hajjaj: Abu Bakr ibn Abi Shaybah and ʻAmr al-Naqid related to us, both of them from Aswad ibn ʻAmir, who said: Hammad ibn Salamah related to us, from Hisham ibn ʻUrwah and Thabit al-Bunani—Hisham from his father, from ʻA'ishah, and Thabit from Anas ibn Malik—that the Messenger of God, may God bless him and grant him peace, said: "You know better about the affairs of your worldly life," in the account of his statement, peace be upon him, concerning the pollination of date palms: they abandoned it, and the dates came out poorly developed. But these people being punished refrained from employing hearing, sight, touch, taste, smell, and reason to infer the existence of the Creator, exalted is He, and to ascertain what brings one near to Him in belief, speech, and action. They directed all of these instead toward perishing debris that neither benefits nor avails, but rather burdens one and brings regret. Success comes through God, exalted is He. ʻAli said: We found in the Qur'an that we are bound to obey what our Lord, exalted is He, has commanded us in it, and what our Prophet, may God bless him and grant him peace, has com-

معرفة الحقائق، والوقوف على العلم والعمل، الموصلين إلى معرفة الآخرة والسعادة في دار البقاء في الجنة التي وعدها الله تعالى أولياءه والمبعدين من الهلاك والقرار في دار العذاب في النار التي وعدها الله عز وجل لأعدائه المشتغلين بذلك عما تهافت عليه أهل الجهل والنقصان. كما ثنا عبد الله بن يوسف بن نامي، عن أحمد بن فتح، عن عبد الوهاب بن عيسى عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، حدثنا أبو بكر بن أبي شيبة وعمرو الناقد، وكلاهما عن أسود بن عامر قال: ثنا حماد بن سلمة عن هشام بن عروة وثابت البناني: هشام عن أبيه عن عائشة وثابت عن أنس بن مالك أن رسول الله صلى الله عليه وسلم قال أنتم أعلم بأمر دنياكم في حديث قوله عليه السلام في تلقيح النخل فتركوه فخرج شيصا ولكن هؤلاء المعذبون أضربوا عن استعمال السمع والبصر، واللمس والذوق الشم، والعقل في الاستدلال على الخالق تعالى، ولم يقرب منه من عقد وقول وعمل وصرفوا كل ذلك في حطام فان، لا يجدي ولا يغني، بل يثقل ويندم وبالله تعالى التوفيق قال علي ووجدنا في القرآن إلزامنا الطاعة لما أمرنا به ربنا تعالى فيه ولما أمرنا نبيه صلى الله عليه وسلم مما نقله عنه الثقات أو جاء عنه بتواتر أجمع عليه جميع علماء المسلمين على نقله عنه عليه السلام فوجدناه تعالى قد ساوى بين هذه الجمل الثلاث في وجوب طاعتها علينا، فنظرنا فيها فوجدنا منها جملا إذا اجتمعت قام منها حكم منصوص على معناه، فكان ذلك كأنه وجه رابع، إلا أنه غير خارج عن الأصول الثلاثة التي ذكرنا وذلك نحو قوله عليه السلام كل مسكر خمر وكل خمر حرام فأنتج ذلك كل مسكر حرام فهذا منصوص على معناه نصا جليا ضروريا. لأن المسكر هو الخمر، والخمر هي المسكر، والخمر حرام، فالمسكر الذي هو هي حرام ومثل قوله تعالى {يوصيكم لله في أولادكم للذكر مثل حظ لأنثيين فإن كن نسآء فوق ثنتين فلهن ثلثا ما ترك وإن كانت واحدة فلها لنصف ولأبويه لكل واحد منهما لسدس مما ترك إن كان له ولد فإن لم يكن له ولد وورثه أبواه فلأمه

manded us, as transmitted from him by trustworthy transmitters or conveyed from him through transmission by numerous independent channels, whose transmission from him, peace be upon him, all the scholars of the Muslims unanimously acknowledge. We found that He, exalted is He, had placed these three bodies of material on an equal footing with respect to our obligation to obey them. We examined them and found among them statements which, when combined, establish a ruling whose meaning is explicitly stated in the text. This was, as it were, a fourth avenue, although it does not fall outside the three foundations we have mentioned. An example is his saying, peace be upon him: "Every intoxicant is wine, and every wine is forbidden." This yields: "Every intoxicant is forbidden." Its meaning is thus explicitly stated by a clear, necessary textual statement, because an intoxicant is wine, and wine is an intoxicant, and wine is forbidden; therefore, the intoxicant, which is that very wine, is forbidden. Another example is His saying, exalted is He: {God instructs you concerning your children: the male shall have the share of two females. If they are women numbering more than two, they shall have two-thirds of what he leaves; and if there is one, she shall have half. For his parents, each of the two shall have a sixth of what he leaves, if he has a child. If he has no child and his parents inherit from him, his mother shall have a third. If he has siblings, his mother shall have a sixth, after any bequest he makes or debt. Your fathers and your sons—you do not know which of them is nearer to you in benefit. An obligation from God; indeed, God is all-knowing, wise}. And we have attained certainty, through the act by which we know things as they are, that every countable whole consists of one-third and two-thirds. Thus, if the mother has only one-third, and she and the father are the only heirs, the two-thirds belong to the father. This is necessary knowledge from which reason cannot depart. We found this explicitly stated as to its meaning, even though it was not explicitly stated in its wording. Another example is the consensus of the Muslims that God, exalted is He, has ruled that Zayd's blood is inviolable because he is a Muslim. Then someone says: "His blood has become lawful to shed." We reply: "We have attained certainty through the text that obedience to consensus is obligatory, and the transmission of the consensus that his blood is inviolable has been established as sound. We may therefore not depart from

لثلث فإن كان له إخوة فلأمه لسدس من بعد وصية يوصي بها أو دين آباؤكم وأبناؤكم لا تدرون أيهم أقرب لكم نفعا فريضة من الله إن الله كان عليما حكيما} وقد تيقنا بالفعل الذي به علمنا الأشياء على ما هي عليه أن كل معدود فهو ثلث وثلثان، فإذا كان للأم الثلث فقط وهي والأب وارثان فقط فالثلثان للأب، وهذا علم ضروري لا محيد عنه للعقل، ووجدنا ذلك منصوصا على المعنى وإن لم ينص على اللفظ. ومثل إجماع المسلمين على أن الله تعالى حكم بأن دم زيد حرام لإسلامه ثم قال قائل: قد حل دمه فقلنا: قد تيقنا بالنص وجوب الطاعة للإجماع، وقد صح نقل الإجماع على أن دمه حرام، فلا يجوز لنا خلاف ذلك إلا بنص منقول بالثقات أو بتواتر أو بإجماع ناقل لنا فهذا منصوص على معناه ومثل أن يدعي زيد على عمرو بمال فنقول إن الله تعالى نص على إيجاب اليمين على عمرو، لأن النص قد جاء بإيجاب اليمين على من ادعي عليه، وعمرو مدعى عليه فقد أوجب النص اليمين على عمرو، فلا سبيل إلى معرفة شيء من أحكام الديانة أصلا إلا من أحد هذه الوجوه الأربعة، وهي كلها راجعة إلى النص، والنص معلوم وجوبه، ومفهوم معناه بالعقل على التدريج الذي ذكرناه. وقد ادعى قوم: أن من الشرائع ما لا سبيل في القدرة إلى تغييره، فأتوا بأمر عظيم، وأدى قولهم هذا الفاسد إلى أن ربهم تعالى مضطر إلى الأمر بما أمر من ذلك: فمن التزم منهم ما توجبه مقدمته الفاسدة كفر، ومن جبن عن التزامه تناقض وقضى بفساد معتقده الذي هو ثابت عليه، إلا أنهم استعظموا أن يطلقوا ما يوجبه مذهبهم فحسنوه بعبارة كنوا بها عنه فقالوا لا سبيل في العقل إلى تغييره قال علي والعقل لا يوجب على الباري تعالى حكما بل الباري تعالى خالق العقل بعد أن لم يكن، ومرتب له وفيه ما قد رتب مما لو شاء أن يخترعه ويرتبه على خلاف ذلك لفعل. وإنما العقل مفهم عن الله تعالى مراده، ومميز للأشياء التي قد رتبها الباري تعالى على ما هي عليه فقط. فقال هؤلاء: إن الكفر والظلم لا يتوهم جواز استباحته قال علي ولا دليل على ما ذكروا بل قد كان ممكنا أن يأمرنا تعالى بالكفر به وبجحده وبعبادة الأوثان

that except on the basis of a text transmitted by trustworthy transmitters, or through transmission by numerous independent channels, or through a consensus that transfers us from that ruling." This, then, is explicitly stated as to its meaning. Another example is that Zayd brings a monetary claim against 'Amr. We say that God, exalted is He, has explicitly imposed an oath upon 'Amr, because the text imposes an oath upon the person against whom a claim is brought, and 'Amr is a person against whom a claim is brought; thus the text has imposed an oath upon 'Amr. There is absolutely no way to know any of the rulings of religion except through one of these four avenues. They all ultimately refer back to the text, and the obligatory authority of the text is known, and its meaning understood, through reason, according to the sequence we have mentioned. Some people have claimed that certain religious laws cannot possibly be changed by any power. They have thereby advanced an enormity, and this corrupt assertion of theirs entails that their Lord, exalted is He, is compelled to command whatever He has commanded in such matters. Whoever among them accepts what his corrupt premise entails has disbelieved; whoever shrinks from accepting it contradicts himself and thereby establishes the invalidity of the belief to which he continues to adhere. Yet they considered it too grave to state outright what their doctrine entails, so they dressed it up in an expression by which they referred to it indirectly, saying: "There is no possibility in reason of changing it." 'Ali said: Reason imposes no ruling upon the Creator, exalted is He. Rather, the Creator, exalted is He, created reason after it had not existed, and ordered it and what He has ordered within it; had He wished to originate and order it otherwise, He would have done so. Reason merely makes understood God's intention, exalted is He, and distinguishes things as the Creator, exalted is He, has ordered them to be. These people said: "The permissibility of treating disbelief and injustice as lawful cannot be conceived." 'Ali said: There is no proof for what they have stated. Rather, it was possible for Him, exalted is He, to command us to disbelieve in Him, deny Him, worship idols, and commit injustice. But He, exalted is He, has informed us that He does not do that, so we know that that will never occur, not because it would be impossible for Him, mighty and majestic, if He willed it, nor because He, exalted is He, would be incapable of it if He intended it, but because He

وبالظلم، ولكنه تعالى قد أخبرنا أنه لا يفعل ذلك فعلمنا أن ذلك لا يكون أبدا، ليس لأنه ممتنع منه عز وجل لو شاءه، ولا أنه تعالى عاجز عن ذلك لو أراده، ولكن لأنه لا يقول إلا الصدق، وقد أخبرنا أن ذلك لا يكون، وأنه لا يرضى لنا الكفر، ولا يأمر أن نتخذ إلهين اثنين، فلما أخبرنا بذلك منعنا من كونه كما منعنا أن يأتي رسول بعد محمد صلى الله عليه وسلم وكما منعنا من عمارة مكان قفر قد رأيناه غير معمور إلى وقتنا هذا، ومن خلاء مدينة قد عهدناها معمورة إلى وقتنا هذا، وقد كان في الممكن خلاء تلك المدائن، وعمران هذا القفر: ولكن الله تعالى لم يرد ذلك إلى الآن. فعلى هذا الوجه منعنا أن يأمر بالكفر به لا على أن العقل مانع من جواز ذلك لو شاءه عز وجل قال علي وبرهان ذلك أننا واجدون بالمشاهدة أكثر أنواع الحيوان لم تتعبد بالإيمان بالله عز وجل، ولا ركب فيها التمييز الذي لا يعرف الله عز وجل إلا به فلو شاء تعالى أن يجعل الإنسان غير مأمور لفعل. ولما كان هنالك شيء يمنعه من ذلك تعالى وجهه، ولا يوجب عليه فعل ما فعل ولا بد، وهؤلاء الصبيان الذين بلغوا الأربعة عشر عاما ولم يشعروا ولم يحتلموا بإجماع أكثر الأمة بالإيمان أمر إلزام، ولا منهيين عن الكفر نهي تحريم، فإذا احتلموا لزمهم الإيمان فرضا، وحرم عليهم الكفر حتما، ولم يكن بين تعريهم من الأوامر والنواهي، وبين حلولها عليهم إلا نومة لعلها أقل من مقدار شي بيضة، ولم يزد التمييز الذي كان فيهم في تلك النومة شيئا. بل هو على حسبه الذي كان عليه قبل أن ينامها، ولا فرق. هذا شيء يعلم بالحس والمشاهدة، يعني تساوي التمييز فيهم في ذينك الوقتين. وهذا شيء قد يشهد النص به ولا خلاف فيه بين جمهور أهل الملة التي وضعنا كتابنا هذا في أحكامهم وعبادتهم، اختلافهم في معنى براءة من لم يشعر ولم يحتلم، ولا حاض إن كان امرأة، ولا بلغ خمسة عشر عاما من جميع الأوامر الواردة من الله تعالى ولزومها لمن احتلم وبلغ خمسة عشر عاما مع الاحتلام، أو حاض إن كان امرأة في هذه السن، ولا فرق في العقل بين جواز عدم

speaks only the truth and has informed us that this will not occur, and that He He does not approve unbelief for us, nor does He command us to take two gods. When He informed us of this, we ruled out its occurrence, just as we ruled out the coming of a messenger after Muḥammad, God bless him and grant him peace, and just as we ruled out the settlement of a desolate place that we have seen remaining uninhabited down to our own time, or the abandonment of a city that we have known to remain inhabited down to our own time. The abandonment of those cities and the settlement of this desolate place were possible, but God Most High has not willed that thus far. It is in this sense that we rule out His commanding unbelief in Him, not because reason precludes its being possible if He, mighty and majestic, were to will it.

ʿAlī said: The demonstration of this is that we find through observation that most kinds of animals have not been charged with worship through faith in God, mighty and majestic, nor has He implanted in them the discernment without which God, mighty and majestic, cannot be known. Had the Most High willed to make human beings subject to no command, He would have done so. There would have been nothing there to prevent Him from doing so—exalted be His countenance—or to make it absolutely incumbent upon Him to do what He has done. These boys who have reached fourteen years of age but have neither grown pubic hair nor experienced a seminal emission are, by the consensus of most of the community, [not commanded] to have faith by a binding command, nor forbidden unbelief by a prohibitory ban. Once they experience a seminal emission, faith becomes an obligatory duty for them, and unbelief becomes categorically forbidden to them. Between their being free of commands and prohibitions and their becoming subject to them there has been only a sleep, perhaps shorter than the time it takes to roast an egg. The discernment they possessed has increased in no respect during that sleep; it remains just as it was before they slept, without any difference. This is something known through sense perception and observation: namely, the equality of their discernment at those two times. This is something to which the revealed text also bears witness. There is no disagreement about it among the general body of the adherents of the reli-

الأمر بالإيمان في كلتا الحالتين المذكورتين، وبين جواز وجود الأمر به في كلتيهما. فإن شغب مشغب بتعلم الصبيان الصلاة وضربهم عليها؛ وأراد بذلك غرور الضعفاء المقلدين، فليعلم أنه لا خلاف عند الحاضرين من خصومنا في أن ذلك على سبيل التدريب وتعليم الخير، لا على سبيل الإيجاب لذلك عليهم، وكذلك دعاؤنا إياهم إلى الإسلام. وبرهان ذلك: أننا لا نقتلهم إن ارتدوا حتى يحتلموا، ولا نقتلهم إن قتلوا، ولا نحدهم إن زنوا، ولا يحرم الميراث وإن ارتد قبل بلوغه من موروثه المسلم.

gion whose rulings, worship, and disagreements we have made the subject of this book: namely, that anyone who has not grown pubic hair, experienced a seminal emission, menstruated if female, or reached fifteen years of age is exempt from all the commands proceeding from God Most High, and that they become binding upon someone who has experienced a seminal emission and reached fifteen years of age along with that emission, or menstruated if female at this age. And in reason there is no difference between the possibility of there being no command to have faith in either of the two aforementioned states and the possibility of there being a command to have faith in both. If a contentious disputant raises an objection about children learning prayer and being beaten for it, intending thereby to deceive the weak who follow authority unquestioningly, let him know that there is no disagreement among our present opponents that this is a matter of training and teaching goodness, rather than making it obligatory upon them. The same applies to our calling them to Islam. The demonstration of this is that, if they apostatize, we do not execute them before they experience a seminal emission; we do not execute them if they kill; we do not inflict the prescribed punishment upon them if they commit illicit intercourse; and a child is not deprived of

inheritance from the Muslim whose heir he is, even if he apostatizes before reaching puberty.[4][5][6][7][8][9][10]

L168–172 If anyone claims that beasts are charged with worship, choosing to join Aḥmad ibn Ḥābiṭ and depart from the consensus of the Muslims, it is enough for him that he has left Islam and joined unbelief. This is not the place to argue with the adherents of this doctrine. We have explained that in the Book of al-Faṣl. Our intention in this book is only to explain the general principles of the rulings. Whoever wishes to acquaint himself with the demolition of

فإن ادعى مدع: أن البهائم متعبدة، واختار اللحاق بأحمد بن حابط والخروج عن إجماع المسلمين، فحسبه مفارقة الإسلام واللحاق بالكفر، وليس هذا مكان محاجة أهل هذا المذهب، وقد بينا ذلك في كتاب الفصل. وإنما قصدنا في كتابنا هذا بيان جمل الأحكام فقط فمن أراد أن يقف على هدم ما ذكرنا من الشغب فليقرأ كتابنا المرسوم بكتاب الفصل إن شاء الله تعالى. قال أبو محمد: فإذ قد بينا أقسام المعارف جملة، ثم بينا أقسام الأصول التي لا يعرف شيء من الشرائع إلا منها، وأنها أربعة وهي نص القرآن ونص كلام رسول الله صلى الله عليه وسلم الذي إنما هو عن الله تعالى مما صح عنه عليه السلام نقل الثقات أو التواتر وإجماع جميع علماء الأمة، أو دليل منها لا يحتمل إلا وجها واحدا، فلنصف بحول الله وقوته كيف يستعمل المناظران أو المتعلم أو العالم السبيل إلى معرفة الحقائق مما ذكره. فنقول وبالله تعالى التوفيق: أول ذلك سؤال السائل مسؤوله عن مذهبه في مسألة كذا، إما مستفهما أو مناظرا، فإذا أجابه سأله: ما دليلك على كذا؟ فإذا أجابه فقد وصلا إلى ميدان المعارضة، فإن لم يكن هنالك إلا أن يصف كل واحد منهما مذهبه، ولم يزد المسؤول على ذكر مذهبه فقط، ولم يأت بدليل فقد سقط وبطل واكتفى بذلك عن تكلف إبطاله، إذ قد بينا فيما تقدم من كتابنا هذا إبطال كل قول لم يقم عليه دليل، فإن عارض المسؤول السائل بدليل، مثل أن يستدل أحدهما على صحة مذهبه بآية، فيحتج عليه الآخر بآية أخرى، هي في ظاهرها مخالفة الحكم للتي احتج بها خصمه أو بحديث كذلك. أو احتج أحدهما بحديث فعارضه الآخر بآية هي ظاهرها مخالفة الحكم لذلك الحديث أو بحديث كذلك. فسنفرد لذلك بابا موعبا في كتابنا هذا إن شاء الله عز جل عند كلامنا في الأخبار، وإن أمدنا الله بمده وقوته فسنفرد لكل هذه الوجوه كتبا مفردة

[4] **Translator's note (L156):** The passage introduced by 'down to His words' repeats the entire preceding quotation from Qur'an 7:179–180. The repetition is retained. In the quotation from Qur'an 46:26, the supplied text has the singular 'encompassed him' where the familiar wording has 'encompassed them'; the supplied wording is retained.

[5] **Translator's note (L158):** The construction describing the virtuous people's limited involvement in worldly affairs is awkward in the supplied text, particularly the transition from necessities to what comes without effort. The translation preserves both alternatives without supplying a missing clause.

[6] **Translator's note (L159):** The supplied phrase rendered 'and to ascertain what brings one near to Him' reads literally 'and did not bring near to Him, of belief, speech, and action.' It appears corrupt; the contextual sense has been supplied here and is explicitly noted. The list of senses lacks a conjunction between 'taste' and 'smell' in the supplied text. The Arabic term for the resulting dates denotes poorly developed dates associated with failed pollination.

[7] **Translator's note (L160):** The supplied text ends with 'through the act by which' rather than the contextually expected 'through the reason by which.' The apparent textual error is retained; the sentence continues in the next unit.

[8] **Translator's note (L165):** The clause about fourteen-year-old boys lacks a predicate before "to have faith by a binding command." "[Not commanded]" supplies the sense required by the argument and the parallel "nor forbidden." The wording around "whose rulings, worship, and disagreements" is syntactically disturbed: اختلافهم ("their disagreements") appears without a clear connection. The translation preserves it as a further subject of the book, but the reading is uncertain. The supplied wording explicitly combines reaching fifteen with experiencing a seminal emission in the final clause. This potentially problematic conjunction has been retained.

[9] **Translator's note (L167):** The final clause shifts from plural children to a singular heir; the translation follows that shift.

[10] **Qur'an references (L156):** Qur'an 7:179 (Al-A'raf); Qur'an 67:10 (Al-Mulk); Qur'an 46:26 (Al-Ahqaf); Qur'an 4:11 (An-Nisa).

the contentious objections we have mentioned should read our book entitled the Book of al-Faṣl, if God Most High wills.

Abū Muḥammad said: Now that we have explained the divisions of knowledge in general, and then explained the divisions of the foundations through which alone anything of the revealed laws can be known, and that they are four—the explicit text of the Qur'ān; the explicit wording of the Messenger of God, God bless him and grant him peace, which comes only from God Most High, insofar as it is authentically established from him, peace be upon him, through transmission by trustworthy transmitters or through recurrent mass transmission; the consensus of all the scholars of the community; or an indication derived from these that admits only one interpretation—let us describe, through God's power and strength, how two disputants, a learner, or a scholar should follow the path to knowing the truths of what has been mentioned. We say, then, with God Most High granting success: The first step is for the questioner to ask the person being questioned about his position on such-and-such a question, either to seek understanding or to debate. When he answers, he asks him, "What is your evidence for such-and-such?" Once he answers, they have reached the arena of counterargument. If all that occurs is that each of them describes his position, and the person questioned does no more than merely state his position and supplies no evidence, then it falls and is invalidated, and that suffices without taking the trouble to refute it, since we have already explained earlier in this book the invalidity of every assertion for which no evidence has been established. If the person questioned counters the questioner with evidence—for example, one of them adduces a verse as evidence for the soundness of his position, and the other argues against him with another verse whose apparent ruling differs from that of the verse his opponent adduced, or with a hadith of that kind; or one of them adduces a hadith, and the other counters it with a verse whose apparent ruling differs from that of the hadith, or with a hadith of that kind—we shall devote an exhaustive chapter to this in our book, if God, mighty and majestic, wills, when we discuss transmitted reports. If God supplies us with His support and strength, we shall devote separate books to all these forms, dealing with the individual hadiths and verses that ap-

في أشخاص الأحاديث والآي التي ظاهرها التعارض، ونحن نبين بحول الله وقوته نفي الاختلاف عن كل ذلك وبالله تعالى نعتصم ونتأيد وقد ذكر مخالفونا تعارض العلل قال علي وسنبين في آخر كتابنا هذا إن شاء الله تعالى بطلان العلل في الشرائع بالجملة، وإن أمدنا الله تعالى بمده وعون من قبله عز وجل فسنفرد في المسائل النظرية، وهي التي دلائلها نتائج مأخوذة من مقدمات نصية أو إجماعية ديوانا موعبا نتقصى فيه إن شاء الله تعالى الأدلة الصحيحة، وبطلان علل أصحاب القياس ومفاسدها بالجملة، وبالله تعالى التوفيق. ثم رأينا كتابنا المعروف بالإيصال جامع لكل ذلك مغن عن إفراد كتب لكل صنف منها قال علي وكل من قال بقبول خبر الواحد ثم صح عنده خبر عن النبي صلى الله عليه وسلم متكامل الشروط التي بوجودها يصح عنده الخبر جملة. فإن تركه لحديث آخر فهو مجتهد، إما مخطىء، وإما مصيب، وكذلك إن تركه لنص قرآن، وكذلك إن ترك نص قرآن لحديث آخر، أو نص قرآن، إلا أنه إن كان قد ترك في مكان آخر مثل تلك الآية التي أخذ بها الآن أو الحديث الذي أخذ به أو أخذ بمثل الحديث أو الآية اللذين ترك ههنا، وخالف ترتيب أخذه في المسائل، فإن كان لم يتنبه لذلك فهو غافل معذور بالجهل، فإن نبه على ذلك فتمادى على خطأه فهو فاسق لإقراره في مكان ما بأن مثل ذلك العمل الذي استعمل ههنا باطل، فهو مقدم على الأخذ بما يدري أنه باطل وذلك مثل من أخذ بقول رسول الله صلى الله عليه وسلم لا قطع إلا في ربع دينار فصاعدا وترك ظاهر قول الله تعالى {ولسارق ولسارقة فقطعوا أيديهما جزآء بما كسبا نكالا من لله ولله عزيز حكيم} ثم إنه ترك قول رسول الله صلى الله عليه وسلم لا تحرم الرضعة والرضعتان وأخذ بظاهر قوله عز وجل: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي

في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما}

pear to conflict. Through God's power and strength, we shall explain the absence of disagreement throughout all of this. In God Most High we seek protection and support. And mention has been made by our opponents of conflicts between legal causes. ʿAlī said: At the end of this book, if God Most High wills, we shall explain the invalidity of legal causes in the revealed laws as a whole. If God Most High supplies us with His support and assistance from Himself, mighty and majestic, we shall devote to theoretical questions —those whose evidences are conclusions drawn from premises based on explicit texts or consensus—a comprehensive volume in which, if God Most High wills, we shall exhaustively examine the sound evidences, the invalidity of the legal causes advanced by the proponents of analogy, and their defects as a whole. With God Most High rests success. We subsequently found that our book known as al-Īṣāl encompasses all of this and dispenses with the need to devote separate books to each category.

ʿAlī said: Anyone who accepts a solitary report, and for whom a report from the Prophet, God bless him and grant him peace, is then established as authentic, fulfilling all the conditions whose presence makes a report authentic in his judgment, is exercising independent judgment if he sets it aside for another hadith, and is either mistaken or correct. The same applies if he sets it aside for an explicit Qurʾānic text, and likewise if he sets aside an explicit Qurʾānic text for another hadith or an explicit Qurʾānic text. However, if elsewhere he has set aside something like the verse he now follows, or the hadith he follows, or has followed something like the hadith or verse he has set aside here, and has varied the order in which he gives them precedence across the questions, then, if he has not noticed this, he is heedless and excused by ignorance. But if it is brought to his attention and he persists in his error, he is a transgressor, because he acknowledges in one place that a procedure like the one he has employed here is invalid. He thus proceeds to follow what he knows to be invalid. An example is someone who follows the saying of the Messenger of God, God bless him and grant him peace, "There is no amputation except for a quarter of a dinar or more," and sets aside the apparent meaning of the saying of God Most High, {As for the male thief and the female thief, cut off their hands as recompense for what they have earned,

an exemplary punishment from God; and God is mighty, wise.} Then he sets aside the saying of the Messenger of God, God bless him and grant him peace, "One suckling and two sucklings do not establish prohibition," and follows the apparent meaning of His saying, mighty and majestic, {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, your wives' mothers, and your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you join two sisters together, except what has already passed. Indeed, God is forgiving, merciful.}[11][12][13]

L173–176 If this person is made aware of the inconsistency of his conduct and persists in it, he is a transgressor, because in one of the two instances he acknowledges that setting aside the apparent meaning of the Qurʾān for a hadith is an error that is not permissible, while in the second instance he employs what he has acknowledged to be impermissible. He thus proceeds to do what, by his own admission, he may not do. If he alleges defects in the hadith concerning two sucklings, we shall show him precisely the same defects in the hadith concerning the thief. If he persists in following one and setting aside the other, he is a transgressor who plays with his religion. If he sets aside an explicit text for an analogy after the proof invalidating analogy has been established against him, he is likewise a transgressor. If he sets aside an explicit text for the statement of a Companion or anyone of lesser standing, then, if he believes that this Companion possesses knowledge from the Prophet may

فهذا إذا وقف على تناقض فعله وتمادى عليه فهو فاسق. لأنه في أحد الموضعين مقر بأن ترك ظاهر القرآن للحديث خطأ لا يحل، وفي الموضع الثاني استعمل ما أقر أنه لا يحل، فهو مقدم على ما لا يجوز له بإقراره، فإن علل حديث الرضعتين أريناه في حديث السارق مثل تلك العلل بعينها، فإن تمادى على الأخذ بأحدهما وترك الآخر، فهو فاسق متلاعب بدينه. وإن ترك نصا لقياس بعد قيام الحجة عليه بإبطال القياس فهو فاسق أيضا وإن ترك نصا لقول صاحب فمن دونه، فإن كان يعتقد أن عند ذلك الصاحب علما عن النبي صلى الله عليه وسلم وقامت عليه الحجة ببطلان ذلك فتمادى ولم يتب فهو فاسق فإن كان يعتقد أن لأحد بعد موت النبي صلى الله عليه وسلم أن يحرم شيئا كان حلالا إلى حين موته عليه السلام أو يحل شيئا كان حراما إلى حين موته عليه السلام أو يوجب حدا لم يكن واجبا إلى حين موته عليه السلام أو يشرع شريعة لم تكن في حياته عليه السلام فهو كافر مشرك حلال الدم والمال حكمه حكم المرتد ولا فرق. وقد ظن قوم مثل هذا في المنع من بيع أمهات الأولاد، وفي حل الخمر وفي إسقاط ست قراءات كانت على عهد النبي صلى الله عليه وسلم مباحة فمن لم تقم عليه الحجة في بطلان هذا المعتقد فهو معذور بالجهل. وأما من قامت عليه وتمادى على

[11] **Translator's note (L171):** The retrospective sentence beginning "We subsequently found" is presented in the author's own voice; the supplied text does not identify it as an editor's addition.

[12] **Translator's note (L172):** The two Qurʾānic quotations contain repeated defective spellings, including missing initial alifs in articles and imperative forms. The translation renders the identifiable words; no substantive change to the quoted wording is apparent. "Establish prohibition" in the suckling hadith means establishing a prohibition of marriage through milk kinship.

[13] **Qur'an references (L168):** Qur'an 5:38 (Al-Ma'idah); Qur'an 4:23 (An-Nisa).

God bless him and grant him peace, and the proof establishing the falsity of that has been made binding upon him, yet he persists and does not repent, then he is a flagrant sinner. If he believes that anyone, after the death of the Prophet, may God bless him and grant him peace, may prohibit something that was lawful until the time of his death, peace be upon him, or make lawful something that was prohibited until the time of his death, peace be upon him, or impose a prescribed punishment that was not obligatory until the time of his death, peace be upon him, or institute a religious law that did not exist during his lifetime, peace be upon him, then he is an unbeliever and a polytheist whose blood may lawfully be shed and whose property may lawfully be taken. His ruling is the ruling applicable to an apostate, without any difference. Some people have supposed something of this kind concerning the prohibition on selling slave women who have borne their masters children, the lawfulness of wine, and the suppression of six readings that were permitted during the time of the Prophet, may God bless him and grant him peace, Anyone upon whom the proof establishing the falsity of this belief has not been made binding is excused on account of ignorance. But anyone upon whom it has been made binding, and who persists in his position concerning it, is an unbeliever, a polytheist, and an apostate whose blood may lawfully be shed and whose property may lawfully be taken, as we have mentioned. Through God's power and strength, we shall explain the aspects of these three questions in our discussion of non-specific expression in this book of ours. There is no power and no strength except through God, the Most High, the Magnificent.

ʿAlī said: In every case in which we have said that its perpetrator becomes a flagrant sinner or an unbeliever after the proof has been made binding upon him, he is, so long as the proof has not been made binding upon him, excused and rewarded, even though he is mistaken. The manner in which the proof becomes binding upon him is that it reaches him and he has nothing that can counter it. Success comes through God Most High.

ʿAlī said: As for the category we mentioned just now, in which there is an apparent conflict between verses and verses, between a hadith and a hadith, or between a hadith and verses, we do not assert categorically that we have

مذهبه في ذلك فهو كافر مشرك مرتد حلال الدم والمال كما ذكرنا. وسنبين بحول الله وقوته وجوه هذه المسائل الثلاث في كلامنا في الإجمال من كتابنا هذا، ولا حول ولا قوة إلا بالله العلي العظيم قال علي وكل ما قلنا فيه إنه يفسق فاعله أو يكفر بعد قيام الحجة عليه، فهو ما لم تقم عليه الحجة معذور مأجور وإن كان مخطئا، وصفة قيام الحجة عليه هو أن تبلغه فلا يكون عنده شيء يقاومها وبالله تعالى التوفيق قال علي والوجه الذي ذكرنا آنفا وهو الذي فيه ظاهر تعارض بين آي وآي، وبين حديث وحديث، وبين حديث وآي، فلسنا نقطع فيه على أننا مصيبون للحق، ولا أننا علمناه يقينا، ولا كنا نقول فيه هذا هو الحق عندنا. ونبين كل مسألة من ذلك في موضعها إن شاء الله تعالى، وهذه هي المتشابهات التي أخبر بها النبي صلى الله عليه وسلم في قوله الحلال بين والحرام بين وبينهما متشابهات لا يعلمها كثير من الناس وليس هذا من المتشابه الذي ذكر الله عز وجل في قوله {هو لذي أنزل عليك لكتاب منه آيات محكمات هن أم لكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه بتغاء لفتنة وبتغاء تأويله وما يعلم تأويله إلا لله ولراسخون في لعلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا لألباب} وسنبين ذلك كله في باب مفرد في آخر كتابنا هذا إن شاء الله تعالى عز وجل. إلا أننا قاطعون باتون على أن علم الحقيقة فيما أشكل علينا موجود عند غيرنا ولا بد لقول الله تعالى {لا إكراه في لدين قد تبين لرشد من لغي فمن يكفر بلطاغوت ويؤمن بلله فقد ستمسك بلعروة لوثقى لا نفصام لها ولله سميع عليم} ولقول رسول الله صلى الله عليه وسلم اللهم هل بلغت قالوا اللهم نعم قال اللهم اشهد

attained the truth concerning it, or that we have known it with certainty; nor did we say concerning it, "This is the truth in our judgment." We shall explain each such question in its proper place, if God Most High wills. These are the doubtful matters of which the Prophet, may God bless him and grant him peace, spoke when he said, "The lawful is clear, and the prohibited is clear, and between them are doubtful matters that many people do not know." This is not the ambiguous material that God, Mighty and Majestic, mentioned in His saying: {He is the One who sent down upon you the Book. In it are verses that are definitive—they are the foundation of the Book—and others that are ambiguous. As for those in whose hearts is deviation, they follow what is ambiguous in it, seeking discord and seeking its interpretation. None knows its interpretation except God. Those firmly rooted in knowledge say, "We believe in it; all is from our Lord." And none takes heed except those possessed of understanding.} We shall explain all of that in a separate chapter at the end of this book of ours, if God Most High, Mighty and Majestic, wills. Nevertheless, we assert categorically and decisively that knowledge of the truth concerning what is obscure to us necessarily exists with others, because of the saying of God Most High: {There is no compulsion in religion. Right guidance has become distinct from error. Whoever disbelieves in false objects of worship and believes in God has grasped the firmest handhold, which cannot break. God is All-Hearing, All-Knowing.} And because of the saying of the Messenger of God, may God bless him and grant him peace: "O God, have I conveyed the message?" They said, "O God, yes." He said, "O God, bear witness."[14][15][16]

[14]**Translator's note (L175):** The wording ولا كنّا نقول literally means "nor did we say," as translated. In context, a reading such as ولكنّا نقول, "but we say," would fit the author's subsequent distinction, but it is not the supplied wording. The Qur'anic quotation, corresponding to 3:7, repeatedly omits written alifs in recognizable words. These orthographic defects do not alter the translated wording. The unpunctuated Arabic permits different syntactic attachments at "except God"; the translation takes "Those firmly rooted in knowledge say" as a new sentence.

[15]**Translator's note (L176):** The Qur'anic quotation corresponding to 2:256 contains repeated omissions of written alifs; the recognizable wording is translated without a change of sense.

[16]**Qur'an references (L173):** Qur'an 3:7 (Ali 'Imran).

L177–181 As for every hadith that we have established as authentic and abrogating, against which no conflicting text has come, and every verse that has likewise come with no conflicting text; or every text, whether an authentic hadith or a verse, opposed by another text of either kind: the one whose ruling adds to that of the other is the certain truth, because it is a religious law coming from God Most High. It is not lawful to abandon it except on the basis of a text showing that it has been abrogated or rendered specific in scope. Regarding all texts of this kind, we are certain that we are right before God, Mighty and Majestic, in believing what they entail, and that whoever disagrees with us concerning them is mistaken before God, Mighty and Majestic. Likewise, concerning every consensus whose transmission from the Prophet, may God bless him and grant him peace, is established as authentic and certain, we assert categorically that we are right before God, Mighty and Majestic, even if, after the consensus, disagreement arises concerning a subsidiary branch of the question. If the opponent adduces a hadith with an omitted link in its transmission or a weak transmission, we do not follow him, nor do we assert categorically that he maintains a false position before God, Mighty and Majestic. Rather, we say, "This is the truth in our judgment," unless we become certain that that report has never been transmitted with a connected chain through an authentic route. We then assert categorically that it is false before God Most High, as we shall explain later in the chapter discussing reports, if God Most High wills. If, however, he adduces no text as evidence for it, but instead relies on unquestioning adherence to authority or analogy, then we assert categorically that he is mistaken before God Most High and that we are right before Him, Most High. Every inference other than what we have mentioned—whether unquestioning adherence to a Companion or anyone below him, analogy, or juristic preference—is certainly false before God, Mighty and Majestic. Success comes through God Most High.

Section: Whether One Who Denies a Claim Must Supply Evidence

ʿAlī ibn Aḥmad said: People have divided into two groups on this matter. One group says, "Evidence is required of anyone who declares something obligatory or establishes a ruling or a proposition; no evidence is required

وأما كل حديث صح عندنا أنه ناسخ ولم يأت له معارض، وكل آية وردت كذلك لا معارض لها. أو كل نص من حديث صحيح أو آية عارضهما نص آخر منهما. فإن الزائد في حكمه على الآخر هو الحق المتيقن. لأنه شرع وارد من عند الله تعالى لا يحل تركه إلا بنص يبين أنه منسوخ أو مخصوص، فما كان هكذا من النصوص كلها فنحن موقنون بأننا فى اعتقاد موجبها محقون عند الله عز وجل وأن مخالفنا فيها مخطىء عند الله عز وجل وكل إجماع صح وتيقن على نقله عن النبي صلى الله عليه وسلم فنحن قاطعون أيضا على أننا فيه محقون عند الله عز وجل. وإن حدث بعد الإجماع اختلاف في فرع من فروع المسألة. وإن استدل المخالف بحديث مرسل أو نقل ضعيف، لم نتبعه ولم نقطع على أنه مبطل عند الله عز وجل. بل نقول: هذا الحق عندنا إلا أن نتيقن أن ذلك الخبر لم يأت قط مسندا من طريق يصح، فنقطع حينئذ على أنه باطل عند الله تعالى على ما نبين بعد هذا في باب الكلام في الأخبار إن شاء الله تعالى. فإن لم يحتج في ذلك بشيء من نص، لكن بتقليد أو قياس، فنحن قاطعون بأنه مخطىء عند الله تعالى، وأننا محقون عنده تعالى، ولكل استدلال ما عدا ما ذكرناه من تقليد صاحب فمن دونه، أو قياس أو استحسان، فهو باطل بيقين عند الله عز وجل وبالله تعالى التوفيق فصل في هل على النافي دليل أو لا قال علي بن أحمد اختلف الناس في هذا على قسمين: فطائفة قالت: الدليل على من أوجب شيئا، أو ثبت حكما أو قضية. وليس على النافي دليل. وقالت طائفة: الدليل يلزم إقامته النافي والموجب معا. قال علي: والصحيح من ذلك أنا وجدنا الله تعالى أنكر على من حقق شيئا بغير علم وأنكر على من كذب بغير علم فقال تعالى {قل إنما حرم ربي لفواحش ما ظهر منها وما بطن ولإثم ولبغي بغير لحق وأن تشركوا بالله ما لم ينزل به سلطانا وأن تقولوا على الله ما لا تعلمون} فقد حرم الله تعالى بنص هذه الآية أن يقول أحد على

of one who denies." Another group says, "Both the one who denies and the one who affirms are required to produce evidence."

ʿAlī said: The correct position on this is that we find that God Most High has reproved anyone who asserts something without knowledge, and has reproved anyone who declares something false without knowledge. He, Most High, said: {Say: My Lord has prohibited only indecencies, those that are apparent and those that are hidden, sin, wrongful aggression, your associating with God that for which He has sent down no authority, and your saying about God what you do not know.} Thus God Most High has prohibited by the explicit wording of this verse, anyone's saying anything about God, Mighty and Majestic, whose correctness he does not know. The correctness of anything beyond the first principles of reason and immediate sense perception can be known only through evidence. This verse therefore obliges anyone who claims to establish something to produce evidence for it; otherwise, he has done something prohibited to him. He, Most High, said: {Rather, they declared false that which they had not encompassed in knowledge and whose interpretation had not yet come to them. Likewise did those before them declare false; so behold how the wrongdoers ended.} Thus He, Most High, reproved a person's declaring something false when he does not know that it is false. He, Most High, said: {They said, "None shall enter the Garden unless he is a Jew or a Christian." Those are their wishes. Say: "Bring your demonstration, if you are truthful."} Thus He, Most High, has obliged everyone who claims to be speaking the truth to produce a demonstration; otherwise, his statement has no standing. We find that everyone who denies claims to speak the truth in denying what he denies, and we find that everyone who affirms claims to speak the truth in affirming what he affirms. Both groups are therefore obliged to produce a demonstration for their claim, if they are truthful.

ʿAlī said: As for those of our companions who argue that the one who denies is exempt from supplying evidence because the Messenger of God, may God bless him and grant him peace, required the claimant to supply proof and the one who denies to swear an oath, this applies only to judicial proceedings. For there is no disagreement among the people of the faith that no oath is

الله عز وجل شيئا لا يعلم صحته، وعلم صحة كل شيء مما دون أوائل العقل وبداءة الحس لا يعلم إلا بدليل. فلزم بهذه الآية من ادعى إثبات شيء أن يأتي عليه بدليل وإلا فقد أتى محرما عليه. وقال تعالى: {بل كذبوا بما لم يحيطوا بعلمه ولما يأتهم تأويله كذلك كذب لذين من قبلهم فنظر كيف كان عاقبة لظالمين} فأنكر تعالى تكذيب المرء ما لا يعلم أنه كذب وقال تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} فأوجب تعالى على كل مدع المصدق أن يأتي ببرهان، وإلا فقوله ساقط، ووجدنا كل ناف مدعيا للصدق في نفيه ما نفى، ووجدنا كل مثبت مدعيا للصدق في إثباته ما أثبت، فلزم كلتا الطائفتين أن تأتي بالبرهان على دعواها إن كانت صادقة. قال علي: وأما من احتج من أصحابنا في إسقاط الدليل عن النافي بإيجاب رسول الله صلى الله عليه وسلم البينة على المدعي واليمين على من أنكر فإنما في الأحكام فإنه لا خلاف بين أهل الملة في أنه لا يمين على من أنكر شيئا في المناظرة في غير الأحكام. قال علي: فإذا اختلف المختلفان، فأثبت أحدهما شيئا ونفاه الآخر، فعلى كل واحد منهما أن يأتي بالدليل على صحة دعواه كما بيناه آنفا بحكم كلام الله عز وجل، فأيهما أقام البرهان صح قوله، ولا يجوز أن يقيماه معا لأن الحق لا يكون في ضدين، ومن الممتنع أن يكون الشيء باطلا صحيحا في حال واحدة من وجه واحد، فإن عجز كلاهما عن إقامة الدليل، وهذا ممكن، فحكم ذلك الشيء أن يتوقف فيه فلا يوجب ولا ينفي، لكن يترك في حد الإمكان لأنه لو أقام الدليل موجبه، لكان الشيء موجبا حقا، ولو أقام الدليل نافيه لكان الشيء باطلا منفيا. فإن لم يقمه واحد منهما قيل في ذلك الشيء هذا ممكن أن يكون حقا، وممكن أن يكون باطلا إلا أننا لا نقول به ولا نحكم به ولا نقطع على أنه باطل، وهكذا نص قوله تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه

required of someone who denies something in a disputation outside judicial proceedings.

ʿAlī said: When two disputants disagree, one affirming something and the other denying it, each must produce evidence for the correctness of his claim, as we have just explained, in accordance with the judgment of the words of God, Mighty and Majestic. Whichever of them establishes the demonstration has established the correctness of his statement. They cannot both establish it, because truth cannot reside in two opposites, and it is impossible for something to be false and correct in the same state and in the same respect. If both fail to establish evidence—and this is possible—the ruling concerning that thing is that judgment must be suspended: it is neither affirmed nor denied, but left within the bounds of possibility. For if the one affirming it established the evidence, the thing would be established as affirmative and true; and if the one denying it established the evidence, the thing would be established as false and negated. If neither establishes it, one says concerning that thing, "This may be true, and it may be false; nevertheless, we do not profess it, nor rule on its basis, nor assert categorically that it is false." Such is the explicit wording of His saying, Most High: {Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of these shall be questioned about.} It has also been related from the Prophet, may

مسؤولا} وقد روي عن النبي صلى الله عليه وسلم في حديث أهل الكتاب لا نصدق ولا نكذب ولكن نقول الله أعلم.

God bless him and grant him peace, concerning the account of the People of the Book: "We neither affirm nor deny, but say, 'God knows best.'"[17][18][19][20]

L182 ʿAlī said: What led our companions to discuss this question was simply their disagreement concerning analogy.

L183–189 There is no point in dwelling at length on this or engaging in contentious argument, for the demonstrations establishing the soundness of our position that analogy is invalid are exceedingly numerous and clear. There is therefore no point in resisting its proponents with arguments of this kind. Rather, we say to them: It falls to us to provide the demonstration establishing the soundness of our position that it is invalid. Once we have established that, we shall ask you for your evidence establishing its validity. We do not content ourselves with saying that the thing is invalid and that there is therefore no point in undertaking to establish an argument against what one knows with certainty to be correct—even though this is a correct statement. Instead, we say to them: Bring forward everything you adduce to establish its validity; then it falls to us to refute it all, through God Most High's power and strength. We are confident of the clarity of the case for its invalidity and the ease with which it can be apprehended: it is not obscure and hidden, but clear and manifest. We have treated this exhaustively—praise be to God—in 3 the

قال علي: وإنما أوقع أصحابنا في الكلام في هذه المسألة اختلافهم في القياس،

ولا معنى للتطول فيها والشغب، لأن البراهين على صحة قولنا في إبطال القياس كثيرة جدا واضحة، فلا معنى لمدافعة القائلين به بمثل هذا، بل نقول لهم علينا البرهان في صحة قولنا بإبطاله، فإذا أثبتناه سألناكم عن أدلتكم على إثباته، ولا نقنع بأن نقول إن الشيء أنه باطل فلا معنى لتكلف إقامة الحجة على ضد ما تيقنت صحته، وإن كان هذا قولا صحيحا. ولكنا نقول لهم: هاتوا كل ما تحتجون به في إثباته، ثم علينا نقضه كله بحول الله تعالى وقوته، ثقة منا بوضوح الأمر في إبطاله، وسهولة المأخذ في ذلك، وأنه ليس من الغامض الخفي لكن من الواضح الجلي وقد استوعبنا ذلك ولله الحمد في 3 باب الكلام في القياس والعلل من كتابنا هذا، وفي كتابنا المرسوم بكتاب التقريب أيضا، ولا حول ولا قوة إلا بالله العلي العظيم، وإحجاجنا لهم بكل ما شغبوا به وزدناهم احتجاجا بما لم يحتجوا به لأنفسهم، وبينا بطلان كل ما يمكن أن يموه به ذلك مموه، وبالله تعالى التوفيق. قال علي: كل أمر ثبت بيقين إما بحس، وإما ببديهة عقل، وإما بمقدمات راجعة إليهما مما وجد في نص قرآن أو نص سنة أو إجماع، ثم ادعى مدع أن ذلك الحكم قد بطل وانتقل، فعليه الدليل ههنا وليس هذا على الثابت على ما قد صح، لأن الدليل قد ثبت بصحة قوله، وما ثبت دليله فالقائل به غير مكلف تحديده في كل وقت، وهذا شيء يقضي العقل بفساده كمن ادعى أن في الدنيا بلادا فيها ناس يمشون على أربع لا على رجلين، ورؤوسهم على أسافلهم. أو ادعى أن في الناس قوما لهم حاسة سادسة غير حواسنا، أو ادعى أن فلانا الذي عهدناه حيا مات، فأراد قسم ميراثه ونكاح نسائه، أو أن فلانا طلق امرأته التي عهدنا صحة زوجيته معها، أو أن هذا الرجل الذي عهدنا عدالته قد فسق، أو أن فلانا الذي عهدنا فسقه قد

[17] **Translator's note (L178):** A mursal hadith is rendered here as "a hadith with an omitted link in its transmission"; the later musnad is rendered as a report transmitted "with a connected chain." The supplied ولكل استدلال contains an apparently intrusive lām, making the sentence grammatically irregular. The translation follows its evident construction as a general statement about every such inference. The Qur'anic quotation corresponding to 7:33 contains repeated omissions of written alifs; its recognizable wording is translated.

[18] **Translator's note (L180):** In مدع المصدق, the supplied المصدق is awkward in context. The translation follows the surrounding argument about claiming truthfulness; the transmitted wording may be corrupt. The Qur'anic quotations corresponding to 10:39, 2:111, and 17:36 contain repeated omissions of written alifs. Their recognizable wording is translated, retaining the incomplete final quotation.

[19] **Translator's note (L181):** The report is supplied in the first-person plural, "We neither affirm nor deny," and is translated accordingly; it should not silently be replaced with the more familiar imperative wording, "Do not affirm ... or deny."

[20] **Qur'an references (L177):** Qur'an 6:151 (Al-An'am); Qur'an 7:33 (Al-A'raf); Qur'an 10:39 (Yunus); Qur'an 2:111 (Al-Baqarah); Qur'an 17:36 (Al-Isra).

chapter discussing analogy and underlying causes in this book of ours, and also in our book entitled The Book of Approximation. There is no power and no strength except through God, the Most High, the Magnificent. We have confronted them with arguments concerning everything with which they have raised contentious objections, and have furnished them with additional arguments that they themselves did not adduce on their own behalf. We have explained the invalidity of everything by which anyone might seek to lend this a deceptive appearance of plausibility. Success comes through God Most High.

ʿAlī said: Whenever any matter has been established with certainty, whether through sense perception, an immediate intuition of reason, or premises traceable to these two, among what is found in an explicit text of the Qurʾān, an explicit text of the Sunna, or consensus, and someone then claims that this ruling has ceased to apply and has changed, the evidence here is incumbent upon him. It is not incumbent upon the person who remains steadfast in what has already been established as correct, because the evidence establishing the correctness of his position has already been established. Where the evidence for a position has been established, its proponent is not obliged to define it at every moment. This is something whose unsoundness reason judges: as when someone claims that there are lands in the world where people walk on four limbs rather than two legs, with their heads on their lower parts; or claims that among humankind there are people with a sixth sense other than our senses; or claims that so-and-so, whom we knew to be alive, has died, and consequently seeks the division of his estate and marriage to his wives; or that so-and-so has divorced his wife, whose marriage to him we knew to be valid; or that this man, whom we knew to be upright, has become morally dissolute; or that so-and-so, whose moral dissoluteness we knew, has become upright; or that so-and-so, whom we knew not to be a governor, has been appointed to govern such-and-such a town; or that so-and-so, whom we knew to be a governor, has been removed from office; or that God Most High has made such-and-such a matter obligatory upon you, or forbidden such-and-such a matter to you, or permitted you something we knew to be forbidden, or released you from something we knew to be

تعدل، أو أن فلانا الذي عهدناه غير وال قد ولي الحكم في بلد كذا، أو أن فلانا الذي عهدناه واليا قد عزل، وأن الله تعالى قد ألزمكم أمر كذا، أو حرم عليكم أمر كذا، أو أحل لكم أمرا عهدناه حراما، أو أسقط عنكم أمرا عهدناه لازما، فكما ذكرنا من دعوى انتقال حال معلومة فعلى مدعي انتقالها الدليل، ولا تكلف مبطل هذا القول دليلا على بطلان قول خصمه، إذا قام الدليل على صحة قوله، ولا يلزم التكرار للدليل بلا خلاف ما كل ما ذكرنا حاشا مسائل الإلزام والتحريم والإحلال والإسقاط، فخصومنا موافقون لنا على القول بقولنا فيها بلا خلاف، ومستخفون بمن خالفنا. وأما هذه المسائل الأربعة المذكورة، فدليلنا على صحة قولنا هو قوله تعالى {يأيها لذين آمنوا لا تسألوا عن أشيآء إن تبد لكم تسؤكم وإن تسألوا عنها حين ينزل لقرآن تبد لكم عفا لله عنها ولله غفور حليم * قد سألها قوم من قبلكم ثم أصبحوا بها كافرين} فصح بنص الآية أن ما لم ينزل بنص القرآن وجوبه أو تحريمه فهو ساقط معفو عنه. وأما بطلان قول من ادعى سقوط شيء قد ثبت بنص أو إجماع أو إحلال ما قد حرم بنص أو إجماع، فقد أبطل ذلك ربنا تعالى بقوله: {أفتطمعون أن يؤمنوا لكم وقد كان فريق منهم يسمعون كلام لله ثم يحرفونه من بعد ما عقلوه وهم يعلمون} وقال تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافآ ألا يقيما حدود لله فإن خفتم ألا يقيما حدود لله فلا جناح عليهما فيما فتدت به تلك حدود لله فلا تعتدوها ومن يتعد حدود لله فأولئك هم لظالمون} وقال تعالى {وإن كادوا ليفتنونك عن لذي أوحيناآ إليك لتفتري علينا غيره وإذا لاتخذوك خليلا} قال علي: فبين الله تعالى بيانا جليا لا إشكال فيه، أنه لا يحل تحريف كلام الله تعالى ولا تعدي حدوده، ولا أن نترك ما أوحي إلينا، وأن من خرج عن شيء من ذلك فهو ظالم مفتر على الله تعالى، فوجدنا الله عز وجل قد ألزمنا طاعة ما جاء في القرآن وطاعة ما جاء عن نبيه صلى الله عليه وسلم لأنه إنما ينطق عنه عز وجل

obligatory. In every case we have mentioned involving a claim that a known state has changed, the evidence is incumbent upon the person claiming that it has changed. You must not require the person who rejects this assertion to furnish evidence that his opponent's assertion is invalid when the evidence establishing the correctness of his own position has already been established. Repetition of the evidence is not required, without disagreement. In all that we have mentioned, apart from the questions of imposing obligations and prohibiting, permitting and releasing from obligations, our opponents agree with us in maintaining our position, without disagreement, and hold those who disagree with us in contempt. As for these four questions mentioned, our evidence establishing the correctness of our position is His saying, Most High: {O you who believe, do not ask about things which, if disclosed to you, would distress you. But if you ask about them while the Qur'ān is being sent down, they will be disclosed to you. God has pardoned them, and God is forgiving, forbearing. A people before you asked about them, then became disbelievers on their account.} Thus the explicit wording of the verse establishes that whatever has not been revealed as obligatory or forbidden in an explicit text of the Qur'ān is waived and pardoned. As for the invalidity of the assertion of anyone who claims that something established by an explicit text or consensus has ceased to apply, or that something forbidden by an explicit text or consensus has become permissible, our Lord Most High has invalidated that through His saying: {Do you then hope that they will believe you, when a group of them used to hear the speech of God and then distort it after they had understood it, knowingly?} And He said, Most High: {Divorce is twice; then retention on fair terms or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they will not maintain God's limits. If you fear that the two will not maintain God's limits, there is no blame upon either of them concerning that with which she ransoms herself. Those are God's limits, so do not transgress them. Whoever transgresses God's limits—those are the wrongdoers.} And He said, Most High: {Indeed, they almost tempted you away from what We revealed to you, so that you might fabricate against Us something other than it; then they would have taken you as a close friend.}

وطاعة ما أجمع عليه جميع المسلمين عن نبيهم عليه السلام وأن هذه حدود الله تعالى فمن أراد إخراجنا عما ثبت بشيء منها، وأن يعدى بنا عنها فقد حرف كلام الله تعالى وظلم، وأراد الفتنة عن الوحي وتكلف القربة إلا أن يأتي بنص أو إجماع على دعواه، وإلا فنحن باقون على تلك الحدود، غير متعدين لها ولا مفترين غيرها ولا محرفين لما قد ثبت بها، وبالله تعالى التوفيق. وأيضا فإن من طرد هذا الأصل لزمه أن: إن ادعى مدع على آخر أنه قتل وأنكر ذلك المدعى عليه أن يكلف المدعي عليه الدليل على براءته وإلا قتله، ومن ادعى وجوب صيام مفترض غير رمضان وغير ما جاء في النص من الكفارات والنسك والنذر والقضاء، أن يكلف المانع من ذلك الدليل، وهذا خروج عن الإسلام مع ما فيه من مخالفة العقول. وكذلك القول فيمن قال بصحة الإلهام قول الرافضة في الإمام، ومن ادعى الغول والعنقاء والنسناس وجميع الخرافات، فإن كل ذلك لا يحل القول بشيء منه، ولا الإقرار به، وهو كله على الدفع والرد والإبطال بلا دليل يكلفه مبطله، وإنما البرهان على من حقق شيئا من ذلك أو أوجبه. وهكذا كل دعوى أراد مدعيها إثبات شيء لم يثبت، أو إبطال شيء قد ثبت لا تحاشي شيئا فإنه لا برهان على من امتنع من القول بشيء من ذلك، لأنه فعل ما يلزمه من ذلك، وإنما البرهان على من أراد إلزام شيء من ذلك فقط، فإن أتى به صحت دعواه، وإلا فواجب تركها وردها، وإن كانت ممكنة غير ممتنعة، وفيما ذكرنا من نص كلام الله تعالى كفاية توجب ضرورة العلم بما ذكرنا وبالله تعالى التوفيق

ʿAlī said: God Most High has thus explained, with a manifest explanation admitting of no uncertainty, that it is not lawful to distort the speech of God Most High, to transgress His limits, or to abandon what has been revealed to us, and that anyone who departs from any of this is a wrongdoer who fabricates against God Most High. We have found that God, Mighty and Majestic, has obliged us to obey what has come in the Qurʾān, to obey what has come from His Prophet, God bless him and grant him peace—because he speaks only on His behalf, Mighty and Majestic—and to obey that upon which all Muslims have reached consensus from their Prophet, peace be upon him, and that these are the limits of God Most High. Whoever wishes to remove us from what has been established by any of these, and to lead us beyond them, has distorted the speech of God Most High, acted wrongfully, sought to tempt us away from revelation, and undertaken to seek nearness to God—unless he brings an explicit text or consensus supporting his claim. Otherwise, we remain within those limits, neither transgressing them, nor fabricating others, nor distorting what has been established through them. Success comes through God Most High. Furthermore, whoever consistently applies this principle is bound, if someone alleges against another that he has killed someone and this is denied by the defendant, to require the defendant to furnish evidence of his innocence, failing which he would kill him. And if someone claims that an obligatory fast is incumbent apart from Ramadan and apart from the expiations, sacrificial rites, vows, and making up of missed fasts specified in the explicit text, he is bound to require evidence from the person who rejects this. This constitutes departure from Islam, in addition to its opposition to reason. The same applies to anyone who asserts the validity of inspiration, to the Rāfiḍa's assertion concerning the imam, and to anyone who asserts the existence of the ghoul, the ʿanqāʾ, the nasnās, and all such fables. It is not lawful to assert or acknowledge any of this. All of it is to be rejected, repudiated, and declared invalid, without requiring evidence from the person declaring it invalid. The demonstration is incumbent only upon whoever affirms any of it as real or declares it obligatory. The same applies to every claim by which its claimant seeks to establish something that has not been established, or to invalidate something that has been established, without excepting anything. No demonstration is incumbent upon someone

who declines to affirm any of this, because in doing so he has done what is incumbent upon him. The demonstration is incumbent only upon whoever wishes to impose any of this. If he produces it, his claim is sound; otherwise, it must be abandoned and rejected, even if it is possible and not impossible. The explicit wording of God Most High's speech that we have cited is sufficient to necessitate certain knowledge of what we have stated. Success comes through God Most High.[21][22][23][24][25]

[21] **Translator's note (L183):** The wording of the sentence beginning "We do not content ourselves" is syntactically awkward, particularly "that the thing is invalid"; the translation preserves its apparent argument without silently rewriting the Arabic. The isolated numeral "3" before "the chapter" appears to be an intrusive transcription or reference marker and is retained. The supplied word translated "define it" is taḥdīdahu. The context would more naturally suggest tajdīdahu, "renew it," but the supplied reading has not been silently corrected.

[22] **Translator's note (L185):** The wording around "without disagreement" and "in all that we have mentioned" is textually awkward: the supplied mā does not yield a clear construction. The translation follows the apparent continuity with the next segment, which states that the opponents agree in all the cases except the four specified questions.

[23] **Translator's note (L187):** The phrase translated "undertaken to seek nearness to God" reads takallafa al-qurba. Its connection with the surrounding accusations is unclear; the supplied wording has been retained rather than replaced by a conjectural reading.

[24] **Translator's note (L189):** The Arabic places "the Rāfiḍa's assertion concerning the imam" directly after the reference to inspiration without an explicit conjunction or other clear syntactic link. The translation treats it as a further parallel case; it may instead explain the kind of inspiration intended. The 'anqā' is a fabulous bird; the nasnās is a fabulous humanoid creature. Their names are retained because precise English identifications would imply more specificity than the text supplies.

[25] **Qur'an references (L183):** Qur'an 5:101 (Al-Ma'idah); Qur'an 5:102 (Al-Ma'idah); Qur'an 2:75 (Al-Baqarah); Qur'an 2:229 (Al-Baqarah); Qur'an 17:73 (Al-Isra).



الباب 8: البيان ومعناه

Chapter 8: Clarification and Its Meaning

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الثامن في البيان ومعناه]

قال علي قد بينا في باب تفسير الألفاظ الدائرة بين أهل النظر حد البيان وتفسيره. ونحن نقول: إن التخصيص أو الاستثناء نوعان من أنواع البيان لأن بيان الجملة قد يكون بتفسير كيفيتها وكميتها دون أن يخرج من لفظها شيء يقتضيه في اللغة كقوله تعالى وآتوا الزكاة فبين رسول الله صلى الله عليه وسلم ما هية هذه الزكاة المأمور بإيتائها دون أن يخرج من لفظ الزكاة شيئا وكذلك فسر عليه السلام من صفات النكاح والحج وغير ذلك وقد يكون باستثناء مثل ما روى عن نهيه عليه السلام عن بيع الرطب بالتمر ثم استثنى العرايا فيما دون خمسة أوسق فكان هذا مخرجا بحكم العاريا من جملة النهى المتقدم وقد يكون الاستثناء بألفاظ الاستثناء مثل: إلا وخلا وحاشا وما لم، وما أشبه ذلك. وقد يكون حكما وأردا بلفظ الأمر، أو بلفظ الخبر، مستثنى من جملة أخرى، وهذا يسمى التخصيص، كتحريمه تعالى نكاح المشركات جملة ثم جاءت إباحة نكاح نساء أهل الكتاب بالزواج فكان هذا تخصيصا من الجملة المذكورة. وأما النسخ، فهو رفع الحكم أو بعضه جملة، والفرق بينه وبين الاستثناء والتخصيص أن الجملة الواردة التي جاء التخصيص أو الاستثناء منها لم يرد الله تعالى قط إلزامها لها على عمومها وقتا من الدهر كالذي ذكرنا من تحريم المشركات، فإنه لم يرد قط بذلك نكاح نساء الكتابيين بالزواج، وكذلك القول في العرايا وأما النسخ فإننا مكلفون بالجملة الأولى على عمومها مدة ما لم يأت أمر بإبطالها عنا، أو إبطال بعضها على ما تبين في باب النسخ إذا بلغنا إليه إن شاء الله تعالى.

[Chapter Eight: Clarification and Its Meaning]

ʿAlī said: We have already set out the definition and explanation of clarification in the chapter explaining the expressions current among those engaged in theoretical inquiry. We say that specification and exception are two kinds of clarification. For a comprehensive statement may be clarified by explaining its manner and quantity without excluding anything that its wording encompasses in the language. An example is His saying, exalted is He, "And give the zakāt." The Messenger of God, God bless him and grant him peace, explained what this zakāt that people were commanded to give consisted of, without excluding anything from the expression "zakāt." Likewise, he, peace be upon him, explained characteristics of marriage, pilgrimage, and other matters. Clarification may also occur through an exception, as in the report that he, peace be upon him, prohibited selling fresh dates for dried dates, then excepted ʿarāyā transactions involving less than five wasqs. This excluded the ruling concerning ʿarāyā from the comprehensive prohibition previously stated. An exception may be expressed through the expressions of exception, such as "except," "excluding," "apart from," "unless," and similar expressions. It may also take the form of a ruling conveyed in the wording of a command or a declarative statement, excepted from another comprehensive statement. This is called specification. An example is His comprehensive prohibition, exalted is He, of marrying polytheistic women, followed by permission to marry women of the People of the Book through marriage. This specified an exception to the comprehensive statement mentioned. Abrogation, however, is the outright removal of a ruling or part of it. The difference between it and exception or specification is that, in the case of a comprehensive statement from which a specification or exception is made, God, exalted is He, never intended its application in its full generality to be binding at any time whatsoever. Such is the prohibition of polytheistic women that we mentioned: He never intended thereby to prohibit marrying women of the scriptural communities through marriage. The same applies to ʿarāyā. In abrogation, however, we are obligated to observe the first comprehensive statement in its full generality for a period, until a command comes releasing

us from it or invalidating part of it, as will be explained in the chapter on abrogation when we reach it, if God, exalted is He, wills.[1]

L192 As for the forms of clarification we have mentioned—explanation, exception, and specification—the Qur'an may clarify the Qur'an, a hadith may clarify the Qur'an, and consensus may clarify the Qur'an. Likewise, the Qur'an may clarify a hadith, a hadith may clarify a hadith, and transmitted consensus may clarify a hadith.

L193–198 By our expression "hadith," we mean only a command, an action, a tacit approval, or a gesture. All of these may clarify the Qur'an, and the Qur'an may clarify them. We distinguished above between specification and exception, on the one hand, and abrogation, on the other, because we know with certainty that obedience to God, mighty and majestic, and His Messenger, peace be upon him, is obligatory upon us. It is therefore forbidden for us to depart from obedience to them in anything commanded, or to say of anything imposed upon us that it has been abrogated and has ceased to bind after having been obligatory, except through clear clarification admitting no doubt. When we find a ruling part of which has been removed through exception or specification, we are certain that that part is not binding upon us. No one may therefore say that it was binding and then ceased to bind, for he would thereby have pursued something of which he had no knowledge and spoken on the basis of doubt rather than certainty. That is forbidden. We may not say that such-and-such a ruling became binding upon us except with certainty, and after becoming binding it does not cease to bind except with certainty. For this reason we maintain the distinction mentioned between abrogation and exception or specification: if we say that something is abrogation, we have acknowledged that it became binding and then ceased to bind. This may not be said except with certainty. Success comes through God, exalted is He. Among the instances in which the Qur'an is specified by the Qur'an is His saying, exalted is He, "Except with their spouses or those whom their right hands possess." He, exalted is He, thus excepted spouses and

[1] **Translator's note (L191):** ʿArāyā denotes the exceptional date transaction discussed here; wasq is a measure of capacity. Both terms are retained to preserve the technical wording.

فأما وجوه البيان التي ذكرنا من التفسير والاستثناء والتخصيص، فقد يكون بالقرآن للقرآن، وبالحديث للقرآن، وبالإجماع للقرآن، وقد يكون بالقرآن للحديث، وبالحديث للحديث، وبالإجماع المنقول للحديث

وقولنا الحديث إنه انما نعني به الأمر والفعل والإقرار والإشارة فكل ذلك يكون بيانا للقرآن ويكون القرآن بيانا له وإنما فرقنا آنفا بين التخصيص والاستثناء وبين النسخ لأنه قد تيقنا وجوب طاعة الله عز وجل ورسوله عليه السلام علينا فحرام علينا الخروج عن طاعتهما في شيء مما امر به أو أن نقول في شيء مما ألزمنا إنه منسوخ ساقط بعد وجوبه إلا ببيان جلي لا شك فيه وإذا وجدنا لحكم سقط بعضه بالاستثناء أو التخصيص فنحن على يقين من أنه لا يلزمنا فلا يحل لأحد أن يقول إنه لزم ثم سقط، فيكون قد قفا ما ليس له به علم، وقال بشك لا بيقين وذلك حرام ولا يجوز بأن نقول بأن الحكم كذا لزمنا إلا بيقين ولا يسقط بعد لزومه إلا بيقين، فلهذا قلنا بالفرق المذكور بين النسخ وبين الاستثناء والتخصيص، لأننا إذا قلنا في ذلك إنه نسخ فقد اقررنا أنه لزم ثم سقط، وهذا لا يحل قوله إلا بيقين, وبالله تعالى التوفيق ومما خص من القرآن بالقرآن قوله تعالى إلا على أزواجهم أو ما ملكت أيمانهم فاستثنى تعالى الأزواج وملك اليمين من جملة ما حظر من إطلاق الفروج، ثم خص تعالى الجمع بين الأختين وبين الأم والابنة والربيبة الزانية والحريمة بالقرابة والشركة بالقرآن، وخص الحريمة بالرضاع بالسنة، والذكور والبهائم، والأمة المشركة بالإجماع المأخوذ من معنى دليل النص الثابت لا يحتمل إلا وجها واحد بالحظر من جملة المباح بملك اليمين فإن قال قائل: لا يجوز أن يبين القرآن إلا بالسنة لأن الله تعالى يقول وأنزلنا إليك الذكر لتبين للناس ما نزل إليهم قيل له وبالله تعالى التوفيق ليس في الآية التي

those possessed by the right hand from the comprehensive prohibition on unrestricted use of the sexual organs. Then, through the Qur'an, He, exalted is He, specifically excluded combining two sisters, or a mother and daughter, the adulterous stepdaughter, the woman forbidden by kinship, and "partnership." Through the Sunnah He specifically excluded the woman forbidden by suckling; and through consensus derived from the meaning indicated by the established text, which admits only one interpretation, He excluded males, beasts, and the polytheistic slave woman, prohibiting these from among what possession by the right hand permitted. If someone says, "The Qur'an may be clarified only by the Sunnah, because God, exalted is He, says, 'And We sent down to you the Reminder so that you may clarify for people what has been sent down to them,'" he is told—and success comes through God, exalted is He— The verse you mentioned does not say that he, blessings and peace be upon him, clarifies only through revelation that is not recited. Rather, it contains a clear explanation and an explicit statement that He, exalted is He, sent down the Reminder to him so that he might clarify it for people. Clarification is accomplished through speech. Thus, when the Prophet, God bless him and grant him peace, recites it, he has clarified it. If it is then indeterminate, its meaning not being understood from its wording, he clarifies it through revelation revealed to him, whether recited or unrecited, as He, exalted is He, said: "So when We have recited it, follow its recitation. Then its clarification rests upon Us." He, exalted is He, thus stated that clarification of the Qur'an rests upon Him, mighty and majestic. Since it rests upon Him, its clarification comes from Him, exalted is He. And all revelation, both recited and unrecited, is from God, mighty and majestic. He, mighty and majestic, has said, "God clarifies for you lest you go astray." And He, exalted is He, said, describing the Qur'an, "A clarification of everything." This verse therefore establishes that a recited verse may clarify another. There is no point in denying this when it has actually occurred: He, exalted is He, mentioned divorce in an indeterminate form, then explained and clarified it in the Sūrah of Divorce. Among the things stated indeterminately in the Sunnah and clarified by the Qur'an is what ʿAbd Allāh ibn Yūsuf related to us, from Aḥmad ibn Fatḥ, from ʿAbd al-Wahhāb ibn ʿĪsā, from Aḥmad ibn Muḥammad, from Aḥmad ibn ʿAlī, from Muslim: Zuhayr ibn Ḥarb related

ذكرت أنه عليه الصلاة والسلام لا يبين إلا بوحي لا يتلى بل فيها بيان جلي ونص ظاهر أنه أنزل تعالى عليه الذكر ليبينه للناس والبيان هو بالكلام فإذا تلاه النبي صلى الله عليه وسلم فقد بينه ثم إن كان مجملا لا يفهم معناه من لفظه بينه حينئذ بوحي يوحى إليه إما متلوا أو غير متلو كما قال تعالى فإذا قرأناه فاتبع قرآنه ثم إن علينا بيانه فأخبر تعالى أن بيان القرآن عليه عز وجل، وإذا كان عليه فبيانه من عنده تعالى، والوحي كله متلوه وغير متلوه فهو من عند الله عز وجل وقد قال عز وجل يبين الله لكم ان تضلوا وقال تعالى مخبرا عن القرآن تبيانا لكل شيء فصح بهذه الآية أنه تكون آية متلوة بيانا لأخرى ولا معنى لأنكار هذا وقد وجد، فقد ذكر تعالى الطلاق مجملا، ثم فسره في سورة الطلاق وبينه. ومما اجمل في السنة وبينه القرآن ما حدثناه عبد الله بن يوسف عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي عن مسلم، ثنا زهير بن حرب حدثنا إسماعيل بن علية ثنى أبو حيان ثنى يزيد بن حيان أنه سمع زيد بن أرقم يقول خطبنا رسول الله صلى الله عيله وسلم بماء يدعى خما بين مكة والمدينة فحمد الله وأثنى عليه ووعظ وذكر ثم قال: أما بعد ألا يا أيها الناس فأنما أنا بشر يوشك أن يأتيني رسول ربي فأجيب وأنا تارك فيكم ثقلين أولهما كتاب الله فيه الهدى والنور فخذوا بكتاب الله عز وجل واستمسكوا به ثم قال وأهل بيتي أذكركم الله في أهل بيتي أذكركم الله في أهل بيتي قال علي وفسر زيد بن أرقم أنهم بنو هاشم قال علي والتقليد باطل فوجب طلب من هم أهل بيته عليه السلام في الكتاب والسنة فوجدنا الله تعالى قال يا نساء النبي لستن كأحد من النساء إن اتقيتن فلا تخضعن بالقول فيطمع الذي في قلبه مرض وقلن قولا معروفا وقرن في بيوتكن ولا تبرجن تبرج الجاهلية الأولى وأقمن الصلاة وآتين الزكاة وأطعن الله ورسوله إنما يريد الله ليذهب عنكم الرجس أهل البيت ويطهركم تظهيرا واذكرن

to us: Ismāʿīl ibn ʿUlayyah related to us: Abū Ḥayyān related to me: Yazīd ibn Ḥayyān related to me that he heard Zayd ibn Arqam say: The Messenger of God, God bless him and grant him peace, addressed us at a watering place called Khumm, between Mecca and Medina. He praised God and extolled Him, admonished us and reminded us, then said: "To proceed: Take heed, people! I am only a human being. The messenger of my Lord may soon come to me, and I shall answer. I am leaving among you two weighty things. The first of them is the Book of God, in which are guidance and light. So take hold of the Book of God, mighty and majestic, and cling firmly to it." Then he said: "And the people of my household: I remind you of God concerning the people of my household. I remind you of God concerning the people of my household." ʿAlī said: Zayd ibn Arqam explained that they were the Banū Hāshim. ʿAlī said: Following authority without proof is invalid. It was therefore necessary to seek in the Book and the Sunnah who the people of his household, peace be upon him, are. We found that God, exalted is He, said: "Wives of the Prophet, you are not like any other women, if you are mindful of God. So do not be yielding in speech, lest one in whose heart is sickness should desire you; and speak fitting words. Remain in your houses, and do not display yourselves as in the display of the former age of ignorance. Establish prayer and give the zakāt and obey God and His Messenger. God desires only to remove defilement from you, people of the household, and to purify you thoroughly. And remember what is recited in your houses of the signs of God and wisdom. God is indeed Subtle, All-Aware." ʿAlī said: This verse removed doubt and made clear that the people of his household, peace be upon him, are his wives alone. As for the Banū Hāshim, they are the family of Muḥammad and the near kindred, according to the explicit text of the Qur'an and the Sunnah. Thus they fall within the apportionment of the fifth and the prohibition on receiving charity He, peace be upon him, also spoke indeterminately when he said, "I have been commanded to fight the people until they say, 'There is no god but God.'" Then God, exalted is He, explained and clarified that through His saying in Sūrat Barāʾah: "Then if they repent, establish prayer, and give the zakāt, let them go their way." If someone says, "Nothing clarified this hadith except the hadith of Ibn ʿUmar and Abū Hurayrah: 'I have been commanded to fight the polytheists when

ما يتلى في بيوتكن من آيات الله والحكمة إن الله كان لطيفا خبيرا. قال علي فرفعت هذه الآية الشك وبينت أن أهل بيته عليه السلام هن نساؤه فقط وأما بنو هاشم فإنهم آل محمد وذو القربى بنص القرآن والسنة فهم في قسمه الخمس وتحريم الصدقة وقد اجمل عليه السلام قوله أمرت أن أقاتل الناس حتى يقولوا لا إله إلا الله ثم فسر الله تعالى ذلك وبينه بقوله في سورة براءة فإن تابوا وأقاموا الصلاة وآتوا الزكاة فخلوا سبيلهم فإن قال قائل ما بين هذا الحديث إلا حديث ابن عمر وأبي هريرة أني أمرت أن أقاتل المشركين حين يقولوا لا إله إلا الله ويقيموا الصلاة ويؤتوا الزكاة ويؤمنوا بما أرسلت به. قيل له، وبالله تعالى التوفيق: هذا الخبر الذي ذكرت هو موافق لما في براءة، فصح أن الله تعالى أنزل ذلك عليه في القرآن ثم أخبر به عليه السلام أصحابه بلفظ فكان بيانا مرددا تفسيرا مؤكدا، فخبر أبي هريرة وابن عمر إنما هو حكاية لما في براءة. يعلم ذلك ببديهة العقل عند قراءة الآية والحديث المذكور. قال علي: وقد يرد البيان بالإشارة على ما في حديث كعب بن مالك مع أبي حدرد إذ أشار إليه عليه السلام بيده أن ضع النصف

they say, “There is no god but God,” establish prayer, give the zakāt, and believe in that with which I have been sent,’” he is told—and success comes through God, exalted is He—this report you mentioned agrees with what is in Barāʾah. It is therefore established that God, exalted is He, revealed that to him in the Qur’an, and that he, peace be upon him, then informed his Companions of it verbally. It was thus a repeated clarification and a reinforcing explanation. The report of Abū Hurayrah and Ibn ʿUmar is merely a recounting of what is in Barāʾah. This is known through the immediate apprehension of reason upon reading the verse and the hadith mentioned. ʿAlī said: Clarification may also occur through a gesture, as in the hadith concerning Kaʿb ibn Mālik and Abū Ḥadrad, when he, peace be upon him, gestured to him with his hand: “Remit half.”[2][3][4]

[2]**Translator’s note (L193):** The sequence concerning prohibited sexual relations appears corrupt: الربيبة الزانية literally means “the adulterous stepdaughter,” while الشركة means “partnership.” These supplied readings are preserved rather than silently replaced; the intended enumeration and its syntax are uncertain. بينانا is an apparent typographical error for بيانا, “clarification.”

[3]**Translator’s note (L198):** The second hadith quotation has حين, “when,” rather than حتى, “until.” The supplied wording is retained, although it sits awkwardly with the argument.

[4]**Qur’an references (L193):** Qur’an 23:6 (Al-Mu’minun); Qur’an 70:30 (Al-Ma’arij); Qur’an 16:44 (An-Nahl); Qur’an 75:18 (Al-Qiyamah); Qur’an 75:19 (Al-Qiyamah); Qur’an 4:176 (An-Nisa); Qur’an 33:32 (Al-Ahzab); Qur’an 33:33 (Al-Ahzab); Qur’an 33:34 (Al-Ahzab); Qur’an 9:5 (At-Tawbah).



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 9: تأخير البيان

Chapter 9: Delaying Clarification

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Nine: On Delaying Clarification]

L199

L200–202 ʿAlī said: They disagreed concerning one kind of clarification. One group said: "The unelucidated statement comes first, and then the explanatory statement comes." Others said: "They come only together." Still others said: "The unelucidated statement may come before the explanatory statement, the explanatory statement before the unelucidated statement, or both together; all of this is permissible."

ʿAlī said: This is our position, except that clarification may never be delayed beyond the time when acting becomes obligatory, and the Prophet, God bless him and grant him peace, may not delay it for the blink of an eye after it has reached him. We do not say this because reason precludes that, but because an explicit text has prescribed this. We rule out God's delaying clarification beyond the time when acting becomes obligatory because of God the Exalted's saying: "God burdens no soul beyond its capacity. It shall have what it has earned, and against it shall be what it has incurred. Our Lord, do not take us to task if we forget or make a mistake. Our Lord, do not lay upon us a burden such as You laid upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy on us. You are our Protector, so help us against the unbelieving people." We know that no one has the capacity to act upon something of which he has no knowledge. We rule out the Prophet's delaying clarification beyond the moment it reaches him, peace be upon him, because of God the Exalted's saying: "O Messenger, convey what has been sent down to you from your Lord. If you do not, then you have not conveyed His message. God will protect you from the people. God does not guide the unbelieving people." If he, peace be upon him, delayed clarification beyond the moment it reached him, then during that interval, however short, he would deserve to be described as having failed to convey it. Had he failed to convey it, he would have been disobedient. Only an ignorant person attributes this to the Prophet, God bless him and grant him peace. Anyone who persists in attributing disobedience to him through concealing the revealed law and failing to convey it is an unbeliever by the consensus of the community.

[الباب التاسع في تأخير البيان]

قال علي واختلفوا في نوع من أنواع البيان فقالت طائفة إنما يرد المجمل ثم يرد المفسر وقال آخرون لا يردان إلا معا وقال آخرون جائز ورود المجمل قبل المفسر، والمفسر قبل المجمل، وورودهما معا، كل ذلك جائز. قال علي: وبهذا نقول: إلا أنه لا يجوز أن يتأخر البيان عن وقت إيجاب العمل البتة ولا يجوز أن يؤخره النبي صلى الله عليه وسلم بعد وروده عليه طرفة عين ولسنا نقول بهذا لأن العقل يمنع ذلك، لكن لأن النص قد ورد بذلك، وإنما منعنا من تأخير الله البيان عن وقت وجوب العمل لقول الله تعالى {لا يكلف لله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} وقد علمنا أنه ليس في وسع أحد أن يعمل بما لا يعرف به وإنما منعنا من تأخير النبي صلى الله عليه وسلم البيان عن ساعة وروده عليه السلام لقول الله تعالى {يأيها لرسول بلغ مآ أنزل إليك من ربك وإن لم تفعل فما بلغت رسالته ولله يعصمك من لناس إن لله لا يهدي لقوم لكافرين} فلو أخر عليه السلام البيان عن ساعة وروده عليه لكان عليه السلام في تلك المدة وإن قلت مستحقا لاسم أنه لم يبلغ، ولو أنه لم يبلغ لكان عاصيا ولا ينسب هذا إلى النبي صلى الله عليه وسلم إلا جاهل ومن تمادى على نسبة المعصية إليه في طي الشريعة وترك تبليغها فهو كافر بإجماع الأمة. قال علي: وقد نزلت الصلوات الخمس مفسرة بمكة، ثم جاءت آيات كثيرة مدنيات فيها: أقيموا الصلاة فقط، فصح بذلك ما ذكرنا من أنه قد ينزل المفسر قبل المجمل، وأما نزول المجمل قبل المفسر فقد نزل ذلك في الصيام وتحريم حشيش مكة ثم جاء تخصيص الإذخر. قال علي: وأما قولنا بتأخير الله عز وجل البيان ما لم يأت وقت إيجابه تعالى العمل به، فهو

ʿAlī said: The five prayers were revealed with their explanation in Mecca. Then many Medinan verses came containing only "Establish prayer." This establishes what we have stated: the explanatory statement may be revealed before the unelucidated statement. As for the revelation of the unelucidated statement before the explanatory statement, this occurred concerning fasting and the prohibition on cutting Mecca's herbage; then came the specific exception for idhkhir grass. ʿAlī said: As for our position that God, mighty and majestic, may delay clarification so long as the time has not come when He, exalted is He, makes acting upon it obligatory, this is expressly stated in His saying, exalted is He: "He is not questioned about what He does, while they are questioned." God, mighty and majestic, has revealed many verses containing the account of Moses, the account of Jesus, peace be upon them both, and the account of ʿĀd, Thamūd, and Abraham, peace be upon them. Some preceded others; some were revealed in Mecca and some in Medina; and some are more complete than others. Why, then, do those who would prevent their Lord, exalted is He, from doing whatever He wills, without any explicit text from Him stating that He does not do it, not object to their Lord concerning what we have mentioned, saying: "Why were these accounts not revealed in full in one place, so that they would provide fuller admonition and a more satisfying account, after which He could reinforce them in that same form if He wished?"

I would like to know: since these people acknowledge that reinforcement is wisdom, what do they say about the many accounts and admonitions that He, mighty and majestic, has mentioned in the Qurʾān only once? Do you suppose they were devoid of wisdom because they were neither repeated nor reinforced? Furthermore, if He, exalted is He, reinforced the matter of Moses, peace be upon him, by repeating it twenty times, for example, what is the difference between twenty times and twenty-one times or nineteen times? If someone claims that this number is more conducive to wisdom, he has laid claim to impudence, his shamelessness has become plain upon his face, and he has said something that he knows to be contrary to what he says. We would also ask him about other accounts repeated less often than the account of Moses, peace be upon him. If he says, "Repeating the account of Moses

منصوص في قوله تعالى: {لا يسأل عما يفعل وهم يسألون} وقد أنزل الله عز وجل آيات كثيرة فيها: قصة موسى، وقصة عيسى عليهما السلام، وقصة عاد وثمود وإبراهيم عليهم السلام، بعضها قبل بعض، وبعضها بمكة، وبعضها بالمدينة، وبعضها أكمل من بعض، فهلا اعترض المانعون ربهم تعالى من أن يفعل ما يشاء بغير نص منه تعالى أنه لا يفعله على ربهم فيما ذكرنا فيقولون: هلا نزلت هذه القصص كاملة في مكان واحد، فتكون أتم للوعظ، وأشفى للخبر، ثم يؤكدها كذلك إن شاء. وليت شعري إذ أقر هؤلاء بأن التأكيد حكمة، فماذا يقولون في قصص كثيرة ومواعظ لم يذكرها عز وجل في القرآن إلا مرة واحدة؟ أتراها عريت عن الحكمة إذ لم تكرر ولا وكدت؟. وأيضا فإن أكد تعالى تكرار مسألة موسى عليه السلام عشرين مرة مثلا ما الفرق بين عشرين مرة، وبين إحدى وعشرين مرة أو تسع عشر مرة؟ فإن ادعى أن هذا العدد أبلغ في الحكمة ادعى القحة وبانت قلة الحياء في وجهه، وقال ما يعلم أنه بخلاف ما يقول، وسألناه أيضا عن قصص أخر كررت أقل من تكرار قصة موسى عليه السلام. فإن قال اكتفى بتكرار قصة موسى. قيل له: ما الفرق أن يكتفي بتكرار قصة موسى عن تكرار قصة إبراهيم. ولا يكتفي بتكرار قصة إبراهيم عن تكرار قصة موسى؟ وما الفرق بين ذكره تعالى ما ذكر من قصص الأنبياء عليهم السلام، وبين ما أمسك عنه تعالى من ذكره لبعضهم؟ وما الفرق بين ذلك وبين أن لو ذكر من أمسك عنه وأمسك عمن ذكر، وقد ذكر من لا شريعة له غير شريعة من قبله كثيرا، كإلياس واليسع وذي الكفل، وغيرهم، ولعل من أمسك عنه تعالى ولم يذكره من الرسل أعظم آية، وأبلغ في الوعظ ممن ذكر.

sufficed," he is to be told: "What is the difference between taking repetition of the account of Moses as sufficient in place of repeating the account of Abraham, and taking repetition of the account of Abraham as sufficient in place of repeating the account of Moses? What is the difference between His mentioning, exalted is He, those accounts of the prophets, peace be upon them, that He mentioned, and His refraining, exalted is He, from mentioning some of them? What is the difference between this and His having mentioned those whom He left unmentioned and having left unmentioned those whom He mentioned?" He has frequently mentioned those who had no revealed law other than the revealed law of their predecessors, such as Elijah, Elisha, Dhū al-Kifl, and others. Perhaps those messengers whom He, exalted is He, passed over and did not mention possessed a greater sign and afforded more effective admonition than those He mentioned.[1]

قال علي: وأنا أقطع ولا أمتري أن ملقي هذه النكتة إلى ضعفاء المسلمين مغمور في دينه، ضعيف في عقله، كائد للشريعة، ولا شك في ذلك، ثم تهافت بالتقليد مع من تهافت، وبالله تعالى التوفيق.

L203 ʿAlī said: I affirm categorically, without doubt, that whoever casts this subtle objection before the weak among the Muslims is compromised in his religion, weak in his intellect, and plotting against the revealed law. There is no doubt about this. Then he plunged headlong into uncritical imitation along with those who plunged into it. Success comes through God the Exalted.[2]

L204–206 Among the questions raised by those who prohibit delaying clarification altogether was their saying: "What do you say concerning someone who has heard the verse about cutting off the thief's hand but has not heard the hadith explaining the prescribed limit in that matter? Is he to cut off the hand of every thief for a fals of gold? And concerning someone who has heard the verse about unlawful sexual intercourse but has not heard the ruling on stoning? And concerning someone who has heard the verse about suckling but has not heard the hadith concerning the prescribed limit in that matter? Is he to flog the married offender without stoning him, flog the slave woman one hundred lashes, and establish a prohibition on marriage through a single

ومما سأل عنه المانعون من تأخير البيان جملة أن قالوا: ما تقولوا فيمن سمع آية قطع السارق، ولم يسمع الحديث المبين للتوقيت في ذلك، أيقطع كل سارق لفلس من ذهب؟ وفيمن سمع آية الزنى ولم يسمع حكم الرجم، وفيمن سمع آية الرضاع ولم يسمع الحديث في التوقيت في ذلك أيجلد المحصن ولا يرجمه ويجلد الأمة مائة ويحرم برضعة واحدة أم كيف يفعل؟ فإن قلتم: ينفذ ما سمع على جملته، كنتم قد أمرتموه بالباطل. وإن قلتم: لا يفعل، أمرتموه بمعصية ما سمع من القرآن. فالجواب: أننا لم نجد قط تأخير ورود البيان عن وقت وجوب العمل، وأما قبل وجوبه فليس يلزمه إلا الإقرار بالجملة، وأن يقول: سمعت وأطعت، ولا مزيد إذا لم تكن مبينة مفهومة مثل قوله تعالى {وآتوا لزكاة} فهذا ليس عليه إلا الإقرار بتصديق ذلك كما قلنا فقط. إذ لم يأته بيان ما كلف من ذلك، وأما إن كان النص مفهوما بينا فعليه العمل به حتى يبلغه

[1] **Qur'an references (L200):** Qur'an 2:286 (Al-Baqarah); Qur'an 5:67 (Al-Ma'idah); Qur'an 21:23 (Al-Anbya).

[2] **Translator's note (L203):** The expression "maghmūr in his religion" is unusual. "Compromised in his religion" renders its apparent disparaging sense here; the precise intended meaning is uncertain.

suckling, or how is he to act? If you say that he is to implement what he has heard in its entirety, you will have commanded him to do what is false. If you say that he is not to do so, you will have commanded him to disobey what he has heard of the Qurʾān."

The answer is that we have never found clarification arriving later than the time when acting becomes obligatory. Before it becomes obligatory, he is required only to acknowledge the statement as a whole and to say, "I have heard and obeyed," and nothing more, if it has not been clarified and made comprehensible. An example is His saying, exalted is He: "And give the alms." Such a person is required only to acknowledge its truth, as we have said, and nothing more, since clarification of what he has been charged with in that regard has not reached him. But if the text is comprehensible and clear, he must act upon it until its abrogation or specification reaches him. This is unavoidable, since whoever says that he is not required to act upon what has reached him of this has said to him: "Do not obey your Lord, and do not act upon what He has commanded you, for perhaps there is a text abrogating this text, or a text specifying it." This contradicts God the Exalted's command in the Qurʾān to obey Him. Anyone who consistently pursues this foolish position must never act upon anything in the Qurʾān or the transmitted prophetic practices until he has acquired exhaustive knowledge of all the Qurʾān's rulings and mastered all the transmitted prophetic practices. This entails departing from Islam and nullifying the revealed law.

ʿAlī said: Turning this question back upon them, we ask them: "What is required of someone who heard a particular command while the Messenger, peace be upon him, was alive, concerning something that was subsequently abrogated? Is he to believe concerning that command that it is perpetual, thereby believing something false, or is he to believe that it will cease to apply after a while, thereby adopting a belief that disobeys what he has heard?" Their answer here is our answer just given to what they asked us: whoever hears that is required to acknowledge it, obey it, and believe that it is true and binding so long as nothing abrogating it has come. It thus remains perpetual; if something abrogating it comes, it is relinquished in favor of the abrogating text.

نسخه، أو تخصيصه ولا بد، إذا من قال: لا يلزمه العمل بما بلغه من ذلك فقد قال له: لا تطع ربك، ولا تعمل بما أمرك. فلعل ههنا نصا ناسخا لهذا النص، أو نصا مخصصا له، وهذا خلاف أمر الله تعالى في القرآن بطاعته. ومن طرد هذا القول السخيف لزمه ألا يعمل بشيء من القرآن، ولا السنن أبدا. حتى يستوعب معرفة جميع أحكام القرآن، وضبط جميع السنن، وفي هذا الخروج عن الإسلام وإبطال الشريعة. قال علي: ونسألهم في رد هذا السؤال عليهم فنقول ما الذي يلزم من سمع أمرا ما والرسول عليه السلام حي مما جاء النسخ بعد ذلك فيه أيعتقد في ذلك الأمر التأبيد فيكون معتقدا للباطل. أو يعتقد فيه السقوط بعد حين فيعتقد المعصية لما سمع؟ فجوابهم ها هنا جوابنا آنفا فيما سألونا عنه، وأنه يلزم من سمع ذلك الإقرار والطاعة والاعتقاد أن ه حق لازم ما لم يأت ما ينسخه فهو على التأبيد، وإن جاء ما ينسخه فهو متروك للناسخ. قال علي: وتأخير الاستثناء والتخصيص عندنا جائز كتأخير البيان جملة ولا فرق، وهو جائز ما لم يأت وقت إيجاب العمل، وبالله تعالى التوفيق.

ʿAlī said: In our view, delaying an exception or a specification is permissible, just as delaying clarification in general is permissible; there is no difference. It is permissible so long as the time when acting becomes obligatory has not come and success comes through God the Exalted.[3][4]

L207–212 ʿAlī said: Among the things that establish the soundness of our position is His saying, exalted is He: {When We recite it, follow its recitation. * Then upon Us rests its clarification.} "Then" necessarily implies an interval. And His saying, exalted is He, in the account of the angels who spoke to Abraham, peace be upon him: {They shall surely carry their burdens, and burdens along with their burdens; and on the Day of Resurrection they shall surely be questioned about what they used to fabricate. * We certainly sent Noah to his people, and he remained among them a thousand years less fifty years; then the flood seized them while they were wrongdoers. * So We delivered him and the companions of the ship, and made it a sign for all peoples. * And Abraham, when he said to his people: "Worship God and fear Him. That is better for you, if you know. * You worship only idols apart from God, and you invent falsehood. Those whom you worship apart from God possess no provision for you. So seek provision from God, worship Him, and give thanks to Him. To Him you shall be returned. * If you deny, communities before you have also denied. The messenger is responsible only for clear delivery." * Have they not seen how God originates creation, then repeats it? That is easy for God. * Say: "Travel through the earth and observe how He began creation. Then God will bring forth the final creation. God has power over all things. * He punishes whom He wills and has mercy upon whom He wills, and to Him you shall be brought back. * You cannot thwart Him

قال علي: ومما يبين صحة قولنا قوله تعالى {فإذا قرأناه فتبع قرآنه * ثم إن علينا بيانه} وثم توجب مهلة وقوله تعالى في قصة الملائكة القائلين لإبراهيم عليه السلام: {وليحملن أثقالهم وأثقالا مع أثقالهم وليسألن يوم لقيامة عما كانوا يفترون * ولقد أرسلنا نوحا إلى قومه فلبث فيهم ألف سنة إلا خمسين عاما فأخذهم لطوفان وهم ظالمون * فأنجيناه وأصحاب لسفينة وجعلناها آية للعالمين * وإبراهيم إذ قال لقومه عبدوا لله وتقوه ذلكم خير لكم إن كنتم تعلمون * إنما تعبدون من دون لله أوثانا وتخلقون إفكا إن لذين تعبدون من دون لله لا يملكون لكم رزقا فبتغوا عند لله لرزق وعبدوه وشكروا له إليه ترجعون * وإن تكذبوا فقد كذب أمم من قبلكم وما على لرسول إلا لبلاغ لمبين * أولم يروا كيف يبديء لله لخلق ثم يعيده إن ذلك على لله يسير * قل سيروا في لأرض فنظروا كيف بدأ لخلق ثم لله ينشىء لنشأة لآخرة إن لله على كل شيء قدير * يعذب من يشآء ويرحم من يشآء وإليه تقلبون * ومآ أنتم بمعجزين في لأرض ولا في لسمآء وما لكم من دون لله من ولي ولا نصير * ولذين كفروا بآيات لله ولقآئه أولئك يئسوا من رحمتي وأولئك لهم عذاب أليم * فما كان جواب قومه إلا أن قالوا قتلوه أو حرقوه فأنجاه لله من لنار إن في ذلك لآيات لقوم يؤمنون * وقال إنما تخذتم من دون لله أوثانا مودة بينكم في لحياة لدنيا ثم يوم لقيامة يكفر بعضكم ببعض ويلعن بعضكم بعضا ومأواكم لنار وما لكم من ناصرين * فآمن له لوط وقال إني مهاجر إلى ربي إنه هو لعزيز لحكيم * ووهبنا له إسحاق ويعقوب وجعلنا في ذريته لنبوة ولكتاب وآتيناه أجره في لدنيا وإنه في لآخرة لمن لصالحين * ولوطا إذ قال لقومه إنكم لتأتون

[3] **Translator's note (L204):** "A fals of gold" follows the supplied wording. A fals ordinarily denotes a copper coin; its association with gold here is awkward, and the intended monetary expression is uncertain. "The prescribed limit" translates al-tawqīt: here it concerns the qualifying amount or number in the theft and suckling rulings, rather than a time limit.

[4] **Translator's note (L205):** The supplied text has al-taʾyīd ("support" or "confirmation") twice. The argument apparently requires al-taʾbīd ("perpetuity"), which is the reading reflected in the translation; the supplied wording appears corrupt. The spacing in "an na hu" evidently splits the single word annahu ("that it").

on earth or in heaven, and apart from God you have neither protector nor helper." * Those who disbelieve in God's signs and in meeting Him—those have despaired of My mercy, and those shall have a painful punishment. * His people's answer was only to say: "Kill him or burn him." But God delivered him from the fire. In that are signs for people who believe. * He said: "You have taken idols apart from God only as a bond of affection among yourselves in the life of this world. Then, on the Day of Resurrection, you will disown one another and curse one another; your refuge will be the Fire, and you will have no helpers." * Lot believed him, and he said: "I am emigrating to my Lord. He is the Mighty, the Wise." * We bestowed Isaac and Jacob upon him, and placed prophethood and Scripture among his descendants. We gave him his reward in this world, and in the Hereafter he shall surely be among the righteous. * And Lot, when he said to his people: "You commit an indecency in which no one among all peoples has preceded you. * Do you indeed approach men, cut off the road, and commit reprehensible acts in your assembly?" His people's answer was only to say: "Bring us God's punishment, if you are among the truthful." * He said: "My Lord, help me against the people who spread corruption." * When Our messengers came to Abraham with the good news, they said: "We shall destroy the inhabitants of this town. Its inhabitants have been wrongdoers." * He said: "Lot is in it." They said: "We know best who is in it. We shall certainly deliver him and his household, except his wife; she is among those who remain behind."} Thus they spoke in general terms at first and deferred clarification until the question about Lot arose. They then answered that they had not intended him to be included in the destruction, excepting only his wife. Some of those who prohibit deferring clarification altogether have objected here, saying: "Abraham, peace be upon him, ought already to have known that Lot was excluded from the punishment, because of their saying {}—and Lot was no wrongdoer." They are told—and through God, exalted is He, comes success: Lot might have done something by which he would deserve to be counted as a wrongdoer, so Abraham, peace be upon him, feared this and asked about him. Likewise, the deliverance of his household was stated to Noah, peace be upon him, in an undetailed form. He therefore thought that 'household' meant his relatives, until it was subsequently clarified to him that what was meant by

لفاحشة ما سبقكم بها من أحد من لعالمين * أئنكم لتأتون لرجال وتقطعون لسبيل وتأتون في ناديكم لمنكر فما كان جواب قومه إلا أن قالوا ئتنا بعذاب لله إن كنت من لصادقين * قال رب نصرني على لقوم لمفسدين * ولما جآءت رسلنآ إبراهيم بلبشرى قالوا إنا مهلكو أهل هذه لقرية إن أهلها كانوا ظالمين * قال إن فيها لوطا قالوا نحن أعلم بمن فيها لننجينه وأهله إلا مرأته كانت من لغابرين} فعموا في أول الأمر وأخروا البيان حتى وقع السؤال عن لوط فأجابوا بأنهم لم يعنوه بالهلاك حاشا امرأته فقط. وقد اعترض في هذا بعض من منع من تأخير البيان جملة بأن قال: قد كان يجب أن يعلم إبراهيم عليه السلام أن لوطا خارج عن العذاب لقولهم {} ج ولوط ليس ظالما قيل لهم وبالله تعالى التوفيق. يمكن أن يحدث من لوط ما يستحق به الظلم، فأشفق إبراهيم عليه السلام من ذلك فسأل عنه، وقد أجمل لنوح عليه السلام خلاص أهله، فظن أن الأهل هم القرابة حتى بين له بعد ذلك أن المراد بأهله أهل دينه. فإن قال قائل: فما المراد من المجمل الوارد قبل ورود بيانه؟ قيل له وبالله تعالى التوفيق: المراد منا فيه هو المراد منا في المتشابه الذي أمرنا بأن نبحث عنه، ولا نبتغي تأويله، وأن يقول كل من عند ربنا، وأما المراد فيه فالذي يأتي به البيان إذا أتى ويبين قولنا قول الله تعالى {} فإنما يبين لنا لئلا نضل ولا ضلال في ورود الأمر ما لم يأت وقت وجوب العمل به، فأما إذا جاء وقت وجوب العمل به فلو تركنا نعمل بغير ما أريد منا لكنا قد ضللنا، وقد أخبرنا تعالى بأن ذلك لا يكون، وقوله تعالى صدق وحق بالله تعالى التوفيق. فعلى هذا الوجه منعنا من تأخير البيان عند وجوب العمل، وإلا فليس في العقل ما يمنع من ذلك لو شاء تعالى، ولو فعل الله تعالى ذلك لكان تعنيتا لنا وقد أخبرنا تعالى فقال {} فأخبر تعالى أنه لو أراد أن يكلفنا العنت فعل، وهذا نفس قولنا وبالله تعالى التوفيق. قال علي: يختلف في الوضوح، فيكون بعضه جليا، وبعضه خفيا، فيختلف الناس في فهمه فيفهمه بعضهم ويتأخر بعضهم عن فهمه، كما قال علي بن

his household was the people of his religion. If someone says, “What, then, is required concerning an undetailed statement that has been given before its clarification has been given?” he is told—and through God, exalted is He, comes success: What is required of us concerning it is what is required of us concerning the ambiguous, which we have been commanded to investigate, without seeking its interpretation, and to say: “All is from our Lord.” As for what is intended in it, that is what its clarification supplies when it comes. Our position is made clear by the saying of God, exalted is He: {}. He clarifies for us only so that we do not go astray; and there is no going astray in the giving of a command so long as there has not arrived the time when acting upon it becomes obligatory. But when the time when acting upon it becomes obligatory arrives, if we were left to act otherwise than as was intended of us, we would have gone astray. He, exalted is He, has informed us that this will not happen, and His saying, exalted is He, is true and right. Through God, exalted is He, comes success. It is on this basis that we prohibit deferring clarification when action becomes obligatory. Otherwise, there is nothing in reason to preclude that, had He, exalted is He, so willed. Had God, exalted is He, done that, it would have been an imposition of hardship upon us. And He has informed us —exalted is He—saying: {}. Thus He, exalted is He, has informed us that, had He wished to impose hardship upon us, He would have done so. This is precisely our position, and through God, exalted is He, comes success. ʿAlī said: It varies in clarity: some of it is evident and some obscure. People therefore differ in their understanding of it: some understand it, while others are delayed in understanding it. This is as ʿAlī ibn Abī Ṭālib, may God be pleased with him, said: “Except that God grants a man understanding of His religion.” Likewise, ʿUmar, may God be pleased with him—despite his being at the very pinnacle of knowledge, as the Prophet, God’s blessings and peace be upon him, expressly attested concerning him—found himself unable to understand the verse concerning kalālah. He died acknowledging that he had not understood it, while others among the Companions, may God be pleased with them, understood it. He, peace be upon him, rebuked him and informed him that it was clear, and that the verse revealed in summer sufficed for understanding it. Likewise, ʿAdī supposed that the white thread and the black thread were threads of the sort people use, until God, exalted is

أبي طالب رضي الله عنه: إلا أن يؤتي الله رجلا فهما في دينه، وكما تعذر على عمر رضي الله عنه وهو الغاية في العلم بنص النبي صلى الله عليه وسلم على ذلك فيه فهم آية الكلالة فمات وهو يقر أنه لم يفهمها وفهمها غيره من الصحابة رضي الله عنهم وانتهره عليه السلام وأخبره بأنها بينة يكفي من فهمها الآية التي نزلت في الصيف، وكما عرض لعدي في توهمه أن الخيط الأبيض والأسود من خيوط الناس حتى زاده الله تعالى بيانا في أن ذلك من الفجر، وقد اكتفى غير عدي بالآية نفسها، وعلم أن المراد الفجر. وكما توهم ابن أم مكتوم أنه ملوم في تأخره عن الغزو، فزاده الله بيانا باستثناء أولي الضرر، وقد اكتفى غير ابن أم مكتوم بسائر النصوص الواردة في رفع الحرج، وأن لا حرج على مريض ولا أعمى، وأن الله تعالى لا يكلف نفسا إلا وسعها. قال علي: فهذه حقائق الكلام في البيان وتأخيره مجموعة باستيعاب وإيجاز وبالله تعالى التوفيق. والتأكيد نوع من أنواع البيان قال الله عز وجل {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} وقال تعالى {وواعدنا موسى ثلاثين ليلة وأتممناها بعشر فتم ميقات ربه أربعين ليلة وقال موسى لأخيه هارون خلفني في قومي وأصلح ولا تتبع سبيل لمفسدين} بعد أن ذكر تعالى ثلاثين ليلة وعشرا فإن قال قائل: إن الله تعالى علمنا الحساب بذلك فقد افترى، لأننا كنا نعلم الحساب قبل نزول القرآن، نعني النوع الإنسان جملة، وبالله تعالى التوفيق. وقد أتى بعض أهل القياس المتحذلقين المتنطعين في قوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا

He, gave him further clarification that this referred to dawn. Others besides ʿAdī had found the verse itself sufficient and knew that dawn was intended. Likewise, Ibn Umm Maktūm supposed that he was blameworthy for staying behind from military campaigning, so God gave him further clarification by excepting those with disabilities. Others besides Ibn Umm Maktūm had found sufficient the other texts that remove hardship, state that no blame attaches to a sick person or a blind person, and state that God, exalted is He, burdens no soul beyond its capacity. ʿAlī said: These, then, are the truths concerning clarification and its deferral, brought together comprehensively and concisely. Through God, exalted is He, comes success. Emphasis is one of the kinds of clarification. God, mighty and majestic, said: {Complete the pilgrimage and the lesser pilgrimage for God. If you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is ill or has an ailment of the head must make a compensatory offering of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return. Those are ten complete. That is for anyone whose household does not reside near the Sacred Mosque. Fear God, and know that God is severe in punishment.} And He, exalted is He, said: {We appointed thirty nights for Moses and completed them with ten, so the appointed time of his Lord was completed as forty nights. Moses said to his brother Aaron: "Take my place among my people, set things right, and do not follow the way of those who spread corruption."} This was after He, exalted is He, had mentioned thirty nights and ten. If someone says that God, exalted is He, taught us arithmetic by this, he has fabricated a falsehood, because we knew arithmetic before the revelation of the Qur'an—we mean the human species as a whole. Through God, exalted is He, comes success. One of the affectedly clever, over-scrupulous proponents of analogy has produced an outlandish claim concerning His saying, exalted is He: {Complete the pilgrimage and the lesser pilgrimage for God. If you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you

رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} بآبدة فقال معنى قوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} دليل على أن الهدي الذي عوض منه الصوم في التمتع لا يكون إلا كاملا.

is ill or has an ailment of the head must make a compensatory offering of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return. Those are ten complete. That is for anyone whose household does not reside near the Sacred Mosque. Fear God, and know that God is severe in punishment.} He said: "The meaning of His saying, exalted is He, {Complete the pilgrimage and the lesser pilgrimage for God. If you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is ill or has an ailment of the head must make a compensatory offering of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return. Those are ten complete. That is for anyone whose household does not reside near the Sacred Mosque. Fear God, and know that God is severe in punishment.} is evidence that the sacrificial offering for which fasting is

substituted when enjoying the lesser pilgrimage followed by the pilgrimage must necessarily be complete."[5][6][7][8][9]

L213–215 Ali said: The first fault in this statement is that it is an assertion without evidence, and this is forbidden, especially when made about Allah, mighty and majestic. Moreover, exalted is Allah Most High above intending that the sacrificial offering be complete, yet leaving it undescribed as such and confining Himself to saying, {And complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. And do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is ill or suffers an ailment of the

قال علي: وأول ما في هذا القول الدعوى بلا دليل، وهذا حرام لاسيما على الله عز وجل، وأيضا فإنه قد جل الله تعالى عن أن يريد أن يكون الهدي كاملا فيترك أن يصفه بذلك ويقتصر على أن يقول {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} ثم ينبه على كمال الهدي بذكر أن تكون العشرة الأيام في الصوم كاملة فبان كذب هذا القائل وصح أن قوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} 1 2 كقول رسول الله صلى الله عليه وسلم في حديث الزكاة فابن لبون ذكر وكقوله عليه الصلاة والسلام في حديث الفرائض فما أبقت الفرائض فلأولى رجل ذكر وإنما هذا توكيد وبيان زائد فقط. قال علي: ومما يبين أن الله تعالى يؤخر البيان قبل أن يريد منا تعالى العمل بالحديث الوارد عن النبي صلى الله عليه وسلم بأن الله تعالى يعرض في الخمر فمن كان عنده منها شيء فليبعها، فما أتى الوقت الذي أراد الله تعالى أن يوجب علينا اجتنابها أنزل الآيات في تحريمها وتلا ذلك رسول الله صلى الله

[5] **Translator's note (L207):** The quotation introduced as the account of the angels speaking to Abraham begins much earlier, with Qur'an 29:13, and continues through intervening narratives. The supplied extended quotation has been retained in full. The Qur'anic transcription repeatedly omits initial alifs and contains other apparent orthographic defects. Readily identifiable words have been translated according to their evident readings.

[6] **Translator's note (L208):** Two pairs of empty quotation braces appear in the source; their missing contents have not been supplied. An isolated Arabic letter jīm follows the first pair and appears to be a stray transcription or apparatus marker. The statement that Lot might do something warranting classification as a wrongdoer is the author's argument. The supplied wording says that the ambiguous is something 'we have been commanded to investigate, without seeking its interpretation.' This potentially problematic wording has been retained; no missing negation has been supplied. The final quotation uses the singular verb 'to say' after a construction referring to 'us'; the translation follows its evident collective sense.

[7] **Translator's note (L210):** The source has empty quotation braces after 'saying'; the missing quotation has not been supplied. The opening 'It varies in clarity' has no explicit subject in this segment; the context concerns clarification. Kalālah is a technical inheritance term concerning a person who leaves neither ascendants nor descendants entitled to inherit; its precise interpretation is itself the subject under discussion. The wording concerning the verse revealed in summer is syntactically awkward. The translation gives its apparent sense without supplying an additional quotation. The report attributed to ʿAlī ibn Abī Ṭālib is rendered as supplied, including 'understanding of His religion.'

[8] **Translator's note (L212):** The full Qur'anic verse appears twice in the supplied segment; both occurrences have been translated in full.

[9] **Qur'an references (L207):** Qur'an 75:19 (Al-Qiyamah); Qur'an 29:13 (Al-'Ankabut); Qur'an 29:14 (Al-'Ankabut); Qur'an 29:18 (Al-'Ankabut); Qur'an 29:21 (Al-'Ankabut); Qur'an 29:23 (Al-'Ankabut); Qur'an 29:26 (Al-'Ankabut); Qur'an 29:32 (Al-'Ankabut); Qur'an 2:196 (Al-Baqarah); Qur'an 7:142 (Al-A'raf).

head must offer a ransom of fasting, charity, or sacrifice. Then, when you are secure, whoever enjoys the lesser pilgrimage until the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return: those are ten complete days. That is for anyone whose family does not reside near the Sacred Mosque. And be mindful of Allah, and know that Allah is severe in punishment}, and then indicating the completeness of the sacrificial offering by mentioning that the ten days of fasting must be complete. Thus the falsehood of this speaker is manifest, and it is established that His saying, Most High, {And complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. And do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is ill or suffers an ailment of the head must offer a ransom of fasting, charity, or sacrifice. Then, when you are secure, whoever enjoys the lesser pilgrimage until the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return: those are ten complete days. That is for anyone whose family does not reside near the Sacred Mosque. And be mindful of Allah, and know that Allah is severe in punishment} 1 2 is like the saying of the Messenger of Allah ﷺ in the report concerning obligatory alms: "Then a two-year-old camel, male," and like his saying ﷺ in the report concerning prescribed inheritance shares: "Whatever the prescribed shares leave over belongs to the nearest male relative, a male." This is merely emphasis and additional clarification.

Ali said: Among the things that make clear that Allah Most High defers clarification before He Most High intends us to act is the report transmitted from the Prophet ﷺ that "Allah Most High is alluding to wine; so whoever has any of it should sell it." Then, when the time arrived at which Allah Most High intended to make abstaining from it obligatory upon us, He revealed the verses prohibiting it, and the Messenger of Allah ﷺ recited them to the people immediately. He ﷺ may also add clarification after clarification has already preceded it, so that it constitutes confirmation and information for those whom the first report reaches. Thus the five prayers were revealed

عليه وسلم على الناس من وقته وقد يزيد عليه السلام بيانا بعد تقدم البيان قبله فيكون تأكيدا وإخبارا لمن يبلغه الخبر الأول، كما نزلت الصلوات الخمس بمكة مبينة بأوقاتها، ثم سأل السائل بالمدينة عن أوقاتها وأوائلها وأواخرها فأراه عليه السلام ذلك بالعمل وقد بينها أيضا بكلامه عليه السلام لغير ذلك السائل وكما أخر الله تعالى عن النبي صلى الله عليه وسلم بيان المناسك قبل أن يأتي وقت وجوب عملها فلما أتى وقت وجوبها بينها له عليه السلام فبينها عليه السلام بفعله غير مؤخر لها ومن ادعى أنه عليه السلام كان عنده بيان المناسك وكتمها عن أصحابه، ومنعهم الأجر بالعلم بها وبالإقرار بجملتها فقد افترى وكذب نبيه صلى الله عليه وسلم إذ يقول إن حقا على كل نبي أن يدل أمته على أحسن ما يعلمه لهم ومن قال بهذا فقد أكذب ربه تعالى إذ يقول عز وجل واصفا لنبيه صلى الله عليه وسلم {لقد جآءكم رسول من أنفسكم عزيز عليه ما عنتم حريص عليكم بلمؤمنين رءوف رحيم} وإذا كتمهم ما يستعجلون الأجر بالإقرار به ويزدادون علما بفهمه، فقد خالف الصفة التي ذكرها الله تعالى، ومن قال ذلك فقد فارق الإسلام

in Mecca with their times explained; then a questioner in Medina asked about their times, their beginnings and their ends, and he ﷺ demonstrated this to him in practice. He ﷺ also explained them verbally to someone other than that questioner. Likewise, Allah Most High deferred giving the Prophet ﷺ clarification of the pilgrimage rites before the time came when performing them became obligatory. Then, when the time of their obligation arrived, He explained them to him ﷺ, and he ﷺ explained them through his actions, without deferring them. Whoever claims that he ﷺ possessed the explanation of the pilgrimage rites but concealed it from his Companions, depriving them of the reward for knowing them and acknowledging them in their entirety, has fabricated a falsehood and accused his Prophet ﷺ of lying when he says: "It is incumbent upon every prophet to direct his community to the best that he knows for them." Whoever says this has declared his Lord Most High untruthful when He, mighty and majestic, says in describing His Prophet ﷺ: {There has certainly come to you a messenger from among yourselves; grievous to him is what you suffer, solicitous for you, compassionate and merciful toward the believers}. If he concealed from them that by acknowledging which they would hasten to gain reward, and by understanding which they would increase in knowledge, he would have acted contrary to the description Allah Most High gave. Whoever says that has departed from Islam.[10][11]

L216–218 If someone says: "You are now describing Muhammed ﷺ as wishing that the inhabitants of the earth should increase in goodness. This contradicts

فإن قال قائل فأنت تصف الآن محمدا صلى الله عليه وسلم بأنه يريد أن يزداد أهل الأرض خيرا وهذا خلاف قولك إن الله عز وجل لم يرد هذا بكل الناس فقد وصفت محمدا صلى الله عليه وسلم بأفضل مما وصفت به الله عز وجل وبأنه أرأف بنا من الله تعالى. قال علي: فنقول وبالله التوفيق: هذه شغبية ضعيفة، وإنما يماثل بين الشيئين أو يفاضل بينهما، إذا كانا واقعين تحت نوع واحد، أو تحت جنس واحد، وليس صفتنا لله تعالى من نوع صفتنا للمخلوقين ورحمة محمد صلى الله عليه وسلم بالناس هي من جنس تراحمنا بعضنا لبعض إلا أنها أعلى من كل رحمة لإنسي، وأكمل وأتم

[10] **Translator's note (L213):** The isolated numerals "1 2" are retained as supplied; they appear to be reference or transcription markers. The wording introducing the report about wine is syntactically awkward. The translation follows the apparent argument that clarification may be deferred until action is required. The supplied "فما أتى الوقت" is awkward in context; "when the time arrived" reflects the apparent intended temporal connection, which would ordinarily be expressed with "فلما". The supplied wording says "those whom the first report reaches," without a negation. The translation preserves this, although "those whom the first report did not reach" would fit the stated purpose of renewed notification more naturally. The camel in the alms quotation is an ibn labun, a camel that has completed two years and entered its third. The inheritance quotation explicitly repeats maleness; that repetition is retained because it is central to the author's argument.

[11] **Qur'an references (L213):** Qur'an 2:196 (Al-Baqarah); Qur'an 9:128 (At-Tawbah).

your statement that Allah, mighty and majestic, did not will this for all people. You have therefore described Muhammed ﷺ in terms more excellent than those in which you have described Allah, mighty and majestic, and as being more compassionate toward us than Allah Most High."

Ali said: We reply—and success comes through Allah: This is a weak sophistical objection. Two things may be judged alike or ranked in excellence only when they fall under a single species or a single genus. Our description of Allah Most High is not of the same kind as our description of created beings. Muhammed's ﷺ mercy toward people belongs to the same genus as our mercy toward one another, except that it is loftier than any human being's mercy, more perfect, more complete, and more enduring. Allah Most High does not fall with us under the species of humanity as Muhammed ﷺ falls with us under it, although he is more excellent than everyone beneath him. Nor is Allah, mighty and majestic, praised with the terms in which His creatures are praised. Do you not see that we describe Allah, mighty and majestic, in praise of Him, as Overpowering and Supremely Proud, whereas in every created being beneath Him Most High this is severe censure and great disparagement? We describe Him Most High as possessing severe wrath, as doing whatever He wills, and as possessing a stratagem against which one cannot feel secure. If we described a created being with any of this, it would be censure and a defect. We praise created beings for reason, shrewdness, nobility, courage, and chastity, yet none of these may be used to describe Allah, mighty and majestic. Whoever seeks to measure Allah Most High's mercy toward His creatures by His Prophet's ﷺ mercy toward them has deviated into heresy in his description of his Lord Most High. We know with certainty that Allah, mighty and majestic, never willed to guide Abu Talib. Had He willed that he believe, He would have opened his breast to Islam. Rather, He willed to punish him in the fire of Hell forever. And we know with certainty that Abu Talib's coming to believe was among Muhammed's ﷺ most far-reaching hopes. Allah Most High has made further argument on this unnecessary for us through His saying: {You do not guide whom you love, but Allah guides whom He wills, and He knows best those who are guided}. As for someone who believes in Allah, Allah is more compassionate

وأدوم، وليس الله تعالى واقعا معنا تحت نوع البشرية كوقوع محمد صلى الله عليه وسلم معنا تحتها وإن كان أفضل من كل من دونه ولا يثنى على الله عز وجل بما يثني به على خلقه، ألا ترى أننا نصف الله عز وجل مثنين عليه بأنه جبار متكبر؟ وهذا في كل مخلوق دونه تعالى ذم شديد، واستنقاص عظيم، ونصفه تعالى بأنه ذو غضب شديد، أنه يفعل ما يريد، وأنه ذو مكر لا يؤمن. وكل هذا لو وصفنا به مخلوقا لكان ذما ونقصا. ونمدح المخلوقين بالعقل والكيس، والنبل والنجدة والعفة وكل هذا لا يجوز أن يوصف به الله عز وجل، فمن أراد أن يقيس رحمة الله تعالى لخلقه برحمة نبيه صلى الله عليه وسلم لهم فقد ألحد في وصفه لربه تعالى وقد علمنا يقينا أن الله عز وجل لم يرد قط أن يهدي أبا طالب ولو شاء أن يؤمن لشرح صدره للإسلام، بل أراد أن يعذبه في نار جهنم أبدا وعلمنا يقينا أن محمدا صلى الله عليه وسلم كان من أبعد آماله أن يؤمن أبو طالب وقد كفانا الله تعالى ذلك بقوله {إنك لا تهدي من أحببت ولكن لله يهدي من يشآء وهو أعلم بلمهتدين} فأما من آمن بالله فالله أرأف به من نفسه بنفسه ومن محمد صلى الله عليه وسلم ومن أبيه وأمه اللذين ولداه لأنه جازاه على ذلك بما لو ملك الاختيار لم يبلغ مقدار ما أعطاه الله تعالى في الجنة، ولا سمح له أبواه بذلك، ولأنه تعالى غفر له ما لو فعله عاصيا لأبيه ما غفر له ذلك، فإن الرجل يزني بأمة الله تعالى فيغفر له بالتوبة، وبموازنة حسناته لسيئاته، ولو زنى بأمة أبيه لقطعه.

toward him than he is toward himself, than Muhammed ﷺ is toward him, and than his father and mother who begot him are toward him. For He has rewarded him for that with something that, even if he possessed the choice, would not attain the measure of what Allah Most High has given him in Paradise, nor would his parents have been so generous to him. And because He Most High has forgiven him for something that, had he done it in disobedience to his father, his father would not have forgiven him for it. A man commits unlawful intercourse with a female servant of Allah Most High, and He forgives him through repentance and through weighing his good deeds against his evil deeds. But had he committed unlawful intercourse with his father's slave woman, his father would have severed ties with him.[12][13][14]

L219–221 As for someone who does not believe, Allah never willed any good for him. Had He willed good for him, He would have caused him to die as a miscarried fetus. Whoever says that Allah Most High was unable to do that has deviated into heresy and described his Lord Most High as deficient in the extreme. Whoever says that Allah Most High willed good for Pharaoh, we challenge him to a mutual imprecation and say: "O Allah, do not will for us the good that You willed for Pharaoh." Let him then pray to his Lord Most High to will for him the good that He willed for Pharaoh.

If an objector raises a sophistical objection and says: "You are now describing Muhammed ﷺ as having willed something other than what Allah, mighty and majestic, willed"—and success comes through Allah—this is a weak sophistical objection like the preceding one. Yes, this is precisely what we say here, acknowledging what our Lord, mighty and majestic, said: that Muhammed ﷺ desired that people be guided whom Allah Most High did

[12]**Translator's note (L217):** The unvocalized "لا يؤمن" is read here as "against which one cannot feel secure," referring to the preceding stratagem. The sentence concerning possession of choice is compressed: the supplied wording does not explicitly identify what would fail to attain the measure of the divine gift. The translation retains that compression rather than supplying a specific imagined choice or request.

[13]**Translator's note (L218):** "A female servant of Allah" and "his father's slave woman" translate the same Arabic noun in different possessive contexts; the contrast is between a woman as Allah's servant and a woman enslaved to the man's father.

[14]**Qur'an references (L216):** Qur'an 28:56 (Al-Qasas).

وأما من لم يؤمن فما أراد الله به خيرا قط، ولو أراد به خيرا لأماته سقطا، فمن قال: إن الله تعالى لم يقدر على ذلك فقد ألحد ووصف ربه تعالى بغاية النقص، ومن قال: إن الله تعالى أراد الخير بفرعون فنحن نباهله. ونقول: اللهم لا ترد بنا من الخير ما أردته بفرعون، فليدع ربه تعالى أن يريد به من الخير ما أراده بفرعون فإن شغب مشغب فقال إنك الآن تصف محمدا صلى الله عليه وسلم بأنه أراد غير ما أراد الله عز وجل وبالله تعالى التوفيق: وهذه شغبية ضعيفة كالتي قبلها. نعم كذلك نقول في هذا المكان مقرين بما قال ربنا عز وجل من أن محمدا صلى الله عليه وسلم أحب أن يهتدي قوم لم يحب الله تعالى أن يهديهم، وليس في اختلاف ما أراد الله تعالى ههنا وما أراد نبيه عليه السلام عيب على نبيه عليه السلام لأنه إنما يمدح النبي فمن دونه من المخلوقين بالائتمار لربه تعالى فقط، لا بأن يوافق ربه فيما لم يكلفه، ألا ترى أننا نمدح أنفسنا بالنكاح والأولاد وهما منفيان عن الله عز وجل لم يردهما لنفسه قط، ونمدح بالصدقة على المحتاج الذي لم يرد الله أن يغنيه، ولو أراد أن يغنيه لكان قادرا عز وجل على ذلك فلم نؤمن نحن قط أن تريد ما أراده الله عز وجل في كل وقت، بل نهينا عن ذلك فقد أراد الله عز وجل قتل من سلط عليه الكفار من المؤمنين،

not desire to guide them. There is no fault in His Prophet, peace be upon him, in the difference here between what Allah Most High willed and what His Prophet, peace be upon him, willed. For a prophet, and all created beings below him, are praised only for obeying their Lord Most High, not for agreeing with their Lord concerning something with which He has not charged them. Do you not see that we praise ourselves for marriage and children, both of which are excluded from Allah, Almighty and Majestic, who has never willed them for Himself? And we are praised for giving charity to a needy person whom Allah has not willed to enrich. Had He willed to enrich him, He, Almighty and Majestic, would have been able to do so. We have never been commanded to will what Allah, Almighty and Majestic, wills at every moment; rather, we have been forbidden that. Allah, Almighty and Majestic, has willed the killing of those believers over whom He has given the unbelievers power; were we to will that, we would become evildoers. All that is intended of us is to comply with what we have been commanded and desist from what we have been forbidden. Our opponents' position amounts to the assertion of certain proponents of heresy that we are obliged to resemble Allah, Almighty and Majestic. This, in our view, is unbelief, because nothing resembles Allah Most High, and none but a heretical unbeliever seeks to resemble Him. This is clear, and through Allah Most High comes success. We now return to the remainder of the discussion concerning delaying clarification. If someone who permits delaying clarification beyond the time when the command becomes obligatory adduces the story of Moses and al-Khidr, peace be upon them both, there is no equivalence. For Moses, peace be upon him, was never bound in that story by any command whose nonperformance would constitute a failure on his part. He merely questioned him forgetfully, and forgetfulness is excused. Likewise, Noah's question concerning his son, peace be upon him, was asked forgetfully, because Allah Most High had already explained to him that he should take his family aboard, except those among them against whom the pronouncement had already gone forth. Noah, peace be upon him, forgot this exception, although it would have sufficed him, since his son was an unbeliever against whom the pronouncement had already gone forth together with the other unbelievers. They also adduced the command concerning the cow of the

ولو أردنا نحن ذلك لفسقنا، وإنما أريد منا الائتمار لما أمرنا به والانتهاء عما نهينا عنه، وقول خصومنا يؤول إلى قول بعض أهل الإلحاد: أن الواجب علينا التشبه بالله عز وجل، وهذا كفر عندنا، لأن الله تعالى لا يشبهه شيء، فلا يروم التشبه به إلا كافر ملحد. وهذا بين، وبالله تعالى التوفيق. ثم نرجع إلى بقية الكلام في تأخير البيان، فإن احتج بعض من يجيز تأخير البيان عن وقت وجوب الأمر بقصة موسى والخضر عليهما السلام فلا سواء، فموسى عليه السلام لم يلزمه قط أمر في تلك القصة يلزمه التقصير إن لم يأته، وإنما سأله ناسيا والنسيان مرفوع، وكذلك كان سؤال نوح عليه السلام في ابنه ناسيا، لأن الله تعالى قد كان بين له أن يحمل أهله إلا من سبق عليه القول منهم، فنسي نوح عليه السلام هذا الاستثناء، وقد كان كافيه لأن ابنه كان كافرا قد سبق عليه القول في جملة من كفر. واحتجوا أيضا بأمر بقرة بني إسرائيل، وأنه تعالى أخر عنهم بيان الصفات التي زادهم بعد ذلك.

Children of Israel, arguing that He Most High delayed explaining to them the attributes that He subsequently added for them.[15]

L222–224 Ali said: This provides them with no proof, because those attributes were simply additions to the legal prescriptions. Had they not asked about them, those additions would not have been imposed on them. Had they, when first commanded, slaughtered a white cow or a red or piebald one, it would have sufficed for them. But when they increased their questioning, their legal requirements were increased, and they thereby became included among those whom Allah Most High censured through His Prophet ﷺ, when he said: "Among those whose offense is greatest in Islam is someone who asks about something that was not forbidden, and it is then forbidden because of his question"; and in his saying, peace be upon him: "Those before you perished only because of their many questions and their disagreements with their prophets." The correctness of this position of ours is made clear by His saying, Almighty and Majestic: {O you who believe, do not ask about things which, if disclosed to you, would distress you. But if you ask about them while the Quran is being sent down, they will be disclosed to you. Allah has pardoned them, and Allah is Forgiving, Forbearing. A people before you asked about them, then became unbelievers on their account.} Thus He Most High expressly stated what we have said—to Him belongs praise—and explained to us that things are pardoned and their obligations waived for us before we ask about them. Once we ask about them, they become binding upon us, and perhaps we then disobey and perish. All of that has already been encompassed by His knowledge, Almighty and Majestic. As for the delayed revelation of {O you who believe, do not ask about things which, if disclosed to you, would distress you. But if you ask about them while the Quran is being sent down, they will be disclosed to you. Allah has pardoned them, and Allah is Forgiving, Forbearing} in the story of Ibn al-Ziba'ra, when he objected to the Prophet ﷺ during his recitation of {Know that Allah

[15] **Translator's note (L220):** The wording فلم نؤمن نحن قط أن تريد is apparently corrupt: literally, it reads approximately, "we have never believed that you should will." The translation follows the sense indicated by the immediate contrast with prohibition, "we have never been commanded to will," while recording the defective wording here.

قال علي: وهذا لا حجة لهم فيه، لأن تلك الصفات إنما هي زيادات شرائع لو لم يسألوا عنها لم يزادوهم؛ ولو ذبحوا في أول ما أمروا بقرة بيضاء أو حمراء أو بلقاء لأجزت عنهم؛ لكنهم لما زادوا سؤالا زيدوا شرعا، ودخلوا بذلك في جملة من ذم الله تعالى على لسان نبيه صلى الله عليه وسلم إذ يقول إن من أعظم الناس جرما في الإسلام من سأل عن شيء لم يحرم فحرم من أجل مسألته وفي قوله عليه السلام إنما هلك من كان قبلكم بكثرة مسائلهم واختلافهم على أنبيائهم ويبين صحة قولنا هذا قوله عز وجل {يأيها لذين آمنوا لا تسألوا عن أشيآء إن تبد لكم تسؤكم وإن تسألوا عنها حين ينزل لقرآن تبد لكم عفا لله عنها ولله غفور حليم * قد سألها قوم من قبلكم ثم أصبحوا بها كافرين} {} فأخبر تعالى بنص ما قلنا وله الحمد، وبين لنا أن الأشياء معفوة ساقطة عنا قبل أن نسأل عنها، فإذا سألنا عنها لزمتنا؛ ولعلنا نعصي حينئذ فنهلك، وكل ذلك قد سبق في علمه عز وجل وأما تأخر نزول {يأيها لذين آمنوا لا تسألوا عن أشيآء إن تبد لكم تسؤكم وإن تسألوا عنها حين ينزل لقرآن تبد لكم عفا لله عنها ولله غفور حليم} في قصة ابن الزبعرى إذ اعترض على النبي صلى الله عليه وسلم في تلاوة {علموا أن لله شديد لعقاب وأن لله غفور رحيم} فقال نحن نعبد الملائكة والنصارى يعبدون عيسى، فهم في جهنم معنا، فإن ابن الزبعرى كان مغفلا عن تدبر الآية الأولى وقد كان له فيها كفاية له عقل، ولكن الثانية أتت مؤكدة لها فقط وهي إخباره تعالى عن سؤاله الملائكة فقال تعالى: {ويوم يحشرهم جميعا ثم يقول للملائكة أهؤلاء إياكم كانوا يعبدون} فأخبر تعالى عن الملائكة الصادقين المقدسين أنهم قالوا: {قالوا سبحانك أنت ولينا من دونهم بل كانوا يعبدون لجن أكثرهم بهم مؤمنون} فليس قول القائل أنا أعبد الملائكة، ولا قول النصارى: نحن نعبد المسيح موجب لصدقهم، لأن العبادة

is severe in punishment, and that Allah is Forgiving, Merciful}, saying, “We worship the angels, and the Christians worship Jesus, so they are in Hell with us”: Ibn al-Ziba‘ra had neglected to reflect upon the first verse, although it would have sufficed him, had he possessed understanding. The second came only to confirm it: namely, His account, Most High, of His questioning the angels. He Most High said: {And on the day He gathers them all together, then says to the angels, “Was it you that these people used to worship?”} He Most High then related that the truthful, sanctified angels said: {They said, “Glory be to You! You are our protecting ally rather than they. Rather, they used to worship the jinn; most of them believe in them.”} Thus a person’s saying, “I worship the angels,” nor the Christians’ saying, “We worship the Messiah,” establishes that they speak truthfully. For worship consists only in following and submitting, and is derived from servitude. A person worships only the one to whom he submits and whose command he follows. As for someone whom he disobeys and opposes, he does not worship him, and he lies in claiming that he worships him. Thus those who say, “We worship the angels and the Messiah,” are lying in making that claim.[16][17][18]

إنما هى الاتباع والانقياد مأخوذة من العبودية، وإنما يعبد المرء من ينقاد له، ومن يتبع أمره، وأما من يعصي ويخالف فليس عابدا له وهو كاذب في ادعائه أنه يعبده. فالقائلون نحن نعبد الملائكة والمسيح كذبة في دعواهم لذلك

L225–228 They have never worshipped them; they have worshipped only the devils, by submitting to their commands and following their seductions. Had they followed the angels and the Messiah, peace be upon him, these would have commanded them only to worship Allah, Almighty and Majestic, and to say,

ما عبدوهم قط، وإنما عبدوا الشياطين لانقيادهم لأمرهم واتباعهم إغواءهم، ولو اتبعوا الملائكة والمسيح عليه السلام ما أمروهم إلا بعبادة الله عز وجل، وبأن يقولوا: إننا لا نعبد شيئا من دون الله عز وجل، بل كانوا ينهونهم عن الكذب وهذا عين الكذب وقد بين عليه السلام معنى قول ربه تعالى {تخذوا أحبارهم ورهبانهم أربابا من دون لله ولمسيح بن مريم ومآ أمروا إلا ليعبدوا إلها واحدا لا إله إلا هو سبحانه عما يشركون} فقال قائل يا رسول الله ما كنا نعبدهم فأخبرهم عليه السلام أنهم إذا أطاعوهم في تحريم ما حرموا وتحليل ما أحلوا، فقد اتخذوهم أربابا ونحن إنما أطعنا أمر نبينا عليه السلام لعلمنا أنه كله من عند الله عز وجل وأنه لا يقول من تلقاء نفسه شيئا قال الله عز وجل {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فإن قال قائل فعلى قولك فمن عصى منا لم يعبد الله عز وجل؟ قيل له: نعم، لم يعبد الله تعالى لتلك

[16] **Translator’s note (L222):** The supplied لم يزادوهم is grammatically irregular in this context. The translation reflects the apparent sense that the additional requirements would not have been imposed on them.

[17] **Translator’s note (L223):** The Quranic quotations attached here to Ibn al-Ziba‘ra’s objection appear misplaced: the quoted prohibition on questioning is Quran 5:101, and “Know that Allah is severe in punishment…” is 5:98. Neither, as quoted, supplies the premise of the objection about worshippers and their objects of worship being in Hell. The supplied quotations have been translated without substitution. The wording وقد كان له فيها كفاية له عقل is defective. “Had he possessed understanding” reflects the apparent intended conditional sense of له عقل; the supplied text does not contain an explicit conditional particle. The angels’ response is introduced with “they said” both in the author’s prose and within the supplied Quranic quotation; the repetition is retained.

[18] **Qur’an references (L222):** Qur’an 5:101 (Al-Ma’idah); Qur’an 5:102 (Al-Ma’idah); Qur’an 34:40 (Saba); Qur’an 34:41 (Saba).

"We worship nothing besides Allah, Almighty and Majestic." Indeed, they would have forbidden them to lie, and this is the very essence of lying. He, peace be upon him, explained the meaning of his Lord's saying, Most High: {They took their scholars and their monks as lords besides Allah, and the Messiah, son of Mary, although they were commanded only to worship one God: there is no god but Him. Glory be to Him above what they associate with Him.} Someone said, "O Messenger of Allah, we did not worship them." He, peace be upon him, informed them that when they obeyed them in prohibiting what they prohibited and permitting what they permitted, they had taken them as lords. We obey the command of our Prophet, peace be upon him, only because we know that it is all from Allah, Almighty and Majestic, and that he says nothing on his own initiative. Allah, Almighty and Majestic, said: {He does not speak from desire. It is nothing but revelation revealed.} If someone says, "According to your position, then, whoever among us disobeys has not worshipped Allah, Almighty and Majestic," he is answered: Yes, he has not worshipped Allah Most High by that act of disobedience or in committing it, but he has worshipped Him in the rest of his obedience and in his affirmation of divine oneness. If someone says, "According to your position, then, when we obey the Messenger ﷺ, we have worshipped him," he is answered—and through Allah Most High comes success: Obedience to the Messenger ﷺ requires that neither the expression 'worship' nor its meaning be applied except to Allah, Almighty and Majestic, alone, who has no partner. It also requires that whoever obeys Satan in unbelief has worshipped him. These are meanings established by revealed law, concerning which one must remain strictly within what revealed law has brought. As for anyone who claims that the clarification that the slain combatant's personal effects belong to his slayer was revealed after the verse concerning the division of spoils, this is a claim supported by no evidence, nor has it ever been transmitted through any sound channel. The same applies to the clarification of the share of the near relatives, and to the claim that the clarification that Banu Hashim and Banu Abd al-Muttalib are the near relatives, to the exclusion of Banu Abd Shams and Banu Nawfal, was revealed later than the verse: this is a claim with no validity whatsoever. If someone says, "But Uthman, may Allah be pleased with him, and Jubayr ibn Mut'im did not know this," he is answered:

المعصية ولا فيها، ولكن عبده في سائر طاعته وإقراره بالتوحيد. فإن قال قائل فعلى قولك إننا إذا أطعنا الرسول صلى الله عليه وسلم لقد عبدناه قيل له وبالله تعالى التوفيق إن طاعة الرسول صلى الله عليه وسلم توجب ألا يطلق لفظ العبادة ولا معناها إلا لله عز وجل وحده لا شريك له، وتوجب أن من أطاع الشيطان في الكفر فقد عبده، وهذه معان شرعية لا يتجاوز فيها ما أتت به الشريعة فقط، وأما من ادعى بيان كون أن السلب للقاتل نزل بعد آية قسم الغنائم، فدعوى لا يقوم عليها دليل ولا روي ذلك قط من وجه يصح، وكذلك القول في بيان سهم ذي القربى وأن بيان كون بني هاشم وبني عبد المطلب هم ذو القربى، دون بني عبد شمس وبني نوفل، نزل متأخرا عن الآية دعوى لا تصح أصلا. فإن قال قائل: فإن عثمان رضي الله عنه، وجبير بن مطعم جهلا هذا. قيل له: نعم، وما في هذا علينا من الحجة، ومتى منعنا أن يخفى على الصاحب والصاحبين والعشرة والأكثر منهم فهم آية أو آيات من القرآن وقد كان في قسمة رسول الله صلى الله عليه وسلم لبني المطلب دونهما ما يكفي لأنهما كانا يوقنان بلا شك أن رسول الله صلى الله عليه وسلم لا يمنع ذا حق حقه ولا يعطي أحدا غير حقه فكان في هذا كفاية، لأنه لو كان لبني عبد شمس، وبني نوفل حق في سهم ذوي القربى ما منعهم إياه رسول الله صلى الله عليه وسلم ولوكان بنو عبد المطلب خارجين من ذوي القربى ما أعطاهم النبي صلى الله عليه وسلم حقا ليس لهم ولكن عثمان وجبير رضي الله عنهما أرادا علم السبب الذي من أجله استحق بنو المطلب الدخول فيما خرج قومهما منه، والخصلة التي بان بها بنو عبد المطلب دون بني عبد شمس وبني نوفل، وقد قال عثمان رضي الله عنه في الجمع بين الأختين بملك اليمين: أحلتهما آية وحرمتهما آية، فأخبر رضي الله عنه أنه خفيت عليه رتبة هاتين الآيتين، ولم يدر أيهما يغلب ويستثني من الأخرى، ولا يجوز عند ذي فهم ولب أن يعتقد

Yes—and what proof does this provide against us? When have we ever denied that an understanding of one or more verses of the Quran may elude one Companion, or two, or ten, or more of them? And in the Messenger of Allah's ﷺ allocation to the Banu al-Muttalib, to the exclusion of those two clans, sufficient evidence, for the two of them were certain, without doubt, that the Messenger of Allah ﷺ would neither withhold from anyone entitled to a right what was his nor give anyone what was not his right. This was sufficient, because, had the Banu Abd Shams and the Banu Nawfal possessed a right to the share of the near relatives, the Messenger of Allah ﷺ would not have withheld it from them; and had the Banu Abd al-Muttalib been outside the category of near relatives, the Prophet ﷺ would not have given them a right that was not theirs. But Uthman and Jubayr, may Allah be pleased with them both, wanted to know the reason why the Banu al-Muttalib were entitled to inclusion in that from which their own clans were excluded, and the characteristic by which the Banu Abd al-Muttalib were distinguished from the Banu Abd Shams and the Banu Nawfal. Uthman, may Allah be pleased with him, said concerning combining two sisters through ownership by the right hand: "One verse permitted the two of them, and another verse prohibited the two of them." He thus reported, may Allah be pleased with him, that the relative precedence of these two verses was hidden from him, and that he did not know which prevailed and established an exception to the other. No one possessed of understanding and intellect can believe that a thing is prohibited and permitted at the same time for the same person, such that it is permissible for him to do it and impermissible for him to do it, so that he both does it and does not do it. This is an impossibility whose impossibility is manifest. Whoever reaches this point has spared us the trouble of dealing with him. As for sales of allotted palm-fruit crops, the report has come with a connected transmission chain establishing their exception from

الشيء حراما حلالا في وقت واحد، على شخص واحد، فيكون يحل له أن يفعله ولا يحل له أن يفعله، فيفعل ولا يفعل، وهذا محال ظاهر الامتناع، ومن بلغ ههنا كفانا نفسه، وأما العرايا فقد جاء الحديث موصولا في استثنائها من التمر بالرطب وبالله تعالى التوفيق

the prohibition on exchanging dried dates for fresh dates. Through Allah Most High comes success.[19][20][21]

[19] **Translator's note (L225):** The text names Banu Abd al-Muttalib here. The following context alternates between Banu al-Muttalib and Banu Abd al-Muttalib. The supplied name is retained without harmonization.

[20] **Translator's note (L228):** The opening continues a sentence in the preceding context. The source alternates between Banu al-Muttalib and Banu Abd al-Muttalib in describing the beneficiaries and their distinguishing characteristic. This apparent inconsistency is preserved. "Sales of allotted palm-fruit crops" renders the technical term al-araya, referring here to the exceptional transaction involving fresh dates on palms and dried dates.

[21] **Qur'an references (L225):** Qur'an 9:31 (At-Tawbah); Qur'an 53:4 (An-Najm).

الباب 10: الأخذ بموجب القرآن

Chapter 10: Adhering to What the Qur’an Requires

Ibn Ḥazm · Arabic–English parallel edition

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[الباب العاشر في الأخذ بموجب القرآن]

قال علي ولما تبين بالبراهين والمعجزات، أن القرآن هو عهد الله إلينا والذي ألزمنا الإقرار به، والعمل بما فيه، وصح بنقل الكافة الذي لا مجال للشك فيه، أن هذا القرآن هو المكتوب في المصاحف، المشهورة في الآفاق كلها، وجب الانقياد لما فيه فكان هو الأصل المرجوع إليه. لأننا وجدنا فيه: {وما من دآبة في الأرض ولا طائر يطير بجناحيه إلا أمم أمثالكم ما فرطنا في الكتاب من شيء ثم إلى ربهم يحشرون} فما في القرآن من أمر أو نهي فواجب الوقوف عنده، وسنذكر إن شاء الله تعالى في باب الأخبار التالي لهذا الباب كيف العمل في بناء آي القرآن خاصها مع عامها، وبناء السنن عليها، وسنذكر إن شاء الله تعالى في باب الأوامر والنواهي، كيف العمل في حمل أوامر القرآن ونواهيه على الظاهر، والوجوب، والفور، ونذكر إن شاء تعالى في باب العموم والخصوص، ما يقتضيه ذلك الباب من أخذ آي القرآن على عمومها، ونوعب الرد على كل من خالف الحق في ذلك إن شاء الله تعالى وبالله التوفيق. قال علي: ولا خلاف بين أحد من الفرق المنتمية إلى المسلمين من أهل السنة والمعتزلة والخوارج والمرجئة والزيدية في وجوب الأخذ بما في القرآن، وأنه هو المتلو عندنا نفسه، وإنما خالف في ذلك قوم من غلاة الروافض هم كفار بذلك مشركون عند جميع أهل الإسلام، وليس كلامنا مع هؤلاء، وإنما كلامنا في هذا الكتاب مع أهل ملتنا، إذا قد أحكمنا بطلان سائر الملل في كتاب الفصل وبالله تعالى التوفيق. ونذكر إن شاء الله تعالى في باب الإجماع من هذا الكتاب بالبرهان الصحيح أن القراءات السبع التي نزل بها القرآن باقية عندنا كلها، وبطلان قول من ظن أن عثمان رضي الله عنه جمع الناس على قراءة واحدة منها أو على بعض الأحرف السبعة دون بعض وبالله تعالى التوفيق

[Chapter Ten: Adhering to What the Qurʾān Requires]

L229

L230–231 ʿAlī said: Once demonstrations and miracles had established that the Qurʾān is God's covenant with us, which He has required us to acknowledge and act upon, and once transmission by the community at large, leaving no room for doubt, had established that this Qurʾān is the one written in the copies known throughout all regions, submission to its contents became obligatory. It is therefore the foundational authority to which we refer, for we find in it: "There is no creature on earth, nor bird flying on its two wings, but they are communities like you. We have neglected nothing in the Book. Then to their Lord they will be gathered." Every command or prohibition in the Qurʾān must therefore be observed. God Most High willing, in the chapter on transmitted reports that follows this chapter, we shall explain how to read the Qurʾānic verses together—the specific alongside the general—and how to relate the Sunnahs to them. God Most High willing, in the chapter on commands and prohibitions, we shall explain how the Qurʾān's commands and prohibitions are to be understood according to their apparent meaning, as binding, and as requiring immediate compliance. God Most High willing, in the chapter on general and specific expressions, we shall discuss what that subject requires concerning taking Qurʾānic verses in their general scope, and give a comprehensive reply to everyone who has opposed the truth in this matter, God Most High willing. Success comes through God. ʿAlī said: None of the groups affiliated with the Muslims—the people of the Sunnah, the Muʿtazilah, the Khārijites, the Murjiʾah, or the Zaydiyyah—disagrees that it is obligatory to follow what is in the Qurʾān, or that it is this very Qurʾān recited among us. Only some of the extremists among the Rāfiḍah have disagreed about that; by doing so, they are unbelievers and polytheists according to all the people of Islam. Our discussion is not with these people. In this book we address the people of our own religion, since we have already established the invalidity of the other religions in the Book of al-Fiṣal. Success comes through God Most High. God Most High willing, in this book's chapter on consensus we shall show, by sound demonstration, that all seven readings in which the Qurʾān was revealed remain with us, and that the view of anyone who supposes that ʿUthmān—may God be pleased with him—united

the people upon only one of them, or upon some of the seven aḥruf rather than others, is false. Success comes through God Most High.[1]

[1] **Qur'an references (L230):** Qur'an 6:38 (Al-An'am).

الباب 11: الأخبار والسنن

Chapter 11: Transmitted Reports and the Sunnah

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الحادي عشر في الكلام في الأخبار وهي السنن المنقولة عن رسول الله صلى الله عليه وسلم]

وفي بعض فصول هذا الباب ذكر السبب في الاختلاف الواقع بين الأئمة في صدر هذه الأمة. قال علي: لما بينا أن القرآن هو الأصل المرجوع إليه في الشرائع نظرنا فيه فوجدنا فيه إيجاب طاعة ما أمرنا به رسول الله صلى الله عليه وسلم ووجدناه عز وجل يقول فيه واصفا لرسوله صلى الله عليه وسلم {وما ينطق عن الهوى *

إن هو إلا وحي يوحى} فصح لنا بذلك أن الوحي ينقسم من الله عز وجل إلى رسوله صلى الله عليه وسلم على قسمين أحدهما وحي متلو مؤلف تأليفا معجز النظام وهو القرآن. والثاني: وحي مروي منقول غير مؤلف ولا معجز النظام ولا متلو لكنه مقروء وهو الخبر الوارد عن رسول الله صلى الله عليه وسلم وهو المبين عن الله عز وجل مراده منا قال الله تعالى {بالبينات والزبر وأنزلنا إليك الذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} ووجدناه تعالى قد أوجب طاعة هذا الثاني كما أوجب طاعة القسم الأول الذي هو القرآن ولا فرق فقال تعالى {يا أيها الذين آمنوا أطيعوا الله وأطيعوا الرسول وأولي الأمر منكم فإن تنازعتم في شيء فردوه إلى الله والرسول إن كنتم

[12] **Translator's note (L243):** "Through the expiration of a span of time" follows the supplied wording, which is awkward after "sustains us." An intended expression referring to an extension of life or time is possible, but is not supplied. "If He chooses from among us" follows a defective or elliptical reading. In context it may refer to Allah taking the author in death before the proposed work is completed.

[13] **Qur'an references (L234):** Qur'an 16:44 (An-Nahl); Qur'an 4:59 (An-Nisa); Qur'an 8:20 (Al-Anfal); Qur'an 8:21 (Al-Anfal); Qur'an 42:10 (Ash-Shuraa); Qur'an 4:65 (An-Nisa); Qur'an 4:82 (An-Nisa); Qur'an 3:23 (Ali 'Imran); Qur'an 4:61 (An-Nisa); Qur'an 5:104 (Al-Ma'idah); Qur'an 4:8 (An-Nisa); Qur'an 16:64 (An-Nahl); Qur'an 33:36 (Al-Ahzab); Qur'an 4:64 (An-Nisa); Qur'an 59:7 (Al-Hashr).

L232 **[Chapter Eleven: Discussion of Reports, Which Are the Prophetic Practices Transmitted from the Messenger of Allah ﷺ]**

L233 Some sections of this chapter mention the reason for the disagreement that occurred among the leading authorities in the earliest period of this community. Ali said: Having established that the Quran is the foundation to which reference is made in matters of religious law, we examined it and found in it the obligation to obey what the Messenger of Allah ﷺ commanded us. We found Him, mighty and majestic, saying in it, describing His Messenger ﷺ: "Nor does he speak from desire.[12]

L234–246 It is nothing but revelation revealed." Thus it was established for us that revelation from Allah, mighty and majestic, to His Messenger ﷺ is divided into two kinds. The first is recited revelation, composed in a composition whose arrangement is inimitable: this is the Quran. The second is narrated, transmitted revelation, neither composed nor inimitable in its arrangement, nor recited, though it is read: this is the report received from the Messenger of Allah ﷺ, who makes clear on behalf of Allah, mighty and majestic, what He intends of us. Allah Most High said: "With clear proofs and scriptures; and We sent down to you the Reminder, so that you may make clear to people what has been sent down to them, and so that they may reflect." We found that He Most High made obedience to this second kind obligatory just as He made obedience to the first kind, which is the Quran, obligatory, without any distinction. He Most High said: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome." The reports we have mentioned were therefore one of the three foundations that we were obliged to obey in the verse encompassing all religious laws, from first to last, namely His saying, Most High: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over

[1] **Translator's note (L233):** The Quranic quotation continues in the next segment.

[2] **Qur'an references (L233):** Qur'an 53:3 (An-Najm).

anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome." This, then, is one foundation: the Quran. Then He Most High said: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome." This is a second: the report from the Messenger of Allah ﷺ. Then He Most High said "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome." This is a third: consensus, whose ruling is transmitted to the Messenger of Allah ﷺ. It was established for us by the explicit text of the Quran that reports are one of the two foundations to which reference must be made in cases of dispute. He Most High said: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome." Ali said: The demonstration that what is intended by this referral is specifically referral to the Quran and the report from the Messenger of Allah ﷺ is that the community unanimously agrees that this address is directed to us and to everyone who is created and whose spirit is placed in his body, until the Day of Resurrection, among jinn and human beings, just as it was directed to those who lived in the time of the Messenger of Allah ﷺ and everyone who came after him, peace be upon him, and before us, without distinction. We know by necessary knowledge that we have no access to the Messenger of Allah ﷺ. Even if a contentious objector were to argue that this address is directed only to those who can meet the Messenger of Allah ﷺ, he would not be able to make this contentious objection concerning Allah, mighty and majestic, since no one has any means of conversing with Him Most High. This supposition is therefore invalid, and it is established that the referral mentioned in the verse we quoted means specifically referral to the speech of Allah Most High, which is the Quran, and to the speech of His Prophet ﷺ, transmitted to us through the passage of time, generation after generation. Ali said: Furthermore, the verse mentioned contains absolutely no mention

تؤمنون بالله واليوم لآخر ذلك خير وأحسن تأويلا} فكانت الأخبار التي ذكرنا أحد الأصول الثلاثة التي ألزمنا طاعتها في الآية الجامعة لجميع الشرائع أولها عن أخرها وهي قوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بالله واليوم لآخر ذلك خير وأحسن تأويلا} فهذا أصل وهو القرآن ثم قال تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بالله واليوم لآخر ذلك خير وأحسن تأويلا} فهذا ثان وهو الخبر عن رسول الله صلى الله عليه وسلم ثم قال تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بالله واليوم لآخر ذلك خير وأحسن تأويلا} فهذا ثالث وهو الإجماع المنقول إلى رسول الله صلى الله عليه وسلم حكمه وصح لنا بنص القرآن أن الأخبار هي أحد الأصلين المرجوع إليهما عند التنازع قال تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بالله واليوم لآخر ذلك خير وأحسن تأويلا} قال علي والبرهان على أن المراد بهذا الرد إنما هو إلى القرآن والخبر عن رسول الله صلى الله عليه وسلم لأن الأمة مجمعة على أن هذا الخطاب متوجه إلينا وإلى كل من يخلق ويركب روحه في جسده إلى يوم القيامة من الجنة والناس كتوجهه إلى من كان على عهد رسول الله صلى الله عليه وسلم وكل من أتى بعده عليه السلام وقبلنا ولا فرق وقد علمنا علم ضرورة أنه لا سبيل لنا إلى رسول الله صلى الله عليه وسلم وحتى لو شغب مشغب بأن هذا الخطاب إنما هو متوجه إلى من يمكن لقاء رسول الله صلى الله عليه وسلم لما أمكنه هذا الشغب في الله عز وجل إذ

of meeting or speaking face to face, nor any indication of that. It contains only the command to refer. It is known by necessity that this referral means submitting the matter for judgment. The commands of Allah Most High and the commands of His Messenger ﷺ are present among us, all of that having been transmitted to us. It is to these that the explicit wording of the verse commands referral, without contrived interpretation or departure from the apparent meaning. Ali said: The Quran and the authentic report are joined to one another. They are one thing in that they both come from Allah Most High, and their status is the same with respect to the obligation to obey them because of what we set out just now at the beginning of this chapter. He Most High said: "O you who believe, obey Allah and His Messenger, and do not turn away from him while you hear. And do not be like those who say, 'We hear,' while they do not hear." Through this verse He Most High made clear that He did not intend from us an acknowledgment of obedience to the Messenger of Allah ﷺ without acting upon his commands and avoiding his prohibitions. This is the characteristic of those who follow authorities without independent examination: they say that obedience to the Messenger of Allah ﷺ is obligatory, yet when one of his commands reaches them, whose authenticity they acknowledge, they find no difficulty in turning away from him while they hear. We seek refuge in Allah from that. He Most High said: "Indeed, We Ourselves sent down the Reminder, and indeed We shall preserve it." And He Most High said: "Say: I warn you only through revelation; but the deaf do not hear the call when they are warned." He Most High thus declared, as we have already explained, that all the speech of His Prophet ﷺ is revelation. Revelation is, without fear, a reminder, and the Reminder is preserved by the explicit text of the Quran. It is thereby established that all his speech ﷺ is preserved through the preservation of Allah, mighty and majestic, with a guarantee to us that none of it will be lost. For whatever Allah Most High preserves, there is certainly no possibility that any of it will be lost. Thus all of it is transmitted to us, and Allah's decisive argument against us stands forever. And He Most High said "Whatever you disagree about, its judgment belongs to Allah. That is Allah, my Lord; upon Him I rely, and to Him I turn." Thus we found that Allah Most High refers us to the words of His Prophet ﷺ, as we explained just now. No Muslim who

لا سبيل لأحد إلى مكالمته تعالى، فبطل هذا الظن، وصح أن المراد بالرد المذكور في الآية التي نصصنا إنما هو إلى كلام الله تعالى وهو القرآن وإلى كلام نبيه صلى الله عليه وسلم المنقول على مرور الدهر إلينا جيل بعد جيل. قال علي: وأيضا فليس في الآية المذكورة ذكر للقاء ولا مشافهة أصلا، ولا دليل عليه، وإنما فيه الأمر بالرد فقط، ومعلوم بالضرورة أن هذا الرد إنما هو تحكيم وأوامر الله تعالى وأوامر رسوله صلى الله عليه وسلم موجودة عندنا منقول كل ذلك إلينا فهي التي جاء نص الآية بالرد إليها دون تكلف تأويل ولا مخالفة ظاهر. قال علي: والقرآن والخبر الصحيح بعضها مضاف إلى بعض. وهما شيء واحد في أنهما من عند الله تعالى، وحكمها حكم واحد في باب وجوب الطاعة لهما لما قدمناه آنفا في صدر هذا الباب قال تعالى {يأيها لذين آمنوا أطيعوا لله ورسوله ولا تولوا عنه وأنتم تسمعون * ولا تكونوا كالذين قالوا سمعنا وهم لا يسمعون} فبين تعالى بهذه الآية أنه لم يرد منا الإقرار بالطاعة لرسول الله صلى الله عليه وسلم بلا عمل بأوامره واجتناب نواهيه وهذه صفة المقلدين فإنهم يقولون طاعة رسول الله صلى الله عليه وسلم واجبة فإذا أتاهم أمر من أوامره يقروه بصحته، لم يصعب عليهم التولي عنه وهم يسمعون، نعوذ بالله من ذلك وقال تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} وقال تعالى {قل إنمآ أنذركم بلوحي ولا يسمع لصم لدعآء إذا ما ينذرون} فأخبر تعالى كما قدمنا أن كلام نبيه صلى الله عليه وسلم كله وحي والوحي بلا خوف ذكر والذكر محفوظ بنص القرآن فصح بذلك أن كلامه صلى الله عليه وسلم كله محفوظ بحفظ الله عز وجل مضمون لنا أنه لا يضيع منه شيء، إذ ما حفظ الله تعالى فهو باليقين لا سبيل إلى أن يضيع منه شيء فهو منقول إلينا كله فلله الحجة علينا أبدا وقال تعالى {وما ختلفتم فيه من شيء فحكمه إلى لله ذلكم لله ربي عليه توكلت وإليه أنيب} فوجدنا الله تعالى يردنا إلى كلام نبيه صلى الله عليه وسلم على ما قدمنا

acknowledges divine oneness is permitted, when a dispute arises, to refer to anything other than the Quran and the report transmitted from the Messenger of Allah ﷺ, or to turn away from what he finds in them. If he does that after the proof has been established against him, he is defiantly disobedient. As for someone who does it while deeming departure from their command lawful and making obedience to someone other than them obligatory, he is an unbeliever—there is doubt among us about that. Muhammed ibn Nasr al-Marwazi has mentioned us: Ishaq ibn Rahawayh used to say, "Anyone whom a report from the Messenger of Allah ﷺ reaches, who acknowledges its authenticity and then rejects it without acting under precautionary concealment, is an unbeliever." We have not cited Ishaq as our proof in this matter; we have merely included his statement lest an ignorant person suppose that we alone hold this position. Rather, our proof for declaring an unbeliever anyone who deems it lawful to contravene what he himself recognizes as authentically transmitted from the Messenger of Allah ﷺ is the statement of Allah Most High, addressing His Prophet ﷺ: "But no, by your Lord, they do not believe until they make you judge concerning what has arisen in dispute between them, then find within themselves no discomfort concerning what you have decided, and submit in full submission." Ali said: This is sufficient for anyone who understands, takes heed, believes in Allah and the Last Day, and is certain that this injunction is his Lord Most High's injunction to him and His—mighty and majestic—counsel addressed to him. Let a person therefore examine himself. If he finds within himself, concerning what the Messenger of Allah ﷺ has decided in every report that has reached him and that he considers authentic, [something], or finds himself failing to submit to what has come to him from the Messenger of Allah ﷺ, and finds himself inclined toward the statement of so-and-so and so-and-so, or toward his analogical reasoning and discretionary preference, and finds himself appointing, concerning that over which he has disputed, someone as judge rather than the Messenger of Allah ﷺ—"whenever she cried out, then whoever is below him"—let him know that Allah Most High has sworn, and His word is the truth, that he is not a believer. Allah Most High has spoken truly. If he is not a believer, then he is an unbeliever; there is no possibility of a third category. Let him know that all those whom he has

آنفا فلم يسمع مسلما يقر بالتوحيد أن يرجع عند التنازع إلى غير القرآن والخبر على رسول الله صلى الله عليه وسلم ولا أن يأتي عما وجد فيهما فإن فعل ذلك بعد قيام الحجة عليه فهو فاسق، وأما من فعله مستحلا للخروج عن أمرهما وموجبا لطاعة أحد دونهما، فهو كافر شك عندنا في ذلك. وقد ذكرنا محمد بن نصر المروزي أن إسحاق بن راهويه كان يقول من بلغه عن رسول الله صلى الله عليه وسلم خبر يقر بصحته ثم رده بغير تقية فهو كافر ولم نحتج في هذا بإسحاق، وإنما أوردناه لئلا يظن جاهل أننا منفردون بهذا القول، وإنما احتججنا في تكفيرنا من استحل خلاف ما صح عنده عن رسول الله صلى الله عليه وسلم بقول الله تعالى مخاطبا لنبيه صلى الله عليه وسلم {فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا تسليما} قال علي: هذه كافية لمن عقل وحذر وآمن بالله واليوم الآخر، وأيقن أن هذا العهد عهد ربه تعالى إليه، ووصيته عز وجل الواردة عليه، فليفتش الإنسان نفسه فإن وجد في نفسه مما قضاه رسول الله صلى الله عليه وسلم في كل خبر يصححه مما قد بلغه أو وجد نفسه غير مسلمة لما جاءه عن رسول الله صلى الله عليه وسلم ووجد نفسه مائلة إلى قول فلان وفلان أو قياسه واستحسانه، وأوجد نفسه تحكم فيما نازعت فيه أحدا دون رسول الله صلى الله عليه وسلم متى صاحت فمن دونه فليعلم أن الله تعالى قد أقسم، وقوله الحق إنه ليس مؤمنا وصدق الله تعالى، وإذا لم يكن مؤمنا فهو كافر، ولا سبيل إلى قسم ثالث. وليعلم أن كل من قلد، من صاحب أو تابع أو مالكا أو أبو حنيفة والشافعي وسفيان والأوزاعي وأحمد وداود رضي الله عنهم متبرئون منه في الدنيا والآخرة، ويوم يقوم الأشهاد، اللهم إنك تعلم أنا لا نحكم أحدا إلا كلامك وكلام نبيك الذي صليت عليه وسلمت في كل شيء مما شجر بيننا، وفي كل ما تنازعنا فيه، واختلفنا في حكمه، وأننا لا نجد في أنفسنا

followed unquestioningly, whether a Companion or a Successor, or Malik, Abu Hanifah, al-Shafi'i, Sufyan, al-Awza'i, Ahmad, and Dawud—may Allah be pleased with them—disavow him in this world, in the Hereafter, and on the day when the witnesses stand forth. O Allah, You know that we appoint nothing as judge except Your words and the words of Your Prophet, upon whom You have bestowed blessings and peace, in everything that has arisen in dispute between us, and in everything over which we have disputed and disagreed concerning its ruling. You know that we find within ourselves no discomfort concerning what Your Prophet has decided, even if by doing so we incur the displeasure of everyone on earth, oppose them, become a party apart from them, and stand at war with them. We submit to that willingly, hastening toward it, neither hesitating nor holding back, disobeying everyone who opposes it, certain that he is in error in Your sight and that we are right before You. O Allah, make us steadfast in that, and do not turn us away from it. I ask You, O Allah, for our sons and our Muslim brothers, this path, until we are all conveyed, while holding fast to it, to the abode of recompense. Amen, by Your gracious bounty, O Most Merciful of the merciful. Ali said: Since Allah has made clear to us that all the words of His Prophet are revelation from Him, and that the Quran is revelation from Him, and since He—mighty and majestic—has also said concerning it, "Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much disagreement within it," this verse establishes with necessary certainty that the Quran and authentic hadith agree: they are one thing, with neither contradiction nor disagreement between them. Allah Most High grants whichever of His servants He wills success in understanding that and withholds it from whomever He wills. There is no deity except Him. Likewise, He grants understanding, intelligence, and perseverance in seeking good to whomever He wills, and grants dullness, remoteness from understanding, and laziness to whomever He wills. We ask Allah for such of His bounty as brings us near to Him and grants us proximity before Him. Amen. What we have mentioned establishes the invalidity of the position of anyone who sets one part of the Quran against another, sets one authentic hadith against another, or sets the Quran and hadith against one another. And if Allah sustains us through the expiration of a span of time and strengthens

حرجا مما قضى به نبيك ولو أسخطنا بذلك جميع من في الأرض وخالفناهم، وصرنا دونهم حزبا وعليهم حربا، وإننا مسلمون لذلك طيبة أنفسنا عليه، مبادرون نحوه لا نتردد ولا نتلكأ، عاصون لكل من خالف ذلك، موقنون أنه على خطأ عندك، وأنا على صواب لديك. اللهم فثبتنا على ذلك ولا تخالف بنا عنه، وأسألك اللهم بأبنائنا وإخواننا المسلمين هذه الطريقة حتى ننقل جميعا ونحن مستمسكون بها إلى دار الجزاء، آمين... بمنك يا أرحم الراحمين قال علي وإذ قد بين الله لنا أن كلام نبيه إنما هو كله وحي من عنده وأن القرآن وحي من عنده وأيضا فقد قال فيه عز وجل {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} فصح بهذه الآية صحة ضرورية أن القرآن والحديث الصحيح متفقان، هما شيء واحد لا تعارض بينهما ولا اختلاف، يوفق الله تعالى لفهم ذلك من شاء من عباده، ويحرمه من شاء لا إله إلا هو، كما يؤتي الفهم والذكاء والصبر على الطلب للخير من شاء ويؤتي البلدة وبعد الفهم والكسل من شاء، نسأل الله من هبته ما يقرب منه ويزلف لديه آمين. وصح بما ذكرنا بطلان قول من ضرب القرآن بعضه ببعض، أو ضرب الحديث الصحيح بعضه ببعض، أو ضرب القرآن بالحديث بعضهما ببعض وإن أمدنا الله بانفساخ مدة وأيدنا بعون من قبله، فسنجمع في كل ذلك دواوين نبين فيها أشخاص السؤال والجواب، والتأليف في كل ما ظنه أهل الجهل من ذلك متعارضا مختلف الحكم، ونبين بحول الله وقوته أن كل ذلك شيء واحد لا اختلاف فيه، وأن يختر منا قبل ذلك، فحسبنا ما اطلع عليه من نيتنا في ذلك لا إله إلا هو وقال تعالى {ألم تر إلى لذين أوتوا نصيبا من لكتاب يدعون إلى كتاب لله ليحكم بينهم ثم يتولى فريق منهم وهم معرضون} وقال تعالى {وإذا قيل لهم تعالوا إلى مآ أنزل لله وإلى لرسول رأيت لمنافقين يصدون عنك صدودا} قال علي بن أحمد فليتق الله الذي إليه المعاد امرؤ على نفسه، ولتوجل نفسه عند قراءة هذه الآية، وليشتد إشفاقه من أن يكون مختارا للدخول تحت هذه

us with assistance from Himself, we shall compile volumes concerning all of this, setting out the particular questions, the answers, and the reconciliation of everything therein that ignorant people have supposed to be contradictory and divergent in ruling. Through Allah's power and might, we shall explain that all of it is one thing, containing no disagreement. And if He chooses from among us before that, sufficient for us is what He has perceived of our intention concerning that. There is no deity except Him. And He Most High said: "Have you not seen those who were given a portion of the Scripture? They are summoned to Allah's Scripture so that it may judge between them; then a group of them turns away, averse." And He Most High said: "When it is said to them, 'Come to what Allah has sent down and to the Messenger,' you see the hypocrites turning away from you in outright aversion." Ali ibn Ahmad said: Let a person therefore fear Allah, to whom is the return, for his own sake. Let his soul tremble when reading this verse, and let his apprehension intensify lest he be choosing to enter under this stated description, which is blameworthy, ruinous, and entails the Fire. For anyone who debates his opponent concerning a question among the questions of religion and its rulings, in which we have been commanded to acquire understanding, and whose opponent summons him to what Allah Most High has sent down and to the words of the Messenger, but who turns him away from both and summons him instead to analogical reasoning or to the statement of so-and-so and so-and-so—let him know that Allah, mighty and majestic, has called him a hypocrite. We seek refuge in Allah from this ruinous station. Repentance, repentance, servants of Allah, before the appointed term arrives and the respite ends! He Most High said: "When relatives, orphans, and the needy are present at the division, provide for them from it, and speak to them with fitting words." And He Most High said: "We have sent down the Scripture to you only so that you may explain to them that concerning which they have disagreed, and as guidance and mercy for a people who believe." Thus it is established that all explanation depends upon the words of Allah Most High and the words of His Prophet ﷺ. And He, mighty and majestic, said: "It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, to have any choice concerning their affair. Whoever disobeys Allah and His Messenger has indeed strayed into

الصفة المذكورة المذمومة الموبقة الموجبة للنار، فإن من ناظر خصمه في مسألة من مسألة الديانة وأحكامها التي أمرنا بالتفقه فيها، فدعاه خصمه إلى ما أنزل الله تعالى وإلى كلام الرسول فصده عنهما ودعاه إلى قياس أو إلى قول فلان وفلان، فليعلم أن الله عز وجل قد سماه منافقا. نعوذ بالله من هذه المنزلة المهلكة. فالتوبة التوبة عباد الله قبل حلول الأجل وانقطاع المهل قال تعالى {وإذا حضر لقسمة أولوا لقربى وليتامى ولمساكين فرزقوهم منه وقولوا لهم قولا معروفا} وقال تعالى {ومآ أنزلنا عليك لكتاب إلا لتبين لهم لذي ختلفوا فيه وهدى ورحمة لقوم يؤمنون} فصح أن البيان كله موقوف على كلام الله تعالى وكلام نبيه صلى الله عليه وسلم وقال عز وجل {وما كان لمؤمن ولا مؤمنة إذا قضى لله ورسوله أمرا أن يكون لهم لخيرة من أمرهم ومن يعص لله ورسوله فقد ضل ضلالا مبينا} قال علي هذه الآية كافية من عند رب العالمين في أنه ليس لنا اختيار عند ورود أمر الله تعالى وأمر رسوله صلى الله عليه وسلم وأنه من خير نفسه في التزام أو ترك أو في الرجوع إلى قول قائل دون رسول الله صلى الله عليه وسلم فقد عصى الله بنص هذه الآية فقد ضل ضلالا مبينا، وأن المقيم على أمر سماه الله ضلالا لمخذول، وقال تعالى {ومآ أرسلنا من رسول ألا ليطاع بإذن لله ولو أنهم إذ ظلموا أنفسهم جآءوك فستغفروا لله وستغفر لهم لرسول لوجدوا لله توابا رحيما} وقال تعالى {مآ أفآء لله على رسوله من أهل لقرى فلله وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل كي لا يكون دولة بين لأغنيآء منكم ومآ

[11] **Translator's note (L242):** The petition concerning the author's sons and Muslim brothers is grammatically defective: the supplied preposition before "our sons" does not clearly connect them with "this path." The translation preserves the identifiable petition without reconstructing an omitted verb. "Necessary certainty" expresses the author's claim that the conclusion follows with unavoidable certainty.

manifest error." Ali said: This verse from the Lord of all worlds is sufficient to establish that we have no choice when a command from Allah Most High and a command from His Messenger ﷺ reaches us. Whoever gives himself a choice between compliance and abandonment, or concerning recourse to the statement of any speaker other than the Messenger of Allah ﷺ, has disobeyed Allah by the express wording of this verse and has indeed strayed into manifest error. Anyone who persists in something Allah has called error is surely bereft of divine assistance. And He Most High said: "We have sent no messenger except that he should be obeyed by Allah's permission. Had they, when they wronged themselves, come to you and sought Allah's forgiveness, and had the Messenger sought forgiveness for them, they would have found Allah ever accepting of repentance, merciful." And He Most High said: "Whatever Allah has restored to His Messenger from the inhabitants of the towns belongs to Allah, the Messenger, the near kinsman, orphans, the needy, and the wayfarer, so that it may not circulate among the wealthy among you. Whatever the Messenger gives you, take it; whatever he forbids you, desist from it. Fear Allah; indeed, Allah is severe in punishment." And He Most High said: "In houses that Allah has permitted to be raised and His

آتاكم لرسول فخذوه وما نهاكم عنه فنتهوا وتقوا لله إن لله شديد لعقاب} وقال تعالى
{في بيوت أذن لله أن ترفع ويذكر فيها سمه يسبح له فيها بلغدو ولآصال}

name to be mentioned therein, He is glorified therein in the mornings and the late afternoons."[3][4][5][6][7][8][9][10][11][12][13]

[3]**Translator's note (L234):** The distinction between revelation that is "recited" and revelation that is nevertheless "read" follows the source's distinction between matluw and maqru. The source repeats the entire Quranic verse at each stage of its argument; all repetitions are retained. The Quranic quotations contain defective spellings and missing letters, including in the opening words of the quotation concerning clear proofs and scriptures. Their recoverable wording is translated.

[4]**Translator's note (L235):** "Consensus, whose ruling is transmitted to the Messenger" preserves the source's unusual wording and direction of transmission; its intended sense may be that the ruling is traced back to him. The repeated Quranic verse contains defective spellings and missing letters; its recoverable wording is translated. The final clause continues in the next segment.

[5]**Translator's note (L236):** The opening completes the clause in the preceding segment; the final clause is continued by the reason given in the following segment.

[6]**Translator's note (L237):** The opening completes the preceding segment's explanation of the obligation to obey. The phrase rendered "whose authenticity they acknowledge" is grammatically irregular in the supplied Arabic, which reads يقّروه بصحته. The Quranic quotation contains defective spellings and missing letters; its recoverable wording is translated. The final phrase continues in the next segment.

[7]**Translator's note (L238):** The source reads بلا خوف, literally "without fear," where the argument appears to call for بلا خلاف, "without disagreement." The supplied reading is preserved. The Quranic quotations contain defective spellings and missing letters; their recoverable wording is translated. The final words introduce a quotation in the following segment.

[8]**Translator's note (L239):** The wording rendered "is permitted" reads literally "was heard," apparently a corruption of the expression meaning "has scope/is permitted." The phrase rendered "turn away from" is also defective: the supplied verb means "come," which does not yield a clear sense with its complement. The supplied text says "there is doubt among us about that," apparently omitting the negative particle required for "there is no doubt among us about that." The translation preserves the supplied assertion. "Muhammed ibn Nasr al-Marwazi has mentioned us" follows the supplied wording. An intended reading such as "Muhammed ibn Nasr al-Marwazi mentioned to us" is possible, but is not what the transcription says. The final conditional clause lacks an expressed object after "finds within himself." The preceding Quranic quotation suggests "discomfort," but the translation marks the missing element rather than silently supplying that word. The final salutation continues in the next segment.

L247–252 Ali said: Anyone who receives a report from the Messenger of Allah ﷺ, acknowledges that it is authentic and that evidence of this kind establishes a binding proof—or has authenticated a report of this kind elsewhere—but then abandons its like here because of an analogy or the statement of so-and-so and so-and-so, has contravened the command of Allah and the command of His Messenger, and has incurred trial and painful punishment. Ali said: As for the trial, it has already been hastened upon him. No trial is greater than his persistence in his present condition, and his plunging into this enormity is the greatest trial. By Allah, the other part will surely come true unless he saves himself through repentance, desisting, obeying what has reached him from his Prophet ﷺ, and refusing to accept the statement of anyone beneath him, whoever he may be. Through Allah Most High comes success.

The Most High said: {And they say, "We believe in Allah and in the Messenger, and we obey." Then a group of them turns away after that, and those are not believers. * And when they are summoned to Allah and His Messenger so that he may judge between them, behold, a group of them turns aside. * But if the right is theirs, they come to him submissively. * Is there sickness in their hearts, or have they doubted, or do they fear that Allah and His Messenger will deal unjustly with them? Rather, those are the wrongdoers. * The only response of the believers, when they are summoned to Allah and His Messenger so that he may judge between them, is to say, "We hear and we obey." Those are the successful. * Whoever obeys Allah and His Messenger, fears Allah, and is mindful of Him—those are the triumphant. * They swear by Allah their most solemn oaths that, if you command them, they will surely go forth. Say: "Do not swear. Recognized obedience! Allah is fully aware of

قال علي ومن جاءه خبر عن رسول الله صلى الله عليه وسلم يقر أنه صحيح وأن الحجة تقوم بمثله أو قد صحح مثل ذلك الخبر في مكان آخر ثم ترك مثله في هذا المكان لقياس، أو لقول فلان وفلان فقد خالف أمر الله وأمر رسوله واستحق الفتنة والعذاب الأليم قال علي أما الفتنة فقد عجلت له ولا فتنة أعظم من تماديه على ما هو فيه وارتطامه في هذه العظيمة أعظم فتنة، ووالله ليصحن القسم الآخر إن لم يتدارك نفسه بالتوبة والإقلاع والطاعة لما أتاه من نبيه صلى الله عليه وسلم ورفض قبول قول من دونه كائنا من كان وبالله تعالى التوفيق وقال تعالى {ويقولون آمنا بالله وبالرسول وأطعنا ثم يتولى فريق منهم من بعد ذلك وما أولئك بالمؤمنين * وإذا دعوا إلى الله ورسوله ليحكم بينهم إذا فريق منهم معرضون * وإن يكن لهم الحق يأتوا إليه مذعنين * أفي قلوبهم مرض أم رتابوا أم يخافون أن يحيف الله عليهم ورسوله بل أولئك هم الظالمون * إنما كان قول المؤمنين إذا دعوا إلى الله ورسوله ليحكم بينهم أن يقولوا سمعنا وأطعنا وأولئك هم المفلحون * ومن يطع الله ورسوله ويخش الله ويتقه فأولئك هم الفائزون * وأقسموا بالله جهد أيمانهم لئن أمرتهم ليخرجن قل لا تقسموا طاعة معروفة إن الله خبير بما تعملون * قل أطيعوا الله وأطيعوا الرسول فإن تولوا فإنما عليه ما حمل وعليكم ما حملتم وإن تطيعوه تهتدوا وما على الرسول إلا البلاغ المبين} قال علي هذه الآيات محكمات لم تدع لأحد علقة يشغب بها، قد بين الله فيها صفة فعل أهل زماننا فإنهم يقولون نحن المؤمنون بالله وبالرسول ونحن طائعون لهما ثم يتولى طائفة منهم بعد هذا الإقرار، فيخالفون ما وردهم عن الله عز وجل ورسوله صلى الله عليه وسلم أولئك بنص حكم الله تعالى عليهم ليسوا مؤمنين، وإذا دعوا إلى آيات من قرآن أو حديث عن الرسول صلى الله عليه وسلم يخالف كل ذلك تقليدهم الملعون أعرضوا عن ذلك، فمن قائل:

[9] **Translator's note (L240):** The opening ﷺ completes the salutation begun in the preceding segment. The wording "finds himself appointing … as judge" is grammatically awkward in the supplied transcription; its sense is established by the preceding quotation about making the Messenger judge. "Discretionary preference" renders the legal technical term istihsan.

[10] **Translator's note (L241):** The words rendered "whenever she cried out, then whoever is below him" are corrupt or displaced and have no clear connection to the surrounding sentence. They are retained rather than silently reconstructed. The list following "all those whom he has followed unquestioningly" has inconsistent grammatical case in the supplied Arabic; its identifiable names and overall sense are preserved.

what you do." * Say: "Obey Allah and obey the Messenger." But if you turn away, he is responsible only for what he has been charged with, and you are responsible for what you have been charged with. If you obey him, you will be guided. The Messenger is responsible only for clear conveyance.}

Ali said: These verses are unequivocal; they have left no one any pretext with which to stir up contention. In them Allah has explained the character of the conduct of the people of our time. They say, "We are believers in Allah and in the Messenger, and we obey them both." Then a group of them turns away after this acknowledgment, contravening what has reached them from Allah, Mighty and Majestic, and His Messenger ﷺ. Those, according to the express judgment Allah Most High has pronounced upon them, are not believers. When they are summoned to verses of the Quran or a report from the Messenger ﷺ, all of which contradict their accursed unquestioning adherence, they turn away from it. One says, "Practice does not accord with it," another says, "This has specific application," and another says, "This is abandoned," another says, "So-and-so rejected this," and another says, "Analogy yields something other than this." Yet when they find something in a hadith or the Quran that agrees with what they have accepted through unquestioning adherence, they fly with it in every direction and come to it submissively, exactly as Allah described, word for word. Woe to them! What is the matter with them? Is there sickness and doubt in their hearts, or do they fear injustice from Allah Most High and injustice from His Messenger ﷺ? Indeed, they are the wrongdoers, as Allah, Lord of the worlds, has called them. Away, then, with the wrongdoing people!

Then the Most High explained that the response of the believers, when they are summoned to the Book of Allah Most High and the words of His Prophet ﷺ so that he may judge between them, is to say, "We hear and we obey." This is the response of the adherents of hadith, for whom Allah Most High has testified—and His word is the truth—that they are believers, that they are successful, and that they are the triumphant. O Allah, keep us steadfast among them, do not turn us aside from them, record us among their number, and gather us with their multitude. Amen, Lord of the worlds.

ليس عليه العمل، ومن قائل: هذا خصوص، ومن قائل: هذا متروك، ومن قائل: أبى هذا فلان، ومن قائل: القياس غير هذا، حتى إذا وجدوا في الحديث أو القرآن شيئا يوافق ما قلدوا فيه طاروا به كل مطار، وأتوا إليه مذعنين كما وصف الله حرفا حرفا، فيا ويلهم ما بالهم، أفي قلوبهم مرض وريب أم يخافون جور الله تعالى وجور رسوله صلى الله عليه وسلم ألا إنهم هم الظالمون كما سماهم الله رب العالمين فبعدا للقوم الظالمين. ثم بين تعالى أن قول المؤمنين إذا دعوا إلى كتاب الله تعالى وكلام نبيه صلى الله عليه وسلم ليحكم بينهم أن يقولوا سمعنا وأطعنا وهذا جواب أصحاب الحديث الذين شهد لهم الله تعالى وقوله الحق أنهم مؤمنون، وأنهم مفلحون، وأنهم هم الفائزون، اللهم فثبتنا فيهم، ولا تخالف بنا عنهم، واكتبنا في عدادهم، واحشرنا في سوادهم، آمين رب العالمين. ثم أخبرنا تعالى بما شهدناه من اكثر أهل زماننا، وبما يميزونه من أنفسهم بظاهر أحوالهم وباطنها من أنهم يقولون نسمع لله ولرسوله صلى الله عليه وسلم ويقسمون على ذلك فقال لهم تعالى لا تقسموا، ولكن أطيعوا، أن حققوا ما تقولون بإقراركم وفعلكم واتركوا حكم كل حاكم، وقول كل قائل دون قول الله تعالى وقول رسول الله صلى الله عليه وسلم ثم أخبرنا تعالى أنه ليس على رسول الله صلى الله عليه وسلم غير ما حمله ربه وهو التبليغ والتبيين وقد فعل صلى الله عليه وسلم ذلك وأخبرنا تعالى أن علينا ما حملنا وهو الطاعة والانقياد لما أمر به رسول الله صلى الله عليه وسلم والعمل بذلك لا لما أمرنا به من دونه وبالله تعالى التوفيق. قال علي: لقد كان في آية واحدة مما تلونا كفاية لمن عقل وفهم، فكيف وقد أبدأ ربنا تعالى في ذلك وأعاد وكرر وأكد، ولم يدع لأحد متعلقا، وقد أنذرنا كما أمرنا وألزمنا في القرآن، وما توفيقنا إلا بالله عز وجل، ولا قوة إلا بالله العلي العظيم وحسبنا الله ونعم الوكيل

Then the Most High informed us of what we have witnessed in most of the people of our time, and of what they disclose about themselves through their outward and inward conditions: they say, "We heed Allah and His Messenger ﷺ," and swear to that effect. The Most High therefore said to them, "Do not swear, but obey"—that is, substantiate what you say through your acknowledgment and your action, and abandon the judgment of every judge and the statement of every speaker in favor of the word of Allah Most High and the word of the Messenger of Allah ﷺ. Then the Most High informed us that the Messenger of Allah ﷺ is responsible only for what his Lord has charged him with, namely conveyance and elucidation. He ﷺ has done that. The Most High informed us that we are responsible for what we have been charged with, namely obedience and submission to what the Messenger of Allah ﷺ has commanded, and acting upon it, rather than upon what anyone beneath him has commanded us. Through Allah Most High comes success.

Ali said: A single verse of those we have recited would have sufficed for anyone who reasoned and understood. How much more so when our Lord Most High has stated this and restated it, repeated it and emphasized it, leaving no one anything to cling to! He has warned us, just as He has commanded us and imposed obligations upon us in the Quran. Our success comes only through Allah, Mighty and Majestic, and there is no power except through Allah, the Most High, the Magnificent. Allah suffices us, and an excellent Trustee He is.[14][15]

L253 **[Section on the Categories of Reporting from Allah Most High]**

L254 Abu Muhammed said: The revealed text has established—and thereafter no two Muslims have disagreed—that whatever is authentically established as having been said by the Messenger of Allah ﷺ must be followed, and that

[14]**Translator's note (L250):** The wording «أن حققوا» is syntactically awkward. It is rendered as an explanatory introduction to the imperative: "that is, substantiate."

[15]**Qur'an references (L247):** Qur'an 24:47 (An-Nur); Qur'an 24:48 (An-Nur); Qur'an 24:51 (An-Nur); Qur'an 24:53 (An-Nur); Qur'an 24:54 (An-Nur).

[فصل فيه أقسام الإخبار عن الله تعالى]

قال أبو محمد جاء النص ثم لم يختلف فيه مسلمان في أن ما صح عن رسول الله صلى الله عليه وسلم أنه قال ففرض اتباعه وأنه تفسير لمراد الله تعالى في القرآن، وبيان لمجمله،

it is an explanation of what Allah Most High intends in the Quran and an elucidation of its unelaborated wording.

L255 Then the Muslims differed over the means by which the authenticity of a report from him, peace be upon him, is established, after the certain and conclusive consensus concerning what we have mentioned and concerning the obligation upon every Muslim to obey, on account of His saying, Most High: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome.}

We examined this and found that reports divide into two categories. One is a report transmitted through mass transmission: that which an entire body transmits from an entire body, until through it you reach the Prophet ﷺ. No two Muslims have disagreed that such a report must be accepted and that it is true, with its unseen content conclusively established. Through its like we have known that the Quran is what Muhammed ﷺ brought; through it we have known the authenticity of the Prophet's ﷺ being sent; and through it we have known the number of bowings in each prayer, the number of prayers, many of the rulings concerning obligatory alms, and other matters whose explanation has not been set out in the Quran. We have discussed this in the Book of Distinctions, explained that demonstration establishes its authenticity, explained its manner, and explained that necessity and nature require its acceptance. Through it we have known lands we have not witnessed, and the prophets, scholars, philosophers, and kings who preceded us, as well as events and things that have perished. Whoever denies this is in the same position as someone who denies what is perceived through the primary senses; there is no difference. He would be obliged to affirm that there was a time before him, and not that his father and mother existed before him, nor that he was born of a woman.

Ali said: People have differed over the requisite number of transmitters of the report we have mentioned. One group said, "A report is accepted only from all the inhabitants of the East and the West." Another group said, "It is accepted only from a number we cannot count." Another group said, "It is

ثم اختلف المسلمون في الطريق المؤدية إلى صحة الخبر عنه عليه السلام بعد الإجماع المتيقن المقطوع به على ما ذكرنا، وعلى الطاعة من كل مسلم لقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} فنظرنا في ذلك فوجدنا الأخبار تنقسم قسمين خبر تواتر وهو ما نقلته كافة بعد كافة حتى تبلغ به النبي صلى الله عليه وسلم وهذا خبر لم يختلف مسلمان في وجوب الأخذ به، وفي أنه حق مقطوع على غيبه، لأن بمثله عرفنا أن القرآن هو الذي أتى به محمد صلى الله عليه وسلم وبه علمنا صحة مبعث النبي صلى الله عليه وسلم وبه علمنا عدد ركوع كل صلاة وعدد الصلوات، وأشياء كثيرة من أحكام الزكاة وغير ذلك مما لم يبن في القرآن تفسيره، وقد تكلمنا في كتاب الفصل على ذلك وبينا أن البرهان قائم على صحته، وبينا كيفيته وأن الضرورة والطبيعة توجبان قبوله، وأن به عرفنا ما لم نشاهد من البلاد، ومن كان قبلنا من الأنبياء والعلماء والفلاسفة والملوك والوقائع والتوالف. ومن أنكر ذلك كان بمنزلة من أنكر ما يدرك بالحواس الأول ولا فرق. ولزمه أن يصدق بأنه كان قبله زمان ولا أن أباه وأمه كانا قبله ولا أنه مولود من امرأة قال علي وقد اختلف الناس في مقدار عدد النقلة للخبر الذي ذكرنا. فطائفة قالت: لا يقبل الخبر إلا من جميع أهل المشرق والمغرب وقالت طائفة لا يقبل إلا من عدد لا نحصيه نحن وقالت طائفة لا يقبل أقل من ثلاثمائة وبضعة عشر رجلا عدد أهل بدر وقالت طائفة لا يقبل إلا من سبعين

not accepted from fewer than three hundred and ten-odd men, the number of the participants at Badr." Another group said, "It is accepted only from seventy."[16][17]

L256–270 Another group said, "It is accepted only from fifty, the number of those taking the homicide oaths." Another group said, "It is accepted only from forty, because that is the number which, when the Muslims reached it, they openly proclaimed the religion." Another group said, "It is accepted only from twenty." Another group said, "It is accepted only from twelve." Another group said, "It is accepted only from five." Another group said, "It is accepted only from four." Another group said, "It is accepted only from three," on account of the saying of the Messenger of Allah ﷺ: "Until three men of sound judgment from his people say that a calamity has befallen him." Another group said, "It is accepted only from two."

Ali said: All these are assertions without demonstration, and whatever is of this kind falls away. To invalidate this, it is enough to direct the attention of everyone who advocates any of these numerical limits to measuring against it every report concerning his religion and his worldly affairs that he believes authentic. There is absolutely no way for any such report to have been established as authentic for him through the number he stipulated, with each member of that number reporting from that same full number, and so on in increasing numbers until he reaches verification of that report concerning his religion or his worldly affairs. Thus, each of these positions results in the invalidation of every report whatsoever, without our making any exception. For even if he himself heard some reports from the number he stipulated, that level must inevitably fail at some point further back. Every position that leads to falsehood is undoubtedly false. Success comes through Allah

وقالت طائفة لا يقبل إلا من خمسين عدد القسامة. وقالت طائفة لا يقبل إلا من أربعين لأنه العدد الذي لما بلغه المسلمون أظهروا الدين. وقالت طائفة: لا يقبل إلا من عشرين، وقالت طائفة: لا يقبل إلا من اثني عشر وقالت طائفة لا يقبل إلا من خمسة وقالت طائفة لا يقبل إلا من أربعة وقالت طائفة لا يقبل إلا من ثلاثة لقول رسول الله صلى الله عليه وسلم حتى يقول ثلاثة من ذوي الحجى من قومه إنه قد نزل به جائحة وقالت طائفة لا يقبل إلا من اثنين قال علي وهذه كلها أقوال بلا برهان وما كان هكذا فقد سقط. ويكفي في إبطال ذلك أن ننبه كل من يقول بشيء من هذه الحدود على أن يقيس كل ما يعتقد صحته من أخبار دينه ودنياه، فإنه لا سبيل له البتة إلى أن يكون شيء منها صح عنده بالعدد الذي شرط كل واحد من ذلك العدد عن مثل ذلك العدد كله. وهكذا متزايدا حتى يبلغ إلى تحقيق ذلك الخبر م 8 ن دينه أو دنياه فحصل من كل قول منها بطلان كل خبر جملة، ولا نحاشي شيئا لأنه وإن سمع هو بعض الأخبار من العدد الذي شرط، فلا بد أن يبطل تلك المرتبة فيما فوق ذلك. وكل قول أدى إلى الباطل فهو باطل بلا شك، وبالله تعالى التوفيق، فلم يبق إلا قول من قال بالتواتر ولم يحد عددا قال علي ونقول ههنا إن شاء الله تعالى قولا باختصار: فنقول وبالله تعالى التوفيق: لكل من حد في عدد نقلة خبر التواتر حدا لا يكون أقل منه يوجب تيقن صدقه ضرورة من سبعين أو عشرين، أو عدد لا نحصيهم، وإن كان في ذاته محصي ذا عدد محدود، أو أهل المشرق والمغرب، ولا سبيل إلى لقائه ولا لقاء أحد لهم كلهم، ولا بد له من الاقتصار على بعضهم دون بعض بالضرورة، ولا بد من أن يكون لذلك التواتر الذي يدعونه في ذاته عدد إن نقص منه واحد لم يكن متواترا، وإلا فقد ادعوا ما لا يعرف أبدا ولا يعقل فإذن لا

[16] **Translator's note (L255):** «التوالف» is rendered literally as "things that have perished." The reading is uncertain in this list; it may be a corruption of «التواليف», "writings" or "compositions." The supplied text says «ولزمه أن يصدق», "he would be obliged to affirm," followed by negative clauses. This appears to lack a negation before «يصدق», since the argument would otherwise require him to be unable to affirm any of these things. The translation preserves the supplied affirmative wording and the subsequent negatives.

[17] **Qur'an references (L255):** Qur'an 4:59 (An-Nisa).

Most High. There remains, then, only the position of those who affirm mass transmission without specifying a number. Ali said: Here, Allah Most High willing, we shall make a brief statement. With success through Allah Most High, we say to everyone who sets a minimum number of transmitters for a mass-transmitted report, below which it cannot necessarily produce certainty of its truth—whether seventy, twenty, a number we cannot count, although it is in itself countable and has a definite numerical limit, or the inhabitants of the East and the West, whom he has no way of meeting, nor can anyone meet them all, so that he must necessarily restrict himself to some of them rather than others—that this mass transmission they claim must in itself have a number such that, if one were subtracted from it, it would no longer constitute mass transmission. Otherwise, they have claimed something that can never be known or conceived Thus, a number must necessarily be specified. We therefore say to them: What do you say if one is subtracted from this minimum you have specified? Does the subtraction of that one invalidate acceptance of the report, or does it not? If he says that it invalidates it, he has made an arbitrary ruling without demonstration. Every position based on mere assertion without demonstration is rejected and falls away. If he affirms its acceptance, we subtract another for him, then another, until we reach just one. If he specifies a number, he is asked for the evidence for it, and he has absolutely no way of providing any. Furthermore, there is no difference, in this argument, between what twenty transmit and what nineteen transmit, nor between what seventy transmit and what sixty-nine transmit. The mention of these numbers in the Quran, in the procedure of sworn oaths in a homicide case, in certain circumstances, and in certain reports does not entail that reports from fewer than those numbers may not be accepted. Allah Most High has mentioned other numbers in the Quran: He Most High mentioned one, two, three, four, a hundred thousand, and others. There is no difference between someone who attaches himself to one of these numbers and someone who attaches himself to another of them. None of these numbers occurs in the Quran in connection with accepting reports, nor with the establishment of authoritative proof through them. Anyone who redirects their mention toward something not intended by it is a shameless criminal who distorts words from their proper places. If he says that acceptance of the

بد من تحديد عدد ضرورة فنقول لهم ما تقولون إن سقط من هذا الحد الذي حددتم واحد، أيبطل سقوط ذلك الواحد قبول ذلك الخبر أم لا يبطله؟ فإن قال: يبطله، تحكم بلا برهان، وكل قول بمجرد الدعوى بلا برهان فهو مطروح ساقط، فإن قال بقبوله أسقطنا له آخر ثم آخر، حتى يبلغ إلى واحد فقط، وإن حد عددا سئل عن الدليل على ذلك فلا سبيل له إليه البتة. وأيضا فإنه ما في القول فرق بين ما نقله عشرون وبين ما نقله تسعة عشر، ولا بين ما نقله سبعون ولا ما نقله تسعة وستون، وليس ذكر هذه الأعداد في القرآن وفي القسامة وفي بعض الأحوال وفي بعض الأخبار بموجب ألا يقبل أقل منها في الأخبار، وقد ذكر تعالى في القرآن أعدادا غير هذه، فذكر تعالى الواحد والاثنين والثلاثة والأربعة والمائة ألف وغير ذلك، ولا فرق بين ما تعلق بعدد منها وبين ما تعلق بعدد آخر منها، ولم يأت من هذه الأعداد في القرآن شيء في باب قبول الأخبار ولا في قيام حجة بهم، فصارف ذكرها إلى ما لم يقصد بها مجرم وقاح محرف للكلم عن مواضعه. وإن قال: لا يبطل قبول الخبر بسقوط واحد من العدد الذي حد كان قد ترك مذهبه الفاسد، ثم سألناه عن إسقاط آخر أيضا مما بقي من ذلك العدد، وهكذا حتى يبعد عما حد بعدا شديدا، فإن نظروا هذا بما يمكن حده من الأشياء كانوا مدعين بلا دليل، ومشبهين بلا برهان، وحكم كل شيء يجعله المرء دينا له أن ينظر في حدوده ويطلبها، إلا ما أصبح إجماع أو نص أو أوجبت طبيعة ترك طلب حده، وقد قال بعضهم: لا يقبل من الأخبار إلا ما نقلته جماعة لا يحصرها العدد. قال أبو محمد: وهذا قول من غمره الجهل، لأنه ليس هذا موجدا في العالم أصلا، وكل ما فيه فقد حصره العدد وإن لم نعلمه نحن، وإحصاؤه ممكن لمن تكلف ذلك، فعلى هذا القول الفاسد قد سقط قبول جميع الأخبار جملة وسقط كون النبي صلى الله عليه وسلم في العالم وهذا كفر وأيضا فيلزم هؤلاء وكل من حد في عدد من لا تصح الأخبار بأقل من نقل ذلك العدد أمر فظيع يدفعه العقل ببديهته، وهو ألا يصح عندهم كل أمر يشهده أقل من العدد الذي حدوا، وألا يصح عندهم كل أمر

report is not invalidated by subtracting one from the number he specified, he has abandoned his corrupt doctrine. We then ask him about subtracting yet another from what remains of that number, and so on until he departs very far from the limit he specified. If they compare this to things whose limits can be specified, they are making assertions without evidence and drawing comparisons without demonstration. The rule concerning everything a person adopts as part of his religion is that its limits should be examined and sought, except where a consensus or a text has become established, or a thing's nature requires that seeking its limit be relinquished. Some have said: No reports are accepted except those transmitted by a group that no number encompasses. Abu Muhammed said: This is the statement of someone engulfed by ignorance, for no such thing exists anywhere in the world. Everything in it is encompassed by a number, even if we do not know it ourselves, and counting it is possible for someone who undertakes to do so. According to this corrupt position, acceptance of all reports whatsoever is therefore annulled, and the Prophet's ﷺ existence in the world is annulled. This is unbelief. Furthermore, there follows necessarily for these people and for everyone who specifies a number below whose transmission reports cannot be established, an appalling consequence that reason rejects immediately: they cannot regard as established any event witnessed by fewer than the number they specified, any event confined to a countable number of people, or any event not encompassed by the inhabitants of the East and the West. All reports are therefore necessarily invalidated according to these corrupt positions. Yet they know, through the necessity of their sensory perception, the truth of many reports concerning death, birth, marriage, removal from office, appointment to office, the taking of a house unawares, the emergence of an enemy, an evil that has befallen, and all the other occurrences in the world witnessed by only a few people. Anyone who disputes this obstinately defies his own reason, and none of the things we have mentioned could ever be established for him, especially if he lives in a village containing only a small number of people; moreover, he has no way of meeting the inhabitants of the East and the West. Ali said: If someone asks us, 'What is the defining limit of a report that produces necessary knowledge?' the answer, with success through Allah Most High, is that we say: An individual other

حصره عدد من الناس، وكل أمر لم يحصره أهل المشرق والمغرب، فتبطل الأخبار كلها ضرورة على حكم هذه الأقوال الفاسدة، وهم يعرفون بضرورة حسهم صدق أخبار كثيرة من موت وولادة ونكاح وعزل وولاية واغتفال منزل، وخروج عدو شر واقع، وسائر عوارض العالم مما لا يشهده الا النفر اليسير، ومن خالف هذا فقد كابر عقله ولم يصح عنده شيء مما ذكرنا أبدا، لا سيما إن كان ساكنا في قرية ليس فيها إلا عدد يسير، مع أنه لا سبيل له إلى لقاء أهل المشرق والمغرب قال علي فإن سألنا سائل فقال ما حد الخبر الذي يوجب الضرورة؟ فالجواب وبالله تعالى التوفيق أننا نقول: إن الواحد من غير الأنبياء المعصومين بالبراهين عليهم السلام قد يجوز عليه تعمد الكذب، يعلم ذلك بضرورة الحس، وقد يجوز على جماعة كثيرة أن يتواطؤوا على كذبة إذا اجتمعوا ورغبوا أو رهبوا. ولكن ذلك لا يخفى من قبلهم، بل يعلم اتفاقهم على ذلك الكذب بخبرهم إذا تفرقوا لا بد من ذلك. ولكنا نقول إذا جاء اثنان فأكثر من ذلك، وقد تيقنا أنهما لم يلتقيا، ولا دسسا، ولا كانت لهما رغبة فيما أخبر به، ولا رهبة منه، ولم يعلم أحدهما بالآخر، فحدث كل واحد منهما مفترقا عن صاحبه بحديث طويل لا يمكن أن يتفق خاطر اثنين على توليد مثله، وذكر كل واحد منهما مشاهدة أو لقاء لجماعة شاهدت أو أخبرت عن مثلها بأنها شاهدت، فهو خبر صدق يضطر بلا شك من سمعه إلى تصديقه ويقطع على غيبه. وهذا الذي قلنا يعلمه حسا من تدبره ورعاه فيما يرده كل يوم من أخبار زمانه من موت أو ولادة أو نكاح أو عزل أو ولاية أو وقعة وغير ذلك، وإنما خفي ما ذكرنا على من خفي عليه لقلة مراعاته يمر به، ولو أنك تكلف إنسانا واحدا اختراع حديث طويل كاذب لقدر عليه، يعلم ذلك بضرورة المشاهدة، فلو أدخلت اثنين في بيتين لا يلتقيان، وكلفت كل واحد منهما توليد حديث كاذب لما جاز بوجه من الوجوه أن يتفقا فيه من أوله إلى آخره. هذا ما لا سبيل إليه بوجه من الوجوه أصلا، وقد يقع في الندرة التي لم

than the prophets, whose protection from error is established by demonstrations—peace be upon them—may deliberately lie. This is known through the necessity of sensory perception. A large group may also collude in a lie if they gather together and are motivated by desire or fear. But this does not remain concealed on their part: rather, their agreement upon that lie becomes known through their own reports when they separate. This must inevitably happen. We say, however: If two or more people come, and we are certain that the two have neither met nor communicated covertly, that they have had neither desire concerning what is reported nor fear of it, and that neither knew of the other, and each, separately from his companion, relates a lengthy account such that two minds could not coincide in inventing its like, and each mentions either witnessing it or meeting a group who witnessed it, or who reported from another group like themselves that they witnessed it, then it is a truthful report that undoubtedly compels whoever hears it to believe it and to be certain of its unseen content. Anyone who reflects upon what we have said and attends to it in the reports of his own time that reach him every day knows this through sensory perception: reports of death, birth, marriage, removal from office, appointment to office, a battle, and other things. What we have mentioned escapes those whom it escapes only because they pay little attention to what passes before them. If you were to charge one person with inventing a lengthy false account, he would be able to do so; this is known through the necessity of observation. But if you put two people in two rooms, without their meeting, and charged each of them with producing a false account, it would in no way be possible for them to coincide in it from beginning to end. There is absolutely no way for this to happen under any circumstances. Minds may coincide over a few words, two words, or something of that sort, with a rarity we have scarcely witnessed. What we have witnessed is two poets coinciding in half a verse; we have witnessed that only twice in our lifetime. Someone whom I do not trust told me that his thought coincided with that of another poet in one complete verse, but I do not know this to be true. What I have no doubt is rationally impossible is their coinciding in an ode, indeed in two verses or more. Poetry is one kind of speech, and every instance of speech has some composition. As for what those who discuss poetry have mentioned in the

نكد نشاهدها اتفاق الخواطر على الكلمات اليسيرة، والكلمتين نحو ذلك. والذي شاهدنا اتفاق شاعرين في نصف بيت، شاهدنا ذلك مرتين من عمرنا فقط. وأخبرني من لا أثق به: أن خاطره وافق خاطر شاعر آخر في بيت كامل واحد، ولست أعلم ذلك صحيحا. وأما الذي لا أشك فيه وهو ممتنع في العقل، فاتفاقهما في قصيدة بل في بيتين فصاعدا. والشعر نوع من أنواع الكلام، ولكل كلام تأليف ما، والذي ذكره المتكلمون في الأشعار من الفصل الذي سموه المواردة، وذكروا أن خواطر شعراء اتفقت في عدة أبيات، فأحاديث مفتعلة لا تصح أصلا ولا تتصل. وما هي إلا سراقات وغارات من بعض الشعراء على بعض قال علي وقد يضطر خبر الواحد إلى العلم بصحته إلا أن اضطراره ليس بمطرد، ولا في وقت ولكن على قدر ما يتهيأ وقد بينا ذلك في كتاب الفصل قال علي فهذا قسم قال علي القسم الثاني من الأخبار ما نقله الواحد عن الواحد، فهذا إذا اتصل برواية العدول إلى رسول الله صلى الله عليه وسلم وجب العمل به ووجب العلم بصحته أيضا وبين هذا وبين شهادة العدول فرق نذكره إن شاء الله تعالى، وهو قول الحارث بن أسد المحاسبي، والحسين بن علي الكرابيسي. وقد قال به أبو سليمان، وذكره ابن خويز منداد عن مالك بن أنس. والبرهان على صحة وجوب قبوله قول الله عز وجل {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} فأوجب الله تعالى على كل فرقة قبول نذارةالنافر منها بأمره النافر بالنفقة وبالنذارة ومن أمره الله تعالى بالتفقه في الدين وإنذار قومه، فقد انطوى في هذا الأمر إيجاب قبول نذارته على من أمره بإنذارهم. والطائفة في لغة العرب التي بها خوطبنا يقع على الواحد فصاعدا، وطائفة من الشيء بمعنى بعضه هذا ما لا خلاف بين أهل اللغة فيه وإنما حد من حد في قوله تعالى {لزانية ولزاني فجلدوا كل واحد منهما مئة جلدة ولا تأخذكم بهما رأفة في دين لله إن كنتم تؤمنون بلله وليوم لآخر وليشهد عذابهما طآئفة

section they call ‘independent coincidence,’ claiming that poets’ minds coincided over several verses, these are fabricated accounts that have no validity whatsoever and no connected transmission. They are nothing but thefts and raids by some poets upon others. Ali said: A single-transmitter report may compel knowledge of its truth, although its compelling force is neither uniform nor tied to a particular time, but depends on the circumstances that present themselves. We have explained this in the Book of Excellence. Ali said: This, then, is one category. Ali said: The second category of reports consists of what one individual transmits from another individual. When this is connected through the transmission of upright narrators to the Messenger of Allah ﷺ, acting upon it is obligatory, and knowledge of its truth is likewise obligatory. There is a difference between this and the testimony of upright witnesses, which we shall mention, Allah Most High willing. This is the position of al-Harith ibn Asad al-Muhasibi and al-Husayn ibn Ali al-Karabisi. Abu Sulayman also affirmed it, and Ibn Khuwayz Mindad related it from Malik ibn Anas. The demonstration establishing the validity of the obligation to accept it is the saying of Allah, Mighty and Majestic: {It was not for the believers to go forth all together. Why, then, did not a group from every division of them go forth, so that they might acquire understanding in the religion and warn their people when they returned to them, so that they might beware?} Thus Allah Most High made it obligatory for every division to accept the warning of whoever went forth from it by His commanding the one who goes forth to provide expenditure and warning. When Allah Most High commands someone to acquire understanding of the religion and to warn his people, this command entails an obligation upon those whom He commands him to warn to accept his warning. In the Arabic language in which we have been addressed, “a group” applies to one person and upwards; “a group of something” means a part of it. This is something about which the authorities on the language have no disagreement. Those who stipulated, concerning His saying, Most High, {The woman who commits fornication and the man who commits fornication: flog each of them a hundred lashes, and let no compassion for them seize you in the religion of Allah, if you believe in Allah and the Last Day; and let a group of the believers witness their punishment} [al-Nur 24:2], that they must be four did so only on the

من لمؤمنين} النور 2 أنهم أربعة لدليل ادعاه وكان بذلك ناقضا لمعهود اللغة، ولم يدع قط قائل ذلك القول أن الطائفة في اللغة لا تقع إلا على أربعة. وأما نحن فاللازم عندنا أن يشهد عذاب الزنى واحد على ما نعرف من معنى الطائفة، فإن شهد اكثر فذلك مباح والواحد يجزي وبرهان آخر وهو أن رسول الله صلى الله عليه وسلم بعث رسولا إلى كل ملك من ملوك الأرض المجاورين لبلاد العرب، وقد اعترض بعض من يخالفنا في ذلك بأن قال إن الرفاق والتجار وردوا بأمر النبي صلى الله عليه وسلم فلم يقتصر بذلك على الرسول وحده قال أبو محمد: وهذا شغب وتمويه لا يجوز إلا على ضعيف ونحن لا نشك أن النبي صلى الله عليه وسلم لم يقتصر بالرسل المذكورين على الإخبار بظهوره ومعجزاته المنقولة بخبر الرفاق والسفار، بل أمرهم بتعليم من أسلم شرائع الإسلام ومسائل العبادات والأحكام، ليس من شيء من ذلك منقولا على ألسنة الرفاق والسفار، وبعثه هؤلاء الرسل مشهورة بلا خوف منقولة نقل الكواف فقد ألزم النبي صلى الله عليه وسلم كل ملك ورعيته قبول ما أخبرهم به الرسول الموجه نحوهم من شرائع دينهم قال علي وكذلك بعث رسول الله صلى الله عليه وسلم معاذا إلى الجند وجهات من اليمن وأبا موسى إلى جهة أخرى، وهي زبيد وغيرها، وأبا بكر على الموسم مقيما للناس حجهم، وأبا عبيدة إلى نجران، وعليا قاضيا إلى اليمن، وكل من هؤلاء مضى إلى جهة ما، معلما لهم شرائع الإسلام، وكذلك بعث أميرا إلى كل جهة أسلمت، بعدت منه أو قربت، كأقصى اليمن والبحرين وسائر الجهات والأحياء والقبائل التي أسلمت، بعث إلى كل طائفة رجلا معلما لهم دينهم، ومعلما لهم القرآن، ومفتيا لهم في أحكام دينهم، وقاضيا فيما وقع بينهم، وناقلا إليهم ما يلزمهم عن الله تعالى ورسوله صلى الله عليه وسلم وهم مأمورون بقبول ما يخبرونهم به على نبيهم صلى الله عليه وسلم

basis of evidence they claimed, thereby contradicting established linguistic usage. No proponent of that position ever claimed that, in the language, "a group" applies only to four. As for us, what is obligatory in our view is that one person witness the punishment for fornication, in accordance with what we know of the meaning of "a group." If more attend, that is permissible, but one suffices.

Another demonstration is that the Messenger of Allah ﷺ sent a messenger to each of the kings of the earth whose territories neighboured the lands of the Arabs. Some of those who disagree with us have objected to this, saying: "Travelling parties and merchants arrived with news of the Prophet ﷺ, so this was not confined to the messenger alone." Abu Muhammed said: This is contentious obfuscation and deception that would pass muster only with someone weak-minded. We have no doubt that the Prophet ﷺ did not restrict the aforementioned messengers to reporting his emergence and his miracles, which were conveyed through the reports of travelling parties and travellers. Rather, he commanded them to teach those who embraced Islam the ordinances of Islam and matters of worship and legal rulings. None of these things was transmitted on the tongues of travelling parties and travellers. His dispatching these messengers is well known, without fear, transmitted by large bodies of transmitters. The Prophet ﷺ thus obliged every king and his subjects to accept what the messenger sent to them reported to them concerning the ordinances of their religion. Ali said: Likewise, the Messenger of Allah ﷺ sent Muadh to al-Janad and districts of Yemen, and Abu Musa to another district, namely Zabid and other places, and Abu Bakr to oversee the pilgrimage season, conducting the people's pilgrimage for them; and Abu Ubayda to Najran; and Ali as a judge to Yemen. Each of these went to a particular district to teach its people the ordinances of Islam. Likewise, he sent a governor to every district that embraced Islam, whether distant from him or nearby, such as the furthest reaches of Yemen, Bahrain, and all the other districts, clans, and tribes that embraced Islam. To each group he sent a man to teach them their religion, teach them the Quran, issue legal opinions to them concerning the rulings of their religion, judge the disputes that arose among them, and convey to them what was binding upon

them from Allah Most High and His Messenger ﷺ. They were commanded

to accept what these men reported to them on the authority of their Prophet ﷺ.[18][19][20][21][22][23][24][25]

[18]**Translator's note (L257):** "The homicide oaths" renders «القسامة», the procedure involving fifty oaths in a homicide case; the proposed numerical requirement refers to the persons associated with those oaths.

[19]**Translator's note (L258):** The transcription interrupts the word من with the extraneous characters «م 8 ن». The translation reads the surrounding phrase as concerning a report about one's religion or worldly affairs.

[20]**Translator's note (L259):** The procedure of sworn oaths in a homicide case renders القسامة (qasāmah).

[21]**Translator's note (L261):** The wording «إلا ما أصبح إجماع أو نص» is syntactically awkward and leaves the relation of consensus or a text to the exception unclear. The translation preserves the supplied reading rather than supplying a corrected verb.

[22]**Translator's note (L262):** The unusual phrase «اغتفال منزل» is rendered closely as 'the taking of a house unawares'; it may refer to a house being entered or attacked while its occupants are off guard. The unpunctuated wording «وخروج عدو شر واقع» is awkward. The translation treats the emergence of an enemy and an evil that has befallen as successive items in the list.

[23]**Translator's note (L265):** 'Independent coincidence' renders الموادرة (al-muwāradah), the alleged independent production of matching poetic wording. The supplied wording «ليس بمطرد ولا في وقت» is compressed and awkward; 'neither uniform nor tied to a particular time' reflects its apparent sense. The title is supplied as «كتاب الفضل», rendered 'Book of Excellence.' This may be a transcription error for another title, but it has not been silently corrected.

[24]**Translator's note (L266):** The quotation corresponds to Quran 9:122, but the supplied «لمؤمنون» is grammatically malformed in this construction and differs from the standard wording «المؤمنون». The translation conveys its apparent intended meaning while flagging the discrepancy.

[25]**Translator's note (L267):** This continues the quotation of Quran 9:122. The supplied «في لدين» appears to omit the initial alif of «الدين»; it is translated as 'in the religion.'

L271–273 His dispatching those just mentioned is well known through concurrent mass transmission from unbeliever and believer alike. None of the scholars or the Muslims doubts it, or doubts that their dispatch was solely for the purposes we have mentioned. It is an invalid and impossible absurdity that the Messenger of Allah ﷺ should send them someone whose conveyance of the message would not establish the binding proof against them; someone from whom they were not obliged to accept what these men taught them of the Quran and the rulings of religion, or the legal opinions they issued to them concerning the revealed law; someone to whose reports of all these things from the Messenger of Allah ﷺ they were not obliged to submit. For if that were so, his dispatching them would have been superfluous, and he ﷺ would have been saying to the Muslims: "I have sent you someone from whom you are not obliged to accept what he conveys to you from me, and your prescribed course is to pay no attention to what he transmits to you from me and not to listen to what he reports to you from me." Whoever says this has departed from Islam.

Likewise, consider someone who grows up in a village or city in which there is only one teacher of Quranic recitation, one transmitter of hadith, or one issuer of legal opinions. We say to those who disagree with us: What do you say? When he studies the Quran with that teacher of recitation, is he obliged to believe in what the teacher has taught him to recite, to affirm that it is the speech of Allah Most High, and to remain steadfast in that affirmation? Or must he doubt and refrain from affirming that it is the speech of Allah, Mighty and Majestic? If they say, "He is obliged to acknowledge that it

وبعثه هؤلاء المذكورين مشهورة بنقل التواتر من كافر ومؤمن، لا يشك فيها أحد من العلماء ولا من المسلمين، ولا في أن بعثهم إنما كانت لما ذكرنا من المحال الباطل الممتنع أن يبعث إليهم رسول الله صلى الله عليه وسلم من لا تقوم عليهم الحجة بتبليغه ومن لا يلزمهم قبول ما علموهم من القرآن وأحكام الدين. وما أفتوهم به في الشريعة، ومن لا يجب عليهم الانقياد لما أخبروهم به من كل ذلك عن رسول الله صلى الله عليه وسلم إذ لو كان ذلك لكانت بعثته لهم فضولا ولكان عليه السلام قائلا للمسلمين بعثت إليكم من لا يجب عليكم أن تقبلوا منه ما بلغكم عني، ومن حكمكم ألا تلتفتوا إلى ما نقل إليكم عني وألا تسمعوا منه ما أخبركم به عني، ومن قال بهذا فقد فارق الإسلام. وكذلك من نشأ في قرية أو مدينة ليس بها إلا مقرىء واحد، أو محدث واحد، أو مفت واحد، فنقول لمن خالفنا: ماذا تقولون؟ أيلزمه إذا قرأ القرآن على ذلك المقرىء أن يؤمن بما أقرأه، وأن يصدق بأنه كلام الله تعالى، ويثبت على ذلك أم عليه أن يشك، ولا يصدق بأنه كلام الله عز وجل؟ فإن قالوا: يلزمه الإقرار بأنه كلام الله تعالى. قلنا: صدقتم، فأي فرق بين نقلهم للقرآن وبين نقلهم لسائر السنن، وكلاهما من عند الله تعالى، وكلاهما فرض قبوله؟ وإن قالوا: عليه أن يشك فيه حتى يلقى الكواف، أتوا بعظيمة في الدين. ونسألهم حينئذ فيمن لقي من ذلك اثنين أو ثلاثة أو أربعة، فلا بد لهم من حد يقفون عنده من العدد، فيكون قولهم سخريا وباطلا، ودعوى بلا برهان، أو يحيلوا على معدوم فيما لا يصح على قولهم قبول القرآن والدين إلا به، وفي هذا إبطال للدين والقرآن جملة، والمنع من اعتمادهما، ونعوذ بالله من هذا، وهكذا القول في وجوب طاعة من أخذ عن أولئك الرسل قرآنا أو سنة وبلغ ذلك إلى غيره، ولأنها بلاد واسعة لا سبيل لكل واحد من أولئك الرسل إلى لقاء جميعهم من رجل وامرأة، لكن يبلغ ويبلغ من بلغه هو وهكذا أبدا لئلا يقول جاهل هذا خصوص

[26] **Translator's note (L268):** The opening reads بالنفقة, "with expenditure/provision of maintenance," although the surrounding argument concerns acquiring understanding of the religion. The anomalous wording has been retained rather than silently replaced with بالتفقه. The phrase بخير الرفاق literally reads "through the good of the travelling parties." The translation understands this as an apparent transcription error for بخبر الرفاق, "through the reports of the travelling parties." The source reads بلا خوف, "without fear," which has been retained; بلا خلاف, "without disagreement," would fit the context more naturally. The Quranic quotation contains defective spellings and missing initial alifs, including لزانية and لزاني. These have been understood as the intended definite nouns; no substantive difference in the quoted meaning is apparent.

[27] **Qur'an references (L256):** Qur'an 9:122 (At-Tawbah); Qur'an 24:2 (An-Nur).

is the speech of Allah Most High," we say: You have spoken truly. What difference, then, is there between their transmission of the Quran and their transmission of the rest of the transmitted prophetic practices, when both are from Allah Most High and accepting both is obligatory? And if they say, "He must doubt it until he encounters large bodies of transmitters," they have introduced something monstrous into the religion. We then ask them about someone who encounters two, three, or four of these transmitters. They must either set a numerical limit at which they stop—in which case their position is ridiculous and false, a claim without demonstration—or refer him to something nonexistent, upon which alone, according to their position, the valid acceptance of the Quran and the religion depends. This amounts to invalidating the religion and the Quran altogether and forbidding reliance upon them. We seek refuge in Allah from this.

The same reasoning applies to the obligation to obey someone who received Quran or a transmitted prophetic practice from those messengers and conveyed it to someone else. For these are extensive lands: there was no way for each of those messengers to meet all their inhabitants, every man and woman. Rather, he conveys the message, and the person to whom he conveyed it conveys it in turn, and so on continually. This is stated lest an ignorant person say: "This applies specifically to those messengers." And He said, Most High: {O you who believe, if a morally transgressing person comes to you with a report, ascertain the facts, lest you harm a people in ignorance and then become remorseful over what you have done}.[28][29]

L274–283 Abu Muhammed said: The person who goes forth to acquire understanding of the religion must be either morally upright or morally transgressing; there is no possible third category. If he is morally transgressing, we have been commanded to ascertain the facts concerning him and his report from a source other than himself. This necessarily removes the requirement to accept him. Only the morally upright person therefore remains, and he is

لأولئك الرسل وقال تعالى {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين}

قال أبو محمد: لا يخلو النافر للتفقه في الدين من أن يكون عدلا أو فاسقا ولا سبيل إلى قسم ثالث، فإن كان فاسقا فقد أمرنا بالتبين في أمره وخبره من غير جهته فأوجب ذلك سقوط قبوله، فلم يبق إلا العدل. فكان هو المأمور بقبول نذارته. قال أبو محمد: وهذا برهان ضروري لا محيد عنه رافع للإشكال والشك جملة. وقد بينا هذا النوع من البرهان في كتابنا في حدود الكلام المعروف بالتقريب قال علي وقد توهم من لا يعلم أنا إنما أوجبنا قبول خبر العدل من قوله تعالى {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين} فقط. قال

[28] **Translator's note (L273):** The quotation is Quran 49:6. The supplied تصيببوا contains an extra b; it has been understood as تصيبوا, "harm/afflict." Other defective spellings do not materially alter the translated wording.

[29] **Qur'an references (L271):** Qur'an 49:6 (Al-Hujurat).

the one whose warning we are commanded to accept. Abu Muhammed said: This is a necessary demonstration from which there is no escape, removing all difficulty and doubt. We have explained this kind of demonstration in our book on the definitions of discourse, known as al-Taqrib [The Approaching].

Ali said: Someone without knowledge has imagined that we made accepting the report of a morally upright person obligatory solely on the basis of His saying, Most High: {O you who believe, if a morally transgressing person comes to you with a report, ascertain the facts, lest you harm a people in ignorance and then become remorseful over what you have done}. Abu Muhammed said: Whoever has interpreted our position in this way has been heedless. If this verse alone were all there was, it would contain nothing indicating either the acceptance of a morally upright person's report or the prohibition of accepting it. Rather, it prohibits only accepting the report of a morally transgressing person. The report of a morally upright person would remain suspended pending the evidence for it. But when this verse, which prohibits accepting the report of a morally transgressing person, became widely disseminated alongside the verse concerning accepting the warning of the person who goes forth to acquire understanding, the two became premises that yielded, by demonstrative necessity, the acceptance of the report of a single morally upright person, to the exclusion of a morally transgressing person. Through Allah Most High comes success.

Ali said: Allah Most High has obliged every group to warn its people, and has obliged its people to accept their warning, through His saying, Most High: {The believers should not all go forth together. Why, then, does a group from every division of them not go forth, so that they may acquire understanding of the religion and warn their people when they return to them, so that they may beware?} He Most High has thus warned against contravening the group's warning. In the language, "a group" applies to a part of something, as we have already explained. No two Muslims disagree that, if a trustworthy Muslim were to enter the land of unbelief, invite a people to Islam, recite the Quran to them, and teach them the ordinances, they would be obliged to accept him, and the binding proof against them would thereby be established. Likewise, if the caliph or governor were to send a messenger to one of the

أبو محمد: وقد أغفل من تأول علينا ذلك، ولو لم تكن إلا هذه الآية وحدها لما كان فيها ما يدل على قبول خبر العدل ولا على المنع من قبوله، بل إنما منع فيها من قبول خبر الفاسق فقط وكان يبقى خبر العدل موقوفا على دليله، ولكن لما استفاضت هذه الآية التي فيها المنع من قبول خبر الفاسق إلى الآية التي فيها قبول نذارة النافر للتفقه، صارتا مقدمتين أنتجتا قبول خبر الواحد العدل دون الفاسق بضرورة البرهان وبالله تعالى التوفيق قال علي وقد أوجب الله تعالى على كل طائفة إنذار قومها، وأوجب على قومها قبول نذارتهم بقوله تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} فقد حذر تعالى من مخالفة نذارة الطائفة والطائفة في اللغة تقع على بعض الشيء كما قدمنا ولا يختلف اثنان من المسلمين في أن مسلما ثقة لو دخل أرض الكفر فدعا قوما إلى الإسلام وتلا عليهم القرآن وعلمهم الشرائع لكان لازما لهم قبوله، ولكانت الحجة عليهم بذلك قائمة. وكذلك لو بعث الخليفة أو الأمير رسولا إلى ملك من ملوك الكفر، أو إلى أمة من أمم الكفر، ويدعوهم إلى الإسلام ويعلمهم القرآن وشرائع الدين، ولا فرق. وما قال قط مسلم إنه كان حكم أهل اليمن أن يقولوا لمعاذ ولمن بعثه عليه السلام إلى كل ناحية معلما ومفتيا ومقرئا نعم أنت رسول رسول الله صلى الله عليه وسلم وعقد الإيمان حق عندنا ولكن ما أفتيتنا به وعلمتنا من أحكام الصلاة ونوازل الزكاة وسائر الديانة عن النبي صلى الله عليه وسلم وما أقرأتنا من القرآن عنه عليه السلام فلا نقبله منك ولا نأخذه عنك لأن الكذب جائز عليك، ومتوهم منك حتى يأتينا لكل ذلك كواف وتواتر بل لو قالوا ذلك لكانوا غير مسلمين وكذلك لا يختلف اثنان في أن رسول الله صلى الله عليه وسلم إنما بعث من بعث من رسله إلى الآفاق لينقلوا إليهم عنه القرآن والسنن وشرائع الدين وأنه عليه السلام لم يبعثهم إليه ليشرعوا لهم دينا لم يأت هو به عن الله تعالى، فصح بهذا كله أن كل ما نقله الثقة عن الثقة مبلغا إلى

kings of unbelief or to one of the unbelieving nations, and he invites them to Islam and teaches them the Quran and the ordinances of the religion, there is no difference. No Muslim has ever said that the prescribed course for the people of Yemen was to say to Muadh, and to those whom he ﷺ sent to every district as teachers, issuers of legal opinions, and teachers of Quranic recitation: "Yes, you are the messenger of the Messenger of Allah ﷺ, and the bond of faith is true in our view. But as for the legal opinions you have given us and what you have taught us, on the authority of the Prophet ﷺ, concerning the rulings of prayer, questions arising concerning zakat, and all other matters of religion, and what you have taught us to recite of the Quran on his authority ﷺ, we will neither accept it from you nor receive it on your authority, because lying is possible for you and conceivable on your part, until large bodies of transmitters and recurrent transmission reach us concerning all of this." Indeed, had they said that, they would not have been Muslims. Likewise, no two people disagree that the Messenger of Allah ﷺ sent those of his emissaries whom he sent to distant regions only to convey to their people, on his authority, the Quran, the Prophetic practices, and the ordinances of religion, and that he ﷺ did not send them to him to institute for them a religion that he himself had not brought from Allah Most High. All of this therefore establishes that whatever a trustworthy transmitter conveys from another trustworthy transmitter, with the transmission reaching the Messenger of Allah ﷺ, whether Quran or Prophetic practice, must obligatorily be accepted, acknowledged, and affirmed as true, believed, and adhered to as religion. Whatever is authentically established from a Companion, a Successor, or anyone below them, whether a Quranic reading that is not traced back to the Prophet ﷺ or a legal opinion that is not attributed to him ﷺ, none of it may lawfully be accepted, because neither Allah Most High nor His Messenger ﷺ has made it obligatory. All of this has indeed been authentically established from one after another of the Companions and Successors. Their excellence neither makes acceptance of their opinions obligatory nor prevents them from making mistakes in what they say on the basis of their conjecture. Their excellence does, however, efface every error they committed, outweigh it, and require that they be revered and loved. Through Allah Most High comes success.

رسول الله صلى الله عليه وسلم من قرآن أو سنة ففرض قبوله والإقرار به والتصديق به، واعتقاده والتدين به، وأن كل ما صح عن صاحب أو تابع أو من دونهم من قراءة لم تستند إلى النبي صلى الله عليه وسلم أو من فتيا لم تسند إليه صلى الله عليه وسلم فلا يحل قبول شيء من ذلك لأنه لم يوجبه الله تعالى ولا رسوله صلى الله عليه وسلم وكل ذلك قد صح عن الواحد بعد الواحد من الصحابة والتابعين، وليس فضلهم بموجب قبول آرائهم، ولا بمانع أن يهموا فيما قالوه بظنهم، لكن فضلهم معف على كل خطأ كان منهم، وراجح به، وموجب تعظيمهم وحبهم وبالله تعالى التوفيق. وبرهان آخر: وهو أنه قد صح يقينا وعلم ضرورة أن جميع الصحابة أولهم عن آخرهم قد اتفقوا دون اختلاف من أحد منهم، ولا من أحد من التابعين الذين كانوا في عصرهم، على أن كل أحد منهم كان إذا نزلت به النازلة سأل الصاحب عنها وأخذ بقوله فيها وإنما كانوا يسألونه عما أوجبه النبي صلى الله عليه وسلم عن الله تعالى في الدين في هذه القصة ولم يسأل قط أحد منهم إحداث شرع في الدين لم يأذن به الله تعالى، وهكذا كل من بعدهم جيلا فجيلا لا نحاشي أحدا، ولا خلاف بين مؤمن ولا كافر قطعا في أن كل صاحب وكل تابع سأله مستفت عن نازلة في الدين، فإنه لم يقل له قط: لا يجوز لك أن تعمل بما أخبرتك به عن رسول الله صلى الله عليه وسلم حتى يخبرك بذلك الكواف كما قالوا لهم فيما أخبروا به: أنه رأى منهم فلم يلزموهم قبوله. فإن قيل: فاجعل هذه الحجة نفسها حجة في قبول المرسل. قلنا: ليس كذلك لأنه لم يصح الإجماع قط، لا قديما ولا حديثا على قبول المرسل، بل في التابعين من لم يقبله كالزهري وغيره، يسألون من أخبرهم عمن أخبرهم حتى يبلغوه إلى النبي صلى الله عليه وسلم وإنما سقط ذلك عمن ليس في قوته فهم الإسناد ومعرفته فقط، وقد قال الزهري لأهل الشام: ما لي أرى أحاديثكم لا خطم لها ولا أزمة، فصاروا حينئذ إلى قوله، وغير الزهري

Another demonstration is that it has been established with certainty and is known necessarily that all the Companions, from first to last, agreed, without dissent from any of them or from any of the Successors living in their time, that whenever a case arose for any one of them, he would ask a Companion about it and accept his statement concerning it. They were asking him only about what the Prophet ﷺ had enjoined, on the authority of Allah Most High, in religion concerning that particular case. No one ever asked any of them to institute a religious ordinance that Allah Most High had not authorized. The same applies to everyone after them, generation after generation, with no one excepted. There is categorically no disagreement, among believers or unbelievers, that no Companion or Successor, when someone seeking a legal opinion asked him about a case in religion, ever told him: "You may not act upon what I have reported to you from the Messenger of Allah ﷺ until large bodies of transmitters report it to you"—as they did tell them concerning what they reported as their own opinion, which they did not oblige them to accept. If it is said, "Then make this very argument an argument for accepting a report with an omitted link," we reply: That is not the same, because consensus on accepting reports with an omitted link has never been established, either in earlier or in later times. Rather, among the Successors were those who did not accept them, such as al-Zuhri and others: they would ask those who reported to them who had reported to them, until they traced the report back to the Prophet ﷺ This requirement was waived only for someone incapable of understanding and knowing the chain of transmission. Al-Zuhri said to the people of Syria: "Why do I see that your reports have neither nose-halters nor reins?" They then adopted his position. There were also many others besides al-Zuhri. This therefore establishes the consensus of the entire community on accepting the report of a single trustworthy transmitter from the Prophet ﷺ. Furthermore, all the people of Islam accepted the report of a single trustworthy transmitter from the Prophet ﷺ, every group proceeding on this basis in its learning, such as the adherents of the Sunnah, the Kharijites, the Shiʿah, and the Qadarites, until the speculative theologians of the Muʿtazilah appeared after the first hundred years of the calendar and opposed the consensus on this matter. Indeed, ʿAmr ibn ʿUbayd adhered as religion to what he transmitted from

أيضا كثير. فصح بهذا إجماع الأمة كلها على قبول خبر الواحد الثقة عن النبي صلى الله عليه وسلم وأيضا فإن جميع أهل الإسلام كانوا على قبول خبر الواحد الثقة عن النبي صلى الله عليه وسلم يجزي على ذلك كل فرقة في علمها كأهل السنة والخوارج والشيعة والقدرية حتى حدث متكلمو المعتزلة بعد المائة من التاريخ فخالفوا الإجماع في ذلك، ولقد كان عمرو بن عبيد يتدين بما يروي عن الحسن ويفتي به هذا أمر لا يجهله من له أقل علم. وبرهان آخر: وهو أنه عدد محصور فالتواطؤ جائز عليهم وممكن منهم؛ ولا خلاف بين كل ذي علم بشيء من أخبار الدنيا مؤمنهم وكافرهم أن النبي صلى الله عليه وسلم كان بالمدينة وأصحابه رضي الله عنهم مشاغيل في المعاش، وتعذر القوت عليهم لجهد العيش بالحجاز وأنه عليه السلام كان يفتي بالفتيا ويحكم بحضرة من حضره من أصحابه فقط، وإن الحجة إنما قامت على سائر من لم يحضره عليه السلام بنقل من حضره وهم واحد واثنان وفي الجملة عدد لا يمتنع من مثلهم بالتواطؤ عند خصومنا، فإذ جميع الشرائع إلا الأقل منها راجعة إلى هذه الصفة من النقل، وقد صح الإجماع من الصدر الأول كلهم، نعم وممن بعدهم على قبول خبر الواحد، لأنها كلها راجعة إليه وإلى ما كان في معناه، وهذا برهان ضروري، وبالله تعالى التوفيق وبالضرورة نعلم أن النبي صلى الله عليه وسلم لم يكن إذا أفتى بالفتيا أو إذا حكم بالحكم يجمع لذلك جميع من بالمدينة هذا ما لا شك فيه لكنه عليه السلام كان يقتصر على من بحضرته ويرى أن الحجة بمن يحضره قائما على من غاب، هذا ما لا يقدر على دفعه ذو حس سليم وبالله تعالى التوفيق قال علي وأقوى ما شغب به من أنكر قبول خبر الواحد أن نزع بقول الله تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} قال أبو محمد: وهذه الآية حجة لنا عليهم في هذه المسألة، لأنا لم نقف ما ليس لنا به علم، بل ما قد صح لنا به العلم، وقام البرهان على وجوب

al-Hasan and issued legal opinions on its basis. This is something of which no one with even the slightest knowledge is ignorant.

Another demonstration is that they constitute a limited number, so collusion is conceivable among them and possible on their part. There is no disagreement among anyone possessing any knowledge of the affairs of the world, believers and unbelievers alike, that the Prophet ﷺ was in Medina while his Companions, may Allah be pleased with them, were occupied with earning their livelihood, and that obtaining sustenance was difficult for them because of the harshness of life in the Hijaz. He ﷺ would issue a legal opinion or render judgment in the presence only of those of his Companions who happened to be with him. Binding proof was established against all the others who had not been present with him ﷺ solely through the transmission of those who had been present: one or two people, and, in general, a number whose like, according to our opponents, is not immune to collusion. Since all religious ordinances, with very few exceptions, come back to transmission of this description, consensus has been established among the whole of the earliest generation—yes, and among those after them—on accepting the report of a single transmitter, because all these ordinances come back to it and to what is equivalent to it. This is a necessary demonstration. Through Allah Most High comes success.

We know necessarily that when the Prophet ﷺ issued a legal opinion or rendered a judgment, he did not assemble everyone in Medina for that purpose. There is no doubt about this. Rather, he ﷺ confined himself to those present with him and regarded binding proof as established through those present against those absent. No one of sound perception can deny this. Through Allah Most High comes success.

ʿAli said: The strongest specious objection raised by those who reject acceptance of the report of a single transmitter is their invocation of the words of Allah Most High: {And do not follow that of which you have no knowledge. Indeed, hearing, sight, and the heart—all of those will be questioned about.} Abu Muhammed said: This verse is an argument for us against them on this question, because we have not followed that of which we have no knowledge, but rather that concerning which knowledge has been established for

قبوله، وصح العلم بلزوم اتباعه والعمل به، فسقط اعتراضهم بهذه الآية، والحمد لله رب العالمين.

us, demonstration has established the obligation to accept it, and knowledge has been established that following it and acting upon it are binding. Their objection based on this verse therefore falls away. Praise belongs to Allah, Lord of all worlds.[30]313233343536

L284–288 Some of them said: "You do not accept a single person concerning a copper coin, so how can you accept him in establishing religious ordinances?" Abu Muhammed said: This question has no force against us, because we do not draw analogies between one religious ordinance and another, nor do we go beyond what the authoritative texts have brought and what is established in the Quran and the Prophetic practices. Demonstration has established, as we have mentioned, the acceptance of the report of a single transmitter concern-

وقال بعضهم: أنتم لا تقبلون الواحد في فلس فكيف تقبلونه في إثبات الشرائع؟ قال أبو محمد: هذا السؤال لا يلزمنا، لأننا لا نقيس شريعة على شريعة، ولا نتعدى ما جاءت به النصوص وثبت في القرآن والسنن، فصح البرهان كما ذكرنا بقبول خبر الواحد في العبادات والشرائع وقبول القرآن فقلنا به، وصح الخبر بقبول المرأة الواحدة في أوضاع فقلنا به، وصح الخبر بقبول الواحد مع اليمين فيما عدا الحدود فقلنا به، وصح الخبر والنص بقبول الرجلين أو الرجل والمرأتين فيما عدا الزنى فقلنا به، وصح النص بقبول أربعة في الزنى فقلنا به، ولم نعارض شريعة بشريعة ولا تعقبنا على ربنا عز وجل، ونحن وهم نقبل في إباحة الدم الحرام من المسلم الفاضل، والفرج الحرام من المسلمة الفاضلة، والبشرة المحرمة في جلد ثمانين في القذف، وفي قطع اليد والرجل رجلين، ولا نقبلهما فيما يوجب إلا خمسين جلدة من زنى الأمة، لا على مؤمنة ولا على كافر، فأين هم عن هذا الاعتراض الفاسد لو عقلوا وهم يقعوا تحت إنكار ربهم تعالى عليهم إذ يقول: {لا يسأل عما يفعل وهم يسألون} وقد قال بعض المتحكمين في الدين بقلة الورع ممن يدعي أنه من أهل القول، بقبول السنن من طرق الآحاد: إن الخبر إذا كان مما يعظم به البلوى لم يقبل فيه خبر الواحد، ومثل ذلك بعضهم بالآثار المروية في الأذان والإقامة، وقال: إن الأذان والإقامة كانا بالمدينة بحضرة الأئمة من الصحابة رضي الله عنهم خمس مرات كل يوم، فهذا مما تعظم به البلوى، فمحال أن يعرف حكمه الواحد، ويجهله الجماعة، ومثل ذلك بعضهم أيضا بخبر الوضوء من مس الذكر. قال أبو محمد: وهذا كلام فاسد متناقض، أول ذلك أن الدين كله تعظم به البلوى، ويلزم للناس معرفته، وليس هذا ما وقع في الدهر مرة من أمر الطهارة والحج أوجب في أنه فرض أو حرام مما يقع في كل يوم، ولا يفرق بين ذلك إلا

[30] **Translator's note (L274):** The title al-Taqrib literally concerns bringing something near or making it accessible; "The Approaching" retains that sense without supplying a fuller title absent from this passage. The repeated quotation of Quran 49:6 again contains the transcription تصيبوا, understood as تصيبوا, "harm/afflict."

[31] **Translator's note (L275):** The source reads استفاضت ... إلى, literally "became widely disseminated ... to," an awkward construction where the argument requires the two verses to be considered together. The translation retains the notion of dissemination while making their conjunction explicit; the reading may be corrupt. The Quranic quotation is 9:122. Its defective spellings do not produce an evident substantive change in meaning.

[32] **Translator's note (L277):** The opening continues a quotation from the preceding segment; its closing quotation mark is supplied at the end of the quoted objection. The source reads إليه, "to him," although the surrounding argument appears to require إليهم, "to them." The supplied wording has been retained. كواف refers here to large bodies of transmitters; تواتر is rendered "recurrent transmission," preserving the distinction between the transmitters and the mode of transmission.

[33] **Translator's note (L279):** "A report with an omitted link" renders المرسل (mursal), here contrasted with a report whose transmission is traced continuously to the Prophet.

[34] **Translator's note (L280):** Al-Zuhri's reference to nose-halters and reins is a metaphor for chains of transmission that identify and control the attribution of reports.

[35] **Translator's note (L281):** The wording يجزي على ذلك is awkward in this context; it is rendered "proceeding on this basis," following the apparent sense without replacing the supplied Arabic. The Quranic quotation writes لسمع ولبصر ولفؤاد where the familiar wording has السمع والبصر والفؤاد. These apparent transcription errors do not change the identifiable nouns rendered here; the quotation continues in the next segment.

[36] **Qur'an references (L274):** Qur'an 49:6 (Al-Hujurat); Qur'an 9:122 (At-Tawbah); Qur'an 17:36 (Al-Isra).

ing acts of worship, religious ordinances, and acceptance of the Quran, so we affirm it. An authentic report establishes acceptance of a single woman in cases of childbirth, so we affirm it. An authentic report establishes acceptance of a single person together with an oath in matters other than prescribed punishments, so we affirm it. An authentic report and an authoritative text establish acceptance of two men, or one man and two women, in matters other than unlawful sexual intercourse, so we affirm it. An authoritative text establishes acceptance of four in cases of unlawful sexual intercourse, so we affirm it. We have neither set one religious ordinance against another nor passed critical judgment upon our Lord, Mighty and Majestic.

Both we and they accept two men as grounds for making lawful the otherwise inviolable blood of a virtuous Muslim man, the otherwise forbidden sexual parts of a virtuous Muslim woman, and the otherwise inviolable skin when eighty lashes are inflicted for an accusation of unlawful sexual intercourse, and for cutting off a hand and a foot. Yet we do not accept those two men in a matter entailing only fifty lashes for a slave woman's unlawful sexual intercourse, whether imposed upon a believing woman or an unbeliever. Where, then, do they stand in relation to this unsound objection, if only they would reason? They fall under their Lord Most High's rebuke of them when He says: {He is not questioned about what He does, but they are questioned.}

Some of those who arbitrarily dictate in religion with little scrupulousness, among those claiming to uphold acceptance of the Prophetic practices through transmissions by individual narrators, have said that when a report concerns something to which people are extensively exposed, the report of a single transmitter is not accepted concerning it. Some of them illustrated this with the transmitted accounts concerning the call to prayer and the announcement immediately preceding prayer, saying: "The call to prayer and the announcement immediately preceding prayer took place in Medina in the presence of the leading Companions, may Allah be pleased with them, five times every day. This is therefore something to which people are extensively exposed, and it is impossible for a single person to know its ruling while the group is ignorant of it." Some also illustrated this with the report concerning ablution after touching the penis. Abu Muhammed said: This is

جاهل أو من لا يبالي بما تكلم، ويقال له في الأذان الذي ذكر: لا فرق بين أذان المؤذن بالمدينة بحضرة عمر وعثمان رضي الله عنهما خمس مرات كل يوم، وبين أذان المؤذن بالكوفة بحضرة ابن مسعود وعلي خمس مرات كل يوم، وليست نسبة الرضا بتبديل الأذان إلى علي وابن مسعود بأخف من نسبة ذلك إلى عمر وعثمان فبطل تمويه هذا الجاهل وبان تخليطه. وكذلك الوضوء من مس الذكر ليست البلوى به بأعظم من البلوى بإيجاب الوضوء من الرعاف والقلس، وقد أوجبه الحنفيون بخبر ساقط ولم يعرفه المالكيون ولا الشافعيون، ولا البلوى أيضا بذلك أعظم من البلوى بإيجاب الوضوء من المسة والقبلة للذة، ومن إيجاب التدلك في الغسل وقد أوجبها المالكيون، ولا يعرف ذلك الحنفيون ومثل هذا كثير جدا فإن قالوا أوجبنا ذلك بالقرآن قيل لهم قد عرف القرآن غيركم كما عرفتموه، فما رأوا فيه ما ذكرتم مع عظيم البلوى به، وقد بينا في كتابنا هذا أن مغيب السنة عمن غاب عنه من صاحب أو غيره ليس حجة على من بلغته وإنما الحجة في السنة. وقد غاب نسخ التطبق في الركوع عن ابن مسعود وهو مما تعظم به البلوى به، ويتكرر على المسلم أكثر من بضع عشرة مرة في كل يوم وليلة، وخفي على عمر رضي الله عنه أمر جزية المجوس والأمر في قبض رسول الله صلى الله عليه وسلم لها من مجوس هجر عاما بعد عام وأبي بكر بعده عاما بعد عام أشهر من الشمس، ولم تكن فضلة قليلة بل قد ثبت أنه لم يقدم على رسول الله صلى الله عليه وسلم مال أكثر منه على قلة المال هناك حينئذ وخفي على عمر وابن عمر أيضا الوضوء من المذي، وهو مما تعظم البلوى به، وهذا كثير جدا، ويكفي من هذا أن قول هذا القائل دعوى مجردة بلا دليل، وما كان هكذا فهو باطل مطرح قال عز وجل {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} ولا يجوز أن يعارض ما قد صح البرهان به من وجوب قبول السنن من طريق الآحاد بدعوى ساقطة فاسدة، وبالله تعالى التوفيق. وقال أيضا

unsound, self-contradictory speech. The first point is that the whole of religion is something to which people are extensively exposed, and people are obliged to know it. Nor is something concerning purification or pilgrimage that occurs once in an age more firmly established as obligatory or forbidden than something that occurs every day. Only an ignorant person, or someone who cares nothing about what he says, would distinguish between these. Concerning the call to prayer that he mentioned, he should be told: There is no difference between the muezzin's call in Medina in the presence of Umar and Uthman, may Allah be pleased with them both, five times every day, and the muezzin's call in Kufa in the presence of Ibn Masud and Ali five times every day. Nor is attributing approval of an alteration of the call to prayer to Ali and Ibn Masud any less serious than attributing it to Umar and Uthman. Thus this ignorant man's deception is invalidated, and his confusion becomes evident. Likewise, the need to perform ablution after touching the penis is no more widespread than the need arising from making ablution obligatory after a nosebleed or regurgitation. The Hanafis have made it obligatory on the basis of an unsound report, while the Malikis and Shafiis have not recognized it. Nor, again, is the need in that case more widespread than the need arising from making ablution obligatory after touching or kissing for pleasure, or from making rubbing the body obligatory in the full ritual bath. The Malikis have made these obligatory, while the Hanafis do not recognize this. There are very many such cases. If they say, "We made that obligatory on the basis of the Quran," they should be told: Others have known the Quran just as you have known it, yet they did not find in it what you have mentioned, despite the widespread need for it. We have explained in this book of ours that the fact that a Sunnah remained unknown to someone, whether a Companion or anyone else, is no argument against someone whom it has reached. The authoritative proof lies only in the Sunnah. The abrogation of placing the hands together between the knees while bowing remained unknown to Ibn Masud, although this is something for which the need is widespread and which a Muslim repeats more than a dozen times every day and night. The matter of the poll tax on the Magians remained unknown to Umar, may Allah be pleased with him, although the Messenger of Allah's ﷺ collection of it from the Magians of Hajar year after year, and

بعض الحنفيين: ما كان من الأخبار زائدا على ما في القرآن أو ناسخا له أو مخالفا له لم يجز أخذه بخبر الواحد إلا حتى يأتي به التواتر. قال أبو محمد: وهذا تقسيم باطل ودعوى كاذبة وحكم بلا برهان، وما كان هكذا فهو ضلال لا يحل القول به.

Abu Bakr's collection of it after him year after year, was more manifest than the sun. It was no small surplus sum: indeed, it is established that no greater sum of money was ever brought to the Messenger of Allah ﷺ, despite the scarcity of money there at that time. And there remained unknown to Umar and Ibn Umar also the requirement of ablution after the discharge of pre-seminal fluid, although this is something for which the need is widespread. There are very many such cases. It suffices here that this speaker's statement is a bare claim without evidence, and anything of this kind is false and to be discarded. He, mighty and majestic, said: {And they said, "None shall enter the Garden unless he is a Jew or a Christian." Those are their wishes. Say, "Produce your demonstration, if you are truthful."} It is impermissible to oppose the obligation to accept the Sunnahs transmitted through individual transmitters, which has been established by sound demonstration, with an untenable, corrupt claim. Success comes through Allah Most High. Some Hanafis have also said: "Where reports add to what is in the Quran, abrogate it, or contradict it, it is impermissible to accept this on the basis of a single-transmitter report unless it is conveyed by recurrent mass transmission." Abu Muhammed said: This is a false division, a lying claim, and a judgment without demonstration. Anything of this kind is error that it is unlawful to profess.[37][38][39][40]

ونقول لهم: أيجوز الأخذ بشيء من أخبار الآحاد في شيء من الشريعة أم لا؟ فإن قالوا: لا، كلمناهم بما قد فرغنا منه آنفا وكانوا خارجين عن مذهبهم أيضا وإن قالوا نعم وهو قولهم قلنا لهم من أين جوزتم أن يخبر عن النبي صلى الله عليه وسلم به وأن يشرع به في دين الله عز وجل شريعة تضاف إليه في الصلاة والزكاة والصوم والحج وغير ذلك في الموضع الذي أجزيتموه فيه، ثم منعتم من قوله حيث هو بزعمك زائد على ما في القرآن أو ناسخ له، فلا سبيل إلى فرق أصلا. وأما قولهم: مخالف الأصول، فكلام فاسد فارغ من المعنى واقع على ما لا يعقل، لأن خبر الواحد الثقة المسند أصل من أصول الدين، وليس سائر الأصول أولى بالقبول منه ولا يجوز أن تتنافى أصول

[37] **Translator's note (L284):** The source reads أوضاع, rendered "cases of childbirth." This is an unusual formulation here and may be a transcription error for رضاع, "suckling"; the supplied reading has not been silently replaced. The phrase "whether imposed upon a believing woman or an unbeliever" preserves the source's shift from the feminine مؤمنة to the masculine كافر. "Something to which people are extensively exposed" renders the recurring technical expression تعظم به البلوى, referring to matters widely and repeatedly encountered.

[38] **Translator's note (L286):** The syntax of the sentence beginning «وليس هذا ما وقع» is irregular. The translation follows its apparent argumentative sense: infrequency does not make an obligation or prohibition more firmly established.

[39] **Translator's note (L288):** The Quranic quotation, corresponding to 2:111, has «لجنة» where the standard text has «الجنة». The translation takes this as a transcription error for "the Garden"; the supplied spelling is defective.

[40] **Qur'an references (L284):** Qur'an 21:23 (Al-Anbya); Qur'an 2:111 (Al-Baqarah).

L289–293 We say to them: Is it permissible to accept any single-transmitter reports in any matter of the revealed law, or not? If they say no, we address them with what we have just finished discussing; they would also be departing from their own school. If they say yes—which is their position—we say to them: On what basis did you permit something to be reported from the Prophet ﷺ through such a report, and a rule attributed to him to be instituted through it in the religion of Allah, mighty and majestic, concerning prayer, obligatory almsgiving, fasting, pilgrimage, and other matters, in the case in which you allowed it, but then prohibit adopting it where, according to your claim, it adds to what is in the Quran or abrogates it? There is absolutely no way to draw a distinction. As for their statement, "It contradicts the foundational principles," this is corrupt speech, empty of meaning, referring to something unintelligible. For a report from a single trustworthy transmitter, with a chain traced back to its source, is itself one of the foundational principles of the religion. The other foundational principles have no greater claim to acceptance than it does, and the foundational principles of the religion cannot contradict one another. Far exalted is Allah above this! We then say: Know that every report transmitted from the Messenger of Allah ﷺ through an authentic transmission with a chain traced back to him necessarily either adds a ruling to what is in the Quran or conveys what is in the explicit text of the Quran. It must fall into one of these two categories. What adds a ruling to what is in the Quran is divided into two kinds: either it brings something not mentioned in the Quran, such as washing the feet in ablution, stoning a person who has acquired the status of marital protection, and such rulings as they have accepted permitting a traveler to fast during Ramadan and requiring ablution after loud laughter during prayer, and ablution with date or raisin infusion, and after regurgitation, vomiting, and nosebleeds; or it restricts the general scope of the apparent wording of the Quran, such as the amount below which a thief's hand is not to be cut off, and the amount of suckling below which marriage does not become forbidden. This too adds a ruling to what is in the Quran. The same applies to what explains the Quran's undetailed provisions, such as the manner of prayer, the manner of obligatory almsgiving, and everything else brought by the Sunnahs: it adds a ruling to what is in the Quran. On what basis, then, have you permitted

الدين، حاشا لله من هذا. ثم نقول اعلموا أن كل خبر روي عن رسول الله صلى الله عليه وسلم رواية صحيحة مسندة فإنه ولا بد زائد حكم على ما في القرآن، أو أتي بما في نص القرآن لا بد من أحد الوجهين فيه. والزائد حكما على ما في القرآن ينقسم قسمين: إما جاء بما لم يذكر في القرآن كغسل الرجلين في الوضوء، وكرجم المحصن، ونحو ما أخذوا به من إباحة صوم رمضان للمسافر، ومن إيجاب الوضوء من القهقهة في الصلاة، ومن الوضوء بالنبيذ، ومن القلس والقيء والرعاف، وكتخصيص ظاهر القرآن، كعدد ما لا يقطع السارق في أقل منه، وما لا يحرم من الرضاع أقل منه فهذا أيضا زائد حكم على ما في القرآن، ومثله ما بين مجمل القرآن كصفة الصلاة وصفة الزكاة وسائر ما جاءت به السنن فهو زائد حكم على ما في القرآن. فمن أين جوزتم أخذ الزائد على ما في القرآن كما ذكرنا حيث اشتهيتم، ومنعتم منه حيث اشتهيتم، وهذا ضلال لا خفاء به وكل ما وجب العمل به في الشريعة فهو واجب أبدا في كل حال، وفي كل موضع إلا أن يأتي نص قرآني أو سنة بالمنع من بعض ذلك فيوقف عنده. وأما بالآراء المضلة والأهواء السخيفة فلا، على أنهم آخذ الناس بخلاف القرآن برأي فاسد أو قياس سخيف أو خبر ساقط كالوضوء من القهقهة وسائر تلك الأخبار الفاسدة. وتأملوا ما نقول لكم: قد أجمعوا معنا على قبول ما جاء به رسول الله صلى الله عليه وسلم من نسخ للقرآن أو زيادة عليه واتفقوا معنا على أن خبر الواحد الثقة عن مثله مسندا حجة في الدين، ثم تناقضوا كما ذكرنا بلا برهان ونعوذ بالله من الخذلان، وقد ثبت عن أبي حنيفة ومالك والشافعي وأحمد وداود رضي الله عنهم وجوب القول بخبر الواحد، وهذا حجة على من قلد أحدهم في وجوب القول بخبر الواحد، وإن خالف من قلده من بعض من ذكرنا خطأ وتناقضا لا يعزى منه بشر بعد رسول الله صلى الله عليه وسلم وبالله تعالى التوفيق ومن البرهان في قبول خبر الواحد: خبر الله تعالى عن موسى عليه السلام أنه قال له رجل {وجآء رجل من أقصى لمدينة يسعى

accepting additions to what is in the Quran, as we have described, wherever you pleased, and prohibited it wherever you pleased? This is unmistakable error. Everything that must be acted upon in the revealed law remains obligatory forever, in every circumstance and every place, unless a Quranic text or a Sunnah prohibits some part of it, in which case one stops at that limit. But this cannot be done through misleading opinions and foolish desires. Moreover, they are the people most given to adopting what contradicts the Quran on the basis of a corrupt opinion, a foolish analogy, or an unsound report, such as ablution after loud laughter, and all those other corrupt reports. Consider what we are saying to you: They have agreed with us on accepting whatever the Messenger of Allah ﷺ brought that abrogates the Quran or adds to it. They have also agreed with us that a report transmitted by a single trustworthy transmitter from another like him, with a chain traced back to its source, is authoritative proof in religion. Then they contradicted themselves, as we have described, without demonstration. We seek refuge in Allah from being forsaken. It has been established from Abu Hanifa, Malik, al-Shafii, Ahmad, and Dawud, may Allah be pleased with them, that it is obligatory to adopt the report of a single transmitter. This is an argument against anyone who follows one of them unquestioningly, establishing the obligation to adopt a single-transmitter report, even if the authority he follows, among some of those we have mentioned, acted contrary to it through error and inconsistency, from which no human being after the Messenger of Allah ﷺ is [free]. Success comes through Allah Most High. Among the demonstrations supporting acceptance of a single-transmitter report is Allah Most High's account of Moses, peace be upon him, that a man said to him: {And a man came running from the farthest part of the city. He said, "O Moses, the chiefs are conferring about you, to kill you, so leave. I am indeed one of your sincere advisers."} He believed him and went out fleeing. There is also his believing the woman when she said: {Then one of the two women came to him, walking bashfully. She said, "My father invites you so that he may reward you with the wage for your having watered for us." Then, when he came to him and related the account to him, he said, "Do not fear. You

قال يموسى إن لملأ يأتمرون بك ليقتلوك فخرج إني لك من لناصحين} فصدقه وخرج فارا وتصديقه المرأة في قولها {فجآءته إحداهما تمشي على ستحيآء قالت إن أبي يدعوك ليجزيك أجر ما سقيت لنا فلما جآءه وقص عليه لقصص قال لا تخف نجوت من لقوم لظالمين} فمضى معها وصدقها وبالله تعالى التوفيق

have escaped the wrongdoing people."} So he went with her and believed her. Success comes through Allah Most High.[41][42][43][44]

L294–295 Section: Does the Report of a Single Upright Transmitter Establish Knowledge Together with the Obligation to Act, or the Obligation to Act without Knowledge?

Abu Muhammed said: Abu Sulayman, al-Husayn reporting from Abu Ali al-Karabisi, al-Harith ibn Asad al-Muhasibi, and others said that the report of a single upright transmitter from another like him, continuing back to the Messenger of Allah ﷺ, establishes both knowledge and the obligation to act. This is our position. Ahmad ibn Ishaq, known as Ibn Khuwayz Mindad, also related this position from Malik ibn Anas. The Hanafis, the Shafiis, the majority of the Malikis, and all the Mutazilites and Kharijites said that a single-transmitter report does not establish knowledge. What all of them mean by this is that it may possibly be false or contain an error. They all agreed on this. Some treated a report with a chain traced back to its source and a report omitting the intermediary to the Prophet as equivalent, while others said that a report omitting that intermediary establishes neither knowledge nor an obligation to act, although it may possibly be true. The Mutazilites and Kharijites made this their argument for refraining from acting upon it.

فصل هل يوجب خبر الواحد العدل العلم مع العمل أو العمل دون العلم قال أبو محمد قال أبو سليمان والحسين عن أبي علي الكرابيسي والحارث بن أسد المحاسبي وغيرهم أن خبر الواحد العدل عن مثله إلى رسول الله صلى الله عليه وسلم يوجب العلم والعمل معا وبهذا نقول وقد ذكر هذا القول أحمد بن إسحاق المعروف بابن خويز منداد عن مالك بن أنس وقال الحنفيون والشافعيون وجمهور المالكيين وجميع المعتزلة والخوارج إن خبر الواحد لا يوجب العلم ومعنى هذا عند جميعهم أنه قد يمكن أن يكون كذبا أو موهوما فيه واتفقوا كلهم في هذا وسوى بعضهم بين المسند والمرسل وقال بعضهم المرسل لا يوجب علما ولا عملا وقد يمكن أن يكون حقا وجعلت المعتزلة والخوارج هذا حجة لهم في ترك العمل به قالوا ما جاز أن يكون كذبا أو خطأ فلا يحل الحكم به في دين الله عز وجل ولا أن يضاف إلى الله تعالى ولا إلى رسول الله صلى الله عليه وسلم ولا يسع أحدا أن يدين به وقال سائر من ذكرنا إنه يوجب العمل واحتج كل من ذكرنا بأن هذه صفة كل خبر واحد في جواز الكذب وتعمده وإمكان السهو فيه، وإن لم يتعمد الكذب. وقال أبو بكر بن كيسان الأصم البصري: لو أن مائة خبر مجموعة قد ثبت أنها كلها صحاح إلا واحدا منها لا يعرف بعينه أيها هو قال: فإن الواجب التوقف عن جميعها، فكيف وكل خبر منها لا يقطع على أنه حق متيقن، ولا يؤمن فيه الكذب والنسخ والغلط. قال أبو محمد: أما احتجاج من احتج بأن صفة كل خبر واحد هي أنه يجوز عليه الكذب والوهم فهو كما قالوا، إلا أن يأتي برهان حسي ضروري أو برهان منقول نقلا يوجب العلم من نص ضروري على أن الله تعالى قد برأ بعض الأخبار من ذلك، فيخرج بدليله عن أن يجوز فيه الكذب والوهم،

[41] **Translator's note (L290):** «أجزيتموه» is irregular in this context; "you allowed it" reflects the apparent intended sense, corresponding to «أجزتموه». "A person who has acquired the status of marital protection" renders the technical legal term «المحصن», referring here to the status associated with a qualifying consummated marriage. The example explicitly says permitting a traveler to fast during Ramadan; it has been retained as supplied.

[42] **Translator's note (L291):** The wording «ومن الوضوء بالنبيذ» sits awkwardly within the list governed by "requiring." It is rendered as the separate item "ablution with date or raisin infusion," preserving the apparent construction rather than treating the infusion as a cause that invalidates ablution.

[43] **Translator's note (L293):** «لا يعزى منه بشر» is anomalous here. The bracketed "free" reflects the likely intended reading «لا يعرى منه بشر», "no human being is free of it"; the supplied wording has not been silently treated as sound. The Quranic quotations correspond to 28:20 and 28:25 and repeatedly omit initial alifs in their transcription. In particular, «نخرج» has been interpreted as the imperative "so leave," corresponding to standard «فاخرج»; as supplied, it could instead be read "then he went out."

[44] **Qur'an references (L289):** Qur'an 28:25 (Al-Qasas).

They said: "Whatever may possibly be false or erroneous cannot lawfully be used to give judgment in the religion of Allah, mighty and majestic, or be attributed to Allah Most High or to the Messenger of Allah ﷺ. Nor is anyone permitted to adopt it as a matter of religion." The rest of those we have mentioned said that it establishes an obligation to act. All those we have mentioned argued that this is the character of every single-transmitter report with respect to the possibility of falsehood and its deliberate commission and the possibility of inadvertence in it, even if he does not deliberately lie. Abu Bakr ibn Kaysan al-Asamm al-Basri said: "If a collection of one hundred reports were established to be entirely authentic except for one, whose particular identity was unknown," he said, "then one must suspend judgment on them all. How much more so when none of these reports can be decisively affirmed to be certainly true, and none is secure against falsehood, abrogation, or error?" Abu Muhammed said: As for the argument of those who contend that every solitary report is characterized by being susceptible to falsehood and misapprehension, it is as they say, unless there comes a necessary sensory demonstration, or a demonstration transmitted through a transmission that yields knowledge, from a necessarily established text, that Allah Most High has exempted certain reports from this. Such a report is then excluded, by the evidence establishing its exemption, from susceptibility to falsehood and misapprehension.[45]

L296–297 The Muʿtazilites and everyone who disagrees with us on this point have agreed with us that a report of the Prophet ﷺ concerning the revealed law cannot contain falsehood or misapprehension, because evidence establishes this. The proponents of analogy have said that the community's consensus on analogy is protected from error, unlike the consensus of the other religious communities, because of evidence they claim establishes this. Likewise, you

[45] **Translator's note (L294):** The attribution «قال أبو سليمان والحسين عن أبي علي الكرابيسي» is syntactically awkward. The translation retains al-Husayn as a named person reporting from Abu Ali al-Karabisi, without supplying an identification or changing the attribution. "A report with a chain traced back to its source" renders «المسند»; "a report omitting the intermediary to the Prophet" renders «المرسل». The distinction between these forms of transmission is retained.

وقد وافقنا المعتزلة وكل من يخالفنا في هذا المكان على أن خبر النبيصلى الله عليه وسلم في الشريعة لا يجوز فيه الكذب ولا الوهم لقيام الدليل على ذلك. وقال أصحاب القياس: إن إجماع الأمة على القياس معصوم من الخطأ بخلاف إجماع سائر الملل لقيام دليل ادعوه في ذلك، وكما أجمعتم معنا على القطع ببراءة عائشة رضي الله عنها، وخروج ما قذفت به عن الإمكان لقيام البرهان بذلك عند جميعكم وعندنا، وقد ادعى الروافد منكم هذا في خبر الإمام، فإن وجدنا نحن برهانا على أن خبر الواحد المتصل إلى رسول الله صلى الله عليه وسلم في أحكام الشريعة لا يجوز عليه الكذب ولا الوهم فقد صح قولنا وقولهم في أن خبر النبي صلى الله عليه وسلم في الشريعة لا يجوز عليه

have agreed with us in decisively affirming the innocence of ʿA'ishah, may Allah be pleased with her, and that what she was accused of lies outside the realm of possibility, because demonstration establishes this according to all of you and according to us. The Rafidites among you have claimed this concerning the report of the imam. If, then, we find a demonstration that a solitary report with a continuous chain of transmission reaching the Messenger of Allah ﷺ concerning the rulings of the revealed law cannot contain falsehood or misapprehension, our position is established, as is their position that a report of the Prophet ﷺ concerning the revealed law cannot contain falsehood or misapprehension. If we find no demonstration of this, then their position stands. But demonstration of this has indeed been established—praise be to Allah—as we shall explain, if Allah Most High wills. As for Ibn Kaysan's statement, it is false, because it is an assertion without evidence. Rather, what is obligatory in that case is to investigate the unsound and the abrogated report until it is identified and avoided. Otherwise, acting upon the reports is obligatory, because the governing principle is the obligation to act upon the Sunnahs until invalidity or abrogation is established concerning them. Otherwise, they remain free of abrogation, falsehood, and misapprehension until something of this is established concerning a report, whereupon it is abandoned, on account of the words of Allah Most High: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and fairer in outcome"; and on account of His words, Most High: "Follow what has been sent down to you from your Lord, and do not follow protectors apart from Him. Little do you take heed"; and on account of His words, Most High: "With clear proofs and scriptures. And We have sent down to you the

الكذب والوهم وإن لم نجد برهانا على ذلك فهو قولهم، وقد صح البرهان بذلك، ولله الحمد على ما نذكره إن شاء الله تعالى. وأما قول ابن كيسان فباطل لأنه دعوى بلا دليل، بل الواجب حينئذ البحث عن الخبر الواهي والمنسوخ حتى يعرف فيجتنب، وإلا فالعمل واجب، لأن الأصل وجوب العمل بالسنن حتى يصح فيها بطلان أو نسخ، وإلا فهي على البراءة من النسخ ومن الكذب والوهم حتى يصح في الخبر شيء من ذلك فيترك لقول الله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} ولقوله تعالى {تبعوا مآ أنزل إليكم من ربكم ولا تتبعوا من دونه أولياآء قليلا ما تذكرون} ولقوله تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون}

Reminder, so that you may explain to people what has been sent down to them, and so that they may reflect."[46][47][48]

L298–300 We know without doubt that the Qur'an contains abrogated verses, on account of His words, Most High: "Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?" Scholars have disagreed concerning them: one group has said of a verse that it is abrogated, while another group has said that it is not abrogated but remains in force. Yet no Muslim whatsoever, neither Ibn Kaysan nor anyone else, has said that one must refrain from acting upon anything in the Qur'an on that account, for fear of acting upon something abrogated upon which it is unlawful to act. Rather, one must act upon every verse of it until its abrogation is established, whereupon acting upon it is abandoned. Ibn Kaysan's position necessarily entails abandoning the truth with certainty. There is no difference between abandoning the truth with certainty and acting upon falsehood with certainty: both are unlawful. Ibn Kaysan has thus hastened upon himself the very thing from which he fled, and something worse, because he has abandoned the truth with certainty for fear of falling into an error into which he might never fall. This is as you see. ʿAli said: Now we begin, if Allah Most High wills, to present the demonstrations that a solitary report transmitted by an upright transmitter, with a continuous chain reaching the Messenger of Allah ﷺ, concerning the rulings of the revealed law yields knowledge and is absolutely incapable of containing falsehood or misapprehension. We say—and success comes through Allah Most High—that Allah, Mighty and Majestic, said concerning His Prophet ﷺ: "He does not speak from desire. It is nothing but rev-

وقد علمنا أن في القرآن آيات منسوخة بلا شك لقوله تعالى: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن الله على كل شيء قدير} وقد اختلف العلماء فيها: فطائفة قالت في آية إنها منسوخة، وطائفة قالت ليست منسوخة بل هي محكمة. فما قال مسلم قط لا ابن كيسان ولا غيره: إن الواجب التوقف عن العمل بشيء من القرآن من أجل ذلك، وخوفا أن يعمل بمنسوخ لا يحل العمل به، بل الواجب العمل بكل آية منه حتى يصح النسخ فيها فيترك العمل بها. وقول ابن كيسان يوجب ترك الحق يقينا، ولا فرق بين ترك الحق يقينا وبين العمل بالباطل يقينا، وكلاهما لا يحل، فقد تعجل ابن كيسان لنفسه الذي فر عنه وأشد منه، لأنه ترك الحق يقينا خوف أن يقع في خطأ لعله لا يقع فيه وهذا كما ترى قال علي وهذا حين نأخذ إن شاء الله تعالى في إيراد البراهين على أن خبر الواحد العدل المتصل إلى رسول الله صلى الله عليه وسلم في أحكام الشريعة يوجب العلم ولا يجوز فيه البتة الكذب ولا الوهم. فنقول وبالله تعالى التوفيق قال الله عز وجل عن نبيه صلى الله عليه وسلم {وما ينطق عن لهوى * إن هو إلا وحي يوحى} وقال تعالى آمرا لنبيه عليه الصلاة والسلام أن يقول {قل ما كنت بدعا من لرسل ومآ أدري ما يفعل بي ولا بكم إن أتبع إلا ما يوحى إلي ومآ أنا إلا نذير مبين} وقال تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} وقال تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فصح أن كلام رسول الله صلى الله عليه وسلم كله في الدين وحي من عند الله عز وجل لا شك في ذلك ولا خلاف بين أحد من أهل اللغة والشريعة في أن كل وحي نزل من عند الله تعالى فهو ذكر منزل، فالوحي كله محفوظ بحفظ الله تعالى له بيقين، وكل ما تكفل الله بحفظه فمضمون ألا يضيع منه وألا يحرف منه شيء أبدا تحريفا لا يأتي البيان

[46] **Translator's note (L296):** "The Rafidites" renders the apparent intended sectarian designation, but the supplied text reads al-rawafid with a final dal rather than the customary dad. The quotation of Qur'an 4:59 contains repeated omissions of the initial alif in familiar words; the translation follows the identifiable wording.

[47] **Translator's note (L297):** The Qur'anic quotations, continuing 4:59 and then citing 7:3 and 16:44, repeatedly omit initial alifs in the transcription. The opening imperative in 7:3 is likewise written without its initial alif.

[48] **Qur'an references (L296):** Qur'an 4:59 (An-Nisa); Qur'an 7:3 (Al-A'raf); Qur'an 16:44 (An-Nahl).

elation revealed." And He, Most High, said, commanding His Prophet ﷺ to say: "Say: I am no unprecedented one among the messengers, and I do not know what will be done with me or with you. I follow only what is revealed to me, and I am only a clear warner." And He, Most High, said: "Indeed, We Ourself have sent down the Reminder, and indeed We shall preserve it." And He, Most High, said: "With clear proofs and scriptures. And We have sent down to you the Reminder, so that you may explain to people what has been sent down to them, and so that they may reflect." It is thus established that all the speech of the Messenger of Allah ﷺ concerning religion is revelation from Allah, Mighty and Majestic. There is no doubt about this, and no disagreement among any of those versed in language and the revealed law that every revelation sent down from Allah Most High is a Reminder sent down. All revelation is therefore certainly preserved through Allah Most High's preservation of it. Everything whose preservation Allah has undertaken is guaranteed never to have anything of it lost, or anything of it distorted with a distortion whose falsity is not made clear. For if anything else were possible, the speech of Allah Most High would be falsehood and His guarantee would be broken. This does not occur to anyone possessing the slightest understanding. It necessarily follows that what Muhammed ﷺ brought us is preserved through Allah Most High's undertaking to preserve it, and is conveyed just as it is to every seeker of it among those who will come, continually until the world's end. He, Most High, said: "Say: What thing is greatest in testimony? Say: Allah is witness between me and you. This Qur'an has been revealed to me so that I may warn you through it, and whoever it reaches. Do you indeed testify that there are other gods alongside

ببطلانه، إذ لو جاز غير ذلك لكان كلام الله تعالى كذبا وضمانه خائسا، وهذا لا يخطر ببال ذي مسكة عقل فوجب أن الذي أتانا به محمد صلى الله عليه وسلم محفوظ بتولي الله تعالى حفظه مبلغ كما هو إلى كل ما طلبه مما يأتي أبدا إلى انقضاء الدنيا قال تعالى {قل أي شيء أكبر شهادة قل لله شهيد بيني وبينكم وأوحي إلي هذا لقرآن لأنذركم به ومن بلغ أئنكم لتشهدون أن مع لله آلهة أخرى قل لا أشهد قل إنما هو إله واحد وإنني بريء مما تشركون}

Allah? Say: I do not testify. Say: He is only One God, and I am free of what you associate with Him."[49][50][51][52]

L301–304 Since this is so, we know by necessary knowledge that there is absolutely no possibility of anything the Messenger of Allah ﷺ said concerning religion being lost, and absolutely no possibility of fabricated falsehood becoming mingled with it in such a way that no person can distinguish it with certainty. For if that were possible, the Reminder would not be preserved, and the words of Allah Most High, "Indeed, We Ourself have sent down the Reminder, and indeed We shall preserve it," would be falsehood and a broken promise. No Muslim says this. If someone says, "By this He, Most High, meant only the Qur'an: it is what He, Most High, guaranteed to preserve, for the rest of the revelation that is not Qur'an," we say to him—and success comes through Allah Most High: This is a false assertion devoid of demonstration, and a restriction of the Reminder's scope without evidence. Anything of this kind is false, on account of His words, Most High: "They said: None shall enter the Garden unless he is a Jew or a Christian. Those are their wishes. Say: Bring your demonstration, if you are truthful." It is thus established that he has no demonstration for his assertion, and therefore is not truthful in it. "The Reminder" is a designation applying to everything Allah sent down to His Prophet ﷺ, whether Qur'an or a Sunnah that is revelation through which he explains the Qur'an. Furthermore, Allah Most High says: "With clear proofs and scriptures. And We have sent down to you the Reminder, so that you may explain to people what has been sent down to them, and so that they may reflect." It is thus established that he ﷺ

فإذ ذلك كذلك فبالضروري ندري أنه لا سبيل البتة إلى ضياع شيء قاله رسول الله صلى الله عليه وسلم في الدين ولا سبيل البتة إلى أن يختلط به باطل موضوع اختلاطا لا يتميز عن أحد من الناس بيقين، إذ لو جاز ذلك لكان الذكر غير محفوظ ولكان قول الله تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} كذبا ووعدا مخلفا وهذا لا يقوله مسلم. فإن قال قائل: إنما عنى تعالى بذلك القرآن وحده، فهو الذي ضمن تعالى حفظه لسائر الوحي الذي ليس قرآنا. قلنا له وبالله تعالى التوفيق: هذه دعوى كاذبة مجردة من البرهان، وتخصيص للذكر بلا دليل، وما كان هكذا فهو باطل لقوله تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} فصح أن لا برهان له على دعواه، فليس بصادق فيها، والذكر اسم واقع على كل ما أنزل الله على نبيه صلى الله عليه وسلم من قرآن أو من سنة وحي يبين بها القرآن وأيضا فإن الله تعالى يقول {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فصح أنه عليه السلام مأمور ببيان القرآن للناس وفي القرآن مجمل كثير كالصلاة والزكاة والحج وغير ذلك مما لا نعلم ما ألزمنا الله تعالى فيه بلفظه لكن بيان رسول الله صلى الله عليه وسلم فإذا كان بيانه عليه السلام لذلك المجمل غير محفوظ ولا مضمون سلامته مما ليس منه، فقد بطل الانتفاع بنص القرآن فبطلت أكثر الشرائع المفترضة علينا فيه، فإذا لم ندر صحيح مراد الله تعالى منها، فما أخطأ فيه المخطىء أو تعمد فيه الكذب الكاذب، ومعاذ الله من هذا، وأيضا نقول لمن قال: إن خبر الواحد العدل عن مثله مبلغا إلى النبي صلى الله عليه وسلم لا يوجب العلم وإنما يجوز فيه الكذب والوهم، وأنه غير مضمون الحفظ: أخبرونا هل يمكن عندكم أن تكون شريعة فرض أو تحريم أتى بها رسول الله صلى الله عليه وسلم ومات وهي

[49] **Translator's note (L298):** In the quotation of Qur'an 2:106, the transcription writes the divine name without its initial alif.

[50] **Translator's note (L299):** The Qur'anic quotations repeatedly omit initial alifs in the transcription. They are identifiable as 53:3–4, 46:9, 15:9, and 16:44.

[51] **Translator's note (L300):** The phrase rendered "to every seeker of it among those who will come" reads literally "to every what sought it, of what comes." Its pronouns and relative expressions appear corrupt; the translation gives the apparent sense without treating the supplied wording as grammatically regular. The quotation of Qur'an 6:19 repeatedly omits initial alifs in the transcription.

[52] **Qur'an references (L298):** Qur'an 2:106 (Al-Baqarah); Qur'an 53:4 (An-Najm); Qur'an 46:9 (Al-Ahqaf); Qur'an 16:44 (An-Nahl); Qur'an 6:19 (Al-An'am).

is commanded to explain the Qur'an to people. The Qur'an contains much that is stated without elaboration, such as prayer, obligatory alms, pilgrimage, and other matters concerning which we do not know, from its wording, what Allah Most High has made binding upon us, but rather through the explanation of the Messenger of Allah ﷺ. If, then, his ﷺ explanation of what is stated without elaboration is not preserved, and its freedom from what does not belong to it is not guaranteed, benefiting from the text of the Qur'an has become impossible, and most of the religious ordinances made obligatory upon us in it have become void. If we do not know what Allah truly intended by them, then what the mistaken person got wrong in it, or the liar deliberately falsified in it—Allah forbid this! Furthermore, we say to whoever says that a solitary report transmitted by an upright transmitter from another like him, reaching back to the Prophet ﷺ, does not yield knowledge, but is susceptible to falsehood and misapprehension and is not guaranteed preservation: Tell us, is it possible, in your view, that there should be a religious ordinance imposing an obligation or prohibition which the Messenger of Allah ﷺ brought, and that he died while it remained in force and binding upon Muslims, unabrogated, but that it then became unknown, so that no one knows it with certain knowledge among the people of Islam anywhere in the world, ever? And do you consider it possible that a ruling fabricated through lying or produced by an error of misapprehension could have gained acceptance, remained in force, and become mingled with the rulings of the revealed law in such a way that no one among the people of

باقية لازمة للمسلمين غير منسوخة، فجهلت حتى لا يعملها علم يقين أحد من أهل الإسلام في العالم أبدا، وهل يمكن عندكم أن يكون حكم موضوع بالكذب أو بخطأ بالوهم قد جاز ومضى واختلط بأحكام الشريعة اختلاطا لا يجوز أن يميزه أحد من أهل الإسلام في العالم أبدا، أم لا يمكن عندكم شيء من هذين الوجهين؟.

Islam anywhere in the world could ever distinguish it? Or do you consider it impossible for either of these two possibilities to occur?[53][54][55]

L305–310 If they say, "Neither can ever occur; rather, we have been assured against that," they have come over to our position and affirmed with certainty that every report concerning religion transmitted by a trustworthy transmitter from another trustworthy transmitter, with a chain of transmission traced to the Messenger of Allah ﷺ, is true: he ﷺ said it exactly as it stands. It yields knowledge, and we affirm its authenticity with certainty. A fabricated report, or one involving a misapprehension, which the Messenger of Allah ﷺ never uttered, cannot become mingled with it in such a way that falsehood can never be distinguished from truth. But if they say, "Rather, all of that is possible," they have thereby judged that the religion—the religion of Islam—has become corrupted, that most of it has become invalid, and that what Allah Most High commanded has become mingled with what He did not command in such a way that no one can ever distinguish them. They can never distinguish what Allah Most High commanded them from what He did not command them, nor what liars and those who treat religion lightly fabricated from what the Messenger of Allah ﷺ brought, except through conjecture, which is the most false of speech and avails nothing against the truth. This is a shedding of Islam, a demolition of religion, and a casting

فإن قالوا: لا يمكان أبدا، بل قد أمنا ذلك، صاروا إلى قولنا وقطعوا أن كل خبر رواه الثقة عن الثقة مسندا إلى رسول الله صلى الله عليه وسلم في الديانة فإنه حق قد قاله عليه السلام كما هو وأنه يوجب العلم ونقطع بصحته ولا يجوز أن يختلط به خبر موضوع أو موهوم فيه لم يقله رسول الله صلى الله عليه وسلم قط اختلاطا لا يتميز فيه الباطل من الحق أبدا. وإن قالوا: بل كل ذلك ممكن كانوا قد حكموا بأن الدين دين الإسلام قد فسد وبطل أكثره، واختلط ما أمر الله تعالى به مع ما لم يأمر به اختلاطا لا يميزه أحد أبدا، وأنهم لا يدرون أبدا ما أمرهم به الله تعالى مما لم يأمرهم به، ولا ما وضعه الكاذبون والمستخفون مما جاء به رسول الله صلى الله عليه وسلم إلا بالظن الذي هو أكذب الحديث والذي لا يغني من الحق شيئا وهذا انسلاخ من الإسلام، وهدم للدين، وتشكيك في الشرائع. ثم نقول لهم: أخبرونا إن كان ذلك كله ممكنا عندكم، فهل أمركم الله تعالى بالعمل بما رواه الثقات مسندا إلى رسول الله صلى الله عليه وسلم أو لم يأمركم بالعمل به ولا بد من أحدهما فإن قالوا: لم يأمرنا الله تعالى بذلك لحقوا بالمعتزلة، وسيأتي جوابهم على هذا القول إن شاء الله تعالى وإن قالوا بل أمرنا الله تعالى بالعمل بذلك قلنا لهم فقد قلتم إن الله تعالى أمركم بالعمل في دينه بما لم يأمركم به مما وضعه الكذابون، وأخطأ فيه الواهمون، وأمركم بأن تنسبوا إليه تعالى وإلى نبيه صلى الله عليه وسلم ما لم يأتكم به قط وما لم يقله الله تعالى قط ولا رسوله صلى الله عليه وسلم وهذا قطع بأنه عز وجل أمر بالكذب عليه وافترض العمل بالباطل، وبما ليس من الدين، وبما شرع الكذابون مما لم يأذن به الله تعالى وهذا عظيم جدا لا يستجيز القول به مسلم. ثم نسألهم عما قالوا إنه ممكن من سقوط بعض ما قاله

[53] **Translator's note (L301):** The supplied wording literally says "is not distinguished from any of the people," where the argument appears to require "cannot be distinguished by any person." The translation follows that apparent sense; the Arabic construction is irregular.

[54] **Translator's note (L302):** The objection concerning preservation reads "for the rest of the revelation" (li-sa'ir al-wahy), which does not fit the apparent intended contrast. It may be a corruption of "not the rest of the revelation." The supplied reading is retained. The clause beginning "If we do not know" is syntactically incomplete or corrupt in the supplied text. Its following words about the mistaken person and the liar have been retained without supplying a missing conclusion. The final phrase reads "so that no one acts upon it with certain knowledge," but its verb appears to transpose the letters of "knows it." The translation adopts the apparent intended sense, supported by the expression "with certain knowledge." The Qur'anic quotations, from 15:9, 2:111, and 16:44, contain repeated omissions of initial alifs in the transcription.

[55] **Qur'an references (L301):** Qur'an 2:111 (Al-Baqarah); Qur'an 16:44 (An-Nahl).

of doubt upon the prescriptions of the revealed law. Then we say to them: Tell us, if all of that is possible according to you, has Allah Most High commanded you to act upon what trustworthy transmitters have transmitted with a chain of transmission traced to the Messenger of Allah ﷺ, or has He not commanded you to act upon it? It must be one of the two. If they say, "Allah Most High has not commanded us to do that," they have joined the Mu'tazilites, and our answer to them concerning this position will come, if Allah Most High wills. But if they say, "Rather, Allah Most High has commanded us to act upon that," we say to them: You have thus said that Allah Most High commanded you to act, in His religion, upon what He did not command you—things fabricated by liars and things in which those subject to misapprehension erred—and commanded you to attribute to Him Most High and to His Prophet ﷺ what he never brought you, and what neither Allah Most High nor His Messenger ﷺ ever said. This is an unequivocal assertion that He, Mighty and Majestic, commanded that lies be told about Him and made it obligatory to act upon falsehood, upon what does not belong to religion, and upon what liars have legislated without authorization from Allah Most High. This is an exceedingly grave matter, which no Muslim would consider it permissible to assert. Then we ask them about what they say is possible: the loss of some ruling imposing an obligation or prohibition in religion that the Messenger of Allah ﷺ pronounced, until it can be found with no one. Does the obligation to act upon it remain incumbent upon us, or has it ceased to be incumbent upon us? It must be one of the two. If they say, "Rather, it remains incumbent upon us," we say to them: How can we be obliged to act upon what we do not know, what has not reached us and will never reach us? This is the imposition of the burden, constraint, and hardship against which Allah Most High has assured us. But if they say, "Rather, the obligation to act upon it has ceased to be incumbent upon us," we say to them: You have thus allowed the abrogation of prescriptions of the law of Islam which were firmly established, valid, and binding when the Messenger of Allah ﷺ died. Tell us, then, who abrogated them and invalidated them, when he ﷺ died while they were binding upon us and had not been abrogated? This contradicts Islam and constitutes a complete departure from it. If they say, "A ruling of the revealed law which was binding upon

رسول الله صلى الله عليه وسلم من الحكم في الدين بإيجاب أو تحريم حتى لا يوجد عند أحد، هل بقي علينا العمل به أم سقط عنا ولا بد من أحدهما فإن قالوا بل هو باق علينا قلنا لهم كيف يلزمنا العمل بما لا ندري وبما لم يبلغنا ولا يبلغنا أبدا. وهذا هو تحميل الإصر والحرج والعسر الذي قد آمننا الله تعالى منه وإن قالوا بل سقط عنا العمل به قلنا لهم فقد أجزتم نسخ شرائع من شرائع الإسلام مات رسول الله صلى الله عليه وسلم وهي محكمة ثابتة لازمة فأخبرونا من الذي نسخها وأبطلها وقد مات صلى الله عليه وسلم وهي لازمة لنا غير منسوخة وهذا خلاف الإسلام والخروج منه جملة. فإن قالوا لا يجوز أن يسقط حكم شريعة مات رسول الله صلى الله عليه وسلم وهو لازم لنا ولم ينسخ قلنا لهم فمن أين أجزتم هذا النوع من الحفظ في الشريعة؟ ولم تجيزوا تمام الحفظ للشريعة في ألا يختلط بها باطل لم يأمر الله تعالى به قط، اختلاطا لا يتميز معه الحق الذي أمر الله تعالى به من الباطل الذي لم يأمر به تعالى قط؟ وهذا لا مخلص لهم منه، ولا فرق بين من منع من سقوط شريعة حق وأجاز اختلاطها بالباطل، وبين من منع من اختلاط الحق في الشريعة بالباطل، وأجاز سقوط شريعة حق، وكل هذا باطل لا يجوز البتة وممتنع قد أمنا كونه ولله الحمد، وإذا صح هذا فقد ثبت يقينا أن خبر الواحد قد أمنا كونه ولله الحمد وإذا صح هذا فقد ثبت يقينا أن خبر الواحد العدل عن مثله مبلغا إلى رسول الله صلى الله عليه وسلم حق مقطوع به موجب للعمل والعلم معا وأيضا قال الله تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} وقد قال تعالى {يأيها لرسول بلغ مآ أنزل إليك من ربك وإن لم تفعل فما بلغت رسالته ولله يعصمك من لناس إن لله لا يهدي لقوم لكافرين} نسألهم هل بين رسول الله صلى الله عليه وسلم ما أنزل الله إليه أو لم يبين

وهل بلغ ما أنزل الله إليه أو لم يبلغ ولا بد من أحدهما فمن قولهم إنه عليه السلام قد بلغ ما أنزل الله إليه وبينه للناس وأقام به الحجة على من بلغه، فنسألهم عن ذلك التبليغ. وذلك البيان: أهما باقيان عندنا وإلى يوم القيامة؟ أم هما غير باقيين؟ فإن قالوا: بل هما باقيان وإلى يوم القيامة رجعوا إلى قولنا، وأقروا أن الحق من كل ما أنزل الله تعالى في الدين مبين مما لم ينزله، مبلغ إلينا وإلى يوم القيامة، وهذا هو نص قولنا في أن خبر الواحد العدل عن مثله مسندا إلى رسول الله صلى الله عليه وسلم حق مقطوع على مبينه موجب للعلم والعمل وإن قالوا: بل هما غير باقين، دخلوا في عظيمة وقطعوا بأن كثيرا من الدين قد بطل، وإن التبليغ قد سقط في كثير من الشرائع وأن تبيين رسول الله صلى الله عليه وسلم لكثير من الدين قد ذهب ذهابا لا يوجد معه أبدا، وهذا هو قول الروافض بل شر منه، لأن الروافض ادعت أن حقيقة الدين موجودة عند إنسان مضمون كونه في العالم، وهؤلاء أبطلوه من جميع العالم، ونعوذ بالله من كلا القولين.

us and had not been abrogated when the Messenger of Allah ﷺ died cannot be lost," we say to them: On what grounds have you allowed this kind of preservation within the revealed law, yet have not allowed the complete preservation of the revealed law, such that no falsehood which Allah Most High never commanded can become mingled with it in a way that prevents the truth which Allah Most High commanded from being distinguished from the falsehood which He Most High never commanded? They have no escape from this. There is no difference between someone who rules out the loss of a true prescription of the revealed law but allows its intermingling with falsehood, and someone who rules out the intermingling of truth with falsehood within the revealed law but allows the loss of a true prescription of the revealed law. All of this is false, utterly inadmissible, and impossible; we have been assured against its occurrence, and praise belongs to Allah. Once this is established, it has been established with certainty that the single-transmitter report—we have been assured against its occurrence, and praise belongs to Allah. Once this is established, it has been established with certainty that the report of a single upright transmitter from another like him, conveyed through to the Messenger of Allah ﷺ, is a truth established with certainty, requiring both action and knowledge. Furthermore, Allah Most High said: {With clear proofs and the scriptures; and We have sent down to you the Reminder, so that you may make clear to people what has been sent down to them, and so that they may reflect.} And He Most High said: {O Messenger, convey what has been sent down to you from your Lord. If you do not, you will not have conveyed His message. Allah will protect you from people. Indeed, Allah does not guide the disbelieving people.} We ask them: Did the Messenger of Allah ﷺ make clear what Allah sent down to him, or did he not make it clear? And did he convey what Allah sent down to him, or did he not convey it? It must be one of the two. Their position is that he ﷺ conveyed what Allah sent down to him, made it clear to people, and thereby established the conclusive argument against everyone whom it reached. We therefore ask them about that conveyance and that clarification: Do they both remain with us, and until the Day of Resurrection, or do they no longer remain? If they say, "Rather, they both remain, and until the Day of Resurrection," they have returned to our position and acknowledged

that the truth comprising everything Allah Most High sent down concerning religion is clearly distinguished from what He did not send down, and is conveyed to us and will be until the Day of Resurrection. This is precisely our position: that the report of a single upright transmitter from another like him, with a chain of transmission traced to the Messenger of Allah ﷺ, is true, its clarified content is established with certainty, and it yields knowledge and requires action. But if they say, "Rather, they no longer remain," they have entered into a grave matter and categorically asserted that much of religion has become invalid, that conveyance has been lost with respect to many prescriptions of the revealed law, and that the Messenger of Allah's ﷺ clarification of much of religion has disappeared in such a way that it can never again be found. This is the position of the Rejecters—indeed, worse than it—for the Rejecters claimed that the true reality of religion exists with a person whose presence in the world is guaranteed, whereas these people have declared it lost from the entire world. We seek refuge in Allah from both positions.[56][57][58][59]

L311–328 Furthermore, Allah Most High said: {Say: My Lord has forbidden only indecencies, whether outward or hidden, sin, transgression without right, your associating with Allah that for which He has sent down no authority, and your saying about Allah what you do not know.} And He Most High said: {They are only names which you and your fathers have named, for which Allah has sent down no authority. They follow only conjecture and what their souls desire, although guidance has already come to them from their

وأيضا فإن الله تعالى قال {قل إنما حرم ربي لفواحش ما ظهر منها وما بطن ولإثم ولبغي بغير لحق وأن تشركوا بالله ما لم ينزل به سلطانا وأن تقولوا على الله ما لا تعلمون} وقال تعالى {إن هي إلا أسمآء سميتموهآ أنتم وآبآؤكم مآ أنزل الله بها من سلطان إن يتبعون إلا لظن وما تهوى لأنفس ولقد جآءهم من ربهم لهدى} وقال تعالى {وما لهم به من علم إن يتبعون إلا لظن وإن لظن لا يغني من لحق شيئا} وقال تعالى ذاما لقوم قالوا {وإذا قيل إن وعد الله حق ولساعة لا ريب فيها قلتم ما ندري ما لساعة إن نظن إلا ظنا وما نحن بمستيقنين} وقال تعالى {سيقول لذين أشركوا لو شآء الله مآ أشركنا ولا آباؤنا ولا حرمنا من شيء كذلك كذب لذين من قبلهم حتى ذاقوا بأسنا قل هل عندكم من علم فتخرجوه لنآ إن تتبعون إلا لظن وإن أنتم إلا تخرصون} وقد صح أن الله تعالى افترض علينا العمل بخبر الواحد الثقة عن مثله مبلغا إلى رسول الله صلى الله عليه وسلم وأن نقول أمر رسول الله صلى الله عليه وسلم بكذا وقال عليه

[56] **Translator's note (L308):** The source repeats a passage beginning with the assertion about the single-transmitter report, interrupting that assertion with "we have been assured against its occurrence." This apparent duplication has been retained. The Quranic quotations contain repeated orthographic omissions of alifs, including those in definite articles. The translations follow the recognizable wording without treating those spelling defects as changes of meaning.

[57] **Translator's note (L309):** The expression rendered "its clarified content is established with certainty" contains the unclear reading مبينه. This may be a transcription error; its precise intended sense is uncertain.

[58] **Translator's note (L310):** "The Rejecters" renders al-Rawāfiḍ, the author's polemical designation for a Shi'i group.

[59] **Qur'an references (L305):** Qur'an 16:44 (An-Nahl); Qur'an 5:67 (Al-Ma'idah).

Lord.} And He Most High said: {They have no knowledge of it. They follow only conjecture, and conjecture avails nothing against the truth.} And He Most High said, censuring a people who said: {And when it was said, "Indeed, Allah's promise is true, and the Hour—there is no doubt about it," you said, "We do not know what the Hour is. We only conjecture, and we have no certainty."} And He Most High said: {Those who associate partners will say, "Had Allah willed, neither we nor our fathers would have associated partners, nor would we have forbidden anything." Likewise, those before them denied until they tasted Our might. Say: "Do you have any knowledge that you can bring forth for us? You follow only conjecture, and you do nothing but guess."} It has been established that Allah Most High has made it obligatory for us to act upon the report of a single trustworthy transmitter from another like him, conveyed through to the Messenger of Allah ﷺ, and to say, "The Messenger of Allah ﷺ commanded such-and-such," "He ﷺ said such-and-such," and "He ﷺ did such-and-such." He has forbidden speaking concerning His religion on the basis of conjecture, and He Most High has forbidden us to say anything about Him except with knowledge. Thus, if the aforementioned report admitted of lying or misapprehension, Allah Most High would have commanded us to say about Him what we do not know, and He Most High would have obliged us to pass judgment concerning religion on the basis of conjecture of which we have no certainty: conjecture which is falsehood, which avails nothing against the truth, and which is other than the guidance that has come to us from Allah Most High. This is the lying, fabrication, and falsehood which it is unlawful to affirm, and which Allah Most High has forbidden us to affirm, together with forbidden conjectural fabrication. Thus it is established with certainty that the report in question is true, that the unseen reality it reports is conclusively certain, and that it entails both knowledge and action. Success comes through Allah Most High. Everyone who says that acting upon a solitary report is obligatory, while nevertheless maintaining that it is conjecture, that the truth of the unseen reality it reports cannot be conclusively established, and that it does not entail knowledge, thereby says that Allah Most High has required us, as an act of worship, to say about Him Most High that of which we have no knowledge, and to judge in our religion by the conjecture by which He

السلام كذا وفعل عليه السلام كذا وحرم القول في دينه بالظن وحرم تعالى أن نقول عليه إلا بعلم فلو كان الخبر المذكور يجوز فيه الكذب، أو الوهم لكنا قد أمرنا الله تعالى بأن نقول عليه ما لا نعلم، ولكان تعالى قد أوجب علينا الحكم في الدين بالظن الذي لا نتيقنه، والذي هو الباطل الذي لا يغني من الحق شيئا، والذي هو غير الهدى الذي جاءنا من عند الله تعالى، وهذا هو الكذب والإفك والباطل الذي لا يحل القول به، والذي حرم الله تعالى علينا أن نقول به، وبالتخرص المحرم فصح يقينا أن الخبر المذكور حق مقطوع على غيبه، موجب للعلم والعمل معا، وبالله تعالى التوفيق. وصار كل من يقول بإيجاب العمل بخبر الواحد، وأنه مع ذلك ظن لا يقطع بصحة غيبه، ولا يوجب العلم قائلا بأن الله تعالى تعبدنا أن نقول عليه تعالى ما ليس لنا به علم، وأن نحكم في ديننا بالظن الذي قد حرم تعالى علينا أن نحكم به في الدين، وهذا عظيم جدا وأيضا فإن الله تعالى يقول {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وقال تعالى {ومن يبتغ غير لإسلام دينا فلن يقبل منه وهو في لآخرة من لخاسرين} وقال تعالى {إن الدين عند لله لإسلام وما ختلف لذين أوتوا لكتاب إلا من بعد ما جآءهم لعلم بغيا بينهم ومن يكفر بآيات لله فإن لله سريع لحساب} وقال تعالى {كان لناس أمة واحدة فبعث لله لنبيين مبشرين ومنذرين وأنزل معهم لكتاب بلحق ليحكم بين لناس فيما ختلفوا فيه وما ختلف فيه إلا لذين أوتوه من بعد ما جآءتهم لبينات بغيا بينهم فهدى لله لذين آمنوا لما ختلفوا فيه من لحق بإذنه ولله يهدي من يشآء إلى صراط مستقيم} قال أبو

Most High has forbidden us to judge in religion. This is exceedingly grave. Furthermore, Allah Most High says: "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, animals strangled, beaten to death, killed by a fall, or gored to death, and that which a predatory beast has eaten—except what you slaughter—and what is slaughtered upon sacrificial stones, and that you seek allotments through divining arrows. That is sinful disobedience. Today those who disbelieve have despaired of your religion; so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful." And He Most High says: "Whoever seeks a religion other than Islam, it will never be accepted from him, and in the Hereafter he will be among the losers." And He Most High says: "Indeed, the religion with Allah is Islam. Those who were given the Scripture differed only after knowledge had come to them, out of mutual transgression. Whoever disbelieves in Allah's signs—Allah is swift in reckoning." And He Most High says: "Humankind was one community. Then Allah sent the prophets as bearers of glad tidings and as warners, and sent down with them the Scripture in truth, to judge between people concerning that over which they differed. None differed over it except those who were given it, after the clear proofs had come to them, out of mutual transgression. Then Allah guided those who believed, by His permission, to the truth concerning which they differed. Allah guides whomever He wills to a straight path." Abu Muhammed said: We therefore say to whoever allows that what Allah Most High commanded His Prophet ﷺ to explain to us of the law of Islam may be unpreserved, that alteration may occur in it, and that it may become mingled with fabricated falsehood in such a way that the two can never be distinguished: Tell us about Allah's perfecting a religion, His approving Islam as a religion for us, and His refusal to accept any religion other than Islam. Does all this continue to apply to us and remain ours until the Day of Resurrection? Or was it only for the Companions, may Allah be pleased with them? Or was it neither for the Companions nor for us? One of these alternatives is unavoidable. If they say, "Neither for the Companions nor for us," whoever says this is an unbeliever, because he openly declares

محمد: فنقول لمن جوز أن يكون ما أمر الله تعالى به نبيه عليه السلام من بيان شريعة الإسلام لنا غير محفوظ وإنه يجوز فيه التبديل، وأن يختلط بالكذب الموضوع اختلاطا لا يتميز أبدا: أخبرونا عن إكمال الله دينا ورضاه الإسلام لنا دينا، ومنعه تعالى من قبول كل دين حاشا الإسلام، أكل ذلك باق علينا ولنا إلى يوم القيامة؟ أم إنما كان ذلك للصحابة رضي الله عنهم فقط؟ أم لا للصحابة ولا لنا؟ ولا بد من أحد هذه الوجوه. فإن قالوا: لا للصحابة ولا لنا، كان قائل هذا القول كافرا لتكذيبه الله تعالى جهارا وهذا لا يقوله مسلم. وأن قالوا: بل كان كل ذلك باق لنا وعلينا إلى يوم القيامة صاروا إلى قولنا ضرورة، وصح أن شرائع الإسلام كلها كاملة، والنعمة بذلك علينا تامة، وأن دين الإسلام الذي ألزمنا الله تعالى اتباعه لأنه هو الدين عنده عز وجل متميز عن غيره الذي لا يقبله الله تعالى من أحد، وأننا ولله الحمد قد هدانا الله تعالى له، وأننا على يقين من أنه الحق وما عداه هو الباطل، وهذا برهان ضروري قاطع على أنه كل ما قاله رسول الله صلى الله عليه وسلم في الدين وفي بيان ما يلزمنا محفوظ لا يختلط به أبدا ما لم يكن منه. وإن قالوا: بل كان ذلك للصحابة رضي الله عنهم، وليس ذلك لنا ولا علينا كانوا قد قالوا الباطل وخصصوا خطاب الله تعالى بدعوى كاذبة، إذ خطابه تعالى بالآيات التي ذكرنا عموم لكل مسلم في الأبد، ولزمهم مع هذه العظيمة أن دين الإسلام غير كامل عندنا، وأنه تعالى رضي لنا منه ما لم ينبته علينا، وألزمنا ما لا ندري أين نجده، أو ألزمنا ما لم ينزله، وافترض علينا اتباع ما كذبه الزنادقة والمستخفون ووضعوه على لسان رسوله صلى الله عليه وسلم أو وهم فيه الواهمون مما لم يقله نبيه صلى الله عليه وسلم وهذا بيقين ليس هو دين الإسلام بل هو إبطال الإسلام جهارا، ولو كان هذا وقد أمنا ولله الحمد أن يكون لكان ديننا كدين اليهود والنصارى الذي أخبرنا الله تعالى أنهم كتبوا الكتاب وقالوا هو من عند الله. قال أبو محمد: حاشا

Allah Most High untruthful. No Muslim says this. If they say, "Rather, all this continues to be ours and to apply to us until the Day of Resurrection," they necessarily arrive at our position, and it is established that all the ordinances of Islam are complete and that the favor thereby bestowed upon us is complete, and that the religion of Islam, which Allah Most High has obliged us to follow because it is the religion with Him, mighty and majestic, is distinguishable from everything else, which Allah Most High accepts from no one, and that Allah Most High has guided us to it—praise be to Allah—and that we are certain that it is the truth and that everything other than it is falsehood. This is a necessary, conclusive demonstration that everything the Messenger of Allah ﷺ said concerning religion and in explaining what is binding upon us is preserved, and that nothing that does not belong to it ever becomes mingled with it. If they say, "Rather, that was for the Companions, may Allah be pleased with them, and it is neither ours nor binding upon us," they will have spoken falsehood and restricted the scope of Allah Most High's address by a false claim, for His Most High's address in the verses we have mentioned is general, encompassing every Muslim for all time. Along with this enormity, their position necessarily entails that the religion of Islam is incomplete among us; that He Most High has approved for us something of it that He has not caused to grow upon us; that He has obliged us to follow something we do not know where to find, or obliged us to follow something He has not sent down; and that He has made it obligatory for us to follow what heretics and those who treat religion lightly have fabricated and placed upon the tongue of His Messenger ﷺ, or what those subject to error have mistakenly reported, which His Prophet ﷺ did not say. This is certainly not the religion of Islam; rather, it is the open nullification of Islam. If this were so—though, praise be to Allah, we are secure against its being so—our religion would be like the religion of the Jews and Christians, concerning whom Allah Most High has informed us that they wrote the Scripture and said, "It is from Allah." Abu Muhammed said: Far be this from Allah! Rather, we are assured that Allah Most High spoke truthfully in His saying: "Humankind was one community. Then Allah sent the prophets as bearers of glad tidings and as warners, and sent down with them the Scripture in truth, to judge between people concerning that over which they differed. None

لله من هذا، بل قد وثقنا بأن الله تعالى صدق في قوله {كان لناس أمة واحدة فبعث لله لنبيين مبشرين ومنذرين وأنزل معهم لكتاب بلحق ليحكم بين لناس فيما ختلفوا فيه وما ختلف فيه إلا لذين أوتوه من بعد ما جآءتهم لبينات بغيا بينهم فهدى لله لذين آمنوا لما ختلفوا فيه من لحق بإذنه ولله يهدي من يشآء إلى صراط مستقيم} وأنه تعالى قد هدانا للحق فصح يقينا أن كل ما قاله عليه السلام فقد هدانا الله تعالى له وأنه الحق المقطوع عليه، والعلم المتيقن الذي لا يمكن امتزاجه بالباطل أبدا قال علي وقال بعضهم إذا انقطعت به الأسباب خبر الواحد يوجب علما ظاهرا. قال أبو محمد: وهذا كلام لا يعقل، وما علمنا علما ظاهرا غير باطن، ولا علما باطنا، غير ظاهر، بل كل علم تيقن فهو ظاهر إلى من علمه وباطن في قلبه معا. وكل ظن يتيقن فليس علما أصلا، لا ظاهرا ولا باطنا، بل هو ضلال وشك وظن محرم القول به في دين الله تعالى. ونقول لهم: إذا جاز عندكم أن يكون كثير من دين الإسلام قد اختلط بالباطل، فما يؤمنكم إذ ليس محفوظا من أنه لعل كثيرا من الشرائع قد بطلت، لأنها لم ينقلها أحد أصلا؟ فإن منعوا من ذلك لزمهم المنع من اختلاطها بما ليس منها، لأن ضمان حفظ الله تعالى يقتضي الأمان من كل ذلك فإنه لا يشك أحد من المسلمين قطعا في أن كل ما علمه رسول الله صلى الله عليه وسلم أمته من شرائع الدين واجبها وحرامها ومباحها فإنها سنة الله تعالى وقد قال عز وجل {سنة لله في لذين خلوا من قبل ولن تجد لسنة لله تبديلا} {ستكبارا في لأرض ومكر لسيىء ولا يحيق لمكر لسيىء إلا بأهله فهل ينظرون إلا سنة آلأولين فلن تجد لسنة لله تبديلا ولن تجد لسنة لله تحويلا} هذا نص كلامه تعالى وقد قال تعالى {لهم لبشرى في لحياة لدنيا وفي لآخرة لا تبديل لكلمات لله ذلك هو لفوز لعظيم} فلو جاء أن يكون ما نقله الثقات الذين افترض الله علينا قبول نقلهم والعمل به، والقبول بأنه سنة الله تعالى وبيان نبيه عليه السلام يمكن

differed over it except those who were given it, after the clear proofs had come to them, out of mutual transgression. Then Allah guided those who believed, by His permission, to the truth concerning which they differed. Allah guides whomever He wills to a straight path." And He Most High has indeed guided us to the truth. Thus it is established with certainty that Allah Most High has guided us to everything that he ﷺ said, and that it is conclusively established truth and certain knowledge, which can never become mingled with falsehood. Ali said: One of them said, "When the means available to him are cut off, a solitary report entails outward knowledge." Abu Muhammed said: This is unintelligible speech. We know of no outward knowledge that is not inward, nor any inward knowledge that is not outward. Rather, every item of knowledge held with certainty is manifest to the person who knows it and is inwardly present in his heart at the same time. Every conjecture held with certainty is no knowledge at all, neither outward nor inward; rather, it is error, doubt, and conjecture, which it is forbidden to affirm in the religion of Allah Most High. We say to them: If you allow that much of the religion of Islam may have become mingled with falsehood, what assures you, since it is not preserved, against the possibility that many ordinances have been lost because no one transmitted them at all? If they rule that out, they must also rule out their becoming mingled with what does not belong to them, because the guarantee of preservation given by Allah Most High entails security against all of that. For no Muslim has any doubt whatsoever that everything the Messenger of Allah ﷺ taught his community of the ordinances of religion—what is obligatory, forbidden, and permissible—is the established practice of Allah Most High. He, mighty and majestic, has said: "The established practice of Allah concerning those who passed away before; and you will never find any alteration in the established practice of Allah." "Out of arrogance in the land and the plotting of evil; yet evil plotting encompasses only its perpetrators. Do they await anything but the established practice concerning earlier peoples? You will never find any alteration in the established practice of Allah, and you will never find any diversion in the established practice of Allah." This is the express wording of His Most High's speech. And He Most High has said: "For them are glad tidings in the life of this world and in the Hereafter. There is no

في شيء منه التحويل أو التبديل لكان إخبار الله تعالى بأنه لا يوجد لهما تبديل ولا تحويل كذبا، ولكانت كلماته كذبا، وهذا ما لا يجيزه مسلم أصلا، فصح يقينا لا شك فيه أن كل سنة سنها الله تعالى من الدين لرسوله صلى الله عليه وسلم وسنها رسوله عليه السلام لأمته فإنها لا يمكن في شيء منها تبديل ولا تحويل أبدا وهذا يوجب أن نقل الثقات في الدين يوجب العلم بأنه حق كما هو عند الله تعالى، وقولنا ولله الحمد. وأيضا فإنهم مجمعون معنا على أن رسول الله صلى الله عليه وسلم معصوم من الله تعالى في البلاغ في الشريعة، وعلى تكفير من قال ليس معصوما في تبليغه الشريعة إلينا. فنقول لهم: اخبرونا عن الفضيلة بالعصمة التي جعلها الله تعالى لرسوله صلى الله عليه وسلم في تبليغه الشريعة التي بعث بها أهي له عليه السلام في إخباره الصحابة بذلك فقط أم هي باقية لما أتى به عليه السلام في بلوغه إلينا وإلى يوم القيامة فإن قالوا بل هي له عليه السلام مع من شاهده خاصة لا في بلوغ الدين إلى من بعدهم. قلنا لهم: إذا جوزتم بطلان العصمة في تبليغ الدين بعد موته عليه السلام وجوزتم وجود الداخلة والفساد والبطلان والزيادة والنقصان والتحريف في الدين، فمن أين وقع لكم الفرق بين ما جوزتم من ذلك بعده عليه السلام وبين ما منعتم من ذلك في حياته منه عليه السلام فإن قالوا لأنه كان يكون عليه السلام غير مبلغ ما أمر به ولا معصوم والله تعالى يقول {يأيها لرسول بلغ مآ أنزل إليك من ربك وإن لم تفعل فما بلغت رسالته ولله يعصمك من لناس إن لله لا يهدي لقوم لكافرين} قيل لهم نعم وهذا التبليغ المعترض عليه والذي هو فيه عليه السلام معصوم بإجماعكم معنا من الكذب والوهم هو إلينا كما هو إلى الصحابة رضي الله عنهم ولا فرق، والدين لازم لنا كما هو لازم لهم سواء بسواء فالعصمة واجبة في التبليغ للديانة باقية مضمونة ولا بد إلى يوم القيامة كما كانت قائمة عن الصحابة رضي الله عنهم سواء بسواء. ومن أنكر هذا فقد قطع بأن الحجة علينا في الدين غير قائمة والحجة لا تقوم بما لا يدرى أحق هو أم باطل كذب؟. ثم نقول لهم

changing the words of Allah. That is the tremendous triumph." Thus, if it came about that what the trustworthy transmitters have transmitted—whose transmission Allah has made it obligatory for us to accept, to act upon, and to acknowledge as the established practice of Allah Most High and the explanation of His Prophet ﷺ—could undergo any diversion or alteration, then Allah Most High's declaration that no alteration or diversion can be found in either would be a lie, and His words would be lies. No Muslim allows this at all. Thus it is established with certainty, without any doubt, that every practice of religion that Allah Most High instituted for His Messenger ﷺ, and that His Messenger ﷺ instituted for his community, can never undergo any alteration or diversion whatsoever. This entails that the transmission of trustworthy transmitters concerning religion entails knowledge that it is true, just as it is with Allah Most High—and this is our position, praise be to Allah. Furthermore, they agree with us that the Messenger of Allah ﷺ is protected by Allah Most High from error in conveying the revealed law, and that anyone who says that he is not protected from error in conveying the revealed law to us is to be declared an unbeliever. We therefore say to them: Tell us about the distinction of protection from error that Allah Most High granted His Messenger ﷺ in conveying the revealed law with which he was sent: does it belong to him ﷺ only in his informing the Companions of it, or does it continue to apply to what he ﷺ brought in its reaching us and until the Day of Resurrection? If they say, "Rather, it belongs to him ﷺ specifically in relation to those who witnessed him, and does not apply to the religion's reaching those who came after them," we say to them: If you allow that protection from error in conveying the religion could cease after his death ﷺ, and allow that intrusion, corruption, falsehood, addition, omission, and distortion could occur in the religion, on what basis have you distinguished between allowing these things after him ﷺ and ruling them out on his part during his lifetime ﷺ? If they say, "Because he ﷺ would then have failed to convey what he was commanded to convey and would not have been protected from error, whereas Allah Most High says, {O Messenger, convey what has been sent down to you from your Lord. If you do not, you have not conveyed His message. Allah will protect you from the people. Indeed, Allah does not guide the disbelieving people}," they are to

وكذلك قال تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} {ومن يبتغ غير لإسلام دينا فلن يقبل منه وهو في لآخرة من لخاسرين} {لا إكراه في لدين قد تبين لرشد من لغي فمن يكفر بلطاغوت ويؤمن بلله فقد ستمسك بلعروة لوثقى لا نفصام لها ولله سميع عليم} فإن ادعوا إجماعا قلنا لهم: من الكرامية من يقول إنه عليه السلام غير معصوم في تبليغ الشريعة فإن قالوا ليس هؤلاء ممن يعد في الإجماع قلنا صدقتم ولا يعد في الإجماع من قال إن الدين غير محفوظ وإن كثيرا من الشرائع التي أنزل الله تعالى قد بطلت واختلطت بالباطل الموضوع والموهوم فيه اختلاطا لا يتميز معه الرشد من الغي ولا الحق من الباطل ولا دين الله تعالى من دين إبليس أبدا. فإن قالوا بل الفضيلة بعصمة ما أتى النبي صلى الله عليه وسلم به من الدين باقية إلى يوم القيامة صاروا إلى الحق الذي هو قولنا ولله تعالى الحمد. فإن قالوا: فإنه صفة كل مخبر وطبيعته أن خبره يجوز فيه الصدق والكذب والخطأ، وقولكم بأن خبر الواحد العدل في الشريعة موجب للعلم إحالة لطبيعة الخبر وطبيعة المخبرين، وخرق لصفات كل ذلك وللعادة فيه. قلنا لهم: لا ينكر من الله تعالى إحالة ما شاء من الطبائع إذا صح البرهان بأنه فعل الله تعالى؛ والعجب من إنكاركم هذا مع قولكم به بعينه في إيجابكم عصمة النبي صلى الله عليه وسلم من الكذب والوهم في تبليغه الشريعة وهذا هو الذي أنكرتم بعينه، بل لم تقنعوا بالتناقض إذا أصبتم في ذلك وأخطأتم في منعكم من ذلك في خبر الواحد العدل؛ حتى أتيتم بالباطل المحض إذ جوزتم على جميع الأمم موافقة

الخطأ في إجماعها في رأيها، وذلك طبيعة في الكل وصفة لهم، ومنعتم من جواز الخطأ والوهم على ما ادعيتموه من إجماع الأمة من المسلمين خاصة في اجتهادها في القياس، وحاشا لله أن تجمع الأمة على الباطل والقياس عين الباطل فحرقتم بذلك العادة وأحلتم الطبائع بلا برهان لا سيما إن كان المخالف لنا من المرجئة القاطعين بأنه لا يمكن أن يكون يهودي ولا نصراني يعرف بقلبه أن الله تعالى حق. فإن هؤلاء أحالوا الطبائع بلا برهان ومنعوا من إحالتها إذا قام البرهان بإحالتها. فإن قالوا: فإنه يلزمكم أن تقولوا إن نقلة الأخبار الشرعية التي قالها رسول الله صلى الله عليه وسلم معصومون في نقلها وإن كل واحد منهم معصوم في نقله من تعمد الكذب ووقوع الوهم منه. قلنا لهم: نعم هكذا نقول، وبهذا نقطع ونبت وكل عدل روى خبرا عن رسول الله صلى الله عليه وسلم في الدين أو فعله عليه السلام فذلك الراوي معصوم من تعمد الكذب مقطوع بذلك عند الله تعالى ومن جواز الوهم فيه عليه إلا ببيان وارد ولا بد من الله تعالى ببيان ما وهم فيه كما فعل تعالى بنبيه عليه السلام إذ سلم من ركعتين ومن ثلاث واهما لقيام البراهين التي قدمنا من حفظ جميع الشريعة وبيانها مما ليس منها، وقد علمنا ضرورة أن كل من صدق في خبر ما فإنه معصوم في ذلك الخبر من الكذب والوهم بلا شك فأي نكرة في هذا؟. فإن قالوا: تعبدنا الله تعالى بحسن الظن به وقال رسول الله صلى الله عليه وسلم إن الله تعالى يقول أنا عند ظن عبدي بي قلنا: ليس هذا من الحكم في الدين بالظن في شيء بل كله باب واحد لأنه تعالى حرم علينا أن نقول عليه ما لا نعلم ونحن لا نعلم أيغفر لنا أم يعذبنا فوجب علينا الوقوف في ذلك والرجاء والخوف، وحرم علينا أن نقول عليه في الدين والتحريم والإباحة والإيجاب ما لا نعلم، وبين لنا كل ما ألزمنا من ذلك فوجب القطع بكل ذلك كما وجب القطع بتخليد الكفار في النار أو تخليد المؤمنين في الجنة، ولا فرق ولم يجز القول بالظن في

be told: Yes; and this conveyance that is being disputed, in which he ﷺ is protected from lying and inadvertent error, as you agree with us, is directed to us just as it is directed to the Companions, may Allah be pleased with them, without any difference. The religion is binding upon us just as it is binding upon them, equally in every respect. Protection from error in conveying the religion must therefore remain guaranteed, necessarily, until the Day of Resurrection, just as it existed in relation to the Companions, may Allah be pleased with them, in precisely the same way. Whoever denies this has categorically asserted that the binding proof against us in religion has not been established; and a binding proof cannot be established by something of which it is not known whether it is true or false—a lie. Then we say to them: Likewise, He Most High said, {Indeed, We Ourselves have sent down the Reminder, and indeed We shall preserve it}; {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten, except what you slaughter, and that which has been slaughtered upon sacrificial stones; and that you seek apportionment by divining arrows. That is grave disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—then indeed Allah is forgiving, merciful}; {Whoever seeks a religion other than Islam, it will never be accepted from him, and in the Hereafter he will be among the losers} {There is no compulsion in religion. Right guidance has become distinct from error. Whoever rejects false objects of worship and believes in Allah has grasped the firmest handhold, which will never break. Allah is all-hearing, all-knowing}. If they claim a consensus, we say to them: Among the Karramiyyah are those who say that he ﷺ is not protected from error in conveying the revealed law. If they say, "These are not among those who count toward consensus," we say: You have spoken truly. Nor does anyone count toward consensus who says that the religion is not preserved, and that many of the revealed laws that Allah Most High sent down have been lost and have become mingled with fabricated falsehood and material

affected by inadvertent error, so thoroughly that right guidance can never be distinguished from error, truth from falsehood, or the religion of Allah Most High from the religion of Iblis. But if they say, "Rather, the distinction of protection from error for the religion that the Prophet ﷺ brought remains until the Day of Resurrection," they have come to the truth, which is our position; and praise belongs to Allah Most High. If they say, "It is a characteristic and part of the nature of every reporter that his report admits of truth, lying, and error. Your statement that the report of a single upright transmitter concerning the revealed law yields knowledge changes the nature of reports and the nature of reporters, and contravenes the characteristics of all these things and their customary course," we say to them: It cannot be denied that Allah Most High may change whatever natures He wills, when a sound demonstration establishes that this is an act of Allah Most High. What is astonishing is your denial of this while affirming precisely the same thing when you insist that the Prophet ﷺ is protected from lying and inadvertent error in conveying the revealed law. This is precisely what you have denied. Indeed, you were not content with contradicting yourselves—being correct in that instance and mistaken in denying this in the case of the report of a single upright transmitter—but went so far as to advance sheer falsehood: you allowed that all communities might concur in error when reaching consensus in their opinions, this being a natural capacity and characteristic of them all, yet ruled out the possibility of error and inadvertent mistake in what you have claimed to be the consensus of the Muslim community specifically in its exercise of independent reasoning by analogy. Far be it from Allah that the community should reach consensus upon falsehood—and analogy is falsehood itself! You have thereby contravened the customary course and changed natures without any demonstration. This applies particularly if our opponent is one of the Murji'ah who categorically maintain that no Jew or Christian can know in his heart that Allah Most High is real. These people have changed natures without any demonstration, yet denied that they could be changed when a demonstration has established their being changed. If they say, "It follows necessarily from your position that you must say that the transmitters of the reports concerning the revealed law uttered by the Messenger of Allah ﷺ are protected from error in transmitting them, and

شيء من ذلك كله. فإن قالوا: أنتم تقولون: إن الله تعالى أمرنا بالحكم بما شهد به العدل مع يمين الطالب وبما شهد به العدلان فصاعدا، وبما حلف عليه المدعى عليه، إذا لم يقم المدعي بينة في إباحة الدماء المحرمة، والفروج المحرمة، والأبشار المحرمة، والأموال المحرمة، وكل ذلك بإقراركم ممكن أن يكون في باطن الأمر بخلاف ما شهد به الشاهد، وما حلف عليه الحالف، وهذا هو الحكم بالظن الذي أنكرتم علينا في قولنا في خبر الواحد ولا فرق. قلنا لهم وبالله التوفيق: بين الأمرين فروق واضحة كوضوح الشمس. أحدهما: أن الله تعالى قد تكفل بحفظ الدين وإكماله، وتبينه من الغي ومما ليس منه. ولم يتكفل تعالى قط بحفظ دمائنا، ولا بحفظ فروجنا، ولا بحفظ أبشارنا ولا بحفظ أموالنا في الدنيا. بل قدر تعالى بأن كثيرا من كل ذلك يؤخذ بغير حق في الدنيا

that each of them is protected, in his transmission, from deliberately lying and from committing an inadvertent error," we say to them: Yes, this is what we say, and this we affirm categorically and decisively. Every upright person who transmits a report from the Messenger of Allah ﷺ concerning religion, or an act of his ﷺ—that transmitter is protected from deliberately lying, this being categorically certain before Allah Most High, and from the possibility of inadvertently erring in it, except with a clarification that must necessarily come from Allah Most High to explain the matter in which he erred. This is just as He Most High did with His Prophet ﷺ when, through inadvertence, he pronounced the concluding salutation after two units of prayer and after three, because the demonstrations we have already presented establish the preservation of the whole revealed law and its distinction from what does not belong to it. And we know by necessity that everyone who has spoken truly in any report is undoubtedly protected in that report from lying and inadvertent error. What, then, is objectionable about this? If they say, "Allah Most High has required us, as an act of worship, to think well of Him, and the Messenger of Allah ﷺ said, 'Allah Most High says: I am as My servant thinks of Me,'" we say: This has nothing to do with judging in religion on the basis of conjecture. Rather, it all falls under one principle: He Most High has forbidden us to say about Him what we do not know. We do not know whether He will forgive us or punish us, so we must suspend judgment concerning that, while hoping and fearing. He has also forbidden us to say about Him what we do not know concerning religion, prohibition, permission, and obligation; and He has explained to us everything of this kind that He has made binding upon us. We must therefore affirm all of that categorically, just as we must categorically affirm that the disbelievers will remain eternally in the Fire or that the believers will remain eternally in Paradise; there is no difference. Speaking on the basis of conjecture is not permissible in any of this whatsoever. If they say, "You maintain that Allah Most High has commanded us to adjudicate according to the testimony of an upright witness together with the claimant's oath, according to the testimony of two or more upright witnesses, and according to the defendant's oath when the claimant produces no evidence, thereby permitting the taking of otherwise inviolable lives, sexual access that is otherwise forbidden, the infliction of bodily harm that is

otherwise forbidden, and the taking of otherwise inviolable property. Yet, by your own admission, in all these cases the actual facts may be contrary to the witness's testimony and the oath-taker's oath. This is precisely the judging on the basis of conjecture that you have condemned in our position concerning the report of a single transmitter; there is no difference," we say to them: And success comes through Allah: Between the two matters there are distinctions as clear as the sun. The first is that Allah Most High has undertaken to preserve the religion, perfect it, and distinguish it from error and from what does not belong to it. He Most High has never undertaken to preserve our lives, our sexual inviolability, our bodily inviolability, or our

property in this world. Rather, He Most High has decreed that much of all this should be taken without right in this world.[60616263646566676 8]

L329–338 The Messenger of Allah ﷺ expressly stated this when he said, “You bring

وقد نص على ذلك رسول الله صلى الله عليه وسلم إذ يقول إنكم تختصمون إلي وإنما أنا بشر ولعل أحدكم أن يكون ألحن بحجته من الآخر فأقضي له على نحو ما أسمع، فمن قضيت له بشيء من حق أخيه فلا يأخذه فإنما أقطع له قطعة من النار وبقوله عليه السلام للمتلاعنين الله يعلم أن أحدكما كاذب فهل منكما تائب أو كما قال عليه السلام في كل ذلك والفرق الثاني أن حكمنا بشهادة الشاهد وبيمين الحالف، ليس حكما بالظن كما زعموا، بل نحن نقطع ونبت بأن الله عز وجل افترض علينا الحكم بيمين الطالب مع شهادة العدل، وبيمين المدعى عليه إذا لم يقم بينة؛ وبشهادة العدل والعدلين والعدول عندنا، وإن كانوا في باطن أمرهم كذابين أو واهمين والحكم بكل ذلك حق عند الله تعالى، وعندنا مقطوع على غيبه. برهان ذلك: أن حاكما لو تحاكم إليه اثنان ولا بينة للمدعي، فلم يحكم للمدعى عليه باليمين، أو شهد عنده عدلان فلم يحكم بشهادتهما. فإن ذلك الحاكم فاسق عاص لله عز وجل، مجرح الشهادة ظالم، سواء كان المدعى عليه مبطلا في إنكاره أو محقا، أو كان الشهود كذبة أو واهمين أو صادقين، إذا لم يعلم باطن أمرهم. ونحن مأمورون يقينا بأمر الله عز وجل لنا بأن نقتل هذا البريء المشهود عليه بالباطل، وأن نبيح هذه البشرة المحرمة، وهذا المال الحرام المشهود فيه بالباطل، وحرم على المبطل أن يأخذ شيئا من ذلك. وقضى ربنا بأننا إن لم نحكم بذلك فإننا في الدين فساق عصاة له تعالى ظلمه متوعدون بالنار على ذلك وما أمرنا تعالى قط بأن نحكم في الدين بخبر وضعه فاسق أو وهم فيه واهم وقال تعالى {يأيها لذين آمنوا لا تتبعوا خطوات لشيطان ومن يتبع خطوات لشيطان فإنه يأمر بلفحشآء ولمنكر ولولا فضل لله عليكم ورحمته ما زكا منكم من أحد أبدا ولكن لله يزكي من يشآء ولله سميع عليم} فهذا فرق في غاية البيان وفرق ثالث وهو أن نقول إن الله تعالى افترض علينا

[60]**Translator’s note (L311):** The author’s introduction says “a people who said,” whereas the quotation itself addresses them as “you said.” This shift has been retained. The Quranic quotations contain repeated orthographic omissions of alifs. Their recognizable wording has been translated without treating those spelling defects as changes of meaning.

[61]**Translator’s note (L317):** The supplied reading “ما لم ينبته علينا” literally means “what He has not caused to grow upon us,” which is anomalous here. A reading referring to making something clear may have been intended, but has not been substituted. “When the means available to him are cut off” renders “إذا انقطعت به الأسباب”; the referent and the precise intended circumstances are unclear.

[62]**Translator’s note (L318):** The supplied wording “كل ظن يتيقن” means “every conjecture held with certainty,” an apparent tension with the surrounding distinction between conjecture and certain knowledge. It has been retained without inserting a negation.

[63]**Translator’s note (L319):** The final wording is “فلو جاء” (“thus, if it came about”), although the ensuing argument appears to call for “فلو جاز” (“thus, if it were possible”). The supplied reading has been retained.

[64]**Translator’s note (L320):** The supplied phrase “وقولنا ولله الحمد” is syntactically compressed. It has been understood as “and this is our position, praise be to Allah.”

[65]**Translator’s note (L321):** The wording rendered “this conveyance that is being disputed” is literally “this conveyance that is objected to.” It is awkward in context and may be a transcription error for wording meaning “this conveyance incumbent upon him”; the supplied reading has been retained.

[66]**Translator’s note (L322):** The supplied wording literally places the protection “from the Companions,” an awkward preposition in this context; “in relation to the Companions” reflects the apparent sense without changing the underlying claim.

[67]**Translator’s note (L326):** The syntax surrounding “this being categorically certain before Allah Most High” and “except with a clarification” is compressed and awkward. The translation retains the qualification that an inadvertent error requires a subsequent divine clarification. “After two units of prayer and after three” refers to separate instances of prematurely pronouncing the prayer’s concluding salutation; both numbers in the supplied text have been retained.

[68]**Qur’an references (L311):** Qur’an 6:151 (Al-An’am); Qur’an 7:33 (Al-A’raf); Qur’an 53:23 (An-Najm); Qur’an 53:28 (An-Najm); Qur’an 45:32 (Al-Jathiyah); Qur’an 6:148 (Al-An’am); Qur’an 5:3 (Al-Ma’idah); Qur’an 3:85 (Ali ’Imran); Qur’an 3:19 (Ali ’Imran); Qur’an 42:14 (Ash-Shuraa); Qur’an 45:17 (Al-Jathiyah); Qur’an 33:62 (Al-Ahzab); Qur’an 35:43 (Fatir); Qur’an 5:67 (Al-Ma’idah).

your disputes before me, and I am only a human being. Perhaps one of you is more eloquent in presenting his case than the other, so I rule in his favor according to what I hear. If I award anyone something that rightfully belongs to his brother, let him not take it, for I am only cutting off a piece of the Fire for him"; and in his statement ﷺ to the two spouses invoking mutual curses: "Allah knows that one of you two is lying. Will either of you repent?"—or words to that effect, as he, peace be upon him, said in all these instances. The second distinction is that our ruling on the testimony of a witness and the oath of one who swears is not a ruling based on conjecture, as they allege. Rather, we affirm categorically and decisively that Allah, mighty and majestic, has obliged us to rule on the claimant's oath together with the testimony of an upright witness; on the defendant's oath when no evidence is produced; and on the testimony of one witness, two witnesses, or several witnesses whom we consider upright, even if in their hidden circumstances they are liars or mistaken. Ruling on all this is right before Allah Most High and before us, with certainty concerning its unseen aspect. The demonstration of this is that, if two people brought their dispute before a judge and the claimant had no evidence, but he did not rule in the defendant's favor upon his oath, or if two upright witnesses testified before him and he did not rule on their testimony, that judge would be an evildoer, disobedient to Allah, mighty and majestic, disqualified as a witness, and unjust. This is so whether the defendant's denial is false or justified, and whether the witnesses are liars, mistaken, or truthful, provided that the judge does not know their hidden circumstances. We are certainly commanded, by Allah's command to us, to kill this innocent person against whom false testimony has been given, and to permit access to this inviolable body and this forbidden property concerning which false testimony has been given, while the party in the wrong is forbidden to take any of it. Our Lord has decreed that, if we do not rule accordingly, we are, in matters of religion, evildoers, disobedient to Him Most High, unjust, and threatened with the Fire for that. Yet He Most High has never commanded us to rule in religion on the basis of a report fabricated by an evildoer or one in which someone has made a mistake. And He Most High said: {O you who believe, do not follow Satan's footsteps. And whoever follows Satan's footsteps—he indeed

أن نقول في جميع الشريعة قال رسول الله صلى الله عليه وسلم وأمرنا الله تعالى بكذا لأنه تعالى يقول {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} {مآ أفآء لله على رسوله من أهل لقرى فلله وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل كي لا يكون دولة بين لأغنيآء منكم ومآ آتاكم لرسول فخذوه وما نهاكم عنه فنتهوا وتقوا لله إن لله شديد لعقاب} ففرض علينا أن نقول نهانا الله تعالى ورسوله صلى الله عليه وسلم عن كذا وأمرنا بكذا ولم يأمرنا تعالى قط أن نقول: شهد هذا بحق، ولا حلف هذا الجانب على حق، ولا أن هذا الذي قضينا به لهذا حق له يقينا، ولا قال تعالى ما قال هذا الشاهد، لكن الله تعالى قال لنا: احكموا بشهادة العدول، وبيمين المدعى عليه إذا لم يقم عليه بينة، وهذا فرق لا خفاء به فلم نحكم بالظن في شيء من كل ذلك أصلا ولله الحمد، بل بعلم قاطع، ويقين ثابت أن كل ما حكمنا به مما نقله العدل عن العدل إلى رسول الله صلى الله عليه وسلم فحق من عند الله تعالى أوحى به ربنا تعالى مضاف إلى رسول الله صلى الله عليه وسلم محكي عنه أنه قال وكل ما حكمنا فيه بشهادة العدول عندنا فحق مقطوع به من عند الله تعالى لأنه أمرنا بالحكم به، ولم يأمرنا بأن نقول فيما شهدوا به، وما حلف به الحالف أنه من عند الله تعالى، ولا أنه حق مقطوع به فإن قالوا إنما قال تعالى {يأيها لذين آمنوا جتنبوا كثيرا من لظن إن بعض لظن إثم ولا تجسسوا ولا يغتب بعضكم بعضا أيحب أحدكم أن يأكل لحم أخيه ميتا فكرهتموه وتقوا لله إن لله تواب رحيم} ولم يقل كل الظن إثم قلنا قد بين الله تعالى الإثم من البر وهو أن القول عليه تعالى بما لا نعلم حرام، فهذا من الظن الذي هو إثم بلا شك. قال علي: فلجأت المعتزلة إلى الامتناع من الحكم بخبر الواحد، للدلائل التي ذكرنا، وظنوا أنهم تخلصوا بذلك ولم يتخلصوا، بل

commands indecency and wrongdoing. Were it not for Allah's favor toward you and His mercy, not one of you would ever have become pure; but Allah purifies whomever He wills, and Allah is All-Hearing, All-Knowing.} This, then, is a distinction of the utmost clarity. A third distinction is that we say: Allah Most High has obliged us to say, concerning the entirety of the revealed law, "The Messenger of Allah ﷺ said," and "Allah Most High commanded us to do such-and-such," because He Most High says: {O you who believe, obey Allah and obey the Messenger and those in authority among you. If you dispute about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome.} {Whatever Allah has restored to His Messenger from the people of the towns belongs to Allah, the Messenger, near relatives, orphans, the needy, and the traveler, so that it may not circulate among the rich among you. Whatever the Messenger gives you, take it; and whatever he forbids you, refrain from it. And fear Allah: indeed, Allah is severe in punishment.} Thus He has obliged us to say, "Allah Most High and His Messenger ﷺ have forbidden us such-and-such and commanded us to do such-and-such." Yet He Most High has never commanded us to say, "This man has testified truthfully," or "This party has sworn to something true," or "What we have adjudged to this person is certainly his rightful due," or "Allah Most High said what this witness said." Rather, Allah Most High said to us, "Rule on the testimony of upright witnesses and on the defendant's oath when no evidence is produced against him." This is a distinction in which there is nothing obscure. Thus we have never ruled by conjecture in any of this at all—praise be to Allah—but by conclusive knowledge and established certainty that every ruling we give on the basis of what an upright transmitter has transmitted from another upright transmitter, back to the Messenger of Allah ﷺ, is a truth from Allah Most High, revealed by our Lord Most High, attributed to the Messenger of Allah ﷺ, and reported from him as something he said. Every ruling we give on the testimony of witnesses whom we consider upright is likewise certainly right and from Allah Most High, because He commanded us to rule on it. He did not command us to say of the matters to which they testified, or to which the person swearing an oath swore, that they are from Allah Most High or that they are certainly true. If they say, "He Most

كل ما لزم غيرهم مما ذكرنا هو ملازم لهم، وذلك أننا نقول لهم وبالله تعالى التوفيق: أخبرونا عن الأخبار التي رواها الآحاد أهي كلها حق إذا كانت من رواية الثقات خاصة أم كلها باطل أم فيها حق وباطل فإن قالوا فيها حق وباطل وهو قولهم قلنا لهم هل يجوز أن تبطل شريعة أوحى الله تعالى بها إلى نبيه صلى الله عليه وسلم ليبينها لعباده حتى يختلط بكذب وضعه فاسق ونسبه إلى النبي صلى الله عليه وسلم أو وهم فيها واهم فيختلط الحق المأمور به مع الباطل المختلق اختلاطا لا يتميز به الحق من الباطل أبدا لأحد من الناس، وهل الشرائع الإسلامية كلها محفوظة لازمة لنا أو هي غير محفوظة، ولا كلها لازم لنا بل قد سقط منها بعد رسول الله صلى الله عليه وسلم كثير وهل قامت الحجة علينا لله تعالى فيما افترض من الشرائع بأنها بينة لنا متميزة مما لم يأمرنا به، أو لم تقم لله تعالى علينا حجة في الدين لأن كثيرا منه مختلط بالكذب غير متميز منها أبدا؟. فإن أجازوا اختلاط شرائع الدين التي أوحى الله تعالى إلى نبيه صلى الله عليه وسلم بما ليس في الدين وقالوا لم تقم لله تعالى علينا حجة فيما أمرنا به. دخل عليهم في القول بفساد الشريعة، وذهاب الإسلام، وبطلان ضمان الله تعالى بحفظ الذكر كالذي دخل على غيرهم حرفا بحرف، سواء بسواء، ولزمهم أنهم تركوا كثيرا من الدين الصحيح كما لزم غيرهم سواء بسواء أنهم يعملون بما ليس من الدين وأن النبي صلى الله عليه وسلم قد بطل بيانه وأنه حجة الله تعالى بذلك لم تقم علينا سواء بسواء، وفي هذا ما فيه. فإن لجأوا إلى الاقتصار على خبر التواتر، لم ينفكوا بذلك من أن كثيرا من الدين قد بطل لاختلاطه بالكذب الموضوع، وبالموهوم فيه، ومن جواز أن يكون كثير من شرائع الإسلام لم ينقل إلينا، إذ قد بطل ضمان حفظ الله تعالى فيها، وأيضا فإنه لا يعجز أحد أن يدعي في أي خبر شاء أنه منقول نقل التواتر، بل أصحاب الإسناد أصح دعوى في ذلك، لشهادة كثرة الرواة وتغير الأسانيد لهم بصحة

قولهم في نقل التواتر وبالله تعالى التوفيق. فإن لجأ لاجىء إلى أن يقول بأن كل خبر جاء من طريق الآحاد الثقات، فإنه كذب موضوع ليس منه شيء قاله قط رسول الله صلى الله عليه وسلم وقلنا وبالله تعالى التوفيق هذه مجاهرة ظاهرة، ومدافعة لما نعلم بالضرورة خلافه، وتكذيب لجميع الصحابة أولهم عن آخرهم، ولجميع فضلاء التابعين، ولكل إنسان من العلماء جيلا بعد جيل لأن كل ما ذكرنا رووا الأخبار عن النبي صلى الله عليه وسلم بلا شك من أحد واحتج بها بعضهم على بعض وعملوا بها، وأفتوا بها في دين الله تعالى وهذا اطراح للإجماع المتيقن، وباطل لا تختلف النفوس فيه أصلا، لأنا بالضرورة ندري أنه لا يمكن البتة في البنية أن يكون كل من ذكرنا لم يصدق قط في كلمة رواها، بل كلهم وضعوا كل ما رووا. وأيضا ففيه إبطال الشرائع التي لا يشك مسلم ولا غير مسلم في أنها ليست في القرآن مبينة كالصلاة، والزكاة، والحج، وغير ذلك وأنه إنما أخذ بيانها من كلام رسول الله صلى الله عليه وسلم وفي هذا القطع بأن كل صاحب من الصحابة روى عن رسول الله صلى الله عليه وسلم فإنه هو الواضع والمخترع للكذب عن رسول الله صلى الله عليه وسلم فيه ولا يشك أحد على وجه الأرض في أن كل صاحب من الصحابة قد حدث عن النبي صلى الله عليه وسلم أهله وجيرانه وفي هذا إثبات وضع الشرائع على جميعهم، أولهم عن آخرهم، وما بلغت الروافض والخوارج قط هذا المبلغ، مع أنها دعوى بلا برهان، وما كان كذلك فهو باطل بيقين، في ثلاثة أقوال كما ترى لا رابع لها:

High only said: {O you who believe, avoid much conjecture; indeed, some conjecture is sin. Do not spy, and do not backbite one another. Would any of you like to eat the flesh of his dead brother? You would loathe it. And fear Allah; indeed, Allah is Ever-Relenting, Merciful.} He did not say that all conjecture is sin," we reply: Allah Most High has distinguished sin from righteousness: speaking about Him Most High without knowledge is forbidden. This, then, is undoubtedly among the conjecture that is sin. Ali said: The Mu'tazilites therefore resorted to refusing to rule on a report transmitted by a single transmitter, because of the proofs we have mentioned. They thought that they had thereby escaped, but they have not escaped. Rather, every consequence we have mentioned that binds others binds them as well. For we say to them—and success comes through Allah Most High—tell us about the reports transmitted by individual transmitters: are they all true, provided that they are transmitted exclusively by trustworthy transmitters, or are they all false, or do they include both truth and falsehood? If they say, "They include both truth and falsehood," which is their position, we say to them: Can a revealed law that Allah Most High revealed to His Prophet ﷺ, so that he might explain it to His servants, be lost through becoming mixed with a lie fabricated by an evildoer and attributed to the Prophet ﷺ, or through someone making a mistake concerning it, so that the truth we are commanded to follow becomes mixed with fabricated falsehood in such a way that no human being can ever distinguish truth from falsehood? And are all the Islamic laws preserved and binding upon us, or are they unpreserved, and are they not all binding upon us, with much of them having instead lapsed after the Messenger of Allah ﷺ? And has Allah Most High established His proof against us concerning the laws He has imposed, in that they are clear to us and distinguishable from what He has not commanded us, or has Allah Most High established no proof against us in religion because much of it is mixed with lies and can never be distinguished from them? If they admit that the laws of religion which Allah Most High revealed to His Prophet ﷺ can become mixed with what is not part of religion, and say, "Allah Most High has established no proof against us concerning what He commanded us," then they incur, in asserting the corruption of the revealed law, the disappearance of Islam, and the invalidation of Allah Most

High's guarantee to preserve the Reminder, precisely what others incur, word for word, on exactly the same footing. It necessarily follows that they have abandoned much of the true religion, just as it necessarily follows, on exactly the same footing, that others act upon what is not part of religion; that the Prophet's ﷺ explanation has been rendered ineffectual; and that Allah Most High's proof through it has not been established against us—on exactly the same footing. This carries all the implications it carries. If they resort to restricting themselves to reports transmitted through recurrent mass transmission, they do not thereby escape the consequence that much of religion has been lost through becoming mixed with fabricated lies and mistaken reports, or the possibility that many of Islam's laws have not been transmitted to us, since Allah Most High's guarantee of preserving them has been invalidated. Furthermore, anyone can claim of any report he wishes that it has been transmitted through recurrent mass transmission. Indeed, the scholars of transmission chains have a better-founded claim in this respect, because the multitude of transmitters and the variation in transmission chains attest in their favor to the soundness of their assertion of recurrent mass transmission. And success comes through Allah Most High. If someone resorts to saying that every report coming through individual trustworthy transmitters is a fabricated lie, and that none of it was ever said by the Messenger of Allah ﷺ, we say—and success comes through Allah Most High—this is flagrant audacity and a rejection of something whose contrary we know through necessary knowledge. It declares all the Companions, from first to last, to be liars, together with all the eminent Successors and every individual scholar, generation after generation. For all those we have mentioned transmitted reports from the Prophet ﷺ, without anyone doubting this; they cited them as evidence against one another, acted upon them, and issued legal opinions on their basis in the religion of Allah Most High. This is a rejection of certain consensus, and a falsehood about which minds do not disagree at all. For we know through necessary knowledge that it is absolutely impossible, given human constitution, that every person we have mentioned never spoke truthfully in a single word he transmitted, but that all of them fabricated everything they transmitted. Furthermore, this entails invalidating the laws that neither a Muslim nor a non-Muslim doubts are not explained in the

Quran, such as prayer, obligatory almsgiving, pilgrimage, and other matters, whose explanation was taken only from the words of the Messenger of Allah ﷺ. This entails affirming categorically that every Companion among the Companions who transmitted from the Messenger of Allah ﷺ is himself the fabricator and inventor of the lie attributed therein to the Messenger of Allah ﷺ. No one on the face of the earth doubts that every Companion related reports from the Prophet ﷺ to his household and neighbors. This imputes the fabrication of the revealed laws to all of them, from first to last. The Rāfiḍah and the Khārijites have never gone this far. Moreover, it is a claim without demonstration, and whatever is of this kind is certainly false. There are, as you see, three positions, with no fourth:[697071727374]

إما أن يكون كل خبر نقله العدل عن العدل مبلغا إلى رسول الله صلى الله عليه وسلم كذبا كلها أولها عن آخرها موضوعة بأسرها، وهذا باطل بيقين كما بينا، وإيجاب أن كل صاحب وتابع وعالم لا نحاشي أحدا قد اتفقوا على وضع الشرائع والكذب فيها على رسول الله صلى الله عليه وسلم وهذا انسلاخ عن الإسلام أو يكون فيها حق وفيها باطل إلا أنه لا سبيل إلى تمييز الحق منها من الباطل لأحد أبدا، وهذا تكذيب لله تعالى في إخباره بحفظ الذكر المنزل، وبإكماله الدين لنا، وبأنه لا يقبل منا إلا دين الإسلام لا شيئا سواه, وفيه أيضا فساد الدين واختلاطه بما لم يأمر به تعالى قط به. وأنه لا سبيل لأحد في العالم إلى أن يعرف ما أمره الله تعالى به في دينه مما لم يأمره به أبدا، وأن حقيقة الإسلام وشرائعه قد بطلت بيقين، وهذا انسلاخ عن الإسلام. أو أنها كلها حق مقطوع على غيبها عند الله تعالى، موجبة كلها للعلم، لإخبار الله تعالى بأنه حافظ لما أنزل من الذكر، ولتحريمه تعالى الحكم في الدين بالظن والقول عليه بما لا علم لنا به، ولإخباره تعالى بأنه قد بين الرشد من الغي، وليس الرشد إلا ما أنزله الله تعالى على لسان نبيه صلى الله عليه وسلم وفي فعله وليس الغي إلا ما لم ينزله الله تعالى على لسان نبيه صلى الله عليه وسلم وهذا قولنا والحمد لله رب العالمين قال

L339–341 Either every report transmitted by an upright transmitter from an upright transmitter, with the transmission reaching the Messenger of Allah ﷺ, is a lie—all of them, from first to last, fabricated in their entirety. This is certainly false, as we have explained, and entails that every Companion, Successor, and scholar, without our excepting anyone, agreed together to fabricate the revealed laws and to lie about them against the Messenger of Allah ﷺ. This

[69] **Translator's note (L329):** "The two spouses invoking mutual curses" refers to the legal procedure of mutual imprecation (liʿān). The quoted statement to them begins in the following segment.

[70] **Translator's note (L330):** The wording translated as "with certainty concerning its unseen aspect" is awkward: the precise referent of the unseen aspect is unclear. "This inviolable body" literally refers to skin or flesh; in this judicial context it may refer specifically to sexual access authorized by a judgment.

[71] **Translator's note (L336):** The wording introducing the clause about Allah's proof is grammatically irregular, apparently through transcription. The translation follows its evident connection with the preceding claims without treating the irregular wording as a separate assertion.

[72] **Translator's note (L337):** "Given human constitution" renders an unusual expression literally referring to constitution or structure; in context, it concerns what is possible for human beings collectively.

[73] **Translator's note (L338):** The opening continues the preceding segment's phrase "the Messenger of Allah ﷺ." Its subject is every Companion who related reports from him; the author is describing the consequence of the position he rejects.

[74] **Qur'an references (L329):** Qur'an 4:59 (An-Nisa); Qur'an 59:7 (Al-Hashr); Qur'an 49:12 (Al-Hujurat).

is a departure from Islam. Or some of them are true and some false, but no one can ever have any means of distinguishing the true among them from the false. This declares false Allah Most High's statements that He preserves the revealed Reminder, that He has perfected the religion for us, and that He accepts from us only the religion of Islam and nothing else. It also entails the corruption of the religion and its admixture with things that He Most High never commanded, and that no one in the world can ever have any means of distinguishing what Allah Most High commanded him in his religion from what He did not command him, and that the reality of Islam and its revealed laws have certainly come to nothing. This is a departure from Islam. Or they are all true, their truth in the unseen being certain with Allah Most High, and all of them yielding knowledge, because Allah Most High has stated that He preserves the Reminder He has sent down; because He Most High has forbidden judging in religion on the basis of conjecture and saying concerning Him that of which we have no knowledge; and because He Most High has stated that He has made right guidance distinct from error. Right guidance is nothing other than what Allah Most High has sent down through the speech of His Prophet ﷺ and through his actions, while error is nothing other than what Allah Most High has not sent down through the speech of His Prophet ﷺ. This is our position, and praise belongs to Allah, Lord of the worlds.

ʿAlī said: Since this position has now been established with certainty, and everything other than it has been invalidated, let us, with Allah Most High's help, discuss its divisions. We say, seeking strength from Allah Most High: We are assured—and praise belongs to Allah—that no revealed law which the Messenger of Allah ﷺ commanded, recommended, or practiced, peace be upon him, can be lost without reaching anyone in his community, whether through recurrent transmission or through transmission by one trustworthy transmitter from another until the transmission reaches him ﷺ. We are also categorically assured that Allah Most High would not leave its transmission exclusively to upright transmitters whose transmission does not establish binding proof. We are also categorically assured that there can be no revealed law concerning which its trustworthy transmitter errs without a

علي: فإذا قد صح هذا القول بيقين، وبطل كل ما سواه، فلنتكلم بعون الله تعالى على تقسيمه فنقول وبالله تعالى نتأيد: إننا قد أمنا ولله الحمد أن تكون شريعة أمر بها رسول الله صلى الله عليه وسلم أو ندب إليها أو فعلها عليه السلام فتضيع ولم تبلغ إلى أحد من أمته إما بتواتر أو بنقل الثقة عن الثقة حتى تبلغ إليه صلى الله عليه وسلم وأمنا أيضا قطعا أن يكون الله تعالى يفرد بنقلها من لا تقوم الحجة بنقله من العدول، وأمنا أيضا قطعا أن تكون شريعة يخطىء فيها راويها الثقة، ولا يأتي بيان جلي واضح بصحة خطئه فيه، وأمنا أيضا قطعا أو يطلق الله عز وجل من قد وجبت الحجة علينا بنقله على وضع حديث فيه شرع يسنده إلى من تجب الحجة بنقله حتى يبلغ به إلى رسول الله صلى الله عليه وسلم وكذلك نقطع ونثبت بأن كل خبر لم يأت قط إلا مرسلا، أو لم يروه قط إلا مجهول أو مجرح ثابت الجرحة، فإنه خبر باطل بلا شك موضوع لم يقله رسول الله صلى الله عليه وسلم إذ لو جاز أن يكون حقا لكان ذلك شرعا صحيحا غير لازم لنا، لعدم قيام الحجة علينا فيها.

clear, manifest explanation establishing that he has indeed erred concerning it. And we are also categorically assured, or that Allah, Mighty and Majestic, allows someone whose transmission has established binding proof against us to fabricate a report containing a revealed law, attributing it through a chain to someone whose transmission establishes binding proof, until he traces it to the Messenger of Allah ﷺ. Likewise, we categorically affirm and establish that every report which has only ever come through a discontinuous transmission, or which has only ever been related by an unknown transmitter or by a discredited transmitter whose discrediting is established, is undoubtedly a false, fabricated report which the Messenger of Allah ﷺ did not utter. For if it could be true, that would constitute a valid revealed law which was not binding upon us, because binding proof concerning it had not been established against us.[75][76]

L342–344 ʿAlī said: This judgment which we have set forth applies only to what is transmitted by those whose uprightness is agreed upon, such as the Companions and the trustworthy Successors, and then such men as Shuʿbah, Sufyān, Sufyān, Mālik, and others among the leading authorities in their time and after them, down to us and until the Day of Resurrection; and to everyone whose discrediting has been established, such as al-Ḥasan ibn ʿUmārah, Jābir al-Juʿfī, and all the other discredited transmitters whose discrediting is established. As for someone concerning whom there is disagreement, with some declaring him upright and others discrediting him: if his uprightness is established for us, we affirm with certainty the soundness of his report; if his discrediting is established for us, we affirm with certainty the falsity of his report; and if neither of these is established for us, we suspend judgment

قال علي: وهذا الحكم الذي قدمنا إنما هو فيما نقله من اتفق على عدالته كالصحابة وثقات التابعين ثم كشعبة وسفيان وسفيان ومالك وغيرهم، من الأئمة في عصرهم وبعدهم إلينا وإلى يوم القيامة، وفي كل من ثبتت جرحته كالحسن بن عمارة وجابر الجعفي وسائر المجرحين الثابتة جرحتهم، وأما من اختلف فيه فعدله قوم وجرحه آخرون، فإن ثبتت عندنا عدالته قطعنا على صحة خبره، وإن ثبتت عندنا جرحته قطعنا على بطلان خبره، وإن لم يثبت عندنا شيء من ذلك وقفنا في ذلك، وقطعنا ولا بد حتما على أن غيرنا لا بد أن يثبت عنده أحد الأمرين فيه، وليس خطؤنا نحن إن أخطأنا، وجهلنا إن جهلنا، حجة على وجوب ضياع دين الله تعالى، بل الحق ثابت معروف عند طائفة وإن جهلته أخرى، والباطل كذلك أيضا، كما يجهل قوم ما نعلمه نحن أيضا، والفضل بيد الله يؤتيه من يشاء، ولا يصح الخطأ في خبر الثقة إلا بأحد ثلاثة أوجه: إما ثبت الراوي واعترافه بأنه أخطأ فيه، وإما شهادة عدل على أنه سمع الخبر مع راويه فوهم فيه فلان، وإما بأن توجب المشاهدة بأنه أخطأ. قال علي: وكذلك نقطع ونبت في كل خبرين صحيحين متعارضين، وكل آيتين متعارضتين، وكل آية وخبر صحيح متعارضين، وكل اثنين متعارضين، لم يأت نص بين بالتناسخ منهما،

[75] **Translator's note (L340):** "Their truth in the unseen being certain with Allah Most High" renders the unusual expression maqṭūʿ ʿalā ghaybihā ʿinda Allāh, which concerns the reports' actual truth as known to Allah. The ending reads "or that [He] allows" (aw yuṭliqu), where the construction appears to require "that [He] allows" (an yuṭliqa). The irregular "or" is retained; the verb continues in the next segment.

[76] **Translator's note (L341):** The opening completes the preceding segment's assurance that Allah would not permit such fabrication; the textual irregularity at that junction is noted there. "Discontinuous transmission" renders mursal, a technical description of a report with an omitted link in its transmission chain.

فإن الحكم الزائد على الحكم المتقدم من معهود الأصل هو الناسخ، وأن الموافق لمعهود الأصل المتقدم، وهو المنسوخ قطعا يقينا للبراهين التي قدمنا من أن الدين محفوظ، فلو جاز أن يخفى فيه ناسخ من منسوخ، أو أن يوجد عموم لا يأتي نص صحيح بتخصيصه، ويكون المراد به الخصوص، لكان الدين غير محفوظ، ولكانت الحجة غير قائمة على أحد في الشريعة؛ ولكنا متعبدين بالظن الكاذب المحرم، بل بالعمل بما لم يأمر الله تعالى قط به، وهذا باطل مقطوع على بطلانه. قال علي: فإن وجد لنا يوما غير هذا فنحن تائبون إلى الله تعالى منه، وهي وهلة نستغفر الله عز وجل منها، وإنا لنرجو ألا يوجد لنا ذلك بمن الله تعالى ولطفه

concerning it. Yet we necessarily and categorically affirm that one of these two determinations concerning him must be established for someone other than us. Our error, if we err, and our ignorance, if we are ignorant, are no proof that the religion of Allah Most High must be lost. Rather, the truth is established and known among one group even if another is ignorant of it; and the same also holds for falsehood, just as some people are ignorant of what we ourselves know. Bounty is in Allah's hand; He grants it to whomever He wills.

Error in a trustworthy transmitter's report can be established only in one of three ways: either the transmitter's verification and acknowledgment that he erred concerning it; or the testimony of an upright person that he heard the report together with its transmitter and that so-and-so made a mistake concerning it; or direct observation establishing that he erred.

ʿAlī said: Likewise, we categorically and decisively affirm, concerning every two conflicting sound reports, every two conflicting verses, every verse and sound report that conflict, and every two conflicting texts concerning which no explicit text has come clearly establishing abrogation between them, that the ruling which adds to the preceding ruling of the previously established original state is the abrogating ruling, and that the ruling which accords with the previously established original state is the abrogated ruling, categorically and certainly. This follows from the demonstrations we have already presented that the religion is preserved. For if it were possible for the distinction between an abrogating and an abrogated text within it to remain unknown, or for a general expression to exist without a sound text specifying its scope while a specific scope was intended by it, then the religion would not be preserved, binding proof in the revealed law would not be established against anyone, and we would be required to worship by following false, forbidden conjecture—indeed, by acting upon what Allah Most High never commanded. This is false, and its falsity is certain.

ʿAlī said: If anything other than this should one day be found in our writings, we repent of it to Allah Most High. It is a lapse for which we seek the forgiveness of Allah, Mighty and Majestic. We indeed hope that no such

thing will be found in our writings, through Allah Most High's grace and kindness.[77][78]

L345–350

The Qualities of One Whose Transmission of Reports Must Be Accepted

Abū Muḥammed said: We have additionally identified a decisive demonstration of the obligation to accept a solitary report: Allah Most High's account of Moses, peace be upon him, when there came to him: {And a man came running from the farthest part of the city. He said, "O Moses, the chiefs are consulting together about you, to kill you, so leave. I am indeed one of your sincere advisers."} {Then one of the two women came to him, walking bashfully. She said, "My father invites you, to reward you with the payment for having watered for us." Then, when he came to him and recounted the story to him, he said, "Do not fear. You have escaped the wrongdoing people."} Up to His saying, Most High: {He said, "I wish to marry you to one of these two daughters of mine, on condition that you work for me for eight years. If you complete ten, that will be of your own accord. I do not wish to make things difficult for you. You will find me, if Allah wills, among the righteous."} To the end of the account.

Moses, peace be upon him, believed the statement of the man who warned him and left his homeland on the strength of his statement, and Allah Most High approved this action of his. He believed the woman's statement that her father was inviting him, and went with her. He believed her father's statement that she was his daughter and, on the strength of his statement alone, deemed marriage to her and sexual intercourse with her lawful. Allah approved all of this. Thus what we have said is established with certainty: a solitary report is something one is compelled to believe with certainty. Praise belongs to Allah, Lord of the worlds.

صفة من يلزم قبوله نقل الأخبار قال أبو محمد واستدركنا برهانا في وجوب قبول الخبر الواحد قاطعا، وهو خبر الله تعالى عن موسى عليه السلام إذ جاءه {وجآء رجل من أقصى لمدينة يسعى قال يموسى إن لملأ يأتمرون بك ليقتلوك فخرج إني لك من لناصحين} {فجآءته إحداهما تمشي على ستحيآء قالت إن أبي يدعوك ليجزيك أجر ما سقيت لنا فلما جآءه وقص عليه لقصص قال لا تخف نجوت من لقوم لظالمين} إلى قوله تعالى {قال إني أريد أن أنكحك إحدى بنتي هاتين على أن تأجرني ثماني حجج فإن أتممت عشرا فمن عندك ومآ أريد أن أشق عليك ستجدني إن شاء الله من الصالحين} إلى آخر القصة، فصدق موسى عليه السلام قول المنذر له، وخرج عن وطنه بقوله، وصوب الله تعالى ذلك من فعله، وصدق قول المرأة التي أباها يدعوه فمضى معها، وصدق أباها في قوله إنها ابنته، واستحل نكاحها وجماعها بقوله وحده، وصوب الله ذلك كله، فصح يقينا ما قلنا بأن خبر الواحد ما يضطر إلى تصديقه يقينا والحمد لله رب العالمين قال علي وقد ذكرنا في الباب الذي قبل هذا وجوب قبول نذارة العدل النافر للتفقه في الدين، فإذا كان الراوي عدلا حافظا لما تفقه فيه، أو ضابطا له بكتابه وجب قبول نذارته، فإن كان كثير الغلط والغفلة غير ضابط بكتابه، فلم يتفقه فيما نفر للتفقه فيه، وإذا لم يتفقه فليس ممن أمرنا بقبول نذارته، ومن جهلنا حاله فلم ندر أفاسق هو أم عدل، وأغافل هو أم حافظ أو ضابط؟ ففرض علينا التوقف عن قبول خبره حتى يصح عندنا فقهه وعدالته وضبطه أو حفظه فيلزمنا حينئذ قبول نذارته، أو تثبت عندنا جرحته، أو قلة حفظه وضبطه فيلزمنا اطراح خبره. حدثنا عبد الله بن يوسف بن نامي، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا أبو عامر الأشعري، ثنا أبو أسامة هو حماد بن أسامة،

[77] **Translator's note (L342):** The two occurrences of Sufyān are retained as supplied; they can designate two distinct transmitters bearing that name.

[78] **Translator's note (L343):** "The transmitter's verification" follows the supplied tathabbut al-rāwī. The expression is awkward in this list but is retained alongside the explicit acknowledgment of error. The Arabic has an additional "and" before "is the abrogated ruling," producing a syntactically irregular clause. The translation preserves its evident predication without changing which ruling the author identifies as abrogated.

ʿAlī said: In the chapter preceding this one, we have mentioned the obligation to accept the warning of an upright person who goes forth to acquire understanding of the religion. If the transmitter is upright and retains in memory what he has acquired understanding of, or accurately preserves it in his written record, accepting his warning is obligatory. If he frequently errs and is inattentive, and does not accurately preserve it in his written record, then he has not acquired understanding of that for the understanding of which he went forth. If he has not acquired understanding, he is not among those whose warning we have been commanded to accept. As for someone whose condition is unknown to us, so that we do not know whether he is morally corrupt or upright, or whether he is inattentive or retains things in memory or preserves them accurately, we are obliged to refrain from accepting his report until his understanding, uprightness, and accuracy or retention in memory are established for us. We must then accept his warning. Or his discrediting, or the deficiency of his retention in memory and accuracy, becomes established for us, in which case we must discard his report.

ʿAbd Allāh ibn Yūsuf ibn Nāmī related to us: Aḥmad ibn Fatḥ related to us: ʿAbd al-Wahhab ibn ʿIsa narrated to us: Ahmad ibn Muhammed narrated to us: Ahmad ibn ʿAli narrated to us: Muslim ibn al-Hajjaj narrated to us: Abu ʿAmir al-Ashʿari narrated to us: Abu Usamah—that is, Hammad ibn Usamah—narrated to us, from Burayd ibn ʿAbd Allah, from Abu Burdah, from Abu Musa, from the Prophet ﷺ, that he said: "The likeness of the guidance and knowledge with which Allah sent me is that of rain which fell upon some land. Part of it was good soil that absorbed the water and produced pasture and herbage in abundance. Part of it consisted of barren patches that retained the water, through which Allah benefited people: they drank from it, watered their animals, and grazed them. It fell upon another part that consisted only of flat expanses which neither retain water nor produce pasture. Such is the likeness of someone who gains understanding of Allah's religion through that with which Allah sent me, and thus learns and teaches; and the likeness of someone who pays no heed to it and does not accept Allah's guidance with which I was sent." And ʿAbd al-Rahman ibn ʿAbd Allah al-Hamdani narrated to us: Ibrahim ibn Ahmad al-Balkhi narrated to us:

عن بريد بن عبد الله عن أبي بردة عن أبي موسى عن النبي صلى الله عليه وسلم أنه قال إن مثل ما بعثني الله به من الهدى والعلم كمثل غيث أصاب أرضا فكانت منها طائفة طيبة قبلت الماء فأنبتت الكلأ والعشب الكثير، وكانت منها أجادب أمسكت الماء فنفع الله بها الناس فشربوا منها وسقوا ورعوا، وأصاب منها طائفة أخرى إنما هي قيعان لا تمسك ماء ولا تنبت كلأ. % فذلك مثل % من فقه في دين الله بما بعثني الله به فعلم وعلم ومثل من لم يرفع بذلك رأسا ولم يقبل هدى الله الذي أرسلت به. وحدثنا عبد الرحمن بن عبد الله الهمداني، ثنا إبراهيم بن أحمد البلخي، ثنا الفربري، ثنا البخاري، ثنا محمد بن العلاء، ثنا حماد بن أسامة عن يزيد فذكره بإسناده ولفظه، إلا أنه قال مكان طيبة: نقية، ومكان غيث: الغيث الكثير، ومكان ورعوا: وزرعوا، ومكان فقه: تفقه، ومكان قيعان قيعة واتفقا في كل ما عدا ذلك قال علي وليس اختلاف الروايات عيبا في الحديث إذا كان المعنى واحدا لأن النبي صلى الله عليه وسلم صح عنه أنه إذا كان يحدث بحديث كرره ثلاث مرات، فنقل كل إنسان بحسب ما سمع فليس هذا الاختلاف في الروايات مما يوهن الحديث إذا كان المعنى واحدا قال علي فقد جمع رسول الله صلى الله عليه وسلم في هذا الحديث مراتب أهل العلم دون أن يشذ منها شيء، فالأرض الطيبة النقية هي مثل الفقيه الضابط لما روى، الفهم للمعاني التي يقتضيها لفظ النص، المتنبه على رد ما اختلف فيه الناس إلى نص حكم القرآن وسنة رسول الله صلى الله عليه وسلم وأما الأجادب الممسكة للماء التي يستقي منها الناس، فهي مثل الطائفة التي حفظت ما سمعت أو ضبطته بالكتاب وأمسكته، حتى أدته إلى غيرها غير مغير، ولم يكن لها تنبه على معاني ألفاظ ما روت، ولا معرفة بكيفية رد ما اختلف الناس فيه إلى نص القرآن والسنن التي روت، لكن نفع الله تعالى بهم في التبليغ فبلغوه إلى من هو أفهم بذلك فقد أنذر رسول الله صلى

al-Firabri narrated to us: al-Bukhari narrated to us: Muhammed ibn al-ʿAlaʾ narrated to us: Hammad ibn Usamah narrated to us, from Yazid. He then related it with its chain of transmission and wording, except that, in place of "good," he said "pure"; in place of "rain," "abundant rain"; in place of "and grazed," "and cultivated"; in place of "gained understanding," "acquired understanding"; and in place of "flat expanses," "a flat expanse." The two agreed in everything else. ʿAli said: Differences between versions are no defect in a hadith when the meaning is one, because it is authentically established of the Prophet ﷺ that, when he related a hadith, he repeated it three times. Each person therefore transmitted according to what he heard. Such differences between versions do not weaken the hadith when the meaning is one. ʿAli said: In this hadith, the Messenger of Allah ﷺ encompassed the ranks of the people of knowledge, leaving none of them out. The good, pure soil is the likeness of the jurist who accurately retains what he transmits, understands the meanings entailed by the wording of the text, and is alert to referring matters over which people disagree back to the explicit ruling of the Quran and the Sunnah of the Messenger of Allah ﷺ. As for the barren patches that retain water, from which people draw water, these are the likeness of the group who memorized what they heard, or accurately preserved it in writing, and retained it until they conveyed it to others without alteration. They had no awareness of the meanings of the expressions they transmitted, nor any knowledge of how to refer matters over which people disagreed back to the text of the Quran and the prophetic traditions they transmitted. Yet Allah Most High benefited others through their conveying it, and they conveyed it to those who understood it better. The Messenger of Allah ﷺ gave notice of this when he said, "Many a person to whom something is conveyed comprehends it better than one who heard it," and as it is related from him ﷺ that he said, "Many a bearer of understanding is not himself a jurist." Abu Muhammed said: Thus, whoever neither memorizes what he hears nor accurately preserves it is neither like the good soil nor like the barren patches that retain water. Rather, he is deprived, whether excused or an object of displeasure, like the flat expanses that neither produce pasture nor

الله عليه وسلم بهذا إذ يقول فرب مبلغ أوعى من سامع وكما روي عنه عليه السلام أنه قال فرب حامل فقه ليس بفقيه قال أبو محمد: فمن لم يحفظ ما سمع ولا ضبطه، فليس مثل الأرض الطيبة ولا مثل الأجادب الممسكة للماء بل هو محروم معذور أو مسخوط بمنزلة القيعان التي لا تنبت الكلأ ولا تمسك الماء وفي هذا كفاية بيان وبالله تعالى التوفيق

retain water. This is sufficient clarification, and through Allah Most High comes success.[79][80][81][82]

L351–357 ʿAli said: Let whoever among you is able be like the good soil. If he is denied that, let him be among the barren patches. Beyond that there is no degree of merit or eminence. We seek refuge in Allah from being among the flat expanses. Yet whoever draws water from the barren patches and grazes upon the good soil has attained deliverance, and through Allah comes success. ʿAli said: When an upright transmitter relates a report from another like himself, and so on until he traces it to the Prophet ﷺ, it becomes obligatory to accept it, to obey it, and to affirm it with certainty, whether someone else transmits it with a gap in its chain or another stops its attribution short of the Prophet, or a liar among the people also transmits it; whether it is transmitted through another route or is transmitted only through that route; and whether its transmitter is a slave or a woman or neither. The only conditions are uprightness and acquired understanding. Indeed, there is much to marvel at in people who claim that they accept the authority of a solitary report, yet impugn those authentic hadiths that conflict with their doctrines by saying, "This is something transmitted only by so-and-so, and no source for it is known through any other route." Abu Muhammed said: This is profound ignorance and an extreme lapse, for they have agreed with us that accepting and acting upon a solitary report is obligatory, yet they constantly make its

قال علي فمن استطاع منكم فليكن من أمثال الأرض الطيبة، فإن حرم ذلك فمن الأجادب وليس بعد ذلك درجة في الفضل والبسوق، ونعوذ بالله من أن نكون من القيعان، لكن من استقى من الأجادب ورعى من الطيبة فقد نجا وبالله التوفيق قال علي فإذا روى العدل عن مثله كذلك خبرا حتى يبلغ به النبي صلى الله عليه وسلم فقد وجب الأخذ به ولزمت طاعته والقطع به سواء أرسله غيره أو أوقفه سواه، أو رواه كذاب من الناس، وسواء روي من طريق أخرى أو لم يرو إلا من تلك الطريق، وسواء كان ناقله عبدا أو امرأة أو لم يكن، وإنما الشرط العدالة والتفقه فقط، وإن العجب ليكثر من قوم من المدعين أنهم قائلون بخبر الواحد، ثم يعللون ما خالف مذاهبهم من الأحاديث الصحاح بأن يقولوا: هذا مما لم يروه إلا فلان، ولم يعرف له مخرج من غير هذا الطريق. قال أبو محمد: وهذا جهل شديد وسقوط مفرط، لأنهم قد اتفقوا معنا على وجوب قبول خبر الواحد والأخذ به، ثم هم دأبا يتعللون في ترك السنة بأنه خبر واحد، والعجب أنهم يأخذون بذلك إذا اشتهوا، فهذا محمد بن مسلم الزهري له نحو تسعين حديثا انفرد بها عن النبي صلى الله عليه وسلم لم يروها أحد من الناس سواه ليس أحد من الأئمة إلا وله أخبار انفرد بها، ما تعلل أحد من هؤلاء المحرمون في رد شيء منها بذلك، فليت شعري ما الفرق بين من قبلوا خبره ولم يروه أحد معه، وبين من ردوا خبره لأنه لم يروه أحد معه، وهل في الاستخفاف بالسنن أكثر من هذا؟. وأيضا فإن الخبر وإن روي من طرق ثلاثة أو أربعة أو أكثر من ذلك فهو كله خبر واحد، من أثبت شيئا من ذلك أثبت خبر الواحد، ومن نفى خبر الواحد نفى كل ذلك، لأن العلة عندهم في كل ذلك واحدة، وهي أن كل ما لا يضطر إلى التصديق عندهم ولم يوجب القطع على صحة مغيبة لديهم، فهو خبر واحد،

[79] **Translator's note (L345):** The first two Quranic quotations contain numerous defective spellings, including omitted initial alifs. Their identifiable wording is translated as supplied, without adding intervening verses. The heading's Arabic construction is awkward; it has been understood as describing the transmitter whose reports must be accepted.

[80] **Translator's note (L347):** The Arabic words for "guidance and knowledge" complete the phrase begun in the preceding segment; they are rendered there to preserve English word order.

[81] **Translator's note (L348):** The second chain reads "Yazid," whereas the preceding chain reads "Burayd." This apparent discrepancy is preserved. The supplied text contains percent signs around "such is the likeness"; these appear to be transcription or formatting artifacts. The unvocalized words rendered "learns and teaches" are علم وعلم; the context supports reading them as ʿalima wa-ʿallama.

[82] **Qur'an references (L345):** Qur'an 28:25 (Al-Qasas); Qur'an 28:27 (Al-Qasas); Qur'an 37:182 (As-Saffat).

being a solitary report a pretext for abandoning the Sunnah. The astonishing thing is that they accept it when they so desire. Here is Muhammed ibn Muslim al-Zuhri: he has some ninety hadiths from the Prophet ﷺ which he alone transmitted, and which no other person transmitted. There is no imam who does not have reports that he alone transmitted. None of these men who declare things forbidden has used that as a pretext for rejecting any of them. Would that I knew the difference between someone whose report they accept, although no one else transmitted it alongside him, and someone whose report they reject because no one else transmitted it alongside him! Could there be any greater disregard for the prophetic traditions than this? Furthermore, even if a report is transmitted through three or four routes, or more than that, it is all still a solitary report. Whoever affirms any of that affirms the solitary report, and whoever rejects the solitary report rejects all of that, because, according to them, the operative reason in all of it is one: everything that, in their view, does not compel assent and does not require certainty concerning the truth of its unseen content is a solitary report. According to them, this describes everything that has not been transmitted through mass transmission. They have therefore abandoned their doctrine without realizing it—or they realize it and do so deliberately, which is worse and uglier. We seek refuge in Allah from being forsaken. ʿAli said: As for a transmitter who conceals links in transmission, such transmitters fall into two categories. One is an upright transmitter with a retentive memory who sometimes transmits his hadith with a gap in its chain and sometimes gives its chain of transmission. Sometimes he relates it in the course of scholarly discussion, issuing a legal opinion, or disputation, without mentioning a chain for it; and sometimes he confines himself to mentioning some of its transmitters rather than others. This does not harm his remaining transmissions in any way, because it constitutes neither an impugning defect nor inattentiveness. However, we leave aside those hadiths of his which we know with certainty he transmitted with a gap in the chain, and those in which we know he omitted some member of the chain. We accept those hadiths of his concerning which we have no certainty of anything of that. Whether he says, “So-and-so informed us,” or says, “From so-and-so,” or says, “So-and-so, from so-and-so,” all of this must be accepted unless it is known with

وهذه عندهم صفة كل ما لم ينقل بالتواتر، فقد تركوا مذهبهم وهم لا يشعرون، أو يشعرون ويتعمدون، وهذه أسوأ وأقبح ونعوذ بالله من الخذلان قال علي وأما المدلس فينقسم إلى قسمين أحدهما حافظ عدل ربما أرسل حديثه وربما أسنده، وربما حدث به على سبيل المذاكرة أو الفتيا أو المناظرة، فلم يذكر له سندا، وربما اقتصر على ذكر بعض رواته دون بعض، فهذا لا يضر ذلك سائر رواياته شيئا، لأن هذا ليس جرحة ولا غفلة، لكنا نترك من حديثه ما علمنا يقينا أنه أرسله وما علمنا أنه أسقط بعض من في إسناده، ونأخذ من حديثه ما لم نوقن فيه شيئا من ذلك. وسواء قال: أخبرنا فلان، أو قال: عن فلان، أو قال: فلان عن فلان كل ذلك واجب قبوله، ما لم يتيقن أنه أورد حديثا بعينه إيرادا غير مسند، فإن أيقنا ذلك تركنا ذلك الحديث وحده فقط وأخذنا سائر رواياته. وقد روينا عن عبد الرزاق بن همام قال: كان معمر يرسل لنا أحاديث، فلما قدم عليه عبد الله بن المبارك أسندها له وهذا النوع منهم كان جلة أصحاب الحديث وأئمة المسلمين كالحسن البصري، وأبي إسحاق السبيعي، وقتادة بن دعامة، وعمرو بن دينار، وسليمان الأعمش، وأبي الزبير، وسفيان الثوري، وسفيان بن عيينة، وقد أدخل علي بن عمر الدارقطني فيهم مالك بن أنس، ولم يكن كذلك ولا يوجد له هذا إلا في قليل من حديثه أرسله مرة وأسنده أخرى. وقسم آخر: قد صح عنهم إسقاط من لا خير فيه من أسانيدهم عمدا، وضم القوي إلى القوي تلبيسا على من يحدث، وغرورا لم يأخذ عنه، ونصرا لما يريد تأييده من الأقوال، مما لو سمى من سكت عن ذكره لكان ذلك علة ومرضا في الحديث، فهذا رجل مجرح، وهذا فسق ظاهر واجب اطراح جميع حديثه، صح أنه دلس فيه أو لم يصح أنه دلس فيه، وسواء قال سمعت أو أخبرنا أو لم يقل، كل ذلك مردود غير مقبول لأنه ساقط العدالة، غاش لأهل الإسلام باستجازته ما ذكرناه، ومن هذا النوع كان الحسين بن عمارة وشريك بن عبد الله القاضي وغيرهما قال علي ومن صح أنه قبل التلقين ولو مرة سقط

certainty that he presented a particular hadith without a connected transmission chain. If we ascertain that, we leave aside that hadith alone and accept all his other narrations. We have transmitted from Abd al-Razzaq ibn Hammam that he said: "Maʿmar used to transmit hadiths to us with interrupted chains; then, when Abd Allah ibn al-Mubarak came to him, he supplied connected chains for them." This category included eminent hadith scholars and leaders of the Muslims, such as al-Hasan al-Basri, Abu Ishaq al-Sabiʿi, Qatada ibn Diʿama, Amr ibn Dinar, Sulayman al-Aʿmash, Abu al-Zubayr, Sufyan al-Thawri, and Sufyan ibn Uyayna. Ali ibn Umar al-Daraqutni included Malik ibn Anas among them, but he was not of this kind. This occurs in only a few of his hadiths, which he transmitted on one occasion with an interrupted chain and on another with a connected chain.

Another category consists of those who have been reliably shown deliberately to omit people in whom there is no good from their transmission chains, joining a strong transmitter to another strong transmitter in order to mislead those to whom they narrate, deceive those who take reports from them, and support the positions they wish to uphold—cases in which naming the person whose mention they suppressed would constitute a defect and an infirmity in the hadith. Such a man is impugned as a transmitter. This is manifest moral transgression, requiring that all his hadiths be discarded, whether or not it has been established that he concealed a defect in their transmission chains. Whether he says, "I heard," or "He informed us," or does not say either, all of it is rejected and unacceptable, because his uprightness has lapsed. He deceives the people of Islam by deeming permissible what we have mentioned. Al-Husayn ibn Umara, Sharik ibn Abd Allah the judge, and others belonged to this category.

Ali said: Anyone who has been reliably shown to have accepted prompting, even once, has all his hadiths disqualified, because he neither acquired understanding of the religion of Allah, Mighty and Majestic, nor retained what he heard. He ﷺ said: "May Allah make radiant a man who hears a hadith from us and retains it until he conveys it to someone else." He ﷺ thus commanded only the acceptance of what a person who retains it conveys. Prompting is when someone says to him, "So-and-so narrated such-and-such

حديثه كله لأنه لم يتفقه في دين الله عز وجل ولا حفظ ما سمع وقد قال عليه السلام نضر الله امرأ سمع منا حديثا حفظه حتى بلغه غيره فإنما أمر عليه السلام بقبول تبليغ الحافظ والتلقين هو أن يقول له القائل: حدثك فلان بكذا، ويسمي له من شاء من غير أن يسمعه منه، فيقول نعم، فهذا لا يخلو من أحد وجهين ولا بد من أحدهما ضرورة إما أن يكون فاسقا يحدث بما لم يسمع أو يكون من الغفلة بحيث يكون الذاهل العقل المدخول الذهن، ومثل هذا لا يلتفت له لأنه ليس من ذوي الألباب، ومن هذا النوع كان سماك بن حرب، أخبر بأنه شاهد ذلك منه شعبة الإمام الرئيس ابن الحجاج

to you," naming anyone he wishes, without his having heard it from that person, and he says, "Yes." This necessarily admits of only two possibilities, one of which must apply: either he is a morally transgressive person who narrates what he has not heard, or his heedlessness is such that his reason is distracted and his mind impaired. No attention is to be paid to someone like this, because he is not among those possessed of understanding. Simak ibn Harb belonged to this category. Shuʿba ibn al-Hajjaj, the foremost imam, reported that he had witnessed this in him.[8384]

L358–365 Ali said: Among the errors made by some hadith scholars is the statement, "So-and-so may be accepted concerning matters that soften the heart, but may not be accepted concerning legal rulings." Abu Muhammed said: This is false, because it is an invalid division for which there is no demonstration; indeed, demonstration invalidates it. Everyone on earth must be either morally transgressive or not morally transgressive. If he is not morally transgressive, he is upright, and there is no possibility of a third rank. The upright person falls into two categories: one who possesses understanding of the religion and one who does not. The upright person who possesses such understanding is accepted in everything, whereas the morally transgressive person is accepted in nothing. As for the upright person who does not retain what he hears, his warning in particular is not accepted in anything whatsoever, because the condition of acceptance explicitly stipulated by Allah Most High is absent in him. Whoever is upright in some of what he transmits is upright in all the rest of it. It is impossible that accepting some of his reports should be permissible while accepting the rest should be impermissible, except on the basis of an explicit text from Allah Most High or a consensus distinguishing

قال علي ومما غلط فيه بعض أصحاب الحديث أنه قال فلان يحتمل في الرقائق ولا يحتمل في الأحكام. قال أبو محمد: وهذا باطل لأنه تقسيم فاسد لا برهان عليه، بل البرهان يبطله وذلك أنه لا يخلو كل أحد في الأرض من أن يكون فاسقا أو غير فاسق، فإن كان غير فاسق كان عدلا ولا سبيل إلى مرتبة ثالثة فالعدل ينقسم إلى قسمين فقيه وغير فقيه فالفقيه العدل مقبول في كل شيء والفاسق لا يحتمل في شيء والعدل غير الحافظ لا تقبل نذارته خاصة في شيء من الأشياء، لأن شرط القبول الذي نص الله تعالى عليه ليس موجودا فيه. ومن كان عدلا في بعض نقله، فهو عدل في سائره، ومن المحال أن يجوز قبول بعض خبره، ولا يجوز قبول سائره إلا بنص من الله تعالى أو إجماع في التفريق بين ذلك، وإلا فهو تحكم بلا برهان وقول بلا علم وذلك لا يحل قال علي وقد غلط أيضا قوم آخرون منهم فقالوا فلان أعدل من فلان وراموا بذلك ترجيح خبر الأعدل على من هو دونه في العدالة قال علي وهذا خطأ شديد وكان يكفي من الرد عليهم أن نقول لهم: إنهم أبرك الناس لذلك، وفي أكثر أمرهم يأخذون بما روى الأول عدالة ويتركون ما روى الأعدل، ولعلنا سنورد من ذلك طرفا صالحا إن شاء الله تعالى، ولكن لا بد لنا بمشيئة الله تعالى من إبطال هذا القول بالبرهان الظاهر ولا حول ولا قوة إلا بالله العلي العظيم. فأول ذلك: أن الله عز وجل لم يفرق بين خبر عدل، وخبر عدل آخر أعدل من ذلك، ومن حكم في

[83] **Translator's note (L352):** "These men who declare things forbidden" renders المحرمون, an awkward reading in this context whose intended sense is uncertain. The supplied wording has not been silently emended.

[84] **Translator's note (L355):** The phrase «وغرورا لم يأخذ عنه» is syntactically defective as supplied. The translation understands the intended object as those who take reports from the transmitter, but the transmitted wording does not express this cleanly. The personal name «الحسين بن عمارة» is retained as supplied; it has not been silently changed to al-Hakam ibn Utayba's contemporary al-Hakam ibn Umara or to any other transmitter's name.

between them. Otherwise, it is arbitrary judgment without demonstration and speech without knowledge, and that is not lawful.

Ali said: Another group of them have also erred, saying, “So-and-so is more upright than so-and-so,” and seeking thereby to give preference to the report of the more upright person over that of someone beneath him in uprightness. Ali said: This is a grave error. It would suffice as a refutation of them for us to tell them that they are the most blessed of people in that regard, while in most of their practice they accept what the one who is first in uprightness has narrated and leave aside what the more upright person has narrated. Perhaps we shall present a substantial selection of such instances, if Allah Most High wills. Nevertheless, by the will of Allah Most High, we must invalidate this position through clear demonstration. There is neither power nor strength except through Allah, the Most High, the Magnificent. The first point is that Allah, Mighty and Majestic, has not distinguished between the report of one upright person and the report of another upright person who is more upright than that person. Whoever rules in religion without a command from Allah, Mighty and Majestic, or from His Messenger ﷺ, or a consensus known with certainty and conclusively established, transmitted from the Messenger of Allah ﷺ, has pursued that of which he has no knowledge. Whoever does that disobeys Allah, Mighty and Majestic, because He Most High has forbidden him to do so. He Most High has commanded only the acceptance of the warning of the one who goes forth and possesses understanding of the religion and uprightness, and only the acceptance of the testimony of upright people. Whoever adds a ruling has thus done something impermissible for him, discarded what Allah Most High did not command him to discard, and given precedence to what Allah, Mighty and Majestic, did not command him to give precedence to.

Ali said: Furthermore, someone of lesser uprightness may know what someone more complete in uprightness does not know. Abu Bakr and Umar did not know the grandmother’s inheritance entitlement, whereas al-Mughira ibn Shuʿba and Muhammed ibn Maslama knew it. There is a great distance between those two and Abu Bakr and Umar, although all of them are upright. Abu Bakr deferred to al-Mughira’s report on that matter, and Umar deferred

الدين بغير أمر من الله عز وجل أو من رسوله عليه السلام أو إجماع متيقن مقطوع به منقول عن رسول الله صلى الله عليه وسلم فقد قفا ما ليس له به علم وفاعل ذلك عاص لله عز وجل، لأنه قد نهاه تعالى عن ذلك، وإنما أمر تعالى بقبول نذارة النافر الفقيه العدل فقط، وبقبول شهادة العدول فقط، فمن زاد حكما فقد أتى بما لا يجوز له، وترك ما لم يأمره الله تعالى بتركه، وغلب ما لم يأمره الله عز وجل بتغليبه قال علي وأيضا فقد يعلم الأقل عدالة ما لا يعلمه من هو أتم منه عدالة، وقد جهل أبو بكر وعمر ميراث الجدة، وعلمه المغيرة بن شعبة ومحمد بن مسلمة وبينهما وبين أبي بكر وعمر بون بعيد إلا أنهم كلهم عدول، وقد رجع أبو بكر إلى خبر المغيرة في ذلك، ورجع عمر إلى خبر مخبر أخبره عن أملاص المرأة، ولم يكن ذلك عند عمر، وذلك المخبر بينه وبين عمر في العدالة درج، وأيضا فإن كل ما يتخوف من العدل فإنه متخوف من أعدل من في الأرض بعد رسول الله صلى الله عليه وسلم وأيضا فلو شهد أبو بكر وحده ما قبل قبولا لا يوجب الحكم بشهادته، ولو شهد عدلان من عرض الناس قبلا، فلا معنى للأعدل. وأيضا فإن العدالة إنما هي التزام العدل، والعدل هو القيام بالفرائض واجتناب المحارم والضبط لما روى وأخبر به فقط، ومعنى قولنا فلان أعدل من فلان أي أنه أكثر نوافل في الخير فقط، وهذه صفة لا مدخل لها في العدالة، إذ لو انفردت من صفة العدالة التي ذكرنا لم يكن فضلا ولا خيرا. فاسم العدالة مستحق دونهما كما هو مستحق معها سواء بسواء ولا فرق، فصح أنه لا يجوز ترجيح رواية على أخرى، ولا ترجيح شهادة على أخرى، بأن أحد الراوين أو أحد الشاهدين أعدل من الآخر، وهذا الذي تحكموا به إنما هو من باب طيب النفس، وطيب النفس باطل لا معنى له وشهوة لم يأذن بها الله تعالى ولا رسوله صلى الله عليه وسلم وإنما هو حق فسواء طابت النفس عليه أو كرهته فهو حرام عليها، وهذا من باب اتباع الهوى، وقد حرم الله تعالى ذلك قال عز وجل {وأما من خاف مقام ربه ونهى لنفس عن

to the report of an informant who informed him about a woman's miscarriage, knowledge of which Umar did not possess. There were degrees of difference in uprightness between that informant and Umar. Furthermore, everything that may be feared of an upright person may also be feared of the most upright person on earth after the Messenger of Allah ﷺ. Furthermore, if Abu Bakr alone were to testify, he would not be accepted—an acceptance that does not entail ruling on the basis of his testimony—whereas if two upright people from among ordinary people were to testify, they would be accepted. Thus, being more upright has no significance. Furthermore, uprightness consists only in adhering to right conduct, and right conduct consists only in performing obligatory duties, avoiding forbidden things, and accurately retaining what one narrates and reports. Our statement, "So-and-so is more upright than so-and-so," means only that he performs more supererogatory acts in reporting. This is a quality that has no bearing on uprightness, since, if it existed apart from the quality of uprightness we have mentioned, it would be neither merit nor goodness. The designation of uprightness is deserved without those two just as it is deserved with it, on precisely equal terms, with no difference. It is therefore established that one narration may not be given preference over another, nor one testimony over another, on the grounds that one of the two narrators or one of the two witnesses is more upright than the other. This arbitrary ruling of theirs belongs only to the category of feeling reassured, and feeling reassured is invalid and of no significance: it is a desire that neither Allah Most High nor His Messenger ﷺ has authorized. It is only a matter of truth; thus, whether the soul feels reassured by it or dislikes it, it is forbidden to it. This belongs to following desire, which Allah Most High has forbidden. He, Mighty and Majestic, said: {But as for him who feared standing before his Lord and restrained the soul from desire}. He Most High also said: {If they do not respond to you, then know that they follow only their desires. And who is further astray than one who follows his desire without guidance from Allah? Indeed, Allah does not guide the wrongdoing people}. Whoever rules in the religion of Allah, Mighty and Majestic, according to what he deems good and feels reassured by, without demonstration from an established text or a consensus, has no one further astray than himself. In Allah Most High

لهوى} وقال تعالى {فإن لم يستجيبوا لك فعلم أنما يتبعون أهوآءهم ومن أضل ممن تبع هواه بغير هدى من الله إن الله لا يهدي لقوم لظالمين} فمن حكم في دين الله عز وجل بما استحسن وطابت نفسه عليه دون برهان من نص ثابت أو إجماع، فلا أحد أضل منه، وبالله تعالى نعوذ من الخذلان، إلا من جهل ولم تقم عليه حجة، فالخطأ لا ينكر، وهو معذور مأجور، ولكن من بلغه البيان وقامت عليه الحجة فتمادى على هواه فهو فاسق عاص لله عز وجل قال علي ووجدنا الله تعالى لم يرض في القبول في الشهادة بزنى الأمة إلا أربعة عدول لا أقل، وإنما في ذلك خمسون جلدة وتغريب نصف عام، ووجدنا كما قد وافقتمونا على القبول في إباحة دم المسلم ودماء الجماعة باثنين، وكذلك في القذف والقطع، فأين طيب النفس ههنا. فبهذا وغيره يجب قبول ما قام الدليل عليه وسواء طابت عليه النفس أو لم تطب قال علي والمرأة والرجل والعبد في كل ما ذكرنا سواء، ولا فرق ولم يخص تعالى عدلا من عدل ولا رجلا من امرأة ولا حرا من عبد قال علي وبما ذكرنا ههنا يبطل قول من قال هذا الحديث لم يرو من غير هذا الوجه ثم قال: إنما طلبنا كثرة الرواة على استطابة النفس، فإن اعترضوا بقول إبراهيم عليه السلام إذ يقول: {وإذ قال إبراهيم رب أرني كيف تحيي الموتى قال أولم تؤمن قال بلى ولكن ليطمئن قلبي قال فخذ أربعة من لطير فصرهن إليك ثم جعل على كل جبل منهن جزءا ثم دعهن يأتينك سعيا وعلم أن لله عزيز حكيم} الآية قيل لهم أفترون يقين الخليل عليه السلام كان مدخولا قبل أن يرى إحياء الطير فإن قلتم هذا كفرتم ولو لم يره الله تعالى ذلك كما لم ير موسى ما سأل ما تخالج إبراهيم شك في صحة إحياء الله تعالى الموتى، وكذلك نحن إن وجدنا الحديث مرويا من طرق كان ذلك أبلغ أن الحجة عند المخالف فقط وإن عدمناه فقد لزمنا القبول لنقل الواحد بالحجاج التي قدمنا، وبينا على أي وجه طلب إبراهيم ما طلب في كتابنا في الملل والنحل قال

we seek refuge from abandonment—except for someone who is ignorant and against whom no proof has been established: error is not denied, and he is excused and rewarded. But whoever has received the clarification and had the proof established against him, then persists in following his desire, is morally transgressive and disobedient to Allah, Mighty and Majestic.

Ali said: We find that Allah Most High has not been satisfied, for the acceptance of testimony concerning an enslaved woman's unlawful sexual intercourse, with fewer than four upright witnesses, although what is involved is only fifty lashes and banishment for half a year. And we find, as you have already agreed with us, to the acceptance of two witnesses for permitting the shedding of a Muslim's blood, or the blood of a group, and likewise in cases of accusations of unlawful sexual intercourse and amputation. Where, then, is personal satisfaction here? On these and other grounds, whatever is established by evidence must be accepted, whether one feels satisfied with it or not. Ali said: A woman, a man, and a slave are equal in everything we have mentioned; there is no distinction. The Exalted has not singled out one upright person over another, a man over a woman, or a free person over a slave. Ali said: What we have mentioned here invalidates the statement of someone who says, 'This hadith has not been transmitted through any other route,' and then says, 'We sought a greater number of transmitters only to obtain personal satisfaction.' If they object by citing the words of Abraham, peace be upon him, when he says, 'And when Abraham said, "My Lord, show me how You give life to the dead." He said, "Have you not believed?" He said, "Yes indeed, but so that my heart may be reassured." He said, "Then take four birds and draw them to yourself; then place a portion of them upon every mountain; then call them: they will come to you swiftly. And know that Allah is Mighty, Wise"'—the verse they are to be told: Do you suppose that the certainty of the Intimate Friend, peace be upon him, was impaired before he saw the birds brought to life? If you say this, you have disbelieved. Had Allah the Exalted not shown him that, just as He did not show Moses what he requested, no doubt would have stirred within Abraham concerning the reality of Allah the Exalted giving life to the dead. Likewise, if we find a hadith transmitted through several routes, that serves only to make the proof

علي ومن عدله عدل وجرحه عدل فهو ساقط الخبر والتجريح يغلب التعديل، لأنه علم زائد عند المجرح لم يكن عند المعدل، وليس هذا تكذيبا للذي عدل بل هو تصديق لهما معا، فإن قال قائل: فهلا قلتم بل عند المعدل علم لم يكن عند المجرح؟ قيل له: كذلك نقول ونصدق كل واحد منهما، فإذا صح خبرهما معا عليه فلا خلاف في أن كل من جمع عدالة ومعصية فأطاع في قصة وصلى وصام، وزكى وفسق في أخرى وزنى أو شرب الخمر أو أتى كبيرة أو جاهر بصغيرة، فإنه فاسق عند جميع الأمة بلا خلاف، ولا يقع عليه اسم عدل، ولو لم يفسق إلا من تمحص الشر ولا يعمل شيئا من الخير لما فسق مسلم أبدا، لأن توحيده خير وفضل وإحسان وبر، وفي صحة القول بأن فينا عدولا وفساقا بنص القرآن، ورضا وغير رضا، بيان ما قلنا، ولو أخذنا بالتعديل وأسقطنا التجريح لكنا قد كذبنا المجرح وذلك غير جائز وهكذا القول في الشهادة ولا فرق

more compelling to the opponent. If we do not find this, we are nevertheless bound to accept the transmission of a single person, on the grounds of the arguments we have already presented. We have explained the sense in which Abraham requested what he requested in our book on religions and sects. Ali said: If one upright person attests a person's uprightness and another upright person impugns him, his report is rejected. Impugning takes precedence over attestation of uprightness, because the person impugning him possesses additional knowledge that the person attesting his uprightness did not possess. This does not declare the person who attested his uprightness a liar; rather, it credits both of them as truthful. If someone says, 'Why do you not say instead that the person attesting his uprightness possesses knowledge that the person impugning him did not possess?' he is to be told: That is indeed what we say, and we credit each of them as truthful. Once both their reports concerning him are established as sound, there is no disagreement that anyone who combines uprightness and disobedience—obeying in one matter, praying, fasting, and paying the obligatory alms, while acting wickedly in another, committing unlawful sexual intercourse, drinking wine, committing a major sin, or openly committing a minor sin—is, according to the entire community without disagreement, a flagrant sinner, and the designation 'upright' does not apply to him. If no one were a flagrant sinner unless he were wholly given over to evil and performed no good at all, no Muslim would ever be a flagrant sinner, since his affirmation of Allah's oneness is goodness, excellence, beneficence, and righteousness. And in the soundness of the assertion that among us there are upright people and flagrant sinners, according to the explicit text of the Quran, and people who are acceptable and others who are unacceptable, lies a demonstration of what we have said. If we accepted the attestation of uprightness and discarded the impugning, we would thereby have declared the person impugning him a

liar, and that is impermissible. The same applies to testimony; there is no distinction.[85][86][87][88][90]

L366 Ali said: No one's statement impugning a person is accepted until he explains the grounds for its prohibition. Some people have impugned others for drinking wine, whereas they were only drinking the fermented beverage

قال علي ولا يقبل في التجريح قول أحد إلا حتى يبين وجه تحريمه، فإن قوما جرحوا آخرين بشرب الخمر، وإنما كانوا يشربون النبيذ المختلف فيه بتأويل منهم أخطؤوا فيه، ولم يعلموه حراما ولو علموه مكروها فضلا عن حرام ما أقدموا عليه ورعا وفضلا، منهم الأعمش وإبراهيم وغيرهما من الأئمة رضي الله عنهم، وهذا ليس جرحة لأنهم مجتهدون طلبوا الحق فأخطؤوه.

[85] **Translator's note (L358):** The expression «أبرك الناس لذلك» literally means "the most blessed of people in that regard," but is awkward in this polemical argument and may be corrupt. It has been retained rather than replaced with a conjectural reading. The supplied «الأول عدالة» means "the first in uprightness." Its contrast with "the more upright" is unclear; a reading meaning "the less upright" would fit the argument, but has not been substituted.

[86] **Translator's note (L361):** The clause «ما قبل قبولا لا يوجب الحكم بشهادته» contains an awkward additional negation: literally, "he would not be accepted, an acceptance that does not entail ruling on his testimony." Both negations have been retained; the surrounding comparison suggests a textual problem. The supplied «أكثر نوافل في الخبر» says "more supererogatory acts in reporting," an awkward expression. It may reflect a corruption of a phrase referring to goodness, but the supplied wording has been retained. The dual pronoun in «دونهما», rendered "without those two," has an uncertain antecedent; the following «معها» is feminine singular, rendered "with it." The inconsistency is retained.

[87] **Translator's note (L362):** The supplied sequence «فهو حرام عليها ... وإنما هو حق» says that it is a matter of truth and then that "it is forbidden to it." The pronoun's reference and the resulting argument are unclear. This apparent textual difficulty has been preserved. The Qur'anic quotations contain defective spellings, including «لنفس», «لهوى», «فعلم», and «لله». The translation follows the intelligible wording of the supplied quotations without adding any omitted continuation. The statement «فالخطأ لا ينكر», rendered "error is not denied," is awkward in context; it has not been silently changed into a statement that the person is not censured for his error.

[88] **Translator's note (L363):** The Quran quotation contains apparent transcription errors: 'from the birds,' 'then place,' 'then call them,' 'and know,' and the divine name are defectively written. The translation follows their apparent lexical sense. The wording translated 'draw them to yourself' can also be understood as 'cut them up'; the supplied unvocalized wording does not resolve that ambiguity.

[89] **Translator's note (L364):** 'The Intimate Friend' refers to Abraham. The wording translated 'make the proof more compelling to the opponent' is syntactically defective in the supplied Arabic, which reads approximately 'more effective that the proof with the opponent.' The translation gives the apparent intended sense.

[90] **Qur'an references (L358):** Qur'an 79:40 (An-Nazi'at); Qur'an 28:50 (Al-Qasas); Qur'an 2:260 (Al-Baqarah).

whose permissibility is disputed, on the basis of an interpretation in which they erred, without knowing it to be forbidden. Had they known it to be disapproved, let alone forbidden, they would not have ventured to do it, on account of their scrupulousness and excellence. Among them were al-Aʿmash, Ibrahim, and other leading authorities—may Allah be pleased with them. This is no ground for impugning them, because they exercised independent judgment, seeking the truth but missing it.[91]

L367–370 Transmitters of reports may be impugned only on one of four grounds, with no fifth: committing a major sin when an established text has made it clear to the person committing it that it is a major sin; second, committing something a person believes to be forbidden, even if he is mistaken about it, before proof has been established to him that he is mistaken; and third, openly committing minor sins when a text has made it clear to the person openly committing them that they are forbidden. These three grounds constitute grounds for impugning transmitters of reports, witnesses, and all testimony in judicial rulings. These are the characteristics of a flagrant sinner according to the text and the consensus of those who oppose us. We excluded the person who conceals his minor sins only because of the sound hadith concerning the man who kissed a woman, whom he, peace be upon him, informed that his prayer had expiated that for him, and because of His words, Mighty and Majestic: 'If you avoid the major sins you are forbidden, We shall expiate your evil deeds for you and admit you through an honourable entrance.' If Allah has forgiven someone, it is forbidden for us to hold against him what Allah the Exalted has forgiven him. Likewise, someone who repents of major sins, or of disbelief as well, is upright. This has nothing whatever to do with whether the prescribed punishment remains binding upon him, because blame is removed from the repentant person, while the prescribed punishment is not removed from him, in accordance with the hadith of Maʿiz: the Prophet ﷺ stoned him after his repentance, commanded that forgiveness be sought for

ولا يكون الجرح في نقلة الأخبار إلا بأحد أربعة أوجه لا خامس لها: الإقدام على كبيرة قد صح عند المقدم عليها بالنص الثابت أنها كبيرة. الثاني: الإقدام على ما يعتقد المرء حراما وإن كان مخطئا فيه قبل أن تقوم الحجة عليه بأنه مخطىء. والثالث: المجاهرة بالصغائر التي صح عند المجاهر بها بالنص أنها حرام، وهذه الأوجه الثلاثة هي جرحه في نقلة الأخبار وفي الشهود، وفي جميع الشهادات في الأحكام وهذه صفات الفاسق بالنص وبإجماع من المخالفين لنا، وإنما أسقطنا المستتر بالصغائر للحديث الصحيح في الذي 3 قبل امرأة فأخبره عليه السلام أن صلاته كفرت ذلك عنه ولقوله عز وجل {إن تجتنبوا كبآئر ما تنهون عنه نكفر عنكم سيئاتكم وندخلكم مدخلا كريما} فمن غفر الله له فحرام علينا أن نثبت عليه ما قد غفر الله تعالى له. وكذلك التائب من الكبائر ومن الكفر أيضا فهو عدل وليس هذا من باب ثبات الحد عليه في شيء لأن الملامة ساقطة عن التائب، والحد عنه غير ساقط على حديث ماعز فإن النبي صلى الله عليه وسلم رجمه بعد توبته وأمر بالاستغفار له ونهى عن سبه. وإنما قلنا: إن المجاهرة بالصغائر جرحة للإجماع المتيقن على ذلك، والنص الوارد من الأمر بإنكار المنكر، والصغائر من المنكر لأن الله تعالى أنكرها وحرمها ونهى عنها، فمن أعلن بها فهو من أهل المنكر فقد استحق التغيير عليه بقول رسول الله صلى الله عليه وسلم من رأى منكم منكرا فليغيره بيده فإن لم يستطع فبلسانه، فإن لم يستطع فبقلبه وذلك أضعف الإيمان ومن كان من أهل المنكر في الدين فهو فاسق لأن المنكر فسق والفاسق لا يقبل خبره. وصح

[91] **Translator's note (L366):** The supplied text says 'the grounds for its prohibition,' rather than the contextually expected 'the grounds for impugning him.' The translation preserves this reading. 'Fermented beverage' renders nabidh, a beverage made by steeping dates, raisins, or similar ingredients; the author distinguishes the disputed beverage here from wine.

him, and forbade reviling him. We have said that openly committing minor sins is a ground for impugning a person because of the certain consensus on this and the text commanding the denunciation of wrongdoing. Minor sins are wrongdoing, because Allah the Exalted has denounced them, forbidden them, and prohibited them. Whoever commits them publicly is therefore among those who engage in wrongdoing and has become deserving of intervention against him by virtue of the words of the Messenger of Allah ﷺ: 'Whoever among you sees wrongdoing, let him change it with his hand; if he cannot, then with his tongue; if he cannot, then with his heart, and that is the weakest faith.' Anyone who engages in wrongdoing in religion is a flagrant sinner, because wrongdoing is flagrant sin, and the report of a flagrant sinner is not accepted. What we have already presented establishes that someone who conceals his minor sins is not a flagrant sinner, and neither intervention against him nor denunciation of him is obligatory, because nothing has been seen from him that obliges us to intervene, denounce, or impose discretionary punishment. If a person were to testify against another that he conceals minor sins, the witness's testimony against him to that effect would be rejected, and the witness would be blameworthy. This could not be allowed to impugn the testimony of the person concealing those sins, for two reasons: first, no one escapes a minor sin; second, he is pardoned for it. If, however, someone testified against a person that he conceals a major sin, his testimony against him would be accepted, and the testimony of the person concealing it would be rejected, because it is forgiven only through repentance or through the preponderance of the balance when deeds are weighed on the Day of Resurrection. Ali said: The fourth ground applies exclusively to transmitters of reports, rather than witnesses in judicial rulings: the transmitter of hadith must possess understanding of what he transmits, meaning that he must retain it accurately. For the text concerning acceptance of the warning given by someone who goes forth to acquire understanding makes this conditional upon his acquiring understanding of knowledge. Someone who does not retain what he transmits has not acquired understanding; and if he has not acquired understanding, he is not among those whose warning we have been commanded to accept. This does not apply to testimony, because the sole condition for testimony, according to the explicit text of the

بما قدمنا أن المستتر بالصغائر ليس صاحبه فاسقا ولا يجب التغيير عليه، ولا الإنكار عليه، لأنه لم ير منه ما يلزمنا فيه تغيير ولا إنكار ولا تعزير، ولو أن امرأ شهد على آخر بأنه يتستر بالصغائر لكانت شهادة الشاهد عليه بذلك مردودة وكان ملوما، ولم يجز أن يقدح ذلك في شهادة المستتر بها لوجهين أحدهما أنه لا ينجو أحد من ذنب صغير والثاني أنه معفو عنه ولو شهد على أحد أنه يستتر بكبيرة لقبلت شهادته عليه، ولردت شهادة المستتر بها لأنها ليست مغفورة إلا بالتوبة، أو برجوح الميزان عند الموازنة يوم القيامة قال علي والوجه الرابع ينفرد به نقلة الأخبار دون الشهود في الأحكام وهو ألا يكون المحدث إلا فقيها فيما روى أي حافظا، لأن النص الوارد في قبول نذارة النافر للتفقه إنما هو بشرط أن يتفقه في العلم، ومن لم يحفظ ما روى فلم يتفقه، وإذا لم يتفقه فليس ممن أمرنا بقبول نذارته، وليس ذلك في الشهادة، لأن الشرط في الشهادة إنما هي العدالة فقط بنص القرآن، فلا يضر الشاهد أن يكون معروفا بالغفلة والغلط، ولا يسقط ذلك شهادته إلا أن تقوم بينة بأنه غلط في شهادة ما، فتسقط تلك التي غلط فيها فقط، ولا يضر ذلك شهادته في غيرها، لا قبل الشهادة ولا بعدها، بل هو مقبول أبدا، ولا يحل لأحد أن يزيد شرطا لم يأت به الله تعالى فقد قال عليه السلام كل شرط ليس في كتاب الله فهو باطل ولو كان مائة شرط. فمن شرط في العدل في الشهادة خاصة أن يكون غير معروف بالغلط، فقد زاد شرطا ليس في كتاب الله عز وجل، فهو مبطل فيه والتدليس الذي ذكرنا أنه يسقط العدالة هو إحدى الكبائر لقول رسول الله صلى الله عليه وسلم من غشنا فليس منا ولا غش في الإسلام أكبر من إسقاط الضعفاء من سند حديث ليوقع الناس في العمل به وهو غير صحيح ولقوله عليه السلام الدين النصيحة وواجب ذلك لله تعالى ولرسوله ولأئمة المسلمين وعامتهم ومن دلس التدليس الذي ذممنا فلم ينصح لله تعالى ولا لرسوله عليه السلام في تبليغه عنهما ولا نصح للمسلمين في التلبيس عليهم حتى يوقعهم فيما لا يجوز العمل به

Quran, is uprightness. It therefore does not harm a witness to be known for inattentiveness and error, nor does that invalidate his testimony, unless evidence establishes that he erred in some particular testimony. Only the testimony in which he erred is then invalidated. This does not harm his testimony in other matters, whether before that testimony or after it; rather, he remains acceptable at all times. No one may add a condition that Allah the Exalted has not imposed. He, peace be upon him, said: 'Every condition that is not in the Book of Allah is invalid, even if there are a hundred conditions.' Whoever stipulates, specifically concerning an upright person's testimony, that he must not be known for error has added a condition that is not in the Book of Allah, Mighty and Majestic, and his stipulation is therefore invalid. The concealment of defects in transmission that we have said invalidates uprightness is one of the major sins, because the Messenger of Allah ﷺ said: 'Whoever deceives us is not one of us.' There is no greater deception in Islam than omitting weak transmitters from a hadith's chain of transmission in order to induce people to act upon it when it is unsound. There are also his words, peace be upon him: 'Religion is sincere counsel.' This is owed to Allah the Exalted, His Messenger, the leaders of the Muslims, and their common people. Whoever practises the concealment of defects in transmission that we have condemned has not acted sincerely towards Allah the Exalted or His Messenger, peace be upon him, in conveying from them,

nor has he acted sincerely towards the Muslims when he misleads them so as to lead them into something upon which it is impermissible to act.[9293949596]

L371–374 Ali said: As for someone who undertakes something he believes permissible, concerning whose prohibition no proof has been established to him, he is excused and rewarded even if he is mistaken. The adherents of doctrinal passions—their Mu'tazilites, their Murji'ites, their Zaydis, and their Ibadis—are of this description, except someone whose caprice has taken him out of Islam into unbelief that is unanimously agreed to be unbelief—we have explained this in The Book of Distinctions—or someone against whom proof from a text or consensus has been established, but who persists and does not retract: he is morally unrighteous. The same applies to someone who contravenes a hadith of the Prophet ﷺ on account of unquestioning adherence to authority or analogy; there is no difference. It also applies to someone who reviles any of the Companions, may Allah be pleased with them, for that is partisan zeal, and partisan zeal is moral unrighteousness. Judge Abu Yusuf spoke truly when he was asked about the testimony of someone who reviles the righteous predecessors and said: "If it were established before me that a man reviled his neighbors, I would not accept his testimony. How, then, could I accept that of someone who reviles the most excellent members of the community?" An exception is someone so ignorant that the proof supplied by the text concerning their excellence and the prohibition against reviling them has not been established against him. In that case, his revil-

قال علي وأما من قدم على ما يعتقده حلالا مما لم يقم عليه في تحريمه حجة، فهو معذور مأجور وإن كان مخطئا، وأهل الأهواء معتزليهم ومرجئيهم، وزيديهم وأباضيهم بهذه الصفة إلا من أخرجه هواه عن الإسلام إلى كفر متفق على أنه كفر، وقد بينا ذلك في كتاب الفصل، أو من قامت عليه حجة من نص أو إجماع فتمادى ولم يرجع فهو فاسق وكذلك القول فيمن خالف حديث النبي صلى الله عليه وسلم لتقليد أو قياس ولا فرق أو من سب أحد الصحابة رضي الله عنهم، فإن ذلك عصبية والعصبية فسق وصدق أبو يوسف القاضي إذ سئل عن شهادة من يسب السلف الصالح فقال: لو ثبت عندي على رجل أنه يسب جيرانه ما قبلت شهادته، فكيف من يسب أفاضل الأمة؟ إلا أن يكون من الجهل بحيث لم تقم عليه حجة النص بفضلهم والنهي عن سبهم فهذا لا يقدح سبهم في دينه أصلا، ولا ما هو أعظم من سبهم لكن حكمه أن يعلم ويعرف، فإن تمادى فهو فاسق وإن عاند في ذلك الله تعالى أو رسوله صلى الله عليه وسلم فهو كافر مشرك ولو أن امرأ بدل القرآن مخطئا جاهلا، أو صلى لغير القبلة كذلك، ما قدح ذلك في دينه عند أحد من أهل الإسلام، حتى تقوم عليه الحجة بذلك، فإن تمادى فهو فاسق وإن عاند الله تعالى ورسوله صلى الله عليه وسلم فهو كافر مشرك قال علي وقد علل قوم أحاديث بأن رواها ناقلها عن رجل مرة وعن رجل مرة أخرى قال علي وهذا قوة للحديث وزيادة في دلائل صحته ودليل على جهل من جرح الحديث بذلك، وذلك نحو أن يروي الأعمش الحديث عن سهل عن أبي صالح عن أبيه عن أبي هريرة، ويرويه غير الأعمش عن سهيل عن أبيه عن أبي سعيد قال علي وهذا لا مدخل للاعتراض به لأن في الممكن أن يكون أبو صالح سمع الحديث من أبي هريرة ومن أبي سعيد، فيرويه مرة عن هذا ومرة عن هذا. ومثل هذا لا

[92] **Translator's note (L367):** An isolated numeral '3' appears before 'kissed a woman' in the supplied text. It appears to be an intrusive note marker or transcription artifact and has no evident grammatical function.

[93] **Translator's note (L368):** The phrase concerning someone who conceals minor sins contains an awkward redundant reference in the supplied Arabic, literally approximately 'the one concealing minor sins—its perpetrator is not a flagrant sinner.' The translation conveys its apparent sense.

[94] **Translator's note (L370):** 'Concealment of defects in transmission' renders tadlis, here specifically described as omitting weak transmitters from a chain of transmission. The hadith quotation reads 'Whoever deceives us is not one of us.' The translation preserves that wording.

[95] **Hadith references (L367):** Sahih Muslim 49a; Riyad as-Salihin 184.

[96] **Qur'an references (L367):** Qur'an 4:31 (An-Nisa).

ing them does not impair his religion at all, nor does anything graver than reviling them. Rather, the ruling concerning him is that he must be taught and informed. If he persists, he is morally unrighteous; if, in that matter, he knowingly defies Allah Most High or His Messenger ﷺ, he is an unbeliever and a polytheist. If someone were to alter the Quran mistakenly and ignorantly, or likewise pray in a direction other than the direction of prayer, that would not impair his religion according to anyone among the people of Islam until proof concerning it had been established against him. If he persists, he is morally unrighteous; if he knowingly defies Allah Most High and His Messenger ﷺ, he is an unbeliever and a polytheist.

Ali said: Some people have pronounced hadiths defective because their transmitter related them on one occasion from one man and on another occasion from another man. Ali said: This strengthens the hadith and adds to the indications of its authenticity; it is evidence of the ignorance of anyone who impugns the hadith on that account. An example is al-Aʿmash relating a hadith from Sahl, from Abu Salih, from his father, from Abu Hurayra, while someone other than al-Aʿmash relates it from Suhayl, from his father, from Abu Saʿid. Ali said: This affords no ground for objection, because it is possible that Abu Salih heard the hadith from both Abu Hurayra and Abu Saʿid, and therefore relates it on one occasion from this one and on another occasion from that one. Only an ignorant or obstinate person would invoke something like this as a defect in a hadith. We do this frequently ourselves, because we encounter a hadith through various transmission routes: in some places we relate it through one of its routes, and on another occasion we relate it through a second route. This strengthens the hadith rather than weakening it. All the defects they allege on grounds such as these and their like are claims for which there is no demonstration, and every claim without demonstration falls.[97]

[97] **Translator's note (L373):** The transmission chains are internally awkward as supplied: the first names Sahl, followed by Abu Salih and then "his father," whereas the second names Suhayl followed by "his father." The ensuing argument treats Abu Salih as having heard directly from both Companions. These differences have been preserved without repairing the chains.

يتعلل به في الحديث إلا جاهل أو معاند، ونحن نفعل هذا كثيرا، لأننا نرى الحديث من طرق شتى، فنرويه من بعض المواضع من أحد طرقه، ونرويه مرة أخرى من طريق ثانية، وهذا قوة للحديث لا ضعف وكل ما تعللوا به من مثل هذا وشبهه فهي دعاوى لا برهان عليها، وكل دعوى بلا برهان فهي ساقطة،

وكذلك ما رواه العدل عن أحد العدلين شك في أحدهما أيهما حدثه إلا أنه موقن أن أحدهما حدثه بلا شك، فهذا صحيح يجب الأخذ به مثل أن يقول الثقة: حدثنا أبو سلمة أو سعيد بن المسيب، عن أبي هريرة، فهذا ليس علة في الحديث البتة، لأنه أيهما كان فهو عدل رضا معلوم الثقة مشهور العدال. وأيضا فإن قالوا: إن الغفلة والخطأ

L375–376 The same applies to what an upright transmitter relates from one of two upright transmitters, being uncertain which of the two related it to him, while nevertheless being certain, without doubt, that one of them related it to him. This is authentic and must be accepted, as when a trustworthy transmitter says: "Abu Salama or Saʿid ibn al-Musayyab related to us, from Abu Hurayra." This is no defect whatsoever in the hadith, because whichever of the two it was, he is upright and approved, known to be trustworthy and renowned for uprightness. Furthermore, if they say that heedlessness and error are less likely in two people than in one, they should be told: They are also less likely in four than in three. Let them therefore accept only what four transmitters have related, and likewise with every further increase, until they join those who require mass transmission.[98]

من الاثنين أبعد منه من الواحد. قيل لهم: وهو من الأربعة أبعد منه من الثلاثة، فلا يقبلوا إلا ما رواه أربعة وهكذا فيما زاد حتى يلحقوا بالقائلين بالتواتر

L377–379 Section on Reports with an Omitted Transmitter

Abu Muhammed said: A hadith with an omitted transmitter (mursal) is one in which one or more transmitters have dropped out between one of its narrators and the Prophet ﷺ. It is also an interrupted report (munqatiʿ). It is unacceptable and establishes no proof, because it comes from an unknown person. We have already explained that, when someone's circumstances are unknown to us, we are obliged to withhold acceptance of his report and acceptance of his testimony until we know his circumstances. Whether or not the upright narrator says, "The trustworthy transmitter related to us," no heed should be paid to that, since he may regard as trustworthy someone concerning whose grounds for discrediting he does not know what another person knows. We have already explained that adverse assessment takes precedence over accreditation. Sufyan accredited Jabir al-Juʿfi, although Jabir's lying, moral unrighteousness, wickedness, and departure from Islam were well known. His situation, however, was hidden from Sufyan, who therefore spoke according to what had become apparent to him concerning Jabir. Reports with an omitted transmitter from Saʿid ibn al-Musayyab, al-Hasan al-Basri, and others are all alike: none of them is to be accepted.

فصل في المرسل قال أبو محمد المرسل من الحديث هو الذي سقط بين أحد رواته وبين النبي صلى الله عليه وسلم ناقل واحد فصاعدا وهو المنقطع أيضا وهو غير مقبول، ولا تقوم به حجة لأنه عن مجهول، وقد قدمنا أن من جهلنا حاله ففرض علينا التوقف عن قبول خبره، وعن قبول شهادته حتى نعلم حاله، وسواء قال الراوي العدل حدثنا الثقة أو لم يقل، لا يجب أن يلتفت إلى ذلك. إذ قد يكون عنده ثقة من لا يعلم من جرحته ما يعلم غيره، وقد قدمنا أن الجرح أولى من التعديل، وقد وثق سفيان جابرا الجعفي، وجابر من الكذب والفسق والشر والخروج عن الإسلام بحيث قد عرف، ولكن خفي أمره على سفيان فقال بما ظهر منه إليه، ومرسل سعيد بن المسيب، ومرسل الحسن البصري، وغيرهما سواء، لا يؤخذ منه بشيء، وقد ادعى بعض من لا يحصل ما يقول، أن الحسن البصري كان إذا حدثه بالحديث أربعة من الصحابة أرسله قال فهو أقوى من المسند قال أبو محمد وقائل هذا القول اترك خلق الله لمرسل الحسن، وحسبك بالمرء سقوطا أن يضعف قولا يعتقده ويعمل به، ويقوي قولا يتركه ويرفضه وقد توجه عن رسول الله صلى الله عليه وسلم رجل إلى قوم ممن يجاور المدينة فأخبرهم أن رسول الله صلى الله عليه وسلم أمره أن يعرس بامرأة منهم فأرسلوا إلى النبي صلى

[98] **Translator's note (L376):** The supplied العدال appears to be a defective spelling of a word denoting uprightness; the translation follows the immediate context.

Someone who does not understand what he is saying has claimed that, whenever four Companions related a hadith to al-Hasan al-Basri, he would transmit it with the intermediary omitted. He said: "It is therefore stronger than a report with a connected chain." Abu Muhammed said: The person who says this is, of all Allah's creatures, the most ready to abandon al-Hasan's reports with an omitted transmitter. It is sufficient evidence of a man's debasement that he should declare weak a position he believes and acts upon, and declare strong a position he abandons and rejects. A man once set out from the Messenger of Allah ﷺ to some people who lived near Medina, and informed them that the Messenger of Allah ﷺ had commanded him to consummate marriage with a woman from among them so they sent someone to the Prophet ﷺ who informed him of this. The Messenger of Allah ﷺ then dispatched a messenger to the man and commanded that he be killed if he was found alive, but the messenger found that he had died. As you see, this man lied about the Prophet ﷺ while he was alive. In the age of the Companions, may Allah be pleased with them, there were hypocrites and apostates. Thus, a hadith in which its narrator says, "From a man among the Companions," or "Someone who accompanied the Messenger of Allah ﷺ related to me," is not to be accepted until he names him and that person is known for virtuous companionship, being among those to whose excellence and good reward Allah Most High has testified. Allah, Mighty and Majestic, said: "Among the Bedouins around you are hypocrites, and among the people of Medina are those who have become hardened in hypocrisy. You do not know them; We know them. We shall punish them twice; then they will be returned to a tremendous punishment." Some who accompanied the Prophet ﷺ apostatized from Islam, such as ʿUyayna ibn Hisn, al-Ashʿath ibn Qays, al-Rajjal, and ʿAbd Allah ibn Abi Sarh.

Ali said: For a Successor to meet a man from among the lesser Companions is a great honor and source of pride. For what reason, then, would he refrain from naming him, if he were someone whose companionship was praiseworthy? His silence concerning him must have one of two explanations: either he does not know who he is and has not ascertained the truth of his claim to companionship, or he belonged to one of the categories we have mentioned.

الله عليه وسلم من أخبره بذلك فوجه رسول الله صلى الله عليه وسلم إليه رسولا وأمر بقتله إن وجده حيا فوجده قد مات فهذا كما ترى قد كذب على النبي صلى الله عليه وسلم وهو حي وقد كان في عصر الصحابة رضي الله عنهم منافقون ومرتدون. فلا يقبل حديث قال راويه فيه عن رجل من الصحابة أو حدثني من صحب رسول الله صلى الله عليه وسلم إلا حتى يسميه ويكون معلوما بالصحبة الفاضلة ممن شهد الله تعالى لهم بالفضل والحسنى قال الله عز وجل {وممن حولكم من لأعراب منافقون ومن أهل لمدينة مردوا على لنفاق لا تعلمهم نحن نعلمهم سنعذبهم مرتين ثم يردون إلى عذاب عظيم} وقد ارتد قوم ممن صحب النبي صلى الله عليه وسلم عن الإسلام كعيينة بن حصن والأشعث بن قيس، والرجال، وعبد الله بن أبي سرح. قال علي: ولقاء التابع لرجل من أصاغر الصحابة شرف وفخر عظيم، فلأي معنى يسكت عن تسميته لو كان ممن حمدت صحبته، ولا يخلو سكوته عنه من أحد وجهين: إما أنه لا يعرف من هو، ولا عرف صحة دعواه الصحبة، أو لأنه كان من بعض ما ذكرنا. حدثنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، ثنا يحيى بن يحيى، حدثنا خالد بن عبد الله، عن عبد الملك، عن عبد الله مولى أسماء بنت أبي بكر رضي الله عنهما، وكان خالد ولد عطاء قال: أرسلتني أسماء إلى عبد الله بن عمر فقالت: بلغني أنك تحرم أشياء ثلاثة: العلم في الثوب، وميثرة الأرجوان، وصوم رجب كله، فأنكر ابن عمر أن يكون حرم شيئا من ذلك.

ʿAbd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from ʿAbd al-Wahhab ibn ʿIsa, from Ahmad ibn Muhammed, from Ahmad ibn ʿAli, from Muslim ibn al-Hajjaj: Yahya ibn Yahya related to us: Khalid ibn ʿAbd Allah related to us, from ʿAbd al-Malik, from ʿAbd Allah, the freedman of Asmaʾ daughter of Abu Bakr, may Allah be pleased with them both—and Khalid was a son of ʿAtaʾ—who said: "Asmaʾ sent me to ʿAbd Allah ibn ʿUmar, saying: 'I have heard that you prohibit three things: the decorative stripe on a garment, a purple saddlecloth, and fasting throughout the whole of Rajab.'" Ibn ʿUmar denied having prohibited any of these things.[99][100]

L380–384 Here, then, is Asmaʾ, a woman Companion among the earliest Companions and among their women of excellence: someone told her a lie, and his report concerning Ibn ʿUmar troubled her until she investigated it, whereupon the informant's falsehood was established. Something similar has been related from Ibn Sirin concerning Ibn ʿUmar's divorce of his wife in the time of the Messenger of Allah ﷺ. Everyone is therefore obliged to accept reports only from someone whose name is known and whose uprightness and accuracy in retention are known.

Ali said: Those who oppose us by accepting reports with an omitted transmitter are the followers of Abu Hanifa and the followers of Malik. Yet they are, of all Allah's creatures, the most ready to abandon such a report when it conflicts with their master's doctrine and opinion. Malik rejected Abu al-ʿAliya's hadith concerning ablution on account of laughter during prayer, and the only fault they found with it was the omission of an intermediary, although Abu al-ʿAliya had lived to meet the Companions, may Allah be pleased with them. Al-Hasan, Ibrahim al-Nakhaʿi, and al-Zuhri also related it with an intermediary omitted. They also rejected Malik's hadith from Hisham ibn ʿUrwa, from his father, that the Prophet ﷺ prayed during the illness in which he died, leading the people while seated, with the people stand-

فهذه أسماء وهي صحابية، من قدماء الصحابة وذوات الفضل منهم، قد حدثها بالكذب من شغل بالها حديثه عن ابن عمر حتى استبرأت ذلك، فصح كذب ذلك المخبر، وقد ذكر عن ابن سيرين في أمر طلاق ابن عمر امرأته على عهد رسول الله صلى الله عليه وسلم نحو ذلك فواجب على كل أحد ألا يقبل إلا من عرف اسمه وعرفت عدالته وحفظه قال علي والمخالفون لنا في قبول المرسل هم أصحاب أبي حنيفة، وأصحاب مالك، وهم أترك خلق الله للمرسل إذا خالف مذهب صاحبهم ورأيه، وقد ترك مالك حديث أبي العالية في الوضوء من الضحك في الصلاة، ولم يعيبوه إلا بالإرسال، وأبو العالية قد أدرك الصحابة رضي الله عنهم، وقد رواه أيضا الحسن وإبراهيم النخعي والزهري مرسلا، وتركوا حديث مالك عن هشام بن عروة عن أبيه أن النبي صلى الله عليه وسلم صلى في مرضه مات فيه بالناس جالسا والناس قيام وترك مالك وأصحابه الحديث المروي من طريق الليث، عن عقيل بن خالد، عن الزهري، عن سعيد بن المسيب والقاسم وسالم وأبي سلمة بن عبد الرحمن بن عوف أن النبي صلى الله عليه وسلم فرض زكاة الفطر مدين من بر على كل إنسان مكان صاع من شعير، وذكر سعيد بن المسيب أن ذلك كان من عمل الناس أيام أبي بكر وعمر، وذكر غيره أنه حكم عثمان أيضا وابن عباس، وذكر ابن عمر أنه عمل الناس، فهؤلاء فقهاء المدينة

[99] **Translator's note (L379):** The Quranic quotation contains defective spellings in the words for "the Bedouins," "Medina," and "hypocrisy." Their meanings remain clear; the wording and sequence of the quotation have been retained. The parenthetical statement "and Khalid was a son of ʿAtaʾ" is awkward in this chain and may be corrupt. It has been translated as supplied without substituting another name or reconstructing the statement.

[100] **Qur'an references (L377):** Qur'an 9:101 (At-Tawbah).

ing. Malik and his companions abandoned the report transmitted through al-Layth, from ʿUqayl ibn Khalid, from al-Zuhri, from Saʿid ibn al-Musayyab, al-Qasim, Salim, and Abu Salamah ibn ʿAbd al-Rahman ibn ʿAwf, that the Prophet ﷺ prescribed the alms of breaking the fast as two mudds of wheat for every person in place of one saʿ of barley. Saʿid ibn al-Musayyab mentioned that this was the people's practice in the days of Abu Bakr and ʿUmar. Someone else mentioned that this was also the ruling of ʿUthman and Ibn ʿAbbas, and Ibn ʿUmar mentioned that it was the people's practice. Here, then, are the jurists of Medina transmitting this report with an omitted link to the Prophet, and reporting that it was accompanied by practice among them; yet Malik's companions abandoned it. Where, then, is their adherence to reports with an omitted link and their acceptance of them as sound? And where is their adherence to the transmission of the people of Medina and the imams' practice in accordance with it? The Hanafis abandoned the report of Saʿid ibn al-Musayyab from the Prophet ﷺ concerning the prohibition on selling a living animal in exchange for meat. This was also the practice of Abu Bakr al-Siddiq, may Allah be pleased with him. There are very many such examples. Were we to trace everything that both groups have abandoned, it would undoubtedly amount to more than two thousand reports. We shall collect whatever we can of these, if Allah Most High wills, in a book devoted to that purpose, if Allah Most High assists us with strength from Him and grants us a further span of life. What led them to accept reports with an omitted link was simply that they attached themselves to such reports in some of their legal questions, and consequently advocated accepting reports with an omitted link in those cases, but then abandoned them in other questions. These people's sole purpose is to vindicate the question presently at hand by whatever means are possible, false or true. They do not care if they thereby demolish a thousand of their own positions; nor do they subsequently care about invalidating what they accepted as sound in this question when they begin discussing another. We shall demonstrate much of this, if Allah Most High wills. We shall now mention enough of the defects of reports with an omitted link to suffice anyone who sincerely seeks his own good, if Allah Most High wills.

رووا هذا الحديث مرسلا، وأنه صحبه العمل عندهم، فترك ذلك أصحاب مالك. فأين اتباعهم المرسل وتصحيحهم إياه؟ وأين اتباعهم رواية أهل المدينة وعمل الأئمة بها؟. وترك الحنفيون حديث سعيد بن المسيب عن النبي صلى الله عليه وسلم في ألا يباع الحيوان باللحم وهو أيضا فعل أبي بكر الصديق رضوان الله عليه، ومثل هذا كثير جدا، ولو تتبعنا ما تركت كلتا الطائفتين لبلغت أزيد من ألفي حديث بلا شك، وسنجمع من ذلك ما تيسر إن شاء الله تعالى في كتاب مفرد لذلك إن أعان الله تعالى بقوة من عنده، وأمد بفسحة من العمر. فإنما أوقعهم في الأخذ بالمرسل، أنهم تعلقوا بأحاديث مرسلات في بعض مسائلهم فقالوا فيها بالأخذ بالمرسل، ثم تركوه في غير تلك المسائل، وإنما غرض القوم نصر المسألة الحاضرة بما أمكن من باطل أو حق، ولا يبالون بأن يهدموا بذلك ألف مسألة لهم، ثم لا يبالون بعد ذلك بإبطال ما صححوه في هذه المسألة إذا أخذوا في الكلام في أخرى، وسنبين من ذلك كثيرا إن شاء الله تعالى. ونحن ذاكرون من عيب المرسل ما فيه كفاية لمن نصح نفسه إن شاء الله تعالى. أخبرني أحمد بن عمر العذري حدثنا أبو ذر عبد بن أحمد الهروي، ثنا زاهر بن أحمد أبو علي السرخسي الفقيه، ثنا زنجويه بن محمد النيسابوري، ثنا محمد بن إسماعيل البخاري هو مؤلف الصحيح ثنا سليمان بن حرب، ثنا حماد بن زيد عن النعمان بن راشد، عن زيد بن أبي أنيسة أن رجلا أجنب فغسل فمات فقال النبي صلى الله عليه وسلم لو يمموه قتلوه قتلهم الله قال النعمان فحدثت به الزهري فرأيته بعد يروي عن النبي صلى الله عليه وسلم فقلت من حدثك قال أنت حدثتني عمن تحدثه قلت: عن رجل من أهل الكوفة،

Ahmad ibn ʿUmar al-ʿUdhri informed me: Abu Dharr ʿAbd ibn Ahmad al-Harawi related to us: Zahir ibn Ahmad, Abu ʿAli al-Sarakhsi, the jurist, related to us: Zanjuwayh ibn Muhammed al-Naysaburi related to us: Muhammed ibn Ismaʿil al-Bukhari—he is the compiler of the Sahih—related to us: Sulayman related to us, ibn Harb: Hammad ibn Zayd related to us, from al-Nuʿman ibn Rashid, from Zayd ibn Abi Unaysah, that a man entered a state of major ritual impurity, was washed, and died. The Prophet ﷺ said: "If only they had performed dry ablution on him! They killed him; may Allah kill them!" Al-Nuʿman said: "I related it to al-Zuhri, and afterward I saw him transmitting it from the Prophet ﷺ. I said: 'Who related it to you?' He said: 'You related it to me. From whom do you transmit it?' I said: 'From a man of the people of Kufa.'"[101][102][103][104]

L385–398 He said: "You have spoiled it. There is much corruption in the reports of the people of Kufa." Through the previously mentioned chain of transmission reaching al-Bukhari, he said: "Muʿadh said, from Ashʿath, from Ibn Sirin, from ʿAbd Allah ibn Shaqiq, from ʿA'ishah: 'The Prophet ﷺ would not pray in our undergarments.'" Al-Bukhari said: "Sulayman ibn Harb related to us: Hammad ibn Zayd related to us, from Saʿid ibn Abi Sadaqah: 'I said to Muhammed ibn Sirin: "From whom did you hear this report?" He said: "I heard it a long time ago. I do not know from whom I heard it, nor do I know whether it is established or not. So inquire about it."'"

Among the things Yusuf ibn ʿAbd Allah al-Namari wrote to me, he said: "Yahya ibn Saʿid al-Qattan said: 'Malik from Saʿid ibn al-Musayyab is prefer-

قال: أفسدته، في حديث أهل الكوفة دغل كثير. وبالاستناد المتقدم إلى البخاري قال: قال معاذ، عن أشعث، عن ابن سيرين عن عبد الله بن شقيق عن عائشة كان النبي صلى الله عليه وسلم لا يصلي في شعرنا قال البخاري ثنا سليمان بن حرب، ثنا حماد بن زيد، عن سعيد بن أبي صدقة، قلت لمحمد بن سيرين: ممن سمعت هذا الحديث؟ قال سمعته من زمان لا أدري ممن سمعته، ولا أدري أثبت أم لا، فسلوا عنه. وفيما كتب إلي به يوسف بن عبد الله النمري قال: قال يحيى بن سعيد القطان: مالك عن سعيد بن المسيب أحب إلي من الثوري عن إبراهيم. لو كان شيخ الثوري فيه رمق لبرح به وصاح وقال مرة أخرى: كلاهما عندي شبه الريح. قال أبو محمد: فإذا كان الزهري، ومحمد بن سيرين، وسفيان ومالك وهم من هم في التحفظ والحفظ والثقة، في مراسليهم ما ترى، فما أحد ينصح نفسه يثق بمرسل أصلا، ولو جمعنا بلايا المراسيل لاجتمع من ذلك جزء ضخم وفي هذا دليل على ما سواه وبالله تعالى التوفيق فصل في أقسام السنن قال أبو محمد السنن تنقسم ثلاثة أقسام قول من النبي صلى الله عليه وسلم أو فعل منه عليه السلام أو شيء رآه وعلمه فأقر عليه ولم ينكره فحكم أوامره عليه السلام الفرض والوجوب على ما نبينه إن شاء الله عز وجل في باب الأوامر

[101] **Translator's note (L381):** "Report with an omitted link" renders mursal, here a report attributed to the Prophet without a continuous chain reaching him. The mudd and saʿ are measures of capacity.

[102] **Translator's note (L382):** The final transmission formula precedes Sulayman's name in Arabic; its English placement anticipates the continuation of his name in the next segment.

[103] **Translator's note (L383):** The unvocalized "was washed" can also be read as "washed himself." The quotation continues in the next segment.

[104] **Translator's note (L384):** The supplied quotation reads "If only they had performed dry ablution on him," followed immediately by "They killed him." The conditional expression has no explicit consequence; it is rendered as a wish without supplying additional quoted wording.

able to me to al-Thawri from Ibrahim. If al-Thawri's shaykh had a spark of life in him, he would have assailed him and cried out.' On another occasion he said: 'To my mind, both are like the wind.'"

Abu Muhammed said: If al-Zuhri, Muhammed ibn Sirin, Sufyan, and Malik—being who they are in carefulness, retention, and trustworthiness—have in their reports with an omitted link what you see here, then no one who sincerely seeks his own good will trust any report with an omitted link at all. Were we to collect the calamities of reports with omitted links, a substantial volume would be assembled from them. What is here indicates what lies beyond it. Success comes through Allah Most High.

Section on the Categories of Prophetic Traditions

Abu Muhammed said: Prophetic traditions fall into three categories: a statement by the Prophet ﷺ; an act of his, peace be upon him; or something he saw and knew about, which he approved and did not condemn. The legal effect of his commands, peace be upon him, is prescription and obligation, as we shall explain, if Allah, Mighty and Majestic, wills, in the chapter on commands in this book, unless evidence establishes its departure from the category of obligation into the category of recommendation or the other forms of command. The legal effect of his action, peace be upon him, is that he is to be taken as an example in it; doing so is not obligatory unless the action implements a ruling or explains a command, as will appear in the discussion of his actions, peace be upon him, in this book. As for his approval, peace be upon him, of something he knew about, and his refraining from condemning it, this merely makes that thing permissible; it neither makes it obligatory nor recommends it, because Allah, Mighty and Majestic, imposed upon him the duty of conveying the message and informed him that He would protect him from people, and obliged him to explain to people what had been sent down to them. Whoever claims that he, peace be upon him, knew of something reprehensible but did not condemn it has disbelieved, because he has denied that he, peace be upon him, conveyed the message as commanded, has described him otherwise than his Lord Most High described him, and has declared him false in his saying, peace be upon him:

من هذا الكتاب ما لم يقم دليل على خروجه من باب الوجوب إلى باب الندب أو سائر وجوه الأوامر وحكم فعله عليه السلام الائتساء به فيه وليس واجبا إلا أن يكون تنفيذا لحكم، أو بيانا لأمر على ما يقع في باب الكلام في أفعاله عليه السلام من هذا الكتاب وأما إقراره عليه السلام على ما علم وترك إنكاره إياه فإنما هو مبيح لذلك الشيء فقط، وغير موجب له، ولا نادب إليه، لأن الله عز وجل افترض عليه التبليغ وأخبره أنه يعصمه من الناس وأوجب عليه أن يبين للناس ما نزل إليهم فمن ادعى أنه عليه السلام علم منكرا فلم ينكره فقد كفر لأنه جحد أن يكون عليه السلام بلغ كما أمر، ووصفه بغير ما وصفه به ربه تعالى وكذبه في قوله عليه السلام اللهم هل بلغت فقال الناس نعم فقال اللهم اشهد قال ذلك في حجة الوداع. فإن اعترض معترض بحديث جابر أنه سمع عمر رضوان الله عليهما يحلف بحضرة النبي صلى الله عليه وسلم على أن ابن صياد هو الدجال فلم ينكر ذلك رسول الله صلى الله عليه وسلم فلا حجة علينا في هذا لأن ابن صياد في أول أمره كان رسول الله صلى الله عليه وسلم شاكا في أمره أهو الدجال أم لا بذلك جاءت الأحاديث الصحاح ويبين ذلك قول عمر فيه دعني يا رسول الله أضرب عنقه فقال عليه السلام إن يكن هو فلن تسلط عليه أو نحو ذلك من الكلام، فخلف عمر على تقديره ومن حلف على ما لا يعلم ولا يوقن أنه باطل ولا حق فليس هو عندنا حانثا ولا آثما، إذا كان تقديره أنه كما حلف عليه، فهذا الحديث حجة لنا وليس فيه أيضا أن النبي صلى الله عليه وسلم صدق يمينه فإنا في الحديث أن أمر ابن صياد كان حينئذ ممكنا، والحالف على الممكن كما ذكرنا لم يأت منكرا فيلزم رسول الله صلى الله عليه وسلم تغييره قال علي وأما من قال إن أفعاله صلى الله عليه وسلم على الوجوب فقوله ساقط لأن الله تعالى لم يوجب علينا قط في شيء من القرآن والسنن أن نفعل مثل فعله عليه السلام بل قال تعالى {لقد كان لكم في

رسول الله أسوة حسنة لمن كان يرجو الله واليوم لآخر وذكر الله كثيرا} وإنما أنكر عليه السلام على تنزه أن يفعل مثل فعله عليه السلام وهذا هو غاية المنكر كمن تنزه عن التقبيل في رمضان نهارا وهو صائم، أو تنزه أن يمشي حافيا حاسرا زاريا على من فعل ذلك وأما من ترك أن يفعل مثل فعله عليه السلام لا عن رغبة عنه فما أنكر ذلك رسول الله صلى الله عليه وسلم قط وهذا التارك للائتساء به صلى الله عليه وسلم غير راغب عن ذلك لا محسن ولا مسيء ولا مأجور ولا آثم والمؤتسي به عليه السلام محسن مأجور والراغب عن الائتساء به بعد قيام الحجة عليه إن كان زاريا على محمد صلى الله عليه وسلم فهو كافر وما نعلم لمن صحح عنه فعلا ثم رغب عنه وجها ينجو به من الشرك إلا أن يتعلق بفعل له عليه السلام آخر أو بأمر له آخر أو يكون لم يصح عنده ذلك الأمر الذي رغب عنه فإن تعلق بأنه خصوص له صلى الله عليه وسلم فهو أحد الكاذبين الفساق ما لم يأت على دعواه بدليل من نص أو إجماع قال علي وأما من ادعى أن أفعال رسول الله صلى الله عليه وسلم فرض علينا أن نفعل مثلها فقد أغفل جدا وأتى بما لا برهان له على صحته، وما كان هكذا فهو دعوى كاذبة، لأن الأصل ألا يلزمنا حكم حتى يأتي نص قرآن أو نص سنة بإيجابه، وأيضا فإنه قول يؤدي إلى ما لا يفعل، ولزمه أن يوجب على كل مسلم أن يسكن حيث سكن رسول الله صلى الله عليه وسلم وأن يجعل رجليه حيث جعلهما عليه السلام وأن يصلي حيث صلى عليه السلام وأن يصوم فرضا الأيام التي كان يصومها عليه السلام وأن يجلس حيث جلس وأن يتحرك مثل كل حركة تحركها عليه السلام وأن يحرم الأكل متكئا وعلى خوان والشبع من خبز البر مأدوما ثلاثا تباعا، وأن يوجب فرضا أكل الدباء ويتتبعها وهذا ما لا يوجبه مسلم، مع أن هذا يخرج إلى المحال، وإلى إرجاع ما لا سبيل إلى إرجاعه مما قد فات وبطل بالأكل والشرب منه عليه السلام فبطل

"O Allah, have I conveyed the message?" The people said: "Yes." He said: "O Allah, bear witness." He said this during the Farewell Pilgrimage.

If an objector raises Jabir's report that he heard ʿUmar, may Allah be pleased with them both, swear in the Prophet's ﷺ presence that Ibn Sayyad was the Antichrist, and that the Messenger of Allah ﷺ did not condemn this, there is no argument against us in it. At the beginning of Ibn Sayyad's affair, the Messenger of Allah ﷺ was uncertain about him: was he the Antichrist or not? This is what the sound reports relate. This is made clear by ʿUmar's statement concerning him: "Let me strike off his head, Messenger of Allah." He, peace be upon him, replied: "If he is the one, you will not be given power over him," or words to that effect. Thus ʿUmar swore according to his own assessment. Whoever swears concerning something which he does not know, and of which he is not certain whether it is false or true, is, in our view, neither a breaker of his oath nor a sinner, provided his assessment is that the matter is as he swore it to be. This report is therefore an argument for us. Nor does it state that the Prophet ﷺ confirmed the truth of his oath. For in the report, the matter of Ibn Sayyad was at that time a possibility; and someone who swears to something possible, as we have mentioned, has committed nothing reprehensible that the Messenger of Allah ﷺ would be obliged to change.

ʿAli said: As for anyone who says that his actions ﷺ entail obligation, his statement is untenable, because Allah Most High has never obliged us, anywhere in the Quran or the prophetic traditions, to do the like of his actions, peace be upon him. Rather, He Most High said: "Certainly you have in the Messenger of Allah a good example, for whoever hopes for Allah and the Last Day and remembers Allah much." He, peace be upon him, condemned only someone who considered himself too pure to do the like of his action, peace be upon him. This is the utmost in reprehensibility: someone, for example, who considers himself too pure to kiss during the daytime in Ramadan while fasting, or too pure to walk barefoot and bareheaded, disparaging anyone who does so. As for someone who refrains from doing the like of his action, peace be upon him, without aversion to it, the Messenger of Allah ﷺ never condemned that ever. Someone who thus refrains from taking him ﷺ

as an example, without aversion to doing so, is neither doing good nor doing wrong, neither rewarded nor sinful. Someone who takes him as an example, peace be upon him, is doing good and is rewarded. Someone who is averse to taking him as an example after the proof has been established against him is an unbeliever if he disparages Muhammed ﷺ. We know of no way for someone who has established an action as authentically attributable to him and then turns away from it to escape associating partners with Allah, unless he appeals to another action of his, peace be upon another act of his ﷺ, or another command of his, or unless that command from which he turned away has not been established as authentic in his judgment. If he appeals to the claim that it was exclusive to him ﷺ, then he is one of the lying, flagrantly disobedient people, unless he produces evidence for his claim from a text or consensus. Ali said: As for anyone who claims that it is obligatory for us to perform acts like those of the Messenger of Allah ﷺ, he has been exceedingly heedless and advanced something for whose correctness he has no demonstration. Anything of this kind is a false claim, because the default is that no ruling binds us until a text of the Quran or a text of the Sunnah comes imposing it. Moreover, this is a position that leads to what cannot be done. It would require its proponent to oblige every Muslim to live where the Messenger of Allah ﷺ lived, to place his feet where he ﷺ placed them, to pray where he ﷺ prayed, to fast as an obligation on the days on which he ﷺ used to fast, to sit where he sat, and to make a movement corresponding to every movement he ﷺ made. He would have to prohibit eating while reclining, eating at a dining tray, and eating one's fill of wheat bread with an accompaniment for three consecutive [days]; and he would have to make eating gourds and seeking out pieces of them an obligation. No Muslim imposes this, quite apart from its leading to the impossible and to bringing back things that there is no way to bring back, things that have passed away and ceased to exist through his ﷺ eating and drinking them. What we have mentioned therefore disproves the proposition that his ﷺ acts are obligatory for us, since no evidence has come establishing that. Indeed, evidence and demonstration have established that this is not obligatory, through the verse that we have mentioned. Everyone with even the slightest knowledge of the Arabic language knows that when something is described by saying, 'This

بما ذكرنا أن تكون أفعاله عليه السلام واجبة علينا إذ لم يأت على ذلك دليل بل قد قام الدليل والبرهان على أن ذلك غير واجب بالآية التي ذكرنا، وكل من له أقل علم باللغة العربية فإنه يعلم أن ما قيل فيه: هذا لك أنه غير واجب قبوله، بل مباح له تركه إن أحب كالمواريث وكل ما خيرنا فيه، وأن ما جاء بلفظ: عليك كذا فهذا هو الملزم لنا، ولا بد فلما قال تعالى {لقد كان لكم في رسول الله أسوة حسنة لمن كان يرجو الله واليوم الآخر وذكر الله كثيرا} كنا مندوبين إلى ذلك وكنا مباحا لنا ألا نأتسي غير راغبين عن الائتساء به، لكن عالمين أن الذي تركنا أفضل والذي فعلنا مباح كجلوس الإنسان وتركه أن يصلي تطوعا، فليس آثما بذلك ولو صلى تطوعا لكان أفضل إلا أن يكون ترك التطوع راغبا عنها في الوقت المباح فيه التطوع، فهذا خارج عن الإسلام بلا خلاف لأنه شارع شريعة لم يأت بها إذن قال علي وإنما نازعنا في وجوب الأفعال بعض أصحاب مالك، على أنهم أترك خلق الله تعالى لأفعال رسول الله صلى الله عليه وسلم فمن ذلك أنه عليه السلام جلد في الخمر أربعين وهم يجلدون ثمانين وودى حضريا وهو عبد الله بن سهل ادعى قتله على حضريين وهم يهود خيبر بالإبل، فقالوا هم: لا يجوز ذلك ولا يودى إلا بالذهب أو الفضة. وصلى على قبر، فقالوا هم: لا نفعل ذلك، وصلى على غائب، فقالوا هم: لا نرى ذلك وقبل وهو صائم فقالوا هم نكره ذلك وصلى عليه السلام حاملا أمامة فقالوا نكره ذلك وصلى جالسا والناس وراءه وأبو بكر إلى جنبه قائم فقالوا لا يجوز ذلك ويعلم صحةمن صلى كذلك بطلت صلاته في كثير جدا اقتصرنا منه على ما ذكرنا. وبعضهم تعلق في هذه الأفعال بأنها خصوص له عليه السلام ومن فعل ذلك فقد تعرض لغضب رسول الله صلى الله عليه وسلم ومن تعرض لغضبه عليه السلام فقد تعرض لغضب الله عز وجل فقد غضب عليه السلام غضبا شديدا حين سأله الأنصاري عن قبلة الصائم فأخبر

is for you,' accepting it is not obligatory; rather, one is permitted to leave it if one wishes, as with inheritances and everything concerning which we have been given a choice. Whatever comes in the wording, 'Such-and-such is incumbent upon you,' is what necessarily binds us. Thus, when He, exalted, said, 'You have indeed had in the Messenger of Allah a good example, for whoever hopes for Allah and the Last Day and remembers Allah much,' we were being encouraged to do that, and we were permitted not to follow his example, without turning away in aversion from following his example, but knowing that what we have left undone is better and what we have done is permissible. This is like someone sitting and refraining from performing a voluntary prayer: he does not thereby sin, although it would have been better had he performed a voluntary prayer. The exception is if he refrains from voluntary prayer out of aversion to it at a time when voluntary prayer is permissible. Such a person is outside Islam, without disagreement, because he is instituting a religious law for which no authorization has come. Ali said: Only some of Malik's followers have disputed with us concerning the obligatoriness of the acts, even though they are the most neglectful of all the creatures of Allah, exalted, concerning the acts of the Messenger of Allah ﷺ. Among these is that he ﷺ administered forty lashes for wine-drinking, whereas they administer eighty. He paid the blood money for a town-dweller—Abd Allah ibn Sahl, whose killing was alleged against other town-dwellers, namely the Jews of Khaybar—in camels, whereas they say, 'That is not permissible; blood money may be paid only in gold or silver.' He performed the funeral prayer over a grave, whereas they say, 'We do not do that.' He performed the funeral prayer for someone absent, whereas they say, 'We do not consider that proper.' He kissed while fasting, whereas they say, 'We disapprove of that.' He ﷺ prayed while carrying Umamah, whereas they say, 'We disapprove of that.' He prayed sitting, with the people behind him and Abu Bakr standing beside him, whereas they say, 'That is not permissible,' and 'he knows the validity of—whoever prays in that manner, his prayer is invalid.' There are very many such instances; we have confined ourselves to those we have mentioned. Some of them have appealed, regarding these acts, to the claim that they were exclusive to him ﷺ. Whoever does that has exposed himself to the anger of the Messenger of Allah ﷺ, and

عليه السلام أنه يفعل ذلك فقال القائل لست مثلنا يا رسول الله أنت قد غفر لك ذنبك فغضب رسول الله صلى الله عليه وسلم حينئذ غضبا شديدا وأنكر هذا القول فمن أضل ممن تعرض لغضب الله عز وجل وغضب رسوله عليه السلام في تقليد إنسان لا ينفعه ولا يضره ولا يغني عنه من الله تعالى شيئا قال علي واحتجوا في تخصيص القبلة للصائم بقول عائشة رضي الله عنها وأيكم أملك لإربه من رسول الله صلى الله عليه وسلم قال أبو محمد وهذا القول منها رضي الله عنها، أعظم الحجة عليهم، لأنها لم تقل ذلك على ما توهموا، وإنما قالته إنكارا على من استعظم القبلة للصائم فأخبرهم أنه عليه السلام كان أورع منهم وأملك لإربه ولكنه مع ذلك لم يمتنع من التقبيل وهو صائم فكيف أنتم ويدل على صحة هذا التأويل دليلان بينان أحدهما أنها رضي الله عنها هكذا قالت في مباشرة الحائض أنه عليه السلام كان يأمرها فتتزر ثم يباشرها وأيكم أملك لإربه من رسول الله صلى الله عليه وسلم فيلزمهم أن يتركوا إباحة مباشرة الحائض، لقول عائشة، وأيكم أملك لإربه كما قالت في قبلة الصائم سواء بسواء. والثاني: أنهم رووا عنها أنها قالت لابن أخيها عبد الله بن عبد الرحمن وهو أشب ما كان: ألا تقبل زوجتك وتلاعبها؟ تعني عائشة بنت طلحة وهي بنت أختها وأجمل جواري أهل زمانها قاطبة فقال إني صائم فقالت لقد كان رسول الله صلى الله عليه وسلم يقبل وهو صائم فهي دأبا تحض الصائم الشاب على التقبيل للجارية الحسناء اقتداء برسول الله صلى الله عليه وسلم وائتساء به وهذا هو قولنا لا قولهم ففعلوا ما ترى فيما أخبر عليه السلام أنه عموم وغضب على من ادعى أنه خصوص ثم أتوا إلى ما أخبر عليه السلام أنه خصوص له دون سائر الناس وهو قتله بمكة من قتل الكفار وخطب عليه السلام الناس فنهاهم عن أن يسفك فيها أحد دما ثم لم يقنع عليه السلام بذلك حتى قال في خطبته تلك وإن أحد ترخص لقتال رسول الله صلى الله عليه وسلم فيها

فقولوا إن الله أحلها لنبيه صلى الله عليه وسلم ولم يحلها لكم وإنما أحلت لي ساعة من نهار ثم عادت لحرمتها بالأمس إلى يوم القيامة أو كلاما هذا معناه، فقالوا: هذا عموم وليس خصوصا. قال أبو محمد: فلو قيل لهؤلاء القوم اعكسوا الحقائق، ما زادوا على ما فعلوا، وأن هذا لعظائم لا ندري كيف استجاز من له أدنى ورع التقليد في مثل هذا، لمن قد أداه اجتهاده إلى الخطأ في ذلك، ممن قد بلغتهم الآثار، وقامت عليهم الحجة، وسقطت عنهم المعذرة، وإن الظن ليسوء جدا بمن هذا معتقده، ونعوذ بالله من كل حب رياسة تقود إلى مثل هذا وبالله تعالى التوفيق قال علي وإذا مدح الله تعالى أو رسوله صلى الله عليه وسلم أحدا على فعل ما كان ذلك الفعل مندوبا إليه، مستحبا يؤجر فاعله ولا يؤجر تاركه ولا يأثم، وليس ذلك الشيء فرضا لما قد أوردنا في الحجاج في أن الفرض ليس إلا ما جاء به الأمر فقط، وإن لم نؤمر به فمعفوا عنه، وأما ما ذمه الله تعالى فهو مكروه، وليس حراما إلا بدليل، لما ذكرناه في المدح ولا فرق، وقد ذم الله تعالى الشح، وليس حراما إذا أدى المرء فرائضه، ولكنه مذموم مكروه، وقد مدح الله تعالى المغتسلين بالماء للاستنجاء وليس فرضا ومدح النبي صلى الله عليه وسلم من لم يكتوا ولا استرقى وليس كل ذلك حراما، لكن إن قام دليل من أمر أو نهي على الشيء المذموم أو الممدوح صير فيه إلى دليل الأمر والنهي وبالله تعالى التوفيق

whoever exposes himself to his ﷺ anger has exposed himself to the anger of Allah, mighty and majestic. For he ﷺ became intensely angry when the Ansari asked him about a fasting person's kissing, and he informed him —ﷺ—that he did that. The speaker then said, 'You are not like us, Messenger of Allah; your sin has been forgiven you.' The Messenger of Allah ﷺ then became intensely angry and repudiated this statement. Who, then, is further astray than someone who exposes himself to the anger of Allah, mighty and majestic, and the anger of His Messenger ﷺ by blindly following a person who can neither benefit nor harm him and cannot avail him anything against Allah, exalted? Ali said: In restricting kissing while fasting to him alone, they cited Aishah's statement, may Allah be pleased with her: 'Which of you has greater control over his desire than the Messenger of Allah ﷺ?' Abu Muhammed said: This statement of hers, may Allah be pleased with her, is the strongest proof against them. She did not say it in the sense they imagined; she said it only to rebuke those who regarded kissing while fasting as a grave matter. She informed them that he ﷺ was more scrupulous than they were and had greater control over his desire, yet nevertheless did not refrain from kissing while fasting. What, then, of you? Two clear pieces of evidence establish the correctness of this interpretation. The first is that she, may Allah be pleased with her, said precisely this concerning intimate contact with a menstruating woman: that he ﷺ would instruct her to put on a waist-wrapper, then have intimate contact with her, and, 'Which of you has greater control over his desire than the Messenger of Allah ﷺ?' They would therefore have to abandon the permissibility of intimate contact with a menstruating woman because of the statement of Aishah, 'Which of you has greater control over his desire?'—exactly as she said concerning kissing while fasting. The second is that they themselves transmitted from her that she said to her brother's son, Abd Allah ibn Abd al-Rahman, when he was in the very prime of his youth, 'Will you not kiss your wife and play with her?' She meant Aishah bint Talhah, who was her sister's daughter and the most beautiful of all the young women of her time. He said, 'I am fasting.' She said, 'The Messenger of Allah ﷺ used to kiss while fasting.' Thus she persistently urges a fasting young man to kiss a beautiful young woman, following the Messenger of Allah ﷺ and taking him as an example. This is our position,

not theirs. They therefore acted as you see concerning something that he ﷺ declared to have general applicability, becoming angry with anyone who claimed that it was exclusive to him. Then they turned to something that he ﷺ declared was exclusive to him, to the exclusion of all other people: his killing in Mecca of those unbelievers whom he killed. He ﷺ addressed the people and forbade anyone to shed blood there. Nor did he ﷺ content himself with that, but went on to say in that sermon of his 'If anyone claims a dispensation on account of the Messenger of Allah's ﷺ fighting there, say: Allah made it lawful for His Prophet ﷺ and did not make it lawful for you. It was made lawful for me only for an hour of a day; then its inviolability returned to what it had been yesterday, until the Day of Resurrection'—or words to this effect. Yet they said, 'This has general applicability and is not exclusive.' Abu Muhammed said: Had these people been told, 'Reverse the realities,' they could have done no more than they have done. These are indeed enormities. We do not know how anyone with the slightest scrupulousness could consider it permissible, in a matter like this, to blindly follow someone whose independent legal reasoning has led him into error concerning it—when the transmitted reports have reached them, the proof has been established against them, and their excuse has fallen away. One's opinion of anyone who holds this belief becomes very bad indeed. We seek refuge in Allah from every love of leadership that leads to such things. Through Allah, exalted, comes success. Ali said: When Allah, exalted, or His Messenger ﷺ praises someone for some act, that act is recommended and desirable: its doer is rewarded, while whoever leaves it undone is neither rewarded nor sinful. That thing is not obligatory, for the reasons we have already presented in our argument that an obligation is only something for which a command has come. If we have not been commanded to do it, its omission is pardoned. As for what Allah, exalted, censures, it is disapproved but is not forbidden except upon evidence, for the reasons we mentioned concerning praise; there is no difference. Allah, exalted, has censured stinginess yet it is not forbidden if a person fulfills his obligations; rather, it is censured and disapproved. Allah, exalted, has praised those who wash themselves with water to cleanse themselves after relieving themselves, although this is not obligatory. The Prophet ﷺ praised those who did not undergo cauterization

or ask to have an incantation recited over them, although these things are not all forbidden. But if evidence in the form of a command or prohibition is established concerning the thing censured or praised, then the evidence of the command or prohibition is followed concerning it. Through Allah, exalted, comes success.[105][106][107][108][109][110][111][112][113][114]

L399 **[Section on a Companion's acting contrary to the transmitted report, and the adherents of falsehood using that as a pretext]**

L400–403 And concerning those matters which, they claimed, arise so frequently that

[فصل في خلاف الصاحب للرواية وتعلل أهل الباطل بذلك]

وفيما زعموا أن البلوى تكثر به فلا يقبل فيه إلا التواتر قال أبو محمد: ووجدنا الصاحب من الصحابة رضي الله عنهم يبلغه الحديث فيتناول فيه تأويلا يخرجه به عن ظاهره، ووجدناهم رضي الله عنهم يقرون ويعترفون بأنهم لم يبلغهم كثير من السنن، وهكذا الحديث المشهور عن أبي هريرة إن إخواني من المهاجرين كان يشغلهم الصفق بالأسواق، وإن إخواني من الأنصار كان يشغلهم القيام على أموالهم. وهكذا قال البراء: حدثنا محمد بن سعيد بن نبات، ثنا أحمد بن عون، ثنا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، ثنا محمد بن المثنى العنزي، ثنا أبو أحمد الزبيري وسفيان الثوري، عن أبي إسحاق السبيعي، عن البراء بن عازب قال أما كل ما تحدثتموه سمعناه من رسول الله صلى الله عليه وسلم ولكن حدثنا أصحابنا وكانت تشغلنا رعية الإبل. وهذا أبو بكر رضي الله عنه لم يعرف فرض ميراث الجدة، وعرفه محمد بن مسلمة، والمغيرة بن شعبة، وقد سأل أبو بكر رضي الله عنه عائشة في كم كفن رسول الله صلى الله عليه وسلم وهذا عمر رضي الله عنه يقول في حديث الاستئذان أخفي علي هذا من أمر رسول الله صلى الله عليه وسلم ألهاني الصفق في الأسواق وقد جهل أيضا أمر إملاص المرأة وعرفه غيره، وغضب على عيينة بن حصن حتى ذكره الحر بن قيس بن حصن بقوله تعالى {خذ لعفو وأمر بلعرف وأعرض عن لجاهلين} وخفي

[105] **Translator's note (L385):** "Our undergarments" interprets the unvocalized shuʿur as the plural of shiʿar, clothing worn next to the body; the same written form can otherwise denote hair. "He would have assailed him and cried out" renders an obscure, compressed expression whose precise intended force is uncertain.

[106] **Translator's note (L387):** The Quranic quotation, corresponding to 33:21, contains several defective written forms, including missing letters in "Allah" and "the Last." Its recoverable wording is translated here. The wording "For in the report" is syntactically awkward in the supplied Arabic; the translation preserves its apparent sense.

[107] **Translator's note (L388):** The opening Arabic completes the salutation begun in the preceding segment; that salutation is represented there by ﷺ.

[108] **Translator's note (L389):** The segment ends within the salutation and the sentence continues in the following context.

[109] **Translator's note (L390):** The opening continues a sentence from the preceding segment; 'act of his' is supplied from that context. The Arabic says 'three consecutively' without naming the unit; '[days]' makes the apparent intended reference explicit.

[110] **Translator's note (L391):** The Quran quotation contains apparent orthographic omissions in several occurrences of 'Allah' and in 'the Last Day'; the translation follows their evident lexical sense.

[111] **Translator's note (L393):** The wording immediately after 'That is not permissible' is corrupt or syntactically dislocated: it literally begins 'and he knows the validity of' and runs into 'whoever prays in that manner, his prayer is invalid.' The translation preserves this disruption rather than silently reconstructing a coherent statement.

[112] **Translator's note (L394):** The opening ﷺ completes the salutation begun in the preceding segment. 'Intimate contact' renders mubasharah here, distinguishing it from sexual intercourse.

[113] **Translator's note (L397):** The opening completes 'that sermon of his' from the preceding segment; its demonstrative is incorporated into that continuing reference.

only transmission by numerous independent routes establishing certainty may be accepted regarding them. Abu Muhammed said: We have found that a Companion of the Companions, may Allah be pleased with them, would receive a hadith and adopt an interpretation of it by which he diverted it from its apparent meaning. We have also found them, may Allah be pleased with them, acknowledging and admitting that many of the Prophetic practices had not reached them. Such is the well-known hadith from Abu Hurayrah: "My brothers among the Emigrants were occupied with trading in the markets, and my brothers among the Helpers were occupied with tending their property." Al-Baraʾ likewise said—Muhammed ibn Saʿid ibn Nabat related to us; Ahmad ibn ʿAwn related to us; Qasim ibn Asbagh related to us; Muhammed ibn ʿAbd al-Salam al-Khushani related to us; Muhammed ibn al-Muthanna al-ʿAnazi related to us; Abu Ahmad al-Zubayri and Sufyan al-Thawri related to us, from Abu Ishaq al-Sabiʿi, from al-Baraʾ ibn ʿAzib, who said: "Not everything that you have related did we hear from the Messenger of Allah ﷺ; rather, our companions related it to us. Tending the camels used to occupy us." Here is Abu Bakr, may Allah be pleased with him: he did not know the prescribed inheritance share of a grandmother, whereas Muhammed ibn Maslamah and al-Mughirah ibn Shuʿbah knew it. Abu Bakr, may Allah be pleased with him, also asked ʿA'ishah how many cloths the Messenger of Allah ﷺ had been shrouded in. Here is ʿUmar, may Allah be pleased with him, saying concerning the hadith about seeking permission to enter: "Was this command of the Messenger of Allah ﷺ hidden from me? Trading in the markets distracted me." He was also ignorant of the ruling concerning a woman's miscarriage, while someone else knew it. He became angry with ʿUyaynah ibn Hisn until al-Hurr ibn Qays ibn Hisn reminded him of the words of the Exalted: {Accept pardon, command what is right, and turn away from the ignorant.} The Messenger of Allah's ﷺ command to expel the Jews and Christians from the Arabian Peninsula remained unknown to him until the latter part of his caliphate. It had likewise remained unknown to Abu Bakr, may Allah be pleased with him, before him throughout his caliphate. When it reached ʿUmar, he ordered their expulsion and left none

عليه أمر رسول الله صلى الله عليه وسلم بإجلاء اليهود والنصارى من جزيرة العرب إلى آخر خلافته، وخفي على أبي بكر رضي الله عنه قبله أيضا طول مدة خلافته، فلما بلغ ذلك عمر أمر بإجلائهم فلم يترك بها منهم أحدا وخفي على عمر أيضا أمره عليه السلام بترك الإقدام على الوباء وعرف ذلك عبد الرحمن بن عوف. وسأل عمر أبا واقد الليثي عما كان يقرأ به رسول الله صلى الله عليه وسلم في صلاتي الفطر والأضحى وهذا وقد صلاهما رسول الله صلى الله عليه وسلم أعواما كثيرة ولم يدر ما يصنع بالمجوس حتى ذكره عبد الرحمن بأمر رسول الله صلى الله عليه وسلم فيهم ونسي قبوله عليه السلام الجزية من مجوس البحرين وهو أمر مشهور ولعله رضي الله عنه قد أخذ من ذلك المال حظا كما أخذ غيره منه ونسي أمره عليه السلام بأن يتيمم الجنب فقال لا يتيمم أبدا ولا يصلي ما لم يجد الماء، وذكره بذلك عمار، وأراد قسمة مال الكعبة حتى احتج عليه أبي بن كعب بأن النبي صلى الله عليه وسلم لم يفعل ذلك فأمسك وكان يرد النساء اللواتي حضن ونفرن قبل أن يودعن البيت حتى أخبر بأن رسول الله صلى الله عليه وسلم أذن في ذلك فأمسك عن ردهن وكان يفاضل بين ديات الأصابع حتى بلغه عن النبي صلى الله عليه وسلم أمره بالمساواة بينها فترك قوله وأخذ بالمساواة، وكان يرى الدية للعصبة فقط حتى أخبره الضحاك بن سفيان بأن النبي صلى الله عليه وسلم ورث المرأة من الدية فانصرف عمر إلى ذلك ونهى عن المغالاة في مهور النساء استدلالا بمهور النبي صلى الله عليه وسلم حتى ذكرته امرأة فرجع عن نهيه وأراد رجم مجنونة حتى أعلم بقول رسول الله صلى الله عليه وسلم رفع القلم عن ثلاثة فأمر ألا ترجم وأمر برجم مولاة حاطب حتى ذكره عثمان بأن الجاهل لا حد عليه، فأمسك عن رجمها، وأنكر على حسان الإنشاد في المسجد، فأخبره هو وأبو هريرة

[114] **Qur'an references (L385):** Qur'an 33:21 (Al-Ahzab); Qur'an 60:6 (Al-Mumtahanah).

of them there. Also unknown to ʿUmar was his command, peace be upon him, to refrain from advancing into an epidemic-stricken place; this was known to ʿAbd al-Rahman ibn ʿAwf. ʿUmar asked Abu Waqid al-Laythi what the Messenger of Allah ﷺ used to recite in the two prayers of the Festival of Breaking the Fast and the Festival of Sacrifice—even though the Messenger of Allah ﷺ had performed both for many years. He did not know how to deal with the Magians until ʿAbd al-Rahman reminded him of the Messenger of Allah's ﷺ command concerning them. He forgot his acceptance, peace be upon him, of the poll tax from the Magians of Bahrain, although this was a well-known matter. Perhaps he himself, may Allah be pleased with him, had received a share of that money, just as others had received some of it. He forgot his command, peace be upon him, that a person in a state of major ritual impurity perform dry ablution, and said: "He must never perform dry ablution, and must not pray unless he finds water." ʿAmmar reminded him of this. He intended to distribute the wealth of the Kaʿbah until Ubayy ibn Kaʿb argued against him on the grounds that the Prophet ﷺ had not done so, whereupon he desisted. He used to send back women who had menstruated and departed before bidding farewell to the House, until he was informed that the Messenger of Allah ﷺ had permitted this, whereupon he ceased sending them back. He used to assign different amounts of blood money for different fingers, until the Prophet's ﷺ command that they be treated equally reached him; he then abandoned his opinion and adopted equal treatment. He held that blood money belonged exclusively to the agnatic relatives, until al-Dahhak ibn Sufyan informed him that the Prophet ﷺ had given a wife an inheritance share of blood money; ʿUmar then adopted that position. He prohibited excessive marriage payments to women, adducing the Prophet's ﷺ marriage payments as evidence, until a woman reminded him, whereupon he withdrew his prohibition. He intended to stone an insane woman until he was informed of the Messenger of Allah's ﷺ saying, "The pen has been lifted from three," whereupon he ordered that she not be stoned. He ordered that a female client of Hatib be stoned, until ʿUthman reminded him that no prescribed punishment applies to one who is ignorant, whereupon he refrained from stoning her. He objected to Hassan's reciting poetry in the mosque, but Hassan and Abu Hurayrah informed him that he had recited poetry there

أنه قد أنشد فيه بحضرة رسول الله صلى الله عليه وسلم فسكت عمر وقد خفي على الأنصار وعلى المهاجرين كعثمان وعلي وطلحة والزبير وحفصة أم المؤمنين وجوب الغسل من الإيلاج إلا أن يكون أنزل، وهذا مما تكثر فيه البلوى، وخفي على عائشة، وأم حبيبة، أمي المؤمنين: وابن عمر، وأبي هريرة، وأبي موسى. وزيد بن ثابت، وسعيد بن المسيب، وسائر الجلة من فقهاء المدينة وغيرهم نسخ الوضوء مما مست النار

in the presence of the Messenger of Allah ﷺ, whereupon ʿUmar fell silent. The Helpers and such Emigrants as ʿUthman, ʿAli, Talhah, al-Zubayr, and Hafsah, Mother of the Believers, were unaware of the obligation to perform the full ritual bath following penetration unless he had ejaculated. This is one of the matters that arise frequently. ʿA'ishah and Umm Habibah, the two Mothers of the Believers, Ibn ʿUmar, Abu Hurayrah, Abu Musa, Zayd ibn Thabit, Saʿid ibn al-Musayyab, and the other eminent jurists of Medina and elsewhere were unaware of the abrogation of the requirement to perform ablution after consuming anything touched by fire.[115]

L404 All these are matters that arise extensively and affect people generally. All this, and what follows, invalidates the statement made by those Hanafis and Malikis who are heedless of what they say: that when a matter affects people generally, a solitary report concerning it is not accepted.

L405–413 What is astonishing is that both groups have accepted reports concerning matters that affect people generally, which others have opposed: for example, the Hanafis' acceptance of the requirement to perform ablution because of laughter, of which others were ignorant, and the Malikis' acceptance of an oath together with a witness, of which others were ignorant. There are very many such examples. Muhammed ibn Saʿid related to us; Ahmad bah ʿAbd al-Nasir related to us; Qasim ibn Asbagh related to us; Muhammed ibn ʿAbd al-Salam al-Khushani related to us; Muhammed ibn al-Muthanna related to us; ʿAbd al-Rahman ibn Mahdi related to us; Sakhr ibn Juwayriyah related to us; ʿAmir ibn ʿAbd Allah ibn al-Zubayr related to us that ʿAbd al-Rahman ibn al-Aswad informed him, saying: "I was sitting with my father at ʿArafah while Ibn al-Zubayr was addressing the people. Ibn al-Zubayr said: 'This is a day for declaring Allah's greatness, praising Him, and declaring His oneness; so declare Allah's greatness, praise Him, and declare His oneness.' My father stood up and made his way through until he reached him. He inclined

[115]**Translator's note (L400):** The Qur'anic quotation corresponds to 7:199, but the supplied transcription omits letters in several words. The translation follows its identifiable wording. The transmission chain as supplied joins Abu Ahmad al-Zubayri and Sufyan al-Thawri with "and," making both narrate from Abu Ishaq. This potentially problematic chain wording has been preserved.

وكل هذا تعظم البلوى به وتعم، وهذا كله وما بعد هذا يبطل ما قاله من لا يبالي بكلامه من الحنفيين والمالكيين. إن الأمر إذا كان مما تعم البلوى به لم يقبل خبر الواحد.

والعجب أن كلتا الطائفتين قد قبلت أخبارا خالفها غيرهم تعم البلوى، كقبول الحنفيين الوضوء من الضحك، وجهله غيرهم وكقبول المالكيين اليمين مع الشاهد، وجهله غيرهم، ومثل هذا كثير جدا. حدثنا محمد بن سعيد، ثنا أحمد به عبد النصير، حدثنا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، ثنا محمد بن المثنى، ثنا عبد الرحمن بن مهدي، ثنا صخر بن جويرية، حدثنا عامر بن عبد الله بن الزبير، أن عبد الرحمن بن الأسود أخبره قال: كنت جالسا مع أبي بعرفة وابن الزبير يخطب الناس، فقال ابن الزبير: إن هذا يوم تكبير وتحميد وتهليل، فكبروا الله واحمدوه وهللوا، فقام أبي يحوس حتى انتهى إليه فأصغى إليه فقال: أشهد لسمعت عمر بن الخطاب على هذا المنبر يلبي، فقال ابن الزبير: لبيك اللهم لبيك وكان صيتا. قال أبو محمد: فقد خفي هذا كما ترى على ابن الزبير وغيره وهو مشهور عن النبي صلى الله عليه وسلم وقد نهى عمر أن يسمى بأسماء الأنبياء وهو يرى محمد بن مسلمة يغدو عليه ويروح وهو أحد الصحابة الجلة منهم، ويرى أبا أيوب الأنصاري، وأبا موسى الأشعري، وهما لا يعرفان إلا بكناهما من الصحابة، ويرى محمد بن أبي بكر الصديق وقد ولد بحضرة رسول الله صلى

his ear toward him, and my father said: 'I testify that I heard ʿUmar ibn al-Khattab on this pulpit uttering the pilgrimage response.' Ibn al-Zubayr then said: 'At Your service, O Allah, at Your service!' He had a loud voice." Abu Muhammed said: As you see, this was unknown to Ibn al-Zubayr and others, although it is well known as a practice of the Prophet ﷺ. ʿUmar prohibited naming people with the names of the prophets, although he saw Muhammed ibn Maslamah coming to him morning and evening, and he was one of the eminent Companions among them. He also saw Abu Ayyub al-Ansari and Abu Musa al-Ashʿari, who were known only by their parental appellations and were among the Companions. He also saw Muhammed ibn Abi Bakr al-Siddiq, who had been born in the presence of the Messenger of Allah ﷺ, during the Farewell Pilgrimage. When his mother gave birth to him, she asked him for a ruling about what she should do concerning her state of pilgrimage consecration while she was experiencing postpartum bleeding. It is known with certainty that the Prophet ﷺ unquestionably knew the names and parental appellations of those we have mentioned, approved their use, addressed them by them, and changed none of these, peace be upon him. When Talhah and Suhayb informed him that the Prophet ﷺ had permitted this, he ceased prohibiting it. He contemplated abandoning the brisk, short-stepped gait during the pilgrimage circumambulation, but then recalled that the Prophet ﷺ had done it, and said: "It is not incumbent upon us to abandon it." Here is ʿUthman, may Allah be pleased with him: they have related of him that he sent to al-Furayʿah, the sister of Abu Saʿid al-Khudri, asking her what ruling the Messenger of Allah ﷺ had given her concerning her waiting period, and that he adopted it. He ordered that a woman who had given birth at six months be stoned, but ʿAli reminded him of the Qurʾan and that a pregnancy could last six months, whereupon he withdrew the order to stone her. Here is ʿAli, may Allah's good pleasure be upon him, acknowledging that many of the Companions used to relate to him reports that were not that he did not possess, from the Prophet ﷺ; that he used to make them swear to this, except Abu Bakr, whom he did not make swear; and that Allah Most High would benefit him, as He willed, through what he heard of this that he had not previously possessed. Here is Talhah permitting the exchange of gold for silver on deferred terms until Umar reminded him. Here are Ibn Umar

الله عليه وسلم وفي حجة الوداع واستفتته أمه إذ ولدته ماذا تصنع في إحرامها وهي نفساء وقد علم يقينا أن النبي صلى الله عليه وسلم علم بأسماء من ذكرنا وبكناهم بلا شك وأقرهم عليها ودعاهم بها ولم يغير شيئا من ذلك عليه السلام فلما أخبره طلحة وصهيب عن النبي صلى الله عليه وسلم بإباحة ذلك أمسك عن النهي عنه وهم بترك الرمل في الحج ثم ذكر أن النبي صلى الله عليه وسلم فعله فقال لا يجب لنا أن نتركه وهذا عثمان رضي الله عنه فقد رووا عنه أنه بعث إلى الفريعة أخت أبي سعيد الخدري يسألها عما أفتاها به رسول الله صلى الله عليه وسلم في أمر عدتها وأنه أخذ بذلك وأمر برجم امرأة قد ولدت لستة أشهر، فذكره علي بالقرآن وأن الحمل قد يكون ستة أشهر، فرجع عن الأمر برجمها. وهذا علي رضوان الله عليه: يعترف بأن كثيرا من الصحابة كانوا يحدثونه بما ليس عنده عن النبي صلى الله عليه وسلم وأنه كان يستحلفهم على ذلك حاشا أبا بكر فإنه كان لا يستحلفه، وأن الله تعالى كان ينفعه بما شاء أن ينفعه مما سمع من ذلك مما لم يكن عنده قبل ذلك. وهذا طلحة: يبيح الذهب بالفضة نسيئة، حتى ذكره عمر. وهذا ابن عمر وابن عباس: يبيعان الدرهم بالدرهمين، حتى ذكرا فأمسكا، ثم رواه ابن عمر عن أبي سعيد الخدري عن النبي صلى الله عليه وسلم ذكره مسلم فرجع ابن عمر إلى ذلك وترك رأيه ثم رواه ابن عمر فقال هذا عهد نبينا إلينا ذكره مالك عن حميد عن مجاهد عن ابن عمر وصدق ابن عمر ونحن نقول في حديث النبي صلى الله عليه وسلم إذا بلغنا هذا عهد نبينا إلينا فهكذا نحمل أمر جميع ما روي من رواية الصاحب للحديث، ثم روي عنه مخالفته إياه أنه إنما أفتى بخلاف الحديث قبل أن يبلغه، فلما حدث بما بلغه، لا يحل أن يظن بالصاحب غير هذا، وهذا نص ما ذكرنا عن ابن عمر ببيان لا يخفى، وأنهم تأولوا فيما سمعوا من الحديث. ومن حمل ذلك على غير ما قلنا فإنه يوقع الصاحب ولا محالة تحت أمرين، وقد أعاذهم الله تعالى منهما،

and Ibn Abbas exchanging one dirham for two until they were reminded, whereupon they desisted. Then Ibn Umar transmitted it from Abu Sa'id al-Khudri, from the Prophet ﷺ—Muslim recorded it—and Ibn Umar returned to it and abandoned his own opinion. Then Ibn Umar transmitted it, saying, "This is our Prophet's charge to us." Malik recorded it from Humayd, from Mujahid, from Ibn Umar. Ibn Umar spoke the truth, and we too say of a hadith of the Prophet ﷺ, when it reaches us, "This is our Prophet's charge to us." Thus we understand every transmitted instance in which a Companion related a hadith and was then reported to have acted contrary to it: he gave the ruling contrary to the hadith only before it reached him; subsequently, he related what had reached him. It is not lawful to suppose anything else of the Companion. This is the explicit wording of what we have cited from Ibn Umar, with unmistakable clarity, and that they exercised interpretation concerning the hadiths they heard. Whoever understands this otherwise than we have stated inevitably places the Companion in one of two positions—Allah Most High has protected them from both—each of which is error and grave disobedience. Either they openly opposed the Prophet ﷺ, which is lawful for no one, and which it is not lawful to suppose of them; or they possessed knowledge that required them to act contrary to what they transmitted, in which case they were not at liberty to conceal it from us, relate the abrogated ruling, and conceal from us the abrogating ruling. Such conduct constitutes unbelief on the part of its perpetrator and deception concerning the religion. No one attributes this to them except someone whose heart has deviated, or an ignorant person blind of heart. Their corrupt supposition is therefore invalidated, and our statement is established as correct. Praise belongs to Allah, Lord of the worlds. There is absolutely no possible third explanation, unless they had at that time forgotten some of what they had previously transmitted. This too is possible. If they exercised interpretation, then the interpretation on their part—may Allah be pleased with them—is conjecture, whereas their transmission from the Prophet ﷺ is certainty. It is not lawful for a Muslim to abandon certainty for conjecture. Thus the difficulty throughout this chapter is entirely removed. Praise belongs to Allah, Lord of the worlds. As for them—may Allah's good pleasure be upon them—they are excused, because this was an exercise of independent judgment on their part,

كلاهما ضلال وفسق وهما إما المجاهرة بخلاف النبي صلى الله عليه وسلم وهذا لا يحل لأحد ولا يحل أن يظن بهم وإما أن يكون عندهم علم أوجب عليهن مخالفة ما رووا فما هم في حل أن يكتموه عنا ويحدثوا بالمنسوخ، ويكتموا عنا الناسخ. وهذه الصفة كفر من فاعلها وتلبيس في الدين، ولا ينسب هذا إليهم إلا زائغ القلب أو جاهل أعمى القلب، فبطل ظنهم الفاسد، وصح قولنا والحمد لله رب العالمين. ولا سبيل إلى وجه ثالث أصلا إلا أن يكونوا نسوا حينئذ بعض ما قد رووه قبل ذلك فهذا ممكن أيضا. فإن كانوا تأولوا فالتأويل منهم رضي الله عنهم ظن وروايتهم على النبي صلى الله عليه وسلم يقين ولا يحل لمسلم أن يترك اليقين للظن فارتفع الإشكال جملة هذا الباب، والحمد لله رب العالمين. وأما هم رضوان الله عليهم فمعذورون، لأنه اجتهاد منهم، مع أن ذلك منهم أيضا قليل جدا، وليس كذلك من يقلدهم بعد أن نبه على ما ذكرناه. وهذه عائشة وأبو هريرة رضي الله عنهما خفي عليهما المسح على الخفين، وعلى ابن عمر معهما وعلمه جرير ولم يسلم إلا قبل موت النبي صلى الله عليه وسلم بأشهر وأقرت عائشة أنها لا علم لها به وأمرت بسؤال من يرجى عنده علم ذلك وهو علي رضي الله عنه، وهذه حفصة أم المؤمنين سئلت عن الوطء يجنب فيه الواطىء، أفيه غسل أم لا؟ فقالت لا علم لي. وهذا ابن عمر توقع أن يكون حدث نهي من النبي صلى الله عليه وسلم عن كراء الأرض بعد أزيد من أربعين سنة من موت النبي صلى الله عليه وسلم فأمسك عنها وأقر أنهم كانوا يكرونها على عهد أبي بكر وعمر وعثمان، ولم يقل إنه لا يمكن أن يخفى على هؤلاء ما يعرف رافع وجابر وأبو هريرة. وهؤلاء إخواننا يقولون فيما اشتهوا: لو كان هذا حقا ما خفي على عمر. وقد خفي على زيد بن ثابت، وابن عمر وجمهور أهل المدينة إباحة النبي صلى الله عليه وسلم للحائض أن تنفر حتى أعلمهم بذلك ابن عباس وأم سليم، فرجعوا عن قولهم: وخفي على ابن عمر الإقامة

حتى يدفن الميت، حتى أخبره بذلك أبو هريرة وعائشة فقال: لقد فرطنا في قراريط كثيرة، وقيل لابن عمر في اختياره متعة الحج على الإفراد: إنك تخالف أباك. فقال: أكتاب الله أحق أن يتبع أم عمر؟ روينا ذلك عنه من طريق عبد الرزاق، عن معمر، عن الزهري، عن سالم، عن ابن عمر. وخفي على عبد الله بن عمر الوضوء من مس الذكر حتى أمرته بذلك عن النبي صلى الله عليه وسلم بسرة بنت صفوان فأخذ بذلك وخفي على ابن عباس النهي عن المتعة، وعن تحريم الحمر الأهلية، حتى أعلمه بذلك علي رضي الله عنه. وقال ابن عباس: ألا تخافون أن يخسف الله بكم الأرض أقول لكم قال رسول الله صلى الله عليه وسلم وتقولون قال أبو بكر وعمر وهؤلاء الأنصار نسوا قوله عليه السلام الأئمة من قريش وقد رواه أنس وقد روى عبادة بن الصامت ما يدل على ذلك وما كانوا يتركون اجتهادهم إلا لأمر بلغهم عن النبي صلى الله عليه وسلم وهذا أبو هريرة يذكر أنهم كانوا رضوان الله عليهم تشغلهم أموالهم ومتاجرهم وأنه هو كان يلازم رسول الله صلى الله عليه وسلم ويحضر ما لا يحضرون وقد ذكرنا هذا الحديث في باب الإجماع في ديواننا هذا في فصل ترجمته: إبطال قول من قال إن الجمهور إذا أجمعوا على قول وخالفهم واحد فإنه لا يلتفت إلى قوله فأغنى ذكرنا إياه هنالك عن ترداده ههنا.

although such instances among them were also very few indeed. The same does not apply to someone who follows them uncritically after his attention has been drawn to what we have mentioned. Here are Aishah and Abu Hurayrah—may Allah be pleased with them both—who were unaware of wiping over leather socks, as was Ibn Umar along with them, while Jarir knew of it, although he embraced Islam only months before the Prophet's ﷺ death. And Aishah acknowledged that she had no knowledge of it, and directed that someone who might be expected to know of it should be asked, namely Ali—may Allah be pleased with him. Here is Hafsah, Mother of the Believers, who was asked about intercourse in which the man engaging in it enters a state of major ritual impurity: does it require a ritual bath or not? She said, "I have no knowledge." Here is Ibn Umar, who, more than forty years after the Prophet's ﷺ death, entertained the possibility that a prohibition against leasing land had been issued by the Prophet ﷺ, and therefore refrained from it. He acknowledged that they had leased it during the times of Abu Bakr, Umar, and Uthman, and did not say that it was impossible for these men to be unaware of what Rafi', Jabir, and Abu Hurayrah knew. Yet these brethren of ours say, whenever it suits their desires, "If this were true, Umar would not have been unaware of it." Zayd ibn Thabit, Ibn Umar, and the majority of the people of Medina were unaware that the Prophet ﷺ had permitted a menstruating woman to depart, until Ibn Abbas and Umm Sulaym informed them of it, whereupon they retracted their position. Ibn Umar was unaware of remaining until the deceased was buried, until Abu Hurayrah and Aishah informed him of it. He then said, "We have indeed forfeited many qirats." When Ibn Umar preferred performing the lesser pilgrimage followed by the greater pilgrimage with release from consecration between them over performing the greater pilgrimage alone, he was told, "You are opposing your father." He said, "Is Allah's Book more entitled to be followed, or Umar?" We have transmitted this from him through Abd al-Razzaq, from Ma'mar, from al-Zuhri, from Salim, from Ibn Umar. Abd Allah ibn Umar was unaware of the requirement of ablution after touching the penis, until Busrah bint Safwan instructed him to do so on the authority of the Prophet ﷺ, and he adopted it. Ibn Abbas was unaware of the prohibition of temporary marriage and of the prohibition of domestic donkeys until Ali—may Allah be pleased

with him—informed him of it. Ibn Abbas said, "Do you not fear that Allah will cause the earth to swallow you up? I tell you, 'The Messenger of Allah ﷺ said,' and you say, 'Abu Bakr and Umar said'!" Here are the Helpers, who forgot his saying—peace be upon him—"The leaders are from Quraysh." Anas transmitted it, and Ubadah ibn al-Samit transmitted something indicating the same. They would not have abandoned their independent judgment except for something that had reached them from the Prophet ﷺ. Here is Abu Hurayrah mentioning that they—may Allah's good pleasure be upon them—were occupied by their property and trade, while he himself remained constantly with the Messenger of Allah ﷺ and attended occasions they did not attend. We have already cited this hadith in the chapter on consensus in this work of ours, in a section entitled "Invalidating the Statement of Those Who Say That, When the Majority Agree upon a Position and One Person Opposes Them, His Position Is to Be Disregarded." Our citation of it there therefore dispenses with repeating it here.[116][117][118][119][120][121]

[116]**Translator's note (L405):** The transmission chain reads "Ahmad bah ʿAbd al-Nasir." The connector "bah" is apparently corrupt, possibly for "ibn"; it has been retained rather than silently corrected. "Parental appellations" renders kunyas: names beginning with Abu or Umm, conventionally meaning "father of" or "mother of."

[117]**Translator's note (L406):** The statement translated "It is not incumbent upon us to abandon it" follows the supplied wording, la yajibu lana an natrukahu. Its force is awkward in context, where a statement that the practice should not be abandoned would be expected.

[118]**Translator's note (L409):** The text reads عليهن, a feminine plural pronoun, where the referents are the male Companions; the translation follows the evident reference.

[119]**Translator's note (L410):** The phrase جملة هذا الباب is syntactically awkward; it is understood as referring to the removal of the difficulty throughout this chapter.

[120]**Translator's note (L411):** The wording يجنب فيه الواطىء explicitly says that the man engaging in intercourse enters a state of major ritual impurity, although the question then asks whether a ritual bath is required. This apparent awkwardness is retained. The reference to more than forty years after the Prophet's death concerns Ibn Umar's consideration of the possibility, not the issuing of a new prophetic prohibition after his death.

[121]**Translator's note (L412):** "Qirats" here denotes measures of reward. The first occurrence of متعة concerns the pilgrimage arrangement described in the translation; the later occurrence concerns temporary marriage. The expression النهي عن المتعة وعن تحريم الحمر الأهلية literally coordinates "the prohibition of temporary marriage" with "the prohibition of domestic donkeys"; its awkward repeated construction is preserved in sense.

L414–420

And when we find that a Companion is unaware of the Sunnah, or that it reaches him and he subjects it to various interpretations, as they did concerning the prohibition of wine—for al-Bukhari transmitted that they differed, with some saying, “It was prohibited because they used to eat excrement,” others saying, “Because the fifth had not been set aside from them,” and others saying, “He feared the depletion of riding animals.” Some said, “Rather, they were then prohibited absolutely.” Ali said: All of this is false except the statement of those who said, “They were prohibited absolutely.” An explicit text has established their prohibition in themselves and because they are an abomination. Anas transmitted that. Once everything we have mentioned is established and uncritical adherence is invalidated altogether, it becomes obligatory to adopt a Companion’s opinion even when it is free of conflict with a transmitted report; how, then, when it is joined to conflict with a transmitted report? We have recorded in the chapter invalidating uncritical adherence in this book rulings that they gave—may Allah’s good pleasure be upon them—whereupon he, peace be upon him, stated that the matter was otherwise. Ali said: Whenever those who evade the realities cling to something of this sort or its like when bewilderment overwhelms them, they themselves are, of all Allah Most High’s creatures, the most ready to abandon it. Abu Hanifah’s followers clung to this only in opposing the Prophet’s ﷺ command to wash a vessel seven times after a dog has lapped from it. They said, “It has been transmitted that Abu Hurayrah ruled, on the basis of his own opinion, that it should be washed three times because of this.” Then they abandoned both Abu Hurayrah’s statement and the Messenger of Allah’s ﷺ statement. They thus opposed his transmission, which it is unlawful to oppose, and his opinion, which they had adduced as proof, and introduced a new religion, saying, “It is to be washed only once.” Here the Malikis criticized their own principles, and were granted success in this, saying, “It is to be washed seven times.” They adopted Abu Hurayrah’s transmission and abandoned his opinion. All of them also clung to this in connection with the hadith of Ibn Abbas and Aishah concerning fasting on behalf of the deceased, saying, “Ibn Abbas and Aishah gave rulings contrary to that.” The Malikis and Hanafis thus contradicted themselves here: they adopted the statements of Ibn Abbas and Aishah and abandoned their transmission,

وإذا وجدنا الصاحب تخفى عليه السنة، أو تبلغه فيتأول فيها التأويلات كما فعلوا في تحريم الخمر، فإن البخاري روى أنهم اختلفوا فمن قائل: حرمت لأنها كانت تأكل العذرة، ومن قائل: لأنها لم تخمس. ومن قائل: إنه خشي فناء الظهر وقال بعضهم بل حينئذ حرمت البتة قال علي وكل ذلك باطل إلا قول من قال حرمت البتة وقد جاء النص بتحريمها لعينها، ولأنها رجس، روى ذلك أنس. فلما صح كل ما ذكرنا وبطل التقليد جملة، وجب أن يؤخذ برأي صاحب، وإن تعرى من مخالفة الخبر فكيف إذا استضاف إلى مخالفة الخبر. وقد كتبنا في باب إبطال التقليد من هذا الكتاب ما أفتوا به رضوان الله عليهم فأخبر عليه السلام أنه ليس كذلك قال علي وكل ما تعلق به أهل اللواذ عن الحقائق عند غلبة الحيرة عليهم من مثل هذا وشبهه فهم أترك خلق الله تعالى له، وإنما تعلق بهذا أصحاب أبي حنيفة في خلافهم أمر النبي صلى الله عليه وسلم بغسل الإناء من ولوغ الكلب سبعا فقالوا قد روي أن أبا هريرة أفتى من رأيه بأن يغسل منه ثلاثا ثم تركوا قول أبي هريرة وقول رسول الله صلى الله عليه وسلم فخالفوا روايته التي لا يحل خلافها ورأيه الذي احتجوا به، وأحدثوا دينا حديثا، فقالوا: لا يغسل إلا مرة واحدة، ونقدها هنا المالكيون أصولهم ووفقوا في ذلك فقالوا: يغسل سبعا فأخذوا برواية أبي هريرة وتركوا رأيه، وتعلقوا كلهم بذلك أيضا في حديث ابن عباس وعائشة في الصوم عن الميت فقالوا: قد أفتى ابن عباس وعائشة بخلاف ذلك، فتناقض المالكيون والحنفيون ههنا، فأخذوا بقول ابن عباس وعائشة وتركوا روايتهما. وأخذ المالكيون آنفا برواية أبي هريرة، وتركوا قوله، ولا حجة للحنفيين في خلاف عائشة وابن عباس هذا الحديث، لأنه إن كان تركته عائشة، فقد رواه أيضا بريدة الأسلمي، ولم يخالفه، وأما ابن عباس فالأصح عنه أنه أفتى بما رواه عنه محمد بن عبد الرحمن بن ثوبان، وليس بالقوي، وروى سعيد بن جبير خلاف ذلك وهو أصح. وأما تعلقهم بأن عائشة رضي الله عنها خالفت في فتياها ما روت من الأمر بالصيام

whereas the Malikis had just adopted Abu Hurayrah's transmission and abandoned his statement. The Hanafis have no proof in Aishah's and Ibn Abbas's opposition to this hadith, because, even if Aishah abandoned it, Buraydah al-Aslami also transmitted it and did not oppose it. As for Ibn Abbas, the more authentic account from him is that he ruled in accordance with what was transmitted from him by Muhammed ibn Abd al-Rahman ibn Thawban, who is not strong. Sa'id ibn Jubayr transmitted the contrary, and that is more authentic. As for their reliance on the claim that Aishah—may Allah be pleased with her—contradicted in her legal ruling what she transmitted concerning the command to fast on behalf of the deceased, why do they not apply this corrupt principle consistently, when Aishah—may Allah be pleased with her—transmitted that prayer was prescribed as two units; the prayer during travel was retained as such, while the prayer during residence was increased. Yet she herself used to perform the full prayer during travel. They therefore accepted her transmission and abandoned her opinion and practice. Likewise, she transmitted that a marriage prohibition is established through a calf's milk, but then did not act upon that: men breastfed by her brothers' wives were not admitted into her presence, whereas men breastfed by her sisters' daughters were admitted into her presence. They therefore abandoned her opinion and accepted her transmission. Likewise, she transmitted, "Any woman who marries without her guardian's permission, her marriage is invalid," but then acted contrary to that and married her brother Abd al-Rahman's daughter to al-Mundhir ibn al-Zubayr while Abd al-Rahman was alive and away in Syria, on an absence at a nearby distance, without his knowledge or authorization. The Malikis therefore accepted her transmission and abandoned her opinion and practice. If they say, "She adopted an interpretation in all these cases," we say to them: Likewise, she adopted an interpretation in her ruling that fasting should not be performed on behalf of the deceased. Perhaps the woman on whose behalf she ruled that fasting should not be performed had no guardian, so Aishah, may Allah be pleased with her, did not consider that she should depart from the apparent meaning of the hadith she transmitted on that subject, since its wording is: "Whoever dies owing a fast, his guardian shall fast on his behalf." The Malikis acted likewise concerning the report from Umar that he considered a

عن الميت، فأين هم عن طرد هذا الأصل الفاسد؟ إذ روت عائشة رضي الله عنها أن الصلاة فرضت ركعتين، فأقرت صلاة السفر وزيد في صلاة الحضر، وكانت هي تتم في السفر، فأخذوا بروايتها وتركوا رأيها وعملها، وإذ روت التحريم بلبن العجل، ثم كانت لا تأخذ بذلك، ولا يدخل عليها من أرضعته نساء إخوتها، ويدخل عليها من أرضعته بنات أخواتها فتركوا رأيها، وأخذوا بروايتها، وإذ روت أن كل امرأة نكحت بغير إذن وليها فنكاحها باطل، فخالفت ذلك وأنكحت بنت أخيها عبد الرحمن المنذر ابن الزبير وعبد الرحمن حي غائب غيبة قريبة بالشام بغير علمه ولا أمره، فأخذ المالكيون بروايتها وتركوا رأيها وعملها. فإن قالوا: تأولت في كل هذا قلنا لهم: وهكذا تأولت في فتياها بألا يصام عن الميت، ولعل المرأة التي أفتت ألا يصام عنها كانت لا ولي لها، فلم تر عائشة رضي الله عنها أن تخرج من ظاهر الحديث الذي روت في ذلك لأن نصه من مات وعليه صيام صام عنه وليه. وهكذا فعل المالكيون فيما روي عن عمر أنه رأى للمبتوتة السكنى والنفقة، وبلغه حديث فاطمة بنت قيس فلم يأخذ به، فخالف المالكيون رأي عمر، وأخذوا بنصف حديث فاطمة فلم يروا للمبتوتة نفقة، فخالفوا الحديث وعمر في النصف الثاني فرأوا لها السكنى. وعمر قد قرأ الآية كما قرؤوها. وهكذا فعلوا في رواية ابن عباس في حديث: حد المكاتب وميراثه ودينه بمقدار ما أدى فقالوا: خالفه ابن عباس فأفتى بغير ذلك، ولا حجة لهم في هذا لأن هذا الحديث قد رواه أيضا علي بن أبي طالب رضي الله عنه، وأخذوا به وأفتي به. فلم كان ترك ابن عباس للحديث حجة على عمل علي به؟ وقد يحتمل ترك ابن عباس وغيره لما روي وجوها: منها أن يتأول فيه تأويلا كما ذكرنا آنفا، أو يكون نسيه جملة، أو يكون نسيه حين أفتى بهذه الفتيا المخالفة له كما ذكرنا آنفا فيمن أفتى منهم بخلاف القرآن وهو ناس لما في حفظه من ذلك، أو يكون لم يكن يبلغه حين أفتى بما أفتى به ثم بلغه الحديث بعد ذلك، فإن هذه الوجوه كلها موجودة فيما روي عنهم فلا يحل

لأحد ترك كلامه عليه السلام الفتيا جاءت عن صاحب فمن دونه مخالفة لما صح عنه عليه السلام ولو تتبعنا ما تركوا فيه روايات الصحابة وأخذوا بفتياهم، وما تركوا فيه فتيا الصحابة وأخذوا برواياتهم، لكثر ذلك جدا، لأن القوم إنما حسبهم ما نصروا به المسألة التي بين أيديهم فقط، وإن هدموا بذلك سائر مسائلهم. وفيما ذكرنا كفاية.

woman irrevocably divorced to be entitled to lodging and maintenance, and that the hadith of Fatimah bint Qays reached him but he did not accept it. The Malikis opposed Umar's opinion and accepted half of Fatimah's hadith, holding that an irrevocably divorced woman is not entitled to maintenance. In the second half, however, they opposed the hadith and Umar, holding that she is entitled to lodging. Umar had read the verse just as they had read it. They acted likewise concerning Ibn Abbas's transmission of the hadith about the prescribed punishment of a slave contracted to purchase his freedom, his inheritance, and his debt, in proportion to what he had paid. They said, "Ibn Abbas opposed it and issued a ruling otherwise." They have no proof in this, for Ali ibn Abi Talib, may Allah be pleased with him, also transmitted this hadith; they accepted it, and a ruling was issued in accordance with it. Why, then, should Ibn Abbas's abandonment of the hadith constitute a proof against Ali's acting upon it? Ibn Abbas's and others' abandonment of what was transmitted may admit of several explanations: he may have adopted an interpretation of it, as we mentioned just now; he may have forgotten it altogether; or he may have forgotten it when he issued this ruling contrary to it, as we mentioned just now concerning those among them who issued rulings contrary to the Quran while forgetting what they had memorized of it. Or it may not have reached him when he issued the ruling he issued, and the hadith subsequently reached him. All these explanations are found in what has been transmitted from them. Thus no one may abandon his words ﷺ on account of a ruling coming from a Companion or anyone below him that contradicts what has been authentically established from him ﷺ. If we were to trace the instances in which they abandoned the Companions' transmissions and accepted their rulings, and those in which they abandoned the Companions' rulings and accepted their transmissions, they would be exceedingly numerous. For these people are satisfied merely with whatever supports the issue

immediately before them, even if by doing so they demolish all their other positions. What we have mentioned suffices.[122][123][124][125][126][127]

L421 In general, the defect they invoke to challenge a Companion's transmission because he abandoned it in favor of his own opinion should more properly be directed at the report of his opposition to it than at the transmission that must be followed. This is a subject in which their inconsistency has become enormous. Here are Ibn Umar and Abu Barzah: both transmitted the hadith, "The two parties to a sale retain the option until they separate," and understood it as bodily separation. The Malikis and Hanafis opposed them, saying that the separation is through speech, and paid no attention to the

وبالجملة فصرف الداخلة التي يعترضون بها على رواية الصاحب لما ترك برأيه أولى أن يكون إلى النقل لمخالفته لذلك منه إلى الرواية التي يلزم اتباعها. وهذا باب قد عظم تناقضهم فيه، فهذا ابن عمر وأبو برزة هما رويا حديث: البيعان بالخيار ما لم يتفرقا فحملاه على تفرق الأبدان، فخالفهما المالكيون والحنفيون فقالوا: التفرق بالكلام ولم يلتفوا إلى ما حمل عليه الحديث الصاحبان اللذان رواياه. وهذا علي رضي الله عنه روى: الصلاة تحريمها التكبير، وتحليلها التسليم ثم روي عنه تركه وأنه أفتى بأنه إذ وقع رأسه من السجود فقد تمت صلاته فخالفه المالكيون ورأوا التسليم فرضا لا بد منه وتناقضهم في الباب عظيم جدا

[122] **Translator's note (L414):** The text says "wine" (الخمر), but the ensuing explanations concern domestic donkeys: their eating excrement, the failure to set aside the fifth, and the possible depletion of riding animals. The apparent mismatch is retained.

[123] **Translator's note (L415):** The supplied text reads وجب أن يؤخذ, "it becomes obligatory to adopt," although the argument appears to require a negation, "it becomes obligatory not to adopt." The supplied wording is retained. The reading ونقدها هنا المالكيون أصولهم is syntactically irregular. "Here the Malikis criticized their own principles" reflects نقد as supplied; a possible intended reading is نقض, "overturned" or "contravened," but this has not been substituted. The assertion that the more authentic account supports Ibn Abbas's ruling is retained as supplied, although the following text calls its transmitter weak and describes the contrary report as more authentic. "Ali said" is the author's self-reference, rather than a new quotation attributed to the Companion Ali ibn Abi Talib.

[124] **Translator's note (L417):** "Strong" refers to the preceding transmitter's reliability in transmitting hadith.

[125] **Translator's note (L418):** The supplied text reads "a calf's milk" (لبن العجل), an anomalous expression in this discussion of milk kinship. It may be a corruption of "the male's milk" (لبن الفحل), referring to the attribution of milk kinship to the man through whom the nursing woman became pregnant; the supplied reading has been retained. The expression describing Abd al-Rahman's absence as "nearby" is awkward alongside the specification that he was in Syria; both have been retained.

[126] **Translator's note (L419):** The supplied wording has the plural "they accepted it" followed by a form that can be read passively as "a ruling was issued in accordance with it." The subsequent argument concerns Ali's acting upon the hadith, but the preceding wording has not been silently changed to singular verbs referring to him.

[127] **Translator's note (L420):** The phrase rendered "on account of a ruling" lacks an explicit preposition in the supplied Arabic, which reads "abandon his words … the ruling." The translation supplies the minimal grammatical connection indicated by the argument.

interpretation given to the hadith by the two Companions who transmitted it. And here is Ali, may Allah be pleased with him: he transmitted, "As for prayer, its consecration is the declaration of Allah's greatness, and its release is the salutation of peace." Then it was transmitted from him that he abandoned this, and that he ruled that when his head fell from prostration, his prayer was complete. The Malikis opposed him and held the salutation of peace to be an indispensable obligation. Their inconsistency on this subject is exceedingly great.[128]

L422 Section on the Status of a Morally Upright Transmitter

Ali said: When we know that a morally upright transmitter lived contemporaneously with the morally upright person from whom he transmits, his transmission is presumed to rest upon meeting and direct hearing. For moral uprightness entails acceptance, and acceptance is incompatible with accusing him of falsely attributing to another person something he did not hear from him, unless evidence of such conduct on his part is established. It makes no difference whether he says, "He related to us," "He informed us," "From so-and-so," or "So-and-so said": all of this is understood as involving direct hearing from him. If we knew that any of them considered such misleading presentation permissible, his moral uprightness would be disqualified in people's judgment. The judgment concerning a morally upright person whose uprightness has become established is a presumption of scrupulousness and truthfulness, rather than transgression, suspicion, and the adverse conjecture forbidden by explicit text, until the contrary is authentically established. No Muslim disagrees with this general principle; those who have contradicted

فصل في حكم العدل قال علي وإذ علمنا أن الراوي العدل قد أدرك من روى عنه من العدول فهو على اللقاء والسماع، لأن شرط العدل القبول، والقبول يضاد تكذيبه في أن يسند إلى غيره ما لم يسمعه منه، إلا أن يقوم دليل على ذلك من فعله، وسواء قال حدثنا أو أنبأنا، أو قال عن فلان، أو قال: قال فلان، كل ذلك محمول على السماع منه ولو علمنا أن أحدا منهم يستجير التلبيس بذلك كان ساقط العدالة في حكم الناس، وحكم العدل الذي قد تبنت عدالته فهن على الورع والصدق لا على الفسق والتهمة وسوء الظن المحرم بالنص حتى يصح خلاف ذلك، ولا خلاف في هذه الجملة بين أحد من المسلمين، وإنما تناقض من تناقض في تفريع المسائل وبالله التوفيق

[128] **Translator's note (L421):** The supplied text reads "when his head fell from prostration" (إذ وقع رأسه من السجود), an awkward and apparently corrupt expression. It has been retained rather than silently changed to "when he raised his head from prostration." "Consecration" and "release" render the prayer's entry into and exit from the state in which otherwise permissible actions are forbidden; the corresponding ritual utterances are the opening declaration of Allah's greatness and the concluding salutation of peace.

themselves have done so only when deriving its particular applications. Success comes through Allah.[129]

[Section on the Conflict between Texts Alleged by Some People][130]

L423

L424–425 Ali said: When two hadiths, two verses, or a verse and a hadith conflict, as someone without knowledge supposes, every Muslim is obliged to give effect to all of them. For none of them has a greater claim to being given effect than another; no hadith is more binding than another hadith of the same standing, and no verse has a greater claim to obedience than another verse of the same standing. All are from Allah, Mighty and Majestic, and all are equal with respect to the obligation of obedience and application, without distinction. Abd Allah ibn Rabi al-Tamimi related to us, saying: Muhammed ibn Ishaq ibn al-Salim and Ahmad ibn Awn Allah informed us, saying: Ibn al-Arabi related to us, saying: Sulayman ibn al-Ashath al-Sijistani related to us: Muhammed ibn Isa related to us: Ashath ibn Shubah related to us: Artah ibn al-Mundhir informed us: I heard Abu al-Ahwas Hakim ibn Umayr relate from al-Irbad ibn Sariyah that he was present when the Messenger of Allah ﷺ addressed the people, saying: "Does one of you suppose, reclining on his couch—he may think—that Allah Most High has prohibited nothing except what is in the Quran? Take heed! By Allah, I have commanded, admonished, and forbidden things that are indeed like the Quran."[131]

L426–430 Ali said: The Prophet ﷺ spoke the truth: they are like the Quran, and there

[129] **Translator's note (L422):** The supplied wording يستجير التلبيس, rendered "considered such misleading presentation permissible," is unusual; يستجيز would be the expected verb in this context. The phrase تبنت عدالته فهن is apparently corrupt. The translation follows its evident contextual sense, that established moral uprightness warrants a presumption of scrupulousness and truthfulness, while noting that the supplied wording does not express this cleanly.

[130] **Translator's note (L423):** The heading is enclosed in square brackets in the supplied text, apparently indicating an editorially supplied heading.

[131] **Translator's note (L425):** The question contains the awkward combination "Does one of you suppose … he may think" (أيحسب أحدكم … قد يظن). Both expressions have been retained rather than silently reduced to a single verb.

[فصل فيما ادعاه قوم من تعارض النصوص]

قال علي إذا تعارض الحديثان أو الآيتان أو الآية والحديث، فيما يظن من لا يعلم، ففرض على كل مسلم استعمال كل ذلك، لأنه ليس بعض ذلك أولى بالاستعمال من بعض، ولا حديث بأوجب من حديث آخر مثله، ولا آية أولى بالطاعة لها من آية أخرى مثلها، وكل من عند الله عز وجل، وكل سواء في باب وجوب الطاعة والاستعمال ولا فرق. حدثنا عبد الله بن ربيع التيمي قال أنبأنا محمد بن إسحاق بن السليم، وأحمد بن عون الله، قال: حدثنا ابن الأعرابي، قال حدثنا سليمان بن الأشعث السجستاني، حدثنا محمد بن عيسى، حدثنا أشعث بن شعبة، أنبأنا أرطاة بن المنذر، سمعت أبا الأحوص حكيم بن عمير يحدث عن العرباض بن سارية أنه حضر رسول الله صلى الله عليه وسلم يخطب الناس وهو يقول أيحسب أحدكم متكئا على أريكته قد يظن أن الله تعالى لم يحرم شيئا إلا ما في القرآن ألا وإني والله قد أمرت ووعظت ونهيت عن أشياء إنها لمثل القرآن

قال علي صدق النبي صلى الله عليه وسلم هي مثل القرآن ولا فرق في وجوب طاعة كل ذلك علينا. وقد صدق الله تعالى هذا القول إذ يقول {من يطع لرسول فقد أطاع لله ومن تولى فما أرسلناك عليهم حفيظا} وهي أيضا مثل القرآن في أن كل ذلك وحي من عند الله تعالى قال الله عز وجل {وما ينطق عن لهوى * إن هو إلا وحي يوحى} قال علي ولا خلاف بين المسلمين في أنه لا فرق بين وجوب طاعة قول الله عز وجل {وأقيموا لصلاة وآتوا لزكاة وأطيعوا لرسول لعلكم ترحمون} وبين وجوب طاعة رسوله

صلى الله عليه وسلم في أمره أن يصلي المقيم الظهر أربعا والمسافر ركعتين، وأنه ليس ما في القرآن من ذلك بأوجب ولا أثبت مما جاء من ذلك منقولا نقلا صحيحا عن النبي صلى الله عليه وسلم وإن كانوا قد اختلفوا في كيفية الطريق التي بها يصح النقل فقط. قال علي: وقد روينا في هذا الحديث من بعض الطرق: إنها لمثل القرآن وأكثر قال علي ولا نكرة في هذا اللفظ لأنه صلى الله عليه وسلم إنما أراد بذلك اللفظ أنها أكثر عددا مما ذكر في القرآن، وهذا أمر تعلم صحته بالمشاهدة لأن الفرائض الواردة في كلامه صلى الله عليه وسلم بيانا لأمر ربه تعالى أكثر من الفرائض الواردة في القرآن. قال علي: فإذا ورد النصان كما ذكرنا، فلا يخلو ما يظن به التعارض منهما، وليس تعارضا من أحد أربعة أوجه لا خامس لها، إما أن يكون أحدهما أقل معاني من الآخر، أو يكون أحدهما حاظرا والآخر مبيحا، أو يكون أحدهما موجبا والثاني نافيا، فواجب ههنا أن يستثنى الأقل معاني من الأكثر معاني، وذلك مثل أمره عليه السلام ألا ينفر أحد حتى يكون آخر عهده بالبيت، وأذن للحائض أن تنفر قبل أن تودع فوجب استثناء الحائض من جملة النافرين وكذلك حديث نهي النبي صلى الله عليه وسلم عن الرطب بالتمر مع إباحة ذلك في العرايا فيها دون خمسة أوسق، ومثل أمر الله عز وجل بقطع يد السارق والسارقة جملة مع قوله عليه السلام لا قطع إلا في ربع دينار فصاعدا فوجب استثناء سارق أقل من ربع دينار من القطع، وبقي سارق ما عدا ذلك على وجوب القطع عليه، وكذلك تحريمه تعالى أمهات الرضاعة مع قوله صلى الله عليه وسلم لا تحرم الرضعة والرضعتان ونسخ العشر المحرمات بالخمس المحرمات، فوجب استثناء ما دون الخمس رضعات من التحريم، ويبقى الخمس فصاعدا على التحريم ومثل قوله تعالى {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} مع إباحته

is no distinction in our obligation to obey all of this. Allah Most High has confirmed this statement when He says, “Whoever obeys the Messenger has obeyed Allah; and whoever turns away, We have not sent you as a keeper over them.” They are also like the Quran in that all of this is revelation from Allah Most High. Allah, Mighty and Majestic, said: “Nor does he speak from desire. It is nothing but revelation revealed.” Ali said: There is no disagreement among Muslims that there is no distinction between the obligation to obey the words of Allah, Mighty and Majestic, “Establish prayer, give the obligatory alms, and obey the Messenger, so that you may receive mercy,” and the obligation to obey His Messenger ﷺ in his command that a resident perform the noon prayer as four units and a traveler as two units. Nor is what the Quran contains on this subject more binding or more firmly established than what has come concerning it through authentic transmission from the Prophet ﷺ, although they have disagreed solely over the nature of the means by which transmission is established as authentic. Ali said: Through some transmission routes we have related this hadith with the wording, “They are indeed like the Quran, and more.” Ali said: There is nothing objectionable in this wording, for by that expression he ﷺ meant only that they are more numerous than what is mentioned in the Quran. The truth of this is known through direct observation, because the obligations set forth in his words ﷺ as an exposition of his Lord Most High’s command are more numerous than the obligations set forth in the Quran. Ali said: When two texts occur as we have described, what is thought to constitute a conflict between them, although it is no conflict, must fall under one of four possibilities, with no fifth: either one encompasses fewer meanings than the other; or one prohibits while the other permits; or one affirms while the second negates. Here it is obligatory to except what encompasses fewer meanings from what encompasses more meanings. An example is his command ﷺ that no one depart until his last encounter has been at the House; and he permitted a menstruating woman to depart before making the farewell circumambulation. It was therefore obligatory to except the menstruating woman from the totality of those departing. Likewise, the report of the Prophet’s ﷺ prohibition of exchanging fresh dates for dried dates, together with his permission for this in transactions involving gifts of dates on the palms, where the quantity is

المحصنات من نساء أهل الكتاب بالزواج، فكن بذلك مستثنيات من جملة المشركات، وبقي سائر المشركات على التحريم ومثل قوله عليه السلام دماؤكم وأموالكم وأعراضكم عليكم حرام مع قوله تعالى {لشهر لحرام بلشهر لحرام ولحرمات قصاص فمن عتدى عليكم فعتدوا عليه بمثل ما عتدى عليكم وتقوا لله وعلموا أن لله مع لمتقين} وأمر على لسان نبيه صلى الله عليه وسلم بقتل من ارتد بعد إسلامه أو زنى بعد إحصانه، أو قتل نفسا، أو شرب خمرا بعد أن حد فيها ثلاثا، وأباح قتل من سعى في الأرض فسادا، وأمر بأخذ أموال معروفة في الزكوات والنفقات والكفارات، وأمر بتغيير المنكر باليد، فكان كل ذلك مستثنى من جملة تحريم الدماء والأموال والأعراض، وبقي سائرها على التحريم. فقد أرينا في هذه المسائل استثناء الأقل معاني من الأكثر معاني، وأرينا في ذلك إباحة من حظر، وحظرا من إباحة، وحديثا من آية، وآية من حديث، وآية من آية، وحديثا من حديث، ولا نبالي في هذا الوجه كما نعلم أي النصين ورد أولا أو لم نعلم ذلك، وسواء كان الأكثر معاني ورد أولا، أو ورد آخرا كل ذلك سواء، ولا يترك واحد منهما للآخر، لكن يستعملان معا كما ذكرنا

less than five camel-loads. Another example is Allah's, Mighty and Majestic, command to cut off the hand of the male thief and the female thief without qualification, together with his ﷺ saying, "There is no amputation except for a quarter of a dinar or more." It was therefore obligatory to except someone who steals less than a quarter of a dinar from amputation, while someone who steals anything beyond that remained subject to obligatory amputation. Likewise, His, Most High, prohibition of mothers through suckling, together with his ﷺ saying, "One suckling or two sucklings do not establish prohibition," and the abrogation of the ten sucklings establishing prohibition by the five sucklings establishing prohibition. It was therefore obligatory to except fewer than five sucklings from establishing prohibition, while five or more remain grounds for prohibition. Another example is His, Most High, saying, "Do not marry polytheistic women until they believe. A believing slave woman is better than a polytheistic woman, even if she pleases you. And do not marry women to polytheistic men until they believe. A believing slave man is better than a polytheistic man, even if he pleases you. Those invite to the Fire, while Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed," together with His permitting marriage to chaste women from among the women of the People of the Scripture. They were thereby excepted from the totality of polytheistic women, while all other polytheistic women remained prohibited. Another example is his ﷺ saying, "Your blood, your property, and your honor are inviolable among you," together with His, Most High, saying, "The sacred month for the sacred month, and sacred things are subject to retaliation. So whoever transgresses against you, transgress against him to the same extent that he transgressed against you. And fear Allah, and know that Allah is with those who fear Him." Through the tongue of His Prophet ﷺ, He commanded the killing of someone who apostatizes after embracing Islam, or commits unlawful sexual intercourse after acquiring the status of marital chastity, or kills a person, or drinks wine after having received the prescribed punishment for it three times. He permitted the killing of someone who strives to spread corruption in the land, commanded the taking of specified property in obligatory alms, maintenance payments, and expiations, and commanded the changing of wrongdoing by hand. All of this

was excepted from the general inviolability of blood, property, and honor, and there remained all the rest subject to prohibition. In these cases we have thus shown the exception of what is narrower in scope from what is broader in scope. In doing so, we have shown a permission excepted from a prohibition, a prohibition from a permission, a hadith from a verse, a verse from a hadith, a verse from a verse, and a hadith from a hadith. In this approach, it makes no difference to us whether we know which of the two texts came first or do not know it. Whether the text broader in scope came first or came last, all of that is alike. Neither is set aside for the other; rather, both are applied together, as we have stated.[132][133][134][135]

L431 This, then, is one approach.

L432–436 The second approach is where one of the two texts makes obligatory some of what the other text makes obligatory, or prohibits some of what the other text prohibits. Some people suppose this to be a contradiction, and have become bewildered over it, spoken at length, and blundered about like a night-blind she-camel. Yet there is no contradiction in any of this. We have explained their error in this book in our discussion in the chapter on inference from what an utterance leaves unexpressed. An example is His, Mighty and Ma-

فهذا وجه.

والوجه الثاني أن يكون أحد النصين موجبا بعض ما أوجبه النص الآخر، أو حاظرا بعض ما حظره النص الآخر، فهذا يظنه قوم تعارضا، وتحيروا في ذلك فأكثروا وخبطوا العشواء، وليس في شيء من ذلك تعارض. وقد بينا غلطهم في هذا الكتاب في كلامنا في باب دليل الخطاب، وذلك قوله عز وجل {وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهما أف ولا تنهرهما وقل لهما قولا كريما} وقال في موضع آخر {إن الله يأمر بالعدل والإحسان وإيتآء ذي لقربى وينهى عن لفحشاء ولمنكر ولبغي يعظكم لعلكم تذكرون} وقال عليه السلام إن الله كتب الإحسان على كل شيء فكان أمره تعالى بالإحسان إلى الوالدين غير معارض للإحسان إلى سائر الناس وإلى البهائم المتمالكة والمقتولة بل هو بعضه وداخل في جملته ومثل نهيه عليه السلام أن يزني أحدنا بحليلة جاره مع عموم قوله تعالى {ولا تقربوا لزنى إنه كان فاحشة وسآء سبيلا} فليس ذكره عليه السلام امرأة الجار معارضا لعموم النهي عن الزنى، بل هو بعضه فغلط قوم في هذا الباب فظنوا قوله عليه السلام في سائمة الغنم كذا معارضا لقوله في مكان آخر في كل أربعين شاة شاة وليس كما ظنوا، بل الحديث الذي فيه ذكر السائمة هو بعض الحديث الآخر وداخل في عمومه، والزكاة واجبة في السائمة بالحديث الذي فيه ذكر السائمة وبالحديث الآخر معا والزكاة

[132] **Translator's note (L426):** The Quran quotations repeatedly omit the initial alif of the definite article in words such as "the Messenger," "Allah," "desire," "prayer," and "the obligatory alms." These apparent transcription defects have no distinct translatable sense; the English reflects the otherwise identifiable wording.

[133] **Translator's note (L429):** The segment begins and ends mid-sentence. The opening refers to making one's final observance at the Sacred House before departing. The date transaction is the technical exception known as ʿarāyā: gifts of dates on palms exchanged under specified conditions for dried dates. The measure awsuq, rendered "camel-loads," is the plural of wasq. The Quran quotations contain recurring omissions of the initial alif in the definite article; these have been treated as transcriptional spelling defects. "Acquiring the status of marital chastity" renders iḥṣān, a technical legal status, rather than merely personal sexual abstinence.

[134] **Translator's note (L430):** The wording كما نعلم ("as we know") is awkward before "or do not know it." The translation follows the alternative explicitly established by the surrounding argument, while flagging the irregular wording.

[135] **Qur'an references (L426):** Qur'an 4:80 (An-Nisa); Qur'an 53:4 (An-Najm); Qur'an 2:221 (Al-Baqarah).

jestic, saying, “Your Lord has decreed that you worship none but Him, and that you show kindness to parents. If one of them or both reach old age with you, do not say ‘Uff’ to them, and do not rebuke them, but speak gracious words to them.” He said elsewhere, “Allah commands justice, kindness, and giving to relatives, and forbids indecency, wrongdoing, and oppression. He admonishes you so that you may take heed.” And he ﷺ said, “Allah has prescribed kindness in everything.” Thus His, Most High, command to show kindness to parents does not contradict kindness to all other people and to animals held in ownership and those being killed. Rather, it is part of it and falls within its totality. Another example is his ﷺ prohibition of any one of us committing adultery with his neighbor’s wife, together with the generality of His, Most High, saying, “Do not approach unlawful sexual intercourse. It is indeed an indecency and an evil way.” His ﷺ mention of the neighbor’s wife does not contradict the general prohibition of unlawful sexual intercourse; rather, it is part of it. Some people have erred in this matter, supposing his ﷺ saying, “For grazing sheep, such-and-such,” to contradict his saying elsewhere, “For every forty sheep, one sheep.” It is not as they suppose. Rather, the hadith mentioning grazing animals is part of the other hadith and falls within its general scope. Obligatory alms are due on grazing animals by virtue of both the hadith mentioning grazing animals and the other hadith together; obligatory alms are due on animals that do not graze by virtue of the other hadith alone. Likewise, some people have also erred in supposing His, Most High, saying, “There is no blame upon you if you divorce women so long as you have not touched them or assigned them an obligatory bridal payment. And provide for them—the affluent according to his means and the straitened according to his means—a provision according to what is right, as a duty upon those who do good,” to contradict His, Most High, saying, “For divorced women there is a provision according to what is right, as a duty upon those who fear Allah.” The first verse is part of this one and falls within its totality, just as we said concerning the hadith about grazing animals; there is no difference. Likewise, other people have erred in supposing His, Most High, saying, “And horses, mules, and donkeys, for you to ride and as an adornment; and He creates what you do not know,” to contradict His, Most High, saying, “O people, eat of what is on the earth,

واجبة في غير السائمة بالحديث الآخر خاصة. وكذلك غلط قوم أيضا فظنوا قوله تعالى {لا جناح عليكم إن طلقتم لنسآء ما لم تمسوهن أو تفرضوا لهن فريضة ومتعوهن على لموسع قدره وعلى لمقتر قدره متاعا بلمعروف حقا على لمحسنين} معارضا لقوله تعالى {وللمطلقات متاع بلمعروف حقا على لمتقين} والآية الأولى بعض هذه وداخلة في جملتها كما قلنا في حديث السائمة ولا فرق وكذلك غلط قوم آخرون فظنوا قوله تعالى {ولخيل ولبغال ولحمير لتركبوها وزينة ويخلق ما لا تعلمون} معارضا لقوله تعالى {يأيها لناس كلوا مما في الأرض حلالا طيبا ولا تتبعوا خطوات لشيطان إنه لكم عدو مبين} ولقوله تعالى {ثم إن ربك للذين عملوا لسوء بجهالة ثم تابوا من بعد ذلك وأصلحوا إن ربك من بعدها لغفور رحيم} وظن قوم أن قوله تعالى {وكم أهلكنا من لقرون من بعد نوح وكفى بربك بذنوب عباده خبيرا بصيرا} معارضا لقوله عز وجل {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وليس كذلك على ما قدمنا قبل، لأنه ليس في شيء من النصوص التي ذكرنا نهي عما في الآخر، ليس في حديث السائمة نهي عن أن يزكي غير السائمة، ولا أمر بها فحكمها مطلوب من غير حديث السائمة، ولا في الأمر بتتيع المطلقة غير المحسوسة نهي عن تمتيع الممسوسة، ولا أمر به فحكمها مطلوب من موضع آخر، ولا في إخباره تعالى بأن خلق الخيل لتركب وزينة نهي عن أكلها وبيعها، ولا إباحة لهما فحكمها مطلوب من مكان آخر، ولا في تحريمه تعالى الدم المسفوح إخبارا بأن ما عدا المسفوح حلال، بل هو كله حرام بالآية الأخرى، كما قلنا إنه ليس في أمره تعالى بالإحسان إلى الآباء نهي عن الإحسان إلى غيرهم، ولا أمر به، فحكم الإحسان

lawful and wholesome, and do not follow the footsteps of Satan. He is indeed a manifest enemy to you," and His, Most High, saying, "Then indeed your Lord, toward those who did evil in ignorance, then repented after that and made amends—indeed your Lord thereafter is surely forgiving, merciful." Some people supposed His, Most High, saying, "How many generations We destroyed after Noah! Your Lord suffices as one fully aware of and seeing His servants' sins," to contradict His, Mighty and Majestic, saying, "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and what a beast of prey has eaten, except what you slaughter, and what has been sacrificed upon stone altars; and that you seek allotments by divining arrows. That is ungodliness. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—indeed Allah is forgiving, merciful." It is not so, for the reasons we have already set out: none of the texts we have mentioned contains a prohibition of what is in the other. The hadith concerning grazing animals contains neither a prohibition of paying obligatory alms on animals that do not graze nor a command to pay them on those animals. Their ruling must therefore be sought outside the hadith concerning grazing animals. Nor does the command to provide for the divorced woman who has not been felt contain either a prohibition of providing for the woman who has been touched or a command to do so. Her ruling must therefore be sought elsewhere. Nor does His, Most High, declaration that He created horses to be ridden and as an adornment contain a prohibition of eating or selling them, or a permission for either. Their ruling must therefore be sought elsewhere. Nor does His, Most High, prohibition of outpoured blood constitute a declaration that blood other than outpoured blood is lawful. Rather, all of it is forbidden by the other verse, just as we said that His, Most High, command to show kindness to fathers contains neither a prohibition of showing kindness to others nor a command to do so. The ruling on showing kindness to those other than fathers must therefore be sought elsewhere. Whoever draws distinctions between any of the

إلى غير الآباء مطلوب من مكان آخر، ومن فرق بين شيء من هذا الباب فقد تحكم بلا دليل وتكلم بالباطل من غير علم ولا هدى من الله تعالى قال علي فهذا وجه ثان والوجه الثالث أن يكون أحد النصين فيه أمر بعمل ما، معلق بكيفية ما، أو بزمان ما، أو على شخص ما، أو في مكان ما، ويكون في النص الآخر نهي عن عمل ما، بكيفية ما، أو في زمان ما، أو مكان ما، أو عدد ما، أو عذر ما، ويكون في كل واحد من العملين المذكورين اللذين أمر بأحدهما ونهى عن الآخر شيء ما يمكن أن يستثنى من الآخر، وذلك بأن يكون على ما وصفنا في كل نص من النصين المذكورين حكمان فصاعدا، فيكون بعض ما ذكر في أحد النصين عاما لبعض ما ذكر في النص الآخر، ولا شيء آخر معه، ويكون الحكم الثاني الذي في النص الثاني عاما أيضا لبعض ما ذكر في هذا النص الآخر، ولا شيئا آخر معه.

matters in this category has ruled arbitrarily, without evidence, and spoken falsehood without knowledge or guidance from Allah, Most High. Ali said: This, then, is a second approach. The third approach is where one of the two texts contains a command to perform some act, conditional upon a particular manner, time, person, or place, while the other text contains a prohibition of some act in a particular manner, at a particular time or place, with a particular number, or under a particular excuse; and in each of the two acts mentioned —one of which is commanded and the other prohibited—there is something that can be excepted from the other. This occurs when, as we have described, each of the two texts mentioned contains two or more rulings, so that some of what is mentioned in one text applies generally to some of what is mentioned in the other text, with nothing else alongside it, while

the second ruling in the second text also applies generally to some of what is mentioned in this other text, with nothing else alongside it.[136][137][138][139][140]

L437 Ali said: This is among the most subtle, obscure, and difficult problems that scholars can encounter in reconciling texts. We shall give examples of it that will help, through Allah's power and might, in understanding this delicate point, so that the student of knowledge and anyone eager for it may know how to proceed in such cases, if Allah, Mighty and Majestic, wills. There is no power and no might except through Allah, the Most High, the Magnificent. We have found no one before us who devoted to this point the attention that this subject deserves, for errors and contradictions concerning it are exceedingly frequent, except among those whom Allah guides aright through His bounty and kindness. There is no deity except Him.

قال علي: وهذا من أدق ما يمكن أن يعترض أهل العلم من تأليف النصوص وأغمضه وأصعبه، ونحن نمثل من ذلك أمثلة تعين بحول الله وقوته على فهم هذا المكان اللطيف. وليعلم طالب العلم والحريص عليه وجه العمل في ذلك إن شاء الله عز وجل، ولا حول ولا قوة إلا بالله العلي العظيم، وما وجدنا أحدا قبلنا شغل باله في هذا المكان بالشغل الذي يستحقه هذا الباب، فإن الغلط والتناقض فيه يكثر جدا إلا من سدده الله بمنه ولطفه، لا إله إلا هو. قال علي: فمن ذلك قول الله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} وقال عليه السلام لا يحل لامرأة تؤمن بالله واليوم الآخر أن تسافر إلا مع زوج أو ذي محرم منها ففي الآية عموم الناس وإيجاب عمل خاص عليهم وهو السفر إلى مكان واحد نفسه بعينه من سائر الأماكن، وهو مكة أعزها الله، فاضبط هذا، وفي الحديث المذكور تخصيص بعض الناس وهم النساء، ونهيهن عن عمل عام وهو السفر جملة، لم يخص بذلك مكان دون مكان. فاختلف الناس في كيفية استعمال هذين النصين. فقالت طوائف منهم: معنى ذلك ولله على الناس حج البيت حاشا النساء اللواتي لا أزواج لهن ولا ذا محرم، فليس عليهم حج إذا سافرت إليه سفرا قدره كذا، فاستثنوا كما ترى النساء من الناس. وقالت طوائف أخر: معنى ذلك لا يحل لامرأة تؤمن بالله واليوم الآخرأن تسافر إلا مع زوج أو ذي محرم، إلا أن يكون سفرا أمرت به كالحج أو ندبت إليه كالنظر في مالها، أو ألزمته كالتغريب، فإنها تسافر إليه دون زوج ودون ذي محرم، فاستثنوا كما ترى الأسفار الواجبة والمندوب إليها من جملة الأسفار المباحة كلها، وأبقوا على كل سفر مباح غير واجب ولا مندوب إليه على عموم التحريم على النساء إلا مع زوج أو ذي محرم.

[136] **Translator's note (L432):** "Inference from what an utterance leaves unexpressed" renders dalīl al-khiṭāb, here the disputed inference that expressly mentioning one case excludes unmentioned cases from the same ruling. The unusual reading المتمالكة is rendered provisionally as "held in ownership"; its precise form and intended meaning are uncertain. "Such-and-such" reproduces the author's abbreviated quotation, كذا ; no omitted alms assessment has been supplied. The final sentence and its argument continue into the next segment.

[137] **Translator's note (L433):** Both the sentence and the Quran quotation continue into the next segment.

[138] **Translator's note (L434):** The quotations concerning repentance after wrongdoing (Quran 16:119) and generations destroyed after Noah (Quran 17:17) are reproduced as supplied. Their relevance to the argument is unclear, especially since the subsequent discussion instead contrasts outpoured blood with blood generally. These appear to be quotation substitutions or transcription errors; no replacement verses have been supplied. غير المحسوسة literally means "who has not been felt/sensed," whereas the argument and the contrasting الممسوسة ("who has been touched") suggest an intended reference to a woman whose marriage has not been consummated. The irregular reading has been retained. "Fathers" follows الآباء in this segment, although the earlier formulation referred to both parents. The segment ends within the formulation of the third approach.

[139] **Translator's note (L435):** The account of reciprocal general scope is syntactically compressed, particularly "with nothing else alongside it." The wording has been retained without adding an explanatory restriction absent from the source.

[140] **Qur'an references (L432):** Qur'an 17:23 (Al-Isra); Qur'an 17:32 (Al-Isra); Qur'an 2:236 (Al-Baqarah); Qur'an 16:8 (An-Nahl); Qur'an 2:168 (Al-Baqarah); Qur'an 16:119 (An-Nahl); Qur'an 17:17 (Al-Isra); Qur'an 5:3 (Al-Ma'idah).

Ali said: One example is Allah Most High's statement: "In it are clear signs, the Station of Abraham; and whoever enters it is secure. Pilgrimage to the House is a duty owed to Allah by people—whoever can find a way to it. And whoever disbelieves, Allah has no need of the worlds." And he ﷺ said: "It is not lawful for a woman who believes in Allah and the Last Day to travel except with a husband or a male relative whom she is permanently forbidden to marry." The verse applies generally to people and imposes upon them a particular act: travel to one specific place, the very place itself, from among all places, namely Mecca—may Allah grant it might. Grasp this carefully. The aforementioned hadith singles out some people, namely women, and prohibits them from an act in general, namely travel altogether, without singling out one place rather than another.

People have therefore differed over how to apply these two texts. Some groups said that their meaning is: "Pilgrimage to the House is a duty owed to Allah by people, except women who have neither husbands nor male relatives whom they are permanently forbidden to marry; pilgrimage is not incumbent upon them if reaching it entails a journey of such-and-such a length." Thus, as you see, they excluded women from people. Other groups said that their meaning is: "It is not lawful for a woman who believes in Allah and the Last Day to travel except with a husband or a male relative whom she is permanently forbidden to marry, unless it is a journey she has been commanded to undertake, such as pilgrimage, or encouraged to undertake, such as attending to her property, or compelled to undertake, such as banishment. She may undertake such a journey without a husband and without a male relative whom she is permanently forbidden to marry." Thus, as you see, they excepted obligatory and recommended journeys from the entire body of permissible journeys, and retained the general prohibition upon women for every permissible journey that is neither obligatory nor recommended, unless accompanied by a husband or a male relative whom they are permanently forbidden to marry.[141]

L438–439 Ali said: Each of the two groups we have mentioned had nothing to offer beyond its own account of how its position arranged the application of the

[141] **Qur'an references (L437):** Qur'an 3:97 (Ali 'Imran).

two aforementioned texts. Neither of the two therefore has any stronger claim than the other. It is therefore necessary to seek evidence establishing the validity of one of the two exceptions, and to seek a demonstration establishing which of them must be adopted, from a source other than these two texts.

L440–443 Ali said: As for us, we favored excepting obligatory and recommended journeys from all other permissible journeys, and held that a woman must travel for the obligatory pilgrimage and minor pilgrimage, and for banishment. We also permitted her to undertake voluntary minor pilgrimage and pilgrimage, and to inspect her property, without a husband and without a male relative whom she is permanently forbidden to marry. This is because the Messenger of Allah ﷺ said: "For an unmarried person with an unmarried person: one hundred lashes and banishment for a year"; and because he ﷺ said: "Do not prevent Allah's female servants from Allah's mosques." Thus, as you see, the text concerning women states that it is not lawful to prevent them from attending mosques, and Mecca is among the mosques. This text therefore encompasses fewer matters than the hadith prohibiting women's travel altogether, and necessarily had to constitute an exception to it. We thereby arrived at the category we mentioned first. Otherwise, someone preventing them would be disobeying this hadith and abandoning it without evidence.

Ali said: Some proponents of the second exception have argued for it by citing a hadith in which, when he ﷺ prohibited a woman from traveling except with a husband or a male relative whom she is permanently forbidden to marry, a man of the Helpers said to him: "O Messenger of Allah, I have enrolled in such-and-such a military expedition, and my wife has set out on pilgrimage." He ﷺ said: "Perform pilgrimage with your wife."

Ali said: This hadith is an argument against them, because he ﷺ neither required her to return nor subjected her to a prohibition against pilgrimage. Rather, he ﷺ commanded her husband to perform pilgrimage with her. Thus every husband who refuses to perform pilgrimage with his wife is disobedient, and his disobedience does not relieve her of the obligation of pilgrimage. This is the wording of the hadith they have adduced as evidence,

قال علي: لم يكن بيد كل طائفة من الطائفتين اللتين ذكرنا، إلا وصفها ترتيب مذهبها في استعمال النصين المذكورين فليس أحدهما أولى من الثاني فلا بد من طلب الدليل على صحة أحد الاستثناءين، وابتغاء البرهان على الواجب منهما من مكان غيرهما.

قال علي: وأما نحن فإنما ملنا إلى استثناء الأسفار الواجبة والمندوب إليها من سائر الأسفار المباحة، وأوجبنا على المرأة السفر إلى الحج والعمرة الواجبتين، والتغريب، وأبحنا لها التطوع بالعمرة والحج، ومطالعة ما لها دون زوج ودون ذي محرم لقول رسول الله صلى الله عليه وسلم البكر بالبكر جلد مائة وتغريب سنة ولقوله عليه السلام لا تمنعوا إماء الله مساجد الله فجاء النص كما ترى في النساء بأنه لا يحل منعهن عن المساجد، ومكة من المساجد فكان هذا النص أقل معاني من حديث النهي عن سفر النساء جملة فوجب أن يكون مستثنى منه ضرورة، وخرجنا إلى القسم الذي ذكرنا أولا، وإلا صار المانع لهن عاصيا لهذا الحديث، تاركا له بلا دليل. قال علي: وقد احتج للاستثناء الثاني بعض القائلين به بحديث فيه أنه عليه السلام لما نهى عن أن تسافر المرأة إلا مع زوج أو ذي محرم قال له رجل من الأنصار يا رسول الله إني اكتتبت في غزوة كذا وإن امرأتي خرجت حاجة فقال عليه السلام حج مع امرأتك قال علي وهذا الحديث حجة عليهم لأنه عليه السلام لم يلزمها الرجوع ولا أوقع عليها النهي عن الحج ولكنه عليه السلام أمر زوجها بالحج معها فكل زوج أبى من الحج مع امرأته فهو عاص، ولا يسقط عنها لأجل معصيته فرض الحج، هذا نص الحديث الذي احتجوا به، وليس يفهم منه غير ذلك أصلا، لأن الأمر في هذا الحديث متوجه إلى الزوج لا إلى المرأة قال علي ومن هذا النوع أمره عليه السلام بالإنصات للخطبة وفي الصلاة مع قوله تعالى: {وإذا حييتم بتحية فحيوا بأحسن منها أو ردوها إن الله كان على كل شيء حسيبا} الآية فنظرنا في النصين المذكورين فوجدنا

and nothing else can be understood from it at all, because the command in this hadith is directed to the husband, not to the woman.

Ali said: Another instance of this kind is his ﷺ command to remain silent during the sermon and during prayer, together with Allah Most High's statement: "When you are greeted with a greeting, greet with one better than it, or return it. Indeed, Allah takes account of everything"—the verse. We examined the two aforementioned texts and found that the requirement of silence applies generally to all speech, whether a greeting of peace or anything else, and that this applies at a particular time, namely the time of the sermon and prayer. In the second text we found an obligation to return the greeting of peace, which is one kind of speech, in every circumstance generally. Thus some scholars said that the meaning is: "Remain silent, except for the greeting of peace that you have been commanded to spread and to return during the sermon." Others said: "Return the greeting of peace and initiate it, unless you are listening silently to the sermon or are engaged in prayer."

Ali said: Neither exception has any stronger claim than the other. Evidence must therefore be sought outside this level of consideration.

Ali said: We came to hold that the greeting of peace—returning the greeting of peace and initiating it—is obligatory during the sermon but not during prayer because a clear text has been transmitted concerning prayer: he ﷺ was greeted during it and did not return the greeting, after previously having returned it. When asked about this, he ﷺ said: "Allah introduces into His commands whatever He wills, and He has introduced the command that you are not to speak during prayer," or words to this effect.

Ali said: The prohibition against returning the greeting of peace during prayer does not require that it also go unreturned during the sermon, because the sermon is not prayer, and neither facing the direction of prayer nor any of the other requirements of prayer has been made obligatory during it. As for the sermon, we examined its case and found that the established, original rule was the permissibility of speech altogether. Then came the prohibition against speech during the sermon, and the command making it obligatory to

الإنصات عاما لكل كلام، سلاما كان أو غيره، ووجدنا ذلك في وقت خاص وهو وقت الخطبة والصلاة، ووجدنا في النص الثاني إيجاب رد السلام وهو بعض الكلام في كل حالة على العموم. فقال بعض العلماء: معنى ذلك أنصت إلا عن السلام الذي أمرت بإفشائه ورده في الخطبة، وقال بعضهم: رد السلام وسلم إلا أن تكون منصتا للخطبة أو في الصلاة. قال علي: فليس أحد الاستثناءين أولى من الثاني، فلا بد من طلب الدليل من غير هذه الرتبة. قال علي: وإنما صرنا إلى إيجاب السلام رد السلام وابتدائه في الخطبة دون الصلاة لأن الصلاة قد ورد فيها نص بين بأنه عليه السلام سلم عليه فيها فلم يرد بعد أن كان يرد وأنه سئل عن ذلك فقال عليه السلام إن الله يحدث من أمره ما يشاء وإنه أحدث ألا تكلموا في الصلاة أو كلاما هذا معناه. قال علي: وليس امتناع رد السلام في الصلاة موجبا ألا يرد أيضا في الخطبة، لأن الخطبة ليست صلاة، ولم يلزم فيها استقبال القبلة ولا شيء مما يلزم في الصلاة، وأما الخطبة فإنا نظرنا في أمرها فوجدنا المعهود، والأصل إباحة الكلام جملة، ثم جاء النهي عن الكلام في الخطبة، وجاء الأمر برد السلام واجبا وإفشائه، فكان النهي عن الكلام زيادة على معهود الأصل، وشريعة واردة قد تيقنا لزومها، وكان رد السلام وإفشاؤه أقل معاني من النهي عن الكلام فوجب استثناؤه، فصرنا بهذا الترتيب الذي ذكرناه في القسم الأول آنفا

return the greeting of peace and to spread it. The prohibition against speech was therefore an addition to the established original rule and a revealed legal prescription whose binding force we had ascertained with certainty. Returning the greeting of peace and spreading it encompassed fewer matters than the prohibition against speech, so it had to be excepted. Through this arrangement, we thus arrived at what we mentioned just now in the first category.[142][143][144]

L444–453 Ali said: Another example is his ﷺ command that someone who sleeps through a prayer or forgets it should perform it when he remembers it, and his prohibition against prayer after the afternoon prayer, after the dawn prayer, and when the sun is at its zenith. Some scholars said that the meaning is: "Let him perform it when he remembers it, unless it is a time during which prayer is prohibited." Others said that the meaning is: "Do not pray after the afternoon prayer, after the dawn prayer, or when the sun is at its zenith, unless it is a prayer you slept through or forgot, or one you were commanded to perform by way of recommendation or obligation, or one you habitually performed."

Ali said: Neither exception has any stronger claim than the other except through a demonstration from outside the two texts. The procedure here, however, is to seek a demonstration establishing the more correct of the two aforementioned applications from another text besides them. If none is found, recourse is had to adopting the additional provision. Success comes through Allah.

Ali said: Another example is Allah Most High's statement: "O Children of Israel, remember My favor which I bestowed upon you and that I favored

قال علي ومن ذلك أمره عليه السلام من نام عن الصلاة أو نسيها أن يصليها إذا ذكرها، ونهيه عن الصلاة بعد العصر وبعد الصبح، وحين استواء الشمس، فقال بعض العلماء: معناه فليصلها إذا ذكرها إلا أن يكون وقتا منهيا عن الصلاة فيها. وقال آخرون: معناه لا تصلوا بعد العصر، ولا بعد الصبح ولا حين استواء الشمس، إلا أن تكون صلاة نمتم عنها أو نسيتموها أو أمرتم بها ندبا أو فرضا أو تعودتموها. قال علي: فليس أحد الاستثناءين أولى من الثاني إلا ببرهان من غيرهما، ولكن العمل في ذلك أن يطلب البرهان على أصح العملين المذكورين من نص آخر غيرهما، فإن لم يوجد صبر إلى الأخذ بالزيادة، وبالله التوفيق. قال علي ومن هذا قول الله تعالى {يابني إسرائيل ذكروا نعمتي لتي أنعمت عليكم وأني فضلتكم على لعالمين} ومع قوله تعالى لنا {كنتم خير أمة أخرجت للناس تأمرون بلمعروف وتنهون عن لمنكر وتؤمنون بلله ولو آمن أهل لكتاب لكان خيرا لهم منهم لمؤمنون وأكثرهم لفاسقون} فليس أحد النصين أولى بالاستثناء من الآخر، إلا بنص أو إجماع، لأنه جائز أن يقول قائل: معناه: كنتم خير أمة أخرجت للناس إلا بني إسرائيل الذين فضلهم الله على العالمين، وجائز أن يقول قائل معناه أني فضلتكم على العالمين إلا أمة محمد صلى الله عليه وسلم الذين هم خير أمة أخرجت للناس فلا بد من ترجيح أحد الاستثناءين على الآخر ببرهان آخر وإلا فليس أحدهما أولى من الثاني. قال علي: فنظرنا فوجدنا قوله تعالى {يابني إسرائيل ذكروا نعمتي لتي أنعمت عليكم وأني فضلتكم على لعالمين} وقد قام البرهان على أنه ليس

[142] **Translator's note (L440):** "The second exception" is retained as supplied, although the position defended by the ensuing argument appears to be the second position listed in 437:0 and also the author's own position. The quoted penalty uses البكر, a technical term for a person who has not previously consummated a valid marriage; "unmarried" here should be understood in that technical sense.

[143] **Translator's note (L443):** The Arabic redundantly reads "making the greeting obligatory, returning the greeting and initiating it"; the translation preserves the repetition through an explanatory insertion.

[144] **Qur'an references (L440):** Qur'an 4:86 (An-Nisa).

you above the worlds," together with His Most High's statement to us: "You were the best community brought forth for people: you command what is right, prohibit what is wrong, and believe in Allah. Had the People of the Scripture believed, it would have been better for them. Among them are believers, but most of them are defiantly disobedient." Neither of the two texts has any stronger claim to be made an exception than the other except by a text or consensus. For someone could say that its meaning is: "You were the best community brought forth for humankind, except for the Children of Israel, whom Allah favored above all beings." And someone could say that its meaning is: "I favored you above all beings, except for the community of Muhammed ﷺ, who are the best community brought forth for humankind." Thus one of these two exceptions must be given precedence over the other through a further demonstration; otherwise, neither has a greater claim than the other. Ali said: We therefore examined the matter and found His saying, exalted is He: {O Children of Israel, remember My favor which I bestowed upon you, and that I favored you above all beings}. Demonstration has established that this does not retain its general scope, because the angels are certainly superior to them. We stopped at this point, then examined His saying, exalted is He: {You were the best community brought forth for humankind: you enjoin what is right, forbid what is wrong, and believe in Allah. Had the People of the Scripture believed, it would have been better for them. Among them are believers, but most of them are transgressors}. No text or consensus has come establishing that this does not bear its apparent meaning. For the angels are included among "all beings," and the jinn have been excluded from the general scope of that by the texts concerning it; and they are not included among the communities brought forth for humankind. Since no other text or consensus has come establishing that this text does not retain its general scope, no one was permitted to restrict its scope. Since restricting its scope is not permissible, it is obligatory to construe it according to its general scope. Since that is obligatory, and we must restrict the scope of one of those two texts by the other, while restricting the scope of this one is impermissible, restricting the scope of the other has necessarily become obligatory, since one of them must have its scope restricted. This is a sound, necessary demonstration from the established report that our like-

على عمومه، لأن الملائكة أفضل منهم بيقين، فوقفنا على هذا، ثم نظرنا قوله تعالى {كنتم خير أمة أخرجت للناس تأمرون بالمعروف وتنهون عن لمنكر وتؤمنون بالله ولو آمن أهل لكتاب لكان خيرا لهم منهم لمؤمنون وأكثرهم لفاسقون} ولم يأت نص ولا إجماع بأنه ليس على ظاهره، لأن الملائكة يدخلون في العالمين، وقد خرج من عموم ذلك الجن بالنصوص في ذلك، ولا يدخلون في الأمم المخرجة للناس، فلما كان هذا النص لم يأت نص آخر ولا إجماع بأنه ليس على عمومه لم يجز لأحد بأن يخصه، فإذا لم يجز تخصيصه فالفرض الحمل له على عمومه؛ فإذا ذلك فرض، ولا بد من أن نخص أحد ذينك النصين من الآخر، ولم يجز تخصيص هذا، فقد وجب تخصيص الآخر ولا بد، إذ لا بد من تخصيص أحدهما، وهذا برهان ضروري صحيح من الخبر الثابت: بأن مثلنا مع من قبلنا كمن أجر أجراء فعملوا إلى نصف النهار بقيراط قيراط، ثم أجر آخرين فعملوا إلى العصر بقيراط قيراط، ثم أجر آخرين فعملوا إلى الليل بقيراطين قيراطين قال عليه السلام فأنتم أقل عملا وأكثر أجرا وبالله تعالى التوفيق. قال علي: ونقول قطعا إنه لا بد ضرورة في كل ما كان هكذا، من دليل قائم بين البرهان على الصحيح من الاستثناءين والحق من الاستعمالين، لأن الله تعالى قد تكفل بحفظ دينه فلو لم يكن ههنا دليل لائح، وبرهان واضح لكان ضمان الله تعالى خائسا، وهذا كفر ممن أجازه، فصح أنه لا بد من وجوده لمن يسره الله تعالى لفهمه، وبالله تعالى التوفيق. والوجه الرابع: أن يكون أحد النصين حاظرا لما أبيح في النص الآخر بأسره أي يكون أحدهما موجبا والآخر مسقطا لما وجب في هذا النص بأسره. قال علي: فالواجب في هذا النوع أن ننظر إلى النص الموافق لما كنا عليه لو لم يرد واحد منهما فنتركه ونأخذ بالآخر، لا يجوز غير هذا أصلا وبرهان ذلك أننا على يقين من أننا قد كنا على ما في ذلك الحديث الموافق لمعهود الأصل، ثم لزمنا يقينا للعمل بالأمر الوارد بخلاف ما كنا عليه بلا شك فقد صح عندنا يقينا إخراجنا عما كنا عليه، ثم لم يصح

ness in relation to those before us is that of someone who hired laborers, who worked until midday for one qirat each; then hired others, who worked until the afternoon for one qirat each; then hired others, who worked until nightfall for two qirats each. He ﷺ said: "Thus you do less work and receive a greater reward." Through Allah, exalted is He, comes success. Ali said: We state categorically that in every such case there must necessarily be established evidence whose demonstration makes clear which of the two exceptions is correct and which of the two applications is true. For Allah, exalted is He, has undertaken to preserve His religion. If there were no manifest evidence and clear demonstration here, Allah's guarantee, exalted is He, would have failed; and whoever allows that possibility commits unbelief. It is therefore established that it must be found by anyone whom Allah, exalted is He, enables to understand it. Through Allah, exalted is He, comes success. The fourth form is for one of the two texts to prohibit everything permitted in the other text; that is, for one of them to impose an obligation and the other to remove everything made obligatory in this text. Ali said: In this type of case, what is obligatory is to examine the text that accords with the state we would have been in had neither of them come, then set it aside and adopt the other. Absolutely nothing else is permissible. The demonstration of this is that we are certain that we had been in the state described in that report which accords with the previously established original state. Then we certainly became obliged to act upon the command that came contrary to our previous state, without doubt. Thus our removal from our previous state has been established for us with certainty. Yet the abrogation of that additional command, which came contrary to the previously established original state, has not been established for us. We are not permitted to abandon certainty for doubt, or to oppose the truth on account of conjecture. Allah, exalted is He, has forbidden that, saying: {They have no knowledge of it. They follow nothing but conjecture, and conjecture avails nothing against the truth}. And He said: {If you obey most of those on earth, they will lead you astray from Allah's path. They follow nothing but conjecture, and they do nothing but guess}. And He, exalted is He, said, condemning people who spoke while judging by their conjecture: {When it was said, "Allah's promise is true, and the Hour—there is no doubt about it," you said, "We do not know

عندنا نسخ ذلك الأمر الزائد الوارد بخلاف معهود الأصل، ولا يجوز لنا أن نترك يقينا بشك، ولا أن نخالف الحقيقة للظن، وقد نهى الله تعالى عن ذلك فقال: {وما لهم به من علم إن يتبعون إلا الظن وإن الظن لا يغني من الحق شيئا} وقال {وإن تطع أكثر من في لأرض يضلوك عن سبيل لله إن يتبعون إلا لظن وإن هم إلا يخرصون} وقال تعالى ذاما لقوم قالوا حاكمين بظنهم {وإذا قيل إن وعد لله حق ولساعة لا ريب فيها قلتم ما ندري ما لساعة إن نظن إلا ظنا وما نحن بمستيقنين} وقال رسول الله صلى الله عليه وسلم فإن الظن أكذب الحديث ولا يحل أن يقال فيما صح وورد الأمر به هذا منسوخ إلا بيقين، ولا يحل أن يترك أمر قد تيقن وروده خوفا أن يكون منسوخا، ولا أن يقول قائل: لعله منسوخ، وكيف ونحن على يقين مقطوع به من أن المخالف لمعهود الأصل هو الناسخ بلا شك ولا مرية عند الله تعالى، برهان ذلك ما قد ذكرناه آنفا من ضمان الله تعالى حفظ الشريعة والذكر المنزل، فلو جاز أن يكون ناسخ من الدين مشكلا بمنسوخ، حتى لا يدرى الناسخ من المنسوخ أصلا، لكان الدين غير محفوظ، والذكر مضيعا قد تلفت الحامق فيه، وحاش لله من هذا وقد صح بيقين لا إشكال فيه، نسخ الموافق لمعهود الأصل من النصين الناقل عن تلك الحال إذ ورد ذلك النص، فهذا يقين الذي أمر الله تعالى به وأقره، وأقام الحجة به وأثبت البرهان وجوبه، ومدعي خلاف هذا كاذب مقطوع بكذبه إذ لا برهان له على دعواه، إلا الظن والله تعالى يقول {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} فصح أن من لا برهان له على صحة قوله فليس صادقا فيه أصلا، وصح بهذا النص أن جميع دين الله تعالى، فإن البرهان قائم ظاهر فيه، وحرم القول بما عدا هذا، لأنه ظن من قائله بإقراره على نفسه، وقد حرم الله تعالى القول بالظن، وأخبر أنه خلاف الحق، وأنه أكذب الحديث، فوجب القطع على كذب الظن في الدين كله. وهذا أيضا برهان واضح في إبطال القول بالقياس،

what the Hour is. We merely conjecture, and we are not certain"}. And the Messenger of Allah ﷺ said: "For conjecture is the most false of speech." It is not lawful to say of something established as authentic and commanded, "This is abrogated," except with certainty. Nor is it lawful to abandon a command whose arrival is certain for fear that it might be abrogated, or for anyone to say, "Perhaps it is abrogated." How could that be, when we possess conclusive certainty that the text contrary to the previously established original state is the abrogating text, without doubt or uncertainty before Allah, exalted is He? The demonstration of this is what we have just mentioned concerning Allah's guarantee, exalted is He, to preserve the revealed law and the revealed Reminder. If it were possible for an abrogating provision of religion to be confused with an abrogated provision, so that the abrogating could not be distinguished from the abrogated at all, religion would be unpreserved and the Reminder neglected, with the fool turning about within it. Far exalted is Allah above this! It has been established with certainty admitting no ambiguity that, of the two texts, the one that accords with the previously established original state was abrogated by the one that transfers us from that state, when that text arrived. This, then, is the certainty which Allah, exalted is He, commanded, affirmed, and established as authoritative proof, and whose obligatory character demonstration has established. Anyone claiming the contrary is a liar whose falsehood is conclusively established, since he has no demonstration for his claim except conjecture. Allah, exalted is He, says: {They said, "None shall enter the Garden unless they are Jews or Christians." Those are their wishes. Say, "Bring your demonstration, if you are truthful"}. Thus it is established that anyone who has no demonstration establishing the soundness of his statement is not truthful in it at all. And it is established by this text that, throughout Allah's religion, exalted is He, demonstration stands manifest within it. Asserting anything beyond this is forbidden, because it is conjecture on the part of its speaker, by his own admission concerning himself. And Allah, exalted is He, has forbidden speaking on the basis of conjecture, and has stated that it is contrary to the truth and that it is the most false of speech. It is therefore obligatory to affirm categorically the falsehood of conjecture throughout religion. This is also a clear demonstration invalidating recourse to analogy, the assignment

والتعليل والاستحسان في جميع المسائل الجزئيات إلى الشريعة، وفي جملة القول بكل ذلك، لأن القول بكل ذلك ظن من قائله بلا شك، وبالله تعالى التوفيق. ومن ذلك الحديث الوارد: في ألا يغتسل من الإكسال والحديث الوارد في الغسل منه، فإن ترك الغسل منه موافق لمعهود الأصل، إذ الأصل أن لا غسل على أحد إلا أن يأمره الله تعالى بذلك، فلما جاء الأمر بالغسل وإن لم ينزل، علمنا يقينا أن هذا الأمر قد لزمنا، وأنه للحكم الأول بلا شك، ثم لا ندري، أنسخ بالحديث الذي فيه أن لا غسل على من أكسل أم لا، فلم يسعنا ترك ما أيقنا أننا أمرنا به إلا بيقين ومن ذلك أمره عليه السلام ألا يشرب أحد قائما وجاء حديث بأنه عليه السلام شرب قائما، فقلنا نحن على يقين من أنه كان الأصل أن يشرب كل أحد كما شاء من قيام أو قعود أو اضطجاع، ثم جاء النهي عن الشرب قائما، بلا شك، فكان مانعا مما كنا عليه من الإباحة السالفة. ثم لا ندري أنسخ ذلك بالحديث الذي فيه إباحة الشرب قائما أم لا؟ فلم يحل لأحد ترك ما قد تيقن أنه أمر به خوفا أن يكون منسوخا. قال علي: فإن صح النسخ بيقين صرنا إليه، ولم نبال زائدا كان على معهود الأصل أم موافقا له، كما فعلنا في الوضوء مما مست النار، فإنه لولا أنه روى جابر أنه كان آخر الأمرين من رسول الله صلى الله عليه وسلم ترك الوضوء مما مست النار لأوجبنا الوضوء من كل ما مست النار، ولكن لما صح أنه منسوخ تركناه، وكذلك فعلنا في حديث أبي هريرة: من أدركه الصبح جنبا فقد أفطر لأنه علمنا أنه موافق للحكم المنسوخ من ألا يأكل أحد ولا يشرب، ولا يطأ بعد أن ينام فنسخ ذلك بالإباحة بيقين، فصرنا إلى الناسخ.

of legal causes, and juristic preference in all particular questions pertaining to the revealed law, and recourse to all of these in general, because recourse to all of that is undoubtedly conjecture on the part of its proponent. Through Allah, exalted is He, comes success. An instance of this is the report stating that one should not perform the full ritual bath after intercourse without ejaculation, and the report stating that one should perform the full ritual bath on that account. Omitting the full ritual bath on that account accords with the previously established original state, since the original rule is that no one is obliged to perform a full ritual bath unless Allah, exalted is He, commands him to do so. When the command to perform the full ritual bath came, even without ejaculation, we knew with certainty that this command had become binding upon us and that it was for the first ruling, without doubt. Then we do not know whether it was abrogated by the report stating that no full ritual bath is required of someone who has intercourse without ejaculation, or not. Thus we could not abandon what we were certain we had been commanded to do except with certainty. Another instance is his command ﷺ that no one should drink standing, while a report came that he ﷺ drank standing. We therefore said: We are certain that the original state was that everyone could drink however he wished, whether standing, sitting, or lying down. Then the prohibition against drinking standing unquestionably came, prohibiting what had previously been permissible for us. Then we do not know whether that was abrogated by the report permitting drinking standing, or not. Thus it was not lawful for anyone to abandon what he was certain he had been commanded to do for fear that it might be abrogated. Ali said: If abrogation is established with certainty, we adopt it, regardless of whether it adds to the previously established original state or accords with it, as we did concerning ritual ablution after consuming what fire has touched. Had Jabir not reported that the later of the two practices of the Messenger of Allah ﷺ was to omit ritual ablution after consuming what fire has touched, we would have required ritual ablution after consuming anything fire has touched. But when it was established that this was abrogated, we abandoned it. We did likewise with Abu Hurayrah's report: "Whoever is overtaken by dawn in a state of major ritual impurity has broken his fast," because we knew that it accorded with the abrogated ruling that no one should eat, drink, or have

intercourse after sleeping. That was certainly abrogated by permission, so we adopted the abrogating provision.[145][146][147][148][149][150][151][152]

L454–455 Likewise, we adopted the report requiring ritual ablution after touching the private parts, because it adds to what is contained in Talq's report dispensing with ritual ablution on that account, since Talq's report accords with the previously established original state. As for someone who contradicts himself, at one time adopting a report whose like he has abandoned elsewhere, and adopting its opposite, he possesses a crumbling edifice that is

وكذلك أخذنا بالحديث الذي فيه إيجاب الوضوء من مس الفرج، لأنه زائد على ما في حديث طلق من إسقاط الوضوء منه، لأن حديث طلق موافق لمعهود الأصل. وأما من تناقض فأخذ مرة بحديث قد ترك مثله في مكان آخر، وأخذ بضده فذو بنيان هار يوشك أن ينهار به في مخالفة ربه عز وجل في قوله تعالى {إنما لنسيء زيادة في لكفر يضل به لذين كفروا يحلونه عاما ويحرمونه عاما ليواطئوا عدة ما حرم لله فيحلوا ما حرم لله زين لهم سوء أعمالهم ولله لا يهدي لقوم لكافرين}

[145] **Translator's note (L444):** The supplied صبر إلى الأخذ بالزيادة is awkward and appears corrupt. "Recourse is had to adopting the additional provision" reflects the likely intended صير إلى الأخذ بالزيادة; the supplied صبر would ordinarily mean "he endured" or "he waited."

[146] **Translator's note (L446):** The referent of "that" in the statement that the jinn have been excluded from its general scope is unclear. The translation preserves this ambiguity, including the subsequent ambiguous plural pronoun "they."

[147] **Translator's note (L448):** The opening بين البرهان is syntactically awkward without vocalization. It is understood here as describing the preceding evidence as clear in its demonstration.

[148] **Translator's note (L449):** The expression لزمنا يقينا للعمل is grammatically awkward; the translation follows its evident sense of becoming certainly obliged to act.

[149] **Translator's note (L450):** The phrase قد تلفت الحامق فيه, rendered "with the fool turning about within it," is anomalous in context and may be corrupt. The supplied wording has not been replaced with a conjectured reading. In the sentence about abrogation, the supplied Arabic lacks a clear grammatical link before الناقل, "the one that transfers." The translation supplies the relation "by" required by the surrounding argument. The supplied فهذا يقين الذي is grammatically irregular; it is rendered according to its apparent sense.

[150] **Translator's note (L452):** The wording المسائل الجزئيات إلى الشريعة is syntactically irregular. "Particular questions pertaining to the revealed law" represents the apparent sense without positing a specific correction.

[151] **Translator's note (L453):** The supplied وأنه للحكم الأول literally reads "and that it was for the first ruling." The context suggests that a word such as "abrogating" may be missing, but it has not been inserted into the translation. الإكسال denotes intercourse without ejaculation in this context. The wording لأنه علمنا is grammatically irregular; it is rendered according to the apparent intended sense, "because we knew."

[152] **Qur'an references (L444):** Qur'an 2:47 (Al-Baqarah); Qur'an 2:122 (Al-Baqarah); Qur'an 3:110 (Ali 'Imran); Qur'an 53:28 (An-Najm); Qur'an 6:116 (Al-An'am); Qur'an 45:32 (Al-Jathiyah); Qur'an 2:111 (Al-Baqarah).

liable to collapse with him as he disobeys his Lord, mighty and majestic, in His saying, exalted is He: {Postponement is only an increase in unbelief, by which those who disbelieve are led astray. They make it lawful one year and forbid it another year, to match the number of what Allah has forbidden, thereby making lawful what Allah has forbidden. The evil of their deeds has been made attractive to them, and Allah does not guide the unbelieving people.}[153][154]

L456–459 Ali said: If Allah grants us a longer life and strengthens us with help from Him, we shall compile, concerning texts whose apparent meanings conflict, books sufficient to dispense with others, if Allah, exalted is He, wills. There is neither power nor strength except through Him. These aspects, which contain some obscurity, we have thus explained through the enabling grace of Allah, mighty and majestic; there is no deity except Him.

Ali said: Here there is a fifth aspect that ignorant people have supposed to constitute a conflict, although it contains no conflict whatsoever and no difficulty. This occurs when one hadith conveys a certain ruling concerning a particular matter, and another hadith conveys another ruling concerning that very same matter. Some people have supposed this to constitute a conflict, but it is not so: both are accepted and acted upon. An example is what has been transmitted from the Prophet ﷺ through Ibn Masud concerning pressing the palms together between the knees while bowing, and what has been transmitted through Abu Humayd concerning placing the palms upon the knees. There is no conflict here, and both practices are permissible: whichever of them a person performs is good.

Ali said: Unless a command prescribing one of the two practices occurs, in which case it precludes the other practice. A command to place the palms upon the knees has indeed occurred, and thus precludes pressing the palms together between the knees, in accordance with our explanation that one

قال علي وإن أمدنا الله بعمر وأيدنا بعون من عنده فسنجمع في النصوص التي ظاهرها التعارض كتبا كافية من غيرها إن شاء الله تعالى، ولا حول ولا قوة إلا به، فهذه الوجوه التي فيها بعض الغموض قد بيناها بتوفيق الله عز وجل، لا إله إلا هو. قال علي: وها هنا وجه خامس، ظنه أهل الجهل تعارضا ولا تعارض فيه أصلا ولا إشكال، وذلك ورود حديث بحكم ما، في وجه ما وورود حديث آخر بحكم آخر في ذلك الوجه بعينه، فظنه قوم تعارضا وليس كذلك، ولكنهما جميعا مقبولان ومأخوذ بهما ونحو ذلك ما روي عن النبيصلى الله عليه وسلم من طريق ابن مسعود بالتطبيق في الركوع وروي من طريق أبي حميد الأكف على الركب فهذا لا تعارض فيه، وكلا الأمرين جائز، أي ذلك فعله المرء حسن. قال علي: إلا أن يأتي أمر بأحد الوجهين فيكون حينئذ مانعا من الوجه الآخر، وقد جاء الأمر بوضع الأكف على الركب، فصار مانعا من التطبيق على ما بينا من أخذ الزائد المتيقن في حال وروده، ومنعه ما كان مباحا قبل ذلك وقد وجدنا أمرا ثابتا عن رسول الله صلى الله عليه وسلم بالأخذ بالركب نخرج عن هذا الباب وصح أن التطبيق منسوخ بيقين على ما جاء عن سعد إنا كنا نفعله ثم نهينا عنه، وأمرنا بالركب لكن من هذا الباب اغتساله صلى الله عليه وسلم بين وطئه المرأتين من نسائه رضي الله عنهن، وتركه الاغتسال بينهما حتى يغتسل من آخرهن غسلا واحدا. فهذا كله مباح وهذا إنما هو في الأفعال منه عليه السلام لا في الأوامر المتدافعة ومثل ذلك ما روي عن نهيه عليه السلام عن الجمع بين المرأة وعمتها

[153] **Translator's note (L455):** The opening continues the preceding segment's description of someone who inconsistently adopts one report and then its opposite. The quotation of Qur'an 9:37 contains defective spellings, including لنسيء for النسيء and repeated omissions of the initial alif of the definite article; the wording remains identifiable.

[154] **Qur'an references (L454):** Qur'an 9:37 (At-Tawbah).

adopts the additional provision known with certainty when it occurs, and that it prohibits what had previously been permissible. We have found an established command from the Messenger of Allah ﷺ to take hold of the knees. This therefore falls outside this category, and it is established with certainty that pressing the palms together between the knees has been abrogated, in accordance with what has been transmitted from Sad: "We used to do it; then we were forbidden to do it and commanded to take hold of the knees." But what does belong to this category is his ﷺ bathing between having intercourse with two of his wives—may Allah be pleased with them—and his refraining from bathing between them until he performed a single bath after the last of them. All of this is permissible. This applies only to his actions, peace be upon him, rather than to mutually incompatible commands. Another example is what has been transmitted concerning his prohibition, peace be upon him, of being married simultaneously to a woman and her paternal aunt, or a woman and her maternal aunt, together with His saying, exalted is He, after He had mentioned those forbidden among women, and then said, exalted is He: {And married women, except those whom your right hands possess: Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, seeking chastity rather than fornication. So, for whatever enjoyment you have had from them, give them their prescribed bridal payments. There is no blame upon you concerning what you mutually agree upon after the prescribed payment. Indeed, Allah is knowing, wise.} Thus the Prophet's ﷺ prohibition was additional to what Allah prohibited in this aforementioned verse. Another example is what Allah, exalted is He, prohibited through the words of His Prophet ﷺ concerning the flesh of donkeys, predatory beasts, and birds with talons, together with His saying, exalted is He: {Say: I find nothing in what has been revealed to me forbidden to an eater who eats it, unless it be carrion, or blood poured forth, or the flesh of swine—for it is filth—or an act of disobedience over which a name other than Allah's has been invoked. But whoever is compelled, neither seeking it nor transgressing—then indeed your Lord is forgiving, merciful.} The verse. Thus what Allah, exalted is He, prohibited through the words of His Prophet ﷺ was additional to what is in this verse and combined with it. Likewise, what has been transmitted concerning his

والمرأة وخالتها، مع قوله تعالى وقد ذكر ما حرم من النساء ثم قال تعالى {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن لله كان عليما حكيما} فكان نهي النبي صلى الله عليه وسلم مضافا إلى ما نهى الله عنه في هذه الآية المذكورة ومثل ما حرم الله تعالى على لسان نبيه صلى الله عليه وسلم من لحوم الحمر والسباع وذوات المخالب من الطير، مع قوله تعالى: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير لله به فمن ضطر غير باغ ولا عاد فإن ربك غفور رحيم} الآية فكان ما حرمه الله تعالى على لسان نبيه صلى الله عليه وسلم مضافا إلى ما في هذه الآية ومضموما معه وكذلك ما روي عن مسحه عليه السلام برأسه ثلاثا واثنتين وواحدة وعلى ناصيته وعمامته، وعلى عمامته فقط كل ذلك مضموم بعضه إلى بعض، وشرائع لازمة كلها، وقد سقط ههنا قوم أساؤوا النظر جدا، فقالوا: إن ذكر بعض ما قلنا في نص ما، وعدمه في نص آخر، دليل على سقوطه. قال علي: وهذا إقدام عظيم، وإسقاط لجميع الشرائع، ويجب عليهم من هذا أن كل شريعة لم تذكر في كل آية وفي كل حديث هي ساقطة وهذا كفر مجرد، لأنه لا فرق بين من قال لما قال الله تعالى {يأيها لذين آمنوا إذا تداينتم بدين إلى أجل مسمى فكتبوه وليكتب بينكم كاتب بلعدل ولا يأب كاتب أن يكتب كما علمه لله فليكتب وليملل لذي عليه لحق وليتق لله ربه ولا يبخس منه شيئا فإن كان لذي عليه لحق سفيها أو ضعيفا أو لا يستطيع أن يمل هو فليملل وليه بلعدل وستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل ومرأتان ممن ترضون من لشهدآء أن تضل إحداهما فتذكر إحداهما لأخرى ولا يأب لشهدآء إذا ما دعوا ولا تسأموا أن

wiping his head, peace be upon him, three times, twice, and once; his wiping his forelock and his turban; and his wiping his turban alone: all of these are combined with one another, and all are binding prescriptions. Here some people have fallen into error through exceedingly poor consideration, saying that the mention of some of what we have stated in one text, and its absence from another text, is evidence that it ceases to apply.

Ali said: This is an enormously audacious undertaking and a discarding of all the prescriptions of the revealed law. It necessarily follows for them from this that every prescription not mentioned in every verse and every hadith ceases to apply. This is unadulterated unbelief. For there is no difference between someone who says, "When Allah, exalted is He, said, {O you who believe, when you contract a debt with one another for a specified term, write it down. Let a scribe write between you with justice. Let no scribe refuse to write as Allah has taught him; so let him write, and let the one who owes the obligation dictate. Let him fear Allah, his Lord, and diminish nothing of it. But if the one who owes the obligation is foolish or weak, or cannot himself dictate, then let his guardian dictate with justice. Call upon two witnesses from among your men; but if they are not two men, then a man and two women from among those you approve as witnesses, so that if one of the two women errs, one may remind the other. Let the witnesses not refuse when they are summoned. Do not weary of writing it down, whether small or great, together with its term. That is more equitable before Allah, more upright for testimony, and likelier to prevent your doubting—unless it is an immediate transaction that you conduct among yourselves, in which case there is no blame upon you if you do not write it down. Take witnesses when you transact sales with one another, and let neither scribe nor witness be harmed. If you do so, it is disobedience on your part. Fear Allah; Allah teaches you, and Allah knows all things}, He did not mention separation; and when he said, peace be upon him, 'If the two parties to a sale disagree, the statement to be accepted is what the seller says, or they return what each has received,' he did not mention separation. This indicates that the ruling concerning separation ceases to apply and that the sale is complete without it." There is no difference between this statement and someone who says, "Since

تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند الله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم ولا يضآر كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا الله ويعلمكم الله والله بكل شيء عليم} ولم يذكر الافتراق وقال عليه السلام إذا اختلف المتبايعان فالقول ما قال البائع أو يترادان فلم يذكر الافتراق، دل ذلك على سقوط حكم الافتراق، وعلى تمام البيع دونه، فلا فرق بين هذا الكلام وبين من قال لما لم يذكر الله تعالى ورسوله عليه السلام في الآية المذكورة النهي عن بيع الغرر وعن الملامسة والمنابذة، وعن بيع الخمر والخنازير، وجب أن يكون كل ذلك مباحا، ولما لم يذكر الله تعالى في قوله: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير الله به فمن ضطر غير باغ ولا عاد فإن ربك غفور رحيم}

Allah, exalted is He, and His Messenger, peace be upon him, did not mention, in the aforementioned verse, the prohibition of sales involving uncertainty, sales concluded by touching or tossing, and the sale of wine and swine, all of this must be permissible. And since Allah, exalted is He, did not mention, in His saying, {Say: I find nothing in what has been revealed to me forbidden to an eater who eats it, unless it be carrion, or blood poured forth, or the flesh of swine—for it is filth—or an act of disobedience over which a name other than Allah's has been invoked. But whoever is compelled, neither seeking it nor transgressing—then indeed your Lord is forgiving, merciful.}[155][156]

L460–464 the verse, that excrement is forbidden and that wine is forbidden, it must be lawful." This statement, besides being unbelief, is utterly unsound, because it is not necessary to repeat every prescription in every hadith. If that were necessary, all the prescriptions of the religion, from first to last, would be invalidated, because they are not mentioned in every verse or in every hadith.

Ali said: The soundness of our statement—that there is no conflict between any of the texts of the Qur'an, the texts of the Prophet's ﷺ speech, and what has been transmitted of his actions—is made clear by the saying of Allah, mighty and majestic, reporting concerning His Messenger, peace be upon him: {He does not speak from desire. * It is only a revelation revealed}; and His saying, exalted is He: {Indeed, in the Messenger of Allah you have a good example, for whoever hopes for Allah and the Last Day and remembers Allah much.} He also said, exalted is He: {Do they not reflect upon the Qur'an? Had it been from anyone other than Allah, they would have found much discrepancy in it.} Thus He, mighty and majestic, informed us that His Prophet's ﷺ speech is revelation from Him, like the Qur'an in being revelation and in all of it being from Allah, mighty and majestic. He, exalted

الآية إن العذرة حرام وإن الخمر حرام وجب أن يكون حلالا، وهذا الكلام مع أنه كفر فهو ساقط جدا، لأنه لا يلزم تكرير كل شريعة في كل حديث، ولو لزم ذلك لبطلت جميع شرائع الدين أولها عن آخرها، لأنها غير مذكورة في كل آية ولا في كل حديث. قال علي: ويبين صحة ما قلنا من أنه لا تعارض بين شيء من نصوص القرآن ونصوص كلام النبي صلى الله عليه وسلم وما نقل من أفعاله قول الله عز وجل مخبرا عن رسوله عليه السلام {وما ينطق عن الهوى * إن هو إلا وحي يوحى} وقوله تعالى {لقد كان لكم في رسول الله أسوة حسنة لمن كان يرجو الله واليوم الآخر وذكر الله كثيرا} وقال تعالى {أفلا يتدبرون القرآن ولو كان من عند غير الله لوجدوا فيه اختلافا كثيرا} فأخبر عز وجل أن كلام نبيه صلى الله عليه وسلم وحي من عنده كالقرآن في أنه وحي وفي أنه كل من عند الله عز وجل وأخبرنا تعالى أنه راض عن أفعال نبيه صلى الله عليه وسلم وأنه موفق لمراد ربه تعالى فيها لترغيبه عز وجل في الائتساء به عليه السلام فلما صح أن كل ذلك من عند الله تعالى ووجدناه تعالى قد أخبرنا أنه لا اختلاف فيما كان من عنده تعالى صح أنه لا تعارض ولا اختلاف في شيء من القرآن والحديث الصحيح، وأنه كله متفق كما قلنا ضرورة، وبطل مذهب من أراد ضرب الحديث بعضه ببعض، أو ضرب الحديث بالقرآن، وصح أن ليس شيء من كل ذلك مخالفا لسائره، علمه من علمه، وجهله من جهله، إلا أن الذي ذكرنا من

[155] **Translator's note (L459):** "Separation" refers here to the two contracting parties physically parting after a sale, and to the legal consequences attached to that parting. "Sales concluded by touching or tossing" renders mulamasah and munabadhah, technical names for forms of sale in which touching or tossing an article effects the transaction. The passive reading of ولا يضار is grammatically ambiguous: it can prohibit harm to a scribe or witness, as translated here, or prohibit a scribe or witness from causing harm.

[156] **Qur'an references (L456):** Qur'an 4:24 (An-Nisa); Qur'an 6:145 (Al-An'am); Qur'an 2:282 (Al-Baqarah).

العمل هو القائم في بديهة العقل الذي يقود إليه مفهوم اللغة التي خوطبنا بها في القرآن والحديث، وبالله تعالى التوفيق، وكل ذلك كلفظة واحدة وخبر واحد موصول بعضه ببعض، ومضاف بعضه إلى بعض، ومبني بعضه على بعض، إما بعطف وإما باستثناء، وهذان الوجهان نعني العطف والاستثناء يوجبان الأخذ بالزائد أبدا وقد بين ذلك رسول الله صلى الله عليه وسلم في حلة عطارد إذ قال لعمر رضي الله عنه إنما يلبس هذه من لا خلاق له ثم بعث إلى عمر حلة سيراء فأتاه عمر فقال: يا رسول الله أبعثت إلي هذه وقد قلت في حلة عطارد ما قلت فقال عليه السلام إني لم أبعثها إليك لتلبسها وفي بعض الأحاديث إنما بعثتها إليك لتصيب بها حاجتك أو كلاما هذا معناه. ففي هذا الحديث تعليم عظيم لاستعمال الأحاديث والنصوص والأخذ بها كلها لأنه صلى الله عليه وسلم أباح ملك الحلة من الحرير وبيعها وهبتها وكسوتها النساء، وأمر عمر أن يستثني من ذلك اللباس المذكور في حديث النهي فقط، وألا يتعدى ما أمر إلى غيره وألا تعارض بين أحكامه عليه السلام قال علي وفي هذا الحديث إبطال القياس لأن عمر رضي الله عنه أراد أن يحمل الحكم الوارد في النهي عن اللباس على سائر وجوه الانتفاع به فأخبره رسول الله صلى الله عليه وسلم أن ذلك باطل وفيه أيضا أن حكمه عليه السلام في عين ما حكم على جميع نوع تلك العين لأنه إنما وقع الكلام على حلة سيراء كان يبيعها عطارد ثم أخبر عليه السلام أن ذلك حكم جار في كل حلة حرير وأخبر أن ذلك الحكم لا يتعدى إلى غير نوع اللباس، وهذا هو نص قولنا في عموم الحكم وإبطال القياس.

is He, also informed us that He is pleased with the actions of His Prophet ﷺ and that he is guided with what his Lord, exalted is He, wills in them, since He, mighty and majestic, encourages taking him ﷺ as an example. Once it was established that all this comes from Allah, exalted is He, and we found that He, exalted is He, had informed us that there is no disagreement in what comes from Him, exalted is He, it was established that there is neither conflict nor disagreement in anything in the Quran and authentic hadith, and that all of it is necessarily in agreement, as we have said. The position of anyone who sought to set hadiths against one another, or to set hadith against the Quran, was thereby invalidated. It was established that nothing in all this contradicts the rest, whether someone knows this or remains ignorant of it. Nevertheless, the procedure we have mentioned is what is established by the immediate apprehension of reason, to which the meaning of the language in which we are addressed in the Quran and hadith leads. Success is through Allah, exalted is He. All of this is like a single expression and a single report, its parts connected to one another, joined to one another, and built upon one another, either by conjunction or by exception. These two modes—we mean conjunction and exception—always require adopting the additional provision. The Messenger of Allah ﷺ explained this in the matter of ʿUtarid's suit of clothes, when he said to ʿUmar, may Allah be pleased with him, "Only someone who has no share wears this." He then sent ʿUmar a striped silk suit, and ʿUmar came to him and said, "O Messenger of Allah, have you sent this to me when you said what you said about ʿUtarid's suit?" He ﷺ replied, "I did not send it to you for you to wear it." In some hadiths: "I sent it to you only so that you could meet your need through it," or words to this effect. This hadith contains an important lesson in applying hadiths and scriptural texts and adopting all of them. For he ﷺ permitted owning the silk suit, selling it, giving it as a gift, and clothing women in it. He instructed ʿUmar to except from this only the wearing mentioned in the hadith containing the prohibition, and not to extend what he had commanded to anything else, and that there is no conflict between his ﷺ rulings. ʿAli said: This hadith also invalidates analogy, because ʿUmar, may Allah be pleased with him, wished to extend the ruling prohibiting wearing it to all the other ways of benefiting from it, but the Messenger of Allah ﷺ informed him that this was invalid.

It also establishes that his ﷺ ruling concerning a particular object is a ruling concerning the entire kind to which that object belongs. For the discussion concerned only a striped silk suit that ʿUtarid was selling; then he ﷺ explained that this ruling applies to every suit of silk, and explained that this ruling does not extend beyond the category of wearing. This is precisely our position concerning the general applicability of a ruling and the invalidation of analogy.[157][158][159]

L465–469 ʿAli said: Some people have applied certain modes that we have mentioned where they do not belong. We shall point this out and show a portion of it, so that the seeker of knowledge may recognize the rest when it comes before him, if Allah, mighty and majestic, wills. My success is only through Allah. We have said that two hadiths are to be applied, when one encompasses fewer meanings than the other, by excepting the narrower from the broader: the one encompassing fewer meanings is applied in its general scope, while the one encompassing more meanings is applied apart from what we have excluded from it through the aforementioned exception, as we explained previously. Now, a hadith of the Prophet ﷺ has been transmitted containing a prohibition against facing the direction of prayer or turning one's back toward it when urinating or defecating. A hadith has also been transmitted from Ibn ʿUmar that he looked out from a rooftop and saw the Messenger of Allah ﷺ sitting on two bricks to relieve himself, with his back toward the direction of prayer. ʿAli said: Some people therefore said, "We consider turning one's back toward the direction of prayer and facing it permissible inside buildings, and prohibit this in open country." ʿAli said: They erred in two respects. The first is their arbitrary distinction between buildings and elsewhere: neither hadith contains any explicit statement or evidence for this. Indeed, we find that Abu Ayyub al-Ansari, who was one of the trans-

قال علي: وقد استعمل قوم بعض الوجوه الذي ذكرنا في غير موضعه، ونحن نوقف على ذلك ونرى منه طرفا ليتنبه الطالب للعلم على سائره إذا ما ورد عليه إن شاء الله عز وجل، وما توفيقي إلا بالله. وذلك أننا قد قلنا باستعمال الحديثين إذا كان أحدهما أقل معاني من الآخر، بأن يستثنى الأقل من الأكثر، فيستعمل الأقل معاني على عمومه، ويستعمل الأكثر معاني حاشا ما أخرجنا منه بالاستثناء المذكور على ما بينا قبل فورد حديث النبي صلى الله عليه وسلم فيه النهي عن استقبال القبلة واستدبارها لبول أو غائط، وورد حديث عن ابن عمر أنه أشرف على سطح فنظر إلى رسول الله صلى الله عليه وسلم قاعدا لحاجته على لبنتين وهو مستدبر القبلة. قال علي: فقال قوم: نستبيح استدبار القبلة واستقبالها في البنيان، ونمنع منه في الصحارى. قال علي: وأخطؤوا من وجهين: أحدهما، تحكمهم في الفرق بين البنيان وغيره وليس في شيء من الحديثين نص ولا دليل على ذلك، بل وجدنا أبا أيوب الأنصاري وهو بعض رواة حديث النهي قد أنكر ذلك في البيوت، فلو عكس عاكس فقال: بل يستباح ذلك في الصحارى ولا يستباح في البنيان، هل كان يكون بينهم وبينه فرق؟ ومثل هذا في دين الله تعالى لا يستسله ولا يتمادى عليه بعد أن يوقف عليه ذو ورع لقوله تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} مع آيات كثيرة تزجر عن ذلك وليس في حديث ابن عمر أن النبيصلى الله عليه وسلم كان في بنيان بل قد وصفت عائشة رضي الله عنها أنهم كانوا يأنفون من

[157] **Translator's note (L460):** The singular "it must be lawful" follows the Arabic singular حلالا; the argument concerns both excrement and wine.

[158] **Translator's note (L462):** The opening continues the preceding segment's statement that the Prophet is guided to accord with his Lord's will in his actions. "A striped silk suit" renders ḥullah siyarāʾ, a technical garment designation.

[159] **Qur'an references (L460):** Qur'an 53:4 (An-Najm); Qur'an 33:21 (Al-Ahzab); Qur'an 60:6 (Al-Mumtahanah); Qur'an 4:82 (An-Nisa).

mitters of the hadith containing the prohibition, objected to this in houses. If someone reversed their position and said, "Rather, this is permissible in open country and is not permissible inside buildings," would there be any difference between them and him? No person of religious scrupulousness would treat such a thing lightly in the religion of Allah, exalted is He, or persist in it after it had been pointed out to him, because of His saying, exalted is He: "Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of these will be questioned about," together with many verses that forbid this. Nor does Ibn ʿUmar's hadith state that the Prophet ﷺ was inside a building. Rather, ʿA'ishah, may Allah be pleased with her, described how they disdained installing privies in houses and used to go outside their dwellings to relieve themselves. The authentic report states that when he ﷺ wished to relieve himself, he would go far away. No one can say that when Ibn ʿUmar looked out from the rooftop he saw him inside a building without engaging in conjectural divination. That is one respect. The second is that, even if it were established that he ﷺ was inside a building, that hadith concerns only turning one's back toward it. On what basis, then, did they deem facing the direction of prayer while defecating lawful, when they have no explicit text concerning it? If some of what is mentioned in a hadith is abrogated or rendered specific, it does not follow that the remainder must be abrogated or abandoned. If they say, "Rather, its remainder is to be abandoned," they would be ruling arbitrarily in religion and setting aside Allah's ordinances, exalted is He, without evidence. We shall discuss this matter exhaustively in the chapter on specificity or abrogation in this book of ours, if Allah, mighty and majestic, wills. They would also be obliged to say that, when the Prophet ﷺ prohibited a prostitute's fee, a soothsayer's payment, the price of a dog, and a cupper's earnings, and then permitted a cupper's earnings, the payment of a soothsayer, a prostitute's fee, and the price of a dog must be deemed permissible, because all this is mentioned in a single hadith; otherwise they would be contradicting themselves. ʿAli said: The way to apply these two hadiths is to adopt the additional provision. Undoubtedly, the original state was that everyone could sit as he wished to relieve himself. Ibn ʿUmar's hadith thus accords with what people were doing before the prohibition was transmitted. That prohibition then

اتخاذ الكنف في البيوت، وأنهم كانوا يتبرزون خارج المنازل والرواية الصحيحة أنه عليه السلام كان إذا أراد أن يتبرز أبعد وليس لأحد أن يقول: إن ابن عمر إذا أشرف من السطح رآه في بنيان إلا كان متكهنا فهذا وجه. والوجه الثاني: أنه حتى لو صح أنه عليه السلام كان في بنيان فليس في ذلك الحديث إلا الاستدبار وحده، فبأي شيء استحلوا استقبال القبلة بالغائط، ولا نص عندهم فيه؟ وليس إذا نسخ أو خص بعض ما ذكر في الحديث وجب أن ينسخ أو يترك سائره، فإن قالوا: بل يترك سائره كانوا متحكمين في الدين، ومسقطين لشرائع الله تعالى بلا دليل، وسنستوعب الكلام في هذا الفصل في باب الخصوص أو النسخ من كتابنا هذا إن شاء الله عز وجل ولزمهم أيضا أن يقولوا إن النبيصلى الله عليه وسلم لما نهى عن مهر البغي وحلوان الكاهن وثمن الكلب وكسب الحجام، ثم أباح كسب الحجام، أن يستباح حلوان الكاهن ومهر البغي وثمن الكلب، لأن كل ذلك مذكور في حديث واحد، وإلا كانوا متناقضين. قال علي: ووجه العمل في هذين الحديثين، هو الأخذ بالزائد، وقد كان الأصل بلا شك أن يجلس كل أحد لحاجته كما يشاء، فحديث ابن عمر موافق لما كان الناس عليه قبل ورود النهي، ثم صار ذلك النهي رافعا لتلك الإباحة بيقين، ولا يقين عندنا أنسخ شيء من ذلك النهي أم لا؟ فحرام أن نترك يقينا لشك، وأن نخالف حقيقة لظن، وليس لأحد أن يقول: إن حديث ابن عمر متأخر، إلا لكان لغيره، أن يقول بل حديث النهي هو المتأخر، لأنه قد رواه سليمان، وإسلامه في سنة الخندق، وأبو هريرة وإسلامه بعد انقضاء فتح خيبر، إلا أن النهي شريعة واردة رافعة لما كان الناس عليه من إباحة ذلك بيقين، ولا يقين عندنا في أن الإباحة عادت بعد ارتفاعها، ولو صح أن حديث ابن عمر كان متأخرا ما كان فيه إلا رفع النهي عن استدبار القبلة فقط وليبق استقبالها على التحريم

certainly superseded that permissibility. We have no certainty whether any part of that prohibition was abrogated or not. It is therefore forbidden for us to abandon certainty for doubt, or to depart from established truth on account of conjecture. No one can say that Ibn ʿUmar's hadith is later without someone else being equally entitled to say, "Rather, the hadith containing the prohibition is later, because Sulayman transmitted it, and his conversion to Islam was in the year of the Trench, as did Abu Hurayrah, whose conversion to Islam occurred after the conquest of Khaybar had concluded." Nevertheless, the prohibition is a transmitted ordinance that certainly supersedes the permissibility under which people had previously acted, whereas we have no certainty that permissibility returned after it had been removed. Even if it were established that Ibn ʿUmar's hadith was later, it would contain only the lifting of the prohibition against turning one's back toward the direction of prayer. Facing it would remain prohibited.[160][161][162]

L470 **[Section completing the discussion of conflict between scriptural texts]**

L471–477 ʿAli said: Some of our companions have adopted the position that both hadiths should be abandoned when one prohibits and the other permits, or when one imposes an obligation and the other removes it. The proponent says, "One then returns to the state we would have been in had those two hadiths not been transmitted." ʿAli said: This is erroneous in several respects. The first is that we have attained certainty that hadiths do not conflict, on the basis of His saying, exalted is He, which we have already cited: "Do they not reflect upon the Quran? Had it been from someone other than Allah, they would have found much disagreement in it," together with His informing us, exalted is He, that everything His Prophet ﷺ said is revelation. It

[160] **Translator's note (L466):** The form يستسله is awkward and appears defective; "would treat … lightly" reflects the likely intended sense of يستسهله. "Engaging in conjectural divination" preserves the polemical force of متكهنا, literally acting as a soothsayer.

[161] **Translator's note (L469):** The supplied text names سليمان, "Sulayman." This appears to be an error for Salman, but the supplied name has been retained. The accompanying statement about the date of his conversion is also retained as the author's claim.

[162] **Qur'an references (L465):** Qur'an 17:36 (Al-Isra).

[فصل في تمام الكلام في تعارض النصوص]

قال علي وذهب بعض أصحابنا إلى ترك الحديثين إذا كان أحدهما حاظرا والآخر مبيحا، أو كان أحدهما موجبا والآخر مسقطا. قال: فيرجع حينئذ إلى ما كنا نكون عليه لو لم يرد ذانك الحديثان قال علي وهذا خطأ من جهات أحدها أننا قد أيقنا أن الأحاديث لا تتعارض لما قد قدمنا من قوله تعالى {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} مع إخباره تعالى أن كل ما قال نبيه صلى الله عليه وسلم فإنه وحي فبطل أن يكون في شيء من النصوص تعارض أصلا، وإذا بطل التعارض فقد بطل الحكم الذي يوجبه التعارض، إذ كل شيء بطل سببه فالمسبب من السبب الباطل باطل بضرورة الحس والمشاهدة. والثاني: أنهم يتركون كلا الخبرين والحق في أحدهما بلا شك، فإذا تركوهما جميعا فقد تركوا الحق يقينا في أحدهما، ولا يحل لأحد أن يترك الحق اليقين أصلا. والثالث: أنهم لا يفعلون ذلك في الآيتين اللتين إحداهما حاظرة والأخرى مبيحة، أو إحداهما موجبة والثانية

is therefore untenable that there should be any conflict at all in any of the scriptural texts. Once conflict is ruled out, the ruling entailed by conflict is likewise ruled out, since whenever the cause of anything is invalidated, the effect arising from that invalid cause is itself invalid, as necessarily established by sense perception and observation. The second is that they abandon both reports, and the truth undoubtedly lies in one of them. Thus, when they abandon both together, they have certainly abandoned the truth in one of them; and it is never lawful for anyone to abandon certain truth. Third, they do not do this with two verses, one of which prohibits while the other permits, or one of which imposes an obligation while the second negates it. Instead, they adopt the additional ruling and except the lesser from the greater. We have already explained that there is no difference between the obligation to follow what occurs in the Quran and the obligation to follow what occurs in the speech of the Prophet ﷺ. Ali said: Their argument for this was that they said: "One of the two reports undoubtedly abrogates the other, but we do not know which one it is. Since we do not know it, we may not venture upon it without knowledge, thereby falling under His saying, exalted is He: {Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of these will be questioned about it.}" Ali said: This argument is unsound in two respects. First, the same consequence would bind them concerning the two verses, yet they do not do that. Second, it is impermissible to say of any report or verse, "This is abrogated," except with certainty. Ali said: Sufficient to invalidate this argument of theirs is that we are certain that the ruling additional to the previously established original state removes the practice people followed before its arrival. It is therefore undoubtedly the abrogating ruling. We are uncertain whether that ruling has been abrogated by another ruling that returns us to our former state or not. It is therefore forbidden to abandon certainty for doubts. Through Allah Most High comes success. Ali said: The mind of Abu Bakr Muhammed ibn Dawud—may Allah have mercy on him—inclined toward the position we have adopted, but he—may Allah have mercy on him—was taken by death before examining it thoroughly. For he said in The Book of Attainment: "Acting upon two conflicting reports is like acting upon two verses; there is no difference." Ali said: Some adherents of analogy said: "We

نافية، بل يأخذون بالحكم الزائد ويستثنون الأقل من الأكثر، وقد بينا فيما سلف أنه لا فرق بين وجوب ما جاء في القرآن وبين وجوب ما جاء في كلام النبيصلى الله عليه وسلم قال علي كان حجتهم في ذلك أن قالوا إن أحد الخبرين ناسخ بلا شك، ولسنا نعلمه بعينه، فلما نعلمه لم يجز لنا أن نقدم عليه بغير علم فيدخل في قوله تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} قال علي وهذه الحجة فاسدة من وجهين أحدهما أنه يلزمهم مثل ذلك الآيتين وهم لا يفعلون ذلك. والوجه الثاني: أنه لا يجوز أن يقال في خبر ولا آية: إن هذا منسوخ إلا بيقين. قال علي: ويكفي من بطلان هذا الذي احتجوا به أننا على يقين من أن الحكم الزائد على معهود الأصل رافع لما كان الناس عليه قبل وروده، فهو الناسخ بلا شك، ونحن على شك من هل نسخ ذلك الحكم بحكم آخر يردنا إلى ما كنا عليه أو لا؟ فحرام ترك اليقين للشكوك. وبالله تعالى التوفيق. قال علي: وقد اضطرب خاطر أبي بكر محمد بن داود رحمه الله إلى ما ذهبنا إليه إلا أنه رحمه الله اخترم قبل إنعام النظر في ذلك، وذلك أنه قال في كتاب الوصول والعمل في الخبرين المتعارضين كالعمل في الآيتين ولا فرق. قال علي: وقال بعض أهل القياس: نأخذ بأشبه الخبرين بالكتاب والسنة. قال علي: وهذا باطل، لأنه ليس الذي ردوا إليه حكم هذين الخبرين أولى بأن يأخذ به من الخبرين المردودين إليه، بل النصوص كلها سواء في وجوب الأخذ بها، والطاعة لها، فإذ قد صح ذلك بيقين، فما الذي جعل بعضها مردودا وبعضها مردودا إليه، وما الذي أوجب أن يكون بعضها أصلا وبعضها فرعا، وبعضها حاكما وبعضها محكوما فيه؟ فإن قال: الاختلاف الواقع في هذين هو الذي حط درجتهما إلى أن يعرضا على غيرهما. قال علي: وهذه دعوى مفتقرة إلى برهان، لأنه ليس الاختلاف موجبا لكونهما معروضين على غيرهما، لأن الاختلاف باطل، فظنهم أنه اختلاف ظن فاسد يكذبه قول الله عز وجل {أفلا يتدبرون لقرآن ولو كان من عند غير لله

adopt whichever of the two reports more closely resembles the Book and the Sunnah." Ali said: This is invalid, because that to which they have referred the determination of these two reports is no more entitled to be adopted than the two reports referred to it. Rather, all the texts are equal in the obligation to adopt them and to obey them. Since this has been established with certainty, what makes some of them subject to referral and others the authorities to which they are referred? What requires some to be foundational and others derivative, some to judge and others to be judged? If someone says, "The disagreement occurring between these two is what lowers their standing so that they must be submitted to other texts," Ali said: This is a claim requiring demonstration. Disagreement does not require that they be submitted to other texts, because the disagreement is invalid. Their supposition that there is disagreement is a corrupt supposition contradicted by the saying of Allah, mighty and majestic: {Do they not reflect upon the Quran? Had it been from other than Allah, they would have found much disagreement in it.} Since Allah Most High has invalidated the disagreement that they made the cause for submitting the two reports to another Sunnah or another verse, its effect, namely that submission, must necessarily be invalidated. This is a necessary demonstration. Through Allah Most High comes success. Ali said: Since all the texts are equal with respect to the obligation to adopt them, it is impermissible to strengthen one through another. That is merely a matter of putting the mind at ease, and this is invalid juristic preference, which some of them have condemned in others. Ali said: Some adherents of analogy have preferred one report over another on invalid grounds of preference. We shall mention them, if Allah Most High wills, and explain their errors concerning them through the might and power of Allah Most High. Among these is their statement: "If one of the two reports is acted upon and the other is not acted upon, we thereby prefer the report acted upon over the one not acted upon." Ali said: This is invalid for reasons we shall mention, if Allah Most High wills, later in a section refuting those who invoke the practice of the people of Medina as evidence. Here, however, we state in general: Before a report is acted upon, it must be either true and binding or false. If it is true and binding, acting upon it adds nothing to its strength, because one truth cannot be truer than another truth in respect of its being true. If it is false,

لوجدوا فيه ختلافا كثيرا} فإذ قد أبطل الله تعالى الاختلاف الذي جعلوه سببا لعرض الحديثين على سنة أخرى أو آية أخرى، فقد وجب ضرورة أن يبطل مسببه الذي هو العرض، وهذا برهان ضروري، وبالله تعالى التوفيق. قال علي: وإذا كانت النصوص كلها سواء في باب وجوب الأخذ بها، فلا يجوز تقوية أحدها بالآخر، وإنما ذلك من باب طيب النفس، وهذا هو الاستحسان الباطل وقد أنكره بعضهم على بعض. قال علي: وقد رجح بعض أصحاب القياس أحد الخبرين على الآخر بترجيحات فاسدة، نذكرها إن شاء الله تعالى، ونبين غلطهم فيها بحول الله تعالى وقوته. فمن ذلك أن قالوا: إن كان أحد الخبرين معمولا به والآخر غير معمول به رجحنا بذلك الخبر المعمول به على غير المعمول به. قال علي: وهذا باطل لما نذكره إن شاء الله تعالى بعد هذا في فصل فيه إبطال قوم من احتج بعمل أهل المدينة إلا أننا نقول ها هنا جملة: لا يخلو الخبر قبل أن يعمل به من أن يكون حقا واجبا أو باطلا، فإن كان حقا واجبا لم يزده العمل به قوة، لأنه لا يمكن أن يكون حق أحق من حق آخر في أنه حق، وإن كان باطلا فالباطل لا يحققه أن يعمل به. قال علي: واحتج بعضهم في وجوب ترجيح أحد الخبرين على الآخر.

acting upon falsehood does not make it true. Ali said: Some of them argued for the obligation to prefer one of the two reports over the other[163][164][165]

L478–479 by saying: “Just as we prefer one of two bodies of testimony over the other when they conflict, sometimes by drawing lots and sometimes on the basis of possession.” Ali said: This is applying one error to another error. We do not agree with them in preferring one body of testimony over another, whether on the basis of possession or by drawing lots, because neither a text nor consensus requires this. Furthermore, even if preferring one of two bodies of testimony over the other were valid, this would not be permissible with the two reports, because this is analogy, and analogy is invalid. Furthermore, even if preferring one of two bodies of testimony over the other were valid, and analogy were valid, preferring one of the two reports over the other would still be impermissible. For disagreement between the two reports is invalid, and conflict between them is excluded by His saying, exalted is He, which we have mentioned: {Do they not reflect upon the Quran? Had it been from other than Allah, they would have found much disagreement in it.} It is also excluded by His declaration, exalted is He, that the speech of His Prophet ﷺ is all revelation. As for the two bodies of testimony, conflict between them does occur, and disagreement between them is possible. Ali said: They said: “If one of the two reports prohibits and the other permits, we adopt the prohibiting report and leave the permitting report.” Ali said: This is an error, because it is arbitrary judgment without demonstration. If someone were to reverse it and say, “Rather, we adopt the permitting report

فقال: كما نرجح إحدى البينتين على الأخرى إذا تعارضتا مرة بالقرعة ومرة باليد. قال علي: وهذا هو عكس الخطأ على الخطأ ولسنا نساعدهم على ترجيح بينة على أخرى لا بيد ولا بقرعة، لأن ذلك لم يوجبه نص ولا إجماع. وأيضا: فحتى لو صح ترجيح إحدى البينتين على الأخرى لما جاز ذلك في الحديثين، لأن هذا قياس والقياس باطل، وأيضا فحتى لو صح ترجيح إحدى البينتين على الأخرى وكان القياس حقا، لكان ترجيح الحديثين أحدهما على الآخر لا يجوز لأن الاختلاف في الحديثين باطل، والتعارض عنهما منفي بما ذكرنا من قوله تعالى {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} وبإخباره تعالى أن كلام نبيه صلى الله عليه وسلم وحي كله وأما البينتان فالتعارض فيهما موجود، والاختلاف فيهما ممكن. قال علي: وقالوا إن كان أحد الخبرين حاظرا والآخر مبيحا فإنما نأخذ بالحاظر وندع المبيح. قال علي: وهذا خطأ لأنه تحكم بلا برهان، ولو عكس عاكس فقال: بل نأخذ بالمبيح لقوله تعالى {وجاهدوا في لله حق جهاده هو جتباكم وما جعل عليكم في لدين من حرج ملة أبيكم إبراهيم هو سماكم لمسلمين من قبل وفي هذا ليكون لرسول شهيدا عليكم وتكونوا شهدآء على لناس فأقيموا لصلاة وآتوا لزكاة وعتصموا بلله هو مولاكم فنعم لمولى ونعم لنصير} ولقوله تعالى {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد لله بكم ليسر ولا يريد بكم لعسر ولتكملوا لعدة ولتكبروا لله على ما هداكم ولعلكم تشكرون} ولقوله تعالى {يريد لله أن يخفف عنكم وخلق لإنسان ضعيفا} أما كان يكون قوله أقوى من قولهم؟ ولكنا لا نقول ذلك، بل نقول: إن كل أمر من الله تعالى لنا فهو يسر، وهو رفع الحرج، وهو التخفيف، ولا يسر ولا تخفيف ولا رفع

[163] **Translator’s note (L474):** The wording فلما نعلمه is syntactically awkward here. The translation follows the immediately preceding explicit statement that they do not know which report abrogates the other; the transmitted wording may be defective. The Quran quotation, corresponding to 17:36, contains apparent transcriptional omissions of initial alifs in several words. These do not alter its recoverable meaning. كتاب الوصول is rendered literally as “The Book of Attainment,” preserving the supplied title.

[164] **Translator’s note (L477):** “Juristic preference” renders الاستحسان, the technical term often transliterated as istiḥsān. The Quran quotation, corresponding to 4:82, contains apparent transcriptional omissions of initial alifs; its recoverable meaning is retained. The phrase إبطال قوم من احتج is grammatically awkward. It is understood here as a refutation of those who argue from the practice of the people of Medina.

[165] **Qur’an references (L471):** Qur’an 4:82 (An-Nisa); Qur’an 17:36 (Al-Isra).

because of His saying, exalted is He: {Strive for Allah with the striving due to Him. He has chosen you and has placed no hardship upon you in religion—the religion of your father Abraham. He named you Muslims before and in this, so that the Messenger might be a witness over you and you might be witnesses over the people. So establish prayer, give the prescribed alms, and hold fast to Allah. He is your Patron: how excellent the Patron and how excellent the Helper!} And because of His saying, exalted is He: {The month of Ramadan, in which the Quran was sent down as guidance for the people and clear proofs of guidance and the criterion. Whoever among you witnesses the month, let him fast it; and whoever is ill or on a journey, then a number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that perhaps you may give thanks.} And because of His saying, exalted is He: {Allah desires to lighten your burden, and the human being was created weak}"—would his statement not be stronger than theirs? Yet we do not say this. Rather, we say that every command Allah Most High gives us is ease, the removal of hardship, and the lightening of burdens. No ease, lightening of burdens, or removal of hardship is greater than something that leads to Paradise and saves from Hell, whether it is a prohibition or a permission, even if it entails killing oneself, children, and fathers. Ali said: What they say is also invalidated by his saying ﷺ: "When I forbid you something, avoid it; and when I command you to do something, do as much of it as you can."[166][167][168]

حرج أعظم من شيء أدى إلى الجنة ونجى من جهنم، وسواء كان حظرا أو إباحة، ولو أنه قتل الأنفس والأبناء والآباء قال علي ويبطل ما قالوا أيضا بقوله عليه السلام إذا نهيتكم عن شيء فاجتنبوه وإذا أمرتكم بشيء فأتوا منه ما استطعتم

[166] **Translator's note (L478):** "Possession" renders اليد, literally "the hand," in its legal sense. عكس الخطأ على الخطأ is an unusual expression, literally suggesting turning or reflecting error upon error; the translation preserves its polemical sense of using one erroneous position to support another.

[167] **Translator's note (L479):** The Quran quotations correspond to 4:82, 22:78, 2:185, and 4:28. They contain numerous apparent transcriptional omissions of initial alifs, but no recoverable substantive wording has been replaced. In the quotation from 2:185, "then a number of other days" preserves the supplied elliptical wording without inserting an explicit command to fast. قتل الأنفس can mean killing persons or killing oneself; the latter is adopted here, but the Arabic does not explicitly supply a possessive.

[168] **Qur'an references (L478):** Qur'an 4:82 (An-Nisa); Qur'an 22:78 (Al-Hajj); Qur'an 2:185 (Al-Baqarah).

L480–494

Ali said: Thus he ﷺ made obligatory, of action, as much as capacity extends to, and allowed nothing of it to be left undone except what lay beyond one's ability and what one was incapable of doing, and that alone. Some people have supposed that this report gives greater emphasis to prohibition than to command. Ali said: This is a corrupt supposition, because avoidance is refraining, and no one is incapable of refraining. As for action, it is a movement involving exertion, or abstention from the eating and drinking that nature demands. This involves effort, and a person may be incapable of much of it. We have therefore been charged with all of it that lies within our capacity, and nothing of it has been waived for us except what we lack the ability to perform. This is the explicit wording of the hadith for anyone who considers it carefully and does not divert it from the meaning of its words. Thus the equal standing of command and prohibition is established, as is the obligation to obey prohibition and permission alike. The prohibiting text is no more emphatic than the permitting text, nor is the permitting text more emphatic than the prohibiting text.

Ali said: They also said: "We give preference on the grounds that the transmitter of one of the two reports is more accurate in retention and more proficient."

Ali said: This too is erroneous, in view of our earlier refutation in this chapter of the position of anyone who sought to give preference to a report on the grounds that one person is more upright than another. That dispenses with repeating it. Here, however, we say that this that that they have said is a claim for which there is no demonstration from an authoritative text or consensus. Whatever is of this kind is invalid.

Ali said: They said: "We give preference to one of the two reports on the grounds that a group transmitted it, whereas one person transmitted the other."

Ali said: We have already refuted this earlier in this chapter: those who maintain it have abandoned the apparent meaning of the Quran, which all the inhabitants of the earth transmitted, for a report transmitted by one person. We illustrated this by their prohibition of marrying a woman together with

قال علي فأوجب عليه السلام من الفعل ما انتهت إليه الطاقة ولم يفسح في ترك شيء منه إلا ما خرج عن الاستطاعة، ووقع العجز عنه فقط، وقد ظن قوم أن هذا الحديث مؤكد للنهي عن الأمر. قال علي: وهذا ظن فاسد لأن الاجتناب ترك، والترك لا يعجز عنه أحد، وأما العمل فهو حركة لها كلفة أو إمساك عما تقتضيه الطبيعة من الأكل والشرب، وفي ذلك تكلف، وربما يعجز المرء عن كثير منه، فكلفنا من ذلك كل ما انتهى إليه الوسع، ولم يسقط عنا منه شيء إلا لم يكن بنا طاقة على فعله، هذا نص الحديث لمن تأمله ولم يحله عن مفهوم لفظه، فصح بذلك التسوية بين الأمر والنهي، وإيجاب الطاعة للحظر والإباحة على السواء، فليس الحاظر بأوكد من المبيح، ولا المبيح بأوكد من الحاظر. قال علي: وقالوا: نرجح أيضا بأن يكون راوي أحد الخبرين أضبط وأتقن. قال علي: هذا أيضا خطأ بما قد أبطلنا فيما سلف من هذا الباب قول من رام ترجيح الخبر بأن فلانا أعدل من فلان، فأغنى ذلك عن إعادته، ولكنا نقول ههنا: إن هذا الذي الذي قالوا دعوى لا برهان عليها من نص ولا إجماع وما كان كذلك فهو ساقط. قال علي: وقالوا نرجح أحد الخبرين بأن يكون رواه جماعة، وروى الآخر واحد. قال علي: وقد أبطلنا هذا فيما سلف من هذا الباب بأن القائلين بذلك قد تركوا ظاهر القرآن الذي نقله أهل الأرض كلهم لخبر نقله واحد، ومثلنا ذلك بتحريمهم الجمع بين المرأة وعمتها، وقطعهم السارق في ربع دينار ولا يقطعونه في أقل، ويرجمون المحصن ومثل هذا كثير، وبينا فيما خلا أن خبر الواحد وخبر الجماعة سواء في باب وجوب العمل بهما، وفي القطع بأنهما حق ولا فرق. وقالوا: نرجح أحد الخبرين بأن يكون أحدهما قصد به بيان الحكم، والآخر لم يقصد به الحكم، ومثلوا ذلك بالنهي عن جلود السباع مع قوله عليه السلام إذا دبغ الإهاب فقد طهر قال علي أما هذا الترجيح فصحيح، لأن الحديث إذا لم يقصد به بيان الحكم فلا إشكال فيه في أنه خلاف الذي قصد به بيان الحكم، وأما الحديثان اللذان ذكروا فليسا واقعين تحت هذه

her paternal aunt, their cutting off the thief's hand for a quarter of a dinar while not cutting it off for less, and their stoning the person possessing protected marital status. There are many such examples. We have previously explained that a report transmitted by one person and a report transmitted by a group are equal with respect to the obligation to act upon them and to the certainty that both are true, without any difference.

They said: "We give preference to one of the two reports on the grounds that one was intended to explain the ruling, whereas the other was not intended to address the ruling." They illustrated this with the prohibition concerning the hides of predatory animals alongside his saying ﷺ: "When a hide has been tanned, it has become pure."

Ali said: This preference is sound, because when a hadith was not intended to explain the ruling, there is no difficulty in its differing from the one intended to explain the ruling. As for the two hadiths they mentioned, however, they do not fall under this category that they mentioned. Rather, each of the two hadiths mentioned is intended to explain the ruling. The correct parallel here is something like his command ﷺ that, when someone in a state of pilgrimage consecration dies, he should be shrouded in his two garments, should not come into contact with perfume, and should have neither his face nor his head covered. This was intended to explain the ruling governing the procedure for shrouding someone in a state of pilgrimage consecration. It therefore takes precedence over someone who prohibits that on the basis of the reported saying of his ﷺ: "When a human being dies, his deeds cease except for three." For this hadith was not intended to explain the ruling governing our own conduct toward someone who has died, whether in a state of pilgrimage consecration or otherwise. Furthermore, the hadith prohibiting the hides of predatory animals is not authentic. Even if it were authentic, when their hides have been tanned they would have to be excepted from all the other hides of predatory animals that have not been tanned, because the tanned ones are fewer than the untanned ones.

They said: "We give preference to one of the two reports on the grounds that the transmitter of one personally participated in the matter he reported, whereas the transmitter of the other did not participate in it. The transmis-

الجملة التي ذكروا، بل كل واحد من الحديثين المذكورين فهو مقصود به بيان الحكم والتنظير الصحيح ههنا هو مثل أمره صلى الله عليه وسلم بأن يكفن المحرم إذا مات في ثوبيه وألا يمس طيبا ولا يغطي وجهه ولا رأسه، فهذا قصد به بيان حكم العمل في تكفين المحرم فهو أولى من منع من ذلك بما روي من قوله صلى الله عليه وسلم إذا مات الإنسان انقطع عمله إلا من ثلاث لأن هذا الحديث لم يقصد به بيان حكم عملنا نحن فيمن مات من محرم أو غيره، وأيضا فحديث النهي عن جلود السباع لا يصح، ولو صح لكانت إذ دبغت جلودها يجب أن تستثنى من سائر الجلود السبعية التي لم تدبغ، لأن المدبوغة منها أقل من غير المدبوغة. وقالوا: ونرجح أحد الخبرين بأن يكون راوي أحدهما باشر الأمر الذي حدث به بنفسه وراوي الآخر لم يباشره، فتكون رواية من باشر أولى، ومثلوا ذلك بالرواية عن ميمونة نكحني رسول الله صلى الله عليه وسلم ونحن حلالان وبالرواية عن ابن عباس نكح رسول الله صلى الله عليه وسلم ميمونة وهو محرم قال علي وهذا ترجيح صحيح، لأنا قد تيقنا أن من لم يحضر الخبر إنما نقله غيره، ولا ندري عمن نقله، ولا تقوم الحجة بمجهول، ولا شك في أن كل أحد أعلم بما شاهد من أمر نفسه قال علي إلا أن قائل هذا قد نسي نفسه فتناقض، وهدم ما بنى في قوله: نرجح الخبر بأن يكون راويه أضبط وأتقن، وتركوا ذلك في هذا المكان، وقد قال الأكابر من أصحاب ابن عباس رحمة الله عليه إذ حدثوا بحديث ميمونة المذكور وإنما رواه عنها يزيد بن الأصم فقالوا: كلا لا نترك حديثا حدثناه البحر عبد الله بن العباس لحديث رواه أعرابي بوال على عقبيه. قال علي: فإن كان كون أحد الرواة أعدل واجبا أن نترك له رواية من دونه في العدالة، فليتركوا ها هنا رواية يزيد بن الأصم لرواية ابن عباس، فلا خلاف عند من له أدنى مسكة عقل أن البون بين ابن عباس وبين يزيد بن الأصم، كما بين السماء والأرض، وإن كان لا معنى لذلك،

sion of the participant therefore takes precedence." They illustrated this with the report from Maymunah: "The Messenger of Allah ﷺ married me while we were both outside a state of pilgrimage consecration," and the report from Ibn Abbas: "The Messenger of Allah ﷺ married Maymunah while he was in a state of pilgrimage consecration."

Ali said: This is a sound preference, because we know with certainty that someone who was not present at the event only transmitted it through someone else, and we do not know from whom he transmitted it. Proof cannot be established through an unidentified person. There is no doubt that everyone knows best what he personally witnessed concerning his own affairs.

Ali said: Yet the proponent of this has forgotten himself, contradicted himself, and demolished what he built when he said: "We give preference to the report on the grounds that its transmitter is more accurate in retention and more proficient." They abandoned that here. The foremost companions of Ibn Abbas—may Allah have mercy upon him—when told the aforementioned hadith of Maymunah, which Yazid ibn al-Asamm transmitted from her, said: "Certainly not! We will not abandon a hadith related to us by the ocean of learning, Abd Allah ibn al-Abbas, for a hadith transmitted by a Bedouin who urinates on his heels."

Ali said: If one transmitter's being more upright obliges us to abandon, on his account, the transmission of someone inferior to him in uprightness, then let them abandon here the transmission of Yazid ibn al-Asamm for the transmission of Ibn Abbas. No one possessing the slightest measure of reason disputes that the distance between Ibn Abbas and Yazid ibn al-Asamm is like that between heaven and earth. But if that has no significance, then do not give preference on the grounds that one of the two transmitters is more upright.

Abu Muhammed said: They also forgot themselves and abandoned the basis on which they gave preference here—favoring the transmission of someone who personally participated over that of someone who did not—in the statement of Anas: "I myself heard the Messenger of Allah ﷺ, with my knee touching his knee while I was beside him, riding behind Abu Talhah, as he

فلا ترجحوا بكون أحد الراويين أعدل. قال أبو محمد: ونسوا أنفسهم أيضا، فتركوا ما رجحوا به ها هنا من تغليب رواية من باشر على رواية من لم يباشر في قول أنس أنا سمعت رسول الله صلى الله عليه وسلم وركبتي تمس ركبته وأنا إلى جنبه رديف لأبي طلحة وهو عليه السلام يقول لبيك عمرة وحجا لبيك عمرة وحجا وفي قول البراء بن عازب إذ يقول سألت رسول الله صلى الله عليه وسلم عن كيفية حجه فقال له رسول الله صلى الله عليه وسلم إني سقت الهدي وقرنت وفي قول حفصة أم المؤمنين له لم تحل من عمرتك فصدقها النبي صلى الله عليه وسلم في ذلك وبين عليها لم فعل ذلك فتركوا ما سمع أنس بن مالك من لفظ رسول الله صلى الله عليه وسلم وما أخبر به رسول الله صلى الله عليه وسلم عن نفسه لكلام عن عائشة لم تدع أنها سمعته، وقد اضطرب عنها أيضا فيه، فروي عنها مثل ما قال أنس والبراء وحفصة رضي الله عن جميعهم، ولكلام عن جابر لم يدع أنه سمعه، وهو مع ذلك أيضا يحتمل التأويل، وقد اضطرب عنه أيضا في ذلك ولا شك عند ذي عقل أنه عليه السلام أعلم بأمر نفسه من جابر وعائشة وأن أنسا والبراء وحفصة الذين ذكروا أنهم سمعوا من لفظه صلى الله عليه وسلم ذلك وباشروه يقول ذلك أيقن من جابر فيما لم يدع أنه سمعه، ولكن هكذا يكون من اعتقد قولا قبل أن يعتقد برهانه {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} وقالوا نرجح أحد الخبرين بأن يكون أحدهما قولا لم يختلف فيه، والآخر فعلا مختلفا فيه، ومثلوا ذلك برواية عثمان رضي الله عنه: لا ينكح المحرم ولا ينكح ولا يخطب وبالرواية في نكاح ميمونة مرة بأنه عليه السلام كان حلالا ومرة بأنه عليه السلام كان محرما قال علي وهذا لا معنى له لأن العدل إذا روى شيئا قد بينا أنه لا يبطله خلاف من خالفه، ولا كثرة من خالفه، وليس العمل في الأخبار كدراهم قمار تلقى درهم بدرهم ويبقى الفضل للغالب، لكن خبر

ﷺ was saying: 'Here I am at Your service for a minor pilgrimage and a major pilgrimage; here I am at Your service for a minor pilgrimage and a major pilgrimage.'" And in the statement of al-Bara ibn Azib, when he says: "I asked the Messenger of Allah ﷺ about the manner of his pilgrimage," and the Messenger of Allah ﷺ said to him: "I brought the sacrificial animals and combined the two pilgrimages." And in the statement of Hafsah, Mother of the Believers, to him: "Why have you not left your state of consecration after your minor pilgrimage?" The Prophet ﷺ confirmed her statement in that respect and explained, concerning her, why he had done that. Thus they abandoned what Anas ibn Malik heard from the very words of the Messenger of Allah ﷺ, and what the Messenger of Allah ﷺ reported about himself, for a statement transmitted from Aishah which she did not claim to have heard from him. Moreover, the transmission from her on this matter is inconsistent: a report has been transmitted from her corresponding to what Anas, al-Bara, and Hafsah said—may Allah be pleased with them all. And they did so for a statement transmitted from Jabir which he did not claim to have heard from him, which, moreover, admits of interpretation, and concerning which the transmission from him is also inconsistent. No rational person doubts that he ﷺ knew his own affairs better than Jabir and Aishah, and that Anas and al-Bara and Hafsah, who stated that they heard that from his own words ﷺ and were personally present as he said it, possess greater certainty than Jabir concerning something he did not claim to have heard. But such is the conduct of someone who adopts a position before accepting its demonstration: {Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much inconsistency in it.}

They said: "We give preference to one of the two reports on the grounds that one is a statement about which there is no disagreement, whereas the other is an action about which there is disagreement." They illustrated this with the report of Uthman—may Allah be pleased with him—"Someone in a state of pilgrimage consecration shall neither marry, nor arrange a marriage, nor propose marriage," and with the reports concerning the marriage of Maymunah, one stating that he ﷺ was outside a state of pilgrimage consecration and another that he ﷺ was in a state of pilgrimage consecration.

واحد يستثنى منه أخبار كثيرة، ويستثنى هو من أخبار كثيرة، أو يؤخذ به إذا كان زائدا عليها، أو يؤخذ بها إن كانت زائدة عليه. لأن قائلها كلها وقائل ذلك واحد، أو فاعلها وفاعله، أو قائلها وفاعله أو فاعلها وقائله واحد وهو رسول الله صلى الله عليه وسلم عن واحد هو الله عز وجل وليس تكرار قوله بموجب منه ما لم يكن يجب لولا تكراره، وتركه تكرار ما لم يكرر لا يخرج ما لم يكرر عن وجوب الطاعة له، وإذا قال القول مرة واحدة فقد لزم فرضا كما لو كرره ألف مرة ولا مزيد، وإذا فعل الفعل مرة واحدة فالفضل في الائتساء به عليه السلام فيه كما لو فعله ألف مرة ولا مزيد ولا فرق ولم يخص الله تعالى إذا أمرنا بطاعة رسوله صلى الله عليه وسلم فيما كرر دون ما لم يكرر بل ألزمنا الطاعة لأمره، وأمره مرة يسمى أمرا كما لو كرره ألف مرة، كل ذلك يقع عليه اسم أمر، ولا خص لنا تعالى إذا حضنا على الائتساء بنبيه صلى الله عليه وسلم ما فعله مرات دون ما فعله مرة ولا ما فعله مرة دون ما فعله مرات بل إذا فعل عليه السلام الفعل مرة فقد وقع عليه اسم أنه فعله ألف ألف مرة، كل ذلك يقع عليه اسم فعل، ومن قال غير هذا فقد تعدى حدود الله عز وجل، وشرع ما لم يأذن به الله عز وجل، وقفا ما لا علم له به، واستحق اسم الظلم والوعيد، وبالله تعالى نعتصم. ونسأل أيضا من أتى بهذا الهوس فنقول له إذا سقط عندك ما صح أن رسول الله صلى الله عليه وسلم فعله مرة ثم لم يفعله بعدها ولا نهى عنه بأنه لم يعد إليه فما تقول فيما صح أنه عليه السلام فعله مرتين ثم لم يعد إليه ولا نهى عنه فإن تركه من أجل ترك العود، سألناه عما فعله ثلاث مرات ثم لم يعد إليه ولا نزال نزيده مرة بعد مرة حتى يبدو سخف قوله إلى قول إلى كل ذي فهم أو يترك قوله الفاسد ويرجع إلى الحق قال علي وإنما أخذنا بالمنع من نكاح المحرم برواية عثمان رضي الله عنه لأنها زائدة على معهود الأصل، لأن الأصل إباحة النكاح على كل

حال بقوله تعالى {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا} فجاء النهي من طريق عثمان من أن ينكح المحرم فتيقنا ارتفاع الحالة الأولى بلا شك، واستثنينا النهي حالة الإحرام عن النكاح من جملة العموم بإباحة النكاح، وشككنا هل نسخ هذا النهي بعد وجوبه أو لا؟ فلم يجز لأحد ترك ما أيقن وجوبه بظن لم يصح، فصح يقينا لا مرية فيه أن حكم حديث ابن عباس في نكاح ميمونة قد نسخ وبطل بلا شك، ومن ادعى عود المنسوخ وبطلان الناسخ فقد كذب وأفك. ثم حتى لو شككنا هل نسخ هذا النهي بعد وجوبه أو لا؟ لم يجز لأحد ترك ما أيقن وجوبه بظن ولم يصح، وحتى ولو صح قول ابن عباس أنه نكحها وهو محرم دون أن تخبر ميمونة على أنه عليه السلام نكحها وهو محرم لما وجب بذلك ترك ما قد تيقناه من النهي عن نكاح المحرم الناسخ للإباحة المتقدمة لأمر لا ندري أقبله كان أم بعده، وترك اليقين للشك وتغليب الظن على الحقيقة باطل وحرام لا يحل وهذا ما لا يخيل على ذي لب، وبالله تعالى التوفيق.

Ali said: This has no significance, because we have explained that when an upright person transmits something, neither the disagreement of someone who disagrees with him nor the multitude of those who disagree with him invalidates it. Acting upon reports is not like gambling dirhams, with one dirham matched against another and the surplus remaining for the winner. Rather, many reports may be excepted from a single report, and it may itself be excepted from many reports; or it is adopted when it supplies something additional to them, or they are adopted when they supply something additional to it. For the speaker of all of them and the speaker of that one are one and the same; or the performer of those actions and the performer of that action, or the speaker of those statements and the performer of that action, or the performer of those actions and the speaker of that statement, are one and the same: the Messenger of Allah ﷺ, transmitting from One, who is Allah, Mighty and Majestic. His repetition of a statement does not impose through it anything that would not have been obligatory without its repetition. His refraining from repeating what he did not repeat does not remove what he did not repeat from the obligation to obey him. When he makes a statement once, it has become binding as an obligation, just as if he had repeated it a thousand times, without any addition. When he performs an action once, the merit of following his example ﷺ in it is just as if he had performed it a thousand times, without any addition or difference. When Allah Most High commanded us to obey His Messenger ﷺ, He did not single out what he repeated to the exclusion of what he did not repeat. Rather, He obligated us to obey his command. His commanding something once is called a command just as it would be if he repeated it a thousand times: all of that falls under the designation "command." Nor, when He Most High urged us to follow the example of His Prophet ﷺ, did He single out for us what he performed repeatedly to the exclusion of what he performed once, or what he performed once to the exclusion of what he did repeatedly. Rather, if he ﷺ performed an act once, the description that he performed it applies just as it does if he performed it a million times: all of that falls under the designation of an act. Whoever says otherwise has transgressed the limits of Allah, Mighty and Majestic, legislated what Allah, Mighty and Majestic, has not authorized, pursued that of which he has no knowledge, and deserved the

designation of wrongdoing and the threatened punishment. In Allah Most High we seek protection. We also question whoever has put forward this madness, saying to him: If, in your view, an act authentically established as having been performed once by the Messenger of Allah ﷺ, which he subsequently neither performed nor prohibited, loses its force because he did not repeat it, then what do you say about an act authentically established as having been performed twice by him ﷺ, which he subsequently neither repeated nor prohibited? If he abandons it because it was not repeated, we ask him about what he performed three times and then did not repeat. We continue adding one occasion after another until the absurdity of his statement becomes apparent to everyone with understanding, or he abandons his corrupt position and returns to the truth. Ali said: We adopted the prohibition against a person in the state of pilgrimage consecration contracting marriage on the basis of Uthman's report, may Allah be pleased with him, because it adds to the established original rule. The original rule is the permissibility of marriage in every circumstance, according to His statement, Most High: "If you fear that you will not deal equitably with the orphans, then marry such women as please you, two, three, or four. But if you fear that you will not act justly, then one, or those whom your right hands possess. That is more likely to keep you from acting unjustly." Then the prohibition against a person in the state of pilgrimage consecration contracting marriage came through Uthman's transmission. We therefore knew with certainty, beyond doubt, that the former state of affairs had been superseded. By virtue of the prohibition, we excepted marriage during pilgrimage consecration from the general permission to marry. We were uncertain whether this prohibition had subsequently been abrogated after becoming binding. No one was therefore permitted to abandon what he knew with certainty to be binding on the basis of an unestablished conjecture. Thus it was established with unquestionable certainty that the ruling of the report of Ibn Abbas concerning the marriage to Maymuna had been abrogated and rendered invalid, beyond doubt. Whoever claims that the abrogated ruling has returned and that the abrogating ruling has become invalid has lied and fabricated falsehood. Moreover, even if we were uncertain whether this prohibition had been abrogated after becoming binding, no one would be permitted to abandon what

he knew with certainty to be binding on the basis of a conjecture that had not been established. Even if Ibn Abbas's statement that he married her while in the state of pilgrimage consecration were authentic, without Maymuna reporting that he ﷺ married her while in the state of pilgrimage consecration, that would not require abandoning what we have established with certainty concerning the prohibition against a person in pilgrimage consecration contracting marriage—a prohibition that abrogates the earlier permission—on account of something of which we do not know whether it occurred before or after it. Abandoning certainty for doubt and giving conjecture precedence over established truth is invalid and forbidden; it is not permissible. This

cannot deceive anyone possessed of understanding. Success comes through Allah Most High.[169][170][171][172][173][174][175][176][177][178]

L495 Furthermore, even if it were authentically established that his ﷺ marriage

وأيضا فحتى لو صح أن نكاحه عليه السلام ميمونة رضي الله عنها كان حرما وأنه كان بعد نهيه عن نكاح المحرم لما كان ذلك مبيحا لإنكاح المحرم غيره، ولا لخطبته على نفسه، وعلى غيره، ولكان نكاح المحرم حينئذ منسوخا مستثنى من النهي الوارد عن نكاحه وإنكاحه وخطبته، ولكان باقي الحديث واجبا لازما لا يحل مخالفته، وهذه كلها وجوه لائحة واضحة، والحمد لله رب العالمين. وقالوا: نرجح أحد الخبرين، بأن يكون أحدهما اختلف على راويه فيه، والآخر لم يختلفوا على راويه فيه، ومثلوا ذلك بحديث ابن عمر، فإن زادت الإبل على عشرين ومائة ففيها ثلاث بنات لبون، وبحديث علي فإن زادت الإبل على عشرين ومائة واحدة، ففي كل أربعين بنت لبون وفي خمسين حقة قال علي وهذا بين ليس من أجل الاختلاف فقد أبطلنا ذلك في الفصل الذي قبل هذا ولكن لأن حديث ابن عمر هو الزائد حكما على حديث علي رضي الله عنهما. وقالوا أيضا: نرجح أحد الخبرين بأن يكون أحدهما قد قيل فيه إنه من كلام الراوي، ولم يقل ذلك في الآخر، فأخذ بالذي لم يقل ذلك فيه، ومثلوا بحديث عتق الشقص الذي أحدهما من طريق ابن عمر دون أن يكون فيه ذكر الاستسعاء. والآخر من طريق أبي هريرة وفيه ذكر الاستسعاء. قالوا وقد قيل: إن الاستسعاء من لفظ سعيد بن أبي عروبة، لأن شعبة وهماما روياه عن قتادة ولم يذكر ذلك فيه وقد قيل إنه من لفظ قتادة

[169] **Translator's note (L481):** The supplied «مؤكد للنهي عن الأمر» is awkward: literally it reads approximately "reinforcing prohibition against command." The translation follows the comparative interpretation supported by the ensuing discussion, while flagging the apparent defect rather than silently treating the wording as regular.

[170] **Translator's note (L482):** The source repeats "that" in "this that that they have said"; the repetition is retained. "Protected marital status" renders muhsan, the technical legal status invoked here in connection with stoning.

[171] **Translator's note (L485):** The source awkwardly compares the precedence of the ruling with "someone who prohibits"; this construction is retained.

[172] **Translator's note (L486):** "Who urinates on his heels" is retained as the polemical insult in the source. The final "Abu" begins the name Abu Muhammed, which continues in the next segment.

[173] **Translator's note (L487):** The opening completes the name Abu Muhammed from the preceding segment. "Minor pilgrimage" and "major pilgrimage" render umrah and hajj respectively.

[174] **Translator's note (L488):** "Explained, concerning her" reflects the awkward source reading "bayyana alayha." The context appears to require "explained to her," but the supplied wording has not been silently corrected. Hafsah's unvocalized words are read as a question, "Why have you not left your state of consecration?", as the context indicates.

[175] **Translator's note (L489):** The Quran quotation corresponds to Quran 4:82, but the supplied transcription omits initial alifs in the words for "the Quran," "Allah," and "inconsistency." The translation conveys the identifiable wording while recording these transcription defects. The two unvocalized forms of the verb for marrying in Uthman's report are understood respectively as marrying oneself and arranging another person's marriage.

[176] **Translator's note (L492):** The phrase «إلى قول إلى» after «سخف قوله» is corrupt or redundant; its surrounding argument has been translated, but these words yield no coherent additional meaning. The Qur'anic quotation, corresponding to 4:3, has transcriptional omissions of initial alifs in «ليتامى» and «لنسآء»; these do not change the identifiable meaning. The phrase «واستثنينا النهي حالة الإحرام عن النكاح» is syntactically awkward; the translation reflects its apparent sense of excepting marriage during pilgrimage consecration from the general permission.

[177] **Translator's note (L493):** The wording «وهو محرم ... دون أن تخبر ميمونة على أنه» is awkward and repeats the claim that he was in pilgrimage consecration. It has been retained as supplied, without changing the second occurrence to its opposite.

[178] **Qur'an references (L480):** Qur'an 4:82 (An-Nisa); Qur'an 4:3 (An-Nisa).

to Maymuna, may Allah be pleased with her, took place while he was in pilgrimage consecration, and that it occurred after his prohibition against a person in pilgrimage consecration contracting marriage, that would not permit such a person to contract a marriage for someone else or to make a marriage proposal for himself or someone else. In that case, the marriage of a person in pilgrimage consecration would be abrogated, excepted from the prohibition transmitted concerning his contracting marriage, contracting marriage for another, and making a marriage proposal. The remainder of the report would be binding and obligatory, and contravening it would not be permissible. All these are manifest, clear considerations. Praise belongs to Allah, Lord of all worlds. They said: We give one of two reports preponderance when there is disagreement concerning what one transmitter reported, whereas there is no disagreement concerning what the other transmitter reported. They illustrated this with Ibn Umar's report: "If the camels exceed one hundred and twenty, then three female camels that have completed two years are due," and Ali's report: "If the camels exceed one hundred and twenty by one, then for every forty a female camel that has completed two years is due, and for fifty a female camel that has completed three years." Ali said: This is clear, but it is not on account of disagreement, for we have invalidated that in the section preceding this one. Rather, it is because Ibn Umar's report adds a ruling to Ali's report, may Allah be pleased with them both. They also said: We give one of two reports preponderance when it has been said of one that it consists of the transmitter's own words, whereas this has not been said of the other; thus the one of which this has not been said is adopted. They illustrated this with the report concerning the emancipation of a share in a slave: one version comes through Ibn Umar, without mentioning requiring the slave to work to pay for his remaining share, while the other comes through Abu Hurayra and mentions requiring him to work to pay for it. They said: It has been said that requiring the slave to work to pay for it comes from the wording of Said ibn Abi Aruba, because

Shuba and Hammam transmitted it from Qatada without mentioning that in it. It has also been said that it comes from Qatada's wording.[179]

L496–500 Ali said: This is an error. Jurayn ibn Hazim al-Azdi, Aban ibn Yazid al-Attar, Yazid ibn Zuray, Hajjaj ibn Hajjaj, and Musa ibn Khalaf corroborated Said in mentioning requiring the slave to work to pay for his remaining share; in all of them, requiring him to work to pay for it was not mentioned, on Qatada's authority, with a chain traced to the Prophet ﷺ. Adopting the requirement that the slave work to pay for it is therefore obligatory and may not be abandoned, because it is an established additional ruling. Nothing in Ibn Umar's report opposes or contradicts it. It merely says: "Whatever portion of him has been emancipated has been emancipated." The addition some have made to it, namely, "And whatever portion remains enslaved remains enslaved," is not authentic, nor has it come through any transmission routes that are authentic at all. Ali said: In their treatment of this report, the adherents of Malik and the adherents of Abu Hanifa contradicted themselves outrageously. The adherents of Abu Hanifa made his ﷺ mention of livestock that graze freely a ground for removing the obligation of alms from the livestock covered by the other report's general prescription of alms on all sheep and goats. Yet they did not make his ﷺ statement in the report of Ibn Umar, "Whatever portion of him has been emancipated has been emancipated," entail keeping the rest of him enslaved. They ought to have sought in his ﷺ statement, "Whatever portion of him has been emancipated has been emancipated," a meaning indicating that whatever portion of him had not been emancipated was not emancipated, just as they argued concerning livestock that graze freely. The adherents of Malik did not make the mention of freely grazing livestock a ground for removing the obligation of alms from livestock that do not graze freely, because of the general wording in Ibn Umar's report mentioning sheep and goats. Yet they made his ﷺ statement, "They have emancipated whatever portion of him has been emancipated," a

[179] **Translator's note (L495):** The reading «كان حرما» is grammatically irregular in this context; it has been understood as referring to his being in pilgrimage consecration. The supplied text says that the marriage itself would be «منسوخا», "abrogated," while also calling it an exception to the prohibition. This apparent inconsistency has been preserved; the text has not been changed to say that the prohibition would be abrogated.

قال علي وهذا خطأ قد تابع سعيدا على ذكر الاستسعاء جرين بن حازم الأزدي، وأبان بن يزيد العطار، ويزيد بن زريع، وحجاج بن حجاج، وموسى بن خلف كلها لم يذكر فيه الاستسعاء عن قتادة مسندا إلى النبي صلى الله عليه وسلم فالأخذ بالاستسعاء واجب لا يجوز تركه لأنه حكم زائد ثابت، وليس في حديث ابن عمر ما يضاده ولا ينافيه، وإنما فيه: فقد عتق منه ما عتق ولا يصح ما زاد فيه بعضهم من قوله: وقد رق ما رق ولا أتى ذلك من طرق تصح أصلا قال علي وتناقض في هذا الخبر أصحاب مالك وأصحاب أبي حنيفة تناقضا فاحشا فجعل أصحاب أبي حنيفة ذكره عليه السلام السائمة مسقطا للزكاة عما في حديث الآخر من عموم الزكاة في جميع الغنم ولم يجعلوا قوله عليه السلام في حديث ابن عمر فقد عتق منه ما عتق موجبا لإرقاق سائره وقد كان يجب أن يطلبوا لقوله عليه السلام فقد عتق منه ما عتق فائدة تنبىء أن ما لم يعتق منه لم يعتق كما قالوا في السائمة، ولم يجعل أصحاب مالك ذكر السائمة مسقطا للزكاة في غير السائمة بالعموم الذي في حديث ابن عمر في ذكره الغنم، وجعلوا قوله عليه السلام: فقد عتقوا منه ما عتق مسقطا لعتق باقيه المذكور في حديث أبي هريرة بالاستسعاء. وقالوا: نرجح أحد الخبرين، بأن يكون أحدهما اجتمع فيه الأمر والفعل، وانفرد الآخر بأحدهما، فيكون الذي اجتمعا فيه أولى ومثلوا ذلك بما روي من أنه عليه السلام سعى وأمر بالسعي بين الصفا والمروة وبما روي من قوله عليه السلام الحج عرفة قال علي وهذا لا معنى له لأن الحديث الذي فيه إيجاب السعي إنما صح من طريق أبي موسى، وهو زائد على ما روي من أن الحج عرفة، فوجب الأخذ بالشريعة الزائدة، وليس في حديث: الحج عرفة ما يمنع من وجوب الإحرام والسعي بين الصفا والمروة والوقوف بمزدلفة قال علي وقد تناقضوا ههنا فأوجبوا السعي فرضا ولم يسقطوا وجوبه، لما روي من أن الحج عرفة ولم يوجبوا الوقوف بمزدلفة، وذكر الله عز وجل فيها، وقد

ground for excluding the emancipation of the rest of him mentioned in Abu Hurayra's report through requiring the slave to work to pay for it. They said: We give one of two reports preponderance when one combines a command and an act, while the other contains only one of them; the one in which both are combined is then more entitled to precedence. They illustrated this with the report that he ﷺ performed the ritual passage between al-Safa and al-Marwa and commanded its performance, and with the report of his ﷺ statement: "The pilgrimage is Arafa." Ali said: This has no meaning, because the report imposing the obligation of the ritual passage has been authentically established through Abu Musa's transmission, and it adds to the report that "The pilgrimage is Arafa." It is therefore obligatory to adopt the additional prescription. Nothing in the report "The pilgrimage is Arafa" precludes the obligation of entering pilgrimage consecration, performing the ritual passage between al-Safa and al-Marwa, and making the station at Muzdalifa. Ali said: They have contradicted themselves here: they imposed the ritual passage as an obligatory duty and did not remove its obligation on account of the report that "The pilgrimage is Arafa," yet they did not impose the station at Muzdalifa and the remembrance there of Allah, Mighty and Majestic, although authentic texts from the Qur'an and the Sunna prescribe that as an obligatory duty. As for the Qur'an, it is His statement, Most High: "There is no blame upon you for seeking bounty from your Lord. When you stream forth from Arafat, remember Allah at the Sacred Monument, and remember Him as He has guided you, although before it you were indeed among those astray." As for the Sunna, it is his ﷺ statement to Urwa ibn Mudarris: "Whoever catches the prayer here"—meaning at Muzdalifa—"with the people and the imam has attained it; otherwise, he has not attained it," or words to that effect from him ﷺ. The arbitrary pronouncements of the adherents of unquestioning adherence and the proponents of analogy are too numerous for anyone to count except their Creator, who has counted the raindrops, the leaves of the trees, and the measures of the seas. There is no deity but Him. They said: We give one of two reports preponderance when the practice of the people of Medina accords with it. Said Ali: This is invalid. We have devoted a separate section to it following this discussion of ours in this chapter. Success comes through Allah Most High. They illustrated this with

جاء النص الصحيح من القرآن والسنة بإيجاب ذلك فرضا، فأما القرآن فقوله تعالى: {ليس عليكم جناح أن تبتغوا فضلا من ربكم فإذآ أفضتم من عرفات فذكروا الله عند لمشعر لحرام وذكروه كما هداكم وإن كنتم من قبله لمن لضآلين} وأما السنة فقوله عليه السلام لعروة بن مضرس من أدرك الصلاة ههنا يعني بمزدلفة مع الناس والإمام فقد أدرك وإلا فلم يدرك أو كما قال عليه السلام وتحكم أصحاب التقليد وأهل القياس أكثر من أن يحصيه إلا خالقهم الذي أحصى عدد القطر وورق الشجر ومكايل البحار، لا إله إلا هو. وقالوا: نرجح أحد الخبرين بأن يوافقه عمل أهل المدينة قال علي وهذا باطل وقد أفردنا له فصلا بعد كلامنا هذا في هذا الباب وبالله تعالى التوفيق، ومثلوا ذلك بأخبار رويت في الأذان والإقامة قال علي ولا يصح في ذلك خبر مسند إلا حديث أنس بن مالك رضوان الله عليه: أمر بلال أن يشفع الأذان ويوتر الإقامة وبه نأخذ.

reports transmitted concerning the call to prayer and the announcement that prayer is commencing. Ali said: No report with a connected chain of transmission is authentic on this subject except the report of Anas ibn Malik, may Allah's good pleasure be upon him: "Bilal was commanded to recite the call to prayer in pairs and the announcement that prayer is commencing singly." This is what we adopt.[180][181][182][183]

[180]**Translator's note (L496):** The name is supplied as «جرين», rendered "Jurayn"; the reading may be corrupt. The clause «كلها لم يذكر فيه الاستسعاء» explicitly says that requiring the slave to work was not mentioned, contradicting both the preceding assertion that these transmitters corroborated its mention and the ensuing argument. The negative has been preserved rather than silently removed.

[181]**Translator's note (L498):** In the second quotation attributed to the adherents of Malik's argument, the text reads «فقد عتقوا منه ما عتق», with the plural verb "they have emancipated," rather than the earlier wording «فقد عتق منه ما عتق». This apparent quotation or transcription error has been retained.

[182]**Translator's note (L499):** The Qur'anic quotation, corresponding to 2:198, contains several transcriptional omissions of initial alifs; the identifiable words have been translated. The pilgrimage report is quoted approximately, as the author expressly acknowledges with "or words to that effect." Its supplied wording has been retained.

[183]**Qur'an references (L496):** Qur'an 2:198 (Al-Baqarah).

L501–506

They said: We give one of two reports preponderance when, in one of them, the ruling is attached to a designation, while in the other the ruling is attached to a meaning; the one in which the ruling is attached to a meaning then has the stronger claim. Ali said: This is meaningless, because it is an assertion without demonstration. If an opponent challenged them, saying, "Rather, the one in which the ruling is attached to a designation has the stronger claim," they would have no answer to him. They illustrated this with his saying ﷺ, "Whoever changes his religion, kill him," alongside his prohibition ﷺ against killing women. Ali said: We adopted the ruling that female apostates are to be killed only because the prohibition against killing women is general, while the command to kill whoever changes his religion is a specific exception to that generality, as we explained previously concerning the exclusion of what encompasses fewer meanings from what encompasses more meanings. Furthermore, the community has agreed that his prohibition ﷺ against killing women is not to be understood according to its apparent meaning. They have agreed that if a woman commits unlawful sexual intercourse while possessing protected marital status, she is to be killed, and that if she kills a Muslim, she is to be killed. Furthermore, his prohibition ﷺ against killing women falls within the comprehensive scope of his saying, "Your blood is inviolable among you"; it is part of that comprehensive statement. An exception is made for everyone concerning whom a command has come making his killing obligatory or permissible: a rebel, a wine drinker after the prescribed punishment for it has been imposed on him three times, a person who commits unlawful sexual intercourse while possessing protected marital status, an intentional killer, or an apostate. It is established that the prohibition against killing women concerns only female captives from among the inhabitants of the territory of war. They said: We give one of two reports preponderance when one is expressly attributed to the Prophet ﷺ, while the other is attributed to the Prophet ﷺ only by inference. Ali said: There is no difficulty in this. It is impermissible to adopt anything that is neither expressly stated to come from the Prophet ﷺ nor known with certainty to come from him through a demonstration admitting only one interpretation and precluding its coming from anyone else—unless there is consensus concerning some matter, in which case it is adopted. Con-

وقالوا: نرجح أحد الخبرين بأن يكون أحدهما قد علق الحكم فيه بالاسم، ويكون الآخر قد علق الحكم فيه بالمعنى، فيكون الذي علق الحكم فيه بالمعنى أولى قال علي وهذا لا معنى له لأنها دعوى بلا برهان وإذ لو عارضهم معارض فقال: بل الذي علق فيه الحكم بالاسم أولى لما انفصلوا منه ومثلوا ذلك بقوله عليه السلام من بدل دينه فاقتلوه مع نهيه عليه السلام عن قتل النساء قال علي وإنما أخذنا بقتل النساء المرتدات لأن النهي عن قتل النساء عموم، والأمر بقتل من غير دينه مخصوص من ذلك العموم، على ما قدمنا قبل من استثناء الأقل معاني من الأكثر معاني وأيضا فقد اتفقت الأمة على أن نهيه عليه السلام عن قتل النساء ليس على ظاهره واتفقوا أنها إن زنت وهي محصنة أنها تقتل، وإن قتلت مسلما أنها تقتل وأيضا فإن نهيه عليه السلام عن قتل النساء إنما هو داخل في جملة قوله دماؤكم عليكم حرام فهو بعض تلك الجملة، واستثنى كل من ورد أمر بإيجاب قتله أو إباحته من باغ أو شارب خمر بعد أن حد فيها ثلاثا، أو زان محصن، أو قاتل عمدا أو مرتد، وصح أن النهي عن قتل النساء إنما هو من الأسارى من أهل دار الحرب. وقالوا: نرجح أحد الخبرين بأن يكون أحدهما منصوصا بنسبته إلى النبي صلى الله عليه وسلم والآخر إنما ينسب إلى النبي صلى الله عليه وسلم استدلالا قال علي وهذا لا إشكال فيه ولا يجوز أن يؤخذ بشيء لم ينص عليه أنه عن النبي صلى الله عليه وسلم أو يوقن بأنه عنه ببرهان لا يحتمل إلا وجها واحدا، ولا يجوز أن يكون عن غيره إلا أن يكون إجماع في شيء ما، فيؤخذ به، والإجماع أيضا راجع إلى التوقف منه عليه السلام لا بد من ذلك قال علي ومثلوا ذلك بالتشهد المروي عن عمر رضي الله عنه، أنه كان يعلمه الناس وهو على المنبر، وبالتشهد المروي عن ابن عباس وعائشة وأبي موسى وابن مسعود مسندا إلى النبي صلى الله عليه وسلم قال علي وليس في تعليم عمر رضي الله عنه الناس التشهد على المنبر ما يدل على

sensus, too, necessarily goes back to stopping at what comes from him ﷺ. Ali said: They illustrated this with the testimony recited in prayer reported from Umar, may Allah be pleased with him, which he used to teach people while on the pulpit, and with the testimony recited in prayer reported from Ibn Abbas, Aishah, Abu Musa, and Ibn Masud through chains of transmission reaching the Prophet ﷺ. Ali said: Nothing in Umar's teaching people the testimony recited in prayer from the pulpit, may Allah be pleased with him, indicates that it came from the Prophet ﷺ. Umar, may Allah be pleased with him, also prohibited excessive bridal payments to women while on the pulpit and taught people this, yet no one doubts that his prohibition of this did not come from the Prophet ﷺ, and that it was solely Umar's independent judgment. He himself, may Allah have mercy on him, acknowledged this at the time and withdrew his prohibition when it was pointed out that his prohibition contradicted what is in the Quran. As for the forms of the testimony recited in prayer reported from Ibn Abbas, Aishah, Ibn Masud, and Abu Musa, may Allah be pleased with them, these are the ones beyond which it is impermissible to go because their chains of transmission to the Prophet ﷺ are sound. Umar's son Abdullah, Ibn Masud, Ibn Abbas, Aishah, and other Companions, may Allah be pleased with them, disagreed with the testimony recited in prayer that Umar taught people from the pulpit, although they had witnessed him delivering it in his address. What these people claim for themselves to have understood—that it constituted a proof established by consensus—escaped those Companions, and they claim that it escaped them! This is as we see. They said: We give one of two reports preponderance when one has been established to have a restriction to specific cases, while the other has not been established to have such a restriction; we give the one for which no restriction has been established precedence over the one for which it has. They illustrated this with the verse prohibiting the combining of two sisters, alongside the verse permitting this through right-hand possession. Ali said: The verse permitting right-hand possession encompasses more meanings than the verses prohibiting intercourse with a woman forbidden by blood relationship or affinity, and than those prohibiting the combining of two sisters, or a mother and her daughter, intercourse with a jointly owned woman, intercourse with a menstruating woman, a fasting woman, a woman

أنه عن النبي صلى الله عليه وسلم وقد نهى عمر رضوان الله عليه وهو على المنبر عن المغالاة في مهور النساء، وعلم الناس ذلك، ولا شك عند أحد في أن نهيه عن ذلك ليس عن النبي صلى الله عليه وسلم وأن ذلك من اجتهاد عمر فقط وقد أقر رحمه الله بذلك في ذلك الوقت، ورجع عن النهي عنه، إذ ذكر أن نهيه مخالف لما في القرآن، وأما التشهدات المروية عن ابن عباس، وعائشة وابن مسعود، وأبي موسى رضوان الله عليهم، فهي التي لا يحل تعديها لصحة سندها إلى النبي صلى الله عليه وسلم وقد خالف تشهد عمر الذي علمه الناس على المنبر ابنه عبد الله، وابن مسعود وابن عباس وعائشة، وغيرهم من الصحابة رضوان الله عليهم، وقد شهدوه يخطب به، وغاب عنهم من أنه حجة إجماعية ما ادعى هؤلاء لأنفسهم من فهمه، ومن أنه يغيب عنهم، وهذا كما نرى. وقالوا: ونرجح أحد الخبرين بأن يكون أحدهما قد ثبت فيه الخصوص، والآخر لم يثبت فيه الخصوص، فغلب الذي لم يثبت فيه الخصوص، على الذي ثبت فيه، ومثلوا ذلك بآية النهي عن الجمع بين الأختين مع الآية التي فيها إباحة ذلك بملك اليمين قال علي الآية التي فيها إباحة ملك اليمين أكثر معاني من الآيات التي فيها النهي عن وطء الحريمة بنسب أو صهر، ومن التي فيها النهي عن الجمع بين الأختين، والأم وابنتها، والمرأة المشتركة، ووطء الحائض والصائمة والمحرمة والزانية، ووطء الذكور المماليك، والبهائم المملوكة والمشتركة، فوجب استثناء كل ذلك، لأنه أقل معاني مما أبيح بملك اليمين، نخرج كل ما ذكرنا بالتحريم، وتبقى الآية المسلمة التي ليس فيها شيء من الصفات التي ذكرنا على الإباحة، وكذلك الآية التي فيها {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا} أكثر معاني من الآيات التي ذكرنا، فوجب استثناء كل ذلك بالتحريم، لأنه أقل معاني مما أبيح بالنكاح، فنكون على

in a state of ritual consecration, or a woman who commits unlawful sexual intercourse, and intercourse with enslaved males and with owned or jointly owned animals. All of these must therefore be excepted, because they encompass fewer meanings than what has been permitted through right-hand possession. Everything we have mentioned is thus excluded as forbidden, while the Muslim verse in which none of the attributes we have mentioned is present remains subject to permissibility. Likewise, the verse containing, "If you fear that you will not act equitably toward the orphans, then marry such women as seem good to you, two, three, or four; but if you fear that you will not act justly, then one, or those whom your right hands possess. That is likelier to keep you from acting unjustly," encompasses more meanings than the verses we have mentioned. All of these must therefore be excepted as forbidden, because they encompass fewer meanings than what has been permitted through marriage. We thus have certainty that we have applied all the transmitted texts, that we have contradicted none of them, and that we have not contradicted ourselves in restricting what we have restricted or excepting what we have excepted. Success comes through Allah Most High. They said: We give one of two reports preponderance when one was delivered as an answer, while the other was delivered without a preceding question; we therefore give the one delivered as an answer precedence over the one delivered without a preceding question.[1][2][3]

L507–513 Ali said: This is an error because, before anything else, it is an arbitrary judgment without demonstration. A demonstration establishing the invalidity of this judgment also exists: the Messenger of Allah ﷺ was sent as a

يقين من استعمالنا جميع النصوص الواردة، وأننا لم نخالف منها شيئا ولا تناقضنا في تخصيص ما خصصنا، واستثنائنا ما استثنينا، وبالله تعالى التوفيق. وقالوا: ونرجح أحد الخبرين بأن يكون أحدهما ورد جوابا، والآخر ورد ابتداء، فنغلب الذي ورد جوابا على الذي ورد ابتداء

قال علي هذا خطأ لأنه قبل كل شيء تحكم بلا برهان والبرهان أيضا على بطلان هذا الحكم قائم وذلك أن رسول الله صلى الله عليه وسلم بعث معلما وقد سئل عن شيء فأجاب عن أشياء كثيرة وقد سئل عن شحوم الميتة فأجاب عليه السلام عنها ولعن اليهود ونهى أيضا في ذلك الحديث عن بيع ما حرم من الميتات، ولم يكن سئل عن كل ذلك ومثل هذا كثير ولا فرق بين ما ورد قوله عليه السلام جوابا وبين ما ورد ابتداء وكل ذلك محمول على عمومه، وعلى ما فهم من لفظه لا يحل أن يقتصر به على بعض ما يقع عليه ذلك اللفظ دون بعض، إلا بنص أو إجماع، وكذلك القول فيما ورد من القرآن جوابا عن سؤال متقدم، وقد سئل عن اليتامى فأجاب تعالى فيهم

[1] **Translator's note (L502):** The text reads al-tawaqquf, "stopping" or "suspension of judgment," in the statement about the basis of consensus. Al-tawqif, authoritative instruction from the Prophet, may have been intended; the supplied reading has not been silently replaced.

[2] **Translator's note (L505):** "The Muslim verse" renders the supplied al-ayah al-muslimah, an apparently corrupt reading. The context appears to require al-amah al-muslimah, "the Muslim slave woman," but the Arabic has not been silently corrected. The Quran quotation corresponds to 4:3. Its supplied spelling omits letters in several words, including those for "the orphans," "then marry," and "the women"; their intended lexical readings remain clear.

[3] **Qur'an references (L501):** Qur'an 4:3 (An-Nisa).

teacher, and he was asked about one thing but answered concerning many things. He was asked about the fat of animals that had died without lawful slaughter, and he answered ﷺ concerning it, cursed the Jews, and also prohibited in that same report the sale of what was forbidden from animals that had died without lawful slaughter, although he had not been asked about all of that. There are many such instances. There is no distinction between a saying of his ﷺ delivered as an answer and one delivered without a preceding question. All of it is understood in its general scope and according to what its wording conveys. It is impermissible to restrict it to some of what that wording covers, to the exclusion of the rest, except on the basis of a text or consensus. The same applies to passages of the Quran delivered in answer to a preceding question. He was asked about orphans, and He Most High answered concerning them; then He, Mighty and Majestic, said, "If you fear that you will not act equitably toward the orphans, then marry such women as seem good to you, two, three, or four; but if you fear that you will not act justly, then one, or those whom your right hands possess. That is likelier to keep you from acting unjustly." He thus informed them about women in addition to what they had asked about. They said: We give one of two reports preponderance when one is transmitted by someone with particular involvement in that subject, while the other is transmitted by someone without such involvement. They illustrated this by giving Aishah's report, may Allah be pleased with her, concerning the full ritual bath after intercourse without ejaculation precedence over the report of someone who transmitted that no full ritual bath is required for it. Ali said: This is false, because those who transmit that no full ritual bath is required for it have particular involvement through intercourse with their wives, just as women have particular involvement; there is no distinction. Moreover, every scholar who sets out to acquire understanding of religion has a particular concern with asking about menstruation, just as a woman asks about it; there is no distinction. A scholar's eagerness to learn is like the eagerness of someone confronted with the particular occurrence about which he asks; there is no distinction. We have made the full ritual bath obligatory after intercourse without ejaculation only because of Abu Hurayrah's report, since it adds to the other reports. The original rule is that no full ritual bath is incumbent

ثم قال عز وجل {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا} فأخبرهم عن النساء زائدا على ما سألوا عنه. فقالوا: ونرجح أحد الخبرين بأن يكون أحدهما من رواية من يختص بذلك المعنى، والآخر برواية من لا يختص به، ومثلوا ذلك برواية عائشة رضي الله عنها في الغسل من الإكسال على خبر من روى أن لا غسل منه قال علي وهذا باطل لأن الراوين أن لا غسل منه مختصون بالوطء لنسائهم كاختصاص النساء ولا فرق ولأن كل عالم نفر للتفقه فهو مختص بالسؤال عن الحيض كسؤال المرأة عنه ولا فرق، وحرص العالم على أن يتعلم كحرص الممتحن بالنازلة التي يسأل عنها ولا فرق، وإنما أوجبنا الغسل من الإكسال لحديث أبي هريرة لأنه زائد على سائر الأحاديث، لأن الأصل أن لا غسل على أحد، وجاء حديث أبي هريرة بإيجاب الغسل، فكان شريعة واردة زائدة بيقين، ثم لم يصح أنها نسخت، ولو لم يكن في ذلك إلا حديث عائشة رضي الله عنها لما وجب به الغسل لأنه ليس فيه إلا فعلت أنا ورسول الله صلى الله عليه وسلم فاغتسلنا وليس في هذا الحديث إيجاب الغسل، وإنما فيه أن الغسل فضل فقط وقد روي وصح أنه عليه السلام كان ربما اغتسل بين كل وطأتين وليس ذلك واجبا، فلو لم يكن هنا إلا قول عائشة رضي الله عنها لكان اغتساله عليه السلام من الإكسال كاغتساله بين كل وطأتين ولا فرق وإنما هو عمل يؤجر من ائتسى به عليه السلام ولا يأثم من لم يفعله غير راغب عنه وبالله تعالى التوفيق. وقالوا: نرجح أحد الخبرين على الآخر، بأن يكون أحد المختلفين استعمل كل واحد من الخبرين في موضع الخلاف، فيكون أولى ممن لا يستعملها ومثلوا ذلك بقوله صلى الله عليه وسلم كل امرأة نكحت بغير إذن وليها فنكاحها باطل مع قوله عليه السلام الأيم أحق بنفسها من وليها قال علي وهذا الذي ذكروا لا معنى

له بوجه من الوجوه هو كلام ساقط زائف، لأنه ليس عمل أحد الخصمين حجة على الآخر، إلا أن يأتي ببرهان يصحح عمله، وأما الحديثان اللذان ذكروا فإنما حملناهما على ظاهرهما فأبطلنا نكاح كل امرأة نكحت بغير إذن مواليها ثيبا كانت أو بكرا، على عموم الحديث. وظاهر لفظه المفهوم منه في بطلان نكاحها بغير إذنهم، وهو الذي لا يحل لأحد تعديه، وقلنا الأيم أحق بنفسها من وليها في اختيار نكاح من شاءت، والإذن فيه أورده فلا اعتراض لوليها في ذلك عليها، ولا على كل بالغ من بكر ذات أب أو يتيمة بأحاديث أخر وآي مضافة بعضها إلى بعض، فاستثنينا الإنكاح وحده وهو المنصوص عليه من سائر أحوالها، لأنه الأخص فاستثني من الأعم، وكانت أحق بنفسها في سائر أمورها كلها من وليها حاشا عقد الإنكاح وحده، وهذا هو لفظ الحديثين نصا بلا مزيد. وقالوا: نرجح أحد الخبرين بأن يكون أحدهما يعضده قول الأئمة، والآخر يعضده قول غيرهم، فيكون الذي أيده قول الأئمة أولى، ومثلوا لذلك بالتكبير في العيدين سبعا في الأولى، وخمسا في الثانية، وبما روي من طريق حذيفة من تكبير ثلاث في الأولى قبل القراءة وأربع في الثانية بعد القراءة قال علي وهذا لا معنى له لما قد أبطلناه في باب إبطال الاحتجاج بعمل أهل المدينة من هذا الباب، وبما قد أبطلناه من القول بالتقليد في باب التقليد من هذا الكتاب، وإنما أخذنا بتكبير سبع وخمس، لأنه فعل في الخير زائد وذكر لله تعالى ولأن الخبر المروي في ذلك لا بأس به. وأما خبر حذيفة فليس يقوم بسنده حجة لما سنبينه في أمر موضعه من الكلام في أشخاص الأحاديث إن شاء الله. وقالوا: نرجح أحد الخبرين بأن يكون يميل إليه الأكثر من الناس

upon anyone; then Abu Hurayrah's report came imposing the full ritual bath, and thus constituted an additional revealed legal prescription with certainty. Subsequently, it has not been established that this prescription was abrogated. If there had been nothing on this matter except Aishah's report, may Allah be pleased with her, the full ritual bath would not have become obligatory through it, because it contains only, "The Messenger of Allah ﷺ and I did it, and then we took a full ritual bath." This report contains no imposition of the full ritual bath; it contains only the indication that the full ritual bath is merely a meritorious act. It has been transmitted through a sound report that he ﷺ would sometimes take a full ritual bath between successive acts of intercourse, although that is not obligatory. Thus, if there were nothing here except Aishah's statement, may Allah be pleased with her, his full ritual bath ﷺ after intercourse without ejaculation would be like his full ritual bath between successive acts of intercourse; there would be no distinction. It would merely be an act for which someone who followed his example ﷺ would be rewarded, while someone who did not perform it would incur no sin, provided that he was not turning away from his example. And through Allah Most High comes success. They said: We give one of two reports preponderance over the other when one of the disputants has applied each of the two reports at the point of disagreement, and thus has a stronger claim than someone who does not employ them. They illustrated this with his saying ﷺ, "Any woman who marries without her guardian's permission—her marriage is invalid," alongside his saying ﷺ, "A previously married woman has a greater right concerning herself than her guardian." Ali said: What they have mentioned is meaningless in every respect; it is worthless, spurious talk. The practice of either disputant is no proof against the other unless he supplies a demonstration establishing the correctness of his practice. As for the two hadiths they mentioned, we have simply understood both according to their apparent meanings. We therefore declared invalid the marriage of every woman who marries without her guardians' permission, whether previously married or a virgin, in accordance with the hadith's general scope and the apparent meaning understood from its wording concerning the invalidity of her marriage without their permission. No one is permitted to go beyond this. We also said that a previously married woman

has a greater right concerning herself than her guardian in choosing to marry whomever she wishes and in consenting to the marriage or rejecting it. Her guardian therefore has no right to oppose her in this, nor to oppose any adult woman, whether a virgin whose father is living or an orphan, on the basis of other hadiths and verses considered together. We excepted only the act of contracting her marriage, which is expressly stipulated, from all her other affairs, because it is the more specific provision and is therefore excepted from the more general one. She thus has a greater right concerning herself than her guardian in all her other affairs, apart from the marriage contract alone. This is precisely the express wording of the two hadiths, without anything added. They said: We give preference to one of two reports when one is supported by the statement of the imams and the other is supported by the statement of others; the one supported by the statement of the imams then has the stronger claim. They illustrated this with pronouncing "Allah is greatest" in the two Eid prayers seven times in the first prayer cycle and five times in the second, and with what was transmitted through Hudhayfah concerning pronouncing "Allah is greatest" three times in the first prayer cycle before the recitation and four times in the second after the recitation. Ali said: This is meaningless, in view of what we have already refuted in the section of this chapter invalidating appeals to the practice of the people of Medina as proof, and our refutation of adherence to authority without proof in the chapter on adherence to authority without proof in this book. We adopted seven and five pronouncements of "Allah is greatest" only because this is an additional good deed and a remembrance of Allah Most High, and because the report transmitted concerning it is unobjectionable. As for Hudhayfah's report, its chain of transmission does not establish a proof, as we shall explain in its proper place in the discussion of individual hadiths, Allah

willing. They said: We give preference to one of two reports on the grounds that the greater number of people incline toward it.[456]

L514–516 Ali said: This is meaningless, for reasons we shall explain in the chapter on consensus in this book, Allah Most High willing, and because the large number of those who hold an opinion does not make valid what was not valid before they held it, while the small number of those who hold an opinion does not invalidate what was true before anyone held it. We have explained this very thoroughly in the section refuting the position of those who give preference to a report on the basis of the practice of the people of Medina, at the end of this chapter. Furthermore, an opinion may acquire many adherents after having had few, and its adherents may become few after having been many. All the people of al-Andalus formerly followed the school of al-Awza'i, may Allah have mercy on him, and then turned to the school of Malik. The majority of the people of Ifriqiyah and Egypt formerly followed the school of Abu Hanifah, as did the people of Iraq. Then Malik's school prevailed in Ifriqiyah, and al-Shafi'i's school in Egypt and Iraq. On this reasoning, it would necessarily follow that when an opinion's adherents become numerous it becomes true, and when they become few, as we have mentioned, it becomes false again. This is sheer delirium. A Christian once argued against a Muslim on the basis of the great number of the inhabitants of Constantinople, maintaining that such numbers could not have agreed upon falsehood. This is not binding upon someone who gives preference to opinions on the basis of numerical strength. We declare ourselves clear before Allah Most High of this position. Rather, truth is truth even if no

قال علي وهذا لا معنى له لما سنبينه في باب الإجماع من هذا الكتاب إن شاء الله تعالى، ولأن كثرة القائلين بالقول لا تصحح ما لم يكن صحيحا قبل أن يقولوا به، وقلة القائلين بالقول لا تبطل ما كان حقا قبل أن يقول به أحد، وقد بينا هذا جدا في باب إبطال قول من رجح الخبر بعمل أهل المدينة في آخر هذا الباب، وأيضا فإن القول قد يكثر القائلون به بعد أن كانوا قليلا، ويقلون بعد أن كانوا كثيرا، فقد كان جميع أهل الأندلس على مذهب الأوزاعي رحمه الله، ثم رجعوا إلى مذهب مالك، وقد كان جمهور أهل إفريقية ومصر على مذهب أبي حنيفة، وكذلك أهل العراق، ثم غلب على إفريقية مذهب مالك، وعلى مصر والعراق مذهب الشافعي، فيلزم على هذا أن القول إذا كثر قائلوه صار حقا، وإذا قلوا كما ذكرنا عاد باطلا، وهذا هو الهذيان نفسه. وقد احتج نصراني على مسلم بكثرة أهل القسطنطينية، وأنهم لم يكونوا لتجتمع تلك الأعداد على باطل، وهذا لا يلزم لمن رجح الأقوال بالكثرة، ونحن نبرأ إلى الله تعالى من هذا القول، بل الحق حق وإن لم يقل به أحد، والباطل باطل ولو اتفق عليه جميع أهل الأرض قال علي ويكفي من كشف غمة من اغتر بالكثرة أن نقول له: لا تغتر بكثرة من ترى من أصحاب المذاهب، فإنما هم ثلاثة رجال فقط: مالك والشافعي وأبو حنيفة، ولا مزيد فقد حصلنا من كل ما نرى على ثلاثة رجال فقط، وبالله تعالى التوفيق. وهم يخالفون هذا كثيرا، لأنهم أخذوا بقول زيد في إبطال الرد على ذوي الأرحام، وتركوا قول عمر، وعثمان، وعائشة، وابن مسعود، وابن عباس رضي الله عنهم أجمعين في ذلك. وأخذوا بقول من قال: إن القرء هو الطهر، وإنما قال به نحو ثلاثة من الصحابة، والجمهور على أنه الحيض، وقد ترك أيضا، أصحاب أبي حنيفة قول الجمهور في أشياء كثيرة. وقالوا: نرجح أحد الخبرين بأن يعضد أحدهما خبر

[4]**Translator's note (L508):** The Quran quotation corresponds to 4:3 and contains the same evident spelling omissions as the quotation in 505:0. "He was asked about orphans" preserves the passive wording and its pronoun. The text then explicitly makes Allah the subject of the answer. "Intercourse without ejaculation" renders al-iksal, the technical expression used throughout this argument.

[5]**Translator's note (L511):** The transcription أورده appears to represent أو رده, "or rejecting it"; the translation follows that reading. "A previously married woman" renders الأيم in its contextual legal sense; the word can also denote a woman without a husband more generally.

[6]**Qur'an references (L507):** Qur'an 4:3 (An-Nisa).

one affirms it, and falsehood is falsehood even if all the inhabitants of the earth agree upon it. Ali said: To dispel the confusion of someone beguiled by numerical strength, it suffices to say to him: Do not be beguiled by the great number of adherents of the legal schools whom you see. They are only three men: Malik, al-Shafi'i, and Abu Hanifah, and no more. From everything we see, we have thus arrived at only three men. Success comes through Allah Most High. They frequently contradict this principle, for they adopted Zayd's opinion rejecting the return of the surplus estate to relatives by kinship, and abandoned the opinion of Umar, Uthman, A'ishah, Ibn Mas'ud, and Ibn Abbas—may Allah be pleased with them all—on this matter. They adopted the opinion of those who said that the menstrual interval means the period of purity, although only about three of the Companions held this opinion, while the majority held that it means menstruation. The followers of Abu Hanifah have likewise abandoned the majority's opinion in many matters. They said: We give preference to one of two reports when one is supported by a report with an omitted link in its transmission. Ali said: This is meaningless, because a report with an omitted link does not itself establish a binding proof. How, then, can something support another when it cannot stand on its own? They said: We give preference to one of two reports on the grounds that the transmitter of one is more exhaustive in his investigation of the hadith.[7][8]

L517 They illustrated this with Jabir's hadith, meaning the long hadith concerning the pilgrimage. Ali said: This is meaningless, because someone's having

مرسل قال علي وهذا لا معنى له لأن المرسل في نفسه لا تجب به حجة، فكيف يؤيد غيره ما لا يقوم بنفسه؟. وقالوا: نرجح أحد الخبرين، بأن يكون راوي أحدهما أشد تقصيا للحديث،

ومثلوا ذلك بحديث جابر يعني الحديث الطويل في الحج قال علي هذا لا معنى له لأن من حفظ أشياء كثيرة فليس ذلك بمانع أن يحفظ غيره بعض ما غاب عنه، مما جرى في تلك الأشياء التي حفظ أكثرها وقد سمع أنس والبراء وحفصة من فم النبي صلى الله عليه وسلم في تلك الحجة ما لم يسمع جابر وثقفوا ما لم يثقفه جابر، فالواجب قبول الزيادة التي عند هؤلاء على ما عند جابر، وقبول الزيادة التي عند جابر على ما عند هؤلاء، فنأخذ بروايتهم كلها ولا نترك منها شيئا، وكلهم عدل صادق، وهذا الذي لا يجوز غيره. وقالوا: نرجح أحد النصين، بأن يكون أحدهما مكشوفا، ويكون الآخر فيه حذف، فنأخذ بالمكشوف ومثلوا ذلك بقوله تعالى {وأتموا لحج ولعمرة لله فإن

[7] **Translator's note (L514):** The supplied text says وهذا لا يلزم, "This is not binding," although the surrounding argument appears to call for "This is binding." The translation preserves the supplied negation.

[8] **Translator's note (L515):** "The return of the surplus estate to relatives by kinship" renders الرد على ذوي الأرحام. The phrase is technically awkward because the return of an estate's surplus and inheritance by distant kindred are distinct inheritance questions; the supplied wording has been preserved. "Menstrual interval" renders القرء (qur'), whose disputed reference to menstruation or the period of purity is the point of the passage. "A report with an omitted link in its transmission" renders خبر مرسل, a mursal report, conventionally one attributed directly to the Prophet by a Successor without naming a Companion.

retained many things does not prevent someone else from retaining some of what escaped him among the events of which he retained the greater part. During that pilgrimage, Anas, al-Bara', and Hafsah heard from the Prophet's own mouth ﷺ things that Jabir did not hear, and apprehended things that Jabir did not apprehend. It is therefore obligatory to accept the additional material these transmitters possess beyond what Jabir possesses, and to accept the additional material Jabir possesses beyond what they possess. We therefore adopt all their narrations and leave nothing out of them. Every one of them is upright and truthful. No other course is permissible. They said: We give preference to one of two texts when one is explicit and the other contains an ellipsis, and we adopt the explicit one. They illustrated this with His saying, Most High: "And complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its place. Whoever among you is ill or has an ailment of the head must offer a ransom of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return; those are ten complete days. That is for someone whose family are not residents in the vicinity of the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment," alongside His saying, Most High: "And complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its place. Whoever among you is ill or has an ailment of the head must offer a ransom of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return; those are ten complete days. That is for someone whose

أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ الهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى الحج فما استيسر من الهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} مع قوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب}

family are not residents in the vicinity of the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment."[9][10]

L518–521 They said: Because this latter passage contains an ellipsis, as though He, Most High, had said, "But if you are prevented and then leave the state of pilgrimage consecration." Ali said: What they have mentioned is wrong, because the verse concerning prevention is more specific than the verse concerning completion: those prevented constitute a subset of those performing the lesser pilgrimage and the pilgrimage. It is therefore necessarily obligatory to except them from the latter, together with what has been transmitted from the Prophet ﷺ concerning this, namely his saying ﷺ: "Whoever suffers a fracture or becomes lame has become released from the state of ritual consecration." The omission they mention is something only an ignorant person would regard as significant, because what is known with certainty is frequently omitted in Arabic speech. An instance of this is His saying, exalted is He: {O you who believe, do not approach prayer while you are intoxicated until you know what you are saying, nor while in a state of major ritual impurity—except when passing through—until you wash yourselves. If you are ill, or on a journey, or one of you comes from relieving himself, or you have touched women, and you find no water, then seek clean earth and wipe your faces and hands. Indeed, Allah is Pardoning, Forgiving.} No one in the community disputes that this verse contains an omission, as though He, exalted is He, had said: "Or on a journey, and you have incurred ritual impurity." For being ill or travelling does not make ablution obligatory for a person unless he incurs ritual impurity. Another instance is His saying, exalted is He: {Allah does not hold you accountable for inadvertent speech in your oaths, but He holds you accountable for the oaths you have solemnly bound yourselves

قالوا لأن هذه الأخيرة فيها حذف كأنه قال تعالى فإن أحصرتم فأحللتم قال علي وهذا الذي ذكروا خطأ لأن آية الإحصار أخص من آية الإتمام، لأن المحصرين هم بعض المعتمرين والحجاج، فواجب ضرورة أن يستثنوا منهم مع ما روي عن النبي صلى الله عليه وسلم في ذلك من قوله عليه السلام من كسر أو عرج فقد حل والحذف الذي ذكروا لا يعتد به إلا جاهل لأن ما تيقن فقد يحذف في كلام العرب كثيرا عن ذلك قوله تعالى {يا أيها لذين آمنوا لا تقربوا لصلاة وأنتم سكارى حتى تعلموا ما تقولون ولا جنبا إلا عابري سبيل حتى تغتسلوا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغآئط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم إن لله كان عفوا غفورا} فلا خلاف بين أحد من الأمة في أن في هذه الآية حذفا كأنه قال تعالى: أو على سفر فأحدثتم، لأن كون المرء مريضا، أو مسافرا لا يوجب عليه وضوءا إلا أن يحدث ومن ذلك قوله تعالى {لا يؤاخذكم لله باللغو في أيمانكم ولكن يؤاخذكم بما عقدتم لأيمان فكفارته إطعام عشرة مساكين من أوسط ما تطعمون أهليكم أو كسوتهم أو تحرير رقبة فمن لم يجد فصيام ثلاثة أيام ذلك كفارة أيمانكم إذا حلفتم وحفظوا أيمانكم كذلك يبين لله لكم آياته لعلكم تشكرون} لا يختلف مسلمان في أن في هذه الآية حذفا، وأن معناه: إذا حلفتم فحنثتم، أو أردتم الحنث، كلا المعنيين قد قال به قوم، لأن الحلف لا يوجب كفارة إلا بالحنث أو بإرادته ومن ذلك قوله عز وجل {وقطعناهم ثنتي عشرة أسباطا أمما وأوحينآ إلى موسى إذ ستسقاه قومه أن ضرب بعصاك لحجر فنبجست منه ثنتا عشرة عينا قد علم كل أناس مشربهم وظللنا عليهم لغمام وأنزلنا عليهم لمن ولسلوى كلوا من طيبات ما رزقناكم

[9] **Translator's note (L517):** The supplied text quotes the whole of Qur'an 2:196 twice, although the argument contrasts an explicit text with one containing an ellipsis. Both full quotations have been retained; the intended contrast appears to concern clauses within this verse. Both quotations contain numerous missing initial alifs, including لله where the context calls for the divine name الله in the final clause. These appear to be transcriptional spelling defects; the translation renders the identifiable wording, while preserving the complete repetition.

[10] **Qur'an references (L517):** Qur'an 2:196 (Al-Baqarah).

by. Its expiation is feeding ten needy people with the average of what you feed your families, or clothing them, or freeing a slave. Whoever cannot find the means must fast three days. That is the expiation of your oaths when you swear. Guard your oaths. Thus Allah makes His signs clear to you, so that you may give thanks.} No two Muslims disagree that this verse contains an omission, and that its meaning is: "When you swear and then break your oaths," or "intend to break them." Each of these two meanings has had its proponents, because swearing an oath does not make expiation obligatory except through breaking it or intending to do so. Another instance is His saying, mighty and majestic is He: {We divided them into twelve tribes, communities. We revealed to Moses, when his people asked him for water: "Strike the rock with your staff." Then twelve springs gushed from it. Each group knew its drinking place. We shaded them with clouds and sent down manna and quails upon them: "Eat of the good things We have provided you." They did not wrong Us, but they were wronging themselves.} {Then We revealed to Moses: "Strike the sea with your staff." Then it parted, and each part was like a mighty mountain.} There is no disagreement among anyone possessed of reason that both verses contain an omission, and that it is as though He, exalted is He, had said: "Then he struck, and it parted," and "You struck, and it gushed forth." Only an ignorant person, darkened by ignorance and knowing nothing of the usages of the language, would make an omission of this kind a pretext for objection in the speech of Allah, exalted is He, in the speech of His Messenger ﷺ, or in the speech of any speaker. It is exactly equivalent to something explicitly mentioned and not omitted. Another instance is His saying: {Everyone upon it will perish.} We ourselves say at all times, "He, exalted is He, said," and "He ﷺ said," without mentioning therein the name of Allah, exalted is He, or the name of His Prophet ﷺ, relying on the hearer's understanding and on the fact that this causes no confusion for him whatsoever. Likewise, He, exalted is He, said: {Then he said: "I have preferred love of good things over remembrance of my Lord, until it disappeared behind the veil."} He did not mention the sun, relying on the fact that the hearer necessarily knew what was intended. They said: "We give preponderance to one of two reports when one contains its ruling in its wording, while the other does not contain its ruling in its wording."

وما ظلمونا ولكن كانوا أنفسهم يظلمون} {فأوحينآ إلى موسى أن ضرب بعصاك لبحر فنفلق فكان كل فرق كلطود لعظيم} لا خلاف عند ذي عقل في أن في كلتا الآيتين حذفا، وأنه كأنه تعالى قال: فضرب فانفلق، وضربت فانبسجت، فمثل هذا الحذف لا يتعلل به في كلام الله تعالى وفي كلام رسوله صلى الله عليه وسلم وفي كلام كل متكلم إلا جاهل مظلم الجهل لا علم له بمواقع اللغة وهو كالمذكور الذي لم يحذف سواء بسواء. ومن ذلك أيضا قوله: {كل من عليها فان} ونحن نقول في كل وقت قال تعالى وقال عليه السلام ولا يذكر اسم الله تعالى في ذلك ولا اسم نبيه صلى الله عليه وسلم اكتفاء منا بفهم السامع وأن ذلك لا يخيل عليه البتة وكذلك قال تعالى {فقال إني أحببت حب لخير عن ذكر ربي حتى توارت بلحجاب} ولم يذكر الشمس اكتفاء بأن السامع قد علم المراد ضرورة. وقالوا: نرجح أحد الخبرين بأن يكون أحدهما ورد في لفظه حكمه، والآخر لم يرد في لفظه حكمه، ومثلوا ذلك بقوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} وقوله عليه السلام أن عليهم صدقة تؤخذ من أغنيائهم وقوله عليه السلام رفع القلم عن ثلاث فذكر الصبي حتى يحتلم والمجنون حتى يفيق قال علي ليس في قوله عليه السلام ورفع القلم عن ثلاث ما يوجب سقوط الحقوق عن أموالهم، وإنما فيه سقوط العبادات عن أبدانهم، وقد قالوا بإخراج الديات والأروش وزكاة ما خرج من الأرض من مال الصبي والمجنون، وهو داخل في جملة الأغنياء وأسقطوا عنه زكاة الناض تحكما بلا برهان، فهلا قاسوا وجوب زكاة الناض عليه بوجوب زكاة ما أخرجت ثماره، وبوجوب زكاة الفطر عليه؟ وهم يدينون الله تعالى بالقياس ويعصون أوامر الله تعالى وأوامر رسوله صلى الله عليه وسلم ولكن هكذا يتناقض من اتبع السبل فتفرقت بهم

They illustrated this with His saying, exalted is He: {Take from their property an alms offering by which you cleanse them and purify them, and pray for them. Indeed, your prayers are a source of tranquillity for them. Allah is Hearing, Knowing}; his saying ﷺ, "An alms obligation is incumbent upon them, to be taken from their wealthy"; and his saying ﷺ, "The pen has been lifted from three," where he mentioned the child until he reaches puberty and the insane person until he regains his reason. Ali said: His saying ﷺ, "The pen has been lifted from three," contains nothing requiring that claims against their property lapse. It contains only the lifting of acts of worship incumbent upon their persons. They themselves have held that blood-money payments, compensation for injuries, and the obligatory alms on what the land produces are to be paid out of the property of a child or an insane person, who is included among the wealthy. Yet they have exempted him from the obligatory alms on monetary wealth by arbitrary assertion, without demonstration. Why, then, did they not establish by analogy his obligation to pay the obligatory alms on monetary wealth from his obligation to pay the obligatory alms on the fruit his property produces and his obligation to pay the alms at the breaking of the fast? They profess to worship Allah, exalted is He, through analogy, yet disobey the commands of Allah, exalted is He, and the commands of His Messenger ﷺ. But this is how those who follow the paths contradict themselves, so that those paths separate them from the path of Allah. They said: "We give preponderance to one of two texts when it affects the ruling and the other does not." They illustrated this

عن سبيل الله. وقالوا: نرجح أحد النصين بأن يكون مؤثرا في الحكم، والآخر غير مؤثر، ومثلوا ذلك بالاختلاف في زوج بريرة أحرا كان أم عبدا

with the disagreement concerning Barirah's husband: was he a free man or a slave?[11][12][13][14]

L522–528 Ali said: This is unintelligible, because the effect they mention is an arbitrary assertion without evidence. His being a slave contains nothing that precludes granting her the choice when she is married to a free man. Even if all the transmitters agreed that he was a slave, that would not require denying the choice to a woman married to a free man if something establishing that choice were transmitted. The Prophet ﷺ expressly prescribed granting a married slave woman the choice when she is emancipated. He ﷺ did not say: "I granted her the choice only because she was married to a slave." Thus, the explicit text requires granting the choice to every married slave woman when she is emancipated, and we pay no regard to whom she was married. Someone who says that she was granted the choice because she was married to a slave has no stronger claim than someone who says, rather, that it was because she was black. All this is meaningless. How much more so when there is no disagreement among the reports and all of them are sound! The person who related that he was a slave reported his condition at the outset, while the person who related that he was free reported what he subsequently became. The latter was more deserving of acceptance, because he possessed knowledge of his emancipation beyond that possessed by someone who did not know of it. They said: "We give preponderance to one of two reports

قال علي وهذا لا يعقل لأن التأثير الذي ذكروا تحكم بلا دليل، وليس في كونه عبدا ما يمنع من تخييرها تحت الحر، وحتى لو اتفق النقلة كلهم على أنه كان عبدا لما أوجب ذلك ألا تخيير تحت حر إذا جاء ما يوجب ذلك وإنما نص النبي صلى الله عليه وسلم على تخيير الأمة المتزوجة إذا أعتقت ولم يقل عليه السلام إنما خيرتها لأنها تحت عبد فوجب بالنص تخيير كل أمة متزوجة إذا أعتقت، ولا نبالي تحت من كانت، وليس من قال: إنها خيرت لأنها كانت تحت عبد، بأولى ممن قال: بل لأنها كانت أسود، وكل هذا لا معنى له، فكيف ولا اختلاف في الروايات، وكلها صحيح، فالذي روى أنه كان عبدا أخبر عن حاله في أول أمره، والذي روى أنه كان حرا أخبر بما صار إليه، وكان ذلك أولى لأنه كان عنده علم من تحريره زائدا على من لم يكن عنده علم ذلك. وقالوا نرجح أحد الخبرين بأن يكون منقولا من طرق بألفاظ شتى، والآخر لم ينقل إلا من طريق واحد. ومثلوا ذلك بحديث وابصة بن معبد الأسدي في إعادة المنفرد خلف الصف، وبحديث أبي بكرة في تكبيره دون الصف وحديث ابن عباس في رده عليه السلام إياه عن شماله إلى يمينه وحديث صلاة جدة أنس منفردة خلف النبي صلى الله عليه وسلم قال علي أما كثرة الرواة فقد قدمنا إبطال الاحتجاج بها، لأنهم يتركون أكثر ما نقله أهل الأرض برهم وفاجرهم وهو ظاهر القرآن لما نقله واحد، فكيف يجوز لمن فعل ذلك أن يغلب ما نقله ثلاثة على ما نقله واحد؟ وليس في التناقض وقلب المعقول أكثر من هذا، وأما الأحاديث التي ذكروا فلا حجة لهم فيها، وبعضها حجة عليهم أما حديث أبي بكرة فقد نهاه النبي صلى الله عليه وسلم عن ذلك نصا وقال له زادك الله حرصا ولا تعد فنهاه عن العودة إلى التكبير خلف الصف وحده ولم يأمره عليه السلام بإعادة الصلاة قال قوم لأن أبا بكرة جهل الحكم في

[11] **Translator's note (L519):** The opening continues the preceding segment's introduction of a prophetic quotation. The Qur'anic quotations contain numerous missing initial alifs and other orthographic irregularities; the translation follows their intelligible wording.

[12] **Translator's note (L520):** The wording وضربت فانبسجت is irregular: ضربت can mean "I struck," "you struck," or "she struck," while فانبسجت appears to transpose consonants in the expected verb for gushing forth. "You struck, and it gushed forth" represents a possible reading without silently substituting the expected "he struck."

[13] **Translator's note (L521):** The Qur'anic quotation concerning the sun leaves its subject unexpressed, as the author explicitly observes; the translation preserves "it" rather than inserting "the sun." The term الناض denotes monetary wealth, particularly gold and silver in coin or ready-money form.

[14] **Qur'an references (L518):** Qur'an 4:43 (An-Nisa); Qur'an 5:89 (Al-Ma'idah); Qur'an 7:160 (Al-A'raf); Qur'an 2:57 (Al-Baqarah); Qur'an 55:26 (Ar-Rahman); Qur'an 38:32 (Sad); Qur'an 9:103 (At-Tawbah).

when it is transmitted through multiple routes in various wordings, while the other is transmitted through only one route." They illustrated this with the report of Wabisah ibn Maʿbad al-Asadi concerning the person praying alone behind the row repeating his prayer; the report of Abu Bakrah concerning his pronouncing the opening magnification before reaching the row; the report of Ibn Abbas concerning his being moved by him ﷺ from his left side to his right; and the report of Anas's grandmother praying alone behind the Prophet ﷺ. Ali said: As for the greater number of transmitters, we have already invalidated adducing it as proof. For they abandon what the greatest number of the earth's inhabitants, righteous and wicked alike, have transmitted—namely, the apparent meaning of the Qur'an—in favour of what one person has transmitted. How, then, can someone who does this give what three people transmit preponderance over what one person transmits? There can be no greater contradiction or inversion of reason than this. As for the reports they mention, they contain no proof for them, and some are proof against them. As for the report of Abu Bakrah, the Prophet ﷺ explicitly forbade him to do that, saying to him: "May Allah increase your eagerness, but do not do it again." Thus he forbade him to return to pronouncing the opening magnification alone behind the row. He ﷺ did not command him to repeat the prayer. Some people said: "This was because Abu Bakrah did not know the ruling on this before the Prophet ﷺ informed him that doing so was impermissible. He informed him by forbidding him to do it again, just as the Prophet ﷺ commanded the man who performed the prayer badly, in Rafi''s report, to repeat it time after time. When he said to him, 'O Messenger of Allah, by Allah, I know no other way than this, so teach me,' he taught him and did not then command him to repeat it." And if Abu Bakrah were to return to what the Messenger of Allah ﷺ had forbidden him, his prayer would undoubtedly be invalid, because he would then be performing a prayer he had not been commanded to perform, other than the prayer he had been commanded to perform, as follows necessarily from reason. He ﷺ said: "Whoever performs a deed that does not conform to our command, it is rejected." What we maintain—and success comes through Allah Most High—is that the report of Abu Bakrah accords with the established original rule permitting prayer wherever one wishes, and that it was at that point that

ذلك قبل أن يعلمه النبي صلى الله عليه وسلم أن فعله ذلك لا يجوز فأعلمه بنهيه إياه عن أن يعود لذلك كما أمر النبي صلى الله عليه وسلم الذي أساء الصلاة في حديث رافع بالإعادة مرة بعد مرة فلما قال له يا رسول الله والله ما أدري غير هذا فعلمني فعلمه ولم يأمره حينئذ الإعادة، ولو أن أبا بكرة يعود لما نهاه عنه رسول الله صلى الله عليه وسلم لبطلت صلاته بلا شك لأنه كان يكون مؤديا لصلاة لم يؤمر بها غير الصلاة التي أمر بها بحكم ضرورة العقل وقد قال عليه السلام من عمل عملا ليس عليه أمرنا فهو رد والذي نقول به، وبالله تعالى التوفيق: أن خبر أبي بكرة موافق لمعهود الأصل في إباحة الصلاة حيث شاء وأنه حينئذ ثبت الأمر بالمنع من الصلاة خلف الصف، فجازت صلاته الكائنة قبل ورود الأمر، ولزم النهي عنه في المستأنف، ولأن النهي عن الصلاة خلف الصف أمر وارد، وحكم زائد، وشرع حادث بلا شك، فهو ناسخ للإباحة المتقدمة بيقين وأما الذي علمه النبي صلى الله عليه وسلم الصلاة بعد قوله ارجع فصل فإنك لم تصل فإن الأمر بالصلاة ثابت عليه ولا بد، ولازم حتى يؤديه كما أمره عليه السلام وليس في ذلك الخبر أنه عليه السلام أسقط عنه لجهله ما كان أمره به من الصلاة ما دام وقتها قائما. فلا يجوز أن يسقط أمر متيقن بظن كاذب، وبالله تعالى التوفيق. وأما حديث جدة أنس بن مالك، فإنما ذلك حكم النساء، وهكذا نقول: إن حكم النساء في ذلك مخالف لحكم الرجال، وإن حكم المرأة والنساء ألا يصلين مع رجل في صفه، وهذا ما لا خلاف فيه، فأخذنا بحديث جدة أنس بن مالك في النساء، وبحديث وابصة في الرجال، لأنه جاء منصوصا في رجل صلى خلف الصف فأخذنا بكلا الحديثين وأطعنا أمره عليه السلام في جميع الوجهين ولم نعص شيئا من أحكامه عليه السلام ولا ضربنا بعضها ببعض ولا أبطلنا بعضها ببعض، ولم نجعل فيها اختلافا وليس من ترك حديث وابصة لحديث جدة أنس بأولى

من أن يكون مصيبا ممن ترك حديث جدة أنس لحديث وابصة، فأبطل ذلك على المرأة كإبطاله على الرجل، وكل ذلك لا يجوز، وليس أحد الحديثين أولى بالطاعة من الآخر، والغرض أن يستعملا جميعا فيما ورد فيه، فيؤمر الرجل الذي يصلي خلف الصف وحده بالإعادة، ولا تؤمر المرأة وأما حديث ابن عباس فإنه كبر مع النبي صلى الله عليه وسلم منفردا في مكان لا يصلح له الوقوف فيه وهو جاهل بذلك غير عالم بالسنة فيه فرده رسول الله صلى الله عليه وسلم إلى المكان الذي حقه أن يقف فيه ولم يبطل ما عمل متأولا بغير علم، وكذلك نقول في الرجل المأمور بالإعادة إنه لولا أن النهي من رسول الله صلى الله عليه وسلم كان قد تقدم عن ذلك لما أمر بالإعادة وقد اعترض بعضهم باعتراضين غثين فقالوا لعل أمر النبي صلى الله عليه وسلم لأبي بكر ألا يعود إنما كان من سعيه بالكد إلى الصلاة، فقيل لهم: نعم كذلك نقول إنه عليه السلام نهاه بقوله لا تعد عن كل عمل عمله على غير الواجب وكان من أبي بكرة رضي الله عنه في ذلك الوقت أعمال منهي عنها، أحدها سعيه إلى الصلاة، والثاني تكبيره دون الصف والثالث مشيه في الصلاة فعن كل ذلك نهاه عليه السلام بقوله ولا تعد لا سيما وقد روينا نص قولنا بلا إشكال. كما حدثنا عبد الله بن ربيع قال: ثنا عبد الله بن محمد بن عثمان الأسدي، ثنا أحمد بن جعفر، ثنا علي بن عبد العزيز، ثنا الحجاج بن المنهال السلمي، حدثنا ملازم بن عمرو الحنفي، عن عبد الله بن بدر، عن عبد الرحمن بن علي بن شيبان عن أبيه علي بن شيبان قال صلينا مع رسول الله صلى الله عليه وسلم فقضى الصلاة ورجل فرد يصلي خلف الصف فوقف عليه رسول الله صلى الله عليه وسلم حتى قضى الرجل صلاته ثم قال له رسول الله صلى الله عليه وسلم استقبل صلاتك فإنه لا صلاة لفرد خلف الصف. والاعتراض الثاني أن قالوا: لعل

the command prohibiting prayer behind the row became established. His prayer performed before the command arrived was therefore valid, while the prohibition became binding for the future. Moreover, the prohibition of prayer behind the row is an incoming command, an additional ruling, and newly instituted legislation, without doubt; it therefore certainly abrogates the preceding permission.

As for the man whom the Prophet ﷺ taught how to pray after telling him, "Go back and pray, for you have not prayed," the command to pray unquestionably remained binding upon him, and necessarily continued to bind him until he performed it as he ﷺ had commanded him. Nothing in that report states that he ﷺ, on account of the man's ignorance, relieved him of the prayer he had commanded him to perform while its time still remained. A command established with certainty cannot therefore be set aside on the basis of a false conjecture. Success comes through Allah Most High.

As for the hadith concerning the grandmother of Anas ibn Malik, that is specifically the ruling for women. This is precisely what we maintain: the ruling for women in this matter differs from the ruling for men, and the ruling for a woman, or for women, is that they must not pray with a man in his row. There is no disagreement about this. We therefore applied the hadith concerning the grandmother of Anas ibn Malik to women, and the hadith of Wabisah to men, because it expressly concerns a man who prayed behind the row. We thus accepted both hadiths and obeyed his ﷺ command in both respects. We disobeyed none of his ﷺ rulings, did not set some against others, did not invalidate some by means of others, and did not introduce disagreement among them. Someone who abandons the hadith of Wabisah on account of the hadith concerning Anas's grandmother has no greater claim to being correct than someone who abandons the hadith concerning Anas's grandmother on account of the hadith of Wabisah, and consequently invalidates that prayer for a woman just as he invalidates it for a man. None of that is permissible. Neither hadith has a greater claim to obedience than the other; the aim is to apply both to the matters concerning which they were transmitted Thus, a man who prays alone behind the row is commanded to repeat the prayer, whereas a woman is not so commanded. As for the hadith

of Ibn Abbas, he pronounced the opening declaration of Allah's greatness with the Prophet ﷺ while alone in a position where it was not proper for him to stand, being ignorant of this and unaware of the established prophetic practice concerning it. The Messenger of Allah ﷺ therefore moved him back to the position where he ought to stand, and did not invalidate what he had done on the basis of an interpretation made without knowledge. We likewise say concerning the man commanded to repeat the prayer that, had the Messenger of Allah's ﷺ prohibition of that conduct not already preceded it, he would not have commanded him to repeat it. Some of them have raised two feeble objections. They said: "Perhaps the Prophet's ﷺ command to Abu Bakr not to do it again concerned only his hurrying strenuously to the prayer." They are answered: Yes, that is precisely what we say: by saying, "Do not do it again," he ﷺ forbade him every action he had performed otherwise than as required. At that time Abu Bakrah, may Allah be pleased with him, performed several forbidden actions: first, hurrying to the prayer; second, pronouncing the opening declaration of Allah's greatness short of the row; and third, walking during the prayer. He ﷺ forbade him all of these by saying, "And do not do it again." This is especially so since we have transmitted an explicit statement of our position, without any ambiguity, as follows: Abd Allah ibn Rabi narrated to us, saying: Abd Allah ibn Muhammed ibn Uthman al-Asadi narrated to us; Ahmad ibn Jafar narrated to us; Ali ibn Abd al-Aziz narrated to us; al-Hajjaj ibn al-Minhal al-Sulami narrated to us; Mulazim ibn Amr al-Hanafi narrated to us, from Abd Allah ibn Badr, from Abd al-Rahman ibn Ali ibn Shayban, from his father, Ali ibn Shayban, who said: "We prayed with the Messenger of Allah ﷺ. He completed the prayer while a man was praying alone behind the row. The Messenger of Allah ﷺ stood by him until the man completed his prayer. Then the Messenger of Allah ﷺ said to him: 'Begin your prayer anew, for there is no prayer for someone alone behind the row.'"

The second objection is their saying: "Perhaps he ﷺ commanded the man who was ordered to repeat the prayer to do so because of some action other

المأمور بالإعادة إنما أمره عليه السلام بذلك لعمل ما، غير انفراده في الصف. فقيل لهم: هذا تكهن لا دليل عليه،

than his being alone in the row." They are answered: This is divination for which there is no evidence.[15][16][17][18][19]

L529–533 The narrator among the Companions, may Allah be pleased with them, who transmitted this reported only that the reason for commanding him to repeat the prayer was his being alone, and mentioned nothing else. Allah Most High has said: "Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of these will be questioned about." If this were admissible, it would be admissible for others to say: "Perhaps, in the reports that the Messenger of Allah ﷺ cursed someone who tattooed the face and someone who altered the boundary markers of the land, he cursed him for some matter other than these two actions. Perhaps he ﷺ flogged the slave woman who committed unlawful sexual intercourse, stoned Maiz, and stoned the Ghamidi woman for something other than unlawful sexual intercourse, and for some matter that has not been mentioned to us." An objection of this kind is nothing but manifest obstinacy and profound ignorance. And astonishment indeed becomes protracted at the followers of Abu Hanifah, who, when a woman prays beside a man, require that the man repeat the prayer, and at the followers of Malik, who require the imam, when he prays in an elevated place with the people below him, to repeat the prayer. If they are asked for the proof of this, they say: "Because the two of them prayed where

والراوي الذي نقل ذلك من الصحابة رضي الله عنهم إنما أخبر أن سبب أمره بالإعادة كان انفراده، ولم يذكر غير ذلك وقد قال تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} ولو ساغ هذا لساغ لغيرهم أن يقول لعل ما روي من لعن رسول الله صلى الله عليه وسلم من وشم في الوجه ومن غير منار الأرض إنما لعنه لأمر ما غير هذين الفعلين ولعله عليه السلام جلد الأمة التي زنت ورجم ماعزا ورجم الغامدية لغير الزنى، ولشيء ما لم يذكر لنا. ومثل هذا من الاعتراض فإنما هو عناد ظاهر وجهل شديد وإن العجب ليطول من أصحاب أبي حنيفة الذين يأمرون المرأة إذا صلت مع الرجل إلى جنبه أن يعيد الرجل، ومن أصحاب مالك الذين يأمرون الإمام إذا صلى في مكان مرتفع والناس تحته أن يعيد، فإن سئلوا عن الحجة في ذلك قالوا: لأنهما صليا حيث لم يبح لهما، ولا يأمرون المنفرد خلف الصف والمصلي في مكان مغصوب بالإعادة، وكلاهما قد صلى على الحقيقة في مكان لم يبح له بلا شك، وأما الإمام المصلي في المكان المرتفع، والرجل الذي صلت المرأة إلى جنبه بصلاته وهو غير راض بذلك فما صليا إلا كما أمر، وكما أبيح لهما، فلو عكس هؤلاء القوم أكثر مذاهبهم لأصابوا فكيف وقد صح نص قولنا عن النبي صلى الله عليه وسلم كما حدثنا عبد الله بن ربيع قال حدثنا محمد بن إسحاق بن السليم، حدثنا ابن الأعرابي، ثنا أبو داود السجستاني، ثنا حميد بن مسعدة: أن يزيد بن زريع حدثهم قال: ثنا سعيد بن أبي عروبة، عن زياد الأعلم، قال: أنبأنا الحسن وهو البصري أن أبا بكرة حدثه قال إنه دخل المسجد ونبي الله صلى الله عليه وسلم راكع فركعت دون الصف فقال النبي صلى الله عليه وسلم زادك الله حرصا ولا تعد قال علي وحتى لو صح هذا الترجيح الفاسد الذي ذكرنا في أول كلامنا هذا، لكان

[15] **Translator's note (L522):** "The choice" refers to the emancipated woman's option to continue or dissolve her marriage.

[16] **Translator's note (L523):** The phrase لأنها كانت أسود literally says "because she was black," but uses a masculine adjective with a feminine verb. The surrounding argument may intend "because she was married to a black man"; the supplied wording is grammatically irregular and has not been silently repaired. "Opening magnification" renders the takbir that initiates prayer: declaring "Allah is greatest."

[17] **Translator's note (L524):** The supplied text attributes this report to Rafi‘; that attribution is retained as written.

[18] **Translator's note (L525):** This fragment continues the preceding conditional "And if" and is completed by the following segment.

[19] **Translator's note (L528):** The source says "Abu Bakr" in the proposed objection but "Abu Bakrah" in the response and surrounding discussion. The variation is retained. The objection says "alone in the row," although the preceding account concerns someone praying alone behind the row. The wording is retained.

they were not permitted to pray." Yet they do not command someone praying alone behind the row, or someone praying in a usurped place, to repeat the prayer, although both have in fact unquestionably prayed in a place where they were not permitted to pray. As for the imam praying in an elevated place, and the man beside whom a woman prayed, following his prayer while he did not consent to that, they prayed only as they were commanded and as they were permitted. If these people reversed most of their positions, they would be correct! How much more so when an explicit statement of our position has been authentically transmitted from the Prophet ﷺ, as follows: Abd Allah ibn Rabi narrated to us, saying: Muhammed ibn Ishaq ibn al-Salim narrated to us; Ibn al-Arabi narrated to us; Abu Dawud al-Sijistani narrated to us; Humayd ibn Masadah narrated to us that Yazid ibn Zuray narrated to them, saying: Said ibn Abi Arubah narrated to us, from Ziyad al-Alam, who said: al-Hasan—that is, al-Basri—informed us that Abu Bakrah narrated to him, saying that he entered the mosque while the Prophet of Allah ﷺ was bowing: "So I bowed short of the row." The Prophet ﷺ said: "May Allah increase your eagerness, and do not do it again."

Ali said: Even if this invalid preference between reports that we mentioned at the beginning of this discussion were sound, the hadith of Wabisah would still be the one that must be accepted, because the hadiths transmitted through numerous chains and in various wordings concerning the straightening of the rows, making that obligatory, and the severe threat against acting otherwise all support the hadith of Wabisah, agree with it, and invalidate the prayer of any man who fails to straighten the row. Everyone who prays alone, by himself behind the row, has failed to straighten the row. Those hadiths we mentioned were transmitted by Jabir ibn Salamah, Abu Masud al-Badri, Abu Said al-Khudri, Anas ibn Malik, al-Numan ibn Bashir, and Abu Hurayrah through chains of the utmost authenticity. This was also transmitted through Ibn Amr, Abu Malik al-Ashari, al-Irbad ibn Sariyah, and al-Bara ibn Azib, all of them from the Prophet ﷺ. We have already explained that the hadith of Abu Bakr agrees with the hadith of Wabisah. The hadith of Wabisah is therefore established, with nothing opposing it, and, owing to the large number of those we have mentioned who transmitted its meaning and the

حديث وابصة هو الذي يجب أن يؤخذ به، لأن الأحاديث الواردة من طرق جمة وألفاظ شتى في تسوية الصفوف وإيجاب ذلك، والوعيد الشديد على خلافه مؤيدة كلها لحديث وابصة وموافقة له، ومبطلة لصلاة من لم يقم الصف من الرجال، وكل من صلى وحده منفردا خلف الصف فلم يقم الصف، وتلك الأحاديث التي ذكرناها رواها جابر بن سلمة، وأبو مسعود البدري، وأبو سعيد الخدري، وأنس بن مالك، والنعمان بن بشير، وأبو هريرة من طرق في غاية الصحة. وروي ذلك أيضا من طريق ابن عمرو، وأبي مالك الأشعري، والعرباض بن سارية والبراء بن عازب كلهم عن النبي صلى الله عليه وسلم وقد ذكرنا أن حديث أبي بكر موافق لحديث وابصة، فثبت حديث وابصة لا معارض له، وصار بكثرة من ذكرنا من رواة معناه، والحكم الواجب فيه منقولا نقل التواتر، موجبا للعلم الضروري، لأنه رواه اثنا عشر صاحبا، منهم الكوفي والبصري والرقي والشامي والمدني من طرق شتى، وهذه صفة نقل الكافة، وبالله تعالى التوفيق. وقالوا: نرجح أحد النصين بأن يكون أحدهما أبعد من الشناعة ومثلوا ذلك بقوله تعالى {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين} الآية مع قوله عز وجل {يا أيها لذين آمنوا شهادة بينكم إذا حضر أحدكم لموت حين لوصية ثنان ذوا عدل منكم أو آخران من غيركم إن أنتم ضربتم في لأرض فأصابتكم مصيبة لموت تحبسونهما من بعد لصلاة فيقسمان بلله إن رتبتم لا نشتري به ثمنا ولو كان ذا قربى ولا نكتم شهادة لله إنآ إذا لمن لآثمين}

ruling required in it, transmitted through recurrent mass transmission that necessitates immediate knowledge, because twelve Companions narrated it, including men from Kufa, Basra, Raqqa, Syria, and Medina, through various routes. This is the character of transmission by the multitude. Success comes through Allah Most High.

They said: We give one of the two texts preponderance when one is further removed from outrageousness. They illustrated this with His saying, Most High, {O you who believe, if an evildoer comes to you with a report, ascertain the truth, lest you harm a people in ignorance and then become remorseful for what you have done}—the verse—alongside His saying, Mighty and Majestic, {O you who believe, the testimony among you, when death approaches one of you, at the time of making a bequest, shall be that of two just men from among you, or two others from outside your number, if you are traveling through the land and the calamity of death befalls you. Detain the two after the prayer, and, if you have doubts, let them both swear by Allah: "We will not sell it for a price, even if he be a near relative, nor will

we conceal the testimony of Allah; otherwise we would indeed be among the sinners."}[20][21][22][23][24][25]

L534–536 Ali said: This has no meaning. There is no outrageousness except opposing Allah and the Messenger of Allah ﷺ and arbitrarily imposing corrupt opinions upon what we have been commanded to do. This is the outrage besides which there is no other outrage. His saying, Most High, {O you who believe, the testimony among you, when death approaches one of you, at the time of making a bequest, shall be that of two just men from among you, or two others from outside your number, if you are traveling through the land and the calamity of death befalls you. Detain the two after the prayer, and, if you have doubts, let them both swear by Allah: "We will not sell it for a price, even if he be a near relative, nor will we conceal the testimony of Allah; otherwise we would indeed be among the sinners"}, is an exception to the verse prohibiting acceptance of the report of a single evildoer. Thus no evildoer is accepted at all except solely in the matter of a bequest while traveling: in that case, two unbelievers specifically are accepted, to the exclusion of all

قال علي وهذا لا معنى له ولا شناعة إلا المخالفة لله ولرسول الله صلى الله عليه وسلم والتحكم بالآراء الفاسدة على ما أمرنا به، فهذه هي الشنعة التي لا شنعة غيرها وقوله تعالى {يا أيها لذين آمنوا شهادة بينكم إذا حضر أحدكم لموت حين لوصية ثنان ذوا عدل منكم أو آخران من غيركم إن أنتم ضربتم في لأرض فأصابتكم مصيبة لموت تحبسونهما من بعد لصلاة فيقسمان بلله إن رتبتم لا نشتري به ثمنا ولو كان ذا قربى ولا نكتم شهادة لله إنآ إذا لمن لآثمين} مستثنى من آية النهي عن قبول خبر الواحد الفاسق فلا يقبل فاسق أصلا إلا في الوصية في السفر فقط، فإنه يقبل فيها كافران خاصة دون سائر الفساق، ولا شنعة أعظم ولا أفحش ولا أقبح ولا أظهر من بطلان قول من قال {يا أيها لذين آمنوا شهادة بينكم إذا حضر أحدكم لموت حين لوصية ثنان ذوا عدل منكم أو آخران من غيركم إن أنتم ضربتم في لأرض فأصابتكم مصيبة لموت تحبسونهما من بعد لصلاة فيقسمان بلله إن رتبتم لا نشتري به ثمنا ولو كان ذا قربى ولا نكتم شهادة لله إنآ إذا لمن لآثمين} أي من غير قبيلتكم تعالى الله عن هذا الهذر علوا كبيرا، وليت شعري أي قبيلة خاطب الله عز وجل بهذا الخطاب خاصة دون سائر القبائل وقد قال تعالى في أول الآية {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين} وما علمنا الذين أمنوا قبيلة بعينها. بل في الذين آمنوا: عرب، وفرس، وقبط، ونبط، وروم، وصقلب، وخزر، وسودان حبشة، وزنج، ونوبة، وبجاة، وبربر، وهند، وسند، وترك، وديلم، وكرد، فثبت بضرورة لا مجال للشك فيها، أن غير الذين آمنوا: هم الذين كفروا، ولا ينكر ذلك إلا من سفه نفسه، وأنكر عقله، وقال على ربه تعالى بغير علم ولا برهان؛ ولعمري لقد كان ينبغي أن يستحي قائلمن غيركم من غير قبيلتكم؛ من هذا التأويل الساقط الظاهر عواره؛ الذي

[20] **Translator's note (L529):** The Quranic quotation contains defective spellings of the words for hearing, sight, and heart; their intended readings are clear and are reflected in the translation.

[21] **Translator's note (L530):** The Arabic construction concerning the woman and the man is awkward: literally, it says that they "command the woman, when she prays with the man beside him, that the man repeat." The translation conveys the apparent intended ruling while flagging the syntactic irregularity.

[22] **Translator's note (L531):** The report shifts from third-person narration ("he entered") to first-person narration ("I bowed"). This shift is retained.

[23] **Translator's note (L532):** The source names "Jabir ibn Salamah," an apparently erroneous name that may be intended as "Jabir ibn Samurah." The supplied name is retained. The source here says "Abu Bakr," whereas the preceding report names Abu Bakrah. The supplied name is retained.

[24] **Translator's note (L533):** The opening continues the preceding segment's statement about the report of Wabisa and the ruling it entails. Both Quranic quotations contain transcriptional defects, chiefly missing letters and, in the first, a duplicated letter in the verb translated as "harm." Their recoverable wording has been translated; the second quotation is Quran 5:106.

[25] **Qur'an references (L529):** Qur'an 17:36 (Al-Isra); Qur'an 49:6 (Al-Hujurat); Qur'an 5:106 (Al-Ma'idah).

other evildoers. There is no outrage greater, more abominable, uglier, or more evident than the invalidity of the statement of someone who says that {O you who believe, the testimony among you, when death approaches one of you, at the time of making a bequest, shall be that of two just men from among you, or two others from outside your number, if you are traveling through the land and the calamity of death befalls you. Detain the two after the prayer, and, if you have doubts, let them both swear by Allah: "We will not sell it for a price, even if he be a near relative, nor will we conceal the testimony of Allah; otherwise we would indeed be among the sinners"} means "from outside your tribe." Exalted is Allah far above this babble! Would that I knew which tribe Allah, Mighty and Majestic, addressed exclusively with this address, to the exclusion of all other tribes, when He, Most High, said at the beginning of the verse, {O you who believe, if an evildoer comes to you with a report, ascertain the truth, lest you harm a people in ignorance and then become remorseful for what you have done}. We have never known "those who believe" to be one particular tribe. Rather, among those who believe are Arabs, Persians, Copts, Nabataeans, Romans, Slavs, Khazars, and Black peoples—Abyssinians, Zanj, Nubians, and Beja—as well as Berbers, Indians, Sindhis, Turks, Daylamites, and Kurds. It is therefore established by necessity, leaving no room for doubt, that those outside the number of those who believe are those who disbelieve. None denies this except someone who has made a fool of himself, disowned his reason, and spoken about his Lord Most High without knowledge or demonstration. By my life, anyone who says that "from outside your number" means "from outside your tribe" ought indeed to be ashamed of this worthless interpretation, whose defect is manifest and upon which there is no trace of the light of truth. Astonishment grows at the followers of Abu Hanifa, who accept Jews and Christians as witnesses against one another in all matters of legal rights, although Allah Most High has forbidden them to accept evildoers, yet do not accept them in the matter of a bequest while traveling, even though the explicit text of the Quran prescribes accepting them in that matter. Allah suffices us. What more could possibly be said here than to describe this repulsive, outrageous, appalling position? Merely mentioning it suffices to spare one the trouble of refuting it. Success comes through Allah Most High.

ليس عليه من نور الحق أثر. والعجب يكثر من أصحاب أبي حنيفة الذين يقبلون اليهود والنصارى في جميع الحقوق بعضهم على بعض، وقد نهاهم الله تعالى عن قبول الفاسقين، ثم لا يقبلونهم في الوصية في السفر، وقد جاء نص القرآن بقبولهم فيها، وحسبنا الله وما عسى أن يقال في هذا المكان أكثر من وصف هذا القول البشيع الشنيع الفظيع، فإن ذكره كاف من تكلف الرد عليه، وبالله تعالى التوفيق. وقالوا: ونرجع بأن يكون الاشتقاق يؤيد أحد النصين، ومثلوا ذلك بالشفق وادعوا أن اشتقاقه يؤيد أنه الحمرة

They said: We revert on the ground that derivation supports one of the two texts. They illustrated this with twilight, claiming that its derivation supports its being the redness.[26][27][28][29]

L537 Ali said: We have neither heard this in the science of language nor known it, nor has any philologist ever heard that "twilight" is derived from "redness." We have only known poets to call the redness and whiteness mingled on the cheeks [reading uncertain] "twilight," solely by way of comparison. We say that the time of the later evening prayer begins with the disappearance of the redness because the redness is called "twilight" and the whiteness is called "twilight." Thus, whenever something to which the name "twilight" applies, whether redness or whiteness, has disappeared, twilight has disappeared and its time has begun, [according to] the report concerning this from the Prophet ﷺ. This is to adhere to the general scope and the apparent meaning.[30]

L538–539 As for someone who says, "Until everything called twilight has disappeared," he has restricted the hadith's scope without any reason or demonstration. He has claimed that what is intended by it is part of what is called twilight,

قال علي ما سمعنا هذا في علم اللغة ولا علمناه ولا سمع لغوي قط أن الشفق مشتق من الحمرة، وإنما عهدنا الشعراء يسمون الحمرة والبياض المختلطين في الجدود بالشفق على سبيل التشبيه فقط، وإنما قلنا: إن وقت العشاء الآخرة يدخل بمغيب الحمرة، لأن الحمرة تسمى شفقا والبياض يسمى شفقا، فمتى غاب ما يقع عليه اسم شفق من حمرة أو بياض فقد غاب الشفق ودخل وقتها الخبر في ذلك عن النبي صلى الله عليه وسلم وهذا هو القول بالعموم والظاهر

وأما من قال: حتى يغيب كل ما يسمى شفقا فقد خصص الحديث بلا معنى ولا برهان، وادعى أن المراد بذلك بعض ما يسمى شفقا وهو البياض، وأنه قد يغيب الشفق ولا يكون ذلك وقتا للعتمة؛ وذلك مغيب الحمرة. وهذا تخصيص للحديث بلا دليل؛ وإنما بينا هذا لئلا يموه مموه فيقول لنا: أنتم خصصتم الظاهر في هذا المكان؛ ولئلا يدعوا أنهم قالوا بعمومه في هذا المكان. وقالوا: نرجح أحد الخبرين بأن يكون أحدهما يضيف إلى السلف نقصا والآخر لا يضف إليهم ذلك، فيكون الذي لا يضيف إليهم ذلك النقص أولى، ومثلوا ذلك بمثال لا يصح، فذكروا حديثين وردا في إعادة الوضوء من القهقهة في الصلاة؛ وفي إسقاط الوضوء منها وكلا الحديثين ساقط لا يصح. أحدهما رواه الحسن بن دينار وهو ضعيف، وروي مرسلا من طريق أبي العالية وقد بينا أن المرسل لا تقوم به حجة، والآخر رواه أبو سفيان عن جابر، وأبو سفيان طلحة بن نافع ضعيف. ولكنا نمثل في ذلك مثالا يصح، وذلك الحديث المروي أن امرأة مخزومية سرقت فشفع فيها أسامة ألا تقطع يدها فأنكر عليه السلام على أسامة رضي الله عنه وقال له يا أسامة أتشفع في حد من حدود الله تعالى. وروي أيضا: أن امرأة كانت تستعير المتاع وتجحده فأمر رسول الله صلى الله عليه وسلم بقطع يدها

[26] **Translator's note (L534):** Both repetitions of Quran 5:106 contain the same transcriptional defects, chiefly missing letters; the recoverable wording has been translated in full. The final question continues in the next segment.

[27] **Translator's note (L535):** The quotation supplied here is Quran 49:6, although the argument concerns the opening address of Quran 5:106. The apparent quotation mismatch is retained. The Quranic quotation has transcriptional defects, including missing letters and a duplicated letter in the verb translated as "harm." The unpunctuated sequence beginning with "Black peoples" permits some uncertainty about the grouping of the ethnonyms.

[28] **Translator's note (L536):** The supplied verb means "we revert" or "we return." In this discussion of giving one text preponderance, it appears to be a transcriptional error for "we give preponderance"; the supplied reading is retained. "Twilight" translates shafaq, the term whose application to the red or white glow after sunset is disputed.

[29] **Qur'an references (L534):** Qur'an 5:106 (Al-Ma'idah); Qur'an 49:6 (Al-Hujurat).

[30] **Translator's note (L537):** The supplied word at "cheeks" is al-judud, not the expected al-khudud ("cheeks"). The rendering reflects a likely reading, explicitly marked as uncertain; the transcription itself does not securely support it. The syntax immediately before "the report concerning this" is defective or elliptical. "[According to]" supplies a possible connection without treating the supplied Arabic as sound. "Later evening prayer" renders al-isha al-akhira. The distinction between the red and white glows, both called shafaq, is retained.

namely the whiteness, and that twilight may disappear without that being the time for the night prayer—namely, when the redness disappears. This is a restriction of the hadith's scope without evidence. We have explained this only so that no obfuscator may mislead by saying to us, "You have restricted the apparent meaning here," and so that they may not claim that they have adhered to its general scope here.

They said: We give one of two reports preponderance when one attributes a shortcoming to the predecessors and the other does not attribute that to them, so that the one that does not attribute that shortcoming to them is preferable. They illustrated this with an unsound example, mentioning two hadiths transmitted concerning the renewal of ablution because of loud laughter during prayer and the waiving of ablution on its account. Both hadiths are inadmissible and unsound. One was narrated by al-Hasan ibn Dinar, who is weak, and was also transmitted through Abu al-Aliya as a report with an omitted link to the Prophet. We have already explained that such a report cannot establish an authoritative proof. The other was narrated by Abu Sufyan from Jabir, and Abu Sufyan—Talha ibn Nafi—is weak. We, however, shall illustrate this with a sound example: the transmitted hadith that a woman of Makhzum stole, and Usama interceded on her behalf so that her hand would not be cut off. He, peace be upon him, expressed disapproval to Usama, may Allah be pleased with him, and said to him, "Usama, do you intercede concerning one of the prescribed penalties of Allah Most High?" It has also been transmitted that a woman used to borrow goods and deny having received them, and the Messenger of Allah ﷺ ordered her hand to be cut off; Usama then interceded on her behalf. Someone who gave one of the two versions preponderance on the ground we have mentioned said, "It is impossible that the Prophet ﷺ should rebuke Usama for interceding concerning a prescribed penalty and that he should then return to doing the same thing." They thus sought to establish that it was one incident and one woman and that her hand was cut off for theft, not for denying receipt of borrowed property. Ali said: This has no meaning and contains no authoritative proof, because we have not said that Usama, may Allah be pleased with

فشفع فيها أسامة فقال من رجح إحدى الروايتين بما ذكرنا محال أن يزجر النبي صلى الله عليه وسلم أسامة عن أن يشفع في حد ثم يعود لمثل ذلك فراموا أن يثبتوا بذلك أنها قصة واحدة وامرأة واحدة وأنها قطعت للسرقة لا لجحد العارية قال علي هذا لا معنى له ولا حجة فيه لأننا لم نقل إن أسامة رضي الله عنه أقدم على ذلك وهو يعلمه حدا، وليس في الحديث زجر، وإنما فيه تعليم

him, ventured to do that while knowing it to be a prescribed penalty. There is no rebuke in the hadith; there is only instruction.[31]

L540–541 And we do not object to Usamah or anyone else being ignorant of some provision of the revealed law until the Messenger of Allah ﷺ teaches it to him. Whoever says, concerning a report about a female thief and a report about a woman who borrowed something, that they are a single incident has obstinately denied the distinction, spoken without demonstration, and pursued that of which he has no knowledge. We, however, say with certainty, without doubt, that the situation of the woman who borrowed is different from that of the female thief, that borrowing and denying receipt are different from theft, and that these are undoubtedly two distinct cases. Nevertheless, we do not assert categorically that they involved two women, nor that they involved one woman, because either is possible. Even if it was one woman, it is possible that she stole on one occasion and had her hand cut off, then borrowed something and denied receipt and had her second hand cut off. Allah Most High knows best. We say only what we have transmitted and what has been established as authentic in our judgment. We do not add, on the basis of our own opinion, anything that we have neither heard nor had established by demonstration, thereby entering the bounds of falsehood—we seek refuge in Allah from that. We do, however, say that we have transmitted through an authentic chain of transmission that the Messenger of Allah ﷺ ordered the hand of a woman who borrowed goods and denied receipt to be cut off. We therefore cut off the hand of every borrower who denies receipt when testimony establishing this is produced against him, when the judge knows it, or when he himself confesses to it. We also say: We have transmitted that he ﷺ cut off the hand of someone who stole. We therefore cut off the hand of anyone who steals when any of the aforementioned means of proof is established against him. Moreover, the report about cutting off the borrowing woman's hand has been transmitted through a route other than that of ʿA'ishah, may Allah be pleased with her, with an authentic chain

ولسنا ننكر على أسامة وغير أسامة جهل شريعة ما حتى يعلمه إياها رسول الله صلى الله عليه وسلم ومن قال في خبر ورد في سارقة وخبر ورد في مستعيرة إنها قصة واحدة، فقد كان كابر وقال بغير برهان، وقفا ما ليس له به علم. وأما نحن فنقول يقينا بغير شك: إن حال المستعيرة غير حال السارقة، وإن العارية والجحود غير السرقة، وإنهما قضيتان متغايرتان بلا شك، ثم لسنا نقطع على أنهما امرأتان، ولا على أنها امرأة واحدة، لأن كل ذلك ممكن، وقد يمكن ولو كانت امرأة واحدة أن تكون سرقت مرة فقطعت يدها، ثم استعارت فجحدت فقطعت يدها الثانية، والله تعالى أعلم، وإنما نقول ما روينا وصح عندنا، ولا نزيد من رأينا ما لم نسمع، ولا قام به برهان، فنحصل في حد الكذب، ونعوذ بالله من ذلك، إلا أننا نقول: إنا قد روينا بالسند الصحيح أن رسول الله صلى الله عليه وسلم أمر بقطع يد امرأة استعارت المتاع وجحدته، فنحن نقطع يد كل مستعير جاحد إذا قامت عليه بذلك بينة، أو علم بذلك الحاكم أو أقر هو بذلك ونقول قد روينا أنه عليه السلام قطع يد من سرق فنحن نقطع يد من سرق إذا ثبت عليه شيء مما ذكرنا. هذا على أن حديث قطع المستعيرة قد روي من غير طريق عائشة رضي الله عنها بسند صحيح؛ ليس فيه ذكر شفاعة أسامة ولا شيء مما في حديث السارقة، وبالله تعالى التوفيق. قال أبو محمد: ولهم ترجيحات فاسدة جدا، والتي ذكرنا تستوعبها كلها، وقد بينا سقوطها بالبراهين الواضحة وبتعري دعاويهم من الأدلة، وعلى ذلك فكل ما رجحوا به في مكان ما فقد تركوه في أمكنة كثيرة، وقد بينا الوجوه التي بها يرفع التعارض المظنون عن النصوص من القرآن والحديث، بيانا لائحا والحمد لله رب العالمين ولا حول ولا قوة إلا بالله العلي العظيم.

[31] **Translator's note (L538):** "A report with an omitted link to the Prophet" renders mursal: a report attributed to the Prophet without a continuous transmission chain to him. "Prescribed penalty" consistently renders hadd in this discussion.

of transmission containing no mention of Usamah's intercession or anything else found in the report about the female thief. Success is through Allah Most High.

Abu Muhammed said: They have very many unsound grounds for preferring one text over another, and those we have mentioned encompass them all. We have demonstrated their invalidity through clear demonstrations and by exposing their claims as devoid of evidence. Furthermore, every ground on which they have preferred one text in one place they have abandoned in many other places. We have clearly explained the ways in which the supposed contradiction between texts of the Quran and hadith is removed. Praise belongs to Allah, Lord of all worlds, and there is neither power nor strength except through Allah, the Most High, the Magnificent.[32]

L542 **[Section concerning those who say that it is impermissible to restrict the general scope of the Quran]**[33]

L543–554 by a transmitted report, and the refutation of that position ʿAli said: Earlier, through the power and strength of Allah Most High, we explained how what occurs in hadith is excepted from what occurs in the Quran, and what occurs in the Quran from what occurs in hadith, and how whatever occurs in each of them as a specific provision is excepted from whatever occurs in them as a general provision; the basis for accepting the additional provision in all of this; and the confused floundering of those who oppose that method amid bewildering contradictions, with doubts prevailing over their statements. Something remains of the derangement of their position, which we shall mention here, if Allah Most High wills. It is that some of them thought fit to reject certain reports that had reached them from the Prophet ﷺ, although they had accepted comparable reports in the passages already explained. They said: "It is impermissible to restrict the general scope of the Quran by a report from the Prophet ﷺ." We have already explained that

[32]**Translator's note (L541):** The opening continues the preceding segment's ولسنا, "and we do not"; the negation is therefore not repeated in this segment's translation.

[33]**Translator's note (L542):** The heading continues in 543:0. The source places its closing bracket before that continuation.

[فصل فيمن قال لا يجوز تخصيص القرآن]

بالخبر والرد عليه قال علي قد بينا فيما قبل هذا بحول الله تعالى وقوته كيف يستثنى ما جاء في الحديث مما جاء في القرآن، وما جاء في القرآن مما جاء في الحديث، وما جاء في كل واحد منهما من خاص مما جاء فيهما من عام، ووجه الأخذ بالزائد في كل ذلك، وذكر تخبط من خالف تلك الطريقة في حيرة التناقض وغلبة الشكوك على أقوالهم، وبقي من خبال قولهم شيء نذكره ههنا إن شاء الله تعالى، وهو أن بعضهم رأى أن يرد بعض ما بلغه عن النبي صلى الله عليه وسلم مما قد أخذ بمثله فيما بين من المواضع فقال لا يجوز تخصيص القرآن بالخبر عن النبي صلى الله عليه وسلم وقد بينا فيما خلا أن القوم إنما حسبهم نصر المسألة التي بين أيديهم فقط، بأي شيء أمكنهم، وإن هدموا على أنفسهم ألف مسألة مما يحتجون به في هذه، ثم لا يبالون إذا تناولوا مسألة أخرى أن يحققوا ما أبطلوا في هذه ويبطلوا ما حققوا فيها، فهم أبدا كما ترى يحلونه عاما ويحرمونه عاما. ولقد كان ينبغي لمن ترك قول الله تعالى {يا أيها لذين آمنوا لا تقربوا لصلاة وأنتم سكارى حتى تعلموا ما تقولون ولا جنبا إلا

these people concern themselves only with vindicating the particular position before them by whatever means they can, even if, through what they invoke in support of it, they demolish a thousand of their own positions. Then, when they address another question, they have no concern about establishing what they invalidated in this one and invalidating what they established in it. Thus, as you see, they are forever making it lawful one year and unlawful another.

Someone who abandoned the words of Allah Most High, {O you who believe, do not approach prayer while you are intoxicated, until you know what you are saying, nor while in a state of major ritual impurity, except when passing through, until you have washed yourselves. If you are ill, or on a journey, or one of you comes from relieving himself, or you have touched women, and you find no water, then seek clean earth and wipe your faces and hands. Indeed, Allah is ever Pardoning, Forgiving}, on account of the report about performing ablution with forbidden, intoxicating nabidh—a report that is in no way authentic—and someone who abandoned the words of Allah Most High, {O you who believe, retaliation is prescribed for you concerning those killed: the free person for the free person, the slave for the slave, and the female for the female. But whoever has anything remitted to him by his brother, then there is to be pursuit in accordance with what is right and payment to him with good conduct. That is an alleviation from your Lord and a mercy. Whoever transgresses after that shall have a painful punishment}, saying instead, "Rather, he pursues him with lashes of the whip and banishment through the lands"—and there are many such examples—ought indeed to be ashamed to say: "I do not restrict the general scope of the Quran by an authentic hadith transmitted by trustworthy narrators."

There is indeed prolonged cause for astonishment at someone who refuses to accept a solitary report concerning judgment on the basis of an oath together with a witness, the validity of the fast of someone who eats forgetfully, the establishment of a marriage prohibition through five breastfeedings, and making up fasting on behalf of someone who died owing a fast, concerning the prohibition on applying funerary aromatics to a deceased person in the state of pilgrimage consecration, and concerning hundreds of rulings, yet who then has no shame in saying, "I do not flog a fornicator who has

عابري سبيل حتى تغتسلوا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغآئط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم إن لله كان عفوا غفورا} لحديث الوضوء بالنبيذ المسكر الحرام، وهو لا يصح أبدا ولمن ترك قول الله تعالى {يأيها لذين آمنوا كتب عليكم لقصاص في لقتلى لحر بالحر ولعبد بلعبد ولأنثى بلأنثى فمن عفي له من أخيه شيء فتباع بلمعروف وأدآء إليه بإحسان ذلك تخفيف من ربكم ورحمة فمن عتدى بعد ذلك فله عذاب أليم} فقال بل يتبعه بالضرب بالسياط والنفي في البلاد، ومثل هذا كثير أن يستحي من أن يقول: لا أخصص القرآن بالحديث الصحيح الذي نقله الثقات. وإن العجب ليطول ممن أبى قبول خبر الواحد في الحكم باليمين مع الشاهد وفي تمام صيام الآكل ناسيا، وفي التحريم بخمس رضعات، وفي قضاء الصيام عمن مات وعليه صوم، وفي ألا يحنط المحرم الميت، وفي مئين من الأحكام، ثم لا يستحي من أن يقول: لا أجلد الزاني المحصن. وقد جاء القرآن بجلد كل زان ولم يخص محصنا من غيره فقال تعالى {لزانية ولزاني فجلدوا كل واحد منهما مئة جلدة ولا تأخذكم بهما رأفة في دين لله إن كنتم تؤمنون بلله وليوم لآخر وليشهد عذابهما طآئفة من لمؤمنين} ولم يخص تعالى من ذلك إلا الإماء والعبيد فقط. فتركوا القرآن كما ترى والسنة الصحيحة من طريق عبادة في إيجاب الجلد على الزاني محصنا كان أو غير محصن، لظن ظنوه في أن ماعزا رجم ولم يجلد، وقد علمنا وجه قول المعتزلة لا نأخذ بالحديث إلا حتى نجد حكمه في القرآن، وما علمنا وجها لقول من قال لا نأخذ بالقرآن حتى يأتي حكمه في الحديث. وهذا هو نفس قول إخواننا، وفقهم الله في هذا المسألة وإنما روي أن رسول الله صلى الله عليه وسلم لم يجلد ماعزا من طريق ساقطة لا يقوم به حجة. وقد فعل مثل ذلك أيضا بعضهم، فسمع القرآن قد نزل بقوله تعالى {فإذا قرأت لقرآن فستعذ بلله من لشيطان لرجيم} فقالوا لا نستعيذ إذا قرأنا في الصلاة، لأنه لم يأت خبر بإيجاب الاستعاذة، فمرة يتركون الأخبار

consummated a valid marriage," although the Quran has prescribed flogging every fornicator, without distinguishing one who has consummated a valid marriage from anyone else. Thus He Most High said: {The female fornicator and the male fornicator: flog each of them one hundred lashes, and let no compassion for them overcome you in Allah's religion, if you believe in Allah and the Last Day; and let a group of the believers witness their punishment}. He Most High excepted from this only female and male slaves. Thus, as you see, they abandoned the Quran and the authentic Sunnah transmitted through ʿUbadah, which makes flogging obligatory for the fornicator, whether or not he has consummated a valid marriage, because of a supposition they entertained that Maʿiz was stoned and was not flogged. We understand the rationale of the Muʿtazilah's statement, "We do not accept hadith unless and until we find its ruling in the Quran," but we know of no rationale for the statement of someone who says, "We do not accept the Quran until its ruling occurs in hadith." Yet this is precisely the position of our brethren—may Allah grant them success—on this question. The report that the Messenger of Allah ﷺ did not flog Maʿiz has been transmitted only through a discredited route by which no proof is established.

Some of them have also done something similar: they heard that the Quran had been revealed with His words, Most High, {When you recite the Quran, seek refuge in Allah from Satan, the accursed}, yet they said: "We do not seek refuge when we recite during prayer, because no report has come making the seeking of refuge obligatory." At one time they abandon authentic reports because their rulings are not mentioned in the Quran, and at another they abandon the Quran because no report has brought its ruling. Where, then, is one to look for these people's positions? How do they permit themselves these monstrous enormities, which lack consistency, besides being erroneous, unsupported by proof, and demonstrably invalid?

Some of them have argued for omitting the seeking of refuge on the basis of what is reported from the Prophet ﷺ: that he would begin the Quran with "Praise belongs to Allah, Lord of all worlds."

ʿAli said: This is among their peculiar arguments. Would that I knew when we ever told them that seeking refuge was Quranic recitation, so that they

الصحاح لأنها لم تذكر أحكامها في القرآن، ومرة يتركون القرآن لأن حكمه لم يأت به خبر، فأين تطلب مذاهب هؤلاء القوم، وكيف يستجيزون هذه العظائم الشنيعة التي لا تطرد مع خطئها، وعدم الحجة عليها وقيام البرهان على بطلانها. وقد اعترض بعضهم في ترك الاستعاذة بما روي عن النبي صلى الله عليه وسلم كان يفتتح القرآن بالحمد لله رب العالمين قال علي وهذا من غريب احتجاجهم وليت شعري متى قلنا لهم إن الاستعاذة قراءة يحتجون علينا بها، وإنما قلنا لهم: إن الاستعاذة قبل القراءة، وبعد ما روي من التوجيه والدعاء أثر التكبير، وأما استفتاح القراءة فبالحمد لله رب العالمين بلا شك ولا نقول غير ذلك قال علي فإن قالوا لنا أتقولون إن ماعزا جلده النبي صلى الله عليه وسلم وأنه عليه السلام كان يستعيذ قبل القراءة في الصلاة قلنا لهم وبالله تعالى التوفيق: إنا نقول ونقطع أن الله عز وجل قد أمر بجلد كل زان على كل حال وأن رسول الله صلى الله عليه وسلم قد حكم على الزاني المحصن بالجلد مع الرجم وأنه عليه السلام لم يخالف ربه قط ولا شك عندنا في أن ماعزا جلد مع الرجم، ولا ندري إن كان أمره بعد ورود النص بالجلد مع الرجم وقد يمكن أن يكون رجمه قبل نزول آية الجلد، فقد روينا بأصح طريق أنه قيل لبعض الصحابة رضوان الله عليهم في رجم رسول الله صلى الله عليه وسلم المحصن والمحصنة أكان ذلك قبل نزول سورة النور أم بعد نزولها؟ فقال: لا أدري، فصح قولنا، وكذلك فعل علي بن أبي طالب رضي الله عنه بعد النبي صلى الله عليه وسلم فإنه جلد شراحة الهمدانية ثم رجمها وكذلك نقول أيضا إن الله عز وجل قد أمر كل قارىء بالاستعاذة وأن رسول الله صلى الله عليه وسلم لم يخالف أمر ربه قط ولا شك عندنا في وجوب الاستعاذة في الصلاة وقد استعاذ قبل القراءة جماعة من الصحابة. روينا ذلك عنهم بالسند الصحيح، وما روي إنكار ذلك عن أحد منهم، ولا يبطل ما صح بقول القائل لعله نسخ ولا بأن يروى أنه

could invoke this against us! We have only told them that seeking refuge comes before recitation and after the reported turning toward Allah and supplication following the declaration “Allah is greatest.” As for beginning the recitation, that is undoubtedly with “Praise belongs to Allah, Lord of all worlds,” and we say nothing else.

ʿAli said: If they say to us, “Do you say that the Prophet ﷺ flogged Maʿiz and that he ﷺ used to seek refuge before recitation during prayer?” we say to them—and success is through Allah Most High— We say and categorically affirm that Allah, Mighty and Majestic, commanded the flogging of every fornicator in every circumstance; that the Messenger of Allah ﷺ ruled that a fornicator who has consummated a valid marriage is to be flogged as well as stoned; and that he ﷺ never disobeyed his Lord. We have no doubt that Maʿiz was flogged as well as stoned, and we do not know whether his case occurred after the textual prescription of flogging together with stoning. It is possible that his stoning occurred before the revelation of the verse prescribing flogging. For we have transmitted through a most authentic route that one of the Companions—may Allah be pleased with them—was asked, concerning the Messenger of Allah’s ﷺ stoning of a man and a woman who had consummated valid marriages: “Was that before the revelation of Sūrat al-Nūr or after its revelation?” He replied, “I do not know.” Thus our position is established as correct. ʿAlī ibn Abī Ṭālib, may Allah be pleased with him, likewise acted in this manner after the Prophet ﷺ: he flogged Shurāḥah al-Hamdāniyyah and then stoned her. We likewise also say that Allah, Mighty and Majestic, has commanded every reciter to seek refuge, and that Allah’s Messenger ﷺ never disobeyed his Lord’s command. We have no doubt that seeking refuge is obligatory in prayer. A number of the Companions sought refuge before recitation; we have transmitted this from them through an authentic chain of transmission, and no objection to it has been transmitted from any of them. What has been authentically established is not invalidated by someone saying, “Perhaps it was abrogated,” nor by a report that he ﷺ repeated it. Likewise, if it is a command, it is not invalidated by the absence of a report that he ﷺ performed it. We have explained that a command becomes binding the moment it is issued, unless

عليه السلام كرره وكذلك إن كان أمرا فلا يبطل بألا يروى أنه عليه السلام فعله وقد بينا أن الأمر ساعة وروده يلزم ما لم يتيقن نسخه، ولو كان الأمر لا يصح إلا بأن يكرر للزم مثل ذلك في التكرار، وفي تكرار التكرار إلى ما لا نهاية له، وللزم مثل ذلك في الأفعال، فكان لا تصح شريعة أبدا. وهذا قول يؤدي إلى إبطال جميع الشرائع وإلى الكفر، وليس الأمر الثاني بأوكد من الأول أصلا قال علي ثم نعكس عليهم هذا السؤال الفاسد فنقول لمن كان منهم مالكيا أتقول إن رسول الله صلى الله عليه وسلم أخذ الزكاة من زيت الفجل ومن الفول والعلس ومن عروض التجارة، وقد كان ذلك موجودا بالمدينة، وكانت التجارة هي الغالبة على المهاجرين، ومعاش جميع أهل مكة لا نحاشي منهم أحدا في أيامه عليه السلام وهل حكم رسول الله صلى الله عليه وسلم بالشفعة في الثمار وقد كانت تتبايع على عهده بالمدينة بلا شك ونقول له إن كان حنفيا أتقول إنه عليه السلام أخذ الزكاة من القثاء والرمان والخضروات والقطن ونقول لمن كان منهم شافعيا هل تقول إنه عليه السلام بسمل ولا بد في كل ركعة قبل أم القرآن فإن قالوا: قد قام الدليل على كل ما ذكرنا ولا ينسب إلى رسول الله صلى الله عليه وسلم خلاف ما أوجبه القرآن وخلاف ما جاء به أمره، قلنا لهم: هذا قولنا نفسه في جلد ماعز وفي الاستعاذة فإن قالوا نعم قد فعل ذلك كله رسول الله صلى الله عليه وسلم قالوا ما لم يأت في شيء من الروايات أنه فعله عليه السلام فلا ينكروا هذا على من قاله فيما جاء به نص كلام الله عز وجل وإن قالوا لم يفعله عليه السلام ولكنا أوجبناه بالدلائل أقروا على أنفسهم بالكفر وبإحداث شريعة لم يأذن بها الله تعالى ولا علمها الرسول صلى الله عليه وسلم وصرحوا بأن النبي عليه السلام خالف أمر ربه جاهرا وضيع الواجب وأنهم استدركوا ذلك وعملوا بأمر ربهم، وهذا لا يقوله مسلم والله الموفق للصواب

its abrogation is known with certainty. If a command were valid only when repeated, the same requirement would necessarily apply to the repetition, and to the repetition of that repetition, without end. The same requirement would necessarily apply to actions, so that no religious law would ever be valid. This is a position that leads to the invalidation of all religious laws and to unbelief. The second command is in no respect more binding than the first.

ʿAlī said: We then turn this unsound question back upon them. To whichever of them is a Mālikī, we say: "Do you maintain that Allah's Messenger ﷺ collected obligatory alms from radish oil, broad beans, emmer wheat, and merchandise? These things existed in Medina, and trade was the predominant occupation of the Emigrants and the livelihood of all the people of Mecca, without a single exception, during his ﷺ lifetime. And did Allah's Messenger ﷺ rule that the right of pre-emption applied to fruit? Fruit was undoubtedly bought and sold in Medina during his lifetime." If he is a Ḥanafī, we say to him: "Do you maintain that he ﷺ collected obligatory alms from cucumbers, pomegranates, vegetables, and cotton?" To whichever of them is a Shāfiʿī, we say: "Do you maintain that he ﷺ invariably pronounced 'In the name of Allah' in every prayer cycle before the Mother of the Quran?" If they say, "Evidence has established everything we have mentioned, and Allah's Messenger ﷺ cannot be attributed with acting contrary to what the Quran has made obligatory or contrary to what his own command prescribed," we say to them: "That is precisely our position concerning the flogging of Māʿiz and seeking refuge." If they say, "Yes, all of that was done by Allah's Messenger ﷺ," they have asserted something that none of the transmitted reports states he ﷺ did. Let them therefore not object to someone asserting this concerning what the explicit wording of the speech of Allah, Mighty and Majestic, prescribes. If they say, "He ﷺ did not do it, but we have made it obligatory on the basis of the evidence," they have admitted against themselves that they have committed unbelief and introduced a religious law that Allah Most High did not authorize and that the Messenger ﷺ did not know. They have explicitly declared that the Prophet ﷺ openly disobeyed his Lord's command and neglected an obligation, and that they

rectified this and acted upon their Lord's command. No Muslim would say this. Allah grants success in attaining what is correct.[34353637383940414 2]

L555 **[Section: A report with an interrupted chain of transmis-**

[34]**Translator's note (L546):** The Quranic quotations contain recurring omissions of the alif in the definite article and similar orthographic irregularities; their wording remains intelligible. Nabidh is a drink made by steeping dates, raisins, or similar ingredients. The author explicitly describes the drink at issue here as intoxicating and forbidden. The wording فيما بين من المواضع is awkward; it is understood here as referring to passages already explained. The pronouns in "he pursues him with lashes …" are not expressly identified in this segment; the translation preserves that lack of explicit identification.

[35]**Translator's note (L547):** "A fornicator who has consummated a valid marriage" renders الزاني المحصن. The technical status muḥṣan can also apply to someone whose qualifying marriage has ended; it does not simply mean someone currently married.

[36]**Translator's note (L548):** The Quranic quotation contains recurring omissions of the alif in the definite article; its wording remains intelligible. The assertion that both female and male slaves are excepted is the author's own claim; "male slaves" has not been supplied from outside the source.

[37]**Translator's note (L549):** The Quranic quotation contains omissions of the alif in the definite article; its wording remains intelligible. التوجيه, rendered "turning toward Allah," refers here to the opening prayer formula associated with directing oneself toward Allah.

[38]**Translator's note (L550):** The source first categorically asserts that Maʿiz was flogged as well as stoned, then acknowledges uncertainty about the chronology and allows that his stoning may have preceded the verse prescribing flogging. This tension is preserved without correction.

[39]**Translator's note (L551):** "Nor by a report that he ﷺ repeated it" follows the supplied wording ولا بأن يروى أنه عليه السلام كره. In context, the absence of such a report might have been expected, but the supplied text does not say that.

[40]**Translator's note (L552):** "Emmer wheat" renders العلس, a cereal name whose identification can vary in historical usage. "The Mother of the Quran" is a designation for the opening surah, al-Fātiḥah.

[41]**Translator's note (L554):** The unvocalized علمها can mean "knew it" or, with a doubled middle consonant, "taught it." The translation adopts "knew it."

[42]**Qur'an references (L543):** Qur'an 4:43 (An-Nisa); Qur'an 2:178 (Al-Baqarah); Qur'an 24:2 (An-Nur).

[فصل وقد يرد خبر مرسل إلا أن الإجماع صح بما فيه متيقنا]

sion may be received, although consensus concerning its content has been established with certainty][43]

L556–557 ʿAlī said: A report with an interrupted chain of transmission may be received, although consensus concerning its content has been established with certainty and transmitted from generation to generation. If this is the case, we know that it has been transmitted by the community at large, like the transmission of the Quran, so mentioning its chain of transmission is unnecessary. Whether that report with an interrupted chain is received or is not received makes no difference whatsoever. Examples include "There is no bequest for an heir" and many of the signs of his ﷺ prophethood. Although some people have related them through authentic chains of transmission, they have been transmitted by the community at large: the splitting of the moon, which is also mentioned in the Quran; his feeding a large company with a small amount of food; his giving the army water to drink from a small amount of water in a cup; his pouring his ablution water into the well at Tabūk, whereupon it gushed forth with a great quantity of water; and his throwing dust into the eyes of the people of Ḥunayn, so that it struck them all—an event mentioned in the Quran.

As for a report with an interrupted chain concerning which there is no consensus, it is rejected, as we have explained, because there is absolutely no evidence for accepting it. It therefore falls within the category of statements that are accepted when there is consensus upon them and fall away when there is disagreement concerning them. These are all statements for which no text has supplied their particulars by name. Whoever asserts such a statement without demonstration disobeys the saying of Allah Most High: {Say: My Lord has forbidden only indecencies, those that are apparent and those that are hidden, and sin, and aggression without right, and that you associate with Allah that for which He has sent down no authority, and that you say about Allah what you do not know.}

قال علي: وقد يرد خبر مرسل إلا أن الإجماع قد صح بما فيه متيقنا منقولا جيلا فجيلا، فإن كان هذا علمنا أنه منقول نقل كافة كنقل القرآن، فاستغني عن ذكر السند فيه، وكان ورود ذلك المرسل، وعدم وروده سواء ولا فرق، وذلك نحو لا وصية لوارث وكثير من أعلام نبوته صلى الله عليه وسلم وإن كان قوم قد رووها بأسانيد صحاح فهي منقوله نقل الكافة كشق القمر مع أنه مذكور في القرآن، وكإطعامه النفر الكثير من الطعام اليسير، وكسقيه الجيش من ماء يسير في قدح وكصبه وضوءه في البئر فانثالت بماء عظيم بتبوك، وكرميه التراب في عيون أهل حنين، فأصابت جميعهم وهي مذكورة في القرآن. وأما المرسل الذي لا إجماع عليه فهو مطروح على ما ذكرنا، لأنه لا دليل عن قبوله البتة، فهو داخل في جملة الأقوال التي إذا جمع عليها قبلت، وإذا اختلفت فيها سقطت، وهي كل قولة لم يأت بتفصيلها باسمها نص. ومن قال بذلك دون برهان كان عاصيا لقول الله تعالى {قل إنما حرم ربي لفواحش ما ظهر منها وما بطن ولإثم ولبغي بغير لحق وأن تشركوا بالله ما لم ينزل به سلطانا وأن تقولوا على الله ما لا تعلمون} قال علي وإن العجب ليكثر من الحنفيين، والمالكيين، فإنهم يأبون قبول خبر الواحد في عدة مواضع، ويقولون: قد جاء القرآن بخلافها، نعم ويتركونها والقرآن موافق لها على ما قد ذكرنا، ثم يتركون القرآن لنقل لا أحد، فإن قال قائل: وكيف ذلك؟ قلنا له وبالله تعالى التوفيق: إنهم يقولون كثيرا بالمرسل، وهو نقل لا أحد لأن المسكوت عن ذكره المجهول حاله هو ومن هو معدوم سواء وبالله تعالى التوفيق

[43] **Translator's note (L555):** The bracketed heading appears to be an editorial heading drawn from the opening of the following discussion. "Report with an interrupted chain of transmission" renders khabar mursal; the discussion concerns a report with an unnamed, omitted transmitter.

ʿAlī said: There is indeed much to occasion astonishment at the Ḥanafīs and Mālikīs. They refuse to accept a solitary report in a number of instances, saying, "The Quran has come with something contrary to it." Indeed, they abandon such reports even when the Quran agrees with them, as we have already mentioned. Then they abandon the Quran for a transmission from no one! If someone asks, "How is that?" we say to him, with Allah Most High granting success: They frequently adopt reports with interrupted chains, and this is transmission from no one, because someone whose mention is omitted and whose condition is unknown is equivalent to someone who does not exist. With Allah Most High is success.[44][45]

L558–564 Section: Some of our associates have allowed that an authentic hadith may be received

ʿAlī said: Some of our associates have allowed that an authentic hadith from the Prophet ﷺ may be received while consensus is contrary to it. He said, "That is evidence that it has been abrogated."

ʿAlī said: In our judgment, this is certainly a grievous error, for two necessary, demonstrative reasons. The first is that the occurrence of an authentic hadith to which consensus is contrary is nonexistent: it has never occurred and does not exist in the world. Whoever claims that it exists should cite it for us. By Allah, he will never have any means of finding it. The second is that Allah Most High has said: {Indeed, We Ourselves have sent down the Reminder, and indeed We shall preserve it.} Thus, for everyone who believes in Allah and the Last Day, it is guaranteed that whatever Allah, Mighty and Majestic, has undertaken to preserve will never be lost. No Muslim doubts this. All the speech of the Prophet ﷺ is revelation, by His saying, Most

فصل أجاز بعض أصحابنا أن يرد الحديث الصحيح قال علي وقد أجاز بعض أصحابنا أن يرد حديث صحيح عن النبي صلى الله عليه وسلم ويكون الإجماع على خلافه قال وذلك دليل على أنه منسوخ. قال علي: وهذا عندنا خطأ فاحش متيقن، لوجهين برهانيين ضروريين: أحدهما: أن ورود حديث صحيح يكون الإجماع على خلافه معدوم، لم يكن قط ولا هو في العالم فمن ادعى أنه موجود فليذكره لنا، ولا سبيل له والله إلى وجوده أبدا. والثاني أن الله تعالى قد قال {إنا نحن نزلنا لذكر وإنا له لحافظون} فمضمون عند كل من يؤمن بالله واليوم الآخر أن ما تكفل الله عز وجل بحفظه فهو غير ضائع أبدا لا يشك في ذلك مسلم وكلام النبي صلى الله عليه وسلم كله وحي بقوله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} والوحي ذكر بإجماع الأمة كلها والذكر محفوظ بالنص فكلامه عليه السلام محفوظ بحفظ الله عز وجل ضرورة منقول كله إلينا لا بد من ذلك. فلو كان هذا الحديث الذي ادعى هذا القائل أنه مجمع على تركه، وأنه منسوخ كما ذكر لكان ناسخه الذي اتفقوا عليه قد ضاع ولم يحفظ، وهذا تكذيب لله عز وجل في أنه حافظ للذكر كله ولو كان ذلك لسقط كثير مما بلغ عليه السلام عن ربه وقد أبطل ذلك رسول الله صلى الله عليه وسلم في قوله في حجة الوداع اللهم

[44] **Translator's note (L556):** The supplied لا دليل عن قبوله is grammatically irregular; it is rendered according to the apparent sense, "no evidence for accepting it." The supplied إذا جمع عليها is irregular in this context; "when there is consensus upon them" reflects the surrounding argument. The Quran quotation contains defective spellings, including لفواحش، ولإثم، ولبغي، لحق، بلله، and على لله. Its recoverable wording is translated without adding substantive content.

[45] **Qur'an references (L556):** Qur'an 6:151 (Al-An'am); Qur'an 7:33 (Al-A'raf).

High: {He does not speak from desire. * It is only revelation revealed.} Revelation is a reminder by the consensus of the entire community, and the Reminder is preserved by the explicit text. His ﷺ speech is therefore necessarily preserved through the preservation of Allah, Mighty and Majestic, and all of it has been transmitted to us: this must be so. If this hadith—which this speaker claims there is consensus upon abandoning and which he claims is abrogated—were as he described, then the text abrogating it, upon which they agreed, would have been lost and would not have been preserved. This is to declare false the statement of Allah, Mighty and Majestic, that He preserves the entire Reminder. If that were so, much of what he ﷺ conveyed from his Lord would have been lost. Allah's Messenger ﷺ ruled that out by his words during the Farewell Pilgrimage: "O Allah, have I conveyed the message?"

ʿAlī said: We do not deny that an authentic hadith and a verse whose recitation is authentically established may be abrogated by another authentic hadith or by a recited verse, with agreement upon the aforementioned abrogation having been established. Indeed, such cases exist among what we possess. But we say that the text abrogating them must also exist among what we possess: transmitted to us, preserved among us, conveyed to us in its wording, its explicit text present with us. This must be so. What we have ruled out is only that the abrogated text should be preserved, transmitted and conveyed to us and its abrogating text may have been lost, its wording never having been transmitted to us. This, in our view, is false: there is no possibility of its ever existing in the world, for all eternity, because it is utterly nonexistent. By being something that cannot occur, it falls, in our view, within the category of the impossible and the inadmissible. Success comes through Allah Most High.

Section: Not Every Statement of a Companion Constitutes Attribution through a Chain of Transmission

Ali said: When a Companion says, "The established practice is such-and-such," or "We were commanded to do such-and-such," this does not constitute attribution through a chain of transmission, nor can it be asserted categorically that it comes from the Prophet ﷺ. No statement may be attributed

هل بلغت قال علي: ولسنا ننكر أن يكون حديث صحيح وآية صحيحة التلاوة منسوخين بحديث آخر صحيح، وإما بآية متلوة، ويكون الاتفاق على النسخ المذكور قد ثبت، بل هو موجود عندنا، إلا أننا نقول: لا بد أن يكون الناسخ لهما موجودا أيضا عندنا، منقولا إلينا محفوظا عندنا، مبلغا نحونا بلفظه، قائم النص لدينا، لا بد من ذلك، وإنما الذي منعنا منه فهو أن يكون المنسوخ محفوظا منقولا مبلغا إلينا، ويكون الناسخ له قد سقط ولم ينقل إلينا لفظه، فهذا باطل عندنا، لا سبيل إلى وجوده في العالم أبد الأبد، لأنه معدوم البتة، قد دخل بأنه غير كائن في باب المحال والممتنع عندنا وبالله تعالى التوفيق فصل ليس كل قول الصحابي إسنادا قال علي وإذا قال الصحابي السنة كذا وأمرنا بكذا، فليس هذا إسنادا ولا يقطع على أنه عن النبي صلى الله عليه وسلم ولا ينسب إلى أحد قول لم يرو أنه قاله ولم يقم برهان على أنه قاله، وقد جاء عن جابر بن عبد الله رضي الله عنه أنه قال: كنا نبيع أمهات الأولاد على عهد رسول الله صلى الله عليه وسلم حتى نهانا عمر فانتهينا وقد قال بعضهم السنة كذا، وإنما يعني أن ذلك هو السنة عنده على ما أداه إليه اجتهاده، فمن ذلك ما حدثناه حمام، ثنا الأصيلي، ثنا أبو زيد المروزي، ثنا الفربري، ثنا البخاري، ثنا أحمد بن محمد، ثنا عبد الله، أنبأ يونس، عن الزهري، أخبرني سالم بن عبد الله، قال كان ابن عمر يقول أليس حسبكم سنة نبيكم صلى الله عليه وسلم إن حبس أحدكم عن الحج طاف بالبيت وبالصفا وبالمروة، ثم حل من كل شيء حتى يحج عاما قابلا فيهدي أو يصوم إن لم يجد هديا. قال أبو محمد ولا خلاف بين أحد من الأمة كلها أن النبي صلى الله عليه وسلم إذ صد عن البيت لم يطف به ولا بالصفا والمروة، بل أحل حيث كان بالحديبية ولا مزيد وهذا الذي ذكره ابن عمر لم يقع قط لرسوله صلى الله عليه وسلم حدثنا حمام بن أحمد قال ثنا عياش بن أصبغ ثنا محمد بن عبد الملك بن أيمن قال: ثنا محمد بن إسماعيل الصايغ،

to anyone unless it has been transmitted that he said it, or a demonstration has established that he said it. It has been reported from Jabir ibn Abd Allah, may Allah be pleased with him, that he said: "We used to sell slave women who had borne their masters children during the time of the Messenger of Allah ﷺ, until Umar forbade us, whereupon we desisted." Some of them have said, "The established practice is such-and-such," meaning only that this is the established practice in their own judgment, according to the conclusion reached by their independent reasoning. An example is what Hammam related to us: al-Asili related to us: Abu Zayd al-Marwazi related to us: al-Firabri related to us: al-Bukhari related to us: Ahmad ibn Muhammed related to us: Abd Allah related to us: Yunus informed us, from al-Zuhri: Salim ibn Abd Allah informed me, saying: Ibn Umar used to say: "Is the established practice of your Prophet ﷺ not sufficient for you? If any of you is prevented from performing the pilgrimage, he circumambulates the House, and goes around al-Safa and al-Marwa, then is released from every restriction of consecration until he performs the pilgrimage the following year, when he offers a sacrificial animal, or fasts if he cannot find a sacrificial animal."

Abu Muhammed said: There is no disagreement among anyone in the entire community that, when the Prophet ﷺ was barred from the House, he did not circumambulate it or go around al-Safa and al-Marwa. Rather, he left consecration where he was, at al-Hudaybiya, and nothing more. What Ibn Umar mentioned never happened to His Messenger ﷺ.

Hammam ibn Ahmad related to us, saying: Ayyash ibn Asbagh related to us: Muhammed ibn Abd al-Malik ibn Ayman related to us, saying: Muhammed ibn Ismail al-Sa'igh related to us: Abd Allah ibn Bakr al-Sahmi related to us: Said ibn Abi Aruba related to us, from Matar, that is, al-Warraq, from Raja ibn Haywa, from Qabsa ibn Dhu'ayb, from Amr ibn al-As, who said: "Do not confuse the established practice of our Prophet ﷺ for us. The waiting period of a slave woman who has borne her master a child, when her master dies, is the waiting period of a free woman whose husband has died: four months and ten days."

ثنا عبد الله بن بكر السهمي، ثنا سعيد بن أبي عروبة عن مطر هو الوراق، عن رجاء بن حيوة، عن قبصه بن ذؤيب، عن عمرو بن العاص قال لا تلبسوا علينا سنة نبينا صلى الله عليه وسلم عدة أم الولد إذا توفي عنها سيدها عدة الحرة المتوفى عنها زوجها أربعة أشهر وعشرا. حدثنا عبد الله بن ربيع، ثنا محمد بن معاوية، ثنا أحمد بن شعيب، ثنا محمد بن بشار بندار، ثنا يحيى هو ابن سعيد القطان، ثنا عبد المجيد بن جعفر، ثنا وهب بن كيسان قال: اجتمع عيدان على عهد ابن الزبير، فأخر الخروج حتى تعالى النهار، ثم خرج فخطب فأطال الخطبة، ثم نزل فصل ركعتين، ولم يصل للناس يومئذ الجمعة، فذكر ذلك لابن عباس، فقال: أصاب السنة. قال أبو محمد: وقد صح عن ابن عباس أنه قرأ أم القرآن على الجنازة في الصلاة وجهر، وقال: إنها سنة، كما حدثنا عبد الرحمن بن عبد الله بن خالد، ثنا أبو إسحاق البلخي، ثنا الفربري، ثنا البخاري، ثنا محمد بن بشار، ثنا غندر، ثنا شعبة، عن سعد، عن طلحة، قال: صليت خلف ابن عباس على جنازة، فقرأ بفاتحة الكتاب قال: لتعلموا أنها سنة سعد هذا هو ابن إبراهيم بن عبد الرحمن بن عوف وطلحة هو ابن عبد الله بن عوف، وروي عن أنس: أنه أفطر في منزله في رمضان إذا أراد السفر قبل أن يخرج قال: إنها سنة. وخصومنا في هذا الموضع لا يقولون بشيء من هذا، فقد نقضوا أصلهم ومن أضل ممن لا يجعل قول هؤلاء: هي السنة سنة، ويجعل قول سعيد بن المسيب في دية أصابع المرأة: هي السنة سنة. قال أبو محمد: فلما وجدنا ذلك منصوصا عنهم لم يحل لنا أن ننسب إلى النبي صلى الله عليه وسلم شيئا لا نعمله فنكون قد دخلنا في نهي الله عز وجل إذ يقول {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} فمن أقدم على هذا فهو قليل الورع حاكم بالظن، والظن لا يغني من الحق شيئا، وهذا مذهب أهل الصدر الأول، كما حدثنا عبد الله بن ربيع التميمي، عن عبد الملك بن عمر الخولاني، عن محمد بن بكر المصري، عن سليمان بن الأشعث، ثنا عبد

Abd Allah ibn Rabi related to us: Muhammed ibn Muawiya related to us: Ahmad ibn Shuayb related to us: Muhammed ibn Bashshar related to us, Bundar: Yahya—that is, Ibn Said al-Qattan—related to us: Abd al-Majid ibn Jafar related to us: Wahb ibn Kaysan related to us, saying: "Two festivals coincided during the time of Ibn al-Zubayr. He delayed coming out until the day was well advanced. Then he came out and delivered a sermon, making the sermon lengthy; then he descended and prayed two units of prayer. He did not lead the people in the Friday prayer that day. This was mentioned to Ibn Abbas, and he said: 'He followed the established practice correctly.'"

Abu Muhammed said: It has also been authentically established that Ibn Abbas recited the Mother of the Quran aloud in the funeral prayer and said, "It is an established practice," as Abd al-Rahman ibn Abd Allah ibn Khalid related to us: Abu Ishaq al-Balkhi related to us: al-Firabri related to us: al-Bukhari related to us: Muhammed ibn Bashshar related to us: Ghundar related to us: Shuba related to us, from Sad, from Talha, who said: "I prayed behind Ibn Abbas over a deceased person, and he recited the Opening of the Book. He said: 'So that you may know that it is an established practice.'" This Sad is Ibn Ibrahim ibn Abd al-Rahman ibn Awf, and Talha is Ibn Abd Allah ibn Awf. It is also related from Anas that, when he intended to travel during Ramadan, he broke his fast at home before setting out, saying, "It is an established practice." Our opponents on this question accept none of this; they have therefore overturned their own principle. Who is more astray than someone who does not treat these men's statement, "It is the established practice," as establishing a practice, yet treats Said ibn al-Musayyab's statement concerning the blood money for a woman's fingers, "It is the established practice," as establishing a practice?

Abu Muhammed said: Since we have found this expressly stated by them, it is not lawful for us to attribute to the Prophet ﷺ something upon which we do not act, thereby falling under the prohibition of Allah, Mighty and Majestic, when He says: {Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of all these will be questioned about it.} Whoever ventures to do this has little scrupulousness and judges by conjecture, and conjecture avails nothing against the truth. This is the position of

الله بن معاذ، أخبرني أبي، ثنا شعبة، عن عبد الرحمن بن القاسم بن محمد بن أبي بكر الصديق، عن أبيه عن عائشة أم المؤمنين رضي الله عنها قالت استحيضت امرأة على عهد رسول الله صلى الله عليه وسلم فأمرت أن تعجل العصر وتؤخر الظهر وتغتسل لهما غسلا، وأن تؤخر المغرب وتعجل العشاء، وتغتسل لهما غسلا، وتغتسل لصلاة الصبح غسلا فقلت لعبد الرحمن أعن النبي صلى الله عليه وسلم قال لا أحدثك عن النبي صلى الله عليه وسلم شيء

the people of the earliest generation, as Abd Allah ibn Rabi al-Tamimi related to us, from Abd al-Malik ibn Umar al-Khawlani, from Muhammed ibn Bakr al-Misri, from Sulayman ibn al-Ashath: Abd Allah ibn Muadh related to us: My father informed me: Shuba related to us, from Abd al-Rahman ibn al-Qasim ibn Muhammed ibn Abi Bakr al-Siddiq, from his father, from Aisha, Mother of the Believers, may Allah be pleased with her, who said: "A woman suffered nonmenstrual vaginal bleeding during the time of the Messenger of Allah ﷺ. She was instructed to bring the afternoon prayer forward and delay the noon prayer, and to perform one ritual bath for the two; to delay the sunset prayer and bring the night prayer forward, and to perform one ritual bath for the two; and to perform a ritual bath for the dawn prayer." I then said to Abd al-Rahman: "From the Prophet ﷺ?" He said: "I am not relating anything to you from the Prophet ﷺ."[46][47][48][49][50][51]

[46]**Translator's note (L558):** In the heading, the unvocalized يرد is understood as "may be received," as in the ensuing discussion, rather than "may be rejected." The Quran quotations contain the defective spellings لذكر and لهوى; these are rendered as "the Reminder" and "desire." The quoted Farewell Pilgrimage wording is the question "O Allah, have I conveyed the message?" The supplied text does not include the audience's response or any further words.

[47]**Translator's note (L560):** "Attribution through a chain of transmission" renders isnād here, specifically the attribution of a statement to the Prophet. "Established practice" renders sunna throughout these passages. The wording "His Messenger" follows the supplied li-rasūlihi; its possessive reference is not explicit in the immediate sentence.

[48]**Translator's note (L561):** The supplied name is written Qabsa ibn Dhu'ayb, apparently an error for Qabisa ibn Dhu'ayb; the supplied form has been retained.

[49]**Translator's note (L562):** "Two festivals" refers here to the coincidence of a festival prayer and the Friday prayer. The supplied text reads lā naʿmaluhu, "upon which we do not act," where the argument would suggest lā naʿlamuhu, "which we do not know." The supplied reading has been retained. The Quran quotation apparently intends 17:36, but its supplied forms for "hearing," "sight," and "the heart" omit the initial alifs of the definite articles. The translation follows the recoverable wording; the final pronoun's reference remains open as in the Arabic.

[50]**Translator's note (L564):** The supplied final shayʾ is grammatically irregular where shayʾan would be expected. The unpunctuated lā uḥaddithuka is rendered as a negation, consistent with the author's ensuing argument; it could also be punctuated, "No. I am relating to you …," though that would leave the intended qualification unclear.

قال علي فهذا عبد الرحمن يحكي أنها أمرت في عهد النبي صلى الله عليه وسلم ولم يستجز أن يقول ومن يأمر بهذا إلا النبي صلى الله عليه وسلم لا سيما في حياته عليه السلام وإنما أقدم على القطع في هذا من قل فهمه ورق ورعه، واشتغل بالقياسات الفاسدة عن مراعاة حديث النبي صلى الله عليه وسلم وألفاظ القرآن وقد قال بعضهم إذا جاء عن صاحب فتيا من قوله، إلا أن فيها شرع شريعة أو حدا محدودا، أو وعيدا، فإن هذا مما لا يقال بقياس، ولا يقال إلا بتوقيف فاستدل بذلك على أنه من رسول الله صلى الله عليه وسلم قال علي وقائل هذا القول الساقط يقر أنهم رتبوا في الخمر ثمانين برأيهم، وقد أعاذهم الله تعالى من ذلك، ونحن نجد أنهم رضي الله عنهم قالوا بكل ما ذكرنا بآرائهم ورسول الله صلى الله عليه وسلم حي وبعد موته فقد قال طائفة من الصحابة حبط عمل عامر بن الأكوع إذ ضرب نفسه بسيفه في الحرب فأكذب النبي صلى الله عليه وسلم ذلك وعمر قد قال دعني أضرب عنق حاطب فقد نافق فأبطل رسول الله صلى الله عليه وسلم قوله ذلك وفي قول عمر الذي ذكرنا إيجاب شرع في ضرب عنق امرىء مسلم، وإخبار بغيب في أنه منافق، ومثل هذا كثير مما سنذكره في باب إبطال التقليد إن شاء الله تعالى. وكل هذا فقد يقوله المرء مجتهدا متأولا ومستعظما لما يرى فمخطىء ومصيب

L565 Ali said: Here is Abd al-Rahman reporting that she was instructed during the time of the Prophet ﷺ, yet he did not consider himself entitled to say, "Who would issue such an instruction except the Prophet ﷺ, especially during his lifetime, peace be upon him?" Only someone whose understanding is slight and whose scrupulousness is weak, and who is distracted by invalid analogies from attending carefully to the reports of the Prophet ﷺ and the wording of the Quran, would venture to make a categorical assertion in this matter.

Some have said: "When a legal opinion is reported as a Companion's own statement, but it contains the institution of a legal rule, a specified prescribed punishment, or a threat of punishment, this is something that cannot be stated on the basis of analogy, and can be stated only on the basis of instruction received from revelation." He thus inferred that it came from the Messenger of Allah ﷺ.

Ali said: The person making this worthless assertion acknowledges that they fixed eighty lashes for wine drinking on the basis of their own opinion—though Allah Most High has protected them from that. We find that they, may Allah be pleased with them, expressed all the things we have mentioned on the basis of their own opinions, both while the Messenger of Allah ﷺ was alive and after his death. A group of the Companions said, "Amir ibn al-Akwa's deeds have come to nothing," when he struck himself with his sword in battle, but the Prophet ﷺ declared that assertion false. Umar said, "Let me strike off Hatib's head, for he has become a hypocrite," but the Messenger of Allah ﷺ invalidated that statement of his. Umar's statement that we have mentioned contains the imposition of a legal rule requiring the striking off of a Muslim man's head, and a report concerning the unseen, namely that he was a hypocrite. There are many such examples, which we shall mention in the chapter on invalidating uncritical adherence, if Allah Most High wills. A person may say all these things while exercising independent reasoning,

[51] **Qur'an references (L558):** Qur'an 9:99 (At-Tawbah); Qur'an 53:4 (An-Najm); Qur'an 17:36 (Al-Isra); Qur'an 10:36 (Yunus); Qur'an 53:28 (An-Najm).

interpreting, and regarding what he sees as something grave; he may be mistaken or correct.[52]

L566–570

There is indeed much to marvel at in someone who attributes everything we have mentioned to the Prophet ﷺ on the basis of his own invalid conjecture, yet denies that he, peace be upon him, flogged Maiz, although his ruling that a person possessing the legal status of chastity through marriage be flogged as well as stoned has been authentically established from him, peace be upon him, and the Quran came down prescribing flogging for all who commit unlawful sexual intercourse. Abu Hurayra related the report about providing maintenance for one's wife, child, and slave, and said at its end: "Your wife says, 'Provide for me or divorce me.'" He was asked, "Is this from the Messenger of Allah ﷺ?" He replied, "No; this is from Abu Hurayra's own purse." And one marvels at the person who says, "Something like this cannot be stated on the basis of analogy"—we mean something like the statement of Aisha, may Allah be pleased with her, to the slave woman who had borne Zayd ibn Arqam a child: "Convey to Zayd on my behalf that, unless he repents, he has nullified his striving alongside the Messenger of Allah ﷺ"—while he himself makes statements on the basis of analogy that are more outrageous than this. Some of them distinguish between a mouse or a sparrow falling into a well and dying there, and a hen or a cat dying in a well, requiring twenty bucketfuls to be drawn for the one and forty bucketfuls for the other. He permits the sale of one garment out of two or three, to be selected by the purchaser without its being individually specified, but does not permit the sale of one garment out of four garments or more, to be selected by the purchaser. And he holds that amputation is required for teak and reeds, but does not hold that it applies to other kinds of wood. Some of them distinguish between an advance-payment transaction involving one mule in exchange for two mules and an advance-payment transaction involving two mules in exchange for two mules, permitting one of the two arrangements and prohibiting the other. If their arbitrary rulings in religion

وإن العجب ليكثر ممن ينسب إلى النبي صلى الله عليه وسلم كل ما ذكرنا بظنه الفاسد وينكر أن يكون عليه السلام جلد ماعزا وقد صح عنه عليه السلام الحكم بالجلد على المحصن مع الرجم ونزل القرآن بجلد الزناة كلهم، وقد ذكر أبو هريرة حديث النفقة على الزوجة والولد والعبد، فقال في آخره: تقول امرأتك أنفق علي أو طلقني فقيل له أهذا عن رسول الله صلى الله عليه وسلم فقال لا ولكن هذا من كيس أبي هريرة والعجب من القائل: إن مثل هذا لا يقال بالقياس، نعني في مثل قول عائشة رضي الله عنها لأم ولد زيد بن أرقم: أبلغني زيدا أنه إن لم يتب فقد أبطل جهاده مع رسول الله صلى الله عليه وسلم وهو يقول بالقياس ما هو أشنع من هذا فبعضهم يفرق بين الفأرة والعصفورة الواقعين في البئر يموتان فيها، وبين الدجاجة والسنور يموتان في البئر فيوجب من أحدهما عشرين دلوا ومن الآخر أربعين دلوا، ويجيز بيع ثوب من ثوبين أو ثلاثة يختاره المشتري بغير عينه، ولا يجيز بيع ثوب من أربعة أثواب فصاعدا يختاره المشتري، ويرى القطع في الساج والقنا ولا يراه في سائر الخشب وبعضهم يفرق بين سلم بغل في بغلين، وبين سلم بغلين في بغلين، فيحل أحد الوجهين ويحرم الآخر، وتحكمهم في الدين لو جمع لقامت منه أسفار ونحن لا ننسب إلى النبي صلى الله عليه وسلم إلا ما صح عنه بالنقل أو صح أن ربه تعالى أمره به ولم ينسخه عنه فقد قال عليه السلام إن كذبا علي ليس ككذب على أحد فمن كذب علي متعمدا فليتبوأ مقعده من النار. قال علي: وليس في تعمد الكذب أكثر من أن تسمع كلاما لم يخبرك أحد نثق به أن رسول الله صلى الله عليه وسلم قاله ولا سمعته يقوله ولا علمت أن الله تعالى أمره به فتنسبه أنت برأيك وظنك إلى أن رسول الله صلى الله عليه وسلم قاله نعوذ بالله العظيم من ذلك فصل في قوم لا يتقون الله فيما ينسب إلى

[52] **Translator's note (L565):** The sentence introducing the opponent's rule contains the awkward connective illā anna, literally "except that." It has been rendered "but" without altering the substance. "Instruction received from revelation" renders tawqīf; "uncritical adherence" renders taqlīd.

were collected, they would fill volumes. We attribute to the Prophet ﷺ only what is authentically established from him through transmission, or what it is authentically established that his Lord Most High commanded him to do and did not subsequently abrogate for him. For he ﷺ said: "A lie about me is not like a lie about anyone else. Whoever deliberately lies about me, let him take his seat in the Fire." Ali said: Deliberately lying requires nothing more than that you hear words which no one you trust has informed you that the Messenger of Allah ﷺ said, which you have not heard him say, and which you do not know Allah Most High commanded him to say, and then, on the basis of your own opinion and conjecture, attribute them as something that the Messenger of Allah ﷺ said. We seek refuge in Allah the Magnificent from that.

Section on People Who Do Not Fear Allah Regarding What Is Attributed to the Prophet ﷺ

Ali said: People who do not fear Allah, Mighty and Majestic, have cited reports, some of which invalidate the ordinances of Islam, while others attribute lying to the Messenger of Allah ﷺ and permit lying about him. These include what al-Muhallab ibn Abi Sufrah related to us: Ibn Munas related to us: Muhammed ibn Masrur al-Qayrawani related to us: Yunus ibn Abd al-A'la related to us, from Ibn Wahb: Shamir ibn Numayr informed me, from Husayn ibn Abd Allah ibn Ubayd Allah ibn al-Abbas, from his father, from his grandfather, Ali ibn Abi Talib, that the Messenger of Allah ﷺ said: "People will come who relate reports from me. Whoever relates to you a report resembling the Quran, I said it; whoever relates to you a report that does not resemble the Quran, I did not say it: it is only a draught from the Fire." Abu Muhammed said: Al-Husayn ibn Abd Allah is discredited, accused of heresy. And through the same chain to Ibn Wahb: Amr ibn al-Harith informed me, from al-Asbagh ibn Muhammed Abu Mansur, that it reached him that the Messenger of Allah ﷺ said: "Reports from me are of three kinds. Any report from me that reaches you which you recognize by means of the Book of Allah Most High, accept it. Any report from me that reaches you for which you find nothing in the Quran by which to reject it, and whose place in it you do not recognize, accept it. And any report from me that reaches you

النبي صلى الله عليه وسلم قال علي وقد ذكر قوم لا يتقون الله عز وجل أحاديث في بعضها إبطال شرائع الإسلام وفي بعضها نسبة الكذب إلى رسول الله صلى الله عليه وسلم وإباحة الكذب عليه وهو ما حدثنا المهلب بن أبي صفرة حدثنا ابن مناس، ثنا محمد بن مسرور القيرواني، ثنا يونس بن عبد الأعلى، عن ابن وهب، أخبرني شمر بن نمير، عن حسين بن عبد الله بن عبيد الله بن العباس عن أبيه عن جده علي بن أبي طالب أن رسول الله صلى الله عليه وسلم قال سيأتي ناس يحدثون عني حديثا فمن حدثكم حديثا يضارع القرآن فأنا قلته، ومن حدثكم بحديث لا يضارع القرآن فلم أقله، فإنما هو حسوة من النار. قال أبو محمد: الحسين بن عبد الله ساقط منهم بالزندقة، وبه إلى ابن وهب، أخبرني عمرو بن الحارث، عن الأصبغ بن محمد أبي منصور أنه بلغه أن رسول الله صلى الله عليه وسلم قال الحديث عني على ثلاث فأيما حديث بلغكم عني تعرفونه بكتاب الله تعالى فاقبلوه، وأيما حديث بلغكم عني لا تجدون في القرآن ما تنكرونه به ولا تعرفون موضعه فيه فاقبلوه، وأيما حديث بلغكم عني تقشعر منه جلودكم وتشمئز منه قلوبكم وتجدون في القرآن خلافه فردوه

which makes your skins shudder and your hearts recoil, and for which you find something contrary in the Quran, reject it."[53][54][55][56]

L571–574 Abu Muhammed said: This is a report with an interrupted chain of transmission, and al-Asbagh is unknown. Ahmad ibn Umar related to us: Ibn Ya'qub related to us: Ibn Mahlun related to us: al-Maghami related to us: Abd al-Malik ibn Habib related to us, from Mutarrif ibn Abd Allah, from Malik, from Rabi'ah ibn Abi Abd al-Rahman, that the Messenger of Allah ﷺ said during his illness: "Let people hold nothing against me. I permit only what Allah has permitted in His Book, and I prohibit only what Allah has prohibited in His Book." This has an interrupted chain of transmission, but its meaning is sound, because in this report he ﷺ merely stated that he had said nothing on his own initiative without revelation concerning it from Allah Most High to him. In saying this, he referred to the words of Allah Most High in His Book: {Nor does he speak from caprice. It is nothing but revelation revealed.} Thus the explicit text of the Book of Allah Most High determines that everything he ﷺ said is from Allah Most High. Al-Muhallab also informed me, through the first chain to Ibn Wahb: Sulayman ibn Bilal related to me, from Amr ibn Abi Amr, from someone who is not suspected, from al-Hasan, that the Messenger of Allah ﷺ said: "I do not know; perhaps

قال أبو محمد هذا حديث مرسل والأصبغ مجهول حدثنا أحمد بن عمر ثنا ابن يعقوب ثنا ابن محلون، ثنا المغامي ثنا عبد الملك بن حبيب عن مطرف بن عبد الله، عن مالك عن ربيعة بن أبي عبد الرحمن أن رسول الله صلى الله عليه وسلم قال في مرضه لا يمسك الناس علي شيئا لا أحل إلا ما أحل الله في كتابه ولا أحرم إلا ما حرم الله في كتابه وهذا مرسل إلا أن معناه صحيح لأنه عليه السلام إنما أخبر في هذا الخبر بأنه لم يقل شيئا من عند نفسه بغير وحي من الله تعالى به إليه، وأحال بذلك على قول الله تعالى في كتابه {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فنص كتاب الله تعالى يقضي بأن كل ما قاله عليه السلام فهو عن الله تعالى وأخبرني المهلب بالسند الأول إلى ابن وهب، حدثني سليمان بن بلال، عن عمرو ابن أبي عمرو عمن لا يتهم عن الحسن أن رسول الله صلى الله عليه وسلم قال وإني لا أدري لعلكم أن تقولوا عني بعدي ما لم أقل، ما حدثتم عني مما يوافق القرآن فصدقوا به، وما حدثتم عني مما لا يوافق القرآن فلا تصدقوا به وما لرسول الله صلى الله عليه وسلم حتى يقول ما لا يوافق القرآن وبالقرآن هداه الله. قال أبو محمد: وهذا مرسل وفيه: عمرو بن أبي عمرو وهو ضعيف، وفيه أيضا مجهول، حدثنا عبد الله بن ربيع، ثنا عبد الله بن محمد بن عثمان، ثنا أحمد بن خالد، ثنا علي بن عبد العزيز، ثنا حجاج بن المنهال، ثنا عبد الوهاب هو الثقفي سمعت يحيى بن سعيد قال: أخبرني ابن أبي مليكة أن ابن عمير حدثه أن رسول الله صلى الله عليه وسلم جلس في مرضه الذي مات فيه إلى جنب الحجر فحذر الفتن وقال إني والله لا يمسك الناس علي بشيء إني لا أحل إلا ما أحل الله في كتابه، ولا أحرم إلا ما حرم الله في كتابه. قال علي: وهذا مرسل لا يصح، وفيما أخذناه عن

[53] **Translator's note (L566):** "A person possessing the legal status of chastity through marriage" renders al-muḥṣan, a technical status relevant to the punishment under discussion. "From Abu Hurayra's own purse" preserves the metaphor for his own contribution rather than a transmitted prophetic statement.

[54] **Translator's note (L567):** The supplied ablignī Zaydan is awkward in this address: literally, "convey Zayd to me," whereas the following clause and context suggest conveying a message to Zayd on Aisha's behalf. The translation gives that contextual sense without treating the supplied wording as regular. "Amputation" renders al-qaṭʿ here in its legal sense, as confirmed by the following context concerning stolen kinds of wood.

[55] **Translator's note (L568):** The opening continues the preceding segment's discussion of cutting off a thief's hand for theft of particular kinds of wood. "Advance-payment transaction" renders salam, a contract involving advance payment for subsequent delivery.

[56] **Translator's note (L569):** The supplied منهم بالزندقة is corrupt or awkward. The translation provisionally understands it as متهم بالزندقة, "accused of heresy." The chain identifies Ali ibn Abi Talib as "his grandfather," although this does not align with the ancestry just supplied for Husayn. The apparent inconsistency is retained.

after me you will attribute to me what I did not say. Whatever you are told from me that agrees with the Quran, believe it; and whatever you are told from me that does not agree with the Quran, do not believe it. What could lead the Messenger of Allah ﷺ to say something that does not agree with the Quran, when Allah guided him through the Quran?" Abu Muhammed said: This has an interrupted chain of transmission. Its chain includes Amr ibn Abi Amr, who is weak, and also an unknown transmitter. Abd Allah ibn Rabi' related to us: Abd Allah ibn Muhammed ibn Uthman related to us: Ahmad ibn Khalid related to us: Ali ibn Abd al-Aziz related to us: Hajjaj ibn al-Minhal related to us: Abd al-Wahhab—that is, al-Thaqafi—related to us: I heard Yahya ibn Sa'id say: Ibn Abi Mulaykah informed me that Ibn Umayr related to him that the Messenger of Allah ﷺ sat beside the Hijr during the illness in which he died, warned against tribulations, and said: "By Allah, let people hold nothing against me. I permit only what Allah has permitted in His Book, and I prohibit only what Allah has prohibited in His Book." Ali said: This has an interrupted chain of transmission and is not authentic. Among what we received from some of our companions, from the judge Abd Allah ibn Muhammed ibn Yusuf, from Ibn al-Dakhil, from Muhammed ibn Amr al-Uqayli: Muhammed ibn Ayyub related to us: Abu Awn Muhammed ibn Awn al-Ziyadi related to us: Ash'ath ibn Bazzar related to us, from Qatadah from Abd Allah ibn Shaqiq, from Abu Hurayrah, that the Messenger of Allah ﷺ said: "When you are told a report from me that agrees with the truth, accept it, whether I related it or did not relate it." Ali said: Ash'ath ibn Bazzar is a liar, discredited; his reports are not to be accepted. Al-Muhallab ibn Abi Sufrah also related to us: Ibn Munas related to us: Muhammed ibn Masrur related to us: Yunus ibn Abd al-A'la related to us, from Ibn Wahb: al-Harith ibn Nabhan informed me, from Muhammed ibn Abd Allah al-Arzami, from Abd Allah ibn Sa'id ibn Abi Sa'id, from Abu Hurayrah, that the Messenger of Allah ﷺ said: "Whatever good saying reaches you from me which I did not say, I said it." Ali said: Al-Harith is weak, al-Arzami is weak, and Abd Allah ibn Sa'id is a notorious liar. This is precisely the attribution of lying to the Messenger of Allah ﷺ, because it is reported of him that he said: "I did not say it; I said it." How, then, can he say what he did not say? Would anyone consider this permissible except a lying, hereti-

بعض أصحابنا عن القاضي عبد الله بن محمد بن يوسف، عن ابن الدخيل، عن محمد بن عمرو العقيلي، حدثنا محمد بن أيوب، ثنا أبو عون محمد بن عون الزيادي، ثنا أشعث بن بزار، عن قتادة، عن عبد الله بن شقيق عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال إذا حدثتم عني بحديث يوافق الحق فخذوا به حدثت به أو لم أحدث. قال علي: وأشعث بن بزار كذاب ساقط لا يؤخذ حديثه، وحدثنا المهلب بن أبي صفرة، ثنا ابن مناس، ثنا محمد بن مسرور، ثنا يونس بن عبد الأعلى، عن ابن وهب، أخبرني الحارث بن نبهان، عن محمد بن عبد الله العرزمي، عن عبد الله بن سعيد بن أبي سعيد عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال ما بلغكم عني من قول حسن لم أقله فأنا قلته. قال علي: الحارث ضعيف، والعرزمي ضعيف، وعبد الله بن سعيد كذاب مشهور وهذا هو نسبة الكذب إلى رسول الله صلى الله عليه وسلم لأنه حكي عنه أنه قال لم أقله فأنا قلته فكيف يقول ما لم يقله هل يستجيز هذا إلا كذاب زنديق كافر أحمق؟ إنا لله وإنا إليه راجعون على عظم المصيبة، بشدة مطالبة الكفار لهذه الملة الزهراء، وعلى ضعف بصائر كثير من أهل الفضل، يجوز عليهم مثل هذه البلايا لشدة غفلتهم، وحسن ظنهم لمن أظهر لهم الخير.

cal, unbelieving fool? To Allah we belong, and to Him we return, in the face of the enormity of the calamity caused by the unbelievers' fierce pursuit of this radiant religion, and the weakness of discernment of many people of merit, upon whom such disastrous things can be passed off because of their extreme heedlessness and their good opinion of anyone who makes a show of goodness before them.[57][58][59][60]

L575–577 Ali said: Thus one of the two groups has invalidated the ordinances, and the other has permitted lying about the Messenger of Allah ﷺ. We disavow before Allah Most High both these groups and both these positions. We say to the first: The first thing we submit to the Quran is the report you have cited. When we submitted it, we found that the Quran contradicted it. Allah Most High said: {Whatever Allah has restored to His Messenger from the people of the towns belongs to Allah, to the Messenger, to near relatives, to orphans, to the needy, and to the traveler, so that it may not circulate among the wealthy among you. Whatever the Messenger gives you, take it; and whatever he forbids you, refrain from it. Fear Allah; indeed, Allah is severe in punishment.} And He Most High said: {Whoever obeys the Messenger has obeyed Allah; and whoever turns away—We have not sent you as a guardian over them.} And He Most High said: {We have sent down to you the Book in truth, so that you may judge between people by what Allah has shown you; and do not be an advocate for the treacherous.} We ask the proponent

قال علي: فإحدى الطائفتين أبطلت الشرائع والأخرى أباحت الكذب على رسول الله صلى الله عليه وسلم ونحن نبرأ إلى الله تعالى من كلتا هاتين الطائفتين وهاتين المسألتين. ونقول للأولى: أول ما نعرض على القرآن الحديث الذي ذكرتموه، فلما عرضناه وجدنا القرآن يخالفه قال الله تعالى {مآ أفآء الله على رسوله من أهل لقرى فلله وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل كي لا يكون دولة بين لأغنيآء منكم ومآ آتاكم لرسول فخذوه وما نهاكم عنه فنتهوا وتقوا الله إن الله شديد لعقاب} وقال تعالى {من يطع لرسول فقد أطاع الله ومن تولى فمآ أرسلناك عليهم حفيظا} وقال تعالى {إنآ أنزلنا إليك لكتاب بلحق لتحكم بين لناس بمآ أراك الله ولا تكن للخآئنين خصيما} ونسأل قائل هذا القول الفاسد: في أي قرآن وجد أن الظهر أربع ركعات، وأن المغرب ثلاث ركعات، وأن الركوع على صفة كذا، والسجود على صفة كذا، وصفة القراءة فيها والسلام، وبيان ما يجتنب في الصوم، وبيان كيفية زكاة الذهب والفضة، والغنم والإبل والبقر، ومقدار الأعداد المأخوذ منها الزكاة، ومقدار الزكاة المأخوذة، وبيان أعمال الحج من وقت الوقوف بعرفة، وصفة الصلاة بها وبمزدلفة ورمي الجمار، وصفة الإحرام، وما يجتنب فيه، وقطع يد السارق، وصفة الرضاع المحرم، وما يحرم من المآكل، وصفة الذبائح والضحايا وأحكام الحدود، وصفة وقوع الطلاق، وأحكام البيوع، وبيان الربا، والأقضية والتداعي والإيمان والأحباس، والعمرى، والصدقات، وسائر أنواع الفقه؟ وإنما في القرآن جمل لو تركنا وإياها، لم ندر كيف نعمل فيها، وإنما المرجوع إليه في كل ذلك النقل عن النبي صلى الله عليه وسلم وكذلك الإجماع إنما هو

[57] **Translator's note (L571):** "Report with an interrupted chain of transmission" renders mursal, here referring to a report attributed to the Prophet without a continuous chain reaching him. The Quran quotation reads عن لهوى, an apparently defective transcription of عن الهوى, "from caprice." The translation follows the intelligible sense while recording the defect. The Arabic does not explicitly mark whether the rhetorical question beginning "What could lead the Messenger…" belongs to the reported saying or to the surrounding discussion; it is retained within the quotation.

[58] **Translator's note (L572):** The unvocalized الحجر may mean the Hijr, the enclosure beside the Kaaba, or "the Stone," potentially the Black Stone. "The Hijr" is provisional.

[59] **Translator's note (L574):** The contradictory wording "which I did not say, I said it" is present in the supplied report and is the explicit target of the author's criticism. مطالبة الكفار لهذه الملة is awkward here; "the unbelievers' fierce pursuit of this radiant religion" preserves its apparent sense of hostile pursuit or pressure.

[60] **Qur'an references (L571):** Qur'an 53:4 (An-Najm).

of this unsound assertion: In which Quran did he find that the noon prayer consists of four units of prayer, that the sunset prayer consists of three units of prayer, that bowing is performed in such-and-such a manner and prostration in such-and-such a manner, and the manner of recitation therein and the concluding salutation, the explanation of what is to be avoided when fasting, and the explanation of how the obligatory alms on gold and silver are to be assessed and sheep and goats, camels, and cattle; the numbers of animals upon which zakat is levied and the amount of zakat collected; the explanation of the rites of pilgrimage, including the time of standing at ʿArafah, the manner of performing prayer there and at Muzdalifah, the casting of pebbles at the pillars, the manner of entering ritual consecration and what must be avoided during it; the amputation of the thief's hand; the nature of suckling that establishes marriage prohibitions; prohibited foods; the manner of slaughtering animals and offering sacrifices; the rules governing prescribed punishments; the manner in which divorce takes effect; the rules governing sales; the explanation of usury, judicial decisions, litigation, oaths, charitable endowments, grants of lifetime use, charitable gifts, and all other branches of jurisprudence. The Quran contains only general statements which, if we were left with them alone, would not tell us how to act upon them. In all this, recourse is exclusively to transmission from the Prophet ﷺ. Likewise, consensus concerns only a few questions, all of which we have collected in a single book entitled The Book of Ranks. Whoever wishes to examine them should seek them there. Recourse to hadith is therefore indispensable.[61][62][63]

L578–582 If someone were to say, "We accept only what we find in the Quran," he would be an unbeliever by the consensus of the community. He would be obliged to perform only one unit of prayer between the sun's decline and the

على مسائل يسيرة قد جمعناها كلها في كتاب واحد وهو المرسوم بكتاب المراتب فمن أراد الوقوف عليها فليطلبها هنالك فلا بد من الرجوع إلى الحديث ضرورة

ولو أن امرأ قال: لا نأخذ إلا ما وجدنا في القرآن لكان كافرا بإجماع الأمة، ولكان لا يلزمه إلا ركعة ما بين دلوك الشمس إلى غسق الليل، وأخرى عند الفجر، لأن ذلك هو أقل ما يقع عليه اسم صلاة، ولا حد للأكثر في ذلك. وقائل هذا كافر مشرك حلال الدم والمال، وإنما ذهب إلى هذا بعض غالية الرافضة ممن قد اجتمعت الأمة على كفرهم وبالله تعالى التوفيق. ولو أن امرأ لا يأخذ إلا بما اجتمعت عليه الأمة فقط، ويترك كل ما اختلفوا فيه مما قد جاءت فيه النصوص لكان فاسقا بإجماع الأمة، فهاتان المقدمتان توجب بالضرورة الأخذ بالنقل. وأما من تعلق بحديث التقسيم

[61] **Translator's note (L575):** The Quran quotations contain numerous missing initial alifs, including لله where الله is required by the surrounding syntax. Their intelligible readings are translated here, with these apparent transcription defects recorded rather than treated as distinct wording.

[62] **Translator's note (L577):** The supplied الإيمان ordinarily means "faith"; the legal context suggests الأيمان, "oaths," which is the reading reflected in the translation.

[63] **Qur'an references (L575):** Qur'an 59:7 (Al-Hashr); Qur'an 4:80 (An-Nisa).

darkness of night, and another at dawn, because that is the least to which the designation "prayer" applies, while there is no upper limit to it. Whoever says this is an unbeliever and a polytheist whose blood and property are lawful to take. Only some of the extremists among the Rejectionists, whose unbelief the community unanimously affirms, have adopted this position. Success is through Allah Most High.

If someone were to accept only what the community has unanimously agreed upon, abandoning everything over which they have disagreed despite the existence of revealed texts concerning it, he would be a flagrant sinner by the consensus of the community. These two premises necessarily require acceptance of transmission.

As for those who cling to the hadith of classification and say, "Whatever is in the Quran, we accept; whatever is not in the Quran, neither agreeing with it nor contradicting it, we accept; and whatever contradicts the Quran, we reject," they are told: Nothing in authentic hadith contradicts the Quran. If someone counts an addition as a contradiction, he must require amputation for a fals's worth of gold, because the Quran prescribes amputation in general terms. He must also declare human excrement lawful, because the Quran expressly states: "Say: I find nothing in what has been revealed to me forbidden to an eater who eats it, unless it be carrion or blood poured forth, or the flesh of swine—for it is filth—or an impious offering over which a name other than Allah's has been invoked. But whoever is compelled, neither seeking it nor exceeding the limit—then your Lord is forgiving, merciful." Human excrement is none of the things mentioned. If he says, "It is filth," he is told: Everything prohibited is filth—especially if the person we are addressing is someone who considers camels' urine and dung lawful. For what difference is there between the kinds of excrement, except through arbitrary assertion? He must also declare it lawful to be married simultaneously to a paternal aunt and her brother's daughter, because the Quran expressly names the prohibited women and then says: "And married women, except those whom your right hands possess: Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, in marriage, not in fornication. For whatever enjoyment you

فقال: ما كان في القرآن أخذناه، وما لم يكن في القرآن لا ما يوافقه ولا ما يخالفه أخذناه، وما كان خلافا للقرآن تركناه، فيقال لهم: ليس في الحديث الذي صح شيء يخالف القرآن، فإن عد الزيادة خلافا لزمه أن يقطع في فلس من الذهب، لأن القرآن جاء بعموم القطع. ولزمه أن يحل العذرة، لأن في نص القرآن: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير الله به فمن اضطر غير باغ ولا عاد فإن ربك غفور رحيم} والعذرة ليست شيئا مما ذكر، فإن قال: هي رجس، قيل له: كل محرم فهو رجس، لا سيما إن كان مخاطبنا ممن يستحل أبوال الإبل وبعرها، فأي فرق بين أنواع المعذرات لولا التحكم، ولزمه أيضا، أن يحل الجمع بين العمة وبنت أخيها لأن القرآن نص على المحرمات ثم قال {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب الله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما استمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن الله كان عليما حكيما} فإن عد الزيادة خلافا، لزمه كما ذكرناه. وأما الطائفة الأخرى المبيحة للقول بما لم يأت نصا عن النبي صلى الله عليه وسلم وإباحة أن ينسب ذلك إليه فحسبنا أنهم مقرون على أنفسهم بأنهم كاذبون وقد صح عن رسول الله صلى الله عليه وسلم أنه قال من حدث عني بحديث وهو يرى أنه كذب فهو أحد الكاذبين. حدثنا أحمد بن محمد الجسوري قال: ثنا وهب بن مسرة، ثنا ابن وضاح، عن أبي بكر بن أبي شيبة، ثنا وكيع عن شعبة وسفيان، عن حبيب، عن ميمون بن أبي شبيب عن المغيرة بن شعبة عن النبي صلى الله عليه وسلم وقال عليه السلام لا تكذبوا علي فإنه من يكذب علي يلج النار وروينا هذا المعنى مسندا صحيحا من طريق علي وأبي هريرة وسمرة وأنس عن رسول الله صلى الله عليه وسلم قال علي وقال محمد بن عبد

have had from them, give them their due payments as an obligation. There is no blame upon you for what you mutually agree upon after the obligation. Indeed, Allah is knowing, wise." If he counts an addition as a contradiction, the consequences we have mentioned follow necessarily.

As for the other group, who permit saying things that have not come as an explicit text from the Prophet ﷺ and permit attributing them to him, it suffices us that they acknowledge themselves to be liars. It has been authentically transmitted from the Messenger of Allah ﷺ that he said: "Whoever relates a report from me while thinking it false is one of the liars." Ahmad ibn Muhammed al-Jasuri related to us, saying: Related to us by Wahb ibn Masarrah, who related to us from Ibn Waddah, from Abu Bakr ibn Abi Shaybah, who related to us from Waki', from Shu'bah and Sufyan, from Habib, from Maymun ibn Abi Shabib, from al-Mughirah ibn Shu'bah, from the Prophet ﷺ. He ﷺ also said: "Do not lie about me, for whoever lies about me enters the Fire." We have transmitted this meaning through authentic connected chains by way of 'Ali, Abu Hurayrah, Samurah, and Anas, from the Messenger of Allah ﷺ.

'Ali said: Muhammed ibn 'Abd Allah ibn Masarrah said: "Hadith falls into three categories: a hadith agreeing with what is in the Quran, acceptance of which is obligatory; a hadith adding to what is in the Quran, which is added to what is in the Quran and acceptance of which is obligatory; and a hadith contradicting what is in the Quran, which is discarded."

'Ali ibn Ahmad said: There is absolutely no possibility of an authentic report contradicting what is in the Quran. Every report conveying a rule of revealed law is either added and joined to what is in the Quran, explaining its general statement, or constitutes an exception to its general statement. There is no possibility of a third alternative. If they argue on the basis of hadiths prohibiting things that are not in the Quran, we say to them: Allah, mighty and majestic, has said: "Those who follow the Messenger, the unlettered Prophet, whom they find written down with them in the Torah and the Gospel: he commands them to do what is right and forbids them what is wrong, makes wholesome things lawful for them and foul things unlawful for them, and removes from them their burden and the fetters that were

الله بن مسرة الحديث ثلاثة أقسام: فحديث موافق لما في القرآن، فالأخذ به فرض، وحديث زائد على ما في القرآن، فهو مضاف إلى ما في القرآن، والأخذ به فرض، وحديث مخالف لما في القرآن فهو مطرح. قال علي بن أحمد: لا سبيل إلى وجود خبر صحيح مخالف لما في القرآن أصلا، وكل خبر شريعة، فهو إما مضاف إلى ما في القرآن ومعطوف عليه ومفسر لجملته، وإما مستثنى منه لجملته، ولا سبيل إلى وجه ثالث. فإن احتجوا بأحاديث محرمة أشياء ليست في القرآن قلنا لهم قد قال الله عز وجل {الذين يتبعون لرسول لنبي لأمي لذي يجدونه مكتوبا عندهم في لتوراة ولإنجيل يأمرهم بلمعروف وينهاهم عن لمنكر ويحل لهم لطيبات ويحرم عليهم لخبآئث ويضع عنهم إصرهم ولأغلال لتي كانت عليهم فلذين آمنوا به وعزروه ونصروه وتبعوا لنور لذي أنزل معه أولئك هم لمفلحون} فكل ما حرمه رسول الله صلى الله عليه وسلم مثل الحمار الأهلي وسباع الطير وذوات الأنياب، وغير ذلك فهو من الخبائث؛ وهو مذكور في الجملة المتلوة في القرآن ومفسر لها، والمعترض بها يسأل: أيحرم أكل عذرته أم يحلها، فإن أحلها خرج عن إجماع الأمة وكفر، وإن حرمها فقد حرم ما لم ينص الله تعالى على اسمه في القرآن فإن قال هي من الخبائث قيل له وكل ما حرم عليه السلام فهو كالخنزير وكل ذلك من الخبائث

upon them. Those who believe in him, honor him, support him, and follow the light sent down with him—it is they who prosper." Everything that the Messenger of Allah ﷺ prohibited, such as the domestic donkey, predatory birds, animals with fangs, and other things, therefore belongs among foul things. It is mentioned within the general statement recited in the Quran and explains it. Whoever raises an objection on this basis is asked whether he prohibits eating his own excrement or considers it lawful. If he considers it lawful, he departs from the consensus of the community and becomes an unbeliever. If he prohibits it, he has prohibited something that Allah Most High has not expressly named in the Quran. If he says, "It belongs among foul things," he is told: Everything that he ﷺ prohibited is like swine, and all of it belongs among foul things.[646][566][676][869]

L583–585 ʿAli said: If he says, "Consensus on its prohibition has been established," he is told: You have acknowledged that the community unanimously agrees on adding to the Quran the transmitted practices that have come from the Prophet ﷺ, alongside what has been authentically transmitted from the

قال علي: فإن قال: قد صح الإجماع على تحريمها، قيل له: قد أقررت بأن الأمة مجمعة على إضافة ما جاء عن النبي صلى الله عليه وسلم من السنن إلى القرآن مع ما صح على النبي صلى الله عليه وسلم من النهي عن ذلك كما حدثنا عبد الرحمن بن سلمة صاحب لنا قال: ثنا أحمد بن خليل قال: ثنا خالد بن سعيد، ثنا أحمد بن خالد، ثنا أحمد بن عمرو المكي وكان ثقة ثنا محمد بن أبي عمر العدني، ثنا سفيان هو ابن عيينة عن سالم أبي النضر عن عبيد الله بن أبي رافع عن أبيه قال قال رسول الله صلى الله عليه وسلم لا ألفين أحدكم متكئا على أريكته يأتيه الأمر مما أمرت به أو نهيت عنه فيقول: لا أدري ما وجدنا في كتاب الله تعالى اتبعناه فهذا حديث صحيح بالنهي عما تعلل به هؤلاء الجهال، وبالله تعالى التوفيق، مع ما قدمنا من أنه لا يختلف مسلمان في أن ما صح عن النبي صلى الله عليه وسلم فهو مضاف إلى ما في القرآن وأنهم إنما اختلفوا في الطرق التي بها يصح ما جاء عنه عليه السلام فقط وقد سألت بعض من يذهب هذا المذهب عن قول الله تعالى وقد ذكر النساء المحرمات في القرآن ثم قال تعالى {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم

[64] **Translator's note (L578):** A fals is a small coin; "a fals's worth of gold" renders the supplied فلس من الذهب, whose literal wording is "a fals of gold." The Quran quotation continues in the next unit.

[65] **Translator's note (L579):** The supplied Quran quotation has لله where الله is expected in "other than Allah"; it also has ضطر for اضطر. These appear to be transcription defects; the intended wording is reflected in the translation.

[66] **Translator's note (L580):** المعذرات is an unusual or corrupt form here; the context indicates kinds of excrement. The Quran quotation repeatedly omits initial alifs in such forms as ولمحصنات, لنسآء, لله, ستمتعتم, and لفريضة. The translation reflects the identifiable words while recording these transcription defects here. The unvocalized الكاذبين can be read as "the liars" or "the two liars"; the former is used here.

[67] **Translator's note (L581):** The wording وإما مستثنى منه بجملته is syntactically awkward; it is rendered as an exception to the Quran's general statement, in parallel with the preceding explanation of that statement.

[68] **Translator's note (L582):** The Quran quotation systematically omits initial alifs in numerous words, including those corresponding to "those," "the Messenger," "the Prophet," "the Torah," and "Allah's revealed light." These apparent transcription defects do not yield a distinct alternative meaning.

[69] **Qur'an references (L578):** Qur'an 6:145 (Al-An'am); Qur'an 4:24 (An-Nisa).

أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن الله كان عليما حكيما} ثم روى أبو هريرة وأبو سعيد أنه عليه السلام حرم الجمع بين المرأة وعمتها والمرأة وخالتها، وليس هذا إجماعا، فعثمان البتي وغيره يرون الجمع بين المرأة وعمتها، والمرأة وخالتها حلالا. فقال لي: ليس هذا الحديث خلافا للآية لكنه مضاف إليها، فقلت له: فعلى هذا لا سبيل إلى وجود حديث مخالف لما في القرآن أصلا، وكل حديث أتى فهو مضاف إلى ما في القرآن ولا فرق وبالله تعالى التوفيق فصل ليس كل من أدرك النبي صلى الله عليه وسلم ورآه صحابيا قال علي وليس كل من أدرك النبي صلى الله عليه وسلم ورآه صحابيا

Prophet ﷺ prohibiting that, as ʿAbd al-Rahman related to us, ibn Salamah, an associate of ours, who said: Ahmad ibn Khalil related to us, saying: Khalid ibn Saʿid related to us; Ahmad ibn Khalid related to us; Ahmad ibn ʿAmr al-Makki—who was trustworthy—related to us; Muhammed ibn Abi ʿUmar al-ʿAdani related to us; Sufyan—that is, Ibn ʿUyaynah—related to us, from Salim Abu al-Nadr, from ʿUbayd Allah ibn Abi Rafiʿ, from his father, who said: The Messenger of Allah ﷺ said: "Let me not find any of you reclining upon his couch when a matter concerning something I have commanded or forbidden reaches him, saying, 'I do not know. Whatever we find in the Book of Allah Most High, we follow.'" This is an authentic hadith prohibiting the very position these ignorant people invoke as their excuse. Success is through Allah Most High. This is in addition to what we have already stated: no two Muslims disagree that whatever is authentically transmitted from the Prophet ﷺ is added to what is in the Quran. They have disagreed only about the means by which what comes from him ﷺ is established as authentic.

I asked someone who adopts this position about the words of Allah Most High: after mentioning the prohibited women in the Quran, He Most High said: "And married women, except those whom your right hands possess: Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, in marriage, not in fornication. For whatever enjoyment you have had from them, give them their due payments as an obligation. There is no blame upon you for what you mutually agree upon after the obligation. Indeed, Allah is knowing, wise." Yet Abu Hurayrah and Abu Saʿid transmitted that he ﷺ prohibited being married simultaneously to a woman and her paternal aunt, or a woman and her maternal aunt. This is not a matter of consensus: ʿUthman al-Batti and others consider it lawful to be married simultaneously to a woman and her paternal aunt, or a woman and her maternal aunt. He said to me: "This hadith does not contradict the verse; rather, it is added to it." I said to him: On this basis, there is absolutely no possibility of a hadith contradicting what is in the Quran. Every hadith that comes is added to what is in the Quran, and there is no difference. Success is through Allah Most High.

Section: Not Everyone Who Lived in the Prophet's ﷺ Time and Saw Him Is a Companion

ʿAli said: Not everyone who lived in the Prophet's ﷺ time and saw him is a Companion.[707172]

L586–587 Were that so, Abu Jahl would have been one of the Companions, because he saw the Prophet ﷺ, conversed with him, sat with him, and heard him. Nor is everyone who was alive in his time ﷺ but did not meet him, and then embraced Islam after his death ﷺ, or during his lifetime without having seen him, counted among the Companions. Were that so, everyone who lived in his time ﷺ would have been a Companion. No one disputes that ʿAlqamah and al-Aswad were not Companions, despite their eminent virtue, knowledge, and piety. They were already two distinguished scholars in the days of ʿUmar, and they embraced Islam in the days of the Prophet ﷺ. The Companions are only those concerning whom Allah Most High said: "Muhammed is a messenger for Allah, and those with him are stern toward the unbelievers, merciful among themselves. You see them bowing and prostrating, seeking bounty from Allah and approval. Their mark is on their faces from the effect of prostration. That is their likeness in the Torah; and their likeness in the Gospel is that of a crop that sends forth its shoots, strengthens them, grows thick, and stands upright upon its stalks, delighting the sowers, so that through them He may enrage the unbelievers. Allah has promised those among them who believe and do righteous deeds forgiveness and a tremendous reward." If someone heard the Prophet ﷺ relate something while the hearer was an unbeliever, then embraced Islam and related it while possessing upright character, it is an authentic report with a connected chain of transmission, which must be accepted. There is no disagreement about

ولو كان ذلك لكان أبو جهل من الصحابة لأنه قد رأى النبي صلى الله عليه وسلم وحادثه وجالسه وسمع منه وليس كل من أدركه عليه السلام ولم يلقه ثم أسلم بعد موته عليه السلام أو في حياته إلا أنه لم يره معدودا في الصحابة ولو كان ذلك لكان كل من كان في عصره عليه السلام صحابيا ولا خلاف بين أحد في أن علقمة والأسود ليسا صحابيين، وهما من الفضل والعلم والبر بحيث هما، وقد كانا عالمين جليلين أيام عمر وأسلما في أيام النبي صلى الله عليه وسلم وإنما الصحابة الذين قال الله تعالى فيهم {محمد رسول لله ولذين معه أشدآء على لكفار رحمآء بينهم تراهم ركعا سجدا يبتغون فضلا من لله ورضوانا سيماهم في وجوههم من أثر لسجود ذلك مثلهم في لتوراة ومثلهم في لإنجيل كزرع أخرج شطأه فآزره فستغلظ فستوى على سوقه يعجب لزراع ليغيظ بهم لكفار وعد لله لذين آمنوا وعملوا لصالحات منهم مغفرة وأجرا عظيما} ومن سمع النبي صلى الله عليه وسلم يحدث بشيء والسامع كافر ثم أسلم فحدث به وهو عدل فهو مسند صحيح واجب الأخذ به، ولا خلاف بين أحد من العلماء في ذلك، وإنما شرط العدالة في حين النذارة والمجيء بالخير، لا في حين مشاهدة ما أخبر به وقد كان في المدينة في عصره عليه السلام منافقون بنص القرآن وكان بها أيضا من لا ترضي حاله كهيت المخنث الذي أمر عليه السلام بنفيه والحكم الطريد وغيرهما فليس هؤلاء ممن يقع عليهم اسم الصحابة. حدثني أحمد بن قاسم قال: حدثني أبي قاسم بن محمد بن قاسم قال: حدثني جدي قاسم بن أصبغ قال: حدثنا إسحاق بن الحسن الحربي، ثنا زكريا بن

[70] **Translator's note (L583):** The referent of "prohibiting that" is awkward: grammatically it could refer to adding the transmitted practices to the Quran, whereas the following hadith prohibits rejecting a prophetic command on the ground that it is absent from the Quran. The supplied wording is retained without repair.

[71] **Translator's note (L584):** The Quran quotation repeats the omissions of initial alifs found in unit 580:0; the same wording is translated consistently. "ʿAbd al-Rahman ibn Salamah" spans the boundary between the preceding unit and this one.

[72] **Qur'an references (L583):** Qur'an 4:24 (An-Nisa).

this among any of the scholars. Upright character is stipulated only at the time of conveying the warning and bringing the information, not at the time of witnessing what one subsequently reports. In Medina during his time ﷺ there were hypocrites, as the Quran explicitly states. There were also people there whose condition was unsatisfactory, such as Hit, the effeminate man whom he ﷺ ordered banished, al-Hakam the outcast, and others. These are not among those to whom the designation "Companions" applies. Ahmad ibn Qasim related to me, saying: My father, Qasim ibn Muhammed ibn Qasim, related to me, saying: My grandfather, Qasim ibn Asbagh, related to me, saying: Ishaq ibn al-Hasan al-Harbi related to us: Zakariyya ibn ʿAdi related to us: ʿAli ibn Mushir related to us, from Salih ibn Hayyan, from Abu Buraydah, from his father, who said: There was a clan of Banu Layth two miles from Medina.[7374]

عدي، ثنا علي بن مسهر عن صالح بن حيان عن أبي بريدة عن أبيه قال: كان حي من بني ليث على ميلين من المدينة،

L588 He said: A man came to them wearing a suit of clothes and said: "The Messenger of Allah ﷺ clothed me in this suit and instructed me to adjudicate concerning your lives and property as I see fit." He said: During the pre-Islamic period, he had sought to marry a woman from among them, but they had refused to marry her to him. He then went and lodged with that woman.

قال فجاءهم رجل وعليه حلة فقال إن رسول الله صلى الله عليه وسلم كساني هذه الحلة وأمرني أن أحكم في دمائكم وأموالكم بما أرى قال: وقد كان خطب منهم امرأة في الجاهلية فلم يزوجوه، فانطلق حتى نزل على تلك المرأة

L589 They sent to the Prophet ﷺ, who said: "The enemy of Allah has lied." He then dispatched a man, saying: "If you find him alive—though I do not think you will find him so—strike off his head. If you find him dead, burn him with fire." ʿAli said: Here, as you see, was someone living in his time ﷺ who lied about him. Thus, no one is to be accepted unless he is named and his virtue is known. As for Qudamah ibn Mazʿun, Samurah ibn Jundub, al-Mughirah

فأرسلوا إلى النبي صلى الله عليه وسلم فقال كذب عدو الله ثم أرسل رجلا فقال إن وجدته حيا ولا أراك تجده فاضرب عنقه، وإن وجدته ميتا فاحرقه بالنار قال علي فهذا من كان في عصره صلى الله عليه وسلم يكذب عليه كما ترى فلا يقبل إلا من سمي وعرف فضله وأما قدامة بن مظعون، وسمرة بن جندب، والمغيرة بن شعبة، وأبو بكرة، رضوان الله عليهم، فأفاضل أئمة عدول.

[73] **Translator's note (L587):** The Quran quotation begins with «رسول لله», literally "a messenger for Allah," rather than the canonical «رسول الله», "the Messenger of Allah." The supplied wording is retained. Numerous definite articles elsewhere in the quotation have abbreviated or defective spelling. The supplied «المجيء بالخير» literally means "bringing good"; the transmission context suggests "bringing the information," normally «المجيء بالخبر». The translation follows that contextual sense while recording the apparent transcription error here. The transmission chain reads "Abu Buraydah, from his father"; this potentially problematic narrator designation is retained without emendation.

[74] **Qur'an references (L586):** Qur'an 48:29 (Al-Fath).

ibn Shuʿbah, and Abu Bakrah—may Allah be pleased with them—they are eminent men, leaders, and persons of upright character.

L590 As for Qudamah, he participated at Badr; he is certainly forgiven and enjoys Allah's approval. Whenever we know with certainty that Allah, Mighty and Majestic, has approved of someone and absolved him of blame, we are obliged to approve of him and not enumerate anything against him. He therefore possesses upright character by the necessary force of the demonstration establishing his upright character in the judgment of Allah, Mighty and Majestic, and in ours, and by his statement ﷺ: "Allah looked upon the people of Badr and said to them: 'Do whatever you wish, for I have forgiven you.'" As for al-Mughirah ibn Shuʿbah, he was among those who took the Pledge of Approval. He ﷺ has declared that no one who pledged allegiance beneath the tree will enter the Fire. Thus, what is said concerning him is the same as what is said concerning Qudamah. As for Samurah ibn Jundub, he participated at Uhud and attended the campaigns after Uhud, and so on. His case is the same as that of al-Mughirah ibn Shuʿbah. As for Abu Bakrah, it is possible that the matter was made to appear otherwise to him; al-Mughirah himself said this. Thus neither he nor al-Mughirah incurs sin. This is our position. Anything admitting of a possibility, whose outward appearance does not yield certainty, does not remove someone from the status previously known of him with certainty. The two therefore retain their established upright character, and certainty is not overturned by doubt. This is the presumption of the continuity of an existing state, which our opponents rejected, yet to which they return here in humiliation. Not one of them has refrained from transmitting from both al-Mughirah and Abu Bakrah; and Abu Bakrah was acting upon an interpretation.[75]

L591–602 As for Samurah, he too was acting upon an interpretation, and someone acting upon an interpretation is rewarded even when mistaken. Likewise, Qudamah interpreted the matter as entailing no blame upon him, and he

أما قدامة فبدري مغفور له بيقين مرضي عنه، وكل من تيقنا أن الله عز وجل رضي عنه، وأسقط عنه الملامة، ففرض علينا أن نرضى عنه، وأن لا نعدد عليه شيئا، فهو عدل بضرورة البرهان القائم على عدالته من عند الله عز وجل وعندنا وبقوله عليه السلام إن الله اطلع على أهل بدر فقال لهم اعملوا ما شئتم فقد غفرت لكم. وأما المغيرة بن شعبة فمن أهل بيعة الرضوان وقد أخبر عليه السلام ألا يدخل النار أحد بايع تحت الشجرة فالقول فيه كالقول في قدامة. وأما سمرة بن جندب فأحدي وشهد المشاهد بعد أحد وهلم جرا، والأمر فيه كالأمر في المغيرة بن شعبة. وأما أبو بكرة، فيحتمل أن يكون شبه عليه، وقد قال ذلك المغيرة، فلا يأثم هو ولا المغيرة، وبهذا نقول: وكل ما احتمل ولم يكن ظاهره يقينا فغير منقول عن متيقن حاله بالأمس، فهما على ما ثبت من عدالتهما. ولا يسقط اليقين بالشك وهذا هو استصحاب الحال الذي أباه خصومنا، وهم راجعون إليه في هذا المكان بالصغر منهم. فما منهم أحد امتنع من الرواية عن المغيرة وأبي بكرة معا، وأبي بكرة وهو متأول.

وأما سمرة فمتأول أيضا، والمتأول مأجور وإن كان مخطئا، وكذلك قدامة تأول أن لا جناح عليه وصدق لا جناح عليه عند الله تعالى في الآخرة بلا شك، وأما في أحكام الدنيا فلا، ولنا في الدنيا أحكام غير أحكام الآخرة. وكذلك كل من قاتل عليا رضوان الله عليه يوم صفين، وأما أهل الجمل فما قصدوا قط قتال علي رضوان

[75] **Translator's note (L590):** The wording «وكل ما احتمل ... فغير منقول عن متيقن حاله بالأمس» is syntactically awkward. The translation understands it, in light of the immediately following argument, as preserving a person's previously certain status when subsequent evidence remains uncertain.

spoke truly: without doubt, no blame attaches to him before Allah Most High in the Hereafter. As for the judgments of this world, however, that is not so. We have judgments in this world that differ from the judgments of the Hereafter. The same applies to everyone who fought ʿAli—may Allah be pleased with him—on the day of Siffin. As for the people of the Camel, they never intended to fight ʿAli—may Allah be pleased with him—nor did ʿAli—may Allah be pleased with him—intend to fight them. They assembled at Basra only to investigate the killers of ʿUthman—may Allah be pleased with him—and enforce Allah Most High's due against them. Those who feared that Allah Most High's prescribed punishment would be exacted from them hastened to act. They were a vast multitude, approaching thousands in number, and secretly instigated the fighting until each of the two parties was compelled to defend itself upon seeing swords striking among them. This has been explicitly transmitted in a report. How astonishing indeed is someone who permits Abu Hanifah, Malik, al-Shafiʿi, al-Awzaʿi, al-Layth, Sufyan, Ahmad, and Dawud—may Allah have mercy on them—to exercise independent legal judgment concerning bloodshed, sexual relations, and acts of worship, so that one sheds blood which he deems lawful through his independent legal judgment, while the foremost of those we have mentioned deems it forbidden; sexual access, which the other forbids; one deems property lawful, while the other deems it forbidden; one requires a prescribed punishment, while the other waives it; and one requires an obligation, while the other overturns it; one forbids an act, while the other permits it. They have never disagreed except concerning the matters we have mentioned. Thus he permits these men to adjudicate concerning what we have mentioned and excuses their disagreements over deeming bloodshed lawful and matters less grave than that. Yet all we know of them is that, so far as appears to us, they are virtuous Muslims whom we must honor and for whom we must seek forgiveness. Nevertheless, we do not assert with certainty that they will be in Paradise, or what their hidden convictions are, or that Allah, Mighty and Majestic, approves of them. Rather, we hope for that for them and fear for them, just as with all other virtuous Muslims, without distinction. Then we do not permit this for ʿAli, the Mother of the Believers, Talhah, al-Zubayr, ʿAmmar, Hisham ibn Hakim, Muʿawiyah, ʿAmr, al-Nuʿman, Samurah, Abu al-Ghadiyah, and

الله عليه، ولا قصد علي رضوان الله عليه قتالهم، وإنما اجتمعوا بالبصرة للنظر في قتلة عثمان رضوان الله عليه، وإقامة حق الله تعالى فيهم، فأسرع الخائفون على أنفسهم أخذ حد الله تعالى منهم وكانوا أعدادا عظيمة يقربون من الألوف فأثاروا القتال خفية حتى اضطر كل واحد من الفريقين إلى الدفاع عن أنفسهم، إذ رأوا السيف قد خالطهم، وقد جاء ذلك نصا مرويا. وإن العجب ليكثر ممن يبيح لأبي حنيفة ومالك والشافعي والأوزاعي، والليث وسفيان وأحمد وداود رحمهم الله أن يجتهدوا في الدماء، وفي الفروج وفي العبادات فيسفك هذا دما يحله باجتهاده، ويحرمه سائد من ذكرنا فرجا ويحرمه الآخر ويحل أحدهم مالا ويحرمه الآخر، ويوجب أحدهم حدا ويسقطه الآخر، ويوجب أحدهم فرضا وينقضه الآخر، ويحرم أحدهما عملا ويحله الآخر، ولم يختلفوا قط إلا فيما ذكرنا، فيجيز لهؤلاء الحكم فيما ذكرنا، ويعذرهم في اختلافهم في استباحة الدماء فما دونها، وليس عندنا من أمرهم إلا أنهم فيما بدا لنا مسلمون فاضلون، يلزمنا توقيرهم والاستغفار لهم، إلا أننا لا نقطع لهم بالجنة ولا بمغيب عقودهم، ولا برضى الله عز وجل عنهم، لكن نرجو لهم ذلك ونخاف عليهم كسائر أفاضل المسلمين ولا فرق، ثم لا نجيز ذلك لعلي وأم المؤمنين وطلحة والزبير وعمار وهشام بن حكيم ومعاوية وعمرو والنعمان وسمرة وأبي الغادية وغيرهم، وهم أئمة الإسلام حقا والمقطوع على فضلهم، وعلى أكثرهم، بأنهم في الجنة، وهذا لا يخيل إلا على مخذول وكل من ذكرنا من مصيب أو مخطىء فمأجور على اجتهاده، إما أجرين وإما أجرا، وكل ذلك غير مسقط عدالتهم وبالله تعالى التوفيق فصل في حكم الخبر عن النبي صلى الله عليه وسلم قال علي وحكم الخبر عن النبي صلى الله عليه وسلم أن يورد بنص لفظه لا يبدل ولا يغير إلا في حال واحدة، وهي أن يكون المرء قد ثبت فيه، وعرف معناه يقينا فيسأل فيفتي بمعناه وموجبه، أو يناظر فيحتج بمعناه

others, although they are truly the leaders of Islam, and those whose virtue is established with certainty, and concerning most of whom it is established with certainty that they will be in Paradise. This can deceive only someone forsaken. Everyone we have mentioned, whether correct or mistaken, is rewarded for his independent legal judgment, receiving either two rewards or one. None of this nullifies their upright character. Success comes through Allah Most High.

Section on the Ruling Governing Reports from the Prophet ﷺ

ʿAli said: The ruling governing a report from the Prophet ﷺ is that it must be presented in its exact wording, without substitution or alteration, except in one circumstance: a person has ascertained it and knows its meaning with certainty, and is then asked a question and gives a legal opinion according to its meaning and implications, or engages in disputation and adduces its meaning and implications as evidence. He may then say: "The Messenger of Allah ﷺ ruled such-and-such"; "He ﷺ commanded such-and-such"; "He ﷺ permitted such-and-such"; "He prohibited such-and-such"; "He forbade such-and-such"; or "What is obligatory in this case is what has been authentically established from the Prophet ﷺ, namely such-and-such." The same applies to rulings contained in the Quran, without distinction. A person may convey the implications and ruling of a verse without using its wording. No one disputes that this is permissible in the manner we have described. But someone who relates a report, attributes the statement to the Prophet ﷺ, and intends to convey what has reached him from the Prophet ﷺ is permitted only to strive to reproduce the expressions as he heard them, without substituting one word for another, even if the two have the same meaning, nor moving one word forward or another back. The same applies to someone intending to recite a verse, learn it, or teach it, without distinction. The demonstration of this is that the Prophet ﷺ taught al-Baraʾ ibn ʿAzib a supplication containing "and in Your Prophet whom You have sent." When al-Baraʾ wished to repeat that supplication before the Prophet ﷺ, he said, "and in Your Messenger whom You have sent." The Prophet ﷺ said, "No: 'and in Your Prophet whom You have sent.'" Thus, as you hear, he ﷺ instructed him not to put the word "Messenger" in place of the word

وموجبه فيقول حكم رسول الله صلى الله عليه وسلم بكذا وأمر عليه السلام بكذا وأباح عليه السلام كذا ونهى عن كذا وحرم كذا والواجب في هذه القضية ما صح عن النبي صلى الله عليه وسلم وهو كذا وكذلك القول فيما جاء من الحكم في القرآن ولا فرق، وجائز أن يخبر المرء بموجب الآية وبحكمها بغير لفظها وهذا ما لا خلاف فيه من أحد في أن ذلك مباح كما ذكرنا وأما من حدث وأسند القول إلى النبي صلى الله عليه وسلم وقصد التبليغ لما بلغه عن النبي صلى الله عليه وسلم فلا يحل له إلا أن يتحرى الألفاظ كما سمعها لا يبدل حرفا مكان آخر، وإن كان معناهما واحدا، ولا يقدم حرفا ولا يؤخر آخر، وكذلك من قصد تلاوة آية أو تعلمها وتعليمها ولا فرق وبرهان ذلك أن النبي صلى الله عليه وسلم علم البراء بن عازب دعاء وفيه ونبيك الذي أرسلت فلما أراد البراء أن يعرض ذلك الدعاء على النبي صلى الله عليه وسلم قال وبرسولك الذي أرسلت فقال النبي عليه السلام لا ونبيك الذي أرسلت فأمره عليه السلام كما تسمع ألا يضع لفظة رسول في موضع لفظة نبي وذلك حق لا يحيل معنى وهو عليه السلام رسول ونبي فكيف يسوغ للجهال المغفلين أو الفساق المبطلين أن يقولوا إنه عليه السلام كان يجيز أن توضع في القرآن مكان وهو يمنع من ذلك في دعاء ليس قرآنا والله يقول مخبرا عن نبيه صلى الله عليه وسلم {وإذا تتلى عليهم آياتنا بينات قال لذين لا يرجون لقآءنا ئت بقرآن غير هذآ أو بدله قل ما يكون لي أن أبدله من تلقآء نفسي إن أتبع إلا ما يوحى إلي إني أخاف إن عصيت ربي عذاب يوم عظيم} ولا تبديل أكثر من وضع كلمة مكان أخرى، أم كيف يسوغ لأهل الجهل والعمى إباحة القراءة المفروضة في الصلاة بالأعجمية مع ما ذكرنا، ومع إجماع الأمة على أن إنسانا لو قرأ أم القرآن فقدم آية على أخرى، أو قال: الشكر للصمد مولى الخلائق، وقال هذا هو القرآن المنزل لكان كافرا بإجماع ومع قوله تعالى: {ولقد نعلم أنهم يقولون إنما

"Prophet," although that is true and does not alter the meaning, and he ﷺ is both a Messenger and a Prophet. How, then, can heedless ignoramuses or wicked purveyors of falsehood deem it permissible to say that he ﷺ used to permit that be put in the Quran in place of—when he prohibits this in a supplication that is not Quran? Allah says, reporting concerning His Prophet ﷺ: {When Our clear signs are recited to them, those who do not hope to meet Us say, "Bring a Quran other than this, or change it." Say, "It is not for me to change it of my own accord. I follow only what is revealed to me. Indeed, if I disobey my Lord, I fear the punishment of a tremendous day."} No substitution could be greater than putting one word in place of another. Or how can people of ignorance and blindness deem it permissible to allow the obligatory recitation in prayer to be performed in a non-Arabic language, given what we have mentioned, and given the community's consensus that, if someone recited the Mother of the Quran, placing one verse before another, or said, "Thanks be to the Self-Sufficient, Master of created beings," and said, "This is the revealed Quran," he would be an unbeliever by consensus? And given His saying, exalted is He: {We certainly know that they say, "Only a human being teaches him." The tongue of the one to whom they allude is non-Arabic, whereas this is a clear Arabic tongue.} He, exalted is He, thus distinguished between the two and declared that the Quran consists specifically of Arabic wording, not non-Arabic wording. He commanded the recitation of the Quran in prayer; whoever recites in a non-Arabic language has therefore, without doubt, not recited the Quran. What is astonishing is that the person uttering this nonsense permits supplication in prayer only in words resembling those in the Quran, allowing neither the naming of those for whom supplication is made nor anything else, although the text has permitted supplication in it without qualification. He also says that, if someone sneezes during prayer and says, "Praise be to Allah, Lord of the worlds," moving his tongue with these words, his prayer is invalidated. Glory be to Him who has granted them success in opposing the truth on both counts! They permit recitation in prayer contrary to the Quran, invalidate prayer through the utterance of a verse from the Quran, and prohibit supplication in it except with what is in the Quran or resembles it—although, by the community's consensus, nothing in any speech resembles the Quran.

يعلمه بشر لسان لذي يلحدون إليه أعجمي وهذا لسان عربي مبين} ففرق تعالى بينهما، وأخبر أن القرآن إنما هو باللفظ العربي لا بالعجمي، وأمر بقراءة القرآن في الصلاة، فمن قرأ بالأعجمية فلم يقرأ القرآن بلا شك. والعجب أن قائل هذا الهجر لا يجيز الدعاء في الصلاة إلا بما يشبه ما في القرآن لا بتسمية المدعو لهم، ولا بغير ذلك، وقد جاء النص بإباحة الدعاء فيها جملة ويقول: إن من عطس في الصلاة فقال: الحمد لله رب العالمين، فحرك بها لسانه فقد بطلت صلاته، فسبحان من وفقهم لخلاف الحق في كلا الوجهين، فيجيزون القراءة في الصلاة بخلاف القرآن، ويبطلون الصلاة بذكر آية من القرآن، ويمنعون من الدعاء فيها إلا بما في القرآن أو ما يشبهه، ولا شبه للقرآن في شيء من الكلام بإجماع الأمة. واحتج بعضهم في ذلك بقوله تعالى {وإنه لفي زبر لأولين} وبخطابه تعالى لنا بالعربية حاكيا كلام موسى عليه السلام. قال علي: وهذا لا حجة لهم فيه، لأن الذي في زبر الأولين إنما هو معنى القرآن لا القرآن، ولو كان القرآن في زبر الأولين لما كان محمد صلى الله عليه وسلم مخصوصا به ولا كانت فيه آية وهذا خلاف النصوص والخروج عن الإسلام لأنه لو أنزل على غيره قبله لما كان محمد صلى الله عليه وسلم مخصوصا به وأما حكايته تعالى لنا كلام موسى وغيره بلغتنا فلم يلزمنا تعالى قراءة ألفاظهم بنصها، ولا نمنع من تلاوته في الصلاة، وإنما نمنع من تلاوته في القرآن، أو على سبيل التقريب بتلاوته إلى الله تعالى بغير اللفظ الذي أنزل به، لا بكلام أعجمي، ولا بغير تلك الألفاظ، وإن وافقتها في العربية، ولا بتقديم تلك الألفاظ بعينها ولا بتأخيرها، وإنما نجيز الترجمة التي أجازها النص على سبيل التعليم والإفهام فقط، لا على سبيل التلاوة التي نقصد بها القربة، وبالله تعالى التوفيق. وبلا خلاف من أحد من الأمة أن القرآن معجزة وبيقين ندري أنه إذا ترجم بلغة أعجمية أو بألفاظ عربية غير ألفاظه، فإن تلك الترجمة غير معجزة، وإذ هي غير معجزة فليست

Some of them adduced as evidence for this His saying, exalted is He, {Indeed, it is in the scriptures of the ancients}, and His addressing us in Arabic while recounting the words of Moses, peace be upon him. Ali said: There is no proof for them in this, because what is in the scriptures of the ancients is only the meaning of the Quran, not the Quran itself. Had the Quran been in the scriptures of the ancients, Muhammed ﷺ would not have been singled out for it, nor would there have been a miraculous sign in it. This contradicts the texts and constitutes departure from Islam, because, had it been revealed to someone else before him, Muhammed ﷺ would not have been singled out for it. As for His recounting to us, exalted is He, the words of Moses and others in our language, He, exalted is He, did not oblige us to recite their words verbatim. Nor do we prohibit reciting it in prayer. We prohibit only reciting it as part of the Quran, or with the aim of drawing near to Allah, exalted is He, through its recitation, in wording other than that in which it was revealed: neither in non-Arabic speech nor in words other than those words, even if they correspond to them in Arabic, nor by moving those very words forward or backward. We permit only the translation that the text has permitted, solely for teaching and imparting understanding, not as the recitation by which we intend an act of devotion. Success comes through Allah, exalted is He. There is no disagreement from anyone in the community that the Quran is a miracle. We know with certainty that, when it is translated into a non-Arabic language or into Arabic words other than its own words, that translation is not a miracle. Since it is not a miracle, it is not Quran. Whoever says of something that is not Quran that it is Quran has departed from consensus, declared Allah, exalted is He, false, and departed from Islam, unless he is ignorant. Whoever permits this, and against whom the proof has been established, yet does not retract, is an unbeliever, a polytheist, an apostate whose blood may lawfully be shed and whose property may lawfully be taken. We have absolutely no doubt of that. Furthermore, He, exalted is He, said, reporting concerning His Prophet ﷺ: {He does not speak from desire. * It is only revelation revealed.} Since it is established by the explicit text of the Quran that all his speech ﷺ is revelation, distorting revelation and altering its meaning are undoubtedly forbidden, just as they are forbidden with respect to the recited revelation, which is the Quran. There is no dif-

قرآنا. ومن قال فيما ليس قرآنا إنه قرآن فقد فارق الإجماع وكذب الله تعالى، وخرج عن الإسلام إلا أن يكون جاهلا، ومن أجاز هذا وقامت عليه الحجة، ولم يرجع فهو كافر مشرك مرتد حلال الدم والمال، لا نشك في ذلك أصلا وأيضا فقد قال تعالى مخبرا عن نبيه صلى الله عليه وسلم {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فلما صح بنص القرآن أن كلامه عليه السلام وحي كله حرم بلا شك تحريف الوحي وإحالته كما حرم ذلك في الوحي المتلو الذي هو القرآن ولا فرق. ومن حدث بحديث فبلغه إلى غيره كما بلغه إياه غيره، وأخذ عنه فليس عليه أن يكرره أبدا حتى يحصل في حد الهذيان، وقد أدى ما عليه بتبليغه. قال أبو محمد: وبهذا يبطل قول من رام توهين الحديث المسند، بأن فلانا أرسله إذ لو كان سكوت المرء في بعض الأحيان عن تأدية ما سمع مسقطا للاحتجاج به، إذ أداه في وقت آخر أو لم يؤده هو وأداه غيره، لكان إذا نام أو أكل أو وطىء أو اشتغل بصلاة أو مصلحة دنياه أو بشيء من أمر دينه، أو بتبليغ حديث آخر قد بطل الاحتجاج بما سكت عنه في الأحوال التي ذكرنا، وهذا جنون فادح ممن قاله، وكفى سقوطه بكل قول أخرج إلى الجنون، وأدى إلى المحال والممتنع، وبالله تعالى التوفيق.

ference. Whoever relates a report, conveying it to another just as someone else conveyed it to him and he received it from that person, is not obliged to repeat it forever until he reaches the point of babbling. By conveying it, he has discharged his obligation. Abu Muhammed said: This refutes the statement of anyone who seeks to weaken a report with a connected chain of transmission on the grounds that so-and-so transmitted it with a missing link. For if a person's silence at certain times about conveying what he heard invalidated its use as evidence when he conveyed it at another time, or when he did not convey it himself but someone else conveyed it, then, whenever he slept, ate, had intercourse, or occupied himself with prayer, an affair of his worldly life, or something pertaining to his religion, or with conveying another report, using as evidence what he left unmentioned during the circumstances we have described would become invalid. This is grave madness on the part of whoever says it. It is sufficient to establish the collapse of any

statement that it leads to madness and results in absurdity and impossibility. Success comes through Allah, exalted is He.[767778798081]

L603–607 As for grammatical error in a report: if it is something for which there is a valid basis in the language of some Arabs, let him transmit it as he heard it, without changing it or converting it into something more eloquent or into anything else. If it is something for which there is absolutely no valid basis in the language of the Arabs, then it is forbidden for any Muslim to transmit grammatically erroneous speech as coming from the Prophet ﷺ. If he does so, he is a liar deserving the Fire in the hereafter, for we are certain that he ﷺ never committed a grammatical error, just as we are certain that the sky surrounds the earth and that the sun rises in the east and sets in the west. Whoever transmits grammatically erroneous speech from the Prophet ﷺ has certainly transmitted a falsehood about him. He is obliged to correct it, scrape it out of his book, write it with correct grammatical

وأما اللحن في الحديث فإن كان شيئا له وجه في لغة بعض العرب، فليروه كما سمعه ولا يبدله ولا يرده إلى أفصح منه ولا إلى غيره، وإن كان شيئا لا وجه له في لغة العرب البتة فحرام على كل مسلم أن يحدث باللحن عن النبي صلى الله عليه وسلم فإن فعل فهو كاذب مستحق للنار في الآخرة لأنا قد أيقنا أنه عليه السلام لم يلحن قط كتيقننا أن السماء محيطة بالأرض، وأن الشمس تطلع من المشرق وتغرب من المغرب فمن نقل عن النبي صلى الله عليه وسلم اللحن فقد نقل عنه الكذب بيقين وفرض عليه أن يصلحه ويبشره من كتابه، ويكتبه معربا، ولا يحدث به إلا معربا. ولا يلتفت إلى ما وجد في كتابه من لحن ولا إلى ما حدث شيوخه ملحونا. ولهذا لزم لمن طلب الفقه أن يتعلم النحو واللغة، وإلا فهو ناقص منحط لا تجوز له الفتية في دين الله عز وجل.

ثنا يونس بن عبد الله، ثنا أحمد بن عبد الله بن عبد الرحيم، ثنا أحمد بن خالد، ثنا محمد بن عبد السلام الخشني، ثنا محمد بن بشار بندار ثنا عمرو بن محمد بن أبي رزين، ثنا سفيان الثوري، عن عبيد الله بن عمر، عن نافع، عن ابن عمر أنه كان يضرب ولده على اللحن. قال علي اللحن المحكي عن الله تعالى ورسوله عليه السلام كذب والكذب واجب أن يضرب آتيه وقد روي عن شعبة أو عن حماد بن سلمة الشك مني أنه قال: من حدث عني بلحن فقد كذب علي، ونحن نقول ذلك وكان شعبة وحماد وخالد بن الحارث وبشر بن المفضل والحسن البصري لا يلحنون البتة وبالله تعالى التوفيق فصل في زيادة العدل قال علي وإذا روى العدل زيادة على ما روى غيره فسواء انفرد بها أو شاركه فيها غيره مثله أو دونه أو فوقه، فالأخذ بتلك الزيادة فرض، ومن خالفنا في ذلك فإنه يتناقض أقبح تناقض، فيأخذ بحديث رواه واحد ويضيفه إلى ظاهر القرآن الذي نقله أهل الدنيا كلهم، أو يخصه به وهم بلا شك أكثر من رواة الخبر

[76] **Translator's note (L592):** The sequence «ويحرمه سائد من ذكرنا فرجا ويحرمه الآخر» is apparently corrupt or incomplete. «سائد» has been rendered "the foremost," and the disconnected accusative «فرجا» as "sexual access." The text appears to lack wording in the transition from bloodshed to sexual access; no missing assertion has been supplied.

[77] **Translator's note (L593):** The text shifts from the singular "he permits" to the first-person plural "we do not permit." That shift is retained.

[78] **Translator's note (L594):** The supplied «يناطر» appears to be a transcription error for «يناظر», "engages in disputation"; the translation follows that apparent intended reading. Here «حرف» is rendered "word," in light of the ensuing example contrasting "messenger" with "prophet"; the term can also denote a letter or an expression.

[79] **Translator's note (L597):** The opening is defective: "in place of" has no stated complement, and the thing being substituted is also unstated across the segment boundary. The translation preserves this incompleteness. "Thanks be to the Self-Sufficient, Master of created beings" is the author's deliberately altered wording of the Quran's opening praise, not a Quranic quotation.

[80] **Translator's note (L600):** "Nor do we prohibit reciting it in prayer" is translated as supplied. Its pronoun has an uncertain referent, and the statement appears to sit awkwardly with the surrounding prohibition; the text has not been emended. "With a missing link" renders arsalahu, contrasting a mursal transmission with the preceding musnad report; the precise point of omission is not specified here.

[81] **Qur'an references (L591):** Qur'an 10:15 (Yunus); Qur'an 19:73 (Maryam); Qur'an 46:7 (Al-Ahqaf); Qur'an 16:103 (An-Nahl); Qur'an 53:4 (An-Najm).

inflections, and transmit it only with correct grammatical inflections. He must pay no heed either to grammatical errors he finds in his book or to what his teachers have related with grammatical errors. For this reason, whoever seeks jurisprudential knowledge must learn grammar and the Arabic language. Otherwise, he is deficient and debased, and it is not permissible for him to issue legal opinions concerning the religion of Allah, mighty and majestic. Yunus ibn Abd Allah related to us: Ahmad ibn Abd Allah ibn Abd al-Rahim related to us: Ahmad ibn Khalid related to us: Muhammed ibn Abd al-Salam al-Khushani related to us: Muhammed ibn Bashshar, Bundar, related to us: Amr ibn Muhammed ibn Abi Razin related to us: Sufyan al-Thawri related to us, from Ubayd Allah ibn Umar, from Nafiʿ, from Ibn Umar, that he used to beat his children for grammatical errors. Ali said: Grammatical error attributed to Allah, exalted is He, and His Messenger ﷺ is a lie, and whoever commits a lie must be beaten. It has been related from Shuʿbah or from Hammad ibn Salamah—the uncertainty is mine—that he said, "Whoever relates something from me with a grammatical error has lied about me." We say the same. Shuʿbah, Hammad, Khalid ibn al-Harith, Bishr ibn al-Mufaddal, and al-Hasan al-Basri never committed grammatical errors at all. Success comes through Allah, exalted is He.

Section on an Addition Transmitted by an Upright Narrator

Ali said: When an upright narrator transmits an addition beyond what someone else has transmitted, it makes no difference whether he alone transmits it or someone else of equal, lesser, or greater standing joins him in transmitting it: accepting that addition is obligatory. Whoever disagrees with us about this contradicts himself in the most disgraceful manner: he accepts a report transmitted by one person and adds it to the apparent meaning of the Quran, which all the people of the world have transmitted, or uses it to restrict that meaning to a specific scope. They are undoubtedly more numerous than the transmitters of the report to which another narrator added a ruling that no one else transmitted. There is such ugliness in this contradiction as their taste would not permit, nor would a person of scrupulous piety An example of this is their abandoning Allah Most High's statement, "As for the male thief and the female thief, cut off their hands as a recompense for what they have

الذي زاد عليهم آخر حكما لم يروه غيره، وفي هذا التناقض من القبح ما لا يستجيزه ذوقهم وذو ورع وذلك كتركهم قول الله تعالى {ولسارق ولسارقة فقطعوا أيديهما جزآء بما كسبا نكالا من لله ولله عزيز حكيم} لحديث انفردت به عائشة رضي الله عنها ولم يشاركها فيه أحد. وهو: لا قطع إلا في ربع دينار فصاعدا، ويترك قوله تعالى في الآيات التي ذكر فيها المحرمات من النساء ثم قال تعالى بعد ذكر من ذكر {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن لله كان عليما حكيما} فحرموا الجمع بين المرأة وعمتها، وليس ذلك مذكورا في آية التحريم، بل فيها إحلال كل ما لم يذكر في الآية، فتركوا ذلك لحديث انفرد به أبو هريرة وأبو سعيد وحدهما. وليس ذلك إجماعا، فإن عثمان البتي يبيح الجمع بين المرأة وعمتها، ثم يعترضون على حكم رواه عدل بأن عدلا آخر لم يرو تلك الزيادة، وأن فلانا انفرد بها. قال علي: وهذا جهل شديد، وقد ترك أصحاب أبي حنيفة الزيادة التي روى مالك في حديث زكاة الفطر وهي: من المسلمين فقالوا: انفرد بها مالك. وترك أصحاب مالك الاستسعاء الذي رواه سعيد بن أبي عروبة، وقالوا: انفرد بها سعيد فكلا الطائفتين عابت ما فعلت، وأنكرت ما أتت به، مع أنه قد شورك من ذكرنا هاتين الزيادتين ولو انفردا بها ما ضر ذلك شيئا. ولا فرق بين أن يروي العدل الراوي العدل حديثا، فلا يرويه أحد غيره، أو يرويه غيره مرسلا، أو يرويه ضعفاء، وبين أن يروي الراوي العدل لفظة زائدة لم يروها غيره من رواة الحديث، وكل ذلك سواء واجب قبوله بالبرهان الذي قدمناه في وجوب قبول خبر الواحد العدل الحافظ، وهذه الزيادة وهذا الإسناد هما خبر واحد عدل حافظ، ففرض قبولهما،

earned, as a deterrent from Allah; and Allah is Mighty, Wise," on account of a report transmitted exclusively by ʿA'ishah, may Allah be pleased with her, in whose transmission no one else joined her: "There is no amputation except for a quarter of a dinar or more." They also abandon His statement, Most High, in the verses in which He mentions the women forbidden in marriage. After mentioning those whom He mentions, He says, Most High: "And married women, except those whom your right hands possess. This is Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, seeking marriage and not fornication. For whatever enjoyment you have had from them, give them their prescribed bridal payments. There is no blame upon you for whatever you mutually agree upon after the prescribed payment. Indeed, Allah is Knowing, Wise." Yet they prohibited marrying a woman and her paternal aunt together. This is not mentioned in the verse of prohibition; rather, it declares lawful everything not mentioned in the verse. They abandoned that on account of a report transmitted exclusively by Abu Hurayrah and Abu Saʿid, those two alone. Nor is this a matter of consensus, for ʿUthman al-Batti permits marrying a woman and her paternal aunt together. Then they object to a ruling transmitted by an upright narrator on the grounds that another upright narrator did not transmit that addition, and that so-and-so alone transmitted it.

ʿAli said: This is profound ignorance. The followers of Abu Hanifah rejected the addition transmitted by Malik in the report concerning the alms due at the breaking of the fast, namely, "from among the Muslims," saying, "Malik alone transmitted it." The followers of Malik rejected the requirement that a slave work to pay for his emancipation, transmitted by Saʿid ibn Abi ʿArubah, saying, "Saʿid alone transmitted it." Thus, each group censured what it itself had done and repudiated what it itself had practiced, even though others joined those whom we have mentioned in transmitting these two additions. Even if those two had transmitted them alone, that would have done no harm whatsoever. There is no difference between an upright narrator transmitting a report that no one else transmits, or that someone else transmits with a discontinuity in its chain, or that weak narrators transmit, and an upright narrator transmitting an additional expression that none of the

report's other narrators transmits. All of these cases are alike: acceptance is obligatory, by the demonstration we have already presented establishing the obligation to accept the report of a single upright narrator with accurate retention. This addition and this chain of transmission are each the report of a single upright narrator with accurate retention; accepting both is therefore obligatory.[82][83][84][85][86]

L608–611 We do not care whether anyone besides those two transmitted the like of this or whether no one else transmitted it. Whoever disagrees with us has entered into the rejection of solitary reports, joined those among the Muʿtazilah who do so, and contradicted his own position. An upright narrator's exclusive transmission of an expression is like his exclusive transmission of an entire report: there is no difference.

ʿAli said: If the additional expression diminishes the meaning, then precedence belongs to the more extensive meaning, not to the additional expression. For the greater extent of meaning consists in generality, and that is what truly constitutes the addition in such a case: it is the additional ruling, the revealed legislation, and the newly introduced command. Moreover, the Prophet ﷺ was sent precisely to legislate, to declare lawful, and to declare

ولا نبالي روى مثل ذلك غيرهما أو لم يروه سواهما، ومن خالفنا فقد دخل في باب ترك قبول الخبر الواحد ولحق بمن أتى ذلك من المعتزلة وتناقض في مذهبه، وانفراد العدل باللفظة كانفراده بالحديث كله، ولا فرق. قال علي: فإن كانت اللفظة الزائدة ناقصة من المعنى، فالحكم للمعنى الزائد لا للفظة الزيادة، لأن زيادة المعنى هو العموم، وهو الزيادة حينئذ على الحقيقة وهو الحكم الزائد والشرع الوارد والأمر الحادث ولأن النبي صلى الله عليه وسلم إنما بعث شارعا ومحلالا ومحرما وهكذا قال ابن عباس إذ ذكر عنده الضب. فإذا روى العدل لفظة لها حكم زائد لم يروها غيره، أو رواها غيره، أو روى العدل عموما فيه حكم زائد، وروى آخرون لفظة فيها إسقاط ذلك الحكم، فالفرض أن يؤخذ بالحكم الزائد أبدا، لأنه شريعة واردة قد تيقنا لزومها لنا، وأننا مأمورون بها ولم نتيقن نسخها ولا سقوطها، ولا يجوز ترك يقين لظن. فمن ادعى تلك الشريعة التي قد صح أمر الله عز وجل لنا بها قد سقطت عنا، وأن الحكم قد رجع إلى ما كنا عليه قبل ورود تلك الشريعة، فهو مفتر على الله عز وجل إلا أن يأتي ببرهان من نص أو إجماع على دعواه، ولا يحل لمسلم يخاف الله عز وجل أن يترك يقينا لما لعله ليس كما يظن. قال علي: ونمثل من ذلك مثالا فنقول روى بعض العدول عن رسول الله صلى الله عليه وسلم النهي عن آنية الفضة هكذا مجملا وروى بعضهم النهي عن الشرب في آنية الفضة، فكانت هذه اللفظة يعني الشرب ناقصة عن معنى الحديث الآخر الذي فيه إجمال النهي عن آنية الفضة نقصانا عظيما، ومبيحة لعظائم في عموم ذلك الحديث إيجاب تحريمها من الأكل فيها، والاغتسال فيها، والوضوء فيها، فهذه

[82] **Translator's note (L603):** "Scrape it out" takes the supplied yabshuruhu in the sense of scraping or removing writing; the wording is unusual but has not been replaced with a conjectural correction. "The uncertainty is mine" is an aside in the source concerning whether the saying is attributed to Shuʿbah or Hammad ibn Salamah.

[83] **Translator's note (L605):** The supplied phrase "their taste and a person of scrupulous piety" is grammatically awkward and may be corrupt. The translation retains its apparent sense without silently substituting a conjectural Arabic reading.

[84] **Translator's note (L606):** The Qur'anic quotations contain repeated orthographic omissions of alif, including in their opening words and imperatives. The translation follows the recognizable wording without reproducing these spelling defects in English. The requirement concerning a slave's work is istisʿāʾ: requiring a partly emancipated slave to earn the payment for the remaining unfreed share of his value.

[85] **Translator's note (L607):** The Arabic repeats al-ʿadl ("upright") in the phrase describing the narrator. Its syntactically redundant repetition has no clear separate English function. "With a discontinuity in its chain" renders mursal, an attribution that omits an intermediary in the transmission.

[86] **Qur'an references (L603):** Qur'an 5:38 (Al-Ma'idah); Qur'an 4:24 (An-Nisa).

unlawful. This is likewise what Ibn ʿAbbas said when the spiny-tailed lizard was mentioned in his presence. Thus, if an upright narrator transmits an expression entailing an additional ruling, whether or not someone else transmits it, or if an upright narrator transmits a general formulation containing an additional ruling while others transmit an expression that removes that ruling, it is always obligatory to adopt the additional ruling. For it is revealed legislation whose binding force upon us, and whose being commanded of us, we know with certainty, whereas we have no certainty that it has been abrogated or has ceased to apply. It is impermissible to abandon certainty for conjecture. Whoever claims that this legislation, which Allah, Mighty and Majestic, has demonstrably commanded us to follow, has ceased to bind us, and that the ruling has reverted to our situation before that legislation was revealed, fabricates a falsehood against Allah, Mighty and Majestic, unless he supplies a demonstration for his claim from a text or consensus. It is not lawful for a Muslim who fears Allah, Mighty and Majestic, to abandon something certain for something that may not be as he supposes.

ʿAli said: We shall illustrate this with an example. We say: Some upright narrators transmitted from the Messenger of Allah ﷺ a prohibition concerning silver vessels, expressed comprehensively in this manner. Others transmitted a prohibition against drinking from silver vessels. This expression—meaning "drinking"—thus falls far short of the meaning of the other report, which contains a comprehensive prohibition concerning silver vessels. It permits grave matters whose prohibition is required by the general scope of that report: eating from them, bathing from them, and performing ritual ablution from them. Thus, although this expression adds something in sound and writing, it diminishes the meaning. Although the other report contains fewer words, it is more extensive in its ruling and meanings, so it is the one that must not be adopted, because the report mentioning drinking contains only part of what the other report contains. This resembles what we said concerning the two reports on zakat on sheep, where mention was made in one of them of freely grazing sheep, while this was not mentioned in the other. It was therefore obligatory to adopt the general formulation, applying to freely grazing sheep and others. Whoever adopts the general re-

اللفظة وإن كانت زائدة في الصوت والخط فهي ناقصة من المعنى، والحديث الآخر وإن كان ناقص اللفظ فهو زائد في الحكم والمعاني، فهو الذي لا يجب الأخذ به، لأن الحديث المذكور فيه الشرب هو بعض ما في الحديث الآخر. وهذا نحو ما قلنا في الحديثين في زكاة الغنم اللذين ذكر في أحدهما السائمة ولم يذكر في الآخر، فوجب الأخذ بالعام للسائمة وغيرها لأن من أخذ بالحديث العام كان آخذا بالخاص أيضا، لأنه إذا اجتنب آنية الفضة جملة كان قد اجتنب الشرب في جملة ما اجتنب أيضا، وإذا زكى الغنم كلها كان زكى السائمة أيضا. فكان آخذا بكلا الأمرين، وغير عاص لشيء من النصين، وكان من آخذ بالحديث الأخص وحده عاصيا للحديث الآخر، تاركا له بلا دليل، إلا التحكم والدعوى بغير علم، لأنه إذا زكى السائمة وحدها، فقد ترك زكاة غير السائمة، وخالف ما أوجبه الحديث الآخر،

port also adopts the specific one, since, if he avoids silver vessels altogether, he has also avoided drinking from them among all the things he has avoided. If he pays zakat on all the sheep, he has also paid it on the freely grazing sheep. He has thus adopted both commands and disobeyed neither of the two texts. Whoever adopts only the more specific report disobeys the other report and abandons it without any evidence, relying solely on arbitrary assertion and a claim made without knowledge. For if he pays zakat on freely grazing sheep alone, he has omitted zakat on sheep that do not graze freely and has contravened what the other report makes obligatory.[87]

L612–614 And if he avoids only drinking from silver vessels, he has disobeyed what is in the other text and treated as permissible what Allah Most High has forbidden in it. This is not lawful, because neither text has a greater claim to obedience than the other, and neither negates or invalidates the other. Another example is the report that the Messenger of Allah ﷺ contracted with the people of Khaybar for half of what it produced. This was general, covering everything it produced, whether field crops, vegetables, or fruit. Some transmitted this very same report, saying, "of the fruit of the date palms." Whoever accepts a crop-sharing arrangement for tending and watering date palms specifically, while prohibiting it for anything else, thereby contradicts the practice of the Messenger of Allah ﷺ as transmitted in the general wording. The wording of the person who said "of the fruit of the date palms" does not invalidate the possibility that he also entered into arrangements with them for tending and watering, for working the land, and for agricultural crop-sharing concerning produce other than the fruit of date palms. Rather, this narrator mentioned some of what their agreement covered and remained silent about some, while another narrator included generally everything covered by the agreement. This report certainly abrogated the report prohibiting agricultural crop-sharing, because it was undoubtedly his final practice, peace be upon him, which he maintained until he died. The report prohibiting agricultural crop-sharing undoubtedly preceded it. We therefore

[87] **Translator's note (L610):** The supplied text reads "it is the one that must not be adopted" (fa-huwa alladhi la yajibu al-akhdhu bihi). This appears to contradict both the preceding argument and the following explanation. The negation has been preserved rather than silently removed.

وكان إذا اجتنب الشرب في آنية الفضة وحدها كان قد عصى ما في النص الآخر والاستباح ما حرم الله تعالى فيه، وذلك لا يحل، لأنه ليس أحد النصين أولى بالطاعة من الآخر، وليس أحدهما نافيا للآخر ولا مبطلا له ومن ذلك أيضا ما روي أن رسول الله صلى الله عليه وسلم عامل أهل خيبر على نصف ما يخرج منها فكان هذا عاما لكل ما يخرج منها زرعا أو خضرا أو ثمارا، وروى بعضهم هذا الحديث بعينه فقال: من ثمر النخل، فمن أخذ بالمساقاة في ثمر النخل خاصة وحظر ما سوى ذلك كان مخالفا لفعل رسول الله صلى الله عليه وسلم المنقول في لفظ العموم وليس قول من قال في ثمر النخل بمبطل أن يكون ساقاهم وعاملهم وزارعهم أيضا في غير ثمر النخل، ولكن هذا الراوي ذكر بعض ما عوملوا عليه وسكت عن بعض، وعم غيره كل ما وقعت فيه المعاملة، وكان هذا الحديث ناسخا لحديث النهي عن المزارعة بيقين لأنه آخر فعله عليه السلام بلا شك الذي ثبت عليه إلى أن مات وحديث النهي عن المزارعة كان قبله بلا شك، فلذلك قطعنا أنه منسوخ ولولا هذا البيان ما استجزنا ذلك. قال علي: ومن هذا الباب أن يشهد عدلان أن زيدا طلق امرأته، وقال سائر من حضر المجلس وهم عدول. لم يطلقها البتة، فلا نعلم خلافا في وجوب الحكم عليه بالطلاق. وإنفاذ شهادة من شهد به، لأن عندهما علما زائدا شهدا به لم يكن عند سائر من حضر المجلس، وهذا نفسه هو قبول زيادة العدل ولا فرق، وإن انفرد بها، وإنها كسائر نقله، وليس

declared categorically that it was abrogated. Without this clarification, we would not have considered ourselves entitled to do so.

ʿAli said: Another instance of this is that two upright witnesses testify that Zayd divorced his wife, while everyone else present at the gathering, all of them upright, says, "He did not divorce her at all." We know of no disagreement that it is obligatory to rule that the divorce has taken place and to give effect to the testimony of those who testified to it, because those two possess additional knowledge to which they testified that the others present at the gathering did not possess. This itself is acceptance of an upright narrator's addition, with no difference, even if he alone transmits it; it is like everything else he transmits. The ignorance of someone who does not know is no evidence against the knowledge of someone who knows. Nor does the silence of one upright person invalidate the statement of another upright person. There is no difference between exclusively transmitting an entire report and exclusively transmitting an expression within it or an additional ruling in it. Those who dispute with us concerning this matter have agreed with us in accepting reports transmitted exclusively by an upright narrator, yet have disagreed with us over accepting an addition, with no evidence beyond arbitrary assertion through mere claims. One of them, however, attempted to offer an argument and made himself laughable. He said: "We have agreed with you in accepting a report when it is free of an addition transmitted exclusively by some of its narrators, of its transmission with a discontinuity in the chain by a narrator other than this one, and of contradiction by someone more upright than he and more accurate in retaining its wording. We have disagreed with you in accepting it when it contains any of these features."

ʿAli said: He is to be told—and success comes through Allah Most High—this resembles the obfuscation of the Jews when they say: "We have agreed with you in accepting the prophethood of Moses ﷺ, the binding force of his revealed law, and refraining from work on the Sabbath, and that Allah Most

جهل من جهل حجة على علم من علم، ولا سكوت عدل مبطلا لكلام عدل آخر، ولا فرق بين أن ينفرد بالحديث كله وبين أن ينفرد بلفظة منه أو بحكم زائد فيه. وقد وافقنا من يخاصم في هذا المعنى على قبول ما انفرد به العدل من الأخبار، وخالفونا في قبول الزيادة بلا دليل إلا التحكم بالدعوى فقط، إلا أن بعضهم رام أن يحتج فأضحك من نفسه، وذلك أنه قال: قد وافقناكم على قبول الخبر إذا سلم من الزيادة انفرد بها بعض الرواة، ومن إرسال غير هذا الراوي له، ومن مخالفة من هو أعدل منه وأحفظ في لفظه، وخالفناكم في قبوله إذا كان فيه شيء من هذه المعاني. قال علي: فيقال له وبالله تعالى التوفيق: هذا يشبه تمويه اليهود، إذ يقولون قد وافقناكم على قبول نبوة موسى صلى الله عليه وسلم ووجوب شريعته وترك العمل في السبت وأن ذلك كله قد أمر به الله تعالى وخالفناكم في قبول نبوة محمد صلى الله عليه وسلم ووجوب شريعته

High commanded all of this. We have disagreed with you in accepting the prophethood of Muhammed ﷺ and the binding force of his revealed law."[88]

L615 Ali said: This is the argument of someone who has no proof, and a feeble deception. We did not accept the prophethood of Moses ﷺ because they agreed with us about it, nor do we care whether they agree with us about it or disagree, just as we paid no heed to the Magians, Manichaeans, and Sabians denying the prophethood of Moses, peace be upon him. Rather, we accepted his prophethood, peace be upon him, because demonstrations established its soundness. Those very same demonstrations make it obligatory to accept the prophethood of Muhammed ﷺ, without any distinction. Once the demonstration of a truth is established, the acceptance of those who accept it is immaterial and adds nothing to its soundness. The opposition of those who oppose it is likewise immaterial and does it no harm. The opponent harms himself; he does not harm the truth. Likewise, when no demonstration establishes something's soundness, the acceptance of those who accept it is immaterial and does not make it sound. Similarly, we did not accept a solitary report because the Hanafis and Malikis agreed with us in accepting it. We do not care whether they agree or disagree, just as we paid no heed to their disagreement with us concerning analogy and uncritical adherence to authority, or to the disagreement of those Muʿtazilites and others who opposed us concerning acceptance of a solitary report. Rather, we accepted a solitary report because demonstration established the obligation to affirm it. Those very same proofs and demonstrations make it obligatory to discard the grounds by which they sought to accept an addition, a report transmitted with a disconnected chain by one upright transmitter and with a connected chain by another upright transmitter, and a report whose transmitter was contradicted. That same demonstration makes it obligatory to accept an addition even when an upright transmitter alone transmits it, and to authenticate what an upright transmitter relates with a connected chain even if someone else transmits it with a disconnected chain, whether the

قال علي وهذا احتجاج من لا حجة له، وتمويه ضعيف وذلك أننا لم نقبل نبوة موسى صلى الله عليه وسلم لأجل موافقتهم لنا عليهم ولا نبالي وافقونا عليها أم خالفونا، كما لم نبال بتكذيب المجوس والمنانية والصابئين لنبوة موسى عليه السلام وإنما أخذنا بقبول نبوته عليه السلام لقيام البراهين على صحتها، وبمثل تلك البراهين نفسها وجب قبول نبوة محمد صلى الله عليه وسلم ولا فرق والحق إذا ثبت برهانه فلا معنى لقبول من قبله، ولا يزيده ذلك صحة، ولا معنى لمخالفة من خالفه، ولا يضره ذلك شيئا ونفسه ضر المخالف ولم يضر الحق. وكذلك الشيء إذا لم يقم على صحته برهان، فلا معنى لقبول من قبله ولا يصححه ذلك، وكذلك قبول خبر الواحد لم نأخذ به، لأن الحنفيين والمالكيين وافقونا على قبوله، وما نبالي وافقونا أم خالفونا، كما لم نبال بخلافهم لنا في القياس والتقليد، وكما لم نبال بخلاف من خالفنا من المعتزلة وغيرهم في قبول خبر الواحد، وإنما أخذنا بقبول خبر الواحد لقيام البرهان على وجوب القول به. وبتلك الدلائل والبراهين بأعيانها، وجب اطراح العلل التي راموا بها الأخذ بالزيادة، وبما أرسله عدل وأسنده عدل، وما خولف فيه راويه، وبذلك البرهان نفسه وجب قبول الزيادة وإن انفرد بها العدل وتصحيح ما أسنده العدل وإن أرسله غيره، وسواء كان أعدل منه أو أحفظ أو مثله أو دونه، وصح أن ما خالف هذا الحكم هذيان لا معنى له، وإنما يلزم الاحتجاج بما موهوا به غير موضعه، ففي حكم لم نراع فيه غير الإجماع المتيقن به إذا ثبت، وفيما لولا الإجماع المذكور لم نقل به، مما قد أمرنا باتباع الإجماع المتيقن المقطوع به فيه مما لم يأت فيه نص محفوظ اللفظ، وإن كان أصل ذلك الإجماع لا يمكن البتة أن يكون إلا عن نص، وذلك مثل المسائل التي وجدنا فيها خلافا من واحد فما فوقه لم نقل بها ولا برهان عندنا فيها إلا الإجماع وحده،

[88] **Translator's note (L612):** "A crop-sharing arrangement for tending and watering" renders musaqah. The author subsequently distinguishes this from agricultural crop-sharing, muzaraʿah.

latter is more upright than he, more retentive, his equal, or his inferior. It is thus established that whatever contradicts this ruling is meaningless babble. The argument they deceptively employed out of place is binding only in a ruling in which we take account of nothing but consensus known with certainty, when it is established: a matter we would not affirm were it not for the aforementioned consensus, in which we have been commanded to follow consensus known with certainty and established conclusively, and concerning which no text with preserved wording has reached us—even though the basis of that consensus cannot possibly be anything other than a text. Such are the questions concerning which, if we found disagreement from even one person or more, we would not affirm them, and for which we have no demonstration except consensus alone.[89]

وذلك مثل القراض الذي لولا الإجماع على جوازه لاتصال نقل الأعصار به عصرا بعد عصر بأنه كان القراض في الجاهلية مشهورا وأن النبي صلى الله عليه وسلم أقره ولم ينه عنه وهو يعلمه فاشيا في قريش، وكانوا أهل تجارة ولا عيش لهم إلا منها لم نجزه، ولو وجدنا واحدا من العلماء يقول بإبطاله لوافقناه ولقلنا بقوله، إذ لا نص في إباحته، ولأنه شرط لم يأت به نص، وكل شرط هذه صفته فإن لم يتفق على صحته فهو باطل بقوله عليه السلام كل شرط ليس في كتاب الله تعالى فهو باطل فما كان من هذا النوع فإنا نراعي في مسائله الإجماع، فما أجمعوا عليه منها قلنا به.

L616–617 An example is the profit-sharing investment contract: were it not for consensus on its permissibility, based on the uninterrupted transmission through successive ages, age after age, that the profit-sharing investment contract was well known in the pre-Islamic age of ignorance, and that the Prophet ﷺ approved it and did not prohibit it, although he knew it was widespread among Quraysh, who were people of trade and had no livelihood except through it, we would not permit it. If we found even one scholar declaring it invalid, we would agree with him and adopt his position, since there is no text permitting it, and because it is a contractual stipulation for which no text has come. Every stipulation of this description, unless its validity is agreed upon, is invalid by virtue of his saying, peace be upon him: "Every stipulation that is not in the Book of Allah Most High is invalid." In questions of this kind, therefore, we take consensus into account: whatever they unanimously agree upon among them, we affirm,

وما اختلف فيه أسقطناه بالبتة، لأنه قد بطل الإجماع فيه، والإجماع هو برهان صحته الذي لا برهان لصحته سواه، وما بطل برهان صحته فقد بطل القول به، وأما ما قام برهان على صحته من غير الإجماع. فلا ينبغي أن يلتفت من وافق عليه، ولا من خالف، ولا يتكثر بمن وافق فيه كائنا من كان، ولا يستوحش ممن خالف فيه كائنا من كان. ولو كان ما ذكر هذا المغفل حجة لساغ للحنيفي أن يقول: قد وافقتموني على

L618–621 and whatever they disagree about, we reject absolutely, because consensus concerning it has ceased to hold. Consensus is the demonstration of

[89] **Translator's note (L615):** The source has "'alayhim" ("concerning them") after "their agreement with us," where the reference appears to be to Moses's prophethood; the translation follows that apparent reference. The wording literally says that they sought "acceptance of the addition" through these grounds, although the surrounding argument concerns restrictions on accepting additions. This apparent textual difficulty has been preserved rather than silently changing acceptance to rejection.

its validity, and there is no other demonstration of its validity. Once the demonstration of its validity has ceased to hold, affirming it is invalid. As for something whose soundness is established by a demonstration other than consensus, no attention should be paid to who agrees with it or who disagrees. One should neither seek strength in the numbers of those who agree, whoever they may be, nor feel disquiet because of those who disagree, whoever they may be. If what this heedless fellow mentioned were a proof, a Hanafi could legitimately say: "You have agreed with me that the hand of someone who steals something worth ten dirhams must be cut off, while I have disagreed with you about cutting off the hand of someone who steals less than that. Thus, only what we agree upon is binding upon me, not what we disagree about." He could also legitimately say: "You have agreed with me that shortening the prayer applies to journeys of three days or more, whereas we disagree about anything shorter. Thus, only what we agree upon is obligatory." He could also legitimately say: "You have agreed with me that the bridal dower may be ten dirhams, while I have disagreed with you concerning less than that. Thus, only what we agree upon is valid, not what we disagree about." A Maliki could legitimately say: "You have agreed with me that when someone performing the ritual bath rubs his body, his bath is complete, while I have disagreed with you about it when he does not rub his body. Thus, only what we agree upon is obligatory, to the exclusion of what we disagree about. And you have agreed with me that someone who stands at ʿArafah at night has performed a valid standing, while I have disagreed with you concerning someone who stands there by day and departs before sunset. Thus, only what we agree upon is valid, to the exclusion of what we disagree about." He could also legitimately say: "I have agreed with you that a fast is complete if it is free of eating through forgetfulness, while I have disagreed with you about its completeness when eating through forgetfulness occurs during it. Thus, only what we agree upon is complete, to the exclusion of what we disagree about." A Shafiʿi could legitimately say to the two of them: "You have both agreed with me that the prayer of someone who recites {And how can you take it, when you have gone in unto one another and they have taken from you a solemn covenant?} during his prayer is complete, while I have disagreed with you about the completeness of the prayer of someone

وجوب قطع يد من سرق ما يساوي عشرة دراهم، وخالفتكم في قطع من سرق أقل من ذلك، فلا يلزمني إلا ما اتفقنا عليه، لا ما اختلفنا فيه. ولساغ له أن يقول: قد وافقتموني على أن القصر يكون من ثلاثة أيام فصاعدا، واختلفنا في أقل، فلا يجب إلا ما اتفقنا عليه. ولساغ له أن يقول: قد وافقتموني على أن الصداق يكون عشرة دراهم، وخالفتكم في أقل من ذلك، فلا يصح إلا ما اتفقنا عليه، لا ما اختلفنا فيه. ولساغ للمالكي أن يقول: قد وافقتموني على أن المغتسل إذا تدلك تم غسله، وخالفتكم فيه إذا لم يتدلك، فلا يجب إلا ما اتفقنا عليه دون مما اختلفنا فيه ووافقتموني على أن من وقف بعرفة ليلا أن وقوفه صحيح، وخالفتكم فيمن وقف نهارا ودفع قبل غروب الشمس، فلا يصح إلا ما اتفقنا عليه دون ما اختلفنا فيه. ولساغ له أن يقول: قد وافقتكم على أن الصوم إذا سلم من الأكل بالنسيان تام، وخالفتكم في تمامه إذا وقع فيه أكل بنسيان، فلا يتم إلا ما اتفقنا عليه دون ما اختلفنا فيه. ولساغ للشافعي أن يقول لهما: قد وافقتماني على أن من قرأ: {وكيف تأخذونه وقد أفضى بعضكم إلى بعض وأخذن منكم ميثاقا غليظا} في صلاته أنها تامة، وخالفتكم في تمام صلاة من لم يقرأها، ووافقتماني على تمام صلاة من صلى على رسول الله صلى الله عليه وسلم في آخر تشهده وخالفتكم في تمام صلاة من لم يصل عليه صلى الله عليه وسلم ووافقتماني في جواز صيام من بيته كل ليلة، وخالفتكم في صيام من لم يبيته، فلا يصح إلا ما اتفقنا عليه دون ما اختلفنا فيه. وللزمهم أن يكتفوا منا بأن نقول لهم: قد وافقتمونا على قبول النصوص والإجماع، وخالفناكم في القول بالقياس فلا يلزم إلا ما اتفقنا عليه دون ما اختلفنا فيه، ومثل هذا كثير جدا، يقوم منه عشرات ألوف من المسائل، فلما لم يكن كل ما ذكرنا حجة، لأنه كلام موضوع في غير موضعه، سقط شغب من قال: قد اتفقنا عن قبول الخبر إذا عري من زيادة أو مخالفة، واختلفا في قبول الزيادة وبحكم العقل ندري أن كل من رضي لنفسه على خصمه بما لا يرضى على نفسه لخصمه،

who does not recite it. You have both agreed with me on the completeness of the prayer of someone who invokes blessings upon the Messenger of Allah ﷺ at the end of his testimony of faith, while I have disagreed with you about the completeness of the prayer of someone who does not invoke blessings upon him ﷺ. And you have both agreed with me on the validity of the fast of someone who forms the intention for it each night, while I have disagreed with you about the fast of someone who does not form that intention at night. Thus, only what we agree upon is valid, to the exclusion of what we disagree about." And they would be obliged to accept our merely saying to them: "You have agreed with us on accepting the texts and consensus, while we have disagreed with you about affirming analogy. Thus, only what we agree upon is binding, to the exclusion of what we disagree about." There are very many such examples, yielding tens of thousands of questions. Since none of what we have mentioned constitutes a proof, because it is speech employed out of place, the contentious argument of someone who says, "We have agreed on accepting a report when it contains neither an addition nor a contradiction, and the two disagreed about accepting the addition," falls away. By the judgment of reason, we know that anyone who approves for himself, against his opponent, what he will not approve against himself for his opponent is ignorant, mad, or shameless. He must fall under one of these descriptions, all of which are conditions of abasement; we seek refuge in Allah the Magnificent from them. Unless, O Allah, his opponent has accepted a particular ruling: he may then bind him to it, even if it is not binding upon himself. And through Allah Most High comes success.[909192]

L622 **[Section on invalidating the preferential weighting of a**

[90]**Translator's note (L619):** The supplied Qur'anic quotation is 4:21. Its appearance here, in an argument about recitation required for a valid prayer, is apparently a quotation or transcription error. The supplied verse has been translated without substitution.

[91]**Translator's note (L621):** The source reads "agreed ʿan accepting," with an irregular preposition; the intended sense appears to be "agreed on accepting." It then has the third-person dual "the two disagreed," rather than the expected "we disagreed." This shift has been retained.

[92]**Qur'an references (L618):** Qur'an 4:21 (An-Nisa).

فجاهل أو مجنون أو وقاح لا بد له من أحد هذه الوجوه، وهي كلها خطط خسف، ونعوذ بالله العظيم منها، اللهم إلا أن يكون خصمه رضي بحكم ما فله أن يلزمه حينئذ إياه، وإن لم يلزمه هو وبالله تعالى التوفيق

[فصل في إبطال ترجيح الحديث بعمل أهل المدينة وإبطال الاحتجاج بعملهم أيضا]

hadith on the basis of the practice of the people of Medina, and also invalidating the use of their practice as proof]

L623–642 And explaining the cause of the disagreement that occurred among our predecessors, the leading scholars at the beginning of this community, and refuting those who condemned transmitting hadith in abundance.

Malik's followers held that it is impermissible to act upon a report unless practice accompanies it. Ali said: This is among the most corrupt and utterly unsound positions. To begin with, concerning this practice they mention, our predecessors among the Hanafis, Shafi'is, and those of our associates who follow hadith have been asking them for two hundred and forty-odd years: whose practice is this practice they mention? Yet they have not identified whose practice they mean. Nothing is more astonishing than people's ignorance of the meaning of their own assertions and the explanation of their own words. We shall explain this after the opening portion of our discussion in this section, if Allah Most High wills. And through Allah comes success. To someone who says, "I do not accept a report unless practice accompanies it," one should say: "Does this practice have a beginning, or does it have no beginning?" If he says that it has no beginning, he has openly proclaimed a falsehood and joined the eternalists. If he says that it has a beginning, one should say to him—and through Allah Most High comes success: "According to your position, that first practice must be invalid and impermissible to follow, because it began by acting upon a report that had not previously been acted upon, whereas a report may not be followed until it has been acted upon. This practice therefore occurred before the report had been acted upon, so it is invalid according to your corrupt ruling, which leads to babble and to acting upon any report never being valid." Sufficient unsoundness lies in a position that leads to what cannot be understood. Much of what they venture into is like this, such as their statements about the meaning of the Messenger of Allah's ﷺ saying, "The two parties to a sale retain the option so long as they have not parted," and their statements that the second prayer cycle in the prayer of someone completing a prayer of which he caught one prayer cycle with the imam is before the first, and the third before the second. As you can see, this is unintelligible. Allah is sufficient for us, and He

وبيان السبب في الاختلاف الواقع بين سلفنا من الأئمة في صدر هذه الأمة والرد على من ذم الإكثار من رواية الحديث ذهب أصحاب مالك: إلى أنه لا يجوز العمل بالخبر حتى يصحبه العمل. قال علي: وهذا من أفسد قول وأشده سقوطا، فأول ذلك أن هذا العمل الذي يذكرون، قد سألهم من سلف من الحنفيين، والشافعيين، وأصحاب الحديث من أصحابنا، منذ مائتي عام ونيف وأربعين عاما، عمل من هو هذا العمل الذي يذكرون؟ فما عرفوا عمل من يريدون، ولا عجب أعجب من جهل قوم بمعنى قولهم، وشرح كلامهم. وسنبين هذا بعد صدر من كلامنا في هذا الفصل إن شاء الله تعالى، وبالله التوفيق. ويقال لمن قال: لا أقبل الخبر حتى يصحبه العمل، أللعمل أول أم لا أول له؟ فإن قال: لا أول له، جاهر بالكذب ولحق بالدهرية، وإن قال: له أول. قيل له، وبالله تعالى التوفيق: يجب على قولك أن ذلك العمل الأول باطل لا يجوز اتباعه، لأنه ابتدىء فيه بعمل بخبر لم يعمل به قبل ذلك، والخبر لا يجوز اتباعه حتى يعمل به، فهذا العمل قد وقع قبل أن يعمل بالخبر فهو باطل على حكمكم الفاسد المؤدي إلى الهذيان، وإلى ألا يصح عمل بخبر أبدا، وكفى سقوطا بقول أدى إلى ما لا يعقل، وكثير مما يقتحمون مثل هذا كقولهم في معنى قول رسول الله صلى الله عليه وسلم البيعان بالخيار ما لم يتفرقا وكقولهم في أن الركعة الثانية من صلاة من يقضي صلاة أدرك منها ركعة مع الإمام، هي قبل الأولى، والثالثة قبل الثانية، وهذا كما ترى لا يعقل، وحسبنا الله ونعم الوكيل. وإذا كان ما ذكروا من أنه لا يجوز أن يعمل بخبر حتى يعمل به قبل هذا العمل، وكان الخبر قد وجد وقتا من الدهر قبل أن يعمل له، فلا يجوز أن يصح العمل بخبر أبدا، وإذا كان ذلك فكل عمل بخبر من

[102] **Qur'an references (L623):** Qur'an 5:38 (Al-Ma'idah).

is the best trustee. If what they have stated is so—that a report may not be acted upon until it has been acted upon before this act—and the report existed for some period before it was acted upon, then acting upon any report can never be valid. If that is so, every act based upon any report is invalid. What is invalid neither validates the truth nor makes falsehood true, and nothing is established by it. They should also be asked: Tell us about an authentic report with a connected chain of transmission: before it is acted upon, is it true or false? It must be one of these two. If they say, "True," then it makes no difference whether it is acted upon or not. Acting upon the truth does not increase its degree of truth, nor does abandoning action upon it invalidate it. If all the inhabitants of the earth unanimously agreed to disobey Muhammed ﷺ, that would not remove the obligation to obey him. They did precisely that at the beginning of his mission ﷺ, yet that did not invalidate the soundness of his statement. Had all the inhabitants of the earth believed in him and obeyed him, his statement, peace be upon him, would not have gained any higher degree of soundness than it possessed before anyone accepted it or acted upon it. The person who abandons acting upon the truth harms only himself; he does not harm the truth at all. Likewise, if all the inhabitants of the earth unanimously agreed that Musaylimah—may Allah curse him—was a prophet, that would not make his claim true. And when they unanimously disbelieve in him, that does not increase the falsehood of his statement beyond what it possessed when he uttered it. If they say, "The report is false before it is acted upon," acting upon falsehood does not make it true, and through acting upon falsehood Allah increases nothing but error and disgrace. Thus it is established by necessary demonstration that there is no significance to practice, and it should neither be attended to nor given any weight. All the inhabitants of the earth unanimously agreed to follow the religious laws of unbelief before the mission of Muhammed ﷺ, yet that did not validate them. Ali said: This is an expression that Satan cast into their hearts and placed upon their tongues, reinforced by ignorance and ruinous partisanship. In Allah we seek refuge from affliction, and Him we ask for help in attaining what is correct. Success comes through Allah Most High. We then ask them: When did Allah establish acting upon an authentic report: before it was acted upon, or after it was acted upon? If they say, "Be-

الأخبار فهو باطل، والباطل لا يصحح الحق، ولا يحقق الباطل، ولا يثبت به شيء. ويقال لهم أيضا: أرأيتم الخبر المسند الصحيح قبل أن يعمل به أحق هو أم باطل ولا بد من أحد هذين فإن قالوا حق فسواء عمل به أو لم يعمل به ولولا يزيد الحق درجة في أنه حق أن يعمل به،؛ ولا يبطله أن يترك العمل به، أن أهل الأرض كلهم أصفقوا على معصية محمد صلى الله عليه وسلم ما كان ذلك مسقطا لوجوب طاعته وقد فعلوا ذلك في أول مبعثه صلى الله عليه وسلم فما كان ذلك مبطلا لصحة قوله ولو آمن به جميع أهل الأرض وأطاعوه ما زاد قوله عليه السلام منزلة في الصحة على ما كان عليه قبل أن يقبله أو يعمل به أحد من الناس، ونفسه ضر تارك العمل بالحق، ولم يضر الحق شيئا، وكذلك لو أصفق أهل الأرض كلهم على نبوة مسيلمة لعنه الله ما حققها ذلك، وإذا أجمعوا على الكفر به ما زاد ذلك في قوله في البطلان على ما كان عليه حين نطقه به. وإن قالوا: الخبر باطل قبل العمل به؛ فالباطل لا يحققه العمل له، ولا يزيد الله بالعمل بالباطل إلا ضلالا وخزيا، فثبت بالبرهان الضروري أن لا معنى للعمل، ولا ينبغي أن يلتفت إليه ولا يعبأ به، وقد أصفق أهل الأرض كلهم على العمل بشرائع الكفر قبل مبعث محمد صلى الله عليه وسلم فما صححها ذلك قال علي وهذه لفظة قذفها الشيطان في قلوبهم، وطرحها على ألسنتهم، وأيد ذلك الجهل والعصبية المردية، وبالله نستعيذ من البلاء وإياه نستعين على إدراك الصواب، وبالله تعالى التوفيق. ثم نقول لهم: متى أثبت الله العمل بالخبر الصحيح أقبل أن يعمل به أم بعد أن يعمل به فإن قالوا قبل أن يعمل به فهو قولنا وإن قالوا بعد أن يعمل به لزمهم أن العاملين به هم الذين شرعوا تلك الشريعة، وهذا كفر من قائله. ولم يبق لهم إلا أن يقولوا: لما ترك العمل بالخبر علمنا أنه منسوخ وهذا هو باب الإلهام الذي ادعته الروافض لأنفسها لأنه قول بلا برهان. قال علي: وإنما هذا كله بعد أن يعرفوا عمل

من يريدون، وأما وهم لا يدرون عمل من يعنون، فلسنا نحتاج أن نبلغ معهم ههنا، وقد حدثنا عبد الله بن ربيع، ثنا عبد الله بن محمد بن عثمان، ثنا أحمد بن خالد، ثنا علي بن عبد العزيز، ثنا الحجاج بن المنهال، عن يزيد بن إبراهيم التستري، ثنا زريق وكان عاملا لعمر بن عبد العزيز على أيلة قال: كتبت إلى عمر بن عبد العزيز في عبد آبق سرق، وذكرت أن أهل الحجاز لا يقطعون العبد الآبق إذا سرق قال: فكتب إلي: كتبت إلي في عبد آبق سرق، وذكرت أن أهل الحجاز لا يقطعون الآبق إذا سرق وإن الله تعالى يقول {ولسارق ولسارقة فقطعوا أيديهما جزآء بما كسبا نكالا من لله ولله عزيز حكيم} الآية فإن كان قد سرق قدر ما يبلغ ربع دينار فاقطعه به. وبه إلى حجاج بن المنهال، ثنا الربيع بن صبيح قال: سألت نافعا مولى ابن عمر، أو سأله رجل وأنا شاهد على الرهن والقبيل في السلف والورق والطعام إلى أجل مسمى؟ قال: لا أرى بذلك بأسا. فقلت له: إن الحسن يكرهه، قال: لولا أنكم تزعمون أن الحسن يكرهه ما رأيت به بأسا، فأما إذا كرهه الحسن فهو أعلم به، فهذا عمر بن عبد العزيز لم يبال بعمل أهل الحجاز إذ وجد القرآن بخلاف، وهذا نافع مولى ابن عمر من كبار فقهاء أهل المدينة توقف في فتياه إذ خالفه الحسن وهو عراقي. ثم نسألهم فنقول لهم عمل من تريدون أعمل أمة محمد صلى الله عليه وسلم كلهم أم عمل عصر دون عصر أم عمل محمد صلى الله عليه وسلم أم عمل أبي بكر أم عمل عمر أم عمل عثمان ولم يكن في المدينة إمام غير هؤلاء أم عمل صاحب من سكان المدينة بعينه؟ أم عمل جميع فقهاء المدينة؟ أم عمل بعضهم؟ ولا سبيل إلى وجه غير ما ذكرنا فإن قالوا عمل أمة محمد صلى الله عليه وسلم كلها بان كذبهم لأن الخلاف بين الأمة أشهر من ذلك، وهم دأبا إنما يتكلمون على من يخالفهم، فإن كانت الأمة مجمعة على قولهم فمع من يتكلمون إذا، وإن قالوا عصرا ما دون سائر الأعصار، بان كذبهم أيضا إذ كل عصر فالاختلاف بين

fore it was acted upon," that is our position. If they say, "After it was acted upon," it necessarily follows from their position that those who acted upon it were the ones who instituted that religious law. To say this is unbelief. Their only remaining option is to say, "When acting upon the report was abandoned, we knew that it had been abrogated." This is the very avenue of inspiration that the Rafidites claimed for themselves, since it is an assertion without demonstration. Ali said: All this applies only after they have identified whose practice they mean. As long as they do not know whose practice they mean, we have no need to go this far with them. Abd Allah ibn Rabi related to us: Abd Allah ibn Muhammed ibn Uthman related to us: Ahmad ibn Khalid related to us: Ali ibn Abd al-Aziz related to us: al-Hajjaj ibn al-Minhal related to us, from Yazid ibn Ibrahim al-Tustari: Zurayq, who was Umar ibn Abd al-Aziz's governor over Aylah, related to us, saying: "I wrote to Umar ibn Abd al-Aziz concerning a runaway slave who had stolen, mentioning that the people of the Hijaz do not cut off a runaway slave's hand when he steals." He said: "He wrote back to me: 'You wrote to me concerning a runaway slave who had stolen, mentioning that the people of the Hijaz do not cut off a runaway's hand when he steals. Yet Allah Most High says, {As for the male thief and the female thief, cut off their hands as recompense for what they have earned, as a deterrent punishment from Allah; and Allah is Mighty, Wise}—the verse. If he has stolen an amount reaching a quarter of a dinar, cut off his hand for it.'" Through the same chain to Hajjaj ibn al-Minhal: al-Rabi ibn Sabih related to us, saying: "I asked Nafi, the freedman of Ibn Umar—or a man asked him while I was present—about collateral and a guarantor in an advance transaction, and silver and foodstuffs payable at a specified term. He said, 'I see no harm in that.' I said to him, 'Al-Hasan disapproves of it.' He said, 'Were it not that you claim that al-Hasan disapproves of it, I would have seen no harm in it. But since al-Hasan disapproves of it, he knows better about it.'" Here, then, is Umar ibn Abd al-Aziz paying no regard to the practice of the people of the Hijaz when he found the Qur'an to the contrary. And here is Nafi, the freedman of Ibn Umar, one of the leading jurists of the people of Medina, suspending his legal opinion when al-Hasan disagreed with him, although al-Hasan was an Iraqi. We then question them, saying: Whose practice do you mean? The practice of the entire community

of Muhammed ﷺ? Or the practice of one age rather than another? Or the practice of Muhammed ﷺ? Or the practice of Abu Bakr? Or the practice of Umar? Or the practice of Uthman—there having been no imam in Medina other than these? Or the practice of one particular Companion residing in Medina? Or the practice of all the jurists of Medina? Or the practice of some of them? There is no possible alternative beyond those we have mentioned. If they say, "The practice of the entire community of Muhammed ﷺ," their falsehood becomes evident, since disagreement within the community is too well known for that. Indeed, they are continually arguing against those who disagree with them. If the community unanimously agrees with their position, with whom, then, are they arguing? If they say, "One particular age, to the exclusion of all other ages," their falsehood likewise becomes evident, since disagreement among the jurists of every age exists, is transmitted, and is well known. There is no possibility of finding a question upon which the people of some age agreed, without any preceding disagreement over it, and over which people subsequently disagreed. Such a thing is never found. If they say, "The practice of the Messenger of Allah ﷺ," we shall show them that they abandon his practice, peace be upon him, more than anyone else does—indeed, even his final practice. They themselves have related that his final practice was to break the fast while travelling in Ramadan and to prohibit fasting during it, yet they say, "Fasting is preferable." His final practice, peace be upon him, was to lead the people in prayer while seated, with those behind him being in sound health, either seated according to our position or standing according to the position of others. Yet they say, "The prayer of anyone who prays in that manner is invalid." They have related in al-Muwatta that when he ﷺ performed the full ritual washing for major ritual impurity, he poured water over his body. Yet they say, "The purification of anyone who purifies himself in that manner is invalid until he rubs his body." They have also related that he ﷺ used to raise his hands in prayer when he bowed and when he rose. Yet they say, "Practice does not accord with this." They have related that he ﷺ prayed and recited By the Mount in the sunset prayer, and Those Sent Forth, and that this was near the end of his life ﷺ. Yet they say, "Practice does not accord with this." They have related that when he ﷺ led the people and completed the Mother of the Qur'an,

فقهائه موجود منقول مشهور، ولا سبيل إلى وجود مسألة اتفق عليها أهل عصر ما، ولم يكن تقدم فيها خلاف قبلهم، ثم اختلف فيها الناس. هذا ما لا يوجد أبدا فإن قالوا عمل رسول الله صلى الله عليه وسلم أريناهم أنهم أترك الناس لعمله عليه السلام بل لآخر عمله فإنهم رووا أن آخر عمله كان الإفطار في رمضان في السفر، والنهي عن صيامه فقالوا هم الصوم أفضل وكان آخر عمله عليه السلام الصلاة بالناس جالسا وهم أصحاء وراءه إما جلوس على قولنا، وإما قيام على قول غيرنا. فقالوا هم: صلاة من صلى كذلك باطل ورووا في الموطأ أنه صلى الله عليه وسلم كان إذا اغتسل من الجنابة أفاض الماء على جسده، فقالوا هم: طهور من تطهر كذلك باطل حتى يتدلك ورووا أنه صلى الله عليه وسلم كان يرفع يديه في الصلاة إذا ركع وإذا رفع فقالوا ليس عليه العمل ورووا أنه صلى الله عليه وسلم صلى فقرأ بالطور في المغرب وبالمرسلات وكان ذلك في آخر عمره صلى الله عليه وسلم فقالوا ليس عليه العمل ورووا أنه صلى الله عليه وسلم كان إذا أم الناس فأتم أم القرآن قال آمين قالوا ليس عليه العمل ورووا أنه عليه السلام سجد في {إذا لسمآء نشقت} فقالوا ليس عليه العمل ورووا أنه صلى الله عليه وسلم صلى بالناس جالسا وهم جلوس وراءه فقالوا: صلاة من صلى كذلك باطل، وليس عليه العمل، ورووا أن أبا بكر الصديق، رضي الله عنه ابتدأ بالصلاة بالناس فأتى النبي صلى الله عليه وسلم فدخل فجلس إلى جنب أبي بكر رضي الله عنه فأتم عليه الصلاة بالناس، فقالوا: ليس عليه العمل، ومن صلى هكذا بطلت صلاته ومن البديع أن بعضهم قال صلاته عليه السلام في غزوة تبوك خلف عبد الرحمن بن عوف ناسخة لهذا العمل. قال علي: وهذا كلام لو قيل لقائله أسف ما شئت واجتهد ما قدر بأن يأتي بأكثر مما أتى به لوجهين: أحدهما: أن صلاته عليه السلام خلف عبد الرحمن بن عوف التي ادعوا أنها ناسخة كانت في تبوك وصلاته عليه السلام إلى جنب

he said, “Amen.” They say, “Practice does not accord with this.” They have related that he, peace be upon him, prostrated during {When the heaven is split open}. Yet they say, “Practice does not accord with this.” They have related that he ﷺ led the people in prayer while seated, with them seated behind him. Yet they say, “The prayer of anyone who prays in that manner is invalid, and practice does not accord with this.” They have related that Abu Bakr al-Siddiq, may Allah be pleased with him, began leading the people in prayer; then the Prophet ﷺ came, entered, and sat beside Abu Bakr, may Allah be pleased with him, and completed the prayer over him, leading the people. Yet they say, “Practice does not accord with this, and anyone who prays in this manner has invalidated his prayer.” One of their remarkable assertions is that some of them have said that his praying, peace be upon him, behind Abd al-Rahman ibn Awf during the expedition of Tabuk abrogated this practice. Ali said: This is a statement whose speaker, had he been told, “Sink as low as you wish, and exert yourself,” could not have managed to produce anything exceeding what he has already produced, for two reasons. The first is that his prayer, peace be upon him, behind Abd al-Rahman ibn Awf, which they claimed was abrogating, took place at Tabuk, whereas his prayer, peace be upon him, beside Abu Bakr, which they claimed was abrogated, took place only five nights before his death, peace be upon him. It was the last prayer in which the Messenger of Allah ﷺ led the people. How, then, can an event that occurred months before his death, peace be upon him, abrogate an event occurred five nights before his death, peace be upon him? Would anyone with a shred of reason utter this? Or is someone whose knowledge and reason amount to this entitled to speak concerning the religion of Allah, Mighty and Majestic? The Messenger of Allah ﷺ spoke truly when he said: “Allah does not wrench knowledge away after having given it to them; rather, He takes it from them by taking the scholars away together with their knowledge. Ignorant people then remain, who are asked for legal opinions and give opinions according to their own judgment, going astray and leading others astray.” Ali said: The second ground for the collapse of this ignorant man’s argument is that, even if his prayer, peace be upon him, behind Abd al-Rahman had followed his prayer behind Abu Bakr, it would not have abrogated it, because his prayer behind Abd al-Rahman

أبي بكر التي ادعوا أنها منسوخة كانت قبل موته عليه السلام بخمس ليال فقط وهي آخر صلاة صلاها رسول الله صلى الله عليه وسلم بالناس فكيف ينسخ أمر كان قبل موته عليه السلام بأشهر أمرا كان قبل موته عليه السلام بخمس ليال أيفوه بهذا من له مسكة عقل أو يحل لمن هذا مقدار علمه وعقله أن يتكلم في دين الله عز وجل وصدق رسول الله صلى الله عليه وسلم إذا يقول إن الله لا ينزع العلم بعد إذ أعطاهموه انتزاعا، ولكن ينزعه منهم مع قبض العلماء بعلمهم فيبقى ناس جهال يستفتون فيفتون برأيهم فيضلون ويضلون. قال علي: والوجه الثاني من سقوط كلام هذا الجاهل أنه حتى لو كانت صلاته عليه السلام خلف عبد الرحمن بعد صلاته خلف أبي بكر ما كان فيها نسخ لها، لأنه ليس في صلاته خلف عبد الرحمن نهي عما في صلاته خلف أبي بكر ولا مخالفة، بل هو حكم آخر، وعلم آخر، وفي الاحتجاج المذكور عبرة لمن اعتبر، ولهم مثله كثير. ورووا أنه عليه السلام: جمع بين الظهر والعصر في غير خوف ولا سفر، فقال مالك: أرى ذلك كان من مطر. فقالوا: ليس عليه العمل لا في مطر ولا في غيره ورووا أنه عليه السلام أتي بصبي فبال على ثوبه فدعا بماء فأتبعه إياه ونضحه ولم يغسله. فقالوا: ليس عليه العمل، وهذا لا يطهر الثوب، ومن صلى بثوب هذا صفته صلى بنجس فعلموا نبيهم صلى الله عليه وسلم ما لم يكن في علمه وجعلوه مصليا بثوب نجس، تعالى الله عما يقولون علوا كبيرا ورووا أنه عليه السلام صلى بالناس وهو يحمل أمامة بنت أبي العاص على عنقه، فقالوا: ليس عليه العمل، وهذا إسقاط للخشوع. قال علي: هذا كلام من قاله منهم ناسبا لسقوط الخشوع إلى رسول الله صلى الله عليه وسلم فقد كفر وارتد وحل دمه وماله ولحق باليهود والنصارى ومن نسب ذلك إلى المقتدي بالنبي صلى الله عليه وسلم ولم ينسبه إلى المقتدي به فقد توقح ما شاء وتخف، وهما خطتا خسف لا بد من إحداهما. وأظرف من كل ظريف، أنهم احتجوا بهذا الحديث نفسه في أن الصلاة لا تبطل على من صلاها وهو حامل

contains neither a prohibition of anything in his prayer behind Abu Bakr nor anything contrary to it. Rather, it is another ruling and another piece of knowledge. In the argument just mentioned there is a lesson for anyone who takes heed, and they have many similar arguments. They related that he, peace be upon him, combined the noon and afternoon prayers when there was neither fear nor travel. Malik said: "I think that was because of rain." Yet they said: "Established practice does not follow this, whether in rain or otherwise." They related that a little boy was brought to him, peace be upon him, and urinated on his garment, whereupon he called for water, applied it to the urine, and sprinkled the garment without washing it. Yet they said: "Established practice does not follow this. This does not purify the garment, and anyone who prays in a garment in this condition prays with an impurity." Thus they taught their Prophet ﷺ something he had not known and represented him as praying in an impure garment. Exalted is Allah, far above what they say! They related that he, peace be upon him, led the people in prayer while carrying Umamah daughter of Abu al-As on his neck. Yet they said: "Established practice does not follow this. This amounts to abandoning reverent attentiveness." Ali said: Whoever among them says these words while attributing the abandonment of reverent attentiveness to the Messenger of Allah ﷺ has disbelieved, apostatized, forfeited the inviolability of his blood and property, and joined the Jews and Christians. Whoever attributes this to the person following the Prophet's ﷺ example but does not attribute it to the one whose example is followed has displayed the utmost shamelessness and foolishness. These are two courses of degradation, one of which is unavoidable. More amusing than anything amusing is their invoking this very report as proof that the prayer of someone who performs it while carrying an impurity is not invalidated. Thus they disobeyed the report concerning what it actually addresses and openly resorted to falsehood to use it to permit something it does not contain. They have many similar instances. They related that he, peace be upon him, used to recite in the festival prayer the surah "Qaf. By the glorious Quran" and "The Hour has drawn near, and the moon has split." Yet they said: "Established practice does not follow this." They related that he, peace be upon him, used to kiss during the daytime in Ramadan. Yet they said: "We disapprove of that for a young man, and

نجاسة، فعصوا الحديث فيما ورد فيه، وجاهروا بالكذب في أن يستبيحوا به ما ليس فيه ولهم مثله كثير ورووا أنه عليه السلام كان يقرأ في صلاة العيد بسورة {ق ولقرآن لمجيد} {قتربت لساعة ونشق لقمر} فقالوا ليس عليه العمل ورووا أنه عليه السلام كان يقبل في رمضان نهارا فقالوا نكره ذلك لشاب وليس عليه العمل ورووا أنه عليه السلام صلى على سهيل بن بيضاء في المسجد فقالوا ليس عليه العمل وقال شيخ منهم كبير عندهم، صغير في الحقيقة هذا إدخال الجيف في المسجد فنعقب عاقبة الله على نبيه صلى الله عليه وسلم ورووا أنه صلى الله عليه وسلم صلى على النجاشي وهو غائب وأصحابه رضي الله عنهم خلفه صفوف فقالوا ليس عليه العمل ورووا أنه صلى الله عليه وسلم صلى على قبر فقالوا ليس عليه العمل ثم احتجوا بهذا الحديث في إباحة الصلاة إلى القبور فعصوا الله تعالى ورسوله صلى الله عليه وسلم في نهيهم عما جاء به العمل الصحيح وافتروا في الحديث ما ليس فيه، وراموا بذلك إبطال نهي صحيح قد ثبت لا يحل خلافه ورووا أنه عليه السلام أعطى القاتل السلب وقضى بذلك فقالوا ليس عليه العمل إلا أن يرى الإمام ذلك ورووا أنه عليه السلام أباح النكاح بخاتم حديد فقالوا ليس عليه العمل، وهذا نكاح لا يجوز، ولا بد من ربع دينار، تحكما من آرائهم الفاسدة، وقياسا على ما تقطع فيه اليد عندهم، فهلا قاسوه على ما يستباح به الظهر من جرعة خمر لا تساوي فلسا، على أن إيلام الظهر أشبه باستباحة الفرج من قطع اليد باستباحة الفرج، لأن الفرج والظهر عضوان مستوران والظهر والفرج لا يقطعان، واليد تقطع وتبان فأحاط الخطأ بهم من كل وجه ورووا أنه عليه السلام أنكح رجلا امرأة بسورة من القرآن فقالوا ليس عليه العمل وهذا لا يجوز ورووا أنه صلى الله عليه وسلم قضى في الجنين بغرة عبد أو أمة فقالوا ليس عليه العمل، ولكن إن كان جنين حرة ففيه خمسون دينارا، وإن كان جنين أمة ففيه عشر قيمة أمة، قياسا على بيضة النعامة يكسرها المحرم فأخطؤوا في خلافهم حكم الله تعالى ورسوله

established practice does not follow it." They related that he, peace be upon him, performed the funeral prayer over Suhayl ibn Bayda in the mosque. Yet they said: "Established practice does not follow this." One of their shaykhs, great in their estimation but small in reality, said: "This is bringing carcasses into the mosque." Thus he found fault with Allah's disposition concerning His Prophet ﷺ. They related that he ﷺ performed the funeral prayer for the Negus in his absence, with his Companions, may Allah be pleased with them, standing in rows behind him. Yet they said: "Established practice does not follow this." They related that he ﷺ performed a funeral prayer over a grave. Yet they said: "Established practice does not follow this." Then they invoked this report as proof that praying toward graves is permissible. Thus they disobeyed Allah Most High and His Messenger ﷺ by prohibiting what sound practice had established, fabricated in the report something it does not contain, and sought thereby to invalidate an authentic, established prohibition that it is unlawful to contravene. They related that he, peace be upon him, gave the slain combatant's personal spoils to the man who killed him and ruled accordingly. Yet they said: "Established practice does not follow this unless the ruler sees fit." They related that he, peace be upon him, permitted marriage with an iron ring as the dower. Yet they said: "Established practice does not follow this. Such a marriage is impermissible; there must be a quarter of a dinar." This is an arbitrary stipulation arising from their corrupt opinions and an analogy with the amount for which, according to them, the hand is amputated. Why, then, did they not draw an analogy with what makes the back liable to flogging: a mouthful of wine not worth a single copper coin? Inflicting pain on the back is more analogous to making sexual access lawful than amputating the hand is to making sexual access lawful, since the private parts and the back are two covered bodily parts, and neither the back nor the private parts is amputated, whereas the hand is amputated and severed. Thus error has encompassed them on every side. They related that he, peace be upon him, married a man to a woman in exchange for a surah of the Quran. Yet they said: "Established practice does not follow this, and this is impermissible." They related that he ﷺ ruled that compensation for a fetus was a slave, male or female. Yet they said: "Established practice does not follow this. Rather, if it is the fetus of a free woman, fifty dinars

عليه السلام وأخطؤوا في شرعهم ما لم يأذن به الله تعالى، وتحكموا في القيمة بلا برهان ولا هدى من الله تعالى، وأخطؤوا في تفريقهم بين جنين الحرة وجنين الأمة بلا دليل، في قياس جنين الأمة على بيضة النعامة خطأ يضحك، في إيجابهم في بيضة النعامة عشر البدنة، وهم لا يرون الاشتراك في الهدي، وكل ذلك بلا دليل وبالله تعالى التوفيق وروي أن رسول الله صلى الله عليه وسلم ودى عبد الله بن سهل وهو حضري مدني مائة من الإبل فقالوا: ليس عليه العمل، ولا يودي بالإبل إلا أهل البادية، وأما أهل الحاضرة فلا يودون إلا بالدنانير والدراهم، وتعلقوا في ذلك بعمر، وهم قد خالفوا عمر في هذا المكان نفسه، لأن عمر كما جعل على أهل الذهب الذهب وعلى أهل الفضة الفضة، وكذلك جعل على أهل البقر مائتي بقرة وعلى أهل الغنم ألفي شاة، وعلى أهل الحلل مائتي حلة فقالوا: ليس على فعل عمر العمل في البقر والغنم والحلل. وإنما نفعل فعله في الذهب والورق والإبل خاصة ورووا أن رسول الله صلى الله عليه وسلم جعل القسامة في قتيل وجد بخيبر فقالوا ليس عليه العمل، ولا يعجز أحد عن أن يلقي قتيلا قتله في دور قوم آخرين فخالفوا رسول الله صلى الله عليه وسلم وخالفوا عمل عمر في القسامة أيضا واحتج إسماعيل في ذلك ببقرة بني إسرائيل، فأتى بحديث لم يأت به قرآن ولا خبر عن النبي وإنما هي خرافة في خرافات أهل الكتاب ولو صح قولهم لكانت آية معجزة عظيمة، لا يقدرون على مثلها أبدا، وتلك الآية لم يكن فيها قسامة، فقد خالفوا عمل بني إسرائيل أيضا وقالوا: إنما القسامة في دعوى المريض أن فلانا قتله وقد أبطل النبي صلى الله عليه وسلم أن يقبل قول أحد في ادعائه دم أحد أو ماله فقبلوا دعواه في الدم ولم يتهموه؛ وأبطلوا دعاواه في المال واتهموه وكفى بذكر هذا عن تكلف رد عليه ورووا أنه عليه السلام رجم يهوديين زنيا فقالوا ليس عليه العمل ولا يجوز رجمهم، وأتى بعضهم في ذلك بعظيمة تخرج عن الإسلام

are due for it; and if it is the fetus of a slave woman, one tenth of the value of a slave woman is due for it," by analogy with an ostrich egg broken by someone in the state of pilgrimage consecration. They erred in contravening the ruling of Allah Most High and His Messenger, peace be upon him; they erred in legislating what Allah Most High had not authorized; they arbitrarily fixed the value without demonstration or guidance from Allah Most High; and they erred in distinguishing between the fetus of a free woman and that of a slave woman without evidence. In their analogy between the fetus of a slave woman and an ostrich egg there is a laughable error in their requiring, for an ostrich egg, one tenth of a sacrificial camel, although they do not permit sharing in a sacrificial offering. All of this is without evidence. Success comes through Allah Most High. It is related that the Messenger of Allah ﷺ paid blood money of one hundred camels for Abd Allah ibn Sahl, who was a townsman of Medina. Yet they said: "Established practice does not follow this. Only the people of the desert pay blood money in camels. As for townspeople, they pay blood money only in dinars and dirhams." In this they appealed to Umar, although they contradicted Umar on this very point. For just as Umar required gold from those whose wealth was in gold, and silver from those whose wealth was in silver, he likewise required two hundred cattle from those whose wealth was in cattle, two thousand sheep from those whose wealth was in sheep, and two hundred suits of clothing from those whose wealth was in suits of clothing. Yet they said: "Established practice does not follow Umar's action regarding cattle, sheep, and suits of clothing. We follow his action only regarding gold, silver, and camels." They related that the Messenger of Allah ﷺ prescribed the procedure of collective oaths in a homicide case concerning a slain man found at Khaybar. Yet they said: "Established practice does not follow this. Anyone can throw a man he has killed into the dwellings of another people." Thus they contradicted the Messenger of Allah ﷺ and also contradicted Umar's practice concerning collective homicide oaths. Ismail argued for this by invoking the cow of the Children of Israel, producing an account found neither in the Quran nor in any report from the Prophet. It is merely a fable among the fables of the People of the Book. If what they said were true, it would have been a mighty miraculous sign, the like of which they could never produce.

وذلك أن قال إنما رجمهما رسول الله صلى الله عليه وسلم تنفيذا لما في التوراة فجعلوه عليه السلام منفذا لأحكام اليهود وصانوا أنفسهم الدنية الساقطة عن ذلك

[101] **Translator's note (L642):** "The procedure of collective oaths in a homicide case" renders القسامة (qasamah), subsequently shortened to "collective homicide oaths." The source calls the claimant a "sick man" and then gives his allegation as "so-and-so killed him"; that wording is retained.

That sign involved no collective homicide oaths, so they have also contradicted the practice of the Children of Israel. They said: "Collective homicide oaths apply only when a sick man claims that so-and-so killed him." Yet the Prophet ﷺ invalidated accepting anyone's word when he makes a claim to another person's blood or property. They accepted his claim concerning blood without suspecting him, but rejected his claims concerning property and suspected him. Merely mentioning this suffices without taking the trouble to refute it. They related that he, peace be upon him, stoned two Jews who had committed unlawful sexual intercourse. Yet they said: "Established practice does not follow this, and stoning them is impermissible." One of them advanced an enormity in this matter that takes one outside Islam, saying: "The Messenger of Allah ﷺ stoned them only to enforce what is in the Torah." Thus they represented him, peace be upon him, as an enforcer of the

rulings of the Jews, while shielding their own base, contemptible selves from that.[939495969798991001011102]

[93]**Translator's note (L623):** The first sentence continues the section heading in the preceding unit. "Eternalists" renders al-dahriyya, those associated here with the claim that the world or temporal succession has no beginning.

[94]**Translator's note (L626):** The opening continues an example from the preceding segment concerning the order of prayer units in a prayer completed after joining the imam late. The sequence "أن أهل الأرض ... ولولا يزيد" is syntactically defective. The translation reflects its evident argumentative sense: acting upon truth does not increase its truth, and universal disobedience would not remove the obligation to obey. This requires understanding the stray "ولو" as belonging with the later conditional clause rather than silently treating the transmitted syntax as sound. The statement that Allah increases nothing but error and disgrace has no explicit object identifying whom He increases in these things. The translation preserves that omission.

[95]**Translator's note (L629):** The Qur'anic quotation corresponds to 5:38, but the supplied text repeatedly omits letters in such forms as "ولسارق" and "لله." The translation renders the identifiable wording; these transcription defects are not reproduced as invented English errors. The wording "في السلف والورق والطعام إلى أجل مسمى" leaves the relationship between the advance transaction, silver, and foodstuffs unclear. "Advance transaction" renders salaf without deciding whether a loan or a forward-purchase transaction is intended; "guarantor" renders the uncommon legal term qabil.

[96]**Translator's note (L632):** The salutation following "he" is divided between this segment and the next; it is rendered at the beginning of the next translation.

[97]**Translator's note (L633):** "By the Mount" and "Those Sent Forth" are the titles of surahs 52 and 77; "the Mother of the Qur'an" denotes the opening surah. The quoted opening of surah 84 is transcribed as "إذا لسماء نشقت," with missing letters. Its identifiable wording is rendered in translation. The phrase "فأتم عليه الصلاة بالناس" is awkward: literally, he "completed over him the prayer with the people." The translation retains "over him" to indicate the apparent assumption of leadership over Abu Bakr without silently replacing the supplied wording.

[98]**Translator's note (L636):** In the contrast between the follower and the person followed, the supplied text writes المقتدي به, literally "the one following him," where the argument appears to require المقتدى به, "the one whose example is followed." The translation follows that apparent intended contrast. "Established practice does not follow this" renders the recurring legal formula ليس عليه العمل.

L643–646 Allah Most High protects His Prophet, His chosen one from humankind, from ruling by anything other than what Allah commanded him. Allah Most High commanded him to say: “Say: I do not tell you that I possess the treasuries of Allah, nor do I know the unseen, nor do I tell you that I am an angel. I follow only what is revealed to me. Say: Are the blind and the seeing equal? Will you not reflect?” They related that he, peace be upon him, sentenced an offender who had committed unlawful sexual intercourse without having the status of a previously consummated lawful marriage to banishment. Yet they said: “We do not banish a slave, because that harms his master.” In banishing a free man, however, they paid no regard to the harm to his wife, his children, his property, and his parents, if he had parents. They related that he, peace be upon him, underwent cupping while in the state of pilgrimage consecration. Yet they said: “Established practice does not follow this.” They related that he, peace be upon him, applied perfume in preparation for his pilgrimage consecration before entering that state. Yet they said: “Established practice does not follow this.” And they related that he—peace ﷺ applied perfume upon his release from consecration before circumambulating the House, yet they said, “Established practice does not follow this.” They transmitted that he ﷺ ruled that every condition absent from the Book of Allah, Mighty and Majestic, was invalid, yet they permitted more than a thousand conditions, not one of which is in the Book of Allah. Among these is stipulating that the inhabitants of the territory of war may enter the territory of Islam with Muslim prisoners and captive Muslim women, having intercourse with those women and taking them back to the

ويعيذ الله تعالى نبيه وخيرته من الإنس أن يحكم بغير ما أمره الله به، وقد أمره الله تعالى أن يقول {قل لا أقول لكم عندي خزآئن لله ولا أعلم لغيب ولا أقول لكم إني ملك إن أتبع إلا ما يوحى إلي قل هل يستوي لأعمى ولبصير أفلا تتفكرون} ورووا أنه عليه السلام قضى بالتغريب على الزاني غير المحصن فقالوا: لا نغرب العبد لأنه ضرر بسيده، ولم يراعوا في تغريب الحر الضرر بزوجته وولده وماله وأبويه إن كان له أبوان ورووا أنه عليه السلام احتجم وهو محرم فقالوا ليس عليه العمل ورووا أنه عليه السلام تطيب لإحرامه قبل أن يحرم فقالوا ليس عليه العمل ورووا أنه عليه السلام تطيب لحله قبل أن يطوف بالبيت فقالوا ليس عليه العمل ورووا أنه عليه السلام قضى بإبطال كل شرط ليس في كتاب الله عز وجل، فأجازوا أزيد من ألف شرط ليس منها واحد في كتاب الله. منها من شرط لأهل دار الحرب النزول في دار الإسلام بأسرى المسلمين وسبايا المسلمات يطؤونهن ويردونهن إلى بلاد الكفر، ويستخدمونهم ويهبونهم ويبيعونهم وهذا شرط لا يجيزه إلا إبليس ومن اتبعه ورووا أنه عليه السلام قسم خيبر فقالوا ليس عليه العمل وتركوا ذلك لإيقاف عمر الأرض مع إقرارهم بأنهم لا يعرفون كيف عمل عمر في ذلك، أفيكون أعجب من ترك عمل مشهور متيقن على النبي صلى الله عليه وسلم مع جميع أصحابه لعمل مجهول لا يدرون كيف وقع بإقرارهم من عمل عمر؟ وقد خالفه في ذلك الزبير وبلال وغيرهما ورووا أنه عليه السلام قضى بإيجاب الولاء لمن أعتق فقالوا من أعتق سائبة فلا ولاء له قال علي فهذا ما تركوا فيه عمل رسول الله صلى الله عليه وسلم من روايتهم في الموطأ خاصة ولو تتبعنا ذلك من رواية غيرهم لبلغ أضعاف ما ذكرنا وما خالفوا فيه أوامره عليه السلام من روايتهم ورواية غيرهم أضعاف ذلك ولعل ذلك يتجاوز الألوف، فقد بطل كما ترى ما ادعوه من اتباع عمل النبي صلى الله عليه وسلم وثبت أنهم أترك خلق

[99]**Translator’s note (L637):** The Quranic openings are transcribed defectively as ق ولقرآن لمجيد and اقتربت لساعة ونشق لقمر, with several initial alifs omitted. Their identifiable wording is translated here; the supplied transcription has not been treated as an exact Quranic quotation.

[100]**Translator’s note (L639):** The wording فنعقب عاقبة الله على نبيه is apparently corrupt. “Thus he found fault with Allah’s disposition concerning His Prophet” is a tentative contextual rendering; the precise wording cannot be established from the supplied text. The final clause beginning “In their analogy” is syntactically awkward in the Arabic; its accusation of a laughable error has been retained without supplying a missing connective. The technical compensation term غرة is rendered as the slave, male or female, specified immediately after it in the source.

lands of unbelief, employing the prisoners as servants, giving them away, and selling them. This is a condition that none but Iblis and his followers would permit. They transmitted that he ﷺ divided Khaybar, yet they said, "Established practice does not follow this." They abandoned this because Umar withheld the land from distribution, while admitting that they do not know how Umar acted in this matter. Could anything be more astonishing than abandoning a well-known practice, established with certainty as that of the Prophet ﷺ together with all his Companions, for an unknown practice of Umar whose manner of occurrence they admittedly do not know, and in which al-Zubayr, Bilal, and others opposed him? They transmitted that he ﷺ ruled that the bond of patronage belongs as a right to the person who emancipates a slave, yet they said, "Whoever emancipates a slave without retaining any claim over him has no bond of patronage." Ali said: These, then, are the instances in which they abandoned the practice of the Messenger of Allah ﷺ, drawn solely from their own transmissions in al-Muwatta. Were we to trace this through the transmissions of others, it would amount to many times what we have mentioned. The instances in which they have opposed his ﷺ commands, as transmitted both by themselves and by others, are many times that number; perhaps they exceed several thousand. Thus, as you see, their claim to follow the practice of the Prophet ﷺ has been disproved, and it has been established that, of all Allah's creation, they are the most neglectful of the practice of the Prophet of Allah ﷺ, then of his latest practice, and of the practice of the leaders after him. If they say, "The practice of Abu Bakr," we say to them—and through Allah comes success: In al-Muwatta you have transmitted only ten cases from Abu Bakr, may Allah be pleased with him, and you have opposed him in eight of them. They transmitted that he prayed two prayer cycles with al-Baqarah, with the Emigrants and the Helpers from among the people of Medina behind him, yet they said, "Established practice does not follow this." They transmitted that, in the third prayer cycle of the sunset prayer, after the Mother of the Quran, he recited the verse, "Our Lord, do not cause our hearts to deviate after You have guided us, and grant us mercy from Yourself; indeed, You are the Bestower," yet they said, "Established practice does not follow this." They transmitted that he instructed a commander whom he dispatched to Syria

الله لعمل نبي الله صلى الله عليه وسلم ثم لآخر عمله ولعمل الأئمة بعده فإن قالوا عمل أبي بكر قلنا لهم وبالله التوفيق لم تروا في الموطأ عن أبي بكر رضي الله عنه إلا عشر قضايا، خالفتموه منها في ثمان. ورووا عنه أنه صلى بالبقرة ركعتين ووراءه المهاجرون والأنصار من أهل المدينة، فقالوا: ليس عليه العمل. ورووا عنه أن قرأ في الثالثة من المغرب بعد أم القرآن: {ربنا لا تزغ قلوبنا بعد إذ هديتنا وهب لنا من لدنك رحمة إنك أنت لوهاب} الآية فقالوا ليس عليه العمل ورووا عنه أنه أمر أميرا له وجهه إلى الشام ألا يقطع شجرا مثمرا، فقالوا: ليس عليه العمل وجائز قطع الشجرة المثمر في دار الحرب.

not to cut down any fruit-bearing trees, yet they said, “Established practice does not follow this, and cutting down fruit-bearing trees in the territory of war is permissible.”[103][104][105][106]

L647–653 They transmitted that he instructed him not to slaughter a sheep or a camel except for his food, yet they said, “Established practice does not follow this, and slaughtering them in the territory of war for purposes other than his food is permissible.” This is among the matters in which they opposed the ruling of both the Prophet ﷺ and Abu Bakr on account of their own opinions. They transmitted that he forbade him to destroy inhabited places, yet they said, “Established practice does not follow this, and there is no harm in destroying them.” They transmitted that he began leading the people in prayer and pronounced the opening declaration of Allah’s greatness; then the Prophet ﷺ arrived and made his way through the rows. The people clapped, so Abu Bakr stepped back and the Prophet ﷺ stepped forward and completed the prayer as their leader. Yet they said, “This is an invalid prayer, and established practice does not follow this.” Thus, as you see, on the basis of one of their corrupt opinions they opposed the practice of the Prophet ﷺ, the practice of Abu Bakr, and the practice of all the Emigrants and Helpers present at that event, who were the learned people of Medina. They transmitted that he instructed a Jewish woman to recite a healing incantation over Aishah, may Allah be pleased with her, yet they said, “Established practice

ورووا أنه أمره ألا يعقر شاة ولا بعيرا إلا لمأكله. فقالوا: ليس عليه العمل، وجائز عقرها في دار الحرب لغير مأكله وهذا مما خالفوا فيه قضاء النبي صلى الله عليه وسلم وأبي بكر معا لآرائهم ورووا أنه نهاه عن تخريب العامر فقالوا: ليس عليه العمل ولا بأس بتخريبه. ورووا عنه أنه ابتدأ الصلاة بالناس فكبر ثم أتى النبي صلى الله عليه وسلم فتخلل الصفوف فصفق الناس فتأخر أبو بكر وتقدم النبي صلى الله عليه وسلم فأتم الصلاة بالناس فقالوا هذه صلاة لا تجوز، وليس عليه العمل فخالفوا كما ترى عمل النبي صلى الله عليه وسلم وعمل أبي بكر وعمل جميع من حضر ذلك من المهاجرين والأنصار، وهم أهل العلم من أهل المدينة، برأي من آرائهم الفاسدة. ورووا أنه أمر يهودية أن ترقي عائشة رضي الله عنها. فقالوا: ليس عليه العمل، ونكره رقى أهل الكتاب. هذا من روايتهم في الموطأ، وأما من رواية غيرهم فكثير. ومما خالفوه أيضا: سبيه نساء أهل الردة وصبيانهم، وعمله بذلك في المدينة مع المهاجرين والأنصار إلا من خالفه في ذلك منهم فقالوا: ليس عليه العمل. فإن قالوا: عمل عمر، قيل لهم وبالله تعالى التوفيق: رويتم عن عمر رضوان الله عليه أنه قرأ في صلاة الصبح بسورة الحج وسورة يوسف ووراءه أهل المدينة من الأنصار والمهاجرين فقالوا ليس عليه العمل ورووا أنه سجد في الحج سجدتين فقالوا ليس عليه العمل ورووا أنه سجد في سورة النجم سجدة فقالوا ليس عليه العمل وهذا مما خالفوا فيه عمل النبي صلى الله عليه وسلم وعمر وجميع الصحابة وادعوا في ذلك علما خفي عنهم. ورووا أنه نزل عن المنبر يوم الجمعة وهو يخطب، فسجد وسجد معه المهاجرون والأنصار ثم رجع إلى خطبته فقالوا ليس عليه العمل ورووا أمر أبيا وتميما أن يقوما للناس بإحدى عشرة ركعة

[103] **Translator’s note (L644):** The Quranic quotation has defective spellings, including لغيب, خزآئن لله, and لأعمى ولبصير, apparently omitting alifs from the familiar wording. The identifiable wording is translated, with the transcription defects noted here. “Without having the status of a previously consummated lawful marriage” renders غير المحصن, a technical distinction governing the penalty for unlawful sexual intercourse. The segment ends partway through the salutation عليه السلام; its continuation belongs to the following segment.

[104] **Translator’s note (L645):** The segment begins within a salutation and ends within another. The opening salutation is represented by ﷺ; the closing salutation continues in the next segment. The emancipation described as sā’ibah is emancipation without retaining claims over the freed person; the disputed technical consequence here concerns the bond of patronage, walā’.

[105] **Translator’s note (L646):** The opening ﷺ completes the salutation begun in the preceding segment. “The Mother of the Quran” designates the opening chapter, al-Fatihah.

[106] **Qur’an references (L643):** Qur’an 6:50 (Al-An’am); Qur’an 3:8 (Ali ’Imran).

في ليالي رمضان، فقالوا: ليس عليه العمل. ورووا أن الناس كانوا يقومون أيام عمر بثلاث وعشرين ركعة في ليالي رمضان، فقالوا: ليس عليه العمل، فخالفوا قضاء عمر، وعمل أبي بن كعب، وتميم الداري، والمهاجرين والأنصار بالمدينة لدعوى زائغة وعمل مجهول، وقالوا: العمل في القيام على تسعة وثلاثين ركعة. ورووا أنه صلى المغرب بالناس ومعه أهل المدينة والمهاجرون والأنصار فلم يقرأ فيها شيئا، فأخبر بذلك فلم يعد الصلاة، ولا أمر بإعادتها، فقالوا: ليس عليه العمل، وقد بطلت صلاة من صلى هكذا. ورووا أنه كتب إلى عماله أن يأخذوا من سائمة الغنم الزكاة، فقالوا: السائمة وغير السائمة سواء. ورووا أنه شرب لبنا فأعجبه. فأخبر أنه من نعم الصدقة فتقيأه، فقالوا: ليس عليه العمل، ورووا أنه كان يقرد بعيره في طين بالسقيا وهو محرم، فقالوا: ليس عليه العمل، فلا ندري أجعلوا القردان صيدا منهيا عنه في الإحرام، أم جعلوا على البعران إحراما أم كيف وقع لهم هذا؟. ورووا عنه أنه قضى في الأرنب بعناق قالوا: ليس عليه العمل. وقد وافقه على ذلك غيره من الصحابة رضوان الله عليهم، وافترض تعالى في جزاء الصيد ما حكم به ذوا عدل، ولا عدول أعدل من الصحابة، فقد خالفوا ههنا القرآن، وفعل الصحابة، وتركوا الحق بيقين. ورووا أنه حكم في اليربوع بجفرة، فقالوا ليس عليه العمل، وهذا كالذي قبله. وروي أنه حلف لئن أتي بمسلم أمن مشركا ثم قتله ليقتلن ذلك المسلم، فقالوا: ليس عليه العمل، ولا يقتل مؤمن بكافر، فمرة يتركون الحديث لقول عمر، ويقولون عمر كان أعلم منا، ومرة يتركون قول عمر: ويقولون الحديث أحق أن يتبع، وفي هذا من التناقض ما فيه. ثم رأوا من رأيهم أن يخالفوا الحديث المذكور الذي له تركوا قول عمر، فقال يقتل المؤمن بالكافر إذا قتله قتل غيلة. ورووا عنه أنه جعل القراض مضمونا على عبد الله ابنه. فقالوا: لا يجوز وليس عليه العمل، فتركوا عمل عمر وعبد الله بن عمر وقضاءه بحضرة المهاجرين والأنصار. ورووا عنه أنه قضى فيمن تزوج امرأة فوجد بها جنونا أو جذاما أو برصا

does not follow this, and we disapprove of the healing incantations of the People of the Book." This is from their own transmissions in al-Muwatta; as for the transmissions of others, there are many. Among the other matters in which they opposed him was his taking the women and children of the apostates captive, and his acting upon this in Medina together with the Emigrants and Helpers, except those among them who opposed him in this matter. Yet they said, "Established practice does not follow this." If they say, "The practice of Umar," they are told—and through Allah Most High comes success: You transmitted from Umar —may Allah's good pleasure be upon him—that he recited the chapter al-Hajj and the chapter Yusuf in the dawn prayer, with the people of Medina, both Helpers and Emigrants, behind him, yet they said, "Established practice does not follow this." They transmitted that he performed two prostrations in al-Hajj, yet they said, "Established practice does not follow this." They transmitted that he performed a prostration in the chapter al-Najm, yet they said, "Established practice does not follow this." This is among the matters in which they opposed the practice of the Prophet ﷺ, Umar, and all the Companions, claiming in this matter knowledge that had been hidden from them. They transmitted that, while delivering the sermon on Friday, he descended from the pulpit and prostrated, and the Emigrants and Helpers prostrated with him; then he returned to his sermon. Yet they said, "Established practice does not follow this." They transmitted that he instructed Ubayy and Tamim to lead the people in eleven prayer cycles on the nights of Ramadan, yet they said, "Established practice does not follow this." They transmitted that, in Umar's days, the people used to perform twenty-three prayer cycles on the nights of Ramadan, yet they said, "Established practice does not follow this." Thus they opposed Umar's ruling and the practice of Ubayy ibn Kab and Tamim al-Dari, and of the Emigrants and Helpers in Medina, for a deviant claim and an unknown practice. They said, "Established practice in the night prayers is thirty-nine prayer cycles." They transmitted that he led the people in the sunset prayer, with the people of Medina, the Emigrants and the Helpers, praying with him, and recited nothing in it. He was informed of this, but neither repeated the prayer nor ordered that it be repeated. Yet they said, "Established practice does not follow this, and the prayer of anyone who prays in this manner is invalid."

فسها، فلها صداقها كاملا، ويرجع به الزوج على وليها، فقالوا: لا يغرم الولي شيئا إلا أن يكون أبا أو أخا، فأما إن كان من العشيرة فلا غرم عليه، لكن تغرم هي الصداق إلى ربع دينار. ورووا عنه: أنه إذا أرخيت الستور فقد وجب الصداق، فقالوا: إن طال نعم وإلا فلا. ورووا عنه: أنه قضى بأنه لو تقدم في نكاح السر لرجم فيه، فقالوا: ليس عليه العمل ولا رجم فيه، هذا مع فسخهم نكاح السر وإبطالهم إياه وتحريمهم له.

They transmitted that he wrote to his officials instructing them to collect obligatory alms from sheep and goats that graze freely, yet they said, "Those that graze freely and those that do not are alike." They transmitted that he drank some milk and liked it, but was informed that it came from livestock collected as obligatory alms, so he vomited it up. Yet they said, "Established practice does not follow this." They transmitted that he used to remove ticks from his camel in mud at al-Suqya while in a state of consecration, yet they said, "Established practice does not follow this." We do not know whether they have made ticks into game that it is forbidden to hunt during consecration, or have imposed consecration upon camels, or how they arrived at this. They transmitted that he ruled that the compensation for a hare was a young female goat, yet they said, "Established practice does not follow this." Other Companions, may Allah's good pleasure be upon them, agreed with him on this. The Most High made obligatory, as compensation for game, what two just men determine, and no just men are more just than the Companions. Here, then, they have opposed the Quran and the action of the Companions, and have certainly abandoned the truth. They transmitted that he ruled that the compensation for a jerboa was a young she-goat, yet they said, "Established practice does not follow this." This is like the preceding instance. It was transmitted that he swore that, if a Muslim who had granted a polytheist safe-conduct and then killed him were brought before him, he would certainly put that Muslim to death. Yet they said, "Established practice does not follow this, and a believer is not put to death for an unbeliever." Thus, at one time they abandon the hadith for Umar's statement, saying, "Umar knew better than we do," and at another they abandon Umar's statement, saying, "The hadith has a greater right to be followed." This contains the contradiction that it contains. Then, on the basis of their own opinion, they saw fit to oppose the very hadith for whose sake they had abandoned Umar's statement, and he said, "A believer is put to death for an unbeliever if he kills him treacherously." They transmitted that he held his son Abd Allah liable for the capital of a profit-sharing investment, yet they said, "This is impermissible, and established practice does not follow this." Thus they abandoned the practice of Umar and Abd Allah ibn Umar, and his ruling in the presence of the Emigrants and Helpers. They transmitted that he ruled concerning

someone who married a woman, found that she had insanity, leprosy, or a depigmenting skin disease, and had intercourse with her: she is entitled to her full marriage payment, and the husband recovers it from her marriage guardian. Yet they said, "The guardian pays no compensation unless he is a father or a brother; if he is a member of the clan, no compensation is due from him; instead, she repays the marriage payment down to a quarter of a dinar." They transmitted from him that, when the curtains have been lowered, the marriage payment becomes due, yet they said, "Yes, if it lasts a long time; otherwise, no." They transmitted that he ruled that, had he previously issued a prohibition concerning secret marriage, he would have imposed stoning for it, yet they said, "Established practice does not follow this, and there is no stoning for it." This is despite their dissolving secret marriage, declaring it invalid, and prohibiting it.[107][108][109][110]

L654 They transmitted from him that he ruled concerning temporary marriage that, had he previously issued a prohibition concerning it, he would have imposed stoning, yet they said, "Established practice does not follow this, and there is no stoning for it." Some of them have said, "This was merely a threat from Umar, with no reality behind it." Thus they attributed to him the lying from which Allah has declared him free. Nor is this surprising, for some of them have said the same about his ﷺ statement when he intended

وروا عنه: أنه قضى في المتعة لو تقدم فيها لرجم، فقالوا: ليس عليه العمل ولا رجم فيها. وقد قال بعضهم: إنما هذا من عمر وعيد لا حقيقة، فنسبوا إليه الكذب الذي قد نزهه الله عنه ولا غرو فقد قال ذلك بعضهم في قوله عليه السلام إذ هم بحرق بيوت المتخلفين عن الصلاة مثل ذلك وتلك التي تستك منها المسامع

[107] **Translator's note (L650):** The final quotation continues in the following segment.

[108] **Translator's note (L651):** "In mud at al-Suqya" follows the supplied wording في طين بالسقيا, whose precise connection to the removal of ticks is unclear.

[109] **Translator's note (L652):** The source changes from plural "they" to singular "he said" at فقال; the translation preserves this shift without assigning the speaker. The two young-goat terms differ: the preceding segment has ʿanāq, whereas this segment has jafrah, a young she-goat of a more specific age or stage of growth. The profit-sharing investment is qirāḍ; the ruling makes Abd Allah answerable for its capital. The final quotation continues in the following segment.

[110] **Translator's note (L653):** "Down to a quarter of a dinar" renders إلى ربع دينار. In context, this appears to mean that she repays the marriage payment while retaining a quarter of a dinar, although the supplied phrasing is compressed. Lowering the curtains refers to the spouses' private seclusion. The subsequent "if it lasts a long time" leaves its subject implicit. "Had he previously issued a prohibition" renders لو تقدم: prior warning or an advance prohibition is understood, but its object is not expressed.

to burn down the houses of those who stayed away from prayer. That is a statement at which the ears are deafened.[111]

L655–663 They related from him that he summoned from Iraq to Mecca a man who had said to his wife, "Your rope is upon your withers," and made him swear concerning his intention in saying that. They said, "Practice is not based on this. No one is to be brought from Iraq to Mecca to swear an oath, nor is anyone to be questioned about his intention in this matter: it invariably constitutes three divorces." Thus they contradicted Umar's judgment on two points in this particular report. They related from him that he said, "There shall be no hoarding in our market." Yet they said, "There is nothing wrong with hoarding in the market." They related from him that, in Medina, in the presence of the Emigrants and the Helpers, he ruled against Muhammed ibn Maslamah, requiring him to allow al-Dahhak ibn Khalifah to run through his land an irrigation channel that he had brought there, although Muhammed objected to this. They said, "Practice is not based on this." They related from him that he ruled against the grandfather of Amr ibn Yahya al-Mazini, requiring him to allow Abd al-Rahman ibn Awf to move an irrigation channel of his within that Mazini's land from one place to another, although the Mazini objected. Thus they contradicted the judgment of Umar and Abd al-Rahman ibn Awf, delivered in Medina in the presence of the Emigrants and the Helpers, and said, "Practice is not based on this." Yet Ibn Nafi, Malik's companion, mentioned that report and said, "Practice is based on it." If only I knew whose practice this disputed practice is, which some of them assert and others deny! They related from him that he imposed financial liability upon Hatib for a she-camel belonging to a man of Muzaynah which slaves belonging to Hatib had slaughtered. He cut off their hands and asked the price of the she-camel, which was four hundred; he then doubled its value against Hatib and fined him two hundred dirhams. This took place in the presence of the Emigrants and the Helpers among the people of Medina. Yet they said, "Practice is not based on this." They related from him, or from Uthman, that

[111]**Translator's note (L654):** "Temporary marriage" renders mutʿah. As in the preceding segment, لو تقدم leaves the prior warning or prohibition implicit. The final expression is a polemical idiom conveying that the statement is shocking to hear.

ورووا عنه أنه أشخص رجلا قال لامرأته حبلك على غاربك من العراق إلى مكة، واستحلفه عن نيته في ذلك. قالوا: ليس عليه العمل، ولا يستجلب أحد من العراق إلى مكة لليمين، ولا ينوي أحد في ذلك، وهي ثلاث أبدا، فخالفوا قضاء عمر في موضعين من هذا الحديث خاصة. ورووا عنه أنه قال: لا حكرة في سوقنا، فقالوا: لا بأس بالحكرة في السوق. ورووا عنه أنه قضى بالمدينة بحضرة المهاجرين والأنصار على محمد بن مسلمة بأن يمر الضحاك بن خليفة في أرضه بخليج جلبه، ومحمد كاره لذلك. فقالوا: ليس عليه العمل. ورووا عنه أنه قضى على جد عمرو بن يحيى المازني بأن يحول عبد الرحمن بن عوف خليجا له في أرض ذلك المازني من مكان إلى مكان والمازني كاره، فخالفوا قضاء عمر وعبد الرحمن بن عوف بحضرة المهاجرين والأنصار بالمدينة وقالوا: ليس عليه العمل، وقال ابن نافع صاحب مالك وقد ذكر ذلك الخبر فقال عليه العمل، فليت شعري عمل من هو هذا العمل المتجاذب الذي يدعيه قوم منهم، وينكره آخرون. ورووا عنه: أنه أغرم حاطبا في ناقة لرجل من مزينة نحرها عبيد لحاطب فقطع أيديهم، وسأل عن ثمن الناقة فكان أربعمائة فأضعف القيمة على حاطب وأغرمه بمائتي درهم، وذلك بحضرة المهاجرين والأنصار من أهل المدينة فقالوا: ليس عليه العمل. ورووا عنه أو عن عثمان أنه قضى في أمة غرت من نفسها. فادعت أنها حرة فتزوجها رجل فولدت، فقضى عليه أن يفدي أولاده بمثلهم. فقالوا: ليس عليه العمل، ولا يقضى عليه بعبيد، لكن بالقيمة. ورووا عنه: أنه حكم في منبوذ وجده رجل، أن ولاءه للذي وجده، فقالوا: ليس عليه العمل، ولا ولاء للملتقط على اللقيط. ورووا عنه: أنه قضى في هبة الثواب، أنه على هبته يرجع فيها إن لم يرض منها فقال: ليس عليه العمل، وإن تغيرت الهبة عند الموهوب له بزيادة أو نقصان فلا رجوع للواهب فيها، وليس له إلا القيمة. ورووا عنه: أنه كانت الإبل الضوال

he ruled concerning a slave woman who had deceived someone about her own status, claiming that she was free, whereupon a man married her and she bore children. He ruled that the man must redeem his children with their equivalents in slaves. They said, "Practice is not based on this. He is not to be ordered to provide slaves, but rather their value." They related from him that he ruled concerning an abandoned child whom a man had found that the bond of clientage belonged to the man who found him. They said, "Practice is not based on this. The finder has no bond of clientage over the foundling." They related from him that he ruled concerning a gift made in expectation of recompense that the donor retained his claim to his gift and could reclaim it if he was dissatisfied with the recompense for it. But he said, "Practice is not based on this. If the gift has changed while in the recipient's possession, whether through increase or decrease, the donor may not reclaim it and is entitled only to its value." They related from him that there were stray camels left unattended in his days, with no one interfering with them. They said, "Practice is not based on this." Thus they contradicted Umar's practice in the presence of the Emigrants and the Helpers, although it also accorded with the command of the Messenger of Allah ﷺ. If they say, "Uthman took a different view," we shall show them the matters in which they contradict Uthman's practice. Moreover, what made Uthman more entitled to be followed than Umar, were it not for confusion and unsound opinion? They related from him that a man of Banu Sad ibn Layth made a horse run, and it trod upon the toe of a man of Juhaynah. The Juhani bled to death. Umar said to the men of Sad, "Will you swear fifty oaths by Allah that he did not die from it?" They felt scruples and refused. He then said to the men of Juhaynah, "You swear that he did indeed die from it." They refused, so he ruled that the men of Sad must pay half the blood money. They said, "Practice is not based on this; rather, the claimants are to begin." They also said, "Practice does not follow his imposition of half the blood money upon the killer's kin." Among the most astonishing things is that Malik contradicted this report on three points: first, having the defendants begin with the oath; second, imposing financial liability upon the defendants without an oath from the claimants; and third, imposing half the blood money upon them rather than all of it. Then, several leaves later in his book, he cited it as evidence for

مهملات لا يعرض لها أحد في أيامه فقالوا: ليس عليه العمل، فخالفوا عمل عمر بحضرة المهاجرين والأنصار مع موافقة ذلك لأمر رسول الله صلى الله عليه وسلم فإن قالوا عثمان رأى غير ذلك أريناهم ما يخالفوا فيه عمل عثمان، وأيضا فما الذي جعل عثمان أولى بأن يتبع من عمر؟ لولا التخليط وفساد الرأي. ورووا عنه: أن رجلا من بني سعد بن ليث أجرى فرسا فوطأ أصبع رجل من جهينة فنزف الجهني فمات، فقال عمر للسعديين: أتحلفون بالله خمسين يمينا ما مات منها، فتحرجوا وأبوا، فقال للجهنيين: احلفوا أنتم لمات منها فأبوا، فقضى على السعديين بنصف الدية، فقالوا: ليس عليه العمل، ولكن يبدأ المدعون وقالوا: ليس العمل على إغرامه أولياء القاتل نصف الدية. ومن العجب العجيب أن مالكا الذي خالف هذا الحديث في ثلاثة مواضع أحدها تبدئة المدعى عليهم في اليمين، وثانيها إغرام المدعى عليهم بلا يمين من المدعين، وثالثها إغرامهم نصف الدية لا كلها، ثم احتج به بعد أوراق من كتابه في إغرام الراكب والقائد والسائق وجعل أصله في ذلك فعل عمر بالسعديين، وهو قد خالفه في الحديث نفسه كما ترى، فليت شعري ما الذي جعل ربع حكم عمر في هذا الحديث حجة يوقف عندها، وثلاثة أرباعه مطرحا لا يعمل له؟ فلولا البلاء لما كان يقلد هؤلاء القوم هذه الأقوال ويتركون لها القرآن وكلام رسول الله صلى الله عليه وسلم ورووا عنه أنه قضى في الترقوة بجمل فقالوا ليس عليه العمل ورووا عنه أنه قضى في الضرس بجمل فقالوا ليس عليه العمل ورووا عنه أنه قضى في الضلع بجمل فقالوا: ليس عليه العمل، ورووا عنه: أنه جلد عبدا زنى وغربه. فقالوا: ليس عليه العمل ولا يغرب العبد، فخالفوا قضاء عمر وعمله بحضرة المهاجرين والأنصار بالمدينة ومعه سنة النبي صلى الله عليه وسلم لآرائهم الفاسدة ورووا عنه أنه أمر ثابت بن الضحاك وكان قد التقط بعيرا، بأنه يعرفه ثلاثا، ثم أمره بإرساله حيث وجده، فخالفوا قضاء عمر وعمل ثابت. فهذا ما خالفوا فيه عمر من روايتهم في الموطأ خاصة، وأما من رواية غيرهم

imposing financial liability upon the rider, the person leading an animal, and the person driving it, making Umar's treatment of the men of Sad his basis for this, although he had contradicted him within the very same report, as you see. If only I knew what made one quarter of Umar's ruling in this report a binding proof at which one must stop, while three quarters of it are discarded and given no effect! Were it not for affliction, these people would not be blindly followed in these statements, nor would the Quran and the words of the Messenger of Allah ﷺ be abandoned for their sake. They related from him that he awarded a camel for an injury to the collarbone. They said, "Practice is not based on this." They related from him that he awarded a camel for an injury to a molar tooth. They said, "Practice is not based on this." They related from him that he awarded a camel for an injury to a rib. They said, "Practice is not based on this." They related from him that he flogged a slave who had committed unlawful sexual intercourse and banished him. They said, "Practice is not based on this, and a slave is not to be banished." Thus, for the sake of their unsound opinions, they contradicted Umar's judgment and his practice in Medina in the presence of the Emigrants and the Helpers, with the Prophet's ﷺ established practice supporting him. They related from him that he instructed Thabit ibn al-Dahhak, who had taken up a stray camel, to announce it for three days; he then instructed him to release it where he had found it. Thus they contradicted Umar's judgment and Thabit's practice. These, then, are the matters in which they contradicted Umar according to their own transmissions in al-Muwatta alone. As for the transmissions of others, they amount to many times that number. If they say, "The practice of Uthman," they are to be told—and through Allah Most High comes success—that they related from Uthman that he used to perform the Friday prayer and then depart while the walls cast no shadow. They said, "Practice is not based on this. The prayer is not valid until after the sermon; the sermon is not to begin until after the call to prayer; and the call to prayer is not to begin until after the sun has passed its zenith." But once the sun has passed its zenith, the walls have acquired a shadow. They related from him that, from the pulpit, on a festival day that coincided with a Friday, he gave permission to those of the people of al-Aliyah who wished to return home to do so. They said, "Practice is not based on this, and we do not accept

فأضعاف ذلك. فإن قالوا: عمل عثمان قيل لهم وبالله تعالى التوفيق: إنهم رووا عن عثمان أنه كان يصلي الجمعة ثم ينصرف وما للجدران ظل. فقالوا: ليس عليه العمل ولا تجوز الصلاة إلا بعد الخطبة، ولا يبتدأ بالخطبة إلا بعد الأذان، ولا يبتدأ بالأذان إلا بعد الزوال، فإن زالت الشمس فقد حدث للجدران ظل. ورووا عنه: أنه أذن على المنبر لأهل العالية في يوم عيد وافق يوم جمعة في أن يرجع منهم من أحب. فقالوا: ليس عليه العمل، ولا نأخذ بإذن عثمان في ذلك، وهو قد قضى ذلك بحضرة المهاجرين والأنصار بالمدينة. ورووا عنه: أنه كان يغطي وجهه وهو محرم. فقالوا: ليس عليه العمل، ولا يغطي المحرم وجهه. ورووا عنه: أنه كان يخاطب أصحاب الديون من الذهب والفضة فيقول على المنبر: هذا شهر زكاتكم. فقالوا: ليس عليه العمل وليس للدنانير والدراهم شهر زكاة معروف. ورووا عنه: أنه نهى عن القران والمتعة ورووا عن عمر مثل ذلك. فقالوا: ليس عليه العمل ولا ينهى عن ذلك، فهلا فعلوا مثل ذلك في توريثه المطلقة ثلاثا من زوجها إذا طلقها وهو مريض، وهلا تركوا تقليده هنالك بلا دليل كما تركوه ههنا، فكانوا يوقفون في ذلك. ورووا عنه: أنه صلى بمنى أربع ركعات، فقالوا: ليس عليه العمل، وقالوا: القصر حق تلك الصلاة واحتجوا في ذلك بفعل النبي صلى الله عليه وسلم وأبي بكر وعمر وقد ذكرنا ما خالفوا فيه عمل كل من ذكرنا آنفا، وما تركوا فيه عمر لعثمان، ورووا: أنه كان يكثر من قراءة يوسف في صلاة الصبح. ورووا أيضا نعني قراءتها عن عمر فقالوا: ليس عليه العمل. ورووا عنه: من أصح طريق وأجلها، وهي رواية مالك عن عبد الله بن أبي بكر بن محمد بن عمرو بن حزم عن عبد الله بن عامر بن ربيعة قال: رأيت عثمان فذكر أنه رآه بالعرج وهو محرم ثم أتي بلحم صيد فقال لأصحابه: كلوا، فقالوا: ولا تأكل أنت، فقال: إني لست كهيئتكم، إنما صيد من أجلي، فقالوا: ليس عليه العمل ولا يجوز أن يأكل محرم ما صيد من أجل محرم غيره، ومحا مالك قول عثمان هذا وكرهه كراهة شديدة، هذا

Uthman's permission in this matter," although he had delivered this ruling in Medina in the presence of the Emigrants and the Helpers. They related from him that he used to cover his face while in the state of pilgrimage consecration. They said, "Practice is not based on this. A person in the state of pilgrimage consecration must not cover his face." They related from him that he used to address those owed debts in gold and silver, saying from the pulpit, "This is the month of your obligatory alms." They said, "Practice is not based on this. There is no designated month for the obligatory alms on dinars and dirhams." They related from him that he prohibited combining the major and minor pilgrimages under a single consecration and performing the minor pilgrimage followed by the major pilgrimage with release from consecration between them. They related the same from Umar. They said, "Practice is not based on this, and these are not to be prohibited." Why, then, did they not do the same concerning his granting a woman divorced three times inheritance from her husband when he divorced her during his illness? Why did they not abandon blindly following him there without evidence, just as they abandoned it here? They would then have been made to stop in that matter. They related from him that he prayed four prayer cycles at Mina. They said, "Practice is not based on this," and said, "Shortening is what is due for that prayer." They cited as evidence for this the actions of the Prophet ﷺ, Abu Bakr, and Umar. We have already mentioned the matters in which they contradicted the practice of each person just mentioned, and those in which they abandoned Umar for Uthman. They related that he frequently recited the chapter Yusuf in the dawn prayer. They also related this—meaning its recitation—from Umar. They said, "Practice is not based on this." They related from him through a most sound and eminent chain of transmission, namely Malik's transmission from Abd Allah ibn Abi Bakr ibn Muhammed ibn Amr ibn Hazm, from Abd Allah ibn Amir ibn Rabiah, who said, "I saw Uthman"—and he mentioned that he saw him at al-Arj while he was in the state of pilgrimage consecration. Then some game meat was brought to him, and he said to his companions, "Eat." They said, "And will you not eat?" He said, "My circumstances are not like yours: it was hunted specifically for my sake." They said, "Practice is not based on this. A person in the state of pilgrimage consecration may not eat anything hunted for the sake of another

نص الموطأ فأين العمل إن لم يكن عمل النبي صلى الله عليه وسلم وأبي بكر وعمر وعثمان بحضرة المهاجرين والأنصار. ورووا عنه، وعن عمر: النهي عن الحكرة. فقالوا: ليس عليه العمل ولا بأس بها. قال علي: وكذلك خالفوا عمل عائشة رضي الله عنها، وابن عمر وسائر الصحابة بالمدينة، لا نحاشي منهم أحدا، وكذلك خالفوا سعيد بن المسيب وسليمان بن يسار وسائر فقهاء المدينة، وأقرب ذلك خلافهم للزهري وربيعة في أشياء كثيرة جدا، منها أن الزهري كان يرى الزكاة في الخضر والتيمم إلى الآباط وغير ذلك.

person in that state." Malik erased this statement of Uthman and disliked it intensely. This is the wording of al-Muwatta. Where, then, is practice, if it is not the practice of the Prophet ﷺ, Abu Bakr, Umar, and Uthman in the presence of the Emigrants and the Helpers? They related from him and from Umar the prohibition of hoarding. They said, "Practice is not based on this, and there is nothing wrong with it." Ali said: Likewise, they contradicted the practice of Aishah, may Allah be pleased with her, Ibn Umar, and the rest of the Companions in Medina; we exempt none of them. Likewise, they contradicted Said ibn al-Musayyab, Sulayman ibn Yasar, and the rest of the jurists of Medina. Among the more recent instances of this is their disagreement with al-Zuhri and Rabiah on very many matters, including al-Zuhri's view that obligatory alms are due on vegetables, that dry ablution extends to the armpits, and other matters.[112][113][114][115][116]

L664–672 ʿAbd Allah ibn Rabiʿ also related to us: ʿAbd Allah ibn ʿUthman al-Asadi related to us: Ahmad ibn Khalid related to us: ʿAli ibn ʿAbd al-ʿAziz related to us: al-Hajjaj ibn al-Minhal related to us: ʿAbd Allah ibn ʿUmar al-Numayri related to us: Yunus ibn Yazid al-Abli related to us: I heard al-Zuhri say: "This is a copy of the document of the Messenger of Allah ﷺ which he wrote concerning obligatory alms. It is in the possession of the family of ʿUmar ibn al-Khattab." Al-Zuhri said: "Salim ibn ʿAbd Allah ibn ʿUmar had

وقد حدثنا عبد الله بن ربيع، ثنا عبد الله بن عثمان الأسدي، ثنا أحمد بن خالد، ثنا علي بن عبد العزيز، ثنا الحجاج بن المنهال، ثنا عبد الله بن عمر النميري، ثنا يونس بن يزيد الأبلي، سمعت الزهري قال هذه نسخة كتاب رسول الله صلى الله عليه وسلم الذي كتب في الصدقة وهي عند آل عمر بن الخطاب، قال الزهري: اقرأنيها سالم بن عبد الله بن عمر، فوعيتها على وجهها، وهي التي انتسخ عمر بن عبد العزيز من عبد الله بن عبد الله بن عمر وسالم بن عبد الله بن عمر، حين أمر على المدينة، فأمر عماله بالعمل بها، وكتب بها إلى الوليد بن عبد الملك، فأمر الوليد عماله بالعمل بها، ثم لم يزل الخلفاء يأمرون بذلك، ثم أمر هشام بن محمد بن هانىء عامله فنسخها إلى كل عامل من عمال المسلمين، وأمرهم بالعمل بما فيها، ولا يتعدونه، وذكر باقي الحديث. قال علي: فهذا عمل فاش كما ترى، وأصله صحيفة مرسلة غير مسندة كما ترى، ثم لم يفش العمل بها إلا بعد نحو ثمانين عاما من موت النبي صلى الله عليه وسلم وقد عمل عمال عثمان قبل ذلك بغير ذلك وعمال علي رضوان الله عليه بما جاءت به الرواية عن علي، وعمال ابن الزبير بغير ذلك، وعمال أبي بكر الصديق بغير ذلك، وعند آل حزم صحيفة أخرى

[112] **Translator's note (L655):** "Your rope is upon your withers" is a figurative expression of release whose intended legal effect as a divorce formula is disputed in the passage. The supplied text says that the camel was worth four hundred, that its value was doubled, and that Hatib was fined two hundred dirhams. These figures are inconsistent; they have been preserved as supplied.

[113] **Translator's note (L656):** The closing "he said" is singular in the supplied Arabic, although the surrounding objections repeatedly use "they said." The singular has been preserved.

[114] **Translator's note (L660):** The Arabic says only "for three," without specifying a unit; "days" is supplied from the context of announcing the stray animal.

[115] **Translator's note (L661):** The two pilgrimage arrangements are, respectively, qiran and tamattu. The wording فكانوا يوقفون في ذلك, rendered "They would then have been made to stop in that matter," is awkward and its intended sense is uncertain. It has not been silently emended.

[116] **Translator's note (L663):** "Ali said" marks the author's own voice. "Malik erased this statement" follows the supplied verb محا; the text does not specify what it was erased from.

me read it, and I retained it accurately. It is the document that ʿUmar ibn ʿAbd al-ʿAziz copied from ʿAbd Allah ibn ʿAbd Allah ibn ʿUmar and Salim ibn ʿAbd Allah ibn ʿUmar when he was appointed governor of Medina. He instructed his officials to act upon it and wrote concerning it to al-Walid ibn ʿAbd al-Malik. Al-Walid then instructed his officials to act upon it. Thereafter the caliphs continued to issue instructions to that effect. Then Hisham ibn Muhammed ibn Hani' instructed his official, who copied it for every official of the Muslims and instructed them to act according to its contents and not go beyond them." He then related the remainder of the report. ʿAli said: This, as you see, is a widespread practice, and its source, as you see, is a written document transmitted with a gap in its chain, without a connected chain of transmission. Moreover, acting upon it did not become widespread until approximately eighty years after the death of the Prophet ﷺ. Before that, ʿUthman's officials had acted otherwise; ʿAli's officials, may Allah be pleased with him, acted according to what was transmitted from ʿAli; Ibn al-Zubayr's officials acted otherwise; and Abu Bakr al-Siddiq's officials acted otherwise. The family of Hazm possesses another written document. What, then, has made the practice of the unjust al-Walid and those after him who deserve no consideration—with the sole exception of ʿUmar ibn ʿAbd al-ʿAziz—more worthy than the practice of Ibn al-Zubayr, the practice of ʿAli, the practice of ʿUthman, and the practice of Abu Bakr al-Siddiq? This is a dispute that requires referral to the Quran and to what is authentically established from the Prophet ﷺ through sound chains of transmission. That is found only in the report of Anas from Abu Bakr alone. It has thus been established that they have abandoned the practice of everyone whose practice could be taken into consideration or followed as an example. Our statement has also been established: they do not know whose practice they mean when they say, "This is not the established practice." If they say, "The practice of the majority," we have shown them that no group is more numerous than the people of the time of ʿUmar and ʿUthman, those who prayed with them, and those who agreed with them concerning the practices of those men which these people have abandoned. They have indeed abandoned the practice of the majority. This also establishes what some transmitters have mentioned: that they mean only the practice of the market inspector in Medina in Malik's

فما الذي جعل عمل الوليد الظالم ومن بعده من لا يعتد به حاش عمر بن عبد العزيز وحده أولى من عمل ابن الزبير وعمل علي، وعمل عثمان، وعمل أبي بكر الصديق، وهذا تنازع يوجب الرد إلى القرآن وما صح عن النبي صلى الله عليه وسلم بالأسانيد الصحيحة وليس ذلك إلا في حديث أنس عن أبي بكر وحده، فقد صح تركهم لعمل كل من له عمل يمكن أن يراعى أو يقتدى به، وصح ما قلنا من أنهم لا يدرون عمل من يعنون بقولهم: ليس عليه العمل. فإن قالوا عمل الأكثر، فقد أريناهم أنه لا أكثر من أهل عصر عمر وعثمان، ومن صلى معهم، ووافقهم على ما ترك هؤلاء من أعمال أولئك وأنهم قد تركوا عمل الأكثر. وثبت بهذا ما ذكره بعض الرواة، ومن أنهم إنما يعنون عمل صاحب السوق في المدينة في عصر مالك، وهذا كما ترى، وقد جمع عبد الرحمن بن زيد بن أسلم ما اتفق عليه فقهاء المدينة السبعة خاصة، فلم يبلغ ذلك إلا أوراقا يسيرة، هذا وعبد الرحمن من هو في الضعف والسقوط، ألا يحتج بروايته، وما جعل الله أولئك أولى بالقبول منهم من نظرائهم من أهل الكوفة، الذين هم أفضل منهم في ظاهر الأمر كعلقمة بن قيس، والأسود بن يزيد، وشريح القاضي، وعمرو بن ميمون، ومسروق، وأبي عبد الرحمن السلمي، وعبيدة السلماني، وعبد الرحمن بن أبي ليلى، وعبد الله بن عتبة بن مسعود، وعبد الرحمن بن يزيد الليثي، وسعيد بن جبير، ولا من نظرائهم من أهل البصرة كالحسن البصري، ومحمد بن سيرين، وجابر بن زيد، ومسلم بن يسار، وأبي قلابة، وبكر بن عبد الله المزني، وزرارة بن أوفى، وحميد بن عبد الرحمن، وأيوب، وابن عون، ويونس بن عبيد، وسليمان التيمي، ولا من نظرائهم من أهل الشام كعمر بن عبد العزيز، وأبي إدريس الخولاني، وقبيصة بن ذؤيب، وجبير بن نفير، ورجاء بن حيوة، ولا من نظرائهم من أهل مكة، كطاوس، وعطاء، ومجاهد، وعمر بن دينار، وعبيد بن عمير، وابنه عبد الله، وعبد الله بن طاووس، ومذ

time. This is as you see. ʿAbd al-Rahman ibn Zayd ibn Aslam collected the matters upon which the seven jurists of Medina specifically agreed, and these amounted to only a few sheets. This, despite ʿAbd al-Rahman being what he is in weakness and discredited standing, such that his transmission is not to be adduced as proof. Allah has not made those men more entitled to acceptance than their counterparts among the people of Kufa, who are, to outward appearances, superior to them, such as ʿAlqama ibn Qays, al-Aswad ibn Yazid, and Shurayh the judge, ʿAmr ibn Maymun, Masruq, Abu ʿAbd al-Rahman al-Sulami, ʿAbida al-Salmani, ʿAbd al-Rahman ibn Abi Layla, ʿAbd Allah ibn ʿUtba ibn Masʿud, ʿAbd al-Rahman ibn Yazid al-Laythi, and Saʿid ibn Jubayr; nor than their counterparts among the people of Basra, such as al-Hasan al-Basri, Muhammed ibn Sirin, Jabir ibn Zayd, Muslim ibn Yasar, Abu Qilaba, Bakr ibn ʿAbd Allah al-Muzani, Zurara ibn Awfa, Humayd ibn ʿAbd al-Rahman, Ayyub, Ibn ʿAwn, Yunus ibn ʿUbayd, and Sulayman al-Taymi; nor than their counterparts among the people of Syria, such as ʿUmar ibn ʿAbd al-ʿAziz, Abu Idris al-Khawlani, Qabisa ibn Dhuʾayb, Jubayr ibn Nufayr, and Rajaʾ ibn Haywa; nor than their counterparts among the people of Mecca, such as Tawus, ʿAtaʾ, Mujahid, ʿUmar ibn Dinar, ʿUbayd ibn ʿUmayr and his son ʿAbd Allah, and ʿAbd Allah ibn Tawus. Since the Companion-caliphs passed away, may Allah be pleased with them, no one like Shurayh, or like Muharib ibn Dithar, or like Zurara ibn Awfa, or like al-Shaʿbi, or like Abu ʿUbayda ibn ʿAbd Allah, or like ʿAbd Allah ibn ʿUtba has ever held the judgeship of Medina. They should also be asked: Has the practice of the people of Medina differed, or has it not differed? If they say, "It has not differed," al-Muwattaʾ and all the transmitted reports prove them liars. If they say, "It has differed," they should be asked: What has made following the practice of some of them more worthy of being followed than the practice of the rest of them? Allah has invalidated every practice in cases of disagreement except referral to the Book of Allah and the words of His Prophet ﷺ, through His statement, exalted is He: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, if you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in outcome." Thus, whoever refers to anything other than these two has

مضى الصحابة الخلفاء رضوان الله عليهم فما ولي قضاء المدينة مثل شريح، ولا مثل محارب بن دثار، ولا مثل زرارة بن أوفى، ولا مثل الشعبي، ولا مثل أبي عبيدة بن عبد الله، ولا مثل عبد الله بن عتبة، أصلا. ويقال لهم أيضا هل اختلف عمل أهل المدينة أو لم يختلف؟ فإن قالوا: لم يختلف أكذبهم الموطأ وجميع الروايات، وإن قالوا: اختلف، قيل لهم: فما الذي جعل اتباع عمل بعضهم أولى بالاتباع من عمل سائرهم؟ وقد أبطل الله كل عمل عند الاختلاف حاشى الرد إلى كتاب الله وكلام نبيه صلى الله عليه وسلم بقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} فمن رد إلى غيرهما فقد عصى الله ورسوله، وضل ضلالا مبينا لقوله تعالى {وما كان لمؤمن ولا مؤمنة إذا قضى لله ورسوله أمرا أن يكون لهم لخيرة من أمرهم ومن يعص لله ورسوله فقد ضل ضلالا مبينا} وهم ينسبون إلى أبي بكر وعمر وعثمان وعلي رضوان الله عليهم بهذا الأصل الملعون أعظم الفرية، وأشد التضييع للإسلام، وقلة المبالاة به، وهذا لا يحل لمسلم أصلا أن يظنه، فكيف أن يعتقده، ويدعو إليه، وذلك لأن عمر رضي الله عنه مصر البصرة والكوفة ومصر والشام، وأسكنها المسلمين، وولى عليهم الصحابة كسعد بن أبي وقاص، والمغيرة بن شعبة، وأبي موسى الأشعري، وعتبة بن غزوان، وغيرهم وولى عثمان عليهم، ولاته أيضا كذلك، كمعاوية وعمرو بن العاص، وقد وليا لعمر أيضا مع عمار، وابن مسعود، وغيرهم ثم ولى علي البصرة عثمان بن حنيف، وعبد الله بن عباس، وولى مصر قيس بن سعد، أفترى عمر وعثمان وعليا وعمالهم المذكورين كتموا رعيتهم من أهل هذه الأمصار دين الله تعالى، والحكم في الإسلام والعمل بشرائعه؟ وما يفعل هذا مسلم، بل الذي لا شك فيه أنهم كلهم علموا رعيتهم كل ما يلزمهم كأهل المدينة ولا

disobeyed Allah and His Messenger and has gone manifestly astray, because of His statement, exalted is He: "It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, to have any choice in their affair. Whoever disobeys Allah and His Messenger has indeed gone manifestly astray." Through this accursed principle, they attribute to Abu Bakr, ʿUmar, ʿUthman, and ʿAli, may Allah be pleased with them, the greatest falsehood, the gravest neglect of Islam, and disregard for it. It is absolutely unlawful for a Muslim even to suppose this, so how could he hold it as a belief and call others to it? That is because ʿUmar, may Allah be pleased with him, established as garrison settlements Basra, Kufa, Egypt, and Syria, settled Muslims in them, and appointed Companions over them, such as Saʿd ibn Abi Waqqas, al-Mughira ibn Shuʿba, Abu Musa al-Ashʿari, ʿUtba ibn Ghazwan, and others. ʿUthman likewise appointed his governors over them, such as Muʿawiya and ʿAmr ibn al-ʿAs—both of whom had also held office under ʿUmar— along with ʿAmmar, Ibn Masʿud, and others. Then ʿAli appointed ʿUthman ibn Hunayf and ʿAbd Allah ibn ʿAbbas over Basra, and appointed Qays ibn Saʿd over Egypt. Do you suppose that ʿUmar, ʿUthman, ʿAli, and their aforementioned officials concealed from their subjects in these cities the religion of Allah Most High, judgment in Islam, and the observance of its laws? No Muslim would do this. Rather, what admits of no doubt is that all of them taught their subjects everything incumbent upon them, just as they taught the people of Medina, without any difference. Then ʿAli settled in Kufa. Do you suppose that he, may Allah be pleased with him, concealed from its inhabitants the laws of Islam and the obligatory rulings? By Allah, no Muslim would suppose this, nor would a discerning non-Muslim under Muslim protection who was acquainted with historical accounts. Since there is no doubt about this, there is no Sunnah in Medina that is not also present in all the other cities, without any difference. As for the period since that noble early generation passed away, may Allah be pleased with them, by Allah, none but wicked men have governed Medina or exercised authority in it, such as ʿAmr ibn Saʿid, al-Hajjaj ibn Yusuf, Tariq, Khalid ibn ʿAbd Allah al-Qasri, ʿAbd al-Rahman ibn al-Dahhak, ʿUthman ibn Hayyan al-Murri, and every enemy of Allah, with the exception of Abu Bakr ibn Muhammed ibn ʿAmr ibn Hazm, Aban ibn ʿUthman, and ʿUmar ibn ʿAbd al-ʿAziz, for each of

فرق. ثم سكن علي الكوفة أفتراه رضي الله عنه كتم أهلها شرائع الإسلام وواجبات الأحكام؟ والله ما يظن هذا مسلم ولا ذمي مميز بالسير، فإذ لا شك في هذا فما بالمدينة سنة إلا وهي في سائر الأمصار كلها ولا فرق، وأما مذ مضى هذا الصدر الكريم رضي الله عنهم فوالله ما ولي المدينة ولا حكم فيها إلا فساق الناس، كعمرو بن سعيد، والحجاج بن يوسف، وطارق، وخالد بن عبد الله القسري، وعبد الرحمن بن الضحاك، وعثمان بن حيان المري، وكل عدو لله حاشى أبي بكر بن محمد بن عمرو بن حزم، وأبان بن عثمان، وعمر بن عبد العزيز، فإنه كان كل واحد منهم فاضلا، وليها أبو بكر أربعة أعوام، عامين قاضيا وعامين أميرا لعمر بن عبد العزيز رضي الله عنه. فأي مزية لأهل المدينة على غيرهم في علم أو فضل أو رواية؟ لو نصحوا أنفسهم وتركوا هذا التخليط الذي لا يسلم معه دين من غلبة الهوى ونصر الباطل، وبالله تعالى نعوذ من الخذلان. وما أدرك مالك بالمدينة أعلى من نافع، وهو قليل الفتيا جدا، وربيعة وكان كثير الرأي قليل العلم بالحديث، وأبي الزناد وزيد بن أسلم، وكانا قليلي الفتيا، وأما الزهري فإنما كان بالشام، وما كتب عنه مالك إلا بمكة، وأما من القضاة فأبو بكر بن عمرو بن حزم، وابنه محمد، ويحيى بن سعيد الأنصاري، على أن أهل العراق يجاذبونه إياه، لأنه مات وهو قاض ببغداد،

them was virtuous. Abu Bakr held office there for four years: two years as judge and two years as governor under ʿUmar ibn ʿAbd al-ʿAziz, may Allah be pleased with him. What superiority, then, do the people of Medina possess over others in knowledge, virtue, or transmission? If only they would deal honestly with themselves and abandon this confusion, with which no one's religion remains sound, owing to the ascendancy of desire and the support of falsehood! In Allah Most High we seek refuge from abandonment. Malik encountered no one in Medina of higher standing than Nafiʿ, who issued very few legal opinions; Rabiʿa, who relied extensively on personal opinion and possessed little knowledge of hadith; Abu al-Zinad; and Zayd ibn Aslam, both of whom issued few legal opinions. As for al-Zuhri, he was in Syria, and Malik recorded material from him only in Mecca. As for the judges, there were Abu Bakr ibn ʿAmr ibn Hazm, his son Muhammed, and Yahya ibn

Saʿid al-Ansari—although the people of Iraq contend with him for the latter, because he died while serving as a judge in Baghdad.[117][118][119][120][121][122][123][124]

L673–680 As for Saʿd ibn Ibrahim, he was trustworthy, but Malik did not receive instruction from him. Then they are to be told: No scholar versed in historical reports disputes that Malik was born in the year ninety-three after the Hijrah, eighty-three years after the death of the Messenger of Allah ﷺ, and that more than thirty years of his life passed before his learning became widely known. Tell me, then: what school of thought did people follow before Ma-

وأما سعد بن إبراهيم فكان ثقة إلا أن مالكا لم يأخذ عنه. ثم يقال لهم لا خلاف بين أحد من أهل العلم بالأخبار أن مالكا ولد سنة ثلاث وتسعين من الهجرة بعد موت رسول الله صلى الله عليه وسلم بثلاث وثمانين سنة وأنه بقي أزيد من ثلاثين سنة، وما اشتهر علمه، فأخبروني على أي مذهب كان الناس قبل مالك، وطول المدة التي ذكرنا، وهي نحو مائة عام وعشرين عاما؟ كان فيها خيار أهل الأرض من الصحابة رضوان الله عليهم والتابعين رحمة الله عليهم، فإن قالوا: على مذهب مالك أكذبهم مالك في موطئه بما أورد فيه من الاختلاف القديم بين الصحابة والتابعين، وقد ذكرنا آنفا من ذلك طرفا صالحا. ويقال لهم أيضا: إن كان الأمر كما تقولون فما الذي جعل نسبة هذا المذهب إلى مالك أولى من نسبته إلى أبي بكر، أو عمر، أو عثمان، أو عائشة، أو ابن عمر، أو سعيد بن المسيب، أو سليمان بن يسار، أو عروة بن الزبير، أو ربيعة؟ ولم خصصتم مالكا وحده بأن تنسبوه إليه دون أن تنسبوه إلى من ذكرنا، وهم كانوا أفضل منه وأهيب في الصدور؟ فإن قالوا: لأن مالكا ثبت واختلف الناس، بان كذبهم بما أورده مالك في موطئه مما خالف فيه من كان قبلهم، وقيل لهم انفصلوا ممن عكس قولكم، فقال: بل الناس ثبتوا وانفرد مالك بمذهب أوجب أن ينسب إليه، وإنما تنسب المذاهب إلى محدثيها، لا إلى من اتبع غيره فيها. وإن قالوا: كان الناس على اختلاف في مذاهبهم وتحير، قيل لهم: فلا ترغبوا عما كان عليه السلف الصالح، فليس والله فيما حدث بعدهم شيء من الخير، يعني مما يكونوا عليه، ولا علمه ذلك الصدر فإن تكن الأمور بالدلائل، فالدلائل توضح أن ذلك الصدر كانوا على صواب في الاختيار والنظر، مختلفين في مذاهبهم متفقين على إبطال التقليد متفقين على الأخذ بحديث النبي صلى الله عليه وسلم إذا بلغهم وصح طريقه وإن لم يكن الأمر بالتقليد ونعوذ بالله

[117] **Translator's note (L664):** The name is transcribed as al-Abli (الأبلي); it has been retained without correction. The wording «ثم أمر هشام بن محمد بن هانىء عامله» is apparently corrupt or ambiguous. The translation follows its surface construction, taking Hisham ibn Muhammed ibn Hani' as the person issuing the instruction and «his official» as its recipient.

[118] **Translator's note (L665):** The document is described using two technical expressions: «مرسلة», indicating a gap in transmission, and «غير مسندة», indicating the absence of a connected chain. The wording «ما ذكره بعض الرواة ومن أنهم» is syntactically irregular; the translation renders its apparent sense while retaining the attribution to unnamed transmitters.

[119] **Translator's note (L666):** The unvocalized wording «ألا يحتج بروايته» is awkward in this construction. It is understood here as continuing the criticism of ʿAbd al-Rahman: his transmission is not admissible as proof.

[120] **Translator's note (L667):** The opening «منهم من نظرائهم» is syntactically awkward after the preceding segment. The translation follows the comparison with the Kufan counterparts indicated by the surrounding text.

[121] **Translator's note (L668):** The Quranic quotation corresponds to 4:59. Several words have irregular spellings or omitted alifs in the supplied transcription; these do not produce a distinct translatable meaning.

[122] **Translator's note (L669):** The Quranic quotation corresponds to 33:36. Its irregular spellings and omitted alifs have no distinct effect on the translated meaning. The final «مصر» is read as the verb maṣṣara, 'established as garrison settlements,' with its objects continuing in the next segment.

[123] **Translator's note (L672):** Here the supplied text names 'Abu Bakr ibn ʿAmr ibn Hazm and his son Muhammed,' whereas the preceding segment names Abu Bakr ibn Muhammed ibn ʿAmr ibn Hazm. The apparent genealogical inconsistency is retained. In the statement about the people of Iraq contending 'with him,' the pronoun apparently refers to Malik, in connection with counting Yahya ibn Saʿid among the Medinan authorities.

[124] **Qur'an references (L664):** Qur'an 4:59 (An-Nisa); Qur'an 33:36 (Al-Ahzab).

من ذلك فتقليد عمر وعثمان وسائر من تقدم أولى من تقليد من أتى بعدهم، اللهم إلا إذا كان العمل الذي يشيرون إليه من جنس ما حدثناه عبد الله بن يوسف بن نامي، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد الفقيه الأشقر، ثنا أحمد بن علي القلانسي، ثنا مسلم بن الحجاج، ثنا محمد بن حاتم، ثنا بهز، ثنا وهيب، ثنا موسى بن عقبة، عن عبد الواحد بن حمزة، عن عباد بن عبد الله بن الزبير يحدث عن عائشة أنها لما توفي سعد بن أبي وقاص أرسل أزواج النبي صلى الله عليه وسلم أن يمروا بجنازته فيصلين عليه ففعلوا فوقف به على حجرهن يصلين عليه، وأخرج به من باب الجنائز الذي كان إلى المقاعد فبلغهن أن الناس عابوا ذلك وقالوا ما كانت الجنائز يدخل بها المسجد فبلغ ذلك عائشة رضي الله عنها فقالت ما أسرع الناس إلى أن يعيبوا ما لا علم لهم به، عابوا علينا أن يمر بجنازة في المسجد وما صلى رسول الله صلى الله عليه وسلم على سهيل بن بيضاء إلا في جوف المسجد وبالسند المذكور إلى مسلم: ثنا محمد بن حاتم بن ميمون، ثنا سفيان بن عيينة، عن عمرو بن دينار، عن أبي المنهال قال: باع شريك لي ورقا بنسيئة إلى الموسم أو إلى الحج، فجاء إلي فأخبرني فقلت: هذا الأمر لا يصلح قال: قد بعته في السوق، فلم ينكر ذلك علي أحد، فأتيت البراء بن عازب فسألته فقال قدم النبي صلى الله عليه وسلم المدينة ونحن نبيع هذا البيع فقال ما كان يدا بيد فلا بأس به، وما كان نسيئة فهو ربا وائت زيد بن أرقم فإنه كان أعظم تجارة مني، فأتيته فسألته فقال مثل ذلك. وبالسند المذكور إلى مسلم: حدثنا الحسن بن علي الحلواني، ثنا أبو أسامة، ثنا محمد بن عمرو، ثنا عمر بن مسلم بن عمار الليثي قال: كنا في الحمام قبيل الأضحى فأطلي فيه ناس، فقال بعض أهل الحمام: إن سعيد بن المسيب يكره هذا وينهى عنه، فلقيت سعيد بن المسيب، فذكرت ذلك له، فقال: يا ابن أخي هذا حديث قد نسي وترك حدثتني أم سلمة زوج النبي صلى الله

lik, throughout the period we have mentioned—approximately one hundred and twenty years—during which there lived the finest people on earth, among the Companions, may Allah be pleased with them, and the Successors, may Allah have mercy upon them? If they say, "Malik's school," Malik himself gives the lie to them in his Muwaṭṭaʾ through the longstanding disagreements between the Companions and the Successors that he records there. We have just mentioned a substantial selection of these. They are also to be told: If matters are as you say, what makes attributing this school to Malik more appropriate than attributing it to Abu Bakr, ʿUmar, ʿUthman, ʿAʾishah, Ibn ʿUmar, Saʿid ibn al-Musayyab, Sulayman ibn Yasar, ʿUrwah ibn al-Zubayr, or Rabiʿah? Why have you singled out Malik alone for its attribution, instead of attributing it to those we have mentioned, although they were superior to him and commanded greater reverence in people's hearts? If they say, "Because Malik remained steadfast, while people differed," their falsehood becomes evident from what Malik records in his Muwaṭṭaʾ concerning matters in which he disagreed with those who preceded them. They are to be told: Answer someone who reverses your statement and says, "Rather, the people remained steadfast, while Malik alone adopted a school that required it to be attributed to him." Schools are attributed only to those who originate them, not to someone who follows another person in them. If they say, "People differed in their schools and were bewildered," they are to be told: Then do not turn away from the course followed by the righteous predecessors. By Allah, there is nothing good in what arose after them—meaning what they were upon and what that early generation did not know. If matters are determined by proofs, the proofs make clear that that early generation was correct in exercising choice and examination: differing in their schools, agreeing on the invalidity of uncritical adherence to authority, and agreeing on accepting the hadith of the Prophet ﷺ when it reached them and its route of transmission was sound. If the matter is not determined by uncritical adherence to authority—and we seek refuge in Allah from that—then uncritical adherence to ʿUmar, ʿUthman, and all the others who preceded them is more appropriate than uncritical adherence to those who came after them. Unless, O Allah, the practice to which they refer is of the same kind as what ʿAbd Allah ibn Yusuf ibn Nami narrated to us: Ahmad ibn Fath narrated to us:

ʿAbd al-Wahhab ibn ʿIsa narrated to us: Ahmad ibn Muhammed, the jurist al-Ashqar, narrated to us: Ahmad ibn ʿAli al-Qalansi narrated to us: Muslim ibn al-Hajjaj narrated to us: Muhammed ibn Hatim narrated to us: Bahz narrated to us: Wuhayb narrated to us: Musa ibn ʿUqbah narrated to us, from ʿAbd al-Wahid ibn Hamzah, from ʿAbbad ibn ʿAbd Allah ibn al-Zubayr, reporting from ʿA'ishah that, when Saʿd ibn Abi Waqqas died, the wives of the Prophet ﷺ sent word that his funeral bier should be brought past them so that they could offer the funeral prayer over him. They did so, stopping with him at their chambers while they offered the prayer over him. He was then taken out through the Gate of Funerals, which faced the seating places. Word reached them that people had criticized this, saying, "Funeral biers were not brought into the mosque." When this reached ʿA'ishah, may Allah be pleased with her, she said, "How quick people are to criticize what they know nothing about! They criticized us for having a funeral bier brought through the mosque, yet the Messenger of Allah ﷺ prayed over Suhayl ibn Bayda' only inside the mosque." And through the aforementioned chain of transmission to Muslim: Muhammed ibn Hatim ibn Maymun narrated to us: Sufyan ibn ʿUyaynah narrated to us, from ʿAmr ibn Dinar, from Abu al-Minhal, who said: "A partner of mine sold silver on deferred payment until the pilgrimage season—or until the pilgrimage. He came to me and informed me, and I said, 'This transaction is not permissible.' He said, 'I sold it in the market, and no one objected to it.' So I went to al-Bara' ibn ʿAzib and asked him. He said, 'The Prophet ﷺ arrived in Medina while we were conducting this kind of sale, and he said: "Whatever is exchanged hand to hand is unobjectionable, but whatever is deferred is usury." Go to Zayd ibn Arqam, for he conducted more trade than I did.' So I went to him and asked him, and he said the same." And through the aforementioned chain of transmission to Muslim: al-Hasan ibn ʿAli al-Hulwani narrated to us: Abu Usamah narrated to us: Muhammed ibn ʿAmr narrated to us: ʿUmar ibn Muslim ibn ʿAmmar al-Laythi narrated to us, saying: "We were in the bathhouse shortly before the Feast of Sacrifice, and some people applied depilatory there. One of those in the bathhouse said, 'Saʿid ibn al-Musayyab disapproves of this and forbids it.' I subsequently met Saʿid ibn al-Musayyab and mentioned this to him. He said, 'My brother's son, this is a hadith that has been forgotten and

عليه وسلم قالت قال رسول الله صلى الله عليه وسلم فذكرت من كان له ذبح يذبحه فإذا أهل هلال ذي الحجة فلا يأخذن من شعره ولا من أظفاره شيئا حتى يضحي، أو كلاما هذا معناه. قال علي: عمرو بن مسلم هذا هو ابن أكيمة الذي يروي عنه مالك وغيره. قال علي: فإن كان عمل أهل المدينة الذين يحتجون به ويتركون له كلام رسول الله صلى الله عليه وسلم من هذا الباب الذي ذكرنا فنحن نبرأ إلى الله تعالى من هذا العمل، ونحن متقربون إلى الله تعالى بعصيان هذا العمل ومضادته، ولا شك أنهم يريدون عمل الجمهور الذي وصفنا؛ من نحو إنكار عامة أهل المدينة على أزواج النبي صلى الله عليه وسلم المرور في المسجد وبيع أهل سوق المدينة الورق بالورق، أو بالذهب نسيئة، ولا ينكر ذلك أحد منهم ومثل تركهم ونسيانهم أمر النبي صلى الله عليه وسلم في ألا يمس الشعر والظفر من أراد أن يضحي إذا أهل ذو الحجة بشهادة سعيد بن المسيب فقيه أهل المدينة عليهم بذلك،

abandoned. Umm Salamah, the wife of the Prophet ﷺ, narrated to me, saying: "The Messenger of Allah ﷺ said"—and she related—"Whoever has an animal to slaughter, then, when the new crescent of Dhu al-Hijjah appears, let him take nothing from his hair or his nails until he offers the sacrifice," or words to this effect.'" ʿAli said: This ʿAmr ibn Muslim is Ibn Ukaymah, from whom Malik and others transmit. ʿAli said: If the practice of the people of Medina, which they invoke as authoritative proof and for whose sake they abandon the words of the Messenger of Allah ﷺ, belongs to the category we have mentioned, then we declare before Allah Most High that we disavow this practice, and we seek nearness to Allah Most High by disobeying this practice and opposing it. There is no doubt that they mean the practice of the general populace that we have described, such as the generality of the people of Medina objecting to the wives of the Prophet ﷺ over passage through the mosque; the people of Medina's market selling silver for silver or for gold on deferred payment, without any of them objecting to it; and their abandoning and forgetting the Prophet's ﷺ command that whoever intends to offer a sacrifice should not touch his hair or nails once Dhu al-Hijjah begins, as Saʿid ibn al-Musayyab, the jurist of the people of Medina, testified against them.[125][126][127][128]

L681–683 Since we have now explained that they do not rely on the practice of the

فإذا ما قد بينا أنهم لا يتعلقون بعمل النبي صلى الله عليه وسلم ولا بعمل أبي بكر وعمر وعثمان ولا بعمل أحد بعينه من الصحابة رضوان الله عليهم، فلم يبق بأيديهم شيء إلا العمل الذي وصفنا، ونعوذ بالله من التعلق بمثل هذا العمل فهو الضلال المبين، وحسبنا الله ونعم الوكيل. وقد فشا الشكوى بالعمال، وتعديهم في المدينة في أيام الصحابة رضوان الله عليهم، كما حدثنا حمام بن أحمد قال: ثنا عبد الله بن إبراهيم الأصيلي، ثنا أبو زيد المروزي، حدثنا الفربري، ثنا البخاري، ثنا قتيبة بن سعيد ثنا سفيان بن عيينة، عن محمد بن سوقة، عن منذر الثوري، عن محمد بن علي هو ابن الحنفية قال: جاء عليا ناس فشكوا سعاة عثمان، فقال لي علي: اذهب بهذه الصحيفة إلى عثمان فأخبره أنها صدقة رسول الله صلى الله عليه وسلم فمر سعاتك يعملون بها

[125] **Translator's note (L675):** The wording "meaning what they were upon" appears defective in context: مما يكونوا عليه seemingly lacks a negation. The supplied wording has been preserved rather than silently corrected. The supplied وإن لم يكن الأمر بالتقليد says "if the matter is not determined by uncritical adherence to authority," although the ensuing argument appears to require "if the matter is determined by uncritical adherence to authority." The negation has been retained.

[126] **Translator's note (L676):** "The seating places" renders المقاعد, which may designate a particular location by the mosque.

[127] **Translator's note (L678):** The chain names ʿUmar ibn Muslim, whereas the author's subsequent comment names ʿAmr ibn Muslim and identifies him as Ibn Ukaymah. These differing names and the identification have been preserved as supplied. The phrase فذكرت, rendered "and she related," interrupts the introduction of the quoted hadith; the supplied wording does not explicitly identify its speaker.

[128] **Hadith references (L673):** Sunan Abi Dawud 2791; Sahih Muslim 1977g; Sahih Muslim 1589a.

Prophet ﷺ, nor on the practice of Abu Bakr, ʿUmar, and ʿUthman, nor on the practice of any particular Companion, may Allah be pleased with them, nothing remains in their hands except the practice we have described. We seek refuge in Allah from relying on such practice, for it is manifest error. Allah is sufficient for us, and excellent is He as Trustee. Complaints about officials and their transgressions became widespread in Medina during the days of the Companions, may Allah be pleased with them, as Hammam ibn Ahmad narrated to us, saying: ʿAbd Allah ibn Ibrahim al-Asili narrated to us: Abu Zayd al-Marwazi narrated to us: al-Firabri narrated to us: al-Bukhari narrated to us: Qutaybah ibn Saʿid narrated to us: Sufyan ibn ʿUyaynah narrated to us, from Muhammed ibn Suqah, from Mundhir al-Thawri, from Muhammed ibn ʿAli—that is, Ibn al-Hanafiyyah—who said: "Some people came to ʿAli and complained about ʿUthman's alms collectors. ʿAli said to me, 'Take this document to ʿUthman and tell him that it contains the Messenger of Allah's ﷺ prescriptions for alms, so instruct your collectors to act in accordance with it.' I brought it to him, but he said, 'Spare us it.' I brought it back to ʿAli ibn Abi Talib, may Allah be pleased with him, and informed him. He said, 'Put it where you took it from.'" Thus, as you see, the invalidity of the claim of anyone who asserts authoritative proof in the practice of the people of Medina or anyone else has been established, and it necessarily follows that authoritative proof lies only in what is soundly transmitted from the Prophet ﷺ. ʿUmar, may Allah be pleased with him, objected to Hassan's reciting poetry in the mosque. But when he said to him, "I recited it there while someone better than you was there," and mentioned Allah's Messenger ﷺ to him, ʿUmar fell silent and went on his way. All this makes clear that, after the Prophet ﷺ, neither anyone's statement nor anyone's knowledge constitutes authoritative proof. If they say, "Malik came later and critically reviewed his predecessors," they are told: "Then following without independent examination someone who came after Malik and critically reviewed him is more appropriate—such as al-Shafiʿi, Ahmad ibn Hanbal, Dawud, and others—until the matter reaches us, and then those who come after us." ʿAli said: The correct account of this is that Abu Hanifah and Malik, may Allah have mercy on them both, exercised independent judgment, and were among those commanded to exercise independent judgment, since every Muslim is

فأتيته بها فقال أغنها عنا. فأتيت بها علي بن أبي طالب رضي الله عنه فأخبرته، فقال: ضعها حيث أخذتها. فقد صح كما ترى في بطلان قول من يدعي حجة بعمل أهل المدينة أو غيرهم ووجب أن لا حجة إلا فيما صح عن النبي صلى الله عليه وسلم وقد أنكر عمر رضي الله عنه على حسان إنشاده الشعر في المسجد، فلما قال له: قد أنشدت فيه وفيه من هو خير منك وذكر له رسول الله صلى الله عليه وسلم سكت عمر ومضى فهذا كله يبين أن لا حجة في قول أحد ولا في علمه بعد النبي صلى الله عليه وسلم فإن قالوا مالك أتى متأخرا فتعقب قيل لهم: فتقليد من أتى بعد مالك فتعقب عليه أولى، كالشافعي وأحمد بن حنبل وداود وغيرهم، إلى أن يبلغ الأمر إلينا، ثم إلى من بعدنا. قال علي: والصحيح من ذلك أن أبا حنيفة ومالكا رحمهما الله اجتهدا وكانا مما أمرا بالاجتهاد، إذ كل مسلم ففرض عليه أن يجتهد في دينه، وجريا على طريق من سلف في ترك التقليد، فأجرا فيما أصابا فيه أجرين، وأجرا فيما أخطآ فيه أجرا واحدا، وسلما من الوزر في ذلك على كل حال. وهكذا حال كل عالم ومتعلم غيرهما، ممن كان قبلهما، وممن كان معهما، وممن أتى بعدهما أو يأتي، ولا فرق، فقلدهما من شاء الله عز وجل، ممن أخطأ وابتدع وخالف أمر الله عز وجل وسنة النبي صلى الله عليه وسلم وإجماع المسلمين وما كان عليه القرون الصالحة وما توجبه دلائل العقل، واتبع هواه بغير آإعالى فضل وأضل. وكذلك المقلدون للشافعي رحمه الله، إلا أن الشافعي رضي الله عنه أصل أصولا الصواب فيها أكثر من الخطأ، فالمقلدون له أعذر في اتباعه فيما أصاب فيه، وهم ألوم وأقل عذرا في تقليدهم إياه فيما أخطأ فيه. وأما أصحاب الظاهر فهم أبعد الناس من التقليد، فمن قلد أحدا مما يدعي أنه منهم فليس منهم، ولم يعصم أحد من الخطأ، وإنما يلام من اتبع قولا لا حجة عنده به، وألوم من هذا من اتبع قولا وضح البرهان على بطلانه فتمادى ولج في غيه، وبالله تعالى التوفيق. وألوم

obliged to exercise independent judgment in his religion. They followed the path of their predecessors in abandoning uncritical imitation. They therefore received two rewards for what they got right, and one reward for what they got wrong, and in either case were free of sin in this. Such, without distinction, is also the condition of every other scholar and student, whether among those who preceded them, those who lived alongside them, or those who came after them or will come. There is no distinction. Then such people as Allah, Mighty and Majestic, willed followed them without independent examination: people who erred, introduced innovations, contravened the command of Allah, Mighty and Majestic, the Sunnah of the Prophet ﷺ, the consensus of the Muslims, the practice of the righteous generations, and what rational proofs require, and followed their own desires without [corrupt text], going astray and leading others astray. The same applies to those who uncritically imitate al-Shafiʿi, may Allah have mercy on him, except that al-Shafiʿi, may Allah be pleased with him, established foundational principles in which correctness predominates over error. Those who imitate him therefore have more excuse for following him where he was right, while they are more blameworthy and less excusable for imitating him where he was wrong. As for the adherents of the apparent meaning, they are the furthest of all people from uncritical imitation. Whoever imitates anyone who claims to belong to them does not belong to them. No one has been protected from error. Blame attaches only to someone who follows a statement for which he possesses no authoritative proof. More blameworthy still is someone who follows a statement whose invalidity has been established by clear demonstration, yet persists and obstinately continues in his error. Success comes through Allah Most High. More blameworthy than either of these, and more grievous in wrongdoing, is someone who persists in a position that he acknowledges to be forbidden. These are the uncritical imitators who imitate while acknowledging that uncritical imitation is forbidden, and who abandon the commands of the Prophet ﷺ while acknowledging that they are authentic and true. Who, then, is further astray than these people? We seek refuge

من هذين وأعظم جرما من يقيم على قول يقر أنه حرام، وهم المقلدون الذين يقلدون ويقرون أن التقليد حرام ويتركون أوامر النبي صلى الله عليه وسلم ويقرون أنها صحاح وأنها حق فمن أضل من هؤلاء؟ نعوذ بالله من الخذلان، ونسأله الهدى والعصمة، فكل شيء بيده لا إله إلا هو.

in Allah from being forsaken, and ask Him for guidance and protection from error. Everything is in His hand; there is no god but Him.[129][130]

L684–691 Abu Muhammed said: Some of them have said: "It has been authentically established that groups of the Companions and the Successors abandoned much of what reached them of the Prophet's ﷺ hadith. Either they abandoned it out of disdain for it—and this is unbelief on the part of whoever does it—or they abandoned it because of additional knowledge they possessed. This latter explanation is more fitting to suppose of them." ʿAli said: This is invalid on several grounds. One is that, if someone says, "Perhaps the hadith abandoned by those among them who abandoned it contained a defect," he is told: "Perhaps it is the report transmitted to the effect that such-and-such a Companion abandoned such-and-such a hadith that is defective. What makes it more appropriate to locate the defect among the transmitters of the hadith from the Prophet ﷺ than among the transmitters who reported its abandonment by those who abandoned it?" Furthermore, some of them abandoned certain hadiths, while others adopted those very hadiths that these people abandoned. What distinction is there between someone who says, "Those who abandoned it must have possessed knowledge on account of which they abandoned it," and someone who says, "Those who acted upon it must have possessed knowledge on account of which they acted upon it"? Every claim devoid of demonstration falls away. We have already explained that one should not be dismayed by anyone who abandons acting upon the truth, whether he abandons it through an excusable error or abandons it in sinful disobedience, nor should one seek strength in the numbers of those who act upon it, whoever they may be. Whether someone acts upon it or abandons it makes no difference, and everyone who

قال أبو محمد: وقد قال بعضهم: قد صح ترك جماعات من الصحابة والتابعين لكثير مما بلغهم من حديث النبي صلى الله عليه وسلم فلا يخلو من أن يكونوا تركوه مستخفين به وهذا كفر من فاعله. أو يكونوا تركوه لفضل علم كان عندهم فهذا أولى أن يظن بهم. قال علي: وهذا يبطل من وجوه، أحدها أنه قال قائل: لعل الحديث الذي تركه من تركه منهم فيه داخلة. قيل له: ولعل الرواية التي رويت بأن فلانا الصاحب ترك حديثا كذا هي المدخولة، وما الذي جعل أن تكون الداخلة في رواة الحديث عن النبي صلى الله عليه وسلم أولى من أن تكون في النقلة الذين رووا ترك من تركها، وأيضا فإن قوما منهم تركوا بعض الحديث، وقوما منهم أخذوا بذلك الحديث الذي ترك هؤلاء فلإن فرق بين من قال: لا بد من أنه كان عند من تركه علم من أجله تركه، وبين من قال: لا بد من أنه كان عند من عمل به علم من أجله عمل به، وكل دعوى عريت من برهان فهي ساقطة. وقد قدمنا أنه لا يستوحش لمن ترك العمل بالحق، سواء تركه مخطئا معذورا أو تركه عاصيا موزورا، ولا يتكثر بمن عمل به كائنا من كان، وسواء عمل به أو تركه وفرض على كل من سمعه أن يعمل به على كل حال. وأيضا فإن الأحاديث التي روي أنه تركها بعض من سلف، ليست في أكثر الأمر التي ترك هؤلاء المحتجون بترك من سلف لما تركوا منها، بل ترك هؤلاء ما أخذ به أولئك، وأخذ هؤلاء، بما تركه أولئك، فلا حجة لهم في ترك بعض ما سلف لما ترك من الحديث. لأنهم أول مخالف لهم في ذلك، وأول مبطل لذلك الترك. ولا أسوأ من احتجاج امرىء بما يبطل على من لا يحقق ذلك الاحتجاج بل يبطله كإبطال المحتج به له أو أشد. وأيضا فلو صح ما افتروه من أنه كان عند الصاحب التارك لبعض الحديث علم من أجله ترك ما ترك من الحديث، ونعوذ بالله العظيم من ذلك، ونعيذ

[129] **Translator's note (L682):** The opening continues the preceding segment's statement that Hassan mentioned Allah's Messenger ﷺ to ʿUmar. The wording وكانا مما أمرا بالاجتهاد is grammatically irregular; the translation gives its apparent sense, that both were commanded to exercise independent judgment.

[130] **Translator's note (L683):** The sequence بغير آإعالى is corrupt and does not yield a coherent reading; its missing or damaged content has not been reconstructed. The wording مما يدعي أنه منهم is irregular in its reference to a person; the translation follows the apparent contextual meaning.

hears it is obliged to act upon it in every circumstance. Furthermore, the hadiths that some predecessors are reported to have abandoned are, for the most part, not those abandoned by these people who invoke the predecessors' abandonment of certain hadiths as an argument. Rather, these people abandoned what those predecessors adopted, and adopted what those predecessors abandoned. Thus, the abandonment of certain hadiths by some predecessors affords them no authoritative proof, since they themselves are the first to oppose those predecessors in this and the first to invalidate that abandonment. Nothing is worse than a person's invoking as an argument something he himself invalidates, against someone who does not accept that argument but instead invalidates it just as much as the person invoking it does, or more strongly still. Furthermore, if their fabrication were true—that a Companion who abandoned certain hadiths possessed knowledge on account of which he abandoned those hadiths that he abandoned—and we seek refuge in Allah the Almighty from that, and seek protection for everyone of whom good is thought from anything like what they have attributed to the eminent members of this sanctified community— it would necessarily follow that whoever did that was accursed with the curse of Allah, Mighty and Majestic. Allah Most High said: "Indeed, those who conceal what We have sent down of clear proofs and guidance, after We have made it clear to people in the Book—those are cursed by Allah and cursed by those who curse." We therefore say: May Allah curse anyone who possessed knowledge from Allah Most High and His Messenger ﷺ and concealed it from people, whoever he may be. Whoever attributes this to the Companions, may Allah be pleased with them, has attributed to them the introduction of alien elements into the religion and scheming against the revealed Law. This is unbelief in its most extreme form. I confronted al-Layth ibn Harfash al-ʿAbdi with an argument of this kind in the assembly of the judge ʿAbd al-Rahman ibn Ahmad ibn Bishr, may Allah have mercy on him, before a great gathering of Maliki jurists. Not one of them answered with a word of objection. Rather, they all remained silent, except for a few who answered me by affirming what I had said. I had said to him: "You have attributed to Malik, may Allah be pleased with him, something which, if it were true of him, would make him the most flagrantly sinful of people. For you describe him as having

كل من يظن به خيرا من مثل ما نسبوا إلى أفاضل هذه الأمة المقدسة لوجب أن يكون من فعل ذلك ملعونا بلعنة الله عز وجل قال الله تعالى {إن لذين يكتمون مآ أنزلنا من لبينات ولهدى من بعد ما بيناه للناس في لكتاب أولئك يلعنهم لله ويلعنهم للاعنون} فنحن نقول لعن الله كل من كان عنده علم من الله تعالى ورسوله صلى الله عليه وسلم وكتمه عن الناس كائنا من كان ومن نسب هذا إلى الصحابة رضوان الله عليهم، فقد نسبهم إلى الإدخال في الدين وكيد الشريعة وهذا أشد ما يكون من الكفر. وقد عارضت بنحو من هذا الكلام الليث بن حرفش العبدي في مجلس القاضي عبد الرحمن بن أحمد بن بشر رحمه الله، وفي حفل عظيم من فقهاء المالكيين، فما أحد منهم أجاب بكلمة معارضة، بل صمتوا كلهم، إلا قليل منهم أجابوني بالتصديق لقولي: وذلك أني قلت له: لقد نسبت إلى مالك رضي الله عنه ما لو صح عنه لكان أفسق الناس، وذلك أنك تصفه بأنه أبدى إلى الناس، المعلول والمتروك والمنسوخ من روايته، وكتمهم المستعمل والسالم والناسخ حتى مات ولم يبده إلى أحد، وهذه صفة من يقصد إفساد الإسلام والتدليس على أهله، وقد أعاذه الله من ذلك، بل كان عندنا أحد الأئمة الناصحين لهذه الملة، ولكنه أصاب وأخطأ، واجتهد فوفق وحرم، كسائر العلماء ولا فرق، أو كلاما هذا معناه، وقد افترض الله تعالى التبليغ على كل عالم وقد قال عليه السلام مخبرا إن من كتم علما عنده فسئل عنه ألجم يوم القيام بلجام من نار فإن قالوا بل ما كان عنده عن النبي صلى الله عليه وسلم خبر يصح إلا وقد أبداه ورواه للناس وبلغه كما يحق في علمه وروعه قلنا: صدقتم، وهذه صفته عندنا، ونحن على اتباع روايته ورواية غيره من العدول لأنه عدل، وقد أمرنا بقبول خبر العدل. ونحن على رفض رأيه ورأي غيره لقيام البرهان على تحريم التقليد، وهو أول الناس ينهى عن تقليده، والعجب من دعواهم أنهم أخذوا بالآخر من فعله صلى

disclosed to people the defective, the abandoned, and the abrogated portions of his transmitted reports, while concealing from them the operative, the sound, and the abrogating portions, until he died without disclosing them to anyone. This is the description of someone who intends to corrupt Islam and deceive its adherents. Allah has protected him from that. Rather, in our estimation he was one of the leading scholars who sincerely counseled this religious community. Yet he was right and he was wrong; he exercised independent judgment and was granted success or denied it, like the rest of the scholars, without distinction"—or words to this effect. Allah Most High has made conveying knowledge obligatory upon every scholar. He ﷺ stated: "Anyone who conceals knowledge he possesses, when asked about it, will be bridled on the Day of Resurrection with a bridle of fire." If they say, "Rather, he possessed no authentic report from the Prophet ﷺ without disclosing it, transmitting it to people, and conveying it, as his knowledge and conscience required," we say: "You have spoken the truth. This is how we regard him. We follow his transmitted reports and those of other upright transmitters, because he is upright, and we have been commanded to accept the report of an upright transmitter. We reject his personal opinion and that of others, because demonstration has established the prohibition of uncritical imitation. He himself was foremost in forbidding people to imitate him." And what is astonishing is their claim that they adopted the later of his ﷺ practices, although they adopted the earlier practice that it abrogated. Among the examples that come to mind in which they abandoned his ﷺ last practice and adopted the earlier, abrogated one is this: they did not permit the regular prayer leader to arrive after his deputy in leading the prayer had begun the prayer, and then for the regular prayer leader to enter and complete the prayer, with all those behind him continuing on the basis of the one behind whom they pronounced the opening declaration of Allah's greatness, while the prayer leader who began the prayer becomes a follower. Yet this was the last prayer Allah's Messenger ﷺ led for the people during the illness in which he died. They declared this prayer invalid, while permitting a prayer leader to leave the prayer because of an impediment that befell him and appoint a substitute to complete the people's prayer. Yet no revealed text or consensus has established this. They did not consider prayer behind a seated

الله عليه وسلم وأخذوا بالأول المنسوخ لذلك فما حضرنا ذكره مما تركوا فيه آخر فعله صلى الله عليه وسلم وأخذوا بالأول المنسوخ فإنهم لم يجيزوا أن يأتي الإمام المعهود، وقد بدأ خليفته على الصلاة بالصلاة، فدخل الإمام المعهود فيتم الصلاة ويبني سائر من خلفه على من كبروا في أول صلاتهم. ويصير الإمام الذي ابتدأ الصلاة مأموما وهذه آخر صلاة صلاها رسول الله صلى الله عليه وسلم بالناس في مرضه الذي مات فيه فأبطلوا هذه الصلاة. وأجازوا أن يخرج الإمام من الصلاة لعذر أصابه ويستخلف من يتم بالناس صلاتهم، وهذا ما لم يأت فيه نص ولا إجماع، ولم يروا الصلاة خلف الإمام القاعد، والأصحاء وراءه قعود أو قيام وهذه صفة آخر صلاة صلاها رسول الله صلى الله عليه وسلم وتعلقوا بحديث رواه الجعفي وهو كذاب عن الشعبي مرسلا: لا يؤمن أحد بعدي جالسا وهي رواية كوفية. وهم يردون الصحيح من رواية أهل الكوفة، ويتعلقون بهذه الرواية التي لا شك في كذبها من روايات أهل الكوفة. وكرهوا التكبير بتكبير الإمام، وأبطلوا في نص روايتهم صلاة المذكور، وهذه صفة آخر صلاة صلاها أبو بكر خلف رسول الله صلى الله عليه وسلم بحضرة جميع المهاجرين والأنصار إلا الأقل منهم، وتركوا إباحة الشرب لكل ما لا يسكر من المباحات في جميع الظروف وهو الناسخ، وأخذوا بالنهي عن الدباء والمزفت وهو منسوخ بالنص الجلي، وكان ذلك في أول الإسلام. وتركوا ما في سورة براءة وهي آخر سورة نزلت على رسول الله صلى الله عليه وسلم من أنه لا تؤخذ جزية إلا من كتابي وتركوا أيضا ما فيها من قوله تعالى {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون}

prayer leader permissible when the able-bodied people behind him are seated or standing, although this describes the last prayer Allah's Messenger ﷺ performed. They clung to a hadith transmitted by al-Juʿfi, who is a liar, from al-Shaʿbi, with the chain disconnected before the Prophet: "No one is to lead the prayer seated after me." This is a Kufan report. They reject authentic reports transmitted by the people of Kufa, yet cling to this report from the transmissions of the people of Kufa, whose falsity is beyond doubt. They disapproved of pronouncing the declaration of Allah's greatness in response to the prayer leader's declaration, and, according to the explicit wording of their own transmission, declared the prayer of the aforementioned person invalid. Yet this describes the last prayer Abu Bakr performed behind the Messenger of Allah ﷺ, in the presence of all the Emigrants and Helpers except a very few of them. They abandoned the permission to drink any permitted substance that does not intoxicate, in any kind of vessel—which is the abrogating ruling—and adopted the prohibition concerning gourds and pitch-coated vessels, which is abrogated by an unequivocal text and belonged to the beginning of Islam. They abandoned what is in Surat Baraʾah, the last surah revealed to the Messenger of Allah ﷺ: that the poll tax is to be taken only from a person belonging to the People of the Book. They also abandoned what it contains of the Exalted's words: "Fight those who do not believe in Allah or in the Last Day, do not forbid what Allah and His Messenger have forbidden, and do not profess the religion of truth, from among

those who were given the Book, until they pay the poll tax out of hand, while humbled."[131][132][133][134][135][136]

L692–693 And they clung to the report about giving a choice to someone who embraced Islam while having more than four wives, although there cannot be anyone who has married more than four in a legally valid marriage: the marriage of someone who marries a fifth wife today is invalid from the moment he contracts it, annulled and impermissible, even if the unbelievers permit it, because Allah the Exalted has forbidden it, and Allah the Exalted's prohibition extends to them and binds them. They abandoned the prohibition against fasting while travelling during Ramadan—which is the abrogating ruling—and adopted the permission to do so, which is abrogated. They abandoned the prohibition against speaking with the prayer leader to rectify the prayer—which is the abrogating ruling—and clung to the particularized, abrogated ruling. They abandoned reciting "By those sent forth" in the sunset prayer, although this was among his last practices ﷺ. They abandoned his applying

وتعلقوا بحديث تخيير من أسلم وعنده أكثر من أربع نسوة، لأنه لا يجوز أن يوجد أحد نكح أكثر من أربع نكاحا جائزا، لأن نكاح من نكح خامسة اليوم باطل حين عقده إياه، مفسوخ لا يجوز وإن جوزه الكفار لأن الله تعالى قد حرمه، وتحريم الله تعالى لاحق بهم لازم لهم. وتركوا النهي عن الصوم في السفر في رمضان، وهو الناسخ، وأخذوا بإباحة ذلك وهي منسوخة، وتركوا النهي عن الكلام مع الإمام في إصلاح الصلاة، وهو الناسخ، وتعلقوا بالمخصوص المنسوخ، وتركوا قراءة والمرسلات في المغرب وهو من آخر فعله صلى الله عليه وسلم وتركوا تطيبه صلى الله عليه وسلم لحله ولإحرامه قبل أن يطوف بالبيت وهو آخر فعله عليه السلام، وتعلقوا بالمنسوخ المخصوص الذي كان في الحديبية قبل حجة الوداع وتركوا إيجابه عليه السلام السلب للقاتل وكان في غزوة حنين وهو الناسخ وتعلقوا بما كان في غزوة مؤتة وهو منسوخ قبل حنين وتركوا ما في سورة براءة من ألا يهادن مشرك إلا على الإسلام ولا كتابي إلا على الصغار والجزية، وأخذوا بحديث أبي جندل، وهو منسوخ قبل براءة ومثل هذا كثير

[131] **Translator's note (L684):** The expression فلإن فرق is apparently corrupt. The translation renders the question demanded by the surrounding comparison: "What distinction is there …?"

[132] **Translator's note (L686):** The wording بعض ما سلف literally refers to "some of what preceded," but the surrounding argument concerns earlier people; the translation reflects this apparent reference.

[133] **Translator's note (L687):** The Quranic quotation corresponds to 2:159. Its transcription repeatedly omits the initial alif in the definite article; the translation follows the supplied wording, whose meaning remains clear.

[134] **Translator's note (L689):** The supplied wording وروعه is rendered as "and conscience," taking روع in the sense of the inward mind or heart. The context could suggest ورعه, "his scrupulousness," but that is not the supplied reading. The hadith has يوم القيام, an apparently truncated form of "the Day of Resurrection"; this has been translated according to its evident sense.

[135] **Translator's note (L690):** The wording وأخذوا بالأول المنسوخ لذلك is syntactically awkward; the translation takes لذلك as referring to the later practice's abrogation of the earlier one. The expression ويبني سائر من خلفه على من كبروا في أول صلاتهم is compressed. The translation preserves its reference to continuing the prayer on the basis of the leader under whom the opening declaration was pronounced.

[136] **Qur'an references (L684):** Qur'an 2:159 (Al-Baqarah).

perfume ﷺ upon release from ritual consecration and for entering ritual consecration, before circumambulating the House, although this was his last practice, peace be upon him. They clung to the abrogated ruling confined to the particular circumstances at al-Hudaybiyyah, before the Farewell Pilgrimage. They abandoned his awarding the slain combatant's personal effects to his killer, peace be upon him, which occurred during the expedition of Hunayn and is the abrogating ruling. They clung to what occurred during the expedition of Mu'tah, which was abrogated before Hunayn. They abandoned what is in Surat Bara'ah: that no truce is to be made with a polytheist except on the condition of accepting Islam, nor with a person belonging to the People of the Book except on the condition of submission and payment of the poll tax. They adopted the report of Abu Jandal, which was abrogated before Bara'ah. There are many instances like this.[137]

L694 **[Section explaining the cause of the disagreement that arose among the leading scholars in the early period of this community]**

L695–704 If it is said, "On what grounds, then, did he and those before him abandon many of the reports?" the answer is—and success comes through Allah—we have explained this previously, but we now introduce sections that require repeating what has already been mentioned, so it must be repeated. Malik and others are human beings who forget just as other people forget. You may find a man who has memorized a report, yet it does not come to mind, so that he issues a legal opinion contrary to it. This may even happen with verses of the Quran. While on the pulpit, 'Umar ordered that women's marriage payments should not exceed an amount he specified. A woman reminded him of Allah the Exalted's words: "If you wish to replace one wife with another and have given one of them a great sum, take nothing from it. Would you

[137] **Translator's note (L693):** The clause beginning "although there cannot be anyone" is introduced in the Arabic by "because"; its precise logical connection to the preceding criticism is awkward. "By those sent forth" identifies Surat al-Mursalat by its opening words. "Upon release from ritual consecration and for entering ritual consecration, before circumambulating the House" preserves the source's compressed wording and placement of the temporal phrase.

[فصل فيه بيان سبب الاختلاف الواقع بين الأئمة في صدر هذه الأمة]

فإن قيل فعلى أي وجه ترك هو ومن قبله كثيرا من الأحاديث؟ قيل له وبالله التوفيق: وقد بينا هذا فيما خلا، ولكن نأتي بفصول تقتضي تكرار ما قد ذكر فلا بد من تكراره، وذلك أن مالكا وغيره بشر ينسى كما ينسى سائر الناس، وقد تجد الرجل يحفظ الحديث ولا يحضره ذكره حتى يفتي بخلافه، وقد يعرض هذا في آي القرآن، وقد أمر عمر على المنبر بألا يزاد في مهور النساء على عدد ذكره، فذكرته امرأة بقول الله تعالى {وإن أردتم ستبدال زوج مكان زوج وآتيتم إحداهن قنطارا فلا تأخذوا منه شيئا أتأخذونه بهتانا وإثما مبينا} فترك قوله وقال: كل أحد أفقه منك يا عمر، وقال: امرأة أصابت وأمير المؤمنين أخطأ، وأمر برجم امرأة ولدت لستة أشهر فذكره علي بقول الله تعالى {ووصينا لإنسان بوالديه إحسانا حملته أمه كرها ووضعته كرها وحمله وفصاله ثلاثون شهرا حتى إذا بلغ أشده وبلغ أربعين سنة قال رب أوزعني أن أشكر نعمتك لتي أنعمت علي وعلى والدي وأن أعمل صالحا ترضاه وأصلح لي في ذريتي

take it through slander and manifest sin?" He then abandoned his statement and said, "Everyone has greater understanding of the law than you, O ʿUmar." He also said, "A woman was right, and the Commander of the Faithful was wrong." He ordered the stoning of a woman who had given birth after six months, but ʿAli reminded him of Allah the Exalted's words: "We have enjoined upon the human being kindness toward his parents. His mother carried him with hardship and delivered him with hardship; his gestation and weaning are thirty months. Then, when he reaches his full strength and reaches forty years, he says, 'My Lord, inspire me to give thanks for Your favor which You have bestowed upon me and upon my parents, and to do righteous deeds that please You; and make my offspring righteous for me. I have repented to You, and I am among those who submit.'" Together with His words, exalted is He: "Mothers shall nurse their children for two complete years, for whoever wishes to complete the nursing. The father shall provide their sustenance and clothing in accordance with what is customary. No soul is charged beyond its capacity. No mother shall be harmed on account of her child, nor any father on account of his child. The heir bears the like of that obligation. If the two desire weaning by mutual consent and consultation, there is no blame upon them. If you wish to have your children nursed by others, there is no blame upon you, provided you hand over what you have agreed to give in accordance with what is customary. Be mindful of Allah, and know that Allah sees what you do." He then withdrew the order to stone her. He intended to strike ʿUyaynah ibn Hisn when the latter said to him, "O ʿUmar, you do not give us generous gifts, nor do you judge justly among us." Al-Hurr ibn Qays ibn Hisn ibn Hudhayfah reminded him of Allah the Exalted's words: "Accept what comes readily, command what is right, and turn away from the ignorant." He said to him, "Commander of the Faithful, this man is one of the ignorant," and ʿUmar restrained himself. On the day the Messenger of Allah ﷺ died, he said, "By Allah, the Messenger of Allah ﷺ has not died, nor will he die until he is the last of us," or words to this effect, until the following was recited to him: "You will indeed die, and they will indeed die." The sword then fell from his hand, and he fell to the ground, saying, "By Allah, it is as though I had never read it at all." If this is possible with the Quran, it is still more possible with a report. He may

إني تبت إليك وإني من لمسلمين} مع قوله تعالى {ولوالدات يرضعن أولادهن حولين كاملين لمن أراد أن يتم لرضاعة وعلى لمولود له رزقهن وكسوتهن بلمعروف لا تكلف نفس إلا وسعها لا تضآر والدة بولدها ولا مولود له بولده وعلى لوارث مثل ذلك فإن أرادا فصالا عن تراض منهما وتشاور فلا جناح عليهما وإن أردتم أن تسترضعوا أولادكم فلا جناح عليكم إذا سلمتم مآ آتيتم بلمعروف وتقوا لله وعلموا أن لله بما تعملون بصير} فرجع عن الأمر برجمها. وهم أن يسطو بعيينة بن حصن، إذ قال له: يا عمر ما تعطينا الجزل، ولا تحكم فينا بالعدل. فذكره الحر بن قيس بن حصن بن حذيفة بقول الله تعالى {خذ لعفو وأمر بلعرف وأعرض عن لجاهلين} وقال له يا أمير المؤمنين هذا من الجاهلين فأمسك عمر وقال يوم مات رسول الله صلى الله عليه وسلم والله ما مات رسول الله صلى الله عليه وسلم ولا يموت حتى يكون آخرنا أو كلاما هذا معناه، حتى قرئت عليه: {إنك ميت وإنهم ميتون} فسقط السيف من يده وخر إلى الأرض وقال كأني والله لم أكن قرأتها قط فإذا أمكن هذا في القرآن فهو في الحديث أمكن، وقد ينساه البتة، وقد لا ينساه بل يذكره، ولكن يتأول فيه تأويلا فيظن فيه خصوما أو نسخا أو معنى ما، وكل هذا لا يجوز اتباعه إلا بنص أو إجماع، لأنه رأي من رأى ذلك، ولا يحل تقليد أحد ولا قبول رأيه. وقد علم كل أحد أن الصحابة رضوان الله عليهم كانوا حوالي رسول الله صلى الله عليه وسلم بالمدينة مجتمعين وكانوا ذوي معايش يطلبونها، وفي ضنك من القوت شديد قد جاء ذلك منصوصا وأن النبي صلى الله عليه وسلم وأبا بكر وعمر أخرجهم الجوع من بيوتهم فكانوا من متحرف في الأسواق ومن قائم على نخلة ويحضر رسول الله صلى الله عليه وسلم في كل وقت منهم الطائفة إذا وجدوا أدنى فراغ مما هم بسبيله، هذا ما لا يستطيع أحد أن ينكره وقد ذكر ذلك أبو هريرة فقال: إن إخواني من المهاجرين كان يشغلهم الصفق بالأسواق، وإن

forget it altogether; or he may not forget it, but remember it and interpret it, supposing that it entails a restriction to particular cases, or abrogation, or some other meaning. None of this may be followed except on the basis of a text or consensus, because it is the opinion of the person who holds that view, and it is not lawful to follow anyone unquestioningly or to accept his opinion. Everyone knows that the Companions, may Allah be pleased with them, were gathered around the Messenger of Allah ﷺ in Medina, and that they had livelihoods to pursue and suffered severe scarcity of sustenance. This has been expressly reported, as has the fact that the Prophet— may Allah bless him and grant him peace— and Abu Bakr and ʿUmar were driven from their homes by hunger. Some of them therefore worked at trades in the markets, while others tended their date palms. At any given time, a group of them would attend the Messenger of Allah ﷺ whenever they found the slightest respite from their occupations. This is something no one can deny. Abu Hurayrah mentioned it, saying, "My brothers among the Emigrants were occupied with striking bargains in the markets, and my brothers among the Helpers were occupied with tending their date palms. I was a poor man who accompanied the Messenger of Allah ﷺ for enough to fill my belly." ʿUmar also acknowledged this, saying, "Something like this from the reports of the Messenger of Allah ﷺ escaped me; striking bargains in the markets distracted me." He mentioned this in the report about Abu Musa's asking permission to enter. The Messenger of Allah ﷺ would be asked about a question, issue a ruling, command something, or do something; whoever was present would retain it, while it would remain unknown to whoever was absent from him. When the Prophet ﷺ died and Abu Bakr, may Allah be pleased with him, assumed authority, the Companions began from that point to disperse for jihad against Musaylimah and the people of the apostasy, and to Syria and Iraq. Some remained in Medina with Abu Bakr, may Allah be pleased with him. Whenever a case arose concerning which he possessed no instruction from the Prophet ﷺ, he would ask the Companions present with him about it. If he found something with them, he referred to it; otherwise, he exercised independent judgment in ruling, and nothing further was incumbent upon him. When ʿUmar, may Allah be pleased with him, assumed authority, the cities were conquered, and the

إخواني من الأنصار كان يشغلهم القيام على نخلهم وكنت امرأ مسكينا أصحب رسول الله صلى الله عليه وسلم على ملء بطني وقد أقر بذلك عمر فقال فاتني مثل هذا من حديث رسول الله صلى الله عليه وسلم ألهاني الصفق في الأسواق ذكر ذلك في حديث استئذان أبي موسى فكان رسول الله صلى الله عليه وسلم يسأل عن المسألة ويحكم بالحكم ويأمر بالشيء ويفعل الشيء، فيعيه من حضره ويغيب بمن غاب عنه فلما مات النبي صلى الله عليه وسلم وولي أبو بكر رضي الله عنه فمن حينئذ تفرق الصحابة للجهاد، إلى مسيلمة وإلى أهل الردة، وإلى الشام والعراق، وبقي بعضهم بالمدينة مع أبي بكر رضي الله عنه. فكان إذا جاءت القضية ليس عنده فيها عن النبي صلى الله عليه وسلم أمر سأل من بحضرته من الصحابة عن ذلك فإن وجد عندهم رجع إليه وإلا اجتهد في الحكم، ليس عليه غير ذلك، فلما ولي عمر رضي الله عنه فتحت الأمصار، وزاد تفرق الصحابة في الأقطار، فكانت الحكومة تنزل في المدينة أو في غيرها من البلاد، فإن كان عند الصحابة الحاضرين لها في ذلك عن النبي صلى الله عليه وسلم أثر حكم به وإلا اجتهد أمير تلك المدينة في ذلك وقد يكون في تلك القضية حكم عن النبي صلى الله عليه وسلم موجود عند صاحب آخر في بلد آخر وقد حضر المديني ما لم يحضر المصري، وحضر المصري ما لم يحضر الشامي، وحضر الشامي ما لم يحضر البصري، وحضر البصري ما لم يحضر الكوفي، وحضر الكوفي ما لم يحضر المديني، كل هذا موجود في الآثار وفي ضرورة العلم بما قدمنا من مغيب بعضهم عن مجلس النبي صلى الله عليه وسلم في بعض الأوقات وحضور غيره ثم مغيب الذي حضر أمس وحضور الذي غاب فيدري كل واحد منهم ما حضر ويفوته ما غاب عنه وهذا معلوم ببديهة العقل وقد كان علم التيمم عند عمار وغيره وجهله عمر وابن مسعود فقالا لا يتيمم الجنب، ولو لم يجد الماء شهرين وكان حكم المسح عند علي وحذيفة رضي الله عنهما

Companions became still more widely dispersed throughout the regions. A case requiring adjudication would arise in Medina or elsewhere in the lands. If the Companions present for it possessed a transmitted report from the Prophet ﷺ concerning it, judgment was rendered according to that report; otherwise, the governor of that city exercised independent judgment concerning it. There might, however, be a ruling from the Prophet ﷺ on that case in the possession of another Companion in another land. The Medinan had witnessed what the Egyptian had not witnessed, and the Egyptian had witnessed what the Syrian; and the Syrian witnessed what the Basran did not witness, the Basran witnessed what the Kufan did not witness, and the Kufan witnessed what the Medinan did not witness. All this is found in the transmitted reports and is necessarily known from what we have already explained: some of them were absent from the Prophet's ﷺ gathering at certain times while others attended; then someone who had attended yesterday would be absent, while someone who had been absent would attend. Each of them thus knew what he had witnessed and missed what took place in his absence. This is known by the immediate judgment of reason. Knowledge of dry ablution was possessed by Ammar and others, whereas Umar and Ibn Masud did not know it. They therefore said that someone in a state of major ritual impurity should not perform dry ablution, even if he could find no water for two months. The ruling on wiping was known to Ali and Hudhayfa—may Allah be pleased with them both—and others, whereas Aisha, Ibn Umar, and Abu Hurayra did not know it, although they were Medinans. Ibn Masud knew that a son's daughter inherits alongside a daughter, whereas Abu Musa did not. The ruling on seeking permission to enter was known to Abu Musa and Abu Said, whereas Umar did not know it. The ruling permitting a menstruating woman to depart before performing the circumambulation was known to Ibn Abbas and Umm Sulaym, whereas Umar and Zayd ibn Thabit did not know it. The ruling prohibiting temporary marriage and domestic donkeys was known to Ali and others, whereas Ibn Abbas did not know it. The ruling on currency exchange was known to Umar, Abu Said, and others, whereas Talha, Ibn Abbas, and Ibn Umar did not know it. The ruling on expelling the people under a covenant of protection from the lands of the Arabs was known to Ibn Abbas and Umar. Umar then forgot it for years and left

وغيرهم، وجهلته عائشة وابن عمر وأبو هريرة، وهم مدنيون. وكان توريث بنت الابن مع البنت عند ابن مسعود، وجهله أبو موسى، وكان حكم الاستئذان عند أبي موسى، وعند أبي سعيد وجهله عمر. وكان حكم الإذن للحائض في أن تنفر قبل أن تطوف، عند ابن عباس وأم سليم، وجهله عمر وزيد بن ثابت، وكان حكم تحريم المتعة والحمر الأهلية عند علي وغيره، وجهله ابن عباس. وكان حكم الصرف عند عمر وأبي سعيد وغيرهما وجهله طلحة وابن عباس وابن عمر، وكان حكم إجلاء أهل الذمة من بلاد العرب، عند ابن عباس وعمر فنسيه عمر سنين فتركهم حتى ذكر فذكر، فأجلاهم. وكان علم الكلالة عند بعضهم، ولم يعلمه عمر، وكان النهي عن بيع الخمر عند عمر وجهله سمرة. وكان حكم الجدة عند المغيرة ومحمد بن مسلمة وجهله أبو بكر وعمر. وكان حكم أخذ الجزية من المجوس، وألا يقدم على بلد فيه الطاعون، عند عبد الرحمن بن عوف، وجهله عمر وأبو عبيدة وجمهور الصحابة رضوان الله عنهم وكان حكم ميراث الجد عند معقل بن سنان، وجهله عمر. ومثل هذا كثير جدا، فمضى الصحابة على ما ذكرنا، ثم خلف بعدهم التابعون الآخذون عنهم، وكل طبقة من التابعين في البلاد التي ذكرنا فإذا تفقهوا مع من كان عندهم من الصحابة، وكانوا لا يتعدون فتاويهم، لا تقليدا لهم، ولكن لأنهم إنما أخذوا ورووا عنهم، إلا اليسير مما بلغهم عن غير من كان في بلادهم من الصحابة رضي الله عنهم، كاتباع أهل المدينة في الأكثر فتاوى ابن عمر، واتباع أهل الكوفة في الأكثر فتاوى ابن مسعود واتباع أهل مكة في الأكثر فتاوى ابن عباس. ثم أتى بعد التابعين فقهاء الأمصار: كأبي حنيفة، وسفيان، وابن أبي ليلى بالكوفة، وابن جريج بمكة، ومالك وابن الماجشون بالمدينة، وعثمان البتي وسوار بالبصرة، والأوزاعي بالشام، والليث بمصر، فجروا على تلك الطريقة من أخذ كل واحد منهم عن التابعين من أهل بلده فيما كان عندهم، واجتهادهم فيما لم يجدوا عندهم وهو موجود عند غيرهم و {لا يكلف الله نفسا إلا وسعها لها ما كسبت وعليها

them there until he was reminded; he then remembered and expelled them. Knowledge of inheritance where there is neither a parent nor a child was possessed by some of them, whereas Umar did not know it. The prohibition on selling wine was known to Umar, whereas Samura did not know it. The ruling concerning a grandmother was known to al-Mughira and Muhammed ibn Maslama, whereas Abu Bakr and Umar did not know it. The ruling on taking the poll tax from the Magians and on not entering a land in which there is plague was known to Abd al-Rahman ibn Awf, whereas Umar, Abu Ubayda, and the majority of the Companions—may Allah's good pleasure be upon them—did not know it. The ruling on a grandfather's inheritance was known to Maqil ibn Sinan, whereas Umar did not know it. Instances of this kind are exceedingly numerous. The Companions thus went their way as we have described. After them came the Successors, who received knowledge from them, with each generation of Successors in the lands we have mentioned. When they acquired understanding of the law with the Companions who were among them, they did not go beyond their legal opinions—not out of uncritical adherence to them, but because it was from them that they received and transmitted knowledge, apart from the little that reached them from Companions other than those who were in their lands—may Allah be pleased with them. Thus, the people of Medina followed Ibn Umar's legal opinions for the most part, the people of Kufa followed Ibn Masud's legal opinions for the most part, and the people of Mecca followed Ibn Abbas's legal opinions for the most part. Then, after the Successors, came the jurists of the provincial centers, such as Abu Hanifa, Sufyan, and Ibn Abi Layla in Kufa; Ibn Jurayj in Mecca; Malik and Ibn al-Majishun in Medina; Uthman al-Batti and Sawwar in Basra; al-Awzai in Syria; and al-Layth in Egypt. They proceeded according to that method: each received from the Successors of his own locality whatever knowledge they possessed, and exercised independent legal judgment concerning what he did not find with them, although it existed with others. And: {Allah does not burden a soul beyond its capacity. It shall have what it has earned, and against it shall be what it has earned. Our Lord, do not take us to task if we forget or make a mistake. Our Lord, do not lay upon us a burden like that which You laid upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon

ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين}

us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the unbelieving people.}[138][139][140][141][142][143]

L705–707 Everyone we have mentioned receives two rewards for those matters in which he arrives at the Prophet's ﷺ ruling, and one reward for those matters in which that ruling remained hidden from him. A man among those we have mentioned may receive two reports whose apparent meanings conflict, and incline toward one rather than the other by some form of giving preference that we have established as sound or invalidated earlier in this chapter. Someone else inclines toward the report that this man set aside, by some form of those same grounds for preference. Thus it is related of Uthman, concerning combining two sisters: "One verse prohibited them both, and another verse permitted them both." Likewise, Ibn Umar inclined toward prohibiting women of the People of the Scripture altogether, on the basis of

[138]**Translator's note (L697):** The word rendered "a restriction to particular cases" is written خصوما, which ordinarily means "adversaries" and is incongruous here. The context suggests خصوصا, referring to particular applicability; the translation follows that apparent intended reading while recording the supplied wording. The account connects ʿUmar's reaction at the Prophet's death with "You will indeed die, and they will indeed die" (Quran 39:30). This is the verse quoted in the source; it has not been replaced with the different verse commonly associated with that episode. The final salutation is split between this unit and the next; only its supplied first portion is translated here.

[139]**Translator's note (L698):** This is the concluding fragment of the salutation begun in the preceding unit.

[140]**Translator's note (L701):** "The Syrian" completes the comparison begun in the preceding segment. "Wiping" refers here to the ritual ruling on wiping over footwear; the Arabic leaves the object unstated.

[141]**Translator's note (L703):** "Inheritance where there is neither a parent nor a child" renders kalala; the precise scope of this technical inheritance term is itself disputed. The wording connecting "each generation of Successors" with "when they acquired understanding" is syntactically awkward in the supplied text. The source names Maqil ibn Sinan as the transmitter of the ruling concerning a grandfather; that attribution has been retained.

[142]**Translator's note (L704):** The quotation corresponds to Quran 2:286. Its supplied transcription repeatedly omits initial alifs in recognizable words, including the divine name and several articles and imperatives. The English follows the identifiable wording; these transcription defects are recorded here rather than silently left unacknowledged.

[143]**Qur'an references (L695):** Qur'an 4:20 (An-Nisa); Qur'an 46:15 (Al-Ahqaf); Qur'an 2:233 (Al-Baqarah); Qur'an 39:30 (Az-Zumar); Qur'an 2:286 (Al-Baqarah).

وكل ما ذكرنا مأجور على ما أصاب فيه حكم النبي صلى الله عليه وسلم أجرين ومأجور فيما خفي عنه منه أجرا واحدا، وقد يبلغ الرجل مما ذكرنا حديثان ظاهرهما التعارض، فيميل إلى أحدهما دون الثاني بضرب من الترجيحات التي صححنا أو أبطلنا قبل هذا في هذا الباب ويميل غيره إلى الحديث الذي ترك هذا بضرب من تلك الترجيحات كما روي عن عثمان في الجمع بين الأختين، حرمتهما آية، وأحلتهما آية، وكما مال ابن عمر إلى تحريم نساء أهل الكتاب جملة بقوله {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} قال ولا أعلم شركا أعظم من قول المرأة إن عيسى ربها. وغلب ذلك على الإباحة المنصوصة في الآية الأخرى، وكما جعل ابن عباس عدة الحامل آخر الأجلين من وضع الحمل، أو تمام أربعة أشهر وعشر، وكما تأول بعض الصحابة في الحمر الأهلية أنها إنما حرمت لأنها لم تخمس، وتأول آخر منهم أنها حرمت لأنها حمولة الناس، وتأول آخر منهم أنها حرمت لأنها كانت تأكل العذرة، وقال بعضهم: بل حرمت لعينها، وكما تأول قدامة في شرب الخمر قول الله تعالى {ليس على لذين آمنوا وعملوا لصالحات جناح فيما طعموا إذا ما تقوا وآمنوا وعملوا الصالحات ثم اتقوا وآمنوا ثم اتقوا وأحسنوا والله يحب لمحسنين} فعلى هذه الوجوه ترك مالك ومن كان قبله ما تركوا من الأحاديث والآيات، وعلى هذه الوجوه خالفهم نظراؤهم، فأخذ هؤلاء ما ترك أولئك، وأخذ أولئك ما ترك هؤلاء، فهي وجوه عشرة كما ذكرنا: أحدها: ألا يبلغ العالم الخبر فيفتي فيه بنص آخر بلغه، كما قال عمر في خبر الاستئذان خفي علي هذا من رسول الله صلى الله عليه وسلم ألهاني الصفق بالأسواق وقد أوردناه

His saying: {Do not marry polytheistic women until they believe. A believing slave woman is better than a polytheistic woman, even if she pleases you. And do not give women in marriage to polytheistic men until they believe. A believing slave man is better than a polytheistic man, even if he pleases you. Those invite to the Fire, while Allah invites to the Garden and forgiveness by His permission, and makes His signs clear to people, so that they may take heed.} He said: "I know of no association of partners with Allah greater than a woman's saying that Jesus is her Lord." He gave that precedence over the permission expressly stated in the other verse. Likewise, Ibn Abbas made a pregnant woman's waiting period the later of the two terms: delivery of the child or the completion of four months and ten days. Likewise, some of the Companions interpreted the prohibition of domestic donkeys as being solely because the one-fifth levy had not been taken from them. Another of them interpreted their prohibition as being because they were the people's beasts of burden. Another of them interpreted their prohibition as being because they ate excrement. Some of them said: "Rather, they were prohibited in themselves." Likewise, concerning drinking wine, Qudama interpreted the saying of Allah Most High: {There is no blame upon those who believe and do righteous deeds for what they have consumed, provided that they are mindful of Allah, believe, and do righteous deeds, then are mindful of Allah and believe, then are mindful of Allah and do good; and Allah loves those who do good.} It was on these grounds that Malik and those before him set aside the reports and verses that they set aside. On these grounds their peers disagreed with them: these accepted what those set aside, and those accepted what these set aside. There are thus ten grounds, as we have mentioned. The first is that a report does not reach the scholar, so he gives a legal opinion on the matter according to another text that has reached him. Thus Umar said concerning the report on seeking permission to enter: "This from the Messenger of Allah ﷺ escaped my knowledge; trading in the markets distracted me." We have cited it elsewhere with its chain of transmission through al-Bukhari. The second is that it occurs to him that the report's transmitter did not retain it accurately and made a mistake, as Umar did with the report of Fatima bint Qays, and as Aisha did with the report that the deceased is punished because of his family's weeping. This is a supposition with no sub-

بإسناده من طريق البخاري في غير هذا المكان. وثانيها: أن يقع في نفسه أن راوي الخبر لم يحفظ، وأنه وهم كفعل عمر في خبر فاطمة بنت قيس، وكفعل عائشة في خبر الميت يعذب ببكاء أهله، وهذا ظن لا معنى له، إن أطلق بطلت الأخبار كلها وإن خص به مكان دون مكان كانت تحكما بالباطل. وثالثها: أن يقع في نفسه أنه منسوخ كما ظن ابن عمر في آية نكاح الكتابيات. ورابعها: أن يغلب نصا على نص بأنه أحوط وهذا لا معنى له، إذ لا يوجبه قرآن ولا سنة. وخامسها: أن يغلب نصا على نص لكثرة العاملين به أو لجلالتهم، وهذا لا معنى له لما قد أفدناه قبلا في ترجيح الأخبار. وسادسها: أن يغلب نصا لم يصح على نص صحيح وهو لا يعلم بفساد الذي غلب وسابعها أن يخصص عموما بظنه

stance: if applied without restriction, all reports would be invalidated; and if applied to one instance rather than another, it would be an arbitrary judgment based on falsehood. The third is that it occurs to him that it has been abrogated, as Ibn Umar supposed concerning the verse on marrying women of the Scripture. The fourth is that he gives one text precedence over another because it is more cautious. This has no substance, since neither the Quran nor the Sunna requires it. The fifth is that he gives one text precedence over another because of the large number of those who act upon it, or because of their eminence. This has no substance, for the reasons we have already explained concerning giving preference among reports. The sixth is that he gives a text whose authenticity has not been established precedence over an authentic text, without knowing the unsoundness of the one to which he has given precedence. The seventh is that he restricts the scope of a general expression on the basis of his supposition.[144][145][146]

L708–711 The eighth is that he adopts a general expression whose adoption was not required, and sets aside that which establishes the restriction of its scope. The ninth is that he interprets a report as meaning something other than its apparent meaning, without demonstration, on account of a cause he has conjectured without demonstration. The tenth is that he sets aside an authentic text because of a Companion's statement that has reached him, supposing that the Companion only set aside that text because of knowledge he possessed. These are suppositions that give rise to the disagreement which Allah—Mighty and Majestic—knew beforehand would occur. We ask Allah Most High, by His gracious favor, to keep us steadfast upon the truth. Amen. Then journeys to distant regions became numerous, people mingled

[144] **Translator's note (L705):** "Combining two sisters" concerns having sexual relations with two sisters held in ownership; the Arabic itself leaves that setting unstated. The quotation corresponds to Quran 2:221. The supplied transcription omits initial alifs in several words, including the divine name and definite articles.

[145] **Translator's note (L706):** The waiting period discussed is that of a pregnant widow; "widow" is supplied by the legal context, rather than explicitly stated in this segment. "The one-fifth levy had not been taken from them" refers to the allocation of one-fifth of war booty. The quotation corresponds to Quran 5:93. The supplied transcription omits initial alifs in several words, including the divine name and definite articles.

[146] **Qur'an references (L705):** Qur'an 2:221 (Al-Baqarah); Qur'an 5:93 (Al-Ma'idah).

وثامنها أن يأخذ بعموم لم يجب الأخذ به ويترك الذي يثبت تخصيصه. وتاسعها: أن يتأول في الخبر غير ظاهره بغير برهان لعله ظنها بغير برهان. وعاشرها: أن يترك نصا صحيحا لقول صاحب بلغه، فيظن أنه لم يترك ذلك النص إلا لعلم كان عنده. فهذه ظنون توجب الاختلاف الذي سبق في علم الله عز وجل، أنه سيكون، ونسأل الله تعالى التثبيت على الحق بمنه آمين. ثم كثرت الرحل إلى الآفاق، وتداخل الناس والتقوا وانتدب أقوام لجمع حديث النبي صلى الله عليه وسلم وضمه وتقييده ووصل من البلاد البعيدة إلى من لم يكن عنده وقامت الحجة على من بلغه شيء منه، وجمعت الأحاديث المبينة لصحة أحد التأويلات المتأول في الحديث، وعرف الصحيح من السقيم، وزيف الاجتهاد المؤدي إلى خلاف كلام رسول الله صلى الله عليه وسلم وإلى ترك عمله وسقط العذر عمن خالف ما بلغه من السنن بلوغه إليه، وقيام الحجة به عليه، فلم يبق إلا العناد والجهل، والتقليل والإثم. وعلى هذا الطريق كان الصحابة رضي الله عنهم، وكثير من التابعين يرحلون في طلب الحديث الواحد الأيام الكثيرة، وقد رحل أبو أيوب من المدينة إلى مصر، إلى عقبة بن عامر في حديث واحد. وكتب

and met, and groups undertook to collect the reports of the Prophet ﷺ, bring them together, and record them in writing. They reached, from distant lands, those who had not possessed them, and the proof became binding upon anyone whom any of them reached. The reports that clarified the soundness of one of the interpretations advanced concerning a report were collected, and the authentic was distinguished from the unsound, and the spuriousness of independent legal reasoning that leads to contradicting the words of the Messenger of Allah ﷺ and abandoning his practice became known. The excuse of anyone who contradicted the transmitted practices that had reached him fell away once they reached him and the proof was established against him through them. Nothing then remained but obstinacy, ignorance, belittlement, and sin. It was on this course that the Companions, may Allah be pleased with them, and many of the Followers would travel for many days in pursuit of a single hadith. Abu Ayyub traveled from Medina to Egypt, to ʿUqbah ibn ʿAmir, for a single hadith. Muʿawiyah wrote to al-Mughirah: "Write to me what you heard from the Messenger of Allah ﷺ." ʿAlqamah and al-Aswad traveled to ʿA'ishah and ʿUmar, may Allah be pleased with them both, and ʿAlqamah traveled to Abu al-Darda' in Syria. We have thus explained why those who abandoned some hadiths did so, removed the grounds for objection concerning this, and dispelled the difficulty altogether. There is neither power nor strength except through Allah, the Most High, the Magnificent.

Abu Muhammed said: Some of them have sought to mislead by saying that Ibn Masʿud would be asked about something and leave it until he came to Medina. ʿAli said: This occurred in only two questions. One was the question of marrying the mother of a woman with whom he had not consummated the marriage; ʿUmar disagreed with him, although a position like Ibn Masʿud's has been authentically transmitted from Zayd ibn Thabit, who was a Medinan. The second was his sale of the public treasury's refuse; he subsequently retracted that. ʿAli said: How could this be, when it is authentically established that Ibn Masʿud said, speaking of himself: "There is no surah in the Book of Allah Most High concerning which I do not know what occasioned its revelation, and if I knew the whereabouts of a man more knowledgeable

معاوية إلى المغيرة اكتب إلي ما سمعته من رسول الله صلى الله عليه وسلم ورحل علقمة والأسود إلى عائشة وعمر رضي الله عنهما، ورحل علقمة إلى أبي الدرداء بالشام. فقد بينا وجه ترك من ترك بعض الحديث وأزحنا العلة في ذلك، ورفعنا الإشكال جملة، ولا حول ولا قوة إلا بالله العلي العظيم. قال أبو محمد: وقد موه بعضهم بأن قال: إن ابن مسعود كان يسأل عن الشيء فيتركه حتى يأتي المدينة. قال علي: وإنما كان هذا في مسألتين فقط وهي: مسألة نكاح الأم التي لم يدخل بابنتها فخالفه عمر، وقد صح عن زيد بن ثابت وهو مدني مثل قول ابن مسعود. والثانية: بيعه نفاية بيت المال، ثم رجع عن ذلك. قال علي: وكيف يكون هذا والصحيح أن ابن مسعود قال مخبرا عن نفسه: ما من سورة من كتاب الله تعالى إلا وأنا أدري فيما نزلت، ولو أني أعلم مكان رجل أعلم مني بكتاب الله عز وجل تبلغني إليه الإبل لأتيته. فكيف يرجع إلى قول غيره من هذه صفته؟ ولقد صدق رضي الله عنه وهو الذي أمر رسول الله صلى الله عليه وسلم أن يتمسك بعهده وأن يؤخذ القرآن عنه وعن ثلاثة مذكورين معه، وقد صح أن عمر بن الخطاب أمر برجم مجنونة، فرده عن ذلك وهو كوفي وكذلك وجد عند المغيرة خبر إملاص المرأة وهو كوفي لم يكن عند أهل المدينة.

than I about the Book of Allah, Mighty and Majestic, whom camels could carry me to, I would go to him." How, then, could someone whose description is such defer to someone else's opinion? He certainly spoke truthfully, may Allah be pleased with him. He is the one whose injunction the Messenger of Allah ﷺ commanded people to hold fast to, and from whom he commanded them to learn the Quran, together with three others named alongside him. It is authentically established that ʿUmar ibn al-Khattab ordered an insane woman to be stoned, but he dissuaded him from that, although he was a Kufan. Likewise, the report concerning a woman's miscarriage was found with al-Mughirah, who was a Kufan; the people of Medina did not possess it.[147][148][149]

L712–729 ʿAli said: Some of them have sought to mislead by citing what ʿAbd Allah ibn Rabiʿ related to us: ʿUmar ibn ʿAbd al-Malik related to us; Muhammed ibn Bakr related to us; Abu Dawud related to us; Muhammed ibn al-Muthanna related to us; Sahl ibn Yusuf related to us, who said: Humayd reported to us, from al-Hasan, who said: Ibn ʿAbbas delivered a sermon near the end of Ramadan from the pulpit of Basra and said: "Pay the alms due for your fasting." It seemed that the people did not know, so he said: "Who here is from the people of Medina? Go to your brothers and teach them, for they do not know. The Messenger of Allah ﷺ prescribed these alms as one saʿ of dates or barley, or half a saʿ of wheat, for every free person or slave, male or female, young or old." Then, when ʿAli arrived and saw how cheap barley was, he said: "Allah has granted you abundance; why not make it a saʿ of everything?"

قال علي: وقد موه بعضهم بأن ذكر ما حدثناه عبد الله بن ربيع، ثنا عمر بن عبد الملك، ثنا محمد بن بكر، ثنا أبو داود، ثنا محمد بن المثنى، ثنا سهل بن يوسف، قال حميد: أنبأ عن الحسن قال: خطب ابن عباس في آخر رمضان على منبر البصرة فقال: أخرجوا صدقة صومكم، فكأن الناس لم يعلموا، فقال من ههنا من أهل المدينة؟ فقوموا إلى إخوانكم فعلموهم فإنهم لا يعلمون فرض رسول الله صلى الله عليه وسلم هذه الصدقة صاعا من تمر أو شعير أو نصف صاع من قمح على كل حر أو مملوك، ذكر أو أنثى، صغير أو كبير. فلما قدم علي رأى رخص الشعير، قال: قد أوسع الله عليكم فلو جعلتموه صاعا من كل شيء. قال علي: وهذا الحديث قبل كل شيء لا يصح، لوجوه ظاهرة: أولها: أن الكذب والتوليد والوضع فيه ظاهر كالشمس: لأنه لا خلاف بين أحد من أهل العلم بالأخبار، أن يوم الجمل كان لعشر خلون من جمادى الآخرة سنة ست وثلاثين، ثم أقام علي بالبصرة باقي جمادى الآخرة، وخرج راجعا إلى الكوفة في صدر رجب، وترك ابن عباس بالبصرة أميرا عليها، ولم يرجع علي بعدها إلى البصرة هذا ما لا خلاف فيه من أحد له علم بالأخبار. وفي الخبر المذكور ذكر تعليم ابن عباس أهل البصرة صدقة الفطر، ثم قدم علي بعد ذلك وهذا هو الكذب البحت الذي لا خفاء

[147] **Translator's note (L708):** In the ninth ground, the supplied reading لعله ظنها is awkward. The translation takes it as an apparent defective spelling of لعلة ظنها, "on account of a cause he conjectured." As written, لعله can instead mean "perhaps he," but that reading leaves the following feminine object pronoun without a clear antecedent.

[148] **Translator's note (L709):** The supplied التقليل means "belittlement" or "diminution." In this context it may be a transcription error for التقليد, "uncritical adherence to another's authority," but the supplied wording has been retained. The wording about marrying a mother is compressed: the daughter is the woman with whom the marriage had not been consummated.

[149] **Translator's note (L711):** The person who dissuaded ʿUmar is not named in the supplied sentence; the pronoun has been retained without inserting a name.

ʿAli said: Before anything else, this hadith is not authentic, for evident reasons. The first is that its falsehood, concoction, and fabrication are as plain as the sun. No one knowledgeable about historical reports disputes that the Day of the Camel occurred when ten days of Jumada al-Akhirah had elapsed in the year thirty-six. ʿAli then remained in Basra for the rest of Jumada al-Akhirah and departed, returning to Kufa, at the beginning of Rajab. He left Ibn ʿAbbas in Basra as its governor, and ʿAli never returned to Basra thereafter. No one with knowledge of historical reports disputes this. Yet the report cited mentions Ibn ʿAbbas teaching the people of Basra the alms of breaking the fast, and then ʿAli arriving afterward. This is sheer falsehood, with nothing obscure about it. A second reason is that al-Hasan heard nothing from Ibn ʿAbbas during his governorship of Basra. Al-Hasan was not even in Basra at that time; he was in Medina. No transmitter of hadith disputes this. There is also a third reason: it is a contrived hadith and is not authentic, because Basra was conquered and built in the year fourteen after the Emigration by ʿUtbah ibn Ghazwan al-Mazini, a participant at Badr and a Medinan. After him, al-Mughirah ibn Shuʿbah, Abu Musa, and ʿAbd Allah ibn ʿAmir governed it, all of them Medinans. Of the Medinan Companions, there settled in it more than three hundred men, including ʿImran ibn al-Husayn, Anas ibn Malik, Hisham ibn ʿAmir, al-Hakam ibn ʿAmr, and others. It was conquered in the days of ʿUmar ibn al-Khattab, and his governors succeeded one another there until Ibn ʿAbbas became its governor after a substantial initial portion of the year thirty-six after the Emigration had passed. Was there, then, no one among all these people to inform them of the obligatory alms of breaking the fast? Instead, did they neglect it, disregard it, treat it lightly, or remain ignorant of it for more than twenty-two years, throughout the caliphates of ʿUmar ibn al-Khattab and ʿUthman, may Allah be pleased with them, until Ibn ʿAbbas became their governor after the Day of the Camel? Do you suppose that ʿUmar and ʿUthman neglected to inform their subjects of this obligation? Do you suppose that the people of Basra neither performed the pilgrimage during the days of ʿUmar and ʿUthman nor entered Medina, so that the obligatory alms of breaking the fast remained unknown to them until after the Day of the Camel? This is indeed manifest error, fabricated falsehood, and the attribution of wrongdoing to

فيه. ووجه ثان: أن الحسن لم يسمع من ابن عباس أيام ولايته البصرة شيئا، ولا كان الحسن يومئذ بالبصرة، وإنما كان بالمدينة هذا ما لا خلاف فيه بين أحد من نقلة الحديث. وأيضا وجه ثالث: فإنه حديث مفتعل لا يصح، لأن البصرة فتحها وبناها سنة أربع عشرة من الهجرة عتبة بن غزوان المازني بدري مدني، ووليها بعده المغيرة بن شعبة، وأبو موسى، وعبد الله بن عامر، وكلهم مدنيون، ونزلها من الصحابة المدنيين أزيد من ثلاثمائة رجل، منهم عمران بن الحصين، وأنس بن مالك، وهشام بن عامر، والحكم بن عمرو، وغيرهم، وفتحت أيام عمر بن الخطاب، وتداولها ولاته إلى أن وليها ابن عباس بعد صدر كبير من سنة ست وثلاثين من الهجرة، فلم يكن في هؤلاء كلهم من يخبرهم بزكاة الفطر، بل ضيعوا ذلك وأهملوه واستخفوا به أو جهلوه مدة أزيد من اثنين وعشرين عاما، مدة خلافة عمر بن الخطاب، وعثمان رضوان الله عليهم، حتى وليهم ابن عباس بعد يوم الجمل. أترى عمر وعثمان ضيعا إعلام رعيتهما هذه الفريضة، أترى أهل البصرة لم يحجوا أيام عمر وعثمان، ولا دخلوا المدينة، فغابت عنهم زكاة الفطر إلى بعد يوم الجمل؟ إن هذا لهو الضلال المبين، والكذب المفترى، ونسبة البلاء إلى الصحابة رضوان الله عليهم، أن هذا الخبر ما يدخل تصحيحه في عقل سليم؟ وما حدث الحسن، والله أعلم بهذا الحديث إلا على وجه التكذيب له، لا يجوز غير ذلك. ثم نقول لهم: لو صح وهو لا يصح لكان حجة على المالكيين، لأنه خلاف مذهبهم في صدقة الفطر، لأنهم يرون أنه لا يجزي فيها من البر إلا صاع فعاد حجة عليهم، ولا أضل ممن يحتج بما لا يصح نعوذ بالله من الخذلان، وإنما يصح هذا الحديث بخلاف اللفظ المذكور، لكن كما حدثنا عبد الله بن ربيع، ثنا محمد بن معاوية، ثنا أحمد بن شعيب، ثنا قتيبة بن سعيد، ثنا حماد هو ابن زيد عن أيوب السختياني، عن أبي رجاء هو العطاردي قال: سمعت ابن عباس يخطب على منبركم يعني منبر البصرة يقول: صدقة الفطر صاع من طعام. وقد موه بعضهم بأن قال: إن

the Companions, may Allah be pleased with them. No sound mind can entertain authenticating this report. Al-Hasan, and Allah knows best, can only have related this hadith in order to declare it false; no other possibility is admissible.

We then say to them: Even if it were authentic—and it is not authentic—it would be evidence against the Malikis, because it contradicts their position concerning the alms of breaking the fast: they hold that nothing less than a saʿ of wheat suffices for it. It thus turns into evidence against them. No one is more astray than someone who adduces an unauthentic report as evidence. We seek refuge in Allah from being forsaken. This hadith is authentic only with wording different from that cited, namely, as ʿAbd Allah ibn Rabiʿ related to us: Muhammed ibn Muʿawiyah related to us; Ahmad ibn Shuʿayb related to us; Qutaybah ibn Saʿid related to us; Hammad—that is, Ibn Zayd—related to us, from Ayyub al-Sakhtiyani, from Abu Raja'—that is, al-ʿUtaridi—who said: I heard Ibn ʿAbbas delivering a sermon from your pulpit—meaning the pulpit of Basra—saying: "The alms of breaking the fast are a saʿ of food."

Some of them have sought to mislead by saying: "The people of Medina were the ones who witnessed the final practice of the Messenger of Allah ﷺ." ʿAli said: This is the statement of a man who is either ignorant or deceptive; he necessarily falls into one of the two categories. If he was ignorant, and this was the extent of his knowledge, he had no business issuing legal opinions concerning the religion of Allah, Mighty and Majestic. And if this man deemed deception permissible in the religion of Allah Most High, that is fouler and more putrid. ʿAli said: This statement is invalidated on two logically necessary grounds. The first is that we have already explained in this chapter that they are the people most given to abandoning the final practice of the Messenger of Allah ﷺ. The second is that the Companions, may Allah be pleased with them, were all Medinans throughout the time of the Messenger of Allah ﷺ and the time of Abu Bakr. They only settled in Syria, Basra, and Kufa during the early part of ʿUmar's caliphate, may Allah be pleased with him, and thereafter, because Syria and Egypt were in the hands of the Romans, while Iraq, where Kufa and Basra were built, was in the hands of the Persians. None of any of these territories was conquered,

أهل المدينة هم شهدوا آخر عمل رسول الله صلى الله عليه وسلم قال علي وهذا قول رجل جاهل أو مدلس لا بد له ضرورة من أحد الوجهين، فإن كان جاهلا وكان هذا مقداره من العلم فما كان في وسعه أن يفتي في دين الله عز وجل، وإن كان هذا مستحيلا للتلبيس في دين الله تعالى فهذا أخبث وأنتن قال علي وهذا كلام يبطل من وجهين ضروريين أحدهما أننا قد بينا في هذا الباب أنهم أترك الناس لآخر عمل رسول الله صلى الله عليه وسلم والثاني أن الصحابة رضي الله عنهم كانوا كلهم مدنيين طول مدة رسول الله صلى الله عليه وسلم ومدة أبي بكر وإنما سكنوا الشام والبصرة والكوفة في صدر خلافة عمر رضوان الله عليه فما بعد ذلك، لأن الشام ومصر كانت بأيدي الروم، والعراق حيث بنيت الكوفة والبصرة كانت بأيدي الفرس، ولم يفتتح شيء من كل ذلك ولا سكنه مسلم إلا بعد صدر إمارة عمر، هذا أمر لا يجهله من له أقل نصيب من العلم، وكل من كان بالعراق والشام ومصر من الصحابة فلم يفارقوا سكنى المدينة طوال حياة رسول الله صلى الله عليه وسلم ولم ينفرد قط برسول الله من بقي منهم بالمدينة دون من سكن بعد موته عليه السلام العراق أو الشام أو مصر فبطل كذب من موه بما ذكرنا، ولله الحمد ووجب بالضرورة أن من بقي بالمدينة من الصحابة رضي الله عنهم، ليس بأولى بحسن الظن بهم في الثبات على ما شهدوه من النبي صلى الله عليه وسلم من سائر الصحابة الذين بالأمصار ولا هم أولى بالعلم منهم، بل كلهم واجب الحق، موصوف بالعلم والدين والنصيحة للمسلمين. قال أبو محمد: وهذا الذي جرى عليه الناس، كما حدثنا عبد الله بن ربيع، ثنا عبد الله بن محمد بن عثمان، ثنا أحمد بن خالد، ثنا علي بن عبد العزيز، ثنا الحجاج بن المنهال، ثنا يزيد بن أبي إبراهيم، ثنا رزيق وكان عاملا لعمر بن عبد العزيز على أيلة أنه كتب إلى عمر بن عبد العزيز في عبد أبق وسرق، وذكر أن أهل الحجاز لا يقطعون العبد إذا سرق، فكتب إليه، كتبت

nor did any Muslim settle there, until after the beginning of Umar's rule. This is something of which no one with the slightest share of knowledge is ignorant. All the Companions who were in Iraq, Syria, and Egypt had continued to reside in Medina throughout the life of the Messenger of Allah ﷺ. Those of them who remained in Medina never had exclusive access to the Messenger of Allah to the exclusion of those who, after his death, peace be upon him, settled in Iraq, Syria, or Egypt. Thus the falsehood of those who sought to mislead by what we have mentioned is exposed, and praise belongs to Allah. It necessarily follows that the Companions who remained in Medina, may Allah be pleased with them, have no greater claim to our thinking well of their steadfast adherence to what they witnessed from the Prophet ﷺ than the other Companions in the provincial cities, nor have they any greater claim to knowledge than those others. Rather, all of them have rights that must be honored and are characterized by knowledge, religious devotion, and sincere concern for the Muslims.

Abu Muhammed said: This is the practice people followed, as Abdullah ibn Rabi narrated to us: Abdullah ibn Muhammed ibn Uthman narrated to us: Ahmad ibn Khalid narrated to us: Ali ibn Abd al-Aziz narrated to us: al-Hajjaj ibn al-Minhal narrated to us: Yazid ibn Abi Ibrahim narrated to us: Ruzayq, who was an official of Umar ibn Abd al-Aziz, narrated to us over Aylah, that he wrote to Umar ibn Abd al-Aziz concerning a slave who had absconded and stolen, mentioning that the people of the Hijaz do not cut off a slave's hand when he steals. He wrote back to him: "You wrote to me concerning a slave who absconded and stole, and it was mentioned that the people of the Hijaz do not cut off a runaway slave's hand when he steals. Yet Allah Most High says: 'If you stretch out your hand toward me to kill me, I shall not stretch out my hand toward you to kill you. Indeed, I fear Allah, Lord of the worlds.' If he has stolen an amount reaching a quarter of a dinar, then cut off his hand."

Ali said: Here Umar ibn Abd al-Aziz paid no regard to the practice of the people of the Hijaz and adopted the general applicability of the Quran, which it is impermissible to contravene.

Section on the Merit of Transmitting Prophetic Traditions Abundantly

إلي في عبد أبق وسرق، وذكر أن أهل الحجاز لا يقطعون الآبق إذا سرق، وأن الله تعالى يقول: {لئن بسطت إلي يدك لتقتلني مآ أنا بباسط يدي إليك لأقتلك إني أخاف لله رب لعالمين} فإن كان قد سرق قدر ما يبلغ ربع دينار فاقطعه. قال علي: فهذا عمر بن عبد العزيز لم يلتفت إلى عمل أهل الحجاز، وأخذ بعموم القرآن وهو الذي لا يجوز خلافه فصل في فضل الإكثار من الرواية للسنن قال علي واستغاث بعضهم إلى ذم الإكثار من الرواية، ونسبوا ذلك إلى عمر بن الخطاب، وذكروا الخبر عنه أنه لم يلتفت لرواية فاطمة بنت قيس في أن لا نفقة ولا سكنى للمبتوتة ثلاثا، وأنه قال: لا ندع كتاب ربنا وسنة نبينا لكلام امرأة لا ندري لعلها نسيت، وتوعد أبا موسى بضرب الظهر والبطن إن لم يأته بشاهد على ما حدث به من حكم الاستئذان. وإن أبا بكر الصديق لم يأخذ برواية المغيرة بن شعبة في ميراث الجدة. حتى شهد له بذلك محمد بن مسلمة، وأن عائشة أم المؤمنين لم تلتفت إلى قول أبي هريرة في المشي في خف واحد وقالت: لأحنثن أبا هريرة، ومشت في نعل واحدة. وأن عثمان حمل إليه محمد بن علي بن أبي طالب من عند أبيه كتاب حكم النبي صلى الله عليه وسلم في الزكاة فقال له أغنها عنا فرجع إلى أبيه فقال: ضع الصحيفة حيث وجدتها، وأن عمارا قال لعمر في حديث التيمم: أما والله يا أمير المؤمنين لئن شئت لما جعل الله لك علي من الحق ألا أحدث بذلك أبدا فعلت. فقال له عمر: لا، ولكن نوليك من ذلك ما توليت، وأن ابن عباس لم يلتفت لرواية أبي هريرة في الوضوء مما مست النار، ولا رواية الحكم بن عمرو الغفاري في الوضوء من فضل المرأة، ولا رواية علي في النهي عن المتعة، ولا رواية أبي سعيد الخدري في النهي عن الدرهم بالدرهمين يدا بيد، وابن عمر ذكرت له رواية أبي هريرة في كلب الزرع فقال: إن لأبي هريرة زرعا، وإن معاوية لم يلتفت لرواية عبادة بن الصامت، وأبي الدرداء في النهي عن الفضة بالفضة بتفاضل يدا بيد. فهؤلاء، أبو بكر وعثمان وعلي وعائشة وعمار وابن عباس وابن عمر ومعاوية ذكروا نحو

هذا أيضا عن نفر من التابعين. قال علي: وقولهم هذا دحض بالبرهان الظاهر، ولا حول ولا قوة إلا بالله العظيم، وهو أنه يقال لمن ذم الإكثار من الرواية أخبرنا عن الرواية لحديث رسول الله صلى الله عليه وسلم أخير هي أم شر ولا سبيل إلى وجه ثالث فإن قال: هي خير، فالإكثار من الخير خير، وإن قال: هي شر، فالقليل من الشر شر، وهم قد أخذوا منه بنصيب، فيلزمهم أن يعترفوا بأنهم يتعلمون الشر ويعلمون به، أما نحن فلسنا نقر بذلك، بل نقول: إن الإكثار منها لطلب ما صح هو الخير كله. وأيضا فنقول لهم: عرفونا حد الإكثار من الرواية المذمومة عندكم، لنعرف ما تكرهون، وحد غير الإكثار المستحب عندكم، فإن حدوا في ذلك حدا كانوا قد قالوا بالباطل {يأيها لذين آمنوا لا تتبعوا خطوات لشيطان ومن يتبع خطوات لشيطان فإنه يأمر بلفحشآء ولمنكر ولولا فضل لله عليكم ورحمته ما زكا منكم من أحد أبدا ولكن لله يزكي من يشآء ولله سميع عليم} وقالوا بلا برهان وبغير علم، وإن لم يحدوا في ذلك حدا كانوا قد حصلوا في أسخف منزلة، إذ لا يدرون ما ينكرون ولا يحسنون. وهذا هو الضلال ونعوذ بالله منه. وأيضا فيقال لهم: ما الذي جعل أن يكون ما رواه مالك من الحديث خيرا، ويكون ما رواه شرا دون أن تكون القصة معكوسة، ونحن نعوذ بالله من كل ذلك، بل الخير كله التفقه في الآثار والقرآن وضبط ما روي عن النبي صلى الله عليه وسلم وقد حض النبي صلى الله عليه وسلم على أن يبلغ عنه وهذا التفقه والنذرة التي أمر الله تعالى بها، وليت شعري، إذا كان الإكثار من الحديث شرا فأين الخير؟ أفي التقليد الذي لا يلزمه إلا جاهل أو فاسق؟ أم في التحكم في دين الله عز وجل بالآراء الفاسدة التي قد حذر الله تعالى منها وزجر النبي صلى الله عليه وسلم عنها وفخر بعضهم بأن مالكا كان يسقط من موطئه كل سنة وإنه لم يحدث بكثير مما كان عنده. قال علي: هذا فخر من يريد أن يمدح فيذم، ويريد أن يبني فيهدم، ولا يخلو ما حدث به

Ali said: Some of them resorted to condemning abundant transmission and attributed this to Umar ibn al-Khattab. They cited the report about him that he paid no regard to Fatimah bint Qays's transmission that a woman irrevocably divorced three times is entitled to neither maintenance nor lodging, and that he said: "We shall not abandon the Book of our Lord and the practice of our Prophet on account of the words of a woman—we do not know; perhaps she forgot." He also threatened Abu Musa with blows to his back and belly if he did not bring him a witness to what he had related concerning the ruling on seeking permission to enter; and that Abu Bakr al-Siddiq did not accept al-Mughirah ibn Shubah's transmission concerning a grandmother's inheritance until Muhammed ibn Maslamah testified to it in support of him; and that Aishah, Mother of the Believers, paid no regard to Abu Hurayrah's statement concerning walking in a single leather sock, saying, "I shall certainly cause Abu Hurayrah to break his oath," and walked in a single sandal; and that Muhammed ibn Ali ibn Abi Talib brought Uthman, from his father, a document containing the Prophet's ﷺ ruling on the obligatory alms, whereupon he said to him, "Spare us that." He returned to his father, who said, "Put the document where you found it." And that Ammar said to Umar, concerning the report about dry ablution: "By Allah, Commander of the Faithful, if you wish, in view of the right Allah has given you over me, I will never relate that again." Umar said to him: "No; rather, we leave you responsible for what you have undertaken." And that Ibn Abbas paid no regard to Abu Hurayrah's transmission concerning ablution after consuming what fire has touched, nor to al-Hakam ibn Amr al-Ghifari's transmission concerning ablution with water left over by a woman, nor to Ali's transmission concerning the prohibition of temporary marriage, nor to Abu Said al-Khudri's transmission concerning the prohibition of exchanging one dirham for two dirhams hand to hand. Ibn Umar was told of Abu Hurayrah's transmission concerning a dog kept for crops, and he said, "Abu Hurayrah has crops." And that Muawiyah paid no regard to the transmission of Ubadah ibn al-Samit and Abu al-Darda concerning the prohibition of exchanging silver for silver in unequal quantities hand to hand. Here, then, are Abu Bakr, Uthman, Ali, Aishah, Ammar, Ibn Abbas, Ibn Umar, and Muawiyah. They also related something similar about a number of the Successors.

مالك وما لم يحدث به من أن يكون حدث بالصحيح عنده، وترك ما لم يصح فقد أحسن. وكذا كل من حدث أيضا بما يصح عنده ممن ليس مالك بأعلم منه، ولا أروع كسفيان وشعبة والأوزاعي وأيوب وغيرهم، وأن يكون حدث بالسقيم وكتم الصحيح، وقد نزهه الله تعالى عن ذلك، لأن هذه صفة أفسق الفاسقين، أو يكون حدث بسقيم وصحيح، وكتم صحيحا وسقيما، فمن فعل ذلك فهو آثم وملعون لكتمانه علما صحيحا عنده، فبطل ما أرادوا يمدحوه به، وعاد ذما عظيما لو صح عليه ذلك، وأعوذ بالله من ذلك. وبرهان آخر يوضح كذب من قال هذا، وهو أن الموطأ ألفه مالك رضي الله عنه بعد موت يحيى بن سعيد الأنصاري بلا شك، ومات يحيى بن سعيد في سنة ثلاث وأربعين ومائة. ولسنا نقول هذا بظننا بل يقينا، فهكذا روينا بإسناد متصل إلى يحيى بن سعيد القطان أنه قال: لقينا مالكا قبل أن يصنف، ولقيناه سنة اثنتين وأربعين ومائة بعد موت موسى بن عقبة بسنة، ولم يزل الموطأ يروى عن مالك منذ ألفه، طائفة بعد طائفة، وأمة بعد أمة، وآخر من رواه عنه من الثقات أبو المصعب الزهري لصغر سنه، وعاش بعد موت مالك ثلاثا وستين سنة، وموطؤه أكمل الموطآت، لأنه فيه خمسمائة حديث وتسعين حديثا بالمكرر أما بإسقاط التكرار فخمسمائة حديث وتسعة وخمسون حديثا، وكان سماع ابن وهب للموطأ من مالك قبل سماع أبي المصعب بدهر، وكذلك سماع ابن القاسم، ومعن بن عيسى، وليس في موطأ ابن القاسم إلا خمسمائة حديث وثلاثة أحاديث، وفي موطأ ابن وهب كما في موطأ أبي المصعب ولا مزيد فبان كذب هذا القائل، والحمد لله رب العالمين قال علي ولئن كان جميع حديث النبي صلى الله عليه وسلم مذموما فإن مالكا لمن أول من فعل ذلك فإن أول من ألف في جمع الحديث فحماد بن سلمة، ومعمر، ثم مالك، ثم تلاهم الناس، وأما نحن فإننا نحمد ذلك من فعلهم. ونقول: إن لهم ولمن فعل فعلهم في ذلك أعظم الأجر لعظيم ما قيدوا من السنن، وكثيرا ما بينوا من الحق، وما رفعوا من الإشكال

Ali said: This argument of theirs is refuted by evident demonstration—and there is neither power nor strength except through Allah the Magnificent. It is this: one who condemns abundant transmission is to be asked, "Tell us about transmitting the reports of the Messenger of Allah ﷺ: is it good or evil?" There is no possible third alternative. If he says, "It is good," then an abundance of good is good. If he says, "It is evil," then even a little evil is evil. They themselves have taken a share of it, so they must acknowledge that they learn evil and teach it. As for us, we do not admit this. Rather, we say that abundant transmission in pursuit of what is authentic is entirely good. We also say to them: "Tell us the boundary of the abundant transmission you consider blameworthy, so that we may know what you disapprove of, and the boundary of the less abundant transmission you consider commendable." If they establish a boundary for this, they will have spoken falsely: "O you who believe, do not follow the footsteps of Satan. Whoever follows the footsteps of Satan—indeed, he commands indecency and wrongdoing. Were it not for Allah's bounty toward you and His mercy, not one of you would ever have become pure; but Allah purifies whom He wills, and Allah is All-Hearing, All-Knowing." And they will have spoken without demonstration and without knowledge. If they find no boundary for this, they will have landed in the most foolish position, since they do not know what they condemn or what they approve. This is error, and we seek refuge in Allah from it. They are also to be asked: "What makes the reports Malik transmitted good, and what he transmitted evil, rather than the case being reversed?" And we seek refuge in Allah from all of that. Rather, all good lies in acquiring understanding of the transmitted reports and the Quran, and accurately preserving what has been related from the Prophet ﷺ. The Prophet ﷺ urged that his words be conveyed on his authority, and this is the acquisition of understanding and the giving of warning that Allah Most High commanded. I would dearly like to know: if abundant transmission of reports is evil, where is the good? Is it in uncritical adherence, to which only an ignorant person or a flagrantly sinful person binds himself, or in making arbitrary judgments in the religion of Allah, Mighty and Majestic, through corrupt opinions against which Allah Most High has warned and which the Prophet ﷺ has forbidden?

Some of them boasted that Malik used to remove material from his Muwatta every year and that he did not transmit much of what he possessed.

Ali said: This is the boasting of someone who intends to praise but instead disparages, and intends to build but instead demolishes. What Malik transmitted and what he did not transmit must fall into one of the following cases. Either he transmitted what he regarded as authentic and left aside what was not authenticated, in which case he did well. So too did everyone else who transmitted what he regarded as authentic, among those than whom Malik was neither more knowledgeable nor more formidable, such as Sufyan, Shubah, al-Awzai, Ayyub, and others. Or he transmitted unsound material and concealed authentic material—something from which Allah Most High has kept him free, for this is the characteristic of the most flagrantly sinful of sinners. Or he transmitted both unsound and authentic material and concealed both authentic and unsound material. Whoever does that is sinful and accursed for concealing knowledge he regards as authentic. Thus what they intended to praise him for is invalidated and would amount to grave disparagement if that were established against him. I seek refuge in Allah from that.

There is another demonstration that makes clear the falsehood of whoever said this: Malik, may Allah be pleased with him, composed the Muwatta after the death of Yahya ibn Said al-Ansari, without doubt. Yahya ibn Said died in the year one hundred and forty-three. We do not say this on the basis of our conjecture, but with certainty. For this is how we have transmitted it through an uninterrupted chain of transmission to Yahya ibn Said al-Qattan, who said: "We met Malik before he composed and we met him in the year one hundred and forty-two, a year after the death of Musa ibn Uqbah." Ever since Malik composed the Muwatta, it has continued to be transmitted from him by group after group and community after community. The last trustworthy transmitter to relate it from him was Abu al-Musab al-Zuhri, owing to his youth, and he lived sixty-three years after Malik's death. His version of the Muwatta is the most complete of the versions of the Muwatta, because it contains five hundred and ninety hadiths, counting repetitions; with repetitions excluded, however, there are five hundred and fifty-nine hadiths. Ibn

في الدين، وما فرجوا بما كتبوا من حكم الاختلاف، فمن أعظم أجرا منهم، جعلنا الله بمنه ممن تبعهم في ذلك بإحسان آمين. وأما رد عمر رضي الله عنه لحديث فاطمة بنت قيس فقد خالفته فاطمة وهي من المبايعات المهاجرات للصواحب، فهو تنازع من أولي الأمر ليس قول أولى من قولها، ولا قولها أولى من قوله، إلا بنص والنص موافق لقول فاطمة، وعمر مجتهد مخطىء في رد ذلك، مأجور مرة ولا تعلق للمالكيين بهذا الخبر، لأنهم خالفوا رواية فاطمة وخالفوا قول عمر، فلم يتعلقوا بأحدهما. وأما ما ذكروا من نهي عمر رضي الله عنه في الإكثار من الحديث عن النبي صلى الله عليه وسلم فحدثنا محمد بن سعيد ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، ثنا الخشن، ثنا بندار، ثنا عبد الرحمن بن مهدي، ثنا شعبة عن بيان عن الشعبي عن قرظة هو ابن كعب الأنصاري قال شيعنا عمر بن الخطاب رضي الله عنه إلى صرار فانتهى إلى مكان فتوضأ فيه فقال أتدرون لما شيعتكم قلنا لحق الصحبة قال إنكم ستأتون قوم تهتز ألسنتهم بالقرآن كاهتزاز النخل فلا تصدروهم بالحديث عن رسول الله صلى الله عليه وسلم وأنا شريككم قال قرظة فما حدثت بشيء بعد ولقد سمعت كما سمع الصحابي. فهذا لم يذكر فيه الشعبي أنه سمعه من قرظة، وما نعلم أن الشعبي لقي قرظة ولا سمع منه، بل لا شك في ذلك، لأن قرظة رضي الله عنه مات والمغيرة بن شعبة أمير الكوفة.

Wahb heard the Muwattaʾ from Malik long before Abu al-Musʿab heard it, and likewise Ibn al-Qasim and Maʿn ibn ʿIsa heard it earlier. Ibn al-Qasim's Muwattaʾ contains only five hundred and three hadiths, while Ibn Wahb's Muwattaʾ contains just what Abu al-Musʿab's Muwattaʾ contains, with nothing additional. Thus the falsehood of this speaker has become plain. Praise belongs to Allah, Lord of the worlds.

ʿAli said: If all the hadith of the Prophet ﷺ is indeed blameworthy, then Malik was certainly among the first to do that, for the first to compose works collecting hadith were Hammad ibn Salamah and Maʿmar, then Malik, and then people followed them. As for us, we praise them for doing this, and we say that they, and those who have done as they did in this respect, have the greatest reward, for the immense body of prophetic practices they recorded, the abundant truth they clarified, the difficulties in religion they removed, and the relief they afforded through the judgments concerning disagreement that they wrote down. Who, then, has a greater reward than they? May Allah, through His graciousness, make us among those who follow them in this with excellence. Amen.

As for ʿUmar's rejection—may Allah be pleased with him—of the hadith of Fatimah bint Qays, Fatimah disagreed with him, and she was among the women who pledged allegiance and emigrated, among the female Companions. This is therefore a dispute between persons vested with authority. His statement has no priority over hers, nor hers over his, except by an authoritative text. The authoritative text accords with Fatimah's statement, while ʿUmar exercised independent judgment and erred in rejecting it, receiving one reward. The Malikis have no grounds for appealing to this report, because they have contradicted both Fatimah's transmission and ʿUmar's statement: they have adhered to neither.

As for their mention of ʿUmar's prohibition—may Allah be pleased with him—against narrating many hadiths from the Prophet ﷺ, Muhammed ibn Saʿid related to us: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Bundar related to us: ʿAbd al-Rahman ibn Mahdi related to us: Shuʿbah related to us, from Bayan, from al-Shaʿbi, from Qarazah—that is, Ibn Kaʿb al-Ansari—who said: "'Umar ibn

al-Khattab, may Allah be pleased with him, accompanied us on our departure as far as Sirar. He reached a place and performed ablution there, then said: 'Do you know why I have accompanied you on your departure?' We said: 'Because of the obligation of companionship.' He said: 'You will come to a people whose tongues sway with the Quran as palm trees sway. Do not turn them away through narrating hadith from the Messenger of Allah ﷺ. I share responsibility with you.'" Qarazah said: "After that I narrated nothing, although I had heard just as the Companion had heard." Now, in this al-Shaʿbi did not state that he heard it from Qarazah. We do not know that al-Shaʿbi ever met Qarazah or heard from him. Indeed, there is no doubt about this,

because Qarazah, may Allah be pleased with him, died while al-Mughirah ibn Shuʿbah was governor of Kufah[150][151][152][153][154][155][156][157][158][159][160][161]

[150]**Translator's note (L712):** A saʿ is a measure of capacity; the Arabic unit has been retained to preserve the report's exact quantities. In the supplied transmission chain, قال حميد أنبأ has an awkward word order. It is rendered as "who said: Humayd reported to us," without altering the named transmitters.

[151]**Translator's note (L715):** The supplied مستحيلا للتلبيس is anomalous in context. The translation reflects the probable intended reading مستحلا للتلبيس, "deeming deception permissible"; the supplied form does not clearly express that meaning.

[152]**Translator's note (L718):** The Quranic quotation supplied is Quran 5:28, concerning one brother's refusal to kill the other. It does not concern theft or amputation, despite the argument surrounding it. The quotation has been translated as supplied without substitution.

[153]**Translator's note (L720):** "I shall certainly cause Abu Hurayrah to break his oath" renders لأحنثن أبا هريرة literally. No oath by Abu Hurayrah is stated in this passage.

[154]**Translator's note (L721):** The unvocalized ويعلمون به is read here as "and teach it," with به referring to the evil just mentioned; "and become knowledgeable in it" is also grammatically possible.

[155]**Translator's note (L722):** The supplied text inserts Quran 24:21 between "they will have spoken falsely" and "and they will have spoken without demonstration and without knowledge." Its placement is abrupt; it has been retained in full.

[156]**Translator's note (L723):** The supplied wording repeats "what he transmitted" without naming another transmitter or adding a qualification to distinguish the allegedly evil reports from Malik's reports. The apparent omission has not been repaired. The phrase ولا يحسنون is understood here as "or what they approve," parallel to "what they condemn"; it can also mean "nor do they do well."

[157]**Translator's note (L724):** The supplied أروع means "more formidable" or "more awe-inspiring." In this context "more scrupulous" would be expected, but that would require أورع; the supplied reading has not been silently corrected.

[158]**Translator's note (L726):** The report dates a meeting with Malik before his composition of the work to 142 AH. This does not by itself establish the preceding claim that he composed it after Yahya ibn Said al-Ansari's death in 143 AH; the dates and argument have been preserved as supplied.

L730–734 This is mentioned in the established report with a connected chain of transmission. The first person over whom ritual lamentation was performed in Kufah was Qarazah ibn Kaʿb, and on that occasion al-Mughirah mentioned a report concerning ritual lamentation, with a connected chain of transmission. Al-Mughirah unquestionably died in the year fifty, when al-Shaʿbi was still close to childhood. There is therefore no doubt that he never met Qarazah at all, and this report consequently falls. Indeed, some scholars of historical reports have mentioned that Qarazah ibn Kaʿb died while ʿAli, may Allah's good pleasure be upon him, was in Kufah. It is thus established with certainty that al-Shaʿbi never met Qarazah at all, nor understood a single word from him.

Ahmad ibn Muhammed ibn al-Jasur also related to us: Muhammed ibn ʿIsa ibn Rifaʿah related to us: ʿAli ibn ʿAbd al-ʿAziz related to us: Abu ʿUbayd related to us: Abu Bakr—that is, Ibn ʿAyyash—related to us, from Abu Hasin, who traces it back to ʿUmar, that when he dispatched the people to Iraq, he said: "Keep the Quran on its own, and narrate little from the Messenger of Allah ﷺ. I share responsibility with you."

Abu Muhammed said: Abu Hasin was not born until long after ʿUmar's death. The earliest authorities from whom he transmitted were Ibn ʿAbbas and al-Shaʿbi.

ʿAli said: It has also been transmitted concerning him, may Allah be pleased with him, that he detained Ibn Masʿud on account of narrating hadith from

هذا مذكور في الخبر الثابت المسند، وأول من نيح عليه بالكوفة قرظة بن كعب. فذكر المغيرة عنده ذلك خبرا مسندا في النوح، ومات المغيرة سنة خمسين بلا شك، والشعبي أقرب إلى الصبا، فلا شك في أنه لم يلق قرظة قط فسقط هذا الخبر، بل قد ذكر بعض أهل العلم بالأخبار أن قرظة بن كعب مات وعلي رضوان الله عليه بالكوفة فصح يقينا أن الشعبي لم يلق قط قرظة ولا عقل عنه كلمة، وحدثنا أيضا أحمد بن محمد بن الجسور، ثنا محمد بن عيسى بن رفاعة، ثنا علي بن عبد العزيز، ثنا أبو عبيد، ثنا أبو بكر هو ابن عياش عن أبي حصين، يرفعه إلى عمر أنه حين وجه الناس إلى العراق، قال جردوا القرآن وأقلوا الراوية عن رسول الله صلى الله عليه وسلم وأنا شريككم قال أبو محمد وأبو حصين لم يولد إلا بعد موت عمر بدهر، وأعلى من عنده ابن عباس والشعبي. قال علي: وروي عنه أيضا أنه رضي الله عنه: أنه حبس ابن مسعود من أجل الحديث عن النبي صلى الله عليه وسلم كما روينا بالسند المذكور إلى بندار ثنا غندر، ثنا شعبة عن سعد بن إبراهيم بن عبد الرحمن بن عوف، عن أبيه قال: قال عمر لابن مسعود، ولأبي الدرداء وأبي ذر ما هذا الحديث على رسول الله صلى الله عليه وسلم قال وأحسبه أنه لم يدعهم أن يخرجوا من المدينة حتى مات قال علي هذا مرسل ومشكوك فيه من شعبة فلا يصح ولا يجوز الاحتجاج به ثم هو في نفسه ظاهر الكذب والتوليد، لأنه لا يخلو عمر من أن يكون اتهم الصحابة، وفي هذا ما فيه، أو يكون نهى عن نفس الحديث وعن تبليغ سنن رسول الله صلى الله عليه وسلم إلى المسلمين وألزمهم كتمانها وجحدها وأن لا يذكروها لأحد، فهذا خروج عن الإسلام، وقد أعاذ الله أمير المؤمنين من كل ذلك، ولئن كان سائر الصحابة متهمين في الكذب على النبي صلى الله عليه وسلم فما عمر إلا واحد منهم وهذا قول لا يقوله مسلم أصلا، ولئن كان حسبهم وغيرهم متهمين لقد ظلمهم، فليختر المحتج لمذهبه الفاسد بمثل هذه

[159] **Translator's note (L727):** The opening count continues a sentence from the preceding segment. The supplied جميع حديث means "all the hadith," but the ensuing discussion of collecting hadith strongly suggests a transcription error for جمع حديث, "collecting hadith." The translation preserves the supplied reading. للصواحب is awkward in the description of Fatimah. "Among the female Companions" renders its apparent intended relationship without treating the wording as secure.

[160] **Translator's note (L728):** The supplied name الخشن is rendered al-Khushani, although its written form lacks the final letter normally found in that name. فلا تصدروهم is an unusual reading here. "Do not turn them away" gives its apparent contextual sense; the wording may be corrupt. The singular "the Companion" follows the supplied الصحابي, although its reference is unclear. The final phrase continues directly into the next segment.

[161] **Qur'an references (L712):** Qur'an 5:28 (Al-Ma'idah).

the Prophet ﷺ, as we transmitted through the aforementioned chain to Bundar: Ghundar related to us: Shuʿbah related to us, from Saʿd ibn Ibrahim ibn ʿAbd al-Rahman ibn ʿAwf, from his father, who said: "'Umar said to Ibn Masʿud, Abu al-Darda', and Abu Dharr: 'What is all this narration concerning the Messenger of Allah ﷺ?'" He said: "And I think that he did not allow them to leave Medina until he died."

ʿAli said: This has a disconnected chain of transmission, and Shuʿbah expresses doubt about it. It is therefore unsound, and it is not permissible to use it as evidence. Moreover, the report itself is plainly a lie and a fabrication, because ʿUmar must either have suspected the Companions—and that carries the implications it carries—or have prohibited narration itself and the communication of the practices of the Messenger of Allah ﷺ to the Muslims, obliging them to conceal and deny them and not mention them to anyone. This would constitute departure from Islam. Allah has protected the Commander of the Faithful from all of that. And if the rest of the Companions were suspected of lying about the Prophet ﷺ, then ʿUmar was only one of them and this is something no Muslim would ever say And if he deemed them and others suspect, he certainly wronged them. Let the person who adduces such accursed transmissions in support of his corrupt doctrine choose whichever of these two vile courses he wishes; he must necessarily adopt one of them. The meaning of ʿUmar's prohibition—may Allah be pleased with him—against narrating from the Messenger of Allah ﷺ, if it were authentic, is plain in the hadith we cited through Qarazah. He prohibited only the narration of reports about bygone nations and similar matters. As for narrating the practices of the Prophet ﷺ, prohibiting that is sheer—and this is something a Muslim may not suppose of ordinary Muslims below ʿUmar, so how could he suppose it of ʿUmar, may Allah be pleased with him?

The evidence for what we have said is that ʿUmar narrated many hadiths from the Prophet ﷺ. If narrating from him, peace be upon him, were reprehensible, then ʿUmar took a most abundant share of that. A Muslim may not suppose that ʿUmar, may Allah be pleased with him, prohibited something and then did it himself. For more than five hundred hadiths have been transmitted from him, may Allah's good pleasure be upon him, despite

الروايات الملعونة أي الطريقتين الخبيثتين شاء، ولا بد له من أحدهما، وإنما معنى نهي عمر رضي الله عنه من الحديث عن رسول الله صلى الله عليه وسلم لو صح فهو بين في الحديث الذي أوردناه من طريق قرظة، وإنما نهى عن الحديث بالأخبار عمن سلف من الأمم وعما أشبه وأما بالسنن عن النبي صلى الله عليه وسلم فإن النهي عن ذلك هو مجرد وهذا ما لا يحل لمسلم أن يظنه ممن دون عمر من عامة المسلمين، فكيف بعمر رضي الله عنه. ودليل ما قلنا أن عمر قد حدث بحديث كثير عن النبي صلى الله عليه وسلم فإن كان الحديث عنه عليه السلام مكروها فقد أخذ عمر من ذلك بأوفر نصيب ولا يحل لمسلم أن يظن بعمر رضي الله عنه أنه نهى عن شيء وفعله، لأنه قد روي عنه رضوان الله عليه خمسمائة حديث ونيف على قرب موته من موت النبي صلى الله عليه وسلم فصح أنه كثير الرواية والحديث عن النبي صلى الله عليه وسلم وما في الصحابة أكثر رواية عن النبي صلى الله عليه وسلم من عمر بن الخطاب إلا بضعة عشر منهم فقط فصح أنه قد أكثر الرواية عن النبي صلى الله عليه وسلم فصح بذلك التأويل الذي ذكرنا لكلامه رضي الله عنه، وهكذا القول فيما روي من ذلك عن معاوية رضي الله عنه، ولا فرق. وقد جاء ما قلناه عن عمر رضي الله نصا دون تأويل، كما أنبأ عبد الله بن ربيع، ثنا محمد بن معاوية القرشي، ثنا ابن خليفة الفضل بن الحباب الجمحي قال: ثنا أبو الوليد هشام بن عبد الملك الطيالسي، ثنا الليث بن سعد، عن يزيد بن أبي حبيب، عن بكير بن عبد الله بن الأشج أن عمر بن الخطاب قال: سيأتي قوم يجادلونكم بشبهات القرآن فخذوهم بالسنن، فإن أصحاب السنة أعلم بكتاب الله عز وجل. قال علي: وقد صح بهذا أن عمر أمر بتعليم السنن، وأخبر أنها تبين القرآن فصح ما قلناه يقينا بلا مرية، وارتفع اللبس، والحمد لله رب العالمين.

how close his death was to the death of the Prophet ﷺ. It is thus established that he transmitted and narrated abundantly from the Prophet ﷺ. Among the Companions, only some thirteen to nineteen of them transmitted more from the Prophet ﷺ than ʿUmar ibn al-Khattab. It is therefore established that he narrated abundantly from the Prophet ﷺ, and this establishes the interpretation we have given of his words, may Allah be pleased with him.

The same applies, without any difference, to what has been transmitted in this regard from Muʿawiyah, may Allah be pleased with him. What we have said has also come from ʿUmar, may Allah be pleased, in explicit wording requiring no interpretation, as ʿAbd Allah ibn Rabiʿ informed us: Muhammed ibn Muʿawiyah al-Qurashi related to us: Ibn Khalifah, al-Fadl ibn al-Hubab al-Jumahi, related to us, saying: Abu al-Walid Hisham ibn ʿAbd al-Malik al-Tayalisi related to us: al-Layth ibn Saʿd related to us, from Yazid ibn Abi Habib, from Bukayr ibn ʿAbd Allah ibn al-Ashajj, that ʿUmar ibn al-Khattab said: "People will come who dispute with you using ambiguous passages of the Quran. Hold them to the prophetic practices, for those versed in the prophetic practice know Allah's Book better, mighty and majestic is He."

ʿAli said: This establishes that ʿUmar commanded the teaching of the prophetic practices and stated that they explain the Quran. What we have

said is thus established with certainty, without doubt; the confusion is removed, and praise belongs to Allah, Lord of the worlds.[162][163][164]

L735–740 And more astonishing than all of this is that the Malikis who argue that ʿUmar, may Allah be pleased with him, detained Ibn Masʿud, Abu Musa, and Abu al-Dardaʾ in Medina for narrating hadith abundantly ought to call themselves to account and say: "If ʿUmar reproached Ibn Masʿud, Abu Musa, and Abu al-Dardaʾ for abundantly narrating hadith and imprisoned them for that, although they were among the greatest Companions and the upright men of the community, while Ibn Masʿud has only eight hundred and some additional hadiths, and Abu al-Dardaʾ only a hundred and some additional hadiths, and perhaps fewer than half of these two totals are authentically transmitted from them—what would he have done to Malik had he seen his Muwaṭṭaʾ, in which he collected eight hundred and thirty-odd hadiths, including reports with chains reaching the Prophet and reports omitting the Companion? How far do you imagine he would have gone with him, when, according to your lying allegation, he censured the Companions for fewer than this number? If these people had religion or reason, would it not have restrained them from venturing to censure the Companions, may Allah be pleased with them, for something of which they permit their own master an

وأعجب من هذا كله: أن المالكيين المحتجين بأن عمر رضي الله عنه حبس ابن مسعود، وأبا موسى وأبا الدرداء بالمدينة، على الإكثار من الحديث ينبغي لهم أن يحاسبوا أنفسهم فيقولوا: إذا أنكر عمر على ابن مسعود وأبي موسى وأبي الدرداء، الإكثار من الحديث، وسجنهم على ذلك، وهم أكابر الصحابة وعدول الأمة، وليس لابن مسعود إلا ثمانمائة حديث ونيف، وليس لأبي الدرداء إلا مائة حديث ونيف، لعله لا يصح عنهما إلا أقل من نصف هذين العددين ماذا كان يصنع بمالك لو رأى موطأه، قد جمع فيه ثمانمائة حديث ونيفا وثلاثين حديثا من مسند ومرسل؟ أين كنتم ترونه يبلغ به وهو ينكر على الصحابة بزعمكم الكاذب دون هذا العدد؟ فلو كان لهؤلاء القوم دين أو عقل أما كان يحجزهم عن الإقدام على الإنكار على الصحابة رضوان الله عليهم أمرا يجيزون لصاحبهم أكثر منه؟ إن هذا لعجب. وأما الحنفيون: فقد طردوا أصلهم ههنا، لأن صاحبهم أقل الحديث ولم يطلبه بكثرة خطئه وقلة حديثه، وحسبنا الله ونعم الوكيل، والرواية في حبس ابن مسعود في ذلك عنه ضعيفة، وإنما صح أنه تشدد في الحديث كما ذكرنا، وكان يكلف من حدثه بحديث أن يأتي بآخر سمعه معه، وإنما فعل ذلك اجتهادا منه، وقد أنكره عليه أبي، فرجع عمر عن ذلك، وذلك مذكور في حديث الاستئذان، وحتى لو صح ذلك عن عمر ومعاوية فقد خالفهما في ذلك أبي وعبادة، وبلغ ذلك بأحدهما إلى أن حلف ألا يساكنه في بلد واحد، فمن جعل قول معاوية أولى من قول عبادة وأبي الدرداء؟. وأما الرواية عن أبي بكر الصديق رضي الله عنه: أنه لم يقنع بقول المغيرة وروايته فمنقطعة لا تصح، ولو صحت لما كان لهم فيها حاجة. لأنهم يقولون بخبر الواحد إذا وافقهم ولا معنى لطلب راو آخر فالذي يدخل خبر الواحد يدخل خبر الاثنين، ولا فرق إلا أن يفرق بين ذلك نص فيوقف عنده. وأما

[162] **Translator's note (L731):** The source has the redundant construction "that he, may Allah be pleased with him, that he detained"; its repeated function is represented by a single English construction. مرسل is rendered "has a disconnected chain of transmission," reflecting the author's objection that the report does not establish direct transmission from ʿUmar.

[163] **Translator's note (L733):** حسبهم is read as "deemed them." The resulting argument overlaps awkwardly with the preceding alternative; the supplied reading has been retained. The final clause continues in the next segment.

[164] **Translator's note (L734):** هو مجرد, literally "is sheer" or "is bare," lacks a complement in the supplied text. The translation leaves this visibly incomplete rather than supplying a conjecture such as "unbelief." بضعة عشر denotes an unspecified number from thirteen to nineteen; the translation retains that range. The salutation رضي الله after ʿUmar is incomplete in the supplied text; its fragment is translated without adding "with him." The transmitter is supplied as ابن خليفة, "Ibn Khalifah." This appears to be an error for أبو خليفة, "Abu Khalifah," the designation of al-Fadl ibn al-Hubab, but the translation retains the supplied wording.

even greater amount? This is astonishing indeed! As for the Hanafis, they have applied their principle consistently here, for their master transmitted little hadith and did not seek it out, with his many errors and his few hadiths. Allah is sufficient for us, and an excellent Trustee He is.

The report from him concerning the imprisonment of Ibn Masʿud over this is weak. What is authentically established is only that he was exacting concerning hadith, as we have mentioned. He would require anyone who related a hadith to him to bring another person who had heard it with him. He did this only as an exercise of his own independent judgment. Ubayy objected to his doing so, and ʿUmar withdrew from it. This is mentioned in the hadith concerning seeking permission to enter. Even if this were authentically established concerning ʿUmar and Muʿawiyah, Ubayy and ʿUbadah opposed them in this, and the matter went so far with one of them that he swore he would not live in the same town as him. Who, then, made Muʿawiyah's statement more entitled to acceptance than the statement of ʿUbadah and Abu al-Darda'?

As for the report concerning Abu Bakr al-Ṣiddiq, may Allah be pleased with him, that he was not satisfied with al-Mughirah's statement and transmission, its chain is interrupted and it is not authentic. Even if it were deemed authentic, they would have no use for it, since they accept a solitary report when it agrees with them, and there is no point in seeking another transmitter. For whatever affects a report from one transmitter affects a report from two transmitters, and there is no difference unless a textual authority distinguishes between them, in which case one must stop at its limits. As for the report concerning ʿA'ishah, Mother of the Believers, they have merely created a misleading impression by adducing it, and it provides them with no proof. For she never said that she did not believe Abu Hurayrah, nor that she considered it permissible to reject the ruling of the Messenger of Allah, may Allah bless him and grant him peace. She was merely told that Abu Hurayrah forbade walking in a single sandal, and she said, "I shall certainly make Abu Hurayrah break his oath." She did well and acted rightly. Had there been nothing in this matter beyond Abu Hurayrah's own statement, accepting it would not have been obligatory.

الرواية عن عائشة أم المؤمنين، فإنما موهوا بإيرادها ولا حجة لهم فيها، لأنها لم تقل قط أنها لم تصدق أبا هريرة ولا أنها تستجيز رد حكم رسول الله صلى الله عليه وسلم وإنما ذكر لها أن أبا هريرة ينهى عن المشي في نعل واحد فقالت: لأحنث أبا هريرة وأحسنت وبرت. فلو لم يكن في هذا إلا قول أبي هريرة لما لزم الأخذ به وأما خبر عثمان فلا ندري على أي وجه أورده والذي نظن بعثمان أنه كان عنده عن النبي صلى الله عليه وسلم رواية في صفة الزكاة استغنى بها عما عند علي بل نقطع بهذا عليه قطعا، ولا وجه لذلك الخبر سوى هذا أو المجاهرة بخلاف النبي صلى الله عليه وسلم وقد أعاذه الله من ذلك فإن صاروا إلى توجيهنا، بطل تعلقهم بهذا الخبر. وإن وجهوه على هذا الوجه الآخر، لحقوا بالروافض ونسبوا إلى عثمان الكفر أو الفسق، وقد برأه الله من ذلك وأن من نسب إليه لأولى به من عثمان بلا شك. وأما قول عمار لعمر: فيعيذ الله عمارا من أن يستجيز جحد سنة عنده عن النبي صلى الله عليه وسلم موافقة لرأي عمر هذه صفة توجب الكفر لمن استحلها ويوجب الفسق لمن فعلها غير مستحل لها، لا يختلف في ذلك اثنان من أهل الإسلام، مع مجيء النص بذلك فيمن يكتم حكم الله تعالى أو يخالفه. وإنما قال ذلك عمار مبكتا لعمر إذ خالفه، بمعنى أترى لي أن أكتم هذا الخبر نعم إن شئت كما قال تعالى {إن لذين يلحدون في آياتنا لا يخفون علينآ أفمن يلقى في لنار خير أم من يأتي آمنا يوم لقيامة عملوا ما شئتم إنه بما تعملون بصير} أو غير هذا، وهو في الخبر ذكر أن عمر أجنب فلم يصل، فهذا الذي أراد عمار كتمانه، وأنه لا يحدث به أبدا لواجب حق عمر عليه وهذا مباح إذ ليس ذكر اسم عمر في ذلك من السنن، ولا له فائدة، لكن عمر رضي الله عنه لم يفسح له في ذلك بل ولاه من التصريح باسمه في ذلك ما تولى.

As for the report concerning ʿUthman, we do not know on what interpretation he adduced it. What we suppose concerning ʿUthman is that he possessed a transmission from the Prophet, may Allah bless him and grant him peace ﷺ, concerning the manner of paying obligatory alms, which rendered him independent of what ʿAli possessed. Indeed, we affirm this concerning him with complete certainty. There is no possible interpretation of that report except this, or openly opposing the Prophet, may Allah bless him and grant him peace ﷺ; and Allah has protected him from that. If they adopt our interpretation, their reliance on this report becomes invalid. If they interpret it in that other way, they join the Rejecters and attribute unbelief or grave disobedience to ʿUthman, although Allah has exonerated him of that. Whoever attributes it to him is, without doubt, more deserving of it than ʿUthman.

As for ʿAmmar's statement to ʿUmar, may Allah protect ʿAmmar from considering it permissible to deny a Prophetic practice he possesses from the Prophet, may Allah bless him and grant him peace ﷺ, in order to conform to ʿUmar's opinion. Such conduct entails unbelief for anyone who deems it lawful, and grave disobedience for anyone who does it without deeming it lawful. No two Muslims disagree about this, especially with the textual authority that has come concerning anyone who conceals Allah Most High's ruling or contravenes it. ʿAmmar said this only to rebuke ʿUmar when he disagreed with him, meaning: "Do you think I should conceal this report? Yes, if you wish!" This is like His saying, exalted is He: "Indeed, those who deviate concerning Our signs are not hidden from Us. Is someone cast into the Fire better, or someone who comes secure on the Day of Resurrection? Do whatever you wish; indeed, He sees what you do."

Or there is another interpretation: the report mentions that ʿUmar entered a state of major ritual impurity and did not pray. This was what ʿAmmar wished to conceal and never relate, because of the regard he owed ʿUmar. This is permissible, since mentioning ʿUmar's name in that connection is neither part of the transmitted Prophetic practices nor of any benefit. But ʿUmar, may Allah be pleased with him, did not allow him that; instead, he

left him responsible for such explicit mention of his name in that matter as he undertook.[165][166][167][168][169]

L741–748 As for Ibn ʿAbbas, he transmitted a report through Maymunah concerning the water left over by a woman and based his position upon it. Concerning temporary marriage, he transmitted a permission he had witnessed and maintained that position without examining the matter thoroughly. ʿAli ibn Abi Talib objected to this and spoke harshly to him. Concerning exchanging one dirham for two dirhams, a report was transmitted from Usamah, from the Prophet, may Allah bless him and grant him peace ﷺ, and he maintained his position on its basis. Abu Saʿid objected to this and spoke very harshly to him. He countered al-Ḥakam's report concerning the water left over by a woman with nothing more than his statement, "She has more delicate fingers and a more pleasant scent." This contains no rejection of the hadith or its ruling; rather, he spoke truthfully in that. Abu Hurayrah disagreed with him concerning performing ablution after consuming what fire has touched, and concerning washing the hand three times before putting it into the vessel,

وأما ابن عباس فإنه روى في فضل المرأة من طريق ميمونة خبرا بنى عليه وروى في المتعة إباحة شهدها فثبت عليها ولم يحقق النظر، وقد أنكر ذلك عليه علي بن أبي طالب وأغلظ عليه القول وروي في الدرهم بالدرهمين خبرا عن أسامة عن النبي صلى الله عليه وسلم فثبت عليه وأنكر عليه ذلك أبو سعيد وأغلظ له في القول جدا، ولم يعارض خبر الحكم في فضل المرأة بأكثر من أن قال: هي ألطف بنانا، وأطيب ريحا، فليس في هذا رد للحديث ولا لحكمه، بل صدق في ذلك، وقد خالفه في الوضوء مما مست النار، وفي غسل اليد ثلاثا قبل إدخالها في الإناء أبو هريرة وأغلظ له في القول فليت شعري من جعل قول ابن عباس أولى من قول علي وأبي هريرة والحكم بن عمرو وأبي سعيد؟. وأما قول ابن عمر: إن لأبي هريرة زرعا، فصدق وليس في هذا رد لرواية أبي هريرة أصلا، فإذا لم يبق من جميع ما اعترضوا به إلا اختلاف الصحابة في بعض ذلك مما صح وثبت، فالواجب الرد المفترض الذي لا يحل سواه هو الرد في ذلك إلى الله تعالى وإلى النبي صلى الله عليه وسلم إذ كان صاحب في ذاته فغير مبعد عنه الوهم لا سيما إذا اختلفوا فمضمون أن أحد القولين خطأ، فوجدنا الله تعالى قد أمر بالتفقه في الدين وإنذار الناس به وأمر بطاعة الرسول صلى الله عليه وسلم ولا سبيل إلى طاعته عليه السلام إلا بنقل كلامه وضبطه وتبليغه ولا سبيل إلى التفقه في الدين إلا بنقل أحكام الله تعالى وأحكام رسوله صلى الله عليه وسلم ووجدناه صلى الله عليه وسلم قد حض على تبليغ الحديث عنه وقال في حجة الوداع لجميع من حضر: ألا فليبلغ الشاهد الغائب فسقط قول من ذم الإكثار من الحديث. ثم العجب فيه إيرادهم لهذه الآثار التي ذكرنا عمن أوردوها عنه من الصحابة فوالله العظيم ما أدري غرضهم في ذلك ولا منفعتهم بها، ولا شك أنهم لا يدرون لماذا أوردوها، لأنهم إن كانوا أوردوها

[165] **Translator's note (L736):** This passage names Abu Musa, whereas the report quoted in unit 731:0 names Abu Dharr. The variation is preserved. The quotation and sentence continue in the following segment.

[166] **Translator's note (L737):** The wording connecting the Hanafis' master's failure to seek hadith with his many errors and few hadiths is syntactically awkward. The translation preserves the assertions without supplying a missing causal explanation. The numerical expression literally combines 'eight hundred,' an unspecified additional amount, and 'thirty'; 'eight hundred and thirty-odd' reflects that wording. 'Reports with chains reaching the Prophet' and 'reports omitting the Companion' render musnad and mursal respectively.

[167] **Translator's note (L739):** 'I shall certainly make Abu Hurayrah break his oath' translates la-uḥannithanna literally. No oath by Abu Hurayrah is stated in this passage, making the expression awkward in its supplied context.

[168] **Translator's note (L740):** 'The Rejecters' renders the polemical designation al-Rawāfiḍ. In 'whoever attributes it to him,' the supplied Arabic leaves the object of 'attributes' unstated; the preceding unbelief or grave disobedience supplies its sense. The Quranic quotation contains transcriptional spelling defects, particularly omitted initial alifs in several words. Its intelligible wording has been translated without adding or removing clauses. The final expression about responsibility for explicitly naming ʿUmar is compressed; it appears to mean that ʿUmar left ʿAmmar to bear responsibility for what he related.

[169] **Qur'an references (L735):** Qur'an 41:40 (Fussilat).

and spoke harshly to him. Would that I knew who made Ibn ʿAbbas's statement more entitled to acceptance than the statement of ʿAli, Abu Hurayrah, al-Ḥakam ibn ʿAmr, and Abu Saʿid!

As for Ibn ʿUmar's statement, "Abu Hurayrah has cultivated land," he spoke truthfully, and this contains absolutely no rejection of Abu Hurayrah's transmission. Thus, when nothing remains of all their objections except the Companions' disagreement concerning some of those matters that are authentically and firmly established, then the obligatory referral, the mandatory referral apart from which no other course is lawful, is to refer the matter to Allah Most High and to the Prophet, may Allah bless him and grant him peace ﷺ. For a Companion, considered in himself, is not beyond the possibility of error, especially when they disagree: it is assured that one of the two statements is mistaken. We find that Allah Most High has commanded acquiring understanding of religion and warning people through it, and has commanded obedience to the Messenger, may Allah bless him and grant him peace ﷺ. There is no way to obey him, peace be upon him, except by transmitting his words, preserving them accurately, and conveying them. There is no way to acquire understanding of religion except by transmitting the rulings of Allah Most High and the rulings of His Messenger, may Allah bless him and grant him peace ﷺ. We find that he, may Allah bless him and grant him peace ﷺ, urged conveying hadith from him, and said to everyone present at the Farewell Pilgrimage, "Let those present convey it to those absent." Thus the position of anyone who censures transmitting hadith abundantly falls away.

What is astonishing here is their adducing these transmitted accounts that we have mentioned from those Companions from whom they adduce them. By Allah the Magnificent, I do not know their purpose in this or what benefit they gain from them. There is no doubt that they do not know why they adduced them. For if they adduced them to impugn accepting a solitary report, that is not their position: rather, they all accept solitary reports. Furthermore, these are all solitary reports, and none of them constitutes proof for anyone who does not accept solitary reports. This is very astonishing! Or perhaps they adduced them to establish that a person may reject whatever

طعنا في القول بخبر الواحد فليس هذا قولهم، بل هم كلهم يقولون بخبر الواحد، وأيضا فهي كلها أخبار آحاد وليس شيء منها حجة عند من لا يقول بخبر الواحد، وهذا عجب جدا، أو يكونوا أوردوها على إباحة رد المرء ما لم يوافقه من خبر الواحد، وأخذ ما وافقه من ذلك، فهذا هوس عتيق، أول ذلك أنهم يردون بعض ما لم يرده من احتجوا به من الصحابة، ويأخذون ببعض ما رده من احتجوا به منهم، وأيضا فإن كان الأمر كذلك فقد اختلط الدين وبطل، لأن لخصومهم أن يردوا بهذا الباب نفسه ما أخذوا به، ويأخذوا ما ردوه هم منه ونعوذ بالله منه. قال علي: ولا أضل ولا أجهل ولا أبعد من الله عز وجل ممن يزجر عن تبليغ كلام النبي صلى الله عليه وسلم ويأمر بألا يكثر من ذلك أو يرد ما لم يوافقه مما صح عن النبي صلى الله عليه وسلم بنظره الملعون ورأيه الفاسد وهواه الخبيث، ودعواه الكاذبة، ثم يغني دهره في الإكثار من تبليغ آراء مالك وابن القاسم وسحنون وأبي حنيفة وأبي يوسف ومحمد بن الحسن، والتلقي بالقبول لجميعها على غلبة الفساد عليها، ألا إن ذلك هو الضلال البعيد. والفتيا بالآراء المتناقضة وبالله تعالى نعتصم. قال علي وأما من ظن أن أحدا بعد موت رسول الله صلى الله عليه وسلم ينسخ حديث النبي صلى الله عليه وسلم ويحدث شريعة لم تكن في حياته عليه السلام فقد كفر وأشرك وحل دمه وماله ولحق بعبدة الأوثان لتكذيبه قول الله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وقال تعالى {ومن يبتغ غير لإسلام دينا فلن يقبل منه وهو في لآخرة من لخاسرين} فمن ادعى أن شيئا مما كان

solitary reports do not agree with him and accept whatever does agree with him. This is age-old madness. To begin with, they reject some things that the Companions whom they cite as authorities did not reject, and accept some things that those Companions whom they cite as authorities did reject. Furthermore, if this is how matters stand, religion has become confused and invalid, since their opponents may, by this very same avenue, reject what they accepted and accept what they rejected of it. We seek refuge in Allah from that.

ʿAli said: No one is more astray, more ignorant, or further from Allah, Mighty and Majestic, than someone who discourages conveying the words of the Prophet, may Allah bless him and grant him peace ﷺ, and commands that one should not do so abundantly; or who rejects whatever authentically established reports from the Prophet, may Allah bless him and grant him peace ﷺ, do not agree with him, on the basis of his accursed reasoning, his corrupt opinion, his wicked desire, and his lying claim; and then spends his lifetime abundantly conveying the opinions of Malik, Ibn al-Qasim, Saḥnun, Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Ḥasan, and accepting all of them despite the predominance of corruption over them. Indeed, that is far-reaching error and the issuing of legal opinions based on contradictory personal opinions. In Allah Most High we seek protection.

Ali said: As for anyone who supposes that, after the death of the Messenger of Allah ﷺ, someone may abrogate a hadith of the Prophet ﷺ and introduce a law that did not exist during his lifetime, peace be upon him, he has disbelieved, associated partners with Allah, rendered his blood and property lawful, and joined the worshippers of idols, because he denies the statement of Allah Most High: {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter—and that which has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor

في عصره عليه السلام على حكم ما ثم بدل بعد موته فقد ابتغى غير الإسلام دينا، لأن تلك العبادات والأحكام والمحرمات والمباحات والواجبات التي كانت على عهده عليه السلام هي الإسلام الذي رضيه الله تعالى لنا وليس الإسلام شيئا غيرها فمن ترك شيئا منها فقد ترك الإسلام، ومن أحدث شيئا غيرها فقد أحدث غير الإسلام، ولا مرية في شيء أخبرنا الله تعالى به أنه قد أكمله، وكل حديث أو آية كانا بعد نزول هذه الآية فإنما هي تفسير لما نزل قبلها، وبيان لجملتها، وتأكيد لأمر متقدم. وبالله تعالى التوفيق. ومن ادعى في شيء من القرآن أو الحديث الصحيح أنه منسوخ ولم يأت على ذلك ببرهان، ولا أتى بالناسخ الذي ادعى من نص آخر فهو كاذب مفتر على الله عز وجل داع إلى رفض شريعة قد تيقنت، فهو داعية من دعاة إبليس، وصاد عن سبيل الله عز وجل، نعوذ بالله قال الله تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} فمن ادعى أن الناسخ لم يبلغ، وأنه قد سقط فقد كذب ربه، وادعى أن هنالك ذكرا لم يحفظه الله بعد إذ أنزله. فإن قال قائل: الحديث قد يدخله السهو الغلط، قيل له: إن كنت ممن يقول بخبر الواحد، فاترك كل ما أخذت به منه، فإنه في قولك محتمل أن يكون دخل فيه السهو الغلط، وإن كنت مقلدا، فاترك كل من قلدت فإن السهو والغلط قد يدخلان عليه بالضمان. وقد يدخلان أيضا في الرواة عنهم الذين عنهم أخذت دينك وإلا فالرواة عن النبي صلى الله عليه وسلم أوثق من الرواة عن مالك وأبي حنيفة نعم ومن مالك وأبي حنيفة أنفسهما. وإن كنت ممن يبطل خبر الواحد جملة، فقد أثبتنا البرهان على وجوب قبوله، وما ثبت بيقين فلا يبطل بخوف سهو لم يتيقن، والحق لا تسقطه الظنون قال الله تعالى {وما لهم به من علم إن يتبعون إلا لظن وإن لظن لا يغني من لحق شيئا} ولزمه أن يسقط القبول لشهادة الشاهدين في الدماء والفروج والأموال، إذ يدخل عليهما السهو والغلط وتعمد الكذب وبالله تعالى التوفيق

upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful.} And He Most High said: {Whoever seeks a religion other than Islam, it will never be accepted from him, and in the Hereafter he will be among the losers.} Thus, whoever claims that something which was subject to a particular ruling in his time, peace be upon him, was subsequently changed after his death has sought something other than Islam as a religion, because those acts of worship, rulings, prohibitions, permissions, and obligations that existed in his time, peace be upon him, are the Islam that Allah Most High approved for us. Islam is nothing other than these. Whoever abandons any of them has abandoned Islam, and whoever introduces anything other than them has introduced something other than Islam. There is no doubt concerning anything that Allah Most High has told us He has perfected. Every hadith or verse that came after the revelation of this verse is merely an explanation of what was revealed before it, an elucidation of its general statements, and a confirmation of an earlier command. Through Allah Most High comes success.

Whoever claims that anything in the Quran or an authentic hadith is abrogated, without producing a demonstration of that or producing the abrogating text he claims from another explicit text, is a liar who fabricates against Allah, mighty and majestic, calling for the rejection of a law established with certainty. He is thus one of Iblis's propagandists and one who bars people from the path of Allah, mighty and majestic. We seek refuge in Allah. Allah Most High said: {Indeed, We have sent down the Reminder, and indeed We will preserve it.} Whoever claims that the abrogating text was not conveyed and has been lost has contradicted his Lord and claimed that there is a Reminder that Allah did not preserve after sending it down.

If someone says, "Inadvertence and error may enter into a hadith," he is told: If you are someone who accepts a solitary report, abandon everything you have accepted from it, since, according to your own statement, it is possible that inadvertence and error have entered into it. If you are an uncritical follower, abandon everyone you have followed uncritically, for inadvertence and error can assuredly affect him; they can also affect the transmitters re-

porting from them, from whom you have taken your religion. Otherwise, the transmitters reporting from the Prophet ﷺ are more trustworthy than the transmitters reporting from Malik and Abu Hanifah—indeed, more trustworthy than Malik and Abu Hanifah themselves. If you are someone who rejects solitary reports altogether, we have established the demonstration that accepting them is obligatory. What has been established with certainty is not invalidated by fear of an inadvertence that has not been established with certainty. Suppositions do not overturn the truth. Allah Most High said: {They have no knowledge of it. They follow nothing but supposition, and supposition avails nothing against the truth.} He would also be obliged to cease accepting the testimony of two witnesses in matters of bloodshed, sexual relations, and property, since inadvertence, error, and deliberate lying may affect them both. Through Allah Most High comes success.[170][171][172][173][174][175]

[Section on the Manner of Transmission]

L749

L750–755 Ali said: Transmission consists in a listener hearing a trustworthy transmitter relate a hadith, or several hadiths, from his book or from memory.

[170] **Translator's note (L741):** 'The water left over by a woman' renders faḍl al-mar'ah in its ritual-purification context; 'water' is implicit in the expression. The supplied form of the verb introducing the report from Usamah is passive ('was transmitted'), unlike the preceding active verbs. The translation retains that shift. 'Temporary marriage' interprets al-mut'ah in light of the reference to 'Ali's objection; the term itself is not further qualified in the supplied Arabic.

[171] **Translator's note (L742):** The wording 'a Companion, considered in himself' follows the supplied ṣāḥib fī dhātihi. The Arabic construction is awkward and may be textually defective; the following clause clearly concerns a Companion's susceptibility to error.

[172] **Translator's note (L744):** "Ali said' is the author's self-reference. The supplied yughni dahrahu, rendered 'spends his lifetime,' is awkward in this construction and may be a transcriptional error for yufni dahrahu, 'exhausts his lifetime.'

[173] **Translator's note (L745):** The opening continues the preceding segment's phrase about corruption predominating over the opinions in question.

[174] **Translator's note (L747):** The expression translated "can assuredly affect him" is literally "may affect him with a guarantee" (قد يدخلان عليه بالضمان), an awkward emphatic formulation.

[175] **Qur'an references (L741):** Qur'an 5:3 (Al-Ma'idah); Qur'an 3:85 (Ali 'Imran); Qur'an 53:28 (An-Najm).

[فصل في صفة الرواية]

قال علي الرواية هي أن يسمع السامع الناقل الثقة يحدث بحديث من كتابه أو من حفظه أو بأحاديث. فجائز أن يقول: حدثنا وحدثني، وأخبرنا وأخبرني، وقال لي وقال لنا، وسمعت وسمعنا، وعن فلان وكل ذلك سواء، وكل ذلك معنى واحد أو يقرأ الراوي عن الناقل حديثا أو أحاديث فيقول المروي عليه بها، ويقول: نعم هذه روايتي، وأن يسمعها تقرأ عليه ويقر بها المروي عنه، أو يناول المروي عنه الراوي كتابا فيه حديث أو أحاديث، أو ديوانا بأسره عظم أو صغر فيقول له: هذا ديوان كذا، كل ما فيه أخذته عن فلان عن فلان حتى يبلغه إلى مؤلفه، ويستثني شيئا إن كان فاته منه بعينه فإن لم يفته شيء فلا يستثني شيئا، أن يقول له: عن ديوان مشهور مقبول عند الناس نقل تواتر ليس في ألفاظه اختلاف، ديوان كذا أخذته عن فلان عن فلان حتى يبلغ إلى مؤلفه، فأي هذه الوجوه كان، فجائز أن يقول فيه القائل: حدثني وأخبرني، وهو محق في ذلك، وهو كله خبر صحيح، ونقل صادق ورواية تامة، لا داخلة فيها، كالقراءة والسماع ولا فرق. فإن سمعه يخاطب بذلك

He may then say, “He related to us,” “He related to me,” “He informed us,” “He informed me,” “He said to me,” “He said to us,” “I heard,” “We heard,” or “From so-and-so.” All of these are equivalent, and all have one meaning. Or the narrator may read a hadith or several hadiths to the transmitter from whom he narrates, and the person to whom they are read affirms them and says, “Yes, this is my transmission”; or he may hear them being read to him, with the person from whom they are narrated acknowledging them. Or the person from whom the report is narrated may hand the narrator a book containing one hadith or several hadiths, or an entire collection, large or small, and say to him, “This is such-and-such a collection. Everything in it I received from so-and-so, from so-and-so,” carrying the chain back to its compiler. He must specify an exception if he missed a particular part of it; if he missed nothing, he makes no exception. He may say to him, concerning a well-known collection accepted among people through recurrent mass transmission, with no variation in its wording, “Such-and-such a collection I received from so-and-so, from so-and-so,” carrying the chain back to its compiler.

Whichever of these forms occurs, the person may say concerning it, “He related to me” or “He informed me,” and he speaks truthfully in doing so. All of it is an authentic report, a truthful conveyance, and a complete transmission containing no defect, just like reading and hearing; there is no difference. If he hears him addressing someone else in this way, he should say, “I heard so-and-so report from so-and-so,” or “relate from so-and-so.” He must not then say “to us,” “to me,” “he informed us,” or “he informed me,” thereby lying. But if he says, “I heard so-and-so,” that is an authentic and complete transmission: let him relate it, and let people transmit it.

It makes no difference whether the person he heard gave him permission for this or did not give him permission, prohibited him from relating from him or allowed him to do so. All of that has no significance. No one may prevent the conveyance of a truth beneficial to people that the transmitter has heard, and no one may permit someone else to convey what he has not heard. Whoever transgresses Allah’s limits has wronged himself. It is simply either truth or falsehood. A truth benefiting even one Muslim or more must

غيره فليقل: سمعت فلانا يخبر عن فلان، أو يحدث عن فلان، ولا يقل حينئذ: نا، ولا ني، ولا أنا، ولا إني، فيكذب، ولكن إن قال سمعت فلانا، فهي رواية صحيحة تامة، فليحدث بها وليروها الناس. وسواء أذن له المسموع عنه في ذلك أو لم يأذن، حجر عليه الحديث عنه أو أباحه إياه، كل ذلك لا معنى له ولا يحل لأحد أن يمنع من نقل حق فيه خير للناس قد سمعه الناقل، ولا يحل لأحد أن يبيح لغيره نقل ما لم يسمع، ومن يتعد حدود الله فقد ظلم نفسه، وإنما هو حق أو كذب، فالحق الذي ينتفع به مسلم واحد فصاعدا واجب نقله، والكذب حرام نقله. وأما من كتب إلى آخر كتابا يوقن المكتوب إليه أنه من عنده، فيقول له في كتابه: ديوان كذا أخذته عن فلان كما وصفنا قبل، فليقل المكتوب إليه أخبرني في كتابه إلي ونحن نقول أنبأنا رسول الله صلى الله عليه وسلم وقال لنا رسول الله صلى الله عليه وسلم وأخبرنا الله تعالى وقال لنا الله تعالى وقال تعالى {ولذين آمنوا وعملوا لصالحات سندخلهم جنات تجري من تحتها لأنهار خالدين فيهآ أبدا وعد لله حقا ومن أصدق من لله قيلا} وقال تعالى {لله نزل أحسن لحديث كتابا متشابها مثاني تقشعر منه جلود لذين يخشون ربهم ثم تلين جلودهم وقلوبهم إلى ذكر لله ذلك هدى لله يهدي به من يشآء ومن يضلل لله فما له من هاد} وإنما ذلك لأنه تعالى خاطب بكتابه كل من يأتي من الإنس والجن إلى يوم القيامة وأمر نبيه صلى الله عليه وسلم بمخاطبة كل من يأتي إلى يوم القيامة من الإنس والجن أيضا، فليس منا أحد إلا وخطاب الله تعالى وخطاب رسوله صلى الله عليه وسلم يتوجهان إليه يوم القيامة وليس ذلك لمن دونهما أصلا، وإنما يخاطب كل من دون الله تعالى ودون رسوله صلى الله عليه وسلم من شافه أو من كتب إليه أو من سمع منه لفظه إذ لم يأمر الله تعالى أحدا من ولد آدم عليه السلام دون رسول الله صلى الله عليه وسلم بأن ينذر جميع أهل الأرض وإنما يصح من فعل كل واحد

be conveyed, while conveying falsehood is forbidden. As for someone who writes another person a letter, when its recipient is certain that it comes from him, saying in his letter, "Such-and-such a collection I received from so-and-so," as we described earlier, the recipient should say, "He informed me in his letter to me." And we say, "The Messenger of Allah ﷺ informed us," and "The Messenger of Allah ﷺ said to us," and "Allah Most High informed us," and "Allah Most High said to us." He Most High said: {Those who believe and do righteous deeds—We shall admit them into gardens beneath which rivers flow, abiding therein forever. Allah's promise is true, and who is more truthful in speech than Allah?} And He Most High said: {Allah has sent down the finest discourse: a Book, mutually resembling, oft-repeated, at which the skins of those who fear their Lord shiver; then their skins and their hearts soften to the remembrance of Allah. That is Allah's guidance, by which He guides whomever He wills. Whoever Allah leads astray has no guide.}

This is only because He Most High addressed through His Book everyone among humankind and jinn who will come into existence until the Day of Resurrection, and He commanded His Prophet ﷺ likewise to address everyone among humankind and jinn who will come into existence until the Day of Resurrection. There is therefore none of us to whom the address of Allah Most High and the address of His Messenger ﷺ are not directed on the Day of Resurrection. This does not apply at all to anyone beneath those two. Anyone beneath Allah Most High and His Messenger ﷺ addresses only someone he speaks to face to face, someone to whom he writes, or someone who hears his words from him. For Allah Most High did not command any descendant of Adam, peace be upon him, other than the Messenger of Allah ﷺ to warn all the inhabitants of the earth. Of each person's actions, only what accords with what He Most High commanded him is valid, not what conflicts with what Allah, mighty and majestic, commanded him. Whoever does what he has not been commanded to do, his action is invalid and rejected.

Ali said: As for the authorization to transmit that people employ, it is invalid. No one may authorize lying. Whoever tells another, "Transmit from me everything I narrate," without informing him of it collec-

ما وافق ما أمره تعالى به، لا ما خالف ما أمره الله عز وجل، ومن فعل ما لم يؤمر به ففعله باطل مردود. قال علي: وأما الإجازة التي يستعملها الناس، فباطل، ولا يجوز لأحد أن يجيز الكذب، ومن قال لآخر: ارو عني جميع روايتي دون أن يخبره بها ديوانا ديوانا، وإسنادا إسنادا، فقد أباح له الكذب، لأنه إذا قال حدثني فلان أو عن فلان فهو كاذب أو مدلس بلا شك، لأنه لم يخبره بشيء فهذه أربعة أوجه جائزة وهي: مخاطبة المحدث للآخذ عنه، أو سماع المحدث من الآخذ عنه، وقراره له بصحته، أو كتاب المحدث إلى الآخذ عنه، أو مناولته إياه كتابا فيه علم. وقوله: هذا أخبرني به فلان عن فلان وكل هذه الوجوه قد صحت عن رسول الله صلى الله عليه وسلم وعن جميع الصحابة فأما الأخبار فإخبار النبي صلى الله عليه وسلم بالسنن وإخبار الصحابة بعضهم بعضا فأبو بكر أخبره المغيرة، ومحمد بن مسلمة، وكذلك كل من بعده منهم، وأما قراءة الآخذ على المحدث فقد قال بعض الناس للنبي صلى الله عليه وسلم فأخبرني أهل العلم أن على ابني جلد مائة وتغريب عام وأن على امرأة هذا الرجم فصدق النبي صلى الله عليه وسلم وكذلك سأل الناس أصحابه عن الأحكام قصدقوا الحق وأنكروا الباطل

tion and chain of transmission by chain of transmission, has permitted him to lie. For if he says, "So-and-so related to me," or "From so-and-so," he is unquestionably lying or concealing the manner of transmission, because that person has informed him of nothing. These, then, are four permissible forms: the hadith transmitter addressing the person receiving from him; the hadith transmitter listening to the person receiving from him and confirming its correctness to him; the hadith transmitter writing to the person receiving from him; or his handing him a book containing knowledge and saying, "So-and-so informed me of this, from so-and-so." All these forms have been authentically established from the Messenger of Allah ﷺ and from all the Companions. As for informing, there is the Prophet's ﷺ informing people of the established prophetic practices, and the Companions' informing one another: al-Mughirah and Muhammed informed Abu Bakr ibn Maslamah, and likewise each of those among them who came after him. As for the recipient's reading aloud to the hadith transmitter, someone said to the Prophet ﷺ: "The people of knowledge informed me that my son was liable to one hundred lashes and a year's banishment, and that this man's wife was liable to stoning." The Prophet ﷺ confirmed this. Likewise, people asked his Com-

panions about legal rulings, and they affirmed what was true and rejected what was false.[176][177][178][179][180]

L756 As for written communication, the Prophet ﷺ wrote conveying the established practices to the kings of Yemen and to those kings of the earth who were absent from him, whom he called to faith. His Companions after him likewise wrote to their judges and governors. As for handing over a written text, the Messenger of Allah ﷺ wrote a document for ʿAmr ibn Hazm, and for ʿUmar and others when he dispatched them as governors, teaching them the established practices in these documents and commanding them to act according to their contents. He did likewise for ʿAbd Allah ibn Jahsh, giving him the document and commanding him to act according to its contents. Abu Bakr likewise did this with Anas. ʿAli sent a document with his son to ʿUthman and said: "These are the Messenger of Allah's ﷺ prescriptions for the obligatory alms, so command your officials to act according to them." As for authorization to transmit, it has never been reported from the Prophet ﷺ, nor from his Companions—may Allah be pleased with them—nor from any one of them, nor from any of the Successors, nor from any of the Succes-

وأما الكتاب فكتب النبي صلى الله عليه وسلم بالسنن إلى ملوك اليمن وإلى من غاب عنه من ملوك الأرض الذين دعاهم إلى الإيمان، وكذلك فعل أصحابه بعده إلى قضاتهم وأمرائهم وأما المناولة فقد كتب رسول الله صلى الله عليه وسلم كتابا لعمرو بن حزم ولعمر وغيره إذ بعثهم أمراء، يعلمهم فيها السنن، وأمرهم بالعمل بما فيها، وكذلك لعبد الله بن جحش، وأعطاه الكتاب وأمره بالعمل بما فيه، وكذلك فعل أبو بكر بأنس، وبعث علي كتابا مع ابنه إلى عثمان وقال هذه صدقة رسول الله صلى الله عليه وسلم فمر عمالك يعملون بها وأما الإجازة فما جاءت قط عن النبي صلى الله عليه وسلم ولا عن أصحابه رضي الله عنهم ولا عن أحد منهم، ولا عن أحد من التابعين ولا عن أحد من تابعي التابعين فحسبك بدعة بما هذه صفته وبالله تعالى التوفيق

[176] **Translator's note (L750):** The wording فيقول المروي عليه بها is syntactically awkward. "The person to whom they are read affirms them" reflects its apparent function before the explicit acknowledgment that follows. The transition أن يقول له, rendered "He may say to him," lacks an explicit coordinating "or" in the supplied text. The forms نا، ني، أنا، إني are abbreviated transmission formulas. They are rendered according to their function here: claims that the speaker was personally addressed or informed.

[177] **Translator's note (L753):** The supplied text says that the divine and prophetic addresses are directed to each person "on the Day of Resurrection" (يوم القيامة). The surrounding argument concerns their application until that day, but the supplied wording has been retained. "Authorization to transmit" renders الإجازة; "concealing the manner of transmission" renders مدلس, referring here to wording that obscures how the report was received.

[178] **Translator's note (L754):** The segment ends within the name Muhammed ibn Maslamah; only "Muhammed" occurs in this segment.

[179] **Translator's note (L755):** The opening continues the name "Muhammed ibn Maslamah" from the preceding segment. The transcription قصدقوا appears to be an error for فصدقوا, rendered "and they affirmed."

[180] **Qur'an references (L750):** Qur'an 4:57 (An-Nisa); Qur'an 4:122 (An-Nisa); Qur'an 39:23 (Az-Zumar).

sors' successors. That something has this character is sufficient to establish it as an innovation. Success is through Allah Most High.

L757 **[Section: Some people have alleged defects in sound hadiths, saying: "So-and-so transmitted this hadith with a connected chain, while so-and-so transmitted it with a missing link."]**[181]

L758 ʿAli said: This is meaningless, because if the person who transmitted it with a missing link had not transmitted it at all, or had never heard it whatsoever, that would not invalidate the acceptance of that hadith. How, then, could it do so when he transmits it with a missing link? Neither a transmitter's omitting a link from what another has transmitted with a connected chain, nor an ignorant person's ignorance of what another knows, constitutes an argument precluding acceptance of what upright transmitters have transmitted with connected chains. This is especially so if the person raising this objection is a Maliki or a Hanafi, for they consider a report with a missing link acceptable just like one with a connected chain. How, then, can they weaken a sound report by something they regard as agreeing with it, anomalous, and corroborative? This is indeed astonishing; this is indeed an extreme degree of ignorance and degradation. Their statement, "This is taken into consideration only when the transmitter who omits a link, or stops the report at a Companion, is more upright than the transmitter who supplies a connected chain," is meaningless. A report must be accepted when an upright transmitter relates it from an upright transmitter. Differences in degrees of uprightness are of no consequence, as we have already explained in this chapter, since there is no revealed text, consensus, or evidence requiring consideration of one upright person and another more upright than

[181] **Translator's note (L757):** "With a missing link" renders mursal, here contrasted with musnad, transmission with a connected chain.

[فصل وقد تعلل قوم في أحاديث صحاح بأن قالوا هذا حديث أسنده فلان وأرسله فلان]

قال علي: وهذا لا معنى له، لأن فلانا الذي أرسله لو لم يروه أصلا أو لم يسمعه البتة، ما كان ذلك مسقطا لقبول ذلك الحديث، فكيف إذا رواه مرسلا وليس في إرسال المرسل ما أسنده غيره، ولا في جهل الجاهل ما علمه غيره، حجة مانعة من قبول ما أسنده العدول، لا سيما إن كان المعترض بها مالكيا أو حنفيا، فإنهم يرون المرسل مقبولا كالمسند، فكيف يوهنون الصحيح بما يرونه موافقا له وشاذا ومؤيدا، إن هذا لعجيب وإن هذا لإفراط في الجهل والسقوط، ولا معنى لقولهم: إنما يراعى هذا إذا كان المرسل أو الموقف أعدل من المسند، فإنما يجب قبول الخبر إذا رواه العدل عن العدل، ولا معنى لتفاضل العدالة على ما قد ذكرنا في هذا الباب، إذ لا نص ولا إجماع ولا دليل على مراعاة عدل وأعدل منه، وإنما الواجب مراعاة العدالة فقط وبالله تعالى نتأيد ونعتصم

him. What must be considered is uprightness alone. Through Allah Most High we seek strength and protection.[182]

[182]**Translator's note (L758):** The supplied وشاذا means "and anomalous," which conflicts with the surrounding description "agreeing with it … and corroborative." It may be a corruption of وشادا, "and strengthening," but the supplied reading has been retained.



الباب 12: الأوامر والنواهي

Chapter 12: Commands and Prohibitions

Ibn Ḥazm · Arabic–English parallel edition

Return to the reading collection

L759

[Chapter Twelve]

L760–765

On the Commands and Prohibitions Occurring in the Quran and the Speech of the Prophet ﷺ and on adhering to their apparent meaning, construing them as imposing obligation and immediate performance, and the invalidity of the position of anyone who diverts any of them to a non-apparent interpretation, deferred performance, recommendation, or suspension of judgment without demonstration or evidence.

Abu Muhammed said: What is understood from a command is that the commander intends what he commands to occur and has made that matter binding upon the person commanded. Some Hanafis, some Malikis, and some Shafiʿis have said that judgment concerning the commands and prohibitions of the Quran and the established practices is to be suspended until evidence establishes that they are to be construed either as imposing an obligation to act or a prohibition, or as expressing recommendation, permission, or disapproval. Some members of the groups we have mentioned, and all the adherents of the apparent meaning, have maintained that all of these impose a binding prohibition or obligation to act until evidence establishes that any of them should be diverted to recommendation, disapproval, or permission, whereupon it is construed accordingly.

ʿAli said: This is the only permissible position. We shall, if Allah Most High wills, set out the objections raised by our opponents and establish the invalidity of their contentious arguments through sound demonstrations. Then we shall mention the evidence establishing the correctness of our position. Success is through Allah Most High.

ʿAli said: The principal deceptive argument they advanced was to say: "If the imperative expression had been assigned to impose obligation, it would never occur except with that meaning. But since we find commands whose meaning is recommendation or permission—with no disagreement between you and us—and find prohibitions whose meaning is disapproval—with no disagreement between you and us— we must not assign expressions to some of the meanings they admit rather than others except on the basis of evidence." They said: "In our view, imperative expressions are equivocal ex-

[الباب الثاني عشر]

في الأوامر والنواهي الواردة في القرآن وكلام النبي صلى الله عليه وسلم والأخذ بظاهرها وحملها على الوجوب والفور وبطلان قول من صرف شيئا من ذلك إلى التأويل أو التراخي أو الندب أو الوقف بلا برهان ولا دليل قال أبو محمد: الذي يفهم من الأمر، أن الآمر أراد أن يكون ما أمر، وألزم المأمور ذلك الأمر، وقال بعض الحنفيين، وبعض المالكيين، وبعض الشافعيين: إن أوامر القرآن والسنن ونواهيهما على الوقف حتى يقوم دليل على حملها، إما على وجوب في العمل أو في التحريم، وإما على ندب، وإما على إباحة، وإما على كراهة، وذهب قوم من الطوائف التي ذكرنا، وجميع أصحاب الظاهر إلى القول: بأن كل ذلك على الوجوب في التحريم أو الفعل حتى يقوم دليل على صرف شيء من ذلك إلى ندب، أو كراهة، أو إباحة فتصير إليه. قال علي: وهذا هو الذي لا يجوز غيره، ونحن إن شاء الله تعالى ذاكرون ما اعترض به المخالفون، وبطلان شغبهم بالبراهين الصحيحة، ثم نذكر الأدلة على صحة ما ذهبنا إليه، وبالله تعالى التوفيق. قال علي: فعمدة ما موهوا به أن قالوا: لو كان لفظ الأمر موضوعا للإيجاب لم يوجد أبدا إلا كذلك، لكن لما وجدنا بلا خلاف منكم لنا أوامر معناها الندب أو الإباحة، ووجدنا نواهي بلا خلاف منكم لنا معناها الكراهة، وجب ألا نصرف الألفاظ إلى بعض ما تحتمله من المعاني دون بعض، إلا بدليل، قالوا: وألفاظ الأوامر عندنا من الألفاظ المشتركة التي لا تختص بمعنى واحد، لكنها بمنزلة عير ورجل ولون وعين، فإن قولك: رجل ليس هو بأن يوقع على العضو، أولى منه بأن يوقع على جماعة الجراد، وقولك: عير ليس بأن يوقع على الحمار أولى من أن يوقع على العظم الذي في القدم، وقولك: عين ليس بأن يوقع على يمين عين النظر، أولى من أن يوقع على عين الماء، وقولك: لون ليس بأن يوقع على الحمرة، أولى من أن يوقع على البياض، فكذلك قول القائل افعل لما وجد يراد به الندب، ووجد يراد به إيجاب، لم

pressions that are not exclusive to a single meaning. Rather, they are like ʿayr, rijl, lawn, and ʿayn. Your saying rijl is no more appropriately applied to the bodily member than to a swarm of locusts; your saying ʿayr is no more appropriately applied to the donkey than to the bone in the foot; and your saying ʿayn is no more appropriately applied to the right side of the seeing eye than it is applied to a water spring. Your saying lawn, 'color,' is no more appropriately applied to redness than to whiteness. Likewise, when someone says 'Do,' since this is found to intend recommendation and is found to intend the imposition of obligation, applying it to the imposition of obligation is no more appropriate than applying it to recommendation, except on the basis of evidence."

ʿAli said: This is invalid contentious argumentation. For we say—and success is through Allah Most High—that every named thing, whether an accident or a body, has a name peculiar to it, by which it is distinguished from other things, so that mutual understanding may occur through such names and the listener addressed may know the intention of the speaker addressing him. Were this not so, mutual understanding would never occur, and Allah Most High's address to us would be rendered ineffectual. Allah Most High has said: "We have sent no messenger except in the language of his people, so that he might make things clear to them. Then Allah leads astray whom He wills and guides whom He wills, and He is the Mighty, the Wise." If every meaning did not have a name exclusive to it, clarification could never be achieved, because the confusion of meanings is ambiguity itself. Thus, the original principle is what we have stated, by rational necessity and by the explicit text of the Quran. Then, since we find in the language instances of what they mentioned—names applying to various meanings—and also find names each of which is peculiar solely to its own referent, and know that the purpose of language is to convey understanding, not ambiguity, we must adhere to the original principle: each meaning has its own name, in which no other meaning shares, until it is established for us that a particular name is assigned otherwise and is one through which clarification is not achieved. Its clarification is then to be sought from something else.

يكن إيقاعه على الإيجاب أولى من إيقاعه على الندب إلا بدليل. قال علي: هذا شغب فاسد، وذلك أنا نقول وبالله تعالى التوفيق: إن لكل مسمى من عرض أو جسم اسما يختص به، يتبين به مما سواه من الأشياء ليقع بها التفاهم، وليعلم السامع المخاطب به مراد المتكلم المخاطب له، ولو لم يكن ذلك لما كان تفاهم أبدا، ولبطل خطاب الله تعالى لنا، وقد قال الله تعالى: {ومآ أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل الله من يشآء ويهدي من يشآء وهو لعزيز لحكيم} ولو لم يكن لكل معنى اسم منفرد به لما صح البيان أبدا، لأن تخليط المعاني هو الإشكال نفسه، فإذن الأصل ما ذكرناه بضرورة العقل، وبنص القرآن، ثم وجدنا في اللغة أشياء مما ذكروا من أسماء تقع على معان شتى، ووجدناها أيضا أسماء يختص كل اسم منها بمسماه فقط، وعلمنا أن المراد باللغة إنما هو الإفهام لا الإشكال، لزمنا أن نلزم الأصل الذي هو اختصاص كل معنى باسمه دون أن يشاركه فيه غيره، حتى يصح عندنا أن هذا الاسم مرتب بخلاف هذه الرتبة، وأنه مما لا يقع به بيان فيطلب بيانه حينئذ من غيره. قال علي: والذي شبهوا به الأوامر من الأسماء المشتركة التي ذكروا، مثل لون وعير ورجل تشبيه فاسد ضرورة، وذلك أن المخاطب إذا خاطبنا بخبر ما عن رجل أو عن لون أو أمرنا بأمر ما في ذلك فممكن أن نحمل خبره وأمره على كل ما يقتضيه ما ذكر مثل أن يقول: لا تأكلوا عيرا فيجتنب كل ما يقع عليه اسم عير، وإن اختلفت أنواعه وكذلك قوله تعالى {وهو لذي أنزل من لسمآء مآء فأخرجنا به نبات كل شيء فأخرجنا منه خضرا نخرج منه حبا متراكبا ومن لنخل من طلعها قنوان دانية وجنات من أعناب ولزيتون ولرمان مشتبها وغير متشابه نظروا إلى ثمره إذآ أثمر وينعه إن في ذلكم لآيات لقوم يؤمنون} وكان ذلك واقعا على كل ثمر، وان اختلفت أنواعه، وكذلك قول القائل: الهواء لا لون له. فقد انتفى بذلك عنه البيأض والحمرة والسواد والخضرة والصفرة،

ʿAli said: Their comparison of commands to the equivocal names they mentioned, such as lawn, ʿayr, and rijl, is necessarily an invalid comparison. For when a speaker addresses us with some statement about a rijl or a color, or commands us to do something concerning them, it is possible to construe his statement and command as encompassing everything entailed by what he mentioned. For example, he may say: "Do not eat an ʿayr," in which case everything to which the name ʿayr applies is avoided, even if its kinds differ. Likewise is His saying, Most High: "It is He who sent down water from the sky; then with it We brought forth the growth of every thing, and from it We brought forth green growth from which We bring forth grain in close-set layers; and from the date palms, from their spathes, clusters hanging low, and gardens of grapevines, and olives and pomegranates, similar and dissimilar. Look at its fruit when it bears fruit, and at its ripening. Indeed, in that are signs for people who have faith." This applies to every fruit, even if its kinds differ. Likewise, when someone says, "Air has no color," whiteness, redness, blackness, greenness, and yellowness are thereby all denied of it. Thus, addressing people with these names remains informative, mutual understanding is possible, and construing them as encompassing what they

فالفائدة بالخطاب بهذه الأسماء قائمة، والتفاهم ممكن، وحملها على ما يقتضيه جائز حسن إلا أن يقوم دليل على تخصيص بعض ما تحتها فيصار إليه.

entail is permissible and sound, unless evidence establishes that some of what falls under them is to be singled out, in which case that is followed.[1][2][3][4]

L766–768 This is not possible with the commands that they wish to liken to the names we have mentioned. For if we are told, "Do," and this expression can intend obligation, but can also intend recommendation or permissibility, there is no way, within the constitution of nature, to construe it in all the senses we have mentioned. It is necessarily impossible for something to be binding, without exception, while its omission is permissible, at one time for one person. This is an impossibility: it cannot occur and cannot be accomplished. Their comparison is therefore invalid. It is established that, if the command were as they describe, compliance with it could never be within one's power. Were that so, commands would necessarily be invalidated altogether. Since it is established that commands have come from Allah, mighty and majestic, and that people communicate with one another through commands in language, we know that He, exalted, cannot address us with something that there is no way to comply with, or with impossibilities beyond our power. It is established that a command intends a meaning specific to its wording and

وهذا غير ممكن في الأوامر التي أرادوا أن يشبهوها بالأسماء التي ذكرنا، لأنه إذا قيل لنا: افعلوا، وكان هذا اللفظ ممكنا أن يراد به الإيجاب وممكنا به الندب أو الإباحة، فلا سبيل في بنية الطبيعة إلى حمله على كل الوجوه التي ذكرنا، إذ ممتنع بالضرورة أن يكون الشيء ملزما ولا بد، ومباحا تركه في وقت واحد لإنسان واحد، هذا محال لا يمكن ولا يقدر عليه، فيبطل تشبيههم، وصح أن الأمر لو كان كما ذكروا لكان غير مقدر على الائتمار له أبدا، ولو كان ذلك لبطل الأمر كله ضرورة، وإذ قد صح ورود الأمر من الله عز وجل، وصح التخاطب بالأوامر في اللغة بين الناس، علمنا أنه لا يجوز أن يخاطبنا تعالى بما لا سبيل إلى الائتمار له، وبالمحالات التي لا نقدر عليها، وصح أن الأمر مراد به معنى مختص بلفظه وبنيته وليس ذلك إلا كون ما خوطب به المأمور، وبالله تعالى التوفيق. قال علي: وإنما الذي ذكروا من أنهم قد وجدوا أوامر معناها الندب فصدقوا، والوجه في ذلك أننا قد وجدنا في اللغة ألفاظا نقلت على معهودها وعن موضوعها في اللسان، وعلقت على أشياء أخر، فعل ذلك خالق اللغة وأهلها الذي رتبها كيف شاء عز وجل، أو فعل في ذلك بعض أهل اللغة من العرب، أو فعل ذلك مصطلحان فيما بينها، كما نقل تعالى اسم الصلاة عن موضوعها في اللغة، عن الدعاء إلى استقبال الكعبة، ووقوف وركوع وسجود وجلوس، بصفات محدودة لا تتعدى، وكما نقل تعالى اسم الصيام عن الوقوف إلى امتناع الأكل والشرب والوطء في أيام معلومة، وكما نقل اسم الكفر عن التغطية إلى أقوال محدودة ونيات معلومة، فإذا قد وجدنا ذلك لزمنا، إذا قام دليل، على أن لفظا ما قد نقل عن موضوعه من اللغة، ورتب في مكان آخر أن يعتقد ذلك، وإما ما لم يقم دليل على نقله فلا سبيل إلى إحالته عن مكانه البتة، وقد قال بعض المفسدين للحقائق، المتكلمين بما لا يعقل، ليس هذا نقلا، إنما النقل ما لم يجز أن يبقى على ما نقل عنه. قال علي: وهذا تحكم

[1] **Translator's note (L762):** The Arabic examples require retention of their forms: rijl can denote a foot or leg and a swarm of locusts; ʿayr is illustrated here by a donkey and a bone in the foot; lawn means "color"; and ʿayn can mean "eye" or "spring." The supplied phrase على يمين عين النظر, rendered literally as "to the right side of the seeing eye," is awkward and appears corrupt. The surrounding argument contrasts the seeing eye with a water spring, but يمين, "right side" or "right," has not been silently omitted.

[2] **Translator's note (L763):** "Accident" renders the technical philosophical term ʿaraḍ, contrasted here with a body. The Quranic quotation, corresponding to 14:4, contains apparent transcriptional omissions in لله, لعزيز, and لحكيم, where the context indicates "Allah," "the Mighty," and "the Wise." The translation follows those identifiable words.

[3] **Translator's note (L764):** Rijl and ʿayr are retained because the argument depends on the multiple meanings of those Arabic expressions, illustrated in the preceding units. The Quranic quotation, corresponding to 6:99, has apparent transcriptional omissions in لذي, لسمآء, لنخل, لزيتون, لرمان, and نظروا. These have been rendered according to their identifiable contextual readings; نظروا is read as the imperative "Look," though its initial alif is absent in the supplied text.

[4] **Qur'an references (L760):** Qur'an 14:4 (Ibrahim); Qur'an 6:99 (Al-An'am).

form. This can only be the occurrence of that which the person commanded has been addressed to perform. Through Allah, exalted, comes success.

Ali said: As for their statement that they have found commands whose meaning is recommendation, they have spoken truthfully. The explanation is that we have found expressions in language transferred from their customary usage and their assigned meaning in the tongue and attached to other things. This was done by the Creator of language and its speakers, who arranged it however He willed, mighty and majestic; or it was done by some of the Arab speakers of the language; or it was done by two people establishing a convention between themselves. Thus He, exalted, transferred the term "prayer" from its assigned meaning in language, from supplication to facing the Kaaba, standing, bowing, prostrating, and sitting, in prescribed forms beyond which one must not go. Likewise, He, exalted, transferred the term "fasting" from standing still to abstaining from eating, drinking, and sexual intercourse on specified days. Likewise, He transferred the term "unbelief" from covering to specified utterances and known intentions. Since we have found this to be so, whenever evidence establishes that an expression has been transferred from its assigned meaning in language and assigned another place, we are obliged to believe that to be the case. As for an expression whose transfer has not been established by evidence, there is absolutely no way to displace it from its position. Some of those who subvert realities and speak unintelligibly have said: "This is not a transfer. A transfer is only that in which the expression cannot remain applicable to that from which it was transferred."

Ali said: This is an arbitrary stipulation unrecognized by speakers of the language. Rather, whenever a state is altered, its status is thereby transferred from what it previously was. When a name applies to one meaning, and Allah, exalted, also makes it apply to another meaning, He has transferred it from the status of applying to one meaning to the status of applying to two meanings. Furthermore, we are not disputing with them over the word

لا يعرفه أهل اللغة، بل كل حال أحيلت، فقد تنقل حكمها عما كان عليه، والاسم إذا وقع على معنى ما فأوقعه الله تعالى أيضا على معنى آخر، فقد نقله على حكم الوقوع على معنى واحد إلى حكم الوقوع على معنيين، وأيضا فلسنا نحاكرهم في لفظ النقل، وإنما نريد أن اللفظة كانت تقع في اللغة على معنى ما، فأوقعت أيضا على غير ذلك.

"transfer." We mean only that an expression used to apply in language to a particular meaning and was then made to apply to something else as well.[5][6]

L769–771 Ali said: We then say to them: What follows for you, if you uphold the argument you have mentioned, is this: you have found many verses and many reports that have been abrogated and that it is unlawful to act upon. You must therefore suspend judgment concerning every verse and every report, since each of them, considered in itself, could be abrogated, just as each command, considered in itself, could express recommendation. If you accept that consequence, you have disbelieved and departed from Islam. If you refuse to accept it, you are correct, and you have invalidated your argument that, because commands expressing recommendation have been found, judgment must be suspended concerning all commands until it is established whether they express obligation or recommendation.

Ali said: There is absolutely no difference between the suspension of judgment concerning every verse and report that we have imposed upon them as a consequence of their finding abrogated verses and abrogated reports, and the suspension of judgment concerning every command that they have accepted because they have found commands expressing recommendation. Rather, it is the very same thing. We do not say that it is like it; we say that the meaning in both cases is one. The explanation is that what is abrogated is that which it is not obligatory to apply, or which it is permissible to apply; and what is recommended is likewise that which it is not a prescribed duty to apply. The two thus coincide equally in the absence of an obligation to apply them. They differ only in that applying what is recommended is permissible, whereas applying what is abrogated is impermissible only in certain circumstances. Their obfuscation is therefore invalidated—and through Allah, exalted, comes success—by their own acknowledgment that our finding

قال علي: ثم نقول لهم ما يلزمكم إن صححتم دليلكم الذي ذكرتم، أنكم قد وجدتم آيات كثيرة، وأحاديث كثيرة منسوخات لا يحل العمل بها، أن تتوقفوا في كل آية، وفي كل حديث، لاحتمال كل شيء منها في نفسه أن يكون منسوخا، كاحتمال كل أمر في نفسه أن يكون ندبا فإن التزمتم ذلك كفرتم، وخرجتم عن الإسلام، وإن أبيتم التزامه أصبتم وكنتم قد أبطلتم دليلكم في أنه لما قد وجدت أوامر معناها الندب وجب التوقف عن جميع الأوامر حتى يصح أنها إما إيجاب أو ندب. قال علي: وليس بين ما ألزمناهم من التوقف عن كل آية، وحديث من أجل وجودهم آيات منسوخة وأحاديث منسوخات، وبين ما التزموا من التوقف عن كل أمر من أجل وجودهم أوامر معناها الندب فرق البتة، بل هو ذلك بعينه لسنا نقول: إن مثله بل نقول إن المعنى في ذلك واحد، وبيان ذلك: أن المنسوخ هو الذي لا يلزم أن يستعمل، أو يجوز أن يستعمل، والمندوب إليه هو الذي لا يلزم فرضا أن يستعمل أيضا، فقد اجتمعنا في سقوط وجوب الاستعمال اجتماعا مستويا، وإنما افترقا أن المندوب إليه مباح استعماله، والمنسوخ ليس مباحا استعماله في بعض الأحوال فقط، فبطل تمويههم وبالله تعالى التوفيق بإقرارهم أنه ليس من أجل وجودنا ألفاظا مصروفة عن مواضعها في اللغة، يجوز أن يتوقف في سائر الألفاظ خوف أن تكون مصروفة عن مواضعها، فقد بطل الاستدلال الذي أرادوا تحقيقه، وبالله تعالى التوفيق. وأيضا فإن لفظة أو ولفظة إن شئت مفهوم منهما التخيير بلا خلاف منا ومنهم، ومن جميع أهل اللغة وقد سمعناه تعالى يقول {وقل لحق من ربكم فمن شآء فليؤمن ومن شآء فليكفر إنا أعتدنا للظالمين نارا أحاط بهم سرادقها وإن يستغيثوا يغاثوا بمآء كالمهل يشوي لوجوه بئس لشراب وسآءت مرتفقا} سمعناه تعالى يقول {قل كونوا حجارة أو حديدا} وجدنا

[5] **Translator's note (L766):** The wording "transferred from their customary usage" corresponds to the supplied "نقلت على معهودها," whose preposition literally means "upon" rather than "from." The parallel phrase that follows suggests departure from customary usage, but the supplied wording is irregular.

[6] **Translator's note (L768):** In the phrase rendered "from the status of applying to one meaning," the supplied text has "على حكم," literally "upon the status," where the construction appears to require "from."

expressions diverted from their assigned meanings in language does not permit suspension of judgment concerning all other expressions for fear that they too have been diverted from their assigned meanings. The inference they sought to establish is therefore invalidated. Through Allah, exalted, comes success.

Furthermore, the expression “or” and the expression “if you wish” are understood to convey a choice, without disagreement between us, them, or any speakers of the language. Yet we have heard Him, exalted, say: “And say: The truth is from your Lord. So whoever wishes, let him believe, and whoever wishes, let him disbelieve. We have prepared for the wrongdoers a fire whose enclosing canopy surrounds them. If they seek relief, they will be relieved with water like molten metal, which scorches faces. Wretched is the drink, and evil is it as a resting place.” We have heard Him, exalted, say: “Say: Be stones or iron.” We have found that demonstrative proof establishes that these two verses depart from offering a choice to another meaning. Their unsound argument would consequently require them never to construe either the expression “or” or the expression “if you wish” as offering a choice, because they can be told, just as they themselves have said: “If the two expressions ‘or’ and ‘if you wish’ conveyed a choice, then whenever they occurred they would convey nothing but a choice. Since they have been found in several places conveying something other than a choice, their conveying a choice is disproved.”[7][8][9]

الدليل البرهاني قد قام على خروج هاتين الآيتين عن التخيير إلى معنى آخر، فيلزم على دليلهم الفاسد ألا يحملوا لفظة أو ولا لفظة إن شئت أبدا على التخيير، لأنه يقال لهم كما قالوا: لو كانت لفظتا أو وإن شئت على التخيير لكانت متى وجدت لما تكن إلا للتخيير، فلما وجدت لغير التخيير في عدة مواضع بطل أن تكون للتخيير.

L772–776 Ali said: This invalidates all speech, invalidates mutual understanding, and

قال علي: وفي هذا إبطال الكلام كله وإبطال التفاهم وفساد الحق والشرائع كلها والعلوم كلها، لأنه لا قول إلا وقد يوجد موضوعا في غير بنيته في اللغة، إما على المجاز أو الاتفاق بين المتخاطبين، فلو وجب من أجل ذلك أن يبطل حمل الأسماء على معانيها التي رتبت لها في اللغة لبطل كل ما ذكرنا، وكفى فسادا بكل قول أدى إلى إبطال الحقائق، وبالله تعالى التوفيق. قال علي: فإن قالوا: إنا لم نوافقكم على أن لفظ الأمر موضوعه في اللغة الوجوب، فيلزمنا ما ألزمتمونا، وإنما قلنا: إنه ليس موضوعه في اللغة الوجوب دون الندب، ولا الندب دون الوجوب. قال علي: فنقول وبالله تعالى

[7] **Translator’s note (L770):** The supplied description of what is abrogated reads “لا يلزم أن يستعمل أو يجوز أن يستعمل,” rendered literally as “it is not obligatory to apply, or ... it is permissible to apply.” The scope of the negation is unclear; the subsequent contrast with recommendation suggests that the author may intend the negation to extend to permissibility as well. The wording has not been silently repaired. The Quran quotation contains the defective spellings “لحق,” “كلمهل,” “لوجوه,” and “لشراب,” apparently lacking written alifs. Their recognizable words are reflected in the translation.

[8] **Translator’s note (L771):** The supplied “لما تكن” is grammatically irregular in context. It has been understood as the intended negative clause, “they would convey nothing but a choice.”

[9] **Qur’an references (L769):** Qur’an 18:29 (Al-Kahf); Qur’an 17:50 (Al-Isra).

corrupts truth, all revealed laws, and all branches of knowledge. For there is no utterance that cannot be found used outside its linguistic form's assigned meaning, whether figuratively or by agreement between those addressing one another. If that required that construing names according to the meanings assigned to them in language be invalidated, everything we have mentioned would be invalidated. It is sufficient proof of the unsoundness of any assertion that it leads to the invalidation of realities. Through Allah, exalted, comes success.

Ali said: If they say, "We have not agreed with you that the assigned meaning of the imperative expression in language is obligation, such that the consequences you have imposed upon us would follow. We have said only that its assigned meaning in language is neither obligation to the exclusion of recommendation nor recommendation to the exclusion of obligation"—

Ali said: We reply—and through Allah, exalted, comes success—that in this discussion we have disproved the possibility of the imperative expression applying to obligation and recommendation together. We have distinguished this from the application of shared expressions, such as "color" and "'ayr," to various meanings. We have explained that the latter is admissible, possible, and actually occurs, whereas the imperative expression's applying to obligation and recommendation together is impossible and precluded: there is no way for it to occur, and it is entirely inconceivable to the intellect. It is therefore necessarily established that either the imperative expression was originally assigned in language to obligation alone, and was then transferred, on the basis of evidence, in certain instances, as we have mentioned, to recommendation or to some meaning other than obligation among the other meanings that we shall explain, if Allah, exalted, wills; or it was originally assigned in language specifically to recommendation, or to some other meaning among those that have been expressed in the imperative form, and was then transferred to obligation on the basis of evidence. This is what is conceivable to the intellect. As for the possibility that the imperative expression applies to recommendation and obligation together at one time, this is false, because it entails that the occurrence of a command has no determinate reality at all and absolutely no meaning. This is more foolish than the assertion of the

التوفيق: قد أبطلنا في كلامنا هذا جواز وقوع لفظ الأمر على الوجوب وعلى الندب معا، وفرقنا بين ذلك وبين وقوع الألفاظ المشتركة مثل لون وعير على معان شتى، وبينا أن ذلك جائز ممكن موجود، وأن وقوع لفظ الأمر على الوجوب وعلى الندب معا محال ممتنع لا سبيل إليه، ولا يتشكل في العقل البتة فصح ضرورة أن لفظ الأمر موضوع في أصل اللغة، إما للوجوب فقط ثم نقل بدليل كما ذكرنا في بعض المواضع إلى الندب، أو إلى غير الوجوب من سائر المعاني التي سنبينها إن شاء الله تعالى، وإما أنه موضوع في أصل اللغة للندب خاصة، أو لمعنى ما من سائر المعاني التي قد وردت بلفظ الأمر، ثم نقل إلى الوجوب بدليل، فهذا هو الذي يتشكل في العقل، وأما احتمال وقوع لفظ الأمر على الندب والوجوب معا في وقت واحد، فهذا باطل لأنه يوجب أن ورود الأمر لا حقيقة له أصلا، ولا له معنى البتة، وهذا أحمق من قول السوفسطائية فهذا الذي أردنا أن نبين إحالته، وقد صح والحمد لله. ولا بد لكم من المصير إلى أحد الخبرين ضرورة، إما أن تقولوا: لفظ الأمر موضوع للوجوب في اللغة، حتى يصح دليل بنقله إلى غير الوجوب، وهذا قولنا، وإما أن تقولوا: لفظ الأمر موضوع لغير الوجوب في اللغة، حتى يصح دليل ينقله إلى الوجوب، فإن قلتم ذلك، سهل أمركم بقول وجيز بحول الله وقوته، وحسبنا أن قد قلعناكم بلطف الله عن مكان الشغب على الجهال، وذلك أن قول القائل: الأوامر كلها على غير الوجوب حتى يصح دليل نقلها إلى الوجوب، دخول في عظيمتين: إحداهما خرق الإجماع، فما قال بهذا أحد قط، وإنما شغب من شغب بالموقف، وبما قدمنا إبطاله من احتمال الأمرين. والثانية: إبطال فائدة العقل، لأنه يصير حينئذ قائلا: إن الموضوع في اللغة من لفظة افعل: لا تفعل إن شئت، وهذا خلاف فهم جميع أهل اللغات، لأن الثابت في فطرة العقل أن النهي عن الشيء غير الأمر به، وكفى، مع أن الإجماع على ترك هذا القول كاف عن تكلف دليل. وبرهان ضروري: وهو أنه إن كانت لفظة افعل موضوعة لغير

Sophists. This is what we wished to demonstrate to be impossible, and it has been established. Praise belongs to Allah. You must necessarily adopt one of the two assertions: either you say that the imperative expression is assigned in language to obligation until evidence establishes its transfer to something other than obligation—and this is our position—or you say that the imperative expression is assigned in language to something other than obligation until evidence establishes its transfer to obligation. If you say that, dealing with you becomes easy through a brief statement, by Allah's might and power. It is enough for us that, through Allah's graciousness, we have dislodged you from the position from which you confuse the ignorant with contentious argument. For the assertion of someone who says, "All commands are to be understood as conveying something other than obligation until evidence establishes their transfer to obligation," involves committing two grave errors. One is violating consensus, for no one has ever said this. Those who have raised contentious objections have done so only through suspension of judgment and through what we have previously the refutation of it concerning the possibility of the two alternatives. The second is the nullification of the usefulness of reason, because he would then be saying that the meaning assigned in language to the expression "Do" is "Do not do it, if you wish." This contradicts the understanding of all speakers of languages, for it is established in the innate constitution of reason that prohibiting something is different from commanding it. That suffices, although the consensus on abandoning this position is itself sufficient to dispense with the effort of adducing evidence and a necessary demonstration. The demonstration is this: if the expression "Do" is assigned a meaning other than imposing an obligation, unless evidence shifts it to imposing an obligation, and the expression "Do not do" is likewise assigned a meaning other than prohibition, unless evidence shifts it to prohibition, and both expressions convey "Do it, if you wish" or "Do not do it, if you wish," then necessarily what is understood from "Do not do" has become what is understood from "Do." No one with a shred of reason says this.

Ali said: They said: "By what does it indicate that it conveys obligation: by itself or by its evidence? If you say, 'By itself,' that is precisely what we

الإيجاب إلا بدليل يخرجها إلى الإيجاب، وكانت أيضا لفظة لا تفعل موضوعة لغير التحريم إلا بدليل يخرجها إلى التحريم، وكان كلتا اللفظتين تعطي: افعل إن شئت أو لا تفعل إن شئت، فقد صار ولا بد من المفهوم من لا تفعل هو المفهوم من افعل، وهذا لا يقوله ذو مسكة عقل. قال علي: قالوا: وبأي شيء يدل على أنه على الوجوب أبنفسه أم بدليله؟ فإن قلتم: بنفسه ففي ذلك اختلفنا وإن كان بدليله، فإذا لم يدل هو فدليله أحرى أن لا يدل. قال علي: وهذا شغب فاسد ضعيف جدا. تعلقوا إليه من قبل مبطلي الحقائق، فإنهم قد سألونا بهذا السؤال نفسه فقالوا: بماذا ثبت عندكم أن الأشياء حق؟ أبأنفسها ففيها اختلفنا، أم بغيرها فلا شيء في العالم يوجد من غير الأشياء الموجودة، وليس غير الأشياء إلا لا شيء؟ فإذا لم يدل الشيء على حقيقة نفسه فلا شيء أحرى ألا يدل، وتعلق أيضا بهذا السؤال مبطلو دلائل العقل فقالوا: بأي شيء علمتم صحة ما يدل عليه العقل؟ أبالعقل أم بغير العقل؟ ونحو هذا من الهذيان كثير، وهؤلاء القوم في شعبة من طريق مبطلي الحقائق ومبطلي مدركات العقل.

dispute. If it is by its evidence, then, if it does not itself indicate this, its evidence is all the more incapable of indicating it."

Ali said: This is invalid and exceedingly weak sophistry, which they have taken up from those who deny realities. For those people asked us this very question, saying: "By what has it been established for you that things are real? By the things themselves? That is precisely what we dispute. Or by something other than them? Nothing exists in the world apart from existing things, and other than things there is only nothing. If a thing does not indicate its own reality, then nothing is all the more incapable of indicating it." Those who deny the evidences of reason have also seized upon this question, saying: "By what did you know the soundness of what reason indicates: by reason or by something other than reason?" There is much delirious talk of this kind. These people are on a branch of the path followed by those who deny realities and those who deny what reason apprehends.[10][11][12]

L777–781 We turn this foolish question of theirs, which they have accepted as valid, back upon them. It binds them, not us, since we have not accepted it as valid. We say to them: "By what does a command indicate that judgment concerning it must be suspended: by itself or by its evidence? If you say, 'By itself,' that is precisely what we dispute. If it is by its evidence, then, if it does not itself indicate this, its evidence is all the more incapable of indicating it." Who, then, reasons more foolishly than someone whose evidence rebounds upon him and demolishes his own position? They are merely people who establish nothing; they are only engaged in confounding the weak, and they

ونعكس عليهم سؤالهم هذا السخيف الذي صححوه فهو لازم لهم لا لنا إذ لم نصححه ونقول لهم: بأي شيء يدل الأمر على أنه على الوقف، أبنفسه أم بدليله؟ فإن قلتم بنفسه ففي ذلك اختلفنا وإن كان بدليله، فإذا لم يدل هو فدليله أحرى ألا يدل، فمن أحمق استدلالا ممن دليله عائد عليه، وهادم لقوله؟ وإنما هم قوم لا يحققون شيئا، إنما هم في سبيل التشغيب على الضعفاء، وما يخدعون إلا أنفسهم. والجواب عن هذا السؤال السخيف وبالله تعالى التوفيق: أنا قد أخبرنا فيما خلا وفي سائر كتبنا بأننا مضطرون إلى معرفة أن الأشياء حقائق، وأنها موجودة على حسب ما هي عليه، وبأنه لا يدري أحد كيف وقع له ذلك وبينا أن هذه المعرفة التي اضطرنا إليها، وخلقها الباري تعالى في أنفسنا في أول أوقات فهمنا بعد تركيبها في الجسد، هي أصل لتمييز الحقائق من البواطن، وهي عنصر لكل معرفة، وإننا عرفنا إيجاب الأوامر ببديهة العقل وبالتمييز الموضوعين فينا، لنعرف بها الأشياء على ما هي عليه، فعلمنا أن الحجر صليب، وأن الماء سيال في طبعه، وإن انتقل إلى الجمود في بعض أحواله، وأن قول

[10] **Translator's note (L773):** "'Ayr" is retained as a transliterated example because the argument concerns one Arabic expression with multiple meanings, including "ass" and "caravan." No single English equivalent preserves that example.

[11] **Translator's note (L775):** The supplied "بالموقف" literally means "through the position" or "through the stopping place." In this argument it appears to refer to suspension of judgment, although the wording is unusual.

[12] **Translator's note (L776):** The opening continues a construction in the preceding segment; the wording concerning the refutation and the two alternatives is syntactically awkward. The first account of the meaning assigned to "Do" explicitly reads "Do not do it, if you wish." This has been retained, although the subsequent argument gives both permissive formulations.

deceive none but themselves. The answer to this foolish question—and success comes through Allah Most High—is that we have already explained, both earlier and in our other books, that we are compelled to know that things are realities and that they exist in accordance with what they are, and that no one knows how this knowledge came to him. We have explained that this knowledge, which we are compelled to possess and which the Creator Most High created in our souls at the earliest moments of our understanding, after their incorporation into the body, is a foundation for distinguishing realities from inward things, and is the basic element of every kind of knowledge. We recognized that commands impose obligations through the immediate intuition of reason and the discernment implanted in us so that through them we might know things as they are. Thus we knew that stone is hard; that water is fluid by its nature, even though in some of its states it changes into solidity; that someone's saying, "So-and-so is a fool," is blame, whereas his saying, "So-and-so is intelligent," is praise; and that a command is one of the constituent forms of speech, which are goodness, supplication, interrogation, and command. Once it was established in the soul that the commander's intention that the person commanded should do what he commands him to do is a meaning subsisting in souls, there necessarily had to be an expression through which mutual understanding of it could occur. We also knew this through explicit texts that we shall mention as we complete the refutation of the sophistries you have advanced, if Allah Most High wills. Through Allah we are strengthened, and His help we seek.

This is everything that the proponents of suspension of judgment have adduced, with nothing further. We have refuted it by necessary demonstration, through the guidance and instruction of Allah Most High; there is no deity but Him. However, Ibn al-Muntab the Maliki produced an enormity to which we are therefore obliged to draw attention, if Allah Most High wills. That is, he said that among the evidence that commands require suspension of judgment is the saying of Allah Most High, reporting about the speakers of the language, who are the Arabs: {And among them are those who listen to you, until, when they leave your presence, they say to those who have been given knowledge, "What did he say just now?" Those are the ones

القائل: فلان أحمق، ذم، وأن قوله: فلان عاقل مدح، وأن الأمر عنصر من عناصر الكلام التي هي خير ودعاء واستفهام وأمر، فلما استقر في النفس أن إرادة الأمر أن يفعل المأمور ما يأمره به، معنى قائم في النفوس لم يكن له بد من عبارة يقع بها التفاهم، وعلمنا ذلك أيضا بنصوص سنذكرها في تمام إبطال ما شغبتم به إن شاء الله تعالى، وبالله نتأيد وإياه نستعين. هذا كل ما احتج به القائلون بالوقف ولا مزيد، فقد أبطلناه بالبرهان الضروري بتوفيق الله تعالى وتعليمه لا إله إلا هو، إلا أن ابن المنتاب المالكي أتى بعظيمة فلزمنا التنبيه عليها إن شاء الله تعالى وذلك أنه قال: إن من الدليل على أن الأوامر على الوقف قول الله تعالى مخبرا عن أهل اللغة الذين هم العرب: {ومنهم من يستمع إليك حتى إذا خرجوا من عندك قالوا للذين أوتوا لعلم ماذا قال آنفا أولئك لذين طبع لله على قلوبهم وتبعوا أهوآءهم} قال فلو كانت الأوامر على الوجوب، والألفاظ على العموم، لما كان لسؤالهم عما قاله عليه السلام معنى إذ لو فهم الوجوب والعموم من نفس اللفظ لكان سؤالهم فاسدا. قال علي: لا يشبه هذا القول احتجاج مسلم، لأن الله تعالى حكى هذا الاعتراض عن قوم منافقين كفار، لم يرض فعلهم ولا سؤالهم، وإنما حكى الله عز وجل ذلك عنهم منكرا عليهم وقد قال تعالى {فأنجيناه وأصحاب لسفينة وجعلناها آية للعالمين} فأخبر تعالى أن ظاهر القرآن وتلاوته تكفي أن ذلك يجب قبوله على ظاهره حين وروده هذا نص الآية المذكورة، ووصية الله تعالى التي لا تحتمل غير ما ذكرنا، ولا أعجب من احتجاج من يدعي أنه مسلم في إسقاطه إيجاب طاعة الله عز وجل وطاعة رسوله صلى الله عليه وسلم بكلام قوم كفار منافقين مستهزئين بآيات الله عز وجل.

upon whose hearts Allah has set a seal, and they have followed their desires.} He said: "If commands conveyed obligation and expressions conveyed general applicability, their asking about what he, peace be upon him, had said would have had no meaning. For if obligation and general applicability were understood from the expression itself, their question would have been invalid."

Ali said: This statement does not resemble a Muslim's argument, because Allah Most High related this objection from people who were hypocrites and unbelievers. He approved neither their action nor their question. Allah, Mighty and Majestic, related it from them only in condemnation of them. And He Most High has said: {So We saved him and the companions of the ship, and We made it a sign for all the worlds.} Thus He Most High stated that the apparent meaning of the Quran and its recitation suffice: it must be accepted according to its apparent meaning when it is received. This is the explicit wording of the aforementioned verse and the injunction of Allah Most High, which admits of nothing other than what we have mentioned. Nothing is more astonishing than someone claiming to be a Muslim adducing the words of unbelieving hypocrites who mock the signs of Allah, Mighty and Majestic, in order to set aside the obligation to obey Allah, Mighty and Majestic, and to obey His Messenger, may Allah bless him and grant him peace ﷺ.[13][14][15][16]

[13] **Translator's note (L779):** The supplied text reads "inward things" (al-bawatin), an unusual counterpart to "realities" here; the wording may be corrupt. The enumeration of forms of speech reads "goodness" (khayr), rather than the expected "statement" or "report" (khabar). The supplied reading has been retained. In "the commander's intention," the unvocalized spelling is understood as referring to the person issuing the command; the surrounding syntax supports this reading.

[14] **Translator's note (L780):** The first Quranic quotation contains several defective spellings, including omitted initial alifs; the intended words remain identifiable. The final quotation is the beginning of Quran 29:15. Its apparent mismatch with the argument that follows is retained.

[15] **Translator's note (L781):** The claim about accepting the Quran's apparent meaning does not correspond to the immediately preceding quotation, Quran 29:15, concerning the ship. The apparent quotation or transmission error has not been repaired.

[16] **Qur'an references (L777):** Qur'an 47:16 (Muhammad).

وما نعرف لهذا الاحتجاج مثلا في الشنعة والفظاعة، إلا قول إسماعيل بن إسحاق في كتابه الخمس وهو كتاب مشهور معلوم، ولنا عليه فيه رد هتكنا عواره فيه، وفضحناه بحول الله وقوته، فإن قال في الكتاب المذكور لو كان ما أعطى النبي صلى الله عليه وسلم صناديد قريش من غنائم هوازن إثر يوم حنين من نصيبه من خمس الخمس، كما قال الشافعي، ما قالت الأنصار في ذلك ولا قال ذو الخويصرة ما قال. قال علي: فمن أضل ممن يحتج بكلام ذي الخويصرة ويتخذ ذا الخويصرة وليجة من دون الله تعالى ورسوله صلى الله عليه وسلم ويجعل إنكار كافر مشرك شر خلق الله هجور لرسول الله صلى الله عليه وسلم حجة على المؤمنين القائلين إن رسول الله صلى الله عليه وسلم إنما أعطى من أعطى نصيبه الذي فوض الله تعالى أمره إليه، لا مما جعله الله عز وجل لأقوام مسلمين معروفين، اللهم إنا نبرأ إليك من هذا الكلام، ومن نصر مذهب قاد إلى الاحتجاج بإنكار ذي الخويصرة على رسول الله صلى الله عليه وسلم وبقول المنافقين ماذا قال آنفا ونحن نقول قول إنصاف إذ قد اقتدى ابن المنتاب بالقائلين إذ خرجوا من عند رسول الله صلى الله عليه وسلم وقد استمعوا إليه ثم قالوا لأهل العلم وتبرأنا نحن منهم ومن مثل سؤالهم واقتدينا نحن بالذين قالوا {أولئك على هدى من ربهم وأولئك هم لمفلحون} فلله ما اختار وله إن شاء الله تعالى ما أعطى الله للذين اقتدى بهم إذ قال عز وجل يعقب حكاية قوله {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد آلعقاب} {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا

L782–784 We know of nothing comparable to this argument in ugliness and atrocity except the statement of Ismail ibn Ishaq in his Book of the Fifth, a well-known and familiar book. We have written a refutation of him concerning it, in which, through Allah's power and strength, we laid bare his defects and exposed him. For if he said in the aforementioned book: "Had what the Prophet, may Allah bless him and grant him peace ﷺ, gave the chieftains of Quraysh from the spoils of Hawazin after the day of Hunayn come from his own share of the fifth of the fifth, as al-Shafii said, the Ansar would not have said what they did about it, nor would Dhu al-Khuwaysirah have said what he said."

Ali said: Who is more astray than someone who adduces the words of Dhu al-Khuwaysirah as evidence, takes Dhu al-Khuwaysirah as a confidant apart from Allah Most High and His Messenger, may Allah bless him and grant him peace ﷺ, and makes the objection of an unbeliever, an idolater, one of the worst of Allah's creatures, an abuser of Allah's Messenger, may Allah bless him and grant him peace ﷺ, an argument against the believers who say that Allah's Messenger, may Allah bless him and grant him peace ﷺ, gave those to whom he gave only from his own share, whose disposal Allah Most High had entrusted to him, and not from what Allah, Mighty and Majestic, had assigned to specific, known groups of Muslims? O Allah, we declare ourselves before You free of this speech and of supporting a doctrine that has led to adducing Dhu al-Khuwaysirah's objection to Allah's Messenger, may Allah bless him and grant him peace ﷺ, and the hypocrites' saying, "What did he say just now?" We speak a word of fairness: Ibn al-Muntab has taken as his exemplars those who, when they left the presence of Allah's Messenger, may Allah bless him and grant him peace ﷺ, after listening to him, then spoke to the people of knowledge. We have disavowed them and questions like theirs, and have taken as our exemplars those who said: {Those are upon guidance from their Lord, and those are the successful.} To Allah belongs what he chose, and he shall have, if Allah Most High wills, what Allah gave those whom he took as his exemplars, when He, Mighty and Majestic, said, following His account of his statement: {O you who believe, do not violate the sacred rites of Allah, nor the sacred month, nor the sacrificial

offerings, nor the garlands, nor those making their way to the Sacred House, seeking bounty from their Lord and approval. And when you have left the consecrated state, then hunt. And do not let hatred of a people, because they barred you from the Sacred Mosque, cause you to transgress. Cooperate in righteousness and reverence, and do not cooperate in sin and aggression. And be mindful of Allah; indeed, Allah is severe in punishment.} {O you who believe, do not violate the sacred rites of Allah, nor the sacred month, nor the sacrificial offerings, nor the garlands, nor those making their way to the Sacred House, seeking bounty from their Lord and approval. And when you have left the consecrated state, then hunt. And do not let hatred of a people, because they barred you from the Sacred Mosque, impel you to transgress. Cooperate in righteousness and piety, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment." "Among them are those who listen to you, until, when they leave your presence, they say to those who have been given knowledge, 'What did he say just now?' Those are the ones upon whose hearts Allah has set a seal, and they have followed their desires." Muhammed, 16. We hope that Allah, through His graciousness and bounty, will give us what He gave those whose example we have followed in their saying, "Those are upon guidance from their Lord, and those are the successful," since Allah Most High says, "The only saying of the believers, when they are summoned to Allah and His Messenger so that he may judge between them, is that they say, 'We hear and obey.' And those are the successful." Yes, indeed! Let the ignorant man who objects to the speech of Allah Most High and the speech of His Messenger ﷺ by invoking the sayings of the hypocrites and polytheists know that the saying of those who said to those given knowledge, "What did he say just now?" contains no

ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد آلعقاب} {ومنهم من يستمع إليك حتى إذا خرجوا من عندك قالوا للذين أوتوا لعلم ماذا قال آنفا أولئك لذين طبع لله على قلوبهم وتبعوا أهوآءهم} { محمد 16 ونحن راجون أن يعطينا الله بمنه وطوله ما أعطى من اقتدينا بهم في قولهم {أولئك على هدى من ربهم وأولئك هم لمفلحون} إذ يقول الله تعالى {إنما كان قول لمؤمنين إذا دعوا إلى لله ورسوله ليحكم بينهم أن يقولوا سمعنا وأطعنا وأولئك هم لمفلحون} ونعم فليعلم الجاهل المعترض بأقوال المنافقين المشركين على كلام الله تعالى وكلام رسوله صلى الله عليه وسلم أن قول الذين قالوا للذين أوتوا العلم ماذا قال آنفا، لا معنى لسؤالهم هذا، ولا يعقل سؤالهم لأنه سؤال مجنون فاسد الدين ملعون

meaningful question, nor is their question intelligible, for it is the question of a madman, corrupt in religion and accursed.[17][18][19][20]

L785–787 Some of them raised a specious objection by invoking the saying of Allah Most High: “O you who believe, do not violate Allah’s sacred rites, nor the sacred month, nor the sacrificial animals, nor the garlands, nor those making for the Sacred House, seeking bounty from their Lord and His good pleasure. When you have left the state of consecration, then hunt. And do not let hatred of a people, because they barred you from the Sacred Mosque, impel you to transgress. Cooperate in righteousness and piety, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment.” “When the prayer has been concluded, disperse through the land and seek Allah’s bounty, and remember Allah much, so that you may prosper.” They said, “This is permission, without doubt.” We said: If you argue on this basis, you must say that all commands indicate recommendation until evidence establishes obligation. Yet this is not their position. As for these two verses, they were transferred from obligation to permission only by a demonstration. As for hunting, the Prophet ﷺ left the state of consecration by circumambulating the House and went down to Mina, without hunting.

[17] **Translator’s note (L782):** The introduction to Ismail’s quotation literally reads “for if he said,” leaving an awkward conditional construction. It has not been silently changed to “for he said.” “An abuser” renders the unusual supplied form hajur, understood here as describing someone who speaks abusively.

[18] **Translator’s note (L783):** The supplied wording says “To Allah belongs what he chose.” Its pronouns and connection with the following clause are awkward; it may contain a transcription error, but it has been retained. The text attributes “Those are upon guidance from their Lord…” to people who “said” it. This wording has been retained. The quotation of Quran 5:2 appears unrelated to the immediately preceding argument and is then repeated, with the second occurrence continuing into the next segment. Both occurrences have been translated as supplied. “Following His account of his statement” preserves an unclear pronoun reference in the supplied text.

[19] **Translator’s note (L784):** The opening continues a Qur’anic quotation begun in the preceding segment. The supplied transcription repeatedly omits initial alifs in the Qur’anic text; the recognizable wording is rendered accordingly. “Muhammed, 16” appears to be an editorial verse reference to Qur’an 47:16.

[20] **Qur’an references (L782):** Qur’an 2:5 (Al-Baqarah); Qur’an 31:5 (Luqman); Qur’an 5:2 (Al-Ma’idah); Qur’an 47:16 (Muhammad); Qur’an 24:51 (An-Nur).

وشغب بعضهم بقول الله تعالى {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد آلعقاب} {فإذا قضيت لصلاة فنتشروا في لأرض وبتغوا من فضل لله وذكروا لله كثيرا لعلكم تفلحون} قالوا وهذا إباحة بلا شك، فقلنا: يجب عليكم إذا احتججتم بهذا أن تقولوا: إن جميع الأوامر على الندب، حتى يقوم دليل على الوجوب وهذا ليس قولهم، وأما هاتان الآيتان فإنما خرجتا عن الوجوب إلى الإباحة ببرهان أما التصيد فإن النبي صلى الله عليه وسلم حل بالطواف بالبيت وانحدر إلى منى ولم يصطد، فصح أنه ليس فرضا بهذا النص الآخر وأما {فإذا قضيت لصلاة فنتشروا في لأرض وبتغوا من فضل لله وذكروا لله كثيرا لعلكم تفلحون} فإن عبد الله بن ربيع قال حدثنا عمر بن عبد الملك، حدثنا ابن الأعرابي، ثنا علي بن عبد العزيز، ثنا القعنبي، ثنا مالك، عن أبي الزناد عن الأعرج عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال الملائكة تصلي على أحدكم ما دام في مصلاه الذي صلى فيه، ما لم يحدث: اللهم اغفر له اللهم ارحمه. قال أبو محمد: فندبنا إلى القعود في مصلانا بعد الصلاة، فصح بذلك أن الانتشار بعد الصلاة إباحة، فمن جاءنا في شيء من الأوامر ببرهان ينقله عن الفرض إلى الندب، وعن التحريم إلى الكراهية، صرنا إليه، وأما بالدعوة الكاذبة المحيلة للقرآن والسنن على موضوعها، فمعاذ الله من ذلك. واحتج على بعضهم بالخبر الثابت من طريق أنس أن رجلا اتهم بأم ولد رسول الله صلى الله عليه وسلم فأمر النبي عليه السلام علي بن أبي طالب أن يقتله فأتاه فوجده في ركي يتبرد، فأمره بالخروج فلما خرج فإذا هو مجبوب لا ذكر له

فتركه وعاد إلى رسول الله صلى الله عليه وسلم فأخبره وزاد بعض من لا يوثق به في هذا الخبر أن عليا قال له يا رسول الله أنفذ لأمرك كالسكة المحماة أم الشاهد يرى ما لا يرى الغائب فقال له بل الشاهد يرى ما لا يراه الغائب وقد ذكر هذا اللفظ أيضا في خبر بعثه عليه السلام عليا إلى خيبر وكلاهما لا يصح أصلا بل هما زيادتا كذب، لم يرو قط من طريق فيها خير، ويلزم من صحها أن يسقط من الصلاة ثلاث صلوات، أو من كل صلاة ركعة إن رأى ذلك أصلح، أو ينقل صوم رمضان إلى الربيع رفقا بالناس، إذ الشاهد يرى ما لا يرى الغائب، وأن يزيد في الحدود والزكاة، أو ينقص منها، وهذا كفر صريح فبطل التعلق بهذا اللفظ الموضوع

Thus this other text establishes that hunting is not obligatory. As for “When the prayer has been concluded, disperse through the land and seek Allah’s bounty, and remember Allah much, so that you may prosper,” ʿAbd Allah ibn Rabiʿ said: ʿUmar ibn ʿAbd al-Malik related to us; Ibn al-Aʿrabi related to us; ʿAli ibn ʿAbd al-ʿAziz related to us; al-Qaʿnabi related to us; Malik related to us, from Abu al-Zinad, from al-Aʿraj, from Abu Hurayra, that the Messenger of Allah ﷺ said: “The angels invoke blessings upon any one of you for as long as he remains in the place where he prayed, provided that he does not invalidate his ritual purity: ‘O Allah, forgive him! O Allah, have mercy upon him!’” Abu Muhammed said: Thus he recommended that we remain seated in our place of prayer after the prayer. This establishes that dispersing after prayer is permitted. Whoever brings us, concerning any command, a demonstration transferring it from obligation to recommendation, or from prohibition to disapproval, we shall accept it. But as for a false claim that displaces the Qur’an and the prophetic traditions from their established import—Allah forbid that! An argument was brought against some of them using the report established through Anas: a man was accused in connection with the slave woman who had borne the Messenger of Allah ﷺ a child, and the Prophet, peace be upon him, ordered ʿAli ibn Abi Talib to kill him. He went to him and found him in a well, cooling himself. He ordered him to come out, and when he came out, he proved to be a man whose penis had been cut off: he had no penis. So he left him and returned to the Messenger of Allah ﷺ and informed him. Some who are not trustworthy added to this report that ʿAli said to him, “O Messenger of Allah, shall I carry out your command like a heated ploughshare, or does the person present see what the absent person does not see?” He replied to him, “Rather, the person present sees what the absent person does not see.” This wording has also been mentioned in the report of his sending ʿAli to Khaybar, peace be upon him. Neither version is authentic at all. Rather, both are lying additions, never transmitted through any chain possessing any merit. Whoever authenticates it must consequently allow himself to remove three prayers from the prescribed prayers, or one unit from every prayer, if he considers that more beneficial; or to move the Ramadan fast to spring out of consideration for people, since the person present sees what the absent person does not

see; and to increase the prescribed punishments and the obligatory alms, or diminish them. This is outright unbelief. Thus reliance upon this fabricated wording is invalid.[21][22][23]

L788 Likewise, the report that he, peace be upon him, ordered Abu Bakr and ʿUmar to kill Dhu al-Khuwaysira, whereupon they returned and one of them said, "O Messenger of Allah ﷺ, I found him prostrating," while the other said, "I found him bowing," is a lying report that has never come through any transmission chain possessing merit.

L789 As for his command, peace be upon him, to kill that man, it admits of one of two explanations. Either people outwardly upright but inwardly hypocritical bore false witness before the Prophet, peace be upon him, that they had heard the man confess to that, so that he became liable to death for harming the Prophet ﷺ, and Allah then exposed their lie; or He Most High revealed to him the command to kill the man, knowing, Most High is He, that He would abrogate that command by making manifest the man's innocence and the informant's falsehood. Either explanation is sound, and success comes through Allah Most High. ʿAli said: Now that we have mentioned everything with which they raised specious objections, let us mention, if Allah Most High wills, the demonstrations establishing that all commands indicate obligation and all prohibitions indicate unlawfulness, except those excluded by evidence. Before that, we say: only someone whose reason has been dazzled by the radiance of truth, whose heart's sight has been struck by the flashing light of Allah Most High, and who has become entangled in his error, defending the corrupt positions to which he has grown accustomed and hoping to extinguish the inextinguishable light of truth, has resorted to suspending

وكذلك ما روي أنه عليه السلام أمر أبا بكر وعمر بقتل ذي الخويصرة فرجعا وقال أحدهما يا رسول الله صلى الله عليه وسلم وجدته ساجدا وقال الآخر وجدته راكعا فهو خبر كاذب لم يأت قط من طريق خير

وأما أمره عليه السلام بقتل ذلك الإنسان فيخرج على أحد وجهين إما أنه شهد عند النبي عليه السلام بذلك قوم عدول في الظاهر منافقون في الباطن كاذبون بأنهم سمعوه يقر بذلك فوجب عليه القتل لأذاه النبي صلى الله عليه وسلم ففضح الله كذبهم وأما أنه تعالى أوحى إليه بالأمر بقتله، وقد علم تعالى أنه سينسخ ذلك الأمر بإظهار براءته، وكذب الناقل، وكلا الأمرين وجه صحيح، وبالله تعالى التوفيق. قال علي: فإذا قد ذكرنا كل ما شغبوا به، فلنذكر إن شاء الله تعالى البراهين المصححة أن الأوامر كلها على الوجوب، والنواهي كلها على التحريم إلا ما خرج منها بدليل، ونقول قبل ذلك: إنما لجأ إلى القول بالوقف وتعلق بهذه العوارض، وسلك في هذه المضايق من بهر شعاع الحق عقله، والتمع نور الله تعالى بصر قلبه؛ وارتبك في غيه ناصرا لما قد ألفه من الأقوال الفاسدة، وطمعا في إطفاء ما لا ينطفىء من ضياء الحق، وإنما التزموا ذلك في مسائل يسيرة، ثم تناقضوا فأوجبوا أحكاما كثيرة، فرضا بنفس الأمر مما قد خالفهم فيها غيرهم، وفعلت كل طائفة منهم مثل ما فعلت الأخرى. قال أبو محمد: فأول ذلك أنه لا يعقل أحد من أهل كل لغة أي لغة كانت من لفظة افعل أو اللفظة التي يعبر بها في كل لغة عن معنى: افعل، ولا يفهم منها أحد لا تفعل، ولا يعقل أحد من لفظة لا تفعل، أو مما يعبر به عن معنى: لا تفعل، ولا يفهم منها أحد

[21] **Translator's note (L786):** The phrase rendered "displaces … from their established import" has the awkward supplied wording المحيلة للقرآن والسنن على موضوعها, with على, "upon," where the argument appears to require "away from." The accusation "in connection with" the slave woman is left implicit in the Arabic; the nature of the alleged misconduct is not expressly stated.

[22] **Translator's note (L787):** The opening completes "Some who are not trustworthy" from the preceding unit. "Like a heated ploughshare" preserves the report's unusual literal simile.

[23] **Qur'an references (L785):** Qur'an 5:2 (Al-Ma'idah).

judgment, clung to these incidental objections, and taken these constricted paths. They adhered to this only in a few questions, then contradicted themselves by making many rulings binding obligations on the strength of the command itself, in matters in which others disagreed with them. Each faction among them did just what the other did. Abu Muhammed said: The first point is that no speaker of any language, whatever that language may be, understands the expression 'Do,' or the expression used in each language to convey the meaning 'Do,' as 'Do not'; nor does anyone comprehend it that way. Nor does anyone understand the expression 'Do not,' or whatever is used to convey the meaning 'Do not,' as 'Do'; nor does anyone comprehend it that way. Whoever makes this claim about languages and their speakers is in a worse condition than soothsayers. He Most High has said: "Slain be the conjecturers!"[24][25]

افعل، ومدعي هذا على اللغات وأهلها في أسوأ من حال الكهان وقد قال تعالى: {قتل الخراصون}

L790–791 ʿAli said: They are to be asked, "By what means do you know that any of the commands which you acknowledge to be obligatory indicate obligation?" They answered this with two replies. One was that some of them said, "We know that a command indicates obligation when a threat accompanies it." Others said, "We do not renew the indications of obligation, and they are things that accompany commands intended to impose obligation, and we are unable to express them in words."[26]

قال علي: ويقال لهم: بأي شيء تعرفون أن في الأوامر شيئا على الوجوب مما تقرون فيه أنه واجب، فأجابوا عن ذلك بجوابين: أحدهما: إن قال بعضهم: نعرف أن الأمر على الوجوب إذا اقترن معه وعيد. وقال بعضهم: لسنا نجدد دلائل الوجوب، وهي أشياء تقترن بالأوامر التي يراد بها الإيجاب، ولسنا نقدر على العبارة عنها.

L792–794 Ali said: As for these people, they have acknowledged that their argument has broken down and that they are unable to explain their position. If something cannot be explained, then, with certainty, the inability to defend it is even more pronounced. Anyone who has a tongue but neither shame nor religious scruple can claim whatever he wishes, and then, when asked for

قال علي: أما هؤلاء فقد أقروا بالانقطاع وبالعجز عن بيان مذهبهم، وإذا كان شيء لا يقدر على بيانه، فباليقين أن العجز عن نصره أوجد وليس يعجز أحد له لسان، وليس له حياء ولا ورع، أن يدعي ما شاء فإذا سئل عن دليل قوله وبيانه قال: إني لا أقدر على بيانه، ولكنه شيء معلوم إذا وجد عرف. قال علي: ولسنا ممن يجوز عليه هذا الهذيان، ولكنا نقول لمن هذا: صف لنا حال نفسك في معرفتك ما عرفت أنه واجب، فإن عجزت عن ذلك بان كذبك وادعاؤك الباطل: لأن كل واحد يدعي حالا يستدل بها على حقيقة ليست من أوائل المعارف، فهو مميز لتلك الحال وإلا فهو مدع للباطل. قال أبو محمد: ويقال لمن قال: يعرف أن الأمر على الوجوب إذا اقترن به وعيد: اعلم أن الوعيد من الله عز وجل قد اقترن بجميع أوامر نبيه صلى الله عليه

[24] **Translator's note (L789):** The supplied wording of the two statements concerning "Do" and "Do not" is syntactically awkward. The translation treats "Do not" and "Do" respectively as the contrasting meanings rejected by both preceding verbs, while retaining the repetition.

[25] **Qur'an references (L789):** Qur'an 51:10 (Adh-Dhariyat).

[26] **Translator's note (L790):** The supplied نجدد means "we renew." In context, "we delimit" or "we specify" would make better sense, but would require a different reading; the supplied wording has been retained. The construction أحدهما إن قال is awkward; it is rendered as introducing the first of the two replies.

the evidence for his statement and its explanation, say: "I cannot explain it, but it is something known: when it occurs, it is recognized." Ali said: We are not people upon whom this delirious talk can be passed off. Rather, we say to someone who says this: Describe to us your own state when you recognize that something you have recognized is obligatory. If you cannot do so, your falsehood and your groundless claim become evident. For anyone who claims a state by which he infers a truth that is not among the primary objects of knowledge must be able to distinguish that state; otherwise, he is making a groundless claim. Abu Muhammed said: To anyone who says that a command is recognized as imposing an obligation when it is accompanied by a threat, it should be said: Know that a threat from Allah, mighty and majestic, has accompanied all the commands of His Prophet ﷺ in His statement, exalted is He: "Do not make the Messenger's summons among you like the summons of one of you to another. Allah certainly knows those of you who slip away, taking cover behind others. So let those who contravene his command beware lest a trial befall them or a painful punishment befall them." Thus, the warning of trial and the threat have been attached to everyone who contravenes his command, peace be upon him. Ali said: One of them objected to this, saying: "Since it is established that among his commands, peace be upon him, are some whose contravener is not afflicted by a painful punishment—namely, a command whose meaning is recommendation—we know that the threatened punishment against which warning is given concerns only those commands whose meaning is obligation, and that this verse does not require all his commands to be obligatory. If that is so, then it has ceased to constitute evidence for construing a command as imposing an obligation." Ali said: It should be said to him—and success comes through Allah, exalted is He—that those commands which cease to entail liability to the punishment expressly stated in the verse for neglecting them, because they have passed into the meaning of recommendation, are merely exceptions to the totality of what the verse conveys. They are comparable to an abrogated provision that has ceased to be obligatory: this does not invalidate the continued application of the rest of the revealed law. Likewise, the fact that certain commands pass, on the evidence pertaining to them, into recommendation does not invalidate the continuing liability to punishment

وسلم في قوله تعالى {لا تجعلوا دعآء لرسول بينكم كدعآء بعضكم بعضا قد يعلم الله لذين يتسللون منكم لواذا فليحذر لذين يخالفون عن أمره أن تصيبهم فتنة أو يصيبهم عذاب أليم} فاقترن التحذير من الفتنة والوعيد بكل من خالف أمره عليه السلام قال علي واعترض بعضهم في ذلك بأن قال لما صح في أن أوامره عليه السلام ما لا يصيب مخالفه عذاب أليم وهو أمر كان معناه الندب، علمنا أن الوعيد المحذر منه إنما هو فيما كان من الأوامر معناه الوجوب فقط، وأن هذه الآية لا توجب كون جميع أوامره فرضا، وإن كان ذلك، فقد بطل أن يكون حجة في حمل الأمر على الوجوب. قال علي: فيقال له وبالله تعالى التوفيق: إن ما خرج من الأوامر عن استحقاق العذاب المنصوص في الآية على تركه، بخروجه إلى معنى الندب، إنما هو مستثنى من جملة ما جاءت الآية به، بمنزلة المنسوخ الخارج عن الوجوب، فلا يبطل ذلك بقاء سائر الشريعة على الاستعمال، وكذلك خروج ما خرج بدليله إلى الندب ليس بمبطل بقاء ما لا دليل على أنه ندب، على استحقاق العذاب على تركه، إلا أن الوعيد قد حصل مقرونا بالأوامر كلها، إلا ما جاء نص أو إجماع متيقن منقول إلى النبي صلى الله عليه وسلم بأنه لا وعيد عليه لأنه غير واجب ولا يسقط من كلام الله تعالى إلا ما أسقطه وحي له تعالى آخر فقط.

for neglecting those for which there is no evidence that they are recommendations. Nevertheless, the threat has indeed been attached to all commands, except those concerning which an explicit text or a consensus established with certainty and transmitted back to the Prophet ﷺ states that no threat attaches to them, because they are not obligatory. Nothing in the speech of Allah, exalted is He, is set aside except what another revelation from Him, exalted is He, has set aside, and nothing else.[27][28]

L795–807 Abd al-Rahman ibn Abd Allah al-Hamdani related to us: Abu Ishaq al-Balkhi related to us, from al-Firabri, from al-Bukhari: Muhammed ibn Sinan related to us: Fulayh related to us: Hilal ibn Ali related to us, from Ata ibn Yasar, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said: "All of my community will enter Paradise except those who refuse." They said: "Messenger of Allah, who would refuse?" He said: "Whoever obeys me will enter Paradise, and whoever disobeys me has refused." Ali said: Whoever says that commands are not construed as imposing an obligation except on the basis of evidence should be asked: What does disobedience mean? He must necessarily say: It is the commanded person's failure to do what the commander commanded him to do. Since this answer is unavoidable, anyone who considers it permissible to leave undone what Allah, exalted is He, or His Messenger ﷺ has commanded him has disobeyed Allah and His Messenger. Whoever disobeys them both has strayed far astray and deserves the Fire and exclusion from Paradise, according to the explicit wording of the speech of Allah and the speech of His Prophet ﷺ. Allah, exalted is He, said: "Except a conveyance from Allah and His messages. And whoever disobeys Allah and His Messenger, for him is the fire of Hell, abiding therein forever." Ali said: There is no greater disobedience than for Allah, exalted is He, and His Messenger ﷺ to say, "Do such-and-such a thing," and for the person commanded to say: "I will not do it unless I wish to do it, and I am permitted to leave undone what you both commanded me to do"; or for Allah, exalted

[27] **Translator's note (L792):** The expression translated as "someone who says this" is syntactically incomplete in the supplied Arabic, literally "someone who this." The objection contains the awkward wording "since it is established in that his commands"; the translation reflects the sense indicated by the ensuing argument.

[28] **Qur'an references (L792):** Qur'an 24:63 (An-Nur).

حدثنا عبد الرحمن بن عبد الله الهمداني، ثنا أبو إسحاق البلخي، عن الفربري، عن البخاري، ثنا محمد بن سنان، ثنا فليح ثنا هلال بن علي، عن عطاء بن يسار عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم كل أمتي يدخلون الجنة إلا من أبى قالوا يا رسول الله ومن يأبى قال من أطاعني دخل الجنة ومن عصاني فقد أبى قال علي: يسأل من قال: إن الأوامر لا تحمل على الوجوب إلا بدليل، ما معنى المعصية، فلا بد له من أن يقول: هي ترك المأمور أن يفعل ما أمره به الآمر، فإذا لا بد من ذلك. فمن استجاز ترك ما أمره به الله تعالى أو رسوله صلى الله عليه وسلم فقد عصى الله ورسوله ومن عصاهما فقد ضل ضلالا بعيدا واستحق النار، وألا يدخل الجنة بنص كلام الله وكلام نبيه صلى الله عليه وسلم قال الله تعالى {إلا بلاغا من لله ورسالاته ومن يعص لله ورسوله فإن له نار جهنم خالدين فيهآ أبدا} قال علي: ولا عصيان أعظم من أن يقول الله تعالى ورسوله صلى الله عليه وسلم افعل أمرا كذا فيقول المأمور لا أفعل إلا إن شئت أن أفعل، ومباح لي أن أترك ما أمرتماني به أو يقول الله تعالى أو رسوله صلى الله عليه وسلم لا تفعل أمرا كذا فيقول أنا أفعل إن شئت أن أفعله ومباح لي أن أفعل ما نهيتماني عنه قال علي ما يعرف أحد من العصيان غير هذا والحجة على هؤلاء القوم أبين في العقول بيانا وأقرب مأخذا منها على المشركين، لأن المشركين لا يقرون بوجوب طاعة الله تعالى وطاعة رسوله صلى الله عليه وسلم وإنما الكلام معهم

في إثبات ذلك وهؤلاء يقرون بطاعة الله تعالى وطاعة رسوله صلى الله عليه وسلم ثم يقولون لنا لا نطيع وليس الائتمار لهما بواجب إلا بدليل غير نفس أمرهما. نعوذ بالله من الخذلان ومن التمادي على الباطل بعد وضوحه. واحتج بعضهم بما حدثنا المهلب، عن ابن مناس عن ابن مسرور عن يونس بن عبد الأعلي عن ابن وهب أخبرني جرير بن حازم عن سليمان الأعمش قال قال رسول الله صلى الله عليه وسلم أعطيت القرآن على سبعة أحرف لكل حرف منها ظهر وبطن، وبه إلى ابن وهب أخبرني خالد بن حميد عن يحيى بن أبي أسيد أن رسول الله صلى الله عليه وسلم قال إن القرآن ذلول ذو وجوه فاتقوا ذله وكثرة وجوهه، وبه إلى ابن وهب، أنبأ مسلمة بن علي عن هشام عن الحسن أن رسول الله صلى الله عليه وسلم قال فذكر حديثا وذكر فيه القرآن وفيه وما منه آية إلا ولها ظهر وبطن، وما فيه حرف إلا وله حد ولكل حد مطلع. قال علي: هذه كلها مرسلات لا تقوم بها حجة أصلا، ولو صحت لما كان لهم في شيء منها حجة بوجه من الوجوه، لأنه لو كان كما ذكروا لكل آية ظهر وبطن، لكنا لا سبيل لنا إلى علم البطن منها بظن ولا بقول قائل لكن ببيان النبي صلى الله عليه وسلم الذي أمره الله تعالى بأن يبين للناس ما نزل إليهم فإن أوجدونا بيانا عن النبي صلى الله عليه وسلم بنقل الآية عن ظاهرها إلى باطن ما صرنا إليه طائعين وإن لم يوجدونا بيانا عن النبي صلى الله عليه وسلم فليس أحد أولى بالتأويل في باطن ما تحتمله تلك الآية من آخر من تأول أيضا. ومن الباطل المحال أن يكون للآية باطن لا يبينه النبي صلى الله عليه وسلم لأنه كان يكون حينئذ لم يبلغ كما أمر وهذا لا يقوله مسلم، فبطل ما ظنوه. وقد أتت الأحاديث الصحاح بحمل كل كلام على ظاهره كما حدثنا عبد الله بن ربيع التميمي قال: ثنا محمد بن معاوية المرواني، عن أحمد بن شعيب النسائي، ثنا محمد بن عبد الله بن المبارك، ثنا أبو هشام واسمه المغيرة بن سلمة المخزومي

is He, or His Messenger ﷺ to say, "Do not do such-and-such a thing," and for him to say: "I will do it if I wish to do it, and it is permissible for me to do what you both forbade me to do." Ali said: No one recognizes disobedience as anything other than this. The argument against these people is clearer to reason and more readily grasped than the argument against the polytheists, because the polytheists do not acknowledge the obligation to obey Allah, exalted is He, and to obey His Messenger ﷺ; discussion with them concerns establishing precisely that. These people, however, acknowledge obedience to Allah, exalted is He, and obedience to His Messenger ﷺ, and then say to us: "We do not obey, and compliance with their commands is not obligatory except on the basis of evidence other than their command itself." We seek refuge in Allah from being forsaken and from persisting in falsehood after it has become clear. Some of them adduced as evidence what al-Muhallab related to us, from Ibn Munas, from Ibn Masrur, from Yunus ibn Abd al-Ala, from Ibn Wahb: Jarir ibn Hazim informed me, from Sulayman al-Amash, who said: The Messenger of Allah ﷺ said: "I was given the Quran in seven modes of revelation (ahruf), each mode having an outward and an inward aspect." Through the same chain to Ibn Wahb: Khalid ibn Humayd informed me, from Yahya ibn Abi Usayd, that the Messenger of Allah ﷺ said: "The Quran is tractable, possessing multiple aspects, so beware of its tractability and its many aspects." Through the same chain to Ibn Wahb: Maslamah ibn Ali informed us, from Hisham, from al-Hasan, that the Messenger of Allah ﷺ said—he then mentioned a report in which he mentioned the Quran, including the words: "There is no verse in it that does not have an outward and an inward aspect, and no letter in it that does not have a limit, and every limit has a point of access." Ali said: All these are reports with an omitted link to the Prophet (mursal); no evidentiary authority can be established by them at all. Even if they were authentic, none of them would provide these people with evidence in any respect. For if, as they have mentioned, every verse had an outward and an inward aspect, we would have no way of knowing its inward aspect through conjecture or through anyone's assertion, but only through the explanation of the Prophet ﷺ, whom Allah, exalted is He, commanded to explain to people what had been sent down to them. If they furnish us with an explanation from the Prophet ﷺ transferring a verse from

its outward meaning to some inward meaning, we shall willingly adopt it. If they do not furnish us with an explanation from the Prophet ﷺ, no one has a better claim to interpret an inward meaning that the verse may bear than anyone else who also offers an interpretation. It is an absurd falsehood that a verse should have an inward meaning which the Prophet ﷺ does not explain, for he would then have failed to convey the message as he was commanded, and no Muslim says this. Thus, what they supposed is invalid. Authentic reports have indeed come down requiring that all speech be construed according to its outward meaning, as Abd Allah ibn Rabi al-Tamimi related to us, saying: Muhammed ibn Muawiyah al-Marwani related to us, from Ahmad ibn Shuayb al-Nasai: Muhammed ibn Abd Allah ibn al-Mubarak related to us: Abu Hisham—whose name is al-Mughirah ibn Salamah al-Makhzumi, a trustworthy transmitter from Basra—related to us. Ali said: Abd Allah ibn Yusuf ibn Nami also informed us of it, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj: Zuhayr ibn Harb related to me: Yazid ibn Harun related to us. Ali said: The wording is al-Mughirah's. Al-Mughirah and Yazid said: Al-Rabi ibn Muslim related to us: Muhammed ibn Ziyad related to us, from Abu Hurayrah, who said: The Messenger of Allah ﷺ addressed the people, saying: "Allah, exalted is He, has imposed the pilgrimage upon you." A man stood up and said: "Every year?" He remained silent toward him until the man had repeated it three times. Then he said: "Had I said yes, it would have become obligatory; and had it become obligatory, you would not have fulfilled it. Leave me alone so long as I leave you alone. Those before you perished only because of their many questions and their disagreements with their prophets. So when I command you to do something, undertake as much of it as you can; and when I forbid you something, avoid it." It has also been transmitted through authentic chains to al-Zuhri, from Abu Sinan, from Ibn Abbas, from the Prophet ﷺ. The Prophet's ﷺ command that we do what he commanded to the extent that we can, and that we avoid what he prohibited, through Abu Hurayrah, with a chain traced back to the Prophet ﷺ, by Abu Salamah ibn Abd al-Rahman, Saʿid ibn al-Musayyab, Abu Salih, al-Aʿraj, Hammam ibn Munabbih, and Muhammed ibn Ziyad, all of them transmitting from Abu Hurayrah, from the Prophet ﷺ. Maʿmar

بصري ثقة قال علي وأنبأناه أيضا عبد الله بن يوسف بن نامي، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، حدثني زهير بن حرب. ثنا يزيد بن هارون، قال علي: واللفظ لفظ المغيرة، قال المغيرة ويزيد: ثنا الربيع بن مسلم، ثنا محمد بن زياد عن أبي هريرة قال خطب رسول الله صلى الله عليه وسلم الناس فقال إن الله تعالى قد فرض عليكم الحج فقام رجل فقال: أفي كل عام فسكت عنه حتى أعاده ثلاثا فقال لو قلت نعم لوجبت ولو وجبت ما قمتم بها ذروني ما تركتكم، فإنما هلك من كان قبلكم بكثرة سؤالهم واختلافهم على أنبيائهم فإذا أمرتكم بالشيء فخذوا منه ما استطعتم وإذا نهيتكم عن شيء فاجتنبوه. وقد روي أيضا من طرق صحاح إلى الزهري عن أبي سنان عن ابن عباس عن النبي صلى الله عليه وسلم وقد روي أمر النبي صلى الله عليه وسلم بأن نفعل ما أمر به ما نستطيع وأن نجتنب ما نهى عنه من طريق أبي هريرة مسندا إلى النبي صلى الله عليه وسلم أبو سلمة بن عبد الرحمن وسعيد بن المسيب وأبو صالح، والأعرج، وهمام بن منبه، ومحمد بن زياد كلهم عن أبي هريرة عن النبي صلى الله عليه وسلم رواه عن همام معمر ورواه عن الأعرج أبو الزناد، ورواه عن أبي صالح الأعمش، ورواه عن سعيد بن المسيب، وأبي سلمة الزهري، ورواه عن محمد بن زياد، عن أبي هريرة مسندا أيضا شعبة، والربيع بن مسلم ورواه عمن ذكرنا الثقات الأكابر قال علي فبين عليه السلام في هذا الحديث بيانا لا إشكال فيه أن كل ما أمر به فهو واجب، حتى لو لم يقدر عليه وهذا معنى قوله تعالى {في لدنيا ولآخرة ويسألونك عن ليتامى قل إصلاح لهم خير وإن تخالطوهم فإخوانكم والله يعلم لمفسد من لمصلح ولو شآء لله لأعنتكم إن لله عزيز حكيم} ولكنه تعالى رفع عنا الحرج ورحمنا فأمر على لسان نبيه صلى الله عليه وسلم كما تسمع أن ما أمر به عليه السلام فواجب أن يعمل به حيث انتهت الاستطاعة

transmitted it from Hammam; Abu al-Zinad transmitted it from al-Aʿraj; al-Aʿmash transmitted it from Abu Salih; al-Zuhri transmitted it from Saʿid ibn al-Musayyab and Abu Salamah; and Shuʿbah and al-Rabiʿ ibn Muslim also transmitted it from Muhammed ibn Ziyad, from Abu Hurayrah, with a chain traced back to the Prophet. The great, trustworthy transmitters transmitted it from those we have mentioned. Ali said: In this report he, peace be upon him, explained, with an explanation admitting of no uncertainty, that everything he commanded is obligatory, even if one is unable to perform it. This is the meaning of His saying, exalted is He: {Concerning this world and the Hereafter. They ask you about orphans. Say: Setting their affairs right is better; and if you mingle with them, they are your brothers. Allah knows the corrupter from the reformer. Had Allah willed, He would have put you to hardship. Indeed, Allah is Mighty, Wise.} But He, exalted is He, lifted hardship from us and showed us mercy. Thus, through the tongue of His Prophet ﷺ, He commanded, as you hear, that whatever he, peace be upon him, commanded must be carried out to the utmost extent of one's ability, and that nothing of it is waived except that which lies beyond one's ability alone; and that whatever he, peace be upon him, prohibited must be avoided. Abd Allah ibn Yusuf related to us, through the previously mentioned chain to Muslim, who said: Abd Allah ibn Abd al-Rahman al-Darimi related to us; Abu Ali al-Hanafi related to us; Malik ibn Anas related to us, from Abu al-Zubayr al-Makki, that Abu al-Tufayl Amir ibn Wathilah informed him that Muʿadh ibn Jabal informed him, saying: We set out with the Messenger of Allah ﷺ in the year of the expedition to Tabuk. The Messenger of Allah ﷺ said: "Tomorrow, Allah willing, you will come to the spring of Tabuk, and you will not reach it until the morning is well advanced. Whoever among you reaches it must not touch any of its water until I arrive." He said: We reached it, and two men had arrived there before us. The spring was like a sandal strap, oozing a little water. He said: Then the Messenger of Allah, may Allah bless him, asked the two of them and grant him peace: "Have you touched any of its water?" They said: "Yes." The Prophet ﷺ then reviled them and said to them what Allah willed him to say. He then related the remainder of the report, which includes the miraculous sign of the water gushing forth through his blessing ﷺ. Ali said: These two deserved to be reviled by the

وأنه لا يسقط من ذلك إلا ما عجزت عنه الاستطاعة فقط وأن ما نهى عليه السلام عنه فواجب اجتنابه ثنا عبد الله بن يوسف بالسند المذكور إلى مسلم قال: ثنا عبد الله بن عبد الرحمن الدارمي، ثنا أبو علي الحنفي، ثنا مالك بن أنس، عن أبي الزبير المكي، أن أبا الطفيل عامر بن وائله، أخبره أن معاذ بن جبل أخبره وقال خرجنا مع رسول الله صلى الله عليه وسلم عام غزوة تبوك فقال رسول الله صلى الله عليه وسلم إنكم ستأتون غدا إن شاء الله عين تبوك وإنكم لن تأتوها حتى يضحى النهار، فمن جاءها منكم فلا يمس من مائها شيئا حتى آتي قال: فجئناها وقد سبقنا إليها رجلان، العين مثل الشراك تبض بشيء من ماء قال فسألهما رسول الله صلى الله عليه وسلم هل مسستما من مائها شيئا قالا نعم فسبهما النبي صلى الله عليه وسلم وقال لهما ما شاء الله أن يقول ثم ذكر باقي الحديث وفيه الآية في نبعان الماء ببركته صلى الله عليه وسلم قال علي فهذان استحقا السب من النبي صلى الله عليه وسلم لخلافهما نهيه في مس الماء ولم يكن هناك وعيد متقدم، فثبت أن أمره على الوجوب كله إلا ما خصه نص، ولولا أنهما تركا واجبا ما استحقا سب رسول الله صلى الله عليه وسلم وبه إلى مسلم ثنا أبو بكر بن أبي شيبة ثنا أبو أسامة، ثنا عبيد الله هو ابن عمر عن نافع عن ابن عمر قال: لما توفي عبد الله بن أبي ابن سلول فقام رسول الله صلى الله عليه وسلم ليصلي عليه فقام عمر فقال يا رسول الله أتصلي عليه وقد نهاك الله أن تصلي عليه فقال رسول الله صلى الله عليه وسلم إنما أخبرني الله تعالى فقال {ستغفر لهم أو لا تستغفر لهم إن تستغفر لهم سبعين مرة فلن يغفر لله لهم ذلك بأنهم كفروا بالله ورسوله ولله لا يهدي القوم الفاسقين} وسأزيد على السبعين قال إنه منافق فصلى عليه رسول الله صلى الله عليه وسلم فأنزل الله عز وجل {ولا تصل على أحد منهم مات أبدا ولا تقم

Prophet ﷺ because they contravened his prohibition against touching the water, although there had been no prior threat of punishment. It is therefore established that all his commands entail obligation, except what a text specifically exempts. Had they not neglected an obligation, they would not have deserved the Messenger of Allah's ﷺ reviling. Through the same chain to Muslim: Abu Bakr ibn Abi Shaybah related to us; Abu Usamah related to us; Ubayd Allah—that is, Ibn Umar—related to us, from Nafi', from Ibn Umar, who said: When Abd Allah ibn Ubayy ibn Salul died, the Messenger of Allah ﷺ rose to perform the funeral prayer over him. Umar rose and said: "Messenger of Allah, will you pray over him when Allah has forbidden you to pray over him?" The Messenger of Allah ﷺ said: "Allah, exalted is He, merely informed me, saying: {Seek forgiveness for them, or do not seek forgiveness for them. If you seek forgiveness for them seventy times, Allah will never forgive them. That is because they disbelieved in Allah and His Messenger, and Allah does not guide the defiantly disobedient people.} And I shall exceed seventy." He said: "He is a hypocrite." The Messenger of Allah ﷺ nevertheless prayed over him. Then Allah, Mighty and Majestic, revealed: {Never pray over any of them who dies, nor stand at his grave. They disbelieved in Allah and His Messenger and died while defiantly disobedient.} Ali said: This report provides sufficient explanation for construing everything according to its apparent meaning. The Messenger of Allah ﷺ construed the wording expressed with "or" as granting a choice. When the unqualified prohibition came, he construed compliance with it as obligatory. This establishes that the wording of command and prohibition differs from the wording of choice and recommendation. His Messenger ﷺ was the most knowledgeable of all people concerning the Arabic language in which his Lord, exalted is He, addressed him. If someone says: "What, then, did Allah intend by the choice that the Messenger of Allah—may Allah bestow blessings upon him and grant him peace—construed as granting a choice, and by His mentioning, exalted is He, seventy times? Do you say that He, exalted is He, intended what Umar ibn al-Khattab said: that he should neither pray over them nor seek forgiveness for them, and that the other verse was then revealed to explain it?" The answer is that—and success comes through Allah, exalted is He—we do not say that, nor is it permissible for a Muslim to

على قبره إنهم كفروا بالله ورسوله وماتوا وهم فاسقون} قال علي ففي هذا الحديث بيان كاف في حمل كل شيء على ظاهره فحمل رسول الله صلى الله عليه وسلم اللفظ الوارد بأو على التخيير فلما جاء النهي المجرد حمله على الوجوب، وصح بهذا أن لفظ الأمر والنهي غير لفظ التخيير والندب ورسوله صلى الله عليه وسلم أعلم الناس بلغة العرب التي بها خاطبه ربه تعالى. فإن قال قائل: فما كان مراد الله بالتخيير الذي حمل رسول الله صلى الله عليه وسلم على التخيير وبذكره تعالى السبعين مرة أتقولون: إنه أراد تعالى ما قال عمر بن الخطاب من ألا يصلي عليهم ولا يستغفر لهم ثم نزلت الآية الأخرى مبينة؟. فالجواب: أننا وبالله تعالى التوفيق، لا نقول ذلك، ولا يسوغ لمسلم أن يقوله، ولا نقول إن عمر، ولا أحدا من ولد آدم عليه السلام فهم عن الله تعالى شيئا لم يفهمه عنه نبي الله صلى الله عليه وسلم وهذا القول عندنا كفر مجرد وبرهان ذلك أن الله تعالى لو لم يرض صلاة النبي على عبد الله بن أبي لما أقره عليها ولأنزل الوحي عليه لمنعه كما نهاه بعد صلاته عليه أن يصلي على غيره منهم، فصح أن قول عمر كان اجتهادا منه أراد به الخير فأخطأ فيه وأصاب رسول الله صلى الله عليه وسلم وأجر عمر في ذلك أجرا واحدا لكنا نقول إنه عز وجل خير نبيه صلى الله عليه وسلم في ذلك على الحقيقة فكان مباحا له صلى الله عليه وسلم أن يستغفر لهم ما لم ينه عن ذلك

say it. Nor do we say that Umar, or any descendant of Adam, peace be upon him, understood anything from Allah, exalted is He, that Allah's Prophet ﷺ did not understand from Him. In our judgment, this assertion is outright unbelief. The demonstration of this is that, had Allah, exalted is He, not approved of the Prophet's prayer over Abd Allah ibn Ubayy, He would not have allowed him to proceed with it, and would have sent down revelation to prevent him, just as, after his prayer over him, He forbade him to pray over any others among them. It is therefore established that Umar's statement was an exercise of independent judgment on his part, through which he intended good but erred, whereas the Messenger of Allah ﷺ was correct; and Umar received one reward for that. Rather, we say that He, Mighty and Majestic, truly gave His Prophet ﷺ a choice in the matter, so that it was permissible for him ﷺ to seek forgiveness for them so long as he had not been forbidden to do so.[29]303132333435

وأما ذكر السبعين فليس في الاقتصار عليه إيجاب أن المغفرة تقع لهم بما زاد على السبعين، ولا فيه أيضا منع من وقوع المغفرة لهم بما زاد على السبعين إلا أن رسول الله صلى الله عليه وسلم طمع ورجا إن زاد على السبعين أن يغفر لهم ولم يحقق أن المغفرة تكون بالزيادة، وهذا هو نفس قولنا بعينه، فلما أعلمه الله تعالى بما كان في علمه عز وجل، ولم يكن أعلمه قبل ذلك به علمه حينئذ نبيهصلى الله عليه وسلم ولم يكن علم قبل نزول المنع من الاستغفار لهم بالبت، أن ما زاد على السبعين غير مقبول، فدعا راج لم ييأس من المغفرة، ولا أيقن بها، وهذا بين في لفظ الحديث، وبالله تعالى التوفيق وقد سألت بريرة النبي صلى الله عليه وسلم إذ قال لها لو راجعتيه يعني النبي صلى الله عليه وسلم زوجها مغيثا فقالت أتأمرني يا رسول الله فقال لا إنما أشفع ففرق صلى الله عليه وسلم كما ترى بين أمره وشفاعته فثبت أن الشفاعة لا توجب على أحد فعل ما شفع فيه عليه السلام وأن أمره بخلاف ذلك وليس فيه إلا الإيجاب فقط وقال الله عز وجل {يأيها لرسول بلغ مآ أنزل إليك من ربك وإن لم تفعل فما بلغت

L808–813 As for the mention of seventy, restricting the statement to that number does not entail that forgiveness will be granted to them for anything beyond seventy; nor does it preclude forgiveness being granted to them for anything beyond seventy. Rather, the Messenger of Allah ﷺ hoped and entertained the expectation that, if he exceeded seventy, they would be forgiven. He

[29] **Translator's note (L795):** In the Quranic quotation, "whoever disobeys" is grammatically singular, while "abiding" is plural in the supplied Arabic; English does not reproduce this change of number.

[30] **Translator's note (L798):** "Tractable" and "tractability" preserve the unusual wording of the cited report; the intended warning appears to concern the text's susceptibility to being made to bear different interpretations. "Point of access" renders muttala, an ambiguous term that can also suggest a vantage point from which something is apprehended.

[31] **Translator's note (L803):** The salutation continues in the next unit.

[32] **Translator's note (L804):** The opening words complete the salutation begun in the preceding unit; they follow the reporting verb in that unit's English word order.

[33] **Translator's note (L805):** The first Quranic quotation begins with ستغفر rather than the usual استغفر. The translation follows the imperative sense required by the surrounding quotation, while recording the missing initial alif rather than silently correcting it. The final salutation continues in the next unit.

[34] **Hadith references (L795):** Sahih Muslim 706c; Sahih al-Bukhari 7280.

[35] **Qur'an references (L795):** Qur'an 72:23 (Al-Jinn); Qur'an 2:220 (Al-Baqarah); Qur'an 9:80 (At-Tawbah); Qur'an 9:84 (At-Tawbah).

did not establish as certain that forgiveness would result from the increase. This is precisely our own position. When Allah, exalted is He, informed him of what was in His knowledge, Mighty and Majestic is He, and of which He had not previously informed him, His Prophet ﷺ then knew it. Before the prohibition against seeking forgiveness for them was revealed, he had not known definitively that anything beyond seventy would be unacceptable. Thus he supplicated in hope, neither despairing of forgiveness nor possessing certainty of it. This is clear in the wording of the report, and success comes through Allah, exalted is He. Barirah also questioned the Prophet ﷺ when he said to her: "If only you would return to him"— the Prophet ﷺ meant her husband Mughith—and she said: "Are you commanding me, Messenger of Allah?" He said: "No; I am only interceding." Thus, as you see, he ﷺ distinguished between his command and his intercession. It is therefore established that intercession does not oblige anyone to do that for which he, peace be upon him, interceded, whereas his command differs from that and entails obligation alone. Allah, Mighty and Majestic, said: {O Messenger, convey what has been sent down to you from your Lord. If you do not, you will not have conveyed His message. Allah will protect you from people. Indeed, Allah does not guide the disbelieving people.} Ali said: This verse contains a clear explanation dispelling every doubt that whoever fails to do what he has been commanded has disobeyed. For He, exalted is He, explained that, if His Prophet ﷺ did not convey the message as commanded, he would not have done what he was commanded. This statement and this injunction have no meaning other than that contravening a command is disobedience, not compliance. Success comes through Allah, exalted is He. They admit against themselves that they do not do what they have been commanded until Abu Hanifah, Malik, and al-Shafi'i command them. He, exalted is He, said: {Thus it is established that He, exalted is He, did not desire acknowledgment alone from us, except together with acting upon what He commanded us to do alongside it. And He, exalted is He, said: {} Ali said: The ruling has become manifest through this verse, and no room for doubt remains, because recommendation grants a choice. It has been established that, with every command of Allah and His Messenger ﷺ, no one has any choice. Once choice is ruled out, obligation necessarily follows, because choice exists only

رسالته والله يعصمك من لناس إن الله لا يهدي لقوم لكافرين} قال علي في هذه الآية بيان جلي رافع لكل شك، في أن من لم يفعل ما أمر به فقد عصى لأنه تعالى بين أن نبيه صلى الله عليه وسلم إن لم يبلغ كما أمر فلم يفعل ما أمر به ولا معنى لهذا الخبر وهذا التقدم، إلا أن خلاف الأمر معصية لا موافقة، وبالله تعالى التوفيق وهم يقرون على أنفسهم أنهم لا يفعلون ما أمروا به حتى يأمرهم أبو حنيفة ومالك والشافعي وقال تعالى {فصح أنه لم يرد تعالى منا الإقرار وحده إلا مع العمل بما أمرنا معه وقال تعالى {} قال علي وانبلج الحكم بهذه الآية ولم يبق للشك مجال، لأن الندب تخيير وقد صح أن كل أمر لله ولرسوله صلى الله عليه وسلم فلا اختيار فيه لأحد وإذا بطل الاختيار فقد لزم الوجوب ضرورة، لأن الاختيار إنما هو في الندب والإباحة للذين لنا فيهما الخيرة، إن شئنا فعلنا، وإن شئنا لم نفعل، فأبطل الله عز وجل الاختيار في كل أمر يرد من عند نبيه صلى الله عليه وسلم وثبت بذلك الوجوب والفرض في جميع أوامرهما، ثم لم يدعنا تعالى في شك من القسم الثالث وهو الترك فقال تعالى {} قال علي وليس يقابل الأمر الوارد إلا بأحد ثلاثة أوجه، لا رابع لها نعلم ذلك بضرورة الطبيعة، وبديهة العقل: إما الوجوب وهو قولنا، وإما الندب والتخيير في فعل أو ترك وقد أبطل الله عز وجل هذا الوجه في قوله تعالى {} وأما الترك وهو المعصية فأخبر تعالى أن من فعل ذلك فقد ضل ضلالا مبينا، فارتفع الإشكال جملة وبطل كل شغب يأتون به وقال تعالى {} فنص تعالى على توبيخ من لم يكتف بالتلاوة، وهذا هو الحكم بالظاهر وحظر الانتقال إلى التأويل وقال تعالى {} وقال تعالى {} فصح أن لا بيان إلا نص القرآن ونص كلام رسول الله صلى الله عليه وسلم فإن قالوا فإنكم تحملون كثيرا من أوامره تعالى على التخيير والندب، فقد نقضتم هذا الحكم. قيل لهم وبالله تعالى التوفيق: ما فعلنا ما تقولون من النقض، لأننا إنما حملنا منها على التخيير

in recommendation and permissibility, in both of which we have the option: if we wish, we act, and if we wish, we do not do so. Thus Allah, mighty and majestic, invalidated choice in every matter proceeding from His Prophet ﷺ, thereby establishing obligation and binding duty in all their commands. Then He, exalted, did not leave us in doubt concerning the third category, namely, refraining from acting, for He, exalted, said: {}.

Ali said: A command that has been issued can be met in only one of three ways, with no fourth possibility. We know this by natural necessity and the immediate apprehension of reason. Either it entails obligation, which is our position; or it entails recommendation and a choice between acting and refraining—and Allah, mighty and majestic, has invalidated this possibility in His statement, exalted: {}; or it entails refraining, which is disobedience, and He, exalted, has declared that whoever does that has strayed into manifest error. Thus the difficulty is entirely removed, and every contentious objection they bring is invalidated. He, exalted, said: {}. Thus He, exalted, explicitly rebuked whoever does not find recitation sufficient. This is precisely judging according to the apparent meaning and prohibiting a move to an interpretive departure from it. He, exalted, said: {}; and He, exalted, said: {}. It is therefore established that there is no clarification except the explicit text of the Quran and the explicit wording of the Messenger of Allah ﷺ.

If they say, "Yet you construe many of His commands, exalted, as allowing choice or expressing recommendation, and have therefore contradicted this ruling," they are told—and through Allah, exalted, comes success: We have not committed the contradiction you allege. For whatever among them we construed as allowing choice, we construed thus by Allah's command, exalted, which we likewise understood as obligatory. When our Lord, mighty and majestic, explicitly states concerning something He has commanded that we may do it if we wish and leave it if we wish, He has necessarily made it obligatory for us to accept that explicit text according to its apparent meaning. We have therefore not departed from our principle, nor did we have any choice to divert it into an obligation attaching exclusively to one of its two alternatives rather than the other. Likewise, when He, exalted, or His Prophet ﷺ—whichever of the two is addressing us—confines the address

بأمر الله تعالى، حملناه أيضا على وجوبه، فإذا نص ربنا عز وجل في أمر قد أمر به على أننا إن شئنا فعلنا، وإن شئنا تركنا، فقد أوجب علينا قبول هذا النص على ظاهره ضرورة، فلم نخرج عن أصلنا، ولم يكن لنا خيرة في صرفه إلى الوجوب بأحد طرفيه دون الآخر فقط كما أنه تعالى أو نبيه صلى الله عليه وسلم إذا اقتصر المخاطب لنا منهما على لفظ لا تخيير معه، فلا خيرة لنا في صرفه عن أمره الذي اقتصر عليه، فكل أمر مفرد فواجب علينا حمله على انفراده، وكل أمر بتخيير فواجب علينا حمله على التخيير، فالقبول فرض علينا لما يرد من الألفاظ على ظواهرها، ولا خيرة لنا في شيء من ذلك، والإجماع إذا صح على حمل آية أو خبر على التخيير، فقد أيقنا أن أصل الإجماع توقيف من رسول الله صلى الله عليه وسلم فحملنا ذلك التوقيف أيضا على الوجوب فلم ننقض قولنا بحمد الله تعالى. قال علي: أفلا يستحي أن يتكلم في الدين من يسمع كلام الله تعالى في قسمة الصدقات يقول {} فيقول ليس ذلك فريضة وجائز للإمام أن يصرفها إلى ما يرى من وجوه البر، أو إلى بعض هذه الأصناف ثم يأتي إلى قول ابن عمر فرض رسول الله صلى الله عليه وسلم صدقة الفطر على كل حر أو عبد ذكر أو أنثى صغير أو كبير، صاعا من تمر أو صاعا من شعير، فيقول: ليس صدقة الفطر فريضة، ولا الشعير ولا التمر فيها أيضا فرضا ولا مستحبا بل البر الذي لم يذكره النبي صلى الله عليه وسلم أفضل ثم يأتي إلى قول رسول الله صلى الله عليه وسلم من صلى ههنا معنا وقد وقف قبل ذلك بعرفة ليلا أو نهارا فقد أدرك فقال: لا تخيير في ذلك، والفرض الوقوف ليلا ولا بد وإلا بطل الحج ويقول في قول الله تعالى {} إنه يفهم منه أن خطبة الجمعة فرض تبطل الصلاة بتركها. وأن ذكره تعالى للاعتكاف بعد ذكره لحكم الصيام، موجب أن يكون الصوم في الاعتكاف فرضا لا يجزي الاعتكاف إلا به. أيكون في عكس الحقائق ومجاهرة العقول الفهمة للغة العربية ومخالفة القرآن والسنة أكثر من هذا وقال تعالى {}

to wording that contains no allowance of choice, we have no choice to divert it from the command to which He confined it. Thus every standalone command must be construed by us according to its standalone wording, and every command allowing choice must be construed by us as allowing choice. We are therefore under a binding duty to accept the wording that reaches us according to its apparent meanings, and we have no choice in any of this. When a consensus is soundly established that a verse or a report is to be construed as allowing choice, we know with certainty that the foundation of that consensus is an authoritative instruction from the Messenger of Allah ﷺ. We therefore construed that authoritative instruction, too, as obligatory, and have not contradicted our position, praise be to Allah, exalted.

Ali said: Does someone not feel ashamed to speak about religion when he hears the words of Allah, exalted, concerning the distribution of alms, saying: {}, yet says, "That is not a binding duty, and the imam may direct them to whatever charitable purposes he considers appropriate, or to some of these categories"? Then he comes to Ibn Umar's statement, "The Messenger of Allah ﷺ prescribed as a binding duty the alms at the breaking of the fast for every free person or slave, male or female, young or old: one measure, a sa, of dates or one sa of barley," and says, "The alms at the breaking of the fast are not a binding duty; neither barley nor dates are obligatory or even recommended for them. Rather, wheat, which the Prophet ﷺ did not mention, is preferable." Then he comes to the statement of the Messenger of Allah ﷺ, "Whoever has prayed here with us, having previously stood at Arafat by night or by day, has attained it," and says, "There is no choice in this: standing by night is an indispensable binding duty; otherwise the pilgrimage is invalid." And he says concerning the statement of Allah, exalted, {}, that it is understood from it that the Friday sermon is a binding duty whose omission invalidates the prayer, and that His mention, exalted, of devotional retreat after His mention of the rule governing fasting requires fasting during devotional retreat to be a binding duty, without which the retreat is not valid. Could there be anything beyond this in reversing realities, brazenly defying

minds that understand the Arabic language, and contradicting the Quran and the Sunnah? He, exalted, said: {}.[36][37][38][39][40][41]

L814 Ali said: Here, then, is the language of warning in His statement, exalted, {}, coupled with contravening obedience. He, exalted, has thus informed us that abandoning obedience is turning away. No abandonment of obedience is greater than that of someone who considers himself permitted to leave undone what he has been commanded to do, or to do what he has been forbidden. He, exalted, said: "Those who follow the Messenger, the unlettered Prophet, whom they find written down with them in the Torah and the Gospel: he commands them to do what is right and forbids them what is wrong, makes good things lawful for them and makes foul things unlawful for them, and relieves them of their burden and the shackles that were upon them. Those who believe in him, honor him, support him, and follow the light sent down with him—it is they who prosper." Thus it is established by the explicit text, as you see, that everything the Messenger of Allah ﷺ commanded is right, and everything he forbade is wrong, away from what is right. He, exalted, thus made clear that everyone who forbids what the Messenger of Allah ﷺ commanded is a hypocrite. Everyone who, concern-

قال علي فهذا لفظ الوعيد بقوله تعالى {} مقرونا بمخالفة الطاعة فأخبرنا تعالى أن ترك الطاعة تول، ولا تركا للطاعة أكثر ممن يستجيز أن يترك ما أمر به أو يفعل ما نهى عنه وقال تعالى {لذين يتبعون لرسول لنبي لأمي لذي يجدونه مكتوبا عندهم في لتوراة ولإنجيل يأمرهم بلمعروف وينهاهم عن لمنكر ويحل لهم لطيبات ويحرم عليهم لخبآئث ويضع عنهم إصرهم ولأغلال لتي كانت عليهم فلذين آمنوا به وعزروه ونصروه وتبعوا لنور لذي أنزل معه أولئك هم لمفلحون} فصح بالنص كما ترى أن كل ما أمر به رسول الله صلى الله عليه وسلم فهو معروف وكل ما نهى عنه فهو منكر عن المعروف، فبين تعالى أن كل من نهى عما أمر به رسول الله صلى الله عليه وسلم فهو منافق وكل من قال في قوله تعالى افعل فقال هو لا تفعل إن شئت، فقد أباح تركه والنهي عنه نصا وقال تعالى {وكتبنا عليهم فيها أن لنفس بلنفس ولعين بلعين ولأنف بلأنف ولأذن بلأذن ولسن بلسن ولجروح قصاص فمن تصدق به فهو كفارة له ومن لم يحكم بما أنزل لله فأولئك هم لظالمون} وقال تعالى {وليحكم أهل لإنجيل بما أنزل لله فيه ومن لم يحكم بما أنزل لله فأولئك هم لفاسقون} قال علي ومن أجاز لنفسه ترك العمل بما أنزل الله فهو فاسق ظالم بنص القرآن، وبنص تسمية الله عز وجل له فقد نصصنا كلام الله تعالى وكلام نبيه صلى الله عليه وسلم في إيجاب أوامرهما ونواهيهما فرضا وبطل بذلك قول من قال على الندب أو الوقف. قال علي: وقد فرق قوم بين أوامر الله عز وجل وأوامر رسوله صلى الله عليه وسلم وهذا بين الفساد فقد أنكر الله تعالى ذلك بقوله {من يطع لرسول فقد أطاع لله ومن تولى فما أرسلناك عليهم حفيظا} وإن العجب ليكثر من الحنفيين والمالكيين الذين يجعلون الخطبة يوم الجمعة فرضا، فإذا

[36] **Translator's note (L809):** The ending is corrupt or incomplete: an opening quotation brace after "He, exalted is He, said" is followed by apparent authorial commentary rather than a Quranic quotation, and a further citation contains empty braces. These defects are retained; no missing verses have been supplied.

[37] **Translator's note (L810):** "This verse" apparently refers to a quotation missing from the preceding unit. The source has للذين, literally "for those who," where the construction appears to require a dual relative referring to recommendation and permissibility. The translation gives that apparent intended connection while recording the irregular reading.

[38] **Translator's note (L811):** The source contains six empty brace pairs, apparently marking omitted Quranic quotations. Their contents have not been supplied. The opening and closing words continue sentences across segment boundaries.

[39] **Translator's note (L812):** This fragment continues the preceding segment and is completed by the following segment.

[40] **Translator's note (L813):** The source contains three empty brace pairs, apparently marking omitted Quranic quotations. The pilgrimage quotation leaves the object of "has attained" unstated; the translation retains that ellipsis.

[41] **Qur'an references (L808):** Qur'an 5:67 (Al-Ma'idah).

ing His saying, exalted, “Do,” says, “It means: Do not do it, if you wish,” has explicitly permitted leaving it undone and forbidding it.

He, exalted, said: “We prescribed for them therein: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and retaliation for wounds. Whoever forgoes it as charity, it is an expiation for him. Those who do not judge by what Allah has sent down—it is they who are the wrongdoers.” And He, exalted, said: “Let the people of the Gospel judge by what Allah has sent down therein. Those who do not judge by what Allah has sent down—it is they who are the defiantly disobedient.”

Ali said: Whoever permits himself to abandon acting upon what Allah has sent down is defiantly disobedient and a wrongdoer, according to the explicit text of the Quran and Allah’s explicit designation of him, mighty and majestic. We have thus set out the explicit words of Allah, exalted, and the words of His Prophet ﷺ establishing compliance with their commands and prohibitions as a binding duty. This invalidates the position of anyone who says that they express recommendation, or that judgment must be suspended.

Ali said: Some people have distinguished between the commands of Allah, mighty and majestic, and the commands of His Messenger ﷺ. This is plainly unsound, for Allah, exalted, has repudiated it in His statement: “Whoever obeys the Messenger has obeyed Allah. As for whoever turns away, We have not sent you as a guardian over them.” One’s astonishment indeed grows at the Hanafis and Malikis who make the sermon on Friday a binding duty. When asked for the demonstration of this, they say: The statement of Allah, mighty and majestic, “When they see merchandise or diversion, they disperse toward it and leave you standing. Say: What is with Allah is better than diversion and merchandise, and Allah is the best of providers.”[42][43]

L815–825 Ali said: We do not know what in this wording conveyed to them that

سئلوا عن البرهان في ذلك قالوا قول الله عز وجل {وإذا رأوا تجارة أو لهوا نفضوا إليها وتركوك قآئما قل ما عند الله خير من للهو ومن لتجارة والله خير لرازقين}

قال علي وما ندري ماذا تأدى إليهم في هذا اللفظ من إيجاب الخطبة. ويقولون إن الصيام في الاعتكاف فرض، إذا سئلوا عن برهان ذلك قالوا: ذكر الله تعالى الاعتكاف إثر ذكر الصيام، وعلى هذا فكل شريعة ففرض ألا تتم إلا بضم كل شريعة في القرآن إليها، فلا حج لمن لم يصل. ولا صلاة لمن أفطر في رمضان، ولا نكاح لمن لا يقسط

[42] **Translator’s note (L814):** The source begins with an empty brace pair, apparently marking an omitted Quranic quotation. The wording “wrong, away from what is right” renders the awkward sequence “منكر عن المعروف.” This may reflect a textual omission or corruption; no missing wording has been supplied.

[43] **Qur’an references (L814):** Qur’an 5:45 (Al-Ma’idah); Qur’an 5:47 (Al-Ma’idah); Qur’an 4:80 (An-Nisa); Qur’an 62:11 (Al-Jumu’ah).

the sermon is obligatory. They also say that fasting during devotional retreat is a binding duty. When asked for the demonstration of this, they say: "Allah, exalted, mentioned devotional retreat immediately after mentioning fasting." On this basis, every prescribed observance must necessarily be incomplete unless every prescribed observance in the Quran is joined to it. Thus there would be no valid pilgrimage for someone who did not pray, no valid prayer for someone who broke the fast in Ramadan, and no valid marriage for someone who did not deal equitably with orphans; his marriage to his wife would consequently be dissolved, because Allah, exalted, conjoined marriage with the matter of orphans, for He, exalted, said: {And if you fear that you will not deal equitably with orphans, then marry such women as seem good to you, two, three, or four. But if you fear that you will not act justly, then one, or those whom your right hands possess. That is more likely to keep you from acting unjustly.} For all these are conjoined with one another. Then, concerning His saying, exalted: {And complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. And do not shave your heads until the sacrificial offering reaches its place. Whoever among you is ill or has an ailment of the head must make compensation by fasting, charity, or sacrifice. Then, when you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return. Those are ten complete days. That is for anyone whose family does not reside near the Sacred Mosque. And fear Allah, and know that Allah is severe in punishment}, they said: "The lesser pilgrimage is not obligatory." Yet He, exalted, conjoined it with the pilgrimage in a conjunction that made it share with the pilgrimage in the requirement of completion. He did not conjoin devotional retreat with fasting, nor fasting with devotional retreat. He merely conjoined the prohibition of sexual contact during devotional retreat with the rulings on fasting, conjoining one sentence with another, rather than conjoining things so that they share a ruling. Then, concerning His saying, exalted, about the distribution of the fifth: {And know that whatever you take as spoils, a fifth of it belongs to Allah, to the Messenger, to near relatives, orphans, the needy, and the way-

في اليتامى، فينفسخ نكاحه مع امرأته، لأن الله تعالى عطف النكاح على أمر اليتامى فقال تعالى {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا} لأنها كلها معطوف بعضها على بعض ثم قالوا في قوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} ليست العمرة فرضا وقد عطفها تعالى على الحج عطفا شركها به معه في الإتمام، ولم يعطف الاعتكاف في الصيام، ولا الصيام على الاعتكاف، وإنما عطف النهي عن المباشر في حال الاعتكاف على أحكام الصيام، عطف جملة على جملة، لا عطف اشتراك ثم قالوا في قوله تعالى في قسمة الخمس {وعلموا أنما غنمتم من شيء فأن لله خمسه وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل إن كنتم آمنتم بلله ومآ أنزلنا على عبدنا يوم لفرقان يوم لتقى لجمعان ولله على كل شيء قدير} فقالوا ليس هذا فرضا وللإمام أن يضع الخمس حيث رأى من مصالح المسلمين، هذا وهم يسمعون الله تعالى يقول في قسمة الخمس على من سمى {وعلموا أنما غنمتم من شيء فأن لله خمسه وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل إن كنتم آمنتم بلله ومآ أنزلنا على عبدنا يوم لفرقان يوم لتقى لجمعان ولله على كل شيء قدير} وقالوا في آية الصدقات وقد قال تعالى في آخرها {إنما لصدقات للفقرآء ولمساكين ولعاملين عليها ولمؤلفة قلوبهم وفي لرقاب ولغارمين وفي سبيل لله وبن لسبيل فريضة من لله ولله عليم حكيم} فقالوا ليست فريضة لهؤلاء فمن أضل ممن جعل الخطبة والصيام في الاعتكاف

farer, if you believe in Allah and in what We sent down to Our servant on the day of distinction, the day the two hosts met. And Allah has power over all things}, they said: "This is not obligatory; the imam may allocate the fifth wherever he considers that the Muslims' interests lie." This, while they hear Allah, exalted, say, concerning the distribution of the fifth among those He named: {And know that whatever you take as spoils, a fifth of it belongs to Allah, to the Messenger, to near relatives, orphans, the needy, and the wayfarer, if you believe in Allah and in what We sent down to Our servant on the day of distinction, the day the two hosts met. And Allah has power over all things}. And concerning the verse on alms, at whose end He, exalted, said: {Alms are only for the poor, the needy, those employed to administer them, those whose hearts are to be reconciled, for freeing those in bondage, for debtors, in Allah's path, and for the wayfarer—an obligation from Allah. And Allah is Knowing, Wise}, they said: "They are not obligatory for these recipients." Who, then, is more astray than someone who makes the sermon and fasting during devotional retreat obligatory, although no command or recommendation has prescribed this, and sets aside the obligatory character of what Allah, exalted, called an obligation, and concerning which He said: {And know that whatever you take as spoils, a fifth of it belongs to Allah, to the Messenger, to near relatives, orphans, the needy, and the wayfarer, if you believe in Allah and in what We sent down to Our servant on the day of distinction, the day the two hosts met. And Allah has power over all things}. As for the Mālikīs, they argued for the emancipation of a brother owned by his brother on the basis of His saying, exalted: {He said: My Lord, I have power over none but myself and my brother; so separate us from the defiantly disobedient people}. No person of understanding has ever understood from this verse that emancipating a brother is obligatory, any more than he has understood from it that the noon prayer is obligatory. And through their own opinions they set aside the heir's obligation to provide maintenance, although He, exalted, said: {Mothers shall breastfeed their children for two complete years, for whoever wishes to complete the breastfeeding. And the father is responsible for their provision and clothing according to what is right. No soul is burdened beyond its capacity. No mother shall be harmed through her child, nor any father through his child, and the heir

فرضا ولم يأت به أمر، ولا ندب، وأسقط إيجاب ما سماه الله تعالى فريضة وقال فيه {وعلموا أنما غنمتم من شيء فأن لله خمسه وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل إن كنتم آمنتم بلله ومآ أنزلنا على عبدنا يوم لفرقان يوم لتقى لجمعان ولله على كل شيء قدير} وأما المالكيون فإنهم احتجوا في عتق الأخ يملكه أخوه بقوله تعالى {قال رب إني لا أملك إلا نفسي وأخي ففرق بيننا وبين لقوم لفاسقين} وما عقل قط ذو لب وجوب عتق الأخ من هذه الآية كما لم يعقل وجوب صلاة الظهر منها، وأسقطوا النفقة على الوارث بآرائهم وقد قال تعالى {ولوالدات يرضعن أولادهن حولين كاملين لمن أراد أن يتم لرضاعة وعلى لمولود له رزقهن وكسوتهن بالمعروف لا تكلف نفس إلا وسعها لا تضآر والدة بولدها ولا مولود له بولده وعلى لوارث مثل ذلك فإن أرادا فصالا عن تراض منهما وتشاور فلا جناح عليهما وإن أردتم أن تسترضعوا أولادكم فلا جناح عليكم إذا سلمتم مآ آتيتم بلمعروف وتقوا لله وعلموا أن لله بما تعملون بصير} ففرقوا بين مضارة الوالد بولده فأوجبوا فيها النفقة، وبين مضارة الوارث بموروثه، فلم يوجبوا فيها النفقة، وقد سوى الله عز وجل بينهما تسوية واحدة، ولا ضرر في التمييز والعقل، أعظم من ترك الوارث موروثه يسأل أو يموت جوعا، وهو ذو مال يغنيه، ويفضل عنه، وخالفوا في ذلك حكم عمر بن الخطاب وعمله. وقال المالكيون: أمر تعالى بالمكاتبة ندب، وأمره بإتيانهم من مال الله الذي آتاهم ندب، وأمره بالمتعة ندب ثم قالوا قوله تعالى {يأيها لذين آمنوا إذا نودي للصلاة من يوم لجمعة فسعوا إلى ذكر لله وذروا لبيع ذلكم خير لكم إن كنتم تعلمون} فرض فلو تدبروا هذه الفضائح التي يطلقون، لكان أولى بهم من معارضة أوامر الله تعالى وأوامر رسوله صلى الله عليه وسلم بهذيان لا يطردونه بل يتناقضون فيه في كل حين، فمرة يقولون في بعض الأوامر ليس فرضا، فإذا قيل لهم قد أمر الله تعالى بها، قالوا الأوامر موقوفة،

bears the same responsibility. If the two of them wish to wean by mutual consent and consultation, there is no blame upon them. And if you wish to have your children breastfed by others, there is no blame upon you, provided you hand over what you have agreed to give according to what is right. And fear Allah, and know that Allah sees what you do}. Yet they distinguished between a father's harming his child, in which case they made maintenance obligatory, and the harming by an heir of the person from whom he stands to inherit, in which case they did not make maintenance obligatory, although Allah, mighty and majestic, placed the two on precisely the same footing. In the judgment of discernment and reason, no harm is greater than an heir leaving the person from whom he stands to inherit to beg or die of hunger, while the heir possesses wealth sufficient to meet that person's needs and still have some left over. In this they opposed the judgment and practice of ʿUmar ibn al-Khaṭṭāb. The Mālikīs said: "His command, exalted, to conclude emancipation contracts is a recommendation; His command to give them some of the wealth of Allah that He has given them is a recommendation; and His command to provide a consolatory gift upon divorce is a recommendation." Then they said that His saying, exalted: {O you who believe, when the call to prayer is made on Friday, hasten to the remembrance of Allah and leave off selling. That is better for you, if you know}, is obligatory. If they reflected upon these disgraceful pronouncements they make, that would be more fitting for them than opposing the commands of Allah, exalted, and the commands of His Messenger ﷺ with nonsense that they do not apply consistently, but in which they contradict themselves at every turn. At one time, concerning certain commands, they say: "It is not obligatory." When they are told, "Allah, exalted, has commanded these things," they say: "Judgment concerning commands is suspended, and a command is not construed as imposing an obligation except on the basis of evidence." At another time they make commands obligatory without evidence or any contextual indicator, solely through arbitrary assertion and uncritical adherence. And through Allah, exalted, comes success.

ولا يحمل على الفرض إلا بدليل، ومرة يوجبون الأوامر فرضا بلا دليل ولا قرينة إلا التحكم والتقليد فقط، وبالله تعالى التوفيق. قال علي: وأما الموافقون لهم على الوقف من أصحاب الشافعي، فإنهم يقولون: إن لم نجد دليلا على أن الأمر على الندب أمضينا الأوامر على الوجوب. قال علي: وهذا ترك منهم لقولهم بالوقف، لأنهم راجعون إلى إمضاء الأوامر على الوجوب بمجردها بلا قرينة، إذا عدموا دليلا على الندب. قال علي: وهذا قولنا نفسه، ولم نخالفهم في أن الأمر إذا جاء نص أو إجماع على أنه ندب، فواجب أن يصار إلى أنه ندب وإنما خالفناهم في الوقف فقط قال علي ونسألهم ألهذا الوقف غاية فإن حدوا حدا كلفوا عليه البرهان ولا سبيل إليه، فإن لم يجدوا فيه حدا صار مدة العمر، فبطل العمل بشيء من الأوامر وهذا يؤدي إلى إبطال الشريعة. وقد احتج بعض من يقول بقولنا ممن سلف، فقال: لو كان الأمر لا يعلم بلفظه أنه على الوجوب، لكان لا يخلو من أن يعلم المراد فيه، إما بأمر آخر، أو بشيء يستخرج من الأمر، وكلا الأمرين فلا بد من الرجوع فيه إلى أمر، فالكلام في الأمر الثاني كالكلام في الأمر الأول، وهذا لا إلى غاية، فعلى هذا لا يثبت وجوب أمر أبدا. وقالوا أيضا محتجين عن أهل الوقف: المعصية في اللغة هي مخالفة الأمر، والطاعة هو تنفيذ الأمر وقال الله تعالى {ومن يعص لله ورسوله ويتعد حدوده يدخله نارا خالدا فيها وله عذاب مهين} وقال تعالى {ومآ أرسلنا من رسول ألا ليطاع بإذن لله ولو أنهم إذ ظلموا أنفسهم جآءوك فستغفروا لله وستغفر لهم لرسول لوجدوا لله توابا رحيما} فثبت الوجوب في الأوامر ضرورة بحكم الله تعالى فالنار على من تركها. قال علي: ويقال لمن قال بالوقف: ماذا تصنع إن وجدت أوامر واردة من الله تعالى ومن رسوله صلى الله عليه وسلم خالية من قرينة بالجملة ولا دليل هناك يدل على أنها فرض، ولا على أنها ندب، فلا بد من أحد ثلاثة أوجه إما أن يقف أبدا، وفي هذا ترك استعمال

ʿAlī said: As for those followers of al-Shāfiʿī who agree with them on suspending judgment, they say: "If we find no evidence that a command conveys a recommendation, we apply commands as imposing obligation."

ʿAlī said: This is their abandonment of their position that judgment must be suspended, for they revert to applying commands as imposing obligation by themselves, without a contextual indicator, when they lack evidence of recommendation.

ʿAlī said: This is our very position. We have not disagreed with them that, when a text or consensus establishes that a command conveys a recommendation, it must be treated as a recommendation. We have disagreed with them only over suspending judgment.

ʿAlī said: We ask them: "Does this suspension have an endpoint?" If they specify a limit, they must be required to furnish demonstrative proof for it, and there is no way to do so. If they find no limit to it, it extends throughout a lifetime, and acting upon any command becomes impossible. This leads to the nullification of the revealed law. One of our predecessors who held our position advanced an argument, saying: "If a command were not known by its wording to impose obligation, then its intended meaning would necessarily be known either through another command or through something derived from the command. In either case, recourse must necessarily be had to a command. The discussion of the second command is thus the same as the discussion of the first, and this continues without end. On this basis, therefore, the obligatory character of a command could never be established." They also said, arguing on behalf of those who suspend judgment: "Disobedience, in the language, is contravening a command, and obedience is carrying out a command." Allah, exalted, said: {Whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him to a Fire, abiding therein, and he shall have a humiliating punishment}. And He, exalted, said: {We sent no messenger except that he should be obeyed by Allah's permission. Had they, when they wronged themselves, come to you and sought Allah's forgiveness, and had the Messenger sought forgiveness for them, they would have found Allah accepting of repentance, merciful}. Thus, by Allah's judg-

أوامر الله تعالى وأوامر رسوله صلى الله عليه وسلم وهذا هو نفسه ترك الديانة أو يحمل ذلك على الندب فيجمع وجهين أحدهما القول بلا دليل والثاني استجازة مخالفة الله ورسوله صلى الله عليه وسلم بلا برهان أو يحمل ذلك على الفرض وهذا قولنا، وفي ذلك ترك لمذهبه وأخذ بالأوامر فرضا بنفس لفظها دون قرينة، وبالله تعالى التوفيق قال علي فإن تعلقوا بما روي عن رسول الله صلى الله عليه وسلم أنه قال يوم بني قريظة لا يصلين أحد العصر إلا في بني قريظة فصلى قوم العصر قبلها وقالوا: لم يرد هنا هنا، وصلاها آخرون بعد العتمة فبلغ ذلك النبي صلى الله عليه وسلم فلم يعنف واحدة من الطائفتين قال علي هذا حجة لهم فيه أيضا، ولو شغب بهذا الحديث من يرى الحق في القولين المختلفين لكان أدخل في الشغب، مع أنه لا حجة لهم فيه أيضا. فأما احتجاج من حمل الأوامر على غير الوجوب، فلا حجة لهم فيه لأنه قد كان تقدم من رسول الله صلى الله عليه وسلم أمر في وقت العصر أنه مذ يزيد ظل الشيء على مثله إلى أن تصفر الشمس، وأن مؤخرها إلى الصفرة بغير عذر يفعل فعل المنافقين، فاقترن على الصحابة في ذلك اليوم أمران واردان، واجب أن يغلب أحدهما على الآخر ضرورة، فأخذت إحدى الطائفتين بالأمر المتقدم، وأخذت الطائفة الأخرى بالأمر المتأخر، إلا أن كل واحدة من الطائفتين حملت الأمر الذي أخذت به على الفرض والوجوب، وغلبته على الأمر الثاني. وقد ذكرنا هذا النوع من الأحاديث فيما خلا، وبينا كيفية العمل في ذلك،

ment, exalted, commands necessarily impose obligation, and the Fire awaits whoever neglects them.

ʿAlī said: One who holds that judgment must be suspended should be asked: "What will you do if you find commands coming from Allah, exalted, and from His Messenger ﷺ entirely devoid of any contextual indicator, with no evidence indicating either that they impose an obligation or that they convey a recommendation?" There must be one of three courses: either he suspends judgment forever—and this entails abandoning the implementation of the commands of Allah, exalted, and the commands of His Messenger ﷺ, which is itself the abandonment of religious observance—or he construes them as recommendations, thereby combining two things: first, making an assertion without evidence; and second, considering it permissible to contravene Allah and His Messenger ﷺ without demonstrative proof. Or he construes them as obligations, which is our position; in this he abandons his own doctrine and accepts commands as obligatory by virtue of their wording itself, without any contextual indicator. And through Allah, exalted, comes success.

ʿAlī said: If they appeal to what is related from the Messenger of Allah ﷺ, that on the day of Banū Qurayẓah he said, "Let no one perform the afternoon prayer except among Banū Qurayẓah," and some people performed the afternoon prayer before reaching it, saying, "He did not intend here, here." Others performed it after nightfall. This reached the Prophet ﷺ, and he did not rebuke either of the two groups. Ali said: This is also an argument for them in this matter. Were someone who considers both conflicting positions true to engage in contentious argument using this report, he would have greater scope for such contention, although they too have no argument in it. As for those who adduce it to support construing commands as conveying something other than obligation, they have no argument in it, because a command had already come from the Messenger of Allah ﷺ concerning the time of the afternoon prayer: that it extends from when an object's shadow exceeds its own length until the sun turns yellow, and that anyone who delays it until the yellowing without an excuse acts as the hypocrites act. Thus, for the Companions, on that day, two commands coincided, one of which necessarily had to be given precedence over the other. One of the

two groups adopted the earlier command, and the other group adopted the later command. Each group, however, construed the command it adopted as imposing a binding duty and obligation, and gave it precedence over the other command. We have previously discussed this kind of report and explained how to act upon it.[44][45][46][47][48][49]

L826–831 Had we been present on the day of Banu Qurayzah, we would have performed the afternoon prayer only there, even after midnight, in accordance with what we have explained concerning the order of applying all reports that appear to conflict but are in fact in agreement: accepting the additional provision and excepting that which covers fewer cases from that which covers more cases. These two reports combine both approaches. His command, peace be upon him, on that day that the afternoon prayer be performed only among Banu Qurayzah was a specific command concerning just one prayer on just one day in all time. It was therefore an exception to his general com-

ولو أننا حاضرون يوم بني قريظة لما صلينا العصر إلا فيها، ولو بعد نصف الليل، على ما قد بينا في رتبة العمل في جميع الأحاديث التي ظاهرها الاختلاف، وهي في الحقيقة متفقة من الأخذ بالزائد، ومن استثناء الأقل معاني من الأكثر معاني، وقد جمع هذان الحديثان كلا الوجهين معا فأمره عليه السلام في ذلك اليوم بألا يصلى صلاة العصر إلا في بني قريظة، أمر خاص في صلاة واحدة، من يوم واحد في الدهر فقط، فكان ذلك مستثنى من عموم أمره بأن يصلى كل عصر، من كل يوم في الأبد يخرج وقت الظهر إلى أن تصفر الشمس، وأما ما لم تغب للمضطر حاشى يوم عرفة وأيضا فإن أمره عليه السلام بألا يصلى العصر من ذلك اليوم إلا في بني قريظة، شريعة زائدة، وأمر وارد بخلاف الحكم السالف، وبخلاف معهود الأصل في حكم صلاة العصر قبل ذلك اليوم وبعده، فواجب طاعة ذلك الأمر الحادث، والشرع الطارىء، لما قدمنا من البراهين على وجوب القبول لكل ما أمرنا به رسول الله صلى الله عليه وسلم عن ربه تعالى وكان أمره بألا يصلى العصر في ذلك اليوم إلا في بني قريظة كقوله ليلة يوم النحر في الحج وقد ذكر بصلاة المغرب فقال عليه السلام الصلاة أمامك فكان ذلك عند جميع المسلمين ناقلا لوقت المغرب في تلك الليلة خاصة في الحج خاصة، في ذلك المكان خاصة، عن وقتها المعهود إلى وقت آخر. ولا فرق بين ورود ما أمر به في العصر يوم بني قريظة، وفي المغرب ليلة المزدلفة، وهذا بين لمن تأمله. قال أبو محمد: وأما إن احتج بهذا الحديث من يرى الحق في القولين المختلفين وقال ترك النبي صلى الله عليه وسلم أن يعنف كل واحدة من الطائفتين دليل على

[44] **Translator's note (L816):** The segment ends mid-sentence; the following segment completes "the matter of" with "orphans."

[45] **Translator's note (L817):** The supplied المباشر appears to be a defective form of المباشرة, here rendered "sexual contact."

[46] **Translator's note (L820):** The reference to a person from whom an heir stands to inherit concerns a prospective heir and a living relative; translating موروثه simply as "the deceased" would obscure the argument about maintenance. المتعة is understood here as the consolatory provision made upon divorce, in the context of the scriptural commands being discussed.

[47] **Translator's note (L822):** The supplied عن أهل الوقف means "on behalf of those who suspend judgment," although the ensuing argument appears to oppose their position. The wording has been retained rather than silently changed to "against."

[48] **Translator's note (L824):** The opening continues the preceding segment's statement that some people performed the afternoon prayer before reaching Banu Qurayzah. The wording "here, here" repeats هنا and appears defective; the intended object of "did not intend" is unclear. The supplied text affirmatively says "This is also an argument for them." This conflicts with the immediately following argument and may reflect an omitted negative; the affirmative wording has been preserved.

[49] **Qur'an references (L815):** Qur'an 4:3 (An-Nisa); Qur'an 2:196 (Al-Baqarah); Qur'an 8:41 (Al-Anfal); Qur'an 5:25 (Al-Ma'idah); Qur'an 2:233 (Al-Baqarah); Qur'an 62:9 (Al-Jumu'ah); Qur'an 9:41 (At-Tawbah); Qur'an 29:16 (Al-'Ankabut); Qur'an 61:11 (As-Saf); Qur'an 4:14 (An-Nisa); Qur'an 4:64 (An-Nisa).

mand that every afternoon prayer, on every day for all time, be performed as the time of the noon prayer ends until the sun turns yellow—or, for someone under compelling necessity, so long as it has not set—with the exception of the Day of Arafah. Furthermore, his command, peace be upon him, that the afternoon prayer on that day be performed only among Banu Qurayzah constituted an additional legal prescription and a command differing from the previous ruling and from the established underlying rule governing the afternoon prayer before and after that day. Obedience to that newly issued command and newly introduced prescription is therefore obligatory, on account of the demonstrations we have already presented establishing the obligation to accept everything that the Messenger of Allah ﷺ commanded us on the authority of his Lord, Most High. His command that the afternoon prayer on that day be performed only among Banu Qurayzah was like his statement during the pilgrimage, on the night preceding the Day of Sacrifice, when he was reminded of the sunset prayer and said, peace be upon him, "The prayer lies ahead of you." All Muslims regard this as transferring the time of the sunset prayer, on that particular night, during the pilgrimage in particular, and in that particular place, from its established time to another time. There is no difference between the issuance of his command concerning the afternoon prayer on the day of Banu Qurayzah and his command concerning the sunset prayer on the night at Muzdalifah. This is clear to anyone who reflects upon it. Abu Muhammed said: If someone who considers both conflicting positions true adduces this report and says, "The Prophet's ﷺ refraining from rebuking either group is evidence that each was correct," he is to be told—and success comes through Allah: There is no evidence in it for what you have stated. Rather, it is clear evidence that one group was correct and received two rewards, while the other exercised independent judgment and received one reward, being excused for its error because it exercised independent judgment and did not deliberately disobey. He, Mighty and Majestic, has said: "Call them after their fathers; that is more equitable in Allah's sight. But if you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for the mistakes you make in this, but only for what your hearts deliberately intend. And Allah is ever Forgiving, Merciful." He also said, peace be upon him, "Each person shall have

أن كل واحدة منهما مصيبة. قيل له، وبالله التوفيق: لا دليل فيه على ما ذكرت، ولكنه دليل واضح على أن إحدى الطائفتين مصيبة مأجورة أجرين، والأخرى مجتهدة مأجورة أجرا واحدا، معذورة في خطئها بالاجتهاد لأنها لم تتعمد المعصية وقد قال عز وجل {ادعوهم لآبآئهم هو أقسط عند الله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان الله غفورا رحيما} وقال عليه السلام لكل امرىء ما نوى وكلا الطائفتين نوت الخير وقد نص عليه السلام على أن الحاكم إذا اجتهد فأخطأ فله أجر وكل متكلم في مسألة شرعية ممن له أن يتكلم على الوجه الذي أمر به من الاستدلال الذي لا يشوبه تقليد ولا هوى، فهو حاكم في تلك المسألة، لأنه موجب فيها حكما، وكل موجب حكما فهو حاكم، وهو داخل في استجلاب الأمر بالحديث المذكور فإن قال قائل فلم يأمر رسول الله صلى الله عليه وسلم الطائفة المخطئة عندكم بالإعادة إن كانت هي التي صلت العصر في وقتها المعهود، قبل البلوغ إلى بني قريظة، وإنما كان وقتها عندكم في ذلك اليوم بعد البلوغ إلى بني قريظة أي وقت بلغ البالغ إليهم أو لم يعنف الطائفة المؤخرة للعصر إلى بعد نصف الليل إن كانت هي المخطئة على تأخيرهم صلاة فرض عن وقتها؟. قيل له وبالله تعالى التوفيق: لسنا ندري في أي وقت بلغ خبر الطائفتين المذكورتين إلى رسول الله صلى الله عليه وسلم ولعل ذلك قد بلغه عليه السلام في اليوم التالي وبعد خروج وقت العصر جملة، ولا إعادة على تارك صلاة بتأول ممن له أن يتأول على الوجه المحمود لا بتقليد ولا بهوى، ولا إعادة على تارك صلاة عمدا بلا تأول ولا ضرورة حتى يخرج وقتها، وأما المتأول فمعذور ولا يكلف إلا ما علم، وأما العامد فذنبه أجل من أن نأمره نحن بكفارة أو بصلاة لم يأمره الله تعالى بها، ولا يحل لنا ولا لغيرنا تعدي حدود الله عز وجل بأن نلزمه فرضا لم يأذن به الله تعالى، ونسقط عنه بذلك فرضا قد أمره الله تعالى به، ونعوذ بالله تعالى من ذلك، وأمره إلى خالقه لا إلينا،

what he intended." Both groups intended good. He explicitly stated, peace be upon him, that when a judge exercises independent judgment and errs, he receives a reward. And everyone who speaks on a question of religious law, being qualified to speak in the prescribed manner of drawing inferences untainted by uncritical adherence to authority or personal inclination, is a judge in that question, because he establishes a ruling concerning it. Everyone who establishes a ruling is a judge, and he is included in invoking the command through the aforementioned report. If someone says, "Why, then, did the Messenger of Allah ﷺ not command the group that was mistaken according to you, to repeat the prayer, if it was the group that performed the afternoon prayer at its established time before reaching Banu Qurayzah, whereas according to you its time that day was after reaching Banu Qurayzah, at whatever time someone arriving there arrived? Or why did he not rebuke the group that delayed the afternoon prayer until after midnight, if it was the mistaken group, for delaying an obligatory prayer beyond its time?" He is to be told—and success comes through Allah Most High: We do not know at what time the report of the two groups mentioned reached the Messenger of Allah ﷺ. Perhaps it reached him, peace be upon him, on the following day, after the time for the afternoon prayer had entirely elapsed. Someone who omits a prayer on the basis of an interpretation, being qualified to interpret in a commendable manner, without uncritical adherence to authority or personal inclination, is not required to repeat it. Nor is someone who deliberately omits a prayer, without an interpretation or compelling necessity, until its time has elapsed required to repeat it. As for the person acting on an interpretation, he is excused and is charged only with what he knows. As for the person acting deliberately, his sin is too grave for us to command him to perform an expiation or a prayer that Allah Most High has not commanded him to perform. Neither we nor anyone else may transgress the limits of Allah, Mighty and Majestic, by imposing upon him an obligation that Allah Most High has not authorized and thereby relieving him of an obligation that Allah Most High has commanded him to fulfill. We seek refuge with Allah Most High from that. His affair belongs to his Creator, not to us. He will return to One possessed of vast forgiveness and possessed of painful punishment, where nothing belonging to him is lost and nothing is gathered

وسيرد على ذي مغفرة واسعة، وذي عقاب أليم، حيث لا يضيع له شيء، ولا يجمع عنده شيء، فعند الموازين يعرف كل امرىء ما له وما عليه، نسأل الله عفوه وغفرانه في ذلك الموقف آمين قال علي وقد أنكر رسول الله صلى الله عليه وسلم على أبي سعيد بن المعلى إذ ناداه فلم يستجب له وكان في صلاة فقال له رسول الله صلى الله عليه وسلم ألم يقل الله تعالى {يأيها لذين آمنوا ستجيبوا لله وللرسول إذا دعاكم لما يحييكم واعلموا أن لله يحول بين لمرء وقلبه وأنه إليه تحشرون}

with Him. At the scales, every person will know what stands to his credit and what stands against him. We ask Allah for His pardon and forgiveness at that standing. Amen. Ali said: The Messenger of Allah ﷺ did indeed rebuke Abu Sa'id ibn al-Mu'alla when he called him and he did not respond, because he was engaged in prayer. The Messenger of Allah ﷺ said to him, "Has Allah Most High not said: 'O you who believe, respond to Allah and to the Messenger when he calls you to that which gives you life, and know that Allah intervenes between a person and his heart, and that to Him you will be gathered'?"[5051525354]

L832–834 Ali said: In this there is a clear explanation that the commands of Allah Most High and the commands of His Prophet ﷺ are to be construed as imposing obligation and according to their apparent meaning. Among those commands is His command, Most High, that His Messenger, peace be upon him, be obeyed. His aforementioned statement to Abu Sa'id, peace be upon him, also clearly establishes the soundness of what we demonstrated earlier concerning excepting that which covers fewer cases from that which covers more cases and acting upon all the commands, because He, exalted is He, said: {O you who believe, respond to Allah and to the Messenger when he calls you

قال علي وفي هذا بيان جلي في حمل أوامر الله تعالى وأوامر نبيه صلى الله عليه وسلم على الوجوب وعلى الظاهر منها ومن تلك الأوامر أمره تعالى أن يطاع رسوله عليه السلام وفي قوله عليه السلام المذكور لأبي سعيد بيان جلي في صحة ما أثبتناه قبل، من استثناء الأقل معاني من الأكثر معاني واستعمال جميع الأوامر لأنه تعالى قال {يأيها لذين آمنوا ستجيبوا لله وللرسول إذا دعاكم لما يحييكم واعلموا أن لله يحول بين لمرء وقلبه وأنه إليه تحشرون} وقال تعالى {لذي جعل لكم لأرض مهدا وجعل لكم فيها سبلا لعلكم تهتدون} خص عليه السلام دون سائر الناس أن يكلمه المصلون إذا كلمهم، ولا يكون ذلك قاطعا لصلاتهم. وبهاتين الآيتين والحديث المذكور بطل قول من قال: بأن المصلين يكلمون الإمام إذا وهل في صلاته ورام أن يحتج في ذلك بحديث ذي اليدين، فبالنصوص التي ذكرنا أيقنا أن ذلك خاص للنبي صلى الله عليه وسلم دون من سواه وسبحان من يسر لإخواننا المالكيين، أن يجعلوا الخصوص في هذا المكان عموما وأن يجعلوا العموم الذي نص عليه السلام على أنه عموم وغضب على من أراد أن يجعله خصوصا، من القبلة في صيام رمضان، فجعلوه خصوصا كل ذلك بلا دليل وحسبنا الله ونعم الوكيل. قال أبو محمد: وأما من استجاز أن يكون ورود الوعيد على معنى التهديد، لا على معنى الحقيقة، فقد اضمحلت الشريعة بين يديه، ولعل وعيد الكفار أيضا كذلك، ومن بلغ هذا المبلغ فقد سقط الكلام معه، لأنه

[50]**Translator's note (L826):** The supplied phrase يخرج وقت الظهر, literally "the time of the noon prayer ends," is syntactically awkward here and appears to lack wording introducing the beginning of the prayer period. The translation preserves its apparent temporal sense. The phrase وأما ما لم تغب is also awkwardly transmitted. The translation takes it as introducing the extended time available to someone under compelling necessity.

[51]**Translator's note (L828):** "Clients" renders مواليكم in the Quranic quotation, referring to persons joined by a relationship of affiliation or patronage.

[52]**Translator's note (L829):** The phrase استجلاب الأمر بالحديث المذكور, rendered "invoking the command through the aforementioned report," is unusual and its precise sense is uncertain. In context, the author appears to include the qualified legal reasoner within the report's application.

[53]**Translator's note (L830):** The supplied wording ولا يجمع عنده شيء means "and nothing is gathered with Him," but its intended sense in this account of judgment is unclear and may reflect a transcription error. It has not been silently replaced with a more expected expression.

[54]**Qur'an references (L826):** Qur'an 33:5 (Al-Ahzab); Qur'an 8:24 (Al-Anfal).

to that which gives you life, and know that Allah intervenes between a person and his heart, and that to Him you will be gathered.} And He, exalted is He, said: {He who made the earth a resting place for you and made paths in it for you, so that you might be guided.} He, peace be upon him, was singled out, to the exclusion of all other people, in that those praying could speak to him when he spoke to them, without this interrupting their prayer. By these two verses and the aforementioned hadith, the assertion of those who say that people praying may speak to the imam when he errs in his prayer, and who seek to adduce the hadith of Dhu al-Yadayn as evidence for this, is invalidated. Through the texts we have mentioned, we have attained certainty that this is specific to the Prophet ﷺ, to the exclusion of everyone else. Glory be to Him who enabled our Maliki brethren to make what is specific in this instance general, and to make specific the general ruling concerning kissing while fasting in Ramadan, which he, peace be upon him, expressly declared to be general, becoming angry with anyone who wished to make it specific! All this without any evidence. Allah suffices us, and an excellent Trustee is He.

Abu Muhammed said: As for anyone who allows that a threat of punishment may be issued merely to intimidate, without its being meant literally, the revealed law has disintegrated before him. Perhaps the threat of punishment against the unbelievers is also like that! With anyone who reaches this point, discussion falls away, because he must allow the abandonment of the entire revealed law: perhaps it is merely a recommendation, and perhaps every threat of punishment that has been issued is only intimidation. Besides departing from reason, this is a departure from Islam, because it amounts to declaring Allah, mighty and majestic, untruthful. Through Allah, exalted is He, comes success. Among the things that make clear that all the commands of Allah, exalted is He, impose an obligation until a text or consensus establishes that it is not obligatory, is His saying, exalted is He: {May man be slain! How ungrateful he is! From what thing did He create him? From a drop of semen He created him, then determined his measure. Then He made the way easy for him. Then He caused him to die and had him buried. Then,

يلزمه تجويز ترك الشريعة كلها، إذ لعلها ندب، ولعل كل وعيد ورد إنما هو تهديد، وهذا مع فراقه المعقول خروج عن الإسلام؛ لأنه تكذيب لله عز وجل، وبالله تعالى التوفيق. ومما يبين أن أوامر الله تعالى كلها على الفرض حتى يأتي نص أو إجماع أنه ليس فرضا قوله تعالى {قتل لإنسان مآ أكفره * من أي شيء خلقه * من نطفة خلقه فقدره * ثم لسبيل يسره * ثم أماته فأقبره * ثم إذا شآء أنشره * كلا لما يقض مآ أمره}

when He wills, He will raise him. No indeed! He has not yet fulfilled what He commanded him.}[55][56]

L835–836 Ali said: Thus Allah, exalted is He, counted among man's acts of unbelief his failure to fulfill what He commanded him to do. Everyone who interprets commands as imposing something other than an obligation and allows their abandonment has failed to fulfill what He commanded him. In what we have mentioned there is sufficient evidence, and through Allah, exalted is He, comes success. He ﷺ distinguished an obligatory command from a command granting a choice by a distinction that leaves no room for contentious disputation thereafter. This is what was related to us from Abd Allah ibn Yusuf, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim: Abu Kamil Fudayl ibn Husayn al-Jahdari related to us: Abu Awanah related to us, from Shayban, from Uthman ibn Abd Allah ibn Mawhab, from Jafar ibn Abi Thawr, from Jabir ibn Samurah, who said: A man asked the Messenger of Allah ﷺ, "Should I perform ablution after eating sheep meat?" He said, "If you wish, perform ablution, and if you wish, do not perform ablution." He asked, "Should I perform ablution after eating camel meat?" He said, "Yes; perform ablution after eating camel meat."

Ali said: He, peace be upon him, thus presented the ablution that was not obligatory for the man in wording that granted a choice, and presented the other solely in the wording of a command. Had their meanings been the same, he, peace be upon him, would not have explained to the questioner what he had asked about. This is something no Muslim would suppose. Allah is the Guide to the straight path. Allah suffices us, and an excellent Trustee is He.

L837 [Section on the Forms in Which a Command Occurs]

قال علي: فعدد الله تعالى في كفر الإنسان أنه لم يقض ما أمره به، وكل من حمل الأوامر على غير الفرض واستجاز تركها، فلم يقض ما أمره وفيما ذكرنا كفاية وبالله تعالى التوفيق وقد فرق صلى الله عليه وسلم بين أمر الفرض وأمر التخيير بفرق ولا مدخل للشغب فيه بعده، وهو ما حدثناه عن عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم، ثنا أبو كامل فضيل بن حسين الجحدري، ثنا أبو عوانة، عن شيبان، عن عثمان بن عبد الله بن موهب، عن جعفر بن أبي ثور عن جابر بن سمرة قال سأل رجل رسول الله صلى الله عليه وسلم أتوضأ من لحوم الغنم قال إن شئت فتوضأ وإن شئت فلا تتوضأ قال أتوضأ من لحوم الإبل قال نعم فتوضأ من لحوم الإبل قال علي فأورد عليه السلام الوضوء الذي ليس عليه واجبا بلفظ التخيير، وأورد الآخر بلفظ الأمر فقط ولو كان معناهما واحدا لما كان عليه السلام مبينا للسائل ما سأل عنه وهذا ما لا يظنه مسلم، والله الهادي إلى سواء السبيل وحسبنا الله ونعم الوكيل

[فصل في كيفية ورود الأمر]

قال علي الأوامر الواجبة ترد على وجهين أحدهما بلفظ افعل أو افعلوا والثاني بلفظ الخبر إما بجملة فعل وما يقتضيه من فاعل أو مفعول، وإما بجملة ابتداء وخبر. فأما الذي يرد بلفظ افعل أو افعلوا فكثير واضح مثل {وأقيموا لصلاة وآتوا لزكاة وركعوا

[55] **Translator's note (L832):** The salutation in "His aforementioned statement to Abu Sa'id, peace be upon him" refers to the Prophet, the speaker, rather than to Abu Sa'id.

[56] **Qur'an references (L832):** Qur'an 8:24 (Al-Anfal); Qur'an 43:10 (Az-Zukhruf); Qur'an 80:18 ('Abasa); Qur'an 80:19 ('Abasa); Qur'an 80:21 ('Abasa); Qur'an 80:22 ('Abasa); Qur'an 80:23 ('Abasa).

مع لراكعين} {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم والله سميع عليم} وما أشبه ذلك

L838 Ali said: Obligatory commands occur in two forms. One uses the wording "Do!" addressed to one person or "Do!" addressed to several. The second uses the wording of a statement, either as a clause consisting of a verb and what it requires—a subject or an object—or as a clause consisting of a nominal subject and predicate. As for what occurs in the wording "Do!" addressed to one person or to several, it is abundant and clear, such as: {Establish prayer, give the obligatory alms, and bow with those who bow}; {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for them. Your prayers are a reassurance to them, and Allah is All-Hearing, All-Knowing}; and other such instances.[57]

وأما الذي يرد بلفظ الخبر وبجملة فعل وما يقتضيه فكقوله تعالى {قل إنما حرم ربي لفواحش ما ظهر منها وما بطن ولإثم ولبغي بغير لحق وأن تشركوا بالله ما لم ينزل به سلطانا وأن تقولوا على الله ما لا تعلمون} وكقوله تعالى {إن الله يأمركم أن تؤدوا لأمانات إلى أهلها وإذا حكمتم بين لناس أن تحكموا بلعدل إن الله نعما يعظكم به إن الله كان سميعا بصيرا} وكقوله تعالى {يأيها لذين آمنوا كتب عليكم لصيام كما كتب على لذين من قبلكم لعلكم تتقون} و {كتب عليكم لقتال وهو كره لكم وعسى أن تكرهوا شيئا وهو خير لكم وعسى أن تحبوا شيئا وهو شر لكم والله يعلم وأنتم لا تعلمون} {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن الله كان غفورا رحيما} و {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم الله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب الله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام

L839–842 As for what occurs in the wording of a statement, as a clause consisting of a verb and what it requires, an example is His saying, exalted is He: {Say: My Lord has forbidden only indecencies, those of them that are manifest and those that are hidden, sin, wrongful aggression, your associating with Allah that for which He has sent down no authority, and your saying about Allah what you do not know.} And His saying, exalted is He: {Allah commands you to render trusts to those entitled to them and, when you judge between people, to judge with justice. Excellent indeed is that with which Allah admonishes you. Allah is All-Hearing, All-Seeing.} And His saying, exalted is He: {O you who believe, fasting has been prescribed for you as it was prescribed for those before you, so that you might be mindful of Allah}; and: {Fighting has been prescribed for you, though it is hateful to you. You may hate something while it is good for you, and you may love something while it is bad for you. Allah knows, and you do not know.} {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters in your care born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and your joining two sisters in marriage, except what has already passed. Allah is All-Forgiving, Merciful.} And: {On the night

[57] **Qur'an references (L838):** Qur'an 9:103 (At-Tawbah).

of fasting, sexual intercourse with your wives has been made lawful for you. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you in forgiveness and pardoned you. Now, therefore, have intercourse with them and seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night, and do not have intercourse with them while you are in devotional retreat in the mosques. These are Allah's bounds, so do not approach them. Thus Allah makes His signs clear to people, so that they might be mindful of Him.} And: "I was commanded to prostrate upon seven bones," and other such instances.

Many of the commands we have mentioned occur, as you see, with an object whose agent is not named. But since He, mighty and majestic—and His speech is the truth—said concerning His Prophet ﷺ: {He does not speak from desire. It is only a revelation revealed}, we know with a certainty that leaves no room for doubt that he conveys no command or prohibition except from his Lord, exalted is He. Consequently, leaving the One who commands and prohibits, mighty and majestic, unnamed and mentioning Him explicitly are equivalent in establishing our sound understanding that the one intended by the rulings of the revealed law is Allah, exalted is He, alone, to the exclusion of anyone else.

As for instances of this that occur as a clause consisting of a nominal subject and predicate, an example is His saying, exalted is He: {Allah does not hold you accountable for inadvertent speech in your oaths, but He holds you accountable for the oaths you bind yourselves by. Its expiation is feeding ten needy people with food of the middling quality of what you feed your own families, or clothing them, or freeing a slave. Whoever cannot find the means must fast three days. That is the expiation of your oaths when you swear. Guard your oaths. Thus Allah makes His signs clear to you, so that you might give thanks.} {O you who believe, do not kill game while you are in a state of pilgrimage consecration. Whoever among you kills it intentionally must make recompense with livestock equivalent to what he killed, as determined by two just men from among you, as a sacrificial

إلى الليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود الله فلا تقربوها كذلك يبين الله آياته للناس لعلهم يتقون} وأمرت أن أسجد على سبعة أعظم وما أشبه ذلك، وكثير من الأوامر التي ذكرنا وردت كما ترى بمفعول لم يسم فاعله ولكن لما قال عز وجل وقوله الحق على نبيه صلى الله عليه وسلم {وما ينطق عن لهوى * إن هو إلا وحي يوحى} علمنا يقينا لا مجال للريب فيه، أنه لا ينقل أمرا ولا نهيا إلا عن ربه تعالى، فكان السكوت عن تسمية الآمر والناهي عز وجل وذكره سواء في صحة فهمنا أن المراد بأحكام الشريعة هو الله تعالى وحده لا من سواه. وأما ما ورد من هذا بجملة لفظ ابتداء وخبر فكقوله تعالى {لا يؤاخذكم الله باللغو في أيمانكم ولكن يؤاخذكم بما عقدتم لأيمان فكفارته إطعام عشرة مساكين من أوسط ما تطعمون أهليكم أو كسوتهم أو تحرير رقبة فمن لم يجد فصيام ثلاثة أيام ذلك كفارة أيمانكم إذا حلفتم وحفظوا أيمانكم كذلك يبين الله لكم آياته لعلكم تشكرون} {يأيها لذين آمنوا لا تقتلوا لصيد وأنتم حرم ومن قتله منكم متعمدا فجزآء مثل ما قتل من لنعم يحكم به ذوا عدل منكم هديا بالغ لكعبة أو كفارة طعام مساكين أو عدل ذلك صياما ليذوق وبال أمره عفا الله عما سلف ومن عاد فينتقم الله منه والله عزيز ذو نتقام} {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من الله وكان الله عليما حكيما} {ولذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا فإذا بلغن أجلهن فلا جناح عليكم فيما فعلن في أنفسهن بلمعروف والله بما تعملون خبير} {ولمطلقات يتربصن بأنفسهن ثلاثة قروء ولا يحل لهن أن يكتمن ما خلق الله في أرحامهن إن كن يؤمن بلله وليوم لآخر

offering reaching the Kaaba; or make expiation by feeding needy people, or the equivalent of that in fasting, so that he may taste the evil consequence of his deed. Allah has pardoned what has passed, but whoever repeats it, Allah will exact retribution from him. Allah is Mighty, Possessor of retribution.} {It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake must free a believing slave and pay blood money to his family, unless they forgo it as charity. If he belongs to a people who are enemies to you, while he is a believer, then a believing slave must be freed. If he belongs to a people between whom and you there is a covenant, then blood money must be paid to his family and a believing slave freed. Whoever cannot find the means must fast two consecutive months, as repentance ordained by Allah. Allah is All-Knowing, Wise.} {Those of you who die and leave wives behind—the wives shall wait by themselves for four months and ten days. When they have reached the end of their term, there is no blame upon you for what they do concerning themselves in an acceptable manner. Allah is fully aware of what you do.} {Divorced women shall wait by themselves for three menstrual periods. It is not lawful for them to conceal what Allah has created in their wombs, if they believe in Allah and the Last Day. Their husbands have a greater right to take them back during that time, if they desire reconciliation. Women have rights corresponding to their obligations, in an acceptable manner, and men have a degree over them. Allah is Mighty, Wise.} {In it are clear signs, the station of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by people who are able to find a

وبعولتهن أحق بردهن في ذلك إن أرادوا إصلاحا ولهن مثل لذي عليهن بلمعروف وللرجال عليهن درجة ولله عزيز حكيم} {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} ومثل هذا كثير

way to it. Whoever disbelieves—Allah has no need of the worlds.} There are many such instances.[58][59][60]

L843–846 Ali said: There is no way for commands and obligatory revealed laws to be conveyed except in these two forms alone. As for the essential form of command and prohibition, it is what is expressed in the wording “Do” or “Do not do.” This is a form not shared by a bare statement whose meaning is purely declarative, nor by an expression of wonder, nor by an oath. Only a request shares this form with it. Whatever such request is addressed to Allah, mighty and majestic, is supplication alone; whatever is addressed to someone below Him, exalted is He, is an entreaty. Supplication addressed to Allah, mighty and majestic, may also be called an entreaty. The term “supplication,” without qualification, is applied only to a request addressed to Allah, mighty and majestic; when its application to someone other than Allah, exalted is He, is permissible, it is qualified by an addition. Thus we say, “Call upon so-and-so,” meaning, “Call out to him.” Ali said: As for premises adopted to produce conclusions in disputation, their basic form is declarative wording, such as his saying ﷺ, “Every intoxicant is wine, and every wine is forbidden.” The conclusion is: “Therefore every intoxicant is forbidden.” However, when disputing with the people of our religion and our creed concerning matters over which we disagree, we have no need of that, because we agree that the expression “Do” is an accepted premise by which the proof is fully established between us. Ali said: What occurs among commands in declarative wording is distinguished from what occurs in declarative wording with a purely declarative meaning by rational necessity. For the saying of Allah,

قال علي فلا طريق لورود الأوامر والشرائع الواجبة إلا على هذين الوجهين فقط، فأما عنصر الأمر والنهي، فإنما هو ما ورد بلفظ: افعل أو لا تفعل، فهذه صيغة لا يشركه فيها الخبر المجرد الذي معناه معنى الخبر المحض، ولا يشركه فيها التعجب، ولا يشركه فيها القسم، وإنما يشركه في هذه الصيغة الطلبية فقط، فما كان منها إلى الله عز وجل فهو الدعاء فقط، وما كان منها إلى من دونه تعالى، فهو الرغبة. وقد يسمى الدعاء إلى الله عز وجل أيضا رغبة ولا يسمى الدعاء على الإطلاق إلا ما كان طلبة إلى الله عز وجل، حتى إذا جاز أضيف أن ينسب إلى غير الله تعالى، فنقول: ادع فلانا بمعنى ناده. قال علي: وأما المقدمات المأخوذة لإنتاج النتائج في المناظرة، فإنما الأصل فيها أن تصاغ بصيغة الخبر مثل قوله صلى الله عليه وسلم كل مسكر خمر وكل خمر حرام النتيجة فكل مسكر حرام. إلا أننا في مناظرتنا أهل ملتنا وأهل نحلتنا فيما تنازعنا فيه، قد غنينا عن ذلك، لاتفاقنا على أن لفظ افعل، مقدمة مقبولة تقوم بها الحجة فيما بيننا قياما تاما. قال علي: ويميز ما جاء في الأوامر بلفظ الأخبار، مما جاء بلفظ الخبر ومعناه الخبر المجرد، بضرورة العقل، فإن قول الله عز وجل: {ومن يقتل مؤمنا متعمدا فجزآؤه جهنم خالدا فيها وغضب لله عليه ولعنه وأعد له عذابا عظيما} هو بمنزلة قوله تعالى {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من لله وكان لله عليما حكيما} في ظاهر ورود الأمر إلا أن أحد اللفظين خبر مجرد لفظه لفظ الخبر، ومعناه معنى الخبر، والآخر لفظه لفظ الخبر، ومعناه معنى الأمر، وإنما علمنا ذلك لأن الجزاء

[58] **Translator’s note (L841):** The grammatical expression “an object whose agent is not named” describes a passive construction; the author retains the term “object” for what functions as the passive verb’s grammatical subject.

[59] **Translator’s note (L842):** The term rendered “menstrual periods,” quru’, can also denote intervals of purity between menstruations; its interpretation here is a subject of juristic disagreement.

[60] **Qur’an references (L839):** Qur’an 6:151 (Al-An’am); Qur’an 7:33 (Al-A’raf); Qur’an 4:58 (An-Nisa); Qur’an 2:216 (Al-Baqarah); Qur’an 4:23 (An-Nisa); Qur’an 2:187 (Al-Baqarah); Qur’an 53:4 (An-Najm); Qur’an 5:89 (Al-Ma’idah); Qur’an 5:95 (Al-Ma’idah); Qur’an 4:92 (An-Nisa); Qur’an 2:234 (Al-Baqarah); Qur’an 2:228 (Al-Baqarah); Qur’an 3:97 (Ali ’Imran).

mighty and majestic, "Whoever kills a believer deliberately, his recompense is Hell, abiding therein forever; Allah is angry with him, has cursed him, and has prepared for him a tremendous punishment," is on the same footing as His saying, exalted is He, "It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake: the freeing of a believing slave and blood money delivered to his family, unless they remit it as charity. If he belongs to a people at enmity with you, while he is a believer: the freeing of a believing slave. If he belongs to a people between whom and you there is a covenant: blood money delivered to his family and the freeing of a believing slave. Whoever cannot find the means: fasting for two consecutive months, as repentance from Allah. Allah is all-knowing, wise," with respect to the apparent manner in which the command is conveyed. Yet one of the two expressions is a bare statement: its wording is declarative and its meaning is declarative. The other has declarative wording, but its meaning is a command. We know this only because recompensing someone with Hell cannot be something that we believe in, since that is not within our capacity, and Allah has assured us against His commanding us to do what is not within our capacity. Allah, mighty and majestic, said: "Allah burdens no soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid it upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy on us. You are our Protector, so grant us victory over the disbelieving people." As for freeing the slave and delivering the blood money, we know by rational necessity that these are within our power and are things that Allah, mighty and majestic, does not perform without the mediation of an agent from among us. In this way, a statement whose meaning is a command is distinguished from one that is purely declarative in both its meaning and its wording. Some of the heretics have raised an objection against us concerning His saying, "In it are clear signs, the station of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by people who can find a way to it. Whoever disbelieves—Allah is independent

بجهنم لا يجوز أن نؤمن نحن به، لأن ذلك ليس في وسعنا، وقد أمننا الله من أن يأمرنا بما ليس في وسعنا قال الله عز وجل {لا يكلف الله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} وأما التحرير للرقبة وتسليم الدية فبضرورة العقل علمنا أن ذلك من مقدوراتنا ومما لا يفعله الله عز وجل دون توسط فاعل منا، فبهذا يتميز ما كان الخبر معناه الأمر، وما كان منه مجردا للخبر في معناه ولفظه. وقد اعترض قوم من الملحدين علينا في قوله {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} وأرادوا أن يحملوا ذلك على أنه خبر في معناه ولفظه.

of all beings." They sought to construe this as declarative in both its meaning and its wording.[61][62]

L847–851 Ali said: This is an error, according to the explicit text of the Quran and the necessary evidence of observation. As for the explicit text of the Quran, it is His saying, exalted is He: "Kill them wherever you encounter them, and expel them from where they expelled you. Persecution is worse than killing. Do not fight them at the Sacred Mosque until they fight you in it. If they fight you, then kill them. Such is the recompense of the disbelievers." Thus the supposition of anyone who supposes that the saying of Allah, mighty and majestic, "In it are clear signs, the station of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by people who can find a way to it. Whoever disbelieves—Allah is independent of all beings," is a declaration is dispelled. How could that be so, when He, exalted is He, has commanded the killing of those who fight us in it and at it? As for the necessary evidence of observation, it is what we know with certainty of the killings that occurred in it time after time at the hands of al-Husayn ibn Numayr, al-Hajjaj ibn Yusuf, Ibn al-Aftas the Alid, and their brethren the Qarmatians. Allah, exalted is He, speaks only the truth. It is therefore established, by the two necessary demonstrations we have already presented, that the meaning of His saying, exalted is He, "In it are clear signs, the station of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by people who can find a way to it. Whoever disbelieves—Allah is independent of all beings," is a command alone. Likewise, we say that it is not lawful for a prescribed punishment to be inflicted upon anyone anywhere in the Sacred Precinct, in any manner whatsoever: neither by imprisonment, nor discretionary punishment, nor amputation, nor flogging,

قال علي: وهذا خطأ بنص القرآن، وبضرورة المشاهدة أما نص القرآن فقوله تعالى {وقتلوهم حيث ثقفتموهم وأخرجوهم من حيث أخرجوكم ولفتنة أشد من لقتل ولا تقاتلوهم عند لمسجد لحرام حتى يقاتلوكم فيه فإن قاتلوكم فقتلوهم كذلك جزآء لكافرين} فارتفع ظن من ظن أن قول الله عز وجل {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} خبر وكيف يكون ذلك وقد أمر تعالى بقتل من قاتلنا فيه وعنده. وأما ضرورة المشاهدة، فما قد تيقناه مما وقع فيه من القتل مرة بعد مرة، على يدي الحصين بن نمير، والحجاج بن يوسف، وابن الأفطس العلوي، وإخوانهم القرامطة، والله تعالى لا يقول إلا حقا، فصح أن معنى قوله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} إنما هو أمر بالبرهانين الضروريين اللذين قدمناهما. وكذلك نقول: إنه لا يحل أن يقام في شيء من الحرم حد على أحد، بوجه من الوجوه، ولا بسجن، ولا تعزير ولا قطع، ولا جلد، ولا قصاص، ولا رجم، ولا قتل، لا في ردة، ولا في زنى، ولا في غير ذلك. حاشا من قاتلنا فيه فقط على نص القرآن وبهذا جاء الخبر عن رسول الله صلى الله عليه وسلم وأما من أجاز أن يخالف الله تعالى ورسوله صلى الله عليه وسلم ويقتدي بعمرو بن سعيد ويزيد والحجاج والحصين بن نمير، فيقيم فيه الحدود ويقتل فيه من استحق القتل عنده في غيره، فليفكر فيما يلزمه من تكذيب ربه، وله ما اختار من اتباع من اتبع وخلاف الله تعالى ورسوله صلى الله عليه وسلم ليتخلص من السؤال الذي ذكرناه آنفا ولو قدر على ذلك لما قدر على التخلص من عصيان نبيه صلى الله عليه وسلم في قوله إنها إنما أحلت لي ساعة من نهار ولم تحل لكم ثم عادت

[61] **Translator's note (L844):** The wording حتى إذا جاز أضيف أن ينسب is syntactically awkward. The translation takes it to mean that applying the term to someone other than Allah requires an explicit qualification. The supplied نؤمن نحن به means "we believe in it," but this conflicts with the argument about what lies within human capacity. A reading such as نؤمر نحن به, "we are commanded to do it," would fit the reasoning. The supplied reading has been retained.

[62] **Qur'an references (L843):** Qur'an 4:93 (An-Nisa); Qur'an 4:92 (An-Nisa); Qur'an 2:286 (Al-Baqarah); Qur'an 3:97 (Ali 'Imran).

nor retaliation, nor stoning, nor execution, whether for apostasy, unlawful sexual intercourse, or anything else. The sole exception is someone who fights us in it, in accordance with the explicit text of the Quran. This is also what the report from the Messenger of Allah ﷺ conveys. As for anyone who permits himself to oppose Allah, exalted is He, and His Messenger ﷺ, and to follow the example of Amr ibn Said, Yazid, al-Hajjaj, and al-Husayn ibn Numayr, so that he carries out prescribed punishments in it and kills in it someone whom he considers to have become liable to execution elsewhere, let him reflect on the denial of his Lord's truthfulness that this entails for him. His is what he has chosen: following those whom he follows and opposing Allah, exalted is He, and His Messenger ﷺ, in order to escape the question we mentioned just now. Even if he could do that, he could not escape disobeying his Prophet ﷺ in his saying: "It was made lawful for me only for an hour of a day, and it was not made lawful for you. Then it returned to its inviolability of yesterday, until the Day of Resurrection. No blood is to be shed in it." He, peace be upon him, made clear through the explicit wording of his statement that no one may claim a dispensation in this matter on account of his fighting, peace be upon him, and explicitly stated that this was specific to him. Ali said: This is a declaration of perpetuity and an emphatic command; it is not permissible for abrogation ever to affect it, because of his explicit statement, peace be upon him, that this remains in force until the Day of Resurrection. Whoever allows that abrogation could occur in this has allowed the Messenger ﷺ to lie; and whoever allows that is an unbeliever and a polytheist whose blood and property are lawful to take. Glory be to Him who has made it easy for these people to reverse realities: they make general what an explicit text declares specific, and specific what an explicit text declares general. In Allah Most High we seek support. He, peace be upon him, shed therein only blood that was lawful to shed, and categorically forbade following his example in that. Our position on this is the position of ʿAbd Allah ibn ʿUmar, ʿAṭāʾ, and others. ʿAbd Allah ibn ʿUmar used to say: "Were I to encounter ʿUmar's killer therein, I would not drive him away."

كحرمتها بالأمس إلى يوم القيامة لا يسفك فيها دم وبين عليه السلام بنص كلامه أنه ليس لأحد أن يترخص في ذلك لأجل قتاله عليه السلام، ونص على أن ذلك خاص له. قال علي: وهذا خبر على التأبيد، وأمر على التأكيد لا يجوز أن يدخل فيه نسخ أبدا لنصه عليه السلام على أن ذلك باق إلى يوم القيامة فمن أجاز ورود نسخ لهذا فقد أجاز الكذب من الرسول صلى الله عليه وسلم ومن أجاز ذلك فهو كافر مشرك حلال الدم والمال، وسبحان من يسر لهؤلاء القوم عكس الحقائق، فيجعلون ما قد جاء النص فيه بأنه خاص عاما، وما جاء فيه النص بأنه عام خاصا وبالله تعالى نتأيد وإنما سفك عليه السلام فيها الدماء المباحة ونهى عن الاقتداء به ذلك جملة، وقولنا في هذا هو قول عبد الله بن عمر وعطاء وغيرهما، وكان عبد الله بن عمر يقول: لو لقيت فيها قاتل عمر، ما ندهته. قال علي: فما ورد من الأوامر والنواهي على الصفتين المذكورتين فهو فرض أبدا ما لم يرد نص أو إجماع على أنه منسوخ، أو أنه مخصوص، أو أنه ندب، أو أنه بعض الوجوه الخارجة عن الإلزام على ما سنفرد لها فصلا في آخر هذا الباب إن شاء الله تعالى، ولا حول ولا قوة إلا بالله العلي العظيم. قال علي: وأما صورة الندب، فهو أن يرد اللفظ أو بمدح الفاعل أو للفعل مثل قوله عليه السلام إذ قال يهلك الناس هذا الحي من قريش ثم قال عليه السلام لو أن الناس اعتزلوهم فكان هذا ندبا إلى ترك القتال مع التأولين منهم ومثل قوله عليه السلام لو اغتسلتم وإنما أوجبنا غسل الجمعة بحديث آخر فيه لفظ الايجاب، وأما المدح فمثل قوله تعالى {لا تقم فيه أبدا لمسجد أسس على لتقوى من أول يوم أحق أن تقوم فيه فيه رجال يحبون أن يتطهروا والله يحب لمطهرين} فكان ذلك حضا على مثل فعلهم وهو الاستنجاء بالماء ومثل إخباره صلى الله عليه وسلم أن لا حول ولا قوة إلا بالله كنز من كنوز الجنة وما أشبه ذلك. فما جاء باللفظ الذي ذكرنا فهو ندب لا إيجاب، يعلم

ʿAlī said: Whatever commands and prohibitions occur with the two characteristics mentioned remain obligatory forever, unless an explicit text or consensus establishes that they have been abrogated, are specific in application, constitute a recommendation, or fall under one of the other aspects that lie outside binding obligation. We shall devote a separate section to these at the end of this chapter, if Allah Most High wills. There is neither power nor strength except through Allah, the Most High, the Magnificent.

ʿAlī said: As for the form of recommendation, it is for the wording to occur, or through praise of the person performing the act or of the act itself. An example is his statement, peace be upon him, when he said: "This clan of Quraysh will bring people to destruction." Then he said, peace be upon him: "If only people would keep apart from them." This was a recommendation to refrain from fighting alongside those among them who act upon interpretations. Another example is his statement, peace be upon him: "If only you would bathe." We have held bathing on Friday obligatory only because of another report containing wording that imposes an obligation. As for praise, an example is His statement, Most High: {Never stand in it. A mosque founded upon reverence for Allah from the first day is more deserving that you stand in it. In it are men who love to purify themselves, and Allah loves those who purify themselves.} This was an encouragement to do as they did, namely, to cleanse oneself with water after relieving oneself. Another example is his declaration ﷺ that "There is neither power nor strength except through Allah" is a treasure among the treasures of Paradise, and similar statements. Whatever occurs with the wording we have mentioned constitutes recommendation, not obligation. This is known from the form of the language and its degrees of expression, with necessary knowledge that admits no other understanding.

ʿAlī said: As for a command conveying permission, it is expressed with the word "or," as in His statement, Most High: {Complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever is readily available of the sacrificial offering. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is ill or suffers an affliction of the head must provide a compensation of fasting, char-

ذلك بصيغة اللغة ومراتبها، علم بضرورة لا يفهم سواه. قال علي: وأما أمر الإباحة فإنه يراد بلفظ أو مثل قوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب}

ity, or sacrifice. When you are secure, whoever enjoys the interval between the lesser pilgrimage and the pilgrimage must provide whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return: those are ten in full. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment.}[63][64][65][66]

L852–854 And likewise his statement, peace be upon him: "And he had previously stood at ʿArafah by night or by day." One can only be greatly astonished at someone who construed the account reporting that the Prophet ﷺ commanded the man who had intercourse during Ramadan to fast two months, or feed sixty needy people, or free a slave as allowing a choice—even though an authentic report prescribes a sequence in this matter—and then, on the basis of his own opinion, decided to construe his statement, peace be upon him, concerning standing at ʿArafah "by night or by day" as imposing an absolute obligation to stand there by night. Merely describing this position is sufficient.

ومثل قوله عليه السلام وقد وقف قبل ذلك بعرفة ليلا أو نهارا وأن العجب ليكثر ممن حمل ما روى النبي صلى الله عليه وسلم أنه أمر به الواطىء في رمضان من صيام شهرين، أو إطعام ستين مسكينا، أو تحرير رقبة على التخيير. وقد روى حديث صحيح بالترتيب في ذلك ثم رأى من رأيه أن يحمل قوله عليه السلام في الوقوف بعرفة ليلا أو نهارا على إيجاب الوقوف ليلا ولا بد، ويكفي هذا القول وصفه. وقد يرد أيضا لفظ الإباحة بلا حرج وبلا جناح مثل قوله تعالى {ليس على لأعمى حرج ولا على لأعرج حرج ولا على لمريض حرج ولا على أنفسكم أن تأكلوا من بيوتكم أو بيوت آبائكم أو بيوت أمهاتكم أو بيوت إخوانكم أو بيوت أخواتكم أو بيوت أعمامكم أو بيوت عماتكم أو بيوت أخوالكم أو بيوت خالاتكم أو ما ملكتم مفاتحه أو صديقكم ليس عليكم جناح أن تأكلوا جميعا أو أشتاتا فإذا دخلتم بيوتا فسلموا على أنفسكم تحية من عند الله مباركة طيبة كذلك يبين الله لكم لآيات لعلكم تعقلون} وقوله عليه السلام وقد سئل عن تقديم الرمي على الحلق وعلى النحر، وتقديم الحلق على النحر وعلى الرمي: لا حرج. لا حرج. قال علي وبهذا النص صح لنا أن قوله عز وجل {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا

[63] **Translator's note (L848):** The attachment of ليتخلص, "in order to escape," is awkward in the supplied text. The translation preserves its apparent connection to the opponent's chosen course.

[64] **Translator's note (L850):** The opening continues the preceding unit's statement that abrogation cannot affect the ruling. The location referred to as "therein" is not named in this unit. The definition of recommendation reads "for the wording to occur, or through praise." This appears defective: the following examples suggest that the particle "if" or "if only" (law) may have been intended, but the supplied text reads "or" (aw). "Those ... who act upon interpretations" renders التأولين, an apparently defective spelling of a term referring to people acting on an interpretive position. In the definition of permission, يراد بلفظ أو is awkward; it has been understood as describing expression through the word "or," as the ensuing quotation illustrates. The Quranic quotation has recurrent omissions of initial alifs, including in words corresponding to "reverence for Allah," "Allah," and "those who purify themselves." These have been treated as transcription defects.

[65] **Translator's note (L851):** This continues the Quranic quotation begun in 850:0. The supplied transcription repeatedly omits initial alifs and has فا ستيسر for the wording corresponding to "whatever is readily available"; these have been treated as transcription defects.

[66] **Qur'an references (L847):** Qur'an 2:191 (Al-Baqarah); Qur'an 3:97 (Ali 'Imran); Qur'an 9:108 (At-Tawbah); Qur'an 2:196 (Al-Baqarah).

The wording of permission may also occur through “no impediment” and “no blame,” as in His statement, Most High: {There is no impediment for the blind, nor any impediment for the lame, nor any impediment for the sick, nor for yourselves, in eating from your houses, or your fathers’ houses, or your mothers’ houses, or your brothers’ houses, or your sisters’ houses, or your paternal uncles’ houses, or your paternal aunts’ houses, or your maternal uncles’ houses, or your maternal aunts’ houses, or those whose keys you possess, or your friend’s. There is no blame upon you whether you eat together or separately. When you enter houses, greet yourselves with a greeting from Allah, blessed and good. Thus Allah makes the signs clear to you, so that you may understand.} And his statement, peace be upon him, when asked about performing the stone-throwing before shaving and before slaughtering, and performing the shaving before slaughtering and before the stone-throwing: “There is no impediment; there is no impediment.”

ʿAlī said: Through this explicit text it is established for us that His statement, Mighty and Majestic, {Complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is ill or suffers an affliction of the head must provide a compensation of fasting, charity, or sacrifice. When you are secure, whoever enjoys the interval between the lesser pilgrimage and the pilgrimage must provide whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return: those are ten in full. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment.} does not mean the actual slaughter, but rather the arrival of the time for release from the consecrated state through slaughter. Moreover, our position accords with the apparent meaning of the verse, without straining to supply an interpretation unsupported by evidence. Another example is His statement, Most High: {Remember Allah during numbered days. Whoever hastens to depart in two days incurs no sin, and whoever delays incurs no sin, for whoever is mindful of Allah. Be mindful of Allah, and know that to Him you will be gathered.} Another example is

أن لله شديد لعقاب} أنه ليس المراد به النحر ولكن بلوغ وقت الإحلال بالنحر مع موافقة قولنا لظاهر الآية دون تكلف تأويل بلا دليل ومثل قوله تعالى {وذكروا لله في أيام معدودات فمن تعجل في يومين فلا إثم عليه ومن تأخر فلا إثم عليه لمن تقى وتقوا لله وعلموآ أنكم إليه تحشرون} ومثل قوله تعالى {إن لصفا ولمروة من شعآئر لله فمن حج لبيت أو عتمر فلا جناح عليه أن يطوف بهما ومن تطوع خيرا فإن لله شاكر عليم} ومثل قوله {وإن مرأة خافت من بعلها نشوزا أو إعراضا فلا جناح عليهمآ أن يصلحا بينهما صلحا ولصلح خير وأحضرت لأنفس لشح وإن تحسنوا وتتقوا فإن لله كان بما تعملون خبيرا} وقوله تعالى {ليس عليكم جناح أن تبتغوا فضلا من ربكم فإذآ أفضتم من عرفات فذكروا لله عند لمشعر لحرام وذكروه كما هداكم وإن كنتم من قبله لمن لضآلين} وقوله تعالى {ولوالدات يرضعن أولادهن حولين كاملين لمن أراد أن يتم لرضاعة وعلى لمولود له رزقهن وكسوتهن بلمعروف لا تكلف نفس إلا وسعها لا تضآر والدة بولدها ولا مولود له بولده وعلى لوارث مثل ذلك فإن أرادا فصالا عن تراض منهما وتشاور فلا جناح عليهما وإن أردتم أن تسترضعوا أولادكم فلا جناح عليكم إذا سلمتم مآ آتيتم بلمعروف وتقوا لله وعلموا أن لله بما تعملون بصير} يريد تعالى قبل تمام الحولين بنص الآية وقوله تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافآ ألا يقيما حدود لله فإن خفتم ألا يقيما حدود لله فلا جناح عليهما فيما فتدت به تلك حدود لله فلا تعتدوها ومن يتعد حدود لله فأولئك هم لظالمون} وقوله تعالى {فإن طلقها فلا تحل له من بعد حتى تنكح زوجا غيره فإن طلقها فلا جناح عليهمآ أن يتراجعآ إن ظنآ أن يقيما حدود لله وتلك حدود لله يبينها لقوم يعلمون} وقوله تعالى {ولا جناح عليكم فيما عرضتم به من خطبة لنسآء أو أكننتم في أنفسكم علم لله أنكم ستذكرونهن ولكن

لا تواعدوهن سرا إلا أن تقولوا قولا معروفا ولا تعزموا عقدة لنكاح حتى يبلغ لكتاب أجله وعلموا أن لله يعلم ما في أنفسكم فحذروه وعلموا أن لله غفور حليم}

His statement, Most High: {Indeed, al-Ṣafā and al-Marwah are among Allah's ritual landmarks. Whoever makes the pilgrimage to the House or performs the lesser pilgrimage incurs no blame for making the circuit between them. And whoever voluntarily does good, then Allah is appreciative, knowing.} Another example is His statement: {If a woman fears ill-treatment or aversion from her husband, there is no blame upon the two of them if they reach a settlement between themselves; settlement is better. Souls are attended by avarice. If you do good and are mindful of Allah, then Allah is fully aware of what you do.} And His statement, Most High: {There is no blame upon you in seeking bounty from your Lord. When you pour forth from ʿArafāt, remember Allah at the Sacred Landmark. Remember Him as He has guided you, though before it you were indeed among those astray.} And His statement, Most High: {Mothers shall breastfeed their children for two complete years, for whoever wishes to complete the breastfeeding. The father is responsible for their provision and clothing according to what is right. No soul is burdened beyond its capacity. No mother shall be harmed on account of her child, nor any father on account of his child. The heir has a corresponding obligation. If the two of them wish to wean the child by mutual consent and consultation, there is no blame upon them. If you wish to have your children breastfed by others, there is no blame upon you, provided that you hand over what you have given according to what is right. Be mindful of Allah, and know that Allah sees what you do.} He, Most High, means before the completion of the two years, according to the explicit wording of the verse.

And His statement, Most High: {Divorce is twice; then either retention according to what is right or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they will not uphold Allah's limits. If you fear that the two will not uphold Allah's limits, there is no blame upon them concerning that with which she ransoms herself. Those are Allah's limits, so do not transgress them. Whoever transgresses Allah's limits—it is they who are the wrongdoers.} And His statement, Most High: {If he divorces her, she is thereafter not lawful for him until she marries a husband other than him. If he divorces her, there is no blame upon

the two of them if they return to one another, provided that they think they can uphold Allah's limits. Those are Allah's limits, which He makes clear to people who know.} And His statement, Most High: {There is no blame upon you concerning an allusion you make to a proposal of marriage to women, or what you conceal within yourselves. Allah knows that you will mention them. But do not make secret promises to them, except that you speak words that are right. Do not resolve upon the marriage bond until the prescribed term reaches its end. Know that Allah knows what is within yourselves, so beware of Him. And know that Allah is forgiving, forbearing.}[67][68][69]

L855–857 And His saying, exalted is He: {There is no blame upon you if you divorce women before you have touched them or assigned them an obligatory bridal payment. Give them provision—the affluent according to his means and the straitened according to his means—a provision in accordance with what is right, as a duty upon those who do good.} And His saying, exalted is He: {Mothers shall breastfeed their children for two complete years, for whoever wishes to complete the breastfeeding. Their provision and clothing, in accordance with what is right, are incumbent upon the father. No soul is charged beyond its capacity. No mother shall be harmed on account of

وقوله تعالى {لا جناح عليكم إن طلقتم لنسآء ما لم تمسوهن أو تفرضوا لهن فريضة ومتعوهن على لموسع قدره وعلى لمقتر قدره متاعا بلمعروف حقا على لمحسنين} وقوله تعالى {ولوالدات يرضعن أولادهن حولين كاملين لمن أراد أن يتم لرضاعة وعلى لمولود له رزقهن وكسوتهن بلمعروف لا تكلف نفس إلا وسعها لا تضآر والدة بولدها ولا مولود له بولده وعلى لوارث مثل ذلك فإن أرادا فصالا عن تراض منهما وتشاور فلا جناح عليهما وإن أردتم أن تسترضعوا أولادكم فلا جناح عليكم إذا سلمتم مآ آتيتم بلمعروف وتقوا لله وعلموا أن لله بما تعملون بصير} وقوله تعالى {يأيها لذين آمنوا إذا تداينتم بدين إلى أجل مسمى فكتبوه وليكتب بينكم كاتب بلعدل ولا يأب كاتب أن يكتب كما علمه لله فليكتب وليملل لذي عليه لحق وليتق لله ربه ولا يبخس منه شيئا فإن كان لذي عليه لحق سفيها أو ضعيفا أو لا يستطيع أن يمل هو فليملل وليه بلعدل وستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل ومرأتان ممن ترضون من لشهدآء أن تضل إحداهما فتذكر إحداهما لأخرى ولا يأب لشهدآء إذا ما دعوا ولا تسأموا أن تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم ولا يضآر كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا لله ويعلمكم لله ولله بكل شيء عليم} وقوله تعالى {ولمحصنات من لنسآء إلا ما

[67] **Translator's note (L853):** The opening completes the quotation begun in 852:0. The transmitted account of the Ramadan expiation is introduced by the awkward wording ما روى النبي ... أنه أمر به, literally suggesting "what the Prophet narrated ... that he commanded." The translation follows the apparent intended reference to an account reporting his command. The Quranic quotations repeatedly omit initial alifs and contain forms such as ستيسر for the wording corresponding to "readily available"; these have been treated as transcription defects. "No impediment" renders لا حرج, while "no blame" renders لا جناح, preserving the distinction between the two expressions.

[68] **Translator's note (L854):** The opening completes the Quranic quotation begun in 853:0. The Quranic quotations repeatedly omit initial alifs, including in the divine name and definite articles; these have been treated as transcription defects. "What you have given" preserves the supplied wording ما آتيتم in the breastfeeding verse rather than substituting an explanatory reference to agreed wages.

[69] **Qur'an references (L852):** Qur'an 24:61 (An-Nur); Qur'an 2:196 (Al-Baqarah); Qur'an 2:203 (Al-Baqarah); Qur'an 2:158 (Al-Baqarah); Qur'an 4:128 (An-Nisa); Qur'an 2:198 (Al-Baqarah); Qur'an 2:233 (Al-Baqarah); Qur'an 2:229 (Al-Baqarah); Qur'an 2:230 (Al-Baqarah); Qur'an 2:235 (Al-Baqarah).

her child, nor any father on account of his child. The heir bears the same obligation. If the two desire weaning by mutual consent and consultation, there is no blame upon them. If you wish to have your children breastfed by others, there is no blame upon you, provided you hand over what you have agreed to give, in accordance with what is right. Fear Allah, and know that Allah sees what you do.} And His saying, exalted is He: {O you who believe, when you contract a debt with one another for a specified term, write it down. Let a scribe write between you justly. No scribe shall refuse to write as Allah has taught him; let him write, and let the person upon whom the obligation rests dictate. Let him fear Allah, his Lord, and diminish nothing of it. If the person upon whom the obligation rests is of unsound judgment or weak, or cannot himself dictate, let his guardian dictate justly. Call two witnesses from among your men; if they are not two men, then a man and two women from among those whom you approve as witnesses, so that if one of the two women errs, one of them may remind the other. Witnesses shall not refuse when summoned. Do not tire of writing it down, whether small or large, together with its term. That is more equitable in Allah's sight, firmer for testimony, and more likely to prevent your doubting—unless it is an immediate transaction that you conduct among yourselves, in which case there is no blame upon you for not writing it down. Take witnesses when you trade with one another. Neither scribe nor witness shall be harmed. If you do so, it is disobedience on your part. Fear Allah; Allah teaches you, and Allah knows all things.} And His saying, exalted is He: {And married women, except those whom your right hands possess: Allah's prescription upon you. Lawful to you are those beyond these, that you seek them with your wealth, seeking chastity rather than fornication. For whatever enjoyment you have had of them, give them their bridal payments as an obligation. And there is no blame upon you concerning what you mutually agree upon after the obligatory payment. Indeed, Allah is ever Knowing, Wise.} Or His saying, exalted is He: {When you are among them and establish the prayer for them, let a group of them stand with you, and let them take their weapons. When they have prostrated, let them be behind you, and let another group, who have not prayed, come and pray with you. Let them take their precautions and their weapons. Those who disbelieve wish that you would neglect your

ملكت أيمانكم كتاب الله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن الله كان عليما حكيما} أو قوله تعالى {وإذا كنت فيهم فأقمت لهم لصلاة فلتقم طآئفة منهم معك وليأخذوا أسلحتهم فإذا سجدوا فليكونوا من ورائكم ولتأت طآئفة أخرى لم يصلوا فليصلوا معك وليأخذوا حذرهم وأسلحتهم ود لذين كفروا لو تغفلون عن أسلحتكم وأمتعتكم فيميلون عليكم ميلة واحدة ولا جناح عليكم إن كان بكم أذى من مطر أو كنتم مرضى أن تضعوا أسلحتكم وخذوا حذركم إن الله أعد للكافرين عذابا مهينا} قال علي وهذا هو المعهود في اللغة ومن أراد أن يجعل قوله تعالى {إن لصفا ولمروة من شعآئر الله فمن حج لبيت أو عتمر فلا جناح عليه أن يطوف بهما ومن تطوع خيرا فإن الله شاكر عليم} حجة في إيجاب الطواف بين الصفا والمروة فرضا على الحاج وعلى المعتمر، فقد أغفل جدا لأنه يلزمه مع مخالفة مفهوم اللغة أن يقول في الآيات التي تلونا آنفا: إن كل ما ذكر فيها فرض، فإن افتداء المرأة من زوجها فرض، وإن مراجعة المطلق ثلاثا للمطلقة بعد طلاق الزوج الثاني لها فرض، وإن قصر الصلاة فرض، وإن طلاق المرأة قبل أن تمس فرض، وإن تصالحهما على فطام الولد قبل الحولين فرض، وكذلك سائر ما في تلك الآية. قال علي: وإنما واجبنا السعي بينهما فرضا لحديث أبي موسى الأشعري، إذ أمره عليه السلام بالطواف بينهما، ولولا ذلك الحديث ما كان السعي بينهما فرضا، لا في عمرة ولا في حج، وبالله تعالى التوفيق. وإنما قلنا أيضا بوجوب القصر فرضا لقوله عليه السلام فاقبلوا صدقته وبأحاديث أخر صح بها وجوب قصرها.

weapons and your belongings, so that they might fall upon you in a single assault. There is no blame upon you if you are troubled by rain or are ill, should you lay down your weapons; but take your precautions. Indeed, Allah has prepared a humiliating punishment for the unbelievers.} Ali said: This is the established usage in the language. Whoever wishes to make His saying, exalted is He, {Indeed, al-Safa and al-Marwah are among Allah's sacred rites. Whoever performs the pilgrimage to the House or the lesser pilgrimage incurs no blame by going between them. Whoever voluntarily does good—indeed, Allah is Appreciative, Knowing,} an argument for imposing passage between al-Safa and al-Marwah as an obligation upon both the pilgrim and the person performing the lesser pilgrimage has been exceedingly inattentive. For, besides contradicting what the language conveys, he must say concerning the verses we have just recited that everything mentioned in them is obligatory: that a woman's ransoming herself from her husband is obligatory; that a man who has divorced a woman three times must take her back after her second husband divorces her; that shortening the prayer is obligatory; that divorcing a woman before she has been touched is obligatory; and that their mutually agreeing to wean the child before the two years is obligatory. The same applies to everything else in that verse. Ali said: We held passage between the two to be an obligatory duty only because of the report of Abu Musa al-Ash'ari, since he, peace be upon him, commanded him to go between them. Were it not for that report, passage between them would not be obligatory, either in the lesser pilgrimage or in the pilgrimage. Through Allah, exalted is He, comes success. We likewise held shortening the prayer to be an obligatory duty only because of his saying, peace be upon him, 'So accept His charitable gift,' and because of other reports through which the obligation to shorten it was established as authentic.[70][71]

L858 Every expression that occurs with 'incumbent upon you' indicates an obli-

وكل لفظ ورد بعليكم فهو فرض، وكل أمر ورد بلكم أو بأنه صدقة فهو ندب، لأن علينا إيجاب، ولنا صدقة إنما معناها الهبة، وليس قبول الهبة فرضا إلا أن يؤمر بقبولها فيكون حينئذ فرضا، ومما تحل به الأوامر على الندب أن يرد استثناء يعقبه في تخيير المأمور، مثل قوله تعالى في الديات: {ومن يقتل مؤمنا متعمدا فجزآؤه جهنم خالدا فيها

[70] **Translator's note (L857):** The supplied reading 'wajibna' in the sentence about passage between al-Safa and al-Marwah is grammatically awkward and appears corrupt. The translation follows the contextual sense, 'we held … obligatory.'

[71] **Qur'an references (L855):** Qur'an 2:236 (Al-Baqarah); Qur'an 2:233 (Al-Baqarah); Qur'an 2:282 (Al-Baqarah); Qur'an 4:24 (An-Nisa); Qur'an 4:102 (An-Nisa); Qur'an 2:158 (Al-Baqarah).

gation, and every command that occurs with ‘for you,’ or with a statement that it is a charitable gift, indicates recommendation. For ‘incumbent upon us’ imposes an obligation, whereas ‘a charitable gift for us’ means simply a gift. Accepting a gift is not obligatory unless one is commanded to accept it; then it becomes obligatory. Among the things by which commands are construed as recommendations is the occurrence of a subsequent exception giving the person commanded a choice, as in His saying, exalted is He, concerning blood-money payments: {Whoever kills a believer intentionally—his recompense is Hell, remaining therein forever; Allah is angry with him, has cursed him, and has prepared a tremendous punishment for him.} And concerning the obligation of the bridal payment: {If you divorce them before you have touched them, having assigned them an obligatory payment, then half of what you assigned is due, unless they waive it or the person in whose hand is the marriage tie waives it. Your waiving it is nearer to reverence for Allah. Do not forget generosity between yourselves. Indeed, Allah sees what you do.} And concerning repayment of debt: {If someone is in hardship, then grant a postponement until a time of ease. But that you give it as charity is better for you, if you only knew.} And other such instances. All of this is known through the established meanings of the language and its degrees of expression. Through Allah comes success.[72][73]

[Section on Construing Commands and Statements According to Their Apparent Meanings]

L859

L860–861

Ali said: Some people, who had become exhausted in their attempt to defend what Allah, exalted is He, had not authorized anyone to defend—corrupt uncritical adherence and the following of misleading desire—went so far as to say: ‘We do not construe the wording of commands and statements according to their apparent meanings; rather, judgment concerning them is suspended.’

[72] **Translator’s note (L858):** The quotation introduced as concerning blood-money payments is Quran 4:93, concerning intentional killing. It contains no exception granting a choice and does not fit the stated argument. The apparent quotation error has been preserved.

[73] **Qur’an references (L858):** Qur’an 4:93 (An-Nisa); Qur’an 2:237 (Al-Baqarah); Qur’an 2:280 (Al-Baqarah).

وغضب لله عليه ولعنه وأعد له عذابا عظيما} وفي وجوب الصداق: {وإن طلقتموهن من قبل أن تمسوهن وقد فرضتم لهن فريضة فنصف ما فرضتم إلا أن يعفون أو يعفوا لذي بيده عقدة لنكاح وأن تعفوا أقرب للتقوى ولا تنسوا لفضل بينكم إن لله بما تعملون بصير} وفي قضاء الدين {وإن كان ذو عسرة فنظرة إلى ميسرة وأن تصدقوا خير لكم إن كنتم تعلمون} وما أشبه ذلك، وهذا معلوم كله بموضوع اللغة ومراتبها وبالله التوفيق

[فصل في حمل الأوامر والأخبار على ظواهرها]

قال علي ذهب قوم ممن بلح عندما أراد من نصر ما لم يأذن الله تعالى بنصره من التقليد الفاسد، واتباع الهوى المضل إلى أن قالوا: لا نحمل الألفاظ من الأوامر والأخبار على ظواهرها، بل هي على الوقف وقال بعضهم وهو بكر البشري: إنما ضلت الخوارج بحملها القرآن على ظاهره، واحتج بعضهم أيضا بأن قال: لما وجدنا من الألفاظ ألفاظا مصروفة عن ظاهرها ووجدنا قول القائل: إنك سخي، وإنك جميل، قد تكون على الهزؤ، والمراد إنك قبيح، وإنك لئيم، علمنا أن الألفاظ لا تنبىء عن المعاني بمجردها. قال علي: هذا كل ما موهوا به، وهؤلاء هم السوفسطائيون حقا بلا مرية، وقد علم

One of them, Bakr al-Bishri, said: ‘The Kharijites went astray only through construing the Quran according to its apparent meaning.’ Some of them also argued: ‘Since we have found expressions diverted from their apparent meanings, and have found that someone’s saying “You are generous” and “You are beautiful” may be mockery, with “You are ugly” and “You are ignoble” being intended, we know that expressions do not, by themselves, convey meanings.’ Ali said: This is the entirety of what they have used to obscure the matter. These people are truly the sophists, without any doubt. Every rational person knows that Allah, mighty and majestic, established languages only so that clear communication might occur through them. Languages are nothing other than expressions combined to convey meanings, making clear the things they designate. Allah, exalted is He, said: {We have sent no messenger except in the tongue of his people, so that he might make things clear to them. Then Allah leads astray whom He wills and guides whom He wills, and He is the Mighty, the Wise.} ‘Tongue’ here means language, without disagreement. If speech does not make its meanings clear, what, then, can be understood by these forsaken men from their Lord, exalted is He, and from their Prophet, may Allah bless him and grant him peace ﷺ? Indeed, by what means do you understand one another? They should be told: ‘If what you have said is possible, by what means can we know what you intend by this speech of yours? Perhaps you intend by it something other than its apparent meaning. Perhaps you intend to establish what you have ostensibly refuted.’ Whatever answer they give is binding upon them regarding the enormity of the foolishness they have advanced. These are people who have invalidated realities altogether and precluded understanding entirely.[74][75]

كل ذي عقل أن اللغات إنما رتبها الله عز وجل ليقع بها البيان، واللغات ليست شيئا غير الألفاظ المركبة على المعاني، المبينة عن مسمياتها قال الله تعالى: {وما أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل الله من يشاء ويهدي من يشاء وهو لعزيز لحكيم} { } واللسان هي اللغة بلا خلاف ههنا فإذا لم يكن الكلام مبينا عن معانيه. فأي شيء يفهم هؤلاء المخذولون عن ربهم تعالى وعن نبيهم صلى الله عليه وسلم بل بأي شيء يفهم به بعضكم بعضا ويقال لهم: إذا أمكن ما قلتم فبأي شيء نعرف مرادكم من كلامكم هذا؟ ولعلكم تريدون به شيئا آخر غير ما ظهر منه، ولعلكم تريدون إثبات ما أظهرتم إبطاله. فبأي شيء أجابوا به فهو لازم لهم في عظيم ما أتوا به من السخف، وهؤلاء قوم قد أبطلوا الحقائق جملة، ومنعوا من الفهم بالبتة،

L862–875 Thus, speaking with them would almost be a waste of effort, were it not for the multitude of weak people deceived by them. The Messenger of Allah ﷺ spoke truly when he warned that people would take ignorant leaders, who would go astray and lead others astray. As for Bakr’s statement that the Kharijites went astray only through following the apparent meaning, he

فيكاد الكلام يكون معهم عناء لولا كثرة من اغتر بهم من الضعفاء وصدق رسول الله صلى الله عليه وسلم إذ أنذر باتخاذ الناس رؤساء جهالا فيضلون ويضلون. وأما قول بكر: إن الخوارج إنما ضلت باتباعها الظاهر، فقد كذب وأفك وافترى وأثم. ما ضلت إلا بمثل ما ضل هو به، من تعلقهم بآيات ما وتركوا غيرها، وتركوا بيان الذي أمره الله عز وجل أن يبين للناس ما نزل إليهم كما تركه بكر أيضا وهو رسول الله

[74] **Translator’s note (L860):** The supplied text has an additional closing brace after the Quranic quotation; it has no translatable content.

[75] **Qur’an references (L860):** Qur’an 14:4 (Ibrahim).

has lied, uttered falsehood, fabricated, and sinned. They went astray only through the same thing through which he went astray: clinging to certain verses while abandoning others, and abandoning the explanation of the one whom Allah, mighty and majestic, commanded to explain to people what had been sent down to them—namely, the Messenger of Allah ﷺ—just as Bakr also abandoned it. Had they gathered together all the verses of the Quran and the words of the Prophet ﷺ, treated all of it as binding and as a single ruling, and followed it all, they would have been rightly guided. Indeed, the Kharijites have more excuse than he does and are less astray, because they did not commit themselves to accepting a solitary report, whereas he committed himself to its obligatory acceptance and then proceeded to deem disobedience to it lawful. The correct statement here is that the Rafidites went astray only through abandoning the apparent meaning and following what Bakr and his like followed: uncritical imitation and speaking according to desire, without knowledge, guidance from Allah, mighty and majestic, authority, or demonstration. Thus the Rafidites said, concerning, {And when Moses said to his people, 'Indeed, Allah commands you to slaughter a cow,' they said, 'Do you take us in mockery?' He said, 'I seek refuge in Allah from being among the ignorant'}: 'This is not according to its apparent meaning. Allah Most High never intended a cow at all; it is only Aishah'—may Allah Most High be pleased with her and curse whoever mistreats her. They said: 'The false object of worship and the transgressing power are not according to their apparent meanings; they are only Abu Bakr and Umar'—may Allah's good pleasure be upon them both, and may He curse whoever reviles them. They said, concerning, {On the day the heaven sways with a swaying, and the mountains move with a movement}: 'This is not according to its apparent meaning. The heaven is only Muhammed, and the mountains are his Companions.' And they said, concerning, {And your Lord revealed to the bees: 'Take dwellings in the mountains, and in the trees, and in what they erect'}: 'This is not according to its apparent meaning. The bees are only the descendants of Hashim, and what comes out of their bellies is knowledge.' Bakr and his like followed their path, saying, concerning, {And purify your garments}: 'The garments are not according to the apparent sense of the wording; it is only the heart.' And they said: '"The two parties to a sale have the option so

صلى الله عليه وسلم ولو أنهم جمعوا آي القرآن كلها وكلام النبي صلى الله عليه وسلم وجعلوه كله لازما وحكما واحدا ومتبعا كله لاهتدوا على أن الخوارج أعذر منه، وأقل ضلالا، لأنهم لم يلتزموا قبول خبر الواحد، وأما هو فالتزم وجوبه، ثم أقدم على استحلال عصيانه. والقول الصحيح ههنا: هو أن الروافض إنما ضلت بتركها الظاهر، واتباعها ما اتبع بكر، ونظراؤه من التقليد، والقول بالهوى بغير علم ولا هدى من الله عز وجل ولا سلطان ولا برهان فقال الروافض {وإذ قال موسى لقومه إن الله يأمركم أن تذبحوا بقرة قالوا أتتخذنا هزوا قال أعوذ بالله أن أكون من الجاهلين} قالوا ليس هذا على ظاهره ولم يرد الله تعالى بقرة قط، إنما هي عائشة رضي الله تعالى عنها، ولعن من عقها، وقالوا: الجبت والطاغوت، ليسا على ظاهرهما، إنما هما أبو بكر وعمر رضوان الله عليهما ولعن من سبهما وقالوا {يوم تمور لسمآء مورا * وتسير لجبال سيرا} ليس هذا على ظاهره إنما السماء محمد والجبال أصحابه وقالوا {وأوحى ربك إلى لنحل أن تخذي من لجبال بيوتا ومن لشجر ومما يعرشون} ليس هذا على ظاهره إنما النحل بنو هاشم، والذي يخرج من بطونها هو العلم. وسلك بكر ونظراؤه طريقهم، فقالوا: {وثيابك فطهر} ليس الثياب على ظاهر الكلام، إنما هو القلب. وقالوا: البيعان بالخيار ما لم يفترقا، ليس على ظاهره من تفرق الأبدان، إنما معناه ما لم يتفقا على الثمن وقالوا {يستفتونك قل لله يفتيكم في لكلالة إن مرؤ هلك ليس له ولد وله أخت فلها نصف ما ترك وهو يرثها إن لم يكن لها ولد فإن كانتا ثنتين فلهما لثلثان مما ترك وإن كانوا إخوة رجالا ونسآء فللذكر مثل حظ لأنثيين يبين لله لكم أن تضلوا ولله بكل شيء عليم} ليس على ظاهره إنما هو ابن ذكر، وأما الأنثى فلا. وقالوا: {يا أيها الذين آمنوا شهادة بينكم إذا حضر أحدكم الموت حين الوصية ثنان ذوا عدل منكم أو آخران من غيركم إن أنتم ضربتم في لأرض فأصابتكم مصيبة لموت تحبسونهما من بعد لصلاة فيقسمان بالله إن رتبتم لا نشتري به ثمنا ولو كان ذا قربى ولا نكتم شهادة

long as they have not separated" is not according to its apparent meaning of bodily separation. Its meaning is only: so long as they have not agreed upon the price.' And they said, concerning, {They ask you for a ruling. Say: 'Allah gives you a ruling concerning one who leaves neither parent nor child. If a man dies having no child, but having a sister, she shall have half of what he leaves; and he inherits from her if she has no child. If there are two sisters, they shall have two-thirds of what he leaves. If they are siblings, men and women, the male shall have the equivalent of the share of two females. Allah makes clear to you, lest you go astray, and Allah knows all things'}: 'It is not according to its apparent meaning. It is only a male child; as for a female, no.' And they said, concerning, {O you who believe, testimony among you, when death approaches one of you, at the time of making a bequest, shall be two just men from among you, or two others from outside your number, if you are travelling through the land and the calamity of death befalls you. Detain them after the prayer, and, if you doubt, let them both swear by Allah: 'We will not exchange it for a price, even if he is a relative, and we will not conceal the testimony of Allah; otherwise we would indeed be among the sinners'}: 'It is not according to its apparent meaning. He intended only: from outside your tribe.' Ali said: These people should be asked: Have expressions been assigned to meanings which they express, to the exclusion of other meanings, or not? If they say no, discussion with them falls away, and we must understand nothing from them, since their speech indicates no meaning and their expressions convey no reality. If they say yes, they have abandoned their corrupt position. Every objection we have brought against those who advocate suspension of judgment concerning commands applies to these people, and an additional objection applies to them: the invalidation of all speech, from beginning to end. Likewise, the objections applying to those who advocate suspension of judgment concerning general expressions also apply to them. We shall mention this in its chapter, if Allah Most High wills. There is no power except through Allah. If they say, 'By what do you recognize speech that has been diverted from its apparent meaning?' they should be told—and through Allah Most High comes success: We recognize this through another apparent meaning that informs us of it, or through a consensus known with certainty, transmitted from the Messenger of Allah ﷺ, establishing only that

لله إنآ إذا لمن لآثمين} ليس على ظاهره إنما أراد من غير قبيلتكم. قال علي: ويسأل هؤلاء القوم، أركبت الألفاظ على معان عبر بها عنها دون غيرها أم لا؟ فإن قالوا: لا سقط الكلام معهم، ولزمنا ألا نفهم عنهم شيئا، إذ لا يدل كلامهم على معنى، ولا تعبر ألفاظهم عن حقيقة. وإن قالوا نعم؟ تركوا مذهبهم الفاسد، وكل ما أدخلنا على من قال بالوقف في الأوامر، فهو داخل على هؤلاء. ويدخل على هؤلاء زيادة إبطال جميع الكلام، أوله عن آخره، وكذلك يدخل عليهم أيضا ما يدخل على القائلين بالوقف في العموم، وسنذكره في بابه إن شاء الله تعالى ولا قوة إلا بالله. فإن قالوا: بأي شيء تعرفون ما صرف من الكلام عن ظاهره؟ قيل لهم وبالله تعالى التوفيق: نعرف ذلك بظاهر آخر مخبر بذلك أو بإجماع متيقن منقول عن رسول الله صلى الله عليه وسلم وعلى أنه مصروف عن ظاهره فقط وسنبين ذلك في آخر باب الكلام في العموم والخصوص إن شاء الله عز وجل، وبالله تعالى التوفيق. وقد أكذب الله تعالى هذه الفرقة الضالة بقوله عز وجل ذاما لقوم يحرفون الكلم عن مواضعه {وإذ أخذنا ميثاقكم ورفعنا فوقكم لطور خذوا مآ آتيناكم بقوة وسمعوا قالوا سمعنا وعصينا وأشربوا في قلوبهم لعجل بكفرهم قل بئسما يأمركم به إيمانكم إن كنتم مؤمنين} لا بيان أجلى من هذه الآية في أنه لا يحل صرف كلمة عن موضعها في اللغة، ولا تحريفها عن موضعها في اللسان، وأن من فعل ذلك فاسق مذموم عاص، بعد أن يسمع ما قاله تعالى. قال عز وجل: {كذلك نقص عليك من أنبآء ما قد سبق وقد آتيناك من لدنا ذكرا * من أعرض عنه فإنه يحمل يوم لقيامة وزرا} فصح أن الوحي كله من يترك ظاهره فقد أعرض عنه، وأقبل على تأويل ليس عليه دليل. وقال تعالى: {أفتطمعون أن يؤمنوا لكم وقد كان فريق منهم يسمعون كلام لله ثم يحرفونه من بعد ما عقلوه وهم يعلمون} وكل من صرف لفظا عن مفهومه في اللغة فقد حرفه. وقد أنكر الله تعالى ذلك في كلام الناس بينهم فقال تعالى {فمن بدله بعدما سمعه فإنما إثمه على لذين يبدلونه إن

it has been diverted from its apparent meaning. We shall explain this at the end of the chapter discussing the general and the specific, if Allah, mighty and majestic, wills. Through Allah Most High comes success. Allah Most High has indeed shown the falsehood of this erring faction through His saying, mighty and majestic, in condemnation of people who distort words from their proper places: {And when We took your covenant and raised the Mount above you: 'Take what We have given you firmly, and listen.' They said, 'We have heard and disobeyed.' And the calf was made to permeate their hearts because of their unbelief. Say: 'Evil is what your faith commands you, if you are believers.'} No explanation is clearer than this verse that it is unlawful to divert a word from its place in the language or distort it from its place in speech, and that whoever does so is a sinful, blameworthy, disobedient person after hearing what He, Most High, has said. He, mighty and majestic, said: {Thus We relate to you some accounts of what has gone before, and We have given you a Reminder from Us. Whoever turns away from it shall indeed bear a burden on the Day of Resurrection.} Thus it is established that, concerning revelation in its entirety, whoever abandons its apparent meaning has turned away from it and turned toward an interpretation for which there is no evidence. He, Most High, said: {Do you then hope that they will believe you, when a group of them used to hear the speech of Allah and then distort it after understanding it, while knowing?} And everyone who diverts an expression from its understood meaning in the language has distorted it. Allah Most High has condemned this in people's speech with one another, saying, Most High: {Whoever changes it after hearing it, its sin rests only upon those who change it. Indeed, Allah is All-Hearing, All-Knowing.} Changing it is nothing other than diverting speech from its place and rank to another, without evidence from victory or from a consensus known with certainty to come from him ﷺ. He, Most High, said: {O you who believe, do not say, 'Attend to us,' but say, 'Look toward us,' and listen. For the unbelievers there is a painful punishment.} Thus it is established that following the apparent meaning is obligatory, and that it is absolutely unlawful to go beyond it. He, Most High, said: {O you who believe, do not prohibit the good things Allah has made lawful for you, and do not transgress. Indeed, Allah does not love the transgressors.} Transgression means going beyond what is

لله سميع عليم} وليس التبديل شيئا غير صرف الكلام عن موضعه ورتبته، إلى غيرها بلا دليل من نصر أو إجماع متيقن عنه صلى الله عليه وسلم وقال تعالى {ياأيها لذين آمنوا لا تقولوا راعنا وقولوا نظرنا وسمعوا وللكافرين عذاب أليم} فصح أن اتباع الظاهر فرض، وأنه لا يحل تعديه أصلا وقال تعالى {يأيها لذين آمنوا لا تحرموا طيبات مآ أحل لله لكم ولا تعتدوا إن لله لا يحب لمعتدين} والاعتداء هو تجاوز الواجب ومن أزاح اللفظ عن موضوعه في اللغة التي بها خوطبنا بغير أمر من الله تعالى أو رسوله صلى الله عليه وسلم فعداه إلى معنى آخر فقد اعتدى فليعلم أن الله لا يحبه، وإذا لم يحبه فقد أبغضه نعوذ بالله من ذلك وقال تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافآ ألا يقيما حدود لله فإن خفتم ألا يقيما حدود لله فلا جناح عليهما فيما فتدت به تلك حدود لله فلا تعتدوها ومن يتعد حدود لله فأولئك هم لظالمون} وقال تعالى {ومن يعص لله ورسوله ويتعد حدوده يدخله نارا خالدا فيها وله عذاب مهين} وقد أخبر تعالى أنه {وعلم آدم لأسمآء كلها ثم عرضهم على لملائكة فقال أنبئوني بأسمآء هؤلاء إن كنتم صادقين} فنص نصا جليا لا يحتمل تأويلا، على أنه علق كل مسمى اسما مخصوصا به، وكذلك من حدود الله تعالى التي قد أخبر أنه من تعداها فهو ظالم، وأنه يدخله نارا وأهل ذلك هم لإقدامهم على الباطل الذي لا يخفى على ذي لب، وبالله تعالى نعوذ من الخذلان، ونسأله التوفيق، فكل شيء يبدله لا إله إلا هو فلا موفق إلا من هدى ولا ضال إلا من خذل ولله تعالى في كل ذلك الحجة البالغة علينا ولا حجة لنا عليه ولا يسأل عما يفعل وهم يسألون وحسبنا الله ونعم الوكيل وقال تعالى {تبع مآ أوحي إليك من ربك لا إله إلا هو وأعرض عن لمشركين} فأمره باتباع الوحي النازل وهو المسموع الظاهر فقط وقال تعالى {أولم يكفهم أنآ أنزلنا عليك لكتاب يتلى عليهم إن

obligatory. Whoever displaces an expression from its assigned meaning in the language in which we were addressed, without a command from Allah Most High or His Messenger ﷺ, and carries it over to another meaning, has transgressed. Let him know that Allah does not love him; and if He does not love him, He hates him. We seek refuge in Allah from that. He, Most High, said: {Divorce is twice; then retention with propriety or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they will not uphold Allah's limits. If you fear that the two will not uphold Allah's limits, there is no blame upon either of them concerning that with which she ransoms herself. Those are Allah's limits, so do not transgress them. Whoever transgresses Allah's limits—those are the wrongdoers.} He, Most High, said: {Whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him into a Fire, abiding therein, and he shall have a humiliating punishment.} He, Most High, has also stated that He {And taught Adam all the names, then presented them to the angels and said: 'Tell Me the names of these, if you are truthful.'} Thus He explicitly stated, with a clear statement admitting of no interpretation, that He attached to every named thing a name particular to it. Likewise, this is among Allah Most High's limits, concerning which He has stated that whoever transgresses them is a wrongdoer and that He will admit him into a Fire. They deserve that for their audacity in pursuing falsehood that is not hidden from anyone possessing understanding. In Allah Most High we seek refuge from abandonment, and we ask Him for success. For everything He changes—there is no god but He— so none is granted success except one whom He guides and none goes astray except one whom He abandons. In all of this Allah Most High has the conclusive argument against us, and we have no argument against Him. He is not questioned about what He does, while they are questioned. Allah suffices us, and an excellent Trustee He is. He, Most High, said: {Follow what has been revealed to you from your Lord. There is no god but He. And turn away from the polytheists.} Thus He commanded him to follow the revelation sent down, which is solely what is heard in its apparent meaning. He, Most High, said: {Does it not suffice them that We have sent down to you the Book, recited to them? Indeed, in that there are mercy and a reminder for people who believe.} He, Most High, has

في ذلك لرحمة وذكرى لقوم يؤمنون} أخبر تعالى أن الواجب علينا أن نكتفي بما يتلى علينا وهذا منع صحيح لتعديه إلى طلب تأويل غير ظاهره المتلو علينا فقط وقال تعالى آمرا لنبيه صلى الله عليه وسلم أن يقول {قل لا أقول لكم عندي خزآئن لله ولا أعلم لغيب ولا أقول لكم إني ملك إن أتبع إلا ما يوحى إلي قل هل يستوي لأعمى ولبصير أفلا تتفكرون} إلى منتهى قوله تعالى. قال علي ولو لم يكن إلا هذه الآية لكفت لأنه عليه السلام قد تبرأ من الغيب وأنه إنما يتبع ما يوحى إليه فقط، ومدعي التأويل وتارك الظاهر تارك للوحي مدع لعلم الغيب، وكل شيء غاب عن المشاهد الذي هو الظاهر فهو غيب ما لم يقم عليه دليل من ضرورة عقل أو نص من الله تعالى أو من رسوله صلى الله عليه وسلم أو إجماع راجع إلى النص المذكور وقال تعالى {أفغير لله أبتغي حكما وهو لذي أنزل إليكم لكتاب مفصلا ولذين آتيناهم لكتاب يعلمون أنه منزل من ربك بلحق فلا تكونن من لممترين} فمن ابتغى حكما غير النصوص الواردة من الله تعالى في القرآن وعلى لسان نبيه صلى الله عليه وسلم فقد ابتغى غير الله حكما وبين تعالى أن الحكم هو ما أنزل في الكتاب مفصلا، وهذا هو الظاهر الذي لا يحل تعديه وقال تعالى: {يوم تشهد عليهم ألسنتهم وأيديهم وأرجلهم بما كانوا يعملون} فنص تعالى على أن الباطل إنما يمتحى، وأن الحق إنما يصح بكلماته تعالى، فثبت يقينا أن الكلمات معبرات عما وضعت له في اللغة، وأن ما عدا ذلك باطل، فصح اتباع ظاهر اللفظ بضرورة البرهان وقال تعالى {وإن كادوا ليفتنونك عن لذي أوحينآ إليك لتفتري علينا غيره وإذا لاتخذوك خليلا} قال علي: ومن ترك ظاهر اللفظ وطلب معاني لا يدل عليها لفظ الوحي فقد افترى على الله عز وجل، بنص الآية المذكورة. وقال تعالى: {ويوم نبعث في كل أمة شهيدا عليهم من أنفسهم وجئنا بك شهيدا على هؤلآء ونزلنا عليك لكتاب تبيانا لكل شيء وهدى ورحمة وبشرى للمسلمين} وقال تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فنص تعالى على

البيان إنما هو القرآن وكلام النبي صلى الله عليه وسلم فقد فصح بذلك اتباع ما أوجب القرآن وكلامه عليه السلام، وبطلان كل تأويل دونهما وقال تعالى: {ومآ أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل لله من يشآء ويهدي من يشآء وهو لعزيز لحكيم} قال علي ففي هذه الآية كفاية لمن عقل أن لغة النبي صلى الله عليه وسلم التي خاطبنا بها لا يحل أن نتعدى بألفاظها عن موضوعاتها إلى ما سواه أصلا. أخبرني يوسف بن عبد الله بن عبد البر النمري كتابا إلي، حدثنا سعيد بن نصر، حدثنا قاسم بن أصبغ، حدثنا محمد بن وضاح، حدثنا أبو بكر بن أبي شيبة، حدثنا خالد بن مخلد، حدثنا محمد بن جعفر قال: أخبرنا هشام، عن عروة، عن أبيه، قالت عائشة أم المؤمنين رضي الله عنها ما كان رسول الله صلى الله عليه وسلم يتأول شيئا من القرآن إلا آيا بعدد أخبره بهن جبريل عليه السلام قال علي فإذا كان النبي صلى الله عليه وسلم لا يتأول شيئا من القرآن إلا بوحي فيخرجه عن ظاهرة التأويل، فمن فعل خلاف ذلك فقد خالف الله تعالى ورسوله صلى الله عليه وسلم وقد نهى تعالى وحرم أن يقال عليه ما لم يعلمه القائل، وإذا كنا لا نعلم إلا ما علمنا، فترك الظاهر الذي علمناه وتعديه إلى تأويل لم يأت به ظاهر آخر حرام وفسق ومعصية لله تعالى، وقد أنذر الله تعالى وأعذر فمن أبصر فلنفسه ومن عمي فعليها. حدثنا حمام بن أحمد قال: حدثنا محمد بن يحيى بن مفرج، حدثنا ابن الأعرابي، حدثنا إسحاق بن إبراهيم، حدثنا عبد الرزاق، عن معمر عن جعفر بن برقان قال: قال أبو هريرة: يا ابن أخي إذا حدثت بالحديث عن رسول الله صلى الله عليه وسلم فلا تضرب له الأمثال وصدق أبو هريرة رضي الله عنه ونصح وبالله تعالى التوفيق

stated that our obligation is to be content with what is recited to us. This is a valid prohibition against going beyond it to seek an interpretation other than the apparent sense of what is recited to us alone. And the Exalted said, commanding His Prophet ﷺ to say: "Say: I do not tell you that I possess Allah's treasuries, nor do I know the unseen, nor do I tell you that I am an angel. I follow only what is revealed to me. Say: Are the blind and the seeing equal? Will you not reflect?"—to the end of His statement, exalted is He. Ali said: Even if there were nothing but this verse, it would suffice, because he, peace be upon him, disclaimed knowledge of the unseen and declared that he follows only what is revealed to him. Whoever claims an interpretation and abandons the apparent sense abandons revelation and claims knowledge of the unseen. Everything hidden from what is observable, which is what is apparent, belongs to the unseen unless evidence for it is established by rational necessity, a text from Allah the Exalted or His Messenger ﷺ, or a consensus referring back to the aforementioned text. And the Exalted said: "Shall I seek a judge other than Allah, when it is He who has sent down to you the Book, set out in detail? Those to whom We have given the Book know that it is sent down from your Lord in truth; so do not be among the doubters." Whoever seeks a judge other than the texts received from Allah the Exalted in the Quran and through the tongue of His Prophet ﷺ has sought a judge other than Allah. The Exalted explained that the judgment is what He sent down in the Book, set out in detail. This is the apparent sense, which it is unlawful to go beyond. And the Exalted said: "On the day when their tongues, their hands, and their feet testify against them concerning what they used to do." Thus the Exalted expressly stated that falsehood is erased and truth established only through His words, exalted is He. It is therefore established with certainty that words express what they were assigned to signify in the language, and that anything beyond this is false. Following the apparent sense of the wording is thus established by the necessity of demonstration. And the Exalted said: "And indeed they nearly tempted you away from what We revealed to you, so that you would fabricate something else against Us; and then they would have taken you as a close friend." Ali said: Whoever abandons the apparent sense of the wording and seeks meanings that the wording of revelation does not indicate has thereby fabricated a lie

against Allah, mighty and majestic, according to the explicit statement of the aforementioned verse. And the Exalted said: "And on the day when We raise up in every community a witness against them from among themselves, and bring you as a witness against these, and We have sent down to you the Book as an explanation of everything, and as guidance, mercy, and glad tidings for those who submit." And the Exalted said: "With clear proofs and scriptures; and We have sent down to you the Reminder so that you may explain to the people what has been sent down to them, and so that they may reflect." Thus the Exalted expressly stated that the explanation consists only of the Quran and the speech of the Prophet ﷺ. It is thereby established that what the Quran and his speech, peace be upon him, require must be followed, and that every interpretation apart from them is invalid. And the Exalted said: "We have sent no messenger except in the language of his people, so that he may explain to them. Then Allah leads astray whomever He wills and guides whomever He wills, and He is the Mighty, the Wise." Ali said: This verse suffices for anyone who understands that, in the language in which the Prophet ﷺ addressed us, it is absolutely unlawful for us to take its expressions beyond their assigned meanings to anything else. Yusuf ibn Abd Allah ibn Abd al-Barr al-Namari informed me in a letter to me: Said ibn Nasr related to us: Qasim ibn Asbagh related to us: Muhammed ibn Waddah related to us: Abu Bakr ibn Abi Shaybah related to us: Khalid ibn Makhlad related to us: Muhammed ibn Jafar related to us, saying: Hisham informed us, on the authority of Urwah, on the authority of his father: Aishah, Mother of the Believers, may Allah be pleased with her, said: "The Messenger of Allah ﷺ did not interpret anything of the Quran except a limited number of verses about which Gabriel, peace be upon him, informed him." Ali said: If the Prophet ﷺ did not interpret anything of the Quran except through revelation, taking it away from its apparent sense by interpretation, then whoever does otherwise has opposed Allah the Exalted and His Messenger ﷺ. The Exalted has forbidden and prohibited anyone from saying about Him what the speaker does not know. Since we know only what we have been taught, abandoning the apparent sense that we know and going beyond it to an interpretation for which no other apparent wording has come is unlawful, sinful transgression, and disobedience to Allah the Exalted. Allah the Exalted

has given warning and left no excuse: whoever sees does so for his own benefit, and whoever is blind is so to his own detriment. Hammam ibn Ahmad related to us, saying: Muhammed ibn Yahya ibn Mufarrij related to us: Ibn al-Arabi related to us: Ishaq ibn Ibrahim related to us: Abd al-Razzaq related to us, on the authority of Mamar, on the authority of Jafar ibn Burqan, who said: Abu Hurayrah said: "My brother's son, when you relate a report from the Messenger of Allah ﷺ, do not draw comparisons for it." Abu Hurayrah,

may Allah be pleased with him, spoke truthfully and gave sincere counsel. Success comes through Allah the Exalted.[7677787980818283]

[76]**Translator's note (L862):** The Quranic quotations repeatedly omit letters, especially the initial alif in the definite article and in forms of 'Allah.' These appear to be transcription defects; the recognizable words are translated accordingly. 'The false object of worship' and 'the transgressing power' render the distinct terms al-jibt and al-taghut; their precise lexical scope is broader than these English equivalents.

[77]**Translator's note (L864):** 'One who leaves neither parent nor child' renders the technical inheritance term al-kalalah. 'It is only a male child' refers to their restricting the verse's word 'child' to a son. The quotation contains recurring omissions of letters characteristic of the supplied transcription.

[78]**Translator's note (L865):** The opening continues the Quranic quotation from the preceding unit, Quran 5:106. The phrase 'and establishing only that it has been diverted from its apparent meaning' follows an awkward construction in the supplied Arabic; its attachment to the preceding consensus is the most natural reading.

[79]**Translator's note (L866):** The verse quoted after the reference to people 'who distort words from their proper places' is Quran 2:93; that phrase itself does not occur in the quoted verse. The apparent mismatch is retained. The Arabic at the end, continuing into the next unit, is syntactically defective: literally, 'Thus it is established that revelation, all of it, whoever abandons its apparent meaning…' The translation supplies a minimal connective construction without supplying additional substantive content.

[80]**Translator's note (L868):** The supplied Arabic reads 'victory' (nasr) in 'evidence from victory'; 'a text' (nass) would fit the argument, but that correction has not been silently made. The paired expressions in Quran 2:104 are ra'ina and unzurna. The translation conveys their ordinary senses; the Arabic wordplay and the potential abusive use of the former are not reproducible in these English equivalents. The transcription gives the latter with an omitted initial alif. The quotation about Adam begins with 'And,' producing an awkward junction with the author's preceding 'that He.' Both are retained. The final phrase reads literally 'for everything He changes' (fa-kullu shay'in yubaddiluhu), which is syntactically awkward in context. 'For everything is in His hand' would require a different Arabic reading; the supplied wording is retained.

[81]**Translator's note (L871):** The quotation about tongues, hands, and feet testifying corresponds to Quran 24:24. The subsequent argument about erasing falsehood and establishing truth through Allah's words appears to refer instead to Quran 42:24. The supplied quotation and the author's argument have both been retained.

[فصل في الأوامر أعلى الفور هي أم على التراخي]

قال القائلون: إن الأوامر على التراخي، وقال آخرون: فرض الأوامر البدار إلا ما أباح التراخي فيها نص آخر أو إجماع. قال علي: وهذا هو الذي لا يجوز غيره، لقول الله تعالى {وسارعوا إلى مغفرة من ربكم وجنة عرضها لسماوات ولأرض أعدت للمتقين} وقال تعالى {ولكل وجهة هو موليها فستبقوا لخيرات أين ما تكونوا يأت بكم لله جميعا إن لله على كل شيء قدير} وقد قدمنا أن أوامر الله تعالى على الوجوب، فإذا أمرنا تعالى بالاستباق إلى الخيرات، والمسارعة إلى ما يوجب المغفرة، فقد ثبت وجوب البدار إلى ما أمرنا به ساعة ورود الأمر دون تأخر ولا تردد، وقد شغب بعض المخالفين فقال: ليس في قوله تعالى {وسارعوا إلى مغفرة من ربكم وجنة عرضها لسماوات ولأرض أعدت للمتقين} حجة في أن الأوامر واجب البدار إليها، لأنه تعالى أمرنا بالمسارعة إلى المغفرة لا إلى الفعل. قال علي: وهذا مما يسر فيه هؤلاء القوم لعكس الحقائق وقد أيقنا بقوله تعالى {ومن جآء بلسيئة فكبت وجوههم في لنار هل تجزون إلا ما كنتم تعملون} أن أحدا لا يؤتى المغفرة إلا بعمل صالح يقتضي له وعد الله تعالى بالرحمة والمغفرة، وعلمنا ذلك يقينا أن مراد الله تعالى بقوله {وسارعوا إلى مغفرة من ربكم وجنة عرضها لسماوات ولأرض أعدت للمتقين} إنما هو سارعوا إلى الأعمال الموجبة للمغفرة من ربكم إذ لا سبيل إلى المسارعة إلى المغفرة إلا بذلك، وهذا من الحذف الذي دلت عليه الحال، وإنما قلنا هذا لوجهين: أحدهما: النص الجلي الوارد في أنه لا يجزي أحد بمغفرة ولا غيرها إلا بحسب عمله. والثاني: النص الوارد بأن الله لا يكلف نفسا إلا وسعها، وليس في وسع أحد المسارعة إلى المغفرة المجردة دون توسط عمل صالح، فهذان الظاهران نصا أن في تلك الآية حذفا دلت عليه الحال، فما كان مرتبطا بوقت واحد كصيام رمضان فقد جاء النص بإيجاب

L876 **[Chapter on Commands: Must They Be Performed Immediately, or May They Be Deferred?]**

L877–885 Some have said that commands permit deferred performance. Others have said that the obligation imposed by commands is prompt performance, except where another text or a consensus permits their deferral. Ali said: This is the only permissible position, because Allah the Exalted says: “And hasten toward forgiveness from your Lord and a Garden as wide as the heavens and the earth, prepared for the God-fearing.” And the Exalted said: “For each there is a direction toward which he turns; so race toward good deeds. Wherever you may be, Allah will bring you all together. Indeed, Allah has power over everything.” We have already established that Allah the Exalted’s commands impose obligation. Since the Exalted commands us to race toward good deeds and hasten toward what brings about forgiveness, the obligation to perform promptly what we have been commanded is established from the moment the command arrives, without delay or hesitation. One of our opponents raised a contentious objection, saying: His statement, exalted is He, “And hasten toward forgiveness from your Lord and a Garden as wide as the heavens and the earth, prepared for the God-fearing,” contains no proof that commands must be performed promptly, because the Exalted commanded us to hasten toward forgiveness, rather than toward the act. Ali said: This

[82] **Translator’s note (L874):** The wording فقد فصح appears corrupt; the translation renders its apparent contextual sense, ‘it is thereby established.’ It may contain an extraneous ف. The transmission chain reads ‘Hisham, on the authority of Urwah, on the authority of his father.’ This anomalous sequence is retained without correction. The phrase فيخرجه عن ظاهرة التأويل is awkward as supplied. The translation takes التأويل as the agent of ‘taking it away’ and ظاهرة as referring to the Quran’s apparent sense; the reading is uncertain.

[83] **Qur’an references (L862):** Qur’an 2:67 (Al-Baqarah); Qur’an 74:4 (Al-Muddaththir); Qur’an 4:176 (An-Nisa); Qur’an 5:106 (Al-Ma’idah); Qur’an 2:63 (Al-Baqarah); Qur’an 2:93 (Al-Baqarah); Qur’an 20:99 (Taha); Qur’an 20:100 (Taha); Qur’an 2:75 (Al-Baqarah); Qur’an 2:181 (Al-Baqarah); Qur’an 2:104 (Al-Baqarah); Qur’an 5:87 (Al-Ma’idah); Qur’an 2:229 (Al-Baqarah); Qur’an 4:14 (An-Nisa); Qur’an 2:31 (Al-Baqarah); Qur’an 6:106 (Al-An’am); Qur’an 29:51 (Al-’Ankabut); Qur’an 6:50 (Al-An’am); Qur’an 6:114 (Al-An’am); Qur’an 24:24 (An-Nur); Qur’an 17:73 (Al-Isra); Qur’an 16:89 (An-Nahl); Qur’an 16:44 (An-Nahl); Qur’an 14:4 (Ibrahim).

is among the ways in which these people find it easy to invert realities. We have become certain, through His statement, exalted is He, "And whoever comes with an evil deed—their faces will be cast down into the Fire. Are you recompensed for anything except what you used to do?" that no one is granted forgiveness except through a righteous deed that entitles him to Allah the Exalted's promise of mercy and forgiveness. From this we know with certainty that what Allah the Exalted intends by His statement, "And hasten toward forgiveness from your Lord and a Garden as wide as the heavens and the earth, prepared for the God-fearing," is simply: Hasten toward the deeds that bring about forgiveness from your Lord, since there is no way to hasten toward forgiveness except through this. This is an instance of ellipsis indicated by the circumstances. We have said this for two reasons. The first is the clear text stating that no one is recompensed with forgiveness or anything else except according to his deeds. The second is the text stating that Allah charges no soul beyond its capacity, and it is within no one's capacity to hasten toward forgiveness by itself, without the mediation of a righteous deed. These two apparent textual meanings expressly establish that the verse contains an ellipsis indicated by the circumstances. As for what is tied to a single time, such as fasting Ramadan, a text has established the obligation to defer it until its appointed time Once the time has elapsed, inability to perform it as we were commanded has been established, unless another text comes concerning any of this, in which case one must stop at what it stipulates. Where something is tied to a time allowing a period of latitude, the text has come permitting its postponement until the end of its time and requiring its postponement until the beginning of its time. Once that time has elapsed, everything we said concerning the preceding case applies, without any difference. Such are the times for prayer. Where something has not come tied to a time, the obligation concerning it is to hasten to perform it at the earliest possible opportunity. Nevertheless, the command to perform it does not lapse from the person commanded merely because he disobeys by delaying it. The same applies to something tied to a time with a specified beginning but no specified end, or something tied to a specified, recurring time. The first type is exemplified by a sick person's or traveler's making up the days of Ramadan fasting: this is binding at the earliest time he is able to

تأخيره إلى وقته، فإذا خرج الوقت فقد ثبت العجز عن تأديته كما أمرنا إلا بأن يأتي في شيء من ذلك نص آخر فيوقف عنده، وما كان مرتبطا بوقت فيه مهلة فقد جاء النص بإباحة تأخيره إلى آخر وقته، وإيجاب تأخيره إلى أول وقته، فإذا خرج الوقت فكل ما قلنا في الذي قبله ولا فرق، وذلك كأوقات الصلاة. وما لم يأت مرتبطا بوقت، ففرضه البدار في أول أوقات الإمكان، إلا أن الأمر به لا يسقط عن المأمور به لعصيانه في تأخيره، وكذلك ما كان مرتبطا بوقت له أول محدود لم يحد آخره، أو ما كان مرتبطا بوقت محدود متكرر. فالنوع الأول: كقضاء صيام المريض والمسافر لأيام رمضان، فذلك لازم في أول أوقات القدرة عليه، فإن بادر إليه فقد أدى ما عليه وإن أخره لغير عذر كان عاصيا بالتأخير وكان الأمر عليه ثابتا أبدا. والنوع الثاني: كوجوب الزكاة، فإن لوقتها أولا وهو انقضاء الحول، وليس قبل ذلك أصلا، وليس لآخر وقتها آخر محدود، بل هو باق أبدا إلى وقت العرض على الله عز وجل، لأن النص لم يأت في ذلك بانتهاء، والقول في المبادرة إلى أدائها وفي التأخير كما قلنا في النوع الذي قبله. والنوع الثالث: كالحج فإنه مرتبط بوقت من العام محدود، وليس ذلك على الإنسان في عام بعينه، بل هو ثابت على كل مستطيع إلى وقت العرض على الله عز وجل، والقول في البدار إليه أو تأخيره، كالقول في النوعين اللذين قبله. فإن قال قائل: فلم أجزتم صيام كفارة اليمين وقضاء رمضان غير متتابع، وكذلك صيام متعة الحج، وكذلك غسل الأعضاء في الوضوء، والغسل من الجنابة والجمعة، فأجزتم كل ذلك غير متتابع؟. قيل له، وبالله تعالى التوفيق: إنا لم نفارق أصلنا الذي ذكرنا، ولا خالفنا النص في شيء من ذلك، لأن الله تعالى إنما أوجب في الكفارة ثلاثة أيام، ومعنى ثلاثة أيام يوم ويوم ويوم، ولكل يوم حكمه. فإذا صام يوما فقد صام بعض فرضه، وأدى من ذلك فرضا قائما بنفسه، والصيام شيء آخر غير المبادرة، فإذا صام غير مبادر فقد أطاع في أداء الصوم، وعصى في ترك البدار، وهما فرضان متغايران لا

do it. If he hastens to do it, he has discharged what he owes; if he delays it without an excuse, he disobeys through that delay, while the command remains binding upon him indefinitely. The second type is exemplified by the obligation of the obligatory alms: its time has a beginning, namely the completion of the year, and it is not due at all before that. Its time has no specified final endpoint; rather, it remains indefinitely, until the time of presentation before Allah, mighty and majestic, because no text has come specifying an endpoint for it. What is to be said about hastening to pay it and about delaying it is what we said concerning the preceding type. The third type is exemplified by pilgrimage: it is tied to a specified time of year, but is not incumbent upon a person in one particular year. Rather, it remains binding upon everyone able to undertake it until the time of presentation before Allah, mighty and majestic. What is to be said about hastening to undertake it or delaying it is what is to be said concerning the two preceding types. If someone says, 'Why, then, have you permitted fasting for the expiation of an oath and making up Ramadan without consecutiveness, and likewise fasting for combining the lesser pilgrimage with pilgrimage, and likewise washing the bodily members in ablution and performing the full ritual bath for major ritual impurity and for Friday? You have permitted all of this without consecutiveness.' He is told—and success comes through Allah Most High—'We have neither departed from the principle we mentioned nor contradicted the text in any of this, because Allah Most High has required only three days in the expiation, and the meaning of three days is a day, and a day, and a day, and each day has its own ruling. Thus, when he fasts one day, he has fasted part of his obligation and has thereby discharged an independently existing obligation. Fasting is something distinct from acting promptly. Thus, if he fasts without acting promptly, he has obeyed by performing the fast and disobeyed by failing to act promptly. These are two distinct obligations, neither of which is invalidated by the invalidity of the other. This is simply like someone who prays but does not pay the obligatory alms: he bears the sin of neglecting the obligatory alms and receives the reward for obedience through prayer. No soul will be wronged in anything: 'Whoever does an atom's weight of good will see it, and whoever does an atom's weight of evil will see it.' One would be invalidated by neglecting the other only

يبطل أحدهما ببطلان الآخر، وإنما ذلك كمن صلى ولم يزك، فعليه معصية ترك الزكاة، وله أجر الطاعة بالصلاة، ولا تظلم نفس شيئا: {فمن يعمل مثقال ذرة خيرا يره * ومن يعمل مثقال ذرة شرا يره} وإنما كان يبطل أحدهما بترك الآخر، ولو جاء النص يربط أحدهما بالآخر، كربطه تعالى التتابع في صيام الظهار، وفي صيام كفارة القتل، فهذان إن لم يتابعا فلم يؤديا كما أمر الله تعالى، ولم يشترط التتابع في قضاء رمضان، ولا في الكفارات، ولا في متعة الحج، وأمر الله تعالى بالمسارعة إلى الطاعات، هو أمر بأن يكون فعلنا على تلك الصفة من المسارعة، فالمسارعة المأمور بها صفة لفعلنا، فمن تركها عصى وكان مؤديا لما أداه غير مسارع ما لم يشترط الوقت والتتابع، وأمره تعالى بالتتابع في صيام الظهار، وكفارة القتل، هو أمر بأن يكون ذلك الصيامان على هذه الصفة، فالمتابعة المأمور بها هنالك صفة للشهرين، فإذا لم يكونا متتابعين فليسا اللذين أمر الله تعالى بهما. وكذلك نقول في غسل الأعضاء في الوضوء وغسل الجنابة أنه غير مأمور بذلك، إلا إذا قام إلى الصلاة فقط، فمتى أراد صلاة تطوع أو صلاة فرض فهو قائم إلى الصلاة، ولم يخص تعالى بذلك القيام إلى الصلاة فرض دون القيام إلى صلاة تطوع، فله حينئذ أن يغتسل ويتوضأ، فإذا أتمها فله أن يؤخر التطوع ما شاء، وله تأخير الفرض بمقدار ما يدركها مع الإمام، أو كان ممن عليه فرض حضورها في الجماعة، أو إلى آخر وقتها، إن كان ممن لا يلزمه فرض حضورها في جماعة، ثم لا يحل له تأخيرها أصلا أكثر. وأما من لا يريد صلاة، ولا يمكنه صلاة كالحائض إثر الجماع فقد صح عن رسول الله صلى الله عليه وسلم أنه طاف على جميع نسائه واغتسل بين كل اثنتين منهن، فصح بهذا النص أن الغسل جائز تعجيله، وإن لم يرد الصلاة بعده، وبالله تعالى نتأيد فلما أبيح لنا ذلك كان المفرق والمتابع يقع على فعلهما اسم وضوء وغسل على السواء وقوعا مستويا، وكان في غسله عضوا من أعضائه بنية ما أبيح له من تعجله، مؤديا لفرض غسل ذلك العضو، ولكل عضو حكمه فمن فرق

غسله أو وضوءه ما لم يقم إلى الصلاة فلم يترك مسارعة أمر بها حتى إذا أراد القيام إلى الصلاة، إما مع الأمام، وإما في آخر وقتها، ففرض عليه المسارعة إلى إتمام وضوئه وغسله.

if a text came linking one to the other, as He Most High linked consecutiveness to the fasting for the repudiation of a wife by likening her to a forbidden female relative and to the fasting for expiation for killing. If these two fasts are not performed consecutively, they have not been performed as Allah Most High commanded. He did not stipulate consecutiveness in making up Ramadan, in expiations, or in fasting for combining the lesser pilgrimage with pilgrimage. Allah Most High's command to hasten to acts of obedience is a command that our action possess that quality of promptness. The promptness commanded is thus a quality of our action. Whoever neglects it disobeys, while still performing whatever he has performed without promptness, provided that timing and consecutiveness have not been stipulated. His command, Most High, to observe consecutiveness in the fasting for such repudiation and for expiation for killing is a command that those two fasts possess this quality. The consecutiveness commanded there is a quality of the two months: if they are not consecutive, they are not the two that Allah Most High commanded. Likewise, we say concerning washing the bodily members in ablution and performing the ritual bath for major ritual impurity that a person is commanded to do this only when he rises to pray. Whenever he intends a voluntary prayer or an obligatory prayer, he is rising to pray. He Most High did not restrict this to rising for an obligatory prayer to the exclusion of rising for a voluntary prayer. He may then perform the ritual bath and ablution. Once he has completed them, he may delay the voluntary prayer as long as he wishes. He may delay the obligatory prayer by an amount that allows him to catch it with the prayer leader, or if he is among those obliged to attend it in congregation, or until the end of its time if he is among those not obliged to attend it in congregation. Thereafter, it is absolutely impermissible for him to delay it any further. As for someone who does not intend to pray and cannot pray, such as a woman menstruating immediately after intercourse, it has been authentically reported from the Messenger of Allah ﷺ that he went round to all his wives and performed a ritual bath between every two of them. This text therefore establishes that it is permissible to perform the ritual bath in advance even if one does not intend to pray after it. Through Allah Most High we are strengthened. Since that has been permitted to us, the actions of both the person who separates

the washing into intervals and the person who performs it consecutively bear the names ‘ablution’ and ‘ritual bath’ equally, with equal applicability. In washing one of his bodily members with the intention of performing in advance what he has been permitted to perform in advance, he discharges the obligation to wash that member. Each member has its own ruling. Thus, someone who separates his ritual bath or ablution into intervals, so long as he has not risen to pray, has not neglected any promptness that he was commanded to observe. Then, when he intends to rise to pray, either with the prayer leader or at the end of its time, it becomes obligatory for him to hasten to complete his ablution and ritual bath.[848][586]

L886 Likewise, we have said concerning making up Ramadan that He Most High commanded only other days and did not stipulate consecutiveness in them. Whoever hastens to fast them has discharged the obligation of fasting and the obligation of acting promptly. Whoever does not act promptly but fasts has discharged the obligation of fasting and disobeyed by neglecting the obligation of haste. Likewise, we say concerning someone who does not hasten to pay his obligatory alms at the earliest time they become obligatory, and someone who delays pilgrimage beyond the earliest possible opportunity, that if he subsequently performs pilgrimage and pays the obligatory alms, he has discharged the obligation of the obligatory alms and pilgrimage, while bearing the sin of disobedience for neglecting haste. His performance of whatever he performs of these does not remove that sin from him, except in the weighing on the Day of Resurrection, the day when they find what they have done present, and your Lord wrongs no one. Ali said: Another thing

وكذلك قلنا في قضاء رمضان: إنه إنما أمر تعالى بأيام أخر، ولم يشترط فيها المتابعة، فمن بادر إلى صيامها فقد أدى فرض الصوم وفرض البدار، ومن لم يبادر وصام فقد أدى فرض الصوم، وعصى في ترك فرض المسارعة. وكذلك نقول فيمن لم يعجل تأدية زكاته في أول أوقات وجوبها، وفيمن أخر الحج عن أول أوقات الإمكان، أنه إن حج وزكى بعد ذلك فقد أدى فرض الزكاة والحج، وعليه إثم المعصية بترك المسارعة، لا يسقط ذلك الإثم عنه أداء ما أدى من ذلك إلا في الموازنة يوم القيامة، يوم وجدوا ما عملوا حاضرا ولا يظلم ربك أحدا. قال علي: ومما يوجب أيضا فرض المبادرة إلى الطاعة قول الله تعالى {ولسابقون لسابقون * أولئك لمقربون} وقد قال عليه السلام لا يزال قوم يتأخرون حتى يؤخرهم الله تعالى أو كلاما هذا معناه هذا وإن كان إنما أوجب أن يقول عليه السلام تأخر قوم عن الصف الأول لبعض الأمر المكروه، فهو محمول على ظاهره ومقتضى لفظه على ما قد أثبتنا وجوبه في الفصل الذي قبل هذا.

[84]**Translator’s note (L877):** The phrase مما يسر فيه هؤلاء القوم لعكس الحقائق is awkward and possibly corrupt. The translation takes يسر as conveying ease or facilitation, but its precise construction is uncertain.

[85]**Translator’s note (L883):** The conditional construction translated as ‘only if a text came’ is awkward in the supplied Arabic, which includes an apparently superfluous conjunction before ‘if.’ The reference to ‘expiations’ without a qualification is retained, although the author has just distinguished expiations requiring consecutive fasting. The prayer-delay sentence reads ‘or if he is among those obliged,’ producing a disrupted construction. This has been preserved rather than silently changed to ‘if he is among those obliged.’

[86]**Qur’an references (L877):** Qur’an 3:133 (Ali ’Imran); Qur’an 2:148 (Al-Baqarah); Qur’an 27:90 (An-Naml); Qur’an 99:7 (Az-Zalzalah); Qur’an 99:8 (Az-Zalzalah).

establishing the obligation to hasten to obedience is the saying of Allah Most High: 'And the foremost, the foremost—those are the ones brought near.' He, peace be upon him, also said, 'People will continue to hang back until Allah Most High puts them back,' or words to this effect. Although what occasioned his saying this, peace be upon him, was some people's hanging back from the first row for some objectionable reason, it is nevertheless to be understood according to its apparent sense and what its wording entails, in accordance with what we have already established as obligatory in the section preceding this one.[87]

L887 Ali said: Abu Bakr Muhammed ibn Dawud, may Allah have mercy upon him, asked those who permitted delaying pilgrimage: 'When did the person who delayed pilgrimage until he died become disobedient? During his lifetime? That is contrary to your position. Or after his death? Death does not establish against anyone a sin that was not incumbent upon him during his lifetime.' Ali said: We add to this question by saying: After death, no one incurs sin except someone who instituted an evil practice in which others follow his example. One of those who permitted this, namely Abu al-Hasan al-Qattan al-Shafi'i, answered him by saying: 'He was entitled to delay only on condition that he perform it before he died. When he died before performing it, we knew that delaying it had not been permissible for him.' Ali said: We say that Abu al-Hasan did not achieve a satisfactory answer. He would have gone further in contentious argument had he said that the man incurred sin in the last year in which he was able to perform pilgrimage but did not perform it, just as al-Shafi'i said concerning someone who swore an

قال علي: وقد سأل أبو بكر محمد بن داود رحمة الله عليه من أجاز تأخير الحج فقال: متى صار المؤخر للحج إلى أن مات عاصيا، أفي حياته فهذا غير قولكم أو بعد موته؟ فالموت لا يثبت على أحد معصية لم تكن لازمة في حياته. قال علي: ونحن نزيد في هذا السؤال فنقول: وبعد الموت لا يأثم أحد إلا من سن سنة سوء يقتدى به فيها. فأجابه بعض المجيزين لذلك وهو أبو الحسن القطان الشافعي بأن قال: إنما كان له في التأخير بشرط أن يفعل قبل أن يموت، فلما مات قبل أن يفعل علمنا أنه لم يكن له مباحا التأخير. قال علي: ونحن نقول: إن أبا الحسن لم يحقق الجواب الشافي، وكان أدخل في الشغب لو قال: إنه إثم في آخر عام قدر فيه على الحج ولم يحج، كما قال الشافعي فيمن حلف بالطلاق، إن لم يطلق امرأته، إنها لا تطلق إلا آخر أوقات صحته التي كان فيها قادرا على الطلاق.

[87] **Translator's note (L886):** The Quranic quotation corresponding to 56:10–11 omits initial alifs in several words in the supplied transcription. The identifiable wording and its repetition are retained in translation. The construction explaining what occasioned the prophetic saying is grammatically disrupted. The translation gives its apparent contextual sense without treating the supplied wording as a sound construction. The wording about finding deeds present and the Lord wronging no one echoes Quran 18:49, but the supplied text uses a past-tense construction, 'they found,' within its description of the future Day of Resurrection.

oath of divorce if he did not divorce his wife: she is not divorced until the last moments of his health during which he was capable of divorcing her.[88]

L888–895 Ali said: We shall answer both these responses together with a clear explanation, through Allah's power and strength. We say: Allah Most High said, "Allah burdens no soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the unbelieving people." Allah Most High holds someone guilty of sin only if he omits something which he does not know he is not permitted to omit, or concerning which a proof has been established against him; or if he does something which he knows he is not permitted to do, or concerning which a proof has been established against him. Allah has not disclosed to anyone the time of his death, nor informed him of the last moments of his ability. Nor has any proof been established against him at that time beyond what had already been established in all his previous circumstances, nor has any command newly become incumbent upon him beyond what had become incumbent before that time. Thus, if he is disobedient at that time, he was disobedient before that time; and if he was not disobedient before that time, he is not disobedient at that time, except on the basis of a text singling out that time, rather than any other, as the time at which sin is incurred. Whoever distinguishes between times without a text or consensus has spoken without knowledge, and that is forbidden. Furthermore, Allah Most High has not required anyone to know whether he will die before discharging what is incumbent upon him, thereby incurring sin, or to know that he will not die until he has discharged it, so that guilt is lifted from him. Al-Qattan's statement entails that people are required to know this. It also entails that those who are able to perform the pilgrimage but postpone it without an excuse are subject to different rulings, some of them being sinful

[88] **Translator's note (L887):** The conditional-divorce example is elliptically worded in the Arabic. It concerns an oath making divorce contingent on failure to divorce, but no fuller oath formula is supplied.

قال علي: ونحن نجيب في هذين الجوابين معا ببيان لائح بحول الله وقوته فنقول قال الله تعالى {لا يكلف الله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} وإنما يلزم الله تعالى الإثم من ترك ما لم يعلم أنه ليس له تركه، أو قامت عليه بذلك حجة، أو عمل ما يعلم أنه ليس له أن يعمله، أو قامت عليه حجة بذلك، ولم يطلع الله أحدا على وقت منيته، ولا عرفه بآخر أوقات قدرته، ولا قامت عليه حجة في ذلك الوقت إلا ما قد قام في سائر الأحوال قبل ذلك، ولا حدث عليه من الأوامر إلا ما حدث قبل ذلك الوقت، فإن كان عاصيا في ذلك الوقت فهو عاص قبل ذلك الوقت، وإن لم يكن عاصيا قبل ذلك الوقت فليس عاصيا في ذلك الوقت، إلا بنص يخص ذلك الوقت، بوقوع المأثم فيه دون غيره، ومن فرق بين الأوقات بلا نص ولا إجماع، فقد قال بلا علم وذلك حرام. وأيضا فإن الله تعالى لم يكلف أحدا أن يعلم هل يموت قبل أن يؤدي ما عليه فيأثم، أو يعلم أنه لا يموت حتى يؤدي فيسقط عنه المأثم، وقول القطان يوجب أن الناس مكلفون ذلك، ويوجب أيضا أن يكون المستطيعون للحج المؤخرون له بلا عذر مختلفي الأحكام، فبعضهم آثم في تأخيره، وهذا مع ما فيه من التحكم بلا دليل، ومن تكليف المرء علم متى يموت، فمخالف لجملة مذاهب أصحابه في الفسخ في تأخير الحج جملة، وهو ممن لا يخالفها أصلا، ولولا ذلك لشكرناه على خلافها ولم نلمه وبالله تعالى التوفيق فبقي سؤال أبي بكر رحمة الله عليه بحسبه قال أبو محمد ومما يبين أن الأوامر على الفور قوله تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم

in postponing it. Besides involving arbitrary assertion without evidence and requiring a person to know when he will die, this contradicts the entirety of his companions' positions concerning annulment in the matter of postponing the pilgrimage altogether. He is someone who does not depart from those positions at all. Were that not so, we would have thanked him for departing from them and would not have blamed him. Success is through Allah Most High. Thus Abu Bakr's question—may Allah have mercy upon him—remains as it stood. Abu Muhammed said: Among the things demonstrating that commands require immediate compliance is His statement, Most High: "The believers should not go forth all together. Why, then, should a party from every group of them not go forth, so that they may acquire understanding of the religion and warn their people when they return to them, that they may beware?" Thus He, Most High, made acceptance of the warning obligatory. And He, Most High, said, "O you who believe, if a morally corrupt person comes to you with news, ascertain the truth, lest you harm a people in ignorance and then become remorseful over what you have done." Thus He, Most High, commanded withholding acceptance of a morally corrupt person's report and excepted it from the acceptance of warnings. There is only withholding or immediate action; there is no possible third division except complete abandonment, and withholding is itself also abandonment. Since He singled out the morally corrupt person's report for withholding acceptance, thereby distinguishing it from the report of someone who is not morally corrupt, it necessarily became obligatory to act immediately upon the report of a person of probity. Immediate compliance is therefore obligatory by necessary demonstration, and suspension is invalid except in the case of a morally corrupt person's report. Ali said: Sufficient for this is what Abdullah ibn Yusuf, the righteous man, related to us. He said: Ahmad ibn Fath related to us; Abd al-Wahhab ibn Isa al-Baghdadi related to us, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj: Abdullah ibn Muadh al-Anbari related to us, and he said: My father related to us; Shubah related to us, from al-Hakam, who heard Ali ibn al-Husayn, from Dhakwan, the freedman of Aishah, that she said: The Messenger of Allah ﷺ arrived when four or five days of Dhu al-Hijjah had elapsed. The Messenger of Allah ﷺ came in to me while angry, and I said, "Who has angered you, O

لعلهم يحذرون} فأوجب تعالى قبول النذارة وقال تعالى {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين} فأمر تعالى بالتوقف في قبول خبر الفاسق واستثناه من قبول النذارة، وليس إلا توقف أو بدار، ولا سبيل إلى قسم ثالث إلا الترك جملة، والتوقف هو أيضا ترك، فلما خص خبر الفاسق بالتوقف فيه، وأبانه بذلك عن خبر غير الفاسق، وجب البدار ضرورة إلى خبر العدل، فوجب الفور بالبرهان الضروري، وبطل الوقف إلا في خبر الفاسق. قال علي: ويكفي من ذلك ما حدثناه عبد الله بن يوسف الرجل الصالح، قال: ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى البغدادي، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، ثنا عبد الله بن معاذ العنبري وقال: ثنا أبي، ثنا شعبة، عن الحكم، سمع علي بن الحسين عن ذكوان مولى عائشة أنها قالت قدم رسول الله صلى الله عليه وسلم لأربع مضين من ذي الحجة أو خمس فدخل علي رسول الله صلى الله عليه وسلم وهو غضبان فقلت من أغضبك يا رسول الله أدخله الله النار قال أوما شعرت أني أمرت الناس بأمر فإذا هم يترددون، ولو أني استقبلت من أمري ما استدبرت ما سقت الهدي معي حتى أشتريه، ثم أحل كما حلوا قال علي فرفع هذا الحديث الشك جملة وبين عليه السلام أن أمره كله على الفرض وعلى الفور وإن التردد حرام لا يحل ونعوذ بالله العظيم من كل ما أغضب النبي صلى الله عليه وسلم فإن اعترضوا بمن بلغه المنسوخ ولم يبلغه الناسخ، قلنا: هو بمنزلة من لم يبلغه الأمر في أنه لم يلزم حكما فلا يلام على تركه حتى يبلغه، ولا يعذب على تركه حتى يعمله وبالله تعالى التوفيق بل حكمه الثبات على ما بلغه من المنسوخ، لأنه مأمور به جملة حتى يبلغه الناسخ لقوله تعالى {قل أي شيء أكبر شهادة قل لله شهيد بيني وبينكم وأوحي إلي هذا لقرآن لأنذركم به ومن بلغ أئنكم لتشهدون أن مع لله آلهة أخرى قل لا أشهد قل إنما هو إله واحد وإنني

Messenger of Allah? May Allah admit him to the Fire!" He said, "Have you not realized that I gave the people a command, and there they are hesitating? Had I known at the outset of my affair what I came to know afterward, I would not have driven the sacrificial animals along with me; instead, I would buy them and then leave the state of ritual consecration as they have done." Ali said: This report removes doubt altogether. He, peace be upon him, made clear that all his commands impose an obligation and require immediate compliance, and that hesitation is forbidden and impermissible. We seek refuge in Allah the Magnificent from everything that angered the Prophet ﷺ. If they raise the objection of someone whom the abrogated ruling has reached but whom the abrogating ruling has not reached, we say: He is in the position of someone whom the command has not reached, in that he has not become bound by a ruling. He is therefore not blamed for omitting it until it reaches him, nor punished for omitting it until he performs it. Success is through Allah Most High. Rather, the ruling concerning him is that he must adhere to the abrogated ruling that has reached him, since he is commanded to follow it as a whole until the abrogating ruling reaches him, because of His statement, Most High: "Say: What thing is greatest in testimony? Say: Allah is a witness between me and you. This Quran has been revealed to me so that by it I may warn you and whomever it reaches. Do you indeed testify that there are other gods alongside Allah? Say: I do not testify. Say: He is only One God, and I am free of whatever you associate with Him." It is thus established that whatever command of Allah Most High has reached him in the Quran or upon the tongue of the Messenger of Allah ﷺ is what binds him, because of His statement, Mighty and Majestic: "Obey Allah and obey the Messenger, and beware. If you turn away, know that Our Messenger is responsible only for clear conveyance." This remains so until the abrogating command reaches him. At that point the abrogated ruling ceases to bind him, and the abrogating ruling becomes binding upon him. As for their adducing his postponement of the pilgrimage, peace be upon him, he performed the pilgrimage before the Emigration. Jubayr ibn Mutim saw him standing at Arafat, and Jubayr found this objectionable because he—peace be upon him—was among the five who did not stand at Arafat. Sufficient in all this is that we are certain that Allah Most High commanded him to

بريء مما تشركون} فصح أن الذي بلغه من أمر الله تعالى في القرآن أو على لسان رسول الله صلى الله عليه وسلم هو اللازم لقوله عز وجل {وأطيعوا الله وأطيعوا لرسول وحذروا فإن توليتم فعلموا أنما على رسولنا لبلاغ لمبين} حتى يبلغه الأمر الناسخ فحينئذ يسقط عنه المنسوخ ويلزمه الناسخ وأما احتجاجهم بتأخيره عليه السلام الحج فقد حج عليه السلام قبل الهجرة ورآه جبير بن مطعم واقفا بعرفة فأنكر جبير ذلك لأنه كان عليه السلام من الخمسة الذين لا يقفون بعرفة ويكفي من هذا كله أنا على يقين من أن الله تعالى أمره بتأخير الحج، حتى يعهد إلى المشركين ألا يقربوا المسجد الحرام، وإنما قطعنا على ذلك لقول الله تعالى آمرا أن يقول {قل ما كنت بدعا من لرسل ومآ أدري ما يفعل بي ولا بكم إن أتبع إلا ما يوحى إلي ومآ أنا إلا نذير مبين} فصح يقينا أنه عليه السلام لا يفعل إلا ما يوحي إليه ربه عز وجل فلما أخر الحج علمنا أنه فعل ذلك عليه السلام بوحي وكان عليه السلام قد أعلمه ربه تعالى أنه لا يقبضه حتى يتم التعليم، ويكمل التبليغ، ويدخل الناس في دين الله أفواجا، وهذا يقتضي أنه لا يموت حتى يعلم الناس مناسكهم وليس غيره عليه السلام كذلك وأيضا فلا ندري متى نزل فرض الحج عليه لعله إنما نزل عليه إذ حج عليه السلام حجة الوداع وهذا هو الأظهر لأنه لو نزل قبل ذلك لما آخر عليه السلام تعليم المناسك إلى حجة الوداع التي قال فيها: خذوا عني مناسككم لعلي لا ألقاكم بعد عامي هذا أو كما قال عليه السلام ويبين ذلك الحديث الطويل عن جابر ففي أوله ثم أذن رسول الله صلى الله عليه وسلم في العاشرة أن رسول الله صلى الله عليه وسلم حاج فلو فرض الحج قبل ذلك لما أخر الأذان في الناس بوجوبه عليهم. والحديث المأثور من طريق ابن عباس وأبي هريرة إذ خطب الناس فقال إن الله فرض عليكم الحج فقال له قائل وقيل إنه الأقرع بن حابس أفي كل عام يا رسول الله وهذا والله أعلم إنما كان في حجة الوداع وقد أخبرت عائشة

postpone the pilgrimage until he had given the polytheists notice that they were not to approach the Sacred Mosque. We assert this decisively only because of Allah Most High's statement, commanding him to say: "Say: I am no unprecedented one among the messengers, nor do I know what will be done with me or with you. I follow only what is revealed to me, and I am only a clear warner." Thus it is established with certainty that he, peace be upon him, does only what his Lord, Mighty and Majestic, reveals to him. Thus, when he postponed the pilgrimage, we knew that he did so, peace be upon him, by revelation. His Lord Most High had informed him, peace be upon him, that He would not take his soul until instruction was complete, conveyance had been fulfilled, and people entered the religion of Allah in multitudes. This entails that he would not die until he had taught people their pilgrimage rites. Others are not in the same position as he, peace be upon him. Furthermore, we do not know when the obligation of pilgrimage was revealed to him. Perhaps it was revealed to him only when he, peace be upon him, performed the Farewell Pilgrimage. This is the more apparent conclusion, because, had it been revealed before that, he, peace be upon him, would not have postponed teaching the rites until the Farewell Pilgrimage, during which he said, "Take your pilgrimage rites from me; perhaps I shall not meet you after this year of mine," or words to that effect, as he, peace be upon him, said. The lengthy report from Jabir makes this clear. At its beginning it says: "Then, in the tenth year, the Messenger of Allah ﷺ announced that the Messenger of Allah ﷺ would perform the pilgrimage." Had the pilgrimage been made obligatory before that, he would not have postponed announcing to the people that it was obligatory upon them. There is also the report transmitted through Ibn Abbas and Abu Hurayrah, when he addressed the people and said, "Allah has made the pilgrimage obligatory upon you." Someone said to him—and it is said that this was al-Aqra ibn Habis—"Every year, O Messenger of Allah?" This, and Allah knows best, occurred only during the Farewell Pilgrimage. Aishah, may Allah be pleased with her, related information indicating this: their departure for the pilgrimage that year while awaiting his command, peace be upon him, as revelation was descending upon him; the rulings revealed during that pilgrimage, including the abrogation of pilgrimage for someone who had not driven sacrificial an-

رضي الله عنها بما يدل على ذلك من خروجهم إلى الحج في ذلك العام ينتظرون أمره عليه السلام والوحي ينزل عليه والأحكام التي نزلت في تلك الحجة من نسخ الحج لمن لم يسق الهدي، وأن يحل بمتعة، ومن إيجاب القران على من ساق الهدي، وسائر ما نزل في تلك الحجة من بيان شرائع الحج مما لم يكن نزل قبل ذلك، وبالله تعالى التوفيق، وصلى الله على محمد نبي الرحمة وهادي الأمة وسلم

imals and his leaving the state of ritual consecration through a preliminary lesser pilgrimage followed by pilgrimage, and the imposition of combining the lesser pilgrimage and pilgrimage in one state of ritual consecration upon someone who had driven sacrificial animals; and all the other explanations of the ordinances of pilgrimage revealed during that pilgrimage which had not been revealed before then. Success is through Allah Most High. May Allah bless Muhammed, the Prophet of mercy and guide of the community, and grant him peace. ﷺ[89909192939495]

[89]**Translator's note (L888):** The wording "which he does not know he is not permitted to omit" follows the supplied لم يعلم أنه ليس له تركه. The negative makes the statement conflict with its apparent argument; it has not been silently removed. The Quranic quotation is 2:286. The supplied Arabic contains several defective spellings and omitted initial letters; these do not produce a distinct intelligible meaning in English.

[90]**Translator's note (L889):** The expression في الفسخ في تأخير الحج جملة, rendered "concerning annulment in the matter of postponing the pilgrimage altogether," is awkward and possibly corrupt. The supplied reading الفسخ means annulment or rescission; its intended reference here is unclear. The first Quranic quotation is 9:122; the second begins 49:6 and continues in the next unit.

[91]**Translator's note (L890):** The supplied Quranic quotation, continuing 49:6, has the malformed تصيببوا, with an extra consonant, where the meaning is "you harm."

[92]**Translator's note (L892):** The supplied حتى يعمله means "until he performs it," as translated. In this argument, "until he knows it" might have been intended, but that would require a different Arabic reading. The Quranic quotations are 6:19 and 5:92. The salutation at the end is divided between this unit and the next; its English rendering is likewise divided.

[93]**Translator's note (L893):** The supplied الخمسة means "the five," as translated. In this context it appears to be a corruption of الحمس, al-Hums, the designation of a group associated with Quraysh who did not stand at Arafat; that reading has not been substituted. The Quranic quotation is 46:9.

[94]**Translator's note (L895):** متعة is rendered as a preliminary lesser pilgrimage followed by pilgrimage, the arrangement technically called tamattu; القران is rendered as combining the lesser pilgrimage and pilgrimage in one state of ritual consecration, technically qiran. The supplied wording نسخ الحج, "the abrogation of pilgrimage," is retained. In context it concerns changing the pilgrimage undertaking of those without sacrificial animals into a lesser pilgrimage, followed by pilgrimage.

[95]**Qur'an references (L888):** Qur'an 2:286 (Al-Baqarah); Qur'an 9:122 (At-Tawbah); Qur'an 49:6 (Al-Hujurat); Qur'an 6:19 (Al-An'am); Qur'an 46:9 (Al-Ahqaf).

[فصل في الأمر المؤقت بوقت محدود الطرفين في الأمر المؤقت بوقت محدود الطرفين متى يجب أفي أوله أم في آخره؟ والأمر المرتبط به بصفة ما، والأمر المؤقت بوقت محدود الأول غير محدود الآخر]

L896 **[Section on a command assigned to a period with both endpoints defined; on a command assigned to a period with both endpoints defined: when does it become obligatory, at its beginning or at its end? And on a command linked to a particular attribute, and a command assigned to a period whose beginning is defined but whose end is undefined]**[96]

L897–908 It also contains additional points relating to the section we completed before this. Ali said: As for a command linked to a time within which there is no latitude, it is impermissible to advance its performance before its time nor delaying it beyond its time. This is what we mentioned previously concerning fasting the month of Ramadan. If a text prescribes making up for it and performing it at another time, one must abide by that text; this constitutes another act that has been commanded. If neither a text nor a consensus establishes this, no part of it may be performed outside its time. The same applies to every act tied to a period with two defined endpoints, such as the times of the prayers and anything comparable: no part of any such act may be performed before its time begins or after its time ends. Whoever likens this to debts owed to human beings must consequently permit fasting Ramadan in Shaʿban, by analogy with paying people's debts before their due dates. He must also permit performing the prayers before their times, by analogy with that and with their permission to pay obligatory alms before their time falls due. Some of them have said three years in advance; some, a year or less; and some, a month, two months, or thereabouts. Some have made arbitrary distinctions, permitting the obligatory alms on wealth to be paid a month or two before the completion of the year, while forbidding two and a half months; and permitting the obligatory alms at the breaking of the fast to be paid a day or two in advance, while forbidding three days. Merely hearing this position is sufficient to establish its invalidity, for it is a

[96] **Translator's note (L896):** The heading repeats "a command assigned to a period with both endpoints defined"; the repetition is retained. Its square brackets may indicate editorial presentation, but the supplied text does not establish who added them.

وفيه زيادات تتعلق بالفصل الذي أتممناه قبل هذا. قال علي: أما الأمر المرتبط بوقت لا فسحة فيه فغير جائز تعجيل أدائه قبل وقته، ولا تأخيره عن وقته، وذلكم ما ذكرنا قبل هذا من صيام شهر رمضان، فإن جاء نص بالتعويض منه وأدائه في وقت آخر، وقف عنده، وكان ذلك عملا آخر مأمورا به، وإن لم يأت بذلك نص ولا إجماع، فلا يجوز أن يؤدى بشيء منه في غير وقته. وكذلك كل عمل مرتبط بوقت محدود الطرفين، كأوقات الصلوات وما جرى هذا المجرى، فلا يجوز أداء شيء من ذلك قبل دخول وقته، ولا بعد خروج وقته، ومن شبه ذلك بديون الآدميين لزمه أن يجيز صيام رمضان في شعبان قياسا على تعجيل ديون الناس قبل حلول أوقاتها، ولزمه أن يجيز تقديم الصلوات قبل وقتها قياسا على ذلك، وعلى ما أجازوا من تعجيل الزكاة قبل حلول وقتها، فبعضهم قال: بثلاثة أعوام، وبعضهم قال: بعام فأقل، وبعضهم قال: الشهر والشهرين ونحو ذلك، وبعضهم فرق متحكما، فأجاز تعجيل الزكاة التي في الأموال قبل الحول بشهر أو شهرين، ومنع من شهرين ونصف، وأجاز في تعجيل زكاة الفطر اليوم واليومين ومنع من ثلاثة أيام، وهذا قول يكفي من بطلانه سماعه، لأنه حكم بلا إذن من الله عز وجل، وفرق بلا دليل. قال علي: ولا فرق بين ما أجاز أداء الأمر بعد انقضاء وقته، وبين من أجازه قبل دخول وقته هذا على أن بعضهم قد أجاز للمريض الذي يخاف تغير عقله تعجيل الصلاة قبل وقتها، فإذا ادعوا أن الإجماع منعهم من ذلك أكذبهم قول ابن عباس؛ فإنه يجيز أداء الصلاة قبل دخول

ruling without permission from Allah, mighty and majestic, and a distinction without evidence.

Ali said: There is no difference between one who permits performing the commanded act after its time has elapsed and one who permits it before its time begins. Moreover, some of them have permitted a sick person who fears an alteration in his mental faculties to perform the prayer before its time. If they claim that consensus prevented them from doing that, the position of Ibn Abbas gives the lie to them, for he permits performing the prayer before its time begins, and the noon prayer before the sun passes its zenith. In people's debts, there is no difference between paying them after their appointed time and maturity and paying them before their appointed time and maturity. Let them therefore say the same concerning all the ordinances of Allah Most High.

Ali said: The invalidity of this analogy is easy to establish. Even if analogy were valid, in this instance it would be utterly invalid, through Allah's power and might. We say, then—and success comes through Allah Most High—that no one may pay people's debts that have a fixed term before their due dates, or delay them beyond their due dates, except with the permission and consent of those to whom the debts are owed. There is no disagreement about this as a whole, although those who have contradicted themselves have done so concerning certain aspects of it. Nor is there any disagreement that, if someone is owed three debts by another person arising from three transactions, all of them having specified terms, and the creditor permits one particular debt to be paid before its due date, and the debtor consents to that, then permits another particular debt to be delayed beyond the arrival of its due date, this does not entail permission to pay early the debt whose early payment he has not permitted, nor does it authorize delaying it beyond its due date. No two people disagree about this. If people's permission concerning the early payment or deferment of those debts for which they have given permission does not require that the rest of their debts, concerning which they have remained silent, be treated by analogy with those whose early payment they have permitted, then there is still less justification for treating debts owed to Allah Most High, whose deferment or early discharge He has not permitted,

وقتها، وصلاة الظهر قبل زوال الشمس، ولا فرق في ديون الناس بين أدائها بعد وقتها وحلول أجلها، وبين أدائها قبل وقتها وحلول أجلها فليقولوا كذلك في جميع شرائع الله تعالى. قال علي: وبطلان هذا القياس سهل، فلو كان القياس حقا لكان في هذا المكان باطلا بحتا، بحول الله وقوته، فنقول وبالله تعالى التوفيق: إن ديون الناس التي إلى أجل، لا يجوز لأحد أداؤها قبل حلول أوقاتها، ولا تأخيرها عن حلول أوقاتها إلا بإذن الذين لهم الديون ورضاهم، ولا خلاف في ذلك جملة، ولكن تناقض من تناقض في بعض ذلك، ولا خلاف في أن من كان له على أحد ثلاثة ديون من ثلاث معاملات، وكلها إلى آجال محددة، فأذن الذي له الدين في تعجيل أحد تلك الديون بعينه قبل الأجل، ورضي بذلك الغريم ثم أذن في تأخير آخر من تلك الديون بعينه بعد حلول أجله، فليس ذلك بموجب جواز تعجيل الدين الذي لم يأذن بتعجيله، ولا بمجيز تأخيره عن أجله هذا ما لا خلاف بين اثنين فيه، فإذا لم يكن إذن الناس فيما أذنوا فيه من تعجيل ديونهم أو تأجيلها، موجبا أن يقاس ما سكتوا عنه من سائر ديونهم على ما أذنوا فيه من تعجيل ديونهم، فذلك أبعد من أن تقاس ديون الله تعالى التي لم يأذن في تأجيلها، ولا في تعجيلها على ما أذن الناس فيه من تعجيل ديونهم وتأجيلها. قال علي: وهذا ما لا خفاء به على من له مسكة عقل، وأيضا فلا خلاف بين اثنين في أن من له دين فأسقطه البتة، ورضي الغريم بذلك، فإن ذلك الدين ساقط، فيلزمهم إذا أجازوا تأخير ديون الله تعالى عن أوقاتها، وتعجيل بعضها عن أوقاتها وإن لم يأذن الله تعالى في ذلك قياسا على جواز تأخير ديون الناس، وجواز تعجيلها إذا أذنوا في ذلك بأن يجيزوا سقوط ديون الله تعالى بالبتة، وإن لم يأذن الله تعالى في ذلك، قياسا على سقوط ديون الناس بالبتة إذا أذنوا في ذلك وهذا أصح قياس وأشبه بقياسهم الذين حكوا، لو كان القياس حقا، والقياس بحمد الله تعالى باطل محض. قال علي: وأيضا فإن الزكوات والكفارات بالصدقات، وإن كان الله

by analogy with people's permission for the early payment and deferment of their debts.

Ali said: This is not obscure to anyone who possesses the slightest measure of reason. Furthermore, no two people disagree that, if someone to whom a debt is owed cancels it entirely, and the debtor consents to that, the debt is canceled. Thus, if they permit debts owed to Allah Most High to be delayed beyond their times, and some of them to be discharged before their times, even though Allah Most High has not permitted that, by analogy with the permissibility of delaying people's debts or paying them early when they give permission, they must consequently permit debts owed to Allah Most High to be canceled altogether, even though Allah Most High has not permitted that, by analogy with the complete cancellation of people's debts when they give permission. This would be a sounder analogy and more closely resemble the analogy they have related, if analogy were valid. But analogy, praise be to Allah Most High, is utterly invalid.

Ali said: Furthermore, although Allah Most High has assigned obligatory alms and expiations made through charitable payments to the needy, they do not fall under the rules governing people's debts in any respect whatsoever because the debts owed to people, to which they have sought to liken obligatory alms, belong to particular individuals. Their decisions concerning those debts are therefore valid, because these are assets specifically belonging to them and inherited from them. Obligatory alms and expiations, however, do not belong to particular needy individuals, nor are these needy individuals more entitled to them than other needy individuals. Where this is the case, those needy individuals who happen to be present have no authority to permit either early payment or deferment. They become entitled to them only by taking possession of them at their prescribed times, neither before nor afterward. The explanation of this is that these payments are not inherited from them before they take possession of them, and neither their decisions concerning them, nor their disposal of them, nor their release of the payer from liability is valid before taking possession of them. There is no disagreement about any of this. The Messenger of Allah ﷺ likened debts owed to people to debts owed to Allah Most High in only two respects, with no third:

تعالى قد جعلها للمساكين، فليست من حكم ديون الناس في ورد ولا صدر، لأن ديون الناس التي راموا تشبيه الزكوات بها، هي لأقوام بأعيانهم، فحكمهم جائز فيها، لأنها مال متعين لهم، وموروث عنهم، وأما الزكوات والكفارات فليست لقوم من المساكين بأعيانهم، ولا هؤلاء المساكين بأولى بها من غيرهم من المساكين، فما كان هكذا فلا إذن لمن حضر من المساكين فيها لا بتعجيل ولا بتأجيل، ولا يستحقونها إلا بقبضها في أوقاتها، لا قبل ذلك ولا بعده. وبيان ذلك أنها لا تورث عنهم قبل قبضهم لها، ولا يجوز حكمهم فيها، ولا تصرفهم ولا إبراؤهم قبل قبضها وكل هذا لا خلاف فيه وإنما شبه رسول الله صلى الله عليه وسلم ديون الناس بديون الله تعالى في شيئين لا ثالث لهما أحدها بقاء حكمها بعد الموت وبعد العجز والثاني أداء الولي لها عن الميت فعصوا الله تعالى أو من عصاه منهم ورسوله صلى الله عليه وسلم في الوجهين اللذين شبه رسول الله صلى الله عليه وسلم فيها ديون الناس بديون الله تعالى وتركوهما معا، فقالوا: من مات وعليه حج أو زكاة أو صيام أو كفارات، فقد سقط وجوبها فيما ترك، ولا يقضى عنه إلا أن يأمر بذلك فيقضى عنه الزكاة والحج خاصة من الثلث، ويطعم عنه إن أوصى بذلك في الصيام فقط. ثم شبهوا ديون الله بديون الناس فيما لا شبه فيه بينهما، وفيما لم يأذن به الله عز وجل، ومن شغب منهم بالحديث الذي روي من جمع زكاة الفطر في المسجد، ومبيت أبي هريرة عليها، فلا حجة لهم فيه، لأنه لا يخلو ذلك الجمع المذكور من أحد وجهين لا ثالث لهما: أحدهما: أن تكون جمعت ولم تفرق حتى يأتي يوم الفطر الذي هو وقت أدائها، وليس هذا مخالفا لقولنا، ولو جاء وقت أدائها لما حل لمسلم أن يظن بالنبي صلى الله عليه وسلم أنه أخر إعطاءها وهو عليه السلام إذ بقي عنده دينار لم يستحقه عليه أحد لم يأو إلى نسائه، ولا فارق المسجد ليلا ولا نهارا قلقا آسفا حتى يعطيه، فكيف يمنع أحدا حقا وقد وجب أداؤه ومن

the first is that their binding force remains after death and after incapacity; the second is that the deceased's guardian discharges them on his behalf. Yet they—or those among them who have disobeyed Him—disobeyed Allah Most High and His Messenger ﷺ regarding the two respects in which the Messenger of Allah ﷺ likened debts owed to people to debts owed to Allah Most High, abandoning both together. They said: If someone dies owing a pilgrimage, obligatory alms, fasting, or expiations, there lapses the obligation to discharge them from what he has left, and they are not discharged on his behalf unless he directs this. In that case, only the obligatory alms and pilgrimage are discharged on his behalf from one third of the estate; and food is provided on his behalf, if he has made a bequest to that effect, for fasting alone. Then they likened debts owed to Allah to debts owed to people in matters in which there is no resemblance between them, and concerning which Allah, mighty and majestic, has given no permission.

Those among them who raise specious objections by citing the report concerning the collection of the obligatory alms at the breaking of the fast in the mosque, and Abu Hurayra's spending the night guarding them, have no argument in it. For the collection mentioned must fall under one of two possibilities, with no third. The first is that the alms were collected but were not distributed until the day of the breaking of the fast arrived, which is their prescribed time of payment. This does not conflict with our position. Had their prescribed time of payment arrived, no Muslim would have been permitted to suppose that the Prophet ﷺ delayed giving them out. When a dinar remained with him to which no one had an enforceable claim against him, he, peace be upon him, would not retire to his wives or leave the mosque, by night or by day, remaining anxious and distressed until he gave it away so how could he withhold anyone's entitlement once its discharge had become obligatory? Whoever supposes this of the Prophet ﷺ has spoken delirious nonsense. Or the alms were paid out at their prescribed time, but those entitled to them were not present, so the Prophet ﷺ awaited their arrival, just as he used to do with the sheep and other livestock collected with him as obligatory alms, peace be upon him. It is not lawful for a believer to suppose anything concerning the Prophet ﷺ other than one of these two

ظن هذا بالنبي صلى الله عليه وسلم فقد هذي أو تكون أخرجت في وقتها ولا يحضر من يستحقها فانتظر النبي صلى الله عليه وسلم حضورهم كما كان يفعل بما اجتمع عنده عليه السلام من غنم الصدقة ونعمها ولا يحل لمؤمن أن يظن بالنبي صلى الله عليه وسلم غير أحد هذين الوجهين وبالله تعالى التوفيق، وليس في المذكور أنها أعطيت المساكين قبل يوم الفطر فبطل تشغيبهم به، وبالله تعالى التوفيق. قال علي: فإذا كان حكم الأموال والعبادات ما ذكرنا، فلا خلاف في أن الوقت إنما معناه زمان العمل وأنه لا يفهم من قول الله عز وجل ورسوله صلى الله عليه وسلم اعملوا عمل كذا في وقت كذا وصلوا صلاة كذا من حين كذا إلى حين كذا إلا أن هذا الزمان المحدود هو الذي أمرنا فيه بالعمل المذكور، فنقول حينئذ للمخالف: ما معنى خروج الوقت؟ فلا بد ضرورة من أنه انقضاء زمان العمل، فإذا ذهب زمان العمل، فلا سبيل إلى العمل، إذ لا يتشكل في العقول كون شيء في غير زمانه الذي جعله الله تعالى زمانا له، ولم يجعل له زمانا غيره، وهذا من أمحل المحال وأشد الامتناع الذي لا يدخل في الإمكان البتة. فإن قال قائل: كل وقت فهو لذلك العمل وقت أبطل حكم الله تعالى ورسوله صلى الله عليه وسلم في حدهما الوقت وتعدى حدودهما واستحق النار وقد قال تعالى {ومن يعص لله ورسوله ويتعد حدوده يدخله نارا خالدا فيها وله عذاب مهين} وتعدي الحدود على الحقوق، هو أن يحد الله تعالى وقتا فيتعداه مخلوق من الناس دون نص ورد إلى وقت آخر، وهذا غاية البيان وبالله تعالى التوفيق.

possibilities. Success comes through Allah Most High. Nothing in the report mentioned states that the alms were given to the needy before the day of the breaking of the fast. Their specious objection based upon it is therefore invalid. Success comes through Allah Most High.

Ali said: Since the rules governing property and acts of worship are as we have stated, there is no disagreement that "the prescribed time" means simply the time for performing the act. Nor can anything be understood from the words of Allah, mighty and majestic, and His Messenger ﷺ, "Perform such-and-such an act at such-and-such a time," and "Perform such-and-such a prayer from such-and-such a time until such-and-such a time," except that this defined period is the one in which we have been commanded to perform the act mentioned. We then say to the opponent: What does the ending of the prescribed time mean? Necessarily, it can only mean the expiration of the time for performing the act. Once the time for performing the act has passed, there is no way to perform it, since the existence of something outside the time that Allah Most High has made its time, without assigning it any other time, is inconceivable to reason. This is among the most impossible of impossibilities and the strongest forms of impossibility, which cannot fall within the realm of possibility at all. Thus, if someone says, "Every time is a time for that act," he has nullified the ruling of Allah Most High and His Messenger ﷺ in their delimitation of the prescribed time, transgressed their limits, and deserved the Fire. Allah Most High has said: "Whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him to a Fire, abiding therein forever, and he shall have a humiliating punishment." And transgressing the limits with regard to rights consists in Allah Most High setting a time, and some human creature then exceeding it, moving to

another time without a revealed text authorizing this. This is the utmost clarity, and success comes through Allah Most High.[97][98][99][100][101]

L909–914 Moreover, they do not venture to declare without qualification that the time continues after the expressly stipulated time has expired. They are also to be asked: Tell us about this person who deliberately omitted the prayer until its time expired, whom you then commanded to repeat it: did you command him to perform it within the time Allah Most High assigned to it, or within a time that Allah Most High did not assign to it and associate with it? If they say, "Within its time, which Allah Most High assigned to it," they have disbelieved and openly uttered falsehood. If they say, "Rather, within its time," they have acknowledged that they commanded the prayer to be performed contrary to what Allah Most High commanded. Whoever does something contrary to what Allah Most High commanded him to do has not done what he was commanded; rather, he has done what he was not commanded to do. He is therefore disobedient a second time through that act. They are only commanding him to commit an act of disobedience and to do something unacceptable, because of his saying, peace be upon him: "Whoever performs an act that does not conform to our command, it is rejected." Thus, what we have mentioned establishes with manifest validity that anyone whom Allah Most High commanded to perform a particular act at a particular time, but who performs it at another time, has merely performed an act he was not commanded to perform. Whoever commands its performance has instituted

وأيضا فإنهم لا يقدمون على إطلاق تمادي الوقت بعد خروج الوقت المنصوص. ويقال لهم أيضا: أخبرونا عن هذا الذي تعمد ترك الصلاة حتى خرج وقتها فأمرتموه بإعادتها، أفي الوقت الذي رتبه الله تعالى أمرتموه بها أم في وقت لم يرتبه الله تعالى لها وقرنها به فإن قالوا في وقتها الذي رتبه الله تعالى لها، كفروا وكذبوا مجاهرة، وإن قالوا: بل في وقتها، أقروا بأنهم أمروا أن تؤدى الصلاة بخلاف ما أمر الله تعالى، ومن فعل شيئا بخلاف ما أمر الله تعالى به، فلم يفعل الذي أمر، بل فعل ما لم يؤمر به، فهو عاص في ذلك الفعل مرة ثانية، وإنما يأمرونه بمعصية وبأمر غير مقبول لقوله عليه السلام من عمل عملا ليس عليه أمرنا فهو رد فصح لما ذكرنا صحة جلية أن من أمره الله تعالى بأداء عمل ما، في وقت ما، فعمله في غير ذلك الوقت، فإنما عمل عملا لم يؤمر به، ومن أمر بعمله فقد شرع شريعة لم يأذن بها الله تعالى، بل قد نهى عنها، إذ نهى عن تعدي حدوده. ولا يشك ذو حس أن صوم غد هو غير صوم اليوم، فمن أمره الله بصيام اليوم فأفطر عامدا للمعصية، ثم صام غدا، فإنما صام يوما لم يأمره الله تعالى بصيامه، فلا يكون ذلك قاضيا ما أمر به، ولا يؤدي أحد ما أمر به إلا كما أمر به، لا كما نهى، ولا فرق بين هذا وبين ما أمره الله تعالى بحركة إلى مكان ما، كالحج إلى مكة في ذي الحجة، فحج هو إلى المدينة في ذي القعدة فأي فرق بين هذا وبين من أمر بصيام في رمضان، فصام هو في شوال؟ أو بصلاة ما بين زوال الشمس إلى زيادة الظل على مثل من يوم بعينه، فصلاها هو في وقت آخر من يوم آخر، وأي فرق بين هذا وبين من أمر أن يفعل فعلا في عين ما كنفقة على زوجة له مباح له وطؤها، ففعل هو ذلك الفعل في غير تلك المرأة، فهل هذا كله إلا غير الذي أمر به، وكل ذلك باب واحد، وطريق واحدة يجمعه كلها جمعا مستويا قوله تعالى {ومن

[97] **Translator's note (L899):** The wording corresponding to "one who permits performing the commanded act" reads ma ajaza, where the parallel construction appears to call for man ajaza, "whoever permits." The translation reflects the apparent intended comparison.

[98] **Translator's note (L902):** The wording translated as "the analogy they have related" contains an apparent grammatical irregularity: alladhina, a plural relative pronoun referring to persons, follows "their analogy." The intended construction appears to be "the analogy which they have related."

[99] **Translator's note (L907):** The Quranic quotation has li-llah, "to Allah," where the verse's wording is Allah as the direct object of "disobeys." The translation gives the evident intended sense while recording this apparent quotation or transcription error.

[100] **Translator's note (L908):** The opening continues the preceding segment's phrase about transgressing limits with respect to rights; its wording is awkward.

[101] **Qur'an references (L897):** Qur'an 4:14 (An-Nisa).

a law that Allah Most High has not authorized, but has indeed forbidden, since He forbade transgressing His limits. No one possessed of perception doubts that fasting tomorrow is different from fasting today. Thus, someone whom Allah commanded to fast today, but who deliberately breaks his fast in disobedience and then fasts tomorrow, has merely fasted on a day on which Allah Most High did not command him to fast. He has therefore not thereby discharged what he was commanded to do. No one performs what he was commanded to do except by doing it as he was commanded, not as he was forbidden. There is no difference between this and someone whom Allah Most High commanded to travel to a particular place—for example, to make the pilgrimage to Mecca in Dhu al-Hijjah—but who instead makes the pilgrimage to Medina in Dhu al-Qa'dah. What difference is there between this and someone who was commanded to fast in Ramadan but instead fasted in Shawwal, or to perform a prayer between the sun's passing the meridian and the shadow's exceeding one equivalent length on a particular day, but who instead performed it at a time other than that, on another day? And what difference is there between this and someone commanded to perform an act in relation to a particular individual—for example, to provide maintenance for a wife with whom intercourse is lawful for him—but who instead performs that act in relation to a woman other than that woman? Is all of this anything other than something different from what he was commanded to do? All of this belongs to one category and follows one course, brought together in its entirety, equally, by His saying, Most High: "Whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him into a Fire, abiding therein forever, and he shall have a humiliating punishment"; and by his saying, peace be upon him: "Whoever performs an act that does not conform to our command, it is rejected." What difference is there between a command's being attached to times and its being attached to particular individuals or things, or to one place rather than another? If they say, "We have found commands attached to a particular time for which performing that act at another time serves as a substitute," the reply to him is—and success comes through Allah—that when a revealed text or consensus establishes this, we know that Allah, Mighty and Majestic, extended that time, attached that command to that second time, and made it a time for its

يعص لله ورسوله ويتعد حدوده يدخله نارا خالدا فيها وله عذاب مهين} وقوله عليه السلام من عمل عملا ليس عليه أمرنا فهو رد وأي فرق بين تعلق الأمر بالأزمان وبين تعلقه بالأعيان أو بمكان دون مكان؟. فإن قالوا: إنا قد وجدنا أوامر معلقة بزمان ينوب عنها تأدية ذلك العمل في زمان آخر. قيل له وبالله التوفيق: إذا جاء بذلك نص أو إجماع فقد علمنا أن الله عز وجل مد ذلك الوقت، وعلق ذلك الأمر، بذلك الزمان الثاني، وجعله وقتا له، ونحن لا ننكر هذا، بل نقر به إذا أمرنا به، لا إذا نهينا عنه، وقد جاء مثل ذلك في الأمكنة، كمن نذر صلاة في بيت المقدس، فإنه إن صلى بمكة أجزأه للنص في ذلك، ولا يجزي ذلك فيما لم يرد فيه نص، وكذلك من مات وعليه صيام لزم وليه أن يصوم عنه، للأمر الوارد في ذلك، وكذلك من لم يحج أحج عنه من رأس ماله للنصوص الواردة في كل ذلك. فإن قالوا لنا: ما تقولون في الصلاة المنسية؟ أو التي ينام عنها؟ أكل وقت لها وقت؟ قيل له، وبالله تعالى التوفيق: نعم كل وقت لها، ومتى ما صلاها فهو وقتها بنص كلام رسول الله صلى الله عليه وسلم وكذلك السكران لقوله تعالى {يا أيها لذين آمنوا لا تقربوا لصلاة وأنتم سكارى حتى تعلموا ما تقولون ولا جنبا إلا عابري سبيل حتى تغتسلوا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغآئط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم إن لله كان عفوا غفورا} فإن قالوا فبأي شيء تأمرون من تعمد ترك صلاة حتى خرج وقتها، وتعمد ترك صوم رمضان في غير عذر من سفر أو مرض أو غير ذلك مما جاء فيه نص أو إجماع؟ قلنا لهم وبالله تعالى التوفيق: نأمرهم بما أمرهم به ربهم عز وجل إذ يقول {وأقم لصلاة طرفي لنهار وزلفا من لليل إن لحسنات يذهبن لسيئات ذلك ذكرى للذاكرين} وبما يقول لهم نبيهم صلى الله عليه وسلم إذ يقول إن من فرط في صلاة فرض جبرت يوم القيامة من تطوعه وكذلك الزكاة وكذلك سائر الأعمال، فأمره بالتوبة والندم والاستغفار والإكثار من التطوع،

performance. We do not deny this; rather, we acknowledge it when we are commanded to do it, not when we are forbidden to do it. Something similar has been transmitted concerning places: someone who vows to perform a prayer in Jerusalem discharges his obligation if he performs it in Mecca, because of the revealed text concerning this. This does not discharge the obligation in cases concerning which no revealed text has been transmitted. Likewise, if someone dies owing fasting, his guardian is obliged to fast on his behalf, because of the command transmitted concerning this. Likewise, if someone has not performed the pilgrimage, the pilgrimage is to be performed on his behalf from the principal of his estate, because of the revealed texts transmitted concerning all this. If they ask us, "What do you say about a forgotten prayer, or one through which a person sleeps? Is every time a time for it?" the reply to him is—and success comes through Allah Most High—"Yes, every time is a time for it, and whenever he performs it, that is its time, by the express wording of the Messenger of Allah, Allah bless him and grant him peace ﷺ." The same applies to the intoxicated person, because of His saying, Most High: "O you who believe, do not approach prayer while you are intoxicated until you know what you are saying, nor while in a state of major ritual impurity, except when passing along a way, until you wash yourselves. If you are ill, or on a journey, or one of you comes from relieving himself, or you have touched women, and you find no water, then seek clean earth and wipe your faces and your hands. Indeed, Allah is ever Pardoning, Forgiving." If they say, "Then what do you command someone who deliberately omitted a prayer until its time expired, and deliberately omitted fasting Ramadan without an excuse of travel, illness, or anything else concerning which a revealed text or consensus has been transmitted?" we say to them—and success comes through Allah Most High—"We command them to do what their Lord, Mighty and Majestic, commanded them to do when He says: 'Establish prayer at the two ends of the day and during the near portions of the night. Indeed, good deeds remove evil deeds. That is a reminder for those who remember'; and what their Prophet, Allah bless him and grant him peace ﷺ, tells them when he says: 'Whoever has been remiss concerning an obligatory prayer, it will be made good on the Day of Resurrection from his voluntary acts; likewise obligatory almsgiving, and

ليثقل ميزانه يوم القيامة، ويسد ما ثلم منه، وأما أن نأمره بأن يصلي صلاة ينوي بها ظهرا، لم يأمره الله عز وجل به أو عصرا لم يأت به نص، أو نأمره بصيام يوم على أنه من رمضان وهو من غير رمضان فمعاذ الله من ذلك. فإذن كنا نكون متعدين بين يدي الله تعالى ورسوله صلى الله عليه وسلم وآمرين له بأن يعمل غير ما أمره الله تعالى به بل ما قد نهاه عنه.

likewise all other deeds.'" Thus I command him to repent, to feel remorse, to seek forgiveness, and to perform abundant voluntary acts, so that his balance may weigh heavily on the Day of Resurrection and he may repair what has been damaged in it. But as for our commanding him to perform a prayer intending it as a noon prayer that Allah, Mighty and Majestic, did not command him to perform, or as an afternoon prayer for which no revealed text has been transmitted, or commanding him to fast a day as though it were part of Ramadan when it is outside Ramadan—Allah forbid that! We would then be transgressing by proceeding ahead of Allah Most High and His Messenger, Allah bless him and grant him peace ﷺ, and commanding him to do something other than what Allah Most High commanded him to do—indeed, something He had forbidden him to do.[102][103][104][105]

L915–917 Then we ask them, saying: This person who deliberately omitted a prayer or a fast, whom you then commanded to make it up—has he discharged what Allah Most High commanded him concerning it in the manner He commanded, or not? If they say yes, they have uttered falsehood, and they do not say that. If they say no, they have acknowledged that they commanded him to perform the act in a manner other than that in which Allah Most High commanded him to perform it. If they ask us the same concerning someone who forgets a prayer, someone who sleeps through it, or someone who breaks his fast because of travel or illness, we say to them: He has performed what Allah Most High commanded him to do in the manner He

ثم نسألهم فنقول: هذا الذي تعمد ترك صلاة أو صوم، ثم أمرتموه بقضائه أقضى ما أمره الله تعالى من ذلك كما أمر أم لا؟ فإن قالوا: نعم كذبوا، وهم لا يقولون ذلك، وإن قالوا: لا أقروا بأنهم أمروه أن يؤدي العمل على غير ما أمره الله تعالى به. فإن سألونا بمثل ذلك في ناسي الصلاة والنائم عنها، والمفطر لسفر أو مرض؟ قلنا لهم: قد أدى ما أمره الله تعالى به كما أمره، وفي الوقت الذي أمره الله تعالى به، ولا ندري أقبل منه أم لا؟ وكذلك كل عمل يعمله في وقته ولا فرق، ولو صح الحديث في إيجاب القضاء على عامد الإفطار لقلنا به، ولكنه لم يصح إنما رواه عبد الجابر بن عمر، ومن هو مثله في الضعف، فإن قالوا: أنتم تأمرون الولي بأن يصوم عنه إن مات، ولا توجبون عليه أن يصوم عن نفسه. قال علي: فنقول كذبتم إنما قلنا كما قال رسول الله صلى الله عليه وسلم من مات وعليه صيام صام عنه وليه ومعنى عليه صيام، عليه أن يصوم، لأن الصيام مصدر، تقول: صام يصوم صياما وصوما، فإنما هذا فيمن مات وعليه أن يصوم وإنما ذلك النادر والذي فرط في قضاء رمضان أفطره السفر أو مرض، فأما العامد للفطر بغير عذر فليس عليه صيام، وإنما عليه إثم ترك الصيام،

[102] **Translator's note (L909):** The second answer reads "Rather, within its time," repeating the substance of the first answer despite the opposing conclusion that follows. The apparent omission or corruption has been preserved. The expression "the shadow's exceeding one equivalent length" leaves the object of comparison unstated; it apparently refers to the length of the object casting the shadow.

[103] **Translator's note (L911):** The Quranic quotation has the nonstandard spelling "لله" in place of "الله" after "disobeys"; the intended divine name is clear.

[104] **Translator's note (L912):** The Quranic quotations contain several transcriptional omissions of the initial alif, including in the divine name; these have been read according to the clearly identifiable words. "Except when passing along a way" preserves the wording of the quotation without inserting an explicit reference to passing through a mosque.

[105] **Qur'an references (L909):** Qur'an 4:14 (An-Nisa); Qur'an 4:43 (An-Nisa).

commanded, and at the time at which Allah Most High commanded him to do it. We do not know whether it has been accepted from him or not. The same applies to every act he performs at its proper time, without distinction. Had the report imposing the obligation of making up the fast upon someone who deliberately breaks it been authentic, we would have adopted it. But it is not authentic: it was transmitted only by ʻAbd al-Jabir ibn ʻUmar and those like him in weakness. If they say, "You command the guardian to fast on his behalf if he dies, yet you do not oblige him to fast on his own behalf," ʻAli said: We reply: You have uttered falsehood. We have said only what the Messenger of Allah, Allah bless him and grant him peace ﷺ, said: "Whoever dies owing fasting, his guardian shall fast on his behalf." The meaning of "owing fasting" is "being obliged to fast," because "fasting" is a verbal noun: you say, "He fasted; he fasts; fasting," using either of the two verbal nouns ṣiyām and ṣawm. This therefore concerns only someone who dies while obliged to fast. That is only the rare individual and someone who was remiss in making up the Ramadan fast that he broke because of travel or illness. As for someone who deliberately breaks the fast without an excuse, he owes no fasting; he bears only the sin of omitting the fast. This suffices for anyone who understands, and success comes through Allah Most High. ʻAli said: Whenever a command is attached to some qualification without which the commanded act cannot be complete, and the person commanded does not perform it as he was commanded, he has not done what he was commanded to do, and it remains incumbent upon him as before, and he is disobedient through what he has done. Disobedience does not stand in place of obedience, and this presents no difficulty to the understanding of anyone possessed of reason. Examples include someone who prays in a ritually impure or usurped garment, knowing this and knowing that such an act is not lawful for him; or someone who prays in a place in which remaining is forbidden, such as a ritually impure place or a place usurped, or at a place where camels gather by water, or facing a grave; or someone who slaughters with a usurped knife, or slaughters another person's animal without its owner's permission, or performs ablution with usurped water, or with silver vessels, or with a gold vessel—in all these cases no obligatory duty is fulfilled. Whoever prays as we have described has not prayed; whoever

وفي هذا كفاية لمن عقل، وبالله تعالى التوفيق. قال علي: وكل أمر علق بوصف ما، لا يتم ذلك للعمل المأمور به إلا بما علق به فلم يأت به المأمور كما أمر، فلم يفعل ما أمر به فهو باق عليه كما كان، وهو عاص بما فعل، والمعصية لا تنوب عن الطاعة، ولا يشكل ذلك في عقل ذي عقل، فمن ذلك: من صلى بثوب نجس أو مغصوب وهو يعلم ذلك، ويعلم أنه لا يجوز له ذلك الفعل، أو صلى في مكان نهي عن الإقامة فيه كمكان نجس، أو مكان مغصوب، أو في عطن الإبل، أو إلى قبر، أو من ذبح بسكين مغصوبة، أو حيوان غيره بغير إذن صاحبه، أو توضأ بماء مغصوب، أو بآنية فضة، أو بإناء ذهب، فكل هذا لا يتأدى فيه فرض، فمن صلى كما ذكرنا فلم يصل، ومن توضأ كما ذكرنا فلم يتوضأ، ومن ذبح كما ذكرنا فلم يذبح وهي ميتة لا يحل لأحد أكلها لا لربها ولا لغيره، وعلى ذابحها ضمان مثلها حية لأنه فعل كل ذلك بخلاف ما أمر وقال عليه السلام من عمل عملا ليس عليه أمرنا فهو رد

performs ablution as we have described has not performed ablution; and whoever slaughters as we have described has not slaughtered. The animal is carrion, which no one may lawfully eat, neither its owner nor anyone else. Its slaughterer must compensate for it with a comparable living animal, because he did all this contrary to what he was commanded. He, peace be upon him, said: "Whoever performs an act that does not conform to our command, it is rejected."[106]

L918 Ali said: Allah Most High has forbidden him to use that knife, to slaughter another person's animal without its owner's permission, and to remain in the usurped place. He has commanded remaining in place for prayer and ritually slaughtering what may lawfully be eaten. By rational necessity we know that the commanded act is distinct from the forbidden act; nothing else is conceivable to reason. Thus, his slaughtering another person's animal, or slaughtering with a usurped knife, is not the commanded ritual slaughter. If he has not ritually slaughtered as commanded, that forbidden act has not made it lawful to eat something that may only lawfully be eaten through the commanded ritual slaughter. There is no doubt that his remaining in the usurped place is not the remaining in place commanded in prayer. Were it so, Allah, Mighty and Majestic, would be commanding and forbidding the same person to do it at the same time and in the same circumstances. The All-Wise, All-Knowing is far exalted above this, as He Most High declares that He burdens no soul beyond its capacity. Avoiding a thing and doing it at the same time is within no one's capacity. What we have said is therefore established, and success is through Allah. Some heedless people have raised an objection here by citing someone who divorces or emancipates a slave in a usurped place, dyes his beard with usurped henna, or learns the Quran from a usurped codex.

L919 Ali said: This objection reveals the ignorance of the person raising it, be-

قال علي: وقد نهاه الله تعالى عن استعمال تلك السكين، وعن ذبح حيوان غيره بغير إذن مالكه، وعن الإقامة في المكان المغصوب، وأمر بالإقامة للصلاة، وبتذكية ما يحل أكله، وبضرورة العقل، علمنا أن العمل المأمور به هو غير العمل المنهي عنه، ولا يتشكل في العقل غير ذلك، فذبحه حيوان غيره أو بسكين مغصوبة ليس هو التذكية المأمور بها، فإذا لم يذك كما أمر فلم يحل بذلك العمل المنهي عنه أكل ما لا يحل أكله إلا بالتذكية المأمور بها، ولا شك في أن إقامته في المكان المغصوب ليست الإقامة المأمور بها في الصلاة، ولو كان ذلك لكان الله عز وجل آمرا بها، ناهيا عنها إنسانا واحدا، في وقت واحد، في حال واحدة، وهذا مما قد تنزه الحكيم العليم في إخباره تعالى أنه لا يكلف نفسا إلا وسعها، وليس اجتناب الشيء والإتيان به في وقت واحد في وسع أحد، فصح ما قلنا، وبالله التوفيق. وقد عارض في هذا بعض أهل الإغفال بمن طلق أو أعتق في مكان مغصوب، أو صبغ لحيته بحناء مغصوبة، أو تعلم القرآن في مصحف مغصوب.

قال علي: وهذا الاعتراض يبين جهل المعترض به، لأن الطلاق والعتاق والبيع والعطايا والصدقات لفظ لا يقتضي إقامة مأمورا بها، بل مباح له أن يطلق ويفعل كل ذلك، وهو يمشي أو وهو يسبح في الماء، فليس مرتبطا بالإقامة في المكان، والصلاة لا بد لها من إقامة إلا في حالة المسابقة أو الضرورة، فمن اضطر إلى الإقامة في مكان مغصوب

[106] **Translator's note (L915):** The transmitter's name is given as "'Abd al-Jabir ibn 'Umar"; this has been preserved as supplied. The text reads "the rare individual" (al-nādir). The context strongly suggests a corruption of "the person who has made a vow" (al-nādhir), but the supplied reading has been retained. The final sentence contains the awkward wording "ذلك للعمل"; the translation follows its apparent grammatical sense without treating it as a separate technical expression.

cause divorce, emancipation, sale, gifts, and charitable donations are verbal expressions that do not entail any commanded remaining in place. Rather, he is permitted to divorce and do all these things while walking or swimming in water. They are therefore not bound to remaining in a place. Prayer, however, necessarily requires remaining in place, except in a case of racing or necessity. If someone is compelled to remain in a usurped place, his prayer there is valid, because he has not chosen to remain there. Once the henna has been removed, the person who has dyed himself with it is not at that moment using anything usurped. If, however, he were to pray while coated with it, his prayer would be invalid, because during it he would be doing something unlawful for him. As for learning the Quran, it is not bound to a codex as such: a person may learn through oral instruction. Moreover, while retaining it in memory he is not using anything usurped; the same applies when he recites what he has memorized during his prayer. And success is through Allah.[107]

فصلاته فيه تامة، لأنه ليس مختارا للإقامة هناك، والصابغ بالحناء بعد إزالة الحناء ليس هو مستعملا في تلك الحال لشيء مغصوب، وأما لو صلى وهو مختضب بها لبطلت صلاته لفعله فيها ما لا يحل له، وأما تعلم القرآن فليس مرتبطا بجنس المصحف، وقد يتعلم المرء تلقينا، ثم أيضا هو في حال حفظه غير مستعمل لشيء مغصوب، وكذلك في قراءاته ما حفظ في صلاته، وبالله التوفيق.

L920–921 In general, an act is only duly performed in the manner Allah Most High has commanded or permitted, not in a manner He has forbidden. And success is through Allah Most High. Every act whose validity depends upon the validity of something that is not valid can never be valid. Anything that can exist only after the existence of something that does not exist can never exist. Anything that can be attained only through an unlawful act is always unlawful. Anything whose indispensable cause is invalidated is itself always invalid. These are necessary demonstrations, known through immediate sensory perception and the self-evidence of reason. Whoever disputes them is a sophist who obstinately denies what is plainly seen. And success is through Allah.

وبالجملة فلا يتأدى عمل إلا كما أمر الله تعالى، أو كما أباح، لا كما نهى عنه، وبالله تعالى التوفيق، وكل عمل لا يصح إلا بصحة ما لا يصح، فإن ذلك العمل لا يصح أبدا، وكل ما لا يوجد إلا بعد وجود ما لا يوجد، فهو غير موجود أبدا، وكل ما لا يتوصل إليه إلا بعمل حرام فهو حرام أبدا، وكل شيء بطل سببه الذي لا يكون إلا به فهو باطل أبدا، وهذه براهين ضرورية معلومة بأول الحس، وبديهة العقل، ومن خالف فيها فهو سوفسطائي، مكابر للعيان، وبالله التوفيق.

L922–925 Ali said: Some of our brethren have suggested that no voluntary act of worship is accepted from someone who owes an obligatory duty. Ali said: Stated generally without explanation, this is—or an error. For a report has been authentically transmitted from the Prophet ﷺ that Allah Most High

قال علي: وقد أشار قوم من إخواننا إلى أنه لا يقبل تطوع من عليه فرض. قال علي: وهذا إذا أجمل دون تفسير أو خطأ وذلك أن الحديث قد صح عن النبي صلى الله عليه وسلم أن الله تعالى يجيز صلاة من لم يتم فرض صلاته بتطوع إن كان له وكذلك الزكاة، وكذلك سائر الأعمال. قال علي: والصحيح في هذا الباب أن كل فرض تعين

[107] **Translator's note (L919):** The supplied text reads "racing" (al-musābaqah). This is unusual in the discussion of exceptions to remaining in place during prayer; it has been retained without emendation.

accepts the prayer of someone who has not completed his obligatory prayer by means of voluntary prayer, if he has any; likewise obligatory alms and likewise all other acts. Ali said: The correct position on this matter is that whenever an obligatory duty becomes incumbent at a time that allows no latitude, performing something else during that time is not valid for anyone. An example is someone who wishes to fast in fulfillment of a vow he owes, or voluntarily, during the month of Ramadan, while resident and healthy: this is not valid for him. Another example is someone for whom only enough of the prayer's time remains to begin it. It is unlawful for him to perform a voluntary prayer, make up a prayer he owes, or perform a prayer he has vowed, until the prayer whose time has arrived is completed, without delay or latitude. If he then makes up a prayer he has missed, it is not valid for him, and he must make it up a second time. The same applies if he performs a prayer he has vowed. The case is different for someone who owes obligatory alms and has only enough of his wealth left to discharge what he owes of them, but who has means beyond that. It is valid for him to give whatever he wishes of that wealth in voluntary charity and to fulfill a vow from it, unlike the cases we mentioned earlier, because the obligatory alms are a liability incumbent upon him, not an obligation attached to the specific property in his possession. The same applies to someone whose debts to other people encompass all his wealth, except after death, because the revealed text prohibits that and allows neither a bequest nor an inheritance until after debt. But someone for whom the time of pilgrimage has arrived while he is able to undertake it cannot validly perform pilgrimage voluntarily or in fulfillment of a vow before discharging the obligatory pilgrimage. The same applies to the lesser pilgrimage, because the Prophet ﷺ said: "Whoever performs an act that does not conform to our command, it is rejected." Someone able to undertake pilgrimage is commanded to perform it at that time. Someone present when Ramadan arrives is commanded to fast it as Ramadan. Someone for whom only enough of his prayer's time remains to begin it is commanded to begin it. If he does something other than what he has been commanded, it is rejected by the explicit wording of the Messenger of Allah ﷺ. The case is different for someone whose remaining wealth in his possession amounts only to the obligatory alms or to his debts to other

في وقت لا فسحة فيه، فإنه لا يجزي أحدا أداه غيره في ذلك الوقت، وذلك كإنسان أراد صيام نذر عليه، أو تطوع في شهر رمضان وهو مقيم صحيح، فهذا لا يجزيه، أو كإنسان لم يبق عليه من وقت الصلاة إلا مقدار ما يدخل فيها فقط، فهذا حرام عليه أن يتطوع أو يقضي صلاة عليه، أو يصلي صلاة نذر عليه، حتى تتم التي حضر وقتها بلا مهلة ولا فسحة، فإن قضى حينئذ صلاة فائته لم تجزئه، وعليه قضاؤها ثانية، وكذلك إن صلى صلاة نذر عليه، وليس كذلك من لزمته زكاة، ولم يبق من ماله إلا قدر ما يؤدي ما وجب عليه منها فقط، إلا أن له غنى بعد ذلك، فهذا يجزئه أن يتصدق بما شاء منه تطوعا، وأن يؤدي منه نذرا، بخلاف ما ذكرنا قبل، لأن الزكاة في ذمته، لا في عين ما بيده. وكذلك من أحاطت بماله ديون الناس حاشا بعد الموت لأن النص منع من ذلك، ولم يجعل وصية ولا ميراثا إلا بعد الدين. ولكن من حضره وقت الحج وهو مستطيع، فلا يجزئه أن يحج تطوعا ولا نذرا قبل أداء الفرض وكذلك العمرة لأن النبي صلى الله عليه وسلم قال من عمل عملا ليس عليه أمرنا فهو رد فالمستطيع للحج مأمور بأدائه حينئذ، ومن حضر رمضان فهو مأمور بصيامه لرمضان، ومن لم يبق عليه من وقت صلاته إلا مقدار ما يدخل فيها فهو مأمور بالدخول فيها، فإذا فعل غير ما أمر به فهو رد بنص كلام رسول الله صلى الله عليه وسلم وليس كذلك من لم يبق بيده من ماله إلا مقدار الزكاة، أو مقدار ديون الناس، لأنه ليس مأمورا بأداء ذلك مما بيده، ولا بد لأنه لو استقرض مالا فأدى منه الزكاة التي عليه، وديون الناس التي عليه أجزأه ذلك بلا خلاف، ولم يجز للقاضي أن يلزمه الأداء من ماله ولا بد، والصلاة والحج والصيام في أوقاتها بخلاف ذلك. وأما إذا دخل وقت الصلاة وفيه مهلة بعد، فلا خلاف بين أحد من المسلمين في جواز التطوع حينئذ، وبهذا جاءت النصوص، وأما من سافر في رمضان، أو مرض فهو غير مأمور بصيامه لرمضان، وغير منهي عن صيامه لغير رمضان، فله أن يصومه لما شاء من نذر، أو

people, because he is not commanded to discharge these specifically from what is in his possession. If he borrowed money and used it to discharge the obligatory alms and the debts to other people that he owed, that would suffice without disagreement, and the judge would not be permitted to compel him to make payment specifically from his own wealth. Prayer, pilgrimage, and fasting within their appointed times are different. As for when the time for prayer has begun and some latitude still remains, there is no disagreement among any Muslims concerning the permissibility of voluntary worship at that time, and this is what the revealed texts prescribe. As for someone who travels during Ramadan or falls ill, he is not commanded to fast it as Ramadan, nor is he forbidden to fast it for a purpose other than Ramadan. He may therefore fast it for whatever he wishes: fulfillment of a vow, voluntary worship, or making up an obligatory fast. As for someone who owes prayers that he forgot or slept through, and owes days of Ramadan to be made up because he traveled or fell ill and consequently did not fast, the time for these prayers and the time for making up this fasting remain open indefinitely. If he delays making them up while able and without an excuse, he sins only by the delay. That does not release him from making up what he is obliged to make up. This case and that of a prayer whose time has begun are therefore alike. If he performs voluntary prayer or fasting, it will not be lost to him with Allah Most High, because the time for what he owes still remains open, so he does not miss it. And success is through Allah Most High. Among the things that make this clear is the report of Aishah, may Allah be pleased with her, that she said: "I would owe days of Ramadan to be made up"—meaning days missed during her menstruation—"and I could not make them up until Shaban because I was occupied with the Messenger of Allah ﷺ," or words to this effect.[108]

تطوع أو قضاء واجب، وأما من عليه صلوات نسيها أو نام عنها، وعليه قضاء رمضان سافر فيه أو مرض فأفطر، فإن وقت هذه الصلوات ووقت قضاء هذا الصوم ممتدا أبدا، فإن أخر قضاء ذلك وهو قادر غير معذور فهو عاص بالتأخير فقط، وذلك لا يسقط عنه قضاء ما لزمه قضاؤه من ذلك، فهذا والصلاة التي دخل وقتها سواء، فإن تطوع بصلاته أو صيام لم يضع له ذلك عند الله تعالى، لأن وقت ما لزمه ممتد بعد فلا يفوته. وبالله تعالى التوفيق، ومما يبين هذا حديث عائشة رضي الله عنها أنها قالت: كانت تكون على الأيام من قضاء رمضان، يعني من قضاء أيام حيضها، ولا أستطيع أن أقضيها إلا في شعبان لشغلي برسول الله صلى الله عليه وسلم أو كلاما هذا معناه

L926–928 Ali said: This is something we know with certainty that the Messenger of

قال علي وهذا مما قد أيقنا أن رسول الله صلى الله عليه وسلم علمه وأقر عليه لأنه لا يجوز أن تحيض إلا وهو يعلم ذلك، لأنها كانت لها ليلتان من تسع ولا يمكن أن يغفل عليه السلام أمرها بتعجيل القضاء لو كان الفرض لا يجزىء إلا بتعجيله، وقولها لا أستطيع، أوضح عذر، وهذا نص ما قلنا وبيانه. ومما يبين صحة ما قلنا آنفا، من أن

[108] **Translator's note (L922):** The wording "دون تفسير أو خطأ" is syntactically defective: literally, "without explanation or an error." The translation preserves the disruption; the apparent intended sense is that the unqualified statement is erroneous. The phrase "إلا أن له غنى بعد ذلك" is awkward in context. It has been rendered as indicating means beyond the wealth just described, without specifying their source or timing.

Allah ﷺ knew and approved, for she could not have menstruated without his knowing it, since she had two nights out of every nine. Nor could he, peace be upon him, have neglected to command her to make up the fast promptly if the obligation could only be discharged by doing so promptly. Her statement, "I cannot," is the clearest excuse. This expressly states and explains what we have said. Another thing that demonstrates the correctness of what we said earlier—that obligatory alms, debts owed to people, and all other financial obligations attach to a person's liability rather than to the actual property in his possession—is that, if they attached to the actual property in his possession and that property were then destroyed, those claims against him would lapse. This is false; moreover, it is something no Muslim would maintain. Since the aforementioned claims do not lapse with the loss of all the actual property, it is established with certainty that they attach to his liability. His property becomes another's only through one of four means established as binding by the revealed text: his paying it out of his property; the person entitled to a claim collecting his due from whatever of that person's property he obtains; the judge awarding his property to his creditors in respect of the claims binding upon him; or his death, and nothing else. Sufficient evidence for this would have been the authentic report from the Prophet ﷺ that he commanded the cooking pots to be overturned while they were boiling with meat from animals that his Companions, may Allah be pleased with them, had hastily slaughtered from the spoils before their division. Had eating that meat been permissible, he, peace be upon him, would not have commanded the pots to be overturned while they were boiling. It has also been transmitted through another route that he, peace be upon him, began covering it with earth, saying, "Indeed, plunder is no more lawful than carrion," or words to that effect. If they raise the objection of the report concerning the sheep about which he, peace be upon him, is reported to have said, "I can indeed taste meat taken without its owners' permission," or words to that effect—the narrator said: Then he, peace be upon him, ordered that it be fed to the captives—this report is not authentic, because it was transmitted only through an unnamed man of the Helpers and has not come through any other route whatsoever. Thus its use as evidence falls away. His pouring the meat from the pots onto the ground, despite his

الزكاة وديون الناس وسائر فرائض الأموال إنما هي واجبة في ذمة المرء، لا في عين ما بيده من المال، أنه لو كانت واجبة في عين ما بيده من المال، ثم تلف ذلك المال لسقطت عنه تلك الحقوق، وهذا باطل، وأيضا فإنه مما لا يقوله مسلم، فلما لم تسقط الحقوق المذكورة بذهاب جميع عين المال، صح يقينا أنها في ذمته، وإنما يصير ما له لغيره بأحد وجوه أربعة أوجبها النص وهي: أداؤه من ماله، أو قبض من له حق حقه مما ظفر منه من ماله، أو قضاء الحاكم بما له للغرماء فيما لزمه من الحقوق، أو بموته فقط. وكان يكفي من هذا الحديث الصحيح عن النبي صلى الله عليه وسلم بأمره بإكفاء القدور وهي تفور باللحم الذي عجل أصحابه رضي الله عنهم، فذبحوا من المغنم قبل القسمة فلو جاز أكل ذلك اللحم لما أمر عليه السلام بإكفاء القدور وهي تفور وقد روي من طريق أخرى أنه عليه السلام جعل يرمله بالتراب ويقول إن النهبة ليست بأحل من الميتة أو كلاما هذا معناه فإن اعترضوا بحديث الشاة التي روي أنه عليه السلام قال فيها إني لأجد طعم لحم أخذ بغير إذن أهله أو كلاما هذا معناه قال ثم أمر عليه السلام بإطعامه للأسارى فهذا حديث لا يصح لأنه إنما روي من طريق رجل من الأنصار، ولم يأت من غير هذه الطريق أصلا فسقط الاحتجاج به وهرقه عليه السلام اللحم من القدور في الأرض مع نهيه عليه السلام عن إضاعة المال دليل واضح على أنه لا يحل أكله وهذا نص قولنا, وبالله تعالى التوفيق.

prohibition, peace be upon him, against wasting property, is clear evidence that eating it is not lawful. This expressly establishes our position. Success comes through Allah Most High.

L929–934 Ali said: As for an act commanded within a period with a defined beginning and end, where a revealed text permits latitude in delaying it, it becomes obligatory at the beginning of the period. Nevertheless, one has been permitted to delay it and given a choice between doing so and performing it promptly. Whichever of these he does, he has discharged his obligation. He is, however, rewarded for prompt performance because he accomplishes the act and "he accused him of it." He incurs no sin by delaying, because he has done what was permitted to him. An example is a person's delaying the prayer until the end of its ample prescribed period. For this reason, we remove both blame and the requirement to make it up from a woman who delays the prayer beyond the beginning of its prescribed period and then menstruates: she has done what was permitted to her, and whoever does what is permitted to him has done well. Allah Most High said: "There is no blame upon the weak, nor upon the sick, nor upon those who find nothing to spend, provided they are sincere toward Allah and His Messenger. There is no way against those who do good, and Allah is forgiving, merciful." Thus blame falls away. He, peace be upon him, himself delayed the prayer until the end of its prescribed period, thereby establishing that this is permissible, allowed, and good, although prompt performance is better. The requirement that she make it up also lapses because the prescribed period has ended, since [no] act is performed except within its commanded time—just as our opponents, agreeing with us, remove the requirement to make up prayers from someone unconscious for more than five prayers, while some of them remove it from someone unconscious for one prayer or more. As for every act with a defined beginning but no defined end, the command to perform it remains established and is renewed from one time to the next. One is blameworthy for delaying it, since one has not been allowed that latitude. Whenever he delays it, the description of neglect and the sin of abandoning what he was commanded to do attach to him. If he performs it, the sin of abandonment falls away, but the sin of failing to act promptly has become

قال علي: وأما العمل المأمور به في وقت محدود الطرفين، قد ورد النص بالفسحة في تأخيره فإنه يجب بأول الوقت، إلا أنه قد أذن له في تأخيره، وكان مخيرا في ذلك وفي تعجيله، فأي ذلك أدى فقد أدى فرضه، إلا أنه يؤجر على التعجيل لتحصيله العمل، واتهمه به، ولا يأثم على التأخير لأنه فعل ما أبيح له، وذلك مثل تأخير المرء الصلاة إلى آخر وقتها الواسع، ولذلك أسقطنا الملامة والقضاء عن المرأة تؤخر الصلاة عن أول وقتها فتحيض، فعلت ما أبيح لها، ومن فعل ما أبيح له فقد أحسن وقال تعالى {ليس على لضعفآء ولا على لمرضى ولا على لذين لا يجدون ما ينفقون حرج إذا نصحوا لله ورسوله ما على لمحسنين من سبيل ولله غفور رحيم} فسقطت الملامة وقد أخر عليه السلام الصلاة إلى آخر وقتها فصح بذلك أن ذلك جائز مباح حسن، وإن كان التعجيل أحسن، وسقط القضاء عنها لخروج الوقت، لأنه يؤدي عمل إلا في وقته المأمور به، كما أسقط خصومنا موافقين لنا القضاء عن المغمى عليه أكثر من خمس صلوات، وبعضهم أسقطها عن المغمى عليه صلاة فما فوقها. وأما كل عمل محدود الطرف الأول غير محدود الطرف الآخر، فإن الأمر به ثابت متجدد وقتا بعد وقت، وهو ملوم في تأخيره، لأنه لم يفسح له ذلك، وكلما أخره حصل عليه اسم التضييع، وإثم الترك لما أمر به. فإن أداه سقط عنه إثم الترك، وقد استقر عليه إثم ترك البدار. ولا يسقطه عنه إلا ربه تعالى بفضله إن شاء لا إله إلا هو كسائر ذنوبه التي لا بد من الموازنة فيها، لأن الأداء والتعجيل فعلان متغايران كما قدمناه، وقد يؤدي من لا يعجل، فصح أنهما شيئان متغايران، وكذلك القول في ديون الناس، فإن المماطل الغني آثم بالمطل، وآثم بمنع الحق، فإذا أدى الحق يوما ما سقط عنه المنع، وقد استقر إثم المطل عليه فلا يسقط عنه بالأداء، لأن المنع والمطل شيئان متغايران،

established against him. None can remove it from him except his Lord Most High, through His grace, if He wills—there is no god but Him—like the rest of his sins, which must undergo weighing. For performance and promptness are two distinct acts, as we explained earlier. Someone may perform an act without doing so promptly; thus it is established that they are two distinct things. The same applies to debts owed to people. A wealthy debtor who procrastinates sins through procrastination and sins through withholding what is due. If he pays what is due at some later date, the withholding falls away, but the sin of procrastination has become established against him and does not fall away through payment. For withholding and procrastination are two distinct things: someone who has procrastinated may pay and cease withholding. For this reason, we say of someone who usurped property and did not return it to its owner until the person from whom it was usurped died, and then returned it to his heirs, that the sin of usurping from the deceased remains upon him. Only the sin of usurping from the heir, who is the second person, has fallen away from him. For no rational person doubts that his wronging Zayd, the deceased whose property is inherited, differs from his wronging Amr, the living heir. Ownership of the property has passed to the heir, and the heir's ownership of that property differs from the deceased's ownership of it. This is something known by rational necessity and immediate sensory apprehension. If the usurper commits a second wrong against this living person, that is another act and a newly incurred sin. If he returns his property to him, the sin of wronging him falls away. Yet this usurper's treating Amr justly after Zayd's death does not extinguish the claim that accrued to Zayd during his lifetime. Likewise, if the usurper dies and his heir hands over the property, the sin falls away only from the heir who hands it over, not from the deceased usurper. For Zayd's act does not accrue to Amr except by a revealed text or consensus. Allah, mighty and majestic, said: "Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Each soul earns only against itself, and no bearer of a burden bears another's burden. Then to your Lord is your return, and He will inform you of that concerning which you used to differ." And He Most High said: "And that man shall have only what he has striven for." Unless, O Allah, a revealed text should establish that Zayd's act accrues to Amr after his death or during his

وقد يؤدي ولا يمنع من قد مطل. ولذلك قلنا، فيمن غصب مالا فلم يؤده إلى صاحبه حتى مات المغصوب منه ثم أداه إلى ورثته: إنه باق عليه إثم الغصب من الميت، وإنما سقط عنه إثم الغصب من الوارث وهو الثاني، لأنه لا شك عند كل ذي عقل أن ظلمه لزيد الموروث غير ظلمه لعمرو الحي الوارث. وقد انتقل ملك المال إلى الوارث، وملك الوارث لذلك المال غير ملك المورث له، هذا شيء يعلم بضرورة العقل وبديهة الحس. فإن أحدث الغاصب ظلما ثانيا لهذا الحي، فهو عمل آخر، وإثم متجدد، فإن رد إليه ماله فقد سقط عنه إثم ظلمه إياه، ولا يسقط ما وجب لزيد من الحق في حياته إنصاف هذا الغاصب لعمرو بعد موت زيد، وكذلك لو مات الغاصب فصرف المال وارثه فإنما سقط ال 9 إثم عن الوارث الصارف لا عن الميت الغاصب، لأن عمل زيد لا يلحق عمرا إلا بنص أو إجماع قال الله عز وجل {قل أغير الله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} وقال تعالى: {وأن ليس للإنسان إلا ما سعى} اللهم إلا أن يرد نص بأن عمل زيد يلحق عمرا بعد موته أو في حياته، فنقر بذلك سامعين طائعين، كالصيام عن الميت والحج عنه وأداء ديونه، فلو أمر الميت أن يرد ما غصب في حياته كان قد تبرأ أو سقط عنه إثم الإمساك، وبقي عليه إثم المطل، لأن كل ذلك أعمال متغايرة، فلو تطوع امرؤ برد دين أو غصب عن ميت وجعل الأجر للميت لكان ذلك لاحقا بالميت ومرد عنه على حديث أبي قتادة، وإنما نقول ما قال لنا الله تعالى ورسوله صلى الله عليه وسلم ونعلم ما علمناه ولا مزيد وبالله التوفيق.

وأصحاب القياس يتناقضون في المسائل التي ذكرنا أقبح تناقض، فيجيزون قضاء الحج إذا وصى به، ولا يجيزون قضاء الصوم إذا أوصى به، ويجيزون تقديم الصلاة قبل وقتها للمريض إذا خشي على عقله، وفي ليلة المطر، ولا يقيسون على تقديم العتمة قبل ليلة المطر تقديم العصر قبل وقتها يوم المطر ولا تقديم الظهر قبل وقتها.

lifetime: then we acknowledge it, hearing and obeying, as with fasting on behalf of the deceased, performing pilgrimage on his behalf, and paying his debts. Thus, if the deceased had instructed that what he usurped during his lifetime be returned, he would have cleared himself, or the sin of retaining it would have fallen away from him, while the sin of procrastination would remain upon him, because all these are distinct acts. If someone voluntarily repaid a debt or returned usurped property on behalf of a deceased person and assigned the reward to the deceased, that would accrue to the deceased and be returned on his behalf, according to the report of Abu Qatadah. We say only what Allah Most High and His Messenger—may Allah bless him and grant him peace—have told us, and we know what He has taught us, and nothing beyond that. Success comes through Allah. The proponents of analogy contradict themselves in the matters we have mentioned with the most disgraceful inconsistency. They permit pilgrimage to be made up on someone's behalf if he has instructed this in his will, but do not permit fasting to be made up if he has instructed this in his will. They permit prayer to be brought forward before its prescribed time for a sick person if there is fear for his mental faculties, and on a rainy night. Yet they do not infer by analogy from bringing forward the late evening prayer before the rainy night that the afternoon prayer may be brought forward before its prescribed time

on a rainy day, or that the noon prayer may be brought forward before its prescribed time[109][110][111][112][113]

L935–936 If they say that the time is shared between the night prayer and the sunset prayer, they must consequently permit bringing the night prayer forward to the time of the sunset prayer without necessity, because it is its time, and whoever performs a prayer at its time has done well. They must also permit bringing the afternoon prayer forward to the time of the noon prayer without necessity, for the same reason. Ibn ʿAbbas and a group of the early generations, may Allah be pleased with them, held this position. We maintain it only on the Day of ʿArafah, because no textual warrant has come concerning this apart from that occasion. Thus the enormity of their inconsistency becomes apparent. I myself witnessed some of those who attended the mosques of the eastern side of Cordoba, during the days when the Berbers had gained control of it, seeking rulings from the Maliki shaykhs about hastening the night prayer before its time for fear of being killed. Berber robbers would lie in wait for them in the darkness along the routes to the mosque, and some-

فإن قالوا: الوقت مشترك بين العتمة والمغرب لزمهم أن يجيزوا تقديم العتمة إلى وقت المغرب لغير ضرورة، لأنه وقتها، ومن صلى الصلاة في وقتها فقد أحسن، ولزمهم تقديم العصر إلى الظهر بغير ضرورة لذلك أيضا، وقد قال بذلك ابن عباس وجماعة من السلف رضي الله عنهم، ولسنا نقول بذلك إلا في يوم عرفة فقط، لأنه لم يأت في ذلك نص غيره، فظهر عظم تناقضهم. ولقد شاهدت بعض أهل مساجد الجانب الشرقي بقرطبة أيام تغلب البربر عليها، يستفتون شيوخ المالكيين في تعجيل العتمة قبل وقتها خوف القتل، إذ كان متلصصة البرابر يقفون لهم في الظلام في طرق المسجد، فربما أوذوا إيذاء شديدا فما فسحوا لهم في ذلك، ولم يقيسوا ضرورة خوف الموت على ضرورة خوف بلل الثياب في الطين، وهذا كما ترى، وبالله تعالى التوفيق. وقال قوم: إن العمل المأمور به في وقت محدود الطرفين هو في أول الوقت ندب وفي آخره فرض. قال علي: وهذا خطأ فاحش لأنه لو كانت تأديته في أول الوقت ندبا لما أجزأه ذلك، لأن الندب غير الفرض، ولا ينوب عمل عن عمل آخر غيره من غير نوعه إلا بنص، ولكن هذا بمنزلة الأشياء المخير فيها في الكفارات أيها أدى فهو فرضه، وكذلك من صلى أول الوقت فقد أدى فرضه، وإن صلى في وسطه فقد أدى فرضه، وإن صلى في آخره فقد أدى فرضه، فإن قال الآمرون من تعمد ترك صلاة حتى خرج وقتها بالقضاء: إنما فعلنا ذلك قياسا على قضاء الصلاة المنسية، والتي نيم عنها. قيل لهم، وبالله تعالى التوفيق: أكثركم لا يرى على الحالف على الحنث عمدا كفارة، ولا على القاتل عمدا كفارة، قياسا على المخطىء غير المعتمد، وهذا تناقض منكم، وحتى لو طردتم خطأكم لكان ذلك زيادة في الخطأ، لأن القياس عن القائلين به إنما هو الحكم للشيء بحكم شيء آخر لعلة جامعة بينهما، ولا علة تجمع بين الناسي والعامد،

[109] **Translator's note (L929):** The phrase واتهمه به literally reads "and he accused him of it." It is awkward and apparently corrupt in this context; its literal wording is retained in quotation marks. The wording لأنه يؤدي عمل إلا lacks the negative needed for the apparent argument. "[No]" marks the supplied negative explicitly rather than silently repairing the transcription.

[110] **Translator's note (L932):** The transcription inserts ال 9 before إثم, apparently a stray numeral interrupting the word or phrase. It has no recoverable semantic content. The phrase ومرد عنه is awkward and possibly corrupt. "And be returned on his behalf" preserves its apparent wording without substituting an unexpressed claim about what is discharged. The salutation at the end continues in the next unit; only its supplied first portion is translated here.

[111] **Translator's note (L933):** The opening words complete the salutation begun in the preceding unit.

[112] **Translator's note (L934):** "He has taught us" reads علمناه in light of the preceding "we know what" as "what we have been taught." The unvocalized form also admits other grammatical readings. The source says "before the rainy night" (قبل ليلة المطر), although the surrounding argument appears to concern performing the late evening prayer before its prescribed time on a rainy night. The supplied wording is retained.

[113] **Qur'an references (L929):** Qur'an 9:91 (At-Tawbah); Qur'an 6:164 (Al-An'am); Qur'an 53:39 (An-Najm).

times they suffered severe harm. Yet the shaykhs granted them no latitude in this and did not draw an analogy between the necessity arising from fear of death and the necessity arising from fear of getting one's clothes wet in the mud. This is as you see; success comes through Allah Most High.

Some people said that an act commanded within a period bounded at both ends is recommended at the beginning of that period and obligatory at its end. ʿAli said: This is a gross error, because if performing it at the beginning of the period were recommended, that performance would not discharge his obligation: a recommended act is distinct from an obligatory act, and one act cannot stand in place of another, different act of a different kind except by a text. Rather, this resembles the alternatives among which one is given a choice in expiations: whichever one he performs is his obligatory duty. Likewise, whoever prays at the beginning of the period has performed his obligatory duty; if he prays in its middle, he has performed his obligatory duty; and if he prays at its end, he has performed his obligatory duty. If those who command someone who deliberately leaves a prayer until its time has elapsed to make it up say, "We have done this only by analogy with making up a forgotten prayer or one through which someone slept," they are told—and success comes through Allah Most High: Most of you do not consider an expiation incumbent upon someone who swears an oath and deliberately breaks it, nor an expiation incumbent upon someone who kills deliberately, by analogy with someone who errs without acting intentionally. This is an inconsistency on your part. Even if you applied your error consistently, that would merely add to the error, because analogy, according to those who advocate it, consists solely in assigning something the ruling assigned to something else on account of an effective cause common to both. There is no effective cause common to the forgetful person and the deliberate actor. This is drawing an analogy between something and its opposite, rather than

وهذا هو قياس الشي على ضده، لا على نظيره، وهذا خطأ عندكم وعند جميع الناس وبالله تعالى التوفيق

its counterpart, and this is erroneous according to you and according to all people. Success comes through Allah Most High.[114]

L937 **[Section on the Correspondence between the Meaning of a Command and the Meaning of a Prohibition]**

L938–941 ʿAli said: Prohibition corresponds to the meaning of command, because a prohibition is a command to refrain, and refraining from something is the opposite of doing it. Prohibiting something is not a command to do its specific alternative or its specific opposite. The explanation of a specific opposite is that it is opposed within the species; the explanation of a general opposite is that it is opposed within the genus. Thus, if you tell someone, "Do not move," you have necessarily required him to remain still, because there is no intermediate state between a general opposite and its opposite: whoever leaves one enters the other. This is what we called "the incompatible" in The Book of Approximation. But if you prohibit someone from one species of movement, that is not a command to do its opposite. An example is that if you tell another person, "Do not stand," you have not necessarily commanded him to sit, because between sitting and standing there are intermediate positions: reclining, bowing, prostrating, bending, and lying down. Whichever of these he does, he does not disobey you in your prohibition against his standing. Likewise, if someone is told, "Do not wear black," this does not necessarily require him to wear white. Rather, if he wears red, yellow, or green, he is not thereby disobedient; he is complying by refraining from black. Success comes through Allah Most High. As for a command, it is a prohibition against doing anything that differs from the commanded act, and against every opposite of it, specific or general. For when you command him to stand, you have prohibited him from sitting, lying down, reclining, bending, prostrating, and assuming any position other than standing. This is so only because refraining from many different acts at one time is nec-

[114] **Translator's note (L936):** The wording concerning the oath is awkward: literally, "one who swears to deliberate oath-breaking." The translation follows the apparent intended reference to deliberately breaking an oath. The supplied غير المعتمد literally means "not relying [on something]"; the context appears to require غير المتعمد, "not acting intentionally." The translation reflects that apparent intended reading.

[فصل في موافقة معنى الأمر لمعنى النهي]

قال علي النهي مطابق لمعنى الأمر لأن النهي أمر بالترك، وترك الشيء ضد فعله، وليس عن الشيء أمرا بخلافه الأخص، ولا بضده الأخص، وتفسير الضد الأخص أنه المضاد في النوع، وتفسير الضد الأعم أنه المضاد في الجنس، فإذا قلت للإنسان لا تتحرك فقد ألزمته السكون ضرورة، لأنه لا واسطة بين الضد الأعم، وبين ضده، فمن خرج من أحدهما دخل في الآخر، وهذا الذي سميناه في كتاب التقريب المنافي، وأما من نهيته عن نوع من أنواع الحركة فليس ذلك أمرا بضده، مثال ذلك: لو قلت لآخر: لا تقم فإنك لم تأمره بالجلوس ولا بد، لأن بين الجلوس والقيام وسائط من الاتكاء والركوع والسجود والانحناء والاضطجاع، فأيها فعل فليس عاصيا لك في نهيك إياه عن القيام، وكذلك لو قيل لإنسان: لا تلبس السواد فليس في ذلك إيجاب لباسه البياض ولا بد، بل إن لبس الحمرة والصفرة أو الخضرة، لم يكن بذلك عاصيا، بل مؤتمرا في تركه السواد، وبالله تعالى التوفيق. وأما الأمر: فهو نهي عن فعل كل ما خالف العمل المأمور، وعن كل ضد له خاص أو عام، فإنك إذا أمرته بالقيام فقد نهيته عن القعود والاضطجاع والاتكاء والانحناء والسجود، وعن كل هيئة حاشا القيام، وإنما كان هكذا لأن ترك أفعال كثيرة مختلفة في وقت واحد واجب موجود ضرورة، لأن من قام فقد ترك كل فعل خالف القيام كما أخبرنا في حال قيامه. وأما الإتيان بأفعال كثيرة في وقت واحد، وهي مختلفة متنافية ومتضادة، فمحال لا سبيل إليه ألا ترى من سافر فإنما يمشي إلى جهة واحدة وهو تارك لكل جهة غير التي توجه نحوها، ولا يمكنه أن يتوجه إلى جهتين في وقت واحد بفعله نفسه. وتخالف أيضا بنية النهي بنية الأمر في وجه آخر، وهو أن ما ورد نهيا بلفظ أو فهو نهي عن الجميع

essarily a fact that must obtain: someone who stands has refrained, while standing, from every act that differs from standing, as we have explained. As for performing many acts at one time when they are different, mutually incompatible, and opposed, that is impossible and cannot be done. Do you not see that someone who travels walks in only one direction, refraining from every direction other than the one toward which he has headed? He cannot head in two directions at one time through his own action. The construction of a prohibition also differs from the construction of a command in another respect: whatever occurs as a prohibition with the word "or" is a prohibition of all the alternatives, as in His words, Most High, "So be patient for the judgment of your Lord, and do not obey among them a sinner or an ingrate," and as when you say, "Do not kill Zayd or ʿAmr or Khalid": this entails a prohibition against killing any of them. Whatever occurs as a command with the word "or" grants a choice of one of the alternatives mentioned, as when you say, "Eat bread or dates or meat," and, "Take this or this." A prohibition entails avoiding what is prohibited, just as a command entails performing what is commanded. We have explained that prohibiting something is a command to refrain from it, and a command to refrain entails the obligation to refrain. We have also explained that commanding something is a prohibition against refraining from it; a prohibition against refraining therefore entails the act whose occurrence ends that refraining. Success comes through Allah Most High.

One of the contentious people raised an objection to this, saying, "If commanding something were a prohibition against refraining from it, or prohibiting something were a command to refrain from it, then knowledge of something would be ignorance of its opposite." ʿAli said: Merely relating this worthless statement dispenses with the trouble of refuting it, because he has attempted to establish a resemblance between things that bear no resemblance to one another. He is like someone who says, "If death were the opposite of life, hearing would be the opposite of sight." Anyone with a spark of life ought to consider himself above such rubbish. But someone who does not reckon his speech among his deeds produces much idle talk, and someone who feels no shame does whatever he wishes. As for knowledge of

مثل قوله تعالى {فصبر لحكم ربك ولا تطع منهم آثما أو كفورا} ومثل قولك لا تقتل زيدا أو عمرا أو خالدا، فهو يقتضي النهي عن قتلهم كلهم، وما ورد أمرا بلفظ، أو فهو تخيير في أحد الأقسام المذكورة مثل قولك: كل خبزا أو تمرا أو لحما، وخذ هذا أو هذا. والنهي يقتضي اجتناب المنهى عنه، كما أن الأمر يقتضي إتيان المأمور به، وقد بينا أن النهي عن الشيء أمر بتركه، والأمر بالترك يقتضي وجوب الترك، وبينا أن الأمر بالشيء نهي عن تركه، فالنهي عن الترك يقتضي الفعل الذي بوقوعه يرتفع تركه، وبالله تعالى التوفيق. وقد اعترض في هذا بعض أهل الشغب فقال: لو كان الأمر بالشيء نهيا عن تركه، أو كان النهي عن الشيء أمرا بتركه، لكان العلم بالشيء جهلا بضده. قال علي: وحكاية هذا الكلام الساقط تغني عن تكلف الرد عليه، لأنه رام التشبيه بين ما لا تشابه بينه، وهو بمنزلة من قال: لو كان الموت ضد الحياة لكان السمع ضد البصر، ومثل هذا من الغثائث ينبغي لمن كان به رمق أن يرغب بنفسه عنه، ولكن من لم يعد كلامه من عمله كثرت أهذاره، ومن لم يستح فعل ما شاء، وأما العلم بالشيء، فهو على الحقيقة عدم العلم بضده، لأن علمك بأن زيدا حي، وهو عدم العلم، وبطلان العلم بأنه ميت، وقول القائل: لا نأكل لا شك عند كل ذي حس أن معناه اترك الأكل ولا فرق وهذا من المتلائمات وقد أفردنا لهذا بابا في كتاب التقريب وبطل مما ذكرنا قول من قال: النهي نوع من أنواع الأمر، وقول من قال: الأمر نوع من أنواع النهي وصح أن كل أمر فهو أيضا نهي، وكل نهي فهو أيضا أمر. فإن قال قائل: قد يرد أمر ليس فيه نهي عن شيء أصلا، وهو أمر الإجابة. وقال آخر: قد يرد نهي ليس فيه معنى من الأمر أصلا، وهو نهي عن الاختيار للترك. قال علي: كلاهما مخطىء، أما الأمر بالإباحة فإنما معناه إن شئت افعل، وإن شئت لا تفعل، فليس مائلا إلى الأمر إلا كميله إلى النهي ولا فرق، وكذلك القول في نهي

something, it is in truth the absence of knowledge of its opposite, because your knowledge that Zayd is alive is the absence and invalidity of knowledge that he is dead. When someone says, “We do not eat,” no one possessing sense doubts that its meaning is “Refrain from eating,” with no difference. This belongs among mutually concomitant propositions, and we have devoted a separate chapter to it in The Book of Approximation. What we have mentioned invalidates the assertion of those who say that prohibition is a species of command, and the assertion of those who say that command is a species of prohibition. It is established that every command is also a prohibition, and every prohibition is also a command. If someone says, “A command may occur that contains no prohibition of anything whatsoever, namely a command to respond,” and another says, “A prohibition may occur that contains no meaning of command whatsoever, namely a prohibition concerning the choice to refrain,” ʿAli said: Both are mistaken. As for a command expressing permission, its meaning is simply, “If you wish, do it; and if you wish, do not do it.” It inclines toward command only as much as it inclines toward prohibition, with no difference. The same applies to a prohibition expressing the choice to refrain, which is disapproval, with no difference. So too with a command expressing recommendation, with no difference: the meaning of permission to refrain is present in it. Success comes through Allah Most High.[115][116][117][118]

الاختيار للترك، وهو الكراهية ولا فرق، وهكذا أمر الندب ولا فرق، وفيه معنى إباحة الترك موجود وبالله تعالى التوفيق

[115] **Translator’s note (L938):** The supplied وليس عن الشيء أمرا is grammatically defective and appears to omit النهي, “prohibition.” The translation gives the apparent intended sense, “Prohibiting something is not a command.”

[116] **Translator’s note (L939):** The Quranic quotation corresponds to 76:24, but the supplied فصبر is defective in place of فاصبر, “so be patient.” The translation renders the apparent intended imperative.

[117] **Translator’s note (L941):** The supplied لا نأكل means “we do not eat,” whereas the author’s proposed equivalent is an imperative, “refrain from eating.” This apparent mismatch is preserved. The objection reads أمر الإجابة, “a command to respond,” whereas the ensuing answer discusses الأمر بالإباحة, “a command expressing permission.” This apparent textual inconsistency is preserved. The phrase نهي عن الاختيار للترك is awkward and literally suggests “a prohibition concerning the choice to refrain.” The subsequent explanation treats it as a prohibition expressing nonbinding disapproval.

[فصل في الأمر هل يتكرر أبدا أو يجري منه ما يستحق به المأمور اسم فاعل لما أمر به]

قال علي: اختلف الناس في الأمر، إذا ورد بفعل ما، هل يخرج من فعله مرة عن اسم المعصية، أو يتكرر عليه الأمر أبدا فيلزمه التكرار له ما أمكنه، فبكلا القولين قال القائلون. قال علي: والصواب أن المطيع غير العاصي، ومحال أن يكون الإنسان مطيعا عاصيا من وجه واحد. فمن أمر بفعل ما ولم يأت نص بإيجاب تكراره، ففعله فقد استحق اسم مطيع، وارتفع عنه اسم عاص بيقين، وكل شيء بطل فلا يعود إلا بيقين من نص أو إجماع. وإنما تكلم في هذه المسألة القائلون بقول الشافعي رحمه الله في تكرار الصلاة على النبي صلى الله عليه وسلم في كل صلاة لأجل قوله تعالى {إن الله وملائكته يصلون على النبي يأيها لذين آمنوا صلوا عليه وسلموا تسليما} قال علي: ولو كان ما احتجوا به من وجوب التكرار صحيحا، لما كان موضع الجلوس الآخر من الصلاة أحق به من القيام والسجود وسائر أحوال الإنسان، وهم إنما أوجبوا ذلك بعد التشهد الأخير من الصلاة فقط. وقد ورد حديث في لفظه إبعاد لمن ذكر عنده رسول الله صلى الله عليه وسلم فلم يصل عليه فإن صح لقلت هو فرض متى ذكر عليه السلام وإن لم يصح فقد صح أن من صلى عليه مرة صلى الله عليه عشرا، ولا يزهد في هذا إلا محروم، والذي يوقن فهو أنه من يرغب عن الصلاة على رسول الله صلى الله عليه وسلم وعن السلام عليه فهو كافر مشرك ومن صلى عليه وسلم ثم ترك غير راغب عن ذلك، ولكن عالم بأنه مقصر باخس نفسه حظا جليلا فلا أجر له في ذلك ولا إثم عليه

L942 **[Section on Whether a Command Requires Repetition Forever, or Whether Performance Sufficient to Entitle the Person Commanded to Be Called a Doer of What He Was Commanded Suffices]**[119]

L943–944 ʿAli said: People have disagreed concerning a command that enjoins some act: does someone who performs it once cease to be described as disobedient, or does the command recur upon him forever, obliging him to repeat it as much as he can? Advocates have maintained both positions. ʿAli said: The correct position is that an obedient person is distinct from a disobedient person, and it is impossible for a person to be obedient and disobedient in one and the same respect. Thus, whoever is commanded to perform some act, when no text has come requiring its repetition and does it, he has thereby deserved the designation "obedient," and the designation "disobedient" has certainly ceased to apply to him. Anything that has ceased to apply does not apply again except through certainty established by a text or consensus. Those who discussed this question were the adherents of al-Shafiʿi's position—may Allah have mercy on him—concerning the repetition of invoking blessings upon the Prophet ﷺ in every prayer, on account of the Most High's statement: {Indeed, Allah and His angels invoke blessings upon the Prophet. O you who believe, invoke blessings upon him and salute him with a salutation.} ʿAli said: If their argument for the obligation of repetition were sound, the final sitting of the prayer would have no greater claim to it than standing, prostrating, or any of a person's other circumstances. Yet they require it only after the final testimony of faith in the prayer. A report has been transmitted whose wording invokes banishment upon someone in whose presence the Messenger of Allah ﷺ is mentioned but who does not invoke blessings upon him. If it is authentic, I would say that this is obligatory whenever he, peace be upon him, is mentioned. If it is not authentic, it has nevertheless been authentically established that whoever invokes blessings upon him once,

[118] **Qur'an references (L938):** Qur'an 76:24 (Al-Insan).

[119] **Translator's note (L942):** The supplied يجري, "runs" or "proceeds," is awkward here and may be a transcription error for يجزي, "suffices." The heading is translated according to that apparent intended sense.

Allah invokes blessings upon that person ten times. Only someone deprived of good would disdain this. What is certain is that anyone who turns away in aversion from invoking blessings and salutations upon the Messenger of Allah ﷺ is an unbeliever and a polytheist. Someone who invokes blessings and salutations upon him and then ceases, without aversion to doing so, but knowing that he is falling short and depriving himself of a splendid share, receives no reward for that omission and incurs no sin for it.[120][121]

L945–954 If they say, "What, then, do you say about jihad?" we reply: It has been established that jihad is obligatory upon us until none remains in the world except a believer or a person of the Book who pays the poll tax in a state of abasement. This follows from Allah the Most High's command to us to fight until there is no persecution and religion belongs entirely to Allah, all the polytheists believe, establish prayer, and give the prescribed alms, and the People of the Book pay the poll tax in a state of abasement. Fighting therefore remains incumbent upon us continually until what we have mentioned comes about. It suffices us that it is a collective obligation. For the capable person to abandon it is disapproved, unless he has the strength to confront the enemy or the imam calls him to arms. Whichever of these occurs, jihad becomes an individual obligation binding upon every capable person himself. What also invalidates the position of someone who maintains repetition is that, if his position were correct, it would oblige anyone who was greeted to keep returning the greeting continually and never cease repeating his response, because of the Most High's statement: {When you are greeted with a greeting, greet with a better one or return it. Indeed, Allah takes account of everything.} There is no disagreement that a single response discharges the obligation to return a greeting. As for commanding what is right and forbidding what is wrong, the wrong that one sees tomorrow is different from the wrong that one sees today, and we are obliged to change every wrong. The same applies to commanding what is right, because the right that one

فإن قالوا فما تقولون في الجهاد قلنا قد صح أن الجهاد فرض علينا إلى ألا يبقى في الدنيا إلا مؤمن أو كتابي يغرم الجزية صاغرا بأمر الله تعالى لنا أن نقاتل حتى لا تكون فتنة، ويكون الدين كله لله، ويؤمن المشركون كلهم، ويقيموا الصلاة ويؤتوا الزكاة، ويعطي أهل الكتاب الجزية وهم صاغرون. فالقتال ثابت علينا أبدا، حتى يكون ما ذكرنا، وحسبنا أنه فرض على الكفاية، وتركه للمطبق مكروه ما لم يقو للعدو، أو لم يستنفر الإمام، فأي ذلك كان، فالجهاد فرض على كل مطيق في ذات نفسه متعين عليه. ويبطل قول من قال بالتكرار: أنه لو كان قوله صحيحا، للزم من سلم عليه أن يرد أبدا، ولا يمسك عن تكرار الرد، لقوله تعالى: {وإذا حييتم بتحية فحيوا بأحسن منها أو ردوها إن الله كان على كل شيء حسيبا} ولا خلاف في أن بمرة واحدة يخرج من فرض الرد. وأما الأمر بالمعروف والنهي عن المنكر، فالمنكر الذي يرى غدا غير المنكر الذي يرى اليوم، وفرض علينا تغيير كل منكر، وكذلك القول في الأمر بالمعروف، لأن المعروف الذي يأمر به غدا غير الذي أمر به اليوم وقد جاء النص مبينا بقوله صلى الله عليه وسلم من رأى منكم منكرا فليغيره ومما يبطل قول من قال بالتكرار قوله تعالى: {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من الله وكان الله عليما حكيما}

[120] **Translator's note (L944):** The Qur'anic quotation contains defective spellings, including لله for الله and لنبي for النبي. These have been treated as orthographic defects; the quotation's wording and repetition of blessings and salutations are preserved.

[121] **Qur'an references (L943):** Qur'an 33:56 (Al-Ahzab).

commands tomorrow is different from what one commanded today. The text has explicitly explained this in his statement ﷺ: "Whoever among you sees a wrong, let him change it." Among the things that invalidate the position of someone who maintains repetition is the Most High's statement: {It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake must free a believing slave and deliver blood money to his family, unless they remit it as charity. If he belongs to a people who are enemies to you, while he is a believer, then a believing slave must be freed. If he belongs to a people between whom and you there is a covenant, then blood money must be delivered to his family and a believing slave freed. Whoever cannot find the means must fast for two consecutive months, as repentance granted by Allah. Allah is All-Knowing, All-Wise.} His command, the Most High, to pay the prescribed alms, and similar commands, do not require repetition except where a text explicitly explains that repetition is obligatory. Otherwise, one fulfillment suffices, as do one payment of blood money and one slave. 'Ali said: Some of our predecessors who hold that the person commanded is discharged by doing the act once have argued against those who maintain repetition as follows: Since everyone agrees that repetition is not required to the point that a person must refrain from eating, sleeping, and attending to his affairs, and since this is established, someone who sets one limit in this matter has no stronger claim than someone who sets another limit. It follows necessarily that a person ceases to be disobedient by doing once what he was commanded to do. They also argued from his statement, peace be upon him, when he was asked about the pilgrimage, "Every year?" He, peace be upon him, replied: "Leave me alone as long as I leave you alone." They said: If a command required repetition, he, peace be upon him, would not have rebuked the person who asked about the pilgrimage, "Every year?" For he would then have been asking an appropriate question, or asking for a relaxation of what the wording entailed. Rather, the Messenger of Allah ﷺ feared that his question might occasion the revelation of an additional requirement beyond what the wording of the command to perform the pilgrimage entailed. That questioner would thus come within the category of those whom the Messenger of Allah ﷺ censured in his statement: "The person whose offense is greatest in Islam is someone who asked

وأمره تعالى بأداء الزكاة، وما أشبه ذلك، لا يلزم تكراره إلا ما جاء النص مبينا بإيجاب تكراره، وإلا فوفاء واحد يجزي، ودية واحدة، ورقبة واحدة. قال علي: وقد احتج على القائلين بالتكرار بعض من سلف، ممن يقول بأنه يخرج المأمور بذلك بفعله مرة واحدة، بأن قال لما أجمع الناس على أن التكرار لا يلزم حتى يمتنع المرء من الأكل والنوم والنظر في أسبابه، فلما صح ذلك لم يكن من حد في ذلك حدا أولى ممن حد حدا آخر، فوجب أنه يخرج من المعصية بفعل ما أمر بفعله مرة واحتجوا أيضا بقوله عليه السلام إذ سئل عن الحج أفي كل عام فقال عليه السلام دعوني ما تركتكم قالوا فلو كان الأمر يجب تكراره لما أنكر عليه السلام على السائل عن الحج أفي كل عام لأنه كان يكون واضعا للسؤال موضعه، أو سائلا تخفيفا عما يقتضيه اللفظ ولكن رسول الله صلى الله عليه وسلم خشي أن يكون سؤاله موجبا لنزول زيادة على ما اقتضاه لفظ الأمر بالحج، فيدخل ذلك السائل في جملة من ذم رسول الله صلى الله عليه وسلم بقوله أعظم الناس جرما في الإسلام من سأل عن أمر لم يحرم فحرم من أجل مسألته قال علي وهذا احتجاج صحيح ظاهر قال علي وقد تعلق بالتكرار من قال بإيجاب التيمم لكل صلاة. قال أبو محمد: وهذا خطأ، لأن نص الآية لا يوجب التيمم إلا على من أحدث بقوله تعالى {يا أيها لذين آمنوا لا تقربوا لصلاة وأنتم سكارى حتى تعلموا ما تقولون ولا جنبا إلا عابري سبيل حتى تغتسلوا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغآئط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم إن لله كان عفوا غفورا} فلو تركنا ظاهر هذه الآية لوجب الوضوء فرضا على كل قائم إلى الصلاة، ولما وجب ذلك في التيمم. لأن نص الآية بإيجاب الوضوء على قائم إلى الصلاة، وليس فيه إيجاب التيمم إلا على من أحدث فقط، ولكن لما صلى عليه السلام الصلوات الخمس يوم الفتح بوضوء واحد،

about something that had not been prohibited, and it was then prohibited because of his question." ʿAli said: This is a sound and clear argument. ʿAli said: Those who hold that dry ablution is obligatory for every prayer have appealed to repetition. Abu Muhammed said: This is an error, because the explicit wording of the verse requires dry ablution only of someone who has incurred ritual impurity, in the Most High's statement: {O you who believe, do not approach prayer while you are intoxicated, until you know what you are saying, nor while in a state of major ritual impurity, except when passing along a way, until you wash yourselves. If you are ill, or on a journey, or one of you comes from relieving himself, or you have touched women, and you find no water, then seek clean earth and wipe your faces and hands. Indeed, Allah is Ever-Pardoning, All-Forgiving.} If we abandoned the apparent meaning of this verse, ablution with water would necessarily be obligatory upon everyone rising to pray, while that would not be obligatory in the case of dry ablution. For the explicit wording of the verse requires ablution with water of someone rising to pray, whereas it requires dry ablution only of someone who has incurred ritual impurity. But when he, peace be upon him, performed the five prayers on the day of the Conquest with a single ablution, we knew that only someone who has incurred ritual impurity is commanded to perform ablution with water. As for repeating dry ablution, the explicit wording of the verse invalidates it. ʿAli said: Those who maintain repetition argued: "You agree with us that a prohibition is repeated, remains binding continually, and is renewed at every moment. Why, then, do you not say that the person prohibited is discharged from the prohibition merely by refraining for a single moment from what he was prohibited from doing, just as you say that by doing something once he is discharged from the command and that the command does not apply to him again?" ʿAli said: This is a subtle piece of sophistry. We have already explained above that a prohibition is a command to refrain; that refraining is possible for everyone, and no creature is incapable of refraining. Acting is different: some actions are possible, while others are beyond one's ability. We have already explained that a person's refraining from many actions at a single time is something that occurs and is necessary, whereas his performing actions is different. A person, while sleeping, eating, praying, and attending to his affairs, is refrain-

علمنا أن المأمور بالوضوء هو المحدث فقط، وأما تكرار التيمم فنص الآية يبطله. قال علي: واحتج القائلون بالتكرار بأن قالوا: وافقتمونا على أن النهي متكرر ثابت أبدا، وأنه متجدد كل وقت، فهلا قلتم إن المنهي يخرج عن النهي بترك ما نهي عنه ساعة من الدهر فقط، كما قلتم: إن يفعل مرة واحدة يخرج عن الأمر، وإن الأمر لا يعود عليه. قال علي: هذه شغبة دقيقة، وقد قدمنا فيما خلا أن النهي هو أمر بالترك، وأن الترك ممكن لكل أحد، وليس يمتنع الترك على مخلوق، والفعل بخلاف ذلك منه ممكن، ومنه ما لا يقدر عليه، وقدمنا أن ترك المرء لأفعال كثيرة في وقت واحد موجود واجب، وأن فعله بخلاف ذلك، وأن المرء في حال نومه وأكله وصلاته ونظره في أسبابه، تارك لكل ما نهي عن تركه إن أراد الترك، وليس الأمر كذلك، بل لا يقدر على أداء أكثر الأوامر في الأحوال التي ذكرنا، وقد أمرنا عليه السلام أن نجتنب ما نهانا عنه، وأمرنا أن نفعل ما أمرنا به ما استطعنا، ولم يقل عليه السلام: فأتوه ما استطعتم وكان حينئذ يلزم التكرار وإنما قال عليه السلام فأتوا منه ما استطعتم ومن إنما هي للتبعيض المقدور، فلما امتنع تكرار الأمر بما قدمنا قبل، من أن التكرار لوازم لكان تكليفا لما لا يطاق، وأنه لما بطل ذلك كان من اقتصر في ذلك على حد ما يجده، أو عدد من التكرار يوجبه، أو على وقت ما متحكما بلا دليل لم يلزم منه إلا ما اتفق عليه، وهو مرة واحدة يقع عليه بها اسم فاعل مطيع، ويرتفع بها عنه اسم عاص، وكان ذلك فرقا صحيحا بين ما لا يقدر عليه مما ذكرنا، وبين ما يقدر عليه من الترك في كل وقت، وفي كل حال، ومن أدى من الأمر ما استطاع فقد فعل ما أمر به، ومن فعل ما أمر فقد سقط عنه الأمر، وبالله تعالى التوفيق. والقائلون بالتكرار: إنما اضطروا إليه في مسألتين أو ثلاث، وهم في سائر مسائلهم تاركون له، وقد قدمنا أن القوم إنما حسبهم نص المسألة الحاضرة بما لا يبالون أن يهدموا به سائر مسائلهم، وبالله تعالى التوفيق. قال علي: وصحيح القول في هذه المسألة هو ما قلنا من أن يفعل

ing from everything he has been forbidden to refrain from, if he intends to refrain. The same does not hold for a command; rather, he is unable to carry out most commands in the circumstances we have mentioned. He, peace be upon him, commanded us to avoid what he prohibited us from doing, and commanded us to do what we have been commanded to do to the extent that we can. He, peace be upon him ﷺ, did not say, "Then perform it to the extent that you can," in which case repetition would have been required. Rather, he, peace be upon him ﷺ, said, "Then perform of it what you can." "Of" serves only to indicate the portion within one's capacity. Since repetition of the command was precluded by what we explained earlier—that repetition would entail imposing what cannot be borne—and since, once that was invalidated, anyone who restricted this to some limit that he set, some number of repetitions that he prescribed, or some particular time would be making an arbitrary determination without evidence, nothing was binding beyond what was agreed upon: a single performance, through which the designation of an obedient performer applies to him and the designation of a disobedient person is removed from him. This constituted a sound distinction between the things we have mentioned that one cannot do and the abstention that one can maintain at every time and in every circumstance. Whoever performs as much of the command as he can has done what he was commanded to do; and whoever has done what he was commanded to do is no longer subject to that command. Through Allah Most High comes success.

Those who advocate repetition were driven to it only in two or three questions, while abandoning it in the rest of their questions. We have already explained that these people concern themselves only with supporting the question presently before them, without caring that by doing so they demolish the rest of their positions. Through Allah Most High comes success.

Ali said: The correct position on this question is what we have stated: by performing the act once, a person discharges what is incumbent upon him. He is not obliged to repeat the act, for the reasons we have mentioned, unless the circumstance in which that command applies ceases and then returns. In that case the command necessarily returns. Thus, when a Muslim becomes

مرة واحدة يؤدي المرء ما عليه، ولا يلزمه تكرار الفعل لما ذكرنا، إلا أن ترتفع تلك الحال التي فيها ذلك الأمر ثم تعود، فإن الأمر يعود ولا بد، كمرض المسلم تجب عيادته، فبمرة واحدة يخرج من الفرض ما دام في تلك العلة، فإن أفاق ثم مرض عاد حكم العيادة أيضا، وفك العاني متى صار عانيا وجب فكه، كإطعام الجائع متى عاد جوعه عاد وجوب إطعامه، وكالتعوذ متى قطع الإنسان القراءة ثم ابتدأ القراءة، وكالوضوء متى أحدث، وكالصلاة في كل يوم، ولا يلزم تكرار شيء من ذلك بعد فعله في حال واحدة، وبالله تعالى التوفيق. والقول بالتكرار باطل، لأنه تكليف ما لا يطاق، أو القول بلا برهان، وكلاهما باطل، لأننا نسألهم عن تكرار الأوامر المختلفة، وبعضها يقطع عن فعل بعض فلا بد ضرورة من ترك جميعها إلا واحدا، فأيها هو الواحد، وهذا هو القول بلا برهان، وكل ما كان هكذا فهو باطل بلا شك وبالله تعالى التوفيق

ill, visiting him is obligatory; a single visit discharges the obligation for as long as he remains in that illness. If he recovers and then becomes ill, the ruling requiring a visit returns as well. Likewise, freeing a captive: whenever he becomes a captive, freeing him becomes obligatory. The same applies to feeding a hungry person: whenever his hunger returns, the obligation to feed him returns; to seeking refuge with Allah whenever a person interrupts recitation and then begins reciting again; to ritual ablution whenever he incurs ritual impurity; and to prayer each day. None of these things must be repeated after being performed within a single continuing circumstance. Through Allah Most High comes success. Advocating repetition is invalid, because it either imposes what cannot be borne or makes an assertion without demonstration and both are invalid, because we ask them about repeating the different commands, when performing some prevents the performance of others so that necessarily all but one must be left unperformed. Which of them, then, is that one? This is assertion without demonstration, and every-

thing of this kind is undoubtedly invalid. Through Allah Most High comes success.[122][123][124][125][126][127]

[Section on the Granting of a Choice]

L955

L956–959 Ali said: They disagreed concerning things among which Allah, Mighty and Majestic, grants a choice, obliging the person granted that choice to select whichever he wishes and perform it: for example, expiation for oaths; expiation for shaving during pilgrimage before the Day of Sacrifice because of illness or an affliction of the head, and likewise during the lesser pilgrimage before its completion; compensation for game killed; and similar matters. Some people said: They are all obligatory, but when a person performs one of them, the rest cease to be incumbent.

[122]**Translator's note (L945):** The supplied للمطبق is anomalous in context; "for the capable person" follows the apparent intended reading للمطيق, supported by مطيق later in the passage. The wording ما لم يقو للعدو is awkward. It is rendered as having the strength to confront the enemy; the precise condition intended remains uncertain.

[123]**Translator's note (L946):** The Qur'anic quotations repeatedly spell الله as لله; these are treated as orthographic defects.

[124]**Translator's note (L949):** The supplied فلو تركنا ظاهر هذه الآية literally says "If we abandoned the apparent meaning of this verse." This is preserved, although the argument appears to call for "If we were left with the apparent meaning of this verse." The quoted verse concerns approaching prayer while intoxicated and dry ablution, but the subsequent argument refers to a verse commanding ablution with water upon rising to pray. The apparent mismatch between the quotation and the argument is preserved. The Qur'anic quotation contains defective spellings, including لله for الله; these are treated as orthographic defects.

[125]**Translator's note (L950):** The Arabic says "everything he has been forbidden to refrain from" (كل ما نهي عن تركه), which conflicts with the surrounding argument. This has been preserved rather than silently changed to "everything he has been forbidden to do."

[126]**Translator's note (L952):** The wording "أن التكرار لوازم لكان" is syntactically defective. The translation gives the apparent argument—that repetition would entail imposing what cannot be borne—without treating the transmitted wording as sound. The expression "حد ما يجده" is awkward; it has been understood as an arbitrarily determined limit.

[127]**Qur'an references (L945):** Qur'an 8:39 (Al-Anfal); Qur'an 4:86 (An-Nisa); Qur'an 4:92 (An-Nisa); Qur'an 4:43 (An-Nisa).

[فصل في التخيير]

قال علي واختلفوا في الأشياء إذا خير الله عز وجل بينها، وأوجب على المخير أن يقصد أيها شاء فيفعله ككفارة الأيمان، وكفارة الحلق في الحج قبل يوم النحر لمرض أو أذى من الرأس، وفي العمرة كذلك، قبل تمامها، وفي جزاء الصيد وما أشبه ذلك، فقال قوم: هي كلها واجبة فإذا فعل أحدها سقط سائرها قال علي وهذا خطأ فاحش لوجهين أحدهما أن أو لا توجب تساوي ما عطف بها واجتماعه، وإنما يوجب ذلك الواو والفاء وثم، هذا ما لا يجهله من له أدنى بصر باللغة العربية. والثاني: أنها لو وجبت كلها لما سقطت بفعل بعضها، وما لزم فرضا فإنما يسقط بأن يفعل، لا بأن يفعل غيره، وهذا شيء يعلم بالضرورة، لأن ما أوجب الله تعالى عليك عمله فلم يرد منك أن تقيم مقامه غيره إلا بنص وارد في ذلك، وإلا فأنت عاص، إن لم تفعل الذي أمرت به، فلو أوجب تعالى عليه عتق رقبة لم يخرج منها بكسوة، وهذا الذي لا يعقل سواه. وذهب قوم إلى أنه تعالى إنما أوجب في ذلك شيئا واحدا مما خير فيه تعالى لا بعينه، ولكن أيها شاء المخير، ونحن لا ننكر هذا، لأن عقولنا ليست عيارا على ربنا عز وجل، ولا في العقل ما يمنع من أن يريد الله تعالى إيجاب ما شاء إلى الموجب عليه، فإذا فعل المخير المكفر أي الكفارات التي خوطب بها شاء فقد أدى فرضه، وهو الذي سبق في علم الله عز وجل أنه به يسقط عنه الإثم والتخيير ينقسم قسمين أحدهما الذي ذكرنا وهو أن يلزم المرء أحد وجهين، أو أحد وجوه لا بد من أن يأتي ببعضها أيها شاء، فهذا فرضه الذي يأتي به مما خير فيه. والقسم الثاني أن يقال للمرء: إن شئت أن تفعل كذا، وإن شئت ألا تفعله أصلا، وهذا النوع لا يجوز أن يكون فرضا أصلا، ولا يكون إلا تطوعا، لأن كل شيء أبيح للمرء تركه جملة أو فعله

فهو تطوع بلا خلاف من أحد، وهذا لازم لمن قال إن المرء مخير في السفر بين إتمام الصلاة أو قصرها، لأن من قول هذا القائل أن الركعتين الزائدتين أن من تركهما لم يأثم، فهي إذن تطوع، وإذا كانتا تطوعا فغير جائز أن يصليهما بركعتي الفرض اللتين لا بد له من أن يأتي بهما، وليس يلزمهم هذا في قولهم في الصيام إن شاء صام في رمضان في السفر، وإن شاء أفطر، لأنهم لا يسقطون عنه الصيام جملة كما يسقطون عنه الركعتين اللتين تتم بهما الصلاة أربعا، لكن يقولون: إن شاء صام رمضان فيه، وإن شاء صامه في أيام أخر، ولا بد عندهم من صيامه، فإنما هذا تخيير في أحد الوقتين لا في ترك الصيام أصلا، وهناك خيروه في الإتيان بالركعتين أو تركهما البتة فافهم

Ali said: This is a grave error for two reasons. The first is that "or" does not require the things conjoined by it to have equal status and be combined; rather, that is required by "and," "and then," and "then." No one with the slightest understanding of the Arabic language is ignorant of this. The second is that, if they were all obligatory, performing some of them would not discharge the others. Whatever is binding as an obligation is discharged only by its being performed, not by something else being performed. This is something known by necessity, because, concerning whatever Allah Most High has obliged you to do, He has not intended you to substitute something else for it unless a revealed text provides for that. Otherwise, you are disobedient if you do not do what you were commanded to do. Thus, if He Most High obliged someone to free a slave, that person would not discharge that obligation by providing clothing. No other understanding is conceivable.

Some people held that, in such cases, He Most High has obliged only one of the things among which He Most High grants a choice—not one specifically identified, but whichever the person granted the choice wishes. We do not reject this, because our intellects are no measure by which to judge our Lord, Mighty and Majestic, and there is nothing in reason to preclude Allah Most High from intending to make obligatory whatever He wills, leaving the choice to the person upon whom the obligation is imposed. Thus, when the person granted a choice who is making expiation performs whichever he wishes of the expiations addressed to him, he has discharged his obligation. It is that act through which, as was already known in the knowledge of Allah, Mighty and Majestic, sin would be removed from him.

The granting of a choice divides into two kinds. The first is what we have mentioned: a person is bound to one of two alternatives, or one of several alternatives, and must perform some one of them, whichever he wishes. His obligation is thus the act he performs from among those between which he was granted a choice. The second kind is that a person is told, "If you wish, you may do such-and-such, and if you wish, you may refrain from doing it altogether." This kind cannot constitute an obligation at all; it can only be voluntary, because anything that a person is permitted either to omit entirely or to perform is voluntary, without disagreement from anyone. This

consequence is binding upon anyone who says that a person is granted a choice while traveling between performing the prayer in full or shortening it, because the position of the person who says this concerning the two units of prayer that are additional is that whoever omits them incurs no sin. They are therefore voluntary. If they are voluntary, it is impermissible to pray them together with the two obligatory units of prayer that he must perform. This consequence does not bind them regarding their position on fasting—that, if he wishes, he may fast during Ramadan while traveling, and, if he wishes, he may refrain from fasting—because they do not absolve him of fasting altogether as they absolve him of the two units through which the prayer is completed as four. Rather, they say: If he wishes, he may observe the Ramadan fast during that month, and, if he wishes, he may observe it on other days. In their view he must fast it. This is therefore a choice between two times, not a choice to abandon fasting altogether. In the other case, however, they granted him a choice between performing the two units of prayer and omitting them entirely. Understand this.[128][129]

[فصل في الأمر بعد الحظر ومراتب الشريعة]

L960

[Section on a Command Following a Prohibition and the Categories of the Revealed Law]

قال علي قد بينا في غير موضع أن مراتب الشريعة خمسة: حرام وفرض، وهذان طرفان، ثم يلي الحرام المكروه، ويلي الفرض الندب، وبين الندب والكراهة واسطة وهي الإباحة. فالحرام ما لا يحل فعله ويكون تاركه مأجورا مطيعا، وفاعله آثما عاصيا. والفرض ما لا يحل تركه ويكون فاعله مأجورا مطيعا، ويكون تاركه آثما. والمكروه هو ما إن فعله المرء لم يأثم ولم يؤجر، وإن تركه أجر. والندب هو ما إن فعله المرء أجر، وإن تركه لم يأثم ولم يؤجر. والإباحة هي ما إن فعله المرء لم يأثم ولم يؤجر، وإن تركه لم يأثم ولم يؤجر، كصبغ المرء ثوبه أخضر أو أصفر، فإذا نسخ الحظر نظرنا، فإن جاء نسخه بلفظ الأمر فهو فرض واجب فعله بعد أن كان حراما، وإن كان أتى فعل لشيء تقدم فيه النهي فهو منتقل إلى الإباحة فقط، والنهي باق على الاختيار، وكذلك الأمر إذا أتى بعده فعل بخلافه فهو منتقل إلى الإباحة والأمر باق على الندب كما

L961–963

Ali said: We have explained in more than one place that the categories of the revealed law are five: the prohibited and the obligatory, which are the two extremes; next to the prohibited comes the disfavored, and next to the obligatory comes the recommended. Between recommendation and disfavor lies an intermediate category, permissibility. The prohibited is that which it is unlawful to do, and the person who refrains from it is rewarded and obedient, while the person who does it is sinful and disobedient. The obligatory is that which it is unlawful to omit; the person who performs it is rewarded and obedient, while the person who omits it is sinful. The

[128] **Translator's note (L956):** The three Arabic conjunctions are wāw, fāʾ, and thumma, rendered respectively as "and," "and then," and "then"; their distinct Arabic forms are central to the grammatical argument.

[129] **Translator's note (L957):** The opening "ما شاء إلى الموجب عليه" is compressed and awkward. "Leaving the choice" supplies the apparent connective sense of "to the person upon whom the obligation is imposed."

disfavored is that which, if a person does it, he neither sins nor receives a reward, while, if he refrains from it, he is rewarded. The recommended is that which, if a person does it, he is rewarded, while, if he omits it, he neither sins nor receives a reward. The permissible is that which, if a person does it, he neither sins nor receives a reward, and, if he omits it, he neither sins nor receives a reward: for example, a person dyeing his garment green or yellow.

When a prohibition is abrogated, we examine the matter. If its abrogation comes in the wording of a command, performing the act is an obligatory duty after having been prohibited. If, however, an act is performed concerning something previously prohibited, it passes only into permissibility, while the prohibition remains as an expression of preference. Likewise, when a command is followed by an act contrary to it, the matter passes into permissibility, while the command remains as a recommendation. This is as we have said concerning his commanding the people, peace be upon him ﷺ, to pray seated behind their prayer leader when he prays seated. Then, during the illness in which he died, he, peace be upon him ﷺ, prayed seated with the people behind him and Abu Bakr standing beside him. We thus knew that his prohibition, peace be upon him ﷺ, of standing specifically for the admonisher expresses recommendation and preference—unless this is done to exalt the prayer leader, in which case it is prohibited—and we knew that standing for him is permissible. This applies only where we have certainty as to which came earlier and which later. As for cases in which it is not known which of the two reports came first, acting upon them consists in adopting the additional provision and the exception, as we explained earlier. Through Allah Most High comes success.[130][131]

قلنا في أمره عليه السلام الناس إذا صلى إمامهم جالسا أن يصلوا وراءه جلوسا ثم صلى عليه السلام في مرضه الذي توفي فيه جالسا والناس وراءه وأبو بكر إلى جنبه قائم فعلمنا أن نهيه عليه السلام عن القيام للمذكر خاصة ندب واختيار إلا أن يفعل ذلك تعظيما للإمام فهو حرام، وعلمنا أن الوقوف له مباح، وإنما هذا فيما تيقنا فيه للمتقدم والمتأخر، وأما ما لم يعلم أي الخبرين كان قبل، فالعمل بذلك الأخذ بالزائد، والاستثناء على ما قدمناه، وبالله تعالى التوفيق.

قال علي: وقد ادعى بعض من سلف أنه تقرأ الأوامر كلها الواردة بعد الحظر، فوجدها كلها اختيارا أو إباحة وذكر من ذلك قوله تعالى {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد

[130] **Translator's note (L962):** The text reads "للمذكر," rendered "for the admonisher." This is unexpected in the discussion of a seated prayer leader and may be a corruption of "للمذكور," "for the aforementioned person"; the reading has not been silently corrected. The subject of the performed act in the abrogation discussion is not explicitly named in the Arabic; the ensuing example concerns the Prophet's practice.

[131] **Translator's note (L963):** The wording "تيقنا فيه للمتقدم والمتأخر" is grammatically awkward; its apparent sense is certainty concerning the chronological order.

L964 Ali said: One of our predecessors claimed that he had surveyed all the commands occurring after a prohibition and found that all of them expressed a choice or permission. Among the examples he mentioned were His words, Exalted is He: “O you who believe, do not violate the sacred rites of Allah, nor the sacred month, nor the sacrificial animals, nor the garlanded animals, nor those making their way to the Sacred House, seeking bounty from their Lord and His good pleasure. When you have left the state of pilgrimage consecration, hunt. Do not let hatred of a people, because they barred you from the Sacred Mosque, lead you to transgress. Cooperate in righteousness and piety, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment”; and: “They ask you about menstruation. Say: It is a hurt, so keep apart from women during menstruation, and do not approach them until they become clean. Then, when they have purified themselves, come to them from where Allah has commanded you. Indeed, Allah loves those who repeatedly repent, and He loves those who purify themselves”; and: “I forbade you to visit graves, so visit them; and [I forbade you] to prepare infusions in vessels, so prepare infusions”; and: “Sexual intercourse with your wives has been made lawful for you on the night of fasting. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you in forgiveness and pardoned you. Now have intercourse with them, and seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night, and do not have intercourse with them while you are in devotional retreat in the mosques. These are Allah’s limits, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him.”[132]

L965–966 Ali said: This speaker has overlooked something. Allah, Exalted is He, has said: “Sexual intercourse with your wives has been made lawful for you on the night of fasting. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you in forgiveness and pardoned you. Now have intercourse with them, and

[132]**Qur’an references (L964):** Qur’an 5:2 (Al-Ma’idah); Qur’an 2:222 (Al-Baqarah); Qur’an 2:187 (Al-Baqarah).

آلعقاب} {ويسألونك عن لمحيض قل هو أذى فعتزلوا لنسآء في لمحيض ولا تقربوهن حتى يطهرن فإذا تطهرن فأتوهن من حيث أمركم لله إن لله يحب لتوابين ويحب لمتطهرين} ونهيتكم عن زيارة القبور فزوروها، وعن الانتباذ في الظروف فانتبذوا {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم لله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب لله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون}

قال علي وقد أغفل هذا القائل قد قال الله تعالى {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم لله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب لله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم

seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night, and do not have intercourse with them while you are in devotional retreat in the mosques. These are Allah's limits, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him." Breaking the fast by eating and drinking was therefore an indispensable obligatory duty. The prohibition of uninterrupted fasting made this clear. Likewise His saying, Exalted is He—"Allah," the verse up to His saying, Exalted is He: "O you who believe, do not enter the Prophet's houses unless permission is given to you for a meal, without waiting for it to be ready. But when you are invited, enter; and when you have eaten, disperse, without lingering for conversation. That was causing the Prophet distress, and he was shy of you, but Allah is not shy of the truth. When you ask them for an article, ask them from behind a screen. That is purer for your hearts and their hearts. You must not distress the Messenger of Allah, nor ever marry his wives after him. Indeed, that would be tremendous in Allah's sight." The dispersal mentioned in this verse means leaving the houses of the Prophet ﷺ, and it is an obligatory duty. They are not permitted to remain seated in them after eating the food they were invited to eat. As for the commands we mentioned earlier, the evidence supplied by the texts has established that they express recommendation. We do not refuse to acknowledge what a text brings; rather, we hasten to accept it. What we reject is ruling by corrupt opinions and deviant desires without a demonstration from Allah, Mighty and Majestic. As for His saying, Exalted is He: "O you who believe, do not violate the sacred rites of Allah, nor the sacred month, nor the sacrificial animals, nor the garlanded animals, nor those making their way to the Sacred House, seeking bounty from their Lord and His good pleasure. When you have left the state of pilgrimage consecration, hunt. Do not let hatred of a people, because they barred you from the Sacred Mosque, lead you to transgress. Cooperate in righteousness and piety, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment"—the Messenger of Allah ﷺ left the state of consecration for his lesser pilgrimage and for his pilgrimage, and did not hunt. We therefore know that this expresses recommendation and permission. As for His saying,

عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} فكان الفطر بالأكل والشرب فرضا لا بد منه، بين ذلك النهي عن الوصال وكذلك قوله تعالى لله الآية إلى قوله تعالى {يأيها لذين آمنوا لا تدخلوا بيوت لنبي إلا أن يؤذن لكم إلى طعام غير ناظرين إناه ولكن إذا دعيتم فدخلوا فإذا طعمتم فنتشروا ولا مستأنسين لحديث إن ذلكم كان يؤذي لنبي فيستحيي منكم ولله لا يستحيي من لحق وإذا سألتموهن متاعا فسألوهن من ورآء حجاب ذلكم أطهر لقلوبكم وقلوبهن وما كان لكم أن تؤذوا رسول لله ولا أن تنكحوا أزواجه من بعده أبدا إن ذلكم كان عند لله عظيما} فالانتشار المذكور في هذه الآية هو الخروج عن بيوت النبي صلى الله عليه وسلم وهو فرض لا يحل لهم القعود فيها بعد أن يطعموا ما دعوا إلى طعامه، وأما الأوامر التي ذكرنا قبل، فإن دلائل النصوص قد صحت على أنها ندب، ونحن لا نأبى الإقرار بما أتى به نص بل نبادر إلى قبوله، وإنما ننكر الحكم بالآراء الفاسدة والأهواء الزائغة بغير برهان من الله عز وجل أما قوله تعالى {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد آلعقاب} فإن رسول الله صلى الله عليه وسلم حل من عمرته ومن حجه ولم يصطد فعلمنا أنه ندب وإباحة وأما قوله تعالى {فإذا قضيت لصلاة فنتشروا في لأرض وبتغوا من فضل لله وذكروا لله كثيرا لعلكم تفلحون} فقد صح عن النبي صلى الله عليه وسلم أن الملائكة لا تزال تصلي على المرء ما دام في مصلاه الذي صلى فيه ما لم يحدث، ولم يخص صلاة من صلاة، فصح أن الانتشار مباح إلا للحدث والنظر في مصالح نفسه وأهله فهو فرض

Exalted is He: “When the prayer has been completed, disperse through the land, seek some of Allah’s bounty, and remember Allah much, so that you may prosper”—it has been authentically established from the Prophet ﷺ that the angels continue to invoke blessings upon a person for as long as he remains in the place where he prayed, unless he incurs ritual impurity. He did not distinguish one prayer from another. Thus it is established that dispersing is permissible, except for relieving oneself and attending to his own interests and those of his family, for then it is an obligatory duty.[133][134][135]

L967 As for his saying, peace be upon him, concerning graves, “Visit them”: an obligatory duty must either be delimited, or the amount of it that a person performs must be left to him, or it must be governed by capacity and customary propriety. There is no text concerning visiting graves that specifies any of these forms. Moreover, even if it were an obligatory duty, someone who visited them once would have discharged his duty in that regard, because of what we have already presented in refutation of repetition. As for his saying, peace be upon him, “Prepare infusions”: he, peace be upon him, did not prepare infusions himself; rather, they were prepared for him. Thus it is established that preparing infusions is not an obligatory duty, but a permission. As for His saying, Exalted is He: “Sexual intercourse with your wives has been made lawful for you on the night of fasting. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you in forgiveness and pardoned you. Now have intercourse with them, and seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night, and do not have intercourse with them while you are in devotional retreat in the mosques.

وأما قوله عليه السلام في القبور فزوروها فإن الفرض لا يكون إلا محدودا، وإما موكولا إلى المرء ما فعل منه، أو محمولا على الطاقة والمعروف، وليس في زيارة القبور نص بشيء من هذه الوجوه، ثم لو كان فرضا لكان زائرها مرة واحدة قد أدى فرضه في ذلك لما قدمنا في إبطال التكرار وأما قوله عليه السلام فانتبذوا فإنه عليه السلام لم ينتبذ لكن كان ينتبذ له فصح أن الانتباذ ليس فرضا، لكنه إباحة وأما قوله تعالى {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم لله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب لله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} والمباشرة من الرجل لزوجته فرض ولا بد، ولا يحل له هجرها في المضجع، ولا الامتناع من وطئها إلا بتجافيها له عن ذلك، على ما بينا في كتاب النكاح من كلامنا في الأحكام، والحمد لله رب العالمين.

[133] **Translator’s note (L965):** The ending, literally “Likewise His saying, Exalted is He, Allah, the verse up to His saying,” appears corrupt or to contain a displaced quotation reference. Its wording has been retained without supplying a missing verse.

[134] **Translator’s note (L966):** The final occurrence of al-ḥadath can denote ritual impurity or the bodily act that causes it. In this context of leaving the prayer place, it is rendered “relieving oneself.”

[135] **Qur’an references (L965):** Qur’an 2:187 (Al-Baqarah); Qur’an 33:53 (Al-Ahzab); Qur’an 5:2 (Al-Ma’idah).

These are Allah's limits, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him"—a man's having intercourse with his wife is an indispensable obligatory duty. He is not permitted to forsake her in bed or refrain from intercourse with her unless she relinquishes that to him, as we have explained in the Book of Marriage in our discussion of legal rulings. Praise belongs to Allah, Lord of the worlds.[136][137]

L968 Ali said: Some Malikis have held that there is something binding that is neither an obligatory duty nor a voluntary act. Ali said: This is corrupt delirium that makes no sense at all, because what is binding is that which must be done, whereas what is not binding is that which a person may do if he wishes and leave if he wishes. Nothing is known here that lies between these two extremes. If they take account of those things for which the wording "obligatory duty" occurs in the revealed law, they are the first to disobey what occurs in it. For Allah, Mighty and Majestic, says: "Alms are only for the poor, the needy, those employed to administer them, those whose hearts are to be reconciled, for freeing those in bondage, for debtors, in the path of Allah, and for the traveler: an obligatory duty from Allah. Allah is Knowing, Wise." Yet they say: "This apportionment is not an obligatory duty. Rather, it is permissible to give some of the alms to people other than these, and permissible to allocate them to some of these categories to the exclusion of others." Ibn Umar said: "The Messenger of Allah ﷺ prescribed as an obligatory duty the alms of breaking the fast, incumbent upon every Muslim, young or old, male or female, free or enslaved: one measure—a ṣāʿ—of dates or one measure—a ṣāʿ—of barley."[138]

L969 But they said: "This is not an obligatory duty, nor is barley, nor are dates an obligatory duty in it." Thus we know of no one who has abandoned the wording "obligatory duty" occurring in the revealed law of them. Then they argued in various ways for the delirium they had asserted—that there

قال علي: وقد ذهب بعض المالكيين إلى أن ههنا واجبا ليس فرضا ولا تطوعا. قال علي: وهذا هذيان فاسد لا يعقل أصلا، لأن الواجب هو الذي لا بد من فعله، وغير الواجب هو ما إن شاء فعله المرء وإن شاء تركه، ولا يعرف ههنا شيء يتوسط هذين الطرفين، فإن راعوا ما ورد به لفظ الفرض في الشريعة فهم أول عاص لما ورد فيها لأن الله عز وجل يقول {إنما لصدقات للفقرآء ولمساكين ولعاملين عليها ولمؤلفة قلوبهم وفي لرقاب ولغارمين وفي سبيل لله وبن لسبيل فريضة من لله ولله عليم حكيم} فقالوا هم هذه القسمة ليست فريضة، بل جائز أن يعطى من الصدقات غير هؤلاء، وجائز أن توضع في بعض هذه الأصناف دون بعض وقال ابن عمر فرض رسول الله صلى الله عليه وسلم صدقة الفطر على كل صغير أو كبير ذكرا أو أنثى، حرا أو عبدا، من المسلمين صاعا من تمر أو صاعا من شعير

فقالوا: ليس هذا فرضا، ولا الشعير أيضا، ولا التمر فيها فرضا فما نعلم أحدا ترك لفظ الفرض الوارد في الشريعة منهم، ثم احتجوا في البرسام الذي ادعوه من وجوه أنه شيء واجب ليس فرضا ولا تطوعا، فقالوا: ذلك مثل الأذان والوتر وركعتي الفجر وصلاة العيدين والصلاة في جماعة ورمي الجمار للمبيت ليالي منى بمنى.

[136] **Translator's note (L967):** "In refutation of repetition" refers to the author's earlier rejection of the claim that a command in itself requires repeated performance.

[137] **Qur'an references (L967):** Qur'an 2:187 (Al-Baqarah).

[138] **Translator's note (L968):** "Binding" renders wājib, while "obligatory duty" renders farḍ or farīḍah, preserving the terminological distinction that the author disputes.

is something binding that is neither an obligatory duty nor a voluntary act. They said: "That is like the call to prayer, the odd-numbered prayer, the two prayer units before dawn, the prayer of the two festivals, prayer in congregation, and casting the pebbles for spending the nights of Mina at Mina."[139]

L970–971 Ali said: All of this is a corrupt claim. As for prayer in congregation, the call to prayer, and casting the pebbles, these are binding obligatory duties, and whoever abandons them disobeys, because the Prophet ﷺ commanded them. As for the prayer of the two festivals, the odd-numbered prayer, the two prayer units before dawn, and spending the nights of Mina at Mina, these are not obligatory duties. Rather, they are voluntary acts whose abandonment is disapproved. If someone deliberately abandoned them throughout his entire lifetime, he would neither incur sin nor disobey Allah, Mighty and Majestic, nor would that impair his moral probity. He, peace be upon him, said concerning the man who swore that he would add nothing to the five obligatory prayers: "By Allah, he will prosper if he speaks truthfully"; "He will enter Paradise if he speaks truthfully." This speaker had asked the Prophet ﷺ, when he described the five prayers to him: "O Messenger of Allah, am I under an obligation to perform any others?" He replied: "No, unless you perform voluntary acts." Thus the Prophet—may blessings Allah bless him and grant him peace—one who leaves every prayer other than the five successful, and did not rebuke him. He, peace be upon him, stated that every prayer other than the five is voluntary. It is therefore forbidden for anyone to oppose the Prophet ﷺ. Had the command to perform funeral prayers not been given, making them an indispensable obligation, they would have been voluntary. Among these practices, however, are things whose omission is disliked: whoever omits them incurs neither sin nor reward, while who-

قال علي: وكل هذا فدعوى فاسدة، أما الصلاة في جماعة والأذان ورمي الجمار ففرائض واجبة يعصي من تركها لأمر النبي صلى الله عليه وسلم بها وأما صلاة العيدين والوتر وركعتا الفجر والمبيت ليالي منى بمنى، فليست فرائض، ولكنها تطوع يكره تركها، فلو تركها، تارك دهره كله متعمدا ما أثم ولا عصى الله عز وجل ولا قدح ذلك في عدالته وقد قال عليه السلام في الذي حلف ألا يزيد على الصلوات الخمس الفرائض: أفلح والله إن صدق، دخل الجنة إن صدق وقد سأل هذا القائل النبي صلى الله عليه وسلم إذ وصف له الصلوات الخمس فقال يا رسول الله هل علي غيرها فقال لا إلا أن تطوع فسمى النبي صلى الله عليه وسلم تارك كل صلاة ما عدا الخمس مفلحا ولم يعنفه وأخبر عليه السلام أن كل صلاة ما عدا الخمس فهي تطوع فحرام على كل أحد خلاف النبي صلى الله عليه وسلم ولولا أن الأمر ورد بصلاة الجنائز فصارت فرضا لا بد منه، لكانت تطوعا، ولكن من هذه الخلال أشياء يكره تركها، فمن تركها لم يأثم ولم يؤجر، ومن فعلها أجر، فبطلت بما ذكرنا قسمتهم الفاسدة والحمد لله رب العالمين

[139] **Translator's note (L969):** The phrase ending "of them" is syntactically defective. A comparative such as "more than they have" may be missing, but it has not been supplied in the translation. The supplied wording connects casting the pebbles to spending the nights at Mina with "for." The following passage treats these as separate practices, suggesting a textual error here. "Delirium" renders barsām, a medical term used here as a polemical insult.

ever performs them is rewarded. What we have stated thus invalidates their unsound classification. Praise be to Allah, Lord of the worlds.[140][141]

L972 **[Section on Commands Expressed in Forms of Address to Males]**

L973–980 Ali said: People have disagreed. One group said: When a command occurs in the form of an address to males, it applies to males rather than females, unless evidence establishes that females are included in it. They argued: Every meaning has an expression that conveys it. The form of address to women is 'Do [feminine plural],' whereas the form of address to men is 'Do [masculine plural].' Thus an expression cannot be applied to anything other than that to which it has been assigned, except on evidence. Ali said: This is the position we adopt, and no other position is admissible. The evidence adduced by the first group is the strongest argument against them, and it is our evidence for invalidating their position. For every meaning necessarily has an expression that conveys it, as they said. There is no disagreement among any of the Arabs, or among those who have transmitted their language, from the first of them to the last, that when men and women, males and females, are gathered together and addressed or spoken about, the address and the statement take the same form as an address to, or statement about, males alone, without any difference, and that this is an invariably uniform rule It is thereby established that there is no separate expression exclusively for addressing males in the Arabic language distinct from the expression that includes both them and females, unless there comes an additional clarification that males rather than females are intended. Once this is established, an address cannot be construed as applying to some of what it encompasses to the exclusion of the rest, except by an explicit text or consensus. Since the expression 'Do [masculine plural],' the plural formed with wāw and nūn, and the broken plural apply to males and females together; since the Messenger

[140] **Translator's note (L970):** The segment ends after the opening word of a blessing upon the Prophet. "May blessings" preserves the incomplete salutation without supplying the words in the following segment.

[141] **Translator's note (L971):** The opening continues the salutation and the construction 'the Prophet called … successful' from the preceding segment.

[فصل في ورود الأمر بلفظ خطاب الذكور]

قال علي اختلف الناس فقالت طائفة إذا ورد الأمر بصورة خطاب الذكور، فهو على الذكور دون الإناث، إلا أن يقوم دليل على دخول الإناث فيه، واحتجوا بأن قالوا: إن لكل معنى لفظا يعبر عنه، فخطاب النساء افعلن، وخاطب الرجال: افعلوا، فلا سبيل إلى إيقاع لفظ على غير ما علق عليه إلا بدليل. قال علي: وبهذا نأخذ، وهو الذي لا يجوز غيره، والدليل الذي استدلت به الطائفة الأولى هو أعظم الحجة عليهم، وهو دليلنا على إبطال قولهم، لأن لكل معنى لفظا يعبر به كما قالوا ولا بد، ولا خلاف بين أحد من العرب، ولا من حاملي لغتهم أولهم عن آخرهم، في أن الرجال والنساء، وأن الذكور والإناث إذا اجتمعوا وخوطبوا أخبر عنهم، أن الخطاب والخبر يردان بلفظ الخطاب، والخبر عن الذكور إذا انفردوا ولا فرق، وأن هذا أمر مطرد أبدا على حالة واحدة، فصح بذلك أنه ليس لخطاب الذكور خاصة لفظ مجرد في اللغة العربية غير اللفظ الجامع لهم وللإناث، ألا أن يأتي بيان زائد بأن المراد الذكور دون الإناث، فلما صح لم يجز حمل الخطاب على بعض ما يقتضيه دون بعض إلا بنص أو بإجماع، فلما كانت لفظة افعلوا والجمع بالواو والنون وجمع التكسير يقع على الذكور والإناث معا وكان رسول الله صلى الله عليه وسلم مبعوثا إلى الرجال والنساء بعثا مستويا وكان خطاب الله تعالى وخطاب نبيه صلى الله عليه وسلم للرجال والنساء خطابا واحدا لم يجز أن يخص بشيء من ذلك الرجال دون النساء إلا بنص جلي أو إجماع لأن ذلك تخصيص الظاهر، وهذا غير جائز، وكل ما لزم القائلين بالخصوص فهو لازم لهؤلاء، وسيأتي ذلك مستوعبا في بابه إن شاء الله تعالى. فإن قالوا: فأوجبوا الجهاد فرضا على النساء قيل لهم، وبالله تعالى التوفيق لولا قول رسول الله صلى الله عليه وسلم لعائشة

of Allah ﷺ was sent equally to men and women; and since the address of Allah Most High and the address of His Prophet ﷺ constitute a single address to men and women, it is impermissible to restrict any of this to men to the exclusion of women except by a clear explicit text or consensus. For that would restrict the apparent meaning, and this is impermissible. Every consequence binding upon those who maintain specificity is equally binding upon these people. This will be treated fully in its appropriate chapter, Allah Most High willing. If they say, 'Then make armed striving an obligatory duty for women,' they are answered—and success comes through Allah Most High: Were it not for the Messenger of Allah's ﷺ saying to Aishah, when she sought his permission to engage in armed striving, 'For you women, however, the best armed striving is an accepted pilgrimage,' armed striving would have been an obligatory duty for them. Through this report, however, we know that armed striving is recommended for women, not obligatory. For he, peace be upon him, did not prohibit her from it, but informed her that pilgrimage was better for them than it. Further demonstrating the soundness of our position is that Aishah, who is an authority in the language, upon hearing the command to engage in armed striving, understood women to be included in that obligation, until the Prophet ﷺ explained to her that it was recommended for them, not obligatory, and that pilgrimage was better for them than it. We do not deny that an expression may be diverted from its assigned meaning in the language on the evidence of an explicit text, consensus, or a necessity inherent in nature indicating that it has been diverted from its assigned meaning. What is invalid is the claim of someone who asserts, without evidence, that an expression has been diverted from its assigned meaning in the language. The Prophet ﷺ did not therefore object to her construing the address expressed in the form used to address males as generally including women. This suffices for anyone who understands. If they say, 'Then oblige them to go forth to acquire understanding of the religion, to command what is right, and to forbid what is wrong,' we say—and success comes through Allah Most High: Yes, this is obligatory for them, just as it is obligatory for men. Expenditure in everything pertaining specifically to her is an obligatory duty for every woman, just as that is an obligatory duty for men. Thus every woman possessing wealth is obliged

إذ استأذنته في الجهاد لكن أفضل الجهاد حج مبرور لكان الجهاد عليهن فرضا، ولكن بهذا الحديث علمنا أن الجهاد على النساء ندب لا فرض لأنه عليه السلام لم ينهها عن ذلك ولكن أخبرها أن الحج لهن أفضل منه، ومما يبين صحة قولنا أن عائشة وهي حجة في اللغة لما سمعت الأمر بالجهاد قدرت أن النساء يدخلن في ذلك الوجوب حتى بين النبي صلى الله عليه وسلم لها أنه عليهم ندب لا فرض وأن الحج لهن أفضل منه، ونحن لا ننكر صرف اللفظ عن موضوعه في اللغة، بدليل من نص أو إجماع، أو بضرورة طبيعة تدل على أنه مصروف عن موضوعه، وإنما يبطل دعوى من ادعى صرف اللفظ عن موضوعه في اللغة بلا دليل فلم ينكر النبي صلى الله عليه وسلم عليها حملها الخطاب بلفظ خطاب الذكور على عموم دخول النساء في ذلك وفي هذا كفاية لمن عقل. فإن قالوا: فأوجبوا عليهن النفار للتفقه في الدين، والأمر بالمعروف والنهي عن المنكر. قلنا: وبالله تعالى التوفيق: نعم هذا واجب عليهن كوجوبه على الرجال وفرض على كل امرأة النفقة في كل ما يخصها كما ذلك فرض على الرجال ففرض على ذات المال منهن معرفة أحكام الزكاة، وفرض عليهن كلهن معرفة أحكام الطهارة والصلاة والصوم، وما يحل وما يحرم من المآكل والمشارب والملابس وغير ذلك كالرجال ولا فرق، ولو تفقهت امرأة في علوم الديانة للزمنا قبول نذارتها وقد كان ذلك فهؤلاء أزواج النبي صلى الله عليه وسلم وصواحبه قد نقل عنهن أحكام الدين وقامت الحجة بنقلهن، ولا خلاف بين أصحابنا وجميع أهل نحلتنا في ذلك فمنهن سوى أزواجه عليه السلام أم سليم وأم حرام وأم عطية وأم كرز وأم شريك، وأم الدرداء، وأم خالد، وأسماء بنت أبي بكر، وفاطمة بنت قيس، ويسرة، وغيرهن، ثم في التابعين عمرة، وأم الحسن، والرباب، وفاطمة بنت المنذر، وهند الفراسية، وحبيبة بنت ميسرة، وحفصة بنت سيرين، وغيرهن. ولا خلاف بين أحد من المسلمين قاطبة في أنهن مخاطبات بقوله تعالى {وأقيموا لصلاة وآتوا لزكاة وركعوا مع لراكعين} {شهر رمضان

to know the rulings of obligatory almsgiving, and all women are obliged to know the rulings of ritual purification, prayer, and fasting, and what is lawful and unlawful among foods, drinks, clothing, and other things, just like men, without any difference. If a woman acquired understanding of the religious sciences, we would be bound to accept her warning. This has indeed occurred: the rulings of religion have been transmitted from these wives of the Prophet ﷺ and his female Companions, and their transmission has established authoritative proof. There is no disagreement about this among our companions or any of the adherents of our religion. Among these women, besides his wives, peace be upon him, are Umm Sulaym, Umm Haram, Umm Atiyyah, Umm Kurz, Umm Sharik, Umm al-Darda, Umm Khalid, Asma bint Abi Bakr, Fatimah bint Qays, Yusrah, and others. Then, among the Successors, there are Amrah, Umm al-Hasan, al-Rabab, Fatimah bint al-Mundhir, Hind al-Farasiyyah, Habibah bint Maysarah, Hafsah bint Sirin, and others. There is no disagreement whatsoever among any Muslims that women are addressed by His saying, Most High: {Establish prayer, give obligatory alms, and bow with those who bow}; {The month of Ramadan, in which the Quran was sent down as guidance for humankind and clear proofs of guidance and the criterion: whoever among you witnesses the month, let him fast it; and whoever is ill or on a journey, then an equal number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that you may give thanks}; and {O you who believe, be mindful of Allah and relinquish what remains of usury, if you are believers}; and {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal killed by goring, and that which a beast of prey has eaten, except what you duly slaughter; and what has been slaughtered upon sacrificial stones; and that you seek apportionment by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—Allah is indeed forgiving, merciful}; and {Let those who cannot

لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد لله بكم ليسر ولا يريد بكم لعسر ولتكملوا لعدة ولتكبروا لله على ما هداكم ولعلكم تشكرون} و {يأيها لذين آمنوا تقوا لله وذروا ما بقي من لربا إن كنتم مؤمنين} و {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} و {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون لكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم فيهم خيرا وآتوهم من مال لله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن لله من بعد إكراههن غفور رحيم} و {يأيها لذين آمنوا إذا تداينتم بدين إلى أجل مسمى فكتبوه وليكتب بينكم كاتب بلعدل ولا يأب كاتب أن يكتب كما علمه لله فليكتب وليملل لذي عليه لحق وليتق لله ربه ولا يبخس منه شيئا فإن كان لذي عليه لحق سفيها أو ضعيفا أو لا يستطيع أن يمل هو فليملل وليه بلعدل وستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل ومرأتان ممن ترضون من لشهدآء أن تضل إحداهما فتذكر إحداهما لأخرى ولا يأب لشهدآء إذا ما دعوا ولا تسأموا أن تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم ولا يضآر كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا لله ويعلمكم لله ولله بكل شيء عليم} و {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من

find the means to marry remain chaste until Allah enriches them from His bounty. As for those among whom your right hands possess who seek a contract of emancipation, make a contract with them if you know good in them, and give them from the wealth of Allah that He has given you. Do not compel your slave girls to prostitution, if they desire chastity, seeking thereby the fleeting goods of this worldly life. Whoever compels them—Allah, after their compulsion, is indeed forgiving, merciful}; and {O you who believe, when you contract a debt for a specified term, write it down. Let a scribe write between you justly. Let no scribe refuse to write as Allah has taught him; so let him write, and let the one who owes the obligation dictate. Let him be mindful of Allah, his Lord, and diminish nothing of it. If the one who owes the obligation is of unsound judgment, weak, or unable to dictate himself, let his guardian dictate justly. Call two witnesses from among your men to witness. If they are not two men, then one man and two women from among those whom you approve as witnesses, so that if one of the two errs, one of the two may remind the other. And let not the witnesses refuse when they are summoned. Do not weary of writing it down, whether small or large, together with its term. That is more equitable in Allah's sight, more reliable for testimony, and more conducive to your having no doubts, unless it is an immediate transaction that you conduct among yourselves; then there is no blame upon you if you do not write it down. Take witnesses when you transact a sale with one another. Let neither a scribe nor a witness be harmed. If you do so, it is transgression on your part. Be mindful of Allah; Allah teaches you, and Allah knows all things}; and {In it are clear signs—the standing place of Abraham—and whoever enters it is safe. Pilgrimage to the House is owed to Allah by people, by whoever is able to find a way to it. Whoever disbelieves—Allah is indeed independent of all the worlds}; and {Then depart from where the people depart, and seek Allah's forgiveness. Allah is indeed forgiving, merciful}; and {Satan desires only to sow enmity and hatred among you through wine and gambling, and to turn you away from the remembrance of Allah and from prayer. Will you then desist?}; and {Test the orphans until they reach marriageable age. Then, if you discern sound judgment in them, hand over their property to them. Do not consume it extravagantly and hastily, lest they grow up. Whoever is wealthy

ستطاع إليه سبيلا ومن كفر فإن الله غني عن لعالمين} و {ثم أفيضوا من حيث أفاض لناس وستغفروا الله إن الله غفور رحيم} و {إنما يريد لشيطان أن يوقع بينكم لعداوة ولبغضآء في لخمر ولميسر ويصدكم عن ذكر الله وعن لصلاة فهل أنتم منتهون} و {وبتلوا ليتامى حتى إذا بلغوا النكاح فإن آنستم منهم رشدا فدفعوا إليهم أموالهم ولا تأكلوهآ إسرافا وبدارا أن يكبروا ومن كان غنيا فليستعفف ومن كان فقيرا فليأكل بلمعروف فإذا دفعتم إليهم أموالهم فأشهدوا عليهم وكفى بلله حسيبا} وسائر أوامر القرآن وإنما من لجأ إلى هذه المضايق في مسألة أو مسألتين تحكموا فيها وقلدوا، فاضطروا إلى مكابرة العيان، ودعوى خروج النساء من الخطاب بلا دليل، ثم رجعوا إلى عمومهن مع الرجال، بلا رقبة ولا حياء.

should abstain, and whoever is poor should consume according to what is reasonable. When you hand over their property to them, take witnesses over them. Allah suffices as a reckoner}; and all the other commands of the Quran. Those who resorted to these straits did so only over one or two questions concerning which they made arbitrary rulings and followed others without proof. They were consequently driven to deny what is plainly evident and to claim, without evidence, that women are excluded from the address. Then they returned to including women generally together with men, without fear or shame.[142][143][144][145][146][147]

L981–987 Ali said: Allah Most High has said, {Indeed, it is a reminder for you and your

قال علي: وقد قال الله تعالى: {وإنه لذكر لك ولقومك وسوف تسألون} وقال أيضا {وأنذر عشيرتك لأقربين} فنادى عليه السلام بطون قريش بطنا بطنا ثم قال يا صفية بنت عبد المطلب، يا فاطمة بنت محمد، فأدخل النساء مع الرجال في الخطاب الوارد كما نرى فإن قال قائل فقد قال تعالى {يأيها لذين آمنوا لا يسخر قوم من قوم عسى أن يكونوا خيرا منهم ولا نسآء من نسآء عسى أن يكن خيرا منهن ولا تلمزوا أنفسكم ولا تنابزوا بلألقاب بئس لاسم لفسوق بعد لإيمان ومن لم يتب فأولئك هم لظالمون} وقال زهير وما أدري وسوف إخال أدري أقوم آل حصن أم نساء فالجواب وبالله تعالى التوفيق إن اللفظ إذا جاء مرادا به بعض ما يقع تحته في اللغة وبين ذلك دليل فلسنا ننكره فقد قال تعالى {يأيها لناس تقوا ربكم إن زلزلة لساعة شيء عظيم} فلا خلاف بين لغوي وشرعي أن هذا الخطاب متوجه إلى كل آدمي من ذكر أو أنثى ثم قال تعالى {لذين قال لهم لناس إن لناس قد جمعوا لكم فخشوهم فزادهم إيمانا وقالوا حسبنا لله ونعم لوكيل} فقام الدليل على أن المراد ههنا بعض الناس لا كلهم، فوجب الوقوف عند ذلك لقيام الدليل عليه، ولولا ذلك لما جاز أن يكون محمولا إلا على عموم الناس كلهم. قال أبو محمد وقد سأل عمرو بن العاص رسول الله صلى الله عليه وسلم أي الناس أحب إليك فقال عائشة قال ومن الرجال؟ قال: أبوها ثناه عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد،

[142] **Translator's note (L973):** 'This is the position we adopt' appears to endorse the preceding restriction to males, although the ensuing argument rejects that restriction. The apparent inconsistency is retained. The wording 'are addressed or spoken about' interprets the awkward sequence 'were addressed, were spoken about' in accordance with the ensuing distinction between address and statement.

[143] **Translator's note (L976):** The unvocalized 'لكن' in the quoted report can be read either as 'however' or as 'for you women.' The translation reflects both possibilities in the context. In 'it was recommended for them,' the source uses a masculine plural pronoun despite referring to women; the referent is preserved. 'Armed striving' renders jihad here; the quoted report itself also applies the term to pilgrimage.

[144] **Translator's note (L977):** The supplied text reads 'expenditure' (al-nafaqah). The surrounding discussion strongly suggests 'acquiring understanding' (al-tafaqquh), but the supplied reading has been retained.

[145] **Translator's note (L979):** The opening salutation refers to the Prophet, whose wives were mentioned at the end of the preceding segment. The names Yusrah and Hind al-Farasiyyah follow the supplied transcription; their precise identification and vocalization are uncertain. The Quran quotations repeatedly omit initial alifs in the transcription. The recognizable words have been translated without reproducing these orthographic omissions. The final quotation continues into the next segment.

[146] **Translator's note (L980):** 'Let neither a scribe nor a witness be harmed' is grammatically ambiguous in the unvocalized Arabic: it can also mean 'Let neither a scribe nor a witness cause harm.' The supplied 'without fear' uses the unusual reading raqbah; a reading meaning 'regard' or 'watchfulness' may have been intended, but has not been substituted. As in the preceding segment, the Quran quotations contain repeated omissions of initial alifs in otherwise recognizable words.

[147] **Qur'an references (L973):** Qur'an 2:185 (Al-Baqarah); Qur'an 5:3 (Al-Ma'idah); Qur'an 24:33 (An-Nur); Qur'an 2:282 (Al-Baqarah); Qur'an 3:97 (Ali 'Imran); Qur'an 2:199 (Al-Baqarah); Qur'an 4:6 (An-Nisa).

people, and you will be questioned.} He also said, {And warn your nearest kinsfolk.} So he, peace be upon him, called out to the clans of Quraysh, clan by clan, then said, "O Safiyyah daughter of Abd al-Muttalib! O Fatimah daughter of Muhammed!" Thus he included women together with men in the address delivered, as we see. If someone says: Allah Most High has said, {O you who believe, let no people ridicule another people; perhaps they are better than them. Nor let women ridicule other women; perhaps they are better than them. Do not defame one another, and do not call one another by offensive nicknames. Evil is the designation of transgression after faith. Whoever does not repent—those are the wrongdoers.} And Zuhayr said, "I do not know—and I suppose I shall come to know— Are the people of Hisn men or women?"

The answer—and success comes through Allah Most High—is that, when an expression occurs with only some of what it encompasses in the language intended, and evidence makes this clear, we do not deny it. Allah Most High has said, {O people, fear your Lord. Indeed, the earthquake of the Hour is a tremendous thing.} There is no disagreement between a scholar of language and a scholar of revealed law that this address is directed to every human being, male or female. Then Allah Most High said, {Those to whom people said, "People have gathered against you, so fear them"—but it increased them in faith, and they said, "Allah is sufficient for us, and an excellent trustee is He."} Evidence establishes that what is intended here is some people, not all of them. We must therefore stop at that, because evidence establishes it. Were it not for that, it could only be understood as applying generally to all people.

Abu Muhammed said: Amr ibn al-As asked the Messenger of Allah ﷺ, "Which person is most beloved to you?" He replied, "Aishah." He said, "And among men?" He replied, "Her father." Abd Allah ibn Yusuf related it to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj: Yahya informed us: Khalid ibn Abd Allah related to us, from Khalid—that is, al-Hadhdha—from Abu Uthman—that is, al-Nahdi—who said: Amr ibn al-As informed me, from the Messenger of Allah ﷺ.

عن أحمد بن علي، عن مسلم بن الحجاج، أنبأ يحيى، ثنا خالد بن عبد الله، عن خالد هو الحذاء عن أبي عثمان هو النهدي قال أخبرني عمرو بن العاص عن رسول الله صلى الله عليه وسلم ورسول الله صلى الله عليه وسلم أعلم الناس باللغة التي بعث بها فحمل اللفظ على عمومه في دخول النساء مع الرجال حتى أخبره السائل أنه أراد بعض من يقع عليه الاسم الذي خاطب به فقبل ذلك منه عليه السلام وهذا هو نص مذهبنا وهو أن نحمل الكلام على عمومه، فإذا قام دليل على أنه أراد به الخصوص صرنا إليه، ولا خلاف بين المسلمين في أن قوله تعالى: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير لله به فمن ضطر غير باغ ولا عاد فإن ربك غفور رحيم} واقع على إناث الخنازير كوقوعها على ذكورها بنفس اللفظ للنوع كله. وقد اعترض بعضهم بحديث ذكروه من طريق أم سلمة رضي الله عنها فيه: أن النساء شكون وقلن ما نرى الله تعالى يذكر إلا الرجال فنزلت {إن لمسلمين ولمسلمات ولمؤمنين ولمؤمنات ولقانتين ولقانتات ولصادقين ولصادقات ولصابرين ولصابرات ولخاشعين ولخاشعات ولمتصدقين ولمتصدقات ولصائمين ولصائمات ولحافظين فروجهم ولحافظات ولذاكرين لله كثيرا ولذاكرات أعد لله لهم مغفرة وأجرا عظيما} قال علي وهذا حديث لا يصح البتة، ولا روي من طريق يثبت، حدثنا محمد بن سعيد بن نبات، قال أحمد بن عبد البصير: ثنا قاسم بن إصبغ، ثنا محمد بن عبد السلام الخشني، ثنا محمد بن بشار بندار، ثنا أبو داود الطيالسي، ثنا شعبة، عن حصين قال: سمعت عكرمة يقول قالت أم عمار يا رسول الله يذكر الرجال في القرآن ولا يذكر النساء قال فنزلت {إن لمسلمين ولمسلمات ولمؤمنين ولمؤمنات ولقانتين ولقانتات ولصادقين ولصادقات ولصابرين ولصابرات ولخاشعين ولخاشعات ولمتصدقين ولمتصدقات ولصائمين ولصائمات ولحافظين فروجهم ولحافظات ولذاكرين لله كثيرا ولذاكرات أعد لله لهم مغفرة وأجرا عظيما} قال علي وهذا مرسل كما نرى لا تقوم به حجة، وثناه أيضا محمد بن سعيد النباتي، ثنا أحمد

The Messenger of Allah ﷺ was the most knowledgeable of people concerning the language in which he was sent. He therefore understood the expression in its general scope, including women together with men, until the questioner informed him that he intended only some of those to whom the designation he used in addressing him applied. He, peace be upon him, accepted that from him. This is precisely our position: that we understand speech in its general scope; then, if evidence establishes that a specific scope was intended by it, we adopt that. There is no disagreement among Muslims that His statement, Most High, {Say: I find nothing in what has been revealed to me forbidden to an eater who eats it, unless it be carrion, or blood poured forth, or the flesh of a pig—for it is filth—or a transgression over which a name other than Allah's has been invoked. But whoever is compelled, neither desiring it nor exceeding the limit—then your Lord is forgiving, merciful}, applies to female pigs just as it applies to male pigs, through the very same expression encompassing the entire species. Some have objected by citing a report they transmitted through Umm Salamah, may Allah be pleased with her, in which the women complained and said, "We see Allah Most High mentioning only men." Then there was revealed, {Indeed, the Muslim men and Muslim women, and the believing men and believing women, and the obedient men and obedient women, and the truthful men and truthful women, and the patient men and patient women, and the humble men and humble women, and the men who give charity and women who give charity, and the fasting men and fasting women, and the men who guard their private parts and the women who guard theirs, and the men who remember Allah much and the women who remember Him—Allah has prepared for them forgiveness and a tremendous reward.}

Ali said: This report is not authentic at all, nor has it been transmitted through any chain that can be established as sound. Muhammed son of Said ibn Nabat related to us, saying: Ahmad ibn Abd al-Basir [said]: Qasim ibn Isbagh related to us: Muhammed ibn Abd al-Salam al-Khushani related to us: Muhammed ibn Bashshar, Bundar, related to us: Abu Dawud al-Tayalisi related to us: Shubah related to us, from Husayn, who said: I heard Ikrimah say: Umm Ammar said, "O Messenger of Allah, men are mentioned in the

بن عبد البصير، ثنا قاسم بن أصبغ، ثنا الخشني، ثنا محمد بن المثنى، حدثنا مؤمل، ثنا سفيان، عن ابن أبي نجيح، عن مجاهد، قال: قالت أم سلمة يذكر الرجال في الهجرة ولا نذكر فنزلت {فستجاب لهم ربهم أني لا أضيع عمل عامل منكم من ذكر أو أنثى بعضكم من بعض فلذين هاجروا وأخرجوا من ديارهم وأوذوا في سبيلي وقاتلوا وقتلوا لأكفرن عنهم سيئاتهم ولأدخلنهم جنات تجري من تحتها لأنهار ثوابا من عند لله ولله عنده حسن لثواب} وقالت أم سلمة يا رسول الله لا نقطع الميراث ولا نغزو في سبيل الله فنقتل فنزلت {ولا تمنوا ما فضل لله به بعضكم على بعض للرجال نصيب مما كتسبوا وللنسآء نصيب مما كتسبن وسألوا لله من فضله إن لله كان بكل شيء عليما} وقالت أم سلمة يذكر الرجال ولا نذكر فنزلت {ورد لله لذين كفروا بغيظهم لم ينالوا خيرا وكفى لله لمؤمنين لقتال وكان لله قويا عزيزا} قال علي ويقال إن التفسير لم يسمعه ابن أبي نجيح من مجاهد، ثنا بذلك يحيى بن عبد الرحمن، عن أحمد بن دحيم، عن إبراهيم بن حماد، عن إسماعيل بن إسحاق، ولم يذكر مجاهد سماعا لهذا الخبر عن أم سلمة، ولا يعلم له منها سماع أصلا وإنما صح أنهن قلن يا رسول الله غلبنا عليك الرجال فاجعل لنا يوما فجعل لهن عليه السلام يوما وعظهن فيه وأمرهن بالصدقة وكذلك صح ما روي في خطبته عليه السلام في العيد وأمره النساء أن يشهدن ثم رأى عليه السلام أنه لم يسمعهن فأتاهن فوعظهن قائما أتاهن عليه السلام إذ خشي أنهن لم يسمعن وإلا فقد كان يكفيهن جملة كلامه على المنبر.

Quran, but women are not mentioned." He said: Then there was revealed, {Indeed, the Muslim men and Muslim women, and the believing men and believing women, and the obedient men and obedient women, and the truthful men and truthful women, and the patient men and patient women, and the humble men and humble women, and the men who give charity and women who give charity, and the fasting men and fasting women, and the men who guard their private parts and the women who guard theirs, and the men who remember Allah much and the women who remember Him—Allah has prepared for them forgiveness and a tremendous reward.}

Ali said: This is a report with an omitted link to the Prophet, as we see; no authoritative proof can be established by it. Muhammed ibn Said al-Nabati also related it to us: Ahmad ibn Abd al-Basir related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Muhammed ibn al-Muthanna related to us: Muammal related to us: Sufyan related to us, from Ibn Abi Najih, from Mujahid, who said: Umm Salamah said, "Men are mentioned in connection with emigration, but we are not mentioned." Then there was revealed, {Their Lord answered them: "I do not let the work of any worker among you go to waste, whether male or female; you are of one another. Those who emigrated, were driven from their homes, were harmed in My cause, fought, and were killed—I shall surely expiate their evil deeds for them and admit them into gardens beneath which rivers flow, as a reward from Allah. With Allah is the finest reward."} And Umm Salamah said, "O Messenger of Allah, we do not apportion the inheritance, nor do we go on military expeditions in Allah's cause and get killed." Then there was revealed, {Do not wish for that by which Allah has favored some of you over others. Men have a share of what they have earned, and women have a share of what they have earned. Ask Allah of His bounty. Indeed, Allah knows all things.} And Umm Salamah said, "Men are mentioned, but we are not mentioned." Then there was revealed, {Allah turned back those who disbelieved in their rage, having attained no good. Allah spared the believers the fighting, and Allah is strong, mighty.}

Ali said: It is said that the Quranic commentary was not heard by Ibn Abi Najih from Mujahid. Yahya ibn Abd al-Rahman related this to us, from Ahmad ibn Duhaym, from Ibrahim ibn Hammad, from Ismail ibn Ishaq.

Mujahid did not state that he heard this report from Umm Salamah, nor is he known to have heard anything from her at all. What is authentically established is only that the women said, “O Messenger of Allah, the men have taken up your time to our exclusion, so appoint a day for us.” So he appointed for them, peace be upon him, a day on which he admonished them and commanded them to give charity. Likewise, what has been transmitted concerning his sermon, peace be upon him, at the festival, and his command that women attend, is authentic. Then he, peace be upon him, thought that he had not made himself heard by them, so he went to them and admonished them while standing. He went to them, peace be upon him, because he feared that they had not heard; otherwise, the entirety of his speech from the pulpit would have sufficed for them.[148][149][150]

L988–992 Abu Muhammed said: The sound report concerning this is what Abdullah ibn Yusuf related to us, through the previously mentioned chain of transmission reaching Muslim: Yunus ibn Abd al-Aʿla al-Sadafi, Abu Maʿn al-Raqashi, Abu Bakr Nafiʿ, and Abdullah ibn Humayd related to us. These three said: Abu ʿAmir Abd al-Malik ibn ʿAmr al-ʿAqadi related to us: Aflah ibn Saʿid related to us: Abdullah ibn Rafiʿ related to us. Yunus ibn Abd al-Aʿla said: Abdullah ibn Wahb related to us: ʿAmr—that is, Ibn al-Harith—informed me that Bukayr related to him, from al-Qasim ibn Abbas al-Hashimi, from Abdullah ibn Rafiʿ, the client of the son of Umm Salama, from Umm Salama,

قال أبو محمد: والصحيح من هذا ما حدثناه عبد الله بن يوسف بالسند المتقدم ذكره إلى مسلم، حدثنا يونس بن عبد الأعلى الصدفي، وأبو معن الرقاشي، وأبو بكر نافع، وعبد الله بن حميد، قال هؤلاء الثلاثة: ثنا أبو عامر عبد الملك بن عمرو العقدي، ثنا أفلح بن سعيد، حدثنا عبد الله بن رافع، وقال يونس بن عبد الأعلى: ثنا عبد الله بن وهب، أخبرني عمرو هو ابن الحارث أن بكيرا حدثه عن القاسم بن عباس الهاشمي، عن عبد الله بن رافع مولى ابن أم سلمة عن أم سلمة زوج النبي صلى الله عليه وسلم أنها قالت كنت أسمع الناس يذكرون الحوض ولم أسمع ذلك من رسول الله صلى الله عليه وسلم فلما كان يوما من ذلك والجارية تمشطني فسمعت رسول الله صلى الله عليه وسلم يقول أيها الناس فقلت للجارية استأخري عني، قالت: إنما دعا الرجال ولم يدع النساء، فقلت إني من الناس، ثم ذكرت الحديث. قال علي: في هذا بيان دخول النساء مع الرجال في الخطاب الوارد بصيغة خطاب الذكور. قال أبو محمد واحتج بعضهم بقوله تعالى {إن لمسلمين ولمسلمات ولمؤمنين ولمؤمنات ولقانتين ولقانتات ولصادقين ولصادقات ولصابرين ولصابرات ولخاشعين ولخاشعات ولمتصدقين ولمتصدقات ولصائمين ولصائمات ولحافظين فروجهم ولحافظات ولذاكرين

[148] **Translator’s note (L982):** The poem contrasts qawm, rendered here as “men,” with “women”; the argument concerns whether qawm necessarily excludes women. Elsewhere in the passage it is rendered “people” according to context.

[149] **Translator’s note (L985):** The chain reads “said: Ahmad ibn Abd al-Basir,” without an explicit transmission verb following that name; “[said]” supplies the implied link. The name Qasim ibn Isbagh appears later in this unit as Qasim ibn Asbagh; the source’s differing forms are retained. The wording la naqtaʿu al-mirath, rendered “we do not apportion the inheritance,” is unusual and its intended sense is uncertain; it has not been replaced with a conjectured reading. The final Quranic quotation is the wording of Quran 33:25, concerning the repulse of the disbelievers, although the preceding report concerns the explicit mention of women. This apparent quotation mismatch is retained.

[150] **Qur’an references (L981):** Qur’an 43:44 (Az-Zukhruf); Qur’an 49:11 (Al-Hujurat); Qur’an 6:145 (Al-An’am); Qur’an 3:195 (Ali ’Imran); Qur’an 4:32 (An-Nisa); Qur’an 33:25 (Al-Ahzab).

the Prophet's ﷺ wife, that she said: "I used to hear people mentioning the Cistern, but I had not heard that from the Messenger of Allah ﷺ. Then, one day, while the serving girl was combing my hair, I heard the Messenger of Allah ﷺ saying, 'O people!' I said to the serving girl, 'Move back from me.' She said, 'He has only called the men; he has not called the women.' I said, 'I am one of the people.'" Then she related the remainder of the report.

Ali said: This makes clear that women are included with men in an address delivered in the grammatical form used to address males.

Abu Muhammed said: Some of them argued from His saying, exalted is He: "Indeed, the Muslim men and Muslim women, the believing men and believing women, the obedient men and obedient women, the truthful men and truthful women, the steadfast men and steadfast women, the humble men and humble women, the men who give charity and the women who give charity, the fasting men and fasting women, the men who guard their private parts and the women who guard theirs, and the men who remember Allah much and the women who remember Him—Allah has prepared for them forgiveness and a mighty reward." The answer—and success comes through Allah—is that emphasis and repetition are not denied. Allah, exalted is He, has mentioned the angels and then said: "Whoever is an enemy to Allah, His angels, His messengers, Gabriel, and Michael—indeed, Allah is an enemy to the unbelievers." Yet those two are among the angels. Sufficient here are the Qur'anic commands we have already presented, concerning which it is agreed that both men and women are intended, without any other explicit text or any clarification beyond the wording itself. Likewise, His saying: "O you who believe, when you contract a debt with one another for a specified term, write it down. Let a scribe write between you with justice. Let no scribe refuse to write as Allah has taught him; so let him write, and let the one who owes the obligation dictate. Let him fear Allah, his Lord, and diminish nothing of it. But if the one who owes the obligation is foolish or weak, or cannot himself dictate then let his guardian dictate with justice. Call upon two witnesses from among your men; if they are not two men, then one man and two women from among those whom you approve as witnesses, so that if one of the two women errs, the other may remind her. Let the witnesses

لله كثيرا ولذاكرات أعد لله لهم مغفرة وأجرا عظيما} فالجواب وبالله التوفيق: أنه لا ينكر التأكيد والتكرار، وقد ذكر الله تعالى الملائكة ثم قال: {من كان عدوا لله وملائكته ورسله وجبريل وميكال فإن لله عدو للكافرين} وهما من الملائكة ويكفي من هذا ما قدمناه من أوامر القرآن المتفق على أن المراد بهذا الرجال والنساء معا بغير نص آخر، ولا بيان زائد إلا اللفظ وكذلك قوله {يأيها لذين آمنوا إذا تداينتم بدين إلى أجل مسمى فكتبوه وليكتب بينكم كاتب بلعدل ولا يأب كاتب أن يكتب كما علمه لله فليكتب وليملل لذي عليه لحق وليتق لله ربه ولا يبخس منه شيئا فإن كان لذي عليه لحق سفيها أو ضعيفا أو لا يستطيع أن يمل هو فليملل وليه بلعدل وستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل ومرأتان ممن ترضون من لشهدآء أن تضل إحداهما فتذكر إحداهما لأخرى ولا يأب لشهدآء إذا ما دعوا ولا تسأموا أن تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم ولا يضآر كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا لله ويعلمكم لله ولله بكل شيء عليم} بيان جلي على أن المراد بذلك الرجال والنساء معا، لأنه لا يجوز في اللغة أن يخاطب الرجال فقط بأن يقال لهم {يأيها لذين آمنوا إذا تداينتم بدين إلى أجل مسمى فكتبوه وليكتب بينكم كاتب بلعدل ولا يأب كاتب أن يكتب كما علمه لله فليكتب وليملل لذي عليه لحق وليتق لله ربه ولا يبخس منه شيئا فإن كان لذي عليه لحق سفيها أو ضعيفا أو لا يستطيع أن يمل هو فليملل وليه بلعدل وستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل ومرأتان ممن ترضون من لشهدآء أن تضل إحداهما فتذكر إحداهما لأخرى ولا يأب لشهدآء إذا ما دعوا ولا تسأموا أن تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة

not refuse when they are called. Do not weary of writing it down, whether small or large, with its term. That is more equitable in Allah's sight, more effective in establishing testimony, and more likely to keep you from doubt, unless it is a transaction conducted on the spot that you carry out among yourselves; then there is no blame upon you if you do not write it down. Take witnesses when you transact with one another, and let neither scribe nor witness be harmed. If you do so, it is transgression on your part. Fear Allah; Allah teaches you, and Allah knows all things"—is a clear explanation that what is intended thereby is men and women together. For it is not linguistically permissible to address men alone by saying to them: "O you who believe, when you contract a debt with one another for a specified term, write it down. Let a scribe write between you with justice. Let no scribe refuse to write as Allah has taught him; so let him write, and let the one who owes the obligation dictate. Let him fear Allah, his Lord, and diminish nothing of it. But if the one who owes the obligation is foolish or weak, or cannot himself dictate, then let his guardian dictate with justice. Call upon two witnesses from among your men; if they are not two men, then one man and two women from among those whom you approve as witnesses, so that if one of the two women errs, the other may remind her. Let the witnesses not refuse when they are called. Do not weary of writing it down, whether small or large, with its term. That is more equitable in Allah's sight, more effective in establishing testimony, and more likely to keep you from doubt, unless it is a transaction conducted on the spot that you carry out among yourselves; then there is no blame upon you if you do not write it down. Take witnesses when you transact with one another, and let neither scribe nor witness be harmed. If you do so, it is transgression on your part. Fear Allah; Allah teaches you, and Allah knows all things." Rather, it would have said, "from among yourselves."

If they say, "We are certain that men are intended by an address expressed in masculine wording, but we are not certain of that concerning women; therefore, suspension of judgment concerning them is obligatory," he is told: We are certain that the Messenger of Allah ﷺ was sent to them just as he was to men, and that the revealed law, which is Islam, binds them just as it

حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم ولا يضآر كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا الله ويعلمكم الله والله بكل شيء عليم} وإنما كان يقال من أنفسكم فإن قالوا: قد تيقنا أن الرجال مرادون بالخطاب الوارد بلفظ الذكور، ولم نوقن ذلك في النساء، فالتوقف فيهن واجب قيل له قد تيقنا أن رسول الله صلى الله عليه وسلم مبعوث إليهن كما هو إلى الرجال وإن الشريعة التي هي الإسلام لازمة لهن كلزومها للرجال، وأيقنا أن الخطاب بالعبادات والأحكام متوجه إليهن، كتوجهه إلى الرجال إلا ما خصهن أو خص الرجال منهن دليل، وكل هذا يوجب ألا يفرد الرجال دونهن بشيء قد صح اشتراك الجميع فيها إلا بنص أو إجماع وبالله تعالى التوفيق. قال علي: وإن العجب ليكثر ممن قال بخلاف قولنا من الحنفيين والمالكيين ثم هم يأتون إلى خطاب النبي صلى الله عليه وسلم للرجل الواطىء في رمضان بالكفارة فقالوا: الواجب على المرأة من مثل ذلك ما على الرجل، فأي مجاهرة أشنع من مجاهرة من يأتي إلى خطاب عام لجميع أهل الإسلام فيريد إخراج النساء منه، ثم يأتي إلى خطاب لرجل منصوص عليه لم يذكر معه غيره، فيريدون إلزامه النساء بلا دليل ثم تناقضوا في ذلك، فألزموا الموطوءة الواطىء ولا نص في الموطوءة، ولم يلزموا المظاهرة ما ألزموا المظاهر والعلة على قولهم واحدة وهي قوله {لذين يظاهرون منكم من نسآئهم ما هن أمهاتهم إن أمهاتهم إلا للائي ولدنهم وإنهم ليقولون منكرا من لقول وزورا وإن الله لعفو غفور} والمظاهرات قد قالت ذلك وقد أوجب عليها مثل ما يجب على المظاهر قوم كثير من العلماء، وهكذا أحكام من تعدى حدود الله عز وجل، واتبع الرأي والقياس وبالله تعالى التوفيق

binds men. We are certain that the address concerning acts of worship and legal rulings is directed to them just as it is directed to men, except where evidence singles them out or singles men out to their exclusion. All this requires that men should not be singled out to their exclusion in any matter when the participation of all has been established in it, except through an explicit text or consensus. Success comes through Allah, exalted is He.

Ali said: There is indeed much to marvel at in those Hanafis and Malikis who maintain a position contrary to ours, yet then turn to the Prophet's ﷺ address to the man who had intercourse during Ramadan, prescribing expiation, and say: "The obligation upon the woman in such a case is the same as that upon the man." What brazen conduct could be more outrageous than that of someone who takes an address general to all the people of Islam and seeks to exclude women from it, then takes an address to a man explicitly specified, with no one else mentioned alongside him, and seeks to impose it upon women without evidence? Then they contradicted themselves in this: they imposed upon the woman with whom intercourse was had the obligation imposed upon the man who had intercourse, although there is no explicit text concerning the woman with whom intercourse was had. Yet they did not impose upon a woman who pronounces the repudiation likening her spouse to a forbidden relative the obligation they imposed upon a man who pronounces that repudiation, although, according to their own position, the effective cause is one and the same, namely His saying: "Those among you who repudiate their wives by likening them to their mothers—their wives are not their mothers. Their mothers are only those who gave birth to them. Indeed, they utter a reprehensible saying and a falsehood. Indeed, Allah is surely pardoning, forgiving." Women who pronounce that repudiation have said that very thing. Many scholars have indeed imposed upon such a woman the same obligation that applies to a man who pronounces it. Such are the rulings of those who overstep the bounds set by Allah, mighty and

majestic, and follow personal opinion and analogy. Success comes through Allah, exalted is He.[151][152][153][154][155]

[Section on Whether a Given Address Applies Specifically to Free People to the Exclusion of Slaves, or Includes Slaves Alongside Them]

L993

L994–998 Ali said: Some people have maintained, concerning His saying, exalted is He: “When they reach the end of their appointed term, retain them honorably or part from them honorably, and call to witness two just persons from among you. Establish testimony for Allah. By this is admonished whoever believes in Allah and the Last Day. Whoever fears Allah, He will make for him a way out,” that it applies to free people to the exclusion of slaves. They argued from His saying, exalted is He: “Marry off the unmarried among

[151]**Translator’s note (L988):** The transmission chain names four transmitters before saying “these three.” The numerical inconsistency is retained. The supplied text identifies Abdullah ibn Rafi‘ as “the client of the son of Umm Salama.” This unusual wording is retained without removing “the son of.” The Qur’anic quotations contain numerous missing initial alifs and related transcription irregularities; these do not generally obscure the wording translated here.

[152]**Translator’s note (L989):** The unvocalized phrase concerning harm to a scribe or witness can also be read actively: “let neither scribe nor witness cause harm.” The passive reading is used here. The quotation continues Qur’an 2:282 from the preceding unit; its repeated appearance in subsequent units is preserved.

[153]**Translator’s note (L990):** The author’s contrast is between “from among your men” in the verse and the hypothetical “from among yourselves.” The entire verse is repeated in the supplied text and has been translated in full. As in the preceding unit, the unvocalized clause about the scribe and witness permits either a passive or an active reading.

[154]**Translator’s note (L992):** The phrase “they imposed upon the woman with whom intercourse was had the man who had intercourse” is grammatically compressed or defective in the supplied text. The translation supplies “the obligation imposed upon” to convey the evident comparison. The repudiation discussed is ẓihār, a declaration likening one’s spouse to a relative forbidden in marriage. The author extends the discussion to women making the corresponding declaration. The supplied text shifts from the plural “women who pronounce that repudiation” to the singular verb “has said,” followed by singular feminine pronouns. The reference is rendered intelligibly in English without changing the argument.

[155]**Qur’an references (L988):** Qur’an 2:98 (Al-Baqarah); Qur’an 2:282 (Al-Baqarah); Qur’an 58:2 (Al-Mujadila).

[فصل في الخطاب الوارد هل يخص به الأحرار دون العبيد أم يدخل فيه العبيد معهم]

قال علي ذهب قوم إلى أن قوله تعالى {فإذا بلغن أجلهن فأمسكوهن بمعروف أو فارقوهن بمعروف وأشهدوا ذوي عدل منكم وأقيموا لشهادة لله ذلكم يوعظ به من كان يؤمن بالله واليوم لآخر ومن يتق لله يجعل له مخرجا} أنه للأحرار دون العبيد واحتجوا بقوله تعالى {وأنكحوا لأيامى منكم ولصالحين من عبادكم وإمائكم إن يكونوا فقرآء يغنهم لله من فضله ولله واسع عليم} قال ما ندري أيهما أشد إقداما على الله وجرأة أتخصيصهم الأحرار في الآية الأولى دون العبيد أم استشهادهم بالآية الثانية في ذلك فأول إبطال قولهم إن النبي صلى الله عليه وسلم بعث إلى العبيد والأحرار بعثا مستويا بإجماع جميع الأمة ففرض استواء العبيد مع الأحرار إلا ما فرق فيه النص بينهم كوجوب استواء العرب والعجم من قريش إلا ما فرق فيه النص بينهم من كون الخلافة لقريش دون العرب ومن تحريم الصدقة على بني هاشم وبني المطلب دون سائر قريش والعرب وكوجوب خمس الخمس لهم دون سائر قريش والعرب وإنما خاطبنا الله تعالى في آية الإنكاح لأنه عز وجل لم يجعل للعبد أن ينكح نفسه وجعله للحر وهذا مكان نص فيه على الفرق ثم نعارضهم بقول الله تعالى {وتقوا فتنة لا تصيبن لذين ظلموا منكم خآصة وعلموا أن لله شديد لعقاب} وبقوله {يأيها لذين آمنوا لا تتخذوا ليهود ولنصارى أوليآء بعضهم أوليآء بعض ومن يتولهم منكم فإنه منهم إن لله لا يهدي لقوم لظالمين} وبقوله تعالى {يأيها لذين آمنوا لا تتخذوا آبآءكم وإخوانكم أوليآء إن ستحبوا لكفر على لإيمان ومن يتولهم منكم فأولئك هم لظالمون} وبقوله تعالى {ومنهم

you and the righteous among your male slaves and female slaves. If they are poor, Allah will enrich them from His bounty. Allah is all-abounding, knowing." He said: We do not know which displays greater presumption and audacity toward Allah: their restricting the first verse to free people to the exclusion of slaves, or their citing the second verse as evidence for that. The first refutation of their position is that the Prophet ﷺ was sent equally to slaves and free people, by the consensus of the entire community. It is therefore obligatory that slaves stand on an equal footing with free people, except where the explicit text distinguishes between them, just as Arabs and non-Arabs must stand on an equal footing with Quraysh, except where the explicit text distinguishes between them, such as the caliphate belonging to Quraysh to the exclusion of the other Arabs, the prohibition of charitable alms for Banu Hashim and Banu al-Muttalib to the exclusion of the rest of Quraysh and the Arabs, and the obligatory entitlement of those two clans to one-fifth of the fifth, to the exclusion of the rest of Quraysh and the Arabs. Allah Most High addressed us in the verse concerning giving in marriage only because He, mighty and majestic, did not grant a slave the right to contract his own marriage, whereas He granted it to a free man. This is a case in which the textual provision explicitly establishes a distinction. We then counter their argument with the saying of Allah Most High: {And guard against a trial that will certainly not afflict exclusively those among you who have done wrong, and know that Allah is severe in punishment}; and His saying: {O you who believe, do not take the Jews and the Christians as allies. They are allies of one another. Whoever among you takes them as allies is indeed one of them. Indeed, Allah does not guide the wrongdoing people}; and His saying, Most High: {O you who believe, do not take your fathers and your brothers as allies if they prefer unbelief to faith. Whoever among you takes them as allies—it is they who are the wrongdoers}; and His saying, Most High: {Among them are those who hurt the Prophet and say, "He is an ear." Say, "An ear of good for you: he believes in Allah, trusts the believers, and is a mercy to those among you who believe." Those who hurt the Messenger of Allah shall have a painful punishment}; and His saying, Most High: {Make no excuses. You have disbelieved after your faith. If We pardon one group among you, We shall punish another group because they were

لذين يؤذون لنبي ويقولون هو أذن قل أذن خير لكم يؤمن بالله ويؤمن للمؤمنين ورحمة للذين آمنوا منكم ولذين يؤذون رسول لله لهم عذاب أليم} وبقوله تعالى {لا تعتذروا قد كفرتم بعد إيمانكم إن نعف عن طآئفة منكم نعذب طآئفة بأنهم كانوا مجرمين} وبقوله تعالى {كلذين من قبلكم كانوا أشد منكم قوة وأكثر أموالا وأولادا فستمتعوا بخلاقهم فاستمتعتم بخلاقكم كما استمتع الذين من قبلكم بخلاقهم وخضتم كلذي خاضوا أولئك حبطت أعمالهم في لدنيا ولآخرة وأولئك هم لخاسرون} وبقوله تعالى {سوآء منكم من أسر لقول ومن جهر به ومن هو مستخف بلليل وسارب بلنهار} وبقوله تعالى {ولقد علمنا لمستقدمين منكم ولقد علمنا لمستأخرين} وبقوله تعالى {ثم إذا كشف لضر عنكم إذا فريق منكم بربهم يشركون} وبقوله تعالى {ولله خلقكم ثم يتوفاكم ومنكم من يرد إلى أرذل لعمر لكي لا يعلم بعد علم شيئا إن لله عليم قدير} وبقوله تعالى {وإن منكم إلا واردها كان على ربك حتما مقضيا} هل خص بهذا لخطاب الأحرار دون العبيد أو عم الجميع فلا بد من أنه عموم للأحرار والعبيد فكل خطاب ورد فهو هكذا ولا فرق إلا ما فرق النص فيه بين الأحرار والعبيد

evildoers}; and His saying, Most High: {Like those before you: they were mightier than you in strength and more abundant in wealth and children. They enjoyed their allotted share, and you have enjoyed your allotted share just as those before you enjoyed their allotted share; and you plunged into discourse as they plunged into discourse. Those—their deeds have come to nothing in this world and the Hereafter, and those are the losers}; and His saying, Most High: {Alike among you are whoever conceals his speech and whoever speaks it openly, and whoever hides by night and goes abroad by day}; and His saying, Most High: {We have certainly known those among you who have gone before, and We have certainly known those who come afterward}; and His saying, Most High: {Then, when He removes the affliction from you, behold, a group among you associates partners with their Lord}; and His saying, Most High: {Allah created you, then He takes you in death; and among you is one who is returned to the most abject age, so that after knowledge he knows nothing. Indeed, Allah is knowing, powerful}; and His saying, Most High: {There is none among you but will come to it. This is, for your Lord, an inevitability decreed}. Did He single out free people in this address, to the exclusion of slaves, or did He include everyone generally? It must necessarily be general, encompassing free people and slaves. Every address that has been transmitted is thus, without distinction, except where the textual provision distinguishes between free people and slaves.[156][157][158]

L999 Likewise, regarding His saying, Most High: {O you who believe, when you contract a debt for a specified term, write it down. Let a scribe write between you justly. Let no scribe refuse to write as Allah has taught him; let him write, and let the one who owes the obligation dictate. Let him fear Allah, his Lord,

وكذلك قالوا في قوله تعالى {يأيها لذين آمنوا إذا تداينتم بدين إلى أجل مسمى فكتبوه وليكتب بينكم كاتب بلعدل ولا يأب كاتب أن يكتب كما علمه لله فليكتب وليملل لذي عليه لحق وليتق لله ربه ولا يبخس منه شيئا فإن كان لذي عليه لحق سفيها أو ضعيفا أو لا يستطيع أن يمل هو فليملل وليه بلعدل وستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل ومرأتان ممن ترضون من لشهدآء أن تضل إحداهما فتذكر إحداهما لأخرى ولا يأب لشهدآء إذا ما دعوا ولا تسأموا أن تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم ولا يضآر

[156] **Translator's note (L995):** The supplied phrase literally reads "the equality of Arabs and non-Arabs from Quraysh," which is awkward in context. "With Quraysh" reflects the apparent intended comparison, supported by the exceptions that follow; the Arabic wording itself has not been silently treated as unproblematic.

[157] **Translator's note (L996):** "One-fifth of the fifth" is the specific fractional entitlement stated in the source and is preserved as such.

[158] **Qur'an references (L994):** Qur'an 65:2 (At-Talaq); Qur'an 24:32 (An-Nur); Qur'an 5:51 (Al-Ma'idah); Qur'an 9:23 (At-Tawbah); Qur'an 9:61 (At-Tawbah); Qur'an 9:66 (At-Tawbah); Qur'an 9:69 (At-Tawbah); Qur'an 13:10 (Ar-Ra'd); Qur'an 16:54 (An-Nahl); Qur'an 16:70 (An-Nahl); Qur'an 19:71 (Maryam).

and diminish nothing of it. If the one who owes the obligation is of unsound judgment, weak, or unable to dictate himself, let his guardian dictate justly. Call upon two witnesses from among your men to bear witness. If they are not two men, then a man and two women from among those whom you approve as witnesses, so that if one of the two errs, one of the two may remind the other. Let the witnesses not refuse when they are called. Do not tire of writing it down, small or large, together with its term. That is more equitable in Allah's sight, more upright for testimony, and more conducive to your having no doubts—unless it is an immediate transaction that you conduct among yourselves, in which case there is no blame upon you if you do not write it down. Have witnesses when you transact with one another. Let neither a scribe nor a witness be harmed. If you do so, it is indeed transgression on your part. Fear Allah; Allah teaches you, and Allah knows all things}—they said: "This applies to free people, to the exclusion of slaves."[159][160]

كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا الله ويعلمكم الله والله بكل شيء عليم{ فقالوا هذا للأحرار دون العبيد

[159]**Translator's note (L999):** The unvocalized wording ولا يضار كاتب ولا شهيد permits both "Let neither a scribe nor a witness be harmed" and "Let neither a scribe nor a witness cause harm." The former is used here and in the repeated quotation below.

[160]**Qur'an references (L999):** Qur'an 2:282 (Al-Baqarah).

L1000–1004

Ali said: This is an outrageous marvel! Do you suppose that slaves are not among our men? This is something of which one ought to be ashamed. Anyone who openly declares that slaves are not among our men ought to be shunned in discussion. Furthermore, the beginning of the aforementioned verse is: {O you who believe, when you contract a debt for a specified term, write it down. Let a scribe write between you justly. Let no scribe refuse to write as Allah has taught him; let him write, and let the one who owes the obligation dictate. Let him fear Allah, his Lord, and diminish nothing of it. If the one who owes the obligation is of unsound judgment, weak, or unable to dictate himself, let his guardian dictate justly. Call upon two witnesses from among your men to bear witness. If they are not two men, then a man and two women from among those whom you approve as witnesses, so that if one of the two errs, one of the two may remind the other. Let the witnesses not refuse when they are called. Do not tire of writing it down, small or large, together with its term. That is more equitable in Allah's sight, more upright for testimony, and more conducive to your having no doubts—unless it is an immediate transaction that you conduct among yourselves, in which case there is no blame upon you if you do not write it down. Have witnesses when you transact with one another. Let neither a scribe nor a witness be harmed. If you do so, it is indeed transgression on your part. Fear Allah; Allah teaches you, and Allah knows all things}. And the other verse is His saying: {O Prophet, when you divorce women, divorce them for their waiting period, and count the waiting period. Fear Allah, your Lord. Do not expel them from their houses, nor let them leave, unless they commit a manifest indecency. These are Allah's limits. Whoever transgresses Allah's limits has indeed wronged himself. You do not know: perhaps Allah will bring about some matter after that}—the verse. No one disputes that both verses are addressed to free people and slaves, and that this is a general ruling for those who transact with one another, whether free people or slaves, and for those who divorce, whether free people or slaves. Since this has been established, how can anyone possessed of reason and religion permissibly say that His saying, Most High, {from among your men}, and His saying, Most High, {among you}, apply specifically to free people, to the exclusion of

قال علي وهذه أعجوبة شنيعة أترى العبيد ليسوا من رجالنا إن هذا الأمر كان ينبغي أن يستحيي منه وأن من جاهر بأن العبيد ليسوا من رجالنا الواجب أن يرغب عن الكلام معه وأيضا فإن أول الآية المذكورة {يأيها لذين آمنوا إذا تداينتم بدين إلى أجل مسمى فكتبوه وليكتب بينكم كاتب بلعدل ولا يأب كاتب أن يكتب كما علمه لله فليكتب وليملل لذي عليه لحق وليتق لله ربه ولا يبخس منه شيئا فإن كان لذي عليه لحق سفيها أو ضعيفا أو لا يستطيع أن يمل هو فليملل وليه بلعدل وستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل ومرأتان ممن ترضون من لشهدآء أن تضل إحداهما فتذكر إحداهما لأخرى ولا يأب لشهدآء إذا ما دعوا ولا تسأموا أن تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم ولا يضآر كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا لله ويعلمكم لله ولله بكل شيء عليم} والآية الأخرى من قوله {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود لله ومن يتعد حدود لله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد ذلك أمرا} الآية ولا خلاف بين أحد في أنهما متوجهتان إلى الأحرار والعبيد وأن هذا حكم عام للمتبايعين من الأحرار والعبيد وللمطلقين من الأحرار والعبيد فإذا قد صح ذلك فكيف يسوغ لذي عقل ودين أن يقول إن قوله تعالى {من رجالكم} وقوله تعالى {منكم} مخصوص به الأحرار دون العبيد والآيتان كلتاهما لا خلاف منهم مخاطب بهما والأحرار والعبيد سواء فصل في أمره عليه السلام واحدا هل يكون أمرا للجميع قال علي قد أيقنا أنه صلى الله عليه وسلم بعث إلى كل من كان حيا في عصره في معمور الأرض، من إنسي أو جني، وإلى من ولد بعده إلى يوم القيامة،

slaves, when, in both verses, there is no dispute among them that free people and slaves are equally addressed?

Section on whether his commanding one individual—peace be upon him ﷺ—constitutes a command to everyone

Ali said: We have attained certainty that he—may Allah bless him and grant him peace ﷺ—was sent to everyone who was alive in his time throughout the inhabited earth, whether human or jinn, and to everyone born after him until the Day of Resurrection, and to give judgment concerning every substance and accident that He Most High creates until the Day of Resurrection. Since this has been established by the community's consensus, known with certainty and conclusively established, transmitted back to the Prophet—may Allah bless him and grant him peace ﷺ—and by the established textual provisions concerning what we have mentioned of the religion's remaining until the Day of Resurrection and its being binding upon humans and jinn, and since we know by the necessity of sensory perception that there is no way for him—peace be upon him ﷺ—to encounter directly those who come after him, his command —may Allah bless him and grant him peace ﷺ—to one member of a category, and concerning one member of a category, constitutes a command concerning the entire category and addressed to the entire category. What makes this clear is that whatever in the revealed law applied specifically to one individual or a group, he—peace be upon him ﷺ—explicitly explained and declared to be specific, as he did with Abu Burdah ibn Niyar concerning the young she-goat, informing him—peace be upon him—that it would not suffice on behalf of anyone after him. His command—peace be upon him ﷺ—to the woman experiencing nonmenstrual bleeding was a command to every woman experiencing nonmenstrual bleeding; and his positioning Ibn Abbas and Jabir on his right in prayer was a ruling governing everyone who prays alone with an imam. No one disputes that his command to his Companions—may Allah be pleased with them—while they were present is a command to everyone who comes until the Day of Resurrection. Our brethren, however, have been exceedingly inconsistent concerning this. Regarding his legal response—peace be upon him ﷺ—to the man who had intercourse in Ramadan, they said that this ruling applies

وليحكم في كل عين وعرض يخلقهما تعالى إلى يوم القيامة، فلما صح ذلك بإجماع الأمة المتيقن المقطوع به المبلغ إلى النبي صلى الله عليه وسلم وبالنصوص الثابتة بما ذكرنا من بقاء الدين إلى يوم القيامة. ولزومه الإنس والجن، وعلمنا بضرورة الحس أنه لا سبيل إلى مشاهدته عليه السلام من يأتي بعده كان أمره صلى الله عليه وسلم لواحد من النوع وفي واحد من النوع أمرا في النوع كله، وللنوع كله، وبين هذا أن ما كان من الشريعة خاصا لواحد أو لقوم فقد بينه عليه السلام نصا وأعلم أنه خصوص كفعله في الجذعة بأبي بردة بن نيار، وأخبره عليه السلام أنها لا تجزي عن أحد بعده وكان أمره عليه السلام للمستحاضة أمرا لكل مستحاضة وإقامته ابن عباس وجابرا عن يمينه في الصلاة، حكما على كل مصل وحده مع إمام، ولا خلاف بين أحد في أن أمره لأصحابه رضي الله عنهم وهم حاضرون، أمر لكل من يأتي إلى يوم القيامة. وأما إخواننا: فاضطربوا في هذا اضطرابا شديدا فقالوا في فتياه عليه السلام للواطىء في رمضان إن ذلك الحكم جار على كل واطىء، وأصابوا في ذلك، ثم لم يقنعوا بالصواب حتى تعدوه إلى الخطأ فقالوا: وذلك الحكم أيضا جار على كل مفطر بغير الوطء ثم لم يقنعوا بذلك حتى قالوا: هو على النساء كما هو على الرجال ثم أتوا إلى حكم النبي صلى الله عليه وسلم في محرم مات فأمر عليه السلام ألا يمس طيبا ولا يغطي وجهه ولا رأسه وأن يكفن في ثوبه فقالوا هو خصوص لذلك الواحد، وليس هذا حكم من مات وهو محرم، أفسمع السامعون بأعجب من هذا التحكم؟ واحتجوا في ذلك بابن عمر وقد تركوا ابن عمر في أزيد من مائة قضية، وتركوا في ذلك قول من خالف ابن عمر في ذلك من أصحابه، واحتجوا بانقطاع عمل الميت تمويها وشغبا، وليس هذا للميت ولكنه عمل الأحياء المأمورين بذلك كما أمروا بغسله ومواراته ولا عمل للميت في ذلك ولا فرق. فإن احتجوا في ذلك بقول علي رضي الله عنه نهاني رسول الله صلى الله عليه وسلم ولا أقول نهاكم فقد قال كعب بن عجرة في أمر فدية

to everyone who has intercourse, and in this they were correct. Then they were not content with being correct, but went beyond it into error, saying: "This ruling also applies to everyone who breaks the fast by something other than intercourse." Then they were not content with that, but said: "It applies to women just as it applies to men." Then they came to the ruling of the Prophet—may Allah bless him and grant him peace ﷺ—concerning a man in the state of ritual consecration who died: he—peace be upon him ﷺ—commanded that he not be touched with perfume, that neither his face nor his head be covered, and that he be shrouded in his garment. They said: "This was specific to that one individual; this is not the ruling for someone who dies while in the state of ritual consecration." Have those who hear ever heard anything more astonishing than this arbitrary pronouncement? They invoked Ibn Umar as evidence for this, although they have disregarded Ibn Umar in more than a hundred cases; and in this matter they disregarded the statement of those among his fellow Companions who disagreed with Ibn Umar about it. They invoked the cessation of the deceased's deeds as evidence, by way of obfuscation and contentiousness. Yet this is not an act of the deceased: it is the act of the living who are commanded to do it, just as they are commanded to wash and bury him. The deceased performs no act in that, and there is no difference. If they adduce as evidence in this matter the statement of Ali—may Allah be pleased with him—"The Messenger of Allah—may Allah bless him and grant him peace ﷺ—forbade me, and I do not say that he forbade you," then Kab ibn Ujrah said concerning the compensatory offering for shaving the head: "It was revealed specifically concerning me, but it applies generally to you." Furthermore, we have explained at the end of our book that uncritical adherence to another's authority is impermissible. Ali—may Allah be pleased with him—has himself made clear that this statement of his does not mean what someone might suppose that that prohibition did not extend beyond him. For he was asked, "Did the Messenger of Allah ﷺ entrust you with anything that he did not entrust to anyone else?" He replied, "No. The Messenger of Allah ﷺ singled me out for nothing except what is in this sheet." It contained provisions concerning blood money, certain wounds, and that a believer is not to be killed in retaliation for an unbeliever. Thus it is established that Ali's saying, "He forbade me,"

حلق الرأس نزلت في خاصة وهي لكم عامة. وأيضا فقد بينا في آخر كتابنا أنه لا يجوز التقليد، وقد بين علي رضي الله عنه أن قوله هذا ليس على ما ظن الظان، من أن ذلك النهي لا يتعداه ذلك إذ سئل أعهد إليك رسول الله صلى الله عليه وسلم بشيء لم يعهده إلى غيرك فقال لا ما خصني رسول الله صلى الله عليه وسلم بشيء إلا ما في هذه الصحيفة وكان فيها العقل وأشياء من الجراحات، ولا يقتل مؤمن بكافر فصح أن قول علي نهاني إنما هو تحر للفظه عليه السلام فقط وبالله تعالى التوفيق وهو الموفق للصواب

was simply an effort to adhere precisely to his wording, peace be upon him. Through Allah Most High comes success, and He grants success in reaching what is correct.[1][2][3][4][5][6]

L1005 **[Section on commands in which his ruling, peace be upon him, is mentioned, but the circumstances adjudicated are not stated in his own words, peace be upon him]**

L1006–1008 Ali said: When an authentic report is transmitted stating that the Messenger of Allah ﷺ saw such-and-such a matter and issued such-and-such a ruling concerning it, we must necessarily issue the same ruling concerning that matter, because it is like his other commands, whose obligatory force we have already established. Examples include the reports that he ﷺ saw a man praying alone behind the rows and commanded him to repeat the prayer; that he saw a man having himself cupped and said, "The cupper and the person cupped have broken their fast"; and that a drinker was brought to him and he flogged him. Some people objected, saying, "Perhaps he, peace be upon him, commanded him to repeat the prayer for some reason other than his praying alone," and that the cupper and the person cupped had been backbiting people.

[1] **Translator's note (L1000):** The clause beginning والآيتان كلتاهما لا خلاف منهم مخاطب بهما is syntactically irregular as supplied. The translation follows its apparent sense: the opponents acknowledge that both verses address free people and slaves equally.

[2] **Translator's note (L1001):** "Substance and accident" renders عين وعرض, distinguishing an independently existing entity from an attribute or occurrence inhering in it.

[3] **Translator's note (L1002):** الجذعة denotes a young female animal at a particular age stage; in this sacrificial context, the reference is to a young she-goat. The segment ends partway through the salutation عليه السلام; its completion appears at the beginning of the next unit.

[4] **Translator's note (L1003):** The opening "him" completes the salutation begun in the preceding unit. "Uncritical adherence to another's authority" renders تقليد, the acceptance of another person's position on that person's authority.

[5] **Translator's note (L1004):** The opening continues the preceding unit's account of a mistaken interpretation. The repeated demonstrative in "that prohibition did not extend beyond him" makes the supplied Arabic awkward.

[6] **Qur'an references (L1000):** Qur'an 2:282 (Al-Baqarah); Qur'an 65:1 (At-Talaq).

[فصل في أوامر ورد فيها ذكر حكمه عليه السلام ولم يأت فيها من لفظه عليه السلام السبب المحكوم فيه]

قال علي وإذا ورد خبر صحيح وفيه أن رسول الله صلى الله عليه وسلم رأى أمرا كذا فحكم فيه بكذا فإن الواجب أن نحكم في ذلك الأمر بمثل ذلك الحكم ولا بد، لأنه كسائر أوامره التي قدمنا وجوبها وذلك مثل ما روي أنه صلى الله عليه وسلم رأى رجلا يصلي منفردا خلف الصفوف فأمره بالإعادة. ورأى رجلا يحتجم فقال: أفطر الحاجم والمحجوم وأتي بشارب فجلده فاعترض قوم فقالوا لعله عليه السلام إنما أمره بالإعادة ليس من أجل انفراده ولكن لغير ذلك، وأن الحجام والمحجوم كانا يغتابان الناس قال علي وهذا لا يجوز لوجوه خمسة أحدها أنه عليه السلام مأمور بالتبليغ فلو أمر إنسانا بإعادة صلاة أبطلها عليه ولم يبين عليه السلام وجه بطلانها لكان عليه السلام غير مبلغ وقد نزهه الله تعالى عن ذلك ولكان غير مبين ومن نسب هذا إلى النبي صلى الله عليه وسلم فقد كفر والوجه الثاني أن يقول القائل لعله عليه السلام قد بين ذلك ولم يصل إلينا قال علي فمن قال ذلك أكذبه الله عز وجل بقوله {إنا نحن نزلنا لذكر وإنا له لحافظون} وبقوله تعالى عن نبيه عليه السلام {وما ينطق عن الهوى * إن هو إلا وحي يوحى} فصح أن كلامه كله صلى الله عليه وسلم وحي وأن الوحي محفوظ لأنه ذكر فلو بينه عليه السلام ولم ينقل إلينا لكان غير محفوظ وقد أكذب الله تعالى هذا القول، لأنه لم ينقل أحد أنه أمره بالإعادة لغير الانفراد. والوجه الثالث: أن أحاديث كثيرة ثبتت بفرض تسوية الصفوف فيها، وفيها إبطال صلاة من صلى منفردا، وقد ذكرناها في الفصل الذي فيه ترجيح الأحاديث في باب

Ali said: This is inadmissible for five reasons. The first is that he, peace be upon him, was commanded to convey the message. If he commanded someone to repeat a prayer that he had declared invalid, without explaining, peace be upon him, why it was invalid, he, peace be upon him, would have failed to convey the message—something from which Allah Most High has declared him free—and would have failed to explain it. Whoever attributes this to the Prophet ﷺ has disbelieved. The second reason concerns someone's saying, "Perhaps he, peace be upon him, explained it, but it has not reached us."

Ali said: Whoever says this is contradicted by Allah, Mighty and Majestic, in His statement, {Indeed, We ourselves have sent down the Reminder, and indeed We shall preserve it}, and in His statement, Most High, concerning His Prophet, peace be upon him, {And he does not speak from desire. * It is only revelation revealed.} Thus it is established that all his speech ﷺ is revelation, and that revelation is preserved because it is a reminder. If he, peace be upon him, had explained it and it had not been transmitted to us, it would not have been preserved. Allah Most High has declared this claim false, for no one has transmitted that he commanded him to repeat the prayer for any reason other than praying alone. The third reason is that numerous established hadiths prescribe straightening the rows and declare invalid the prayer of someone who prays alone. We have mentioned them in the section on weighing hadiths against one another in the chapter on reports in this book of ours. The fourth is that a trustworthy transmitter's report that he prayed alone and repeated the prayer is a transmission and a warning, from him, peace be upon him, of the invalidity of the prayer of someone praying alone, and must therefore be accepted. The fifth is that someone's saying, "Perhaps there was a reason there that has not been transmitted to us," is conjecture. Allah Most High has said, {They have no knowledge of it. They follow only conjecture, and conjecture avails nothing against the truth.} And he, peace be upon him, said, "Conjecture is the most lying of speech." It is not lawful to abandon the transmission of trustworthy people for false conjectures.

As for the explanation advanced by those among them who claimed that the cupper and the person cupped had been backbiting people, they have

الأخبار من كتابنا هذا. والرابع: إن نقل الناقل الثقة أنه صلى منفردا فأعاد نقل وإنذار ببطلان صلاة المنفرد عنه عليه السلام فواجب قبوله والخامس أن قول القائل لعله كان هنالك سبب لم ينقل إلينا ظن. وقد قال تعالى {وما لهم به من علم إن يتبعون إلا لظن وإن لظن لا يغني من لحق شيئا} وقال عليه السلام الظن أكذب الحديث ولا يحل ترك نقل الثقات لظنون زائفات. وأما تخريج من خرج منهم: أن الحاجم والمحجوم كانا يغتابان الناس، فإنهم استجاروا من الرمضاء بالنار، وهم لا يرون إفطار الصائم بالغيبة، فقد عصوا على كل حال، ولولا أن الرخصة وردت صحيحة من الحجامة للصائم، لأوجبنا الإفطار بها، ولكن استعمال الأحاديث يوجب قبول الرخصة، لأنها متيقنة بعد النهي، إذ لا تكون لفظة الرخصة إلا عن شيء تقدم التحذير منه، ولهذا الحديث أجزنا الحجامة للصائم، وأن يكون حاجما ومحجوما على ظاهر لفظ الأحاديث لا بالحديث الذي يقول احتجم رسول الله صلى الله عليه وسلم وهو صائم لأنه ليس في ذلك الحديث دليل على أنه كان بعد النهي فهو موافق لمعهود الأصل ولا فيه بيان أيضا، أنه كان في صيام فرض لا يجوز الإفطار فيه، بل لعله كان في تطوع يجوز الإفطار فيه، أو في سفر كما جاء في بعض تلك الأحاديث أنه كان صائما محرما عليه السلام وبالله تعالى التوفيق

sought refuge from scorching ground in fire. They do not hold that backbiting breaks a fasting person's fast, so they have been disobedient in either case. Had an authentic concession concerning cupping for a fasting person not been transmitted, we would have held that it necessarily breaks the fast. Giving effect to the hadiths, however, requires accepting the concession, because it certainly came after the prohibition: the expression "concession" can apply only to something against which a warning had previously been issued. On account of this hadith we permit cupping for a fasting person, and permit him to be either the cupper or the person cupped, in accordance with the apparent wording of the hadiths—not on account of the hadith which says, "The Messenger of Allah ﷺ had himself cupped while he was fasting." That hadith contains no evidence that this occurred after the prohibition; it accords with the previously established original state. Nor does it explain that this occurred during an obligatory fast which it was impermissible to break. Perhaps instead he was observing a voluntary fast which it was permissible to break, or was travelling, as some of those hadiths state that he was fasting and in a state of ritual consecration, peace be upon him. Through Allah Most High comes success.[7][8][9]

L1009 **[Section on two rulings transmitted in wording indicating that they concern one matter rather than two]**

L1010–1013 Ali said: It is reported that a man came to the Messenger of Allah ﷺ during Ramadan, saying, "I am burned!" He explained that he had had intercourse with his wife while fasting, and the Messenger of Allah ﷺ commanded him to perform a specified expiation. Through that very same chain of transmis-

[7] **Translator's note (L1006):** The supplied quotation of Quran 15:9 writes "the Reminder" defectively as "لذكر"; the translation follows the identifiable wording. The final quotation continues into the next unit.

[8] **Translator's note (L1008):** The Quranic quotation, identifiable as 53:28, repeatedly omits the initial alif of the definite article in "conjecture" and "truth"; its identifiable wording is reflected in translation. "Sought refuge from scorching ground in fire" preserves the author's proverbial expression.

[9] **Qur'an references (L1006):** Qur'an 53:3 (An-Najm); Qur'an 53:4 (An-Najm); Qur'an 53:28 (An-Najm).

[فصل في ورود حكمين بنقل يدل لفظه على أنهما في أمر واحد لا أمرين]

قال علي روي أن رجلا أتى رسول الله صلى الله عليه وسلم في رمضان وهو يقول احترقت وأنه وصف أنه وطأ امرأته وهو صائم فأمره رسول الله صلى الله عليه وسلم بكفارة موصوفة وروي من تلك الطريق بعينها أن رجلا أفطر في رمضان فأمره عليه السلام بتلك الكفارة بعينها وذكر باقي الحديث الأول، فعلمنا بذلك أنهما حديث واحد، لأن الرواة لهذا هم أولئك الذين رووا بأي شيء كان الإفطار، وسياق الحديثين واحد، فصح أن بعض الرواة عن الزهري فسر القصة وهم: سفيان، ومعمر، والليث، والأوزاعي، ومنصور بن المعتمر، وعراك بن مالك، وأن بعضهم عن الزهري أجملها،

sion it is also reported that a man broke his fast during Ramadan, and he, peace be upon him, commanded him to perform that very same expiation; the remainder of the first hadith was then related. We thereby know that these are one hadith, because those transmitting this are the very people who transmitted what had caused the breaking of the fast, and the narrative sequence of the two hadiths is the same. Thus it is established that some transmitters from al-Zuhri related the account in detail—namely Sufyan, Maʿmar, al-Layth, al-Awzaʿi, Mansur ibn al-Muʿtamir, and ʿIrak ibn Malik—whereas others transmitting from al-Zuhri related it in general terms, namely Malik and Ibn Jurayj. All of them, however, transmit from al-Zuhri, from Humayd ibn Abd al-Rahman, from Abu Hurayrah.

Ali said: The hadith about the woman who stole and the woman who borrowed is not like this, because intercourse while fasting really does break the fast, and in the revealed law the designation "breaking the fast" applies to it in its literal sense. A thief can by no means be designated "a borrower who denies having borrowed," nor does the designation apply at all to a borrower who denies having borrowed. Moreover, Ibn Umar transmitted the hadith about amputating the hand of the woman who borrowed, and did not mention theft; the matter of theft was mentioned only in the report from Aishah. Thus it is established that these are two distinct hadiths. This is also what those who prohibit wiping over the turban seized upon in the hadith of al-Mughirah. They said, "His mention of wiping over the turban belongs to the same hadith as the one mentioning wiping over the forelock and the turban."

Ali said: This is an error, because he, peace be upon him, did not perform ablution just once; rather, he did so thousands of times. Whoever claims that all this was a single ablution at a single time has fallen into lying and speaking about what he does not know. This is not lawful for a Muslim. Moreover, wiping over the turban and the head covering was transmitted by people who made no mention whatsoever of wiping over the forelock: Salman, Bilal, Kaʿb ibn Ujrah, and Amr ibn Umayyah al-Damri. This applies especially to the Malikis, who prohibit restricting oneself to wiping only the forelock: they have no support whatsoever in the hadith of al-Mughirah,

وهم مالك، وابن جريج، إلا أنهم كلهم عن الزهري عن حميد بن عبد الرحمن عن أبي هريرة. قال علي: وليس هكذا حديث السارقة والمستعيرة، لأن الوطء في حال الصوم إفطار صحيح، يقع عليه في الشريعة اسم إفطار على الحقيقة، ولا يقع على السارق اسم مستعير جاحدا البتة، ولا يقع على المستعير الجاحد اسم البتة. وأيضا فقد روى حديث قطع المستعيرة ابن عمر، ولم يذكر سرقة وإنما ذكر أمر السرقة عن عائشة فصح أنهما حديثان متغايران، وهذا أيضا ما تعلق به المانعون من المسح على العمامة في حديث المغيرة فقالوا: ذكره المسح على العمامة هو حديث واحد مع الذي فيه ذكر المسح على الناصية والعمامة. قال علي: وهذا خطأ لأن الوضوء لم يكن مرة واحدة منه عليه السلام بل كانت آلافا من المرار فمن ادعى أن ذلك كله وضوء واحد في وقت واحد، فقد دخل تحت الكذب، والقول بما لا يعلم، وهذا لا يحل لمسلم. وأيضا فقد روى المسح على العمامة والخمار من لم يذكر مسحا على الناصية أصلا وهم: سلمان، وبلال، وكعب بن عجرة، وعمرو بن أمية الضمري، لا سيما المالكيين المانعين من الاقتصار على المسح للناصية فقط، فإنهم لا متعلق لهم بحديث المغيرة أصلا، وكل ما تعلقوا به بهذا الباب فهو حجة عليهم فصح بما ذكرنا أن حديث المغيرة وحديث من ذكرنا متغايران، وبالله تعالى التوفيق. فينبغي مراعاة هذا في النصوص. ومثل ذلك من القرآن قول الله عز وجل {براءة من الله ورسوله إلى لذين عاهدتم من لمشركين * فسيحوا في لأرض أربعة أشهر وعلموا أنكم غير معجزي الله وأن الله مخزي لكافرين} ثم قال تعالى في تلك السورة نفسها بعد يسير {وأذان من الله ورسوله إلى لناس يوم لحج لأكبر أن الله بريء من لمشركين ورسوله فإن تبتم فهو خير لكم وإن توليتم فعلموا أنكم غير معجزي الله وبشر لذين كفروا بعذاب أليم * إلا لذين عاهدتم من لمشركين ثم لم ينقصوكم شيئا ولم يظاهروا عليكم أحدا فأتموا إليهم عهدهم إلى مدتهم إن الله يحب لمتقين * فإذا نسلخ

and everything they have seized upon in this matter is evidence against them. Thus, through what we have mentioned, it is established that the hadith of al-Mughirah and the hadith of those we have named are distinct. Through Allah Most High comes success. This distinction should therefore be observed in the texts.

An example of this in the Quran is the statement of Allah, Mighty and Majestic: {A disavowal from Allah and His Messenger to those polytheists with whom you have made treaties. * Travel freely through the land for four months, and know that you cannot elude Allah, and that Allah will disgrace the unbelievers.} Then, a little later in that same surah, He, Most High, said: {And an announcement from Allah and His Messenger to the people on the day of the greater pilgrimage that Allah is free of obligation to the polytheists, as is His Messenger. If you repent, it is better for you; but if you turn away, know that you cannot elude Allah. And announce to those who disbelieve a painful punishment. * Except those polytheists with whom you have made treaties and who have subsequently failed you in nothing and have supported no one against you: fulfil your treaty with them until their term. Indeed, Allah loves those who are mindful of Him. * Then, when the sacred months have elapsed, kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give the obligatory alms, then let them go their way. Indeed, Allah is forgiving, merciful.}[10][11][12][13]

لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم}

قال علي فوجدناه تعالى قد جعل مدة من عاهدوا من المشركين أربعة أشهر، ثم وجدناه تعالى قد جعل مدة المشركين من يوم الحج الأكبر وهو يوم النحر بنص تسمية رسول الله صلى الله عليه وسلم بذلك انسلاخ الأشهر الحرم فليس بين الأمدين إلا خمسون يوما، فعلمنا يقينا أن هؤلاء المشركين الذين جعل أمدهم شهرين غير عشرة أيام، هم غير المشركين الذين عوهدوا أربعة أشهر، وهذا ينبغي أن يتفقد جدا، فإنه برفع الإشكال كثير وبالله تعالى التوفيق

[10] **Translator's note (L1011):** In "nor does the designation apply at all," the Arabic has "اسم" ("designation") without specifying the designation intended. The context suggests "thief," but that word is absent from the supplied text and has not been inserted.

[11] **Translator's note (L1012):** The Quranic quotations contain numerous defective spellings, particularly omitted initial alifs in definite articles and imperatives. The translation follows the identifiable wording of 9:1–2 and 9:3–5. The Arabic construction introducing the Malikis is syntactically awkward; the translation preserves its particular application to their argument.

[12] **Translator's note (L1013):** This continues the quotation of Quran 9:5. The supplied text has defective spellings, including omitted initial alifs in several words; the identifiable wording is reflected in translation.

[13] **Qur'an references (L1010):** Qur'an 9:3 (At-Tawbah); Qur'an 9:4 (At-Tawbah).

L1014 Ali said: We thus find that He, Most High, assigned a period of four months to those polytheists with whom treaties had been made. We then find that He, Most High, assigned the polytheists a period extending from the day of the greater pilgrimage—which is the Day of Sacrifice, according to the Messenger of Allah's ﷺ explicit designation of it as such—to the expiry of the sacred months. There are only fifty days between the two endpoints. We therefore know with certainty that these polytheists, whose term He made two months less ten days, are different from the polytheists with whom a treaty was made for four months. This should be examined very carefully, for it removes much difficulty. Through Allah Most High comes success.[14]

L1015 **[Section on joining commands to one another by conjunction]**

L1016–1017 Ali said: Obligatory commands may be conjoined with nonobligatory ones, and nonobligatory commands may be conjoined with obligatory ones. The fundamental rule here is that every command imposes an obligation, except what is excluded from this by the necessity of sensory evidence, an explicit text, or consensus. Thus, when commands are conjoined and some are excluded from obligation by one of the proofs we have mentioned, the rest retain the ruling understood from commands in general. We pay no regard to whether the command excluded from its customary ruling is mentioned first, last, or in the middle: all these cases are alike. This is equivalent to its being excluded through abrogation, for the rest remain subject to the ruling of obligation and obedience. An example is His saying, exalted is He: "He it is who brought into being gardens, trellised and untrellised, date palms, and crops whose produce varies, and olives and pomegranates, alike and unlike. Eat of its fruit when it bears fruit, and give its due on the day of its harvest, and do not be extravagant. Indeed, He does not love the extravagant." Were it not for consensus that eating the fruit is not obligatory, we would have said that it is obligatory. But since it was excluded from being obligatory

[14] **Translator's note (L1014):** The phrase rendered "for it removes much difficulty" is corrupt as supplied: "فإنه برفع الإشكال كثير." The translation reflects the apparent sense, but the wording does not grammatically express it as written.

[فصل في عطف الأوامر بعضها على بعض]

قال علي وقد يعطف أوامر مفروضات على غير مفروضات، ويعطف غير مفروضات على مفروضات، والأصل في ذلك: أن كل أمر فهو فرض إلا ما خرج عن ذلك بضرورة حس أو بنص أو إجماع، فإذا كانت أوامر معطوفات فخرج بعضها بأحد الدلائل التي ذكرنا عن الوجوب، بقي سائرها على حكم المفهوم من الأوامر في الجملة، ولا نبالي كان الخارج عن معهود حكمه هو الأول في الذكر، أو الآخر أو الأوسط. كل ذلك سواء، وهو بمنزلة ما لو خرج بنسخ، فإن سائرها يبقى على حكم الوجوب والطاعة فمن ذلك قوله تعالى {وهو لذي أنشأ جنات معروشات وغير معروشات ولنخل ولزرع مختلفا أكله ولزيتون ولرمان متشابها وغير متشابه كلوا من ثمره إذآ أثمر وآتوا حقه يوم حصاده ولا تسرفوا إنه لا يحب لمسرفين} فلولا الإجماع على أن الأكل من الثمر ليس فرضا لقلنا إنه فرض. ولكن لما خرج عن أن يكون فرضا بدليل الإجماع، بقي الفعل المعطوف عليه على حكم الوجوب وهو قوله تعالى {وهو لذي أنشأ جنات معروشات وغير معروشات ولنخل ولزرع مختلفا أكله ولزيتون ولرمان متشابها وغير متشابه كلوا من ثمره إذآ أثمر وآتوا حقه يوم حصاده ولا تسرفوا إنه لا يحب لمسرفين} قال علي

by the proof of consensus, the action conjoined with it retained the ruling of obligation, namely His saying, exalted is He: "He it is who brought into being gardens, trellised and untrellised, date palms, and crops whose produce varies, and olives and pomegranates, alike and unlike. Eat of its fruit when it bears fruit, and give its due on the day of its harvest, and do not be extravagant. Indeed, He does not love the extravagant." Ali said: We have only adduced what the followers of Malik, Abu Hanifah, and al-Shafi'i agree with us upon; otherwise, they have contradicted themselves in cases like this. Nevertheless, the truth is what we have stated, and success comes through Allah, exalted is He.[15]

L1018–1019 Other examples are: "Prepare infused drinks, and do not drink anything intoxicating," and "Visit them"—meaning graves—"and do not utter foul speech." The first command is a recommendation by consensus, and the second is obligatory. Success comes through Allah, exalted is He. Likewise, in His saying, "O you who believe, when the call to prayer is made on Friday, hasten to the remembrance of Allah and leave off selling. That is better for you, if you know," hastening was specific to men, to the exclusion of women. That did not prevent the command to leave off selling from being obligatory—obligatory according to its apparent meaning—and general, applying to everyone, man or woman. The followers of Malik agreed with us on this. There are many such examples. Success comes through Allah, exalted is He. Allah is sufficient for us, and an excellent Trustee is He.[16][17][18]

L1020 [Section on the Self-Contradiction of Those Who Advocate Suspending Judgment]

L1021–1025 Here are some instances of the self-contradiction of those who advocate suspending judgment: their construing many commands as obligatory and away from their apparent meaning, without any contextual indicator or proof be-

[15] **Qur'an references (L1016):** Qur'an 6:141 (Al-An'am).

[16] **Translator's note (L1018):** The supplied phrase ندب الإجماع is grammatically irregular; it is rendered as "a recommendation by consensus," the sense indicated by the context.

[17] **Translator's note (L1019):** The repetition of فرضا, "obligatory," is retained.

[18] **Qur'an references (L1018):** Qur'an 62:9 (Al-Jumu'ah); Qur'an 9:41 (At-Tawbah); Qur'an 29:16 (Al-'Ankabut); Qur'an 61:11 (As-Saf).

وإنما آتينا بما يوافقنا عليه أصحاب مالك وأبي حنيفة والشافعي، وإلا فقد تناقضوا في مثل هذا، إلا أن الحقيقة ما ذكرنا وبالله تعالى التوفيق.

ومن ذلك أيضا، فانتبذوا ولا تشربوا مسكرا وزوروها يعني القبور ولا تقولوا هجرا الأمر الأول ندب الإجماع والثاني فرض وبالله تعالى التوفيق وكذلك قوله {يأيها لذين آمنوا إذا نودي للصلاة من يوم لجمعة فسعوا إلى ذكر لله وذروا لبيع ذلكم خير لكم إن كنتم تعلمون} كان السعي خاصا للرجال دون النساء، ولم يمنع ذلك الأمر بترك البيع من أن يكون فرضا فرضا على ظاهره وعاما لكل أحد من رجل أو امرأة ووافقنا على ذلك أصحاب مالك، ومثل هذا كثير، وبالله تعالى التوفيق وحسبنا الله ونعم الوكيل

[فصل في تناقض القائلين بالوقف]

هاك نبذ من تناقض القائلين بالوقف وحملهم أوامر كثيرة على وجوبها وعن ظاهرها بغير قرينة ولا دليل، إلا مجرد الأمر، وصيغة اللفظ فقط، وما تعدوا فيه طريق الحق، إلى أن أوجبوا فرائض لا دليل على إيجابها، يدل على كثير تناقضهم وفساد قولهم. قال علي: إن القائلين بالوقف من المالكيين والشافعيين والحنفيين قد أوجبوا أحكاما كثيرة بأوامر وردت لا قرينة معها، فكان نقضا لمذهبهم في الوقف، وما قنعوا بذلك

yond the bare command and the verbal form alone; and the cases in which they transgressed the path of truth to the point of imposing obligations for whose imposition there is no proof. This indicates their many contradictions and the unsoundness of their position. Ali said: Those among the Malikis, Shafi'is, and Hanafis who advocate suspending judgment have imposed many rulings as obligatory on the basis of commands transmitted without any accompanying contextual indicator. This contradicted their doctrine of suspending judgment. Nor were they content with that: they went so far as to impose obligations without any commands at all. Who, then, is more astonishing than someone who does not regard Allah's command, exalted is He, as making the execution of what He commands obligatory, yet imposes rulings as obligatory without any command from Allah, exalted is He? An example is what the Malikis said concerning His saying, exalted is He: "O you who believe, when the call to prayer is made on Friday, hasten to the remembrance of Allah and leave off selling. That is better for you, if you know." They invalidated a sale on the basis of this command alone. Nor were they content with that: they went so far as to invalidate marriage and authorization, which Allah, mighty and majestic, did not invalidate, transgressing His limits, exalted is He. Some of them have sought to justify this by arguing that the expression "O you who believe, when the call to prayer is made on Friday, hasten to the remembrance of Allah and leave off selling. That is better for you, if you know" applies only to obligation. Ali said: This is something no Arab bearer of the language recognizes. He has indeed said, exalted is He: "They did not esteem Allah as He deserves to be esteemed when they said, 'Allah has not sent down anything to any human being.' Say: 'Who sent down the Book that Moses brought as a light and guidance for humankind, which you make into sheets, displaying them while concealing much? And you were taught what neither you nor your fathers knew.' Say: 'Allah.' Then leave them playing in their vain discourse." Do you suppose, then, that "leave" in this passage makes it obligatory to leave expiation without admonition, invitation to faith, the killing of Moses, or the imposition of tribute and abasement? And concerning His saying, exalted is He, "Fighting is prescribed for you, though it is hateful to you. It may be that you hate something that is good for you, and it may be that you love

حتى أوجبوا فرائض بلا أوامر أصلا، فمن أعجب ممن لم يوجب بأمر الله تعالى إنفاذ ما أمر به، وأوجب أحكاما بغير أمر من الله تعالى، فمن ذلك أن المالكيين قالوا في قوله تعالى {يأيها لذين آمنوا إذا نودي للصلاة من يوم لجمعة فسعوا إلى ذكر لله وذروا لبيع ذلكم خير لكم إن كنتم تعلمون} فأبطلوا البيع بمجرد هذا الأمر، ولم يقنعوا بذلك حتى أبطلوا ما لم يبطل الله عز وجل من النكاح، والإجازة تعديا لحدوده تعالى وقد تعلل بعضهم في هذا بأن لفظة {يأيها لذين آمنوا إذا نودي للصلاة من يوم لجمعة فسعوا إلى ذكر لله وذروا لبيع ذلكم خير لكم إن كنتم تعلمون} لا يقع إلا للفرض قال علي وهذا ما لا يعرفه حامل لغة من العرب وقد قال تعالى {وما قدروا لله حق قدره إذ قالوا مآ أنزل لله على بشر من شيء قل من أنزل لكتاب لذي جآء به موسى نورا وهدى للناس تجعلونه قراطيس تبدونها وتخفون كثيرا وعلمتم ما لم تعلموا أنتم ولا آباؤكم قل لله ثم ذرهم في خوضهم يلعبون} أفترى ذر في هذا المكان موجبة ترك الكفارة، دون وعظ ودعاء إلى الإيمان وقتل موسى وإغرام جزية وصغار وقال في قوله تعالى: {كتب عليكم القتال وهو كره لكم وعسى أن تكرهوا شيئا وهو خير لكم وعسى أن تحبوا شيئا وهو شر لكم ولله يعلم وأنتم لا تعلمون} و {يأيها لذين آمنوا كتب عليكم القصاص في لقتلى لحر بالحر ولعبد بلعبد ولأنثى بلأنثى فمن عفي له من أخيه شيء فتباع بالمعروف وأدآء إليه بإحسان ذلك تخفيف من ربكم ورحمة فمن عتدى بعد ذلك فله عذاب أليم} و {يأيها لذين آمنوا كتب عليكم لصيام كما كتب على لذين من قبلكم لعلكم تتقون} هذه فرائض وقالوا في قوله {كتب عليكم إذا حضر أحدكم لموت إن ترك خيرا لوصية للوالدين ولأقربين بلمعروف حقا على لمتقين} فقالوا ليس هذا فرضا مع أمره عليه السلام من عنده شيء يوصي فيه: أن لا يبيت ليلتين إلا ووصيته مكتوبة عنده، ففرقوا بلا دليل وقالوا في قوله تعالى {وأتموا لحج ولعمرة لله

something that is bad for you. Allah knows, and you do not know," and "O you who believe, prescribed for you is retaliation for those killed: the free person for the free person, the slave for the slave, and the female for the female. But whoever is pardoned anything by his brother, then pursuit shall be according to what is right, and payment to him shall be made graciously. That is an alleviation from your Lord and a mercy. Whoever transgresses after that shall have a painful punishment," and "O you who believe, fasting is prescribed for you as it was prescribed for those before you, so that you may be mindful of Allah," they said: "These are obligations." But concerning His saying, "Prescribed for you, when death approaches one of you, if he leaves wealth, is a bequest to parents and close relatives according to what is right—a duty incumbent upon those mindful of Allah," they said: "This is not obligatory," despite his command, peace be upon him, that anyone who possesses something concerning which he would make a bequest should not spend two nights without having his will written and kept with him. They thus made a distinction without proof. And concerning His saying, exalted is He, "Complete the pilgrimage and the lesser pilgrimage for Allah. If you are prevented, then offer whatever sacrificial animal is readily available. Do not shave your heads until the sacrificial animal reaches its appointed place. Whoever among you is ill or has an ailment of the head must offer a ransom of fasting, charity, or sacrifice. When you are secure, whoever enjoys the interval between the lesser pilgrimage and the pilgrimage must offer whatever sacrificial animal is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return: those are ten complete days. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment," they said: "This is obligatory." And concerning His saying, exalted is He, "Complete the pilgrimage and the lesser pilgrimage for Allah. If you are prevented, then offer whatever sacrificial animal is readily available. Do not shave your heads until the sacrificial animal reaches its appointed place. Whoever among you is ill or has an ailment of the head must offer a ransom of fasting, charity, or sacrifice. When you are secure, whoever enjoys the interval between the lesser pilgrimage and the pilgrimage must offer whatever sacrificial animal is readily available. Whoever cannot find

فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} هذا فرض وفي قوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} قالوا هذا فرض وكذلك قالوا في هدي العمرة وجزاء الصيد، وقالوا بفرض التكبير في أول الصلاة والتسليم منها ذلك فرض، وقالوا في حكم المصراة ذلك فرض، وقالوا في التقويم على الشريك المعتق ذلك فرض، وأوجبوا الزكاة في أموال الصغار بعموم قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} وبقوله عليه السلام إن عليهم صدقة تؤخذ من أغنيائهم ولم يوجبوا صدقة الفطر فرضا وقد جاء النص بأنه عليه السلام فرضها وهي داخلة في جملة قوله عليه السلام إن عليهم صدقة وفي جملة قوله تعالى {وهو لذي أنشأ جنات معروشات وغير معروشات ولنخل ولزرع مختلفا أكله ولزيتون ولرمان متشابها وغير متشابه كلوا من ثمره إذآ أثمر وآتوا حقه يوم حصاده ولا تسرفوا إنه لا يحب لمسرفين} وأجبوا الزكاة في الزيتون بقوله تعالى {وهو لذي أنشأ جنات معروشات وغير معروشات ولنخل ولزرع مختلفا أكله ولزيتون ولرمان متشابها وغير متشابه كلوا من ثمره إذآ أثمر وآتوا حقه يوم حصاده ولا تسرفوا إنه لا يحب لمسرفين}

one must fast three days during the pilgrimage and seven when you return: those are ten complete days. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment," they said: "This is obligatory." They said the same concerning the sacrificial offering for the lesser pilgrimage and compensation for game killed. They affirmed the obligation of pronouncing "Allah is greatest" at the beginning of prayer and the salutation of peace that ends it, saying: "That is obligatory." Concerning the ruling on an animal whose milk has been allowed to accumulate in its udder, they said: "That is obligatory." Concerning valuation charged against a co-owner who emancipates his share, they said: "That is obligatory." They imposed the obligatory alms on minors' property by virtue of the general scope of His saying, exalted is He, "Take from their property charity by which you cleanse and purify them, and pray for them. Indeed, your prayers are a source of tranquility for them. Allah is All-Hearing, All-Knowing," and his saying, peace be upon him, "They are subject to a charity taken from their wealthy." Yet they did not make the charity at the breaking of the fast obligatory, although the explicit text states that he, peace be upon him, prescribed it as obligatory. It is included within the general scope of his saying, peace be upon him, "They are subject to a charity," and within the general scope of His saying, exalted is He, "He it is who brought into being gardens, trellised and untrellised, date palms, and crops whose produce varies, and olives and pomegranates, alike and unlike. Eat of its fruit when it bears fruit, and give its due on the day of its harvest, and do not be extravagant. Indeed, He does not love the extravagant." They imposed the obligatory alms on olives on the basis of His saying, exalted is He, "He it is who brought into being gardens, trellised and untrellised, date palms, and crops whose produce varies, and olives and pomegranates, alike and unlike. Eat of its fruit when it bears fruit, and give its due on the day of its harvest, and do not be extravagant. Indeed, He does not love the extravagant." Yet they did not consider it applicable to pomegranates, although He, exalted is He, mentioned both together in the verse. And they made washing

ولم يروها في الرمان وقد ذكرهما تعالى في الآية ذكرا واحدا، وأوجبوا غسل الإناء من ولوغ الكلب سبعا لو ورد الأمر بذلك فقط.

a vessel seven times after a dog has lapped from it obligatory, if only the command to that effect had been transmitted.[19][20][21][22][23][24]

L1026 As for the Hanafis, they held it obligatory that a woman not stand alongside a man in prayer, and they held it obligatory to require a slave to work to pay for his freedom. Yet they did not hold it obligatory to give a slave under a contractual emancipation agreement some of Allah's wealth, nor did they hold it obligatory to conclude such an agreement with someone who requests it, although all of this is commanded. They held it obligatory to provide a parting gift to a divorced woman with whom the marriage had not been consummated and for whom no bridal due had been stipulated, on the basis of His saying, "Then provide for them." Yet they did not hold this obligatory

وأما الحنفيون فإنهم رأوا ألا تقف المرأة مع الرجل في الصلاة فرضا، ورأوا الاستسعاء فرضا، ولم يروا الإيتاء من مال الله للمكاتب فرضا ولا مكاتبة من دعا إلى المكاتبة فرضا وكل ذلك مأمور به، ورأوا تمتيع المطلقة التي لم تمس ولم يفرض لها صداق فرضا بقوله: {فمتعوهن} ولم يروا ذلك فرضا لسائر المطلقات وقد قال تعالى {وللمطلقات متاع بالمعروف حقا على المتقين} ومثل هذا كثير

[19] **Translator's note (L1021):** The phrase "and away from their apparent meaning" translates وعن ظاهرها as supplied. Its coordination with "as obligatory" is awkward and may reflect textual corruption. The supplied الإجازة means "authorization." The legal context may suggest الإجارة, "hire or lease," but the supplied reading has not been silently corrected. The text quotes the entire Friday-prayer verse when referring to "the expression." The immediate argument appears to concern ذروا, "leave off," but the full quotation is retained.

[20] **Translator's note (L1022):** The supplied الكفارة means "expiation." The context appears to call for الكفار, "the unbelievers"; the supplied reading is retained.

[21] **Translator's note (L1023):** The supplied قتل موسى means "the killing of Moses," an anomalous reading in this context. It may be a corruption of wording concerning killing or captivity, but it has not been corrected. The Arabic has the singular وقال, "and he said," although the following unit supplies the plural statement "these are obligations" as the jurists' position. The English leaves the attribution open across the segment boundary.

[22] **Translator's note (L1024):** The entire pilgrimage verse occurs twice in the supplied text; both occurrences are retained.

[23] **Translator's note (L1025):** The animal described as المصراة is one whose milk has deliberately been retained in its udder, typically to mislead a purchaser about its milk yield. "Valuation charged against a co-owner who emancipates his share" refers to assessing the remaining share of a jointly owned slave for compensation upon emancipation. The final clause has لو, "if," producing an awkward conditional construction. The context may suggest a reading meaning "because the command to that effect was transmitted," but the supplied wording is retained.

[24] **Qur'an references (L1021):** Qur'an 62:9 (Al-Jumu'ah); Qur'an 9:41 (At-Tawbah); Qur'an 29:16 (Al-'Ankabut); Qur'an 61:11 (As-Saf); Qur'an 6:91 (Al-An'am); Qur'an 2:216 (Al-Baqarah); Qur'an 2:178 (Al-Baqarah); Qur'an 2:180 (Al-Baqarah); Qur'an 2:196 (Al-Baqarah); Qur'an 9:103 (At-Tawbah); Qur'an 6:141 (Al-An'am).

for other divorced women, although He has said, exalted is He, "For divorced women there is provision according to what is right—a duty incumbent upon those mindful of Allah." There are many such examples.[25]

L1027 The Shafiʿis regarded invoking blessings upon the Prophet—may Allah bless him and grant him peace ﷺ—during prayer as obligatory, but did not regard saying "Allah is greatest" when bowing and rising as obligatory, although a command to do so has been transmitted. They regarded intention in ritual ablution as obligatory, but did not regard expelling water from the nose as obligatory, although commands concerning all of these have been transmitted alike. They regarded the option to rescind a sale before the parties separate as obligatory, but did not regard having the sale witnessed as obligatory, although commands concerning all of these have been transmitted. There are many such examples. They regarded giving some of Allah's wealth to a slave under a contractual emancipation agreement as obligatory, but did not regard concluding such an agreement with those whom your right hands possess who request one as obligatory, although commands concerning both have been transmitted in exactly the same manner. What we have mentioned provides a sample from which the inconsistency of those who advocate suspension of judgment may be inferred. Success comes through Allah Most High. We have already mentioned the categories of commands in the Book of Approximation, making it unnecessary to repeat them. Allah Most High willing, we shall mention the proofs that divert a command from its established signification of imposing an obligation to its other categories in a section at the end of the chapter on generality that follows our discussion here, if Allah, Mighty and Majestic, wills. Success comes through Allah Most High. There is neither power nor strength except through Allah, the Most High, the Magnificent. Allah grants success in reaching what is correct.

ورأى الشافعيون الصلاة على النبي صلى الله عليه وسلم في الصلاة فرضا ولم يروا التكبير في الركوع والرفع فرضا، وقد جاء به الأمر، ورأوا النية في الوضوء فرضا، ولم يروا فعل الاستنثار فرضا، وبكل ذلك جاء الأمر سواء، ورأوا الخيار قبل التفرق في البيع فرضا، ولم يروا الإشهاد فيه فرضا، وبكل ذلك جاء الأمر. ومثل هذا كثير: ورأوا الإيتاء من مال الله للمكاتب فرضا ولم يروا كتابة من دعا إلى المكاتبة مما ملكت أيمانكم فرضا، وكلاهما جاء به الأمر مجيئا مستويا، وفيم ذكرنا طرف يستدل به على تناقض من قال بالوقف وبالله تعالى التوفيق. وقد ذكرنا أقسام الأوامر في كتاب التقريب فأغنى عن إعادتها، وسنذكر إن شاء الله تعالى الدلائل المخرجة للأمر عن موضوعه في الإيجاب إلى سائر أقسامه، في فصل آخر باب العموم التالي لكلامنا في هذا إن شاء الله عز وجل، وبالله تعالى التوفيق، ولا حول ولا قوة إلا بالله العلي العظيم والله الموفق للصواب

[25] **Translator's note (L1026):** "Require a slave to work to pay for his freedom" renders الاستسعاء, the legal procedure of requiring a partly emancipated slave to earn the value of the remaining share.



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 13: عموم الألفاظ

Chapter 13: The General Scope of Expressions

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الثالث عشر في حمل الأمر وسائر الألفاظ كلها على العموم وإبطال قول من قال في كل ذلك بالوقفأو الخصوص إلا ما أخرجه عن العموم دليل حق]

قال علي اختلف الناس في هذا الباب فقالت طائفة لا تحمل الألفاظ إلا على الخصوص، ومعنى ذلك حملها على بعض ما يقتضيه الاسم في اللغة دون بعض. وقال بعضهم: بل نقف فلا نحملها على عموم ولا خصوص إلا بدليل. فالقول الأول هو لبعض الحنفيين، وبعض المالكيين، وبعض الشافعيين، والثاني لبعض الحنفيين، وبعض المالكيين وبعض الشافعيين. وقالت طائفة: الواجب حمل كل لفظ على عمومه، وهو كل ما يقع عليه لفظه المرتب في اللغة للتعبير عن المعاني الواقعة تحته، ثم اختلفوا على قولين، فقالت طائفة منهم: إنما يفعل ذلك بعد أن ينظر هل خص ذلك اللفظ شيء أم لا، فإن وجدنا دليلا على ذلك صرنا إليه، وإلا حملنا اللفظ على عمومه دون أن نطلب على العموم دليلا، وهذا قول بعض الشافعيين وبعض الحنفيين. وقالت طائفة الواجب حمل كل لفظ على عمومه، وكل ما يقتضيه اسمه دون توقف ولا نظر، لكن إن جاءنا دليل يوجب أن نخرج عن عمومه بعض ما يقتضيه لفظه صرنا إليه حينئذ، وهذا قول جميع أصحاب الظاهر، وبعض المالكيين، وبعض الشافعيين، وبعض الحنفيين، وبهذا نأخذ، وهو الذي لا يجوز غيره، وإنما اختلف من ذكرنا على قدر ما بحضرتهم من المسائل على ما قدمنا من أقوالهم فيما خلا، فإن وافقهم القول بالخصوص قالوا به. وإن وافقهم القول بالعموم قالوا به، فأصولهم معكوسة على فروعهم ودلائلهم مرتبة على ما توجبه مسائلهم. وفي هذا عجب: أن يكون الدليل على القول مطلوبا بعد اعتقاد القول، وإنما فائدة الدليل، وثمرته إنتاج ما يجب اعتقاده من الأقوال، فمتى يهتدي من اعتقد قولا بلا دليل ثم جعل يطلب الأدلة بشرط موافقة قوله، وإلا فهي مطرحة عنده. قال علي: وكل ما ذكرنا أنه

[Chapter Thirteen: Construing Commands and All Other Expressions as General, and Refuting Those Who Advocate Suspension of Judgment or Specificity in All of These, Except Where a Valid Proof Excludes Something from Generality]

ʿAli said: People have disagreed on this subject. One group said that expressions must be construed only as specific, meaning that they are applied to some, but not all, of what the designation encompasses in the language. Others said: Rather, we suspend judgment, construing them as neither general nor specific without proof. The first position is held by some Hanafis, some Malikis, and some Shafiʿis; the second by some Hanafis, some Malikis, and some Shafiʿis. Another group said: Every expression must be construed according to its generality, encompassing everything to which its wording applies, as established in the language to express the meanings falling under it. They then differed, taking two positions. One group among them said: This is done only after examining whether anything has restricted the scope of that expression. If we find proof of such restriction, we adopt it; otherwise, we construe the expression according to its generality without seeking proof of its generality. This is the position of some Shafiʿis and some Hanafis. Another group said: Every expression must be construed according to its generality and everything its designation encompasses, without suspension of judgment or examination. But if a proof reaches us requiring us to exclude from its generality some of what its wording encompasses, we adopt it at that point. This is the position of all the adherents of the apparent meaning, some Malikis, some Shafiʿis, and some Hanafis. This is the position we adopt, and no other is permissible. Those we have mentioned have differed only in accordance with the particular legal questions before them, as we explained previously when presenting their positions. If specificity suited them, they advocated it; if generality suited them, they advocated it. Their foundational principles are thus derived backwards from their subsidiary rulings, and their proofs are arranged according to what their particular legal positions require. It is astonishing that proof for a position should be sought after that position has already been adopted as a belief. The benefit and fruit of

proof consist solely in producing the positions that one must believe. When, then, will someone find guidance who adopts a position without proof and then begins seeking proofs on condition that they agree with his position, otherwise discarding them? ʿAli said: Every objection we have mentioned as applying to those who advocate suspension of judgment or interpretive diversion in turning commands away from obligation and expressions away from their apparent meanings applies even more forcefully to those who advocate suspension of judgment or specificity here. Additional objections also apply to them. ʿAli said: Those who maintain that an expression must not be construed according to its generality until proof of specificity has been sought, or without proof that it is general, argued as follows: Expressions do not entail generality by their forms; [if they did,] they would never be found otherwise, just as the designation "blackness" is not found applied to whiteness. Since we have found expressions whose apparent meaning is generality, while what is intended by them is specificity, we know that they must not be construed as general without proof. ʿAli said: We have already refuted this inference in our earlier discussion of obligation and the apparent meaning. Here we say that finding expressions transferred from their established meanings in the language does not require that every expression be invalidated and the application of designations to the things they designate be rendered unsound. If that were so, finding abrogated verses upon which it is impermissible to act would require refraining from acting upon any of all the remaining verses, except on the basis of proof, other than their own wording, requiring that they be acted upon. Whoever says this has disbelieved, by consensus; whoever does not say it has contradicted himself and demonstrated the unsoundness of his position. As for their statement, "Just as the designation 'blackness' is not applied to whiteness," the word 'aswad' may indeed be applied to something other than color: one says, "So-and-so is more eminent than so-and-so," using it in the sense of eminence. This does not invalidate the establishment of "blackness" as a designation for the absence of colors. A black person may also be called "Father of the White Woman," but this does not invalidate the establishment of "whiteness" as a designation for the color that disperses vision. Some earlier advocates of generality argued against them, saying: There is absolutely no way to es-

يدخل على القائلين بالوقف، أو التأويل في صرف الأوامر عن الوجوب، وصرف الألفاظ عن ظواهرها، فهو أدخل على من قال بالوقف أو الخصوص ههنا، ويدخل عليهم أيضا أشياء زائدة. قال علي: فما احتج به من ذهب إلى أن اللفظ لا يحمل على عمومه إلا بعد طلب دليل على الخصوص، أو إلا بدليل على أنه على العموم، أن قالوا: ليست الألفاظ مقتضية للعموم بصيغها لما وجدت أبدا إلا كذلك، كما لا يوجد اسم السواد على البياض، فلما وجدنا ألفاظا ظاهرها العموم والمراد بها الخصوص، علمنا أنها لا تحمل على العموم إلا بدليل. قال علي: وقد تقدم إفسادنا لهذا الاستدلال فيما خلا من القول بالوجوب وبالظاهر. ونقول ههنا: إنه ليس وجودنا ألفاظا منقولة عن موضوعها في اللغة بموجب أن يبطل كل لفظ، ويفسد وقوع الأسماء على مسمياتها، ولو كان ذلك لكان وجودنا آيات منسوخة، لا يجوز العمل بها موجبا لترك العمل بشيء من سائر الآيات كلها، إلا بدليل يوجب العمل بها من غير لفظها، ومن قال هذا فقد كفر بإجماع، ومن لم يقله فقد تناقض، ودل على فساد مذهبه. وأما قولهم: كما لا يوضع اسم السواد على البياض، فقد يوضع أسود على غير اللون، فيقال: فلان أسود من فلان من معنى السيادة، وليس ذلك بمبطل أن يكون السواد موضوعا لعدم الألوان، وقد يقال للأسود أبو البيضاء وليس ذلك بمبطل أن يكون البياض موضوعا للون المفرق للبصر. وقد احتج عليهم بعض من تقدم من القائلين بالعموم فقال ليس إلى وجود لفظ عام يراد به الخصوص سبيل البتة إلا بدليل وارد يبين أنه منقول عن مرتبته إلى غيرها، كالدليل على تخصيص قوله تعالى: {تدمر كل شيء بأمر ربها فأصبحوا لا يرى إلا مساكنهم كذلك نجزي لقوم لمجرمين} فصح بالنص وبالظاهر وبمقتضى اللفظ أنها لم تدمر من الأشياء إلا ما أمرت بتدميره وهذا لفظ خصوص لبعض الأشياء، لا لفظ عموم لجميعها، لكنه عموم لما قصد به، قال: وكذلك كل لفظ عموم أريد به الخصوص، قال: فلما صح ذلك بطل ما احتجوا به من وجودهم لفظا

tablish that a general expression is intended specifically except through a transmitted proof showing that it has been transferred from its established scope to another, as with the proof restricting the scope of His words, Most High: {It destroys everything by the command of its Lord. Then they became such that nothing could be seen except their dwellings. Thus do We recompense the criminal people.} It is therefore established by the explicit text, the apparent meaning, and what the wording entails that it destroyed only those things it was commanded to destroy. This is wording specific to some things, rather than wording general to all of them, but it is general with respect to what was intended by it. He said: The same applies to every general expression intended specifically. He said: Once this was established, their argument from finding an expression whose apparent meaning is unrestricted generality, while specificity is intended by it, was invalidated. ʿAli said: They also argued by saying: We have never found any address that was not specific rather than general. It is therefore established that every address is intended specifically for those rational adults whom the address has reached, to the exclusion of others.[1][2][3]

ظاهره العموم المطلق ويراد به الخصوص. قال علي: واحتجوا أيضا فقالوا: لم نجد قط خطابا إلا خاصا لا عاما، فصح أن كل خطاب فإنما قصد به من بلغه الخطاب من العاقلين البالغين خاصة دون غيرهم.

L1034–1037

ʿAli said: This is the sophistry of an ignorant person speaking without knowledge. I wish I knew how he could have overlooked His words: {He is the One who created for you everything on earth, then turned to heaven and fashioned them as seven heavens; and He knows all things.} Furthermore, what he mentioned concerning the address being directed to adults of sound reason who know of the command, to the exclusion of others, is established

قال علي: هذا تشغيب جاهل متكلم بغير علم، ليت شعري أين كان عن قوله: {هو الذي خلق لكم ما في الأرض جميعا ثم استوى إلى السمآء فسواهن سبع سماوات وهو بكل شيء عليم} وأيضا فإن الذي ذكر من توجه الخطاب إلى البالغين العقلاء العالمين بالأمر دون غيرهم، فإنما ذلك بنص وارد فيهم، فهو عموم لهم كلهم، ولم نعن بقولنا بالعموم كل موجود في العالم، وإنما عنينا كل من اقتضاه اللفظ الوارد، وكل ما اقتضاه الخطاب، فعلى هذا قلنا بالعموم، وإنما أردنا حمل كل لفظ أتى على ما يقتضي، ولو لم يقتض إلا اثنين من النوع، فإن ذلك عموم لهما، وإنما أنكرنا تخصيص ما اقتضاه اللفظ بلا دليل أو التوقف فيه بلا دليل مثل قوله تعالى {ولا تقتلوا لنفس لتي حرم لله إلا بلحق ومن قتل مظلوما فقد جعلنا لوليه سلطانا فلا يسرف في لقتل إنه كان منصورا} فقلنا هذا عموم لكل نفس حرمها الله من إنسان ملي أو ذمي لم يأتنا ما يوجب القتل لهما، ومن قتل حيوانا نهي عن قتله، إما لتملك غيرنا له، أو لبعض

[1] **Translator's note (L1031):** The conditional argument appears to be defective as transcribed: a conditional particle such as "if" is apparently missing before the statement that such expressions would never be found otherwise. The supplied negation has been retained, and the inferred conditional connection is marked in brackets.

[2] **Translator's note (L1032):** The word 'aswad' supplies the author's wordplay: it ordinarily means "black" or "blacker," but is used in his example for greater eminence or lordship. "Father of the White Woman" renders the supplied epithet literally; the passage contrasts a personal appellation with the ordinary meanings of color terms. The Quranic quotation has defective definite-article spellings in its final phrase, corresponding to "the criminal people." These have been understood as orthographic defects; the quotation's wording and sequence are otherwise retained.

[3] **Qur'an references (L1029):** Qur'an 46:25 (Al-Ahqaf).

only by an explicit text concerning them. It is therefore general to all of them. By our advocacy of generality, we did not mean every existent thing in the world. We meant everyone encompassed by the transmitted wording and everything encompassed by the address. It is in this sense that we advocate generality. We intended only that every expression that occurs be construed as encompassing what it entails. Even if it encompassed only two members of a kind, it would be general to both. What we rejected was restricting the scope of what the expression encompasses without proof, or suspending judgment about it without proof. An example is His words, Most High: {Do not kill the soul Allah has made inviolable, except by right. Whoever is killed wrongfully, We have granted his legal guardian authority; so let him not exceed bounds in killing. Indeed, he has been given support.} We said: This is general to every soul Allah has made inviolable, whether a human being belonging to the religious community or a protected non-Muslim, where nothing requiring the killing of either has reached us, and to the killing of an animal whose killing has been prohibited, whether because someone else owns it or for some other reason. Another example is His words, Most High: {Do not marry those women whom your fathers married, except what has already passed. Indeed, it was an indecency, an object of abhorrence, and an evil way.} What we rejected was deeming a life lawful to take without proof, and marrying those whom fathers had married. Anyone who disagrees with us is bound not to enforce the prohibition against killing any soul without proof, and not to prohibit many of those whom fathers had married without proof other than this verse, specifying each individual in her own right. This leads to obsessive doubts, the destruction of mutual understanding, the invalidation of language, and the invalidation of religion. Another example is the saying of the Messenger of Allah—may Allah bless him and grant him peace ﷺ—"Wheat for wheat is usury, except 'Here you are' and 'Here you are'; barley for barley is usury, except 'Here you are' and 'Here you are'; dates for dates are usury, except 'Here you are' and 'Here you are'; salt for salt is usury, except 'Here you are' and 'Here you are'; gold for gold is usury, except 'Here you are' and 'Here you are'; and silver for silver is usury, except 'Here you are' and 'Here you are.'" All of this must therefore be construed as applying to all wheat, all barley, all dates, all salt, all gold, and all silver.

الأمر، ومثل قوله تعالى {ولا تنكحوا ما نكح آباؤكم من لنسآء إلا ما قد سلف إنه كان فاحشة ومقتا وسآء سبيلا} فإنما أنكرنا استباحة نفس بلا دليل ونكاح ما نكح الآباء، ومن خالفنا لزمه ألا ينفذ تحريم قتل نفس إلا بدليل، وألا يحرم كثيرا مما نكح الآباء إلا بدليل من غير هذه الآية، مبين لكل عين في ذاتها، وهذا يخرج إلى الوسواس، وإلى إبطال التفاهم وبطلان اللغة وبطلان الدين ومثل قول رسول الله صلى الله عليه وسلم البر بالبر ربا إلا هاء وهاء والشعير بالشعير ربا، إلا هاء وهاء، والتمر بالتمر ربا، إلا هاء وهاء، والملح بالملح ربا إلا هاء وهاء، والذهب بالذهب ربا إلا هاء وهاء، والفضة بالفضة ربا إلا هاء وهاء فوجب حمل كل ذلك على كل بر، وكل شعير وكل تمر وكل ملح وكل ذهب وكل فضة وكقوله عليه السلام كل مسكر حرام فوجب أن يحمل على كل مسكر وكل من تعدى هذا فقد أبطل حكم اللغة، وحكم الديانة. قال علي: وشغبوا أيضا بآيات الوعيد مثل قوله تعالى {وإن لفجار لفي جحيم} {إنآ أنزلنا لتوراة فيها هدى ونور يحكم بها لنبيون لذين أسلموا للذين هادوا ولربانيون ولأحبار بما ستحفظوا من كتاب لله وكانوا عليه شهدآء فلا تخشوا لناس وخشون ولا تشتروا بآياتي ثمنا قليلا ومن لم يحكم بمآ أنزل لله فأولئك هم لكافرون} قالوا وهي غير محمولة على عمومها.

Likewise, his saying—peace be upon him— "Every intoxicant is forbidden." It is therefore obligatory to apply this to every intoxicant. Whoever goes beyond this has nullified the rule of language and the rule of religion. Ali said: They also raised specious objections using verses of warning, such as His saying, exalted is He, {And indeed the wicked are surely in a blazing fire}, and {Indeed, We sent down the Torah, containing guidance and light, by which the prophets who submitted judged for those who were Jews, as did the godly scholars and the learned men, by virtue of what they were entrusted to preserve of the Book of Allah, and they were witnesses over it. So do not fear people, but fear Me, and do not exchange My signs for a small price. Whoever does not judge by what Allah has sent down—it is they who are the unbelievers}. They said: These are not to be understood in their general scope.[4][5][6]

L1038–1040 Ali said: Were it not for the texts concerning the acceptance of repentance, the weighing of deeds against one another, and the forgiveness of evil deeds through avoiding major sins, it would necessarily be obligatory to understand the verses of warning according to their apparent meaning and general scope. But we have adopted the clarification supplied by another address. The same applies to the other verse and to every verse and every address, whether a hadith or a report. We do not deny restricting a general expression through evidence supplied by another text or through the necessity of sense perception. We deny only restricting it without evidence. Ali said: They also questioned us, saying: What do you believe when you first hear a verse or a hadith, before understanding it? The answer is: We believe it has general scope, and this is unavoidable. Nevertheless, when we first hear it, before

قال علي: ولولا النصوص الواردة بقبول التوبة، وبالموازنة، وبغفران السيئات باجتناب الكبائر لوجب ضرورة حمل آيات الوعيد على ظاهرها وعمومها، ولكن صرنا إلى بيان خطاب آخر، وكذلك القول في الآية الأخرى، وفي كل آية وخطاب حديث وخبر، ونحن لا ننكر تخصيص العموم بدليل نص آخر أو ضرورة حس، وإنما أنكرنا تخصيصه بلا دليل. قال علي: وسألونا أيضا فقالوا: تعتقدون في أول سماعكم الآية والحديث، قبل تفهمكم فالجواب: إننا نعتقد العموم ولا بد من ذلك، وإلا أننا في أول سماعنا وقبل تفقهنا لسنا مفتين ولا حكاما ولا منذرين، حتى نتفقه، فإذا تفقهنا حملنا حينئذ كل لفظ على ظاهره وعمومه وحكمنا بذلك، وأفتينا وتدينا إلا ما قام عليه دليل أنه ليس على ظاهره وعمومه فنصير إليه، ولو أن حاكما، أو مفتيا لم يبلغه تخصيص ما بلغه من العموم، لكان الفرض عليهما الحكم بالذي بلغهما من العموم والفتيا به، وإلا فهما فاسقان حتى يبلغهما الخصوص فيصير إليه. ثم نعكس عليهم هذا السؤال فنقول: ماذا تعتقدون في الآية والحديث إذا سمعتموها قبل تفقهكم، أتعتقدون في بطلان الطاعة لهما، وأنهما منسوخان، أو تعتقدون وجوب الطاعة لهما وأنهما مستعملان محكمان، ما لم يقم دليل على نسخهما؟ فإن قالوا: نعتقد أنهما منسوخان، وأنهما على الوقف فارقوا

[4] **Translator's note (L1035):** The Quranic quotations contain several defective spellings of definite articles; these have been understood as orthographic defects without changing the quoted wording. "Belonging to the religious community" renders 'millī,' here contrasted with a protected non-Muslim ('dhimmī'). The supplied wording does not explicitly name the community. The repeated exchange formula literally means "'Here you are' and 'Here you are,'" indicating immediate reciprocal delivery. The supplied quotation applies this formula to all six commodities; that wording and all its repetitions have been retained.

[5] **Hadith references (L1034):** Sahih al-Bukhari 2170.

[6] **Qur'an references (L1034):** Qur'an 2:29 (Al-Baqarah); Qur'an 17:33 (Al-Isra); Qur'an 4:22 (An-Nisa); Qur'an 5:44 (Al-Ma'idah).

acquiring an informed understanding, we do not act as issuers of legal opinions, judges, or warners until we acquire that understanding. Once we have acquired it, we then understand every expression according to its apparent meaning and general scope, judge accordingly, issue legal opinions accordingly, and observe it as religion, except where evidence establishes that it does not bear its apparent meaning and general scope; in that case we adopt what that evidence establishes. If a judge or an issuer of legal opinions had not received the restriction of a general expression that had reached him, it would be obligatory for both of them to judge and issue legal opinions according to the general expression that had reached them. Otherwise, they would both be defiantly disobedient, until the specific qualification reached them, whereupon they would adopt it. We then turn this question back upon them and say: What do you believe concerning a verse and a hadith when you hear them, before acquiring an informed understanding? Do you believe that obedience to them is invalid and that they are abrogated, or do you believe that obedience to them is obligatory and that they remain operative and unabrogated unless evidence of their abrogation is established? If they say, "We believe that they are abrogated and that judgment concerning them is suspended," they have departed from the position of all Muslims. This leads to nullifying all religious laws and departing from Islam, because the evidence sought to establish the absence of abrogation can only be another verse, a text, or a consensus. Suspending judgment concerning that other verse and that other hadith, or saying that they are abrogated, entails for them exactly what was entailed in the case of the first address, without any difference, and so on forever. They would also have to suspend judgment concerning their claim of consensus, since perhaps there is disagreement here. Thus religion would be nullified according to their position. This position would require that no one act upon anything in religion, since perhaps there is something that restricts it or something that abrogates it. This contradicts the religion of Islam, and before Allah, exalted is He, we disavow every position that leads to this. If, however, they say, "Rather, we regard them as unabrogated until evidence establishes that they are abrogated," they have returned to the truth. And this is binding upon them concerning the position of suspending judgment or adopting a specific scope, without any difference. Ali said: They

قول جميع المسلمين، وأدى ذلك إلى إبطال جميع الشرائع ومفارقة الإسلام، لأن الدليل الذي يطلب على بطلان النسخ ليس إلا آية أخرى، أو نصا أو إجماعا، ويلزمهم من الوقف في الآية الأخرى، وفي الحديث الآخر أو من القول بأنهما منسوخان ما لزم في الخطاب الأول، ولا فرق، وهكذا أبدا، ولزمهم الوقف أيضا في دعواهم الإجماع، لعل ههنا خلافا فبطلت الديانة على قولهم، ووجب بهذا القول ألا يعمل أحد بشيء من الدين إذ لعل ههنا شيئا خصه أو شيئا نسخه، وهذا خلاف دين الإسلام، ونحن نبرأ إلى الله تعالى من كل قول أدى إلى هذا، وإن قالوا: بل على أنهما محكمان حتى يقوم دليل على أنهما منسوخان رجعوا إلى الحق، وهذا يلزمهم في القول بالوقف أو الخصوص ولا فرق. قال علي: وشغبوا أيضا فقالوا: نحن في الخطاب الوارد كالحاكم، شهد عنده شاهدان، فلا بد له من السؤال عنهما والتوقف حتى تصح عدالتهما.

also raised a specious objection, saying: With respect to an address that has reached us, we are like a judge before whom two witnesses have testified: he must inquire about them and suspend judgment until their uprightness is established.[7]

L1041–1043 Ali said: This is a false comparison. If it had been established for us before the two witnesses testified that they were upright, they would continue to possess that uprightness. It would be impermissible to suspend judgment on their testimony, and the obligation would be to implement judgment on its basis the moment they testified. The same applies to whatever we know with certainty to be an address to us from Allah, exalted is He, or from His Messenger ﷺ. We suspend judgment concerning the two witnesses only when we do not know them. Likewise, we suspend judgment concerning a report when it has not been established for us that it is from the Prophet ﷺ, and we make no ruling on the basis of any such thing. Ali said: Among their arguments was that they said: Allah, exalted is He, said, {It destroys everything by the command of its Lord. Then they became such that nothing could be seen except their dwellings. Thus do We recompense the criminal people}. He, exalted is He, said, {It leaves nothing that it comes upon without making it like decayed remains}. And He, exalted is He, said, {Indeed, I found a woman ruling over them, and she has been given of everything, and she has a mighty throne}. We know that the wind destroys everything in the world, and that Bilqis was not given everything, because Solomon, peace be upon him, was given what she was not given. Ali said: None of this provides them with any proof. As for His saying, exalted is He, {It destroys everything by the command of its Lord. Then they became such that nothing could be seen except their dwellings. Thus do We recompense the criminal people}, we have already said that Allah, exalted is He, did not say that and stop there. Rather, He, exalted is He, said, {It destroys everything by the command of its Lord. Then they became such that nothing could be seen except their dwellings. Thus do We recompense the criminal people}. The general scope

[7] **Translator's note (L1038):** The question beginning "What do you believe" is elliptical in the supplied Arabic: it has "you believe" without an explicit interrogative word. The interrogative sense is supplied by the surrounding exchange.

قال علي: وهذا تشبيه فاسد، لأن الشاهدين لو صح عندنا قبل شهادتهما أنهما عدلان فهما على تلك العدالة، ولا يحل التوقف على شهادتهما، والفرض إنفاذ الحكم بها ساعة يشهدان، وكذلك ما أيقنا أنه خطاب الله تعالى أو خطاب رسوله صلى الله عليه وسلم لنا وإنما نتوقف في الشاهدين إذا لم نعلمهما، وكذلك نتوقف في الخبر إذا لم يصح عندنا أنه عن النبي صلى الله عليه وسلم فلا نحكم بشيء من ذلك قال علي ومما احتجوا به أن قالوا قال الله تعالى: {تدمر كل شيء بأمر ربها فأصبحوا لا يرى إلا مساكنهم كذلك نجزي لقوم لمجرمين} قال تعالى {ما تذر من شيء أتت عليه إلا جعلته كلرميم} وقال تعالى {إني وجدت مرأة تملكهم وأوتيت من كل شيء ولها عرش عظيم} وقد علمنا أن الريح تدمر كل شيء في العالم، وأن بلقيس لم تؤت كل شيء، لأن سليمان عليه السلام أوتي ما لم تؤت هي. قال علي: وهذا كله لا حجة لهم فيه أما قوله تعالى: {تدمر كل شيء بأمر ربها فأصبحوا لا يرى إلا مساكنهم كذلك نجزي لقوم لمجرمين} فإنا قد قلنا إن الله تعالى لم يقل ذلك وأمسك، بل قال تعالى: {تدمر كل شيء بأمر ربها فأصبحوا لا يرى إلا مساكنهم كذلك نجزي لقوم لمجرمين} فصح بالنص عموم هذا اللفظ لأنه تعالى إنما قال: إنها دمرت كل شيء على العموم من الأشياء التي أمرها الله تعالى بتدميرها فسقط احتجاجهم بهذه الآية، وأما قوله {ما تذر من شيء أتت عليه إلا جعلته كلرميم} فهذه الآية مبطلة لقولهم لأنه إنما أخبر أنها دمرت كل شيء أتت عليه لا كل شيء لم تأت عليه فبطل تمويههم وأما قوله تعالى {إني وجدت مرأة تملكهم وأوتيت من كل شيء ولها عرش عظيم} فإنما حكى تعالى هذا القول عن

of this expression is therefore established by the text, because He, exalted is He, said only that it destroyed everything, generally, among the things that Allah, exalted is He, commanded it to destroy. Their argument from this verse thus falls away. As for His saying, {It leaves nothing that it comes upon without making it like decayed remains}, this verse invalidates their position, because He reported only that it destroyed everything it came upon, not everything it did not come upon. Their obfuscation is thus invalidated. As for His saying, exalted is He, {Indeed, I found a woman ruling over them, and she has been given of everything, and she has a mighty throne}, He, exalted is He, merely related this statement from the hoopoe. We do not adduce the hoopoe's statement as proof; we adduce as proof only what Allah, exalted is He, has said, reporting it to us from His knowledge, or what Allah, exalted is He, has confirmed of the report of someone whose report He has transmitted to us. He, exalted is He, has transmitted to us many statements from the Jews and Christians that are not sound. If someone says, "But Solomon, peace be upon him, said to the hoopoe, {He said: We shall see whether you have spoken truthfully or whether you are among the liars}," we say: Yes, but Allah, exalted is He, has not informed us that the hoopoe spoke truthfully in everything it mentioned. Thus they have no proof whatsoever in this verse.[89]

L1044–1046 Then we say to them—and success comes through Allah, exalted is He: If you adduce these verses as proof for understanding the Quran and the speech of the Prophet ﷺ as having specific rather than general scope, then adhere to that. We will not take you far from this verse that you have adduced as proof. We therefore put to you the saying of Allah, exalted is He: {And We certainly established them in that in which We have not established you, and We gave them hearing, eyesight, and hearts. Yet their hearing, their eyesight, and their hearts availed them nothing at all, since they were rejecting the

[8] **Translator's note (L1041):** The supplied text says that the wind "destroys everything in the world," although the objection appears to require "does not destroy everything in the world." The apparent missing negation has not been supplied in the translation. The complete quotation about the wind is repeated three times in this unit, including both before and after "did not say that and stop there." All repetitions are retained as supplied.

[9] **Qur'an references (L1041):** Qur'an 46:25 (Al-Ahqaf); Qur'an 51:42 (Adh-Dhariyat); Qur'an 27:23 (An-Naml); Qur'an 27:27 (An-Naml).

الهدهد، ونحن لا نحتج بقول الهدهد، وإنما نحتج بما قاله الله تعالى مخبرا به لنا عن علمه، أو ما حققه الله تعالى من خبر من نقل إلينا خبره، وقد نقل تعالى إلينا عن اليهود والنصارى أقوالا كثيرة، ليست مما تصح. فإن قال قائل: فإن سليمان عليه السلام قال للهدهد {قال سننظر أصدقت أم كنت من لكاذبين} قلنا نعم ولكن لم يخبرنا الله تعالى أن الهدهد صدق في كل ما ذكر، فلا حجة لهم في هذه الآية أصلا.

ثم نقول لهم، وبالله تعالى التوفيق: إذا احتججتم بهذه الآيات في حمل القرآن وكلام النبي صلى الله عليه وسلم على الخصوص لا على العموم فالتزموا ذلك ولسنا نبعدكم عن هذه الآية التي احتججتم بها، فنقول لكم، قول الله تعالى: {ولقد مكناهم فيما إن مكناكم فيه وجعلنا لهم سمعا وأبصارا وأفئدة فما أغنى عنهم سمعهم ولا أبصارهم ولا أفئدتهم من شيء إذ كانوا يجحدون بآيات لله وحاق به ما كانوا به يستهزئون} فأخبرونا على قوله تعالى، في هذه الآية، إن سمعهم وأبصارهم وأفئدتهم لم تغن عنهم شيئا أهو على عمومه أم يقولون إنها أغنت عنهم شيئا فإن قلتم كذبتم ربكم وإن لم تقولوا تركتم مذهبكم الفاسد، ومثل هذا في القرآن كثير جدا، بل هو الذي لا يوجد غيره أصلا في شيء من القرآن والكلام إلا في مواضع يسيرة قد قام الدليل على خصوصها،

signs of Allah; and what they used to mock encompassed him}. Tell us, then, concerning His saying, exalted is He, in this verse, that their hearing, eyesight, and hearts availed them nothing: does it have general scope, or do they say that these availed them something? If you say so, you have declared your Lord untruthful; and if you do not say so, you have abandoned your corrupt doctrine. There is very much of this kind in the Quran. Indeed, nothing else is found anywhere in the Quran or in speech, except in a few passages for which evidence establishing their specific scope has been furnished. Were it not for evidence establishing their specific scope, it would not be permissible for anyone to understand them as having anything but general scope. Success comes through Allah, exalted is He. Ali said: They also practiced obfuscation by invoking something that counts against them, rather than for them: the Children of Israel's hesitation concerning His command, exalted is He, that they slaughter the cow. Ali said: Whoever has only this measure of knowledge is forbidden to speak about it, because Allah, exalted is He, condemned them most severely for that suspension of action. Is it then permissible for a Muslim to strengthen his doctrine on the ground that it accords with something that Allah, mighty and majestic is He, condemned? Even if their hesitation had consisted of nothing more than their saying to Moses, peace be upon him, {And when Moses said to his people: Indeed, Allah commands you to slaughter a cow, they said: Do you take us in mockery? He said: I seek refuge in Allah from being among the ignorant}, in reply to his saying, {And when Moses said to his people: Indeed, Allah commands you to slaughter a cow, they said: Do you take us in mockery? He said: I seek refuge in Allah from being among the ignorant}. Whoever is addressed by a prophet with some command from Allah, mighty and majestic is He, and treats it as mockery has disbelieved. Ali said: Their following the example of the Jews who construed the speech of their Lord, exalted is He, as mockery is enough for them, and enough for us against them. They also adduced His saying, {The Originator of the heavens and the earth! How could He have a child when He has had no consort? He created everything, and He knows everything}, although He, mighty and majestic is He, is uncreated; and His saying, exalted is He, {Those to whom the people said: Indeed, the people have gathered against you, so fear them. But it increased them in faith, and

ولولا قيام الدليل على خصوصها لم يحل لأحد أن يحملها إلا على العموم، وبالله تعالى التوفيق. قال علي: وموهوا أيضا بما هو عليهم لا لهم، وهو تردد بني إسرائيل في أمره تعالى لهم بذبح البقرة. قال علي: ومن كان هذا مقداره في العلم فحرام عليه الكلام فيه، لأن الله تعالى ذمهم بذلك التوقف أشد الذم، أفيسوغ لمسلم أن يقوي مذهبه بأنه موافق لأمر ذمه الله عز وجل؟ ولو لم يكن في ترددهم إلا قولهم لموسى عليه السلام {وإذ قال موسى لقومه إن لله يأمركم أن تذبحوا بقرة قالوا أتتخذنا هزوا قال أعوذ بلله أن أكون من لجاهلين} جوابا لقوله {وإذ قال موسى لقومه إن لله يأمركم أن تذبحوا بقرة قالوا أتتخذنا هزوا قال أعوذ بلله أن أكون من لجاهلين} ومن خاطبه نبي عن الله عز وجل بأمر ما، فجعله المخاطب هزوا فقد كفر. قال علي: فحسبهم وحسبنا لهم اقتداؤهم باليهود الحاملين كلام ربهم تعالى على أنه هزء واحتجوا بقوله {بديع لسماوات ولأرض أنى يكون له ولد ولم تكن له صاحبة وخلق كل شيء وهو بكل شيء عليم} وهو عز وجل غير مخلوق وبقوله تعالى {لذين قال لهم لناس إن لناس قد جمعوا لكم فخشوهم فزادهم إيمانا وقالوا حسبنا لله ونعم لوكيل} قال علي وإنما قال ذلك لهم بعض الناس، وإنما كان الجامعون لهم بعض الناس لا كلهم.

they said: Allah is sufficient for us, and an excellent trustee is He}. Ali said: It was only some of the people who said that to them, and those gathering against them were only some of the people, not all of them.[10][11][12]

L1047–1071 Ali said: We do not deny that evidence may occur which takes certain expressions beyond the meanings assigned to them in the language; indeed, we have allowed this. In these two verses, necessary demonstration has established that what is meant by His, exalted is He, creating everything applies generally to everything other than Him, mighty and majestic is He. This is understood from the explicit text of the verse: since He, exalted is He, is the one who created everything, and since it is impossible for anyone to bring himself into existence, by the necessary force of demonstrations that we have rigorously established in The Book of Distinctions, it is established that the expression never included Allah, exalted is He, within the general scope of what He stated He had created. Likewise, those who informed these people, in the words, {Those to whom the people said, 'The people have gathered against you, so fear them,' but it increased them in faith, and they said, 'Allah suffices us, and an excellent trustee He is'}, were people other than the people gathering against them. The people gathering against them were other than the people informing them, and both groups were other than those against whom the gathering was directed. We therefore know that the expression intended only what was established in reason. What we deny is merely the claim that expressions are taken beyond their understood meanings without evidence. Likewise, we do not deny the abrogation of an entire command when evidence establishes this; we deny only the claim of abrogation without evidence. Ali said: They also resorted to obfuscation by saying: 'If generality

قال علي: نحن لا ننكر أن يرد دليل يخرج بعض الألفاظ عن موضوعها في اللغة، بل أجزنا ذلك، وهاتان الآيتان قد قام البرهان الضروري على أن المراد بخلقه تعالى كل شيء: أن ذلك في كل ما دونه عز وجل على العموم، وهذا مفهوم من نص الآية، لأنه لما كان تعالى هو الذي خلق كل شيء، ومن المحال أن يحدث أحد نفسه لضرورات براهين أحكمناها في كتاب الفصل، صح أن اللفظ لم يأت قط لعموم الله تعالى فيما ذكر أنه خلقه وكذلك لما كان المخبرون لهؤلاء بأن {لذين قال لهم لناس إن لناس قد جمعوا لكم نخشوهم فزادهم إيمانا وقالوا حسبنا لله ونعم لوكيل} ناسا غير الناس الجامعين وكان الناس الجامعون لهم غير الناس المخبرين لهم، وكانت الطائفتان معا غير المجموع لها، علمنا أن اللفظ لم يقصد به إلا ما قام في العقل، وإنما ننكر دعوى إخراج الألفاظ عن مفهومها بلا دليل، وكذلك لا ننكر نسخ الأمر كله بدليل يقوم على ذلك، وإنما ننكر دعوى النسخ بلا دليل. قال علي: وموهوا أيضا بأن قالوا: لو كان للعموم صيغة تقتضيه، ولفظ موضوع له، لما كان لدخول التأكيد عليه معنى، لأنه كان يكتفى في ذلك باللفظ الدال على العموم. قال علي: وهذا تعليم منهم لربهم أشياء استدركوها لا ندري ما ظنهم فيها، أنسيان أم فوات أم عمد؟ وكل هذا كفر، وهذا جري منهم على عادتهم في الحكم بالقياس في أشياء ادعوا أن ربهم تعالى لم يذكرها، ولا حكم فيها، ونحن نبرأ إلى الله تعالى من ذلك، ونقول: إنه لا علم لنا إلا ما علمنا، وأن التأكيد في اللغة موجود كثير، كتكراره تعالى ما كرر من الأخبار، وكتكراره عز وجل سورة واحدة: {فبأي آلاء ربكما تكذبان} وغيرها إحدى وثلاثين مرة {يثبت لله لذين آمنوا بلقول لثابت في لحياة لدنيا وفي لآخرة ويضل لله لظالمين ويفعل لله

[10] **Translator's note (L1044):** The Quranic quotation has the singular pronoun "him" in "encompassed him," where the familiar wording of Quran 46:26 has "them." The supplied singular is retained. The argument shifts from addressing the opponents as "you" to referring to them as "they" in the question about whether the faculties availed them something. That shift is retained.

[11] **Translator's note (L1045):** The complete wording of Quran 2:67 is supplied twice, first as what the Israelites said and then as what they answered. This makes the quotation structure awkward; both complete repetitions are retained.

[12] **Qur'an references (L1044):** Qur'an 46:26 (Al-Ahqaf); Qur'an 2:67 (Al-Baqarah); Qur'an 6:101 (Al-An'am).

had a form that entailed it and an expression assigned to it, there would be no point in adding emphasis to it, since the expression indicating generality would suffice.' Ali said: This is their teaching their Lord things they have discovered He omitted. We do not know what they suppose concerning them: was it forgetfulness, an oversight, or deliberate intent? All of this is unbelief. This follows their habitual practice of ruling by analogy concerning matters which they claim their Lord, exalted is He, neither mentioned nor ruled upon. We declare ourselves free of this before Allah, exalted is He, and say that we have no knowledge except what He has taught us, and that emphasis exists abundantly in the language: for example, His, exalted is He, repeating the accounts He has repeated, and His, mighty and majestic is He, repeating in a single surah, {Which, then, of your Lord's favors do you two deny?}, and other things, thirty-one times. {Allah makes those who believe steadfast through the steadfast word in the life of this world and in the Hereafter; and Allah leads the wrongdoers astray, and Allah does whatever He wills}; and {He is not questioned about what He does, while they are questioned}. This has the greatest benefit, because He, exalted is He, knew that among His creatures there would be people like them who would seek to invalidate realities. He therefore forestalled whatever claims of theirs He willed through emphasis, and so that He might thereby establish the proof against them; and He left emphasis aside wherever He willed so that they might go astray therein, and those among them who follow others unquestioningly and obstinately resist might deserve the painful punishment, while those who obey and submit might receive the abundant reward through His favor and bounty. There is no god but Him. Had He, exalted is He, not repeated what He repeated of the accounts of bygone nations, of His command, 'Establish prayer and give the alms,' in numerous places, of His command, exalted is He, to have faith and avoid unbelief in numerous surahs, and of His mention of the Fire and the Garden in numerous surahs, this would not have removed the binding force of anything among all these matters that was binding when He repeated it. It would have been binding through His mentioning it once, just as it is binding when mentioned a million times, without any difference. Doubting an account mentioned once, or denying it, would entail unbelief just as doubting what He repeated a thousand times entails unbelief, and just as denying it

ما يشآء} و {لا يسأل عما يفعل وهم يسألون} ولهذا أعظم الفائدة لأنه تعالى علم أنه سيكون في خلقه قوم أمثالهم يرومون إبطال الحقائق فحسم من دعاويهم ما شاء بالتأكيد، وليقيم بذلك الحجة عليهم وترك التأكيد فيما شاء، ليضلوا فيها ويستحق منهم من قلد وعاند العذاب الأليم، ويؤجر من أطاع وسلم الأجر الجزيل بمنه وطوله، لا إله إلا هو. ولو أنه تعالى لم يكرر ما كرر من أخبار الأمم السالفة، ومن أمره فأقيموا الصلاة وآتوا الزكاة، في غير ما موضع، ومن أمره تعالى بالإيمان واجتناب الكفر في غير ما سورة، ومن ذكر النار والجنة في غير ما سورة فما كان ذلك مسقطا لوجوب ما وجب من ذلك كله إذ كرره، ولكان ذلك واجبا بذكره مرة واحدة، كوجوبه إذا ذكر ألف ألف مرة ولا فرق، ولكان الشك في خبر ذكر مرة واحدة، أو تكذيبه يوجب الكفر، كوجوب الكفر بالشك فيما كرره ألف مرة، وكوجوب الكفر بتكذيبه ولا فرق، وقد ذكر تعالى قصة موسى عليه السلام في مواضع كثيرة من القرآن، ولم يذكر قصة يوسف عليه السلام إلا مرة واحدة، ولا فرق عند أحد من الأمة بين صحة قصة يوسف، وبين صحة قصة موسى عليهما السلام، ومن شك في ذلك فهو كافر مشرك حلال الدم والمال، فالتأكيد كالتكرار ولا فرق، ولو لم يؤكد تعالى ما أكد لكان واجبا وعاما، لا يقتضيه اسمه، كوجوبه مع التأكيد، ولا فرق، وإنما معنى التأكيد كمعنى قول القائل: أنا شهدت فلانا، ونظرت إليه بعيني هاتين، وهو يفعل أمر كذا، وقد علمنا أن النظر لا يكون إلا بالعينين، وكذلك يقول سمعت بأذني والسمع لا يكون إلا بالأذنين، ولو سكت عن ذلك لعلمنا من خبره كالذي علمنا إذا ذكر العينين والأذنين ولا فرق. وأيضا فإن الاستثناء جائز بعد التأكيد، كجوازه قبل التأكيد فنقول: رأيت الوجوه إلا فلانا، فلو كان التأكيد مخرجا للكلام عن الخصوص إلى العموم لما جاز فيه الاستثناء، فصح أنه بمنزلة التكرار ولا فرق. قال علي: ثم نعكس عليهم سؤالهم الفاسد، فنقول لهم: لو جاز أن تكون صيغة العموم للخصوص لما جاز أن يدخل عليها

entails unbelief, without any difference. He, exalted is He, has mentioned the story of Moses, peace be upon him, in many places in the Quran, whereas He has mentioned the story of Joseph, peace be upon him, only once. No one in the community makes any distinction between the truth of the story of Joseph and the truth of the story of Moses, peace be upon them both. Whoever doubts this is an unbeliever and a polytheist whose blood and property are lawful to take. Emphasis is therefore like repetition, without any difference. Had He, exalted is He, not emphasized what He emphasized, it would have been binding and general—its designation does not entail it—just as it is binding with emphasis, without any difference. The meaning of emphasis is simply like the meaning of someone's saying: 'I myself witnessed so-and-so and looked at him with these two eyes of mine while he was doing such-and-such a thing.' We know that looking occurs only with the two eyes. Likewise, someone says, 'I heard with my ears,' although hearing occurs only with the two ears. Had he said nothing about this, we would have learned from his report just what we learned when he mentioned the two eyes and the two ears, without any difference. Moreover, exception is permissible after emphasis just as it is permissible before emphasis. Thus we say, 'I saw the faces except so-and-so.' If emphasis took speech from specificity into generality, exception within it would not be permissible. It is therefore established that it has the status of repetition, without any difference. Ali said: We then turn their invalid objection back upon them and say to them: 'If it were permissible for the form of generality to convey specificity, it would not be permissible for emphasis to be added to it and thereby transfer it to generality.' This binds them, because they have accepted this objection as valid. Everyone who accepts a proposition as valid is bound by it, whereas it does not bind someone who accepts it as valid and did not initiate the objection. Ali said: If their statement were sound, it would follow that everything that passed from its state was false, and that this transition was evidence that what underwent the transition had not been true. For they are bound to hold that if a thing had been true, it would not have become false, nor would evidence of its falsity have arisen. Yet we find that a human being has life through the soul's connection with the body, and then that life departs and certainly ceases to exist. Thus, since they say, 'If generality were real, its expression would not

للتأكيد فينقلها إلى العموم، وهذا لهم لازم، لأنهم صححوا هذا السؤال، فكل من صحح القضية فهي لازمة له، وليست لازمة لمن يصححها ولا ابتدأ السؤال. قال علي: ولو صح قولهم لوجب أن يكون كل شيء انتقل عن حاله باطلا، وأن يكون ذلك الانتقال دليلا على أن المنتقل لم يكن حقا، لأنه يلزمهم أن الشيء لو كان حقا لما صار باطلا، ولما قام دليل على بطلانه، ونحن نجد الحياة للإنسان باتصال النفس في الجسد، ثم تذهب تلك الحياة وتبطل بيقين، فيلزمهم إذ قالوا: لو كان العموم حقا لما انتقل لفظه إلى خصوص، أن يقولوا: لو كانت الحياة حقا لما انتقل حاملها إلى الموت، هذا مع افتقار دليلهم هذا إلى دليل، وأنه دعوى مجردة ساقطة، لأن دعواهم أن انتقال الشيء عن مرتبته مبطل لكونها مرتبة لها دعوى ساقطة، يشبه سؤال السوفسطائية واليهود، وقد أبطلنا استدلالهم في ذلك في كتاب الفصل بحمد الله تعالى. قال علي: وقالوا أيضا: لو كان العموم حقا لما حسن الاستثناء منه، وصرفه بذلك إلى الخصوص. قال علي: وهذا غاية التمويه، لأن العموم صيغة ورود اللفظ الجامع لأشياء ركب ذلك اللفظ عليها، فإذا جاء الاستثناء، كان ذلك اللفظ مع الاستثناء معا صيغة للخصوص، وهذا نص قولنا، فورود الاستثناء عبارة عن الخصوص وعدم الاستثناء عبارة عن العموم. قال علي: ثم يعكس عليهم هذا السؤال نفسه فيقال لهم: لو كان للخصوص صيغة لما كان للاستثناء معنى، لأنه لم يكن يستفاد به فائدة أكثر مما يفهم من اللفظ قبل ورود الاستثناء، وقد قدمنا أنه إنما يلزم القضية من صححها وسأل بها، وأما نحن، فهذه كلها سؤالات فاسدة، ولكنها لهم لازمة إذا ابتدؤوا بالسؤال بها. وقالوا أيضا: لو كان اللفظ يقتضي العموم ما حسن فيه الاستفهام، أخصوصا أراد أم عموما؟ فلما حسن فيه الاستفهام علمنا أنه لا يقتضي العموم بنص لفظه. قال علي: وهذا كالأول، وإنما يحسن الاستفهام من جاهل بحدود الكلام، واستفهام المستفهم عن الآية أو الحديث مذموم وقد أنكر ذلك رسول الله صلى الله عليه وسلم وقال اتركوني ما تركتكم

pass into specificity,' they are bound to say, 'If life were real, its bearer would not pass into death.' This is quite apart from the fact that this evidence of theirs itself needs evidence, and that it is a bare, untenable assertion. For their claim that a thing's passing from its position invalidates that position's having been its position is an untenable claim resembling the objection of the Sophists and the Jews. We have invalidated their inference concerning this in The Book of Distinctions, praise be to Allah, exalted is He. Ali said: They also said: 'If generality were real, making an exception from it and thereby diverting it into specificity would not be proper.' Ali said: This is the utmost obfuscation, because generality is the form in which an expression occurs that comprehends things to which that expression has been assigned. When an exception occurs, that expression together with the exception constitutes a form of specificity. This is precisely our position: the occurrence of an exception expresses specificity, and the absence of an exception expresses generality. Ali said: Then this very objection is turned back upon them, and they are told: 'If specificity had a form, exception would have no meaning, because it would yield no additional benefit beyond what was understood from the expression before the exception occurred.' We have already explained that a proposition binds only someone who accepts it as valid and raises an objection on its basis. As for us, all these are invalid objections; nevertheless, they bind them when they initiate objections on their basis. They also said: 'If an expression entailed generality, it would not be proper to ask whether he intended specificity or generality. Since asking about it is proper, we know that it does not entail generality through its explicit wording.' Ali said: This is like the first argument. Such questioning is proper only from someone ignorant of the definitions of speech. A questioner's asking about a verse or a hadith is blameworthy. The Messenger of Allah, may Allah bless him and grant him peace ﷺ, disapproved of this and said: 'Leave me alone so long as I leave you alone.' We then turn this very objection back upon them and say to them: 'If specificity were understood from the expression, questioning would have no meaning.' They said: 'Do you not see that asking and questioning are not proper concerning a report about a single individual, because it is understood from its explicit wording?' Ali said: This is an error, because questioning is as proper concerning a single individual as it

ثم نعكس عليهم هذا السؤال نفسه فنقول لهم: لو كان اللفظ يفهم منه الخصوص، لما كان للاستفهام معنى. قالوا: ألا ترى أن السؤال والاستفهام لا يحسن في الخبر عن الواحد، لأنه مفهوم من نص لفظه. قال علي: وهذا خطأ، لأن الاستفهام يحسن في الواحد كحسنه في العموم، وذلك أن يقول القائل: أتاني اليوم زيد، فيقول السامع: أجاءك زيد نفسه؟ إما على سبيل الإكبار، وإما على سبيل السرور، أو على بعض الوجوه المشاهدة، وهذا أمر معلوم لا ينكره ذو عقل، وقد يحسن ذلك الشريعة أيضا من طالب راحة أو تخفيف، كما سأل ابن أم مكتوم إذ نزلت آية المجاهدين، فطلب أن يخرج له عذر من عموم اللفظ الوارد، وقد كان له كفاية في غير هذه الآية في قوله تعالى {ليس على لضعفآء ولا على لمرضى ولا على لذين لا يجدون ما ينفقون حرج إذا نصحوا لله ورسوله ما على لمحسنين من سبيل ولله غفور رحيم} وما أشبه ذلك وكسؤال العباس في الإذخر فاستثنى من العموم في النهي عن أن يختلى خلا الحرم بمكة، وقد يحسن أيضا الاستفهام في العدد، كقول القائل: أتاني عشرة من الناس في أمر كذا فيقول له السامع: أعشرة فيقول نعم وذلك نحو قول الله عز وجل {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} فقد كنا نعلم لو لم يذكر تعالى العشرة إن ثلاثة وسبعة عشرة وقد كنا نعلم بقوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم

is concerning generality. This occurs when someone says, 'Zayd came to me today,' and the listener says, 'Did Zayd himself come to you?'—whether out of amazement, out of joy, or in one of the other ways we observe. This is a known matter that no rational person denies. Such questioning may also be proper concerning the revealed law on the part of someone seeking relief or alleviation, as Ibn Umm Maktum asked when the verse concerning those who strive in battle was revealed: he sought to have an excuse established for him that would exclude him from the general scope of the expression that had been revealed. Yet he already had sufficient provision in something other than this verse, in His saying, exalted is He: {There is no blame upon the weak, nor upon the sick, nor upon those who find nothing to spend, provided they are sincere toward Allah and His Messenger. There is no ground for proceeding against those who do good, and Allah is Forgiving, Merciful}, and similar passages. Another example is al-Abbas's question concerning sweet rush, which was then excepted from the general prohibition against cutting the herbage of the Sacred Precinct in Mecca. A question may also appropriately be asked concerning a number, as when someone says, "Ten people came to me concerning such-and-such a matter," and the listener says to him, "Ten?" and he says, "Yes." This is comparable to the saying of Allah, mighty and majestic: {Complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is sick or has an affliction of the head must offer a compensation of fasting, charity, or sacrifice. Then, when you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return. Those are ten complete. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment}. Even if He, exalted is He, had not mentioned the ten, we would have known that three and seven are ten. And we would have known, from His saying, exalted is He: {Complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial

فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} إنها عشرة ولكنه تعالى ذكر {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} 2 كما شاء فلما صح كل ما ذكرناه وحسن الاستفهام عن اسم واحد، وعن العدد وهو لا يحتمل صرفا عن وجهه أصلا، ولم يكن ذلك مجيزا لوقوع اسم الواحد على أكثر من واحد، وكذلك في العدد لم يكن أيضا وقوع الاستفهام في العموم، موجبا لإسقاط حمله على العموم، وبالله تعالى التوفيق. وقالوا أيضا: أرأيتم قولكم بالعموم؟ أبعموم قلتموه وعلمتم صحته، أم بغير عموم؟ قال علي: وهذا من الهذيان الذي قد تقدم إبطالنا إياه في كلامنا في حجة العقل، وهو سخف أتى به بعض السوفسطائيين القاصدين إبطال الحقائق، وهو ينعكس عليهم في قولهم بالخصوص وفي قولهم بالوقف، فيقال لهم: أرأيتم قولكم بالوقف، أبوقف قلتموه وعلمتموه أم بغير وقف؟ وأرأيتم قولكم بالخصوص، أبخصوص قلتموه وعلمتموه أم بغير خصوص؟ والجواب الصحيح المبين لجهلهم: هو أننا نقول، وبالله تعالى التوفيق: إنما قلنا بالعموم استدلالا بضرورة العقل الحاكم بأن اللغة إنما هي رتبت لكل معنى في العالم، عبارة مبينة عنه موجبة للتفاهم بين المخاطب والمخاطب، ولأننا وجدنا الأجناس العامة للأنواع الكثيرة، ووجدنا الأنواع العامة للأشخاص الكثيرة يخبر عنها بأخبار، وترد فيها شرائع لوازم، فلا بد ضرورة من لفظ يخبر به عن الجنس كله، وهذا لا بد

offering reaches its appointed place. Whoever among you is sick or has an affliction of the head must offer a compensation of fasting, charity, or sacrifice. Then, when you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return. Those are ten complete. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment}, that they are ten. Yet He, exalted is He, mentioned {Complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is sick or has an affliction of the head must offer a compensation of fasting, charity, or sacrifice. Then, when you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return. Those are ten complete. That is for someone whose family does not reside near the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment} 2 as He willed. Since everything we have mentioned is established, and a question may appropriately be asked concerning a name denoting one individual and concerning a number, although it admits of no departure whatsoever from its meaning, and since this does not permit a name denoting one individual to apply to more than one—and likewise with a number—the occurrence of a question concerning a general expression likewise does not require abandoning its interpretation as general. Through Allah, exalted is He, comes success. They also said: "Tell us about your assertion of generality: was it through a general expression that you asserted it and knew its correctness, or without a general expression?" Ali said: This is part of the delirious talk that we have already refuted in our discussion of the authority of reason. It is foolishness introduced by certain sophists intent on nullifying realities. It turns back against them in their assertion of particularity and in their assertion that judgment must be suspended. They may therefore be asked: "Tell us about your assertion that judgment must be suspended: was it through suspension of judgment that you asserted it

منه، وإلا بطل الخبر عن الأجناس، وهذا ما لا سبيل إليه أصلا، ولا بد أيضا من لفظ يحضر به عن بعض ما تحت الجنس، ليفهم المخاطب بذلك ما يريد، ومبطل هذا مبطل للعيان، جاحد للضرورات. وسألوا أيضا فقالوا: إن كان قولكم بالعموم والظاهر حقا، فما قولكم فيمن سمع آية قطع يد السارق، وآية جلد الزناة، وآية تحريم المرضعات لنا، والراضعات معنا، ولم يسمع أحاديث التخصيص لكل ذلك، ولا آية التخصيص للإماء، أتأمرونه بقطع يد من سرق فلسا من ذهب، وبجلد الأمة والعبد مائة مائة إذا زنيا، وتحرمون من أرضعت رضعتين، وتقولون إنه مأمور من عند الله تعالى بذلك؟ فلزمكم القول بأنه مأمور بما لم يأمر به، والقول بأنه مأمور بالباطل أو تأمرونه بألا ينفذ شيئا من ذلك حتى يطلب الدليل فيتركون القول العموم بالظاهر. قال علي: فنقول، وبالله تعالى التوفيق: إن الله تعالى لم يأمر قط بقطع سارق أقل من ربع دينار ذهبا ولا حرم قط من أرضعت أقل من خمس رضعات، ولا أمر قط بجلد العبد والأمة أكثر من خمسين لأن الرسول عليه السلام قد بين كل ذلك وكلامه عليه السلام وكلام ربه سواء في أنه كله وحي وفي أنه كله لازمة طاعته، فالآيات التي ذكروا، والأحاديث المبينة، لها مضموم كل ذلك بعضه إلى بعض غير مفصول منه شيء عن آخر، بل هو كله كآية واحدة أو كلمة واحدة، ولا يجوز لأحد أن يأخذ ببعض النص الوارد دون بعض، وهذه النصوص وإن فرقت في التلاوة فالتلاوة غير الحكم ولم تفرق في الحكم قط بل بين النبي صلى الله عليه وسلم ذلك مع ورود الآي معا ولا يفرق بين قوله تعالى: {والسارق والسارقة فاقطعوا أيديهما جزآء بما كسبا نكالا من لله ولله عزيز حكيم} مع قوله عليه السلام لا قطع في أقل من ربع دينارفصاعدا وبين قوله تعالى: {ولقد أرسلنا نوحا إلى قومه فلبث فيهم ألف سنة إلا خمسين عاما فأخذهم لطوفان وهم ظالمون} وكذلك لا فرق بين قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من

and knew it, or without suspension of judgment? And tell us about your assertion of particularity: was it through a particular expression that you asserted it and knew it, or without a particular expression?" The correct answer, which makes their ignorance evident, is that we say—and through Allah, exalted is He, comes success—we asserted generality by inference from the necessity of reason, which judges that language was arranged so that every meaning in the world has an expression that makes it clear and brings about mutual understanding between the speaker and the person addressed; and because we find genera encompassing many species, and species encompassing many individuals, and reports are made about them, and binding religious laws are laid down concerning them. There must therefore necessarily be an expression by which a report can be made about the entire genus. This is indispensable; otherwise, reporting about genera would be impossible, and that is altogether untenable. There must also be an expression by which something concerning some of what falls under a genus is brought before the person addressed, so that he understands thereby what the speaker intends. Whoever denies this denies what is plainly observed and repudiates necessary truths. They also asked, saying: "If your assertion of generality and the apparent meaning is correct, what do you say concerning someone who has heard the verse on amputating the thief's hand, the verse on flogging those who commit illicit sexual intercourse, and the verse prohibiting marriage to women who have nursed us and women who were nursed alongside us, but has not heard the reports specifying the scope of all these, nor the verse specifying the scope with respect to slave women? Do you instruct him to amputate the hand of someone who has stolen a fals of gold, to flog a slave woman and a male slave one hundred lashes each if they commit illicit sexual intercourse, and do you prohibit marriage to a woman who has nursed someone twice, saying that he has been commanded to do this by Allah, exalted is He? You would then be committed to saying that he is commanded to do what He has not commanded, and to saying that he is commanded to do what is false. Or do you instruct him not to carry out any of this until he seeks the evidence, so that they abandon the assertion of generality according to the apparent meaning?" Ali said: We say—and through Allah, exalted is He, comes success—that Allah, exalted is He, has

لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} وبين نزول خمس رضعات محرمات ناسخة لعشر محرمات، وبين قول القائل: لا إله إلا الله، فلا يجوز أن يفصل شيء من ذلك في الحكم عن بيانه، كما لا يحل لأحد أن يأخذ القائل لا إله إلا الله في بعض كلامه دون بعض، فيقضي عليه بقوله: لا إله بالكفر، لكن نضم كلامه كله بعضه إلى بعض فنأخذه بكلامه. وكذلك إذا نزلت الآية المجملة أتى بعقبها الأحاديث المفسرات فكان ذلك مضمونا بعضه إلى بعض، ومستثنى بعضه من بعض، ومعطوفا بعضه على بعض، فبطل ما راموا أن يموهوا به، وصح أنه سؤال فاسد، وأن الذين خوطبوا بالآيات المذكورات خوطبوا ببيانها معا، وأما نحن فكل إنسان منا فلا يخلو من أحد وجهين: إما أن يكون لم يتفقه في الدين، أو يكون قد تفقه في الدين ولا سبيل إلى وجه ثالث، فالذي لم يتفقه في الدين وليس من الذين خاطبهم الله بقوله تعالى: {والسارق والسارقة فاقطعوا أيديهما جزآء بما كسبا نكالا من لله ولله عزيز حكيم} ولا من الذين خوطبوا بالفتيا والحكم في تحريم المرضعات، ولا من المأمورين بجلد الزناة، وإنما أمر بذلك كله الفقهاء والحكام العالمون باللغة والفقه، بلا خلاف من أحد من المسلمين في ذلك وقد بين تعالى ذلك بقوله {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} فصح بالنص أنه ليس كل أحد مأمورا بالتفقه في غير ما يخصه في نفسه. فصح بما ذكرنا أن المأمورين بتنفيذ الأحكام والفتيا في الدين الفقهاء الذين قد سمعوا النصوص كلها، وعرفوها وعرفوا الإجماع والاختلاف، وأن كل من كان بخلاف هذه الصفة، فلم يأمر قط بقطع من سرق جبالا من ذهب، ولا بأن يفتي في تحريم من أرضعت ألف رضعة، ولا بجلد زان حرا أو عبدا، وكل متفقه فقبل أن

never commanded the amputation of the hand of someone who steals less than a quarter of a dinar in gold; He has never prohibited marriage to a woman who has nursed someone fewer than five times; and He has never commanded that a male slave or a slave woman be flogged more than fifty lashes. For the Messenger ﷺ has explained all this. His words ﷺ and the words of his Lord are alike in that all are revelation and all must be obeyed. Thus, the verses they mentioned and the reports explaining them are all joined together, with no part separated from another. Rather, all of it is like a single verse or a single utterance. No one may act upon some of the revealed text to the exclusion of another part. Although these texts are separated in recitation, recitation is distinct from the legal ruling, and they have never been separated in their legal ruling. Rather, the Prophet ﷺ explained this together with the revelation of the verses. No distinction is to be drawn between His saying, exalted is He: {The male thief and the female thief: amputate their hands as recompense for what they have earned, as a deterrent punishment from Allah; and Allah is Mighty, Wise}, together with his saying ﷺ, "There is no amputation for less than a quarter of a dinar and upward," and His saying, exalted is He: {We certainly sent Noah to his people, and he remained among them a thousand years less fifty years. Then the flood overtook them while they were wrongdoers} Likewise, there is no distinction between His saying, exalted is He: {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, your stepdaughters in your care born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you take two sisters together, except what has already occurred. Indeed, Allah is Forgiving, Merciful}, together with the revelation of five nursing sessions establishing a marriage prohibition, abrogating ten that established such a prohibition, and someone's saying, "There is no deity except Allah." None of this may be separated, in its legal ruling, from its explanation, just as no one may take someone who says, "There is no deity except Allah," at only part of his speech to the exclusion of the rest, and thus judge him guilty of unbelief

يكمل تعلم النصوص والإجماع فهو غير مأمور، ولا مخاطب بالحكم في شيء ولا بالفتيا في شيء، لكنه مأمور بالطلب والتعليم، فإذا فقه فحينئذ لزمه تنفيذ ما سمع على عمومه وظاهره، ما لم يأت نص بنسخ أو تخصيص أو تأويل، فبطل سؤالهم بطلانا ظاهرا، والحمد لله تعالى. ولكنا نقول: لو أن امرأ سمع هذه الآيات، ولم يسمع ما خصصها لكان حكى العمل بما يبلغه التخصيص، فيلزمه حينئذ كما قلنا في المنسوخ سواء بسواء وليس بعد النبي صلى الله عليه وسلم من أحاط بجميع العلم وإنما يلزم كل واحد ما بلغه، وقد رجم عثمان التي ولدت لستة أشهر، وقد أمر عمر برجم مجنونة حتى نهاه علي عن ذلك وأخبره بأن النبي صلى الله عليه وسلم أخبر أن القلم مرفوع عن المجنون قال علي وهم تناقضوا في هذه الآيات بلا دليل، فحملوا بعضها على العموم، وبعضها على الخصوص، فتركوا قولهم بالوقف، وحملوا على العموم ما قد صح الخصوص فيه، واعترضوا أيضا بأن قالوا: لما كان المعهود أن يقول القائلون: جاءني بنو تميم، وفسد الناس، ولا خير في واحد، وذهب الخلق وذهب الوفاء، ولا يكون ذلك كذبا، وقد تيقنا أنه لم يرد بذلك جميع بني تميم، ولا جميع الناس، ولا جميع الأحدين، ولا جميع الخير، ولا جميع الخلق ولا الوفاء كله صح الخصوص. قال علي: وهؤلاء القوم لا ندري مع من يتكلمون، ونحن لم ننكر أن يكون في اللغة ألفاظ يقوم الدليل على أنها مخصوصات، وكل ما ذكروا فقد قام الدليل على أنه ليس على عمومه كما قام الدليل، على أن آيات كثيرة أنها منسوخة لا يحل العمل بها، فلما لم يكن كل ذلك واجبا أن تحمل النسخ من أجله على سائر الآيات، لم يكن أيضا واجبا أن نحمل التخصيص على كل لفظ من أجل وجودنا ألفاظا كثيرة قد قام الدليل على أنها مخصوصة، ولكن القوم يسوموننا إذا وجدنا لفظا منقولا عن موضوعه في اللغة أن نحكم بذلك في كل لفظ، وفي هذا إبطال اللغة كلها، وإبطال التفاهم وإيجاب للحكم بلا دليل، والدليل الذي قام على تخصيص ما ذكروا، علمنا أنه لو أراد به العموم لكان كاذبا، وأما لو

because he said, “There is no deity.” Rather, we join all his speech together and hold him to what he says. Likewise, when a verse requiring clarification was revealed, the explanatory reports came immediately after it. These were thus joined together, some parts constituting exceptions to others and some being conjoined with others. What they sought to obscure the matter with is therefore invalidated, and it is established that theirs is an unsound question, and that those addressed by the verses mentioned were addressed by their explanation at the same time. As for us, each person among us must fall into one of two cases: either he has not acquired understanding of religion, or he has acquired understanding of religion. There is no possible third case. A person who has not acquired understanding of religion is not among those whom Allah addressed in His saying, exalted is He: {The male thief and the female thief: amputate their hands as recompense for what they have earned, as a deterrent punishment from Allah; and Allah is Mighty, Wise}; nor is he among those addressed concerning the issuing of legal opinions and judgments about the prohibition of marriage to nursing women; nor is he among those commanded to flog people who commit illicit sexual intercourse. All this was commanded only of jurists and judges knowledgeable in the language and jurisprudence, without disagreement concerning this from any Muslim. He, exalted is He, has made this clear in His saying: {The believers should not all go forth together. Why, then, should a group from every contingent of them not go forth to acquire understanding of religion and to warn their people when they return to them so that they may beware.” Thus the text establishes that not everyone is commanded to acquire understanding of religion in matters other than those that concern him personally. What we have mentioned therefore establishes that those commanded to implement legal rulings and issue legal opinions concerning religion are the jurists who have heard all the texts, know them, and know the matters of consensus and disagreement; and that Allah has never commanded anyone who does not possess these qualifications to cut off the hand of someone who has stolen mountains of gold, to issue a legal opinion establishing the marriage prohibition arising from a woman who has breastfed a thousand times, or to flog a fornicator, whether free or enslaved. Every student of jurisprudence, before completing his study of the texts and consensus, is neither commanded nor

أمكن أن يكون صادقا لما انتقل عن عمومه إلا بدليل. قال علي: وقالوا أيضا: قد اتفقنا على وجوب استعمال الخطاب على بعض ما اقتضاه، واختلفنا في سائره، فلا يلزمنا إلا ما اتفقنا عليه. قيل لهم وبالله تعالى التوفيق: هذا اعتراض فاسد من وجوه كثيرة أحدها: أنه خلاف النصوص والعقول والإجماع، لأن الأمة مجمعة، والعقول قاضية، والنصوص من القرآن والسنن واردة كل ذلك متفق أن ما قام عليه دليل برهاني فواجب المصير إليه، وإن اختلف الناس فيه وواجب ألا نقتصر على ما أجمع عليه دون ما اختلف فيه إلا في المسائل التي لا دليل عليها إلا الإجماع المجرد المنقول إلى النبي صلى الله عليه وسلم وأيضا فقد قال تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} فأمر تعالى عند التنازع بالرد إلى القرآن والسنة ودلائلهما قد قامت بوجوب حمل الألفاظ على موضوعها في اللغة. وأيضا فإن هذا من سؤالات اليهود إذ قالوا: قد وافقتمونا على نبوة موسى عليه السلام وخالفناكم في نبوة محمد صلى الله عليه وسلم وهذا سؤال فاسد لأن الدلائل التي أوجبت تصديق موسى عليه السلام هي التي أوجبت تصديق محمد صلى الله عليه وسلم فإن لم يجب بها تصديق نبوة محمد صلى الله عليه وسلم لم يجب بها تصديق نبوة موسى عليه السلام وكذلك الدلائل التي دلت على حمل لفظ الخصوص هي التي دلت على حمل العموم على العمل، والدلائل التي دلت على حمله على سائره الذي خالفتمونا فيه، ولا فرق. وأيضا، فإنهم مناقضون لهذا القول، لأنه كان يلزمهم على ذلك ألا يقتلوا مشركا إلا مشركا اتفقوا على قتله، وهم لا يفعلون، لأن قائل هذا إن كان مالكيا فقد ناقض، لأنه لم يقتل المرأة المرتدة، ولم يتفق على قتلها، ويقتل ولد المرتد الحادث له الردة إذا بلغ ولم يسلم، وابن ابنه كذلك، ولم يتفق على قتلهم ويقتل المشرك إذا سب النبي صلى الله عليه وسلم ولم يتفق على قتله وإن كان شافعيا فكذلك أيضا. ويقتل زائدا على من

addressed with an obligation to adjudicate anything or issue a legal opinion on anything. Rather, he is commanded to seek knowledge and to teach. Once he has acquired understanding of jurisprudence, he is then obliged to implement what he has heard according to its general scope and apparent meaning, unless a text establishes abrogation, specification, or an alternative interpretation. Their objection is thus manifestly invalid, and praise belongs to Allah Most High. Nevertheless, we say that if someone heard these verses without hearing what specified their scope, he would have "recounted acting according to what reaches him of specification," which would then become binding upon him, exactly as we said concerning an abrogated text. After the Prophet ﷺ, no one has encompassed all knowledge; each person is bound only by what has reached him. Uthman stoned the woman who gave birth after six months, and Umar ordered the stoning of an insane woman until Ali forbade him to do so and informed him that the Prophet ﷺ had stated that the pen is lifted from the insane person.

Ali said: They have contradicted themselves concerning these verses without any evidence: they construed some as general and others as specific, thereby abandoning their position of suspending judgment, and construed as general that whose specific scope has been established. They also objected, saying: Since people customarily say, "The Banu Tamim came to me," "People have become corrupt," "There is no good in anyone," "Good character has vanished," and "Faithfulness has vanished," without this being a lie, and since we know with certainty that the speaker did not mean all the Banu Tamim, all people, every single individual, all goodness, all good character, or all faithfulness, the specific scope is established.

Ali said: We do not know whom these people are addressing. We have never denied that language contains expressions for which evidence establishes a specific scope. Evidence has established that everything they have mentioned is not general in scope, just as evidence has established that many verses are abrogated and may not lawfully be acted upon. Since none of that made it obligatory to apply abrogation to all the remaining verses on its account, neither was it obligatory to apply specification to every expression on account of our finding many expressions for which evidence has established a specific

ذكرنا من خرج من اليهودية إلى النصرانية، ومن خرج من النصرانية إلى اليهودية إلا أن يسلم، وإن كان حنفيا، فهم يقتلون المسلم المختلف في قتله، إذا قتل كافرا بعموم قوله تعالى {وكتبنا عليهم فيها أن النفس بالنفس والعين بالعين والأنف بالأنف والأذن بالأذن والسن بالسن والجروح قصاص فمن تصدق به فهو كفارة له ومن لم يحكم بما أنزل الله فأولئك هم الظالمون} وأن من تورع عن قتل كافر قد أباح الله تعالى قتله، وجاء النص بقتله، وأقدم على قتل مسلم قد حرم الله دمه عموما وخصوصا بعموم آية لم نخاطب بها، ولا ألزمنا الحكم بما فيها، لعظيم الجرم قليل الورع مقدم على أكبر الكبائر، وبالله تعالى التوفيق.

[24] **Qur'an references (L1047):** Qur'an 55:13 (Ar-Rahman); Qur'an 55:16 (Ar-Rahman); Qur'an 55:18 (Ar-Rahman); Qur'an 55:21 (Ar-Rahman); Qur'an 55:23 (Ar-Rahman); Qur'an 55:25 (Ar-Rahman); Qur'an 55:28 (Ar-Rahman); Qur'an 55:30 (Ar-Rahman); Qur'an 55:32 (Ar-Rahman); Qur'an 55:34 (Ar-Rahman); Qur'an 55:36 (Ar-Rahman); Qur'an 55:38 (Ar-Rahman); Qur'an 55:40 (Ar-Rahman); Qur'an 55:42 (Ar-Rahman); Qur'an 55:45 (Ar-Rahman); Qur'an 55:47 (Ar-Rahman); Qur'an 55:49 (Ar-Rahman); Qur'an 55:51 (Ar-Rahman); Qur'an 55:53 (Ar-Rahman); Qur'an 55:55 (Ar-Rahman); Qur'an 55:57 (Ar-Rahman); Qur'an 55:59 (Ar-Rahman); Qur'an 55:61 (Ar-Rahman); Qur'an 55:63 (Ar-Rahman); Qur'an 55:65 (Ar-Rahman); Qur'an 55:67 (Ar-Rahman); Qur'an 55:69 (Ar-Rahman); Qur'an 55:71 (Ar-Rahman); Qur'an 55:73 (Ar-Rahman); Qur'an 55:75 (Ar-Rahman); Qur'an 55:77 (Ar-Rahman); Qur'an 21:23 (Al-Anbya); Qur'an 9:91 (At-Tawbah); Qur'an 2:196 (Al-Baqarah); Qur'an 5:38 (Al-Ma'idah); Qur'an 29:14 (Al-'Ankabut); Qur'an 4:23 (An-Nisa); Qur'an 9:122 (At-Tawbah); Qur'an 4:59 (An-Nisa); Qur'an 5:45 (Al-Ma'idah).

scope. These people, however, demand of us that, whenever we find an expression transferred from its established linguistic meaning, we pass the same judgment on every expression. This nullifies the whole of language, nullifies mutual understanding, and requires a judgment without evidence. The evidence establishing the specific scope of what they mentioned is our knowledge that, had the speaker intended general scope, he would have been lying. If, however, it were possible for him to be speaking truthfully, the expression would not depart from its general scope except on the basis of evidence.

Ali said: They also said, "We have agreed that the address must be applied to some of what it entails, but we disagree concerning the rest; therefore, only what we have agreed upon is binding upon us." They are to be told—and success comes through Allah Most High: This objection is invalid in many respects. One is that it contradicts the texts, reason, and consensus, for the community unanimously agrees, reason determines, and the texts from the Quran and the transmitted Prophetic practices declare—all of these concur—that whatever is established by demonstrative evidence must be accepted, even if people disagree about it. We must not confine ourselves to what is unanimously agreed upon to the exclusion of what is disputed, except in questions for which there is no evidence other than bare consensus transmitted back to the Prophet ﷺ. Furthermore, Allah Most High has said: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, if you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and fairest in outcome." Thus, in cases of dispute, He Most High commanded referral to the Quran and the Sunnah, and the evidence supplied by both has established the obligation to construe expressions according to their established linguistic meanings.

Furthermore, this is one of the objections of the Jews, when they said: "You have agreed with us concerning the prophethood of Moses, peace be upon him, while we disagree with you concerning the prophethood of Muhammed ﷺ." This is an invalid objection, because the proofs that required belief in Moses, peace be upon him, are the very proofs that required belief in

Muhammed ﷺ. If those proofs did not require belief in the prophethood of Muhammed ﷺ, they would not require belief in the prophethood of Moses, peace be upon him. Likewise, the proofs that indicated construing the expression of specific scope are the very proofs that indicated putting the general expression into practice, and the proofs that indicated applying it to the rest of its scope, concerning which you disagree with us; there is no difference. Furthermore, they contradict this position, because it would require them to execute no polytheist except one concerning whose execution they agreed, whereas they do not do this. If the person advancing this position is a Maliki, he has contradicted himself, because he did not execute the female apostate, and there was no agreement concerning her execution; yet he executes the child born to an apostate after his apostasy, once the child reaches adulthood and does not embrace Islam, and likewise his son's son, although there was no agreement concerning their execution. He executes the polytheist who insults the Prophet ﷺ, although there was no agreement concerning his execution. If he is a Shafi'i, the same applies; in addition to those we have mentioned, he executes anyone who leaves Judaism for Christianity, and anyone who leaves Christianity for Judaism, unless he embraces Islam. If he is a Hanafi, they execute a Muslim whose execution is disputed when he has killed an unbeliever, on the basis of the general scope of His Most High's words: "And We prescribed for them therein: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and retaliation for wounds. Whoever relinquishes it as charity, it is an expiation for him. Whoever does not judge by what Allah has sent down—those are the wrongdoers." Indeed, someone who scrupulously refrains from executing an unbeliever whose execution Allah Most High has permitted and whose execution the text has prescribed, yet ventures to execute a Muslim whose blood Allah has declared inviolable both generally and specifically, on the basis of the general scope of a verse that was not addressed to us and whose contents we were not obliged to enforce, is guilty of a tremendous offense, possesses

little scrupulousness, and ventures upon the greatest of major sins. Success comes through Allah Most High.[13][14][15][16][17][18][19][20][21][22][23][24]

[13]**Translator's note (L1048):** The wording concerning repetition literally has 'a single surah' without the preposition 'in'; the translation supplies that relation. The placement of 'and other things' before 'thirty-one times' is awkward, and has been preserved rather than silently regularized.

[14]**Translator's note (L1050):** The clause 'its designation does not entail it' renders the supplied لا يقتضيه اسمه. This wording is difficult to reconcile with the surrounding argument; a textual error is possible, but it has not been silently corrected.

[15]**Translator's note (L1051):** The example literally reads 'I saw the faces except so-and-so.' It contains no explicit emphatic term, despite occurring in an argument about exception after emphasis.

[16]**Translator's note (L1052):** The supplied wording says 'someone who accepts it as valid' in both sides of the contrast. The argument appears to require 'someone who does not accept it as valid' in the second clause, but the missing negation has not been silently supplied.

[17]**Translator's note (L1056):** The supplied وقد يحسن ذلك الشريعة omits a preposition before 'the revealed law'; the translation renders the apparent intended relation as 'concerning the revealed law.'

[18]**Translator's note (L1058):** The isolated numeral "2" appears to be an editorial reference marker; no corresponding note is supplied. The source repeats the entire pilgrimage verse where the argument focuses on the words concerning ten. All repetitions have been retained.

[19]**Translator's note (L1060):** The source reads يحضر, "brings before" or "makes present," where the parallel preceding clause has يخبر, "reports." The translation preserves the supplied reading; a copying or transcription error is possible. The phrase "a fals of gold" is unusual: fals ordinarily denotes a copper coin. The supplied wording has been retained. The objection shifts from addressing "you" to saying "they abandon," and the wording connecting generality with the apparent meaning is grammatically irregular. This irregularity is retained.

[20]**Translator's note (L1062):** The reported saying combines "less than a quarter of a dinar" with "and upward," producing an apparent contradiction. The translation retains this wording without correcting it.

[21]**Translator's note (L1063):** The source reads مضمونا, ordinarily "guaranteed" or "contained," where the context appears to require مضموما, "joined together." The translation follows the contextual sense while recording the apparent textual error.

وكذلك إن قال: لا أقطع إلا سارقا اتفق على قطعه، فهم أيضا ينكرون ذلك لأنهم نعني المالكيين يقطعون في أقل من عشرة دراهم، وليس متفقا عليه، ويقطعون في الزرنيخ والنورة والفاكهة واللحم، وليس القطع في ذلك إجماعا، والحنفيون يقطعون من سرق شيئا مغصوبا من مال الغاصب، وليس قطعهم إجماعا، ويلزمهم بهذا القول إلا يقولوا إلا بما أجمع عليه. قال علي: وهم لا يفعلون ذلك البتة، فقد أفسدوا دليلهم وبالله تعالى التوفيق، فإنه يقال لهم: أبنص صح عندكم هذا القول أم بإجماع؟ فإن قالوا: بنص، أو ذكروا دليلا ما، كذبوا، وادعوا ما لا يجدون أبدا، وكانوا مع كذبهم قد تركوا قولهم بألا يقولوا إلا بما أجمع عليه، لأنهم يقولون بالنص، وإن خالف الإجماع، وإن قالوا: قلنا ذلك بإجماع كذبوا وجاهروا. وبالجملة فهذا مذهب لم يخلق له معتقد قط، وهو ألا يقول القائل بالنص حتى يوافقه الإجماع، بل قد أصبح الإجماع على أن قائل هذا القول معتقدا له كافل بلا خوف لرفضه القول بالنصوص التي لا خلاف بين أحد في وجوب طاعتها. قال علي: وقالوا أيضا: إن على المراد بالكلام دلائل تدل على الرضا والسخط، من تغيير اللون، وحدة الأمر والنجه والبشر. قيل لهم وبالله تعالى التوفيق: ليس هذا مما نحن فيه، ولا كون هذه الأحوال مما يمنع من إخراج الأمر على العموم، ثم نعكس عليهم هذا في قولهم بالخصوص والوقف فيلزمهم الوقف إلى أن يجتمعوا بالنبي صلى الله عليه وسلم يوم القيامة وفي هذا إبطال الدين والخروج عن الإسلام، وتشبه هذه التساؤلات أن تكون سؤالات ملحد جاهل قليل الحياء. وقالوا أيضا: إنكم اعتقدتم العموم فيما أراد الله تعالى به الخصوص، فقد خالفتموه عز وجل، قيل لهم وأنتم إن أردتم الخصوص فيما أراد الله تبارك وتعالى العموم، فقد خالفتموه عز وجل، وإن اعتقدتم الوقف فيها حكم الله تعالى فيه بما حكم، من عموم أو خصوص فلا بد من أحدهما فقد خالفتم الله عز وجل بيقين لا شك فيه، ولا

L1072–1074 Likewise, if someone says, “I will cut off the hand of no thief except one concerning whose amputation there is agreement,” they reject that too. For they—by which we mean the Malikis—amputate for less than ten dirhams, although this is not agreed upon; and they amputate for arsenic, lime, fruit, and meat, although there is no consensus concerning amputation for these things. The Hanafis amputate the hand of someone who steals something wrongfully appropriated from the property of the wrongful appropriator, although there is no consensus concerning their amputation. This position would oblige them to maintain only what is unanimously agreed upon.

Ali said: They do not do that at all. They have thus invalidated their own proof, and success comes through Allah Most High. They are to be asked: “Has this position been established for you by a text or by consensus?” If they say, “By a text,” or mention some proof, they have lied and claimed something they will never find. Along with their lying, they will have abandoned their own position that they say only what has been agreed upon by consensus, since they accept the text even if it conflicts with consensus. If they say, “We said this on the basis of consensus,” they have lied openly. In sum, this is a doctrine for which no believer has ever been created: that a person should not accept a text until consensus agrees with it. Indeed, consensus has now been established that anyone who states this position, believing it, is a guarantor without fear, because he rejects acceptance of texts concerning which no one disputes the obligation to obey them.

[22]**Translator’s note (L1066):** The wording لكان حكى العمل بما يبلغه التخصيص is syntactically and contextually problematic. The quoted English closely preserves its supplied wording rather than replacing it with the apparently intended claim that one must act on the general text until its specification reaches one. الخلق is unvocalized and can mean either ’creation/creatures’ or ’character.’ ’Good character’ is adopted here because of its pairing with faithfulness; the alternative remains possible.

[23]**Translator’s note (L1070):** The opening argument has awkward syntax in the supplied Arabic, particularly حمل العموم على العمل. Its references to construing specific scope and putting general scope into practice have been retained. The supplied لم يقتل means ’did not execute.’ This conflicts with the surrounding argument, which appears to require an example of execution despite disagreement. The negative has been preserved. الحادث له الردة is grammatically awkward. The translation takes it as describing a child born after the father’s apostasy, but the supplied wording does not express that relationship cleanly.

شك في أن الله تعالى لم يرد قط في شيء من أحكامه وقفا، بل أنفذ تعالى الحكم بما أنفذ.

Ali said: They also said, "There are indications of what is intended by speech that indicate approval and displeasure, such as a change of complexion, sharpness of command, harsh reception, and a cheerful countenance." They are told—and success comes through Allah Most High—"This has nothing to do with our present subject, nor does the existence of these circumstances prevent interpreting the command as general. Moreover, we turn this back upon them concerning their advocacy of specificity and suspension of judgment: they must then suspend judgment until they meet the Prophet ﷺ on the Day of Resurrection. This entails nullifying the religion and departing from Islam." These questions resemble the questions of an ignorant heretic with little shame.

They also said, "If you believe that something is general when Allah Most High intended it to be specific, you have opposed Him, Mighty and Majestic." They are told, "And if you intend specificity where Allah, Blessed and Most High, intended generality, you have opposed Him, Mighty and Majestic. If you adopt suspension of judgment concerning something upon which Allah Most High has ruled as He has ruled, whether generally or specifically—for it must be one of the two—then you have opposed Allah, Mighty and Majestic, with a certainty admitting of no doubt. There is no doubt that Allah Most High has never intended suspension of judgment in any of His rulings; rather, He Most High put the ruling into effect.[25][26]

وأيضا فنحن قاطعون على أن كل أمر لم يأت نص ولا إجماع بأنه ليس على عمومه، فهو على عمومه بلا شك ولا مرية، نقطع على ذلك عند الله عز وجل، ونقطع أيضا بأن كل من بلغه العموم ولم يبلغه الخصوص، أو بلغه المنسوخ ولم يبلغه الناسخ، فإن الله تعالى لم يلزمه قط إلا ما بلغه لا ما لم يبلغه قال تعالى {قل أي شيء أكبر شهادة قل لله شهيد بيني وبينكم وأوحي إلي هذا لقرآن لأنذركم به ومن بلغ أئنكم لتشهدون أن مع لله آلهة أخرى قل لا أشهد قل إنما هو إله واحد وإنني بريء مما تشركون} ونقطع بأن هذا كله هو الحق عند الله عز وجل لنصه تعالى، على أن عليه بيانه فما

L1075–1078

Furthermore, we affirm with certainty that every command concerning which neither a text nor consensus has established that it does not retain its general scope retains its general scope, without doubt or uncertainty. We

[25] **Translator's note (L1072):** The description of the Hanafi theft case is awkward: شيئا مغصوبا من مال الغاصب literally refers to 'something wrongfully appropriated from the property of the wrongful appropriator.' The translation preserves this wording without resolving the precise ownership relationship.

[26] **Translator's note (L1073):** The wording كافل بلا خوف literally means "a guarantor without fear" and is anomalous here. It appears to be a transcription corruption, possibly of كافر بلا خلاف, "an unbeliever without disagreement." The translation preserves the supplied reading. النجه is an unusual expression here, rendered "harsh reception" in light of its contrast with a cheerful countenance.

affirm this with certainty before Allah, Mighty and Majestic. We also affirm with certainty that whenever the general wording has reached someone but the specific qualification has not reached him, or the abrogated text has reached him but the abrogating text has not reached him, Allah Most High has never obligated him to follow anything except what has reached him, rather than what has not reached him. He Most High said, "Say: What thing is greatest in testimony? Say: Allah is a witness between me and you. This Quran has been revealed to me so that I may warn you by it, and whomever it reaches. Do you indeed testify that there are other gods alongside Allah? Say: I do not testify. Say: He is only one God, and I am free of what you associate with Him." We affirm with certainty that all of this is the truth with Allah, Mighty and Majestic, because He Most High expressly states that its clarification rests with Him. Thus, whatever He has not explained as having a sense other than its apparent sense, we know with certainty is necessarily intended of us in accordance with what its wording entails.

Ali said: These, then, are all their objections. We have comprehensively presented them, refuted them, and explained the invalidity of them all and how, through their invalidity, they turn back against their proponents, praise be to Allah Most High. We now begin, through the success Allah Most High grants us and His assistance to us, to present the demonstrations establishing the invalidity of their position and the obligation to construe expressions in their general scope. Success comes through Allah Most High.

Ali said: A predecessor among those who maintain generality argued against those who disagree on this matter, saying: "If an address required suspension of judgment or a specific interpretation until proof established its generality, that proof would necessarily have to be one of two things, with no third possibility: either an expression conveyed in an address, or a meaning extracted from an address. If it were an address, the second address would be like the first, with no difference. If it indicated generality by itself, the first would do likewise; and if the first did not indicate by itself that it was general, the second would not indicate this either. If it were a meaning extracted from an address, the meaning extracted from the address could not be stronger than the address from which it was extracted. This would require an endless

لم يبين على غير وجهه، فقد تيقنا على أنه مراد منا على اقتضاء لفظه، ولا بد. قال علي: فهذه اعتراضاتهم كلها قد استوعبناها ونقضناها، وبينا فسادها كلها وانعكاسها عليهم من فسادها بحمد الله تعالى، ونحن الآن شارعون بتوفيق الله تعالى لنا وعونه إيانا في إيراد البراهين على بطلان قولهم ووجوب حمل الألفاظ على عمومها، وبالله تعالى التوفيق. قال علي: واحتج من سلف من القائلين بالعموم، المخالفين في ذلك فقال: لو كان الخطاب على الوقف أو الخصوص حتى يقوم الدليل على العموم، لكان ذلك الدليل لا ينفك ضرورة من أحد وجهين لا ثالث لهما: وإما أن يكون لفظا بخطاب أو معنى مستخرجا من خطاب، فإن كان خطابا فالخطاب الثاني كالأول، ولا فرق إن كان يدل بنفسه على العموم، فالأول مثله، وإن كان الأول لا يدل بنفسه على أنه على العموم، فالثاني لا يدل أيضا، وإن كان معنى مستخرجا من خطاب، فلا يجوز أن يكون المعنى المستخرج من الخطاب أقوى من الخطاب الذي منه استخرج وهذا يقتضي وجوب خطابات لا نهاية لها، وهذا ممتنع لا سبيل إليه، ويؤدي أيضا إلى إبطال فهم كل خطاب أصلا. وقالوا أيضا: إننا وجدنا في اللغة أسماء للواحد لا نتعداه كزيد وكرجل من شأنه وصفته فلا يعقل منه أكثر من واحد، ووجدنا فيها أسماء التثنية لا تقع على واحد ولا على أكثر من اثنين، ووجدنا أيضا لفظا للجمع الزائد على الاثنين، فكان ذلك واقفا على كل ما يقتضيه الجمع إلا أن يأتي بيان باستثناء أو بصفة أو بعدد يختص بذلك بعض الجمع دون بعض فتصير إليه.

succession of addresses, which is impossible and admits of no way of being realized. It would also lead to nullifying the understanding of any address whatsoever."

They also said, "We find in the language names for a single individual that do not extend beyond him, such as 'Zayd' and 'a man whose circumstances and attributes are such-and-such'; no more than one individual is understood from such an expression. We also find in it dual nouns that apply neither to one nor to more than two. We also find an expression for a plurality exceeding two; it therefore applies to everything encompassed by the plural, unless a clarification comes through an exception, an attribute, or a number, thereby singling out some members of the plurality to the exclusion of others, in which case you adopt it."[27][28]

L1079–1084 They said: Those who maintain specificity are asked, "What do you mean when you say, 'This is specific'?" Their only answer is to say, "It means applying the noun to some of what it encompasses to the exclusion of the rest." An example is His saying, Most High: "Then, when the sacred months have elapsed, kill the polytheists wherever you find them, seize them, besiege them, and sit in wait for them at every place of ambush. But if they repent, establish prayer, and give the alms, then let them go their way. Indeed, Allah is Forgiving, Merciful." They say, "This applies to some polytheists to the exclusion of others." They are then asked, "On what basis, according to you, did this subset to which you applied the expression deserve to have that expression applied to it, to the exclusion of all the others whom you excluded from it? What distinguishes you from someone who says, 'Rather, the expression applies to those whom you excluded from it, and does not apply to those to whom you applied it'?" If they say, "The proof is such-and-such," they have arrived at the position that specification occurred only through proof, which is different from applying an expression to some of what it encompasses to the exclusion of the rest without proof. We do not deny this

[27] **Translator's note (L1076):** The Quran quotation, corresponding to 6:19, contains apparent transcriptional omissions of initial alifs, including لله for الله and لقرآن for القرآن. The translation follows the intelligible wording without changing the quotation's content.

[28] **Qur'an references (L1075):** Qur'an 6:19 (Al-An'am).

وقالوا: يقال لمن قال بالخصوص: ما معنى قولكم هذا خصوص؟ فلا جواب لهم إلا أن يقولوا هو حمل للاسم على بعض ما يقتضيه دون بعض مثل قوله تعالى {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} فيقولون هذا على بعض المشركين دون بعض، فيقال لهم فبأي شيء استحق عندكم هذا البعض الذي حملتم اللفظ عليه أن يكون محمولا عليه ذلك اللفظ دون سائر من أخرجتم عنه؟ وما الفرق بينكم وبين من قال: بل اللفظ محمول على الذي أخرجتم عنه أنتم، وغير محمول على الذين حملتموه أنتم عليه، فإن قالوا: الدليل كذا صاروا إلى أن التخصيص إنما كان بدليل غير حمل اللفظ على بعض ما يقتضيه دون بعض بغير دليل، وهذا الأمر لا ننكره، بل نقول متى قام الدليل على التخصيص صرنا إليه، وبطل بهذا حمل الاسم على بعض ما يقتضيه دون بعض بغير دليل، فذلك ما أردنا أن نبين، وهذا ترك منهم لمذهبهم الفاسد، وإن لم يكن بأيديهم إلا الاقتصار على التخصيص لمن خصوا بلا دليل، حصلوا على التحكم والدعوى، وكل دعوى بلا دليل فهي ساقطة وبالله تعالى التوفيق احتجوا على القائلين بالوقف فقالوا هذا القول إلى متى يكون؟ فإن

procedure; rather, we say that whenever proof establishes specification, we adopt it. This invalidates applying the noun to some of what it encompasses to the exclusion of the rest without proof. That is what we wished to explain, and it constitutes their abandonment of their invalid doctrine. If, however, all they have is to restrict its application to those whom they singled out without proof, they have arrived at arbitrary judgment and mere assertion. Every assertion without proof is void. Success comes through Allah Most High.

They argued against those who advocate suspension of judgment, saying, "How long is this position to continue?" If they set a limit, they would be judging arbitrarily without proof. If they say, "Until we examine the proofs of the Quran and the Sunnah," we ask them, "Then, if you find no proof of generality or specificity and find nothing except the expression that has been transmitted, what do you do?" If they say, "We suspend judgment forever," they acknowledge disobedience and contravention of the commands. Their position leads to the conclusion that Allah explains His intent, and that the Messenger ﷺ did not explain and did not convey it. This is unbelief. If they say, "If we find no proof of specificity, we adopt generality," they have returned to what they rejected and have acknowledged that they construed the speech as general solely on account of its form and wording and the absence of proof of specificity. This is precisely our position, which they initially rejected and to which they have soon returned. If someone says, "Such a case does not occur," they must face the question we first put to them when we asked, "Can the proof be anything other than another expression or a meaning extracted from an expression?" And he would oblige them perpetually to awaken mutual understanding. Furthermore, such a case does occur. He Most High has said, "Indeed, Allah commands you to deliver trusts to those entitled to them, and, when you judge between people, to judge with justice. Excellent indeed is that with which Allah admonishes you. Indeed, Allah is All-Hearing, All-Seeing." This has not been reinforced by anything at all, yet they construe it in its general scope. And He has said, the Exalted: {And do not marry those women whom your fathers married, except what has already passed. Indeed, it was an indecency, an abomination, and an evil

حدوا حدا كانوا متحكمين بلا دليل، وإن قالوا حتى ننظر في دلائل القرآن والسنة، سألناهم فقلنا لهم: فإن لم تجدوا دليلا على عموم ولا خصوص، ولم تجدوا غير اللفظ الوارد ماذا تصنعون؟ فإن قالوا: نقف أبدا أقروا بالعصيان ومخالفة الأوامر، وأدى قولهم إلى أن الله يبين مراده وأن الرسول صلى الله عليه وسلم لم يبين ولم يبلغ وهذا كفر وإن قالوا إن لم نجد دليل على الخصوص صرنا إلى العموم، فقد رجعوا إلى ما نكروا، وأقروا بأنهم إنما حملوا الكلام على العموم بصيغته ولفظه، وبعدم الدليل على الخصوص، وهذا هو نفس قولنا الذي أبوه أولا عادوا إليه من قريب، فإن قال قائل: إن هذا لا يوجد لزمهم السؤال الذي سألنا به أولا من قولنا لهم: هل يخلو الدليل من أن يكون لفظا آخر، أو معنى مستخرجا من لفظ؟ وألزمهم إيقاظ التفاهم أبدا وأيضا فإن ذلك موجود وقد قال تعالى {إن الله يأمركم أن تؤدوا لأمانات إلى أهلها وإذا حكمتم بين لناس أن تحكموا بلعدل إن الله نعما يعظكم به إن الله كان سميعا بصيرا} ولم تؤكد بشيء أصلا وهذا عندهم محمول على عمومه، وقد قال تعالى {ولا تنكحوا ما نكح آباؤكم من لنسآء إلا ما قد سلف إنه كان فاحشة ومقتا وسآء سبيلا} ولم يأت بتوكيد زائد فحملوه على عمومه دون دليل غيره وارد اللفظ فقط، ومثل هذا كثير جدا، بل هو الأكثر في القرآن والسنة، وإنما ادعوا الخصوص في مسائل يسيرة، وليس هذا مكان احتجاجهم بقرينة الوعيد، لأننا إنما نكلمهم في عموم كل ما اقتضاه اللفظ لا في الوجوب وقد حمل مالك قوله تعالى {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم لله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب لله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} على عموم جميع المساجد بنص اللفظ، لا بدليل زائد ولا بيان وارد وحمل قوله تعالى {ولذين

way.} He supplied no additional emphasis, yet they construed it as general without any evidence beyond the wording as delivered. Such instances are very numerous; indeed, they constitute the majority of what is in the Quran and the Sunnah. They have claimed specificity only in a few matters. This is no place for their appeal to the accompanying threat of punishment, because we are discussing with them the general applicability of everything entailed by the wording, rather than obligation. Malik construed His saying, the Exalted, {Permitted to you on the night of fasting is sexual intercourse with your wives. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you and pardoned you. So now have intercourse with them and seek what Allah has prescribed for you, and eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night, and do not have intercourse with them while you are in devotional retreat in the mosques. These are Allah's limits, so do not approach them. Thus Allah makes His signs clear to people, that they may be mindful of Him}, as applying generally to all mosques, by the explicit wording, without additional evidence or any explanation having been supplied. He construed His saying, the Exalted, {And those who accuse their spouses and have no witnesses except themselves—the testimony of one of them shall be four testimonies by Allah that he is indeed among the truthful}, as applying to all spouses without additional evidence. None of this is a matter of consensus. He and Abu Hanifah construed His saying, the Exalted, {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters in your care born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters, except what has already passed. Indeed, Allah is ever forgiving, merciful}, as general in its application to marriage and intercourse through ownership by the right hand. All of them likewise construed His saying, the Exalted, {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts,

يرمون أزواجهم ولم يكن لهم شهدآء إلا أنفسهم فشهادة أحدهم أربع شهادات بالله إنه لمن لصادقين} على جميع الأزواج بلا دليل زائد، وليس شيء من ذلك إجماعا. وحمل هو وأبو حنيفة قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} على عمومه في النكاح والوطء بملك اليمين. وحملوا كلهم أيضا قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} على عموم بلا دليل بل الدليل قام على خصوص ذلك، فأبوا من قبوله، فبان تناقضهم في ذلك، وبالله تعالى التوفيق. قال علي: ويلزمهم أيضا ألا يحكموا بالإجماع، إذ لعل ههنا خلافا لم يبلغهم ولا يحكموا بنص، إذ لعله منسوخ ولا يقاس لأن القياس لا يكون إلا على نص أو إجماع والوقف واجب في النقص والإجماع، فبطل الدين كله على قول هؤلاء القوم. قال علي: ويقال لهم: ما الفرق بينكم وبين من خص بالخطاب بعض الأزمان دون بعض، كما خصصتم أنتم بعض الأعيان دون بعض فإن قالوا إن محمدا صلى الله عليه وسلم إنما بعث ليحكم في كل زمان قيل لهم وكذلك أيضا بعث عليه السلام ليحكم على كل أحد في كل عين ولا فرق

your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters in your care born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters, except what has already passed. Indeed, Allah is ever forgiving, merciful}, as general without evidence. Indeed, evidence established its specificity, but they refused to accept it. Their inconsistency in this has thus become clear. Success comes through Allah the Exalted. Ali said: It also follows necessarily for them that they must not rule on the basis of consensus, since there may be disagreement here that has not reached them; nor rule on the basis of a text, since it may have been abrogated; nor reason by analogy, because analogy can be based only on a text or consensus, and suspension of judgment is obligatory concerning deficiency and consensus. Thus the whole religion is invalidated according to the position of these people. Ali said: They should be asked: What distinguishes you from someone who restricts the address to certain times rather than others, just as you have restricted it to certain individual instances rather than others? If they say, "Muhammed ﷺ was sent to rule in every time," they should be told: Likewise, he, peace be upon him, was

sent to rule over everyone concerning every individual instance. There is no difference.[29][30][31][32]

L1085–1086 Ali said: We have explained in more than one place that language was instituted so that mutual understanding might occur through it. Every meaning must therefore have a designation specific to it. There must be a designation for the generality of genera, and a designation for the generality of each species, and so on continually, until each individual has its designation. Whoever endeavors to invalidate this is truly a sophist, overturning things as they stand and corrupting realities. Yet Allah insists upon perfecting His light. Ali said: There is no difference between statements and commands in all of this. Every designation entails the general inclusion of whatever falls under it and does not extend to anything that does not fall under it. Promises and threats in all of this are like the rest of the address, without distinction. The hadith and the Quran in their entirety are like a single expression. Judgment must therefore not be based on one verse to the exclusion of another, or on one hadith to the exclusion of another; rather, all of this must be joined together, since no part of it has a greater claim to be followed than another. Whoever

قال علي: وقد بينا في غير ما مكان أن اللغة إنما وضعت ليقع بها التفاهم، فلا بد لكل معنى من اسم مختص به: فلا بد لعموم الأجناس من اسم، ولعموم كل نوع من اسم، وهكذا أبدا إلى أن يكون لكل شخص اسمه، ومن سعى في إبطال هذا فهو سوفسطائي على الحقيقة، عاكس للأمور على وجوهها، مفسد للحقائق، ويأبى الله إلا أن يتم نوره. قال علي: ولا فرق بين الأخبار بالأوامر في كل ذلك وكل اسم فهو يقتضي عموم ما يقع تحته، ولا يتعدى إلى غير ما يقع تحته، والوعد والوعيد في كل ذلك كسائر الخطاب ولا فرق، والحديث والقرآن كله كاللفظة الواحدة، فلا يحكم بآية دون أخرى، ولا بحديث دون آخر، بل بضم كل ذلك بعضه إلى بعض، إذ ليس بعض ذلك أولى بالاتباع من بعض، ومن فعل غير هذا فقد تحكم بلا دليل. ويقال لهم: ما الفرق بينكم وبين من قال: لعل الخطاب الوارد إنما خص به الصحابة دون غيرهم؟ فكل ما قالوا ههنا فهو مردود عليهم في دعواهم خصوص بعض ما يقع عليه الخطاب دون بعض. ويقال لهم: بأي شيء استجزتم قتل من قتلتم من المشركين، وقطع من قطعتم من السراق، وجلدتم من جلدتم من الزناة، وحد من حددتم من القذفة، وخصصتموهم بإيقاع هذه الأحكام عليهم، دون سائر من يقع عليه اسم زان أو قاتل أو قاذف أو سارق، فهل ههنا إلا أنهم سرقوا وقتلوا وزنوا وقذفوا؟ فهكذا فعل غيركم ممن أخرجتموه من الخطاب، وأسقطتم عنه ما حملتم على هؤلاء، فلأي معنى خصصتم من أمضيتم عليه الحكم دون من لم تمضوه عليه؟ فإن قالوا: بدلائل دلت على ذلك، لم نأب ذلك، وقلنا لهم: هذا قولنا، وحسبنا أننا قد أزلناكم عن الحكم بالخصوص المجرد الذي هو الافتراء على الله عز وجل في الحكم عنه تعالى بما لم يأذن به، وقد رام قوم أن يفرقوا بين الأوامر والأخبار، واحتجوا بأنهم

[29] **Translator's note (L1079):** The Quran quotation, corresponding to 9:5, contains repeated apparent transcriptional omissions of alifs, including نسلخ for انسلخ and فقتلوا for فاقتلوا. It is rendered according to the intelligible intended wording; these defects are not treated as distinct Quranic readings. The supplied wording says "Allah explains His intent" (الله يبين مراده), although the argument appears to require "Allah did not explain His intent." The translation preserves the affirmative wording rather than silently supplying a negation.

[30] **Translator's note (L1081):** The phrase وألزمهم إيقاظ التفاهم أبدا, rendered "And he would oblige them perpetually to awaken mutual understanding," is anomalous in this argument. إيقاظ ("awakening") may be a transcription corruption, possibly of إبطال ("nullifying"), but the supplied wording has been preserved. The Quran quotation, corresponding to 4:58, contains apparent transcriptional omissions of alifs, including لله for الله, لأمانات for الأمانات, لناس for الناس, and بلعدل for بالعدل. The translation follows the intelligible wording.

[31] **Translator's note (L1083):** The supplied text reads "deficiency" (al-naqs) in the phrase about suspending judgment. The context strongly suggests a corruption of "the text" (al-nass); the supplied reading has been retained.

[32] **Qur'an references (L1079):** Qur'an 9:5 (At-Tawbah); Qur'an 4:58 (An-Nisa); Qur'an 4:22 (An-Nisa); Qur'an 2:187 (Al-Baqarah); Qur'an 24:6 (An-Nur); Qur'an 4:23 (An-Nisa).

مضطرون إلى العمل بالأوامر، وليست الأخبار كذلك. وقال علي: وهذا فرق فاسد، لأننا مضطرون إلى وجوب اعتقاد صحة الأخبار وإلى الإقرار بها وهي التي وردت بها النصوص كما نحن مضطرون إلى العمل بالأوامر، ولا فرق،

does otherwise has ruled arbitrarily without evidence. They should be asked: What distinguishes you from someone who says, "Perhaps the address that was delivered was restricted to the Companions, to the exclusion of others"? Whatever they say here can be turned back against them regarding their claim that the address applies specifically to some of what falls under it rather than the rest. They should also be asked: On what basis did you deem it permissible to kill those polytheists whom you killed, amputate the hands of those thieves whose hands you amputated, flog those fornicators whom you flogged, and inflict the prescribed punishment upon those accusers of unchastity upon whom you inflicted it, singling them out for the application of these rulings to the exclusion of everyone else to whom the designation fornicator, killer, accuser of unchastity, or thief applies? Is there anything here beyond their having stolen, killed, fornicated and made accusations of unchastity? Others besides you, whom you excluded from the address and relieved of what you imposed upon these people, have done just the same. On what grounds, then, did you single out those against whom you enforced the ruling, to the exclusion of those against whom you did not enforce it? If they say, "On the basis of evidence indicating this," we do not reject that. We tell them: This is our position, and it suffices us that we have dislodged you from ruling on the basis of bare specificity, which is to fabricate a lie against Allah, mighty and majestic, by issuing rulings on His behalf, the Exalted, for which He has given no permission. Some people have attempted to distinguish between commands and statements, arguing that they are compelled to act upon commands, whereas statements are not like that. Ali said: This distinction is unsound, because we are compelled to hold that it is obligatory to believe in the truth of statements and to acknowledge them—namely, those conveyed by the texts—just as we are compelled to act upon commands. There is no difference.[33][34]

[33] **Translator's note (L1085):** The phrase rendered "between statements and commands" has an irregular construction in the supplied Arabic, literally "between statements with commands." The surrounding argument makes the intended comparison clear.

[34] **Translator's note (L1086):** The supplied wording says "others besides you," although the argument concerns other offenders whom the interlocutors excluded from the rulings. This awkward shift of reference has been retained.

L1087–1090

Correct belief is the act of Allah the Exalted within the soul, while acknowledgment of what is believed is the soul's act through its moving the organs of speech: the tongue, the palate, and the articulation points of the letters. It must therefore either restrict its acknowledgment of what it believes or make it general. Fear of error in acting upon commands is like fear of error in believing statements in an impermissible manner. Believing falsehood is impermissible, just as acting upon falsehood is impermissible. It is thus established that statements are like commands, without distinction. One of the earlier proponents of generality argued against the proponents of specificity, saying: What do you say about His saying, the Exalted, {Allah, and the seal} of the prophets: does it refer to the Arabs to the exclusion of others, or is it general by virtue of the wording itself? If they say it is specific, they disbelieve; if they say it is general by virtue of the wording itself, they abandon their unsound doctrine. If they claim that this is a matter of consensus, it follows necessarily that they must affirm only what has been agreed upon by consensus. We have already demonstrated the invalidity of this position. Were they to adopt it, they would thereby depart from consensus, because the community unanimously agrees that restricting oneself to affirming only consensus, without complying with the texts even where disagreement has arisen concerning them, is forbidden: no Muslim does it, nor is any Muslim permitted to do it. The text of the Quran and the Sunnahs establishes the obligation to obey the Prophet —may Allah bless him and grant him peace ﷺ—and to make him the judge when contention and disagreement arise. Moreover, they themselves do not do that. Their appeal to it therefore fails in every respect, praise be to Allah the Exalted. If they say, "We know that he, peace be upon him, is the last of the prophets because of his saying ﷺ, 'There is no prophet after me,'" they should be told—and success comes through Allah the Exalted: This admits of the same specificity as all the other texts, without distinction. Perhaps he meant, "There is no prophet after me among the Arabs," or "in the Hijaz," or "for a hundred years," or something similar, as claimed by the Isawiyyah among the Jews, the Jarmadaniyyah who maintain the successive coming of messengers, and the extremists who asserted the prophethood of Ali, Nu zayʿ, al-Mughirah, Mansur al-Kisf in Kufa, Bayan, and Abu al-Khattab. Moreover, since consensus on this has been es-

والاعتقاد الصحيح فعل الله تعالى في النفس والإقرار بالمعتقد فعل النفس بتحريكها آلات الكلام من اللسان والحنك ومخارج الحروف، فلا بد لها من أن تخص بالإقرار بما اعتقدت أو تعم، وخوف الخطأ في العمل في الأوامر، كخوف الخطأ في الاعتقاد للأخبار على ما لا يجوز، واعتقاد الباطل لا يجوز، كما لا يجوز العمل بالباطل فصح أن الأخبار كالأوامر ولا فرق. واحتج بعض من سلف من القائلين بالعموم على القائلين بالخصوص فقال ما تقولون في قوله تعالى {لله وخاتم} للنبيين من العرب دون غيرهم أم عموم بنفس اللفظ؟ فإن قالوا: خصوص كفروا، وإن قالوا: عموم بنفس اللفظ، تركوا لمذهبهم الفاسد، فإن ادعوا أن ذلك إجماع، لزمهم ألا يقولوا إلا بما أجمع عليه فقط، وقد قدمنا إفساد هذا القول فإنهم لو قالوا لكانوا بذلك خارجين عن الإجماع، لأن الأمة مجمعة على أن الاقتصار على القول بالإجماع فقط دون الائتمار للنصوص وإن وقع فيها اختلاف حرام لا يفعله مسلم، ولا يسع مسلم فعله، والنص من القرآن والسنن جاء بوجوب طاعة النبي صلى الله عليه وسلم وتحكيمه عند التنازع والاختلاف وأيضا فهم لا يفعلون ذلك، فسقط تعلقهم بكل وجه بحمد الله تعالى فإن قالوا علمنا أنه عليه السلام آخر النبيين بقوله صلى الله عليه وسلم لا نبي بعدي قيل لهم وبالله تعالى التوفيق: وهذا يحتمل من الخصوص ما تحمله سائر النصوص، ولا فرق، ولعله أنه أراد لا نبي بعدي من العرب أو في الحجاز أو إلى مائة عام أو ما أشبه ذلك، كما زعمت العيسوية من اليهود والجرمدانية القائلون بتواتر الرسل والغالية التي قالت بنبوة علي ونزيع والمغيرة ومنصور الكسف بالكوفة، وبيان وأبي الخطاب، وأيضا فإن الإجماع إذ قد صح على ذلك فهو أعظم الحجج عليهم لإجماع الأمة على حمل هذا الخطاب على عمومه وكذلك يسألون عن قوله صلى الله عليه وسلم بعثت إلى الأحمر والأسود وهذا يحتمل من الخصوص ما احتمله {والسارق والسارقة فاقطعوا

tablished, it is the strongest of proofs against them, because the community unanimously agrees upon construing this address as general. They should likewise be questioned about his saying ﷺ, "I was sent to the red and the black." This admits of the same specificity as {And the male thief and the female thief: cut off their hands}, and as His saying, mighty and majestic, {And those who accuse chaste women and then do not bring four witnesses: flog them with eighty lashes.}[35][36][37]

L1091 For what reason, then, did you restrict one of the two statements to a specific application without evidence, while construing the other as general without any evidence except the wording itself? Some earlier proponents of general applicability argued against them by saying: "You agree that when an expression occurs with an emphatic qualification, it is construed as general." He said: "They should be told: An emphatic qualification admits of specific applicability just as the statement being emphasized does; there is no difference. An explicit text establishes this, for the Exalted said: {So the angels prostrated, all of them, altogether, except Iblis}. The exception thus came after two emphatic qualifications."[38]

L1092–1099 Ali said: The Exalted said: {But the word from Me has become binding: I shall surely fill Hell with jinn and humankind, altogether}. Then the exception came in His saying: {Indeed, those for whom the best reward has already gone forth from Us will be kept far from it. They will not hear its faintest sound, and they will abide forever amid what their souls desire}. And the Exalted said, addressing Iblis: {I shall surely fill Hell with you and with those of them who follow you, altogether}. Then the exception came concerning those who repented of following Iblis, and those whose good deeds equaled

أيديهما} وما احتمله قوله عز وجل {والذين يرمون المحصنات ثم لم يأتوا بأربعة شهدآء فاجلدوهم ثمانين جلدة}

فلأي معنى خصصتم أحد الخطابين بلا دليل وحملتم الآخر على عمومه بلا دليل إلا نفس اللفظ فقط؟ واحتج عليهم بعض من سلف من القائلين بالعموم بأن قال إنكم متفقون على أن اللفظ إذا ورد فيه تأكيد فإنه محمول على عمومه، قال: فيقال لهم: إن التأكيد يحتمل من الخصوص مثل ما يحتمل الخطاب المؤكد ولا فرق، وقد جاء النص بذلك، فقال تعالى: {فسجد الملائكة كلهم أجمعون إلا إبليس} فجاء الاستثناء بعد تأكيدين اثنين

قال علي قال تعالى {ولكن حق لقول مني لأملأن جهنم من لجنة والناس أجمعين} ثم جاء الاستثناء بقوله {إن الذين سبقت لهم منا الحسنى أولئك عنها مبعدون * لا يسمعون حسيسها وهم فيما اشتهت أنفسهم خالدون} وقال تعالى مخاطبا لإبليس: {لأملأن جهنم منك وممن تبعك منهم أجمعين} ثم جاء الاستثناء فيمن تاب عن اتباع إبليس، وفيمن تساوت حسناته وسيئاته التي اتبع فيها إبليس فجاء التخصيص كما ترى بعد التأكيد، فبطل احتجاجهم بالتأكيد، ولزمهم ألا يحملوا خطابا على عمومه أبدا، أكد أو لم يؤكد، ولزمهم الوقف أبدا وألا ينتفعوا بتأكيد ولا غيره. فإن قالوا: إنه يلزمهم إذا ورد الاستثناء، أن تقرروا بأن ذلك الخطاب أريد به الخصوص، قلنا لهم: وكذلك نقول: ولسنا معترضين على ربنا تعالى ولا على نبينا صلى الله عليه وسلم ولا نعلم إلا ما علمنا تعالى ولا ننكر صرفهما الألفاظ عن وجوهها ولا شرعهما الشرائع علينا،

[35] **Translator's note (L1088):** The Quranic quotation is corrupt or truncated in the supplied text: it reads only "Allah, and the seal," with "of the prophets" outside the quotation braces. This wording has been retained without supplying the missing verse text.

[36] **Translator's note (L1089):** The sect name rendered "Jarmadaniyyah" and the personal name supplied as "Nu zayʿ" have uncertain readings in this transcription; neither has been silently replaced with a conjectured identification. "The red and the black" preserves the wording of the reported saying.

[37] **Qur'an references (L1087):** Qur'an 5:38 (Al-Ma'idah); Qur'an 24:4 (An-Nur).

[38] **Qur'an references (L1091):** Qur'an 15:30 (Al-Hijr); Qur'an 38:73 (Sad).

their evil deeds in which they had followed Iblis. Restriction to a specific application thus came, as you see, after emphasis. Their argument from emphasis is therefore invalidated, and they are obliged never to construe any statement as general, whether emphasized or not. They are obliged always to suspend judgment and to derive no benefit from emphasis or anything else. If they say, "When an exception occurs, you are obliged to acknowledge that the statement was intended to have a specific application," we tell them: That is indeed what we say. We raise no objection to our Lord, exalted is He, or to our Prophet ﷺ. We know only what He, exalted is He, has taught us. We do not deny their diverting expressions from their proper senses, their prescribing laws for us, their forbidding what they have forbidden, or their permitting what they have permitted. Were they to command us to kill our fathers, mothers, and sons, we would hasten to do so immediately, or else refrain while acknowledging our disobedience, neither inviting others to error nor declaring our sins correct, but instead seeking Allah the Exalted's forgiveness for that and desiring repentance. Ali said: How greatly I fear that the person who introduced these two notions—advocating suspension of judgment concerning adherence to the apparent meaning, obligation, general applicability, and immediate performance; and advocating diverting expressions transmitted from Allah the Exalted and His Messenger ﷺ toward an interpretation without evidence, toward the removal of obligation without evidence, toward specific applicability without evidence, and toward deferred performance without evidence—is an unbeliever, a polytheist, a clandestine heretic deceiving the Muslims and striving to invalidate the religion. For this radiant, upright, accommodating religion has been plotted against from five directions; its ruin has been sought by various routes; snares have been laid for it along hidden paths; and obscure stratagems have been employed against it. The most grievous of these directions is the effort of someone who dresses as they do, assumes their name, and slips the venom of black serpents into honeycomb and cold water for them. He subtly induced them to oppose the Quran and the Sunnah, attaining what he desired among those whom Allah the Exalted willed to abandon. In Him, exalted is He, we seek refuge from affliction, and we ask Him, through His gracious bounty, to safeguard us. There is no god but He. People, think ill of anyone

ولا تحريم ما حرما، ولا تحليل ما حللا، ولو أمرانا بقتل آبائنا وأمهاتنا وأبنائنا لسارعنا إلى ذلك مبادرين، أو أمسكنا مقرين بالمعصية غير داعين إلى ضلالة، ولا مصوبين لذنوبنا، بل مستغفرين الله تعالى من ذلك، راغبين في التوبة. قال علي: وما أخوفني أن يكون ملقي هاتين النكتتين من القول بالوقف، في اتباع الظاهر وفي الوجوب، وفي العموم وفي الفور ومن القول بصرف الألفاظ الواردة عن الله تعالى ورسوله صلى الله عليه وسلم إلى تأويل بلا دليل وإلى سقوط الوجوب بلا دليل، وإلى الخصوص بلا دليل، وإلى التراخي بلا دليل كافرا مشركا زنديقا مدلسا على المسلمين، ساعيا في إبطال الديانة، فإن هذه الملة الزهراء الحنيفية السمحة كيدت من وجوه خمسة، وبغيت الغوائل من طرق شتى، ونصبت لها الحبائل من سبل خفية، وسعي عليها بالحيل الغامضة، وأشد هذه الوجوه سعي من تزيا بزيهم، وتسمى باسمهم، ودس لهم سم الأساود في الشهد والماء البارد، فلطف لهم في مخالفة القرآن والسنة، فبلغ ما أراد ممن شاء الله تعالى خذلانه، وبه تعالى نستعيذ من البلاء، ونسأله العصمة بمنه، لا إله إلا هو. فلتسؤ ظنونكم أيها الناس بمن يحسن لكم مفارقة ظاهر كلام ربكم تعالى أو كلام نبيكم صلى الله عليه وسلم بغير بيان منها أو إجماع من جميع الأمة وبمن يزين لكم التأخر عن طاعتها، ويسهل عليكم ترك الانقياد لهما، ويقرب لديكم التحكم في خطابهما، والفرق بينهما بطاعة بعض ومعصية بعض، وهذا هو التخصيص الذي يدعونه بلا دليل، وبالله نعتصم. قال علي: ويلزمهم إذا أجازوا تخصيص ألفاظ القرآن والسنن بلا دليل أو الوقف فيها، أن يجيزوا مثل ذلك في الأعداد ولا فرق، فيقفوا فيما أوجب الله تعالى من صيام شهرين متتابعين في كفارة الظهار، وكفارة القتل، وكفارة الواطىء في شهر رمضان، فلعله تعالى قد استثنى من الشهرين عشرة أيام في حديث لم يبلغهم، أو بقياس لم ينتبهوا له بعد كما استثنى تعالى من مدة نوح عليه السلام في قومه خمسين عاما بعد ذكره عز وجل ألف سنة، ومثل هذا لازم لهم

who makes it seem good to you to depart from the apparent meaning of your Lord the Exalted's words or your Prophet's ﷺ words without a clarification from them or a consensus of the entire community; and of anyone who embellishes delaying obedience to them, makes abandoning submission to them seem easy, and makes it seem acceptable to impose arbitrary judgments upon their statements and discriminate between them by obeying some and disobeying others. This is the restriction to specific applicability that they claim without evidence. To Allah we hold fast. Ali said: If they allow restricting the expressions of the Quran and the transmitted Sunnahs to specific applications without evidence, or suspending judgment concerning them, they must allow the same concerning numbers; there is no difference. They must therefore suspend judgment concerning Allah the Exalted's requirement to fast two consecutive months as expiation for declaring one's wife forbidden like one's mother, as expiation for killing, and as expiation for having intercourse during the month of Ramadan. Perhaps He, exalted is He, has excepted ten days from the two months in a report that has not reached them, or through an analogy they have not yet noticed, just as He, exalted is He, excepted fifty years from Noah's time among his people—peace be upon him—after mentioning a thousand years, mighty and majestic is He. The same consequence binds them concerning everything addressed to them. As we have already stated, this position amounts to nothing but invalidating the religion, along with their flagrant inconsistency and the fact that it is a claim they possess without evidence. If they say, "This is impermissible concerning numbers, because if the exception were not attached to them, they would constitute a falsehood," they should be told: Likewise, declarative statements, if they do not have general applicability and no other explicit text or consensus occurs restricting them to a specific application, would constitute a falsehood; there is no difference. Likewise, commands, if specific applicability is intended by them and no other explicit text or consensus occurs restricting them to a specific application, would constitute the imposition of hardship. Exalted is Allah above all that. Some earlier proponents of general applicability said to them: "If what the wording of every statement entails is not understood from that statement alone, then perhaps by your saying, 'We advocate suspension of judgment,' and by the saying of those among you

في جميع ما خوطبوا به، وهذا قول كما قدمنا ليس فيه إلا إبطال الديانة مع فاحش تناقضهم، وأنه دعوى بأيديهم بلا دليل. فإن قالوا: هذا لا يجوز في الأعداد، لأنه لو لم يكن الاستثناء متصلا بها لكانت كذبا قيل لهم: وكذلك الأخبار إن لم يكن على عمومها، ولم يأت نص آخر أو إجماع بتخصيصها كانت كذبا ولا فرق، وكذلك الأوامر إن كان المراد بها الخصوص، ولم يأت نص آخر، ولا إجماع بتخصيصها كانت تعنيتا، تعالى الله عن ذلك كله. قال لهم بعض من سلف القائلين بالعموم: فإذا لم يفهم من كل خطاب بمجرده ما اقتضاه لفظه فلعل قولك: نقول بالوقف: وقول من قال منكم نقول بالخصوص، إنما أردتم به في بعض المواضع دون بعض، ولعلكم أردتم غير ما ظهر إلينا من كلامكم، فإنكم تناظرونا دأبا في ألا نحمل الألفاظ على ظواهرها، ولا على عمومها، فأول ما ينبغي أن يستعمل هذا فيه، ففي كلامكم، فتجعلون في نصاب من لا يفهم عنهم مرادهم ولا يصح خطابهم، وصحت السفسطة بعينها عليهم. قال علي: وكذلك يقال أيضا للقائلين بالوقف أو الندب: أموجبون أنتم لحمل الأشياء الواردة من الله تعالى ونبيه صلى الله عليه وسلم على أنها غير واجبة وعلى الوقف فيها أم أنتم نادبون إلى ذلك؟ فإن قالوا: نحن موجبون لذلك قيل لهم: فما الذي جعل كلامكم محمولا على الوجوب؟ وكلام ربكم تعالى محمولا على غير الوجوب؟ وهذا كفر شديد ممن اعتقده، وضلال عظيم ممن تقلده، وإن قالوا: بل نحن نادبون إلى ذلك أقروا أنهم لا يلزمنا قبول قولهم، وبالله تعالى التوفيق. وأيضا قال علي: قولهم بحمل الألفاظ على الخصوص إنما معناه بحملها على بعض ما يقتضيه لفظها. قال علي: وهذا أمر ليس في طاقة أحد فهمه، والوقوف على حقيقته أبدا، لأنه لا ندري أي أبعاض تلك الجملة يقبل، ولا أيها يرد، وليس بعضها أولى بحمل الحكم عليه من بعض، فصار ذلك تكليفا لما ليس في الوسع، وهذه هي السفسطة نفسها وإبطال الحقائق جملة وقد أكذبهم تعالى بقوله {لا يكلف الله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ

who say, 'We advocate specific applicability,' you intended this only in some instances and not in others; and perhaps you intended something other than what is apparent to us from your words. For you continually debate with us, urging that we should not construe expressions according to their apparent meanings or their general applicability. The first thing to which this ought to be applied is therefore your own words. You would thus be placed among those whose intentions cannot be understood and whose discourse is not valid, and sophistry itself would be established against them." Ali said: Likewise, proponents of suspension of judgment or recommendation should also be asked: "Do you make it obligatory to construe the things transmitted from Allah the Exalted and His Prophet ﷺ as nonobligatory, and to suspend judgment concerning them, or do you recommend doing so?" If they say, "We make that obligatory," they should be told: "What makes your words construed as imposing an obligation, while your Lord the Exalted's words are construed as imposing no obligation?" This is grave unbelief on the part of anyone who believes it, and immense error on the part of anyone who adopts it. If they say, "Rather, we recommend doing so," they have acknowledged that we are not obliged to accept their position. Through Allah the Exalted comes success. Furthermore, Ali said: Their advocacy of construing expressions as having specific applicability means only construing them as applying to some of what their wording entails. Ali said: This is something that no one can ever comprehend or ascertain in its true nature, because we do not know which parts of that totality are to be accepted and which rejected. No part has a stronger claim than another to have the ruling applied to it. This therefore becomes the imposition of something beyond one's capacity. This is sophistry itself and the wholesale invalidation of realities. He, exalted is He, has declared them false in His saying: {Allah does not burden a soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid it upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the unbelieving people}. They should also be asked: "Consider Allah the Exalted's saying: {And He taught Adam the names, all of them, then

أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} ويقال لهم أيضا أرأيتم قول الله تعالى {وعلم آدم لأسمآء كلها ثم عرضهم على لملائكة فقال أنبئوني بأسمآء هؤلاء إن كنتم صادقين} لهذا التعليم الذي امتن الله تعالى به على أبينا آدم عليه السلام فائدة؟ أم لا فائدة له؟ فإن قالوا: لا فائدة له كفروا، وكذبتم الملائكة في إقرارهم بأن ذلك علم عظيم لم يكن عندهم حتى علمهم إياه الخالق عز وجل، وإن قالوا: إن لذلك التعليم فائدة سئلوا ما هي؟ ولا سبيل إلى أن تكون تلك الفائدة إلا إيقاع الأسماء على مسمياتها، والفصل بين المسميات بالأسماء، ومعرفة صفات المسميات التي باختلافها وجب تخالف الأسماء، ليقع بذلك التفاهم بين النوع الذي أسكنه الله أرضه، وأرسل إليهم الأنبياء بالشرائع، ليهلك من هلك عن بينة ويحيى من حي عن بينة.

presented them to the angels and said: Tell Me the names of these, if you are truthful}. Does this teaching, with which Allah the Exalted favored our father Adam, peace be upon him, have a benefit, or does it have no benefit?" If they say, "It has no benefit," they have disbelieved, and you have contradicted the angels in their acknowledgment that this was great knowledge which they did not possess until the Creator, mighty and majestic, taught it to them. If they say that this teaching has a benefit, they should be asked what it is. There is no possibility that this benefit is anything other than applying names to the things they name, distinguishing the things named by their names, and knowing the attributes of the things named, whose differences necessitated the difference of the names, so that mutual understanding might thereby take place among the species whom Allah settled upon His earth and to whom He sent the prophets with the revealed laws, so that whoever perished might perish upon clear evidence[39][40][41][42][43][44]

L1100–1101 Since this has now been established and proved sound, anyone who wishes to establish that names do not convey their referents throughout the full general scope required by their wording, and that what they are applied to cannot be known through them, nullifies reason and the revealed Law together. Through Allah Most High comes success, and to Him belongs praise

وإذ قد ثبت هذا وصح فكل من أراد أن يثبت أن الأسماء لا تفهم منها مسمياتها على عموم ما يقتضيه اللفظ، ولا يعرف بها ما علقت عليه فهو مبطل للعقل والشريعة معا، وبالله تعالى التوفيق، وله الحمد على جميع نعمه لا إله إلا هو. ويلزمهم في قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} أن يكون لعل ذلك في بعض الأمهات دون بعض، وفي بعض الأخوات والبنات دون بعض، أو لعل الذي حرم هو بيعه أو أكلهن دون جماعهن كما حملتم قوله تعالى {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} عن بعض المشركين دون بعض فلم تبيحوا قتل الرهبان، ولا

[39] **Translator's note (L1092):** In the first Quranic quotation, "حق لقول" and "من لجنة" are defective forms of the wording concerning the binding word and the jinn. The translation gives their recoverable sense; the supplied Arabic is textually defective.

[40] **Translator's note (L1093):** "Clandestine heretic" renders zindīq, here used as a polemical designation for someone concealing unbelief beneath an outward profession of Islam.

[41] **Translator's note (L1094):** "Declaring one's wife forbidden like one's mother" renders ẓihār, the marital declaration for which the author mentions an expiation. The supplied "بيعه" later in the following context is outside this unit and has not been translated here.

[42] **Translator's note (L1097):** The Quranic quotations contain defective spellings, including "لله" for the divine name in the opening of the first quotation and several missing initial alifs. Their recoverable wording is rendered in English.

[43] **Translator's note (L1098):** The supplied text shifts from third person in "they have disbelieved" to second person in "you have contradicted." This grammatical shift is retained.

[44] **Qur'an references (L1092):** Qur'an 21:101 (Al-Anbya); Qur'an 38:85 (Sad); Qur'an 2:286 (Al-Baqarah); Qur'an 2:31 (Al-Baqarah); Qur'an 8:42 (Al-Anfal).

for all His blessings; there is no god but Him. Their position obliges them to allow, concerning His words, Most High, "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, brothers' daughters, sisters' daughters, your mothers who suckled you, your sisters through suckling, your wives' mothers, and your stepdaughters under your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your loins, and that you join two sisters in marriage, except what has already passed. Indeed, Allah has been forgiving, merciful," that perhaps this concerns some mothers rather than others, and some sisters and daughters rather than others; or perhaps what was forbidden was selling them or eating them, rather than intercourse with them. This is just as you construed His words, Most High, "Then, when the sacred months have elapsed, kill the polytheists wherever you find them, seize them, besiege them, and sit in wait for them at every place of ambush. But if they repent, establish prayer, and give the alms, then let them go their way. Indeed, Allah is forgiving, merciful," as applying to some polytheists rather than others. Thus you did not permit killing monks, female apostates, or the children of apostates when they reach maturity as unbelievers. Likewise, in accusations of unlawful intercourse, you did not impose the prescribed punishment upon someone who accused an unbelieving woman or a Muslim slave woman; and likewise with everything else you construed as specific. The same consequence binds them in every address in the Quran and the transmitted prophetic practices. Through Allah Most High comes success.

To those among them who say that what indicates that expressions should be construed in their general scope is only the emphasis supplied, it should be said—Ali said: They should be told: If emphasis were as you describe, their statements would be contradictory, because we find emphasis occurring twice and three times. The first would serve to move the expression from specific to general application, and the second would do the same again. If it had to move the emphasized statement and the first emphasis from specific to general application, the first emphasis would be both specific and general

قتل المرتدات، ولا أولاد المرتدين إذا بلغوا كفارا، وكما فعلتم في القذف فلم تحدوا قاذف الكافرة والأمة المسلمة، وسائر ما حملتموه على الخصوص، ومثل هذا لازم لهم في كل خطاب في القرآن والسنن، وبالله تعالى التوفيق. ويقال لمن قال منهم: إن الذي يدل على حمل الألفاظ على عمومه إنما هو للتأكيد الوارد. قال علي: يقال لهم: لو كان التأكيد ما ذكرتم لكان كلامهم متناقضا، لأنا نجد التأكيد يأتي مرتين وثلاثا، الأول، يأتي لإخراج اللفظ من الخصوص إلى العموم، الثاني: مثله أيضا، ولو وجب أن يكون مخرجا للكلام المؤكد والتأكيد الأول عن الخصوص إلى العموم، فكان يكون التأكيد الأول خصوصا وعموما معا، وهذا ولا يعلل الصحيح في ذلك ما قدمناه من أن التأكيد إنما هو حسم لشغب أمثالهم فقط، وليس التأكيد مخرجا للكلام المؤكد عن خصوص إلى عموم أصلا وقد قال الله تعالى فسجد الملائكة كلهم أجمعون} وقد أجاب بعض القائلين بالوقف عن هذه المسألة فقال معنى قوله تعالى {فسجد الملائكة كلهم أجمعون} ي بعد ذكر {فسجد الملائكة كلهم أجمعون} ى هو غير المعنى في {فسجد الملائكة كلهم أجمعون} ى لأن {فسجد الملائكة كلهم أجمعون} ى هو مخرج لقوله تعالى {فسجد الملائكة كلهم أجمعون} وعن الخصوص إلى العموم و {فسجد الملائكة كلهم أجمعون} ي دال على أنهم سجدوا مجتمعين لا مفترقين

at once. And this is not explained. The correct account of this is what we have already stated: emphasis merely puts an end to the contentious objections of people like them. Emphasis does not move an emphasized statement from specific to general application at all. Allah Most High has said, “So the angels prostrated, all of them, altogether.” Some proponents of suspension of judgment answered this question by saying: The meaning of His words, Most High, “So the angels prostrated, all of them, altogether” [yāʾ], after the mention of “So the angels prostrated, all of them, altogether” [alif maqṣūrah], differs from the meaning in “So the angels prostrated, all of them, altogether” [alif maqṣūrah], because “So the angels prostrated, all of them, altogether” [alif maqṣūrah] moves His words, Most High, “So the angels prostrated, all of them, altogether,” from specific to general application, while “So the angels prostrated, all of them, altogether” [yāʾ] indicates that they prostrated together, rather than separately.[45][46][47]

L1102–1103 Ali said: This is profound ignorance and an outrageous falsehood, because “all” does not mean being gathered together, nor does it belong to that category. This is brazen defiance of the language, something its scholars do not recognize. No speaker of the language understands someone’s saying, “The people came to me, all of them,” to mean that he intended “together.” Rather, those who came may have been separate individuals. This is the very sophistry against which the ancients warned. The sum of the matter is that these people seized upon their finding expressions departing from their assigned linguistic meanings, either into figurative usage or into shared meanings. On that basis they thought fit to invalidate all literal meanings, to

قال علي: وهذا جهل شديد، وكذب مفرط، لأن جميعا ليس معناه الاجتماع، ولا هو من بابه، وهذه مجاهرة في اللغة، ولا يعرفها أهل اللغة، ولا يعرف أحد من أهل اللسان أن قول القائل: أتاني القوم أجمعون، أنه أراد مجتمعين، بل جائز أن يكون الذين أتوا أفرادا مفترقين، وهذه هي السفسطة التي حذر منها الأوائل، وجملة الأمران أن هؤلاء قوم تعلقوا بأنهم وجدوا ألفاظا خارجة عن موضوعها في اللغة إما إلى مجاز، وإما إلى معان مشتركة فرأوا بذلك إبطال الحقائق كلها، وإبطال وقوع الأسماء على مسمياتها، واختصاص كل اسم بمنعها، وعمومه لكل ما علق عليه كانوا بمنزلة من قال: لما وجدت في الكلام كذبا كثيرا فأنا أحمله كله على الكذب، ووجدت في الشريعة منسوخا كثيرا لا يحل العمل به، إذ لعله قصد به غير ما يعقل منه، ووجدنا العمل بجميعه، ولا فرق بين هذا وبين قولهم: وجدنا ألفاظا على غير ظاهرها، فنحن نقف في كل لفظ فلا نستعمله على مفهومه، إذ لعله قصد به غير ما يعقل منه، ووجدنا ألفاظا لا يراد بها عمومها، فنحن نقف في كل لفظ فلا نمضيه على ما علق عليه. قال علي: وقد قال بعض أهل الوقف، إذ سئل: فأي شيء نعرف بأن اللفظ على عمومه، بلفظ

[45] **Translator’s note (L1100):** The phrase “And this is not explained” renders the apparently corrupt wording وهذا ولا يعلل; the text does not supply a clear, complete argument at this point. The Quranic quotations contain numerous defective spellings and missing initial letters. Their recoverable wording has been translated without replacing either quotation with a differently worded standard translation.

[46] **Translator’s note (L1101):** The transcription repeatedly supplies the entire Quranic clause where the argument apparently requires individual expressions within it. All seven occurrences have been retained rather than silently reconstructed. Isolated ي and ى occur after several quotations. They are represented by their letter names in brackets; their intended function is unclear. The isolated و before عن is also syntactically anomalous.

[47] **Qur’an references (L1100):** Qur’an 4:23 (An-Nisa); Qur’an 9:5 (At-Tawbah).

invalidate names' application to their referents, each name's restriction to its "exclusion," and its general applicability to everything to which it is attached. They were like someone who said: "Since I have found much falsehood in speech, I construe all of it as falsehood. And I have found much in the revealed Law that is abrogated and may not lawfully be acted upon, since perhaps something other than what is understood from it was intended; and we have found acting upon all of it." There is no difference between this and their saying: "We have found expressions that do not bear their apparent meanings, so we suspend judgment concerning every expression and do not employ it according to its understood meaning, since perhaps something other than what is understood from it was intended. And we have found expressions whose general scope is not intended, so we suspend judgment concerning every expression and do not apply it to what it is attached to."

Ali said: One of the proponents of suspension of judgment, when asked, "By what, then, do we know that an expression has its general scope: by an expression or by a meaning?"—and when confronted with the consequence that the possibility of specification applies to the second just as it applies to the first, and so on indefinitely, and required to distinguish between the second expression and the first—was at a loss at that point, since there was no way to make a distinction. He said: "The things by which general scope becomes apparent cannot be defined or enumerated, and there is no way to explain them." Ali said: This is the mountain pass of argumentative exhaustion: whoever reaches it falls down weary, and it becomes known that he has no resource and possesses no strength. It is one of the signs of incapacity and weakness. Anyone who admits that he cannot explain his position has reached a position that anyone with a tongue can attain, if he permits himself such disgraceful conduct. No one is incapable of asserting whatever impossibilities and claims he wishes, then, when required to provide an explanation or evidence, saying: "This cannot be done." Ali said: This confounded fel-

أم بمعنى؟ وألزم أن احتمال التخصيص داخل في الثاني كدخوله في الأول، وهكذا أبدا، وكلف والفرق بين اللفظ الثاني والأول فبلح عند ذلك، إذ لا سبيل إلى فرق، فقال إن الأشياء التي بها يلوح العموم لا تحد ولا تحصر ولا سبيل إلى بيانها. قال علي: وهذه ثنية الانقطاع التي من بلغها سقط حسيرا، وعلم أنه لا حيلة عنده ولا قوة لديه، وهو دليل من دلائل العجز والضعف، وكل من أقر بأنه لا يقدر على بيان قوله، فقد حصل في محل لا يعجز عن مثله ذو لسان إذا استجاز لنفسه الفضائح، فلا يعجز أحد عن أن يدعي ما شاء من المحالات والدعاوى، فإذا كلف بيانا أو دليلا قال: هذا لا يطاق عليه. قال علي: ونظر ذلك هذا المبلح، بأن قال: كما أن العدد الذي وجب ضرورة العلم في الأخبار لا سبيل إلى حده.

low drew a parallel for this by saying: "Just as there is no way to define the number that necessitates immediate knowledge in transmitted reports."[48]

L1104–1105 Ali said: He has spoken falsely. Rather, that is defined, and we have explained it previously. It is this: when two people arrive from two different directions and relate their accounts separately, and it is known with certainty that they have neither met nor colluded, and they convey a lengthy account whose corroboration could not result from the coinciding thoughts of two people; and neither they nor those to whom they related it had any desire concerning what they related or its subject, nor fear, nor personal inclination; and they mention direct observation, or hearing from two or more who likewise, as we have described, witnessed it: then this is a report yielding immediate knowledge, which necessarily produces knowledge and certainty beyond doubt. Conversely, when tens of thousands are assembled and charged with conveying some report, and they have some desire, fear, or personal inclination in the matter, it is possible for them to agree to commit falsehood. We have witnessed this in praise and condemnation of rulers. Yet this does not remain concealed; rather, it is known necessarily through them, because although they agree upon what they were assembled for, every one of them tells his friend, his wife, and his neighbor, before being assembled and after dispersing from that gathering, the truth of the matter and the plain facts of the report. This is witnessed every day in people's circumstances and their transmission of news concerning a death, a birth, a marriage, a divorce, removal from office, appointment to office, a halt, or something similar. People have overlooked this only because few examine such matters and their like,

قال علي: وقد كذب، بل ذلك محدود، وقد بينا فيما خلا، وهو أنه إذا ورد اثنان من جهتين مختلفتين فحدثا غير مجتمعين، وقد تيقن أنهما لم يلتقيا ولا توطآ، فأخبرا بحديث طويل لا يمكن اتفاق خاطر اثنين على توكيده، ولم يكن هناك لهما ولا لمن حدثا رغبة فيما حدثا به وعنه، ولا رهبة ولا هوى وذكرا مشاهدة أو سماعا من اثنتين فصاعدا، كما وصفنا أيضا أنهما شاهدا، فهو خبر ضروي يوجب العلم واليقين بلا شك، وأن عشرات الألوف إذا حشدوا وكلفوا خبرا ما، ولهم في ذلك رغبة أو رهبة أو هوى فجائز اجتماعهم على فعل الكذب، وقد شاهدنا ذلك في شكر الولاة وذمهم، إلا أن هذا لا يخفى، بل هو معلوم ضرورة من قبلهم، لأنهم وإن اجتمعوا على ما جمعوا له فكلهم يخبر صديقه وامرأته وجاره قبل أن يجمع، وبعد أن ينفض من ذلك الجمع بحقيقة الأمر وجلية الخبر، وهذا مشاهد كل يوم من أحوال الناس ونقل أخبارهم من موت أو ولادة أو نكاح أو طلاق أو عزلة أو ولاية أو وقفة أو ما شبه ذلك، وإنما أغفل الناس هذا لقلة المتفقدين لمثل هذا وشبهه، ولكثرة من ينسى ما يمر عليه من ذلك وأصيخوا رحمكم الله إلى ما نقول لكم

[48] **Translator's note (L1102):** The text reads بمنعها, "to/by its exclusion," in the discussion of each name's particular meaning. This appears corrupt; a reading referring to its meaning would fit the argument, but has not been substituted. The quoted comparison involving abrogated material is syntactically and logically disrupted, especially ووجدنا العمل بجميعه, rendered "and we have found acting upon all of it." The supplied wording has been retained without inventing a missing negation or clause. The opening الأمران and the later وكلف والفرق also appear textually defective; their locally recoverable syntax is reflected in the translation.

and because many forget the instances of this that they encounter. Listen attentively—may Allah have mercy upon you—to what we tell you.[49][50]

[Section Explaining General and Specific Application]

L1106

L1107–1110 Ali said: Speech falls into three divisions. Some is specific, with specific application intended, as in saying "Zayd," "Amr," and the like; and some is general, with general application intended. The meaning of this is applying it to everything that its wording entails. Some such expressions are names of genera encompassing many species, as in His saying, Exalted is He: "Have those who disbelieve not seen that the heavens and the earth were joined together, then We split them apart, and We made every living thing from water? Will they then not believe?" The living things mentioned here include human beings, all species of birds, all species of four-footed animals, and all species of creeping creatures. The angels have been excluded from this general scope because the Messenger, may Allah bless him and grant him peace ﷺ, reported that they were created from light. As for the jinn, they are from fire according to the explicit text of the Quran, although we consider it unlikely that there should be any water in their composition, even though their element is fire, just as our composition includes water, fire, and air, even though our element is earth. Other such expressions are names of particular species, as in His saying, Exalted is He: "And horses, mules, and donkeys, for you to ride and as adornment; and He creates what you do not know." This has general scope over all horses, all mules, and all donkeys, to the exclusion of the other species. This is not specific, because what we mean by saying "general" is only what the wording entails, excluding what it entails. Whoever

[49] **Translator's note (L1104):** The wording على توكيده is rendered "whose corroboration"; its precise intended sense in describing independently matching accounts is awkward. The text has the feminine اثنتين, "two," without an expressed feminine referent. "Two or more" preserves the number without silently specifying a class of transmitters absent from the wording. ضروي appears to be a defective spelling of ضروري, here rendered through the technical distinction between immediate, necessary knowledge and knowledge reached by inference.

[50] **Translator's note (L1105):** وقفة literally means a stop, halt, or standing; its intended reference in this list of reported events is uncertain. It has not been silently changed to a different event.

[فصل في بيان العموم والخصوص]

قال علي الكلام ينقسم ثلاثة أقسام فمنه خصوص يراد به الخصوص بقوله: زيد وعمرو وما أشبه ذلك، وعموم يراد به العموم، ومعنى ذلك حمله على كل ما يقتضيه لفظه، فمنه ما يكون اسما لجنس يعم أنواعا كثيرة كقوله تعالى {أولم ير لذين كفروا أن لسماوات ولأرض كانتا رتقا ففتقناهما وجعلنا من لمآء كل شيء حي أفلا يؤمنون} فيقع تحت الحي المذكور الإنس وأنواع الطير كلها، وأنواع ذوات الأربع كلها، وأنواع الهوام كلها، وقد خرج من هذا العموم الملائكة لإخبار الرسول صلى الله عليه وسلم أنهم خلقوا من نور وأما الجن فمن النار بنص القرآن، إلا أننا نبعد أن يكون في تركيبهم شيء من الماء، وإن كان العنصر هو النار، كما في تركيبنا الماء والنار والهواء، وإن كان عنصرنا التراب، ومنها ما يكون اسما لنوع ما كقوله تعالى {ولخيل ولبغال ولحمير لتركبوها وزينة ويخلق ما لا تعلمون} فهذا عموم لجميع الخيل، ولجميع البغال والحمير، دون سائر الأنواع، وليس هذا خصوصا لأن معنى قولنا: عموم وإنما هو ما اقتضاه اللفظ فقط دون ما تقتضيه، فمن سمى هذا خصوصا فقد شغب وشبك. وإنما يسمى ما بقي من الجملة بعد أن يستثنى منها خصوصا، وما استثني منها مما بقي خصوصا، لأن العموم الذي ذكرنا قد ارتفع ضرورة، لأن اللفظ حينئذ ليس محمولا على كل ما يقتضيه لفظه، فلما بطل أن يسمى ذلك عموما سمي خصوصا لأنه خص منه بعضه دون بعض بالاستثناء وبالإبقاء، ومنه ما يقع لأهل صفة ما من النوع كقوله تعالى {ولذي لقربى} فلما كان هذا عموما لذوي القربى كلهم دون غيرهم وكان شاملا لكل ما وقعت عليه هذه التسمية بهذه الصفة وكقوله تعالى {إنما لصدقات للفقرآء ولمساكين ولعاملين عليها ولمؤلفة قلوبهم وفي لرقاب ولغارمين وفي سبيل لله وبن لسبيل

فريضة من الله والله عليم حكيم} الآية فكان ذلك عموما لكل صدقة فرض بدليل أخرج منها ما ليس فرضا، وكان ذلك عموما لكل مسكين، ولكل فقير، ولكل عامل عليها، ولكل مؤلف قلبه، ولكل ما سمي رقبة، إلا أن يخص شيئا من ذلك نص أو إجماع وكذلك قوله صلى الله عليه وسلم الأئمة من قريش

فهذا عموم لكل قرشي إلا من خصه نص أو إجماع من النساء والصبيان، وكذلك سائر النصوص. والقسم الثالث: عموم دل نص القرآن والسنة على أنه قد استثني منه شيء، فخرج ذلك المستثنى مخصوصا من الحكم الوارد بذلك اللفظ. قال علي: ومن العموم أن يكون لفظه مشتركا يقع على معان شتى، وقوعا مستويا في اللغة، ومعنى قولنا: مستو، أنه وقوع حقيقي، وتسمية صحيحة لا مجازية، فإذا كان ذلك فحملها واجب على كل معنى وقعت عليه، ولا يجوز أن يخص بها بعض ما يقع تحتها دون بعض بالبراهين التي أثبتنا آنفا في إيجاب القول بالعموم. قال علي: ومن خالف هذا من أصحاب الظاهرين،

calls this specific has engaged in contentiousness and entanglement. What is called specific is only what remains of a whole after an exception has been made from it; and what has been excepted from what remains is also called specific. For the general scope we mentioned has necessarily ceased to exist, since the wording is then no longer applied to everything its wording entails. Once it could no longer be called general, it was called specific, because some of it, to the exclusion of other parts, had been singled out through exception and retention. Some such expressions apply to those members of a species who possess a particular attribute, as in His saying, Exalted is He: "And to the near kinsman." Since this had general scope over all near kinsmen, to the exclusion of others, and encompassed everyone to whom this designation applied by virtue of this attribute; and as in His saying, Exalted is He: "Alms are only for the poor, the needy, those who administer them, those whose hearts are reconciled, for freeing slaves, those in debt, in the path of Allah, and the wayfarer: an obligation from Allah; and Allah is Knowing, Wise"—the verse. This had general scope over every obligatory alms payment, on the basis of evidence that excluded nonobligatory payments from it. And it had general scope over every needy person, every poor person, everyone administering them, and everyone whose heart is reconciled, and everything designated a slave, unless an explicit text or consensus specifies something within that scope as an exception. Likewise, his saying, may Allah bless him and grant him peace ﷺ: "The leaders are from Quraysh."[51][52][53]

L1111–1114 This has general scope over every Qurashi, except those whom an explicit text or consensus singles out as exceptions, namely women and children. The same applies to all other texts. The third category is a general expression

[51] **Translator's note (L1108):** The wording "excluding what it entails" translates دون ما تقتضيه as supplied. It appears corrupt, since the argument would call for "excluding what it does not entail." The supplied نبعد means "we consider it unlikely." The ensuing comparison with human composition might suggest a missing negation, but none has been inserted. The Quranic quotations contain transcriptional omissions of letters, particularly in definite articles; their recoverable wording has been translated.

[52] **Translator's note (L1109):** The Arabic literally says "everything called a neck"; "neck" here is the legal expression for a person to be freed from slavery.

[53] **Qur'an references (L1107):** Qur'an 21:30 (Al-Anbya); Qur'an 16:8 (An-Nahl).

concerning which an explicit text of the Quran or the Sunna indicates that something has been excepted from it; that exception is thus specifically excluded from the ruling conveyed by that wording. Ali said: Another instance of general scope is when its wording is shared by several different meanings, applying equally to them in the language. What we mean by "equally" is that its application is literal and its designation valid, rather than figurative. When this is so, it must be applied to every meaning to which it applies, and it is impermissible to restrict it to some of what falls under it to the exclusion of the rest, in view of the demonstrations we established just above concerning the obligation to uphold general scope. Ali said: Whoever among the adherents of the apparent meaning opposes this has contradicted himself. There is no difference between a name applying to three members of a species and upward, through to the entirety of that species—as when you say "needy people" and "poor people"—and a name applying to three or more things whose definitions differ, applying equally to them all, with none having a greater claim to it than another. For this reason we said, concerning His saying, Exalted is He: "The fornicator does not marry anyone but a fornicatress or a polytheist woman, and the fornicatress is married only by a fornicator or a polytheist man; and that has been forbidden to the believers," that the verse retains its general scope. It is not lawful for a Muslim man, whether a fornicator or chaste, to enter into a sexual union with a Muslim fornicatress, whether through intercourse or through a marriage contract. If a marriage occurs, it must invariably be annulled, unless she repents before the marriage contract is concluded with her. Nor is it lawful for a Muslim woman, whether a fornicatress or chaste, to marry a fornicator unless he repents. If the marriage occurs, it must invariably be annulled. We have permitted the fornicator, specifically, to marry only a chaste woman of the protected non-Muslim communities, because the text only prohibits that specifically to believers. Male and female fornicators are believers, so that has been forbidden to them by the explicit text. No prohibition of that for polytheists occurs here. This is an honor accorded to Muslim men and women, in which polytheists have no share, because their prescribed condition is abasement. Our companions have contradicted themselves on this matter: they have construed "marriage" here as intercourse alone, whereas in His saying, Exalted

فقد تناقض، ولا فرق بين وقوع اسم على ثلاثة من نوع فصاعدا إلى تمام جميع النوع كقولك: مساكين وفقراء، وبين وقوع اسم على ثلاثة أشياء فصاعدا مختلفة الحدود، يقع عليها كلها وقوعا مستويا، ليس بعضها أحق به من بعض ولهذا قلنا في قوله تعالى {الزاني لا ينكح إلا زانية أو مشركة ولزانية لا ينكحها إلا زان أو مشرك وحرم ذلك على لمؤمنين} إن الآية على عمومها ولا يحل لمسلم زان أو عفيف أن ينكح زانية مسلمة لا بوطء ولا بعقد زواج، فإن وقع فسخ أبدا ما لم تتب قبل أن يعقد معها النكاح، ولا يحل لمسلمة زانية أو عفيفة أن تنكح زانيا ما لم يتب، فإن وقع الزواج فسخ أبدا، وأبحنا للزاني خاصة نكاح الذمية العفيفة فقط، لأن النص لم يأت إلا بتحريم ذلك على المؤمنين خاصة، والزناة والزواني مؤمنون، فقد حرم ذلك عليهم بالنص، ولم يأت في ذلك تحريم على المشركين، وهذه كرامة المسلم والمسلمة، لا يدخل فيها المشركون لأن حكمهم الصغار. وقد تناقض في هذا أصحابنا فحملوا النكاح ههنا على الوطء خاصة، وحملوه في قوله تعالى {ولا تنكحوا ما نكح آباؤكم من لنسآء إلا ما قد سلف إنه كان فاحشة ومقتا وسآء سبيلا} على العموم لكل ما يقع عليه اسم نكاح، وهذا كما ترى بلا دليل، وأما من ادعى أن قوله: {الزاني لا ينكح إلا زانية أو مشركة والزانية لا ينكحها إلا زان أو مشرك وحرم ذلك على المؤمنين} الآية منسوخة بقوله تعالى {وأنكحوا لأيامى منكم ولصالحين من عبادكم وإمائكم إن يكونوا فقرآء يغنهم الله من فضله والله واسع عليم} فمغفل لوجهين أحدهما إجماع الأمة على أنه لا يحل لأحد أن يقول في آية أو حديث: إنهما منسوخان لا يجوز العمل بهما إلا بنص جلي أو إجماع والثاني أن قوله تعالى {ولذين يرمون لمحصنات ثم لم يأتوا بأربعة شهدآء فجلدوهم ثمانين جلدة ولا تقبلوا لهم شهادة أبدا وأولئك هم لفاسقون} ليس فيه ما يرد قوله تعالى {ولذين يرمون لمحصنات ثم لم يأتوا بأربعة شهدآء فجلدوهم ثمانين جلدة ولا تقبلوا لهم

is He: “And do not marry those women whom your fathers married, except what has already passed; indeed, it was an indecency, an object of abhorrence, and an evil way,” they have construed it as having general scope over everything to which the term “marriage” applies. This, as you see, is without evidence. As for whoever claims that His saying, “The fornicator does not marry anyone but a fornicatress or a polytheist woman, and the fornicatress is married only by a fornicator or a polytheist man; and that has been forbidden to the believers”—the verse—is abrogated by His saying, Exalted is He: “And marry off the unmarried among you and the righteous among your male slaves and your female slaves. If they are poor, Allah will enrich them from His bounty; and Allah is All-Encompassing, Knowing,” he is heedless on two counts. The first is the consensus of the community that it is not lawful for anyone to say of a verse or a hadith that they are abrogated and may no longer be acted upon, except on the basis of a clear explicit text or consensus. The second is that His saying, Exalted is He: “And those who accuse chaste women, then do not produce four witnesses: flog them with eighty lashes, and never accept testimony from them; and those are the transgressors,” contains nothing that overrides His saying, Exalted is He: “And those who accuse chaste women, then do not produce four witnesses: flog them with eighty lashes, and never accept testimony from them; and those are the transgressors,” just as it contains no permission to marry a sister or daughter, both of whom are forbidden, even if they are unmarried. Rather, one verse is joined to the other, so we marry the unmarried women among us provided they are not fornicatresses. Moreover, we consider it linguistically unlikely that the designation “unmarried person” should apply to a fornicatress. It is therefore obligatory to give effect to both verses together, because making exceptions from one by means of the other is possible. We have already established that it is never lawful to abandon one verse on account of another. Ali said: Likewise, we and all our companions said, concerning His saying, Exalted is He: “And those who accuse chaste women, then do not produce four witnesses: flog them with eighty lashes, and never accept testimony from them; and those are the transgressors”—all of us who uphold the apparent meaning, apart from some who suspended judgment without reaching a definite conclusion, held it obligatory and affirmed that the full

شهادة أبدا وأولئك هم لفاسقون} كما ليس فيها إباحة نكاح الأخت والبنت المحرمتين وإن كانتا من الأيامى ولكن إحدى الآيتين مضمومة إلى الأخرى فننكح الأيامى منا ما لم يكن زواني مع أنه يبعد عندنا في اللغة وقوع اسم أيم على الزانية، فالواجب استعمال الآيتين معا، لأن استثناء بعضها من بعض ممكن، وقد قدمنا أنه لا يحل ترك آية لأخرى أصلا. قال علي: وكذلك قلنا نحن وسائر أصحابنا إن قوله تعالى {ولذين يرمون لمحصنات ثم لم يأتوا بأربعة شهدآء فجلدوهم ثمانين جلدة ولا تقبلوا لهم شهادة أبدا وأولئك هم لفاسقون} فأوجبنا كلنا معشر القائلين بالظاهر إلا قوما توقفوا دون قطع وقلنا بإيجاب حد القذف كاملا على كل قاذف محصنة بأي معنى وقع عليها اسم محصنة من عفاف أو إسلام أو زواج، فأوجبنا الحد على قاذف الأمة والكافرة والصغيرة، وكذلك أوجبنا الزكاة في القمح والشعير والتمر دون سائر الحبوب والثمار لقول رسول الله صلى الله عليه وسلم ليس فيما دون خمسة أوسق من حب أو تمر صدقة ولفظة دون في اللغة التي بها خوطبنا تقع على معنيين وقوعا مستويا حقيقيا لا مجازيا، وهما بمعنى أقل وبمعنى غير كما قال تعالى {أم تخذوا من دون لله شفعآء

prescribed penalty for an accusation of illicit sexual intercourse must be imposed on everyone who accuses a woman designated muḥṣana, in whichever sense that designation applies to her: chastity, Islam, or marriage. Thus we required the prescribed penalty for anyone who accuses a slave woman, an unbelieving woman, or a young girl. Likewise, we required zakat on wheat, barley, and dates, to the exclusion of all other grains and fruits, because of the saying of the Messenger of Allah, may Allah bless him and grant him peace ﷺ: "There is no alms levy on what is dūna five wasqs of grain or dates." The word dūna, in the language in which we have been addressed, applies equally and literally, rather than figuratively, to two meanings: "less than" and "other than." As He, Exalted is He, said: "Or have they taken intercessors other than Allah?[54][55][56]

قل أولو كانوا لا يملكون شيئا ولا يعقلون} يريد غير الله تعالى وقوله تعالى {وأعدوا لهم ما ستطعتم من قوة ومن رباط لخيل ترهبون به عدو لله وعدوكم وآخرين من دونهم لا تعلمونهم لله يعلمهم وما تنفقوا من شيء في سبيل لله يوف إليكم وأنتم لا تظلمون} فذكر تعالى المجاهرين بالعداوة للمسلمين وآخرين من غيرهم مكاتمين بها فلم يكن حمل لفظة دون في الحديث المذكور على معنى أقل؛ أولى من حملها على معنى غير، فوجب حملها على كلا المعنيين جميعا،

L1115 Say: 'Even though they possess nothing and do not understand?'" He means other than Allah, Exalted is He. And His saying, Exalted is He: "And prepare against them whatever strength you can and tethered horses, by which you strike fear into the enemy of Allah and your enemy, and others besides them whom you do not know; Allah knows them. Whatever you spend in the path of Allah will be repaid to you in full, and you will not be wronged." He, Exalted is He, thus mentioned those who openly display enmity toward Muslims, and others besides them who conceal it. Accordingly, construing the word dūna in the aforementioned hadith as meaning "less than" had no

[54] **Translator's note (L1111):** The argument turns on nikāḥ applying both to intercourse and to a marriage contract; English "marry" does not by itself convey both senses. "The adherents of the apparent meaning" renders أصحاب الظاهرين, whose supplied form is unusual.

[55] **Translator's note (L1114):** The second argument repeats the same Quranic quotation about accusations against chaste women on both sides of "overrides." This is an apparent quotation or transcription error; both occurrences have been retained as supplied. Muḥṣana is retained because the author expressly distinguishes its senses of being chaste, Muslim, or married. Dūna is retained in the hadith because the argument requires both "less than" and "other than." A wasq is a measure of capacity. The sentence introducing the shared position of the author and his companions is syntactically awkward in the supplied Arabic; its resumptive wording has been retained in English.

[56] **Qur'an references (L1111):** Qur'an 24:3 (An-Nur); Qur'an 4:22 (An-Nisa); Qur'an 24:32 (An-Nur); Qur'an 24:4 (An-Nur); Qur'an 39:43 (Az-Zumar).

greater claim than construing it as meaning “other than”; it was therefore obligatory to apply it to both meanings together.[57]

L1116–1125 Our companions have contradicted themselves on this matter, for they have construed it only as meaning “less than” alone. Ali said: This is an abandonment on their part of their position in favor of general applicability. Construing the expression “short of” as meaning “other than” is more appropriate, because construing it as “other than” includes “less than” within its compass. This is the position in favor of general applicability, since less than five wasqs is also other than five wasqs. Success comes through Allah Most High.

Ali said: These, then, are the divisions of the meaning conveyed by speech. Some people have posited a fourth division, saying: “Specific wording by which general applicability is intended.” Ali said: This is erroneous, and such a thing does not exist in the language. We shall discuss this exhaustively, if Allah Most High wills, in the chapter discussing analogy and in the chapter on the implication of an utterance, through Allah’s power and strength.

If they raise against us reports concerning particular individuals whose rulings we then apply to all people, the matter is not as they suppose. Rather, all those reports contain rulings concerning circumstances that require their application to instances of those kinds of circumstances, following the wording of the ruling attached to the circumstance being adjudicated. We have explained that the Messenger of Allah ﷺ was not sent to rule only over the people of his own age, but over everyone who comes until the Day of Resurrection, and concerning every body or accident that comes into being until the world ends. There was no way for him to be kept alive until he could meet every individual. His ruling concerning a person in some circumstance that befell him or arose from him was therefore a ruling concerning the occurrence of that circumstance, as we have said.

The report containing the words, “He is Gabriel; he came to you to teach you your religion,” makes this supremely clear and explicit: every address by him ﷺ to an individual, concerning a legal opinion he gives him or some-

[57] **Qur’an references (L1115):** Qur’an 8:60 (Al-Anfal).

وقد تناقض في ذلك أصحابنا، فلم يحملوها إلا على معنى: أقل، فقط. قال علي: وهذا ترك منهم لقولهم بالعموم، وحمل لفظة دون على معنى غير أولى، لأن حملها على معنى غير يقضي في جملته أقل فهو القول بالعموم، لأن الأقل من خمسة أوسق هو أيضا غير الخمسة الأوسق، وبالله تعالى التوفيق. قال علي: فهذه أقسام مفهوم الكلام، وقد جعل قوم قسما رابعا: فقالوا: وخصوص يراد به العموم. قال علي: وهذا خطأ، وليس هذا موجودا في اللغة، وسنستوعب الكلام في هذا إن شاء الله تعالى في باب الكلام في القياس، وفي باب دليل الخطاب بحول الله وقوته، فإن اعترضوا علينا بأحاديث وردت في رجال بأعيانهم، ثم صار حكمها عندنا على جميع الناس، فليس ذلك بما ظنوا، ولكن جميع تلك الأحاديث فيها أحكام في أحوال توجب الأخذ بذلك في أنواع تلك الأحوال، اتباعا للفظ الحكم المعلق على المعنى المحكوم فيه وقد بينا أن رسول الله صلى الله عليه وسلم لم يبعث ليحكم على أهل عصره فقط لكن على كل من يأتي إلى يوم القيامة، وفي كل ما يحدث من جسم أو عرض إلى انقضاء الدنيا، ولا سبيل إلى أن يبقي عليه حيا إلى أن يلقى كل أحد، فكان حكمه على إنسان في حال ما، حدثت له أو منه، حكما في وقوع تلك الحال كما قلنا. ويبين ذلك الحديث الذي فيه: هو جبريل أتاكم يعلمكم دينكم أجل بيان وأوضحه في أن كل خطاب منه صلى الله عليه وسلم لواحد فيما يفتيه به ويعلمه إياه هو خطاب لجميع أمته إلى يوم القيامة، وتعليم منه عليه السلام لكل من يأتي إلى انقضاء الدنيا، لأن ذلك الحديث إنما خرج بلفظ تعليم الواحد في قوله صلى الله عليه وسلم أن تعبد الله كأنك تراه ويكفينا من هذا الحديث قوله عليه السلام أثر جوابه لجبريل عليه السلام إن هذا الذي ذكر تعليم

thing he teaches him, is an address to his entire community until the Day of Resurrection, and instruction from him, peace be upon him, for everyone who comes until the world ends. For that report was expressed in the wording of instruction addressed to an individual, in his saying ﷺ, "That you worship Allah as though you see Him." Sufficient for us in this report is his statement, peace be upon him, following his answer to Gabriel, peace be upon him: "Indeed, this which he mentioned is instruction for them." He thus referred to the preceding address to an individual. This is also made clear by His saying, Most High: "Your Lord has decreed that you worship none but Him, and that you show kindness to parents. If one or both of them reach old age with you, do not say 'Uff' to them, and do not rebuke them, but speak to them graciously." Thus He began with the group, then addressed an individual. It has been established that every Muslim is intended by this address. Rulings apply to designations: thus every designation concerning which he, peace be upon him, issued a ruling applies to everything within the kind to which that designation applies.

Ali said: They, of all people, have the greatest reason to flee from this objection. For they took the report concerning the man who had intercourse during Ramadan, who was commanded to perform the expiation required for that, and were not content to make it generally applicable to every man who has intercourse: they went further and applied it to every man who eats or drinks, and then to every woman who has intercourse, eats, or drinks. Yet they took the report concerning the man who died while in the state of consecration and said: "It does not extend beyond that particular deceased man." They took his command ﷺ concerning the washing of his daughter and said: "It is generally applicable to every deceased woman." They took his prayer over the poor woman's grave and said: "It is specific to that poor woman." They have more than a thousand rulings of this sort, all contradicting one another.

What is utterly astonishing is their drawing an analogy between one breaking of the fast and another: they imposed expiation for eating, just as for the man who has intercourse. Yet they did not draw an analogy between one fast and another: they held that no expiation is incumbent on someone

لهم، فأشار إلى الخطاب المتقدم للواحد، وبين ذلك أيضا قوله تعالى {وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهما أف ولا تنهرهما وقل لهما قولا كريما} فبدأ بالجماعة، ثم خاطب خطاب واحد، وقد صح أن المراد بهذا الخطاب كل مسلم، والحكم على الأسماء فكل اسم حكم فيه عليه السلام فهو على كل ما تحت ذلك النوع الذي يقع عليه ذلك الاسم. قال علي: وهم أولى الناس بالهروب عن هذا السؤال، لأنهم أتوا إلى حديث الواطىء في رمضان، وهو المأمور بما يجب في ذلك من الكفارة فلم يقنعوا بأن جعلوه عاما لكل واطىء حتى تعدوا فجعلوه على كل آكل وشارب، ثم على كل موطوءة وآكلة وشاربة من الناس، وأتوا إلى حديث الميت في إحرامه فقالوا: لا يتعدى به ذلك الميت بعينه وأتوا إلى أمره صلى الله عليه وسلم في غسل ابنته فقالوا هو عام لكل ميتة وأتوا إلى صلاته على قبر المسكينة فقالوا: هو خاص لتلك المسكينة ولهم من مثل هذا أزيد من ألف حكم كلها ينقض بعضها بعضا. والعجب كل العجب في قياسهم إفطارا على إفطار، فجعلوا في الأكل الكفارة كالواطىء، ولم يقيسوا صياما على صيام، فلم يروا على المفطر عمدا في قضاء رمضان كفارة ولا على المفطر في قضاء النذر أيضا، وليس شيء من ذلك إجماعا، لأن إبراهيم النخعي وسعيد بن جبير، لا يريان الكفارة على الواطىء، وأصحاب الشافعي كلهم لا يرون الكفارة على المفطر بغير الوطء، وقتادة يرى الكفارة على المفطر في قضاء رمضان كهي على المفطر في رمضان، ولا فرق لأنه فرض وفرض، وصوم وصوم، وفطر وفطر. وقد ادعى قوم في أحاديث وردت أنها خصوص، مثل حديث رضاع سالم. قال علي: وليس كما قالوا، بل كل رضاع فمحرم بظاهر القرآن، إلا ما استثني بالسنة، من الأربع رضعات فأقل، وأما رضاع سالم فقد قال قوم: إنما كان حكما في التبني والتبني قد نسخ بقوله تعالى {دعوهم لآبائهم هو أقسط عند الله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح

who deliberately breaks a fast undertaken to make up for Ramadan, nor on someone who breaks a fast undertaken to make up for a vow. None of this is a matter of consensus. Ibrahim al-Nakha'i and Sa'id ibn Jubayr do not hold expiation to be incumbent on the man who has intercourse, and all the followers of al-Shafi'i hold that expiation is not incumbent on someone who breaks the fast by something other than intercourse. Qatadah holds that expiation is incumbent on someone who breaks a fast undertaken to make up for Ramadan, just as it is on someone who breaks the fast during Ramadan. There is no difference: each is an obligation, each is a fast, and each is a breaking of the fast.

Some people have claimed that certain transmitted reports are specific in their applicability, such as the report concerning Salim's suckling. Ali said: It is not as they say. Rather, every instance of suckling establishes a marriage prohibition according to the apparent meaning of the Quran, except what the Sunnah excludes: four sucklings or fewer. As for Salim's suckling, some people have said that it was only a ruling concerning adoption, and adoption was abrogated by His saying, Most High: "Call them after their fathers; that is more equitable before Allah. If you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for mistakes you make in this, but for what your hearts deliberately intend. Allah is ever forgiving, merciful." Thus, when adoption ceased to apply, the ruling attached to it ceased to apply. Since it is not known which of the two came first—the report concerning Salim or his saying ﷺ, "Suckling is on account of hunger"—it became obligatory to adopt what adds to the established original rule. His saying ﷺ, "Suckling is only on account of hunger," together with His saying, Most High, "Your wives are a field for you, so come to your field however you wish, and send ahead for yourselves; be mindful of Allah, and know that you will meet Him, and give glad tidings to the believers," added to the established original rule of prohibition through suckling in general. It was therefore obligatory to adopt what added to it.

Ali said: Rather, the report concerning Salim is what adds to it, and must therefore be adopted, because His saying, Most High, "Mothers shall suckle their children for two complete years, for whoever wishes to complete the

فيما أخطأتم به ولكن ما تعمدت قلوبكم وكان الله غفورا رحيما} فلما سقط التبني سقط الحكم المرتبط به، ولما لم يعلم أي الأمرين كان قبل أحديث سالم أم قوله صلى الله عليه وسلم الرضاعة من المجاعة وجب الأخذ بالزائد على معهود الأصل وكان قوله صلى الله عليه وسلم إنما الرضاعة من المجاعة مع قوله تعالى {نسآؤكم حرث لكم فأتوا حرثكم أنى شئتم وقدموا لأنفسكم وتقوا الله وعلموا أنكم ملاقوه وبشر لمؤمنين} زائدا على معهود الأصل في التحريم بعموم الرضاع فوجب الأخذ بالزائد. قال علي: بل حديث سالم هو الزائد فيلزم الأخذ به لأن قوله تعالى {ولوالدات يرضعن أولادهن حولين كاملين لمن أراد أن يتم لرضاعة وعلى لمولود له رزقهن وكسوتهن بلمعروف لا تكلف نفس إلا وسعها لا تضآر والدة بولدها ولا مولود له بولده وعلى لوارث مثل ذلك فإن أرادا فصالا عن تراض منهما وتشاور فلا جناح عليهما وإن أردتم أن تسترضعوا أولادكم فلا جناح عليكم إذا سلمتم مآ آتيتم بلمعروف وتقوا لله وعلموا أن لله بما تعملون بصير} مسقط لحكم ما زاد على الحولين، فصار حديث سالم زائدا على الآية، وحاكما بتمادي التحريم بالرضاعة أبدا وما ندري في المصائب أطم من قول من عصى النبي صلى الله عليه وسلم في التحريم برضاع سالم وسمع وأطاع لتحريم برضاع شهرين بعد الحولين فقط، ولتحريم أبي حنيفة برضاع ستة أشهر بعد الحولين فقط ولا حولا ولا قوة إلا بالله العلي العظيم قال علي ومما يبين قولنا قوله صلى الله عليه وسلم لأبي بردة في الأضحية بعناق جذعة تجزيك ولا تجزي جذعة عن أحد بعدك فبين صلى الله عليه وسلم أن هذا الحكم خصوصا لأبي بردة ولو كان فتياه لواحد لا يكون فتيا في نوع تلك الحال لما احتاج عليه السلام إلى بيان تخصيصه ومثله قوله تعالى {يأيها لنبي إنآ أحللنا لك أزواجك للاتي آتيت أجورهن وما ملكت يمينك مما أفآء لله عليك وبنات عمك وبنات عماتك وبنات خالك وبنات خالاتك للاتي هاجرن معك

suckling. The one to whom the child is born is responsible for their provision and clothing according to what is customary. No soul is burdened beyond its capacity. No mother shall be harmed on account of her child, nor shall the one to whom the child is born be harmed on account of his child. The heir has the same obligation. If the two wish to wean by mutual consent and consultation, there is no blame upon them. If you wish to have your children suckled by others, there is no blame upon you, provided you hand over what you have given according to what is customary. Be mindful of Allah, and know that Allah sees what you do," removes the legal effect of what exceeds the two years. The report concerning Salim thus adds to the verse and rules that the establishment of a marriage prohibition through suckling continues indefinitely. We know of no calamity more overwhelming than the position of someone who disobeys the Prophet ﷺ concerning the prohibition established through Salim's suckling, yet hears and obeys a prohibition established through suckling for only two months beyond the two years, and Abu Hanifah's prohibition established through suckling for only six months beyond the two years. There is no power and no strength except through Allah, the Most High, the Magnificent.

Ali said: Among the things that clarify our position is his saying ﷺ to Abu Burdah concerning the sacrifice of a young female goat: "It suffices for you, but a young goat will not suffice for anyone after you." He ﷺ thus made clear that this ruling was specific to Abu Burdah. Had a legal opinion he gave to an individual not constituted a legal opinion concerning that kind of circumstance, he, peace be upon him, would not have needed to explain its specific applicability.

Similar to this is His saying, Most High: "O Prophet, We have made lawful for you your wives to whom you have given their bridal dues, and those whom your right hand possesses from what Allah has granted you as spoils, and the daughters of your paternal uncle, the daughters of your paternal aunts, the daughters of your maternal uncle, and the daughters of your maternal aunts who emigrated with you, and a believing woman if she gives herself to the Prophet, if the Prophet wishes to marry her—exclusively for you, apart from the believers. We know what We have prescribed for them concerning their

ومرأة مؤمنة إن وهبت نفسها للنبي إن أراد لنبي أن يستنكحها خالصة لك من دون لمؤمنين قد علمنا ما فرضنا عليهم في أزواجهم وما ملكت أيمانهم لكيلا يكون عليك حرج وكان الله غفورا رحيما} نخرج عليه السلام في نكاحه في جملة قوله تعالى {لقد كان لكم في رسول الله أسوة حسنة لمن كان يرجو الله واليوم لآخر وذكر الله كثيرا} ومثله أمره تعالى بقوله {يأيها لذين آمنوا ستجيبوا لله وللرسول إذا دعاكم لما يحييكم واعلموا أن الله يحول بين لمرء وقلبه وأنه إليه تحشرون} نخرج بذلك عليه السلام من جملة قوله صلى الله عليه وسلم إن هذه الصلاة لا يحل فيها شيء من كلام الناس. وقد تناقض أبو يوسف فرأى قوله تعالى: {وإذا كنت فيهم فأقمت لهم الصلاة فلتقم طآئفة منهم معك وليأخذوا أسلحتهم فإذا سجدوا فليكونوا من ورائكم ولتأت طآئفة أخرى لم يصلوا فليصلوا معك وليأخذوا حذرهم وأسلحتهم ود لذين كفروا لو تغفلون عن أسلحتكم وأمتعتكم فيميلون عليكم ميلة واحدة ولا جناح عليكم إن كان بكم أذى من مطر أو كنتم مرضى أن تضعوا أسلحتكم وخذوا حذركم إن لله أعد للكافرين عذابا مهينا} خصوصا له عليه السلام، ولم ير قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} خصوصا له عليه السلام وهذا تناقض ظاهر وصلاة الخوف لازمة لنا لقوله صلى الله عليه وسلم صلوا كما تروني أصلي وأخذ الزكاة لازمة للأمة لقوله صلى الله عليه وسلم أرضوا مصدقيكم وبقوله عليه السلام فمن سألها عن وجهها فليعطها ومن سئل أكثر منها فلا يعطها فإذا سألها أولو الأمر المأمور في القرإن بطاعتهم بقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} لزم فرض أدائها إليهم، وكذلك

wives and those whom their right hands possess, so that there should be no hardship upon you. Allah is ever forgiving, merciful." Thus he, peace be upon him, departed, in his marriage, within the general scope of His saying, Most High: "You have indeed had in the Messenger of Allah a fine example, for whoever hopes for Allah and the Last Day and remembers Allah much."

Similar to this is His command, Most High, in His saying: "O you who believe, respond to Allah and to the Messenger when he calls you to that which gives you life. Know that Allah intervenes between a person and his heart, and that to Him you will be gathered." By this he, peace be upon him, was excluded from the general scope of his saying ﷺ, "In this prayer, none of people's speech is lawful."

Abu Yusuf contradicted himself: he regarded His saying, Most High, "When you are among them and lead them in prayer, let a group of them stand with you, and let them take their weapons. When they have prostrated, let them be behind you, and let another group, who have not prayed, come and pray with you, taking their precautions and their weapons. Those who disbelieve wish that you would neglect your weapons and your equipment, so that they might attack you in a single onslaught. There is no blame upon you, if you are troubled by rain or are ill, in laying down your weapons, but take your precautions. Allah has prepared a humiliating punishment for the disbelievers," as exclusive to him, peace be upon him, yet did not regard His exalted saying, {Take from their wealth a charitable payment by which you purify them and cleanse them, and pray for them; indeed, your prayers are a reassurance to them, and Allah is All-Hearing, All-Knowing}, as exclusive to him, peace be upon him. This is an evident contradiction. The prayer in circumstances of fear is binding upon us because of his saying, may Allah bless him and grant him peace ﷺ, "Pray as you see me praying." The collection of obligatory alms is binding upon the community because of his saying, may Allah bless him and grant him peace ﷺ, "Satisfy your alms collectors," and because of his saying, peace be upon him, "Whoever is asked for it in its proper manner must give it, and whoever is asked for more than it must not give it." Thus, when those vested with authority request it—those whom the Quran commands us to obey in His exalted saying, {O you who

أمره تعالى بقتال المشركين حتى يعطوا الجزية موجب كل ذلك على الأئمة قبضها وإرسال السعاة والولاة فيها.

believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute concerning anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in its outcome}—the obligatory duty of delivering it to them becomes binding. Likewise, His exalted command to fight the polytheists

until they pay the poll tax: all of this obliges the leaders to collect it and to dispatch collectors and governors for that purpose.[5859606162636465]

[58]**Translator's note (L1117):** A wasq is a measure of capacity; the discussion concerns the scope of the Arabic expression dūna, rendered here as "short of," and whether it means "less than" or "other than." "The implication of an utterance" renders dalīl al-khiṭāb, a technical term for an inference concerning cases left unmentioned in an utterance. The wording introduced as a quotation at the end continues into the next unit and differs from the familiar wording of the Gabriel report; it has been retained as supplied.

[59]**Translator's note (L1118):** The opening completes the wording introduced as a quotation in the preceding unit. The unpunctuated Arabic also permits taking "is instruction for them" as the author's explanation rather than part of the quotation. The Quranic quotation addresses a plurality in "you worship," then an individual in "with you," "do not say," "do not rebuke," and "speak." Ordinary English "you" does not display this distinction.

[60]**Translator's note (L1120):** The Arabic distinguishes the man who has intercourse from the woman with whom intercourse takes place; the translation preserves the distinction in sex while using natural English. The prohibition established by suckling is a prohibition of marriage through milk kinship, not a prohibition against suckling itself.

[61]**Translator's note (L1121):** "Clients" renders mawālī, denoting persons joined by a relationship of patronage or affiliation. The Quranic quotation has minor transcriptional omissions in Arabic spelling; these do not create a substantive difference in meaning.

[62]**Translator's note (L1122):** The opening continues the argument attributed to unnamed opponents in the preceding unit; Ali's rebuttal begins at "Ali said." The quotation about wives being a field reproduces the supplied citation, Quran 2:223. Its relevance to the accompanying argument about suckling is not explained; it has not been replaced with another verse. "What you have given" follows the supplied Quranic wording, although the surrounding instruction to hand it over is awkward in English.

[63]**Translator's note (L1123):** The Arabic following the marriage verse reads "departed … within the general scope" (fa-kharaja … fī jumlat), which is syntactically awkward and appears contrary to the argument for an exception. The likely intended sense is exclusion from the general applicability of the exemplary conduct verse, but the supplied preposition has not been silently corrected. The sacrificial animal is described as an ʿanāq jadhaʿah, a young female goat at the jadhaʿ stage; the Arabic does not specify its age numerically. The statement about exclusion from the prohibition of speech in prayer concerns responding to the Prophet's call, as indicated by the preceding quotation.

[64]**Translator's note (L1125):** The opening continues an argument from the preceding segment; the person whose distinction is being criticized is not identified within this unit.

[65]**Qur'an references (L1116):** Qur'an 17:23 (Al-Isra); Qur'an 33:5 (Al-Ahzab); Qur'an 2:223 (Al-Baqarah); Qur'an 2:233 (Al-Baqarah); Qur'an 33:50 (Al-Ahzab); Qur'an 33:21 (Al-Ahzab); Qur'an 60:6 (Al-Mumtahanah); Qur'an 8:24 (Al-Anfal); Qur'an 4:102 (An-Nisa); Qur'an 9:103 (At-Tawbah); Qur'an 4:59 (An-Nisa).

L1126 As for a term specific to one kind being intended to mean another kind, this is an error for which there is no admissible course. It is invalid according to nature, revealed law, and language. As for revealed law, there is His exalted saying, {Whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him into a Fire, abiding therein, and he shall have a humiliating punishment}. His exalted limits are what He has explicitly declared prohibited, obligatory, or permissible. Whoever prohibits something other than what Allah Most High has explicitly declared prohibited, or makes obligatory something other than what Allah Most High has explicitly declared obligatory, has transgressed the limits of Allah Most High. As for nature, we know by necessary knowledge that names were instituted only to express the meanings to which they were attached and which were named by them, not things to which they were not attached and which were not named by them. Nothing else can be established in anyone's reason; anything beyond this is sophistry, confusion, and the corruption of the world and of the constitution of sense perception and reason. As for language, we ask anyone, learned or ignorant, 'What is burr?' He says, 'Wheat.' If we ask him about barley, 'What is this?' he says, 'Barley.' If we say, 'It is wheat,' he rejects that and mocks whoever says it. No one, from the east of the world to its west, differs over this. Yet when they come to religion, in which caution must be exercised and precise determination is obligatory, they assign barley the ruling of wheat, contradict what they have acknowledged to be the literal truth, and rule according to what both we and they have established to be false. They transgress the limits and apply names to things other than their named referents. Success comes through Allah Most High.[66]

وأما خصوص لفظ في نوع يراد به نوع آخر فهذا خطأ لا سبيل إليه، وهو باطل بالطبيعة والشريعة واللغة أما الشريعة فقوله تعالى {ومن يعص الله ورسوله ويتعد حدوده يدخله نارا خالدا فيها وله عذاب مهين} وحدوده تعالى ما نص على تحريمه، أو إيجابه أو إباحته فمن حرم غير ما نص الله تعالى على تحريمه، أو أوجب غير ما نص الله تعالى على إيجابه، فقد تعدى حدود الله تعالى. وأما الطبيعة فقد علمنا علم ضرورة أن الأسماء إنما وضعت ليعبر بها عن المعاني التي علقت عليها وسميت بها، لا عما لم يعلق عليه ولا سمي بها، هذا ما لا يثبت في عقل أحد غيره، وما عداه فسفسطة وتخليط وإفساد للعالم ولبنية الحس والعقل. وأما اللغة فإنا نسأل كل عالم وجاهل: ما البر؟ فيقول: القمح، فإن قلنا له عن الشعير: ما هذا؟ قال شعير، فإن قلنا: هو بر، أنكر ذلك وهزأ بقائله، هذا ما لا يختلف فيه أحد من شرق الدنيا وغربها حتى إذا أتى الدين الذي هو المحتاط فيه الواجب تحقيقه حكموا للشعير بحكم البر، وخالفوا ما أقروا أنه الحقيقة وحكموا بما أثبتنا نحن وهم أنه باطل، وتعدوا الحدود وأوقعوا الأسماء على غير مسمياتها وبالله تعالى التوفيق

L1127–1141 Section on the ways in which names are transferred from their named referents, whereby a command passes from being obligatory to its other modes, from immediate performance to deferred performance, from its apparent meaning to an interpreted meaning, and from general application to everything it encompasses to the specification of some of it; and an account of the evidence indicating that names have been transferred from their named referents to what we have mentioned.

فصل في الوجوه التي تنقل فيها الأسماء عن مسمياتها، فيخرج بذلك الأمر عن وجوبه إلى سائر وجوهه، وعن الفور إلى التراخي، وعن الظاهر إلى التأويل وعن العموم لكل ما يقتضي إلى تخصيص بعضه وذكر الدلائل التي تدل على أن الأسماء قد انتقلت عن مسمياتها إلى ما ذكرناه قال علي: هذا باب كثر فيه التخليط، وعظمت فيه الأغاليط ولو قلنا: إنه أصل لكل خطأ وقع في الشرائع لم يبعد عن الصواب فلنقل بحمد الله

[66] **Qur'an references (L1126):** Qur'an 4:14 (An-Nisa).

وعونه فيه قولا يرفع إن شاء الله تعالى الإشكال فنقول وبالله تعالى التوفيق: إن الأسماء المنقولة عن معانيها تكون بأربعة أوجه: أحدها نقل الاسم عن بعض معناه الذي يقع دون بعض، وهذا هو العموم الذي استثني منه شيء ما فبقي سائر مخصوصا من كل ما يقع عليه كقوله تعالى {لذين قال لهم لناس إن لناس قد جمعوا لكم فخشوهم فزادهم إيمانا وقالوا حسبنا الله ونعم لوكيل} وكسائر ما ذكرنا والوجه الثاني نقل الاسم عن موضوعه في اللغة بالكلية، وإطلاقه على شيء آخر، كنقل الله تعالى اسم الصلاة عن الدعاء فقط، إلى حركات محدودة من قيام وركوع وسجود وجلوس وقراءة ما، وذكر ما، لا يتعدى شيء من ذلك إلى غيره. وكنقله تعالى اسم الزكاة عن التطهر من القبائح إلى إعطاء مال محدود بصفة محدودة لا يتعدى، وكنقله تعالى اسم الكفر عن التغطية إلى الجحد له عز وجل، أو لنبي من أنبيائه أو لشيء صح عن الله تعالى وعن رسول الله صلى الله عليه وسلم مع بلوغ كونه كذلك إلى الجاحد له وكنقل الأمر الوارد عن الوجوب إلى الندب أو الإباحة، لأن هذا هو وضع اللفظ المرتب للإيجاب في غير معناه، ونقل له عن موضوعه إلى الندب الذي هو غير معناه، بل له صيغة أخرى تدل على أنه التخيير، وكنقل الأمر عن إلزام العمل به إلى المهلة فيه. قال علي: فقد بان بما ذكرنا أن نقل الأمر عن الوجوب والفور إلى الندب والتراخي هو باب واحد، مع نقل اللفظ عما يقتضيه ظاهره إلى معنى آخر، وهذا الباب يسمى في الكلام وفي الشعر الاستعارة والمجاز ومنه قوله تعالى {ذق إنك أنت لعزيز لكريم} ومثل هذا كثير والوجه الثالث نقل خبر عن شيء ما إلى شيء آخر اكتفاء بفهم المخاطب كقوله تعالى: {قال بل سولت لكم أنفسكم أمرا فصبر جميل عسى لله أن يأتيني بهم جميعا إنه هو لعليم لحكيم} وإنما أراد تعالى أهل القرية وأهل العير، فأقام الخبر عن القرية والعير مقام الخبر عن أهلها وكقوله تعالى {يا أيها لذين آمنوا لا تقربوا لصلاة وأنتم سكارى حتى تعلموا ما تقولون ولا جنبا إلا عابري سبيل حتى تغتسلوا

Ali said: This is a subject in which confusion has proliferated and errors have become grave. Were we to say that it is the root of every error that has occurred in religious laws, we would not be far from the truth. So, with praise to Allah and with His assistance, let us give an account of it that will, if Allah Most High wills, remove the difficulty. We say—and success comes through Allah Most High—that names transferred from their meanings occur in four ways. The first is transferring a name from part of its meaning to which it applies, while leaving another part. This is a general expression from which something has been excepted, so that the remainder is left as a specified portion of everything to which it applies, as in His exalted saying, {Those to whom the people said, "The people have gathered against you, so fear them," but it increased them in faith, and they said, "Allah is sufficient for us, and an excellent Trustee He is"}, and the other examples we have mentioned. The second way is transferring a name entirely from its established linguistic meaning and applying it to something else, as when Allah Most High transferred the name 'prayer' from supplication alone to prescribed movements consisting of standing, bowing, prostration, and sitting, together with some recitation and some remembrance, none of which may be extended to anything else; and as when He Most High transferred the name 'obligatory alms' from purification from reprehensible things to the giving of a prescribed amount of wealth in a prescribed manner that may not be exceeded; and as when He Most High transferred the name 'unbelief' from covering to denial of Him, Mighty and Majestic, or of one of His prophets, or of something authentically established as coming from Allah Most High and from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, when its being so has reached the person denying it. Another example is transferring an issued command from obligation to recommendation or permissibility, for this is placing an expression instituted to impose an obligation in a meaning other than its own, and transferring it from its established meaning to recommendation, which is other than its meaning and indeed has another formulation indicating that it grants a choice. Another example is transferring a command from requiring compliance with it to allowing time for it. Ali said: It has thus become clear from what we have mentioned that transferring a command from obligation and immediate

performance to recommendation and deferred performance belongs to the same category as transferring an expression from what its apparent meaning entails to another meaning. In discourse and poetry, this category is called metaphorical borrowing and figurative usage. An instance is His exalted saying, {Taste! Indeed, you are the mighty, the noble!} There are many such examples. The third way is transferring a statement about one thing to another, relying on the addressee's understanding, as in His exalted saying, {He said, "Rather, your souls have made a matter seem attractive to you. So, beautiful patience! Perhaps Allah will bring them all to me. Indeed, He is the All-Knowing, the All-Wise."} He Most High intended only the inhabitants of the town and the people of the caravan, so He substituted a statement about the town and the caravan for a statement about their people. Another example is His exalted saying, {O you who believe, do not approach prayer while you are intoxicated until you know what you are saying, nor while in a state of major ritual impurity, except when passing along a way, until you wash yourselves. If you are ill or on a journey, or one of you comes from relieving himself, or you have touched women, and you find no water, then resort to ground that is clean, and wipe your faces and your hands. Indeed, Allah is Ever-Pardoning, Ever-Forgiving}. He thus substituted mention of travel and illness for mention of the report, because what is intended is 'and you have incurred ritual impurity.' Another example is His exalted saying, {Allah does not hold you accountable for inadvertent utterances in your oaths, but He holds you accountable for the oaths you have bound yourselves by. Its expiation is feeding ten needy people from the average of what you feed your families, or clothing them, or freeing a slave. Whoever cannot find the means must fast for three days. That is the expiation of your oaths when you swear. Guard your oaths. Thus Allah makes His signs clear to you, so that you may give thanks}. He Most High thus attached the ruling to swearing, whereas it applies only to breaking the oath or intending to do so, not to swearing. There are many such examples. The fourth way is transferring an expression from being true and entailing its meaning to its utterance being false and prohibited. This is abrogation, as when He Most High transferred the command to pray toward Jerusalem to that being at all lawful today, deliberately and without necessity. Ali said: We have distin-

وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغآئط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم إن الله كان عفوا غفورا} فأقام ذكر السفر والمرض مقام الحديث، لأن المراد فأحدثتم وكقوله تعالى {لا يؤاخذكم الله باللغو في أيمانكم ولكن يؤاخذكم بما عقدتم لأيمان فكفارته إطعام عشرة مساكين من أوسط ما تطعمون أهليكم أو كسوتهم أو تحرير رقبة فمن لم يجد فصيام ثلاثة أيام ذلك كفارة أيمانكم إذا حلفتم وحفظوا أيمانكم كذلك يبين الله لكم آياته لعلكم تشكرون} فأوقع تعالى الحكم على الحلف، وإنما هو على الحنث أو إرادته لا على الحلف، ومثل هذا كثير. والوجه الرابع نقل لفظ عن كونه حقا موجبا لمعناه إلى قوله باطلا محرما، وهذا هو النسخ كنقله تعالى الأمر بالصلاة إلى بيت المقدس إلى أن يحل ذلك اليوم أصلا بالعمد لغير ضرورة. قال علي: وإنما فرقنا بين النسخ وبين نقل الأمر عن الوجوب إلى الندب أو غيره، وإن كان كل ذلك نقلا، لأن النسخ كان الأمر المنسوخ مرادا منا العمل به قبل أن ينسخ، وأما المحمول على الندب فلم يرد قط منا إلزامنا العمل به، وهذا فرق ظاهر. قال علي: وكل ما ذكرنا فلا يحل أن يتعدى به موضوعه، لأنه كما ترى أنواع يجمعها جنس النقل للأسماء على مراتبها، فمن استجاز منها واحدا بغير برهان لزمه أن يجيز جميعها، وفي ذلك القضاء بالنسخ على كل شريعة، وبأنه لا يفهم عن الله تعالى ولا عن رسوله صلى الله عليه وسلم لفظ أصلا إذ لعله قد نقل إلى معنى آخر وهذا خروج عن الإسلام. قال علي: وإذا قد ذكرنا وجود النقل للأسماء عن معانيها، ومثلنا منها أمثلة، تدل عليها، وتنبه على أمثالها مما لم نذكره بحول الله تعالى وقوته فلنذكر إن شاء الله تعالى بتوفيقه لنا وعونه إيانا الدلائل التي بها تعلم صحة الوجوه التي ذكرنا، وبها يثبت عندنا أن الاسم قد نقل إلى بعض الوجوه التي ذكرنا، والتي متى لم توجد لم يحل لمسلم أن يقول: إن هذا اللفظ على غير موجبه وبالله تعالى التوفيق، فلنقل وبالله

guished between abrogation and transferring a command from obligation to recommendation or something else, although all of that is transference, because, in abrogation, our acting upon the abrogated command was intended before it was abrogated. As for what is construed as a recommendation, it was never intended that we should be obliged to act upon it. This is an evident distinction. Ali said: With regard to everything we have mentioned, it is not lawful to take it beyond its proper scope, because, as you see, these are species united under the genus of transferring names, according to their respective levels. Whoever permits any one of them without demonstration is bound to permit them all. That would entail ruling that every religious law is abrogated, and that no expression whatsoever from Allah Most High or from His Messenger, may Allah bless him and grant him peace ﷺ, can be understood, since it may have been transferred to another meaning. This is a departure from Islam. Ali said: Now that we have mentioned the existence of the transference of names from their meanings, and, through the power and strength of Allah Most High, have given examples that indicate it and draw attention to similar instances that we have not mentioned, let us mention if Allah Most High wills, through His granting us success and His assistance to us, the proofs by which the validity of the forms we have mentioned is known, and by which it is established for us that a designation has been transferred to one of the forms we have mentioned—proofs without which no Muslim may say that this expression bears a meaning other than what it entails. Success comes through Allah Most High. Let us therefore say, seeking protection in Allah: the demonstration indicating the transfer we have mentioned divides into two divisions, with no third: either nature or revealed law. As for nature, it is that by virtue of which reason indicates that an expression has been transferred from its established meaning to one of the forms of transfer we presented earlier. An example is His saying, Most High: "Those to whom the people said, 'The people have gathered against you, so fear them,' but it increased them in faith, and they said, 'Allah is sufficient for us, and an excellent trustee is He.'" It is established by rational necessity that what is meant here is some of the people, because reason necessarily entails that all people were not assembled on a single plain to tell these people what they told them, and because reason necessarily entails

نعتصم: إن البرهان الدال على النقل الذي ذكرنا ينقسم قسمين لا ثالث لهما: إما طبيعة وإما شريعة. فالطبيعة هو ما دل العقل بموجبه على أن اللفظ منقول من موضوعه إلى أحد وجوه النقل الذي قدمنا مثل قوله تعالى {الذين قال لهم لناس إن لناس قد جمعوا لكم فخشوهم فزادهم إيمانا وقالوا حسبنا الله ونعم لوكيل} فصح بضرورة العقل أن المراد بذلك بعض الناس لأن العقل يوجب ضرورة أن الناس كلهم لم يحشروا في صعيد واحد، ليخبروا هؤلاء بما أخبرهم به، ولأن العقل يوجب ضرورة أن المخبرين لهم بأن الناس قد جمعوا لهم، غير الجامعين لهم، وغير المجموع لهم بلا شك، وأن الجامعين غير المخبرين بالجمع، وغير المجموع لهم بلا شك ومثل قوله تعالى {قل كونوا حجارة أو حديدا} {صلى الله عليه وسلم} الإسراء 50 علمنا بضرورة العقل أنه أمر تعجيز، لأنه لا يقدر أحد على أن يصير حجارة أو حديدا، ولو كان أمر تكوين لكانوا كذلك، فلما وجدهم العقل لم يكونوا حجارة ولا حديدا علم أنه تعجيز، وأما الشريعة فهي أن يأتي نص قرآن أو سنة، أو نص فعل منه عليه السلام، أو إقرار منه عليه السلام، أو إجماع على أحد وجوه النقل الذي ذكرنا كما دل الإجماع على أن اسم أب في قوله تعالى {ولا تنكحوا ما نكح آباؤكم من لنسآء إلا ما قد سلف إنه كان فاحشة ومقتا وسآء سبيلا} منقول عن الاقتصار على الأب وعلى الأجداد من الأب والأم وإن بعدوا، إلى الآباء من الرضاعة والأجداد من الرضاعة لقوله عليه السلام: يحرم من الرضاع ما يحرم من النسب كما دل نص أيضا على نقل اسم الأب إلى العم في قوله حاكيا عن القائلين {أم كنتم شهدآء إذ حضر يعقوب لموت إذ قال لبنيه ما تعبدون من بعدي قالوا نعبد إلهك وإله آبائك إبراهيم وإسماعيل وإسحاق إلها واحدا ونحن له مسلمون} وإنما كان إسماعيل عما لا أبا، ولم يجب من أجل هذا أن ننقل اسم أب في المواريث إلى الجد من الأم أصلا، وكما دل النقل المتواتر أيضا على نقل اسم ابن في قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ

that those who informed them that the people had gathered against them were other than those gathering against them, and other than those against whom the gathering was directed, without doubt; and that those gathering were other than those reporting the gathering, and other than those against whom the gathering was directed, without doubt. Another example is His saying, Most High: "Say: Be stones or iron." {May Allah bless him and grant him peace ﷺ.} Al-Isra', 50. We know by rational necessity that this is a command intended to demonstrate inability, because no one is capable of becoming stones or iron. Had it been a command bringing something into existence, they would have become so Thus, when reason found that they had become neither stones nor iron, it knew that this was intended to demonstrate inability. As for revealed law, it consists in the occurrence of an explicit text of the Quran or the Sunnah, or an explicit textual account of an act of his, peace be upon him, or a tacit approval of his, peace be upon him, or a consensus establishing one of the forms of transfer we have mentioned. Thus consensus indicates that the designation "father" in His saying, Most High, "Do not marry those women whom your fathers married, except what has already passed; indeed, it was an indecency, an abhorrence, and an evil way," has been transferred from being restricted to the father and the grandfathers on the father's and mother's sides, however remote, to fathers through suckling and grandfathers through suckling. This is because of his saying, peace be upon him: "What is forbidden through lineage is forbidden through suckling." An explicit text likewise indicates the transfer of the designation "father" to the paternal uncle, in His saying, recounting the words of those who spoke: "Or were you witnesses when death came to Jacob, when he said to his sons, 'What will you worship after me?' They said, 'We shall worship your God and the God of your fathers, Abraham, Ishmael, and Isaac, one God, and to Him we submit.'" Ishmael was only a paternal uncle, not a father. Yet it did not follow from this that we should transfer the designation "father," in matters of inheritance, to the maternal grandfather at all. Likewise, transmission through numerous independent channels also indicates that the designation "son" in His saying, Most High, "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers

وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} عن الاقتصار على الابن وبني البنين وبني البنات، وإن بعدوا، إلى البنين من الرضاعة أيضا، ولم يجب من ذلك أن ننقل اسم الابن في المواريث إلى ابن الرضاعة، وبني البنات، ولا يحجب بابن الرضاعة ولا ببني البنات الأم عن الثلث ولا الزوج عن النصف، ولا الزوجة عن الربع إلى السدس والربع والثمن، ولم يوجب شيء مما ذكرنا أن ننقل اسم الأم عن الوالدات اللاتي حملن الإنسان في بطونهن في كل حكم إلى أمهات الرضاعة، لأن العلم واجب ضرورة بأن الناس ماتوا على عهد رسول الله صلى الله عليه وسلم ولهم بنو البنات والأجداد من قبل الأمهات، وكذلك من الرضاعة، فلم يرث أحد منهم شيئا بالنقل عن الكواف عصرا عصرا، وكم يجب إذا خص الجد من الأب والابن من الولادة، والأم من الولادة بالميراث أن يتعدى ذلك فيخص بعض الوالدات، وبعض الأبناء، وبعض الأجداد بلا دليل، ولذلك ورثنا الجد للأب إذا لم يكن هنالك أب دون الإخوة، ولأنه متفق على أنه في تلك الفرائض والإخوة مختلف فيهم ولا نص في ذلك، فلزم ألا نورث أحدا بلا نص ولا إجماع، وهم الإخوة، ولزم أن يورث الجد لأنه متفق على أنه يرث في تلك الفرائض مع النص على أنه أب، وكان يلزم من يقول بالخصوص أن يخرج بعض النبيين على أن يورثهم مع سائر النبيين قياسا على الإجماع في ألا يورث بنو البنات، لأنهم بنون، ولا يحرم على آباء أمهاتهم نكاح حلائلهم، ومن قال إن الجدة قيست على الأم في التحريم لزمه أن يقيسها عليها في التوريث، وإلا كان متناقضا، وبالله تعالى التوفيق. فصح بما ذكرنا أن إخراج الأسماء عن مواضعها إذا قام دليل من الأدلة التي ذكرنا واجب لأنه أخذ في كل ذلك بالظاهر الوارد وبالنص الزائد، فلم يخرج عن الظاهر في كل ذلك،

who suckled you, your sisters through suckling, your wives' mothers, and your stepdaughters under your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you join two sisters in marriage, except what has already passed. Indeed, Allah is ever forgiving, merciful," has been transferred from being restricted to the son, sons' sons, and daughters' sons, however remote, to sons through suckling as well. Yet it did not follow from this that we should transfer the designation "son," in matters of inheritance, to a son through suckling and to daughters' sons. Neither a son through suckling nor daughters' sons reduce the mother's share from one third, the husband's from one half, or the wife's from one quarter to one sixth, one quarter, and one eighth respectively. Nothing we have mentioned entails transferring the designation "mother," in every ruling, from the women who gave birth, who carried the person in their wombs, to mothers through suckling, because it is necessarily known that people died during the lifetime of the Messenger of Allah, may Allah bless him and grant him peace, and they had daughters' sons and grandfathers on their mothers' sides, and likewise relatives through suckling, yet none of these inherited anything, according to transmission from the multitudes, generation after generation. And how often must it follow, when the paternal grandfather, the son by birth, and the mother by birth are singled out for inheritance, that this be extended so that some birth mothers, some sons, and some grandfathers are singled out without evidence! For this reason we accorded inheritance to the paternal grandfather, when no father is present, to the exclusion of the brothers, and because it is agreed that he is included in those inheritance allocations, whereas the brothers are disputed, and there is no explicit text concerning that. It was therefore necessary that we accord inheritance to no one without an explicit text or consensus—and these are the brothers—and necessary that the grandfather be accorded inheritance, because it is agreed that he inherits in those inheritance allocations, together with the explicit text establishing that he is a father. Whoever advocates restriction to particular cases would have been obliged to exclude some of the prophets, while according them inheritance together with the rest of the prophets, by analogy with the con-

ووجب إذا عدم دليل منها ألا ينقل شيء من الخطاب عن ظاهره في اللغة، وأما من خصص الظاهر أو العموم بقياس، أو بدليل خطاب، أو بقول صاحبه، فذلك باطل، وسنبين ذلك في الأبواب المذكورة إن شاء الله تعالى وقد قال تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فلاح أن لا بيان إلا بنص أو بضرورة عقل كما قدمنا لأن رسول الله صلى الله عليه وسلم هو التالي علينا القرآن فهو المبين به وهو الآمر لنا بالسنن المبينة علينا، وهو الآمر باتباع القرآن والسنن والإجماع، وهو عليه السلام الذي نص علينا في القرآن إيجاب استعمال العقل والحس. وقد ذكرنا في باب الأخبار من هذا الكتاب كيف التخصيص بالآية للآي وللحديث، وبالحديث للآي وللحديث. قال علي: ومن التخصيص بالإجماع قوله تعالى {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون} فلما أجمعت الأمة بلا خلاف أن 9 هم إن بذلوا فلسا أو فلسين لم يجز بذلك حقن دمائهم، ولا خرجوا عن إيجاب قتلهم، وحتى لو كثر القائلون بذلك، واشتهر فضلهم ما وجب أن يعتد بهذا القول، لأنه لم يأت به قرآن ولا سنة ولكن لما قال تعالى {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون} بالألف واللام وهما في اللغة التي بها نزل القرآن للعهد والتعريف علمنا أنه أراد تعالى جزية معلومة معهودة وبين ذلك بقوله تعالى {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون} بالألف واللام والألف واللام في لغة العرب لا يقع إلا على معهود وصح أن النبي صلى الله عليه وسلم لما أمر بأخذ دينار من كل محتلم منهم ومحتلمة، علمنا أن ما دون الدينار ليس هو الجزية المحرمة لدمائهم وأموالهم، ولم يكن لأقصى الجزية

sensus concerning daughters' sons not being accorded inheritance, because they are sons, and their mothers' fathers are not forbidden to marry their wives. Whoever says that the grandmother was assimilated by analogy to the mother with respect to the marriage prohibition must assimilate her by analogy to the mother with respect to inheritance; otherwise he is inconsistent. Success comes through Allah Most High. What we have mentioned thus establishes that taking designations beyond their established applications, when one of the proofs we have mentioned is established, is obligatory, because in all of this one adheres to the apparent meaning that has been transmitted and to the additional explicit text. Thus one has not departed from the apparent meaning in any of this. When no such proof exists, it is obligatory that no part of the discourse be transferred from its apparent meaning in the language. As for someone who restricts the apparent meaning or the general scope by analogy, by an implication inferred from the discourse, or by the statement of a companion of his, that is invalid. We shall explain this in the chapters mentioned, if Allah Most High wills. He, Most High, has said: "With clear proofs and the scriptures; and We sent down to you the Reminder so that you might explain to the people what was sent down to them, and that they might reflect." It is therefore evident that there is no explanation except through an explicit text or rational necessity, as we stated earlier. For the Messenger of Allah, may Allah bless him and grant him peace ﷺ, is the one who recites the Quran to us, and thus explains by means of it; he is the one who commands us to observe the Sunnahs that explain matters to us; and he is the one who commands adherence to the Quran, the Sunnahs, and consensus. It is he, peace be upon him, who explicitly conveyed to us in the Quran the obligation to employ reason and sense perception. In the chapter on reports in this book, we have mentioned how restriction is effected by a verse upon verses and upon a hadith, and by a hadith upon verses and upon a hadith. Ali said: An instance of restriction by consensus is His saying, Most High: "Fight those who do not believe in Allah or in the Last Day, do not forbid what Allah and His Messenger have forbidden, and do not profess the religion of truth, from among those who were given the Scripture, until they pay the tribute by hand, while they are humbled." Since the community unanimously agreed, without disagreement, that if they offered one or two

وأكثرها حد يوقف عنده فيدعى فيه وجوبه بالإجماع، فإن يحيى بن آدم وعطاء بن رباح، وعمرو بن دينار، وسفيان الثوري، كلهم يقول: ليس لأكثر الجزية حد، وإنما هو ما ترضوا به، فلما كان اسم الجزية يقع على الدينار وجب قبوله ممن لا يقدر على أكثر منه، ولزم المصالحين ما صالحوا عنه وهو أكثر من الدينار، ووجب أن يفرض على من يطيق أكثر من دينار من أهل العنوة ما أطاق، ما لا يجحف به. وأما نقل الأمر عن الوجوب إلى الندب فإنه لا مدخل للعقل فيه، وإنما يؤخذ من نص آخر أو إجماع فقط كما قلنا في قوله تعالى {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد آلعقاب} أنه إباحة لما ذكرنا في ذلك للإجماع على ذلك، وقلنا في الوتر: إنه ندب لقول الله تعالى له ليلة أسري به: هن خمس وهن خمسون لا يبدل القول لدي ولأنه عليه السلام كان ينتقل على البعير، فإذا أراد الفريضة نزل وكان يوتر على البعير. وأما النهي عن القران بين التمرتين في الأكل والإشهاد على التبايع وكتاب الديون، والانتشار بعد الصلاة للنوم والأكل وطلب الرزق، والأكل من الهدي والإطعام منه، ومن الأضحية والمكاتبة لمن طلبها ممن فيه خير من الرقيق، وإيتاؤهم من مالنا، ففرائض كلها، لأنه لا نص في إخراجها عن الوجوب، ولا إجماع، وأما أمره تعالى لأهل النار بالدخول فيها وأن يخسؤوا، وبصليها، فأمر اضطرار لا محيد لهم عنه، وأما أمره تعالى لأهل الجنة بالأكل وبالشرب وقبول النعيم فأمر إيجاب لا بد لهم من قبوله مختارين مغتبطين، كما تفعل الملائكة فيما يؤمرون به وبالله تعالى التوفيق

[79] **Qur'an references (L1127):** Qur'an 12:83 (Yusuf); Qur'an 4:43 (An-Nisa); Qur'an 5:89 (Al-Ma'idah); Qur'an 17:50 (Al-Isra); Qur'an 4:22 (An-Nisa); Qur'an 2:133 (Al-Baqarah); Qur'an 4:23 (An-Nisa); Qur'an 16:44 (An-Nahl); Qur'an 5:2 (Al-Ma'idah).

copper coins, this would not suffice to spare their lives or release them from being liable to be killed—even if those who said this became numerous and their excellence became renowned, this statement would not have to be given any weight, because neither the Quran nor the Sunnah brought it. Rather, when He, Most High, said, "Fight those who do not believe in Allah or in the Last Day, do not forbid what Allah and His Messenger have forbidden, and do not profess the religion of truth, from among those who were given the Scripture, until they pay the tribute by hand, while they are humbled," with the alif and lam, which in the language in which the Quran was revealed indicate an already known referent and definiteness, we knew that He intended —Most High—a known, established tribute. He made this clear by His saying, Most High: "Fight those who do not believe in Allah or in the Last Day, do not forbid what Allah and His Messenger have forbidden, and do not profess the religion of truth, from among those who were given the Scripture, until they pay the tribute by hand, while they are humbled," with the alif and lam; and in the language of the Arabs, the alif and lam apply only to an already known referent. It is established that when the Prophet, may Allah bless him and grant him peace ﷺ, commanded that a dinar be taken from each male and female among them who had reached puberty, we knew that anything less than a dinar was not the tribute that renders their lives and property inviolable. There was no limit for the maximum and greatest amount of tribute at which one must stop, such that its obligatory character could be claimed on the basis of consensus. For Yahya ibn Adam, Ata ibn Rabah, Amr ibn Dinar, and Sufyan al-Thawri all say: There is no limit to the greatest amount of tribute and it is simply whatever they mutually agree upon. Since the designation "tribute" applies to a dinar, it is obligatory to accept it from someone unable to afford more, while those who conclude a settlement are bound by the amount for which they settled, which is greater than one dinar. It is obligatory to assess those among the people conquered by force who can afford more than one dinar at whatever they can bear without being impoverished by it. As for transferring a command from obligation to recommendation, reason has no role in this; it is derived only from another text or consensus, as we have said concerning His saying, exalted is He: {O you who believe, do not violate the rites of Allah, nor the sacred month,

nor the sacrificial offerings, nor the garlands, nor those bound for the Sacred House, seeking bounty from their Lord and good pleasure. When you have left the state of consecration, then hunt. Let not hatred of a people, because they barred you from the Sacred Mosque, cause you to transgress. Cooperate in righteousness and piety, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment}: it conveys permission, for the reasons we mentioned concerning it, because there is consensus on that. We have said that the odd-numbered prayer is recommended because Allah, exalted is He, said to him on the night when he was taken on the night journey, "They are five, and they are fifty; the word is not changed with Me"; and because he, peace be upon him ﷺ, used to move about on the camel, but when he intended to perform the obligatory prayer he dismounted, whereas he performed the odd-numbered prayer on the camel. As for the prohibition against combining two dates when eating, having witnesses to sales, recording debts, dispersing after prayer to sleep, eat, and seek a livelihood, eating from sacrificial offerings and feeding others from them and from the festival sacrifice, entering into a contractual emancipation agreement with slaves in whom there is good when they request it, and giving them some of our wealth—all these are obligatory duties, because there is neither a text nor consensus removing them from obligation. As for His command, exalted is He, to the inhabitants of the Fire to enter it, to be abased, and to burn in it, this is a command of compulsion from which they have no escape. As for His command, exalted is He, to the inhabitants of Paradise to eat, drink, and accept bliss, this is a command imposing an obligation that they must accept, willingly and joyfully, just as the angels do whatever they are commanded. Through Allah, exalted is He, comes success.[67][68][69][70][71][72][73][74][75][76][77][78][79]

[67] **Translator's note (L1128):** The wording فبقي سائر مخصوصا is grammatically awkward; the translation follows its apparent sense that the remaining scope of the general expression is restricted by the exception.

[68] **Translator's note (L1129):** The quotation supplied is Quran 12:83, whereas the ensuing explanation about the town and caravan evidently concerns Quran 12:82. The supplied quotation has been translated without replacement.

[78] **Translator's note (L1141):** The opening completes the preceding segment's phrase "more than one dinar." The supplied text reads "used to move about" (yantaqilu), although the contrast with obligatory prayer suggests an intended reading "used to perform voluntary prayers" (yatanaffalu). The supplied reading is retained. The Qur'anic quotation, 5:2, contains numerous defective spellings and missing initial letters in definite articles; the words remain identifiable.

L1142–1164

Section concerning a text part of which is specified: does the remainder retain its general scope, or is it not construed as general?

Ali said: As for a text concerning which demonstration establishes that it does not retain its general scope, some people have said, "The remainder re-

فصل في النص يخص بعضه هل الباقي على عمومه أم لا يحل على عمومه قال علي وأما النص الذي يصح البرهان على أنه ليس على عمومه، فقد قال قوم الباقي على عمومه،

[69]**Translator's note (L1130):** The source reads الحديث, 'the report' or 'discourse,' where the argument apparently requires الحدث, 'ritual impurity.' The supplied reading is retained in the translation and the apparent error is identified here.

[70]**Translator's note (L1131):** The source reads إلى أن يحل, 'to its being lawful,' although the argument concerning abrogation apparently requires إلى ألا يحل, 'to its no longer being lawful.' The contradictory supplied reading has been retained.

[71]**Translator's note (L1132):** The opening continues the preceding segment's "let us mention." The Quranic quotation, corresponding to 3:173, repeatedly omits written initial alifs in the transcription; its wording remains recognizable.

[72]**Translator's note (L1133):** The complete salutation appears anomalously between the Quranic quotation and its reference; it has been preserved rather than omitted or incorporated into the verse. "Al-Isra', 50" is an apparent editorial verse reference.

[73]**Translator's note (L1134):** The Quranic quotations correspond to 4:22 and 2:133. The transcription omits an initial alif in several recognizable words.

[74]**Translator's note (L1135):** The Quranic quotation corresponds to 4:23; several words have omitted initial alifs in the transcription. The final salutation is incomplete in this segment and continues in the next.

[75]**Translator's note (L1136):** The opening completes the preceding salutation. "And how often must it follow" translates the supplied وكم يجب, which is awkward in this argument and may be corrupt; it has not been silently changed to a negation. The supplied text twice reads النبيين, "the prophets," in a discussion of sons and inheritance. The reading is apparently corrupt, but "prophets" has been retained. The clause "it is agreed that he is included in those inheritance allocations" is elliptic in Arabic; the following sentence explicitly supplies the sense of inheriting.

[76]**Translator's note (L1138):** The transcription contains an intrusive numeral "9" between أن and هم; it has no discernible linguistic function. The passage beginning "Since the community unanimously agreed" has an awkward, apparently unfinished syntactic construction, preserved without supplying a missing conclusion. "A companion of his" renders صاحبه as supplied; the text does not read the usual technical expression "a Companion's statement." The Quranic quotations correspond to 16:44 and, twice, 9:29. Several words have omitted initial alifs in the transcription.

[77]**Translator's note (L1139):** The opening "Most High" qualifies "He" at the end of the preceding segment. The Quranic quotation repeats 9:29; several words have omitted initial alifs in the transcription.

[90]**Translator's note (L1158):** The opening continues a quotation of Quran 5:5 begun in the preceding segment. The full quotation of Quran 2:221 is repeated after the claim that it occurs "immediately afterward." This apparent quotation or transcription problem is preserved. The wording "we would be presenting something stronger than what they invoke as evidence" renders the awkward reading نبين بأقوى مما يحتاجون به. The supplied يحتاجون means "they need," although the context appears to require "they adduce as evidence." "A brother's emancipation" refers to the legal question of emancipation resulting from ownership of one's brother. The cited verse is retained as the author's argument. "The procedure of sworn oaths in a homicide case" renders the technical term qasāma.

[91]**Translator's note (L1159):** "Phrenitis" renders the historical medical condition implied by المبرسمين, characterized here by delirium. The opening completes the preceding segment's reference to an argument for qasāma drawn from the account of the cow of the Children of Israel.

[92]**Translator's note (L1160):** "Particularized" and "particularization" refer to restricting the scope of a general text. The lists of exclusions are preserved as supplied; the references to a paternal aunt and a maternal aunt do not expressly repeat the corresponding nieces. The Quranic quotation ends mid-clause and continues in the next segment.

[93]**Translator's note (L1161):** The quotation of Quran 2:221 is repeated in full after the quotation completed at the beginning of this segment. The repetition is preserved. "Married women" and "seeking chastity" render forms of the same Arabic root in Quran 4:24 according to their respective contexts.

[94]**Translator's note (L1162):** The supplied text says "and because of His statement, exalted is He" without supplying a subsequent quotation. This apparent lacuna is preserved. The final clause is syntactically awkward and continues with "the guarding of private parts" in the next segment; its apparent wording is preserved rather than repaired.

[95]**Translator's note (L1163):** "What encompasses fewer cases" renders الأقل معاني, literally "what has fewer meanings," in the author's discussion of the relative scope of texts. The statement "they invalidate analogy" is preserved as supplied, although its referent is unclear and the surrounding argument addresses proponents of analogy. The segment ends within ملك اليمين, rendered across the boundary as "right-hand possession."

[96]**Qur'an references (L1142):** Qur'an 9:103 (At-Tawbah); Qur'an 2:29 (Al-Baqarah); Qur'an 24:30 (An-Nur); Qur'an 4:3 (An-Nisa); Qur'an 21:23 (Al-Anbya); Qur'an 4:59 (An-Nisa); Qur'an 23:6 (Al-Mu'minun); Qur'an 70:30 (Al-Ma'arij); Qur'an 2:221 (Al-Baqarah); Qur'an 4:23 (An-Nisa); Qur'an 5:5 (Al-Ma'idah); Qur'an 62:11 (Al-Jumu'ah); Qur'an 5:25 (Al-Ma'idah); Qur'an 17:23 (Al-Isra); Qur'an 4:24 (An-Nisa); Qur'an 9:28 (At-Tawbah); Qur'an 9:5 (At-Tawbah).

tains its general scope." Another—Isa ibn Aban, the Hanafi judge of Basra—has said, "We accept from it only what is agreed upon." Ali said: The correct position concerning this is that, if it is one of those texts whose intended meaning would not be understood if we were left with its apparent wording alone, then we accept from it only what another text or consensus explains. Examples are "Establish prayer" and "Give the obligatory alms." Furthermore, Allah, exalted is He, expressly designated prayer and the obligatory alms for us with the definite article, alif and lam, and alif and lam refer only to something already known. The manner of performing the prayer and giving the obligatory alms incumbent upon us is not understood from this apparent wording, so their explanation must be sought from other texts or consensus. He, exalted is He, has informed us that He burdens no soul beyond its capacity. It is not within our capacity to understand facing the Kaaba, performing four units of prayer for the noon prayer, with two prostrations in each unit, and three for the sunset prayer, from His saying, exalted is He: {Establish prayer, give the obligatory alms, and bow with those who bow}. Nor is it within our capacity to understand giving one sheep for five camels, or what obligatory alms are due on cattle and sheep, from His saying, exalted is He: {Establish prayer, give the obligatory alms, and bow with those who bow}. Because of this text, we rule out His imposing upon us, exalted is He, what we cannot bear. Had He willed that, however, exalted is He, it would have been good according to reason. Had He, exalted is He, required us to drink the water of the sea in a single draught and then punished us if we did not do so, that would have been just and right. But He, exalted is He, has graciously favored us, assured us of safety from that, and has not required of us what we cannot bear. To Him belong praise and thanks; there is no deity but Him. Likewise, His saying, exalted is He: {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for them; indeed, your prayers are a source of tranquility for them, and Allah is All-Hearing, All-Knowing}, contains no explanation of the manner of that alms offering, nor of when it is to be taken—every day, every month, every year, or once in a lifetime—nor of the amount to be taken, nor of which kind of wealth it is to be taken from. Thus, in His saying, exalted is He: {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for

وقال بعضهم وهو عيسى بن أبان الحنفي قاضي البصرة: لا نأخذ منه إلا ما اتفق عليه.
قال علي: والصحيح من ذلك أنه كان من النصوص التي لو تركنا وظاهرها لم يفهم منه المراد فإننا لا نأخذ منها إلا ما يبينه نص آخر أو إجماع، وذلك مثل: أقيموا الصلاة وآتوا الزكاة، وأيضا فإن الله تعالى نص لنا على الصلاة والزكاة بالألف واللام، والألف واللام إنما يقعان على معهود، ولا يفهم من هذا الظاهر كيفية الصلاة والزكاة الواجبين علينا فوجب أن يطلب بيانهما من نصوص أخر أو إجماع، وقد أخبرنا تعالى أنه لا يكلف نفسا إلا وسعها، وليس في وسعنا أن نفهم استقبال الكعبة والإتيان بأربع ركعات للظهر في كل ركعة سجدتان وثلاث للمغرب من قوله تعالى {وأقيموا لصلاة وآتوا لزكاة وركعوا مع لراكعين} ولا في وسعنا أن نفهم إعطاء شاة من خمس من الإبل، وما يجب من الزكاة من البقر والغنم من قوله تعالى {وأقيموا لصلاة وآتوا لزكاة وركعوا مع لراكعين} ولأجل هذا النص منعنا من أن يكون تعالى يكلفنا ما لا نطيق، وأما لو شاء ذلك تعالى لكان حسنا في العقل، ولو أنه تعالى كلفنا شرب ماء البحر في جرعة، ثم يعذبنا إن لم نفعل لكان ذلك عدلا وحقا، ولكنه تعالى قد تفضل علينا وآمننا من ذلك ولم يكلفنا ما لا نطيق، فله الحمد والشكر لا إله إلا هو. وكذلك قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم والله سميع عليم} ليس فيها بيان كيفية تلك الصدقة، ولا متى تؤخذ أفي كل يوم أم في كل شهر أم في كل عام؟ أم مرة في الدهر؟ ولا مقدار ما يؤخذ ولا من أي مال، ففي قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم والله سميع عليم} عمومان اثنان أحدهما الأموال، والثاني: الضمير الراجع إلى أرباب الأموال، فأما عموم الأموال: فقد صح الإجماع المنقول جيلا جيلا إلى رسول الله صلى الله عليه وسلم أنه لم يوجب الزكاة إلا في بعض الأموال دون بعض، مع أن نص الآية يوجب ذلك، لأنه إنما قال تعالى: {خذ من أموالهم صدقة

them; indeed, your prayers are a source of tranquility for them, and Allah is All-Hearing, All-Knowing}, there are two expressions of general scope: one is "wealth," and the second is the pronoun referring back to the owners of the wealth. As for the general scope of "wealth," consensus transmitted generation after generation back to the Messenger of Allah, may Allah bless him and grant him peace ﷺ, has been established that he made the obligatory alms incumbent only upon certain kinds of wealth, to the exclusion of others. The wording of the verse itself also requires this, since He, exalted is He, said only: {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for them; indeed, your prayers are a source of tranquility for them, and Allah is All-Hearing, All-Knowing}. The apparent wording therefore entails that whatever is taken, whether little or much, has been taken from their wealth as commanded. And his saying, peace be upon him ﷺ, when he was asked about donkeys, whether obligatory alms were due on them or not, that this wording does not mean all wealth. He, peace be upon him ﷺ, also said, "Your wealth is inviolable among you." He, peace be upon him ﷺ, said, "Everything belonging to a Muslim is inviolable to another Muslim: his blood, his wealth, and his honor." He, peace be upon him ﷺ, expressly stated that it was not lawful for him to take anyone's wealth except with that person's willing consent. The obligatory alms are not like that; rather, they are to be fought if they withhold them. Furthermore, the expression {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for them; indeed, your prayers are a source of tranquility for them, and Allah is All-Hearing, All-Knowing}, in His saying, exalted is He: {Take from their wealth an alms offering by which you cleanse them and purify them, and pray for them; indeed, your prayers are a source of tranquility for them, and Allah is All-Hearing, All-Knowing}, serves only to indicate a part. Furthermore, if wealth were intended in its general scope, that would be impossible, because it would require taking something from every grain of wheat, every mustard seed, and every brand, since all of that is wealth. Once everything we have mentioned establishes that He, exalted is He, did not intend every kind of wealth, it becomes obligatory to seek knowledge of the kinds of wealth on which the obligatory alms are due, the amount to be taken from them, and when it is to be taken, from another

تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} فالظاهر يقتضي أن ما أخذ مما قل أو كثر فقد أخذ من أموالهم كما أمر، وقوله عليه السلام إذ سئل عن الحمير: أفيها زكاة أم لا على أن هذا اللفظ ليس مرادا به جميع الأموال، وقد قال عليه السلام: إن أموالكم عليكم حرام وقال عليه السلام: كل المسلم على المسلم حرام دمه وماله وعرضه، ونص عليه السلام على أنه لا يحل له أخذ مال أحد إلا بطيب نفسه وليست الزكاة كذلك، بل هم مقاتلون إن منعوها. وأيضا فإن لفظة: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} في قوله تعالى {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} إنما هي للتبعيض وأيضا فلو كانت الأموال مرادة على عمومها لكان ذلك ممتنعا، لأن ذلك كان يوجب الأخذ من كل برة، ومن كل خردلة، ومن كل سمة، لأن كل ذلك أموال، فلما صح بكل ما ذكرنا أنه تعالى لم يرد كل مال وجب طلب معرفة الأموال التي تجب فيها الزكاة، ومقدار ما يؤخذ منها، ومتى يؤخذ من نص آخر، أو من الإجماع إذ قد ثبت أن المأخوذ هو شيء من بعض ما يملكونه، فلا بد من بيان ذلك الشيء المراد، فإنه إذا أخذ شيء يقع عليه اسم شيء واحد من جميع أموالهم، فقد أخذ من أموالهم، وكان هذا أيضا موافقا للظاهر وغير مخالف له البتة، وليس إلا هذا الوجه، إلا أن يوجب أكثر منه نص أو إجماع، لأنه قد تعذر الوجه الثاني، وهو أن يؤخذ من كل مال جزء، وإذا لم يكن لشيء إلا قسمان فسقط أحدهما ثبت الآخر، فلو لم تأت نصوص وإجماع على الأخذ من المواشي والذهب والفضة والبر والشعير والتمر، لما وجب إلا ما يقع عليه اسم أخذ، لأجزأ إعطاء برة واحدة أو شعيرة واحدة، أو أي شيء أعطاه المرء، ولكن النصوص والإجماع على ما ذكرنا، فرض الوقوف عندهما. وأما العموم الثاني: وهو عموم أرباب

text or from consensus. For it has been established that what is taken is something from a portion of what they own, and the particular thing intended must therefore be explained. If something to which the designation "a single thing" applies is taken from the entirety of their wealth, then something has been taken from their wealth. This would also be in accordance with the apparent wording and would not conflict with it at all. There is only this interpretation, unless a text or consensus requires more than it, because the second interpretation—that a portion be taken from every item of wealth—has proved impossible. When something has only two possibilities and one is eliminated, the other is established. Had texts and consensus not come concerning taking from livestock, gold, silver, wheat, barley, and dates, nothing would have been obligatory except something to which the designation "taking" applies: giving a single grain of wheat, a single grain of barley, or anything a person gave would have sufficed. But adherence to the texts and consensus concerning what we have mentioned is obligatory. As for the second expression of general scope, namely the general inclusion of the owners of wealth, it is plain and clear: it means from every person possessing wealth. It must therefore be applied in its general scope once the amount to be taken, when it is to be taken, and what it is to be taken from are known. Nothing is excluded from that except what a text or consensus excludes, as we shall mention later, if Allah, exalted is He, wills. As for an explicit text whose meaning is understood from its wording, which we could have applied in its general scope even if nothing else had reached us, but then another text or consensus comes and specifies some of what falls under the designation, nothing is excluded from it except what the text and consensus exclude. The evidence for this consists of the same arguments by which we established the position affirming general scope at the beginning of this chapter, whose sections we are now discussing. Anyone who says, "I retain within it only what a text or consensus establishes as remaining within it," must permit the shedding of the blood of the entire community except those whose blood is agreed to be inviolable. For there is indeed agreement that his saying, peace be upon him ﷺ, "Your blood and your wealth are inviolable among you," does not retain its general scope; rather, many have been singled out from it, such as adulterers who have consummated a valid marriage, those who kill

الأموال فبين واضح، وهو من: كل إنسان ذي مال، فوجب استعماله على عمومه، إذ عرف مقدار ما يؤخذ، ومتى يؤخذ، ومما يؤخذ، فلا مخرج من ذلك إلا ما أخرجه نص أو إجماع على ما نذكر بعد هذا إن شاء الله تعالى. وأما النص المفسر الذي يفهم معناه من لفظه، وكان يمكننا استعماله على عمومه ولو لم يأتنا غيره، فأتى نص آخر أو إجماع، فخص منه بعض ما يقع عليه الاسم، فإنه لا يخرج منه إلا ما أخرج النص والإجماع، والحجة في ذلك هي الحجج التي أثبتنا بها القول بالعموم في أول هذا الباب الذي نحن الآن في فصوله، ويلزم من قال: لا أبقي منه إلا ما جاء نص أو إجماع في بقائه أن يبيح دماء جميع الأمة إلا ما اتفق على تحريم دمه، لأن قوله عليه السلام: دماؤكم وأموالكم عليكم حرام لقد اتفق على أنه ليس على عمومه، بل لخص منه كثير كالزناة المحصنين، وقتلة الأنفس وغيرهم، فيلزمهم أن يقتلوا شارب الخمر في الرابعة، هذا لو لم يأت فيه نص، ولكن على أصلهم الفاسد، وأن يقتل الساحر إن كان حنفيا أو شافعيا، وأن يقتل السيد بعبده، والمؤمن بالكافر إن كان مالكيا، وإلا فقد تناقضوا وأقروا بأن العموم الذي قد خص بعضه، فإن باقيه على العموم أيضا، إلا أن يخصه نص أو إجماع، ونحن نرى إن شاء الله تعالى مسألة فيها تخصيص مترادف مرآة لكيفية العمل فيما ذكرنا، وبالله تعالى التوفيق فنقول قال الله عز وجل {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء فسواهن سبع سماوات وهو بكل شيء عليم} فلا نص أكثر معاني ولا أعلم من هذا، وفيه إباحة النساء والمآكل كلها، وكل ما في الأرض. وقال تعالى: {قل للمؤمنين يغضوا من أبصارهم ويحفظوا فروجهم ذلك أزكى لهم إن لله خبير بما يصنعون} فلا شيء بعد النص المذكور آنفا أعم ولا أكثر معاني من هذا النص الثاني. فلو لم يرد غيرهما لحرم النكاح جملة، والوطء بالبتة، ولكان النساء كلهن مستثنيات مما أبيح النص الأكثر المذكور آنفا، فلو

other persons, and others. They must therefore to kill the wine-drinker on the fourth occasion—this would follow if no text concerning it had come, but it follows according to their corrupt principle—and to kill the sorcerer, if one is a Hanafi or a Shafi'i, and to kill the master for his slave and the believer for the unbeliever, if one is a Maliki. Otherwise, they have contradicted themselves and acknowledged that, when part of a general expression has been specified, what remains of it also retains its general scope unless a text or consensus specifies it. And we shall present, if Allah Most High wills, a question involving successive specification as a mirror of how to proceed in what we have mentioned. Success comes through Allah Most High. We say: Allah, Mighty and Majestic, said: "He is the One who created for you everything that is on the earth; then He turned to heaven and fashioned them into seven heavens, and He knows all things." No text encompasses more meanings or conveys more knowledge than this. It includes the permissibility of women, all foods, and everything on earth. And He, Most High, said: "Tell the believing men to lower their gazes and guard their private parts. That is purer for them. Indeed, Allah is fully aware of what they do." After the text just mentioned, nothing is more general or encompasses more meanings than this second text. Had nothing besides these two been transmitted, marriage would have been forbidden altogether, and intercourse absolutely, and all women would have been excepted from what the more comprehensive text mentioned just above permitted. Had nothing besides these two texts been transmitted, women would have been forbidden altogether. And He, Most High, said: "If you fear that you will not deal equitably with the orphans, then marry such women as please you, two, three, or four. But if you fear that you will not be just, then one, or those whom your right hands possess. That is more likely to keep you from acting unjustly." This thus permitted what the aforementioned text requiring the guarding of private parts prohibited. Had nothing besides these texts been transmitted, it would have been obligatory to adopt the prohibition, because the verse permitting marriage agrees with the more comprehensive text permitting everything in the world. It is merely confirmation and repetition, like all the other repetition and confirmation in the Quran, which Allah Most High introduced as He willed: "He is not questioned about what He does, while they are ques-

لم يرد غير هذين النصين لحرم النساء جملة وقال تعالى {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا} فكان هذا مبيحا لما حظر النص المذكور الذي فيه حفظ الفروج، لو لم يرد غير هذه النصوص لوجب الأخذ بالتحريم، لأن الآية التي فيها إباحة النكاح موافقة للنص الأكثر الذي فيه إباحة كل ما في العالم، وإنما هي تأكيد وتكرار كسائر ما في القرآن من التكرار والتأكيد الذي أورده الله تعالى كما شاء، {لا يسأل عما يفعل وهم يسألون} كما كرر تعالى أخبار الأنبياء عليهم السلام {وأقيموا لصلاة وآتوا لزكاة وركعوا مع لراكعين} و {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} فكرر إباحة نكاح النساء كما شاء. ولسنا نقول: إن شيئا من هذه النصوص قبل كل شيء، ولا أن شيئا منها بعد شيء، وسواء نزل بعضها قبل بعض، أو نزلت معا، لا فرق عندنا بين شيء من ذلك، وليس شيء مما نزل بعد رافعا لشيء نزل قبل إلا بنص جلي في أنه رافع له، أو بإجماع على ذلك، وإلا فهو مضاف إليه ومعمول به معه ضرورة لا بد من ذلك، فلما صح ما قلنا من استثناء تحريم النكاح جملة مما أباح تعالى لنا، ووجدناه تعالى قد استثنى إباحة النكاح من حفظ الفروج استثناء تاما بقوله تعالى {ولذين هم لفروجهم حافظون * إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين * فمن بتغى ورآء ذلك فأولئك هم لعادون} فصح يقينا أن الزواج وملك اليمين مستثنى مما حرم من إهمال الفروج. ثم وجدها هذا الاستثناء يحتمل أن يؤخذ به على عمومه، فيخص به من آية التحريم أشياء كثيرة: منها الأختان بملك اليمين، والأم والابنة بملك اليمين، والكتابية بملك اليمين، والحائض والمحرمة والصائمة فرضا، والحريمة بصهر أو رضاع، ويحتمل ألا يخرج من النص الذي فيه تحريم إهمال الفروج جملة إلا ما خص نص جلي أو

tioned." Likewise, He, Most High, repeated the accounts of the prophets—peace be upon them—and: "Establish prayer, give the obligatory alms, and bow with those who bow," and: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and best in outcome." Thus He repeated the permission for marrying women as He willed. We do not say that any of these texts precedes everything else, or that any of them follows anything else. Whether some were revealed before others or they were revealed together, none of that makes any difference to us. Nothing revealed later abrogates anything revealed earlier except through an explicit text stating that it abrogates it, or through consensus on that. Otherwise, it is added to it and necessarily acted upon together with it; there is no avoiding this. Thus, when what we said was established concerning excepting the prohibition of marriage altogether from what He, Most High, permitted us, and we found that He, Most High, had made a complete exception permitting marriage from the guarding of private parts, through His saying, Most High: "And those who guard their private parts, except with their spouses or those whom their right hands possess, for then they are not blameworthy. But whoever seeks beyond that—those are the transgressors," it was established with certainty that marriage and ownership by the right hand are excepted from the prohibition against leaving the private parts unguarded. Then we found that this exception admits of being adopted in its general scope, so that many things would thereby be specified as exceptions to the verse of prohibition, including two sisters through ownership by the right hand, a mother and daughter through ownership by the right hand, a woman of the People of the Book through ownership by the right hand, a menstruating woman, a woman in the state of ritual consecration, a woman observing an obligatory fast, and a woman forbidden through affinity or suckling. It also admits of nothing being excluded from the text prohibiting the leaving of private parts unguarded altogether except what an explicit text or a consensus known with certainty specifically excludes from it. If we excluded from the text prohibiting the leaving of private parts unguarded everything that could possibly be excluded, we would have set aside something whose obligatory force we knew with certainty on the strength of

إجماع متيقن على إخراجه منه، فلو أخرجنا من النص الذي فيه تحريم إهمال الفروج كل ما يحتمل إخراجه، لكنا قد أسقطنا ما تيقنا وجوبه بما شككنا في إباحته، ونحن إذا لم نخرج منه إلا ما جاء نص جلي، أو إجماع بإخراجه منه، كنا قد علمنا بما تيقنا لزومه لنا من النص المبيح للوطء، وعلمنا أيضا بما تيقنا وجوبه من النص الذي فيه التحريم، إذ في استعمالنا ما في إية إباحة الوطء كله رجوع إلى الأصل الأول الذي فيه إباحة كل ما في الأرض، وترك ما قد لزم إخراجه منه بيقين. فلو فعلنا ذلك لكنا متناقضين، لأنها ثلاثة نصوص كما ترى: نص عام، ثم آخر دونهما في العموم ثم ثالث دونهم معا في العموم. فإن قال قائل: بل نأخذ بالنص الأخص قلنا له وبالله التوفيق: إنك إن فعلت ذلك رجعت إلى قولنا، لأننا نوجد لا نصا أخص من النص الذي فيه إباحة الوطء فيلزمك أن تغلب هذا الأخص الذي هو نص رابع، وإلا نقضت قولك وهو قول الله تعالى {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} والمشركات من الكتابيات هن بعض من تملك أيماننا، وكذلك الأختان إذ ملكناهما. وأما أصحابنا القياسيون فتناقضوا تناقضا فاحشا ظاهر الخطأ، لأنهم عمدوا إلى قوله عز وجل: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} إلى قوله تعالى {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا

something whose permissibility we doubted. If, however, we excluded from it only what an explicit text or consensus had come to exclude, we would have known what we knew with certainty to be binding upon us from the text permitting intercourse, and would also have known what we knew with certainty to be obligatory from the text containing the prohibition. For applying everything in the verse permitting intercourse entails returning to the first principle, which permits everything on earth, and abandoning what it had become binding, with certainty, to exclude from it. If we did that, we would be contradicting ourselves, because these are three texts, as you see: a general text, then another below the two of them in generality, then a third below both of them together in generality. If someone says, "Rather, we adopt the most specific text," we say to him—and success comes through Allah—"If you do that, you return to our position, because we produce a text more specific than the text permitting intercourse. You must therefore give precedence to this more specific text, which is a fourth text; otherwise, you contradict your own position." It is the saying of Allah Most High: "Do not marry polytheistic women until they believe. A believing slave woman is better than a polytheistic woman, even if she pleases you. And do not marry women to polytheistic men until they believe. A believing slave man is better than a polytheistic man, even if he pleases you. Those invite to the Fire, while Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may remember." And polytheistic women among the women of the People of the Book are some of those whom our right hands possess, as are two sisters when we own them. As for our associates who advocate analogy, they have contradicted themselves outrageously, with manifest error, because they turned to His saying, Mighty and Majestic: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, the mothers of your wives, your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters, except what has already passed. Indeed, Allah is ever For-

دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} وإلى قوله سبحانه وتعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} وهذه كما ترى آيات محرمات لنساء موصوفات، وعمدوا إلى قوله تعالى: {إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين} فاستثنوا الأختين بملك اليمين، والأم وابنتها بملك اليمين، والعمة وبنت أخيها بملك اليمين، والخالة وبنت الخالة بملك اليمين، من الآية التي فيها إباحة ملك اليمين. إلا أن يكون أختان معا أو أم وابنة، أو عمة وبنت أخيها، فإن أولئك لا يحل وطؤهن، ثم إن يستثنوا الإماء الكتابيات بما أباحوه من ملك اليمين، فلو أن عاكسا عكس فأباح الأختين والأم والابنة بملك اليمين، وحرم الأمة الكتابية بقوله تعالى {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار ولله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} أي فرق كان يكون بينهم إلا التحكم بلا دليل؟. فإن قالوا: قد أبيحت الكتابية، قيل لهم: أخطأتم إنما أبيحت بالزواج لقوله تعالى {ليوم أحل لكم لطيبات وطعام لذين أوتوا لكتاب حل لكم وطعامكم حل لهم ولمحصنات من لمؤمنات ولمحصنات من لذين أوتوا لكتاب من قبلكم إذآ آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان ومن يكفر بلإيمان فقد حبط عمله وهو في لآخرة من لخاسرين} فإنما أباح المحصنات الكتابيات بشرط إيتائهن الأجور، وإيتاؤهن الأجور لا يكون إلا في الزواج لا في ملك اليمين، وهذا

giving, Merciful," up to His saying, Most High: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, the mothers of your wives, your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters, except what has already passed. Indeed, Allah is ever Forgiving, Merciful," and to His saying, Glorified and Most High: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, the mothers of your wives, your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters, except what has already passed. Indeed, Allah is ever Forgiving, Merciful." These, as you see, are verses prohibiting women with specified descriptions. And they turned to His saying, Most High: "Except with their spouses or those whom their right hands possess, for they are not blameworthy." Thus they excepted two sisters through ownership by the right hand, a mother and her daughter through ownership by the right hand, a paternal aunt and her brother's daughter through ownership by the right hand, and a maternal aunt and the maternal aunt's daughter through ownership by the right hand, from the verse permitting ownership by the right hand: unless there are two sisters together, or a mother and daughter, or a paternal aunt and her brother's daughter, for intercourse with those women is not lawful. Then, indeed, they except slave women of the People of the Book through what they have permitted of ownership by the right hand. If someone were to reverse their procedure, permitting two sisters and a mother and daughter through ownership by the right hand, and prohibiting a slave woman of the People of the Book on the basis of His saying, Most High: "Do not marry polytheistic women until they believe. A believing slave woman is better than a polytheistic woman, even if she pleases you. And do not marry women to

ما لا شك فيه عند أحد، فبطل أن يكون المراد بالإباحة المذكورة الإماء الكتابيات، فبقين على أصل التحريم. ولو أننا رضينا لأنفسنا من الحجة بنحو ما يرضون به لأنفسهم لقلنا لهم إن قوله تعالى {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} إنما قصد به الإماء لقوله تعالى في أثر ذلك {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} ولكنا في ذلك نبين بأقوى مما يحتاجون به في أكثر مسائلهم: مثل احتجاجهم في إيجاب الخطبة بقوله تعالى {وإذا رأوا تجارة أو لهوا نفضوا إليها وتركوك قآئما قل ما عند الله خير من للهو ومن لتجارة والله خير لرازقين} ومثل احتجاجهم في عتق الأخ بقوله تعالى {قال رب إني لا أملك إلا نفسي وأخي ففرق بيننا وبين لقوم لفاسقين} ومثل احتجاجهم في المنع من النفخ في الصلاة بقوله تعالى {وقضى ربك ألا تعبدوا إلا إياه وبلوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهمآ أف ولا تنهرهما وقل لهما قولا كريما} ومثل احتجاجهم في القسامة ببقرة بني إسرائيل. ومثل هذا من التمويه البارد الفاسد الداخل في حدود هذيان المبرسمين، ولكن الله عز وجل قد أغنانا بالنصوص الظاهرة التي لا مجال للتأويل فيها، وبنصره تعالى لنا عن تكلف بنيات الطرق، وادعاء ما لا يصح، ومن أمكنته السيوف لم يفتقر إلى المحاربة بحطام التبن، ولا سيما من قال منهم: إن النص إذا خص بعضه لم يؤخذ من باقيه إلا ما أجمع عليه، فإنه يقال له في هذا المكان: إباحة ملك اليمين قد خرج منه بالنص بالإجماع أشياء كثيرة فمنها الذكور والبهائم، والأم من الرضاع والأخت من الرضاع، وكل حريمة بصهر ورضاع، وكل حائض، وكل صائمة

polytheistic men until they believe. A believing slave man is better than a polytheistic man, even if he pleases you. Those invite to the Fire, while Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may remember"—what difference would there be between them, except arbitrary assertion without evidence? If they say, "The woman of the People of the Book has been permitted," they are told: "You are mistaken. She has been permitted only through marriage, because of His saying, Most High: 'Today the good things have been made lawful for you. The food of those who were given the Scripture is lawful for you, and your food is lawful for them; and chaste women among the believing women and chaste women among those who were given the Scripture before you, when you give them their bridal dues, seeking chastity, neither fornicating nor taking secret lovers. Whoever disbelieves in faith—his work has come to nothing, and in the Hereafter he will be among the losers.} He thus permitted chaste women of the People of the Scripture only on condition that they be given their bridal dues. Giving them their bridal dues occurs only in marriage, not in right-hand possession. No one doubts this. It is therefore invalid to suppose that the permission mentioned refers to slave women of the People of the Scripture; they consequently remain under the original prohibition. If we accepted for ourselves arguments of the sort they accept for themselves, we would say to them: His statement, exalted is He, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, was intended only to refer to slave women, because He says, exalted is He, immediately afterward: {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}. Yet

فرض، وأخرجت أنت منه الأختين والأم والابنة والعمة والخالة، فيلزمك ألا تبيح مما بقي إلا ما اتفق عليه، ولم يتفق على إباحة الأمة الكتابية بملك اليمين، ولا جاء بها نص. فواجب عليك القول بتحريمها. ويقول لسائرهم: أنتم أهل القياس فقيسوا ما اختلفنا فيه من وطء الأمة الكتابية بملك اليمين على ما اتفقنا عليه من تحريم الأختين بملك اليمين، وسائر ما ذكرنا، ويقال للمالكيين منهم: أنتم تدخلون التحريم بأدق سبب ولا تدخلون التحليل إلا بأبين وجه، فحرموا الوطء للأمة الكتابية، إذ لا سبب معكم في تحليلها لا دقيق ولا جليل، ولكم في تحريمها أبين سبب فإن ادعوا إجماعا أكذبهم ابن عمر، فقد صح عنه تحريم الكتابيات جملة، وتلا الآية التي ذكرنا. قال علي: وأما جمهور أصحابنا الظاهريين، فإنهم سلكوا طريقة لهم في ترك ما ظاهره التعارض قد بينا بطلانها فجعلوا قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار ولله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار ولله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} معارضا لقوله تعالى {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به

in doing so we would be presenting something stronger than what they invoke as evidence in most of their questions: for example, their argument for making the sermon obligatory from His statement, exalted is He, {When they see merchandise or amusement, they disperse toward it and leave you standing. Say: What is with Allah is better than amusement and merchandise, and Allah is the best of providers}; their argument for a brother's emancipation from His statement, exalted is He, {He said: My Lord, I have authority over none but myself and my brother; so separate us from the defiantly disobedient people}; their argument for prohibiting blowing during prayer from His statement, exalted is He, {Your Lord has decreed that you worship none but Him, and that you show kindness to parents. If one or both of them reach old age with you, do not say "Uff" to them, and do not rebuke them, but speak to them graciously}; and their argument concerning the procedure of sworn oaths in a homicide case from the cow of the Children of Israel, and similar insipid, corrupt obfuscation that falls within the bounds of the delirium of those suffering from phrenitis. But Allah, mighty and majestic, has spared us, through the evident texts that leave no room for interpretation and through His support for us, the need to strain after byways and make unsound claims. Anyone who has swords at his disposal has no need to fight with broken straw, especially those among them who say that, when part of a text has been particularized, nothing from the remainder is to be adopted except what is agreed upon by consensus. Such a person should be told here: Many things have been excluded from the permission of right-hand possession by explicit text and by consensus. These include males, beasts, a mother through nursing, a sister through nursing, every woman prohibited through affinity or nursing, every menstruating woman, and every woman observing an obligatory fast. You yourself have excluded from it two sisters, a mother and daughter, a paternal aunt, and a maternal aunt. You are therefore bound to permit nothing of what remains except what is agreed upon. There is no agreement on the permissibility of a slave woman of the People of the Scripture through right-hand possession, nor has any explicit text established it. You are therefore obliged to declare her prohibited. To the rest of them it should be said: You are proponents of analogy. So draw an analogy between the matter over which we disagree—intercourse with a slave woman of the

منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن الله كان عليما حكيما} ورجعوا إلى الأصل بالإباحة. قال علي: وهذا خطأ شديد من كل وجه، وحتى لو كان التعارض موجودا، وكان العمل صحيحا لكان ههنا باطلا، فكيف والتعارض غير موجود لقوله تعالى {يريد الله أن يخفف عنكم وخلق لإنسان ضعيفا} ولقوله تعالى والعمل المذكور عنهم فاسد بترك ما قد ثبت اليقين بوجوب الطاعة له. قال علي: ولو كان العمل المذكور صحيحا لكان الرجوع إلى قوله تعالى: {قل للمؤمنين يغضوا من أبصارهم ويحفظوا فروجهم ذلك أزكى لهم إن الله خبير بما يصنعون} أولى منه إلى إباحة قد خص منها حفظ الفروج، ولكن الصواب ما بينا من استثناء الأقل معاني من الأكثر والعجب كل العجب من تحريمهم الأمة الوثنية بملك اليمين بلا خلاف منهم بقوله تعالى {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} وإباحتهم لأمة الكتابية بملك اليمين بلا نص فيها أصلا ولا إجماع فخصوا قوله تعالى {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} بلا دليل، وفرقوا بين الأمة الوثنية والكتابية بلا دليل فإن قالوا إن قوله تعالى {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} إنما قصد به الزواج اخطؤوا من وجهين: أحدهما: تخصيص العموم بلا دليل، والثاني: تناقضهم وتحريمهم الأمة الوثنية بملك اليمين، وإنما جاء نص الإباحة من الكتابيات بالزواج فقط

فحرام أن يستثنى من تحريم المشركات بشيء غير الزواج وحده الذي استثني بالنص، ولا سيما وهم يبطلون القياس، إنما أباح الإماء بملك اليمين من أباحهن قياسا على الحرائر منهن في الزواج، والقياس باطل، فلم يبق إلا أن يقولوا: إن المشركات اسم لا يقع على الكتابيات، فإن قالوا هذا وكان القائل مالكيا أو شافعيا تناقض في أنهم حملوا قوله تعالى {يأيها لذين آمنوا إنما لمشركون نجس فلا يقربوا لمسجد لحرام بعد عامهم هذا وإن خفتم عيلة فسوف يغنيكم لله من فضله إن شآء إن لله عليم حكيم} على الكتابي كما حملوه على الوثني. وإن كان حنفيا تناقض في حمله قوله تعالى {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} الآية على الكتابي كحملهم إياها على الوثني،

People of the Scripture through right-hand possession—and what we agree upon: the prohibition of two sisters through right-hand possession and all the other things we have mentioned. To the Malikis among them it should be said: You establish prohibition on the slightest ground, and establish permissibility only on the clearest basis. So prohibit intercourse with a slave woman of the People of the Scripture, since you have no ground for permitting it, slight or substantial, whereas you have the clearest ground for prohibiting it. If they claim consensus, Ibn Umar gives the lie to their claim, for it is authentically established that he prohibited women of the People of the Scripture altogether and recited the verse we have mentioned. Ali said: As for the majority of our fellow Zahirites, in setting aside texts whose apparent meanings conflict, they have followed a method of their own whose invalidity we have already explained. Thus they treated His statements, exalted is He, {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, your stepdaughters in your care born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you combine two sisters, except what has already occurred. Indeed, Allah is ever forgiving, merciful}, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, as conflicting with His statement, exalted is He, {And married women, except those whom

[89] **Translator's note (L1157):** The source reads "a maternal aunt and the maternal aunt's daughter," not the expected "a maternal aunt and her sister's daughter." The supplied relationship is retained. The phrase ثم إن يستثنوا is syntactically defective as supplied. The translation follows the apparent assertion that they except slave women of the People of the Book, without silently changing it to the possible conjecture ثم لم يستثنوا, "then they did not except." The restrictive clause beginning "unless there are two sisters together" awkwardly follows an already stated list of exceptions. Its repetition and position are retained.

your right hands possess: Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, seeking chastity rather than fornication. For whatever enjoyment you have had from them, give them their bridal dues as an obligation. There is no blame upon you concerning whatever you mutually agree upon after the prescribed obligation. Indeed, Allah is ever knowing, wise}. And they reverted to the original presumption of permissibility. Ali said: This is a grave error in every respect. Even if the conflict existed and the procedure were sound, it would be invalid here. How much more so when no conflict exists, because of His statement, exalted is He, {Allah wishes to lighten your burden, and the human being was created weak}, and because of His statement, exalted is He—and the procedure reported of them is unsound, since it abandons that which it has been established with certainty must be obeyed. Ali said: Even if the procedure mentioned were sound, reverting to His statement, exalted is He, {Tell the believing men to lower their gaze and guard their private parts. That is purer for them. Indeed, Allah is fully aware of what they do}, would be more appropriate than reverting to a permission from which there has been specifically excluded the guarding of private parts. But the correct position is what we have explained: excepting what encompasses fewer cases from what encompasses more. What is utterly astonishing is that they prohibit a pagan slave woman through right-hand possession, with no disagreement among themselves, on the basis of His statement, exalted is He, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, while permitting a slave woman of the People of the Scripture through right-hand possession, with absolutely no explicit text concerning her and no consensus. Thus they particularized His statement, exalted is He, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a

polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, without evidence, and distinguished between the pagan slave woman and the slave woman of the People of the Scripture without evidence. If they say that His statement, exalted is He, {Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not marry women to polytheist men until they believe. A believing slave man is better than a polytheist man, even if he pleases you. Those invite to the Fire, whereas Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed}, was intended only to refer to marriage, they err in two respects. The first is particularizing a general expression without evidence. The second is their contradiction in prohibiting a pagan slave woman through right-hand possession. The explicit text permitting women of the People of the Scripture refers only to marriage. It is therefore forbidden to make any exception to the prohibition of polytheist women on any basis other than marriage alone, which is what the explicit text excepted—especially when they invalidate analogy. Those who permitted slave women through right-hand possession permitted them only by analogy with marriage to free women among them, and analogy is invalid. Thus nothing remains except for them to say that the designation "polytheist women" does not apply to women of the People of the Scripture. If they say this, and the speaker is a Maliki or a Shafi'i, he contradicts himself, in that they applied His statement, exalted is He, {O you who believe, the polytheists are indeed impure, so let them not approach the Sacred Mosque after this year of theirs. If you fear poverty, Allah will enrich you from His bounty if He wills. Indeed, Allah is knowing, wise}, to a person of the People of the Scripture just as they applied it to a pagan. If he is a Hanafi, he contradicts himself by applying His statement, exalted is He, {When the sacred months have passed, kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give the obligatory alms, then let them go their way. Indeed, Allah is forgiving, merciful}—the

verse—to a person of the People of the Scripture just as they applied it to a pagan.[80][81][82][83][84][85][86]

[80]**Translator's note (L1142):** The heading's supplied wording lā yaḥillu ʿalā ʿumūmihi is awkward. "Is it not construed as general?" reflects its apparent contextual sense without treating the reading as certain. The final "that, if it is" follows the conditional sense required by the continuation, although the supplied text reads annahu kāna rather than an explicit conditional formulation.

[81]**Translator's note (L1144):** Both occurrences of the Qur'anic quotation, 2:43, have defective spellings of definite articles in the supplied text; the identifiable wording and its repetition are retained.

[82]**Translator's note (L1145):** The three quotations of Qur'an 9:103 are retained, including the final quotation's interruption before "All-Knowing," which appears in the next unit. The supplied Qur'anic wording has defective spelling in the name Allah, but its identity is clear.

[83]**Translator's note (L1146):** The sentence beginning "And his saying … when he was asked about donkeys" is syntactically incomplete in the supplied Arabic: a connecting predicate appears to be missing before "that this wording does not mean all wealth." No missing statement or answer has been supplied. The supplied text reproduces the whole verse as the "expression" under discussion and then repeats it as its containing quotation. The continuation shows that the author is discussing the partitive force of "from," but the repeated full quotations have been retained without substitution. The opening completes the preceding unit's quotation of Qur'an 9:103.

[84]**Translator's note (L1147):** The supplied reading sima means a mark or brand and is anomalous in this list of tiny items of property. It may be a corruption of a word such as "sesame seed," but "brand" retains the supplied reading.

[85]**Translator's note (L1148):** The supplied reading lukhkhiṣa, "was summarized," in the clause rendered "have been singled out from it" is anomalous. The context indicates exclusion through specification, but the wording may be corrupt.

[86]**Translator's note (L1151):** The opening نرى can be read as "we see" or, with different vocalization, "we show." The latter sense is adopted to connect it with the preceding "And we." The Quranic quotations exhibit recurrent omission of initial alifs in such forms as لذي, لأرض, and لله. Their readily identifiable words are translated without treating these transcriptional omissions as substantive changes. ولا أعلم is rendered "or conveys more knowledge"; its unvocalized form also permits the awkward literal reading "nor more knowing."

L1165–1168 The demonstration of this is their acceptance of their conversion to Islam if they convert. The verse concerning warfare against the People of the Book contains only: {Fight those who do not believe in Allah or in the Last Day, who do not forbid what Allah and His Messenger have forbidden, and who do not profess the religion of truth, from among those who were given the Book, until they pay the tribute by hand while humbled.} And through Allah comes success. Among the arguments advanced by ʿIsa ibn Aban for his position that, when anything in a text has been subjected to specification, all the remainder must be construed as specific, was his statement that this resembles two witnesses who have been impugned over some incident, so that this necessarily applies to all their testimony concerning everything. ʿAli ibn Ahmad said: This statement, besides its incoherence and its comparison of something to what does not resemble it, constitutes tremendous presumption against Allah, Mighty and Majestic, and against His Messenger, may Allah bless him and grant him peace ﷺ. Even if analogy were valid—and Allah Most High has protected us from that—this analogy would be the most foolish analogy on earth. How much more so, then, when analogy is entirely invalid! Praise belongs to Allah Most High. Thus ʿIsa should be told: Would that I knew what made the speech of Allah Most High and the speech of His Messenger, may Allah bless him and grant him peace ﷺ—whom Allah Most High has obliged us to revere and obey, and forbidden us to disobey—resemble the speech of two evildoers whose discrediting has been established and whose reports He Most High has commanded us not to accept! Rather,

وبرهان ذلك قبولهم إسلامهم إن أسلم وليس في آية حرب أهل الكتاب إلا {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون} فقط وبالله التوفيق. ومما احتج به عيسى بن أبان في قوله: إن النص إذا خص منه شيء وجب حمل سائره على الخصوص أن قال: إن ذلك مثل شاهدين جرحا بقصة ما، فوجب على سائر شهادتهما في كل شيء. قال علي بن أحمد: وهذا القول فمع ما فيه من الاضطراب وتشبيه بشيء لا يشبهه إقدام عظيم على الله عز وجل وعلى رسوله صلى الله عليه وسلم ولو كان القياس حقا وقد أعاذ الله تعالى من ذلك لكان هذا القياس أحمق قياس في الأرض، فكيف والقياس كله باطل. ولله تعالى الحمد. فيقال لعيسى: ليت شعري ما الذي شبه كلام الله تعالى وكلام رسوله صلى الله عليه وسلم الذي ألزمنا الله تعالى توقيره والطاعة له، وحرم علينا معصيته بكلام فاسقين قد ثبت جرحتهما، وقد أمرنا تعالى ألا نقبل خبرهما. بل لقائل هذا القول المردود مثل السوء، ولله تعالى ولرسوله المثل الأعلى، وهلا قال إذ لم يوفقه الله تعالى لقبول الحق: إن النص الذي خص بعضه بمنزلة شاهدين عدلين شهدا لأبيهما فلم يقبلا على مذهبه الفاسد، فلا يكون ذلك موجبا لرد شهادتهما في سائر ما شهدا به لغير أبيهما، فهذا قياس أصح من قياسه لو كان القياس حقا، فكيف والقياس باطل كله فاسد، إلا أن الذي علمناهم أمثل لأننا مأمورون بقبول شهادة العدلين كما نحن مأمورون بقبول النص الوارد من الله تعالى ورسوله صلى الله عليه وسلم والعمل به فإذا سقط عنا قبول ما شهدا به لدليل قام على ذلك في بعض المواضع، لم يوجب ذلك سقوط سائر شهادتهما في سائر المواضع، وكذلك النص اللازم لنا قبوله إذا قام دليل على سقوط بعضه في بعض المواضع لم يكن ذلك موجبا لسقوط باقيه وسائره. فهذا أشبه مما قال، لأن الجرح الذي نظر به مسقط العدالة بالجملة، وليس خصوص النص بمسقط للعمل به جملة. ولو شبه الشاهد

[87] **Translator's note (L1154):** The opening وجدها is grammatically anomalous before هذا الاستثناء; "we found that this exception" follows the apparent construction intended, while the supplied word itself contains a feminine object suffix. The source twice reads علمنا, "we knew," where the argument appears to call for عملنا, "we acted upon." The translation retains the supplied reading. The source describes the second of three texts as دونهما, "below the two of them," and the third as دونهم معا, literally "below them together." The awkward comparison and pronoun sequence have been retained. The phrase لأننا نوجد لا نصا is corrupt or grammatically defective as supplied. "Because we produce a text" renders the apparent argument, but the intervening لا has no clear syntactic function.

[88] **Translator's note (L1156):** The source repeats the entirety of Quran 4:23 after "up to His saying" and again after "and to His saying," following its full quotation in the preceding unit. These apparent quotation or transcription errors are preserved in full.

the evil likeness belongs to the proponent of this rejected statement, while to Allah Most High and His Messenger belongs the highest likeness. Why did he not say, since Allah Most High did not grant him success in accepting the truth, that a text some of which has been subjected to specification is like two upright witnesses who testify on behalf of their father and whose testimony is therefore not accepted according to his corrupt doctrine? This would not require rejecting their testimony in all the other matters concerning which they testified on behalf of someone other than their father. This would be a sounder analogy than his, if analogy were valid. How much more so, then, when analogy is entirely invalid and unsound! Nevertheless, the example we have taught them is more fitting, because we are commanded to accept the testimony of two upright witnesses, just as we are commanded to accept and act upon the text transmitted from Allah Most High and His Messenger, may Allah bless him and grant him peace ﷺ. If our obligation to accept what they have testified to lapses in certain instances because evidence establishing this has arisen, that does not require the remainder of their testimony to lapse in all other instances. Likewise, when evidence establishes that part of a text which we are bound to accept ceases to apply in certain instances, that does not require the rest and remainder of it to cease to apply. This is a closer resemblance than what he proposed, because the impugning with which he drew his parallel eliminates upright standing altogether, whereas the specification of a text does not eliminate acting upon it altogether. Had he compared the witness whose upright standing has been impugned to what has been abrogated of dominion and revealed laws, and thereby required all of them to cease to bind us, he would have been more effective in obfuscation and subtler in drawing his comparison. Yet, despite their advocacy of analogy and their abandonment, for its sake, of the speech of Allah Most High and the speech of His Messenger, may Allah bless him and grant him peace ﷺ, you find them the most ignorant of creatures in arranging their falsehood and the most incoherent in it. Such is the character of whatever comes from someone other than Allah. Praise belongs to Allah for the success He has graciously granted. ʿAli said: ʿIsa forgot himself when he stated what we have mentioned: that when part of a text has been subjected to specification, nothing of its remainder is to be adopted except what is agreed

المجرح عدالته بالمنسوخ من الملك والشرائع فأوجب بذلك سقوط جميعها عنا، لكان أدخل في التمويه، وألطف في التشبيه، ولكنهم مع قولهم بالقياس وتركهم له كلام الله تعالى وكلام رسوله صلى الله عليه وسلم فإنك تجدهم أجهل الخلق بترتيب باطلهم وأشدهم اضطرابا فيه وهكذا يكون ما كان من عند غير الله. ولله الحمد على ما وفق بمنه. قال علي: ونسي عيسى نفسه إذ قال بما ذكرنا، من أن النص إذا خص بعضه لم يؤخذ من باقيه إلا ما اتفق على الأخذ به منه فهلا تذكر على هذا الأصل إذ قال في نهيه صلى الله عليه وسلم عن قتل النساء إن المرتدة لا تقتل

upon as being applicable. Why, then, did he not remember this principle when, concerning his prohibition, may Allah bless him and grant him peace ﷺ, of killing women, he said that a female apostate is not to be killed?[97][98]

L1169–1170 Yet this is a text from which the adulteress of legally protected marital status and the female killer have been excluded by specification. Why, then, did he not also exclude the female apostate from it, adopting from it only the agreed prohibition against killing captive women from the enemy? But these people merely champion whatever questions of theirs happen to come before them. They care neither about the principles they have established concerning this nor about the arguments they have advanced, and they feel no shame in contradicting it an hour later and nullifying it through a principle opposed to the first principle, according to whatever questions are presented to them. All this is in obedience to Malik, Abu Hanifa, Abu Yusuf, and Muhammed ibn al-Hasan, with little concern for contradicting the Quran and abandoning the speech of the Prophet, may Allah bless him and grant him peace ﷺ. We seek Allah Most High's help against being forsaken, and ask for further success. ʿAli said: There is no difference between subjecting part of a verse or hadith to specification when no specification has been transmitted concerning that part, merely because another part of either has been subjected to specification, and someone seeking on that basis to subject every verse and every hadith to specification because verses and hadiths subjected to specification have been found. All this is arbitrary assertion without evidence, or with unsound evidence, and it entails nullifying the revealed law. Whoever permits and approves what we have mentioned must hold that every verse is abrogated, because abrogated verses have been transmitted. This leads to nullifying Islam. They should be asked: What difference is there between you and someone who subjects an entire surah to specification, or declares

وهذا نص قد خص منه الزانية المحصنة والقاتلة، فهلا أسقط أيضا منه المرتدة، ولم يأخذ منه إلا ما اتفق عليه من المنع من قتل الحربيات المأسورات، ولكن القوم إنما هم ناصرون لما حضرهم من مسائلهم لا يبالون بما أصلوا في ذلك، ولا بما احتجوا، ولا يستحيون من نقضه بعد ساعة، وإبطاله بأصل مضاد للأصل الأول على حسب ما يرد عليهم من المسائل كل ذلك طاعة لمالك وأبو حنيفة وأبي يوسف ومحمد بن الحسن، وقلة مبالاة لمخالفة القرآن وترك كلام النبي صلى الله عليه وسلم وبالله تعالى نستعين من الخذلان ونسأل المزيد من التوفيق. قال علي: ولا فرق بين تخصيص بعض آية أو حديث لم يرد في ذلك البعض تخصيص، لكن لأنه قد خص بعض آخر منهما وبين من أراد من ذلك أن يخص كل آية وكل حديث، لأنه قد وجد آيات مخصوصات وأحاديث مخصوصة، وكل هذا تحكم بلا دليل، أو بدليل فاسد. وفي هذا إبطال الشريعة، ومن استجاز ما ذكرنا وصوبه، لزمه أن يقول بنسخ كل آية، لأنه قد وردت آيات منسوخات. وهذا يخرج إلى إبطال الإسلام، ويقال لهم: ما الفرق بينكم وبين من خص سورة بكمالها أو قال بنسخ كل ما فيها، لأنه وجد بعضها منسوخا ومخصوصا. وهذا ما لا يقولونه وهو موجب قولهم الفاسد. قال علي: واحتج بعض من ذهب هذا المذهب فقال: من حلف أن هذه الآية أو الحديث مخصوصا فيما قد قام الدليل على تخصيص بعضهما لم يحنث. قال علي: يقال له صدقت. ومن نازعك في هذا حتى تلحقه، ونحن نقر لك بأن هذا النص مخصوص إذا قام الدليل على خصوص بعضه، ولكن الباقي بعد ما خص مأخوذ على موجبه وعلى كل ما اقتضاه لفظه بعد ما خرج منه، ونحن على ما لزمنا من وجوب الطاعة له.

[97] **Translator's note (L1165):** The wording following the impugning of the two witnesses is syntactically incomplete: literally, 'so it became obligatory upon all the remainder of their testimony concerning everything.' The translation supplies the implied application of the adverse judgment.

[98] **Translator's note (L1167):** The supplied text reads 'dominion' (al-mulk). This is awkward alongside 'revealed laws' and may be a transcription error for a term such as 'religious communities' (al-milal); the supplied reading has been retained.

everything in it abrogated, because he has found some of it abrogated and subjected to specification? This is something they do not maintain, yet it is a necessary consequence of their corrupt position. ʿAli said: One of those who adopted this doctrine argued: Whoever swears that this verse or hadith is subject to specification, in a case where there has arisen evidence for specifying part of either, has not broken his oath. ʿAli said: He should be told: You have spoken truly. Who disputed this with you, that you should append it? We acknowledge to you that this text is subject to specification when evidence establishes the specific scope of part of it. But what remains after the specification is adopted according to what it requires and everything its wording entails after what has been excluded from it; and we remain bound by our obligation to obey it.[99]

L1171–1172 ʿAli said: Whoever maintains this must say: Whenever I find a number from which something has been excepted, I must discard it altogether; and whenever I find a person some of whose property must be taken, I will refrain from taking the remainder of it only if consensus prevents me from doing so. Whoever says this must say concerning the statement of Allah Most High, {We indeed sent Noah to his people, and he remained among them a thousand years less fifty years; then the Flood seized them while they were wrongdoers}: Perhaps another fifty were excluded from these by an exception, so that his stay among them was only nine hundred years, or less. This is corruption of reason and unbelief in Islam. If someone says: Al-Zubayr and ʿAbd al-Rahman were granted a concession concerning silk because of an itch affecting them both, and you said that this applies generally to everyone in a situation like theirs, he should be told: This is the explicit text of His statement, Most High: {What is the matter with you that you do not eat of that over which Allah's name has been mentioned, when He has detailed for you what He has forbidden you, except what you are compelled by necessity to consume? Many indeed lead others astray through their desires without knowledge. Your Lord indeed knows best those who

[99] **Translator's note (L1169):** 'Legally protected marital status' renders muhsana, a technical designation in the law of unlawful intercourse; it does not simply mean that the woman is presently married.

قال علي: ويلزم من قال بهذا أن يقول: متى وجدت عددا قد استثني منه شيء وجب أن أسقطه كله، ومتى وجدت إنسانا قد وجب أخذ بعض ماله، لم أمتنع من أخذ باقته إلا أن يمنعني منه إجماع، ومن قال هذا لزمه في قول الله تعالى: {ولقد أرسلنا نوحا إلى قومه فلبث فيهم ألف سنة إلا خمسين عاما فأخذهم لطوفان وهم ظالمون} أن يقول لعله قد خصت منها خمسون أخر بالاستثناء فيكون مقامه فيهم تسعمائة عام فقط أو أقل، وهذا فساد في العقل وكفر في الإسلام. فإن قال قائل: قد رخص للزبير وعبد الرحمن في الحرير لحكة كانت بهما فقلتم أنتم: هو عام لكل من كان في مثل حالهما. قيل له: هذا هو نص قوله تعالى {وما لكم ألا تأكلوا مما ذكر سم لله عليه وقد فصل لكم ما حرم عليكم إلا ما ضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بلمعتدين} فكل مضطر إلى محرم فهو له حلال وهذا الحديث الذي فيه إباحة الحرير لعبد الرحمن والزبير هو بعض الآية المذكورة، وهو بمنزلة مفت سمع أن اليمين على من ادعي عليه، فأوجب اليمين بذلك على زيد، وعلى عمرو، وعلى خالد، لأنهم مدعى عليهم، فأصاب في ذلك وكل هؤلاء قد اقتضاهم الحديث المذكور. فإن

transgress.} Thus, anything forbidden is lawful for anyone compelled by necessity to resort to it. This hadith permitting silk to ʿAbd al-Rahman and al-Zubayr is part of the aforementioned verse. It is like a legal adviser who hears that the oath is incumbent upon the person against whom a claim is brought, and accordingly requires Zayd, ʿAmr, and Khalid to take an oath because claims have been brought against them. He is correct in this, and all these people fall within what the aforementioned hadith entails. If someone says: Why, then, did you not apply generally the verse you mentioned, in His statement, {What is the matter with you that you do not eat of that over which Allah's name has been mentioned, when He has detailed for you what He has forbidden you, except what you are compelled by necessity to consume? Many indeed lead others astray through their desires without knowledge. Your Lord indeed knows best those who transgress.}, and thereby permit the rebel to eat carrion when compelled by necessity to do so, whereas you do not do this? He should be told—and through Allah Most High comes success: We prohibited it to him for only two reasons. The first is that the rebel is excepted from the totality of those compelled by necessity, and we have said that what has fewer referents must be excepted from what has more referents. The second reason is that the rebel is compelled by necessity, because, if he abandoned rebellion, his necessity would cease on that account. He therefore chooses his condition and is not compelled by necessity to eat carrion, because, if he wished to abandon rebellion, he would be able to do so, and carrion would then become lawful for him on account of a necessity, if he were suffering one. The person compelled by necessity is only someone unable to avert his necessity. Someone who takes a road while in rebellion, or fortifies himself in a fortress while in rebellion, chooses his inability to move about freely and is therefore not compelled by necessity. Thus he is not included among those for whom carrion has been made lawful. Through

قال قائل: فهلا عممتم الآية التي ذكرتم في قوله {وما لكم ألا تأكلوا مما ذكر سم لله عليه وقد فصل لكم ما حرم عليكم إلا ما ضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بلمعتدين} فأبحتم به أكل الميتة للباغي إذا اضطر إليها، وأنتم لا تفعلون ذلك؟ قيل له وبالله تعالى التوفيق: إنما منعناه لوجهين: أحدهما: أن الباغي مستثنى من جملة المضطرين، وقد قلنا: إنه يجب استثناء الأقل معاني من الأكثر معان. والوجه الثاني: أن الباغي مضطر، لأنه لو ترك البغي لارتفعت ضرورته من أجله، فهو مختار لحاله غير مضطر إلى الميتة، لأنه لو أراد ترك البغي لكان قادرا على ذلك، ولحلت له الميتة حينئذ لضرورة إن كانت به إنما المضطر الذي لا يقدر على دفع ضرورته، ومن سلك طريقا وهو باغ وتحصن في حصن وهو باغ فهو المختار لعدم التصرف فليس مضطرا، فليس له دخول في جملة من أبيحت له الميتة. وبالله تعالى التوفيق وهو حسبنا ونعم الوكيل

Allah Most High comes success. He is sufficient for us, and excellent is He as Trustee.[100][101][102]

[Section on Questions Concerning General and Specific Scope]

L1173

L1174–1178 Ali said: Among the matters in which those who advocate specifying the scope of texts by analogy have contradicted themselves is that they affirmed the general applicability of His statement, Most High: {Those of you who die and leave wives behind: they shall wait by themselves for four months and ten days. Then, when they have reached the end of their term, there is no blame upon you for what they do with themselves in an acceptable manner. Allah is fully aware of what you do.} They said that a woman whose marriage has been consummated and one whose marriage has not been consummated are alike. Yet they did not draw an analogy between a woman whose marriage has not been consummated in the case of death and a woman whose marriage has not been consummated in the case of divorce, as some of them drew an analogy between mourning for a woman divorced three times and mourning for a woman whose husband has died. If analogy is valid, let them employ it in every pair of similar cases; and if it is invalid, let them avoid it.

He said: Among the passages whose scope has been specified by consensus is His statement, Most High: {Allah enjoins you concerning your children: the male shall have the equivalent of the share of two females. If they are females, more than two, they shall have two-thirds of what he leaves; and if there is

[100] **Translator's note (L1171):** The supplied baqatihi, translated 'the remainder of it,' appears to be a transcription error for baqiyyatihi. 'Rebel' renders baghi here, following the subsequent discussion of abandoning rebellion and taking refuge in a fortress. 'What has fewer referents' renders al-aqall maʿani, referring here to the expression with the narrower scope.

[101] **Translator's note (L1172):** The supplied text says 'the rebel is compelled by necessity,' although the ensuing argument explicitly denies that he is compelled by necessity. A missing negative is possible; the contradiction has been retained rather than silently corrected. 'What has more referents' continues the preceding unit's comparison between expressions of narrower and broader scope.

[102] **Qur'an references (L1171):** Qur'an 29:14 (Al-'Ankabut); Qur'an 6:119 (Al-An'am).

[فصل في مسائل من العموم والخصوص]

قال علي ومما تناقض فيه القائلون بتخصيص النصوص بالقياس أن قالوا بعموم قوله تعالى {ولذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا فإذا بلغن أجلهن فلا جناح عليكم فيما فعلن في أنفسهن بلمعروف ولله بما تعملون خبير} فقالوا المدخول بها وغير المدخول بها سواء، ولم يقيسوا غير المدخول بها في الوفاة على غير المدخول بها في الطلاق، كما قاس بعضهم الإحداد على المطلقة ثلاثا، على الإحداد على المتوفى عنها زوجها، فإن كان القياس حقا فليستعملوه في كل مشتبهين، وإن كان باطلا فليجتنبوه. قال ومما خص بالإجماع قوله تعالى {يوصيكم لله في أولادكم للذكر مثل حظ لأنثيين فإن كن نسآء فوق ثنتين فلهن ثلثا ما ترك وإن كانت واحدة فلها لنصف ولأبويه لكل واحد منهما لسدس مما ترك إن كان له ولد فإن لم يكن له ولد وورثه أبواه فلأمه لثلث فإن كان له إخوة فلأمه لسدس من بعد وصية يوصي بها أو دين آبآؤكم وأبناؤكم لا تدرون أيهم أقرب لكم نفعا فريضة من لله إن لله كان عليما حكيما} فخص بنص السنة العبد بأنه لا يرث وخصت السنة أيضا الكافر بأنه لا يرث المسلم ولا المسلم الكافر وقال تعالى {دعوهم لآبآئهم هو أقسط عند لله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيما أخطأتم به ولكن ما تعمدت قلوبكم وكان لله غفورا رحيما} وقال رسول الله صلى الله عليه وسلم رفع عن أمتي الخطأ والنسيان فخص الكتاب قائل الخطأ بوجوب الكفارة عليه، وخص الإجماع المنقول من أحدث ناسيا أنه منتقض الوضوء، وقد ادعى قوم أن حد العبد مخصوص بالقياس على حد الأمة. قال علي: وقد أفكوا في ذلك، بل جاء النص بأن

one, she shall have half. For his parents, each of the two shall have one-sixth of what he leaves, if he has a child. If he has no child and his parents inherit from him, his mother shall have one-third. If he has siblings, his mother shall have one-sixth, after any bequest he makes or debt. Your fathers and your sons—you do not know which of them is nearer to you in benefit. An obligation from Allah; surely Allah is All-Knowing, Wise.} Thus, an explicit text of the Sunna singled out the slave as one who does not inherit. The Sunna also singled out the unbeliever, establishing that he does not inherit from a Muslim, nor does a Muslim inherit from an unbeliever.

He, Most High, said: {Call them after their fathers; that is more equitable in Allah's sight. If you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for that in which you have erred, but for what your hearts have deliberately intended. Allah is Ever-Forgiving, Merciful.} Allah's Messenger ﷺ said: "Error and forgetfulness have been lifted from my community." Scripture thus singled out the person who speaks in error as being obliged to make expiation, and transmitted consensus singled out someone who, forgetfully, incurs a state of ritual impurity, establishing that his ablution is invalidated.

Some people have claimed that the prescribed punishment for a male slave is specified by analogy with the prescribed punishment for a female slave. Ali said: They have indeed spoken falsely in this. Rather, an explicit text establishes that the prescribed punishment for a male slave differs from that for a free man, in the report concerning the blood money of a slave under a contract of emancipation, transmitted through Ali, may Allah be pleased with him, and Ibn Abbas, may Allah be pleased with them both.

They also said, concerning His statement, Most High: {The sacrificial camels—We have made them for you among Allah's ritual symbols. In them there is good for you. So mention Allah's name over them as they stand in rows; then, when their sides have fallen, eat of them, and feed the contented poor person and the supplicant. Thus We have subjected them to you, so that you may give thanks.}—that the sacrifice offered as compensation for hunting was excluded from this by consensus, in that none of it may be eaten, and that the sacrificial offering for combining pilgrimage with the lesser pil-

حد العبد مخالف لحد الحر في حديث دية المكاتب من طريق علي رضي الله عنه، وابن عباس رضي الله عنهما وقالوا أيضا في قوله تعالى {ولبدن جعلناها لكم من شعائر لله لكم فيها خير فذكروا سم لله عليها صوآف فإذا وجبت جنوبها فكلوا منها وأطعموا لقانع ولمعتر كذلك سخرناها لكم لعلكم تشكرون} أنه خص منها جزاء الصيد في أنه لا يؤكل منه بالإجماع، وهدي المتعة قيس عليه. قال علي: هذا خطأ، إنما أمر تعالى بالأكل من التطوع ما لم يعطب قبل محله، وأما كل هدي واجب فقد قال تعالى: {يا أيها الذين آمنوا لا تأكلوا أموالكم بينكم بالباطل إلا أن تكون تجارة عن تراض منكم ولا تقتلوا أنفسكم إن لله كان بكم رحيما} فلما كانت هذه الواجبات كلها مأمورا بإخراجها من أموالنا، وكان ذلك مسقطا لملكنا عنها كانت قد انتقلت إما إلى ملك المساكين، وإما إلى ملك الله عز وجل، لا بد من أحد الوجهين المذكورين، وما خرج عن ملكنا فلا يحل لنا أن ننصرف فيه إلا بنص مبيح أو إجماع والعجب من حملهم أمر الله تعالى بالأكل منها والإطعام، على أن ذلك غير واجب، ثم أرادوا أن يخصموا منها بقياس لا يشبه ما أرادوا تشبيهه به، نعني هدي المتعة بهدي الجزاء، فهلا إذ قاسوا هدي المتعة على هدي الجزاء قاسوا صيام الجزاء على صيام المتعة، ولكن هذا في تناقضهم يسير جدا، وأيضا فلا إجماع في تحريم الأكل من جزاء الصيد، وقد روينا عن بعض التابعين إباحة الأكل منه. قال علي: وقال بعضهم: كيف تتركون ظاهر القرآن الذي من أنكره أو شك فيه كفر، لخبر واحد لا تكفرون ما خالفكم فيه، ولا تفسقونه؟ قال علي: فيقال لهم: وبالله تعالى التوفيق: القطع على وجوب الائتمار لهما معا واحد بالدلائل التي قد ذكرناها في باب إثبات العمل بخبر الواحد من هذا الكتاب، وكلاهم وحي من عند الله تعالى، والقطع في المراد منهما بالمغيب منهما معا إنما هو على حسب الظاهر منهما، وإنما يكفر من أنكر تنزيل القرآن أو تنزيل بعضه فقط، وأما إن أنكر

grimage was treated by analogy with it. Ali said: This is an error. He, Most High, commanded eating only from a voluntary offering, provided it does not become unfit before reaching its appointed place As for every obligatory sacrificial offering, He, Most High, has said: {O you who believe, do not consume your wealth among yourselves wrongfully, unless it be trade by mutual consent among you. And do not kill yourselves; surely Allah is merciful to you.} Since all these obligatory offerings are commanded to be removed from our wealth, and since that extinguishes our ownership of them, they must have passed either into the ownership of the poor or into the ownership of Allah, Mighty and Majestic. One of these two possibilities must obtain. Whatever has passed out of our ownership is not lawful for us to dispose of except through an explicit text permitting it or through consensus.

What is astonishing is that they construe Allah's command, Most High, to eat of them and feed others as not obligatory, and then seek to make exclusions from it by an analogy in which the thing they wish to compare bears no resemblance to that with which they compare it: we mean the sacrificial offering for combining pilgrimage with the lesser pilgrimage and the sacrificial offering of compensation. Why, then, when they drew an analogy between the sacrificial offering for combining pilgrimage with the lesser pilgrimage and the sacrificial offering of compensation, did they not draw an analogy between the fasting required as compensation and the fasting required for combining pilgrimage with the lesser pilgrimage? Yet this is a very minor instance of their contradictions. Furthermore, there is no consensus prohibiting eating from the compensation for hunting. We have transmitted from some of the Successors that eating from it is permissible.

Ali said: Some of them said: "How can you abandon the apparent sense of the Qur'an—which someone who denies it or doubts it thereby becomes an unbeliever—for a solitary report, when you neither declare someone who disagrees with you concerning it an unbeliever nor declare him morally transgressive?"

Ali said: They should be told—and success is through Allah Most High—that certainty concerning the obligation to obey both is one and the same, on the grounds of the proofs we have already mentioned in the chapter establishing

الأخذ بظاهره، وتأول في آياته تأويلات لا يخرج بها عن الإجماع، فإننا لا نكفره ما لم تقم الحجة عليه، كما لا نكفر من خالفنا في قبول خبر الواحد ما لم تقم الحجة عليه، وكلا الأمرين سواء، ولو أن امرأ يقول لا أقبل ما قال رسول الله صلى الله عليه وسلم لكان كافرا مشركا كمن أنكر القرآن أو شك فيه ولا فرق وبالله تعالى التوفيق

the obligation to act upon a solitary report in this book. Both are revelation from Allah Most High. Certainty concerning what is intended by them, with respect to what is hidden in both, is only according to their apparent sense. Only someone who denies the revelation of the Qur'an, or the revelation of some part of it, thereby becomes an unbeliever. But if someone rejects adherence to its apparent sense and interprets its verses in ways that do not take him outside consensus, we do not declare him an unbeliever unless the proof has been established against him, just as we do not declare someone who disagrees with us about accepting a solitary report an unbeliever unless the proof has been established against him. The two matters are alike. If a person were to say, "I do not accept what Allah's Messenger, may Allah bless him and grant him peace, said," he would be an unbeliever and a polytheist, like someone who denies the Qur'an or doubts it, without any difference. And success is through Allah Most High.[103][104][105][106]

L1179 **[Section of the Discussion of General Applicability]**

[103]**Translator's note (L1174):** The Qur'anic quotations contain numerous omitted initial alifs and other orthographic defects. Where the intended words remain clear, these have been represented by their meaning. The quotation corresponding to Qur'an 33:5 reads دعوهم rather than ادعوهم. The translation follows the evident quoted sense, "Call them," while noting that the supplied spelling can independently mean "Leave them." The text reads قائل الخطأ, "the person who speaks in error." The context of obligatory expiation strongly suggests a corruption of قاتل الخطأ, "one who kills by mistake"; the supplied reading has been retained.

[104]**Translator's note (L1175):** القانع can denote either a contented poor person who refrains from asking or a person who asks; المعتر denotes someone who approaches seeking assistance. The translation preserves one established distinction between the two.

[105]**Translator's note (L1177):** The supplied يخصموا literally suggests deducting or subtracting; in this discussion it appears to mean making exclusions from the command's scope, possibly reflecting a corruption of يخصوا. The clause بالمغيب منهما معا, rendered "with respect to what is hidden in both," is awkward and its precise connection to the surrounding argument is uncertain. The supplied ما خالفكم appears to stand for من خالفكم, "someone who disagrees with you." The salutation is divided between this unit and the next; only the portion present here has been translated.

[106]**Qur'an references (L1174):** Qur'an 2:234 (Al-Baqarah); Qur'an 4:11 (An-Nisa); Qur'an 33:5 (Al-Ahzab); Qur'an 22:36 (Al-Hajj); Qur'an 4:29 (An-Nisa).

[فصل من الكلام في العموم]

قال علي وإذا ورد أن رسول الله صلى الله عليه وسلم فعل فعلا كذا نظرنا فإن كان عرضا منتهكا أو دما مسفوحا، أو مالا مأخوذا، علمنا أن ذلك واجب، لأنه عليه السلام حرم الدماء والأموال والأعراض جملة إلا بحق، فما أخذ عليه السلام من ذلك علمنا أنه فرض أخذه، وأنه مستثنى من التحريم المذكور، من ذلك جلد الشارب، وهمه عليه السلام بإحراق بيوت المتخلفين عن الصلاة، وهو عليه السلام لا يهم إلا لحق واجب لو أصر عليه المهموم فيهم لأنفذه عليهم، لا يحل لأحد أن يظن غير ذلك، ومن قال: إنه عليه السلام يتوعد بما لا يفعل، فقد نسب إليه الكذب وناسب ذلك إليه كافر، ومثل ذلك القضاء باليمين مع الشاهدين وغير ذلك كثير

L1180 Ali said: When it is reported that Allah's Messenger ﷺ performed a certain act, we examine it. If it involved the violation of someone's honor, the shedding of blood, or the taking of property, we know that it was obligatory, because he, peace be upon him, prohibited bloodshed, the taking of property, and violations of honor in their entirety, except by right. Thus, whatever he, peace be upon him, took from these, we know that taking it was obligatory and that it was excepted from the aforementioned prohibition. Examples include flogging the drinker and his intention, peace be upon him, to burn down the houses of those who stayed away from prayer. He, peace be upon him, only contemplates such an act for an obligatory right: if those against whom he contemplated it persisted in their conduct, he would carry it out against them. It is not lawful for anyone to think otherwise. Whoever says that he, peace be upon him, threatens something he will not do has attributed lying to him, and anyone who attributes that to him is an unbeliever. Similar instances include adjudicating on the basis of an oath together with two witnesses, and there are many others.[107]

[فصل من العموم]

قال علي العموم قسمان منه مفسر ومنه مجمل، فالمجمل هو الذي لا يفهم من ظاهره معناه، والمفسر قد ذكرناه، وأما المجمل فلا بد من طلب المراد فيه من أحد موضعين: إما من نص آخر، وإما من إجماع، فإذا وجدنا تفسير تلك الكلمة في نص آخر قلنا به وصرنا إليه، ولم نبال من خالفنا فيه ولا استوحشنا منه كثروا أو قلوا صغروا أو جلوا، ولم نتكثر بمن وافقنا فيه كائنا من كان من قديم أو من حديث وقليل وكثير وليس ممن كان معه الله ورسوله صلى الله عليه وسلم قلة ولا ذلة ولا وحشة إلى أحد ولا فاقة إلى وفور عدد، فإذا لم نجد نصا آخر نفسر هذا المجمل، وجب علينا ضرورة فرض طلب المراد من ذلك المجمل في الإجماع المتيقن المنقول عن جميع علماء الأمة الذين قال تعالى فيهم {يا أيها الذين آمنوا أطيعوا الله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى الله ولرسول إن كنتم تؤمنون بالله وليوم لآخر ذلك

[Section on General Applicability]

L1181

L1182–1197 Ali said: General applicability is of two kinds: some expressions are explained, and others are indeterminate. An indeterminate expression is one whose meaning is not understood from its apparent wording. We have already discussed explained expressions. As for an indeterminate expression, its intended meaning must be sought from one of two sources: either another explicit text or consensus. When we find the explanation of that expression in another explicit text, we affirm it and adopt it. We pay no heed to whoever disagrees with us concerning it, nor are we dismayed by them, whether they are many or few, insignificant or eminent. Nor do we seek strength in the numbers of those who agree with us concerning it, whoever they may be, whether from earlier or later times, few or many. Whoever has Allah and His Messenger ﷺ with him suffers neither paucity nor humiliation, nei-

[107] **Translator's note (L1180):** The text explicitly reads "an oath together with two witnesses" (اليمين مع الشاهدين). This appears to be an error for the familiar formulation "an oath together with one witness"; the supplied wording has been retained.

ther loneliness that drives him to seek anyone's company nor need for great numbers. If we find no other explicit text by which to explain this indeterminate expression, it necessarily becomes an obligation upon us to seek its intended meaning in certain consensus transmitted from all the scholars of the community, concerning whom He, Most High, said concerning them: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute concerning anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and best in outcome.} The manner of proceeding in this is to adopt what they have unanimously agreed upon concerning what is intended by the meaning of that unspecific text, and leave aside that concerning which they disagreed. This is the true substance of what we have been commanded to do: adhere to consensus and abandon every position for which no evidence has been established. This is what we call the presumption of the continuation of the existing state and the least amount proposed. If someone says, "These are two names with different meanings. What is the difference between them? Why have you adopted one in some places and the other in other places? What defines the cases in which you adopt the presumption of the continuation of the existing state, and what defines the cases in which you adopt the least amount proposed? You call what you do in both cases adherence to consensus and a valid consensus, yet you yourselves do not countenance an unspecific formulation that you cannot explain, and you criticize the proponents of analogy most severely for this." He is to be told—and through Allah Most High comes success: "You have spoken truly in your description and done well in your question. The answer to what you have asked is that the cases in which we have acted upon what we call the least amount proposed concern a ruling imposing a financial payment or an act involving a number, where no text has come specifying its amount. It is therefore strictly obligatory that we issue no ruling against anyone, where nothing overturning that has been transmitted concerning a ruling against him, except on the basis of consensus upon the ruling against him. The number whose obligatory character they have agreed upon is one for which consensus upon ruling by it has been established. Anything beyond that is a position without evidence from either a text or consensus, and it is forbidden for any Muslim to adopt

خير وأحسن تأويلا} وكيفية العمل في ذلك أن نأخذ بما أجمعوا عليه من المراد بمعنى ذلك المجمل، ونترك ما اختلفوا فيه، فهذا هو حقيقة ما أمرنا به من الأخذ بالإجماع، وترك كل قول لم يقم عليه دليل. وهذا الذي نسميه استصحاب الحال، وأقل ما قيل: فإن قال قائل: إن هذان اسمان مختلفان في المعنى، فما الفرق بينهما؟ ولم صرتم إلى أحدهما في بعض الأمكنة؟ وإلى الآخر في أمكنة أخرى، وما حد المواضع التي تأخذون فيها باستصحاب الحال، وما حد المواضع التي تأخذون فيها بأقل ما قيل؟ وأنتم تسمون فعلكم في كلا الموضعين اتباعا للإجماع، وإجماعا صحيحا، وأنتم لا تسمون من أنفسكم بإجمال لا تستطيعون تفسيره، وتعيبون بذلك أصحاب القياس أشد عيب قيل له، وبالله تعالى التوفيق. صدقت في صفتك وأحسنت في سؤالك، والجواب عما سألت عنه، إن الذي عملنا فيه بأن سميناه أقل ما قيل، فإنما ذلك في حكم أوجب غرامة مال أو عملا بعدد لم يأت في بيان مقدار ذلك نص، فوجب فرضا ألا نحكم على أحد لم يرد ناقض في الحكم عليه إلا بإجماع على الحكم عليه، وكان العدد الذي قد اتفقوا على وجوبه وقد صح الإجماع في الحكم به، وكان ما زاد على ذلك قولا بلا دليل، لا من نص ولا إجماع، فحرام على كل مسلم الأخذ به، وأما الذي عملنا فيه بأن سميناه استصحاب الحال، فكل أمر ثبت إما بنص أو إجماع فيه تحريم أو تحليل أو إيجاب، ثم جاء نص مجمل ينقله عن حاله فإنما ننتقل منه إلى ما نقلنا النص، فإذا اختلفوا ولم يأت نص ببرهان على أحد الوجوه التي اختلفوا عليه، وكانت كلها دعاوى، فإذا ثبت على ما قد صح الإجماع أو النص عليه، ونستصحب تلك الحال، ولا ننتقل عنها إلى دعاوى لا دليل عليها، وهذا القسم موجود كثيرا، فهذا الجواب مستوعب لبيان جميع الوجوه التي سألت عنها، ومبين للحد الذي سألت عنه، وللفرق الذي سألت عنه ولوجوب المصير إلى ما سألت عن دليل وجوب المصير إليه، وبيان كون كلا الوجهين إجماعا، وبالله تعالى التوفيق. قال علي: ومن خالف الطريق التي

it. As for the cases in which we have acted upon what we call the presumption of the continuation of the existing state, these concern every matter in which a prohibition, permission, or obligation has been established by either a text or consensus, and then an unspecific text comes transferring it from its existing state. We transfer it only to that to which the text transfers us. If they disagree, and no text comes furnishing a demonstration for any one of the alternatives over which they disagree, and all of them are claims, then we remain with what consensus or a text has established, presume the continuation of that state, and do not depart from it for claims unsupported by evidence. This category occurs frequently. This answer comprehensively explains all the aspects you have asked about, clarifies the defining limit you have asked about and the difference you have asked about, and explains the obligation to adopt that concerning which you asked about the evidence establishing the obligation to adopt it, and explains how both approaches constitute consensus. And through Allah Most High comes success. Ali said: Whoever opposes the method we have mentioned necessarily has no alternative but one of two courses, with no third: either he speaks on the basis of his own opinion without evidence concerning the religion of Allah, Almighty and Majestic, or he follows authority uncritically; and all of that is false, so he cannot avoid falsehood. Ali said: We shall give examples of this so that it may be clearer to the student. We say—and through Allah Most High comes success—that examples include His saying, Most High: “Fight those who do not believe in Allah or in the Last Day, who do not prohibit what Allah and His Messenger have prohibited, and who do not profess the religion of truth, from among those who were given the Scripture, until they pay the tribute by hand while abased.” Another example is His saying, Most High: “It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake must free a believing slave and deliver blood money to his family, unless they forgo it as charity. If he belongs to a people who are enemies of yours, while he is a believer, then a believing slave must be freed. If he belongs to a people between whom and you there is a covenant, then blood money must be delivered to his family and a believing slave freed. Whoever cannot find the means must fast for two consecutive months, as repentance granted by Allah. And Allah is All-Knowing, All-Wise.” And His saying, Most

ذكرنا فلا بد له ضرورة من أحد وجهين لا ثالث لهما: إما أن يقول برأيه بلا دليل في دين الله عز وجل، وإما أن يقلد، وكل ذلك باطل، فلا بد له من الباطل. قال علي: ونحن نمثل من ذلك أمثله لتكون أبين للطالب، فنقول، وبالله تعالى التوفيق إن ذلك مثل قوله تعالى {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون} ومثل ذلك قوله تعالى {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من لله وكان لله عليما حكيما} وقوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} وقوله تعالى {فمن لم يجد فصيام شهرين متتابعين من قبل أن يتمآسا فمن لم يستطع فإطعام ستين مسكينا ذلك لتؤمنوا بلله ورسوله وتلك حدود لله وللكافرين عذاب أليم} وقوله تعالى {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} وقوله تعالى {للذين يؤلون من نسآئهم تربص أربعة أشهر فإن فآءوا فإن لله غفور رحيم} وقوله تعالى {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون لكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم فيهم خيرا وآتوهم من مال لله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن

High: “Complete the pilgrimage and the lesser pilgrimage for Allah. If you are prevented, then offer whatever sacrificial animal is readily available. Do not shave your heads until the sacrificial animal reaches its appointed place. Whoever among you is ill or has an ailment of the head must offer a ransom of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial animal is readily available. Whoever cannot find the means must fast three days during the pilgrimage and seven when you return: those are ten complete days. That is for one whose family does not reside in the vicinity of the Sacred Mosque. Fear Allah, and know that Allah is severe in punishment.” And His saying, Most High: “Whoever cannot find the means must fast two consecutive months before the two touch one another. Whoever is unable must feed sixty needy people. That is so that you may believe in Allah and His Messenger. Those are Allah’s limits, and for the unbelievers there is a painful punishment.” And His saying, Most High: “Take from their wealth a charitable payment by which you cleanse them and purify them, and pray for them. Your prayers are a source of reassurance for them. And Allah is All-Hearing, All-Knowing.” And His saying, Most High: “For those who swear to abstain from their wives there is a waiting period of four months. If they return, then Allah is All-Forgiving, All-Merciful.” And His saying, Most High: “Let those who cannot find the means to marry remain chaste until Allah enriches them from His bounty. Those among whom your right hands possess who seek a contract of emancipation: conclude such a contract with them if you know goodness in them, and give them from the wealth of Allah that He has given you. Do not compel your slave women to prostitution, if they desire chastity, seeking the passing goods of the life of this world. Whoever compels them—then Allah, after their compulsion, is All-Forgiving, All-Merciful.” And His saying, Most High: “O you who believe, do not kill game while you are in a state of pilgrimage consecration. Whoever among you kills it deliberately must recompense it with the equivalent of what he killed in livestock, as adjudged by two just men among you, as a sacrificial offering reaching the Kaaba; or offer an expiation by feeding needy people, or its equivalent in fasting, so that he may taste the evil consequence of his action. Allah has pardoned what is past. Whoever does it again, Allah will

أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن لله من بعد إكراههن غفور رحيم} وقوله تعالى {يأيها لذين آمنوا لا تقتلوا لصيد وأنتم حرم ومن قتله منكم متعمدا فجزآء مثل ما قتل من لنعم يحكم به ذوا عدل منكم هديا بالغ لكعبة أو كفارة طعام مساكين أو عدل ذلك صياما ليذوق وبال أمره عفا لله عما سلف ومن عاد فينتقم لله منه ولله عزيز ذو نتقام} وقول رسول الله صلى الله عليه وسلم ما من صاحب إبل لا يؤدي حقها وما من صاحب بقر لا يؤدي حقها، وما من صاحب فضة أو ذهب لا يؤدي حقها إلا فعل به يوم القيامة كذا وكذا، وجاء النص بإيجاب النفقة على الزوجات وذوي الرحم وملك اليمين فأما قوله تعالى {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون} فإنه حكم في مشركين قد أمرنا بقتلهم وأخذ أموالهم وسبي نسائهم وأطفالهم، وأوجب كل ذلك علينا وصح بالنص إيجاب دينار على الواحد منهم، فصح أن من بذل منهم أقل من دينار لم يجز حقن دمائهم بذلك، فكان الدينار أقل ما قال قائلون إنه جزية يلزم قبولها بالنص، وليس في أكثر من ذلك حد ووقف عنده فيقول القائل: هو أكثر ما قيل، فلو لم يكن ههنا حد يوقف عنده لما وقع عقد ذمته أبدا، لأنهم كانوا يكونون إنما بذلوا شيئا طلب منهم أكثر، وهذا لا نهاية له، وليس من حد حدا بأولى ممن حد حدا آخر، فهذا لا ينضبط أبدا، فصح أن الحد الأول هو الواجب أخذه وهو الدينار إذا بذلوه ولم يطيقوا أكثر منه، وليس في النص لأخذ أكثر من الدينار ممن أطاقه، وبالله تعالى التوفيق. وأما زكاة البقر فقد قدمنا ذكر خبر معاذ رضي الله عنه، وأن مسروقا أدركه وحضر حكمه وشاهده، هذا ما لا شك فيه، ولم يكن أخذ زكاة البقر من عمل معاذ نادرا ولا خفيا، بل كان فاشيا ظاهرا معلنا مرددا كل عام كثيرا، فهذا غاية صحة النقل الموجب للعلم والعمل، وكذلك عمله ونقله في الجزية، فصح أن زكاة البقر والجزية مسندان صحيحان

exact vengeance upon him. And Allah is Almighty, Possessor of vengeance." And the saying of the Messenger of Allah, may Allah bless him and grant him peace ﷺ: "There is no owner of camels who does not discharge what is due on them, and no owner of cattle who does not discharge what is due on them, and no owner of silver or gold who does not discharge what is due on it, but that such-and-such will be done to him on the Day of Resurrection." A text has also come imposing the obligation of maintenance for wives, blood relatives, and those whom one's right hand possesses. As for His saying, Most High, "Fight those who do not believe in Allah or in the Last Day, who do not prohibit what Allah and His Messenger have prohibited, and who do not profess the religion of truth, from among those who were given the Scripture, until they pay the tribute by hand while abased," this is a ruling concerning polytheists whom we have been commanded to kill, whose property we have been commanded to take, and whose women and children we have been commanded to take captive; all of this has been made obligatory upon us. The obligation of one dinar for each one of them has been established by the text. It is therefore established that, if any of them offers less than one dinar, it is impermissible to spare their blood on that basis. Thus one dinar is the least amount that proponents of a position have said constitutes tribute whose acceptance is obligatory by the text. There is no limit to any greater amount at which one might stop, such that someone could say, "It is the greatest amount proposed." If there were no limit here at which to stop, his covenant of protection would never be concluded, because whenever they offered something, more would be demanded of them. There is no end to this, and someone who sets one limit has no greater claim than someone who sets another limit. This would never be determinate. It is therefore established that the first limit is what must be taken, namely one dinar, if they offer it and cannot afford more. And in the text there is, for taking more than one dinar from someone who can afford it—And through Allah Most High comes success. As for the obligatory alms on cattle, we have already mentioned the report of Muʿadh—may Allah be pleased with him—and that Masruq met him, attended his adjudication, and witnessed him. This admits of no doubt. Muʿadh's collection of the obligatory alms on cattle was neither an infrequent nor a concealed

عن رسول الله صلى الله عليه وسلم من طريق معاذ وأما عدد الجزية ومقدارها فقد ذكرناه آنفا، فهو اللازم إلا أن يتفقوا معنا باختيارهم على أكثر، أو يتملكوا دون عهد فيلزموا ما يطيقون، ويحرم بذلك دماؤهم، وسبيهم. وأما الصغار عليهم، فإن النص قد ورد بإلزامه إياهم، فكل ما وقع عليه اسم صغار فنحن نأتيه فيهم، إلا ما منعنا منه نص أو إجماع فقط، ولذلك أبحنا دماءهم إن ركبوا فرسا أو حملوا سلاحا أو تكنوا بكنى المسلمين، أو تشبهوا بهم أو سبوا مسلما أو أهانوه أو خالفوا شيئا من الشروط التي قد جمعناها في كتاب ذي القواعد، لأنه عموم واجب أخذه كله وحمله على كل ما اقتضاه اسمه، وهذا بخلاف ما جاء عن المسلمين، فإن المسلمين قد جاء النص فيهم بتحريم دمائهم وأموالهم وأعراضهم والإضرار بهم، وأوجب الله علينا كرامة كل مسلم بنهينا عن التحاسد والتنازع، وأن يحقر أحدنا أخاه المسلم، وأمرنا بالتراحم والتعاطف وهذا بخلاف ما أمرنا به في المشركين، فلا يحل من مال مسلم ولا من عرضه ولا من دمه ولا من أذاه إلا ما صح بإيجابه، فلذلك قلنا في الدية المأخوذة من المسلمين بأقل ما قيل. ولما صح تحريم أموال أهل الذمة بالجزية المتفق على قبولها، وجب أيضا ألا نحكم عليهم بعد تيقنا تحريم دمائهم وأموالهم، وسبيهم، إلا بأقل ما قيل عليهم، واستصحابا للحال التي قد تيقنا وجوبها علينا فيهم، وإنما حرم بعد الجزية مال الذمي استصحابا للحال التي قد تيقنا وجوبها عليهم فيها، فلذلك لم نقل أيضا في الدية المأخوذة منهم في قتل بعضهم بعضا إلا بأقل ما قيل وذلك ثلثا عشر دية المسلم إما ثمانمائة درهم، وإما ستة أبعرة وثلثا بعير، ما لم ينقضوا ذمتهم فيعودوا بنقضها إلى ما كانوا عليه قبل الذمة بالإجماع والنص وبالله التوفيق وأما قوله تعالى {وأتموا الحج والعمرة لله فإن أحصرتم فما ستيسر من الهدي ولا تحلقوا رؤوسكم حتى يبلغ الهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذا أمنتم فمن

part of his work; rather, it was widespread, manifest, publicly proclaimed, and frequently repeated every year. This constitutes the utmost soundness of transmission, requiring knowledge and action. The same applies to his practice and his transmission concerning the poll tax. It is therefore established that the reports concerning the obligatory alms on cattle and the poll tax both have sound chains of transmission reaching the Messenger of Allah ﷺ through Muʿadh. As for the numerical assessment of the poll tax and its amount, we have mentioned this just now, and that is what is binding, unless they voluntarily agree with us to pay more, or come under our dominion without a covenant, in which case they are required to pay what they can bear, and this renders their blood inviolable and their capture forbidden. As for their subjection to abasement, the text has expressly required that it be imposed upon them. We therefore subject them to everything to which the designation 'abasement' applies, except only what a text or consensus prohibits us from doing. Accordingly, we have deemed their blood licit if they ride a horse, carry a weapon, adopt the teknonyms of Muslims, imitate them, revile a Muslim, demean him, or contravene any of the conditions we have collected in the Book Possessing Foundations. For this is a general expression that must be accepted in its entirety and applied to everything encompassed by its designation. This differs from what has been transmitted concerning Muslims: concerning Muslims, the text has declared their blood, property, and honor inviolable and prohibited harming them. Allah has required us to honor every Muslim by forbidding us to envy one another, dispute with one another, or have any of us despise his Muslim brother; and He has commanded us to show mutual mercy and affection. This differs from what we have been commanded concerning the polytheists. Thus nothing involving a Muslim's property, honor, or blood, or the infliction of harm upon him, is lawful except what has been soundly established as obligatory. Accordingly, concerning the blood money collected from Muslims, we have adopted the lowest amount proposed. Since the inviolability of the property of those under a covenant of protection is established through the poll tax whose acceptance is agreed upon, it is likewise obligatory that, once we have attained certainty that their blood and property are inviolable and their capture forbidden, we impose upon them only the lowest amount proposed concerning

تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} فقد بين ذلك نص عن النبي صلى الله عليه وسلم جلي وأما قوله تعالى {فمن لم يجد فصيام شهرين متتابعين من قبل أن يتمآسا فمن لم يستطع فإطعام ستين مسكينا ذلك لتؤمنوا بلله ورسوله وتلك حدود لله وللكافرين عذاب أليم} فإننا صرنا في تفسير مقدار هذا الإطعام إلى نص ورد في الواطىء خاصة، وصرنا في كفارة الظهار إلى أقل ما قيل في ذلك، وهو موافق للنص الوارد في كفارة الواطىء. وأما قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} فإننا صرنا في ذلك إلى بيان نصوص وردت في ذلك، وتركنا ما لم يأت فيه نص من الأموال، فلم نأخذ منه شيئا، لما ذكرنا من تحريم أخذ مال مسلم بغير طيب نفسه، فحرم أن يؤخذ من مال مسلم شيء أصلا إلا بنص بين جلي أو إجماع، لأن قوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} هو مستثنى من جملة تحريم أموالهم، فلا يخرج من ذلك النص الأكثر الأعم إلا ما بينه نص أو إجماع وأما قوله تعالى {لا جناح عليكم إن طلقتم لنسآء ما لم تمسوهن أو تفرضوا لهن فريضة ومتعوهن على لموسع قدره وعلى لمقتر قدره متاعا بلمعروف حقا على لمحسنين} فإنما نأخذ في مقدار متعة المطلقة بما أوجبه البرهان قبل، استصحابا لما قلنا من تحريم مال المسلم جملة وأما قوله {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون لكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم فيهم خيرا وآتوهم من مال لله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن لله من بعد إكراههن غفور رحيم} فإنا لا نجبر السيد على قبول أقل من قيمة المكاتب، ولا

them, maintaining the continuity of the state of affairs whose binding force upon us in their regard we have ascertained with certainty. The property of the protected non-Muslim became inviolable after payment of the poll tax only through maintaining the continuity of the state of affairs whose binding force upon them in that regard we have ascertained with certainty. Accordingly, we have likewise adopted concerning the blood money collected from them when they kill one another, only the lowest amount proposed: namely, two-thirds of one-tenth of a Muslim's blood money, either eight hundred dirhams or six camels and two-thirds of a camel, so long as they do not breach their covenant of protection, thereby reverting, through its breach, to their condition before the covenant of protection, as established by consensus and the text. With Allah lies success. As for His saying, exalted is He, 'Complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial animal is readily available. Do not shave your heads until the sacrificial animal reaches its appointed place. Whoever among you is ill or has an ailment of his head must offer a ransom consisting of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage until the pilgrimage must offer whatever sacrificial animal is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return: those are ten complete days. That is for someone whose family does not reside near the Sacred Mosque. Fear Allah, and know that Allah is severe in punishment,' a clear text from the Prophet ﷺ has explained this. As for His saying, exalted is He, 'Whoever cannot find the means must fast two consecutive months before the two touch one another. Whoever is unable must feed sixty needy persons. That is so that you may believe in Allah and His Messenger. These are Allah's limits, and for the unbelievers there is a painful punishment,' in explaining the quantity of this feeding we have referred to a text transmitted specifically concerning the man who engaged in sexual intercourse. As for the expiation for declaring one's wife forbidden by likening her to one's mother's back, we have adopted the lowest amount proposed in that regard, which accords with the text transmitted concerning the expiation of the man who engaged in sexual intercourse. As for His saying, exalted is He, 'Take from their property an alms offering by which you cleanse and purify them,

نجبر المكاتب على أكثر مما يطيق، لإجماع القائلين بإيجاب ذلك وهم أهل الحق على إيجاب المقدار الذي ذكرناه وأما قوله تعالى {يأيها لذين آمنوا لا تقتلوا لصيد وأنتم حرم ومن قتله منكم متعمدا فجزآء مثل ما قتل من لنعم يحكم به ذوا عدل منكم هديا بالغ لكعبة أو كفارة طعام مساكين أو عدل ذلك صياما ليذوق وبال أمره عفا لله عما سلف ومن عاد فينتقم لله منه ولله عزيز ذو نتقام} فإنا صرنا في ذلك إلى مقتضى ظاهر الآية على ما بيناه في كتابنا في المسائل، لأن الأصل ما قد ذكرنا من تحريم مال المسلم جملة، ومن أنه لا يحل لأحد أن يفرض شريعة على أحد لا من صيام ولا من غيره إلا ما أوجبه نص، وأما قوله عليه السلام: ما من صاحب إبل وما من صاحب غنم، وما من صاحب بقر، وما من صاحب ذهب فإنا صرنا في بيان مقدار الإبل والغنم والبقر المأخوذ منها ومقدار الحق المأخوذ منها إلى نصوص واردة في ذلك مبينة بيانا جليا، ولذلك أوجبنا حلبها يوما وردها فرضا. وأما الذهب فإنه لا نص في مقدار ما يؤخذ منه الحق منها، ولا في مقدار الحق المأخوذ منها، فصرنا في ذلك إلى الإجماع ضرورة، وقد قدمنا أنه لا يحل من مال مسلم إلا ما أوجبه نص أو إجماع، فلم نوجب في الذهب إلا أقل ما قيل، فلم نأخذ أقل من أربعين دينارا من ذهب ولا من الزيادة حتى يبلغ أربعين دينارا أبدا بخلاف الفضة، لأن الفضة ورد فيها نص، فوجب حمله على عمومه بخلاف الذهب الذي لم يرد في مقدار ما يؤخذ منه نص يصح البتة، وبالله تعالى التوفيق. وأما حلي الذهب فإنه قد أجمعت الأمة على وجوب الزكاة في الذهب قبل أن يصاغ حليا إذا بلغ المقدار الذي ذكرنا ثم اختلفوا في سقوطها إذا صيغ فاستصحبنا الحال الذي أجمعنا عليها، ولم نسقط الاختلاف ما قد وجب باليقين والإجماع. وأما النفقات الواجبات فقد أوجبها تعالى بالمعروف، وأمرنا بالإحسان في ذلك، وهذا يقتضي الشبع والسكن والكفاية وستر العورة بما لا يكون شهرة ولا مثلة، فقد رأينا في هذا كله وجه العمل الذي من حفظه ووقف عليه كفي

and pray for them; your prayers are a source of tranquility for them. Allah is All-Hearing, All-Knowing,' we have referred in this matter to the explanation supplied by the texts transmitted concerning it. We have left untouched those kinds of property concerning which no text has come, taking nothing from them, because of what we have mentioned concerning the prohibition against taking a Muslim's property without his willing consent. Thus it is absolutely forbidden to take anything from a Muslim's property except on the basis of a clear, manifest text or consensus. For His saying, exalted is He, 'Take from their property an alms offering by which you cleanse and purify them, and pray for them; your prayers are a source of tranquility for them. Allah is All-Hearing, All-Knowing,' constitutes an exception to the comprehensive prohibition concerning their property. Nothing, therefore, is excluded from that more extensive and more general text except what a text or consensus explains. As for His saying, exalted is He, 'There is no blame upon you if you divorce women while you have not touched them or assigned them an obligatory bridal payment. Provide for them—the affluent according to his means and the straitened according to his means—a provision according to what is right, as a duty upon those who do good,' we adopt only, concerning the amount of the provision for a divorced woman, what demonstration has previously established as obligatory, maintaining the continuity of what we have stated concerning the comprehensive inviolability of a Muslim's property. As for His saying, 'Let those who cannot find the means to marry remain chaste until Allah enriches them from His bounty. Those among the people whom your right hands possess who seek a written contract of emancipation—make such a contract with them if you know there is good in them, and give them some of the wealth of Allah that He has given you. Do not compel your slave girls to prostitution, if they desire chastity, in order to seek the fleeting goods of the life of this world. Whoever compels them—then Allah, after their being compelled, is All-Forgiving, Merciful,' we do not compel the master to accept less than the value of the slave entering the emancipation contract, nor do we compel the slave entering the emancipation contract to undertake more than he can bear. This is because those who hold this to be obligatory—and they are the people of truth—agree unanimously that the amount we have mentioned is obligatory.

تعبا عظيما، ولاح له الحق دون تخطيط ولا إشكال، بحول الله وقوته. قال علي: وأما إذا ورد لفظ لغوي فواجب أن يحمل على عمومه وعلى كل ما يقع في اللغة تحته، وواجب ألا ندخل فيه ما لا يفيده لفظه مثل قوله تعالى {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون الكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم فيهم خيرا وآتوهم من مال لله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن لله من بعد إكراههن غفور رحيم} فالخير في اللغة يقع على الصلاح في الدين وعلى المال، فلا يجوز أن نخص بهذا النص بعض ما يقع عليه دون بعض إلا بنص فلما قال تعالى {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون الكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم فيهم خيرا وآتوهم من مال لله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن لله من بعد إكراههن غفور رحيم} ولم يقل معهم، ولا قال تعالى عندهم، أنه إنما أراد الدين فقط، فلذلك قلنا: إنه لا يجوز مكاتبة كافر لأنه لا خير فيه البتة، وأما المسلم فقوله: لا إله إلا الله محمد رسول الله خير كثير ففيه خير على كل حال، ولم يقل تعالى خير، وبعض الخير خير، وبالله تعالى التوفيق. ومن ذلك قوله عليه السلام: ليس فيما دون خمسة أوسق من حب أو تمر صدقة،

[116] **Qur'an references (L1182):** Qur'an 4:59 (An-Nisa); Qur'an 8:20 (Al-Anfal); Qur'an 47:33 (Muhammad); Qur'an 4:92 (An-Nisa); Qur'an 2:196 (Al-Baqarah); Qur'an 58:4 (Al-Mujadila); Qur'an 9:103 (At-Tawbah); Qur'an 2:226 (Al-Baqarah); Qur'an 24:33 (An-Nur); Qur'an 5:95 (Al-Ma'idah); Qur'an 2:236 (Al-Baqarah).

As for His saying, exalted is He, 'O you who believe, do not kill game while you are in the state of pilgrimage consecration. Whoever among you kills it deliberately must make recompense with livestock equivalent to what he killed, as judged by two just men among you, as a sacrificial offering reaching the Kaaba; or make expiation by feeding needy persons; or the equivalent of that in fasting, so that he may taste the ill consequence of his deed. Allah has pardoned what is past; but whoever does it again, Allah will exact vengeance upon him. Allah is Almighty, Possessor of vengeance,' we have adopted in this matter what the apparent meaning of the verse entails, as we have explained in our book on legal questions. For the foundational rule is what we have already mentioned: the comprehensive inviolability of a Muslim's property, and the fact that no one may impose a religious ordinance upon anyone—whether fasting or anything else—except what a text has made obligatory. As for his saying, peace be upon him, 'There is no owner of camels, no owner of sheep and goats, no owner of cattle, and no owner of gold we have referred, in explaining the number of camels, sheep and goats, and cattle from which the due is collected, and the amount of the due collected from them, to texts transmitted on this matter that explain it with manifest clarity. Accordingly, we made milking her for one day and returning her obligatory. As for gold, there is no text specifying either the quantity of it from which the due is taken or the amount of the due taken from it. We therefore necessarily resorted to consensus concerning this. We have already established that nothing from a Muslim's property is lawful except what a text or consensus makes obligatory. We therefore imposed upon gold only the lowest amount stated: we did not take from less than forty dinars of gold, nor from any additional amount until it reached forty dinars, ever. This differs from silver, concerning which a text has been transmitted, making it obligatory to apply it in its generality. Gold is different: no authentic text whatsoever has been transmitted specifying the quantity from which the due is taken. Through Allah Most High comes success.

As for gold jewelry, the community has unanimously agreed that zakah is obligatory upon gold before it is fashioned into jewelry, when it reaches the quantity we have mentioned. They then disagreed over whether this

obligation lapses when it is fashioned into jewelry. We therefore presumed the continuance of the state upon which we had agreed, and did not allow disagreement to cancel what had become obligatory through certainty and consensus.

As for obligatory maintenance payments, He Most High has prescribed them according to what is recognized as proper, and has commanded us to act well in this regard. This entails satiety, accommodation, sufficiency, and covering the private parts with something that neither attracts notoriety nor disfigures. In all this, we have thus seen the proper manner of proceeding: whoever retains it and understands it is spared great toil, and the truth becomes apparent to him without elaborate delineation or difficulty, through Allah's power and might.

ʿAli said: When a linguistic expression occurs, it must be applied in its generality and to everything that falls under it in the language. We must not include within it anything its wording does not convey. An example is His saying, Most High: "Let those who find no means of marriage remain chaste until Allah enriches them from His bounty. As for those among whom your right hands possess who seek a contract of emancipation, make a contract with them if you know good in them, and give them of Allah's wealth which He has given you. Do not compel your slave girls to prostitution, if they desire chastity, seeking the passing goods of the life of this world. Whoever compels them—then Allah, after their compulsion, is forgiving, merciful." In the language, "good" applies both to uprightness in religion and to wealth. It is therefore impermissible to restrict this text to some of what the expression applies to, excluding the rest, except on the authority of a text. Thus, when He Most High said, "Let those who find no means of marriage remain chaste until Allah enriches them from His bounty. As for those among whom your right hands possess who seek a contract of emancipation, make a contract with them if you know good in them, and give them of Allah's wealth which He has given you. Do not compel your slave girls to prostitution, if they desire chastity, seeking the passing goods of the life of this world. Whoever compels them—then Allah, after their compulsion, is forgiving, merciful." He did not say "with them," nor did He Most High say "in their possession," so

that He intended religious uprightness alone. For this reason, we say that it is impermissible to conclude a contract of emancipation with an unbeliever, because there is no good in him whatsoever. As for the Muslim, his saying, "There is no god but Allah; Muhammed is the Messenger of Allah," is abundant good. There is therefore good in him in every case. He Most High did not say "good," and some good is good. Through Allah Most High comes success.

Another example is his saying, peace be upon him: "There is no obligatory charity on less than five load-measures of grain or dates."[108][109][110][111][112][113][114][115][116]

[108]**Translator's note (L1184):** The clause containing «لم يرد ناقض في الحكم عليه» is awkward: literally, it refers to no overturning or contradicting factor having been transmitted concerning the ruling against someone. The supplied wording has been retained without substituting an assumed reference to a text. «فإذا ثبت» is syntactically irregular in context. The translation follows the apparent continuation of the argument, that one remains with what has been established. The wording «وأنتم لا تسمون من أنفسكم بإجمال» is awkward; its apparent sense is that the interlocutors do not themselves countenance an unexplained, unspecific formulation.

[109]**Translator's note (L1188):** «حد ووقف عنده» is awkwardly transmitted. The translation renders its apparent sense as a limit at which one might stop.

[110]**Translator's note (L1189):** «وليس في النص لأخذ أكثر من الدينار ممن أطاقه» is grammatically incomplete: the negative construction supplies no clear predicate. The translation leaves the clause incomplete rather than supplying an assumed statement about permission, prohibition, or a limit.

[111]**Translator's note (L1190):** The work's designation, كتاب ذي القواعد, is unusual as transmitted; 'the Book Possessing Foundations' renders it literally rather than substituting another title. In the final sentence about maintaining continuity, the Arabic shifts from an obligation 'upon us in their regard' to one 'upon them in that regard.' This shift is retained.

[112]**Translator's note (L1193):** The Qur'anic quotations repeatedly omit the initial alif of the definite article and exhibit similar transcriptional spellings. These have no discernible effect on the English meaning. 'The man who engaged in sexual intercourse' renders الواطىء; the particular circumstances of that intercourse are not stated in this segment.

[113]**Translator's note (L1194):** The wording قبل is read adverbially as 'previously'; the unvocalized transcription permits some syntactic uncertainty. The final prophetic quotation is incomplete in the supplied passage; no completion has been supplied. The Qur'anic quotations contain recurring transcriptional omissions in the definite article, without a discernible change in meaning.

L1198–1199 It therefore became obligatory to construe “less than” according to everything it entails, both “less” and “other than.” Zakah consequently fell away from all vegetables, pulses, fruit, and all other produce, because they are other than grain and dates. It also became obligatory to apply “grain” to everything to which it applies in the language; it does not apply only to wheat and barley. Al-Kisa’i and others among the authorities on language, trustworthy in their learning and religion, mentioned this.

Another example is the report that he, peace be upon him, used to allocate surplus wealth to mounts and weapons. It therefore became obligatory to allocate it to everything called mounts and weapons. For this reason, it was impermissible to establish any property as an endowment except where a text had been transmitted concerning it, because this constitutes instituting a religious law, and it is not lawful to rule by such a law except on the authority of a text. We permitted a person to establish an endowment for himself because he falls within the generality of his saying, peace be upon him: “If you wish, retain the principal and give the yield in charity.” A person may therefore give charity to himself and to others, because all of it is giving

فوجب حمل دون على كل ما يقتضيه من أقل ومن غير، فسقت بذلك الزكاة عن الخضراوات كلها والقطاني والفاكهة وسائر الثمار كلها لأنها غير الحب والتمر، ووجب حمل الحب على ما يقع عليه في اللغة، لا يقع على القمح والشعير فقط، ذكر ذلك الكسائي وغيره من ثقات أهل اللغة في علمهم ودينهم. ومثل ما جاء أنه عليه السلام كان يجعل فضل المال في الكراع والسلاح، فوجب وضعه في كل ما يسمى كراعا وسلاحا، ولذلك لم يجز تحبيس شيء من الأموال إلا ما جاء فيه نص، لأنه شرع شريعة، فلا يحل الحكم بها إلا بنص، وأجزنا أن يحبس المرء على نفسه، لأنه داخل في عموم قوله عليه السلام: إن شئت حبست الأصل وتصدقت بالثمرة، فجائز للمرء أن يتصدق على نفسه وعلى غيره لأنه كله تصدق وقد صح عن النبي صلى الله عليه وسلم قوله ابدأ بنفسك فتصدق عليها قال أبو محمد: وذكر بعض أهل الكلام في هذا الباب حديثا رواه أبو عبيد في غريب الحديث، وهو أمره عليه السلام قوما من جهينة بإدفاء رجل كان أصابه البرد، والإدفاء في لغتهم القتل فقتلوه. قال علي: وهذا حديث مكذوب لا يصح البتة، بل نحن على يقين من كذب مفتري، لأنه عليه السلام أفصح العرب وأعرفهم في لغتهم، ومأمور بالبيان، وليس من البيان أن يأمرهم بكلام يقتضي عندهم غير مراده صلى الله عليه وسلم ولا حجة لهم في قصة عدي في الخيطين لأن عديا من قبله أتى سوء الفهم وقد كان لعدي في قوله تعالى {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم لله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب لله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} كفاية في أن المراد خيط الفجر من خيط الليل،

[114]**Translator’s note (L1196):** The opening continues the preceding segment; the feminine pronoun refers to the animal mentioned there. The gold passage literally says that nothing was taken from less than forty dinars, and that additional amounts were not assessed until they reached forty dinars. This potentially problematic wording has been retained without substituting another threshold. The clause about disagreement canceling an established obligation is grammatically irregular as supplied; the translation follows its apparent argumentative sense. The unusual word translated as “elaborate delineation” is takhtit. It may be a transcription error, but has not been silently replaced. The Quranic quotation contains numerous defective spellings and omitted initial letters in the transcription. Its intelligible wording and full repetition have been retained.

[115]**Translator’s note (L1197):** The contrast between good “in them,” “with them,” and “in their possession” concerns the prepositions used in the quoted emancipation provision. The following inference that religious uprightness alone is intended is the author’s. The supplied text says, literally, “He Most High did not say ‘good,’ and some good is good,” although the preceding quotation does contain “good.” The wording appears defective or incomplete; no missing qualification has been supplied. “Load-measures” translates awsuq, the plural of wasq. The repeated Quranic quotation contains the same defective spellings as the preceding unit; an extra closing quotation delimiter has no corresponding verbal content.

charity. The Prophet's ﷺ saying has been authentically established: "Begin with yourself and give charity to yourself."

Abu Muhammed said: Some practitioners of speculative theology mentioned in this connection a report transmitted by Abu ʿUbayd in Unusual Expressions in Hadith. It concerns his ordering, peace be upon him, some people of Juhaynah to warm a man who had been afflicted by the cold. In their language, "warming" meant killing, so they killed him.

ʿAli said: This is a fabricated report, wholly unauthentic. Indeed, we are certain of the falsehood of its fabricator, because he, peace be upon him, was the most eloquent of the Arabs and the most knowledgeable of their language, and he was commanded to make things clear. It is no act of clarification to command them using words which, in their understanding, entail something other than what he ﷺ intended.

Nor does the story of ʿAdi concerning the two threads provide them with an argument, because ʿAdi's misunderstanding arose on his own part. For ʿAdi, His saying, Most High, provided sufficient indication: "Intercourse with your wives has been made lawful for you on the night of fasting. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned to you in forgiveness and pardoned you. Now, therefore, have intercourse with them and seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread, of dawn. Then complete the fasting until night. Do not have intercourse with them while you are in devotional retreat in the mosques. Those are Allah's limits, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him." This was sufficient to indicate that what was intended was the thread of dawn as distinct from the thread of night. And there had subsequently been revealed [an unintelligible quotation fragment]. The rest of the Companions, may

وقد كان نزل بعد: {دد وقد فعل فعل عدي سائر الصحابة رضوان الله عليهم وهم أهل اللغة.

Allah be pleased with them, had done what ʿAdi did, although they were native authorities on the language,[117][118]

L1200 and they were correct in doing so until there was revealed [an unintelligible quotation fragment], and they moved from the earlier apparent meaning to the apparent meaning of what was revealed afterward. This is what no one may go beyond. Through Allah Most High comes success, and He is the One who grants success in reaching what is correct.[119]

وأصابوا في ذلك حتى نزل {لل وانتقلوا عن الظاهر الأول إلى الظاهر النازل بعده، وهذا هو الذي لا يجوز لأحد تعديه، وبالله تعالى التوفيق وهو الموفق للصواب

[117] **Translator's note (L1199):** The opening completes the preceding unit. The author argues from the range of meanings of duna, here rendered both "less than" and "other than." The verb rendered "fell away" is corrupt as supplied, appearing as fasaqat rather than the contextually expected fasaqatat. The apparent intended sense is represented and the defect recorded here. "Mounts" renders kuraʿ, a term used for riding animals, especially horses; the author explicitly argues for the full linguistic extension of the term. The dialect story depends on idfaʾ being understood as "warming" in the command and as "killing" by its recipients. The author rejects the report as fabricated. The Quranic quotation has numerous defective spellings. "Of dawn" retains the placement of the phrase in the supplied wording, which is central to the subsequent argument. After "there had subsequently been revealed," the source has an opening quotation mark followed by two occurrences of the Arabic letter dal. This does not yield intelligible wording and has not been reconstructed.

[118] **Qur'an references (L1198):** Qur'an 2:187 (Al-Baqarah).

[119] **Translator's note (L1200):** After "there was revealed," the source contains an opening quotation mark followed by two occurrences of the Arabic letter lam. No intelligible quotation survives, and none has been supplied.



الباب 14: أقل الجمع

Chapter 14: The Minimum Denoted by the Plural

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الرابع عشر في أقل الجمع]

قال علي اختلف الناس في أقل الجمع فقالت طائفة: أقل الجمع اثنان فصاعدا، وهو قول جمهور أصحابنا، وقالت طائفة: أقل الجمع ثلاثة، وهو قول الشافعي وبه نأخذ، واحتج أصحابنا لقولهم بأن قالوا: الجمع في اللغة ضم شيء إلى شيء آخر، فلما ضم الواحد إلى الواحد كان ذلك جمعا صحيحا. قال علي: هذا خطأ ولا حجة فيه، لأنه يلزمهم على ذلك أن يكون الجسم الواحد مخبرا عنه بالخبر عن الجمع واقعا عليه اسم الجمع لأنه جمع جزء إلى جزء وعضو إلى عضو، وليس المراد باسم الجمع الذي اختلفنا فيه هذا المعنى من معاني الضم، وإنما المقصود به ما عدا الإفراد والتثنية، وليس ذلك إلا ثلاثة أشخاص متغايرة فصاعدا بلا خلاف من أهل اللغة وحفاظ ألفاظها وضباط إعرابها واحتجوا أيضا بأن قالوا روي عن النبي صلى الله عليه وسلم الاثنان فما فوقهما جماعة قال علي لا حجة لهم فيه، لأنه حديث لم يصح، حدثني أحمد بن عمر بن أنس بن عبد الله بن حسين بن عقال، ثنا إبراهيم بن محمد الدينوري، ثنا محمد بن أحمد بن الجهم، ثنا بشير بن موسى، ثنا يحيى بن إسحاق، ثنا عليلة بن بدر هو الربيع بن بدر، عن أبيه، عن جده عن أبي موسى الأشعري قال قال رسول الله صلى الله عليه وسلم الاثنان فما فوقهما جماعة وبه إلى ابن الجهم قال: ثنا عبد الكريم بن الهيثم، حدثنا أبو توبة، ثنا مسلمة بن علي، عن يحيى بن الحارث عن القاسم عن أبي أمامة أن رسول الله صلى الله عليه وسلم قال اثنان فما فوقهما جماعة وقال أبو محمد رحمه الله: عليلة ساقط بإجماع، وأبوه مجهول، ومسلمة بن علي ضعيف بلا خلاف، وكذلك القاسم عن أبي أمامة، فسقط الحديثان، وإنما المعتمد عليه في حكم الصلاة قوله عليه السلام لمالك بن الحويرث وابن عمه: فأذنا وأقيما وليؤمكما أكبركما وبإمامته في النافلة صلى الله عليه وسلم ابن عباس

[Chapter Fourteen: The Minimum Number Denoted by the Plural]

ʿAli said: People have disagreed over the minimum number denoted by the plural. One group said that the minimum is two and upward; this is the position of the majority of our associates. Another group said that the minimum is three; this is al-Shafiʿi's position, and we adopt it.

Our associates argued for their position by saying: In the language, collecting means joining one thing to another. Thus, when one was joined to one, that was a genuine collection.

ʿAli said: This is erroneous and provides no argument, because it would oblige them to predicate of a single body what is predicated of a plural, and to apply the designation "plural" to it, since it consists of part joined to part and limb to limb. But this sense of joining is not what is intended by the designation "plural" over which we disagree. What is intended is whatever goes beyond the singular and the dual. That is nothing other than three distinct individuals and upward, without disagreement among the authorities on language, those who preserve its vocabulary, and those who precisely master its grammatical inflection.

They also argued by saying: It has been transmitted from the Prophet ﷺ: "Two and any number above them constitute a congregation."

ʿAli said: They have no argument in this, because it is a report whose authenticity has not been established. Ahmad ibn ʿUmar ibn Anas ibn ʿAbd Allah ibn Husayn ibn ʿIqal related to me: Ibrahim ibn Muhammed al-Dinawari related to us: Muhammed ibn Ahmad ibn al-Jahm related to us: Bashir ibn Musa related to us: Yahya ibn Ishaq related to us: ʿUlaylah ibn Badr related to us—he is al-Rabiʿ ibn Badr—from his father, from his grandfather, from Abu Musa al-Ashʿari, who said: The Messenger of Allah ﷺ said: "Two and any number above them constitute a congregation."

By the same chain back to Ibn al-Jahm, who said: ʿAbd al-Karim ibn al-Haytham related to us: Abu Tawbah related to us: Maslamah ibn ʿAli related to us, from Yahya ibn al-Harith, from al-Qasim, from Abu Umamah, that the

Messenger of Allah ﷺ said: “Two and any number above them constitute a congregation.”

Abu Muhammed, may Allah have mercy on him, said: ʿUlaylah is rejected by consensus, and his father is unknown. Maslamah ibn ʿAli is weak without disagreement, and likewise al-Qasim in his transmission from Abu Umamah. Thus both reports fall away. What is relied upon concerning the ruling on prayer is only his saying, peace be upon him, to Malik ibn al-Huwayrith and his cousin: “You two should give the call to prayer and the call announcing its commencement, and the elder of you should lead you both,” and his leading in voluntary prayer —may Allah bless him and grant him peace ﷺ—Ibn ʿAbbas alone They also argued by saying: The way two people speak about themselves is the same as the way many people speak about themselves, without any difference. Thus two people say, “We did” and “We made,” exactly as a group says them.[1][2][3]

L1206–1208 Ali said: They have no proof in this for their assertion, on this basis, that speaking about two must be like speaking about a group, because that is analogy, and analogy is invalid. Moreover, speaking about two differs from speaking about a group: of two we say, “They two did” (faʿalā), whereas of a group we say, “They did” (faʿalū). Moreover, two women speak about themselves as two men speak about themselves: the two women say, “We did” and “We made.” Yet this does not require that one speak about them as one speaks about two men, saying “They two did” (faʿalā) on the same footing as “We did” (faʿalnā). Analogy is inadmissible in language, by the consensus of

[1] **Translator’s note (L1202):** The argument turns on the shared Arabic root of “plural” and “collecting.” The translation distinguishes the grammatical category from the ordinary act of joining things. The identification of ʿUlaylah as al-Rabiʿ ibn Badr continues in the next unit.

[2] **Translator’s note (L1203):** The opening completes the transmitter’s name and identification in the preceding unit. “Rejected,” “unknown,” and “weak” are assessments of transmitters in hadith criticism. The last clause continues in the next unit, where Ibn ʿAbbas is identified as the sole person led in prayer.

[3] **Translator’s note (L1204):** This fragment completes the preceding unit’s reference to the Prophet leading Ibn ʿAbbas alone in voluntary prayer. The salutation interrupts that construction in the Arabic.

وحده واحتجوا أيضا بأن قالوا خبر الاثنين عن أنفسهما نخبر الكثير عن أنفسهم ولا فرق، فيقول الاثنان: فعلنا وصنعنا، كما يقول الجماعة سواء بسواء.

قال علي: لا حجة لهم في ذلك في إيجابهم بهذا أن يكون الخبر عن الاثنين كالخبر عن الجماعة، لأن ذلك قياس، والقياس فاسد، وأيضا فإن الخبر عن الاثنين بخلاف الخبر عن الجماعة، فنقول عن الاثنين: فعلا، وعن الجماعة: فعلوا، وأيضا فإن المرأتين تخبران عن أنفسهما، كما يخبر الرجلان عن أنفسهما، فتقول المرأتان فعلنا وصنعنا، وليس ذلك بموجب أن يخبر عنهما كما يخبر عن الرجلين فيقال: فعلا بمنزلة فعلنا، ولا يجوز في اللغة قياس بإجماع عن أهلها، وإنما هي مسموعة والضمائر مختلفة عن الغائب والحاضر، والمخبر عن نفسه، والتثنية والجمع والمؤنث والمذكر، وقد تتفق الضمائر أيضا في مواضع، فليس اتفاقها فيها بموجب لاتفاقها في كل موضع، ولا اختلافها في بعض المواضع بموجب اختلافها في كل موضع، بل كل ذلك مأخوذ عن أهل اللغة كما سمعوه عن العرب، وقد يخبر الواحد عن نفسه كما يخبر الاثنان، وكما يخبر الجماعة فيقول: فعلنا وصنعنا ونفعل ونصنع، ونحن نقول وهذا عندنا، وليس ذلك بموجب أن يكون الواحد جمعا، فبطل احتجاجهم بأن خبر الاثنين عن أنفسهما نخبر الجمع، وهو حجة في كون الاثنين جمعا. واحتجوا أيضا بقوله تعالى: {إن تتوبآ إلى الله فقد

its authorities; language is received only through what is heard. Pronouns differ according to whether they refer to an absent person, someone present, someone speaking about himself, the dual, the plural, the feminine, or the masculine. Pronouns may also coincide in certain places, but their coincidence there does not require their coincidence everywhere, nor does their difference in certain places require their difference everywhere. Rather, all this is taken from the authorities on the language as they heard it from the Arabs. A single person may speak about himself as two people speak, and as a group speaks, saying, "We did," "We made," "We do," "We make," "We say," and "This is our view." This does not require that one person be a plurality. Thus their argument that two people's speaking about themselves is like a group's speaking about itself, and that this constitutes proof that two are a plurality, is invalid.

They also argued from His saying, exalted is He: {If you two repent to Allah, your hearts have indeed inclined; but if you support one another against him, then Allah is his protector, and Gabriel, and the righteous among the believers; and the angels, after that, are a support.} Yet the two of them had only two hearts. Ali said: They have no proof in this, because this is an established usage confined specifically to bodily members. The grammarians have transmitted this usage, saying that whenever there are two things belonging to two persons or things, they are spoken of as a plurality. It is as though the Arabs counted the two things spoken about and then added them to the two things to which they belong, making four, so that the plural was appropriate. In illustration of this they recited: "And two barren wildernesses, two vast, desolate expanses—their two backs like the backs of two shields." This is a usage in which one may go only as far as what has actually been heard from the Arabs, and it is impermissible to reason by analogy from it. They also argued from His saying, mighty and majestic is He: {And David and Solomon, when they two were judging concerning the cultivated field

صغت قلوبكما وإن تظاهرا عليه فإن الله هو مولاه وجبريل وصالح المؤمنين والملائكة بعد ذلك ظهير} وإنما كان لهما قلبان. قال علي: ولا حجة لهم في هذا، لأن هذا باب محفوظ في الجوارح خاصة، وقد نقل النحويون هذا الباب وقالوا: إن كل اثنين من اثنين، فإنه يخبر عنهما كما يخبر عن الجمع، كأن العرب عدت الشيئين المخبر عنهما ثم أضافتهما إلى الشيئين اللذين هما منهما، فصارت أربعة، فصح الجمع، وأنشدوا في ذلك: ومهمهين فدفدين مرتين ظهراهما مثل ظهور الترسين وهذا باب لا يتعدى فيه مسموعه من العرب فقط، ولا يجوز أن يقاس عليه، واحتجوا أيضا بقوله عز وجل: {وداوود وسليمان إذ يحكمان في الحرث إذ نفشت فيه غنم القوم وكنا لحكمهم شاهدين}

when the people's sheep grazed in it by night, and We were witnesses to their judgment.}[45]

L1209–1216 Ali said: They have no proof in this, because, according to the rules of Arabic, a pronoun refers back to the nearest preceding referent. The nearest referent to the pronoun in His saying, exalted is He, {And David and Solomon, when they two were judging concerning the cultivated field, when the people's sheep grazed in it by night, and We were witnesses to their judgment}, is "the people." The people, David, and Solomon are undoubtedly a group. Thus it is as though He, exalted is He, said, "And We were witnesses to the judgment concerning the people in that matter," meaning the judgment passed upon them, just as you say, "This is the judgment of such-and-such a matter," meaning the judgment concerning it and upon it.

They also argued from His saying, exalted is He: {Has the account of the disputants reached you, when they scaled the wall of the sanctuary? When they entered upon David, he was alarmed by them. They said, "Do not fear. Two disputants: some of us have wronged others. Judge between us in truth, do not deviate, and guide us to the even path."} He, exalted is He, made clear that they were two by His saying: {He said, "He has certainly wronged you by asking for your ewe to add to his ewes. Indeed, many partners wrong one another, except those who have faith and do righteous deeds—and few are they." And David thought that We had only put him to the test, so he sought his Lord's forgiveness, fell down bowing, and turned in repentance}; and by one of them saying: {This is my brother. He has ninety-nine ewes, and I have one ewe. He said, "Entrust her to me," and he overpowered me in speech.}

Ali said: They have no proof in this, because "disputant" (al-khaṣm) applies equally to one, two, and a group. Likewise, "visitors" (al-zawr) applies to a

قال علي: وهذا لا حجة لهم فيه، لأن الضمير في حكم العربية أن يكون راجعا إلى أقرب مذكور إليه، وأقرب مذكور إلى الضمير قوله تعالى: {وداوود وسليمان إذ يحكمان في الحرث إذ نفشت فيه غنم القوم وكنا لحكمهم شاهدين} فالقوم وداود وسليمان جماعة بلا شك فكأنه تعالى قال: وكنا لحكم القوم في ذلك أي للحكم عليهم، كما تقول هذا حكم أمر كذا، أي الحكم فيه وعليه. واحتجوا أيضا بقوله تعالى: {وهل أتاك نبأ الخصم إذ تسوروا المحراب * إذ دخلوا على داوود ففزع منهم قالوا لا تخف خصمان بغى بعضنا على بعض فاحكم بيننا بالحق ولا تشطط واهدنآ إلى سوآء الصراط} وبين تعالى أنهما اثنان بقوله: {قال لقد ظلمك بسؤال نعجتك إلى نعاجه وإن كثيرا من الخلطآء ليبغي بعضهم على بعض إلا الذين آمنوا وعملوا الصالحات وقليل ما هم وظن داوود أنما فتناه فاستغفر ربه وخر راكعا وأناب} ويقول أحدهما: {إن هذآ أخي له تسع وتسعون نعجة ولي نعجة واحدة فقال أكفلنيها وعزني في الخطاب} قال علي: لا حجة لهم فيه، لأن الخصم يقع على الواحد والاثنين والجماعة وقوعا مستويا، وكذلك الزور على الزائر الواحد والاثنين والجماعة، وكذلك الإلب والحرب، تقول هو إلب علي وهو حرب علي، وهما حرب علي وإلب علي، وهم حرب علي وإلب علي، فلا يسوغ لأحد أن يقول إن المتسورين على داود صلى الله عليه وسلم كانا اثنين دون أن يقول بل كانوا جماعة وقد قال ذلك بعض المفسرين، وقال تعالى: {هذان خصمان اختصموا في ربهم فالذين كفروا قطعت لهم ثياب من نار يصب من فوق رءوسهم الحميم} وإنما نزلت في ستة نفر، علي، وحمزة، وعبيد بن الحارث رضي الله عنهم، وفي عتبة، وشيبة، والوليد بن عتبة، إذ تبارزوا يوم بدر، وقد أخبر تعالى في آخر الآية بما يبين أنهم جماعة يقول تعالى: {هذان خصمان اختصموا في ربهم فالذين كفروا قطعت لهم ثياب من نار يصب

[4] **Translator's note (L1206):** The argument concerns Arabic grammatical number. The transliterations distinguish the masculine dual faʿalā from the masculine plural faʿalū and the first-person plural faʿalnā, distinctions that ordinary English pronouns do not fully convey. The verse of poetry is syntactically fragmentary. Its relevance is the contrast between the dual "their two backs" and the plural "backs" attached to "two shields."

[5] **Qur'an references (L1206):** Qur'an 66:4 (At-Tahrim); Qur'an 21:78 (Al-Anbya).

single visitor, two visitors, and a group. The same holds for "a hostile force" (al-ilb) and "an enemy" (al-ḥarb): you say, "He is a hostile force against me," "He is an enemy to me," "They two are an enemy to me and a hostile force against me," and "They are an enemy to me and a hostile force against me." Thus no one is entitled to say that those who scaled the wall to reach David, may Allah bless him and grant him peace ﷺ, were two, without instead saying that they were a group. Some commentators have indeed said this. He, exalted is He, said: {These are two disputants who disputed concerning their Lord. As for those who disbelieved, garments of fire have been cut out for them; boiling water is poured over their heads.} This was revealed concerning six men: Ali, Hamzah, and Ubayd ibn al-Harith, may Allah be pleased with them, and Utbah, Shaybah, and al-Walid ibn Utbah, when they met in single combat on the day of Badr. At the end of the verse He, exalted is He, states what makes clear that they are a group. He, exalted is He, says: {These are two disputants who disputed concerning their Lord. As for those who disbelieved, garments have been cut out for them of fire; boiling water is poured over their heads}, through to the end of His saying: {Indeed, Allah admits those who have faith and do righteous deeds into gardens beneath which rivers flow. There they are adorned with bracelets of gold and pearls, and their clothing there is silk.} Abd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Muhammed ibn Isa, from Ibrahim ibn Muhammed ibn Sufyan, from Muslim ibn al-Hajjaj: Amr ibn Zurarah related to us: Hisham related to us, from Abu Hashim, from Abu Mijlaz, from Qays ibn Abbad, who said: I heard Abu Dharr swear an oath: {Indeed, Allah admits those who have faith and do righteous deeds into gardens beneath which rivers flow. There they are adorned with bracelets of gold and pearls, and their clothing there is silk.} It was revealed concerning those who came forward for single combat on the day of Badr: Ali, Hamzah, and Ubaydah, may Allah be pleased with them, and Utbah and Shaybah, the two sons of Rabiah, and al-Walid ibn Utbah.

Since no clear text has come establishing that the two disputants who brought their dispute before David, may Allah bless him and grant him peace ﷺ, were, when they scaled the wall, only two, with no third person accompa-

من فوق رءوسهم الحميم} إلى منتهى قوله: {إن الله يدخل الذين آمنوا وعملوا الصالحات جنات تجري من تحتها الأنهار يحلون فيها من أساور من ذهب ولؤلؤا ولباسهم فيها حرير} حدثنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن محمد بن عيسى، عن إبراهيم بن محمد بن سفيان، عن مسلم بن الحجاج، ثنا عمرو بن زرارة، ثنا هشام، عن أبي هاشم، عن أبي مجلز، عن قيس بن عباد قال: سمعت أبا ذر يقسم قسما: {إن الله يدخل الذين آمنوا وعملوا الصالحات جنات تجري من تحتها الأنهار يحلون فيها من أساور من ذهب ولؤلؤا ولباسهم فيها حرير} إنها نزلت في الذين برزوا يوم بدر: علي وحمزة وعبيدة رضي الله عنهم، وعتبة وشيبة ابنا ربيعة، والوليد بن عتبة، وإذا لم يأت نص بين في أن الخصمين المختصمين إلى داود صلى الله عليه وسلم كان إذ تسورا اثنين فقط لا ثالث لهما فليس لأحد أن يحتج بذلك في إبطال ما قد صح في اللغة ولا في إثبات أمر لم يثبت بعد. واحتجوا أيضا بقوله تعالى: {والسارق والسارقة فاقطعوا أيديهما جزآء بما كسبا نكالا من الله والله عزيز حكيم} قال علي: ولا حجة لهم في ذلك، وليس كما ظنوا، بل هذا جمع صحيح، لأن لكل واحد من السارقين يدان، فهي أربع أيد بيقين، وقطع يدي السارق جميعا واجب يدا بعد يد، إذا سرق سرقة بعد سرقة، بنص القرآن. واحتجوا أيضا بقوله تعالى: {يوصيكم الله في أولادكم للذكر مثل حظ الأنثيين فإن كن نسآء فوق اثنتين فلهن ثلثا ما ترك وإن كانت واحدة فلها النصف ولأبويه لكل واحد منهما السدس مما ترك إن كان له ولد فإن لم يكن له ولد وورثه أبواه فلأمه الثلث فإن كان له إخوة فلأمه السدس من بعد وصية يوصي بها أو دين آباؤكم وأبناؤكم لا تدرون أيهم أقرب لكم نفعا فريضة من الله إن الله كان عليما حكيما} قال علي: وهذا عليهم لا لهم، أنه لا يجوز أن تحط الأم عن الثلث إلى السدس عندنا إلا بثلاثة من الإخوة لا باثنين، وقولنا في ذلك هو قول

nying them, no one may invoke this to invalidate what has been established in the language, or to establish something that has not yet been established.

They also argued from His saying, exalted is He: {As for the male thief and the female thief, cut off their hands as recompense for what they have earned, as a deterrent punishment from Allah. Allah is Mighty, Wise.} Ali said: They have no proof in this. It is not as they suppose; rather, this is a proper plural, because each of the two thieves has two hands, so there are certainly four hands. Cutting off both of a thief's hands, one hand after the other, if he commits one theft after another, is obligatory by the explicit text of the Quran.

They also argued from His saying, exalted is He: {Allah instructs you concerning your children: for the male, the equivalent of the share of two females. If they are women numbering more than two, they shall have two-thirds of what he leaves; if there is one, she shall have half. For his parents, each of them shall have one-sixth of what he leaves if he has a child. If he has no child and his parents inherit from him, his mother shall have one-third. If he has siblings, his mother shall have one-sixth, after any bequest he makes or debt. Your fathers and your sons—you do not know which of them is nearer to you in benefit. An obligation from Allah; indeed, Allah is Knowing, Wise.} Ali said: This is against them, not in their favor, because in our view it is impermissible to reduce the mother's share from one-third to one-sixth except on account of three siblings, not two. Our position on this is that of Ibn Abbas, whose standing in the language is such that only an ignorant person would be unaware of it. Whoever ruled that the mother's share should be reduced to one-sixth on account of two siblings did so either by analogy or by uncritical adherence to authority, and all of that is invalid. If it is said, "Uthman held this view," he is to be told: Ibn Abbas disagreed with him, objected to this, and demonstrated to him that the language was contrary to his ruling. Uthman was unable to deny this, and we did not respond beyond his saying, "I cannot reverse that according to which people have inherited from one another."

They argued from His saying, exalted is He, reporting Jacob's words, peace be upon him: {He said, "Rather, your own souls have made a matter seem

ابن عباس، وهو في اللغة بحيث لا يجهل محله إلا جاهل، وإنما حكم من حكم برد الأم إلى السدس باثنين من الإخوة، إما بقياس، وإما بتقليد، وكل ذلك فاسد فإن قيل: قد قال بذلك عثمان، قيل له: قد خالفه ابن عباس وأنكر عليه ذلك، وبين عليه أن اللغة خلاف ما يحكم به، فلم يقدر عثمان على إنكار ذلك، ولم نرد على أن قال: لا أقدر أن أرد ما قد توارث به الناس. واحتجوا بقوله تعالى حاكيا عن يعقوب عليه السلام في قوله: {قال بل سولت لكم أنفسكم أمرا فصبر جميل عسى الله أن يأتيني بهم جميعا إنه هو العليم الحكيم} قالوا: وإنما كان يوسف وأخاه. قال علي: هذا خطأ، بل ما كانوا إلا ثلاثة، يوسف وأخاه الذي حبس من أجل الصواع الذي وجد في رحله، والأخ الكبير الذي قال: {فلما استيأسوا منه خلصوا نجيا قال كبيرهم ألم تعلموا أن أباكم قد أخذ عليكم موثقا من الله ومن قبل ما فرطتم في يوسف فلن أبرح الأرض حتى يأذن لي أبي أو يحكم الله لي وهو خير الحاكمين * ارجعوا إلى أبيكم فقولوا يأبانا إن ابنك سرق وما شهدنآ إلا بما علمنا وما كنا للغيب حافظين} فلما فقد يعقوب ثلاثة من بنيه تمنى رجوعهم كلهم. واحتجوا أيضا بقوله تعالى: {وإن طآئفتان من المؤمنين اقتتلوا فأصلحوا بينهما فإن بغت إحداهما على الأخرى فقاتلوا التي تبغي حتى تفيء إلى أمر الله فإن فآءت فأصلحوا بينهما بالعدل وأقسطوا إن الله يحب المقسطين} والطائفة تقع على الواحد وعلى الاثنين وعلى الأكثر، فأخبر تعالى عن الطائفتين مرة بلفظ الجمع بقوله: {وإن طآئفتان من المؤمنين اقتتلوا فأصلحوا بينهما فإن بغت إحداهما على الأخرى فقاتلوا التي تبغي حتى تفيء إلى أمر الله فإن فآءت فأصلحوا بينهما بالعدل وأقسطوا إن الله يحب المقسطين} ومرة بلفظ الاثنين: {وإن طآئفتان من المؤمنين اقتتلوا فأصلحوا بينهما فإن بغت إحداهما على الأخرى فقاتلوا التي تبغي حتى تفيء إلى أمر الله فإن فآءت فأصلحوا بينهما بالعدل وأقسطوا إن الله يحب المقسطين} وقال تعالى في الآية التالية لها: {إنما المؤمنون إخوة فأصلحوا بين أخويكم واتقوا الله لعلكم

attractive to you. So, beautiful patience! Perhaps Allah will bring them all to me. Indeed, He is the Knowing, the Wise."} They said: There were only Joseph and his brother. Ali said: This is an error. Rather, there were precisely three: Joseph, his brother who was detained on account of the measuring cup that was found in his baggage, and the eldest brother, who said: {When they despaired of him, they withdrew to confer privately. Their eldest said, "Do you not know that your father has taken from you a solemn pledge by Allah, and that before this you failed in your duty concerning Joseph? I shall therefore not leave this land until my father gives me permission or Allah judges for me, and He is the best of judges. Return to your father and say, 'Our father, your son has stolen. We testify only to what we know, and we could not guard against the unseen.'"} Thus, when Jacob had lost three of his sons, he wished for the return of them all.

They also adduced His saying, exalted is He: {If two groups of the believers fight, reconcile them. If one of them transgresses against the other, fight the one that transgresses until it returns to Allah's command. If it returns, reconcile them with justice, and act equitably. Indeed, Allah loves those who act equitably.} The term "group" applies to one, to two, and to more. Thus He, exalted is He, referred to the two groups once with a plural expression, in His saying: {If two groups of the believers fight, reconcile them. If one of them transgresses against the other, fight the one that transgresses until it returns to Allah's command. If it returns, reconcile them with justice, and act equitably. Indeed, Allah loves those who act equitably.} And once with a dual expression: {If two groups of the believers fight, reconcile them. If one of them transgresses against the other, fight the one that transgresses until it returns to Allah's command. If it returns, reconcile them with justice, and act equitably. Indeed, Allah loves those who act equitably.} And He, exalted is He, said in the verse following it: {The believers are only brothers, so reconcile your two brothers, and be mindful of Allah, so that you may receive mercy.} He therefore commanded reconciliation between two just as He commanded reconciliation among a group.

Ali said: This provides them with no proof, because "group," as they mentioned, applies to one, two, and more. When the two are referred to with a

ترحمون} فأمر بالإصلاح بين الاثنين كما أمر بالإصلاح بين الجماعة. قال علي: وهذا لا حجة لهم فيه، لأن الطائفة كما ذكروا تقع على الواحد والاثنين والأكثر، فإذا أخبر عنهما بلفظ الجمع، فالمراد بهما الجمع، والمراد بالطائفتين في أول الآية المذكورة الكثير منهم، ومعنى قوله تعالى: {إنما المؤمنون إخوة فأصلحوا بين أخويكم واتقوا الله لعلكم ترحمون} أي بين الجماعتين المقتتلتين، ثم علمنا تعالى وجوب الإصلاح بين الاثنين كوجوبه بين الكثيرين بقوله تعالى: {إنما المؤمنون إخوة فأصلحوا بين أخويكم واتقوا الله لعلكم ترحمون} وحمل الآية على ما نقول هو الذي لا يجوز غيره، لأنه عموم لكيفية الإصلاح بين الكثير والقليل ولو كان ما ظن مخالفنا، لما علمنا فيها الإصلاح بين الاثنين فقط وهذا خطأ. واحتجوا بقوله تعالى لموسى وهارون عليهما السلام: {قال كلا فاذهبا بآياتنآ إنا معكم مستمعون} ولم يقل معكما. قال علي: وهذا لا حجة لهم فيه، لأنهم ثلاثة بلا شك، المرسلان وفرعون المكلم المرسل إليه، فالمستمعون ثلاثة بيقين. قال علي: فإن قد بطل احتجاجهم بكل ما احتجوا به، فلنقل في بيان صحة مذهبنا، وبالله تعالى التوفيق.

plural expression, what is intended by them is a plurality. What is intended by the two groups at the beginning of the verse mentioned is a large number of them. The meaning of His saying, exalted is He, {The believers are only brothers, so reconcile your two brothers, and be mindful of Allah, so that you may receive mercy}, is: between the two groups that are fighting. Then He, exalted is He, taught us that reconciliation between two is obligatory just as it is obligatory among many, through His saying, exalted is He: {The believers are only brothers, so reconcile your two brothers, and be mindful of Allah, so that you may receive mercy.} Interpreting the verse as we say is the only permissible interpretation, because it is general in its application to how reconciliation is to be effected among many and among few. If it were as our opponent supposed, we would have learned from it only reconciliation between two, and this is erroneous.

They also adduced His saying, exalted is He, to Moses and Aaron, peace be upon them both: {He said, "No indeed! Go, both of you, with Our signs. We are with you, listening."} He did not say "with you both." Ali said: This provides them with no proof, because they are unquestionably three: the two messengers and Pharaoh, the person addressed, to whom they were sent. Thus those listening are certainly three.

Ali said: Since their appeal to everything they have adduced has been invalidated, let us proceed to explain the soundness of our position. Through Allah, exalted is He, comes success.[6][7][8][9][10][11]

L1217 We therefore say: Expressions in a language are simply expressions of meanings. There is no disagreement among those near at hand that two have a form used in referring to them different from the form used for three and above, and that three and above, up to a number without limit, have a form different from the form used in referring to two: namely, the plural form. No speakers of the language disagree that it is impermissible to say "The Zayds stood up," using the masculine plural, when you mean two, or "The Hinds

فنقول: إن الألفاظ في اللغة إنما هي عبارات عن المعاني، ولا خلاف بين القرب في أن الاثنين لهما صيغة في الإخبار عنهما، غير الصيغة التي للثلاثة فصاعدا، وإن للثلاثة فصاعدا إلى ما لا نهاية له من العدد صيغة غير صيغة الخبر عن الاثنين، وهي صيغة الجمع، ولا خلاف بين أحد من أهل اللسان في أنه لا يجوز أن يقال قام الزيدون، وأنت تريد اثنين. ولا جاءني الهندات، وأنت تريد اثنتين، وضمير الغائب موضوع بلا خلاف بين أحد من أهل اللسان في موضع اسم الغائب ومبدل منه، فلا يجوز أن يبدل ضمير الجماعة إلا من الجماعة، ولا ضمير الاثنين إلا من الاثنين، ولو كان ذلك لوقع الإشكال وارتفع البيان، وكذلك المخاطبات لا يجوز البتة أن نقول لاثنين: قمتم وقعدتم، وإنما يقال: قمتما وقعدتما: ولا يقال لاثنين: قمتن، ولا يقال للنساء: قمتما، وإنما قال: قمتن، فصح ما قلنا بحكم ظاهر اللغة التي بها نزل القرآن وبها تكلم النبي صلى الله عليه وسلم وإلى مفهومها نرجع في أحكام الديانة إلا ما نقلنا عنه نص جلي وبالله تعالى التوفيق، وهذا ما لا يجوز خلافه والله الموفق للصواب

[6] **Translator's note (L1209):** The discussion depends on Arabic nouns that can retain the same form when applied to one person, two people, or a group; the transliterations identify those forms. The supplied text names "Ubayd ibn al-Harith"; the later report in unit 1212:0 gives "Ubaydah." The differing forms are preserved. The wording "without instead saying that they were a group" follows the supplied Arabic, whose formulation is awkward.

[7] **Translator's note (L1212):** The verse quoted within Abu Dharr's report is the verse beginning "Indeed, Allah admits those who have faith," rather than the earlier verse beginning "These are two disputants," to which the account of the six combatants would appear to refer. The supplied quotation is retained without correction.

[8] **Translator's note (L1213):** The supplied "and we did not respond" (wa-lam narudd) is awkward in a passage describing Uthman's response. It may be a corruption of wording meaning "and he said no more than," but the supplied first-person plural has been retained.

[9] **Translator's note (L1215):** The same complete verse is quoted three times in the source; all three repetitions are retained. The argument concerns its plural verb for fighting and its dual references to the two groups, distinctions that English does not reproduce morphologically. The opening introduces the eldest brother as one "who said," but the quotation begins with the Qur'anic narrator's words before reaching the brother's speech. This apparent imprecision is retained.

[10] **Translator's note (L1216):** In the quotation, "with you" represents the Arabic plural, contrasted by the author with the dual "with you both." The source explicitly says that "those listening" are three, although the preceding enumeration concerns Moses, Aaron, and Pharaoh as the persons addressed by "with you." This apparent inconsistency is retained.

[11] **Qur'an references (L1209):** Qur'an 21:78 (Al-Anbya); Qur'an 38:21 (Sad); Qur'an 38:22 (Sad); Qur'an 38:24 (Sad); Qur'an 38:23 (Sad); Qur'an 22:19 (Al-Hajj); Qur'an 22:23 (Al-Hajj); Qur'an 5:38 (Al-Ma'idah); Qur'an 4:11 (An-Nisa); Qur'an 12:83 (Yusuf); Qur'an 12:80 (Yusuf); Qur'an 12:81 (Yusuf); Qur'an 49:9 (Al-Hujurat); Qur'an 49:10 (Al-Hujurat); Qur'an 26:15 (Ash-Shu'ara).

came to me," using the feminine plural, when you mean two women. The third-person pronoun is placed, without disagreement among any speakers of the language, in the position of the noun denoting the absent person and substitutes for it. Thus a plural pronoun may substitute only for a plurality, and a dual pronoun only for two. Were that permissible, ambiguity would arise and clarity would disappear.

The same applies to forms of direct address. It is absolutely impermissible to say to two people, "You stood up" and "You sat down," using the masculine plural forms; one says only "You two stood up" and "You two sat down." Nor does one say to two people, "You stood up," using the feminine plural form. Nor does one say to women, "You two stood up"; one says only "You stood up," using the feminine plural form. What we have said is therefore established by the apparent sense of the language in which the Qur'an was revealed and in which the Prophet, may Allah bless him and grant him peace ﷺ, spoke. It is to the meaning understood from that language that we refer in the rulings of religion, except where a clear text transfers us away from it. Through Allah, exalted is He, comes success. This is something from which departure is impermissible, and Allah grants success in attaining what is correct.[12]

[Section on Discourse Expressed in the Plural Form]

L1218

L1219–1220 Ali said: When an expression occurs in a plural form and it is possible to encompass everything to which it applies, encompassing it all is necessarily required. Otherwise, disobedience and contravention of the command have certainly occurred. If that is not possible and there is no way to encompass it all, people hold two positions. One is that it is obligatory to perform as much

[12] **Translator's note (L1217):** The supplied text reads al-qurb, literally "nearness" or "those near at hand," in "no disagreement among …." This appears corrupt, with "the Arabs" a plausible intended reading; the supplied reading has not been silently replaced. The grammatical examples depend on Arabic distinctions between masculine plural, feminine plural, and dual forms that English does not express in its verbs. These distinctions are stated explicitly in the translation. The source has "he said" in the final grammatical example, where the surrounding argument suggests "one says." It is rendered impersonally to convey the example's function.

[فصل من الخطاب الوارد بلفظ الجمع]

قال علي وإذا ورد لفظ بصورة جمع وقدر على استيعابه، فلا بد من استيعابه ضرورة، وإلا فقد صحت المعصية وخلاف الأمر، فإن لم يقدر على ذلك ولم يكن إلى استيعابه سبيل، فللناس قولان: أحدهما، أنه واجب أن يؤدي من ذلك ما أمكن، وما انتهى إليه الوسع، ولا يسقط عنه إلا ما عجز عنه أو ما قام نص أو إجماع بسقوطه، وبهذا نأخذ، وقالت طائفة: لا يلزم من ذلك إلا أقل ما يقع عليه اسم ذلك الجمع، وهو ثلاثة فصاعدا، وما زاد على ذلك فليس فرضا. قال علي: والحجة للقول الأول هي حجتنا على القائلين بالخصوص أو الوقف، وقد لزم عموم ذلك الجمع بيقين، فلا يسقط بشك ولا

of it as is possible and as far as one's capacity extends; nothing is waived for a person except what he is incapable of doing, or what a text or consensus establishes as waived. This is the position we adopt. A group said: Nothing is binding of this except the minimum to which the designation of that plural applies, namely three and above; anything beyond that is not obligatory.

Ali said: The proof for the first position is our proof against those who maintain specific application or suspension of judgment. The general application of that plural has become binding with certainty, and so it is not waived by doubt or by a claim. What a person is incapable of doing is waived; what he is not incapable of doing remains subject to the obligation to obey it. This is clarified by the saying of the Messenger of Allah, may Allah bless him and grant him peace ﷺ: "And when I command you to do something, perform as much of it as you are able."

L1221–1222 Ali said: Among the instances of this are the words of Allah, mighty and majestic: {Alms are only for the poor, the needy, those employed to administer them, those whose hearts are to be reconciled, for freeing those in bondage, those burdened by debts, in Allah's path, and the wayfarer—an obligation imposed by Allah. Allah is all-knowing, wise}—the verse—and His saying, exalted is He: {Prescribed for you, when death approaches one of you, if he leaves wealth, is a bequest for parents and near relatives according to what is right: a duty upon those mindful of Allah.}

We therefore say: If the ruler is able to encompass all the Muslims' needy people, their poor people, their warriors, and the remaining named categories, then encompassing them all is obligatory upon him. As for anyone below him who is unable to do that, the community has reached consensus, without disagreement, that he may restrict himself to some rather than others. This is indicated by his saying, may Allah bless him and grant him peace ﷺ, to Zaynab, the wife of Abd Allah ibn Masud, when she asked him, "Will it suffice for me to give my husband and my children by him some of the alms?" He, peace be upon him, said, "Yes."

Ali said: It is through these texts that we have arrived at this ruling. Exhaustive inclusion and general application have the same meaning. All of

بدعوى، فأما ما عجز عنه فساقط، وأما ما لم يعجز عنه فباق على وجوب الطاعة له ويبين ذلك قول رسول الله صلى الله عليه وسلم وإذا أمرتكم بأمر فأتوا منه ما استطعتم

قال علي: فمن ذلك قول الله عز وجل: {إنما الصدقات للفقرآء والمساكين والعاملين عليها والمؤلفة قلوبهم وفي الرقاب والغارمين وفي سبيل الله وابن السبيل فريضة من الله والله عليم حكيم} الآية وقوله تعالى: {كتب عليكم إذا حضر أحدكم الموت إن ترك خيرا الوصية للوالدين والأقربين بالمعروف حقا على المتقين} فنقول إن الإمام القادر على استيعاب جميع مساكين المسلمين وفقرائهم وغازيتهم وسائر الأصناف المسماة، ففرض عليه استيعابهم، وأما من عجز عن ذلك فمن دونه، فقد أجمعت الأمة بلا خلاف على أن له أن يقتصر على بعض دون بعض ودل على ذلك قوله صلى الله عليه وسلم لزينب امرأة عبد الله بن مسعود إذ سألته أيجزي عني أن أتصدق على زوجي وولدي منه من الصدقة؟ فقال عليه السلام: نعم. قال علي: فبهذه النصوص صرنا إلى هذا الحكم، والاستيعاب والعموم معناهما واحد، وهذا كله من باب استعمال الظاهر، والوجوب، وقد رام قوم أن يفرقوا بين الاستيعاب والعموم، وهذا خطأ ولا يقدرون على ذلك أبدا، وقال هؤلاء القوم: العموم لبعض ما يقع عليه الاسم عموم ذلك الجزء الذي عم به. قال علي: فيقال لهم: وكذلك الاستيعاب لبعض ما

this falls under applying the apparent sense and obligation. Some people have attempted to distinguish between exhaustive inclusion and general application. This is erroneous, and they will never be able to do so. These people said: "General application to some of what a designation applies to is general application to that portion to which it was applied generally." Ali said: They should be told: "Likewise, exhaustive inclusion of some of what a designation applies to is exhaustive inclusion of that portion which was thereby encompassed. There is no difference."

Ali said: A plural in a definite form and one in an indefinite form are alike in requiring exhaustive inclusion, as in His saying, exalted is He: {Say, "Look at what is in the heavens and the earth." But signs and warnings avail nothing for a people who do not believe.} This is a general application to every people who do not believe, although it is in an indefinite form, as you see. Some people have supposed that when a plural occurs in an indefinite form, it does not entail general application. They said: "Your saying 'Men came' does not convey general application as your saying 'The men came' does."

Ali said: This is a false supposition for which there is no evidence. It is merely familiarity with what has settled in their minds through common habits they have employed in addressing one another, contrary to the language's actual established usage. We have invalidated this through the verse we mentioned just now. Through Allah, exalted is He, comes success.[13][14]

يقع عليه الاسم استيعاب لذلك الجزء الذي استوعب به ولا فرق. قال علي: والجمع بلفظ المعرفة والنكرة سواء في اقتضاء الاستيعاب، كقوله تعالى: {قل انظروا ماذا في السماوات والأرض وما تغني الآيات والنذر عن قوم لا يؤمنون} فهذا عموم لكل قوم لا يؤمنون، وهو بلفظ النكرة كما ترى، وقد ظن قوم أن الجمع إذا جاء بلفظ النكرة فإنه لا يوجب العموم، فقالوا: قولك جاء رجال لا يفهم منه العموم، كما يفهم من قولك جاء الرجال. قال علي: وهذا ظن فاسد لا دليل عليه، وإنما هو ألفه لما وقع في أنفسهم في عادات سواء استعملوها في تخاطبهم، وبخلاف معهود اللغة في الحقيقة، وقد أبطلنا ذلك بالآية التي ذكرنا آنفا وبالله تعالى التوفيق

[13] **Translator's note (L1222):** The phrase rendered "through common habits" reads fi adatin sawa' in the supplied text and is awkward in context. Sawa' can convey sameness or uniformity; the precise intended qualification of "habits" is uncertain.

[14] **Qur'an references (L1221):** Qur'an 9:60 (At-Tawbah); Qur'an 2:180 (Al-Baqarah); Qur'an 10:101 (Yunus).



الباب 15: الاستثناء

Chapter 15: Exception

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الخامس عشر في الاستثناء]

قال علي قد بينا في باب الأخبار وفي باب العموم والخصوص كيفية الاستثناء، ونحن الآن متكلمون إن شاء الله عز وجل بتأييده لنا في ماهية الاستثناء وأنواعه، فنقول وبالله تعالى التوفيق: إن الاستثناء هو تخصيص بعض الشيء من جملته، أو إخراج شيء ما مما أدخلت فيه شيء آخر، إلا أن النحويين اعتادوا أن يسموا بالاستثناء ما كان من ذلك بلفظ: حاشا، وخلا، وإلا، وما لم يكن، وما عدا، وما سوى، وأن يجعلوا ما كان خبرا من خبر كقولك: اقتل القوم ودع زيدا، مسمى باسم التخصيص لا استثناء، وهما في الحقيقة سواء على ما قدمنا. قال علي: واختلفوا في نحو من أنحاء الاستثناء، فقالت طائفة: لا يجوز أن يستثنى الشيء من غير جنسه أو نوعه المخبر عنه، وقالت طائفة: جائز أن يستثنى الشيء من غير جنس أو المخبر عنه، وبكلا هذين القولين قالت طوائف من أصحابنا الظاهرين، ومن إخواننا القياسيين. قال علي: ونحن نقول: إن استثناء الشيء من غير جنسه ونوعه المخبر عنه جائز، واسمه في العربية عند النحويين الاستثناء المنقطع، وهو حينئذ ابتداء خبر آخر كقائل قال: أتاني المسلمون إلا اليهود، فهذا جائز كأنه قال: إلا اليهود فإنهم لم يأتوني، وهذا لا ينكره نحوي ولا لغوي أصلا، إذا كان على الوجه الذي ذكرناه. قال علي: والبرهان القاطع في ذلك قوله تعالى {فسجد الملائكة كلهم أجمعون * إلا إبليس ستكبر وكان من لكافرين} وقال تعالى {وإذا قلنا للملائكة سجدوا لآدم فسجدوا إلا إبليس كان من لجن ففسق عن أمر ربه أفتتخذونه وذريته أولياء من دوني وهم لكم عدو بئس للظالمين بدلا} فلم يدع تعالى للشك ههنا مجالا إلا بينه، وأخبر أن إبليس كان من الجن، وقد حمل التهور قوما راموا نصر مذهبهم ههنا فقالوا: إن الملائكة يسمون جنا لاجتنانهم.

[Chapter Fifteen: On Exception]

Ali said: We have already explained, in the chapter on reports and the chapter on the general and the specific, how exception operates. We shall now speak, if Allah, Mighty and Majestic, wills, with His support for us, about the nature of exception and its kinds. We say, then—and success comes through Allah Most High—that exception is the specification of part of a thing from its entirety, or the exclusion of something from that into which you have included something else. Grammarians, however, have customarily called this an exception when it is expressed by "apart from" (ḥāshā), "excluding" (khalā), "except" (illā), "except what is not" (mā lam yakun), "excluding" (mā ʿadā), and "other than" (mā siwā). They call a statement separated from another statement—as when you say, "Kill the people and leave Zayd"—specification, rather than exception. In reality, the two are the same, as we have already explained. Ali said: They have disagreed about one form of exception. One group said: It is impermissible to except a thing from something of a different genus or species about which the statement is made. Another group said: It is permissible to except a thing from a different genus or from that about which the statement is made. Groups among our fellow adherents of the apparent meaning and among our brothers who advocate analogy have held each of these two positions. Ali said: We say that excepting a thing from something of a different genus and species about which the statement is made is permissible. Its name in Arabic among grammarians is a disconnected exception. It then begins another statement, as when someone says, "The Muslims came to me, except the Jews." This is permissible, as though he had said, "Except the Jews: they did not come to me." No grammarian or lexicographer whatsoever denies this when it takes the form we have described. Ali said: The decisive demonstration of this is His saying, Most High: "Then the angels prostrated, all of them, altogether—except Iblis; he acted arrogantly and was among the disbelievers." And He said, Most High: "And when We said to the angels, 'Prostrate yourselves before Adam,' they prostrated, except Iblis. He was of the jinn, and he departed from his Lord's command. Will you then take him and his offspring as allies instead of Me, while they are enemies to you? Wretched is the exchange for the wrongdo-

ers!" Thus He, Most High, left no room for doubt here without clarifying it, and stated that Iblis was of the jinn. Recklessness has driven some people who sought to vindicate their doctrine here to say that the angels are called jinn because they are concealed[1][2][3]

L1226 Ali said: This is an outrageous assertion on several grounds. The first and clearest is the saying of Allah, Mighty and Majestic, when He questioned the angels: "And on the day He gathers them all together, then says to the angels, 'Was it you that these people used to worship?'" The angels said: "They said, 'Glory be to You! You are our protector, to their exclusion. Rather, they used to worship the jinn; most of them believe in them.'" Thus He, Most High, distinguished the angels from the jinn, as you see. The second ground is his statement, peace be upon him, that the angels were created from light and the jinn were created from fire. He thereby distinguished the two species with a distinction whose denial constitutes disbelief. Abd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj, from Abd Allah ibn Humayd, from Abd al-Razzaq, from Maʿmar, from al-Zuhri, from Urwa, from Aisha, who said: The Messenger of Allah ﷺ, may Allah bless him and grant him peace, said: "The angels were created from light, the jinn were created from a smokeless flame of fire, and Adam was created from what has been described to you." The third is the consensus of the community that whoever calls Gabriel or Michael a jinni has disbelieved. The falsity of this corrupt assertion has thus become clear. The utmost that its proponents

قال علي: وهذا قول فاحش من وجوه، أحدها وأوضحها قول الله عز وجل، إذ سأل الملائكة: {ويوم يحشرهم جميعا ثم يقول للملائكة أهؤلاء إياكم كانوا يعبدون} فقالت الملائكة: {قالوا سبحانك أنت ولينا من دونهم بل كانوا يعبدون لجن أكثرهم بهم مؤمنون} ففرق تعالى بين الملائكة والجن فرقا كما ترى، والوجه الثاني إخباره عليه السلام: إن الملائكة خلقت من نور، والجن خلقت من نار، ففرق بين النوعين فرقا من خالفه كفر. حدثنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، عن عبد الله بن حميد، عن عبد الرزاق، عن معمر، عن الزهري عن عروة عن عائشة قالت قال رسول الله صلى الله عليه وسلم خلقت الملائكة من نور وخلق الجان من مارج من نار، وخلق آدم مما وصف لكم. والثالث إجماع الأمة على أن من سمى جبريل أو ميكائيل جنيا فقد كفر، فقد ظهر بطلان هذا القول الفاسد، وكان أقصى ما احتج له القائلون به أن قالوا: الاجتنان هو الاستتار، ومن ذلك يسمى المجن مجنا، والجنة جنة، فالملائكة والجن مستترون عنا فهم جن.

[1] **Translator's note (L1224):** In the second group's position, "من غير جنس أو المخبر عنه" is syntactically defective and appears to lack words. The translation preserves its surviving wording rather than silently supplying "species." The expressions introducing exceptions are retained in transliteration because the argument concerns their grammatical use. The wording "ما لم يكن" literally means "what is not" or "what was not," with its precise force dependent on the construction.

[2] **Translator's note (L1225):** The Quranic quotations contain repeated transcriptional losses of initial alifs, including in "الملائكة," "استكبر," "الكافرين," "اسجدوا," and "الجن." The translation follows the words that remain identifiable. The second quotation begins "وإذا" ("and when"), whereas Quran 18:50 has "وإذ." The supplied wording is translated.

[3] **Qur'an references (L1224):** Qur'an 18:50 (Al-Kahf).

offered in its support was to say: “Concealment (ijtinān) means being hidden (istitār). Hence a shield is called a mijann and a garden a janna. The angels and the jinn are hidden from us, so they are jinn.”[4][5][6]

L1227–1228 Ali said: This is the delirious talk of some lexicographers, and among every people there is madness. If someone were to reverse their argument against them and say, “Concealment (ijtinān), meaning being hidden, was derived only from jinn,” how would they extricate themselves? Moreover, they should be asked: Even if your claim were sound that jinn was derived from ijtinān, from what was ijtinān derived? If they proceed in this way without end, this entails existing things that have no beginnings and whose number has no end. This is impossible and inadmissible, and constitutes agreement with the people of unbelief. If they say, “The expression from which it was derived has no derivation,” they should be asked: “What makes that expression more entitled to be original than this second one?” Even leading grammarians have fallen into this, among them Abu Jaʿfar al-Nahhas, who composed a book on the derivation of the names of Allah, Mighty and Majestic. Exalted indeed is Allah far above that! This commits them to maintaining that the names of Allah, Mighty and Majestic, came into existence, because everything derived is taken from that from which it was derived, and everything taken was, before it existed, not taken. Thus there was a time when the names, according to their principle, did not exist.[7]

L1229–1236 Discussion here would grow lengthy, branch into other matters, and take us

قال علي: وهذا هذيان لبعض أهل اللغة، وفي كل قوم جنون، فلو أن عاكسا عكس عليهم فقال: ما اشتق الاجتنان الذي هو الاستتار إلا من الجن، بماذا كانوا ينفصلون؟ وأيضا فيقال لهم: حتى لو صح قولكم: إن الجن اشتقوا من الاجتنان فمن أي شيء اشتق الاجتنان؟ فإن جروا هكذا إلى غير غاية، وهذا يوجب أشياء موجودات لا أوائل لها، ولا نهاية لعددها، وهذا محال ممتنع، وموافقة أهل الكفر، وإن قالوا: ليس للفظ الذي اشتق منه اشتقاق، قيل لهم: فما الذي جعل تلك اللفظة بأن تكون مبتدأة أولى من هذه الثانية. وقد سقط في هذا كبار النحويين منهم أبو جعفر النحاس: فإنه ألف كتابا في اشتقاق أسماء الله عز وجل تعالى الله عن ذلك علوا كبيرا، وهذا يلزمهم القول بحدوث أسماء الله عز وجل، لأن كل شيء مشتق فهو مأخوذ مما اشتق منه، وكل مأخوذ فقد كان قبل أن يوجد غير مأخوذ، فقد كانت الأسماء على أصلهم غير موجودة،

والكلام ههنا يطول ويتشعب، ويخرجنا عن غرض كتابنا، وأسماء الله عز وجل إنما هي أسماء أعلام كقولك زيد وعمرو، والمراد بها الله تعالى الذي لم يزل وحده لا شريك له ولا يزال خالق كل شيء لا إله إلا هو رب العرش العظيم، وأما الأصوات المسموعة المعبر بها فمخلوقة لم تكن ثم كانت. ومنهم أبو القاسم عبد الرحمن بن إسحاق الزجاجي، فإنه قال في نوادره: العشقة نبت يخضر ثم يصفر ثم يهيج ومنه سمي العاشق عاشقا أو ما علم هذا الرجل أن كل نبت في الأرض فهذه صفته، فهلا يسمى العاشق باقلا مشتقا من البقل الذي يخضر، ثم يصفر، ثم يهيج، فإن ركب هذا الطريق اتسع له جدا، وأخرجه ذلك إلى بعض خرق من أدركاه من أهل الجنون، وأدخله في باب

[4] **Translator’s note (L1226):** The second Quranic quotation retains the introductory “They said” even though the author has already introduced it with “The angels said.” The transcription “لجن” in the Quranic quotation lacks the initial alif of “الجن”; the intended noun remains identifiable.

[5] **Hadith references (L1226):** Sahih Muslim 2996; Mishkat al-Masabih 5701; Riyad as-Salihin 1846.

[6] **Qur’an references (L1226):** Qur’an 34:40 (Saba); Qur’an 34:41 (Saba).

[7] **Translator’s note (L1227):** The clause “فإن جروا هكذا إلى غير غاية وهذا يوجب” has an irregular transition: literally, “If they proceed thus without limit, and this entails.” Its argument is retained. The wording “وكل مأخوذ فقد كان قبل أن يوجد غير مأخوذ” is awkward: literally, “everything taken was, before it existed, not taken.” The translation does not silently replace it with a smoother claim about the prior existence of the source of derivation.

beyond the purpose of our book. The names of Allah, Mighty and Majestic, are simply proper names, like your saying "Zayd" and "Amr." What is meant by them is Allah Most High, who has eternally been alone, without partner, and ever remains the Creator of everything. There is no deity except Him, the Lord of the mighty Throne. As for the audible sounds by which He is expressed, they are created: they did not exist, then came to exist. Among them is Abu al-Qasim Abd al-Rahman ibn Ishaq al-Zajjaji, who said in his Nawādir: "The ʿashaqa is a plant that turns green, then turns yellow, then withers; from it the lover (ʿāshiq) was named ʿāshiq." Did this man not know that this is the description of every plant on earth? Why, then, should the lover not be called bāqil, derived from herbage (baql), which turns green, then turns yellow, then withers? If he takes this path, it will open very widely before him and lead him into some of the foolishness of the madmen we have encountered, and bring him into the realm of laughable things, pleasantries, and buffoonery. What we believe, affirm, and declare certainly sound is that all derivation is invalid, except solely the names of agents derived from their actions, and the names of things described that are taken from their bodily and psychological attributes. Even here, we do not know whether the names were taken from the attributes or the attributes were taken from the names; we are, however, certain that one was taken from the other. Examples are "striker" (ḍārib) from "striking" (ḍarb), "eater" (ākil) from "eating" (akl), "white" (abyaḍ) from "whiteness" (bayāḍ), "angry" (ghaḍbān) from "anger" (ghaḍab), and similar cases. As for all the other names applied to genera and species, they have no derivation whatsoever. None precedes another; rather, they are all together. I used to discuss this with our teacher Abu Abda Hassan ibn Malik, may Allah have mercy on him. He had the greatest command of the language of anyone we met, together with his intense attention to it, his trustworthiness, and his care in transmitting it. He used to say to me: "Many an early lexicographer has held the position you maintain." He named one to me, but I am now uncertain of his name because so much time has elapsed; I think it was Niftawayh. How can a rational person permit himself to call the angels jinn when he hears the saying of Allah, Mighty and Majestic: "Had We willed, We would have given every soul its guidance. But the word from Me has become binding: 'I shall assuredly fill Hell with jinn and human beings,

المضاحك والمطايب والمجون. والذي نعتقد ونقول ونقطع على صحته، أن الاشتقاق كله باطل حاشا أسماء الفاعلين من أفعالهم فقط، وأسماء الموصوفين المأخوذة من صفاتهم الجسمانية والنفسانية، وهذا أيضا لا ندري هل أخذت الأسماء من الصفات، أو أخذت الصفات من الأسماء؟ إلا أننا نوقن أن أحدهما أخذ من صاحبه، مثل ضارب من الضرب، ومثل آكل من الأكل، ومثل أبيض من البياض وغضبان من الغضب، وما أشبه ذلك. وأما سائر الأسماء الواقعة على الأجناس والأنواع كلها، فلا اشتقاق لها أصلا، وليس بعضها قبل بعض، بل كلها معا، وقد كنت أجري في هذا مع شيخنا أبي عبده حسان بن مالك رحمه الله، وكان أذكر من لقينا للغة مع شدة عنايته بها، وثقته وتحريه في نقلها، فكان يقول لي: قد قال بهذا الذي تذهب إليه كثير من أهل اللغة قديم وسماه لي، وشككت الآن في اسمه لبعد العهد وأظن أنه نفطويه. وكيف يسوغ لذي عقل أن يسمي الملائكة جنا، وهو يسمع قول الله عز وجل {ولو شئنا لآتينا كل نفس هداها ولكن حق لقول مني لأملأن جهنم من لجنة ولناس أجمعين} وما علمنا مسلما يقول إن أحدا من الملائكة يدخل جهنم وقد قال تعالى {قل أعوذ برب لناس * ملك لناس * إله لناس * من شر لوسواس لخناس * لذى يوسوس في صدور لناس * من لجنة ولناس} أفتراه تعالى أمر نبيه صلى الله عليه وسلم بأن يستعيذ من شر الملائكة هذا ما لا يظنه ذو عقل، وقد اعترض على بعض من كلمني في هذا المعنى بقوله تعالى {وجعلوا بينه وبين لجنة نسبا ولقد علمت لجنة إنهم لمحضرون} وقال إنهم كانوا يقولون الملائكة بنات الرحمن. قال علي: وهذا ليس بشيء، لأنه قد روي عن ابن عباس أن قريشا كانت تقول: سروات الجن هم بنات الرحمن، فإنما عنى تعالى الجن على الحقيقة في هذا المكان لا الملائكة، ونسأل من ذهب إلى هذا، أيجوز أن يقول قائل، والجن حافون من حول العرش؟ وهذا ما لا يجيزه مسلم، وقد أخبر تعالى أن الجن عن السمع لمعزولون، ودون السماء بالشهب

مقذوفون، وأن الملائكة بخلاف ذلك، ويلزم من سمى الجن جنا من أجل اجتنانهم أن يسمي دماغه جنيا ويسمي مصيره جنيا، لأن كل ذلك مجتن، وقد اعترض بعضهم بأن إبليس دخل مع الملائكة في الأمر بالسجود لآدم صلى الله عليه وسلم قال علي وهذا باطل لأن الله تعالى أخبر أنه كان من الجن، ولا تدخل الجن مع الملائكة فيما خصت به الملائكة، فلا بد أنه تعالى أمر إبليس أيضا بالسجود، وقد جاء النص بذلك فقال تعالى: {قال يإبليس ما منعك أن تسجد لما خلقت بيدي أستكبرت أم كنت من لعالين} فقد أيقنا أن الله تعالى أمره بالسجود كما أمر الملائكة، فقد وجدنا الله تعالى استثنى إبليس من غير نوعه، فلا مجال للشك في هذا المعنى بعد هذا، ووجدناه تعالى قد قال أيضا: {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من لله وكان لله عليما حكيما} أي لكن خطأ وقال تعالى {يا أيها لذين آمنوا لا تأكلوا أموالكم بينكم بلباطل إلا أن تكون تجارة عن تراض منكم ولا تقتلوا أنفسكم إن لله كان بكم رحيما} وقال تعالى {لا يذوقون فيها لموت إلا لموتة لأولى ووقاهم عذاب لجيم} فاستثنى عز وجل الموتة الأولى وليست الموتة فيما يذاق أصلا في الجنة واستثنى تعالى التجارة وهي حق من الباطل واستثنى تعالى الخطأ من القتل المحرم، وليس المخطىء قاتلا من العمد الحرم، واستثنى تعالى القول الطيب سلاما سلاما من قول الإثم، ومن هذا الباب لا إله إلا الله، واستثنى الله تعالى من جملة الآلهة التي عبدها من سوانا وليس تعالى من جنسها ولا نوعها، ولا له عز وجل نوع ولا جنس أصلا، وقد قال تعالى {وما لأحد عنده من نعمة تجزى * إلا بتغآء وجه ربه لأعلى} وقال النابغة الذبياني ولا عيب فيهم غير أن سيوفهم بهن فلول من قراع الكتائب فاستثنى الفخر من المعائب، وقال

all together'"? We know of no Muslim who says that any of the angels enters Hell. And He said, Most High: "Say: 'I seek refuge in the Lord of human beings, the King of human beings, the God of human beings, from the evil of the whisperer who withdraws, who whispers into the breasts of human beings, from among jinn and human beings.'" Do you suppose, then, that He, Most High, commanded His Prophet ﷺ, may Allah bless him and grant him peace, to seek refuge from the evil of the angels? No rational person would suppose this. Someone who discussed this matter with me raised an objection against me, citing His saying, Most High: "They established a kinship between Him and the jinn, yet the jinn certainly know that they will be brought forth." He said: "They used to say that the angels were the daughters of the All-Merciful." Ali said: This amounts to nothing, because it has been related from Ibn Abbas that Quraysh used to say: "The nobles of the jinn are the daughters of the All-Merciful." Thus He, Most High, meant the jinn in the literal sense in this passage, not the angels. We ask whoever adopts this position: Is it permissible for someone to say, "And the jinn encircling the Throne." This is something no Muslim permits. The Exalted has reported that the jinn are barred from hearing and are pelted with flaming projectiles below heaven, whereas the angels are otherwise. Anyone who calls the jinn "jinn" because they are concealed must also call his brain a jinni and call his intestine a jinni, because all these are concealed. Some have objected that Iblis was included with the angels in the command to prostrate before Adam, may Allah bless him and grant him peace ﷺ. Ali said: This is false, because Allah the Exalted has reported that he was one of the jinn, and the jinn are not included with the angels in what is particular to the angels. He, the Exalted, must therefore also have commanded Iblis to prostrate. An explicit text establishes this, for the Exalted said: {He said: O Iblis, what prevented you from prostrating before what I created with My two hands? Did you act arrogantly, or were you among the exalted?} We are thus certain that Allah the Exalted commanded him to prostrate, just as He commanded the angels. We have therefore found that Allah the Exalted made an exception of Iblis from a kind other than his own. After this, there is no room for doubt about this meaning. We have also found that He, the Exalted, said: {It is not for a believer to kill a believer except by mistake.

Whoever kills a believer by mistake must free a believing slave and deliver blood money to his family, unless they remit it as charity. If he belonged to a people who are enemies to you, while he was a believer, then a believing slave must be freed. If he belonged to a people between whom and you there is a covenant, then blood money must be delivered to his family and a believing slave freed. Whoever cannot find the means must fast for two consecutive months, as repentance from Allah. Allah is All-Knowing, All-Wise.} That is, "but by mistake." The Exalted said: {O you who believe, do not consume your property among yourselves wrongfully, except that there be trade by mutual consent among you; and do not kill yourselves. Surely Allah is merciful toward you.} The Exalted said: {They will not taste death therein except the first death, and He has protected them from the punishment of Hellfire.} Thus He, Almighty and Majestic, excepted the first death, although death is not among the things tasted in Paradise at all. The Exalted excepted trade, which is rightful, from wrongful dealings; and the Exalted excepted mistaken killing from prohibited killing, although someone who kills by mistake does not kill with the prohibited deliberate intent. The Exalted excepted good speech—"Peace, peace"—from sinful speech. "There is no deity except Allah" belongs to this category: Allah the Exalted was excepted from the totality of deities worshipped by people other than us, although He, the Exalted, belongs neither to their genus nor to their species. Indeed, He, Almighty and Majestic, has no species or genus at all. The Exalted has said: {And no one has with him any favor to be repaid, except seeking the face of his Lord, the Most High.} Al-Nabighah al-Dhubyani said: "There is no fault in them except that their swords have notches from striking against battalions." Thus he excepted a source of pride from faults. He also said: "I stood there late in the afternoon, questioning it; it was unable to answer. There was no one in the encampment except the tethering places—only with difficulty could I distinguish them—and the encircling trench, like a basin, in the hard ground dug where it should not have been." Thus he excepted the hearthstones and the encircling trench from persons. Another poet said: "And a land in which there is no companion except the wild gazelles and except the pale camels." The Exalted said: {If We wished, We would surely take away what We have revealed to you; then you would find for yourself no trustee against

أيضا: وقفت فيها أصيلانا أسائلها عيت جوابا وما بالربع من أحد إلا الأواري لأيا ما أبينها والنؤى كالحوض بالمظلومة الجلد فاستثنى الأثافي والنؤى من الأحدين، وقال آخر: وبلدة ليس بها أنيس إلا اليعافير وإلا العيس وقال تعالى {ولئن شئنا لنذهبن بلذي أوحينا إليك ثم لا تجد لك به علينا وكيلا * إلا رحمة من ربك إن فضله كان عليك كبيرا} فاستثنى عز وجل رحمته من الوكيل عليه الذي لا سبيل إليه، فأي شيء قاله من أبى استثناء الشيء من غير جنسه في هذه الآيات وفي هذه الآي، فهو قولنا، وهو أنه استثناء منقطع، وعطف خبر على خبر، بمعنى لكن، أو حتى، وقد صح بلا ضرورة أن يخبر بخبر إيجاب عن واحد، وبخبر نفي عن آخر، ولا فرق بين أن يرد أحد الخبرين على الآخر بحرف العطف، وبين أن يرد بحرف الاستثناء، وقد جاء كل ذلك كما ذكرنا وبالله تعالى التوفيق

Us concerning it, except mercy from your Lord. Surely His favor toward you has been great.} Thus He, Almighty and Majestic, excepted His mercy from a trustee against Him, whom there is no way to obtain. Whatever those who reject excepting something from a different genus say concerning these verses and these Quranic passages is precisely what we say: it is a disconnected exception and the conjunction of one statement to another, with the meaning of "but" or "until." It is unquestionably valid, without any necessity compelling it, to make an affirmative statement about one thing and a negative statement about another. There is no difference between connecting one statement to the other with a conjunction and connecting

it with a particle of exception. All this has occurred as we have described. Success comes through Allah the Exalted.[8][9][10][11][12][13][14][15]

[8]**Translator's note (L1229):** The plant name "العشقة" is left as ʿashaqa because its proposed verbal relationship to ʿāshiq, "lover," is the subject of the argument. Likewise, bāqil preserves the author's proposed parallel with baql, "herbage."

[9]**Translator's note (L1230):** The unvocalized "كثير من أهل اللغة قديم" is grammatically awkward. It is rendered "many an early lexicographer," preserving both the plurality and the reference to earlier authorities. The Quranic quotations repeatedly omit initial alifs in such words as "القول," "الجنة," "الناس," "الوسواس," and "الخناس." The translation follows the identifiable wording and preserves the repeated references to human beings. "أسماء الفاعلين" means names designating agents and also evokes the grammatical category of active participles; the examples preserve that connection.

[10]**Translator's note (L1231):** The Quranic fragment contains the transcriptional forms "لذى," "لناس," and "لجنة," lacking initial alifs. The translation follows the identifiable words and continues the quotation begun in the preceding unit.

[11]**Translator's note (L1232):** The transcription "وقد اعترض على بعض من كلمني" lacks the written form expected for "against me" (عليّ). Its syntax and the following context support the reading translated, but the supplied spelling is irregular. The Quranic quotation twice writes "لجنة" without the initial alif of "الجنة." The reported claim "The nobles of the jinn are the daughters of the All-Merciful" is retained as supplied, including its incongruous masculine wording "هم ... سروات" alongside "daughters."

[12]**Translator's note (L1233):** The opening completes a hypothetical statement about the jinn in the preceding segment. The unvocalized مصيره is understood here as "his intestine," from the anatomical noun maṣīr, in keeping with the argument about concealed organs.

[13]**Translator's note (L1235):** The opening الحرم is an irregular or corrupt form in the phrase العمد الحرم; the translation takes it as qualifying deliberate intent as prohibited. The statement about Allah being excepted uses passive English to express the argument conveyed by the Arabic wording. The Quranic quotation is translated with its explicit "except," preserving the construction on which the author's argument depends.

[14]**Translator's note (L1236):** The verse has الأواري, understood as tethering places or their remains, but the author's subsequent explanation calls them الأثافي, "hearthstones." This apparent mismatch is preserved. The poetic phrase بالمظلومة الجلد is compressed and difficult: it describes hard ground subjected to digging where digging was inappropriate. "Disconnected exception" renders استثناء منقطع, an exception whose apparent exception term does not belong to the class previously mentioned.

[Section on Exception]

Ali said: They disagreed over one kind of exception: excepting the greater part of a totality so that the lesser part remains. Some permitted it; this is the position of all our companions, the adherents of the literal meaning, and we adopt it. The majority of the Shafi'is also held it. Others rejected it; this is the position of the majority of the Malikis. We know of no argument whatsoever these people have for prohibiting it, except that some of them say: "You have agreed with us that exception is permissible, whereas we do not agree with you that excepting the greater part is permissible." Ali said: This argument is valid only concerning something for which there is no explicit text, or concerning something for which no demonstration has been established.

As for anything for which a rational demonstration or a demonstration from revealed law has been established, we do not care who agrees with us about it or who disagrees with us. Demonstrations have established the permissibility of excepting the greater part of a totality, leaving only the lesser part thereafter. Allah, Almighty and Majestic, said: {Stand at night except a little: half of it, or diminish it a little, or add to it; and recite the Quran with measured recitation.} Thus the Exalted substituted "half" for "a little"; this is an explanatory substitution. No one has ever disputed that standing in prayer throughout the entire night was not made obligatory upon him; rather, standing in prayer during the night was made obligatory upon him. This substitute occupies the place of what it replaces. The understood meaning is therefore that the Exalted said: "Stand at night except half of it." Then Allah the Exalted gave us a further great benefit: half is little in relation to the whole. Ali said: If someone says, "How can you use this as an argument when you say that standing in prayer for more than one third of the night is impermissible, because the Prophet, may Allah bless him and grant him peace ﷺ, said that there is no standing in prayer beyond that of David, who would stand in prayer for one third of the night after sleeping for half

[15] **Qur'an references (L1229):** Qur'an 32:13 (As-Sajdah); Qur'an 38:75 (Sad); Qur'an 4:92 (An-Nisa); Qur'an 4:29 (An-Nisa); Qur'an 92:19 (Al-Layl); Qur'an 17:86 (Al-Isra); Qur'an 17:87 (Al-Isra).

[فصل من الاستثناء]

قال علي واختلفوا في نوع من أنواع الاستثناء، وهو أن يستثنى من الجملة أكثرها، ويبقى الأقل، فأجازه قوم وهو قول جميع أصحابنا أهل الظاهر، وبه نأخذ، وبه قال جمهور الشافعيين، وأباه قوم وهو قول جمهور المالكيين، ولا نعلم لهؤلاء القوم حجة أصلا في المنع من ذلك إلا أن يقول بعضهم: إنكم قد وافقتمونا على جواز استثناء، ولا نوافقكم على جواز استثناء الأكثر. قال علي: وهذه حجة إنما تصح فيما لا نص فيه، أو فيما لم يقم عليه برهان،

وأما كل ما قام فيه برهان عقلي أو شرعي فلا نبالي من وافقنا فيه، ولا من خالفنا، وقد قامت البراهين على جواز استثناء الأكثر من جملة لا يبقى منها بعد ذلك إلا الأقل قال الله عز وجل {قم لليل إلا قليلا * نصفه أو نقص منه قليلا * أو زد عليه ورتل لقرآن ترتيلا} فأبدل تعالى النصف من القليل، وهو بدل البيان، ولم يختلف قط أحد أنه لم يفرض عليه قيام الليل كله، وإنما فرض عليه القيام في الليل، وهذا البدل يحل محل المبدل منه فالمفهوم أنه قال تعالى: قم الليل إلا نصفه، ثم زادنا الله تعالى فائدة عظيمة، وهي أن النصف قليل بالإضافة إلى الكل. قال علي: فإن قال قائل: كيف تحتجون بهذا وأنتم تقولون إن قيام أكثر من ثلث الليل لا يجوز لقول النبي صلى الله عليه وسلم إنه لا قيام فوق داود وكان يقوم ثلث الليل بعد أن ينام نصفه ثم ينام سدسه؟ قيل له وبالله تعالى التوفيق معنى قوله تعالى {نصفه أو نقص منه قليلا * أو زد عليه ورتل لقرآن ترتيلا} إنما هو والله أعلم إعلام بوقت القيام لا بمقدار القيام، ليتفق معنى الآية والحديث، فكل من عند الله تعالى وما كان من عنده تعالى فلا اختلاف فيه

of it, then sleep for one sixth of it?" he is told—and success comes through Allah the Exalted—that the meaning of His statement, the Exalted, {Half of it, or diminish it a little, or add to it; and recite the Quran with measured recitation}, is only—and Allah knows best—to indicate the time for standing in prayer, rather than the amount of standing in prayer, so that the meaning of the verse and the hadith agree. All comes from Allah the Exalted, and whatever comes from Him, the Exalted, contains no disagreement.

L1240 Allah, Almighty and Majestic, said: {Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much disagreement in it.} It is thus established that the meaning of His statement, the Exalted, {Stand at night except a little}, is: "Stand during the night except during a little of it—during half of it." Likewise, His statement, the Exalted, {Your Lord knows that you stand for less than two thirds of the night, and half of it, and one third of it, as does a group of those with you. Allah determines the night and the day. He knew that you would not reckon it, so He turned toward you in mercy. Therefore recite whatever is easy of the Quran. He knew that there would be sick people among you, and others traveling through the land seeking Allah's bounty, and others fighting in Allah's path. Therefore recite whatever is easy of it, establish prayer, give the obligatory alms, and lend Allah a good loan. Whatever good you send ahead for yourselves, you will find it with Allah, better and greater in reward. Seek Allah's forgiveness; surely Allah is All-Forgiving, Merciful}, means only "during less than." His statement, the Exalted, {They used to sleep little of the night}, together with His prohibition, through the tongue of His Prophet, against standing in prayer for more than one third of the night, is a clarification that two thirds come before comparison with the whole, because they used to sleep a little, namely two thirds. It can also be construed by taking "ma" here as an outright negation, so that its meaning is: "They used not to sleep for a little of the night," namely one third or less. This too would be a sound interpretation, agreeing with what is authentically reported from the Prophet, may Allah bless him and grant him peace ﷺ, concerning standing in prayer for one third. Both interpretations agree, because if someone sleeps for two thirds and stands in prayer for one third,

قال الله عز وجل {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} فصح أن معنى قوله تعالى {قم لليل إلا قليلا} قم في الليل إلا في قليل في نصفه. وهكذا قوله تعالى {إن ربك يعلم أنك تقوم أدنى من ثلثي لليل ونصفه وثلثه وطآئفة من لذين معك ولله يقدر لليل ولنهار علم ألن تحصوه فتاب عليكم فقرءوا ما تيسر من لقرآن علم أن سيكون منكم مرضى وآخرون يضربون في لأرض يبتغون من فضل لله وآخرون يقاتلون في سبيل لله فقرءوا ما تيسر منه وأقيموا لصلاة وآتوا لزكاة وأقرضوا لله قرضا حسنا وما تقدموا لأنفسكم من خير تجدوه عند لله هو خيرا وأعظم أجرا وستغفروا لله إن لله غفور رحيم} إنما معناه في أدنى وقوله تعالى {كانوا قليلا من لليل ما يهجعون} مع نهيه على لسان نبيه عن قيام أكثر من ثلث الليل، بيان أن الثلثين قبل الإضافة إلى الكل، لأنهم كانوا يهجعون قليلا وهو الثلثان. ويخرج أيضا على أن ما ههنا جحد محقق، فيكون معناه: كانوا ما يهجعون قليلا من الليل وهو الثلث فأقل، فيكون هذا أيضا حسنا موافقا لما صح عن النبي صلى الله عليه وسلم في قيام الثلث وكلا القولين متفق لأنه إذا هجع الثلثين وقام الثلث، فإن الثلثين قليل بالإضافة إلى الكل، والثلث أيضا كذلك، وبالله تعالى التوفيق

two thirds are little in relation to the whole, and one third is likewise. Success comes through Allah the Exalted.[16][17]

L1241–1242 If an objector objects by citing the saying of Allah's Messenger, may Allah bless him and grant him peace ﷺ, "One third is much," he is told: Allah's Messenger, may Allah bless him and grant him peace ﷺ, spoke the truth. One third is much in relation to what is less than it. The same applies to every number in the world: a thousand thousand is much in relation to ten thousand, and a thousand thousand is little in relation to ten thousand thousand. Ali said: We suppose that what plunged these people into this predicament was their permitting the person establishing an endowment to except less than one third, while not permitting him to except more than that. Their error thus led them to something still more erroneous. Those who most deserve to cover their faces when this hadith—which they used as an objection—is mentioned, namely the saying of Allah's Messenger, may Allah bless him and grant him peace ﷺ, "One third is much," are the Malikis, because they consider one third much in making an exception from an endowment, as we have mentioned. Then, in the ruling concerning a married woman's property, they regard it as little: they permit her to dispose of a third without her husband's approval, but prevent her from disposing of more than a third except with his approval. Then they regard a third as much in the case of a calamity that destroys a third or more of the fruit, and regard anything less than a third as little, carrying no legal consequence. Then they regard a third as little when a seller excepts from his sold orchard

فإن اعترض معترض بقول رسول الله صلى الله عليه وسلم الثلث كثير قيل له صدق رسول الله صلى الله عليه وسلم الثلث كثير بالإضافة إلى ما هو أقل منه وهكذا كل عدد من العالم فألف ألف كثيرا بالإضافة إلى عشرة آلاف، وألف ألف قليل بالإضافة إلى عشرة آلاف ألف. قال علي: ونقدر أن الذي أقحم هؤلاء القوم في هذه الورطة، تجويزهم للمحتبس استثناء أقل من الثلث، ولم يجوزوا له استثناء الأكثر من ذلك، فقادهم الخطأ إلى ما هو أشد خطأ منه، وإن أولى الناس بالتقنع إذا ذكر هذا الحديث الذي اعترضوا به من قول رسول الله صلى الله عليه وسلم الثلث كثير فالمالكيون لأنهم يجعلون الثلث كثيرا في الاستثناء من الحبس كما ذكرنا. ثم يجعلونه في حكم المرأة ذات الزوج في مالها قليلا، فيجوزون لها الثلث دون رأي زوجها، ويمنعونها من أكثر من الثلث إلا برأيه، ثم يجعلون الثلث كثيرا في الجائحة إذا أصابت من الثمرة ثلثها فصاعدا، ويجعلون ما دون الثلث قليلا لا حكم له، ثم يجعلون الثلث قليلا في استثناء البائع من حائطه المبيع، أو زرعه المبيع مكيلة تبلغ الثلث فأقل، ويجعلون ما زاد على الثلث في ذلك كثيرا ممنوعا.

[16] **Translator's note (L1240):** The supplied text reads أن الثلثين قبل الإضافة إلى الكل, literally "that two thirds [are] before comparison with the whole," leaving an awkward or incomplete assertion. The argument suggests that قبل may be a corruption of قليل, "little," but the translation preserves the supplied reading. The author offers two grammatical interpretations of ما in the quotation about sleeping at night. The second explicitly treats it as a negative particle; both interpretations are retained.

[17] **Qur'an references (L1240):** Qur'an 4:82 (An-Nisa); Qur'an 73:20 (Al-Muzzammil).

or his sold crop a measured quantity amounting to a third or less, and regard anything exceeding a third in that case as much and prohibited.[18]

L1243–1244 Then they regard a third as much when a sheep is sold and a number of pounds of it are excepted: they prohibit this if those pounds amount to a third, but permit it if they amount to less than a third. Then they regard a third as little when a house is rented and contains date palms whose fruit has not yet appeared, or has appeared but has not yet shown signs of ripeness: they permit that fruit to be included in the rental. They say: If it amounts to more than a third, that is not permissible. They regard a tenth as little, and anything exceeding it as much, in the case of someone who instructs another to buy him a slave girl for thirty, and the latter buys him a slave girl for thirty-three. They say: The purchase is binding on the person who gave the instruction; but if it is for more, it is not binding on him. They have also said that anything exceeding half a tenth is much in the case of someone who instructs another to buy him a male slave for one hundred dinars, and the latter buys him one for one hundred and five dinars: this is binding on him but it is not binding on him if he buys him for more. At another time they regard a half as little: in the case of someone to whom another owes a dinar, who exchanges half of it for dirhams and takes food for the other half, they hold that this is permissible. But if he exchanges more than half and takes something for the remainder, that is not permissible, because it is much. They say: If someone buys goods and finds that some of them are defective and cannot lawfully be sold, such as a dead sheep among ritually slaughtered animals and the like, then, if that portion is the principal object of the transaction and the part from which profit is expected, the entire transaction is rescinded. If it is less than that, the unlawful portion is rescinded and the contract takes effect for the lawful portion. They set the threshold for much in this case at seventy out of a hundred, thus regarding anything below three quarters as little. They regard the loss of half the ear

[18]**Translator's note (L1241):** The supplied المحتبس is unusual for the person establishing an endowment; the following context explicitly concerns exceptions from an endowment. The translation follows that contextual sense. "Cover their faces" renders التقنع, apparently used polemically to suggest shame.

ثم يجعلون الثلث كثيرا في الشاة تباع، ويستثنى منها أرطال فمنعوا من ذلك إن كانت الأرطال مقدار الثلث، وأجازوه إن كانت أقل من الثلث، ثم يجعلون الثلث قليلا في الدار تكترى وفيها نخل لم يظهر بعد فيه ثمرة، أو ظهرت ولم يبد صلاحها، فأجازوا دخول تلك الثمرة في الكراء. قالوا: فإن كانت أكثر من الثلث لم يجز ذلك ويجعلون العشر قليلا وما زاد عليه كثيرا، فيمن أمر آخر أن يشتري له جارية بثلاثين، فاشترى له جارية بثلاثة وثلاثين، قالوا: هي لازمة للآمر. فإن كان أكثر فهي غير لازمة للآمر، وقد قالوا أيضا: إن ما زاد على نصف العشر كثير، فيمن أمر آخر أن يشتري له عبدا بمائة دينار، فاشتراه له بمائة وخمسة دنانير، أنه يلزمه ولا يلزمه إن اشتراه بأكثر، ومرة يجعلون النصف قليلا، فيمن كان له عند آخر دينارا فصارفه في نصفه بدراهم، فأخذ بالنصف الثاني طعاما، أن ذلك جائز، فإن صارفه بأكثر من النصف وأخذ بالباقي لم يجز ذلك، لأنه كثير. وقالوا: من ابتاع سلعا فوجد بعضها فاسدة، لا يجوز بيعها كشاة ميتة بين مذكيات ونحو ذلك، فإن كان وجه الصفقة والذي يرجى فيه الربح، فسخت الصفقة كلها، وإن كان أقل من ذلك فسخ الحرام ونفذ العقد في الحلال، وحدوا الكثير في ذلك بالسبعين من المائة، فجعلوا ما دون الثلاثة الأرباع قليلا، وجعلوا نقص النصف من الأذن والذنب مانعا من جواز التضحية. ونرجح في الثلث فما فوقه إلى النصف، ثم يجعلون الثلث قليلا، في الحلي والسيف، والمصحف يكون فيه فضة تقع في ذلك قيمته ما هي فيه، فيجيزون بيعه كله أو بعضه، أو يكون فيه ذهب يقع في ثلث قيمة ما هو فيه، فيباع بالذهب. قالوا: فإن كان مقدار ذلك أكثر من الثلث مما هو فيه، لم يجز بيعه إن كان فضة بفضة أصلا، وإن كان ذهبا بذهب أصلا، قالوا: والسكين بخلاف الحلي والسيف المصحف في ذلك. قال علي: فمرة كما ترى يجعلونه الثلث قليلا، ومرة يجعلونه كثيرا، ومرة يجعلون النصف قليلا، ومرة يجعلون ما زاد على العشر كثيرا، تحكما بآرائهم الفاسدة بلا دليل،

or tail as precluding the permissibility of offering the animal as a sacrifice, and we favor this ruling for a third and anything above it up to a half. Then they regard a third as little in jewelry, a sword, or a copy of the Qur'an containing silver whose value falls, in that, within the value of what contains it; they permit the sale of all or part of it. Or it contains gold amounting to a third of the value of what contains it, and it is sold for gold. They say: If the amount of that exceeds a third of what contains it, it is absolutely impermissible to sell it for silver if it is silver, or for gold if it is gold. They say: A knife differs in this respect from jewelry, a sword, and a copy of the Qur'an. Ali said: Thus, as you see, at one time they regard a third as little and at another as much; at one time they regard a half as little, and at another they regard anything exceeding a tenth as much, arbitrarily imposing their corrupt opinions without evidence.[19][20]

L1245–1262 Indeed, hearing these corrupt rulings, which Allah, mighty and majestic, has not authorized, is a lesson for anyone who takes heed and a sign for anyone who reflects. Astonishment is redoubled at people who accepted this and adopted it as their religion, as you see, abandoning for its sake the proofs and explicit texts of the Qur'an and the Sunnah. Allah is sufficient for us, and an excellent Trustee is He. Ali said: The explicit text of the Qur'an contains an exception of the greater part from a whole, after which the lesser part remains; thus the statement of everyone who opposes this is invalidated. Allah, mighty and majestic, said to Iblis: "Indeed, My servants—you have no authority over them, except those who follow you from the ones who go astray." And the Messenger of Allah, may Allah bless him and grant him

[19]**Translator's note (L1243):** The Arabic uses pounds as a unit of weight without specifying a modern equivalent. The currency for the slave girl's price is not stated.

[20]**Translator's note (L1244):** The text says seventy out of a hundred, then describes the resulting threshold as below three quarters. This numerical discrepancy is retained. The supplied reading ونرجح means 'and we favor' or 'and we give preponderance'; it unexpectedly shifts to the first person within the account of the opponents' rulings. The translation retains that shift. The clause describing the silver's value, تقع في ذلك قيمته ما هي فيه, is grammatically disturbed. Its wording is rendered conservatively; the parallel gold clause and the ensuing ruling suggest a reference to one third of the containing object's value, but that fraction is not supplied in the silver clause.

وإن سماع هذه القضايا الفاسدة التي لم يأذن بها الله عز وجل لعبرة لمن اعتبر، وآية لمن تفكر، والعجب يتضاعف من قوم قبلوا ذلك ودانوا به كما ترى وتركوا له دلائل القرآن والسنة ونصوصهما، وحسبنا الله ونعم الوكيل. قال علي: وقد جاء في نص القرآن استثناء الأكثر من جملة يبقى منها الأقل بعد ذلك، فبطل كلام كل من خالفه، قال الله عز وجل لإبليس {إن عبادي ليس لك عليهم سلطان إلا من تبعك من لغاوين} وقد أخبر رسول الله صلى الله عليه وسلم أنا في الأمم التي تدخل النار كالشعرة السوداء في الثور الأبيض، وأنه عليه السلام يرجو أن يكون نصف أهل الجنة، وأن بعث أهل النار من كل ألف تسعمائة وتسعة وتسعون للنار، واحد إلى الجنة، هذا حكم جميع ولد آدم عليه السلام ويكفي من ذلك قوله تعالى {وما أكثر لناس ولو حرصت بمؤمنين} فقد استثنى الغاوين من جملة الناس وهم أكثر الناس، فاستثنى كما ترى ألفا غير واحد من ألف. قال علي: وأيضا فإن الاستثناء إنما هو إخراج للشيء المستثنى، مما أخبر به المخبر عن الجملة المستثنى منها، ولا فرق بين إخراجك من ذلك الأكثر، وبين إخراجك الأقل، وكل ذلك خبر يخبر به، فالخبر جائز عن الأكثر كجوازه عن

peace ﷺ, has reported that we, among the nations that enter the Fire, are like a black hair on a white bull, and that he, peace be upon him, hopes to constitute half the inhabitants of Paradise; and that, of every thousand, the contingent destined for the Fire is nine hundred and ninety-nine for the Fire, with one going to Paradise. This is the ruling concerning all the descendants of Adam, peace be upon him. Sufficient for this is His saying, exalted is He: "And most people, however eager you may be, are not believers." He has thus excepted those who go astray from the totality of people, and they are most people; so, as you see, He has excepted a thousand less one from a thousand. Ali said: Furthermore, an exception is simply the exclusion of the thing excepted from what the speaker has asserted about the whole from which the exception is made. There is no difference between your excluding the greater part from that and your excluding the lesser part. All of this is an assertion being made, and an assertion concerning the greater part is permissible just as one concerning the lesser part is permissible. Only a shameless, obstinate person or an ignorant person would prohibit this. Furthermore, there is no doubt, by the necessary exercise of discernment, that ten thousand is more than ten thousand except one. Since that is so, ten thousand less one is little in comparison with a complete ten thousand. Since that is so, excepting the little from the much is permissible and undisputed. Furthermore, there is no difference between someone's saying 'a thousand less nine hundred and ninety-nine' and his saying 'one'; nor is there any difference between someone's saying 'seven hundred and three hundred' and his saying 'a thousand.' All of these are equivalent expressions: different wordings with one meaning. Since that is so, there is no difference between excepting three hundred from a thousand, because it is part of the thousand, and excepting nine hundred and ninety-nine from the thousand, likewise because it is part of the thousand. There is no difference. If someone says, 'Your Lord is a thousand less nine hundred and ninety-nine, if that means "one,"' he is told—and success comes through Allah, exalted is He: If you understood the meaning of naming your Lord, exalted is He, you would not have demanded this of us. We hold it impermissible to say that Allah, exalted is He, is a solitary individual, or that He is a lone individual. We say only 'One' and 'Unpaired,' solely as the explicit text has stated. For all of that is naming, and it is impermissible

الأقل، ولا يمنع من ذلك إلا وقاح معاند أو جاهل، وأيضا فلا شك بضرورة التمييز أن عشرة آلاف أكثر من عشرة آلاف حاشا واحدا، فإذا كان ذلك فعشرة آلاف غير واحد قليل بالإضافة إلى عشرة آلاف كاملة، وإذا كان ذلك فاستثناء القليل من الكثير جائز لا تمانع فيه. وأيضا فإنه لا فرق بين قول القائل ألف غير تسعمائة وتسعة وتسعين، وبين قوله، واحد، ولا فرق بين قول القائل: سبعمائة وثلاثمائة، وبين قوله: ألف، وهذا كله من المتلائمات وهي ألفاظ مختلفة معناها واحد، وإذا كان ذلك فلا فرق بين استثناء ثلاثمائة من ألف لأنها بعض الألف، وبين استثناء تسعة وتسعمائة وتسعين من الألف أيضا لأنها بعض الألف ولا فرق. فإن قال قائل: إن ربك ألف غير تسعمائة وتسعة وتسعين إذا كان ذلك بمعنى واحد، قيل له وبالله تعالى التوفيق: لو عقلت معنى تسمية ربك تعالى لم تسمنا هذا، ونحن لا يحل عندنا أن نقول: إن الله تعالى فرد ولا أنه فذ، ولا نقول إلا واحد وتر كما جاء النص فقط، لأن كل ذلك تسمية، ولا يحل تسمية الباري تعالى بغير ما سمى به نفسه، ومن فعل ذلك فقد ألحد في أسمائه، وهو تعالى ليس عددا وإنما يسمى ما دونه واحدا على المجاز وإلا فليس في العالم واحد أصلا، لأن الواحد الذي لا يتكثر البتة، وليس هذا في العالم البتة حاشا الله تعالى وحده، وبالله تعالى التوفيق. فإن قال قائل: فأخر استثناء الجملة كلها، قيل له: هذا لا يجوز، لأنه كان يتكون أحد الخبرين مبطلا للآخر، ومكذبا له كله، لأنه إذا قال: أتاني إخوتك إلا إخوتك كأن قد قال: إتاني إخوتك لم يأتني إخوتك، وهذا تناقض وتكاذب وخلف من الكلام، ومحال لا يجوز أصلا، وليس هذا المحال موجودا في استثناء الأكثر من جملة يبقى منها الأقل، ولا في استثناء الشيء من غير جنسه، ألا ترى أنك إذا قلت: أتاني إخوتك، ولم يأتني بنو عمك، وأتاني إخوتك، ولم يأتوني كلهم لكن بعضهم، فهذان الخبران صدق إذا صدق فيهما، والإخبار بهما صحيح حسن، فهذا فرق ما بين استثناء الجملة كلها وبين استثناء أكثرها، واستثناء الشيء من غير جنسه. وقد قال قائلون: إن من لفظ بعموم في خبره، فلا بد له أن

to name the Creator, exalted is He, with anything other than what He has named Himself. Whoever does so has deviated concerning His names. He, exalted is He, is not a number. Anything other than Him is called 'one' only figuratively; otherwise, there is nothing truly one in the world at all, because the one is that which admits no multiplicity whatsoever, and this does not exist in the world at all, except for Allah, exalted is He, alone. Success comes through Allah, exalted is He. If someone says, 'Then defer the exception of the entire whole,' he is told: This is impermissible, because one of the two assertions would then invalidate the other and contradict it entirely. For if he says, 'Your brothers came to me, except your brothers,' it is as though he had said, 'Your brothers came to me; your brothers did not come to me.' This is contradiction, mutual falsification, incoherent speech, and an impossibility that is entirely inadmissible. This impossibility does not occur when the greater part is excepted from a whole of which the lesser part remains, nor when something is excepted from something of a different kind. Do you not see that, if you say, 'Your brothers came to me, and your paternal cousins did not come to me,' and 'Your brothers came to me, but not all of them came to me, only some of them,' these two assertions are true if the speaker speaks truthfully in them, and making them is sound and proper? This is the distinction between excepting the entire whole, excepting its greater part, and excepting something from something of a different kind. Some have said that anyone who uses a general expression in his assertion must, if he makes an exception of the same kind as that whole, leave something to which the designation of generality applies. They do not permit someone to say, 'Your brothers came to me; not all of them came to me, but one of them came to me.' They say: The person who came is not brothers, but a brother; therefore an exception may be made only if three or more remain. Ali said: This is meaningless, because 'a thousand years' does not correspond to nine hundred. If he says, 'It corresponds to nine hundred and fifty,' he is told: The coming of the one brother likewise corresponds to the failure of all of them except him to come; there is no difference. If someone says, 'Since you do not permit excepting the entire whole, how could you say that, if someone says, "I owe so-and-so one hundred dinars, except a male slave worth one hundred dinars," or says, "I owe so-and-so one hundred dinars, except one

يبقي إن استثنى من جنس تلك الجملة ما يقع عليه اسم عموم، ولم يجوزوا أن يقول القائل: أتاني إخوتك، لم يأتني كلهم ولكن أتاني واحد منهم، وقالوا: إن الآتي ليس إخوة ولكنه أخ، فلا يستثنى إلا بأن يبقى ثلاثة فصاعدا. قال علي: وهذا لا معنى له، لأن ألف سنة ليس مطابقا لتسعمائة، فإن قال: هو مطابق لتسعمائة وخمسين، قيل له: ومجيء الأخ الواحد مطابق لعدم مجيء جميعهم حاشاه ولا فرق، فإن قال قائل: فإذا لا تجوزون استثناء الجملة كلها، فكيف قلتم، إن من قال: لفلان عندي مائة دينار إلا عبدا قيمته مائة دينار، أو قال: لفلان عندي مائة دينار إلا مائة دينار. إن هذا الإقرار لا يحكم عليه بشيء منه ولا يقضى لذلك لفلان عليه بشيء، قيل له وبالله تعالى التوفيق: وهذا موافق لأصلنا، لأنه لما كان استثناء جميع الجملة محالا، وكان الناطق بذلك ناطقا بمحال لا يجوز، فكان كلامه ذلك باطلا، وإقراره فاسدا، والإقرار لا يجوز إلا صحيحا مجردا من كل ما يبطله، فلذلك لم نحكم عليه بهذا الإقرار، لأنه متناقض، وقد وافقنا خصومنا في ذلك على أن رجلا لو قال بحضرة عدول: إني زنيت الساعة أمامكم بامرأة كانت معنا، وقتلت الساعة بحضرتكم رجلا مسلما حرام الدم بلا سبب، وكذلك لو قال: رفعت رجلا مسلما إلى السحاب ثم أرسلته فسقط في البحر فمات، أو قال: أخذت عصا موسى عليه السلام وطعنت بها رجلا فقتلته، فإنه لا يؤخذ بشيء من ذلك، ولا يحكم عليه إلا بالهوس والجنون، ولا فرق بين ما ذكرنا وبين ما حكمنا نحن به من إسقاط كل إقرار فاسد متناقض يسقط آخره أوله ويبطله، ولا فرق بين إسقاط بعض الجملة المقر بها الاستثناء، وبين إسقاط جميعها بالتناقض أو بذكر البراء منها وبالله تعالى التوفيق فصل من الاستثناء قال علي وإذا وردت أشياء معطوفات بعضها على بعض، ثم جاء الاستثناء في آخرها فإن لم يكن في الكلام نص بيان على أن ذلك الاستثناء مردود على بعضها دون بعض، فواجب محله على أنه مردود على جميعها، والبرهان على ذلك: أنه ليس بعضها أولى بها من بعض، فإن قال قائل: فهلا قلتم: إنه مردود عن أقربها منه، لأن الألفاظ التي تقدمت

hundred dinars," this acknowledgment does not result in a judgment against him for any part of it, and nothing is awarded to that so-and-so against him?' he is told—and success comes through Allah, exalted is He: This accords with our principle. Since excepting the entire whole is impossible, and the person uttering that is uttering an inadmissible impossibility, that statement of his is void and his acknowledgment defective. An acknowledgment is admissible only when it is sound and free of everything that invalidates it. For that reason, we do not rule against him on the basis of this acknowledgment, because it is contradictory. Our opponents have agreed with us in this matter that, if a man were to say in the presence of upright witnesses, 'I have just committed unlawful sexual intercourse before you with a woman who was with us, and I have killed just now, in your presence, a Muslim man whose blood is inviolable, without cause." Likewise, if he said, "I lifted a Muslim man up to the clouds, then released him, and he fell into the sea and died," or said, "I took the staff of Moses, peace be upon him, and stabbed a man with it and killed him," he is not held accountable for any of that, and no judgment is passed upon him other than that he is deranged and insane. There is no difference between what we have mentioned and our own ruling that every invalid, contradictory acknowledgment whose ending cancels and invalidates its beginning is to be set aside. Nor is there any difference between setting aside part of the acknowledged total by an exception and setting aside all of it through contradiction or by mentioning release from it. Through Allah Most High comes success.

A Section on Exception

Ali said: When several things occur conjoined to one another, and an exception then comes at their end, if the discourse contains no explicit clarification that the exception applies to some of them rather than others, it must be construed as applying to them all. The demonstration of this is that none of them has any greater claim to it than another. If someone says, "Why, then, do you not say that it applies to the one nearest to it? For the preceding expressions have already acquired their general application, and one must therefore not depart from that except through an explicit text or consensus," the answer—and through Allah Most High comes success—is that whenever

قد حصلت على عمومها، فواجب ألا ينتقل عنه إلا بنص أو إجماع، فالجواب وبالله تعالى التوفيق: إن كل ألفاظ جمعت في حكم واحد فلم يكمل بعد أمرها حتى ينقضي الكلام، فإذا جاء بعقبها استثناء فقد صح الاستثناء يقينا، وإذا صح يقينا فقد حصل التخصيص بالنص، وصار الاقتصار به على بعض ما قبله دون بعض دعوى مجردة لا دليل عليه، فإن قال قائل: فإن رده على أقرب ما يليه يقين، ورده على كل ما قبله شك، قيل له وبالله تعالى التوفيق: ليس شكا إذا قام الدليل على صحته، بل هو يقين، وأيضا فظاهر اللفظ رده على كل ما قبله، وتخصيص الظاهر بلا دليل لا يجوز. قال علي وكذلك نقول في آية القذف في قوله تعالى {ولذين يرمون لمحصنات ثم لم يأتوا بأربعة شهدآء فجلدوهم ثمانين جلدة ولا تقبلوا لهم شهادة أبدا وأولئك هم لفاسقون * إلا لذين تابوا من بعد ذلك وأصلحوا فإن لله غفور رحيم} راجع إلى كل ما تقدم ومسقط للفسق عنهم، وموجب لقبول شهادتهم، فإن قال قائل: فهلا أسقطتم به الحد قلنا منع من ذلك قول النبي صلى الله عليه وسلم لقاذف امرأته البينة وإلا فحد في ظهرك لأنه عليه السلام لم يسقط الحد إلا ببينة لا بالتوبة، وقد حد حمله ومسطحا في قذفهم عائشة أم المؤمنين رضي الله عنها، ولا شك في توبتهم حين نزول الآية ببراءتها، ولو لم يتوبوا لارتدوا وكفروا ولحلت دماؤهم، فصح أنهم حدوا بعد يقين توبتهم. وكذلك قلنا في قوله تعالى: {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من لله وكان لله عليما حكيما} فلولا بيان الاستثناء أنه مردود إلى الأهل فقط، لسقطت به الرقبة ولكن لا حق للأهل في الرقبة ولا صدقة لهم فيها وقد قال تعالى {قل أغير لله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم

expressions are brought together under a single ruling, their import is not yet complete until the discourse ends. If an exception follows them, the exception is certainly valid. Once it is certainly valid, specification has been established by the explicit text, and restricting it to some of what precedes it rather than the rest becomes a bare claim for which there is no evidence. If someone says, "Applying it to the immediately preceding item is certain, whereas applying it to everything preceding it is doubtful," he is told—and through Allah Most High comes success—"It is not doubtful when evidence establishes its validity; rather, it is certain. Moreover, the apparent meaning of the wording applies it to everything preceding it, and specifying the apparent meaning without evidence is impermissible."

Ali said: We say the same concerning the verse on accusations of unlawful sexual intercourse, in His words, Most High: {And those who accuse chaste women, then do not produce four witnesses: flog them with eighty lashes, and never accept any testimony from them; those are the defiantly disobedient—except those who repent thereafter and make amends, for Allah is Forgiving, Merciful.} It applies to everything preceding it, removes their status as defiantly disobedient, and requires acceptance of their testimony. If someone says, "Why, then, did you not use it to waive the prescribed punishment?" we say: What prevented that was the statement of the Prophet, may Allah bless him and grant him peace, to the man who accused his wife of unlawful sexual intercourse: "Produce the evidence; otherwise, the prescribed punishment will fall upon your back." For he, peace be upon him, waived the prescribed punishment only on the basis of evidence, not repentance. He imposed the prescribed punishment upon Hamlah and Mistah for their accusation against Aishah, Mother of the Believers, may Allah be pleased with her. There is no doubt that they repented when the verse declaring her innocence was revealed. Had they not repented, they would have apostatized and disbelieved, and their blood would have become lawful to shed. It is thus established that the prescribed punishment was imposed upon them after their repentance was certain.

We likewise said concerning His words, Most High: {It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake must

إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} وكذلك قلنا في قوله عز وجل {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} فهذا الاستثناء مردود على المخاطبين أنفسهم، وهذا القليل عندنا مستثنى من الفضل والرحمة، لا من اتباع الشيطان، والآية على ظاهرها دون تكلف تأويل، ومعناها: أن الله رحمكم وتفضل عليكم حاشا قليلا منكم لم يرحمهم ولا تفضل عليهم، وهم الكفار منكم والمنافقون الذين فيكم، فلم تتبعوا الشيطان بفضل الله تعالى ورحمته، وأما الذين لم يتفضل الله عليهم ولا رحمهم فاتبعوا الشيطان، وهذا الذي قلنا هو العيان المشهود والنص المسموع، فإن الأقل من المخاطبين الحاضرين مع الصحابة رضي الله عنهم كانوا منافقين خارجين عن الفضل والرحمة، متبعين الشيطان فهم القليل المستثنون بقوله تعالى {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} واستثنوا من جملة المتفضل عليهم والمرجومين والممتنعين بذلك من اتباع الشيطان، فهو راجع على كل من ذكر في الآية، وبالله تعالى التوفيق. وللناس في هذه الآية أقوال فقوم قالوا: هذا الاستثناء راجع إلى قوله تعالى {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} قال علي وهذا خطأ لأن رد الاستثناء إلى أبعد مذكور دعوى ساقطة فاسدة لم يقل بها قط أحد من النحويين وأهل اللغة الذين إليهم يرجع في مثل هذا، وإنما الناس على قولين

free a believing slave and pay blood money delivered to his family, unless they remit it as charity. If he belongs to a people hostile to you and is a believer, then a believing slave must be freed. If he belongs to a people between whom and you there is a covenant, then blood money must be delivered to his family and a believing slave freed. Whoever cannot find the means must fast for two consecutive months, as repentance from Allah; and Allah is Knowing, Wise.} Were it not clear that the exception applies to the family alone, it would also waive the obligation to free the slave. But the family has no entitlement concerning the slave, and no charitable remission concerning it is theirs to make. He, Most High, has said: {Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Every soul earns only against itself, and no bearer of a burden bears another's burden. Then to your Lord is your return, and He will inform you of that concerning which you used to differ.}

We likewise said concerning His words, Mighty and Majestic: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few.} This exception applies to the persons addressed themselves. In our view, these few are excepted from the bounty and mercy, not from following Satan. The verse retains its apparent meaning, without a strained interpretation. Its meaning is that Allah had mercy upon you and bestowed His bounty upon you, apart from a few of you upon whom He neither had mercy nor bestowed His bounty, namely the unbelievers among you and the hypocrites in your midst. Thus you did not follow Satan, through the bounty of Allah Most High and His mercy. As for those upon whom Allah neither bestowed His bounty nor had mercy, they followed Satan. What we have stated is what is visibly witnessed and what the heard text states. For the smaller number of those addressed who were present with the Companions, may Allah be pleased with them, were hypocrites, excluded from bounty and mercy, following Satan. They are the few excepted in His words, Most High: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to

كما قدمنا، قوم قالوا: الاستثناء مردود إلى أقرب مذكور، وقوم قالوا: إلى الجملة كلها، فإن وجد استثناء راجع إلى أبعد مذكور فلا يحمل غيره على حكمه، لأنه بمنزلة ما خرج عن معهود أصله، وكلفظ نقل عن موضوعه وقال بعضهم {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} راجع إلى قوله تعالى {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} أي أذاعوا به إلا قليلا. قال علي: ويبطل قول هؤلاء بما بطل به قول من ذكرنا قبلهم ولا فرق، وقال بعضهم: فضل الله ورحمته المذكوران في الآية هما محمد صلى الله عليه وسلم والقرآن أي لولاهما لكنتم كفارا متبعين الشيطان إلا قليلا ممن هديناه قبل ذلك كزيد بن عمرو بن نفيل، وقس بن ساعدة. قال علي: وهذا تأويل فاسد النية، لأن زيدا وقسا لولا فضل الله ورحمته لهما لاتبعا الشيطان، والاستثناء إنما هو مخرج لما استثنى من جملة ما استثنى منه، فلا يجوز أن يكون هذا الاستثناء إلا من الفضل والرحمة والامتناع من اتباع الشيطان، الذي ذكر كل ذلك في الآية، وبالله تعالى التوفيق. قال علي: وحتى لو لم يجز في الاستثناء إلا رده إلى أقرب مذكور، لما كان في ذلك ما يوجب ألا نقبل شهادة القاذف إذا تاب، لأن الفسق مرتفع عنه بالتوبة بنص الآية بإجماع الأمة، وإذا ارتفع الفسق ثبتت العدالة ضرورة، لأنه ليس في العالم من المخاطبين إلا فاسق أو عدل، وإذا ثبتت العدالة وجب قبول الشهادة لقوله تعالى {جزآؤهم عند ربهم جنات عدن تجرى من تحتها لأنهار خالدين فيهآ أبدا رضى لله عنهم ورضوا عنه ذلك لمن خشي ربه} فحرام علينا ألا نرضى عمن رضي الله عنه، وإذا كان حراما علينا، ففرضنا الرضا عنه، وإذا كان الرضا عنه فرضا ففرض

the Messenger and to those among them vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few.} They were excepted from the totality of those upon whom bounty was bestowed, those stoned, and those thereby refraining from following Satan. It therefore applies to everyone mentioned in the verse. Through Allah Most High comes success.

People hold various views concerning this verse. Some said: This exception refers back to His words, Most High: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few.} {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few.}

Ali said: This is an error, because referring the exception back to the most distant item mentioned is a worthless, invalid claim never advanced by any of the grammarians or authorities on language to whom reference is made in such matters. People hold only two positions, as we have already stated: some say that the exception applies to the nearest item mentioned, and others say that it applies to the whole statement. If an exception is found that applies to the most distant item mentioned, other instances are not to be assigned its ruling, because it is comparable to something that departs from the established usage of its original form, or to an expression transferred from its assigned meaning. Some said: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few} refers back to His words, Most High: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them

علينا قبول شهادته، لأنه ممن نرضى من الشهداء بنص القرآن في إيجاب شهادة {يأيها لذين آمنوا إذا تداينتم بدين إلى أجل مسمى فكتبوه وليكتب بينكم كاتب بلعدل ولا يأب كاتب أن يكتب كما علمه لله فليكتب وليملل لذي عليه لحق وليتق لله ربه ولا يبخس منه شيئا فإن كان لذي عليه لحق سفيها أو ضعيفا أو لا يستطيع أن يمل هو فليملل وليه بلعدل وستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل ومرأتان ممن ترضون من لشهدآء أن تضل إحداهما فتذكر إحداهما لأخرى ولا يأب لشهدآء إذا ما دعوا ولا تسأموا أن تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم ولا يضآر كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا لله ويعلمكم لله ولله بكل شيء عليم} فقد صح أن سقوط الفسق عنه موجب لقبول شهادته. والعجب من أصحاب أبي حنيفة في تركهم ظاهر الآية وميلهم إلى رأيهم الفاسد، فإن نص الآية إنما يوجب ألا تقبل شهادته بنص القذف، وليس في ذلك أن شهادته لا تسقط إلا بعد أن يحد، وقالوا هم: إن شهادته لا تسقط إلا أن يحد، فزادوا في رأيهم ما ليس في القرآن، وخالفوا الآية في كل حال فقبلوا شهادته أفسق ما كان قبل أن يحد وردوها بعد أن ظهر الحد، وقد أخبر عليه السلام في كثير من الحدود أن إقامتها كفارة لفاعليها، وهم أهل القياس بزعمهم، فهلا قاسوا المحدود في القذف على المحدود في السرقة والزنى، وقد شاركهم المالكيون في بعض ذلك، فردوا شهادة المحدود فيما حد فيه وأجازوها فيما لم يحد فيه، وهذا كله افتراء على الله لم يأذن به، وحكم في الدين بغير نص. وبالله تعالى التوفيق قال علي وكذلك قوله عز وجل {ولذين لا يدعون مع لله إلها آخر ولا يقتلون لنفس لتي حرم لله إلا بلحق ولا يزنون ومن يفعل ذلك يلق أثاما * يضاعف له لعذاب يوم لقيامة ويخلد فيه مهانا

vested with authority, those among them who draw it out would have known it. Were it not for Allah's bounty upon you and His mercy, you would have followed Satan, except a few.} That is, they broadcast it, except a few.

Ali said: Their position is invalidated by what invalidated the position of those we mentioned before them; there is no difference. Some said: Allah's bounty and His mercy mentioned in the verse are Muhammed, may Allah bless him and grant him peace ﷺ, and the Quran. That is, were it not for them both, you would have been unbelievers following Satan, except a few of those whom We had guided before that, such as Zayd ibn Amr ibn Nufayl and Quss ibn Saidah.

Ali said: This is an interpretation corrupt in intention, because, were it not for Allah's bounty and His mercy toward Zayd and Quss, they would have followed Satan. An exception only excludes what is excepted from the totality out of which it is excepted. This exception can therefore only be from the bounty, mercy, and refraining from following Satan—all of which He mentioned in the verse. Through Allah Most High comes success.

Ali said: Even if an exception could only refer back to the nearest preceding item mentioned, nothing in that would require us to refuse the testimony of someone who has accused another of unlawful sexual intercourse, once he repents. For his flagrant sinfulness is removed by repentance, according to the explicit wording of the verse and the consensus of the community. When flagrant sinfulness is removed, moral probity is necessarily established, because everyone in the world who is subject to the divine address is either flagrantly sinful or morally upright. When moral probity is established, testimony must be accepted, because of His saying, Most High: "Their reward with their Lord is Gardens of Eden beneath which rivers flow, abiding therein forever. Allah is pleased with them, and they are pleased with Him. That is for whoever fears his Lord." Thus it is forbidden for us to withhold our approval from someone with whom Allah is pleased. Since that is forbidden for us, our obligation is to approve of him. Since approving of him is obligatory, accepting his testimony is obligatory for us, because he is among the witnesses of whom we approve, according to the explicit wording of the Quran requiring testimony: "O you who believe, when you contract a debt

* إلا من تاب وآمن وعمل عملا صالحا فأولئك يبدل الله سيئاتهم حسنات وكان الله غفورا رحيما} إلى قوله تعالى فإن الاستثناء الذي في آخرها راجع بإجماع إلى كل ما تقدم.

[34] **Qur'an references (L1245):** Qur'an 15:42 (Al-Hijr); Qur'an 24:4 (An-Nur); Qur'an 3:89 (Ali 'Imran); Qur'an 24:5 (An-Nur); Qur'an 4:92 (An-Nisa); Qur'an 6:164 (Al-An'am); Qur'an 4:83 (An-Nisa); Qur'an 98:8 (Al-Bayyinah); Qur'an 2:282 (Al-Baqarah); Qur'an 25:68 (Al-Furqan); Qur'an 25:70 (Al-Furqan).

with one another for a specified term, write it down. Let a scribe write between you with justice, and let no scribe refuse to write as Allah has taught him. So let him write, and let the one who owes the obligation dictate. Let him fear Allah, his Lord, and diminish nothing of it. If the one who owes the obligation is of unsound judgment, or weak, or unable to dictate himself, then let his guardian dictate with justice. Call upon two witnesses from among your men; if they are not two men, then a man and two women from among those witnesses of whom you approve, so that if one of the two women errs, the other may remind her. Let the witnesses not refuse when they are summoned. Do not tire of writing it down, small or large, together with its term. That is more equitable in Allah's sight, more conducive to sound testimony, and more likely to prevent your doubting—unless it is an immediately transacted trade that you conduct among yourselves, in which case there is no blame upon you if you do not write it down. Take witnesses when you transact sales with one another, and let neither scribe nor witness be harmed. If you do so, that is flagrant sinfulness on your part. Fear Allah; Allah teaches you, and Allah knows all things." It is thus established that the removal of his flagrant sinfulness requires the acceptance of his testimony.

What is astonishing about the followers of Abu Hanifah is their abandoning the apparent meaning of the verse and inclining toward their corrupt opinion. For the explicit wording of the verse requires only that his testimony not be accepted, by the explicit text concerning the accusation of unlawful sexual intercourse. There is nothing in it to the effect that his testimony is not disqualified until after he has undergone the prescribed punishment. Yet they say that his testimony is not disqualified unless he undergoes the prescribed punishment. Thus, through their opinion, they have added something that is not in the Quran, and they have contradicted the verse in every circumstance: they accepted his testimony when he was at his most flagrantly sinful, before he underwent the prescribed punishment, and rejected it after the prescribed punishment had become manifest. Yet he—peace be upon him ﷺ—stated concerning many prescribed punishments that their enforcement is an expiation for those who commit the offenses concerned. They are, by their own claim, proponents of analogy; why, then, did they not draw an

analogy between someone subjected to the prescribed punishment for accusing another of unlawful sexual intercourse and someone subjected to the prescribed punishment for theft or unlawful sexual intercourse? The Malikis have shared some of this position with them: they rejected the testimony of someone subjected to a prescribed punishment concerning the matter for which he was punished, but permitted it concerning matters for which he was not punished. All of this is a fabrication against Allah for which He has given no permission, and a ruling in religion without a revealed text. Through Allah Most High comes success.

Ali said: Likewise, His saying, Mighty and Majestic: "And those who do not invoke another god alongside Allah, and do not kill the soul that Allah has forbidden except by right, and do not commit unlawful sexual intercourse. Whoever does that shall meet a penalty. The punishment shall be multiplied for him on the Day of Resurrection, and he shall abide therein, humiliated. Except whoever repents, believes, and performs righteous deeds: those—Allah will replace their evil deeds with good deeds, and Allah is ever Forgiving, Merciful"—up to His saying, Most High. For the

exception at its end refers back, by consensus, to everything that preceded it.[21][22][23][24][25][26][27][28][29][30][31][32][33][34]

[21] **Translator's note (L1246):** The Qur'anic quotation has من لغاوين where the standard wording of Qur'an 15:42 has من الغاوين. The translation conveys the apparent sense while recording the defective supplied wording.

[22] **Translator's note (L1247):** The supplied report says that 'he … hopes to constitute half the inhabitants of Paradise,' although the expected referent would be the Muslim community. The singular wording has been retained. The quotation of Qur'an 12:103 has لناس in place of الناس; its apparent intended sense is translated. The sequence تسعة وتسعمائة وتسعين gives the components 'nine, nine hundred, and ninety' in an unusual order. It has been rendered as their total, nine hundred and ninety-nine.

[23] **Translator's note (L1248):** 'A solitary individual' renders فرد, distinguished here from فذ in the next segment and from the permitted designations واحد and وتر.

[24] **Translator's note (L1249):** 'A lone individual' renders فذ; 'One' and 'Unpaired' render واحد and وتر respectively. The author distinguishes these closely related terms on the basis of their textual authorization.

[25] **Translator's note (L1250):** The supplied فأخر means 'then defer.' The argument appears to require 'then permit,' perhaps فأجز, but the supplied wording has been retained. The phrase كان يتكون is syntactically awkward; it has been rendered according to its apparent sense that one assertion would invalidate the other. The discussion of a thousand years and nine hundred and fifty apparently alludes to Qur'an 29:14, without quoting that verse here.

[26] **Translator's note (L1253):** The opening continues the preceding segment's statement about killing a man; the verb itself is outside this segment. The supplied محله, literally 'its place,' is awkward here; the translation follows the apparent intended sense of construing the exception. The reading may be corrupt for حمله. The wording مردود عن أقربها is irregular in context; the translation understands it as referring the exception to its nearest antecedent, as the ensuing argument requires.

[27] **Translator's note (L1254):** The final salutation is incomplete in this segment and continues in the next; only its supplied portion is translated here.

[28] **Translator's note (L1255):** The opening completes the salutation begun in the preceding segment.

[29] **Translator's note (L1256):** The supplied name is حمله, rendered 'Hamlah'; it appears to be a corruption of حمنة, Hamnah. It has not been silently corrected.

[30] **Translator's note (L1258):** The supplied المرجومين means 'those stoned.' In context it appears corrupt for المرحومين, 'those shown mercy'; the supplied reading is retained in the translation. The complete Quranic quotation occurs twice consecutively in the source and is retained both times. Its repetition leaves the particular clause intended by the reported interpretation unclear.

L1263–1265 Ali said: Stipulating a condition has the same meaning as making an exception in everything we have said. An instance of this is His saying, Most High: “Whoever among you does not have the means to marry free believing women, then from those whom your right hands possess, your believing slave women. Allah knows best your faith; you are of one another. So marry them with their owners’ permission, and give them their marriage payments in a proper manner, as chaste women, neither engaging in fornication nor taking secret lovers. Then, when they have been taken in marriage, if they commit an indecency, they shall be subject to half the punishment imposed upon free women. That is for whoever among you fears falling into sin; but that you remain patient is better for you. Allah is Forgiving, Merciful.” This, as you see, is a valid exception for whoever fears falling into sin, together with all the conditions that preceded it, without mentioning whoever does not fear falling into sin.

Likewise, His saying, Most High: “Complete the pilgrimage and the lesser pilgrimage for Allah. If you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is ill or has an ailment of the head must offer a ransom of fasting, charity, or sacrifice. Then, when you are secure, whoever enjoys the interval between the lesser pilgrimage and the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return: those are ten complete days. That is for someone whose family does not reside in the vicinity of the Sacred Mosque. Fear

قال علي: والاشتراط هو معنى الاستثناء في كل ما قلنا من ذلك قوله تعالى {ومن لم يستطع منكم طولا أن ينكح لمحصنات لمؤمنات فمن ما ملكت أيمانكم من فتياتكم لمؤمنات والله أعلم بإيمانكم بعضكم من بعض فنكحوهن بإذن أهلهن وآتوهن أجورهن بلمعروف محصنات غير مسافحات ولا متخذات أخدان فإذآ أحصن فإن أتين بفاحشة فعليهن نصف ما على لمحصنات من لعذاب ذلك لمن خشي لعنت منكم وأن تصبروا خير لكم والله غفور رحيم} فهذا كما تراه استثناء صحيح لمن خشي العنت مع كل ما تقدم من الشروط دون ذكر من لم يخش العنت وكذلك قوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} في كفارات الأيمان فكان هذا الشرط عن عدم كل مذكور في الآية من رقبة وكسوة وإطعام لا على أقرب مذكور فيها وكذلك قوله تعالى في آية المحاربة {إلا لذين تابوا من قبل أن تقدروا عليهم فعلموا أن لله غفور رحيم} فكان ذلك راجعا على سقوط كل ما ذكر في الآية من قتل وصلب ونفي وقطع وخزي وعذاب، لا على بعض ذلك دون بعض بإجماع. فإن اعترض معترض بقوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} وأننا نقول إنه راجع إلى أقرب مذكور. قال علي: وإنما

[31] **Translator’s note (L1259):** The full Quranic verse is quoted twice in the reported interpretation. Both occurrences are retained, although the subsequent explanation identifies only ‘they broadcast it’ as the intended antecedent. The supplied فاسد النية literally means ‘corrupt in intention,’ an awkward description of an interpretation. This wording is retained without emendation.

[32] **Translator’s note (L1261):** The wording “after the prescribed punishment had become manifest” translates the supplied ظهر الحد, an awkward expression in this context; it has not been silently replaced with “after the prescribed punishment had been enforced.”

[33] **Translator’s note (L1262):** The phrase “up to His saying, Most High” appears without any subsequent quotation specifying an endpoint. This apparent omission or displacement is preserved.

Allah, and know that Allah is severe in punishment"—concerning expiations for oaths. This condition thus concerned the unavailability of everything mentioned in the verse—a slave to be freed, clothing, and food—not the nearest preceding item mentioned in it. Likewise, His saying, Most High, in the verse concerning waging war: "Except those who repent before you gain power over them; know, then, that Allah is Forgiving, Merciful." This referred back to the removal of everything mentioned in the verse—killing, crucifixion, banishment, amputation, disgrace, and punishment—not to some of it to the exclusion of the rest, by consensus.

If an objector objects by citing His saying, Most High: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, your wives' mothers, and your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters in marriage, except what has already passed. Allah is ever Forgiving, Merciful," and points out that we say it refers back to the nearest preceding item mentioned—

Ali said: This was required only by an evident necessity in that verse. Its explicit wording absolutely does not allow the condition to refer back to everything mentioned in it, because He, Most High, said: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, your wives' mothers, and your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters in marriage, except what has already passed. Allah is ever Forgiving, Merciful." Thus the mention of consummation formed part of the relative clause describing the wives who are the stepdaughters' mothers, rather than a description of the wives' mothers. For it is utterly impossible that He, Most High, should say, "And

وجب ذلك لضرورة بينة في تلك الآية، فإنه لا يجوز البتة في نصها أن يرد الشرط على كل مذكور فيها، لأنه تعالى قال: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} فكان ذكر الدخول من صلة وصف النساء اللواتي هن أمهات الربائب، لا بوصف أمهات النساء، إذ من المحال الممتنع أن يقول تعالى: وأمهات نسائكم من نسائكم اللاتي دخلتم بهن، لأنه كلام فاسد البتة لا يفهم فلما صح أن الدخول المذكور إنما هو مراد به أمهات ربائبنا ضرورة، لأنه من صلة اللاتي، واللاتي صفة للنساء اللواتي هن أمهات ربائبنا ضرورة، كان قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} مردودا إليهن ضرورة أيضا، لأنه أحد قسميهن اللذين هما دخول ولا دخول، وهو صلة الكلام المتصل به لا مما قبله. فإن قال قائل: أنتم تجيزون أن يستثنى الشيء من خير جنسه، فكيف تقولون فيمن باع بدينار إلا درهما، أو إلا قفيز قمح، أو ما أشبه هذا؟

your wives' mothers, born of your wives with whom you have consummated marriage," because that is altogether defective, unintelligible speech. Once it is established that the consummation mentioned necessarily concerns the mothers of our stepdaughters—because it belongs to the relative clause introduced by "with whom," and "with whom" necessarily qualifies the wives who are the mothers of our stepdaughters—His saying, Most High: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who suckled you, your sisters through suckling, your wives' mothers, and your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you unite two sisters in marriage, except what has already passed. Allah is ever Forgiving, Merciful," necessarily refers back to those wives as well. For it is one of their two possible cases, namely consummation and non-consummation, and it is a continuation of the speech directly connected with it, rather than of what precedes that.

If someone says: You permit a thing to be excepted from the best of its own kind; what, then, do you say about someone who sells for a dinar less a dirham, or less a measure of wheat, or something similar?[35][36][37]

L1266 We say to him—and through Allah Most High comes success: In our view, this is inadmissible and forbidden in a sale, because it amounts to two sales in one sale. For, in our view, a dirham or an item of merchandise cannot

قلنا له وبالله تعالى التوفيق: هذا عندنا ممتنع في البيع حرام، لأنه يرجع إلى بيعتين في بيعة، لأن الدرهم والعرض، لا يستثنى من غير جنسه عندنا إلا على معنى الاستثناء المنقطع، كما بينا في أول هذا الباب، فإن كان ذلك فإنما مرجعه إلى القيمة، فإن كان ذلك في البيع فقد وجب أنه باعه بدينار إلا ما قابل صرف الدرهم من الدينار، وهذه بيعة أو ثمن مجهول، وكلاهما حرام في البيوع وهو جائز في الإقرار، لأنه أقر له بدينار، وذكر أن له عنده درهما، فخرج الدرهم أو قيمته مما أقر به. وكذلك لو قال مقر: له عندي دينار، ولي عنده ديناران، أو إلا دينارين لي عنده، لم يحكم عليه بشيء

[35] **Translator's note (L1263):** The supplied text quotes the pilgrimage verse, Quran 2:196, but immediately describes it as concerning expiations for oaths and discusses the unavailability of a slave to free, clothing, and food. Those subjects belong to the oath-expiation verse, Quran 5:89. The apparent quotation mismatch or omission is preserved.

[36] **Translator's note (L1265):** The final question reads خير جنسه, "the best of its own kind," although the examples and following response indicate that غير جنسه, "something of a different kind," was probably intended. The supplied reading is retained. The full quotation of Quran 4:23 is supplied here, although the argument specifically concerns its conditional clause, "but if you have not consummated marriage with them, there is no blame upon you." The quotation has been translated in full as supplied.

[37] **Qur'an references (L1263):** Qur'an 4:25 (An-Nisa); Qur'an 2:196 (Al-Baqarah); Qur'an 5:34 (Al-Ma'idah); Qur'an 4:23 (An-Nisa).

be excepted from something of a different kind except as a disconnected exception, as we explained at the beginning of this chapter. If that is the case, the reference can only be to its value. If this occurs in a sale, it necessarily follows that he sold it to him for one dinar less the portion of the dinar corresponding to the exchange value of the dirham. This is either an indeterminate sale or an indeterminate price, and both are forbidden in sales. It is permissible in an acknowledgment of indebtedness, however, because he acknowledged that he owed the other person one dinar and mentioned that the other person owed him one dirham; thus the dirham, or its value, was deducted from what he acknowledged. Likewise, if someone making an acknowledgment said, 'I owe him one dinar, and he owes me two dinars,' or, 'Except for two dinars that he owes me,' no judgment for anything at all would be entered against him, because, after acknowledging the debt to the other person, he introduced something that entirely canceled the acknowledgment at the time it was made. If this occurred in a sale, it would not be permissible according to any Muslim. And through Allah Most High comes success.

أصلا، لأنه بعد أن أقر له أتى بما سقط به عند الإقرار جملة، ولو كان ذلك في البيع لم يجز عند أحد من المسلمين وبالله تعالى التوفيق



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 16: الكناية بالضمير

Chapter 16: Pronoun Reference

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[الباب السادس عشر في الكناية بالضمير]

قال علي والضمير راجع إلى أقرب مذكور لا يجوز غير ذلك، لأنه مبدل من مخبر عنه أو مأمور فيه، فلو رجع إلى أقرب مذكور لكان ذلك إشكالا رافعا للفهم، وإنما وضعت اللغات للبيان، فإذا كانت الأشياء المحكوم فيها أو المخبر عنها كثيرة، وجاء الضمير يعقبها ضمير جمع فهو راجع إلى جميعها كما قلنا في الاستثناء، ولا فرق ألا ترى أنك لو قلت: أتاني زيد وعمرو وخالد، فقتلته، أنه لا خلاف بين أحد من أهل اللغة في أن الضمير راجع إلى خالد، وأنه لا يجوز رده إلى زيد أو إلى عمرو، فإن وجد يوما ما في شيء من النصوص رجوع ضمير إلى أبعد مذكور، فهو بمنزلة ما ذكرنا من نقل اللفظ عن موضوعه في اللغة، ولو قال: أتاني زيد وعمرو وخالد وعبد الله ويزيد فقتلتهم، لكان راجعا بلا خلاف بين أحد من أهل اللغة إلى جميعهم وكلهم. قال علي: وما يبين أن الشرط في آية التحريم إنما هو في الربائب لا في أمهات النساء، ما ذكرنا من أن الضمير راجع إلى أقرب مذكور، والضمير بجمع المؤنث في قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات الأخ وبنات الأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من الرضاعة وأمهات نسآئكم وربائبكم اللاتي في حجوركم من نسآئكم اللاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم الذين من أصلابكم وأن تجمعوا بين الاختين إلا ما قد سلف إن الله كان غفورا رحيما} راجع لما قدمنا إلى أقرب مذكور إليه لا يجوز غير ذلك، وأقرب مذكور إليه أمهات ربائبنا، فوجب أن يكون راجعا إليهن على ما قدمنا وبالله تعالى التوفيق

[Chapter Sixteen: Reference by Means of a Pronoun]

L1267

L1268–1269

Ali said: A pronoun refers back to the nearest-mentioned antecedent; no other reference is permissible, because it stands in place of something about which a statement is made or concerning which a command is given. If it referred back to the nearest-mentioned antecedent, that would create an ambiguity that prevents understanding, whereas languages were instituted only to make things clear. When the things concerning which a ruling or statement is made are numerous, and the pronoun that follows them is a plural pronoun, it refers back to all of them, as we said concerning exception; there is no difference. Do you not see that, if you said, 'Zayd, Amr, and Khalid came to me, and I killed him,' no one versed in the language would disagree that the pronoun refers back to Khalid and that it cannot be referred back to Zayd or Amr? If, on some occasion, a pronoun is found in any of the texts to refer back to the more distantly mentioned antecedent, that is comparable to what we have discussed concerning transferring an expression away from its established linguistic meaning. And if someone said, 'Zayd, Amr, and Khalid came to me, and Abd Allah and Yazid, and I killed them,' it would refer back to all of them, every one of them, without disagreement among those versed in the language. Ali said: What makes clear that the condition in the verse of prohibition concerns only stepdaughters, rather than wives' mothers, is what we have mentioned: that a pronoun refers back to the nearest-mentioned antecedent. The feminine plural pronoun in His statement, Most High, 'Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, brothers' daughters, sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you take two sisters together, except what has already passed. Indeed, Allah has ever been Forgiving, Merciful,' refers back, for the reasons we have already given, to its nearest-mentioned antecedent; no other reference is permissible. Its nearest-mentioned antecedent is the mothers of our stepdaughters. It must therefore

refer back to them, as we have already explained. And through Allah Most High comes success.[1][2]

[1]**Translator's note (L1268):** The source says, 'If it referred back to the nearest-mentioned antecedent,' contradicting the immediately preceding rule. The wording is preserved; 'other than the nearest-mentioned antecedent' may have been intended.

[2]**Qur'an references (L1268):** Qur'an 4:23 (An-Nisa).



الباب 17: الإشارة

Chapter 17: Demonstrative Reference

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[Chapter Seventeen: Demonstrative Reference]

L1271 Ali said: Demonstrative reference differs from pronominal reference: it refers back to the most distantly mentioned antecedent. This is its rule in the language when the reference is made by 'that' in the masculine or feminine, 'he,' 'those,' 'they' in the masculine, 'she,' or 'the two of them.' If it is made by 'this' in the masculine or feminine, it necessarily refers to something present and near. This is a matter on which no one versed in the language disagrees, and no grammarian recognizes any rule other than what we have mentioned. For this reason we have held that the period denoted by qur', in the ruling concerning the waiting period after divorce, must specifically be the interval of purity, rather than menstruation, even though in the language qur' applies to menstruation just as it applies to the interval of purity, without any difference. However, the Messenger of Allah, may Allah bless him and grant him peace ﷺ, said, 'Command him to take her back until she becomes pure, then menstruates, then becomes pure. That is the waiting period for which Allah Most High has commanded that women be divorced.' His expression, peace be upon him, 'that,' was thus a demonstrative requiring something distant, and the most distantly mentioned antecedent in the report is his expression, peace be upon him, 'becomes pure.' Once this report established that the interval of purity is the waiting period for which women are commanded to be divorced, it was established that this is the waiting period that must be kept track of in order to complete the waiting period. And through Allah Most High comes success.[1]

[1] **Translator's note (L1271):** The source includes forms ordinarily classified as personal pronouns among the expressions of demonstrative reference; this classification has been preserved. The report contains 'becomes pure' twice. The author calls it the most distantly mentioned antecedent without specifying which occurrence he means; the wording and repeated occurrences are preserved.

[الباب السابع عشر في الإشارة]

قال علي والإشارة بخلاف الضمير وهي عائدة إلى أبعد مذكور، وهذا حكمها في اللغة إذا كانت الإشارة بذلك أو تلك أو هو أو أولئك أو هم أو هي أو هما، فإن كانت بهذا أو هذه، فهي راجعة إلى حاضر قريب ضرورة، وهذا ما لا خلاف فيه بين أحد من أهل اللغة، ولا يعرف نحوي أصلا غير ما ذكرنا، ولذلك أوجبنا أن يكون القرء في حكم العدة هو الطهر خاصة دون الحيض، وإن كان القرء في اللغة واقعا على الحيض كوقوعه على الطهر ولا فرق ولكن لما قال رسول الله صلى الله عليه وسلم مره فليراجعها حتى تطهر ثم تحيض ثم تطهر فتلك العدة التي أمر الله تعالى أن تطلق لها النساء فكان قوله عليه السلام: تلك إشارة تقتضي بعيدا وأبعد مذكور في الحديث قوله عليه السلام: تطهر فلما صح أن الطهر بهذا الحديث هو العدة المأمور أن تطلق لها النساء صح أنه هو العدة المأمور بحفظها لإكمال العدة وبالله تعالى التوفيق



الباب 18: المجاز والتشبيه

Chapter 18: Figurative Usage and Simile

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الثامن عشر في المجاز والتشبيه]

قال علي اختلف الناس في المجاز فقوم أجازوه في القرآن والسنة، وقوم منعوا منه، والذي نقول به، وبالله تعالى التوفيق: أن الاسم إذا تيقنا بدليل نص أو إجماع أو طبيعة أنه منقول عن موضوعه في اللغة إلى معنى آخر وجب الوقوف عنده، فإن الله تعالى هو الذي علم آدم الأسماء كلها، وله تعالى أن يسمي ما شاء بما شاء. وأما ما دمنا لا نجد دليلا على نقل الاسم عن موضوعه في اللغة فلا يحل لمسلم أن يقول: إنه منقول، لأن الله تعالى قال: {وما أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل الله من يشآء ويهدي من يشآء وهو لعزيز لحكيم} فكل خطاب خاطبنا الله تعالى به أو رسوله صلى الله عليه وسلم فهو على موضوعه في اللغة ومعهوده فيها إلا بنص أو إجماع أو ضرورة حس، نشهد بأن الاسم قد نقله الله تعالى أو رسوله صلى الله عليه وسلم عن موضوعه إلى معنى آخر فإن وجد ذلك أخذناه على ما نقل إليه. قال علي: وهذا الذي لا يجوز غيره، ومن ضبط هذا الفضل وجعله نصب عينيه ولم ينسه، عظمت منفعته به جدا، وسلم من عظائم وقع فيها كثير من الناس. قال علي: فكل كلمة نقلها تعالى عن موضوعها في اللغة إلى معنى آخر، فإن كان تعالى تعبدنا بها قولا وعملا كالصلاة والزكاة والحج والصيام والربا وغير ذلك فليس شيء من هذا مجازا، بل هي تسمية صحيحة واسم حقيقي لازم مرتب من حيث وضعه الله تعالى، وأما ما نقله الله تعالى عن موضوعه في اللغة إلى معنى تعبدنا بالعمل به دون أن يسميه بذلك الاسم فهذا هو المجاز كقوله تعالى {وخفض لهما جناح لذل من لرحمة وقل رب رحمهما كما ربياني صغيرا} فإنما تعبدنا تعالى بأن نذل للأبوين ونرحمهما، ولم يلزمنا تعالى قط أن ننطق، ولا بد فيما بيننا بأن للذل جناحا، وهذا لا خلاف فيه، وليس كذلك الصلاة والزكاة والصيام، لأنه لا خلاف في أن فرضا علينا أن ندعو إلى هذه الأعمال

[Chapter Eighteen: Figurative Usage and Simile]

Ali said: People have disagreed concerning figurative usage: some have allowed it in the Quran and the Sunnah, while others have disallowed it. Our position—and through Allah Most High comes success—is that, when we know with certainty, on the evidence of a text, consensus, or the nature of things, that a term has been transferred from its established linguistic meaning to another meaning, we must adhere to that. For Allah Most High is the one who taught Adam all the names, and He, Most High, may name whatever He wills with whatever name He wills. But so long as we find no evidence that a term has been transferred from its established linguistic meaning, no Muslim may say that it has been transferred, because Allah Most High said, 'We have sent no messenger except in the language of his people, so that he might make things clear to them. Then Allah leads astray whomever He wills and guides whomever He wills, and He is the Almighty, the Wise.' Thus every address with which Allah Most High or His Messenger, may Allah bless him and grant him peace ﷺ, has addressed us bears its established and customary linguistic meaning, unless, through a text, consensus, or the necessary evidence of sense perception, we attest that Allah Most High or His Messenger, may Allah bless him and grant him peace ﷺ, has transferred the term from its established meaning to another meaning. If that is found, we take it in the meaning to which it has been transferred. Ali said: This is the only permissible position. Whoever masters this excellence, keeps it before his eyes, and does not forget it will derive very great benefit from it and escape grave errors into which many people have fallen. Ali said: As for every word that He, Most High, has transferred from its established linguistic meaning to another meaning: if He, Most High, has required us to worship Him through it in speech and action—as with ritual prayer, obligatory almsgiving, pilgrimage, fasting, usury, and other such things—none of this is figurative usage. Rather, it is a valid designation and a literal, binding name, established in accordance with Allah Most High's assignment of it. But where Allah Most High has transferred something from its established linguistic meaning to a meaning in accordance with which He has required us to act in worship, without naming it by that name, this is figurative usage, as in His statement,

بهذه الأسماء بأعيانها ولا بد، وبالله تعالى التوفيق. واحتج من منع من المجاز بأن قال إن المجاز كذب والله تعالى ورسوله صلى الله عليه وسلم يبعدان عن الكذب قال علي فيقال له صدقت وليس نقل الله تعالى الاسم عما كان علقه عليه في موضع ما إلى موضع آخر كذبا، بل هو الحق بعينه، لأن الحق هو ما فعله تعالى والباطل هو ما لم يأمر به أو لم يفعله، ومن ظن أن هنا حقا هو عيار على الله تعالى، وزمام على أفعاله يلزمه عز وجل أن يجري أفعاله عليه فقد كفر، وقد تكلمنا في هذا في باب إثبات حجج العقول، ونستوعب الكلام فيه إن شاء الله تعالى في باب إبطال العلل من كتابنا هذا، وقد تكلمنا على ذلك أيضا في كتابينا الموسومين بالتقريب والفصل كلاما كافيا، وبالله تعالى التوفيق. وليست الأسماء موضوعة على المسميات، إلا إما بتوقيف وإما باصطلاح، ولا موقف إلا الله عز وجل، فإذا أوقع الموقف الأول جل وعز اسما ما على مسمى ما في مدة ما، أو في معنى ما، ثم نقل ذلك الاسم إلى معنى آخر، في مكان آخر، فلا كذب في ذلك، ولا للكذب ههنا مدخل، وإنما يكون كاذبا من نقل منا اسما عن موضوعه في اللغة إلى معنى آخر يلبس به بلا برهان، فهذا هو الكاذب الآفك الأثيم، وكذلك لو اصطلح اثنان على أن يسميا شيئا ما اسما ما مخترع من عندهما أو منقول عن شيء آخر يتفاهما به لا ليلبسا به فلا كذب في ذلك، فإذا جاز هذا فيما بيننا فهو للذي يلزم للجميع أن يعبدوه ويطيعوه ما أمكن، وهو بذلك تعالى أولى.

Most High, ‘And lower to them the wing of humility out of mercy, and say: My Lord, have mercy upon them, as they raised me when I was small.’ He, Most High, has required us only to humble ourselves before our parents and show them mercy. He, Most High, has never required us necessarily to say among ourselves that humility has a wing. There is no disagreement about this. Nor is the same with prayer, almsgiving, and fasting, because there is no disagreement that we are obliged to call people to these acts by these very names, necessarily. Success comes through Allah Most High.

Those who disallowed figurative usage argued: “Figurative usage is a lie, and Allah Most High and His Messenger ﷺ are far removed from lying.” Ali said: We say to him: You have spoken truly. But Allah Most High’s transferring a name from that to which He attached it in one place to another place is not a lie. Rather, it is truth itself, because truth is what He Most High has done, and falsehood is what He has not commanded or has not done. Whoever supposes that there is some truth that serves as a standard over Allah Most High and a bridle upon His acts, obliging Him, mighty and majestic, to conduct His acts according to it, has disbelieved. We have discussed this in the chapter establishing the proofs of reason, and, if Allah Most High wills, we shall discuss it exhaustively in the chapter invalidating explanatory causes in this book of ours. We have also discussed it sufficiently in our two books entitled Bringing Near and The Decisive Distinction. Success comes through Allah Most High.

Names are assigned to the things named only through either authoritative designation or convention. There is no authoritative designator except Allah, mighty and majestic. Thus, if the original Designator, majestic and mighty, applies a particular name to a particular named thing during a particular period or in a particular sense, and then transfers that name to another meaning elsewhere, there is no lying in that, nor does lying enter into it here. A liar is only someone among us who transfers a name from its established linguistic application to another meaning, using it to mislead without demonstration. Such a person is the lying, fabricating sinner. Likewise, if two people agree to call something by a particular name, invented by them or transferred from something else, so that they can understand one another through it, rather

than mislead through it, there is no lying in that. If this is permissible among us, then it is permissible for Him whom everyone is obliged to worship and obey to the extent possible, and He Most High has a greater right to it.[1][2][3]

L1276–1280 Misleading in this matter consists in someone saying: "Honey is lawful, and the intoxicating drink from a vessel of honey is honey, so it is lawful." This person is a liar: he has taken a substance that Allah, mighty and majestic, named wine—and wine is forbidden—and called it by something other than its name in order thereby to deem it lawful. The Messenger of Allah ﷺ warned of this. Abd Allah ibn Rabi al-Tamimi related to us, from Muhammed ibn Ishaq the judge, from Ibn al-Arabi, from Sulayman ibn Ashath, from Ahmad ibn Hanbal: Zayd ibn related to us, al-Hubab: Muawiyah ibn Salih related to us, from Hatim ibn Hurayth, from Malik ibn Abi Maryam: Abd al-Rahman ibn Ghanm related to us, saying: Abu Malik al-Ashari informed us, saying: I heard the Messenger of Allah ﷺ say: "People from my community will certainly drink wine, calling it by something other than its name." Abd Allah ibn Rabi related to us, from Muhammed ibn Muawiyah al-Marwani, from Ahmad ibn Shuayb: Muhammed ibn Abd al-Ala related to us: Khalid—that is, Ibn al-Harith—related to us, from Shubah: I heard Abu Bakr ibn Hafs say: I heard Ibn Muhayriz relate, from a man among the Prophet's Companions ﷺ, from the Prophet ﷺ, something to the same effect.

Ali said: We have now explained the nature of literal usage in this matter. Next, if Allah Most High wills, we shall mention some of the verses about which they disagreed, for a matter becomes easy to understand when illustrated by examples. Among these is His saying, mighty and majestic: "And ask the town in which we were, and the caravan with which we came; indeed, we are truthful." Some people said: Its meaning is, "Ask the inhabitants of the town, and ask the people of the caravan." Others said: Jacob was a

والتلبيس في هذا هو من قال: العسل حلال، والمسكر من مصراة عسل فهو حلال، فهذا كاذب، فإنه أتى إلى عين سماها الله عز وجل خمرا والخمر حرام فسماها بغير اسمها ليستحلها بذلك وقد أنذر بذلك رسول الله صلى الله عليه وسلم حدثنا عبد الله بن ربيع التميمي عن محمد بن إسحاق القاضي، عن ابن الأعرابي، عن سليمان بن أشعث، عن أحمد بن حنبل، ثنا زيد بن الحباب، ثنا معاوية بن صالح، عن حاتم بن حريث، عن مالك بن أبي مريم، ثنا عبد الرحمن بن غنم قال: أنبأ أبو مالك الأشعري قال سمعت رسول الله صلى الله عليه وسلم يقول ليشربن ناس من أمتي الخمر يسمونها بغير اسمها، ثنا عبد الله بن ربيع، عن محمد بن معاوية المرواني، عن أحمد بن شعيب ثنا محمد بن عبد الأعلى، ثنا خالد هو ابن الحارث عن شعبة، سمعت أبا بكر بن حفص يقول: سمعت ابن محيريز يحدث عن رجل من أصحاب النبي صلى الله عليه وسلم عن النبي صلى الله عليه وسلم بمثله قال علي فقد بينا وجه الحقيقة في هذا، ثم نذكر إن شاء الله تعالى طرفا من الآي التي تنازعوا فيها، فإن الشيء إذا مثل سهل فهمه فمن ذلك قوله عز وجل {وسأل لقرية لتي كنا فيها ولعير لتي أقبلنا فيها وإنا لصادقون} فقال قوم معناه واسأل أهل القرية، واسأل أهل العير، وقال آخرون: يعقوب نبي فلو سأل العير أنفسها والقرية نفسها لأجابته. قال علي وكلا الأمرين ممكن ومنه قوله تعالى {فنطلقا حتى إذآ أتيآ أهل قرية ستطعمآ أهلها فأبوا أن يضيفوهما فوجدا فيها جدارا يريد أن ينقض فأقامه قال لو شئت لاتخذت عليه أجرا} فقد علمنا بضرورة العقل أن الجدار لا ضمير له، والإرادة لا تكون إلا بضمير الحي هذه هي الإرادة المعهودة التي لا يقع اسم إرادة في اللغة على سواها فلما وجدنا الله تعالى، وقد أوقع هذه الصفة على

[1] **Translator's note (L1273):** The source reads 'this excellence' (al-faḍl), which is awkward in context. 'This section' (al-faṣl) may have been intended; the supplied reading is preserved.

[2] **Translator's note (L1275):** The opening continues the preceding segment's negation: the author is saying that prayer, almsgiving, and fasting differ from the preceding example. "Authoritative designation" renders tawqif, distinguished here from naming by convention.

[3] **Qur'an references (L1273):** Qur'an 14:4 (Ibrahim).

prophet, so if he had asked the caravan itself and the town itself, they would have answered him. Ali said: Both possibilities are possible.

Another is His saying, Most High: "So they went on until, when they came to the people of a town, they asked its people for food, but they refused to offer them hospitality. Then they found in it a wall that wanted to collapse, so he set it upright. He said: 'Had you wished, you could have taken payment for it.'" We know by rational necessity that a wall has no inner consciousness, and volition exists only through the inner consciousness of a living being. This is the familiar volition, to which alone the word 'volition' is applied in the language and to nothing else. Thus, when we found that Allah Most High had applied this attribute to a wall, which contains nothing warranting this designation, we knew with certainty that Allah, mighty and majestic, had transferred the word 'volition' in this passage to the wall's inclination, calling inclination volition. We have already stated that Allah Most High names whatever He wills by whatever He wills. Yet this does not entail transferring the realities that He Most High has ordered in His world from their respective positions, nor transferring that name anywhere other than the place in which the Creator, mighty and majestic, transferred it. Were it not for the necessity we mentioned, we would never have considered it permissible to judge that a name had been transferred from the thing it names at all. Concerning the transfer of the word 'volition' from its established linguistic application to something else, Abu Bakr Muhammed ibn Yahya al-Suli recited the words of al-Rai: "Restless are the axeheads, when they desire to slip free."

Abu Bakr al-Suli, may Allah have mercy on him, mentioned that Ibn Firas the secretary, who was an eternalist, asked him about this verse, and Abu Bakr answered with this line of poetry. Some people have said that He Most High is able to produce volition in a wall. Indeed, He is able to do whatever He wills and everything that can take shape in thought. But any claim that He Most High has, in some instance, breached the customary order established by His words, when no explicit text concerning it has reached us, is to be rejected as false, just as every claimant who does not bring evidence advances a false claim. Likewise is His saying, Most High: "And it was running with

الجدار الذي ليس فيه ما يوجب هذه التسمية، علمنا يقينا أن الله عز وجل قد نقل اسم الإرادة في هذا المكان إلى ميلان الحائط، فسمى الميل إرادة، وقد قدمنا أن الله تعالى يسمي ما شاء بما شاء، إلا أن ذلك لا يوجب نقل الحقائق التي رتب تعالى في عالمه عن مراتبها، ولا نقل ذلك الاسم في غير المكان الذي نقله فيه الخالق عز وجل، ولولا الضرورة التي ذكرنا ما استجزنا أن نحكم على اسم بأنه منقول عن مسماه أصلا، وقد أنشد أبو بكر محمد بن يحيى الصولي في نقل اسم الإرادة عن موضوعها في اللغة إلى غيره قول الراعي: قلق الفؤوس إذا أردن نضولا وذكر أبو بكر الصولي رحمه الله أن ابن فراس الكاتب، وكان دهريا سأله في هذه الآية، فأجاب أبو بكر بهذا البيت، وقد قال قوم: إنه تعالى قادر على أن يحدث في الجدار إرادة، وبلى هو قادر على ما يشاء، وكل ما يتشكل في الفكر، ولكن كل ما لم يأتنا نص أنه خرق تعالى فيه ما قد تمت به كلماته من المعهودات، فهو مكذب، كما أن لكل مدع ما لم يأت بدليل فهو مبطل وكذلك قوله تعالى {وهي تجري بهم في موج كلجبال ونادى نوح بنه وكان في معزل يبني ركب معنا ولا تكن مع لكافرين}

them through waves like mountains, and Noah called to his son, who was apart: ‘My son, board with us, and do not be among the disbelievers.’”[4][5][6][7][8]

L1281–1296 For He Most High called the ship’s movement ‘running,’ although the ship’s movement is compelled. This is an instance of what we have said: He Most High names whatever He wills by whatever He wills. He is the Creator of all names and all things named—far exalted is He; there is no deity except Him.

As for His saying, Most High: “And when We took your covenant and raised the Mount above you: ‘Take firmly what We have given you, and listen.’ They said: ‘We have heard and disobeyed.’ And they were made to drink the calf into their hearts because of their disbelief. Say: ‘Evil is what your faith commands you to do, if you are believers’”—He Most High meant only love of the calf, in accordance with what we have mentioned concerning omission, where another expression is made to stand in the omitted expression’s place.

As for His saying, Most High: “On the day We say to Hell: ‘Are you full?’ and it says: ‘Is there any more?’”—in our view this is literal, and He makes it speak. Some people have argued against us using the saying of Allah Most High: “Indeed, We offered the trust to the heavens and the earth and the

فإنه تعالى سمى حركة السفينة جريا، وحركة السفينة اضطرارية، وهذا مما قلنا من أنه تعالى يسمي ما شاء بما شاء، فهو خالق الأسماء والمسميات كلها، حاشاه لا إله إلا هو وأما قوله تعالى {وإذ أخذنا ميثاقكم ورفعنا فوقكم لطور خذوا ما آتيناكم بقوة وسمعوا قالوا سمعنا وعصينا وأشربوا في قلوبهم لعجل بكفرهم قل بئسما يأمركم به إيمانكم إن كنتم مؤمنين} فإنما عنى تعالى حب العجل، على ما ذكرنا من الحذف الذي أقيم لفظ غيره مقامه وأما قوله تعالى {يوم نقول لجهنم هل متلأت وتقول هل من مزيد} وهو عندنا حقيقة وإنطاق لها. وقد احتج علينا قوم بقول الله تعالى: {إنا عرضنا الأمانة على السماوات والأرض والجبال فأبين أن يحملنها وأشفقن منها وحملها الإنسان إنه كان ظلوما جهولا} قال علي: وهذا أيضا عندنا على الحقيقة، وأن الله تعالى وضع فيها التمييز إذ خيرها، فلما أبت حمل الشرائع وأشفقت من تحمل الأمانة سلبها إياه، وسقطت الكلف عنها، وممكن أن يكون على نقل اللفظ أيضا، والمراد بذلك أنها لم يحملها إذا لم يركب تعالى فيها قوة الفهم والعقل، ولا النفس المختارة المميزة. وهذا موجود في كلام العرب وأشعارها، فإن العرب تقول إذا أرادت أن تمدح: أبى ذلك سؤددك، وإذا أرادت الذم: أبى ذلك لؤمك، أي إن سؤددك غير قابل لهذه الفعلة لمضادتها له، وكذلك في الذم أي إن لؤمك غير قابل لهذه المكرمة لمضادتها له، فعلى هذا كانت إباية السموات والأرض لا على ما سواه إلا أن الأول أصح وبه نقول. وإنما فرقنا بين هذا في هذا الوجه، وبين ما قلنا آنفا في إنطاق جهنم، لأن كلام الله عز وجل كله عندنا بيان لنا، وجار على معهود ما أوجبه فهمنا بإدراك عقولنا

[4] **Translator’s note (L1276):** The wording من مصراة عسل is obscure. The translation provisionally understands مصراة as a vessel containing honey, with عسل thereafter serving as the predicate “is honey”; the transmitted wording may be corrupt. The final personal name continues in the next unit: Zayd ibn al-Hubab.

[5] **Translator’s note (L1278):** The Quranic quotations contain several irregular spellings and omitted initial alifs in the supplied transcription; these do not yield a distinct intelligible wording in English. “Literal usage” renders haqiqah, contrasted with figurative usage; “volition” renders iradah, also represented by “wanted” within the verse.

[6] **Translator’s note (L1279):** The poetic quotation continues in the next unit. “Restless are the axeheads” provisionally renders قلق الفؤوس; the fragment alone leaves the precise construction uncertain.

[7] **Translator’s note (L1280):** “Slip free” provisionally renders نضولا in the poetic fragment, understood as axeheads slipping from their hafts; the reading and precise imagery are uncertain. “Eternalist” renders dahri, a term for someone who attributes existence to an eternal temporal order. The wording كما أن لكل مدع is syntactically irregular; the translation gives the apparent sense while retaining the claim’s generality. The Quranic quotation contains irregular spellings and omitted initial alifs in the supplied transcription.

[8] **Qur’an references (L1276):** Qur’an 18:77 (Al-Kahf); Qur’an 11:42 (Hud).

[18] **Qur’an references (L1281):** Qur’an 2:63 (Al-Baqarah); Qur’an 2:93 (Al-Baqarah); Qur’an 33:72 (Al-Ahzab); Qur’an 32:9 (As-Sajdah); Qur’an 30:32 (Ar-Rum); Qur’an 2:74 (Al-Baqarah); Qur’an 19:42 (Maryam).

mountains, but they refused to bear it and were apprehensive of it, while the human being bore it. Indeed, he was greatly unjust and greatly ignorant."

Ali said: This too, in our view, is literal: Allah Most High placed discernment in them when He gave them the choice. Then, when they refused to bear the revealed laws and were apprehensive about undertaking the trust, He deprived them of it, and the obligations fell away from them. It is also possible that this involves a transferred expression, the intended meaning being that He did not burden them with it, since He Most High had not constituted within them the faculty of understanding and reason, nor a soul capable of choice and discernment. This occurs in the Arabs' speech and poetry. When the Arabs wish to praise, they say: "Your nobility refused that"; and when they wish to blame, they say: "Your baseness refused that." That is, your nobility does not admit this deed because the deed is contrary to it. Likewise with blame: your baseness does not admit this noble act because the act is contrary to it. On this interpretation, the refusal of the heavens and the earth was of this kind and no other. The first interpretation, however, is more correct, and it is the one we hold.

We distinguished between this matter under this interpretation and what we said earlier about making Hell speak only because, in our view, all the speech of Allah, mighty and majestic, is an exposition for us and proceeds according to the familiar understanding necessitated by the perceptions of our intellects and senses. We say this only because of the saying of Allah, mighty and majestic: "Then He fashioned him and breathed into him of His spirit, and made for you hearing, sight, and hearts. Little do you give thanks." He Most High urged us to think and reflect upon the Quran, and informed us that it is an exposition for us. All of that [cannot] occur except through what our intellects distinguish, rather than through what contradicts them. Thus, when all of that was established, and we were led by deliberation, sight, hearing, and reason to the conclusion that the heavens are inanimate things that do not reason and that the earth is likewise; that the definition of rational articulation is the discernment of things; that discernment occurs only in a living being; that a living being is that which senses and moves voluntarily; that a discerning being constitutes only a portion of living beings, not all of them;

وحواسنا، وإنما قلنا ذلك لقول الله عز وجل {ثم سواه ونفخ فيه من روحه وجعل لكم لسمع ولأبصار ولأفئدة قليلا ما تشكرون} وحضنا تعالى على التفكير والتدبر للقرآن، وأخبرنا بأنه بيان لنا، وكل ذلك يكون إلا بما تميزه عقولنا، لا بما يضادها، فلما صح ذلك كله، وأدانا التدبير والبصر والسمع والعقل إلى أن السموات جمادات لا تعقل، وأن الأرض كذلك، وأن حد النطق هو التمييز للأشياء، وأن التمييز لا يكون إلا في حي، وأن الحي هو الحساس المتحرك بإرادة، وأن المميز هو بعض الحي لا كله، وأن حد التمييز هو إمكان معرفة الأشياء على ما هي عليه، وإمكان التصرف في الصناعات والأعمال المختلفة بإرادة، وأيقنا أن كل هذه الصفات ليست الأرض، ولا الأفلاك، ولا الجبال له حاملة، علمنا أن هذه اللفظة، التي أخبرنا بها تعالى عن هذه التي ليست أحياء، لفظة منقولة عن معهودها عندنا إلى معان أخر من صفات هذه الأشياء المخبر عنها، الموجودة فيها على الحقيقة، ومن تعدى هذه الطريقة فقد لبس الأشياء، ورام إطفاء نور الله تعالى الموضوع فينا. وبالجملة فمن أراد إخراج الأمور عن حقائقها في المبادىء، ثم عن حقائقها في المعاهد فينبغي أن يتهم في دينه، وسوء أغراضه، فإن سلم من ذلك فلا بد من وصمة في عقله، أو قوة في جهله، إلا أن هذا كله لا يعترض على الوجه الأول، لأن الإنطاق الذي كان وضعه الله تعالى فيها حينئذ قد سلبها إياه، إذ أبت قبول الأمانة، وإنما يعترض بهذا كله على من يقول: إنها باقية على نطقها إلى اليوم، فهذا باطل لا شك فيه بما ذكرنا، وبالله تعالى التوفيق. وقد ذكر رجل من المالكيين يلقب خويز منداذ: أن للحجارة عقلا، ولعل تمييزه يقرب من تمييزها، وقد شبه الله قوما زاغوا عن الحق بالأنعام وصدق تعالى، إذ قضى أنهم أضل سبيلا منها، فإن الأنعام لا تعدوا ما رتبها ربها لها من طلب الغذاء، وإرادة بقاء النوع، وكراهة فسادها بعد كونها، وهؤلاء رتبهم خالقهم عز وجل ليعرفوا قدرته، وإنها بخلاف قدرة من خلق، وليعرفوا رتبة ما خلق على ما هي عليه، فبعدوا ذلك، فمن مشبه

and that the definition of discernment is the capacity to know things as they are and the capacity to engage voluntarily in different crafts and activities. Once we were certain that neither the earth, nor the celestial spheres, nor the mountains possess any of these attributes, we knew that this expression, by which He, exalted is He, described these things that are not alive, is an expression transferred from its familiar meaning among us to other meanings among the attributes of these things being described, attributes that actually exist in them. Whoever departs from this method has confused things and sought to extinguish the light of Allah, exalted is He, placed within us. In general, anyone who wishes to remove things from their true natures in first principles, and then from their true natures in familiar experience, ought to be suspected concerning his religion and the evil of his purposes. If he is free of that, there must nevertheless be some defect in his reason or some strength in his ignorance. None of this, however, constitutes an objection to the first interpretation, because the power of articulation that Allah, exalted is He, had placed in them at that time He subsequently stripped from them when they refused to accept the trust. All of this constitutes an objection only against someone who says that they retain their articulation to this day. This is undoubtedly false, for the reasons we have mentioned. Through Allah, exalted is He, comes success. A man among the Malikis, known as Khuwayz Mindadh, has stated that stones possess reason. Perhaps his discernment approaches theirs. Allah has compared people who deviated from the truth to livestock, and He, exalted is He, spoke truly when He judged that they were further astray in their path than livestock. Livestock do not go beyond what their Lord has assigned them: seeking nourishment, desiring the continuance of their kind, and disliking their own destruction after coming into existence. These people, however, were assigned their place by their Creator, mighty and majestic, so that they might recognize His power, and that it differs from the power of those He created, and so that they might recognize the rank of what He created as it actually is. Yet they departed far from that. Among them is one who likens the power of his Lord, exalted is He, to the judgment of his own reason, and thereby directs Him—exalted is Allah, far above what the people of wrongdoing say! Among them is one who corrupts the ranks of created things and strives to invalidate their definitions and corrupt the

قدرة ربه تعالى حكم عقله فيصرفه به، تعالى الله عما يقول أهل الظلم علوا كبيرا. ومن مفسد رتب المخلوقات، وساع في إبطال حدودها وإفساد الاستدلال بها على التوحيد {من لذين فرقوا دينهم وكانوا شيعا كل حزب بما لديهم فرحون} وسيرد الجميع إلى عالم الغيب والشهادة فيحكم بيننا فيما فيه نختلف، وتالله لتطولن ندامة من لم يجعل حظه من الدين والعلم إلا نصر قول فلان بعينه، ولا يبالي ما أفسد من الحقائق في تلك السبيل العضلة، وبالله تعالى نعوذ من الخذلان، فقال هذا الجاهل: إن من الدليل على أن الحجارة تعقل قوله تعالى {ثم قست قلوبكم من بعد ذلك فهي كلحجارة أو أشد قسوة وإن من لحجارة لما يتفجر منه لأنهار وإن منها لما يشقق فيخرج منه لمآء وإن منها لما يهبط من خشية لله وما لله بغافل عما تعملون} قال فقد أخبر تعالى أن منها ما يهبط من خشية الله، فدل ذلك على أن لها عقلا، أو كلاما هذا معناه. قال علي: ونحن نقول: إن من العجب العجيب استدلال هذا الرجل بعقله على أنه لا يخشى الله تعالى إلا ذو عقل، فهلا استدل بذلك العقل نفسه على ما شاهد بحسه من أن الحجارة لا عقل لها، وكيف يكون لها تمييز وعقل، والله تعالى قد شبه قلوب الكفار التي لم تنقد إلى معرفته عز وجل بالحجارة في أنها لا تذعن للحق الوارد عليها، فكذب الله تعالى في نفيه المعرفة عن الحجارة نصا، إذ جعلها تعالى بمنزلة قلوب الكفار في عنود تلك القلوب عن الطاعة له عز وجل، فكيف يكون للحجارة عقل أو تمييز بعد هذا. فإن قال قائل: فما وجه إضافة الخشية إلى الحجارة؟ قلنا له، وبالله تعالى التوفيق: قد قدمنا أن الله تعالى رتب الأسماء على المسميات، وجعل ذلك سببا للتفاهم، ولولا ذلك ما كان تفاهم أبدا، ولا فهمنا عنه تعالى شريعة، ولا علمنا مراده عز وجل في أمر ولا نهي، ولا في خبر أخبرنا به، وعرفنا تعالى بذلك التمييز الذي وضع فينا من صفات المخلوقات ما قد عرفناه، وجعل لتلك الصفات أسماء نعبر بها عنها ونفاهم بها الأخبار عنها. فكان مما رتب لنا من ذلك في اللغة العربية، إن سمينا تمييزا حال من

inference from them to divine oneness: "Among those who divided their religion and became factions, each party, in what they possess, rejoices." And all will be returned to the Knower of the unseen and the witnessed, and He will judge between us concerning that over which we differ. By Allah, long indeed will be the regret of anyone who has made his share of religion and knowledge nothing but championing the opinion of one particular person, caring nothing for whatever realities he corrupts along that difficult path. In Allah, exalted is He, we seek refuge from abandonment. This ignorant man said: "Among the proofs that stones possess reason is His saying, exalted is He: 'Then your hearts hardened after that, so that they were like stones, or harder still. Indeed, among stones are those from which rivers burst forth; and among them are those that split, so that water emerges from them; and among them are those that fall down out of fear of Allah. And Allah is not heedless of what you do.'" He said: "He, exalted is He, has thus stated that among them are those that fall down out of fear of Allah, and this indicates that they possess reason"—or words to this effect. Ali said: We say that it is astonishing indeed that this man should infer by his reason that only a being possessed of reason fears Allah, exalted is He. Why, then, did he not use that very same reason to draw an inference from what he witnessed with his senses: that stones have no reason? How could they possess discernment and reason when Allah, exalted is He, has compared the hearts of the unbelievers, which did not submit to knowing Him, mighty and majestic, to stones in their failure to yield to the truth presented to them? Thus he has contradicted Allah, exalted is He, in His explicit denial of knowledge to stones, since He, exalted is He, placed them on the same footing as the hearts of the unbelievers in those hearts' obstinate refusal to obey Him, mighty and majestic. How, after this, could stones possess reason or discernment? If someone says, "What, then, is the basis for attributing fear to stones?" we reply to him—and through Allah, exalted is He, comes success: We have already explained that Allah, exalted is He, assigned names to the things named and made this a means of mutual understanding. Without that, mutual understanding would never have existed, nor would we have understood any revealed law from Him, exalted is He, nor known His intention, mighty and majestic, in any command, prohibition, or report He communicated to us.

رأيناه يفهم ويتكلم ويسأل عن وجوه الأشياء المشكلة، فيجاب فيفهم، ويسأل عما علم منها فيجب ويحدث بما رأى وشاهد وسمع، ويؤمر بالكلام وينهى عن ضروب مختلفة من الأفاعيل، فيفهم ما يزاد منه كل ذلك. وكان مما رتب لنا أيضا عز وجل أن لم تكن فيه هذه الصفات سميناه غير مميز، فإن كان من الحيوان مما سوى الملائكة والجن والإنس سميناه حيا غير مميز، وإن كان من غير الحيوان سميناه جمادا غير حي، إن كان من الشجر أو الحجارة أو الأرض أو الماء أو النار أو الهواء أو غير ذلك. وأقر تعالى هذه الرتب في أنفسنا بما وضع فيها من التمييز إقرارا صار من أنكر شيئا منه ربما آل به إلى أن نسقط عنه الحدود، ولا يقتص منه إن قتل. وتسقط عنه الشرائع، ويصير في محل من لا يخاطب لعدم عقله وتمييزه، فإن زاد ذلك، لم يؤمن عليه أن يغل ويداوي دماغه الذي هو منبعث الحس والحركة، بأنواع كريهة من العلاج. فلما أيقنا أن تلك الصفات المسماة برتبة الله تعالى تمييزا ليست في الحجارة وجب ضرورة أن تسمى مميزة. وأيضا فقد قال تعالى مصدقا لإبراهيم خليله عليه السلام في قوله: {إذ قال لابيه يأبت لم تعبد ما لا يسمع ولا يبصر ولا يغني عنك شيئا} وإنما كان يعبد الحجارة. فصح بالنص أنها لا تفهم ولا تعقل. فلما رأيناه تعالى قد أوقع عليها خشية له، علمنا أن هذه اللفظة هنالك منقولة عن موضعها عندنا إلى صفة أخرى من صفات الحجارة، وهي تصريفه لها تعالى كيف شاء، لا تخرج تلك الخشية عن هذه الجملة التي فسرنا البتة. فهذا وجه إضافة الخشية إلى الحجارة، إذ الخشية المعهودة عندنا هي الخوف من وعيد الله عز وجل، والائتمار لأمره تعالى، والحجارة خالية بيقين من كل ذلك، وكيف يخشى من لم يؤمر ولا ينهى ولا كلف ولا وعد أم أي شيء يخشى غير العقاب ولا عقاب إلا على عاص، ولا عاصي إلا مأمور والحجارة ليست بمأمورة، فليست عاصية فلا عقاب عليها ولا خشية عليها نعني الخشية المعهودة فيما بيننا ولا مميز إلا حي، والحجارة ليست حية فليست مميزة. ومما ذكرنا من نقل بعض الأسماء إلى

Through that discernment which He placed within us, He, exalted is He, acquainted us with what we know of the attributes of created things. He assigned names to those attributes by which we express them and communicate reports about them to one another. Among what He thus established for us in the Arabic language was that we called 'discernment' the condition of someone whom we see understanding, speaking, and asking about aspects of perplexing things, receiving an answer and understanding it, and being asked about what he knows of them, whereupon it becomes incumbent and recounting what he has seen, witnessed, and heard, and being commanded to speak and forbidden from various kinds of actions, understanding all of what is added of him. Among what He, mighty and majestic, also established for us was that whoever lacks these attributes we call 'non-discerning.' If he is among living creatures other than angels, jinn, and human beings, we call him 'living but non-discerning.' If it is something other than a living creature, we call it 'inanimate and not alive,' whether it is a tree, a stone, earth, water, fire, air, or anything else. He, exalted is He, established these classifications within our souls through the discernment He placed in them, establishing them so firmly that someone who denies any of this may come to the point where we exempt him from the prescribed penalties, exact no retaliation from him if he kills, and release him from the obligations of revealed law. He comes to occupy the position of someone to whom no address is directed, because he lacks reason and discernment. If this increases, he may well be put in fetters and have his brain, which is the source of sensation and movement, treated with various unpleasant treatments. Once we were certain that those attributes designated 'discernment' by Allah's assignment, exalted is He, are absent from stones, it necessarily followed that they must be called discerning. Furthermore, He, exalted is He, has said, affirming the truth of His intimate friend Abraham, peace be upon him, in his statement: "When he said to his father, 'O my father, why do you worship that which neither hears nor sees nor avails you anything?'" What he worshipped was nothing but stones. It is therefore established by the explicit text that they neither understand nor possess reason. When we saw that He, exalted is He, had attributed fear of Him to them, we knew that this expression there had been transferred from its familiar application among us to another attribute

غير معهودها قول رسول الله صلى الله عليه وسلم في الفرس إن وجدناه لبحرا فأوقع عليه السلام لفظة بحر على الفرس الجواد وكذلك لما قال رسول الله صلى الله عليه وسلم ارفق بالقوارير يعني النساء كان ذلك نقلا لاسم القوارير عن موضوعه في اللغة عن الزجاج إلى النساء، وكذلك قوله تعالى: {قواريرا من فضة قدروها تقديرا} هو نقل أيضا للقوارير عن موضوعه في اللغة عن الزجاج إلى الفضة، إلا أنه لا يحل لمسلم أن يقول في لفظه لم يأت نص ولا ضرورة حس بأنها منقولة عن موضوعها إنها منقولة ولا يتعدى بكل ذلك ما جاء في نص أو ضرورة حس، ولا يصرف لفظ عن موضوعه إلا بأحد هذين الوجهين، وإلا فهي باقية في مرتبتها في اللغة، وليس لأحد أن يصرف عنه وجهه إذ لم يصرفه الله تعالى ولا رسوله صلى الله عليه وسلم وإن العجب ليكثر ممن يقول إن الشحم يسمى ندى فإذا سئل من أين قلت ذلك؟ أنشد قول أعرابي جلف: كثوب العداب الفرد يضربه الندى تعلى الندى في متنه وتحدرا فيكون ذلك قاطعا لخصمه، يستشهد أن الجواري يسمين القوارير وأن الفرس الجواد يسمى بحرا، وأن الخشية قد يسمى بها الوقوع تحت التدبير: بأن خالق اللغات والمتكلمين أوقع هذا الاسم على هذا المعنى، وبأن أفصح العرب سمى النساء قوارير، والفرس بحرا. ولعمري لو أنه عليه السلام يقول ذلك قبل بلوغه أربعين عاما، وقبل أن ينبأ لكان قوله أعظم حجة لفصاحته وعلمه بلغة قومه، وأنه من وسيطة قريش ومسترضع في بني سعد بن أبي بكر بن هوازن لجمع فصاحة الحيين: خندف وقيس أهل تهامة والحجارة العالية، الذين إليهم انتهت الفصاحة في اللغة العربية الإسماعيلية والذي لا شك فيه، فهو أنه عليه السلام أفصح من امرىء القيس، ومن الشماخ، ومن حسن البصري، وأعلم بلغة قومه من الأصمعي وأبي عبيدة، وأبي عبيد. فما في الضلال أبعد من أن يحتج في اللغة بألفاظ هؤلاء، ولا يحتج بلفظة فيها عليه السلام فكيف وقد أضاف ربه تعالى فيه إلى ذلك العصمة، ومن الخطأ فيها القول والتأييد الإلهي، والنبوة والصدق المقطوع

of stones: His directing them, exalted is He, however He wills. That fear in no way falls outside this general account we have explained. This, then, is the basis for attributing fear to stones. The fear familiar to us is fear of the threat of Allah, mighty and majestic, and compliance with His command, exalted is He. Stones are certainly devoid of all that. How could something fear when it has neither been commanded nor forbidden, neither charged with obligations nor given a promise? Or what would it fear other than punishment? There is no punishment except for one who disobeys, and no one disobeys except one who has been commanded. Stones have not been commanded, so they are not disobedient; therefore no punishment awaits them, nor is there any fear upon them—we mean the fear familiar among us. Moreover, only a living being can be discerning, and stones are not alive, so they are not discerning. Among the instances we have mentioned of transferring certain names beyond their familiar meanings is the saying of the Messenger of Allah ﷺ concerning a horse: "We certainly found him to be a sea." Thus he, peace be upon him, applied the expression 'sea' to a swift horse. Likewise, when the Messenger of Allah ﷺ said, "Be gentle with the glass vessels," meaning women, this constituted a transfer of the name 'glass vessels' from its established application in the language, namely glass, to women. Likewise, His saying, exalted is He, "Glass vessels of silver, which they have measured with precise measure," is likewise a transfer of "glass vessels" from its established linguistic application, from glass to silver. Yet no Muslim may say of an expression that it has been transferred from its established application when neither a text nor the necessary evidence of sense perception establishes that it has been so transferred. In all this, one must not go beyond what is established by a text or the necessary evidence of sense perception. No expression may be diverted from its established application except on one of these two grounds; otherwise, it remains in its linguistic position. No one may divert it from its proper sense when neither Allah Most High nor His Messenger ﷺ has diverted it. Indeed, there is much cause for astonishment at someone who says that fat is called "dew," and, when asked, "On what basis do you say that?" recites the words of a coarse Bedouin: "Like the garment of the solitary sand-flat, struck by dew; the dew rose along its back and flowed down." This then becomes decisive against his opponent.

على غيبه الذي صحبه خرق العادات والآيات والمعجزات، وفي أقل من هذا كفاية لمن كانت فيه حشاشة، فكيف أن يظن به عليه السلام أن يخبر عن ربه تعالى خبرا يكلفنا فهمه، وهو بخلاف ما يفهم ويعقل ويشاهد ويحس ما ينسب هذا إليه صلى الله عليه وسلم إلا ملحد في الدين كائد

[17] **Translator's note (L1295):** The phrase العصمة ومن الخطأ فيها القول is grammatically corrupt as supplied. Its words are retained in an awkward sequence; the apparent intended sense is protection from error in speech, but the text has not been silently repaired. The geographical expression الحجارة العالية literally means "the high stones" or "high rocky lands"; its intended regional designation is uncertain. The attachment of على غيبه is awkward. It is rendered as referring to his truthfulness concerning the unseen, while preserving the stated certainty.

He adduces as evidence that young women are called "glass vessels," that a swift horse is called a "sea," and that "fear" may designate being subject to governance, the fact that the Creator of languages and speakers applied this name to this meaning, and that the most eloquent of the Arabs called women "glass vessels" and a horse a "sea." By my life, had he, peace be upon him, said that before reaching forty years of age and before being made a prophet, his statement would have been a greater authority because of his eloquence and his knowledge of his people's language, and because he came from the very heart of Quraysh and was fostered among Banū Saʿd ibn Abī Bakr ibn Hawāzin. He thus combined the eloquence of the two tribal groups, Khindif and Qays, the inhabitants of Tihāmah and the high rocky lands, among whom eloquence in the Ishmaelite Arabic language reached its culmination. What admits of no doubt is that he, peace be upon him, was more eloquent than Imruʾ al-Qays, al-Shammākh, and Ḥasan al-Baṣrī, and more knowledgeable about his people's language than al-Aṣmaʿī, Abū ʿUbaydah, and Abū ʿUbayd. Nothing could go further astray than to cite these men's expressions as linguistic authorities while refusing to cite an expression of his, peace be upon him, as an authority in that language. How much more so when his Lord Most High added to this, in his case, immunity—and from error, concerning it, speech—and divine support, prophethood, and truthfulness concerning the unseen that is known with certainty, accompanied by departures from the customary course of things, signs, and miracles. In less than this there is enough for anyone who has a spark of life in him. How, then, could it be supposed of him, peace be upon him, that he would convey a report from his Lord Most High which we are charged with understanding, while it runs contrary to what is understood, apprehended by reason, witnessed, and per-

ceived by the senses? No one attributes this to him ﷺ except a scheming heretic in religion.[9]101112131415161718

[9]**Translator's note (L1281):** The calf quotation is translated with its literal wording, "made to drink the calf," preserving the wording on which the author's explanation of an omitted "love" depends. The Quranic quotations contain irregular spellings and omitted initial alifs in the supplied transcription. The unusual standalone حاشاه is rendered as an expression of Allah's exaltation.

[10]**Translator's note (L1282):** The phrase أنها لم يحملها is grammatically awkward. The translation understands the intended construction as "He did not burden them with it," while retaining the transmitted reading here. The supplied text reads وكل ذلك يكون إلا, literally "and all that occurs except," apparently omitting a negative such as لا. The supplied negative "[cannot]" makes the apparent argument intelligible and explicitly marks the intervention. The Quranic quotation contains omitted initial alifs in several words in the supplied transcription.

[11]**Translator's note (L1283):** The supplied word is التدبير, rendered "deliberation"; it has not been silently changed to التدبر, "reflection."

[12]**Translator's note (L1285):** The wording «فمن مشبه قدرة ربه تعالى حكم عقله فيصرفه به» is syntactically difficult and may be corrupt. The translation reflects its apparent polemical sense, but the relationship between the Lord's power and the judgment of human reason is not clearly expressed in the supplied text. The Quranic quotation begins «من لذين», apparently a defective transcription of «من الذين». The quotation continues in the next unit.

[13]**Translator's note (L1288):** The Quranic quotation contains several defective spellings, including «كلحجارة», «لحجارة», «لأنهار», «لمآء», and «لله» where the context calls for the corresponding forms with the definite article or the name Allah. These have been represented according to their evident readings without changing the quotation's substantive wording. The final word is «فيجب», 'whereupon it becomes incumbent,' rather than the contextually expected «فيجيب», 'whereupon he answers.' The supplied reading is retained, leaving the phrase awkward and incomplete.

[14]**Translator's note (L1290):** The supplied «ما يزاد منه», literally 'what is added of him,' is awkward in context. It may be a corruption of «ما يراد منه», 'what is wanted of him,' but that conjecture has not been substituted in the translation. The phrase «أن لم تكن فيه هذه الصفات» appears to lack an explicit relative or conditional element; the translation follows the evident connection with 'we call him non-discerning.'

وأعجب العجب أن هؤلاء القوم يأتون إلى الألفاظ اللغوية فينقلونها عن موضوعها بغير دليل، فيقولون: معنى قوله تعالى: {وثيابك فطهر} ليس للثياب المعهودة، وإنما هو القلب. ثم يأتون إلى ألفاظ قد قام البرهان الضروري على أنها منقولة عن موضعها في اللغة إلى معنى آخر، وهو إيقاع الخشية على الحجارة. فيقولون: ليس هذا اللفظ ههنا منقولا عن موضوعه مكابرة للعيان، وسعيا في طمس نور الحق، وإقرارا لعيون الملحدين الكائدين لهذا الدين، ويأبى الله إلا أن يتم نوره وبالله تعالى التوفيق

L1297 Most astonishing of all is that these people take linguistic expressions and transfer them from their established applications without evidence. They say that the meaning of His words, Most High, "And your garments—purify them," does not concern the familiar garments, but rather the heart. Then they take expressions for which necessary demonstration has established that they have been transferred from their linguistic application to another meaning—namely, the application of "fear" to stones—and say, "This expression has not been transferred here from its established application." This is obstinate denial of what is plainly witnessed, an effort to extinguish the light of truth, and a delight to the eyes of the heretics who scheme against this religion. Yet Allah refuses anything but to perfect His light. Through Allah Most High comes success.[19]

[فصل في التشبيه]

L1298 **[Section on Likening]**

قال علي التشبيه بين الأشياء المشتبهة حق مشاهد فإذا شبه الله عز وجل أو رسوله صلى الله عليه وسلم شيئا بشيء فهو صدق وحق وتنبيه على قدرة عظيمة لأنه ليس في العالم شيئان إلا وهما مشتبهان من وجه ما، وغير مشتبهين من وجه آخر وقد قال الله تعالى {لذي خلق سبع سماوات طباقا ما ترى في خلق لرحمن من تفاوت فرجع لبصر هل ترى من فطور} فهذا الذي قلنا هو ارتفاع التفاوت، لأن التماثل هو ضد التفاوت، وإذا بطل التفاوت صح التماثل، ولذلك افتقر الناس إلى معرفة حدود الكلام، وضبط الصفات التي تتفق فيها الموصوفات التي سعى قوم من النوكى في إبطالها، وهيهات من إبطال الحقائق. فإن قال قائل: إنه عليه السلام قد شبه ديون الله تعالى بديون الناس في وجوب قضائها، وأنتم لا تقولون بقضاء الصلاة عن الميت. فالجواب، وبالله تعالى التوفيق: إننا بتوفيق الله عز وجل لنا أهل الطاعة لهذا الحديث، وغيره، وقد نسب إلينا الباطل من ظن أننا نخص هذا الحديث أو غيره بلا نص، فنقول: يقضى الصوم والحج والصلاة المنذورة والمنسية والتي نيم عنها، وأما الصلاة المفروضة المتروكة عمدا، والصوم المفروض في رمضان المتروك عمدا، فإن الذي فرط فيها لا يقدر على قضائها

L1299–1300 ʿAlī said: Likening things that resemble one another is a truth that is witnessed. When Allah, Mighty and Majestic, or His Messenger ﷺ likens one thing to another, this is truthful and true, and draws attention to tremendous power. For there are no two things in the world that do not resemble one another in some respect and fail to resemble one another in another respect. Allah Most High has said: "Who created seven heavens in layers. You see no disparity in the creation of the All-Merciful. So return your gaze: do you see any fissures?" What we have described is the absence of disparity, for likeness is the opposite of disparity; when disparity is negated, likeness is established.

[15] **Translator's note (L1291):** The text says «وجب ضرورة أن تسمى مميزة», 'it necessarily followed that they must be called discerning,' which contradicts the immediately preceding argument and the continuation. An omitted negation is likely, but the supplied wording has been retained. The Quranic quotation contains defective spellings in «لابيه يأبت»; the translation follows their evident reading, 'to his father, O my father.'

[16] **Translator's note (L1294):** The verse is obscure as transmitted, especially كثوب العداب الفرد and تعلى الندى. The rendering retains "garment" for ثوب and treats العداب as a sandy tract or sand-flat; the wording may be corrupt. The transition from the Bedouin verse to يستشهد ("he adduces as evidence") is syntactically abrupt. The supplied text contains no explicit negative or adversative introducing the subsequent appeal to divine and prophetic usage.

[19] **Qur'an references (L1297):** Qur'an 74:4 (Al-Muddaththir).

أبدا، وليس عليه صيام يقضيه، ولا صلاة يقضيها، وإنما عليه إثم، أمره فيه إلى ربه تعالى، فلا يقضى عنه ذلك، وبالله تعالى التوفيق.

For this reason, people need to know the definitions of expressions and to determine precisely the attributes shared by the things described—attributes that a group of fools have sought to invalidate. How far they are from invalidating realities! If someone says, "He, peace be upon him, likened debts owed to Allah Most High to debts owed to people with respect to the obligation to discharge them, yet you do not hold that prayer is to be made up on behalf of the deceased," the answer—and through Allah Most High comes success—is this: Through the success Allah, Mighty and Majestic, has granted us, we are obedient to this report and others. Whoever supposes that we restrict the scope of this report or any other without a text has falsely accused us. We say that fasting and pilgrimage are to be performed in discharge of what is owed, as are prayers undertaken by vow, forgotten prayers, and prayers slept through. As for obligatory prayer deliberately abandoned and obligatory fasting in Ramadan deliberately abandoned, the person who was remiss in them can never make them up. He owes neither fasting that he can make up nor prayer that he can make up; rather, he bears a sin concerning which his affair rests with his Lord Most High. Thus these are not to be made up on his behalf. Through Allah Most High comes success.[2021]

قال علي: وهذه أيضا من عجائب هؤلاء القوم، فإنهم يأتون إلى أشياء لم يشبه الله تعالى ولا رسوله صلى الله عليه وسلم بعضها ببعض فيحكون لها بحكم واحد لادعائهم أنها مشتبهة فيقولون: لا يجوز للنكاح بأقل مما يقطع في اليد في السرقة، وقد علم كل ذي عقل أنه لا شبه بين السرقة والنكاح، ثم يأتون إلى ما أكد الله تعالى شبهه وساوى بينهما، فيبطلون التساوي فيهما فيقولون: إن ديون الناس تقضى عن الميت وديون الله تعالى لا تقضى عنه، فهل في تقحم الباطل أعظم من هذا؟ قال علي: وهذا الذي قلنا في المجاوز والتشبيه هو عين الحقيقة بالبراهين التي ذكرنا لم نترك فيه علقة لمتعقب منصف، وبالله تعالى التوفيق، فأما أهل الشغب فهم بمنزلة التائه في الفلوات، وإنما علينا بعون الله تعالى نهج الطريق القصد وإيضاحه، حتى لا يوجد بحول الله تعالى

L1301–1302 ʿAlī said: This too is among the astonishing things about these people: they take things that neither Allah Most High nor His Messenger ﷺ has likened to one another and assign them a single ruling because they claim that they resemble one another. Thus they say, "Marriage is not permissible for less than the amount for which amputation is imposed on the hand for theft." Every rational person knows that theft and marriage bear no resemblance to one another. Then they take things whose resemblance Allah Most High has emphatically affirmed and which He has placed on an equal footing, and invalidate their equality, saying, "Debts owed to people are discharged on

[20] **Translator's note (L1299):** The Qur'anic quotation has missing initial letters in لذي, لرحمن, فرجع, and لبصر. The translation follows the words evidently represented by these defective spellings; it does not reproduce their orthographic defects in English. The relative clause beginning التي سعى could grammatically refer to either the attributes or the things described. The translation takes it as referring to the attributes.

[21] **Qur'an references (L1299):** Qur'an 67:3 (Al-Mulk).

behalf of the deceased, but debts owed to Allah Most High are not discharged on his behalf." Could there be any greater plunge into falsehood than this? ʿAlī said: What we have said concerning figurative usages and likening is the very truth, established by the demonstrations we have mentioned. We have left no foothold in it for a fair-minded critic. Through Allah Most High comes success. As for the contentious, they are like someone wandering lost in the wilderness. Our task, with Allah Most High's help, is only to mark out the direct path and make it clear, so that, through Allah Most High's might and power, no clearer or shorter path can be found. Praise belongs to Allah, Lord of the worlds. Allah Most High grants success to whomever He wills by whatever He wills. Through Allah Most High comes success. He is sufficient for us, and an excellent Trustee is He.[22][23]

وقوته طريق أنهج ولا أخصر منه، والحمد لله رب العالمين ويوفق الله تعالى من يشاء بما يشاء، وبالله تعالى التوفيق وهو حسبنا ونعم الوكيل

[22]**Translator's note (L1301):** فيحكون is irregular in this context and appears to stand for "they judge" or "they assign a ruling." The translation gives that apparent sense. The Arabic لا يجوز للنكاح is grammatically awkward. The amount in question is the marriage payment, as indicated by the comparison with the monetary threshold for amputation for theft.

[23]**Translator's note (L1302):** المجاوز is unusual in this context. It is rendered "figurative usages" in light of the preceding discussion of transferring expressions from their established meanings; the transmitted form may be corrupt.



الباب 19: أفعال الرسول وإقراره

Chapter 19: Prophetic Acts and Tacit Approval

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Nineteen: The Acts of the Messenger of Allah ﷺ and Something That He, Peace Be upon Him, Sees or That Is Reported to Him, Which He Tacitly Approves by Remaining Silent about It, Neither Commanding nor Forbidding It]

L1303

L1304–1310 ʿAlī ibn Aḥmad, may Allah have mercy on him, said: Some Mālikīs said that his acts, peace be upon him, carry obligatory force and are more emphatic than his commands. Others, among them Ḥanafīs, said that acts are like commands. Others from both groups, and from the Shāfiʿīs, said that judgment concerning acts is suspended pending the evidence for them: where evidence establishes that an act is obligatory, that determination is adopted; where evidence establishes that an act is recommended or permissible, that determination is adopted. Among the Shāfiʿīs who held this view were Abū Bakr al-Ṣayrafī and Ibn Fūrak. The remaining Shāfiʿīs and all the adherents of the apparent meaning said: None of his acts, peace be upon him, is obligatory. We have only been encouraged to follow his example, peace be upon him, in them, and not to abandon them out of aversion to them, but rather as we leave aside other things that we have been encouraged to do: if we do them, we are rewarded, and if we leave them undone, we neither sin nor receive a reward. Excepted are those acts of his that explain a command or implement a ruling: these are then obligatory, because the command preceded them, and they explain the command. ʿAlī said: This is the correct position; no other is admissible. Those who said that his acts carry obligatory force and are more emphatic than commands adduced the following as evidence: Saʿīd al-Jaʿfarī related to us, saying: Abū Bakr ibn al-Udfuwī related to us: Abū Jaʿfar Aḥmad ibn Muhammed ibn Ismāʿīl ibn al-Naḥḥās, the grammarian, related to us, from Aḥmad ibn Shuʿayb al-Nasāʾī, from Saʿīd ibn ʿAbd al-Raḥmān: Sufyān—that is, Ibn ʿUyaynah—related to us, from al-Zuhrī. He said: Maʿmar subsequently confirmed it for me, from al-Zuhrī, from ʿUrwah ibn al-Zubayr, that Miswar ibn Makhramah and Marwān ibn al-Ḥakam, each adding details beyond the other's account, said: The Messenger of Allah ﷺ set out in the year of al-Ḥudaybiyyah. He then recounted the report, which is lengthy.

[الباب التاسع عشر في أفعال رسول الله صلى الله عليه وسلم وفي الشيء يراه عليه السلام أو يبلغه فيقره صامتا عليه لا يأمر به ولا ينهى عنه]

قال علي بن أحمد رحمه الله قال قوم من المالكيين: أفعاله عليه السلام على الوجوب، وهي آكد من أوامره؛ وقال آخرون منهم من الحنفيين: الأفعال كالأوامر، وقال آخرون من كلتا الطائفتين ومن الشافعيين: الأفعال موقوفة على دليلها، فما قام منها على أنه واجب صير إليه، وما قام دليل أنه منها ندب أو إباحة صير إليه، وممن قال بهذا من الشافعيين أبو بكر الصيرفي، وابن فورك، وقال سائر الشافعيين وجميع أصحاب الظاهر: ليس شيء من أفعاله عليه السلام واجبا، وإنما ندبنا إلى أن نتأسى به عليه السلام فيها فقط، وألا نتركها على معنى الرغبة عنها، ولكن كما نترك سائر ما ندبنا إليه مما إن فعلناه أجرنا، وإن تركناه لم نأثم ولم نؤجر، إلا ما كان من أفعاله بيانا لأمر أو تنفيذا لحكم، فهي حينئذ فرض، لأن الأمر قد تقدمها، فهي تفسير الأمر. قال علي: وهذا هو القول الصحيح الذي لا يجوز غيره. واحتج من قال: إنها على الوجوب، وإنها أوكد من الأوامر بما حدثنا سعيد الجعفري قال: ثنا أبو بكر بن الأدفوي، ثنا أبو جعفر أحمد بن محمد بن إسماعيل بن النحاس النحوي، عن أحمد بن شعيب النسائي، عن سعيد بن عبد الرحمن، حدثنا سفيان هو ابن عيينة عن الزهري، قال وثبتني معمر بعد عن الزهري، عن عروة بن الزبير أن مسور بن مخرمة، ومروان بن الحكم يزيد أحدهما على صاحبه قالا خرج رسول الله صلى الله عليه وسلم عام الحديبية فذكر الحديث وفيه طول فلما فرغ من قصة الكتاب قال رسول الله صلى الله عليه وسلم لأصحابه قوموا فانحروا ثم احلقوا قال فوالله ما قام منهم رجل، حتى قال ذلك ثلاث مرات، فلما لم يقم منهم أحد، قام فدخل على أم سلمة فذكر لها ما لقي من الناس فقالت أم سلمة:

When he had finished the account of the written agreement, the Messenger of Allah ﷺ said to his companions, “Rise, slaughter your sacrificial animals, and then shave your heads.” He said: By Allah, not one man among them rose, though he said this three times. When none of them rose, he got up and went in to Umm Salamah, and told her what he had encountered from the people. Umm Salamah said, “Messenger of Allah, do you wish this to happen? Go out, then speak to none of them until you have slaughtered your sacrificial animal and shaved your head.” So he went out, peace be upon him, so he slaughtered a sacrificial camel and summoned his barber. When they saw that, they rose and slaughtered their sacrificial animals, and began shaving one another, until they nearly killed one another out of distress. Ali said: We know of no argument more damning against them than this report which they themselves have adduced as evidence, because the one whom Allah has made it obligatory for us to obey and commanded us to follow is the Prophet ﷺ, who condemned their delay in doing what he had commanded them. He did not command us to follow those who disobeyed him until he himself did what he had commanded them to do, and who caused him apprehension until they made him complain of what he had experienced at their hands. Whoever adopts people’s conduct, abandons his Prophet’s ﷺ command, acts upon what he, peace be upon him, condemned, pays no heed to his Prophet’s ﷺ command, and pronounces correct the conduct of those who angered him, doing so deliberately, has indeed gone astray; and we cannot feel assured that he has not departed from Islam. Let everyone possessed of understanding know that this conduct of the people of al-Hudaybiyyah—may Allah be pleased with them—was an error and an act of disobedience. Nevertheless, they are forgiven, with the certainty afforded by the explicit text stating that no one who witnessed Badr and al-Hudaybiyyah will enter the Fire. Others do not have the same standing, and no Muslim may emulate them in this. Every virtuous person inevitably has a lapse, and every scholar a moment of confusion. Everyone among the elect has statements and actions that are accepted and others that are rejected, and much of what he says and does is to be shunned, except the Messenger of Allah ﷺ. Whoever emulates the people of al-Hudaybiyyah in this conduct, which the Messenger of Allah ﷺ condemned, has perished. They—may Allah be pleased with them—are

يا رسول الله أتحب ذلك، اخرج ثم لا تكلم منهم أحدا حتى تنحر وتحلق، فخرج عليه السلام فنحر بدنة ودعا بحالقه، فلما رأوا ذلك قاموا فنحروا، وجعل بعضهم يحلق بعضا حتى كاد بعضهم يقتل بعضا غما. قال علي: وما نعلم حجة أشنع عليهم من هذا الحديث الذي احتجوا به، لأن الذي أوجب الله علينا طاعته وأمرنا باتباعه هو النبي صلى الله عليه وسلم الذي أنكر عليهم التأخر عما أمرهم به ولم يأمر باتباع الذين خالفوه حتى فعل ما أمرهم به والذين أوهموه حتى جعلوه يشكوا ما لقي منهم ومن أخذ بفعل الناس وترك أمر نبيه صلى الله عليه وسلم وعمل بما أنكره عليه السلام ولم يلتفت إلى أمر نبيه صلى الله عليه وسلم وصوب فعل من أغضبه وتعمد ذلك فقد ضل ضلالا، ولم نأمن عليه مفارقة الإسلام. وليعلم كل ذي لب أن ذلك الفعل من أهل الحديبية رضي الله عنهم خطأ ومعصية، ولكنهم مغفور لهم بيقين النص في أنه لا يدخل النار أحد شهد بدرا والحديبية، وليس غيرهم كذلك، ولا يحل لمسلم أن يقتدي بهم في ذلك، فلا بد لكل فاضل من زلة. وكل عالم من وهلة، وكل أحد من الخيار فإنه يؤخذ من قوله وفعله، ويترك ويرغب من كثير من قوله وفعله إلا أن رسول الله صلى الله عليه وسلم ومن اقتدى بأهل الحديبية في هذا الفعل الذي أنكره رسول الله صلى الله عليه وسلم فقد هلك رضي الله عنهم مضمون لهم المغفرة في ذلك وغيره، ولم يضمن ذلك لغيرهم. وقد أقر بعضهم رضي الله عنهم على نفسه الخطأ العظيم في هذا الباب كما حدثنا عبد الله بن يوسف، عن أحمد بن فتح قال: ثنا عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم، ثنا أبو كريب محمد بن العلاء، ومحمد بن عبد الله بن نمير قالا: أنبأنا أبو معاوية، عن الأعمش، عن أبي وائل شقيق بن سلمة، قال: سمعت سهل بن حنيف بصفين يقول: اتهموا رأيكم على دينكم فلقد رأيتني يوم أبي

guaranteed forgiveness for this and other things; that has not been guaranteed to anyone else. Some of them—may Allah be pleased with them—have themselves acknowledged their grave error in this matter, as Abd Allah ibn Yusuf related to us, from Ahmad ibn Fath, who said: Abd al-Wahhab ibn Isa related to us, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim: Abu Kurayb Muhammed ibn al-Ala and Muhammed ibn Abd Allah ibn Numayr related to us; both said: Abu Muawiyah informed us, from al-Amash, from Abu Wail Shaqiq ibn Salamah, who said: I heard Sahl ibn Hunayf saying at Siffin: "Distrust your own judgment concerning your religion. Indeed, I remember myself on the day of Abu Jandal: had I been able to reject the command of the Messenger of Allah ﷺ"—al-Amash said, from Abu Wail, from Sahl—"I would have rejected it." Ali said: The day of Abu Jandal was the day of al-Hudaybiyyah. Sahl thus acknowledged—may Allah be pleased with them—that their judgment on the day of al-Hudaybiyyah was faulty, to the point that, had they been able to reject the command of the Messenger of Allah ﷺ, they would have rejected it. Abu Said al-Jafari related to us: Ibn al-Udfuwi related to us: Abu Jafar ibn al-Saffar related to us, from al-Nasai, from Said ibn Abd al-Rahman: Sufyan ibn Uyaynah related to us, from al-Zuhri, who said: And my account was confirmed by Mamar, from al-Zuhri, from Urwah ibn al-Zubayr, from al-Miswar ibn Makhramah and Marwan ibn al-Hakam. They both recounted the report of al-Hudaybiyyah, which includes Umar ibn al-Khattab saying: "By Allah, I had never doubted since I embraced Islam except on that day. I went to the Prophet ﷺ and said, 'Are you not truly Allah's Prophet?' He said, 'Indeed I am.' I said, 'Are we not upon the truth, and our enemy upon falsehood?' He said, 'Indeed we are.' I said, 'Why, then, do we accept humiliation in our religion?' He said, 'I am Allah's Messenger. I do not disobey Him, and He will grant me victory.' I said, 'Did you not promise us that we would come to the House and circumambulate it?' He said, 'Indeed I did. But did I tell you that you would come to it this year?' I said, 'No.' He said, 'You will come to it and circumambulate it.'" He said: "Then I went to Abu Bakr and said, 'Abu Bakr, is this not truly Allah's Prophet?' He said, 'Indeed he is.' I said, 'Are we not upon the truth, and our enemy upon falsehood?' He said, 'Indeed we are.' I said, 'Why, then, do we accept humiliation?' He said, 'Man! He is Allah's Messenger. He does

جندل ولو أستطيع رد أمر رسول الله صلى الله عليه وسلم قال الأعمش عن أبي وائل عن سهل لرددته قال علي: ويوم أبي جندل هو يوم الحديبية، فقد أقر سهل رضي الله عنهم أنهم أساؤوا الرأي يوم الحديبية حتى لو استطاعوا رد أمر رسول الله صلى الله عليه وسلم لردوه حدثنا أبو سعيد الجعفري حدثنا ابن الأدفوي، ثنا أبو جعفر بن الصفار، عن النسائي، عن سعيد بن عبد الرحمن، حدثنا سفيان بن عيينة عن الزهري قال: وثبتني معمر عن الزهري، عن عروة بن الزبير، عن المسور بن مخرمة، ومروان بن الحكم فذكرا حديث الحديبية، وفيه أن عمر بن الخطاب قال: والله ما شككت مذ أسلمت إلا يومئذ فأتيت النبي صلى الله عليه وسلم فقلت ألست نبي الله حقا قال بلى قلت ألسنا على الحق وعدونا على الباطل؟ قال: بلى قلت: فلم نعطى الدنية في ديننا إذا؟ قال: إني رسول الله ولست أعصيه وهو ناصري قلت: أو ليس وعدتنا أنا سنأتي البيت فنطوف به؟ قال: بلى، أفأخبرتك أنك تأتيه العام؟ قلت: لا قال: إنك تأتيه وتطوف به قال فأتيت أبا بكر فقلت: يا أبا بكر أليس هذا نبي الله حقا؟ قال: بلى، قلت: ألسنا على الحق وعدونا على الباطل؟ قال: بلى، قلت فلم نعطى الدنية إذا؟ قال: أيها الرجل إنه رسول الله، وليس يعصي ربه وهو ناصره، فاستمسك بغرزه حتى تموت، فوالله إنه لعلى الحق. قلت: أو ليس كان يحدثنا أنا سنأتي البيت ونطوف به؟ قال: بلى، أفأخبرك أنك تأتيه العام؟ قلت: لا. قال: إنك ستأتيه وتطوف به. قال الزهري: قال عمر: فعملت لذلك أعمالا. قال علي لم يشك عمر قط مذ أسلم في صحة نبوة محمد صلى الله عليه وسلم ومعاذ الله من أن يظن ذلك به ذو مسكة ولكنه شك في وجوب اتباع ما أمرهم به من الحلق والنحر، وإمضاء القضية بينه وبين قريش، ثم ندم على ذلك كما ترى، وعمل لذلك أعمالا مستغفرا مما سلف منه، من الأمر الذي ينصره الآن من أضله الله تعالى بالتقليل الفاسد، ومثل هذا، من غير أهل الحديبية فسق شديد

not disobey his Lord, and He will grant him victory. So cling to his stirrup until you die, for, by Allah, he is assuredly upon the truth.' I said, 'Did he not tell us that we would come to the House and circumambulate it?' He said, 'Indeed he did. But did he tell you that you would come to it this year?' I said, 'No.' He said, 'You will indeed come to it and circumambulate it.'" Al-Zuhri said: Umar said, "I performed deeds on account of that." Ali said: Umar never once doubted the truth of Muhammed's ﷺ prophethood after embracing Islam. Allah forbid that anyone with a modicum of sense should think that of him! Rather, he doubted the obligation to comply with what he had commanded them concerning shaving, slaughtering their sacrificial animals, and implementing the agreement between him and Quraysh. He then regretted that, as you see, and performed deeds on account of it, seeking forgiveness for his previous conduct—the very conduct now defended, through corrupt minimization, by those whom Allah Most High has led astray. Such conduct, on the part of anyone other than the people of al-Hudaybiyyah, is grave iniquity. They, however, according to his ﷺ testimony, are forgiven: none of them will enter the Fire except the owner of the red camel alone.[1][2][3]

L1311–1316 Ali said: The Prophet ﷺ also clarified their religious standing in this matter, as Yahya ibn Abd al-Rahman related to us: Ibn Duhaym related to us: Ibrahim

ولكنهم بشهادته صلى الله عليه وسلم مغفور لهم لا يدخله النار منهم أحد إلا صاحب الجمل الأحمر وحده

قال علي وقد بين النبي صلى الله عليه وسلم دينهم في هذا الباب كما ثنا يحيى بن عبد الرحمن، ثنا ابن دحيم، ثنا إبراهيم بن حماد، ثنا إسماعيل بن إسحاق، ثنا نصر بن علي، ثنا وهب بن جرير، ثنا أبي، عن ابن إسحاق قال: ثنا عبد الله بن أبي نجيح، عن مجاهد، عن ابن عباس قال: حلق يوم الحديبية رجال وقصر آخرون فذكر ابن عباس أنه صلى الله عليه وسلم ترحم على المحلقين ثلاثا وعلى المقصرين واحدة، بعد أن ذكر بهم ثلاث مرات فقالوا ما بال المحلقين ظاهرت لهم الترحم فقال صلى الله عليه وسلم إنهم لم يشكوا قال علي لم يشكوا في وجوب تنفيذ أمره، وشك المترددون فعوقبوا كما ترى، وإن كانوا مغفورا لهم كلهم، وكذلك الذين فروا من الزحف يوم أحد، فأخبر تعالى أنه إنما استفزهم الشيطان ببعض ما كسبوا، ثم أخبر تعالى أنه عفا عنهم، فمن اقتدى بهم في الفرار من الزحف فهو غير حاصل على ما حصلوا عليه من العفو، بل يبوء

[1] **Translator's note (L1304):** The attribution وقال آخرون منهم من الحنفيين is awkward: literally, "others of them, from the Ḥanafīs." The translation retains the Ḥanafī attribution without treating these scholars as Mālikīs. The invocation "may Allah have mercy on him" accompanies the introduction of ʿAlī ibn Aḥmad and may belong to a transmitter or editor rather than to the author's own voice.

[2] **Translator's note (L1307):** The wording أوهموه is unusual here; it is rendered as "caused him apprehension," without substituting a conjectural reading. The source has إلا أن رسول الله, literally "except that the Messenger of Allah," where the syntax appears defective. The translation treats this as the intended exception, "except the Messenger of Allah."

[3] **Translator's note (L1310):** The source reads بالتقليل الفاسد, "through corrupt minimization." This is unusual in context and may be a transcription error for بالتعليل الفاسد, "through corrupt reasoning"; the supplied reading has been retained. The source's لا يدخله النار is grammatically irregular; the translation follows its apparent intended sense, "will not enter the Fire."

ibn Hammad related to us: Ismail ibn Ishaq related to us: Nasr ibn Ali related to us: Wahb ibn Jarir related to us: My father related to us, from Ibn Ishaq, who said: Abd Allah ibn Abi Najih related to us, from Mujahid, from Ibn Abbas, who said: Some men shaved their heads on the day of al-Hudaybiyyah, while others shortened their hair. Ibn Abbas mentioned that he ﷺ invoked mercy three times upon those who shaved their heads, and once upon those who shortened their hair, after being reminded of them three times. They said, "Why have you repeatedly invoked mercy upon those who shaved their heads?" He ﷺ said, "They did not doubt." Ali said: They did not doubt the obligation to carry out his command, whereas those who hesitated did doubt, and so were punished, as you see, even though they were all forgiven. The same applies to those who fled the battle on the day of Uhud: the Most High stated that Satan had only caused them to falter because of some of what they had earned; then the Most High stated that He had pardoned them. Whoever emulates them in fleeing battle does not thereby obtain the pardon they obtained; rather, he incurs anger from Allah Most High. Nothing is more astonishing than someone who emulates the people of al-Hudaybiyyah in a sin they committed, regretted, and acknowledged, yet forbids emulating them in an action they all performed that accorded with the good pleasure of Allah, Mighty and Majestic, and the good pleasure of His Messenger ﷺ: their slaughtering a sacrificial camel that day on behalf of seven people, and a cow on behalf of seven, at the command of the Messenger of Allah ﷺ, and their slaughtering seventy sacrificial camels on behalf of seven hundred people, apart from the cattle. These people say, "It is impermissible to emulate them in that," out of some uncritical adherence; then they urge emulating them in a sin they committed and from which they repented. Could there be anything more outrageous in the reversal of realities and the open proclamation of falsehood than these two positions? In Allah Most High we seek refuge from abandonment. Among the astonishing things that can be understood only as contempt for religion and shamelessness is the Maliki Ibn Khuwayz Mindadh's adducing, to establish that the actions of the Messenger of Allah ﷺ are obligatory duties, the report of the Ansari who kissed his wife while fasting and instructed her to ask Umm Salamah for a legal ruling about it. The Prophet ﷺ came and found the woman, and asked about her.

بغضب من الله تعالى. ولا عجب أعجب ممن يقتدي بأهل الحديبية في خطيئة وقعت منهم قد ندموا عليها، واعترفوا بها، وينهى عن الاقتداء بهم في فعل فعلوه كلهم موافق لرضا الله عز وجل ورضا رسوله صلى الله عليه وسلم في نحرهم البدنة في ذلك اليوم عن سبعة والبقرة عن سبعة بأمر رسول الله صلى الله عليه وسلم وأنهم نحروا سبعين بدنة عن سبعمائة إنسان ما سوى البقر، فيقول هؤلاء: لا يجوز الاقتداء بهم في ذلك تقليدا لما ثم يحض على الاقتداء بهم في خطيئة أخطؤوها قد تابوا منها، فهل في عكس الحقائق والمجاهرة بالباطل أشنع من هذين المذهبين وبالله تعالى نعوذ من الخذلان. ومن العجائب التي لا يفهم منها إلا الاستخفاف بالدين والخنا، احتجاج ابن خويز منداذ المالكي إيجاب أفعال رسول الله صلى الله عليه وسلم فرضا بحديث الأنصاري الذي قبل امرأته وهو صائم، فأمرها أن تستفتي في ذلك أم سلمة فأتى النبي صلى الله عليه وسلم فوجد المرأة فسأل عنها فأخبرته أم سلمة بخبرها فقال لها رسول الله صلى الله عليه وسلم ألا أخبرتها أني أفعل ذلك فقالت قد فعلت فزاده ذلك شرا وقال يحل الله لرسوله ما شاء فغضب رسول الله صلى الله عليه وسلم وقال أما والله إني لأتقاكم لله وأعلمكم بما أتقي. قال أبو محمد: وإن احتجاج ابن خويز منداذ بهذا الحديث، وهو لا يقول به، ولا يستحبه ولا يبيحه، بل يكره القبلة للصائم ويرغب عن فعل النبي صلى الله عليه وسلم في ذلك ويسخط الله تعالى ورسوله صلى الله عليه وسلم لرغبته عما كان عليه السلام يفعله لآية من الآيات الشنيعة، وهو لا يرى هذا الفعل واجبا ولا مستحبا ولا مطلقا ثم يحتج به في إيجاب أفعاله صلى الله عليه وسلم وليس العجب ممن يطلق لسانه بمثل هذا الخنا فإنه قد عدم الرقبة والحياء والخوف، ولا يبالي بالإثم ولا بالعار، وإنما العجب ممن يسمعه ثم يقبله، ويكتبه مصدقا له مستحسنا، وإنا لله وإنا إليه راجعون على دروس العلم وذهابه. وهذا الحديث الذي ذكر أعظم حجة في

Umm Salamah told him her story. The Messenger of Allah ﷺ said to her, "Did you not tell her that I do that?" She said, "I did." But that only made him worse, and he said, "Allah permits His Messenger whatever He wills." The Messenger of Allah ﷺ became angry and said, "Indeed, by Allah, I am the most mindful of Allah among you, and the most knowledgeable of you concerning what I must guard against." Abu Muhammed said: Ibn Khuwayz Mindadh's adducing this report—although he neither accepts its ruling, nor regards the action as recommended, nor permits it, but instead regards kissing as reprehensible for a fasting person, turns away from the Prophet's ﷺ conduct in this matter, and incurs the displeasure of Allah Most High and His Messenger ﷺ by turning away from what he, peace be upon him, used to do—is indeed one of the most outrageous marvels. He regards this action as neither obligatory, nor recommended, nor unrestricted, yet adduces it to establish the obligatory character of his ﷺ actions! The astonishing thing is not someone who gives his tongue free rein with such obscenity, for he has lost all sense of watchfulness, modesty, and fear, and cares neither about sin nor about disgrace. What is astonishing is someone who hears him, then accepts it and writes it down, believing him and approving of it. Indeed, we belong to Allah, and to Him we return, at the effacement of knowledge and its disappearance. This report that he mentioned is the strongest proof that his actions, peace be upon him, are not obligatory, but are recommended and encouraged: someone who abandons them out of aversion to them comes, just as Ibn Khuwayz Mandadh and his counterparts sin through their aversion to the Prophet's ﷺ practice of kissing while fasting. Someone who omits it while regarding it as recommended, without being averse to it, does not sin, nor is he rewarded either. As for someone who does it in emula-

أن أفعاله عليه السلام ليست على الوجوب، ولكنها مستحبة مندوب إليها، يأتي من تركها راغبا عنها، كما يأثم ابن خويز منداذ ونظراؤه في رغبتهم عن فعل النبي صلى الله عليه وسلم في التقبيل وهو صائم ولا يأثم من تركها مستحبا لها غير راغب عنها ولا يؤجر أيضا وأما من فعلها مؤتسيا فيها بالنبي صلى الله عليه وسلم فهو مأجور والحمد لله رب العالمين

tion of the Prophet ﷺ, he is rewarded. Praise belongs to Allah, Lord of all worlds.[456]

L1317–1319 Those who say that his actions, peace be upon him, are like his commands argued as follows: We have been commanded to follow him, peace be upon him, by the Exalted's words: {Say: O humankind, I am the Messenger of Allah to you all—He to whom belongs the dominion of the heavens and the earth. There is no deity but Him; He gives life and causes death. So believe in Allah and His Messenger, the unlettered Prophet, who believes in Allah and His words, and follow him, so that you may be guided.} They said: This makes it obligatory for us to follow him equally in his actions and his commands.

Ali said: In the language, "following" is never understood to mean imitating an action. It entails only compliance with his command, peace be upon him, and obedience to what he taught from his Lord, Mighty and Majestic. He, peace be upon him, explained this in his statement, "Whoever performs a deed that does not accord with our command, it is rejected," and in his statement ﷺ, "Everyone will enter Paradise except someone who refuses." He was asked, "Who would refuse, Messenger of Allah?" He said, "Whoever obeys me will enter Paradise, and whoever disobeys me has refused."

Ali said: Disobedience consists only in contravening a command, not in omitting to imitate an action. It has never been understood from the language

واحتج من قال: إن أفعاله عليه السلام كأوامره، بأن قال: قد أمرنا باتباعه عليه السلام بقوله تعالى {قل يأيها لناس إني رسول لله إليكم جميعا لذي له ملك لسماوات ولأرض لا إله إلا هو يحيي ويميت فآمنوا بلله ورسوله لنبي لأمي لذي يؤمن بلله وكلماته وتبعوه لعلكم تهتدون} قالوا وهذا إيجاب علينا اتباعه، في فعله وأمره سواء. قال علي: الاتباع لا يفهم منه محاكاة الفعل في اللغة أصلا، وإنما يقتضي الامتثال لأمره عليه السلام، والطاعة لما علم عن ربه عز وجل، وقد بين ذلك عليه السلام في قوله: من عمل عملا ليس عليه أمرنا فهو رد وبقوله صلى الله عليه وسلم كل أحد يدخل الجنة إلا من أبى قيل ومن يأبى يا رسول الله؟ قال: من أطاعني دخل الجنة، ومن عصاني فقد أبى. قال علي: والمعصية إنما هي مخالفة الأمر، لا ترك محاكاة الفعل، وما فهم قط من اللغة أن يسمى تارك محاكاة الفعل عاصيا إلا بعد أن يؤمر بمحاكاته، فإنما استثنى عليه السلام من دخول الجنة من خالف الأمر فقط، وبقي من لا يحاكي الفعل غير راغب عنه على دخول الجنة، فقد صح أنه ليس عاصيا، وإذا لم يكن عاصيا فلم يجتنب فرضا فقد صح أن محاكاة الفعل ليست فرضا، وأيضا فما فهم عربي قط من خليفة يقول: اتبعوا أمري هذا، أنه أراد افعلوا ما يفعل، وإنما يفهم من هذا امتثال أمره فقط وأيضا فإن أفعال النبي صلى الله عليه وسلم لا يختلف أحد في أنها غير فرض عليه بمجردها، ومن المحال أن يكون كذلك ويكون فرضا علينا، وهذا هو خلاف الاتباع حقا، وقد هذر قوم بأن قالوا من الحجة في ذلك قول الله عز وجل {مآ أفآء لله على رسوله من أهل لقرى فلله وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل كي لا يكون دولة بين لأغنيآء منكم ومآ آتاكم لرسول فخذوه وما نهاكم عنه فنتهوا وتقوا لله إن لله شديد لعقاب} قال علي وهذا تخليط لأن الإيتاء في اللغة إنما هو الإعطاء،

[4]**Translator's note (L1313):** The source first gives seven people per sacrificial camel, then seventy camels for seven hundred people. These figures are inconsistent as stated and have been preserved. The phrase تقليدا لما is awkward and leaves the object of uncritical adherence unspecified; "out of some uncritical adherence" preserves that lack of specificity.

[5]**Translator's note (L1314):** In "that only made him worse," the pronoun refers back to the absent Ansari husband, although the supplied account does not explicitly narrate the woman's return or her conveying the answer to him.

[6]**Translator's note (L1315):** The transmitted الرقبة is uncertain in this context; "sense of watchfulness" is a contextual rendering, though the ordinary meaning of this spelling is "neck." The transmitted يأتي means "comes," as rendered. The argument and the following كما يأثم ("just as … sins") suggest that يأثم ("sins") may have been intended, but the text has not been silently corrected. The personal name Ibn Khuwayz Mandadh is divided between this unit and the next.

that someone who omits to imitate an action should be called disobedient, unless he has first been commanded to imitate it. Thus he, peace be upon him, excluded from entry into Paradise only someone who contravenes the command. Someone who does not imitate the action, without being averse to it, remains among those who will enter Paradise. It is therefore established that he is not disobedient. If he is not disobedient, then he has not avoided an obligatory duty. It is therefore established that imitating the action is not an obligatory duty.

Furthermore, no Arab has ever understood a caliph's saying, "Follow this command of mine," to mean, "Do what he does." Only compliance with his command is understood from this. Furthermore, no one disagrees that the Prophet's ﷺ actions, merely as such, are not obligatory duties upon him. It is impossible for that to be so while they are obligatory duties upon us. This would truly be the opposite of following.

Some people have babbled, saying that evidence for this lies in the words of Allah, Mighty and Majestic: {Whatever Allah has restored to His Messenger from the people of the towns belongs to Allah, to the Messenger, to near relatives, to orphans, to the needy, and to the traveler, so that it may not circulate among the wealthy among you And whatever the Messenger gives you, take it; and whatever he forbids you, desist from it. And fear Allah; indeed, Allah is severe in punishment.}

Ali said: This is muddled reasoning, because in the language "giving" means only bestowing, and an action is not bestowed. He gives us only his commands, particularly since he followed that with prohibition. Allah threatened punishment only for contravening the command in His words, Exalted is He: {Do not make the Messenger's calling among you like your calling one another. Allah certainly knows those of you who slip away, taking cover behind

والفعل لا يعطى، وإنما يعطينا أوامره فقط، ولا سيما وقد اتبع ذلك النهي، وإنما توعد الله على مخالفة الأمر بقوله تعالى {لا تجعلوا دعآء لرسول بينكم كدعآء بعضكم بعضا قد يعلم لله لذين يتسللون منكم لواذا فليحذر الذين يخالفون عن أمره أن تصيبهم فتنة أو يصيبهم عذاب أليم}

others. So let those who contravene his command beware lest a trial befall them or a painful punishment befall them.}[7][8]

L1320–1322 Some of them said: The pronoun in "his command" refers to Allah, Mighty and Majestic.

Ali said: They should be told: That presents you with no difficulty. The command of the Messenger of Allah ﷺ is a command from Allah Himself, Mighty and Majestic, according to His words, Exalted is He: {And he does not speak from desire. * It is only a revelation revealed.} Thus all his speech is the command of Allah, Mighty and Majestic.

Ali said: The verse suffices to establish that what is binding is only the command, not the action, because Allah, Mighty and Majestic, stated only that the revelation coming from Him, Exalted is He, is speech, and speech is the command. An action, however, is never called speech. It is therefore established that all his action, peace be upon him, conveys permissibility and recommendation, not the imposition of obligation, except where it explains a command.

Ali said: Some of them said: The meaning of "his affair" here is his condition, as you say, "So-and-so's affair today is in a state of rectitude," or "His affair is crooked," meaning his condition.

Ali said: This is invalidated by the fact that this verse came only to make binding the command mentioned before it, which is speech. Allah, Mighty and Majestic, said: {Do not make the Messenger's calling among you like your calling one another. Allah certainly knows those of you who slip away, taking cover behind others. So let those who contravene his command beware lest a trial befall them or a painful punishment befall them.} It is therefore established that this threat concerns his command to them to remain with him. Likewise, no call to prayer was made for any of his voluntary prayers,

وقال بعضهم: الضمير في أمره راجع إلى الله عز وجل. قال علي فيقال لهم لا عليكم أمر رسول الله صلى الله عليه وسلم هو أمر من الله عز وجل نفسه بقوله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فنطقه كله أمر الله عز وجل. قال علي: الآية كافية في أن اللازم إنما هو الأمر فقط لا الفعل، لأن الله عز وجل إنما أخبر أن الوحي من قبله تعالى هو النطق، والنطق إنما هو الأمر، وأما الفعل فلا يسمى نطقا البتة، فصح أن فعله عليه السلام كله إباحة وندب لا إيجاب، إلا ما كان منه بيانا لأمر. قال علي: وقال بعضهم: معنى أمره ههنا حاله، كما تقول أمر فلان اليوم على إقامة، أو أمره على عوج، يعني حاله. قال علي: وهذا يبطل بأن هذه الآية إنما جاءت بإيجاب ما ذكر قبلها من الأمر الذي هو النطق قال الله عز وجل {لا تجعلوا دعآء لرسول بينكم كدعآء بعضكم بعضا قد يعلم لله لذين يتسللون منكم لواذا فليحذر لذين يخالفون عن أمره أن تصيبهم فتنة أو يصيبهم عذاب أليم} فصح أن هذا الوعيد في أمره لهم بالبقاء معه، وكذلك كان عليه السلام لا يؤذن لشيء من صلوات التنفل كالعيدين والكسوف تفريقا بين الفعل والأمر، إذ لو دعوا إلى الصلاة لكان أمرا، والأمر فرض. وقد حدثنا عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم، ثنا زهير بن حرب، ثنا جرير، عن الأعمش، عن أبي الضحى، عن مسروق، عن عائشة أم المؤمنين قالت صنع رسول الله صلى الله عليه وسلم أمرا نترخص فيه فبلغ ذلك ناسا من أصحابه فكأنهم كرهوه وتنزهوا عنه، فبلغه ذلك فقام خطيبا فقال: ما بال رجال بلغهم عني أمر ترخصت فيه فكرهوه وتنزهوا عنه، فوالله لأنا أعلمهم بالله وأشدهم له خشية

[7] **Translator's note (L1319):** "The Messenger's calling" preserves the ambiguity of دعاء الرسول, which can refer either to his summoning others or to others calling upon him. The author's subsequent argument takes it as his summoning others.

[8] **Qur'an references (L1317):** Qur'an 7:158 (Al-A'raf); Qur'an 59:7 (Al-Hashr); Qur'an 24:63 (An-Nur).

peace be upon him, such as the prayers of the two festivals and the eclipse prayer, thereby distinguishing action from command: had they been summoned to prayer, that would have been a command, and a command imposes an obligatory duty.

Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim related to us: Zuhayr ibn Harb related to us: Jarir related to us, from al-Amash, from Abu al-Duha, from Masruq, from Aishah, Mother of the Believers, who said: "The Messenger of Allah ﷺ did something in which we avail ourselves of a concession. This reached some of his Companions, and it was as though they disliked it and scrupulously abstained from it. That reached him, so he stood up to address them and said: 'What is the matter with men who have heard about something in which I availed myself of a concession, but disliked it and scrupulously abstained from it? By Allah, I know Allah better than they do, and I fear Him more intensely than they do.'"[9][10][11][12]

L1323–1332 Ali said: This is an explicit, clear statement from the Messenger of Allah ﷺ. He did not rebuke them for omitting to do what he had done. It is therefore established that this was not obligatory; had it been obligatory, he would have rebuked its omission. He rebuked them only for disapproving of it and scrupulously abstaining from it, and this is exceedingly reprehensible. He did rebuke them for failing to follow his command. Thus the distinction

قال علي فهذا نص جلي عن رسول الله صلى الله عليه وسلم لم ينكر عليهم ترك فعل ما فعل فصح أنه ليس ذلك واجبا، ولو كان واجبا لأنكر تركه، وإنما أنكر عليهم إنكاره، والتنزه عنه، وهذا منكر جدا، وقد أنكر عليهم ترك أمره، فوضح الفرق بين الفعل والأمر لمن عقل، وبالله تعالى التوفيق. وبه إلى مسلم حدثنا محمد بن رافع، وعبيد الله بن معاذ، وابن أبي عمر، وقتيبة، ومحمد بن عبد الله بن نمير، وأبو كريب، وأبو بكر بن أبي شيبة، قال ابن رافع: ثنا عبد الرزاق، ثنا معمر، عن همام بن منبه، وقال ابن معاذ: ثنا أبي، ثنا شعبة، عن محمد بن زياد، وقال ابن أبي عمر: ثنا سفيان وهو ابن عيينة عن أبي الزناد، عن الأعرج، وقال قتيبة: ثنا المغيرة الخزامي، عن أبي الزناد، عن الأعرج، وقال ابن نمير: ثنا أبي، عن الأعمش، عن أبي صالح السمان. وقال ابن أبي شيبة، وأبو كريب: ثنا أبو معاوية، عن الأعمش، عن أبي صالح، ثم اتفق همام ومحمد بن زياد والأعرج وأبو صالح كلهم عن أبي هريرة أنه قال قال رسول الله صلى

[9] **Translator's note (L1320):** The Arabic أمر can mean either "command" or "affair"; the translation distinguishes these senses where the author explicitly discusses them. The unvocalized لا يؤذن can mean that he did not give permission or that no call to prayer was made. The subsequent reference to summoning people to prayer supports the latter reading adopted here.

[10] **Translator's note (L1321):** The transmitted نترخص is first-person plural, "we avail ourselves of a concession," as rendered. It is awkward after the preceding statement that the Messenger did something; a third-person or differently formulated reading might be expected, but has not been substituted.

[11] **Hadith references (L1320):** Sahih Muslim 2356a.

[12] **Qur'an references (L1320):** Qur'an 53:4 (An-Najm); Qur'an 24:63 (An-Nur).

between action and command is clear to anyone who understands. Through Allah, Exalted is He, comes success.

Through the same chain to Muslim: Muhammed ibn Rafi, Ubayd Allah ibn Muadh, Ibn Abi Umar, Qutaybah, Muhammed ibn Abd Allah ibn Numayr, Abu Kurayb, and Abu Bakr ibn Abi Shaybah related to us. Ibn Rafi said: Abd al-Razzaq related to us: Mamar related to us, from Hammam ibn Munabbih. Ibn Muadh said: My father related to us: Shubah related to us, from Muhammed ibn Ziyad. Ibn Abi Umar said: Sufyan—who is Ibn Uyaynah—related to us, from Abu al-Zinad, from al-Araj. Qutaybah said: Al-Mughirah al-Khurami related to us, from Abu al-Zinad, from al-Araj. Ibn Numayr said: My father related to us, from al-Amash, from Abu Salih al-Samman. Ibn Abi Shaybah and Abu Kurayb said: Abu Muawiyah related to us, from al-Amash, from Abu Salih. Then Hammam, Muhammed ibn Ziyad, al-Araj, and Abu Salih all agreed in transmitting from Abu Hurayrah that he said: The Messenger of Allah ﷺ said: "Leave me alone so long as I leave you alone. Those before you perished only through their many questions and their divergence from their prophets. Whatever I forbid you, avoid it; and whatever I command you, do as much of it as you can." This is the version of everyone we have mentioned. Hammam differed from them in nothing except that he said, "so long as I leave you alone."

Abu Muhammed said: This is a report transmitted from Abu Hurayrah by mass recurrent transmission. The Messenger of Allah ﷺ therefore imposed upon no one anything except as much as he could do of what he commanded, and avoidance of what he prohibited, only. In the Arabic language it is absolutely impermissible to say, "I commanded you to do what I did." He, peace be upon him, waived everything besides that and commanded them to leave him alone so long as he left them alone. And we know through the necessary evidence of sense perception and direct observation that he, peace be upon him, and every living being on earth are never, even for the blink of an eye, without some action: sitting, walking, standing, lying down, or sleeping or reclining, or any other action. He, peace be upon him, relieved us of all this and commanded us to leave it aside in his case, except only what he commanded or prohibited. Thus it has become clear with certainty

الله عليه وسلم ذروني ما تركتكم فإنما هلك الذين من قبلكم بكثرة مسائلهم واختلافهم عن أنبيائهم، ما نهيتكم عنه فاجتنبوه، وما أمرتكم به فافعلوا منه ما استطعتم. وهذه رواية كل من ذكرنا، ولم يخالفهم همام في شيء إلا أنه قال: ما تركتكم. قال أبو محمد:، وهذا خبر منقول نقل التواتر عن أبي هريرة فلم يوجب رسول الله صلى الله عليه وسلم على أحد إلا ما استطاع مما أمر به واجتناب ما نهى عنه فقط، ولا يجوز البتة في اللغة العربية أن يقال: أمرتكم بما فعلته، وأسقط عليه السلام ما عدا ذلك، وأمرهم بتركه ما تركهم. وقد علمنا بضرورة الحس والمشاهدة أنه عليه السلام، وكل حي في الأرض لا يخلو طرفة عين من فعل، إما جلوس أو مشي، أو وقوف أو اضطجاع، أو نوم أو اتكاء، أو غير ذلك من الأفعال، فأسقط عليه السلام عنا كل هذا، وأمرنا بتركه فيه، حاشا ما أمر به أو نهى عنه فقط، فوضح يقينا أن الأفعال كلها منه عليه السلام لا تلزم أحدا وإنما فيها الائتساء المتقدمة فقط. قال أبو محمد: وصح بالحديث الذي قبل هذا، أنه لا حجة في فعل أحد من الصحابة رضي الله عنهم أجمعين، ولا في قوله، لأن أولئك الذين كرهوا ما فعله عليه السلام، قصدوا بذلك الخير في اجتهادهم، وقد أنكر عليه السلام ذلك فصح أنه لا حجة إلا فيما جاء عنه عليه السلام فقط، والحمد لله رب العالمين. قال أبو محمد: وإنما حضنا الله تعالى في أفعاله عليه السلام على الائتساء به بقوله تعالى {لقد كان لكم في رسول لله أسوة حسنة لمن كان يرجو لله وليوم لآخر وذكر لله كثيرا} وما كان لنا فهو إباحة فقط لأن لفظ الإيجاب إنما هو علينا لا لنا، نقول: عليك أن تصلي الخمس، وتصوم رمضان، ولك أن تصوم عاشوراء، وتتصدق تطوعا، ولا يجوز أن يقول أحد في اللغة العربية: عليك أن تصوم عاشوراء وتتصدق تطوعا، ولك أن تصلي الخمس، وتصوم رمضان، هذا الذي لا يفهم سواه في اللغة التي بها خاطبنا الله تعالى بما ألزمنا من شرائعه. قال أبو محمد: وقال بعضهم:

that none of his actions, peace be upon him, is binding upon anyone; they involve only the emulation previously mentioned. Abu Muhammed said: The preceding report also establishes that neither the action nor the statement of any of the Companions, may Allah be pleased with them all, constitutes authoritative proof, because those who disapproved of what he did, upon him be peace, intended good by that in their exercise of independent judgment, yet he, peace be upon him, disapproved of it. It is therefore established that authoritative proof lies only in what has come from him, peace be upon him, alone. Praise belongs to Allah, Lord of the worlds.

Abu Muhammed said: Allah Most High merely encouraged us to emulate him in his actions, peace be upon him, through His statement, exalted is He: "Indeed, in the Messenger of Allah you have a good example, for whoever hopes for Allah and the Last Day and remembers Allah much." Whatever is described as being "for us" signifies permission alone, because the expression imposing obligation is "upon us," not "for us." We say: "It is incumbent upon you to perform the five prayers and fast Ramadan," and "It is permissible for you to fast Ashura and give voluntary charity." No one may say in the Arabic language: "It is incumbent upon you to fast Ashura and give voluntary charity," and "It is permissible for you to perform the five prayers and fast Ramadan." No other meaning is understood in the language in which Allah Most High addressed us concerning the prescriptions of His law that He made binding upon us.

Abu Muhammed said: Some of them said: His statement, exalted is He, following the aforementioned verse, "Indeed, in the Messenger of Allah you have a good example, for whoever hopes for Allah and the Last Day and remembers Allah much," explains that this is an obligation, because this is a threat.

Abu Muhammed said: This interpretation is erroneous, because the emulation encouraged in the aforementioned verse is only for the believers who hope for Allah and the Last Day. He Most High did not say that it is incumbent upon those who hope for Allah and the Last Day. As for the unbelievers who do not hope for Allah and the Last Day, they are averse to emulating him, peace be upon him. Likewise, his statement, may Allah bless him and

قوله تعالى بعقب الآية المذكورة {لقد كان لكم في رسول الله أسوة حسنة لمن كان يرجو الله واليوم لآخر وذكر الله كثيرا} بيان أن ذلك إيجاب لأن هذا وعيد. قال أبو محمد: التأويل خطأ لأن الائتساء المندوب إليه في الآية المذكورة إنما هو للمؤمنين الذين يرجون الله واليوم الآخر، ولم يقل تعالى هو على الذين يرجون الله واليوم الآخر وأما الكفار الذين لا يرجون الله واليوم الآخر، فراغبون عن الائتساء به عليه السلام وكذلك قوله صلى الله عليه وسلم إني أصوم وأفطر وأنكح النساء فمن رغب عن سنتي فليس مني وصدق عليه السلام، أن من ترك شيئا من أفعاله راغبا عنها فهو كافر، وأما من تركها غير راغب عنها لكن اقتصارا على الفرض، وتخفيفا من التطوع، عالما بأنه يترك فضلا كثيرا، فقد أفلح كما قال عليه السلام للأعرابي الذي حلف لا يزيد على الأوامر الواجبات شيئا فقال عليه السلام: أفلح والله إن صدق دخل الجنة. قال أبو محمد: وفي هذا الحديث بيان كاف في أن الأوامر هي الفروض، وأن أفعاله عليه السلام ليست فرضا لأن الأعرابي إنما سأل رسول الله صلى الله عليه وسلم عما أمر به لا عما يفعل ثم حلف ألا يفعل غير ذلك فصوب رسول الله صلى الله عليه وسلم قوله وحسن فعله وهذا كاف لمن عقل إذ لم يلزمه عليه السلام اتباع أفعاله، وهذا ما لا إشكال فيه قال أبو محمد بل أنكر رسول الله صلى الله عليه وسلم على أصحابه رضي الله عنهم التزام المماثلة لأفعاله، كما حدث عبد الله بن ربيع، ثنا محمد بن معاوية القرشي، ثنا أبو خليفة، ثنا أبو داود الطيالسي هو هشام بن عبد الملك عن حماد بن سلمة، عن أبي نضلة السعدي، عن أبي نضرة، عن أبي سعيد الخدري قال صلى بنا رسول الله صلى الله عليه وسلم فلما صلى خلع نعليه فوضعهما يساره فخلع القوم نعالهم، فلما قضى صلاته قال: ما لكم خلعتم نعالكم؟ قالوا: رأيناك خلعت فخلعنا، قال: إني لم أضعهما من بأس، ولكن جبريل أخبرني أن فيهما قذرا وأذى، فإذا أتى أحدكم

grant him peace ﷺ: "I fast and break my fast, and I marry women. Whoever turns away from my way is not of me." He spoke truthfully, peace be upon him: whoever abandons any of his actions out of aversion to them is an unbeliever. But whoever leaves them without aversion to them, merely confining himself to what is obligatory and reducing his voluntary observances, knowing that he is forgoing much merit, has indeed succeeded. This is as he, peace be upon him, said concerning the Bedouin who swore that he would add nothing to the obligatory commands. He, peace be upon him, said: "He has succeeded, by Allah, if he has spoken truthfully; he will enter Paradise."

Abu Muhammed said: This report sufficiently explains that commands are obligatory duties and that his actions, peace be upon him, are not obligatory. For the Bedouin asked the Messenger of Allah, may Allah bless him and grant him peace ﷺ, only about what he had commanded, not about what he did. He then swore that he would do nothing beyond that, and the Messenger of Allah —may Allah bless him and grant him peace ﷺ—declared his statement correct and his conduct good. This suffices for anyone who understands, since he, peace be upon him, did not oblige him to follow his actions. There is no difficulty in this.

Abu Muhammed said: Indeed, the Messenger of Allah, may Allah bless him and grant him peace ﷺ, disapproved of his Companions, may Allah be pleased with them, committing themselves to matching his actions, as Abd Allah ibn Rabi reported: Muhammed ibn Muawiyah al-Qurashi narrated to us: Abu Khalifah narrated to us: Abu Dawud al-Tayalisi—who is Hisham ibn Abd al-Malik—narrated to us, from Hammad ibn Salamah, from Abu Nadlah al-Sadi, from Abu Nadrah, from Abu Said al-Khudri, who said: "The Messenger of Allah, may Allah bless him and grant him peace ﷺ, led us in prayer. When he prayed, he removed his sandals and placed them to his left, so the people removed their sandals. When he had completed his prayer, he said: 'Why did you remove your sandals?' They said: 'We saw you remove yours, so we removed ours.' He said: 'I did not put them aside because of any harm, but Gabriel informed me that there was filth and offensive matter on them. When one of you comes to the mosque, let him inspect his sandals; if there is offensive matter on them, let him wipe it off.'"

المسجد فلينظر في نعليه، فإن كان فيهما أذى فليمسحه. قال أبو محمد: فهذا عدل من الصحابة أبو سعيد الخدري شهد أن رسول الله صلى الله عليه وسلم أنكر عليهم التزام مماثلة أفعاله فبطل كل تعلل بعد هذا وصح ألا يلزم إلا أمره عليه السلام فقط. قال أبو محمد: وإنما تعلق بما ذكرنا قوم من أصحاب مالك، على أنهم أترك خلق الله لأفعاله عليه السلام، فقد تركوا فعله عليه السلام في صلاته بالناس وهم وراءه قيام أو جلوس، وتركوا فعله عليه السلام في دخوله وإمامته بالناس بعد ابتداء أبي بكر بالتكبير بهم والصلاة، وجوزوه في الاستخلاف حيث لم يأت به نص ولا إجماع، ورغبوا عن فعله عليه السلام في الصب على بول الصبي، واختاروا الصوم في رمضان في السفر، ورغبوا عن فعله عليه السلام في الفطر، ورغبوا عن فعله عليه السلام في التقبيل وهو صائم وقد غضب رسول الله صلى الله عليه وسلم على من رغب عن ذلك أو تنزه عنه وخطب الناس ناهيا عن ذلك، ورغبوا عن فعله عليه السلام في قراءته: {والطور} في المغرب، وتركوا فعله عليه السلام في تطيبه في حجة الوداع، وأخذوا بأمر له متقدم، لو كان على ما ظنوه كان منسوخا بآخر فعله عليه السلام، وتركوا فعله عليه السلام حكمه بالسلب للقاتل، وتركوا فعله عليه السلام في سجوده في سورة {والنجم} وفي: {إذا السماء انشقت} وتركوا فعل جميع الصحابة في هذين الموضعين، وكل من أسلم من الجن والإنس. قال أبو محمد: فأما ما كان من أفعاله عليه السلام تنفيذا لأمر فهو واجب، فمن ذلك قوله عليه السلام: صلوا كما رأيتموني أصلي، وخذوا عني مناسككم وهمه بإحراق منازل المتخلفين عن الصلاة في الجماعة، وجلده شارب الخمر، لأنه عليه السلام لما أخبر أن الأموال والأعراض حرام ثم أن ينتهك شر منها، أو بأنه يريد انتهاكها، علمنا أن ذلك حق، وأما بعد الأمر فواجب لا إباحة لأنه عليه السلام لا يهم إلا بأمر حق، وقد أمر بجلد الشارب ثم كان فعله بيانا للجلد الذي أمر به.

Abu Muhammed said: Here is a trustworthy Companion, Abu Said al-Khudri, testifying that the Messenger of Allah, may Allah bless him and grant him peace ﷺ, disapproved of their committing themselves to matching his actions. Thus invalidated is every attempt at justification after this, and it is established that only his command, peace be upon him, is binding.

Abu Muhammed said: Some followers of Malik have clung to what we have mentioned, although they abandon his actions, peace be upon him, more than any of Allah's creatures do. They have abandoned his practice, peace be upon him, of leading people in prayer while those behind him were standing or sitting. They have abandoned his practice, peace be upon him, of entering and taking over the leadership of the people in prayer after Abu Bakr had begun the opening declaration of Allah's greatness and the prayer with them, yet they have permitted this in the appointment of a replacement prayer leader, where neither a text nor a consensus has established it. They have turned away from his practice, peace be upon him, of pouring water over a young boy's urine. They have chosen fasting during Ramadan while traveling and have turned away from his practice, peace be upon him, of breaking the fast. They have turned away from his practice, peace be upon him, of kissing while fasting, although the Messenger of Allah, may Allah bless him and grant him peace ﷺ, became angry with anyone who turned away from that or considered himself above it, and addressed the people, forbidding that. They have turned away from his practice, peace be upon him, of reciting "By the Mount" during the sunset prayer. They have abandoned his practice, peace be upon him, of applying perfume during the Farewell Pilgrimage, and have adopted an earlier command of his which, if it meant what they supposed, would have been abrogated by his last action, peace be upon him. They have abandoned his action, peace be upon him—his ruling that the slain enemy's personal effects belong to his killer. They have abandoned his practice, peace be upon him, of prostrating in the chapter "By the Star" and in "When the sky is split apart." They have abandoned the practice of all the Companions at these two passages, and of everyone among the jinn and humankind who embraced Islam.

Abu Muhammed said: As for those actions of his, peace be upon him, that implement a command, they are obligatory. Included in this are his statements, peace be upon him, "Pray as you have seen me pray," and "Take your pilgrimage rites from me"; his intention to burn the homes of those who stayed away from congregational prayer; and his flogging of the wine drinker. For when he, peace be upon him, had declared that property and honor are inviolable, then that an evil among them be violated, or that he intends to violate their inviolability, we know that this is rightful. Furthermore, after the command, it is obligatory, not merely permissible, because he, peace be upon him, intends only something rightful. He had commanded that the drinker be flogged; his action then explained the flogging that he had commanded.[13][14][15][16][17][18]

L1333–1338 Likewise, whatever of his actions, peace be upon him, constitutes a prohibition of something or a command to do something entails obligation. An

وكذلك ما كان من أفعاله عليه السلام نهيا عن شيء أو أمرا بشيء فهو على الوجوب كإزالته صلى الله عليه وسلم ابن عباس عن يساره ورده إلى يمينه فهذا وإن كان فعلا فهو أمر لابن عباس للوقوف عن يمينه، ونهي له عن الوقوف عن يساره، وإنما الفعل المجرد هو الذي ليس فيه معنى الأمر. فإن قال قائل: فهلا قلتم إن همه عليه السلام بإحراق بيوت المتخلفين عن الصلاة، إباحة لا فرض، على أصلكم في انتقال الشيء إذا نسخ إلى أقرب المراتب منه لا إلى أبعدها عنه، قيل له وبالله تعالى التوفيق: كذلك نقول ما لم يأت دليل على أنه منقول إلى أبعد المراتب عنه، ولكن لما قال عليه السلام: أمرت أن أقاتل الناس حتى يقولوا لا إله إلا الله، فإذا قالوها عصموا مني دماءهم وأموالهم إلا بحقها، وحسابهم على الله، ثم أخبر عليه السلام أنه قد هم بحرق بيوت المتخلفين علمنا بالنص المذكور أن ذلك حق واجب إنفاذه، إذ قد نص أنه لا يستبيح دما ولا مالا إلا بحق، والحق فرض ما لم يأت دليل على أنه إباحة. قال أبو محمد: قد قلنا: إن القائلين بأن أفعاله عليه السلام على الوجوب هم أشد الناس خلافا لهذا الأصل الفاسد، فإن المالكيين يقولون إن خطبة الإمام يوم الجمعة خطبتين قائما يجلس بينهما ليست فرضا، وإنما الفرض خطبة واحدة وما روي قط أن النبي صلى

[13] **Translator's note (L1323):** The source gives al-Mughirah's designation as الخرامي, rendered "al-Khurami." It has not been silently changed to another designation. The purported variant attributed to Hammam, ما تركتكم, is identical in the supplied text to the wording already quoted. The apparent quotation problem has been preserved. "Mass recurrent transmission" renders the technical term tawatur, the author's characterization of the report's transmission.

[14] **Translator's note (L1325):** The final salutation is divided between this unit and the next.

[15] **Translator's note (L1326):** The opening completes the salutation divided across the preceding unit. The text says "following the aforementioned verse" but then repeats the entire same verse, rather than quoting a subsequent verse or only its concluding words. The repetition is retained.

[16] **Translator's note (L1329):** The transmission chain identifies "Abu Dawud al-Tayalisi" as "Hisham ibn Abd al-Malik." This appears to conflate Abu Dawud al-Tayalisi with Abu al-Walid al-Tayalisi, Hisham ibn Abd al-Malik. The supplied identification is retained.

[17] **Translator's note (L1331):** The wording "ثم أن ينتهك شر منها" is syntactically and semantically corrupt or incomplete; its literal sense is approximately "then that an evil among them be violated." The surrounding argument concerns the Prophet's declaring property and honor inviolable and subsequently violating, or intending to violate, that inviolability in a particular case. The defective wording has not been silently repaired.

[18] **Qur'an references (L1323):** Qur'an 33:21 (Al-Ahzab); Qur'an 60:6 (Al-Mumtahanah); Qur'an 84:1 (Al-Inshiqaq).

example is his moving Ibn ʿAbbas from his left and placing him on his right, ﷺ. Although this was an action, it was a command to Ibn ʿAbbas to stand on his right and a prohibition against standing on his left. A mere action is only one that does not convey the meaning of a command. If someone says, "Why, then, did you not say that his intention, peace be upon him, to burn the houses of those who stayed away from prayer indicates permission, rather than obligation, according to your principle that, when something is abrogated, it passes to the nearest degree rather than the farthest?" he is answered—and success comes through Allah Most High: That is indeed what we say, unless evidence establishes that it has been transferred to the farthest degree. But when he said, peace be upon him, "I have been commanded to fight people until they say, 'There is no god but Allah.' When they say it, they protect their blood and property from me, except by its right, and their reckoning rests with Allah," and then reported, peace be upon him, that he had intended to burn the houses of those who stayed away, we knew from the aforementioned text that this was a right whose enforcement was obligatory. For he expressly stated that he does not deem blood or property lawful to take except by a right, and a right is obligatory unless evidence establishes that it is permissible. Abu Muhammed said: We have already said that those who maintain that his actions, peace be upon him, entail obligation are the people who most vigorously contradict this unsound principle. The Malikis say that the imam's delivering two sermons on Friday while standing, sitting between them, is not obligatory: only one sermon is obligatory. Yet it has never been transmitted that the Prophet ﷺ delivered anything but two sermons while standing, sitting between them. Thus they did not regard his action here, peace be upon him, as entailing obligation. They say that performing the ablution in sequence is not obligatory, although there is no doubt that the Prophet ﷺ performed his ablution in sequence and did not reverse it; no Muslim doubts this. They hold that performing the dawn prayer at Muzdalifah is not obligatory and that the pilgrimage of someone who omits it is not invalidated, although Allah's Messenger ﷺ performed it there and proclaimed that whoever did not reach it there had no pilgrimage. They hold that whoever performs the sunset prayer before reaching Muzdalifah on the night of sacrifice has performed a valid prayer, although

الله عليه وسلم خطب إلا خطبتين قائما يجلس بينهما فلم يروا فعله عليه السلام ههنا على الوجوب. ويقولون: إن ترتيب الوضوء ليس فرضا ولا شك في أن النبي صلى الله عليه وسلم كان يرتب وضوءه ولا ينكسه لا يشك مسلم في ذلك. ويرون أن الصلاة للصبح بمزدلفة ليس فرضا ولا يبطل حج من تركه ورسول الله صلى الله عليه وسلم صلاها هناك وآذن أن من لم يدركها هنالك فلا حج له، ويرون أن من صلى المغرب قبل مزدلفة ليلة النحر فصلاته تامة ورسول الله صلى الله عليه وسلم أخرها إلى المزدلفة فلم يصلها إلا فيها ولا يرون رمي جمرة العقبة فرضا ورسول الله صلى الله عليه وسلم قد رماها ولا يرون الضجعة بعد ركعتي الفجر قبل صلاة الصبح فرضا ورسول الله صلى الله عليه وسلم كان يفعلها دائما عليها مواظبا لها وكذلك فقهاء المدينة السبعة، وأهل المدينة، وكل هذه المسائل فجماهير الصحابة والتابعين والفقهاء يرونها فرضا وإنما أتينا بهذه المسائل لئلا يدعو إجماعا على أنها ليست فرضا، ومثل هذا لو تتبع كثير، وبالله تعالى التوفيق. قال أبو محمد: فإن تعارض فعل وقول، مثل أن يحرم عليه السلام شيئا ثم يفعله، فإن هذا إن علمنا أن الفعل كان بعد القول فهو نسخ له، وبيان أن حكم ذلك القول قد ارتفع، لأنه عليه السلام لا يفعل شيئا محرما، ولا يجوز أن يقال في شيء فعله عليه السلام أنه خصوص له إلا بنص في ذلك، لأنه عليه السلام قد غضب على من قال ذلك وكل شيء أغضب رسول الله صلى الله عليه وسلم فهو حرام وذلك مذكور في حديث الأنصاري الذي سأله عن قبلة الصائم، فأخبره عليه السلام أنه يفعل ذلك، فقال الأنصاري: يا رسول الله إنك لست مثلنا قد غفر الله لك ما تقدم من ذنبك وما تأخر فغضب رسول الله صلى الله عليه وسلم وقال والله إني لأتقاكم لله وأعلمكم بما آتي وما أذر أو كما قال عليه السلام. فلا يحل لأحد بعد هذا أن يقول في شيء فعله عليه السلام: إنه خصوص له، إلا بنص مثل النص الوارد في الموهبة

Allah's Messenger—may Allah bless him and grant him peace—delayed it until Muzdalifah and performed it only there. They do not regard stoning the ʿAqabah pillar as obligatory, although Allah's Messenger ﷺ stoned it. They do not regard lying down after the two prayer cycles of dawn, before the morning prayer, as obligatory, although Allah's Messenger ﷺ used to do it continually, persisting in it and observing it regularly, as did the seven jurists of Medina and the people of Medina. In all these matters, the great majority of the Companions, the Successors, and the jurists regard them as obligatory. We have cited these matters only so that they cannot claim a consensus that they are not obligatory. Many similar instances could be found if they were pursued. Success comes through Allah Most High. Abu Muhammed said: If an action and a statement conflict—for example, if he prohibits something, peace be upon him, and then does it—then, if we know that the action occurred after the statement, it abrogates it and makes clear that the ruling of that statement has been removed, because he does nothing prohibited, peace be upon him. Nor is it permissible to say of anything he did, peace be upon him, that it was exclusive to him, except on the basis of a text to that effect, because he became angry, peace be upon him, with someone who said this. Everything that angered Allah's Messenger ﷺ is prohibited. This is mentioned in the report of the Ansari who asked him about a fasting person's kissing. He informed him, peace be upon him, that he did that. The Ansari said, "O Messenger of Allah, you are not like us: Allah has forgiven your past and future sins." Allah's Messenger ﷺ became angry and said, "By Allah, I am the most fearful of Allah among you and the most knowledgeable among you about what I do and what I leave undone," or words to that effect, peace be upon him. After this, it is not lawful for anyone to say of anything he did, peace be upon him, that it was exclusive to him, except on the basis of a text, such as the text concerning a woman's offering herself, in His words, Most High: "O Prophet, We have made lawful for you your wives to whom you have given their bridal dues, and those whom your right hand possesses from what Allah has granted you as spoils, and the daughters of your paternal uncle, the daughters of your paternal aunts, the daughters of your maternal uncle, and the daughters of your maternal aunts who emigrated with you, and a believing woman if she offers herself to the Prophet,

بقوله تعالى {يأيها لنبي إنآ أحللنا لك أزواجك للاتي آتيت أجورهن وما ملكت يمينك مما أفآء لله عليك وبنات عمك وبنات عماتك وبنات خالك وبنات خالاتك للاتي هاجرن معك ومرأة مؤمنة إن وهبت نفسها للنبي إن أراد لنبي أن يستنكحها خالصة لك من دون لمؤمنين قد علمنا ما فرضنا عليهم في أزواجهم وما ملكت أيمانهم لكيلا يكون عليك حرج وكان لله غفورا رحيما} ومثل وصاله عليه السلام في الصوم، وقوله ناهيا لهم: إني لست كهيئتكم، ومثل نومه عليه السلام وصلاته دون تجديد وضوء، فسئل عليه السلام عن ذلك، فقال: عيناي تنامان ولا ينام قلبي فما جاء فيه بيان كما ذكرنا فهو خصوص، وما لم يأت فيه نص كما قلنا فلنا أن نتأسى به عليه السلام، ولنا في ذلك الأجر الجزيل، ولنا أن نترك غير راغبين عن ذلك فلا نأثم ولا نؤجر. فمما جاء كما ذكرنا: نهيه عليه السلام عن الصلاة قائما، إذا صلى الإمام جالسا، ثم هو عليه السلام صلى جالسا في مرضه الذي مات فيه، وصلى أبو بكر مذكرا إلى جانبه قائما فأقر، فعلمنا أن ذلك نسخ لإيجاب الجلوس عن المذكر خاصة، فإن شاء صلى جالسا، وذلك أفضل عندنا، وإن شاء قائما، كل ذلك جائز حسن.

if the Prophet wishes to marry her—exclusively for you, to the exclusion of the believers. We know what We have prescribed for them concerning their wives and those whom their right hands possess, so that there should be no hardship for you. Allah is ever forgiving, merciful." Other examples are his continuing to fast without a break, peace be upon him, and his saying, when forbidding them to do so, "I am not constituted as you are"; and his sleeping—upon him be peace—and his praying without renewing his ablution. He was asked about that, peace be upon him, and said, "My eyes sleep, but my heart does not sleep." Whatever is accompanied by an explanation such as we have mentioned is exclusive to him. Wherever no text has come, as we have said, we may follow his example, peace be upon him, and receive abundant reward for doing so; and we may omit it without turning away from it in aversion, in which case we neither sin nor receive reward. Among the instances of what we have mentioned is his prohibition, peace be upon him, against praying standing when the imam prays seated. Then he himself, peace be upon him, prayed seated during the illness in which he died, while Abu Bakr prayed standing beside him as a prompter, and he approved this. We therefore knew that this abrogated the obligation to sit specifically for the prompter. If he wishes, he may pray seated—and this is preferable in our view—or, if he wishes, standing. All of that is permissible and good.[19][20][21][22]

وكذلك قلنا في حضه عليه السلام على صيام يوم عرفة، ثم أفطر عليه السلام فيه، فقلنا: صيامه أفضل للحاج وغيره، وإفطاره مباح حسن، وقد روت عائشة: أنه عليه السلام كان يترك الفعل وهو يحبه، خشية أن يفعله الناس فيفرض عليهم، كما فعل عليه السلام في قيام الليل في رمضان، قام ثم ترك خوفا أن يفرض علينا. وإنما قلنا هذا لئلا يقول جاهل: أيجوز أن يترك عليه السلام الأفضل، ويفعل الأقل فضلا؟ فأعلمناه عليه السلام يفعل ذلك رفقا منه، كما أخبر عليه السلام أنه لولا رجال من أصحابه لا يتخلفون عنه أصلا، وأنه لا يجد ما يحملهم عليه ما تخلف عن سرية يوجهها في سبيل الله، فأخبر عليه السلام أنه يتخلف عن الجهاد وهو أفضل، خوفا أن يشق على أمته، وهذا كثير.

L1339 We have said the same concerning his encouragement, peace be upon him, to fast on the Day of ʿArafah, although he subsequently refrained from fasting on it, peace be upon him. We therefore said that fasting on it is preferable for the pilgrim and others, while refraining from fasting on it is permissible and good. ʿA'ishah transmitted that he would refrain from an action he loved, peace be upon him, for fear that people would perform it and it would

[19] **Translator's note (L1337):** The final salutation is split between this unit and the next: "upon him" continues as "be peace."

[20] **Translator's note (L1338):** "Prompter" renders mudhakkir, apparently referring here to someone who repeats the imam's prayer utterances for the congregation to hear. The source expressly restricts this abrogation to that person.

[21] **Hadith references (L1333):** Jami at-Tirmidhi 3341; Sunan an-Nasai 3093; Sunan an-Nasai 3975.

[22] **Qur'an references (L1333):** Qur'an 33:50 (Al-Ahzab).

then be made obligatory upon them. This is what he did, peace be upon him, concerning night prayer in Ramadan: he performed it and then ceased, fearing that it would be made obligatory upon us. We have said this only lest an ignorant person say, "Is it permissible for him, peace be upon him, to leave what is more meritorious and do what is less meritorious?" We have thus informed him that he does so, peace be upon him, out of kindness. Likewise, he reported, peace be upon him, that, were it not for men among his Companions who would never stay behind him, and for his inability to find mounts for them, he would never stay behind an expedition he dispatched in Allah's path. He thus reported, peace be upon him, that he would stay behind from fighting in Allah's path, although it was more meritorious, for fear of imposing hardship upon his community. There are many such instances.

L1340–1341 Abu Muhammed said: When it is not known which of the two rulings came first, the command or the action, we adopt the additional restriction. This is what we did concerning his prohibition, peace be upon him, against drinking while standing, although it was transmitted of him, peace be upon him, that he drank standing; and concerning his prohibition, peace be upon him, against reclining on one's back and placing one leg over the other, although it was transmitted that he was seen, peace be upon him, reclining like that in the mosque. Here we adopted the additional restriction, namely the prohibition in both instances. For the original rule is permission to lie down in any position, to recline on one's back however one wishes, and to drink in any position. We therefore know with certainty that we were transferred from this permission to a prohibition of both practices, without any doubt about that. We then do not know whether that prohibition was abrogated or not. It is not lawful for a Muslim to abandon something he is certain has become binding upon him for the sake of something he does not know to be abrogating or otherwise. Certainty is not invalidated by doubt, and conjecture avails nothing against the truth. We therefore adhere to what has been soundly established for us as binding upon us until whoever claims its invalidity furnishes us with a demonstration establishing the validity of his claim. Otherwise, his claim falls. Success comes through Allah Most High. We have said the same concerning the report of Allah's Messenger

قال أبو محمد: وأما إذا لم يعلم أي الحكمين قبل: الأمر أم الفعل؟ فإنا نأخذ بالزائد، كما فعلنا في نهيه عليه السلام عن الشرب قائما، وروي عنه عليه السلام أنه شرب قائما، وفي نهيه عليه السلام عن الاستلقاء ووضع رجل على رجل، وروي عنه أنه عليه السلام رئي مضطجعا في المسجد كذلك، فأخذنا ههنا بالزائد، وهو النهي في كلا الموضوعين، لأن الأصل إباحة الاضطجاع على كل حال والاستلقاء كما يشاء، وإباحة الشرب على كل حال، فقد تيقنا أننا نقلنا عن هذه الإباحة إلى نهي عن كلا الأمرين بلا شك في ذلك، ثم لا ندري هل نسخ ذلك النهي أو لا؟ ولا يحل لمسلم أن يترك شيئا هو على يقين من أنه قد لزمه، لشيء لا يدري أهو ناسخ أم لا؟ واليقين لا يبطل بالشك، والظن لا يغني من الحق شيئا، فنحن على ما صح لدينا أنه قد لزمنا، حتى يقيم المدعي لبطلانه علينا البرهان في صحة دعواه، وإلا فهي ساقطة، وبالله تعالى التوفيق وهكذا قلنا في حديث رسول الله صلى الله عليه وسلم كل مما يليك مع ما قد صح من تتبعه الدباء من نواحي القصعة ولا فرق، على أن هذا الخبر ليس فيه أنه عليه السلام تناول الدباء مما لا يليه، بل يمكن تتبعه من نواحي الصحفة مما يليه وليس هكذا الأقوال فإنه صلى الله عليه وسلم إذا قال قولا فيه إباحة ثم جاء بعد

ﷺ "Eat from what is nearest you," together with the soundly established account of his seeking out pieces of gourd from the various parts of the bowl: there is no difference. Moreover, this report does not state that he took gourd, peace be upon him, from somewhere other than the part nearest him. He could have sought it out from the various parts of the dish nearest him. Statements, however, are not like this, for he—may Allah bless him and grant him peace—if he makes a statement conveying permission, and a general prohibition then follows, but the earlier permission can be excepted from it, both statements must be combined into one, and the lesser must be excepted from the greater. For a statement is an explicit clarification, whereas an action contains no clarification of what is intended, whether by specification or otherwise.[23][24]

L1342–1352 Abu Muhammed said: The upshot of this is that, when two statements conflict and one can be treated as an exception to the other, so that both are applied, no other course is permissible. This holds whether we know with certainty which came first or do not know with certainty. It is not permissible to assert abrogation in such a case except on the basis of a clear demonstration from a text, a consensus, or a conflict in which neither can be treated as an exception to the other. As for a statement and an act that conflict, if the act preceded the statement, or it is not known whether it preceded or followed it, the statement determines the ruling, and the act is then abrogated. It is not permissible to make the act an exception to the statement, because we do not know whether we are to restrict the statement to exclude the act's circumstances, its time, or its place: the act contains neither an indication of general scope nor an explanation of a defining limit. If the act followed the statement, then we restrict the statement to exclude those particular circumstances alone, with certainty, because we are certain of that, whereas we are not certain about restricting it to exclude the time and

[23]**Translator's note (L1340):** "The additional restriction" renders al-zāʾid, literally "the additional," which the author identifies here as the prohibition added to the original permission.

[24]**Translator's note (L1341):** The wording concerning "the earlier permission" is compressed: ibāḥah qabl, literally "permission before." It is understood here as the previously stated permission that can be excepted from the subsequent general prohibition.

عموم تحريم، إلا أنه ممكن استثناء إباحة قبل، فواجب ضم القولين جميعا إلى واحد، واستثناء الأقل من الأكثر، لأن القول بيان جلي، وليس في الفعل بيان المراد: لا بتخصيص ولا بغيره.

قال أبو محمد: فالحاصل من هذا أن القولين إذا تعارضا، وأمكن أن يستثنى أحدهما من الآخر، فيستعملان جميعا لم يجز غير ذلك، وسواء أيقنا أيهما أول أو لم نوقن، ولا يجوز القول بالنسخ في ذلك، إلا ببرهان جلي من نص أو إجماع أو تعارض لا يمكن معه استثناء أحدهما من الآخر، وأما القول والفعل إذا تعارضا، فإن كان الفعل قبل القول، أو لم يعلم أقبله أم بعده فالحكم القول، ويكون الفعل حينئذ منسوخا، ولا يجوز أن يستثنى منه الفعل، لأننا لا ندري أحاله نخص أم زمانه أم مكانه؟ إذ ليس في الفعل بيان عموم ولا تفسير حد، وإن كان الفعل بعد القول، فحينئذ نخص تلك الحال بيقين فقط، لأننا من ذلك على يقين، ولسنا من تخصيص الزمان والمكان على يقين، ولا يجوز أن نحكم في الدين بالشك، كما فعلنا فيما قد صح من أن المرأة تقطع الصلاة ثم صح أن عائشة ذكرت أن رسول الله صلى الله عليه وسلم كان يصلي وهي بين يديه معترضة كاعتراض الجنازة فتكره أن تقعد فتؤذي رسول الله صلى الله عليه وسلم فتمسك كما هي فصح بهذا النص أن هذا الفعل كان بعد النهي، لأنها أخبرت أنها لو قعدت لآذت رسول الله صلى الله عليه وسلم بذلك ودل أيضا هذا الخبر على المداومة على ذلك، فاستثناء حال الاضطجاع من قطع المرأة الصلاة على سائر أحوالها، وبالله

تعالى التوفيق. قال أبو محمد لو كانت الأفعال على الوجوب، لكان ذلك تكليفا لما لا يطلق من وجهين ضروريين: أحدهما أنه كان يلزمنا أن نضع أيدينا حيث وضع صلى الله عليه وسلم يده وأن نضع أرجلنا حيث وضع عليه السلام رجله، وأن نمشي حيث مشى، وننظر إلى ما نظر إليه، وهذا كله خروج عن المعقول. والوجه الثاني: أن أكثر هذه الأشياء التي تصرف عليه السلام بأفعاله فيها فقد ثبت، فكنا من ذلك مكلفين ما لا نطيق، فبطل كل قول في هذا الباب حاشا ما ذكرنا من الائتساء به عليه السلام في أفعاله، وأما من قال: نطلب الدليل، فإن وجدنا دليلا على وجوب الفعل صرنا إليه، وإن لم نجد دليلا حملنا الأفعال على الائتساء فقط، فهي نفس قولنا، إلا أننا نحملها على الائتساء أبدا ما لم نجد دليلا على الوجوب، فإن وجدناه صرنا إليه، وبالله تعالى التوفيق. قال أبو محمد: وأما الشيء يراه عليه السلام أو يبلغه أو يسمعه، فلا ينكره ولا يأمر به فمباح لأن الله عز وجل وصفه عليه السلام فقال {الذين يتبعون لرسول لنبي لأمي لذي يجدونه مكتوبا عندهم في لتوراة ولإنجيل يأمرهم بلمعروف وينهاهم عن لمنكر ويحل لهم لطيبات ويحرم عليهم لخبآئث ويضع عنهم إصرهم ولأغلال لتي كانت عليهم فلذين آمنوا به وعزروه ونصروه وتبعوا لنور لذي أنزل معه أولئك هم لمفلحون} فلو كان ذلك الشيء منكرا لنهى عنه عليه السلام بلا شك، فلما لم ينه عنه لم يكن منكرا فهو مباح المباح معروف، وما عرفه عليه السلام فهو معروف، ولا معروف إلا ما عرف، ولا منكر إلا ما أنكر، فمن ذلك: غناء الجاريتين في بيته، وهو عليه السلام يسمع ولا ينكر فأنكر ذلك أبو بكر فأنكر النبي صلى الله عليه وسلم على أبي بكر إنكاره فصح بذلك ما ذكرنا نصا، ووجب الإنكار على كل ما أنكر ما علمه عليه السلام فأقره. ومن ذلك زفن السودان، فنهاهم عمر، فأنكر عليه السلام على عمر إنكاره عليهم، ومن ذلك اللعب التي رأى عليه السلام عند عائشة، وفيها فرس ذو أجنحة مع نهيه عليه السلام عن الصور، فكان ذلك إذا مستثنى مما نهى عنه،

place. It is not permissible for us to rule in religion on the basis of doubt. This is what we did concerning the established report that a woman interrupts prayer, followed by the established report that Aishah mentioned that the Messenger of Allah ﷺ used to pray while she lay crosswise before him, as a bier is placed crosswise. She would be reluctant to sit up and thereby disturb the Messenger of Allah ﷺ, and so would remain as she was. This text establishes that this act occurred after the prohibition, because she reported that, had she sat up, she would thereby have disturbed the Messenger of Allah ﷺ. This report also indicates that this was done repeatedly. Thus, the circumstance of lying down is excepted from a woman's interrupting prayer in all her other circumstances. Success comes through Allah Most High.

Abu Muhammed said: If acts entailed obligation, that would impose upon us something beyond our capacity, for two necessarily compelling reasons. The first is that we would be required to put our hands wherever he ﷺ put his hand, and to put our feet wherever he, peace be upon him, put his foot and to walk wherever he walked and look at whatever he looked at. All this departs from what is reasonable. The second reason is that most of these things with which he, peace be upon him, dealt through his acts have indeed been established and we would thereby have been charged with what we cannot bear. Thus every position on this subject is invalid except what we have stated concerning following his example, peace be upon him, in his acts. As for someone who says, 'We seek evidence: if we find evidence that the act is obligatory, we adopt that conclusion; if we find no evidence, we understand the acts as calling only for following his example,' this is precisely our position, except that we always understand them as calling for following his example unless we find evidence of obligation; if we find it, we adopt that conclusion. Success comes through Allah Most High.

Abu Muhammed said: As for something that he, peace be upon him, sees, that is reported to him, or that he hears, and which he neither disapproves of nor commands, it is permissible. For Allah, Mighty and Majestic, described him, peace be upon him, saying: 'Those who follow the Messenger, the unlettered Prophet, whom they find written down with them in the Torah and the Gospel: he commands them to do what is recognized as right and

forbids them what is disapproved as wrong; he makes good things lawful for them and forbids them foul things; and he removes from them their burden and the fetters that were upon them. Those who believe in him, honor him, support him, and follow the light sent down with him—it is they who prosper.' If that thing were disapproved as wrong, he, peace be upon him, would undoubtedly have forbidden it. Since he did not forbid it, it was not disapproved as wrong, and so it is permissible. What is permissible is recognized as right; whatever he, peace be upon him, recognized as right is right. Nothing is recognized as right except what he recognized as right, and nothing is disapproved as wrong except what he disapproved of.

An example is the singing of the two young girls in his house while he, peace be upon him, listened without disapproving. Abu Bakr disapproved of it, whereupon the Prophet ﷺ reproved Abu Bakr for his disapproval. What we have stated is thus established explicitly, and it becomes obligatory to disapprove of every instance of disapproval directed at something that he, peace be upon him, knew of and permitted to stand. Another example is the dancing of the black Africans: Umar forbade them, whereupon he, peace be upon him, reproved Umar for his disapproval of them. Another is the toys that he, peace be upon him, saw with Aishah, among which was a horse with wings, despite his prohibition, peace be upon him, of images. That was therefore an exception to what he had forbidden. Likewise, he, peace be upon him, disapproved of the images on the curtain while permitting such a thing when it was a design on cloth, and excepting it from the images he had forbidden as a whole. When Aishah cut the curtain into two cushions, he, peace be upon him, reclined upon them and did not disapprove of them. It is thus established that hanging cloths bearing images is disfavored, neither forbidden nor recommended. Rather, whoever leaves them aside is rewarded, while whoever uses them incurs no sin. Here he chose —peace be upon him—the better course, and chose it for Aishah and Fatimah, may Allah be pleased with them both. It is thereby established that, when cloths bearing images are cushions, that is good and permissible, though not recommended. We do not dislike it at all; rather, we like it. Likewise, when he, peace be upon him, refrains from something without either forbidding or

ومثل إنكاره عليه السلام الصور في الستر، مع إباحته لذلك إذا كان رقما في ثوب، واستثناءه إياه من جملة ما نهى عنه من الصور، فلما قطعت عائشة الستر وسادتين، اتكأ عليه السلام عليهما ولم ينكرهما، فصح من ذلك أن المعلق من الثياب التي فيها الصور مكروه، ليس حراما ولا مستحبا، لكن من تركها أجر، ومن استعملها لم يأثم، واختار ههنا عليه السلام الأفضل، واختاره لعائشة وفاطمة رضي الله عنهما، وصح بذلك أن الثياب التي فيها الصور وإذا كانت وسائد فذلك حسن مباح ولا مستحب لا نكرهه أصلا بل نحبه. وكذلك الشيء إذا تركه عليه السلام ولم ينه عنه ولا أمر به، فهو عندنا مباح مكروه، ومن تركه أجر، ومن فعله لم يأثم ولم يؤجر، كمن أكل متكئا، ومن استمع زمارة الراعي، فلو كان ذلك حراما لما أباحه عليه السلام لغيره، ولو كان مستحبا لفعله عليه السلام، فلما تركه كارها له كرهناه ولم نحرمه فإن قال قائل فقد ناموا بحضرة رسول الله صلى الله عليه وسلم ثم صلوا ولم يأمرهم بإعادة الوضوء وأنتم لا ترون ذلك، قيل له وبالله التوفيق ما روى أحد قط أن رسول الله صلى الله عليه وسلم رآهم نياما ولا أعلم أنهم ناموا وإنما جاء الحديث: أنه عليه السلام أبطأ بالعشاء الآخرة حتى نام الناس، وسمع لهم غطيط، وصاح عمر: نام النساء والصبيان. فالحديث كما تسمع بين في أنهم ناموا وهو عليه السلام غائب غير حاضر، وإنما أعلمه عمر بنوم النساء والصبيان، وهذان الصنفان ليس عليهم حضور الصلاة في الجماعة فرضا، وأيضا فمن أين للمحتج بهذا أن يقول: ناموا قعودا نوما قليلا، بلا أن يرد ذلك في الحديث، ولعل فيهم من نام مستندا إلى صاحبه أو إلى الحائط أو مضطجعا نوما طويلا، ما يدري من لم يحضر نومهم كيف كان نومهم، ومثل هذا من الدعاوى لا يستجيزها ذو دين متهم بالصدق. فلما صح أنه عليه السلام كان غائبا، ولم يأتنا نص في أنه عليه السلام علم نومهم، وصح أمره عليه السلام في حديث صفوان بن عسال المرادي بالوضوء من النوم جملة: لزمنا ألا نزول عما أمرنا لأمر لا ندري أعلمه عليه السلام أم لم يعلمه؟ ولو

commanding it, we regard it as permissible but disfavored: whoever refrains from it is rewarded, while whoever does it neither incurs sin nor receives a reward, as with someone who eats while reclining or listens to the pipe of the shepherd. Had that been forbidden, he, peace be upon him, would not have permitted it to someone else; and had it been recommended, he, peace be upon him, would have done it. Since he refrained from it out of dislike, we regard it as disfavored without forbidding it. If someone says, 'They slept in the presence of the Messenger of Allah ﷺ, then prayed, and he did not command them to renew their ablution, yet you do not accept that,' he is answered—and success comes through Allah: No one has ever reported that the Messenger of Allah ﷺ saw them sleeping or was informed that they had slept. The report states only that he, peace be upon him, delayed the late evening prayer until the people fell asleep and their snoring could be heard, and Umar called out, 'The women and children have fallen asleep!' As you hear, the report plainly indicates that they slept while he, peace be upon him, was absent, not present. Umar informed him only that the women and children had slept, and these two groups are not obliged to attend congregational prayer. Furthermore, on what basis can someone invoking this as evidence say, 'They slept sitting up, for only a short time,' when that is not stated in the report? Perhaps some of them slept leaning against a companion or a wall, or lying down, for a long time. Someone who did not witness their sleep does not know how they slept. A religious person credited with truthfulness would not permit himself claims of this kind. Since it is established that he, peace be upon him, was absent, and no text has reached us stating that he, peace be upon him, knew of their sleep, while his command, peace be upon him, to perform ablution after sleep without qualification is established in the report of Safwan ibn Assal al-Muradi, we are obliged not to depart from what he commanded us on account of something of which we do not know whether he, peace be upon him, was aware or unaware. If it were established for us that he —peace be upon him—knew that they had slept and allowed them to proceed on that basis, we would adopt that position and dispense with ablution for everyone who had slept, without qualification, however they had slept. Even if it were established that Umar said in that report, 'The people have fallen asleep,' they

صح عندنا أنه عليه السلام علم أنهم ناموا وأقرهم على ذلك لقلنا به، ولأسقطنا الوضوء عمن نام جملة على أي حال نام، ولو صح في ذلك الخبر أن عمر قال: نام الناس، لما كان لهم فيه متعلق، لأنه كان يكون معناه نام الناس الذين ينتظرونه عليه السلام، وكيف وكل طائفة منهم تخالف هذا الخبر، لأنهم يخصون بعض أحوال النوم دون بعض، وليس بيننا في الخبر أصلا. فإن قال قائل أيجوز أن يخفى ذلك على رسول الله صلى الله عليه وسلم قيل له نعم كما جاز عندكم معاشر الشافعيين والمالكيين والحنفيين قول جابر: كنا نبيع أمهات الأولاد على عهد رسول الله. على أن بيع أمهات الأولاد أشهر من نوم قوم في الليل، والقوم في عوزة من المصابيح بركن المسجد. وكما يقول المالكيون: إنه خفي عليه ذبح آل أبي بكر الفرس وأكلهم إياه بالمدينة، وهذا أشيع من نوم قوم في ركن المسجد لقلة الخيل عندهم بالمدينة في أيامه صلى الله عليه وسلم ولشدة العيش عندهم وقلة الإدام وشدة امتزاج أهل بيت أبي بكر مع النبي صلى الله عليه وسلم ومجاورتهم له فكيف يخفى عليه أنهم ذبحوا فرسا فأكلوه، ولا يخفى عليه نوم قوم في ركن المسجد وهو غائب عنهم، ولو صح أنه عليه السلام كان حاضرا في المسجد لأمكن أن يختفي نوم من في ركن المسجد عنه، فكيف وقد صح أنه عليه السلام كان غائبا عنهم، مع أن تخصيص نومهم بأنهم كانوا قعودا لا مستندين ولا مضطجعين ولا متكئين كذب من أقدم عليه، وبالله التوفيق. قال أبو محمد: وفي باب القول بالأخبار من كتابنا في أول الباب المذكور أشياء قاطعة من الكلام في أفعال النبي صلى الله عليه وسلم وفي الشيء يعلمه فيقر عليه إذا استضافت إلى ما ههنا تم الكلام في ذلك وكرهنا تكرارها وبالله تعالى التوفيق

would have no foothold in it, because its meaning would have been, 'The people waiting for him, peace be upon him, have fallen asleep.' How could they, moreover, when every one of their groups contradicts this report, since they single out some circumstances of sleep to the exclusion of others, and there is nothing between us in the report at all? If someone says, 'Could that have remained unknown to the Messenger of Allah ﷺ?' he is answered: Yes, just as you, companies of Shafiis, Malikis, and Hanafis, allow this in the case of Jabir's statement, 'We used to sell slave women who had borne their masters children in the time of the Messenger of Allah,' even though selling such women is more publicly known than some people sleeping at night in a corner of the mosque, when the people were short of lamps. Likewise, the Malikis say that he was unaware that Abu Bakr's household slaughtered a horse and ate it in Medina. This would have been more widely known than some people sleeping in a corner of the mosque, because horses were scarce among them in Medina in his days ﷺ and because of the hardship of their living conditions, the scarcity of food to accompany their bread, the close association of Abu Bakr's household with the Prophet ﷺ, and their living near him. How, then, could their slaughtering and eating a horse escape his notice, while the sleeping of some people in a corner of the mosque did not escape his notice, when he was absent from them? Even if it were established that he, peace be upon him, was present in the mosque, the sleeping of those in a corner of the mosque could have escaped his notice. How much more so when it is established that he, peace be upon him, was absent from them! Moreover, specifying that they slept sitting, without resting against anything, lying down, or reclining, is a lie on the part of whoever ventures to assert it. Through Allah comes success.

Abu Muhammed said: At the beginning of the chapter on accepting reports in our book, there are decisive discussions concerning the actions of the Prophet ﷺ and concerning something of which he knows and which he allows to stand. When these are added to what is here, the discussion of this

matter is complete. We have preferred not to repeat them. Through Allah Most High comes success.[25][26][27][28][29][30][31]

[25]**Translator's note (L1343):** The supplied reading 'ما لا يطلق' literally concerns what cannot be released or uttered and is anomalous here. The translation follows the argument's evident sense, 'something beyond our capacity'; the expected reading would be 'ما لا يطاق'.

[26]**Translator's note (L1344):** The clause ending 'فقد ثبت' ('have indeed been established') is syntactically and argumentatively incomplete. The following supplied segment does not supply the expected completion, suggesting a lacuna or corruption.

[27]**Translator's note (L1346):** The Qur'anic quotation is identifiable as 7:157. Its supplied transcription repeatedly lacks initial alifs, but no substantive wording difference is evident. The unvocalized forms of 'عرف' permit some ambiguity between knowing or recognizing something and declaring it recognized as right. The translation preserves the author's wordplay with 'recognized as right' and 'disapproved as wrong'. The source reads 'على كل ما أنكر', literally 'against everything that disapproved'; its syntax is awkward. The translation understands this as disapproval directed against acts of censuring what the Prophet tacitly approved.

[28]**Translator's note (L1348):** The supplied 'ولا مستحب' is grammatically awkward in context; it is rendered 'though not recommended', preserving the explicit denial of recommended legal status despite the author's subsequent statement that he likes the practice.

[29]**Translator's note (L1349):** The phrase 'ذو دين متهم بالصدق' literally describes 'a religious person accused of truthfulness'. This is an unusual expression; 'credited with truthfulness' conveys its apparent intended sense without replacing the supplied Arabic reading. The supplied 'ألا نزول' is grammatically anomalous; the context calls for 'ألا نزولَ' only with an otherwise unsupported nominal construction, or more naturally 'ألا نزول' as a transcription error for 'نزول/ألا نزول' intended as 'ألا نزول' in the sense of not departing. The translation renders the clear contextual meaning, 'not to depart'.

[30]**Translator's note (L1350):** The supplied phrase 'وليس بيننا في الخبر أصلا' literally says 'and there is nothing between us in the report at all', but its intended sense is unclear. A possible reading is 'وليس بينا في الخبر أصلا', meaning that the distinction between circumstances of sleep is not stated clearly in the report; the translation retains the supplied reading. 'Slave women who had borne their masters children' renders the legal category 'أمهات الأولاد' (ummهات al-awlad), whose sale is the point at issue.

[31]**Translator's note (L1352):** The wording استضافت, rendered 'are added,' is unusual here; the context indicates joining the earlier discussion to the present one.



الباب 20: النسخ

Chapter 20: Abrogation

Ibn Ḥazm · Arabic–English parallel edition

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L1353 Chapter Twenty: Discussion of Abrogation

Abu Muhammed Ali ibn Ahmad said: The definition of abrogation is clarification that the period of the first command has ended, concerning that which does not recur. As for something attached to a particular time, when that time has elapsed or that act has been performed, the command to perform it lapses; this is not abrogation. If this were abrogation, prayer would be abrogated when its time elapsed, fasting would be abrogated through causing hardship and menstruation, and fasting and pilgrimage would be abrogated. This is something no one says. The conclusively established consensus that this is not to be called abrogation suffices to dispense with lengthy discussion of it. Through Allah Most High comes success. As for anyone who calls this abrogation, he must furnish a demonstration that it must be called abrogation. There is no way to establish that obligation, so it is false. He, Most High, said: 'And they said: None shall enter the Garden unless he is a Jew or a Christian. Those are their wishes. Say: Bring your demonstration, if you are truthful.'

Abu Muhammed said: Some earlier scholars have said that abrogation is the very deferral of clarification.

Abu Muhammed said: Abrogation, as we explained it previously, is one kind of deferring clarification, because deferring clarification falls into two divisions. The first is a collection of words whose intended meaning is not understood from the words themselves, such as His saying, Most High: 'And establish prayer and give the obligatory alms; whatever good you send ahead for yourselves, you will find it with Allah. Indeed, Allah sees what you do.' When the time comes for this obligation to apply, He clarifies for us, through another, explanatory expression, the ruling required of us in that indeterminate expression. The second division is an act commanded at a particular time, when it has already been present in the knowledge of Allah, Mighty and Majestic, that He will transfer us from it to something else at another time. When that time comes, He, Most High, clarifies for us what had been concealed from us concerning the transfer from that act to another. In general, the designation 'clarification' encompasses absolutely all the rulings of

الباب العشرون الكلام في النسخ قال أبو محمد علي بن أحمد حد النسخ أنه بيان انتهاء زمان الأمر الأول فيما لا يتكرر، وأما ما علق بوقت ما، فإذا خرج ذلك الوقت، أو أدى ذلك الفعل سقط الأمر به، فليس هذا نسخا، فلو كان هذا نسخا، لكانت الصلاة المنسوخة إذا خرج وقتها، والصيام منسوخا، بالإحراج والحيض والصيام والحج منسوخا، وهذا ما لا يقوله أحد بالإجماع المقطوع به على ألا يسمى نسخا، يكفي من الإطالة فيه وبالله تعالى التوفيق، مع من سمى هذا نسخا، فعليه البرهان على وجوب تسميته نسخا ولا سبيل إلى وجوبه فهو باطل قال تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} قال أبو محمد: وقد قال بعض من تقدم: إن النسخ هو تأخير البيان نفسه. قال أبو محمد: والنسخ على ما فسرناه قبل، نوع من أنواع تأخير البيان، لأن تأخير البيان ينقسم قسمين: أحدهما: جماعة غير مفهومة المراد بذاتها مثل قوله تعالى {وأقيموا لصلاة وآتوا لزكاة وما تقدموا لأنفسكم من خير تجدوه عند الله إن الله بما تعملون بصير} إذا جاء وقت تكليف ذلك، بين لنا الحكم المراد منا في ذلك اللفظ المجمل بلفظ آخر مفسر. والقسم الثاني: عمل مأمور به في وقت ما، وقد سبق في علم الله عز وجل أنه سيحيلنا عنه إلى غيره في وقت آخر، فإذا جاء ذلك الوقت بين لنا تعالى ما كان مستورا عنا من النقل عن ذلك العمل إلى غيره، وبالجملة فإن اسم البيان يعم جميع أحكام الشريعة كلها، لأنها كلها إعلام من الله تعالى لنا، وبيان المراد منا.

the revealed law, since all of them are information conveyed to us by Allah Most High and clarification of what is required of us.[1][2]

L1354–1355 If someone says, 'Abrogation is not a form of clarification, because clarification occurs in statements of fact, whereas abrogation does not occur in statements of fact,' he is told—and through Allah Most High comes success: We did not say that abrogation is clarification itself; we said only that it is one kind of clarification. Thus every abrogation is clarification, but not every clarification is abrogation. Some clarification occurs in statements of fact and in commands, while some occurs only in commands. Abrogation belongs to this kind that occurs in commands: it is the removal of a previous command. There may also be clarification occurring in commands which is not abrogation, but an explanation of an [unclear expression]. Nevertheless, no one may construe any clarification as abrogation removing a previous command except on the basis of an explicit text clearly stating this, consensus, or a necessary demonstration, as we shall explain later, if Allah Most High wills, in the chapter on how to distinguish what is abrogated from what remains in force.

Do you not see His saying, Most High: 'Then, when the sacred months have elapsed, kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give the obligatory alms, then let them go their way. Indeed, Allah is forgiving, merciful'? We do not say that He abrogated this

فإن قال قائل: ليس النسخ من البيان، لأن البيان يقع في الأخبار، والنسخ لا يقع في الأخبار، قيل له وبالله تعالى التوفيق: إننا لم نقل: إن النسخ هو البيان، وإنما قلنا: هو نوع من أنواع البيان، فكل نسخ بيان، وليس كل بيان نسخا، فمن البيان ما يقع في الأخبار وفي الأوامر، ومنه ما يقع في الأوامر فقط، فمن هذا النوع الواقع في الأوامر، النسخ هو رفع لأمر متقدم، وقد يكون أيضا بيان يقع في الأوامر ليس نسخا، لكنه تفسير لجلة، إلا أنه لا يجوز لأحد أن يحمل شيئا من البيان على أنه نسخ رافع لأمر متقدم، إلا بنص جلي في ذلك أو إجماع أو برهان ضروري، على ما نذكر بعد هذا إن شاء الله تعالى في باب كيفية معرفة المنسوخ من المحكم ألا ترى أن قوله تعالى {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} فلسنا نقول إنه نسخ أهل الكتاب من هذا الحكم، لكنا نقول: إن المراد بقوله تعالى في هذه الآية {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} لله إنما هم من عدا أهل الكتاب، وبين ذلك تعالى في استثنائه أهل الكتاب في الآية الأخرى. وهكذا قولنا في آية الرضاع، وآية قطع السارق، وقوله تعالى: {ولقد أرسلنا نوحا إلى قومه فلبث فيهم ألف سنة إلا خمسين عاما فأخذهم لطوفان وهم ظالمون} فنقول بلا شك إن الله تعالى لم يرد بذلك كل رضاعة، ولا كل سارق ثم نسخ ذلك عن بعضهم وكذلك قوله تعالى {لزانية ولزاني فجلدوا كل واحد منهما مئة جلدة ولا تأخذكم بهما رأفة في دين لله إن كنتم تؤمنون بلله وليوم لآخر وليشهد عذابهما طآئفة من لمؤمنين} فإنه تعالى لم يرد بذلك العبيد والإماء، ثم نسخ خمسين

[1] **Translator's note (L1353):** The sequence concerning prayer, fasting, and pilgrimage is textually awkward. الصلاة المنسوخة literally has 'the abrogated prayer,' where the argument calls for 'prayer would be abrogated.' بالإحراج means 'through causing hardship'; it has not been silently changed to بالإحرام, 'through entering the consecrated state.' The subsequent repetition of fasting and mention of pilgrimage are retained. جماعة, rendered 'a collection of words,' is unusual in this technical context and may be a corruption of جملة, 'an expression' or 'a statement.' The first Quranic quotation writes لجنة where the context indicates الجنة, 'the Garden.' The Quranic quotations also repeatedly omit initial alifs, including in the divine name; their contextually identifiable words are translated, with these transcription defects recorded here.

[2] **Qur'an references (L1353):** Qur'an 2:111 (Al-Baqarah); Qur'an 2:110 (Al-Baqarah); Qur'an 73:20 (Al-Muzzammil).

ruling with respect to the People of the Book. Rather, we say that those intended by His saying, Most High, in this verse—'Then, when the sacred months have elapsed, kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give the obligatory alms, then let them go their way. Indeed, Allah is forgiving, merciful'—[to Allah] are only those other than the People of the Book. He, Most High, clarified this by excepting the People of the Book in the other verse.

The same is our position regarding the verse on nursing, the verse on amputating the thief's hand, and His saying, Most High: 'And We certainly sent Noah to his people, and he remained among them a thousand years less fifty years; then the Flood overtook them while they were wrongdoers.' We say, without doubt, that Allah Most High did not intend by this every instance of nursing and every thief, and then abrogate it with respect to some of them. Likewise, regarding His saying, Most High: 'The woman who commits fornication and the man who commits fornication: flog each of them a hundred lashes, and let no pity for them seize you concerning Allah's religion, if you believe in Allah and the Last Day; and let a group of the believers witness their punishment': He, Most High, did not intend male and female slaves by this and then abrogate fifty lashes with respect to them; nor did He intend a complete thousand years and then, Most High, make a subsequent correction by subtracting fifty years. Rather, He, Most High, intended, in everything that we have mentioned, what remained when He, Mighty and Majestic, made exceptions and specified particular cases out of all of that. The same is our position regarding His saying, Most High: 'And complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. If any of you is ill or has an ailment of the head, then a ransom of fasting, charity, or sacrifice. Then, when you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return; those are ten complete days. That is for

عنهم ولا ألف سنة كاملة، ثم استدرك تعالى إسقاط الخمسين عاما، لكنه تعالى أراد في كل ما ذكرناه ما بقي عندما استثنى عز وجل وخص من كل ذلك وكذلك قولنا في قوله تعالى {وأتموا الحج والعمرة لله فإن أحصرتم فما ستيسر من الهدي ولا تحلقوا رؤوسكم حتى يبلغ الهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بالعمرة إلى الحج فما ستيسر من الهدي فمن لم يجد فصيام ثلاثة أيام في الحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري المسجد الحرام وتقوا الله وعلموا أن الله شديد العقاب} أنه تعالى لم يرد كل ما يقع عليه اسم نسك أو صدقة أو صيام لكن أراد ما بينه النبي صلى الله عليه وسلم في حديث لكعب بن عجرة

someone whose family does not reside in the vicinity of the Sacred Mosque. Be mindful of Allah, and know that Allah is severe in punishment.' He, Most High, did not intend everything to which the designation 'sacrifice,' 'charity,' or 'fasting' applies. Rather, He intended what the Prophet ﷺ clarified in a report addressed to Kaʿb ibn Ujrah.[3][4][5]

L1356–1370 If someone says, 'Clarification occurs with its parts connected to one another, whereas abrogation does not occur in a connected form' The answer—and through Allah Most High comes success—is that we have already stated what applies to this: not every clarification is abrogation. Whatever clarification constitutes abrogation does not occur connected to the preceding statement. Whatever clarification is not abrogation, but an explanation of what He, Most High, intends in a particular expression, may occur connected to it, and may occur elsewhere in the Quran and the Sunnah. Through Allah Most High comes success.

In the language, 'abrogation' has two divisions. One is effacement. You say, 'So-and-so's dominion was effaced,' and 'I effaced the profit or the people,' meaning that I obliterated it entirely. The second division is reproducing something and multiplying its copies. You say, 'I copied the book many times.' The first division, which is effacement, is what we intend to discuss in this chapter; we do not intend the second division. We have mentioned it only so that it may be recognized and so that it may be known that we

فإن قال قائل إن البيان يقع موصولا بعضه ببعض، والنسخ لا يقع موصولا، فالجواب، وبالله تعالى التوفيق: إننا قد قلنا في هذا ما يقع فيه من أنه ليس كل بيان نسخا، فما كان من البيان نسخا لم يقع موصولا، وما كان منه غير نسخ لكن تفسيرا لمراده تعالى في جملة ما، فجائز أن يقع موصولا، وجائز أن يقع في مكان آخر من القرآن والسنة، وبالله تعالى التوفيق. والنسخ ينقسم في اللغة إلى قسمين: أحدهما: التعفية، تقول: انتسخت دولة فلان، ونسخت الريح أو القوم، أي عفته جملة، والقسم الثاني: تجديد الشيء وتكثير أمثاله، تقول: نسخت الكتاب نسخا كثيرة، فالقسم الأول الذي هو التعفية هو الذي قصدناه بالكلام في هذا الباب، ولم نقصد القسم الثاني، وإنما ذكرناه ليوقف عليه

[3] **Translator's note (L1354):** لجلة in تفسير لجلة is corrupt or incomplete. 'An [unclear expression]' marks the unresolved object of 'explanation'; the surrounding argument suggests an expression requiring clarification. A stray لله, literally 'to Allah' or 'belonging to Allah,' follows the second full quotation of the verse on the polytheists. It is represented in brackets because its syntactic connection is unclear. Both occurrences of the verse on the polytheists are retained in full. The Quranic quotations contain repeated omissions of initial alifs and other orthographic defects; the identifiable words have been translated without treating these defects as alternative Quranic readings.

[4] **Translator's note (L1355):** The Quranic quotation repeatedly omits initial alifs, including in the divine name, and has ستيسر where the context indicates استيسر, 'is readily available.' These are treated as transcription defects and explicitly recorded here.

[5] **Qur'an references (L1354):** Qur'an 9:5 (At-Tawbah); Qur'an 29:14 (Al-'Ankabut); Qur'an 24:2 (An-Nur); Qur'an 2:196 (Al-Baqarah).

[14] **Translator's note (L1368):** The supplied أبو هاشم means "Abu Hashim." In this example concerning the prohibition on receiving alms, "the descendants of Hashim" would be expected; the supplied name has been retained. The supplied الجزعة is an anomalous reading in this sacrificial example, where الجذعة, a young animal of a particular age class, would be expected. "A young animal" conveys the apparent intended reference without assigning a precise age to the corrupt form.

[15] **Translator's note (L1369):** The supplied التأبيد ordinarily means "support" or "strengthening"; the context calls for التأبيد, "perpetuity." The translation follows that apparent intended sense while recording the discrepancy here.

[16] **Translator's note (L1370):** The clause beginning لأن استثناء زمان is syntactically compressed and appears defective: the relationship between تخصيصه بالعمل and سائر الأزمان lacks an explicit connector. The translation gives the apparent sense, but the precise formulation is uncertain.

[17] **Hadith references (L1356):** Sahih Muslim 1048a.

[18] **Qur'an references (L1356):** Qur'an 2:106 (Al-Baqarah); Qur'an 4:15 (An-Nisa); Qur'an 2:184 (Al-Baqarah); Qur'an 5:3 (Al-Ma'idah); Qur'an 53:4 (An-Najm); Qur'an 23:6 (Al-Mu'minun); Qur'an 70:30 (Al-Ma'arij).

do not intend to discuss it in this chapter, thereby removing confusion and obscurity, if Allah Most High wills.

Section on Commands: Their Abrogation and Retention

Abu Muhammed said: With respect to their abrogation and retention, commands fall into four divisions, with no fifth. One division has both its wording and its ruling retained. Another has both its ruling and its wording removed. Another has its wording removed while its ruling remains. Another has its ruling removed while its wording remains. Abrogation occurs in these last three divisions. As for the division with which we began, there is no abrogation in it at all.

As for the division whose ruling and wording have been removed, we have transmitted that a man recited a verse and memorized it, then wished to recite it but could not. He complained of this to the Messenger of Allah ﷺ, and he, peace be upon him, informed him that it had been removed. Among such instances are the ten instances of nursing that establish the prohibition of marriage. Another is the surah which Abu Musa al-Ashʿari mentioned that they used to recite in the time of the Messenger of Allah ﷺ. It was as long as Surah Baraʾah, and it was forgotten, disappearing from the memories of those who had memorized it, except for one verse from it, namely: 'If the son of Adam had two valleys of wealth, he would seek a third valley, and nothing fills the belly of the son of Adam except dust, and Allah turns in forgiveness to whoever repents.' And the surah which Abu Musa also mentioned, saying that it resembled one of the surahs beginning with glorification of Allah, and was forgotten and nothing of it was retained in memory except a verse that he mentioned. Allah Most High has expressly stated this, saying: {Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?} We have also transmitted that Allah's Messenger ﷺ recited a surah and omitted a verse from it. When he had pronounced the concluding salutation, he said, "Is Ubayy here?"—or words to that effect, as spoken by him, peace be upon him. Ubayy answered him, and Allah's Messenger ﷺ asked him what had prevented him from prompting him with the verse. Ubayy said, "I thought it had been withdrawn." He, peace be upon him, said, "It has not been

وليعلم أنا لا نقصده بالكلام في هذا الباب فيرتفع التخليط والإشكال إن شاء الله تعالى فصل في الأوامر في نسخها وإثباتها قال أبو محمد الأوامر نسخها وإثباتها تنقسم أقساما أربعة لا خامس لها، فقسم ثبت لفظه وحكمه، وقسم ارتفع حكمه ولفظه، وقسم ارتفع لفظه وبقي حكمه، وقسم ارتفع حكمه وبقي لفظه، ففي هذه الأقسام الثلاثة الأواخر يقع النسخ، وأما القسم الذي صدرنا به فلا نسخ فيه أصلا، وأما القسم الذي ارتفع حكمه ولفظه. فقد روينا أن رجلا قرأ آية وحفظها، ثم أراد قراءتها فلم يقدر فشكا ذلك إلى رسول الله صلى الله عليه وسلم فأخبر عليه السلام أنها رفعت ومن ذلك العشر الرضعات المحرمات، ومن ذلك السورة التي ذكر أبو موسى الأشعري أنهم كانوا يقرؤونها على عهد رسول الله صلى الله عليه وسلم وكانت في طول سورة براءة وأنها نسيت فارتفعت من الحفاظ، إلا آية منها وهي: لو كان لابن آدم واديان من مال لابتغى واديا ثالثا ولا يملأ جوف ابن آدم إلا التراب ويتوب الله على من تاب. والسورة التي ذكرها أيضا أبو موسى: أنها كانت تشبه إحدى المسبحات فنسيت، ولم يحفظ منها إلا آية ذكرها، وقد نص الله تعالى على ذلك إذ يقول: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير} وقد روينا أن رسول الله صلى الله عليه وسلم قرأ سورة فأسقط منها آية فلما سلم قال أثم أبي، أو كما قال عليه السلام فأجابه فسأله رسول الله صلى الله عليه وسلم عما منعه أن يلقنه الآية فقال أبي ظننت أنها رفعت، فقال عليه السلام: لم ترفع فهذا بيان صحة ما ذكرنا من أنه يرفع لفظ الآية جملة. وأما القسم الذي رفع لفظه وبقي حكمه، فآية الرجم، وآية الخمس رضعات المحرمات، وقد تعلل قوم في رد هذا الحديث بقول عائشة رضي الله عنها فتوفي رسول الله صلى الله عليه وسلم وأنهما لمما يقرأ من القرآن قال أبو محمد: وهذا لا تعلل فيه، وإنما معناه، أنه يقرأ من القرآن الذي سقط رسمه وإثباته

withdrawn." This establishes the correctness of what we have said: that the wording of a verse may be withdrawn altogether.

As for the category whose wording has been withdrawn while its ruling remains, it includes the verse of stoning and the verse of the five breastfeedings that establish a prohibition of marriage. Some people have sought a pretext for rejecting this report in the statement of Aishah, may Allah be pleased with her: "Allah's Messenger ﷺ died while the two were among what was recited as Quran." Abu Muhammed said: There is no ground for such a pretext here. Its meaning is simply that it was recited as part of the Quran whose written form and inclusion in the codex had been removed. Aishah never said that it was part of the Quran recited in the codex. Their pretext is therefore invalid.

As for the category whose ruling has been withdrawn while its wording remains, it includes His saying, Most High: {Those of your women who commit an indecency: call four of you to testify against them. If they testify, confine them in the houses until death takes them or Allah makes a way for them}; and His saying, Most High: {A numbered few days. Whoever among you is ill or on a journey, then an equal number of other days. Those who are able to bear it owe a ransom: feeding a needy person. Whoever voluntarily does good, it is better for him; and that you should fast is better for you, if you know}; and very many other verses. As for that whose wording and ruling remain established, this comprises all the other unabrogated verses.

The commands conveyed by the command of Allah's Messenger ﷺ likewise fall into the four categories we have mentioned. Let no one suppose that this statement of ours contradicts our statement that no utterance of his, peace be upon him, has failed to reach us. For what we denied by this statement was that he, peace be upon him, should have an utterance whose ruling had not been abrogated, which then disappeared so that neither its wording nor its ruling reached us. This is what we denied altogether, on the basis of His saying, Most High: {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal killed by a blow, the animal killed by a fall, the animal gored to death, and that which a predatory beast has eaten, except what you

في المصحف، ولم تقل قط عائشة إنه من القرآن المتلو في المصحف فبطل تعللهم، وأما القسم الذي رفع حكمه وبقي لفظه فقوله تعالى {وللاتي يأتين لفاحشة من نسآئكم فستشهدوا عليهن أربعة منكم فإن شهدوا فأمسكوهن في لبيوت حتى يتوفاهن لموت أو يجعل لله لهن سبيلا} وقوله تعالى {أياما معدودات فمن كان منكم مريضا أو على سفر فعدة من أيام أخر وعلى لذين يطيقونه فدية طعام مسكين فمن تطوع خيرا فهو خير له وأن تصوموا خير لكم إن كنتم تعلمون} وآيات كثيرة جدا، وأما الذي ثبت لفظه وحكمه، فسائر الآيات المحكمات والأوامر الواردة بأمر رسول الله صلى الله عليه وسلم منقسمة على الأقسام الأربعة التي ذكرنا أيضا، ولا يظن ظان أن قولنا هذا معارض لقولنا: إنه ليس له عليه السلام لفظ إلا قد بلغ إلينا، فإننا إنما نفينا بقولنا هذا أن يكون له عليه السلام لفظ لم ينسخ حكمه، فيسقط فلا يبلغ إلينا لا لفظه ولا حكمه. فهذا الذي نفينا جملة بقوله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وبقوله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} وبقوله {إنا نحن نزلنا لذكر وانا له لحافظون} والحفظ يكون بتبليغ المعنى فكل حكم نقل إلينا كيفية فعله صلى الله عليه وسلم فيه وصفة حكمه ولم ينقل إلينا نص لفظه في ذلك، فهو مما ارتفع لفظه وبقي حكمه، وذلك نحو ما روي من قسمه عليه السلام مال البحرين، وحكمه بالتمييز مع الشاهد، ومساقاته ومزارعته أهل خيبر، وما أشبه ذلك، فهذا لا بد من أنه قد كان له من ذلك لفظ إلا أنه لم ينقل، ونقل الحكم فهم بمنزلة ما ذكرنا أنه رفع لفظه من التلاوة وبقي حكمه

have ritually slaughtered; and that which has been slaughtered upon sacrificial stones; and that you seek an allotment by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful}; and His saying, Most High: {He does not speak from desire. * It is nothing but a revelation revealed}; and His saying: {Indeed, We Ourselves have sent down the Reminder, and We shall surely preserve it}. Preservation may be accomplished by conveying the meaning Thus every ruling for which the manner of his action ﷺ and the nature of his judgment have been transmitted to us, while the exact wording of his utterance concerning it has not been transmitted to us, belongs to that whose wording has been withdrawn while its ruling remains. Examples include the reports of his distribution, peace be upon him, of the wealth of Bahrain; his judgment on the basis of discrimination together with a witness; his agreements with the people of Khaybar for tending trees in return for a share of their yield and for cultivating land in return for a share of its produce; and similar matters. In these cases he must have uttered something concerning them, but it was not transmitted, whereas the ruling was transmitted. They therefore have the same status as what we have mentioned whose wording was withdrawn from recitation while its ruling remained: there is no difference. All of this is revelation from Allah Most High. As for that whose wording and ruling have both been abrogated, the obligation to know it, trace it, and seek it has been lifted from us.

Section on the Author's Refutation of Those Who Say This

Abu Muhammed said: One of those who advance such views, discussing abrogation and the withdrawal of abrogated wording, said: "This is one aspect of wisdom. It is possible that Allah Most High knew that withdrawing this wording would set right what would not be set right by its remaining. For when He Most High withdrew the whole of it, He knew that we would turn to the abrogating command and that doubts concerning it would not enter our minds. For Allah Most High knew that there would be people

ولا فرق، وكل ذلك وحي من الله تعالى، وأما المنسوخ لفظه وحكمه، فمرفوع عنا علمه ونتبعه وطلبه. فصل في رد المؤلف على القائلين قال أبو محمد: قال بعض القائلين وقد ذكر النسخ وارتفاع اللفظ المنسوخ فقال: وهذا وجه من وجوه الحكمة، يجوز أن يكون علم الله تعالى أن يرفع هذا اللفظ يصلح ما لا يصلح ببقائه، وذلك أنه إذا رفع تعالى الكل فقد علم أننا سنقبل على الأمر الناسخ، ولا نتداخلنا فيه الشكوك، لأن الله تعالى علم أن سيكون قوم من خلقه يبطلون النسخ، فكانوا يضلون ببقاء اللفظ المنسوخ فرفعه لهذا المعنى. قال أبو محمد: وهذا من أفسد قول في الأرض وأسقطه، ويقال لمن قال بهذا الهجر: أكان الله تعالى غير قادر من وجوه الصلاح على أكثر من أن يرفع بعض كلامه لئلا يضل به قوم من خلقه؟ أو كان قادرا على أن يكفيهم هذه المؤنة كلها، ويهديهم بأن يبين لهم المنسوخ بيانا جليا يرفع به عنهم الشكوك والحيرة؟ فإن قال: لم يقدر الله تعالى على أكثر، كفر ووصف نفسه من القدرة بأكثر مما وصف به خالقه عز وجل لأنه دائبا يشرح بزعمه، ويبين ليهدي الناس فيما يدعي، وإن قال: بل إنه تعالى قادر على ما ذكرت، قيل له: فقد فعل ما غيره أصلح لهم منه، وهذا ضد مذهبك الفاسد. ويقال له أيضا: إذا كانت الحكمة عندك رفع لفظ بعض المنسوخ جملة، لئلا يضل به قوم، فلأي شيء أبقى تعالى لفظا آخر منسوخا حتى ضل به جماعة أنت أحدهم؟ في أشياء كثيرة تدعي أنت فيها النسخ ويخالفك فيها غيرك، وأشياء كثيرة تدعي أنت أنها غير منسوخة ويدعي غيرك فيها النسخ، فأين تلك الحكمة التي تطالب بها ربك تعالى؟ وما الذي جعل رفع ما رفع أولى بالرفع من المنسوخ الذي أبقي لفظه، حتى تحيرت فيه طوائف من أهل الملة؟ وما الذي جعل إبقاء ما أبقي لفظه المنسوخ أولى بالإبقاء مما رفع لفظه من المنسوخ؟ وما الذي أوجب نقض الحكم بما كان أمس فرضا ثم حرم اليوم، أو ما كان حراما أمس ثم أبيح اليوم؟ وهل هذا

among His creatures who would deny abrogation, and they would go astray if the abrogated wording remained. He therefore withdrew it for this reason."

Abu Muhammed said: This is among the most corrupt and worthless statements on earth. Whoever utters this nonsense should be asked: Was Allah Most High incapable, among the means of setting things right, of doing anything more than withdrawing some of His speech lest some of His creatures go astray through it? Or was He capable of sparing them all this trouble and guiding them by explaining the abrogated material to them with a clear explanation that would remove from them doubts and bewilderment? If he says, "Allah Most High was incapable of anything more," he has disbelieved and attributed to himself greater power than he has attributed to his Creator, mighty and majestic, since he himself continually explains, as he alleges, and clarifies in order to guide people, as he claims. If he says, "Rather, He Most High is capable of what you have mentioned," he should be told: Then He has done something other than which would have been more beneficial for them. This contradicts your corrupt doctrine.

He should also be asked: If, in your view, wisdom consists in withdrawing the wording of some abrogated material altogether lest some people go astray through it, why did He Most High retain other abrogated wording, so that a group of people—you among them—went astray through it concerning many matters in which you claim abrogation while others disagree with you, and many matters that you claim are not abrogated while others claim abrogation concerning them? Where, then, is that wisdom that you demand of your Lord Most High? And what made the material that was withdrawn more deserving of withdrawal than the abrogated material whose wording was retained so that groups among the people of the religion became bewildered over it? And what made retaining the abrogated material whose wording was retained more deserving of retention than the abrogated material whose wording was withdrawn? And what necessitated overturning the ruling concerning something that was obligatory yesterday and then forbidden today, or something that was forbidden yesterday and then permitted today? Is there here some condition that has changed, or some nature that has been overturned, thereby necessitating the alteration of religious laws?

هنا حال استحالت أو طبيعة انتقضت، فأوجب ذلك تبديل الشرائع، إن هذا لهو الضلال البعيد، والغناء الشديد، والجهل المظلم، والقحة الزائدة، وما ههنا شيء أصلا إلا أن الله تعالى أراد أن يحرم علينا بعض ما خلق مدة ما، ثم أراد تعالى أن يحرمه علينا ولا علة لشيء من ذلك كما لا علة لبعثه محمدا عليه الصلاة والسلام في العصر الذي بعثه، دون أن يبعثه في العصر الذي كان قبله، وكما لا علة لكون الصلوات خمسا دون أن تكون ثلاثا أو سبعا فصل في قول الله تعالى ما ننسخ من آية قال أبو محمد قال الله تعالى {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير} وقد قرىء أو ننسها ومعنى اللفظين مختلف فالنسخ قد بينا معناه وهو رفع الحكم وأما ننسها فمعناه من النسيان وهو رفع اللفظ جملة وأما ننسأها فهو من التأخير ومعناه أن يؤخر العمل بها إلى مدة معلومة ويفعل الله من كل ذلك ما شاء لا معقب لحكمه فصل في اختلاف الناس على النسخ اختلف الناس في النسخ على ما يقع أعلى الأمر أم على المأمور به؟ قال أبو محمد: والصحيح من ذلك أن النسخ إنما يقع على الأمر، ولا يجوز أن يقع على المأمور به أصلا، لأن المأمور به هو فعلنا، وفعلنا لا يخلو من أحد وجهين: إما أن يكون قد وقع منا بعد، وإما أن يكون لم يقع منا بعد، فإن كان قد وقع منا بعد فقد فني، لأن أفعالنا أعراض فانية، ولا يجوز أن ينهى عما قد فني، إذ لا سبيل إلى عودته أبدا. وكذلك لا يجوز أن يؤمر أيضا بما قد فني، لأنه لا يجوز أن يعود أيضا ولا أن يباح لنا ما قد فني أيضا، لأن كل هذا محال، وإن كان لم يقع منا، فكيف ينسخ شيء لم يكن بعد، فصح أن المرفوع إنما هو الأمر المتقدم، لا الفعل الذي لم تفعله بعد، فإذا قد صح أن الأمر هو المرفوع فهو المنسوخ، والنسخ إنما يقع في الآمر لا في الأمر ولا في المأمور به. وبالله تعالى التوفيق. وبرهان ما ذكرناه قوله تعالى: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير} فأخبر تعالى أن الآية هي المنسوخة لا أفعالنا المأمور بها، والمنهي

This is indeed far-reaching error, extreme wealth, dark ignorance, and excessive insolence. There is absolutely nothing here except that Allah Most High willed to forbid us some of what He created for a certain period, then He Most High willed to forbid it to us. There is no cause for any of this, just as there is no cause for His sending Muhammed ﷺ in the age in which He sent him rather than sending him in the age before it, and just as there is no cause for the prayers being five rather than three or seven Section on Allah Most High's Saying: "Whatever Verse We Abrogate"

Abu Muhammed said: Allah Most High said: {Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?} It has also been read "or cause it to be forgotten." The meanings of the two expressions differ. We have already explained the meaning of abrogation: it is the withdrawal of a ruling. As for "cause it to be forgotten," it derives from forgetting and means withdrawing the wording altogether. As for "defer it," it derives from postponement and means postponing acting upon it until a specified time. Allah does whatever He wills of all this; none can overturn His judgment.

Section on People's Disagreement Concerning Abrogation

People have disagreed concerning what abrogation applies to: does it apply to the command or to the commanded act? Abu Muhammed said: The correct position is that abrogation applies only to the command; it cannot apply to the commanded act at all. For the commanded act is our action, and our action must fall into one of two categories: either it has already occurred on our part, or it has not yet occurred on our part. If it has already occurred on our part, then it has ceased to exist, because our acts are transient accidents. It is not possible to prohibit something that has already ceased to exist, since there is never any way for it to return. Likewise, it is also not possible to command something that has already ceased to exist, because it cannot return either; nor can something that has already ceased to exist be made permissible for us, since all this is impossible. If it has not occurred on our part, how can something that has not yet existed be abrogated? It is therefore established that what is withdrawn is only the preceding command, not the act that you have not yet performed. Since it has now been established that the

عنها والآية هي الأمر الوارد من قبله تعالى، بإيجاب ما أوجب أو تحريم ما حرم. وأما المأمور به فهي حركاتنا وأعمالنا من صلاة وصيام وإقامة حد وغير ذلك، فصح ما ذكرنا نصا وبالله تعالى التوفيق فصل في تشكيك قوم في معاني النسخ وقد تشكك قوم في معاني النسخ والتخصيص والاستثناء، فقوم جعلوها كلها نوعا واحدا. قال أبو محمد: وهذا خطأ لأن النسخ هو رفع حكم قد كان حقا، وسواء عرفنا أنه سيرفع عنها أو لم نعرف بذلك وقد أعلم الله تعالى موسى وعيسى عليهما السلام أنه سيبعث نبيا يسمى محمدا بشرائع مخالفة لشرائعهما، فهذا نسخ قد علمنا به، وأما التخصيص: فهو أن يخص شخص أو أشخاص من سائر النوع، كما خص عليه السلام بفرض التهجد، وإباحة تسع نسوة وكما خص أبو هاشم وبنو المطلب بتحريم الصدقة، وأبو بردة تجزىء عنه الجزعة في الأضحية. وأما الاستثناء: فهو ما جاء بلفظ عام، ثم استثني منه بعض ما يقع عليه ذلك اللفظ. كقوله تعالى: {إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين} وما أشبه ذلك. إلا أن التخصيص إذا حقق فيه النظر فهو استثناء صحيح، والفرق بين النسخ والاستثناء هو أن الجملة المستثنى منها بعضها، ولم يرد قط تعالى إلزامنا إياها بعمومها، ولا أراد إلا ما بقي منها بعد الاستثناء. وأما النسخ: فالذي نهينا عنه اليوم قد كان مراد منا بالأمس بخلاف الاستثناء. وبالله تعالى التوفيق. فإن قال قائل: إن النسخ استثناء الزمان الثاني من إطلاق الفعل على التأبيد، قيل له وبالله تعالى التوفيق: ليس هذا مما نجعله مع الاستثناء المطلق نوعا واحدا لما ذكرنا من أن المستثنى لم يرد قط منا بوجه من الوجوه، وأن المنسوخ قد كلفناه، هذا فرق ظاهر بين، فإن كان هذا المخالف يريد أن يقول: إن النسخ نوع من أنواع الاستثناء، لأن استثناء زمان تخصيصه بالعمل سائر الأزمان لم نأب عليه ذلك، ويكون حينئذ صواب القول: إن كل نسخ استثناء وليس كل استثناء نسخا وهذا صحيح

command is what is withdrawn, it is what is abrogated. Abrogation occurs only in the issuer of the command, not in the command or in the commanded act. Success comes through Allah Most High. The demonstration of what we have stated is His saying, Most High: "Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Have you not known that to Allah belongs power over everything?" He thus states, Most High, that the verse is what is abrogated, not our acts that are commanded or prohibited. And the verse is the command proceeding from Him, Most High, making obligatory what He has made obligatory or prohibiting what He has prohibited. As for the commanded acts, they are our movements and deeds, such as prayer, fasting, carrying out a prescribed punishment, and other things. What we have stated is thus established by the explicit text. Success comes through Allah Most High.

Section on Some People's Confusion concerning the Meanings of Abrogation

Some people have become confused concerning the meanings of abrogation, specification, and exception; some have made them all a single category. Abu Muhammed said: This is an error, because abrogation is the withdrawal of a ruling that had been valid, whether we knew that it would be withdrawn from those subject to it or did not know this. Allah Most High informed Moses and Jesus, peace be upon them both, that He would send a prophet named Muhammed with laws differing from their laws. This, then, is abrogation of which we had knowledge. Specification, however, is that one individual or several individuals should be singled out from the rest of the category, as he, peace be upon him, was singled out by the obligation of night prayer and permission to have nine wives; as Abu Hashim and the descendants of al-Muttalib were singled out by the prohibition on receiving alms; and as Abu Burdah was singled out in that a young animal suffices for him as a sacrificial offering. Exception, however, is where something is expressed in a general wording and some of what that wording applies to is then excepted from it, as in His saying, Most High: "Except with their wives or those whom their right hands possess, for they are not blameworthy," and similar instances. Except that specification, when examined closely, is a genuine exception. The difference between abrogation and exception is that, concerning the whole

from which a portion is excepted, He, Most High, never intended to bind us to it in its generality: He intended only what remained of it after the exception. With abrogation, however, what we are prohibited from doing today was indeed required of us yesterday, unlike exception. Success comes through Allah Most High. If someone says, "Abrogation is the exclusion of the subsequent period from the unrestricted prescription of the act in perpetuity," he is told—and success comes through Allah Most High—"This is not something that we place together with exception without qualification in a single category, for the reason we have mentioned: the excepted matter was never required of us in any respect, whereas the abrogated matter had been imposed upon us. This is a clear, evident distinction. If this opponent wishes to say that abrogation is one kind of exception, because excepting a period means specifying it for action to the exclusion of all other periods, we would not refuse him that. It would then be correct to say that every

abrogation is an exception, but not every exception is an abrogation. This is correct."[6][7][8][9][10][11][12][13][14][15][16][17][18]

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[6]**Translator's note (L1357):** The lexical example ونسخت الريح أو القوم is apparently corrupt. 'I effaced the profit or the people' is a tentative literal rendering of its supplied words, not a correction to a conjectured example about wind effacing traces. The unvocalized verb and its relation to the following nouns are uncertain. The 'ten instances of nursing' are presented by the author as an example of removed wording and ruling. The translation preserves this claim in his own voice.

[7]**Translator's note (L1359):** The opening continues the preceding account of a forgotten surah; its subject is supplied by the previous context. The first Quran quotation has an apparent transcription error: "أن لله" in place of the familiar wording "أن الله." The translation conveys the apparent intended sense while recording the discrepancy here. The quotations concerning confinement and fasting contain several apparent orthographic omissions, chiefly missing alifs. Their recoverable wording has been translated. Aishah's statement uses the dual, "the two," although the immediately preceding discussion mentions both the stoning verse and the five-breastfeedings verse without clarifying precisely which pair the quotation intends. The dual has been retained.

[8]**Translator's note (L1360):** The Quran quotation contains repeated orthographic omissions, chiefly missing alifs in definite articles. The recoverable words have been translated, and the quotation remains unfinished at the segment boundary.

[9]**Translator's note (L1361):** The Quran quotations contain repeated apparent orthographic omissions, chiefly missing alifs in definite articles. Their recoverable wording has been translated.

[10]**Translator's note (L1362):** The source reads "بالتمييز مع الشاهد," literally "on the basis of discrimination together with a witness." This is an apparent corruption, possibly for "باليمين مع الشاهد," meaning judgment on the basis of an oath together with a witness. The supplied reading has been retained in the translation. The source has the plural personal pronoun "فهم" where the surrounding discussion concerns rulings or examples. The translation retains the plural reference without supplying a different Arabic reading. The heading refers to "the author" in the third person and appears to be an editorial heading. Its expression "those who say" supplies no explicit object; "this" refers to the position discussed immediately afterward.

[11]**Translator's note (L1365):** The source reads "الغناء الشديد," translated literally as "extreme wealth." This is incongruous in the polemical list and may be a corruption of "العناء الشديد," "severe toil" or "great trouble." It has not been silently corrected. The source says that Allah first willed to "forbid" something and then willed to "forbid" it again. This apparent repetition or transcription error has been preserved; the second verb has not been changed to "permit."

[فصل في إمكان النسخ ثم إيجابه ثم امتناعه]

قال أبو محمد أنكر بعض اليهود النسخ جملة، وقد تكلمنا في هذا في كتابنا الموسوم بالفصل ونعيد ههنا منا ما يليق بغرض كتابنا هذا إن شاء الله تعالى. فنقول وبالله تعالى التوفيق: إن منكري النسخ قالوا: ليس من الحكمة أن يأمر الله تعالى بشيء أمس ثم ينهى عن مثله اليوم، وهذا من نظائر قول أصحابنا بالعلل، وهؤلاء قوم يتعقبون على ربهم تعالى، فيقال لهم: أخبرونا أي حكمة وجبت عليه تعالى أن يأمر أمس بما أمر به؟ أترى لو لم يأمر تعالى بما أمر به لكانت تبطل حكمته، أو لو أمر بغير ما أمر به لكانت تبطل حكمته؟ أو ترون إذ قدس الأرض المقدسة، ولعن أريحا، ولعن أورشليم أكان ذلك مفسدا لحكمته؟ وإذ حظر العمل في السبت وأباحه في الأحد، أرأيتم لو عكس الأمر أكان ذلك مبطلا لحكمته؟ فإن راموا فرقا بين شيء من ذلك لحقوا بالمجانين، وجاهروا بما لا يفهم وبما يعلم بطلانه.

L1371 **[Section on the Possibility of Abrogation, Then Its Necessity, Then Its Impossibility]**[19]

L1372 Abu Muhammed said: Some Jews have denied abrogation altogether. We have discussed this in our book entitled al-Fasl, and we shall repeat here such of it as suits the purpose of this book of ours, if Allah Most High wills. We say—and success comes through Allah Most High—that those who deny abrogation have said: "It is not consistent with wisdom for Allah Most High to command something yesterday and then prohibit its like today." This is comparable to what our associates say concerning explanatory causes. These are people who sit in judgment upon their Lord, Most High. They are therefore to be told: "Tell us: what wisdom made it incumbent upon Him, Most High, to command yesterday what He commanded? Do you suppose that, had He, Most High, not commanded what He commanded, His wisdom would have been invalidated? Or that, had He commanded something other than what He commanded, His wisdom would have been invalidated? Or do you think that, when He sanctified the Holy Land and cursed Jericho and cursed Jerusalem, that impaired His wisdom? And when He prohibited work on Saturday and permitted it on Sunday, tell us: had He reversed the matter, would that have invalidated His wisdom?" If they attempt to distinguish

[12]**Translator's note (L1366):** The Quran quotation again reads "أن لله" instead of the familiar "أن الله," an apparent transcription error. After the quotation, the source repeats the same written reading, "أو ننسها," although it announces a different reading. The subsequent explanation distinguishes "ننسها," causing to be forgotten, from "ننسأها," deferring. The repetition in the supplied text has been preserved rather than silently replaced. The section headings may be editorial additions, although their provenance is not explicit in this segment.

[13]**Translator's note (L1367):** The statement that abrogation occurs in "the issuer of the command" follows the supplied الآمر, although it directly contradicts the surrounding argument that abrogation affects the command. The supplied Quranic quotation has أن لله على كل شيء قدير rather than the standard أن الله على كل شيء قدير in Quran 2:106. The translation reflects the supplied wording; its Arabic construction is irregular.

[19]**Translator's note (L1371):** The heading is enclosed in square brackets in the supplied text, possibly indicating an editorially supplied heading.

between any of these things, they join the ranks of madmen and openly proclaim what cannot be understood and what is known to be false.[20]

L1373–1378 Then they are to be told: "Has Allah Most High not granted sovereignty to groups of unbelievers who are disobedient and unjust and established them in power, while humbling groups of unbelievers who are disobedient and unjust and giving others mastery over their necks? And has He not granted sovereignty to righteous, virtuous believers, established them in power, and extended their authority, while humbling righteous, virtuous believers and giving others mastery over their necks? And has He not prolonged the lives of groups of tyrannical unbelievers while cutting off others of them before they reached mature age, and done the like with groups of virtuous believers? And has He not enabled groups of rebellious, disobedient people to express themselves eloquently and discourse upon the sciences, until they led multitudes of created beings astray, while making others of them dull and stupid, and done precisely the same with believers? What, then, made this His judgment, rather than the reverse of all this? And what is the difference between these acts of His, Most High, and His commanding something today and then prohibiting its like tomorrow?" No one distinguishes between all the things mentioned except someone devoid of reason or someone shameless and foolish. If they say, "This is revision upon newly acquired knowledge," the same consequence follows for them in everything we have just mentioned: in His giving life to those to whom He gives life and then causing them to die; in His enriching those whom He enriches and then impoverishing them; in His making sound the body of someone whom He grants health and then making him ill; and in decrepitude after youth. If someone asks, "What is the difference between revision upon newly acquired knowledge and abrogation?" he is told—and success comes through Allah Most High—"The difference between them is evident. Revision upon newly acquired knowledge is to issue a command while its issuer does not know how the situation will turn out. Abrogation is to issue a command while its issuer knows that he will

[20]**Translator's note (L1372):** The supplied ونعيد ههنا منا is awkward; "we shall repeat here such of it" reflects the apparent intended reference to the earlier discussion, for which منه would be expected.

ثم يقال لهم: أليس الله تعالى قد ملك قوما من الكفار العصاة الظلمة ومكنهم وأذل قوما من الكفار العصاة الظلمة وملك غيرهم رقابهم، وملك قوما صالحين فضلاء مؤمنين، ومكنهم وبسط أيديهم، وأذل قوما صالحين فضلاء مؤمنين وملك غيرهم رقابهم، ومد أعمار قوم كفار طغاة، واخترم آخرين منهم قبل بلوغ الاكتهال، وفعل مثل ذلك بقوم مؤمنين أفاضل، ومكن قوما عصاة مردة من البيان والكلام في العلوم حتى أضلوا أمما من الخلق، وجعل آخرين منهم بلداء أغبياء، وفعل مثل ذلك أيضا بالمؤمنين سواء بسواء، فما الذي جعل هذا حكمه دون عكس كل ذلك؟ وما الفرق بين هذا من أفعاله تعالى وبين أن يأمر اليوم بأمر ثم ينهى عن مثله غدا؟ وما يفرق بين كل ما ذكر إلا عديم عقل أو وقح سخيف. فإن قالوا: إن هذا هو البداء لزمهم مثل ذلك في كل ما ذكرنا آنفا، وفي إحيائه من يحيي ثم إمانته، وفي إغنائه من يغني ثم إفقاره، وفي تصحيحه جسم من يرزقه العافية ثم يمرضه، وفي الهرم بعد الفتوة. فإن قال قائل: ما الفرق بين البداء والنسخ؟. قيل له وبالله تعالى التوفيق: الفرق بينهما لائح، وهو أن البداء هو أن يأمر بالأمر والأمر لا يدري ما يؤول إليه الحال، والنسخ هو أن يأمر بالأمر والأمر يدري أنه سيحيله في وقت كذا ولا بد، قد سبق ذلك في عمله وحتمه من قضائه، فلما كان هذان الوجهان معنيين متغايرين مختلفين، وجب ضرورة أن يعلق على كل واحد منها اسم يعبر به عنه غير اسم الآخر ليقع التفاهم، ويلوح الحق، فالبداء ليس من صفات الباري تعالى، ولسنا نعني الباء والدال والألف، وإنما نعني المعنى الذي ذكرنا من أن يأمر بالأمر لا يدري ما عاقبته، فهذا مبعد من الله عز وجل، وسواء سموه نسخا أو بداء أو ما أحبوا، وأما النسخ فمن صفات الله تعالى من جهة أفعاله كلها، وهو القضاء بالأمر قد علم أنه سيحيله بعد مدة معلومة عنده عز وجل، كما سبق في علمه تعالى. ولسنا نكابر على النون والسين والخاء، وإنما نعني

inevitably alter it at such-and-such a time: this has already preceded in His work, and He has made it an irrevocable part of His decree." Since these two cases constitute two distinct, differing meanings, it is necessarily obligatory to attach to each a name expressing it that differs from the other's name, so that mutual understanding may occur and the truth become apparent. Revision upon newly acquired knowledge is therefore not among the attributes of the Creator, Most High. We do not mean the letters bāʾ, dāl, and alif; rather, we mean the sense we have mentioned: issuing a command without knowing its outcome. This is excluded from Allah, Mighty and Majestic, whether they call it abrogation, revision upon newly acquired knowledge, or whatever they please. Abrogation, however, is among the attributes of Allah Most High with respect to all His acts, and it is decreeing a matter while already knowing that He will alter it after a period known to Him, Mighty and Majestic, as was already present in His knowledge, Most High. We do not insist on the letters nūn, sīn, and khāʾ; rather, we mean the sense we have explained, whether they call it abrogation, revision upon newly acquired knowledge, or whatever names they please. But its name among [us] is abrogation, and by this expression we convey this meaning, of which no act of Allah Most High is altogether devoid in the abode of trial. Every one of these things comes into being and passes away. This is abrogation, and it is one of the kinds of coming-to-be and passing-away that operate in the nature of the world through the determination of its Creator, Originator, Governor, and Perfecter—there is no deity except Him. The name we give the first attribute is "change of mind" (badāʾ); by this we express that meaning which belongs among the attributes of creatures possessing choice, whether humans, jinn, or all other animals. It is a blameworthy disposition, because it results from boredom, regret, and weariness. These dispositions are denied of the angels by the explicit text of the Quran; how much more, then, of the Creator, exalted is He! Thus the distinction between change of mind and abrogation has become clear. Praise belongs to Allah, Lord of the worlds, the All-Merciful, the Especially Merciful.

Abu Muhammed said: Abrogation before the arrival of the time at which Allah, mighty and majestic, knows that He will alter the state of affairs is

المعنى الذي بينا، وسواء سموه نسخا أو بداء أو ما أحبوا من الأسماء، ولكن اسمه عند النسخ، وبهذه العبارة نعبر عن هذا المعنى الذي لا يخلو الله تعالى فعل منه أصلا في دار الابتلاء، وكل شيء منها كائن فاسد، وهذا هو النسخ، وهو نوع من أنواع الكون والفساد الجاريين في طبيعة العالم بتقدير خالقه ومخترعه ومدبره ومتممه لا إله إلا هو. واسم الصفة الأولى عندنا البداء فيها، يعبر عن هذا المعنى الذي هو من صفات المختارين من الإنس والجن وسائر الحيوان، وهو خلق مذموم، لأنه نتيجة الملل والندم والسآمة، وهذه الأخلاق منفية عن الملائكة بنص القرآن، فكيف عن الباري تعالى فهذا فرق ما بين البداء والنسخ قد لاح، والحمد لله رب العالمين الرحمن الرحيم. قال أبو محمد: والنسخ قبل حلول الوقت الذي علم الله عز وجل أنه يحيل فيه الحال ممتنع في الوجود، لا في قدرته تعالى على ذلك، وهو عندنا في ظاهر الأمر ممكن. قال أبو محمد: وهو في وقت حلوله وبلوغ أمده الذي قدره تعالى كائنا فيه واجب وهو بعد أن علمنا الله عز وجل أنه لا نبي بعد محمد صلى الله عليه وسلم ممتنع لا سبيل إليه في الوجود لا على معنى أنه تعالى لا يوصف بالقدرة على ذلك بل نعوذ بالله من الفكر في هذا أو التشكيك بل هو عز وجل قادر الآن وأبدا على أن يبعث نبيا آخر بدين آخر، ولكنه أخبرنا أنه لا يفعل ذلك، مريدا لتركه وقوله الحق، فعلمنا أن كون ما لا يريد تعالى كونه، ممتنع أن يكون أبدا. ويقال لمن أبى النسخ: ما الفرق بين أن يأمرنا الله بشيء في وقت ما، ويبينه لنا، ويعلمنا أنه إذا أتى وقت كذا وجب الانتقال إلى شيء آخر، وبين أن يأمرنا ولا يعلمنا أنه سينقلنا إلى شيء آخر؟ وهذا ما لا سبيل إلى وجود فرق فيه أبدا لذي تمييز وعقل، لأنه ليس لنا على الله تعالى شرط، ولا عليه أن يطلعنا على علمه، ولا يتقمن مسارنا، ولا أن يأخذ آراءنا في شيء، ومدعي هذا ملحد في دين الله عز وجل، كافر به مفتر عليه وقد نص تعالى على ذلك بقوله تعالى {الله لا إله إلا هو الحي القيوم لا تأخذه سنة ولا نوم

impossible in existence, though not beyond His power, exalted is He; to us, judging by what is apparent, it is possible.

Abu Muhammed said: At the time of its arrival, when it reaches the term at which He, exalted is He, determined it would occur, it is necessary. After Allah, mighty and majestic, has informed us that there is no prophet after Muhammed—may Allah bless him and grant him peace ﷺ—it is impossible and has no avenue into existence. This does not mean that He, exalted is He, cannot be described as possessing the power to do that. Rather, we seek refuge in Allah from entertaining this thought or casting doubt upon it. He, mighty and majestic, has the power, now and forever, to send another prophet with another religion. But He has informed us that He will not do so, willing to leave it undone, and His word is the truth. We therefore know that the occurrence of something whose occurrence He, exalted is He, does not will is forever impossible.

One who rejects abrogation should be asked: What is the difference between Allah commanding us to do something at a certain time, explaining it to us, and informing us that, when such-and-such a time comes, it will be obligatory to move to something else, and His commanding us without informing us that He will transfer us to something else? No person possessing discernment and reason can ever find a difference here, because we have no condition to impose upon Allah, exalted is He, nor is He obliged to disclose His knowledge to us, nor to [attend to—reading uncertain] our course, nor to solicit our opinions about anything. Anyone who claims this deviates from the religion of Allah, mighty and majestic, disbelieves in Him, and fabricates lies against Him. He, exalted is He, has expressly stated this in His words,

له ما في لسماوات وما في لأرض من ذا لذي يشفع عنده إلا بإذنه يعلم ما بين أيديهم وما خلفهم ولا يحيطون بشيء من علمه إلا بما شآء وسع كرسيه لسماوات ولأرض ولا يؤوده حفظهما وهو لعلي لعظيم} وبقوله عز وجل {عالم لغيب فلا يظهر على غيبه أحدا * إلا من رتضى من رسول فإنه يسلك من بين يديه ومن خلفه رصدا} وهذا ما لا يخالفنا فيه إلا بعض اليهود، وأما أهل الإسلام فكلهم يجيزون النسخ، إلا بعض من منع من هذه اللفظة وأجاز المعنى، وهذا ما لا ننازعه فيه إذا سلم لنا الصفة المسماة، فلسنا ممن يشتغل بالاسم إلا حيث أوجب ذلك النص. وأما اليهود: فغير منكر من شدة جهلهم وضعف عقولهم، وعظيم بهتهم وكذبهم وتناقض أقوالهم وصلابة وجوههم، ورخاوة قلوبهم وفرط غيظهم على ربهم عز وجل، إذا أحل بهم من البلاء والذل والمهانة والخسة ما أحل، أن يدعوا أن لهم على ربهم شروطا أكثر من هذا، فهم يدعون لكلب من أخبارهم يسمى إشماعيل، لعنة الله عليه وعليهم أن الله تعالى عما يقول اليهود المشركون علوا كبيرا تعلق في خرب بيت المقدس بثياب إشماعيل، وهو يعنون ربهم يبكي ويئن كما تئن الحمامة، وأنهم يعنون ربهم رغب إلى إشماعيل هذا الرذل أن يبارك عليه. بمعنى أن ربهم طلب من إشماعيل البركة، فمن كان ربه عنده في نصاب من يطلب بركة إشماعيل لنفسه غير منكر أن يسفهوه فيما أحبوا، وهذه صفة جني لعب بعقولهم وسخر منهم، لا صفة الباري تعالى عز وجل، على أنه قد بين لهم في التوراة أمر رسول الله صلى الله عليه وسلم وأنذروا به فصح بذلك أن شريعتهم إنما علقت لهم بشرط ما لم يأت النبي صلى الله عليه وسلم المنتظر الذي هو رجاء الأمم والذي يستعلي من جبار فاران، ومعه ألوف من الصالحين، والذي يجعل الله تعالى كلامه في فمه، ومن عصاه انتقم منه، فصار ذلك بمنزلة ما أمروا به من

exalted is He: {To Allah—there is no deity except Him, the Ever-Living, the Self-Subsisting. Neither drowsiness nor sleep overtakes Him.[2122232425]

L1379–1382 To Him belongs whatever is in the heavens and whatever is on earth. Who is there who can intercede with Him except by His permission? He knows what is before them and what is behind them, and they encompass nothing of His knowledge except what He wills. His Footstool encompasses the heavens and the earth, and preserving them does not weary Him. He is the Most High, the Magnificent.} And in His words, mighty and majestic: {Knower of the unseen, He discloses His unseen to no one, * except a messenger whom He approves; then He places watchers before him and behind him.} No one disagrees with us about this except some Jews. As for the people of Islam, they all allow abrogation, except certain people who reject this expression while allowing its meaning. We do not dispute with them about this, provided they concede the attribute designated by the name, for we are not among

[21]**Translator's note (L1374):** "Revision upon newly acquired knowledge" renders البداء (badāʾ), which the author contrasts with abrogation undertaken with prior knowledge. The supplied والأمر in both definitions literally reads "and the command"; the context requires "while the issuer of the command," normally والآمر. The contextual reading is used and the discrepancy recorded here. The supplied في عمله means "in His work," which is retained. "In His knowledge," في علمه, would fit the argument and the following passage, but is not what the supplied text reads.

[22]**Translator's note (L1376):** The supplied عند النسخ is incomplete or corrupt. "Its name among [us] is abrogation" reflects the apparent intended عندنا النسخ; the supplied text lacks نا. The supplied الذي لا يخلو الله تعالى فعل منه has disordered syntax. The translation gives the apparent intended meaning that no act of Allah in the abode of trial is devoid of the described feature.

[23]**Translator's note (L1377):** The wording introducing the name of the first attribute is syntactically awkward. It is understood as naming that attribute "change of mind" (badāʾ) and explaining what this designation expresses.

[24]**Translator's note (L1378):** The verb in the clause rendered "attend to … our course" appears corrupt; its meaning cannot be established securely from the supplied text. The Quran quotation begins with a form meaning "to Allah" rather than the expected "Allah" in Quran 2:255. The supplied wording is retained, leaving the opening syntactically irregular.

[25]**Qur'an references (L1373):** Qur'an 2:255 (Al-Baqarah).

those who concern themselves with the name except where the revealed text makes that obligatory.

As for the Jews, given their intense ignorance, the weakness of their intellects, their enormous calumny and lying, the contradictions in their statements, their brazen faces, their feeble hearts, and their excessive rage against their Lord, mighty and majestic, because He has visited upon them such affliction, abasement, humiliation, and degradation as He has, it would be unsurprising for them to claim that they have conditions to impose upon their Lord exceeding even this. For they claim, concerning a dog among their rabbis called Ishmael—may Allah's curse be upon him and upon them—that Allah—exalted is He far above what the polytheistic Jews say—clung to Ishmael's garments amid the ruins of Jerusalem, while He—they mean their Lord—wept and moaned as a dove moans; and that He—they mean their Lord—entreated this vile Ishmael to bless Him, meaning that their Lord sought blessing from Ishmael. For anyone whose Lord, in his estimation, occupies the rank of one who seeks Ishmael's blessing for Himself, it would be unsurprising that they should impute foolishness to Him in whatever respects they please. This is the description of a jinn who has toyed with their minds and mocked them, not the description of the Creator, exalted, mighty, and majestic is He. Moreover, the matter of the Messenger of Allah—may Allah bless him and grant him peace ﷺ—was already explained to them in the Torah, and they were forewarned of him. It is therefore established that their revealed law was made binding upon them only on the condition that the awaited Prophet—may Allah bless him and grant him peace ﷺ—had not yet come: he who is the hope of the nations, who rises on high from the mighty one of Paran with thousands of the righteous accompanying him, in whose mouth Allah, exalted is He, places His speech, and upon whose disobeyer He takes vengeance.

This thus became comparable to their being commanded to act according to certain commands during the Wandering, and according to other commands at the House and in Syria. Similar to it is their being commanded to work on days other than the Sabbath, followed by the prohibition of work on the Sabbath; likewise, fasting at one time and its prohibition at another; likewise,

العمل في التيه بأوامر ما، وفي البيت والشام بأوامر أخر، ومثله ما أمروا به من العمل في غير السبت، ثم تحريم العمل في السبت، وبمنزلة صيام وقت ما، والمنع منه في وقت آخر، ومثل إباحة الوطء في وقت ما، وتحريمه في وقت الحيض وسائر الشرائع المرتبطة بأوقات ما، فإذا عدمت تلك الأوقات انتقل حكم تلك الشرائع، وكل ذلك لا علة له ولا شيء يوجبه أصلا، لا مصلحة ولا غيرها، إلا أنه تعالى أراد ذلك، كما أراد خلق ما خلق من الخلائق المختلفات فقط، وبالله تعالى التوفيق. فكيف وفي توراتهم أن الله تعالى أباح لآدم وبنيه أكل حيوان حاشا الدم، وهذا خلاف شريعة موسى عليه السلام فقد صح النسخ عندهم.

permitting intercourse at one time and prohibiting it during menstruation; and all the other revealed ordinances connected with particular times. When those times cease to obtain, the ruling of those ordinances changes. All of this has no causal ground and nothing whatsoever that necessitates it—neither benefit nor anything else—except that He, exalted is He, willed it, just as He willed the creation of the different creatures He created, and nothing more. Through Allah, exalted is He, comes success. How much more so, when their Torah states that Allah, exalted is He, permitted Adam and his sons to eat animals, except for blood. This differs from the revealed law of Moses, peace be upon him. Abrogation is therefore established on their own premises.[26][27][28][29]

[Chapter on What Admits of Abrogation and What Does Not Admit of Abrogation]

L1383

L1384–1389

Abu Muhammed said: Abrogation is admissible only in speech whose meaning is a command or a prohibition. We have explained in our book entitled Bringing the Definitions of Logic within Reach that all speech falls into four categories: command, request, assertion, and question. Questions, assertions, and requests do not undergo abrogation. Withdrawing an assertion or a question is called rectification. All of this is denied of Allah, mighty and majestic, because withdrawing either of them amounts only to declaring false the assertion withdrawn and to acquiring knowledge of, and developing

[26] **Translator's note (L1380):** The word supplied for "their rabbis" has an unexpected consonant in this context; the conventional contextual reading is uncertain. The repetition "He—they mean their Lord" reflects the author's repeated parenthetical clarification.

[27] **Translator's note (L1381):** "The mighty one of Paran" follows the supplied wording. The reading is awkward in this description and may be corrupt; it has not been silently replaced with "the mountains of Paran." The descriptions presented as Torah testimony are preserved as the author's wording and claims, without substituting the wording of biblical passages.

[28] **Translator's note (L1382):** The attribution to Adam and his sons is retained. The apparent biblical reference concerning permission to eat animals with an exception for blood is Genesis 9:3–4, addressed to Noah and his sons.

[29] **Qur'an references (L1379):** Qur'an 2:255 (Al-Baqarah); Qur'an 72:26 (Al-Jinn); Qur'an 72:27 (Al-Jinn).

[فصل فيما يجوز النسخ فيه وفيما لا يجوز فيه النسخ]

قال أبو محمد: النسخ لا يجوز إلا في الكلام الذي معناه الأمر أو النهي، وقد بينا في كتابنا الموسوم بكتاب التقريب لحدود المنطق: أن الكلام كله ينقسم أربعة أقسام: أمر ورغبة وخبر واستفهام، فالاستفهام والخبر والرغبة لا يقع فيها نسخ، وإنما يسمى الرجوع عن الخبر وعن الاستفهام استدراكا، فكل ذلك منفي عن الله عز وجل، لأن الرجوع عنهما إنما هو تكذيب للخبر المرجوع عنه، ومعرفة وكراهية لما رجع عن الاستفهام عنه لعرض حدث أو لعلم بشيء كان يجهل. وأما الرجوع عن الرغبة فإنما يسمى استقالة أو تنزها عما انحط إليه قبل ذلك، وقد قدمنا أن المعاني إذا اختلفت فواجب أن يخالف بين أسمائها، لئلا يقع الإشكال، وليلوح البيان، ويصح الفهم والإفهام، فبقي الرجوع عن الأمر بإحداث أمر غيره فيسمى نسخا، وهو فعل من علم أن سيرفع أمره ويحيله. فإذا ورد الكلام لفظه لفظ الخبر، ومعناه معنى الأمر جاز النسخ فيه مثل قوله تعالى {ولذين يتوفون منكم ويذرون أزواجا وصية لأزواجهم متاعا إلى لحول غير إخراج فإن خرجن فلا جناح عليكم في ما فعلن في أنفسهن من

an aversion to, that concerning which the question was withdrawn, owing to a circumstance that has arisen or knowledge of something previously unknown. As for withdrawing a request, it is called seeking release or disdaining that to which one had previously lowered oneself. We have already stated that, when meanings differ, their names must be differentiated, so that ambiguity does not arise, clarity becomes manifest, and understanding and the communication of understanding are sound. There remains, then, withdrawing a command by instituting another command in its place: this is called abrogation. It is the act of one who knew that he would revoke his command and change it.

When speech occurs whose wording is that of an assertion but whose meaning is that of a command, abrogation is admissible in it, as in His words, exalted is He: {Those among you who die and leave wives: a bequest for their wives, provision for a year without expulsion. But if they leave, there is no blame upon you for what they do concerning themselves in a recognized manner. Allah is Mighty, Wise.} It is in this kind of speech that disobedience on our part occurs, as in His words, exalted is He: {In it are clear signs, the station of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by the people, whoever is able to find a way to it. Whoever disbelieves—Allah has no need of the worlds.} This is only a command to us to grant security to everyone who enters the station of Abraham. It is not an assertion. Were it an assertion, it would be false, because people have been killed around it unjustly and aggressively.

Abu Muhammed said: It occurs in every language that a command is expressed in the wording of an assertion or in the wording of a question, as when someone says to his slave, "Will you do such-and-such a thing, or will you see what befalls you?" This is because an assertion about something affirms what is asserted of it, while a command imposes the performance of what is commanded. This, then, is something shared by the assertoric form and the imperative form. Thus, if someone says, "It is incumbent upon you to rise and go to Zayd," this is an assertion correctly formed, whose meaning is, "Rise and go to Zayd." Likewise, His words, exalted is He: {In it are clear signs, the station of Abraham; whoever enters it is safe. Pilgrimage to the

معروف ولله عزيز حكيم} وفي هذا توجد منا المعصية مثل قوله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} فإنما هذا أمر لنا بأن نؤمن كل من دخل مقام إبراهيم، وليس هذا خبرا، ولو كان خبرا لكان كذبا لأنه قد قتل الناس حوله ظلما وعدوانا. قال أبو محمد: وموجود في كل لغة أن يرد الأمر بلفظ الخبر، وبلفظ الاستفهام كقول القائل لعبده: أتفعل أمر كذا، أو ترى ما يحل بك؟ وإنما ذلك أن الخبر عن الشيء إيجاب لما يخبر به عنه، والأمر إيجاب لفعل المأمور به، فهذا اشتراك بين صيغة الخبر وصيغة الأمر، فإذا قال قائل: حق عليك القيام إلى زيد، فهذا خبر صحيح البنية، معناه قم إلى زيد. وكذلك قوله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} معناه ليحج الناس منكم من استطاع، وكذلك إذا قال القائل: قد أوجبت عليك القيام إلى زيد، فهذا خبر صحيح البنية، معناه قم إلى زيد وكذلك قوله تعالى {يأيها لذين آمنوا كتب عليكم لصيام كما كتب على لذين من قبلكم لعلكم تتقون} معناه صوموا فما كان من الأخبار هكذا فالنسخ فيها جائز، وأما ما كان خبرا مجردا مثل: قام زيد وهذا عمرو، ووقع أمس خطب كذا، وزيد الآن قائم، وغدا يكون أمر كذا، فهو لا يجوز النسخ فيه البتة، لأنه تكذيب لهذا الخبر والله تعالى منزه عن الكذب بإخباره تعالى أن قوله الحق وبقوله تعالى {قال فلحق ولحق أقول} وهو موصوف بأنه ينسخ ويحيل ويبدل الأمور بقوله تعالى {يمحو لله ما يشآء ويثبت وعنده أم لكتاب} وبقوله تعالى {قل للهم مالك لملك تؤتي لملك من تشآء وتنزع لملك ممن تشآء وتعز من تشآء وتذل من تشآء بيدك لخير إنك على كل شيء قدير} وبقوله تعالى {قل للهم مالك لملك تؤتي لملك من تشآء وتنزع لملك ممن تشآء وتعز من تشآء وتذل

House is owed to Allah by the people, whoever is able to find a way to it. Whoever disbelieves—Allah has no need of the worlds.} Its meaning is, "Let those people among you who are able perform the pilgrimage." Likewise, when someone says, "I have "I have obligated you to rise and go to Zayd"—this is a statement sound in its construction, whose meaning is: "Rise and go to Zayd." Likewise, His saying, Most High, "O you who believe, fasting has been prescribed for you as it was prescribed for those before you, so that you may be mindful of Allah," means: "Fast." Abrogation is permissible in statements of this kind. As for a statement that is purely informative, such as "Zayd stood up," "This is ʿAmr," "Such-and-such an event occurred yesterday," "Zayd is standing now," or "Such-and-such a thing will happen tomorrow," abrogation is absolutely impermissible in it, because it would declare that statement false. Allah Most High is exalted above lying by virtue of His informing us, Most High, that His speech is the truth, and by His saying, Most High, "He said: 'The truth, then—and the truth I speak.'" He is described as abrogating, altering, and changing things, through His saying, Most High, "Allah effaces whatever He wills and establishes, and with Him is the Mother of the Book"; through His saying, Most High, "Say: 'O Allah, Owner of sovereignty, You give sovereignty to whomever You will and take sovereignty away from whomever You will; You exalt whomever You will and abase whomever You will. In Your hand is all good. Indeed, You have power over everything'"; through His saying, Most High, "Say: 'O Allah, Owner of sovereignty, You give sovereignty to whomever You will and take sovereignty away from whomever You will; You exalt whomever You will and abase whomever You will. In Your hand is all good. Indeed, You have power over everything'"; and through His informing us, Most High, that every day He is engaged in some affair. Our colleagues have disagreed concerning certain commands: is abrogation permissible in them or not? They said: "Whatever is known through reason cannot be abrogated, such as divine unity and the like." Abu Muhammed said: This is a corrupt assertion, because it groups together what is impermissible with what is impermissible. Rather, the person making this assertion should be questioned and asked: "What did you mean by saying that divine unity cannot be abrogated? If you mean that, after Allah Most High informed us that He would never abrogate

من تشآء بيدك لخير إنك على كل شيء قدير} بإخباره تعالى أنه كل يوم في شأن وقد اختلف أصحابنا في بعض الأوامر، أيجوز فيها النسخ أم لا، فقالوا: كل ما علم بالعقل فلا يجوز أن ينسخ مثل التوحيد وشبهه. قال أبو محمد: وهذا فاسد من القول، لأنه مجمل لما لا يجوز مع ما لا يجوز ولكن يسأل قائل هذا القول، فيقال: ما أردت بقولك لا يجوز نسخ التوحيد؟ فإن كنت تريد أنه بعد أن أعلمنا الله تعالى أنه لا ينسخ هذا الدين أبدا لا يجوز تبديله، وإن كنت تريد أنه لما سلف في سابق علم الله تعالى أنه لا ينسخه أبدا، علمنا أنه لا يجوز نسخه فنعم، هذا قوله صحيح، وهكذا إباحة الكبش، وتحريم الخنزير، وجميع شرائع الملة الحنيفة المستقرة، لا يجوز نسخ شيء منها أبدا، ولا فرق بين التوحيد وسائر الشرائع في ذلك البتة. وإن كنت تريد أنه تعالى غير قادر على نسخ التوحيد، أو أنه تعالى قادر على نسخه، والأمر بالتثنية أو التثليث، إلا أنه لو فعل ذلك لكان ظلما وعبثا، فاعلم أنك مخطىء ومفتر على الله تعالى، لأنك معجز له متحكم عليه، وقاض بأنك مدبر لخالقك عز وجل، وموقع له تحت رتب وقوانين بعقلك إن خالفها عبث وظلم.

this religion, it cannot be changed; and if you mean that, since it was already established in Allah Most High's prior knowledge that He would never abrogate it, we know that it cannot be abrogated—then yes, this assertion of his is correct. The same applies to the permissibility of the ram, the prohibition of swine, and all the established ordinances of the upright religion: none of them can ever be abrogated, and there is no difference whatsoever between divine unity and the other ordinances in this respect. But if you mean that He, Most High, is unable to abrogate divine unity, or that He, Most High, is able to abrogate it and command belief in two or three deities, but that, were He to do so, it would be injustice and purposelessness, then know that you are mistaken and fabricating lies against Allah Most High. For you are attributing incapacity to Him, imposing your dictates upon Him, and pronouncing yourself the governor of your Creator, Mighty and Majestic, subjecting Him, through your reason, to arrangements and laws which, if He contravenes them, He acts purposelessly and unjustly.[30][31][32]

L1390–1393 This is speech that leads to unalloyed unbelief and pure association of partners with Allah, besides the immense ignorance and madness it contains. Rather, we say that Allah, Mighty and Majestic, is able to abrogate divine unity and to command belief in two or three deities and the worship of idols; and that, were He, Most High, to do so, it would be wisdom, justice, and truth, while belief in divine unity would be unbelief, injustice, and purposelessness. But He, Most High, will never do that, because He has informed

وهذا كلام يؤول إلى الكفر المجرد، والشرك المحض، مع عظيم ما فيه من الجهل والجنون. بل نقول: إن الله عز وجل قادر على أن ينسخ التوحيد، وعلى أن يأمر بالتثنية والتثليث وعبادة الأوثان، وأنه تعالى لو فعل ذلك لكان حكمة وعدلا وحقا، ولكان التوحيد كفرا وظلما وعبثا، ولكنه تعالى لا يفعل ذلك أبدا، لأنه قد أخبرنا أن لا يحيل دينه الذي أمرنا به، فلما أمنا ذلك صار ما تبرأ الله منه كفرا وظلما وعبثا، وصار ما أمر به حقا وعدلا وحكمة فقط. وليس اعتقادنا التوحيد حقا ولا حكمة بذاته، دون أن يكون لله فيه أمر، ولكن إنما صار حقا وعدلا وحكمة، لأن الله تعالى أمر به ورضيه، وسماه حقا وعدلا وحكمة فقط. فهذا دين الله عز وجل الذي نص عليه بأن يفعل ما يشاء وأنه: {لا يسأل عما يفعل وهم يسألون} وأنه لو أراد أن يتخذ ولدا لاصطفى مما يخلق ما يشاء، وهذا هو القول الذي دلت العقول على صحته وبطلان ما عداه لأن العقل يشهد أن الله تعالى خلقه، وأنه كان تعالى حقا واحدا أولا، إذ لا نفس حيوانية ولا عقل مركب فيها ولا في غيرها، ولا جوهر ولا عرض، ولا عدد ولا معدود ولا رتبة من الرتب، وأنه تعالى خلق النفوس بعد أن

[30] **Translator's note (L1385):** The opening continues the preceding unit's explanation of withdrawing assertions and questions. Its syntax is compressed: knowledge and aversion appear to concern withdrawal of a question. "Seeking release" translates the technical designation for withdrawing a request; it denotes asking to be excused from or released from it.

[31] **Translator's note (L1388):** The quotation beginning "Say: 'O Allah, Owner of sovereignty'" occurs twice in the supplied text; the repetition is retained. The supplied wording says "what is impermissible with what is impermissible," repeating the same expression. This apparent textual error is retained. The first conditional clause, beginning "If you mean," has no explicit answer before the next conditional begins; the supplied syntax is preserved.

[32] **Qur'an references (L1384):** Qur'an 2:240 (Al-Baqarah); Qur'an 3:97 (Ali 'Imran); Qur'an 13:39 (Ar-Ra'd); Qur'an 3:26 (Ali 'Imran); Qur'an 66:8 (At-Tahrim).

us that He will not alter His religion, which He has commanded us to follow. Thus, once we were assured of that, what Allah disavowed became unbelief, injustice, and purposelessness, and what He commanded became truth, justice, and wisdom, solely on that account. Our belief in divine unity is neither true nor wise in itself, independently of there being a command from Allah concerning it. Rather, it became truth, justice, and wisdom only because Allah Most High commanded it, approved it, and called it truth, justice, and wisdom—solely on that account. This, then, is the religion of Allah, Mighty and Majestic, which He expressly declared: that He does whatever He wills; that "He is not questioned about what He does, while they are questioned"; and that, had He wished to take a child, He would have chosen whatever He willed from what He creates. This is the position whose correctness, and the invalidity of everything other than it, reason has demonstrated. For reason testifies that Allah Most High created it, and that He, Most High, truly existed as One and First when there was no animal soul, no intellect constituted within it or within anything else, no substance, no accident, no number, no numbered thing, and no arrangement of any kind. He, Most High, created souls after they had not existed, created intellects as they are after they had not existed, and established within them the arrangements they possess after none of those arrangements had existed. Had He wished to create intellects otherwise than as they are, and to arrange things within them differently from the way He arranged them, He would have done so, and that would not have been beyond His power. That would then have been truth, justice, and wisdom, and everything other than it would have been injustice, oppression, and purposelessness. None can overturn His judgment. Whoever claims otherwise has claimed that the arrangement of the unknown intellect within the soul existed when there was neither intellect nor soul. This is contradiction itself, derangement, absurdity, and impossibility. Anyone whose intellect Allah Most High has illuminated and directed so that he may receive light through it, and to whom the world's coming into existence after not existing has become conceivable, has attained an understanding of the correctness of what we have stated, has become certain of it, has witnessed it, and has known it by necessary knowledge, with absolutely no possibility of turning away from it. And anyone whose soul Allah Most High has joined with

لم تكن، وخلق العقول على ما هي عليه بعد أن لم تكن، ورتب فيها الرتب على ما هي عليه بعد أن لم يكن شيء منها، وأنه لو شاء أن يخلق العقول على غير ما هي عليه، وأن يرتب الأمور فيها على خلاف ما رتبها لفعله، ولما تعذر ذلك عليه ولكان حينئذ هو الحق والعدل والحكمة، وما عداه الظلم والجور والعبث، لا معقب لحكمه. ومن ادعى غير هذا، فقد ادعى أن رتبة العقل المجهول في النفس كانت موجودة، إذ لا عقل ولا نفس، وهذا عين التناقض والمحال والخلف والمحال، ومن أنار الله تعالى عقله وسيره لأن يستضيء به، وتصور له حدوث العالم بعد أن لم يكن، أشرف على صحة ما ذكرناه وأيقنه وشاهده وعلمه ضرورة، ولم يكن عنه له محيد أصلا، ومن أصحب الله تعالى نفسه والحيرة، وتمييزه الضعف، تحير وتصور الأمور بخلاف ما هي عليه، ولم يخرج إلى طرف وظن الظنون المردية، ولله تعالى الحمد على ما علم وهدى، لا إله إلا هو الرحمن الرحيم. قال أبو محمد: ومن بديع ما قطع أصحابنا على أنه لا يجوز نسخه، شكر المنعم، وأن كفر المنعم لا سبيل إلى إباحته في العقل أصلا. قال أبو محمد: فنسأل قائل هذا القول الفاسد فنقول له: ما تقول في رجل استنقذ طفلا قد أشرف الأسد على افتراسه فرباه ولا أب له ولا أم ولا مال فأحسن تربيته، ثم علمه العلوم وأكرمه وبره ولم يذله، ولا استخدمه، وموله وزوجه وخوله، ثم إن ذلك المحسن إليه زنى وهو محصن، وسرق وقذف، ثم تاب من كل ذلك وتعبد، ثم قامت عليه بذلك بينة عدل، وقدم إلى يتيمه وهو بعد حاكم من حكام المسلمين، فما ترى أن يفعل فيه أيشكر فيعفو عنه ولا سيما وقد تاب؟ أو يأمر بأن يوجع متناه بالسياط، ثم يقطع يده، ثم يأمر بشدخ هامته بالحجارة حتى يموت؟ فإن قال: أرى أن يعفو عنه، كفر إن اعتقد ذلك أو فسق إن أشار بذلك غير معتقد له، وإن قال: أرى أن يوقع به أنواع العذاب الذي ذكرنا فقد ترك مذهبه الفاسد في ألا يكفر إحسان المنعم. فإن قال: إن هذا الفعل هو شكره على الحقيقة. قال خلاف ما ادعى أن العقل يوجبه، وسمى غاية الإساءة

bewilderment, and whose discernment with weakness becomes bewildered, conceives of things otherwise than as they are, arrives at no definite outcome, and entertains ruinous suppositions. Praise belongs to Allah Most High for what He has taught and for the guidance He has given. There is no deity but Him, the All-Merciful, the Especially Merciful. Abu Muhammed said: Among the remarkable things that our colleagues have categorically declared incapable of abrogation is gratitude to a benefactor, asserting that reason allows absolutely no possibility of permitting ingratitude to a benefactor. Abu Muhammed said: We therefore question the person making this corrupt assertion, saying to him: "What do you say concerning a man who rescued a child when a lion was on the point of devouring him, then raised him when he had neither father, mother, nor wealth, and raised him well; then taught him the branches of knowledge, honored him, treated him kindly, neither humiliated him nor employed him as a servant, furnished him with wealth, married him off, and endowed him with possessions? Then this benefactor committed unlawful intercourse while possessing the legal status of a person subject to stoning, stole, and made an accusation of unlawful intercourse; then repented of all that and devoted himself to worship. Subsequently, the testimony of upright witnesses established these offenses against him, and he was brought before the orphan he had raised, who by then was one of the Muslim judges. What, in your view, should he do to him? Should he show gratitude and pardon him, especially since he has repented? Or should he order that the two sides of his back be made to suffer under the lash, then cut off his hand, then order that his head be crushed with stones until he dies?" If he says, "I think he should pardon him," he commits unbelief if he holds that as a belief, or acts wickedly if he recommends it without believing it. If he says, "I think he should inflict upon him the kinds of torment we have mentioned," he has abandoned his corrupt position that a benefactor's kindness must not be met with ingratitude. If he says, "This act is, in reality, gratitude to him," he has said the opposite of what he claimed reason requires, and has called the utmost injury kindness. If he returns to saying, "What reason regards as good is only gratitude to the benefactor whom Allah Most High has commanded us to thank, rather than gratitude to the benefactor whom Allah Most High has commanded us to harm and whose kindness He has

إحسانا، فإن رجع إلى أن يقول: إنما يحسن في العقول شكر المنعم الذي أمر الله تعالى بشكره، لا شكر المنعم الذي أمر الله تعالى بالإضرار به، وألا يقارض على إحسانه، رجع إلى الحق، وإلى أنه لا حسن إلا ما فعل الله تعالى، ولا قبيح إلا ما نهى الله عنه وهذا الذي لا يجوز غيره.

commanded us not to repay," he has returned to the truth: that nothing is good except what Allah Most High has done, and nothing is bad except what Allah has forbidden. This is the only position that is permissible.[33][34][35][36]

والعجب من ذهاب هؤلاء القوم عن نور الحق في هذه المسألة، وهم يسمعون الله تعالى يقول {لا تجد قوما يؤمنون بالله واليوم لآخر يوآدون من حآد لله ورسوله ولو كانوا آبآءهم أو أبنآءهم أو إخوانهم أو عشيرتهم أولئك كتب في قلوبهم لإيمان وأيدهم بروح منه ويدخلهم جنات تجري من تحتها لأنهار خالدين فيها رضي لله عنهم ورضوا عنه أولئك حزب لله ألا إن حزب لله هم لمفلحون}

L1394–1395 It is astonishing that these people stray from the light of truth in this question while hearing Allah Most High say: "You will not find a people who believe in Allah and the Last Day showing affection for those who oppose Allah and His Messenger, even if they are their fathers, their sons, their brothers, or their kin. Those are the ones in whose hearts He has inscribed faith and whom He has strengthened with a spirit from Him and whom He will admit into gardens beneath which rivers flow, abiding therein forever. Allah is pleased with them, and they are pleased with Him. Those are the party of Allah. Indeed, it is the party of Allah who are the successful."[37]

وقوله تعالى {يا أيها لذين آمنوا كونوا قوامين بلقسط شهدآء لله ولو على أنفسكم أو لوالدين ولأقربين إن يكن غنيا أو فقيرا فلله أولى بهما فلا تتبعوا لهوى أن تعدلوا وإن تلووا أو تعرضوا فإن لله كان بما تعملون خبيرا} فأوجب تعالى القيام عليهم بمر الحق، وإن أدى إلى صلبهم وقتلهم، وقطع أيديهم وأرجلهم وأعضائهم، وضربهم بالسياط، وشدخهم بالحجارة، وهتك أستارهم، وسبي نسائهم وذراريهم، وبيع أملاكهم وبيعهم مماليك وأخذ أموالهم، وإن كانوا آباءنا المحسنين إلينا إذا كفروا، فأين شكر المنعم، وبر الأب على الإطلاق؟ وهذا كله محال. وإنما الذي يجب فهو بر الوالدين الأبوين الذين أوجب الله برهما، وإنما الذي يجب أيضا فهو شكر المنعم الذي أمر الله بشكره، ولم يأمرنا الله تعالى ببر الوالدين لما وجب برهما ولا عقوقهما، ولو لم يأمرنا بشكر المنعم لما لزم شكره ولا كفره، كما لا يلزم بر الوالدين الحربيين أو المحاربين، وكذلك المنعم الحربي أو المحارب، ولو لم يأمرنا بالرحمة لما وجبت أيضا. كما أننا نضجع الخروف الصغير ونذبحه ونطبخ لحمه ونأكله ونفعل ذلك أيضا بالفصيل الصغير، ونثكل أمه إياه، ونولد عليها من الحنين والوله أمرا ترق قلوب سامعيه له، وتؤلم نفوس مشاهديها،

L1396–1399 And His saying, Most High: "O you who believe, be steadfast upholders of justice, witnesses for Allah, even against yourselves, or parents and close relatives. Whether one be rich or poor, Allah has a greater claim upon both. So do not follow desire, lest you depart from justice. And if you twist or turn away, Allah is fully informed of what you do." Thus He, Most High, obligated us to uphold the bitter truth against them, even if this leads to their crucifixion, their killing, the cutting off of their hands, feet, and other limbs, their being beaten with whips, their being crushed with stones, the exposure of what they conceal, the taking captive of their women and

[33] **Translator's note (L1391):** The supplied expression "the unknown intellect within the soul" (العقل المجهول في النفس) is awkward in context and may be corrupt. "Unknown" is retained rather than silently replacing it with a conjectured reading.

[34] **Translator's note (L1392):** The wording beginning ومن أصحب الله تعالى نفسه والحيرة وتمييزه is syntactically awkward and apparently corrupt. The translation gives a tentative sense, taking the following unit's "weakness" as paired with "discernment"; the Arabic itself does not express this coordination cleanly.

[35] **Translator's note (L1393):** "Possessing the legal status of a person subject to stoning" renders محصن, a technical legal status associated here with the prescribed punishment for unlawful intercourse. The text says "what Allah Most High has done" (ما فعل الله تعالى), rather than "what Allah has commanded"; that wording is retained.

[36] **Qur'an references (L1390):** Qur'an 21:23 (Al-Anbya); Qur'an 39:4 (Az-Zumar).

[37] **Qur'an references (L1394):** Qur'an 58:22 (Al-Mujadila).

offspring, the sale of their properties, their sale as slaves, and the taking of their wealth—even if they are our fathers who have treated us kindly, if they disbelieve. Where, then, is gratitude to the benefactor and dutifulness toward one's father without qualification? All this is untenable. What is obligatory is only dutifulness toward the two parents, father and mother, toward whom Allah has obligated dutifulness. Likewise, what is obligatory is only gratitude to the benefactor whom Allah has commanded us to thank. Had Allah, Most High, not commanded us to be dutiful toward our parents, neither dutifulness toward them nor undutifulness toward them would have been obligatory. Had He not commanded us to thank the benefactor, neither gratitude to him nor ingratitude toward him would have been binding, just as dutifulness toward parents belonging to an enemy polity or actively waging war is not binding; likewise with a benefactor belonging to an enemy polity or actively waging war. Had He not commanded us to show mercy, that too would not have been obligatory, just as we lay down the little lamb, slaughter it, cook its flesh, and eat it. We do this also to the young camel calf, bereave its mother of it, and bring upon her such yearning and anguish that the hearts of those who hear it are softened by it and the souls of those who witness her are pained. We have indeed witnessed how cattle bellow and behave when they find the blood of a bull that has been slaughtered. All this is lawful, without being commanded, and whoever does not regard it as lawful becomes an unbeliever, and his blood must consequently be shed. What difference, then, is there in rational judgments between this and slaughtering a human child, were that permitted to us? It has been related in some revealed laws that Moses, peace be upon him, commanded, concerning the people of Midian when he waged war against them, that all their male children be killed, from the first to the last. The Messenger of Allah ﷺ was asked about the children of the polytheists who are struck during a night attack, and he said: "They are of their fathers." Is there anything in all this other than the commands received from Allah, Mighty and Majestic? Some people have said: "When a command prescribing some religious observance comes, and there comes, for performing it, a promise, and for abandoning it, a threat, and that command is then abrogated, the promise and threat attached to it have thereby been abrogated." Abu Muhammed said: The reply to him—

وقد شاهدنا كيف خوار البقر وفعلها إذا وجدت دم ثور قد ذبح، وكل هذا حلال بلا مأمور به ويكفر من لم يستحله، ويجب بذلك سفك دمه، فأي فرق في العقول بين هذا وبين ذبح صبي آدمي لو أبيح لنا ذلك؟ وقد جاء في بعض الشرائع أن موسى عليه السلام أمر في أهل مدين إذا حاربهم بقتل جميع أطفالهم أولهم عن آخرهم من الذكور وقد سئل رسول الله صلى الله عليه وسلم عن أطفال المشركين يصابون في البيات فقال: هم من آبائهم فهل في هذا كله شيء غير الأمور الواردة من الله عز وجل. وقد قال قوم: إذا جاء أمر بشريعة ما، وجاء على فعلها وعد وعلى تركها وعيد ثم نسخ ذلك الأمر، فقد نسخ الوعد والوعيد عليه. قال أبو محمد: فيقال له وبالله تعالى التوفيق: لم ينسخ الوعد ولا الوعيد لأنهما إنما كانا متعلقين بثبات ذلك الأمر لا على الإطلاق، وإنما يصح النسخ فيها لو بقي ذلك الأمر بحبسه، ثم يأتي خبر بإسقاط ذلك الوعيد، وهذا ما لا سبيل إليه بعد ورود الخبر به. ولا نسخ في الوعد ولا في الوعيد البتة، لأنه كان يكون كذبا وإخلافا وقد تنزه الله تعالى عن ذلك، ولكن الآيات والأحاديث الواردة في ذلك مضموم بعضها إلى بعض، ولا يجوز أن نقتصر منها على بعض دون بعض، على ما بينا في كتاب الفصل، وبالله تعالى التوفيق. قال أبو محمد: وقد غلط قوم غلطا شديدا، وأتوا بأخبار ولدها الكاذبون والملحدون، منها أن الداجن أكل صحيفة فيها آية متلوة فذهب البتة،

and success comes through Allah, Most High—is: Neither the promise nor the threat has been abrogated, because they were only conditional upon that command's remaining in force, rather than being unconditional. Abrogation concerning them would be valid only if that command remained as it stood and a report then came removing that threat. This is something for which there is no possibility after the report concerning it has come. There is absolutely no abrogation of either a promise or a threat, for that would constitute falsehood and a failure to fulfill one's word, and Allah, Most High, is exalted above that. Rather, the verses and hadiths received concerning this must be considered together, and we may not confine ourselves to some of them to the exclusion of others, as we have explained in The Book of Distinction. Success comes through Allah, Most High. Abu Muhammed said: Some people have erred grievously and adduced reports fabricated by liars and heretics. Among them is that a domestic animal ate a sheet containing a recited verse, so that it disappeared altogether.[38][39][40][41]

L1400–1402 Among them is that ʿUthman took some Qurʾanic material on the testimony of two men and a single testimony. Among them is that readings that existed in the time of the Messenger of Allah ﷺ were discarded by ʿUthman, who

ومنها أن قرآنا أخذه عثمان بشهادة رجلين، وشهادة واحدة ومنها أن قراءات كانت على عهد رسول الله صلى الله عليه وسلم أسقطها عثمان وجمع الناس على قراءة واحدة. قال أبو محمد: وهذا كله ضلال نعوذ بالله منه ومن اعتقاده، وأما الذي لا يحل اعتقاد سواه فهو قول الله تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} فمن شك في هذا كفر ولقد أساء الثناء على أمهات المؤمنين ووصفهن بتضييع ما يتلى في بيوتهن، حتى تأكله الشاة فيتلف، مع أن هذا كذب ظاهر، ومحال ممتنع، لأن الذي أكل الداجن لا يخلو من أحد وجهين إما أن يكون رسول الله صلى الله عليه وسلم حافظا له أو كان قد أنسيه فإن كان في حفظه فسواء أكل الدواجن الصحيفة أو تركها وإن كان رسول الله صلى الله عليه وسلم قد أنسيه فسواء أكله الداجن أو تركه قد رفع من القرآن، فلا يحل إثباته فيه كما قال تعالى {سنقرئك فلا تنسى * إلا ما شآء لله إنه يعلم لجهر وما يخفى} فنص تعالى على أنه لا ينسى أصلا شيئا من القرآن إلا ما أراد تعالى رفعه بإنسائه. فصح أن حديث الداجن إفك وكذب وفرية، ولعن الله من

[38] **Translator's note (L1396):** The Qurʾanic quotation is identifiable as 4:135. The transcription repeatedly omits initial alifs and writes بلقسط as بالقسط; these orthographic defects do not materially obscure its wording. The source has بمر الحق, understood as بِمُرّ الحق, 'the bitter truth.' The source reads ولم يأمرنا الله تعالى ببر الوالدين لما وجب, literally beginning 'and Allah, Most High, did not command us…'. The consequence clause and the parallel conditional that follows indicate an apparently defective conditional construction; the translation renders that evident conditional sense without treating the transmitted wording as sound.

[39] **Translator's note (L1397):** The wording بلا مأمور به is grammatically awkward. It has been rendered as 'without being commanded'; a possible intended reading is بل مأمور به, 'indeed, commanded,' but that is not the supplied text.

[40] **Translator's note (L1399):** The source reads بحبسه in the phrase describing the command's remaining in force. This appears corrupt, possibly for بحاله, 'as it stood'; the translation gives the contextual sense while flagging the defective wording. The plural فيها, 'concerning them,' has an awkward antecedent after the dual references to promise and threat; it has been retained in sense rather than silently replaced in the source.

[41] **Qur'an references (L1396):** Qur'an 4:135 (An-Nisa).

united the people upon a single reading. Abu Muhammed said: All this is error; we seek refuge in Allah from it and from believing it. What alone may lawfully be believed is the saying of Allah, Most High: "Indeed, We Ourselves have sent down the Reminder, and We shall surely preserve it." Whoever doubts this has disbelieved. He has indeed spoken ill of the Mothers of the Believers and described them as neglecting what was recited in their houses until a sheep ate it and it perished. Moreover, this is an obvious lie and an impossible absurdity, because what the domestic animal ate must fall into one of two cases: either the Messenger of Allah ﷺ retained it in memory, or he had been made to forget it. If it was in his memory, it made no difference whether the domestic animals ate the sheet or left it. If the Messenger of Allah ﷺ had been made to forget it, it made no difference whether the domestic animal ate it or left it: it had been removed from the Qur'an, and it was therefore unlawful to establish it therein. As He, Most High, said: "We shall make you recite, and you shall not forget, except what Allah wills. Indeed, He knows what is spoken openly and what is hidden." Thus He, Most High, explicitly stated that he would never forget anything whatsoever of the Qur'an except what He, Most High, wished to remove by causing him to forget it. It is therefore established that the report of the domestic animal is a falsehood, a lie, and a fabrication. May Allah curse whoever considers this possible or believes it. Rather, everything that Allah removed —Most High—from the Qur'an, He removed only during the lifetime of the Prophet ﷺ, intending its removal and prohibiting its recitation if it had not been forgotten, or with it erased from all hearts. There is no possibility of any of this occurring after the death of the Messenger of Allah ﷺ, and no Muslim considers this possible, because it would contradict His saying, Most High: "Indeed, We Ourselves have sent down the Reminder, and We shall surely preserve it." And it would be also a contradiction of His saying, Most High: "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter duly—and that which has been slaughtered upon sacrificial stones, and that you seek allotments by divining arrows. That is transgression. Today those

جوز هذا أو صدق به، بل كل ما رفعه الله تعالى من القرآن فإنما رفعه في حياة النبي صلى الله عليه وسلم قاصدا إلى رفعه ناهيا عن تلاوته إن كان غير منسي؛ أو ممحوا من الصدور كلها، ولا سبيل إلى كون شيء من ذلك بعد موت رسول الله صلى الله عليه وسلم ولا يجيز هذا مسلم لأنه تكذيب لقوله تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} ولكان ذلك أيضا تكذيبا لقوله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} ولكان ما يرفع منه بعد موت رسول الله صلى الله عليه وسلم خرما في الدين ونقصا منه وإبطالا للكمال المضمون، ولكان ذلك مبطلا لهذه الفضيلة التي خصصنا بها، والفضائل لا تنسخ والحمد لله رب العالمين.

who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—Allah is indeed forgiving, merciful." Whatever was removed from it after the death of the Messenger of Allah ﷺ would constitute a breach in the religion, a diminution of it, and a nullification of the guaranteed perfection. That would nullify this distinction with which we have been specially favored, and distinctions are not abrogated. Praise belongs to Allah, Lord of the worlds.[42][43][44][45]

L1403 As for ʿUthman's action—may Allah be pleased with him—the Messenger of Allah ﷺ did not die until the Qurʾan had been collected, arranged as it is, with no addition, diminution, or alteration. The readings that existed in the time of the Messenger of Allah ﷺ all remain as they were: nothing of them has been discarded, and it is unlawful to prohibit any of them, little or much. Allah, Most High, said: "Indeed, upon Us rests its collection and its recitation. Then, when We recite it, follow its recitation. Then, indeed, upon Us rests its explanation." The proper place for explaining this and examining the discussion of it exhaustively is in the chapter on consensus in this book of ours, if Allah, Most High, wills. Abu Muhammed said: Some people have said of the verse of stoning that it was not Qurʾan, and likewise of the verses concerning sucklings. Abu Muhammed said: We do not reject this, nor do

وأما فعل عثمان رضي الله عنه فلم يمت رسول الله صلى الله عليه وسلم إلا والقرآن مجموع كما هو مرتب لا مزيد فيه ولا نقص ولا تبديل والقراءات التي كانت على عهد رسول الله صلى الله عليه وسلم باقية كلها كما كانت لم يسقط منها شيء ولا يحل حظر شيء منها قل أو كثر. قال الله تعالى {إن علينا جمعه وقرآنه * فإذا قرأناه فتبع قرآنه * ثم إن علينا بيانه} ولبيانه هذا وتقصي الكلام فيه مكانه من باب الإجماع من كتابنا هذا إن شاء الله تعالى. قال أبو محمد: وقد قال قوم في آية الرجم: إنها لم تكن قرآنا، وفي آيات الرضعات كذلك. قال أبو محمد: ونحن لا نأبى هذا، ولا نقطع أنها كانت قرآنا متلوا في الصلوات، ولكنا نقول: إنها كانت وحيا أوحاه الله تعالى إلى نبيه صلى الله عليه وسلم مع ما أوحى إليه من القرآن فقرىء المتلو مثبوتا في المصاحف والصلوات، وقرىء سائر الوحي منقولا محفوظا معمولا به، كسائر كلامه الذي هو وحي فقط ولسنا ننكر رفع آيات في عهد رسول الله صلى الله عليه وسلم من الصدور جملة لقوله تعالى {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير} ولا نجيز ذلك بعد موته لقوله تعالى: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير}

[42] **Translator's note (L1400):** The phrase 'the testimony of two men and a single testimony' is awkward and does not identify whose testimony the latter was. The translation preserves the supplied wording without substituting a more familiar account. The Qurʾanic quotations are identifiable as 15:9 and 87:6–7; the transcription contains omissions of initial alifs but no evident substantive alteration of these quotations.

[43] **Translator's note (L1401):** The construction أو ممحوا من الصدور كلها, 'or erased from all hearts,' is syntactically awkward after the preceding clauses. The translation preserves its apparent alternative between prohibited recitation and universal erasure from memory. The quotation is identifiable as Qurʾan 15:9, with the same orthographic omission in لذكر as in the preceding unit.

[44] **Translator's note (L1402):** The quotation is identifiable as Qurʾan 5:3. The transcription frequently omits initial alifs and other orthographic elements, including in لأسلام, 'Islam'; its substantive sequence has been retained in full.

[45] **Qurʾan references (L1400):** Qurʾan 87:6 (Al-Aʿla); Qurʾan 5:3 (Al-Maʾidah).

we assert definitively that they were Qur'an recited in the prayers. Rather, we say that they were revelation that Allah, Most High, revealed to His Prophet ﷺ along with what He revealed to him of the Qur'an. Thus the recited revelation was read as established in the written Qur'anic codices and in the prayers, and the remainder of revelation was read as transmitted, preserved, and acted upon, like the rest of his speech, which is simply revelation. Nor do we deny the complete removal of verses from hearts during the time of the Messenger of Allah ﷺ, because of His saying, Most High: "Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?" We do not consider this possible after his death, because of His saying, Most High: "Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?"[46][47]

L1404–1406 For Allah, Most High, stipulated for us that their removal was conditional upon His bringing us something better than them or like them. This is something for which there is no possibility after the death of the Messenger of Allah ﷺ, because there is no possibility of bringing a verse after him, since revelation ceased with his death. Whoever considers that possible has considered prophethood after him possible; whoever considers that possible has disbelieved, and his blood and property have become lawful. There is no possibility that he, peace be upon him, could forget anything of the Qur'an before conveying it. Once he has conveyed it and secured its preservation for the people, however, we do not deny that he, peace be upon him, might forget it, because it is thereafter preserved and established. Something of this kind has indeed occurred in an authentic report: he heard a man reciting the Qur'an and prayed for him to receive mercy. He, peace be upon him, stated that the man had reminded him of a verse he had forgotten; and because he

فإنما اشترط الله تعالى لنا رفعها معلقا بأن يأتينا بخير منها أو مثلها وهذا ما لا سبيل إليه بعد وفاة رسول الله صلى الله عليه وسلم لأن الإتيان بآية بعده لا سبيل إليه إذ قد انقطع الوحي بموته، ومن أجاز ذلك فقد أجاز كون النبوة بعده، ومن أجاز ذلك فقد كفر وحل دمه وماله، ولا سبيل إلى أن ينسى عليه السلام شيئا من القرآن قبل أن يبلغه، فإذا بلغه وحفظه للناس فلسنا ننكر أن ينساه عليه السلام، لأنه بعد محفوظ مثبت، وقد جاء مثل ذلك في خبر صحيح، أنه سمع رجلا يتلو القرآن فدعا له بالرحمة، وأخبر عليه السلام أنه أذكره آية كان نسيها، ولأنه قد بلغه كما أمر. كما حدثنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم، ثنا أبو بكر بن أبي شيبة، وأبو كريب قالا: ثنا أبو أسامة، عن هشام بن عروة عن أبيه عن عائشة أن النبي صلى الله عليه وسلم سمع رجلا يقرأ من الليل فقال رحمه الله لقد أذكرني كذا وكذا آية كنت أسقطتها من سورة كذا وكذا ورواه عبدة وأبو معاوية عن هشام أذكرني آية كنت أنسيتها

[46] **Translator's note (L1403):** The quotation of Qur'an 2:106 occurs twice in the supplied text and has been retained twice. The quotation of Qur'an 75:17–19 has orthographic omissions in فتبع, understood as 'follow.' The source's مثبوتا is an unusual or defective form, rendered 'established.' The wording 'in the written Qur'anic codices and in the prayers' is itself somewhat awkward and has been preserved.

[47] **Qur'an references (L1403):** Qur'an 75:17 (Al-Qiyamah); Qur'an 75:19 (Al-Qiyamah); Qur'an 2:106 (Al-Baqarah).

had already conveyed it as he was commanded, as Abd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim: Abu Bakr ibn Abi Shaybah and Abu Kurayb related to us; both said: Abu Usamah related to us, from Hisham ibn Urwah, from his father, from Aishah, that the Prophet ﷺ heard a man reciting during the night and said: "May Allah have mercy on him! He has reminded me of such-and-such verses that I had omitted from such-and-such a surah." Abdah and Abu Muawiyah transmitted it from Hisham with the wording: "He reminded me of a verse that I had been made to forget."

[Section: May an Abrogating Ruling Itself Be Abrogated?]

Abu Muhammed said: There is no difference between His, exalted is He, abrogating one ruling by another and His abrogating that second ruling by a third, and that third by a fourth, and so on, however many more there may be. All of this is possible when a demonstration establishing its validity is found. Some transmitted reports state: "Prayer was changed through three states, and fasting was changed through three states." Fasting on Ashura was obligatory; then its obligatory status was abrogated by fasting in Ramadan, subject to the condition that whoever wished could fast, and whoever wished could feed a needy person and himself refrain from fasting. Then that was abrogated by making fasting obligatory for the person who is present rather than travelling, capable, healthy, adult, and sane. Someone who had slept was not permitted to eat or have intercourse. Then that was abrogated by permitting all of that during the night and prohibiting fasting at night until dawn. In the Book of Marriage in our large compilation entitled al-Isal, we have presented, with the soundest chains of transmission, that Allah, exalted is He, permitted temporary marriage, then abrogated it, then permitted it, then abrogated it, then permitted it, then abrogated it until the Day of Resurrection.

[Section: Transitions Effected by Abrogation]

Abu Muhammed said: The classifications of commands throughout the revealed law are five, with no sixth: the forbidden, which is one extreme, and

[فصل هل يجوز نسخ الناسخ]

قال أبو محمد ولا فرق بين أن ينسخ تعالى حكما بغيره، وبين أن ينسخ ذلك الثاني بثالث، وذلك الثالث برابع، وهكذا كل ما زاد كل ذلك ممكن إذا وجد برهان على صحته، وقد جاء في بعض الآثار، أحيلت الصلاة ثلاثة أحوال، وأحيل الصيام ثلاثة أحوال، فكان عاشوراء فرضا، ثم نسخ فرضه بصيام رمضان، بشرط أن من شاء صام ومن شاء أطعم مسكينا وأفطر هو، ثم نسخ ذلك بإيجاب الصيام على الحاضر المطيق الصحيح البالغ العاقل، وكان من نام لا يحل له الأكل ولا الوطء، ثم نسخ ذلك بإباحة كل ذلك في الليل والحظر لصيام الليل إلى الفجر، وقد أوردنا في كتاب النكاح من ديواننا الكبير المسمى بالإيصال بأصح أسانيد أن نكاح المتعة أباحه الله تعالى، ثم نسخه، ثم أباحه ثم نسخه ثم أباحه ثم نسخه إلى يوم القيامة

[فصل في مناقل النسخ]

قال أبو محمد مراتب الأوامر في الشريعة كلها خمسة لا سادس لها، وهي: حرام: وهو الطرف الواحد، وفرض: وهو الطرف الثاني، وبين هذين الطرفين ثلاث مراتب، فيلي

the obligatory, which is the other extreme. Between these two extremes are three classifications. Adjacent to the forbidden is the classification of disapproval: things that it is better to leave undone than to do, although whoever leaves them undone is rewarded, while whoever does them incurs no sin. Examples include eating while reclining and drying oneself after ritual washing with a cloth prepared for that purpose, and similar things. Adjacent to the classification of obligation is the classification of recommendation: things that it is better to do than to leave undone, although whoever does them is rewarded, while whoever leaves them undone, without aversion to them, incurs no sin. All voluntary performance of good deeds falls within this category. Between these two classifications is the classification of unrestricted permissibility: that which is alike whether left undone or done. If someone does it, he is neither rewarded nor sinful; and if he leaves it undone, he is neither rewarded nor sinful. Examples include a person's sitting cross-legged or with one knee raised, dyeing his garment green or black, feeling something with his hand, and similar things. When an obligation is abrogated, one examines the matter. If this occurs through the wording "Do not do," after we have been commanded to do it, it passes into prohibition, because this is a formula expressing prohibition. If it is abrogated by His saying, {O you who believe, when believing women come to you as emigrants, examine them. Allah knows best their faith. Then, if you know them to be believing women, do not return them to the unbelievers. They are not lawful for them, nor are they lawful for these women. Give them what they have spent. There is no blame upon you if you marry these women when you have given them their bridal dues. Do not hold on to marriage bonds with unbelieving women. Ask for what you have spent, and let them ask for what they have spent. That is Allah's judgment; He judges between you. Allah is Knowing, Wise}, or through wording expressing an easing, or through an omission, or through an action, it passes only into the nearest classification, namely recommendation. Such is fasting on Ashura: when its obligatory status was abrogated, it passed into recommendation. Likewise, when prohibition is abrogated, if its abrogation occurs through the wording "Do," it passes into obligation, because this is a formula expressing obligation. If it is abrogated through "There is no blame," or through an eas-

الحرام مرتبة الكراهة، وهي الأشياء التي تركها خير من فعلها إلا أن من تركها أجر، ومن فعلها لم يأثم وذلك نحو الأكل متكئا، والتمسح من الغسل في ثوب معد لذلك، وما أشبه ذلك. ويلي مرتبة الفرض مرتبة الندب، وهي الأشياء التي فعلها خير من تركها، إلا أن من فعلها أجر، ومن تركها غير راغب عنها لم يأثم وفي هذا الباب يدخل التطوع كله بأفعال الخير وبين هاتين المرتبتين مرتبة المباح المطلق، وهو ما تركه وفعله سواء، إن فعله لم يؤجر ولم يأثم، وإن تركه لم يؤجر ولم يأثم، كجلوس الإنسان مربعا أو مرفوع الركبة الواحدة، وصباغة ثوبه أخضر أو أسود، وحسه الشيء بيده وما أشبه ذلك، فإذا نسخ الفرض نظر، فإن كان بلفظ لا تفعل بعد أن أمرنا بفعله فهو منتقل إلى التحريم، لأن هذه صيغة للتحريم وإن نسخ بأن قال {يأيها لذين آمنوا إذا جآء كم لمؤمنات مهاجرات فمتحنوهن لله أعلم بإيمانهن فإن علمتموهن مؤمنات فلا ترجعوهن إلى لكفار لا هن حل لهم ولا هم يحلون لهن وآتوهم مآ أنفقوا ولا جناح عليكم أن تنكحوهن إذآ آتيتموهن أجورهن ولا تمسكوا بعصم لكوافر واسألوا مآ أنفقتم وليسألوا مآ أنفقوا ذلكم حكم لله يحكم بينكم ولله عليم حكيم} أو بلفظ تخفيف أو بترك أو بفعل، لم ينتقل إلا إلى أقرب المراتب وهو الندب، وذلك مثل صيام عاشوراء، فإنه لما نسخ وجوبه انتقل إلى الندب، وكذلك إن نسخ التحريم فإن كان نسخه بلفظ افعل انتقل إلى الفرض، لأن هذه صيغة الفرض وإن نسخ بلا جناح أو بتخفيف، انتقل إلى أقرب المراتب إليه وهي الكراهة وإذا نسخت الكراهة أو الندب بلفظ افعل انتقل إلى أقرب المراتب إليه وهي الكراهة وإذا نسخت الكراهة أو الندب بلفظ افعل انتقلا إلى الفرض، فإن نسخا بلفظ لا تفعل انتقلا إلى التحريم، فإن نسخا بتخفيف، انتقلا إلى الإباحة المطلقة، لأن الإباحة أقرب إليهما من الفرض والتحريم، لأن المكروه والمندوب إليه مباحان، ولكنهما معلقان بشرط كما ترى، وقد نسخ تحريم وطء النساء بعد النوم في ليالي الصوم إلا الإباحة بالندب، ونسخ المنع من القتال

ing, it passes into the classification nearest to it, namely disapproval. When disapproval or recommendation is abrogated through the wording “Do,” it passes into the classification nearest to it, namely disapproval. When disapproval or recommendation is abrogated through the wording “Do,” they pass into obligation. If they are abrogated through the wording “Do not do,” they pass into prohibition. If they are abrogated through an easing, they pass into unrestricted permissibility, because permissibility is nearer to them than obligation and prohibition are: both the disapproved and the recommended are permissible, but they are qualified by a condition, as you see. The prohibition of intercourse with women after sleeping during the nights of fasting was abrogated—except permissibility through recommendation. The prohibition of fighting was abrogated by making it obligatory, and the obligation to face Jerusalem was abrogated by prohibition. An obligation has also been abrogated by another obligation, as when the confinement of women who commit unlawful sexual intercourse was abrogated in favor of flogging and stoning or flogging and banishment.[48][49][50]

بإيجابه ونسخ فرض استقبال بيت المقدس بالتحريم، وقد نسخ فرض بفرض آخر، كنسخ حبس الزواني إلى الجلد والرجم أو الجلد والتغريب

[Section: When Part of a Verse Is Abrogated, What Is the Status of the Rest?]

L1414

[فصل في آية ينسخ بعضها ما حكم سائرها]

L1415–1416

Abu Muhammed said: When a verse or a hadith contains two or more rulings, and a text or consensus establishes the abrogation of one of the two rulings, the restriction of its general scope, or its transfer into recommendation, one must stop at that. It is not lawful for a Muslim to say that the other ruling is abrogated because of this ruling mentioned alongside it in the

قال أبو محمد إذا جمعت الآية أو الحديث حكمين فصاعدا، فجاء نص أو إجماع بنسخ أحد الحكمين، أو تخصيصه أو إخراجه إلى الندب، وقف عنده، ولم يحل لمسلم أن يقول: إن الحكم الآخر منسوخ من أجل هذا الحكم المذكور معه في الآية أو الحديث، ولا أنه مخصوص، ولا أنه ندب، بل يبقى على حكمه كما كان، وعلى ما يوجبه ظاهره لقول الله عز وجل {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} ومن ادعى أن هذا الحكم مرتبط بيانه أو نسخه بحكم آخر فقد افترى على الله عز وجل، وادعى ما لا دليل عليه، ولزمه أن متى وجد في سورة واحدة آية منسوخة، أن يقول: إن تلك السورة منسوخة كلها من أجل الآية المنسوخة منها، ولزمه ما هو أفحش من هذا، وهو أن يقول: إن القرآن كله منسوخ من أجل وجوده

[48] **Translator’s note (L1411):** The full Quranic quotation corresponds to 60:10. Its placement after “by His saying” is difficult to reconcile with the surrounding argument; the supplied quotation has been retained in full. The statement that disapproval or recommendation, when abrogated by “Do,” passes into disapproval appears to be a corrupt repetition. It is followed immediately by a statement that the same wording moves both into obligation. Both statements have been retained.

[49] **Translator’s note (L1412):** The wording rendered “except permissibility through recommendation” is syntactically corrupt or unclear. The supplied text has “except” where “to” might be expected, but the additional phrase “through recommendation” also leaves the intended statement uncertain. No correction has been silently adopted.

[50] **Qur’an references (L1410):** Qur’an 60:10 (Al-Mumtahanah).

verse or the hadith, or that its general scope is restricted, or that it is a recommendation. Rather, it retains its ruling as before, and what its apparent meaning requires, because Allah, mighty and majestic, says: {Do not pursue that of which you have no knowledge. Hearing, sight, and the heart—all of those will be questioned about.} Whoever claims that the clarification or abrogation of this ruling is linked to another ruling has fabricated a falsehood against Allah, mighty and majestic, and asserted something for which there is no evidence. He would then be bound, whenever he found an abrogated verse in a single surah, to say that the whole of that surah is abrogated because of the abrogated verse within it. He would be bound to something more outrageous than this: to say that the entire Quran is abrogated because he finds many abrogated rulings within it. There is no difference between joining one ruling to another and joining one verse to another; nor is there any difference between mentioning two rulings in a verse and mentioning them in a surah. Thus, if one of the two rulings mentioned in the verse must be abrogated, the same necessarily follows for all the rulings of the surah, because the ruling mentioned alongside them is also abrogated. There is no difference. This is the invalidation of the revealed law in its entirety and a departure from Islam. From Allah, exalted is He, we seek protection from that, and through Allah, exalted is He, comes success.[51]

فيه أحكاما كثيرة منسوخة. ولا فرق بين عطف حكم على حكم وبين عطف آية على آية، ولا فرق بين ذكر حكمين في آية، وبين ذكرهما في سورة، فإذا وجب أن يكون أحد الحكمين المذكورين في الآية منسوخا لزم مثل ذلك في أحكام السورة كلها، لأن الحكم المذكور معها منسوخ أيضا ولا فرق، وهذا إبطال للشريعة جملة وخروج عن الإسلام ومن الله تعالى العافية علينا من ذلك، وبالله تعالى التوفيق

L1417–1418 Abu Muhammed said: An example of this is His saying, exalted is He: {As for those of your women who commit the indecency, call four witnesses from among yourselves against them. If they testify, confine these women in the houses until death takes them or Allah makes a way for them.} Then He, exalted is He, abrogated confinement in houses and confirmed the calling of four witnesses. The Messenger of Allah ﷺ prohibited a prostitute's fee, a soothsayer's payment, a cupper's earnings, and the price of a dog. The cupper's earnings were removed from prohibition by his statement, peace be upon him: "Feed your slaves and your water-drawing camel with it." It would therefore follow that whoever disagrees with us must, on that account, permit a prostitute's fee and a soothsayer's payment. This is something no Muslim would say. Al-Tahawi has said that the prohibition of the price of

قال أبو محمد مثال ذلك قوله تعالى {وللاتي يأتين لفاحشة من نسآئكم فستشهدوا عليهن أربعة منكم فإن شهدوا فأمسكوهن في لبيوت حتى يتوفاهن لموت أو يجعل لله لهن سبيلا} ثم نسخ تعالى الإمساك في البيوت وأثبت استشهاد الأربعة وقد نهى رسول الله صلى الله عليه وسلم عن مهر البغي وحلوان الكاهن وكسب الحجام وثمن الكلب، فخرج كسب الحجام عن التحريم بحديثه عليه السلام أطعمه رقيقك وناضحك، فيلزم من خالفنا أن يبيح من أجل ذلك مهر البغي وحلوان الكاهن، وهذا ما لا يقوله مسلم، وقد قال الطحاوي: إن النهي عن ثمن الكلب منسوخ بنسخ إيجاب قتل الكلاب. قال أبو محمد: ولا أدري في أي عقل أم في أي نص وجد هذا الرجل أنه إذا حرم

[51] **Qur'an references (L1415):** Qur'an 17:36 (Al-Isra).

a dog was abrogated through the abrogation of the obligation to kill dogs. Abu Muhammed said: I do not know by what reasoning, or in what text, this man found that when killing an animal is forbidden, selling it becomes lawful. Do you suppose he was unaware that selling him, and selling every free person, is forbidden, and that killing him is forbidden unless he commits something that makes his blood lawful? This is indeed severe stupidity and ugly partisanship for his corrupt legal school.[52][53]

L1419 We seek refuge in Allah from uncritical adherence that leads to saying such things about Allah, exalted is He, without knowledge, guidance, or an illuminating book. Would that I knew what difference there is between him and someone who opposed him by saying: "Rather, when Allah prohibited eating them, He prohibited selling them."

L1420 **[Section: How the Abrogated and the Abrogating Are Distinguished from What Is Not Abrogated]**

L1421 Abu Muhammed said: It is not lawful for a Muslim who believes in Allah and the Last Day to say of anything in the Quran and the Sunnah, "This is abrogated," except with certainty, because Allah, mighty and majestic, says: {We have sent no messenger except that he should be obeyed by Allah's permission. If, when they wronged themselves, they had come to you and sought Allah's forgiveness, and the Messenger had sought forgiveness for them, they would have found Allah ever accepting repentance, Merciful.} And He, exalted is He, says: {Say: Who has forbidden Allah's adornment, which He has brought forth for His servants, and the good things of provision? Say: They are for those who believe in the life of this world, exclusively theirs on the Day of Resurrection. Thus We set out the signs in detail for people who know.} Thus, everything Allah, exalted is He, has sent down in the Quran or through the tongue of His Prophet must obligatorily be followed.[54]

قتل حيوان حل بيعه أتراه جهل أن يبيعه وبيع كل حر حرام وقتله حرام، ما لم يقترف ما حل دمه؟ إن هذه لغباوة شديدة وعصبية لمذهبه الفاسد قبيحة.

ونعوذ بالله من التقليد المؤدي إلى القول على الله تعالى بمثل هذا بغير علم ولا هدي ولا كتاب منير، وليت شعري ما الفرق بينه وبين من عارضه فقال: بل لما حرم الله أكلها حرم بيعها.

[فصل في كيف يعلم المنسوخ والناسخ مما ليس منسوخا]

قال أبو محمد: لا يحل لمسلم يؤمن بالله واليوم الآخر أن يقول في شيء من القرآن والسنة: هذا منسوخ إلا بيقين، لأن الله عز وجل يقول {وما أرسلنا من رسول ألا ليطاع بإذن الله ولو أنهم إذ ظلموا أنفسهم جاءوك فستغفروا الله وستغفر لهم لرسول لوجدوا الله توابا رحيما} وقال تعالى {قل من حرم زينة الله لتي أخرج لعباده والطيبات من لرزق قل هي للذين آمنوا في لحياة لدنيا خالصة يوم لقيامة كذلك نفصل لآيات لقوم يعلمون} فكل ما أنزل الله تعالى في القرآن أو على لسان نبيه ففرض اتباعه،

[52] **Translator's note (L1418):** The pronoun in "selling him" can refer to the man under discussion, with the argument then extended to every free person. Its abrupt shift from the preceding animal example makes the wording somewhat awkward, but it has been retained.

[53] **Qur'an references (L1417):** Qur'an 4:15 (An-Nisa).

[54] **Qur'an references (L1421):** Qur'an 4:64 (An-Nisa); Qur'an 7:32 (Al-A'raf).

L1422–1426

Whoever says of any of this that it is abrogated has thereby declared that that command must not be obeyed and has removed the obligation to follow it. This is outright disobedience to Allah Most High and manifest opposition, unless a demonstration establishes the correctness of his statement; otherwise, he is a fabricator advancing falsehood. Whoever considers departure from what we have said permissible holds a position that ultimately invalidates the entire revealed law, because there is no difference between his claim of abrogation concerning some verse or some hadith and another person's claim—and abrogation concerning some verse or some hadith and another person's claim of abrogation concerning another verse and another hadith. On this basis, nothing of the Quran and the Sunnah would remain valid. This is a departure from Islam. Whatever is established with certainty cannot be invalidated by conjectures. Nor may obedience to a command that Allah Most High and His Messenger have commanded us be set aside except through certainty of abrogation in which there is no doubt. Since this has now been established and confirmed, let us discuss the ways in which the abrogation of a verse or hadith can be established. Where none of those ways is present, the claim of anyone alleging abrogation concerning any verse or hadith is invalid. Abu Muhammed said: When all the scholars of the community agree, without dissent from a single one of them, upon the abrogation of a verse or a hadith, abrogation is then established. If they disagree, we examine the matter. If we find that the two prescriptions cannot both be applied, or find that one unquestionably came after the other, or find an explicit text identifying something as abrogated, and find a text concerning this consisting of a prohibition after a command, or a command after a prohibition, or a transfer from one degree to another, as we explained previously, then we have certainty of abrogation. An example is his saying, peace be upon him: "I forbade you to visit graves; now visit them. And I forbade you to steep beverages in waterskins; now steep them." He permitted the steeping of beverages in every vessel. Another example is Jabir's statement: "The later of the two practices of the Messenger of Allah, may Allah bless him and grant him peace ﷺ, was to forgo ritual ablution after consuming what fire had touched." Another example is the report that he granted a concession permitting cupping for someone fasting. A concession can only come after a prohibition, and

فمن قال في شيء من ذلك إنه منسوخ. فقد أوجب ألا يطاع ذلك الأمر، وأسقط لزوم اتباعه، وهذه معصية لله تعالى مجردة، وخلاف مكشوف، إلا أن يقوم برهان على صحة قوله، وإلا فهو مفتر مبطل. ومن استجاز خلاف ما قلنا فقوله يؤول إلى إبطال الشريعة كلها، لأنه لا فرق بين دعواه النسخ في آية ما أو حديث ما، وبين دعوى غيره والنسخ في آية ما أو حديث ما، وبين دعوى غيره النسخ في آية أخرى، وحديث آخر، فعلى هذا لا يصح شيء من القرآن والسنة، وهذا خروج عن الإسلام، وكل ما ثبت بيقين فلا يبطل بالظنون، ولا يجوز أن تسقط طاعة أمر أمرنا به الله تعالى ورسوله إلا بيقين نسخ لا شك فيه، فإذا قد صح ذلك وثبت، فلنقل في الوجوه التي بها يصح نسخ الآية أو الحديث، فإذا عدم شيء من تلك الوجوه، فقد بطلت دعوى من ادعى النسخ في شيء من الآيات أو الأحاديث. قال أبو محمد: فإذا اجتمعت علماء الأمة كلهم بلا خلاف من واحد منهم على نسخ آية أو حديث فقد صح النسخ حينئذ، فإن اختلفوا نظرنا، فإن وجدنا الأمرين لا يمكن استعمالهما معا، أو وجدنا أحدهما كان بعد الآخر بلا شك، أو وجدنا نصا جليا على منسوخ، ووجدنا نصا في ذلك من نهي بعد أمر أو أمر بعد نهي أو نقل من مرتبة إلى مرتبة على ما قدمنا فقد أيقنا بالنسخ، مثل قوله عليه السلام: نهيتكم عن زيارة القبور فزوروها ونهيتكم عن الانتباذ في الأسقية فانتبذوا وأباح الانتباذ في كل ظرف، ومثل قول جابر كان آخر الأمرين من رسول الله صلى الله عليه وسلم ترك الوضوء مما مست النار ومثل ما روي أنه رخص في الحجامة للصائم، والترخيص لا يكون إلا بعد النهي، والحجامة هكذا فعل الحاجم والمحجوم معا، فهذان وجهان. أو نجد حالا قد أيقنا بإبطالها وارتفاعها، وحالا أخرى قد أيقنا بنزولها ووجوبها ورفعها للحال الأولى، ثم جاء نص من قرآن أو حديث موافق للحال المرفوعة التي قد سقطت بيقين، إلا أننا لا ندري هل جاء هذا النص الموافق لتلك الحال المرفوعة قبل مجيء الحال الرافعة أو بعدها؟ فإذا كان

cupping, as such, is the act of both the person performing the cupping and the person undergoing it together. These, then, are two ways. Or we find a state of affairs whose invalidation and removal we know with certainty, and another state of affairs whose revelation, obligatory force, and removal of the first state we know with certainty. Then a text from the Quran or a hadith comes to us that accords with the removed state, which has certainly ceased to apply, except that we do not know whether this text that accords with that removed state came before the advent of the state that removed it or afterward. When something of this kind occurs, it is obligatory not to abandon what we know with certainty to be obligatory upon us and whose binding force upon us has been established. It is forbidden for us to return to a state whose removal from us we know with certainty and whose invalidity has been established for us, except through an explicit text returning us to the first state and removing the second state from us. Whoever goes beyond this has pursued that of which he has no knowledge, abandoned truth and certainty, and employed doubt and conjectures. That is absolutely impermissible. How could it be otherwise, when the saying of Allah Most High, {Indeed, We Ourselves have sent down the Reminder, and indeed We shall preserve it}, and His saying, Most High, {There is no compulsion in religion. Right guidance has become distinct from error. Whoever disbelieves in false objects of worship and believes in Allah has grasped the firmest handhold, which will never break. Allah is All-Hearing, All-Knowing}, and His saying, Most High, {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and what a beast of prey has eaten—except what you slaughter—and what has been slaughtered upon sacrificial stones, and that you seek allotments by divining arrows. That is disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved for you Islam as a religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is All-Forgiving, Merciful}, are conclusive witnesses that it is utterly impossible that Allah Most High should have left us in blindness and error, in which we could never know

مثل هذا ففرض ألا يترك ما أيقنا بوجوبه علينا، وصح عندنا لزومه لنا، وحرم علينا أن نرجع إلى حال قد أيقنا بارتفاعها عنا، وصح عندنا بطلانها إلا بنص جلي راد لنا إلى الحالة الأولى، ورافع عنا الحالة الثانية. ومن تعدى هذا فقد قفا ما لا علم له به وترك الحق واليقين، واستعمل الشك والظنون، وذلك ما لا يحل أصلا فكيف وقول الله تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} وقوله تعالى {لا إكراه في لدين قد تبين لرشد من لغي فمن يكفر بلطاغوت ويؤمن بلله فقد ستمسك بلعروة لوثقى لا نفصام لها ولله سميع عليم} وقوله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} شواهد قاطعة بأنه لا يجوز البتة أن يكون الله تعالى تركنا في عمياء وضلالة لا ندري معها أبدا، هل هذا الحكم منسوخ أو غير منسوخ، هذا أمر قد أمنا وقوعه أبدا، إذ لو كان ذلك لكان الدين قد بطل أكثره، ولكننا في شك متصل لا ندري أنعمل بالباطل في نصوص كثيرة من القرآن والسنن، أم نعمل بالحق؟ وهل نحن في طاعات كثيرة لله تعالى ولرسوله صلى الله عليه وسلم على ضلال أو على هدى حاشا لله من هذا فصح يقينا أن حكم تيقنا بطلانه فهو باطل أبدا، بلا شك حتى يأتي نص ثابت بأنه قد عاد بعد بطلانه هكذا ولا بد، وإلا فلا، والحمد لله رب العالمين.

whether this ruling is abrogated or unabrogated. This is something whose occurrence we have been assured against forever. For were that so, most of the religion would have become invalid, and we would be in continual doubt, not knowing whether, in acting upon many texts of the Quran and the Sunnahs, we were acting upon falsehood or upon truth, or whether, in many acts of obedience to Allah Most High and His Messenger, may Allah bless him and grant him peace ﷺ, we were in error or rightly guided. Far exalted is Allah above this! It is therefore established with certainty that a ruling whose invalidity we have ascertained remains invalid forever, without doubt, until an established text comes stating that it has returned after becoming invalid. It must be precisely so; otherwise, it does not return. Praise be to Allah, Lord of all worlds.[55][56][57][58]

L1427–1429 An instance of this category is our certain knowledge that permission to marry more than four women has been removed, and that marrying more than four is certainly forbidden to everyone after the Messenger of Allah, may Allah bless him and grant him peace ﷺ. A hadith has come concerning giving a man who embraces Islam while having more than four wives a choice. This hadith thus accords with the abrogated state of affairs in which marriage to more than four was not prohibited, and with the situation of those who embraced Islam while having more than four wives, because they had married those women when doing so was not forbidden to them. When the prohibition was revealed, they were given the choice of four of them. But anyone who newly contracted marriage with a fifth woman or more, or with more than four at once, or with two sisters, or with a mother and

فمن هذا الباب ما قد أيقنا من أن إباحة زواج أكثر من أربع نسوة قد ارتفعت، وأن نكاح أكثر من أربع حرام على كل أحد بعد رسول الله صلى الله عليه وسلم بيقين وقد جاء حديث بتخيير من أسلم وعنده أكثر من أربع فكان هذا الحديث موافقا لحال ما نسخ من ترك التحريم لزواج أكثر من أربع، وما كان عليه من أسلم وعنده أكثر من أربع، لأنهم نكحوهن وذلك غير محظور عليهم، فلما نزل التحريم خيروا في أربع منهن، وكان من ابتدأ نكح خامسا فصاعدا، وأكثر من أربع معا، أو أختين، أو أم وابنتها بعد نزول تحريم كل ذلك عاصيا لله عز وجل، وعاملا عملا ليس عليه أمره فهو رد ففعله ذلك كله مردود. وعقده ذلك فاسد مفسوخ محلول غير ماض أصلا، فصح بذلك ارتفاع التخيير، وأنه إنما كان ذلك للذين نكحوا أكثر من أربع قبل أن يحظر ذلك، وأيضا فلو صح تخيير من ابتدأ نكاح خمس في كفر بعد ورود النهي عن ذلك لما كان في ذلك إباحة تخيير من أسلم، وعنده أختان أو حريمتان، ومع ذلك أيضا: أننا قد أيقنا أنه قد كان في صدر الإسلام: إذا نام الرجل في ليل رمضان، حرم عليه الوطء والأكل والشرب، ثم نسخ ذلك وجاء حديث أبي هريرة عن الفضل

[55] **Translator's note (L1422):** The comparison beginning 'there is no difference' contains an apparent duplicated or disordered phrase in the supplied Arabic. Its repetition has been retained.

[56] **Translator's note (L1424):** The quoted prohibition names waterskins (الأسقية). This wording has been retained; it appears anomalous in relation to the familiar reports about prohibiting the steeping of beverages in particular other vessels.

[57] **Translator's note (L1426):** The supplied Arabic reads ولكننا, literally 'but we,' where the argument appears to require 'and we would be' or 'we would have been.' The translation follows the surrounding conditional argument; the wording may be corrupt.

[58] **Qur'an references (L1422):** Qur'an 5:3 (Al-Ma'idah).

her daughter, after the revelation of the prohibition of all this, would be disobedient to Allah, Mighty and Majestic, and would be performing an act not sanctioned by His command, so it is rejected. All of that action of his is therefore rejected, and that marriage contract of his is invalid, annulled, dissolved, and wholly without effect. It is thereby established that the option of choosing has been removed, and that it applied only to those who married more than four before that was prohibited. Furthermore, even if it were established that someone who, while an unbeliever, newly contracted marriage with five women after the prohibition of that had arrived was to be given a choice, this would not entail permission to give a choice to someone who embraced Islam while married to two sisters or two women whose concurrent marriage to him was prohibited. Moreover, we also know with certainty that in the early period of Islam, if a man slept during a night of Ramadan, sexual intercourse, eating, and drinking became forbidden to him. That was subsequently abrogated. Then came the hadith of Abu Hurayrah, from al-Fadl ibn Abbas, from the Prophet, may Allah bless him and grant him peace ﷺ, that whoever is overtaken by morning while in a state of major ritual impurity has broken his fast. This hadith accorded with that abrogated state of affairs. We know with certainty that it was removed and that sexual intercourse was permitted until the appearance of dawn became clear. There is therefore no way to return to the prohibition of sexual intercourse except through an explicit clarification. Another instance is that we know with certainty that making a bequest was not obligatory for a period in the early days of Islam. Then we know with certainty that the obligation to make a bequest for parents and close relatives was revealed. Then came the hadith of Imran ibn al-Husayn concerning the six slaves. This hadith accorded with the removed state of affairs in which a person was not obliged to make a bequest for his parents and close relatives. We therefore could not use it to remove the ruling of the verse that we know with certainty abrogated the first state, nor could we return to a state that we know with certainty was forbidden to us, except through an explicit text establishing that this hadith came after the revelation of the verse and that those slaves were not relatives of the person who bequeathed their emancipation. Nor is there any way of ever finding a clarification establishing that. Success is through Allah Most High. It is

بن عباس عن النبي صلى الله عليه وسلم بأن من أدركه الصبح وهو جنب فقد أفطر فكان هذه الحديث موافقا لتلك الحال المنسوخة، وقد أيقنا برفعها وبإباحة الوطء إلى تبين طلوع الفجر، فلا سبيل إلى الرجوع إلى حظر الوطء إلا ببيان جلي. ومن ذلك أننا قد أيقنا بأن الوصية لم تكن مدة من صدر الإسلام فرضا، ثم أيقنا نزول وجوب الوصية للوالدين والأقربين، ثم جاء حديث عمران بن الحصين في الستة الأعبد، فكان هذا الحديث موافقا للحال المرفوعة من ألا يلزم المرء أن يوصي لوالديه وأقربيه فلم يجز لنا أن نرفع به حكم الآية التي أيقنا أنها ناسخة للحال الأولى، ولا جاز لنا أن نرجع إلى حالة قد أيقنا أنها حظرت علينا إلا بنص جلي. إن هذا الحديث كان بعد نزول الآية، وبأن أولئك الأعبد لم يكونوا أقارب الموصي بعتقهم، ولا سبيل إلى وجود بيان بذلك أبدا، وبالله تعالى التوفيق. فصح أن كل ما كان في معنى الحال المتقدمة من إباحة ترك الوصية للوالدين والأقربين منسوخ بيقين، ولم يصح أنه عاد بعد أن نسخ، ولا يحل الحكم بالظنون،

thus established that everything corresponding to the earlier state of affairs, in which omitting a bequest for parents and close relatives was permitted, is certainly abrogated. It has not been established that it returned after being abrogated, and issuing rulings on the basis of conjectures is impermissible.[59]

L1430–1434 Furthermore, some Arabs owned their relatives as slaves, and indeed Harasa was the brother of ʿAntara, and Shaddad acknowledged ʿAntara as his son, while Harasa was his brother's slave. Among the women of the Companions, may Allah be pleased with them, there was also one whom her paternal uncle, her father's brother, sold: she was the mother of a child borne to her master, Abu al-Yasar al-Ansari. Abu Muhammed said: Whoever considers it permissible to abandon the certainty established by the aforementioned verse by saying, "Perhaps the report of ʿImran concerning the six slaves abrogated it," should accept from the followers of Abu Hanifa their statement, "Perhaps the ruling concerning sales of fresh dates on the palms in exchange for dried dates was abrogated by the prohibition of exchanging fresh produce on the trees for a measured quantity of dried produce," and their statement, "Perhaps retaliation by other means was abrogated by the prohibition of mutilation." Let them also adopt the position of those who prohibit wiping over leather socks and say, "Perhaps that was abrogated by the verse concerning ablution in al-Maʾida." Let them adopt Ibn ʿAbbas's position permitting one dirham in exchange for two dirhams and say, "Perhaps the prohibition of that was abrogated by his statement ﷺ, 'Usury lies only in deferment.'" Let them adopt ʿUthman al-Batti's position abolishing the liability of the kinship group responsible for blood money, and say, "Perhaps the ruling concerning the kinship group responsible for blood money was abrogated by His statement, exalted is He: {Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Every soul earns only against itself, and no bearer of a burden bears another's burden. Then to your Lord is your return, and He will inform you concerning that over which you used to differ.} {Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Every soul earns only against itself, and no bearer of a burden bears another's bur-

[59] **Translator's note (L1428):** حريمتان denotes two women whose concurrent marriage to the same man is prohibited; the precise relationship between them is not specified.

وأيضا فقد ملك قوم من العرب أقاربهم، وقد كان هراسة أخا عنترة، واستلحف شداد عنترة، وكان هراسة عبدا لأخيه، وقد كان في نساء الصحابة رضي الله عنهم من باعها عمها أخو أبيها، وهي أم ولد أبي اليسر الأنصاري. قال أبو محمد: ومن استجاز أن يترك اليقين من الآية المذكورة، بأن يقول: لعل حديث عمران في الأعبد الستة نسخها، فليقنعوا من أصحاب أبي حنيفة بقولهم: لعل حكم العرايا نسخ بالنهي عن المزابنة، وبقولهم: لعل القصاص بغير نسخ بالنهي عن المثلة، وليقولوا بقول من منع أن يمسح على الخفين، وقال: لعل ذلك نسخ بآية الوضوء التي بالمائدة، وليأخذوا بقول ابن عباس في إباحة الدرهم بالدرهمين، ويقولوا: لعل النهي عن ذلك نسخ بقوله عليه السلام: إنما الربا في النسيئة وليأخذوا بقول عثمان البتي في إبطال العاقلة، ويقولوا: لعل حكم العاقلة نسخ بقوله تعالى {قل أغير الله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} {قل أغير الله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} وليبطلوا السلم ويقولوا: لعله نسخ بنهيه عليه السلام عن بيع ما ليس عندك، ويستحلوا أكل الحمير والسباع ويقولوا: لعل النهي عنها منسوخ بقوله تعالى {قل أغير الله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} فإن أبوا من كل ما ذكرنا، وقالوا: لا نقول في شيء من ذلك إنه منسوخ إلا بيقين فكذلك يلزمهم أن يقولوا أيضا بقول ابن عباس: إن الآية القصرى نسخت الآية الطولى فيوجبوا خلود القاتل من المسلمين في

den. Then to your Lord is your return, and He will inform you concerning that over which you used to differ.}" Let them invalidate sales with advance payment for deferred delivery and say, "Perhaps they were abrogated by his prohibition ﷺ of selling what you do not have." Let them deem it lawful to eat donkeys and predatory beasts, and say, "Perhaps the prohibition of them was abrogated by His statement, exalted is He: {Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Every soul earns only against itself, and no bearer of a burden bears another's burden. Then to your Lord is your return, and He will inform you concerning that over which you used to differ.}" If they reject everything we have mentioned and say, "We do not say that any of that is abrogated except with certainty," then, by the same reasoning, they must also adopt Ibn ʿAbbas's statement that the shorter verse abrogated the longer verse, and consequently hold that a murderer among the Muslims will remain in the fire of Hell forever. If they refuse, the same consequence binds them concerning the verse on bequests, without any distinction. The same applies to anyone who says, concerning Salim's being breastfed, that since it was connected with adoption, and adoption was abrogated, the ruling attached to it became invalid through its invalidation, and whenever a cause becomes invalid, its effect undoubtedly becomes invalid. This too is an error, because no text, consensus, or directly observed necessity has established that this ruling is restricted specifically to adoption alone. Rather, it is general according to its apparent meaning, and it is impermissible to restrict its general scope by an assertion unsupported by a text or consensus. These, then, are the four ways: there is never any way to know that a verse or report has been abrogated except through them—either a consensus established with certainty; or a chronology establishing that one of the two provisions came after the other, together with an inability to apply both provisions; or an explicit text stating that this provision abrogates the first, and a command that we abandon it; or certainty that a particular condition has been changed, in which case this constitutes a change for everything corresponding to that condition, always and without doubt. Whoever claims abrogation by a means other than these four has fabricated a tremendous sin and committed manifest disobedience. Success comes through Allah, exalted is He. Among the things whose abrogation is made clear by an explicit text is

نار جهنم أبدا، فإن أبوا ألزمهم مثل ذلك في آية الوصية ولا فرق. وكذلك القول فيمن قال في رضاع سالم، فإنه لما كان مرتبطا بالتبني وكان التبني منسوخا، بطل حكم التعلق به لبطلانه، وكل سبب بطل فإن مسببه يبطل بلا شك، فإن هذا أيضا خطأ، لأنه لم يأت نص ولا إجماع ولا ضرورة مشاهدة بأن هذا الحكم مخصوص به التبني فقط، بل هو عموم على ظاهره ولا يجوز تخصيصه بالدعوى بلا نص ولا إجماع. فهذه الوجوه الأربعة لا سبيل إلى أن يعلم نسخ آية أو حديث بغيرها أبدا، إما إجماع متيقن، وإما تاريخ بتأخر أحد الأمرين عن الآخر مع عدم القوة على استعمال الأمرين، وإما نص بأن هذا الأمر ناسخ للأول وأمر نتركه، وإما يقين لنقل حال ما فهو نقلي لكل ما وافق تلك الحال أبدا بلا شك. فمن ادعى نسخا بوجه غير هذه الوجوه الأربعة فقد افترى إثما عظيما وعصى عصيانا ظاهرا، وبالله تعالى التوفيق. فمما تبين بالنص أنه منسوخ قوله تعالى: {وكذلك جعلناكم أمة وسطا لتكونوا شهدآء على لناس ويكون لرسول عليكم شهيدا وما جعلنا لقبلة لتي كنت عليهآ إلا لنعلم من يتبع لرسول ممن ينقلب على عقبيه وإن كانت لكبيرة إلا على لذين هدى لله وما كان لله ليضيع إيمانكم إن لله بلناس لرءوف رحيم} ثم قال تعالى {قد نرى تقلب وجهك في لسمآء فلنولينك قبلة ترضاها فول وجهك شطر لمسجد لحرام وحيث ما كنتم فولوا وجوهكم شطره وإن لذين أوتوا لكتاب ليعلمون أنه لحق من ربهم وما لله بغافل عما يعملون} فهذا تأخير لائح أن القبلة التي كانت قبل هذه منسوخة وأن التوجه إلى الكعبة كان بعد تلك القبلة. وهذا أيضا له إجماع، ومثل قوله تعالى {فمن تاب من بعد ظلمه وأصلح فإن لله يتوب عليه إن لله غفور رحيم} فنسخ بذلك النهي عن الوطء في ليل رمضان ومثل قوله تعالى {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد لله بكم ليسر ولا

His statement, exalted is He: {Thus We have made you a middle community, so that you may be witnesses over humankind and the Messenger may be a witness over you. We appointed the direction of prayer that you formerly faced only so that We might know who follows the Messenger from him who turns back on his heels. It was indeed burdensome except for those whom Allah guided. Allah would never let your faith go to waste. Indeed, Allah is compassionate and merciful toward humankind.} Then He said, exalted is He: {We have indeed seen the turning of your face toward heaven, so We shall surely turn you toward a direction of prayer that pleases you. Turn your face toward the Sacred Mosque; wherever you are, turn your faces toward it. Indeed, those who were given the Scripture know that it is the truth from their Lord. Allah is not heedless of what they do.} This is a clear indication of chronological succession: the direction of prayer preceding this one was abrogated, and facing the Kaʿba came after that direction of prayer. There is also consensus concerning this. Another example is His statement, exalted is He: {Whoever repents after his wrongdoing and makes amends—Allah will indeed turn toward him in acceptance of repentance. Indeed, Allah is forgiving and merciful.} By this, the prohibition of intercourse during the nights of Ramadan was abrogated. Another example is His statement, exalted is He: {The month of Ramadan, in which the Quran was sent down as guidance for humankind and clear proofs of guidance and the criterion: whoever among you witnesses the month must fast it; whoever is ill or on a journey must fast a number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that you may give thanks.} By it He abrogated His statement, exalted is He: {A limited number of days. Whoever among you is ill or on a journey must fast a number of other days. For those who are able to bear it, there is a ransom: feeding a needy person. Whoever voluntarily does good, it is better for him; and that you fast is better for you, if you know.} This is a transmission traced to the Prophet ﷺ, by consensus—meaning the abrogation of the permission to refrain from fasting and to provide food, changing fasting from a recommended act to an obligation. Another example is the abrogation of standing in prayer at night: through

يريد بكم لعسر ولتكملوا لعدة ولتكبروا الله على ما هداكم ولعلكم تشكرون} نسخ به قوله تعالى: {أياما معدودات فمن كان منكم مريضا أو على سفر فعدة من أيام أخر وعلى لذين يطيقونه فدية طعام مسكين فمن تطوع خيرا فهو خير له وأن تصوموا خير لكم إن كنتم تعلمون} وهذا نقل مسند إلى النبي صلى الله عليه وسلم بإجماع يعني نسخ إباحة الفطر والإطعام من ندب إلى فرض ومثل نسخ قيام الليل، فإنه نسخ بالنص المنقول بإجماع من فرض إلى ندب

the transmitted explicit text, by consensus, it was changed from an obligation to a recommended act.[606162]

L1435–1445 Abu Muhammed said: Some people have claimed concerning His statement, exalted is He: {Now Allah has lightened your burden and knows that there is weakness in you. If there are a hundred steadfast among you, they will overcome two hundred; and if there are a thousand among you, they will overcome two thousand, by Allah's permission. Allah is with the steadfast,} that it abrogates His statement, exalted is He: {O Prophet, urge the believers to fight. If there are twenty steadfast among you, they will overcome two hundred; and if there are a hundred among you, they will overcome a thousand of those who disbelieve, because they are a people who do not understand.} Abu Muhammed said: This is an error, because there is no consensus on it, nor is there any explicit indication of abrogation in it. In our view, there is no abrogation in these verses at all. They merely impose the obligation of going forth to confront the polytheists. Once the encounter

قال أبو محمد وقد ادعى قوم في قوله تعالى {الآن خفف الله عنكم وعلم أن فيكم ضعفا فإن يكن منكم مئة صابرة يغلبوا مئتين وإن يكن منكم ألف يغلبوا ألفين بإذن الله والله مع لصابرين} إنه نسخ لقوله تعالى {يأيها لنبي حرض لمؤمنين على لقتال إن يكن منكم عشرون صابرون يغلبوا مئتين وإن يكن منكم مئة يغلبوا ألفا من لذين كفروا بأنهم قوم لا يفقهون} قال أبو محمد: وهذا خطأ لأنه ليس إجماعا، ولا فيه بيان نسخ، ولا نسخ عندنا في هذه الآيات أصلا، وإنما هي فرض البراز للمشركين وأما بعد اللقاء فلا يحل لواحد منا أن يولي دبره جميع من على وجه الأرض من المشركين إلا متحرفا لقتال أو متحيزا إلى فئة على ما نبين في موضعه إن شاء الله تعالى أو من كان مريضا أو زمنا بقوله تعالى {ليس على لضعفآء ولا على لمرضى ولا على لذين لا يجدون ما ينفقون حرج إذا نصحوا لله ورسوله ما على لمحسنين من سبيل والله غفور رحيم} فإن قالوا إن الضعيف القلب معذور لأنه دخل في جملة الضعفاء قيل لهم: هذا خطأ لأن من رضي أن يكون مع الخوالف لضعف قلبه، ملوم بالنص غير معذور، وأيضا فإن ضعف القلب قد نهينا عنه بقوله تعالى: {ولا تهنوا ولا تحزنوا وأنتم الأعلون إن كنتم مؤمنين} ولا يجوز أن يكون تعالى أراد وهن البدن، لأنه لا يستطاع دفعه أصلا والله تعالى لا يكلف إلا ما نطيق، وضعف القلب مقدور على دفعه ولو أراد الجبان أن يثبت لثبت، ولكنه آثر هواه والفرار على ما لا بد له من إدراكه من الموت الذي لا يعدو وقعه ولا يتقدم ولا يتأخر وهذا بين وبالله تعالى التوفيق. والعجب ممن يقول: إن هذه الآية مبيحة لهروب واحد أمام ثلاثة فليت شعري من أين وقع لهم ذلك؟ وهل في الآية التي ذكروا فرارا أو تولية دبر بوجه من الوجوه، أو إشارة إليه ودليل عليه؟ ما في الآية شيء من ذلك البتة، وإنما فيها أخبار عن الغلبة فقط، بشرط الصبر،

[60] **Translator's note (L1431):** The verb transcribed as istalḥafa is apparently corrupt; the translation follows the contextually likely reading istalḥaqa, meaning to acknowledge or claim someone as one's son. The phrase concerning retaliation contains the incomplete expression bi-ghayr, "by other …"; "by other means" preserves its indeterminate wording. The quotation corresponding to Quran 6:164 is repeated consecutively in the source; both occurrences are retained. The same quotation from Quran 6:164 is subsequently invoked concerning the consumption of donkeys and predatory beasts, although its supplied wording does not concern dietary prohibitions. This apparent quotation error is retained.

[61] **Translator's note (L1434):** The wording translated as "and a command that we abandon it" is syntactically awkward in the transcription; it appears to refer to abandoning the first provision. The fourth means contains the awkward wording fa-huwa naqlī, literally "it is my transmission/change." The translation follows the surrounding argument about a change of legal condition extending to corresponding cases, but the precise reading is uncertain. The quotation beginning "Whoever repents after his wrongdoing" corresponds to Quran 5:39. Its attachment to the abrogation of the prohibition of nighttime intercourse in Ramadan appears to be a quotation error. The supplied quotation is translated without replacement. In the discussion of fasting, the compressed phrase "from a recommended act to an obligation" is rendered as referring to fasting itself; the preceding Arabic explicitly mentions the abrogation of permission to refrain from fasting and provide food.

[62] **Qur'an references (L1430):** Qur'an 6:164 (Al-An'am); Qur'an 2:143 (Al-Baqarah); Qur'an 2:144 (Al-Baqarah); Qur'an 5:39 (Al-Ma'idah); Qur'an 2:185 (Al-Baqarah); Qur'an 2:184 (Al-Baqarah).

has begun, however, it is not lawful for any one of us to turn his back on all the polytheists on the face of the earth, except when maneuvering for battle or moving to join a body of troops, as we shall explain in its proper place, if Allah, exalted is He, wills; or for someone who is ill or chronically incapacitated, in accordance with His statement, exalted is He: {There is no blame upon the weak, nor upon the sick, nor upon those who find nothing to spend, provided they are sincere toward Allah and His Messenger. There is no ground for proceeding against those who do good. Allah is forgiving and merciful.} If they say, "The fainthearted person is excused because he is included among the weak," they are to be told: This is an error, because anyone who is content to remain with those who stay behind because of his faintheartedness is censured by the explicit text, not excused. Furthermore, we have been forbidden faintheartedness by His statement, exalted is He: {Do not lose heart and do not grieve; you will have the upper hand, if you are believers.} It is impossible that He, exalted is He, intended bodily weakness, because it cannot be warded off at all, and Allah, exalted is He, imposes upon us only what we can bear. Faintheartedness, however, can be warded off. If the coward wished to stand firm, he would stand firm; but he preferred his own desire and flight to the death that must inevitably overtake him, whose appointed occurrence he cannot escape and which comes neither earlier nor later. This is clear, and success comes through Allah, exalted is He. Astonishing is the person who says that this verse permits one man to flee before three! I wish I knew where they obtained that. Does the verse they cite contain flight or turning one's back in any form, or any allusion to it or evidence for it? There is absolutely nothing of that in the verse. It contains only statements about overcoming the enemy, conditional upon steadfastness, and glad tidings of victory accompanied by firmness. Those who ought to feel the greatest shame at invoking these verses to permit flight from three are the proponents of analogy who argue against us by Allah's statement, exalted is He: {Among the People of the Scripture is one who, if you entrust him with a great weight of wealth, will return it to you; and among them is one who, if you entrust him with a dinar, will not return it to you unless you remain standing over him. That is because they say, "There is no ground for proceeding against us concerning the unlettered," and they knowingly speak

وتبشير بالنصر مع الثبات. ولقد كان ينبغي أن يكون أشد الناس حياء من الاحتجاج بهذه الآيات في إباحة الفرار عن ثلاثة: أصحاب القياس المحتجين علينا بقول الله تعالى {ومن أهل لكتاب من إن تأمنه بقنطار يؤده إليك ومنهم من إن تأمنه بدينار لا يؤده إليك إلا ما دمت عليه قآئما ذلك بأنهم قالوا ليس علينا في لأميين سبيل ويقولون على الله لكذب وهم يعلمون} ويقول لنا إن ما فوق القنطار بمنزلة القنطار، فهلا جعلوا ههنا ما فوق الاثنين، بمنزلة الاثنين ولكن هكذا يفعل الله بمن ركب ردعه واتبع هواه وأضرب عن الحقيقة جانبا. وأما نحن فلو رأينا في الآيات المذكورة ذكر إباحة فرار لقلنا به، ولسلمنا لأمر ربنا، ولكنا لم نجد فيها لإباحة الفرار أثرا ولا دليلا بوجه من الوجوه، وإنما وجدنا فيها أننا إن صبرنا غلب المائة منا المائتين، وصدق الله عز وجل، فليس في ذلك ما يمنع أن يكون أقل من مائة أو أكثر من مائة يغلبون العشرة آلاف منهم وأقل وأكثر كما قال تعالى {فلما فصل طالوت بلجنود قال إن لله مبتليكم بنهر فمن شرب منه فليس مني ومن لم يطعمه فإنه مني إلا من غترف غرفة بيده فشربوا منه إلا قليلا منهم فلما جاوزه هو ولذين آمنوا معه قالوا لا طاقة لنا ليوم بجالوت وجنوده قال لذين يظنون أنهم ملاقوا لله كم من فئة قليلة غلبت فئة كثيرة بإذن لله ولله مع لصابرين} وهكذا كله إخبار عن فعل الله تعالى ونصره عز وجل لمن صبر منا فتلك الآية التي فيها أن المائة منا تغلب المائتين، وهي إخبار عن بعض ما في الآية التي فيها أن المائة منا تغلب الألف، وهاتان الآيتان معا هما إخبار عن بعض ما في الآية التي فيها {فلما فصل طالوت بلجنود قال إن لله مبتليكم بنهر فمن شرب منه فليس مني ومن لم يطعمه فإنه مني إلا من غترف غرفة بيده فشربوا منه إلا قليلا منهم فلما جاوزه هو ولذين آمنوا معه قالوا لا طاقة لنا ليوم بجالوت وجنوده قال لذين يظنون أنهم ملاقوا لله كم من فئة قليلة غلبت فئة كثيرة بإذن لله ولله مع لصابرين} فلم يخص في هذه الآية عددا من عدد، بل عم عموما تاما. فإن قال قليل التحصيل:

فأي معنى لتكرار ذلك وما فائدته؟. قيل له: قد ذكرنا الجواب عن هذا الفضول من السؤال السخيف، في باب دليل الخطاب من ديواننا هذا، ولكن لا بد من إيراد بعض ذلك، لورود هذا السؤال فيقول وبالله تعالى التوفيق: هذا اعتراض منك على الله عز وجل. والمعنى في ذلك والفائدة كالمعنى والفائدة في تكرار قصة موسى عليه السلام في عدة مواضع بعضها أتم في الخبر من بعض، وبعضها مساو لبعض، وكما كرر تعالى العنب والرمان والنخل بعد ذكر الفاكهة، وكما كرر تعالى: وأقيموا الصلاة والصلاة الوسطى، بعد ذكر المحافظة على جميع الصلوات. وكما كرر تعالى: {فبأي آلاء ربكما تكذبان} في سورة واحدة إحدى وثلاثين مرة: ولم يكررها ثلاثين مرة، لا ثمانية وعشرين مرة. ولا كررها أيضا في غير تلك السورة، وكما أخبر تعالى في مكان بأنه رب السموات والأرض وما بينهما في مكان آخر بأنه رب الشعرى، ولم يذكر معها غيرها. ولا يسأل رب العالمين عما قال ولا ما فعل، وإنما علينا الإيمان بكل ما أتى من عند الله وقبوله كما هو، واعتقاده في موجبه ولا نتعداه، ولنا الأجر على الإقرار به، وعلى تلاوته، وعلى قبوله كما ذكرنا. فأي حظ أعظم من هذا الحظ المؤدي إلى الجنة وفوز الأبد، وهل يبتغي أكثر من هذا الأمر إلا من لا عقل له ولا يسأل الله عما يفعل إلا ملحد أو جاهل أو سخيف أو فاسق، لا بد من أحد هذه، وما فيها حظ لمختار فإن قال قائل فما معنى قول الله تعالى {الآن خفف الله عنكم وعلم أن فيكم ضعفا فإن يكن منكم مئة صابرة يغلبوا مئتين وإن يكن منكم ألف يغلبوا ألفين بإذن الله والله مع لصابرين} في الآيات المذكورات وما هذا التخفيف؟ وهو شيء قد خاطبنا الله تعالى به وامتن به علينا فلا بد من طلب معناه والوقوف على مقدار النعمة علينا في ذلك، وما هذا الشيء الذي خفف عنا، لنحمد الله تعالى عليه، ونعرف وجه الفضل علينا فيه. فالجواب وبالله تعالى التوفيق: إن هذا السؤال صحيح حسن، ووجه ذلك أن أول الآية يبين وجه النعمة عليه وموضع التخفيف وهو قوله تعالى {يأيها لنبي حرض

falsehood against Allah.} One of them tells us that anything exceeding that great weight of wealth has the same status as that weight. Why, then, did they not treat anything exceeding two here as having the same status as two? But this is how Allah deals with someone who plunges headlong, follows his desire, and turns aside from the truth. As for us, had we found in the aforementioned verses any mention of permission to flee, we would have affirmed it and submitted to the command of our Lord. But we found in them no trace or evidence whatsoever permitting flight. We found only that, if we remain steadfast, a hundred of us will overcome two hundred—and Allah, mighty and majestic, has spoken truly. There is nothing in that to preclude there being fewer than a hundred or more than a hundred who overcome ten thousand of them, or fewer or more, as He, exalted, said: "When Saul set out with the troops, he said: 'Allah will test you with a river. Whoever drinks from it is not of me, and whoever does not taste it is of me, except someone who scoops up a handful with his hand.' But they drank from it, except a few of them. When he and those who believed with him had crossed it, they said: 'We have no strength today against Goliath and his troops.' Those who thought that they would meet Allah said: 'How many a small company has overcome a large company by Allah's permission! And Allah is with the steadfast.'" All of this likewise reports Allah's action, exalted is He, and His granting victory, mighty and majestic is He, to those of us who remain steadfast. Thus, the verse stating that a hundred of us will overcome two hundred reports part of what is contained in the verse stating that a hundred of us will overcome a thousand. Both these verses together report part of what is contained in the verse: "When Saul set out with the troops, he said: 'Allah will test you with a river. Whoever drinks from it is not of me, and whoever does not taste it is of me, except someone who scoops up a handful with his hand.' But they drank from it, except a few of them. When he and those who believed with him had crossed it, they said: 'We have no strength today against Goliath and his troops.' Those who thought that they would meet Allah said: 'How many a small company has overcome a large company by Allah's permission! And Allah is with the steadfast.'" In this verse He did not single out one number to the exclusion of another; rather, He expressed an entirely unrestricted generality. If someone of little understanding says,

“What meaning does repeating this have, and what is its benefit?” he is told: We have already answered this superfluous, foolish questioning in the chapter on implication from the wording in this work of ours. Nevertheless, since this question has arisen, some of that must be presented here. Thus he says—and success is through Allah, exalted: This is an objection on your part to Allah, mighty and majestic. Its meaning and benefit are like the meaning and benefit of repeating the account of Moses, peace be upon him, in several places, some giving a fuller account than others, and some being equal to others; and as He, exalted, repeated grapes, pomegranates, and date palms after mentioning fruit; and as He, exalted, repeated “Establish prayer” and “the middle prayer” after mentioning maintaining all the prayers; and as He, exalted, repeated “Which, then, of your Lord’s favors do you two deny?” thirty-one times within a single surah, and did not repeat it thirty times or twenty-eight times, nor did He repeat it in any other surah; and as He, exalted, declared in one place that He is the Lord of the heavens and the earth and what lies between them, and in another place that He is the Lord of Sirius, without mentioning anything else alongside it. The Lord of all worlds is not to be questioned about what He has said or what He has done. Our obligation is only to have faith in everything that has come from Allah, to accept it as it is, to hold as our belief what it entails, and not to go beyond it. We receive reward for affirming it, for reciting it, and for accepting it as we have described. What share could be greater than this share, which leads to Paradise and everlasting triumph? Would anyone seek more than this except someone devoid of reason? No one questions Allah about what He does except a heretic, an ignorant person, a fool, or a sinner: he must be one of these, and none of these offers a desirable share to anyone making a choice. If someone says, “Then what is the meaning of Allah’s statement, exalted is He: ‘Now Allah has lightened your burden, and He knows that there is weakness in you. So if there are a hundred steadfast among you, they will overcome two hundred; and if there are a thousand among you, they will overcome two thousand, by Allah’s permission. And Allah is with the steadfast,’ in the aforementioned verses? What is this lightening? It is something with which Allah, exalted, has addressed us and which He has bestowed upon us as a favor. We must therefore seek its meaning and ascertain

لمؤمنين على لقتال إن يكن منكم عشرون صابرون يغلبوا مئتين وإن يكن منكم مئة يغلبوا ألفا من لذين كفروا بأنهم قوم لا يفقهون} فكان في هذه الآية التحريض لنا على قتالهم، وإيجاب نهوضنا إليهم وهجومنا على ديارهم، ونحن في عشر عددهم، هذا هو ظاهر الآية ومفهومها الذي لا يفهم منها أحد غير ذلك ثم خفف عنا تعالى ذلك وجعلنا في سنة من ترك التعرض للقصد إلى محالهم، إذا كان المقاتلون من الجهة المقصودة أكثر من ضعيفنا، وكنا بالآية الأولى في حرج إن لم نغزهم ونحن في عشر عددهم، فنحن الآن في حرج إن لم نقصدهم إذا كان المقاتلون من الجهة المقصودة مثلينا فأقل، فإن كانوا ثلاثة أمثالنا فصاعدا فنحن في سعة من أن لا نقصدهم ما لم ينزلوا بنا، وما لم يستنفر الإمام أو أميره، إلا أن نختار النهوض إليهم وهم في أضعاف عددنا. فأي هذه الوجوه الثلاثة كان قد حرم علينا الفرار جملة، ولو أنهم جميع أهل الأرض والملاقي لهم مسلم واحد فصاعدا، فهذا هو وجه التخفيف. وبهذا تتآلف الآيات المذكورة مع قوله تعالى: {ومن يولهم يومئذ دبره إلا متحرفا لقتال أو متحيزا إلى فئة فقد بآء بغضب من لله ومأواه جهنم وبئس لمصير} ومع قول رسول الله صلى الله عليه وسلم فإذا استنفرتم فانفروا ومع إجماع الأمة على أنه إذا نزل العدو ساحتنا، ففرض علينا الكفاح والدفاع وأيضا فقول الله عز وجل {لآن خفف لله عنكم وعلم أن فيكم ضعفا فإن يكن منكم مئة صابرة يغلبوا مئتين وإن يكن منكم ألف يغلبوا ألفين بإذن لله ولله مع لصابرين} يبين وجه التخفيف وانما هو عمن فيه ضعف فقط، فصار هذا التخفيف إنما هو عن الضعفاء فقط كقوله تعالى {لا يستوي لقاعدون من لمؤمنين غير أولي لضرر ولمجاهدون في سبيل لله بأموالهم وأنفسهم فضل لله لمجاهدين بأموالهم وأنفسهم على لقاعدين درجة وكلا وعد لله لحسنى وفضل لله لمجاهدين على لقاعدين أجرا عظيما} وكقوله تعالى {ليس على لضعفآء ولا على لمرضى ولا على لذين لا يجدون ما ينفقون حرج إذا نصحوا لله ورسوله ما على لمحسنين من سبيل ولله غفور رحيم}

the extent of the blessing bestowed upon us in it. What is this thing whose burden has been lightened for us, so that we may praise Allah, exalted, for it and recognize the nature of His favor toward us in it?" The answer—and success is through Allah, exalted—is that this question is sound and good. The explanation is that the beginning of the verse makes clear the nature of the blessing upon him and the point at which the burden is lightened, namely His statement, exalted is He: "O Prophet, urge the believers to fight. If there are twenty steadfast among you, they will overcome two hundred; and if there are a hundred among you, they will overcome a thousand of those who disbelieve, because they are a people who do not understand." This verse thus urged us to fight them and made it obligatory for us to advance against them and attack their lands while we numbered one-tenth of their number. This is the verse's apparent meaning and its understood import; no one understands anything else from it. Then He, exalted, lightened that burden for us and placed us under a practice of refraining from undertaking an advance against their settlements when the fighting men on the side to be attacked exceed twice our number. Under the first verse we incurred blame if we did not campaign against them while numbering one-tenth of their number. Now we incur blame if we do not advance against them when the fighting men on the side to be attacked number twice our number or fewer. If they number three times our number or more, we have latitude not to advance against them, provided that they do not descend upon us and that the imam or his commander does not call us to arms—unless we choose to advance against them when they number many times our number. Whichever of these three circumstances obtains, flight has been absolutely forbidden to us, even if they comprise all the people of the earth and the Muslims facing them number only one or more. This, then, is the nature of the lightening. In this way the aforementioned verses accord with His statement, exalted is He: "Whoever turns his back to them on that day, unless maneuvering for battle or joining another company, has incurred wrath from Allah, and his refuge is Hell—an evil destination"; with the statement of the Messenger of Allah ﷺ, "When you are called to arms, go forth"; and with the community's consensus that, when the enemy descends upon our territory, direct combat and defense become obligatory for us. Furthermore, the statement of Allah,

mighty and majestic, "Now Allah has lightened your burden, and He knows that there is weakness in you. So if there are a hundred steadfast among you, they will overcome two hundred; and if there are a thousand among you, they will overcome two thousand, by Allah's permission. And Allah is with the steadfast," makes clear the nature of the lightening: it applies only to those in whom there is weakness. Thus this lightening applies only to the weak, as in His statement, exalted is He: "Those believers who remain behind, other than those with disabilities, are not equal to those who strive in Allah's path with their wealth and their lives. Allah has favored those who strive with their wealth and their lives above those who remain behind by a degree. To each Allah has promised the finest reward, and Allah has favored those who strive above those who remain behind with an immense reward"; and as in His statement, exalted is He: "No blame rests upon the weak, nor upon the sick, nor upon those who find nothing to spend, provided they are

sincere toward Allah and His Messenger. There is no ground for proceeding against those who do good, and Allah is forgiving, merciful."[63][64][65][66][67][68]

L1446 An instance of abrogation made clear by the text is the statement of the Messenger of Allah ﷺ, transmitted by consensus: "There is no bequest for an heir." By this he abrogated the bequest for parents and close relatives who inherit, while the children and close relatives who do not inherit remained subject to the binding obligation that a bequest be made for them. Abu

ومن النسخ الذي بينه النص قول رسول الله صلى الله عليه وسلم المنقول بالإجماع لا وصية لوارث فنسخ بذلك الوصية للوالدين والأقربين الذين يرثون، وبقي الولدان والأقربون الذين لا يرثون على وجوب فرض الوصية لهم. قال أبو محمد: وقد بينا في كتابنا هذا في باب الكلام في الأخبار المأثورة عن النبي صلى الله عليه وسلم في فصل أفردناه للكلام فيما ادعاه قوم من تعارض الأخبار كلاما استغنينا عن تكراره ههنا، فيه بيان غلط قوم فيما ظنوه نسخا وليس بنسخ، ولكن اكتفينا بأن نبهنا عليه ههنا لأنه لا غنى بمزيد معرفة فقه النسخ عنه وبالله تعالى التوفيق

[63] **Translator's note (L1438):** The idiom rakiba radʿahu is unusual and potentially uncertain in this transcription; it is rendered contextually as "plunges headlong."

[64] **Translator's note (L1440):** "Implication from the wording" renders dalīl al-khiṭāb, the legal-theoretical term commonly used for an implication drawn from what a statement leaves unexpressed. The supplied text reads "Thus he says," although the surrounding first-person exposition would more naturally suggest "Thus we say." The supplied reading is retained.

[65] **Translator's note (L1441):** The reference to "Establish prayer" appears incongruous here: the sentence continues with mention of maintaining all the prayers, apparently referring to Quran 2:238, whose wording does not include "Establish prayer." The supplied wording is retained.

[66] **Translator's note (L1443):** The text says "the blessing upon him," although the surrounding discussion concerns the blessing upon "us." The pronoun is retained as supplied.

[67] **Translator's note (L1444):** The opening reads fī sunnatin, literally "under a practice," which is awkward in context. A reading meaning "in a position of latitude" would fit the argument, but the supplied wording is retained. The supplied form ḍaʿīfaynā is irregular in this construction. "Twice our number" follows the numerical argument explicitly developed in the subsequent sentences.

[68] **Qur'an references (L1435):** Qur'an 8:66 (Al-Anfal); Qur'an 8:65 (Al-Anfal); Qur'an 9:91 (At-Tawbah); Qur'an 3:139 (Ali 'Imran); Qur'an 3:75 (Ali 'Imran); Qur'an 2:249 (Al-Baqarah); Qur'an 55:13 (Ar-Rahman); Qur'an 55:16 (Ar-Rahman); Qur'an 55:18 (Ar-Rahman); Qur'an 55:21 (Ar-Rahman); Qur'an 55:23 (Ar-Rahman); Qur'an 55:25 (Ar-Rahman); Qur'an 55:28 (Ar-Rahman); Qur'an 55:30 (Ar-Rahman); Qur'an 55:32 (Ar-Rahman); Qur'an 55:34 (Ar-Rahman); Qur'an 55:36 (Ar-Rahman); Qur'an 55:38 (Ar-Rahman); Qur'an 55:40 (Ar-Rahman); Qur'an 55:42 (Ar-Rahman); Qur'an 55:45 (Ar-Rahman); Qur'an 55:47 (Ar-Rahman); Qur'an 55:49 (Ar-Rahman); Qur'an 55:51 (Ar-Rahman); Qur'an 55:53 (Ar-Rahman); Qur'an 55:55 (Ar-Rahman); Qur'an 55:57 (Ar-Rahman); Qur'an 55:59 (Ar-Rahman); Qur'an 55:61 (Ar-Rahman); Qur'an 55:63 (Ar-Rahman); Qur'an 55:65 (Ar-Rahman); Qur'an 55:67 (Ar-Rahman); Qur'an 55:69 (Ar-Rahman); Qur'an 55:71 (Ar-Rahman); Qur'an 55:73 (Ar-Rahman); Qur'an 55:75 (Ar-Rahman); Qur'an 55:77 (Ar-Rahman); Qur'an 8:16 (Al-Anfal).

Muhammed said: In this book of ours, in the chapter discussing reports transmitted from the Prophet ﷺ, in a section we devoted to discussing what some people have claimed to be contradictions between reports, we have already given an explanation that makes its repetition here unnecessary. It explains the error of some people concerning what they supposed to be abrogation, although it is not abrogation. We have contented ourselves with drawing attention to it here, because anyone seeking greater knowledge of the jurisprudence of abrogation cannot dispense with it. And success is through Allah, exalted.[69]

L1447–1448 Section: It Does Not Matter That the Abrogated Verse Comes Earlier in the Arrangement

Abu Muhammed said: It does not matter that, in the arrangement of the written codex, in writing and recitation, the abrogated verse comes earlier, at the beginning of the surah or in a surah earlier in the arrangement, while the verse abrogating it occurs within the surah or in a surah later in the arrangement. For the verses and surahs of the Quran were not arranged according to their revelation, but as the Possessor of Majesty and Honor willed—He who revealed it, there is no deity but Allah, and arranged it, who entrusted its arrangement to no one other than Himself. The first of the Quran to be revealed was, "Read in the name of your Lord who created," then, "O you who are wrapped up." Both occur late, near the end of the written codex, in writing and recitation. The last to be revealed was the verse concerning a person leaving neither parent nor child, in Surat al-Nisa', and Surat Bara'ah; both occur toward the beginning of the written codex, in writing and recitation. Thus, in identifying what abrogates and what is abrogated, it is absolutely impermissible to take account of the order of compilation. Allah abrogated His words, exalted is He, "Those of you who die and leave wives behind: a bequest for their wives, provision for a year

[69] **Translator's note (L1446):** The supplied text has al-wildān, "the children," where the preceding reference to parents suggests that al-wālidān, "the parents," may have been intended. "Children" preserves the supplied wording. The expression translated "anyone seeking greater knowledge" is grammatically awkward as supplied; its contextual sense has been rendered without changing the legal argument.

فصل لا يضر كون الآية المنسوخة متقدمة في الترتيب قال أبو محمد ولا يضر كون الآية المنسوخة في ترتيب المصحف في الخط والتلاوة متقدمة في أول السورة أو في سورة متقدمة في الترتيب. وتكون الناسخة لها في السورة أو في سورة متأخرة في الترتيب، لأن القرآن لم ترتب آياته وسوره على حسب نزول ذلك، لكن كما شاء ذو الجلال والإكرام منزله. لا إله إلا الله. ومرتبه الذي لم يكل ترتيبه إلى أحد دونه فأول ما نزل من القرآن {} قرأ بسم ربك لذي خلق ثم {يأيها لمدثر} وهما متأخرتان قرب آخر المصحف في الخط والتلاوة، وآخر ما نزل آية الكلالة في سورة النساء، وسورة براءة، وهما في صدر المصحف في الخط والتلاوة، فلا يجوز مراعاة رتبة التأليف في معرفة الناسخ والمنسوخ البتة وقد نسخ الله قوله تعالى {ولذين يتوفون منكم ويذرون أزواجا وصية لأزواجهم متاعا إلى لحول غير إخراج فإن خرجن فلا جناح عليكم في ما فعلن في أنفسهن من معروف ولله عزيز حكيم} بقوله تعالى {ولذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا فإذا بلغن أجلهن فلا جناح عليكم فيما فعلن في أنفسهن بلمعروف ولله بما تعملون خبير} بإجماع الأمة كلها والناسخة في المصحف في الخط والتلاوة والترتيب والتأليف قبل المنسوخة وفي هذا كفاية وبالله تعالى التوفيق

without their being turned out. But if they leave, there is no blame upon you for whatever they do with themselves in an honorable manner. Allah is Mighty, Wise," by His words, exalted is He, "Those of you who die and leave wives behind: they shall wait by themselves for four months and ten. Then, when they have reached the end of their term, there is no blame upon you for whatever they do with themselves in an honorable manner. Allah is fully aware of what you do," by the consensus of the entire community. Yet the abrogating verse precedes the abrogated verse in the written codex, in writing, recitation, arrangement, and compilation. This is sufficient, and success comes through Allah, exalted is He.[70][71]

L1449 **[Section on Abrogating the Less Burdensome by the More Burdensome and the More Burdensome by the Less Burdensome][72]**

L1450–1461 Some of our companions and others have said: It is impermissible to abrogate the less burdensome by the more burdensome. Abu Muhammed said: Those who say this have erred. It is permissible to abrogate the less burdensome by the more burdensome, and the more burdensome by the less burdensome, and a thing by its equivalent. Allah does whatever He wills and is not questioned about what He does. If someone adduces as evidence Allah's words, exalted is He, "The month of Ramadan, in which the Quran was sent down as guidance for mankind and clear proofs of guidance and discrimination. So whoever among you witnesses the month shall fast it; and whoever is ill or on a journey, then a number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that you may give thanks"; and His

[70] **Translator's note (L1447):** The opening Quranic quotation is transcribed with empty braces followed by قرأ rather than the expected اقرأ, "Read." Its intended wording is clear, but the transcription is defective. Throughout these quotations, numerous initial alifs are also missing. "The verse concerning a person leaving neither parent nor child" renders آية الكلالة, referring to the inheritance verse concerning kalalah.

[71] **Qur'an references (L1447):** Qur'an 2:240 (Al-Baqarah); Qur'an 2:234 (Al-Baqarah).

[72] **Translator's note (L1449):** The heading is enclosed in square brackets in the supplied text, possibly indicating an editorially supplied heading.

[فصل في نسخ الأخف بالأثقل والأثقل بالأخف]

قال قوم من أصحابنا ومن غيرهم لا يجوز نسخ الأخف بالأثقل. قال أبو محمد: وقد أخطأ هؤلاء القائلون. وجائز نسخ الأخف بالأثقل والأثقل بالأخف، والشيء بمثله، ويفعل الله ما يشاء ولا يسأل عما يفعل، وإن احتج محتج بقوله الله تعالى {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد لله بكم ليسر ولا يريد بكم لعسر ولتكملوا لعدة ولتكبروا لله على ما هداكم ولعلكم تشكرون} وبقوله تعالى {يريد لله أن يخفف عنكم وخلق لإنسان ضعيفا} وبقوله تعالى {وجاهدوا في لله حق جهاده هو جتباكم وما جعل عليكم في لدين من حرج ملة أبيكم إبراهيم هو سماكم لمسلمين من قبل وفي هذا ليكون لرسول شهيدا عليكم وتكونوا شهدآء على لناس فأقيموا لصلاة وآتوا لزكاة وعتصموا بلله هو مولاكم فنعم لمولى ونعم لنصير} وبقوله تعالى {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد لله بكم ليسر ولا يريد بكم

words, exalted is He, “Allah desires to lighten your burden, and man was created weak”; and His words, exalted is He, “Strive for Allah with the striving due to Him. He has chosen you and has placed no constraint upon you in religion—the creed of your father Abraham. He named you Muslims before, and in this, so that the Messenger may be a witness over you and you may be witnesses over mankind. So establish prayer, give the obligatory alms, and hold fast to Allah. He is your Protector: how excellent a Protector and how excellent a Helper”; and His words, exalted is He, “The month of Ramadan, in which the Quran was sent down as guidance for mankind and clear proofs of guidance and discrimination. So whoever among you witnesses the month shall fast it; and whoever is ill or on a journey, then a number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that you may give thanks”—none of that provides them with any proof. As for His words, exalted is He, “The month of Ramadan, in which the Quran was sent down as guidance for mankind and clear proofs of guidance and discrimination. So whoever among you witnesses the month shall fast it; and whoever is ill or on a journey, then a number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that you may give thanks”; “Strive for Allah with the striving due to Him. He has chosen you and has placed no constraint upon you in religion—the creed of your father Abraham. He named you Muslims before, and in this, so that the Messenger may be a witness over you and you may be witnesses over mankind. So establish prayer, give the obligatory alms, and hold fast to Allah. He is your Protector: how excellent a Protector and how excellent a Helper”—yes indeed: Allah’s religion is entirely ease, while hardship and constraint are what cannot be borne; whatever can be borne is ease. As for His words, exalted is He, “Allah desires to lighten your burden, and man was created weak”—yes indeed. There is nothing light in the world that is not heavy in comparison with something lighter than it, and absolutely nothing heavy that is not light in comparison with something heavier than it. This is something known through sense perception and direct observation. No rational person doubts that the five prayers made obligatory upon us are less burdensome than fifty

لعسر ولتكملوا لعدة ولتكبروا الله على ما هداكم ولعلكم تشكرون} فلا حجة لهم في شيء من ذلك أما قوله تعالى {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد الله بكم ليسر ولا يريد بكم لعسر ولتكملوا لعدة ولتكبروا الله على ما هداكم ولعلكم تشكرون} {وجاهدوا في الله حق جهاده هو جتباكم وما جعل عليكم في لدين من حرج ملة أبيكم إبراهيم هو سماكم لمسلمين من قبل وفي هذا ليكون لرسول شهيدا عليكم وتكونوا شهدآء على لناس فأقيموا لصلاة وآتوا لزكاة وعتصموا بلله هو مولاكم فنعم لمولى ونعم لنصير} فنعم دين الله كله يسر والعسر والحرج وهو ما لا يستطاع، إما ما استطيع فهو يسر وأما قوله تعالى {يريد الله أن يخفف عنكم وخلق لإنسان ضعيفا} فنعم ولا خفيف في العالم إلا وهو ثقيل بالإضافة إلى ما هو أخف منه، ولا ثقيل البتة إلا وهو خفيف بالإضافة إلى ما هو أثقل منه، هذا أمر يعلم حسا ومشاهدة، ولا يشك ذو عقل أن الصلوات الخمس المفروضة علينا أخف من خمسين صلاة، وأنها لو كانت صلاة واحدة كانت أخف علينا من الخمس، وقد خفف الله تعالى عن المسافر فجعلها ركعتين وعن الخائف فجعلها ركعة واحدة، ولو شاء ألا يكلفنا صلاة أصلا لكان أخف بلا شك. وقد نص الله تعالى في الصلاة على أنها كبيرة إلا على الخاشعين، ولا يشك ذو عقل وحس أن صيام شهر أخف من صيام عام، وأن صيام ساعة أخف من صيام يوم، فكل ما كلفنا الله تعالى فهو يسر وتخفيف بالإضافة إلى ما هو أشد مما حمله من كان قبلنا، كما قال الله تعالى آمرا لنا أن ندعوه فنقول {لا يكلف لله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} وكما نص تعالى أنه وضع بنبيه صلى الله عليه وسلم الإصر الذي كان عليهم والأغلال التي كانوا يطوقونها

prayers, and that, had they been a single prayer, it would have been less burdensome for us than the five. Allah, exalted is He, has lightened the burden for the traveler by making it two units of prayer, and for the person in fear by making it one unit of prayer. Had He willed to impose no prayer upon us at all, that would undoubtedly have been less burdensome. Allah, exalted is He, has expressly stated concerning prayer that it is indeed burdensome except for the humble. No one possessing reason and sense perception doubts that fasting for a month is less burdensome than fasting for a year, and that fasting for an hour is less burdensome than fasting for a day. Thus everything Allah, exalted is He, has imposed upon us is ease and a lightening of the burden in comparison with the more severe obligations borne by those before us, as Allah, exalted is He, said, commanding us to supplicate Him and say: "Allah imposes upon no soul beyond its capacity. It shall have what it has earned, and bear what it has incurred. Our Lord, do not take us to task if we forget or make a mistake. Our Lord, do not lay upon us a burden as You laid upon those before us. Our Lord, do not impose upon us what we have no strength to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the unbelieving people." Likewise, He, exalted is He, expressly stated that through His Prophet, may Allah bless him and grant him peace ﷺ, He removed the burden that had been upon them and the shackles with which they had been encircled, when He said, exalted is He: "Those who follow the Messenger, the unlettered Prophet whom they find written down with them in the Torah and the Gospel, who commands them to what is right and forbids them what is wrong, makes good things lawful for them and foul things unlawful for them, and removes from them their burden and the shackles that were upon them. Those who believe in him, honor him, support him, and follow the light sent down with him—it is they who prosper." This is ease itself, the very lightening of burdens and removal of constraint. How can what has been imposed upon us compare with what was imposed upon some of Moses' people: killing themselves with their own hands? Everything imposed upon us becomes easy beside this. Likewise, what is found in the laws of the Jews, that whoever passes over a dead body becomes impure for a day, until nightfall, and all the other burdensome things imposed upon them and things forbidden to them—all of

إذ يقول تعالى {لذين يتبعون لرسول لنبي لأمي لذي يجدونه مكتوبا عندهم في لتوراة ولإنجيل يأمرهم بلمعروف وينهاهم عن لمنكر ويحل لهم لطيبات ويحرم عليهم لخبآئث ويضع عنهم إصرهم والأغلال لتي كانت عليهم فلذين آمنوا به وعزروه ونصروه وتبعوا لنور لذي أنزل معه أولئك هم لمفلحون} فهذا هو عين اليسر وعين التخفيف وإسقاط الحرج، وأين يقع ما كلفناه نحن مما كلفه بعض قوم موسى، من قتل أنفسهم بأيديهم، فكل شيء كلفناه يهون عند هذا، وكذلك ما في شرائع اليهود من أنه من خطر على ميت تنجس يوما إلى الليل، وسائر الثقائل التي كلفوا وحرم عليهم، وخفف عنا ذلك كله. ولله الحمد والمنة. وأما قوله تعالى: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير} فإنما معناه بخير منها لكم، وكلام الله لا يتفاضل في ذاته، فمعناه أكثر أجرا. ولو احتج بهذه الآية من يستجيز أن يقول: لا ننسخ الأخف إلا بالأثقل لكنا أقوى شغبا ممن خالفه، لأنه لا خلاف أن الأثقل فاعله أعظم أجرا وقد قال عليه السلام لعائشة في العمرة: هي على قدر نصبك ونفقتك كانت الناسخة أعظم أجرا، فلا يكون ذلك إلا لثقلها، فهذه الآية عليهم لا لهم فسقط احتجاجهم بكل ما شغبوا به. ثم نقول: إن من قال: إن الله تعالى إنما يلزمنا أخف الأشياء: فإنه يلزمه إسقاط الشرائع كلها، لأنها كلها ثقال بالإضافة إلى ترك عملها، والاقتصار على عمل جزء من كل عمل منها، وهذا شيء يعلم بالحس والمشاهدة. فصار قول من خالفنا مؤديا إلى الخروج عن الإسلام جملة ولا عمل في الدنيا إلا وفيه كلفة ومشقة. وقد قال الشاعر: هل الولد المحبوب إلا تعلة وهل خلوة الحسناء إلا أذى البعل وفي الأكل والشرب مشقة، فلو أن الإنسان يصل إلى ذوق الطعوم المستطابة والشبع، دون تكلف تناول ومضغ وبلع، لكان أخف عليه وأقل مشقة وأيسر غررا، فرب مختنق بأكله كان في ذلك حتفه، أو الإشراف على الحتف. ورب متأذ بما يدخل من ذلك في جوفه، وبما يدخل بين أضراسه، ومغث لمعدته فيتقيأ فيألم لذلك،

that has been lightened for us. To Allah belong praise and favor. As for His words, exalted is He, "Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?"—its meaning is only: better than it for you. Allah's speech does not vary in excellence in its own essence, so its meaning is: greater in reward. If someone who deemed it permissible to say, "We abrogate the less burdensome only by the more burdensome," were to adduce this verse as evidence, we would be stronger in contentious argument than whoever disagreed with him, because there is no disagreement that the person who performs the more burdensome act receives a greater reward. He, peace be upon him ﷺ, said to Aishah concerning the lesser pilgrimage: "It is in proportion to your exertion and expenditure." The abrogating prescription was greater in reward, and that can only be because of its burdensomeness. Thus this verse counts against them, in their favor it does not; their appeal to everything with which they have raised contentious objections therefore collapses. We then say: Whoever says that Allah, exalted is He, imposes upon us only the least burdensome things must consequently dispense with all the prescribed laws, because they are all burdensome in comparison with refraining from performing them and restricting oneself to performing a portion of each prescribed act. This is something known through sense perception and direct observation. Thus the position of those who disagree with us leads to departing from Islam altogether. There is no act in this world without effort and hardship. The poet said: "Is the beloved child anything but a diversion? And is seclusion with a beautiful woman anything but the husband's suffering?" Eating and drinking involve hardship. If a person could experience pleasant flavors and satiety without undertaking the effort of taking up food, chewing, and swallowing, it would be less burdensome for him, involve less hardship, and entail less danger. Many a person has choked on his food, meeting his death thereby or coming close to death; and many a person has suffered harm from what enters his belly and what lodges between his molars and something that nauseates his stomach, so that he vomits and suffers pain from it; and something that soils his garment with what falls from his hand. Were we to trace the difficulty and hardship involved in pleasures, this would become very lengthy indeed. What, then, of the acts imposed as obligations?

ومن ملوث لثوبه بما يسقط من يده ولو تتبعنا ما في اللذات من عسر ومشقة لطال ذلك جدا، فكيف بالأعمال المكلفة. ولكن العسر والمشقة تتفاضل، فإنما رفع الله عز وجل عنا في بعض المواضع ما لا نطيق، وخفف تعالى في بعضها تخفيفا أكثر من تخفيف آخر. وقد جاء في الأثر: حفت الجنة بالمكاره فبطل بهذا الحديث نصا قول من قال: إن الله تعالى لا ينسخ الأخف بالأثقل. وصح أن الله تعالى يفعل ما يشاء فينسخ الأخف بالأثقل، والأثقل بالأخف، والشيء بمثله، والشيء بإسقاطه جملة، ويزيدنا شريعة من غير أن يخفف عنا أخرى لا معقب لحكمه ولا يسأل عما يفعل فإن اعترضوا بقوله تعالى {الآن خفف الله عنكم وعلم أن فيكم ضعفا فإن يكن منكم مئة صابرة يغلبوا مئتين وإن يكن منكم ألف يغلبوا ألفين بإذن الله والله مع لصابرين} فهذه حجة عليهم بينة لا محيد عنها، لأن التخفيف لا يكون إلا بعد تثقيل، فإذا ثقل علينا تعالى أولا فما الذي يمنع من أن يثقل علينا آخرا إن شاء. وقد كنا برهة خالين من ذلك التثقيل الأول ثم ثقلنا به، فما المانع من أن يعود علينا ثانية كما كان أولا وأن نزاد تثقيلا آخر أشد منه، ويكفي من هذا كله وجودنا ما لا سبيل لهم إلى دفع نسخه تعالى أشياء خفافا بأشياء ثقال. فمن ذلك نسخه تعالى صيام يوم عاشوراء بصيام شهر رمضان، ونسخ إباحة الإفطار في رمضان، وإطعام مساكين بدل ما يفطر من أيامه بوجوب صيامه فرضا على كل حاضر صحيح بالغ عاقل عالم بالشهر، ولزوم الصيام فيه، ونسخ سقوط الغسل عن الموجل العامد الذاكر لطهارته بإيجاب الغسل عليه، ونسخ تعالى إباحة الكلام للمصلي بعد أن كان حلالا بتحريمه، وقد كان الكلام فيها فيما ناب الإنسان أخف بلا شك، ونسخ تعالى سقوط فرض الجهاد وبيعة المسلمين لرسول الله صلى الله عليه وسلم على بيعة النساء بإيجاب القتال وحرم الخمر بعد إحلالها وقال تعالى {كل لطعام كان حلا لبني إسرائيل إلا ما حرم إسرائيل على نفسه من قبل أن تنزل التوراة قل فأتوا بلتوراة فتلوها إن كنتم صادقين} فصح أنه تعالى حرم عليهم

أشياء كانت لهم حلالا وقد كان المنسوخ من كل ما ذكرنا أخف من الناسخ بالحس والمشاهدة. وقد بين الله تعالى ذلك بإخباره أن في الخمر والميسر منافع للناس، فأبطل تعالى علينا تلك المنافع ولا يشك ذو عقل أن عدم المنفعة أثقل من وجودها. ونسخ تعالى الأذى والحبس عن الزواني والزناة والرجم والتغريب، ولا شك عند من له عقل أن الحجارة والسياط أثقل من السب والسجن. وقد اعترض بعض من يخالف قولنا في هذه المسألة بأن قال في نسخ الحبس عن الزواني: إن الحبس لم يكن مطلقا، وإنما كان مقيدا بوقت منتظرا لقوله تعالى {وللاتي يأتين لفاحشة من نسآئكم فستشهدوا عليهن أربعة منكم فإن شهدوا فأمسكوهن في لبيوت حتى يتوفاهن لموت أو يجعل لله لهن سبيلا} قال أبو محمد وهذا الاعتراض ساقط من وجوه ثلاثة: أحدها: أنه لا يجد مثل هذا الشرط في أذى الزناة وتبكيتهم ولا في سائر ما ذكرنا من الخفائف المنسوخة بالثقائل. والثاني: أن كل نسخ في الدنيا فهذه صفته، وإنما هو مقيد عند الله تعالى بوقت محدود في علمه تعالى، كما قالت عائشة في فرض قيام الليل: إنه تعالى أمسك خاتمة الآية في السماء اثني عشر شهرا ثم أنزلها. ولا فرق بين أن يبدي إلينا ربنا تعالى أنه سينسخ ما يأمرنا به بعد مدة وبين ألا يبدي إلينا ذلك حتى ينسخه وكل ذلك نسخ ولا فرق بين معجل النسخ ومؤجله، في أن كل ذلك نسخ.

But difficulty and hardship vary in degree. Allah, mighty and majestic, has only removed from us, in certain instances, what we cannot bear; and in some instances He, exalted, has granted greater relief than in others. The transmitted report states: "Paradise is surrounded by disagreeable things." This hadith thus explicitly invalidates the statement of anyone who says that Allah, exalted, does not abrogate a lighter obligation with a heavier one. It is established that Allah, exalted, does whatever He wills: He abrogates the lighter with the heavier, the heavier with the lighter, a thing with its like, and a thing by abolishing it altogether; and He adds a religious prescription for us without lightening another for us. None can overturn His judgment, and He is not questioned about what He does. If they object by citing His words, exalted: "Now Allah has lightened your burden, and He knows that there is weakness in you. Thus, if there are a hundred steadfast among you, they will overcome two hundred; and if there are a thousand among you, they will overcome two thousand, by Allah's permission. And Allah is with the steadfast," this is clear evidence against them from which there is no escape, because lightening can occur only after a burden has been imposed. Thus, if He, exalted, initially imposed a burden upon us, what prevents Him from imposing a burden upon us later, if He wills? We had, for a time, been free of that initial burden, and then we were burdened with it. What, then, prevents it from returning upon us a second time, as it did the first, and our being given an additional burden more severe than it? Sufficient for all of this is our finding what they have no means of denying: His abrogation, exalted, of light obligations with heavy ones. Among these is His abrogation, exalted, of fasting on the day of Ashura with fasting during the month of Ramadan; and the abrogation of permission to refrain from fasting during Ramadan and to feed needy people in place of the days on which one does not fast, by making fasting it an obligatory duty upon every person who is resident, healthy, adult, of sound mind, and aware of the month, and by requiring fasting during it. Also, the abrogation of the exemption from the full ritual bath for a man who intentionally effects penetration while remembering his state of ritual purity, by requiring the full ritual bath of him. And He, exalted, abrogated permission for a person praying to speak, after it had been lawful, by prohibiting it; speaking during prayer about something that had

befallen a person had undoubtedly been easier. And He, exalted, abrogated the absence of an obligation of jihad, and the Muslims' pledge to the Messenger of Allah, may Allah bless him and grant him peace ﷺ, on the terms of the women's pledge, by making fighting obligatory. He prohibited wine after having made it lawful. And He, exalted, said: "All food was lawful for the Children of Israel except what Israel forbade to himself before the Torah was sent down. Say: Bring the Torah, then, and recite it, if you are truthful." It is thus established that He, exalted, prohibited for them things that had been lawful for them. In everything we have mentioned, the abrogated ruling was lighter than the abrogating ruling, as sensory experience and observation attest. Allah, mighty and majestic, has explained this by informing us that wine and gambling contain benefits for people; He, exalted, then deprived us of those benefits. No rational person doubts that the absence of a benefit is more burdensome than its presence. And He, exalted, abrogated maltreatment and confinement for women and men who commit unlawful intercourse, and stoning and banishment. No one possessed of reason doubts that stones and whips are more burdensome than verbal abuse and imprisonment. Someone who disagrees with our position on this question objected, concerning the abrogation of confinement for women who commit unlawful intercourse, by saying: "Confinement was not unrestricted; rather, it was tied to a time that was awaited, because of His words, exalted: 'As for those of your women who commit the indecency, call four witnesses from among you against them. If they testify, confine them in the houses until death takes them or Allah makes a way for them.'" Abu Muhammed said: This objection fails on three grounds. The first is that he finds no such condition concerning the maltreatment and rebuking of men who commit unlawful intercourse, nor concerning the rest of what we have mentioned of lighter obligations abrogated by heavier ones. The second is that every abrogation in the world has this character: it is tied, with Allah, exalted, to a definite time within His knowledge, exalted, just as Aisha said concerning the obligation of standing in prayer at night: He, exalted, withheld the conclusion of the verse in heaven for twelve months and then sent it down. There is no difference between our Lord, exalted, disclosing to us that He will abrogate what He commands us after a period of time, and His not disclosing that to

us until He abrogates it. All of this is abrogation. Nor is there any difference between immediate abrogation and deferred abrogation in that all of it is abrogation.[7374757677787980]

L1462–1463 The third is that the way that was awaited for them is more burdensome than what had initially been imposed upon them, for it consists of being crushed with stones until death occurs, after suffering pain from the whip, or being banished in the land after suffering pain from the whip. Thus, the way imposed upon them was a way of destruction or affliction, and all of that is more severe than confinement. This is precisely what we have disputed: we have allowed it, and they have rejected it. One of them objected to the abrogation of the pledge on the terms of the women's pledge by the imposition

والثالث: أن السبيل الذي انتظر بهن هو أثقل مما كان عليهن أولا، لأنه شدخ بالحجارة حتى يقع الموت بعد الإيلام بالسوط، أو نفي في الأرض بعد الإيلام بالسوط، فكانت السبيل المحمولة لهن سبيل الهلاك أو البلاء وكل ذلك أشد من الحبس. وهذا نفس ما اختلفنا فيه فأجزناه نحن وأبوه هم. وقد اعترض بعضهم في نسخ البيعة على بيعة النساء بإيجاب القتال بأن قال: كان القتال أثقل علينا في صدر الإسلام لقلتنا، فلما كثر عددنا صار تركه أثقل. قال أبو محمد: ولو كان لهذا القائل علم بكيفيات الأسماء وحدود الكلام لم يأت بهذا الهذر. ويقال له: أخبرنا، أزاد الناس حين نزول آية إيجاب القتال زيادة قووا بها قوة ثانية أكثر مما كانوا أم لا؟ فإن قال: لا. نقص قوله وتبرأ منه وأخبر أن الحال بعد نزول هذه الآية الموجبة للقتال بعد أن كان غير واجب كالحال التي كانت قبل نزول إيجاب القتال. وبطل ما قدر من التفاضل في القوة الموجبة لنزول إيجاب القتال، وإن قال: نعم، جمع أمرين: أحدهما: أنه يقفو ما ليس له به علم ويكذب، والثاني: أنه لم يتخلص بعد من إلزامنا ويقال له: لا بد أنه قد كان بين بلوغهم العدد الذي بلغوه حين نزول آية إيجاب القتال عليهم، وبين نزول الآية وقت ما لا بد منه فقد كان العدد موجودا ولا قتال عليهم. ثم نسخ بإيجاب القتال. وأيضا فإنه ليس في المعقول أصلا، ولا في الوجود عدد إذا بلغته الجماعة قويت على محاربة أهل الأرض كلهم، وقد ألزم الله تعالى المسلمين إذا أمرهم بالقتال مجاهدة كل من يسكن معمور العالم من الناس، والمسلمون يومئذ لم يبلغوا الألف، وقد علم كل ذي عقل أنه لا فرق في القوة على محاربة أهل الأرض كلهم بين ألف وألفين وبين واحد واثنين. وإنما ههنا نزول النصر، فإذا أنزل الله تعالى على الإنسان الواحد قوي ذلك الواحد على محاربة أهل الأرض كلهم وعجزوا كلهم عنه كما قال تعالى لنبيه صلى الله

[73]**Translator's note (L1451):** The repeated full quotation concerning Ramadan is present in the supplied text and has been retained.

[74]**Translator's note (L1452):** The clause والعسر والحرج وهو ما لا يستطاع is grammatically awkward, using a singular pronoun after "hardship and constraint." The translation preserves its apparent sense.

[75]**Translator's note (L1454):** خطر على, translated "passes over," is an unusual expression in this context. The sentence continues in the next unit with "a dead body"; the precise action intended is uncertain.

[76]**Translator's note (L1455):** The supplied لكنا means "we would be," although the surrounding argument appears to require لكان, "he would be." The translation retains the supplied first-person plural; the sentence continues in the next unit.

[77]**Translator's note (L1456):** The transition after the saying to Aishah is syntactically abrupt: كانت الناسخة أعظم أجرا, "the abrogating prescription was greater in reward." The supplied text has been retained without inserting a missing conditional. The poem's تعلة can mean a diversion, consolation, or something with which one occupies oneself. Its خلوة الحسناء literally denotes seclusion with the beautiful woman; the compressed wording has been preserved.

[78]**Translator's note (L1459):** The qualification "while remembering his state of ritual purity" follows the supplied wording, which is unusual in this discussion of the full ritual bath.

[79]**Translator's note (L1460):** The supplied text says "and stoning and banishment," leaving their grammatical relationship to the abrogation unclear. The argument appears to require "with stoning and banishment," but that wording has not been silently substituted.

[80]**Qur'an references (L1450):** Qur'an 2:185 (Al-Baqarah); Qur'an 22:78 (Al-Hajj); Qur'an 2:286 (Al-Baqarah); Qur'an 2:106 (Al-Baqarah); Qur'an 8:66 (Al-Anfal); Qur'an 3:93 (Ali 'Imran); Qur'an 4:15 (An-Nisa).

of fighting as an obligation, by saying: "Fighting was more burdensome for us in the early days of Islam because we were few; then, when our numbers increased, refraining from it became more burdensome." Abu Muhammed said: Had this speaker possessed knowledge of the characteristics of terms and the definitions of speech, he would not have produced this nonsense. He should be told: Tell us, did the people, when the verse making fighting obligatory was revealed, increase by a number through which they acquired a further strength greater than they had possessed, or not? If he says no, he has undone his own statement, disavowed it, and declared that the situation after the revelation of this verse making fighting obligatory, after it had not been obligatory, was like the situation before the revelation of the obligation to fight. The difference in strength that he supposed to have occasioned the revelation making fighting obligatory is thereby invalidated. If he says yes, he combines two things: first, he pursues that of which he has no knowledge and lies; second, he has still not escaped the binding force of our argument. He should be told: There must necessarily have been some interval between their reaching the number they had reached when the verse making fighting obligatory upon them was revealed, and the revelation of the verse. That number therefore existed while fighting was not obligatory upon them; then this was abrogated by making fighting obligatory. Moreover, neither in what is conceivable by reason nor in actual existence is there any number which, once a group reaches it, enables it to wage war against all the people of the earth. When Allah, exalted, commanded the Muslims to fight, He obliged them to wage jihad against every human inhabitant of the populated world, although the Muslims at that time had not reached a thousand. Every rational person knows that, in strength to wage war against all the people of the earth, there is no difference between a thousand and two thousand, or between one and two. What matters here is the sending down of victory. If Allah, exalted, sends it down upon a single person, that one person becomes capable of waging war against all the people of the earth, and all of them become powerless against him, as He, exalted, said to His Prophet, may Allah bless him and grant him peace ﷺ: "hā, hā, hā, hā; al-Ma'idah 67." And we

عليه وسلم {هههه المائدة 67 وأيقنا بذلك لو بارزوه كلهم لسقطوا أمامه، ولقدر على جميعهم.

are certain of this: were they all to confront him in combat, they would fall before him, and he would prevail over them all.[81][82]

L1464 Some who disagree with our position have said that patiently enduring fighting is more burdensome for a person of proud spirit.[83]

L1465–1468 Abu Muhammed said: Sufficient for us in refuting this assertion is Allah's, mighty and majestic, declaration of its falsity. For He, exalted, addressed the Companions—may Allah be pleased with them—who were the proudest of people in spirit and the most ardent in heart, and the loftiest in resolve—or He also addressed every Muslim who would come until the Day of Resurrection, although they are the proudest of nations in spirit and the most accepting of oppression, when He, exalted is He, said: {Fighting has been prescribed for you, although it is hateful to you. Perhaps you hate something while it is good for you, and perhaps you love something while it is bad for you. Allah knows, while you do not know.} He, mighty and majestic, has spared us disputation and toil, and has explained that the prescription is hateful to us. What is hateful is the most burdensome thing. He, glorified and exalted is He, has informed us that what is hateful, which is more burdensome, may contain more good for us than what is lighter. Allah, exalted is He, has thus given us a clear ruling on this question, such that, after hearing it, no one may utter a single word on this subject contrary to our position. Praise belongs to Allah, Lord of the worlds.

One of them objected, saying: "Wine was never permissible; rather, it was forbidden by reason, so its permissibility was not abrogated." Abu Muhammed said: We say—and success comes through Allah, exalted is He—that if this speaker had occupied himself with reading the hadith of the Prophet ﷺ, that would have been more fitting for him than speaking about

[81] **Translator's note (L1462):** "The way imposed upon them" renders the unusual supplied expression al-sabil al-mahmulah lahunna; its wording is awkward in context.

[82] **Translator's note (L1463):** The purported Quran quotation is corrupt: the supplied text contains only four repetitions of the Arabic letter hā followed by "al-Ma'idah 67," with no closing quotation brace. The missing verse has not been reconstructed.

[83] **Translator's note (L1464):** The supplied wording says "patiently enduring fighting." The surrounding argument suggests that patiently refraining from fighting may have been intended, but the text has been translated as supplied.

وقد قال بعض المخالفين لقولنا: إن الصبر على القتال أثقل لذي النفس الآنفة.

قال أبو محمد: ويكفينا من الرد على هذه المقالة تكذيب الله عز وجل لها، فإنه تعالى خاطب الصحابة رضي الله عنهم، وهم آنف الناس نفوسا، وأحماهم قلوبا، وأعزهم هممًا، أو خاطب أيضا كل مسلم يأتي إلى يوم القيامة وهم أعز الأمم نفوسا، وأقرها على الضيم بأن قال تعالى {كتب عليكم لقتال وهو كره لكم وعسى أن تكرهوا شيئا وهو خير لكم وعسى أن تحبوا شيئا وهو شر لكم والله يعلم وأنتم لا تعلمون} وكفانا عز وجل الشغب والتعب وبين أن الكتاب مكروه عندنا. والمكروه أثقل شيء. وأخبرنا سبحانه وتعالى أن المكروه الذي هو أثقل قد يكون لنا فيه خير أكثر مما في الأخف، فقد حكم الله تعالى لنا في هذه المسألة حكما جليا، لا يسوغ لأحد أن يتكلم بعد سماعه في هذا المعنى بكلمة مخالفة لقولنا، والحمد لله رب العالمين. واعترض بعضهم بأن قال: لم تكن الخمر مباحة، بل كانت حراما بالعقل فلم ينسخ إباحتها. قال أبو محمد: فنقول وبالله تعالى التوفيق: إذ هذا القائل لو اشتغل بقراءة حديث النبي صلى الله عليه وسلم لكان ذلك أولى به من الكلام في الدين قبل النفقة فيه، وقد روينا في الحديث الصحيح تحليلها قبل أن تحرم، حدثنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج قال: ثنا عبيد الله بن عمر القواريري، ثنا أبو همام عبد الأعلى، ثنا سعيد الجريري، عن أبي نضرة عن أبي سعيد الخدري قال سمعت رسول الله صلى الله عليه وسلم قال يا أيها الناس إن الله يعرض بالخمر ولعل الله سينزل فيها أمرا، فمن كان عنده منها شيء فليبعه ولينتفع به قال فما لبثنا إلا يسيرا حتى قال صلى الله عليه وسلم إن الله حرم الخمر فمن أدركته

religion before acquiring understanding of it. We have transmitted, in an authentic hadith, its being made lawful before it was forbidden. Abd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj, who said: Ubayd Allah ibn Umar al-Qawariri related to us; Abu Hammam Abd al-Ala related to us; Said al-Jurayri related to us, from Abu Nadra, from Abu Said al-Khudri, who said: I heard the Messenger of Allah ﷺ say: "O people, Allah is making allusions concerning wine, and perhaps Allah will send down a command concerning it. Whoever has any of it should sell it and benefit from it." He said: We remained only a short while before he ﷺ said: "Allah has forbidden wine. Whoever this verse reaches while he has any of it must neither drink nor sell." We have also transmitted, through authentic hadith excerpts, accounts of its being drunk openly with the knowledge of the Messenger of Allah ﷺ, most of these concerning Hamza, Sad, and Abu Ubayda ibn al-Jarrah and Suhayl ibn Bayda, Abd al-Rahman ibn Awf, Abu Ayyub, Abu Talha, and Abu Dujana Simak ibn Kharasha, Ubayy ibn Kab, Muadh ibn Jabal, and others among the Emigrants and the Helpers—may Allah be pleased with them. How, then, can this ignoramus say that it was never lawful and that reason forbade it? And where does the reason of this madness, which in truth possesses no reason, stand beside the reason of the Messenger of Allah ﷺ, who used to see them drinking it without censuring them for that, for more than sixteen years after his commissioning as a prophet, peace be upon him? Wine was not forbidden until after Uhud, and Uhud took place in the third year of the emigration. The Companions' drinking together in Medina in the presence of the Messenger of Allah ﷺ, the drunken aggression some of them directed against others, the injuries inflicted upon Ali's two mature she-camels, and the confusion in prayer are too well known to be unknown to anyone acquainted with the reports. He, peace be upon him, knew of all this and did not censure it. No believer may say that he, peace be upon him, ever acquiesced in anything forbidden. Sufficient here is what we have already presented concerning his command,

هذه الآية وعنده شيء فلا يشرب ولا يبع. وروينا من الأطراف الصحاح شربها معلنا بعلم رسول الله صلى الله عليه وسلم أكثر ذلك عن حمزة وسعد وأبي عبيدة بن الجراح، وسهيل بن بيضاء، وعبد الرحمن بن عوف، وأبي أيوب، وأبي طلحة، وأبي دجانة سماك بن خرشة، وأبي بن كعب، ومعاذ بن جبل وغيرهم من المهاجرين والأنصار رضي الله عنهم، فكيف يقول هذا الجاهل: إنها لم تكن حلالا، وإن العقل حرمها، وأين عقل هذا الجنون العديم العقل على الحقيقة من عقل رسول الله صلى الله عليه وسلم الذي كان يراهم يشربونها ولا ينكر ذلك عليهم أزيد من ستة عشر عاما بعد مبعثه عليه السلام، فإن الخمر لم تحرم إلا بعد أحد. وأحد كانت في الثالث من الهجرة، وتنادم الصحابة في المدينة بحضرة رسول الله صلى الله عليه وسلم وما وقع لبعضهم من العربدة على بعض ومن الجنايات في شارفي علي، ومن التخليط في الصلاة أشهر من أن يجهله من له علم بالأخبار، وكل ذلك يعلمه ولا ينكره عليه السلام، ولا يحل لمؤمن أن يقول إنه عليه السلام أقر على حرام أصلا، ويكفي من هذا ما قدمنا من أمره عليه السلام يبيعها قبل أن تحرم، وبأن ينتفع بها، والشرب يدخل في الانتفاع وبالله التوفيق

peace be upon him, to sell it before it was forbidden and to benefit from it; drinking is included in benefiting. Success comes through Allah.[848586]

[Section on Abrogating Something before It Is Put into Practice]

L1469

L1470 Abu Muhammed said: Earlier scholars discoursed at length on this topic, although we do not know that a student of jurisprudence has any need for it. But, since they have spoken, we are obliged to explain the truth concerning it, through Allah's might and power. The correct position concerning it is that abrogation after something has been put into practice and before it has been put into practice is permissible in either case.[87]

L1471–1482 He, exalted is He, abrogated for us His imposition of forty-five prayers every day and night before anyone had performed them. Abu Muhammed said:

[84]**Translator's note (L1466):** The opening continues the description of the Companions from the preceding segment. The supplied وأقرها على الضيم means "the most accepting of oppression," although this sits awkwardly beside the description of their proud spirits; it has not been changed to its apparent opposite. The Qur'anic quotation corresponds to 2:216, but the supplied text has defective spellings, including لقتال and ولله. The translation follows the identifiable wording. The supplied الكتاب literally denotes writing or a written prescription; in this context القتال, "fighting," may have been intended. "The prescription" retains the supplied reading. قبل النفقة فيه literally refers to expenditure rather than understanding; the context strongly suggests a corruption of قبل التفقه فيه, reflected in the translation. الأطراف الصحاح has been rendered "authentic hadith excerpts"; الأطراف can designate the identifying portions or excerpts of hadith reports.

[85]**Translator's note (L1468):** The opening completes the name Abu Dujana Simak ibn Kharasha from the preceding segment. The supplied هذا الجنون means "this madness," producing the deliberately retained awkward expression "the reason of this madness." A word meaning "madman" may have been intended. The supplied من أمره عليه السلام يبيعها is syntactically irregular; the translation reflects the evident reference to his earlier instruction to sell the wine.

[86]**Qur'an references (L1465):** Qur'an 2:216 (Al-Baqarah).

[87]**Translator's note (L1470):** The supplied أن لطالب الفقه حاجة lacks an explicit complement identifying what the student needs; "for it" is supplied from context. ولكن ما تكلموا is awkward as supplied. The translation takes it in the contextual sense "but, since they have spoken," possibly reflecting an omitted ل in لما.

[فصل في نسخ الشيء قبل أن يعمل به]

قال أبو محمد أكثر المتقدمون في هذا الفصل وما ندري أن لطالب الفقه حاجة ولكن ما تكلموا ألزمنا بيان الحق في ذلك بحول الله وقوته، والصحيح من ذلك: أن النسخ بعد العمل به وقبل العمل به، جائز كل ذلك،

وقد نسخ تعالى عنا إيجابه خمسة وأربعين صلاة في كل يوم وليلة، قبل أن يعمل بها أحد. قال أبو محمد: ومن جعل هذا بداء فقد جعل النسخ بداء ولا فرق، وكل ما دخلوه في نسخ الشيء قبل أن يعمل به راجع عليهم في نسخه بعد أن يعمل به ولا فرق، والله تعالى يفعل ما يشاء، والذي نقدر أن الذي حداهم إلى الكلام في هذه المسألة مذهبهم الفاسد في المصالح، ونحن لا نقول بها، بل نفوض الأمر إلى الله عز وجل يفعل ما يشاء، ليس عليه زمام، ولا له متعقب، وسنبين ذلك في باب العلل من هذا الديوان إن شاء الله تعالى. فإن قال قائل: فماذا أراد الله عز وجل منا إذ قال: خمسين صلاة في كل يوم وليلة، ثم نسخها وردها إلى خمس قبل أن نصلي الخمسين؟ قيل له، وبالله تعالى التوفيق: إنه أراد منا الطاعة والانقياد والعزيمة على صلاتها، والاعتقاد لوجوبها علينا فقط، ولم يرد تعالى قط منا كون تلك الصلوات، ولا أن نعملها، ونحن لا ننكر أن يأمر تعالى بما لم يرد قط منا كونه، بل يوجب ذلك، ونقول: إنه تعالى أمر أبا طالب بالإيمان، ولم يرد قط تعالى كون إيمانه موجودا وقد نص تعالى على ذلك بقوله {يأيها لرسول لا يحزنك لذين يسارعون في لكفر من لذين قالوا آمنا بأفواههم ولم تؤمن قلوبهم ومن لذين هادوا سماعون للكذب سماعون لقوم

Whoever makes this a revision arising from newly acquired knowledge has thereby made abrogation itself such a revision; there is no difference. Every objection they introduce against abrogating something before it is put into practice rebounds upon them concerning its abrogation after it has been put into practice; there is no difference. Allah, exalted is He, does whatever He wills. What we suppose drove them to discuss this question is their corrupt doctrine concerning beneficial interests. We do not subscribe to it; rather, we entrust the matter to Allah, mighty and majestic. He does whatever He wills. No bridle restrains Him, and no one can overturn His decision. We shall explain this in the chapter on effective causes in this work, if Allah, exalted is He, wills. If someone says: "What, then, did Allah, mighty and majestic, will from us when He said, 'Fifty prayers every day and night,' and then abrogated them and reduced them to five before we had performed the fifty?" he is told—and success comes through Allah, exalted is He: He willed from us only obedience, submission, resolve to perform them, and belief that they were obligatory upon us. He, exalted is He, never willed from us the occurrence of those prayers or that we perform them. We do not deny that He, exalted is He, may command something whose occurrence He never willed from us; rather, He makes that obligatory. We say that He, exalted is He, commanded Abu Talib to have faith, but He, exalted is He, never willed that his faith should come into existence. He, exalted is He, expressly stated this in His saying: {O Messenger, do not let those who hasten into unbelief grieve you, among those who say, "We believe," with their mouths while their hearts do not believe, and among those who are Jews: listeners to falsehood, listeners to other people who have not come to you, altering words after their proper placements, saying, "If you are given this, take it; but if you are not given it, beware." Whoever Allah wills to put to trial, you can avail him nothing against Allah. Those are the ones whose hearts Allah did not will to purify. For them is disgrace in this world, and for them in the Hereafter is a tremendous punishment.} And His saying, exalted is He: {You do not guide whom you love, but Allah guides whom He wills, and He knows best those who are guided.} He, exalted is He, thus stated that He did not make Abu Talib's guidance obligatory, and that He willed not to guide certain people, although all of them were commanded to follow guidance.

آخرين لم يأتوك يحرفون لكلم من بعد مواضعه يقولون إن أوتيتم هذا فخذوه وإن لم تؤتوه فحذروا ومن يرد الله فتنته فلن تملك له من الله شيئا أولئك لذين لم يرد الله أن يطهر قلوبهم لهم في لدنيا خزي ولهم في لآخرة عذاب عظيم} وقوله تعالى {إنك لا تهدي من أحببت ولكن الله يهدي من يشآء وهو أعلم بلمهتدين} فأخبر تعالى أنه لم يجب هداية أبي طالب، وأنه أراد ألا يهدي قوما، وكلهم مأمور بالاهتداء، وقد بينا هذا في كتاب الفصل، ولو أنه تعالى لم ينسخها حتى نصليها لعلمنا حينئذ أنه تعالى أراد كونها منا، كما علمنا أنه تعالى أراد إسلام أبي بكر وعمر وسائر من أسلم، وإنما نعلم ما أراد تعالى كونه بعد ظهوره، أو أخبرنا الله تعالى بأنه سيكون والله أعلم، وهو الذي أطلعنا عليه من غيبه، ونحن كنا مأمورون بالصلاة. وقد يموت كثير من الناس قبل أن يتأتى عليه وقت صلاة بعد بلوغه، إنه تعالى إنما أراد من هؤلاء الانقياد والعزيمة فقط، والله تعالى لم يرد قط ممن مات قبل حلول وقت الصلاة أن يصليها. واحتج بعض من تقدم في إجازة نسخ الشيء قبل العمل به بحديث الزبير: إذ خاصم الأنصاري في سيل مهزور ومذينب وجعل الأمر الآخر منه عليه السلام ناسخا للأول. وأبطل قول من قال: كان الأمر الأول على سبيل الصلح وترك الزبير بعض حقه وقال: إن هذا لا يحل أن يقال، لأن حكمه عليه السلام كله حق واجب لقول الله تعالى {لا تجعلوا دعآء لرسول بينكم كدعآء بعضكم بعضا قد يعلم لله لذين يتسللون منكم لواذا فليحذر لذين يخالفون عن أمره أن تصيبهم فتنة أو يصيبهم عذاب أليم} فلم يخص أمرا دون أمر، ولو ساغ ذلك في هذا الحديث، لساغ لكل أحد أن يقول في أي حكم حكم به رسول الله صلى الله عليه وسلم هذا على سبيل الصلح لا على سبيل الحقيق وهذا كفر من قائله. قال أبو محمد: وقد صدق هذا المحتج فيما قال. قال بعضهم: لو جاز النسخ قبل العمل لجاز قبل الاعتقاد. قال أبو محمد: وهذا قياس، والقياس باطل، ولو كان القياس حقا لكان هذا فاسدا، إذ ليس سقوط العقل موجبا لسقوط الاعتقاد، وقد

We have explained this in the Book of Distinction. Had He, exalted is He, not abrogated those prayers until we performed them, we would then have known that He, exalted is He, willed their occurrence from us, just as we know that He, exalted is He, willed the acceptance of Islam by Abu Bakr, Umar, and everyone else who accepted Islam. We know what He, exalted is He, willed to occur only after it becomes manifest, or when Allah, exalted is He, informs us that it will occur. Allah knows best, and that is what He has disclosed to us of His unseen knowledge. And we were commanded to pray, yet many people may die before the time of a prayer reaches them after they attain puberty. He, exalted is He, willed from these people only submission and resolve. Allah, exalted is He, never willed that someone who died before the time of the prayer arrived should perform it. Some earlier scholars argued for the permissibility of abrogating something before it is put into practice by citing the hadith of al-Zubayr, when he disputed with the man of the Helpers concerning the floodwater of Mahzur and Mudhaynib, and regarded his later command, peace be upon him, as abrogating the first. He rejected the statement of anyone who said that the first command was issued by way of settlement and that al-Zubayr relinquished part of his right. He said: "It is impermissible to say this, because every judgment of his, peace be upon him, is binding truth," because of Allah's saying, exalted is He: {Do not make the Messenger's calling among you like your calling one another. Allah certainly knows those among you who slip away, taking cover behind others. So let those who act contrary to his command beware lest a trial befall them or a painful punishment befall them.} He did not single out one command to the exclusion of another. If this were admissible concerning this hadith, it would be admissible for anyone to say concerning any judgment delivered by the Messenger of Allah ﷺ: "This was by way of settlement, rather than by way of establishing the actual right." This is unbelief on the part of whoever says it. Abu Muhammed said: This person advancing the argument has spoken truly in what he said. One of them said: "If abrogation before practice were permissible, it would be permissible before belief." Abu Muhammed said: This is analogy, and analogy is invalid. Even if analogy were valid, this particular analogy would be unsound, since the lapse of reason does not entail the lapse of belief. And someone may believe that a thing is obligatory

يعتقد وجوب الشيء وتصحيحه من لا يفعله من المسلمين العصاة، وقد يفعله من لا يعتقده من المنافقين والمرائين، وهذا أمر يعلم بالمشاهدة، فبطل أن يكون الاعتقاد مرتبطا بالعمل، وبطل ما موه به هذا المعترض من أنه لو جاز النسخ قبل العمل لجاز قبل الاعتقاد، فإن قالوا: لو جاز نسخ الشيء قبل العمل به لكان اعتقاده حسنا وطاعة، وفعله قبيحا ومعصية، وهذا محال. فالجواب: إن هذا شغب ضعيف لأنهم جمعوا بين حكم زمانين مختلفين، وإنما يكون اعتقاد الشيء حقا إن فعل إذا لم ينسخ، فأما إذا نسخ فإنما الواجب اعتقادا أنه معصية إن فعل، واعتقاد أنه قد كان طاعة في وقت آخر، وهذا ليس محالا فإن قالوا: الاعتقاد فعل قيل لهم: الاعتقاد فعل النفس منفردة لا شركة للجسد معها فيه، والعمل فعل النفس بتحريك الجسد، فهو شيء آخر غير الاعتقاد وقد فرق رسول الله صلى الله عليه وسلم بينهما بقوله صلى الله عليه وسلم العمل بالنيات فجعل النية وهي الاعتقاد غير العمل. قال أبو محمد: وقد احتج القدماء من القائلين بقولنا في هذه المسألة بحجج منها أمره تعالى إبراهيم عليه السلام بذبح ولده وقول إبراهيم عليه السلام {إن هذا لهو لبلاء لمبين} وقالوا هذا بيان جلي أن الذي أمر به نسخ قبل أن يكون، لأن قوما قالوا: إنما أمر بتحريك السكين على حلق ولده فقط، فأبطل تعالى قولهم بقول إبراهيم {إن هذا لهو لبلاء لمبين} ولو لم يؤمر بقتله لما كان في تحريك السكين على حلقه بلاء فصح بقول إبراهيم عليه السلام، أنه إنما أمر بقتل ولده وإمائته بالذبح، ثم نسخ ذلك قبل فعله. قال أبو محمد: وهذا احتجاج صحيح لا ينفك منه أصلا. فإن قال قائل: عرفونا ما الذي أراد الله تعالى منا إذا أمرنا بالشيء ثم نسخه قبل فعله، أراد العمل به ثم بدا له قبل فعله؟ أم أراد ألا يعمل به؟ والشيء إذا لم يرده تعالى فقد سخطه وكرهه ولم يرضه، فعلى قولكم إنه تعالى يأمرنا بما يكره ويسخط ويلزمنا ما لا يرضى كونه منا. قال أبو محمد: فيقال، وبالله تعالى التوفيق، إنه تعالى أمر بما أمر من ذلك ولا مراد له إلا الانقياد في المأمور فقط، ولم يرد قط وقوع الفعل،

and valid, as do disobedient Muslims who do not perform it; and hypocrites and those who act for show may perform it without believing in it. This is something known through observation. Thus it is false that belief is bound to action, and the specious argument advanced by this objector—that if abrogation before action were permissible, it would also be permissible before belief—is invalid. If they say, "If a thing could be abrogated before it was acted upon, believing in it would be good and an act of obedience, while performing it would be reprehensible and an act of disobedience; and this is impossible," the answer is that this is feeble disputation, because they have combined the rulings of two different times. Believing that a thing is right to perform is correct only if it has not been abrogated. Once it has been abrogated, however, what must be believed is that performing it would be an act of disobedience, and that it had been an act of obedience at another time. This is not impossible. If they say, "Belief is an act," they are told: Belief is an act of the soul alone, in which the body has no share with it, whereas action is an act of the soul through moving the body. It is therefore something other than belief. The Messenger of Allah ﷺ distinguished between the two by saying ﷺ, "Action is according to intentions." He thus made intention, which is belief, something other than action. Abu Muhammed said: Earlier proponents of our position on this question offered several arguments, including His—exalted is He—commanding Abraham—upon him be peace—to slaughter his son, and Abraham's saying, peace be upon him, "Indeed, this is surely the manifest trial." They said: This clearly demonstrates that what he was commanded to do was abrogated before it occurred. For some people said that he was commanded only to move the knife across his son's throat. But He, exalted is He, refuted their assertion through Abraham's saying, "Indeed, this is surely the manifest trial." Had he not been commanded to kill him, there would have been no trial in moving the knife across his throat. Thus Abraham's statement, peace be upon him, establishes that he was commanded to kill his son and put him to death by slaughtering him, and that this was then abrogated before he performed it. Abu Muhammed said: This is a sound argument from which there is absolutely no escape. If someone says, "Tell us what Allah, exalted is He, intended of us when He commanded us to do something and then abrogated it before it was performed. Did He intend

ونهانا عنه قبل أن يكون منا، ولا يسأل عما يفعل، ولسنا ننكر أن يأمرنا تعالى الآن بأمر قد علم أنه بعد مدة ينهى عنه ويسخطه، وإنما الذي ننكر أن يأمر تعالى بما هو ساخط له في حين أمره، فهذا لا سبيل إليه. وأما أن يأمرنا بأمر قد علم أنه سينهانا عنه في ثاني الأمر، ويسخطه بعد مرور وقت الأمر به، فهذا واجب وهذه صفة كل نسخ، وكل أمر مرتبط بكل وقت، وبالله تعالى التوفيق، وقد اعترض بعضهم في أمره تعالى بخمسين صلاة، ثم جعلها تعالى إلى خمس بأن قال: إنما يلزمنا الأمر إذا بلغنا، وكان ذلك الأمر لم يبلغ بعد إلى المسلمين، فأجاب بعض من سلف القائلين بقولنا: إنه تعالى قد أبلغ أمره بذلك إلى رسوله، فهو سيدنا وإمامنا فكان الخمسون اللازمة له لبلوغ الأمر إليه، ثم نسخت عنه قبل أن يعمل بها. قال أبو محمد: فإن قالوا: لم يرد الله تعالى قط بالخمسين إلا خمسا يعطي بكل واحدة عشر حسنات، واحتجوا بما في آخر الحديث من قوله تعالى: هي خمس وهي خمسون لا يبدل القول لدي فالجواب، وبالله تعالى التوفيق: إن هذا الكلام هو بيان قولنا لا قولهم، لأن الخمس لا تكون خمسين في العدد أصلا، وإنما هي خمسون في العدد، وخمسون في الأجل، وكنا ألزمنا أولا خمسين في العدد وهي خمسون في الأجر فقط، فأسقط عنا التعب وبقي لنا الأجر، فصح أن الساقط غير اللازم ضرورة، وبرهان ذلك حطه تعالى إلى خمس وأربعين وإلى أربعين، ثم إلى خمس وثلاثين ثم ثلاثين، وهكذا خمسا خمسا حتى بقيت خمسا، وهذا لا إشكال فيه، في أن الملزم غير المستقر آخرا، فبطل اعتراضهم، والحمد لله رب العالمين. ومن طريق ما اعترض به بعضهم أن قال: لعله عليه السلام قد صلى الخمسين صلاة قبل نسخها، أو لعل الملائكة صلتها قبل نسخها. قال أبو محمد: وهذا جهل شديد، ولو كان لقائل هذا أدنى علم بالأخبار لم يقل هذا الهجر، لأن الإسراء إنما كان في جوف الليل ولم يأت الصباح إلا وهو صلى الله عليه وسلم قد رجع إلى مكة وكان بها قبل مغيب الشفق وبعد غروب الشمس، وقبل طلوع الشمس من

that it be acted upon, and then change His mind before it was performed, or did He intend that it not be acted upon? Whatever He, exalted is He, does not intend, He disapproves of, hates, and does not accept. According to your position, then, He, exalted is He, commands us to do what He hates and disapproves of, and obliges us to do what He does not accept should occur on our part." Abu Muhammed said: The reply—and success comes through Allah, exalted is He—is that He, exalted is He, issued the command in question with no intention other than submission concerning what was commanded. He never intended the act to occur, and He forbade us to do it before it occurred on our part. He is not questioned about what He does. We do not deny that He, exalted is He, may now command us to do something while knowing that, after a period, He will forbid it and disapprove of it. What we deny is that He, exalted is He, should command something of which He disapproves at the very time He commands it: this is impossible. But that He should command us to do something while knowing that He will subsequently forbid it and disapprove of it after the time of commanding it has passed—this necessarily occurs. This is the character of every abrogation and every command associated with a particular time. Success comes through Allah, exalted is He. Some have objected concerning His—exalted is He—commanding fifty prayers and then reducing them to five, saying, "A command binds us only when it reaches us, and that command had not yet reached the Muslims." Some earlier proponents of our position answered that He, exalted is He, had conveyed His command concerning this to His Messenger, who is our master and our leader. The fifty prayers were therefore binding upon him because the command had reached him; they were then abrogated for him before he performed them. Abu Muhammed said: If they say, "By the fifty, Allah, exalted is He, never intended anything other than five, for each of which He awards ten good deeds," and adduce as evidence His—exalted is He—statement at the end of the report, "They are five, and they are fifty; the word is not changed with Me," the answer—and success comes through Allah, exalted is He—is that these words explain our position, not theirs. For five can never be fifty in number. Rather, they are fifty in number and fifty in the appointed term. We had initially been obliged to perform fifty in number, whereas they are fifty only in reward. The exertion

تلك الليلة؛ وإنما لزمت الخمسون في يوم وليلة. وأيضا فهو عليه السلام، يذكر بلفظه في الحديث: أنه لم ينفك راجعا وآتيا من ربه تعالى إلى موسى عليه السلام وأما الملائكة فلم يبعث رسول الله صلى الله عليه وسلم إليهم بل بعضهم هم الرسل من الله تعالى إليه، وإنما بعث إلى الجن والإنس الساكنين دون سماء الدنيا، وهذا ما لا خلاف فيه بين المسلمين مع النصوص الواردة في القرآن والحديث في خطاب هذين النوعين فقط، وإنما بعث إليهما فقط، والملائكة في مكان لا ليل فيه، وإنما هي في السموات التي هي الأفلاك، وفي الكرسي وتحت العرش وحوله، والليل إنما يبلغ إلى فلك القمر الذي هو سماء الدنيا فقط، والجن مرجومون بالشهب إذا دنوا منها بنص القرآن بقوله تعالى {ولقد زينا لسمآء لدنيا بمصابيح وجعلناها رجوما للشياطين وأعتدنا لهم عذاب لسعير} فصح يقينا أن الملائكة لا تلزمهم صلاتنا، لأنهم لا ليل عندهم ولا نهار، وإنما هو أنوار بسيطة صافية، وإنما تلزم الصلوات في أوقات الليل والنهار. وقد احتج في هذا بعض من تقدم بأن قال: يقال لمن أبى ذلك: ما الذي أنكرتم؟ أنسخ ما قد فعل؛ أم نسخ ما لم يفعل؛ أن نسخ الأمر الوارد بالفعل

was therefore removed from us, while the reward remained ours. It is thus necessarily established that what was removed is other than what remains binding. The demonstration of this is His—exalted is He—reducing them to forty- five, and to forty, then to thirty-five, then thirty, and so on, five at a time, until five remained. There is no difficulty here in recognizing that what was initially imposed differs from what was finally settled. Their objection is therefore invalid, and praise belongs to Allah, Lord of the worlds. Another objection some have raised is to say, "Perhaps he, peace be upon him, had performed the fifty prayers before their abrogation; or perhaps the angels had performed them before their abrogation." Abu Muhammed said: This is extreme ignorance. Had the person saying this possessed the slightest knowledge of the reports, he would not have uttered this nonsense. For the Night Journey took place in the middle of the night, and by the time morning came he ﷺ had already returned to Mecca. He was there before the twilight disappeared, after sunset, and before sunrise on that night. The fifty prayers were obligatory only over a day and a night. Moreover, in the report he himself, peace be upon him, expressly states that he continually went back and forth from his Lord, exalted is He, to Moses, peace be upon him. As for the angels, the Messenger of Allah ﷺ was not sent to them. Rather, some of them are messengers from Allah, exalted is He, to him. He was sent only to the jinn and human beings dwelling below the lowest heaven. There is no disagreement among Muslims about this, together with the texts occurring in the Quran and the reports that address these two kinds alone: he was sent only to these two. The angels are in a place where there is no night. They are in the heavens, which are the celestial spheres, and in the Footstool, beneath the Throne, and around it. Night reaches only as far as the sphere of the moon, which is the lowest heaven. The jinn are pelted with shooting stars when they approach it, according to the explicit Quranic text, in His—exalted is He—saying, "We have indeed adorned the lowest heaven with lamps, and made them missiles against the devils, and prepared for them the punishment of the Blaze." It is thus established with certainty that our prayers are not binding upon the angels, because they have neither night nor day; there are only simple, pure lights. Prayers become obligatory only at the times of night and day. Some earlier scholars also argued on this question by saying: Those

who reject this are to be asked, “What is it that you have denied: abrogating

what has already been performed, abrogating what has not been performed, or abrogating the command prescribing the act?”[8]889890919293949596

[88]**Translator’s note (L1471):** بداء is the technical notion of a revision consequent upon something newly becoming apparent, here rendered “a revision arising from newly acquired knowledge.” دخلوه is awkward in this construction; the translation takes it as introducing objections or grounds of criticism. المصالح, “beneficial interests,” refers here to the theological doctrine invoked to explain or constrain divine legislation.

[89]**Translator’s note (L1472):** The supplied بل يوجب ذلك reads “rather, He makes that obligatory.” The surrounding first-person argument may instead suggest نوجب, “we affirm that necessarily”; the supplied reading has been retained. The Qur’anic quotations correspond to 5:41 and 28:56. Their supplied spelling repeatedly omits letters, particularly in definite articles and the name Allah; the translation follows the identifiable wording and retains the repeated “listeners.” The supplied لم يجب هداية أبي طالب means “He did not make Abu Talib’s guidance obligatory.” The argument appears to call for لم يحب, “He did not love/desire Abu Talib’s guidance,” but that reading has not been silently substituted. كتاب الفصل is rendered “the Book of Distinction,” preserving the title as supplied.

[90]**Translator’s note (L1473):** The opening completes “we were commanded to pray” from the preceding segment. The supplied report locates the dispute at Mahzur and Mudhaynib. These place names are retained as supplied; their attribution to this particular al-Zubayr report may be an apparent conflation.

[91]**Translator’s note (L1475):** The Qur’anic quotation corresponds to 24:63. The supplied text contains defective spellings, particularly omitted letters in definite articles and the name Allah; the identifiable wording is translated. الحقيق is an unusual form here; “establishing the actual right” reflects its apparent contrast with settlement without replacing the supplied word. The supplied سقوط العقل means “the lapse of reason.” The following argument concerns the distinction between practice and belief, suggesting that سقوط العمل, “the lapse of practice,” may have been intended; the supplied reading is retained.

[92]**Translator’s note (L1476):** The opening continues the preceding segment’s verb, “may believe.” The final words begin a salutation completed in the next unit.

[93]**Translator’s note (L1480):** The source reads “fifty in number and fifty in the appointed term” (al-ajal). This is awkward in context and may be corrupt, but has not been silently changed to “reward” (al-ajr). The subsequent contrast between fifty in number and fifty only in reward is also preserved as supplied. The final number continues in the next unit: the Arabic expresses forty-five as “five and forty.” The English number is divided across the same unit boundary.

[94]**Translator’s note (L1481):** The opening completes “forty-five,” begun in the preceding unit.

ولا سبيل إلى قسم رابع، فإن قالوا: نسخ ما قد فعل، أحالوا، ولا سبيل إلى نسخ ما قد فعل، لأنه قد فعل وفني، فلا سبيل إلى رده؛ وإن قالوا: نسخ ما لم يفعل، فقد أثبتوا نسخ الشيء قبل فعله، وهذا هو نفس ما أبطلوا، لأن الذي لم يفعل هو غير الذي فعل ضرورة.

L1483–1484 There is no fourth possibility. If they say, "Abrogating what has already been performed," they assert an impossibility. What has already been performed cannot be abrogated, because it has been performed and has ceased to exist, so there is no way to reverse it. If they say, "Abrogating what has not been performed," they have affirmed the abrogation of a thing before its performance. This is precisely what they declared invalid, because what has not been performed is necessarily other than what has been performed.

فإن قالوا: نسخ الأمر فلا فرق بين نسخ الأمر قبل أن يفعل الناس ما أوجب ذلك الأمر، وبين نسخه بعد أن يفعل الناس ما أوجب ذلك الأمر، والفعل المأمور به على كل حال غير الأمر به، فلا يتعلق الأمر بالفعل لأنه غيره، لأن الأمر هو فعل الله مجردا، والفعل هو فعلنا نحن فبينهما فرق كما ترى. قال أبو محمد: وهذه حجة ضرورة لا محيد عنها. واحتج أيضا بأن قال: إن الأمر إذا ورد ففعله فاعلون ثم نسخ فلا خلاف في جواز ذلك، ولا شك في أنه قد بقي خلق كثير لم يعملوا به ممن لم يأت بعد، وقد كانوا مخاطبين بذلك الأمر حين نزوله، فقد نسخ قبل أن يعمل به الذين لم يعملوا به، ولا فرق بين أن يجوز نسخه قبل أن يعمل به بعض المأمور وبين نسخه قبل أن يعمل به أحد منهم. قال أبو محمد: وهذه أيضا حجة ضرورية لا محيد عنها. قال أبو محمد: وسألني سائل فقال: لو أمر الله تعالى بأمر فقال: اعملوا بهذا الأمر ثمانية متصلة، أو قال أبدا، أيجوز نسخ هذا أم لا؟ فقلت: إن النسخ جائز في هذه لأنه من باب نسخ الشيء قبل أن يعمل به، ولا فرق بين أن يأمرنا بخمسين صلاة نصليها، وبين أن يأمرنا بعمل ما أبدا، أو ثمانية أيام، ثم ينسخه عنا قبل أن يتم عمل ذلك، وليس الكذب في الأمر والنهي مدخل وإنما يدخل الكذب في الأخبار، فلو أن الأمر خرج بهذا التحديد بلفظ الخبر لم يجز نسخه، لأنه كان يكون كذبا مجردا، إذ في الأخبار يقع الكذب، وهذا بخلاف الأمر إذا خرج بلفظ الخبر غير مرتبط بتحديد وقت، فالنسخ جائز فيه، لأنه ليس يكون حينئذ كذبا، وإنما يكون النسخ حينئذ بيانا للوقت الذي

L1485–1487 If they say, "The command was abrogated," there is no difference between abrogating the command before people perform what that command made obligatory and abrogating it after people perform what that command made obligatory. In every case, the commanded act is distinct from the command to perform it. The command is therefore not dependent upon the act, because it is distinct from it: the command is exclusively Allah's act, while the act is our own act. There is thus a difference between them, as you see. Abu Muhammed said: This is a necessary argument from which there is no escape. He also argued as follows: When a command is issued, some people act upon it, and it is then abrogated, there is no disagreement that this is permissible. There is no doubt that many people remain who have not acted upon it, among those who have not yet come into existence, although they were addressed by that command when it was revealed. It has therefore been abrogated before those who did not act upon it acted upon it. There is no difference between permitting its abrogation before some of those commanded act upon it and its abrogation before any of them act upon it. Abu Muhammed said: This too is a necessary argument from which there is no escape. Abu Muhammed said: Someone asked me, "If Allah Most High were to issue a command and say, 'Act upon this command for eight consecutive days,' or say, 'Forever,' would its abrogation be permissible or

[95] **Translator's note (L1482):** The chronology supplied says both that the Night Journey occurred in the middle of the night and that he was in Mecca before twilight disappeared. This apparent inconsistency is retained. In the final threefold question, the source has "an" before the third alternative where "am" ("or") would be expected. The translation follows the enumeration made explicit by the next unit's reference to a fourth possibility.

[96] **Qur'an references (L1471):** Qur'an 5:41 (Al-Ma'idah); Qur'an 28:56 (Al-Qasas); Qur'an 24:63 (An-Nur); Qur'an 67:5 (Al-Mulk).

not?" I replied: Abrogation is permissible in this case, because it belongs to the category of abrogating something before it is acted upon. There is no difference between His commanding us to perform fifty prayers and His commanding us to perform some act forever or for eight days, and then abrogating it for us before its performance is complete. Falsehood has no place in commands and prohibitions; it enters only into statements of fact. If the command were expressed with this restriction in the form of a statement of fact, its abrogation would not be permissible, because it would be sheer falsehood, since falsehood occurs in statements of fact. This differs from a command expressed in the form of a statement of fact without being tied to a specified time: abrogation is permissible in its case, because it would not then constitute falsehood. Abrogation would then merely clarify the period during which that act was binding upon us. Whatever is expressed in the form of a statement of fact with an affirmation of perpetuity cannot be abrogated, as in Allah's saying, "They are five, and they are fifty; the word is not changed with Me." If it were changed, this statement would be false. Other examples are, "For ever and ever," "The lesser pilgrimage has entered into the pilgrimage until the Day of Resurrection," and the statement concerning temporary marriage: "It is forbidden by the prohibition of Allah and His Messenger until the Day of Resurrection." If these two rulings were abrogated, these two statements would be false, since its occurrence would invalidate the existence of what He informed us would exist until the Day of Resurrection. Success is through Allah Most High.[97][98][99]

لزمنا ذلك العمل، فما جاء بلفظ الخبر على التأبيد فلا يجوز نسخه قول الله: هي خمس وهي خمسون، لا يبدل القول لدي فلو بدل لكان هذا القول كذبا، ومنه لأبد الأبد دخلت العمرة في الحج إلى يوم القيامة، والقول في المتعة فهي حرام بحرمة الله ورسوله إلى يوم القيامة، فلو نسخ هذان الأمران لكان هذان القولان كذبا إذ كان يبطل وجوده ما أخبرنا بوجوده إلى يوم القيامة، وبالله تعالى التوفيق.

[97] **Translator's note (L1485):** The first occurrence of "eight consecutive" has no expressed noun; "days" is supplied from the subsequent explicit reference to eight days.

[98] **Translator's note (L1486):** The supplied text reads "with affirmation/support" (ʿalā al-taʾyīd), where the argument appears to require "in perpetuity" (ʿalā al-taʾbīd). The translation makes the contextual sense explicit without treating the transmitted reading as unproblematic. "For ever and ever" appears as an unattached fragment before the quotation about the lesser pilgrimage; its placement is retained. "They are five, and they are fifty; the word is not changed with Me" is presented as a single divine saying. It should not be understood as a continuous Quranic quotation.

[99] **Translator's note (L1487):** The Arabic construction is awkward. "Its occurrence" is understood as the occurrence of abrogation, which would invalidate the continuing existence of the ruling previously declared to endure.

[Section on the Abrogation of the Quran by the Sunnah and of the Sunnah by the Quran]

Abu Muhammed said: People disagreed about this after agreeing that the Quran may be abrogated by the Quran and that the Sunnah may be abrogated by the Sunnah. One group said: The Sunnah cannot be abrogated by the Quran, nor the Quran by the Sunnah. Another group said: All of this is permissible: the Quran may be abrogated by the Quran and by the Sunnah, and the Sunnah may be abrogated by the Quran and by the Sunnah. Abu Muhammed said: This is our position, and it is the correct one. In our view, the Sunnah transmitted through mass transmission and the Sunnah transmitted through individually transmitted reports are alike: all of these may abrogate one another, abrogate verses of the Quran, and be abrogated by verses of the Quran. The demonstration of this is what we explained in the chapter on reports in this book: obedience to what comes from the Prophet ﷺ is obligatory just as obedience to what comes in the Quran is obligatory, without any difference, and all of it comes from Allah Most High: "Nor does he speak from desire. It is nothing but revelation revealed." Since his speech is revelation from Allah, Mighty and Majestic, and the Quran is revelation, the abrogation of revelation by revelation is permissible, because all of it is alike in being revelation.[100][101]

Those who prohibited this argued from His saying, Most High: "When Our verses are recited to them as clear proofs, those who do not expect to meet Us say, 'Bring a Quran other than this, or change it.' Say, 'It is not for me to change it of my own accord. I follow only what is revealed to me. I fear, if I disobey my Lord, the punishment of a tremendous day.'" Abu Muhammed said: This provides them with no argument, because we have not said that the Messenger of Allah ﷺ changed it of his own accord; anyone who says this is an unbeliever. We say only that he, peace be upon him, changed it through revelation from Allah Most High, as He said, commanding him to

[100] **Translator's note (L1489):** The Quranic quotation, corresponding to 53:3–4, contains the malformed "lahawā" in place of the standard wording "al-hawā," meaning "desire." The translation gives the apparent intended sense.

[101] **Qur'an references (L1489):** Qur'an 53:4 (An-Najm).

[فصل في نسخ القرآن بالسنة والسنة بالقرآن]

قال أبو محمد: اختلف الناس في هذا بعد أن اتفقوا على جواز نسخ القرآن بالقرآن، وجواز نسخ السنة بالسنة، فقالت طائفة: لا تنسخ السنة بالقرآن ولا القرآن بالسنة، وقالت طائفة: جائز كل ذلك، والقرآن ينسخ بالقرآن وبالسنة والسنة تنسخ بالقرآن وبالسنة. قال أبو محمد: وبهذا نقول وهو الصحيح، وسواء عندنا السنة المنقولة بالتواتر والسنة المنقولة بأخبار الآحاد، كل ذلك ينسخ بعضه بعضا، وينسخ الآيات من القرآن، وينسخه الآيات من القرآن، وبرهان ذلك ما بيناه في باب الأخبار من هذا الكتاب من وجوب الطاعة لما جاء عن النبي صلى الله عليه وسلم كوجوب الطاعة لما جاء في القرآن ولا فرق وأن كل ذلك من عند الله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فإذا كان كلامه وحيا من عند الله عز وجل، والقرآن وحي، فنسخ الوحي بالوحي جائز، لأن كل ذلك سواء في أنه وحي.

واحتج من منع ذلك بقوله تعالى {وإذا تتلى عليهم آياتنا بينات قال لذين لا يرجون لقآءنا ئت بقرآن غير هذآ أو بدله قل ما يكون لي أن أبدله من تلقآء نفسي إن أتبع إلا ما يوحى إلي إني أخاف إن عصيت ربي عذاب يوم عظيم} قال أبو محمد: وهذا لا حجة لهم فيه لأننا لم نقل إن رسول الله صلى الله عليه وسلم بدله من تلقاء نفسه وقائل هذا كافر وإنما نقول: إنه عليه السلام بدله بوحي من عند الله تعالى، كما قال آمرا له أن يقول {قل لا أقول لكم عندي خزآئن لله ولا أعلم لغيب ولا أقول لكم إني ملك إن أتبع إلا ما يوحى إلي قل هل يستوي لأعمى ولبصير أفلا تتفكرون} فصح بهذا نصا جواز نسخ الوحي بالوحي، والسنة وحي فجائز نسخ القرآن بالسنة، والسنة

say: “Say, ‘I do not tell you that I possess the treasuries of Allah, nor do I know the unseen, nor do I tell you that I am an angel. I follow only what is revealed to me.’ Say, ‘Are the blind and the sighted equal? Will you not then reflect?’” This therefore establishes by explicit text the permissibility of abrogating revelation by revelation. The Sunnah is revelation, so abrogating the Quran by the Sunnah and the Sunnah by the Quran is permissible. They also argued from His saying, Most High: “Whatever verse We abrogate or cause to be forgotten, We bring one better than it or like it. Do you not know that Allah has power over all things?”[102][103]

L1491–1493 They said: The Sunnah is neither like the Quran nor better than it. Abu Muhammed said: This too provides them with no argument, because neither are some portions of the Quran better than others. The meaning is simply, “We bring one better than it for you, or like it for you.” There is no doubt that acting upon the abrogating ruling is better than acting upon the abrogated ruling before it was abrogated. The reward for acting upon the abrogating ruling may equal the reward for acting upon the abrogated ruling before it was abrogated, and it may exceed it. The benefit conveyed by the verse, however, is that we are assured that acting upon the abrogating ruling will not bring less reward than acting upon the abrogated ruling before it was abrogated. Rather, it will bring either greater reward or the same reward; one of these two alternatives must obtain, as a favor to us from Allah Most High—there is no deity but He. Furthermore, the Sunnah is like the Quran in two respects. The first is that both come from Allah, Mighty and Majestic, as we recited just now from His saying, Most High: “Nor does he speak from desire. It is nothing but revelation revealed.” The second is that they are equal in the obligation to obey them, by His saying, Most High: “Whoever obeys the Messenger has obeyed Allah. As for whoever turns away, We have not sent you as a keeper over them”; and by His saying, Most High: “O

[102] **Translator’s note (L1490):** The Quranic quotations contain several apparent transcriptional omissions in articles and word openings, including forms corresponding to “those,” “Allah,” “the unseen,” “the blind,” and “the sighted.” Their intelligible intended senses are translated.

[103] **Qur’an references (L1490):** Qur’an 10:15 (Yunus); Qur’an 19:73 (Maryam); Qur’an 46:7 (Al-Ahqaf); Qur’an 6:50 (Al-An’am); Qur’an 2:106 (Al-Baqarah).

بالقرآن. واحتجوا أيضا بقوله تعالى: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن الله على كل شيء قدير}

قالوا والسنة ليست مثلا للقرآن ولا خيرا منه. قال أبو محمد: وهذا أيضا لا حجة لهم فيه، لأن القرآن أيضا ليس بعضه خيرا من بعض، وإنما المعنى نأت بخير منها لكم أو مثلها لكم، ولا شك أن العمل بالناسخ خير من العمل بالمنسوخ، قبل أن ينسخ، وقد يكون الأجر على العمل بالناسخ مثل الأجر على العمل بالمنسوخ قبل أن ينسخ، وقد يكون أكثر منه، إلا أن فائدة الآية أننا قد أمنا أن يكون العمل بالناسخ أقل أجرا من العمل بالمنسوخ قبل أن ينسخ، لكن إنما يكون أكثر منه أو مثله، ولا بد من أحد الوجهين، تفضلا من الله تعالى لا إله إلا هو علينا. وأيضا فإن السنة مثل القرآن في وجهين: أحدهما: أن كلاهما من عند الله عز وجل على ما تلونا آنفا من قوله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} والثاني استواؤهما في وجوب الطاعة بقوله تعالى {من يطع لرسول فقد أطاع لله ومن تولى فما أرسلناك عليهم حفيظا} وبقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} وإنما افترقا في ألا يكتب في المصحف غير القرآن، ولا يتلى معه غيره مخلوطا به، وفي الإعجاز فقط. وليس في العالم شيئان إلا وهما يشتبهان من وجه ويختلفان من آخر لا بد من ذلك ضرورة ولا سبيل إلى أن يختلفا من كل وجه، ولا أن يتماثلا من كل وجه، وإذ قد صح هذا كله، فالعمل بالحديث الناسخ أفضل وخير من العمل بالآية المنسوخة،

you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finest in outcome." They differ only in that nothing other than the Quran may be written in the Quranic codex, that nothing else may be recited together with it, intermingled with it, and in miraculous inimitability alone. There are no two things in the world that do not resemble one another in one respect and differ in another. This must necessarily be so. There is no possibility that they should differ in every respect or be identical in every respect. Since all this has been established, acting upon the abrogating hadith is superior and better than acting upon the abrogated verse, and brings greater reward, as we said before, without any difference. He, Most High, has said: "Do not marry polytheistic women until they believe. A believing slave woman is better than a polytheistic woman, even if she pleases you. And do not marry women to polytheistic men until they believe. A believing slave man is better than a polytheistic man, even if he pleases you. Those invite to the Fire, while Allah invites to the Garden and forgiveness by His permission, and He makes His verses clear to people, so that they may remember." Yet the polytheistic woman may be better than her in beauty, in certain qualities of character, and in similar respects, although the believing woman is better in the sight of Allah Most High. This is something known through sense perception and direct observation. Success is through Allah Most High.[104][105][106]

وأعظم أجرا كما قلنا قبل ولا فرق وقد قال تعالى {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} وقد تكون المشركة خيرا منها في الجمال وفي أشياء من الأخلاق ونحوها، وإن كانت المؤمنة خيرا عند الله تعالى، وهذا شيء يعلم حسا ومشاهدة، وبالله تعالى التوفيق

L1494 They also adduced His saying, exalted is He: {Allah effaces whatever He wills and confirms, and with Him is the Mother of the Book.} Abu Muhammed

واحتجوا أيضا بقوله تعالى {يمحو لله ما يشآء ويثبت وعنده أم لكتاب} قال أبو محمد وهذا لا حجة لهم فيه لأنه كل ما جاء عن النبي صلى الله عليه وسلم فالله عز وجل هو المثبت له وهو تعالى الماحي به لما شاء أن يمحو من أوامره، وكل من عند الله، وهذه الآية حجة لنا عليهم في أنه تعالى يمحو ما شاء بما شاء عن العموم، ويدخل في ذلك السنة والقرآن واحتجوا أيضا بقوله تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} قالوا: والمبين لا يكون ناسخا. قال أبو محمد: وهذا خطأ من وجهين، أحدهما: ما قد بينا في أول الكلام في النسخ، من أن النسخ نوع من

[104] **Translator's note (L1491):** The quotation corresponding to Quran 53:3–4 repeats the malformed word for "desire" found in unit 1489:0. Other quotations also contain apparent omissions in articles and word openings; their intelligible senses are translated. The comparison between acting upon the abrogating ruling and acting upon the abrogated ruling explicitly includes "before it was abrogated" in the supplied text. This potentially surprising formulation is preserved.

[105] **Translator's note (L1492):** The Quranic quotation contains apparent omissions in the written articles of several words, including "polytheistic women," "polytheistic men," "the Fire," "Allah," "the Garden," and "forgiveness." Their intelligible senses are translated.

[106] **Qur'an references (L1491):** Qur'an 53:4 (An-Najm); Qur'an 4:80 (An-Nisa); Qur'an 4:59 (An-Nisa); Qur'an 2:221 (Al-Baqarah).

said: This provides them with no proof, because everything that has come from the Prophet ﷺ is confirmed by Allah, mighty and majestic; and through it He, exalted is He, effaces whatever He wills to efface of His commands. All is from Allah. This verse is proof for us against them that He, exalted is He, effaces whatever He wills by whatever He wills, in general terms encompassing both the Sunnah and the Quran. They also adduced His saying, exalted is He: {With clear proofs and scriptures; and We have sent down to you the Reminder, so that you may explain to people what has been sent down to them, and so that they may reflect.} They said: That which explains cannot abrogate. Abu Muhammed said: This is erroneous on two counts. The first is what we have already explained at the beginning of the discussion of abrogation: abrogation is one kind of explanation, because it explains the removal of the abrogated command and explains the establishment of the abrogating command. The second is that their statement, "That which explains cannot abrogate," is a claim unsupported by any evidence. Every claim devoid of demonstration is unsound and falls away. They adduced His saying, exalted is He: {When We substitute one verse for another—and Allah knows best what He sends down—they say, "You are only a fabricator." Rather, most of them do not know.} Abu Muhammed said: This provides them with no proof, because He, exalted is He, did not say, "I substitute a verse only for another verse." He merely told us that He substitutes one verse for another. We have not denied this; indeed, we have affirmed it and said that He substitutes a verse and also does something else: substituting revelation other than that, recited, for a verse, as established by other demonstrations. Everything by which we have refuted their unsound statements concerning inference from the unspoken contrary also refutes their adducing this verse.[107] [108]

أنواع البيان، لأنه بيان ارتفاع الأمر المنسوخ، وبيان إثبات الأمر الناسخ، والثاني: أن قولهم: إن المبين لا يكون ناسخا دعوى لا دليل عليها، وكل دعوى تعرت من برهان فهي فاسدة ساقطة. واحتجوا بقوله تعالى {وإذا بدلنآ آية مكان آية والله أعلم بما ينزل قالوا إنمآ أنت مفتر بل أكثرهم لا يعلمون} قال أبو محمد: وهذا لا حجة لهم فيه، لأنه لم يقل تعالى: إني لا أبدل آية إلا مكان آية، وإنما قال لنا: إنه يبدل آية مكان آية، ونحن لم ننكر بل أثبتناه، وقلنا: إنه يبدل آية، ويفعل أيضا غير ذلك، وهو تبديل وحي غير ذلك، متلو مكان آية، ببراهين أخر، وكل ما أبطلنا به أقوالهم الفاسدة في دليل الخطاب، فهو مبطل لاحتجاجهم بهذه الآية

[107] **Translator's note (L1494):** The wording «وهو تبديل وحي غير ذلك متلو مكان آية» is syntactically disturbed. The translation retains its apparent wording, including «متلو», "recited." The surrounding argument suggests that non-recited revelation is intended, but the supplied text has not been silently repaired. "Inference from the unspoken contrary" renders «دليل الخطاب», the inference that a ruling stated for a specified case implies the contrary ruling for cases outside that specification.

[108] **Qur'an references (L1494):** Qur'an 13:39 (Ar-Ra'd); Qur'an 16:44 (An-Nahl); Qur'an 16:101 (An-Nahl).

L1495 They adduced His saying, exalted is He: {Exalted, then, is Allah, the King, the True. Do not hasten with the Quran before its revelation to you has been completed, and say, "My Lord, increase me in knowledge."} They said: If Allah, exalted is He, forbade him to explain the Quran before its revelation to him had been completed, then His prohibition against his abrogating it is all the stronger.[109]

L1496–1498 Abu Muhammed said: This is contentious misrepresentation and obfuscation, because we have never allowed that the Messenger, peace be upon him, might abrogate verses of the Quran before the revelation abrogating them has been conveyed to him. Whoever says that is, in our judgment, an unbeliever. We have said only that when his Lord, exalted is He, conveys to him, peace be upon him, non-recited revelation abrogating a verse, the Messenger of Allah ﷺ then makes it known to people in his own words. It thus constitutes a communicated Sunnah, a binding legal prescription, and transmitted revelation. It is no detriment to it that it should be called Quran and not be written in the written copy of the Quran, just as this was no detriment to all the other legal prescriptions established by the Sunnah for which there is no explanation in the Quran: the number of bowings in the prayers, the forms of obligatory almsgiving, the sales that are prohibited, and all the other rulings. All of this is from Allah, mighty and majestic. One of them adduced His saying, exalted is He: {Say: The Holy Spirit has brought it down from your Lord in truth, to make those who believe steadfast, and as guidance and glad tidings for the Muslims.} He said: This can be applied only to the Quran. Abu Muhammed said: All of this is a lie and a fabrication by the person saying it. Every revelation that came to the Prophet ﷺ with any legal prescription was brought down by the Holy Spirit from his Lord. The explicit wording of the hadith states that Gabriel, peace be upon him, descended and prayed, and the Messenger of Allah ﷺ prayed; then he prayed, and the Messenger of Allah ﷺ prayed; and so on until he had taught him the five prayers. This is not in the Quran, yet the Holy Spirit brought it down, as you see. Abu Muhammed said: Everything they adduced has thus been refuted. Through Allah, exalted is He, comes success. Al-Shafi'i, may

[109] **Qur'an references (L1495):** Qur'an 20:114 (Taha).

واحتجوا بقوله تعالى {فتعالى الله الملك الحق ولا تعجل بالقرآن من قبل إن يقضى إليك وحيه وقل رب زدني علما} قالوا فإذا منعه الله تعالى من أن يبين القرآن من قبل أن يقضي إليه وحيه، فهو من نسخه أشد منعا.

قال أبو محمد: وهذا شغب وتمويه، لأننا لم نجز قط أن يكون الرسول عليه السلام ينسخ الآيات من القرآن قبل أن يقضى إليه وحي نسخها، وقائل ذلك عندنا كافر، وإنما قلنا: إنه عليه السلام إذا قضى إليه ربه تعالى وحيا غير متلو بنسخ آية أبداه رسول الله صلى الله عليه وسلم إلى الناس حينئذ بكلامه فكان سنة مبلغة وشريعة لازمة ووحيا منقولا، ولا يضره أن يسمى قرآنا ولا يكتب في المصحف، كما لم يضر ذلك سائر الشرائع التي ثبتت بالسنة، ولا بيان لها في القرآن، من عدد ركوع الصلوات، ووجوه الزكوات، وما حرم من البيوع وسائر الأحكام، وكل ذلك من عند الله عز وجل واحتج بعضهم بقوله تعالى {قل نزله روح لقدس من ربك بلحق ليثبت لذين آمنوا وهدى وبشرى للمسلمين} قال وهذا لا يطلق إلا على القرآن. قال أبو محمد: وهذا كله كذب من قائله وافتراء وكل وحي أتى إلى النبي صلى الله عليه وسلم بشريعة من الشرائع فإذا نزل به الروح القدس من ربه، وقد جاء نص الحديث، بأن جبريل عليه السلام نزل فصلى فصلى رسول الله صلى الله عليه وسلم ثم صلى فصلى رسول الله صلى الله عليه وسلم هكذا حتى علمه الصلوات الخمس وليس هذا في القرآن، وقد نزله روح القدس كما ترى. قال أبو محمد: فبطل كل ما احتجوا به، وبالله تعالى التوفيق. وقد قال الشافعي رحمة الله عليه: إذا أحدث الله تعالى لنبيه عليه السلام أمرا برفع سنة تقدمت أحدث النبي عليه السلام سنة تكون ناسخة لتلك السنة الأولى. فأنكر عليه بعض أصحابه هذا القول فقال: لو جاز أن يقال في وحي نزل ناسخا لسنة تقدمت فعمل

بها النبي صلى الله عليه وسلم أن عمله هذا نسخ السنة الأولى لكان إذا عمل عليه السلام سنة فنسخ بها سنة سالفة له، فعمل بها الناس إن عمل الناس نسخ السنة الأولى، وهذا خطأ قال أبو محمد وهذا اعتراض صحيح والرسول صلى الله عليه وسلم مفترض عليه الانقياد لأمر ربه عز وجل فإنما الناسخ هو الأمر الوارد من الله عز وجل، لا العمل الذي لا بد منه، والذي إنما يأتي انقيادا لذلك الأمر المطاع.

Allah have mercy upon him, said: When Allah, exalted is He, introduces for His Prophet, peace be upon him, a command removing an earlier Sunnah, the Prophet, peace be upon him, introduces a Sunnah that abrogates that first Sunnah. One of his followers objected to this statement of his, saying: If it were permissible to say of a revelation that descended abrogating an earlier Sunnah, and upon which the Prophet ﷺ acted, that this action of his abrogated the first Sunnah, then, when he, peace be upon him, practiced a Sunnah by which he abrogated an earlier Sunnah of his, and people acted upon it, it would follow that the people's action abrogated the first Sunnah. This is erroneous. Abu Muhammed said: This is a valid objection. The Messenger ﷺ is obliged to submit to the command of his Lord, mighty and majestic. What abrogates is therefore the command coming from Allah, mighty and majestic, rather than the action that must necessarily follow and that comes only in submission to that command which is obeyed.[110]

قال أبو محمد: فيقال لمن خالفنا في هذه المسألة أيفعل الرسول صلى الله عليه وسلم أو يقول شيئا من قبل نفسه دون أن يوحى إليه به؟ فإن قال: نعم، كفر وكذبه ربه تعالى بقوله عز وجل {وما ينطق عن لهوى * إن هو إلا وحي يوحى} وبقوله تعالى آمرا له أن يقول {قل لا أقول لكم عندي خزآئن لله ولا أعلم لغيب ولا أقول لكم إني ملك إن أتبع إلا ما يوحى إلي قل هل يستوي لأعمى ولبصير أفلا تتفكرون} فلما بطل أن يكون فعله صلى الله عليه وسلم أو قوله إلا وحيا وكان الوحي ينسخ بعضه بعضا، كانت السنة والقرآن ينسخ بعضها بعضا. قال أبو محمد: ومما يبين نسخ القرآن بالسنة بيانا لا خفاء به قوله تعالى {وللاتي يأتين لفاحشة من نسآئكم فستشهدوا عليهن أربعة منكم فإن شهدوا فأمسكوهن في لبيوت حتى يتوفاهن لموت أو يجعل لله لهن سبيلا} ثم قال صلى الله عليه وسلم خذوا عني خذوا عني قد جعل الله لهن سبيلا البكر بالبكر جلد مائة وتغريب سنة، والثيب بالثيب جلد مائة والرجم فكان كلامه صلى الله عليه وسلم الذي ليس قرآنا ناسخا للحبس الذي ورد به القرآن. فإن قال قائل

L1499–1501 Abu Muhammed said: Whoever disagrees with us on this question should be asked: Does the Messenger ﷺ do or say anything on his own initiative without its being revealed to him? If he says yes, he has disbelieved, and his Lord, exalted is He, declares him a liar through His saying, mighty and majestic: {He does not speak from desire. It is only revelation revealed}; and through His saying, exalted is He, commanding him to say: {Say: I do not tell you that I possess Allah's treasuries, nor do I know the unseen, nor do I tell you that I am an angel. I follow only what is revealed to me. Say: Are the blind and the seeing equal? Will you not reflect?} Since it is untenable that his action ﷺ or his speech should be anything other than revelation, and since one part of revelation abrogates another, the Sunnah and the Quran abrogate one another. Abu Muhammed said: Among the things that explain the abrogation of the Quran by the Sunnah with unmistakable clarity is His saying, exalted is He: {As for those of your women who commit an indecency, call four witnesses from among you against them. If they testify, confine them

[110]**Translator's note (L1496):** The supplied text says «ولا يضره أن يسمى قرآنا», "It is no detriment to it that it should be called Quran." This appears inconsistent with the surrounding description of non-recited revelation and may lack a negative before «يسمى». The translation preserves the supplied wording.

to the houses until death takes them or Allah makes a way for them.} Then he ﷺ said: "Take it from me, take it from me: Allah has made a way for them. An unmarried person with an unmarried person: one hundred lashes and banishment for a year. A previously married person with a previously married person: one hundred lashes and stoning." His speech ﷺ, which is not Quran, thus abrogated the confinement prescribed by the Quran. If someone says, "Nothing abrogated confinement except His saying, exalted is He: {The woman who commits unlawful sexual intercourse and the man who commits unlawful sexual intercourse: flog each of them one hundred lashes. Let no compassion for them seize you concerning Allah's religion, if you believe in Allah and the Last Day; and let a group of the believers witness their punishment}," he should be told: You are mistaken, because the explicit wording of this hadith requires that it preceded the revelation of the verse prescribing flogging: it explains the way that Allah, exalted is He, mentioned, and commands them to listen to that way. Moreover, the hadith contains banishment and flogging, and that is not in the verse you mentioned. The hadith is therefore what actually abrogates, especially if our opponent is among the followers of Abu Hanifah, al-Shafi'i, or Malik, for they do not prescribe flogging for a previously married person; they prescribe stoning alone. Their unsound position therefore entails that the verse mentioned has absolutely no part in abrogating the punitive mistreatment and confinement that had constituted the prescribed penalty for men and women who commit unlawful sexual intercourse. If one of them says, "Nothing abrogated the punitive mistreatment and confinement except what has been transmitted of what was once revealed, namely: 'The elderly man and the elderly woman: stone them both without fail,'" he should be told—and through Allah, exalted is He, comes success: You have abandoned your position and agreed with us that it is permissible to abrogate the recited Quran by something that is not like it in being recited, and that is not like it in being written in the written copy of the Quran. If you permit that, then likewise his speech ﷺ is, by the

ما نسخ الحبس إلا قوله تعالى {لزانية ولزاني فجلدوا كل واحد منهما مئة جلدة ولا تأخذكم بهما رأفة في دين لله إن كنتم تؤمنون بلله وليوم لآخر وليشهد عذابهما طآئفة من لمؤمنين} قيل له أخطأت لأن هذا الحديث يوجب بنصه أنه قبل نزول آية الجلد لأنه بيان السبيل الذي ذكر الله تعالى، وأمر لهم باستماع تلك السبيل، وأيضا فإن في الحديث التغريب والجلد، وليس ذلك في الآية التي ذكرت، فالحديث هو الناسخ على الحقيقة، لا سيما إذا كان خصمنا من أصحاب أبي حنيفة والشافعي أو مالك، فإنهم لا يرون على الثيب جلدا إنما يرون الرجم فقط، فوجب على قولهم الفاسد ألا مدخل للآية المذكورة أصل في نسخ الأذى والحبس الذي كان حد الزناة والزواني. فإن قال قائل منهم: ما نسخ الأذى والحبس إلا ما روي مما كان نازلا وهو: الشيخ والشيخة فارجموهما البتة، قيل له، وبالله تعالى التوفيق: قد تركت قولك ووافقتنا على جواز نسخ القرآن المتلو بما ليس مثله في التلاوة، وبما ليس مثله في أن يكتب في المصحف فإذا جوزت ذلك فكذلك كلامه صلى الله عليه وسلم بنص القرآن وحي غير متلو وليس ذلك بمانع من أن ينسخ به

explicit text of the Quran, non-recited revelation, and that does not prevent abrogation by means of it.[111][112][113][114]

[111] **Translator's note (L1499):** The author says that "banishment and flogging" are not in the cited verse, although the verse explicitly prescribes flogging. This may refer to the combined prescription, or may be a textual error; the supplied wording has been retained. "Previously married person" renders «الثيب», contrasted here with «البكر», "unmarried person"; the distinction concerns prior consummated marriage rather than merely present marital status.

[112] **Translator's note (L1500):** The supplied «أصل» appears grammatically irregular where an adverb meaning "at all" would be expected; "absolutely no part" conveys the apparent sense. The quotation begins with «الشيخ», literally "the elderly man," and continues in the next unit. Its literal wording is retained.

[113] **Hadith references (L1499):** Sunan Ibn Majah 2550.

[114] **Qur'an references (L1499):** Qur'an 53:4 (An-Najm); Qur'an 6:50 (Al-An'am); Qur'an 4:15 (An-Nisa); Qur'an 24:2 (An-Nur).

L1502–1505 Some of them have been at a loss here and said: He meant by His words, {The woman who commits unlawful sexual intercourse and the man who commits unlawful sexual intercourse: flog each of them one hundred lashes, and let no compassion for them seize you in Allah's religion, if you believe in Allah and the Last Day; and let a group of the believers witness their punishment}, only those who have not acquired protected marital status. He said: Just as the male slave and the female slave were excluded from this text, so too the man and woman possessing protected marital status were excluded from it.

Abu Muhammed said: He is to be told: If you allow one ruling to be excluded because another ruling has been excluded on the basis of evidence, then do not object to Abu Hanifah's statement that someone who marries his mother, knowing that she is his mother, and has intercourse with her falls outside the ruling governing those who commit unlawful sexual intercourse. Nor should we object to Malik's statement that someone who has intercourse with his paternal aunt or maternal aunt by right of ownership, knowing that both are forbidden to him, falls outside the ruling governing those who commit unlawful sexual intercourse. Yet you include among them the man who engages in anal intercourse with another man, although he is not mentioned among them. This is one of their errors: excluding from those who commit unlawful sexual intercourse someone to whom the designation of such an offender applies, and including among them someone to whom that designation does not apply. This is open disobedience to Allah Most High, opposition to His command, and arbitrary pronouncement concerning religion without evidence. We seek refuge in Allah from that.

Abu Muhammed said: Among the instances in which the Sunnah abrogated the Quran are His words, Mighty and Majestic: {O you who believe, when you rise for prayer, wash your faces and your hands up to the elbows, and wipe your heads and your feet up to the ankles. If you are in a state of major ritual impurity, purify yourselves. If you are ill or on a journey, or one of you comes from relieving himself, or you have touched women, and you find no water, then resort to clean earth and wipe your faces and your hands with some of it. Allah does not wish to impose any hardship upon you, but He wishes to purify you and complete His blessing upon you, so that you may

وقد بلح بعضهم ههنا فقال إنما عنى بقوله {لزانية ولزاني فجلدوا كل واحد منهما مئة جلدة ولا تأخذكم بهما رأفة في دين الله إن كنتم تؤمنون بالله وليوم لآخر وليشهد عذابهما طآئفة من لمؤمنين} غير المحصنين فقط وقال كما خرج العبد والأمة من هذا النص، فكذلك خرج المحصن والمحصنة منه. قال أبو محمد: فيقال له: إذا جوزت خروج حكم ما من أجل خروج حكم آخر بدليل، فلا ننكر على أبي حنيفة قوله: من تزوج أمه وهو يعلم أنها أمه فوطئها خارج عن حكم الزناة، ولا ننكر على مالك قوله: إن من وطىء عمته وخالته بملك اليمين، وهو يعلم أنهما محرمتان عليه خارج عن حكم الزناة، ولا تدخل أنت فيهم اللوطي ولا ذكر له فيهم، وهذا من غلطهم أن يخرجوا من الزناة من وقع عليه اسم زان، وأن يدخلوا فيهم من لا يقع عليه اسم زان، وهذا جهار بالمعصية لله تعالى وخلاف أمره، وتحكم في الدين بلا دليل نعوذ بالله من ذلك. قال أبو محمد: ومما نسخت فيه السنة القرآن قوله عز وجل {يا أيها لذين آمنوا إذا قمتم إلى لصلاة فغسلوا وجوهكم وأيديكم إلى لمرافق ومسحوا برؤوسكم وأرجلكم إلى لكعبين وإن كنتم جنبا فطهروا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغائط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم منه ما يريد لله ليجعل عليكم من حرج ولكن يريد ليطهركم وليتم نعمته عليكم لعلكم تشكرون} فإن القراءة بخفض أرجلكم وفتحها، كلاهما لا يجوز إلا أن يكون معطوفا على الرؤوس في المسح ولا بد، لأنه لا يجوز البتة أن يحال بين المعطوف والمعطوف عليه بخبر غير الخبر عن المعطوف عليه، لأنه إشكال وتلبيس وإضلال لا بيان، لا تقول: ضربت محمدا وزيدا، ومررت بخالد وعمرا، وأنت تريد أنك ضربت عمرا أصلا، فلما جاءت السنة بغسل الرجلين صح أن المسح منسوخ عنهما. وهكذا عمل الصحابة رضي الله عنهم، فإنهم كانوا يمسحون على أرجلهم حتى قال عليه السلام: ويل للأعقاب والعراقيب من النار وكذلك قال

give thanks}. For the reading with ‘your feet’ in the genitive and the reading with it in the accusative can both only have it coordinated with ‘heads’ in respect of wiping; this is unavoidable, because it is absolutely impermissible to separate a coordinated term from the term with which it is coordinated by a predicate other than the predicate concerning the term with which it is coordinated, because that would be obscurity, obfuscation, and misguidance, rather than clarification. You do not say, ‘I struck Muhammed and Zayd, and passed by Khalid and ʿAmr,’ intending at all that you struck ʿAmr. Thus, when the Sunnah prescribed washing the two feet, it became established that wiping them had been abrogated. This was also how the Companions acted, may Allah be pleased with them: they used to wipe their feet until he said, peace be upon him, ‘Woe to the heels and the Achilles tendons from the Fire!’ Ibn ʿAbbas likewise said: ‘The Quran was revealed prescribing wiping.’

Abu Muhammed said: Abrogation is the restriction of the applicability of a given ruling to certain times, to the exclusion of all other times. They allow the Sunnah to restrict applicability to certain individual instances, as in his statement, peace be upon him, ‘There is no amputation except for a quarter of a dinar or more,’ and similar statements. What, then, is the difference between permitting the restriction of applicability to certain individual instances through the Sunnah and permitting its restriction to certain times through it? And what necessitated that this should be forbidden, while that is found to occur? If they say, ‘Specification is not like abrogation, because specification does not remove the text, whereas abrogation removes the entire text,’ they are to be told: If removing part of a text through the Sunnah is permissible, and part of a text is itself a text, then there is no difference between that and removing part of another text through it. All of that is alike, and there is no difference between any of it.

Abu Muhammed said: They have acknowledged, and the transmitted report has established, that the written form of many verses was removed altogether. They cannot have been removed by a Quranic passage, since, had they been removed by a Quranic passage, that passage would exist and be recited. Yet nothing in what is recited contains any mention of the removal of such-and-such a verse among those that were removed altogether. It therefore

ابن عباس: نزل القرآن بالمسح. قال أبو محمد: والنسخ تخصيص بعض الأزمان بالحكم الوارد دون سائر الأزمان، وهم يجيزون بالسنة تخصيص بعض الأعيان، مثل قوله عليه السلام: لا قطع إلا في ربع دينار فصاعدا وما أشبه ذلك، فما الفرق بين جواز تخصيص بعض الأعيان بالسنة، وبين جواز تخصيص بعض الأزمان بها؟ وما الذي أوجب أن يكون هذا ممنوعا، وذلك موجودا؟ فإن قالوا: ليس التخصيص كالنسخ، لأن التخصيص لا يرفع النص، والنسخ يرفع النص كله. قيل لهم: إذا جاز رفع بعض النص بالسنة وبعض النص نص فلا فرق بين رفع بعض نص آخر بها، وكل ذلك سواء، ولا فرق بين شيء منه. قال أبو محمد: وقد أقروا وثبت الخبر، بأن آيات كثيرة رفع رسمها البتة، ولا يجوز أن ترفع بقرآن، إذ لو رفعت بقرآن لكان ذلك القرآن موجودا متلوا، وليس في شيء من المتلو ذكر رفع لآية كذا مما رفع البتة، فوجب ضرورة أن ما ارتفع، وهذا نفس ما أجزنا من نسخ القرآن بالسنة، فإن قالوا: إنما رفع بالإنساء، قيل لهم: الإنساء ليس قرآنا، وإنما ذلك هو فعل منه تعالى وأمر بألا يتلى. قال أبو محمد: ومما نسخ من القرآن بالسنة قوله تعالى {كتب عليكم إذا حضر أحدكم لموت إن ترك خيرا لوصية للوالدين ولأقربين بلمعروف حقا على لمتقين} نسخ بعضها قوله صلى الله عليه وسلم لا وصية لوارث

necessarily follows that what was removed— And this is precisely what we have allowed concerning the abrogation of the Quran by the Sunnah. If they say, 'It was removed only by being caused to be forgotten,' they are to be told: Causing something to be forgotten is not Quran; it is an act of His, Most High, and a command that it not be recited.

Abu Muhammed said: Among the passages of the Quran abrogated by the Sunnah are His words, Most High: {Prescribed for you, when death approaches one of you, if he leaves wealth, is a bequest for parents and close relatives according to what is right: an obligation upon the Allah-fearing}. Part of it was abrogated by his statement, may Allah bless him and grant him peace ﷺ: 'There is no bequest for an heir.'[1][2][3][4]

L1506 Some people have said that the verses on inheritance abrogated this verse. Abu Muhammed said: This is sheer error, because abrogation is the removal of the ruling that is abrogated and stands in opposition to it. There is nothing in the inheritance verse that prevents a bequest to parents and close relatives, since it is possible for them to inherit and also to receive a bequest from the third. Among the remarkable things that befall those who say that the Sunnah does not abrogate the Quran is that they forgot themselves and made the report of ʿImran ibn al-Husayn concerning the six slaves abrogate the bequest for parents and close relatives. They thus affirmed what they had denied

وقد قال قوم إن آيات المواريث نسخت هذه الآية. قال أبو محمد: وهذا خطأ محض، لأن النسخ هو رفع حكم المنسوخ ومضاد له، وليس في آية المواريث ما يمنع الوصية للوالدين والأقربين إذ جائز أن يرثوا ويوصى لهم مع ذلك من الثلث، ومن بديع ما يقع لمن قال: إن القرآن لا تنسخه السنة، أنهم نسوا أنفسهم، فجعلوا حديث عمران بن الحصين في الستة الأعبد، ناسخا لوصية الوالدين والأقربين، فأثبتوا ما نفوا وصححوا ما أبطلوا، وقد تكلمنا في بطلان ذلك فأغنى عن ترديده، ولا فرق بينهم في دعواهم لذلك وبين من قال: بل الآية نسخت حديث الستة الأعبد ومما نسخ من السنة بالقرآن صلحه صلى الله عليه وسلم أهل الحديبية إلى المدة التي كانت ثم نسخ الله تعالى ذلك في سورة براءة، ولم يجز لنا صلح مشرك إلا على الإسلام فقط، حاشا أهل الكتاب، فإنه تعالى أجاز صلحهم على أداء الجزية مع الصغار، وأبطل تعالى تلك الشروط كلها، وتلك المدة كلها وبالله تعالى التوفيق

[1] **Translator's note (L1502):** The Quranic quotations repeatedly omit written alifs and hamzahs in the transcription. The translations follow the discernible wording. 'Protected marital status' renders ihsan; the corresponding masculine and feminine terms are muhsan and muhsanah. The author argues that both grammatical readings of 'your feet' require wiping. The translation preserves his grammatical claim.

[2] **Translator's note (L1504):** The grammatical example marks ʿAmr with the accusative ending, ʿAmran, despite its position after 'I passed by Khalid.' The author's point depends on that case ending, which ordinary English does not display.

[3] **Translator's note (L1505):** The opening says literally 'forbidden and that existent'; 'found to occur' preserves the supplied reading mawj udan rather than silently replacing it with 'permitted.' The clause 'It therefore necessarily follows that what was removed' is incomplete in the supplied Arabic. The dash marks this apparent lacuna; no missing argument has been supplied.

[4] **Qur'an references (L1502):** Qur'an 24:2 (An-Nur); Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah); Qur'an 2:180 (Al-Baqarah).

and declared valid what they had invalidated. We have already discussed the invalidity of that sufficiently to dispense with repeating it. There is no difference between their making this claim and someone saying: Rather, the verse abrogated the report concerning the six slaves.

Among the instances in which the Sunnah was abrogated by the Quran is his peace agreement, may Allah bless him and grant him peace ﷺ, with the people of al-Hudaybiyyah for the term that had been stipulated. Allah Most High then abrogated that in the surah Baraʾah, and permitted us to make peace with a polytheist only on the basis of acceptance of Islam, with the exception of the People of the Scripture: He, Most High, permitted peace with them on the basis of payment of the poll tax with abasement. He, Most High, invalidated all those conditions and that entire term. Through Allah Most High comes success.[5]

L1507 **[Section on the Abrogation of an Act by a Command and of a Command by an Act]**

L1508–1511 Abu Muhammed said: We have explained that everything he did, may Allah bless him and grant him peace ﷺ, concerning matters of religion, or said concerning them, is revelation from Allah, Mighty and Majestic, on the basis of His words, Most High: {Say: I do not tell you that I possess Allah's treasuries, nor do I know the unseen, nor do I tell you that I am an angel. I follow only what is revealed to me. Say: Are the blind and the seeing equal? Will you not then reflect?}, and His words, Most High: {He does not speak from desire. * It is only revelation revealed}. Allah Most High does whatever He wills. At one time He sends down His commands through revelation that is recited; at another, through revelation that is transmitted but not recited; at another, through revelation that is acted upon but neither recited nor transmitted, its written form having been removed while its ruling remains; at another, by showing His Prophet, may Allah bless him and grant him peace ﷺ, whatever He wills in his sleep; and at another, there comes to

[5] **Translator's note (L1506):** 'The third' means the one-third share of an estate available for bequests. The claims concerning the permissible terms of peace are the author's legal conclusions.

[فصل في نسخ الفعل بالأمر والأمر بالفعل]

قال أبو محمد قد بينا أن كل ما فعله صلى الله عليه وسلم من أمور الديانة أو قاله منها فهو وحي من عند الله عز وجل بقوله تعالى {قل لا أقول لكم عندي خزآئن لله ولا أعلم لغيب ولا أقول لكم إني ملك إن أتبع إلا ما يوحى إلي قل هل يستوي لأعمى ولبصير أفلا تتفكرون} وبقوله تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} والله تعالى يفعل ما يشاء فمرة ينزل أوامره بوحي يتلى، ومرة بوحي ينقل ولا يتلى، ومرة بوحي يعمل به ولا يتلى ولا ينقل، لكنه قد رفع رسمه وبقي حكمه ومرة أن يري نبيه صلى الله عليه وسلم في منامه ما شاء ومرة يأتيه جبريل بالوحي لا معقب لحكمه فجائز نسخ أمره صلى الله عليه وسلم بفعله وفعله بأمره وجائز نسخ القرآن بكل ذلك، وجائز نسخ كل ذلك بالقرآن وكل ذلك سواء ولا فرق وكذلك الشيء يراه رسول الله صلى الله عليه وسلم ويقره ولا ينكره وقد كان تقدم عنه تحريم جلي، فإن ذلك نسخ لتحريمه، لأنه مفترض عليه التبليغ، وإنكار المنكر، وإقرار المعروف، وبيان

him Gabriel with revelation. None can reverse His judgment. It is therefore permissible for his command, may Allah bless him and grant him peace ﷺ, to be abrogated by his act, and his act by his command. It is permissible for the Quran to be abrogated by all of that, and for all of that to be abrogated by the Quran. All of that is alike, and there is no difference.

Likewise, if the Messenger of Allah, may Allah bless him and grant him peace ﷺ, sees something and approves it without repudiating it, when a clear prohibition of it had previously come from him, that constitutes abrogation of his prohibition. For he is obligated to convey the message, repudiate what is wrong, approve what is right, and explain binding obligations. He is protected from people and from contravening what his Lord, Most High, has commanded him. Since everything we have mentioned is established, we know with certainty that, if he becomes aware of something he had prohibited, then knows of it and does not change it, the prohibition has been abrogated, and that thing has once again become rightful and permissible, something approved rather than repudiated.

If, however, there had previously been only an injunction against that thing, and he then saw it, may Allah bless him and grant him peace ﷺ, or knew of it and approved it, that merely makes clear that the injunction was solely by way of honor. For no one may say of any command, 'This is abrogated,' except on the basis of a clear demonstration, since obedience to all of them is obligatory. Whatever we know with certainty we are obligated to obey, we are forbidden to contravene merely because someone says, 'This is abrogated.' If it were permissible to accept that from someone asserting it without a demonstration, all the religious laws would fall away. For the statement of Zayd, ʿUmar, Malik, al-Shafiʿi, and Abu Hanifah, 'This is abrogated,' has no greater claim to acceptance than the statement of everyone on the face of the earth concerning what those we have mentioned put into practice: 'This too is abrogated.' He, Most High, has said: {They said: None will enter Paradise unless they are Jews or Christians. Those are their wishes. Say: Bring your demonstration, if you are truthful}. Whoever says concerning any of the commands of Allah Most High or the commands of His Messenger, may Allah bless him and grant him peace ﷺ, 'This is abrogated,' or 'This

اللوازم، وهو معصوم من الناس، ومن خلاف ما أمره به ربه تعالى، فلما صح كل ما ذكرنا أيقنا أنه إذا علم شيئا كان قد حرمه ثم علمه ولم يغيره: أن التحريم قد نسخ، وأن ذلك قد عاد حقا مباحا ومعروفا غير منكر. وأما إن كان قد تقدم في ذلك الشيء نهي فقط ثم رآه صلى الله عليه وسلم أو علمه فأقره فإنما ذلك بين أن ذلك النهي على سبيل الكرامة فقط، لأنه لا يحل لأحد أن يقول في شيء من الأوامر، إن هذا منسوخ إلا ببرهان جلي، إذ كلها على وجوب الطاعة لها، وما تيقنا وجوب طاعتنا له، فحرام علينا مخالفته لقول قائل: هذا منسوخ، ولو جاز قبول ذلك ممن ادعاه بلا برهان لسقطت الشرائع كلها، لأنه ليس قول زيد وعمر ومالك والشافعي وأبي حنيفة: هذا منسوخ، بأولى من قول كل من على ظهر الأرض فيما يستعمله من ذكرنا: هذا أيضا منسوخ وقد قال تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} ومن قال في شيء من أوامر الله تعالى أو أوامر رسوله صلى الله عليه وسلم هذا منسوخ أو هذا متروك أو هذا مخصوص أو هذا ليس عليه العمل، فقد قال: دعوا ما أمركم به ربكم أو نبيكم ولا تعملوا به، وخذوا قولي وأطيعوني في خلاف ما أمرتم به. قال أبو محمد: فحق من قال ذلك أن يعصى، ولا يلتفت إلى كلامه، إلا أن يأتي ببرهان من نص أو إجماع، كما قدمنا في فصل كيفية معرفة المنسوخ من المحكم

is abandoned,' or 'This is subject to specification,' or 'This is not what is acted upon,' has thereby said: 'Leave aside what your Lord or your Prophet commanded you, and do not act upon it. Accept my statement and obey me in contravening what you were commanded.'

Abu Muhammed said: Anyone who says that deserves to be disobeyed and to have his words disregarded, unless he brings a demonstration from an authoritative text or consensus, as we explained earlier in the section on how to distinguish what is abrogated from what remains in force.[6][7][8]

L1512 Abu Muhammed said: Among the instances we have mentioned in which he ﷺ prohibited something and then saw it without disapproving of it is his prohibition against those praying behind someone seated remaining standing. Then, during the illness in which he died, he, peace be upon him, prayed seated while the people behind him stood, and he, peace be upon him, did not disapprove of that. It is therefore established that the earlier prohibition expressed a recommendation, except where someone does this to magnify the prayer leader: that is forbidden, as he, peace be upon him, explained on the occasion of his prayer when he had ridden Abu Talhah's horse and fallen.

L1513 [Section on When Abrogation Takes Effect][9]

L1514–1522 with respect to someone far from the place where revelation descends. Abu Muhammed said: Some people said: Abrogation takes effect when revelation descends, because, as we have explained, what is abrogated is only Allah's earlier command, not the actions of those commanded. Someone absent, however, incurs neither blame nor the threatened punishment until the

[6] **Translator's note (L1508):** The assertion that a category of revelation is acted upon but 'neither recited nor transmitted' follows the supplied text.

[7] **Translator's note (L1509):** The supplied text reads al-karamah, 'honor,' in 'solely by way of honor.' This is anomalous in the legal argument; al-karahah, 'disapproval,' may have been intended. The translation retains the supplied reading. The repetition 'becomes aware … then knows of it' is present in the Arabic.

[8] **Qur'an references (L1508):** Qur'an 6:50 (Al-An'am); Qur'an 53:4 (An-Najm); Qur'an 2:111 (Al-Baqarah).

[9] **Translator's note (L1513):** The opening words of the next unit appear to continue this heading, qualifying it as concerning someone far from the place where revelation descends.

قال أبو محمد ومما ذكرنا أنه نهى عنه صلى الله عليه وسلم ثم رآه فلم ينكره نهيه المصلين خلف الجالس عن القيام. ثم صلى عليه السلام في مرضه الذي مات فيه جالسا، والناس وراءه قيام، ولم ينكر عليه السلام ذلك، فصح أن ذلك النهي الأول ندب، إلا من فعل ذلك إعظاما للإمام، فهو حرام على ما بين عليه السلام يوم صلاته إذ ركب فرس أبي طلحة فسقط

[فصل في متى يقع النسخ]

عمن بعد عن موضع نزول الوحي قال أبو محمد قال قوم النسخ يقع حين نزول الوحي، لأن المنسوخ على ما بينا إنما هو أمر الله المتقدم لا أفعال المأمورين، إلا أن الغائب لا يقع عليه الملامة، ولا الوعيد إلا بعد بلوغ الأمر الناسخ إليه، وكذلك سائر الأوامر التي لم تنسخ هي لازمة لكل من قرب وبعد، ولكل من لم يخلق بعد، لكن الملامة والوعيد مرفوعان عمن لم يبلغه حتى يبلغه. فإذا بلغته فأطاع حمد وأجر وإن عصى ليم واستحق الوعيد وأجره على فعل ما نسخ مما لم يبلغه نسخه أجر واحد لأنه مجتهد مخطىء كما نص رسول الله صلى الله عليه وسلم في ذلك والذي نقول به إن النسخ لا يلزم إلا إذا بلغ وبين ما قلنا قوله تعالى {قل أي شيء أكبر شهادة قل لله شهيد بيني وبينكم وأوحي إلي هذا لقرآن لأنذركم به ومن بلغ أئنكم لتشهدون أن مع لله آلهة

abrogating command reaches him. Likewise, all the other commands that have not been abrogated are binding upon everyone near and far, and upon everyone not yet created. But blame and the threatened punishment are withheld from anyone whom the command has not reached until it reaches him. When it reaches him, if he obeys, he is praised and rewarded; if he disobeys, he is blamed and deserves the threatened punishment. His reward for performing an abrogated act whose abrogation has not reached him is one reward, because he is someone who exercises independent judgment and errs, as the Messenger of Allah ﷺ expressly stated concerning this. Our position is that abrogation becomes binding only when it reaches a person. What we have said is clarified by His words, exalted is He: {Say: "What thing is greatest in testimony?" Say: "To Allah—a witness between me and you. This Qur'an has been revealed to me so that through it I may warn you and whomever it reaches. Do you indeed testify that there are other gods alongside Allah?" Say: "I do not testify." Say: "He is only One God, and I am free of what you associate with Him."} Thus He made the ruling obligatory after its communication. So if someone far from the Messenger of Allah ﷺ had received the abrogated command, but the abrogating command had not subsequently reached him, and he ventured to abandon the abrogated command that had reached him, without knowing the abrogating command, and acted according to the abrogating command, he would bear the sin of someone who treats lightly the abandonment of an obligatory duty, not the sin of someone who abandons the obligatory duty. Indeed, someone who knows that the ruling has been abrogated may not enforce against him the ruling of what has reached him. The prohibition of applying the ruling to the ignorant person—it would not be permissible for him to judge him by the ruling applicable to someone who knows. An example is a man who encounters another man and kills him with the intention of committing brigandage, only for the person killed to turn out to be the killer of his killer's father, or for him to discover that the victim was a polytheist at war with the Muslims. This man does not bear the sin of someone who deliberately kills a believer, nor is he liable to retaliation or blood money, because he did not kill a believer whose blood was forbidden to him. He bears only the sin of someone intending deliberately to kill a believer, without having accomplished what

أخرى قل لا أشهد قل إنما هو إله واحد وإنني بريء مما تشركون} فإما أوجب الحكم بعد البلوغ. فلو أن من بلغه المنسوخ ممن بعد عن رسول الله صلى الله عليه وسلم ثم لم يبلغه الناسخ أقدم على ترك المنسوخ الذي بلغه دون علم الناسخ وعمل بالناسخ، كان عليه إثم المستسهل لترك الفرض، لا إثم تارك الفرض: إنه لا يجوز لمن علم نسخ الحكم أن ينفذ عليه حكم ما بلغه تحريم الحكم على الجاهل، لم يجز له أن يحكم عليه بحكم العالم. مثال ذلك: رجل لقي رجلا فقتله على نية الحرابة، فإذا بذلك المقتول هو قاتل والد الذي قتله، أو وجده مشركا محاربا، فهذا ليس عليه إثم قاتل مؤمن عمدا، ولا قود عليه ولا دية، لأنه لم يقتل مؤمنا حرم الدم عليه، وإنما عليه إثم مريد قتل المؤمن عمدا ولم ينفذ ما أراد، وبين الإثمين بون كبير، لأن أحدهما هام، والآخر فاعل، وكإنسان لقي امرأة فظنها أجنبية فوطئها، فإذا بها زوجته، فهذا ليس عليه إثم الزنى، ومن قذفه حد حد القذف، لكن عليه إثم مريد الزنى. ولا حد عليه، ولا يقع عليه اسم فاسق بذلك وقد صح عن رسول الله صلى الله عليه وسلم من هم بسيئة فلم يعملها لم تكتب عليه ولو أن رجلا ممن بلغه فرض استقبال بيت المقدس ولم يبلغه نسخ ذلك، وصلى إلى الكعبة لكان مفسدا لصلاته بعبثه فيها، لا بصلاته إلى غير القبلة، ولأن الائتمار إنما يكون بعد العلم بالأمر اللازم له لا قبل، ولا تكون طاعة أصلا إلا بنية وقصد إلى عمل بعدما أمر به علمه بأنه لازم له، وإلا فهو عبث، لا يسمى ذلك في اللغة طائعا أصلا، ولكتب عليه اسم المستسهل للصلاة إلى غير القبلة، ومثاله الآن: بينما رجل في صحراء أداه اجتهاده إلى جهة ما فخالفها متعمدا، فوافق في الوجهة التي صلى إليها إن كانت القبلة على حق، فهذا عابث في صلاته فاسق، وليس مصليا إلى غير القبلة. قال أبو محمد: كذلك كانت صلاة أهل قباء، ومن كان بأرض الحبشة إلى بيت المقدس صلاة تامة، وإن كان النسخ قد وقع بالقبلة إلى الكعبة على من بلغه لأنهم لم يعلموا ذلك، ولكن أجرهم على صلاتهم كذلك أجران، وأما من بلغه ذلك ثم نسيه، أو

he intended. There is a great difference between the two sins, because one person intends the act and the other performs it. It is like someone who encounters a woman, supposes her to be a woman to whom he is not married, and has intercourse with her, only for her to turn out to be his wife. He does not bear the sin of unlawful intercourse, and anyone who accuses him of it is subjected to the prescribed punishment for making such an accusation. He does, however, bear the sin of someone intending unlawful intercourse; no prescribed punishment applies to him, and he is not designated a transgressor on that account. It is authentically established from the Messenger of Allah ﷺ: 'Whoever intends an evil deed but does not perform it, it is not recorded against him.' If a man had received the obligation to face Jerusalem, but its abrogation had not reached him, and he prayed toward the Kaaba, he would invalidate his prayer through his frivolous conduct in it, not through praying in a direction other than the direction of prayer. For compliance occurs only after knowledge of the command binding upon him, not before. There can be no obedience at all without an intention and a deliberate purpose to perform an act after being commanded to do it, knowing that it is binding upon him. Otherwise it is frivolity, and in the language such a person is not called obedient at all. The designation of someone who treats lightly praying in a direction other than the direction of prayer would be recorded against him. An example of this now is a man in a desert whose independent judgment leads him to a particular direction, but who deliberately turns away from it, and the direction toward which he prays happens actually to be the direction of prayer. Such a person is frivolous in his prayer and a transgressor, but he is not someone praying in a direction other than the direction of prayer. Abu Muhammed said: Likewise, the prayers of the people of Quba and those in the land of Abyssinia toward Jerusalem were complete prayers, even though abrogation had taken effect, requiring prayer toward the Kaaba for those whom it had reached, because they did not know of it. Indeed, their reward for praying in that manner is two rewards. As for someone whom it had reached, but who then forgot it or adopted an interpretation concerning it, their reward for his prayer in that manner is one reward, because they exercise independent judgment but have erred regarding what is with Allah, mighty and majestic, and they are commanded

تأول فيه فأجرهم على صلاته كذلك أجرا واحدا لأنهم مجتهدون أخطؤوا ما عند الله عز وجل، وهم مأمورون باستقبال الكعبة، ولكنهم غير ملومين ولا آثمين في ترك ذلك، لأنهم معذورون بالجهل، وهذا بين وبالله تعالى التوفيق، وليس كذلك أهل قباء، ومن كان بأرض الحبشة، لأن فرضهم البقاء على ما بلغهم، حتى ينتقل بلوغ النسخ إليهم. قال أبو محمد: وقد تبين بهذا ما قلناه في غير موضع من كتابنا، أن المخطىء أفضل عند الله من المقلد المصيب، وكذلك قلنا في جميع العبادات، فإن سأل سائل عن قولنا في الوكيل يعزله موكله أو يموت، فينفذ الوكيل ما كان وكل عليه بعد عزله، وهو يعلم أنه معزول، أو بعد موت الذي وكله وهو لا يعلم بموته قلنا له، وبالله تعالى التوفيق قال الله عز وجل {قل أغير الله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} وقال 9 صلى الله عليه وسلم دماؤكم وأموالكم وأعراضكم وأبشاركم عليكم حرام فكل أمر انفذه الوكيل بعد عزله وهو غير عالم فنافذ لأن عازله ولا يعلمه مضار وقد قال صلى الله عليه وسلم من ضار أضر الله به فهو منهي عن المضارة وأما ما أنفذ بعد موت موكله وهو عالم أو غير عالم فهو مردود منسوخ، لأنه كاسب على غيره بغير نص ولا إجماع، ولا يجوز القياس أصلا ولكل حكم حكمه، وليست هذه الأمور بابا واحدا فيستوي الحكم فيها، إلا أن يكون وكله على دفع وديعة أو دين أو حق لآخر فهذا نافذ، عزله أو علم الوكيل أنه عزله أو أنه مات، أو لم يعلم لأن الذي فعل حق للمدفوع إليه لا للدافع، فليس كاسبا على غيره بل فعل فعلا واجبا على كل أحد أن يفعله، أمر بذلك أو لم يؤمر لأنه قيام بالقسط قال الله تعالى {يا أيها لذين آمنوا كونوا قوامين بلقسط شهدآء لله ولو على أنفسكم أو لوالدين ولأقربين إن يكن غنيا أو فقيرا فلله أولى بهما فلا تتبعوا لهوى أن تعدلوا وإن تلووا أو تعرضوا فإن لله كان بما

to face the Kaaba. Yet they are neither blamed nor sinful for omitting this, because they are excused through ignorance. This is clear, and success comes through Allah, exalted is He. The people of Quba and those in the land of Abyssinia are not in the same position, because their obligation is to remain with what has reached them until word of the abrogation reaches them. Abu Muhammed said: This has made clear what we have said in several places in our book: that someone who errs is better in Allah's sight than someone who follows another's authority without independent examination and happens to be correct. We have said the same regarding all acts of worship. If someone asks about our position concerning an agent whose principal dismisses him or dies, whereupon the agent carries out what he had been commissioned to do after his dismissal, knowing that he has been dismissed, or after the death of the person who appointed him, without knowing of his death, we say to him—and success comes through Allah, exalted is He: Allah, mighty and majestic, said: {Say: "Shall I seek a lord other than Allah, when He is the Lord of everything?" Every soul earns only against itself, and no bearer of a burden bears another's burden. Then to your Lord is your return, and He will inform you concerning that over which you used to differ.} And he ﷺ said: 'Your blood, your property, your honor, and your skins are inviolable among you.' Thus, every transaction the agent carries out after his dismissal, without knowing of it, is valid, because someone who dismisses him without informing him is causing harm. He ﷺ said: 'Whoever causes harm, Allah will cause harm to him.' He is therefore forbidden to cause harm. As for what the agent carries out after his principal's death, whether he knows of it or not, it is rejected and annulled, because he is earning liability against someone else without a scriptural text or consensus. Analogy is not permissible at all. Each ruling has its own determination; these matters do not constitute a single category such that their ruling must be identical. The exception is where the principal appointed him to hand over a deposit, discharge a debt, or deliver something due to another person. This is valid whether he dismissed him, whether the agent knew that he had dismissed him or that he had died, or whether he did not know. For what he did concerns a right belonging to the recipient, not the person making the payment. He is therefore not earning liability against someone else; rather, he has performed an act

تعملون خبيرا} وقال تعالى {يا أيها لذين آمنوا لا تحلوا شعآئر لله ولا لشهر لحرام ولا لهدي ولا لقلائد ولا آمين لبيت لحرام يبتغون فضلا من ربهم ورضوانا وإذا حللتم فصطادوا ولا يجرمنكم شنآن قوم أن صدوكم عن لمسجد لحرام أن تعتدوا وتعاونوا على لبر ولتقوى ولا تعاونوا على لإثم ولعدوان وتقوا لله إن لله شديد آلعقاب} ومن البر إيصال كل أحد حقه. وأما القاضي والأمين يعزله الأمير فليس للإمام أن يضيع أمور المسلمين فيبقيهم دون من ينفذ أحكامهم، لكن يكتب أو يوصي إلى القاضي أو الوالي إذا أتاك عهدي فاعتزل عملنا. فإن لم يفعل كذلك فكل حكم أنفذه المعزول قبل أن يعلم العزل بحق فهو نافذ، لأنه لم يكلف علم الغيب، وقد ظلم الإمام إذ عزله دون تقديم غيره، والظلم مردود، ومن باع مال غيره أو تأمر فحكم فوافق أن صاحب ذلك المال المبيع قد كان وكله قبل أن يبيع ما باع، ولم يعلم الوكيل بذلك، أو وافق أن الإمام قد كان ولاه ما تأمر عليه، ولم يعلم هو بذلك، فكل ما فعل فمردود منسوخ، لأنهما غير مطيعين بما فعلا، بل هما عاصيان لأن الطاعة عمل من الأعمال والأعمال بالنيات، ولا نية لهذين فيما فعلا لأنهما لم يفعلا كما أمرا بل كما لم يؤمرا.

obligatory for everyone to perform, whether commanded to do so or not, because it is the upholding of justice. Allah, exalted is He, said: {O you who believe, be steadfast upholders of justice, witnesses for Allah, even against yourselves, parents, and close relatives. Whether he be rich or poor, Allah has the greater claim upon them both. So do not follow desire, lest you depart from justice. If you twist or turn away, Allah is indeed fully aware of what you do.} And He, exalted is He, said: {O you who believe, do not violate Allah's sacred rites, nor the sacred month, nor the sacrificial offerings, nor the garlands, nor those making their way to the House Sacred, seeking bounty from their Lord and approval. When you leave the consecrated state, hunt. Do not let hatred of a people, because they barred you from the Sacred Mosque, impel you to transgress. Cooperate in righteousness and reverent fear, and do not cooperate in sin and aggression. Fear Allah; indeed, Allah is severe in punishment.} Delivering to everyone what is rightfully his is part of righteousness. As for a judge or a trustee whom the ruler dismisses, the leader may not neglect the Muslims' affairs by leaving them without anyone to enforce their judgments. Rather, he writes or sends instructions to the judge or governor: 'When my directive reaches you, withdraw from our service.' If he does not do this, every rightful judgment enforced by the dismissed official before learning of his dismissal is valid, because he was not required to know the unseen. The leader has acted unjustly by dismissing him without appointing someone else, and injustice is rejected. If someone sells another person's property, or assumes authority and issues a judgment, and it happens that the owner of the property sold had appointed him as his agent before he sold what he sold, without the agent knowing of this, or it happens that the leader had appointed him to the office whose authority he assumed, without his knowing of this, then everything he did is rejected and annulled. For neither of them is obedient through what he has done; rather, both are disobedient. Obedience is an act, and acts are according to intentions. These two had no intention in what they did, because they did

not act in accordance with what they had been commanded to do, but acted as they had not been commanded to do.[10][11][12][13][14][15]

[10]**Translator's note (L1514):** The Qur'anic quotation has قل لله شهيد, literally 'Say: To Allah—a witness,' where the familiar wording has قل الله شهيد, 'Say: Allah is a witness.' The supplied wording is retained, with its resulting grammatical awkwardness. The supplied فإما أوجب الحكم is syntactically problematic. The translation takes it in the apparent intended sense 'Thus He made the ruling obligatory'; the written فإما ordinarily introduces an alternative, 'then either.' The preceding heading and this unit's opening are grammatically awkward when joined: the source uses عمن where a phrase meaning 'with respect to someone' appears intended.

[11]**Translator's note (L1516):** The source is syntactically disjointed, particularly حكم ما بلغه تحريم الحكم على الجاهل. The translation preserves the abrupt phrasing rather than silently reconstructing it. The following unit continues with 'for him to judge him by the ruling applicable to someone who knows.'

[12]**Translator's note (L1517):** The wording بعدما أمر به علمه بأنه لازم له is grammatically awkward; it has been rendered according to its apparent connection between being commanded, knowing the obligation, and intending obedience. The desert example has an awkward conditional phrase, إن كانت القبلة على حق. It is rendered as the apparent sense that the direction chosen happens to be the actual direction of prayer. The final sentence shifts between singular and plural pronouns in the Arabic; that shift is retained in 'their reward for his prayer.'

[13]**Translator's note (L1520):** The question explicitly describes the dismissed agent as knowing of his dismissal, whereas the ensuing answer addresses an agent who does not know. This discrepancy is retained. An unexplained numeral '9' occurs before the salutation in وقال 9 صلى الله عليه وسلم. It appears to be a stray transcription or reference marker. The clause فهذا نافذ عزله أو علم الوكيل is awkward and lacks clear coordination. Its apparent list of alternatives is translated without changing the supplied dismissal verb into its negative. The Qur'anic quotations repeatedly omit the initial alif of the definite article in writing, as in لذين and بلقسط. These recognizable orthographic defects do not produce separate English meanings.

[14]**Translator's note (L1521):** 'House Sacred' continues the preceding unit's 'the House'; the source divides البيت الحرام across the units. As in the preceding unit, the Qur'anic quotation contains repeated omissions of the initial alif of the definite article.

[15]**Qur'an references (L1514):** Qur'an 6:19 (Al-An'am); Qur'an 6:164 (Al-An'am); Qur'an 4:135 (An-Nisa); Qur'an 5:2 (Al-Ma'idah).

كما قلنا قبل فيمن صلى إلى جهة ولا يشك أنها غير القبلة. فوافق أنها القبلة فصلاته فاسدة، لأنه لم ينو الطاعة المأمور بها، وكذلك من باع فوافق أنه ماله ولا يعلم، أو قد ورثه أو استحقه فبيعه ذلك مردود أبدا، وكذلك هبته وصدقته لو وهبه أو تصدق به. وكذلك لو كان عبدا فأعتقه. ويرد كل ذلك لأنه عمل لم يعمل بالنية التي أبيح له أن يعمله بها ولا عمل إلا بنية. وأما من لقي امرأة فظنها أجنبية فوطئها فإذا هي زوجته. فإنها تستحق بذلك جميع المهر وتحل لمطلقها ثلاثا، لأن الوطء لا يحتاج فيه إلى نية وقد رجم النبي صلى الله عليه وسلم بوطء في الكفر ولو تزوجها وهو عاقل ثم جن فوطأها في حال جنونه لاستحقت في ماله جميع الصداق بلا خوف، ويلحق به الولد بلا خوف فصح أن الوطء لا يحتاج فيه إلى نية بإجماع. وأما من صام رمضان وهو لا يدري فوافق رمضان فلا يجزيه. وكذلك الصلاة يصليها وهو لا يدري أدخل وقتها أم لا. لأن هذه الأعمال تقضي نية مرتبطة بها لا يصلح العمل إلا بها. فإن امتزجت بغير تلك النية أو عدمت ارتباط النية بها بطلت، وكذلك الصلاة خاصة. فإنها قد دخل فيها عمل يبطلها وهو العبث، وكذلك الزكاة يعطيها بغير نية أنها زكاة. قال أبو محمد: وموت الموكل عزل لوكيله البتة. وموت الإمام بخلاف ذلك،

L1523 As we said earlier concerning someone who prays in a direction while having no doubt that it is other than the prayer direction, but it happens to be the prayer direction: his prayer is invalid because he did not intend the obedience commanded of him. Likewise, someone who sells something and it happens to be his property, without his knowing it, or something he has inherited or acquired a rightful claim to: that sale of his is invariably rejected. The same applies to his gift and his charitable donation, if he gives it away or donates it, and likewise if it is a slave whom he emancipates. All of that is rejected because it is an act he did not perform with the intention on the basis of which he was permitted to perform it, and there is no act without an intention. As for someone who encounters a woman, thinks she is a woman who is not his wife, and has intercourse with her, only for her to turn out to be his wife: she thereby becomes entitled to the entire dower and becomes lawful for the man who divorced her three times, because intercourse does not require an intention. The Prophet ﷺ imposed stoning on account of intercourse committed in unbelief. If a man married her while sane and then became insane and had intercourse with her during his insanity, she would become entitled to the entire dower from his property, without fear, and the child would be attributed to him, without fear. Thus it is established by consensus that intercourse does not require an intention. As for someone who fasts without knowing that it is Ramadan, and his fasting happens to coincide with Ramadan, it does not discharge his obligation. The same applies to a prayer he performs without knowing whether its time has begun or not, because these acts require an intention connected with them, without which the act is not valid. If they become mingled with an intention other than that intention, or the connection of the intention with them is absent, they become invalid. The same applies particularly to prayer, for an act that invalidates it has entered into it, namely, purposeless activity. The same applies to the obligatory alms when someone gives them without intending them as obligatory alms. Abu Muhammed said: The death of the

principal definitively dismisses his agent, whereas the death of the imam is otherwise.[16]

L1524 His death does not dismiss his officials until the imam who assumes authority after him dismisses them. This is because the principal's property has passed into the inheritance of someone else, and Allah Most High has said: 'Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Every soul earns only against itself, and no bearer of a burden bears the burden of another. Then to your Lord is your return, and He will inform you about that concerning which you used to differ.' Moreover, the Messenger of Allah ﷺ died while he had officials in Yemen, Bahrain, and elsewhere, and no two Muslims disagreed that his death ﷺ did not dismiss those whom he had appointed, until Abu Bakr dismissed whichever of them he dismissed. Analogy is invalid. These are two cases between which the revealed text and consensus have made a distinction, and there is no way to assimilate them to one another.[17]

L1525 [Section on Abrogation by Consensus]

L1526 Abu Muhammed said: Abrogation by consensus transmitted from the Prophet ﷺ is permissible, because consensus has its basis in instruction received from the Prophet ﷺ: either through an explicit Quranic text, or a demonstration established from verses of it taken together; or through an explicit text of the Sunnah, or a demonstration similarly established from it; or through an act of his, peace be upon him; or through his approval, peace be upon him, of something of which he had knowledge. Since consensus is of this character, abrogation by it is permissible. Abu Muhammed said: Some people have claimed that consensus has been established that execution for someone who drinks wine on the fourth occasion has been abrogated. Abu Muhammed said: This is a false claim, because Abd Allah ibn Umar and Abd

[16] **Translator's note (L1523):** The supplied text twice reads 'without fear' (بلا خوف). In this legal context, 'without disagreement' (بلا خلاف) appears likely to have been intended; the supplied reading has been retained. The verb تقضي is rendered contextually as 'require'; the wording is awkward and may be a transcription error for تقتضي.

[17] **Qur'an references (L1524):** Qur'an 6:164 (Al-An'am).

وليس موته عزلا لعماله حتى يعزلهم الإمام الوالي بعده، لأن مال الموكل قد انتقل إلى وراثة غيره وقد قال تعالى {قل أغير الله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} ولأن رسول الله صلى الله عليه وسلم قد مات وله عمال باليمن والبحرين وغيرهما فلم يختلف مسلمان في أن موته صلى الله عليه وسلم لم يكن عزلا لمن ولى حتى عزل أبو بكر من عزل منهم. والقياس باطل وهاتان مسألتان قد فرق بينهما النص والإجماع ولا سبيل إلى الجمع بينهما

[فصل في النسخ بالإجماع]

قال أبو محمد النسخ بالإجماع المنقول عن النبي صلى الله عليه وسلم جائز لأن الإجماع أصله التوقيف من النبي صلى الله عليه وسلم إما بنص قرآن أو برهان قائم من آي مجموعة منه، أو بنص سنة أو برهان قائم منها كذلك، أو بفعل منه عليه السلام أو بإقرار منه عليه السلام لشيء علمه. فإذا كان الإجماع كذلك فالنسخ به جائز. قال أبو محمد: وقد ادعى قوم أن الإجماع صح على أن القتل منسوخ على شارب الخمر في الرابعة. قال أبو محمد: وهذه دعوة كاذبة، لأن عبد الله بن عمر، وعبد الله بن عمرو يقولان بقتله، ويقولان جيئونا به فإن لم نقتله فنحن كاذبان. قال أبو محمد: وبهذا القول نقول وبالله تعالى التوفيق

Allah ibn Amr both hold that he should be executed, and both say: 'Bring him to us; if we do not execute him, then we are liars.' Abu Muhammed said: This is the position we hold, and success comes through Allah Most High.

L1527 **[Section on the Author's Refutation of Those Who Permit the Abrogation of the Quran and the Sunnah by Analogy]**[18]

L1528–1531 Abu Muhammed said: Some people have permitted the abrogation of the Quran and the Sunnah by analogy. Abu Muhammed said: This is a statement that makes the skin shudder. Analogy is invalid, and discussion of its invalidation has a place in this work, if Allah Most High wills. Among the most astonishing things is that those who make this momentous assertion prohibit the abrogation of the Quran by the Sunnah. Could there be any greater inversion of realities than this? Since analogy is invalid, it is not lawful to employ what is invalid, nor to abandon established truths for its sake. Some people have permitted the abrogation of the Sunnah by the statement of a Companion. Abu Muhammed said: This constitutes unbelief on the part of whoever says it, and departure from Islam, because of His saying, Most High: 'Permitted to you on the night of fasting is sexual intimacy with your wives. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you in forgiveness and pardoned you. Now, therefore, have intercourse with them and seek what Allah has prescribed for you, and eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night, and do not have intercourse with them while you are remaining in devotional retreat in the mosques. Those are Allah's limits, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him.' And because of His saying, Most High: 'Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten, except what you slaughter

[18]**Translator's note (L1527):** The heading refers to 'the author' in the third person, suggesting an editorial or compiler's heading.

[فصل في رد المؤلف على من أجاز نسخ القرآن والسنة بالقياس]

قال أبو محمد: وقد أجاز قوم نسخ القرآن والسنة بالقياس. قال أبو محمد: وهذا قول تقشعر منه الجلود والقياس باطل، والكلام في إبطاله مكان من هذا الديوان إن شاء الله تعالى، ومن العجب العجيب أن القائلين بهذا الأمر العظيم يمنعون من نسخ القرآن بالسنة، فهل في عكس الحقائق أعظم من هذا. وإذا كان القياس باطلا فالباطل لا يحل استعماله، ولا ترك الحقائق له وقد أجاز قوم نسخ السنة بقول الصاحب. قال أبو محمد: وهذا كفر من قائله، وخروج عن الإسلام لقوله تعالى {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم الله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب الله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} ولقوله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} فهذا تكذيب للباري تعالى ومن كذب وأجاز لأحد أن يزيد في الدين أو يبدله أو ينقص منه فقد كفر فمن أضل ممن دان بأن غير رسول الله صلى الله عليه وسلم يبطل برأيه وإرادته دينا أتى به

duly; and that which has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is grave disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—Allah is indeed forgiving, merciful.' This, then, is a declaration that the Creator Most High has spoken falsely. Whoever declares Him false and permits anyone to add to the religion or change it or subtract from it has disbelieved. Who, then, is further astray than someone who professes that anyone other than the Messenger of Allah ﷺ may, by his own opinion and will, invalidate a religion that the Prophet ﷺ brought from Allah, Mighty and Majestic? Success comes through Allah Most High. Furthermore, the community unanimously agrees, without disagreement, that no one may oppose a report transmitted from the Messenger of Allah ﷺ through recurrent transmission by means of speculative reasoning. An individually transmitted report, when authenticated, is, according to those who accept it, like a report transmitted from the Messenger of Allah ﷺ through recurrent transmission with respect to the obligation to obey it: there is no difference. Whoever permits its abrogation by speculative reasoning, or its being opposed by analogy, has contradicted himself and departed from consensus. This has the implications that it has, and success comes through Allah Most High.[19][20][21]

النبي صلى الله عليه وسلم عن الله عز وجل وبالله تعالى التوفيق وأيضا فإن الأمة مجمعة بلا خلاف على أن خبر التواتر عن رسول الله صلى الله عليه وسلم لا يحل لأحد أن يعارضه بنظر وخبر الواحد إذا صح عند القائلين به نكخبر التواتر عن رسول الله صلى الله عليه وسلم في وجوب الطاعة ولا فرق فمن أجاز نسخه بنظر أو معارضته بقياس، فقد تناقض وخرج عن الإجماع وفي هذا ما فيه وبالله تعالى التوفيق

[19] **Translator's note (L1529):** The Quranic quotations contain numerous apparent omissions of initial alifs, including in the divine name and definite articles. Their readily identifiable wording is reflected in the translation; these transcription defects are noted here rather than silently treated as distinct readings.

[20] **Translator's note (L1530):** The continuation of the Quranic quotation contains apparent omissions of initial alifs, as in the preceding unit.

[21] **Qur'an references (L1528):** Qur'an 2:187 (Al-Baqarah); Qur'an 5:3 (Al-Ma'idah).

الباب 21: المتشابه في القرآن والأحكام

Chapter 21: Ambiguity in the Qur’an and Legal Rulings

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الحادي والعشرون في المتشابه من القرآن والفرق بينه وبين المتشابه في الأحكام]

قال الله تعالى: {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} وأنبأنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، ثنا عبد الله بن مسلمة القعنبي، ثنا يزيد بن إبراهيم التستري، عن عبد الله بن أبي مليكة عن القاسم بن محمد عن عائشة قالت تلا رسول الله صلى الله عليه وسلم {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} قالت قال رسول الله صلى الله عليه وسلم إذا رأيتم الذين يتبعون ما تشابه منه فأولئك الذين سماهم الله تعالى فاحذروهم، وبه إلى مسلم قال: ثنا محمد بن عبد الله بن نمير الهمداني قال: حدثنا زكريا، عن الشعبي عن النعمان بن بشير قال سمعت رسول الله صلى الله عليه وسلم يقول وأهوى النعمان بأصبعه إلى أذنيه إن الحلال بين وإن الحرام بين، وبينهما مشتبهات لا يعلمهن كثير من الناس، فمن اتقى الشبهات استبرأ لدينه وعرضه ومن وقع في الشبهات وقع في الحرام، كالراعي يرعى حول الحمى يوشك أن يرتع فيه، ألا وإن حمى الله محارمه وقال تعالى: {أفلا يتدبرون القرآن ولو كان من عند غير الله لوجدوا فيه اختلافا كثيرا} وقال تعالى: {وما كان المؤمنون لينفروا كآفة فلولا نفر

[Chapter Twenty-One: On the Ambiguous in the Quran and the Difference Between It and the Ambiguous in Legal Rulings]

Allah Most High said: ‘He is the One who sent down the Book to you. In it are verses firmly established in meaning, which are the foundation of the Book, and others that are ambiguous. As for those in whose hearts is deviation, they pursue what is ambiguous in it, seeking discord and seeking its interpretation. No one knows its interpretation except Allah. Those firmly grounded in knowledge say: “We believe in it; all is from our Lord.” And none take heed except those possessed of understanding.’ Abd Allah ibn Yusuf informed us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj: Abd Allah ibn Maslamah al-Qa‘nabi related to us: Yazid ibn Ibrahim al-Tustari related to us, from Abd Allah ibn Abi Mulaykah, from al-Qasim ibn Muhammed, from Aishah, who said: ‘The following was recited by the Messenger of Allah ﷺ: “He is the One who sent down the Book to you. In it are verses firmly established in meaning, which are the foundation of the Book, and others that are ambiguous. As for those in whose hearts is deviation, they pursue what is ambiguous in it, seeking discord and seeking its interpretation. No one knows its interpretation except Allah. Those firmly grounded in knowledge say: ‘We believe in it; all is from our Lord.’ And none take heed except those possessed of understanding.”’ She said: ‘The Messenger of Allah ﷺ said: “When you see those who pursue what is ambiguous in it, those are the ones Allah Most High has named, so beware of them.”’ Through the same chain to Muslim, who said: Muhammed ibn Abd Allah ibn Numayr al-Hamdani related to us; he said: Zakariyya related to us, from al-Sha‘bi, from al-Nu‘man ibn Bashir, who said: ‘I heard the Messenger of Allah ﷺ saying’—and al-Nu‘man gestured with his finger toward his ears—“‘What is lawful is clear, and what is unlawful is clear, and between them are doubtful matters that many people do not know. Whoever guards against doubtful matters secures his religion and his honor from reproach; whoever falls into doubtful matters falls into what is unlawful, like a herdsman pasturing his flock around a protected preserve, who is on the verge of pasturing

within it. Take heed: Allah's protected preserve consists of the things He has forbidden.'" And He, Most High, said: 'Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much discrepancy in it.' And He, Most High, said: 'The believers should not all go forth together. Why, then, should a group from every division of them not go forth, so that they may acquire understanding of the religion and warn their people when they return to them, so that they may beware?'[1][2]

L1535–1543 Abu Muhammed said: We found that He, exalted is He, had urged reflection upon the Quran and made it obligatory to acquire understanding of it and to travel through the lands for that purpose. We found that He, exalted is He, had forbidden following its equivocal passages. We found that he, may Allah bless him and grant him peace ﷺ, had stated that the equivocal matters lying between what is plainly forbidden and what is plainly lawful are unknown to many people; this therefore constituted a distinction for those who knew them. We thus became certain that what He, mighty and majestic, forbade pursuing was different from what He commanded us to pursue, reflect upon, and acquire understanding of. We became certain, without doubt, that the doubtful matter whose knower he, may Allah bless him and grant him peace ﷺ, regarded as enviable was different from the equivocal matter against whose pursuit he warned. This is the only position that reason can sustain, since it is inadmissible that He should require us —exalted is He— to seek something and forbid us to seek it at the same time. Once we knew this, it became obligatory for us to seek the equivocal matters that we were commanded to seek, so that we might acquire understanding of them, and to identify which things constituted the equivocal matters whose pursuit we were forbidden, so that we might refrain from seeking them. We therefore examined the Quran and reflected upon it, as He, exalted is He, commanded us. We found that it contained various things, including the affirmation of Allah's oneness and the obligation to affirm it. This was among the things

من كل فرقة منهم طآئفة ليتفقهوا في الدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون}

قال أبو محمد: فوجدناه تعالى قد حض على تدبر القرآن، وأوجب التفقه فيه، والضرب في البلاد لذلك ووجدناه تعالى قد نهى عن اتباع المتشابه منه ووجدناه صلى الله عليه وسلم قد أخبر بأن المتشابهات التي بين الحرام البين والحلال البين لا يعلمها كثير من الناس، فكان ذلك فضلا لمن علمها، فأيقنا أن الذي نهى عز وجل عن نتبعه، هو غير الذي أمر بتتبعه وتدبره والتفقه فيه وأيقنا بلا شك أن المشتبه الذي غبط صلى الله عليه وسلم عالمه هو غير المتشابه الذي حذر من نتبعه، هذا الذي لا يقوم في المعقول سواه، إذ لا يجوز أن يكلفنا تعالى طلب شيء، وينهانا عن طلبه في وقت واحد، فلما علمنا ذلك وجب علينا طلب المتشابه الذي أمرنا بطلبه، لنتفقه فيه، وأن نعرف أي الأشياء هو المتشابه الذي نهينا عن نتبعه فنمسك عن طلبه. فنظرنا في القرآن وتدبرناه، كما أمرنا تعالى فوجدناه جاء بأشياء منها التوحيد وإلزامه، فكان ذلك مما أمرنا باعتقاده والفكرة فيه، فعلمنا أنه ليس من المتشابه الذي نهينا عن نتبعه، ومنها صحة النبوة وإلزامنا الإيمان بها، فعلمنا أن ذلك ليس من المتشابه الذي نهينا عن نتبعه، ومنها الشرائع المفترضة والمحرمة والمندوب إليها والمكروهة والمباحة، وذلك كله مفترض علينا نتبعه وطلبه، فأيقنا أن ذلك مما أمرنا بالتفكير فيه بقوله تعالى: {أفلا ينظرون إلى الإبل كيف خلقت} وبقوله تعالى: {الذين يذكرون الله قياما وقعودا وعلى جنوبهم ويتفكرون في خلق السماوات والأرض ربنآ ما خلقت هذا باطلا سبحانك فقنا عذاب النار} مثنيا عليهم، فأيقنا أنه ليس من المتشابه. ومنها أخبار سالفة جاءت

[1] **Translator's note (L1533):** The Arabic ends with 'she said: [he] recited,' with the subject supplied at the beginning of the next unit. The English uses a passive construction to preserve that boundary.

[2] **Qur'an references (L1533):** Qur'an 3:7 (Ali 'Imran); Qur'an 4:82 (An-Nisa); Qur'an 9:122 (At-Tawbah).

we were commanded to believe and think about, so we knew that it was not among the equivocal matters whose pursuit we were forbidden. They also included the truth of prophethood and our obligation to believe in it, so we knew that this was not among the equivocal matters whose pursuit we were forbidden. They also included the legal prescriptions concerning what is obligatory, forbidden, recommended, disapproved, and permissible. We are obliged to pursue and seek all of this. We therefore became certain that this was among the things we were commanded to think about through His words, exalted is He: {Do they not look at the camels, how they were created?}, and through His words, exalted is He, praising them: {Those who remember Allah standing, sitting, and on their sides, and reflect upon the creation of the heavens and the earth: Our Lord, You did not create this in vain. Glory be to You! So protect us from the punishment of the Fire.} We therefore became certain that it was not among the equivocal matters. They also included accounts of past events conveyed for our admonition. These are among the things we were commanded to take lessons from through His words, exalted is He: {There was indeed in their accounts a lesson for people of understanding. It was no fabricated narrative, but a confirmation of what preceded it, a detailed exposition of everything, and guidance and mercy for people who believe.} We therefore became certain that this was not among the equivocal matters whose pursuit we were forbidden. They also included a promise that we were commanded and urged to act so as to deserve, and a threat against which we were warned. All of this is among what we were commanded to reflect upon, so that we might strive to seek Paradise and flee from the Fire. We therefore became certain that this was not among the equivocal matters whose pursuit we were forbidden. Once we knew that everything we had mentioned was not equivocal, and knew with certainty that the Quran contained only unequivocal and equivocal passages, and became certain that every unequivocal passage—once we necessarily became certain of this, we knew with certainty that whatever lay beyond what we had mentioned was the equivocal material. We therefore examined it to learn what it was, so that we might avoid it and not pursue it. We sought it only to learn what it was, not its manner of being or its meaning. We found nothing in the Quran other than what we had mentioned, except the disconnected

على معنى الوعظ لنا، وهي مما أمرنا بالاعتبار به بقوله تعالى: {لقد كان في قصصهم عبرة لأولي الألباب ما كان حديثا يفترى ولكن تصديق الذي بين يديه وتفصيل كل شيء وهدى ورحمة لقوم يؤمنون} فأيقنا أن ذلك ليس من المتشابه الذي نهينا عن تتبعه، ومنها وعد أمرنا وحضضنا على العمل لاستحقاقه، ووعيد حذرنا منه، وكل ذلك مما أمرنا به بالفكرة فيه لنجتهد في طلب الجنة، ونفر عن النار، فأيقنا أن ذلك ليس من المتشابه الذي نهينا عن تتبعه. فلما علمنا أن كل ما ذكرنا ليس متشابها، وعلمنا يقينا أنه ليس في القرآن إلا محكم ومتشابه، وأيقنا أن كل محكم فلما أيقنا ذلك ضرورة علمنا يقينا أن ما عدا ما ذكرنا هو المتشابه، فنظرنا لنعلم أي شيء هو فنجتنبه ولا نتتبعه وإنما طلبناه لنعلم ماهيته لا كيفيته ولا معناه، فلم نجد في القرآن شيئا غير ما ذكرنا، حاشا الحروف المقطعة التي في أوائل بعض السور، وحاشا الأقسام التي في أوائل بعض السور أيضا فعلمنا يقينا أن هذين النوعين هما المتشابه الذي نهينا عن اتباعه وحذر النبي صلى الله عليه وسلم من المتبعين له وكذلك وجدنا عمر رضي الله عنه، قد أوجع صبيا على سؤاله عن تفسير والذاريات. فصح ضرورة أن هذين القسمين هما المتشابه الذي نهينا عن ابتغاء تأويله، إذ لم يبق بعد ما ذكرنا مما أمرنا بتتبعه إلا هذان النوعان، فلم يبق غيرهما، فحرام على كل مسلم أن يطلب معاني الحروف المقطعة التي في أوائل السور. مثل: {كهيعص} و {حم عسق} و {ن} و {الم} و {ص} و {طسم} وحرام أيضا على كل مسلم أن يطلب معاني الأقسام التي في أوائل السور، مثل: {والنجم} و {الذاريات} {والطور} {والمرسلات عرفا} {والعاديات ضبحا} وما أشبه ذلك. قال أبو محمد: وقد قال قوم: إن المتشابه هو ما اختلف فيه من أحكام القرآن. قال أبو محمد: وهذا خطأ فاحش، لأن هذا القول دعوى ورأي من قائله لا برهان على صحته، وأيضا فإن ما اختلف فيه، فلا بد من أن الحق في بعض ما قيل فيه موجود واضح لمن طلبه برهان ذلك قوله تعالى: {أفلا يتدبرون القرآن ولو كان من عند غير الله لوجدوا

letters at the beginnings of some surahs and the oaths likewise occurring at the beginnings of some surahs. We therefore knew with certainty that these two kinds were the equivocal material that we were forbidden to follow, and that the Prophet, may Allah bless him and grant him peace, warned against those who followed it. Likewise, we found that Umar, may Allah be pleased with him, had inflicted pain upon a boy for asking about the interpretation of 'By those that scatter.' It was therefore necessarily established that these two categories were the equivocal material whose interpretation we were forbidden to seek, since, beyond what we had mentioned of the things we were commanded to pursue, only these two kinds remained; nothing else remained besides them. It is therefore forbidden for any Muslim to seek the meanings of the disconnected letters at the beginnings of the surahs, such as {Kaf Ha Ya Ayn Sad}, {Ha Mim, Ayn Sin Qaf}, {Nun}, {Alif Lam Mim}, {Sad}, and {Ta Sin Mim}. It is also forbidden for any Muslim to seek the meanings of the oaths at the beginnings of the surahs, such as {By the star}, {Those that scatter}, {By the Mount}, {By those sent forth in succession}, {By those that run, panting}, and the like. Abu Muhammed said: Some people have said that the equivocal material consists of those rulings of the Quran over which there is disagreement. Abu Muhammed said: This is a gross error, because this statement is an assertion and an opinion on the part of its speaker, with no demonstration of its correctness. Moreover, concerning anything over which there is disagreement, the truth must be present in some of what has been said about it, clear to whoever seeks it. The demonstration of this is His words, exalted is He: {Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much discrepancy in it}, and His words, exalted is He: {With clear proofs and scriptures. And We sent down to you the Reminder so that you might make clear to people what was sent down to them, and so that they might reflect.} Clarification is therefore guaranteed and exists; whoever seeks it correctly, Allah, exalted is He, grants him success. Moreover, it is obligatory for us to pursue the disputed rulings, seek their interpretation, seek the true ruling concerning them, attend to them, and act upon them. As for the equivocal material, the explicit text forbids us to pursue it and seek its meaning. It is thereby disproved that disputed material is equivocal. Once that is disproved, it is

فيه اختلافا كثيرا} وقوله تعالى: {بالبينات والزبر وأنزلنا إليك الذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فالبيان مضمون موجود، فمن طلبه طلبا صحيحا وفقه الله تعالى، وأيضا فإن الأحكام المختلف فيها فرض علينا تتبعها، وابتغاء تأويلها، وطلب حكمها الحق فيها والعناية بها والعمل بها، وأما المتشابه فحرام علينا بالنص تتبعه وطلب معناه، فبطل بذلك أن يكون المختلف فيه متشابها. وإذا بطل ذلك صح أنه محكم، ولا يضر الحق جهل من جهل، ولا اختلاف من اختلف فيه. وقال آخرون: المتشابه هو ما تقابلت فيه الأدلة. قال أبو محمد: وهذا خطأ فاحش، لأنه دعوى من قائله بلا برهان، ورأي فاسد، ولأن تقابل الأدلة باطل، وشيء معدوم لا يمكن وجوده أبدا في الشريعة، ولا في شيء من الأشياء، والحق لا يتعارض أبدا. وإنما أتى من أتى في ذلك لجهله بيان الحق، ولإشكال تمييز البرهان عليه مما ليس ببرهان، وليس جهل من جهل في إبطال الحق. ودليل الحق ثابت لا معارض له أصلا. وقد بينا وجوه البراهين في كتابنا التقريب وكتابنا الموسوم بالفصل، وفي كتابنا هذا ولا سبيل إلى أن يأمرنا تعالى بطلب أدلة قد ساوى فيها بين الحق والباطل، ومن نسب هذا إلى الله تعالى فقد ألحد، وأكذبه ربه تعالى إذ يقول: {ويوم نبعث في كل أمة شهيدا عليهم من أنفسهم وجئنا بك شهيدا على هؤلآء ونزلنا عليك الكتاب تبيانا لكل شيء وهدى ورحمة وبشرى للمسلمين} وإذ يقول تعالى: {لا إكراه في الدين قد تبين الرشد من الغي فمن يكفر بالطاغوت ويؤمن بالله فقد استمسك بالعروة الوثقى لا انفصام لها والله سميع عليم} وبقوله تعالى: {وما لكم ألا تأكلوا مما ذكر اسم الله عليه وقد فصل لكم ما حرم عليكم إلا ما اضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بالمعتدين} فصح أن متشابه الأحكام الذي ذكر صلى الله عليه وسلم أنها لا يعلمها كثير من الناس مبينة بالقرآن والسنة، يعلمها من وفقه الله تعالى لفهمه من الفقهاء الذين أمر عز وجل بسؤالهم إذ يقول تعالى: {وما أرسلنا من قبلك إلا رجالا نوحي إليهم

established that it is unequivocal. The truth is unharmed by the ignorance of those who are ignorant or the disagreement of those who disagree about it. Others have said: The equivocal material is that concerning which the evidences stand opposed. Abu Muhammed said: This is a gross error, because it is an assertion on the part of its speaker without demonstration and an opinion that is unsound; and because the opposition of evidences is false and nonexistent: it can never exist in the revealed Law or in anything whatsoever. The truth never conflicts with itself. Whoever falls into this error does so only because he is ignorant of the clarification of the truth and finds it difficult to distinguish demonstration from what is not demonstration. The ignorance of those who are ignorant does not invalidate the truth. The evidence for the truth stands firm, with absolutely nothing opposing it. We have explained the forms of demonstrations in our book The Approximation, in our book entitled The Distinction, and in this book of ours. It is impossible that He, exalted is He, should command us to seek evidences in which He has placed truth and falsehood on an equal footing. Whoever attributes this to Allah, exalted is He, has deviated from the faith, and his Lord, exalted is He, declares him false when He says: {And on the day when We raise up in every community a witness against them from among themselves, and bring you as a witness against these; and We have sent down to you the Book as an exposition of everything, and as guidance, mercy, and glad tidings for the Muslims}; and when He, exalted is He, says: {There is no compulsion in religion. Right guidance has become distinct from error. Whoever disbelieves in false objects of worship and believes in Allah has grasped the firmest handhold, which cannot break. Allah is All-Hearing, All-Knowing}; and through His words, exalted is He: {What is the matter with you that you do not eat of that over which Allah's name has been mentioned, when He has detailed for you what He has forbidden you, except that to which you are compelled by necessity? Indeed, many lead others astray through their desires without knowledge. Your Lord knows best those who transgress.} It is thus established that the equivocal rulings which he, may Allah bless him and grant him peace ﷺ, mentioned as being unknown to many people are clarified by the Quran and the Sunnah. They are known by those jurists whom Allah, exalted is He, grants success in understanding it, and whom He, mighty and

فاسألوا أهل الذكر إن كنتم لا تعلمون} وقد قال قوم إن قوله تعالى: {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} معطوف على الله عز وجل. قال أبو محمد: وهذا غلط فاحش، وإنما هو ابتداء وخبره في: {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} والواو لعطف جملة على جملة. وبرهان ذلك أن الله حرم نتبع ذلك المتشابه، وأخبر أن متبعه وطالب تأويله زائغ القلب مبتغي فتنة وحذر النبي صلى الله عليه وسلم ممن اتبعه ولا سبيل إلى علم معنى شيء دون نتبعه وطلب معناه، فإذا كان التتبع حراما فالسبيل إلى علمه مسدود، وإذا كانت مسدودة فلا سبيل إلى علمه أصلا، فصح أن الراسخين لا يعلمونه أبدا، وأيضا فإن فرضا على العلماء بيان ما علموا الناس كلهم يقول الله تعالى: {وإذ أخذ الله ميثاق الذين أوتوا الكتاب لتبيننه للناس ولا تكتمونه فنبذوه ورآء ظهورهم واشتروا به ثمنا قليلا فبئس ما يشترون} وبقوله عز وجل: {إن الذين يكتمون مآ أنزلنا من البينات والهدى من بعد ما بيناه للناس في الكتاب أولئك يلعنهم الله ويلعنهم اللاعنون}

majestic, commanded us to ask when He, exalted is He, says: {We sent before you only men to whom We revealed. So ask the people of the Reminder if you do not know.} Some people have said that His words, exalted is He, {He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others that are equivocal. As for those in whose hearts is deviation, they follow what is equivocal in it, seeking discord and seeking its interpretation. No one knows its interpretation except Allah. And those firmly grounded in knowledge say: We believe in it; all is from our Lord. None takes heed except people of understanding}, are coordinated with 'Allah,' mighty and majestic. Abu Muhammed said: This is a gross mistake. Rather, it is a subject beginning a new sentence, and its predicate is in {He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others that are equivocal. As for those in whose hearts is deviation follow what is equivocal in it, seeking discord and seeking its interpretation. None knows its interpretation except Allah. And those firmly grounded in knowledge say, 'We believe in it; all is from our Lord.' None takes heed except those possessed of understanding." And the conjunction "and" joins one sentence to another. The demonstration of this is that Allah has forbidden pursuing that which is equivocal, and has declared that whoever follows it and seeks its interpretation has a deviating heart and seeks discord. The Prophet ﷺ warned against those who follow it. There is no way to know the meaning of anything without pursuing it and seeking its meaning. Thus, if pursuing it is forbidden, the way to knowing it is closed; and if that way is closed, there is absolutely no way to know it. It is therefore established that those firmly grounded in knowledge never know it. Furthermore, scholars are obligated to explain what they know to all people. Allah Most High says: "And when Allah took the covenant of those who were given the Scripture: 'You shall certainly explain it to people and shall not conceal it.' But they cast it behind their backs and exchanged it for a paltry price. How evil is what they purchase!" And by His saying, Mighty and Majestic: "Indeed, those who conceal what We have sent down of clear proofs and guidance, after We have

explained it to people in the Scripture—those are cursed by Allah and cursed by those who curse."[3][4][5][6][7][8]

L1544–1546 Abu Muhammed said: If those firmly grounded in knowledge knew it, they would be obligated to explain it to people. If they did not explain it, they would be accursed. If they explained it, people would know it; and if people knew it, it would be unequivocal, not equivocal, and those firmly grounded in knowledge and others would be equal with respect to it. This is contrary to what He, Most High, has said. Thus the assertion of whoever supposes that those firmly grounded in knowledge know it is invalidated. As for his censure, peace be upon him, of someone ignorant of those equivocal matters if he ventures into their vicinity, this is, according to the explicit wording

قال أبو محمد: فلو علمه الراسخون في العلم، لكان فرضا عليهم أن يبينوه للناس ولو لم يبينوه لكانوا ملعونين، ولو بينوه لعلمه الناس، ولو علمه الناس لكان محكما لا متشابها. ولتساوى فيه الراسخون وغيرهم، وهذا ضد ما قال تعالى، فبطل بذلك قول من ظن أن الراسخين يعلمونه وأما ذمه عليه السلام من جهل تلك المتشابهات إن وقع حولها، فإنما ذلك بنص الحديث خوف مواقعة الحرام البين، فصح أن تلك المتشابهات ليست حراما في ذاتها على من جهلها خاصة، ليست حراما عليه، إذ لم يبلغه تفصيل تحريمها عليه، ولكن الورع أن يتركها خوف وقوعه في الحرام البين. قال أبو محمد: وبين صحة قولنا في هذا الباب ما حدثناه عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى بن أحمد بن محمد، عن أحمد بن علي، عن مسلم، ثنا عبد الله بن مسلمة بن قعنب، ثنا يزيد بن إبراهيم التستري، عن عبد الله بن أبي مليكة عن القاسم بن محمد عن عائشة قالت تلا رسول الله صلى الله عليه وسلم {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} قالت قال رسول الله صلى الله عليه وسلم إذا رأيتم الذين يتبعون ما تشابه منه فأولئك الذين سمى الله فاحذروهم. قال أبو محمد: فقد حذر عليه السلام ممن اتبع ما تشابه من القرآن، وقد علمنا أن اتباع أحكامه كلها فرض، فصح أن المتشابه هو غير ما أمرنا بتدبيره والتفقه فيه كما ذكرنا. وقد تأول قوم في قوله تعالى: {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند

[3] **Translator's note (L1535):** The passage distinguishes mutashābih, rendered 'equivocal,' from mushtabih, rendered 'doubtful,' while initially using the former expression for the matters between the plainly lawful and the plainly forbidden. This variation is preserved.

[4] **Translator's note (L1537):** The wording 'and became certain that every unequivocal passage' is grammatically incomplete in the supplied Arabic: no predicate follows 'every unequivocal.' The apparent omission is preserved rather than supplied.

[5] **Translator's note (L1538):** The salutation is divided between this unit and the next; only the portion present here is translated.

[6] **Translator's note (L1539):** The supplied صبيا means 'a boy.' It may be a corruption of the personal name Ṣabīgh, associated with the account of Umar's punishment for questions about Quranic passages; the supplied reading is retained. The Quranic excerpt ﴿الذاريات﴾ lacks the oath particle 'by' found in the opening of the surah. Its omission is retained. The salutation at the beginning completes the fragment in the preceding unit.

[7] **Translator's note (L1541):** The syntactic argument concerns whether 'those firmly grounded in knowledge' is coordinated with 'Allah,' thereby sharing knowledge of the interpretation, or begins a new sentence whose predicate is 'say.' The supplied text quotes the entire verse where the relevant phrase would be expected, then begins quoting the entire verse again after 'its predicate is in.' This awkward apparent quotation error is retained. The phrase translated 'the ignorance of those who are ignorant does not invalidate the truth' has awkward Arabic syntax; its apparent sense is rendered without adding a missing Arabic expression.

[8] **Qur'an references (L1535):** Qur'an 88:17 (Al-Ghashiyah); Qur'an 3:191 (Ali 'Imran); Qur'an 12:111 (Yusuf); Qur'an 77:1 (Al-Mursalat); Qur'an 100:1 (Al-'Adiyat); Qur'an 4:82 (An-Nisa); Qur'an 16:44 (An-Nahl); Qur'an 16:89 (An-Nahl); Qur'an 2:256 (Al-Baqarah); Qur'an 6:119 (Al-An'am); Qur'an 16:43 (An-Nahl); Qur'an 3:7 (Ali 'Imran); Qur'an 3:187 (Ali 'Imran); Qur'an 2:159 (Al-Baqarah).

of the report, only out of fear of committing what is plainly forbidden. It is therefore established that those equivocal matters are not forbidden in themselves specifically to someone ignorant of them: they are not forbidden to him, since the detailed declaration of their prohibition for him has not reached him. Pious restraint, however, consists in leaving them aside for fear of falling into what is plainly forbidden.

Abu Muhammed said: The soundness of our position in this chapter is made clear by what Abd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa ibn Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim: Abd Allah ibn Maslamah ibn Qa'nab related to us: Yazid ibn Ibrahim al-Tustari related to us, from Abd Allah ibn Abi Mulaykah, from al-Qasim ibn Muhammed, from Aishah, who said: The Messenger of Allah ﷺ recited: "He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others that are equivocal. As for those in whose hearts is deviation, they follow what is equivocal in it, seeking discord and seeking its interpretation. None knows its interpretation except Allah. And those firmly grounded in knowledge say, 'We believe in it; all is from our Lord.' None takes heed except those possessed of understanding." She said: The Messenger of Allah ﷺ said: "When you see those who follow what is equivocal in it, those are the ones Allah has named, so beware of them."

Abu Muhammed said: He, peace be upon him, thus warned against whoever follows what is equivocal in the Quran. We know that following all its rulings is obligatory. It is therefore established that what is equivocal is something other than that which we have been commanded to consider and to acquire understanding of, as we have mentioned. Some people have interpreted His saying, Most High: "He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others that are equivocal. As for those in whose hearts is deviation, they follow what is equivocal in it, seeking discord and seeking its interpretation. None knows its interpretation except Allah. And those firmly grounded in knowledge say, 'We believe in it; all is from our Lord.' None takes heed except those possessed of understanding," as having been revealed concerning a group of

ربنا وما يذكر إلا أولوا الألباب} إن ذلك نزل في قوم من المنافقين كانوا يعترضون على التنازل من القرآن ويقولون لعله سينزل غدا نسخه، فيحملون معنى تأويله على أنه مآله أي لا يعلم النازل من القرآن أينسخ أم لا إله إلا الله تعالى

hypocrites who used to object to the successive revelation of the Quran and say, “Perhaps its abrogation will be revealed tomorrow.” They accordingly take its “interpretation” to mean its eventual outcome; that is, no one knows whether what has been revealed of the Quran will be abrogated or not—“a deity except Allah Most High.”[9][10][11][12]

L1547 Abu Muhammed said: This is unsound, because it is an assertion without demonstration. Whatever is of this kind is certainly false, because Allah Most High says: “And they said, ‘None will enter Paradise unless he is a Jew or a Christian.’ Those are their wishes. Say: ‘Bring your demonstration, if you are truthful.’” And restricting what the speech of Allah Most High entails to something He did not say is a lie against Him. We seek refuge in Allah from this. Let this be a restriction of the verse without evidence; we have already invalidated restricting the apparent meanings without evidence in the preceding part of this book of ours. For we now know, concerning every verse in the Quran and other texts, what has been abrogated and what has never subsequently been abrogated.

Some people also said that the meaning of: “He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others that are equivocal. As for those in whose hearts is deviation, they follow what is equivocal in it, seeking discord and seeking its interpretation. None knows its interpretation except Allah. And those firmly grounded in knowledge say, ‘We believe in it; all is from our Lord.’ None takes heed except those possessed of understanding,” is: “None knows the explanatory cause of the revelation of the verses except Allah.”

قال أبو محمد وهذا فاسد لأنه دعوى بلا برهان، وما كان هكذا هو باطل بيقين. لقول الله تعالى: {وقالوا لن يدخل الجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} وتخصيص ما يقتضيه كلام الله تعالى ما لم يقل وكذب عليه، نعوذ بالله من هذا، وليكن هذا تخصيصا للآية بلا دليل. وقد أبطلنا تخصيص الظواهر بلا دليل فيما خلا من كتابنا هذا لأننا الآن قد علمنا ما لكل آية في القرآن وغيرها ما قد نسخ منها وما لم ينسخ بعد أبدا. وقال قوم أيضا: إن معنى: {هو الذي أنزل عليك الكتاب منه آيات محكمات هن أم الكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه ابتغاء الفتنة وابتغاء تأويله وما يعلم تأويله إلا الله والراسخون في العلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا الألباب} أي وما يعلم علة نزول الآيات إلا الله. قال أبو محمد: وهذا أيضا فاسد كالذي قبله، لأنه دعوى بلا برهان وتقويل لله ما لم يقل، وإخبار عنه تعالى بما لم يخبر به عن نفسه، ولأنه لو كان كما ذكروا لكان لنزول الآيات علل لا يعلمها إلا الله عز وجل، وقد أبطلنا قول من قال: إن الله تعالى يفعل لعلة في باب إبطال العلل من كتابنا هذا وبالله تعالى التوفيق

[9] **Translator’s note (L1544):** The final word is tadbir, ordinarily meaning management or arrangement, rather than the expected tadabbur, reflection. “Consider” reflects the contextual sense, but the supplied reading is unusual.

[10] **Translator’s note (L1546):** The supplied al-tanazul, rendered “successive revelation,” is unusual in this context and may be a corruption of al-nazil, “what was revealed.” The ending reads ilah illa Allah, “a deity except Allah,” producing a broken sentence. The apparent intended wording is that none except Allah Most High knows whether a revelation will be abrogated, but the supplied wording has not been silently corrected.

[11] **Hadith references (L1544):** Sahih Muslim 2665.

[12] **Qur’an references (L1544):** Qur’an 3:7 (Ali ’Imran).

Abu Muhammed said: This too is unsound, like the preceding assertion, because it is an assertion without demonstration, an attribution to Allah of something He did not say, and a report about Him, Most High, of something He did not report about Himself. Moreover, if matters were as they describe, the revelation of the verses would have explanatory causes known only to Allah, Mighty and Majestic. We have already invalidated the assertion of whoever says that Allah Most High acts on account of an explanatory cause, in the chapter on invalidating explanatory causes in this book of ours. Success comes through Allah Most High.[13][14]

[13] **Translator's note (L1547):** The clause beginning "And restricting what the speech of Allah Most High entails" is syntactically defective in the supplied text; the translation follows its apparent argument without supplying additional substantive claims. "Let this be a restriction" follows the supplied wa-li-yakun, although this wording is awkward in the argument. The sentence about knowing the abrogation status of every verse and other texts is grammatically irregular, particularly ma li-kulli ayah and ba'du abadan. The translation gives the apparent sense while retaining its emphatic claim.

[14] **Qur'an references (L1547):** Qur'an 2:111 (Al-Baqarah); Qur'an 3:7 (Ali 'Imran).



الباب 22: الإجماع ونقله

Chapter 22: Consensus and Its Transmission

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Twenty-Two: On Consensus, What Consensus Is Based Upon, and How Consensus Is Transmitted]

Abu Muhammed said: We and all the people of Islam, their jinn and their humans, in every age, have agreed with sound and certain consensus that the Quran which Allah sent down to Muhammed, the Messenger of Allah ﷺ, and everything Muhammed ﷺ said, is truth binding upon everyone, and that it is the religion of Islam. They then disagreed concerning the path leading to His Messenger ﷺ. Know, then—may Allah have mercy upon you—that whoever follows the explicit text of the Quran and what is transmitted with a chain of transmission through trustworthy transmitters to the Messenger of Allah ﷺ has certainly followed consensus, and whoever turns aside from any of that has not followed consensus. Likewise, all the people of Islam, their jinn and their humans, in every age and every place, have a consensus that following the Sunnah is obligatory and that it is what the Messenger of Allah ﷺ instituted. Likewise, they have agreed that adhering to the community is obligatory. Know, then—may Allah have mercy upon you—that whoever follows what has been authentically transmitted through trustworthy transmitters with a chain of transmission to the Messenger of Allah ﷺ has certainly followed the Sunnah and adhered to the community: the Companions, may Allah be pleased with them, those who followed them in goodness, and the leading authorities who came after them. Whoever follows anyone to the exclusion of the Messenger of Allah ﷺ has followed neither the Sunnah nor the community, and is lying in claiming adherence to the Sunnah and the community. Thus we, the company of those who follow the transmitted reports and rely upon them, are truly the people of the Sunnah and the community, by necessary demonstration; and likewise we are the people of consensus. Praise be to Allah, Lord of the worlds. Then we and most of those who oppose us agreed that the consensus of the scholars of the people of Islam is an authoritative proof and a truth established with certainty in the religion of Allah, Mighty and Majestic. Then we disagreed and one group said: It is something other than the Quran and other than what has come from the Prophet ﷺ. Rather, it consists in the scholars

[الباب الثاني والعشرون في الإجماع وعن أي شيء يكون الإجماع وكيف ينقل الإجماع]

قال أبو محمد اتفقنا نحن وجميع أهل الإسلام جنهم وإنسهم في كل زمان إجماعا صحيحا متيقنا على أن القرآن الذي أنزله الله على محمد رسول الله صلى الله عليه وسلم وكل ما قاله محمد صلى الله عليه وسلم فإنه حق لازم لكل أحد وإنه دين الإسلام ثم اختلفوا في الطريق المؤدية إلى رسوله صلى الله عليه وسلم فاعلموا رحمكم الله أن من اتبع نص القرآن وما أسند من طريق الثقات إلى رسول الله صلى الله عليه وسلم فقد اتبع الإجماع يقينا وأن من عاج عن شيء من ذلك فلم يتبع الإجماع وكذلك إجماع أهل الإسلام كلهم جنهم وإنسهم في كل زمان وكل مكان على أن السنة واجب اتباعها وأنها ما سنه رسول الله صلى الله عليه وسلم وكذلك اتفقوا على وجوب لزوم الجماعة فاعلموا رحمكم الله أن ما اتبع ما صح برواية الثقات مسندا إلى رسول الله صلى الله عليه وسلم فقد اتبع السنة يقينا ولزوم الجماعة وهم الصحابة رضي الله عنهم والتابعون لهم بإحسان ومن أتى بعدهم من الأئمة وأن من اتبع أحدا دون رسول الله صلى الله عليه وسلم فلم يتبع السنة ولا الجماعة وأنه كاذب في ادعائه السنة والجماعة فنحن معشر المتبعين للحديث المعتمدين عليه أهل السنة والجماعة حقا بالبرهان الضروري، وأننا أهل الإجماع كذلك، والحمد لله رب العالمين. ثم اتفقنا نحن وأكثر المخالفين لنا على أن الإجماع من علماء أهل الإسلام حجة وحق مقطوع به في دين الله عز وجل. ثم اختلفنا، فقالت طائفة هو شيء غير القرآن وغير ما جاء عن النبي صلى الله عليه وسلم لكنه أن يجتمع علماء المسلمين على حكم لا نص فيه، لكن برأي منهم أو بقياس منهم عن منصوص. وقلنا نحن: هذا باطل ولا يمكن البتة أن يكون إجماع من علماء

of the Muslims agreeing upon a ruling for which there is no explicit text, doing so instead through an opinion of their own or through an analogy they draw from something addressed by an explicit text. We said: This is false. It is absolutely impossible for there to be a consensus of the scholars of the community without an explicit text from the Quran or a Sunnah from the Messenger of Allah ﷺ that makes clear which statement of those who disagree the truth lies. This is unavoidable. Thus, whoever accords with that text is the one who holds the truth and is rewarded twice: once for his independent legal reasoning and his search for the truth, and a second time for affirming the truth and following it. Whoever departs from that text, without considering departure from it permissible, but intending to reach the truth, is mistaken and receives one reward for seeking the truth; the sin is lifted from him if he did not deliberately intend it. It is established with certainty that Muslims will not disagree concerning some texts; rather, Allah, Almighty and Majestic, brings about their consensus concerning them, just as He, Most High, brings about disagreement among them concerning whichever texts He wills that they should disagree about.

The group opposing us argued by saying: Allah, Almighty and Majestic, said: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, if you dispute concerning anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in its outcome.} They said: Allah made obedience to those vested with authority obligatory, just as He made obedience to His Messenger ﷺ obligatory, and just as He also made obedience to Himself, Almighty and Majestic, obligatory, without any distinction. If He, Almighty and Majestic, had made obedience to them obligatory only concerning what they transmit to us from the Messenger of Allah ﷺ, repeating the command to obey them would have had no meaning, since He, Almighty and Majestic, would have needed only to mention obedience to His Messenger ﷺ, because, according to your position, they have a single meaning. It is therefore established that He, Almighty and Majestic, made obedience to them obligatory concerning what they state on the basis of opinion or analogy, in

الأمة على غير نص من قرآن أو سنة عن رسول الله صلى الله عليه وسلم يبين في أي قول المختلفين هو الحق لا بد من هذا فيكون من وافق ذلك النص، هو صاحب الحق المأجور مرتين، مرة على اجتهاده وطلبه الحق، ومرة ثانية على قوله بالحق واتباعه له. ويكون من خالف ذلك النص غير مستجيز لخلافه، لكن قاصدا إلى الحق مخطئا مأجورا أجرا واحدا على طلبه للحق، مرفوعا عنه الإثم إذا لم يعمد له. وقد تيقن ألا يختلف المسلمون في بعض النصوص، ولكن يوقع الله عز وجل لهم الإجماع عليه كما أوقع تعالى بينهم الاختلاف فيما شاء أن يختلفوا فيه من النصوص. واحتجت الطائفة المخالفة لنا بأن قالت قال الله عز وجل {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} قالوا فافترض الله طاعة أولي الأمر كما افترض طاعة رسوله صلى الله عليه وسلم وكما افترض طاعة نفسه عز وجل أيضا ولا فرق. فلو كان عز وجل إنما افترض طاعتهم فيما نقلوه إلينا عن رسول الله صلى الله عليه وسلم لما كان لتكرار الأمر بطاعتهم بمعنى لأنه يكتفي عز وجل بذكر طاعة رسوله صلى الله عليه وسلم فقط لأنها على قولكم معنى واحد فصح أنه إنما افترض عز وجل طاعتهم فيما قالوه برأي أو قياس، مما ليس فيه نص عن الله تعالى ولا عن رسوله صلى الله عليه وسلم قال أبو محمد وجمعوا في استدلالهم بهذه الآية إلى تصحيح الإجماع، تصحيح القول بالرأي والقياس فيما ظنوا، وقالوا أيضا قال عز وجل {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} قالوا وهذه كالتي قبلها وقالوا أيضا قال الله عز وجل {ومن يشاقق لرسول من بعد ما تبين له لهدى ويتبع غير سبيل لمؤمنين نوله ما تولى ونصله جهنم وسآءت مصيرا}

matters concerning which there is no text from Allah, Most High, or from His Messenger ﷺ.

Abu Muhammed said: In arguing from this verse, they combined the validation of consensus with the validation of pronouncing on the basis of opinion and analogy, as they supposed. They also said: He, Almighty and Majestic, said: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those vested with authority among them, those among them who draw it out by inference would have known it. Were it not for Allah's bounty toward you and His mercy, you would have followed Satan, except for a few.} They said: This is like the preceding verse. They also said: Allah, Almighty and Majestic, said: {Whoever opposes the Messenger after guidance has become clear to him and follows a way other than the way of the believers, We shall turn him toward what he has turned toward and make him enter Hell; and evil is the destination.} They said: Thus, the severest threat was pronounced against departing from the way of the believers. It is therefore established that following them is obligatory concerning whatever they reach consensus upon, on whatever basis they reach consensus upon it, because it is their way, which it is impermissible to cease following.[1][2][3]

L1554–1559 They cited what Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Sa'id ibn Mansur, Abu al-Rabi' al-Ataki, and Qutaybah related to us; they said: Hammad ibn Zayd related to us, from Ayyub al-Sakhtiyani, from Abu Qilabah, from Abu Asma' al-Rahbi, from Thawban, who said: The Messenger of Allah ﷺ said: "A group of my community will continue to prevail upon the

[1] **Translator's note (L1549):** In the second exhortation beginning "Know, then," the supplied text has ma, "what," where the syntax appears to require man, "whoever." The translation follows the apparent personal reference and records the irregularity here.

[2] **Translator's note (L1552):** The supplied فتوعدوا is grammatically awkward here: it appears to say 'they threatened' or 'they were threatened.' The translation follows the contextual argument that the verse pronounces a threat.

[3] **Qur'an references (L1549):** Qur'an 4:59 (An-Nisa); Qur'an 4:83 (An-Nisa); Qur'an 4:115 (An-Nisa).

قالوا: فتوعدوا على مخالفة سبيل المؤمنين أشد الوعيد، فصح فرض اتباعهم فيما أجمعوا عليه، من أي وجه أجمعوا عليه، لأنه سبيلهم الذي لا يجوز ترك اتباعه.

وذكروا ما حدثناه عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا سعيد بن منصور، وأبو الربيع العتكي، وقتيبة، قالوا: حدثنا حماد بن زيد، عن أيوب السختياني، عن أبي قلابة، عن أبي أسماء الرحبي عن ثوبان قال قال رسول الله صلى الله عليه وسلم لا تزال طائفة من أمتي ظاهرين على الحق لا يضرهم من خذلهم حتى يأتي أمر الله زاد العتكي وسعيد في روايتهما: وهم كذلك. وبه إلى مسلم حدثنا منصور بن أبي مزاحم، ثنا يحيى بن حمزة، عن عبد الرحمن بن يزيد بن جابر، حدثني عمير بن هاني، قال: سمعت معاوية على المنبر يقول سمعت رسول الله صلى الله عليه وسلم يقول لا تزال طائفة من أمتي قائمة بأمر الله لا يضرهم من خذلهم ولا من خالفهم حتى يأتي أمر الله وهم ظاهرون

truth. Those who forsake them will not harm them, until Allah's command comes." Al-Ataki and Sa'id added in their respective narrations: "while they remain thus."

Through the same chain to Muslim: Mansur ibn Abi Muzahim related to us: Yahya ibn Hamzah related to us, from Abd al-Rahman ibn Yazid ibn Jabir: Umayr ibn Hani related to me, saying: I heard Mu'awiyah saying from the pulpit: I heard the Messenger of Allah ﷺ say: "A group of my community will continue to uphold Allah's command. Neither those who forsake them nor those who oppose them will harm them, until Allah's command comes, while they prevail over the people."

Abd al-Rahman ibn Abd Allah ibn Khalid al-Hamdani related to us: Ibrahim ibn Ahmad related to us: al-Firayri related to us: al-Bukhari related to us: al-Humaydi related to us: al-Walid—that is, Ibn Muslim—related to us: Ibn Jabir—that is, Abd al-Rahman ibn Yazid ibn Jabir—related to us: Umayr ibn Hani related to me, saying: I heard Mu'awiyah say: I heard the Messenger of Allah ﷺ: "A group of my community will continue to uphold Allah's command. Those who forsake them will not harm them nor will those who oppose them, until Allah's command comes, while they remain in that state." They said: It is therefore established that the community of Muhammed ﷺ will never reach consensus upon anything other than the truth, because he ﷺ has given notice that someone among them will always continue to uphold the truth.

Abu Muhammed said: It has also been narrated that he, peace be upon him, said: "My community will not reach consensus upon misguidance." Although neither its wording nor its chain of transmission is sound, its meaning is sound on the basis of the two reports just mentioned.

Abu Muhammed said: This is everything they have adduced as evidence; they have absolutely no argument besides this.

Abu Muhammed said: All of this is true, and no Muslim denies it. We have not disagreed with them concerning the validity of consensus. We have disagreed with them only on two points in their position: first, their allowing consensus to be based on something other than a text; and second, their

على الناس. حدثنا عبد الرحمن بن عبد الله بن خالد الهمداني، ثنا إبراهيم بن أحمد، ثنا الفريري، ثنا البخاري، ثنا الحميدي، ثنا الوليد هو ابن مسلم، ثنا ابن جابر هو عبد الرحمن بن يزيد بن جابر حدثني عمير بن هاني قال سمعت معاوية يقول سمعت رسول الله صلى الله عليه وسلم لا تزال طائفة من أمتي قائمة بأمر الله لا يضرهم من خذلهم ولا من خالفهم حتى يأتي أمر الله وهم على ذلك قالوا فصح أنه لا تجتمع أمة محمد صلى الله عليه وسلم على غير الحق أبدا لأنه صلى الله عليه وسلم قد أنذر بأنه لا يزال منهم قائم بالحق أبدا. قال أبو محمد: وقد روي أنه عليه السلام قال: لا تجتمع أمتي على ضلالة وهذا وإن لم يصح لفظه ولا سنده فمعناه صحيح بالخبرين المذكورين آنفا. قال أبو محمد: هذا كل ما احتجوا به، ما لهم حجة غير هذا أصلا. قال أبو محمد: وكل هذا حق لا ينكره مسلم ونحن لم نخالفهم في صحة الإجماع، وإنما خالفناهم في موضعين من قولهم. أحدهما: تجويزهم أن يكون الإجماع على غير نص. والثاني: دعواهم الإجماع في مواضع ادعوا فيها الباطل، بحيث لا يقطع أنه إجماع بلا برهان. أما في مكان قد صح فيه الاختلاف موجودا، وإما في مكان لا نعلم نحن فيه اختلافا إلا أن وجود الاختلاف فيه ممكن، نعم، وقد خالفوا الإجماع المتيقن على ما تبين بعد هذا إن شاء الله تعالى، فإذا الأمر هكذا فلا حجة لهم في شيء من هذه النصوص أصلا فيما أنكرناه عليهم إنما الأخبار التي ذكرنا عن رسول الله صلى الله عليه وسلم فإنما فيها أن أمته عليه السلام لا تجتمع ولا ساعة واحدة من الدهر على باطل، بل لا بد أن يكون فيهم قائل بالحق وقائم بالحق وقائم به، وهكذا نقول، وهذا الخبر إنما فيه بنص لفظه وجود الاختلاف فقط، وأن مع الاختلاف فلا بد فيهم من قائل بالحق وأما قوله تعالى {ومن يشاقق لرسول من بعد ما تبين له لهدى ويتبع غير سبيل لمؤمنين نوله ما تولى ونصله جهنم وسآءت مصيرا} فإنها حجة قائمة عليهم، والحمد لله رب العالمين، وذلك أن الله تعالى لم يتوعد في هذه الآية متبع على غير سبيل المؤمنين فقط لا مع مشاقته

claiming consensus in cases in which they have made false claims, where one cannot declare definitively that there is consensus without a demonstration: either in a case where the existence of disagreement has been established, or in a case in which we know of no disagreement, although the existence of disagreement concerning it is possible. Indeed, they have even departed from consensus established with certainty, as will become clear hereafter, if Allah, Most High, wills. Since matters stand thus, none of these texts provides them with any argument whatsoever concerning what we have disputed with them. As for the reports we have cited from the Messenger of Allah ﷺ, all they contain is that his community, peace be upon him, will not reach consensus upon falsehood for even a single hour of time. Rather, there must be among them someone who affirms the truth, someone who upholds the truth, and someone who upholds it. This is precisely what we say. By its explicit wording, this report contains only the existence of disagreement and the fact that, amid disagreement, there must be someone among them who affirms the truth.

As for His saying, Most High: {Whoever opposes the Messenger after guidance has become clear to him and follows a way other than the way of the believers, We shall turn him toward what he has turned toward and make him enter Hell; and evil is the destination}, it is an established argument against them. Praise belongs to Allah, Lord of the worlds. For in this verse Allah, Most High, did not threaten merely someone who follows a way other than the way of the believers, without his also opposing the Messenger of Allah ﷺ after there had become clear the guidance. This is our very position, and praise belongs to Allah, Lord of the worlds. Know that the believers have absolutely no way except obedience to the Qur'an and the established traditions from the Messenger of Allah ﷺ. As for introducing legislation for which no text has come, that is not the way of the believers; rather, it is the way of unbelief. Allah, Most High, said: {The only saying of the believers, when they are called to Allah and His Messenger so that he may judge between them, is to say: "We hear and we obey." Those are the successful.}

لرسول الله صلى الله عليه وسلم بعد أن تبين الهدى وهذا نص قولنا والحمد لله رب العالمين. واعلم أنه لا سبيل للمؤمنين البتة إلا طاعة القرآن والسنن الثابتة على رسول الله صلى الله عليه وسلم وأما إحداث شرع لم يأت به نص فليس سبيل المؤمنين، بل هو سبيل الكفر قال الله تعالى {إنما كان قول لمؤمنين إذا دعوا إلى لله ورسوله ليحكم بينهم أن يقولوا سمعنا وأطعنا وأولئك هم لمفلحون} قال أبو محمد هذه سبيل المؤمنين بنص كلام الله تعالى، لا سبيل لهم غيرها أصلا فعادت هذه الآية حجة لنا عليهم وأما قوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} وقوله تعالى {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} فإن هذا مكان قد اختلف الصدر الأول فيه في من هم أولي الأمر كما حدثنا أحمد بن محمد الطلمنكي، ثنا محمد بن مفرج، ثنا إبراهيم بن أحمد بن فراس، ثنا محمد بن علي بن زيد الصائغ، ثنا سعيد بن منصور، ثنا أبو معاوية هو محمد بن خازم الضرير عن الأعمش، عن أبي صالح عن أبي هريرة في قوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} قال هم الأمراء.

Abu Muhammed said: This is the way of the believers according to the explicit wording of Allah's speech, Most High. They have absolutely no other way. Thus this verse becomes an argument for us against them.

As for His saying, Most High: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, if you dispute concerning anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in its outcome}, and His saying, Most High: {When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those vested with authority among them, those among them who draw it out by inference would have known it. Were it not for Allah's bounty toward you and His mercy, you would have followed Satan, except for a few}, this is a matter concerning which the earliest generation disagreed as to who those vested with authority are. Thus Ahmad ibn Muhammed al-Talamanki related to us: Muhammed ibn Mufarrij related to us: Ibrahim ibn Ahmad ibn Firas related to us: Muhammed ibn Ali ibn Zayd al-Sa'igh related to us: Sa'id ibn Mansur related to us: Abu Mu'awiyah—that is, Muhammed ibn Khazim, the blind man—related to us, from al-A'mash, from Abu Salih, from Abu Hurayrah, concerning His saying, Most High: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, if you dispute concerning anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in its outcome}. He said: "They are the rulers."[456]

[4]**Translator's note (L1554):** The name الفريري is rendered 'al-Firayri' as supplied; it appears to be a transcription error for al-Firabri. In the final narration, the supplied Arabic proceeds directly from 'I heard the Messenger of Allah' to the quotation, without an explicit 'say.'

[5]**Translator's note (L1557):** The repetition 'someone who upholds the truth, and someone who upholds it' reproduces the supplied Arabic. The phrase متبع على غير سبيل المؤمنين فقط لا مع is syntactically awkward, especially متبع على and لا مع. The translation follows the apparent contextual sense that the threat concerns following another way together with opposing the Messenger; the supplied wording is irregular.

[6]**Qur'an references (L1554):** Qur'an 4:115 (An-Nisa); Qur'an 37:182 (As-Saffat); Qur'an 24:51 (An-Nur); Qur'an 4:59 (An-Nisa); Qur'an 4:83 (An-Nisa).

L1560–1562

We have transmitted from Mujahid, al-Hasan, ʿIkrimah, and ʿAtaʾ that he said, "They are the jurists." We transmitted this through the aforementioned chain to Saʿid ibn Mansur, from Hushaym and Sufyan ibn ʿUyaynah. Hushaym said: "Abu Muʿawiyah, Mansur, and ʿAbd al-Malik ibn Muʿawiyah informed us, from al-Aʿmash, from Mujahid; and Mansur from al-Hasan; and ʿAbd al-Malik from ʿAtaʾ." Sufyan said: "From al-Hakam ibn Aban, from ʿIkrimah." Abu Muhammed said: Since no Quranic text has come explaining that they are the scholars who reach consensus, nor has any consensus to that effect been established as sound, the obligation is to take the two verses according to their apparent meaning. It is not lawful to restrict their scope by a claim without demonstration, because this also attributes to Allah, Mighty and Majestic, something He did not say. We affirm with certainty that He, Exalted, had He intended some of those vested with authority to the exclusion of others, would have explained that to us and would not have left us in uncertainty. Thus, what we have said is obligatory: the two verses must be taken in their general scope. We therefore say that those vested with authority are from among us. Since this is the truth, it is certainly false for anyone to say that Allah, Exalted, commanded us to accept obedience to rulers and scholars concerning something that neither Allah, Exalted, nor His Messenger ﷺ commanded. It is therefore established that obedience to scholars and rulers is obligatory upon us only in what they command us of that which Allah, Exalted, and His Messenger ﷺ have commanded. As for their assertion that, had Allah, Blessed and Exalted, intended this, He would have contented Himself with commanding obedience to the Messenger, peace be upon him, instead of mentioning those vested with authority, this is unsound speech. For they are to be told: If you say that His mentioning obedience to those vested with authority among us concerns what they say on the basis of personal opinion or analogy, rather than what they transmit to us from the Prophet ﷺ, on the grounds that His command to obey the Messenger has rendered its repetition unnecessary, then you are equally bound to say that His command to obey His Messenger ﷺ, after His command to obey Himself, Mighty and Majestic, is evidence that He, Mighty and Majestic, commanded us to obey the Messenger of Allah ﷺ only in what he said on his own initiative, rather than in what he brought us from his Lord,

وروينا عن مجاهد والحسن وعكرمة وعطاء قال: هم الفقهاء، وروينا ذلك بالسند المذكور إلى سعيد بن منصور، عن هشيم وسفيان بن عيينة، قال هشيم: أخبرنا أبو معاوية، ومنصور، وعبد الملك بن معاوية، عن الأعمش، عن مجاهد، ومنصور، عن الحسن، وعبد الملك، عن عطاء، وقال سفيان عن الحكم بن أبان عن عكرمة. قال أبو محمد: فإذا لم يأت قرآن ببيان أنهم العلماء المجمعون، ولا صح بذلك إجماع، فالواجب حمل الآيتين على ظاهرهما، ولا يحل تخصيصهما بدعوى بلا برهان، لأنه مع ذلك تقويل لله عز وجل ما لم يقل، ونحن نقطع بأنه تعالى لو أراد بعض أولي الأمر دون بعض لبينه لنا، ولم يدعنا في لبس فوجب ما قلناه من حمل الآيتين على عمومهما. فنقول: إن أولي الأمر منا، وإذ هذا هو الحق، فمن الباطل المتيقن أن يقول قائل: إن الله تعالى أمرنا بقبول طاعة الأمراء العلماء فيما لم يأمر به الله تعالى ولا رسوله صلى الله عليه وسلم فصح أن طاعة العلماء الأمراء إنما تجب علينا فيما أمرنا به مما أمر الله به تعالى ورسوله صلى الله عليه وسلم فقط وأما قولهم إن الله تبارك وتعالى لو أراد هذا لاكتفى بالأمر بطاعة الرسول عليه السلام على أن يذكر تعالى أولى الأمر فكلام فاسد، لأنه يقال لهم: إن قلتم إن ذكره تعالى طاعة أولي الأمر منا فيما قالوا برأي أو قياس لا فيما نقلوه إلينا عن النبي صلى الله عليه وسلم إذ قد أغنى أمره تعالى بطاعة الرسول عن تكراره: فيلزمكم سواء بسواء أن تقولوا أيضا إن أمره تعالى بطاعة رسوله صلى الله عليه وسلم بعد أمره بطاعة نفسه عز وجل دليل على أنه عز وجل إنما أمرنا بطاعة رسول الله صلى الله عليه وسلم فيما قاله من عند نفسه لا فيما أتانا به من عند ربه عز وجل، إذ قد أغنى أمر بطاعة نفسه عن تكراره لا فرق بين القولين. فإن أبيتم من هذا ظهر تناقضكم وتحكمكم بالباطل بلا برهان، وإن جسرتم وقلتموه أيضا كنتم أتيتم بعظائم مخالفة للقرآن وللرسول عليه السلام وللإجماع المتيقن إذ جوزتم أن يأتي

Mighty and Majestic, on the grounds that the command to obey Himself has rendered its repetition unnecessary. There is no difference between the two assertions. If you reject this, your inconsistency and your arbitrary assertion of falsehood without demonstration become apparent. If you venture to say this as well, you will have committed enormities contrary to the Quran, to the Messenger, peace be upon him, and to certain consensus, since you have allowed that the Messenger of Allah ﷺ could bring religious laws, none of which Allah, Exalted, had ever revealed to him. Allah, Exalted, has declared this assertion false by commanding him to say: "Say: I do not say to you that I possess the treasuries of Allah, nor do I know the unseen, nor do I say to you that I am an angel. I follow only what is revealed to me. Say: Are the blind and the seeing equal? Will you not then reflect?"[7][8][9]

L1563–1565 And when He, Mighty and Majestic, says, speaking of him ﷺ: "Nor does he speak from desire. It is only a revelation revealed." He, Exalted, thus states that the Prophet ﷺ never speaks except through revelation revealed to him, and that he never follows anything except what Allah, Exalted, reveals to him alone. Whoever declares his Lord false, then, let him consider where his final abode will be. And when you allow that people may reach consensus upon religious laws they introduce, which Allah, Exalted, neither revealed to His Messenger ﷺ nor His Messenger ﷺ explained—Allah, Exalted, declares whoever says this false when He says: "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal killed by a blow, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten,

رسول الله صلى الله عليه وسلم بشرائع لم يوح الله تعالى بشيء منها إليه قط، والله تعالى قد أكذب هذا القول إذ أمره أن يقول {قل لا أقول لكم عندي خزآئن لله ولا أعلم لغيب ولا أقول لكم إني ملك إن أتبع إلا ما يوحى إلي قل هل يستوي لأعمى ولبصير أفلا تتفكرون}

وإذ يقول عز وجل مخبرا عنه صلى الله عليه وسلم {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فأخبر تعالى عن أن النبي صلى الله عليه وسلم لا ينطق البتة إلا بوحي يوحى إليه وأنه لا يتبع البتة إلا ما يوحي الله تعالى إليه فقط، فمن كذب ربه فلينظر أين مستقره. وإذا جوزتم أن يجمع الناس على شرائع يحدثونها لم يوح بها الله تعالى إلى رسوله صلى الله عليه وسلم ولا بينها رسوله صلى الله عليه وسلم والله تعالى يكذب من قال هذا إذ يقول {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} فالدين قد كمل وما كمل فلا مزيد فيه أصلا. وأما تكرار الله تعالى الأمر بطاعة رسوله صلى الله عليه وسلم بعد أمره بطاعة نفسه تعالى وتكراره الأمر بطاعة أولي الأمر بعد أمره بطاعة الرسول صلى الله عليه وسلم وإن كان كل ذلك ليس فيه إلا طاعة ما أمر الله به فقط لا ما لم يأت

[7] **Translator's note (L1560):** The source uses the singular "he said" after naming four authorities; this has been retained. The transmission chains are compressed and interwoven in the source. Their stated names and connections have been retained without reconstructing a different chain.

[8] **Translator's note (L1561):** The phrase translated "instead of mentioning" reads literally "upon/over mentioning" (على أن يذكر); its syntax is awkward, but the contrast intended by the argument is clear. The source places "rulers" and "scholars" together without an explicit conjunction, and subsequently reverses their order. Both groups and the reversal have been retained.

[9] **Qur'an references (L1560):** Qur'an 6:50 (Al-An'am).

به الوحي منه عز وجل، فوجه ذلك واضح وهو بيان زائد، لولا مجيئه لالتبس على بعض الناس فهم ذلك الأمر، وذلك أنه لو لم يأمرنا الله تعالى إلا على الأمر بطاعته فقط، لتوهم بعض الجهال أنه لا يلزمنا إلا ما قاله تعالى في القرآن فقط وأنه لا يلزمنا طاعة رسوله صلى الله عليه وسلم فيما جاءنا به مما ليس في نص القرآن فلما أمر تعالى مع طاعته بطاعة رسوله صلى الله عليه وسلم ليظهر البيان ولم يمكن أن يمنع من طاعة رسول الله صلى الله عليه وسلم فيما أمرنا إلا معاند له ولو لم يأمرنا تعالى إلا على الأمر بطاعة أولي الأمر منا لأمكن أن يهم جاهل فيقول لا يلزمنا طاعة رسول الله صلى الله عليه وسلم إلا فيما سمعنا منه مشافهة فلما أمرنا تعالى بطاعة أولي الأمر منا ظهر البيان في وجوب طاعة ما نقله إلينا العلماء عن النبي صلى الله عليه وسلم فقط فبطل أن يكون لهاتين الآيتين متعلق والحمد لله رب العالمين. فإن قالوا لو كان هذا لما كان قوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله والرسول إن كنتم تؤمنون بالله واليوم الآخر ذلك خير وأحسن تأويلا} معنى لأن ما جاءنا عن الله تعالى وعن النبي صلى الله عليه وسلم فواجب قبوله اتفق عليه أو اختلف فيه فأي معنى للفرق وبين أمره تعالى بطاعة أولي الأمر، ثم أمره بالرد عند الشارع إلى الله ورسوله

except what you slaughter duly; and that which has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is Forgiving, Merciful." Religion has therefore been perfected, and what has been perfected admits of no addition whatsoever. As for Allah's, Exalted, repeating the command to obey His Messenger ﷺ after His command to obey Himself, Exalted, and His repeating the command to obey those vested with authority after His command to obey the Messenger ﷺ, although all of this entails only obedience to what Allah has commanded, and not to anything for which revelation has not come from Him, Mighty and Majestic, the reason for this is clear. It is an additional clarification, without whose arrival some people would have been confused in understanding that command. For had Allah, Exalted, commanded us only with the command to obey Him alone, some ignorant people would have imagined that nothing bound us except what He, Exalted, said in the Quran alone, and that we were not bound to obey His Messenger ﷺ concerning what he brought us that is not in the express text of the Quran. So when He, Exalted, commanded obedience to His Messenger ﷺ together with obedience to Himself, so that there might become manifest the clarification, and no one could withhold obedience to the Messenger of Allah ﷺ in what he commanded us except someone obstinately opposing him. And had He, Exalted, commanded us only with the command to obey those vested with authority among us, an ignorant person could have erred and said: "We are bound to obey the Messenger of Allah ﷺ only concerning what we heard from him face to face." So when He, Exalted, commanded us to obey those vested with authority among us, the clarification became manifest concerning the obligation to obey only what the scholars transmit to us from the Prophet ﷺ. It is therefore invalid for these two verses to provide any basis for their contention. Praise be to Allah, Lord of all worlds. If they say: "Were this so, His saying, Exalted, 'O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and

the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in outcome,' would have no meaning, because whatever has come to us from Allah, Exalted, and from the Prophet ﷺ must be accepted, whether it is agreed upon or disputed. What significance, then, is there in the distinction between His command, Exalted, to obey those vested with authority and His subsequent command to refer matters, in the presence of the Lawgiver, to Allah and His Messenger?"[10][11][12]

L1566–1567 We say: There is, in His saying, Exalted, "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in outcome," no contradiction of His command, Exalted, to obey those vested with authority. Rather, all of this entails only obedience to the Quran and the prophetic traditions conveyed to us. But in His saying, Exalted, "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in outcome," there is an additional meaning absent from the preceding part of the verse: His prohibition, Exalted, against uncritical adherence to anyone and following him, and the command to confine oneself exclusively to the

قلنا ليس في قوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله والرسول إن كنتم تؤمنون بالله واليوم الآخر ذلك خير وأحسن تأويلا} خلاف لأمره تعالى بطاعة أولي الأمر، بل كل ذلك ليس فيه إلا طاعة القرآن والسنن المبلغة إلينا فقط ولكن في قوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى الله والرسول إن كنتم تؤمنون بلله واليوم الآخر ذلك خير وأحسن تأويلا} معنى زائد ليس فيما تقدم من الآية، وهو نهيه تعالى عن تقليد أحد واتباعه، والأمر بالاقتصار على القرآن والسنة فقط ولا مزيد. وأيضا والكل من المسلمين متفقون على أن رسول الله صلى الله عليه وسلم أمرنا أن نصلي إلى بيت المقدس مدة ثم أمرنا بترك تلك القبلة وبالصلاة إلى مكة، فوجب ذلك، وأنه عليه السلام لو نهانا عن أن نصلي الخمس وعن صوم رمضان لحرم علينا أن نصليها أو نصومه، وهكذا في سائر الشرائع، أفهكذا القول عندكم وأمرنا بذلك بعد جميع أهل الأرض؟ فإن قالوا: نعم، كفروا، وإن قالوا: لا، فرقوا بين طاعته عليه السلام وطاعة أولي الأمر. فإن قالوا: هذا محال، لا يجوز أن يجمع الناس على ذلك لأنه كفر وضلال، قلنا: صدقتم وكذلك أيضا محال لا يجوز أن يجمعوا على إحداث شرع لم يأمر الله تعالى به ولا رسوله صلى الله عليه وسلم برأي أو بقياس ولا فرق فبطل أن يكون لهم في شيء من النصوص المذكورة متعلق بوجه من الوجوه والحمد لله رب كثيرا

[10] **Translator's note (L1564):** The opening "And when you allow…" has no clearly expressed consequent in the supplied syntax; the intervening refutation has been preserved without supplying one. The phrase "commanded us only with the command" renders the awkward source wording لم يأمرنا الله تعالى إلا على الأمر, without silently replacing its preposition. The final clause is syntactically awkward and continues into the next unit; its wording has not been completed here.

[11] **Translator's note (L1565):** The source says "had He…commanded us only…to obey those vested with authority," although the ensuing argument appears to require a statement about the absence of that command. The supplied wording has been retained. At the end, the source reads عند الشارع, "in the presence of the Lawgiver." The argument appears to call for عند التنازع, "when disputing," but that conjecture has not been substituted in the translation. The wording للفرق وبين is syntactically irregular; it has been rendered as "the distinction between" while retaining both objects of comparison.

[12] **Qur'an references (L1563):** Qur'an 53:4 (An-Najm); Qur'an 5:3 (Al-Ma'idah); Qur'an 4:59 (An-Nisa).

Quran and the Sunnah, with nothing further. Moreover, all Muslims agree that the Messenger of Allah ﷺ commanded us to pray toward Jerusalem for a time, then commanded us to abandon that direction of prayer and to pray toward Mecca, and that this consequently became obligatory. They also agree that, had he, peace be upon him, forbidden us to perform the five prayers and to fast Ramadan, it would have been forbidden for us to perform them or to fast it; and likewise with all the other religious laws. Is the position the same, according to you, if all the people of the earth afterward commanded us to do that? If they say yes, they have disbelieved. If they say no, they have distinguished between obedience to him, peace be upon him, and obedience to those vested with authority. If they say: "This is impossible; people cannot reach consensus upon that, because it is disbelief and error," we say: You have spoken truly. Likewise, it is also impossible, and inadmissible, for them to reach consensus upon introducing a religious law that neither Allah, Exalted, nor His Messenger ﷺ commanded, on the basis of personal opinion or analogy. There is no difference. It is therefore invalid for them to find any basis for their contention in any of the aforementioned texts, in any respect whatsoever. And abundant praise be to Allah, the Lord.[13][14]

وقالوا لو كان الإجماع لا يكون إلا عن نص وتوقيف لكان ذلك النص محفوظا لأن الله تعالى قال {إنا نحن نزلنا لذكر وإنا له لحافظون} فلما لم يوجد ذلك النص علمنا أن الإجماع ليس على نص. قال أبو محمد: وهذا كلام أوله حق وآخره كذب. ونحن نقول: لا إجماع إلا عن نص وذلك النص إما كلام منه صلى الله عليه وسلم فهو منقول ولا بد محفوظ حاضر وإما عن فعل منه عليه السلام فهو منقول أيضا كذلك، وإما إقراره إذ علمه فأقره ولم ينكره فهي أيضا حال منقولة محفوظة، وكل من ادعى إجماعا علمه على غير هذه الوجوه كلفناه تصحيح دعواه، في أنه إجماع لا سبيل إلى برهان على ذلك أبدا بأكثر من دعواه، وما كان دعوى بلا برهان فهو باطل، فإن لجأ إلى ما لا يعرف فيه خلاف فهو إجماع، قلنا له: وهذا تدبير من الكذب والدعوى الأفيكة بلا برهان وتمام هذه المسألة إن شاء الله تعالى في باب بعد هذا مفرد لبعض

L1568–1586 They said: "If consensus could arise only from a text and instruction received through revelation, that text would have been preserved, because Allah Most High said: {Indeed, We Ourselves sent down the Reminder, and indeed We shall preserve it.} Since that text is not found, we know that consensus is not based on a text." Abu Muhammed said: This is an argument whose beginning is true and whose end is a lie. We say that there is no consensus except on the basis of a text. That text is either a statement of his ﷺ, in which case it is necessarily transmitted, preserved, and available; or it concerns an action of his, peace be upon him, in which case it too is transmitted

[13] **Translator's note (L1567):** The source phrase وأمرنا بذلك بعد جميع أهل الأرض is awkward. The translation takes جميع أهل الأرض as the delayed subject of "commanded us" and بعد as "afterward"; the wording remains uncertain. The closing الحمد لله رب كثيرا is grammatically irregular and may be defective. The translation preserves both "Lord" and the expression of abundance without supplying an omitted complement.

[14] **Qur'an references (L1566):** Qur'an 4:59 (An-Nisa).

in the same way or it concerns his approval, when he knew of something and approved it without condemning it; this too is a transmitted and preserved circumstance. Whoever claims knowledge of a consensus on grounds other than these, we require him to substantiate his claim that it is a consensus. There is never any way to demonstrate that beyond his mere claim, and whatever is a claim without demonstration is invalid. If he resorts to saying that whatever is not known to involve disagreement constitutes consensus, we say to him: This is a contrivance of lies and a mendacious claim without demonstration. The full treatment of this question, if Allah Most High wills, will come in a subsequent chapter devoted to part of the argument of those who say that whatever is not known to involve disagreement constitutes consensus. There is no power except through Allah, the Most High, the Magnificent. How could it be otherwise, when what we have mentioned here—that it is a claim without demonstration—is sufficient? Abu Muhammed said: Now that everything they have advanced as an objection has been invalidated, let us, with the help of Allah Most High, proceed to present the demonstrations establishing the correctness of our position. He, Mighty and Majestic, said: {Follow what has been sent down to you from your Lord, and do not follow protectors besides Him. Little do you take heed.} Thus He Most High commanded us to follow what He sent down and categorically forbade us to follow anyone besides Him. This invalidates the correctness of any person's statement that does not accord with the text, and it invalidates thereby the possibility of consensus on anything other than a text, because the text is false, whereas consensus is true, and truth does not accord with falsehood. We have already mentioned His words, Most High: {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you duly slaughter—and that which has been sacrificed upon stone altars; and that you seek allotments by divining arrows. That is grave disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe

قول من قال: إن ما لا يعرف فيه خلاف فهو إجماع ولا قوة إلا بالله العلي العظيم، فكيف وفيما ذكرنا ههنا من أنها دعوى بلا برهان كفاية. قال أبو محمد: وإذا قد بطل كل ما اعترضوا به، فلنقل بعون الله تعالى على إيراد البراهين على صحة قولنا قال عز وجل {تبعوا ما أنزل إليكم من ربكم ولا تتبعوا من دونه أولياء قليلا ما تذكرون} فأمرنا تعالى أن نتبع ما أنزل ونهانا عن أن نتبع أحدا دونه قطعا، فبطل بهذا أن يصح قول أحد لا يوافق النص، وبطل بهذا أن يكون إجماع على غير نص، لأن النص باطل، والإجماع حق، والحق لا يوافق الباطل وقد ذكرنا قوله تعالى {حرمت عليكم الميتة والدم ولحم الخنزير وما أهل لغير الله به والمنخنقة والموقوذة والمتردية والنطيحة وما أكل السبع إلا ما ذكيتم وما ذبح على النصب وأن تستقسموا بالأزلام ذلكم فسق اليوم يئس الذين كفروا من دينكم فلا تخشوهم واخشون اليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم الإسلام دينا فمن اضطر في مخمصة غير متجانف لإثم فإن الله غفور رحيم} فصح أنه لا يحدث بعد النبي صلى الله عليه وسلم شيء من الدين وهذا باطل أن يجمع على شيء من الدين لم يأت به قرآن ولا سنة، ويصح بضرورة العقل أنه لا يمكن أن يعرف أحد ما كلفه الله تعالى عباده إلا بخبر من عنده عز وجل، وإلا فالخبر عنه تعالى بأنه أمر بكذا، ونهي عن كذا كاذب على الله عز وجل إلا أن يخبر بذلك عنه تعالى من يأتيه الوحي من عند ربه فقط. وصح أيضا بضرورة العقل، أن من أدخل في الدين حكما يقر بأنه لم يأت به وحي من عند الله تعالى عن رسوله صلى الله عليه وسلم فقد شرع من الدين ما لم يأذن به الله تعالى، وقد ذم الله تعالى ذلك وأنكره في نص القرآن فقال {أم لهم شركاء شرعوا لهم من الدين ما لم يأذن به الله ولولا كلمة الفصل لقضي بينهم وإن الظالمين لهم عذاب أليم} قال أبو محمد ومن طريق النظر الضروري الراجع إلى العقل والمشاهدة والحس أننا نسأل من أجاز أن

hunger, without inclining toward sin—then indeed Allah is Forgiving, Merciful.} It is thus established that nothing belonging to religion comes into being after the Prophet ﷺ. And this is invalid: that consensus should be reached on something belonging to religion that neither the Quran nor the Sunnah has brought. It is established by rational necessity that no one can know what Allah Most High has charged His servants with except through a report from Him, Mighty and Majestic. Otherwise, a report about Him Most High that He commanded such-and-such or forbade such-and-such is a lie against Allah, Mighty and Majestic, unless the one reporting this about Him Most High is exclusively someone to whom revelation comes from his Lord. It is also established by rational necessity that whoever introduces into religion a ruling while acknowledging that no revelation from Allah Most High concerning it has come through His Messenger ﷺ has legislated as religion something that Allah Most High has not authorized. Allah Most High has censured this and condemned it in the explicit text of the Quran, saying: {Or do they have partners who have legislated for them, as religion, that which Allah has not authorized? Were it not for the word of decisive judgment, judgment would have been passed between them. Indeed, the wrongdoers shall have a painful punishment.} Abu Muhammed said: By way of necessary reasoning grounded in reason, observation, and sensory perception, we ask anyone who allows that the scholars of the Muslims may reach consensus on something for which there is no text, such that it becomes a truth from which dissent is impermissible. We say to him—and success comes through Allah Most High: Do you consider it possible for the scholars of all Islam to assemble in one place, with not a single one of them absent, after the Companions, may Allah be pleased with them, dispersed throughout the regional cities? Or is this impossible, altogether incapable of occurring? If he says, "This is possible," he obstinately denies what is plainly observable. For the scholars of the people of Islam—the Companions, may Allah be pleased with them, dispersed in the time of the Messenger of Allah ﷺ—have, down to this day and onward, never assembled since they dispersed. Some came to be in Yemen, in its cities; some in Oman; some in Bahrain; some in al-Ta'if; some in Mecca; some in Najd; and some at the mountain of Tayy, and likewise throughout the other regions of Arabia. Then their dispersal grew more

يجمع علماء المسلمين على ما لا نص فيه فيكون حقا لا يسع خلافه، فنقول له، وبالله تعالى التوفيق: أفي الممكن عندك أن يجتمع علماء جميع الإسلام في موضع واحد، حتى لا يشذ عنهم منهم أحد بعد افتراق الصحابة رضي الله عنهم في الأمصار؟ أم هذا ممتنع غير ممكن البتة؟ فإن قال: هذا ممكن، كابر العيان، لأن علماء أهل الإسلام قد افترق الصحابة رضي الله عنهم في عصر رسول الله صلى الله عليه وسلم إلى اليوم وهلم جرا لم يجتمعوا مذ أن افترقوا، فصار بعضهم في اليمن في مدنها، وبعضهم في عمان، وبعضهم في البحرين، وبعض في الطائف، وبعض بمكة، وبعض بنجد. وبعض بجبل طيء، وكذلك في سائر جزائر العرب. ثم اتسع الأمر بعده عليه السلام، فصاروا من السند وكابل، إلى مغارب الأندلس، وسواحل بلاد البربر، ومن سواحل اليمن إلى ثغور أرمينية، فما بين ذلك من البلاد البعيدة واجتماع هؤلاء ممتنع غير ممكن أصلا لكثرتهم وتنائي أقطارهم. فإن قال: ليس اجتماعهم ممكنا، قلنا: صدقت. وأخبرنا الآن كيف الأمر إذا قال بعضهم قولا لا نص فيه، أتقطع على أنه حق، وأنت لا تدري أيجمع عليه سائرهم أم لا؟ أم تقف فيه؟ فإن قال: أقطع بأنه حق، قلنا: حكمت بالغيب وبما لا تدري، وحكمت بالباطل بلا شك، فإن قال: بل أقف فيه حتى يجمع عليه سائرهم قلنا: فإنما يصح إذ قال به آخر قائل منهم، فلا بد من نعم فيقال لهم: فلو خالفهم فعلى قولك لا يكون حقا، فمن قوله نعم فيقال له: فكيف يكون حقا ما يمكن أمس أن يكون باطلا، وهذا حكم على الله تعالى، وليس هذا حكم الله وكفى بهذا بيانا. وأيضا فإن اليقين قد صح بأن الناس مختلفون في هممهم، واختيارهم وآرائهم وطبائعهم الداعية إلى اختيار ما يختارونه، وينفرون عما سواه، متباينون في ذلك تباينا شديدا متفاوتا جدا فمنهم رقيق القلب يميل إلى الرفق بالناس، ومنهم قاسي القلب شديد يميل إلى التشديد على الناس، ومنهم قوي على العمل مجد إلى العزم والصبر والتفرد، ومنهم ضعيف الطاقة يميل إلى التخفيف، ومنهم جانح إلى لين العيش يميل

extensive after him, peace be upon him so that they extended from Sind and Kabul to the western reaches of al-Andalus and the coasts of the lands of the Berbers, and from the coasts of Yemen to the frontier districts of Armenia, including the distant lands between these. The assembly of all these people is impossible, altogether incapable of occurring, because of their great number and the remoteness of their regions from one another. If he says, "Their assembly is not possible," we say: You have spoken truly. Now tell us how matters stand when one of them advances a position for which there is no text: do you affirm categorically that it is true, although you do not know whether all the rest will reach consensus upon it, or do you suspend judgment on it? If he says, "I affirm categorically that it is true," we say: You have passed judgment concerning the unseen and concerning what you do not know, and you have undoubtedly passed a false judgment. If he says, "Rather, I suspend judgment on it until all the rest reach consensus upon it," we say: Then it becomes valid only when the last of them to express a position adopts it. He must necessarily answer yes. They are then told: Had he disagreed with them, then according to your position it would not be true. His answer is yes. He is then asked: How, then, can something be true when yesterday it could have been false? This is a judgment imposed upon Allah Most High; it is not Allah's judgment. This is sufficient clarification. Furthermore, it has been established with certainty that people differ in their aspirations, choices, opinions, and the natural dispositions that impel them to choose what they choose and recoil from everything else. In these respects they diverge sharply and differ very greatly. Among them is the tenderhearted person who inclines toward gentleness with people; among them is the hardhearted, stern person who inclines toward imposing strictness upon people. Among them is one strong in undertaking deeds, earnest in resolve, patience, and standing alone; among them is one of limited capacity who inclines toward easing burdens. Among them is one drawn toward an easy life who inclines toward comfort; among them is one inclined toward austerity who leans toward severity. Among them is one balanced in all these things, inclining toward moderation; among them is one quick to anger who inclines toward vehement condemnation; and among them is a forbearing person who inclines toward overlooking faults. It is altogether impossible

إلى الترفيه، ومنهم مائل إلى الخشونة مجنح إلى الشدة، ومنهم معتدل في كل ذلك إلى التوسط، ومنهم شديد الغضب يميل إلى شدة الإنكار، ومنهم حليم يميل إلى الإغضاء، ومن المحال اتفاق هؤلاء كلهم على إيجاب حكم برأيهم أصلا، لاختلاف دعاويهم ومذاهبهم فيما ذكرنا، وإنما يجمع ذو الطبائع المختلفة على ما استووا فيه من الإدراك بحواسهم، وعلموه ببدائة عقولهم فقط، وليست أحكام الشريعة من هذين القسمين فبطل أن يصح فيها إجماع على غير توقيف، وهذا برهان قاطع ضروري. وأما الإجماع على القياس، فيبطل من قرب، لأنهم لم يجمعوا على صحة القياس، فكيف يجمعون على ما لم يجمعوا عليه؟. قال أبو محمد: فاعترض فيها بعض المخالفين فقال: قد اختلف الناس في القول بخبر الواحد، وقد أجمع على بعض ما جاء به خبر الواحد. قال أبو محمد: وهذا باطل ومخرقة ضعيفة، لأن المسلمين لم يختلفوا قط في وجوب طاعة رسول الله صلى الله عليه وسلم وإنما اختلفوا في الطريق المؤدية إليه صلى الله عليه وسلم والذين لا يقولون بخبر الواحد ثم أجمعوا على حكم ما جاء من أخبار الآحاد فإنهم يقولون: إنما قلنا به لأنه نقل كافة، لا لأنه خبر واحد. فإن قلتم: إن من القياس ما يوافق النص، قلنا لكم: المتبع حينئذ إنما هو النص ولا نبالي وافقه القياس أو خالفه، فلم نتبع القياس قط وافق النص أو خالفه، وكذلك لا يجوز الإجماع على قول إنسان دون النبي صلى الله عليه وسلم لأنه لا أحد بعده إلا وقد خالفه طوائف من المسلمين في كثير من قوله. وأيضا فإن كان من بعده عليه السلام فممكن أن يصيب وأن يخطىء، فاتباع خطأ من أخطأ باطل وأما صواب المصيب في الدين، فإنما هو باتباع النص، فالنص هو المتبع حينئذ لا قول الذي اتبع النص، وإنما يجب اتباع النص سواء وافقه الموافق أو خالفه المخالف. وأيضا فإنه يقال لمن أجاز الإجماع على غير نص من قرآن أو سنة عن رسول الله صلى الله عليه وسلم أخبرونا عما جوزتم من الإجماع بعد رسول الله صلى الله عليه وسلم على غير نص هل يخلو من أربعة أوجه لا خامس لها إما أن يجمعوا

for all these people to agree, on the basis of their own opinions, upon making a ruling binding because their claims and positions differ in the matters we have mentioned. People of differing natural dispositions reach consensus only upon what they have equally apprehended through their senses and have known through the immediate intuitions of their reason alone. The rulings of the revealed law belong to neither of these two categories. Thus the validity of any consensus concerning them without instruction received through revelation is disproved. This is a demonstration conclusive and necessary. As for consensus concerning analogy, it is readily invalidated, because they have not agreed upon the validity of analogy. How, then, could they agree upon something on which they have not agreed?

Abu Muhammed said: One of our opponents raised an objection concerning this, saying: People have differed over accepting a solitary report, yet consensus has been reached on some of what a solitary report conveys.

Abu Muhammed said: This is false and a feeble piece of deception, because Muslims have never differed concerning the obligation to obey the Messenger of Allah ﷺ. They have differed only concerning the route leading to him ﷺ. Those who do not accept solitary reports, but subsequently agree upon a ruling conveyed in solitary reports, say: We accepted it only because it was transmitted by the community collectively, not because it was a solitary report. If you say that some analogy accords with the text, we reply: What is followed in that case is simply the text. We do not care whether analogy agrees with it or contradicts it. We have never followed analogy, whether it agrees with the text or contradicts it.

Likewise, consensus cannot legitimately be based upon the statement of any person other than the Prophet ﷺ, because there is no one after him whom groups of Muslims have not opposed concerning much of what he said. Furthermore, anyone after him, peace be upon him, may be right or wrong. Following the error of someone who errs is invalid. As for someone being right in religion, that occurs only through following the text. Thus, what is followed in that case is the text, not the statement of the person who followed the text. Following the text is obligatory, whether someone agrees with it or someone opposes it.

على تحريم شيء مات صلى الله عليه وسلم ولم يحرمه أو على تحليل شيء مات رسول الله صلى الله عليه وسلم وقد حرمه أو على إيجاب فرض مات رسول الله صلى الله عليه وسلم ولم يوجبه أو على إسقاط فرض مات رسول الله صلى الله عليه وسلم قد أوجبه وكل هذه الوجوه كفر مجرد وإحداث دين بدل به دين الإسلام، ولا فرق بين هذه الوجوه، وبين من جوز الإجماع على إسقاط الصلوات الخمس أو بعضها أو ركعة منها، أو على إيجاب صلوات غيرها أو ركوع زائدة فيها، أو على إبطال صوم رمضان أو على إيجاب صوم شهر رجب، أو على إبطال الحج إلى مكة، أو على إيجابه إلى الطائف، أو على إباحة الخنزير، أو على تحريم الكبش، كل هذا كفر صراح لا خفاء به. فإن قالوا: كل هذه نصوص، وإنما جوزنا الإجماع على ما لا نص فيه، قلنا: وكل ما ذكرنا لا نص فيه، وإنما هي شرائع زائدة في دين الله تعالى أو ناقصة منه هذه صفة ما لا نص فيه لا سبيل إلى أن يكون حكم لا نص فيه يخرج من أحد هذين الوجهين. فإن قالوا: هذا لا يجوز، رجعوا إلى قولنا من قرب، ومن أجاز شيئا من هذا كفر، وبالله تعالى التوفيق. وهذا أيضا برهان قاطع في إبطال القول بالقياس بالرأي والاستحسان لا مخلص منه. واعلموا أن قولهم: هذه المسألة لا نص فيها، قول باطل، وتدليس في الدين، وتطريق إلى هذه العظائم، لأن كل ما يحرمه الله تعالى على لسان نبيه صلى الله عليه وسلم إلى أن مات صلى الله عليه وسلم فقد حلله بقوله تعالى {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء فسواهن سبع سماوات وهو بكل شيء عليم} وقوله {وما لكم ألا تأكلوا مما ذكر سم لله عليه وقد فصل لكم ما حرم عليكم إلا ما ضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بلمعتدين} وكل ما لم يأمر به عليه السلام فلم يوجبه، وهذه ضرورة لا يمكن أن يقوم في عقل أحد غيرها وأما كل ما نص يأمر به صلى الله عليه وسلم بالأمر به أو

النهي عنه فقد حرمه أو أوجبه فلا يحل لأحد مخالفته، فصح أنه لا شيء إلا وفيه نص جلي فصح أنه لا إجماع إلا على نص، ولا اختلاف إلا في نص كما ذكرنا، ولا قياس يوجب في نص إلا وهو زائد في الدين أو ناقص منه ولا بد. ثم نقول لهم أيضا: أخبرونا عن الإجماع جملة، هل يخلو من أحد ثلاثة أوجه لا رابع لها بضرورة العقل؟ أما أن يجمع الناس على ما لا نص فيه كما ادعيتم فقد أريناكم بطلان ذلك، وأنه محال ذلك وأنه محال وجوده لصحة وجود النصوص في كل شيء من الدين أو يكون إجماع الناس على خلاف النص الوارد من غير نسخ أو تخصيص له وردا قبل موت رسول الله صلى الله عليه وسلم فهذا كفر مجرد كما قدمنا أو يكون إجماع الناس على شيء منصوص فهذا قولنا هذه قسمة ضرورية لا محيد عنها أصلا، وإذ هو كما ذكرنا فاتباع النص فرض، سواء أجمع الناس عليه أو اختلفوا فيه، لا يزيد النص مرتبة في وجوب الاتباع أن يجمع الناس عليه، ولا يوهن وجوب اتباع اختلاف الناس فيه، بل الحق حق وإن اختلف فيه، وإن الباطل باطل وإن كثر القائلون به ولولا صحة النص عن النبي صلى الله عليه وسلم بأن أمته لا يزال منهم من يقوم بالحق ويقول به فبطل بذلك أن يجمعوا على باطل لقلنا: والباطل باطل وإن أجمع عليه، لكن لا سبيل إلى الإجماع على باطل. قال أبو محمد: فإذا الأمر كذلك فإنما علينا صلب أحكام القرآن والسنن الثابتة عن رسول الله صلى الله عليه وسلم إذ ليس في الدين سواهما أصلا ولا معنى لطلبنا هل أجمع على ذلك الحكم أو هل اختلف فيه لما ذكرنا وبالله تعالى التوفيق. فإن قيل: فقد صححتم الإجماع آنفا، ثم توجبون الآن أنه لا معنى له، قلنا: الإجماع موجود كما الاختلاف موجود، إلا أننا لم يكلفنا الله تعالى معرفة شيء من ذلك، إنما كلفنا اتباع القرآن وبيان رسول الله صلى الله عليه وسلم الذي نقله إلينا الأمر منا على ما بينا فقط، ولأن أحكام الدين كلها من القرآن والسنن لا تخلو

Furthermore, those who allow consensus without a text from the Quran or a practice transmitted from the Messenger of Allah ﷺ are to be asked: Tell us about the consensus without a text that you have deemed possible after the Messenger of Allah ﷺ. Can it fall outside four possibilities, with no fifth? Either they agree upon prohibiting something that he ﷺ had not prohibited when he died; or upon permitting something that the Messenger of Allah ﷺ had prohibited when he died; or upon imposing an obligatory duty that the Messenger of Allah, may Allah bless him and grant him peace, had not imposed when he died; or upon abolishing an obligatory duty that the Messenger of Allah ﷺ had imposed when he died. All these possibilities constitute sheer unbelief and the invention of a religion by which the religion of Islam is replaced. There is no difference between these possibilities and allowing consensus upon abolishing the five prayers, some of them, or one prayer cycle within them; or upon imposing other prayers or additional bowings within them; or upon abolishing the fast of Ramadan; or upon imposing fasting during the month of Rajab; or upon abolishing pilgrimage to Mecca; or upon imposing it to al-Ta'if; or upon permitting swine; or upon prohibiting the ram. All this is manifest unbelief, with nothing obscure about it.

If they say: All these matters have texts concerning them; we have allowed consensus only concerning that for which there is no text, we reply: There is no text for any of the things we have mentioned. They are simply enactments that add to the religion of Allah Most High or subtract from it. This is the description of that for which there is no text. A ruling for which there is no text cannot possibly fall outside one of these two possibilities. If they say that this is impermissible, they have readily returned to our position. Whoever permits any of this has committed unbelief. Through Allah Most High comes success.

This is also a conclusive demonstration invalidating the advocacy of analogy based on personal opinion and juristic preference, from which there is no escape. Know that their statement, "There is no text concerning this question," is a false statement, deception in religion, and a means of opening the way to these enormities. For everything that Allah Most High prohibits

من أحد وجهين لا ثالث لهما: إما وحي مثبت في المصحف، وهو القرآن وإما وحي غير مثبت في المصحف وهو بيان رسول الله صلى الله عليه وسلم قال تعالى {بالبينات والزبر وأنزلنا إليك الذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} وقال تعالى: {وما ينطق عن الهوى * إن هو إلا وحي يوحى} ثم ينقسم كل ذلك ثلاثة أقسام لا رابع لها، إما شيء نقلته الأمة كلها عصرا بعد عصر، كالإيمان والصلوات والصيام ونحو ذلك، وهذا هو الإجماع ليس من هذا القسم شيء لم يجمع عليه، وإما شيء نقل نقل تواتر كافة عن كافة من عندنا كذلك إلى رسول الله صلى الله عليه وسلم ككثير من السنن وقد يجمع على بعض ذلك وقد يختلف فيه كصلاة النبي صلى الله عليه وسلم قاعدا بجميع الحاضرين من أصحابه وكدفعه خيبر إلى يهود بنصف ما يخرج منها من زرع أو تمر يخرجهم إذا شاء وغير ذلك كثير، وإما شيء نقله الثقة عن الثقة كذلك مبلغا إلى رسول الله صلى الله عليه وسلم فمنه ما أجمع على القول به ومنه ما اختلف فيه، فهذا معنى الإجماع الذي لا إجماع في الديانة غيره البتة، ومن ادعى غير هذا فإنما يخبط فيما لا يدري، ويقول ما لا علم له، ويقول بما لا يفهم، ويدين بما لا يعرف حقيقته. وبالله تعالى التوفيق، وبه نعوذ من التخليط في الدين بما لا يعقل

through the tongue of His Prophet ﷺ up to the time of his death ﷺ, He has permitted through His saying, Most High: “He is the One who created for you everything on earth, then turned to heaven and fashioned them into seven heavens, and He knows all things”; and His saying: “What is the matter with you that you do not eat of that over which the name of Allah has been mentioned, when He has detailed for you what He has forbidden you, except that to which you are compelled? Indeed, many lead others astray through their desires without knowledge. Indeed, your Lord knows best the transgressors.”

Everything that he, peace be upon him, did not command, he did not make obligatory. This is a necessary truth, and no alternative to it can be conceived in anyone’s intellect. As for everything that he ﷺ explicitly commands, by commanding it or prohibiting it, he has prohibited it or made it obligatory, and no one may oppose him. It is therefore established that there is nothing concerning which there is not a clear text. It is consequently established that consensus can concern only a text, and disagreement can concern only a text, as we have explained. Any analogy that establishes an obligation concerning a text necessarily adds to religion or subtracts from it.

We also say to them: Tell us about consensus as a whole. Can it fall outside one of three possibilities, with no fourth, by rational necessity? Either people agree upon something for which there is no text, as you have claimed—and we have shown you the invalidity of that, and that it is impossible, and that its existence is impossible, since the existence of texts concerning every matter of religion is established—or people’s consensus contradicts the transmitted text, without any abrogation or specification of it having been transmitted before the death of the Messenger of Allah ﷺ; this is sheer unbelief, as we stated previously. Or people’s consensus concerns something explicitly stated in a text; this is our position. This is a necessary division from which there is no escape at all. Since matters are as we have described, following the text is obligatory, whether people agree upon it or disagree concerning it. People’s agreement upon the text does not raise its standing in respect of the obligation to follow it, nor does people’s disagreement concerning it weaken the obligation to follow it. Rather, truth is truth even when it is disputed,

and falsehood is falsehood even when those who advocate it are numerous. Were it not for the authentic text from the Prophet ﷺ stating that there will always be members of his community who uphold the truth and profess it—thereby ruling out their agreement upon falsehood—we would have said: Falsehood is falsehood even if consensus is reached upon it. But consensus upon falsehood is impossible.

Abu Muhammed said: Since this is so, what is incumbent upon us is simply the substance of the rulings of the Quran and the practices authentically transmitted from the Messenger of Allah ﷺ, for there is absolutely nothing else in religion. There is no point in our investigating whether consensus has been reached upon a particular ruling or whether it is disputed, for the reasons we have mentioned. Through Allah Most High comes success.

If it is said: You affirmed consensus just now, yet now insist that it has no significance, we reply: Consensus exists just as disagreement exists. However, Allah Most High has not charged us with knowing any of that. He has charged us only with following the Quran and the explanation of the Messenger of Allah ﷺ that the authority among us transmitted to us, as we have explained, and nothing more. Moreover, all the rulings of religion derived from the Quran and the transmitted practices necessarily fall into one of two categories, with no third: either revelation recorded in the written Quran, which is the Quran, or revelation not recorded in the written Quran, which is the explanation of the Messenger of Allah ﷺ. He, Most High, said: "With clear proofs and scriptures; and We sent down to you the Reminder so that you may explain to people what has been sent down to them, and so that they may reflect." He, Most High, also said: "He does not speak from desire. It is nothing but revelation revealed."

All of this is then divided into three categories, with no fourth. Either it is something transmitted by the entire community, generation after generation, such as faith, the prayers, fasting, and similar matters. This is consensus: there is nothing in this category upon which consensus has not been reached. Or it is something transmitted through recurrent mass transmission, a multitude from a multitude, extending in this manner from our own time back to the Messenger of Allah ﷺ, as is the case with many transmitted prac-

tices. Consensus may be reached upon some of that, and it may be disputed, as with the Prophet's ﷺ leading all his Companions who were present in prayer while seated, and his handing Khaybar over to Jews in return for half the crops or dates it produced, with him expelling them whenever he wished. There are many other such examples. Or it is something transmitted by a trustworthy transmitter from a trustworthy transmitter, continuing in this manner back to the Messenger of Allah ﷺ. Some of this has been unanimously accepted, and some has been disputed. This, then, is the meaning of consensus, apart from which there is absolutely no consensus in religion. Whoever claims anything other than this merely flounders in what he does not know, says what he has no knowledge of, speaks of what he does not understand, and professes as religion something whose true nature he does not know. Through Allah Most High comes success, and in Him we seek

refuge from introducing confusion into religion through what is not understood.[15][16][17][18][19][20][21][22][23]

[15]**Translator's note (L1568):** In the Quran quotation, the supplied لذكر appears to omit the initial alif of the definite article in الذكر, rendered here as "the Reminder."

[16]**Translator's note (L1570):** The opening imperative of the Quran quotation is transcribed تبعوا rather than اتبعوا; it is rendered as "Follow" in accordance with the quotation's evident grammatical function.

[17]**Translator's note (L1571):** The supplied text explicitly says "because the text is false" (لأن النص باطل). This conflicts with the surrounding argument and appears corrupt; it has been translated as supplied, without inserting a negation or otherwise repairing it. The Quran quotation repeatedly omits the initial alif of definite articles and contains similar orthographic defects. Its words have been rendered without reproducing these spelling defects in English.

[18]**Translator's note (L1572):** The Quran quotation's كلمة الفصل is rendered "the word of decisive judgment"; the supplied wording contains no explicit reference to postponement.

[19]**Translator's note (L1573):** The clause beginning "For the scholars of the people of Islam" shifts awkwardly into "the Companions dispersed," leaving its syntax disrupted. The English preserves this interruption with dashes. The supplied جزائر العرب literally means "the islands of the Arabs." In this geographical enumeration it is rendered "regions of Arabia," though the plural wording is unusual.

[20]**Translator's note (L1574):** The supplied أمس means "yesterday" and has been retained, although the argument may be using it loosely for an earlier point in time. The phrase مجد إلى العزم is syntactically awkward; "earnest in resolve" reflects its apparent sense without replacing the supplied Arabic.

[21]**Translator's note (L1579):** The source uses a grammatically irregular expression for "additional bowings"; the intended sense is nevertheless clear.

[22]**Translator's note (L1580):** The source says "everything that Allah Most High prohibits … He has permitted." It apparently lacks the negative particle needed for "everything that Allah Most High has not prohibited," but the supplied wording has been retained. The Quran quotations contain several defective spellings and omitted initial alifs. Their identifiable wording has been translated without substituting a different passage. The wording translated "everything that he explicitly commands, by commanding it or prohibiting it" is syntactically awkward in the source: "نص يأمر به … بالأمر به أو النهي عنه." No unmarked emendation has been made.

[23]**Translator's note (L1581):** The source repeats its assertion of impossibility in an awkward construction; the repetition has been preserved.

L1587–1590

Section on People's Disagreement concerning Forms of Consensus

Abu Muhammed said: People have further disagreed concerning forms of consensus which there is no harm in our mentioning, if Allah Most High wills, although we have just explained that no one needs to seek out consensus or disagreement. Rather, what is obligatory upon everyone, and what all need, is solely knowledge of the rulings of the Quran and what is established from Allah's Messenger ﷺ. As we have explained, the scholars inclined toward acquiring knowledge of consensus solely so that they could emphasize the gravity of the opposition of anyone who opposed it and deter him from opposing it. Likewise, they inclined toward acquiring knowledge of people's disagreements solely to expose the falsehood of someone who, audaciously lying, thinks nothing of claiming consensus where disagreement exists, so that, by adducing that disagreement, they might deter him from persisting obstinately in his lie. Through Allah Most High comes success.

Abu Muhammed said: One group said: Consensus is the consensus of the Companions alone—may Allah be pleased with them. As for the consensus of those after them, it is not consensus. Another group said: The consensus of the people of every age is valid consensus. These then disagreed. One group among them said: Once the consensus of any particular age is established, it is valid consensus, and neither they nor anyone afterward may hold a contrary position. Another group among them said: Rather, that age must be kept under observation. If they all pass away without either all of them or any one of them introducing opposition to what they had agreed upon,

فصل في اختلاف الناس في وجوه من الإجماع قال أبو محمد ثم اختلف الناس في وجوه من الإجماع، لا علينا أن نذكرها إن شاء الله تعالى، وإن كنا قد بينا آنفا أنه لا حاجة بأحد إلى طلب إجماع أو اختلاف، وإنما الفرض على الجميع، والذي يحتاج إليه الكل، فهو معرفة أحكام القرآن وما ثبت عن رسول الله صلى الله عليه وسلم فقط كما بينا أن أهل العلم مالوا إلى معرفة الإجماع، ليعظموا خلاف من خالفه، ويزجروه عن خلافه فقط، وكذلك مالوا إلى معرفة اختلاف الناس، لتكذيب من لا يبالي بادعاء الإجماع جرأة على الكذب، حيث الاختلاف موجود فيردعونه بإيراده عن اللجاج في كذبه فقط، وبالله تعالى التوفيق. قال أبو محمد: فقالت طائفة: الإجماع إجماع الصحابة رضي الله عنهم فقط، وأما إجماع من بعدهم فليس إجماعا، وقالت طائفة: إجماع أهل كل عصر إجماع صحيح، ثم اختلف هؤلاء، فقالت طائفة منهم: إذا صح إجماع كل عصر ما فهو إجماع صحيح، وليس لهم ولا لأحد بعد أن يقول بخلافه. وقالت طائفة منهم أخرى: بل يجب مراعاة ذلك العصر، فإن انقرضوا كلهم ولم يحدثوا ولا أحد منهم خلافا لما أجمعوا عليه، فهو إجماع قد انعقد لا يجوز لأحد خلافه، وإن رجع أحد منهم عما أجمع مع أصحابه فله ذلك، ولا يكون ذلك إجماعا. وقالت طائفة: إذا اختلف أهل عصر في مسألة ما فقد ثبت الاختلاف، ولا ينعقد في تلك المسألة إجماع أبدا. وقالت طائفة: بل إذا اختلف أهل عصر ما في مسألة ما، ثم أجمع أهل العصر الذي بعدهم على بعض قول أهل العصر الماضي، فهو إجماع صحيح لا يسع أحدا خلافه أبدا، وقالت طائفة: إذا اختلف أهل العصر على عشرة أقوال مثلا أو أقل أو أكثر فهو اختلاف فيما اختلفوا فيه، وهو إجماع صحيح على ترك ما لم يقولوا به من الأقوال، فلا يسع أحدا الخروج على تلك الأقوال كلها، له أن يتخير منها ما أداه إليه اجتهاده.

[24] **Translator's note (L1583):** The source reads "صلب أحكام," rendered "the substance of the rulings." In context, "طلب أحكام," meaning "seeking the rulings," is a possible intended reading, but it has not been substituted. The expression "الأمر منا," rendered "the authority among us," is awkward as the subject of "transmitted." The supplied wording does not clearly identify the transmitter and may be corrupt. The source omits an expected pronoun in the expression concerning weakening the obligation to follow the text; its referent is clear from context.

[25] **Qur'an references (L1568):** Qur'an 7:3 (Al-A'raf); Qur'an 5:3 (Al-Ma'idah); Qur'an 42:21 (Ash-Shuraa); Qur'an 2:29 (Al-Baqarah); Qur'an 6:119 (Al-An'am); Qur'an 16:44 (An-Nahl); Qur'an 53:3 (An-Najm); Qur'an 53:4 (An-Najm).

then it is a consensus that has become binding, which no one may oppose. But if one of them retracts what he had agreed upon with his associates, he may do so, and that does not constitute consensus. One group said: If the people of an age disagree over any question, disagreement has become established, and consensus can never be formed on that question. Another group said: Rather, if the people of some age disagree over some question, and the people of the following age then agree upon one of the positions held by the people of the previous age, that is valid consensus which no one may ever oppose. One group said: If the people of an age disagree, holding ten positions, for example, or fewer or more, this constitutes disagreement concerning what they disagree about, and valid consensus upon abandoning the positions that they did not hold. Thus no one may depart from all those positions; he may choose from among them whichever his independent legal reasoning leads him to.

وقالت طائفة: ما لا يعرف فيه خلاف فهو إجماع صحيح لا يجوز خلافه لأحد، وقالت طائفة: ليس إجماعا، وقالت طائفة: إذا اتفق الجمهور على قول خالفهم واحد من العلماء فلا يلتفت إلى ذلك الواحد، وقول الجمهور هو إجماع صحيح، وهذا قول محمد بن جرير الطبري. وقالت طائفة: ليس هذا إجماعا. وقالت طائفة: قول الجمهور والأكثر إجماع، وإن خالفهم من هو أقل عددا منهم، وقالت طائفة ليس هذا إجماعا. وقالت طائفة: إجماع كل أهل المدينة هو الإجماع، وهذا قول المالكيين ثم اختلفوا، فقال ابن بكير منهم وطائفة معه: سواء كان عن رأي أو قياس أو نقلا، وقال محمد بن صالح الأبهري منهم وطائفة معه: إنما ذلك فيما كان نقلا فقط. وقالت طائفة: إجماع أهل الكوفة، وهذا قول بعض الحنفيين. وقالت طائفة: إذا جاء القول عن الصاحب الواحد أو أكثر من واحد من الصحابة ولم يعرف له مخالف منهم، فهو إجماع، وإن خالفه من بعد الصحابة رضي الله عنهم، وهو قول بعض الشافعيين وجمهور الحنفيين والمالكيين. وقال بعض الشافعيين: إنما يكون إجماعا إذا اشتهر ذلك القول فيهم وانتشر، ولم يعرف له منهم مخالف، وأما إذا لم يشتهر ولا انتشر فليس إجماعا، بل خلافه جائز. ثم ههنا

L1591–1593 One group said: Whatever is not known to be disputed constitutes valid consensus which no one may oppose. Another group said: It is not consensus. One group said: If the majority agree upon a position and a single scholar opposes them, no account is taken of that one scholar, and the majority's position constitutes valid consensus. This is the position of Muhammed ibn Jarir al-Tabari. Another group said: This is not consensus. One group said: The position of the majority and the greater number constitutes consensus, even if those fewer in number oppose them. Another group said: This is not consensus. One group said: The consensus of all the people of Medina is consensus. This is the position of the Malikis. They then disagreed: Ibn Bukayr, one of them, and a group with him said: Whether it arises from considered opinion, analogy, or transmission. Muhammed ibn Salih al-Abhari, one of them, and a group with him said: This applies only to what rests upon transmission. One group said: The consensus of the people of Kufa. This is the position of some Hanafis. One group said: If a position is reported from a single Companion, or from more than one of the Companions, and no opponent of it among them is known, it constitutes consensus, even if those who came after the Companions—may Allah be pleased with them—oppose it. This is the position of some Shafiʿis and the majority of the Hanafis and

Malikis. Some Shafiʿis said: It constitutes consensus only if that position becomes well known and widespread among them and no opponent of it among them is known. But if it has not become well known or widespread, it is not consensus; rather, opposing it is permissible. Then there are positions here that belong to the realm of madness, if their proponents are free of the intention of playing games with religion. Such is the statement of some Hanafis that no one may choose a legal position after Abu Hanifa, Zufar, Abu Yusuf, Muhammed ibn al-Hasan, and al-Hasan ibn Ziyad, and that the positions chosen by al-Shafiʿi, Ahmad ibn Hanbal, Ishaq ibn Rahawayh, Abu Thawr, Dawud ibn ʿAli, and the rest of the scholars are aberrations that violate consensus. Such too is the statement of Bakr ibn al-ʿAlaʾ al-Qushayri al-Maliki that after the year two hundred the matter had become settled, and no one may choose a legal position; and the statement of a person whom Abu Thawr mentioned in a treatise and refuted, whose position was that no one may depart from the positions chosen by al-Awzaʿi, Sufyan al-Thawri, ʿAbd Allah ibn al-Mubarak, and Wakiʿ ibn al-Jarrah.

Abu Muhammed said: The varieties of stupidity are more numerous than the varieties of dates. Sufficient to establish the invalidity of every religious position for which neither the Quran nor an established Sunna from the Messenger of Allah ﷺ provides authority is the saying of Allah Most High: {Divorce is twice; then retention on honorable terms or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they will not uphold Allah's limits. If you fear that the two will not uphold Allah's limits, there is no blame upon either of them concerning that with which she ransoms herself. Those are Allah's limits, so do not transgress them. Whoever transgresses Allah's limits—it is they who are the wrongdoers.} And His saying, Most High: {They said: "None will

أقوال هي داخلة في باب الهوس إن سلم أصحابها من القصد إلى التلاعب بالدين، كقول بعض الحنفيين: ليس لأحد أن يختار بعد أبي حنيفة وزفر وأبي يوسف ومحمد بن الحسن والحسن بن زياد، وأن اختيارات الشافعي وأحمد بن حنبل وإسحاق بن راهويه وأبي ثور وداود بن علي وسائر العلماء شذوذ خرق الإجماع. وكقول بكر بن العلاء القشيري المالكي: إن بعد سنة مائتين قد استقر الأمر، وليس لأحد أن يختار، وكقول إنسان ذكره أبو ثور في رسالة ورد عليه وكان قوله: إنه ليس لأحد أن يخرج عن اختيارات الأوزاعي وسفيان الثوري وعبد الله بن المبارك ووكيع بن الجراح. قال أبو محمد: أصناف الحمق أكثر من أصناف التمر، ويكفي في بطلان كل قول من الدين لم يأت به قرآن ولا سنة ثابتة عن رسول الله صلى الله عليه وسلم قول الله تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافا ألا يقيما حدود الله فإن خفتم ألا يقيما حدود الله فلا جناح عليهما فيما فتدت به تلك حدود الله فلا تعتدوها ومن يتعد حدود الله فأولئك هم لظالمون} وقوله تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين}

enter the Garden unless he is a Jew or a Christian." Those are their wishes. Say: "Bring your demonstration, if you are truthful."}[26][27]

L1594–1596 It is thus established that there is no demonstration in religion except what Allah Most High has defined, that Allah's limits are found solely in His speech and the explanation of Allah's Messenger ﷺ, and that whoever, in his statement concerning religion, fails to bring a demonstration from the Quran and [evidence] that a ruling rests upon an established attribution to Allah's Messenger ﷺ is not among the truthful. Rather, he is a liar, a fabricator, astray and leading others astray. Through Allah Most High comes success. Nevertheless, with the power of Allah Most High, the specious arguments supporting these corrupt positions must be explained: their proponents' error has become grave, and their followers numerous. Perhaps Allah Most High, through His guidance of us, will guide someone, and that will be better for us than red camels, as Allah's Messenger ﷺ said. Our success comes only through Allah; He is sufficient for me, and an excellent Trustee is He. Know that all these groups agree that the consensus of the Companions—may Allah be pleased with them—is valid consensus, and maintain that whatever became well known among them—may Allah be pleased with them—without any objection to it arising from them constitutes valid consensus. Know, then, that the consensus of these groups concerning what we have mentioned gives judgment in our favor against them and establishes that we are the followers of consensus, and that all our opponents oppose consensus by their own admission. Praise belongs to Allah, Lord of all worlds, as we shall explain in the chapter immediately following this one, if Allah Most High wills.

[26] **Translator's note (L1593):** The Quranic quotations correspond to 2:229 and 2:111, but the transcription repeatedly omits initial alifs: لطلاق, لله in the expressions concerning Allah's limits, لظالمون, and لجنة. The translation gives the identifiable intended words while recording these defects. In the first quotation, فتدت is defective for افتدت, 'she ransoms herself'; the translation follows that identifiable reading.

[27] **Qur'an references (L1591):** Qur'an 2:229 (Al-Baqarah); Qur'an 2:111 (Al-Baqarah).

فصح أنه لا برهان في الدين إلا ما حده الله تعالى، وأن حدود الله ليست إلا في كلامه وبيان رسول الله صلى الله عليه وسلم فقط وأن من لم يأت في قوله في الدين ببرهان من القرآن وأن حكم مستند ثابت إلى رسول الله صلى الله عليه وسلم فليس من الصادقين بل هو كاذب آفك ضال مضل وبالله تعالى التوفيق، إلا أنه لا بد بحول الله تعالى من بيان شبه هذه الأقوال الفاسدة، التي قد عظم خطأ أهلها وكثر اتباعها، لعل الله تعالى يهدي بهداه لنا أحدا فيكون خيرا لنا من حمر النعم كما قال رسول الله صلى الله عليه وسلم وما توفيقنا إلا بالله وهو حسبي ونعم الوكيل. واعلموا أن جميع هذه الفرق متفقة على أن إجماع الصحابة رضي الله عنهم إجماع صحيح، وقائلون بأن كل ما اشتهر فيهم رضي الله عنهم، ولم يقع منهم نكير له، فهو إجماع صحيح، فاعلموا أن إجماع هذه الفرق على ما ذكرنا، حاكم لنا عليهم، وموجب لنا أننا المتبعون للإجماع، وأن مخالفينا كلهم مخالفون للإجماع بإقرارهم، والحمد لله رب العالمين، كما نذكر في الباب المتصل بهذا إن شاء الله تعالى فصل ذكر الكلام في الإجماع إجماع من هو إجماع الصحابة رضي الله عنهم أم الأعصار بعدهم؟ وأي شيء هو الإجماع وبأي شيء يعرف أنه إجماع؟ قال أبو محمد: قال سليمان وكثير من أصحابنا: لا إجماع إلا إجماع الصحابة رضي الله عنهم، واحتج في ذلك بأنهم شهدوا التوقيف من رسول الله صلى الله عليه وسلم وقد صح أنه لا إجماع إلا عن توقيف وأيضا فإنهم رضي الله عنهم كانوا جميع المؤمنين لا مؤمن من الناس سواهم، ومن هذه صفته فإجماعهم هو إجماع المؤمنين، وهو الإجماع المقطوع به، وأما كل عصر بعدهم فإنما بعض المؤمنين لا كلهم، وليس إجماع بعض المؤمنين إجماعا، إنما الإجماع إجماع جميعهم، وأيضا

فإنهم كانوا عددا محصورا يمكن أن يحاط بهم وتعرف أقوالهم، وليس من بعدهم كذلك. قال أبو محمد: أما قوله إنهم شهدوا التوقيف من رسول الله صلى الله عليه وسلم فهو كما قال وهذا إنما هو حجة في أنه لا إجماع إلا عن توقيف ولا شك في أن إجماع الصحابة رضي الله عنهم إجماع صحيح، وإنما الكلام في الأعصار بعدهم، وقد عارضه مخالفوه بأن قالوا: قد يجوز أن يحمل أهل عصر بعدهم على دليل نص قرآن أو سنة، فهذا يدخل في التوقيف، وأما قوله: إن الصحابة رضي الله عنهم كانوا جميع المؤمنين، وإن من بعدهم إنما هو بعض المؤمنين فقول صحيح يعرف صدقه بالعيان والمشاهدة

Section: Discussion of Consensus—Whose Consensus Is It? Is It the Consensus of the Companions—May Allah Be Pleased with Them—or of the Ages after Them? What Is Consensus, and by What Is It Known to Be Consensus?

Abu Muhammed said: Sulayman and many of our associates said: There is no consensus except the consensus of the Companions—may Allah be pleased with them. He argued for this on the ground that they witnessed authoritative instruction from Allah's Messenger ﷺ, and it has been established that there is no consensus except on the basis of authoritative instruction. Furthermore, they—may Allah be pleased with them—constituted all the believers: there was no believer among mankind other than them. When people possess this description, their consensus is the consensus of the believers, and it is consensus known with certainty. As for every age after them, it comprises only some of the believers, not all of them, and the consensus of some of the believers is not consensus; consensus is only the consensus of all of them. Furthermore, they were a bounded number who could be comprehensively identified and whose positions could be known, whereas those after them are not so.

Abu Muhammed said: As for his statement that they witnessed authoritative instruction from Allah's Messenger ﷺ, it is as he said. This, however, is an argument only for the proposition that there is no consensus except on the basis of authoritative instruction. There is no doubt that the consensus of the Companions—may Allah be pleased with them—is valid consensus; the discussion concerns only the ages after them. His opponents have countered him by saying: The people of an age after them might be led to a position by the evidence of a text of the Quran or the Sunna, and this falls within authoritative instruction. As for his statement that the Companions—may Allah be pleased with them—constituted all the believers, and that those after them constitute only some of the believers, this is a correct statement whose truth is known through direct perception and observation.[28]

[28] **Translator's note (L1594):** The wording وأن حكم مستند ثابت إلى رسول الله is syntactically awkward in this context. The translation retains its apparent sense as 'and [evidence] that a ruling rests upon an established attribution to Allah's Messenger,' without silently replacing وأن with a conjectured alternative.

L1597–1606

His opponents did, however, challenge him on one point in this account. An opponent said: “If that is so, then ever since Khadijah—may Allah be pleased with her—or any of the earliest Companions—may Allah be pleased with them—died, those remaining have likewise constituted only some of the believers, not all of them. Then say that consensus is only the consensus of those among them who embraced Islam in Mecca before any of them died.” One of our companions responded to him by saying: “Yes, that is true. No text of the Quran or the Sunnah has ever called the agreement of those remaining after others have died ‘consensus.’” One of our companions said: “No; rather, we say that, concerning everyone among them who died—may Allah be pleased with them—we are certain and categorically assured that, had he been alive, he would have accepted the revelation sent down in the Quran or the explanation given by the Messenger of Allah ﷺ. For he died only as one who believed, without doubt, in everything that would be sent down to the Messenger of Allah ﷺ after his death. Those who came after them are not like this, because among their successors there arose people who do not accept a trustworthy individual’s report from the Messenger of Allah ﷺ. We therefore cannot categorically affirm that they would obey what he ﷺ ruled, unlike the Companions: any of them who died is included in the consensus on the foregoing basis.” The opponent challenged him, saying: “Even if the matter is as you describe, it would nevertheless have been possible for him to oppose revelation through an interpretation arrived at by his independent legal reasoning, as Umar, Khalid, Abu al-Sanabil, and others did. If this is not counted as disagreement because it was an error on the part of the person concerned, then no Muslim’s disagreement with the text should be counted when he opposes it through an interpretation arrived at by his independent legal reasoning. For every Muslim who has existed or will exist accepts what the Messenger of Allah ﷺ said and ruled, even if he subsequently opposes it through an interpretation arrived at by his independent legal reasoning, being mistaken while intending what he considers good. According to this position, then, every ruling has become a matter of consensus, and disagreement has ceased to exist.” Abu Muhammed said: This objection is unsound and does not invalidate what Abu Sulayman established, namely that those who came after the Companions constitute only some of

إلا أنه قد عارض مخالفوه في نكتة من هذه الجملة، وهو أنه قال: إن كان هكذا فإنه مذ ماتت خديجة رضي الله عنها، أو بعض قدماء الصحابة رضي الله عنهم، فإن الباقين منهم إنما هم بعض المؤمنين لا كلهم أيضا، فقل: إن الإجماع إنما هو إجماع من أسلم منهم بمكة قبل أن يموت منهم أحد، فعارضه بعض أصحابنا بأن قال: نعم، هذا حق، ما جاء قط نص قرآن ولا سنة بتسمية ما اتفق عليه من بقي من بعد من مات إجماعا. قال بعض أصحابنا: لا، ولكن نقول: إن كل من مات منهم رضي الله عنهم، فنحن موقنون قاطعون بأنه لو كان حيا لسلم الوحي المنزل من القرآن أو البيان من رسول الله صلى الله عليه وسلم لأنه لم يمت إلا مؤمنا بكل ما ينزل على رسول الله صلى الله عليه وسلم بعده بلا شك وليس كذلك من بعدهم لأنه حدث فيمن بعدهم من لا يقول بخبر الواحد الثقة عن رسول الله صلى الله عليه وسلم فلا نقطع عليهم بطاعة ما حكم به صلى الله عليه وسلم بخلاف الصحابة الذين من مات منهم فهو داخل في الإجماع بهذه الجملة. فعارضه المخالف فقال: إن الأمر وإن كان كذلك، فمع ذلك فقد كان يمكن أن يخالف الوحي متأولا باجتهاده كما فعل عمر وخالد وأبو السنابل وغيرهم، فإن لم يعتد هذا خلافا، لأنه وهم من صاحبه، فلا يعتد بخلاف أحد من أهل الإسلام للنص إذا خالفه متأولا باجتهاده لأن كل مسلم كان أو يكون فإنه مسلم لما قاله رسول الله صلى الله عليه وسلم وحكم به وإن خالف بعد ذلك متأولا باجتهاده مخطئا، قاصدا إلى الخير في تقديره فقد صار على هذا القول كل حكم إجماعا وبطل الاختلاف. قال أبو محمد: وهذا اعتراض غير صحيح، ولا يمنع مما أوجبه أبو سليمان من أن من بعد الصحابة إنما هم بعض المؤمنين لا كلهم لأن كل حكم نزل من الله تعالى بعد موت من مات من الصحابة رضي الله عنهم، فلم يكلفوا قط ألا يخالفوا ذلك الحكم، لأنه لم يبلغهم، وإنما يلزمهم الحكم بعد بلوغه قال عز وجل {قل أي شيء أكبر شهادة

the believers, not all of them, because every ruling sent down by Allah Most High after the death of those Companions who died—may Allah be pleased with them—was a ruling they were never charged with not opposing, because it had not reached them. A ruling becomes binding upon them only after it reaches them. He, Almighty and Majestic, said: "Say: What thing is greatest in testimony? Say: Allah is a witness between me and you. And this Quran has been revealed to me so that through it I may warn you and whomever it reaches. Do you indeed testify that there are other gods alongside Allah? Say: I do not testify. Say: He is only One God, and I am free of what you associate with Him." Their agreement upon it or disagreement with it would have been taken into consideration only if it had reached them. Those who came after them, when the ruling reaches them, are not in the same position. Rather, if they follow it, they have indeed agreed upon it; and if any of them opposes it through independent legal reasoning, disagreement concerning that ruling has thereby been established. As for his statement that the Companions—may Allah be pleased with them—were a circumscribed number, that it was possible to gather them together and record their statements, and that this is not true of those who came after them: this was so only when they were all in the presence of the Messenger of Allah ﷺ, before they dispersed throughout the lands. After their dispersal, however, the impossibility of comprehensively recording their statements was exactly the same as in the case of those who came after them, without any difference. This is something known through observation and necessary knowledge. Abu Muhammed said: As for someone who says that the consensus of the people of every age is a valid consensus of all, this is a false statement, for the reason we have mentioned: they constitute some Muslims, not all of them. Nevertheless, it is true on account of what we previously mentioned of the statement of the Messenger of Allah ﷺ: "A group of my community will continue to adhere to the truth until Allah's command comes." Abu Muhammed said: Allah willing, we shall explain the nature of consensus with a clear explanation attested by sense perception and necessary knowledge. Success is through Allah Most High. We say, then: Consensus that is certain consensus—and there is no other consensus—cannot validly be explained or claimed by mere assertion. Rather, it falls into two categories. The first is everything concerning which

قل لله شهيد بيني وبينكم وأوحي إلي هذا لقرآن لأنذركم به ومن بلغ أئنكم لتشهدون أن مع لله آلهة أخرى قل لا أشهد قل إنما هو إله واحد وإنني بريء مما تشركون{ وإنما كان يراعي إجماعهم عليه، أو خلافهم له لو بلغهم، وليس من بعدهم إذا بلغ الحكم كذلك، بل إن اتبعوه لقد أجمعهم عليه، ومن خالفه منهم مجتهدا فقد وجب الاختلاف في ذلك الحكم. وأما قوله: إن عدد الصحابة رضي الله عنهم كان محصورا، ممكنا جمعه وممكنا ضبط أقوالهم، وليس كذلك من بعدهم، فإنما كان هذا إذا كانوا كلهم بحضرة رسول الله صلى الله عليه وسلم قبل تفرقهم في البلاد وأما بعد تفرقهم فالحال في تعذر حصر أقوالهم كالحال فيمن بعدهم سواء ولا فرق، هذا أمر يعرف بالمشاهدة والضرورة. قال أبو محمد: وأما من قال: إن إجماع أهل كل عصر فهو إجماع كل صحيح، فقول الباطل لما ذكرنا من أنهم بعض المسلمين لا كلهم لكنه حق لما ذكرنا قبل من قول رسول الله صلى الله عليه وسلم إنه لا تزال طائفة من أمتي على الحق إلى أن يأتي أمر الله. قال أبو محمد: ونحن إن شاء الله مبينون كيفية الإجماع بيانا ظاهرا يشهد له الحس والضرورة، وبالله تعالى التوفيق. فنقول: إن الإجماع الذي هو الإجماع المتيقن ولا إجماع غيره لا يصح تفسيره ولا ادعاؤه بالدعوى، لكن ينقسم قسمين: أحدهما: كل ما لا يشك فيه أحد من أهل الإسلام، في أن من لم يقل به فليس مسلما، كشهادة أن لا إله إلا الله وأن محمدا رسول الله: وكوجوب الصلوات الخمس، وكصوم شهر رمضان، وكتحريم الميتة والدم والخنزير، والإقرار بالقرآن، وجملة الزكاة، فهذه أمور من بلغته فلم يقر بها فليس مسلما، فإذا ذلك كذلك فكل من قال بها فهو مسلم، فقد صح أنها إجماع من جميع أهل الإسلام. والقسم الثاني: شيء شهده جميع الصحابة رضي الله عنهم من فعل رسول الله صلى الله عليه وسلم أو تيقن أنه عرفه كل من غاب عنه صلى الله عليه وسلم منهم كفعله في خيبر إذ أعطاها يهود بنصف

no Muslim doubts that whoever does not profess it is not a Muslim: for example, the testimony that there is no god but Allah and that Muhammed is the Messenger of Allah; the obligation of the five prayers; fasting the month of Ramadan; the prohibition of carrion, blood, and swine; acknowledgment of the Quran; and the general obligation of the obligatory alms. These are matters which, if they reach someone and he does not acknowledge them, mean that he is not a Muslim. Since that is so, everyone who professes them is a Muslim. It has thus been established that they constitute a consensus of all the people of Islam. The second category is something done by the Messenger of Allah ﷺ that all the Companions—may Allah be pleased with them—witnessed, or that it is certain became known to every one of them who was absent from him ﷺ. An example is what he did at Khaybar, when he gave it to the Jews in return for half of what it produced in crops or dates, with the Muslims entitled to expel them whenever they wished. Concerning this, no one doubts that there was no Muslim left in Medina who had not either witnessed the matter or received word of it; that befalls the group of women and weak children. Nor was there any Muslim left in Mecca or the distant lands who did not know of it and rejoice in it. Nevertheless, some people after the age of the Companions—may Allah be pleased with them—opposed this category of consensus, through misapprehension on their part, while intending good and erring in their independent legal reasoning. These, then, are the two categories of consensus. There is no way for consensus to fall outside them, or for consensus to be known without sound transmission relating to these two categories. No one can deny them, and anything beyond them is a false claim. And by Allah Most High. Whoever claims to know of a consensus outside these two kinds has lied about all the people of Islam. We seek refuge with Allah the Magnificent from anything like this. Abu Muhammed said: Muhammed ibn Sa'id ibn Umar ibn Nabat related to us; Muhammed ibn Ahmad ibn Mufarrij related to us; Ibn al-Ward related to us; Ahmad ibn Hammad Zughbah related to us; Yahya ibn Bukayr related to us; al-Layth ibn Sa'd related to us: Uqayl ibn Khalid related to me, from Ibn Shihab, who said: Anas ibn Malik informed me that he heard Umar ibn al-Khattab, on the following day, when the Muslims pledged allegiance to Abu Bakr in the mosque of the Messenger of Allah ﷺ. Abu Bakr had taken

ما يخرج منها من زرع أو تمر. يخرجهم المسلمون إذا شاؤوا. فهذا لا شك عند كل أحد في أنه لم يبق مسلم في المدينة إلا شهد الأمر أو وصل إليه، يقع ذلك الجماعة من النساء والصبيان الضعفاء. ولم يبق بمكة والبلاد النائية مسلم إلا عرفه وسر به. على أن هذا القسم من الإجماع قد خالفه قوم بعد عصر الصحابة رضي الله عنهم، وهما منهم وقصدا إلى الخير وخطأ باجتهادهم فهذان قسمان للإجماع ولا سبيل إلى أن يكون الإجماع خارجا عنهما، ولا أن يعرف إجماع بغير نقل صحيح إليهما. ولا يمكن أحدا إنكارهما، وما عداهما فدعوى كاذبة، وبالله تعالى ومن ادعى أنه يعرف إجماعا خارجا من هذين النوعين. فقد كذب على جميع أهل الإسلام، ونعوذ بالله العظيم من مثل هذا. قال أبو محمد: نا محمد بن سعيد بن عمر بن نبات، نا محمد بن أحمد بن مفرج، نا ابن الورد، نا أحمد بن حماد زغبة، نا يحيى بن بكير، نا الليث بن سعد، حدثني عقيل بن خالد عن ابن شهاب، قال أخبرني أنس بن مالك: أنه سمع عمر بن الخطاب الغد حين بايع المسلمون أبا بكر في مسجد رسول الله صلى الله عليه وسلم وقد استوى أبو بكر على المنبر ثم استوى يعني عمر فتشهد قبل أبي بكر فقال: أما بعد، فإني قلت لكم أمس مقالة وإنها لم تكن كما قلت، وإني والله ما وجدت المقالة التي قلت لكم في كتاب أنزله الله تعالى ولا في عهد عهده إلي رسول الله صلى الله عليه وسلم ولكني كنت أرجو أن يعيش رسول الله صلى الله عليه وسلم حتى يدبرنا فاختار الله لرسوله الذي عنده على الذي عندكم، وهذا الكتاب الذي هدى الله به رسوله فخذوا به تهتدوا بما هدي له رسول الله صلى الله عليه وسلم قال أبو محمد فهذا عمر رضي الله عنه على المنبر بحضرة جميع الصحابة رضي الله عنهم: يعلن ويعترف بأنه يقول القول لم يجده في قرآن ولا في سنة وأنه ليس كما قال. ولا ينكر ذلك أحد من الصحابة، ويأمر باتباع القرآن ولا يخالفه في ذلك أحد منهم، فصح أن قولنا بألا يتبع ما روي عن أحد من الصحابة إلا

his place on the pulpit; then he—that is, Umar—stood up and pronounced the testimony of faith before Abu Bakr, saying: "To proceed: Yesterday I made a statement to you, but the matter was not as I said. By Allah, I did not find the statement I made to you in a Book Allah Most High sent down, or in an instruction the Messenger of Allah ﷺ entrusted to me. Rather, I had hoped that the Messenger of Allah ﷺ would live until he outlasted us. But Allah chose for His Messenger what is with Him over what is with you. This is the Book through which Allah guided His Messenger, so hold fast to it, and you will be guided to that to which the Messenger of Allah ﷺ was guided." Abu Muhammed said: Here is Umar—may Allah be pleased with him—on the pulpit, in the presence of all the Companions—may Allah be pleased with them—publicly declaring and acknowledging that he makes a statement which he has found neither in the Quran nor in the Sunnah, and that the matter is not as he said; and none of the Companions objects to this. He commands that the Quran be followed, and none of them disagrees with him on that. It is thus established that our position—that nothing reported from any Companion is to be followed unless it is found in the Quran or the Sunnah—is the sound consensus of the Companions; that the obligation to follow the texts is the sound consensus, and this is our position, praise be to Allah, Lord of the worlds; and that whoever opposes these two positions has opposed sound consensus. Likewise, whoever follows a particular individual without independent evidence in all his statements, or was ignorant, his overriding concern being to adduce as proof all the statements of a particular individual—as the Hanafis, Malikis, and Shafi'is have done—constitutes a certain contravention of the entire generation of the Companions, the entire generation of the Successors, and the entire generation of the Successors' Successors, from their first to their last. Thus we, praise be to Allah, are the ones who follow consensus, while they are the ones who oppose certain

أن يوجد في قرآن أو سنة هو إجماع الصحابة الصحيح، وأن وجوب اتباع النصوص هو الإجماع الصحيح، وهو قولنا والحمد لله رب العالمين، وأن من خالف هذين القولين فقد خالف الإجماع الصحيح. وكذلك من قلد إنسانا بعينه في جميع أقواله، أو جهل وكده الاحتجاج بجميع أقوال إنسان بعينه، كما فعل الحنفيون والمالكيون والشافعيون: خلاف متيقن لجميع عصر الصحابة، ولجميع عصر التابعين، ولجميع عصر تابعي التابعين أولهم عن آخرهم، فنحن ولله الحمد المتبعون للإجماع، وهم المخالفون للإجماع المتيقن، نسأل الله تعالى أن يفيء بهم إلى الهدى وأن يثبتنا عليه

consensus. We ask Allah Most High to bring them back to guidance and to keep us steadfast upon it.[29][30][31][32]

[فصل في من قال إن الإجماع لا يجوز لأحد خلافه]

وأما من قال إن الإجماع لا يجوز لأحد خلافه، فقول صحيح. وضعوه موضع تلبيس، وأخرجوه مخرج تدليس، وصارت كلمة حق أريد بها باطل، وذلك أنهم أوهموا أن ما لا إجماع فيه، فإن الاختلاف فيه سائغ جائز.

[Section concerning those who say that no one may oppose consensus]

As for those who say that no one may oppose consensus, this is a sound statement which they have put to a misleading use and presented deceptively. It has become a true statement intended to serve falsehood, for they have given the impression that, where there is no consensus, disagreement is permissible and allowed.

قال أبو محمد: وهذا باطل، بل كل ما أجمع عليه أو اختلف فيه فهما سواء في هذا الباب، فهلا يحل لأحد خلاف الحق أصلا سواء أجمع عليه أو اختلف فيه، فإن قيل: فهلا عذرتم من خالف الإجماع كما عذرتم من خالف فيم فيه خلاف؟ قلنا: كلا، لعمري ما فعلنا شيئا مما تقولون، ولا فرق عندنا فيما نسبتم إلينا الفرق بينه، بل قولنا الذي ندين الله تعالى به هو أنه لا حق في الدين فيما جاء به كلام الله تعالى في القرآن أو بيان رسول الله صلى الله عليه وسلم للوحي المنزل إليه وأنه لا يحل لأحد خلاف شيء من ذلك، فمن جهل وأخطأ قاصدا إلى الخير، لم يتبين له الحق ولا فهمه، فخالف شيئا من ذلك فسواء أجمع عليه أو اختلف فيه، هو مخطىء معذور مأجور مرة، كمن أسلم ولم يبلغه فرض الصلاة، أو كمن أخطأ في القرآن الذي لا إجماع كالإجماع عليه، فأسقط آية أو بدل كلمة أو زادها غير عامد، لكنه مقدر أنه كذلك، فهذا لا إثم عليه ولا حرج. وهكذا في كل شيء ومن عمد فخالف ما صح عن النبي صلى الله عليه وسلم غير مسلم بقلبه أو بلسانه أنه كحكمه عليه السلام فهو كافر، سواء كان فيما أجمع عليه أو فيما اختلف فيه قال تعالى: {فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا تسليما}

L1607 L1608 L1609–1610

[29] **Translator's note (L1600):** The Quran quotation, corresponding to 6:19, has apparent transcription errors in لله, هذا لقرآن, and مع لله. The translation reflects their intelligible wording without reproducing the Arabic. The expression rendered "a valid consensus of all" is awkwardly transmitted as إجماع كل صحيح. The subsequent contrast between a false claim to represent all Muslims and a valid consensus supported by the prophetic report has been retained. The wording لقد أجمعهم عليه is grammatically awkward; the translation follows the apparent contextual sense, "they have indeed agreed upon it."

[30] **Translator's note (L1603):** The clause rendered "that befalls the group of women and weak children" is awkward and apparently corrupt: يقع ذلك الجماعة من النساء والصبيان الضعفاء. Its apparent intent is to include women and weak children among those reached by the news, but the transmitted wording does not clearly express that. The phrase وبالله تعالى, rendered "And by Allah Most High," appears to be an incomplete formula; no missing completion has been supplied. The transmission abbreviations نا have been expanded as "related to us."

[31] **Translator's note (L1605):** The wording أو جهل وكده is apparently corrupt and leaves the syntax uncertain. "Or was ignorant, his overriding concern being" preserves its transmitted elements; a possible intended reading would mean "or made it his overriding concern," but that correction has not been silently adopted.

[32] **Qur'an references (L1597):** Qur'an 6:19 (Al-An'am).

who takes an opposing position on a disputed matter?" we say: Certainly not! By my life, we have done none of what you say. We make no distinction between the things you allege that we distinguish. Rather, the position by which we worship Allah Most High is that there is no truth in religion in what the speech of Allah Most High in the Quran has brought, or in the Messenger of Allah's ﷺ explanation of the revelation sent down to him, and that no one is permitted to oppose any of that. Whoever is ignorant and errs while intending good, with the truth neither having become clear to him nor having been understood by him, and consequently opposes any of that, is—whether it is a matter of consensus or disagreement—mistaken, excused, and rewarded once. He is like someone who embraces Islam but has not learned of the obligation of prayer, or someone who makes a mistake in the Quran, upon which there is a consensus like no other consensus, and omits a verse, replaces a word, or adds one, without intending to do so, but supposing that this is how it stands. Such a person incurs neither sin nor blame. So it is with everything. Whoever deliberately opposes what is authentically established from the Prophet ﷺ, without acknowledging in his heart or with his tongue that it is as he, peace be upon him, ruled, is an unbeliever, whether the matter is one of consensus or disagreement. He Most High said: "But no, by your Lord, they do not believe until they make you judge concerning what has arisen in dispute among them, and then find within themselves no discomfort at what you have decided, and submit in full submission."[33][34]

L1611–1616 If, however, he knowingly opposes what he regards as authentically established of that, while submitting to it in his heart and with his tongue, he is a transgressing believer, like the fornicator, the wine-drinker, and all other

وإن خالف ما صح عنده من ذلك بعلمه، وسلم له بقلبه ولسانه، فهو مؤمن فاسق، كالزاني وشارب الخمر وسائر العصاة، سواء كان مما أجمع عليه أو مما اختلف فيه. فهذه الحقائق التي لا يقدر أحد على معارضتها، لا الأقوال المموهة وبالله تعالى التوفيق. فصل في من قال بمراعاة انقراض العصر في الإجماع وأما من قال بمراعاة انقراض العصر في الإجماع، فمن أحسن قول قيل، لأن عصر الصحابة رضي الله عنهم، اتصل مائة عام وثلاثة أعوام، لأن سمية أم عمار رضي الله عنها ماتت في أول الإسلام، ثم لم يزالوا يموت منهم من بلغ أجله، كأبي أمامة وخديجة وعثمان بن مظعون وقتلى

[33] **Translator's note (L1609):** The opening فهلا يحل is irregular in context; the translation takes it as introducing the prohibition expressed by لا يحل, rather than as the interrogative 'why not permit?' The wording 'there is no truth in religion in what …' translates the supplied لا حق في الدين فيما literally. The context strongly suggests a missing exception, such as 'except in what …', but the transcription has not been silently repaired. In فيم فيه خلاف, فيم appears to be a defective spelling of فيما.

[34] **Qur'an references (L1609):** Qur'an 4:65 (An-Nisa).

disobedient people, whether it concerns a matter of consensus or disagreement. These are the truths which no one can counter, rather than speciously embellished statements. Through Allah Most High comes success.

Section on Those Who Say That the Passing Away of a Generation Must Be Taken into Account in Consensus

As for those who say that the passing away of a generation must be taken into account in consensus, this is among the finest statements ever made, for the generation of the Companions, may Allah be pleased with them, extended over one hundred and three years, because Sumayyah, the mother of Ammar, may Allah be pleased with her, died at the beginning of Islam. Thereafter, those among them whose appointed time had come continued to die: Abu Umamah, Khadijah, Uthman ibn Maz'un, those killed at Badr and Uhud, those in the expeditions, year after year, and those who died in the intervening periods, until Anas died in the year ninety-one after the Hijrah. The generation of the Successors overlapped with the generation of the Companions, may Allah be pleased with them. For when the twelve men of the Helpers, may Allah be pleased with them, embraced Islam a full year and three months before the Hijrah—since they embraced Islam in Dhu al-Hijjah during the days of pilgrimage—they took Mus'ab ibn Umayr, may Allah be pleased with him, back with them to teach them the Quran and religion. They remained thus for a full year. Then seventy Muslim men and three Muslim women from among them performed the pilgrimage, each of whose name and lineage is known. These were the people of the Pledge of al-Aqabah. They left behind in Medina a large and widespread Muslim community, exceeding two hundred men and women. Then he ﷺ emigrated in Rabi' al-Awwal. There can therefore be no doubt that, during those fifteen months, some of their women and men had died, for their numbers were very great. All of these belong among the Successors, and they constitute the majority, except those among them who saw the Prophet ﷺ, who constitute the minority. The same applies to every Muslim who embraced Islam but did not meet the Prophet ﷺ throughout the Arabian Peninsula, such as the lands of Yemen, Bahrain, Oman, al-Ta'if, the lands of Egypt, Quda'ah, the rest of Rabi'ah, the two mountains of Tayy, and the Negus. Everyone among

بدر وأحد وأهل البعوث، عاما عاما. ومن مات في خلال ذلك، إلى أن مات أنس سنة إحدى وتسعين من الهجرة، وكان عصر التابعين مداخلا لعصر الصحابة رضي الله عنهم، لأنه لما أسلم الاثنا عشر رجلا من الأنصار رضي الله عنهم، قبل الهجرة بسنة وثلاثة أشهر كاملة لأنهم أسلموا في ذي الحجة في أيام الحج وحملوا مع أنفسهم مصعب بن عمير رضي الله عنه معلما لهم القرآن والدين، وبقوا كذلك تمام عام، ثم حج منهم سبعون مسلما وثلاث نسوة مسلمات كلهم يعرف اسمه وحسبه وهم أهل بيعة العقبة، وتركوا بالمدينة إسلاما كثيرا فاشيا، يتجاوز المائتين من الرجال والنساء ثم هاجر صلى الله عليه وسلم في ربيع الأول فلا شك في أنه قد مات في تلك الخمسة عشر شهرا منهم موتى من نساء ورجال، لأنهم أعداد عظيمة وكلهم من جملة التابعين وهم الجمهور إلا من شاهد منهم النبي صلى الله عليه وسلم وهم الأقل وهكذا كل مسلم ممن أسلم ولم يلق النبي صلى الله عليه وسلم من جميع جزيرة العرب كبلاد اليمن والبحرين، وعمان والطائف، وبلاد مصر وقضاعة، وسائر ربيعة وجبلي طيء والنجاشي فكل من لم يلق منهم النبي صلى الله عليه وسلم فهو من التابعين فلم يزل التابعون يموت منهم الواحد والاثنان والعشرات والمئون والآلاف من قبل الهجرة بسنة وشهرين إلى أن مات آخرهم في حدود ثمانين ومائة من الهجرة، كخلف بن خليفة الذي رأى عمرو بن حريث، وكمن ذكر عنه أنه رأى أنس بن مالك رضي الله عنه، فمن هذا الواهي دماغه الذي يتعاطى مراعاة انقراض أهل عصر، مقدار مائة عام وثلاثة أعوام، ثم عصر آخر مقدار مائة سنة وثمانين سنة، ويضبط أنفاسهم وإجماعهم، هل اختلفوا بعد ذلك أم لا؟ فكيف أن يوجب ذلك على الناس لا سيما وأهل ذينك العصرين متداخلان مضى كثير من أهل العصر الثاني، قبل انقراض العصر الأول بدهر طويل أكثر من مائة عام، وقد أفتى جمهورهم من الصحابة كعلقمة ومسروق وشريح وسليمان وربيعة وغيرهم ماتوا في عصر الصحابة. وهكذا تتداخل الأعصار إلى يوم القيامة وقد اعترض

them who did not meet the Prophet ﷺ is one of the Successors. Thus, among the Successors there continued to die one, two, tens, hundreds, and thousands, from a year and two months before the Hijrah until the last of them died around the year one hundred and eighty after the Hijrah, such as Khalaf ibn Khalifah, who saw Amr ibn Hurayth, and those reported to have seen Anas ibn Malik, may Allah be pleased with him. Who, then, is this feeble-brained person who undertakes to keep track of the passing away of the people of a generation lasting one hundred and three years, then another generation lasting one hundred and eighty years, and to keep account of their every breath and their consensus—whether they subsequently disagreed or not? How much more outrageous, then, that he should impose this upon people, especially since the people of those two generations overlap! Many of the people of the second generation passed away long before the first generation had passed away—more than a hundred years earlier. Most of them had already issued legal opinions from among the Companions, such as Alqamah, Masruq, Shurayh, Sulayman, Rabi'ah, and others who died during the generation of the Companions. Thus generations continue to overlap until the Day of Resurrection. Some have objected on this point by citing the statement of the Messenger of Allah ﷺ: "The best of you are the generation among whom I was sent, then those who follow them, then those who follow them." I said: The difference between these two matters is like that between light and darkness. What distinguished the aforementioned generations was a superiority in excellence unattainable by the later ones: a recognized superiority belonging to the later members of the generation of the Companions over the earlier members of the generation of the Successors. The permissibility of issuing legal opinions is not like that. For if a Successor were not permitted to issue legal opinions until the generation of the Companions had passed away, the legal opinions of those we have mentioned among the Successors who died during the generation of the Companions would not have been permissible. This is false. Alternatively, they say that the passing away of the generation of the Successors must be taken into account together with that of the generation of the Companions. This entails taking into account every generation until the Day of Resurrection together with the generation of the Companions, because the

بعضهم في هذا بقول رسول الله صلى الله عليه وسلم خيركم القرن الذي بعثت فيه ثم الذين يلونهم ثم الذين يلونهم فقلت: بين الأمرين فرق كما بين النور والظلمة لأن الذي تباينت به الأعصار المذكورة، هو شفوف في الفضل لا يلحقه الآخرون، معروف لمن تأخر من قرن الصحابة على من تقدم من قرن التابعين. وليس كذلك جواز الفتيا، لأنه إن لم تجز الفتيا لتابع حتى ينقرض عصر الصحابة، لم تجز فتيا من ذكرنا ممن مات من التابعين في عصر الصحابة، وهذا باطل، أو يقولون إنه يراعي انقراض عصر التابعين مع عصر الصحابة معا، ففي هذا مراعاة كل عصر إلى يوم القيامة مع عصر الصحابة لتداخل الأعصار، وهذا محال والذي يدخل هذا القول من الجنون أكثر من هذا، لأنه يجب على قولهم أنه إذا لم يبق من الصحابة إلا أنس وحده، فإنه كان له ولغيره من التابعين أن يرجعوا عما أجمعوا عليه قالها أنس. انسد عليهم هذا الباب وألقيت المعلقة فحرم عليهم من الرجوع ما كان مباحا لهم قبيل ذلك وكفى بهذا جنونا. وليت شعري متى يمكنه التطوف عليهم في آفاقهم، بل ألا يزايلهم إلى أن يموتوا ومتى جمعوا له في صعيد واحد، ما في الرعونة أكثر من هذا، ولا في الهزل والتدين بالباطل ما يفوق هذا ونعوذ بالله العظيم من الضلال

generations overlap. This is impossible. The madness entailed by this position goes further still. For their position necessarily entails that, when none of the Companions remained except Anas alone, he and the other Successors were entitled to retract what they had agreed upon; Anas said it, this door was closed to them, and the suspended thing was cast down. Retraction that had been permissible for them shortly beforehand thus became forbidden to them. This is madness enough! Would that I knew when he could possibly travel around to visit them in their far-flung regions—or rather, never leave them until they die! And when were they gathered for him on a single plain? There is nothing more foolish than this, nor in frivolity and the religious profession of falsehood is there anything that exceeds this. We seek refuge in Allah the Magnificent from error.[35][36][37]

L1617–1618 Section on When the People of a Particular Generation Disagree on a Particular Question

As for those who say, "When the people of a particular generation disagree on a particular question, disagreement has become established, and consensus can never be formed on that question," this is a corrupt statement. For disagreement admits of no ruling except that it be repudiated and prohibited, and that everyone be required to affirm only what Allah Most High has

فصل في ما إذا اختلف أهل عصر ما في مسألة ما وأما من قال إذا اختلف أهل عصر ما في مسألة ما فقد ثبت الاختلاف ولا ينعقد في تلك المسألة إجماع أبدا فإنه كلام فاسد لأن الاختلاف لا حكم له إلا الإنكار له والمنع منه وإيجاب القول على كل أحد بما أمر الله تعالى به في كتابه أو على لسان رسوله صلى الله عليه وسلم فقط ولا مزيد فالاختلاف لا يحل أن يثبت ولا يسع أحدا خلاف الحق أصلا لكن من خالفه جاهلا متأولا فهو مخطىء معذور مأجور أجرا واحدا كما ذكرنا آنفا. وفرض على كل من بلغه الحق أن يرجع إليه فإن عانده بقلبه أو بلسانه عالما بالحق فهو كافر وإن عانده بفعله عالما ففاسق كما قدمنا وبالله تعالى التوفيق فصل في اختلاف أهل عصر ما ثم إجماع أهل عصر ثان وأما من قال إذا اختلف أهل عصر ما ثم أجمع أهل عصر ثان على أحد الأقوال التي اختلف عليه أهل الماضي، فليس لأحد خلاف ما أجمع عليه أهل العصر الثاني، فقد قلنا في تعذر علم هذا بما قلنا آنفا، وسنزيد في ذلك بيانا لا يحيل إن شاء الله تعالى عن ذي لب، وقد قلنا: إنه لا معنى لمراعاة ما أجمع عليه مما اختلف فيه، إنما هو حق أو خطأ، والحق في الدين ليس إلا في كلام الله تعالى أو بيان رسول الله صلى الله عليه وسلم الثابت عنه بنقل الثقات مسندا فقط

[35] **Translator's note (L1611):** The supplied فمن أحسن قول قيل means 'among the finest statements ever made.' This appears incongruous with the ensuing denunciation; it may be sarcastic or reflect a corrupt reading.

[36] **Translator's note (L1612):** The supplied text explicitly reads 'the lands of Egypt' within a list introduced as encompassing the Arabian Peninsula; this geographical incongruity has been retained. The inclusion of the Negus alongside places and tribal territories follows the supplied wording.

[37] **Translator's note (L1614):** The phrase وقد أفتى جمهورهم من الصحابة is awkward as supplied. Its literal association of their issuing legal opinions with 'from among the Companions' conflicts with the surrounding identification of these figures as Successors. The irregularity has been retained. The supplied قالها أنس means 'Anas said it' and does not provide the expected transition concerning Anas's death. It appears corrupt; the translation does not replace it with that conjecture. وألقيت المعلقة literally refers to a feminine 'suspended' or 'hanging' thing being cast down. Its referent and intended sense are unclear, and the reading may be corrupt.

commanded in His Book or through the tongue of His Messenger ﷺ, and nothing further. Disagreement may not be established, and no one has any latitude at all to oppose the truth. But whoever opposes it ignorantly, on the basis of an interpretation, is mistaken, excused, and rewarded with a single reward, as we have just mentioned. Everyone whom the truth reaches is obliged to return to it. If he knowingly resists the truth in his heart or with his tongue, he is an unbeliever; if he knowingly resists it through his actions, he is a transgressor, as we have stated previously. Through Allah Most High comes success.

Section on the Disagreement of the People of One Generation Followed by the Consensus of the People of a Second Generation

As for those who say, "If the people of one generation disagree, and then the people of a second generation reach consensus on one of the positions over which the people of the preceding generation disagreed, no one may oppose what the people of the second generation have agreed upon," we have already said what we said above concerning the impossibility of knowing this. We shall explain it further in a way that, if Allah Most High wills, will not elude anyone possessed of understanding. We have said that there is no point in taking account of what has been agreed upon concerning matters that were disputed. It is simply either true or erroneous. Truth in religion is found only in the speech of Allah Most High or in the explanation of the Messenger of Allah ﷺ authentically established from him solely through the transmission of trustworthy narrators with a connected chain of transmission. No one has any latitude to oppose this, and it neither strengthens it nor increases it standing as truth through consensus being reached upon it, nor is it weakened by disagreement over it. Error is whatever contradicts the text. It is not lawful for anyone to err on the grounds that he is excused through his interpretation and ignorance, as we have explained previously; or he becomes an unbeliever through his obstinate opposition, or through his heart or his tongue, or becomes flagrantly sinful through contravening it by his actions alone. Success comes through Allah Most High. There is no possibility of the people of any age reaching consensus upon something contrary to an established text, because contradicting the text is falsehood,

وهذا لا يسع أحدا خلافه ولا يقويه ولا يزيده رتبة في أنه حق أن يجمع عليه ولا يوهنه أن يختلف فيه والخطأ هو خلاف النص، ولا يحل لأحد أن يخطىء لأنه يعذر بتأوله وجهله كما قدمنا أو يكفر بعناده أو بقلبه أو بلسانه أو يفسق بمخالفته بعمله فقط وبالله تعالى التوفيق. ولا سبيل إلى إجماع أهل عصر ما، على خلاف نص ثابت، لأن خلاف النص باطل، ولا يجوز إجماع الأمة على باطل لقول النبي صلى الله عليه وسلم لا تزال طائفة من أمتي على الحق فصح أن هذا القول الذي صدرنا في الباب فاسد

and the community cannot reach consensus upon falsehood, in view of the Prophet's ﷺ statement: "A group of my community will remain upon the truth." Thus the position with which we opened this chapter is demonstrably unsound.[38][39]

L1619–1623 Section concerning those who say: If the people of an age divide into many positions

As for the statement of those who say that, if the people of an age divide into very many positions, or more than one, their consensus upon abandoning whatever they have not advocated is thereby established: we have already discussed the impossibility of knowing and exhaustively determining this, and we shall also speak further, if Allah Most High wills. We have already said that, even so, it is impossible for the people of an age to reach consensus, for the blink of an eye or longer, mistakenly upon an error, because the Prophet ﷺ reported: "A group of my community will remain upon the truth." All these positions are therefore mutually incoherent, improperly formulated, and pass beyond possibility into impossibility. There is no reason to occupy oneself with anything of this kind.

Abu Muhammed said: Here they obscured the issue by saying: "The consensus of the Companions, may Allah be pleased with them, after the Messenger of Allah ﷺ upon prohibiting the sale of slave women who had borne their masters children has been established, although selling them was lawful in his ﷺ lifetime. Their consensus upon flogging the wine drinker with eighty lashes has also been established, although this did not exist in his ﷺ lifetime. Their consensus upon discarding six of the seven modes of revelation that existed in the lifetime of the Messenger of Allah ﷺ has also been established."

فصل في من قال إن افترق أهل عصر على أقوال كثيرة وأما قول من قال إن افترق أهل العصر على أقوال كثيرة جدا أو أكثر من واحد، فإن ما لم يقولوه قد صح الإجماع منهم على تركه، فقد قلنا في تعذر معرفة ذلك وحصره، ونقول أيضا إن شاء الله تعالى وقد قلنا، إنه لا يمكن مع ذلك أن يجمع أهل عصر طرفة عين فما فوقها خطأ على خطأ لإخبار النبي صلى الله عليه وسلم بأنه لا تزال طائفة من أمتي على الحق فهذه الأقوال كلها متخاذلة غير موضوعة وضعا صحيحا خارجة عن الإمكان إلى الامتناع وما كان هكذا فلا وجه للاشتغال به. قال أبو محمد: فموهوا ههنا بأن قالوا: قد صح الإجماع من الصحابة رضي الله عنهم بعد رسول الله صلى الله عليه وسلم على المنع من بيع أمهات الأولاد وكان بيعهم على عهده صلى الله عليه وسلم حلالا وقد صح إجماعهم على جلد شارب الخمر ثمانين جلدة ولم يكن ذلك على عهده صلى الله عليه وسلم وقد صح إجماعهم على إسقاط ستة أحرف من جملة الأحرف السبعة التي كانت على عهد رسول الله صلى الله عليه وسلم قلنا كذبتم وأفكتم أما جلد شارب الخمر ثمانين فيعيذ الله تعالى عمر من أن يشرع حدا لم يأت به وحي من الله تعالى ورسوله صلى الله عليه وسلم ونحن نسألكم ما الفرق بين ما تدعونه بالباطل من إحداث حد لم يشرعه رسول الله صلى الله عليه وسلم في الخمر وبين إثبات حد في اللياطة بقطع الذكر أو في الزنى بجلد مائتين أو بقطع يد الغاصب؟ أو بقلع أضراس آكل الخنزير؟ وما الفرق بين هذا كله وبين إسقاط صلاة وزيادة أخرى، وإبطال صوم رمضان وإحداث شهر آخر، ومن أجاز هنا فقد خرج عن الإسلام، وكفر كفرا صراحا،

[38] **Translator's note (L1617):** The supplied عن ذي لب ... لا يحيل is unusual in this context. The translation renders its apparent intended sense, 'will not elude anyone possessed of understanding,' while noting that the reading may be corrupt.

[39] **Translator's note (L1618):** The opening continues the preceding segment's statement that consensus neither strengthens truth nor raises its standing. The wording concerning error, excuse, and unbelief is syntactically awkward. In particular, "or through his heart or his tongue" follows "through his obstinate opposition" in the supplied text; this apparent redundancy has been retained.

We say: You have lied and fabricated falsehood! As for flogging the wine drinker with eighty lashes, Allah Most High preserve Umar from instituting a prescribed punishment for which no revelation came from Allah Most High and His Messenger may Allah bless him and grant him peace ﷺ. We ask you: What difference is there between your false claim that a prescribed punishment for wine was introduced which the Messenger of Allah ﷺ had not instituted, and establishing a prescribed punishment for anal intercourse by cutting off the penis, or for unlawful sexual intercourse by administering two hundred lashes, or cutting off the hand of someone who forcibly appropriates property, or pulling out the molars of someone who eats pork? What difference is there between all this and abolishing one prayer and adding another, or annulling the fast of Ramadan and instituting another month? Whoever permits this has departed from Islam, committed outright unbelief, and joined the esotericists, the extremist Rejecters, and the Jews and Christians who altered their religion. Umar administered the additional forty lashes only as discretionary discipline, as it is authentically reported of him that, when someone who repeatedly drank wine was brought to him, he gave him eighty lashes; and when someone whose involvement was only a first lapse or something similar was brought to him, he gave him forty lashes. You people who feel no shame about lying: where is the consensus you claim, when it has been authentically established that Uthman, Ali, and Abd Allah ibn Ja'far administered forty lashes for wine drinking in the presence of the Companions after Umar's death, as Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Ishaq ibn Rahawayh related to us: Yahya ibn Hammad related to us: Abd al-Aziz ibn al-Mukhtar related to us: Abd Allah ibn al-Fayruz al-Danaj, the client of Ibn Amir, related to us: Husayn ibn al-Mundhir, Abu Sasan, related to us, saying: "I was present with Uthman when al-Walid was brought, with two men testifying against him: one of them, Humran, testified that he had drunk wine, and the second that he had vomited it. Uthman said: 'Ali, get up and flog him.' Ali said: 'Hasan, get up and flog him.' Al-Hasan said: 'Entrust its heat to the man who enjoyed its coolness.' He seemed to be angered with him. Ali then said: 'Abd Allah ibn Ja'far, get up and flog him.' He flogged him while

ولحق بالباطنية وغلاة الروافض واليهود والنصارى الذين بدلوا دينهم، وإنما جلد عمر الأربعين الزائدة تعزيرا، كما صح عنه أنه كان إذا أتي بمن تتابع في الخمر جلده ثمانين، وإذا أتي بمن لم يكن له منه إلا الوهلة ونحوها جلده أربعين. ويا معشر من لا يستحي من الكذب، أين الإجماع الذي تدعونه؟ وقد صح أن عثمان وعليا وعبد الله بن جعفر بحضرة الصحابة جلدوا في الخمر أربعين بعد موت عمر. كما حدثنا عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا إسحاق بن راهويه، حدثنا يحيى بن حماد، ثنا عبد العزيز بن المختار، ثنا عبد الله بن الفيروز الداناج مولى ابن عامر ثنا حصين بن المنذر أبو ساسان قال: شهدت عثمان أتى الوليد يشهد عليه رجلان أحدهما حمران أنه شرب الخمر، والثاني أنه قاءها، قال عثمان: يا علي قم فاجلده، فقال علي يا حسن قم فاجلده، فقال الحسن: ول حارها من تولى قارها فكأنه وجد عليه، فقال علي: يا عبد الله بن جعفر قم فاجلده، فجلده، وعلي يعد حتى بلغ أربعين فقال أمسك جلد رسول الله صلى الله عليه وسلم أربعين وأبو بكر أربعين وعمر ثمانين وكل سنة. فإن كان ضرب الثمانين إجماعا، فعثمان وعلي وأبي جعفر والحسن ومن حضرهم خالفوا الإجماع، ومخالف الإجماع عندهم كافر. فانظروا فيما تقحمهم آراؤهم. وحاشا للأئمة الصحابة رضي الله عنهم من الكفر، ومن مخالفة الحق، ومن إحداث شرع لم يأذن به الله تعالى. فإن قيل: فما معنى قول علي: وكل سنة. قلنا. صدق لأن التعزير سنة، فإن قيل: إن التعزير عندكم لا يتجاوز عشر جلدات. قلنا يمكن أن يجلده عمر لكل كأس عشر جلدات تعزيرا، فهذا جائز، وقد تعلل في هذا الخبر بعض من لا يبالي بما أطلق به لسانه في نصر ضلاله، فإن ذكر ما حدثناه عبد الرحمن بن عبد الله الهمداني، حدثنا أبو إسحاق البلخي، ثنا الفربري، ثنا عبد الله بن عبد الوهاب، ثنا خالد بن الحارث، حدثنا سفيان الثوري، عن أبي حصين أنه حدث قال: سمعت ابن سعد النخعي قال: سمعت علي بن أبي طالب قال:

Ali counted, until he reached forty. Then he said: 'Stop. The Messenger of Allah ﷺ administered forty lashes, and Abu Bakr forty, and Umar eighty; each is an established practice.'" If administering eighty lashes constituted consensus, then Uthman, Ali, Abu Ja'far, al-Hasan, and those present with them contradicted consensus; and, according to them, anyone who contradicts consensus is an unbeliever. Consider, then, what their opinions plunge them into! Far be it from the leading Companions, may Allah be pleased with them, to commit unbelief, contradict the truth, or introduce legislation which Allah Most High has not authorized.

If it is said: "What, then, does Ali's statement 'Each is an established practice' mean?" we say: He spoke the truth, because discretionary discipline is an established practice. If it is said: "According to you, discretionary discipline does not exceed ten lashes," we say: Umar could have administered ten lashes as discretionary discipline for each cup. This is permissible.

Someone who cares nothing about what he lets his tongue utter in support of his error has sought to impugn this report. For he cited what Abd al-Rahman ibn Abd Allah al-Hamdani related to us: Abu Ishaq al-Balkhi related to us: al-Firabri related to us: Abd Allah ibn Abd al-Wahhab related to us: Khalid ibn al-Harith related to us: Sufyan al-Thawri related to us, from Abu Husayn, who related, saying: "I heard Ibn Sa'd al-Nakha'i say: 'I heard Ali ibn Abi Talib say: "I would not administer a prescribed punishment to anyone who then died and feel distress within myself, except in the case of the wine

ما كنت لأقيم حدا على أحد فيموت فأحد نفسي إلا صاحب الخمر فإنه لو مات وديته وذلك أن رسول الله صلى الله عليه وسلم لم يسنه

drinker. If he died, I would pay his blood money, because the Messenger of Allah ﷺ did not institute it.”””[40][41][42][43]

L1624–1627 Abu Muhammed said: Marvel at this man’s blindness! He impugns an authentic report, in which there is nothing to criticize, by means of a report full of defects. The first is that its transmitter’s identity is disputed: at one time he is Umayr ibn Sa‘id, at another Umayr ibn Sa‘d; at one time al-Nakha‘i, at another al-Hanafi. Then comes the greatest calamity: how can this deluded man take as proof something in which Ali reports of himself that he experiences an inward distress which he does not experience with the other prescribed punishments? If it were right and an established practice, why would he experience inward distress to the point of paying the man’s blood money if he died from that flogging? Why would he not experience such distress concerning someone who died under the other prescribed punishments? This is sufficient. Moreover, Allah forbid that Ali should establish in religion something which he, peace be upon him, had not instituted. Then, even if the report were authentic, its meaning would be clear: he felt dis-

قال أبو محمد فاعجبوا لعمى هذا الإنسان، يعلل حديثا صحيحا لا مغمز فيه، بحديث مملوء عللا أولها: أن راويه مختلف فيه، مرة عمير بن سعيد، ومرة عمير بن سعد، ومرة نخعي، ومرة حنفي. ثم الطامة الكبرى كيف يجعل هذا المفتون حجة شيئا يخبر علي عن نفسه أنه يجد في نفسه ما لا يجد من سائر الحدود، فإن كان حقا وسنة، فلم يجد في نفسه أذى حتى يؤدي ديته إن مات من ذلك الجلد، وهلا وجد في نفسه ممن مات في سائر الحدود، وفي هذا كفاية، ثم معاذ الله أن يثبت علي في الدين ما لم يسنه عليه السلام، ثم لو صح لكان وجهه بينا، وهو أنه إنما يجد في الأربعين الزائدة التي جلدوها تعزيرا. ثم نقول لهم: لو ادعى عليكم ههنا خلاف الإجماع: لصدق مدعي ذلك عليكم، لأنكم تقرون أن عمر أول من جلد في الخمر ثمانين، وقد كان استقر الإجماع قبله على أربعين، فقد أقررتم على أنفسكم بخلاف الإجماع، ونسبتم عمر إلى خلاف الإجماع، وقد أعاذه الله تعالى من ذلك، وأما أنتم فأنتم أعلم بأنفسكم، وإقراركم على أنفسكم لازم لكم، فإن لجأتم إلى مراعة انقراض العصر لزمكم مثله في جلد عثمان وعلي في الخمر أربعين بعدهم ولا فرق. وأما أمهات الأولاد فكذبه في ذلك أفحش من كل كذب. لأن عبد الله بن الربيع قال: ثنا محمد بن إسحاق بن السليم، ثنا ابن الأعرابي، ثنا أبو داود السجستاني، ثنا موسى بن إسماعيل، ثنا حماد بن سلمة عن قيس بن سعد، عن عطاء بن أبي رباح، عن جابر بن عبد الله الأنصاري قال بعنا أمهات الأولاد على عهد رسول الله صلى الله عليه وسلم وأبي بكر فلما كان عمر نهانا فانتهينا فهذا عمل الناس أيام رسول الله صلى الله عليه وسلم وأيام أبي بكر أنبأنا محمد بن سعيد بن ثابت، أنبأنا أحمد بن عون الله، أنبأنا قاسم بن أصبغ أنبأنا محمد بن عبد السلام الخشني، أنبأنا محمد بن بشار، أنبأنا محمد بن جعفر غندر أنبأنا محمد بن سعيد بن الحكم بن عتيبة، عن

[40] **Translator’s note (L1619):** The supplied phrase “mistakenly upon an error” contains an awkward repetition of “error,” retained in translation. “Modes of revelation” renders ahruf, distinguished here from individual Quranic readings. “Slave women who had borne their masters children” renders ummahat al-awlad, a technical category of enslaved women.

[41] **Translator’s note (L1620):** “A first lapse” renders al-wahlah, whose precise sense here is uncertain; the context contrasts it with repeated drinking. “The extremist Rejecters” renders ghulat al-Rawafid, retaining the author’s polemical designation.

[42] **Translator’s note (L1622):** The proverb “Entrust its heat to the man who enjoyed its coolness” contrasts bearing an affair’s unpleasant consequences with enjoying its benefits. Its literal imagery has been retained. The supplied wording at the start of the report, “I was present with Uthman when al-Walid was brought,” is grammatically compressed; this translation follows its apparent contextual sense.

[43] **Translator’s note (L1623):** The supplied text names “Abu Ja‘far” here, whereas the preceding report names Abd Allah ibn Ja‘far. The discrepancy has been retained. The supplied “qalba” where the argument requires a response appears corrupt; it has been interpreted as “we say.” The phrase introducing the second report reads literally “if he cited,” without a clear corresponding clause. “For he cited” represents its apparent function in the argument. The transmission chain and the narrator’s abbreviated name “Ibn Sa‘d al-Nakha‘i” are retained as supplied.

tress only concerning the additional forty lashes which they administered as discretionary discipline.

We then say to them: If someone accused you here of contradicting consensus, that accusation against you would be true, because you acknowledge that Umar was the first to administer eighty lashes for wine drinking, whereas consensus had already become established before him upon forty. You have thus acknowledged that you yourselves contradict consensus and have attributed contradiction of consensus to Umar, although Allah Most High has preserved him from that. As for you, you know yourselves best, and your acknowledgment against yourselves is binding upon you. If you resort to taking the passing away of the generation into account, the same consequence binds you concerning Uthman and Ali administering forty lashes for wine drinking after them: there is no difference.

As for slave women who had borne their masters children, his lie concerning this is more outrageous than any lie, because Abd Allah ibn al-Rabi‘ said: Muhammed ibn Ishaq ibn al-Salim related to us: Ibn al-A‘rabi related to us: Abu Dawud al-Sijistani related to us: Musa ibn Isma‘il related to us: Hammad ibn Salamah related to us, from Qays ibn Sa‘d, from Ata ibn Abi Rabah, from Jabir ibn Abd Allah al-Ansari, who said: “We sold slave women who had borne their masters children in the lifetime of the Messenger of Allah ﷺ and of Abu Bakr. When Umar came to power, he forbade us, and we desisted.” This, then, was the people’s practice in the days of the Messenger of Allah ﷺ and in the days of Abu Bakr.

Muhammed ibn Sa‘id ibn Thabit informed us: Ahmad ibn Awn Allah informed us: Qasim ibn Asbagh informed us: Muhammed ibn Abd al-Salam al-Khushani informed us: Muhammed ibn Bashshar informed us: Muhammed ibn Ja‘far, Ghundar, informed us: Muhammed ibn Sa‘id ibn al-Hakam ibn Utaybah informed us, from Zayd ibn Wahb, who said: “A man and I went to Abd Allah ibn Mas‘ud to ask him about a slave woman who had borne her master a child. We found him praying, with two men standing on either side of him. When he had finished praying, the two questioned him. He said

زيد بن وهب. قال: انطلقت أنا ورجل إلى عبد الله بن مسعود نسأله عن أم الولد، فإذا هو يصلي ورجلان قد اكتنفاه، فلما صلى سألاه فقال لأحدهما: من أقرأك قال اقرأنيها أبو عبدة أو أبو الحكم المزني.

to one of them: “Who taught you to recite?” He said: “Abu Abdah—or Abu al-Hakam al-Muzani—taught me to recite it.”[44][45]

L1628–1633 The other said, “Umar ibn al-Khattab taught me to recite it.” Ibn Mas‘ud wept until he wetted the pebbles with his tears, and said, “Recite as Umar taught you to recite, for he was a mighty fortress for Islam: people entered it and did not leave it. When Umar was struck down, the fortress was breached, and people left Islam.” He said, “I also asked him about a slave woman who had borne her master a child, and he said, ‘She is emancipated from her child’s share.’”

Hammam related to us; Ibn Mufarrij related to us; Ibn al-A‘rabi related to us; al-Dabari related to us; Abd al-Razzaq related to us; Sufyan ibn ‘Uyaynah related to us, from al-A‘mash, from Zayd ibn Wahb, who said: “A man of ours died, leaving a slave woman who had borne him a child. Al-Walid ibn ‘Uqbah wanted to sell her to pay his debt. We went to Ibn Mas‘ud and found him praying, so we waited until he finished his prayer and then mentioned this to him. He said, ‘If you must, then assign her to her child’s share.’”

Through the same chain to Abd al-Razzaq, from Ibn Jurayj, who related to him, saying: “Ata ibn Abi Rabah informed us that Ibn al-Zubayr included Umm Habbi, the slave woman who had borne Muhammed ibn Suhayb a child, in her son’s property, assigning her to his share. Her son was called Khalid.” Ata said, “And Abbas said, ‘A slave woman who has borne her master a child is not emancipated until her master pronounces her emancipation.’”

Ahmad ibn Muhammed al-Talamanki related to us; Muhammed ibn Ahmad ibn Mufarrij related to us; Ibrahim ibn Ahmad ibn Firas related to us; Muhammed ibn Ali ibn Zayd related to us; Sa‘id ibn Mansur related to us; Hushaym related to us: Mughirah ibn Miqsam informed us, from al-Sha‘bi,

[44] **Translator’s note (L1625):** “He, peace be upon him” refers to the Prophet; the supplied salutation is “peace be upon him,” rather than the fuller blessing. The last transmission chain presents “Muhammed ibn Sa‘id ibn al-Hakam ibn Utaybah” as a single name. Its potentially corrupt wording has been retained without reconstructing additional transmitters.

[45] **Translator’s note (L1627):** The object of “recite it” is not specified in this segment; the following context indicates a discussion of Quranic recitation. The uncertainty between the two names is present in the supplied text.

وقال الآخر: أقرأنيها عمر بن الخطاب، فبكى ابن مسعود حتى بل الحصى بدموعه وقال: اقرأ كما أقرأك عمر، فإنه كان للإسلام حصنا حصينا يدخل الناس فيه ولا يخرجون منه، فلما أصيب عمر انثلم الحصن فخرج الناس من الإسلام وقال: وسألته عن أم الولد فقال: تعتق من نصيب ولدها. نا حمام، نا ابن مفرج، نا ابن الأعرابي، نا الدبري، نا عبد الرزاق، نا سفيان بن عيينة، عن الأعمش عن زيد بن وهب. قال: مات رجل منا وترك أم ولد، فأراد الوليد بن عقبة بيعها في دينه، فأتينا ابن مسعود فوجدناه يصلي، فانتظرناه حتى فرغ من صلاته فذكرنا ذلك له، فقال: إن كنتم لا بد فاجعلوها في نصيب ولدها. وبه إلى عبد الرزاق، عن ابن جريج أنه حدثه قال: أخبرنا عطاء بن أبي رباح، أن ابن الزبير أقام أم حبي أم ولد محمد بن صهيب في مال ابنها وجعلها من نصيبه ويسمى ابنها خالدا. قال عطاء وقال عباس: لا تعتق أم الولد حتى يلفظ سيدها بعتقها. نا أحمد بن محمد الطلمنكي، نا محمد بن أحمد بن مفرج، نا إبراهيم بن أحمد بن فراس، نا محمد بن علي بن زيد، نا سعيد بن منصور، نا هشيم أخبرنا مغيرة بن مقسم، عن الشعبي، عن عبيدة السلماني أن عمر بن الخطاب، وعلي بن أبي طالب أعتقا أمهات الأولاد قال علي بن أبي طالب: فقضى بذلك عمر حتى أصيب، ثم قضى بذلك عثمان حتى أصيب، فلما وليت رأيت أن أرقهن. قال أبو محمد: وهذا قول زيد بن ثابت وغيره، فيقال لهؤلاء الذين قد أعمى الله تعالى أبصارهم أتقرون أن عمر هو أول من منع من بيعهن فمن قولهم: نعم، ويدعونه إجماعا من كل من معه من الصحابة رضي الله عنهم، فيقال لهم: قد أقررتم أن عمر قد خالف الإجماع بهذا الفعل، إذا قلتم إن المسلمين كانوا على بيعهن حتى نهاهم عمر، فهل في خلاف الإجماع أكثر من هذا، أو كذبتم إذ قلتم إن عمر أول من حرم بيعهم لا بد من إحداهما. وقد أعاذ

from ‘Abidah al-Salmani, that Umar ibn al-Khattab and Ali ibn Abi Talib emancipated slave women who had borne their masters children. Ali ibn Abi Talib said, “Umar continued to rule accordingly until he was struck down. Then Uthman continued to rule accordingly until he was struck down. When I assumed authority, I considered that I should keep them enslaved.”

Abu Muhammed said: This is also the position of Zayd ibn Thabit and others. These people, whose eyes Allah Most High has blinded, are therefore to be asked: “Do you acknowledge that Umar was the first to prohibit their sale?” Their answer is, “Yes,” and they claim that this constituted a consensus of all the Companions who were with him, may Allah be pleased with them. They are then to be told: “You have acknowledged that Umar contravened consensus by this action, since you say that the Muslims continued selling them until Umar prohibited them. Could there be any greater contravention of consensus than this? Alternatively, you lied when you said that Umar was the first to prohibit their sale. It must be one of the two.” Allah has indeed protected Umar from contravening consensus. As for you, you are best acquainted with yourselves, and your admission of this against yourselves is binding upon you. Moreover, even if you could establish that Umar, may Allah be pleased with him, and all those who agreed upon that so that it became a consensus, it would follow, on your premises, that Ibn Mas‘ud, Ali ibn Abi Talib, Ibn Abbas, Ibn al-Zubayr, and Zayd ibn Thabit contravened consensus—and contravening consensus, according to you, is unbelief. Consider, then, what narrow straits you plunge into, and from what precipices you tumble! It must be either this or that you have lied in claiming consensus upon Umar’s ruling to that effect. There is no escaping one of these two alternatives.

As for us, claiming consensus in such a matter is, in our view, fabrication, falsehood, and an audacious persistence in openly lying about all the people of Islam. We do not rule out a lapse in independent legal reasoning or an error, despite an intention to seek truth and goodness, on the part of anyone after the Messenger of Allah ﷺ. We pronounce on no matter of religion except on the basis of a text of the Quran or an established prophetic practice

الله عمر من خلاف الإجماع، وأما أنتم فأعلم بأنفسكم، وإقراركم بذلك على أنفسكم لازم لكم، ثم لو صح لكم أن عمر رضي الله عنه وكل من أجمعوا على ذلك فصار إجماعا للزمكم أن ابن مسعود، وعلي بن أبي طالب، وابن عباس، وابن الزبير، وزيد بن ثابت، خالفوا الإجماع وخلاف الإجماع عندكم كفر، فانظروا أي مضايق تقتحمون ومن أي أحواف تتساقطون؟ ولا بد من هذا أو من كذبكم في دعوى الإجماع على حكم عمر بذلك لا مخرج من أحدهما. وأما نحن فدعوى الإجماع عندنا في مثل هذا إفك وكذب، وجرأة على التجليح بالكذب على جميع أهل الإسلام، ولا ينكر الوهم بالاجتهاد، والخطأ مع قصد إلى طلب الحق والخير على أحد بعد رسول الله صلى الله عليه وسلم ولا نقول في شيء من الدين إلا بنص قرآن أو سنة ثابتة عن رسول الله صلى الله عليه وسلم ولا نبالي من خالف في ذلك ولا نتكثر بمن ولولا، وما، نا أحمد بن قاسم قال: نا أبو قاسم بن محمد بن قاسم، نا جدي قاسم بن أصبغ، نا مصعب بن محمد، نا عبيد الله بن عمر الرقي، عن عبد الكريم الجزري، عن عكرمة، عن ابن عباس قال لما ولدت مارية إبراهيم قال النبي صلى الله عليه وسلم أعتقها ولدها مع دلائل من نصوص أخرى ثابتة قد ذكرناها في كتاب الإيصال. ما قلنا إلا ببيع أمهات الأولاد، لكن السنة الثابتة لا يحل خلافها، وما نبالي خلاف ابن عباس لروايته، فقد يخالفها متأولا أنه خصوص، أو قد ينسى ما روي وما كلفنا الله تعالى قط أن نراعي أقوال القائلين، إنما أمرنا بقبول رواية النافرين ليتفقهوا في الدين المنذرين لمن خلفهم المؤمنين مما بلغهم وصح عنهم عن رسول الله صلى الله عليه وسلم وبالله تعالى التوفيق وأما دعواهم أن عثمان رضي الله عنه أسقط ستة أحرف من جملة الأحرف السبعة المنزل بها القرآن من عند الله عز وجل فعظيمة من عظائم الإفك والكذب، ويعيذ الله تعالى عثمان رضي الله عنه من الردة بعد الإسلام. ولقد أنكر أهل التعسف على

transmitted from the Messenger of Allah ﷺ. We do not care who disagrees concerning that, nor do we seek strength in numbers through those who do.

Were it not for what Ahmad ibn Qasim related to us, saying: Abu Qasim ibn Muhammed ibn Qasim related to us; my grandfather Qasim ibn Asbagh related to us; Mus'ab ibn Muhammed related to us; 'Ubayd Allah ibn Umar al-Raqqi related to us, from Abd al-Karim al-Jazari, from 'Ikrimah, from Ibn Abbas, who said: "When Mariyah gave birth to Ibrahim, the Prophet ﷺ said, 'Her child has emancipated her'"—together with evidence from other established texts which we have mentioned in The Comprehensive Exposition—we would have maintained only that slave women who had borne their masters children could be sold. But it is unlawful to contravene established prophetic practice, and we attach no importance to the disagreement of Ibn Abbas with his own transmitted report. He may disagree with it by interpreting it as specifically applicable, or he may forget what he transmitted. Allah Most High has never charged us with attending to the statements of those who express opinions. He has commanded us only to accept the reports of those who go forth to acquire understanding in religion and warn the believers whom they have left behind, conveying what has reached them and has been authentically transmitted through them from the Messenger of Allah ﷺ. Success is through Allah Most High.

As for their claim that Uthman, may Allah be pleased with him, discarded six modes of revelation out of the seven modes in which the Quran was sent down from Allah, Mighty and Majestic, this is an enormity among the enormities of fabrication and falsehood. May Allah Most High protect Uthman, may Allah be pleased with him, from apostasy after Islam! Those given to willful faultfinding reproached Uthman, may Allah be pleased with him, for things less than this, in which we see nothing objectionable at all. How would it have been, then, had they discovered him guilty of such an enormity? And may Allah protect us from that! To every rational person, discarding a reading revealed by Allah Most High and discarding a verse revealed by Allah Most High are the same: there is no difference. By Allah, if someone allows this out of heedlessness, then is made aware of it and of the demonstration that it is prohibited, yet persists, this is unquestionably a departure from

عثمان رضي الله عنه أقل من هذا، مما لا نكره فيه أصلا، فكيف لو ظفروا له بمثل هذه العظيمة، ومعاذ الله من ذلك، وسواء عند كل ذي عقل إسقاط قراءة أنزلها الله تعالى، أو إسقاط آية أنزلها الله تعالى، ولا فرق، وتالله إن من أجاز هذا غافلا ثم وقف عليه وعلى برهان المنع من ذلك وأصر، فإنه خروج عن الإسلام لا شك فيه، لأنه تكذيب لله تعالى في قوله الصادق لنا {إنا نحن نزلنا لذكر وإنا له لحافظون}

Islam, because it gives the lie to Allah Most High in His truthful statement to us: {Indeed, We Ourselves have sent down the Reminder, and indeed We shall surely preserve it}.[46][47][48][49][50]

L1634–1636 And in His truthful statement: {Indeed, upon Us rests its gathering and its recitation. * So when We recite it, follow its recitation. * Then indeed, upon Us rests its explanation}. Everyone is therefore commanded to follow its recitation, which Allah Most High sent down to him, and its gathering. Whoever permits anything contrary to that has permitted opposition to Allah Most High. This is actual apostasy, about which there is no doubt. The extremists among the Rejectionists and the people of godlessness who plot against Islam have sought only a portion of this.

This verse necessarily makes clear that the entire Quran, as it stands—with the arrangement of its letters, words, verses, and surahs, through to its being gathered as it stands—is the work of Allah, Mighty and Majestic, and the result of His undertaking its gathering. He revealed it to His Prophet, peace be upon him, and he, peace be upon him, explained it to the people. No

[46]**Translator's note (L1628):** The technical expression umm al-walad denotes a slave woman who has borne her master a child; its plural is rendered consistently by the corresponding English phrase. The source names "Abbas," not "Ibn Abbas," in Ata's report; this has been retained. The final reference to "their sale" uses a masculine Arabic pronoun, although the referents are the women discussed throughout.

[47]**Translator's note (L1630):** The wording concerning Umar and "all those who agreed" is syntactically incomplete or defective in the supplied text. The continuation has been left open rather than supplying an unexpressed verb or participants.

[48]**Translator's note (L1631):** The wording "nor do we seek strength in numbers through those who do" renders an apparently truncated expression ending with "through whom." Its precise intended completion is uncertain. The transition into "Were it not for what Ahmad ibn Qasim related" contains an anomalous conjunction in the supplied Arabic; its evident conditional structure has been conveyed. Abu Qasim is retained as supplied, without silently changing it to Abu al-Qasim. The book title translated as The Comprehensive Exposition is al-Isal.

[49]**Translator's note (L1632):** "Modes of revelation" renders ahruf, the plural of harf, and is distinguished from "reading," used for qira'ah in the following unit.

[50]**Translator's note (L1633):** The Quranic quotation corresponds to Quran 15:9, but the supplied Arabic has an apparent transcription error in the word for "the Reminder," omitting its initial letter. The intended word is reflected in the translation.

وفي قوله الصادق {إن علينا جمعه وقرآنه * فإذا قرأناه فتبع قرآنه * ثم إن علينا بيانه} فالكل مأمورون باتباع قرآنه الذي أنزله الله تعالى عليه وجمعه. فمن أجاز خلاف ذلك فقد أجاز خلاف الله تعالى، وهذه ردة صحيحة لا مرية فيها، وما رامت غلاة الروافض وأهل الإلحاد الكائدون للإسلام إلا بعض هذا. وهذه الآية تبين ضرورة أن جميع القرآن كما هو من ترتيب حروفه وكلماته وآياته وسوره، حتى جمع كما هو، فإنه من فعل الله عز وجل وتوليه جمعه، أوحى به إلى نبيه عليه السلام، وبينه عليه السلام للناس، فلا يسع أحدا تقديم مؤخر من ذلك، ولا تأخير مقدم أصلا. ونحن نبين فعل عثمان رضي الله عنه ذلك بيانا لا يخفى على مؤمن، ولا على كافر، وهو أنه رضي الله عنه علم أن الوهم لا يعزى منه بشر، وأن في الناس منافقين يظهرون الإسلام ويكنون الكفر، هذا أمر يعلم وجوده في العالم ضرورة، فجمع من حضره من الصحابة رضي الله عنهم على نسخ مصاحف مصححة كسائر مصاحف المسلمين ولا فرق. إلا أنها نسخت بحضرة الجماعة فقط. ثم بعث إلى كل مصر مصحفا يكون عندهم، فإن وهم واهم في نسخ مصحف، وتعمد ملحد تبديل كلمة في المصحف، أو في القراءة، رجع إلى المصحف المشهور المتفق على نقله ونسخه. فعلم أن الذي فيه هو الحق، وكيف كان يقدر عثمان على ما ظنه أهل الجهل؟ والإسلام قد انتشر من خراسان إلى برقة، ومن اليمن إلى أذربيجان، وعند المسلمين أزيد من مائة ألف مصحف، وليست قرية ولا حلة ولا مدينة إلا والمعلمون للقرآن موجودون فيها، يعلمونه من تعلمه من صبي أو امرأة ويؤمهم به في الصلوات ي المساجد وقد حدثني يونس بن عبد الله بن مغيث قال: أدركت بقرطبة مقرئا يعرف بالقرشي، أحد مقرئين ثلاثة للعامة كانوا فيها، وكان هذا القرشي لا يحسن النحو فقرأ عليه قارىء يوما في

one may therefore move forward anything placed later in it, or move back anything placed earlier, at all.

We shall explain this action of Uthman, may Allah be pleased with him, in a manner that will be clear to believer and unbeliever alike. He, may Allah be pleased with him, knew that no human being is free from error, and that among the people there were hypocrites who outwardly professed Islam while concealing unbelief. The existence of this in the world is necessarily known. He therefore assembled those Companions who were present with him, may Allah be pleased with them, to copy out verified Quran codices like the other Quran codices of the Muslims. There was no difference except that these were copied in the presence of the assembled group. He then sent a codex to each provincial center to remain with them. Thus, if someone made an error in copying a codex, or a godless person deliberately changed a word in a codex or in a reading, reference would be made to the well-known codex whose transmission and copying were agreed upon, and it would be known that what it contained was the truth.

How could Uthman have been capable of what the ignorant supposed, when Islam had spread from Khurasan to Barqah and from Yemen to Azerbaijan, and the Muslims possessed more than one hundred thousand Quran codices? There was no village, settlement, or city without teachers of the Quran present in it, teaching it to whoever learned it, whether a boy or a woman, and leading them in the prayers in the mosques with its recitation.

Yunus ibn Abd Allah ibn Mughith related to me, saying: "In Cordoba I knew a Quran recitation teacher called al-Qurashi, one of three teachers of Quran recitation for the general public who were there. This al-Qurashi was not proficient in grammar. One day a reader recited to him in Surah Qaf: {And the stupor of death has come with the truth: that is what you used to evade}. Al-Qurashi corrected him, giving 'you evade' a final nunation. The reader disputed this with him, being proficient in grammar, but the recitation teacher persisted obstinately and insisted on the nunation. The report spread until it reached Yahya ibn Mujahid al-Fazari al-Albiri, who had no equal in asceticism, goodness, and intelligence, and who was a friend of this recitation teacher. He went to him, entered his home, greeted him, and asked how he

سورة ق: {وجاءت سكرة الموت بالحق ذلك ما كنت منه تحيد} فرده عليه القرشي تحيد التنوين، فراجعه القارىء وكان يحسن النحو، فلج المقرىء وثبت على التنوين وانتشر ذلك الخبر إلى أن بلغ إلى يحيى بن مجاهد الفزاري الألبيري، وكان منقطع القرين في الزهد والخير والعقل، وكان صديقا لهذا المقرىء، فمضى إليه فدخل عليه، وسلم عليه وسأله عن حاله. ثم قال له: إنه بعد عهدي بقراءة القرآن على مقرىء فأردت تجديد ذلك عليك، فسارع المقرىء إلى ذلك، فقال له الفزاري: أريد أن أبتدىء بالمفصل فهو الذي يتردد في الصلوات

was. Then he said to him, ‘It has been a long time since I recited the Quran to a recitation teacher, and I wanted to renew that practice with you.’ The recitation teacher readily agreed. Al-Fazari said to him, ‘I want to begin with the section of short, frequently divided surahs, since that is what is repeatedly recited in the prayers.’[51][52][53][54]

L1637 The recitation teacher said to him, “As you wish.” So he began reciting to him from the beginning of the Mufassal section. When he reached the surah Qaf and came to the verse mentioned, the recitation teacher corrected his recitation by giving it nunation. Yahya ibn Mujahid said to him, “Do not do that. It is unquestionably without nunation.” But the recitation teacher persisted. When Yahya ibn Mujahid saw his obstinacy, he said to him, “My brother, my only reason for reciting to you was to bring you back gently to the truth. This is a grave error into which your scant knowledge of grammar has led you, for verbs never take nunation at all.” The recitation teacher was bewildered, but he was still not convinced by this. Yahya ibn Mujahid therefore said, “Let the written copies of the Quran decide between you and me.” They sent for them, and a number of the neighbors’ copies of the Quran were brought. They found the word marked with vowel signs but without nunation, so the recitation teacher returned to the truth.

ف فقال له المقرىء ما شئت فبدأ عليه من أول المفصل، فلما بلغ سورة ق، وبلغ الآية المذكورة ردها عليه المقرىء بالتنوين، فقال له يحيى بن مجاهد: لا تفعل ما هي إلا غير منوتة بلا شك، فلج المقرىء. فلما رأى يحيى بن مجاهد لجاجه قال له: يا أخي إنه لم يحملني على القراءة عليك إلا لترجع إلى الحق في لطف، وهذه عظيمة أوقعك فيها قلة علمك بالنحو، فإن الأفعال لا يدخلها تنوين البتة، فتحير المقرىء إلا أنه لم يقنع بهذا، فقال يحيى بن مجاهد بيني وبينك المصاحف، فبعثوا فأحضرت جملة من مصاحف الجيران، فوجدوها مشكولة بلا تنوين، فرجع المقرىء إلى الحق. وحدثني حمام بن أحمد بن حمام قال: حدثني عبد الله بن محمد بن علي، عن اللخمي الباجي قال: نا محمد بن لبانة قال: أدركت محمد بن يوسف بن مطروح الأعرج يتولى صلاة الجمعة في جامع قرطبة، وكان عديم الورع، بعيدا عن الصلاح، قال: فخطبنا يوم الجمعة فتلا في خطبته: {لقد جآءكم رسول من أنفسكم عزيز عليه ما عنتم حريص عليكم بلمؤمنين رءوف رحيم} فقرأها بنونين عننتم. قال: فلما انصرف أتيناه وكنا نأخذ عنه رأي مالك، فذكرنا له قراءته للآية وأنكرناها، فقال: نعم، هكذا أقرأناها، وهكذا هي، فلج فحاكمناه إلى المصحف فقام ليخرج المصحف ففتحه في بيته وتأمله، فلما وجد الآية بخلاف ما قرأها عليه أنف الفاسق من رجوعه إلى الحق فأخذ القلم وألحق ضرسا زائدا؟ قال محمد بن عمر: فوالله لقد خرج إلينا والنون لم يتم بعد جفوف مدادها.

[51] **Translator’s note (L1634):** In the Quranic quotation, corresponding to Quran 75:17–19, the supplied word translated as “follow” lacks the initial alif of the standard spelling. The supplied wording literally uses a verb meaning “is attributed” where the argument requires “is free”: “no human being is free from error” reflects the apparent intended sense. The reading is defective as supplied. “Rejectionists” renders the polemical designation al-Rawafid, preserving the author’s voice.

[52] **Translator’s note (L1635):** The supplied text has a single letter where “in” is expected before “the mosques”; the evident intended preposition is reflected in the translation. The phrase describing the teacher’s correction appears to omit a preposition before “nunation.” Nunation, or tanwin, is the final n sound at issue: he incorrectly imposed it on tahid, “you evade,” a verb in the quoted verse, Quran 50:19.

[53] **Translator’s note (L1636):** “The section of short, frequently divided surahs” renders al-mufassal, the conventional designation for the final section of the Quran. The quotation continues in the following source segment.

[54] **Qur’an references (L1634):** Qur’an 75:17 (Al-Qiyamah); Qur’an 75:19 (Al-Qiyamah); Qur’an 50:19 (Qaf).

Hammam ibn Ahmad ibn Hammam related to me, saying: Abd Allah ibn Muhammed ibn Ali related to me, from al-Lakhmi al-Baji, who said: Muhammed ibn Lubana related to us, saying: I knew Muhammed ibn Yusuf ibn Matruh al-A'raj when he was in charge of the Friday prayer in the congregational mosque of Cordoba. He was devoid of scrupulousness and far removed from righteousness. He said: One Friday he delivered the sermon to us and recited in his sermon: "There has certainly come to you a messenger from among yourselves; grievous to him is what you suffer; he is solicitous for you, compassionate and merciful toward the believers." He read it with two nuns: "'anantum." He said: When he had finished, we went to him—we used to receive Malik's legal opinions from him—and mentioned his recitation of the verse, objecting to it. He said, "Yes, this is how we were taught to recite it, and this is how it is." He persisted, so we appealed to the written copy of the Quran to decide between us. He got up to bring out the copy, opened it inside his house, and examined it. When he found that the verse differed from what he had recited, the evildoer disdained returning to the truth. He took a pen and added an extra tooth-shaped stroke. Muhammed ibn Umar said: By Allah, he came out to us before the ink of the nun had even finished drying.[55][56]

L1638 Abu Muhammed said: The first was mistaken and heedless; the second was a wicked evildoer. Had written copies of the Quran not been so plentiful in people's hands, many people would have been thrown into doubt by something like this when they witnessed it from someone whom they supposed to possess goodness or knowledge, and both error and deliberate alteration would have remained concealed. It was something like this that Uthman,

قال أبو محمد: فالأول واهم مغفل، والثاني فاسق خبيث، فلولا كثرة المصاحف بأيدي الناس لتشكك كثير من الناس في مثل هذا إذا شاهدوه ممن يظنون به خيرا أو علما، ولخفي الخطأ والتعمد. فمثل هذا تخويف عثمان رضي الله عنه، ولقد عظمت منفعة فعله ذلك، أحسن الله جزاءه.

[55] **Translator's note (L1637):** The opening isolated letter fa appears to be a transcription remnant; the following connected fa is rendered through the narrative connection. The source reads "غير منوتة," apparently a corruption of "غير منونة," meaning "without nunation." The Mufassal is the section of predominantly shorter surahs near the end of the Quran. The erroneous "'anantum" adds a second nun to "'anittum," translated in the quoted verse as "you suffer." The added "tooth-shaped stroke" is the additional letter-stroke used to alter the written word. The final attribution is to Muhammed ibn Umar, although the preceding report is attributed to Muhammed ibn Lubana; this change of attribution is present in the source.

[56] **Qur'an references (L1637):** Qur'an 9:128 (At-Tawbah).

may Allah be pleased with him, feared. The benefit of that action of his was indeed immense; may Allah reward him well.[57]

L1639–1641 As for the seven modes of recitation, they remain as they were until the Day of Resurrection, established in the well-known readings from east to west, from south to north, and throughout the regions between them. For they are part of the revealed Reminder whose preservation Allah Most High has undertaken. Allah Most High's guarantee never fails, and His undertaking, exalted is He, cannot possibly come to nothing.

Among the demonstrations that the ignorant and the fabricators lie about Uthman, may Allah be pleased with him, concerning this is the report conveyed to us by Abd al-Rahman ibn Abd Allah ibn Khalid al-Hamdani: Ibrahim ibn Ahmad al-Balkhi related to us; al-Firabri related to us; al-Bukhari related to us; Umayya—that is, Ibn Bistam—related to us; Yazid ibn Rabi' related to us, from Habib ibn al-Shahid, from Ibn Mulayka, from Ibn al-Zubayr, who said: I said to Uthman, concerning "Those of you who die and leave wives behind: they shall wait by themselves for four months and ten days. Then, when they have reached the end of their term, there is no blame upon you for what they do concerning themselves in accordance with what is right. Allah is fully aware of what you do": "The other verse has abrogated it, so why do you write it down—or leave it?" He said, "My brother's son, I will not move anything of it from its place."

Through the same chain to al-Bukhari: Musa ibn Isma'il related to us; Ibrahim related to us, reporting that Anas ibn Malik related to him that Hudhayfa ibn al-Yaman came to Uthman ibn Affan. He had been campaigning with the people of Syria in the conquest of Armenia and Azerbaijan, alongside the people of Iraq. Their disagreement over recitation alarmed Hudhayfa. Hudhayfa therefore said to Uthman, "Commander of the Faithful, come to this community's aid before they disagree about the Book as the Jews and Christians disagreed." Uthman sent to Hafsa, Mother of the Believers: "Send us the sheets so that we may transcribe them into copies of the

[57] **Translator's note (L1638):** The wording "تخويف عثمان" is awkward here. It is understood contextually as referring to what Uthman feared; literally, the verbal noun denotes frightening or causing fear.

وأما الأحرف السبعة، فباقية كما كانت إلى يوم القيامة، مثبوتة في القراءات المشهورة من المشرق إلى المغرب، ومن الجنوب إلى الشمال، فما بين ذلك، لأنها من الذكر المنزل الذي تكفل الله تعالى بحفظه، وضمان الله تعالى لا يخيس أصلا، وكفالته تعالى لا يمكن أن تضيع. ومن البرهان على كذب أهل الجهل وأهل الإفك على عثمان رضي الله عنه في هذا أنبأناه عبد الرحمن بن عبد الله بن خالد الهمداني، نا إبراهيم بن أحمد البلخي، نا الفربري، نا البخاري نا أمية هو ابن بسطام نا يزيد بن ربيع عن حبيب بن الشهيد عن ابن مليكة عن ابن الزبير قال قلت لعثمان {ولذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا فإذا بلغن أجلهن فلا جناح عليكم فيما فعلن في أنفسهن بلمعروف ولله بما تعملون خبير} قال قد نسختها الآية الأخرى، فلم تكتبها أو تدعها؟ قال: يا ابن أخي: لا أغير شيئا منه من مكانه. وبه إلى البخاري، نا موسى بن إسماعيل، نا إبراهيم، حدثنا أن أنس بن مالك حدثه أن حذيفة بن اليمان قدم على عثمان بن عفان، وكان يغازي أهل الشام في فتح أرمينية وأذربيجان مع أهل العراق. فأفزع حذيفة اختلافهم في القراءة، فقال حذيفة لعثمان: يا أمير المؤمنين أدرك هذه الأمة قبل أن يختلفوا في الكتاب اختلاف اليهود والنصارى. فأرسل عثمان إلى حفصة أم المؤمنين، أن أرسلي إلينا بالصحف ننسخها في المصاحف، ثم نردها إليك، فأرسلت بهما إلى عثمان، فأمر زيد بن ثابت، وعبد الله بن الزبير، وسعيد بن العاص، وعبد الرحمن بن الحارث بن هشام فنسخوها في المصاحف. وقال عثمان للرهط القريشيين الثلاثة: إذا اختلفتم أنتم وزيد بن ثابت في شيء من القرآن فاكتبوه بلسان قريش، فإنما نزل بلسانهم ففعلوا، حتى إذا نسخوا الصحف في المصاحف، رد عثمان الصحف إلى حفصة وأرسل إلى كل أفق بمصحف مما نسخوا، وأمر بما سواه من القرآن في كل صحيفة أو مصحف أن يحرق. فهذان الخبران عن عثمان، إذا جمعا

Quran; then we shall return them to you." She sent them both to Uthman. He commissioned Zayd ibn Thabit, Abd Allah ibn al-Zubayr, Sa'id ibn al-'As, and Abd al-Rahman ibn al-Harith ibn Hisham, and they transcribed them into copies of the Quran. Uthman said to the three men of Quraysh, "If you disagree, you and Zayd ibn Thabit, concerning anything in the Quran, write it in the language of Quraysh, for it was revealed in their language." They did so. When they had transcribed the sheets into copies of the Quran, Uthman returned the sheets to Hafsa and sent to every region one of the copies they had transcribed. He ordered that every other Quranic text on any sheet or in any copy be burned.

When these two reports about Uthman are considered together, they establish the correctness of our position: that he did not move anything of the Quran from the place in which Allah Most High had revealed it, and that he burned everything else in which someone had made an error or which someone had deliberately undertaken to alter.

Abd Allah ibn al-Rabi' al-Tamimi related to us; Umar ibn Abd al-Malik al-Khawlani related to us; Abu Sa'id al-A'rabi al-'Izzi related to us; Sulayman ibn al-Ash'ath related to us; Muhammed ibn al-Muthanna related to us; Muhammed ibn Ja'far related to us; Shu'ba related to us, from al-Hakam, from Mujahid, from Abu Layla, from Ubayy ibn Ka'b: The Prophet ﷺ was at the pool of Banu Ghifar when Gabriel, peace be upon him, came to him and said, "Allah commands you to have your community recite according to one mode." He said, "I ask Allah for His granting of well-being and His forgiveness. My community cannot bear that." Then he came to him a second time, and he mentioned something similar, until he reached seven modes. He said, "Allah commands you to have your community recite according to seven modes; they have recited according to it and have been correct."

Through the same chain to Sulayman ibn al-Ash'ath: al-Qa'nabi related to us, from Malik, from Ibn Shihab, from Urwa ibn al-Zubayr, from Abd al-Rahman ibn Abd al-Qari, who said: I heard Umar ibn al-Khattab say: I heard Hisham ibn Hakim ibn Hizam reciting the surah al-Furqan differently from the way I recite it, although the Messenger of Allah ﷺ had taught me to recite it. I almost acted against him immediately, but then I let him continue

صححا قولنا وهو: أنه لم يحل شيئا من القرآن عن مكانه الذي أنزله الله تعالى عليه، وأنه أحرق ما سوى ذلك مما وهم فيه واهم، أو تعمد تبديله متعمد. نا عبد الله بن الربيع التميمي، نا عمر بن عبد الملك الخولاني، نا أبو سعيد الأعرابي العزي، نا سليمان بن الأشعث، نا محمد بن المثنى، نا محمد بن جعفر، نا شعبة عن الحكم عن مجاهد عن أبي ليلى عن أبي بن كعب أن النبي صلى الله عليه وسلم كان عند أضاة بني غفار فأتاه جبريل عليه السلام فقال له: إن الله يأمرك أن تقرأ أمتك على حرف. فقال: أسأل الله معافاته ومغفرته، إن أمتي لا تطيق على ذلك، ثم أتاه الثانية فذكر نحو هذا حتى بلغ سبعة أحرف، فقال: إن الله يأمرك أن تقرأ أمتك على سبعة أحرف قرؤوا عليه فقد أصابوا. وبه إلى سليمان بن الأشعث، نا القعنبي، عن مالك، عن ابن شهاب، عن عروة بن الزبير، عن عبد الرحمن بن عبد القاري قال: سمعت عمر بن الخطاب يقول: سمعت هشام بن حكيم بن حزام يقرأ سورة الفرقان على غير ما أقرؤها وكان رسول الله صلى الله عليه وسلم أقرأنيها فكدت أن أعجل عليه ثم أمهلته حتى انصرف ثم لففته بردائه فجئت به رسول الله صلى الله عليه وسلم فقلت يا رسول الله إني سمعت هذا يقرأ سورة الفرقان على غير ما أقرأتنيها فقال له رسول الله صلى الله عليه وسلم اقرأ القراءة التي سمعته يقرأ فقال رسول الله صلى الله عليه وسلم هكذا أنزلت ثم قال لي اقرأ

until he had finished. Then I wrapped him in his cloak and brought him to the Messenger of Allah ﷺ. I said, “Messenger of Allah, I heard this man reciting the surah al-Furqan differently from the way you taught me to recite it.” The Messenger of Allah ﷺ said to him, “Recite the reading that I heard him recite.” The Messenger of Allah ﷺ then said, “Thus it was revealed.” Then he said to me, “Recite.”[58][59][60][61]

L1642–1643 So I recited, and he said, “Thus it was revealed.” Then he ﷺ said, “The Quran was revealed according to seven modes, so recite whatever of it is easy.” Abu Muhammed said: It is therefore forbidden for anyone to suppose that, concerning something which the Messenger of Allah ﷺ stated his community could not bear, Uthman then came and compelled people to undertake it, and they were able to bear it. Whoever allows this has declared the Messenger of Allah ﷺ untruthful in his statement to Allah Most High that his community could not bear it, although neither Allah Most High nor Gabriel, peace be upon him, challenged him over that. Yet these criminals say that they can bear it and have indeed borne it! O Allah! O Muslims! Is

فقرأت فقال هكذا نزلت ثم قال صلى الله عليه وسلم إن القرآن نزل على سبعة أحرف فاقرؤوا ما تيسر منه. قال أبو محمد: فحرام على كل أحد أن يظن أن شيئا أخبر رسول الله صلى الله عليه وسلم أن أمته لا تطيق ذلك أتى عثمان فحمل الناس عليه فأطاقوه ومن أجاز هذا فقد كذب رسول الله صلى الله عليه وسلم في قوله لله تعالى إن أمته لا تطيق ذلك ولم ينكر الله تعالى عليه ذلك، ولا جبريل عليه السلام وقال هؤلاء المجرمون إنهم يطيقون ذلك، وقد أطاقوه فيا لله ويا للمسلمين أليس هذا اعتراضا مجردا على الله عز وجل مع التكذيب لرسوله صلى الله عليه وسلم فهل الكفر إلا هذا نعوذ بالله العظيم أن يمر بأوهامنا فكيف أن نعتقده.

[58] **Translator’s note (L1639):** “Modes of recitation” renders ahruf; “readings” renders qira’at. These distinct terms are retained throughout. The quoted verse is Quran 2:234. Its placement in this report appears erroneous: the exchange about retaining an abrogated verse ordinarily concerns 2:240. The supplied verse and the report’s claim have both been preserved. The names “Yazid ibn Rabi‘” and “Ibn Mulayka” reproduce the supplied forms; they have not been silently expanded or corrected. The source uses the dual pronoun in “she sent them both,” although the antecedent is the plural “sheets.” The wording introducing Ibrahim’s report contains a redundant transmission formula; all identifiable links in the chain have been preserved.

[59] **Translator’s note (L1641):** The source names the transmitter as “Abu Layla”; this has not been changed to “Ibn Abi Layla.” The ending of the seven-modes report, “قرؤوا عليه فقد أصابوا,” is syntactically abrupt and lacks an explicit expression meaning “whichever.” Its singular pronoun and supplied wording are retained in the translation. In the report about Hisham, the source reads “اقرأ القراءة التي سمعته يقرأ,” literally making “the reading that I heard him recite” part of the command. This appears to contain a quotation or transcription error, possibly omitting words introducing Hisham’s recitation. The supplied wording has been translated without silently restoring that missing action.

[60] **Hadith references (L1639):** Sahih al-Bukhari 4530.

[61] **Qur’an references (L1639):** Qur’an 2:234 (Al-Baqarah).

this not an outright objection against Allah, mighty and majestic, together with declaring His Messenger ﷺ untruthful? What is unbelief if not this? We seek refuge in Allah the Magnificent from its even passing through our minds, let alone our believing it.

L1644 Moreover, Allah Most High gave us those modes of recitation (aḥruf) as a distinction conferred upon us. Yet someone who does not grasp what he is saying declares that this distinction has ceased to exist. The calamity, then, has indeed befallen us! Far be Allah above this! Abu Muhammed said: I drew the attention of Makki ibn Abi Talib, the Quran reciter—may Allah have mercy on him—to this matter. On one occasion he followed this corrupt course, but when I showed him what it entailed, he retracted it. On another occasion he stated the truth concerning it, just as you say. And on another occasion he told me: "Whatever of the seven modes accords with the written form of the codex remains, while whatever of them conflicts with the written form of the codex has been withdrawn." I told him: "The calamity you fled from in the withdrawal of the seven modes remains to its corresponding extent when you allow the withdrawal of a single vowel marking from among all seven modes, let alone anything more than that. Furthermore, on what grounds did observing the written form of the codex become obligatory? It was not something taught by the Messenger of Allah, since he was unlettered, neither reading nor writing. Following the practice of anyone below him, without an express instruction from him—peace be upon him—provides no authoritative proof and need not be accepted. I have established the authenticity of the reading transmitted through Abu 'Amr ibn al-'Ala' al-Tamimi, with its chain traced back to the Messenger of Allah—may Allah bless him and grant him peace ﷺ—'Indeed, these two are surely sorcerers.' It conflicts with the written form of the codex, yet no Muslim has ever rejected it."[62][63]

وأيضا فإن الله تعالى آتانا تلك الأحرف فضيلة لنا، فيقول من لا يحصل ما يقول: إن تلك الفضيلة بطلت فالبلية إذا قد نزلت، حاشا لله من هذا. قال أبو محمد: ولقد وقفت على هذا مكي بن أبي طالب المقرىء رحمه الله، فمرة سلك هذه السبيل الفاسدة فلما وقفته على ما فيها رجع، ومرة قال بالحق في ذلك كما تقول، ومرة قال لي: ما كان من الأحرف السبعة موافقا لخط المصحف فهو باق، وما كان منها مخالفا لخط المصحف فقد رفع، فقلت له: إن البلية التي فررت منها في رفع السبعة الأحرف باقية بحسبها، في إجازتك رفع حركة واحدة من حركات جميع الأحرف السبعة أكثر من ذلك، فمن أين وجب أن يراعى خط المصحف، وليس هو من تعليم رسول الله لأنه كان أميا لا يقرأ ولا يكتب واتباع عمل من دونه من غير توقيف منه عليه السلام لا حجة فيه، ولا يجب قبوله، وقد صحت القراءة من طريق أبي عمرو بن العلاء التميمي مسنده إلى رسول الله صلى الله عليه وسلم {إن هذان لساحران} وهو خلاف خط المصحف وما أنكرها مسلم قط

فاضطرب وتلجلج. قال أبو محمد: وقد قال بعض من خالفنا في هذا إن الذين كانوا على عهد رسول الله صلى الله عليه وسلم كانوا عربا يصعب على كل طائفة منهم القراءة بلغة غيرهم، فلذلك فسح لهم في القراءة على أحرف شتى من بعدهم كذلك، فقلنا:

[62] **Translator's note (L1644):** The quoted Quranic wording is written here without vowel marks, so the particular grammatical reading being invoked cannot be fully represented from this transcription alone. The author's claim that it conflicts with the codex's written form has been preserved.

[63] **Qur'an references (L1644):** Qur'an 20:63 (Taha).

L1645–1652

He became unsettled and faltered. Abu Muhammed said: Some who disagree with us on this matter have said: "Those who lived in the time of the Messenger of Allah—may Allah bless him and grant him peace ﷺ—were Arabs, and each group found it difficult to recite in the dialect of the others. They were therefore permitted latitude to recite according to various modes; those who came after them were likewise." We said: These people have lied twice: once about Allah Most High, and a second time about all people—a blatant, public lie concealed from no one. Their lie about Allah, Mighty and Majestic, consists in their reporting that He Most High only caused it to be recited according to various modes because of the difficulty a tribe experienced in moving to another tribe's dialect. Who, then, informed them of this on Allah Most High's authority: that it was for this reason that He decreed what He Most High is authentically established to have decreed? Would anyone possessing religion or a modicum of reason permit himself such a thing? Can Allah Most High's intention in this be known except through a report coming from Him, Mighty and Majestic? O Allah, we seek Your protection from such headlong plunging from a height into destruction! Whoever reports another's intention without that other having disclosed to him what is within himself is undoubtedly a liar. And lying about Allah Most High is graver than lying about His creatures. As for their lying about people, everyone knows through observation that the difficulty experienced by a non-Arab Muslim—from among the Turks, Persians, Romans, Nabataeans, Copts, Berbers, Daylamites, Kurds, and all the other peoples of the non-Arabs—in reciting in the language of the Arabs, in which the Quran was revealed, is undoubtedly harder to overcome than the difficulty of a Yemeni reciting in the dialect of someone from Mudar, or someone from Rabi'ah in the dialect of someone from Quraysh. And an Arab's learning the dialect of an Arab tribe other than his own is undoubtedly more attainable and easier than a non-Arab's learning Arabic. The situation now is many times more difficult than it was then. The need for the modes to remain now is therefore greater than it was then, according to the position of those who take lying lightly in the explanatory grounds they extract in support of their error, and because of their uncritical adherence to someone who erred, deliberately pursuing what contradicts the truth, and because of their following him; "and he has a

كذب هؤلاء مرتين، إحداهما على الله تعالى، والثانية على جميع الناس، كذبا مفضوحا جهارا لا يخفى على أحد. أما كذبهم على الله عز وجل فإخبارهم بأنه تعالى إنما جعله يقرأ على أحرف شتى لأجل صعوبة انتقال القبيلة إلى لغة غيرها، فمن أخبرهم بها عن الله تعالى أنه من أجل ذلك حكم بما صح أنه تعالى حكم به، وهل يستجيز مثل هذا ذو دين أو مسكة عقل؟ وهل يعلم مراد الله تعالى في ذلك إلا بخبر وارد من عنده عز وجل؟ اللهم عياذك من مثل هذا الترامي من حالق إلى المهالك. ومن أخبر عن مراد غيره بغير أن يطلعه ذلك المخبر عنه على ما في نفسه، فهو كاذب بلا شك، والكذب على الله تعالى أشد من الكذب على خلقه. وأما كذبهم على الناس، فبالمشاهدة يدري كل أحد صعوبة القراءة على الأعجمي المسلم من الترك والفرس والروم والنبط والقبط والبربر والديلم والأكراد وسائر قبائل العجم بلغة العرب التي بها نزل القرآن، أشد مراما من صعوبة قراءة اليماني على لغة المضري والربعي على لغة القرشي بلا شك، وأن تعلم العربي للغة قبيلة من العرب غير قبيلته أمكن وأسهل من تعلم الأعجمي للعربية بلا شك، والأمر الآن أشد مما كان حينئذ أضعافا مضاعفة، فالحاجة إلى بقاء الأحرف الآن، أشد منها حينئذ، على قول المستسهلين للكذب، في عللهم التي يستخرجونها نصرا لضلالهم، ولتقليدهم من غلط قاصد إلى خلاف الحق ولاتباعهم، وله عالم قد حدروا عنها، ونسأل الله تعالى العصمة والتوفيق. وبرهان كذبهم في دعواهم المذكورة أنه لو كان ما قالوه حقا، لم يكن لاقتضاء نزوله على سبعة أحرف معنى: بل كان الحكم أن تطلق كل قبيلة على لغتها، وبرهان آخر على كذبهم في ذلك أيضا أن المختلفين في الخبر المذكور الذي أوردناه آنفا أنهما قرآ سورة الفرقان بحرفين مختلفين كانا جميعا بني عم قرشيين من قريش البطاح من قبيلة واحدة جاران ساكنان في مدينة واحدة، وهي مكة، لغتهما واحدة وهما عمر بن الخطاب بن نفيل بن عبد العزى بن رياح بن عبد

scholar; they have descended from it." We ask Allah Most High for protection and success. The demonstration of their lying in the aforementioned claim is that, if what they said were true, there would be no point in requiring its revelation according to seven modes. Rather, the ruling would have been that each tribe be given unrestricted permission to use its own dialect. Another demonstration of their lying about this is that the two men who disagreed in the aforementioned report—which we cited a little earlier, stating that they recited Surat al-Furqan according to two different modes—were both cousins from Quraysh, from Quraysh al-Bitah, of a single tribe, neighbors living in a single city, namely Mecca, and speaking a single dialect. They were ʻUmar ibn al-Khattab ibn Nufayl ibn ʻAbd al-ʻUzza ibn Riyah ibn ʻAbd Allah ibn Qurayz ibn Razah ibn ʻAdi ibn Kaʻb, and Hisham ibn Hakim ibn Hizam ibn Khuwaylid ibn Asad ibn ʻAbd al-ʻUzza ibn Kilab ibn Murrah ibn Kaʻb. Both lineages converge at Kaʻb ibn Luʼayy, with only eight forefathers between each of them and Kaʻb ibn Luʼayy. Thus the falsehood of anyone claiming that the difference between the modes arose solely from differences between the dialects of the Arab tribes has become apparent. Your Lord insists upon establishing the truth, nullifying falsehood, and exposing the liar's lie. We seek refuge in Allah the Magnificent from error and partisan attachment to what is mistaken. Abu Muhammed said: Others among them have said: "The seven modes according to which the Quran was revealed are simply promise, threat, and ruling"; and they continued adding to this classification until they reached seven meanings. Abu Muhammed said: Those who adhere uncritically to others are like drowning people: whatever they find, they cling to. Abu Muhammed said: The falsehood of this statement is more apparent than the sun, because the report of Ubayy that we mentioned and the report of ʻUmar that we cited both testify to its falsehood, informing us that the modes consist solely in differences in the wording of the readings, without altering the Quran. It is impermissible to say of these divisions we have mentioned: "Whichever mode they recite according to, they have recited correctly." Moreover, they have no stronger claim to their classification than another person who confined himself to the primary principles of discourse and divided the Quran into only three divisions: report, determination, and command prescribing revealed law, placing promise and threat under the

الله بن قريظ بن رزاح بن عدي بن كعب، وهشام بن حكيم بن حزام بن خويلد بن أسد بن عبد العزى بن كلاب بن مرة بن كعب، ويجتمعان جميعا في كعب بن لؤي بين كل واحد منهما وبين كعب بن لؤي ثمانية آباء فقط فظهر كذب من ادعى أن اختلاف الأحرف إنما كان لاختلاف لغات قبائل العرب وأبى ربك إلا أن يحق الحق، ويبطل الباطل، ويظهر كذب الكاذب، ونعوذ بالله العظيم من الضلال والعصبية للخطأ. قال أبو محمد: وقال آخرون منهم: الأحرف السبعة التي أنزل القرآن عليها إنما هي وعد ووعيد وحكم، وزادوا من هذا التقسيم حتى بلغوا سبعة معان. قال أبو محمد: المقلدون كالغرقى، فأي شيء وجدوه تعلقوا به. قال أبو محمد: وكذب هذا القول أظهر من الشمس، لأن خبر أبي الذي ذكرنا وخبر عمر الذي أوردناه شاهدان بكذبه، مخبران بأن الأحرف إنما هي اختلاف ألفاظ القراءات لا تغير القرآن، ولا يجوز أن يقال في هذه الأقسام التي ذكرنا أيما حرف قرؤوا عليه فقد أصابوا، وأيضا فإنهم ليسوا في تقسيمهم هذا بأولى من آخر اقتصر على مبادىء الكلام الأول، فجعل القرآن ثلاثة أقسام فقط: خبرا، وتقديرا، وأمرا بشرع، وجعل الوعد والوعيد تحت قسم الخبر، ولا هم أيضا بأولى من آخر قسم الأنواع التي في اشخاص المعاني، فجعل القرآن أقساما كثيرة أكثر من عشرة فقال: فرض وندب ومباح ومكروه وحرام ووعد ووعيد، والخبر عن الأمم السالفة، وخبر عما يأتي من القيامة والحساب، وذكر الله تعالى وأسمائه، وذكر النبوة، ونحو هذا، فظهر فساد هذا، وأيضا فإن هذه الأقسام التي ذكروا هي في قراءة عمر، كما هي في قراءة هشام بن حكيم ولا فرق، فهذا بيان زائد في كذب هذا التقسيم. قال أبو محمد: فإن ذكر ذاكر الرواية الثابتة بقراءات منكرة صحت عن طائفة من الصحابة رضي الله عنهم، مثل ما روي عن أبي بكر الصديق رضي الله عنه: {وجاءت سكرة الموت بالحق ذلك ما كنت منه تحيد} ومثل ما صح عن عمر رضي الله عنه من قراءة {صراط لذين أنعمت عليهم غير لمغضوب عليهم ولا لضآلين}

division of report. Nor do they have a stronger claim than another person who classified the kinds found within particular instances of meanings, dividing the Quran into numerous divisions, more than ten, saying: obligation, recommendation, the permissible, the reprehensible, the forbidden, promise, threat, reporting about bygone nations, reporting about what is to come of the Resurrection and the reckoning, mentioning Allah Most High and His names, mentioning prophethood, and the like. The unsoundness of this has therefore become apparent. Moreover, these divisions they mentioned occur in 'Umar's reading just as they occur in Hisham ibn Hakim's reading, without any difference. This is additional clarification of the falsehood of this classification. Abu Muhammed said: If someone mentions the established transmission of objectionable readings authentically attributed to a group of the Companions—may Allah be pleased with them—such as what is related from Abu Bakr al-Siddiq—may Allah be pleased with him—"And the stupor of death has come with the truth: that is what you used to evade"; or such as the authentically transmitted reading of 'Umar—may Allah be pleased with him—"The path of those upon whom You have bestowed favor, other than those who have incurred wrath, nor those who go astray"; or that Ibn Mas'ud—may Allah be pleased with him—did not count the two surahs of seeking refuge as part of the Quran, whereas Ubayy—may Allah be pleased with him—counted the supplication of qunūt as part of the Quran, and similar things: we say that all this stops at the person from whom it is related; absolutely none of it is transmitted from the Prophet—may Allah bless him and grant him peace ﷺ. We do not deny that anyone below the Messenger of Allah—may Allah bless him and grant him peace ﷺ—can err; indeed, we have proclaimed this loudly. There is no authoritative proof in what is related from anyone below him—peace be upon him. Allah Most High has neither imposed upon us obedience to that person, nor commanded us to act upon it, nor undertaken to preserve it. Error therefore occurs in it, whether originating with a Companion or someone below him who transmitted from a Companion or a Successor. None of this constitutes an objection against us. Success comes through Allah Most High. This objection binds only those who advocate uncritical adherence to a Companion in preference to what is authentically established from the Messenger of Allah—may Allah bless him

ومن أن ابن مسعود رضي الله عنه لم يعد المعوذتين من القرآن، وأن أبيا رضي الله عنه كان يعد القنوت من القرآن ونحو هذا. قلنا: كل ذلك موقوف على من روى عنه شيء ليس منه عن النبي صلى الله عليه وسلم البتة ونحن لا ننكر على من دون رسول الله صلى الله عليه وسلم الخطأ فقد هتفنا به هتفا ولا حجة فيما روي عن أحد دونه عليه السلام، ولم يكلفنا الله تعالى الطاعة له ولا أمرنا بالعمل به، ولا تكفل بحفظه، فالخطأ فيه واقع فيما يكون من الصاحب فمن دونه ممن روى عن الصاحب والتابع، ولا معارضة لنا بشيء من ذلك، وبالله تعالى التوفيق. وإنما تلزم هذه المعارضة، من يقول بتقليد الصاحب على ما صح عن رسول الله صلى الله عليه وسلم وعلى القرآن فهم الذين يلزمهم التخلص من هذه المذلة، وأما نحن فلا، والحمد لله رب العالمين، إلا خبرا واحدا وهو الذي رويناه من طريق النخعي والشعبي، كلاهما عن علقمة بن مسعود وأبي الدرداء كلاهما عن رسول الله صلى الله عليه وسلم أنه أقرأهما {والليل إذا يغشى * والنهار إذا تجلى * وما خلق الذكر والأنثى}

and grant him peace—and in preference to the Quran. They are the ones obliged to extricate themselves from this humiliation; we are not. Praise belongs to Allah, Lord of all worlds. There is, however, one report: the one we transmitted through al-Nakhaʿi and al-Shaʿbi, both from ʿAlqamah ibn Masʿud and Abu al-Darda', both from the Messenger of Allah—may Allah bless him and grant him peace ﷺ—that he taught them both to recite: "By the night when it envelops, and by the day when it becomes manifest, and by what created the male and the female."[64][65][66][70]

L1653–1655 Abu Muhammed said: This is an authentic report with a continuous chain of transmission to the Prophet ﷺ. Abu Muhammed said: However, the two constitute an abrogated reading, because the well-known reading of ʿAsim, transmitted from Zirr ibn Hubaysh, from Ibn Masʿud, from the Prophet ﷺ,

قال أبو محمد وهذا خبر صحيح مسند عن النبي صلى الله عليه وسلم قال أبو محمد إلا أنهما قراءة منسوخة لأن قراءة عاصم المشهورة المأثورة عن زر بن حبيش عن ابن مسعود عن النبي صلى الله عليه وسلم وقراءة ابن عامر مسندة إلى أبي الدرداء عن رسول الله صلى الله عليه وسلم فيهما جميعا {وما خلق لذكر ولأنثى} فهي زيادة لا يجوز تركها وأنبأنا يونس بن عبد الله بن مغيث القاضي قال: حدثنا يحيى بن مالك بن عابد الطرطوشي، أخبرنا الحسن بن أحمد بن أبي خليفة، أخبرنا أبو جعفر أحمد بن محمد الطحاوي، نا إبراهيم بن أبي داود، نا حفص بن عمر الحوضي، نا أيوب السختياني، عن أبي قلابة، عن أنس بن مالك قال: اختلفوا في القراءات على عهد عثمان بن عفان، حتى اقتتل الغلمان والمعلمون، فبلغ ذلك عثمان فقال: عندي تكذبون به وتختلفون فيه، فما تأبى عني كان أشد تكذيبا وأكثر لحنا، يا صحابة محمد: اجتمعوا فاكتبوا للناس، قال: فكتبوا قال: فحدثني أنهم كانوا إذا تراودوا في آية قالوا هذه أقرأها رسول الله صلى الله عليه وسلم فلانا فيرسل إليه وهو على ثلاثة من المدينة فيقول كيف أقرأك رسول الله صلى الله عليه وسلم فيقول كذا وكذا فيكتبونها وقد تركوا لها مكانا. قال أبو محمد: فهذه صفة عمل عثمان رضي الله عنه، بحضرة الصحابة رضي الله عنهم في نسخ المصاحف، وحرق ما حرق منها مما غير عمدا وخطأ، ومن العجب أن جمهرة من المعارضين لنا، وهم المالكيون، قد صح عن صاحبهم ما ناه المهلب بن أبي صفرة

[64] **Translator's note (L1645):** The clause rendered "those who came after them were likewise" contains no negation in the supplied text. Its relationship to the opponent's argument is awkward; a missing negation is possible, but none has been supplied in translation.

[65] **Translator's note (L1647):** The sequence beginning "and because of their following him" and continuing through "and he has a scholar; they have descended from it" is apparently corrupt. The latter words give a tentative literal rendering of an incoherent passage; its intended syntax and meaning cannot be securely recovered from the supplied text.

[66] **Translator's note (L1648):** The genealogy and the assertion about the number of intervening forefathers are reproduced as supplied, including the name Qurayz.

[67] **Translator's note (L1650):** "Determination" renders taqdīr as supplied. Its intended technical sense in this classification is uncertain; the text has not been emended to another term.

[68] **Translator's note (L1651):** The quotation attributed to Abu Bakr appears here in the familiar wording of Quran 50:19, although it is introduced as an objectionable reading. This apparent quotation problem has not been repaired. The quotation attributed to 'Umar writes the words corresponding to "those," "those who have incurred wrath," and "those who go astray" with unusual omissions of initial alifs. The English conveys the recoverable meaning; it cannot reproduce these orthographic or pronunciation differences.

[69] **Translator's note (L1652):** The chain names "'Alqamah ibn Masʿud" as supplied; this appears to conflate or omit names, but it has not been corrected. The quotation includes "and by what created," although the following context treats the reported reading as abrogated because of the addition of those words in other transmissions. This apparent quotation error has been preserved.

[70] **Qur'an references (L1645):** Qur'an 50:19 (Qaf); Qur'an 92:1 (Al-Layl); Qur'an 92:2 (Al-Layl); Qur'an 92:3 (Al-Layl).

and the reading of Ibn ʿAmir, transmitted with a chain to Abu al-Darda', from the Messenger of Allah ﷺ, both contain: {And that which created the male and the female}. This is an addition that may not be omitted. Yunus ibn ʿAbd Allah ibn Mughith, the judge, informed us, saying: Yahya ibn Malik ibn ʿAbid al-Turtushi related to us; al-Hasan ibn Ahmad ibn Abi Khalifah informed us; Abu Jaʿfar Ahmad ibn Muhammed al-Tahawi informed us; Ibrahim ibn Abi Dawud related to us; Hafs ibn ʿUmar al-Hawdi related to us; Ayyub al-Sakhtiyani related to us, from Abu Qilabah, from Anas ibn Malik, who said: They disagreed over the readings during the time of ʿUthman ibn ʿAffan, until the boys and the teachers fought one another. This reached ʿUthman, who said: In my presence you deny it and disagree over it; those farther away from me must be more vehement in denial and more frequent in faulty recitation. O Companions of Muhammed, assemble and write it out for the people. He said: So they wrote it out. He said: He related to me that whenever they discussed a verse with one another, they would say: The Messenger of Allah ﷺ taught so-and-so to recite this. They would send for him, though he was three days' journey from Medina, and ask: How did the Messenger of Allah ﷺ teach you to recite it? He would say: In such-and-such a way. They would then write it down, having left a space for it. Abu Muhammed said: This describes what ʿUthman, may Allah be pleased with him, did in the presence of the Companions, may Allah be pleased with them, in copying the Quran codices and burning those of them that he burned, containing alterations made deliberately or by mistake. It is astonishing that a large body of our opponents, namely the Malikis, have an authentically transmitted report from their master, which al-Muhallab ibn Abi Sufrah al-Asadi al-Tamimi related to us. He said: Ibn Munas related to us; Ibn Masrur related to us; Yahya related to us; Yunus ibn ʿAbd al-Aʿla related to us; Ibn Wahb related to us: Ibn Anas related to me, saying: ʿAbd Allah ibn Masʿud taught a man to recite: {Indeed, the tree of Zaqqum * is the food of the sinful}. The man kept saying: The food of the orphan. Ibn Masʿud therefore said to him: The food of the wicked. Ibn Wahb said: I said to Malik: Do you consider that one may recite it in this way? He said: Yes, I consider that permissible. Malik was then asked: Do you consider that one may recite something like what ʿUmar ibn al-Khattab recited: 'Then proceed to the remembrance of Allah'? Said

الأسدي التميمي، قال ابن مناس: نا ابن مسرور، نا يحيى، نا يونس بن عبد الأعلى، نا ابن وهب، حدثني ابن أنس قال أقرأ عبد الله بن مسعود رجلا {إن شجرة لزقوم * طعام لأثيم} فجعل الرجل يقول طعام اليتيم فقال له ابن مسعود: طعام الفاجر. قال ابن وهب: قلت لمالك: أترى أن يقرأ كذلك؟ قال: نعم أرى ذلك واسعا فقيل لمالك: أفترى أن يقرأ بمثل ما قرأ عمر بن الخطاب فامضوا إلى ذكر الله قال مالك ذلك جائز قال رسول الله صلى الله عليه وسلم أنزل القرآن على سبعة أحرف فاقرؤوا منه ما تيسر مثل: تعلمون يعلمون، قال مالك: لا أرى في اختلافهم في مثل هذا بأسا، ولقد كان الناس ولهم مصاحف، والستة الذين أوصى لهم عمر بن الخطاب كانت لهم مصاحف. قال أبو محمد: فكيف يقولون مثل هذا؟ أيجيزون القراءة هكذا فلعمري لقد هلكوا وأهلكوا، وأطلقوا كل بائقة في القرآن أو يمنعون من هذا، فيخالفون صاحبهم في أعظم الأشياء وهذا إسناد عنه في غاية الصحة وهو مما أخطأ فيه مالك مما لم يتدبره، لكن قاصدا إلى الخير، ولو أن أمرا ثبت على هذا وجازه بعد التنبيه له على ما فيه، وقيام حجة الله تعالى عليه في ورود القرآن بخلاف هذا لكان كافرا، ونعوذ بالله من الضلال. قال أبو محمد: فبطل ما قالوه في الإجماع بأوضع بيان والحمد لله رب العالمين

Malik: That is permissible. The Messenger of Allah ﷺ said: 'The Quran was sent down in seven forms of recitation (ahruf), so recite whatever of it is easy,' such as 'you know' and 'they know.' Malik said: I see no harm in their differing over something like this. People indeed had Quran codices, and the six men for whom 'Umar ibn al-Khattab made testamentary provision had Quran codices. Abu Muhammed said: How, then, can they say something like this? Do they permit recitation in this way? By my life, they have indeed perished, caused others to perish, and given free rein to every outrage against the Quran! Or do they prohibit this, thereby opposing their master in the gravest of matters? This chain of transmission from him is of the highest authenticity. This is among Malik's errors, among the things he did not consider carefully, though he intended good. If a man persisted in this and permitted it after his attention had been drawn to what it entails, and after Allah Most High's proof had been established against him that the Quran has come down otherwise, he would be an unbeliever. We seek refuge in Allah from misguidance. Abu Muhammed said: Thus what they said concerning

consensus has been invalidated by the plainest exposition. Praise be to Allah, Lord of all worlds.[717273]

L1656 **[Chapter concerning those who say that whatever is not known to be disputed constitutes consensus, and an extended discussion of what constitutes consensus and what does not]**

L1657–1661 Abu Muhammed said: We have previously mentioned the two categories of consensus, apart from which there is absolutely no consensus in the world. They are: either something without belief in which a person cannot be a Muslim, such as testifying that there is no god but Allah and that Muhammed is the Messenger of Allah, and disavowing every religion that contradicts the religion of Islam; likewise the Quran as a whole, the five prayers, and fasting the month of Ramadan. For no believer nor unbeliever doubts that the Messenger of Allah ﷺ called people to this testimony, accorded the designation of Islam and its legal status to whoever responded to his call to

[71] **Translator's note (L1653):** The opening dual pronoun, literally 'the two,' refers back to the preceding discussion of transmitted readings. The preceding context as supplied already includes 'and that which created the male and the female,' which makes the claim that these words are an addition to the earlier reading appear inconsistent. The supplied quotation has been retained. The wording فما تأبى عني is obscure and appears corrupt. 'Those farther away from me' is a contextual interpretation. 'Three days' journey' interprets the elliptical phrase 'at three from Medina'; the unit of distance or travel time is not stated. The Quran quotations have irregularly transcribed definite articles in لذكر, لزقوم, and لأثيم. They have been understood as 'the male,' 'Zaqqum,' and 'the sinful,' respectively.

[72] **Translator's note (L1654):** 'Then proceed' preserves the reported variant فامضوا; it has not been replaced with the familiar Quran wording فاسعوا, 'then hasten.' The final reporting formula continues into the next unit with the speaker's name, Malik.

[73] **Translator's note (L1655):** The examples 'you know' and 'they know' follow the prophetic quotation without explicit punctuation in the Arabic; their exact attribution is unclear. The supplied أمرا appears to be a defective spelling of امرأ, 'a man,' which is the reading reflected in the translation. The supplied بأوضع بيان literally suggests 'by the lowest exposition.' 'By the plainest exposition' reflects the likely intended بأوضح بيان; the apparent transcription error is flagged here rather than left unacknowledged.

[فصل فيمن قال ما لا يعرف فيه خلاف فهو إجماع، وبسط الكلام فيما هو إجماع، وفيما ليس إجماعا]

قال أبو محمد: قد ذكرنا قبل قسمي الإجماع الذي لا إجماع في العالم غيرهما أصلا، وهما: إما شيء لا يكون مسلما من لا يعتقده، كشهادة أن لا إله إلا الله وأن محمدا رسول الله، والبراءة من كل دين يخالف دين الإسلام، كجملة القرآن وكالصلوات الخمس وصوم شهر رمضان. فإنه لا يشك مؤمن ولا كافر في أن رسول الله صلى الله عليه وسلم دعا الناس إلى هذه الشهادة وحكم باسم الإسلام وحكمه لمن أجابه إليها، وحكم باسم الكفر وحكمه لمن لم يجبه إليه، وأن أهل الإسلام بعده عليه السلام جروا على هذا إلى يومنا هذا ولا يشك مؤمن ولا كافر في أنه صلى الله عليه وسلم صلى الصلوات الخمس بكل من حضره خمس مرات كل يوم وليلة، وصلاها النساء وأهل العذر في البيوت كذلك، وصلاها أهل كل محلة، وأهل كل قرية، وأهل كل محلة في كل مدينة فيها إسلام، في كل يوم من عهده عليه السلام إلى يومنا هذا، لا يختلفون في ذلك، وكذلك الأذان والإقامة والغسل من الجنابة والوضوء ولا يشك مؤمن ولا كافر في أنه صلى الله عليه وسلم صام شهر رمضان الذي بين شوال وشعبان في كل عام، وصامه كل مسلم بالغ حاضر من رجل أو امرأة معه وفي زمانه وبعده في كل مكان، وفي كل عام إلى يومنا هذا ولا يشك مؤمن ولا كافر في أنه صلى الله عليه وسلم حج إلى مكة في ذي الحجة وحج معه من لا يحصي عددهم إلا خالقهم عز وجل، ثم حج الناس إلى يومنا هذا كل عام إلى مكة في ذي الحجة. وهكذا جملة القرآن لا يشك مؤمن ولا كافر في أنه صلى الله عليه وسلم أتى به وذكر أن الله تعالى أوحاه

it, and accorded the designation of unbelief and its legal status to whoever did not respond to his call to it; and that the people of Islam after him, peace be upon him, have continued upon this until our present day. No believer or unbeliever doubts that he ﷺ performed the five prayers with everyone present with him, five times every day and night; that women and those with an excuse likewise performed them in their homes; and that the people of every locality, the people of every village, and the people of every quarter in every city in which Islam exists have performed them every day, from his time, peace be upon him, until our present day, without differing over this. The same applies to the call to prayer, the announcement that prayer is commencing, the full ritual washing following major ritual impurity, and ritual ablution No believer or unbeliever doubts that he ﷺ fasted the month of Ramadan, which lies between Shawwal and Shaʿban, every year; and that every adult Muslim who was resident, whether man or woman, fasted it with him, during his time and after him, in every place and every year until our present day. No believer or unbeliever doubts that he ﷺ made the pilgrimage to Mecca in Dhu al-Hijjah, and that people whose number none but their Creator, mighty and majestic, can count made the pilgrimage with him; then people continued making the pilgrimage to Mecca every year in Dhu al-Hijjah until our present day. The same applies to the Quran as a whole: no believer or unbeliever doubts that he ﷺ brought it and stated that Allah Most High had revealed it to him. The same applies to the prohibition of the mother, daughter, grandmother, maternal aunt, paternal aunt, sister, sister's daughter, brother's daughter, swine, carrion, and much besides this. Every believer and unbeliever therefore knows with certainty that he ﷺ made this known and taught it to the Muslims, and that Muslims have known it, generation after generation, in every age and every place, with certainty, except those whose ignorance is extreme and whom this has not reached, whether a Bedouin or someone brought from among the unbelievers. There is no disagreement that, if he learns it and assents to it, he is a Muslim, and if he does not assent to it, he is not a Muslim. Among some matters of this kind are things concerning which disagreement arose after consensus upon them had been soundly established and known with certainty, such as wine, armed religious struggle, and other things. Some people have held that one

إليه وكذلك تحريم الأم والابنة والجدة والخالة والعمة والأخت وبنت الأخت وبنت الأخ، والخنزير والميتة وكثير سوى هذا فقطع كل مؤمن وكافر أنه صلى الله عليه وسلم وقف عليه وعلمه المسلمين وعلمه المسلمون جيلا في كل زمان وكل مكان قطعا، إلا من أفرط جهله ولم يبلغه ذلك من بدوي أو مجلوب من أهل الكفر. ولا يختلف في أنه إذا علمه فأجاب إليه فهو مسلم، وإن لم يجب إليه فليس مسلما، وأن في بعض ما جرى هذا المجرى أمورا حدث فيها خلاف بعد صحة الإجماع وتيقنه عليها، كالخمر والجهاد وغير ذلك، فإن بعض الناس رأى ألا يجاهد مع أئمة الجور. وهذا يعذر لجهله وخطأه ما لم تقم عليه الحجة، فإن قامت عليه الحجة وتمادى على التدين بخلاف رسول الله صلى الله عليه وسلم فهو كافر مشرك حلال الدم والمال لقوله تعالى: {فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا تسليما} فإن قيل فقد قال رسول الله صلى الله عليه وسلم لا يزني الزاني حين يزني وهو مؤمن ولا يسرق السارق حين يسرق وهو مؤمن، ولا يشرب الخمر حين يشربها وهو مؤمن فهلا أخرجتم بهذه الأشياء من الإيمان كما أخرجتم من الإيمان بوجود الحرج مما قضى صلى الله عليه وسلم وترك تحكيمه قلنا لأنه صلى الله عليه وسلم أتى بالزاني والسارق والشارب فحكم فيهم بالحكم في المسلمين لا بحكم الكافر فخرجوا بذلك من الكفر، وبقي من لم يأت بإخراجه عن الكفر على الكفر، والخروج عن الإيمان كما ورد فيه النص، فهذا أحد قسمي الإجماع.

should not engage in armed religious struggle under unjust rulers. Such a person is excused on account of his ignorance and error so long as there has not been established against him the proof. If the proof has been established against him and he persists in professing a religious position contrary to the Messenger of Allah ﷺ, he is an unbeliever and a polytheist whose blood and property are lawful to take, because of His saying, Most High: {But no, by your Lord, they do not believe until they make you judge concerning what has arisen in dispute among them, then find within themselves no distress at what you have decided, and submit in full submission}. If it is said: The Messenger of Allah ﷺ said: 'The fornicator does not commit fornication while being a believer at the time he commits it; the thief does not steal while being a believer at the time he steals; and he does not drink wine while being a believer at the time he drinks it.' Why, then, have you not excluded people from faith on account of these things, just as you have excluded them from faith on account of finding distress at what he ﷺ decided and failing to make him judge? We say: Because the fornicator, thief, and drinker were brought before him ﷺ, and he passed judgment upon them according to the ruling applicable to Muslims, rather than the ruling applicable to an unbeliever. They were thereby excluded from unbelief, while whoever he did not exclude from unbelief remained in unbelief and outside faith, as the text states concerning him. This, then, is one of the two categories of consensus.[74][75][76][77]

والثاني: شيء يوقن بالنقل المتصل الثابت أن رسول الله صلى الله عليه وسلم علمه وفعله جميع من بحضرته ومن كان مستضعفا أو غائبا بغير حضرته، كفتح خيبر وإعطائه إياها بعد قسمتها على المسلمين لليهود على أن يعملوها بأموالهم وأنفسهم، ولهم نصف ما يخرج منها من زرع أو تمر، على أن المسلمين يخرجونهم متى شاؤوا. وهكذا كل ما جاء هذا المجيء، فهو إجماع مقطوع على صحته من كل مسلم علمه أو بلغه، على أنه قد خالف في هذا بعد ذلك من وهم أو خطأ، فعذر لجهله ما لم تقم عليه الحجة، وكما ذكرنا قبل ولا فرق فلا إجماع في الإسلام إلا ما جاء هذا المجيء، ومن ادعى

L1662–1667 The second is something known with certainty, through established, uninterrupted transmission, to have been taught by the Messenger of Allah ﷺ and put into practice by everyone in his presence, as well as those who were oppressed or absent from his presence. An example is the conquest of Khay-

[74] **Translator's note (L1659):** The prohibited female relatives are listed without explicitly saying 'marriage to'; the elliptical list is preserved. The supplied علمه المسلمون جيلا is syntactically awkward. 'Muslims have known it, generation after generation' reflects the apparent intended sense without treating the transmitted wording as unproblematic.

[75] **Translator's note (L1660):** The unvocalized أتى has been understood as the passive 'were brought before,' as required by the evident context.

[76] **Hadith references (L1657):** Sahih Muslim 57a.

[77] **Qur'an references (L1657):** Qur'an 4:65 (An-Nisa).

bar and his handing it over to the Jews, after dividing it among the Muslims, on condition that they cultivate it with their own property and labor and receive half of whatever crops or dates it produces, with the stipulation that the Muslims could expel them whenever they wished. Everything transmitted in this manner likewise constitutes a consensus whose validity is definitively established on the part of every Muslim who knew of it or to whom it reached. Nevertheless, someone who was mistaken or in error subsequently disagreed about this and was excused on account of his ignorance, so long as the proof had not been established against him, just as we mentioned previously; there is no difference. There is therefore no consensus in Islam except what comes in this manner. Whoever claims a consensus concerning anything other than what we have mentioned is a liar, a deceiver, fabricating accusations against all Muslims and attributing to them something of which he has no knowledge. The Exalted has said: {Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of these will be questioned about it.} The Exalted has also said, censuring people who said: {And when it was said, "Indeed, Allah's promise is true, and the Hour—there is no doubt about it," you said, "We do not know what the Hour is. We merely conjecture, and we possess no certainty."} The Exalted has said: {They are only names that you and your fathers have named, for which Allah has sent down no authority. They follow only conjecture and what their souls desire, although guidance has certainly come to them from their Lord.} And the Exalted has said: {They have no knowledge of it. They follow only conjecture, and conjecture avails nothing against the truth.} Thus it is established by the explicit wording of the speech of Allah the Exalted, from which no Muslim turns away, that conjecture is other than the truth. Since it is other than the truth, it is undoubtedly falsehood and a lie, for there is no possibility of a third category. The Messenger of Allah ﷺ said: "Beware of conjecture, for conjecture is the most lying form of speech." Abu Muhammed said: This is the truth that whoever hears it cannot deflect. Then, after the fourth century, a faction arose that cared little about what its tongues uttered concerning the religion of Allah the Exalted and gave no thought to what it reported concerning Allah, Mighty and Majestic, His Messenger ﷺ, or all Muslims, confining itself to the uncritical imitation of those who could

إجماعا فيما عدا ما ذكرنا فهو كاذب آفك مفتر على جميع المسلمين، قائل عليهم ما لا علم له به وقد قال تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} وقال تعالى ذاما لقوم قالوا {وإذا قيل إن وعد الله حق ولساعة لا ريب فيها قلتم ما ندري ما لساعة إن نظن إلا ظنا وما نحن بمستيقنين} وقال تعالى: {إن هي إلا أسمآء سميتموها أنتم وآبآؤكم ما أنزل الله بها من سلطان إن يتبعون إلا لظن وما تهوى لأنفس ولقد جآءهم من ربهم لهدى} وقال تعالى {وما لهم به من علم إن يتبعون إلا لظن وإن لظن لا يغني من لحق شيئا} فصح بنص كلام الله تعالى الذي لا يعرض عنه مسلم أن الظن هو غير الحق وإذ هو غير الحق فهو باطل وكذب بلا شك إذ لا سبيل إلى قسم ثالث وقال رسول الله صلى الله عليه وسلم إياكم والظن فإن الظن أكذب الحديث قال أبو محمد: فهذا هو الحق الذي لا يحيل عليه من سمعه، ثم حدث بعد القرن الرابع طائفة قلت مبالاتها بما تطلق به ألسنتها في دين الله تعالى، ولم تفكر فيما تخبر به عن الله عز وجل ولا عن رسوله صلى الله عليه وسلم ولا عن جميع المسلمين قصرا لتقليد من لا يغني عنهم من الله شيئا، من أبي حنيفة ومالك والشافعي رحمهم الله، الذين قد برئوا إليهم عما هم عليه من التقليد، فصاروا إذا أعوزهم شغب ينصرون به فاحش خطأهم في خلافهم نص القرآن ونص حكم رسول الله صلى الله عليه وسلم وبلحوا وبلدوا ونطحت أظفارهم في الصفا الصلد أرسلوها إرسالا فقالوا: هذا إجماع، فإذا قيل لهم: كيف تقدمون على إضافة الإجماع إلى من لم يروا عنه في ذلك كله؟ أما تتقون الله؟ قال أكابرهم: كل ما انتشر في العلماء واشتهر ممن قالته طائفة منهم، ولم يأت على سائر خلاف له، فهو إجماع منهم لأنهم أهل الفضل والذين أمر الله تعالى بطاعتهم، فمن المحال أن يسمعوا ما ينكرونه ولا ينكرونه، فصح أنهم راضون به، هذا كل ما موهوا به ما لهم متعلق

avail it nothing against Allah: Abu Hanifah, Malik, and al-Shafi'i—may Allah have mercy on them—who had expressly disavowed to these followers the uncritical imitation they practiced. Thus, whenever they lacked contentious argument with which to defend their egregious error in opposing the explicit wording of the Quran and the explicit ruling of the Messenger of Allah ﷺ, and were exhausted and bewildered, their fingernails striking against hard, smooth rock, they let the assertion fly unchecked and said: "This is a consensus." When they were asked, "How do you dare attribute consensus to people from whom you have transmitted nothing concerning any of this? Do you not fear Allah?" their leading figures said: "Anything that has spread among the scholars and become well known, having been stated by a group of them, and for which no disagreement has been reported from the remainder, constitutes their consensus. For they are people of merit and those whom Allah the Exalted has commanded us to obey. It is impossible that they should hear something they disapprove of without expressing their disapproval. It is therefore established that they approve of it." This is the whole of their deceptive argument; they have absolutely nothing else to cling to. That this is deception on their part is established by clear demonstrations containing no obscurity, which we shall present, if Allah, Mighty and Majestic, wills; His assistance we seek. Abu Muhammed said: The first thing we ask you is this: "Concerning this matter in which you know of no disagreement, is it possible that there is a dissenting view from a Companion, a Successor, or a scholar after them that has not reached you, or is that altogether impossible?" If they then say, "If a scholar makes this statement, it constitutes a consensus; if someone who is not a scholar makes it, it does not constitute a consensus," we say to them: "You have retreated one step, and our question still applies to that scholar, as appropriate to his case, exactly as we posed it." If they say, "Rather, it is possible that there is disagreement concerning this which has not reached that scholar," we say: "Then you have admitted to lying, since you asserted definitively that it was a consensus while nevertheless allowing that disagreement about it might exist." If they say, "Rather, it is possible that there is disagreement concerning this which has not reached that scholar," we say: "Then you have admitted to lying, since you asserted definitively that it was a consensus while nevertheless allowing that disagreement about

أصلا بغير هذا، وهذا تمويه منهم ببراهين ظاهرة لا خفاء بها، نوردها إن شاء الله عز وجل وبه نستعين. قال أبو محمد: أول ما نسألكم عنه أن نقول لكم، هذا لا تعلمون فيه خلافا، أيمكن أن يكون فيه خلاف من صاحب أو تابع أو عالم بعدهم لم يبلغكم أم لا يمكن ذلك البتة؟ فإن قالوا عند ذلك: إن قال هذا القول عالم كان ذلك إجماعا، وإن قاله غير عالم لم يكن ذلك إجماعا. قلنا لهم: قد نزلتم درجة وسؤالنا باق لذلك العالم بحسبه، كما أوردناه سواء بسواء، فإن قالوا: بل يمكن أن يكون في ذلك خلاف لم يبلغ ذلك العالم قلنا فقد أقررتم بالكذب إذ قطعتم بأنه إجماع وجوزتم مع ذلك أن يكون الخلاف فيه موجودا فإن قالوا بل يمكن أن يكون في ذلك خلاف لم يبلغ ذلك العالم قلنا فقد أقررتم بالكذب إذ قطعتم بأنه إجماع وجوزتم مع ذلك أن يكون الخلاف فيه موجودا فإن قالوا بل يمكن أن يكون في ذلك خلاف لم يبلغ ذلك العالم قلنا فقد أقررتم بالكذب إذ قطعتم بأنه إجماع وجوزتم مع ذلك أن يكون الخلاف فيه موجودا فإن قالوا بل لا يمكن أن يكون في ذلك خلاف. قلنا: ومن أين لكم بأن ذلك العالم أحاط بجميع أقوال أهل الإسلام؟ ونحن نبدأ لكم بالصحابة رضي الله عنهم فنقول: بالضرورة ندري يقينا لا مرية فيه بأنهم كانوا عشرات ألوف فقد غزا صلى الله عليه وسلم حنينا في اثني عشر ألف إنسان وغزا تبوك في أكثر من ذلك، وحج حجة الوداع في أضعاف ذلك، ووفد عليه من كل بطن من بطون قبائل العرب وفودا أسلموا وسألوه عن الدين، وأقرأهم القرآن، وصلوا معه، كلهم يقع عليه اسم الصحابة. ولقد تقصينا من روى عنه فتيا في مسألة واحدة فأكثر، فلم نجدهم إلا مائة وثلاثة وخمسين، بين رجل وامرأة فقط، مع شدة طلبنا في ذلك وتهممنا وليس منهم مكثرون إلا سبعة فقط وهم: عمر وابنه عبد الله، وعلي وابن عباس وابن مسعود وأم

it might exist." If they say, "Rather, it is possible that there is disagreement concerning this which has not reached that scholar," we say: "Then you have admitted to lying, since you asserted definitively that it was a consensus while nevertheless allowing that disagreement about it might exist." If they say, "Rather, it is impossible that there is any disagreement concerning this," we say: "How do you know that this scholar has encompassed all the statements of the people of Islam?" We shall begin for you with the Companions—may Allah be pleased with them—and say: We know necessarily, with a certainty admitting no doubt, that they numbered tens of thousands. He ﷺ campaigned at Hunayn with twelve thousand people, campaigned at Tabuk with more than that, and performed the Farewell Pilgrimage with several times that number. Delegations came to him from every subdivision of the Arab tribes; they embraced Islam, asked him about the religion, received instruction from him in reciting the Quran, and prayed with him. All of them fall under the designation of Companions. We have exhaustively investigated those from whom a legal opinion on one or more questions has been transmitted, and we have found only one hundred and fifty-three men and women, despite our intense search and attention to this matter. Of these, only seven gave a large number of legal opinions: ʻUmar, his son ʻAbd Allah, ʻAli, Ibn ʻAbbas, Ibn Masʻud, the Mother of the Believers ʻA'ishah, and Zayd

المؤمنين عائشة وزيد بن ثابت، والمتوسطون فهم ثلاثة عشر فقط، يمكن أن يوجد في فتيا كل واحد منهم جزء صغير.

ibn Thabit. Those who gave a moderate number are only thirteen; the legal opinions of each one of them could fill a small fascicle[7879808182]

L1668 Thus these number only twenty. The remainder gave very few: from some of them only a legal opinion on a single question has been transmitted, from others opinions on two questions or more. The legal opinions of all of them together would fill a single fascicle closer to small than large. Do you then suppose that all the others gave no legal opinion on even a single question? This, by Allah, is sheer lying, falsehood, and brazen fabrication. Then there is what Allah the Exalted has explicitly stated in His Quran: that groups of jinn embraced Islam. He said: {Say: It has been revealed to me that a company of jinn listened and said, "We have heard a wondrous Quran, which guides to right conduct, so we have believed in it, and we shall never associate anyone with our Lord."} The Exalted also said, reporting that they said: {Among us are the righteous, and among us are those otherwise; we have followed

فهؤلاء عشرون فقط، والباقون مقلون جدا، فيهم من لم يرو عنه إلا فتيا في مسألة واحدة فقط، ومنهم في مسألتين وأكثر من ذلك، يجتمع من فتيا جميعهم جزء واحد، هو إلى أصغر أقرب منه الكبر، أفترى سائرهم لم يفت ولا مسألة إلا هذا والله هو الكذب البحت والإفك والبهت، ثم ما قد نص الله تعالى في قرآنه من أن طوائف من الجن أسلموا قال {قل أوحي إلي أنه ستمع نفر من لجن فقالوا إنا سمعنا قرآنا عجبا * يهدي إلى لرشد فآمنا به ولن نشرك بربنآ أحدا} وقال تعالى حاكيا عنهم أنهم قالوا {وأنا منا لصالحون ومنا دون ذلك كنا طرآئق قددا} وأنهم قالوا {وأنا منا لمسلمون ومنا لقاسطون فمن أسلم فأولئك تحروا رشدا}

[78] **Translator's note (L1662):** The Quranic quotations contain recurrent omissions of alifs in words and articles. Their wording remains identifiable, and the English reflects that wording. In the quotation about the Hour, the supplied introductory wording says that Allah censures people 'who said,' although the quotation itself begins with what was said to them; this framing is preserved.

[79] **Translator's note (L1663):** The phrase 'cannot deflect' renders the unusual expression la yuhilu ʿalayhi. Its precise force here is uncertain; the context suggests that the hearer cannot evade or overturn this truth. The construction rendered 'confining itself to the uncritical imitation' is compressed in the Arabic and could also convey doing this solely for the sake of such imitation.

[80] **Translator's note (L1665):** The image of fingernails striking hard, smooth rock expresses the futility of their efforts; the physical image is retained. The wording rendered 'for which no disagreement has been reported from the remainder' is syntactically irregular in the supplied Arabic. This translation gives its apparent contextual sense without treating the reading as secure. The unvocalized verb in 'from whom you have transmitted nothing' is understood as referring to transmission, as the surrounding argument requires.

[81] **Translator's note (L1666):** The same exchange about the possibility of unreported disagreement occurs three times in succession in the supplied text. All three occurrences are preserved.

[82] **Qur'an references (L1662):** Qur'an 17:36 (Al-Isra); Qur'an 45:32 (Al-Jathiyah); Qur'an 53:23 (An-Najm); Qur'an 53:28 (An-Najm).

divergent ways.} And that they said: {Among us are those who submit, and among us are the unjust. Those who submit have sought right conduct.}[83][84]

L1669 It is also authentically established from the Prophet ﷺ that he reported that a delegation of jinn came to him, embraced Islam, pledged allegiance to him, and were taught the Quran by him. It is therefore established that among them are righteous, rightly guided Muslims who belong to the finest of the Companions. No Muslim denies this; whoever denies it has disbelieved, and his blood becomes lawful to shed. You people! Suppose you have dared to claim knowledge of the views of tens of thousands of human Companions, although not a word from them has reached you concerning the matters on which you claim their consensus. Do you suppose you can dare to claim the consensus of those Companions among the jinn concerning what, on the basis of your lying conjecture, you claim to be a matter of consensus? If the unjust among the devils of the jinn have emboldened you to do this, and you have submitted to them, the disgrace of your lying will surely be redoubled, and your falsehood will become plain to everyone, young and old. If, on the other hand, something restrains you from doing so, your claim of consensus will surely be invalidated. There is no escape from this, for, like the rest of the Companions, they are believers subject to commands and prohibitions, given promises and warnings; there is no difference. If they say, "Their revealed laws differ from our revealed laws," we say: "You have lied. Rather, our revealed laws and theirs are the same, because Allah the Exalted has affirmed the truth of their statement: {Among us are those who submit, and among us are the unjust. Those who submit have sought right conduct.} Islam is one, except where an authentic text establishes that a particular provision applies specifically to them, just as particular provisions also apply specifically to groups of human beings, such as Quraysh with respect to supreme leadership,

وصح عن النبي صلى الله عليه وسلم بأنه أخبر بأن وفدا من الجن أتوه وأسلموا وبايعوه وعلمهم القرآن، فصح أن منهم مسلمين صالحين راشدين من خيار الصحابة، هذا لا ينكره مسلم، ومن أنكره كفر وحل دمه، فيا هؤلاء هبكم جسرتم على دعوى العلم بقول عشرات ألوف من الناس من الصحابة وإن لم يبلغكم عنهم فيما ادعيتم إجماعهم عليه كلمة أتراكم يمكنكم الجسر على دعوى إجماع أولئك الصحابة من الجن على ما تدعون بظنكم الكاذب الإجماع عليه، لئن أقدمكم على ذلك القاسطون من شياطين الجن فانقدتم لهم لتضاعفن فضيحة كذبكم وليلوحن إفككم لكل صغير وكبير، ولئن ردعكم عن ذلك رادع ليبطلن دعواكم الإجماع. وهذا لا مخلص منه، فإنهم كسائر الصحابة، مأمورون منهيون، مؤمنون موعودون متوعدون، ولا فرق. فإن قالوا: إن شرائعهم غير شرائعنا قلنا: كذبتم، بل شرائعنا وشرائعهم سواء لتصديق الله تعالى لهم في قولهم {وأنا منا لمسلمون ومنا لقاسطون فمن أسلم فأولئك تحروا رشدا} والإسلام واحدا إلا ما جاء به نص صحيح بأنهم خصوا به، كما خصوا أيضا طوائف من الناس كقريش بالإمامة، وبني عبد المطلب بالخمس من الخمس، ونحو ذلك.

[83] **Translator's note (L1668):** The phrase rendered 'closer to small than large' is grammatically defective in the supplied text, but its intended comparison is apparent.

[84] **Qur'an references (L1668):** Qur'an 72:1 (Al-Jinn); Qur'an 72:2 (Al-Jinn); Qur'an 72:11 (Al-Jinn); Qur'an 72:14 (Al-Jinn).

the descendants of ʻAbd al-Muttalib with respect to a fifth of the fifth, and similar cases."[85][86]

L1670–1671

Then the age of the Companions—may Allah be pleased with them—passed, and the age of the Successors came. They filled the earth: the lands of Khurasan, comprising many great cities and villages that none but their Creator, mighty and majestic, can number; Kabul; Persia; Isfahan; al-Ahwaz; al-Jibal; Kirman; Sijistan; Makran; the lands of the Blacks; Iraq; Mosul; al-Jazira; Diyar Rabiʻa; Armenia; Azerbaijan; the Hijaz; Yemen; Syria; Egypt; the islands; Ifriqiya; the lands of the Berbers; and the land of al-Andalus. There was no large village among them without someone issuing legal opinions, and no city without people issuing legal opinions. So who is the ignorant man of little shame who claims to have enumerated the opinions of every person issuing legal opinions throughout all these lands, from the time they began issuing them until they died? Everyone necessarily knows that he is a liar, a fabricator, weak in religion and lacking in shame. Thus the claim of consensus is invalid, just as every alleged impossibility is invalid, except solely in the cases we mentioned previously. If they say, "A person merely says, 'This is consensus in my estimation,'" we reply: This statement of his amounts to no statement at all. For if it is consensus in his estimation but is not consensus in someone else's estimation, it is impossible for something simultaneously to be agreed upon and not agreed upon. Furthermore, his statement, "This is consensus in my estimation," is invalid because he is forbidden to assert his conjecture categorically. His statement means only that he conjectures there is consensus. Discussion of the prohibition against making categorical assertions on the basis of conjecture has already preceded. Allah Most High said, "When you receive it with your tongues and say with your mouths that of which you have no knowledge, and consider it a slight matter, while with Allah it is tremendous"—the verse. And He Most High said, "Here you are: you have disputed concerning that of which you have knowledge; why, then, do you dispute concerning that of which you have no knowledge? Al-

ثم انقضى عصر الصحابة رضي الله عنهم، وأتى عصر التابعين، فملؤوا الأرض بلاد خراسان وهي مدن عظيمة كثيرة وقرى لا يحصيها إلا خالقها عز وجل، وكابل، وفارس، وأصبهان، والأهواز، والجبال وكرمان وسجستان ومكران، والسودان، والعراق، والموصل، والجزيرة وديار ربيعة وأرمينية وأذربيجان والحجاز واليمن والشام، ومصر والجزائر وإفريقية وبلاد البربر، وأرض الأندلس ليس فيها قرية كبيرة إلا وفيها من يفتي، ولا فيها مدينة إلا وفيها مفتون، فمن الجاهل القليل الحياء المدعي إحصاء أقوال كل مفتي في جميع هذه البلاد، مذ أفتوا إلى أن ماتوا؟ إن كل واحد يعلم ضرورة أنه كذاب آفك ضعيف الدين، قليل الحياء فبطل دعوى الإجماع كما بطل كل محال مدعي إلا حيث ذكرنا قبل فقط. فإن قالوا: إنما يقول المرء: هذا إجماع عندي فقط، قلنا: قوله هذا كلا قول لأن الإجماع عنده إذا لم يكن إجماعا عند غيره، فمن الباطل أن يكون الشيء مجمعا عليه عند غير مجمع عليه معا. وأيضا فإن قوله: هذا إجماع عندي باطل لأنه منهي عن القطع بظنه، فمعنى قوله هذا إنما هو أنه يظن إجماع، وقد مضى الكلام في المنع من القطع بالظن، وقال تعالى: {إذ تلقونه بألسنتكم وتقولون بأفواهكم ما ليس لكم به علم وتحسبونه هينا وهو عند الله عظيم} الآية وقال تعالى {هأنتم هؤلاء حاججتم فيما لكم به علم فلم تحآجون فيما ليس لكم به علم والله يعلم وأنتم لا تعلمون} وهذا مالك يقول في موطئه إذ ذكر وجوب رد اليمين على المدعي إذا نكل المدعى عليه ثم قال: هذا ما لا خوف فيه عن أحد من الناس ولا في بلد من البلدان. قال أبو محمد: وهذه عظيمة جدا، وإن القائلين بالمنع من رد اليمين أكثر من القائلين بردها. ونا أحمد بن محمد بن الجسور، نا وهب بن مسرة، نا ابن وضاح، نا سحنون، نا ابن القاسم قال: نا مالك: ليس كل أحد يعرف أن اليمين ترد ذكر هذا في كتاب السرقة من المدونة.

[85] **Translator's note (L1669):** The supplied accusative form in 'Islam is one' is syntactically irregular; the apparent sense is retained. 'A fifth of the fifth' refers to a share within the one-fifth allocation of spoils; the nested fraction is preserved exactly as stated.

[86] **Qur'an references (L1669):** Qur'an 72:14 (Al-Jinn).

lah knows, and you do not know." Here is Malik, speaking in his Muwattaʾ when he mentions the obligation to transfer the oath to the claimant if the defendant declines to swear. He then says, "This is something concerning which there is no fear from anyone among the people, nor in any land." Abu Muhammed said: This is an exceedingly grave matter. Those who maintain that the oath must not be transferred are more numerous than those who maintain that it should be transferred. Ahmad ibn Muhammed ibn al-Jasur related to us; Wahb ibn Masarra related to us; Ibn Waddah related to us; Sahnun related to us; Ibn al-Qasim related to us, saying: Malik related to us, "Not everyone knows that the oath is transferred." He mentioned this in the Book of Theft in al-Mudawwana.[87][88][89]

L1672–1678 Here is al-Shafiʿi saying concerning the obligatory alms on cattle: "For thirty, a yearling calf; for forty, a two-year-old cow. I know of no disagreement concerning this." Yet disagreement on this matter transmitted from Jabir ibn ʿAbd Allah, Saʿid ibn al-Musayyab, Qatada, and Ibn al-Zubayr's officials in Medina, and then from Ibrahim al-Nakhaʿi and Abu Hanifa, is far too well known for anyone who engages in learning to be ignorant of it. They have very many other instances like this. However, whoever says, "I know of no disagreement," has spoken truthfully about himself and incurs no blame. Distress, disgrace, and the Fire fall only upon the person who ventures to lie openly and claims consensus when he knows of no disagreement. They have claimed that there is consensus that shortening the prayer over a distance of less than forty-six miles is invalid. By Allah, those among the Companions and the Successors who maintain that the prayer may be shortened over less

هذا الشافعي يقول في زكاة البقر: في الثلاثين تبيع، وفي الأربعين مسنة لا أعلم فيه خلافا، وإن الخلاف في ذلك عن جابر بن عبد الله، وسعيد بن المسيب وقتادة، وعمال ابن الزبير بالمدينة، ثم عن إبراهيم النخعي، وعن أبي حنيفة: لأشهر من أن يجهله من يتعاطى العلم، إلى كثير لهم جدا من مثل هذا إلا من قال لا أعلم خلافا، فقد صدق عن نفسه، ولا ملامة عليه، وإنما البلبلة والعار والنار على من أقدم على الكذب جهارا، فادعى الإجماع إذ لم يعلم خلافا. وقد ادعوا أن الإجماع على أن القصر في أقل من ستة وأربعين ميلا غير صحيح وبالله إن القائلين من الصحابة والتابعين بالقصر في أقل من ذلك لأكثر أضعافا من القائلين منهم بالقصر في ستة وأربعين ميلا ولو لم يكن لهؤلاء الجهال الذين لا علم لهم بأقوال الصحابة والتابعين، إلا الروايات عن مالك بالقصر في ستة وثلاثين ميلا، وفي أربعين ميلا، وفي اثنين وأربعين ميلا، وفي خمسة وأربعين ميلا، ثم قوله: من تأول فأفطر في ثلاثة أميال في رمضان لا يجاوزها فلا شيء عليه إلا القضاء فقط. وادعوا الإجماع على أن دية اليهودي والنصراني تجب فيها ثلث دية المسلم لا أقل، وهذا باطل. روينا عن الحسن البصري بأصح طريق أن ديتهما كدية المجوسي ثمانمائة درهم، وادعوا الإجماع أنه يقبل في القتل شاهدان. وقد

[87] **Translator's note (L1670):** Al-Sudan literally means "the Blacks" and here denotes their lands. Al-Jazaʾir literally means "the islands"; identifying it with the modern state of Algeria would impose a later geographical usage.

[88] **Translator's note (L1671):** The wording "agreed upon and not agreed upon" corresponds to a syntactically defective Arabic phrase containing an apparently intrusive عند; the intended opposition remains apparent. The quotation attributed to Malik reads لا خوف, "no fear," rather than the contextually expected لا خلاف, "no disagreement." The supplied reading is retained. The two Quranic quotations correspond to 24:15 and 3:66. The transcription contains orthographic defects in the expressions for "with Allah" and "Allah knows"; these do not materially obscure their meaning.

[89] **Qur'an references (L1670):** Qur'an 24:15 (An-Nur); Qur'an 3:66 (Ali 'Imran).

than that distance are many times more numerous than those among them who maintain that it may be shortened over forty-six miles. Even if these ignorant men, who have no knowledge of the opinions of the Companions and the Successors, had nothing but the reports from Malik permitting shortening over thirty-six miles, forty miles, forty-two miles, and forty-five miles, and then his statement, "Whoever, on the basis of an interpretation, breaks his fast during Ramadan on a journey of three miles, going no farther, owes nothing except making up the fast alone"— They have also claimed consensus that the blood money for a Jew or a Christian must be one-third of the blood money for a Muslim, and no less. This is false. We have transmitted from al-Hasan al-Basri, through a most sound chain, that the blood money for either of them is like that for a Magian: eight hundred dirhams. They have claimed consensus that two witnesses are admissible in a homicide case, whereas we have transmitted from al-Hasan al-Basri, through a most sound chain, that no fewer than four are admissible in a homicide case, just as in unlawful sexual intercourse. They have very many instances like this, such as their claim of consensus that five camels are obligatory compensation for a wound exposing the bone, and very many other things. Indeed, we have brought against Abu Hanifa, al-Shafiʿi, and Malik many hundreds of questions on which each of them expressed an opinion that we know of no Muslim having expressed before him. Marvel at this! They then said: "We say this only when an opinion has spread among the people and no objection to it from any scholar has been preserved. Only then do we say that it is consensus, because of what we have mentioned: that they acquiesce in what they disapprove of. It is just as we say concerning the adherents of al-Shafiʿi's school, the adherents of Malik's school, and the adherents of Abu Hanifa's school, even if this has not been transmitted to us from a single one of them, and just as we say this concerning the inhabitants of lands in which specious doctrines, the Rejecters, Muʿtazilism, and the doctrine of the Kharijites, or the school of Malik, al-Shafiʿi, or Abu Hanifa have become predominant, even if this has not been transmitted to us from every individual inhabitant." We said to them: You have not escaped from this statement—which is enough for you—one of them in your book and its end, except by means of two lies additional to your lie in claiming consensus, whose con-

روينا عن الحسن البصري بأصح طريق: أنه لا يقبل في القتل إلا أربعة كالزنى، ومثل هذا لهم كثير جدا، كدعواهم الإجماع على وجوب خمس من الإبل في الموضحة، وغير ذلك كثير جدا، ولقد أخرجنا على أبي حنيفة والشافعي ومالك مئين كثيرة من المسائل، قال فيها كل واحد منهم بقول، لا نعلم أحدا من المسلمين قاله قبله، فاعجبوا لهذا. فقالوا: إنما نقول ذلك، إذا انتشر القول في الناس فلم يحفظ عن أحد من العلماء إنكار ذلك، فحينئذ نقول: إنه إجماع لما ذكرنا من أنهم يقرون على ما ينكرون كما نقول في أصحاب مذهب الشافعي وأصحاب مذهب مالك وأصحاب مذهب أبي حنيفة، وإن لم يرو لنا ذلك عن واحد منهم، وكما نقول ذلك في أهل البلاد التي غلبت عليها الشبه والروافض، والاعتزال ومذهب الخوارج، أو مذهب مالك، أو الشافعي أو أبي حنيفة، وإن لم يرو لنا ذلك عن كل واحد من أهلها. قلنا لهم: لم تخلصوا من هذا القول الذي هو حسبكم واحد منهم في كتابكم وآخرها إلا على كذبتين زائدتين على كذبكم في دعوى الإجماع، كنتم في غنى عن اختفائهما إحداهما: قولكم إنكم تقولون ذلك إذا انتشر قول طائفة من الصحابة أو من بعدهم فقالوا ههنا: فمن هذا نسألكم من أين علمتم بانتشار ذلك القول؟ ومن أين قطعتم بأنه لم يبق صاحب من الجن والإنس إلا علمه؟ ولا يفتي في شرق الأرض ولا غربها عالم إلا وقد بلغه ذلك القول؟ فهذه أعجوبة ثانية، وسوأة من السوءات لا يجيزها إلا ممخرق يريد أن يطبق عين الشمس نصرا لتقليده، وتمشية لمقولته المنحلة عما قريب، ثم يندب حين لا تنفعها الندامة. والكذبة الأخرى قولكم: فلم ينكروها؟ فحتى لو صح لكم أنهم كلهم علموها، فمن أين قطعتم بأنهم لم ينكروها، وأنهم رضوها؟ وهذه طامة أخرى. ونحن نوجدكم أنهم قد علموا ما أنكروا، وسكنوا عن إنكاره لبعض الأمر. نا يحيى بن عبد الرحمن بن مسعود، نا أحمد بن دحيم بن خليل، نا إبراهيم بن حمادة نا إسماعيل بن إسحاق القاضي، نا علي بن عبد الله هو ابن المديني نا يعقوب بن إبراهيم بن سعد، نا أبي عن محمد بن

cealment you could have done without. The first is your statement that you say this when the opinion of a group of the Companions or those after them has spread. They then spoke here; on this basis we ask you: How did you know that this opinion had spread? How did you establish categorically that not a single Companion among jinn or humans remained without knowing it, and that no scholar issuing legal opinions in the east or west of the earth had failed to receive that opinion? This is a second marvel and one of the disgraces that none would countenance except a charlatan who wishes to shut the very eye of the sun in support of his uncritical adherence and to promote his position, which will soon unravel; then he will lament when regret for it is of no avail. The other lie is your statement, "They did not object to it." Even supposing it were established for you that they all knew of it, how did you establish categorically that they did not object to it and that they approved of it? This is another calamity. We shall show you that they knew of things they disapproved of, yet refrained from objecting to them for some reason. Yahya ibn ʿAbd al-Rahman ibn Masʿud related to us; Ahmad ibn Duhaym ibn Khalil related to us; Ibrahim ibn Hamada related to us; Ismaʿil ibn Ishaq the judge related to us; ʿAli ibn ʿAbd Allah—that is, Ibn al-Madini—related to us; Yaʿqub ibn Ibrahim ibn Saʿd related to us; my father related to us, from Muhammed ibn Ishaq, al-Zuhri, Muhammed ibn Muslim ibn Shihab, from ʿUbayd Allah ibn ʿAbd Allah ibn Masʿud, that he and Zufar ibn Aws ibn al-Hadathan came to ʿAbd Allah ibn ʿAbbas, who informed them of his position rejecting the proportional reduction of inheritance shares and his disagreement with ʿUmar ibn al-Khattab on that matter. He said: Zufar then asked him, "What prevented you, Ibn ʿAbbas, from advising him of this opinion?" He replied, "I was in awe of him." Hammam ibn Ahmad related to us; Ibn Mufarrij related to us; Ibn al-Aʿrabi related to us; al-Dabari related to us; ʿAbd al-Razzaq related to us, from Maʿmar, from Ibn Tawus, from his father, that Abu Ayyub al-Ansari used to perform two units of prayer after the afternoon prayer before ʿUmar's caliphate. When ʿUmar became caliph, he abandoned them, and when ʿUmar died, he performed those two units again. He was asked, "What is this?" He replied, "ʿUmar used to beat people for performing them." Jahm related to us; Ibn Mufarrij related to us; Ibn al-Aʿrabi, al-Dayri; ʿAbd al-Razzaq related to us, from Maʿmar: Hisham ibn

إسحاق الزهري محمد بن مسلم بن شهاب عن عبيد الله بن عبد الله بن مسعود أنه وزفر بن أوس بن الحدثان أتيا عبد الله بن عباس فأخبرهما بقوله في إبطال العول وخلافه لعمر بن الخطاب في ذلك، قال، فقال له زفر: فما منعك يا ابن عباس أن تشير عليه بهذا الرأي؟ قال: هبته. نا حمام بن أحمد، نا ابن مفرج، نا ابن الأعرابي، ثنا الدبري، نا عبد الرزاق، عن معمر، عن ابن طاوس، عن أبيه أن أبا أيوب الأنصاري كان يصلي قبل خلافة عمر ركعتين بعد العصر، فلما استخلف عمر تركهما، فلما توفي عمر ركعهما، قيل له، ما هذه؟ قال: إن عمر كان يضرب الناس عليهما. نا جهم، نا ابن مفرج، نا ابن الأعرابي الديري، نا عبد الرزاق، عن معمر، أخبرني هشام بن عروة، عن أبيه: أن يحيى بن عبد الرحمن بن حاطب، جاء عمر بن الخطاب بأمة سوداء كانت لحاطب، فقال: إن العتاقة أدركت وقد أصابت فاحشة وقد أحصنت، فدعاها عمر فسألها عن ذلك.

ʿUrwa informed me, from his father, that Yahya ibn ʿAbd al-Rahman ibn Hatib brought to ʿUmar ibn al-Khattab a Black slave woman who had belonged to Hatib. He said, “The freedwoman has reached maturity, has committed an indecent act, and has been married.” ʿUmar summoned her and questioned her about that[909192939495]

L1679–1681 and she said, “Yes, with Marʿush, for two dirhams.” At that time she was mentioning it without seeing anything wrong with it. ʿUmar said to ʿAli, ʿAbd al-Rahman, and ʿUthman, “Advise me.” ʿAli and ʿAbd al-Rahman said, “We think you should stone her.” ʿUmar said to ʿUthman, “Give your advice.” He replied, “Your two brothers have already advised you.” He said, “I adjure

فقالت: نعم من مرعوش بدرهمين، وهي حينئذ تذكر ذلك لا ترى به بأسا، فقال عمر لعلي وعبد الرحمن وعثمان: أشيروا علي، فقال علي وعبد الرحمن: نرى أن ترجمها، فقال عمر لعثمان: أشر، فقال: قد أشار عليك أخواك، قال: عزمت عليك إلا أشرت علي برأيك، قال: فإني لا أرى الحد إلا على من علمه، وأراها تستهل به كأنها لا ترى به بأسا، فقال عمر: صدقت والذي نفسي بيده، ما الحد إلا عمن علمه. فضربها عمر مائة وغربها عاما. وبه عبد الرزاق، نا ابن جريج، أخبرني هشام بن عروة، عن أبيه أن يحيى بن عبد الرحمن بن حاطب حدثه، قال: توفي عبد الرحمن بن حاطب وأعتق من صلى من رقيقه وصام، وكانت له نوبية قد صلت وصامت وهي أعجمية لم تفقه، فلم يرعها إلا حبلها وكانت ثيبا فذهب إلى عمر بن الخطاب رضي الله عنه فحدثه فأرسل إليها عمر فسألها فقال: أحبلت؟ فقال: نعم من مرعوش بدرهمين، وإذا هي تستهل به لا تكتمه فصادف عنده علي بن أبي طالب وعبد الرحمن بن عوف وعثمان، فقال: أشيروا علي، وكان عثمان جالسا فاضطجع، فقال علي وعبد الرحمن: قد وقع عليها الحد، فقال عمر: أشر علي يا عثمان، قال: قد أشار عليك أخواك، قال: أشر علي أنت. قال عثمان: أراها تستهل به كأنها لا تعلمه، وليس الحد إلا على من علمه، فأمر بها عمر فجلدت مائة وغربها، ثم قال لعثمان: صدقت، والذي نفسي بيده ما الحد إلا على من علمه. فهذا ابن عباس يخبر أنه منعته الهيبة من الإنكار على عمر فيما يقطع ابن عباس أنه الحق، ويدعو فيه إلى المباهلة عند الحجر الأسود وهذا أبو أيوب رجل صاحب رسول الله صلى الله عليه وسلم يدعي الإنكار على عمر ضربه على

[90] **Translator’s note (L1673):** The conditional beginning “Even if these ignorant men … had nothing but” has no explicit concluding clause in the supplied text; the translation leaves this interruption visible. The supplied wording says “they acquiesce in what they disapprove of.” This conflicts with the apparent argument, which would require a negation such as “they do not acquiesce”; no negation has been inserted.

[91] **Translator’s note (L1674):** The supplied الشبه means “specious arguments” or “doubt-producing doctrines.” It may be a defective reading of a sectarian designation, but has not been replaced. “The Rejecters” renders the polemical designation al-Rawafid.

[92] **Translator’s note (L1675):** The wording الذي هو حسبكم واحد منهم في كتابكم is corrupt or dislocated. The translation preserves its recoverable words without supplying an unattested reconstruction. The syntax remains broken across the following segment.

[93] **Translator’s note (L1676):** The opening continues the corrupt wording of the preceding segment. “Whose concealment” translates اختفائهما as supplied; the context would more naturally suggest “whose fabrication,” but that reading has not been substituted. The phrase فقالوا ههنا, rendered “They then spoke here,” is awkward and may be corrupt. In “when regret for it is of no avail,” the feminine pronoun supplied in the Arabic has an uncertain referent. The transmission chain supplies “Muhammed ibn Ishaq, al-Zuhri, Muhammed ibn Muslim ibn Shihab” without an explicit transmission link separating Ibn Ishaq from al-Zuhri. The names are preserved without silently inserting one.

[94] **Translator’s note (L1677):** The proportional reduction of inheritance shares renders al-ʿawl: reducing the allotted shares proportionately when their nominal total exceeds the estate.

[95] **Translator’s note (L1678):** The chain reads “Ibn al-Aʿrabi, al-Dayri” without a transmission formula between the names. Al-Dayri also differs from al-Dabari in the preceding chain; neither wording has been silently corrected. العتاقة is an unusual designation here, rendered “the freedwoman.” أدركت is understood as reaching maturity, and أحصنت as having been married, in the legal context of the report.

you to give me your own opinion." He replied, "I consider the prescribed punishment applicable only to someone who knows of it. I see her speaking openly of it, as though she sees nothing wrong with it." ʿUmar said, "You have spoken truly. By Him in whose hand is my soul, the prescribed punishment is only from someone who knows of it." So ʿUmar gave her one hundred lashes and banished her for a year. Through the same chain, ʿAbd al-Razzaq related to us: Ibn Jurayj related to us: Hisham ibn ʿUrwa informed me, from his father, that Yahya ibn ʿAbd al-Rahman ibn Hatib related to him, saying: ʿAbd al-Rahman ibn Hatib died and freed those of his slaves who prayed and fasted He had a Nubian slave woman who had prayed and fasted. She was a non-Arab who had not acquired understanding, and nothing alerted her until her pregnancy. She had previously been married. He went to Umar ibn al-Khattab, may Allah be pleased with him, and told him about her. Umar sent for her and questioned her, saying, "Have you become pregnant?" She said, "Yes, by Mar'ush, for two dirhams." She was openly announcing it, concealing nothing. Ali ibn Abi Talib, Abd al-Rahman ibn Awf, and Uthman happened to be with him, and he said, "Advise me." Uthman had been sitting, but lay down. Ali and Abd al-Rahman said, "She has incurred the prescribed punishment." Umar said, "Advise me, Uthman." He said, "Your two brothers have already advised you." He said, "Give me your own advice." Uthman said, "I see her openly announcing it, as though she does not know about it. The prescribed punishment applies only to someone who knows about it." Umar ordered that she be given one hundred lashes and banished her. He then said to Uthman, "You have spoken the truth. By Him in whose hand is my soul, the prescribed punishment applies only to someone who knows about it." Here, then, is Ibn Abbas reporting that awe prevented him from objecting to Umar concerning something Ibn Abbas categorically held to be the truth, and concerning which he called for mutual invocation of Allah's curse upon the liar at the Black Stone. And here is Abu Ayyub, a man who accompanied the Messenger of Allah ﷺ, claiming to object to Umar when he struck him for praying after the afternoon prayer, and shortly after he struck him. And here is Uthman remaining silent, although he had seen something he disapproved of concerning one of the most atrocious and momentous matters: inviolable blood being shed without justification. Umar asked him, but he persisted in

الصلاة بعد العصر وبعيد ضربه، وهذا عثمان سكت وقد رأي أمرا أنكره في أشنع الأشياء وأعظمها وهو دم حرام يسفك بغير واجب، سأله عمر فتمادى على سكوته إلى أن عزم عليه وقد يسكت المرء، لأنه لم يلح له الحق، أو يسكت موافقا ثم يبدو له وجه الحق، أو رأى آخر بعد مدة فينكر ما كان يقول ويرجع عنه، كما فعل علي في بيع أمهات الأولاد، وفي التخيير بعد موافقته لعمر على كلا الأمرين أو ينكر فلا يبلغنا إنكاره، ويبلغ غيرنا في أقصى المشرق وأقصى المغرب، أو أقصى اليمين، أو أقصى إرمينية.

his silence until Umar insisted upon his answering. A person may remain silent because the truth has not become apparent to him; or he may remain silent in agreement, and then, after some time, the true position or another opinion becomes apparent to him, so that he repudiates what he used to say and retracts it—as Ali did concerning the sale of slave women who had borne their masters children, and concerning granting a wife the choice, after agreeing with Umar on both matters. Or he may object, but his objection does not reach us, while it reaches someone else in the farthest east, the farthest west, the farthest Yemen, or the farthest Armenia.[969798]

L1682–1685 As for your drawing a parallel with the adherents of the schools of al-Shafi'i, Malik, and Abu Hanifa, and with the countries in which some particular opinion has become prominent and predominant, this is the strongest argument against you, for no two people disagree that the body of those professing the school of any man you have mentioned has never been without disagreement with its master on one issue, two issues, or several issues. Likewise, the countries mentioned have never been without someone who disagreed with the school of their inhabitants. No predominance could exceed that of Malik's school in al-Andalus and Ifriqiya, yet there were groups of scholars who disagreed with him entirely, adhering to hadith, the school of the apparent meaning, or al-Shafi'i's school. This is something observable at every time. Nor could any predominance exceed that of Islam in the countries where it has become predominant—praise be to Allah—although

وأما تنظيركم بأهل مذهب الشافعي ومالك وأبي حنيفة، والبلاد التي ظهر فيها وغلب عليها قول ما، فهذا أعظم حجة عليكم لأنه لا يختلف اثنان أن جمهور القائلين بمذهب رجل ممن ذكرتم لم يخلو قط من خلاف لصاحبهم في المسألة والمسألتين والمسائل وكذلك لم تخل قط البلاد المذكورة من مخالف لمذهب أهلها ولا أكثر من غلبة مذهب مالك على الأندلس وإفريقية، وقد كان طوائف علماء مخالفون له جملة، قائلون بالحديث، أو بمذهب الظاهر، أو مذهب الشافعي. وهذا أمر مشاهد في كل وقت، ولا أكثر من غلبة الإسلام على البلاد التي غلب عليها، ولله الحمد، وإن فيها مع ذلك يهود ونصارى وملحدين كثيرا جدا. فظهر فساد تنظيرهم عيانا، وعاد ما موهوا به مبطلا لدعواهم، وثبت بهذا حتى لو انتشر القول وعرفه جميع العلماء، وإن في الممكن أن يخالفه جمهورهم أو بعضهم، ثم هذا عمر قد جلد التي لم يرد عليها الرجم لجهلها، وهي محصنة مائة وغربها عاما، بحضرة علي وعبد الرحمن، وعثمان، ولم ينكروا عليه ذلك فإن كان عندهم إجماعا فيقولوا به، وليس من خصومنا الحاضرين أحد يقول بهذا، وإن كان سكوتهم ليس موافقة ولا رضى، فليتركوا هذا الأصل الفاسد المهلك في الدين لمن تعلق به، ولا بد من أحدهما بالتلاعب بدين الله عز وجل، وقد أريناهم سكوتهم رضي الله عما يقولون به، فمن الجاهل المنكر لهذا؟ حتى لو صح لهم أنهم عرفوه، فكيف وهذا لا يصح أبد الأبد على ما بينا. فإن قال قائل: فإذ

[96] **Translator's note (L1679):** Mar'ush is treated as a personal name, as supplied. 'Umar's statement has عمن, "from someone," where the preceding statement has على من, "applicable to someone." The anomalous preposition is preserved rather than silently corrected.

[97] **Translator's note (L1680):** The phrase describing the woman's discovery of her pregnancy is awkward: literally, "nothing startled her except her pregnancy." The wording يدعي الإنكار in the Abu Ayyub sentence reads "claims to object," which sits uneasily with the surrounding argument about silence. The adjacent wording about Umar's striking him is also syntactically compressed. These readings have not been silently repaired.

[98] **Translator's note (L1681):** The source reads اليمين, ordinarily "the right" or "the oath," where the geographical sequence suggests Yemen. "Yemen" is a contextual interpretation of an apparently corrupt reading. "Granting a wife the choice" refers to the technical marital procedure of giving her a choice concerning continuation of the marriage; the source supplies no further detail here.

هو كما قلتم، فمن أين قطعتم بالخلاف فيه وإن لم يبلغكم وهلا أنكرتم ذلك على أنفسكم كما أنكرتموه علينا إذ قلنا: إنه إجماع قلنا: نعم؟ فقلنا ذلك لبرهانين ضروريين قاطعين. أحدهما: أن الأصل من الناس وجود الاختلاف في آرائهم، لما قدمنا قبل اختلاف أغراضهم وطبائعهم، والثاني لأن الله تعالى بذلك قضى إذ يقول {ولو شآء ربك لجعل لناس أمة واحدة ولا يزالون مختلفين * إلا من رحم ربك ولذلك خلقهم وتمت كلمة ربك لأملأن جهنم من لجنة ولناس أجمعين} فصح إن الأصل هو الاختلاف الذي أخبر تعالى أننا لا نزال عليه، والذي له خلقنا، إلا من استثنى من الأقل. وبرهان ثالث: وهو الذي لا يسع أحدا خلافه، وهو أن ما ادعيتم فيه الإجماع بالظن الكاذب كما قدمنا، لا يخلو ضرورة من أحد وجهين لا ثالث لهما أصلا.

they nevertheless contain very many Jews, Christians, and atheists. Thus the invalidity of their parallel has become plainly apparent, and what they used to mislead has turned into a refutation of their claim. This establishes that even if an opinion became widespread and all scholars knew of it, it would still be possible for most or some of them to disagree with it. Furthermore, here is Umar, who gave one hundred lashes to the woman for whom he did not consider stoning appropriate because of her ignorance, although she possessed the marital status qualifying her for stoning, and banished her for a year in the presence of Ali, Abd al-Rahman, and Uthman. They did not object to his doing so. If this constitutes consensus in their view, let them adopt it; yet not one of our present opponents holds this position. If their silence constitutes neither agreement nor approval, let them abandon this corrupt principle, which brings religious ruin upon whoever clings to it. One of the two is unavoidable, through playing games with the religion of Allah, mighty and majestic. We have already shown them their silence—may Allah be pleased—concerning what they maintain. Who, then, is the ignorant person who denies this? This is so even if they could establish that those people knew of it; how much more so when that can never, ever be established, as we have explained. If someone says, "If matters are as you say, on what basis have you categorically asserted the existence of disagreement concerning it, even though it has not reached you? Why have you not raised this objection against yourselves, as you raised it against us when we said that it was consensus?" we say: Yes; we said this on the basis of two necessary, decisive demonstrations. The first is that the default among people is the existence of disagreement in their opinions, because of the differences in their aims and dispositions that we discussed earlier. The second is that Allah Most High has decreed this, saying, "Had your Lord willed, He would have made humankind one community; but they will continue to disagree, except those upon whom your Lord has mercy, and for that He created them. And the word of your Lord has been fulfilled: 'I shall assuredly fill Hell with jinn and humankind all together.'" Thus it is established that the default is disagreement, concerning which He Most High has told us that we continually remain in it, and for which we were created, except those few whom He excepted. There is a third demonstration, which no one may oppose: that

what you claim to be the subject of consensus on the basis of false conjecture, as we explained earlier, must necessarily fall into one of two cases, with absolutely no third possibility:[99][100]

L1686–1689 Either you claim it concerning a matter that accords with the explicit text of the Quran or the established Sunna transmitted through a chain of narrators. This is a matter concerning which we do not care whether there is agreement or disagreement. The sole purpose is that the explicit text be followed in that matter, whether people agree unanimously or disagree. There is then no point in adducing a claim of consensus concerning it as evidence, since the proof stands through the explicit text transmitted concerning it. There is therefore absolutely no need to make a categorical assertion on the basis of false conjecture by claiming consensus. Or you claim it concerning a matter supported by neither an explicit Quranic text nor an authentic Sunna transmitted through a chain of narrators, but which instead contradicts their general scope or their apparent meaning, seeking to validate it through your false claim that it is consensus. This is one of the major sins, and an attempt on your part to reject certainty through conjectures and to oppose Allah Most High and His Messenger ﷺ through a false, fabricated claim. This is unlawful. If it belongs to this category, then we categorically assert and affirm that there must be established disagreement concerning what you have claimed to be consensus, because Allah Most High has protected the community of His Prophet ﷺ from reaching consensus upon falsehood and error by opposing the Quran and the judgment of the Messenger of Allah ﷺ. You were not content with lying about the entire community, but went so far as to attribute to them consensus upon error in opposing the Quran

إما أن تدعوه في أمر موافق لنص القرآن أو السنة الثابتة المسندة، فهذا أمر لا نبالي اتفق عليه أم اختلف فيه، إنما الغرض أن يؤخذ بالنص في ذلك، سواء أجمع الناس أم اختلفوا، ولا معنى حينئذ للاحتجاج بدعوى الإجماع عليه والحجة قائمة بالنص الوارد فيه، فلا حاجة إلى القطع بالظن الكاذب في دعوى الإجماع البتة، وإما أن تدعوه في أمر لا يوافقه نص قرآن ولا سنة صحيحة مسندة بل هو مخالف لها في عمومها أو ظاهرهما، لتصححوه بدعواكم الكاذبة في أنه إجماع فهذه كبيرة من الكبائر، وقصد منكم إلى رد اليقين بالظنون وإلى مخالفة الله تعالى ورسوله صلى الله عليه وسلم بدعوى كاذبة مفتراة وهذا لا يحل وإذا كان هذا القسم، فنحن نقطع حينئذ، ونثبت أنه لا بد من خلاف ثابت فيما ادعيتموه إجماعا لأن الله تعالى قد أعاذ أمة نبيه صلى الله عليه وسلم من الإجماع على الباطل والضلال لمخالفة القرآن وحكم رسول الله صلى الله عليه وسلم فأنتم لم تقتنعوا بأن كذبتم على جميع الأمة حتى نسبتم إليهم الإجماع على الخطأ في مخالفة القرآن والسنة الثابتة، وهذه من العظائم التي نعوذ بالله العظيم من مثلها، وليس ههنا قسم ثالث أصلا، لما قد أوردنا من البراهين على أنه لا يمكن وقوع نازلة لا يكون حكمها منصوصا في القرآن وبيان النبي صلى الله عليه وسلم إما باسمها الأعم وإما باسمها الأخص قال أبو محمد: واعلموا أن إقدام هؤلاء القوم، وجسرهم على معنى الإجماع، حيث وجد الاختلاف، أو حيث لم يبلغنا ولكنه ممكن أن يوجد أو مضمون أن يوجد فإنه قول خالفوا فيه الإجماع حقا، وما روي قط عن صاحب ولا عن تابع القطع بدعوى الإجماع حتى أتى هؤلاء الذين جعلوا الكلام في دين الله تعالى مغالبة ومجاذبة، وتحققا بالرياسة على مقلدهم وكفى بهذا فضيحة. وأيضا قد

[99] **Translator's note (L1683):** The passage beginning ولا بد من أحدهما بالتلاعب and continuing through سكوتهم رضي الله عما يقولون به is apparently corrupt. Its uncertain syntax and the incomplete invocation رضي الله have been retained in a correspondingly awkward English rendering; no missing wording has been supplied. In the Quran quotation, لناس occurs for الناس and لجنة for الجنة. The translation interprets these as defective spellings of "humankind" and "the jinn," respectively; the supplied text has not been treated as an exact transcription of the Quran.

[100] **Qur'an references (L1682):** Qur'an 11:118 (Hud); Qur'an 11:119 (Hud).

and the established Sunna. This is one of those enormities from the like of which we seek refuge in Allah the Magnificent. There is absolutely no third category here, because of the demonstrations we have already presented that no case can arise whose ruling is not explicitly stated in the Quran and the Prophet's ﷺ elucidation, either under its more general designation or under its more specific designation. Abu Muhammed said: Know that these people's audacity and boldness in asserting consensus where disagreement exists, or where it has not reached us but may exist or is guaranteed to exist, is a position in which they have truly opposed consensus. No categorical claim of consensus was ever transmitted from a Companion or a Successor, until these people came, who made discussion of the religion of Allah Most High a contest for mastery, a tug-of-war, and a means of securing leadership over those who follow them unquestioningly. This is disgrace enough. Furthermore, the Muslims' consensus has been established with certainty that no one may assert certainty concerning what he conjectures. This, then, is another consensus that they have opposed in this issue. Ahmad ibn Muhammed ibn Abd Allah al-Talamanki narrated to us; Ibn Mufarrij narrated to us; Ibrahim ibn Ahmad ibn Firas narrated to us; he said: narrated to us Muhammed ibn Ali ibn Zayd; Sa'id ibn Mansur narrated to us; Sufyan ibn Uyayna narrated to us, from Mis'ar ibn Kidam, from Ma'n ibn Abd al-Rahman ibn Abd Allah ibn Mas'ud, who said: A man said to Ibn Mas'ud, "Give me comprehensive words of counsel." Ibn Mas'ud said to him, "Worship Allah and associate nothing with Him. Move with the Quran wherever it moves. Whoever brings you truth, accept it from him, even if he is distant and hateful; and whoever brings you falsehood, reject it, even if he is close and beloved."[101] [102]

تيقن إجماع المسلمين على أنه لا يحل لأحد أن يقطع بظنه اليقين فيه، فهذا إجماع آخر، فقد خالفوه في هذه المسألة، نا أحمد بن محمد بن عبد الله الطلمنكي، نا ابن مفرج، نا إبراهيم بن أحمد بن فراس، نا محمد بن علي بن زيد، نا سعيد بن منصور، نا سفيان بن عيينة، عن مسعر بن كدام، عن معن بن عبد الرحمن بن عبد الله بن مسعود، قال: قال رجل لابن مسعود: أوصني بكلمات جوامع، فقال له ابن مسعود: اعبد الله ولا تشرك به شيئا، وزل مع القرآن حيث زال، ومن أتاك بحق فاقبل منه، وإن كان بعيدا بغيضا، ومن أتاك بالباطل فارددده وإن كان قريبا حبيبا.

L1690 Abu Muhammed said: These are comprehensive principles of truth: following the Quran, which includes following the Messenger's explanation;

قال أبو محمد: هذه جوامع الحق، اتباع القرآن وفيه اتباع بيان الرسول، وأخذ الحق ممن أتى به، ولئن كان لا خير فيه، وممن يجب بغضه وإبعاده، وألا يقلد خطأ فاضل، وإن كان محبوبا واجبا تعظيمه. نا حمام بن أحمد، نا عبد الله بن محمد بن علي الباجي، نا عبد الله بن يونس المرادي، نا بقي بن مخلد، نا أبو بكر بن أبي شيبة، نا معاوية بن هشام، نا سفيان هو الثوري عن جبلة بن عامر بن مطر، قال: قال لي حذيفة في

[101] **Translator's note (L1686):** The phrase على معنى الإجماع is unusually worded, literally "concerning the meaning of consensus"; "in asserting consensus" reflects its function in this argument.

[102] **Translator's note (L1688):** The wording يقطع بظنه اليقين فيه is syntactically awkward; it has been understood as categorically asserting certainty concerning a matter held only conjecturally. The final transmission formula introduces the narrator named at the beginning of the next unit.

accepting the truth from whoever brings it, even if there is no good in him and he is someone whom one must hate and keep at a distance; and refraining from following a distinguished person's error through uncritical imitation, even if he is beloved and must be honored.

Hammam ibn Ahmad narrated to us; Abd Allah ibn Muhammed ibn Ali al-Baji narrated to us; Abd Allah ibn Yunus al-Muradi narrated to us; Baqi ibn Makhlad narrated to us; Abu Bakr ibn Abi Shaybah narrated to us; Muawiyah ibn Hisham narrated to us; Sufyan—that is, al-Thawri—narrated to us, from Jabalah ibn Amir ibn Matar, who said: Hudhayfah said to me in the course of a conversation: "Hold fast to what you follow today, for it is the clear path. How will you fare, Amir ibn Matar, when people take another path? Which of the two will you follow?" Amir said: I told him, "The Quran: with the Quran I shall live, and with the Quran I shall die." Hudhayfah said to him, "Then you will indeed be yourself."

Abu Muhammed said: O Allah, I say what Amir said: By Allah, I shall remain with the Quran, living in adherence to it and dying, if Allah wills, in adherence to it. I care nothing for whoever follows a path other than the Quran's, even if they should comprise everyone on earth except me.

Abu Muhammed said: Here is Hudhayfah commanding that people's path be abandoned and the Quran's path followed when people oppose it.

Ahmad ibn Muhammed al-Talamanki narrated to us; Ibn Mufarrij narrated to us; Ahmad ibn Faris narrated to us; Muhammed ibn Ali ibn Zayd narrated to us; Said ibn al-Mansur narrated to us; Hushaym narrated to us; Mughirah informed us, from al-Shabi, from Abidah al-Salmani, that Umar ibn al-Khattab and Ali emancipated slave women who had borne their masters children. Abidah said: Ali said, "Umar ruled accordingly until he was struck down. Then Uthman assumed authority and ruled accordingly until he was struck down. When I assumed authority, I considered that I should hold them as slaves."

Abu Muhammed said: Here is Ali ibn Abi Talib, may Allah be pleased with him: he did not regard Umar's ruling, followed by Uthman's ruling—which was famous, widespread, and generally disseminated, and with which he had

كلام: فأمسك بما أنت عليه اليوم، فإنه الطريق الواضح، كيف أنت يا عامر بن مطر، إذا أخذ الناس طريقا مع أيهما تكون؟. قال عامر فقلت له: مع القرآن، أحيا مع القرآن وأموت، قال له حذيفة: فأنت إذا أنت. قال أبو محمد: اللهم إني أقول كما قال عامر: أكون والله مع القرآن أحيا متمسكا به، وأموت إن شاء الله متمسكا به، ولا أبالي بمن سلك غير طريق القرآن، ولو أنهم جميع أهل الأرض غيري. قال أبو محمد: وهذا حذيفة يأمر بترك طريق الناس، واتباع طريق القرآن إذا خالفه الناس. نا أحمد بن محمد الطلمنكي، نا ابن مفرج، نا أحمد بن فريس، نا محمد بن علي بن زيد، نا سعيد بن المنصور، نا هشيم، أخبرنا مغيرة، عن الشعبي عن عبيدة السلماني، أن عمر بن الخطاب وعليا أعتقا أمهات الأولاد، قال عبيدة: قال علي: فقضى بذلك عمر حتى أصيب، ثم ولي عثمان فقضى بذلك حتى أصيب فلما وليت رأيت أن أرقهن. قال أبو محمد: هذا علي بن أبي طالب رضي الله عنه، لم ير حكم عمر ثم حكم عثمان المشتهر المنتشر الفاشي، والذي وافقهما عليه إجماعا بل سارع إلى خلافه إذ أراه اجتهاده الصواب في خلافه، ولعمر الله، إن أقل من هذا بدرجات ليقطع هؤلاء المجرمون بأنه إجماع. والسند المذكور قيل إلى سعيد بن منصور، نا عيسى بن يونس بن أبي إسحاق السبيعي، نا عبد الملك بن سليمان، عن أبي إسحاق السبيعي، عن الشعبي قال: أحرم عقيل بن أبي طالب في موردتين، فقال له عمر: خالفت الناس، فقال له علي: دعنا منك، فإنه ليس لأحد أن يعلمنا السنة.

agreed—as a consensus. Rather, he promptly opposed it when his independent legal reasoning showed him that correctness lay in opposing it. By my life, these criminals would assuredly declare something many degrees less than this to be a consensus!

And through the aforementioned chain, said to extend to Said ibn Mansur: Isa ibn Yunus ibn Abi Ishaq al-Sabii narrated to us; Abd al-Malik ibn Sulayman narrated to us, from Abu Ishaq al-Sabii, from al-Shabi, who said: Aqil ibn Abi Talib entered the state of pilgrimage consecration wearing two rose-colored garments. Umar told him, "You have acted contrary to the people." Ali told him, "Leave us alone! No one has any business teaching us the Sunnah."[103]

فقال له عمر: صدقت فهذا علي وعقيل لم ينكرا خلاف الناس، ورجع عمر عن قوله إلى ذلك إذ لم يكن ما أضافه إلى الناس سنة يجب اتباعها، بل السنة خلافه، فلا ينكر خلاف جمهور الناس للسنة. وبه إلى سعيد بن منصور، نا سفيان بن عيينة، عن ابن أبي نجيح، عن عطاء بن أبي رياح قال: قلت لابن عباس، إن الناس لا يأخذون بقولي ولا بقولك، ولو مت أنا وأنت ما اقتسموا ميراثنا على ما نقول. قال ابن عباس: فليجتمعوا فلنضع أيدينا على الركن ثم نبتهل فنجعل لعنة الله على الكاذبين، ما حكم الله بما قالوا. قال أبو محمد: فهذا ابن عباس بأصح إسناد عنه، لا يلتفت إلى الناس ولا إلى ما اشتهر عندهم، وانتشر من الحكم بينهم، إذا كان خلافا لحكم الله تعالى.

L1691 Umar then told him, "You have spoken truly." Thus Ali and Aqil saw nothing objectionable in acting contrary to the people, and Umar withdrew his statement in favor of that position, since the practice he had attributed to the people was not a Sunnah that had to be followed; rather, the Sunnah was contrary to it. Acting contrary to the majority of people in accordance with the Sunnah is therefore not to be condemned.

And through the same chain to Said ibn Mansur: Sufyan ibn Uyaynah narrated to us, from Ibn Abi Najih, from Ata ibn Abi Riyah, who said: I told Ibn Abbas, "People do not accept either my opinion or yours. If you and I died, they would not divide our estates according to what we say." Ibn Abbas said, "Let them assemble, and let us place our hands upon the Corner. Then let us earnestly invoke Allah and lay Allah's curse upon the liars. Allah has not ruled as they say."

[103]**Translator's note (L1690):** The chain reads "Jabalah ibn Amir ibn Matar," but the ensuing account identifies the speaker as Amir ibn Matar. A missing transmission link is possible; the supplied genealogy has been retained. The wording "the aforementioned chain, said to extend to Said ibn Mansur" contains the awkward قيل ("it was said"). It has been represented rather than silently changed. "Slave women who had borne their masters children" renders the legal category ummahat al-awlad. The subsequent statement concerns their legal status as slaves. "Two rose-colored garments" renders موردتين; the particular coloring or dye is not specified.

Abu Muhammed said: Here is Ibn Abbas, in a report transmitted from him through a thoroughly sound chain, paying no heed to the people or to rulings that have become famous among them and widespread in their dealings when these contradict the ruling of Allah Most High.[104]

L1692 In a matter like this, someone who cares nothing about lying claims a consensus.

And through the same chain to Said ibn Mansur: Sufyan ibn Uyaynah narrated to us, from Abd Allah ibn Abi Zayd, that he heard Ibn Abbas say concerning the words of Allah, Mighty and Majestic: "O you who believe, let those whom your right hands possess and those among you who have not reached puberty ask your permission at three times: before the dawn prayer, when you lay aside your clothes at midday, and after the night prayer—three times of privacy for you. There is no blame upon you or upon them beyond these times, as you circulate among one another. Thus Allah makes the signs clear to you, and Allah is Knowing, Wise." Ibn Abbas said: "Most people have not believed in this verse. I certainly command this one to ask permission before entering upon me"—meaning a slave girl of his.

Abu Muhammed said: This is like the preceding example.

Yahya ibn Abd al-Rahim narrated to us; Ahmad ibn Duhaym narrated to us; Ibrahim ibn Hammad narrated to us; Ismail ibn Ishaq narrated to us; Ali ibn al-Madini narrated to us; Sufyan ibn Uyaynah narrated to us; Musab ibn Abd Allah ibn al-Zubayr narrated to us, from Abu Mulaykah, from Ibn Abbas, who said: "There is a practice that is neither in the Book of Allah, Mighty and Majestic, nor in the judgment of Allah's Messenger ﷺ, yet you will find it among all the people: a sister inheriting alongside a daughter."

Thus Ibn Abbas did not regard all the people as constituting authoritative proof against him, requiring him to rule according to something he had found neither in the Quran nor in the Sunnah.

[104]**Translator's note (L1691):** The supplied name is "Ata ibn Abi Riyah," retained here rather than silently changed to the familiar form "Ata ibn Abi Rabah." "The Corner" refers to the Corner of the Kaaba; the source does not name it more explicitly.

في مثل هذا يدعي من لا يبالي بالكذب الإجماع، وبه إلى سعيد بن منصور، نا سفيان بن عيينة، عن عبد الله بن أبي زيد. أنه سمع ابن عباس يقول في قول الله عز وجل {يأيها لذين آمنوا ليستأذنكم لذين ملكت أيمانكم ولذين لم يبلغوا لحلم منكم ثلاث مرات من قبل صلاة لفجر وحين تضعون ثيابكم من لظهيرة ومن بعد صلاة لعشآء ثلاث عورات لكم ليس عليكم ولا عليهم جناح بعدهن طوافون عليكم بعضكم على بعض كذلك يبين لله لكم لآيات ولله عليم حكيم} قال ابن عباس لم يؤمن بهذه الآية أكثر الناس، وإني لآمر هذه أن تستأذن علي يعني جارية له. قال أبو محمد: وهذا كالذي قبله، نا يحيى بن عبد الرحيم، نا أحمد بن دحيم، نا إبراهيم بن حماد، نا إسماعيل بن إسحاق، نا علي بن المديني، نا سفيان بن عيينة، نا مصعب بن عبد الله بن الزبير، عن أبي مليكة، عن ابن عباس. قال: أمر ليس في كتاب الله عز وجل ولا في قضاء رسول الله صلى الله عليه وسلم وستجدونه في الناس كلهم ميراث الأخت مع البنت. فهذا ابن عباس لم ير الناس كلهم حجة على نفسه، في أن يحكم بما لم يجد في القرآن ولا في السنة. نا عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب، نا أحمد بن محمد، نا محمد بن علي، نا مسلم بن الحجاج، نا يحيى بن يحيى.

Abd Allah ibn Yusuf narrated to us; Ahmad ibn Fath narrated to us; Abd al-Wahhab narrated to us; Ahmad ibn Muhammed narrated to us; Muhammed ibn Ali narrated to us; Muslim ibn al-Hajjaj narrated to us; Yahya ibn Yahya narrated to us,[105][106]

L1693–1700 who said: I read aloud to Malik, from Said ibn Abi Said al-Maqburi, from Ubayd ibn Jurayj, that he said to Abd Allah ibn Umar: "Abu Abd al-Rahman, I have seen you do four things that I have not seen any of the Companions do." He said, "What are they, Ibn Jurayj?" He said, "I have seen that, of the Corners, you touch only the two Yemeni ones; and I have seen you wear sandals of tanned, hairless leather; and I have seen you dye with yellow; and I have seen that, when you are in Mecca, the people pronounce the pilgrimage invocation when they see the crescent moon, whereas you do not pronounce it until the Day of Watering." Ibn Umar told him: "As for the Corners, I never saw Allah's Messenger ﷺ touch any but the two Yemeni ones. As for sandals of tanned, hairless leather, I saw Allah's Messenger ﷺ wear sandals that had no hair on them and perform ablution while wearing them, so I like to wear them. As for yellow, I saw Allah's Messenger ﷺ dye with it, so I like to dye with it. As for pronouncing the pilgrimage invocation, I never saw the Messenger of Allah ﷺ pronounce it until his mount rose up with him."

Abu Muhammed said: Here is Ibn Umar, may Allah be pleased with him, in a report transmitted to him through a thoroughly sound chain: he did not regard his differing from all his companions as objectionable in matters in which he followed Allah's Messenger ﷺ, nor did he object to Ibn Jurayj's telling him that his companions acted differently from him. It is therefore established that he did not regard all his companions as models to be followed in a matter in which he conformed to Allah's Messenger ﷺ alone. This is the truth that no one is permitted deliberately to oppose.

قال: قرأت على مالك عن سعيد بن أبي سعيد المقبري، عن عبيد بن جريج أنه قال لعبد الله بن عمر: يا أبا عبد الرحمن رأيتك تصنع أربعا لم أر أحدا من الصحابة يصنعها. فقال: وما هن يا ابن جريج؟ قال: رأيتك لا تمس من الأركان إلا اليمانيين، ورأيتك تلبس النعال السبتية، ورأيتك تصبغ بالصفرة، ورأيتك إذا كنت بمكة أهل الناس إذا أروا الهلال ولم تهل أنت حتى يكون يوم التروية. فقال له ابن عمر أما الأركان فإني لم أر رسول الله صلى الله عليه وسلم يمس إلا اليمانيين وأما النعال السبتية فإني رأيت رسول الله صلى الله عليه وسلم يلبس النعال التي ليس فيها شعر ويتوضأ فيها، فأنا أحب أن ألبسها وأما الصفرة فإني رأيت رسول الله صلى الله عليه وسلم يصبغ بها فأنا أحب أن أصبغ وأما الإهلال فإني لم أر رسول الله صلى الله عليه وسلم يهل حتى تنبعث به راحلته قال أبو محمد فهذا ابن عمر رضي الله عنه بأصح إسناد إليه لم ينكر مخالفته لجميع أصحابه فيما اقتدى فيه برسول الله صلى الله عليه وسلم ولا أنكر على ابن جريج إخباره بأن أصحابه يخالفونه، فصح أنه لم ير أصحابه كلهم قدوة فيما وافق وحدانية رسول الله صلى الله عليه وسلم وهذا هو الحق الذي لا يسع أحدا القصد إلى خلافه. قال أبو محمد: ثم هذا أبو حنيفة يقول: ما جاء عن الله تعالى فعلى الرأس والعينين وما جاء عن رسول الله صلى الله عليه وسلم فسمعا وطاعة وما جاء عن الصحابة رضي الله عنهم، تخيرنا من أقوالهم ولم نخرج عنهم، وما جاء عن التابعين، فهم رجال ونحن رجال، فلم ينكر عن نفسه مخالفة التابعين، وإنما لم ير الخروج عن أقوال الصحابة توقيرا لهم. وهذا مالك: يفتي بالشفعة في الثمار ويقول إثر فتياه به وإنه

[105] **Translator's note (L1692):** The Quran quotation is 24:58. The transcription repeatedly drops the initial alif of the definite article and contains similar orthographic irregularities; the recoverable wording has been translated without treating these as different words. The chain reads "Abu Mulaykah," not "Ibn Abi Mulaykah"; the supplied reading has been retained.

[106] **Qur'an references (L1692):** Qur'an 24:58 (An-Nur).

لشيء ما سمعته ولا بلغني أن أحدا قاله: فهذا مالك لم ير القول بما لم يسمع عن أحد قال به خلافا للإجماع، كما يدعي هؤلاء الذين لا معنى لهم، وهذا الشافعي يقول في رسالته المصرية، ما لا يعلم فيه خلاف فليس إجماعا. قال حمام بن أحمد، ويحيى بن عبد الرحمن بن مسعود قال حمام: نا عباس بن أصبغ، وقال يحيى: نا أحمد بن سعيد بن حزم، ثم اتفق عباس وأحمد قالا جميعا، نا محمد بن عبد الملك بن أيمن، نا عبد الرحمن بن حنبل، قال: سمعت أبي يقول: ما يدعي فيه الرجل الإجماع هو الكذب، من ادعى الإجماع فهو كذاب لعل الناس قد اختلفوا ما بد به؟ ولم ينتبه إليه فليقل: لا نعلم الناس اختلفوا، دعوى بشر المريسي والأصم، ولكن يقول: لا نعلم الناس اختلفوا، أو لم يبلغني ذلك. قال أبو محمد: صدق أحمد ولله دره، وبئس القدوة بشر بن عتاب المريسي، وعبد الرحمن بن كيسان الأصم، ولعمري إنهما لمن أول من هجم على هذه الدعوى، وهما المرءان يرغب قولهما، نا يوسف بن عبد الله النمري، نا عبيد الله بن محمد، نا الحسن بن سلمون، نا عبد الله بن علي بن الجارود، نا إسحاق بن منصور، قال: سمعت إسحاق بن إبراهيم هو ابن راهويه وقد ذكر له قول أحمد بن حنبل في مسألة فقال إسحاق: أجاد، لقد ظننت أن أحدا لا يتابعني عليها، فهذا إسحاق لا ينكر القول بما يقع في تقديره أنه لا يتابعه أحد عليه، إذا رأى الحق فيما قاله به من ذلك. قال أبو إسحاق: فهؤلاء الصحابة والتابعون، ثم أبو حنيفة ومالك والشافعي وأحمد وإسحاق وداود، كلهم يوجب القول بما أداه إليه اجتهاده أنه الحق، وألا يعلم قائلا به قبله، فبمن تعلق هؤلاء القوم؟ ليت شعري بل بالمريسي والأصم، كما قال أحمد رحمه الله. قال أبو محمد: ولئن كان ما اشتهر من قول طائفة من الصحابة أو التابعين، ولم يعرف له خلاف إجماعا فيما في الأرض أشد خلافا للإجماع ممن قلدوه دينهم مالك والشافعي، وأبي حنيفة، ولقد أخرجنا لهم مئين من المسائل ليس منها مسألة إلا ولا يعرف أحد

Abu Muhammed said: Then here is Abu Hanifah saying: "Whatever comes from Allah Most High, we receive upon our heads and eyes; whatever comes from Allah's Messenger ﷺ, we hear and obey; whatever comes from the Companions, may Allah be pleased with them, we select from their opinions without going beyond them; and whatever comes from the Successors, they are men and we are men." He thus saw nothing objectionable in his own differing from the Successors. His only reason for considering that he should not go beyond the Companions' opinions was reverence for them.

Here is Malik issuing a legal opinion recognizing the right of preemption in fruit, and saying immediately after giving this opinion: "It is indeed something I have never heard, nor has any report reached me that anyone has said it." Thus Malik did not consider stating a position that he had never heard anyone maintain to be a violation of consensus, as these worthless people claim.

Here is al-Shafii saying in his Egyptian Epistle: "That concerning which no disagreement is known is not a consensus."

Hammam ibn Ahmad and Yahya said, ibn Abd al-Rahman ibn Masud. Hammam said: Abbas ibn Asbagh narrated to us. Yahya said: Ahmad ibn Said ibn Hazm narrated to us. Then Abbas and Ahmad agreed in their wording, both saying: Muhammed ibn Abd al-Malik ibn Ayman narrated to us; Abd al-Rahman ibn Hanbal narrated to us, saying: I heard my father say: "What a man claims to be a matter of consensus is a lie. Whoever claims a consensus is a liar. Perhaps people have disagreed without its becoming apparent to him, and he has failed to notice it. Let him say, 'We do not know that people have disagreed.' The claim of Bishr al-Marisi and al-Asamm! Rather, he should say, 'We do not know that people have disagreed,' or, 'No report of that has reached me.'"

Abu Muhammed said: Ahmad has spoken truly—may Allah reward his excellence! What a wretched model is Bishr ibn Attab al-Marisi and ʿAbd al-Rahman ibn Kaysan al-Asamm. By my life, those two were indeed among the first to venture this claim, and they are the two men whose views are sought. Yusuf ibn ʿAbd Allah al-Namari narrated to us; ʿUbayd Allah ibn

Muhammed narrated to us; al-Hasan ibn Salmun narrated to us; ʿAbd Allah ibn ʿAli ibn al-Jarud narrated to us; Ishaq ibn Mansur narrated to us, saying: I heard Ishaq ibn Ibrahim—that is, Ibn Rahawayh—when Ahmad ibn Hanbal's opinion on an issue was mentioned to him. Ishaq said: "He has done well. I had thought that no one would agree with me on it." Thus Ishaq does not disapprove of expressing an opinion that, in his estimation, no one else will share, when he considers the truth to lie in the position he has expressed on that matter. Abu Ishaq said: These, then, are the Companions and the Successors, followed by Abu Hanifah, Malik, al-Shafiʿi, Ahmad, Ishaq, and Dawud: all of them require a person to express whatever his independent legal reasoning has led him to regard as the truth, even though he knows of no one who expressed it before him. To whom, then, have these people attached themselves? Would that I knew! Rather, to al-Marisi and al-Asamm, as Ahmad, may Allah have mercy on him, said. Abu Muhammed said: If an opinion that has become widely known from a group of the Companions or Successors, with no known dissent from it, constitutes consensus, then no one on earth violates consensus more severely than those to whom they have entrusted their religion through unquestioning adherence: Malik, al-Shafiʿi, and Abu Hanifah. We have indeed produced for them hundreds of issues, not one of which has anyone known to have expressed that opinion before the one of these three who expressed it. How wretched, then, is the characterization they have attached to those to whom they have entrusted their religion through unquestioning adherence! Muhammed ibn Jarir al-Tabari has mentioned that he found four hundred issues on which al-Shafiʿi violated consensus. Exactly the same applies, word for word, to the opinions of Ibn Abi Layla, Sufyan, al-Awzaʿi, Zufar, Abu Yusuf, Muhammed ibn al-Hasan, al-Hasan ibn Ziyad, Ashhab, Ibn al-Majishun, al-Muzani, Abu Thawr, Ahmad, Ishaq, Dawud, and Muhammed ibn Jarir. There is not one of them from whom opinions in legal responsa have not been authentically established that no scholar is known to have expressed before the particular person we have named who expressed them. Most of this concerns matters whose circulation and widespread familiarity admit of no doubt. Then let them know that every legal response transmitted from a Successor, when there has not been transmitted from a Companion on that issue an opinion, means that

قال بذلك القول قبل الذي قاله من هؤلاء الثلاثة فبئس ما وسموا به من قلدوه دينهم.
وقد ذكر محمد بن جرير الطبري أنه وجد للشافعي أربعمائة مسألة خالف فيها الإجماع.
وهكذا القول حرفا حرفا في أقوال ابن أبي ليلى، وسفيان والأوزاعي وزفر وأبي يوسف ومحمد بن الحسن والحسن بن زيادة وأشهب وابن الماجشون والمزني وأبي ثور وأحمد وإسحاق وداود ومحمد بن جرير، ما منهم أحد إلا وقد صحت عنه أقوال في الفتيا لا يعلم أحد من العلماء قالها قبل ذلك القائل ممن سمينا. وأكثر ذلك فيما لا شك في انتشاره واشتهاره. ثم ليعلموا أن كل فتيا جاءت عن تابع لم يرو عن صاحب في تلك المسألة قول، فإن ذلك التابع قال فيها بقول، ولا يعرف أن أحدا قاله، فالتابعون على هذا القول الخبيث مخالفون للإجماع كلهم أو أكثرهم، ومخالف الإجماع عند هؤلاء الجهال كافر، فالتابعون على قولهم كفار، ونعوذ بالله العظيم من كل قول أدى إلى هذا.

this Successor expressed an opinion on it without anyone being known to have expressed it previously. Thus, according to this vile position, the Successors—all or most of them—violate consensus. And according to these ignorant people, anyone who violates consensus is an unbeliever. Thus the Successors, according to their position, are unbelievers. We seek refuge in Allah the Magnificent from every position that leads to this.[107][108][109][110][111][112]

L1701 Know that anyone who asserts and categorically claims consensus in a case like this is among the people most ignorant of people's opinions and disagreements. Allah is sufficient for us, and an excellent Trustee is He. Thus the falsehood of anyone who claims that whatever has no known dissent con-

واعلموا أن الذي يدعي ويقطع بدعوى الإجماع في مثل هذا، فإنه من أجهل الناس بأقوال الناس واختلافهم. وحسبنا الله ونعم الوكيل، فظهر كذب من ادعى أن ما لا يعرف فيه خلاف فهو إجماع، وبالله تعالى التوفيق. وأعجب شيء في الدنيا أنهم يدعون في مثله هذا أنه إجماع، ثم يأتون إلى الإجماع الصحيح المقطوع به المتيقن، فيخالفونه جهارا، وهو: أنه لا شك عند أحد من أهل العلم أنه لم يكن قط في عصر الصحابة رضي الله عنهم أحد أتى إلى قول صاحب أكبر منه، فأخذ به كله ورد لقوله نصوص القرآن وكلام رسول الله صلى الله عليه وسلم وجعل يحتال لنصره بكل ما أمكنه من حق أو باطل أو مناقضة. ثم لا شك عند أحد من أهل العلم في أنه لم يكن قط في عصر التابعين أحد أتى إلى قول تابع أكبر منه، أو إلى قول صاحب فأخذ به كله، كما ذكرنا، ثم لا خلاف بين أحد من أهل العلم في أنه لم يكن في القرن الثالث أحد أتى إلى قول تابع، أو قول صاحب فأخذ به كله، فهذا الإجماع المقطوع به المتيقن في ثلاثة أعصار متصلة، ثم هي الأعصار المحمودة، قد خالفها المقلدون الآخذون بأقوال أبي حنيفة فقط، أو بأقوال مالك فقط، أو بأقوال الشافعي فقط، وهو عمل محدث، مخالف للإجماع الصحيح، فلهذا أعجبوا فهو مكان العجب حقا أن يخالفوا الإجماع المتيقن جهارا، ثم يدعون الإجماع حيث لا إجماع ونعوذ بالله العظيم من الضلال

[107] **Translator's note (L1693):** "The two Yemeni ones" denotes the two Corners of the Kaaba referred to by that designation. The description of the sandals continues in the next unit.

[108] **Translator's note (L1694):** "Of tanned, hairless leather" translates السبتية, the adjective completing the preceding unit's "sandals." The supplied أروا in the crescent-moon clause is irregular; "when they see" represents its apparent intended sense. "The Day of Watering" translates yawm al-tarwiyah, the eighth day of Dhu al-Hijjah. The object of the dyeing is not specified in the Arabic.

[109] **Translator's note (L1695):** The phrase وحدانية رسول الله is unusual: literally, it refers to the Messenger's "singleness" or "being alone." The translation understands it as following the Messenger alone in the matter under discussion. "Upon our heads and eyes" preserves the Arabic expression of wholehearted honor and acceptance. The source ends after the beginning of Yahya's name; his remaining genealogy follows in the next unit.

[110] **Translator's note (L1696):** The fragment at the beginning completes Yahya's name from the preceding unit; its placement after "said" reflects the page division. The chain names "Abd al-Rahman ibn Hanbal," whereas the author subsequently identifies the quoted father as Ahmad. This apparent error in the transmitted name has been retained. The wording ما بد به is obscure and possibly corrupt. "Without its becoming apparent to him" is a tentative contextual rendering, not a secure reading. "The claim of Bishr al-Marisi and al-Asamm!" is syntactically disconnected in the supplied text. Its abruptness has been retained rather than supplying an unexpressed sentence.

[111] **Translator's note (L1697):** This fragment completes "Bishr ibn" in the preceding unit. The supplied patronymic "Attab" has been retained.

[112] **Translator's note (L1698):** The wording «وهما المرءان يرغب قولهما» is awkward. Its apparent surface sense, rendered here, is that their views are sought, but the polemical context suggests that their views are to be shunned; a preposition such as «عن» may be missing. The text has not been silently repaired.

stitutes consensus has become apparent. Through Allah Most High comes success. The most astonishing thing in the world is that they claim consensus in a case like this, then turn to sound, conclusively established, certain consensus and openly violate it. This is that no person of learning doubts that, in the age of the Companions, may Allah be pleased with them, there was never anyone who turned to the opinions of a Companion senior to himself, adopted them all, rejected on their account the explicit texts of the Quran and the words of the Messenger of Allah ﷺ, and set about contriving to support them by every means available to him, whether truth, falsehood, or contradiction. Likewise, no person of learning doubts that, in the age of the Successors, there was never anyone who turned to the opinions of a Successor senior to himself, or to those of a Companion, and adopted them all in the manner we have described. Likewise, there is no disagreement among people of learning that, in the third century, there was no one who turned to the opinions of a Successor or a Companion and adopted them all. This, then, is conclusively established, certain consensus throughout three successive ages—and these are the praised ages. Those who practice unquestioning adherence, adopting only the opinions of Abu Hanifah, or only the opinions of Malik, or only the opinions of al-Shafiʿi, have violated it. This is an innovated practice contrary to sound consensus. Marvel at this, then, for it truly warrants astonishment: that they openly violate certain consensus and then claim consensus where there is none. We seek refuge in Allah the Magnificent from error.

L1702 **[Section concerning those who say that the dissent of a single Companion, or of a single person after them, does not count as dissent, and that the opinion of everyone other than him constitutes consensus on the matter in which he disagreed with them]**[113]

[فصل في من قال بأن خلاف الواحد من الصحابة أو ممن بعدهم لا يعد خلافا وأن قول من سواه فيمن خالفهم فيه إجماع]

[113] **Translator's note (L1702):** The bracketed heading has the form of an editorial section heading, although its provenance cannot be established from this excerpt. The source reads «فيمن خالفهم فيه», literally referring to persons, where the context appears to require a matter in dispute; the translation reflects that contextual sense.

L1703–1713 Abu Muhammed said: Muhammed ibn Jarir al-Tabari held that the dissent of one person does not count as dissent. Abu Bakr Ahmad ibn ʿAli al-Razi, the Hanafi, related that Abu Hazim ʿAbd al-ʿAziz ibn ʿAbd al-Hamid, the Hanafi judge, annulled the judgment awarding the public treasury, by inheritance, what remained after the shares of the heirs entitled to prescribed portions, and said: "Zayd ibn Thabit does not count as dissenting against Abu Bakr, ʿUmar, ʿUthman, and ʿAli, may Allah be pleased with them." Abu Muhammed said: They should therefore be asked: What do you mean by saying, "It does not count as dissent"? Do you deny the existence of dissent? That is a lie refuted by observation and direct witnessing. Or do you say that Allah Most High commanded you not to call it dissent, or that His Messenger ﷺ commanded you to do so? This is worse than the first, because it is a lie against Allah Most High and against His Messenger ﷺ. Or do you say that the few who voice that dissent are so low in standing and so discredited among the Muslims, whether because of their grave disobedience or their ignorance, that the existence of their opinion is no different from its nonexistence? This has the implications it has, since they assign Zayd ibn Thabit, Ibn ʿAbbas, or others among the leading Successors to this rank. By my life, anyone who assigns a scholar among the Companions, may Allah be pleased with them, or among the Successors, or among the leading scholars of the Muslims, to this rank is himself more deserving of this description and has a stronger claim to it. Your statement cannot escape one of these three abominations, for there is no fourth. If they say, "We merely said that it is error and deviation," we say: We have already established that everyone who disagrees with someone has deviated from him, and every opinion that conflicts with the truth deviates from the truth. It necessarily follows that every error is a deviation from the truth, and every deviation from the truth is an error. Not every error, however, violates consensus; therefore not every deviation violates consensus, nor does every truth constitute consensus. We are addressing you here only concerning your statement that it is not dissent and that everything apart from it constitutes consensus. The falsehood and invalidity of their claim have thus become apparent. Praise belongs to Allah, Lord of the worlds. Abu Muhammed said: We found that they adduced as evidence an inauthentic report: "You must adhere to the

قال أبو محمد: ذهب محمد بن جرير الطبري إلى أن خلاف الواحد لا يعد خلافا، وحكى أبو بكر أحمد بن علي الرازي الحنفي: أن أبا حازم عبد العزيز بن عبد الحميد القاضي الحنفي فسخ الحكم بتوريث بيت المال ما فضل عن ذوي السهام وقال: إن زيد بن ثابت لا يعد خلافا على أبي بكر وعمر وعثمان وعلي رضي الله عنهم. قال أبو محمد: فيقال لهم: ما معنى قولكم لا يعد خلافا؟ أتنفون وجود خلاف؟ فهذا كذب تدفعه المشاهدة والعيان، أم تقولون: إن الله تعالى أمركم ألا تسموه خلافا أو رسوله صلى الله عليه وسلم أمركم بذلك فهذه شر من الأولى لأنه كذب على الله تعالى وعلى رسوله صلى الله عليه وسلم أم تقولون إن قليل ذلك الخلاف من الضعة والسقوط في المسلمين إما لفسقه وإما لجهله بحيث لا يكون وجود قوله إلا كعدمه ففي هذا ما فيه، إذ ينزلون زيد بن ثابت أو ابن عباس أو غيرهما من التابعين الأئمة في هذه المنزلة. ولعمري إن من أنزل عالما من الصحابة رضي الله عنهم أو من التابعين أو من أئمة المسلمين هذه المنزلة لأحق بهذه الصفة وأولى بها، ولا يخرج قولكم من إحدى هذه الثلاث قبائح، إذ لا رابع لها. فإن قالوا: إنما قلنا: إنه خطأ وشذوذ قلنا: قد قدمنا أن كل من خالف أحدا فقد شذ عنه، وكل قول خالف الحق فهو شاذ عن الحق، فوجب أن كل خطأ فهو شذوذ عن الحق، وكل شذوذ عن الحق فهو خطأ، وليس كل خطأ خلافا للإجماع، فليس كل شذوذ خلافا للإجماع، ولا كل حق إجماعا، وإنما نكلمكم ههنا في قولكم: ليس خلافا، ولكون ما عداه إجماعا، فقد ظهر كذب دعواهم وفسادها والحمد لله رب العالمين. قال أبو محمد: ووجدناهم احتجوا برواية لا تصح: عليكم بالسواد الأعظم ووجدنا من طريق محمد بن عبد السلام الخشني، عن المسيب بن واضح، عن المعتمر بن سليمان عن عبد الله بن دينار عن ابن عمر عن النبي صلى الله عليه وسلم قال لا تجتمع أمة محمد على ضلالة أبدا وعليكم بالسواد الأعظم فإنه من شذ شذ إلى النار. قال أبو محمد: المسيب بن واضح منكر الحديث لا يحتج به

روى المنكرات منها أنه أسند إلى النبي صلى الله عليه وسلم من ضرب أباه فاقتلوه وهذا لا يعرف ولو صح الخبر المذكور لكان معناه من شذ عن الحق، لا يجوز غير ذلك، وبما أنبأناه أحمد بن عمر بن أنس العذري، نا عبد الله بن الحسين، نا عقال، نا إبراهيم بن محمد الدينوري، نا محمد بن أحمد بن الجهم، نا أبو قلابة، نا وهب بن جرير بن حازم قال: سمعت عبد الملك بن عمير يحدث عن جابر بن سمرة قال: خطبنا عمر بن الخطاب فقال قام فينا رسول الله صلى الله عليه وسلم كقيامي فيكم فقال من أحب منكم بحبوحة الجنة فليلتزم الجماعة، فإن الشيطان مع الواحد وهو من الاثنين أبعد. نا عبد الله بن ربيع، نا محمد بن معاوية، نا أحمد بن شعيب، أخبرني إبراهيم بن الحسن، نا حجاج بن محمد، نا يوسف بن أبي إسحاق، عن عبد الملك بن عمير، عن عبد الله بن الزبير قال: قام عمر بن الخطاب أمير المؤمنين على باب الجابية فقال إن رسول الله صلى الله عليه وسلم قام فينا كقيامي فيكم فقال يا أيها الناس أكرموا أصحابي ثم الذين يلونهم ثم الذين يلونهم، ثم يفشو الكذب، حتى إن الرجل ليحلف قبل أن يستحلف، ويشهد قبل أن يستشهد، فمن سره أن ينال بحبوحة الجنة فعليه بالجماعة فإن يد الله فوق الجماعة، ولا يخلون رجل بامرأة، فإن الشيطان ثالثهما، ألا إن الشيطان مع واحد، وهو من الاثنين أبعد، من سائته سيئته وسرته حسنته فهو المؤمن. وبه إلى أحمد بن شعيب، نا الربع بن سليمان، نا إسحاق بن بكر، عن يزيد بن عبد الله، عن عبد الله بن دينار عن ابن عمر. قال: إن عمر بن الخطاب لما قدم الشام قام فقال رسول الله صلى الله عليه وسلم قام فينا كقيامي فيكم فقال أكرموا أصحابي ثم الذين يلونهم ثم الذين يلونهم ثم يظهر الكذب فيحلف الرجل ولا يستحلف ويشهد ولا يستشهد فمن أراد بحبوحة الجنة فليلزم الجماعة فإن الشيطان مع الواحد وهو من الاثنين أبعد وبه إلى أحمد بن شعيب، نا إسحاق بن إبراهيم وهو ابن راهويه نا جرير هو ابن عبد الحميد عن عبد الملك بن مالك بن عمر، عن جابر بن سمرة قال: خطب عمر بن الخطاب الناس

great majority." We found, through the transmission of Muhammed ibn ʿAbd al-Salam al-Khushani, from al-Musayyab ibn Wadih, from al-Muʿtamir ibn Sulayman, from ʿAbd Allah ibn Dinar, from Ibn ʿUmar, from the Prophet ﷺ, that he said: "The community of Muhammed will never agree upon error. You must adhere to the great majority, for whoever deviates deviates into the Fire." Abu Muhammed said: Al-Musayyab ibn Wadih is a transmitter of objectionable hadith whose reports cannot be adduced as evidence. He transmitted objectionable reports, including one that he attributed through a chain to the Prophet ﷺ: "Whoever strikes his father, kill him." This is not known. Even if the report mentioned were authentic, its meaning would be whoever deviates from the truth; no other interpretation is admissible. And they adduced what Ahmad ibn ʿUmar ibn Anas al-ʿUdhri reported to us: ʿAbd Allah ibn al-Husayn narrated to us; ʿIqal narrated to us; Ibrahim ibn Muhammed al-Dinawari narrated to us; Muhammed ibn Ahmad ibn al-Jahm narrated to us; Abu Qilabah narrated to us; Wahb ibn Jarir ibn Hazim narrated to us, saying: I heard ʿAbd al-Malik ibn ʿUmayr relating from Jabir ibn Samurah, who said: ʿUmar ibn al-Khattab addressed us and said: "The Messenger of Allah ﷺ stood among us as I stand among you, and said: 'Whoever among you desires the spacious heart of Paradise should adhere to the community, for Satan is with the solitary person and is farther away from two.'" ʿAbd Allah ibn Rabiʿ narrated to us; Muhammed ibn Muʿawiyah narrated to us; Ahmad ibn Shuʿayb narrated to us: Ibrahim ibn al-Hasan informed me; Hajjaj ibn Muhammed narrated to us; Yusuf ibn Abi Ishaq narrated to us, from ʿAbd al-Malik ibn ʿUmayr, from ʿAbd Allah ibn al-Zubayr, who said: ʿUmar ibn al-Khattab, Commander of the Faithful, stood at the gate of al-Jabiyah and said: "The Messenger of Allah ﷺ stood among us as I stand among you and said: 'O people, honor my Companions, then those who follow them, then those who follow them. Then lying will become widespread, so that a man will swear an oath before he is asked to swear, and he gives testimony before being asked to testify. Whoever would be pleased to attain the spacious heart of Paradise must adhere to the community, for Allah's hand is above the community. No man must be alone with a woman, for Satan is their third. Indeed, Satan is with one person, and he is farther from two.

Whoever is distressed by his evil deed and delighted by his good deed is the believer.'"

And through the same chain to Ahmad ibn Shuʿayb: al-Rabʿ ibn Sulayman narrated to us; Ishaq ibn Bakr narrated to us, from Yazid ibn ʿAbd Allah, from ʿAbd Allah ibn Dinar, from Ibn ʿUmar, who said: "When ʿUmar ibn al-Khattab arrived in Syria, he stood and said: 'The Messenger of Allah ﷺ stood among us as I stand among you and said: "Honor my Companions, then those who follow them, then those who follow them. Then lying will appear, and a man will swear without being asked to swear, and give testimony without being asked to testify. Whoever desires the spacious heart of Paradise must adhere to the community, for Satan is with one person, and he is farther from two."'"

And through the same chain to Ahmad ibn Shuʿayb: Ishaq ibn Ibrahim, namely Ibn Rahawayh, narrated to us; Jarir, namely Ibn ʿAbd al-Hamid, narrated to us, from ʿAbd al-Malik ibn Malik ibn ʿUmar, from Jabir ibn Samura, who said: "'Umar ibn al-Khattab addressed the people at al-Jabiya and said: 'The Messenger of Allah ﷺ stood in a position like this position of mine and said: "Treat my Companions well, then those who follow them, then those who follow them. Then lying will appear, and a man will swear without being asked to swear, and give testimony without being asked to testify. Whoever among you desires the spacious heart of Paradise must adhere to the community, for Satan is with one person, and he is farther from two."'"

And through the same chain to Ahmad ibn Shuʿayb: narrated to us Ishaq ibn Ibrahim, namely Ibn Rahawayh; Jarir, namely Ibn ʿAbd al-Hamid, narrated to us, from ʿAbd al-Malik ibn ʿUmayr, from Jabir ibn Samura, who said: "'Umar ibn al-Khattab addressed the people at al-Jabiya and said: 'The Messenger of Allah ﷺ stood in a position like this position of mine and said: "Treat my Companions well, then those who follow them, then those who follow them. Then lying will become widespread, to the point that a man will swear an oath before being asked to swear, and give testimony before being asked to give that testimony. Whoever among you desires the spacious heart of Paradise must adhere to the community, for Satan is with one person, and he is farther from two. No man is to be alone with a woman, for their

بالجابية فقال رسول الله صلى الله عليه وسلم قام في مثل مقامي هذا فقال أحسنوا إلى أصحابي ثم الذين يلونهم ثم الذين يلونهم ثم يظهر الكذب فيحلف الرجل ولا يستحلف ويشهد ولا يستشهد فمن أراد منكم بحبوحة الجنة فليلزم الجماعة فإن الشيطان مع الواحد وهو من الاثنين أبعد وبه إلى أحمد بن شعيب، نا إسحاق بن إبراهيم هو ابن راهويه نا جرير هو ابن عبد الحميد عن عبد الملك بن عمير، عن جابر بن سمرة قال: خطب عمر بن الخطاب الناس بالجابية فقال إن رسول الله صلى الله عليه وسلم قام في مثل مقامي هذا فقال أحسنوا إلى أصحابي ثم الذين يلونهم ثم الذين يلونهم ثم يفشو الكذب حتى إن الرجل ليحلف على اليمين قبل أن يستحلف ويشهد على الشهادة قبل أن يستشهد عليها، فمن أراد منكم بحبوحة الجنة فليلزم الجماعة فإن الشيطان مع الواحد، وهو من الاثنين أبعد، لا يخلو رجل بامرأة فإن ثالثهما الشيطان ألا من كان منكم تسوءه سيئته وتسره حسنته فهو مؤمن. قال أبو محمد: هذا الخبر لم يخرجه أحد ممن اشترط الصحيح، ولكنا نتكلم فيه على علاته، فنقول وبالله تعالى نتأيد: إنه إن صح فإن ما ذكر فيه من الجماعة إنما هي بلا شك جماعة الحق. ولو لم يكونوا إلا ثلاثة من الناس، وقد أسلمت خديجة رضي الله عنها أم المؤمنين وسائر الناس كفار، فكانت على الحق وسائر أهل الأرض على ضلال. ثم أسلم زيد بن حارثة وأبو بكر رضي الله عنهم، فكانوا بلا شك هم الجماعة، وجميع أهل الأرض على الباطل وقد نبىء رسول الله صلى الله عليه وسلم وحده فكان على الحق واحدا وجميع أهل الأرض على الباطل والضلال وقد صح عن النبي صلى الله عليه وسلم أن زيد بن عمر بن نفيل يبعث يوم القيامة أمة وحده. قال أبو محمد: وذلك لأن زيدا آمن بالله تعالى وحده، وجميع أهل الأرض على ضلالة وقد صح عن رسول الله صلى الله عليه وسلم أنه قال إن هذا الدين بدأ غريبا وسيعود غريبا فطوبى للغرباء قيل: ومن هم يا رسول الله قال النزاع من القبائل وقال صلى الله عليه

third is Satan. Indeed, whoever among you is distressed by his evil deed and delighted by his good deed is a believer.""

Abu Muhammed said: No one who stipulated that his collection contain only authentic reports included this report. Nevertheless, we shall discuss it despite its defects, and say, seeking the support of Allah Most High: If it is authentic, then the community mentioned in it is undoubtedly only the community of the truth, even if they were only three people. Khadija, Mother of the Believers—may Allah be pleased with her—embraced Islam while all other people were unbelievers. Thus she followed the truth, while all the other inhabitants of the earth followed error. Then Zayd ibn Haritha and Abu Bakr embraced Islam—may Allah be pleased with them—and they were undoubtedly the community, while all the inhabitants of the earth followed falsehood. The Messenger of Allah ﷺ was made a prophet alone; he alone followed the truth, while all the inhabitants of the earth followed falsehood and error. It has been authentically reported from the Prophet ﷺ that Zayd ibn ʿUmar ibn Nufayl will be raised on the Day of Resurrection as a community unto himself.

Abu Muhammed said: That is because Zayd alone believed in Allah Most High, while all the inhabitants of the earth followed error. It has been authentically reported from the Messenger of Allah ﷺ that he said: "This religion began as something strange and will return to being strange, so blessed are the strangers." He was asked: "Who are they, Messenger of Allah?" He said: "Those who have departed from their tribes." And he ﷺ said: "People are like a hundred camels among which you cannot find a single suitable riding camel." And he ﷺ said: "The Hour will come only upon those in whom there is no good."

ʿAbd Allah ibn Yusuf narrated to us; Ahmad ibn Fath narrated to us; ʿAbd al-Wahhab ibn ʿIsa narrated to us; Ahmad ibn ʿAli narrated to us; Muslim ibn al-Hajjaj narrated to us; Muhammed ibn ʿAbbad and Ibn Abi ʿUmar narrated to us, both from Marwan ibn Muʿawiya al-Fazari, from Yazid ibn Kaysan, from Abu Hurayra, who said: "The Messenger of Allah ﷺ said: 'Islam began as something strange and will return to being strange as it began, so blessed are the strangers.'" And through the same chain to Muslim: al-Fadl ibn

وسلم الناس كإبل مائة لا تجد فيها راحلة وقال صلى الله عليه وسلم إن الساعة لا تقوم إلا على من لا خير فيهم نا عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن علي، نا مسلم بن الحجاج، نا محمد بن عباد وابن أبي عمر كلاهما، عن مروان بن معاوية الفزاري، عن يزيد بن كيسان عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم بدأ الإسلام غريبا وسيعود كما بدأ غريبا فطوبى للغرباء. وبه إلى مسلم، نا الفضل بن سهل، نا شبابة به سوار، نا عاصم هو ابن محمد العمري عن أبيه عن ابن عمر عن النبي صلى الله عليه وسلم قال إن الإسلام بدأ غريبا وسيعود غريبا كما بدأ نا أحمد بن محمد بن الجسور، نا محمد بن أبي دليم، أخبرنا ابن وضاح، أخبرنا أبو بكر بن أبي شيبة، نا حفص بن غياث، عن الأعمش، عن أبي إسحاق السبيعي، عن أبي الأحوص عن عبد الله بن مسعود قال رسول الله صلى الله عليه وسلم إن الإسلام بدأ غريبا وسيعود غريبا كما بدأ فطوبى للغرباء قيل ومن الغرباء قال النزاع من القبائل

Sahl narrated to us; Shababa bih Sawwar narrated to us; ʿAsim, namely Ibn Muhammed al-ʿUmari, narrated to us, from his father, from Ibn ʿUmar, from the Prophet ﷺ, who said: "Islam began as something strange and will return to being strange as it began."

Ahmad ibn Muhammed ibn al-Jasur narrated to us; Muhammed ibn Abi Dulaym narrated to us; Ibn Waddah informed us; Abu Bakr ibn Abi Shayba informed us; Hafs ibn Ghiyath narrated to us, from al-Aʿmash, from Abu Ishaq al-Sabiʿi, from Abu al-Ahwas, from ʿAbd Allah ibn Masʿud: "The Messenger of Allah ﷺ said: 'Islam began as something strange and will return to being strange as it began, so blessed are the strangers.' He was asked: 'Who are the strangers?' He said: 'Those who have departed from their tribes.'"[114][115][116][117][118]

L1714–1720 And through the previously given chain to Muslim: ʿAbd ibn Humayd narrated to us; ʿAbd al-Razzaq informed us, from Maʿmar, from Anas ibn Malik, from the Prophet ﷺ, who said: "The Hour will not come upon anyone who says: 'There is no god but Allah.'"

Allah, Mighty and Majestic, spoke, mentioning the people of truth, and said: {Strike with your foot: here is cool water for washing and drinking.} And He

[114]**Translator's note (L1705):** The expression «قليل ذلك الخلاف» is awkward; it has been understood here as the small number of people responsible for the dissent.

[115]**Translator's note (L1709):** The supplied name al-Rabʿ ibn Sulayman appears to be a corrupt reading of al-Rabiʿ ibn Sulayman; the supplied form is retained. The chain here reads ʿAbd al-Malik ibn Malik ibn ʿUmar, whereas the parallel report in the next unit reads ʿAbd al-Malik ibn ʿUmayr. The present wording has not been silently corrected.

[116]**Translator's note (L1711):** The supplied text names Zayd ibn ʿUmar ibn Nufayl; the customary form of the name is Zayd ibn ʿAmr ibn Nufayl. The supplied form is retained. "Those who have departed from their tribes" renders al-nuzzaʿ min al-qabaʾil, an expression for individuals separated from their tribes or living away from their own people.

[117]**Translator's note (L1712):** The supplied wording gives Shababa bih Sawwar, with bih ("with him" or "by it") where a patronymic connector would be expected. This appears to be a corruption of Shababa ibn Sawwar; the anomalous supplied form is preserved in transliteration.

[118]**Translator's note (L1713):** "Those who have departed from their tribes" renders al-nuzzaʿ min al-qabaʾil, referring to individuals separated from their tribes or living away from their own people.

وبالسند المتقدم إلى مسلم نا عبد بن حميد أخبرنا عبد الرزاق عن معمر عن أنس بن مالك عن النبي صلى الله عليه وسلم قال لا تقوم الساعة على أحد يقول لا إله إلا الله وقال الله عز وجل وذكر أهل الحق فقال {ركض برجلك هذا مغتسل بارد وشراب} وقال تعالى {وقال لذي شتراه من مصر لامرأته أكرمي مثواه عسى أن ينفعنآ أو نتخذه ولدا وكذلك مكنا ليوسف في لأرض ولنعلمه من تأويل لأحاديث ولله غالب على أمره ولكن أكثر لناس لا يعلمون} في سورة يوسف وقال تعالى {وإن تطع أكثر من في لأرض يضلوك عن سبيل لله إن يتبعون إلا لظن وإن هم إلا يخرصون} وقال تعالى {ومآ أكثر لناس ولو حرصت بمؤمنين} وكلام الله تعالى حق وكلام رسوله صلى الله عليه وسلم حق والحق لا يتعارض وهذه النصوص التي أوردناها هي قرآن منزل، أو أثر في غاية الصحة منقول نقل التواتر، وكلاهما في غاية البيان، فالأقل في الدين هم أهل الحق، وأن أكثر الناس على ضلال وعلى جهل، وأن الواحد قد يكون هو المصيب، وجميع الناس هم على باطل، لا تحتمل هذه النصوص شيئا غير هذا البتة، فلو صحت تلك الآثار التي قدمنا، لوجب ضرورة أنها ليست في الدين، لكن في شيء آخر، وبالضرورة تدري أنها ليست على عمومها، لأن انفراد الرجل وحده

Most High said: {And the man from Egypt who bought him said to his wife: "Make his lodging honorable. Perhaps he will benefit us, or we may adopt him as a son." Thus We established Yusuf in the land, and so that We might teach him the interpretation of accounts. Allah prevails over His affair, but most people do not know}—in the surah of Yusuf. And He Most High said: {If you obey most of those on earth, they will lead you astray from Allah's path. They follow nothing but conjecture, and they do nothing but guess.} And He Most High said: {Most people, however eagerly you desire it, are not believers.}

The speech of Allah Most High is true, and the speech of His Messenger ﷺ is true, and truth does not contradict itself. These texts that we have cited are either revealed Qur'an or a report of the utmost authenticity, transmitted through mass transmission; both are supremely clear. Thus, in religion, the minority are the people of truth; most people follow error and ignorance; and a single individual may be the one who is correct while all other people follow falsehood. These texts admit absolutely no meaning other than this. Consequently, if those reports that we presented earlier were authentic, it would necessarily follow that they concern something other than religion. And you know by necessity that they do not apply in their full generality, because a man's being alone in his house is not objectionable. The Messenger of Allah ﷺ said: "May Allah have mercy on Abu Dharr: he walks alone, dies alone, and will be raised alone." There is a sufficient, decisive demonstration for anyone with the slightest understanding that he ﷺ never meant numerical abundance by the community mentioned; there can be no doubt about that. For the Christians are a community, the Jews are a community, and the Magians and worshippers of fire are a community. Do you suppose that he ﷺ intended these communities? Allah forbid such a thing! If they say: "He intended only all Muslims," we say: Those who affiliate themselves with Islam are divided into sects: the Kharijites are a community, the Rafidites are a community, the Murji'ites are a community, and the Mu'tazilites are a community. Do you suppose that he, peace be upon him, intended any of these communities? Far be it from him! If they say: "He intended only the people of the Sunna," we say: The people of the Sunna are divided into groups: the

في بيته غير منكر وقد قال رسول الله صلى الله عليه وسلم يرحم الله أبا ذر يمشي وحده ويموت وحده ويبعث وحده وبرهان كاف قاطع لكل من له أقل فهم في أنه صلى الله عليه وسلم لم يرد قط بالجماعة المذكورة كثرة العدد، لا يشك في ذلك، لأن النصارى جماعة واليهود جماعة والمجوس وعباد النار جماعة أفترونه صلى الله عليه وسلم أراد هذه الجماعات حاشا لله من هذا فإن قالوا: إنما أراد جميع المسلمين، قلنا: فإن المنتمين إلى الإسلام فرق، فالخوارج جماعة، والروافض جماعة، والمرجئة جماعة، والمعتزلة جماعة، أفترونه عليه السلام أراد شيئا من هذه الجماعات؟ حاشا له من ذلك. فإن قالوا: إنما أراد أهل السنة، قلنا: أهل السنة فرق، فالحنفية جماعة والمالكية جماعة والشافعية جماعة والحنبلية جماعة وأصحاب الحديث الذين لا يتعدونه جماعة فأي هذه الجماعات أراد صلى الله عليه وسلم وليس بعضها أولى بصحة الدعوى من بعض فصح يقينا قطعا كما أن الشمس طالعة من مشرقها أنه عليه السلام لم يرد قط إلا جماعة أهل الحق وهم المتبعون للقرآن ولما صح عن النبي صلى الله عليه وسلم من بيانه للقرآن بقوله وفعله وهذه هي طريق جميع الصحابة رضي الله عنهم، وخيار التابعين من بعدهم، حتى حدث التقليد المهلك، فإذا لا شك في كل هذا، وقد بينا أن أمره عليه السلام بلزوم الجماعة، إنما أراد يقينا أهل الحق، وإن كانوا أقل من أهل الباطل بلا شك، لم يرد كثرة العدد قط. فلنتكلم بعون الله تعالى وقوته على ما في تلك الآثار، من أن الشيطان مع الفذ أو الواحد، وهو من الاثنين أبعد. وقد أوضحنا بما لا إشكال فيه، أنه عليه السلام لم يرد بذلك الدين، بما لو أوردنا آنفا من النصوص، وببرهان آخر، وهو قوله: وهو من الاثنين أبعد فلو أراد الدين، لكان المنفرد بقوله مصاحبا للشيطان، فإن استضاف إليه آخر بعد عنه الشيطان، فعاد الباطل حقا بدخول إنسان فيه، وهذا باطل متيقن ليست هذه صفة الدين؛ بل الباطل باطل، وإن دخل فيه آلاف فصح بلا شك أنه لم يرد الدين، ولا عموم التوحيد بكل حال فقد صح أنه إنما عنى خاصا

من الأحوال بلا شك. فإذا ذلك كذلك فلا يجوز أن ينسب إلى النبي صلى الله عليه وسلم أنه أراد حال كذلك إلا بنص صحيح عنه بذلك وإن الناسب إليه صلى الله عليه وسلم ما لم يقل كاذب عليه وقد أخبر عليه السلام، أنه من كذب عليه فليتبوأ مقعده من النار. فإذا كان الأمر كما قلنا يقينا فقد صح عن النبي صلى الله عليه وسلم النهي أن يسافر المرء وحده وفي تلك الأخبار أنفسها، لا ينفرد رجل مع امرأة فإن الشيطان ثالثهما، فنحن على يقين من أنه ههنا نهي عن الوحدة، وأن الشيطان ههنا مع الواحد، فإن كان اثنين فقد خرج عن النهي، وبعد الشيطان عنهما، فبطل التعلق بتلك الآثار فيما ذهب إليه من ذهب، وأن خلاف الواحد لا يعد خلافا. واعلموا أنه لا يمكن البتة، للحنفيين ولا المالكيين ولا الشافعيين، أن يحتجوا بشيء من ذلك الأثر، لأن خلاف الواحد عندهم خلاف إلا من شذ منهم من مذاهب أصحابه، وقد قلنا إننا أخرجنا لكل واحد من أبي بكر ومالك والشافعي مئين من المسائل انفرد كل واحد منهم بقوله فيها، عن أن يعرف أحد قبله قاله بذلك القول. وبرهان ضروري أيضا، هو أنه قد بينا أن له لو صح ذلك القول عن النبي صلى الله عليه وسلم لعلمنا أنه لم يرد بذلك الدين أصلا لأن اليهود والنصارى والمجوس والملحدين ثم الرافضة والمعتزلة والمرجئة والخوارج، جماعات عظيمة، فالشيطان بعيد عنهم ومجانب لهم، لأنهم أكثر من واحد، يأبى الله تعالى هذا، وتالله ما عش الشيطان ولا بحبوحته إلا فيهم، وبلا شك أن أهل الباطل كلما كثروا فإن الشيطان أقوى فيهم منه مع المنفرد.

Hanafis are a community, The Malikis are a community, the Shafi'is are a community, the Hanbalis are a community, and the adherents of hadith who do not go beyond it are a community. Which of these communities, then, did he ﷺ mean? None has a better claim to the validity of its assertion than another. It is therefore established with certainty and conclusively, as surely as the sun rises from its place of rising, that he, peace be upon him, never meant anything other than the community of the people of truth. They are those who follow the Quran and what is authentically established from the Prophet ﷺ of his explanation of the Quran through his words and deeds. This is the way of all the Companions, may Allah be pleased with them, and the best of the Followers after them, until ruinous imitation arose. Since there is no doubt about any of this, and we have explained that, in commanding adherence to the community, he, peace be upon him, certainly meant the people of truth, even if they were fewer than the people of falsehood, and undoubtedly never meant numerical abundance, let us speak, with the help and strength of Allah Most High, about the statement in those reports that Satan is with the solitary person, or the individual, and is farther away from two. We have made it clear beyond any difficulty that he, peace be upon him, did not mean religion by this, through the texts we cited just now and through another demonstration: his statement, "And he is farther away from two." If he had meant religion, a person alone in holding his opinion would be accompanied by Satan; then, if another joined him, Satan would move away from him, and falsehood would become truth through a person's joining it. This is certainly false. Such is not the character of religion. Rather, falsehood remains falsehood even if thousands join it. It is thus established beyond doubt that he did not mean religion, nor the generality of professing Allah's oneness in every circumstance. It is therefore established beyond doubt that he meant only particular circumstances. Since that is so, it is impermissible to attribute to the Prophet ﷺ an intention to refer to any such circumstance except on the basis of an authentic text from him to that effect. Whoever attributes to him ﷺ something he did not say lies about him. He, peace be upon him, has declared that whoever lies about him should take his seat in the Fire. Since the matter is certainly as we have said, an authentic prohibition against a person's travelling alone has been transmitted from the

Prophet ﷺ. And in those very reports: "Let no man be alone with a woman, for Satan is the third of them." We are therefore certain that what is prohibited here is being alone, and that Satan here is with the individual. If there are two, he has passed beyond the scope of the prohibition, and Satan has moved away from them. Reliance upon those reports to support the position adopted by those who adopted it—that the dissent of one person does not count as dissent—is therefore invalid. Know that it is utterly impossible for the Hanafis, the Malikis, or the Shafiʿis to use anything from that report as an argument, because, according to them, the dissent of one person counts as dissent, except for those among them who depart from the positions of their fellow adherents. We have already said that we have adduced, for each of Abu Bakr, Malik, and al-Shafiʿi, hundreds of questions on which each held an opinion alone, without anyone before him being known to have expressed that opinion. There is also a necessary demonstration: we have explained that, even if that statement were authentically established from the Prophet ﷺ, we would know that he did not mean religion by it at all. For the Jews, the Christians, the Magians, and the unbelievers, and then the Rafidites, the Muʿtazilites, the Murjiʾites, and the Kharijites, are vast communities. Satan would therefore be far from them and keep apart from them because they number more than one! Allah Most High rejects this. By Allah, Satan's nest and his very heartland are nowhere but among them. Undoubtedly, the more

numerous the people of falsehood become, the stronger Satan is among them than he is with an individual alone.[119][120][121][122][123]

L1721–1723 Muhammed ibn Saʿid ibn Nabat narrated to us; Ahmad ibn ʿAbd al-Basir narrated to us; Qasim ibn Asbagh narrated to us; Muhammed ibn ʿAbd al-Salam al-Khushani narrated to us; Muhammed ibn al-Muthanna narrated to us; Muʾammal ibn Ismaʿil al-Basri narrated to us; Sufyan al-Thawri narrated to us, from ʿAbd al-Malik ibn Abjar, from Talha ibn Musarrif, from ʿAbd Allah ibn ʿAmr ibn al-ʿAs, who said: "A quarter of the black peoples—those who do not wear clothes—are more numerous than all mankind." Through all this it is established with certainty, leaving no room for doubt, that he never means religion by this. Success comes through Allah Most High.

Furthermore, in those reports the Prophet ﷺ praised his Companions, the generation of the Followers, and then the third generation. Since he praised them, they are the community that ought not to be opposed, and whoever opposes them belongs to the people of falsehood, even if they were all the inhabitants of the earth. Those three generations are the ones who did not

نا محمد بن سعيد بن نبات، نا أحمد بن عبد البصير، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن المثنى، نا مؤمل بن إسماعيل البصري، نا سفيان الثوري، عن عبد الملك بن أبجر، عن طلحة بن مصرف، عن عبد الله بن عمرو بن العاص، قال: ربع السودان من لا يلبس الثياب، أكثر من جميع الناس. فصح بكل هذا يقينا لا مجال للشك فيه أنه لا يرد قط بذلك الدين وبالله تعالى التوفيق وأيضا فإن النبي صلى الله عليه وسلم أثنى في تلك الأخبار على أصحابه وعلى قرن التابعين، ثم على القرن الثالث. فإذا أثنى عليهم فهم الجماعة التي لا ينبغي أن تخالف، وكل من خالفهم فهو أهل الباطل، ولو كانوا أهل الأرض تلك القرون الثلاثة هي التي لم تقلد أحدا، وإنما كانوا يطلبون القرآن والسنن فنحن معهم، والحمد لله رب العالمين. وكل من قلد إنسانا بعينه، فقد خالف الجماعة، والحمد لله رب العالمين. قال أبو محمد: وقد شغب بعضهم بأن قال لما أجمع نظراء هذا الواحد، وعلمنا أنهم مؤمنون يقينا بالجملة، وأنهم من الأمة بلا شك، ولم نقطع هذا الواحد المخالف لهم بأنه من الأمة، وكان واجبا علينا اتباع من نوقن أنهم من الأمة دون من لا نوقن أنه منها. قال أبو محمد: وهذا خطأ، لأن الله تعالى أمرنا عند التنازع بالرد إلى القرآن والسنة بقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} ومخالفة الواحد تنازع في المشاهدة والعيان، ولم يقل تعالى فردوه إلى الأكثر، ولا إلى من لم يخالفهم إلا واحد فصار من رد إلى غير القرآن والسنة، عاصيا لله عز وجل، مخالفا لأمره. وقد حصل لذلك الواحد من ظاهر الإسلام في الحكم، كالذي لكل واحد من مخالفيه ولا فرق.

[119] **Translator's note (L1714):** The first Qur'anic quotation is the wording of Sad 38:42, concerning striking the ground with one's foot. Its placement after "mentioning the people of truth" appears incongruous with the argument about minorities. The supplied quotation is translated without substitution. The Qur'anic quotations contain several apparent transcriptional omissions of letters, especially initial alifs in articles and other words. The translation follows the identifiable wording; the initial word of the first quotation is likewise defective in the supplied spelling. "Accounts" renders al-ahadith in the Yusuf quotation; in this context it may refer specifically to dreams or their narration.

[120] **Translator's note (L1717):** The wording بما لو أوردنا آنفا is syntactically irregular. The translation follows its apparent reference to the texts cited immediately beforehand, without assigning a separate coherent sense to the intrusive لو.

[121] **Translator's note (L1719):** The author moves from the report about a man being alone with a woman, where Satan is said to be their third, to a statement that Satan moves away when there are two. This apparent tension is present in the Arabic and has been retained.

[122] **Translator's note (L1720):** The sequence أنه قد بينا أن له لو صح contains an awkward additional له. The translation conveys the apparent conditional argument while noting the irregular wording.

[123] **Qur'an references (L1714):** Qur'an 38:42 (Sad); Qur'an 12:21 (Yusuf); Qur'an 6:116 (Al-An'am).

imitate anyone; rather, they sought the Quran and the prophetic practices. We are therefore with them, and praise belongs to Allah, Lord of the worlds. Whoever imitates one particular person has opposed the community, and praise belongs to Allah, Lord of the worlds.

Abu Muhammed said: Some of them have also raised a specious objection, saying: "Since this one individual's peers have reached consensus, and we know with certainty that, collectively, they are believers and that they belong to the Muslim community beyond doubt, whereas we have not established conclusively that this one individual who opposes them belongs to the Muslim community, it is incumbent upon us to follow those whom we are certain belong to the Muslim community, rather than someone whom we are not certain belongs to it." Abu Muhammed said: This is erroneous, because Allah Most High commanded us, when disputing, to refer the matter back to the Quran and the Sunnah, in His words, Most High: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, if you dispute over anything, refer it back to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome.} The dissent of one person is, observably and manifestly, a dispute. And He did not say, Most High, "Refer it back to the majority," nor "to those opposed by only one person." Thus, whoever refers it back to anything other than the Quran and the Sunnah disobeys Allah, Mighty and Majestic, and contravenes His command. Moreover, that one individual possesses, for purposes of legal

judgment, the same outward profession of Islam as each of his opponents, without any difference.[124][125][126]

L1724–1725 Abu Muhammed said: They have also argued from what we have transmitted through Ibn Wahb: Abu Fahd informed me: The Messenger of Allah ﷺ said, “Let the fewer follow the more numerous scholars.” Abu Muhammed said: This is a report with an omitted transmission link to the Prophet, of no worth, and undoubtedly false. The first reason is that it is impossible, and he, peace be upon him, does not command the impossible. For it is not possible to follow the fewer and the more numerous until it is possible to count them all. We have explained that counting them all is utterly impossible by any means whatsoever, and that none has the power to do so except the Creator alone, who has no partner. Another consideration is that the Companions, may Allah’s good pleasure be upon them, agreed immediately after the Prophet’s ﷺ death that the people of apostasy should not be fought and that Usama ibn Zayd’s expedition should not be dispatched. Abu Bakr alone opposed them, and he was in the right while they were in error. If they say, “They subsequently adopted his opinion,” we say: Yes, and this is our argument. We asked you only about the situation before they adopted Abu Bakr’s opinion on that matter.

Some of them have raised a specious objection using the report that “One is a devil, two are two devils, and three are a travelling party.” We say: In the wording of the report itself, this concerns travel alone. Otherwise, according to their position, someone performing a voluntary prayer alone would be a

قال أبو محمد: واحتجوا أيضا بما رويناه من طريق ابن وهب أخبرني أبو فهد قال رسول الله صلى الله عليه وسلم ليتبع الأقلون العلماء الأكثرين قال أبو محمد: وهذا مرسل لا خير فيه، وباطل بلا شك، أول ذلك أنه محال، وهو عليه السلام لا يأمر بالمحال، لأنه لا يمكن أن يتبع الأقل والأكثر إلا بعد إمكان عد جميعهم، وقد بينا أن عد جميعهم لا يمكن البتة بوجه من الوجوه، ولا يقدر عليه إلا الخالق وحده لا شريك له. ووجه آخر، وهو أن الصحابة رضوان الله عنهم قد أصفقوا أثر موت النبي صلى الله عليه وسلم على ألا يقاتل أهل الردة ولا ينفذ بعث أسامة بن زيد، وخالفهم أبو بكر وحده، فكان هو المحق وكانوا على الخطأ، فإن قالوا: قد رجعوا إلى قوله قلنا: نعم، وهذه حجتنا، وإنما سألناكم عن الحال قبل أن يرجعوا إلى قول أبي بكر في ذلك. وقد شغب بعضهم بما روي من أن الواحد شيطان، والاثنان شيطانان، والثلاثة ركب. قلنا: إنما هذا في نص الخبر نفسه في السفر فقط، وإلا فالمصلي النافلة وحده على قولهم شيطان، ومصلي الفريضة مع آخر شيطانان، وفي هذا ما فيه، نعوذ بالله العظيم من البلاء. ثم نسألكم: هل ذلك الواحد عندكم مخالف للإجماع أم لا؟ فإن قالوا: نعم، قلنا لهم: ومخالف الإجماع عندكم كافر، فمن قولهم: نعم، قلنا لهم، فعلى هذا فابن عباس كافر، وزيد بن ثابت عندكم كافر، إذ أقررتم أنهما خالفا الإجماع، وبالله إن نسب ذلك إليهما فهو والله أحق منهما، بل هما المؤمنان الفاضلان رضي الله عنهما، وإن أبوا من تكفير من خالف هذا النوع من الإجماع تناقضوا وظهر فساد قولهم، وبالله تعالى التوفيق.

[124] **Translator’s note (L1721):** The report beginning ربع السودان من لا يلبس الثياب is awkward and its intended population comparison is uncertain. The translation takes ربع as “a quarter” and the following phrase as identifying those who do not wear clothes; the unvocalized ربع could also refer to an abode or region. The apparently incongruous comparison with “all mankind” is retained. The present-tense wording لا يرد is rendered as “never means”; the surrounding argument elsewhere uses the past tense.

[125] **Translator’s note (L1722):** The Quran quotation, corresponding to 4:59, repeatedly lacks written alifs in such forms as لذين and لله where the context requires الذين and الله. These transcription defects are noted; the English reflects the intelligible wording of the supplied quotation.

[126] **Qur’an references (L1721):** Qur’an 4:59 (An-Nisa).

devil, and someone performing an obligatory prayer with one other person would be two devils. This has the implications it has. We seek refuge in Allah the Magnificent from affliction.

Then we ask you: In your view, does that one individual oppose consensus or not? If they say yes, we say to them: And in your view, is someone who opposes consensus an unbeliever? Their answer is yes. We say to them: On this basis, then, Ibn ʿAbbas is an unbeliever, and Zayd ibn Thabit is an unbeliever in your view, since you have acknowledged that they opposed consensus. By Allah, if someone attributes that to them, then, by Allah, he deserves it more than they do. Rather, they are the two virtuous believers, may Allah be pleased with them both. If, however, they refuse to declare someone who opposes this kind of consensus an unbeliever, they contradict themselves, and the unsoundness of their position becomes evident. Success comes through Allah Most High.[127]

L1726–1730 Abu Muhammed said: ʿAbd al-Rahman ibn Khalid al-Hamdani informed us; Ibrahim ibn Ahmad narrated to us, al-Balkhi: al-Fariri related to us: al-Bukhari related to us: Abd al-Aziz ibn Abd Allah related to us: Malik ibn Anas related to us, from Ibn Shihab, from al-Aʿraj, from Abu Hurayra, who said: "People say, 'Abu Hurayra has narrated a great deal.' Were it not for two verses in the Book of Allah Most High, I would not have narrated a single report." Then he recites: {Indeed, those who conceal what We have sent down of clear proofs and guidance, after We have made it clear to people in the Book—those Allah curses, and those who curse curse them,

قال أبو محمد: أخبرنا عبد الرحمن بن خالد الهمداني، نا إبراهيم بن أحمد البلخي، حدثنا الفريرى، نا البخاري، نا عبد العزيز بن عبد الله، نا مالك بن أنس، عن ابن شهاب، عن الأعرج، عن أبي هريرة قال: إن الناس يقولون: أكثر أبو هريرة، ولو آيتان في كتاب الله تعالى ما حدثت حديثا ثم يتلو {إن لذين يكتمون مآ أنزلنا من لبينات ولهدى من بعد ما بيناه للناس في لكتاب أولئك يلعنهم لله ويلعنهم للاعنون * إلا لذين تابوا وأصلحوا وبينوا فأولئك أتوب عليهم وأنا التواب الرحيم} إلى قوله {إن لذين يكتمون مآ أنزلنا من لبينات ولهدى من بعد ما بيناه للناس في لكتاب أولئك يلعنهم لله ويلعنهم للاعنون * إلا لذين تابوا وأصلحوا وبينوا فأولئك أتوب عليهم وأنا التواب الرحيم} إن إخواننا من المهاجرين كان يشغلهم الصفق في الأسواق، وإن إخواننا من الأنصار يشغلهم العمل في أموالهم وإن أبا هريرة كان يلزم رسول الله صلى الله عليه وسلم لشبع بطنه ويحضر ما لا يحضرون ويحفظ ما لا يحفظون. قال أبو محمد: ففي هذا أن الواحد قد يكون عنده من السنن ما ليس عند الجماعة، وإذا كان عنده من السنة ما

[127] **Translator's note (L1724):** The report is described by the author as mursal: a report whose transmission omits the link to the Prophet. This is the author's assessment. The phrase أن يتبع الأقل والأكثر literally speaks of following "the fewer and the more numerous," although the surrounding argument concerns the fewer following the more numerous. The supplied wording is retained. The wording ومصلي الفريضة مع آخر شيطانان awkwardly makes "someone performing an obligatory prayer with another" the subject of the dual predicate "two devils." Its grammatical and argumentative awkwardness is retained. The clause وبالله إن نسب ذلك إليهما is compressed and leaves the subject of نسب unstated. The translation takes it conditionally, with "someone" supplied; "deserves it" refers to the accusation of unbelief.

* except those who repent, make amends, and make clear: to those I turn in forgiveness, and I am the Ever-Relenting, the Merciful}, up to His words: {Indeed, those who conceal what We have sent down of clear proofs and guidance, after We have made it clear to people in the Book—those Allah curses, and those who curse curse them, * except those who repent, make amends, and make clear: to those I turn in forgiveness, and I am the Ever-Relenting, the Merciful}. "Our brothers among the Emigrants were occupied with striking bargains in the markets, and our brothers among the Helpers were occupied with working on their properties. Abu Hurayra, however, used to remain constantly with the Messenger of Allah ﷺ in return for filling his belly; he attended what they did not attend and memorized what they did not memorize." Abu Muhammed said: This shows that a single individual may possess knowledge of Prophetic practices that the group does not possess. When he possesses knowledge of the Prophetic practice that others do not possess, he, to the exclusion of the others, is correct in the legal opinion he gives on that basis. Abu Muhammed said: We know by direct observation that Muslims are fewer than others. The Messenger of Allah ﷺ said: "Among the nations before you, you are only like a white hair on a black bull." He—upon him be peace, blessing, and peace ﷺ—also mentioned that the contingent dispatched to the Fire consists of nine hundred and ninety-nine out of every thousand, with one going to Paradise. Then, by observation, we know that the righteous and the learned are fewer than the wicked and the ignorant, and that these latter two classes constitute the greater number and the majority. By observation, we know that the morally pure among the learned are fewer than the rest of them, contrary to what our opponent says. In the chapter on invalidating uncritical adherence, Ibn Mas'ud's statement has been mentioned: "Let none of you say, 'I am with the people.'" Before this, we mentioned Hudhayfa's statement: "How will you fare if the Quran takes one path and people take another path?" We have explained, both before and afterward, that the purpose is solely to follow the Quran and what the Messenger of Allah ﷺ has ruled. No one's statement apart from that carries any weight, whether those who uphold it are many or few. This is a matter against which one must guard oneself: the error caused by it has been great, and many have perished through it.

ليس عند غيره، فهو المصيب في فتياه بهذا دون غيره. قال أبو محمد: وبالعيان ندري أن المسلمين أقل من غيرهم قال رسول الله صلى الله عليه وسلم ما أنتم في الأمم قبلكم إلا كالشعرة البيضاء في الثور الأسود، وذكر عليه السلام الصلاة والسلام أن بعث النار من كل ألف تسعمائة وتسعة وتسعين وواحد إلى الجنة، ثم بالمشاهدة ندري أن الصالحين والعلماء أقل من الطالحين والجهال، وأن هذين الصنفين هم الأكثر، والجمهور، وبالمشاهدة ندري أن الزكي من العلماء هم أقل منهم بخلاف قول المخالف، وقد ذكر في باب إبطال التقليد قول ابن مسعود: لا يقول أحدكم أنا مع الناس. وذكرنا قبل هذا قول حذيفة: كيف أنت إذا سلك القرآن طريقا، وسلك الناس طريقا آخر؟ وبينا قبل وبعد أن العرض إنما هو اتباع القرآن وما حكم به رسول الله صلى الله عليه وسلم فإنه لا معنى لقول أحد دون ذلك كثر القائلون به أو قلوا، وهذا باب ينبغي أن يتقى فقد عظم الضلال به، وكثر الهالكون فيه، ونعوذ بالله العظيم من البلاء. قال أبو محمد: وكلامنا هذا كله تطوع منا، وإلا فلو اكتفينا من كل ذلك بما نذكره الآن إن شاء الله تعالى، وهو أن نقول لهم: إن كل من ادعى في أي قولة كانت لا نحاشي قولة من الأقوال أن العلماء كلهم أجمعوا عليها إلا واحدا خالفهم فقط أو إلا اثنين، أو إلا ثلاثة، أو أي عدد ذكروا، فإنه كذاب مفتر آفك قليل الحياء، لأنه لا سبيل بوجه من الوجوه إلى معرفة ذلك يقينا ولا إلى القطع به أصلا، لما قدمنا من تعذر إحصاء عدد المفتين من المسلمين، فوضح أن هذه مسألة فارغة ولا حجة للاشتغال بها أو كثرة من ضل بها

We seek refuge in Allah the Magnificent from affliction. Abu Muhammed said: All this discussion of ours is something we have undertaken voluntarily. Otherwise, we could have dispensed with all of it by confining ourselves to what we shall now mention, if Allah Most High wills, namely, to say to them: Whoever claims, concerning any position whatsoever— we exclude no position at all—that all the scholars have unanimously agreed upon it except for just one who disagreed with them, or except for two, or except for three, or whatever number they mention, is a liar, a fabricator, a purveyor of falsehood, and a person of little shame. For there is absolutely no way to know this with certainty or to assert it definitively at all, given what we have already explained about the impossibility of enumerating the Muslims who issue legal opinions. It is thus clear that this is an empty question, and there is no justification for occupying oneself with it, or for the multitude of those who have gone astray through it.[128][129][130][131]

L1731 **[Section on the Position of Those Who Say That the Majority's Position Constitutes Consensus and That the Minority's Position Is Disregarded]**

[فصل في قول من قال قول الأكثر هو الإجماع ولا يعتد بقول الأقل]

[128] **Translator's note (L1727):** The source reads ولو آيتان, apparently lacking the لا needed for 'were it not for two verses.' The translation follows the apparent intended construction and flags the omission here. The entire two-verse Quranic quotation is repeated after 'up to His words.' This apparent quotation error is retained in full. The transmitter's name is written الفريرى here; the differing form الفربري occurs in unit 1737:0. The supplied forms have been preserved as al-Fariri and al-Firabri respectively. The source has the unusual, repetitive salutation عليه السلام الصلاة والسلام; its repetition is retained in English. الزكي is grammatically singular despite the following plural pronoun. It is understood collectively as 'the morally pure.'

[129] **Translator's note (L1729):** The source reads العرض, 'presentation' or 'exposition,' where the context appears to require الغرض, 'purpose.' The translation adopts the apparent intended sense while recording the supplied reading.

[130] **Translator's note (L1730):** The closing wording ولا حجة للاشتغال بها أو كثرة من ضل بها is awkward: literally, 'and no justification for occupying oneself with it, or the multitude of those who have gone astray through it.' The translation preserves the supplied coordination, whose intended relationship is uncertain.

[131] **Qur'an references (L1726):** Qur'an 2:159 (Al-Baqarah); Qur'an 2:160 (Al-Baqarah).

L1732–1733 Abu Muhammed said: The preceding chapter contains the refutation of this proposition. There we mentioned everything with which they could raise contentious objections, making its repetition unnecessary. Here, however, there is a further question, namely, that we say to them: You have asserted an impossibility and introduced into your religion something false and something that cannot exist. This is because there is no way to give this judgment of theirs its full due without enumerating everyone who has spoken on that question, whether a Companion, a Successor, or anyone after them; then the transmitted trace must be ascertained, even if by one. Besides being impossible, this is foolishness and an assertion without demonstration. Furthermore, what distinguishes you from someone who says that the position of the group whose members are more excellent and more renowned for learning has greater claim to precedence, even if they are fewer in number? The two positions thus conflict, and both are invalid, because they are without evidence. Success comes through Allah Most High.[132]

L1734 [Section Invalidating the Position of Those Who Say That Consensus Is the Consensus of the People of Medina]

L1735–1738 Abu Muhammed said: This is a position that the Malikis have constantly repeated, in earlier and later times, and it is utterly unsound. In support of it they have adduced reports, some of them authentic, which they claim indicate that Medina is the best of all lands, and others lying fabrications transmitted by Muhammed ibn al-Hasan ibn Zabala and others. This is not the place to mention them, since our discussion in this book concerns only the comprehensive foundational principles governing questions of legal rulings, rather than an explanation of which land is best. We have examined those reports exhaustively in our book known as al-Isal, at the end of its

[132] **Translator's note (L1732):** The source reads سؤالا رائدا, literally 'a pioneering question,' where 'a further question' appears intended; زائدا may have been intended in place of رائدا. The supplied ثم يعرف الأثر ولو بواحد means approximately 'then the transmitted trace must be ascertained, even if by one,' but is obscure here. الأثر may be a corruption of الأكثر, which would yield 'then it must be determined which side is more numerous, even if by one person.' The translation retains the supplied reading.

قال أبو محمد: في الباب الذي قبل هذا نقض هذه المقالة، وفيه ذكرنا كل ما يمكن أن يشغبوا به، فأغنى عن إعادته، إلا أن هنا سؤالا رائدا، وهو أن نقول لهم: قلتم المحال وأتيتم في دينكم الباطل، والذي لا يمكن وجوده، وذلك إلى أنه لا سبيل إلى توفية حكمهم هذا حقه، إلا إحصاء عدد جميع من تكلم في تلك المسألة من صاحب وتابع فمن بعدهم، ثم يعرف الأثر ولو بواحد، وهذا مع أنه محال فهو حمق، وقول بلا برهان. وأيضا فما الفرق بينكم وبين من قال قول الطائفة التي هي أفضل وأشهر في العلم أولى، وإن كانوا أقل عددا، فحصل التعارض وبطل القولان لأنهم بلا دليل وبالله تعالى التوفيق

[فصل في إبطال قول من قال الإجماع هو إجماع أهل المدينة]

قال أبو محمد هذا قول لهج به المالكيون قديما وحديثا، وهو في غاية الفساد، واحتجوا في ذلك بأخبار منها صحاح، ادعوا فيها أنها تدل على أن المدينة أفضل البلاد، ومنها مكذوب موضوع في رواية محمد بن الحسن بن زبالة وغيره، ليس هذا مكان ذكرها، لأن كلامنا في هذا الكتاب إنما هو على الأصول الجامعة لقضايا الأحكام، لا لبيان أفضل البلاد، وقد تقصينا تلك الأخبار في كتابنا المعروف بالإيصال في آخر كتاب الحج منه، وتكلمنا على بيان سقوط ما سقط منها، ووجه ما صح منها بغاية البيان، والحمد لله رب العالمين. وبجمع ذلك أنهم قالوا: المدينة مهبط الوحي ودار الهجرة ومجتمع الصحابة ومحل سكنى النبي صلى الله عليه وسلم وأحكامها فأهلها أعلم بذلك ممن سواهم وهم شهداء آخر العمل من النبي صلى الله عليه وسلم وعرفوا ما نسخ وما لم ينسخ ثم اختلفوا فقالت طائفة منهم: إنما إجماعهم إجماع وحجة، فيما كان من جهة النقل فقط،

Book of Pilgrimage. There we discussed, with the fullest clarity, why those among them that fail are untenable and how those among them that are authentic are to be understood. Praise belongs to Allah, Lord of all worlds. The sum of their argument is that they say: Medina is the place where revelation descended, the abode of emigration, the gathering place of the Companions, and the place where the Prophet ﷺ resided, with its rulings. Its people therefore know more about that than others do. They witnessed the Prophet's ﷺ final practice and knew what had been abrogated and what had not been abrogated. Then they differed. One group of them said: Their consensus constitutes consensus and authoritative proof only in matters derived through transmission. Another group of them said: Their consensus constitutes consensus and authoritative proof whether derived through transmission or through independent legal reasoning, because they know more about the texts from which rulings are inferred and upon which analogies are based. Since they know more about that, their inference and analogy are sounder than the analogy of others and the inference of others. They said: It is impossible for the Prophet's ﷺ ruling to remain unknown to the majority, namely, those who stayed in Medina, while being known to the minority, namely, those who left Medina, despite their being occupied with armed struggle. They cited what Abd al-Rahman ibn Awf said to Umar ibn al-Khattab—may Allah be pleased with them—when he wished to stand up during the pilgrimage season because of the statement that had reached him from someone who said, "If Umar were to die, we would pledge allegiance to so-and-so." Umar said: "I shall certainly stand up this evening and warn the people against this band who wish to usurp their rights." Abd al-Rahman said: "I said, 'Commander of the Faithful, do not do so. The pilgrimage season brings together the rabble, and they will dominate your gathering. I fear that they will not interpret it properly and will fly off with it in every direction. Wait until you reach Medina, the abode of emigration and the abode of the Prophetic practice. Then you can meet privately with the Companions of the Messenger of Allah ﷺ, from among the Emigrants and the Helpers, and they will retain your words and interpret them properly.'" Abd al-Rahman ibn Abd Allah related this to us: Ibrahim ibn Ahmad related to us: al-Firabri related to us: al-Bukhari related to us: Musa ibn Isma'il related to us: Abd

وقالت طائفة منهم: إجماعهم إجماع وحجة، من جهة النقل كان أو من جهة الاجتهاد، لأنهم أعلم بالنصوص التي منها يستنبط وعليها يقاس، فإذا هم أعلم بذلك، فاستنباطهم وقياسهم أصح من قياس غيرهم واستنباط غيرهم وقالوا من المحال أن يخفى حكم النبي صلى الله عليه وسلم على الأكثر وهم الذين بقوا بالمدينة ويعرفه الأقل، وهم الخارجون عن المدينة، مع شغلهم بالجهاد، وذكروا قول عبد الرحمن بن عوف لعمر بن الخطاب رضي الله عنهم إذ أراد أن يقوم بالموسم الذي بلغه من قول القائل: لو قد مات عمر لقد بايعنا فلانا، فقال عمر: لأقومن بالعشية فلأحذرن الناس من هؤلاء الرهط يريدون يغصبونهم. فقال عبد الرحمن: فقلت: يا أمير المؤمنين لا تفعل فإن الموسم يجمع رعاع الناس، ويغلبون على مجلسك، فأخاف ألا ينزلوها على وجهها فيطيروا بها كل مطير، فأمهل حتى تقدم المدينة دار الهجرة ودار السنة فتخلو بأصحاب رسول الله صلى الله عليه وسلم من المهاجرين والأنصار ويحفظون مقالتك، وينزلوها على وجهها. نا بهذا عبد الرحمن بن عبد الله نا إبراهيم بن أحمد، حدثنا الفربري، نا البخاري، نا موسى بن إسماعيل، نا عبد الواحد، نا معمر عن الزهري، عن عبيد الله بن عتبة، قال: حدثني ابن عباس، قال: قال لي عبد الرحمن بن عوف: لو شهدت أمير المؤمنين أتاه رجل فقال له: إن فلانا يقول: لو قد مات عمر فبايعنا فلانا، ثم ذكر نصه كما أوردنا. قال أبو محمد: هذا كل ما شغبوا به، وكله لا حجة لهم في شيء منه، على ما تبين إن شاء الله عز وجل.

al-Wahid related to us: Ma'mar related to us, from al-Zuhri, from Ubayd Allah ibn Utba, who said: Ibn Abbas related to me, saying: Abd al-Rahman ibn Awf said to me: "If only you had been present with the Commander of the Faithful! A man came to him and said to him, 'So-and-so says, "If Umar were to die, we would then pledge allegiance to so-and-so."'" He then recounted its wording as we have presented it. Said Abu Muhammed: This is everything with which they have raised contentious objections. In all of it, there is nothing that provides them with any authoritative proof, as will become clear, if Allah, Mighty and Majestic, wills.[133][134]

L1739–1741 As for their claim that Medina is the best of all lands, this is a claim whose invalidity we have explained elsewhere. We have explained that Mecca is the best of all lands on the basis of the explicit text of the Quran, the established Prophetic traditions, and the statements of the Companions—may Allah be pleased with them. This is not the place to discuss that. We do, however, say to them: Suppose that matters were as you say, although they are not: what demonstration does its being the best of all lands provide that the consensus of its people constitutes consensus? Does someone who knows that his words are being written down feel no shame and that he will be called to account for it before Allah, mighty and majestic, of perpetrating this feeble deception? We say that Mecca is the best of lands, but this does not require following its inhabitants to the exclusion of others, or that their consensus alone, to the exclusion of the consensus of others, should count, or that they constitute an authoritative proof against others, since the excellence of a place entails none of this. Furthermore, no two Muslims disagree that there were

أما دعواهم أن المدينة أفضل البلاد، فدعوى قد بينا إبطالها في غير هذا المكان، وبينا أن مكة أفضل البلاد بنص القرآن، والسنن الثابتة، وأقوال الصحابة رضي الله عنهم، وليس هذا مكان الكلام في ذلك، لكن نقول لهم: هبكم أنه كما تقولون، وليس كذلك، فأي برهان في كونها أفضل البلاد على أن إجماع أهلها هو الإجماع؟ ألا يستحي من يدري أن كلامه مكتوب وأنه محاسب به بين يدي الله عز وجل، من أن يموه هذا التمويه البارد، ونحن نقول: إن مكة أفضل البلاد، وليس ذلك بموجب اتباع أهلها دون غيرهم، ولا أن إجماعهم دون إجماع غيرهم، ولا أنهم حجة على غيرهم، إذ ليس فضل البقعة موجبا لشيء من ذلك. وأيضا فإنه لا يختلف مسلمان في أنه قد كان في المدينة منافقون وهم شر الخلق قال تعالى {وممن حولكم من لأعراب منافقون ومن أهل لمدينة مردوا على لنفاق لا تعلمهم نحن نعلمهم سنعذبهم مرتين ثم يردون إلى عذاب عظيم} وقال تعالى {إن لمنافقين في لدرك لأسفل من لنار ولن تجد لهم نصيرا} وكان فيها فساق كما في سائر البلاد، وزناة وكذابون وشربة خمر وقذفة كما في سائر البلاد ولا فرق، وأهلها اليوم وإنا لله وإنا إليه راجعون غلاة الروافض الكفرة، أفترون لهؤلاء فضلا يوجب اتباعهم من أجل سكناهم المدينة؟ فمن قولهم: لا لكن إنما توجب الحجة بالفضلاء من أهل المدينة، قلنا لهم: ومن أين خصصتم فضلاء المدينة

[133] **Translator's note (L1736):** The source has وأحكامها, 'and its rulings,' with a feminine pronoun apparently referring to Medina. Its attachment within the sentence is awkward; the translation retains that reference without silently changing it to 'his rulings.' وبجمع ذلك is an awkward supplied reading, rendered according to its apparent sense, 'The sum of their argument.'

[134] **Translator's note (L1737):** The construction بالموسم الذي بلغه من قول القائل is syntactically awkward. The translation takes it to refer to Umar's intention to speak during the pilgrimage season in response to the statement reported to him. The second quotation reads فبايعنا, literally 'then we pledged allegiance,' within a hypothetical statement. It is rendered 'we would then pledge allegiance' to convey that construction.

hypocrites in Medina, and they are the worst of creation. He, exalted, said: {Among the Bedouins around you are hypocrites, and among the inhabitants of Medina are those who have become hardened in hypocrisy. You do not know them; We know them. We shall punish them twice; then they will be returned to a tremendous punishment.} And He, exalted, said: {Indeed, the hypocrites are in the lowest depth of the Fire, and you will never find a helper for them.} There were also flagrantly sinful people there, as in other lands, and adulterers, liars, wine drinkers, and those who make accusations of unchastity, as in other lands, with no difference. Its inhabitants today—and indeed we belong to Allah, and indeed to Him we return—are the unbelieving extremists among the Rejectionists. Do you consider these people to possess an excellence that requires following them because they reside in Medina? Their answer is: No; rather, authoritative proof is established only through the virtuous among the inhabitants of Medina. We say to them: On what basis have you singled out the virtuous of Medina to the exclusion of the virtuous of other lands? There is absolutely no way ever to produce a demonstration establishing the soundness of this. Moreover, Medina's excellence remains as it was: it has not changed and will never change, yet its inhabitants are the most flagrantly sinful of people. Thus, the claim that a place has any bearing on the obligation to follow its inhabitants is invalidated, and it is established that a virtuous person is virtuous wherever he may be, and a flagrantly sinful person is flagrantly sinful wherever he may be. As for their statement that the inhabitants of Medina know the rulings of the Messenger of Allah ﷺ better than anyone else, this is a lie and a falsehood. The truth is simply that the Companions of the Messenger of Allah ﷺ—and they are the ones knowledgeable about his rulings ﷺ—are alike, whether some of them remained in Medina or some of them departed. Remaining there did not increase the knowledge or excellence of the one who stayed in Medina

دون فضلاء غيرهم من البلاد؟ وهذا ما لا سبيل إلى وجود برهان على صحته أبدا.
وأيضا فالمدينة فضلها باق بحسبه، كما كان لم يتغير ولا يتغير أبدا، وأهلها أفسق الناس، فقد بطل أن تكون للبقعة حكم في وجوب اتباع أهلها، وصح أن الفاضل فاضل حيث كان، والفاسق فاسق حيث كان. وأما قولهم إن أهل المدينة أعلم بأحكام رسول الله صلى الله عليه وسلم ممن سواهم فهو كذب وباطل وإنما الحق أن أصحاب رسول الله صلى الله عليه وسلم وهم العالمون بأحكامه صلى الله عليه وسلم سواء بقي منهم من بقي بالمدينة أو خرج منهم من خرج، لم يزد الباقي بالمدينة بقاؤه فيها درجة في علمه وفضله، ولا حظ الخارج منهم عن المدينة خروجه عنها درجة من علمه وفضله

by a single degree, nor did departing from Medina lower the knowledge or excellence of the one who left it by a single degree.[135][136][137]

L1742–1745 As for their statement that they witnessed his final ruling ﷺ and knew what had been abrogated as distinct from what had not been abrogated, this is an outrageous deception and an obvious lie. Rather, those Companions who departed from Medina witnessed exactly as much of that as those of them who remained there witnessed, such as Ali, Ibn Masud, Anas, and others, with no difference. Lying is disgrace in this world and fire in the Hereafter. Thus, the invalidity of everything with which they have deceived people, which they have built upon this unsound principle and raised upon this collapsing foundation, has become evident. As for their statement that it is impossible for a ruling of the Messenger of Allah ﷺ to be unknown to the majority, namely those who remained in Medina, while the minority, namely those who departed from Medina, know it, this is an obvious deception and feeble contentiousness. It would only have been possible for them to deceive people by this means if they had found an issue transmitted through every Companion who remained in Medina—may Allah be pleased with them—and on which every Companion who remained in Medina had issued a legal opinion. But they will never find this, not even in a single issue. All that has been found is the legal opinion of one, two, three, or a similar number, and likewise their transmission. It is therefore possible for a ruling of the Prophet ﷺ to be unknown to a group of Companions while one or more of them know it. It is also possible that someone who witnessed that ruling departed from Medina, and possible that he remained there; the reverse is also possible, with no difference. The Companions dispersed throughout the lands only after the death of the Prophet ﷺ. As for the statement of Abd al-Rahman to Umar which we mentioned, concerning postponing

[135] **Translator's note (L1740):** The opening continues the preceding unit's question about being ashamed; its English syntax therefore depends on that preceding text. The Qur'anic quotations omit several written alifs in the supplied transcription, but their wording remains identifiable. "Rejectionists" renders the polemical designation al-Rawafid.

[136] **Translator's note (L1741):** The supplied حظ appears to be a transcription error for حط, "lowered"; the translation follows this apparent intended reading.

[137] **Qur'an references (L1739):** Qur'an 9:101 (At-Tawbah).

وأما قولهم إنهم شهدوا آخر حكمه صلى الله عليه وسلم وعلموا ما نسخ مما لم ينسخ فتمويه فاحش وكذب ظاهر، بل الخارجون من الصحابة عن المدينة شهدوا من ذلك كالذي شهده المقيم بها منهم سواء كعلي وابن مسعود وأنس وغيرهم ولا فرق، والكذب عار في الدنيا ونار في الآخرة، فظهر فساد كل ما موهوا به وبنوه على هذا الأصل الفاسد، وأسموه بهذا الأساس المنهار. وأما قولهم إن من المحال أن يخفى حكم رسول الله صلى الله عليه وسلم على الأكثر وهم الباقون بالمدينة وبعلمه الأقل، وهم الخارجون عن المدينة، فتمويه ظاهر، وشغب غث، وإنما كان ممكن أن يموهوا بذلك، لو وجدوا مسألة رويت من طريق كل من بقي بالمدينة من الصحابة رضي الله عنهم، وأفتى بها كل من بقي بالمدينة من الصحابة. وأما ولا يجدوا هذا أبدا، ولا في مسألة واحدة، وإنما وجد فتيا الواحد والاثنين والثلاثة ونحو ذلك وروايتهم كذلك فممكن أن يغيب حكم النبي صلى الله عليه وسلم عن النفر من الصحابة وبعلمه الواحد والأكثر منهم، وقد يمكن أن يكون الذي حضر ذلك الحكم يخرج عن المدينة، ويمكن أن يبقى بها، ويمكن خلاف ذلك أيضا، ولا فرق، وإنما تفرق الصحابة في البلاد بعد موت النبي صلى الله عليه وسلم وأما قول عبد الرحمن لعمر الذي ذكرنا في تأخير الأمر حتى يقدم المدينة فيخلو بوجوه الناس، وأهل الفقه وأهل العلم، فوالله ما أدرك مالك من هؤلائك أحدا، وإنما أخذ عنهم كما فعل أهل الأمصار سواء ولا فرق، وأيضا فما كل قول قاله عبد الرحمن، ووافقه عليه عمر رضي الله عنه حجة وقد علم جميع أهل الإسلام أن رسول الله صلى الله عليه وسلم لم يخطب الخطبة التي عهد فيها إلى الناس وجعلها كالوداع لهم وقررهم ألا هل بلغت، وأشهد الله تعالى عليهم، إلا في الموسم

أحفل ما كان في الأعراب وغيرهم ففعل رسول الله صلى الله عليه وسلم أولى من رأي رآه عبد الرحمن وعمر رضي الله عنهما. وبرهان ذلك أنه لو سلك الأئمة هذا الرأي ما تعلم جاهل شيئا أبدا، فصح أنه لا بد من مخاطبة الرعاع والجهال بما يلزم علمه، والعجب كله أنهم يموهون إجماع أهل المدينة، ثم لا يحصلون إلا على رأي مالك وحده، ولا يأخذون بسواه، وهم أترك الناس لأقوال أهل المدينة كعمر وابن عمر وعائشة وعثمان، ثم سعيد بن المسيب والقاسم وغيرهم.

the matter until he arrived in Medina and could meet privately with the leading people, the people of jurisprudence, and the people of knowledge—by Allah, Malik did not live to encounter a single one of those people. He merely received learning from them, just as the people of the other cities did, exactly, with no difference. Furthermore, not every statement that Abd al-Rahman made and with which Umar agreed—may Allah be pleased with him—constitutes an authoritative proof. All the people of Islam know that the Messenger of Allah ﷺ delivered the sermon in which he charged the people with his instructions, made it something like a farewell to them, called upon them to acknowledge, 'Have I conveyed the message?', and called Allah, exalted, to witness against them, only at the pilgrimage gathering when it was most crowded with Bedouins and others. The action of the Messenger of Allah ﷺ therefore has a greater claim to be followed than an opinion held by Abd al-Rahman and Umar—may Allah be pleased with them both. The demonstration of this is that, had the leaders followed this opinion, no ignorant person would ever have learned anything at all. It is therefore established that the rabble and the ignorant must be addressed concerning what they are obliged to know. What is utterly astonishing is that they deceptively invoke the consensus of the inhabitants of Medina, yet arrive at nothing but Malik's opinion alone and accept no other. They are the people most given to abandoning the statements of the inhabitants of Medina, such as Umar, Ibn Umar, Aishah, and Uthman, and then Said ibn al-Musayyab, al-Qasim, and others.[138]

ومن عجائب الدنيا التي لا نظير لها أن يتهالكوا على تقاليد رأي ابن القاسم المصري، وسحنون التنوفي من إفريقية، لأن ابن القاسم أخذ عن مالك، ولأن سحنون أخذ عن ابن القاسم المصري عن مالك، ولا يرون لأخذ مسروق والأسود وعلقمة عن عائشة أم المؤمنين، وعن عمر وعثمان رضي الله عنهما وجها ولا معنى، ثم لا يستحيون مع هذا من أهل التمويه بأهل المدينة، وإنما ذكرنا من أخذ عن هؤلاء المدنيين تنكيتا لهم، وكشفا لتناقضهم، وهم أترك خلق الله لإجماع أهل المدينة أجمعوا كلهم مع رسول

L1746–1754 Among the unparalleled wonders of the world is that they devote themselves so desperately to the unquestioning imitation of the opinion of Ibn al-Qasim the Egyptian and Sahnun al-Tanufi of Ifriqiyah, because Ibn al-Qasim received learning from Malik and because Sahnun received learning from Ibn al-Qasim the Egyptian, from Malik, yet they see neither justification nor sig-

[138] **Translator's note (L1743):** "Raised" takes وأسموه as a form meaning "raised it"; the unvocalized wording is awkward and may be corrupt. The supplied وبعلمه occurs twice where the context calls for ويعلمه, "while ... knows it"; the translation follows that apparent intended reading. The source says Malik encountered none of these people but nevertheless "received learning from them." The implied intermediary transmission is left implicit, as in the Arabic.

nificance in Masruq, al-Aswad, and Alqamah receiving learning from Aishah, the Mother of the Believers, and from Umar and Uthman—may Allah be pleased with them both. Then, despite this, they feel no shame in being practitioners of deception through invoking the inhabitants of Medina. We have mentioned those who received learning from these Medinans only to rebuke them and expose their inconsistency. They are, of all Allah's creation, the most given to abandoning the consensus of the inhabitants of Medina. All of them agreed, together with the Messenger of Allah ﷺ, to hand over their properties, which the Messenger of Allah ﷺ had apportioned among the conquerors of Khaybar, to the Jews, on condition that the latter work them with their own resources and labor, allowing them to remain for as long as Allah, exalted, allowed them to remain, and expelling them whenever they wished. This continued for four years until the Messenger of Allah ﷺ died, then throughout the time of Abu Bakr—may Allah be pleased with him—until the final year of the caliphate of Umar—may Allah be pleased with him. Yet those who claim to follow the school of the inhabitants of Medina said: 'This is an unsound contract and an invalid, annulled arrangement,' in unquestioning imitation of Malik's error. Ahmad ibn Muhammed ibn al-Jasur related to us: Wahb ibn Maysarah related to us: Ibn Waddah ibn Yahya related to us: Malik related to us, from Abu al-Zubayr, from Jabir ibn Abd Allah, who said: 'With the Messenger of Allah ﷺ, on the day of al-Hudaybiyah, we slaughtered a sacrificial camel on behalf of seven and a cow on behalf of seven.' Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Muhammed ibn Hatim related to us: Yahya ibn Said related to us, from Ibn Jurayj, who said: Abu al-Zubayr informed me, from Jabir ibn Abd Allah, who said: 'That day we slaughtered ninety sacrificial camels, sharing one camel among every seven of us.' This, then, is truly the consensus of the inhabitants of Medina and their practice in the presence of the Messenger of Allah ﷺ, and truly the consensus of the Companions. Yet these people who profess to follow the inhabitants of Medina said: 'This is a practice that is impermissible and does not suffice to discharge the obligation,' in unquestioning imitation of Malik's error, in opposition to the inhabitants of

الله صلى الله عليه وسلم على إعطاء أموالهم التي قسمها رسول الله صلى الله عليه وسلم على مفتتحي خيبر إلى اليهود على أن يعملوها بأموالهم وأنفسهم يقرونهم ما أقرهم الله تعالى، ويخرجونهم متى شاؤوا وبقي كذلك إلى أن مات رسول الله صلى الله عليه وسلم مدة أربعة أعوام ثم مدة أبي بكر رضي الله عنه إلى آخر عام من خلافة عمر رضي الله عنه. فقال المدعون إنهم على مذهب أهل المدينة. هذا عقد فاسد وعمل باطل مفسوخ تقليدا لخطأ مالك. حدثنا أحمد بن محمد بن الجسور، نا وهب بن ميسرة، نا ابن وضاح بن يحيى، نا مالك، عن أبي الزبير، عن جابر بن عبد الله قال نحرنا مع رسول الله صلى الله عليه وسلم يوم الحديبية البدنة عن سبعة والبقرة عن سبعة. نا عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم بن الحجاج، نا محمد بن حاتم، نا يحيى بن سعيد، عن ابن جريج أخبرني أبو الزبير، عن جابر بن عبد الله، قال: نحرنا يومئذ تسعين بدنة اشتركنا كل سبعة في بدنة، فهذا إجماع أهل المدينة حقا وعملهم بحضرة رسول الله صلى الله عليه وسلم وإجماع الصحابة حقا فقال هؤلاء المنتسبون إلى اتباع أهل المدينة: هذا عمل لا يجوز، ولا يجزىء تقليدا لخطأ مالك، وخلافا لأهل المدينة وتمويها برواية عن ابن عمر قد جاء عنه خلافها. وتركوا عمل أهل المدينة كل من حضر منهم مع عمر في سجوده في {إذا لسمآء نشقت} وسجودهم مع عمر إذ قرأ السجدة وهو يخطب يوم الجمعة فنزل عن المنبر فسجد وسجدوا معه، ثم رجع إلى خطبته، فقال هؤلاء المنتمون إلى اتباع أهل المدينة. هذا لا يجوز، تقليدا لخطأ مالك في ذلك، ولا سبيل إلى أن يوجد عمل لأهل المدينة أعم من هذا، وتركوا إجماع أهل المدينة إذ صلوا مع رسول الله صلى الله عليه وسلم آخر صلاة صلاها بالناس فقالوا هذه صلاة فاسدة، تقليدا لخطأ مالك في ذلك. والعجب احتجاجهم كلهم في ترك إجماع أهل المدينة على هذا وعملهم برواية

Medina, and deceptively invoking a report from Ibn Umar, although the contrary has also been reported from him. They also abandoned the practice of the inhabitants of Medina—all of them who were present with Umar when he prostrated during {When the sky splits open} and their prostrating with Umar when he recited the prostration passage while delivering the sermon on Friday, whereupon he descended from the pulpit and prostrated, and they prostrated with him; then he returned to his sermon. Yet these people who profess to follow the people of Medina: "This is impermissible," in uncritical imitation of Malik's error concerning it. There is no possibility of finding a practice of the people of Medina more widespread than this. They also abandoned the consensus of the people of Medina when they prayed with the Messenger of Allah ﷺ the last prayer that he led the people in, saying, "This prayer is invalid," in uncritical imitation of Malik's error concerning it. What is astonishing is that all of them, in abandoning the consensus and practice of the people of Medina on this matter, invoke the report of al-Juʿfi, the Kufan liar, from al-Shaʿbi, that the Prophet ﷺ said: "No one after me shall lead the prayer while seated." This is a report more foul than anything in the reports of the people of Medina. Could anything be more astonishing than this? And they say that the consensus of the people of Kufa is the consensus, for the sound reports of the people of Kufa are defective. ʿAbd Allah ibn Rabiʿ narrated to us: Muhammed ibn Muʿawiya narrated to us: Ahmad ibn Shuʿayb narrated to us: Abu Ayyub ibn Muhammed al-Wazzan informed us: ʿAmr ibn Ayyub narrated to us: Aflah ibn Humayd narrated to us: Muhammed ibn Humayd narrated to us, from Abu Bakr ibn Muhammed ibn ʿAmr ibn Hazm, that Sulayman ibn ʿAbd al-Malik, in the year when he performed the pilgrimage, assembled some people of learning, among them ʿUmar ibn ʿAbd, Kharija ibn Zayd ibn Thabit, al-Qasim ibn Muhammed, Salim and ʿAbd Allah, the two sons of ʿAbd Allah ibn ʿUmar, Ibn Shihab, and Abu Bakr ibn ʿAbd al-Rahman ibn al-Harith ibn Hisham. He asked them about perfume before proceeding to the House for the circumambulation of departure from Mina, and all of them instructed him to use perfume. Al-Qasim said: "'A'isha informed me that she perfumed the Messenger of Allah ﷺ for his state of pilgrimage consecration when he entered it, and for his release from consecration when he became released, before he circumambu-

الجعفي الكذاب الكوفي عن الشعبي أن النبي صلى الله عليه وسلم قال لا يؤمن أحد بعدي جالسا وهذه رواية ليس في رواية أهل المدينة أنتن منها، فهل في العجب أكثر من هذا؟ وهم يقولون: إن إجماع أهل الكوفة هو الإجماع فإن روايات أهل الكوفة الصحاح مدخولة. حدثنا عبد الله بن ربيع، نا محمد بن معاوية، نا أحمد بن شعيب، أخبرنا أبو أيوب بن محمد الوزان، نا عمرو بن أيوب، نا أفلح بن حميد، نا محمد بن حميد، عن أبي بكر بن محمد بن عمرو بن حزم، أن سليمان بن عبد الملك عام حج جمع ناسا من أهل العلم فيهم عمر بن عبد وخارجة بن زيد بن ثابت والقاسم بن محمد وسالم وعبد الله ابنا عبد الله بن عمر، وابن شهاب، وأبو بكر بن عبد الرحمن بن الحارث بن هشام، فسألهم عن الطيب قبل الإفاضة، فكلهم أمره بالطيب. وقال القاسم أخبرتني عائشة أنها طيبت رسول الله صلى الله عليه وسلم لحرمه حين أحرم ولحله حين حل قبل أن يطوف بالبيت ولم يختلف عليه أحد منهم إلا أن عبد الله بن عبد الله قال: كان عبد الله رجلا حادا محدا كان يرمي الجمرة ثم يذبح ثم يحلق ثم يركب فيفيض قبل أن يأتي منزله، قال سالم: صدق. فهذه فتيا أهل المدينة وفقهائها عن سلفهم، فقال هؤلاء المدعون: إنهم يتبعون أهل المدينة، لا يجوز ذلك تقليدا لخطأ مالك، واحتجوا برواية كوفية ليست موافقة لقولهم أيضا، لكن موهوا بإيرادها. وذكر قيس بن مسلم، عن أبي جعفر محمد بن علي بن الحسين بن علي بن أبي طالب قال: ما بالمدينة أهل بيت هجرة إلا يزرعون على الثلث والربع، وزارع علي، وسعد بن أبي وقاص، وابن مسعود، وعمر بن عبد العزيز، والقاسم بن محمد بن أبي بكر، وعروة بن الزبير وآل أبي بكر وآل عمر وآل علي، وعامل عمر بن الخطاب الناس على أنه إن جاء عمر بالبذر فله الشطر، وإن جاؤوا بالبذر فلهم كذا وكذا، ورأى ذلك الزهري. قال أبو محمد: فهل يكون عمل يمكن أن يقال: إنه إجماع أظهر من هذا أو أفشى منه؟ فقال هؤلاء المموهون باتباع

lated the House." None of them differed with him, except that ʿAbd Allah ibn ʿAbd Allah said: "'Abd Allah was a brisk man who pressed on urgently: he would stone the pillar, then slaughter, then shave his head, then mount and proceed to the House before coming to his lodging." Salim said: "He has spoken truthfully." This, then, is the legal opinion of the people of Medina and their jurists, transmitted from their predecessors. Yet these people who claim that they follow the people of Medina said: "That is impermissible," in uncritical imitation of Malik's error. They invoked a Kufan report that does not agree with their position either, but they misled people by adducing it. Qays ibn Muslim related from Abu Jaʿfar Muhammed ibn ʿAli ibn al-Husayn ibn ʿAli ibn Abi Talib, who said: "There is no household of emigrants in Medina that does not cultivate land for a third or a quarter of the yield." ʿAli, Saʿd ibn Abi Waqqas, Ibn Masʿud, and ʿUmar ibn ʿAbd al-ʿAziz, al-Qasim ibn Muhammed ibn Abi Bakr, ʿUrwa ibn al-Zubayr, the family of Abu Bakr, the family of ʿUmar, and the family of ʿAli engaged in sharecropping. ʿUmar ibn al-Khattab contracted with people on the terms that, if ʿUmar supplied the seed, he would receive half, and if they supplied the seed, they would receive such-and-such. Al-Zuhri approved of that. Abu Muhammed said: Could there be a practice that might be called a consensus more evident or more widespread than this? Yet these people who make a misleading show of following the people of Medina said: "This is neither lawful nor permissible," in uncritical imitation of Malik's error concerning it. What is astonishing is that Malik claimed a consensus of the people of Medina on only forty-odd questions, yet these people deemed the pot lawful with a puff, and crammed all his opinions into the consensus of the people of Medina. Indeed, we belong to Allah, and indeed, to Him we return, on account of the prevalence of lying, the deception of the heedless, and being beguiled by falsehood. Furthermore, the aforementioned questions that Malik described as constituting the consensus of the people of Medina fall into two categories. The first, which is the smaller category, comprises matters on which no disagreement is known from anyone in any of the other cities. In the second, we have found disagreement, just as it exists outside Medina. Abu Muhammed said: We say to them: What you have claimed as the consensus of the people of Medina must derive either from instruction received from

أهل المدينة: هذا لا يحل ولا يجوز تقليدا لخطأ مالك في ذلك، والعجب أن مالكا لم يدع إجماع أهل المدينة إلا في نيف وأربعين مسألة فاستحل هؤلاء القدر بنفحة، وقحوا جميع آرائه في إجماع أهل المدينة، وإنا لله وإنا إليه راجعون على فشو الكذب واختداع أهل الغفلة والاغترار بالباطل. ثم إن المسائل المذكورة التي ذكر مالك أنها إجماع أهل المدينة تنقسم قسمين: أحدهما: لا يعلم فيه خلاف من أحد من الناس في سائر الأمصار، وهو الأقل. والثاني: قد وجدنا فيه الخلاف، كما هو موجود في غير المدينة. قال أبو محمد: ونقول لهم لا يخلو ما ادعيتموه من إجماع أهل المدينة من أن يكون عن توقيف من رسول الله صلى الله عليه وسلم أو يكون عن اجتهاد وقد تقدم إبطالنا لكل اجتهاد أدى إلى ما لا نص فيه، أو إلى خلاف النص. ثم لو صح لهم فمن أين جاز أن يكون اجتهاد أهل المدينة أولى من غيرهم؟ والنصوص التي يقيسون عليها معروفة عند غيرهم، كما هي عندهم إذ كتمانها محال غير ممكن، ولا فرق بين دعواهم هذه ودعوى غيرهم أو يكون إجماعهم عن توقيف من النبي صلى الله عليه وسلم ولم يبق إلا هذا الوجه فلا يخلو ذلك التوقيف من أن يكون علمه الخارجون من المدينة من الصحابة، أو جهلوه أو علمه من علمه من أهل المدينة سائر الناس أو كتموه، فإن كان علمه الخارجون من المدينة من الصحابة أو علمه من علمه ممن بقي في المدينة من سائر الناس، فقد استوى في العلم به أهل المدينة وغيرهم ضرورة، وإن كان من بقي في المدينة كتمه عن سائر أهل البلاد. فهذا محال غير ممكن، لأن كل سر جاوز اثنين شائع فكيف ما علمه جميع أهل المدينة بزعمهم؟ وحتى لو صح أنهم كتموه لسقطت عدالتهم قال الله عز وجل {إن لذين يكتمون مآ أنزلنا من لبينات ولهدى من بعد ما بيناه للناس في لكتاب أولئك يلعنهم لله ويلعنهم للاعنون}

the Messenger of Allah ﷺ or from independent legal reasoning. We have already invalidated every exercise of independent legal reasoning that leads to something for which there is no authoritative text, or to something contrary to the authoritative text. Then, even if such reasoning were valid for them, on what grounds could the independent legal reasoning of the people of Medina take precedence over that of others? The authoritative texts upon which they base their analogies are known to others just as they are known to them, since concealing those texts is impossible and cannot occur. There is no difference between this claim of theirs and the claim of others. Alternatively, their consensus derives from instruction received from the Prophet ﷺ, and only this possibility remains. That instruction must either have been known to the Companions who left Medina or have been unknown to them; and those among the people of Medina who knew it must either have taught it to everyone else or have concealed it. If the Companions who left Medina knew it, or those who knew it among the people who remained in Medina taught it to everyone else, then necessarily the people of Medina and others were equal in their knowledge of it. But if those who remained in Medina concealed it from all the other inhabitants of the lands, that is impossible and cannot occur, for every secret that passes beyond two people becomes public. How much more so, then, something that all the people of Medina knew, according to their claim! Even if it were established that they concealed it, their probity would be forfeited. Allah, Mighty and Majestic, said: "Indeed, those who conceal what We have sent down of clear proofs and guidance,

after We have made it clear to the people in the Book—those Allah curses, and those who curse curse them."[139][140][141][142][143][144][145][146][147]

[139] **Translator's note (L1746):** The supplied designation التنوفي is rendered "al-Tanufi"; it appears to be an error for Sahnun's usual designation al-Tanukhi and has not been silently corrected. The supplied transmission chain reads "Ibn Waddah ibn Yahya," as though this were one name. A transmission link may have been lost between Ibn Waddah and Yahya; the supplied chain is retained. The phrase من أهل التمويه بأهل المدينة is syntactically awkward; it is rendered as describing them as practitioners of deception through invoking Medina's inhabitants.

[140] **Translator's note (L1747):** The Qur'anic words are the opening of the surah during whose recitation Umar prostrated; the source leaves the surrounding sentence to continue in the next unit.

[141] **Translator's note (L1749):** The opening continues the preceding segment's sentence: "these … said." The assertion about the consensus of Kufa and the following statement that its sound reports are defective are awkwardly connected in the supplied Arabic; both have been retained without inserting a negation or otherwise repairing the text.

[142] **Translator's note (L1750):** The name "'Umar ibn ʿAbd" is incomplete as supplied; it has not been expanded conjecturally. The description حادا محدا is unusual. "Brisk … who pressed on urgently" conveys the apparent sense of haste or purposeful speed, without silently replacing the wording. الإفاضة here denotes proceeding from Mina to Mecca for the pilgrimage circumambulation, rather than departure from ʿArafat.

[143] **Translator's note (L1751):** "Cultivate land for a third or a quarter of the yield" refers to sharecropping. The following verb likewise means that the named people engaged in sharecropping; its English rendering continues in the next segment after the list of names.

[144] **Translator's note (L1752):** The expression فاستحل هؤلاء القدر بنفحة وقحوا جميع آرائه is obscure and may be corrupt. The translation retains the apparent literal imagery of القدر بنفحة, "the pot with a puff," and takes قحوا as conveying cramming or forcing something in. The apparent argument is that a limited number of claims of consensus were used to present all Malik's opinions as Medinan consensus.

[145] **Translator's note (L1753):** In the later conditional clause, the supplied wording علمه من سائر الناس من علمه ممن بقي في المدينة من سائر الناس is syntactically awkward: من سائر الناس does not fit the preceding construction clearly. The translation follows the parallel alternatives stated immediately before it, understanding the clause to concern teaching the instruction to everyone else; the textual difficulty is retained here explicitly.

[146] **Translator's note (L1754):** The Quranic quotation corresponds to 2:159. Its transcription repeatedly drops the initial alif from definite articles and related forms, including لذين, لبينات, لهدى, لكتاب, لله, and للاعنون. The translation reflects the identifiable wording; these transcription defects are flagged rather than treated as distinct lexical readings.

[147] **Qur'an references (L1746):** Qur'an 2:159 (Al-Baqarah).

ولقد أعاذهم الله من هذا فبطل ضرورة ما ادعوه من إجماع أهل المدينة.

وأيضا فإن الإجماع لا يصح نقله إلا بإجماع مثله، أو بنقل تواتر، وهم لا يرجعون في دعواهم الكاذبة لإجماع أهل المدينة إلا إلى إنسان واحد، وهو مالك، فهو نقل واحد كنقل غيره من العلماء ولا فرق. وأيضا فيقال لهم أخبرونا هل خص رسول الله صلى الله عليه وسلم بتبليغ أحكام الدين أو بعضها أو حكم واحد منها المقيمين بالمدينة من الصحابة رضي الله عنهم عمن علم الله عز وجل أنهم سيخرجون عن المدينة فإن قالوا نعم كفروا وكذبوا إذ جعلوه صلى الله عليه وسلم كتم شيئا من الدين عمن يلزمه من علم الديانة كالذي يلزم غيره، وصاروا إلى أقوال الروافض من كثب، وإن قالوا: لا، ثبت أن السنن هي بيان الدين في غير المدينة كما هي في المدينة ضرورة ولا فرق. وأيضا فإن من بقي بالمدينة من الصحابة رضي الله عنهم، كانوا يجاهدون ويحجون، ومن خرج عن المدينة منهم كانوا يفدون على عمر وعثمان فقد وجب التداخل بينهم. وهكذا صحت الآثار بنقل التابعين من سائر الأمصار عن أهل المدينة، وبنقل التابعين من أهل المدينة ومن بعدهم عن أهل الأمصار فقد صحب علقمة ومسروق عمر وعثمان وعائشة أم المؤمنين، واختصوا بهم وأكثروا الأخذ عنهم، وكذلك صحب عطاء عائشة أم المؤمنين، وصحب الشعبي وابن سيرين بن عمر، وصحب قتادة بن المسيب، وأخذ الزهري عن أنس، وأخذ مالك عن أيوب وحميد المكي، وأخذ عبيد الله بن عمر، عن ثابت البناني، وأخذ عبيد الله بن عبد الله بن عتبة عن ابن عباس. وأخبرني يوسف بن عبد الله النمري قال: نا عبد الوارث بن حسرون، نا قاسم بن أصبغ، نا أحمد بن زهير بن حرب، نا أحمد بن حنبل، نا عبد الرحمن بن مهدي، سمعت مالك بن أنس يقول: قال سعيد بن المسيب، إن كنت لأسير الأيام والليالي في طلب الحديث الواحد، فاستوى الأمر في المدينة وغيرها بلا شك.

L1755 Allah has indeed protected them from this. Thus, what they claimed concerning the consensus of the people of Medina is necessarily invalid.

L1756–1758 Furthermore, a consensus cannot be validly transmitted except through a corresponding consensus or through transmission by so many independent transmitters as to preclude collusion on falsehood. Yet in their false claim concerning the consensus of the people of Medina, they refer back to only one person, namely Malik. It is therefore the transmission of a single person, like the transmission of any other scholar, with no difference. Furthermore, they are to be asked: Tell us, did the Messenger of Allah ﷺ single out the Companions residing in Medina—may Allah be pleased with them—for the communication of the rulings of religion, or some of them, or a single ruling among them, to the exclusion of those whom Allah, Mighty and Majestic, knew would leave Medina? If they say yes, they have disbelieved and lied, since they have represented him ﷺ as concealing something of religion from people obliged to possess the same knowledge of religion as others are obliged to possess. They have come very close to the doctrines of the Rejecters. If they say no, then it is necessarily established that the Prophetic traditions explain religion outside Medina just as they do in Medina, without any difference. Furthermore, the Companions who remained in Medina—may Allah be pleased with them—used to undertake military campaigns and perform the pilgrimage, while those of them who left Medina used to come as visitors to ʿUmar and ʿUthman. Interaction among them was therefore inevitable. This is also how the transmitted accounts have been authentically established: through the transmission of the Successors from all the other cities on the authority of the people of Medina, and through the transmission of the Successors of Medina and those after them on the authority of the people of the other cities. Thus, ʿAlqama and Masruq associated with ʿUmar, ʿUthman, and ʿA'isha, Mother of the Believers, enjoyed close relations with them, and learned a great deal from them. Likewise, ʿAta' associated with ʿA'isha, Mother of the Believers; al-Shaʿbi and Ibn Sirin associated with Ibn ʿUmar; Qatada associated with Ibn al-Musayyab; al-Zuhri learned from Anas; Malik learned from Ayyub and Humayd al-Makki; ʿUbayd Allah ibn ʿUmar learned from Thabit al-Bunani; and ʿUbayd Allah ibn ʿAbd Allah ibn

ʿUtba learned from Ibn ʿAbbas. Yusuf ibn ʿAbd Allah al-Namari informed me, saying: ʿAbd al-Warith ibn Hasrun narrated to us: Qasim ibn Asbagh narrated to us: Ahmad ibn Zuhayr ibn Harb narrated to us: Ahmad ibn Hanbal narrated to us: ʿAbd al-Rahman ibn Mahdi narrated to us: I heard Malik ibn Anas say: Saʿid ibn al-Musayyab said: "I would indeed travel for days and nights in pursuit of a single hadith." Thus the situation in Medina and elsewhere was the same, without doubt.[148]

L1759 We also say to them: Did Umar and Uthman, may Allah be pleased with them both, deliberately arrange to send people to teach the inhabitants of Basra, Kufa, Syria, and Egypt their religion and its rulings, or did they overlook this and neglect it, while their officials were traveling back and forth to these lands and delegations from these lands were coming to them every year? Or did they leave none of this undone, but teach them everything in religion that they were obliged to know? One of these alternatives must necessarily be the case. If they say, "We deliberately concealed the religion from them," or, "They neglected this," they have lied openly and attributed to the two excellent caliphs something from which Allah Most High has declared them free: conduct constituting the greatest injustice and the gravest iniquity—indeed, a casting off of Islam. If they say, "They left none of this undone; they taught them everything in religion that they were obliged to know and practice," we say: You have spoken the truth. This establishes that the people of Medina and others are equal in knowledge, learning, and uprightness, and exposes the invalidity of their false claim concerning the consensus of the people of Medina.

Muhammed ibn Said ibn Banat informed us: Ahmad ibn Awn Allah narrated to us: Qasim ibn Asbagh narrated to us: Muhammed ibn Abd al-Salam al-Khushani narrated to us: Muhammed ibn Bashshar narrated to us: Muhammed ibn Jafar, Ghundar, narrated to us: Shubah narrated to us: Abu Ishaq al-Sabii narrated to us, saying: I heard Harithah ibn Mudarrib say: I read Umar ibn al-Khattab's letter to the people of Kufa: "I have sent Ammar

[148] **Translator's note (L1756):** "Rejecters" renders الروافض, the author's polemical designation for the Rafida. The forms بن عمر and بن المسيب occur without the usual initial alif in the supplied text; they are understood here as Ibn ʿUmar and Ibn al-Musayyab, respectively.

وأيضا فنقول لهم: هل تعمد عمر وعثمان رضي الله عنهما أن يبعثا من يعلم أهل البصرة والكوفة والشام ومصر دينهم وأحكامهم أم أغفلا ذلك وضيعاه؟ وعمالهما يترددون على هذه البلاد، ووفود هذه البلاد يفدون عليهما كل عام؟ أم لم يتركا ذلك، بل علماهم كل ما يجب علمه من الدين؟ ولا بد من أحد هذه الأقسام، فإن قالوا: تعمدنا كتمان الدين عنهم أو ضيعوا ذلك، كذبوا جهارا، ونسبوا الخليفتين الفاضلين إلى ما قد نزههما الله تعالى عنه، مما هو أعظم الجور وأشد الفسق، بل هو الانسلاخ من الإسلام، وإن قالوا: ما تركا ذلك، علماهم كل ما يجب علمه والعمل به من الدين. قلنا: صدقتم وقد ثبت بهذا أن أهل المدينة وغيرهم سواء في المعرفة والعلم والعدالة، وظهر فساد دعواهم الكاذبة في دعوى إجماع أهل المدينة. أنبأنا محمد بن سعيد بن بنات، نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا محمد بن جعفر غندر، نا شعبة، نا أبو إسحاق السبيعي قال: سمعت حارثة بن مضرب قال: قرأت كتاب عمر بن الخطاب إلى أهل الكوفة: إني بعثت عليكم عمارا أميرا، وعبد الله معلما ووزيرا وهما من النجباء من أصحاب رسول الله صلى الله عليه وسلم من أهل بدر فخذوا عنهما واقتدوا بهما فإنني آثرتكم بعبد الله على نفسي إثرة. حدثني أحمد بن عمر بن أنس العدوي، نا عبد الله بن الحسين بن عقال، نا إبراهيم بن محمد الدينوري، نا محمد بن أحمد بن محمد بن الجهم، نا إسماعيل بن إسحاق القاضي، نا أحمد بن يونس، نا قيس بن أشعث، عن الشعبي قال: ما جاءك عن عمر فخذ به،

to you as governor and Abd Allah as teacher and adviser. Both are among the outstanding Companions of the Messenger of Allah, may Allah bless him and grant him peace ﷺ, among those who participated at Badr. So receive instruction from them both and follow their example, for I have expressly preferred you over myself by giving you Abd Allah."

Ahmad ibn Umar ibn Anas al-Adawi narrated to me: Abd Allah ibn al-Husayn ibn Iqal narrated to us: Ibrahim ibn Muhammed al-Dinawari narrated to us: Muhammed ibn Ahmad ibn Muhammed ibn al-Jahm narrated to us: Ismail ibn Ishaq the judge narrated to us: Ahmad ibn Yunus narrated to us: Qays ibn Ashath narrated to us, from al-Shabi, who said: "Whatever reaches you from Umar, accept it, for whenever he intended to undertake something, he consulted the Companions of Muhammed, may Allah bless him and grant him peace ﷺ. When they agreed unanimously upon something, he issued written instructions to that effect." This, then, is Umar teaching the inhabitants of the provincial cities the knowledge he possessed, so that the situation in Medina and elsewhere became equal.[149]

L1760–1763 We also say to them: If, according to you, the consensus of the people of Medina is the consensus and you maintain that whoever opposes the consensus is an unbeliever, do you declare everyone who opposes what you allege to be the consensus of the people of Medina an unbeliever, or not? If they say yes, they must declare Ibn Masud, Ali, and everyone from whom a legal opinion contrary to what they claim to be the consensus of the people of Medina has been transmitted an unbeliever, whether a Companion, a Successor, or someone of a later rank. This has the implications it has. But if they refuse to do that, we say to them: You have lied in claiming that their consensus is the consensus. Retract that claim and confine yourselves to saying that it is correct, or true, or something of that kind.

Abu Muhammed said: Furthermore, nothing is more manifest, more widely known, more public, clearer, or more widespread than the call to prayer, which occurs five times every day and night, with voices raised in the con-

[149]**Translator's note (L1759):** The supplied text reads "We deliberately concealed" (تعمدنا), shifting unexpectedly into the first-person plural, before returning to "they neglected." This inconsistency has been preserved.

فإنه كان إذا أراد أمرا استشار أصحاب محمد صلى الله عليه وسلم فإذا أجمعوا على شيء كتب به فهذا تعليم عمر ما عنده من العلم لأهل الأمصار، فصار الأمر في المدينة وغيرها سواء.

وأيضا فنقول لهم: إذا كان إجماع أهل المدينة عندكم هو الإجماع، ومن قولكم: إن من خالف الإجماع كافر، فتكفرون كل من خالف إجماع أهل المدينة بزعمكم أم لا؟ فإن قالوا: نعم لزمهم تكفير ابن مسعود وعلي، وكل من روي عنه فتيا مخالفة لما يدعون فيه إجماع أهل المدينة من صاحب أو تابع فمن دونهم، وفي هذا ما فيه، وإن أبوا من ذلك قلنا لهم: كذبتم في الدعوى إن إجماعهم هو الإجماع، فارجعوا عن ذلك واقتصروا على أن تقولوا صوابا أو حقا ونحو ذلك. قال أبو محمد: وأيضا فلا شيء أظهر ولا أشهر ولا أعلن ولا أبين ولا أفشى من الأذان، الذي هو كل يوم وليلة خمس مرات، برفع الأصوات في مساجد الجماعات في الصوامع المشرفات لا يبقى رجل ولا امرأة، ولا صبي، ولا عالم ولا جاهل إلا تكرر على سمعه كذلك، ولا يستعمله المسافرون كما يستعمله الحاضرون، ولا يطول به العهد فينسى، وفي المدينة فيه من الاختلاف كالذي خارج المدينة. صح عن ابن عمر أن الأذان وتر، وروي عنه وعن

gregational mosques, in the lofty minarets. There is no man, woman, child, learned person, or ignorant person whose ears it does not repeatedly reach in this manner. Travelers do not use it as residents use it, and no long interval passes such that it might be forgotten. Yet there is as much disagreement concerning it in Medina as there is outside Medina. It is authentically transmitted from Ibn Umar that the call to prayer consists of odd-numbered repetitions, and it is related from him and from Abu Umamah ibn Sahl ibn Hunayf that they both said in the call to prayer, "Come to the best of deeds."

Abd Allah ibn Rabi narrated to us: Abd Allah ibn Muhammed ibn Uthman narrated to us: Ahmad ibn Khalid narrated to us: Ali ibn Abd al-Aziz narrated to us: al-Hajjaj ibn Minhal narrated to us: Hammad ibn Salamah narrated to us: Ayyub al-Sakhtiyani and Qatadah both narrated to us, from Muhammed ibn Sirin, from Ibn Umar, that he passed a caller to prayer and said to him: "Make the repetitions in your call to prayer odd in number."

Hammam narrated to us: Ibn Mufarrij narrated to us: Ibn al-Arabi narrated to us: al-Dayri narrated to us: Abd al-Razzaq narrated to us, from Mamar, from Ayyub al-Sakhtiyani, from Nafi, from Ibn Umar, that he used to recite the call to prayer three times apiece. Through the same chain to Abd al-Razzaq, from Mamar, from Yahya ibn Abi Kathir, from a man, from Ibn Umar, that when he said in the call to prayer, "Come to success," he would say, "Come to the best of deeds."

Whoever claims that the Companions in Kufa, Basra, and Mecca altered the call to prayer—a fellow unbeliever may make the same claim against the Companions in Medina. Both are lying and accursed. The due of the Companions of Medina, Kufa, and Basra is valid, obligatory, and prescribed equally for every Muslim, without distinction. Whoever makes that claim against the Successors in Kufa and Basra—a fellow evildoer may make that claim against the Successors in Medina, since there is no difference between them. Whoever makes that claim against the governors in Basra and Kufa—someone else may attribute the same thing to the governors in Medina. For Medina has been governed by evildoers like those who governed Basra and Kufa, such as al-Hajjaj, Khalid al-Qasri, Tariq, and Uthman ibn Hayyan al-Murri. Every one of them had effective authority over lives, property, and

أبي أمامة بن سهل بن حنيف قولهما في الأذان: حي على خير العمل. نا عبد الله بن ربيع، نا عبد الله بن محمد بن عثمان، نا أحمد بن خالد، نا علي بن عبد العزيز، نا الحجاج بن منهال، نا حماد بن سلمة، نا أيوب السختياني، وقتادة، كلاهما عن محمد بن سيرين، عن ابن عمر، أنه مر على مؤذن فقال له: أوتر أذانك، نا حمام، نا ابن مفرج، نا ابن الأعرابي، نا الديري، نا عبد الرزاق، عن معمر عن أيوب السختياني، عن نافع، عن ابن عمر أنه كان يقول: الأذان ثلاثا ثلاثا. وبه إلى عبد الرزاق، عن معمر، عن يحيى بن أبي كثير، عن رجل، عن ابن عمر أنه كان إذا قال في الأذان: حي على الفلاح، قال: حي على خير العمل. ومن ادعى أن الصحابة في الكوفة والبصرة ومكة بدلوا الأذان، فلكافر مثله، أن يدعي ذلك على الصحابة بالمدينة، وكلاهما كاذب ملعون، وحق صحابة المدينة والكوفة والبصرة جائز واجب فرض سواء على كل مسلم، ولا فرق من ادعى ذلك على التابعين بالكوفة والبصرة فالفاسق مثله أن يدعي على التابعين بالمدينة إذ لا فرق بينهم. ومن ادعى ذلك على الولاة بالبصرة والكوفة، فلغيره أن ينسب مثل ذلك إلى الولاة بالمدينة، فقد وليها من الفساق كالذين ولوا البصرة والكوفة كالحجاج وخالد القسري وطارق وعثمان بن حيان المري، وكلهم نافذ أمره في الدماء والأموال والأحكام، وموضعهم من الفسق بالدين بحيث لا يخفى فهذا أصل عظيم.

legal rulings, and their degree of religious iniquity is such that it cannot be concealed. This, then, is a major foundational point.[150]

L1764–1767

Then there is the obligatory alms: al-Zuhri holds that they are due on vegetables, whereas Malik does not. Ibn Umar holds that no obligatory alms are due on anything the earth produces except wheat, barley, dates, oil, and huskless barley, while Malik disagrees with him. And nothing, after the call to prayer, is more widely known than the practice of the obligatory alms. Ibn Umar allows only dates and barley for the alms at the breaking of the fast, while Malik disagrees with him. Ibn Umar, Said ibn al-Musayyab, al-Qasim ibn Muhammed, Salim ibn Abd Allah ibn Umar, Abu Sulayman, Abd al-Rahman ibn Awf, al-Zuhri, and Ubayd Allah ibn Abd Allah ibn Utbah ibn Masud said: "People reckoned two mudds of wheat as equivalent to one sa of barley for the alms at the breaking of the fast." This has also been related from Umar, Uthman, and Asma bint Abi Bakr. Yet Malik disagreed with them. Thus it is established that they are the people who most readily abandon the practice of the people of Medina.

Some of them said: "Those who left Medina became occupied with jihad." We said: Jihad does not prevent the teaching of religion; this assertion of yours is itself a struggle in the service of falsehood. They said: "Whenever Ibn Masud issued a legal opinion, he would come to Medina and ask about it. If a legal opinion contrary to his own was issued, he would return to Kufa and revoke what he had put into effect."

Abu Muhammed said: This is a lie. What has been transmitted is only that he issued legal opinions on just two questions, and Umar ordered those decisions revoked. Umar was the caliph, so he could not oppose him.

Yahya ibn Abd al-Rahman ibn Masud narrated to us: Ahmad ibn Duhaym narrated to us: Ibrahim ibn Hammad narrated to us, saying: Ismail ibn Ishaq

[150]**Translator's note (L1762):** The supplied wording says that travelers "do not use it as residents use it" (ولا يستعمله المسافرون كما يستعمله الحاضرون). The negative has been retained despite its awkward fit with the surrounding argument about the call to prayer's ubiquity. The wording "the due of the Companions … is valid, obligatory, and prescribed" translates the awkward supplied sequence جائز واجب فرض … وحق صحابة without silently replacing جائز with another reading.

ثم الزكاة فالزهري يراها في الخضر، ومالك لا يراها وابن عمر لا يرى الزكاة مما أنبتت الأرض إلا في البر والشعير والتمر والزيت والسلت، ومالك يخالفه ولا شيء بعد الأذان بالصلاة أشهر من عمل الزكاة، وابن عمر لا يجيز في زكاة الفطر إلا التمر والشعير، ومالك يخالفه، وقال ابن عمر وسعيد بن المسيب، والقاسم بن محمد، وسالم بن عبد الله بن عمر، وأبو سليمان، وعبد الرحمن بن عوف، والزهري، وعبيد الله بن عبد الله بن عتبة بن مسعود عدل الناس بصاع شعير في صدقة الفطر مدين من بر، وروي ذلك أيضا عن عمر وعثمان وأسماء بنت أبي بكر فخالفهم مالك فصح أنهم أترك الناس لعمل أهل المدينة. وقال بعضهم: من خرج عن المدينة اشتغل بالجهاد، قلنا: لا يشغل الجهاد عن تعليم الدين فقولكم هذا مجاهدة بالباطل وقالوا: إن كان ابن مسعود إذا أفتى بفتيا أتى المدينة فيسأل عنها، فإن أفتى بخلاف فتياه رجع إلى الكوفة ففسخ ما عمل. قال أبو محمد: وهذا كذب إنما جاء أنه أفتى بمسألتين فقط، فأمر عمر بفسخ ذلك وعمر الخليفة فلم يمكنه خلافه. نا يحيى بن عبد الرحمن بن مسعود، نا أحمد بن دحيم، نا إبراهيم بن حماد، قال: نا إسماعيل بن إسحاق، نا حجاج بن المنهال، نا حماد بن سلمة، عن أبي إسحاق السبيعي، عن أبي عمرو الشيباني أن رجلا سأل ابن مسعود عن رجل طلق امرأته قبل أن يدخل بها أيتزوج أمها؟ قال: نعم، فتزوجها، فولدت له، فقدم على عمر فسأله، فقال: فرق بينهما، قال ابن مسعود: إنها ولدت، قال عمر: وإن ولدت عشرا ففرق بينهما. قال أبو محمد: والخلاف في هذا موجود بالمدينة، نا عبد الله بن ربيع، نا عبد الله بن محمد بن عنان، نا أحمد بن خالد، نا علي بن عبد العزيز نا الحجاج بن المنهال، نا حماد بن سلمة عن قتادة، عن سعيد بن المسيب أن زيد بن ثابت قال: إن طلق الابنة قبل أن يدخل بها تزوج أمها، وإن ماتت موتا لم يتزوج أمها. نا يحيى بن عبد

narrated to us: Hajjaj ibn al-Minhal narrated to us: Hammad ibn Salamah narrated to us, from Abu Ishaq al-Sabii, from Abu Amr al-Shaybani, that a man asked Ibn Masud about a man who had divorced his wife before consummating the marriage with her: could he marry her mother? He said: "Yes." So he married her, and she bore him a child. He then came to Umar and asked him, and he said: "Separate the two of them." Ibn Masud said: "She has borne a child." Umar said: "Even if she has borne ten, separate the two of them."

Abu Muhammed said: Disagreement on this exists in Medina. Abd Allah ibn Rabi narrated to us: Abd Allah ibn Muhammed ibn Annan narrated to us: Ahmad ibn Khalid narrated to us: Ali ibn Abd al-Aziz narrated to us: al-Hajjaj ibn al-Minhal narrated to us: Hammad ibn Salamah narrated to us, from Qatadah, from Said ibn al-Musayyab, that Zayd ibn Thabit said: "If he divorces the daughter before consummating the marriage with her, he may marry her mother; but if she dies, he may not marry her mother."

Yahya ibn Abd al-Rahman ibn Masud narrated to us: Ahmad ibn Duhaym narrated to us: Ibrahim ibn Hammad narrated to us: Ismail ibn Ishaq narrated to us: Ismail ibn Abi Uways narrated to us: narrated to us by Abd al-Rahman ibn Abi al-Mawal, from Abd al-Hakim ibn Abd Allah ibn Abi Farwah, that a man of Banu Layth called al-Ajda married a young woman. He would visit her and converse with her mother. His wife died before he had consummated the marriage with her, so he sought her mother's hand in marriage and asked some of the Prophet's Companions, may Allah bless him and grant him peace ﷺ, about that. Some of them permitted him to do so, while others forbade him.[151][152][153]

L1768–1769 Abu Muhammed said: Moreover, the question mentioned is expressly addressed in the Quran, which is available to everyone just as it is to the people of Medina. They cannot claim that there was divine guidance concerning it

الرحمن بن مسعود، نا أحمد بن دحيم، نا إبراهيم بن حماد، نا إسماعيل بن إسحاق، نا إسماعيل بن أبي أويس، نا عبد الرحمن بن أبي الموال، عن عبد الحكيم بن عبد الله بن أبي فروة أن رجلا من بني ليث يقال له الأجدع، تزوج جارية شابة فكان يأتيها فيتحدث مع أمها فهلكت امرأته، ولم يدخل بها فخطب أمها وسأل عن ذلك ناسا من أصحاب النبي صلى الله عليه وسلم فمنهم من رخص له ومنهم من نهاه

قال أبو محمد: هذا والمسألة المذكورة منصوصة في القرآن الذي هو عند جميع الناس كما هو عند أهل المدينة لا يمكن أن يدعوا فيها توفيقا حتى خفي عمن هو خارج المدينة، لكن من أباح ذلك حمل الأم على حكم الربيبة، ومن منع أخذ بظاهر الآية وعمومها وهو الحق فلا مزية ههنا لأهل المدينة على غيرهم أصلا، وقد صح أن عمر استفتى ابن مسعود بالبتة وأخذ بقوله، وهذا مدني إمام أخذ بقول كوفي وذكر غريبة تضحك

[151] **Translator's note (L1764):** "Huskless barley" renders السلت (sult), a cereal traditionally distinguished from ordinary barley.

[152] **Translator's note (L1765):** The supplied list includes "Abu Sulayman"; the name has been retained without conjectural correction. The sa and mudd are measures of capacity; their distinct names have been retained.

that remained hidden from those outside Medina. Rather, whoever permitted it applied the ruling concerning a stepdaughter to the mother, while whoever prohibited it adhered to the apparent meaning of the verse and its general scope, which is the truth. Thus, the people of Medina have absolutely no advantage over others here. It has been authentically established that Umar did indeed seek a legal opinion from Ibn Masud and adopt his opinion. Here, then, was a Medinan leader adopting the opinion of a Kufan. He also mentioned a strange tale that would make bereaved mothers laugh and that indicates the weakness of the obfuscator's religion and the scantiness of his intellect. This was their citation of the report about Ibn Umar: when he saw Sad wiping, he did not adopt his practice until he returned to Medina and asked his father. Abu Muhammed said: This counts against them, not in their favor, since Ibn Umar was a Medinan, yet he was unaware of the ruling on wiping, and Sad was a Medinan, yet Ibn Umar did not adopt his practice—unless they say that a Medinan's opinion may be adopted only when he is within the walls of Medina. This is foolishness that even someone with no sense would not utter. They also engaged in obfuscation by citing what Abd Allah ibn al-Rabi informed us of, saying: Muhammed ibn Muawiyah related to us; Ahmad ibn Shuayb related to us; Muhammed ibn al-Muthanna informed us; Khalid ibn al-Harith related to us; Humayd related to us, from al-Hasan, who said: Ibn Abbas, while governor of Basra, said at the end of the month: 'Pay the obligatory alms for your fast.' The people looked at one another, so he said: 'Those of you here who are from Medina, stand up and teach your brothers, for they do not know. Allah's Messenger, may Allah bless him and grant him peace ﷺ, imposed these obligatory alms upon every male or female, free person or slave: one sa of barley or dates, or half a sa of wheat.' Abu Muhammed said: This provides them with no proof, for several reasons. The first is that it is an inadmissible report with a disconnected transmission chain, which al-Hasan undoubtedly took from someone untrustworthy. That is because al-Hasan was not in Basra during the time when Ibn Abbas was governor on behalf of Ali ibn Abi Talib,

الثكالى ويدل على ضعف دين المموه، وقلة عقله: وهي أنهم ذكروا خبر ابن عمر إذ رأى سعدا وهو يمسح فلم يأخذ بعمله حتى رجع إلى المدينة فسأل أباه. قال أبو محمد: وهذا عليهم لا لهم لأن ابن عمر مدني، وقد خفي عليه حكم المسح وسعد مدني فلم يأخذ ابن عمر بفعله إلا أن يقولوا: إنه لا يجوز أن يؤخذ بقول مدني إلا إذا كان بين جدران المدينة. فهذا حمق لا يقوله من لا مسكة له. وموهوا بما أنبأنا عبد الله بن الربيع قال: نا محمد بن معاوية، نا أحمد بن شعيب، أخبرنا محمد بن المثنى، نا خالد بن الحارث، نا حميد عن الحسن قال: قال ابن عباس وهو أمير البصرة في آخر الشهر: أخرجوا زكاة صومكم، فنظر الناس بعضهم إلى بعض فقال: من هنا من أهل المدينة؟ قوموا فعلموا إخوانكم، فإنهم لا يعلمون أن هذه الزكاة فرضها رسول الله صلى الله عليه وسلم على كل ذكر أو أنثى حر أو مملوك صاعا من شعير أو تمر أو نصف صاع من قمح. قال أبو محمد: وهذا لا حجة لهم فيه لوجوه: أولها: أنه خبر ساقط منقطع أخذه الحسن بلا شك من غير ثقة ذلك، لأن الحسن لم يكن بالبصرة أيام ابن عباس أميرا لعلي بن أبي طالب رضي الله عنه، وإنما نزلها الحسن أيام معاوية لا خلاف في هذا.

[153] **Translator's note (L1766):** The final "narrated to us by" renders the transmission abbreviation نا whose narrator's name begins the next segment; it continues the chain rather than concluding it.

may Allah be pleased with him. Al-Hasan settled there only in the days of Muawiyah. There is no disagreement about this.[154][155]

L1770–1774 The second is that Basra was founded by Utbah ibn Ghazwan al-Mazini, of the descendants of Mazin ibn Mansur, the brother of Sulaym ibn Mansur. He was a participant at Badr, one of the eminent earliest Emigrants who endured trials for Allah Most High at the beginning of Islam. He founded it in the fourteenth year after the Emigration, early in the rule of Umar, may Allah be pleased with him. Ibn Abbas became its governor on behalf of Ali only at the end of the year thirty-six, after the Battle of the Camel, twenty-two years after its foundation. The Companions and the Successors, may Allah be pleased with them, settled there. Abu Musa al-Ashari governed it after Utbah ibn Ghazwan and al-Mughirah ibn Shubah and others, during Umar's rule and throughout Uthman's rule, may Allah be pleased with them both. The collection of its obligatory alms was administered by Anas ibn Malik in those days. How, then, could anyone with a shred of reason conceive that a city inhabited by tens of thousands of Muslims, including hundreds of Companions, may Allah be pleased with them, and governed successively by Companions appointed by Umar and Uthman, had no one among them to teach them the obligatory alms at the breaking of the fast, which women and children know in every city and every village because they recur each year at the festival following Ramadan—so that they remained for the period mentioned with no one among them knowing this, while the people of Medina knew it? How could something like this be concealed, when delegations from Basra used to visit the two caliphs in Medina? By Allah, this would indeed be a greater calamity for Umar, Uthman, and the people of Medina than for the people of Basra, since they would either have deliberately refrained from

[154]**Translator's note (L1768):** The text reads tawfiqan, rendered 'divine guidance.' In this argument, tawqifan, meaning an authoritative teaching received through revelation or transmission, may have been intended; the supplied reading has not been silently corrected. 'Wiping' refers here to the ritual wiping discussed in the report; the supplied passage does not specify what was being wiped.

[155]**Translator's note (L1769):** The unusual wording 'even someone with no sense would not utter' follows the supplied Arabic, which says man la muskata lahu. A sa is a measure of volume; the source specifies quantities in this measure without giving modern equivalents.

وثانيها: أن البصرة بناها عتبة بن غزوان المازني من بني مازن بن منصور أخي سليم بن منصور، وهذا بدري من أكابر المهاجرين الأولين الممتحنين في الله تعالى في أول الإسلام سنة أربع عشرة من الهجرة في صدر أيام عمر رضي الله عنه، وإنما وليها ابن عباس لعلي في آخر سنة ست وثلاثين بعد يوم الجمل بعد اثنتين وعشرين سنة من بنيانها، وسكنها الصحابة والتابعون رضي الله عنهم، ووليها أبو موسى الأشعري بعد عتبة بن غزوان، والمغيرة بن شعبة وغيرهما أيام عمر وطول أيام عثمان رضي الله عنهما، وولي قبض زكاتها أنس بن مالك في تلك الأيام. فكيف يدخل في عقل من له مسكة عقل، أن مصرا يسكنه عشرات الألوف من المسلمين منهم مئون من الصحابة رضي الله عنهم، تداوله الصحابة من قبل عمر وعثمان فلم يكن فيهم أحد يعلمهم زكاة الفطر التي يعلمها النساء والصبيان في كل مدينة وكل قرية لتكررها في كل عام في العيد إثر رمضان، حتى بقوا المدة المذكورة ليس فيهم أحد علم ذلك، وأهل المدينة يعرفونها، فكيف يكتم مثل هذا والوفود من البصرة يفدون على الخليفتين بالمدينة؟. وتالله إن هذه لمصيبة على عمر وعثمان وأهل المدينة أعظم منها على أهل البصرة إذ تعمدوا ترك تعليمهم أو ضيعوا ذلك وكل ذلك باطل لا يمكن البتة، وكذب لا خفاء به، ومحال ممتنع لما ذكرنا. وثالثها: أن المحتجين بهذا الخبر وهم المقلدون لمالك أول مبطل لحكم هذا الخبر، فلا يرون ما فيه من نصف صاع قمح مكان صاع شعير في زكاة الفطر، أفليس من الرزايا والفضائح والبلايا والقبائح من يموه بخبر يحتج به فيما ليس فيه منه شيء على من لا يراه حجة لو صح لأنه ليس من كلام النبي صلى الله عليه وسلم ثم المحتج به أول مخالف لما احتج به وأول مبطل ومكذب لما فيه، مما لو صح ذلك الخبر لما حل لأحد خلافه لأنه عن النبي صلى الله عليه وسلم نعوذ بالله العظيم من مثل

هذا المقال في الدنيا والآخرة. وإذ قد صححوا ههنا رواية الحسن عن ابن عباس فقد: نا أحمد بن محمد الطلمنكي، نا ابن مفرج، نا محمد بن أيوب الرقي، نا أحمد بن عروة بن عبد الخالق البزار نا محمد بن المثنى، نا يزيد بن هارون، نا حميد الطويل، عن الحسن البصري، قال: خطبنا ابن عباس بالبصرة فقال فرض رسول الله صلى الله عليه وسلم صدقة الفطر على الصغير والكبير والحر والعبد، صاع من تمر أو صاع من شعير أو بنصف صاع من بر ومن أتى بدقيق قبل منه، ومن أتى بسويق قبل منه. وهم أول عاص لما في هذا الخبر، فيا للناس، مرة يصححون رواية الحسن عن ابن عباس إذا ظنوا أنهم يموهون به في إثبات باطل دعواهم، ومرة يبطلونهم ويكذبونها إذا خالفت رأي مالك فيزورون شاهدهم ويكذبون أنفسهم، ألا ذلك هو الضلال المبين. قال أبو محمد: وهذا خبر رواه ابن سيرين وأبو رجاء عن ابن عباس وهما حاضران لولايته فلم يذكروا فيه ما ذكر ابن عباس من القول: يا أهل المدينة قوموا علموا إخوانكم، فصح أنها زيادة من لا خير فيه.

teaching them or have neglected it. All of this is false, utterly impossible, an obvious lie, and an impossibility that cannot occur, for the reasons we have mentioned. The third is that those who adduce this report as proof, namely the uncritical followers of Malik, are the first to invalidate its ruling. They do not accept its provision allowing half a sa of wheat in place of a sa of barley for the obligatory alms at the breaking of the fast. Is it not among the calamities, scandals, afflictions, and abominations that someone should obfuscate by adducing a report as proof for something of which it contains nothing, against someone who would not regard that as proof even if it were authentic, since it is not among the words of the Prophet, may Allah bless him and grant him peace ﷺ; and that the person adducing it should then be the first to contradict what he adduces, and the first to invalidate and deny what it contains of matters that, were the report authentic, no one would be permitted to contravene, because they come from the Prophet, may Allah bless him and grant him peace ﷺ? We seek refuge with Allah the Magnificent from such discourse in this world and the Hereafter. Since they have here deemed al-Hasan's transmission from Ibn Abbas authentic, Ahmad ibn Muhammed al-Talamanki related to us; Ibn Mufarrij related to us; Muhammed ibn Ayyub al-Raqqi related to us; Ahmad ibn Urwah ibn Abd al-Khaliq al-Bazzar related to us; Muhammed ibn al-Muthanna related to us; Yazid ibn Harun related to us; Humayd al-Tawil related to us, from al-Hasan al-Basri, who said: Ibn Abbas addressed us in Basra and said: 'Allah's Messenger, may Allah bless him and grant him peace ﷺ, imposed the alms at the breaking of the fast upon the young and the old, the free person and the slave: a sa of dates, a sa of barley, or half a sa of wheat. Whoever brought flour, it was accepted from him; and whoever brought roasted-grain meal, it was accepted from him.' Yet they are the first to disobey what is in this report. O people! At one time they deem al-Hasan's transmission from Ibn Abbas authentic, when they think they can use it to obfuscate in establishing their false claim, and at another they invalidate it and declare it false when it contradicts Malik's opinion. Thus they discredit their own witness and give the lie to themselves. Indeed, that is manifest error. Abu Muhammed said: This is a report transmitted by Ibn Sirin and Abu Raja from Ibn Abbas, both of whom were present during his governorship, yet they did not mention in

it the statement attributed to Ibn Abbas: 'People of Medina, stand up and teach your brothers.' It is therefore established that this is an addition made by someone in whom there is no good.[156][157]

L1775–1778 Abu Muhammed said: Thus everything with which they engaged in obfuscation is invalidated. We are confident, and praise belongs to Allah, that had Allah wished to make the consensus of the people of Medina a binding proof, He would not have omitted to specify that through the tongue of His Messenger, may Allah bless him and grant him peace ﷺ. Since He did not do so, we affirm that He never made their consensus a binding proof against any of His creatures. This is assuming that a consensus among them on any legal ruling could actually be established. How, then, when there is never any way to establish such a thing except where all the other people of Islam agree upon it, or where the consensus of them all, their acceptance of that ruling, and their acquiescence to them have been transmitted? Otherwise, the claim that they reached consensus is a sheer lie against every one of them. We seek refuge with Allah the Magnificent from such a thing. Abu Muhammed said: Here is Malik saying in his Muwatta, which we have transmitted from him through several transmission routes, near the beginning of its Book of Sales, in a chapter entitled 'Defects in Slaves': Malik said: 'The matter agreed upon among us concerning someone who sells a male slave, a female slave, or an animal with a disclaimer of liability for defects is that he is absolved of liability for every defect, unless he knew of a defect in it and concealed it. If he knew of a defect in it and concealed it, his disclaimer does not benefit him, and what he sold is to be returned to him.' Abu Muhammed said: The position from his opinions that his associates and uncritical fol-

قال أبو محمد: فبطل كل ما موهوا به ونحن ولله الحمد على ثقة من أن الله لو أراد أن يجعل إجماع أهل المدينة حجة لما أغفل أن يعين ذلك على لسان رسوله صلى الله عليه وسلم فإذا لم يفعل فنحن نثبت بأنه لم يجعل قط إجماعهم حجة على أحد من خلقه، هذا لو صح وجود إجماع لهم في شيء من الأحكام، فكيف ولا سبيل إلى وجود ذلك أبدا، إلا حيث يجمع سائر أهل الإسلام عليه، أو حيث نقل إجماعهم كلهم ورضاهم بذلك الحكم وتسليمهم لهم. وإلا فدعوى إجماعهم كذب بحت على جميعهم ونعوذ بالله العظيم من مثل هذا. قال أبو محمد: وهذا مالك يقول في موطئه الذي رويناه عنه، من طرق في كتاب البيوع منه في أوله في باب ترجمته العيب في الرقيق قال مالك: الأمر المجتمع عليه عندنا فيمن باع عبدا أو وليدة أو حيوانا بالبراءة، فقد برىء من كل عيب إلا أن يكون علم في ذلك عيبا فكتمه، فإن كان علم في ذلك عيبا فكتمه لم تنفعه تبرئته، وكان ما باع مردودا عليه. قال أبو محمد: والذي عليه العمل عند أصحابه ومقلديه من قوله: هو أن حكم الحيوان مخالف لحكم الرقيق، وأن بيع البراءة لا يجوز البتة في الحيوان لكنه كالعروض لا يبرأ من عيب فيه، علمه أو لم يعلمه. قال أبو محمد: فإذا كان عند هؤلاء المجرمين إجماع أهل المدينة إجماعا لا يحل خلافه، وهذا مالك ههنا قد خالف ما ذكر أنه الأمر المجتمع عليه عندهم، فلا بد ضرورة من أحد حكمين لا ثالث لهما: أما إبطال تهويلهم بإجماع أهل المدينة وبخلافه وجواز مخالفته، وإما أن يلحقوا بمالك الذي قلدوه دينهم ما يلحق مخالف الإجماع الذي يقر أنه إجماع وهذا صعب ممن خالف ما يقر أنه إجماع، وفي هذا كفاية لمن له أدنى عقل، ومن أراد الله تعالى توفيقه. قال أبو محمد: والقوم كما ترى يموهون بإجماع أهل

[156] **Translator's note (L1772):** The final word is yubtilunahum, literally 'they invalidate them,' although the surrounding argument refers to a transmission and continues with a feminine singular pronoun in the next unit. 'They invalidate it' reflects that contextual reference; the supplied pronoun is irregular. The quotation shifts grammatically from 'a sa' to 'with half a sa.' The English preserves the stated quantities without reproducing this case irregularity.

[157] **Translator's note (L1773):** The unvocalized verb fayuzawwiruna is understood here as declaring their witness false or discrediting him; it can also suggest falsifying or fabricating their witness.

lowers put into practice is that the ruling concerning animals differs from the ruling concerning slaves: a sale with a disclaimer of liability for defects is absolutely impermissible in the case of animals. Rather, an animal is like merchandise: the seller is not absolved of liability for a defect in it, whether he knew of it or did not know of it. Abu Muhammed said: If, according to these evildoers, the consensus of the people of Medina is a consensus that it is impermissible to contravene, and here Malik has contravened what he stated was the matter agreed upon among them, then necessarily one of two judgments must follow, with no third possibility: either their intimidation by invoking the consensus of the people of Medina and its contravention must be invalidated, and contravening it must be permissible; or they must attach to Malik, to whom they have entrusted their religion through uncritical adherence, whatever attaches to someone who contravenes a consensus that he acknowledges to be a consensus. This is a grave matter on the part of someone who contravenes what he acknowledges to be a consensus. In this there is sufficient instruction for anyone who possesses the least intelligence, and for anyone whom Allah Most High wishes to guide aright. Abu Muhammed said: These people, as you see, engage in obfuscation by invoking the consensus of the people of Medina. But when their claim is subjected to scrutiny, all they can produce from all the people of Medina and their consensus is what was transmitted uniquely by Sahnun al-Qayrawani and Isa ibn Dinar al-Andalusi, from Ibn al-Qasim al-Misri, from Malik alone, as his own opinion and his conjecture. Much of that is Ibn al-Qasim's personal opinion, his juristic preference, and his analogical reasoning based on Malik's statements. Marvel, then, at these ugly matters: how can a person of religious scruple, or someone who knows that Allah will question him about his words and deeds, deem them acceptable? We seek refuge in Allah the Magnificent from abandonment. If they resort to obfuscation through what has been transmitted concerning the practice of the judges of Medina whom Malik encountered, let everyone possessed of understanding know that a case would arise in Medina or elsewhere, and neither the governor nor the judge would decide it until he had written to the caliph in Syria; he would then implement only what the caliph had instructed him to do. These, then, are merely the commands of Abd Allah, al-Walid, Sulayman, Yazid, Hisham,

المدينة، فإن حقق عليهم لم يحصلوا من جميع أهل المدينة ومن إجماعهم إلا على ما انفرد به سحنون القيرواني، وعيسى بن دينار الأندلسي، عن ابن القاسم المصري، عن مالك وحده، من رأيه وظنه، وكثير من ذلك رأي ابن القاسم واستحسانه وقياسه على أقوال مالك. فاعجبوا لهذه الأمور القبيحة كيف يستحسنها ذو ورع، أو من يدري أن الله سيسأله عن قوله وفعله، ونعوذ بالله العظيم من الخذلان. فإن موهوا بما روي من عمل قضاة المدينة الذين أدرك مالك، فليعلم كل ذي فهم أن النازلة كانت تقع في المدينة وغيرها فلا يقضي فيها الأمير ولا القاضي حتى يخاطب الخليفة بالشام، ثم لا ينفذ إلا من خاطبه به فإنما هي أوامر عبد الله والوليد وسليمان ويزيد وهشام والوليد بحسبكم والقليل من ذلك من عهد عمر بن عبد العزيز أقصر مدته هذا أمر مشهور في كتب الأحاديث

and al-Walid—enough for you! A small portion of that comes from the reign of Umar ibn Abd al-Aziz, whose tenure was the shortest. This is a matter well known in the books of hadith.[158][159]

L1779 **[Section concerning those who say that consensus is the consensus of the people of Kufa]**

L1780–1781 Abu Muhammed said: We discuss only a position whose proponent might disguise it with contentious argument whose deception escapes the ignorant, or a matter in which the truth might be obscure to some scholars because its indications are obscure or conflict with one another. As for something in which there is no semblance of an argument beyond foolishness and partisanship, we do not. There is no difference between the consensus of the people of Kufa, the consensus of the people of Basra, and the consensus of the people of al-Fustat. This applies if they mean the consensus of the Companions who were there, or of the Successors after them, or, granting them a concession, of those in the third generation. If we descend below that, however, there is no difference between the people of Kufa and the people of Awqaniyah, the people of Awtaniyah, and Fasawansa. If a man would only act sincerely in his own interest and desist from obscuring religion and misleading the poor, deluded people, occupy himself with the Quran, the speech of Allah Most High, and the exposition of His Messenger ﷺ, whom Allah Most High has made it obligatory for us to obey, and abandon partisan attachment to the statements of so-and-so and so-and-so, that would be safer for his return in the hereafter and would keep him further from disgrace in this present life. Our success comes only through Allah Most High.[160]

[158] **Translator's note (L1775):** The wording wa-bi-khilafihi, 'and by its contravention,' is awkward in the first alternative. The translation retains its reference to contravening the consensus rather than silently deleting or emending it. The phrase 'This is a grave matter on the part of someone…' renders the awkward supplied wording wa-hadha sabun mimman khalafa; its syntax is uncertain.

[159] **Translator's note (L1778):** The expression following the second occurrence of al-Walid is compressed; it is rendered as the exclamation "enough for you!" The following phrase concerning Umar ibn Abd al-Aziz's short tenure is also syntactically compressed.

[160] **Translator's note (L1780):** The place-names rendered Awqaniyah, Awtaniyah, and Fasawansa have uncertain identification and vocalization in the supplied text.

[فصل فيمن قال إن الإجماع هو إجماع أهل الكوفة]

قال أبو محمد: إنما نتكلم بما يمكن أن يموه قائله بشغب يخفى على الجهال أو فيما يمكن أن يخفى وجه الحق فيه على بعض أهل العلم لخفاء الدلائل أو لتعارضها، وإما ما لا شبه فيه غير الأحموقة والعصبية فلا، ولا فرق بين إجماع أهل الكوفة وإجماع أهل البصرة وإجماع أهل الفسطاط، هذا إن أرادوا إجماع من كان بها من الصحابة أو من بعدهم من التابعين، أو على أن يسمح لهم في العصر الثالث، وأما إن نزلنا عن ذلك فلا فرق بين أهل الكوفة وأهل أوقانية وأهل أوطانية وفساونسا. ولو أن امرأ نصح نفسه، فأقصر عن التلبيس في الدين، وإضلال المساكين المغترين وشغل نفسه بالقرآن كلام الله تعالى وبيان رسوله صلى الله عليه وسلم افترض الله تعالى علينا طاعته وترك التعصب لقول فلان وفلان كان أسلم لمعاده وأبعد له من الفضيحة في العاجلة وما توفيقنا إلا بالله تعالى

[فصل في إبطال قول من قال إن قول الواحد من الصحابة رضي الله عنهم إذا لم يعرف له]

مخالف فهو إجماع وإن ظهر خلافه في العصر الثاني

قال أبو محمد: قال بهذا طوائف من المالكيين والحنفيين، ثم أقحم هذا الشغب معهم الشافعيون، ثم اختلفوا فقالت طائفة: سواء انتشر أو لم ينتشر فهو إجماع،

وقالت طائفة إنما يكون إجماعا إذا اشتهر وانتشر، وأما إذا لم يشتهر ولا انتشر فلا يكون إجماعا. وقالت طائفة: إنما يكون إجماعا إذا كان من قول أحد الأئمة الأربعة، أبي بكر وعمر وعثمان وعلي رضي الله عنهم فقط وانتشر مع ذلك، وإلا فليس إجماعا وإن كان من قول غيرهم فلا يكون حجة وإن انتشر. وقالت طائفة: ليس شيء من ذلك إجماعا ولكنه حجة. قال أبو محمد: فإنما قال من قال منهم هذه الأقوال، عند ظفره بشيء منها مع انقطاع الحبل بيده وعدمه شيئا ينصر به خطأه وتقليده، ثم هم أترك الناس لذلك إذا خالف تقليدهم، لا مؤنة عليهم في إبطال ما صححوا وتصحيح ما أبطلوا في الوقت إنما حسب أحدهم نصر المسأل بينه وبين خصمه في حينه ذلك فإذا انتقلا إلى أخرى فأخف شيء على كل واحد منهم تصحيح ما أبطل في المسألة التي انقضى الكلام، وإبطال ما صحح فيها. فقد ذكر الأجهري محمد بن صالح المالكي عن ابن بكير وكل واحد منهم من جملة مذهب مالك ومقلديه: أنه كانت أصوله مبنية على فروعه، إذا خرج قوله في مسألة على العموم قال: من قولي العموم وإذا خرج قوله في أخرى على الخصوص، قال من قولي الخصوص. ولقد رأيت لعبد الوهاب بن علي بن نصر المالكي في كتابه المعروف بشرح الرسالة في باب من يعتق على المرء إذا ملكه فذكر قول داود: لا يعتق أحد على أحد، وذكر قول أبي حنيفة: يعتق كل ذي رحم

[Section refuting the assertion of those who say that the statement of a single Companion—may Allah be pleased with them—when no one is known to have][161]

opposed him, constitutes consensus, even if disagreement with it appears in the second generation

Abu Muhammed said: Groups among the Malikis and Hanafis have maintained this; then the Shafiis joined them in thrusting forward this contentious argument. They subsequently disagreed. One group said: Whether it became widespread or did not become widespread, it constitutes consensus.

Another group said: It constitutes consensus only if it became well known and widespread; if it became neither well known nor widespread, it does not constitute consensus. Another group said: It constitutes consensus only if it is a statement of one of the four leaders—Abu Bakr, Umar, Uthman, and Ali, may Allah be pleased with them—and also became widespread; otherwise, it is not consensus. If it is a statement of someone other than these, it does not constitute authoritative proof, even if it became widespread. Another group said: None of that constitutes consensus, but it does constitute authoritative proof. Abu Muhammed said: Those among them who voiced these assertions did so only when they happened upon something of this kind after the rope had snapped in their hands and they had nothing with which to support their error and their uncritical adherence to authority. Yet they are the readiest of people to abandon it when it conflicts with their uncritical adherence. They find no difficulty in invalidating what they have declared valid and declaring valid what they have invalidated, on the spot. All that concerns one of them is to win the disputed question against his opponent at that particular moment. Then, when the two move on to another question, nothing is easier for either of them than to declare valid what he invalidated in the question whose discussion has ended, and to invalidate what he declared valid in it. Al-Ajhari, Muhammed ibn Salih al-Maliki, related concerning Ibn Bukayr—each of them belonging to Malik's school and

[161] **Translator's note (L1782):** The heading continues in the next unit; its closing bracket occurs here in the supplied transcription.

being among his uncritical adherents—that his foundational principles were built upon his derivative rulings: if his statement on one question took a general form, he would say, "My position is general applicability"; and if his statement on another took a specific form, he would say, "My position is specific applicability." I have indeed seen Abd al-Wahhab ibn Ali ibn Nasr al-Maliki, in his book known as Commentary on the Epistle, in the chapter concerning those who become emancipated upon a person's acquiring ownership of them, mention Dawud's position, "No one becomes emancipated by virtue of another person's acquiring ownership of him," and Abu Hanifa's position, "Every blood relative within the prohibited degrees of marriage becomes emancipated." He then said: "Among our proofs against Dawud is the statement of the Messenger of Allah ﷺ: 'Whoever acquires ownership of a blood relative within the prohibited degrees of marriage, that relative is free.' This is an explicit text." Then, six lines later, he turned to Abu Hanifa's position and said: "If he adduces as proof what is transmitted from the Prophet ﷺ, 'Whoever acquires ownership of a blood relative within the prohibited degrees of marriage, that relative is free,' we say: 'This report is not authentic.'" I cannot count how often I have found the Hanafis, Malikis, and Shafiis declaring authentic the transmission of Ibn Lahi'ah and of Amr ibn Shuayb from his father, from his grandfather, when it contains something that agrees with their uncritical adherence on that particular question. Then, perhaps a page, a leaf, or several leaves later, their opponent adduces against them a transmission of Amr ibn Shuayb from his father, from his grandfather, or a transmission of Ibn Lahi'ah, and they say: "This is a written collection, and Ibn Lahi'ah is weak."[162][163]

L1788–1791 Abu Muhammed said: This is the conduct of someone who does not fear Allah, Mighty and Majestic, and whose conduct gives grounds for thinking ill of his inward belief. We seek refuge in Allah from abandonment. Allah Most

محرم فقال من حجتنا على داود قول رسول الله صلى الله عليه وسلم من ملك ذا رحم محرم فهو حر وهذا نص جلي ثم صار إلى قول أبي حنيفة بعد ستة أسطار فقال فإن احتج بما روي عن النبي صلى الله عليه وسلم من ملك ذا رحم محرم فهو حر قلنا هذا خبر لا يصح. ولا أحصي كم وجدت للحنفيين والمالكيين والشافعيين تصحيح رواية ابن لهيعة، وعمرو بن شعيب عن أبيه عن جده، إذا كان فيها ما يوافق تقليدهم في مسألتهم تلك، ثم ربما أتى بعدها بصفحة أو ورقة أو أوراق احتجاج خصمهم عليهم برواية عمرو بن شعيب عن أبيه عن جده، أو برواية ابن لهيعة، فيقولون: هذه صحيفة، وابن لهيعة ضعيف.

قال أبو محمد: وهذا فعل من لا يتقي الله عز وجل، ومن عمله يوجب سوء الظن بباطن معتقده، ونعوذ بالله من الخذلان قال الله تعالى {إنما لنسيء زيادة في لكفر يضل به لذين كفروا يحلونه عاما ويحرمونه عاما ليواطئوا عدة ما حرم لله فيحلوا ما حرم لله زين لهم سوء أعمالهم ولله لا يهدي لقوم لكافرين} وقال تعالى {يأيها لذين آمنوا لم تقولون ما لا تفعلون * كبر مقتا عند لله أن تقولوا ما لا تفعلون} وقال تعالى {ثم أنتم هؤلاء

[162] **Translator's note (L1785):** The supplied form rendered "the disputed question" appears to be a defective spelling of the word for a question or issue. The vocalization of the name rendered al-Ajhari is uncertain.

[163] **Translator's note (L1787):** "A written collection" renders sahifah, used here dismissively in assessing the transmitted material; the Arabic does not explicitly state the precise objection to its transmission.

High said: {Postponement is only an increase in unbelief, by which those who disbelieve are led astray. They permit it one year and forbid it another year, so as to correspond to the number of what Allah has forbidden, thereby permitting what Allah has forbidden. The evil of their deeds has been made attractive to them, and Allah does not guide the unbelieving people.} And He Most High said: {O you who believe, why do you say what you do not do? * It is greatly hateful in Allah's sight that you say what you do not do.} And He Most High said: {Then here you are, killing yourselves and expelling a group of your own from their homes, supporting one another against them in sin and aggression. Yet if they come to you as captives, you ransom them, although expelling them is forbidden to you. Do you then believe in part of the Book and disbelieve in part? What recompense is there for those among you who do that except disgrace in the life of this world? On the Day of Resurrection they will be returned to the severest punishment. Allah is not heedless of what you do.} Thus Allah Most High condemned those who declare something valid on one occasion and then invalidate it on another. Moreover, the positions of theirs that we have mentioned in this chapter are unsound assertions, without any demonstration or inference whatsoever, except for their statement, whose invalidity we have already established, that they would not acquiesce in falsehood. We said to them: "What assurance have you that they did not condemn it?"—together with everything else we mentioned there. We have written a substantial book refuting them on this subject and others, in which we exhaustively investigated their immense inconsistency and the outrageous contradictions between their arguments and statements. Here, if Allah Most High wills, we shall mention a little that points to much; for if one were to collect their contradictions, the resulting volume would be larger than this entire volume of ours. Indeed, they have gone beyond their unsound principle in this chapter, to the point of uncritically adhering to the statement of a Companion whom another Companion opposed on that very statement, or whose retraction of that statement has been authentically established; yet they adduce it as proof and claim consensus. One example is the Malikis' argument that a man who unknowingly marries a woman during her waiting period and consummates the marriage is forever forbidden to marry her, adducing as proof what has been trans-

تقتلون أنفسكم وتخرجون فريقا منكم من ديارهم تظاهرون عليهم بلإثم والعدوان وإن يأتوكم أسارى تفادوهم وهو محرم عليكم إخراجهم أفتؤمنون ببعض لكتاب وتكفرون ببعض فما جزآء من يفعل ذلك منكم إلا خزي في لحياة لدنيا ويوم لقيامة يردون إلى أشد لعذاب وما لله بغافل عما تعملون} فأنكر الله تعالى على من صحح شيئا مرة ثم أبطله أخرى مع أن أقوالهم التي ذكرنا في هذا الباب دعاوى فاسدة بلا برهان ولا استدلال أصلا، إلا ما تقدم إفسادنا له من قولهم: إنهم لا يقرون على باطل. فقلنا لهم: ومن لكم بأنهم لم ينكروا ذلك وسائر ما ذكرنا هنالك. وقد كتبنا في مناقضتهم في هذا الباب وغيره كتابا ضخما تقصينا فيه عظيم تناقضهم، وفاحش تضاد حجاجهم وأقوالهم، ونذكر هنا إن شاء الله تعالى يسيرا دالا على الكثير، إذ لو جمع تناقضهم لأتى منه ديوان أكبر من ديواننا هذا كله، نعم، وقد تعدوا عقدهم الفاسد في هذا الباب، إلى أن قلدوا قول صاحب قد خالفه غيره من الصحابة في قولهم ذلك، أو قد صح رجوع ذلك الصاحب عن ذلك القول، فاحتجوا به وادعوا إجماعا. فمن ذلك: احتجاج المالكيين في التحريم على الناكح جاهلا في العدة يدخل بها أن يتزوجها أبدا، احتجاجا بما روي عن عمر في ذلك، وقد صح عن علي خلافه، وصح رجوع عمر عن القول وكتعلقهم بما روي عن عمر في امرأة المفقودة. وقد خالفه عثمان وعلي في ذلك. وكتعليق الحنفيين بما روي عن ابن مسعود في جعل الآبق، وخالفوه في تلك القضية نفسها في تحديد المسافة، وكتوريثهم المطلقة ثلاثا في المرض، تعلقا بعمر وعثمان، وقد خالفهما ابن عباس وابن الزبير، وقد اختلف عمر وعثمان في ذلك أيضا. وكخلاف المالكيين والشافعيين عمر بن الخطاب، وتقليد الحنفيين له فيما صح عنه من طريق الشعبي عن شريح أنه كتب إليه أن يحكم في غير الدابة بربع ثمنها، وكتقليد المالكيين والحنفيين له في جلده في الخمر أربعين، وخالفه الشافعيون في ذلك، وقد صح عن عمر وعثمان وعلي وأبي بكر جلد أربعين في الخمر. وكتقليد المالكيين والحنفيين لعائشة أم المؤمنين،

mitted from Umar on that matter, although Ali's contrary position has been authentically established, as has Umar's retraction of that position. Another is their reliance on what has been transmitted from Umar concerning the wife of a missing person, although Uthman and Ali disagreed with him on that matter. Another is the Hanafis' reliance on what has been transmitted from Ibn Masud concerning the reward for recovering a runaway slave, although they disagreed with him in that very case concerning the specified distance. Another is their allowing a woman who has been divorced three times during her husband's illness to inherit, relying on Umar and Uthman, although Ibn Abbas and Ibn al-Zubayr disagreed with both of them, and Umar and Uthman also differed on that matter. Another is the Malikis' and Shafiis' disagreement with Umar ibn al-Khattab, and the Hanafis' uncritical adherence to him, concerning what has been authentically transmitted from him through al-Shaʿbi, from Shurayh, that he wrote to him instructing him to award, in the case of something other than a riding animal, one quarter of its price; and like the Malikis' and Hanafis' uncritical following of him in his administering forty lashes for wine, while the Shafiʿis disagreed with him on that, although the administration of forty lashes for wine has been authentically transmitted from ʿUmar, ʿUthman, ʿAli, and Abu Bakr; and like the Malikis' and Hanafis' uncritical following of ʿA'ishah, Mother of the Believers, concerning a report not authentically established from her, in her disapproval of selling something on deferred payment and then having its seller buy it back for less than that price, while al-Shafiʿi disagreed with her on that, as did Zayd ibn Arqam; and like their uncritical following of ʿUmar concerning the respite allowed an impotent husband, although ʿAli, Muʿawiyah, and al-Mughirah ibn Shuʿbah disagreed with him on that; and like the Hanafis' and Malikis' uncritical following of ʿUmar in assessing blood money in gold and silver, while al-Shafiʿi disagreed with him, and the Hanafis and Malikis themselves also disagreed with him in assessing blood money in cattle, sheep, and sets of garments; and like the Malikis' and Hanafis' uncritical following of what is related from Abu Bakr, ʿUmar, and ʿUthman concerning taking

في ما لم يصح عنها في إنكارها بيع شيء إلى أجل ثم يبتاعه البائع له بأقل من ذلك الثمن، وخالفها الشافعي في ذلك، وخالفها فيه أيضا زيد بن أرقم. وكتقليدهم عمر في أجل العنين وقد خالفه في ذلك علي ومعاوية والمغيرة بن شعبة، وكتقليد الحنفيين والمالكيين عمر في تقويم الدية بالذهب والفضة، وخالفه الشافعي، وخالفه الحنفيون والمالكيون أيضا في تقويم الدية بالبقر والغنم والحلل، وكتقليد المالكيين والحنفيين ما روي عن أبي بكر وعمر وعثمان في حيازة الهبات، وقد خالفهم ابن مسعود، وروي الخلاف في ذلك عن أبي بكر.

possession of gifts, although Ibn Masʿud disagreed with them, and a contrary position on that is also related from Abu Bakr[164][165][166][167]

L1792–1794 and like the Malikis' and Shafiʿis' uncritical following of ʿUmar concerning the repudiation of a wife on account of defects, while disagreeing with him concerning recovery of the bridal payment, although ʿAli and others disagreed with him on that; and like the Malikis' and Shafiʿis' disagreement with ʿUmar and Ibn Masʿud concerning their statement, "Whoever comes to own a blood relative whom he is forbidden to marry, that relative is free," although no Companion is known to have disagreed with the two of them on that; and like the Malikis' disagreement with al-Zubayr, Qudamah ibn Mazʿun, Abu al-Darda', and Ibn Masʿud concerning the permissibility of a sick person's marriage, although no Companion is known to have disagreed with them; and like the Hanafis' and Malikis' disagreement with Abu Bakr, ʿUmar, Khalid ibn al-Walid, Ibn al-Zubayr, ʿUthman, and ʿAli ibn Abi Talib—may Allah be pleased with them—concerning exacting retaliation for a slap and a broken thigh, although no Companion is known to have disagreed with them; like their disagreement concerning doubling the value in the case of the Muzani man's she-camel, although no Companion is known to have disagreed on that; and like their disagreement with ʿUmar concerning his judgment awarding a lamb for a collarbone and a lamb for a rib, although no Companion is known to have disagreed with him on that. They have

وكتقليد المالكيين والشافعيين لعمر في رد المنكوحة بالعيوب. وخالفوه في الرجوع بالصداق وخالفه في ذلك علي وغيره، وكخلاف المالكيين والشافعيين عمر وابن مسعود في قولهما: من ملك ذار رحم محرم فهو حر، ولا يعرف لهما مخالف من الصحابة في ذلك. وكخلاف المالكيين والزبير وقدامة بن مظعون وأبا الدرداء وابن مسعود في إباحة نكاح المريض ولا يعرف لهم من الصحابة مخالف وكمخالفة الحنفيين والمالكيين أبا بكر وعمر وخالد بن الوليد وابن الزبير وعثمان وعلي بن أبي طالب رضي الله عنهم في القود من اللطمة وكسر الفخذ لا يعرف لهم من الصحابة مخالف كخلافهم في إضعاف القيمة في ناقة المزني ولا يعرف من الصحابة مخالف في ذلك وكخلافهم عمر في قضائه في الترقوة بحمل وفي ضلع بحمل ولا يعرف له في ذلك مخالف من الصحابة ومثل هذا لهم كثير جدا جاوز المئين من القضايا قد جمعناها والحمد لله في كتابنا الموسوم بكتاب الإعراب عن الحيرة والالتباس الموجودين في مذاهب أهل الرأي والقياس. قال أبو محمد: وأما قول من قال منهم: إذا كان ذلك من فعل الإمام فهم أترك الناس لذلك، مع تعري قولهم من الدلالة، ومما حضر ذكره من ذلك احتجاجهم في جلد الشاهد بالزنى والشاهدين والثلاثة إذ لم يتموا أربعة حد القاذف، احتجاجا بجلد عمر أبا بكرة ونافعا وشبل بن معبد بحضرة الصحابة في ذلك المقام نفسه. إذ قال أبو بكرة لما تم جلده وقام: أشهد أن المغيرة زنى، فأراد عمر جلده فقال له علي: إن جلدته فارجم المغيرة فتركه، وكلهم يرى جلده ثانية إذا قالها بعد تمام جلده، أفلا حياء إذ لا تقوى، وهل سمع بأفحش من هذا العمل وأفصح منه؟ ومثل هذا لهم كثيرا جدا.

[164] **Translator's note (L1788):** The Quranic quotations correspond to 9:37, 61:2–3, and 2:85. The supplied transcription repeatedly omits initial alifs in words and articles within these quotations; these apparent orthographic defects do not yield a distinct translatable wording.

[165] **Translator's note (L1790):** The supplied expression for "the wife of a missing person" anomalously makes "missing" feminine. The context supports the conventional legal issue of a missing husband's wife, but the grammatical defect is retained here as an explicit textual note.

[166] **Translator's note (L1791):** The opening continues the preceding unit: ʿUmar is the person reported to have written to Shurayh. The supplied phrase 'in the case of something other than a riding animal' is obscure without the underlying case; its wording has been preserved.

[167] **Qur'an references (L1788):** Qur'an 9:37 (At-Tawbah); Qur'an 61:2 (As-Saf); Qur'an 61:3 (As-Saf); Qur'an 2:85 (Al-Baqarah).

very many such cases, exceeding several hundred judgments, which we have collected, praise be to Allah, in our book entitled The Book of Elucidating the Confusion and Ambiguity Found in the Schools of the Adherents of Opinion and Analogy. Abu Muhammed said: As for the statement of those among them who say, "If that was an act of the imam," they are the very people who most readily abandon that, quite apart from their assertion being devoid of evidence. Among the instances of this that come to mind is their argument for flogging a witness to unlawful sexual intercourse, or two witnesses, or three, when they fall short of four, with the prescribed punishment for someone who makes an accusation of unlawful sexual intercourse, citing as evidence ʿUmar's flogging of Abu Bakrah, Nafiʿ, and Shibl ibn Maʿbad in the presence of the Companions at that very gathering. When Abu Bakrah's flogging had been completed and he stood up, he said, "I testify that al-Mughirah committed unlawful sexual intercourse." ʿUmar wanted to flog him, but ʿAli said to him, "If you flog him, then stone al-Mughirah." So he left him alone. Yet all of them hold that he should be flogged a second time if he says this after his flogging has been completed! Is there no shame, when there is no piety? Has anything more outrageous than this conduct, or more eloquent than it, ever been heard of? They have very many such instances.[168][169]

L1795–1796 As for their claim and their assertions concerning being widely known and widely circulated, these are very curious indeed. They are simply people whose predecessors—such as Abu Hanifah, Abu Yusuf, Muhammed ibn al-Hasan, ʿIsa ibn Aban, and their peers; Malik, Ibn Wahb, Sahnun, Ismaʿil, and their peers; and al-Shafiʿi, al-Muzani, al-Rabiʿ, Ibn Shurayh, and their peers—

واما دعواهم وقولهم في الاشتهار والانتشار، فطريف جدا وإنما هم قوم أتى أسلافهم كأبي حنيفة وأبي يوسف ومحمد بن الحسن، وعيسى بن أبان ونظرائهم، وكمالك وابن وهب وسحنون وإسماعيل ونظرائهم وكالشافعي والمزني والربيع وابن شريح ونظرائهم فاحتجوا لما قاله الأول منهم بمرسل أو رواية عن صاحب نجدها في الأكثر لا تصح، أو تصح ونجد فيها خلافا من صاحب آخر، أو لا نجد فأشاعوها في أتباعهم فتلقاها الأتباع عنهم وتدارسوها وتهادوها بينهم، وأذاعوا عند القلة الآخذة عنهم فتداولوها على ألسنتهم ومجامعهم وفي تواليفهم. وفي مناظرتهم بينهم أو مع خصومهم فوسموها بالانتشار والاشتهار والتواتر، ونقل الكواف وهي في أصلها هباء منبث وباطل مولد، أو خامل في مبدئه وإن كان صحيحا لم يعرف منتشرا قط. فهذه صفة ما تدعون فيه

[168] **Translator's note (L1792):** The supplied 'dhar raḥim' is grammatically defective; the translation follows the evident sense, 'a blood relative whom one is forbidden to marry.' The clause concerning al-Zubayr has a syntactically irregular additional conjunction before his name. The translation reflects the apparent intended list of those whom the Malikis opposed. The unvocalized word rendered 'lamb' is read as ḥamal; its spelling also permits other readings.

[169] **Translator's note (L1794):** The supplied word 'afṣaḥ' means 'more eloquent' or 'more articulate.' It is awkward here, but has been retained rather than silently replaced with a conjectural reading.

came forward and supported what their earliest authority had said by citing a report omitting the Companion from its transmission chain, or a narration from a Companion. We find that in most cases such a narration is not authentic; or it is authentic and we find another Companion disagreeing with it; or we find no such disagreement. They then disseminated it among their followers, who received it from them, studied it together, passed it among themselves as gifts, and publicized it among the small number who learned from them. They circulated it in their speech, in their assemblies, in their writings, and in their debates among themselves or with their opponents. They then labeled it widely circulated, widely known, recurrently transmitted through numerous independent channels, and transmitted by the general body of transmitters, although at its origin it is scattered dust and fabricated falsehood, or something obscure at its inception which, even if authentic, was never known to have circulated widely. Such is the character of what you claim to be widely circulated and recurrently transmitted through numerous independent channels: for example, the report attributed to Muʿadh—may Allah be pleased with him—concerning the exercise of independent judgment through opinion. No one in the age of the Companions ever knew it, nor has it ever been related from any of them that he mentioned it, whether through an authentic transmission route or a weak one, a connected one or an interrupted one. Nor has it ever been related from any of the Successors that he knew it or mentioned it in an authentic narration or an unsound one, whether connected or broken, until Abu ʿAwn Muhammed ibn ʿUbayd Allah alone mentioned it. He had taken it only from an unknown person whom no one knows, who in turn took it from someone similarly unknown, according to what he claimed and what that unknown person also alleged. So far as has reached us, only two men took it from Abu ʿAwn: Shuʿbah and Abu Ishaq al-Shaybani. Then they also differed in transmitting from Abu ʿAwn concerning its entire wording and meaning. When the adherents of opinion found it in Shuʿbah's possession, they pounced on it and flew with it east and west, almost beating drums, until even someone who knew not a single word transmitted from the Messenger of Allah ﷺ—may Allah bless

الانتشار والتواتر، كالخبر المضاف إلى معاذ رضي الله عنه في اجتهاد الرأي فما عرفه قط أحد في عصر الصحابة، ولا جاء قط عن أحد منهم أنه ذكره لا من طريق صحيحة ولا من طريق واهية، ولا متصلة ولا منقطعة، ولا جاء قط عن أحد التابعين أنه عرفه ولا ذكره في رواية صحيحة ولا سقيمة لا موصولة ولا مقطوعة، حتى ذكره أبو عون محمد بن عبيد الله وحده. وإنما أخذه عن مجهول لا يعرفه أحد عن مثله فيما ادعى وزعم ذلك المجهول أيضا، فأخذه عن أبي عون فيما بلغنا رجلان فقط، شعبة وأبو إسحاق الشيباني، ثم اختلفوا أيضا في كافة لفظه ومعناه على أبي عون فلما ظفر القائلون بالرأي عند شعبة وثبوا عليه وطاروا به شرقا وغربا، وكادوا يضربون الطبول حتى عرفه من لا يعرف عن رسول الله صلى الله عليه وسلم كلمة وادعوا فيه التواتر

him and grant him peace—knew it. And they claimed that it was recurrently transmitted through numerous independent channels.[170]

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Allah forbid that this should be so! Its origin is nothing but obscure, its transmission source nothing but weak, and its emergence nothing but from falsehood and a concocted fabrication, invented by someone unknown, from someone unnamed. It was never known in the age of the Companions or in the age of the Successors, nor did any of them mention it except Abu ʿAwn ibn ʿUbayd Allah al-Thaqafi alone, as we have mentioned. Such is the character of most of what they claim to be recurrently transmitted through numerous independent channels and widely circulated—indeed, of all of it. Yet they turn to what is well known, widely circulated, and prevalent, and contradict it without trouble or effort: for example, the Prophet's ﷺ—may Allah bless him and grant him peace—leading the Companions in prayer while seated; his ﷺ—may Allah bless him and grant him peace—being our prayer leader in a prayer Abu Bakr had begun; an agreement to tend and irrigate trees in return for a share of their produce without a specified term; and other matters, such as ʿUmar's judgment requiring Hatib's slaves to pay double the value of the Muzani man's she-camel, and ʿUthman's doubling the blood money payable by someone who killed within the Sacred Precinct, and very many other things. Abu Muhammed said: Our discussion in the section we mentioned just now, in our discussion of consensus, in which we refuted the assertion of those who say that anything concerning which no disagreement is known constitutes consensus, also refutes their assertion in this matter. For if claiming consensus where no disagreement is known is invalid, then claiming consensus where great disagreement exists is more manifestly invalid and more outrageously untenable. Abu Muhammed said: There is no group among them that does not make the others laugh by means of this prohibition—meaning, the prohibition against opposing a Companion when no other Companion is known to have disagreed with him, may Allah be pleased with them. If this constitutes consensus, and someone who

ومعاذ الله من هذا فما أصله إلا مظلم ولا مخرجه إلا واه، ولا منبعثه إلا من باطل وتوليد موضوع مفتعل ممن لا يعرف عمن لم يسم ممن لم يعرف قط في عصر الصحابة ولا في عصر التابعين، ولا ذكره أحد منهم غير أبي عون بن عبيد الله الثقفي وحده كما ذكرنا، فهذه صفة جمهور ما يدعون فيه التواتر والانتشار، بل صفة جميعه، وأتوا إلى المشهور المنتشر الفاشي فخالفوه بلا كلفة ولا مؤنة كصلاة النبي صلى الله عليه وسلم قاعدا بالأصحاب وككونه صلى الله عليه وسلم إمامنا في صلاة ابتدأها أبو بكر وكالمساقاة إلى غير أجل، وغير ذلك من حكم عمر في إضعاف القيمة في ناقة المزني على رقيق حاطب وإضعاف عثمان الدية على القاتل في الحرم وغير ذلك كثير جدا. قال أبو محمد: وفي كلامنا في الفصل الذي ذكرنا آنفا في كلامنا في الإجماع الذي أبطلنا فيه قول من قال: إن ما لا يعرف فيه خلاف فهو إجماع إبطال لقولهم في

[170] **Translator's note (L1795):** The supplied name is Ibn Shurayh; it has been retained without emendation. The technical term 'mursal' is rendered as a report omitting the Companion from its transmission chain. 'Tawātur' is rendered as recurrent transmission through numerous independent channels, distinct from mere widespread circulation or renown.

[181] **Translator's note (L1817):** The supplied "Banu Hashim al-Khiyar" is plural, but is immediately followed by the singular "he was a Maliki." The mismatch has been retained; the personal or family name may be corrupt. "Has drawn near to us" follows the supplied qaruba ilayna; the transition is abrupt.

[182] **Translator's note (L1818):** "One of the companions" follows the supplied min ashab, which is grammatically incomplete here. A reading meaning "someone who is correct" would fit the argument, but has not been silently substituted. The sequence translated "some prohibiting, not some obligating" follows the awkward supplied min maniʿ la min mujib. Its precise construction is uncertain. "A demonstration from the text spoke" retains the supplied fa-qala burhan; the expected sense appears to be that a demonstration arose or was established, but the text has not been silently repaired. The phrase rendered "apart from what we have already mentioned" follows the awkward supplied wa-ghayr ma qaddamna and is understood as an exception in light of the argument.

[183] **Translator's note (L1819):** The wording connecting the discussion of consensus to crop-sharing irrigation and sharecropping contracts is syntactically awkward; the translation preserves the apparent argument without supplying an additional premise.

[184] **Qur'an references (L1797):** Qur'an 4:59 (An-Nisa); Qur'an 9:122 (At-Tawbah); Qur'an 7:3 (Al-A'raf); Qur'an 12:109 (Yusuf); Qur'an 16:43 (An-Nahl); Qur'an 6:116 (Al-An'am); Qur'an 38:24 (Sad); Qur'an 3:14 (Ali 'Imran).

opposes consensus is, according to them, an unbeliever, then all of them are unbelievers on the basis of this corrupt principle. For there is no group among them that has not opposed a Companion in more than a hundred cases in which no other Companion is known to have disagreed with him, may Allah be pleased with them. They persist in these positions, despite their invoking this argument against one another and continually reproaching one another for it. This very same reasoning also obliges them to declare the eminent Successors unbelievers. They must necessarily either accept this or abandon their claim of consensus in this matter. The latter is more fitting for them, because it provides relief for themselves and an abandonment of a false claim. A single case suffices to constitute opposition to consensus once the proof establishing it has been made binding upon the person opposing it. How much more so when we have collected hundreds of such questions against each group of the Hanafis, the Malikis, and the Shafi'is. Success comes through Allah. As for the statement of those among them who say that the position of a Companion whom no other Companion is known to have opposed constitutes authoritative evidence, but does not constitute consensus, this too rebounds upon them in those matters in which they opposed someone whom no other Companion is known to have opposed. The response to this assertion will come in the chapter discussing the invalidation of uncritical following, if Allah—Mighty and Majestic—wills. We seek His assistance; there is no god but Him. It suffices to invalidate this that neither the Quran nor the Sunnah has come requiring uncritical adherence to a Companion who is not known to have been opposed by any of them, especially where that report from that Companion contradicts the explicit text of the Quran or the established Sunnah. It is on this point that we oppose them, not concerning a report from a Companion that agrees with the Quran or the Sunnah. Since neither Quran nor Sunnah has prescribed this, it is an unsound position and a false claim. The revealed text prescribes only following the Quran and the Prophet's ﷺ exposition, and declares that the religion has been perfected. Praise belongs to Allah, Lord of all worlds.

Section on Those Who Say That No One May Exercise Independent Choice after Abu Hanifah

هذا الباب، لأنه إذا بطل القول بدعوى الإجماع فيما لا يعرف فيه خلاف، والقول بدعوى الإجماع فيما يوجد فيه الخلاف العظيم أظهر بطلانا وأفحش سقوطا. قال أبو محمد: وليست منهم طائفة إلا وهي تضحك غيرها منهم بهذا الحجر يعني مخالفة الصاحب الذي لا يعرف له مخالف من الصحابة رضي الله عنهم، فإن كان هذا إجماعا ومخالف الإجماع عندهم كافر فكلهم كافر على هذا الأصل الفاسد. إذ ليس منهم طائفة إلا وقد خالفت صاحبا فيما لا يعرف له من الصحابة رضي الله عنهم مخالف، في أزيد من مائة قضية وتمادوا عليها مع احتجاج بعضهم على بعض بذلك وتنكيثهم لهم أبدا ويلزمهم تكفير فضلاء التابعين بمثل هذا نفسه، ولا بد لهم ضرورة من هذا أو من ترك دعواهم في هذا الفصل الإجماع، وهذا أولى بهم لأنه ترفيه عن أنفسهم، وترك لدعوى الكذب وقصة واحدة تكفي في خلاف الإجماع إذا قامت به الحجة على مخالفه، فكيف وقد جمعنا لهم من ذلك مئين من المسائل على كل طائفة من الحنفيين والمالكيين والشافعيين وبالله التوفيق. وأما قول من قال منهم: إن قول الصاحب الذي لا يعرف له من الصحابة مخالف حجة وليس إجماعا فهو أيضا عائد عليهم فيما خالفوا فيه الذي لا يعرف له منهم مخالف، وسيأتي الرد على هذا القول في باب الكلام في إبطال التقليد إن شاء الله عز وجل وبه نستعين، لا إله إلا هو ويكفي من إبطال ذلك أنه لم يأت قرآن ولا سنة بإيجاب تقليد الصاحب الذي لا يعرف له منهم مخالف لا سيما فيما خالف تلك الرواية عن ذلك الصاحب نص القرآن أو السنة الثابتة، وفي هذا خالفناهم لا في رواية عن صاحب موافقة للقرآن أو السنة وإذا لم يأت بذلك قرآن ولا سنة فهو قول فاسد ودعوى باطلة، وإنما جاء النص باتباع القرآن وبيان النبي صلى الله عليه وسلم فقط وبأن الدين قد كمل والحمد لله رب العالمين فصل في من قال ليس لأحد أن يختار بعد أبي حنيفة وأما من قال ليس لأحد أن يختار بعد أبي حنيفة، وأبي يوسف وزفر بن الهذيل العنبري ومحمد بن الحسن مولى بني شيبان،

والحسن بن زياد اللؤلؤي. وقول بكر بن العلاء: ليس لأحد أن يختار بعد التابعين من التاريخ. وقول القائل: ليس لأحد أن يختار بعد الأوزاعي وسفيان الثوري ووكيع بن الجراح الكلابي، وعبد الله بن المبارك مولى بني حنظلة فأقوال في غاية الفساد، وكيد الدين لا خفاء به، وضلال مغلق وكذب على الله تعالى، إذا نسبوا ذلك إليه أو دين جديد أتونا به من عند أنفسهم ليس من دين محمد صلى الله عليه وسلم في شيء وهي كما نرى متدافعة متفاسدة ودعاوى متفاضحة متكاذبة ليس بعضها بأولى من بعض ولا بعضها بأدخل في الضلالة والحمق من بعض. ويقال لبكر من بينهم فإذا لا يجوز الاختيار بعد المائتين عندك ولا غيرك، فمن أين ساغ لك وأنت لم تولد إلا بعد المائتين بنحو ستين سنة أن تختار قول مالك دون من هو أفضل منه من الصحابة والتابعين، أو من هو مثله من فقهاء الأمصار أو من جاء بعد متعقبا عليه وعلى غيره، ممن هو أعلم منه بالسنن وأصح نظرا أو مثله، كأحمد بن حنبل وإسحاق بن راهويه وغيرهما. ويقال له أيضا: إن قولك هذا السخيف الدال على ضلالة قائله وجهالته وابتداعه ما لم يقله مسلم قبله يوجب أن أشهب وابن الماجشون ومطرف بن عبد الله وأصبغ بن الفرج وسحنون بن سعيد وأحمد بن المعدل وهم أئمتك بإقرارك كان لهم أن يختاروا إلى أن انسلخ ذو الحجة من سنة مائتين، فلما استهل هلال المحرم من سنة إحدى ومائتين وغابت الشمس من تلك حرم عليهم في الوقت بلا مهلة ما كان مطلقا لهم قبل ذلك من الاختيار فهل سمع بأسخف من هذا الاختلاط وليت شعري ما الفرق بين سنة مائتين وبين سنة ثلاثمائة أو أربعمائة أو غيرها من سني التاريخ. ويقال للحنفيين: أليس من عجائب الدنيا تجويزكم الاختيار والقول في دين الله تعالى بالظن الكاذب، والرأي الفاسد، والشرع لما لم يأذن به الله تعالى لأبي حنيفة وأبي يوسف وزفر ومحمد بن الحسن واللؤلؤي على جهلهم بالسنن والآثار، وفساد رأيهم وقياساتهم التي لم يوفقوا منها إلا لكل بارد متخاذل، والتي هي في المضاحك أدخل منها في الجد، ويجعلون

As for those who say that no one may exercise independent choice after Abu Hanifah, Abu Yusuf, Zufar ibn al-Hudhayl al-Anbari, Muhammed ibn al-Hasan, the client of Banu Shayban, and al-Hasan ibn Ziyad al-Lu'lu'i; Bakr ibn al-Ala's statement that no one may exercise independent choice after the Successors in the chronology; and the statement of whoever says that no one may exercise independent choice after al-Awza'i, Sufyan al-Thawri, Waki' ibn al-Jarrah al-Kilabi, and Abd Allah ibn al-Mubarak, the client of Banu Hanzalah—these are utterly unsound positions, an unmistakable plot against religion, impenetrable error, and a lie against Allah Most High if they attribute this to Him; or else a new religion that they have brought us from themselves, having nothing whatsoever to do with the religion of Muhammed ﷺ. As we see, these positions repel and invalidate one another; they are mutually discrediting and contradictory claims. None has any greater claim to acceptance than another, nor is any more steeped in error and stupidity than another. Bakr, among them, is told: 'If, then, independent choice after the year two hundred is permissible neither for you nor for anyone else, on what grounds was it permissible for you, who were not born until some sixty years after the year two hundred, to choose Malik's position over that of someone superior to him among the Companions and the Successors, or someone equal to him among the jurists of the regional centers, or someone who came afterward and critically examined his positions and those of others, being more knowledgeable than he concerning the transmitted prophetic practices and sounder in reasoning, or his equal—such as Ahmad ibn Hanbal, Ishaq ibn Rahawayh, and others?' He is also told: 'This absurd statement of yours, which demonstrates its speaker's error and ignorance and his introduction of an innovation that no Muslim before him had stated, entails that Ashhab, Ibn al-Majishun, Mutarrif ibn Abd Allah, Asbagh ibn al-Faraj, Sahnun ibn Sa'id, and Ahmad ibn al-Mu'adhdhal—who are your imams by your own admission—were entitled to exercise independent choice until Dhu al-Hijjah of the year two hundred had elapsed; then, when the new moon of Muharram appeared in the year two hundred and one and the sun had set on that, what had previously been unrestricted for them in exercising independent choice became forbidden to them immediately, without delay! Has anything more absurd than this muddle ever been heard? I would dearly

like to know the difference between the year two hundred and the year three hundred or four hundred, or any other year in the chronology.' The Hanafis are told: 'Is it not one of the wonders of the world that you permit Abu Hanifah, Abu Yusuf, Zufar, Muhammed ibn al-Hasan, and al-Lu'lu'i to exercise independent choice, to pronounce upon the religion of Allah Most High on the basis of false conjecture and unsound opinion, and to legislate what Allah Most High has not authorized, despite their ignorance of transmitted prophetic practices and reports and the unsoundness of their opinions and analogies, in which they have achieved nothing but what is feeble and incoherent, and which belong more among things to laugh at than among serious matters? They make those unsound positions stand in opposition to the Quran and the transmitted practices of the Messenger of Allah ﷺ. Yet they do not permit al-Shafi'i, Ahmad ibn Hanbal, Ishaq ibn Rahawayh, Dawud ibn Ali, Abu Thawr, Muhammed ibn Nasr, and their peers to adopt the established transmitted prophetic practices, despite these men's extensive knowledge of those practices, their familiarity with the sound and unsound among them, and their profound mastery of knowledge of the positions of the Companions and the Successors, the reliability of their reasoning, the subtlety with which they draw out evidences, and the fact that, among those of them who employ analogy, their analogies are among the most pleasing, the furthest removed from manifest unsoundness, and those that proceed most consistently according to their effective cause; together with these men's intense scrupulousness, the believers' love for them that Allah Most High has bestowed upon them, the esteem in which Muslims, learned and ordinary alike, hold them, and Abu Hanifah and his companions' occupation of the foremost place in these ranks?' If they seek to mislead by invoking the earlier period of Abu Hanifah, and the Malikis seek to mislead by invoking the earlier period of Malik and the later period of those we have mentioned, we say: 'This is another wonder! We know, and you know, that between the end of Abu Hanifah's issuing legal opinions and the beginning of al-Shafi'i's doing so there were only some thirty years. Between Malik's final legal opinions and al-Shafi'i's first there was only a year or thereabouts; indeed, he may have issued legal opinions during Malik's lifetime. Al-Shafi'i issued legal opinions while Abu Yusuf, Muhammed ibn al-Hasan, and al-Lu'lu'i were alive. Like-

تلك الأقوال الفاسدة خلافا على القرآن وسنن رسول الله صلى الله عليه وسلم ثم لا يجيزون الأخذ بالسنن الثابتة للشافعي، ولا لأحمد بن حنبل، ولا لإسحاق بن راهويه، وداود بن علي، وأبي ثور، ومحمد بن نصر ونظرائهم، على سعة علم هؤلاء بالسنن، ووقوفهم على الصحيح منها والسقيم، وعلى تبحرهم في معرفة أقوال الصحابة والتابعين، وثقة نظرهم. ولطف استخراجهم للدلائل. وأن من قال منهم بالقياس فقياسه من أعذب القياس وأبعده من ظهور الفساد فيه وأجرأه على علته مع شدة ورع هؤلاء، وما منحهم الله تعالى من محبة المؤمنين لهم، وتعظيم المسلمين علمائهم وعامتهم لهم، وحلول أبي حنيفة وأصحابه في صدر هذه المنازل. فإن موهوا بتقدم عصر أبي حنيفة، وموه المالكيون بتقديم عصر مالك وتأخر عصر من ذكرنا، قلنا: هذا عجب آخر، وقد علمنا وعلمتم أنه لم يكن بين آخر وقت فتيا أبي حنيفة وأول أوقات الشافعي إلا نحو ثلاثين عاما، ولم يكن بين آخر فتيا مالك وبين أول فتيا الشافعي إلا عام أو نحوه ولعله قد أفتى في حياة مالك. وقد أفتى الشافعي، وأبو يوسف ومحمد بن الحسن واللؤلؤي أحياء وكذلك أفتى المغيرة وابن كنانة وابن القاسم وابن وهب وأشهب وابن الماجشون أحياء، ومات الشافعي وأشهب في شهر واحد، ومات الحسن بن زياد بعدهم بنحو عام ومات الماجشون ومطرف بعدهما بأعوام كثيرة. فليت شعري من المبيح لبعضهم ما حجزوه عن بعض؟ ثم لم يكن بين آخر فتيا مالك وأول وقت فتيا أحمد وإسحاق وأبي ثور إلا عشرين عاما أفي مدة عشرين عاما يغلق باب الاختبار؟ تعالى الله عن قول المجانين، وكل هؤلاء أفتى والحسن بن زياد حي. فما الذي أباح للحسن بن زياد ولابن القاسم من الفتيا، ما لم يبح لأحمد وإسحاق وأبي ثور؟ وبالله إن بينهم وبين ذينك من التفاوت في العلم أكثر مما بين المشرق والمغرب ثم أفتى داود بن علي ومحمد بن نصر ونظراؤهما مع أحمد وإسحاق وأبي ثور، ثم هكذا ينشأ العلماء ويموت العلماء عاما عاما،

wise, he issued legal opinions while al-Mughirah, Ibn Kinanah, Ibn al-Qasim, Ibn Wahb, Ashhab, and Ibn al-Majishun were alive. Al-Shafi'i and Ashhab died in the same month, and al-Hasan ibn Ziyad died about a year after them, while al-Majishun and Mutarrif died many years after those two. I would dearly like to know who permits some of them what they have withheld from others. Moreover, between Malik's final legal opinions and the beginning of Ahmad's, Ishaq's, and Abu Thawr's issuing legal opinions there were only twenty years. Is it within a span of twenty years that the door of examination is closed? Exalted is Allah above the statements of madmen! All these men issued legal opinions while al-Hasan ibn Ziyad was alive. What, then, permitted al-Hasan ibn Ziyad and Ibn al-Qasim to issue legal opinions when this was not permitted to Ahmad, Ishaq, and Abu Thawr? By Allah, the disparity in knowledge between these men and those two is greater than the distance between east and west. Then Dawud ibn Ali, Muhammed ibn Nasr, and their peers issued legal opinions alongside Ahmad, Ishaq, and Abu Thawr. Thus scholars continue to arise and scholars continue to die, year after year. It is only a night, then a week, then month following month and year following year, until Allah inherits the earth and all who are upon it. Whoever sets a limit, or confines independent choice to that limit and prohibits it thereafter, has acted foolishly, lied, invented a religion of error, and spoken without knowledge. We seek refuge in Allah the Magnificent from anything like this. Allah, Mighty and Majestic, said: 'O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and fairer in outcome.' And He Most High said: 'It is not for the believers to go forth all together. Why, then, should not a group from every division of them go forth, so that they may gain understanding in religion and warn their people when they return to them, that they may beware?' And He Most High said: 'Follow what has been sent down to you from your Lord, and do not follow protectors besides Him. Little do you take heed.' And He Most High said: 'We sent before you only men to whom We impart revelation. So ask the people of the Reminder if you do not know.' He, Mighty and Majestic, did not single out one age over another, or one person over another. Whoever opposes

وما هو إلا ليلة ثم جمعة ثم شهر إلى شهر وعام إلى عام، حتى يرث الله الأرض ومن عليها، فمن حد حدا أو وقف الاختيار عليه ومنعه بعده فقد سخف وكذب واخترع دين ضلالة وقال بلا علم، ونعوذ بالله العظيم من مثل هذا قال الله عز وجل {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} وقال تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} وقال تعالى {تبعوا مآ أنزل إليكم من ربكم ولا تتبعوا من دونه أولياآء قليلا ما تذكرون} وقال تعالى: {ومآ أرسلنا من قبلك إلا رجالا نوحي إليهم فسألوا أهل لذكر إن كنتم لا تعلمون} فلم يخص عز وجل عصرا من عصر، ولا إنسانا من إنسان. فمن خالف هذا فهو مضل داخل في أعداد النوكى لإطلاقه لسانه بالتخليط. والحق في هذا الذي لا يحل خلافه فهو إن خالف ما جاء به رسول الله صلى الله عليه وسلم عن ربه تعالى في القرآن وفي السنن المبينة للقرآن، لا يحل لأحد أصلا ولا يجوز أن يعد قول قائل كائنا من كان خلافا لذلك، بل يطرح على كل حال. وأما خلاف أبي حنيفة ومالك ففرض على الأمة، لا نقول مباح، بل فرض لا يحل تعديه، لأنهما لا يخلو أن في كل فتيا لهم من أحد وجهين لا ثالث لهما أصلا، إما موافقة النص من القرآن والسنة الثابتة، وإما مخالفة النص كذلك، فإن كانت فتياهما أو فتيا أحدهما موافقة نص القرآن أو السنة، فالمتبع هو القرآن والسنة لا قول أبي حنيفة ولا قول مالك، لأن الله تعالى لم يأمرنا قط باتباعهما فمتبعهما مخالف لله تعالى، وإن كانت فتياهما مخالفة للنص، فلا يحل لأحد اتباع ما خالف نص القرآن والسنة وهكذا نقول في كل مفت بعد رسول الله صلى الله عليه وسلم أنبأنا محمد بن سعيد بن نبات نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن المثنى، نا عبد الرحمن بن مهدي،

this leads others astray and belongs among the fools, because he gives his tongue free rein to utter confusion. The truth in this matter, which it is unlawful to oppose, is that opposing what the Messenger of Allah ﷺ brought from his Lord Most High in the Quran and in the transmitted prophetic practices that explain the Quran is absolutely unlawful for anyone. Nor is it permissible to count the statement of any speaker whatsoever as a position legitimately opposing that; rather, it must be rejected in every case. As for opposing Abu Hanifah and Malik, it is obligatory upon the community. We do not say permissible, but obligatory: it is unlawful to depart from this obligation, because the two of them cannot escape one of two possibilities in every legal opinion they issue, with absolutely no third possibility: either agreement with the explicit text of the Quran and the established Sunnah, or disagreement with that explicit text. If their legal opinion, or that of either of them, agrees with the explicit text of the Quran or the Sunnah, then what is followed is the Quran and the Sunnah, not Abu Hanifah's statement or Malik's statement, because Allah Most High has never commanded us to follow them. Whoever follows them therefore opposes Allah Most High. And if their legal opinions contradicted the text, then no one may follow anything that contradicts the text of the Quran and the Sunnah. This is likewise what we say concerning every issuer of legal opinions after the Messenger of Allah ﷺ. Muhammed ibn Saʿid ibn Nabat informed us: Ahmad ibn ʿAwn Allah narrated to us: Qasim ibn Asbagh narrated to us: Muhammed ibn ʿAbd al-Salam al-Khushani narrated to us: Muhammed ibn al-Muthanna narrated to us: ʿAbd al-Rahman ibn Mahdi narrated to us, from Sufyan al-Thawri, from ʿAbd Allah ibn Tawus, from his father, who said: Muʿawiyah said to Ibn ʿAbbas, "You follow the religious way of ʿAli." He replied, "Nor do I follow the religious way of ʿUthman. I follow the religious way of the Prophet ﷺ." Yunus ibn ʿAbd Allah ibn Mughith narrated to us: Yahya ibn ʿAbid narrated to us: al-Husayn ibn Ahmad ibn Abi Khalifah narrated to us: Abu Jaʿfar Ahmad ibn Muhammed al-Tahawi narrated to us: Yusuf ibn Yazid al-Qaratisi narrated to us: Saʿid ibn Mansur narrated to us: Hushaym narrated to us, from al-Mughirah ibn Miqsam, from Ibrahim al-Nakhaʿi, who said: He used to dislike the expression "the Sunnah of Abu Bakr and ʿUmar," but instead [would say], "the Sunnah of Allah, mighty and majestic, and the Sunnah of

عن سفيان الثوري عن عبد الله بن طاوس عن أبيه قال: قال معاوية لابن عباس: أنت على ملة علي قال ولا على ملة عثمان أنا على ملة النبي صلى الله عليه وسلم نا يونس بن عبد الله بن مغيث نا يحيى بن عابد، نا الحسين بن أحمد بن أبي خليفة، نا أبو جعفر أحمد بن محمد الطحاوي، نا يوسف بن يزيد القراطيسي، نا سعيد بن منصور، نا هشيم عن المغيرة بن مقسم، عن إبراهيم النخعي قال: كان يكره أن يقال سنة أبي بكر وعمر ولكن سنة الله عز وجل وسنة رسوله صلى الله عليه وسلم نا حمام بن أحمد نا عبد الله بن محمد بن علي الباجي، نا عبد الله بن يونس المرادي، نا بقي بن مخلد، نا أبو بكر بن أبي شيبة، نا محمد بن بشر، نا عبد الله بن الوليد، نا عبيد بن الحسين. قال: قالت الخوارج لعمر بن عبد العزيز: تريد أن تسير فينا بسيرة عمر بن الخطاب، قال عمر بن عبد العزيز: قاتلهم الله، ما أردت دون رسول الله إماما. فهؤلاء الصحابة والتابعون فيمن تعلق المخالفون؟ فإن موهوا، بكثرة أتباع أبي حنيفة ومالك وبولاية أصحابهما القضاء فقد قدمنا أن الكثرة لا حجة فيها ويكفي من هذا قول الله عز وجل {وإن تطع أكثر من في لأرض يضلوك عن سبيل لله إن يتبعون إلا لظن وإن هم إلا يخرصون} وقال {قال لقد ظلمك بسؤال نعجتك إلى نعاجه وإن كثيرا من لخلطآء ليبغي بعضهم على بعض إلا لذين آمنوا وعملوا لصالحات وقليل ما هم وظن داوود أنما فتناه فستغفر ربه وخر راكعا وأناب} وقال رسول الله صلى الله عليه وسلم إن هذا الدين بدأ غريبا وسيعود غريبا فطوبى للغرباء وأنذر عليه السلام بدروس العلم وظهور الجهل. فلعمري لئن كان العلم ما هم عليه من حفظ رأي أبي حنيفة ومالك والشافعي فما كان العلم قط أكثر مما هو منه الآن، وهيهات: إذا هبطت نجران من رمل عالج فقولا لها ليس الطريق هنالك ولكن الحق والصدق هو ما أنذر به رسول الله صلى الله عليه وسلم من دروس العلم والذي درس هو اتباع القرآن والسنن، فهذا هو الذي

His Messenger ﷺ." Hammam ibn Ahmad narrated to us: ʿAbd Allah ibn Muhammed ibn ʿAli al-Baji narrated to us: ʿAbd Allah ibn Yunus al-Muradi narrated to us: Baqi ibn Makhlad narrated to us: Abu Bakr ibn Abi Shaybah narrated to us: Muhammed ibn Bishr narrated to us: ʿAbd Allah ibn al-Walid narrated to us: ʿUbayd ibn al-Husayn narrated to us, saying: The Kharijites said to ʿUmar ibn ʿAbd al-ʿAziz, "Do you intend to govern us according to the conduct of ʿUmar ibn al-Khattab?" ʿUmar ibn ʿAbd al-ʿAziz said, "May Allah fight them! I have intended to take no leader short of the Messenger of Allah." These, then, are the Companions and Successors among those to whom our opponents appeal. If they seek to mislead by citing the multitude of Abu Hanifah's and Malik's followers, and their adherents' appointment to judicial office, we have already explained that multitude supplies no proof. Sufficient here is the saying of Allah, mighty and majestic: "If you obey most of those on earth, they will lead you astray from Allah's way. They follow nothing but conjecture, and they do nothing but guess." He also said: "He said: He has certainly wronged you by asking for your ewe to add to his ewes. Indeed, many partners transgress against one another, except those who believe and do righteous deeds—and few they are. And David thought that We had only tried him, so he sought his Lord's forgiveness, fell down bowing, and turned back in repentance." The Messenger of Allah ﷺ said, "This religion began as something strange, and it will return as something strange; so blessed are the strangers." He, peace be upon him, warned of the effacement of knowledge and the emergence of ignorance. By my life, if knowledge consists in what they occupy themselves with—memorizing the opinion of Abu Hanifah and Malik and al-Shafiʿi—then knowledge has never been more abundant than it is now. But far from it! "If you descend upon Najran from the sands of ʿAlij, then tell her, you two: The road is not there." Rather, the truth and the reality are what the Messenger of Allah ﷺ warned of: the effacement of knowledge. What has been effaced is adherence to the Quran and the transmitted Sunnahs. This is what has undoubtedly dwindled, and its adherents are the few strangers May Allah make us among them, never turn us away from them, establish us firmly in their number, and gather us among their company. Amen, amen. As for their appointment to judicial office, this is more disgraceful and more cause for regret. The patronage

قل بلا شك وأصحابه هم الغرباء القليلون، جعلنا الله منهم ولا عدا بنا عنهم، وثبتنا في عدادهم، وأحشرنا في سوادهم. آمين آمين. وأما ولايتهم القضاء فهذه أخزى وأندم، وما عناية جورة الأمراء، وظلمة الوزراء خلة محمودة ولا خصلة مرغوب فيها في الآخرة، وأولئك القضاة وقد عرفناهم إنما ولاهم الطغاة العتاة من ملوك بني العباس وبني مروان، بالعنايات والتزلف إليهم عند دروس الخير وانتشار البلاء وعودة الخلافة ملكا عضوضا وانبراء على أهل الإسلام وابتزازا للأمة أمرها بالغلبة والعسف، فأولئك القضاة هم مثل من ولاهم من المبطلين سنن الإسلام، المحيين لسنن الجور والمكر والقبالات وأنواع الظلم وحل عرى الإسلام، وقد علمنا أحوال أولئك القضاة الذين يأخذون دينهم عنهم، وكيف كانوا في مشاهدة إظهار البدع من المحنة في القرآن بالسيف والسياط والسجن والقيد والنفي ثم سائر ما كانوا يتشاهدونه معهم على ما استعانوا هم عليه من تسمية أمور ملكهم، فمثل هؤلاء لا يتكثر بهم وإنما كان أصل ذلك تغلب أبي يوسف على هارون الرشيد وتغلب يحيى بن يحيى على عبد الرحمن بن الحكم فلم يقلد للقضاء شرقا وغربا إلا من أشار به هذان الرجلان واعتنيا به، والناس حراص على الدنيا فتلمذ لهما الجمهور، لا تدينا لكن طلبا للدنيا، وولاية القضاء والفتيا، والتديك على الجيران في المدن والأرياض والقرى، واكتساب المال بالتسمي بالفقه. هذا أمر لا يقدر أحد على إنكاره فاضطرت العامة إليهم في أحكامهم وفتياهم وعقودهم ففشا المذهبان فشوا طبق الدنيا. قال الله عز وجل: {زين للناس حب الشهوات من النساء والبنين والقناطير المقنطرة من الذهب والفضة والخيل المسومة والأنعام والحرث ذلك متاع الحياة الدنيا ولله عنده حسن المآب} وقال رسول الله صلى الله عليه وسلم حفت الجنة بالمكاره وحفت النار بالشهوات وصار من خالفهم مقصودا بالأذى مطلوبا في دمه أو مهجورا مرفوضا إن عجزوا عن أذاه لمنزلة له عند السلطان أو لكفه للسانه وسده لبابه إذ وسعته التقية والصبر صبر. وكذلك إفريقية كان

of unjust rulers and oppressive ministers is neither a praiseworthy quality nor a trait desirable in the Hereafter. Those judges—and we have known them—were appointed only by the rebellious tyrants among the kings of the Abbasids and the descendants of Marwan, through patronage and by ingratiating themselves with them, when goodness was fading away, affliction was spreading, and the caliphate was becoming a fiercely grasping kingship, an assault upon the people of Islam, and a wresting of the community's authority from it through domination and oppression. Those judges are thus like those who appointed them: they nullify the established practices of Islam, revive the practices of injustice, deceit, tax-farming, and every kind of oppression, and undo the bonds of Islam. We know the circumstances of those judges from whom they take their religion, and how they stood by watching innovations being openly imposed, including the inquisition concerning the Quran, with swords, whips, imprisonment, shackles, and exile; then all the other things they witnessed together with them, in connection with what they themselves assisted in of naming the affairs of their kingship. People of this kind are no basis for boasting of greater numbers. The origin of this was simply Abu Yusuf's ascendancy over Harun al-Rashid and Yahya ibn Yahya's ascendancy over ʿAbd al-Rahman ibn al-Hakam. No one was appointed to judicial office in the east or the west except someone whom these two men recommended and patronized. People are eager for this world, so the multitude became pupils of the two of them, out of no religious devotion, but in pursuit of worldly gain, appointment to judicial office and the issuing of legal opinions, lording it over their neighbors in the cities, gardens, and villages, and acquiring wealth by assuming the title of jurist. This is something no one can deny. The common people were consequently compelled to resort to them for their judgments, legal opinions, and contracts, and the two schools spread so widely that they covered the world. Allah, mighty and majestic, said: "Made attractive to people is the love of desires: women and sons and heaped-up hoards of gold and silver, marked horses, livestock, and cultivated land. That is the enjoyment of the life of this world, and Allah—with Him is the good place of return." The Messenger of Allah ﷺ said, "Paradise is surrounded by hardships, and the Fire is surrounded by desires." Anyone who opposed them became a target of harm, with his blood sought, or was

الغالب فيها السنن والقرآن إلى أن غلب أسد بن الفرات بن أبي حنيفة، ثم ثار عليهم سحنون بن أبي مالك فصار القضاء فيهم دولا، يتصاولون على الدنيا تصاول الفحول على الشول إلى أن تولى القضاء بها بنو هاشم الخيار، وكان مالكيا فتوارثوا القضاء كما تورث الضياع فرجعوا كلهم إلى رأي مالك طمعا في الرياسة عند العامة فقط. هذا أمر لا يقدر أحد على إنكاره، قرب إلينا داء الأمم قبلنا كما قال رسول الله صلى الله عليه وسلم إننا سنركب سنن من قبلنا فقيل اليهود والنصارى يا رسول الله؟ قال: فمن إذا وهذا مما أنذر به رسول الله، فهو من معجزات نبوته وبراهينه عليه السلام، وهكذا قلدت هاتان الطائفتان أحبارهم وأساقفتهم فحملوهم على آرائهم. قال أبو محمد: وتكلموا أيضا في معنى نسبوه إلى الإجماع، وهو أن يختلف المسلمون في مسألتين على أقوال، فيقوم برهان من النص على صحة أحد تلك الأقوال في المسألة الواحدة. فقال أبو سليمان: إنه برهان على صحة قولهم في المسألة الأخرى، وخالفه في ذلك ابنه أبو بكر وأبو الحسن بن المغلس وجمهور أصحابنا، وقول أبي سليمان في هذه المسألة خطأ لا خفاء به، لأنه قول بلا برهان ثم يجب لو صح هذا أن يكون صواب من أصحاب في مسألة برهانا على أنه مصيب في كل مسألة قالها، وهذا لا يخفى على أحد بطلانه، وما ندري كيف وقع لأبي سليمان هذا الوهم الظاهر الذي لا يشكل؟. وتكلموا أيضا في معنى نسبة هذا الإجماع وهو أن يصح إجماع الناس، على أن حكم أمر كذا لحكم أمر كذا، ثم اختلفوا فمن مانع لا من موجب، ومن مبيح لكليهما، أو من موجب حكما في كليهما، فقال برهان من النص على حكم ما جاء في إحدى المسألتين، فواجب أن يكون حكم الأخرى لحكمها لصحة الإجماع على أن حكمهما سواء. قال أبو محمد: لو أمكن ضبط جميع أقوال علماء جميع أهل الإسلام، حتى لا يشذ منها شيء لكان هذا حكما صحيحا، ولكن لا سبيل لضبط ذلك البتة، وغير ما قدمنا مما لا يكون مسلما من لم يقل به، وحتى لو أمكن معرفة قول العالم، فقد كان يمكن رجوعه عن ذلك

القول إذا ولى عنه السائل ليعرف قول غيره فوضح أنه لا سبيل البتة، ولا إمكان أصلا في حصر أقوال جميع علماء أهل الإسلام في فتيا خارجة عن الجملة التي ذكرنا. قال أبو محمد: ونحن في غنى فائض ولله الحمد عن هذا التكلف. وفي مناديح رحبة في هذا التعسف بنصوص القرآن والسنة الثابتة عن رسول الله صلى الله عليه وسلم فلا سبيل إلى وجود شرع لم ينص على حكمه والحمد لله رب العالمين. والمتكلمون في هذه المسألة حكمهم فيها بالمساقاة والمزارعة على الثلث والربع فإنهم قالوا: قد اختلف الناس في ذلك، فمن مانع من المساقاة أو المزارعة جملة، ومن مبيح لها جملة، ثم صح النص بإباحتها عن النصف، وقد صح الإجماع على أن حكمها أقل من النصف، وأكثر من النصف كالحكم في النصف.

shunned and rejected if they were unable to harm him because of his standing with the ruler, or because he restrained his tongue and shut his door, since precautionary concealment was permissible for him—and patience is patience. Likewise in Ifriqiyah, the transmitted Sunnahs and the Quran predominated until Asad ibn al-Furat ibn Abi Hanifah gained ascendancy. Then Sahnun ibn Abi Malik rose against them, and judicial office circulated among them in turns, as they fought one another over worldly gain as breeding male camels fight over she-camels whose milk has dried up, until the Banu Hashim al-Khiyar assumed judicial office there, and he was a Maliki. They then inherited judicial office as landed estates are inherited. Thus they all returned to Malik's opinion, solely out of ambition for leadership among the common people. This is something no one can deny. The disease of the nations before us has drawn near to us, just as the Messenger of Allah ﷺ said: "We shall certainly follow the ways of those before us." He was asked, "The Jews and Christians, O Messenger of Allah?" He replied, "Who else, then?" This is among the things of which the Messenger of Allah warned, and thus it is among the miracles and demonstrations of his prophethood, peace be upon him. In this way these two groups blindly followed their rabbis and bishops, who induced them to adopt their opinions. Abu Muhammed said: They have also discussed a notion that they attributed to consensus: Muslims differ over two questions, holding various opinions, and then a demonstration from the text establishes the correctness of one of those opinions on one question. Abu Sulayman said that this is a demonstration of the correctness of their opinion on the other question. His son Abu Bakr, Abu al-Hasan ibn al-Mughallis, and the majority of our companions disagreed with him on this. Abu Sulayman's opinion on this question is an unmistakable error, because it is an assertion without demonstration. Moreover, if this were valid, it would necessarily follow that the correctness of one of the companions on one question would demonstrate that he is correct on every question on which he has pronounced. The invalidity of this is hidden from no one. We do not know how Abu Sulayman fell into this obvious, unmistakable error. They have also discussed a notion concerning the attribution of this consensus: that a consensus should be established among people that the ruling on such-and-such a matter is like the ruling on another such-and-such matter,

[180] **Translator's note (L1816):** The supplied names read "Asad ibn al-Furat ibn Abi Hanifah" and "Sahnun ibn Abi Malik." These have been retained rather than silently converted into statements of adherence to Abu Hanifah and Malik. The wording "and patience is patience" is repetitive and syntactically awkward in the supplied text; it has been retained.

after which they disagree, with some prohibiting, not some obligating, and some permitting both, or some imposing a ruling on both. Then a demonstration from the text spoke to the ruling concerning what occurs in one of the two questions; consequently, the ruling on the other must be the same, because a consensus has been established that their rulings are alike. Abu Muhammed said: If it were possible to record exhaustively all the opinions of the scholars of all the people of Islam, so that none escaped, this would be a valid judgment. But there is absolutely no way to record that exhaustively, apart from what we have already mentioned, which no one who does not affirm can be a Muslim. Even if it were possible to know a scholar's opinion, he might have retracted it once the questioner had turned away from him to ascertain someone else's opinion. Thus it has become clear that there is absolutely no way, and no possibility at all, of encompassing the statements of all the scholars of the people of Islam concerning a legal opinion outside the body of matters we have mentioned. Abu Muhammed said: We have more than sufficient means, praise be to Allah, to dispense with this strained undertaking, and ample room to avoid this arbitrary procedure, through the texts of the Quran and the Sunnah established from the Messenger of Allah ﷺ. There can therefore be no matter of revealed law whose ruling has not been expressly stated. Praise be to Allah, Lord of all worlds. Those discussing this question apply their ruling concerning it to crop-sharing irrigation contracts and sharecropping contracts for a third or a quarter. They say: People have differed concerning this: some prohibit crop-sharing irrigation contracts or sharecropping contracts altogether, while others permit them altogether. Then an authentic text established their permissibility for a half, and consensus has been established that the ruling concerning them

for less than a half or more than a half is the same as the ruling concerning a half.[171][172][173][174][175][176][177][178][179][180][181][182][183][184]

[171] **Translator's note (L1797):** The sequence of relative clauses after 'someone unnamed' is syntactically awkward. The translation takes the subsequent statements about never being known or mentioned as referring to the report.

[172] **Translator's note (L1798):** The supplied 'imāmanā' literally means 'our imam' or 'our prayer leader'; this unusual wording has been preserved. The unvocalized 'al-ḥ-j-r' is read as 'prohibition,' in light of the explanation that follows. The supplied 'tankīthihim' is unusual in the clause about the groups' treatment of one another; 'reproaching' represents its apparent contextual sense.

[173] **Translator's note (L1801):** The supplied wording attributes to Bakr a prohibition 'after the Successors in the chronology.' This is awkward and appears corrupt: the ensuing argument explicitly discusses a cutoff at the year 200. The translation preserves the supplied wording rather than substituting that date. 'Independent choice' renders ikhtiyar, here the exercise of a jurist's own judgment in choosing a legal position; 'uncritical adherence' renders taqlid.

[174] **Translator's note (L1804):** 'And the sun had set on that' preserves an elliptical expression whose feminine demonstrative has no explicit antecedent in the supplied text. The context concerns the sunset marking the transition between the two years. The Arabic shifts from addressing the Hanafis as 'you' to referring to them as 'they'; the translation retains that shift.

[175] **Translator's note (L1805):** The supplied text places Abu Hanifah and his companions 'in the foremost place in these ranks,' an apparent tension with the surrounding polemic. This wording has been preserved without correction. The phrase translated 'proceed most consistently according to their effective cause' is awkward in the supplied Arabic; it describes the relationship between an analogy and its effective cause. The text first names 'Ibn al-Majishun' and later 'al-Majishun'; that difference is preserved.

[176] **Translator's note (L1807):** The supplied text reads 'examination' (ikhtibar), whereas the surrounding argument repeatedly concerns 'independent choice' (ikhtiyar). This possible transcription error has not been silently corrected.

[177] **Translator's note (L1808):** The Quran quotations are recognizable as 4:59, 9:122, 7:3, and 16:43, but the transcription repeatedly omits letters, especially initial alifs. In 9:122 it supplies an irregular form for 'the believers' in place of the standard wording. These irregularities do not supply a distinct intelligible English meaning. At the beginning of the quotation of 7:3, the supplied form lacks the initial alif of the standard imperative 'Follow' and, in isolation, could instead be read as 'they followed.' The imperative rendering follows its quotation context and the parallel prohibition that follows. The Arabic construction introducing 'opposing what the Messenger … brought' is syntactically awkward; the translation expresses its evident argument without adding a new claim.

قال أبو محمد: ما نحتاج إلى هذه الشغاب الحرجة والدعاوى المعوجة بل نقول إن رسول الله صلى الله عليه وسلم أباح لأصحاب الضياع في تلك المعاملة النصف، والمعاملين النصف، فدخلها دون النصف ضرورة بالمشاهدة فيما جعل لكل طائفة من النصف، فإذا تراضى الفريقان على أن يترك أحدهما مما يجعل له أخذه جزءا مسمى، ويقتصر على بعضه. فذلك له، إذ كل أحد محكم في مثل ذلك مما جعل له كما لو وهب الوارث بعض ميراث لمن يشركه في الميراث أو لغيره، فإن قيل: فهلا أجزتم هذا بعينه في التراضي فيما يقع فيه الربا على خلاف التماثل؟ قلنا: لم يجز ذلك لأن النص الوارد في الربا مما عنى التماثل، وحظره وتوعدنا عليه، ولم يأت حكم نص المساقاة المزارعة والمواريث واشتراط مال المملوك المبيع والثمرة المأبورة بالمنع مما عدا ذلك، بل أباح الاشتراط للنصف أو الكل، ولم يمنع ما دخل في الإباحة المذكورة بالنص ما هو أقل من النصف أو الكل، وبالله التوفيق. قال أبو محمد علي: وكثيرا ما نحتج مع المخالفين بما أجمعوا عليه معنا، ثم ننكر عليهم الانتقال عنه إلى حكم آخر، كقولنا لمن حرم الماء وحكم بنجاسته في إبل حرام حله، فلم يغير لونه ولا طعمه ولا ريحه، ومثل هذا كثير جدا فعاب ذلك علينا من لم يحصل وقال: قد جمعتم في هذه الطريق وجهين من عظيمين، أحدهما الاحتجاج بإجماعهم معكم، وأنتم تنكرون دعوى معنى الإجماع، وتجعلونها كذبا على الأمر أن يقال لكم: فما الذي أنكرتم على اليهود إذ قالوا: قد أجمعتم معنا على نبوة موسى عليه السلام وصحة التوراة وحكم السبت وخالفناكم في نبوة محمد صلى الله عليه وسلم وصحة القرآن وشرائع دينكم قال أبو محمد فقلنا: ما تناقضنا في شيء من ذلك، وأما احتجاجنا على مخالفينا موافقتهم لنا على حكم ما، وإنكارنا عليه الخروج مما أجمع معنا عليه فإنما فعلنا ذلك لخروجه عما قد حكم بصحته إلى قول آخر بلا برهان من قرآن أو سنة فقط، فبينا عليهم القول في الدين بلا برهان، وهذا حرام ومعيب بالقرآن والسنة، ولم ندع إجماعا ولم نصححه، إنما ادعينا على الخصم ما ينكره من إجماعه

L1820–1825 Abu Muhammed said: We have no need of these constricted disputations and crooked claims. Rather, we say that the Messenger of Allah ﷺ permitted the owners of the estates half in that transaction, and those working them half. Necessarily, as is directly observable, less than a half was included within the half allotted to each party. Thus, if the two parties mutually agree that one of them will relinquish a specified portion of what he is entitled to take and content himself with some of it, he may do so, since everyone has authority over what has been allotted to him in such a case. It is like an heir giving some of an inheritance to someone who shares in the inheritance with him, or to someone else. If it is said, "Why, then, did you not permit precisely this through mutual agreement concerning things subject to usury, where equality is departed from?" we say: That was not permissible, because the text concerning usury is of that which intended equality, prohibited it, and threatened us over it. The ruling of the text concerning crop-sharing irrigation contracts, sharecropping contracts, inheritances, stipulating entitlement to the property of an enslaved person being sold, and pollinated fruit did not prohibit what lay beyond that. Rather, it permitted stipulating a half or the whole, and did not prohibit what falls within the permission expressly mentioned in the text, namely, what is less than a half or the whole. Success comes through Allah. Abu Muhammed Ali said: We frequently argue against our opponents on the basis of what they have agreed upon with us, and then object to their departing from it for another ruling. An example is what we say to someone who prohibits water and rules it impure "in camels whose being lawful is forbidden," without its color, taste, or smell having changed. There are very many such examples. Someone who had not grasped the matter criticized us for this and said: "You have combined in this method two grave aspects. One is arguing from their consensus with you, although you

[178] **Translator's note (L1812):** The verse shifts from an unmarked singular or plural addressee in "you descend" to an explicit dual in "tell her, you two." The feminine referent of "her" is not identified in this excerpt.

[179] **Translator's note (L1814):** The phrase "naming the affairs of their kingship" follows the supplied reading tasmi yat umur mulkihim, whose sense here is unclear and may reflect textual corruption. "Lording it over" renders the unusual expression al-tadayyuk, literally behaving like a cock. "Gardens" follows the supplied al-aryad; the geographical grouping is unusual.

معنا، بمعنى موافقته لنا فقط، فلاح الفرق بين الدعوى المكذوبة، وأما الذي أنكرناه على اليهود فإنه ضد المسألة التي تكلمنا فيها آنفا وهو امتناع اليهود من الإقرار بما ظهر البرهان بصحته وأقوى من برهانهم على ما ادعوا أننا أجمعنا معهم عليه، وأنكرنا على المذكورين آنفا أن قالوا قولا بلا برهان، وخروجهم عما قد صح البرهان بصحته، وأنكرنا على اليهود تركهم القول بما قد صح برهانه، وتماديهم على ما قد صح البرهان ببطلانه وسلكنا بين الطائفتين طريق الحق وشارع النجاة، والحمد لله رب العالمين، وهو الثبات مع البرهان إذا ثبت، والانتقال معه إذا نقل فقط وبالله تعالى التوفيق فصل في معنى نسبوه إلى الإجماع وتكلموا أيضا في معنى نسبوه إلى الإجماع وهو: أن ذكروا أن يختلف الناس على قولين فأكثر في مسألة، فيشهد النص من القرآن والسنة بصحة قول من تلك الأقوال، فيبطل سائرها، ثم تقع فروع من تلك المسألة، فقالوا: يجب أن يكون المقول به، هو ما قاله من شهد النص لصحه قوله في أصل تلك المسألة، ونظروا ذلك بالحكم العاقلة. قال بها قوم ولم يعرفها قوم، منهم عثمان البتي فصح النص بقول من صححها، فلما صرنا إلى من هم العاقلة، وجب أن ينظروا إلى من أجمع القائلون بالعاقلة على أنه من العاقلة، فيكون من العاقلة ومن اختلفوا فيه أهو من العاقلة أم لا ألا يكون من العاقلة؟

reject the claim of consensus in this sense and deem it a lie concerning the matter, that it should be said to you: "What, then, did you find objectionable in the Jews when they said: 'You have agreed with us on the prophethood of Moses, peace be upon him, the authenticity of the Torah, and the ruling concerning the Sabbath, whereas we have disagreed with you on the prophethood of Muhammed ﷺ, the authenticity of the Quran, and the ordinances of your religion'?" Abu Muhammed said: We replied: We have contradicted ourselves in none of this. As for our arguing against our opponents on the basis of their agreement with us on a particular ruling, and our objection to an opponent's departing from what he has agreed upon with us, we did this solely because he departed from something he had judged correct for another position without a demonstration from the Quran or Sunnah. We thus exposed their speaking about religion without a demonstration, and this is forbidden and condemned by the Quran and Sunnah. We neither claimed a consensus nor affirmed one as valid. We merely asserted against the opponent what he denies: his agreement with us, meaning only his concurrence with us. Thus the difference from the fabricated claim became clear. As for what we found objectionable in the Jews, it is the opposite of the question we discussed just now: namely, the Jews' refusal to acknowledge something whose correctness has been made manifest by a demonstration stronger than their demonstration for what they claimed we had agreed upon with them. We objected to those mentioned just now for stating a position without a demonstration and departing from something whose correctness had been established by demonstration. We objected to the Jews for failing to affirm something whose demonstration had been established, and for persisting in something whose falsity had been established by demonstration. Between the two groups, we followed the path of truth and the road to salvation—praise be to Allah, Lord of all worlds—which consists solely in remaining with the demonstration when it is established and moving with it when it moves. Success comes through Allah Most High.

Section on a Meaning They Attributed to Consensus

They also discussed a meaning they attributed to consensus. They stated that people might differ, holding two or more positions on a question, and that

a text from the Quran and Sunnah might attest to the correctness of one of those positions, thereby invalidating all the others. Subsidiary questions might then arise from that question. They said: The position that must be adopted is the one stated by those whose position concerning the fundamental question was attested as correct by the text. They illustrated this by the ruling concerning the blood-money liability group: some affirmed it, while others did not recognize it, among them Uthman al-Batti. The authentic text supported the position of those who affirmed it. Then, when we came to the question of who constitutes the blood-money liability group, it was necessary for them to consider those whom the proponents of the blood-money liability group unanimously agreed were members of the blood-money liability group, so that they would belong to the blood-money liability group; and anyone about whom they differed as to whether he belonged to the blood-money liability group or not was not to belong to the blood-money liability group.[185][186][187]

L1826 Abu Muhammed said: Our position here is the same as our earlier position: if it were possible to ascertain consensus concerning this, it would constitute authoritative evidence. But there is no way to enumerate them or encompass their statements, for the reasons we have already presented. We have ample means, praise be to Allah, to dispense with clinging to these tangled mountain

قال أبو محمد: وقولنا ههنا هو قولنا فيما سلف من أنه إذا أمكن أن يعرف الإجماع في ذلك لكان حجة، لكن لا سبيل إلى إحصائهم ولا إلى حصر أقوالهم لما قدمنا قبل، ونحن في سعة والحمد لله عن التعلق بهذه الثنايا الأشبة والتورط في هذه المضايق القشبة بما قد بينه لنا ربنا عز وجل ورسوله صلى الله عليه وسلم من النص الذي لا دين لنا فيه وما عداه فليس من دين الله تعالى ولا من عنده عز وجل وقد كتب رسول الله صلى الله عليه وسلم إلى كل بطن عقولة وألزم اليهودية من قتل بينهم لو اعترفوا أنه قتله بعضهم خطأ أو قام بذلك بينة، فوجب بذلك أن العاقلة هم بطن القاتل خطأ الذي ينتمي إليه حتى بلغ إلى القبيلة التي تقف عندها؛ وهكذا في كل شيء والحمد لله رب العالمين

[185] **Translator's note (L1820):** The usury clause literally says that the text "intended equality, prohibited it, and threatened us over it." The pronouns apparently yield a contradiction; the translation retains this rather than silently changing the wording to a prohibition of inequality. The phrase rendered "in camels whose being lawful is forbidden" is corrupt or severely defective in context. It does not provide an intelligible account of what entered the water; no missing substance or event has been supplied.

[186] **Translator's note (L1821):** The wording "two grave aspects" is grammatically defective and apparently lacks a noun identifying the two alleged faults. The transition rendered "concerning the matter, that it should be said to you" is syntactically disturbed. The supplied text does not clearly mark the second objection.

[187] **Translator's note (L1823):** "Thus the difference from the fabricated claim became clear" renders an incomplete construction: the Arabic says "the difference between the fabricated claim" without supplying the other term of the comparison. "Blood-money liability group" renders al-ʿāqilah, the group collectively liable for blood money in the cases under discussion.

passes and becoming embroiled in these foul constrictions, through what our Lord, Mighty and Majestic, and His Messenger ﷺ have made clear to us in the text, in which we have no religion. Whatever lies beyond it is not part of the religion of Allah Most High and does not come from Him, Mighty and Majestic. The Messenger of Allah ﷺ wrote, "To every clan, its blood-money obligation," and imposed upon the Jewish woman the person killed among them, if they acknowledged that one of them had killed him accidentally, or if evidence established that. It therefore follows that the blood-money liability group consists of the clan to which the accidental killer belongs, extending up to the tribe at which one stops. So it is with everything. Praise be to Allah, Lord of all worlds.[188]

L1827 **[Section: They Differed over Whether the Adherents of Sectarian Doctrines Are Included or Not]**[189]

L1828–1831 Abu Muhammed said: We have already made clear—praise be to Allah, Lord of all worlds—that consensus can arise only from a text transmitted from the Messenger of Allah ﷺ, never upon a falsehood that did not come from Allah Most High, whether the opinion of someone exercising opinion or the analogy of someone employing analogy, both judging by conjecture. Since that is so, the question remains: Do we accept the transmission and narration of the adherents of sectarian doctrines? Our position concerning this—and success comes through Allah Most High—is that whoever testifies with his heart and tongue that there is no god but Allah, that Muhammed

[188]**Translator's note (L1826):** "The text, in which we have no religion" follows the supplied wording, which appears corrupt and conflicts with the surrounding argument. No missing qualification has been inserted. The expression rendered "these foul constrictions" contains an unusual adjective; its precise intended sense here is uncertain. The wording rendered "imposed upon the Jewish woman the person killed among them" is grammatically and contextually defective. It appears to concern imposing blood-money liability upon the Jews, but the supplied text says "the Jewish woman" and does not explicitly state "blood money" in this clause. The short quotation about each clan's blood-money obligation is elliptical in the supplied text.

[189]**Translator's note (L1827):** The bracketed heading is preserved as supplied; its placement in brackets may reflect editorial presentation. "Adherents of sectarian doctrines" renders ahl al-ahwāʾ, literally "people of inclinations."

[فصل واختلفوا هل يدخل أهل الأهواء أم لا]

قال أبو محمد قد أوضحنا قبل والحمد لله رب العالمين أن الإجماع لا يكون البتة إلا عن نص منقول عن رسول الله صلى الله عليه وسلم لا على باطل لم يأت من عند الله تعالى من رأي ذي رأي، أو قياس من قائس يحكمان بالظن فإن ذلك كذلك والسؤال باق، وهل نقبل نقل أهل الأهواء وروايتهم؟ فقولنا في هذا وبالله تعالى التوفيق: إن من يشهد بقلبه ولسانه أنه لا إله إلا الله وأن محمدا رسول الله وأن كل ما جاء به حق وأنه بريء من كل دين غير دين محمد صلى الله عليه وسلم فهو المؤمن المسلم ونقله واجب قبوله إذا حفظ ما ينقل ما لم يمل عن إيمانه إلى كفر أو فسق وأهل الأهواء وأهل كل مقالة خالفت الحق، وأهل كل عمل خالف الحق، مسلمون أخطؤوا ما لم تقم عليهم الحجة فلا يكدح شيء من هذا في إيمانهم ولا في عدالتهم، بل هم مأجورون على ما دانوا به من ذلك وعملوا أجرا واحدا، إذا قصدوا به الخير ولا إثم عليهم في الخطأ لأن الله تعالى يقول {دعوهم لآبآئهم هو أقسط عند لله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان

is the Messenger of Allah, that everything he brought is true, and that he disavows every religion other than the religion of Muhammed ﷺ, is the believing Muslim. His transmission must be accepted if he accurately retains what he transmits, so long as he does not turn away from his faith to unbelief or grave disobedience. The adherents of sectarian doctrines, the adherents of every position contrary to the truth, and those engaging in every practice contrary to the truth are Muslims who have erred, so long as the authoritative proof has not been established against them. None of this impugns their faith or their probity. Rather, they receive a single reward for the beliefs they have held and the deeds they have performed in these matters, if they intended good thereby, and they incur no sin for the error For Allah Most High says: "Call them after their fathers; that is more equitable before Allah. But if you do not know their fathers, they are your brothers in religion and your clients. There is no blame upon you for what you do mistakenly, but only for what your hearts deliberately intend. Allah is ever forgiving, merciful." Their transmission must be accepted as before, and likewise their testimony, until the authoritative proof concerning this is established against any one of them through a text of the Quran or a Sunnah, provided it has neither been restricted in scope nor abrogated. Then whoever persists in professing, as his religion, opposition to Allah, Mighty and Majestic, or opposition to His Messenger ﷺ, or voices that profession, is an unbeliever and an apostate, because Allah Most High says: "But no, by your Lord, they do not believe until they make you judge concerning what arises in dispute between them, then find within themselves no distress over what you have decided, and submit completely." If he neither professes that in his heart nor voices it with his tongue, but persists in acting contrary to the Quran and the Sunnah, he is sinful by his action, a believer by his rancor and his speech. It is not permissible to accept the transmission of an unbeliever or a sinful person, nor the testimony of either. Allah Most High says: "O you who believe, if a sinful person comes to you with a report, ascertain the truth, lest you harm people in ignorance and then become remorseful over what you have done." Some of the early authorities distinguished between one who advocates his doctrine and one who does not. Abu Muhammed said: This is a gross error and a statement without demonstration. Someone who opposes the truth must

لله غفورا رحيما} ونقلهم واجب قبوله كما كانوا، وكذلك شهادتهم، حتى إذا قامت على أحد منهم الحجة في ذلك من نص قرآن أو سنة ما لم تخص ولا نسخت، فأيما تمادى على التدين بخلاف الله عز وجل أو خلاف رسوله صلى الله عليه وسلم أو نطق بذلك فهو كافر مرتد لقول الله تعالى: {فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا تسليما} وإن لم يدن لذلك بقلبه ولا نطق به لسانه لكن تمادى على العمل بخلاف القرآن والسنة، فهو فاسق بعمله مؤمن بحقده، وقوله: ولا يجوز قبول نقل كافر ولا فاسق ولا شهادتهما قال الله تعالى {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين} وقد فرق بعض السلف بين الداعية وغير الداعية. قال أبو محمد: وهذا خطأ فاحش، وقول بلا برهان، ولا يخلو المخالف للحق من أن يكون معذورا بأنه لم تقم عليه الحجة، أو غير معذور لأنه قامت عليه الحجة فإن كان معذورا فالداعية وغير الداعية سواء كلاهما معذور مأجور، وإن كان غير معذور، لأنه قد قامت عليه الحجة، فالداعية وغير الداعية سواء، وكلاهما إما كافر كما قدمنا، وإما فاسق كما وصفنا، وبالله تعالى التوفيق. ولا فرق فيما ذكرنا بين من يخالف الحق بنحلة أو بفتيا إذا لم يفرق الله تعالى ولا رسوله صلى الله عليه وسلم بين ذلك إنما قال {تبعوا مآ أنزل إليكم من ربكم ولا تتبعوا من دونه أولياآء قليلا ما تذكرون} عم عز وجل ولم يخص. قال بعضهم: إن الصحابة اختلفوا في الفتيا فلم ينكر بعضهم على بعض بل أنكروا على من خالف في ذلك، قلنا: ليس كما قلتم، إنما لم ينكروا على من لم تقم الحجة عليه في المسألة فقط.

either be excused because the authoritative proof has not been established against him, or be without excuse because the authoritative proof has been established against him. If he is excused, the advocate and the non-advocate are alike: both are excused and rewarded. If he is without excuse because the authoritative proof has been established against him, the advocate and the non-advocate are alike: each is either an unbeliever, as we stated earlier, or sinful, as we described. Success comes through Allah Most High. In what we have mentioned, there is no distinction between someone who opposes the truth through a religious doctrine and someone who does so through a legal opinion, since neither Allah Most High nor His Messenger ﷺ distinguished between these. He said only: "Follow what has been sent down to you from your Lord, and do not follow patrons apart from Him. Little do you take heed." He, Mighty and Majestic, made this general and did not restrict it to particular cases. Some of them said: The Companions differed over legal opinions without censuring one another; indeed, they censured those who took a contrary position in this matter. We say: It is not as you have said. They refrained from censuring only someone against whom the authoritative proof concerning the question had not been established[190][191]

L1832–1833 and censured most severely anyone who opposed it after the authoritative proof had been established against him. How could they have refrained from censure when they struck with swords those who opposed them over this? What censure could be more severe than that? Did not Umar say: "By Allah, the Messenger of Allah ﷺ has not died, nor will he die until he is the last of us to die. He will certainly return and cut off the hands and feet of some men"? This did not impugn his probity, since he spoke in error and then returned to the truth when he heard the Quran: "You will surely die,

[190] **Translator's note (L1830):** The text reads "by his rancor" (بحقده), an apparently corrupt reading in this context, likely for wording meaning "by his belief" or "by his inward conviction." The translation preserves the supplied reading. The Quranic quotations contain apparent transcription errors, including "عند لله," "تصيبوا," and "تبعوا." These are understood as defective spellings of the corresponding words in the quoted verses; the translation retains the quotations' supplied content and repetitions.

[191] **Qur'an references (L1828):** Qur'an 33:5 (Al-Ahzab); Qur'an 4:65 (An-Nisa); Qur'an 49:6 (Al-Hujurat); Qur'an 7:3 (Al-A'raf).

وأنكروا أشد الإنكار على من خالف بعد قيام الحجة عليه، وكيف لم ينكروا وقد ضربوا على ذلك بالسيوف من خالفهم فأي إنكار أشد من هذا أو ليس عمر قد قال والله ما مات رسول الله صلى الله عليه وسلم ولا يموت حتى يكون آخرنا موتا وليرجعن فليقطعن أيدي رجال وأرجلهم فما قدح هذا في عدالته، إذ قال مخطئا ثم رجع إلى الحق إذ سمع القرآن: {إنك ميت وإنهم ميتون} وإن المتمادي على هذا القول بعد قيام الحجة عليه كافر من جملة غالية السبائية، أو ليس ابن عباس يقول: أما تخافون أن يخسف الله بكم الأرض أقول لكم قال رسول الله صلى الله عليه وسلم وتقولون قال أبو بكر وعمر وكان إسحاق بن راهويه يقول فيما روى عنه محمد بن نصر المروزي في الإمام أنه سمعه يقول من صح عنده حديث عن النبي صلى الله عليه وسلم ثم خالفه يعني باعتقاده فهو كافر قال أبو محمد: صدق والله إسحاق رحمه الله تعالى، وبهذا نقول

and they will surely die." Someone who persists in this statement after the authoritative proof has been established against him is an unbeliever, one of the extremist Saba'iyyah. Did not Ibn Abbas say: "Do you not fear that Allah will cause the earth to swallow you? I tell you, 'The Messenger of Allah ﷺ said,' and you say, 'Abu Bakr and Umar said'"? Ishaq ibn Rahawayh used to say, according to what Muhammed ibn Nasr al-Marwazi transmitted from him in The Imam, that he heard him say: "Anyone for whom a report from the Prophet ﷺ has been established as authentic, who then opposes it"—meaning through his belief—"is an unbeliever." Abu Muhammed said: By Allah, Ishaq spoke the truth—may Allah Most High have mercy upon him—and this is what we affirm. It has also been related of Umar that he killed a man who rejected the judgment of the Messenger of Allah ﷺ and was content with Umar's judgment. What, then, if Umar and Ibn Abbas—may Allah be pleased with them both—and Ishaq—may Allah have mercy upon him—had encountered someone to whom we say, "Allah, Mighty and Majestic, said such-and-such, and the Messenger of Allah ﷺ said such-and-such," and who replies, "Sahnun rejected that"; or someone to whom we say, "This is the judgment of the Messenger of Allah ﷺ," and who replies, "I can dispense with it; I have no need of it when I have the scholars' statements"; or someone who says to us, "If I saw my shaykhs turning their backs to the direction of prayer while praying, I would not pray facing the direction of prayer"? By Allah, among the innovations of the people of innovation there is nothing that surpasses these. Would that I knew whether these people believe in Allah Most High, in the resurrection, and in their being made to stand for judgment, and that Allah will say to them: "Did I not command you to follow My revealed Book and My sent Prophet? Did I not forbid you to follow your fathers and your leaders? Did I not command you to refer whatever you disputed to Me and to My Messenger, having given you advance warning?" What answer have they prepared for that dreadful standing and that appalling occasion? By Allah, their remorse will be prolonged when remorse will avail

وقد روي عن عمر أنه قتل رجلا أبى عن حكم رسول الله صلى الله عليه وسلم ورضي بحكم عمر وكيف لو أدرك عمر وابن عباس رضي الله عنهما، وإسحاق رحمه الله من نقول له قال الله عز وجل كذا وقال رسول الله صلى الله عليه وسلم كذا قال أبى سحنون ذلك ومن قلنا له هذا حكم رسول الله صلى الله عليه وسلم فقال أنا في غنى عنه ما أحتاج إليه مع قول العلماء ومن قال لنا: لو رأيت شيوخي يستدبرون القبلة في صلاتهم ما صليت إلى القبلة. والله ما في بدع أهل البدع شيء يفوق هذه. وليت شعري إن كان هؤلاء القوم مؤمنون بالله تعالى وبالبعث، وبأنهم موقوفون وأن الله سيقول لهم: ألم آمركم باتباع كتابي المنزل، وبنبي المرسل، ألم أنهكم عن اتباع آبائكم ورؤسائكم، ألم آمركم برد ما تنازعتم فيه إلي وإلى رسولي، وقدمت إليكم الوعيد؟ فماذا أعدوا من الجواب لذلك الموقف الفظيع، والمقام الشنيع؟ والله لتطولن ندامتهم حين لا ينفعهم الندم، وكأن به قد أزف وحل.

them nothing. It is as though that occasion has already drawn near and arrived.[192][193][194]

L1834 We ask Allah to inspire us to give thanks for His favor to us in following His speech and the judgment of His Messenger ﷺ, and in making us detest following anyone apart from Him and His Messenger ﷺ. We ask Him to cause us to die adhering to that, and to bring the people of ignorance and error back to the right course. Amen, amen.

L1835 And may Allah bless our master Muhammed, the noble Prophet.[195]

نسأل الله أن يوزعنا شكر ما من علينا من اتباع كلامه وحكم رسوله صلى الله عليه وسلم ومن أن بغض إلينا اتباع من دونه ودون رسوله صلى الله عليه وسلم ونسأله أن يميتنا على ذلك وأن يفيء بأهل الجهالة والضلالة، آمين آمين

وصلى الله على سيدنا محمد النبي الكريم

[192] **Translator's note (L1832):** The supplied text names the work "The Imam" (الإمام). This may be a transcription error for "Faith" (الإيمان), but the title has not been silently corrected.

[193] **Translator's note (L1833):** "And My sent Prophet" renders the contextually apparent sense of the defective wording وبنبي المرسل; the supplied form does not express the possessive unambiguously.

[194] **Qur'an references (L1832):** Qur'an 39:30 (Az-Zumar).

[195] **Translator's note (L1835):** This is a blessing only; it does not contain the prayer for peace included in the full salutation ﷺ.

الباب 23: استصحاب الحال والعقود والشروط

Chapter 23: Presumption of Continuity; Contracts and Conditions

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الثالث والعشرون في استصحاب الحال وبطلان جميع العقود والعهود والشروط إلا ما أوجبه منها قرآن أو سنة عن رسول الله صلى الله عليه وسلم ثابتة]

قال أبو محمد إذا ورد النص من القرآن أو السنة الثابتة في أمر ما، على حكم ما، ثم ادعى مدع أن ذلك الحكم قد انتقل أو بطل، من أجل أنه انتقل ذلك الشيء المحكوم فيه عن بعض أحواله، أو لتبدل زمانه، أو لتبدل مكانه، فعلى مدعي انتقال الحكم من أجل ذلك، أن يأتي ببرهان من نص قرآن أو سنة عن رسول الله صلى الله عليه وسلم ثابتة على أن ذلك الحكم قد انتقل أو بطل فإن جاء به صح قوله، وإن لم يأت به فهو مبطل فيما ادعى من ذلك، والفرض على الجميع الثبات على ما جاء به النص ما دام يبقى اسم ذلك الشيء المحكوم فيه عليه، لأنه اليقين، والنقلة دعوى وشرع لم يأذن الله تعالى به، فهما مردودان كاذبان حتى يأتي النص بهما، ويلزم من خالفنا في هذا أن يطلب كل حين تجديد الدليل على لزوم الصلاة والزكاة، وعلى صحة نكاحه مع امرأته، وعلى صحة ملكه لما يملك. ويقال للمخالف في هذا: أخبرنا أتحكم أنت بحكم آخر من عندك؟ أم تقف فلا تحكم بشيء أصلا، لا بالحكم الذي كنت عليه ولا بغيره؟ فإن قال: بل أقف. قيل له: وقوفك حكم لم يأتك به نص، وإبطالك حكم النص الذي قد أقررت بصحته خطأ عظيم. وكلاهما لا يجوز. وإن قال: بل أحدث حكما آخر، قيل له: أبطلت حكم الله تعالى، وشرعت شرعا لم يأذن به الله، وكلاهما من الطوام المهلكة. نعوذ بالله من كل ذلك. ويقال له: في كل حكم تدين به لعله قد نسخ هذا النص، أو لعل ههنا ما يخصه لم يبلغك. ويقال له: لعلك قد قتلت مسلما أو زنيت، فالحد أو القود عليك. فإن قال: أنا على البراءة حتى يصح علي شيء، ترك

[Chapter Twenty-Three: On the Presumption of Continuity of an Existing State, and the Invalidity of All Contracts, Covenants, and Conditions Except Those Made Binding by the Quran or an Established Sunnah from the Messenger of Allah ﷺ]

L1836

L1837–1847 Abu Muhammed said: When a text of the Quran or the established Sunnah lays down a particular ruling concerning a matter, and someone then claims that this ruling has changed or become invalid because the thing governed by it has undergone a change in some of its circumstances, or because its time has changed, or because its place has changed, the person claiming that the ruling has changed for that reason must produce a demonstration from a text of the Quran or an established Sunnah from the Messenger of Allah ﷺ that this ruling has changed or become invalid. If he produces it, his statement is sound; if he does not produce it, his claim concerning this is false. Everyone is obliged to adhere to what the text has prescribed for as long as the thing governed by the ruling continues to bear its name, because that is certainty. A change is a claim and a piece of legislation that Allah Most High has not authorized; both are rejected and false until a text establishes them. Anyone who disagrees with us on this is bound to seek fresh evidence at every moment for the binding obligation of prayer and almsgiving, for the validity of his marriage to his wife, and for the validity of his ownership of what he owns. The person who disagrees on this is to be asked: Tell us, do you issue another ruling of your own, or do you suspend judgment, issuing no ruling at all, neither the ruling you previously held nor any other? If he says, “Rather, I suspend judgment,” he is told: Your suspension of judgment is a ruling for which no text has come to you, and your invalidation of the ruling of the text whose validity you have already acknowledged is a grave error. Neither is permissible. If he says, “Rather, I introduce another ruling,” he is told: You have invalidated Allah Most High’s ruling and enacted legislation that Allah has not authorized. Both are among the ruinous enormities. We seek refuge in Allah from all of that. Concerning every ruling he professes as part of his religion, he is to be told: Perhaps this text has been abrogated, or perhaps there is something restricting its general scope has not

reached you." He is also told: "Perhaps you have killed a Muslim or committed unlawful sexual intercourse, so a prescribed punishment or retaliation is due against you." If he says, "I retain the presumption of innocence until something is established against me," he has abandoned his corrupt position, returned to the truth, and contradicted himself, since he had not followed this course in everything. Their position also requires them not to inherit from their deceased relatives, since perhaps those relatives apostatized, or perhaps gave their property away in charity, or perhaps incurred debts that exhaust it. They must therefore produce evidence that their deceased relatives were free of all these things at the time of death. The consequences incumbent upon them would exceed what the hides of a thousand camels could contain. Their position also requires them not to affirm the continuance of any prophet's prophethood until he produces, at every moment, a demonstration establishing his prophethood. As for us, we do not move from one ruling to another except on the basis of a demonstration. Thus we say to everyone who claims prophethood, such as Musaylimah, al-Aswad, and others: "We knew you as people who were not prophets, so your claims remain invalid until that which establishes them is verified." Likewise, we say to anyone who claims that someone's blood has become lawful to shed through apostasy or unlawful sexual intercourse: "We knew him to be innocent of all that, so he remains exempt from liability until the evidence for your claim is established." Likewise, we say this to anyone who claims that a particular upright person has become morally dissolute, that a particular morally dissolute person has become upright, that a particular living person has died, that a particular woman has been married by a particular man, that a particular man has divorced his wife, that a particular man's ownership of what he owned has ceased, or that a particular man has acquired ownership of what he did not own. The same applies to everything, on the basis that we remain as we were until the contrary is established. Some people resorted to these follies only in a few instances in which they had erred, and then defended their error with arguments that invalidate all reason and everything intelligible. Examples include their statement that when an impurity enters water, the water becomes impure, and that someone who experiences doubt after having certainty that he performed ablution must perform ablution, and

قوله الفاسد، ورجع إلى الحق، وناقض إذ لم يكن سلك في كل شيء هذا المسلك، ويلزمهم أيضا ألا يرثوا موتاهم، إذ لعلهم قد ارتدوا، أو لعلهم قد تصدقوا بها، أو لعلهم أدانوا ديونا تستغرقها، فيلزمهم إقامة البينة على براءة موتاهم في حين موتهم على كل ذلك، والذي يلزمهم يضيق عنه جلد ألف بعير، ويلزمهم ألا يقولوا بتمادي نبوة نبي، حتى يقيم كل حين البرهان على صحة نبوته. وأما نحن فلا ننتقل عن حكم إلى حكم آخر إلا ببرهان، وكذلك نقول لكل من ادعى النبوة كمسيلمة والأسود وغيرهما، عهدناكم غير أنبياء فأنتم على بطلان دعواكم حتى يصح ما يثبتها. وكذلك نقول لمن ادعى أن فلانا قد حل دمه بردة أو زنى: عهدناه بريئا من كل ذلك، فهو على السلامة حتى يصح الدليل على ما تدعيه. وكذلك نقول لمن ادعى أن فلانا العدل قد فسق، أو أن فلانا الفاسق قد تعدل، أو أن فلانا الحي قد مات، أو أن فلانة قد تزوجها فلان، أو أن فلانا طلق امرأته، أو أن فلانا قد زال ملكه عما كان يملك، أو أن فلانا قد ملك ما لم يكن يملكه، وهكذا كل شيء على أننا ما كنا عليه حتى يثبت خلافه. فإنما جاء قوم إلى هذه الحماقات في مواضع يسيرة أخطؤوا فيها، فنصروا خطأهم بما يبطل كل عقل وكل معقول، وذلك نحو قولهم: إن الماء إذا حلته نجاسة فقد تنجس، وإن من شك بعد يقينه بالوضوء فعليه الوضوء وأشباه هذا فقالوا: إن الماء الذي حكم الله بطهارته لم يكن حلته نجاسة. فقلنا لهم: وإن الرجل الذي حرم الله دمه، لم يكن شاب ولا حلق رأسه ولا عليه صفرة من مرض لم يكن فيه، فبدلوا حكمه لتبدل بعض أحواله. وقالوا: عليه ألا يصلي إلا بيقين طهارة لم يتلها شك. قلنا: فحرموا على من شك، أباع أمته أم لم يبعها، أن يطأها أو يملكها، لشكه في انتقال ملكه. وحدوا كل من شككتم أزنى أم لم يزن. وقد ذكرنا اعتراضهم بمسألة قول اليهود قد وافقتمونا على صحة نبوة موسى صلى الله عليه وسلم وبينا أننا لم ننتقل إلى الإقرار بنبوة محمد صلى الله عليه وسلم إلا ببراهين أظهر من براهين موسى لولاها لم نتبعه، ونحن لا ننكر الانتقال

من حكم أوجبه القرآن أو السنة، إذ جاء نص آخر ينقلنا عنه، إنما أنكرنا الانتقال عنه بغير نص أوجب النقل عنه، لكن لتبدل حال من أحواله أو لتبدل زمانه أو مكانه، فهذا هو الباطل الذي أنكرناه. وقال المالكيون: من شك أطلق امرأته أم لم يطلقها فلا شيء عليه، فأصابوا، ثم قالوا: فإن أيقن أنه طلقها ثم شك أو واحدة أو اثنتين أو ثلاثا، فهي طالق ثلاثا. وقالوا: من شك أطلق امرأة من نسائه أم لا فلا شيء عليه، فإن أيقن أنه طلق إحداهن، ثم لم يدر أيتهن هي فهن كلهن طلق، ففرقوا بين ما لا فرق بينه بدعوى عارية عن البرهان. فإن قالوا: إن ههنا هو على يقين من الطلاق، فقلنا: نعم، وعلى شك من الزيادة على طلاقها واحدة، والشك باطل كسائر ما قدمنا قبل، وكذلك ليس من نسائه امرأة يوقن أنه طلقها، فقد دخلتم فما أنكرناه على المخالفين من نقل الحكم بالظنون، بل وقعوا في الباطل المتيقن، وتحريم يقين الحلال من باقي نسائه اللواتي لم يطلقهن بلا شك، وفي تحليل الحرام المتيقن، إذ أباحوا الفروج اللواتي لم تطلق للناس، ولزمهم على هذا إذا وجدوا رجالا قد اختلط بينهم قاتل لا يعرفونه بعينه، أو زان محصن لا يعرفونه بعينه، أن يقتلوهم كلهم نعم وأن يحملوا السيف على أهل مدينة أيقنوا أن فيها قاتل عمد لا يعرفونه بعينه، وأن يقطعوا أيدي جميع أهلها إذا أيقنوا أن فيها سارقا لا يعرفونه بعينه، وأن يحرموا كل طعام بلد قد أيقنوا أن فيه طعاما حراما لا يعرفونه بعينه، وأن يرجموا كل محصنة ومحصن في الدنيا، لأن فيهم من قد زنى بلا شك، ولزمهم فيمن تصدق بشيء من ماله، ثم جهل مقداره أن يتصدق بماله كله ومثل هذا كثير جدا فظهر فساد هذا القول وبطلانه بيقين لا شك فيه. فإن قيل: وما الدليل على تمادي الحكم مع تبدل الأزمان والأمكنة؟ قلنا وبالله تعالى التوفيق: البرهان على ذلك صحة النقل من كل كافر ومؤمن على أن رسول الله صلى الله عليه وسلم أتانا بهذا الدين وذكر أنه آخر الأنبياء وخاتم الرسل، وأن دينه هذا لازم لكل حي، ولكل من يولد إلى القيامة في جميع الأرض، فصح أنه لا معنى لتبدل الزمان، ولا لتبدل المكان، ولا لتغير الأحوال، وأن ما ثبت فهو ثابت أبدا في كل

similar statements. They said: "The water whose purity Allah declared had not had an impurity enter it." We said to them: "Likewise, the man whose blood Allah forbade you to shed had not gone grey, had not shaved his head, and had not acquired a yellow pallor from an illness he had not previously had. So change the ruling concerning him because some of his circumstances have changed!" They said: "He must not pray except with certainty of ritual purity that has not been followed by doubt." We said: "Then forbid someone who doubts whether he has sold his slave woman or has not sold her to have intercourse with her or to own her, because he doubts whether his ownership has passed away. And inflict the prescribed punishment on everyone about whom you are uncertain whether he has committed unlawful sexual intercourse or has not." We have already mentioned their objection based on the Jews' statement: "You have agreed with us on the validity of the prophethood of Moses, may Allah bless him and grant him peace ﷺ," and we explained that we did not move to acknowledging the prophethood of Muhammed, may Allah bless him and grant him peace ﷺ, except through demonstrations more evident than the demonstrations of Moses, without which we would not follow him. We do not deny moving away from a ruling imposed by the Quran or the Sunnah when another text comes that moves us away from it. What we deny is moving away from it without a text requiring that move, merely because one of its circumstances changes, or because its time or place changes. This is the falsehood we have rejected. The Malikis said: "Someone who doubts whether he has divorced his wife or has not divorced her incurs no obligation." In this they were correct. Then they said: "But if he is certain that he divorced her, and then doubts whether it was once, twice, or three times, she is divorced three times." They also said: "Someone who doubts whether he has divorced one of his wives or not incurs no obligation. But if he is certain that he divorced one of them and then does not know which one she is, they are all divorced." Thus they distinguished between things between which there is no distinction, on the strength of an assertion devoid of demonstration. If they say, "Here he is certain of the divorce," we say: "Yes, and he doubts anything beyond divorcing her once, and doubt is invalid, like all the other instances we set out previously. Likewise, there is no individual wife of his whom he is certain he divorced. You have therefore

entered into what we condemned in our opponents: changing a ruling on the basis of conjectures." Indeed, they have fallen into certain falsehood, forbidding what is certainly lawful with respect to his remaining wives, whom he unquestionably did not divorce, and permitting what is certainly forbidden, since they have made sexual access to women who were not divorced lawful to other men. On this basis, if they find a group of men among whom there is a killer whom they cannot individually identify, or a person possessing the legal status of marital protection who has committed unlawful sexual intercourse and whom they cannot individually identify, their position requires them to kill them all. Indeed, it requires them to take the sword to the inhabitants of a city in which they are certain there is an intentional killer whom they cannot individually identify; to cut off the hands of all its inhabitants if they are certain that there is a thief among them whom they cannot individually identify; to forbid all the food of a town in which they are certain there is forbidden food that they cannot individually identify; and to stone every woman and man in the world possessing the legal status of marital protection, because among them there are undoubtedly people who have committed unlawful sexual intercourse. Their position also requires someone who has given some of his property in charity and then does not know its amount to give all his property in charity. There are very many similar examples. Thus the corruption and invalidity of this position have become evident with a certainty admitting no doubt. If it is asked, "What is the evidence that a ruling continues despite changes of times and places?" we say—and through Allah Most High comes success— the demonstration of this is the sound transmission, from every unbeliever and believer, that the Messenger of Allah, may Allah bless him and grant him peace ﷺ, brought us this religion and stated that he was the last of the prophets and the seal of the messengers, and that this religion of his is binding on every living person and everyone born until the Resurrection throughout the earth. It is therefore established that a change of time, a change of place, or a change of circumstances has no significance, and that whatever has been established remains established forever, at every time, in every place, and under every circumstance, until a text comes that removes it from its ruling at another time, in another place, or under another circumstance. Likewise, if a text

زمان وفي كل مكان، وعلى كل حال، حتى يأتي نص ينقله عن حكمه في زمان آخر، أو مكان آخر، أو حال أخرى. وكذلك إن جاء نص بوجوب حكم في زمان ما، أو في مكان، أو في حال ما وبين لنا ذلك في النص، وجب ألا يتعدى النص. فلا يلزم ذلك الحكم حينئذ في غير ذلك الزمان، ولا في غير ذلك المكان ولا في غير تلك الحال قال تعالى {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود الله ومن يتعد حدود الله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد ذلك أمرا} وأمر رسول الله صلى الله عليه وسلم من لم يدرك صلى أن يصلي حتى يكون على يقين من التمام، وعلى شك من الزيادة، لأنه على يقين من أنه لم يصل ما لزمه، فعليه أن يصليه وهذا هو نص قولنا. وأما إذا تبدل الاسم فقد تبدل الحكم بلا شك، كالخمر يتخلل أو يخلل لأنه إنما حرمت الخمر، والخل ليس خمرا، وكالعذرة تصير ترابا، فقد سقط حكمها، وكلبن الخنزير والخمر والميتات يأكلها الدجاج ويرتضعه الجدي، فقد بطل التحريم إذا انتقل اسم الميتة واللبن والخمر، ومن حرم ما لا يقع عليه الاسم الذي جاء به التحريم، فلا فرق، بينه وبين من أحل بعض ما وقع عليه الاسم الذي جاء به التحريم وكلاهما متعد لحدود الله تعالى {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود الله ومن يتعد حدود الله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد ذلك أمرا} وهذا حكم جامع لكل ما اختلف فيه، فمن التزمه فقد فاز ومن خالفه فقد هلك وأهلك، وبالله تعالى التوفيق. وكل احتياط أدى إلى الزيادة في الدين ما لم يأذن به الله تعالى، أو إلى النقص منه أو إلى تبديل شيء منه فليس احتياطا، ولا هو خيرا، بل هو هلكة وضلال وشرع لم يأذن به الله تعالى والاحتياط كله لزوم القرآن والسنة.

comes imposing a ruling at a particular time, in a particular place, or under a particular circumstance, and this is made clear to us in the text, the text must not be exceeded. That ruling is then not binding outside that time, outside that place, or outside that circumstance. The Most High said: "O Prophet, when you divorce women, divorce them for their waiting period, and count the waiting period, and fear Allah, your Lord. Do not expel them from their homes, nor shall they leave, unless they commit a manifest indecency. Those are the limits of Allah, and whoever transgresses the limits of Allah has wronged himself. You do not know: perhaps Allah will bring about some matter after that." The Messenger of Allah, may Allah bless him and grant him peace ﷺ, commanded someone who had not ascertained [how much] he had prayed to continue praying until he was certain of completion and doubtful of any excess, because he is certain that he has not prayed what was obligatory upon him, and must therefore pray it. This is precisely our position. But when the name changes, the ruling has unquestionably changed, as when wine turns into vinegar or is made into vinegar, because it was wine alone that was forbidden, and vinegar is not wine. Likewise, when excrement becomes earth, its ruling ceases to apply. The same applies to the milk of pigs and donkeys, and to carrion, which chickens eat, and to milk which a young goat suckles: the prohibition ceases when the designation of carrion, milk, or wine no longer applies. Whoever forbids something to which the name specified in the prohibition does not apply is no different from someone who permits some of that to which the name specified in the prohibition does apply. Both transgress the limits of Allah Most High: "O Prophet, when you divorce women, divorce them for their waiting period, and count the waiting period, and fear Allah, your Lord. Do not expel them from their homes, nor shall they leave, unless they commit a manifest indecency. Those are the limits of Allah, and whoever transgresses the limits of Allah has wronged himself. You do not know: perhaps Allah will bring about some matter after that." This is a ruling encompassing everything about which there is disagreement. Whoever adheres to it has succeeded; whoever opposes it has perished and caused others to perish. Through Allah Most High comes success. Any precaution that leads to adding to the religion something Allah Most High has not authorized, subtracting from it, or alter-

وأما العقود والعهود والشروط والوعد، فإن أصل الاختلاف فيها على قولين لا يخرج الحق عن أحدهما: وما عداهما فتخليط ومناقضات لا يستقر لقائلها قول على حقيقة، فأحد القولين المذكورين: إما أنها كلها لازم حق إلا ما أبطله منها نص.

ing anything in it is neither precaution nor good. Rather, it is destruction, error, and legislation that Allah Most High has not authorized. Precaution consists entirely in adhering to the Quran and the Sunnah. As for contracts, covenants, stipulations, and promises, the fundamental disagreement concerning them rests upon two positions, one of which must contain the truth. Anything beyond them is confusion and contradictions whose proponents cannot maintain any position on a sound basis. One of the two positions mentioned is that all of them are binding and valid, except those invalidated by a text[1][2][3][4][5]

L1848–1850 The second is that they are all invalid and nonbinding, except those that a text makes obligatory. As for those that a text permits, among the arguments of those who said that they are all valid and binding except those that a text invalidates was their saying: Allah, mighty and majestic, said: {And do not

والثاني: أنها كلها باطل غير لازم إلا ما أوجبه منها نص، أما ما أباحه منها نص، فكان من حجة من قال: إنها كلها حق لازم إلا ما أبطله منها نص أن قال قال الله عز وجل {ولا تقربوا مال ليتيم إلا بلتي هي أحسن حتى يبلغ أشده وأوفوا بالعهد إن لعهد كان مسؤولا} وقال عز وجل {هو لذي بعث في لأميين رسولا منهم يتلو عليهم آياته ويزكيهم ويعلمهم لكتاب ولحكمة وإن كانوا من قبل لفي ضلال مبين * وآخرين منهم لما يلحقوا بهم وهو لعزيز لحكيم} وقال عز وجل {والذين هم لأماناتهم وعهدهم راعون} وقال تعالى {إن لله لا يستحى أن يضرب مثلا ما بعوضة فما فوقها فأما لذين آمنوا فيعلمون أنه لحق من ربهم وأما لذين كفروا فيقولون ماذآ أراد لله بهذا مثلا يضل به كثيرا ويهدي به كثيرا وما يضل به إلا لفاسقين * لذين ينقضون عهد لله من بعد ميثاقه ويقطعون مآ أمر لله به أن يوصل ويفسدون في لأرض أولئك هم لخاسرون} وقال تعالى {أوكلما عاهدوا عهدا نبذه فريق منهم بل أكثرهم لا يؤمنون} وقال تعالى {ليس لبر أن تولوا وجوهكم قبل لمشرق ولمغرب ولكن لبر من آمن بلله وليوم لآخر ولملائكة ولكتاب ولنبيين وآتى لمال على حبه ذوي لقربى وليتامى ولمساكين وبن لسبيل ولسآئلين وفي لرقاب وأقام لصلاة وآتى لزكاة ولموفون بعهدهم إذا عاهدوا ولصابرين في لبأسآء ولضراء وحين لبأس أولئك لذين صدقوآ وأولئك هم لمتقون} وقال تعالى {بلى من أوفى بعهده واتقى فإن الله يحب المتقين * إن الذين يشترون بعهد

[1] **Translator's note (L1842):** The supplied أو واحدة in the question about the number of divorces is syntactically awkward. The translation conveys the alternatives indicated by the surrounding wording without treating this as a separate substantive claim.

[2] **Translator's note (L1843):** The supplied فقد دخلتم فما أنكرناه is syntactically irregular; the translation understands it as entering into the practice the author condemned, while preserving the shift to direct address. "Possessing the legal status of marital protection" renders muḥṣan/muḥṣanah, a technical legal status relevant here to the punishment for unlawful sexual intercourse.

[3] **Translator's note (L1845):** The Quran quotation, continuing into the next unit, is Quran 65:1. Its transcription repeatedly omits initial alifs in forms such as لنبي, لنسآء, and لعدة; the translation follows their identifiable lexical readings.

[4] **Translator's note (L1846):** The supplied من لم يدرك صلى is grammatically defective and does not clearly state what the worshipper has failed to ascertain. "[How much]" makes explicit the interpretation supported by the following discussion of completing the prayer. The syntax of the example involving milk, carrion, chickens, and a suckling young goat is compressed and awkward. The translation takes the chickens as eating the listed substances and the young goat as suckling the milk; the Arabic does not clearly distribute all the objects between the two actions. Both occurrences of Quran 65:1 contain لله where the standard wording has الله in "perhaps Allah will bring about." The translation follows the evident intended reference to Allah and records the transcription discrepancy here. The repeated quotation also contains the omitted initial alifs noted in the preceding unit.

[5] **Qur'an references (L1837):** Qur'an 65:1 (At-Talaq).

approach the orphan's property except in the manner that is best, until he reaches his full strength. And fulfill the covenant: surely the covenant will be asked about.} And He, mighty and majestic, said: {He is the One who sent among the unlettered a messenger from among themselves, reciting His signs to them, purifying them, and teaching them the Book and wisdom, although previously they were in manifest error; * and others among them who have not yet joined them. And He is the Mighty, the Wise.} And He, mighty and majestic, said: {And those who are mindful of their trusts and their covenant.} And He, exalted, said: {Indeed, Allah is not ashamed to give as an example a mosquito or anything above it. As for those who believe, they know that it is the truth from their Lord. As for those who disbelieve, they say: "What did Allah intend by this as an example?" Through it He leads many astray, and through it He guides many; and through it He leads none astray except the defiantly disobedient, * who break Allah's covenant after its confirmation, sever what Allah has commanded to be joined, and spread corruption on earth. Those are the losers.} And He, exalted, said: {Is it that whenever they make a covenant, a group of them casts it aside? Rather, most of them do not believe.} And He, exalted, said: {Righteousness is not that you turn your faces toward the east and the west. Rather, righteousness is one who believes in Allah, the Last Day, the angels, the Book, and the prophets; gives wealth, despite his love for it, to relatives, orphans, the needy, the wayfarer, those who ask, and for freeing people from bondage; establishes prayer and gives the obligatory alms; and those who fulfill their covenant when they make a covenant, and those who are patient in hardship, adversity, and the time of battle. Those are the ones who have been truthful, and those are the Allah-fearing.} And He, exalted, said: {Yes indeed: whoever fulfills his covenant and fears Allah—surely Allah loves the Allah-fearing. * Indeed, those who exchange Allah's covenant and their oaths for a small price will have no share in the Hereafter. Allah will neither speak to them nor look at them on the Day of Resurrection, nor will He purify them; and theirs will be a painful punishment.} And He, exalted, said: {Indeed, those who pledge allegiance to you pledge allegiance only to Allah. Allah's hand is above their hands. Whoever breaks his pledge breaks it only to his own detriment, and whoever fulfills what he has covenanted with Allah to do, He will grant him a great

لله وأيمانهم ثمنا قليلا أولئك لا خلاق لهم في لآخرة ولا يكلمهم لله ولا ينظر إليهم يوم لقيامة ولا يزكيهم ولهم عذاب أليم} وقال تعالى {إن لذين يبايعونك إنما يبايعون لله يد لله فوق أيديهم فمن نكث فإنما ينكث على نفسه ومن أوفى بما عاهد عليه لله فسيؤتيه أجرا عظيما} وقال تعالى {يا أيها لذين آمنوا أوفوا بلعقود أحلت لكم بهيمة لأنعام إلا ما يتلى عليكم غير محلي لصيد وأنتم حرم إن لله يحكم ما يريد} وقال تعالى {وإما تخافن من قوم خيانة فنبذ إليهم على سوآء إن لله لا يحب لخائنين}

reward.} And He, exalted, said: {O you who believe, fulfill your contracts. Livestock animals have been made lawful for you, except what is recited to you, without treating game as lawful while you are in the state of pilgrimage consecration. Indeed, Allah rules as He wills.} And He, exalted, said: {And if you fear treachery from a people, cast their covenant back to them on equal terms. Indeed, Allah does not love the treacherous.}[67]

L1851–1859 And He, mighty and majestic, said: {Those who fulfill Allah's covenant and do not break the solemn compact.} And He, exalted, said: {And do not exchange Allah's covenant for a small price. What is with Allah is better for you, if you but knew.} And He, exalted, said: {And do not approach the orphan's property except in the manner that is best, until he reaches his full strength. And give full measure and weight with justice. We burden no soul beyond its capacity. And when you speak, be just, even if it concerns a relative. And fulfill Allah's covenant. This He has enjoined upon you, so that you may take heed.} And He, exalted, said: {They fulfill their vows and fear a day whose evil is widespread.} And He, exalted, said: {Whatever expenditure you make or vow you vow, Allah surely knows it; and the wrongdoers have no helpers.} And He, mighty and majestic, said: {And among them are those who covenanted with Allah: "If He gives us of His bounty, we will surely give alms and surely be among the righteous." * But when He gave them of His bounty, they were miserly with it and turned away in aversion. * So He caused hypocrisy to follow in their hearts until the day they meet Him, because they failed Allah in what they had promised Him and because they used to lie.} And He, exalted, said: {And mention Ishmael in the Book. He was true to his promise, and he was a messenger and a prophet.} They also cited what ʿAbd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us:

[6] **Translator's note (L1848):** The clause beginning "As for those that a text permits" has no clear completion in the supplied wording. Its awkward transition into the account of the opposing argument has been retained.

[7] **Qur'an references (L1848):** Qur'an 17:34 (Al-Isra); Qur'an 62:2 (Al-Jumu'ah); Qur'an 3:164 (Ali 'Imran); Qur'an 62:3 (Al-Jumu'ah); Qur'an 23:8 (Al-Mu'minun); Qur'an 70:32 (Al-Ma'arij); Qur'an 2:26 (Al-Baqarah); Qur'an 2:100 (Al-Baqarah); Qur'an 3:76 (Ali 'Imran); Qur'an 3:77 (Ali 'Imran); Qur'an 48:10 (Al-Fath); Qur'an 5:1 (Al-Ma'idah); Qur'an 8:58 (Al-Anfal).

وقال عز وجل {لذين يوفون بعهد لله ولا ينقضون لميثاق} وقال تعالى {ولا تشتروا بعهد لله ثمنا قليلا إنما عند لله هو خير لكم إن كنتم تعلمون} وقال تعالى {ولا تقربوا مال ليتيم إلا بلتي هي أحسن حتى يبلغ أشده وأوفوا لكيل ولميزان بلقسط لا نكلف نفسا إلا وسعها وإذا قلتم فعدلوا ولو كان ذا قربى وبعهد لله أوفوا ذلكم وصاكم به لعلكم تذكرون} وقال تعالى {يوفون بلنذر ويخافون يوما كان شره مستطيرا} وقال تعالى {ومآ أنفقتم من نفقة أو نذرتم من نذر فإن لله يعلمه وما للظالمين من أنصار} وقال عز وجل {ومنهم من عاهد لله لئن آتانا من فضله لنصدقن ولنكونن من لصالحين * فلمآ آتاهم من فضله بخلوا به وتولوا وهم معرضون * فأعقبهم نفاقا في قلوبهم إلى يوم يلقونه بمآ أخلفوا لله ما وعدوه وبما كانوا يكذبون} وقال تعالى {وذكر في لكتاب إسماعيل إنه كان صادق لوعد وكان رسولا نبيا} وذكروا ما حدثناه عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، ثنا مسلم بن الحجاج، ني زهير بن حرب، ثنا وكيع، نا سفيان هو الثوري، عن الأعمش، عن عبد الله بن مرة، عن مسروق عن عبد الله بن عمرو قال قال رسول الله صلى الله عليه وسلم أربع من كن فيه كان منافقا خالصا ومن كانت فيه خصلة منهن كانت فيه خصلة من النفاق حتى يدعها: إذا حدث كذب، وإذا عاهد غدر، وإذا وعد أخلف، وإذا خاصم فجر وبه إلى مسلم: نا عبد الأعلى بن حماد، ثنا حماد بن سلمة، عن داود بن أبي هند عن سعيد بن المسيب عن أبي هريرة عن النبي صلى الله عليه وسلم قال

ʿAbd al-Wahhab ibn ʿIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʿAli related to us: Muslim ibn al-Hajjaj related to us: Zuhayr ibn Harb related to me: Wakiʿ related to us: Sufyan—that is, al-Thawri—related to us, from al-Aʿmash, from ʿAbd Allah ibn Murrah, from Masruq, from ʿAbd Allah ibn ʿAmr, who said: The Messenger of Allah, may Allah bless him and grant him peace, said: "There are four qualities: whoever possesses them is a pure hypocrite, and whoever possesses one of them possesses a quality of hypocrisy until he abandons it: when he speaks, he lies; when he makes a covenant, he betrays it; when he promises, he breaks his promise; and when he disputes, he acts wickedly." Through the same chain to Muslim: ʿAbd al-Aʿla ibn Hammad related to us: Hammad ibn Salamah related to us, from Dawud ibn Abi Hind, from Saʿid ibn al-Musayyab, from Abu Hurayrah, from the Prophet ﷺ, who said: "Among the signs of the hypocrite are three, even if he prays, even if he fasts, and claims that he is a Muslim: when he speaks, he lies; when he promises, he breaks his promise; and when he is entrusted with something, he betrays the trust." Through the same chain to Muslim: Muhammed ibn ʿAbd Allah ibn Numayr related to us: My father related to us: ʿUbayd Allah ibn ʿUmar related to us, from Nafiʿ, from Ibn ʿUmar, who said: The Messenger of Allah ﷺ said: "When Allah gathers the first and the last on the Day of Resurrection, a banner will be raised for every traitor, and it will be said: 'This is the treachery of so-and-so, son of so-and-so.'" Through the same chain to Muslim: Muhammed ibn al-Muthanna related to us: ʿAbd al-Rahman ibn Mahdi related to us: Shuʿbah related to us, from Khulayd, from Abu Nadrah, from Abu Saʿid, from the Prophet ﷺ, who said: "Every traitor will have a banner at his backside on the Day of Resurrection." Through the same chain to Muslim: Zuhayr ibn Harb related to me: ʿAbd al-Samad ibn ʿAbd al-Warith related to us: al-Mustamirr ibn al-Rayyan related to us: Abu Nadrah related to us, from Abu Saʿid, who said: The Messenger of Allah ﷺ said: "Every traitor will have a banner on the Day of Resurrection, raised for him in proportion to his treachery. Take heed: no traitor is greater in treachery than one who has command over the public." Through the same chain to Muslim: ʿAbd Allah ibn Hashim related to me: ʿAbd al-Rahman ibn Mahdi related to me: Sufyan—that is, al-Thawri—related to us, from ʿAlqamah ibn Marthad, from Sulayman ibn Buraydah, from his father, who

من علامات المنافق ثلاث وإن صلى وإن صام وزعم أنه مسلم: إذا حدث كذب، وإذا وعد أخلف، وإذا ائتمن خان وبه إلى مسلم: ثنا محمد بن عبد الله بن نمير، ثنا أبي، ثنا عبيد الله بن عمر عن نافع عن ابن عمر قال قال رسول الله صلى الله عليه وسلم إذا جمع الله الأولين والآخرين يوم القيامة رفع لكل غادر لواء، فقيل هذه غدرة فلان ابن فلان. وبه إلى مسلم: ثنا محمد بن المثنى، ثنا عبد الرحمن بن مهدي، ثنا شعبة عن خليد عن أبي نضرة عن أبي سعيد عن النبي صلى الله عليه وسلم قال لكل غادر لواء عند استه يوم القيامة وبه إلى مسلم: ني زهير بن حرب، ثنا عبد الصمد بن عبد الوارث، ثنا المستمر بن الريان، ثنا أبو نضرة عن أبي سعيد قال قال رسول الله صلى الله عليه وسلم لكل غادر لواء يوم القيامة يرفع له بقدر غدره، ألا ولا غادر أعظم غدرا من أمر عامة وبه إلى مسلم، حدثني عبد الله بن هاشم، ني عبد الرحمن بن مهدي، ثنا سفيان هو الثوري، عن علقمة بن مرثد، عن سليمان بن بريدة عن أبيه قال كان رسول الله صلى الله عليه وسلم إذا أمر أميرا على جيش أو سرية أوصاه في خاصته بتقوى الله ومن معه من المسلمين خيرا، ثم قال: اغزوا باسم الله في سبيل الله، قاتلوا من كفر بالله اغزوا ولا تغفلوا ولا تغدروا وذكر باقي الحديث. وبه إلى مسلم: نا محمد بن المثنى، نا يحيى بن سعيد القطان، عن عبد الحميد بن جعفر، عن يزيد بن أبي حبيب، عن مرثد بن عبد الله اليزني عن عقبة بن عامر قال قال رسول الله صلى الله عليه وسلم إن أحق الشروط أن توفوا به ما استحللتم به الفروج. حدثنا عبد الله بن ربيع، ثنا محمد بن إسحاق بن السليم، نا ابن الأعرابي، نا أبو داود، نا أحمد بن صالح، نا عبد الله بن وهب، أخبرني عمرو بن الحارث، عن بكير بن الأشج، عن الحسن بن علي بن أبي رافع أن أبا رافع أخبره قال بعثتني قريش إلى رسول الله صلى الله عليه وسلم فلما رأيت رسول الله صلى الله عليه وسلم ألقي في قلبي الإسلام فقلت يا رسول

said: Whenever the Messenger of Allah ﷺ appointed a commander over an army or a raiding detachment, he would enjoin him personally to fear Allah and to treat the Muslims with him well. Then he said: “Go forth to battle in the name of Allah, in the path of Allah. Fight those who disbelieve in Allah. Go forth to battle, do not be heedless, and do not act treacherously.” And he mentioned the remainder of the hadith. Through the same chain to Muslim: Muhammed ibn al-Muthanna related to us: Yahya ibn Saʿid al-Qattan related to us, from ʿAbd al-Hamid ibn Jaʿfar, from Yazid ibn Abi Habib, from Marthad ibn ʿAbd Allah al-Yazani, from ʿUqbah ibn ʿAmir, who said: The Messenger of Allah ﷺ said: “The conditions most deserving of your fulfillment are those by which you have made sexual relations lawful.” ʿAbd Allah ibn Rabiʿ related to us: Muhammed ibn Ishaq ibn al-Salim related to us: Ibn al-Aʿrabi related to us: Abu Dawud related to us: Ahmad ibn Salih related to us: ʿAbd Allah ibn Wahb related to us: ʿAmr ibn al-Harith informed me, from Bukayr ibn al-Ashajj, from al-Hasan ibn ʿAli ibn Abi Rafiʿ, that Abu Rafiʿ informed him, saying: Quraysh sent me to the Messenger of Allah ﷺ. When I saw the Messenger of Allah ﷺ, Islam was cast into my heart, so I said: “O Messenger of Allah, by Allah, I will never return to them.” The Messenger of Allah ﷺ said: “I do not betray a covenant, nor do I detain messengers. But return to them; then, if what is in your heart now is still in your heart, come back.” He said: So I went, then came to the Prophet ﷺ and embraced Islam. ʿAbd al-Rahman ibn ʿAbd Allah al-Hamdani related to us: Ibrahim ibn Ahmad al-Balkhi related to us: al-Firabri related to us: al-Bukhari related to us: Ishaq related to us: Yaʿqub related to us: Ibn Shihab’s nephew related to us, from his uncle: ʿUrwah, son of al-Zubayr, that he heard Marwan and al-Miswar ibn Makhramah, both of whom related the account of the Prophet ﷺ. It includes the following: When the Messenger of Allah ﷺ concluded a written agreement with Suhayl ibn ʿAmr on the day of al-Hudaybiyyah concerning the stipulated period, among the conditions Suhayl ibn ʿAmr imposed was: “No one from among us shall come to you without your returning him to us and leaving us free to deal with him.” Suhayl refused to conclude an agreement with the Messenger of Allah ﷺ on any other terms. The Messenger of Allah ﷺ therefore returned Abu Jandal ibn Abi Sahl that day to his father, Suhayl ibn ʿAmr. Throughout that period,

الله إني والله لا أرجع إليهم أبدا فقال رسول الله صلى الله عليه وسلم إني لا أخيس بالعهد ولا أحبس البرد ولكن ارجع إليهم فإن كان في نفسك الذي في نفسك الآن فارجع قال فذهبت ثم أتيت النبي صلى الله عليه وسلم فأسلمت حدثنا عبد الرحمن بن عبد الله الهمداني، نا إبراهيم بن أحمد البلخي، نا الفربري، ثنا البخاري، نا إسحاق، نا يعقوب، نا ابن أخي ابن شهاب، عن عمه، أخبرني عروة بن الزبير، أنه سمع مروان والمسور بن مخرمة فذكرا جميعا خبر النبي صلى الله عليه وسلم وفيه إنه لما كاتب رسول الله صلى الله عليه وسلم سهيل بن عمرو يوم الحديبية على قضية المدة كان فيما اشترط سهيل بن عمرو: أنه لا يأتيك منا أحد إلا رددته إلينا، وخليت بيننا وبينه وأبى سهيل أن يقاضي رسول الله صلى الله عليه وسلم إلا على ذلك فرد رسول الله صلى الله عليه وسلم أبا جندل بن أبي سهل يومئذ إلى أبيه سهيل بن عمرو ولم يأت رسول الله صلى الله عليه وسلم أحد من الرجال إلا رده في تلك المدة وإن كان مسلما. حدثنا عبد الله بن ربيع، ثنا محمد بن إسحاق، نا ابن الأعرابي، نا أبو داود، حدثنا محمد بن عبيد، أن محمد بن ثور حدثهم، عن معمر، عن الزهري، عن عروة بن الزبير عن المسور بن مخرمة قال خرج النبي صلى الله عليه وسلم زمن الحديبية فذكر الحديث وفيه ثم رجع إلى المدينة فجاءه أبو بصير برجل من قريش، يعني أرسلوا في طلبه، فدفعه إلى رجلين فخرجا به، فلما بلغا ذا الحليفة نزلوا يأكون من تمر لهم، فقال أبو بصير لأحد الرجلين: والله إني لأرى سيفك يا فلان جيدا، فاستله الآخر فقال أجل قد جربت به فقال أبو بصير: أرني أنظر إليه فأمسكه منه، فضربه حتى برد، وفر الآخر حتى أتى المدينة فدخل المسجد يعدو فقال النبي صلى الله عليه وسلم لقد رأى هذا ذعرا فقال قتل والله صاحبي وإني لمقتول، فجاء أبو بصير فقال: قد أوفى الله ذمتك قد رددتني إليهم

no man came to the Messenger of Allah ﷺ without his returning him, even if he was a Muslim.

ʿAbd Allah ibn Rabiʿ narrated to us: Muhammed ibn Ishaq narrated to us: Ibn al-Aʿrabi narrated to us: Abu Dawud narrated to us: Muhammed ibn ʿUbayd narrated to us that Muhammed ibn Thawr narrated to them, from Maʿmar, from al-Zuhri, from ʿUrwah ibn al-Zubayr, from al-Miswar ibn Makhramah, who said: The Prophet ﷺ set out at the time of al-Hudaybiyyah. He then related the report, which includes: Then he returned to Medina, and Abu Basir came to him with a man from Quraysh—meaning that they had sent in pursuit of him. He handed him over to two men, who took him away. When they reached Dhu al-Hulayfah, they dismounted to eat some dates they had. Abu Basir said to one of the two men: "By Allah, I see that your sword, so-and-so, is a fine one." The other man drew it and said: "Indeed; I have put it to the test." Abu Basir said: "Show it to me so that I may look at it." He took hold of it from him and struck him until he lay cold. The other fled until he reached Medina and entered the mosque running. The Prophet ﷺ said: "This man has certainly witnessed something terrifying." He said: "By Allah, my companion has been killed, and I shall certainly be killed!" Then Abu Basir came and said: "Allah has fulfilled your obligation: you returned me to them, and then Allah delivered me from them." The Messenger of Allah ﷺ said to him: "Woe to his mother! A kindler of war, if only he had someone with him!" When he heard that, he knew that he would return him to them, so he departed until he reached the seashore. And Abu Jandal escaped and joined Abu Basir, until a band of them had gathered.

ʿAbd Allah ibn Yusuf narrated to us: Ahmad ibn al-Fath narrated to us: ʿAbd al-Wahhab narrated to us: Ahmad ibn Muhammed narrated to us: Ahmad ibn ʿAli narrated to us: Muslim ibn al-Hajjaj narrated to us: Abu Bakr ibn Abi Shaybah narrated to us: Abu Usamah narrated to us, from al-Walid ibn Jumayʿ: Abu al-Tufayl narrated to us: Hudhayfah ibn al-Yaman narrated to us, saying: "Nothing prevented me from taking part at Badr except that my father Husayl and I set out, and the unbelievers of Quraysh seized us. They said: 'You intend to join Muhammed.' We said: 'We do not intend to join him; we intend only to go to Medina.' They exacted from us a pledge

ثم قد نجاني الله منهم فقال له رسول الله صلى الله عليه وسلم ويل أمه مسعر حرب لو كان له أحد فلما سمع ذلك عرف أنه سيرده إليهم، فخرج حتى أتى سيف البحر، وتفلت أبو جندل فلحق بأبي بصير، حتى اجتمعت منهم عصابة. حدثنا عبد الله بن يوسف، نا أحمد بن الفتح، نا عبد الوهاب، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم بن الحجاج، نا أبو بكر بن أبي شيبة، نا أبو أسامة عن الوليد بن جميع، نا أبو الطفيل، نا حذيفة بن اليمان قال: ما منعني أن أشهد بدرا إلا أني خرجت أنا وأبي حسيل، فأخذنا كفار قريش، فقالوا: إنكم تريدون محمدا، فقلنا: ما نريده، ما نريد إلا المدينة، فأخذوا منا عهد الله وميثاقه لننصرفن إلى المدينة ولا نقاتل معه فأتينا رسول الله صلى الله عليه وسلم فأخبرناه الخبر فقال انصرفا نفي لهم بعهدهم ونستعين الله عليهم.

and covenant before Allah that we would go to Medina and would not fight alongside him. We came to the Messenger of Allah ﷺ and told him what had happened. He said: ‘Go on your way. We shall fulfill their covenant with them and seek Allah’s help against them.’”[8][9][10][11]

L1860–1863 Muhammed ibn Saʿid narrated to me: Nabat narrated to us: Ahmad ibn ʿAwn Allah narrated to us: Qasim ibn Asbagh narrated to us: Muhammed ibn ʿAbd al-Salam al-Khushani narrated to us: Muhammed ibn Bashshar narrated to us: Muhammed ibn Jaʿfar narrated to us: Shuʿbah narrated to us, from Abu Ishaq al-Sabiʿi and al-Hakam ibn ʿUtaybah, that the polytheists took Hudhayfah ibn al-Husayl ibn al-Yaman and his father captive and exacted an undertaking from them that they would not take part at Badr. They therefore asked the Prophet ﷺ and he permitted them not to take part.

ʿAbd Allah ibn Rabiʿ narrated to us: ʿUmar ibn ʿAbd al-Malik al-Khawlani narrated to us: Muhammed ibn Bakr narrated to us: Sulayman ibn al-Ashʿath narrated to us: Qabisah narrated to us: al-Layth narrated to us, from Muhammed ibn ʿAjlan, that a man from among the clients of ʿAbd Allah ibn ʿAmir ibn Rabiʿ al-ʿAdawi narrated to him, from ʿAbd Allah ibn ʿAmir, that he said: “My mother called me one day while the Messenger of

حدثني محمد بن سعيد، نا نبات، ثنا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد ابن عبد السلام الخشني، نا محمد بن بشار، نا محمد بن جعفر، نا شعبة عن أبي إسحاق السبيعي، والحكم بن عتيبة: أن حذيفة بن الحسيل بن اليمان وأباه، أسرهما المشركون، فأخذوا عليهما ألا يشهدا بدرا فسألا النبي صلى الله عليه وسلم فرخص لهما ألا يشهدا حدثنا عبد الله بن ربيع، نا عمر بن عبد الملك الخولاني، نا محمد بن بكر، نا سليمان بن الأشعث، نا قبيصة، نا الليث عن محمد بن عجلان، أن رجلا من موالي عبد الله بن عامر بن ربيع العدوي، حدثه عن عبد الله بن عامر أنه قال دعتني أمي يوما ورسول الله صلى الله عليه وسلم قاعد في بيتها فقالت ها تعال أعطك فقال لها رسول الله صلى الله عليه وسلم ما أردت أن تعطيه قالت أعطيه تمرا فقال لها رسول الله: أما إنك لو لم تعطيه شيئا كتبت عليك كذبة. حدثنا عبد الرحمن بن عبد الله بن خالد الهمداني، نا إبراهيم بن أحمد البلخي، نا الفربري، نا البخاري، نا بشربن مرحوم، نا يحيى بن سليم، عن إسماعيل بن أمية، عن سعيد بن أبي سعيد عن أبي هريرة عن النبي صلى الله عليه وسلم قال قال الله عز وجل ثلاثة أنا خصمهم يوم القيامة: رجل أعطى بي ثم غدر، ورجل باع حرا فأكل ثمنه، ورجل استأجر أجيرا فاستوفى منه ولم يعطه أجره. حدثنا عبد الرحمن بن عبد الله، نا إبراهيم بن أحمد، نا الفربري، نا البخاري، نا مسدد، نا يحيى بن سعيد هو القطان، نا شعبة، حدثني أبو حمزة، نا زهد بن مضرب قال سمعت عمران بن حصين يحدث عن النبي صلى الله عليه وسلم قال خيركم قرني ثم الذين يلونهم ثم الذين يلونهم، ثم يجيء قوم ينذرون ولا يفون، ويخونون ولا يؤتمنون

[8] **Translator’s note (L1854):** The wording rendered “one who has command over the public” is textually awkward: the supplied text has amr/amara ʿammah, apparently defective for amir ʿammah, “a commander over the public.” The supplied wording says “do not be heedless” (la taghfalu). It appears to be a transcription error for “do not misappropriate spoils” (la taghullu), but the supplied wording has been translated.

[9] **Translator’s note (L1857):** The opening completes the name ʿUrwah ibn al-Zubayr from the preceding segment. The text calls Abu Jandal “ibn Abi Sahl,” while identifying his father immediately afterward as Suhayl ibn ʿAmr. The inconsistent name has been preserved.

[10] **Translator’s note (L1858):** “Abu Basir came to him with a man from Quraysh” follows the supplied wording, which appears disrupted: the subsequent explanation and narrative concern men sent to recover Abu Basir. The supplied يأكون appears to be a transcription error for يأكلون, “they eat,” as reflected in the translation. “Woe to his mother!” renders a conventional Arabic exclamation; here it accompanies the description of Abu Basir as a formidable kindler of war.

[11] **Qur’an references (L1851):** Qur’an 16:95 (An-Nahl); Qur’an 6:152 (Al-An’am); Qur’an 17:34 (Al-Isra); Qur’an 76:7 (Al-Insan); Qur’an 2:270 (Al-Baqarah); Qur’an 9:75 (At-Tawbah); Qur’an 9:76 (At-Tawbah); Qur’an 9:77 (At-Tawbah).

Allah ﷺ was sitting in her house. She said: 'Here, come, and I will give you something.' The Messenger of Allah ﷺ said to her: 'What did you intend to give him?' She said: 'I will give him some dates.' The Messenger of Allah said to her: 'Indeed, had you not given him anything, a lie would have been recorded against you.'"

ʿAbd al-Rahman ibn ʿAbd Allah ibn Khalid al-Hamdani narrated to us: Ibrahim ibn Ahmad al-Balkhi narrated to us: al-Firabri narrated to us: al-Bukhari narrated to us: Bishr ibn Marhum narrated to us: Yahya ibn Sulaym narrated to us, from Ismaʿil ibn Umayyah, from Saʿid ibn Abi Saʿid, from Abu Hurayrah, from the Prophet ﷺ, who said: "Allah, Mighty and Majestic, said: 'There are three whose adversary I shall be on the Day of Resurrection: a man who gives a pledge in My name and then acts treacherously; a man who sells a free person and consumes his price; and a man who hires a worker, receives his work in full, and does not give him his wages.'"

ʿAbd al-Rahman ibn ʿAbd Allah narrated to us: Ibrahim ibn Ahmad narrated to us: al-Firabri narrated to us: al-Bukhari narrated to us: Musaddad narrated to us: Yahya ibn Saʿid—namely, al-Qattan—narrated to us: Shuʿbah narrated to us: Abu Hamzah narrated to me: Zahd ibn Mudarrib narrated to us, saying: I heard ʿImran ibn Husayn relate from the Prophet ﷺ that he said: "The best of you are my generation, then those who follow them, then those who follow them. Then there will come people who make vows and do not fulfill them, and who betray trusts and are not entrusted." He mentioned the rest of the report.

Through the same chain to al-Bukhari: Muhammed ibn Muqatil narrated to us: ʿAbd Allah ibn al-Mubarak informed us: ʿUbayd Allah ibn ʿUmar informed us, from Nafiʿ, from Ibn ʿUmar, who said: ʿUmar said: "O Messenger of Allah, during the time of pre-Islamic ignorance I vowed to spend a night in devotional seclusion in the Sacred Mosque." He said: "Fulfill your vow."

ʿAbd Allah ibn Rabiʿ narrated to us: Muhammed ibn Ishaq narrated to us: Ibn al-Aʿrabi narrated to us: Abu Dawud al-Sijistani narrated to us: Sulayman ibn Dawud al-Mahri narrated to us: Ibn Wahb narrated to us: Sulayman ibn Bilal narrated to me: Kathir ibn Zayd narrated to us, from al-Walid ibn

وذكر باقي الخبر. وبه إلى البخاري: نا محمد بن مقاتل، أنا عبد الله بن المبارك، أنا عبيد الله بن عمر، عن نافع، عن ابن عمر قال: قال عمر: يا رسول الله إني نذرت في الجاهلية أن أعتكف ليلة في المسجد الحرام قال: أوف بنذرك. حدثنا عبد الله بن ربيع، نا محمد بن إسحاق، نا ابن الأعرابي، نا أبو داود السجستاني، نا سليمان بن داود المهري، ثنا ابن وهب حدثني سليمان بن بلال، ثنا كثير بن زيد، عن الوليد بن رباح عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم المسلمون على شروطهم

Rabah, from Abu Hurayrah, who said: The Messenger of Allah, may Allah bless him and grant him peace, said: “Muslims are bound by their stipulated conditions.”[12][13][14][15]

L1864–1873 Al-Muhallab al-Asadi narrated to us: Ibn Munas narrated to us: Ibn Masrur narrated to us: Yunus ibn ʿAbd al-Aʿla narrated to us: Ibn Wahb narrated to us: Hisham ibn Saʿd narrated to us, from Zayd ibn Aslam, that the Messenger of Allah ﷺ said: “A believer’s promise is binding.” Through the same chain to Ibn Wahb: Ismaʿil ibn ʿAyyash informed me, from Abu Ishaq, that the Messenger of Allah ﷺ used to say: “Do not make your brother a promise and break it, for that engenders enmity between you and him.” Through the same chain to Ibn Wahb: al-Layth ibn Saʿid informed me, from ʿUqayl ibn Khalid, from Ibn Shihab, from Abu Hurayrah, that the Prophet ﷺ said: “Whoever says to a child, ‘Come, here is something for you,’ and then gives him nothing: that is a lie.”

They said: “These, then, are explicit texts that make what we have mentioned obligatory, unless an explicit text comes specifying an exception to some part of their general scope. That part is then excluded, while everything else remains permissible.”

Abu Muhammed said: We also found those who maintain the invalidity of every contract, every condition, every covenant, and every promise, except that which an explicit text has expressly permitted by name. They say: Allah, Mighty and Majestic, said: “Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah’s has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what

حدثنا المهلب الأسدي، نا ابن مناس، نا ابن مسرور، نا يونس بن عبد الأعلى، نا ابن وهب، نا هشام بن سعد عن زيد بن أسلم أن رسول الله صلى الله عليه وسلم قال وأي المؤمن واجب وبه إلى ابن وهب أخبرني إسماعيل بن عياش عن أبي إسحاق أن رسول الله صلى الله عليه وسلم كان يقول ولا تعد أخاك عدة وتخلفه فإن ذلك يورث بينك وبينه عداوة وبه إلى ابن وهب: أخبرني الليث بن سعيد عن عقيل بن خالد عن ابن شهاب عن أبي هريرة أن النبي صلى الله عليه وسلم قال من قال لصبي تعال هاه لك ثم لم يعطه شيئا فهي كذبة. قالوا: فهذه نصوص توجب ما ذكرنا، إلا أن يأتي نص بتخصيص شيء من عمومها فيخرج ويبقى ما عداه على الجواز. قال أبو محمد: ووجدنا من قال ببطلان كل عقد وكل شرط وكل عهد وكل وعد، إلا ما جاء نص بإجازته باسمه ويقولون قال الله عز وجل {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وقال تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافآ ألا يقيما حدود لله فإن خفتم ألا يقيما حدود لله فلا جناح عليهما فيما فتدت به تلك حدود لله فلا تعتدوها ومن يتعد حدود لله فأولئك هم لظالمون} وقال تعالى {ومن يعص لله ورسوله ويتعد حدوده يدخله نارا خالدا فيها وله عذاب مهين} حدثنا عبد الرحمن بن يوسف، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، ثنا أحمد بن

[12] **Translator’s note (L1861):** The supplied narrator’s name is زهد بن مضرب, rendered “Zahd ibn Mudarrib”; it appears to be a defective reading of the name usually given as Zahdam ibn Mudarrib. The final “Ibn” continues into “al-Aʿrabi” in the next segment.

[13] **Translator’s note (L1862):** The opening completes “Ibn al-Aʿrabi” from the preceding segment. The blessing at the end is incomplete here and continues in the next segment.

[14] **Translator’s note (L1863):** “And grant him peace” completes the blessing begun in the preceding segment. “Said” is positioned here in English to introduce the quotation; its Arabic equivalent occurs before the blessing in that preceding segment.

[15] **Hadith references (L1860):** Sahih al-Bukhari 2270.

you slaughter—and that which is sacrificed upon stone altars, and that you seek allotments by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—Allah is indeed forgiving, merciful." And He, Exalted, said: "Divorce is twice; then either retention on equitable terms or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they will not uphold Allah's limits. If you fear that the two will not uphold Allah's limits, there is no blame upon either of them concerning that with which she ransoms herself. Those are Allah's limits, so do not transgress them. Whoever transgresses Allah's limits—it is they who are the wrongdoers." And He, Exalted, said: "Whoever disobeys Allah and His Messenger and transgresses His limits, He will admit him into a Fire, abiding therein forever, and he shall have a humiliating punishment."

ʿAbd al-Rahman ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us: ʿAbd al-Wahhab ibn ʿIsa narrated to us: Ahmad narrated to us ibn Muhammed narrated to us: Ahmad ibn Ali narrated to us: Muslim ibn al-Hajjaj narrated to us: Abu Kurayb Muhammed ibn al-Ala al-Hamdani narrated to us: Abu Usamah narrated to us: Hisham ibn Urwah informed us, from his father, who said: Aishah, Mother of the Believers, informed me that the Messenger of Allah ﷺ delivered an address one evening. He praised Allah and extolled Him as He deserves, then said: "To proceed: what is the matter with people who stipulate conditions that are not in the Book of Allah? Any condition that is not in the Book of Allah is invalid, even if there are a hundred conditions. The Book of Allah has the greater right, and Allah's condition is more binding." Abd al-Rahman ibn Abd Allah ibn Khalid al-Hamdani narrated to us: Abu Ishaq al-Balkhi narrated to us: al-Firabri narrated to us: al-Bukhari narrated to us: Ali ibn Abd Allah narrated to us: Sufyan narrated to us, from Yahya—that is, Ibn Said al-Ansari—from Amrah bint Abd al-Rahman, from Aishah, Mother of the Believers, who said: The Messenger of Allah stood ﷺ upon the pulpit and said: "What is the mat-

محمد، نا أحمد بن علي، نا مسلم بن الحجاج، ثنا أبو كريب محمد بن العلاء الهمداني، ثنا أبو أسامة، أنبأنا هشام بن عروة، عن أبيه قال: أخبرتني عائشة أم المؤمنين أن رسول الله صلى الله عليه وسلم خطب عشية فحمد الله وأثنى عليه بما هو أهله، ثم قال: أما بعد، فما بال أقوام يشترطون شروطا ليست في كتاب الله، ما كان من شرط ليس في كتاب الله فهو باطل ولو كان مائة شرط، كتاب الله أحق وشرط الله أوثق. حدثنا عبد الرحمن بن عبد الله بن خالد الهمداني، ثنا أبو إسحاق البلخي، حدثنا الفربري، نا البخاري، نا علي بن عبد الله، نا سفيان، عن يحيى هو ابن سعيد الأنصاري، عن عمرة بنت عبد الرحمن، عن عائشة أم المؤمنين قالت قام رسول الله صلى الله عليه وسلم على المنبر فقال ما بال أقوام يشترطون شروطا ليست في كتاب الله، من اشترط شروطا ليس في كتاب الله فليس له، وإن شرط مائة شرط. قالوا: فهذه الآيات وهذا الخبر، براهين قاطعة في إبطال كل عهد وكل عقد وكل وعد وكل شرط ليس في كتاب الله الأمر به، أو النص على إباحة عقده، لأن العقود والعهود والأوعاد شروط، واسم الشرط يقع على جميع ذلك. قال أبو محمد: وأيضا فيقال لمن أوجب الوفاء بعقد أو عهد أو شرط أو وعد، ليس في نص القرآن أو السنة الثابتة إيجاب عقد وإنفاذه: إننا بالضرورة ندري أنه لا يخلو كل عقد وعهد وشرط ووعد التزمه أحد لأحد وجهين لا ثالث لهما: إما أن يكون في نص القرآن أو السنة إيجابه وإنفاذه، فإن كان كذلك فنحن لا نخالفكم في إنفاذ ذلك وإيجابه، وإنما أن يكون ليس في نص القرآن ولا في السنة إيجابه ولا إنفاذه، ففي هذا اختلفنا. فنقول لكم الآن: فإن كان هكذا فإنه ضرورة لا ينفك من أحد أربعة أوجه لا خامس لها أصلا: إما أن يكون فيه إباحة ما حرم الله تعالى في القرآن أو على لسان رسول الله صلى الله عليه وسلم فهذا عظيم لا يحل قال تعالى {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله

ter with people who stipulate conditions that are not in the Book of Allah? Whoever stipulates conditions that are not in the Book of Allah has no entitlement to them, even if he stipulates a hundred conditions." They said: These verses and this report are conclusive demonstrations of the invalidity of every covenant, every contract, every promise, and every condition for which the Book of Allah contains neither a command nor an explicit text permitting its conclusion, because contracts, covenants, and promises are conditions, and the term "condition" applies to all of these. Abu Muhammed said: Furthermore, one should say to anyone who makes fulfillment of a contract, covenant, condition, or promise obligatory when neither the text of the Quran nor the established Sunnah makes its conclusion and enforcement obligatory: We know by necessity that every contract, covenant, condition, and promise that someone undertakes toward someone else must fall into one of two categories, with no third: either the text of the Quran or the Sunnah makes it obligatory and enforceable—in which case we do not disagree with you about enforcing it and making it obligatory—or neither the text of the Quran nor the Sunnah makes it obligatory or enforceable. It is concerning this that we disagree. We now say to you: If this is so, it necessarily must fall into one of four categories, with absolutely no fifth. Either it involves permitting what Allah Most High has forbidden in the Quran or through the words of the Messenger of Allah ﷺ, and this is a grave matter that is impermissible. He Most High said: "Fight those who do not believe in Allah or in the Last Day, who do not forbid what Allah and His Messenger have forbidden, and who do not profess the religion of truth, among those who were given the Scripture, until they pay the tribute by hand while they are humbled." We then ask them about someone who undertakes, in his covenant, condition, contract, and promise, to make swine, mothers, and the killing of a person lawful. If he permits this, he has disbelieved; if he distinguishes between any of these things, he contradicts himself, speaks foolishly, and makes arbitrary, false pronouncements concerning religion. Or he has undertaken therein to forbid what Allah Most High has permitted in the Quran or through the words of His Messenger ﷺ, and this is a grave matter that is impermissible. He Most High said: "O Prophet, why do you forbid what Allah has made lawful for you, seeking the pleasure of your wives? And

ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون} ونسألهم حينئذ عمن التزم في عهده وشرطه وعقده ووعده، إحلال الخنزير والأمهات وقتل النفس، فإن أباح ذلك كفر، وإن فرق بين شيء من ذلك تناقض وسخف وتحكم في الدين بالباطل. وإما أن يكون التزم فيه تحريم ما أباحه الله تعالى في القرآن أو على لسان رسوله صلى الله عليه وسلم فهذا عظيم لا يحل قال تعالى {يأيها النبي لم تحرم مآ أحل الله لك تبتغي مرضاة أزواجك والله غفور رحيم} ونسألهم حينئذ عمن حرم الماء والخبز والزواج وسائر المباحات، وقد صح أن محرم الحلال كمحلل الحرام ولا فرق. وإما أن يكون التزم ما أوجبه الله تعالى في القرآن أو على لسان رسول الله صلى الله عليه وسلم فهذا عظيم لا يحل ونسألهم حينئذ عمن التزم في عهده وعقده وشرطه إسقاط الصلوات، وإسقاط صوم شهر رمضان وسائر ذلك، فمن أجاز ذلك فقد كفر، وإما أن يكون أوجب على نفسه ما لم يوجبه الله تعالى عليه، فهذا عظيم لا يحل، ونسألهم عمن التزم صلاة سادسة أو حج إلى غير مكة، أو في غير أشهر الحج، وكل هذه الوجوه تعد لحدود الله، وخروج عن الدين، والمفرق بين شيء من ذلك قائل في الدين بالباطل، نعوذ بالله من ذلك. فإن قد صح ما ذكرنا فلم يبق إلا الكلام على الآيات التي احتج بها أهل المقالة الأولى، وعلى الأحاديث التي شغبوا بإيرادها وبيان حكمها، حتى يتألف بعون الله تعالى ومنه مع هذه، فإن الدين كله واحد لا تخالف فيه قال الله عز وجل {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} فنقول وبالله تعالى نتأيد: إن كل ما ذكروا من ذلك فلا حجة لهم في شيء منه أما قول الله عز وجل {ولا تقربوا مال ليتيم إلا بلتي هي أحسن حتى يبلغ أشده وأوفوا بالعهد إن لعهد كان مسؤولا} و {كبر مقتا عند لله أن تقولوا ما لا تفعلون} {ولذين هم لأماناتهم وعهدهم راعون} {أوكلما عاهدوا عهدا نبذه فريق

Allah is forgiving, merciful." We then ask them about someone who forbids water, bread, marriage, and all other permitted things. It has been established that one who forbids what is lawful is like one who permits what is forbidden, with no distinction. Or he has undertaken what Allah Most High has made obligatory in the Quran or through the words of the Messenger of Allah—may Allah bless him and grant him peace—and this is a grave matter that is impermissible. We then ask them about someone who undertakes, in his covenant, contract, and condition, to abolish the prayers and to abolish fasting during the month of Ramadan, and everything else of that kind. Whoever permits this has disbelieved. Or he has imposed upon himself what Allah Most High has not imposed upon him, and this is a grave matter that is impermissible. We ask them about someone who undertakes a sixth prayer, or a pilgrimage to somewhere other than Mecca, or outside the months of pilgrimage. All these categories constitute transgression of Allah's limits and departure from the religion. Whoever distinguishes between any of these things speaks falsely concerning religion. We seek refuge in Allah from that. Since what we have mentioned has been established, all that remains is to discuss the verses adduced as evidence by the proponents of the first position, and the hadiths whose citation they used to stir up controversy, and to explain their ruling so that, with Allah Most High's assistance and favor, they harmonize with these. For the religion is all one, with no disagreement within it. Allah, mighty and majestic, said: "Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much disagreement within it." We say, seeking strength through Allah Most High: Nothing whatsoever among all that they have mentioned affords them any evidence. As for the words of Allah, mighty and majestic: "Do not approach the orphan's property except in the best manner, until he reaches his maturity. And fulfill the covenant: surely the covenant will be asked about"; and "It is greatly hateful in Allah's sight that you say what you do not do"; "And those who observe their trusts and their covenant"; "Is it that whenever they make a covenant, a party of them casts it aside? Rather, most of them do not believe"; "Righteousness is not that you turn your faces toward the east and the west; rather, righteousness is one who believes in Allah, the Last Day, the angels, the Scripture, and the prophets, and gives wealth,

منهم بل أكثرهم لا يؤمنون} {ليس لبر أن تولوا وجوهكم قبل لمشرق ولمغرب ولكن لبر من آمن بلله وليوم لآخر ولملائكة ولكتاب ولنبيين وآتى لمال على حبه ذوي لقربى وليتامى ولمساكين وبن لسبيل ولسآئلين وفي لرقاب وأقام لصلاة وآتى لزكاة ولموفون بعهدهم إذا عاهدوا ولصابرين في لبأسآء ولضراء وحين لبأس أولئك لذين صدقوآ وأولئك هم لمتقون} و {بلى من أوفى بعهده واتقى فإن الله يحب المتقين} و {إن لذين يبايعونك إنما يبايعون لله يد لله فوق أيديهم فمن نكث فإنما ينكث على نفسه ومن أوفى بما عاهد عليه لله فسيؤتيه أجرا عظيما} و {وذكروا نعمة لله عليكم وميثاقه لذي واثقكم به إذ قلتم سمعنا وأطعنا وتقوا لله إن لله عليم بذات لصدور} و {يوفون بلنذر ويخافون يوما كان شره مستطيرا} و {ومآ أنفقتم من نفقة أو نذرتم من نذر فإن لله يعلمه وما للظالمين من أنصار} و {وذكر في لكتاب إسماعيل إنه كان صادق لوعد وكان رسولا نبيا} والحديثان اللذان فيهم: أوف بنذرك، وذم الذين ينذرون ولا يوفون، والخبر فيم: أعطى بي ثم غدر، فإنها جمل قد جاء نص آخر يبين أنها كلها ليست على عمومها، ولكنها في بعض العهود، وبعض العقود، وبعض النذور وبعض الشروط وهي قول رسول الله صلى الله عليه وسلم لا نذر في معصية الله تعالى ولا فيما يملك العبد وقوله صلى الله عليه وسلم من نذر أن يطيع الله فليطعه ومن نذر أن يعصي الله تعالى فلا يعصه مع ما ذكرنا من قوله صلى الله عليه وسلم كل شرط ليس في كتاب الله فهو باطل فصح بهذه النصوص أن تلك الآيات والخبرين إنما هي فيمن شرط أو نذر أو عقد أو عاهد على ما جاء القرآن أو السنة بإلزامه فقط. وقد وافقنا المخالفون ههنا، على أن من نذر أو عقد أو عاهد أو شرط أن يزني أو يكفر أو يقتل مسلما ظلما، أو أن يأخذ مالا بغير حق أو أن يترك الصلاة فإنه لا يحل له الوفاء بشيء من ذلك، لأنه معصية، ولا فرق بين هذا وبين شرط وعاهد وعقد أن يضيع حدا، أو أن يبطل حقا

despite his love for it, to relatives, orphans, the needy, the wayfarer, those who ask, and for freeing those in bondage; and establishes prayer and gives the obligatory alms; and those who fulfill their covenant when they make a covenant, and those who are patient in hardship, affliction, and the time of battle. Those are the ones who have been truthful, and those are the ones who fear Allah"; and "Indeed, whoever fulfills his covenant and fears Allah—surely Allah loves those who fear Him"; and "Those who pledge allegiance to you are only pledging allegiance to Allah. Allah's hand is above their hands. Whoever breaks his pledge breaks it only to his own detriment; and whoever fulfills what he has covenanted with Allah, He will grant him a tremendous reward"; and "Remember Allah's favor upon you and His covenant by which He bound you, when you said, 'We hear and obey.' And fear Allah: surely Allah knows what is within the breasts"; and "They fulfill the vow and fear a day whose evil is widespread"; and "Whatever expenditure you make or vow you vow, surely Allah knows it, and the wrongdoers have no helpers"; and "Mention Ishmael in the Scripture: he was true to his promise, and he was a messenger, a prophet"; and the two hadiths containing "Fulfill your vow" and the condemnation of those who make vows and do not fulfill them; and the report concerning one who "gave a pledge in My name and then betrayed it—" these are statements for which another explicit text has come, explaining that none of them applies in its full generality, but that they concern certain covenants, certain contracts, certain vows, and certain conditions. That text is the saying of the Messenger of Allah ﷺ: "There is no vow in disobedience to Allah Most High, nor concerning what the servant owns"; and his saying ﷺ: "Whoever vows to obey Allah, let him obey Him; and whoever vows to disobey Allah Most High, let him not disobey Him"; together with his saying ﷺ that we have mentioned: "Every condition that is not in the Book of Allah is invalid." These explicit texts establish that those verses and the two reports concern only someone who stipulates a condition, makes a vow, concludes a contract, or makes a covenant concerning something that the Quran or the Sunnah has made binding. Our opponents have agreed with us here that if someone vows, contracts, covenants, or stipulates that he will commit unlawful sexual intercourse, disbelieve, kill a Muslim unjustly, take property without right, or abandon prayer, it is not lawful for him to fulfill

أو أن يمنع مباحا، والمفرق بين ذلك مبطل متناقض متحكم في الدين بالباطل، فارتفع الإشكال في هذا الباب جملة والحمد لله رب العالمين. وكذلك قول الله عز وجل {ولا تقولوا لما تصف ألسنتكم لكذب هذا حلال وهذا حرام لتفتروا على الله لكذب إن لذين يفترون على الله لكذب لا يفلحون * متاع قليل ولهم عذاب أليم} فهذا غاية البيان في صحة قولنا، والحمد لله رب العالمين. وباليقين ندري أن من حرم على نفسه أن يتزوج على امرأته، أو أن يتسرى عليها، أو ألا يرحلها، أو ألا يغيب عنها، فقد حرم ما أحل الله تعالى له: وما أمره تعالى به إذ يقول {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا}

any of that, because it is disobedience. There is no distinction between this and stipulating, covenanting, and contracting to neglect a prescribed limit, nullify a right, or prevent something permitted. Whoever distinguishes between these is advancing falsehood, contradicting himself, and making arbitrary, false pronouncements concerning religion. Thus the difficulty in this entire subject is removed, and praise belongs to Allah, Lord of the worlds. Likewise, the words of Allah, mighty and majestic: "Do not say, concerning the falsehood your tongues describe, 'This is lawful and this is forbidden,' so as to fabricate falsehood against Allah. Surely those who fabricate falsehood against Allah will not prosper. A little enjoyment—and they will have a painful punishment." This is the utmost clarification of the soundness of our position, and praise belongs to Allah, Lord of the worlds. We know with certainty that whoever forbids himself to marry another woman in addition to his wife, or to take a concubine in addition to her, or not to relocate her, or not to be absent from her, has forbidden what Allah Most High has made lawful for him and what He Most High has commanded him, when He says: "If you fear that you will not deal equitably with orphans, then marry such women as are pleasing to you, two, three, or four. But if you fear that you

will not act justly, then one, or those whom your right hands possess. That is more likely to keep you from acting unjustly."[16][17][18][19][20][21][22][23][24]

[16]**Translator's note (L1864):** The name الليث بن سعيد is rendered "al-Layth ibn Saʿid" as supplied; it appears to be an error for al-Layth ibn Saʿd. The Qurʾanic quotations correspond to 5:3, 2:229, and 4:14. The supplied transcription repeatedly omits initial alifs and has other defective spellings; the recognizable wording is translated without changing its substantive content. The final narrator's name continues as "Ahmad ibn Muhammed" in the following segment.

[17]**Translator's note (L1865):** The opening "ibn Muhammed" continues a transmitter's name from the preceding segment.

[18]**Translator's note (L1867):** The supplied wording وإنما أن يكون is syntactically awkward; the surrounding twofold division indicates the alternative rendered "or neither." "Making mothers lawful" refers elliptically to permitting sexual relations with mothers; the Arabic itself supplies no explanatory noun.

[19]**Translator's note (L1868):** The third alternative reads "undertaken what Allah … has made obligatory." The following condemnation and examples of abolishing obligatory prayers suggest that a word such as "abolishing" has been omitted from the Arabic. The supplied wording has been retained. The salutation ends mid-phrase and continues in the next unit.

[20]**Translator's note (L1869):** The opening completes the salutation begun in the preceding unit.

[21]**Translator's note (L1870):** The quotation beginning "Righteousness is not …" retains the Arabic's grammatical shift from the abstract "righteousness" to "one who believes," followed by plural descriptions.

[22]**Translator's note (L1871):** The final report is introduced by the irregular wording فيم أعطى بي ثم غدر, apparently referring to a person who gives a pledge in Allah's name and then betrays it. The translation makes that elliptical reference explicit.

[23]**Translator's note (L1873):** The first quoted report says "nor concerning what the servant owns." The familiar wording instead concerns what the servant does not own. The supplied Arabic lacks the negation, and its wording has been retained. The final list switches from forbidding oneself to marry or take a concubine to forbidding oneself "not to relocate her" and "not to be absent from her." These negatives make the construction awkward and appear contrary to the intended argument about conditions restricting otherwise permitted conduct; they have been retained.

وقال تعالى: {إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين} وقال عز وجل {إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين} وقال تعالى {عندها جنة لمأوى} وقال تعالى {هو لذي يسيركم في لبر ولبحر حتى إذا كنتم في لفلك وجرين بهم بريح طيبة وفرحوا بها جآءتها ريح عاصف وجآءهم لموج من كل مكان وظنوا أنهم أحيط بهم دعوا لله مخلصين له لدين لئن أنجيتنا من هذه لنكونن من لشاكرين} وكذلك من عاهد على تأمين من لا يحل تأمينه وعلى إبقاء مال في ملك من لا يحل له تملكه وعلى اسقاط حد الله تعالى أو قود، فإنه قد عقد على معصية، وسمى الحلال حراما،

L1874–1875 And He, exalted, said: “Except with their wives or those whom their right hands possess, for then they are not blameworthy.” And He, mighty and majestic, said: “Except with their wives or those whom their right hands possess, for then they are not blameworthy.” And He, exalted, said: “Near it is the Garden of Refuge.” And He, exalted, said: “He is the One who conveys you over land and sea, until, when you are aboard the ships and they sail with them in a pleasant wind, and they rejoice in it, a tempestuous wind comes upon them, and the waves come upon them from every place, and they think that they are surrounded, they call upon Allah, devoting their religion sincerely to Him: ‘If You deliver us from this, we shall surely be among the grateful.’” Likewise, whoever makes a covenant to grant protection to someone whom it is unlawful to grant protection, and to leave property in the ownership of someone for whom owning it is unlawful, and to waive a prescribed punishment of Allah, exalted, or legal retaliation, has undertaken a binding commitment to an act of disobedience and has called the lawful unlawful.[25][26]

والقرآن قد جاء بتكذيب من فعل ذلك وبنهيه عن ذلك، وهكذا ما لم يذكر ما ليس في القرآن أو السنة إمضاؤه ومن عجائب الدنيا احتجاج من احتج بالخبر الذي فيه أوف بنذرك، وهو أو مخالف لهذا الخبر، لأنه ورد في معنيين. أحدهما: الوفاء بما نذره المرء في جاهليته وكفره وهم لا يقولون بإنفاذ ذلك. والثاني: أنه ورد في اعتكاف ليلة، وهم لا يقولون بذلك فمن أعجب شأنا ممن يحتج بخبر عن النبي صلى الله عليه وسلم فيما ليس فيه منه شيء أصلا وهو قد عصى ذلك الخبر في كل ما فيه، ونعوذ بالله من هذه الأحوال، فليس في عكس الحقائق أكثر من هذا، وأما نحن فنلزم من نذر في كفره طاعة الله عز وجل، ثم أسلم أن يفي بما نذر من ذلك اتباعا لأمر رسول الله صلى الله عليه وسلم بذلك وكذلك من نذر اعتكاف ليلة فإنه يلزمه الوفاء به أيضا. ومما قدمنا قبل من نذر الباطل وعقده: من شرط لامرأته إن نكح عليها فالداخلة بنكاح طالق، وإن تسرى عليها فالسرية حرة، وإن غاب عنها مدة كذا أو أرحلها فأمرها بيدها

L1876–1880 The Quran has declared whoever does that a liar and forbidden him to do it. The same applies to what has not been mentioned, whose enforcement is not provided for in the Quran or the Sunnah. Among the wonders of this world is the argument of someone who invokes the report containing the words, “Fulfill your vow,” while he himself contradicts this report. For it concerns two matters: one is fulfilling what a person vowed during his state of pre-Islamic ignorance and unbelief, whereas they do not hold that this must be carried out; the second is that it concerns a night of devotional

[24] **Qur’an references (L1864):** Qur’an 5:3 (Al-Ma’idah); Qur’an 2:229 (Al-Baqarah); Qur’an 4:14 (An-Nisa); Qur’an 66:1 (At-Tahrim); Qur’an 4:82 (An-Nisa); Qur’an 17:34 (Al-Isra); Qur’an 61:3 (As-Saf); Qur’an 2:100 (Al-Baqarah); Qur’an 3:76 (Ali ’Imran); Qur’an 48:10 (Al-Fath); Qur’an 5:7 (Al-Ma’idah); Qur’an 76:7 (Al-Insan); Qur’an 2:270 (Al-Baqarah); Qur’an 16:116 (An-Nahl); Qur’an 16:117 (An-Nahl); Qur’an 37:182 (As-Saffat); Qur’an 4:3 (An-Nisa).

[25] **Translator’s note (L1874):** The first Quranic quotation is repeated verbatim in the supplied text; the repetition is retained. The quotation about the Garden of Refuge appears unrelated to the surrounding argument, but is translated as supplied.

[26] **Qur’an references (L1874):** Qur’an 23:6 (Al-Mu’minun); Qur’an 70:30 (Al-Ma’arij); Qur’an 10:22 (Yunus).

retreat, whereas they do not accept that. Who, then, is more astonishing than someone who invokes a report from the Prophet ﷺ in support of something of which it contains absolutely nothing, while himself disobeying that report in everything it contains? We seek refuge in Allah from such states. No reversal of realities could go further than this. As for us, we require someone who, during his unbelief, vowed an act of obedience to Allah, mighty and majestic, and then embraced Islam, to fulfill what he vowed of that, following the command of the Messenger of Allah ﷺ concerning it. Likewise, whoever vows a night of devotional retreat is also required to fulfill it. Among the invalid vows and commitments we mentioned earlier is the case of someone who stipulates for his wife that, if he marries another woman while married to her, the woman entering the marriage is divorced; that, if he takes a concubine while married to her, the concubine is free; and that, if he is absent from her for such-and-such a period or makes her relocate, her affair is in her own hands, so that she may divorce herself or retain the marriage. All of this consists of acts of disobedience, opposition to the command of Allah, exalted, and transgression of Allah's limits. For Allah, exalted, has never placed a woman's affair in her own hands, except solely in the case of an emancipated woman who has a husband. Rather, He has entrusted women's affairs to men and placed them in their hands. Thus He, exalted, said: "Men are in charge of women because Allah has favored some of them over others and because they spend of their wealth. Righteous women are therefore obedient, guarding in absence what Allah has guarded. As for those whose recalcitrance you fear, admonish them, abandon them in their beds, and strike them. Then, if they obey you, seek no way against them. Indeed, Allah is Most High, Great." And He entrusted divorce to men, not to women. Thus He, exalted, said: "O Prophet, when you divorce women, divorce them with regard to their waiting period, and count the waiting period. Fear Allah, your Lord. Do not expel them from their houses, nor should they leave, unless they commit a manifest indecency. Those are Allah's limits, and whoever transgresses Allah's limits has wronged himself. You do not know: perhaps Allah will bring about some matter after that." Nor has He instituted any divorce before marriage, or any emancipation before ownership. Whoever calls any of the rulings we have mentioned

تطلق نفسها أو تمسك، فكل هذا معاص وخلاف لأمر الله تعالى، وتعد لحدود الله، لأن الله تعالى لم يجعل قط أمر امرأة بيدها إلا المعتقة ولها زوج فقط، بل جعل أمر النساء إلى الرجال وبأيديهم فقال تعالى {لرجال قوامون على لنسآء بما فضل لله بعضهم على بعض وبمآ أنفقوا من أموالهم فلصالحات قانتات حافظات للغيب بما حفظ لله وللاتي تخافون نشوزهن فعظوهن وهجروهن في لمضاجع وضربوهن فإن أطعنكم فلا تبغوا عليهن سبيلا إن لله كان عليا كبيرا} وجعل الطلاق إلى الرجال لا إلى النساء فقال تعالى {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود لله ومن يتعد حدود لله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد ذلك أمرا} ولم يجعل طلاقا قبل نكاح، ولا عتقا قبل ملك، فمسمى كل حكم مما ذكرنا حلالا، مفتر على الله تعالى، منهي عن كل ذلك، فصح أنها عقود باطل لا يصح شيء منها. وكذلك بين الله تعالى حكم الطلاق، فجعله في كل حال واقعا إذا وقع حيث أطلق الله تعالى إيقاعه، وغير واقع حيث لم يطلق الله تعالى إيقاعه، فمن طلق إلى أجل أو أخرج طلاقه أو عتاقه مخرج اليمين فقد تعدى حدود الله تعالى، وليس شيء من ذلك طلاقا واقعا، ولا عتاقا واقعا أصلا، لا حين يوقعه مخالفا لأمر الله تعالى، ولا حيث لا يوقعه أصلا، وهذا بيان لا يحيل على من نصح نفسه وبالله التوفيق. قال أبو محمد ثم نظرنا فيما احتجوا به من قوله عز وجل {لذين ينقضون عهد لله من بعد ميثاقه ويقطعون مآ أمر لله به أن يوصل ويفسدون في لأرض أولئك هم لخاسرون} و {وجعلنا لكم فيها معايش ومن لستم له برازقين} {ولا تشتروا بعهد لله ثمنا قليلا إنما عند لله هو خير لكم إن كنتم تعلمون} {ولا تقربوا مال ليتيم إلا بلتي هي أحسن حتى يبلغ أشده وأوفوا لكيل ولميزان بلقسط لا نكلف نفسا إلا وسعها وإذا قلتم فعدلوا ولو كان ذا قربى

lawful fabricates a lie against Allah, exalted, and is forbidden all of that. It is thus established that these are invalid commitments, none of which is valid. Likewise, Allah, exalted, has explained the ruling on divorce, making it effective in every case when it is pronounced where Allah, exalted, has permitted its pronouncement, and ineffective where Allah, exalted, has not permitted its pronouncement. Thus, whoever pronounces a divorce to take effect at a specified time, or casts his declaration of divorce or emancipation in the form of an oath, has transgressed the limits of Allah, exalted. None of that constitutes an effective divorce or an effective emancipation at all: neither when he pronounces it in opposition to the command of Allah, exalted, nor where he does not pronounce it at all. This is an exposition that will not elude anyone who is sincere with himself. Success comes through Allah. Abu Muhammed said: Then we examined what they adduced as evidence from His words, mighty and majestic: "Those who break Allah's covenant after its confirmation, sever what Allah has commanded to be joined, and spread corruption on earth: those are the losers"; and: "We have made for you therein means of livelihood, and those for whom you are not providers"; and: "Do not exchange Allah's covenant for a paltry price. What is with Allah is better for you, if you know"; and: "Do not approach the orphan's property except in the best manner, until he reaches maturity. Give full measure and weight with equity. We burden no soul beyond its capacity. When you speak, be just, even if it concerns a relative; and fulfill Allah's covenant. That is what He has enjoined upon you, so that you may take heed." We found these verses to provide the clearest exposition of the correctness of our position: "Praise belongs to Allah, Lord of the worlds." For Allah's covenant is precisely something ascribed to Allah, exalted, and nothing may be ascribed to Allah, mighty and majestic, except what He has commanded, not what He has forbidden. Whatever is contrary to this is the covenant of Iblis, not the covenant of Allah, exalted. Whoever ascribes it to Allah, exalted, has lied against Him. Then we examined their argument from the words of Allah, exalted: "If you fear treachery from a people, cast their covenant back to them on equal terms. Indeed, Allah does not love the treacherous." We found this to be evidence for us against them, because Allah, exalted, did not command him, peace be upon him, to persist in a covenant with those from whom he

وبعهد الله أوفوا ذلكم وصاكم به لعلكم تذكرون} فوجدنا هذه الآيات في غاية البيان في صحة قولنا {لحمد لله رب لعالمين} لأن عهد الله إنما هو مضاف إلى الله تعالى، ولا يضاف إلى الله عز وجل إلا ما أمر به لا ما نهى عنه. وما كان خلاف هذا فهو عهد إبليس لا عهد الله تعالى، ومن أضافه إلى الله تعالى فقد كذب عليه. ثم نظرنا في احتجاجهم بقول الله تعالى {وإما تخافن من قوم خيانة فنبذ إليهم على سوآء إن لله لا يحب لخائنين} فوجدنا حجة لنا عليهم لأن الله تعالى لم يأمره عليه السلام بالتمادي على عهد من خاف منه خيانة، بل ألزمه تعالى أن ينبذ إليهم عهدهم، فصح أن كل عهد أمر الله عز وجل بنبذه وطرحه، فهو عهد منقوض مرفوض لا يحل التمادي عليه. ثم نظرنا فيما احتجوا به من قول الله عز وجل {ومنهم من عاهد لله لئن آتانا من فضله لنصدقن ولنكونن من لصالحين * فلما آتاهم من فضله بخلوا به وتولوا وهم معرضون * فأعقبهم نفاقا في قلوبهم إلى يوم يلقونه بما أخلفوا لله ما وعدوه وبما كانوا يكذبون} فوجدناه لا حجة لهم فيه، لأن هؤلاء قوم عاهدوا الله عز وجل لئن رزقهم مالا ليصدقن وليكونن من الصالحين، وهذا فرض على كل أحد، لأن الصدقة اسم يقع على الزكاة وعلى التطوع، فواجب حمله على عمومه ما لم يمنع من شيء منه نص، فدخل في ذلك مانع الزكاة وهذه كبيرة، وكذلك سائر فروض المال.

feared treachery. Rather, He, exalted, required him to cast their covenant back to them. It is thus established that every covenant which Allah, mighty and majestic, has commanded to be cast aside and discarded is a covenant annulled and rejected, in which it is unlawful to persist. Then we examined what they adduced as evidence from the words of Allah, mighty and majestic: "Among them are those who made a covenant with Allah: 'If He gives us of His bounty, we shall surely give charity and surely be among the righteous.' But when He gave them of His bounty, they were miserly with it and turned away in aversion. So He caused hypocrisy to follow in their hearts until the day they meet Him, because they broke what they had promised Allah and because they used to lie." We found that this contains no evidence for them, because these were people who made a covenant with Allah, mighty and majestic, that, if He provided them with wealth, they would surely give charity and surely be among the righteous. This is obligatory upon everyone, because charity is a term that applies both to obligatory alms and to voluntary giving. It must therefore be construed in its general scope unless a text excludes some part of it. Thus, someone who withholds obligatory alms is included in this, and that is a major sin; the same applies to all other financial obligations[27][28][29]

L1881–1886 while voluntary charity is excluded from it because it is a vow concerning something he does not yet possess. Likewise, being among the righteous is

وخرج منه صدقة التطوع لأنه نذر فيما لا يملك بعد، وكذلك كون المرء من الصالحين فرض عليه، نذره أو لم ينذره وقد قال تعالى {ولا يحسبن لذين يبخلون بمآ آتاهم لله من فضله هو خيرا لهم بل هو شر لهم سيطوقون ما بخلوا به يوم لقيامة ولله ميراث لسماوات ولأرض ولله بما تعملون خبير} فهذا حكم من بخل بفرائض المال من الزكاة وغيرها، مما جاءت بإيجابه النصوص. حدثنا عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا زهير بن حرب، ثنا إسماعيل بن إبراهيم هو ابن علية ثنا أيوب هو السختياني عن أبي قلابة، عن أبي المهلب عن عمران بن الحصين أن رسول الله صلى الله عليه وسلم قال لا وفاء لنذر في معصية ولا فيما لا يملك العبد. حدثنا عبد الرحمن بن عبد الله،

[27] **Translator's note (L1876):** The wording وهكذا ما لم يذكر ما ليس في القرآن أو السنة إمضاؤه is syntactically awkward. The translation takes it to extend the argument to unmentioned commitments whose enforcement lacks authorization in the Quran or Sunnah. The supplied أو contains an apparently corrupt وهو أو مخالف لهذا الخبر. The translation renders the intelligible sense, 'while he himself contradicts this report,' without assigning a meaning to the stray word.

[28] **Translator's note (L1879):** The quotation about means of livelihood and those for whom the addressees do not provide appears unrelated to the surrounding discussion of covenants. It is retained as supplied. The supplied لا يحيل is an unusual reading in this context. 'Will not elude' conveys the apparent intended sense; the wording may be corrupt.

[29] **Qur'an references (L1876):** Qur'an 4:34 (An-Nisa); Qur'an 65:1 (At-Talaq); Qur'an 2:27 (Al-Baqarah); Qur'an 13:25 (Ar-Ra'd); Qur'an 15:20 (Al-Hijr); Qur'an 16:95 (An-Nahl); Qur'an 6:152 (Al-An'am); Qur'an 17:34 (Al-Isra); Qur'an 8:58 (Al-Anfal); Qur'an 9:75 (At-Tawbah); Qur'an 9:76 (At-Tawbah); Qur'an 9:77 (At-Tawbah).

obligatory for a person, whether he vows it or does not vow it. Allah Most High has said: {Let those who are miserly with what Allah has given them of His bounty not suppose that it is good for them. Rather, it is bad for them. What they withheld through miserliness will be fastened around their necks on the Day of Resurrection. To Allah belongs the inheritance of the heavens and the earth, and Allah is fully aware of what you do.} This, then, is the ruling concerning someone who is miserly with obligatory financial dues, including obligatory alms and the other dues whose obligation is established by the texts.

Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Zuhayr ibn Harb related to us: Ismail ibn Ibrahim—namely, Ibn Ulayyah—related to us: Ayyub—namely, al-Sakhtiyani—related to us, from Abu Qilabah, from Abu al-Muhallab, from Imran ibn al-Husayn, that the Messenger of Allah ﷺ said: "There is no fulfilling a vow involving disobedience, nor one concerning something the servant does not possess."

Abd al-Rahman ibn Abd Allah related to us: Ibrahim ibn Ahmad related to us: al-Firabri related to us: al-Bukhari related to us: Musa ibn Ismail related to us: Wuhayb related to us: Ayyub related to us, from Ikrimah, from Ibn Abbas, who said: "While the Prophet ﷺ was delivering a sermon, there was a man standing. He asked about him, and they said: 'Abu Israil. He has vowed to stand and not sit down, not seek shade, not speak, and to fast.' The Prophet ﷺ said: 'Tell him to speak, seek shade, sit down, and complete his fast.'"

Through the same chain to al-Bukhari: Abu Asim and Abu Nuaym related to us, both from Malik, from Talhah ibn Abd al-Malik, from al-Qasim ibn Muhammed, from Aishah, Mother of the Believers, who said: "The Prophet ﷺ said: 'Whoever vows to obey Allah, let him obey Him; and whoever vows to disobey Him, let him not disobey Him.'"

Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad

ثنا إبراهيم بن أحمد، ثنا الفربري، ثنا البخاري، ثنا موسى بن إسماعيل، ثنا وهيب، ثنا أيوب عن عكرمة عن ابن عباس قال بينما النبي صلى الله عليه وسلم يخطب إذا برجل قائم فسأل عنه فقالوا أبو إسرائيل نذر أن يقوم ولا يقعد ولا يستظل ولا يتكلم ويصوم فقال النبي صلى الله عليه وسلم مره فليتكلم وليستظل وليقعد وليتم صومه. وبه إلى البخاري، ثنا أبو عاصم وأبو نعيم كلاهما عن مالك، عن طلحة بن عبد الملك، عن القاسم بن محمد عن عائشة أم المؤمنين قالت قال النبي صلى الله عليه وسلم من نذر أن يطيع الله فليطعه ومن نذر أن يعصيه فلا يعصه. حدثنا عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا ابن أبي عمر العدني، ثنا مروان بن معاوية الفزاري ثنا حميد حدثني ثابت عن أنس أن نبي الله صلى الله عليه وسلم رأى شيخا يتهادى بين ابنيه فقال ما بال هذا؟ قالوا: نذر أن يمشي، قال: إن الله عن تعذيب هذا لنفسه لغني وأمره أن يركب. ثم نظرنا فيما احتجوا به من قول رسول الله صلى الله عليه وسلم إن إخلاف الوعد خصلة من خصال النفاق فوجدناهم لا حجة لهم فيه. أول ذلك الحنفيين والمالكيين المخالفين لنا في كثير من هذا الباب مع عظيم تناقضهم في ذلك مجمعون على أن من قال لآخر: لأهبن لك غدا دينارا، أو سأهبك اليوم هذا الثوب، وما أشبه هذا، فإنه لا يقضي عليه بشيء من ذلك عندهم، فهم أول تارك لما احتجوا به، وأما نحن فإننا رأينا الله عز وجل قد أسقط الحكم عمن وعد آخر أن يعطيه شيئا سماه، وأكد ذلك باليمين بالله تعالى: ثم لم يفعل، فلم يلزمه الله عز وجل إلا كفارة اليمين فقط، لا الوفاء بما وعد، ولم يجعل عليه في ذلك ملامة، ثم وجدنا الله تعالى يقول: {ولا تقولن لشيء إني فاعل ذلك غدا * إلا أن يشآء لله وذكر ربك إذا نسيت وقل عسى أن يهدين

ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Ibn Abi Umar al-Adani related to us: Marwan ibn Muawiyah al-Fazari related to us: Humayd related to us: Thabit related to me, from Anas, that the Prophet of Allah ﷺ saw a generous man being supported as he walked between his two sons. He said: "What is the matter with this man?" They said: "He has vowed to walk." He said: "Allah has no need of the torment this man inflicts upon himself," and he ordered him to ride. Then we examined what they adduced as evidence from the statement of the Messenger of Allah ﷺ that breaking a promise is a trait among the traits of hypocrisy, and we found that they had no proof in it. The first point is that the Hanafis and Malikis who disagree with us on much of this subject, despite their great inconsistency in it, unanimously agree that if someone says to another, "I shall certainly give you a dinar tomorrow," or, "I shall give you this garment today," or something similar, no judicial ruling compelling any of that is issued against him according to them. Thus they are the first to abandon what they adduce as evidence.

As for us, we have seen that Allah, Mighty and Majestic, has removed the binding ruling from someone who promises another that he will give him something he specifies, confirms that with an oath by Allah Most High, and then does not do it. Allah, Mighty and Majestic, has imposed upon him only expiation for the oath, not fulfilment of what he promised, and has attached no blame to him in that regard. Then we found Allah Most High saying: {And never say of anything, "I shall do that tomorrow," except that Allah wills. And remember your Lord when you forget, and say, "Perhaps my Lord will guide me to something nearer than this to right guidance."} This establishes that anyone who makes a promise without saying, "If Allah wills," is disobedient to Allah, Mighty and Majestic, and contravenes His command. Since his saying that constitutes disobedience to Allah Most High, it is rejected and without legal effect.

Then we found that if he makes a promise and says, "If Allah wills," he has made Allah Most High's will an exception. We know by necessity that everything Allah Most High wills to occur inevitably occurs. Allah, Mighty and Majestic, has said: {His command, when He desires a thing, is only to say to

ربي لأقرب من هذا رشدا} فصح بهذا أن من وعد وعدا ولم يقل إن شاء الله، فهو عاص لله عز وجل، مخالف لأمره، وإذا كان قوله ذلك معصية لله تعالى فهو مردود غير نافذ. ثم إننا وجدناه إن وعد وقال: إن شاء الله، فقد استثنى مشيئة الله تعالى، وبالضرورة ندري أن كل ما شاء الله تعالى كونه فهو واقع لا محالة، قال الله عز وجل: {إنما أمره إذا أراد شيئا أن يقول له كن فيكون} وأن كل ما لم يكن فإن الله تعالى لم يشأ كونه، فإذا لم يفت هذا الواعد بما وعد ولو يوجبه إلا أن يشاءه الله تعالى، فقد أيقنا ضرورة أن الله تعالى لم يشأ كونه فلم يخالفه عقده، لأنه لم يوجبه إلا بمشيئة الله تعالى لم يشأها عز وجل. فصح بهذا يقينا أن الوعد الذي يكون إخلافه خصلة من خصال النفاق، إنما هو الوعد بما افترض الله تعالى الوفاء به، وألزم فعله وأوجب كونه، كالديون الواجبة، والأمانات الواجب أداؤها، والحقوق المفترضة فقط، لا ما عدا ذلك، فإن هذه الوجوه قد أوجب الله تعالى الوعيد على العاصي في ترك أدائها، وأوقع الملامة على المانع منها، وأمر بأدائها، وإن كان عز وجل لم يرد كون ما لم يكن منها، ولا حجة لنا على الله تعالى، بل لله الحجة البالغة، فلو شاء الله لهداكم أجمعين، ووجدناهم أيضا قد أجمعوا على أن الوصايا أوعاد يعدها الموصي ثم يختلفوا أن له الرجوع عنها إن شاء إلا العتق، فإنهم قد اختلفوا في جواز الرجوع عنه.

it, "Be," and it is.} And everything that has not occurred is something Allah Most High has not willed to occur. Thus, if this promiser does not fulfil what he promised, having made it obligatory only if Allah Most High should will it, we know with necessary certainty that Allah Most High did not will its occurrence. His undertaking therefore has not contravened it, because he made it obligatory only through Allah Most High's will, which He, Mighty and Majestic, did not will. This establishes with certainty that the promise whose breach constitutes a trait among the traits of hypocrisy is exclusively a promise concerning something whose fulfilment Allah Most High has made obligatory, whose performance He has required, and whose occurrence He has prescribed: debts that are due, trusts that must be discharged, and obligatory rights alone, to the exclusion of anything else. For in these matters Allah Most High has prescribed a threat of punishment against the person who disobeys by failing to discharge them, has attached blame to the person who withholds them, and has commanded their discharge, even though He, Mighty and Majestic, did not desire the occurrence of those among them that did not occur. We have no argument against Allah Most High; rather, to Allah belongs the conclusive argument. Had Allah willed, He would have guided you all. We also found that they unanimously agree that testamentary bequests are promises made by the testator; then they disagree that he may

revoke them if he wishes, except for emancipation, concerning which they have disagreed over whether revocation is permissible.[3031323334]

L1887–1898 All of this amounts to their returning to our position and contradicting their own position. As for us, we have not permitted revocation of emancipation stipulated in a testamentary bequest, because it is a binding undertaking that Allah Most High has encouraged and represented as desirable. Anything of this kind may not be revoked, because it is an undertaking that becomes binding when a person commits himself to it. It therefore lapses only through an explicit text, and there is no explicit text permitting its revocation. Deferred emancipation is permissible, unlike deferred gifts and all other deferred contracts, because deferral is a condition, and only what is in the Book of Allah Most High is permissible. Since it is authentically established that the Prophet ﷺ sold a slave whose emancipation had been stipulated to occur upon his owner's death, without disapproving of that stipulation, it is established that emancipation at a specified future time is a condition in the Book of Allah Most High. It is therefore effective and

وهذا كله رجوع منهم إلى قولنا، وتناقض في قولهم: وأما نحن فلم نجز الرجوع في العتق في الوصية، لأنه عقد حض الله تعالى عليه وغبط به، وما كان هكذا فلا يجوز الرجوع فيه، لأنه عقد قد لزم إذا التزمه فلا يسقط إلا بنص، ولا نص في جواز الرجوع فيه، والعتق المؤجل جائز بخلاف الهبات المؤجلة، وسائر العقود المؤجلة، لأن التأجيل شرط فلا يجوز إلا ما في كتاب الله تعالى فلما صح أن النبي صلى الله عليه وسلم باع المدبر ولم ينكر التدبير صح أن العتق إلى أجل شرط في كتاب الله تعالى، فهو نافذ لازم لا رجوع فيه، بخلاف سائر العقود المؤجلة التي لا نص في إجازتها وأما الكلام في قوله صلى الله عليه وسلم كان منافقا خالصا وكانت فيه خصلة من النفاق فإن رسول الله صلى الله عليه وسلم لم يقل فيه إنه يكون كافرا والمنافق أصله من نافقاء اليربوع، وهو باب يعده اليربوع في جحره مخفيا مغطى بالتراب، فلما كان المسر للكفر، المظهر للإيمان، يبطن غير ما يظهر، سمي منافقا لما ذكرناه، فليس كل منافق كافرا، إنما المنافق الكافر الذي يسر الكفر ويظهر الإيمان، وأما من أسر شيئا ما، وأظهر غيره ففعله نفاق وليس كفرا، وهو بذلك الفعل منافق لا كافر، فلما كان من إذا عاهد غدر، وإذا خاصم فجر، وإذا وعد أخلف، وإذا ائتمن خان، يسرون خلاف ما يظهرون، ويقولون ما لا يفعلون، كان فعلهم ذلك نفاقا، وكانوا بذلك منافقين، ومما يصح هذا: أن المرتد عن الإسلام إلى الكفر حكمه القتل، وهؤلاء المذكورون من المخاصم الفاجر، والواعد المخلف، والمعاهد الغادر، والمؤتمن الخائن، والكذاب في حديثه، لا قتل عليهم، لأنه لا نص في قتلهم، ولا قال به أحد فضلا عن أن يكون فيه إجماع. فصح ما قلناه. والحمد لله رب العالمين. ثم نظرنا فيما احتجوا به من قول رسول الله صلى الله عليه وسلم أن لكل غادر لواء يوم القيامة فهو داخل في هذا الخبر

[30] **Translator's note (L1882):** The supplied reading سخيا means "a generous man." In this context it appears to be a corruption of شيخا, "an old man"; the translation preserves the supplied reading.

[31] **Translator's note (L1885):** The wording لم يفت هذا الواعد بما وعد ولو يوجبه is corrupt or defective. The translation gives the contextually indicated sense, "does not fulfil ... having made it obligatory only," but this requires reading something like لم يفِ ... ولم يوجبه rather than the supplied wording. Literally, لم يفت suggests "did not pass/miss," while ولو means "even if." The pronoun in فلم يخالفه عقده, rendered "His undertaking therefore has not contravened it," has an unclear antecedent in the supplied text. The phrase لم يشأها, rendered "which ... did not will," grammatically refers back to "will"; its awkwardness is retained.

[32] **Translator's note (L1886):** The supplied ثم يختلفوا, translated "then they disagree," is grammatically defective and conflicts with the ensuing exception and argument. A missing negative, giving ثم لم يختلفوا, "then they did not disagree," appears likely, but has not been silently inserted.

[33] **Hadith references (L1881):** Sahih al-Bukhari 6696; Sahih al-Bukhari 6700; Mishkat al-Masabih 3427.

[34] **Qur'an references (L1881):** Qur'an 3:180 (Ali 'Imran); Qur'an 18:23 (Al-Kahf); Qur'an 18:24 (Al-Kahf); Qur'an 36:82 (Ya-Sin).

binding, with no possibility of revocation, unlike all other deferred contracts for whose permissibility there is no explicit text.

As for discussing his ﷺ statements, "He is a pure hypocrite," and, "He has a trait of hypocrisy," the Messenger of Allah ﷺ did not say in them that such a person becomes an unbeliever. The word "hypocrite" derives originally from the jerboa's concealed exit: an opening the jerboa prepares in its burrow, hidden and covered with earth. Since someone who conceals unbelief while displaying faith inwardly harbours something other than what he displays, he is called a hypocrite for the reason we have mentioned. Thus, not every hypocrite is an unbeliever. The hypocrite who is an unbeliever is specifically the one who conceals unbelief and displays faith. As for someone who conceals something of any kind and displays something else, his action is hypocrisy, not unbelief; through that action he is a hypocrite, not an unbeliever. Thus, since those who betray when they make a covenant, act wickedly when they dispute, break their promises when they promise, and betray a trust when they are entrusted conceal the opposite of what they display and say what they do not do, that action of theirs is hypocrisy, and through it they are hypocrites. Something that confirms this is that the ruling concerning someone who apostatizes from Islam into unbelief is execution, whereas these people who have been mentioned—the person who acts wickedly in a dispute, the promiser who breaks his promise, the covenant-maker who betrays his covenant, the entrusted person who betrays his trust, and the person who lies in his speech—are not subject to execution, because there is no explicit text prescribing their execution, nor has anyone advocated it, let alone there being a consensus concerning it. Thus what we have said is established, and praise belongs to Allah, Lord of the worlds.

Then we examined what they adduced as evidence from the statement of the Messenger of Allah ﷺ that every betrayer will have a banner on the Day of Resurrection. This falls within the foregoing report. The same applies to his ﷺ statement, reporting from Allah Most High, that He is the adversary of someone who gives a pledge in His name, Most High, and then betrays it. All of this concerns only someone who makes a covenant concerning an obligatory right—a covenant Allah Most High has expressly commanded in

المتقدم وكذلك قوله صلى الله عليه وسلم عن الله تعالى أنه خصم من أعطى به تعالى ثم غدر وإنما ذلك كله فيمن عاهد على حق واجب عهدا أمر الله تعالى به نصا في القرآن أو على لسان رسوله صلى الله عليه وسلم ثم غدر فهذا عظيم جدا وكذلك من وعد بأداء دين واجب عليه، وأداء أمانة قبله، ثم أخلف فهي معصية نعوذ بالله تعالى منها، وليس كذلك من عاهد أو وعد على معصية أو بمعصية، كمن عاهد آخر على الزنى، أو على هدم الكعبة، أو على قتل مسلم، أو على ترك الصلاة، أو على ما ذكرنا قبل من إيجاب ما لم يجب، أو اسقاط ما يجب أو تحريم ما أحل الله تعالى: أو إحلال ما حرم الله تعالى، أو وعد بشيء من ذلك، فهذا كله هو الحرام المفسوخ المردود، وبالله تعالى التوفيق. وهكذا القول فيما احتجوا به من قول رسول الله صلى الله عليه وسلم أحق الشروط أن توفوا به ما استحللتم به الفروج فإنما هذا بلا شك في الشروط التي أمر الله تعالى أن يستحل بها الفروج، من الصداق المباح ملكه الواجب إعطاؤه، والنفقة والكسوة والإسكان والمعاشرة بالمعروف، وتدك المضارة أو التسريح بإحسان لا بما نهى الله تعالى عن أن يستحل به الفروج من الشروط المفسدة من تحليل حرام أو تحريم حلال، أو إسقاط واجب أو إيجاب ساقط. حدثنا عبد الرحمن بن عبد الله بن خالد، ثنا إبراهيم بن أحمد البلخي، ثنا الفربري، ثنا البخاري، ثنا عبيد الله بن موسى، عن زكريا بن أبي زائدة، عن سعد بن إبراهيم بن عبد الرحمن بن عوف، عن أبي سلمة بن عبد الرحمن بن عوف عن أبي هريرة عن النبي صلى الله عليه وسلم قال لا يحل لامرأة أن تسأل طلاق أختها لتستفرغ صحفتها، فإنما لها ما قدر لها. وبه إلى البخاري، ثنا محمد بن عرعرة، عن شعبة، عن عدي بن ثابت، عن أبي حازم عن أبي هريرة قال نهى رسول الله صلى الله عليه وسلم عن التلقي وأن يبتاع المهاجر للأعرابي وأن تشترط المرأة طلاق أختها وذكر باقي الحديث فصح أن اشتراط المرأة

the Quran or through the words of His Messenger ﷺ—and then betrays it. This is exceedingly grave. Likewise, if someone promises to discharge a debt he owes or a trust in his keeping and then breaks his promise, that is disobedience from which we seek refuge in Allah Most High. Such is not the case with someone who makes a covenant or promise concerning or involving disobedience, such as someone who covenants with another to commit unlawful sexual intercourse, demolish the Kaaba, kill a Muslim, abandon prayer, or do what we mentioned previously: impose an obligation where none is obligatory, remove what is obligatory, or prohibit what Allah has made lawful Most High, or permitting what Allah Most High has forbidden, or promises any such thing: all of this is forbidden, annulled, and rejected. Success comes through Allah Most High. The same applies to what they adduce from the statement of the Messenger of Allah ﷺ: "The conditions most deserving of your fulfillment are those through which you have made sexual relations lawful." This undoubtedly concerns only the conditions through which Allah Most High has commanded that sexual relations be made lawful: a bridal payment that may lawfully be owned and must be given; maintenance, clothing, housing, living together honorably, and abandoning harmful treatment; or releasing the wife graciously. It does not concern the invalidating conditions through which Allah Most High has forbidden sexual relations to be made lawful: permitting something forbidden, forbidding something lawful, waiving an obligation, or imposing something that is not obligatory. Abd al-Rahman ibn Abd Allah ibn Khalid related to us: Ibrahim ibn Ahmad related to us al-Balkhi: al-Firabri related to us: al-Bukhari related to us: Ubayd Allah ibn Musa related to us, from Zakariyya ibn Abi Zaʾida, from Saʿd ibn Ibrahim ibn Abd al-Rahman ibn Awf, from Abu Salama ibn Abd al-Rahman ibn Awf, from Abu Hurayra, from the Prophet ﷺ, who said: "It is not lawful for a woman to request her sister's divorce in order to empty her dish, for she will have only what has been decreed for her." Through the same chain to al-Bukhari: Muhammed ibn Arʿara related to us, from Shuʿba, from Adi ibn Thabit, from Abu Hazim, from Abu Hurayra, who said: "The Messenger of Allah ﷺ forbade intercepting incoming traders, an Emigrant purchasing on behalf of a Bedouin, and a woman stipulating her sister's divorce." He mentioned the remainder of the report. Thus it is established that a woman's

في نكاحها طلاق غيرها ممن هي في عصمة الناكح لها، أو طلاق من يتزوجها بعد أن تزوجها باطل وحرام منهي عنه، وشرط مفسوخ فاسد لا يحل عقده ولا إمضاؤه، وصح أن كل نكاح عقد على ما لا يحل فإنه لا يحل، وهو مفسوخ أبدا ولو ولدت فيه عشرات من الأولاد، لأنه عقد بصحة ما لا صحة له، وعلى أنه لا يصح إلا بصحة ما لا يصح فهو لا يصح، وهذا في غاية البيان، والحمد لله رب العالمين وقد صح عن رسول الله صلى الله عليه وسلم من عمل عملا ليس عليه أمرنا فهو رد ثم نظرنا فيما احتجوا به من حديث حذيفة، فوجدناه ساقطا لا يصح سنده، أما من طريق شعبة فهو مرسل، ولا حجة في مرسل، وأما الطريق الأخرى فمن رواية الوليد بن جميع، وهو ساقط مطرح. وأيضا فإن الله تعالى يأبى إلا أن يفضح الكاذبين والكذب في هذا الخبر ظاهر متيقن؛ لأن حذيفة مدني الدار هو وأبوه قبله حليف لبني عبد الأشهل من الأنصار ولم يكن له طريق إلى النبي صلى الله عليه وسلم يؤديه إلى قريش أصلا لأن طريق المدينة إلى رسول الله صلى الله عليه وسلم إذ خرج إلى بدر خلفه لطريق قريش من مكة إلى بدر، فوضع كذب ذلك الحديث يقينا وبالله تعالى التوفيق. ثم لو صح، وهو لا يصح، لكان منسوخا بلا شك لما سنذكره إن شاء الله تعالى في خبر أبي جندل بعد هذا؛ وبالله تعالى نتأيد. ثم نظرنا في الحديث الذي فيه: المسلمون عند شروطهم فوجدناه أيضا قد ثناه أحمد بن محمد الطلمنكي، ثنا محمد بن يحيى بن مفرج، ثنا محمد بن أيوب الصموت الرقي، ثنا أحمد بن عمرو بن عبد الخالق البزار، ثنا عمرو بن علي، ثنا محمد بن خالد، ثنا كثير بن عبد الله بن زيد بن عمرو بن عوف المزني عن أبيه عن جده قال قال رسول الله صلى الله عليه وسلم المسلمون عند شروطهم وبه إلى البزار ثنا محمد بن المثنى، نا محمد بن الحارث، نا محمد بن عبد الرحمن بن البيلماني عن أبيه عن ابن عمر قال قال رسول الله صلى الله عليه وسلم الناس على شروطهم ما

stipulating, in her marriage, the divorce of another woman already married to the man marrying her, or the divorce of a woman whom he marries after marrying her, is invalid, forbidden, and prohibited: an annulled, unsound condition that may neither lawfully be contracted nor implemented. It is also established that every marriage contracted upon something unlawful is itself unlawful and perpetually annulled, even if dozens of children have been born within it. For it was contracted on the validity of something that has no validity, and on the basis that it would be valid only if something invalid were valid; therefore it is invalid. This is utterly clear, and praise belongs to Allah, Lord of all worlds. It has been authentically transmitted from the Messenger of Allah ﷺ: "Whoever performs an act that does not conform to our command, it is rejected." We then examined what they adduced from the report of Hudhayfa and found it untenable, its chain of transmission unauthentic. As for the route through Shuʿba, it is a disconnected report, and a disconnected report supplies no authoritative proof. As for the other route, it is through the transmission of al-Walid ibn Jumayʿ, who is discredited and rejected. Moreover, Allah Most High insists on exposing liars, and the falsehood in this report is evident and certain, because Hudhayfa was a resident of Medina, as his father had been before him, an ally of the Banu Abd al-Ashhal of the Helpers, and he had no route to the Prophet ﷺ that would bring him to Quraysh at all, because the route from Medina to the Messenger of Allah ﷺ, when he set out for Badr, was opposite to Quraysh's route from Mecca to Badr. Thus the fabricated falsehood of that report is certain. Success comes through Allah Most High. Furthermore, even if it were authentic—and it is not authentic—it would undoubtedly have been abrogated, for the reasons we shall mention, if Allah Most High wills, in the report of Abu Jandal below. Through Allah Most High we receive support. We then examined the report containing the words, "Muslims are bound by their conditions," and found that it, too, had been related to us by Ahmad ibn Muhammed al-Talamanki: Muhammed ibn Yahya ibn Mufarrij related to us: Muhammed ibn Ayyub al-Samut al-Raqqi related to us: Ahmad ibn Amr ibn Abd al-Khaliq al-Bazzar related to us: Amr ibn Ali related to us: Muhammed ibn Khalid related to us: Kathir ibn Abd Allah ibn Zayd ibn Amr ibn Awf al-Muzani related to us, from his father, from his grandfather, who said: The Messenger of Allah

وافقوا الحق قال علي: وكل هذا لا يصح منه شيء، أما الطريق الأول ففيها كثير بن زيد وهو هالك تركه أحمد ويحيى، والثاني عن الوليد بن رباح وهو مجهول، والأخرى كثير بن عبد الله، وهو كثير بن زيد نفسه، مرة نسب إلى أبيه ومرة إلى جده، ثم أبوه أيضا نحوه والثالثة من طريق محمد بن عبد الرحمن بن البيلماني وهو ضعيف، ثم لو صح، وهو لا يصح لكان حجة لنا عليهم لأن فيه إضافة النبي صلى الله عليه وسلم الشروط إلى المسلمين ولا شروط للمسلمين إلا الشروط التي أباح الله تعالى في القرآن أو السنة الثابتة عقدها، لا شروط للمسلمين غيرها، لأن المسلمين لا يستجيزون إحداث شروط لم يأذن الله تعالى بها هذه شروط الشيطان، وأتباعه لا شروط المسلمين لقول رسول الله صلى الله عليه وسلم كل محدثة بدعة وكل بدعة ضلالة والضلالة في النار. والعجب كله من احتجاج الحنفيين والمالكيين بهذه الأخبار، وهم أول مخالف لها. فيقولون: كل شرط في نكاح فهو باطل ما لم يعقده بيمين، ثم يتناقضون في اليمين فيجعلون يمينا ما لم يجعل الله تعالى قط يمينا ولا رسول الله صلى الله عليه وسلم فأي تناقض أكثر من هذا وأيضا ففي الخبر المذكور: الناس على شروطهم ما وافقوا الحق ولعمري لو صح هذا لكان من عظيم حجتنا عليهم، لأنه أبطل كل شرط لم يوافق الحق، ولا يوافق الحق شيء إلا أن يكون في القرآن أو في حكم النبي صلى الله عليه وسلم وهكذا القول فيما روي عن عمر الصلح جائز بين المسلمين، إلا صلحا أحل حراما أو حرم حلالا فعاد كل ما شغبوا فيه من صحيح ثابت أو باطل زائف حجة لنا عليهم. والحمد لله رب العالمين. ثم نظرنا في حديث أبي جندل فوجدناه لا حجة لهم فيه لوجوه ستة أولها أنه لم يكن عقد للنبي صلى الله عليه وسلم بعد رده من جاء من قريش إليه إذ جاء أبو جندل كما ثنا عبد الرحمن بن عبد الله بن خالد، نا إبراهيم بن أحمد، حدثنا الفربري، ثنا البخاري، ثنا عبد الله بن محمد هو المسندي نا عبد الرزاق، حدثنا معمر، أخبرني

ﷺ said: “Muslims are bound by their conditions.” Through the same chain to al-Bazzar: Muhammed ibn al-Muthanna related to us: Muhammed ibn al-Harith related to us: Muhammed ibn Abd al-Rahman ibn al-Baylamani related to us, from his father, from Ibn Umar, who said: The Messenger of Allah ﷺ said: “People are bound by their conditions insofar as they conform to the truth.” Ali said: None of any of this is authentic. As for the first route, it contains Kathir ibn Zayd, who is utterly unreliable; Ahmad and Yahya abandoned him. The second is from al-Walid ibn Rabah, who is unknown. The other contains Kathir ibn Abd Allah, who is Kathir ibn Zayd himself: on one occasion he is identified through his father, and on another through his grandfather. His father, moreover, is much the same. The third is through Muhammed ibn Abd al-Rahman ibn al-Baylamani, who is weak. Furthermore, even if it were authentic—and it is not authentic—it would be proof for us against them, because in it the Prophet ﷺ attributes the conditions to Muslims. Muslims have no conditions except those whose contracting Allah Most High has permitted in the Quran or the established Sunna. Muslims have no conditions other than these, because Muslims do not consider it permissible to introduce conditions that Allah Most High has not authorized them to impose. These are the conditions of Satan and his followers, not the conditions of Muslims, because the Messenger of Allah ﷺ said: “Every newly introduced matter is an innovation, every innovation is misguidance, and misguidance is in the Fire.” What is altogether astonishing is that the Hanafis and Malikis adduce these reports even though they are the first to contradict them. They say: “Every condition in a marriage is invalid unless one binds it with an oath.” Then they contradict themselves concerning the oath, treating as an oath something that neither Allah Most High nor His Messenger ﷺ ever made an oath. What contradiction could be greater than this? Moreover, the aforementioned report says: “People are bound by their conditions insofar as they conform to the truth.” By my life, if this were authentic, it would constitute powerful proof for us against them, because it invalidates every condition that does not conform to the truth, and nothing conforms to the truth unless it is in the Quran or in a ruling of the Prophet ﷺ. The same applies to what is related from Umar: “Amicable settlement is permissible among Muslims, except a settlement that permits something

الزهري، أنا عروة بن الزبير، عن المسور بن مخرمة، ومروان يصدق كل واحد منهما حديث صاحبه فذكر حديث الحديبية وفيه: فقال المسلمون: سبحان الله كيف يرد إلى المشركين، وقد جاء مسلما، فبينما هو كذلك إذ دخل أبو جندل بن سهيل بن عمرو يرسف في قيوده، قد خرج من أسفل مكة حتى رمى بنفسه بين أظهر المسلمين، فقال سهيل: هذا يا محمد أول ما أقاضيك عليه أن ترده إلي فقال صلى الله عليه وسلم إنا لم نفض الكتاب بعد قال فوالله إذا لا أصالحك على شيء أبدا فقال النبي صلى الله عليه وسلم فأجزه لي فقال ما أنا بمجيز ذلك لك قال بلى فافعل ما أنا بفاعل. قال مكرز: بلى قد أجزناه لك، فهذا أمر لا يقول به المخالفون لنا أن يرد إليهم من جاء منهم قبل أن يتم التعاقد على ذلك، فكيف يحتجون بما لا يحل عندهم، أليس هذا من البلايا والفضائح؟. والوجه الثاني: أنه كما ترى لم يرده عليه السلام إلا حتى أجازه من لا تقدر قريش على معارضته، وهو من رهط سهيل بن عمرو؛ لأنه سهيل بن عمرو بن عبد شمس بن عبد ود بن نصر بن مالك بن حسل بن عامر بن لؤي، والذي أجار أبا جندل هو مكرز بن حنفص بن الأخيف بن علقمة بن عبد الحارث بن منقذ بن عمرو بن معيص بن عامر بن لؤي من سادات بني عامر بن لؤي

forbidden or forbids something lawful." Thus everything with which they have raised contentious objections, whether sound and established or invalid and spurious, turns out to be proof for us against them. Praise belongs to Allah, Lord of all worlds. We then examined the report of Abu Jandal and found that it supplies them with no proof, for six reasons. The first is that, when Abu Jandal arrived, no agreement had yet been concluded binding the Prophet ﷺ to return anyone from Quraysh who came to him. This is as Abd al-Rahman ibn Abd Allah ibn Khalid related to us: Ibrahim ibn Ahmad related to us: al-Firabri related to us: al-Bukhari related to us: Abd Allah ibn Muhammed—namely, al-Musnadi—related to us: Abd al-Razzaq related to us: Maʿmar related to us: al-Zuhri informed me: Urwa ibn al-Zubayr informed us, from al-Miswar ibn Makhrama and Marwan, each confirming the other's account. He then mentioned the report of al-Hudaybiyya, which includes: The Muslims said, "Glory be to Allah! How can he be returned to the polytheists when he has come as a Muslim?" While matters stood thus, Abu Jandal ibn Suhayl ibn Amr came in, dragging his shackles. He had emerged from the lower part of Mecca until he cast himself into the midst of the Muslims. Suhayl said: "This man, Muhammed, is the first matter on which I require you to honor our agreement: you must return him to me." He ﷺ said: "We have not yet concluded the document." He said: "Then, by Allah, I shall never make peace with you on anything." The Prophet ﷺ said: "Then grant me an exception for him." He said: "I will not grant you that." He said: "Yes, do so." "I will not do so." Mikraz said: "Yes, we have granted you an exception for him." This is something our opponents do not uphold: that someone from their people who comes should be returned to them before the agreement to that effect has been completed. How, then, can they adduce something that is unlawful according to them? Is this not among the calamities and disgraces? The second reason is that, as you see, he, peace be upon him, did not return him until someone whom Quraysh could not oppose had granted him protection. He belonged to the clan of Suhayl ibn Amr, for the latter was Suhayl ibn Amr ibn Abd Shams ibn Abd Wudd ibn Nasr ibn Malik ibn Hisl ibn Amir ibn Luʾayy. The person who granted Abu Jandal protection was Mikraz ibn Hanfas ibn al-Akhyaf ibn Alqama ibn Abd

al-Harith ibn Munqidh ibn Amr ibn Muʿays ibn Amir ibn Luʾayy, one of the leading men of the Banu Amir ibn Luʾayy.[35][36][37][38][39][40]

L1899–1906 Thus their reliance upon the Prophet's ﷺ returning Abu Jandal, since he returned him only under protection and a guarantee of safety. The third point is that the Prophet ﷺ did not return anyone to the unbelievers among the Muslims during that period without Allah, Mighty and Majestic, having informed him that they would not be subjected to trials in their religion or their worldly affairs, and that they would assuredly escape. Thus, Abd Allah

فبطل تعلقهم برد النبي صلى الله عليه وسلم أبا جندل إذ لم يرده إلا بجوار وأمان

والوجه الثالث أن النبي صلى الله عليه وسلم لم يرد إلى الكفار أحدا من المسلمين في تلك المدة، إلا وقد أعلمه الله عز وجل أنهم لا يفتنون في دينهم، ولا في دنياهم، وأنهم سينجون ولا بد. كما حدثنا عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، حدثنا أحمد بن محمد، نا أحمد بن علي، نا مسلم بن الحجاج، نا أبو بكر بن أبي شيبة، نا عفان، نا حماد بن سلمة عن ثابت عن أنس أن قريشا صالحوا النبي صلى الله عليه وسلم فاشترطوا على النبي صلى الله عليه وسلم أن من جاء منكم لم نرده عليكم ومن جاء منا رددتموه علينا، قالوا: يا رسول الله: أتكتب هذا؟ قال: نعم إنه من ذهب منا إليهم فأبعده الله، ومن جاء منهم إلينا فسيجعل الله له فرجا ومخرجا. قال أبو محمد قد قال الله عز وجل واصفا لنبيه صلى الله عليه وسلم {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فأيقنا أن إخبار النبي صلى الله عليه وسلم بأن من جاءه من عند كفار قريش مسلما فسيجعل الله له فرجا ومخرجا: وحي من عند الله صحيح لا داخلة فيه، فصحت العصمة بلا شك من مكروه الدنيا والآخرة لمن أتاه منهم حتى تتم نجاته من أيدي الكفار، لا يستريب في ذلك مسلم يحقق النظر. وهذا أمر لا يعلمه أحد من الناس بعد النبي صلى الله عليه وسلم ولا يحل لمسلم أن يشترط هذا الشرط ولا أن يفي به إن شرطه، إذ ليس عنده من علم الغيب ما أوحى الله تعالى به إلى رسوله، وبالله تعالى التوفيق والوجه الرابع أن رسول الله صلى الله عليه وسلم لم يرد من رد المسلمين إلى المشركين إلا أحرارا إلى أهلهم وآبائهم وقومهم، والمخالفون في هذا لا يردون المسلمين الأحرار إلا عبيدا إلى الكفار الذين يعذبونهم أشد العذاب، ويأتون

[35] **Translator's note (L1887):** The Arabic etymological argument connects منافق, "hypocrite" (munafiq), with نافقاء, the jerboa's concealed exit (nafiqa). "A slave whose emancipation had been stipulated to occur upon his owner's death" renders المدبر; "that stipulation" renders التدبير, the corresponding legal arrangement.

[36] **Translator's note (L1890):** The opening "Most High" completes the reference to Allah in the preceding segment. The transcription reads "وتدك المضارة"; "تدك" is unclear here. "Abandoning harmful treatment" follows the likely intended reading "وترك المضارة," but the supplied wording is corrupt.

[37] **Translator's note (L1891):** "Disconnected report" renders "mursal," technically a report in which a Successor attributes a statement directly to the Prophet without naming the intervening transmitter. The first report's "her sister" denotes another woman in the community; "empty her dish" preserves the supplied metaphor. The second report explicitly reads "purchasing" and "the Emigrant"; these have been retained rather than replaced with wording from other versions of the report.

[38] **Translator's note (L1894):** The supplied "خلفه" is awkward in the route comparison; "opposite to" follows its apparent sense here. The phrase "فوضع كذب ذلك الحديث يقينا" is textually awkward. The translation preserves its apparent assertion that the report's fabrication is certain. The author explicitly identifies Kathir ibn Abd Allah with Kathir ibn Zayd. That identification is retained as his claim. The enumeration of transmission routes refers to routes not all explicitly presented in this segment; it has been preserved as supplied.

[39] **Translator's note (L1895):** The initial "بها" completes "has not authorized" in the preceding segment; the English makes that continuation explicit.

[40] **Translator's note (L1898):** The supplied "لم نفض الكتاب" across the segment boundary is unusual; "have not yet concluded the document" renders its apparent meaning without substituting a different Arabic wording. The exchange omits explicit speaker labels for "Yes, do so" and "I will not do so"; the translation preserves the exchange without adding labels. The report uses "أجزناه/أجزه" for granting an exception, while the author subsequently uses "أجار" for granting protection. The distinction is retained. The genealogy explicitly reads "حنفص," rendered "Hanfas"; it has not been silently replaced with another spelling.

ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Abu Bakr ibn Abi Shayba related to us: Affan related to us: Hammad ibn Salama related to us, from Thabit, from Anas, that Quraysh made peace with the Prophet ﷺ and stipulated to the Prophet ﷺ: "Whoever comes from you, we shall not return him to you; and whoever comes from us, you shall return him to us." They said: "Messenger of Allah, will you put this in writing?" He said: "Yes. Whoever goes from us to them, may Allah banish him; and whoever comes from them to us, Allah will provide him with relief and a way out." Abu Muhammed said: Allah, Mighty and Majestic, has said, describing His Prophet ﷺ: {Nor does he speak from desire. It is nothing but revelation revealed.} We therefore know with certainty that the Prophet's ﷺ statement that whoever came to him as a Muslim from the unbelievers of Quraysh would be provided by Allah with relief and a way out was authentic revelation from Allah, with no defect in it. Thus, protection from harm in this world and the Hereafter was established beyond doubt for whoever came to him from among them, until his deliverance from the hands of the unbelievers was complete. No Muslim who examines the matter thoroughly doubts this. This is something that no person after the Prophet ﷺ knows. It is not lawful for a Muslim to stipulate this condition, or to fulfill it if he has stipulated it, since he does not possess the knowledge of the unseen that Allah Most High revealed to His Messenger. Success comes through Allah Most High. The fourth point is that those Muslims whom the Messenger of Allah ﷺ returned to the polytheists were returned only as free persons to their families, fathers, and people, whereas our opponents on this matter return free Muslims only as slaves to unbelievers who subject them to the severest torment, commit the forbidden sexual outrage against the women, and sometimes kill them. We do not know how a Muslim can regard such a thing lightly. The fifth point is that Abu Said al-Jafari related to us, saying: Muhammed ibn Ali ibn al-Udfuwi related to us: Abu Jafar Ahmad ibn Muhammed ibn Ismail al-Nahhas, from Ahmad ibn Shuayb, from Said ibn Abd al-Rahman: Sufyan related to us, from al-Zuhri. Sufyan said: Mamar subsequently confirmed it for me, from al-Zuhri, from Urwa ibn al-Zubayr, who said that al-Miswar ibn

الفاحشة المحرمة في النساء وربما قتلوهم، فما ندري كيف يستسهل مثل هذا مسلم.

والوجه الخامس: أن أبا سعيد الجعفري حدثنا قال: نا محمد بن علي بن الأدفوي، نا أبو جعفر أحمد بن محمد بن إسماعيل النحاس، عن أحمد بن شعيب، عن سعيد بن عبد الرحمن، نا سفيان، عن الزهري قال سفيان: وثبتني معمر بعد ذلك عن الزهري عن عروة بن الزبير قال: إن المسور بن مخرمة ومروان أخبراه بخبر الحديبية فذكر الحديث، وفي آخره خروج أبي بصير وهو عتبة بن أسيد بن جارية الثقفي حليف بني نوفل بن عبد مناف، إلى سيف البحر، وانفلات أبي جندل بن سهيل إليه قال: فجعل لا يخرج رجل من قريش قد أسلم إلا لحق بأبي بصير، حتى اجتمعت منهم عصابة، فوالله ما يسمعون بعير لقريش تخرج إلى الشام إلا اعترضوا لهم فيقتلونهم ويأخذون أموالهم فأرسلت قريش إلى النبي صلى الله عليه وسلم يناشدونه بالله وبالرحم إلا أرسل إليهم فمن أتاه فهو آمن فأرسل النبي صلى الله عليه وسلم إليهم قال أبو محمد فهذا أبو بصير وأبو جندل ومن معهما من المسلمين، قد سفكوا دماء قريش المعاهدين لرسول الله صلى الله عليه وسلم وأخذوا أموالهم ولم يحرم ذلك عليهم ولا كانوا بذلك عصاة ولا شك في أن رسول الله صلى الله عليه وسلم كان قادرا على منعهم من ذلك لو نهاهم فلم يفعل، فصح يقينا أنه عهد منسوخ بخلاف ما يقوله المخالفون اليوم، وإنه إنما لزم من كان بالمدينة فقط دون من كان خارجا عنها. والوجه السادس: وهو القاطع لكل شغب، والحاسم لكل علقة: وهو صحة اليقين بأن ذلك العهد منسوخ ممنوع منه محرم عقده في الأبد، مما في سورة براءة من قول الله تعالى {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} وبقوله تعالى أيضا في سورة براءة {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله

Makhrama and Marwan informed him of the account of al-Hudaybiyya. He then recounted the report, at the end of which was Abu Basir's departure for the seashore—he was Utba ibn Usayd ibn Jariya al-Thaqafi, an ally of Banu Nawfal ibn Abd Manaf—and Abu Jandal ibn Suhayl's escape to join him. He said: "Thereafter, whenever a man of Quraysh who had embraced Islam left, he joined Abu Basir, until a band of them had gathered. By Allah, whenever they heard of a caravan belonging to Quraysh setting out for Syria, they intercepted them, killing them and taking their property. Quraysh therefore sent to the Prophet ﷺ, imploring him by Allah and by the ties of kinship to send for them, with anyone who came to him being safe. The Prophet ﷺ then sent for them." Abu Muhammed said: Here, then, are Abu Basir, Abu Jandal, and the Muslims with them: they shed the blood of members of Quraysh who had a treaty with the Messenger of Allah ﷺ and took their property. This was not forbidden to them, nor did they thereby become disobedient sinners. There is no doubt that the Messenger of Allah ﷺ could have prevented them from doing this had he forbidden them, yet he did not do so. It is therefore established with certainty that this was an abrogated treaty, contrary to what our opponents say today, and that it bound only those who were in Medina, to the exclusion of those outside it. The sixth point, which puts an end to every contentious objection and severs every attachment to this argument, is the firmly established certainty that that treaty is abrogated, prohibited, and forever forbidden to conclude, on the basis of what is in Surat Baraʾa, in the words of Allah Most High: {Then, when the sacred months have elapsed, kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give the obligatory alms, then let them go their way. Indeed, Allah is forgiving, merciful}; and also His words, Most High, in Surat Baraʾa: {Fight those who do not believe in Allah or in the Last Day, who do not forbid what Allah and His Messenger have forbidden, and who do not profess the religion of truth, from among those who were given the Scripture, until they pay the poll tax out of hand, while being humbled}; and also His words, Most High, in Surat Baraʾa: {And if any of the polytheists seeks your protection, grant him protection until he hears the words of Allah; then convey him to his place of safety. That is

ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون} وبقوله تعالى أيضا في سورة براءة {وإن أحد من لمشركين ستجارك فأجره حتى يسمع كلام لله ثم أبلغه مأمنه ذلك بأنهم قوم لا يعلمون} وبقوله تعالى أيضا في سورة براءة {كيف يكون للمشركين عهد عند لله وعند رسوله إلا لذين عاهدتم عند لمسجد لحرام فما ستقاموا لكم فستقيموا لهم إن لله يحب لمتقين}

because they are a people who do not know}; and also His words, Most High, in Surat Bara'a: {How can the polytheists have a treaty with Allah and with His Messenger, except those with whom you made a treaty at the Sacred Mosque? So long as they remain true to you, remain true to them. Indeed, Allah loves those who are mindful of Him.}[41][42][43][44]

L1907–1912 Surat Bara'a was the last surah revealed, as Abd al-Rahman ibn Abd Allah ibn Khalid related to us: Ibrahim ibn Ahmad al-Balkhi related to us: al-Firabri related to us: al-Bukhari related to us: Abu al-Walid—that is, al-Tayalisi—related to us: Shuba related to us, from Abu Ishaq al-Sabii, from al-Bara ibn Azib, who said: "The last verse revealed was: {They ask you for a ruling. Say: Allah gives you a ruling concerning one who leaves neither parent nor child. If a man dies having no child, but having a sister, she shall have half of what he leaves; and he inherits from her if she has no child. If there are two sisters, they shall have two-thirds of what he leaves. If there are brothers and sisters, male and female, the male shall have the equivalent of the share of two females. Allah makes this clear to you lest you go astray, and Allah knows all things.} And the last surah revealed was Bara'a." Abu Muhammed said: Through it the Prophet ﷺ delivered his final declaration to the unbelievers, in the year when Abu Bakr al-Siddiq led the people on pilgrimage, three years and one month after al-Hudaybiyya, at which the affair of Abu Jandal occurred. For al-Hudaybiyya took place in Dhu al-Qada in the sixth year after the Emigration, before Khaybar. When the following Dhu al-Qada

وسورة براءة آخر سورة أنزلت كما حدثنا عبد الرحمن بن عبد الله بن خالد، ثنا إبراهيم بن أحمد البلخي، ثنا الفربري، ثنا البخاري، نا أبو الوليد هو الطيالسي، ثنا شعبة عن أبي إسحاق السبيعي عن البراء بن عازب قال آخر آية أنزلت {يستفتونك قل الله يفتيكم في لكلالة إن مرؤ هلك ليس له ولد وله أخت فلها نصف ما ترك وهو يرثها إن لم يكن لها ولد فإن كانتا ثنتين فلهما لثلثان مما ترك وإن كانوا إخوة رجالا ونسآء فللذكر مثل حظ لأنثيين يبين الله لكم أن تضلوا والله بكل شيء عليم} وآخر سورة نزلت براءة قال أبو محمد وبها عهد النبي صلى الله عليه وسلم آخر عهده إلى الكفار عام حجة أبي بكر الصديق بالناس، وبعد الحديبية التي كانت فيها قصة أبي جندل بثلاثة أعوام وشهر، لأن الحديبية كانت في ذي القعدة عام ست من الهجرة قبل خيبر، فلما كان ذو القعدة المقبل بعد الحديبية بعام كامل اعتمر رسول الله صلى الله عليه وسلم عمرة القضاء سنة سبع من الهجرة ثم كان فتح مكة في رمضان سنة ثمان من الهجرة بعد عمرة القضاء بعام غير شهرين، وحج تلك السنة عتاب بن أسيد بالمسلمين ثم حج أبو بكر في ذي الحجة سنة تسع من الهجرة بعد الفتح بعام وشهرين، كما ثنا حمام، ثنا الأصيلي، ثنا المروزي، ثنا الفربري، ثنا البخاري، ثنا سعيد بن عفير، نا الليث، نا عقيل عن ابن شهاب، أخبرني حميد بن عبد الرحمن أن أبا هريرة قال: بعثني أبو بكر في تلك الحجة وذكر الحديث وفيه ثم أردف النبي صلى الله عليه وسلم بعلي بن أبي طالب وأمره أن يؤذن ببراءة قال أبو هريرة: فأذن معنا علي رضي الله عنه يوم النحر في أهل منى ببراءة وألا يحج بعد العام مشرك، ولا يطوف بالبيت عريان. فصح باليقين أنه لا

[41] **Translator's note (L1901):** The opening of the Quranic quotation, corresponding to 53:3–4, has a corrupt spelling of the expression meaning "from desire." The intended wording is identifiable and is reflected in the translation.

[42] **Translator's note (L1905):** The Quranic quotations, corresponding to 9:5, 9:29, and the beginning of 9:6, contain numerous missing initial alifs and malformed spellings. Their identifiable wording is reflected in the translation. "Out of hand" preserves the compact wording of the expression concerning payment of the poll tax; the Arabic permits interpretations involving direct payment, ability to pay, or submission.

[43] **Translator's note (L1906):** The quotation corresponding to 9:7 contains several missing initial alifs and malformed spellings. Its identifiable wording is reflected in the translation.

[44] **Qur'an references (L1899):** Qur'an 53:4 (An-Najm); Qur'an 9:5 (At-Tawbah); Qur'an 9:6 (At-Tawbah); Qur'an 9:7 (At-Tawbah).

came, a full year after al-Hudaybiyya, the Messenger of Allah ﷺ performed the compensatory lesser pilgrimage, in the seventh year after the Emigration. Then the conquest of Mecca took place in Ramadan in the eighth year after the Emigration, one year less two months after the compensatory lesser pilgrimage. Attab ibn Asid led the Muslims on pilgrimage that year. Abu Bakr then performed the pilgrimage in Dhu al-Hijja in the ninth year after the Emigration, one year and two months after the conquest, as Hammam related to us: al-Asili related to us: al-Marwazi related to us: al-Firabri related to us: al-Bukhari related to us: Said ibn Ufayr related to us: al-Layth related to us: Uqayl related to us, from Ibn Shihab: Humayd ibn Abd al-Rahman informed me that Abu Hurayra said: "Abu Bakr sent me on that pilgrimage." He recounted the report, which includes: "Then the Prophet ﷺ sent Ali ibn Abi Talib after him and ordered him to proclaim Baraʾa." Abu Hurayra said: "Ali, may Allah be pleased with him, proclaimed Baraʾa with us on the Day of Sacrifice among the people at Mina, and proclaimed that after that year no polytheist was to perform the pilgrimage and no naked person was to circumambulate the House." It is thus established with certainty that it is not lawful to make any treaty with a polytheist or conclude any agreement with him except on the basis of Islam alone, or on the basis of payment of the poll tax and submission to humiliation if he belongs to the People of the Scripture. It is established with certainty that every treaty, agreement, or condition concluded with them, covenanted with them, or stipulated for them contrary to what we have mentioned is invalid and rejected. It is not lawful to conclude it or to fulfill it if concluded; rather, it must be annulled. The first thing Allah, Mighty and Majestic, abrogated from the treaty made on the day of al-Hudaybiyya was the return of women, as Hammam ibn Ahmad related to us: al-Asili related to us: al-Marwazi related to us: al-Firabri related to us: al-Bukhari related to us: Abd Allah ibn Muhammed; ʿAbd al-Razzaq narrated to us; Maʿmar narrated to us, saying: Al-Zuhri informed me; ʿUrwah informed me, from al-Miswar ibn Makhramah and Marwan. He then related the account of al-Hudaybiyyah and Suhayl's stipulation, which we have mentioned. It includes: Then believing women came, and Allah, mighty and majestic, revealed: {O you who believe, when believing women come to you as emigrants, examine them. Allah knows best their faith. Then, if you know

يحل أن يعاهد مشرك عهدا، ولا يعاقد عقدا إلا على الإسلام فقط، أو على غرم بالجزية والصغار إن كان كتابيا وصح يقينا أن كل عهد أو عقد أو شرط عقد معهم أو عوهدوا عليه أو شرط لهم بخلاف ما ذكرنا، فهو باطل مردود، لا يحل عقده ولا الوفاء به إن عقد، بل يفسخ ولا بد. وأول ما نسخ الله عز وجل من العهد الذي كان يوم الحديبية، فرد النساء كما حدثنا حمام بن أحمد، ثنا الأصيلي، ثنا المروزي، ثنا الفربري، ثنا البخاري، ثنا عبد الله بن محمد، ثنا عبد الرزاق، ثنا معمر قال: أخبرني الزهري، أخبرني عروة، عن المسور بن مخرمة ومروان فذكر حديث الحديبية وشرط سهيل الذي ذكرنا وفيه: ثم جاء نسوة مؤمنات فأنزل الله عز وجل {يأيها لذين آمنوا إذا جآءكم لمؤمنات مهاجرات فمتحنوهن لله أعلم بإيمانهن فإن علمتموهن مؤمنات فلا ترجعوهن إلى لكفار لا هن حل لهم ولا هم يحلون لهن وآتوهم مآ أنفقوا ولا جناح عليكم أن تنكحوهن إذآ آتيتموهن أجورهن ولا تمسكوا بعصم لكوافر واسألوا مآ أنفقتم وليسألوا مآ أنفقوا ذلكم حكم لله يحكم بينكم ولله عليم حكيم} إلى قوله {يأيها لذين آمنوا إذا جآءكم لمؤمنات مهاجرات فمتحنوهن لله أعلم بإيمانهن فإن علمتموهن مؤمنات فلا ترجعوهن إلى لكفار لا هن حل لهم ولا هم يحلون لهن وآتوهم مآ أنفقوا ولا جناح عليكم أن تنكحوهن إذآ آتيتموهن أجورهن ولا تمسكوا بعصم لكوافر واسألوا مآ أنفقتم وليسألوا مآ أنفقوا ذلكم حكم لله يحكم بينكم ولله عليم حكيم} حدثنا محمد بن سعيد بن نبات، حدثنا محمد بن أحمد بن مفرج، ثنا عبد الله بن جعفر بن الورد، ثنا عمرو بن أحمد بن سرح، وأحمد بن زغبة قالا: حدثنا يحيى بن بكير، ثنا الليث بن سعد، عن عقيل، عن الزهري، قال: أخبرني عروة بن الزبير ومروان بن الحكم عن أصحاب رسول الله صلى الله عليه وسلم أن رسول الله صلى الله عليه وسلم لما كاتب سهيل بن عمرو يومئذ يعني يوم الحديبية فذكر الحديث وفيه: فرد يومئذ أبا جندل إلى

them to be believers, do not return them to the unbelievers. These women are not lawful for those men, nor are those men lawful for these women. Give those men what they have spent. There is no blame upon you if you marry these women when you have given them their bridal dues. Do not hold fast to marriage bonds with unbelieving women. Ask for what you have spent, and let them ask for what they have spent. That is Allah's judgment; He judges between you, and Allah is Knowing, Wise}, down to His words: {O you who believe, when believing women come to you as emigrants, examine them. Allah knows best their faith. Then, if you know them to be believers, do not return them to the unbelievers. These women are not lawful for those men, nor are those men lawful for these women. Give those men what they have spent. There is no blame upon you if you marry these women when you have given them their bridal dues. Do not hold fast to marriage bonds with unbelieving women. Ask for what you have spent, and let them ask for what they have spent. That is Allah's judgment; He judges between you, and Allah is Knowing, Wise}.

Muhammed ibn Saʿid ibn Nabat narrated to us; Muhammed ibn Ahmad ibn Mufarrij narrated to us; ʿAbd Allah ibn Jaʿfar ibn al-Ward narrated to us; ʿAmr ibn Ahmad ibn Sarh and Ahmad ibn Zughbah narrated to us, both saying: Yahya ibn Bukayr narrated to us; al-Layth ibn Saʿd narrated to us, from ʿUqayl, from al-Zuhri, who said: ʿUrwah ibn al-Zubayr and Marwan ibn al-Hakam informed me, from the Companions of the Messenger of Allah, may Allah bless him and grant him peace ﷺ, that when the Messenger of Allah, may Allah bless him and grant him peace ﷺ, drew up a written agreement with Suhayl ibn ʿAmr that day —meaning the day of al-Hudaybiyyah. He then related the account, which includes: That day he returned Abu Jandal to his father, Suhayl ibn ʿAmr. Throughout that period, no man came to him without his returning him, even if he was a Muslim. Believing women came as emigrants, and Umm Kulthum, daughter of ʿUqbah ibn Abi Muʿayt, was among those who went out to the Messenger of Allah, may Allah bless him and grant him peace ﷺ, that day. She was a young woman of marriageable age. Her family came asking the Messenger of Allah, may Allah bless him and grant him peace ﷺ, to return her to them, but he did not return her to

أبيه سهيل بن عمرو، ولم يأته أحد من الرجال إلا رده في تلك المدة وإن كان مسلما، وجاء المؤمنات مهاجرات، وكانت أم كلثوم بنت عقبة بن أبي معيط ممن خرج إلى رسول الله صلى الله عليه وسلم يومئذ وهي عاتق فجاء أهلها يسألون رسول الله صلى الله عليه وسلم أن يرجعها إليهم فلم يرجعها إليهم لما أنزل الله عز وجل فيهن {يأيها لذين آمنوا إذا جآءكم لمؤمنات مهاجرات فمتحنوهن لله أعلم بإيمانهن فإن علمتموهن مؤمنات فلا ترجعوهن إلى لكفار لا هن حل لهم ولا هم يحلون لهن وآتوهم مآ أنفقوا ولا جناح عليكم أن تنكحوهن إذآ آتيتموهن أجورهن ولا تمسكوا بعصم لكوافر واسألوا مآ أنفقتم وليسألوا مآ أنفقوا ذلكم حكم لله يحكم بينكم ولله عليم حكيم} حدثنا عبد الرحمن بن عبد الله، نا أبو إسحاق البلخي، نا الفربري، نا البخاري، نا إسحاق، ثنا يعقوب، ثنا ابن أخي ابن شهاب عن عمه قال: أخبرني عروة بن الزبير، أنه سمع مروان بن الحكم والمسور بن مخرمة يخبران خبر من رسول الله صلى الله عليه وسلم في الحديبية وذكر الحديث وفيه أن سهيلا كاتب النبي صلى الله عليه وسلم على ألا يأتيه من المشركين أحد وإن كان على دين الإسلام إلا رده إلى المشركين قالا: وجاءت المؤمنات مهاجرات فكانت أم كلثوم بنت عقبة بن أبي معيط ممن خرج إلى رسول الله صلى الله عليه وسلم وهي عاتق فجاء أهلها يسألون رسول الله أن يرجعها إليهم حتى أنزل الله في المؤمنات ما أنزل.

them because of what Allah, mighty and majestic, had revealed concerning these women: {O you who believe, when believing women come to you as emigrants, examine them. Allah knows best their faith. Then, if you know them to be believers, do not return them to the unbelievers. These women are not lawful for those men, nor are those men lawful for these women. Give those men what they have spent. There is no blame upon you if you marry these women when you have given them their bridal dues. Do not hold fast to marriage bonds with unbelieving women. Ask for what you have spent, and let them ask for what they have spent. That is Allah's judgment; He judges between you, and Allah is Knowing, Wise}.

ʿAbd al-Rahman ibn ʿAbd Allah narrated to us; Abu Ishaq al-Balkhi narrated to us; al-Firabri narrated to us; al-Bukhari narrated to us; Ishaq narrated to us; Yaʿqub narrated to us; the son of Ibn Shihab's brother narrated to us, from his uncle, who said: ʿUrwah ibn al-Zubayr informed me that he heard Marwan ibn al-Hakam and al-Miswar ibn Makhramah relating an account concerning the Messenger of Allah, may Allah bless him and grant him peace ﷺ, at al-Hudaybiyyah. He related the account, which includes that Suhayl drew up a written agreement with the Prophet, may Allah bless him and grant him peace ﷺ, stipulating that no one from among the polytheists should come to him, even if he followed the religion of Islam, without his returning him to the polytheists. The two said: Believing women came as emigrants, and Umm Kulthum, daughter of ʿUqbah ibn Abi Muʿayt, was among those who went out to the Messenger of Allah, may Allah bless him and grant him peace ﷺ. She was a young woman of marriageable age. Her family came

asking the Messenger of Allah to return her to them, until Allah revealed concerning believing women what He revealed.[45][46][47][48][49]

L1913–1915 ʿAbd Allah ibn Rabiʿ narrated to us; Muhammed ibn Ishaq narrated to us; Ibn al-Aʿrabi narrated to us; Abu Dawud narrated to us; Muhammed ibn ʿUbayd narrated to us that Muhammed ibn Thawr narrated to them, from Maʿmar, from al-Zuhri, from ʿUrwah ibn al-Zubayr, from al-Miswar ibn Makhramah, who said: The Prophet, may Allah bless him and grant him peace ﷺ, departed from al-Hudaybiyyah. He then related the account and Quraysh's stipulation that anyone who came as a Muslim should be returned to them. It includes: Then believing women came as emigrants, so Allah forbade them to return these women and commanded them to return the bridal payment.

Abu Muhammed said: If Allah Most High abrogated His Prophet's covenant, agreement, and stipulation—peace be upon him— then who is this ignorant man who permits this stipulation for anyone after him? Disavow that before Allah.

Abu Muhammed said: The same applies to the report of Abu Rafiʿ: it is abrogated by Baraʾah. Moreover, it is a report that we find objectionable,

حدثنا عبد الله بن ربيع، نا محمد بن إسحاق، ثنا ابن الأعرابي، ثنا أبو داود، ثنا محمد بن عبيد أن محمد بن ثور حدثهم، عن معمر عن الزهري عن عروة بن الزبير عن المسور بن مخرمة قال خرج النبي صلى الله عليه وسلم من الحديبية فذكر الحديث وشرط قريش في رد من جاء مسلما إليهم وفيه: ثم جاء نسوة مهاجرات مؤمنات فنهاهم الله أن يردوهن وأمرهم أن يردوا الصداق. قال أبو محمد: فإذا نسخ الله تعالى عهد نبيه عليه السلام وعقده وشرطه، فمن هذا الجاهل الذي يجيز هذا الشرط لأحد بعده، تبرأ إلى الله من ذلك. قال أبو محمد: وهكذا القول في حديث أبي رافع أنه منسوخ ببراءة على أنه حديث ننكره، وإن كنا لا نعلم في سنده علة، ولكنا نعجب منه لأن أبا رافع كان مولى النبي صلى الله عليه وسلم مولى عتاقة فكيف صار مع مشركي قريش رسولا إلى النبي صلى الله عليه وسلم ونزول براءة كان بعد إسلام جميع قريش وبعد حديث أبي رافع بلا شك. قال أبو محمد: فلما لاح بكل ما ذكرنا أنه لا حجة في شيء مما ذكرنا لمن أجاز النذور والعقود والشروط والعهود على الجملة إلا ما عين بنص أو إجماع، على أنه لا يجوز منها، رجعنا إلى القول الثاني فوجدناه صحيحا، ووجدنا النصوص التي احتجوا بها مبينة مفسرة قاضية على هذه الجملة التي احتج بها خصومهم، وجدنا النصوص شاهدة بصحة قولهم. فمن ذلك نص النبي عليه السلام وهو الذي قال فيه الله تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فقال عليه السلام: ما بال أقوام يشترطون شروطا ليست في كتاب الله، كل شرط في كتاب الله فهو باطل وإن كان مائة شرط، شرط الله أوثق وكتاب الله أحق فصح بهذا النص. وقد ذكرنا في هذا الباب بسنده: أن كل شرط اشترطه إنسان على نفسه أو لها على غيره فهو باطل، لا يلزم من التزمه أصلا، إلا أن يكون النص أو الإجماع قد ورد

[45] **Translator's note (L1907):** The quotation corresponding to 4:176 contains numerous missing initial alifs and irregular spellings; its identifiable wording is reflected in the translation. The technical inheritance term is rendered "one who leaves neither parent nor child." The text states "one year and two months" between the conquest in Ramadan of year eight and the pilgrimage in Dhu al-Hijja of year nine. These named months would ordinarily yield one year and three months; the stated interval has been preserved.

[46] **Translator's note (L1909):** The supplied wording immediately before "the women" is awkward: it can be read as an intrusive connective attached to "return," or, if vocalized differently, as "an individual." The translation follows the contextually indicated sense, "the return of women," while flagging the irregular reading.

[47] **Translator's note (L1910):** The opening "Muhammed" completes the name ʿAbd Allah ibn Muhammed in the preceding segment. After "down to His words," the supplied text repeats the entire same Quranic quotation, rather than giving a different endpoint. The repetition is retained.

[48] **Translator's note (L1912):** The wording "relating an account concerning the Messenger" renders the syntactically awkward supplied phrase "يخبران خبر من رسول الله."

[49] **Qur'an references (L1907):** Qur'an 4:176 (An-Nisa); Qur'an 60:10 (Al-Mumtahanah).

although we know of no defect in its chain of transmission. We nevertheless find it surprising, because Abu Rafiʿ was the Prophet's client, may Allah bless him and grant him peace ﷺ—a client through manumission. How, then, did he come to be with the polytheists of Quraysh as an envoy to the Prophet, may Allah bless him and grant him peace ﷺ? The revelation of Baraʾah occurred after all Quraysh had embraced Islam and after the report of Abu Rafiʿ, without doubt.

Abu Muhammed said: When everything we have mentioned made it clear that nothing we have mentioned provides any proof for those who permit vows, agreements, stipulations, and covenants in general, except those specifically identified by a textual ruling or consensus as impermissible, we returned to the second position and found it correct. We found the texts they adduced as proof to be explanatory and elucidatory, governing the general statement their opponents had adduced as proof. We found the texts bearing witness to the correctness of their position. Among them is the Prophet's explicit statement—peace be upon him—and he is the one concerning whom Allah Most High said: {With clear proofs and scriptures; and We have sent down to you the Reminder, so that you may explain to people what has been sent down to them, and so that they may reflect}. He said, peace be upon him: "What is the matter with people who impose stipulations that are not in Allah's Book? Every stipulation in Allah's Book is void, even if there are a hundred stipulations. Allah's stipulation is more binding, and Allah's Book has the greater right."

This explicit statement, which we have cited with its chain of transmission in this chapter, establishes that every stipulation a person imposes upon himself, or upon another for his own benefit, is void and imposes absolutely no obligation upon the person who undertakes it, unless either a textual ruling or consensus has established the permissibility of undertaking that particular stipulation or made it obligatory. This applies only to a few stipulations,

أحدهما بجواز التزام ذلك الشرط بعينه أو بإلزامه، وليس ذلك إلا في شروط يسيرة قد ذكرناها في كتابنا المرسوم بذي القواعد.

which we have mentioned in our book entitled The Possessor of Principles (Dhu al-Qawaʿid).[505][152]

L1916–1924 As for vows, ʿAbd Allah ibn Yusuf narrated to us, saying: Ahmad ibn Fath narrated to us; ʿAbd al-Wahhab ibn ʿIsa narrated to us; Ahmad ibn Muhammed narrated to us; Ahmad ibn ʿAli narrated to us; Muslim ibn al-Hajjaj narrated to us; Muhammed ibn al-Muthanna narrated to us; Muhammed ibn Jaʿfar narrated to us; Shuʿbah ibn Mansur narrated to us, from ʿAbd Allah ibn Murrah, from ʿAbd Allah ibn ʿUmar, from the Prophet, may Allah bless him and grant him peace ﷺ, that he forbade making vows and said: "It brings no good; it is only a means of extracting something from the miser." Ibn al-Muthanna said: Abd al-Rahman ibn Mahdi also related to us, from Sufyan al-Thawri, from Mansur, from Abd Allah ibn Murrah, from Ibn Umar, from the Prophet ﷺ, the same report. Through the same chain to Muslim: Qatiyah related to us; Abd al-Aziz—meaning al-Darawardi—related to us, from al-Ala ibn Abd al-Rahman, from his father, from Abu Hurayrah, that the Messenger of Allah ﷺ said: "Do not make vows, for a vow avails nothing against the divine decree; it is only a means of extracting something from the miser." Abd Allah ibn Rabi related to us; Umar ibn Abd al-Malik related to us; Muhammed ibn Bakr related to us; Abu Dawud related to us; Muslim ibn Ibrahim related to us; Hisham—that is, al-Dastawa'i—related to us, from Qatadah, from Ikrimah, from Ibn Abbas, that when the Messenger of Allah ﷺ learned that the sister of Uqbah ibn Amir had vowed to perform the pilgrimage on foot, he said: "Allah has no need of her vow. Tell her to ride." These two texts thus invalidate all vows, and none of them is binding except what a text establishes, either by making it obligatory or by

وأما النذور: فإن عبد الله بن يوسف حدثنا قال: حدثنا أحمد بن فتح، نا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، نا محمد بن المثنى، نا محمد بن جعفر، نا شعبة بن منصور، عن عبد الله بن مرة عن عبد الله بن عمر عن النبي صلى الله عليه وسلم أنه نهى عن النذر وقال إنه لا يأتي بخير وإنما يستخرج به من البخيل قال ابن المثنى: وحدثنا عبد الرحمن بن مهدي، عن سفيان الثوري، عن منصور عن عبد الله بن مرة عن ابن عمر عن النبي صلى الله عليه وسلم به وبه إلى مسلم نا قتيبة نا عبد العزيز يعني الدراوردي، عن العلاء بن عبد الرحمن عن أبيه عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال لا تنذروا فإن النذر لا يغني من القدر شيئا، وإنما يستخرج به من البخيل. حدثنا عبد الله بن ربيع، نا عمر بن عبد الملك، نا محمد بن بكر، نا أبو داود، ثنا مسلم بن إبراهيم، نا هشام هو الدستوائي، عن قتادة عن عكرمة عن ابن عباس أن رسول الله صلى الله عليه وسلم لما بلغه أن أخت عقبة بن عامر نذرت أن تحج ماشية قال: إن الله لغني عن نذرها مرها أن تركب. فبطلت بهذين النصين النذور كلها، ولم يلزم منها شيء إلا ما أتى به النص إما بإيجابه وإما بإباحة التزامه، وليس ذلك إلا فيما كان طاعة لله عز وجل فقط، على ما بينه عليه السلام إذ يقول: من نذر أن يطيع الله فليطعه وقد ذكرناه بسنده في هذا الباب، وما عدا ذلك فلا يلزم من التزامه أصلا. وأما العقود فإن عبد الله بن يوسف حدثنا قال: نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم، نا إسحاق بن إبراهيم، وعبد بن حميد كلاهما عن أبي عامر العقدي، نا عبد الله بن جعفر الزهري، عن سعد بن إبراهيم، أن القاسم بن محمد قال

[50] **Translator's note (L1913):** The supplied text says "departed from al-Hudaybiyyah"; the preposition "from" has been retained.

[51] **Translator's note (L1914):** The unvocalized "تبرأ" has been read as the imperative "Disavow." A third-person past-tense reading, "he disavowed," is also grammatically possible, but its referent is unclear here. Bara'ah is the title used here for the Quranic surah also known as al-Tawbah. The supplied prophetic quotation says "Every stipulation in Allah's Book is void," apparently omitting a negation. This conflicts with its immediately preceding sentence and with the argument that follows; the supplied wording is retained.

[52] **Qur'an references (L1913):** Qur'an 16:44 (An-Nahl).

permitting one to undertake it. This applies only to what constitutes obedience to Allah, Mighty and Majestic, as he, peace be upon him, explained when he said: "Whoever vows to obey Allah, let him obey Him." We have already cited it with its transmission chain in this chapter. As for anything beyond that, undertaking it creates no obligation whatsoever. As for contracts, Abd Allah ibn Yusuf related to us, saying: Ahmad ibn Fath related to us; Abd al-Wahhab ibn Isa related to us; Ahmad ibn Muhammed related to us; Ahmad ibn Ali related to us; Muslim related to us; Ishaq ibn Ibrahim and Abd ibn Humayd related to us, both from Abu Amir al-Aqadi: Abd Allah ibn Ja'far al-Zuhri related to us, from Sa'd ibn Ibrahim, that al-Qasim ibn Muhammed said to him: A'ishah informed me that the Messenger of Allah ﷺ said: "Whoever performs an act that does not accord with our command, it is rejected." This text thus establishes the invalidity of every contract a person concludes and undertakes, except what is established to be a contract concerning which there has come a text or consensus making it binding by name, or permitting the undertaking of that particular contract. Likewise, the Messenger of Allah ﷺ ruled that the settlement made by those who reached a settlement with the man whose son had committed fornication with his wife was invalid. As for "The believer's promise is obligatory," its transmission chain omits the Companion, and it also contains Hisham ibn Sa'd, who is weak. Likewise, "Do not make a promise to your brother and then break it" also has a transmission chain that omits the Companion. Those who invoke this as evidence are the very people who most strongly act contrary to it, for they do not rule that someone who has made a promise must fulfill it. As for "If you say to a child, 'Come here; here, this is for you,'" its transmission chain is interrupted, because Ibn Shihab did not meet Abu Hurayrah. Even if it were authentic, it would provide them with no evidence, because that expression constitutes a valid, binding gift. As for covenants, Allah, Mighty and Majestic, states in Surat Bara'ah, which is the last surah He revealed, the last covenant He prescribed for Muslims and polytheists, thereby abrogating everything that preceded it. He, Exalted, said: {How can the polytheists have a covenant with Allah and with His Messenger, except those with whom you made a covenant at the Sacred Mosque? So long as they remain upright toward you, remain upright toward them.

له أخبرتني عائشة أن رسول الله صلى الله عليه وسلم قال من عمل عملا ليس عليه أمرنا فهو رد فصح بهذا النص بطلان كل عقد عقده الإنسان والتزمه، إلا ما صح أن يكون عقدا جاء النص، أو الإجماع بإلزامه باسمه أو بإباحة التزامه بعينه وكذلك حكم رسول الله صلى الله عليه وسلم بإبطال صلح الذين صالح الذي زنى ابنه بامرأته. وأما: وأي المؤمن واجب فمرسل، وفيه أيضا هشام بن سعد وهو ضعيف، وكذلك: لا تعد أخاك وتخلفه مرسل أيضا، والمحتجون بذلك أشد الناس خلافا له، فلا يقضون على من وعد بإنجازه. وأما إذا قلت لصبي: تعال هاه لك فمنقطع لأن ابن شهاب لم يلق أبا هريرة ولو صح لم يكن لهم فيه حجة، لأن ذلك اللفظ هبة صحيحة لازمة. وأما العهود فإن الله عز وجل يقول في سورة براءة التي هي آخر سورة أنزلها، آخر عهد عهد به إلى المسلمين والمشركين، نسخ به جميع ما تقدم فقال تعالى {كيف يكون للمشركين عهد عند الله وعند رسوله إلا لذين عاهدتم عند لمسجد لحرام فما ستقاموا لكم فستقيموا لهم إن الله يحب لمتقين} فأبطل عز وجل كل عهد يعهده أحد لمشرك، إلا على ما نص في السورة المذكورة من غرم الجزية مع الصغار لأهل الكتاب خاصة واستثنى تعالى الذين عاهد رسول الله صلى الله عليه وسلم عند المسجد الحرام خاصة وهم الذين ذكروا في أول السورة إذ يقول تعالى {برآءة من الله ورسوله إلى لذين عاهدتم من لمشركين * فسيحوا في لأرض أربعة أشهر وعلموا أنكم غير معجزي الله وأن الله مخزي لكافرين} فلما انقضت تلك الأربعة الأشهر لم يبق لمشرك على مسلم عهد إلا السيف أو الإسلام، إلا أن يكون كتابيا فيرضى بغرم الجزية مع الصغار، فيجاب إلى ذلك، وإلا فالسيف، فصح بهذا النص أن كل عهد عاهده مسلم مشركا على غير الجزية مع الصغار، فهو عهد الشيطان مفسوخ مردود لا يحل الوفاء به، ولا فرق بين من أخذ بحديث أبي جندل، وبين من صلى إلى بيت المقدس وترك الكعبة لأن النبي صلى الله

Indeed, Allah loves the God-fearing.} Thus He, Mighty and Majestic, invalidated every covenant anyone makes with a polytheist, except on the terms expressly stated in the aforementioned surah: payment of the poll tax with subjection, specifically for the People of the Book. He, Exalted, made an exception specifically for those with whom the Messenger of Allah ﷺ made a covenant at the Sacred Mosque. They are those mentioned at the beginning of the surah, where He, Exalted, says: {A declaration of release from Allah and His Messenger to those polytheists with whom you made a covenant. * So travel about in the land for four months, and know that you cannot thwart Allah, and that Allah will disgrace the unbelievers.} When those four months had elapsed, no polytheist retained any covenant binding upon a Muslim: there remained only the sword or Islam, unless he belonged to the People of the Book and agreed to pay the poll tax with subjection, in which case his request would be granted; otherwise, the sword. This text thus establishes that every covenant a Muslim makes with a polytheist on terms other than the poll tax with subjection is a covenant of Satan, annulled and rejected, which it is unlawful to fulfill. There is no difference between someone who follows the report of Abu Jandal and someone who prays toward Jerusalem and abandons the Kaaba, because the Prophet ﷺ did both things, and then both were abrogated. Utterly astonishing is someone who disregards the limits set by Allah, Exalted, concluding contracts contrary to them, yet observes a covenant with an unbeliever that Allah and His Messenger have commanded be annulled. And utterly astonishing are the Malikis who say that if unbelievers come to stay among us who belong to a belligerent territory under a guarantee of safety, having with them captives, men and women, Muslim males and Muslim females, these are not to be taken away from them; they are to be left with them, and they are to be sent back to their own lands, without being prevented from having sexual intercourse. Abu Muhammed said: We declare ourselves free before Allah, Mighty and Majestic, of this accursed opinion, at the very hearing of which Muslims' bodies shudder—how much more at believing it! Would that I knew: if they made a covenant with them stipulating digging up the grave of the Prophet ﷺ, or converting the mosques into churches, or hanging bells in the minarets, do you suppose they would consider it necessary to fulfill these covenants with them, despite

عليه وسلم فعل كلا الأمرين ثم نسخا والعجب كل العجب ممن لا يراعي حدود الله تعالى، فيعقد عقودا بخلافها، ويراعي عهد كافر قد أمر الله ورسوله بفسخه. والعجب كل العجب من المالكيين القائلين: إنه إن نزل عندنا كفار حربيون بأمان، وعندهم أسارى رجال ونساء مسلمون ومسلمات أنهم لا ينتزعون منهم، ويتركون ويردونهم إلى بلادهم ولا يمنعون من الوطء. قال أبو محمد: ونحن نبرأ إلى الله عز وجل من هذا القول الملعون الذي تقشعر أجساد المسلمين من سماعه، فكيف من اعتقاده فليت شعري لو عاهدوهم على نبش قبر النبي صلى الله عليه وسلم أو على قلب المساجد كنائس أو على تعليق النواقيس في المآذن، أتراهم كانوا يرون الوفاء لهم بهذه العهود؟ مع ما يسمعون من قوله تعالى {كيف يكون للمشركين عهد عند الله وعند رسوله إلا لذين عاهدتم عند لمسجد لحرام فما ستقاموا لكم فستقيموا لهم إن الله يحب لمتقين} ثم يتعلقون بحديث أبي جندل وهو منسوخ، لما نص الله تعالى في براءة مما قد تلوناه في هذا الباب فإن تعلقوا بقول الله تعالى {وإن أحد من لمشركين ستجارك فأجره حتى يسمع كلام الله ثم أبلغه مأمنه ذلك بأنهم قوم لا يعلمون} فهذه حجة عليهم لا لهم لأن الله تعالى لم يبح في هذه الآية أن يطلقوا على مسلم ولا على ماله ولا على إذلاله، وإنما أباح حقن دمائهم فقط ولا مزيد أما سمعوا قوله تعالى {محمد رسول الله ولذين معه أشدآء على لكفار رحمآء بينهم تراهم ركعا سجدا يبتغون فضلا من الله ورضوانا سيماهم في وجوههم من أثر لسجود ذلك مثلهم في لتوراة ومثلهم في لإنجيل كزرع أخرج شطأه فآزره فستغلظ فستوى على سوقه يعجب لزراع ليغيظ بهم لكفار وعد الله لذين آمنوا وعملوا لصالحات منهم مغفرة وأجرا عظيما} ومن أباح لكافر تملك مسلم فقد انقلبت صفتهم، فصاروا رحماء على الكافرين أشداء بينهم، نعوذ بالله من هذه الصفة القبيحة وقوله تعالى {ما كان لأهل لمدينة ومن حولهم من لأعراب أن يتخلفوا عن

hearing His words, Exalted: {How can the polytheists have a covenant with Allah and with His Messenger, except those with whom you made a covenant at the Sacred Mosque? So long as they remain upright toward you, remain upright toward them. Indeed, Allah loves the God-fearing.} Yet they cling to the report of Abu Jandal, although it has been abrogated by what Allah, Exalted, expressly stated in Bara'ah, which we have already recited in this chapter. If they cling to the words of Allah, Exalted, {And if any one of the polytheists seeks your protection, grant him protection until he hears the speech of Allah; then convey him to his place of safety. That is because they are a people who do not know}, this is evidence against them, not for them, because in this verse Allah, Exalted, did not permit them to be given free rein over a Muslim, over his property, or to humiliate him. He permitted only the sparing of their blood, and nothing more. Have they not heard His words, Exalted: {Muhammed is the Messenger of Allah, and those with him are stern toward the unbelievers, merciful among themselves. You see them bowing and prostrating, seeking bounty from Allah and His good pleasure. Their mark is on their faces from the trace of prostration. That is their likeness in the Torah; and their likeness in the Gospel is as a crop that puts forth its shoots, then strengthens them, then grows thick and stands upright upon its stalks, delighting the sowers, so that He may enrage the unbelievers through them. Allah has promised those among them who believe and do righteous deeds forgiveness and a mighty reward.} Whoever permits an unbeliever to own a Muslim has thereby reversed their description: they have become merciful toward the unbelievers, stern among themselves. We seek refuge in Allah from this ugly description. And His words, Exalted: {It was not for the people of Medina and the Bedouins around them to remain behind the Messenger of Allah, nor to prefer their own lives to his. That is because neither thirst, nor weariness, nor hunger afflicts them in the path of Allah, nor do they tread any ground that enrages the unbelievers, nor inflict any loss upon an enemy, without a righteous deed being recorded for them on its account. Indeed, Allah does not let the reward of those who do good go to waste.} Hammam related to us; al-Asili related to us; related to us: al-Marwazi; al-Firabri related to us; al-Bukhari related to us; Muhammed ibn al-Ala related to us; Usamah informed us, from Burayd, from Abu Burdah,

رسول الله ولا يرغبوا بأنفسهم عن نفسه ذلك بأنهم لا يصيبهم ظمأ ولا نصب ولا مخمصة في سبيل الله ولا يطأون موطئا يغيظ لكفار ولا ينالون من عدو نيلا إلا كتب لهم به عمل صالح إن الله لا يضيع أجر لمحسنين} حدثنا حمام ثنا الأصيلي نا المروزي، نا الفربري، نا البخاري، نا محمد بن العلاء، أنبأنا أسامة عن بريد عن أبي بردة عن أبي موسى عن النبي صلى الله عليه وسلم قال المؤمن للمؤمن كالبنيان يشد بعضه بعضا، وشبك بين أصابعه. حدثنا عبد الرحمن بن عبد الله الهمداني، نا أبو إسحاق البلخي، نا الفربري، حدثناالبخاري، نا سعيد بن الربيع، نا شعبة عن الأشعث، سمعت معاوية بن سويد يقول: سمعت البراء بن عازب قال أمرنا رسول الله صلى الله عليه وسلم بسبع فذكر فيها نصر المظلوم

from Abu Musa, from the Prophet ﷺ, who said: “The believer is to the believer like a building, each part strengthening the other.” And he interlaced his fingers. Abd al-Rahman ibn Abd Allah al-Hamdani related to us; Abu Ishaq al-Balkhi related to us; al-Firabri related to us; al-Bukhari related to us; Saʿid ibn al-Rabi related to us; Shuʿbah related to us, from al-Ashʿath: I heard Muʿawiyah ibn Suwayd say: I heard al-Bara ibn Azib say: “The Messenger of Allah ﷺ commanded us to do seven things.” Among them he mentioned aiding the oppressed.[5354555657585960616 2]

[53]**Translator’s note (L1916):** The supplied chain reads “Shuʿbah ibn Mansur.” This may be a transcription error for “Shuʿbah, from Mansur,” but the supplied wording is retained.

[54]**Translator’s note (L1917):** The transmitted name قتية is rendered “Qatiyah”; it appears to be a defective spelling of Qutaybah, but has not been silently corrected.

[55]**Translator’s note (L1918):** The wording describing the settlement is syntactically awkward and leaves the referent of “his wife” uncertain. The translation preserves that uncertainty. The technical term mursal denotes a report transmitted without naming the Companion intermediary.

[56]**Translator’s note (L1920):** The Qur’anic quotations contain repeated defective spellings, particularly missing initial alifs. Their identifiable wording has been translated without reproducing the orthographic defects. The Arabic allows some syntactic uncertainty in the description of Surat Bara’ah as the last revelation and the last covenant; both authorial claims are retained.

[57]**Translator’s note (L1921):** The single word harbiyyun describes the unbelievers in the preceding segment and denotes their legal status as belonging to a territory at war.

[58]**Translator’s note (L1922):** The pronouns in “they are to be sent back to their own lands” do not explicitly distinguish the unbelievers from the captives; the surrounding argument concerns allowing the unbelievers to return with their captives. “Having sexual intercourse” translates the unqualified Arabic expression; in context it concerns intercourse with the captive women.

[59]**Translator’s note (L1923):** The Qur’anic quotations contain repeated defective spellings, particularly missing initial alifs; their identifiable wording has been translated. The final transmission formula introduces al-Marwazi at the beginning of the following segment.

[60]**Translator’s note (L1924):** The supplied chain reads “Usamah.” The familiar wording of this chain names Abu Usamah, but the supplied reading has been retained.

[61]**Hadith references (L1916):** Sahih Muslim 1640a; Sunan an-Nasai 3805; Jami at-Tirmidhi 1538.

[62]**Qur’an references (L1916):** Qur’an 9:7 (At-Tawbah); Qur’an 9:6 (At-Tawbah); Qur’an 48:29 (Al-Fath); Qur’an 9:120 (At-Tawbah).

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Abd Allah ibn Yusuf related to us; Ahmad ibn Fath related to us; Abd al-Wahhab related to us; Ahmad ibn Muhammed related to us; Ahmad ibn Ali related to us; Muslim related to us; Qutaybah related to us; al-Layth related to us, from Uqayl, from al-Zuhri, from Salim, from his father, that the Messenger of Allah ﷺ said: "The Muslim is the brother of the Muslim: he does not wrong him nor hand him over. Whoever attends to his brother's need, Allah attends to his need; whoever relieves a Muslim of a distress, Allah thereby relieves him of one of the distresses of the Day of Resurrection; and whoever conceals a Muslim's faults, Allah conceals his faults on the Day of Resurrection." Through the same chain to Muslim: "'Abd Allah ibn Maslamah ibn Qa'b narrated to us; Dawud—meaning Ibn Qays—narrated to us, from Abu Sa'id, the freedman of 'Amir ibn Kurayz, from Abu Hurayrah, who said: 'The Messenger of Allah ﷺ said: "The Muslim is the Muslim's brother: he neither wrongs him nor abandons him."'" Through the same chain to Muslim: "Muhammed ibn 'Abd Allah ibn Numayr narrated to us; my father narrated to us; Zakariyya ibn Abi Za'idah narrated to us, from al-Sha'bi, from al-Nu'man ibn Bashir, who said: 'The Messenger of Allah ﷺ said: "The believers, in their mutual affection, sympathy, and mercy, are like the body: when one of its members suffers, the rest of the body responds with sleeplessness and fever."'" Through the same chain to Muhammed ibn 'Abd Allah ibn Numayr: "Humayd ibn 'Abd al-Rahman narrated to us, from al-A'mash, from Khaythamah, from al-Nu'man ibn Bashir, who said: 'The Messenger of Allah ﷺ said: "The Muslims are like a single man: if his eye suffers, his whole body suffers; and if his head suffers, his whole body suffers."'"

Abu Muhammed said: They disregarded all of this. We know that there is no wronging of a Muslim, no handing him over, no abandoning him, no neglecting his need, no more complete aggravation of his distress, no exposure of him—and of every Muslim—to disgrace, and no more severe opposition to Allah Most High and to the Messenger ﷺ than leaving a Muslim man and a Muslim woman with a polytheist who humiliates her and has intercourse with her. This necessarily entails that, if a wrongdoer seeking worldly gain rebels against the imam and refuses obedience to him, returning to obedi-

حدثنا عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم، نا قتيبة، نا الليث، عن عقيل عن الزهري عن سالم عن أبيه أن رسول الله صلى الله عليه وسلم قال المسلم أخو المسلم لا يظلمه ولا يسلمه ومن كان في حاجة أخيه كان الله في حاجته، ومن فرج عن مسلم كربة فرج الله عنه بها كربة من كرب يوم القيامة، ومن ستر مسلما ستره الله يوم القيامة. وبه إلى مسلم، نا عبد الله بن مسلمة بن قعب، نا داود يعني ابن قيس عن أبي سعيد مولى عامر بن كريز عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم المسلم أخو المسلم لا يظلمه ولا يخذله وبه إلى مسلم، ثنا محمد بن عبد الله بن نمير، نا أبي، نا زكريا بن أبي زائدة، عن الشعبي عن النعمان بن بشير قال قال رسول الله صلى الله عليه وسلم مثل المؤمنين في توادهم وتعاطفهم وتراحمهم مثل الجسد، إذا اشتكى منه عضو تداعى له سائر الجسد بالسهر والحمى وبه إلى محمد بن عبد الله بن نمير، نا حميد بن عبد الرحمن، عن الأعمش، عن خيثمة عن النعمان بن بشير قال قال رسول الله صلى الله عليه وسلم المسلمون كرجل واحد إن اشتكى عينه اشتكى كله وإن اشتكى رأسه اشتكى كله قال أبو محمد فأعرضوا عن هذا كله وقد علمنا أنه لا ظلم للمسلم، ولا إسلام له ولا خذلان له، ولا تضييع لحاجته، ولا أتم لكربته، ولا فضيحة له، ولكل مسلم ولا أشد خلافا على الله تعالى وعلى رسول صلى الله عليه وسلم من ترك المسلم والمسلمة عند المشرك يذلها ويطؤها، ووجب بهذا ضرورة أن الإمام إذا تعاصى عليه خارج عن طاعته، ظالم طالب دنيا، فلم يراجع الطاعة إلا بأمان وعهود وعقود، على ألا يتعرض في شيء من حاله، ولا مما بيده، فإنه أمان فاسد، وعقد باطل، وعهود ساقطة، وشروط مفسوخة كلها، ولا يسقط عنه شيء إلا حد المحاربة فقط بنص القرآن، إذ يقول تعالى: {إلا الذين تابوا من قبل أن تقدروا عليهم فعلموا أن لله غفور رحيم} ولا يسقط بذلك قود

ence only upon receiving a guarantee of safety, pledges, and agreements that neither his circumstances nor anything in his possession will be interfered with, then that guarantee of safety is unsound, that agreement void, those pledges without force, and those conditions all annulled. Nothing is waived for him except the prescribed punishment for armed brigandage alone, by the explicit text of the Quran, where the Most High says: {Except those who repented before you gained power over them; then know that Allah is Forgiving, Merciful}. This does not waive any Muslim's right to retaliation for loss of life or a lesser injury, any prescribed punishment among the prescribed punishments of Allah Most High, or any Muslim's right concerning property that he took without right. Rather, judgment must be executed against him in all these matters according to what the Quran or the Sunnah requires. Otherwise, the imam disobeys Allah Most High if he neglects this.

Abu Muhammed said: They say concerning someone who says, "If I marry such-and-such a woman, she is divorced," and then marries her, that she becomes divorced from him. They adduce as evidence: {O you who believe, fulfill the contracts. Livestock animals have been made lawful for you, except what is recited to you, without treating game as lawful while you are in a state of ritual consecration. Indeed, Allah rules as He wills}. They hold, concerning a messenger of Allah who came from the territory of war and embraced Islam, that he is to be returned to the unbelievers. Then they say concerning a man who had a Muslim co-owner in a house, whose co-owner offered him the opportunity either to take the share for the price being offered for it or to leave it so that he could sell it to whoever wanted it: his co-owner permitted him to sell, entered into an agreement with him, and voluntarily called people to witness that he relinquished his right of preemption and would not assert it; then the co-owner sold. They say: "That pledge and that agreement are without force and are not binding; he may exercise the right of preemption."

Abu Muhammed said: Could there be anything more outrageous in the inversion of realities than this? Here is a condition whose binding force has been established by the explicit text, yet they annul it, although it is the ruling

لمسلم في نفس فما دونها، ولا حد من حدود الله تعالى، ولا حق لمسلم في مال أخذه بغير حق، بل يقام عليه الحكم في كل ذلك بما أوجبه القرآن أو السنة، وإلا فالإمام عاص لله تعالى إن أغفل ذلك. قال أبو محمد: وهم يقولون فيمن قال: إن تزوجت فلانة فهي طالق فتزوجها إنها تطلق عليه ويحتجون ب {يا أيها لذين آمنوا أوفوا بلعقود أحلت لكم بهيمة لأنعام إلا ما يتلى عليكم غير محلي لصيد وأنتم حرم إن لله يحكم ما يريد} ويرون في رسول الله أتى من دار الحرب فأسلم أنه يرد إلى الكفار، ثم يقولون في رجل كان له شريك مسلم في دار فعرض عليه شريكه أن يأخذ الشقص بما يعطى فيه، أو يترك فيبيعه ممن يريده، فأباح له شريكه أن يبيع، وعقد معه وأشهد الناس طائعا على ترك شفعته، وأنه لا يقوم بها، فباع الشريك قالوا: فذلك العهد وذلك العقد ساقطان لا يلزمان وله الأخذ بالشفعة. قال أبو محمد: أفيكون في عكس الحقائق أشنع من هذا؟ وهذا شرط قد جاء النص بإلزامه فأبطلوه وهو حكم الله تعالى وحكم رسوله صلى الله عليه وسلم وأجازوا شروطا منسوخة لا يحل عقدها الآن أصلا. حدثنا عبد الله بن يوسف، نا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، نا مسلم، نا أبو الطاهر، نا ابن وهب، عن ابن جريج: أن أبا الزبير أخبره أنه سمع جابر بن عبد الله يقول قال رسول الله صلى الله عليه وسلم الشفعة في كل شرك في أرض أو ربع أو حائط لا يصلح أن يبيع حتى يعرض على شريكه فيأخذ أو يدع، فإن أبى فشريكه أحق به حتى يؤذنه وبه إلى مسلم، نا محمد بن عبد الله بن نمير، نا عبد الله بن إدريس، نا ابن جريج عن أبي الزبير عن جابر قال قضى رسول الله صلى الله عليه وسلم بالشفعة في كل شركة لم تقسم ربعه أو حائط لا يحل له أن يبيع حتى يؤذن شريكه، فإن شاء أخذ وإن شاء ترك. فإذا باع ولم يؤذنه فهو أحق به. فهذا

of Allah Most High and the ruling of His Messenger ﷺ. Meanwhile, they permit abrogated conditions that it is now entirely unlawful to stipulate.

ʿAbd Allah ibn Yusuf narrated to us: "Ahmad ibn Fath narrated to us; ʿAbd al-Wahhab ibn ʿIsa narrated to us; Ahmad ibn Muhammed narrated to us; Ahmad ibn ʿAli narrated to us; Muslim narrated to us; Abu al-Tahir narrated to us; Ibn Wahb narrated to us, from Ibn Jurayj, that Abu al-Zubayr informed him that he heard Jabir ibn ʿAbd Allah say: 'The Messenger of Allah ﷺ said: "Preemption applies to every jointly owned interest in land, a dwelling, or an orchard. It is not proper for him to sell until he offers it to his co-owner, who may take it or leave it. If he refuses, his co-owner has the greater right to it until he notifies him."'" Through the same chain to Muslim: "Muhammed ibn ʿAbd Allah ibn Numayr narrated to us; ʿAbd Allah ibn Idris narrated to us; Ibn Jurayj narrated to us, from Abu al-Zubayr, from Jabir, who said: 'The Messenger of Allah ﷺ ruled that preemption applies to every undivided jointly owned property, a dwelling or an orchard. It is not lawful for him to sell until he notifies his co-owner, and then, if he wishes, he may take it, and if he wishes, he may leave it. If he sells without notifying him, the latter has the greater right to it.'" This is a report in which Abu al-Zubayr's hearing from Jabir has been established as authentic. The Prophet ﷺ granted the co-owner the choice of taking or leaving it only before his co-owner's sale, and granted him no right after the sale unless his co-owner had failed to notify him before selling. These people thus invert realities, as you see: they abandon their appeal to {O you who believe, fulfill the contracts. Livestock animals have been made lawful for you, except what is recited to you, without treating game as lawful while you are in a state of ritual consecration. Indeed, Allah rules as He wills} wherever they please, thus invalidating it—the contracts which it is not lawful for a Muslim to remain listening to, let alone enforce, among those whose invalidation has been established by the explicit text, which Allah Most High commanded to be enforced. And they adduce as evidence {O you who believe, fulfill the contracts. Livestock animals have been made lawful for you, except what is recited to you, without treating game as lawful while you are in a state of ritual consecration. Indeed, Allah rules as He wills} wherever they

حديث قد صح سماع أبي الزبير من جابر ولم يجعل النبي صلى الله عليه وسلم الأخذ أم الترك للشريك إلا قبل بيع شريكه، ولم يجعل له بعد البيع حقا إلا إن كان الشريك لم يؤذنه قبل البيع. فعكس هؤلاء القوم الحقائق كما ترى فيتركون احتجاجهم ب {يا أيها لذين آمنوا أوفوا بلعقود أحلت لكم بهيمة لأنعام إلا ما يتلى عليكم غير محلي لصيد وأنتم حرم إن لله يحكم ما يريد} حيث شاؤوا فيبطلونه العقود لا يحل لمسلم القرار على سماعها، فكيف إمضاؤها، مما قد جاء النص بإبطاله، التي أمر الله تعالى بإمضائها ويحتجون ب {يا أيها لذين آمنوا أوفوا بلعقود أحلت لكم بهيمة لأنعام إلا ما يتلى عليكم غير محلي لصيد وأنتم حرم إن لله يحكم ما يريد} حيث شاؤوا فيمضون عقودا ويبطلون من النذور ما قد أمر النبي صلى الله عليه وسلم بإنفاذه باسمه كالنذر في الجاهلية الذي أمر عليه السلام عمر بالوفاء به،

please, thus enforcing contracts, while invalidating vows that the Prophet ﷺ expressly commanded to be fulfilled, such as the vow made in the time of pre-Islamic ignorance which he, peace be upon him, commanded ʿUmar to fulfill.[63][64][65][66][67][68][69]

L1932–1940 These people have thus thoroughly inverted the truth in their pronouncements. They say: “If someone concludes a sale and stipulates conditions that

فعكس هؤلاء القوم في أقوالهم الحق عكسا، ويقولون من باع بيعا فاشترط شروطا تفسده. فقال: أنا أسقط الشرط جاز ذلك وصح البيع. قالوا: فإن باع بيعا إلى أجل مجهول فقال: أنا أعجل الثمن وأسقط الأجل، قالوا: فذلك لا يجوز والبيع فاسد. قالوا: ومن اشترى عبدا بشرط أن يعتقه، فذلك جائز لازم له ولا يرده بعيب يجده فيه، لكن يأخذ أرش العيب، قالوا: فإن أعتقه بشرط ألا يفارقه لم يجز ذلك. قالوا: ومن قال لآخر: بعني عبدك للعتق بأربعين دينارا. فقال: لا بل بخمسين دينارا فأبى المشتري، فقال العبد لسيده: يعني منه بأربعين دينارا وأنا أعقد لك وأشرط لك على نفسي بالعشرة الدنانير الزائدة، وأشهد لك بذلك، فأجاب السيد إلى ذلك والتزم العبد العشرة الدنانير طائعا، وأشهد البينة على نفسه بذلك، فاشترى المشتري العبد فأعتقه، قالوا: لا يلزم العبد مما عقد على نفسه، وأشهد عليها به شيء أصلا، قالوا: فلو قال لعبده أنت حر وعليك خمسون دينارا جاز ذلك ولزم العبد أن يؤديها شاء أم أبى. قالوا: ومن شارط عبده على أن يخدمه هذه السنة التي أولها شهر كذا ثم أنت حر والتزم العبد ذلك، فأبقى العبد تلك السنة كلها، قالوا: فهو حر ولا يلزمه من شرط الخدمة شيء، وقد ذكرنا قولهم في الشفعة. وقالوا فيمن باع ثمر حائطه وشرط للمشتري على نفسه ألا يقوم بالجائحة إن أجيح فأجيح قالوا: لا يلزمه ذلك الشرط وله القيام بالجائحة، ثم قالوا في مريض شاور ورثته في أن يوصي بأكثر من ثلثه وهم في غير كفالته، فأجازوا له ذلك، فأوصى بأكثر من الثلث، ثم مات قالوا: يلزمهم ما التزموا ولا قيام لهم عليه. قال أبو محمد: وهذا عكس الحقائق وإجازة ما لا يجوز، وتحليل ما حرم الله تعالى، وإبطال ما لا يجوز سواه وقالوا: لو تراضى المكاتب وسيده وتشارطا أن المكاتب

[63] **Translator’s note (L1926):** The transmitted name reads “ibn Qaʿb”; it appears to be a corruption of “ibn Qaʿnab.” The following “baʿni” appears to be a typographical corruption of “yaʿni,” meaning “meaning.” The phrase rendered “no more complete aggravation of his distress” is awkward in the supplied Arabic, which reads “wa-la atamma li-kurbatihi.” The comparison has been retained without substituting a different Arabic reading. The Arabic says simply “the Messenger” in the final authorial comparison, without the usual following “of Allah.”

[64] **Translator’s note (L1927):** The Quran quotation contains apparent transcription errors: “fa-ʿlamu” (“then know”) is written without its initial alif, and “Allah” is written “li-llah.” The translation follows the evident sense of the supplied quotation; these irregularities are not a different Quranic reading.

[65] **Translator’s note (L1929):** The Quran quotation repeatedly has missing letters in such words as “those,” “contracts,” “livestock,” “game,” and “Allah.” The translation renders the identifiable wording and does not treat these transcription defects as variant readings. The supplied phrase explicitly reads “a messenger of Allah who came from the territory of war and embraced Islam.” This is anomalous in context and may be corrupt; it has not been silently changed to “their messenger” or simply “a messenger.” In the first preemption report, the subject of “if he refuses” is not explicit. The translation retains that ambiguity rather than replacing the supplied wording with another version of the report.

[66] **Translator’s note (L1930):** The supplied “taking or leaving” uses “am” for “or,” an awkward construction here; the two alternatives remain distinct in translation. The Quran quotation contains the same apparent missing-letter transcription errors as in unit 1929:0. Its final sentence continues in the next unit.

[67] **Translator’s note (L1931):** The opening argument is syntactically corrupt or disordered: “thus invalidating it” is followed by “the contracts,” and contracts whose invalidation is textually established are then described as commanded to be enforced. The translation preserves these conflicting clauses in their supplied order rather than reconstructing the likely intended argument. The repeated Quran quotation contains the same apparent missing-letter transcription errors as the preceding occurrences.

[68] **Hadith references (L1925):** Sahih Muslim 1608c; Sahih al-Bukhari 6951; Sahih Muslim 2586d.

[69] **Qur’an references (L1925):** Qur’an 5:34 (Al-Ma’idah); Qur’an 5:1 (Al-Ma’idah).

invalidate it, then says, 'I waive the condition,' that is permissible and the sale becomes valid." They say: "But if he concludes a sale with payment deferred to an unknown date, then says, 'I will make the price payable immediately and waive the deferral,' that is not permissible, and the sale is invalid." They say: "If someone buys a slave on condition that he emancipate him, that is permissible and binding upon him. He may not return him because of a defect he discovers in him, but may receive compensation for the defect." They say: "But if he emancipates him on condition that he not leave him, that is not permissible."

They say: "If someone says to another, 'Sell me your slave for emancipation for forty dinars,' and he replies, 'No, rather for fifty dinars,' and the purchaser refuses, whereupon the slave says to his master, 'Sell me to him for forty dinars, and I will enter into an agreement with you and bind myself by a condition to pay you the additional ten dinars, and have witnesses attest this for you'; then the master agrees, and the slave voluntarily undertakes to pay the ten dinars and calls witnesses to attest his obligation; then the purchaser buys the slave and emancipates him—nothing whatsoever of what the slave bound himself to by agreement and had witnesses attest is binding upon him." They say: "But if he says to his slave, 'You are free, and you owe fifty dinars,' that is permissible, and the slave must pay them whether he wishes to or not." They say: "If someone agrees with his slave that he will serve him for this year, beginning with such-and-such a month, 'then you are free,' and the slave accepts that obligation, but then the slave [apparently: absconds] for that entire year, they say: 'He is free, and none of the stipulated service is binding upon him.' We have already mentioned their position on preemption. They say concerning someone who sells the fruit of his orchard and stipulates to the purchaser, binding himself, that he will not bring a claim for crop calamity if it is stricken, and then it is stricken: 'That condition is not binding upon him, and he may bring a claim for crop calamity.' Then they say concerning a sick man who consults his heirs about bequeathing more than a third of his property, while they are not under his guardianship, and they permit him to do so, whereupon he bequeaths more than a third

متى فعل أمرا كذا فمحو كتابته بيد سيده، ففعل المكاتب ذلك الشيء، وأقر بفعله، أو قامت عليه بذلك بينة: قالوا: هذا شرط لا يلزم ولا يكون محو كتابته إلى سيده لكن إلى السلطان. ثم قالوا: إن حكم خصمان بينهما رجلا من عرض المسلمين لا سلطان له، فحكم بينهما برضاهما، ثم امتنع أحد الخصمين، قالوا: ذلك الحكم لازم لهما ورضاهما به أو لا جائز عليهما. وهذا كله ينقض بعضه بعضا، قالوا: فإن شرط على مكاتبه وصفاء غير موصوفين، قالوا: ذلك شرط جائز لازم، قالوا: فإن تشارطا برضا منهما أن ما ولد للمكاتب بل تمام أداء كتابته من ولد، فإنهم غير داخلين في الكتابة. قالوا: هذا شرط لا يلزم ولا يجوز هذا هو قولهم إن المكاتب عبد ما بقي عليه درهم، وأنه إن عجز عاد رقيقا، قالوا: فإن شرط على مكاتبه أضاحي مسماة، وعملا معروفا. وخدمة محدودة وكسوة، ثم أدى بالمكاتب نجومه مجموعة قبل حلول الأجل المشترط، أجبر السيد على قبضها وعجل العتق للمكاتب وبطلت شروطهما في الآجال التي اتفقت الأمة على أنها شروط جائزة لازمة. قالوا: وسقط شرط الخدمة والعمل والسفر بلا عوض يكلفه المكاتب، ولم يسقط شرط الأضحية والكسوة ولا يلزم أيضا، لكن يقول كل ذلك ويدفع قيمته مع ما عجل من نجوم كتابته، فأبطلوا شرط الآجال الذي صححه الله تعالى بلا دليل، وتكلموا في سائر الشروط، فأبطلوا بعضها وعوضوا من بعضها كل ذلك تحكم بلا دليل، ولكن تناقض لا معنى له. فإذا تعلقوا في إسقاط أجل المكاتب بعمر بن الخطاب إذ أجبر أنسا على تعجيل عتق مكاتبه، إذ عجل له النجوم كلها قيل لهم هذا: عجب من العجب، هذه قضيتان اختلف فيهما عمر وأنس، فخالفتم عمر حيث لا يحل خلافه، واتبعتم أنسا في إحدى القضيتين، ثم خالفتم أنسا حيث لا يحل خلافه في القضية الثانية وتعلقتم بعمر، وذلك أن عمر أجبر أنسا على مكاتبة سيرين فكان القرآن يشهد لعمر في هذه القضية بالصواب بقوله تعالى {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون الكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم

and then dies: 'What they undertook is binding upon them, and they have no right to challenge it.'

Abu Muhammed said: This is an inversion of realities, a permitting of what is impermissible, a making lawful of what Allah Most High has forbidden, and an invalidation of that whose alternative alone is impermissible.

They say: 'If a slave contracted to purchase his freedom and his master mutually agree and stipulate that, whenever the slave does such-and-such a thing, cancellation of his emancipation contract will be at his master's discretion, and the slave does that thing and admits doing it, or testimony establishes it against him, this condition is not binding: cancellation of his emancipation contract is not for his master to decide, but for the governing authority.' Then they say: 'If two litigants appoint as arbitrator between them an ordinary Muslim man who holds no governing authority, and he adjudicated between them with their consent, but then one of the two litigants refused, they said: "That judgment is binding upon them both, and their initial consent to him is effective against them both." All of this contradicts itself. They said: "If he stipulates that his slave under a contractual manumission agreement must provide young slaves whose characteristics are unspecified," they said, "that is a valid and binding stipulation." They said: "If the two mutually agree that any children born to the slave under contractual manumission before he completes payment under his manumission agreement are not included in that agreement," they said, "this stipulation is neither binding nor permissible." This accompanies their assertion that a slave under contractual manumission remains a slave so long as he owes a single dirham, and that if he defaults he returns to slavery. They said: "If he stipulates that his slave under contractual manumission must provide specified sacrificial animals, specified work, a defined period of service, and clothing, and then the slave under contractual manumission pays all his installments together before the stipulated deadline, the master is compelled to accept them, the slave's emancipation is brought forward, and their stipulations concerning the payment dates are annulled, although the community has agreed that these are valid and binding stipulations." They said: "The stipulation concerning service, work, and travel lapses without any compensation being imposed upon the

فيهم خيرا وآتوهم من مال الله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن الله من بعد إكراههن غفور رحيم} فخالفتم عمر وقلتم: لا يجوز أن يجبر السيد على مكاتبة عبده، وإن علم فيه كل خير ثم أجبر عمر أنسا على إسقاط الآجال في المكاتب، وتعجيل عتقه إذا عجل المكاتب كل ما عليه، وأنس يأبى ذلك، والنص يشهد لأنس في هذه القضية بالصواب، لأن هذا العقد في الآجال المشترطة في الكتابة داخلة في العقود التي اجتمعت الأمة على جوازها، فهي داخلة في عموم قوله تعالى {ولا تقربوا مال ليتيم إلا بلتي هي أحسن حتى يبلغ أشده وأوفوا بالعهد إن لعهد كان مسؤولا} وكل عقد صح بنص أو إجماع فلا يجوز إبطاله إلا بنص آخر أو إجماع ولا نص ولا إجماع على إسقاط آجال المكاتب بتعجيل ما عليه، فخالفتم أنسا في هذه القضية، وخالفتم عمر في الأولى فلو قيل لكم: اجتهدوا في الخطأ، ما أمكنكم أكثر من هذا. قالوا: ومن وطىء مكاتبته فحملت، خيرت بين التمادي على المكاتبة وبين إسقاطها، ويذهب الشرط والعقد ضياعا. قالوا: ومن كان له على آخر دين إلى أجل من طعام وذهب، إلى أجل مسمى فأتاه بهما قبل الأجل. قالوا: يجبر على قبض الذهب قبل الأجل، ولا يجبر على قبض الطعام إلا حتى يحين الأجل. فمرة يثبتون الشروط ويحتجون ب {يا أيها الذين آمنوا أوفوا بالعقود أحلت لكم بهيمة الأنعام إلا ما يتلى عليكم غير محلي الصيد وأنتم حرم إن الله يحكم ما يريد} والمسلمون عند شروطهم ومرة يبطلون كل ذلك كيفما وافقهم. قالوا: ومن كان له على آخر دين إلى أجل مسمى أو حال فقال له: أنا أنظرك بالدين الذي لي عليك إلى عشرة أيام بعد الأجل الذي هو إليه، وأهبك غدا دينارا، قالوا: يقضى عليه بالتأخير شاء أم أبى ولا يقضى عليه بالهبة الدينار الذي ذكر أصلا. قالوا: ولو قال لغريمه: جئني بحقي قبلك، والحق حال لا مؤجل، وأنا أهبك نصفه فأتاه به، لزمه ما وعده أن يهبه وقضى عليه بذلك. قالوا: ولو قال: مالي في المساكين صدقة. لزمه ثلث ماله ولم يقض

slave under contractual manumission, whereas the stipulation concerning the sacrificial animal and clothing does not lapse; nor is he obliged to provide them either. Rather, he says all of that and pays its value together with the installments of his manumission agreement that he has paid early." Thus, without any proof, they annulled the stipulation concerning payment dates that Allah Most High had validated. They pronounced upon the remaining stipulations, annulling some and substituting compensation for others. All of this is arbitrary ruling without proof; indeed, it is meaningless contradiction. If, in cancelling the payment term of a slave under contractual manumission, they appeal to Umar ibn al-Khattab, because he compelled Anas to bring forward his slave's emancipation when the slave paid him all the installments early, they are to be told: "This is astonishing indeed! These are two cases in which Umar and Anas disagreed. You opposed Umar where opposing him was impermissible, and followed Anas in one of the two cases; then, in the second case, you opposed Anas where opposing him was impermissible, and appealed to Umar. For Umar compelled Anas to enter into a contractual manumission agreement with Sirin, and the Quran testified that Umar was correct in this case, through the words of the Most High: 'Let those who cannot find the means to marry remain chaste until Allah enriches them out of His bounty. And those among those whom your right hands possess who seek a written manumission agreement: enter into such an agreement with them if you know good in them, and give them out of the wealth of Allah that He has given you. And do not compel your slave girls to prostitution, if they desire chastity, seeking the transient goods of the life of this world. And whoever compels them—then Allah, after their compulsion, is forgiving, merciful.' Yet you opposed Umar and said: 'A master may not be compelled to enter into a contractual manumission agreement with his slave, even if he knows every good quality in him.' Then Umar compelled Anas to cancel the payment terms in the contractual manumission agreement and bring forward the slave's emancipation if the slave paid everything he owed early, while Anas refused to do that. The revealed text testifies that Anas was correct in this case, because this contract, with its stipulated payment dates for contractual manumission, falls among the contracts whose permissibility the community has unanimously accepted. It therefore falls within the general

عليه به أن يتصدق بالثلث، فإن فرط حتى تلف الثالث، ولم يؤمر أن يتصدق منه بشيء، قالوا: فلو تصدق على إنسان معين بدار، قضي عليه بذلك، قالوا: فلو قال: داري هذه صدقة على زيد، أو قال على المساكين إن دخلت دار عمرو، فدخلها عامدا ذاكرا ليمينه، قالوا: لا يقضى عليه بشيء ولا يحكم عليه بإمضاء ما تصدق به لا للمعين ولا للمساكين، قالوا: ولو قال ذلك في غير يمين قضي عليه بإمضاء ما تصدق به على المعين.

scope of the words of the Most High: 'Do not approach the orphan's property except in the best manner, until he reaches maturity. And fulfill the covenant: indeed, the covenant will be asked about.' Any contract established as valid by a revealed text or consensus may be annulled only by another revealed text or consensus. There is neither a revealed text nor a consensus authorizing cancellation of the payment terms of a slave under contractual manumission when he pays what he owes early. Thus you opposed Anas in this case and opposed Umar in the first. Had you been told, 'Exert yourselves to reach an erroneous result,' you could have done no more than this!" They said: "If someone has intercourse with his female slave under contractual manumission and she becomes pregnant, she is given the choice between continuing under the manumission agreement and cancelling it," and the stipulation and contract go to waste. They said: "If someone is owed a debt by another, consisting of food and gold due at a specified term, and the debtor brings him both before the term," they said, "he is compelled to accept the gold before the term, but he is not compelled to accept the food until the term arrives." Thus, at one time they uphold stipulations and invoke as proof: "O you who believe, fulfill contracts. Permitted to you are livestock animals, except what is recited to you, without treating game as lawful while you are in a state of pilgrimage consecration. Indeed, Allah rules as He wills," and "Muslims are bound by their stipulations"; at another time they annul all of that however it suits them. They said: "If someone is owed a debt by another, whether due at a specified term or payable immediately, and says to him, 'I grant you respite for the debt you owe me until ten days after its present due date, and tomorrow I shall give you a dinar,'" they said, "a judgment enforcing the postponement is issued against him, whether he wishes it or not, but no judgment whatsoever is issued against him enforcing the gift of the dinar he mentioned." They said: "If he says to his debtor, 'Bring me what you owe me'—the debt being payable immediately, not deferred—'and I shall give you half of it,' and he brings it to him, he is bound by what he promised to give him, and judgment is issued against him accordingly." They said: "If he says, 'My wealth is a charitable gift to the poor,' he is obliged to give a third of his wealth, but no judgment is issued against him requiring him to give the third in charity. Then, if he neglects to do so until the third is lost, he is

not ordered to give any of it in charity." They said: "If, however, he gives a house in charity to a specified person, judgment is issued against him to that effect." They said: "If he says, 'This house of mine is a charitable gift to Zayd,' or says, 'to the poor, if I enter Amr's house,' and then enters it deliberately, remembering his oath," they said, "no judgment is issued against him for anything, nor is he ordered to carry out the charitable gift he declared, whether to the specified person or to the poor." They said: "If he says that outside the context of an oath, judgment is issued against him requiring him to carry out the charitable gift he declared to the specified person."[70717273747576]

[70]**Translator's note (L1932):** The slave's words begin with "yaʿni minhu" in the supplied text, literally an incoherent "meaning, from him." The context strongly suggests "biʿni minhu," "sell me to him," which is the explicitly identified reading used in translation.

[71]**Translator's note (L1933):** The supplied verb is "fa-abqa," which ordinarily means "then he kept" or "then he caused to remain" and lacks an object here. The context suggests "fa-abaqa," "then he absconded"; that conjectural sense is visibly marked in the translation. The crop-calamity example grammatically makes the seller bind himself to forgo a claim, although the right to claim a reduction for calamity would ordinarily concern the purchaser. The supplied allocation of speakers and obligations has been retained. The final authorial accusation literally concerns invalidating "that besides which nothing is permissible"; its force is that they invalidate the only permissible course.

[72]**Translator's note (L1935):** The wording «ورضاهما به أو لا جائز عليهما» is awkward. The translation understands «أو لا» as a defective transcription of «أولا», referring to their initial consent; as separately written, it could instead suggest "or not," but leaves the syntax unclear. «وصفاء» denotes young male slaves or slave attendants. The source reads «بل تمام» rather than the contextually expected «قبل تمام», "before completion." The translation follows that apparent intended reading and records the defect here. «أدى بالمكاتب» is syntactically irregular; the translation takes the slave under contractual manumission as the person making payment.

[73]**Translator's note (L1936):** The opening continues the negative construction begun at the end of the preceding unit. The source reads «يقول كل ذلك», literally "he says all of that," which is retained. The context of paying a monetary equivalent suggests a possible corruption of «يقوّم كل ذلك», "he assesses the value of all of that." The Quran quotation contains repeated defective spellings, including missing initial alifs in forms corresponding to "Allah," "those," and the definite article. These do not yield a distinct translatable wording.

[74]**Translator's note (L1938):** The Quran quotation concerning the orphan's property contains defective spellings of words corresponding to "the orphan," "that which," and "the covenant"; these do not produce a distinct translatable reading.

قالوا: فلو قال عبدي حر إن دخلت دار عمرو، فدخلها قضي عليه بعتق العبد. قالوا: ولو قال في نذر: إن جاء أبي سالما فعلي أن أعتق عبدي هذا حرا لله، فجاء أبوه سالما، لم يقض عليه بعتق ذلك العبد، فلو قال: إن اشتريت عبد فلان فهو حر، فاشتراه، قالوا يقضى عليه بعتقه وهذا ضد النص وضد حكم النبي صلى الله عليه وسلم إذ يقول من نذر أن يطيع الله فليطعه وإذ يقول عليه السلام: إنه لا نذر فيما لا يملك ابن آدم، فقضوا هم عليه بإمضاء النذر فيما لم يملك، إذ نذره ولم يقضوا عليه بالطاعة التي ألزمه الله تعالى إمضاءها والوفاء بها. قالوا: فلو قال: أنا أهبك غدا درهما لم يقض عليه بذلك، قالوا: ولو قال له: إن تبع هذا الثوب أنا أقويك بثمنه وبدرهم أهبه لك، قالوا: يقضى عليه بذلك، قالوا: ومن شرط لامرأته أن لا يرحلها، ولا يتسرى عليها، ولا يتزوج عليها، لم يلزمه شيء من ذلك، وجاز له النكاح، وله أن يرحلها ويتسرى عليها، ويتزوج، قالوا: فلو زاد في كل ذلك فإن فعل فأمرها بيدها، أو قال: فالسرية حرة والداخلة بنكاح طالق، فإن كل ذلك يلزمه ويقضى عليه به. قال أبو محمد: وليس في التلاعب أكثر من هذا، قالوا: ومن شرط على نفسه نفقة امرأة ولده الناكح، ولم يلزمه في الكبير وثبت النكاح، واختلفوا في لزوم ذلك في امرأة الصغير. قالوا: فإن تزوج امرأة على أنه إن جاء بصداقها المسمى إلى أجل مسمى فذلك وإلا فلا نكاح بينهما. فسخ أبدا جاء بالصداق إلى ذلك الأجل أو لم يجيء، هذا مع قولهم إن من شرط في البيع شرطا يفسده فرضي إسقاط الشرط صح البيع، وهم يقولون: إن البيوع تشبه النكاح، حتى إنهم أبطلوا النكاح حين النداء إلى الجمعة قياسا على بطلان البيع حينئذ، ثم قالوا: فإن تزوجها بصداق مسمى إلى الميسرة، فإن رضي بإسقاط الشرط عجل الصداق جاز النكاح، وإن أبى من إسقاط الشرط فسخ النكاح. قالوا: ومن قال لآخر: إن جئتني بأمر كذا في وقت كذا فقد زوجتك ابنتي فلانة فأتى بذلك الشيء في ذلك الوقت، قالوا: لا يجوز له أن يفي بهذا الشرط، فإن أنكحه بذلك الشرط فسخ النكاح

L1941–1946 They said: “If he says, ‘My slave is free if I enter Amr’s house,’ and then enters it, judgment is issued against him requiring the slave’s emancipation.” They said: “If, in making a vow, he says, ‘If my father returns safely, I am obliged to emancipate this slave of mine, making him free for Allah’s sake,’ and his father returns safely, no judgment is issued against him requiring that slave’s emancipation. But if he says, ‘If I buy so-and-so’s slave, he is free,’ and then buys him,” they said, “judgment is issued against him requiring his emancipation.” This contradicts the revealed text and contradicts the ruling of the Prophet, may Allah bless him and grant him peace ﷺ, when he says, “Whoever vows to obey Allah, let him obey Him,” and when he says, peace be upon him, “There is no vow concerning what the son of Adam does not own.” Thus they issued judgment against him requiring fulfillment of a vow concerning something he did not own when he vowed it, while they did not issue judgment against him requiring the act of obedience that Allah Most High had obliged him to carry out and fulfill. They said: “If he says, ‘Tomorrow I shall give you a dirham,’ no judgment is issued against him requiring that.” They said: “But if he says to him, ‘If you sell this garment, I shall assist you with its price and with a dirham that I shall give you,’” they said, “judgment is issued against him requiring that.” They said: “If someone stipulates for his wife that he will not relocate her, take a concubine in addition to her, or marry another wife in addition to her, none of that is binding upon him, his marriage is valid, and he may relocate her, take a concubine in addition to her, and marry another wife.” They said: “But if he adds to all of that, ‘If he does so, her affair is in her own hands,’ or says, ‘Then the concubine is free, and the woman entering the marriage is divorced,’ all of that is binding upon him, and judgment is issued against him accordingly.” Abu Muhammed said: There can be no greater manipulation than this. They said: “If someone stipulates that he himself

[75] **Translator’s note (L1939):** The wording «فإن فرط حتى تلف الثالث ولم يؤمر» is irregular: it literally refers to “the third” with the ordinal «الثالث», rather than the expected fractional «الثلث», and includes an awkward conjunction before “he is not ordered.” The translation renders the apparent contextual sense while recording these defects.

[76] **Qur’an references (L1932):** Qur’an 24:33 (An-Nur); Qur’an 17:34 (Al-Isra); Qur’an 5:1 (Al-Ma’idah).

will maintain the wife of his son who is marrying, this is not binding upon him in the case of an adult son, and the marriage stands." They disagreed over whether this is binding in the case of a minor son's wife. They said: "If he marries a woman on the condition that, if he brings her specified marriage payment by a specified deadline, so be it, but otherwise there is no marriage between them, the marriage must invariably be annulled, whether he brings the marriage payment by that deadline or does not bring it." Yet they also say that, if someone stipulates a condition in a sale that invalidates it, and then agrees to drop the condition, the sale is valid. They say that sales resemble marriage, to the point that they invalidated marriage at the time of the call to Friday prayer by analogy with the invalidity of a sale at that time. Then they said: "If he marries her for a specified marriage payment deferred until he has the means, then, if he agrees to drop the condition and pays the marriage payment immediately, the marriage is valid; but if he refuses to drop the condition, the marriage is annulled." They said: "If someone says to another, 'If you bring me such-and-such a thing at such-and-such a time, I have married my daughter so-and-so to you,' and he brings that thing at that time," they said, "he may not fulfill this condition. If he marries her to him on that condition, the marriage must invariably be annulled." They said: "If someone marries his female slave to another person's male slave, and the two mutually stipulate that whatever children she bears shall be free, the marriage is annulled, and her master is obliged to emancipate the children she bears pursuant to the condition." They said: "But if the two mutually stipulate that whatever offspring she bears shall be enslaved and jointly owned by the two of them, they say: The marriage takes effect and stands, the child is enslaved and belongs to the slave woman's master, and the condition is void. Thus, in the first case the marriage was invalid and the condition stood, whereas in the second the reverse applied: the marriage stood and the condition was void. They say: If he marries a woman on condition that she receive such-and-such an amount of maintenance, and then consummates the marriage with her, they say: The condition is void, the marriage takes effect, and she is entitled to the maintenance received by women of her standing. They say: If he marries her on condition that control over her marital status be in her own hands if he marries another woman alongside her, they say: The

أبدا، قالوا: ومن زوج أمته عبد غيره وتشارطا أن ما ولدت فهو حر، فسخ النكاح ولزم سيدها تحرير ما ولدت بالشرط، قالوا: فلو تشارطا أن ما ولدت فهو رقيق بينهما، قالوا: ينفذ النكاح ويثبت والولد رقيق لسيد الأمة، ويبطل الشرط ففي الأول بطل النكاح وثبت الشرط، وفي الثانية عكس ذلك، وهو ثبات النكاح وبطلان الشرط، قالوا: فلو تزوج المرأة على أن لها من النفقة كذا وكذا، فدخل بها، قالوا: بطل الشرط وينفذ النكاح، ولها نفقة أمثالها. قالوا: فلو تزوجها على أن أمرها بيدها إن تزوج عليها، قالوا: يثبت النكاح ويثبت الشرط ويكون أمرها بيدها إن تزوج. قالوا: إن تزوجها على ألا ينفق عليها ورضيت بذلك، وأشهدت على نفسها، فدخل بها ثم بدا لها، قالوا: ذلك لها ولا يلزم ذلك الشرط، ويقضى لها عليه بالنفقة. قالوا: فلو تزوج امرأة على مائة، فلما هموا بالفراغ قالوا: يضع لك خمسين على ألا تخرجها من دارها، أو قالوا: من ولدها، فقال: نعم، فزوجوه على ذلك الشرط، وهو راض وهي راضية وتشاهدوا، ثم بدا له فأراد إرحالها، قالوا: ذلك له، ويوفيها المائة الكاملة، ولا يلزم واحدا منهما ما تشارطاه، فلو قالت له: أتزوجك بمائة وأضع عنك خمسين على أن تخرجني. فقال: نعم، وتشاهدا على ذلك، فلما تزوجها أراد أن يرحلها قالوا: فذلك له شرط على نفسه في ألا يرحلها مفسوخ، وشرطها على نفسها فيما أسقطت عنه من الخمسين لازم لها لا ترجع عليه بشيء، قالوا: فلو قال لها: إن رحلتك فأمرك بيدك، فذاك لازم له، قالوا: ولو قال لها: إن غبت عنك سنة فأمرك بيدك، فله أن يطأها قبل أن يغيب، ولا يسقط بذلك ما جعل لها من الشرط، قالوا: فلو قال لها وهي حامل: إذا وضعت حملك فأمرك بيدك، قالوا: فإن وطئها بعد هذا القول وقبل أن تضع حملها فقد سقط ما جعل من لها الشرط. وقالوا: من خالع امرأته على أن عليها نفقة ولدها ست سنين، لم يلزمها من ذلك إلا رضاع سنتين فقط، ثم تعود النفقة على الأب، ويسقط عنها ما شرطت على نفسها، قالوا: فإن طلقها طلقة سنة فأعطته مالا على أن لا رجعة له عليها،

marriage stands and the condition stands, and control over her marital status is in her own hands if he marries another woman. They say: If he marries her on condition that he provide her no maintenance, and she agrees to that and has her undertaking witnessed, and he consummates the marriage with her, but she subsequently changes her mind, they say: She is entitled to do so, that condition is not binding, and a judgment shall be issued in her favor against him for maintenance. They say: If he marries a woman for a marriage payment of one hundred, and, as they are about to conclude the arrangement, they say, "He will remit fifty for you on condition that you do not remove her from her house"—or they say, "from her children"—and he says, "Yes," and they marry her to him on that condition, with both him and her consenting, and they have witnesses attest it, but he subsequently changes his mind and wishes to relocate her, they say: He is entitled to do so, and he must pay her the full hundred; neither of them is bound by what they stipulated between themselves. If she says to him, "I shall marry you for one hundred and remit fifty for you on condition that you remove me," and he says, "Yes," and the two have this witnessed, but, after marrying her, he wishes to relocate her, they say: He is entitled to do so. The condition he imposed upon himself that he would not relocate her is annulled, while the condition she imposed upon herself concerning the fifty she remitted for him is binding upon her, and she may recover nothing from him. They say: If he says to her, "If I relocate you, control over your marital status is in your own hands," that is binding upon him. They say: If he says to her, "If I am absent from you for a year, control over your marital status is in your own hands," he may have intercourse with her before departing, and that does not extinguish the condition he granted her. They say: If he says to her while she is pregnant, "When you deliver your child, control over your marital status is in your own hands," they say: If he has intercourse with her after making this statement and before she delivers her child, the condition he granted her has lapsed. They say: If a man concludes a compensated divorce with his wife on condition that she bear the maintenance of her child for six years, only two years of nursing are binding upon her; maintenance then falls upon the father again, and what she stipulated against herself lapses. They say: If he divorces her with a single divorce in accordance with the Sunnah, and

قالوا: ذلك لازم لها وله، وكأنه خلع، قالوا: فلو تشارطا في الخلع: إنك إن خاصمتني فأنت امرأتي فخاصمته، فإن لها ذلك، والشرط باطل لا يلزم.

she gives him money on condition that he have no right to take her back, they say: That is binding upon both her and him, and it is as though it were a compensated divorce. They say: If, in a compensated divorce, they stipulate, "If you bring a claim against me, you are my wife," and she brings a claim against him, she is entitled to do so, and the condition is void and not binding.[777][879]

L1947–1949 Abu Muhammed said: Why, then, did they not say, "It is binding, and it is as though it were a taking back," just as they said in the preceding case, "It is as though it were a compensated divorce"? They say: If a man owes his wife a debt and concludes a compensated divorce with her on condition that he assign her half the debt and she release him from the remainder, they say: The divorce takes effect, and the release is valid and binding, but she is compelled to return to him what he paid in advance, so that it remains outstanding until its due date. This, although they compel the master of a slave contracted to purchase his freedom, and the creditor, to accept what is paid to them in advance—the opposite of what they did in the woman's case. They say: If a slave woman married to a slave says, "If I am emancipated, I have chosen myself," or says, "I have chosen my husband," and has her undertaking witnessed to that effect, they say: That has no effect and is not binding upon her; she may exercise the option anew if she is emancipated.

قال أبو محمد: فهلا قالوا: هو لازم، وكأنه رجعة، كما قالوا في التي قبلها وكأنه خلع، قالوا: ومن كان لامرأته عليه دين فخالعها على أن يجعل لها نصف الدين، وتبرئه من الباقي، قالوا: فالطلاق نافذ، والإبراء جائز لازم وتجبر على أن ترد إليه ما عجل فيبقى إلى أجله، هذا وهم يجبرون سيد المكاتب والغريم على قبض ما عجل لها، بضد ما فعلوه في المرأة قالوا: وإن قالت أمة تحت عبد: إن أعتقت فقد تخيرت نفسي أو قالت: فقد تخيرت زوجي، وأشهدت على نفسها بذلك، قالوا: فليس ذلك بشيء، ولا يلزمها، ولها استئناف الخيار إن أعتقت، وهم يقولون في عبد أو حر قال: إن تزوجت فلانة فهي طالق، أو قال: كظهر أمي. فتزوجها القائل ذلك، فهي طالق وكظهر أمه، ويقولون في قائل قال: إن وكلني زيد بطلاق امرأته فلانة فهي طالق، فوكله زيد بطلاق تلك المرأة، إنها لا تكون طالقا إلا أن يحدث لها الوكيل طلاقا إن شاء، وإلا فلا، ويقولون في قائل قال: متى طلقت زوجتي أو قال: إن طلقت زوجتي هذه فهي مراجعة مني، فطلقها، قالوا: لا تكون مراجعة بذلك، إلا أن يحدث لها رجعة إن شاء. قالوا: ومن باع جارية على أن تعتق فذلك جائز لازم، قالوا: فإن باعها على أن لا تباع، قالوا: لا يجوز ويفسخ البيع إلا أن يرضى البائع إسقاط الشرط فيتم البيع ويسقط الشرط. وقالوا: ومن باع بثمن مجهول فسخ البيع، فإن باع نصف جارية له من زيد، واشترط على المشتري نفقتها سنة، قالوا: إن كان ذلك ثابتا في الحياة والموت جاز الشرط، وليس في الثمن المجهول أكثر من هذا لاختلاف الشبع، وتناول النفقة في الصحة والمرض، قالوا: ومن باع سلعة بثمن مسمى على أن يتجر له في ثمنها سنة، فلا بأس

[77] **Translator's note (L1941):** In «إن تبع هذا الثوب», the unvocalized form «تبع» is understood as the second-person conditional "if you sell." The promise to assist the recipient "with its price" is awkward without further transactional context; the wording is retained.

[78] **Translator's note (L1942):** "Her affair is in her own hands" is a technical formula granting the wife authority to choose divorce. The source shifts from the husband's first-person undertaking to «فإن فعل», "if he does so"; the translation preserves that shift. «ومن شرط على نفسه نفقة امرأة ولده الناكح ولم يلزمه» contains an awkward extra conjunction before "this is not binding upon him." The translation supplies the apparent syntactic connection without treating the wording as sound.

[79] **Translator's note (L1945):** The source says "He will remit fifty for you," although the surrounding context appears to concern a remission by the woman or her representatives; the masculine wording is retained. The source reads "on condition that you remove me," but subsequently describes the husband's undertaking as a condition that he would not relocate her. This apparent inconsistency is retained. The wording ما جعل من لها الشرط is syntactically disordered; it has been rendered as referring to the condition he granted her.

Yet they say of a slave or a free man who says, “If I marry such-and-such a woman, she is divorced,” or says, “She is like my mother’s back,” and then the person who said this marries her: She is divorced and is like his mother’s back. They say of someone who says, “If Zayd appoints me his agent to divorce his wife, such-and-such a woman, she is divorced,” and Zayd then appoints him his agent to divorce that woman: She is not divorced unless the agent subsequently pronounces a divorce upon her, if he wishes; otherwise, she is not. They say of someone who says, “Whenever I divorce my wife,” or says, “If I divorce this wife of mine, she is taken back by me,” and then divorces her, they say: She is not taken back by that statement unless he subsequently effects a taking back, if he wishes. They say: If someone sells a slave woman on condition that she be emancipated, that is valid and binding. They say: If he sells her on condition that she not be sold, they say: That is impermissible, and the sale is rescinded unless the seller agrees to drop the condition; the sale is then completed and the condition lapses. They say: If someone sells for an unknown price, the sale is rescinded. Yet if he sells half of a slave woman he owns to Zayd and stipulates that the purchaser provide her maintenance for a year, they say: If that obligation remains established in life and death, the condition is valid. Yet an unknown price involves nothing beyond this, given the differences in how much satisfies her hunger and in the maintenance she consumes in health and sickness. They say: If someone sells an item for a specified price on condition that the purchaser trade on his behalf with its price for a year, there is no harm in that, provided that it remains his responsibility: if the price is lost, he replaces it with something else. Yet they do not permit an investment partnership for a fixed term. They say: If someone knows the measured quantity of a heap of food he owns, and a purchaser buys it from him as an unmeasured bulk quantity, and the purchaser says to him, “I do not care whether you, the seller, know its measured quantity or do not know it; let us transact on that basis,” they say: This condition is not binding upon the purchaser, and he may return it if he wishes. They say: If, however, the seller did not know its measured

بذلك، إذا كان ذلك ثابتا عليه إن تلف الثمن أخلف مكانه غيره، وهم لا يجيزون القراض إلى أجل. قالوا: من عرف كيل صبرة له من طعام، فابتاعها منه مبتاع جزافا وقال له المشتري: ما أبالي عرفت أنت أيها البائع كيلها أم لم تعرف، فتبايعنا على ذلك، قالوا: فلا يلزم هذا الشرط المشتري، وله أن يرد إن شاء، قالوا: فلو لم يعلم البائع كيلها فباعها جزافا قالوا: فذلك للمشتري لازم ولا رد له.

quantity and sold it as an unmeasured bulk quantity, they say: That is binding upon the purchaser, and he has no right to return it.[80][81]

L1950–1962 Their contradictions concerning which contracts and conditions they hold binding and which they do not are too numerous to enumerate or encompass except over a long period. What we have mentioned suffices for anyone who understands. The Hanafis are like them in this respect. Success comes through Allah Most High. Abu Muhammed said: Since demonstration has been established through everything we have mentioned, it necessarily follows that every contract or condition, pledge, or vow that a person undertakes is without effect and rejected, and nothing whatsoever of it is binding upon him, unless a text or consensus establishes that the very thing he undertook, specifically and by name, is binding upon him. If a text or consensus establishes that, it binds him; otherwise, it does not. The presumption is that persons are free of any binding obligations whatsoever except those imposed upon us by a text or consensus. If a judge rules contrary to what we have said, his judgment is to be rescinded and rejected by the command of the Prophet, may Allah bless him and grant him peace ﷺ, who says: "Whoever performs an act that does not conform to our command, it is rejected." Abu Muhammed, Abu Muhammed said: Since everything we have mentioned has been established by necessary demonstrations, it has been established that anything that cannot be valid without a particular attribute, condition, and contract—if that attribute, condition, and contract are invalid at the time of contracting—can never be valid, and that contract is void and is always

[80] **Translator's note (L1947):** The source reads يجعل, "assign" or "make," although the subsequent reference to advance payment suggests that يعجل, "pay in advance," may have been intended. The source's وتجبر appears corrupt; the translation follows the contextual sense "she is compelled." The pronoun in ما عجل لها is singular feminine, literally "what is paid to her in advance," although the preceding subjects are the master and the creditor. The contextual reference is reflected in the translation.

[81] **Translator's note (L1948):** "Like my mother's back" is the formula of the marital prohibition known as ẓihār; the source repeats the formula alongside divorce, and both are retained. "In life and death" does not expressly identify whose life or death is meant. The phrase "let us transact on that basis" renders فتبايعنا على ذلك as part of the purchaser's speech; the unvocalized wording can also be read as a statement that the transaction took place on that basis.

وتناقضهم فيما يلزمونه من العقود والشروط، وما لا يلزمونه منها، أكثر من أن يحصى أو يحاط به إلا في المدة الطويلة، وفيما ذكرنا كفاية لمن عقل، والحنفيون مثلهم في ذلك، وبالله تعالى التوفيق. قال أبو محمد: فلما قام البرهان بكل ما ذكرنا، وجب أن كل عقد أو شرط أو عهد أو نذر التزمه المرء فإنه ساقط مردود، ولا يلزمه منه شيء أصلا، إلا أن يأتي نص أو إجماع على أن ذلك الشيء الذي التزمه بعينه واسمه لازم له، فإن جاء نص أو إجماع بذلك لزمه وإلا فلا، والأصل براءة الذمم من لزوم جميع الأشياء إلا ما ألزمنا إياه نص أو إجماع، فإن حكم حاكم بخلاف ما قلنا فسخ حكمه وورد بأمر النبي صلى الله عليه وسلم إذ يقول من عمل عملا ليس عليه أمرنا فهو رد. قال أبو محمد: أبو محمد فإذ قد ثبت كل ما ذكرنا بالبراهين الضرورية، فقد ثبت أن كل ما لا يصح بصفة ما وشرط ما، وعقد ما، ففسدت تلك الصفة وذلك الشرط وذلك العقد في حين التعاقد، فإن ذلك الشيء لا يصح أبدا، ويبطل ذلك العقد ويفسخ أبدا لأن ما تعلقت صحته بما لا يجوز فلا صحة له، إذ لم يصح ما لا تمام له إلا به، وهذا أمر يعم بالضرورة، وبذلك وجب إبطال كل نكاح انعقد بشرط فاسد أو بصفة فاسدة، وكذلك كل بيع انعقد على ما لا يجوز فإن كل ذلك يفسخ أبدا، ووجب بذلك بطلان كل صلاة صليت في مكان مغصوب يعلم المصلي فيه أنه مغصوب، وكل صلاة فعل فيها المرء ما لا يجوز له، وبذلك حرمت ذبيحة الغاصب والسارق والمعتدي وبسكين مغصوبة، وبالله تعالى التوفيق. وصح بهذا كله أن كل عقد أو عهد أو نذر أو شرط أوجبها أو أباح إيجابها نص، فإنها نافذة لازمة، فمن ادعى سقوط شيء من ذلك فقوله باطل وكل ذلك باق بحسبه لازم كما كان، إلا أن يأتي مدعي بطلانه بنص على بطلانه، فيجب الوقوف حينئذ عند ما أوجبه النص، مثال ذلك: أن الإجارة

to be rescinded. For anything whose validity depends upon something impermissible has no validity, since that without which it cannot be complete was not valid. This is necessarily a universal principle. Consequently, every marriage concluded with an invalid condition or an invalid attribute must be invalidated, as must every sale concluded on an impermissible basis: all of these are always to be rescinded. Consequently, every prayer performed in a usurped place, when the person praying knows that it is usurped, is invalid, as is every prayer during which a person does something impermissible for him. On this basis, too, an animal slaughtered by a usurper, a thief, or a transgressor, or with a usurped knife, is forbidden. Success comes through Allah Most High. Through all this it is established that every contract, pledge, vow, or condition that a text makes obligatory, or permits one to make obligatory, takes effect and is binding. Whoever claims that any of these has lapsed makes a false statement. All of them remain in force according to their respective terms, binding as before, unless the person claiming their invalidity produces a text establishing that invalidity; then one must adhere to what the text requires. An example is that hire is a contract whose permissibility, and the permissibility of undertaking it, are established by a text; and the evidence from the text has been established and consensus that hire without a term and without specified work is void, rejected, and impermissible, because it constitutes consuming wealth wrongfully. Hire on the basis we have described is forbidden and rejected by the consensus of the entire community, both those who permit hire and those who prohibit it, and by the text. Hire must necessarily be either for a known term or without a term, and there is no possibility of a division third alternative in any respect. Since one of the two aforementioned alternatives has been invalidated, and a revealed text has established the permissibility of leasing, the other alternative must necessarily be valid. Thus the obligation to specify a named term in a lease is necessarily established by the revealed text and the two premises drawn from consensus that we have mentioned. Since this has been established, specifying the term in the lease contract is a valid condition. That being so, the contract is established; and what is established now cannot become invalid at a subsequent moment except through a revealed text. It is therefore established that neither the lessor nor the lessee may withdraw from what

عقد قد جاء النص بجوازه وإباحة التزامه، وصح الدليل من النص والإجماع، على أن الإجارة إلى غير أجل وعلى غير عمل محدود باطل مردودة لا تجوز، لأنها أكل مال بالباطل، والإجارة على ما ذكرنا حرام مردودة بإجماع الأمة كلها من مجيز لها ومن مانع منها وبالنص. ولا بد أن تكون الإجارة إلى أجل معلوم، أو إلى غير أجل، ولا سبيل إلى قسم ثالث بوجه من الوجوه، وقد بطل أحد القسمين المذكورين، فوجب ضرورة إذ قد جاء النص بإباحة الإجارة أن يصح القسم الآخر فصح وجوب ذكر الأجل المسمى في الإجارة ضرورة بالنص، وبمقدمتي الإجماع اللتين، ذكرنا فإذ قد صح ذلك فذكر الأجل في عقد الإجارة شرط صحيح، وإذا كان ذلك فقد ثبت عقده، وما ثبت عقده الآن، فلا يبطل في ثان إلا بنص، فصح أن لا رجوع للمؤاجر ولا للمستأجر فيما عقدوه، ما داموا أحياء، وما لم ينتقل ملك الشيء المستأجر عن المؤاجر له، وما كانت عين ذلك الشيء قائمة. فإن انتقل الملك أو مات أحدهما بطل عقد الإجارة لقول الله عز وجل {قل أغير الله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} وليس صحة عقد الإجارة مانعا من إخراج المؤاجر عن ملكه الشيء الذي أجر، وإن أدى ذلك إلى بطلان العقد، لأن البيع مباح له بالنص؛ وليس بيعه ماله نقضا لعقده، وإنما ينقض ذلك العقد ملك غير العاقد للشيء المعقود فيه. قال أبو محمد: وقال بعضهم: أنتم إذا منعتم من نقض عقد الإجارة والكتابة والتدبير والعتق بصفة ثم أجزتم للعاقدين أن يخرجوا عن ملكهم الأعيان التي عقدوا فيها هذه العقود، وذلك مبطل للعقود، فقد تناقضتم وأجزتم إبطالها، قيل لهم وبالله تعالى التوفيق: لم نمنع قط من أن يفعل الإنسان في ماله ما أبيح له قبل العقد الذي عقد فيه. وليس ذلك العقد بمحرم عليه ما كان له حلالا من إخراج ذلك الشيء عن ملكه، ومدعي هذا متحكم في الدين، قائل بغير بيان من الله تعالى، وإذا منعنا أن يفسخ بقوله ما عقد بقوله مما

they have contracted, so long as they remain alive, ownership of the leased thing has not passed from its lessor, and that very thing remains in existence. If ownership passes or either of them dies, the lease contract becomes invalid, because Allah, Almighty and Majestic, says: "Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Every soul earns only against itself, and no burden-bearing soul bears the burden of another. Then to your Lord is your return, and He will inform you concerning that over which you used to differ." The validity of the lease contract does not prevent the lessor from transferring the thing he leased out of his ownership, even if this results in the contract becoming invalid, because selling it is permissible for him by the revealed text. His sale of his property is not a repudiation of his contract; rather, what invalidates that contract is the acquisition of ownership of the thing to which it pertains by someone other than the contracting party. Abu Muhammed said: Some of them have said: "When you prohibit repudiating a lease contract, a contractual self-purchase agreement, an arrangement for emancipation upon the owner's death, or emancipation contingent upon a specified condition, but then permit the contracting parties to transfer out of their ownership the particular things concerning which they concluded these contracts, although that invalidates the contracts, you have contradicted yourselves and permitted their invalidation." They are to be told—and success comes through Allah Most High: We have never prohibited a person from doing with his property what was permissible for him before the contract he concluded concerning it. That contract does not make unlawful for him what was lawful for him, namely transferring that thing out of his ownership. Anyone claiming this arbitrarily legislates in religion, speaking without clarification from Allah Most High. And if we prohibit him from rescinding by his statement what he concluded by his statement, among those contracts he was permitted or commanded to conclude, that is all; rather, this objection applies to those who advocate analogy, by which they prohibit what has been left unmentioned because something else has been commanded to be prohibited. A pledge and other arrangements are alike in what we have mentioned, provided that releasing it from the pledge through sale or emancipation is not prohibited by a text. As for those who deny this, they have contradicted themselves in it with the most flagrant

أبيح له عقده، أو أمر به فقط، وإنما يلزم هذا التعقب القائلين بالقياس، الذي يحرمون به المسكوت عنه، لتحريم المأمور بتحريمه، والرهن وغيره سواء فيما ذكرنا، إذا لم يمنع من إخراجه من الرهن بالبيع والعتق نص. وأما المنكرون لهذا فقد تناقضوا فيه أقبح تناقض وقالوا بما أنكروه علينا يعني أصحاب مالك. فقالوا: لا تقبل شهادة النساء في عتق أصلا، ثم قالوا: إن شهدت امرأتان بدين على زيد لعمرو حلف عمرو معهما، ورد عتق زيد لعبد الذي أعتقه ودين عمرو محيط بماله، فقد أجازوا في رد العتق شهادة النساء، وكذلك قالوا: لو شهدت امرأتان بابتياع زيد وعمرو لأمة كانت تحت زيد، قبلتا مع يمين البائع، وفسخ نكاح الأمة ومثل هذا لهم كثير جدا. قال أبو محمد: ومن استؤجر على عمل معلوم، فهو عقد قد جاء النص بإباحته، واتفق القائلون بالإجارة على لزومه في حين عقده، واختلفوا هل ينفسخ في ثانية أو لا؟ فوجب أن يبقى على ما جاء الدليل به من صحته ما لم يأت نص بفسخه، وهكذا القول في المدبر وفي الموصي بعتقه وفي المعتق بصفه، وفي المكاتب: أنها عقود قد اتفق الناس على ما جاءت به النصوص من صحتها في حين عقدها، وعلى القضاء بها ما لم يرجع العاقد لها فيها، ثم اختلفوا هل لعاقدها فسخها في ثاني عقده إياها أو لا: فوجب ألا يكون له في شيء منها رجوع إلا بنص، ولا نص ولا إجماع في إباحة الرجوع في ذلك، لا بتراضيها ولا بغيره، فلا يجوز أصلا بخلاف المؤاجرة، وكان إخراجه لكل ما ذكرنا عن ملكه جائزا، ويبطل بذلك العقد لانتقال الملك، كما قلنا في الشيء المؤاجر ولا فرق. وأما المكاتب فإنما يخرج عن الملك منه ما لم يؤد خاصة، وفي ذلك المقدار يبطل العقد لا فيما أدى وهو قول علي وروايته عن النبي صلى الله عليه وسلم وقد جاء النص ببيع المدبر وبيع المكاتب ما لم يؤد، فوجب إباحة ذلك وممن رأى للمؤجر والمستأجر أن يفسخ الإجارة أيهما شاء متى شاء قبل الأجل، وإن كره الآخر مسروق وشريح والشعبي، وممن رأى ألا رجوع لموصي في العتق خاصة الأوزاعي والثوري؛ وأما العارية فبخلاف ما ذكرنا،

contradiction and have maintained the very thing they condemned in us—meaning Malik's followers. They said: "Women's testimony is not accepted in emancipation at all." Then they said: "If two women testify that Zayd owes a debt to Amr, Amr swears an oath together with their testimony, and Zayd's emancipation of a slave whom he emancipated is overturned, when Amr's debt encompasses all his property." Thus they have allowed women's testimony in overturning emancipation. Likewise, they said: "If two women testify that Zayd and Amr purchased a female slave who had been married to Zayd, their testimony is accepted together with the seller's oath, and the female slave's marriage is dissolved." They have very many instances like this. Abu Muhammed said: When someone is hired for a specified task, this is a contract whose permissibility has been established by a revealed text. Those who uphold hiring agree that it is binding at the moment it is concluded, but disagree over whether it is dissolved at a subsequent moment. It must therefore remain valid, as the evidence has established, unless a revealed text establishes its dissolution. The same applies to a slave whose emancipation is stipulated to occur upon the owner's death, one whose emancipation is provided for in a will, one whose emancipation is contingent upon a specified condition, and one under a contractual self-purchase agreement. These are contracts concerning which people have agreed with what the revealed texts establish: that they are valid at the moment they are concluded, and that judgment must be given in accordance with them so long as the person who concluded them has not withdrawn from them. They then disagree over whether the person who concluded them may rescind them after concluding them. It follows that he may not withdraw from any of them except through a revealed text. There is neither a revealed text nor consensus permitting withdrawal in this matter, whether by their mutual consent or otherwise, so it is absolutely impermissible, unlike leasing. His transferring any of what we have mentioned out of his ownership is permissible, and the contract becomes invalid thereby because ownership has passed, just as we said concerning the leased thing; there is no difference. As for the slave under a contractual self-purchase agreement, only the portion of him for which he has not paid passes out of ownership. The contract becomes invalid with respect to that portion, but not with respect to what he has paid. This is

لأن العارية المطلقة التي ليست إلى أجل هي التي صحت بالنصوص وبالإجماع، وأما شرط التأجيل فيها فهو باطل، لأنه شرط ليس في كتاب الله تعالى، ولا جاء به نص ولا إجماع فهو باطل. وجمهور الفقهاء يقولون: إن العارية التي يشترط التأجيل فيها ليست شيئا، وهو شرط لا يلزم، فلم يتفق على صحته فهو باطل، وكذلك الوعد بالعارية لا يلزم لما ذكرنا. وهكذا القول في ضمان ما لم يلزم بعد من المال. وفي ضمان الوجه: أن كل ذلك باطل، لأنها شروط لم يأت بصحتها نص ولا إجماع، ويبطل بما ذكرنا ضمان النفقة على زيد، وعلى من لم يأت نص ولا إجماع بإيجاب النفقة عليه، وهكذا ضمان الصداق عمن لم يتزوج بعد، ووجب بما ذكرنا الرجوع في الشركة والقراض لأيهما شاء متى شاء، وإن كره الآخر، لأن شرط التأجيل فيها باطل، إذ لم يأت بإباحته نص ولا إجماع. وهكذا القول في كل شرط شرطه المحبس في الحبس من أجل محدود، أو من بيعه إن احتيج، كل ذلك باطل لما ذكرنا، وكذلك إن شرط في الهبة والعمرى والرقبى استرجاع شيء منها، فهو باطل كله لما ذكرنا، بخلاف وجوب ذكر الأجل في الإجارة، وبخلاف وجوب الرجوع في العارية. وأما ضمان ما قد وجب من الأموال فهو عقد مجمع على صحته، وقد جاء النص به، وكذلك الحوالة وإذ هما كذلك فلا رجوع لأحد فيها لما ذكرنا من أن ما صح في أول لم يبطل في ثان إلا بنص أو إجماع، وكذلك الحبس والهبات والصدقات والعمرى كل ذلك قد بان عن الملك، فالرجوع فيه كسب على غيره وقد جاء النص ببطلان ذلك قال الله تعالى {قل أغير الله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} وأما القرض المؤجل فقد صح النص فيه بالأجل، وإذا صح بالنص فهو ثابت فلا رجوع لأحد فيه إذا كان شرط الأجل في حيز القرض لقوله تعالى {يأيها لذين آمنوا إذا تداينتم بدين إلى أجل مسمى فكتبوه وليكتب بينكم كاتب بلعدل ولا يأب كاتب أن يكتب كما علمه لله فليكتب وليملل

لذي عليه لحق وليتق الله ربه ولا يبخس منه شيئا فإن كان لذي عليه لحق سفيها أو ضعيفا أو لا يستطيع أن يمل هو فليملل وليه بلعدل وستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل ومرأتان ممن ترضون من لشهدآء أن تضل إحداهما فتذكر إحداهما لأخرى ولا يأب لشهدآء إذا ما دعوا ولا تسأموا أن تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم ولا يضآر كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا لله ويعلمكم لله ولله بكل شيء عليم{ فإن انعقد حالا ثم شرط على نفسه أجلا فهو شرط فاسد لا يلزمه، والدين حال كما كان، لأنه شرط ليس في كتاب الله، ولا أجمع على لزومه فهو باطل. وأما المزارعة والمساقاة المعقودتان إلى أجل فقد ادعى قوم أن كل من أجازهما وهم أهل الحق قد أجازوهما إلى أجل مسمى، فالأجل فيهما شرط صحيح. وإذا كان صحيحا في حين العقد فهو لازم، وإذا كان لازما في وقته لم يبطل في ثانية إلا بنص أو إجماع، ولا نص ولا إجماع في ذلك إلا بتراضيهما معا، للإجماع على ذلك. قال أبو محمد: وهذا خطأ، بل قد صح الإجماع على عقدهما بغير أجل، ولم يأت عن أحد من الصحابة، ولا من التابعين تجويزهما إلى أجل فعقدهما إلى أجل لا يجوز البتة، لأنه لم يوجد نص ولا إجماع، فهو شرط ليس في كتاب الله تعالى فهو باطل بحكم النبي صلى الله عليه وسلم

Ali's position and what he transmits from the Prophet, may Allah bless him and grant him peace ﷺ. A revealed text has established the sale of a slave whose emancipation is stipulated to occur upon the owner's death, and the sale of a slave under a contractual self-purchase agreement insofar as he has not paid. This must therefore be permissible. Among those who held that either the lessor or the lessee may rescind the lease whenever he wishes before the term expires, even if the other objects, were Masruq, Shurayh, and al-Sha'bi. Among those who held that a testator may not revoke a bequest specifically concerning emancipation were al-Awza'i and al-Thawri. As for a loan for use, it differs from what we have mentioned, because an unrestricted loan for use, which has no fixed term, is what has been established as valid by the revealed texts and consensus. As for the stipulation of a fixed term in it, it is invalid, because it is a condition that is not in the Book of Allah Most High, and neither a revealed text nor consensus has established it; it is therefore invalid. The majority of jurists say that a loan for use in which a fixed term is stipulated amounts to nothing, and that this is a condition that is not binding. Its validity has therefore not been agreed upon, so it is invalid. Likewise, a promise of a loan for use is not binding, for the reasons we have mentioned. The same applies to guaranteeing a financial obligation that has not yet become due, and to guaranteeing a person's appearance: all of this is invalid, because these are conditions whose validity has been established by neither a revealed text nor consensus. What we have mentioned also invalidates guaranteeing maintenance incumbent upon Zayd, and upon anyone on whom neither a revealed text nor consensus has imposed an obligation of maintenance. The same applies to guaranteeing a marriage payment on behalf of someone who has not yet married. What we have mentioned also establishes that either party to a partnership or a profit-sharing investment arrangement may withdraw whenever he wishes, even if the other objects, because stipulating a fixed term in these arrangements is invalid, since neither a revealed text nor consensus has established its permissibility. The same applies to every condition stipulated by the founder of an endowment concerning the endowment, whether a limited term or its sale if need arises: all of that is invalid, for the reasons we have mentioned. Likewise, if he stipulates the recovery of anything given as a gift, a lifetime grant, or a grant

contingent upon which party survives the other, all of this is invalid, for the reasons we have mentioned. This differs from the obligation to specify a term in leasing and from the necessity of allowing revocation in a loan for use. As for guaranteeing financial obligations that have already become due, this is a contract whose validity is established by consensus, and a revealed text has established it. The same applies to the transfer of a debt. Since both are thus established, no one may withdraw from them, for the reason we have mentioned: what is valid at an initial moment does not become invalid at a subsequent moment except through a revealed text or consensus. Likewise, endowments, gifts, charitable donations, and lifetime grants have all passed out of ownership. Revoking them therefore constitutes earning against someone else, and a revealed text has established the invalidity of that. Allah Most High says: "Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Every soul earns only against itself, and no burden-bearing soul bears the burden of another. Then to your Lord is your return, and He will inform you concerning that over which you used to differ." As for a loan with deferred repayment, a revealed text has established a term for it. Since it is established by a revealed text, it stands, and no one may withdraw from it when the stipulation of the term forms part of the loan, because He Most High says: "O you who believe, when you contract a debt with one another for a named term, write it down. Let a scribe write between you with justice. Let no scribe refuse to write as Allah has taught him; so let him write, and let the one who owes the obligation dictate. Let him fear Allah, his Lord, and diminish nothing of it. If the one who owes the obligation is deficient in judgment, weak, or unable to dictate himself, let his guardian dictate with justice. Call upon two witnesses from among your men to bear witness. If they are not two men, then a man and two women from among those whom you approve as witnesses, so that if one of the two women errs, one of them may remind the other. Let the witnesses not refuse when they are called. Do not weary of writing it down, whether small or large, up to its term. That is more equitable in Allah's sight, more conducive to establishing testimony, and more likely to keep you from doubt, unless it is an immediate transaction that you conduct among yourselves, in which case there is no blame upon you if you do not write it down. And take

witnesses when you transact a sale with one another. Let neither a scribe nor a witness be harmed. If you do so, it is disobedience on your part. Fear Allah; Allah teaches you, and Allah knows everything." If, however, it was contracted as immediately payable and he then stipulated a term for himself, this is an invalid condition that does not bind him, and the debt remains immediately payable as before, because it is a condition that is not in the Book of Allah, and there is no consensus that it is binding; it is therefore invalid. As for crop-sharing and orchard-tending arrangements contracted for a fixed term, Some people have claimed that everyone who permits these two contracts—and these are the people of truth—has permitted them until a specified term. Thus, a term in these contracts is a valid condition; and if it is valid at the time of contracting, it is binding. If it is binding at that time, it cannot become invalid a moment later except through a text or consensus. There is neither a text nor consensus concerning this except where both parties mutually consent, since there is consensus concerning that. Abu Muhammed said: This is an error. Rather, consensus has been established concerning the conclusion of these contracts without a term, while permission to conclude them for a term has not been transmitted from any of the Companions or the Successors. Concluding them for a term is therefore absolutely impermissible, because no text or consensus exists for it. It is thus a condition that is not in the Book of Allah, exalted is He, and is in-

valid by the ruling of the Prophet, may Allah bless him and grant him peace ﷺ.[82]8283485868788899091

L1963–1966 The mutual consent of two parties who have concluded a valid contract,

وليس تراضي المتعاقدين عقدا صحيحا أو المتشارطين شرطا صحيحا، بنص أو إجماع ثم تراضيا معا على فسخه أو تأجيله، مجيزا لهما ذلك، بل رضاهما بفسخه أو تأجيله، باطل، والعقد والشرط باق كما كان، إلا أن يبيح لهما النص أن يتراضيا على فسخه، فيكون لهما ذلك حينئذ، وإلا فلا، لأنه ليس لأحد أن يوجب، ولا أن يحرم، ولا أن يحلل إلا بنص، ومن تعدى ذلك فقد تعدى حدود الله تعالى، وشرع من الدين ما لم يأذن به الله، قال الله تعالى: {أم للإنسان ما تمنى} والكل عبيد لا أمر لهم ولا حكم إلا ما حكم به عليهم، ولهم خالقهم ومولاهم عز وجل. وأما النكاح والبيع فقد جاء النص بصفة عقدهما، وبصفة فسخهما، فليس لأحد أن يعقدها بغير تلك الصفة، فإن فعل فليس نكاحا ولا بيعا، وهو مردود مفسوخ أبدا. ومن عقدهما كما أمر فليس له فسخهما إلا بالصفة التي أتى النص بفسخهما بها، وإلا كان فسخه باطلا مردودا، وثبت عقدهما كما كان، وقد حرم بيع أم الولد بالنص الوارد في ذلك مما قد ذكرناه في كتاب الإيصال وفي المحلى، فلم يلتفت إلى الخلاف في ذلك. وقد صح النص بجواز الهبة ووجوب قبولها، وتحريم الرجوع فيها، فلم يجز الرجوع في شيء من الهبة ولا الصدقة من ذلك حاشا العطية للولد فقط، للنص في ذلك، ولم يأت نص ولا إجماع على رد الحبس لا بتراض ولا بغير تراض فلم يجز أصلا. قال أبو محمد: فإن قال قائل: أنتم لا تلزمون أحدا الوفاء بعهده ووعده إلا أن يوجب ذلك عليه نص، ومن مذهبكم أن وعد الله تعالى ووعيده نافذان لا سبيل إلى دخول خلف فيهما. فالجواب: أن هذا الذي نقول هو الذي لا يجوز تعديه، لأننا متعبدون ليس لنا أن نلتزم شيئا إلا ما ألزمنا خالقنا تعالى، فإلزامنا فعل شيء لم يأتنا نص ولا إجماع بأن نفعله باطل، والله تعالى ليس كذلك، لأنه ليس فوقه أمر فكل ما قضى به نافذ وكل ما قاله فحق.

[82]**Translator's note (L1951):** The source reads وورد, "and it was reported" or "and arrived," where the syntax and argument appear to require ورد, "and it is rejected." The translation follows the latter contextual sense. The attribution "Abu Muhammed" occurs twice consecutively in the source and is retained. The wording كل ما لا يصح بصفة ما وشرط ما وعقد ما literally speaks of something that "is not valid with a particular attribute, condition, and contract." The ensuing explanation instead concerns validity dependent upon them; "without" makes that apparent intended relationship explicit.

[83]**Translator's note (L1954):** The opening continues the preceding segment's statement that there is no possible third alternative. The final clause beginning "And if" is syntactically awkward in the supplied Arabic; its connection to the following objection has been retained without silently emending it.

[84]**Translator's note (L1955):** The final phrase continues into the next unit, whose opening word is "text."

[85]**Translator's note (L1956):** The supplied phrase describing Zayd's emancipation of a slave is grammatically rough; the intended relationship is conveyed without changing the stated ruling.

[86]**Translator's note (L1957):** "Their mutual consent" follows the supplied بتراضيها, whose pronoun is irregular in this context. The discussion of the slave under a contractual self-purchase agreement treats payment as corresponding to a portion of the slave; this potentially unfamiliar legal formulation has been preserved.

[87]**Translator's note (L1959):** The wording concerning maintenance "incumbent upon Zayd" is terse and leaves the precise scope of the example unclear; the two stated objects of the guarantee have been retained.

[88]**Translator's note (L1960):** "The necessity of allowing revocation" renders the unusually strong وجوب الرجوع, literally "the obligation of revocation," in the context of the author's argument for the availability of withdrawal. The Qur'anic quotations contain nonstandard spellings and omitted written alifs in the supplied transcription, but no clear resulting change in wording or meaning.

[89]**Translator's note (L1961):** The unvocalized wording ولا يضار كاتب ولا شهيد can also mean that neither a scribe nor a witness should cause harm; the passive reading is used here. The unit ends with فقد, which introduces the assertion continuing in the following segment; the English remains open at the same point.

[90]**Translator's note (L1962):** The two contracts are sharecropping and orchard-tending agreements, identified in the preceding context.

[91]**Qur'an references (L1950):** Qur'an 6:164 (Al-An'am); Qur'an 2:282 (Al-Baqarah).

or stipulated a valid condition, on the authority of a text or consensus, followed by their mutual consent to rescind it or defer it, does not make that permissible for them. Rather, their consent to its rescission or deferment is invalid, and the contract and condition remain as they were, unless a text permits them to consent mutually to its rescission. In that case they may do so; otherwise they may not. For no one may impose an obligation, prohibit something, or make something lawful except through a text. Whoever goes beyond that has transgressed the bounds of Allah, exalted is He, and prescribed as religion something for which Allah has given no permission. Allah, exalted is He, said: "Or shall man have whatever he wishes?" All are servants: they possess no authority to command or adjudicate except what their Creator and Master, mighty and majestic is He, has decreed against them and in their favor. As for marriage and sale, the text has specified the manner of concluding them and the manner of rescinding them. No one may conclude them in any other manner. If he does, it is neither marriage nor sale, and it is rejected and rescinded in every case. Whoever concludes them as commanded may rescind them only in the manner in which the text has provided for their rescission. Otherwise, his rescission is invalid and rejected, and their contracts remain established as before. The sale of a slave woman who has borne her master a child has been prohibited by the text transmitted concerning this, which we have mentioned in The Book of Conveyance and in al-Muhalla; disagreement concerning it is therefore disregarded. The text establishing the permissibility of gifts, the obligation to accept them, and the prohibition of taking them back has been authenticated. It is therefore impermissible to take back any gift or charitable donation of this kind, with the sole exception of a gift to one's child, because of the text concerning that. And no text or consensus has established the revocation of an endowment, whether by mutual consent or without mutual consent, so it is wholly impermissible. Abu Muhammed said: If someone says, "You do not require anyone to fulfill his covenant or promise unless a text makes that obligatory for him, yet your position is that Allah's promise and threat, exalted is He, will both be fulfilled, and that there is no possibility of either going unfulfilled," the answer is that what we say is precisely what one may not go beyond. For we are subject to divine commands, and we may

وأيضا فوعدنا نحن ليس خبرا لأنه لا علم لنا بما يكون في المستأنف، والله تعالى ليس كذلك، لأنه عليم بما يكون قبل أن يكون، فكل ما أخبر تعالى أنه يفعله فلا بد أن يفعله، ومن أجاز غير ذلك أجاز على الله تعالى الكذب في خبره تعالى الله عن ذلك قال الله عز وجل {قال فلحق ولحق أقول} ما خالف الحق فهو باطل تعالى الله عن الباطل، فوعد الله تعالى ووعيده خبر لا بد من كونه لأنه حق وصدق وعلم منه تعالى بما يكون من ذلك، وعلمه صادق لا يخيس أصلا. ولا يظن ظان أننا نقول بالوعيد كقول المعتزلة: من إبطال سيئة واحدة للحسنات، ومن الخلود على المصر على الكبائر، ومعاذ الله من ذلك. ولكنا نقول بما جاء به النص من الموازنة، وذهاب السيئات بالحسنات، بمعنى أن الحسنات تذهب السيئات، وبأن من استوت حسناته وسيئاته، أو رجحت حسناته لم ير نار أصلا، ولكن من رجحت سيئاته وكبائره ممن مات مصرا فهؤلاء الذين يخرجون من النار بالشفاعة، ولا خلود على مسلم في النار، ولا يدخل الجنة كافر أبدا، وبالله تعالى التوفيق وهو حسبنا ونعم الوكيل

undertake as an obligation only what our Creator, exalted is He, has made obligatory for us. Thus, requiring us to do something when no text or consensus has reached us requiring us to do it is invalid. Allah, exalted is He, is not like this, because there is no command above Him. Everything He decrees therefore takes effect, and everything He says is true. Moreover, our own promise is not a statement of fact, because we have no knowledge of what will happen in the future. Allah, exalted is He, is not like this, because He knows what will happen before it happens. Thus, everything that He, exalted is He, has stated He will do, He must do. Whoever allows anything else allows that Allah, exalted is He, may lie in His statements. Exalted is Allah above that! Allah, mighty and majestic is He, said: "He said: 'Then the truth—and the truth I speak.'" Whatever conflicts with the truth is falsehood. Exalted is Allah above falsehood! Thus, Allah's promise and threat, exalted is He, are statements of fact whose fulfillment is inevitable, because they are truth, veracity, and knowledge on His part, exalted is He, of what will happen in these matters. His knowledge is true and never fails at all. Let no one suppose that our position concerning the threat is like that of the Muʿtazilites, who hold that a single evil deed nullifies good deeds and that one who persists in major sins will remain eternally in the Fire. Allah forbid that we should hold this! Rather, we affirm what the text has brought concerning the weighing of deeds and the removal of evil deeds through good deeds, meaning that good deeds remove evil deeds, and that anyone whose good and evil deeds are equal, or whose good deeds outweigh his evil deeds, will never see any fire at all. But those whose evil deeds and major sins outweigh their good deeds, among those who die persisting in sin, are the ones who will be brought out of the Fire through intercession. No Muslim will remain eternally in the Fire, and no unbeliever will ever enter Paradise. Through Allah, exalted is He, comes success. He is sufficient for us, and an excellent Trustee is He.[92][93]

[92] **Translator's note (L1966):** The Qur'anic quotation has defective spelling in فلحق ولحق, apparently representing فالحق والحق. The translation preserves the quotation's fragmentary syntax without supplying an oath or a predicate.

[93] **Qur'an references (L1963):** Qur'an 53:24 (An-Najm).

الباب 24: الحكم بأقل ما قيل

Chapter 24: Ruling According to the Least Amount Proposed

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الرابع والعشرون وهو باب الحكم بأقل ما قيل]

قال أبو محمد رحمه الله ادعى قوم أن هذا أيضا نوع من أنواع الإجماع صحيح لا شك فيه. وقالوا: لأنه قد صح إلزام الله عز وجل لنا اتباع الإجماع والنص، وحرم علينا القول بلا برهان، فإذا اختلف الناس في شيء فأوجب قوم فيه مقدارا ما وذلك نحو النفقات والأروش والديات، وبعض الزكوات وما أشبه ذلك، وأوجب آخرون أكثر من ذلك واختلفوا فيما زاد على ذلك، فالإجماع فرض علينا أن نأخذ به. وأما الزيادة فدعوى من موجبها، إن أقام على وجوبها برهانا من النص أخذنا به والتزمناها، وإن لم يأت عليها بنص فقوله مطرح وهو مبطل عند الله عز وجل بيقين لا شك فيه، ونحن محقون في الأخذ بأقل ما قيل عند الله عز وجل بيقين، لأنه أمر مجتمع عليه والاتفاق من عند الله عز وجل، ولزوم ما اجتمع عليه فرض لا شك فيه، والاختلاف ليس من عند الله عز وجل قال الله تعالى {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} قال أبو محمد كان يكون هذا حقا صحيحا لو أمكن ضبط أقوال جميع أهل الإسلام في كل عصر، وإذ لا سبيل إلى هذا فتكلفه عناء لا معنى له، ولا بد من ورود النص في كل حكم من أحكام الشريعة، لكن إذا ورد نص بإيجاب عمل ما فبأقل ما يقع عليه اسم فاعل لما أمر به، يسقط عنه الفرض، كمن أمر بصدقة، فبأي شيء تصدق، فقد أدى ما أمر به، ولا يلزمه زيادة، لأنها دعوى بلا نص ولا غاية لذلك فهو باطل. ولا سبيل إلى أن يكون الله تعالى حكم في الشريعة يلزمنا لم يجعل عليه دليلا من نص وقال الله تعالى {وما من دآبة في لأرض ولا طائر يطير بجناحيه إلا أمم أمثالكم ما فرطنا في لكتاب من شيء ثم إلى ربهم يحشرون} فما لم يكن في الكتاب فليس من الدين في شيء، وهو ساقط عنا بيقين، ومنهم من قال: بل نأخذ بأكثر ما قيل، لأنه لا يخرج من لزمه فرض عما

[Chapter Twenty-Four: The Chapter on Ruling According to the Least Amount Proposed]

Abu Muhammed, may Allah have mercy on him, said: Some people have claimed that this too is a valid kind of consensus, concerning which there is no doubt. They said: "For it has been established that Allah, mighty and majestic is He, has obliged us to follow consensus and the text, and has forbidden us to speak without demonstration. Thus, when people disagree concerning something, with some imposing a certain amount—as in maintenance payments, compensation for injuries, blood money, certain obligatory alms, and similar matters—and others imposing more than that, disagreeing over what exceeds that amount, we are obliged to adopt the consensus. As for the additional amount, it is a claim made by whoever imposes it. If he establishes a demonstration from the text that it is obligatory, we adopt it and accept it as binding. If he produces no text for it, his position is discarded, and he is certainly in the wrong before Allah, mighty and majestic is He, without any doubt. We are certainly in the right before Allah, mighty and majestic is He, in adopting the least amount proposed, because it is a matter upon which there is consensus. Agreement comes from Allah, mighty and majestic is He, and adherence to what is agreed upon is an obligation beyond doubt. Disagreement does not come from Allah, mighty and majestic is He." Allah, exalted is He, said: "Do they not reflect upon the Qur'an? Had it been from other than Allah, they would have found much disagreement in it." Abu Muhammed said: This would indeed be true and sound if it were possible to ascertain the positions of all the people of Islam in every age. Since there is no way to do this, attempting it is pointless toil. A text must have been transmitted concerning every ruling of the revealed law. However, when a text imposes some action as obligatory, the obligation is discharged by the least performance sufficient for a person to be called someone who has done what he was commanded to do. For example, if someone is commanded to give charity, then whatever he gives in charity fulfills what he was commanded to do. No additional amount is binding upon him, because that is a claim without a text, and there is no limit to it; it is therefore invalid. It is impossible that Allah, exalted is He, should have decreed a ruling in the revealed law

that binds us without providing evidence for it from a text. Allah, exalted is He, said: "There is no creature upon the earth, nor any bird flying with its two wings, but they are communities like you. We have neglected nothing in the Book. Then to their Lord they will be gathered." Thus, whatever is not in the Book is no part of religion whatsoever, and we are certainly exempt from it. Some of them said: Rather, we adopt the greatest amount stated, because someone upon whom an obligation is incumbent cannot be released from what is incumbent upon him except with certainty, and there is no certainty until he has encompassed everything that has been stated. Abu Muhammed said: This is false, because by this assertion he has become someone who pursues that of which he has no knowledge and establishes a ruling without demonstration. This is forbidden by the explicit text of the Quran and the consensus of the community. Everyone who disagrees with us concerning this principle necessarily contradicts himself and returns to affirming it. Do you not see that we have all agreed upon the obligation of five prayers, while some people have claimed that the odd-numbered prayer is obligatory? It is therefore obligatory to submit to what they have agreed upon and to leave aside what they have disputed, unless they produce evidence for what they have added. Likewise, we have agreed that one cow is due on fifty head of cattle. Some people said that one sheep is due on every five cows; some said that a year-old calf is due on thirty, and on forty; and some said that, on whatever exceeds forty, a proportionate fraction of a cow is due. It is therefore obligatory to adopt what they have agreed upon and leave aside what they have disputed, if they produce no evidence for their claims concerning that. It is obligatory that [no] one be held liable for anything except the one cow on fifty, which is what they and others agree upon, rather than any additional financial liability imposed in this matter. Then we say to whoever disagrees with us concerning this principle: Tell us, if people agree upon a certain amount, and some then assert a greater amount without producing evidence for the correctness of their assertion, can you avoid one of three alternatives, with no fourth? Either you affirm what they have unanimously agreed upon and leave aside what they have disputed—which is this very position of ours with which you disagree—or you adopt the greatest amount stated without evidence, thereby pursuing that of which you have no knowl-

لزمه إلا بيقين، ولا يقين إلا بعد أن يستوعب كل ما قيل. قال أبو محمد: وهذا باطل، لأنه صار بهذا القول قافيا ما ليس له به علم، ومثبتا حكما بلا برهان، وهذا حرام بنص القرآن وإجماع الأمة، وكل من خالفنا في هذا الأصل فإنه يتناقض ضرورة ويرجع إلى القول به. ألا ترى أننا اتفقنا كلنا على إيجاب خمس صلوات وادعى قوم أن الوتر فرض فوجب الانقياد لما اجتمعوا عليه، وترك ما اختلفوا فيه، إلا أن يأتوا بدليل على ما زادوا. وكذلك اتفقنا على أن في خمسين من البقر بقرة، وقال قوم: في كل خمس بقرات شاة، وقال قوم: في الثلاثين تبيع وفي الأربعين، وقال قوم: فيما زاد على الأربعين بحساب ذلك بجزء من بقرة، فوجب الأخذ بما اتفقوا عليه، وترك ما اختلفوا فيه، إذا لم يأتوا بدليل على ما ادعوا من ذلك. ووجب أن يلزم أحدا إلا البقرة في خمسين، وهي المتفق عليه منهم ومن غيرهم، لا ما زاد في إيجاب الغرامة في ذلك. ثم نقول لمن خالفنا في هذا الأصل: أرأيت إن اجتمع الناس على مقدار ما؟ ثم قال قوم بأزيد منه، ولم يأتوا على صحة قولهم بدليل: هل لك بد من ثلاثة أوجه لا رابع لها، إما أن تقول بما أجمعوا عليه، وبترك ما اختلفوا فيه، وهو قولنا هذا الذي خالفتنا فيه، أو تأخذ بأكثر ما قيل بلا دليل فتصير قافيا ما ليس لك به علم ومثبتا حكما بلا برهان، فهذا حرام بنص القرآن، وبإجماع الأمة، لم يقل به أحد، ويصير قائله منتهكا إما عرضا حراما، وإما مالا حراما، وإما موجبا شرعا لم يأذن به الله تعالى، وكل ذلك حرام لا يحل أصلا. وإما أن يترك هذين القولين فيفارق الإجماع جملة، ويأتي أيضا بقول لم يقله أحد فإذ قد سقط هذان القولان بالضرورة البرهانية، صح القول الأول ضرورة بيقين لا بد منه، وبالله تعالى التوفيق. فإن قال قائل: لا يجوز أن يخلو أحد القولين من دليل عليه، إما أن يقوم الدليل على صحة القول بالمقدار الأقل، وإما أن يقوم الدليل على صحة الزيادة عليه.

edge and establishing a ruling without demonstration. This is forbidden by the explicit text of the Quran and by the consensus of the community; no one has affirmed it. Whoever affirms it thereby becomes someone who either violates inviolable honor, unlawfully takes protected property, or imposes a religious ordinance for which Allah Most High has given no permission. All of that is forbidden and absolutely impermissible. Or he abandons these two positions, thereby departing entirely from consensus and also introducing a position that has been asserted by no one. Since these two positions have thus necessarily fallen by demonstrative necessity, the first position is necessarily correct, with inescapable certainty. Through Allah Most High comes success. If someone says: Neither of the two positions can lack evidence supporting it: either evidence establishes the correctness of affirming the lesser amount, or evidence establishes the correctness of the addition to it.[1][2][3][4]

L1973–1975 Abu Muhammed said: We need not engage in a lengthy discussion with him here. Rather, we say—and through Allah Most High comes success—we do not dispute with you concerning that for which evidence has been established. We are asking you only about a question in which some people affirm a certain amount, while others affirm an addition for which they possess no evidence, on condition that the question belongs to those questions resting on consensus alone in which the text has referred us to obey those vested with authority among us, to follow the path of the believers. If you say that the absence of evidence establishing the correctness of an addition to the least amount stated is evidence establishing the correctness of affirming the least amount stated, then this is precisely our position, whether you wish

[1] **Translator's note (L1968):** The Qur'anic quotation contains defective spellings in لقرآن, لله, and ختلافا, apparently representing القرآن, الله, and اختلافا. Its sense has been translated without treating these spelling defects as changes in wording.

[2] **Translator's note (L1969):** The Qur'anic quotation contains defective spellings in لأرض and لكتاب, apparently representing الأرض and الكتاب.

[3] **Translator's note (L1970):** The cattle assessment clause ends 'and on forty' without stating what is due on forty. The omission is retained. The wording 'it is obligatory that [no] one be held liable' supplies a bracketed negative absent from the Arabic. Without it, the clause is grammatically and logically defective in this context.

[4] **Qur'an references (L1968):** Qur'an 4:82 (An-Nisa); Qur'an 6:38 (Al-An'am).

قال أبو محمد: لسنا نحتاج إلى التطويل معه ههنا، لكنا نقول، وبالله تعالى التوفيق، لسنا ننازعك فيما قام الدليل عليه، وإنما نسألك عن مسألة قال فيها قوم بمقدار ما، وقال آخرون بزيادة لا دليل عليها بأيديهم شرط أن تكون المسألة من مسائل الإجماع المجرد التي قد أحال النص فيها على طاعة أولي الأمر منا على اتباع سبيل المؤمنين. فإن قلت: إن عدم الدليل على صحة الزيادة على أقل ما قيل هو دليل على صحة القول بأقل ما قيل، فهذا هو نفس قولنا شئت أم أبيت، وبالله تعالى التوفيق. وقد احتج بعض من ضغط هذا الباب، ممن اضطر إلى الشغب بمثل ما نذكره وشبهه إلى أن قال: ما الفرق بينكم وبين من قال: هذه قصة قد لزم فيها حكم بإجماع، فلا يخرج المرء عما لزم بإجماع إلى سقوطه عنه إلا بإجماع آخر، فالواجب أن يقال بأكثر ما قيل. فيقال له: هذا تمويه فاسد، لأنهما أمران أردت مزجهما وتصييرهما أمرا واحدا. ولا يصح ذلك، لأن كون وجوب الحكم في مسألة ما هو شيء آخر غير وجوب مقدار ما في ذلك الحكم. فليس اتفاق الأمة على أن ههنا حكما واجبا مما يوجب في ذلك مقدارا محدودا، بل هذا هو باب آخر، فإذا وجب الحكم نظرنا حينئذ في قدر الحكم فيه بنص وارد، فإن لم يرد نص صرنا فيه إلى الإجماع، فالعدد المتفق عليه واجب قبوله بإجماع، ومن ادعى

it or refuse it. Through Allah Most High comes success. Some whom this argument has pressed, and who have been driven to contentious quibbling, have argued with statements such as those we shall mention and the like, eventually saying: What is the difference between you and someone who says: This is a case in which a ruling has become binding by consensus, so a person cannot pass from what has become binding by consensus to being exempt from it except through another consensus; consequently, the greatest amount stated must be affirmed? He is to be told: This is invalid obfuscation, because these are two matters that you have sought to blend and make into one, and that is unsound. The fact that a ruling is obligatory in a particular question is something different from the obligation of a particular amount under that ruling. The community's agreement that an obligatory ruling exists here does not establish a specified amount in that matter. Rather, this is a separate question. Once the ruling becomes obligatory, we then examine the extent of the ruling in the matter on the basis of a transmitted text. If no text has been transmitted, we turn to consensus concerning it. The agreed number must be accepted by consensus, and whoever claims an addition is required to furnish evidence. If he produces it, following it becomes binding; otherwise, his assertion falls by the words of Allah Most High: 'And they said: None shall enter Paradise unless they are Jews or Christians. Those are their wishes. Say: Produce your demonstration, if you are truthful.' Of this same kind is our knowledge that a religion and religious ordinances are incumbent upon us, except that whoever claims that something is obligatory, introducing it into religious law, is not to be heeded, nor must his assertion be accepted, except on the basis of a text or consensus. Likewise, our knowledge that some ruling is obligatory for us does not require us to accept the assertion of everyone who defines that ruling for us by some particular limit, unless he produces a text or consensus supporting his limit. All of this belongs to one and the same question. The foundational principle is that no ruling is incumbent upon anyone and nothing is forbidden to anyone, by His words, Most High: 'He is the One who created for you whatever is in the earth, all of it; then He turned to heaven and fashioned them into seven heavens, and He has knowledge of all things'; and by His words, Most High: 'O you who believe, do not ask about things which, if disclosed to you, would

زيادة كلف الدليل، فإن أتى به لزم اتباعه، وإلا سقط قوله بقول الله تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} ومن هذا النوع هو علمنا أن علينا دينا وشرائع، إلا أنه من ادعى وجوب شيء ما يدخله في الشرع، لم يلتفت إليه، ولم يجب قبوله إلا بنص أو إجماع، وهكذا علمنا بوجوب حكم ما علينا ليس يوجب قبولنا من كل من حد لنا ذلك الحكم بحد ما، إلا أن يأتي على حده بنص أو إجماع. وهذا كله باب واحد، والأصل أن لا حكم على أحد ولا شيئا حراما على أحد بقوله تعالى {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء فسواهن سبع سماوات وهو بكل شيء عليم} وبقوله تعالى {يأيها لذين آمنوا لا تسألوا عن أشيآء إن تبد لكم تسؤكم وإن تسألوا عنها حين ينزل لقرآن تبد لكم عفا لله عنها ولله غفور حليم * قد سألها قوم من قبلكم ثم أصبحوا بها كافرين}

distress you. If you ask about them while the Quran is being sent down, they will be disclosed to you. Allah has pardoned them, and Allah is forgiving, forbearing. A people before you asked about them, then became disbelievers in them.'[5]

L1976 And by his words ﷺ: 'Your blood, your property, your honor, and your skin are inviolable among you, like the inviolability of this day of yours.' Thus nothing of anyone's property, blood, honor, or skin is lawful for anyone except what a text or consensus has permitted. Anything beyond that is invalid by the texts we have mentioned. The least amount stated in everything we have mentioned is therefore obligatory by consensus upon its obligation, and every addition to that is invalid unless its claimant brings us a text establishing the correctness of his assertion. The text mentioned also establishes that, if people agree, or a text comes, imposing an amount from us affecting a Muslim's honor, skin, or property, then its obligation stands. If a claimant then claims that an addition in that matter is obligatory, without producing a text establishing the correctness of his claim, it is certainly invalid, because there is no one who may make lawful what Allah Most High has forbidden. The same applies to whoever forbids anything on earth, apart from that whose prohibition is established by a text or consensus. Likewise, it applies to whoever imposes something additional to what a text or consensus has established as obligatory. This suffices as an explanation. We must require whoever holds a contrary position, if he is a Maliki or a Shafi'i, to impose the obligatory alms-tax on honey, because the community unanimously agrees that an alms-tax is due on property, by His words, Most High: 'Take from their property an alms-offering by which you cleanse them and purify them, and pray for them; your prayers are a source of tranquility for them, and

[5]**Qur'an references (L1973):** Qur'an 2:111 (Al-Baqarah); Qur'an 2:29 (Al-Baqarah); Qur'an 5:101 (Al-Ma'idah); Qur'an 5:102 (Al-Ma'idah).

وبقوله صلى الله عليه وسلم إن دماءكم وأموالكم وأعراضكم وأبشاركم عليكم حرام كحرمة يومكم هذا فلا يحل لأحد من مال أحد ولا من دمه ولا من عرضه ولا من بشرته إلا ما أباحه نص أو إجماع، وما عدا ذلك فباطل بالنصوص التي ذكرنا، فأقل ما قيل في كل ما ذكرنا: هو واجب بالإجماع على وجوبه، وكل زيادة على ذلك فباطل، إلا أن يأتينا مدعيها بنص يصحح قوله. وصح بالنص المذكور أنه إن اتفق الناس أو جاء نص بإيجاب مقدار منا من عرض مسلم أو بشرته أو ماله فهو وجوبه، ثم إن ادعى مدع وجوب زيادة في ذلك ولم يأت على صحة دعواه بنص فهو باطل بيقين، لأنه لا محل ما قد حرم الله تعالى، وكذلك القول فيمن حرم شيئا مما في الأرض حاشا ما جاء في تحريمه نص أو إجماع. وكذلك من فرض شيئا زائدا على ما أوجب أنه فرض نص أو إجماع وكفى بهذا بيانا. ويلزمنا من قال بخلاف هذا إن كان مالكيا، أو شافعيا أن يوجب الزكاة في العسل، لأن الأمة مجمعة على أن في الأموال زكاة بقوله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم والله سميع عليم} فيلزمهم ألا يسقط هذا الحق اللازم بإجماع إلا بإجماع آخر،

Allah is hearing, knowing.' They must therefore refrain from setting aside this due, binding by consensus, except through another consensus.[6][7]

L1977–1978 And if he is a Hanafi, he must impose the obligatory alms-tax on jewelry and working animals, on the grounds we have mentioned. There are very many examples like this, overturning most of their doctrines and invalidating the greater part of their assertions concerning prayer, ritual purification, pilgrimage, and all the other divisions of jurisprudence. Through Allah Most High comes success. If someone says: When you say, 'If this assertion of an additional obligation were binding, evidence for it would have come,' what do you say to someone who tells you, 'If it were inapplicable, evidence setting it aside would have come'? What is required is to say: This is a correct assertion, and we have expressly identified the evidence transmitted for setting aside every assertion of prohibition, permission, or the imposition of a ruling whose correctness is established by neither a text nor consensus. That evidence consists of the verses we recited just now. They therefore establish that every amount whose obligation or collection is agreed upon is obligatory, and that whoever adds anything to that by his own claim is, by those texts, a fabricator asserting falsehood, unless he produces a text establishing the correctness of his claim. This is a clear matter with no obscurity, and only someone bereft of divine aid or obstinately resistant fails to grasp it. This applies only to matters concerning which no text has been transmitted. As for matters concerning which a text has come, we give no consideration to how much of them has been agreed upon, nor do we then concern ourselves with whoever disagrees with us. Nor do we give

ولزمه إن كان حنفيا أن يوجب الزكاة في الحلي والعوامل بما ذكرنا، ومثل هذا كثير جدا، مسقط أكثر مذاهبهم، ومفسد لجمهور أقوالهم في الصلاة والطهارة والحج وسائر أبواب الفقه كلها، وبالله تعالى التوفيق. فإن قال قائل: إذا قلتم لو كان هذا القول الزائد واجبا لجاء به دليل، فماذا تقولون لمن قال لكم لو كان ساقطا لجاء بإسقاطه دليل، فالواجب: أن هذا قول صحيح وقد نصصنا على الدلائل الواردة بإسقاط كل قول بتحريم، أو بتحليل أو إيجاب حكم لم يأت بصحته نص أو إجماع، وهي الآيات التي تلوناها آنفا فوجب بها أن كل مقدار اتفق على وجوبه أو أخذه فهو واجب، ومن زاد على ذلك بدعواه شيئا فهو مفتر مبطل بتلك النصوص ما لم يأت على صحة دعواه بنص، وهذا أمر جلي لا إشكال فيه، ولا يذهب عنه إلا مخذول أو معاند، وإنما هذا فيما لم يرد فيه نص، وأما ما جاء فيه نص فلا نراعي فيه ما اتفق عليه منه، ولا نبالي بمن خالفنا حينئذ، ولا نراعي فيه استصحاب حال ولا أقل ما قيل فيه.

[6] **Translator's note (L1976):** The phrase translated 'an amount from us affecting' reads مقدار منا من and is awkward and possibly corrupt. Its wording has been retained rather than silently emended. The wording فهو وجوبه, rendered 'then its obligation stands,' is syntactically awkward. The Arabic ويلزمنا من قال literally suggests 'whoever says … binds us,' whereas the ensuing argument requires imposing a consequence upon the opponent. The translation follows that contextual construction; the transmitted wording appears defective.

[7] **Qur'an references (L1976):** Qur'an 9:103 (At-Tawbah).

consideration in them to the presumption of continuity of an existing state or to the least amount stated concerning them,[8]

L1979–1986 Rather, we follow the text, whether it adds to what has been agreed upon, falls short of it, or accords with it, because the evidence has then been established and the demonstration has proved sound that one must turn to what the text provides. Taking more than the minimum is thereby established as sound. Even if only one trustworthy person independently transmitted the additional amount, and all the inhabitants of the earth opposed him, adopting what that one person transmitted would be obligatory, because he is right. It would be incumbent upon us to oppose everyone who opposed that one person's transmission, even if they were all the inhabitants of the earth without exception, because they would all then be upholding falsehood. They would be obliged to accept that one person's transmission: the truth is more with him than with everyone who opposes him, and he has the greater claim to be followed. Allah Most High said: {O you who believe, attend to yourselves. Whoever goes astray will not harm you when you have been guided. To Allah is the return of you all, and He will inform you of what you used to do.} Thus He Most High made this general, without making any exception specific. And He Most High said: {Fight, then, in the way of Allah. You are charged with none but yourself. And urge on the believers. Perhaps Allah will restrain the might of those who disbelieve. Allah is greater in might and more severe in punishment.} If someone says, "What, then, do you say about two witnesses, one of whom testifies that Zayd is owed by ʿAmr one dinar, while the other testifies that he is owed two dinars by him? Do you adopt the minimum upon which we have agreed?" Abū Muḥammed said: Demonstration from the text has established that one dinar must be awarded to him on the testimony of the two of them. By a second, further text, the remaining dinar is awarded to him if the claimant swears to what his witness [attested]. This therefore belongs to the category in which evidence has established that judgment must be given for the additional amount. Some of those who disagree with us

[8]**Translator's note (L1977):** The Arabic فالواجب, literally 'what is required,' is unusual where an introduction to the answer is expected. The translation retains that sense rather than silently replacing it with 'the answer.'

ولكن نأخذ بالنص زائدا كان على ما اتفق عليه، أو ناقصا عنه، أو موافقا له، لأن الدليل قد قام حينئذ والبرهان صح على وجوب الانتقال إلى ما جاء به النص، وصح بذلك الأخذ بالزائد على أقل ولو لم ينفرد بالرواية للزائد إلا إنسان واحد ثقة، وخالفه جميع أهل الأرض، لكان القول بما رواه ذلك الواحد واجبا، لأنه محق ولكان فرضا علينا خلاف كل من خالف رواية ذلك الواحد، ولو أنهم جميع أهل الأرض سواء، لأنهم كلهم حينئذ مبطلون يلزمهم قبول رواية ذلك الواحد، الحق أكثر من كل من خالفه وأولى أن يتبع قال الله تعالى {يأيها لذين آمنوا عليكم أنفسكم لا يضركم من ضل إذا هتديتم إلى لله مرجعكم جميعا فينبئكم بما كنتم تعملون} فعم تعالى ولم يخص وقال تعالى {فقاتل في سبيل لله لا تكلف إلا نفسك وحرض لمؤمنين عسى لله أن يكف بأس لذين كفروا ولله أشد بأسا وأشد تنكيلا} فإن قال قائل فما تقولون في شاهدين شهد أحدهما لزيد على عمرو بدينار، وشهد له الآخر عليه بدينارين. أتقولون بأقل ما اتفقنا عليه؟. قال أبو محمد: هذا قد قام البرهان من النص على وجوب القضاء له بالدينار بشهادتهما، ومن نص آخر ثان يقضي له بالدينار الباقي إن حلف المدعى له ما شاهده، فهذا من باب ما قام الدليل على وجوب الحكم بالزيادة فيه، وقد قال بعض من خالفنا: إن القائل بما أخذتم به، من أقل ما قيل لم يقل به، لأنه أقل ما قيل، وإنما قال به لدليل ما أوجبه عنده، فقولوا بدليله حتى نناظركم عليه. قال أبو محمد: فيقال من قال بهذا، وبالله تعالى التوفيق: إنا لا نتعنى باستدلال المستدلين، لأنه قد يستدل المرء بدليل غير واجب، فيخرجه البحث إلى قول صحيح كما عرض لابن مسعود، إذ سئل عن امرأة توفي عنها زوجها قبل أن يدخل بها، وقبل أن يفرض لها صداقا، فقال: بعد شهر أقول فيها برأيي، فإن كان صوابا فمن الله تعالى، وإن كان خطأ فالله ورسوله بريئان ثم أفتى بما وافق الحق من فعل رسول الله صلى الله عليه

have said: "The person who advocates the minimum stated amount that you have adopted did not advocate it because it was the minimum stated amount. He advocated it only because of some evidence that, in his judgment, made it obligatory. So adopt his evidence, so that we can debate it with you." Abū Muḥammed said: To anyone who says this, the following reply is made—and success comes through Allah Most High: We do not trouble ourselves with the reasoning of those who reason, because a person may reason from evidence that has no binding force, yet his investigation may lead him to a correct position. This happened to Ibn Masʿūd when he was asked about a woman whose husband died before consummating the marriage with her and before assigning her a bridal payment. After a month he said: "I shall speak about her on the basis of my own opinion. If it is correct, it is from Allah Most High; and if it is mistaken, Allah and His Messenger are free of responsibility for it." He then issued a legal opinion that accorded with the truth established by the action of the Messenger of Allah ﷺ, without having known of it. Thus we pay no heed to Ibn Masʿūd's reasoning; indeed, we do not adopt it at all. We do, however, adopt the conclusion to which he was brought by good fortune, because it accorded with the judgment of the Messenger of Allah ﷺ. When we find that someone has declared a certain amount obligatory, and all the scholars, from first to last, have agreed with him that it is obligatory, Allah Most High has made it obligatory for us to follow consensus and not to oppose the way of the believers and those vested with authority among us. We pay no heed to his reasoning in this, since Allah Most High has not commanded us to follow the reasoning of an individual scholar or a group of scholars. He Most High has commanded us only to follow what they have agreed upon and to leave what they dispute until we refer it back and make the Quran and the Sunnah the arbiters concerning it. We have done this, adopting what they have unanimously agreed upon, which is the minimum stated amount, because He Most High says: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute concerning anything, refer it back to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and fairest in outcome.} It is therefore not lawful for a Muslim to oppose this. We have required anyone who adds to that amount an increment concerning

وسلم دون أن يكون علمه فنحن لا نبالي باستدلال ابن مسعود بل لا نقول به أصلا، لكنا نقول بما أخرجه إليه السعد لأنه وافق قضاء رسول الله صلى الله عليه وسلم فإذا وجدنا القائل قد أوجب مقدارا ما ووافقه على إيجابه جميع العلماء أولهم عن آخرهم، فقد أوجب الله تعالى علينا اتباع الإجماع وألا نخالف سبيل المؤمنين وأولي الأمر منا. ولا نبالي باستدلاله في ذلك، إذ لم يأمر الله تعالى باتباع استدلال الواحد أو الطائفة من العلماء، وإنما أمرنا تعالى باتباع ما اتفقوا عليه، وترك ما تنازعوا فيه حتى نرده فنحكم فيه القرآن والسنة، فقد فعلنا ذلك، فأخذنا بما أجمعوا عليه وهو أقل ما قيل لقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} فلا يحل لمسلم خلاف هذا، وكلفنا من زاد على ذلك المقدار زيادة يتورع فيها أن يأتي ببرهان من النص إن كان صادقا بقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} فإن جاء ببرهان من القرآن والسنة قبلنا منه، وإلا تركنا قوله، لأن من لم يأت ببرهان فليس صادقا لقوله تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} وقد علم كل ذي حس صحيح من الناس أن الاستدلال على القول شيء آخر غير القول المستدل عليه، فقد أدى التقليد أقواما إلى أقوال صحاح والتقليد فاسد، لكن البحث أوقعهم عليها فصادفوا أقوالا فيها أحاديث صحاح لم تبلغهم قط، ولا استدلوا بها. ومن علم كيفية المقدمات علم أن من المقدمات الفاسدة تنتج إنتاجا صحيحا في بعض الأوقات، ولكن ذلك لا يصحب بل يخون كثيرا، وقد بينا هذا في كتابنا الموسوم، بكتاب التقريب بيانا كافيا، والحمد لله رب العالمين كثيرا. فقد صح

which he exercises religious scruple to produce a demonstration from the text, if he is truthful, because He Most High says: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute concerning anything, refer it back to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and fairest in outcome.} If he produces a demonstration from the Quran and the Sunnah, we accept it from him; otherwise, we reject his position, because anyone who produces no demonstration is not truthful, as He Most High says: {They said, "None will enter Paradise unless they are Jews or Christians." Those are their wishes. Say, "Bring your demonstration, if you are truthful."} Every person of sound perception knows that reasoning in support of a position is something distinct from the position supported by that reasoning. Uncritical adherence has led some people to correct positions, although uncritical adherence is unsound. Their investigation nevertheless brought them to those positions, and they happened upon positions for which there are authentic reports that had never reached them and upon which they had not based their reasoning. Anyone who knows the nature of premises knows that unsound premises sometimes yield a correct conclusion. But this does not hold consistently; rather, it frequently fails. We have explained this adequately in our book entitled The Book of Approximation. Abundant praise belongs to Allah, Lord of the worlds. What we have mentioned has thus established that it is possible that someone who reaches the correct position supported by an inference errs in the manner of making that inference. It has also been established that a person may be correct at the outset of his reasoning, but then fail to do it full justice and consequently err in the position supported by that reasoning. Some people have reasoned from authentic texts, but then interpreted into them what they do not contain and extended them by analogy to things not mentioned in them. They were correct in adducing the text as evidence, but mistaken in applying its ruling to something not present in that text. Saʿd, may Allah be pleased with him, inferred the prohibition of white grain altogether from the Prophet's ﷺ prohibition of fresh dates in exchange for dried dates. This establishes that we are not obliged to follow the reasoning of those who issue legal opinions. We are obliged only to follow the legal opinion if a text or consensus supports it, and we pay no heed

بما ذكرنا أنه قد يخطىء في كيفية الاستدلال من يصيب في القول المستدل عليه. وقد صح أيضا أنه قد يصيب المرء في ابتداء الاستدلال، ثم لا يوفيه حقه فيخطىء في القول المستدل عليه، فقد استدل قوم بنصوص صحاح ثم تأولوا فيها ما ليس فيها، وقاسوا عليها ما لم يذكر فيها، وأصابوا في الاستدلال بالنص وأخطؤوا في الحكم به فيما ليس موجودا في ذلك النص. وقد استدل سعد رضي الله عنه على تحريم البيضاء جملة بنهي النبي صلى الله عليه وسلم عن الرطب بالتمر فصح بهذا أنه ليس علينا اتباع استدلال القائلين بالفتيا، وإنما علينا اتباع الفتيا إن أيدها نص أو إجماع، ولا نبالي أخطأ قائلها في استدلاله عليها أم أصاب. وكذلك يلزمنا ترك الفتيا إذا لم يقم عليها برهان من النص أو الإجماع، وإن استدل قائلها بنص صحيح إلا أنه ظن أن ذلك النص يوجب ما أفتى به. وذلك النص في الحقيقة غير موجب لتلك الفتيا، وأيضا فإن من المسائل مسائل ليس يروى فيها نص وإنما هي إجماع مجرد على أمر أمره النبي صلى الله عليه وسلم كإجماع الناس على القراض وكإجماع طوائف من الناس على الإيجاب في دية الذمي إذا قتله ذمي ثمانمائة درهم، أو ستة أبعرة وثلثي بعير، واختلف آخرون في الزيادة على ذلك إلى أن ساواه قوم بدية المسلم، وقال آخرون: نصف دية المسلم، وقال آخرون: ثلث دية المسلم، فاحتج الموجبون في ذلك ثمانمائة درهم أو ستة أبعرة وثلثي بعير، بأن قالوا: هذا مجمع على وجوبه، وما زاد على ذلك فمختلف فيه، وذكروا ما رويناه من طريق يونس بن عبيد أن الحسن البصري قال: دية اليهودي والنصراني ثمانمائة درهم. وقال بهذا المقدار في دية المجوسي خاصة مالك والشافعي. ورووه عن عثمان رضي الله عنه. واحتج من أوجب في ذلك نصف الدية بروايات عن بعض الصحابة، وآثار من طريق عمرو بن شعيب عن أبيه عن جده، وهي صحيفة لا تصح، وقد اختلف الصحابة في هذا فبطل هذا القول، واحتج من أوجب في ذلك ثلث الدية وهم الشافعي وأصحابه، بأن رووا ذلك عن بعض الصحابة، وقد قلنا إن الصحابة

to whether the person who gave it erred or was correct in his reasoning in support of it. Likewise, we must reject a legal opinion if no demonstration from a text or consensus supports it, even if the person who gave it adduced an authentic text, but supposed that the text required the opinion he issued, whereas in reality that text does not require that legal opinion. Furthermore, there are questions concerning which no text is transmitted, and which rest solely upon consensus concerning something the Prophet ﷺ commanded. Examples include people's consensus concerning profit-sharing investment, and the consensus of groups of people that the blood money for a protected non-Muslim, when killed by another protected non-Muslim, must be eight hundred dirhams or six camels and two-thirds of a camel. Others disagreed concerning an increase beyond that, to the point that some made it equal to the blood money for a Muslim. Others said half the blood money for a Muslim, and others said one-third of the blood money for a Muslim. Those who require eight hundred dirhams or six camels and two-thirds of a camel argued: "There is consensus that this is obligatory, while anything beyond it is disputed." They cited what we have transmitted through Yūnus ibn ʿUbayd, that al-Ḥasan al-Baṣrī said: "The blood money for a Jew or a Christian is eight hundred dirhams." Mālik and al-Shāfiʿī advocated this amount specifically for the blood money for a Zoroastrian, and they transmitted it from ʿUthmān, may Allah be pleased with him. Those who require half the blood money argued on the basis of transmissions from some of the Companions and reports transmitted through ʿAmr ibn Shuʿayb, from his father, from his grandfather. These constitute a written collection that is not authentic. The Companions disagreed on this, so this position is invalid. Those who require one-third of the blood money, namely al-Shāfiʿī and his followers, argued by transmitting this from some of the Companions. We have already said that the Companions disagreed on this, so some of them cannot constitute authoritative evidence in this matter to the exclusion of others. Some of al-Shāfiʿī's followers argued for this by claiming that it was the minimum stated amount. This is false, because of the statement of al-Ḥasan that we cited just now. Some among them who knew of the disagreement said: "We did not adopt this position for any of these reasons, but because He Most High says: {Does he possess knowledge of the unseen, so that he sees? Or

مختلفون في ذلك، فليس بعضهم في ذلك حجة دون بعض. واحتج في ذلك بعض أصحاب الشافعي بأن ادعى أنه أقل ما قيل؛ وهذا باطل لما أوردناه من قول الحسن آنفا، وقال بعضهم ممن يعرف الاختلاف: لم نقل ذلك لشيء من هذا كله لكن لقوله تعالى {أعنده علم لغيب فهو يرى * أم لم ينبأ بما في صحف موسى} فوجب ألا يساوى به المسلم ولا المسلمة، فوجب حطه إلى ثلث الدية.

has he not been informed of what is in the scriptures of Moses?} It therefore follows that neither a Muslim man nor a Muslim woman may be made equal to him, and that his blood money must consequently be reduced to one-third of the blood money."[9][10][11][12][13][14]

L1987–2001 Abu Muhammed said: This argument is utterly unsound, because they treat the two equally in that, if a Muslim wrongfully seizes a protected non-Muslim's property, the protected non-Muslim makes him repay what he seized; in amputating the hands of both for theft; and in requiring each to swear an oath to the other in litigation. Furthermore, they have made the blood money for a protected non-Muslim greater than the compensation for a Muslim woman's hand and the compensation for her eye, and have equated it with the compensation for a wound reaching the membrane surrounding the brain in a free Muslim man. There is no doubt that the inviolability of a single hair of a Muslim is greater than the inviolability of every protected non-Muslim on earth; how much more, then, a member of a Muslim's body!

وقال أبو محمد: وهذا احتجاج فاسد البتة، لأنهم يساوون بينهما في أنه إن غصب المسلم مال ذمي أن يغرمه الذمي ما غصب، وفي قطعهما في السرقة، ويحلف كل واحد منهما للآخر في الدعوى. وأيضا فقد جعلوا دية الذمي أكثر من دية يد المسلمة ومن دية عينها، وساووه بمأمومة الحر المسلم، ولا شك في أن حرمة شعرة من مسلم أعظم من حرمة كل ذمي في الأرض، فكيف عضو من أعضاء المسلم، ونجدهم قد فضلوا على المسلم في بعض المواضع، فقالوا: لا يقتل الكافر الحر إذا قتل عبدا مسلما، فجعلوه ههنا أعظم حرمة من المسلم، وهذا قول سوء تقشعر منه الجلود. ويلزمهم على هذا أن أبا جهل وأبا لهب كانا أعظم حرمة من زيد بن حارثة وبلال بعد إسلامهما، وقبل عتقهما، ومعاذ الله من هذا. وإنما يجب استعمال قوله عز وجل {أعنده علم لغيب فهو يرى} في ألا يساوى بينهما في القود أصلا، وأما في الحقوق الواجبة فيما دون الأجسام والكرامة والحرمة فليس التساوي فيها تساويا في القدر، لأنه لا خلاف بين أحد من أن أحكام الأموال يستوي فيها أبو بكر والصحابة وأهل الذمة، وبالله تعالى التوفيق، فكان الواجب ألا يكلف الذمي غرما بعد الجزية إلا ما أوجبه نص أو إجماع، وقد أوجب الإجماع المذكور عليه إما ثمانمائة درهم، وإما ستة أبعرة وثلثي بعير، ووقع التنازع في الزيادة فلما لم يأت بشيء من ذلك نص صحيح وجب أن يطرح ولا يلتفت إليه. فإن قالوا بتقليد صاحب في ذلك، قيل لهم: ليس الصاحب الذي قلدتم بأولى من صاحب آخر خالفه في ذلك، مع أن التقليد كله باطل على ما سنبينه في بابه من ديواننا هذا إن شاء الله تعالى. فإن قال قائل: أنتم متناقضون في قولكم بأقل ما قيل في المقادير اللازمة في الأموال والحدود وفي الأعداد كلها وترككم

[9] **Translator's note (L1979):** The wording around "the truth is more with him" is syntactically awkward: الحق أكثر follows "that one person's transmission" without a clear grammatical connection. The translation reflects the apparent argument without silently replacing the wording.

[10] **Translator's note (L1980):** The phrase إن حلف المدعى له ما شاهده is awkward or corrupt. Literally, its ending reads approximately "if the claimant swears what his witness"; the translation supplies the minimally implied act of attestation. The context concerns an oath accompanying a single witness's testimony.

[11] **Translator's note (L1982):** The opening word السعد, "good fortune," completes the preceding unit's sentence. The expression زيادة يتورع فيها, rendered "an increment concerning which he exercises religious scruple," is unusual in this argument. Its wording has been retained rather than replaced with a conjectural reading.

[12] **Translator's note (L1984):** البيضاء, literally "the white [commodity]," appears to denote wheat or white grain in a transaction, but the precise commodity and scope of the transaction are not explicit in this segment. The wording has not been expanded into an unstated sale arrangement.

[13] **Translator's note (L1986):** The Quranic quotation as supplied is from 53:35–36 and has no evident connection to the argument about equality and blood money. It has been translated as written, without substituting a different verse.

[14] **Qur'an references (L1979):** Qur'an 5:105 (Al-Ma'idah); Qur'an 4:84 (An-Nisa); Qur'an 4:59 (An-Nisa); Qur'an 2:111 (Al-Baqarah); Qur'an 53:36 (An-Najm).

We also find that they have given him precedence over a Muslim in certain instances, saying: A free unbeliever is not executed if he kills a Muslim slave. Here, then, they have made his inviolability greater than the Muslim's. This is an evil statement at which the skin shudders. It follows necessarily from their position that Abu Jahl and Abu Lahab had greater inviolability than Zayd ibn Harithah and Bilal after their conversion to Islam and before their emancipation. Allah forbid such a thing! His saying, Mighty and Majestic, {Does he possess knowledge of the unseen, so that he sees?}, must be applied solely to preclude treating the two equally in retaliatory execution. As for enforceable rights concerning matters below bodily integrity, dignity, and inviolability, equality in these does not amount to equality in rank, since no one disputes that Abu Bakr, the Companions, and protected non-Muslims are equal under the rules governing property. Success comes through Allah Most High. What was obligatory, therefore, was that a protected non-Muslim should not be charged any payment beyond the poll tax except what a text or consensus makes obligatory. The aforementioned consensus has made obligatory upon him either eight hundred dirhams or six camels and two-thirds of a camel. The additional amount is disputed. Since no authentic text has prescribed any of that, it must be discarded and disregarded. If they invoke following a Companion's authority in this matter, they are told: The Companion whose authority you followed has no stronger claim than another Companion who disagreed with him on this, quite apart from the fact that all uncritical adherence to authority is invalid, as we shall explain in its chapter in this work of ours, if Allah Most High wills. If someone says: You contradict yourselves by accepting the lowest amount proposed concerning obligatory amounts in property, prescribed punishments, and all numerical quantities, and rejecting any addition unless a text makes it obligatory, while also saying that, when something has been agreed upon at some time and certain people then claim that it has ceased to apply, one must continue with it and adhere to what has been agreed to be obligatory until the person claiming that it has ceased to apply supplies a demonstration of that claim. Why, then, have you not said that this ruling is binding only for the period during which its binding force was agreed upon, excluding the times and particular persons or things concerning which its binding force was disputed, just as you said: Regard-

الزيادة إلا أن يوجبها نص مع قولكم إن من اتفق عليه من زمان ما ثم ادعى قوم ارتفاعه، فإن الواجب التمادي عليه، والثبات على ما قد اتفق على وجوبه، حتى يأتي مدعي ارتفاعه ببرهان على ما ادعى من ذلك فهلا قلتم إنه لا يلزم هذا الحكم إلا مدة الزمان الذي اتفق على لزومه فيها دون الأزمان والأعيان التي اختلف في لزوم ذلك فيها ولها، كما قلتم: لا نأخذ في المقادير اللازمة في الأموال والحدود والأعداد إلا بما اتفق عليه دون ما اختلف فيه. قال أبو محمد: فيقال له وبالله تعالى التوفيق: إن هذا شغب ضعيف، وتمويه فاسد، ولا تناقض بين القولين أصلا، بل هما شيء واحد، وباب واحد، لأن الإجماع على وجوب الحكم، وورود النص كالإجماع على أقل المقادير والأعداد، كلاهما قد صح فيه الإجماع، ثم إن الدعوى لانتقال الحكم عما كان علمه، وللزوم النص بعض ما يقتضيه لفظه دون بعض الدعوى للزيادة على أقل ما قيل من المقادير والأعداد ولا فرق، وكلا الأمرين إيجاب شرع وحكم بلا نص، وذلك لا يحل اتباعه. وثباتنا على ما اتفقنا على أنه واجب، أو أنه مباح، أو أنه حرام، وتركنا من فارق ما اتفقنا على وجوبه من المقادير والأعداد ولا فرق، ومسقط الحق بعد وجوبه كالزائد فيه، أو الناقص منه، وكالشارع غيره، ولا فرق بين كل ذلك أصلا، فهو كله باب واحد كما ترى. ولا شغب من أراد التمويه بالفرق بين الأمرين، وإنما موه من موه في ذلك، وغلط من غلط، لأنه رأى أحد الأمرين زيادة على ما اتفق عليه، ورأى الآخر خروجا عما اتفق عليه، فظن أنهما بابان مختلفان، فأخطأ في ذلك بل هو كله باب واحد، لأنه كله ممن خالفنا خروج عما اتفق عليه بلا دليل، ومفارقة ما أجمع عليه بلا برهان، وهو كله في مذهبنا نحن باب واحد، لأنه كلها منا ثبات على ما اتفق عليه، ولزوم لما صح الإجماع فيه، وامتناع من مفارقته، وبالله تعالى التوفيق وأيضا فإنه لم يقل قط مسلم أن النبي صلى الله عليه وسلم إذا حكم اليوم بحكم ما أن هذا الحكم لا يلزم الناس غدا إلا باستئناف برهان مجدد، بل الأمة كلها مجمعة

على وجوب حكم النص وتماديه إلى يوم القيامة. وكذلك حكمه عليه السلام على زان أو سارق، هو حكم منه على كل زان أو سارق إلى يوم القيامة. وهكذا كل ما حكم به النص في عين ما هو حكم في نوع تلك العين أبدا، ولو كان خلاف ذلك ونعوذ بالله من هذا الظن لبطلت لوازم نبوته صلى الله عليه وسلم في الزمان الآتي بعده وهذا كفر من معتقده فصح أن حكمه صلى الله عليه وسلم في زمانه حكم باق في كل زمان أبد الأبد ولم يقل قط مسلم إنه صلى الله عليه وسلم إذا حكم بأخذ درهم أو ضرب عشرة أسواط أو إيجاب ركعتين، أو صوم يوم إنه يجب بذلك أخذ درهمين، وضرب عشرين سوطا، أو إيجاب أربع ركعات وصوم يومين، بل هذه حدود الله تعالى التي حرم تعديها، وأخبر أن متعديها من الظالمين بقوله تعالى {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود لله ومن يتعد حدود لله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد ذلك أمرا} فهذا فرق أوضح من الشمس لا يراها العميان، وقد تغيب عن بعض الأماكن في بعض الأوقات. وهذا برهان لا يغيب نوره أبدا، ويراه كل ذي عقل وحس سليم ممن خوطب بالديانة، وأيضا فإن أقل ما قيل حق ويقين، لأنه إجماع وخصمنا موافق لنا على وجوبه والزيادة عليه شك، ودعوى وظن، ولا يحل رفع اليقين بالشك ولا ترك الحق بالظن، ولا مفارقة الواجب بالدعوى، وقد حرم الله تعالى ذلك، إذ يقول عز وجل {وما لهم به من علم إن يتبعون إلا لظن وإن لظن لا يغني من لحق شيئا} وفيما ذكرنا كفاية لمن له عقل ونصح نفسه، وبالله تعالى التوفيق. فإن قال قائل: أنتم تقولون إن الإجماع والنص أصلان، والعمل بهما فرض، وأنتم تأخذون في النص بالزائد أبدا، ولا تأخذون بالمتيقن عليه، وتأخذون في الإجماع بأقل ما قيل، وهو المتفق عليه، فكيف هذا؟. فالجواب، وبالله تعالى التوفيق:

ing obligatory amounts in property, prescribed punishments, and numerical quantities, we accept only what is agreed upon, excluding what is disputed? Abu Muhammed said: He is answered—and success comes through Allah Most High—that this is feeble disputation and unsound obfuscation. There is no contradiction whatsoever between the two statements. Rather, they are one and the same thing and belong to a single category, because consensus on the binding force of a ruling and the establishment of a text is like consensus on the lowest amounts and numerical quantities: consensus has been authentically established in both cases. Then the claim that the ruling has shifted from what it was known to be, and that the text binds only some of what its wording entails, to the exclusion of the rest, is like the claim that an addition must be made to the lowest amounts and numerical quantities proposed; there is no difference. Both involve imposing a religious prescription and a ruling without a text, and following that is impermissible. Our adherence to what we have agreed is obligatory, permissible, or forbidden is like our rejection of anyone who departs from the amounts and numerical quantities whose obligatory character we have agreed upon; there is no difference. Someone who cancels a right after it has become obligatory is like someone who adds to it, subtracts from it, or legislates something else in its place. There is absolutely no difference between any of these. As you see, it all belongs to a single category, despite the disputation of anyone seeking to obscure matters by distinguishing between the two cases. Those who obscured matters here, and those who erred, did so only because they saw one case as an addition to what was agreed upon and the other as a departure from what was agreed upon, and therefore supposed that these were two different categories. They were mistaken. Rather, all of it belongs to a single category, because all of it, on the part of those who disagree with us, constitutes departure from what was agreed upon without evidence and abandonment of what was established by consensus without demonstration. In our own position, too, it all belongs to a single category, because all of it, on our part, constitutes adherence to what was agreed upon, commitment to that concerning which consensus has been authentically established, and refusal to depart from it. Success comes through Allah Most High. Furthermore, no Muslim has ever said that, if the Prophet ﷺ issues a ruling today,

that ruling does not bind people tomorrow unless a fresh demonstration is produced anew. Rather, the entire community agrees that the ruling of the text is binding and continues until the Day of Resurrection. Likewise, his ruling, peace be upon him, concerning a fornicator or a thief is a ruling by him concerning every fornicator or thief until the Day of Resurrection. In the same way, every ruling that a text gives concerning a particular individual or thing is forever a ruling concerning the class to which that individual or thing belongs. Were it otherwise—and we seek refuge in Allah from this supposition—the binding implications of his prophethood ﷺ for the time following him would be nullified. This constitutes unbelief on the part of anyone who holds it. It is thus established that his ruling ﷺ in his own time remains a ruling in every age, for ever and ever. No Muslim has ever said that, if he ﷺ rules that one dirham be taken, ten lashes administered, two units of prayer made obligatory, or one day fasted, this thereby makes it obligatory to take two dirhams and administer twenty lashes, or to make four units of prayer obligatory and fast two days. Rather, these are the limits of Allah Most High, which He has forbidden people to transgress, and He has declared that those who transgress them are among the wrongdoers, in His saying, Most High: {O Prophet, when you divorce women, divorce them for their waiting period, and count the waiting period, and fear Allah, your Lord. Do not expel them from their homes, nor should they leave, unless they commit a manifest indecency. Those are the limits of Allah. Whoever transgresses the limits of Allah has wronged himself. You do not know: perhaps Allah will bring about some matter after that.} This, then, is a distinction clearer than the sun: the blind do not see the sun, and it may be absent from some places at some times, whereas this is a demonstration whose light is never absent and which everyone possessed of reason and sound perception, among those addressed by religion, can see. Furthermore, the lowest amount proposed is truth and certainty, because it is established by consensus, and our opponent agrees with us that it is obligatory. An addition to it is doubt, assertion, and conjecture. It is impermissible to overturn certainty through doubt, abandon truth through conjecture, or depart from what is obligatory through an assertion. Allah Most High has forbidden this, saying, Mighty and Majestic: {They have no knowledge of it. They follow nothing but conjecture, and conjecture avails

إن الإجماع راجع إلى النص، وإلى التوقيف كما بينا في أول الكلام في الإجماع، وإنما أخذنا به، لأنه نقل العمل أو إقرار على أمر معلوم علمه عليه السلام، فأقره ولم ينكره، وليس اختلاف الموجبين للمقادير المختلفة في الأحكام نقلا لشيء من ذلك، وإنما هو أن ما عدم أن يقوم عليه دليل نص، فإما رأى من قائله أو قياس أو تقليد، وكل ذلك باطل ودعوى بلا دليل فلذلك لزم تركه. وأما الزيادة في النص من أحد الرواة، فهو نقل صحيح، والأخذ بالنقل الصحيح واجب، والسبب الموجب لقبول الزيادة من العدل في الرواية هو السبب نفسه الموجب لقبول أقل ما قيل في الإجماع، إنما ذلك قبول ما صح من النقل فقط. وأما ما اختلف فيه، ولم يأت أحد من المختلفين فيه بنص فليس نقلا، والسبب المانع من قبول التقليد هو السبب المانع من قبول ما زاده قائل على ما اتفق عليه هو وغيره من العلماء بأجمعهم دون دليل يأتي به يوجب زيادته ما زاد وهو كله تقليد. وقد قال بعض الشافعيين: محتجا في أخذ الشافعي رحمه الله في دية اليهودي والنصراني، بأنها ثلث دية المسلم، بأن ذلك أقل ما قيل. قال أبو محمد: وليس كذلك، وقد روينا عن يونس بن عبيد عن الحسن: أن دية النصراني واليهودي ثمانمائة درهم، وقد صح عن بعض المتقدمين أنه لا دية له، فليس ثلث الدية أقل ما قيل. وأما نحن فإنا نقول: إنه لا دية لذمي أصلا، لا يهودي ولا نصراني، ولا مجوسي إذا قتله مسلم خطأ أو عمدا، وإن قتله عندنا يهوديا كان أو نصرانيا أو مجوسيا أقل ما قيل، وهو ثمانمائة درهم أو ستة أبعرة وثلثا بعير. وبرهاننا على ذلك أن الله تعالى إنما ذكر قبل الخطأ والدية فيه إن كان المقتول مؤمنا، هذا هو نص الآيات الواردات في ذلك، فلم يذكر الله تعالى لذمي دية. وقال عليه السلام: من قتل له قتيل فأهله بين خيرتين إما أن يأخذوا الدية، وإما أن يستقيدوا، أو كما قال عليه السلام. ونهى عليه السلام أن يقتل مؤمن بكافر فبطلت الدية إن قتله مسلم، لأنه عليه السلام إنما جعل الدية في العمد حيث يكون الخيار فيها أو في القود، وليس ذلك بين المؤمن والكافر،

nothing against the truth.} What we have mentioned suffices for anyone who possesses reason and deals sincerely with himself. Success comes through Allah Most High. If someone says: You say that consensus and the text are two foundations and that acting upon them is obligatory, yet with a text you always accept the additional material and do not accept only what is certain, while with consensus you accept the lowest amount proposed, which is what is agreed upon. How is this? The answer—and success comes through Allah Most High—is that consensus goes back to the text and to instruction received from revelation, as we explained at the beginning of our discussion of consensus. We accept it only because it is a transmission of practice or an approval of a known matter of which he, peace be upon him, was aware, and which he approved and did not condemn The disagreement among those who prescribe different amounts in legal rulings is no transmission of any such thing. Rather, whatever lacks supporting textual evidence is either the personal opinion of the person proposing it, analogy, or uncritical adherence to authority. All of that is invalid and is assertion without evidence; it must therefore be rejected. An addition to the text supplied by one of its transmitters, however, is an authentic transmission, and accepting authentic transmission is obligatory. The reason that requires acceptance of additional material from a morally upright transmitter in a narration is the very same reason that requires acceptance of the lowest amount proposed in consensus: this is simply acceptance of what has been authentically transmitted. As for something disputed, for which none of those disputing it has supplied a text, that is no transmission. The reason that prevents acceptance of uncritical adherence to authority is the reason that prevents accepting what a speaker adds to that upon which he and all the other scholars have agreed, without his producing evidence that necessitates the addition he has made. All of this is uncritical imitation. One of the Shafiʿis argued, in support of al-Shafiʿi's adoption—may Allah have mercy on him—of the position that the blood money for a Jew or Christian is one-third of the blood money for a Muslim, that this is the lowest amount proposed. Abu Muhammed said: This is not so. We have transmitted, through Yunus ibn ʿUbayd, from al-Hasan, that the blood money for a Christian or Jew is eight hundred dirhams. It has also been authentically reported from one of the earlier authorities that no

لكنه بين الكفار فيما بينهم وبين المؤمنين فيما بينهم، فصح قولنا وبالله تعالى التوفيق.
وحرام أخذ شيء من مال مسلم إلا بنص أو إجماع، وأما إن قتل ذمي مسلما عمدا فقد بطلت ذمته، ولا بد من قتله وأخذ ماله كله، ولا رأي في ذلك لولي المقتول ولا دية، وحديث عبد الله بن سهل ثابت العمل، وليس فيه ذكر أن الدية التي ذكر عليه السلام كانت في عمد، إذ قد يقتلونه خطأ، ولا في قوله عليه السلام في ذلك الحديث: أتقسمون على رجل فيسلم برمته أنه لو أسلم لكان فيه لولي المقتول خيار، فلا يجوز التزيد في الحديث ما ليس فيه، وسورة براءة مبينة لأحكام أهل الذمة التي لا يجوز تعديها وهي ناسخة لكل ما كان قبلها. وقد احتج بعض الموافقين لنا في هذا الفصل بأن قال: يقال لمن قال قد اتفق على وجوب حكم ما في هذه المسألة، فلا تبرأ من ذلك الحكم إلا بإجماع آخر على البراءة منه. قال فيقال له: لو شهد عدلان على أن زيدا غصب مالا من عمرو، ولم يثبت قدر ذلك المال، للزم على قولكم أن يقال للمشهود عليه قد ثبت عليك حق فلا تبرأ حتى يقر المغصوب منه ببراءتك من كل حق له عندك. فلما أجمع الناس بلا خلاف، على أنه لا يقال له ذلك. لكن يقال له قد ثبت قبلك حق ما فأقر بما شئت، واحلف على ما أنكرت، ولا يلزمك غير ذلك، صح قولنا بأقل ما قيل، وبطل اعتراضكم وبالله تعالى التوفيق. واحتج أيضا بأن قال من الدليل على الأخذ بأقل ما قيل: إن شاهدين لو شهدا على زيد أنه سرق، وقال أحدهما: ربع دينار، وقال آخر: بل سدس دينار، فإنه يؤخذ بأقل ما اتفقا عليه فلا يقطع ولا يغرم إلا سدس دينار فقط. قال أبو محمد: وهاتان حجتان تلزم أصحاب القياس، وليس مما نرضى أن نحتج به، وإنما اعتمادنا على البراهين الضرورية التي قدمنا وبالله تعالى نعتصم. وقال هذا القائل أيضا: إن المقدرين إذا اختلفا في تقدير السلعة، فإننا نأخذ بما اتفقا عليه. قال: فإن قال لنا قائل فلم تأخذون بالزيادة في الخبر عن النبي صلى الله عليه وسلم وتقولون عند هذا الزائد علم لم يكن عند من لم يأت بتلك الزيادة. فهلا قلتم

blood money is due for him. Thus, one-third of the blood money is not the lowest amount proposed. As for us, we say that no blood money whatsoever is due for a person under a covenant of protection, whether a Jew, Christian, or Magian, if a Muslim kills him accidentally or intentionally. And if he kills him, according to us, whether he is a Jew, Christian, or Magian, the lowest amount proposed, namely eight hundred dirhams or six camels and two-thirds of a camel. Our demonstration of this is that Allah Most High mentioned accidental killing and the blood money due for it only where the person killed is a believer. This is the explicit wording of the verses revealed concerning this; Allah Most High did not mention blood money for a person under a covenant of protection. He, peace be upon him, said: "If someone has a person killed, that person's family has a choice between two alternatives: either to take the blood money or to exact retaliation"—or words as he, peace be upon him, said them. He, peace be upon him, prohibited putting a believer to death for an unbeliever. Blood money is therefore ruled out if a Muslim kills him, because he, peace be upon him, prescribed blood money for intentional killing only where there is a choice between it and retaliation. That does not obtain between a believer and an unbeliever; it obtains among unbelievers themselves and among believers themselves. Thus our position is established, and success comes through Allah Most High. Taking any part of a Muslim's property is forbidden except on the basis of a revealed text or consensus. If, however, a person under a covenant of protection intentionally kills a Muslim, his covenant of protection is void, and he must be killed and all his property taken. The slain person's next of kin has no discretion in this, and there is no blood money. The report concerning ʿAbd Allah ibn Sahl is established as authoritative for practice. It does not mention that the blood money of which he, peace be upon him, spoke concerned an intentional killing, since they might have killed him accidentally. Nor does his statement, peace be upon him, in that report—"Will you swear oaths against a man, so that he is handed over with his rope?"—state that, if he were handed over, there would be in his case a choice for the slain person's next of kin. It is therefore impermissible to add to the report something that it does not contain. The surah Baraʾah sets out the rulings concerning people under covenants of protection, which may not be transgressed, and it abrogates

وعند هذا المقدار الزائد علم زائد بقيمة هذه السلعة فهلا أخذتم به؟. قال أبو محمد: وهذا الذي اعترض به على القائل بما ذكرنا اعتراض فاسد، لكنا نقول الجواب عن هذا: أن تقدير المقدار ليس من باب الخبر في الدين، لأن الخبر نقل عن مشاهدة يوجب حكما على الناس كلهم، وتقدير المقدار إنما هو من باب الشهادة التي لا يقبل فيها إلا اثنان، أو واحد مع يمين الطالب، فلو كان مع هذا المقدار الزائد آخر عدل يشهد بتلك الزيادة لأخذنا بها، وإن كان ذلك فيما يؤخذ فيه باليمين مع الشاهد حلف المشهود له مع ذلك المقدر الزائد، واستحق الزيادة، وبالله تعالى التوفيق.

everything that preceded it. One of those who agrees with us on this issue argued as follows: It should be said to anyone who says, "There is agreement that some ruling is obligatory in this question, so you cannot be released from that ruling except through another consensus establishing release from it": "If two upright witnesses testified that Zayd had wrongfully seized property from ʿAmr, but the amount of that property was not established, your position would require that the person against whom they testified be told, 'A claim against you has been established, and you cannot be released until the person whose property was seized acknowledges that you are free of every claim he has against you.' Yet everyone agrees, without disagreement, that he is not told this. Instead, he is told, 'Some claim against you has been established: acknowledge whatever you will, and swear an oath concerning what you deny; nothing beyond that is binding upon you.' Thus our position of adopting the lowest amount proposed is established, and your objection is invalid. Success comes through Allah Most High." He also argued: "Evidence for adopting the lowest amount proposed includes the following: if two witnesses testified against Zayd that he had stolen, one saying a quarter of a dinar and the other saying, 'Rather, a sixth of a dinar,' the lowest amount upon which they agreed would be adopted. His hand would not be cut off, and he would be required to repay only a sixth of a dinar." Abu Muhammed said: These two arguments are binding upon the proponents of analogy, but they are not arguments we are content to advance. Our reliance is solely upon the necessary demonstrations we have already presented, and in Allah Most High we seek protection. This speaker also said: "When two appraisers disagree in their valuation of merchandise, we adopt what they agree upon." He said: "If someone says to us, 'Why, then, do you accept additional material in a report from the Prophet ﷺ and say, "The person transmitting this addition possesses knowledge that the person who did not transmit it did not possess"? Why do you not likewise say, "This appraiser who gives the higher valuation possesses additional knowledge of the value of this merchandise"? Why do you not accept it?'" Abu Muhammed said: This objection to the person whose position we have mentioned is an invalid objection. Nevertheless, we say that the answer is that an appraiser's valuation does not belong to the category of reports concerning religion. A report

is a transmission based upon direct observation that entails a ruling binding upon all people. An appraiser's valuation belongs instead to the category of testimony, in which nothing is accepted except two witnesses, or one witness together with the claimant's oath. Thus, if there were, alongside this appraiser who gives the higher valuation, another upright witness testifying to that additional amount, we would accept it. If the matter were one in which an oath together with a witness is accepted, the person in whose favor testimony was given would swear an oath alongside that appraiser who gives

the higher valuation and would be entitled to the additional amount. Success comes through Allah Most High.[15][16][17][18][19][20]

[15]**Translator's note (L1987):** "Protected non-Muslim" renders dhimmī, a non-Muslim subject under a covenant of protection. "Blood money" renders diyah; compensation for individual injuries is distinguished in English. The wording "the protected non-Muslim makes him repay" follows the supplied vocalically unmarked phrase أن يغرمه الذمي; its syntax is awkward, but it concerns restitution by the Muslim who seized the property.

[16]**Translator's note (L1988):** The quoted wording corresponds to Qur'an 53:35, although the supplied Arabic has علم لغيب in place of علم الغيب. Its use to establish unequal treatment in retaliatory execution appears incongruous; the quotation has been retained rather than replaced with another verse. The supplied phrase إن من اتفق عليه من زمان ما is syntactically irregular. The translation follows the apparent sense established by the continuation: something agreed upon at an earlier time.

[17]**Translator's note (L1990):** The phrase عما كان علمه is awkward and possibly corrupt; "from what it was known to be" represents its apparent sense without replacing the Arabic. The comparison between the claim restricting a text and the claim adding to the lowest proposed amount lacks an explicit comparative particle in the supplied Arabic. English requires "is like" to express the apparent construction. The supplied ولا شغب من أراد التمويه is grammatically awkward. "Despite the disputation of anyone seeking to obscure matters" follows its apparent contextual force.

[18]**Translator's note (L1993):** The Qur'anic quotations correspond to 65:1 and 53:28. The supplied transcription repeatedly lacks the initial alif of the definite article in words such as لنبي, لعدة, and لظن; the translations follow the identifiable wording, with no substantive replacement of the quotations. The phrase ولا تأخذون بالمتيقن عليه is awkward. "Do not accept only what is certain" expresses the apparent contrast between accepting additional transmitted wording and limiting an obligation to an agreed minimum. "Instruction received from revelation" renders tawqīf, distinguishing it from the text itself and from independent reasoning.

[19]**Translator's note (L1996):** The sentence beginning "And if he kills him, according to us" is syntactically incomplete: the supplied Arabic has neither an explicit subject identifying the killer nor a governing expression connecting the killing to "the lowest amount proposed." The translation preserves this defect rather than supplying a missing ruling. The supplied قبل الخطأ, literally "before the error," appears to be a transcription error for قتل الخطأ, "accidental killing," which is the reading reflected in the translation. "Handed over with his rope" preserves the report's idiomatic wording for delivering the accused into the claimants' custody.

[20]**Qur'an references (L1987):** Qur'an 65:1 (At-Talaq); Qur'an 53:28 (An-Najm).

L2002–2003 Abu Muhammed said: The position we hold—and success comes through Allah Most High—is that Allah Most High said: “Leave them to their fathers; that is more equitable in Allah’s sight. If you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for what you do mistakenly, but for what your hearts intend. Allah is ever forgiving, merciful.” Then He Most High made blood money obligatory for the accidental killing of a believer. It is therefore binding upon both a believer and a person under a covenant of protection, because of the general applicability of the address and because religion is binding upon every human being and jinn. No revealed text has come imposing blood money for a person under a covenant of protection if he is killed accidentally. It is therefore entirely exempted, whether a Muslim or a person under a covenant of protection inflicted the fatal injury upon him. It is authentically established that the Prophet ﷺ said: “If someone has a person killed, that person’s family has a choice between two alternatives: either blood money is to be paid for him or retaliation is to be exacted”—or words to this effect. It is also authentically established that he, peace be upon him, said: “A Muslim is not to be put to death for an unbeliever.” It is thus established that blood money is obligatory for intentional killing only where a choice must be offered between blood money and retaliation. This does not apply at all when a Muslim kills a person under a covenant of protection. It is therefore ruled out that a Muslim should owe blood money for a person under a covenant of protection, whether for intentional or accidental killing. If a person under a covenant of protection kills another such person, however, he falls within this address, and retaliation or blood money applies between them. There are only two possible positions: either the amount whose obligatoriness is agreed upon, as al-Hasan said, or the blood money that the Messenger of Allah ﷺ adjudged for a Muslim. We examined al-Hasan’s position and found that it had no support whatsoever and no justification, so it fell away. Nor do we know whether there is consensus concerning that amount. Rather, perhaps some scholars have said that no blood money whatsoever is due for a person under a covenant of protection, and perhaps some scholars hold an amount lower than that stated by al-Hasan. Thus this position fell away. We found Allah saying: “And judge between them by what Allah has sent

قال أبو محمد: والذي نقول به، وبالله تعالى التوفيق إن الله تعالى قال {دعوهم لآبآئهم هو أقسط عند الله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان الله غفورا رحيما} ثم أوجب تعالى الدية في قتل المؤمن خطأ فهي لازمة للمؤمن والذمي بعموم الخطاب، ولزوم الدين، لكل إنسي وجني، ولم يأت نص بإيجاب دية لذمي إن قتل خطأ فهو معفو عنه جملة أصابه مسلم أو ذمي وصح عن النبي صلى الله عليه وسلم أنه قال من قتل له قتيل فأهله بين خيرتين وإما أن يودى وإما أن يقاد أو كلام هذا معناه. وصح أنه عليه السلام قال: لا يقتل مسلم بكافر فصح أن الدية لا تجب في العمد إلا حيث يجب التخيير فيها بين الدية وبين القود. وليس ذلك في قتل المسلم الذمي أصلا، فبطل أن يكون على المسلم دية في الذمي لا في عمد ولا في خطأ، فإن قتل الذمي ذميا فهو داخل في هذا الخطاب، والقود بينهما، أو الدية، وليس إلا أحد القولين إما ما اتفق على وجوبه كما قال الحسن وإما الدية التي قضى بها رسول الله صلى الله عليه وسلم في المسلم فنظرنا في قول الحسن فوجدناه لا ينسند أصلا ولا وجه له فسقط. ولا ندري أيضا هل أجمع على مقدار ذلك أو لا؟ بل لعل من العلماء من قال لا دية لذمي أصلا، ولعل في العلماء من يقول بأقل مما قال الحسن فسقط هذا القول ووجدنا الله يقول {وأن حكم بينهم بمآ أنزل لله ولا تتبع أهوآءهم وحذرهم أن يفتنوك عن بعض مآ أنزل لله إليك فإن تولوا فعلم أنما يريد لله أن يصيبهم ببعض ذنوبهم وإن كثيرا من لناس لفاسقون} فصح أن دية الذمي على الذمي كدية المسلم على المسلم، ولسنا في ذلك جاعلين لهم كالمسلمين حاشا لله من ذلك نحكم بينهم بالحكم بين المسلمين. كما أمر الله تعالى، ونحن وهم نقتل الذمي بالذمي، كما نقتله بالمسلم، وليس هذا مساواة المسلم بالمجرم وبالله تعالى حسبنا

down, and do not follow their desires. Beware of them, lest they tempt you away from part of what Allah has sent down to you. If they turn away, then know that Allah intends only to afflict them for some of their sins. Indeed, many people are transgressors." It is thus established that the blood money owed by one person under a covenant of protection for another is like the blood money owed by one Muslim for another. In this we are not making them like Muslims—Allah forbid that! We judge between them according to the judgment applied between Muslims, as Allah Most High commanded. Both we and they put a person under a covenant of protection to death for another person under a covenant of protection, just as we put him to death for a Muslim. This is not equating the Muslim with the criminal. Allah Most High suffices us.[1][2]

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[1] **Translator's note (L2002):** The first Quranic quotation begins دعوهم لآبائهم, literally "Leave them to their fathers," whereas Quran 33:5 has ادعوهم لآبائهم, "Call them by their fathers." The translation follows the supplied wording and does not silently restore the missing initial alif. In the second Quranic quotation, وأن حكم appears in place of وأن احكم, "And judge" (Quran 5:49). The translation reflects the apparent intended imperative; the supplied form is defective. The supplied لا ينسند appears to be a malformed form of لا يستند, "has no support," reflected in the translation.

[2] **Qur'an references (L2002):** Qur'an 33:5 (Al-Ahzab); Qur'an 5:49 (Al-Ma'idah).

الباب 25: ذم الاختلاف

Chapter 25: The Condemnation of Disagreement

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Twenty-Five: On the Condemnation of Disagreement]

Abu Muhammed said: Some people have said, “This is among the matters in which disagreement is permissible.” Abu Muhammed said: This is false. Disagreement is absolutely impermissible and cannot be allowed, for reasons we shall mention after this. Our obligation is only to follow what the Quran has brought from Allah Most High, who prescribed the religion of Islam for us, and what is authentically established from the Messenger of Allah ﷺ, whom Allah Most High commanded to explain the religion. Thus He Most High said: {With clear proofs and scriptures; and We sent down to you the Reminder so that you might explain to people what was sent down to them, and so that they might reflect.} Nothing further is to be added. And He Most High said: {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah’s has been invoked, the strangled animal, the animal killed by a blow, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter—and that which has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by hunger, without inclining toward sin—Allah is indeed forgiving, merciful.} Whatever is authentically established in the two texts, or either of them, is the truth. The agreement of all the people on earth upon it adds nothing to its strength, and its abandonment by those who abandon it does not weaken it. It is therefore established that disagreement must receive no consideration whatsoever.

Some people have erred, saying, “Disagreement is a mercy,” and adducing as evidence what is related from the Prophet ﷺ: “My Companions are like the stars: whichever of them you follow, you will be guided.” Abu Muhammed said: This is among the most unsound statements possible, because if disagreement were a mercy, agreement would be displeasure. This is something no Muslim would say, for there is only agreement or disagreement, and only

[الباب الخامس والعشرون في ذم الاختلاف]

قال أبو محمد قال قوم هذا مما يسع فيه الاختلاف. قال أبو محمد: وهذا باطل والاختلاف لا يسع البتة، ولا يجوز لما نذكره بعد هذا، وإنما الفرض علينا اتباع ما جاء به القرآن عن الله تعالى الذي شرع لنا دين الإسلام وما صح عن رسول الله صلى الله عليه وسلم الذي أمره الله تعالى ببيان الدين فقال تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} ولا مزيد وقال تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} فما صح في النصين أو أحدهما فهوالحق، ولا يزيده قوة أن تجمع عليه أهل الأرض، ولا يوهنه ترك من تركه، فصح أن الاختلاف لا يجب أن يراعى أصلا. وقد غلط قوم فقالوا: الاختلاف رحمة واحتجوا بما روي عن النبي صلى الله عليه وسلم أصحابي كالنجوم بأيهم اقتديتم اهتديتم. قال أبو محمد: وهذا من أفسد قول يكون، لأنه لو كان الاختلاف رحمة لكان الاتفاق سخطا. هذا ما لا يقوله مسلم، لأنه ليس إلا اتفاق أو اختلاف، وليس إلا رحمة أو سخط، وأما الحديث المذكور فباطل مكذوب من توليد أهل الفسق لوجوه ضرورية: أحدها أنه لم يصح من طريق النقل والثاني أنه صلى الله عليه وسلم لم يجز أن يأمر بما نهى عنه وهو عليه السلام قد أخبر أن أبا بكر قد أخطأ في تفسير فسره، وكذب عمر في تأويل تأوله في الهجرة، وكذب أسيد بن حضير في تأويل تأوله فيمن رجع عليه سيفه وهو يقاتل، وخطأ أبا السنابل في فتيا أفتى بها في العدة،

mercy or displeasure. As for the aforementioned report, it is false and fabricated, concocted by people of transgression, for necessarily conclusive reasons. The first is that it has not been authenticated through transmission. The second is that he ﷺ could not command something he had forbidden. He, peace be upon him, stated that Abu Bakr had erred in an interpretation he gave; declared false an interpretation Umar gave concerning the emigration; declared false an interpretation Usayd ibn Hudayr gave concerning someone whose sword recoiled upon him while he was fighting; and judged Abu al-Sanabil mistaken in a legal opinion he issued concerning the waiting period.[1][2]

L2006 We have already discussed this matter exhaustively in the chapter on invalidating uncritical imitation in this book of ours, which makes presenting it here unnecessary.

L2007 What we have mentioned is sufficient. It is inconceivable, impossible, and absolutely inadmissible that he ﷺ should command adherence to something he has stated to be an error, for he would then have commanded error. Exalted is Allah above that, and far be it from him ﷺ to possess such a quality! He, peace be upon him, has stated that they make mistakes; therefore he cannot command us to follow someone who makes mistakes, unless he ﷺ meant their transmission of what they related from him. This is correct, because they—may Allah be pleased with them—are all trustworthy: whoever transmits from any one of them has been guided.

The third reason is that the Prophet ﷺ does not speak falsehood; rather, his speech is the truth. The comparison made by the person who likens those who are correct to stars is an unsound comparison and an evident falsehood. For someone who intends the direction in which Capricorn rises, but stands facing the direction in which Cancer rises, has not been guided.

[1] **Translator's note (L2005):** The Quranic quotations correspond to 16:44 and 5:3. Their transcription repeatedly omits initial alifs and other orthographic elements; the intended words remain recognizable and are rendered accordingly. The emphatic verb rendered "declared false" can also mean "accused of lying"; here its objects concern the interpretations attributed to Umar and Usayd.

[2] **Qur'an references (L2005):** Qur'an 16:44 (An-Nahl); Qur'an 5:3 (Al-Ma'idah).

وقد ذكرنا هذا المعنى في باب إبطال التقليد من كتابنا هذا، مستوعبا فأغنى عن إيراده ههنا،

وفيما ذكرنا كفاية. فمن المحال الممتنع الذي لا يجوز البتة أن يكون صلى الله عليه وسلم يأمر باتباع ما قد أخبر أنه خطأ فيكون حينئذ أمر بالخطأ تعالى الله عن ذلك وحاشا له صلى الله عليه وسلم من هذه الصفة وهو عليه السلام قد أخبر أنهم يخطئون، فلا يجوز أن يأمرنا باتباع من يخطىء إلا أن يكون صلى الله عليه وسلم أراد نقلهم لما رووا عنه فهذا صحيح لأنهم رضي الله عنهم كلهم ثقات، فعن أيهم نقل فقد اهتدى الناقل والثالث أن النبي صلى الله عليه وسلم لا يقول الباطل بل قوله الحق وتشبيه المشبه للمصيبين بالنجوم تشبيه فاسد، وكذب ظاهر، لأنه من أراد جهة مطلع الجدي قام جهة مطلع السرطان لم يهتد، بل قد ضل ضلالا بعيدا، وأخطأ خطأ فاحشا، وخسر خسرانا مبينا، وليس كل النجوم يهتدى بها في كل طريق، فبطل التشبيه المذكور، ووضح كذب ذلك الحديث وسقوطه وضوحا ضروريا. قال أبو محمد: وقد ذم الله تعالى الاختلاف في غير ما موضع من كتابه قال الله عز وجل {ذلك بأن لله نزل لكتاب بلحق وإن لذين ختلفوا في لكتاب لفي شقاق بعيد} وقال تعالى {كان

Rather, he has strayed far astray, committed a grievous error, and suffered a manifest loss. Not every star provides guidance on every route. Thus the aforementioned comparison is invalid, and the falsity and untenability of that report have become clear with necessary clarity.

Abu Muhammed said: Allah Most High has condemned disagreement in more than one place in His Book. Allah, mighty and majestic, said: {That is because Allah sent down the Book with the truth, and those who disagree concerning the Book are indeed in far-reaching dissension.} And He Most High said: {People were one community; then Allah sent the prophets as bearers of good tidings and as warners, and sent down with them the Book with the truth, to judge between people concerning that over which they disagreed. None disagreed concerning it except those who had been given it, after the clear proofs had come to them, out of mutual aggression. Then Allah guided those who believed, by His permission, to the truth concerning which they disagreed. And Allah guides whomever He wills to a straight path.} And He Most High said, making agreement obligatory and requiring the rejection of disagreement: {O you who believe, fear Allah as He ought to be feared, and do not die except as Muslims. * And hold fast, all together, to the rope of Allah, and do not divide. Remember Allah's favor upon you, when you were enemies and He brought your hearts together, so that by His favor you became brothers. You were on the brink of a pit of the Fire, and He rescued you from it. Thus Allah makes His signs clear to you, so that you may be guided.}[3][4]

لناس أمة واحدة فبعث الله لنبيين مبشرين ومنذرين وأنزل معهم لكتاب بلحق ليحكم بين لناس فيما ختلفوا فيه وما ختلف فيه إلا لذين أوتوه من بعد ما جآءتهم لبينات بغيا بينهم فهدى الله لذين آمنوا لما ختلفوا فيه من لحق بإذنه والله يهدي من يشآء إلى صراط مستقيم} وقال تعالى مفترضا للاتفاق وموجبا رفض الاختلاف {يأيها لذين آمنوا تقوا الله حق تقاته ولا تموتن إلا وأنتم مسلمون * وعتصموا بحبل الله جميعا ولا تفرقوا وذكروا نعمة الله عليكم إذ كنتم أعدآء فألف بين قلوبكم فأصبحتم بنعمته إخوانا وكنتم على شفا حفرة من لنار فأنقذكم منها كذلك يبين الله لكم آياته لعلكم تهتدون}

L2008–2012 up to His saying, Most High: {And hold fast, all together, to the rope of Allah, and do not divide. Remember Allah's favor upon you, when you were enemies and He brought your hearts together, so that by His favor you became brothers. You were on the brink of a pit of the Fire, and He rescued you from

إلى قوله تعالى {وعتصموا بحبل الله جميعا ولا تفرقوا وذكروا نعمة الله عليكم إذ كنتم أعدآء فألف بين قلوبكم فأصبحتم بنعمته إخوانا وكنتم على شفا حفرة من لنار فأنقذكم منها كذلك يبين الله لكم آياته لعلكم تهتدون} وقال تعالى {ولا تكونوا كلذين تفرقوا وختلفوا من بعد ما جآءهم لبينات وأولئك لهم عذاب عظيم} فصح أنه لا هدى في الدين إلا ببيان الله تعالى لآياته، وأن التفرق في الدين حرام لا يجوز وقال تعالى {وأطيعوا الله ورسوله ولا تنازعوا فتفشلوا وتذهب ريحكم وصبروا إن الله مع لصابرين}

[3] **Translator's note (L2007):** The astronomical illustration names al-Jady and al-Saratan, rendered here as Capricorn and Cancer. Al-Jady can also designate the Pole Star. The wording "intends … stands" lacks an explicit conditional link; "but" supplies the apparent relationship without changing the named celestial objects. The Quranic quotations correspond to 2:176, 2:213, and 3:102–103. Recurrent omissions of initial alifs in the transcription do not obscure the intended wording.

[4] **Qur'an references (L2007):** Qur'an 3:102 (Ali 'Imran); Qur'an 3:103 (Ali 'Imran).

it. Thus Allah makes His signs clear to you, so that you may be guided.} And He Most High said: {Do not be like those who divided and disagreed after the clear proofs had come to them. Those shall have a tremendous punishment.} It is therefore established that there is no guidance in religion except through Allah Most High's clarification of His signs, and that division in religion is forbidden and impermissible. And He Most High said: {Obey Allah and His Messenger, and do not dispute, lest you falter and your strength depart. Be patient; indeed, Allah is with the patient.} And He Most High said: {He has prescribed for you of religion what He enjoined upon Noah, and that which We have revealed to you, and what We enjoined upon Abraham, Moses, and Jesus: establish the religion and do not divide within it. What you call the polytheists to is grievous to them. Allah chooses for Himself whomever He wills, and guides to Himself whoever turns to Him.} And He Most High said: {And this is My path, straight, so follow it, and do not follow the other paths, lest they separate you from His path. This He has enjoined upon you, so that you may be mindful of Him.} And He Most High said: {Indeed, those who divided their religion and became sects—you have no part with them in anything. Their affair rests only with Allah; then He will inform them of what they used to do.} And He Most High said: {Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much disagreement within it.}

Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Abu Kamil Fudayl ibn Husayn al-Jahdari related to us: Ahmad ibn Zayd related to us: Abu Imran al-Jawni related to us, saying: Abd Allah ibn Rabah al-Ansari wrote to me that Abd Allah ibn Amr said: "One day I went early to the Messenger of Allah ﷺ. He heard the voices of two men who disagreed concerning a verse. The Messenger of Allah came out to us, anger discernible on his face, and said: 'Those before you perished only through their disagreement concerning the Book.'"

Abd al-Rahman ibn Abd Allah related to us: Abu Ishaq al-Balkhi related to us: al-Firabri related to us: al-Bukhari related to us: Abu al-Walid—that is,

وقال تعالى {شرع لكم من لدين ما وصى به نوحا ولذي أوحينآ إليك وما وصينا به إبراهيم وموسى وعيسى أن أقيموا لدين ولا تتفرقوا فيه كبر على لمشركين ما تدعوهم إليه لله يجتبي إليه من يشآء ويهدي إليه من ينيب} وقال تعالى {وأن هذا صراطي مستقيما فتبعوه ولا تتبعوا لسبل فتفرق بكم عن سبيله ذلكم وصاكم به لعلكم تتقون} وقال تعالى {إن لذين فرقوا دينهم وكانوا شيعا لست منهم في شيء إنمآ أمرهم إلى لله ثم ينبئهم بما كانوا يفعلون} وقال تعالى {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} حدثنا عبد الله بن يوسف نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم بن الحجاج، ثنا أبو كامل فضيل بن حسين الجحدوي، نا أحمد بن زيد، ثنا أبو عمران الجوني قال: كتب إلى عبد الله بن رباح الأنصاري أن عبد الله بن عمرو قال هجرت إلى رسول الله صلى الله عليه وسلم يوما فسمع أصوات رجلين اختلفا في آية فخرج علينا رسول الله يعرف في وجهه الغضب فقال: إنما هلك من كان قبلكم باختلافهم في الكتاب. حدثنا عبد الرحمن بن عبد الله، نا أبو إسحاق البلخي، نا الفربري، نا البخاري، حدثنا أبو الوليد هو الطيالسي، نا شعبة، أخبرني عبد الملك بن ميسرة قال: سمعت النزال بن سبرة قال: سمعت عبد الله بن مسعود قال سمعت رجلا قرأ آية سمعت من رسول الله صلى الله عليه وسلم خلافها فأخذت بيده فأتيت به رسول الله صلى الله عليه وسلم فقال كلاكما محسن قال شعبة أظنه قال لا تختلفوا فإن من قبلكم اختلفوا فهلكوا. حدثنا محمد بن سعيد، ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، أنبأنا محمد بن عبد السلام الخشني، نا بندار، نا غندر، نا شعبة عن عبد الملك بن ميسرة عن النزال عن ابن مسعود عن النبي صلى الله عليه وسلم بهذا الحديث وذكر شعبة في آخره قال حدثني مسعر عنه فرفعه إلى ابن مسعود عن رسول الله صلى الله عليه وسلم قال ولا تختلفوا حدثنا عبد الله بن يوسف

al-Tayalisi—related to us: Shu'bah related to us: Abd al-Malik ibn Maysarah informed me, saying: I heard al-Nazzal ibn Sabrah say: I heard Abd Allah ibn Mas'ud say: "I heard a man recite a verse differently from how I had heard it from the Messenger of Allah ﷺ. So I took him by the hand and brought him to the Messenger of Allah ﷺ, who said: 'Both of you have done well.'" Shu'bah said: I think he said, "Do not disagree, for those before you disagreed and perished."

Muhammed ibn Sa'id related to us: Ahmad ibn Awn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn Abd al-Salam al-Khushani informed us: Bundar related to us: Ghundar related to us: Shu'bah related to us, from Abd al-Malik ibn Maysarah, from al-Nazzal, from Ibn Mas'ud, from the Prophet ﷺ, this same report. At its end Shu'bah mentioned, saying: "Mis'ar related it to me from him," and traced it back to Ibn Mas'ud, from the Messenger of Allah ﷺ, who said: "And do not disagree."

Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim related to us: Ubayd Allah ibn Mu'adh related to us: My father related to us: Shu'bah related to us, from Muhammed ibn Ziyad, who heard Abu Hurayrah relate from the Prophet ﷺ that he said: "Leave me alone so long as I leave you alone, for those before you perished only through their many questions and their disagreement with their prophets." Through the same chain to Muslim: Yahya ibn Yahya, Ishaq ibn Mansur, and Ahmad ibn Sa'id ibn Sakhr al-Darimi related to us. Yahya said: Abu Qudamah al-Harith ibn 'Ubayd informed us. Ishaq said: 'Abd al-Samad—that is, Ibn 'Abd al-Warith al-Tannuri—related to us: Hammam related to us. Ahmad said: Hibban related to us: Aban related to us. They all said: Abu 'Imran al-Jawni related to us, from Jundab ibn 'Abd Allah al-Balkhi, from the Prophet ﷺ, that he said: "Recite the Quran so long as your hearts are in accord concerning it; when you disagree, get up." Through the same chain to Muslim: Zuhayr ibn Harb related to me: Jarir related to us, from Suhayl ibn Abi Salih, from his father, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said: "Allah Most High approves three things for you and dislikes three things for you. He approves that you worship Him and

نا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم، نا عبيد الله بن معاذ، نا أبي، نا شعبة عن محمد بن زياد سمع أبا هريرة عن النبي صلى الله عليه وسلم قال ذروني ما تركتكم فإنما هلك الذين من قبلكم بكثرة مسائلهم واختلافهم على أنبيائهم. وبه إلى مسلم، نا يحيى بن يحيى، وإسحاق بن منصور، وأحمد بن سعيد بن صخر الدارمي قال يحيى: أنا أبو قدامة الحارث بن عبيد، وقال إسحاق: نا عبد الصمد هو ابن عبد الوارث التنوري، ثنا همام، وقال أحمد: نا حبان، نا أبان، قالوا كلهم: نا أبو عمران الجوني عن جندب بن عبد الله البلخي عن النبي صلى الله عليه وسلم أنه قال اقرؤوا القرآن ما ائتلفت عليه قلوبكم فإذا اختلفتم فقوموا. وبه إلى مسلم، حدثني زهير بن حرب، نا جرير عن سهيل بن أبي صالح عن أبيه عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم إن الله تعالى يرضى لكم ثلاثا ويكره لكم ثلاثا، فيرضى لكم أن تعبدوه ولا تشركوا به شيئا وأن تعتصموا بحبل الله جميعا ولا تفرقوا، ويكره لكم قيل وقال وكثرة السؤال وإضاعة المال. قال أبو محمد: ففي بعض ما ذكرنا كفاية، لأن الله تعالى نص على أن الاختلاف شقاق، وأنه بغي ونهى عن التنازع والتفرق في الدين، وأوعد على الاختلاف بالعذاب العظيم، وبذهاب الريح، وأخبر أن الاختلاف تفريق عن سبيل الله، ومن عاج عن سبيل الله تعالى فقد وقع في سبيل الشيطان قال تعالى {لا إكراه في لدين قد تبين لرشد من لغي فمن يكفر بلطاغوت ويؤمن بلله فقد ستمسك بلعروة لوثقى لا نفصام لها ولله سميع عليم}

associate nothing with Him, and that you all hold fast to the rope of Allah and do not become divided. He dislikes for you hearsay and gossip, excessive questioning, and wasting wealth." Abu Muhammed said: Some of what we have mentioned is sufficient, for Allah Most High has expressly stated that disagreement is discord and that it is wrongful aggression. He has forbidden contention and division in religion, threatened disagreement with tremendous punishment and the loss of strength, and declared that disagreement is a departure into divisions away from the path of Allah. Whoever turns aside from the path of Allah Most High has fallen into the path of Satan. He Most High said: "There is no compulsion in religion. Right guidance has become distinct from error. Whoever rejects false objects of worship and believes in Allah has grasped the firmest handhold, which cannot break. Allah is All-Hearing, All-Knowing."[5][6][7][8][9][10]

L2013 He Most High has expressly stated that disagreement is not from Him. This means that He Most High does not approve of it; He Most High willed it

وقد نص تعالى على أن الاختلاف ليس من عنده، ومعنى ذلك أنه تعالى لم يرض به، وإنما أراده تعالى إرادة كون، كما أراد كون الكفر وسائر المعاصي. فإن قال قائل: إن الصحابة قد اختلفوا وأفاضل الناس، أفيلحقهم هذا الذم؟ قيل له، وبالله تعالى التوفيق: كلا، ما يلحق أولئك شيء من هذا، لأن كل امرىء منهم تحرى سبيل الله ووجهة الحق، فالمخطىء منهم مأجور أجرا واحدا لنيته الجميلة في إرادة الخير، وقد رفع عنهم الإثم في خطئهم لأنهم لم يتعمدوه ولا قصدوه ولا استهانوا بطلبهم

[5] **Translator's note (L2008):** The quotation of 3:103 repeats the verse already quoted in the preceding unit; the repetition is retained. The other Quranic quotations correspond to 3:105, 8:46, and the beginning of 42:13. The final quotation continues in the next unit.

[6] **Translator's note (L2009):** The Quranic passages are the continuation of 42:13, followed by 6:153, 6:159, and 4:82. The chain gives the name "Ahmad ibn Zayd," which is retained as supplied; it appears to be a transcription error for Hammad ibn Zayd. The expression rendered "wrote to me" is transcribed with a preposition normally meaning "to," rather than the expected form meaning "to me." Read literally, it would make Abd Allah ibn Rabah the recipient and leave the writer unnamed; the translation follows the apparent intended construction and flags the irregularity here. The verb rendered "went early" can refer specifically to going in the midday heat.

[7] **Translator's note (L2011):** The opening completes the report begun in the preceding segment. The source gives the transmitter's designation as al-Balkhi; the familiar designation in this report is al-Bajali. The supplied reading is retained. The designation al-Tannuri is retained as supplied; its attachment within the transmitter's name is uncertain.

[8] **Translator's note (L2012):** The Quranic transcription repeatedly omits initial alifs and other orthographic elements. The intended words are recognizable, and their meanings are translated without reproducing those spelling defects.

[9] **Hadith references (L2008):** Riyad as-Salihin 1781.

[10] **Qur'an references (L2008):** Qur'an 3:103 (Ali 'Imran); Qur'an 8:46 (Al-Anfal); Qur'an 42:13 (Ash-Shuraa); Qur'an 6:153 (Al-An'am); Qur'an 6:159 (Al-An'am); Qur'an 4:82 (An-Nisa).

only with a will that it come into existence, just as He willed the existence of unbelief and all other acts of disobedience. If someone says, “The Companions and the most excellent people disagreed; does this censure therefore apply to them?” he is told—and through Allah Most High comes success: Certainly not. None of this applies to those people, because each of them sought the path of Allah and the direction of truth. The one among them who erred receives one reward for his good intention in desiring what is good. Sin has been lifted from them concerning their error, because they neither committed it deliberately nor intended it, nor were they careless in their seeking.

L2014–2020 The one among them who is correct receives two rewards. The same applies to every Muslim until the Day of Resurrection concerning matters of religion that have remained hidden from him and have not reached him. The aforementioned censure and the described threat apply only to someone who abandons holding fast to the rope of Allah Most High—which is the Quran and the words of the Prophet ﷺ—after the text has reached him and the proof furnished by it has been established against him, and instead attaches himself to so-and-so and so-and-so, following their authority without evidence, deliberately pursuing disagreement, calling for factional partisanship and the fierce chauvinism of the Age of Ignorance, intending division, and seeking to uphold his claim by referring the Quran and the Sunnah back to it. If the text agrees with his claim, he accepts it; if it contradicts his claim, he clings to his ignorance and abandons the Quran and the words of the Prophet ﷺ. These are the censured dissenters. There is another class: people whose weakness in religion and lack of reverent fear have led them to seek whatever accords with their desires in the statements of every speaker. They take whatever constitutes a concession from the statement of every scholar, following his authority without evidence, without seeking what the text from Allah Most High and His Messenger ﷺ makes obligatory. If someone says, “Since encountering disagreement is unavoidable, how can one escape this censure pronounced upon those who disagree?” he is told—and through Allah Most High comes success: Allah Most High has taught us the way in this and has not left us in confusion; to Him belongs praise.

والمصيب مأجور منهم أجرين. وهكذا كل مسلم إلى يوم القيامة فيما خفي عليه من الدين ولم يبلغه، وإنما الذم المذكور والوعيد الموصوف، لمن ترك التعلق بحبل الله تعالى الذي هو القرآن وكلام النبي صلى الله عليه وسلم بعد بلوغ النص إليه وقيام الحجة به عليه وتعلق بفلان وفلان مقلدا عامدا للاختلاف، داعيا إلى عصبية وحمية الجاهلية، قاصدا للفرقة، متحريا في دعواه برد القرآن والسنة إليها، فإن وافقها النص أخذ به، وإن خالفها تعلق بجاهليته وترك القرآن وكلام النبي صلى الله عليه وسلم فهؤلاء هم المختلفون المذمومون وطبقة أخرى وهم قوم بلغت بهم رقة الدين، وقلة التقوى، إلى طلب ما وافق أهواءهم في قول كل قائل، فهم يأخذون ما كان رخصة من قول كل عالم، مقلدين له غير طالبين ما أوجبه النص عن الله تعالى وعن رسوله صلى الله عليه وسلم فإن قال قائل فإذ لا بد من مواقعة الاختلاف فكيف التخلص من هذا الذم الوارد في المختلفين، قيل له، وبالله تعالى التوفيق: قد علمنا الله تعالى الطريق في ذلك، ولم يدعنا في لبس وله الحمد فقال تعالى {وأن هذا صراطي مستقيما فتبعوه ولا تتبعوا لسبل فتفرق بكم عن سبيله ذلكم وصاكم به لعلكم تتقون} وقال تعالى {وعتصموا بحبل لله جميعا ولا تفرقوا وذكروا نعمة لله عليكم إذ كنتم أعدآء فألف بين قلوبكم فأصبحتم بنعمته إخوانا وكنتم على شفا حفرة من لنار فأنقذكم منها كذلك يبين لله لكم آياته لعلكم

He Most High said: “And this is My path, straight, so follow it, and do not follow the paths, lest they separate you from His path. This He has enjoined upon you, so that you may be reverently fearful.” And He Most High said: “And hold fast to the rope of Allah, all together, and do not become divided. Remember Allah’s favor upon you, when you were enemies and He brought your hearts together, so that through His favor you became brothers. You were on the brink of a pit of fire, and He rescued you from it. Thus Allah makes His signs clear to you, so that you may be guided.” And He Most High said: “O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it back to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in its outcome.” When statements are presented, follow the words of Allah Most High and the words of His Prophet ﷺ, which explain what Allah Most High has commanded us, and whatever all Muslims have unanimously agreed upon. This is the path of Allah Most High and His rope: if you hold fast to it, it will bring you out of censured division and reprehensible disagreement, if you believe in Allah and the Last Day, as Allah Most High has said. This is what all the people of Islam, ancient and modern, have unanimously agreed upon, for there has never been a Muslim whose conviction and profession did not include that accepting the words of Allah Most High and the words of His Messenger, peace be upon him, is obligatory, and that no one may oppose them with any such thing or contradict them. There remain all the other statements derived from following the authority of so-and-so and so-and-so without evidence, from analogy, and from juristic preference. These constitute the censured disagreement that it is unlawful to follow. Whoever abandons them has abandoned disagreement. The adherents of all those statements are commanded to abandon them and return to the rope of Allah Most High and His path. When they abandon them, they have abandoned disagreement and division and returned to the binding agreement incumbent upon them. For this reason we hold that every judge’s judgment rendered contrary to the text must be annulled, whether groups of scholars have endorsed it or not. Allah, Mighty and Majestic, said: “Had your Lord willed, He would have made humankind one community; but they will continue to disagree, except those upon whom your Lord has

تهتدون} وقال تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} فإذا وردت الأقوال فاتبع كلام الله تعالى وكلام نبيه صلى الله عليه وسلم الذي هو بيان عما أمرنا الله تعالى به وما أجمع عليه جميع المسلمين، فهذا هو صراط الله تعالى وحبله الذي إذا تمسكت به أخرجك من الفرقة المذمومة ومن الاختلاف المكروه إن كنت تؤمن بالله واليوم الآخر كما قال الله تعالى، وهذا هو الذي أجمع عليه جميع أهل الإسلام قديما وحديثا، فإن لم يكن قط مسلم إلا ومن عقده وقوله: إن كلام الله تعالى وكلام رسوله عليه السلام فرض قبوله، وأنه لا يحل لأحد معارضته بشيء من ذلك ولا مخالفته، وبقيت سائر الأقوال المأخوذة من تقليد فلان وفلان، ومن القياس، ومن الاستحسان، وهي الاختلاف المذموم الذي لا يحل اتباعه، فمن تركها فقد ترك الاختلاف، وأصحاب أولئك الأقوال كلها مأمورون بتركها والرجوع إلى حبل الله تعالى وصراطه، فإذا تركوها فقد تركوا الاختلاف والفرقة، ورجعوا إلى الفرض عليهم من الاتفاق اللازم، ولهذا قلنا بفسخ قضاء كل قاضي قضى به بخلاف النص، وسواء قال به طوائف من العلماء أو لا قال الله عز وجل {ولو شآء ربك لجعل لناس أمة واحدة ولا يزالون مختلفين * إلا من رحم ربك ولذلك خلقهم وتمت كلمة ربك لأملأن جهنم من لجنة ولناس أجمعين} فاستثنى تعالى من رحم من جملة المختلفين، وأخرج المرحومين من جملة المختلفين وعديدهم، ومن ظن أن قوله تعالى: {إلا من رحم ربك ولذلك خلقهم وتمت كلمة ربك لأملأن جهنم من لجنة ولناس أجمعين} أنه يعني وللرحمة خلقهم وأرادوا بذلك استباحة الاختلاف، فهو في غاية الفساد ببرهانين ضروريين. أحدهما: أن الله تعالى استثنى من رحم فأخرجهم من جملة المختلفين، فلو أنه تعالى خلق المختلفين للرحمة لاستثنى المرحومين من أنفسهم،

mercy. For that He created them. Your Lord's word has been fulfilled: 'I shall surely fill Hell with jinn and humankind, all together.'" He Most High thus excepted those upon whom He has mercy from the totality of those who disagree, and excluded the recipients of mercy from the totality and number of those who disagree. Whoever supposes that His words, Most High—"except those upon whom your Lord has mercy. For that He created them. Your Lord's word has been fulfilled: 'I shall surely fill Hell with jinn and humankind, all together'"—mean that He created them for mercy, intending thereby to declare disagreement permissible, holds an utterly unsound position, as shown by two necessary demonstrations. The first is that Allah Most High excepted those upon whom He has mercy, excluding them from the totality of those who disagree. Had He Most High created those who disagree for mercy, He would have excepted the recipients of mercy from themselves and excluded them from their own totality. This is false, inadmissible, and an impossibility in speech that cannot be understood. The second demonstration is that those who disagree exist, and every existent is in some state. No Muslim doubts that He Most High created it precisely to be in that state. It is therefore established with certainty, without any doubt, that it was the disagreement visibly characterizing them [for which] He created them—unless someone says that the pronoun in "He created them," namely the letters ha and mim, refers back to those upon whom He has mercy, in which case the intended meaning would be to except the recipients of mercy from the totality of those who disagree, and that those who held fast to the rope of Allah Most High [were created] for mercy. This is correct, without doubt, while the censure of disagreement and its exclusion from mercy remain in force as before. Among those of the righteous predecessors who expressed this view were 'Umar ibn 'Abd al-'Aziz and Malik ibn Anas, as was written to al-Muhallab, from Ibn Munas, from Ibn Masrur, from Yunus ibn 'Abd al-A'la: Ibn Wahb informed me: 'Abd Allah ibn Yazid informed me, from al-Mas'udi, who said: I heard 'Umar ibn 'Abd al-'Aziz recite this verse: "Had your Lord willed, He would have made humankind one community; but they will continue to disagree, except those upon whom your Lord has mercy. For that He created them. Your Lord's word has been fulfilled: 'I shall surely fill Hell with jinn and humankind, all together.'" He said: "He created the people of

ولأخرجهم من جملة أنفسهم، وهذا باطل لا يجوز ومحال في الكلام لا يفهم. والبرهان الثاني: أن المختلفين موجودون، وكل موجود عن حالة ما، فلا شك عند كل مسلم أنه تعالى إنما خلقه ليكون على تلك الحالة، وصح يقينا بلا مرية أنه الاختلاف الذي هم عليه بالعيان خلقهم، إلا أن يقول قائل: إن الضمير الذي في خلقهم وهو الهاء والميم راجع إلى من رحم، فيكون المراد حينئذ استثناء المرحومين من جملة المختلفين، وأن أولئك الذين اعتصموا بحبل الله تعالى للرحمة فهذا صحيح لا شك فيه، وذم الاختلاف وخروجه من الرحمة باق بحسبه، وممن قال بهذا من السلف الصالح عمر بن عبد العزيز، ومالك بن أنس، كما كتب إلى المهلب، عن ابن مناس، عن ابن مسرور، عن يونس بن عبد الأعلى، أخبرني ابن وهب، أخبرني عبد الله بن يزيد، عن المسعودي قال: سمعت عمر بن عبد العزيز قرأ هذه الآية {ولو شآء ربك لجعل لناس أمة واحدة ولا يزالون مختلفين * إلا من رحم ربك ولذلك خلقهم وتمت كلمة ربك لأملأن جهنم من لجنة ولناس أجمعين} قال خلق أهل رحمته ألا يختلفوا، قال ابن وهب: وسمعت مالكا يقول فيها: الذين رحمهم الله لم يختلفوا. قال أبو محمد: معنى قولنا الاختلاف في الدين غير جائز، إنما هو أن طاعة أمر الله تعالى وأمر رسوله صلى الله عليه وسلم لا يجوز خلافها البتة وليس فيما جاء من عند الله تعالى على لسان رسوله صلى الله عليه وسلم تخالف إنما هو محكم أو خاص من جملة مخصوصة منها، أو ناسخ ومنسوخ فقط، وإذ لا حق إلا فيما جاء من عند الله على لسان رسول الله صلى الله عليه وسلم فخلاف الحق لا يحل هذا أمر لا يخفى صوابه على أحد، كما أن الثلاثة أكثر من الاثنين وبالله تعالى التوفيق

His mercy so that they would not disagree." Ibn Wahb said: I also heard Malik say concerning it: "Those upon whom Allah has mercy did not disagree." Abu Muhammed said: What we mean when we say that disagreement in religion is impermissible is simply that obedience to the command of Allah Most High and the command of His Messenger ﷺ may never be contravened. There is no contradiction in what has come from Allah Most High through the tongue of His Messenger ﷺ. It consists only of provisions of established applicability, or a specific provision drawn from a broader body of provisions from which it is singled out, or an abrogating provision and an abrogated provision. Since there is no truth except in what has come from Allah through the tongue of the Messenger of Allah ﷺ, opposing the truth

is unlawful. The correctness of this is hidden from no one, just as three is greater than two. Through Allah Most High comes success.[11][12][13][14][15][16][17][18]

[11] **Translator's note (L2014):** The wording concerning referring the Quran and Sunnah back to one's claim is syntactically compressed; it is translated as making the prior claim the standard against which the texts are judged. The Quranic transcription contains recurrent omissions of initial alifs; the recognizable wording is translated accordingly.

[12] **Translator's note (L2015):** The opening continues the Quranic quotation begun in the preceding segment. The Quranic transcription has recurrent omissions of initial alifs.

[13] **Translator's note (L2016):** The phrase 'with any such thing' translates an unclear backward reference in the supplied wording; no more specific referent has been inserted.

[14] **Translator's note (L2017):** The supplied phrase translated 'every existent is in some state' uses an awkward preposition, literally 'from some state'; the intended relationship is uncertain. The words '[for which]' make explicit the apparent intended connection in a grammatically defective clause. The supplied text lacks the expected preposition before 'disagreement.' The Quranic transcription contains recurrent omissions of initial alifs. The repetition of the extended quotation is retained.

[15] **Translator's note (L2018):** The words '[were created]' supply an apparent ellipsis in the Arabic phrase concerning those who held fast to Allah's rope.

[16] **Translator's note (L2019):** The supplied wording says 'to al-Muhallab.' It may be a transcription of 'al-Muhallab wrote to me,' but that reading has not been silently substituted. The Quranic transcription contains recurrent omissions of initial alifs.

[17] **Translator's note (L2020):** The phrase concerning a specific provision and the broader body from which it is singled out is awkward in the supplied Arabic. The translation retains that relationship without replacing the wording with a standard formulation about general and specific texts. The technical term rendered 'provisions of established applicability' is muhkam, here contrasted with specification and abrogation.

[18] **Qur'an references (L2014):** Qur'an 6:153 (Al-An'am); Qur'an 3:103 (Ali 'Imran); Qur'an 4:59 (An-Nisa); Qur'an 11:118 (Hud); Qur'an 11:119 (Hud).



الباب 26: الحق واختلاف الأقوال

Chapter 26: Truth and Conflicting Positions

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Twenty-Six: On the Truth Being in One Position and All Other Statements Being False]

Abu Muhammed Ali ibn Ahmad said: A group has held that every practitioner of independent legal reasoning is correct, and that every issuer of a legal opinion is right in his opinion, despite their mutual contradiction. They adduced what is reported from Uthman, may Allah be pleased with him, when he was asked about combining two sisters through ownership by the right hand. He said: "One verse has made the two lawful, and another verse has made the two unlawful." Abu Muhammed said: This provides them with no proof, for several reasons. First, acceptance of a statement by Uthman, or by anyone other than the Prophet ﷺ, is not obligatory unless it accords with a text of the Quran, a prophetic practice supporting it, or a consensus. Second, all the demonstrations that will follow, Allah Almighty willing, establishing that the truth lies in one position invalidate their corrupt interpretation. These are very numerous proofs. Third, Uthman did not mean what they have maintained: that a thing is simultaneously unlawful and lawful, at one time, for one person. That is the utmost impossibility and inconceivability. He meant only that no ruling on the matter had become clear to him upon which he could settle, because he had seen His words, Exalted is He: {Except with their spouses or what their right hands possess, for then they are not blameworthy}, and had seen His words, Exalted is He: {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, brothers' daughters, sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you combine two sisters, except what has already passed. Indeed, Allah is forgiving, merciful.} It had not become clear to him which of the two provisions prevailed. He therefore reported that the apparent meaning of one verse could possibly make the two lawful, as an exception to the other, and that the apparent meaning of the second

[الباب السادس والعشرون في أن الحق في واحد وسائر الأقوال كلها باطل]

قال أبو محمد علي بن أحمد ذهبت طائفة إلى أن كل مجتهد مصيب، وأن كل مفت محق في فتياه على تضاده، واحتجوا بما روي عن عثمان رضي الله عنه إذ سئل عن الجمع بين الأختين بملك اليمين فقال: أحلتهما آية وحرمتهما آية. قال أبو محمد: ولا حجة لهم في ذلك لوجوه: أحدها أن قول عثمان وقول كل أحد دون النبي صلى الله عليه وسلم لا يلزم قبوله إلا بموافقة نص قرآن أو سنة له أو إجماع. والثاني: أن كل ما يأتي بعد هذا إن شاء الله عز وجل من البراهين في إثبات أن الحق في واحد مبطل لتأويلهم الفاسد، وهي دلائل كثيرة جمة. والثالث: أن عثمان لم يرد ما ذهبوا إليه من كون الشيء حراما حلالا معا في وقت واحد، على إنسان واحد، فهذا غاية المحال الممتنع، وإنما أراد أنه لم يلح له فيها حكم يقف عليه، لأنه رأى قوله تعالى: {إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين} ورأى قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسائكم وربائبكم اللاتي في حجوركم من نسائكم اللاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} فلم يبن له أي الأمرين تغلب، فأخبر عن ظاهر الآية الواحدة أنها قد تحتمل أن تكون محللة لهما مخصوصة من الأخرى، وأن ظاهر الثانية قد يحتمل أن يكون محرما لهما، مخصصا من الأخرى فوقف في ذلك، واحتجوا بقوله عليه السلام: إذا اجتهد الحاكم فأخطأ فله أجر. قال أبو محمد: وهذا من طريق ما احتج به من لا يعقل ولا يحل له الكلام في العلم لأن نص الحديث بكلامه صلى الله عليه وسلم أن المجتهد يخطىء وإذا

could possibly make the two unlawful, as a restriction upon the other. He consequently suspended judgment on this.

They adduced his saying, peace be upon him: "When a judge exercises independent legal reasoning and errs, he receives a reward." Abu Muhammed said: This is the sort of argument advanced by someone who does not understand and who is not permitted to speak on matters of knowledge. For the explicit text of the report, in his own words ﷺ, is that the practitioner of independent legal reasoning errs. When he errs, that is our position, not theirs. He is not rewarded for his error, and it is not lawful to adopt error. Rather, he is rewarded for his exercise of independent legal reasoning, which is right, because it is a search for the truth. A person's speaking on the basis of his own opinion is not independent legal reasoning. As for his error, he is not rewarded for it, but liability for sin is lifted from him, by His words, Exalted is He: {Call them after their fathers; that is more equitable with Allah. But if you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for what you do mistakenly, but for what your hearts deliberately intend. And Allah is forgiving, merciful.}

They adduced the correctness of differing Quranic readings, and the permissible alternatives in expiations, arguing that all of them are right despite their differences. Abu Muhammed said: This provides them with no proof, because the different readings are not mutually incompatible. We have not denied correctness in things that are not mutually incompatible, nor in what He, Exalted is He, has commanded. We have denied only that someone's statement, "The flesh of a predatory beast is lawful for someone who is not compelled by necessity," should be true, and that someone's statement, "The flesh of a predatory beast is unlawful for someone who is not compelled by necessity," should also be true. A thing would thereby be unlawful and lawful, obedience and disobedience, commanded and forbidden, at one time, for one person, in one respect. This is what we have denied and invalidated. This cannot be accommodated by the intellect of anyone possessing the least measure of reason, because it is the utmost impossibility, which cannot be conceived in the mind, let alone allowed in practice. The differences in

أخطأ فهذا قولنا لا قولهم، وليس مأجورا على خطأه، والخطأ لا يحل الأخذ به، ولكنه مأجور على اجتهاده الذي هو حق، لأنه طلب للحق، وليس قول القائل برأيه اجتهادا، وأما خطأه فليس مأجورا عليه لكنه مرفوع في الإثم بقوله تعالى {دعوهم لآبآئهم هو أقسط عند الله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان الله غفورا رحيما} واحتجوا بالصواب في اختلاف القراءات وبالأشياء المباحات في الكفارات، وأنها كلها حق على اختلافها. قال أبو محمد: وهذا لا حجة لهم فيه، لأن القراءات المختلفة ليست متنافية، ونحن لم ننكر الصواب فيما لا يتنافى ولا فيما أمر به تعالى، وإنما أنكرنا أن يكون قول القائل لحم السبع على غير المضطر حلال حقا، ويكون قال القائل لحم السبع على غير المضطر حرام حقا، فيكون الشيء حراما حلالا، طاعة معصية، مأمورا به منهيا عنه في وقت واحد، لإنسان واحد، من وجه واحد، فهذا الذي نفينا وأبطلنا، وهذا لا يسع في عقل من له مسكة من عقل، لأنه غاية الامتناع الذي لا يتشكل في النفس فضلا عن أن يطلق استعماله. واختلاف القراءات التي ذكروا مثل {بسم الله لرحمن لرحيم} يقرأ بها بعض القراء في أوائل السور، ويسقطها بعضهم، فكل ذلك مباح، من أسقطها فقد أبيح له، ومن قرأها فقد أبيح له، وكذلك المخبر في كفارة الأيمان هي العتق والإطعام والكسوة، فليس شيء من ذلك متنافيا، وأيها فعل المرء فقد فعل ما أبيح له، ولم يقل أحد إنه لو فعل الوجه الذي ترك لكان مخطئا، وهذا غير ما اختلفنا فيه، لأنه قد تكون أشياء كثيرة مباحة، وغير ممكن أن يكون شيء واجبا تركه، وواجبا فعله على إنسان واحد في وقت واحد، وهذا فرق لا يشكل إلا على جاهل واحتجوا أيضا بأن قالوا قد روي أن النبي صلى الله عليه وسلم أمر أثر غزوة الخندق ألا يصلي أحد العصر إلا في بني قريظة فصلى قوم العصر إذ دخل وقتها قبل أن يبلغوا بني قريظة، وقالوا: لم يرد منا هذا، وأخرها آخرون حتى صلوها في بني

readings that they mentioned include, for example, {In the name of Allah, the Merciful, the Compassionate}, which some reciters recite at the beginnings of the surahs and others omit. All of that is permissible: whoever omits it has been permitted to do so, and whoever recites it has been permitted to do so. Likewise, the informant concerning the expiation of oaths: it consists of manumission and feeding and clothing. None of these is mutually incompatible with the others. Whichever of them a person does, he has done what was permitted to him. No one has said that, had he performed the alternative he left aside, he would have been mistaken. This differs from the matter over which we disagree, because many things may be permissible, whereas it is impossible for the same person, at the same time, to be obligated both to refrain from a thing and to do it. This distinction is obscure only to an ignorant person.

They also argued by saying: It has been reported that, following the Battle of the Trench, the Prophet ﷺ commanded that no one should perform the afternoon prayer except among Banu Qurayzah. Some people performed the afternoon prayer when its time began, before reaching Banu Qurayzah, saying: "He did not intend this of us." Others delayed it until they performed it among Banu Qurayzah at night. This reached the Prophet ﷺ, and he did not rebuke either group. Abu Muhammed said: This provides them with no proof, because a practitioner of independent legal reasoning who errs is not rebuked. The prayer of those who had performed it was something already past, so there was no reason to rebuke them. Yet correctness undoubtedly lay in the action of one of the two groups. Had we been with him, we would

قريظة مع الليل فبلغ ذلك النبي صلى الله عليه وسلم فلم يعنف إحدى الطائفتين قال أبو محمد وهذا لا حجة لهم فيه، لأن المجتهد المخطىء لا يعنف، وكانت صلاة من صلى أمرا قد فات فلا وجه لتعنيفهم، ولكن الصواب بلا شك في فعل إحدى الطائفتين، ولو كنا معه ما صلينا العصر إلا في بني قريظة معه ولو نصف الليل،

have performed the afternoon prayer only among Banu Qurayzah with him, even at midnight.[1][2][3]

L2028–2029

We have also discussed this report in the chapter discussing commands occurring in the Quran and the reports, and construing them according to their apparent meaning, as imposing obligation and requiring immediate performance, near the end of that chapter, before a section entitled “How Commands Occur.” Al-Nabati related to us; Ibn Awn Allah related to us; Qasim ibn Asbagh related to us; al-Khushani related to us; Bundar related to us; Ibn Abi Adi related to us; Shubah related to us, from Tariq ibn Abd Allah, from Tariq ibn Shihab, who said: A man came to the Prophet ﷺ and said: “I entered a state of major ritual impurity, so I did not pray.” He said: “You acted correctly.” Another man came to him and said: “I entered a state of major ritual impurity, so I performed dry ablution and prayed.” He said: “You acted correctly.” Abu Muhammed said: This is exactly like the first case, because every practitioner of independent legal reasoning is excused and rewarded. The first questioner undoubtedly had no knowledge of the command to perform dry ablution. The ruling for someone in this condition is that he should not pray at all while in a state of major ritual impurity until he purifies himself. The second knew about dry ablution and therefore fulfilled his obligation as he was required to do. The rulings applicable to the two differed; they were not the same. Each correctly followed the manner of acting required of him according to the extent of his knowledge. We have not denied this. We have denied only that a thing should be true and false in one respect at one time.

وقد ذكرنا أيضا الكلام في هذا الحديث في باب الكلام في الأوامر الواردة في القرآن والحديث، وحملها على ظاهرها وعلى الوجوب والفور في قرب آخر ذلك الباب قبل فصل ترجمته كيفية ورود الأوامر. حدثنا النباتي، نا ابن عون الله، نا قاسم بن أصبغ، ثنا الخشني، نا بندار، ثنا ابن أبي عدي، ثنا شعبة عن طارق بن عبد الله عن طارق بن شهاب قال جاء رجل إلى النبي صلى الله عليه وسلم قال إني أجنبت فلم أصل قال أصبت وأتاه رجل فقال: إني أجنبت فتيممت وصليت، فقال: أصبت. قال أبو محمد: وهذا كالأول سواء بسواء، لأن كل مجتهد معذور ومأجور، لأن الذي سأل أولا لم يكن عنده أمر التيمم بلا شك، ومن هذه صفته فحكمه ألا يصلي أصلا وهو جنب حتى يتطهر، والثاني كان عالما بالتيمم فأدى فرضه كما يلزمه، وكان حكمهما مختلفا لا متفقا، وكلاهما أصاب وجه العمل فيما عليه بقدر علمه، ولم ننكر هذا، إنما أنكرنا أن يكون الشيء حقا باطلا من وجه واحد في وقت واحد. وقالوا: إن كان مخالفكم مخطئا ففسقوه كما يفسق الخوارج. قال أبو محمد: فالجواب وبالله تعالى التوفيق: إننا لا نفسق الخوارج ولا غيرهم، ولكننا نقول: من قامت عليه الحجة بحديث لا معارض له، أو آية لا معارض لها، أو برهان ضروري فتمادى على قوله المخالف للحق، أو تناقض فاحتج في مكان مما لا يصح مثله في غير ذلك المكان، وبنى عليه ذلك فتمادى على قوله الفاسد في فتيا في شيء من الفقه، أو في اعتقاد فهو فاسق وكل ذلك سواء، وهذا ابن عباس يقول بتخليد القائل، فمن فسق القائلين بإنفاذ الوعيد فليبدأ بتفسيق ابن عباس، ومن فسق ابن عباس فهو والله الفاسق حقا، وابن عباس البر ابن البر، الفاضل ابن الفاضل، رضي الله عنهما واحتجوا بما روي عن النبي صلى الله عليه وسلم أصحابي كالنجوم

[1] **Translator’s note (L2023):** The Quranic quotations contain apparent transcription defects, including بنات لأخ, بنات لأخت, من لرضاعة, اللاتي, and إن لله. Their recoverable meanings are translated; the supplied Arabic has not been reproduced or silently replaced with a corrected quotation.

[2] **Translator’s note (L2025):** The Quranic text contains apparent transcription defects such as دعوهم for the opening command, عند لله, and لدين في; the recoverable wording is translated. المخبر literally means “the informant,” as translated. The context appears to call for المخير, “the person given a choice,” but that reading has not been silently substituted.

[3] **Qur’an references (L2022):** Qur’an 23:6 (Al-Mu’minun); Qur’an 70:30 (Al-Ma’arij); Qur’an 4:23 (An-Nisa); Qur’an 33:5 (Al-Ahzab).

They said: "If your opponent is mistaken, declare him morally transgressive, as the Kharijites are declared morally transgressive." Abu Muhammed said: The answer—and success comes through Allah, Exalted is He—is that we do not declare the Kharijites or others morally transgressive. Rather, we say: Anyone against whom proof has been established by a report that has no countervailing evidence, a verse that has no countervailing evidence, or a necessary demonstration, and who nevertheless persists in his position contrary to the truth; or who contradicts himself, adducing in one place something the like of which is not valid elsewhere, building upon it, and then persisting in his corrupt position, whether in a legal opinion on some matter of jurisprudence or in a belief—such a person is morally transgressive. All of this is alike. Here is Ibn Abbas maintaining that the speaker will remain eternally. Whoever declares those who maintain the execution of the threatened punishment morally transgressive should begin by declaring Ibn Abbas morally transgressive. Whoever declares Ibn Abbas morally transgressive is, by Allah, himself truly morally transgressive. Ibn Abbas is the righteous son of a righteous man, the virtuous son of a virtuous man; may Allah be pleased with them both.

They adduced what is reported from the Prophet ﷺ: "My Companions are like the stars."[4]

L2030–2037 Abu Muhammed said: We have already invalidated this report and explained that it is a falsehood in the chapter condemning disagreement in this book of ours, which makes repeating it unnecessary. They adduced the disagreements among the Companions, and the fact that they did not overturn one another's judgments or prevent their opponents from ruling contrary to them. Abu Muhammed said: This provides them with no proof, because they did indeed censure one another's disagreements in legal opinions, just as they censured

[4]**Translator's note (L2029):** The supplied text reads بتخليد القائل, "that the speaker will remain eternally." The surrounding discussion, including the following context, strongly suggests القاتل, "the killer," with eternal punishment intended. The supplied reading is retained. The phrasing فاحتج في مكان مما لا يصح مثله في غير ذلك المكان وبنى عليه ذلك is syntactically awkward; the translation preserves its argument about inconsistent use of evidence.

قال أبو محمد وقد تقدم إبطالنا لهذا الحديث، وبينا أنه كذب في باب ذم الاختلاف من كتابنا هذا فأغنى عن ترداده. واحتجوا باختلاف الصحابة، وأنهم لم ينقض بعضهم أحكام بعض ولا منعوا مخالفهم من الحكم بخلافهم. قال أبو محمد: وهذا لا حجة لهم فيه، لأنهم قد أنكر بعضهم على بعض الاختلاف في الفتيا كإنكارهم غير ذلك، وقد قال ابن عباس: من شاء باهلته عند الحجر الأسود في العول في الفرائض، وفي تخليد القاتل. وقال: أما تخافون أن يخسف الله بكم الأرض أقول لكم قال رسول الله صلى الله عليه وسلم وتقولون قال أبو بكر وعمر وقال ابن عباس أأنتم أعلم أم الله تعالى يقول {لذين آمنوا يقاتلون في سبيل لله ولذين كفروا يقاتلون في سبيل لطاغوت فقاتلوا أولياء

other things. Ibn Abbas said: “Whoever wishes, I will join him in invoking Allah’s curse upon the liar at the Black Stone concerning the proportional reduction of inheritance shares and the killer’s remaining eternally.” He also said: “Do you not fear that Allah will cause the earth to swallow you? I tell you, ‘The Messenger of Allah ﷺ said,’ and you say, ‘Abu Bakr and Umar said.’” Ibn Abbas said: “Do you know better, or does Allah? He, Exalted is He, says: {Those who believe fight in the way of Allah, and those who disbelieve fight in the way of the false deity. So fight the allies of Satan; indeed, Satan’s stratagem is weak.} Yet you say: ‘She receives half of what he leaves, even if he has a child.’” And here is Ibn Umar, when he instructed people to perform the pilgrimage with an intervening release from consecration and was told, “Your father forbade it,” saying: “Which is more deserving of being followed: the words of Allah or the words of ʿUmar?” Here is ʿImrān ibn al-Ḥuṣayn saying, concerning ʿUmar’s prohibition of combining the lesser pilgrimage with the pilgrimage: “The Qur’an was revealed concerning it, and we performed it with the Prophet ﷺ. A man said whatever he wished about it on the basis of his own opinion.” Here is Ibn al-Zubayr saying to Ibn ʿAbbās concerning temporary marriage with women: “If you do it, I shall certainly stone you. Try it, if you wish.” Here is ʿUmar annulling the sale of slave women who had borne their masters children, and returning them pregnant from Tustar; annulling Abū Bakr’s action in enslaving the women of the apostates; and beating people for performing the two units of prayer after the afternoon prayer, although Ṭalḥa, Abū Ayyūb, and ʿĀ’isha used to perform them. Abū Ayyūb and Abū Ṭalḥa concealed their performance of them throughout ʿUmar’s lifetime; when he died, they resumed them. When Ibn Masʿūd heard Abū Mūsā al-Ashʿarī’s legal opinion concerning a daughter, a daughter, and a sister’s son, after which he said of Ibn Masʿūd, “He will agree with me on this,” Ibn Masʿūd said: “Then I would indeed have gone astray, and I would not be among the rightly guided.” Thus he characterized giving an erroneous legal opinion as going astray and departing from guidance. There is more of this than could be encompassed except in a very large volume. Their appeal to these matters as evidence is therefore invalid. Through Allah Most High comes success.

لشيطان إن كيد لشيطان كان ضعيفا} فقلتم أنتم لها نصف ما ترك وإن كان له ولد، وهذا ابن عمر يقول إذ أمر بالمتعة في الحج، فقيل له: أبوك نهى عنها فقال: أيهما أولى أن يتبع، كلام الله أو كلام عمر؟. وهذا عمران بن الحصين يقول في نهي عمر عن المتعة في الحج نزل بها القرآن وعملناها مع النبي صلى الله عليه وسلم قال فيها رجل برأيه ما شاء وهذا ابن الزبير يقول لابن عباس في متعة النساء: لئن فعلتها لأرجمنك بحجر إن شئت. وهذا عمر قد فسخ بيع أمهات الأولاد وردهن حبالى من تستر، وفسخ فعل أبي بكر في استرقاق نساء المرتدين، وكان يضرب على الركعتين بعد العصر، وكان طلحة وأبو أيوب وعائشة يصلونهما، وتستر بها أبو أيوب وأبو طلحة مدة حياة عمر، فلما مات عاوداهما. وقال ابن مسعود إذ سمع فتيا أبي موسى الأشعري في ابنة وابنة وابن أخت، ثم قال عن ابن مسعود إنه سيوافقني في هذا، فقال ابن مسعود: لقد ضللت إذا وما أنا من المهتدين. فجعل الفتيا بالخطأ ضلالا وخلافا للهدى، وهذا أكثر من أن يحاط به إلا في سفر ضخم جدا، فبطل ما احتجوا به من ذلك، وبالله تعالى التوفيق. واحتجوا بقوله عليه السلام: إنكم تختصمون إلي وإنما أنا بشر، ولعل أحدكم أن يكون ألحن بحجته من الآخر فأقضي له على نحو ما سمع فمن قضيت له بشيء من حق أخيه فلا يأخذه، فإنما أقطع له قطعة من النار أو كما قال عليه السلام. قال أبو محمد: وهذا لا حجة لهم فيه بل هو حجة عليهم لأن النبي صلى الله عليه وسلم فعل ما أمر به من الحكم الظاهر من البينة أو اليمين، وأخبر الناس أن ذلك لا يحل حراما ولا يحرم حلالا، ولا يحيل شيئا عن وجهه، فلو كان حكم أحد من الحكام حقا وإن كل ما خالفه حقا لكان ذلك حكم النبي صلى الله عليه وسلم ولكان هذا بيان واضح في أن الحق في واحد وأن ما خالفه خطأ وحكم النبي صلى الله عليه وسلم في الظاهر بأن المال لزيد هو غير وجوب كون ذلك المال ملكا على الحقيقة لزيد،

They also appealed to his saying, peace be upon him: "You bring your disputes before me, and I am only a human being. Perhaps one of you is more eloquent in presenting his argument than the other, so I rule in his favor according to what is heard. Whoever is awarded by my judgment any part of his brother's right must not take it, for I am only cutting off a piece of the Fire for him"—or words to that effect, as he said, peace be upon him.

Abū Muḥammad said: This contains no evidence for them; rather, it is evidence against them. For the Prophet ﷺ did what he was commanded to do: adjudicate on the apparent evidence furnished by testimony or an oath. He informed people that this neither makes the unlawful lawful nor makes the lawful unlawful, nor changes anything from what it actually is. For if any judge's judgment were true, even though everything contrary to it were true, that would be the judgment of the Prophet ﷺ, and this would be a clear explanation that the truth lies in one position, and whatever contradicts it is error. The Prophet's ﷺ judgment, on the apparent evidence, that the property belongs to Zayd is distinct from that property's necessarily belonging to Zayd in actual fact. These are two different things. Since they are so, it is possible for one to be true and the other false. Their use of this as evidence for saying that the truth lies in two conflicting positions is therefore invalid. Rather, he has informed us, peace be upon him, that the truth remains the truth and that his judgment neither changes it from what it actually is nor makes the thing awarded by judgment lawful for anyone other than its owner. If they say, disputatiously, "When the Messenger of Allah ﷺ judged, on the apparent evidence, that someone should receive something which he forbade him to take in actual fact, did he judge according to truth or according to falsehood? If you say, 'According to falsehood,' you have disbelieved; and if you say, 'According to truth,' that is our position," we say to them—and through Allah Most High comes success: It is not lawful for a Muslim to suppose that the Prophet ﷺ judges according to falsehood while knowing it to be falsehood. Whoever allows this, or supposes it possible, is an unbeliever whose blood may lawfully be shed and whose property may lawfully be taken. Rather, the position is that whenever he ﷺ judged on the testimony of witnesses and an oath, he judged only according to a truth deci-

فهما شيئان متغايران. وإذا كانا كذلك فمن الممكن أن يكون أحدهما حقا والآخر باطلا، فبطل احتجاجهم بذلك في قول الحق في وجهين مختلفين، بل قد أخبر عليه السلام أن الحق حق، وأن حكمه لا يحيله عن وجهه، ولا يوجب إحلال المقضي به لغير صاحبه فإن قالوا مشاغبين أحكم رسول الله صلى الله عليه وسلم في ظاهر الأمر بما نهى عن أخذه في الباطن حكم بحق أو حكم بباطل، فإن قلتم بباطل كفرتم، وإن قلتم بحق فهو قولنا، قلنا لهم وبالله تعالى التوفيق لا يحل لمسلم أن يظن أن النبي صلى الله عليه وسلم يحكم بباطل وهو يعلم أنه باطل ومن أجاز هذا أو ظن جوازه فهو كافر حلال الدم والمال ولكن القول أنه صلى الله عليه وسلم ما حكم بشهادة الشهود واليمين إلا بحق مقطوع على أنه حق كما أمره الله عز وجل، وأمر المحكوم له بخلاف ما هو في باطنه حق بألا يأخذه. ثم نقول: إنه قد صح يقينا أنه عليه السلام يحكم بما هو عنده حق فيوافق خلاف ما أمر الله تعالى به وهذا لا يسمى باطلا، ومن سمى هذا باطلا فهو كافر وذلك نحو سلامه صلى الله عليه وسلم في الظهر أو العصر بالمدينة من ركعتين أو ثلاث، وإعراضه عن الأعمى فنزل في ذلك من القرآن ما نزل ورسول الله صلى الله عليه وسلم إنما قصد في كل ذلك ما هو حق عنده ولم يكن ذلك عند الله تعالى كذلك، فصح أن الحق في واحد ولا بد، فمن خالفه ناسيا أو هو يرى أنه حق، فليس آثما، ولكنه مأجور أجرا واحدا، ومن خالفه عامدا عالما فهو إما فاسق وإما كافر، إن كان خلافا للإسلام، وبالله تعالى التوفيق. ويسألون عن فقيهين، رأى أحدهما إباحة دم إنسان، ورأى الآخر تحريمه، ورأى أحدهما تارك الصلاة كافرا، ولم يره الآخر كافرا، ورأى أحدهما الساحر كافرا، ولم يره الآخر كافرا، فإن أطلقوا أن كل ذلك حق عند الله عز وجل لحقوا بالمجانين، وجعلوا إنسانا واحدا كافرا في جهنم مخلدا أبد الأبد، مؤمنا في الجنة مخلدا أبد الأبد، وهذا غاية الجنون، وليس هذا

sively known to be true, as Allah, Mighty and Majestic, commanded him. He commanded anyone awarded something contrary to what was true in actual fact not to take it.

We then say: It has been established with certainty that he, peace be upon him, judges according to what he regards as true, and this may turn out to be contrary to what Allah Most High commanded. This is not called falsehood, and whoever calls this falsehood is an unbeliever. Examples include his ﷺ pronouncing the concluding salutation in the noon or afternoon prayer in Medina after two or three units, and his turning away from the blind man, concerning which there was revealed of the Qur'an what was revealed. In all this, the Messenger of Allah ﷺ intended only what he regarded as right, although it was not so in the sight of Allah Most High. It is thus established that the truth must necessarily lie in one position. Whoever departs from it forgetfully, or while believing his position to be true, incurs no sin; rather, he receives one reward. Whoever departs from it deliberately and knowingly is either an evildoer or, if his departure is contrary to Islam, an unbeliever. Through Allah Most High comes success.

They are to be asked about two jurists, one of whom considers it lawful to shed a person's blood while the other considers it forbidden; one of whom considers someone who abandons prayer an unbeliever while the other does not consider him an unbeliever; and one of whom considers a sorcerer an unbeliever while the other does not consider him an unbeliever. If they assert without qualification that all of this is true in the sight of Allah, Mighty and Majestic, they have joined the ranks of the mad: they have made one and the same person an unbeliever abiding in Hell forever and ever, and a believer abiding in Paradise forever and ever. This is the utmost madness. This issue does not belong to the category of things we are commanded to give but which the recipient is forbidden to take. Those are two rulings concerning two different people, as when a beggar asks despite being wealthy, and the person asked gives to him: the giver does good and is rewarded, while the recipient is an evildoer, disobedient, and consuming illicit gain. The same applies to someone who ransoms a captive and someone who gives a bribe

الباب من نوع ما أمرنا بإعطائه وحرم على الآخذ أخذه، فهذان حكمان على إنسانين مختلفين، كسائل سأل وهو غني فأعطاه المسؤول، فالمعطي محسن مأجور، والآخذ فاسق عاص آكل سحتا، وكذلك فادي الأسير ومعطي الرشوة في دفع مظلمة وقد جاء النص بذلك في نهي النبي صلى الله عليه وسلم عن المسألة

to avert an injustice. An explicit text to this effect has been transmitted in the Prophet's ﷺ prohibition of begging.[5][6][7]

L2038–2041 They also said: "What do you say about someone who has performed four units of prayer but doubts whether he has performed three or four? You command him to continue praying until he is certain that he has performed four. You have therefore commanded him to perform a fifth unit, and thus you have commanded him to commit an error."

The answer—and through Allah Most High comes success—is that we have never commanded him to perform a fifth. We have commanded him only to perform four, no more. As for the fifth, which he added, he is undoubtedly in error concerning it in the sight of Allah, Mighty and Majestic. He was never commanded to perform it while knowing it to be a fifth; rather, he was certainly commanded to perform it when he did not know it was a fifth, and sin is lifted from him concerning it. We do not deny the lifting of culpability; we deny only the removal of error in actual fact. Had he not performed the fifth while uncertain that he had performed four, he would have invalidated his prayer because he had not performed the fifth which he was commanded to perform, and on account of his venturing to leave his prayer incomplete before becoming certain of its completion. These are two different things; error has overtaken whoever seeks to merge them.

وقالوا أيضا ما تقولون فيمن صلى أربعا وشك أصلى ثلاثا أم أربعا، فأنتم تأمرونه بأن يصلي حتى يكون على يقين من أنه صلى أربعا، فقد أمرتموه بركعة خامسة، فأنتم قد أمرتموه بالخطأ. فالجواب وبالله تعالى التوفيق: إننا لم نأمره قط بأن يصلي خامسة، وإنما أمرناه أن يصلي أربعا لا أكثر، والخامسة التي زاد فيها هو فيها مخطىء بلا شك عند الله عز وجل. وما أمر بها قط وهو يدري أنها خامسة، ولكن أمر بها يقينا إذا لم يدر أنها خامسة والإثم عنه مرفوع فيها، ولسنا ننكر رفع المأثم، وإنما ننكر رفع الخطأ في الباطن، فلو لم يصل الخامسة وهو غير موقن بأنه صلى أربعا لكان مفسدا لصلاته، لأنه لم يصل الخامسة التي أمر بصلاتها، ومن باب إقدامه على ترك إتمام صلاته قبل أن يوقن بتمامها، فهما شيئان متغايران دخل الغلط على من أراد مزجهما. وهكذا القول في الاجتهاد في القبلة إنما هو مأمور بمقابلة المسجد الحرام فقط، وغير مأمور بالصلاة إلى جهة غيرها، لكن الإثم عنه مرتفع إن وافق غيرها باجتهاده، وهو مخطىء وغير مأجور في ذلك، وإنما يؤجر على اجتهاده لا على ما أداه إليه الاجتهاد إلا أن يكون يؤديه إلى حق فحينئذ يؤجر أجرين أجرا على الطلب وأجرا على الإصابة، ولسنا نقول: إن كل مجتهد فهو مأمور بما أداه إليه اجتهاده بل هذا عين الخطأ، ولكنا نقول: كل مجتهد فهو مأمور بالاجتهاد وبإصابة الحق والاجتهاد فعل المجتهد وهو غير الشيء المطلوب، فإذا أمرنا بالطلب لا بالشيء الذي وجد ما لم يكن عين الحق، والاجتهاد كله حق وهو طلب الحق وإرادته، وإنما غلط من غلط، لأنه توهم أن الاجتهاد هو فعل المجتهد للشيء الذي أداه إليه اجتهاده فسقطوا سقوطا فاحشا وقال تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} فأوجب تعالى التفقه وهو طلب الحقائق في واجبات

[5] **Translator's note (L2031):** The supplied Quranic quotation is the passage about fighting in the way of Allah and the false deity, corresponding to Quran 4:76. It does not address the inheritance issue in the surrounding argument and appears to be an erroneous quotation here; it has been translated as supplied. The pilgrimage practice is المتعة في الحج, performing the lesser pilgrimage followed by release from consecration before undertaking the greater pilgrimage.

[6] **Translator's note (L2032):** The inheritance case is transcribed as "a daughter, a daughter, and a sister's son." This apparently defective or erroneous wording has been retained without substituting a different set of heirs. In the quoted report, "according to what is heard" follows the supplied third-person wording, mā sami'a, rather than silently replacing it with the familiar first-person wording, "what I hear."

[7] **Translator's note (L2033):** The supplied wa-inna, "and indeed," produces an awkward connection in this conditional argument. The translation reads it concessively, "even though," while retaining the assertion that everything contrary to the judgment is true; the Arabic has not been silently amended to a negative.

The same applies to independent reasoning concerning the direction of prayer. He is commanded only to face the Sacred Mosque, and is not commanded to pray in another direction. But sin is lifted from him if, through his independent reasoning, he happens to face another direction. He is mistaken and receives no reward for that; he is rewarded only for his independent reasoning, not for the conclusion to which that reasoning led him, unless it leads him to the truth. Then he receives two rewards: a reward for seeking and a reward for arriving at the correct result. We do not say that everyone exercising independent reasoning is commanded to follow whatever his reasoning leads him to; rather, that is error itself. We say instead that everyone exercising independent reasoning is commanded to exercise it and to arrive at the truth. Independent reasoning is the act of the person exercising it, and is distinct from the thing sought. Thus we are commanded to seek, not to accept the thing found unless it is the very truth. Independent reasoning is entirely right: it consists in seeking the truth and intending it. Those who erred did so only because they imagined that independent reasoning consists in the reasoner's doing the thing to which his reasoning led him. Thus they fell into grievous error.

He Most High said: "It is not for the believers to go forth all together. Why, then, should a party from every group of them not go forth, so that they may acquire understanding in religion and warn their people when they return to them, so that they may beware?" Thus He Most High made the acquisition of understanding obligatory, which is the seeking of the truths concerning the obligations of the revealed law. And he said, peace be upon him: "That you lead people astray to the right and to the left." In this there is a requirement to arrive at the truth. His Most High's prohibition of speaking without knowledge likewise entails a requirement to arrive at the truth. Aḥmad ibn Muḥammad ibn ʿAbd Allāh al-Ṭalamankī related to us: Ibn Mufarrij related to us: al-Ṣamūt related to us: related to us al-Bazzar, who is Ahmad ibn Umar ibn Abd al-Khaliq, narrated to us: al-Husayn ibn Mahdi narrated to us: Abd al-Razzaq narrated to us: Maʿmar informed us, from al-Zuhri, from Yahya ibn Saʿid al-Ansari, from Abu Bakr ibn Muhammed ibn Amr ibn Hazm, from Abu Salamah, who is the son of Abd al-Rahman ibn Awf, from Abu Hurayrah,

الشريعة، وقال عليه السلام: أن تضلوا بالناس يمينا وشمالا ففي هذا إيجاب إصابة الحق، وفي نهيه تعالى عن الكلام بغير علم إيجاب لإصابة الحق. حدثنا أحمد بن محمد بن عبد الله الطلمنكي، نا ابن مفرج، ثنا الصموت، ثنا البزار، وهو أحمد بن عمر بن عبد الخالق، نا الحسين بن مهدي، نا عبد الرزاق، أنا معمر، عن الزهري، عن يحيى بن سعيد الأنصاري عن أبي بكر بن محمد بن عمرو بن حزم، عن أبي سلمة هو ابن عبد الرحمن بن عوف عن أبي هريرة عن النبي صلى الله عليه وسلم أنه قال إذا حكم الحاكم فاجتهد وأصاب فله أجران، وإن حكم فاجتهد فأخطأ فله أجر وقد شغب بعضهم في قوله صلى الله عليه وسلم في هذا الخبر إذا اجتهد الحاكم فأخطأ فقال: معناه فتخطى صاحب الحق. قال أبو محمد: وهذا عليهم لا لهم، لأنه ليس إلا خطأ أو صواب، فإذا تخطى صاحب الحق فقد حصل في الخطأ ولم يأمر الله تعالى قط الحاكم بإصابة صاحب الحق، لأنه تكليف ما ليس في وسعه، إنما أمره بالحكم بالبينة العدلة عنده، أو اليمين أو بالإقرار أو بعلمه، فما حكم به من ذلك في موضعه فقد حكم بيقين الحق، أصاب صاحب الحق أو لم يصب، فإن قال قائل: بل تخطى الخطأ، قيل له هذا خروج عن المعقول، لأنه إذا تخطى الخطأ، قيل له هذا خروج عن المعقول، لأنه إذا تخطى الخطأ فقد أصاب، وإذا أصاب فمن الذي أعطي أجرا واحدا على صوابه، ومن الذي أعطي أجرين على صوابه، وهذا وسواس ورقة في الدين ودليل على فساد الاعتقاد، وقال بعضهم: لو كان الحق في واحد لكان ما خالفه ضلالا. قال أبو محمد: ونعم هو ضلال، ولكن ليس كل ضلال كفرا ولا فسقا إلا إذا كان عمدا، وأما إذا كان عن غير قصد فالإثم مرفوع فيه كسائر الخطأ ولا فرق، وقال بعضهم: لو كان الحق في واحد لنص الله على ذلك نصا لا يحتمل التأويل.

from the Prophet ﷺ, that he said: "When a judge passes judgment, exercising independent judgment, and reaches the correct conclusion, he receives two rewards; and if he passes judgment, exercising independent judgment, and errs, he receives one reward."

Some of them have raised a contentious objection concerning his words ﷺ in this report, "When the judge exercises independent judgment and errs," saying: "Its meaning is that he passes over the person entitled to the right." Abu Muhammed said: This counts against them, not in their favor, because there is nothing but error or correctness. If he passes over the person entitled to the right, he has fallen into error. Allah Most High has never commanded the judge to identify the person actually entitled to the right, since that would impose upon him something beyond his capacity. He has only commanded him to judge on the basis of testimony he considers upright, or an oath, or an acknowledgment, or his own knowledge. Whatever judgment he delivers on one of these grounds in its proper place, he has judged by certain truth, whether or not he has identified the person actually entitled to the right. If someone says, "Rather, he passed beyond error," he is told: "This departs from reason, because if he passes beyond error"—he is told: "This departs from reason, because if he passes beyond error, he has reached the correct conclusion. If he has reached the correct conclusion, who is it that has been given one reward for being correct, and who is it that has been given two rewards for being correct?" This is obsessive nonsense, flimsiness in religion, and evidence of corrupt belief.

Some of them said: "If the truth lay in one position, whatever differed from it would be misguidance." Abu Muhammed said: Yes indeed, it is misguidance. But not every instance of misguidance is unbelief or sinful disobedience, except when it is deliberate. When it is unintentional, the sin is lifted, as with every other error; there is no difference. Some of them said: "If the

truth lay in one position, Allah would have stated that explicitly in a text admitting of no alternative interpretation."[8][9][10][11][12]

L2042–2043 Abu Muhammed said: The answer is that Allah Most High has indeed done so. As for the verses we recited in the chapter condemning disagreement in this book of ours, which precedes the chapter we are now in, those verses explicitly state, with clear explicitness, that the truth lies in one position and that all the remaining statements are unsound and erroneous. And His command, Most High, to refer disputes to the Quran and the Sunnah is a clear explanation that the position supported by the text is the truth and is from Allah Most High, while everything other than it is false and is not from Him. He Most High has informed us that disagreement is not from Him, Mighty and Majestic. It is therefore established that whatever is not from Him Most High is false. Thus it is necessarily established that the truth lies in one position. Success comes through Allah Most High.

Some of them argued concerning this that the judge is commanded to enforce what is attested by the two witnesses whom he considers upright, although they may testify to something false; thus he is commanded to do something that, in its underlying reality, is false.

L2044–2046 Abu Muhammed said: This is gross obfuscation. Yes indeed, Allah has com-

قال أبو محمد: فالجواب: أن الله تعالى قد فعل، والآيات التي تلونا في باب ذم الاختلاف من كتابنا هذا وهو قبل هذا الباب الذي نحن فيه، فإن تلك الآيات ناصة نصا جليا على أن الحق في واحد، وأن سائر الأقوال كلها فاسدة وخطأ، وأمره تعالى بالرد عند التنازع إلى القرآن والسنة بيان جلي أن القول الذي يشهد له النص هو الحق وهو من عند الله تعالى، وما عداه باطل ليس من عنده. وقد أخبر تعالى أن الاختلاف ليس من عنده عز وجل، فصح أن ما لم يكن من عنده تعالى فهو باطل، فصح أن الحق في واحد ضرورة وبالله تعالى التوفيق، واحتج بعضهم في ذلك بأن الحاكم مأمور بإنفاذ ما يشهد به الشاهدان العدلان عنده، وقد يشهدان على باطل فهو مأمور بما هو في الباطن باطل.

قال أبو محمد: وهذا تمويه شديد، ونعم قد أمره الله بإنفاذه شهادة هذين الشاهدين اللذين يشهدان بالباطل، بل نهاه عن ردهما، لأنه لا يدري أنهما فاسقان على الحقيقة أو مغفلان لا عدلان، ولكن لما لم يعلمهما كذلك رفع عنه الإثم في الباطن، وأمره بالحكم فهما في الظاهر، وليس يدخل بهذا في جملة المجتهدين، بل قد حكم بالحق المقطوع، على أن الله تعالى أمره بالحكم به، ولو رده لكان عاصيا لله تعالى، فهذا بمنزلة ما أمرنا به من فك الأسير ففكه بالمال فرض علينا، وأخذ العدو ذلك المال حرام عليه وقد بين رسول الله صلى الله عليه وسلم هذا بقوله فمن قضيت له بشيء من حق أخيه فلا يأخذه فإنما أقطع له قطعة من النار فقد نهى النبي صلى الله عليه وسلم من علم الحقيق عن أن ينفذ بخلاف ما يدرك أنه حق، وسألت بعضهم فقلت له: ما تقول

[8] **Translator's note (L2038):** The Qur'anic quotation corresponds to 9:122. The supplied transcription omits written alifs in several words, including "the believers," but its wording remains intelligible. The construction beginning fa-idhā amarnā is syntactically awkward as transcribed. It is understood here as continuing the argument that the command concerns seeking the truth, while the acceptability of what is found depends on its being true.

[9] **Translator's note (L2039):** The quoted fragment, "That you lead people astray to the right and to the left," has no explicit prohibition or governing expression in the supplied text, although the subsequent argument treats it as requiring correctness. This apparent omission has been retained.

[10] **Translator's note (L2040):** The final "related to us" introduces the next transmitter, whose name appears in the following segment; the transmission chain is deliberately left open.

[11] **Translator's note (L2041):** The source repeats the clause beginning "he is told: This departs from reason, because if he passes beyond error." The repetition has been retained.

[12] **Qur'an references (L2038):** Qur'an 9:122 (At-Tawbah).

manded him to enforce the testimony of these two witnesses who testify falsely; indeed, He has forbidden him to reject them, because he does not know that they are in reality two sinful persons, or two inattentive persons, rather than two upright persons. But since he did not know them to be such, the sin concerning the underlying reality was lifted from him, and he was commanded to judge concerning them according to outward appearances. This does not place him among those exercising independent judgment. Rather, he has judged according to the truth concerning which it is certain that Allah Most High commanded him to judge by it. Had he rejected it, he would have been disobedient to Allah Most High. This is comparable to our being commanded to ransom a captive: ransoming him with money is obligatory upon us, while the enemy's taking that money is forbidden to him. The Messenger of Allah ﷺ explained this by saying: "Anyone to whom I award anything belonging by right to his brother must not take it, for I am only cutting off a piece of the Fire for him." The Prophet ﷺ thus forbade anyone who knows the truth to carry into effect anything contrary to what he recognizes as right.

I asked one of them, saying to him: "What do you say of someone who encounters a woman who is not his wife, thinks she is his wife, and has intercourse with her? Is he correct and in the right, or mistaken?" He said to me: "Allah has never forbidden her to him while he is ignorant that she is not his wife." I said to him: "You have ventured upon something grave in saying that Allah Most High has not forbidden him a woman who is not his wife, despite the prohibition having reached him. You have violated consensus and the text by your falsehood concerning His words, Most High: 'Except with their wives or those whom their right hands possess, for then they are not blameworthy. But whoever seeks beyond that—those are indeed transgressors.' This woman is neither his wife nor one whom his right hand possesses. He is therefore a transgressor, mistaken, and having forbidden intercourse; the sin is lifted from him solely because of his ignorance. Furthermore, if she was not forbidden to him, then she was undoubtedly lawful to him, since there is nothing in the world except what is lawful or forbidden." Ibn Abbas said: "Muhammed ﷺ was sent only to declare things forbidden and lawful."

فيمن لقي أجنبية فظنها زوجته فوطئها أمصيب هو محق أم مخطىء؟ فقال لي: ما حرمها الله قط عليه مع جهله بأنها أجنبية، فقلت له: لقد أقدمت على عظيمة في قولك، إن الله تعالى لم يحرم عليه الأجنبية مع بلوغ التحريم إليه وخرقت الإجماع والنص بكذبك في قوله تعالى: {إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين * فمن بتغى ورآء ذلك فأولئك هم لعادون} وهذه ليست بزوجة له ولا ملك يمين فهو عاد مخطىء واطىء حرام إلا أن الإثم عنه ساقط لجهله فقط، وأيضا فإذا لم تكن حراما عليه فهي بلا شك حلال له إذ ليس في العالم إلا حلال أو حرام وقال ابن عباس ما بعث محمد صلى الله عليه وسلم إلا محرما ومحللا قال ذلك لإنسان سمعه يقول إن النبي صلى الله عليه وسلم قال في الضب لا أحله ولا أحرمه فقال له ابن عباس ما ذكرنا أو كلاما هذا معناه، فانقطع واحتج بعضهم باستخلاف أبي بكر على القضاء زيد بن ثابت، وهو مخالفه في أقضية كثيرة. قال أبو محمد: وهذا لا حجة لهم فيه، لأننا لا نقلد أبا بكر ولا غيره، وهم يخالفون أبا بكر في عدة قضايا بلا دليل، فلا ينكروا علينا خلافه حيث قام الدليل على خلاف قوله، وقال بعضهم: لو كان الله تعالى كلفنا إصابة الحق وإدراك الصواب لكان تعالى قد كلفنا ما لا نطيق.

He said this to a man whom he heard saying that the Prophet ﷺ had said concerning the spiny-tailed lizard: "I neither declare it lawful nor declare it forbidden." Ibn Abbas said to him what we have mentioned, or words to that effect, and he was left without an answer.

Some of them argued from Abu Bakr's appointing Zayd ibn Thabit as his deputy in judging, although Zayd differed with him in many judgments. Abu Muhammed said: This contains no proof for them, because we do not follow Abu Bakr or anyone else by uncritical imitation. They themselves differ with Abu Bakr on several judicial questions without evidence, so let them not object to our differing with him where there is evidence contrary to his position. Some of them said: "If Allah Most High had charged us with attaining the truth and reaching the correct conclusion, He Most High would have charged us with something beyond our capacity."[13][14][15]

L2047–2049 Abu Muhammed said: This is weak obfuscation, and the person who said what we have mentioned has lied. He, Mighty and Majestic, has charged us in this regard only with what we can do, because many people have reached the correct conclusion and have found it in a sound manner, attaining certainty that they are in the right. Whatever is possible for some of us is possible for all the rest of us. Our success comes only through Allah Most High.

Some of them said: "If people were charged with attaining the actual correct conclusion, anyone who departed from it would have to repeat everything he had done contrary to the truth." Abu Muhammed said: As for prescribed religious duties attached to a period with a defined beginning and end, someone who omitted such a duty altogether is not required to repeat it, except

قال أبو محمد: وهذا تمويه ضعيف، وكذب القائل ما ذكرنا وما كلفنا عز وجل من ذلك إلا ما نطيق، لأنه قد أدرك الصواب كثير من الناس ووجدوه وجودا صحيحا أيقنوا فيه أنهم محقون، وما أمكن بعضنا فهو لسائرنا ممكن وما توفيقنا إلا بالله تعالى، وقال بعضهم: لو كان الناس مكلفين عين الصواب لكان على من خالفه الإعادة لكل ما عمل بغير الحق. قال أبو محمد: أما ما كان من الشرائع مرتبطا بوقت محدود الأول والآخر، فلا إعادة على من تركه أصلا، إلا حيث جاء النص بإعادته، لأنه لا سبيل إلى رجوع وقت تلك الشريعة، وهي لم نؤمر بها إلا في ذلك الوقت، فلا سبيل إلى أدائها، إذ لا سبيل إلى الوقت الذي لا تؤدى إلا فيه كالصلاة وما أشبهها، والصيام ونحوه فلا يقضي شيئا من ذلك لا جاهل ولا عامد ولا متأول، حاشى الناسي والنائم للصلاة، وحاشا المريض والمسافر والمتقيء عمدا للصوم فقط، وأما ما كان مرتبطا بوقت محدود الأول غير محدود الآخر، أو كان غير مرتبط بوقت فهو مؤدى أبدا، ومعاد، ولا بد كإنسان جهل الزكاة في البر فبقي سنين مسلما مالكا لمقدار تجب فيه الزكاة منه، ثم علم بعد ذلك فعليه الزكاة للسنين الخالية، وكإنسان لم يعلم أن السلم في غير المكيل والموزون لا يجوز، فسلم سنين جمة في حيوان، أو فيما لا يكال ولا يوزن،

[13] **Translator's note (L2044):** The source reads fa-humā, literally "the two of them," in the phrase rendered "to judge concerning them according to outward appearances." The construction is awkward and may be a transcription error for bihimā, "on the basis of the two of them." The source's al-ḥaqīq in "anyone who knows the truth" appears to be a defective or corrupt reading; it has been translated according to the immediate context.

[14] **Translator's note (L2045):** The Quranic quotation contains defective forms, including "fa-man btaghā" and "la-ʿādūn," where the familiar wording has "fa-man ibtaghā" and "al-ʿādūn" respectively. The translation conveys the supplied wording's apparent sense; these defects have not been silently treated as an exact quotation.

[15] **Qur'an references (L2044):** Qur'an 23:6 (Al-Mu'minun); Qur'an 70:30 (Al-Ma'arij).

where a text requires its repetition. This is because there is no way to bring back the time for that prescribed duty, and we were commanded to perform it only within that time. There is therefore no way to perform it, since there is no way to recover the time within which alone it can be performed, as with prayer and similar duties, and fasting and the like. Thus none of these is to be made up by someone who acted in ignorance or deliberately or on the basis of an interpretation, with the exception, for prayer, of someone who forgot or slept through it, and, for fasting alone, of the sick person, the traveler, and someone who deliberately induced vomiting. As for a duty attached to a period whose beginning is defined but whose end is not, or one not attached to a period at all, it remains due for performance at all times and must necessarily be repeated. An example is someone who was ignorant of the obligatory alms on wheat and remained for years a Muslim possessing an amount of it on which obligatory alms were due, and then subsequently learned of this: he owes the obligatory alms for the past years. Another example is someone who did not know that a forward purchase with advance payment is impermissible for anything other than goods measured by volume or weight, and for many years made such purchases of animals or of things neither measured by volume nor weighed, and then learned of this: he must rescind every such acquisition and return what he received to its owners. The ruling concerning him is the same as the ruling concerning a usurper who repents while holding another's property; there is no difference. Another example is someone whose independent judgment led him to conclude that he owed no maintenance to a person from whom he stands to inherit or to a blood relative whom he is forbidden to marry, and who continued in this manner for decades before learning otherwise: it is a debt he owes, which he must continue to discharge to them, and it is to be paid out of the principal of his estate if he dies. The same applies in every matter. Success comes through Allah Most High.

Some of them raised the contentious objection that, when jurists give a layperson conflicting opinions, he is free to choose among their positions. Abu Muhammed said: This is an error, and we do not hold this position. We have explained this question in the chapter on uncritical imitation in this

ثم علم فعليه فسخ كل ما أخذ من ذلك ورده إلى أربابه، والحكم فيه كحكم الغاصب فيما بيده إذا تاب ولا فرق، وكإنسان أداه اجتهاده إلى أنه لا نفقة لموروثه وذي رحمه المحرمة عليه، فأقام كذلك عشرات سنين، ثم علم فهي دين عليه يؤديها إليهم أبدا، ويخرج من رأس ماله إن مات، وهكذا في كل شيء، وبالله تعالى التوفيق. وشغب بعضهم بأن العامي إذا اختلف عليه الفقهاء فإنه مخير في أقوالهم. قال أبو محمد: وهذا خطأ، ولسنا نقول به، وقد بينا هذه المسألة في باب التقليد من كتابنا هذا، فأغنى عن إعادته، وموه بعضهم بأن قال: الميتة عين واحدة وهي حلال للمضطر حرام على غير المضطر. قال أبو محمد: وهذا عين الشغب والتمويه، لأننا لم ندفع نحن اختلاف حكم العين الواحدة على إنسانين متغايرين، أو في وقتين مختلفين، بل هذا لازم في كل عين، فمال زيد حلال لزيد حرام على عمرو، والأكل في شوال حلال للبالغين العقلاء وحرام عليهم في رمضان، وهكذا جميع الشرائع أولها عن آخرها.

book of ours, which dispenses with repeating it. Some sought to obscure the issue by saying: "Carrion is one and the same individual thing, yet it is lawful for someone under necessity and forbidden to someone who is not under necessity." Abu Muhammed said: This is sheer contentiousness and obfuscation, for we have not denied that the ruling concerning one and the same individual thing may differ for two different people or at two different times. Indeed, this necessarily applies to every individual thing: Zayd's property is lawful for Zayd and forbidden to ʿAmr; eating in Shawwal is lawful for sane adults, whereas it is forbidden to them in Ramadan. So it is with all the religious laws, from first to last.

L2050–2051 Likewise, for every person, prayer is obligatory on one occasion, when its appointed time begins, and forbidden on another, before its appointed time begins. On one occasion Zayd's blood is inviolable, and on another it is lawful to shed it. What we have denied is that carrion should be lawful for Zayd and forbidden to him at one and the same time; that a sale should be complete before the parties physically separate and incomplete before the parties physically separate; and that exacting retaliation from the killer should be obligatory and forbidden at one and the same time. It is madness like this that we have rejected, because no person possessed of reason, or even a vestige of intelligence, would credit it, and because it is something no one can accomplish. It leads to obsessive confusion, and to Zayd being told: "If you perform this act, you are rewarded for it and in Paradise, and you are sinful for it and in the Fire, all at one and the same time." There is no possibility of anyone being in the Fire and in Paradise at one and the same time, or of someone, through a single act, being disobedient to Allah, mighty and majestic, by that act and obedient to Him at one and the same time. This obsessive confusion is what we have refuted, and nothing else that is intelligible. Some said: "If we were charged with attaining the truth, the Exalted would have established evidence for it such that whoever attained it would know that he had attained it, and whoever missed it would know that he had missed it." Abu Muhammed said: The answer to this is that we affirm precisely this concerning all the first principles of our positions. The foundation of our position is that adhering to the apparent meaning of the

وهكذا كل أحد مرة تلزمه الصلاة إذا دخل وقتها، ومرة تحرم عليه قبل دخول وقتها، ومرة يحرم دم زيد، ومرة يحل، وإنما أنكرنا أن تكون الميتة حلالا لزيد حراما عليه في وقت واحد، وأن يكون البيع تاما قبل التفرق بالأبدان، غير تام قبل التفرق بالأبدان، والقصاص من القاتل واجبا حراما في وقت واحد، فمثل هذا الجنون أنكرنا لأنه لا يصدقه ذو عقل، ولا من به طباخ، ولأنه شيء لا يقدر عليه أحد، لأنه يؤدي إلى الوسواس، وإلى أن يقال لزيد: إن فعلت هذا الفعل فأنت مأجور عليه وفي الجنة، وأنت آثم عليه وفي النار وفي وقت واحد، ولا سبيل إلى أن يكون أحد في النار وفي الجنة في وقت واحد، ولا أن يكون بفعل واحد عاصيا لله عز وجل بذلك الفعل مطيعا له في وقت واحد. فهذا الوسواس أبطلنا لا غيره مما يعقل؛ وقال بعضهم: لو كنا مكلفين إصابة الحق لكان تعالى قد نصب عليه دليلا من أصابه علم أنه أصابه، ومن أخطأه علم أنه أخطأه. قال أبو محمد: والجواب عن هذا: أن أوائل مذاهبنا كلها نحن نقول فيها بذلك، وأصل مذهبنا أن الأخذ بظاهر القرآن والحديث الصحيح حق، ونحن على يقين من أننا مصيبون في ذلك، وفي كل قول أدانا إليه أخذنا بظاهر القرآن والحديث الصحيح، وأن من خالفنا مخطىء عند الله عز وجل، ونحن على يقين من ذلك، لا نشك فيه ولا يكن خلافه، وإنما يخفى علينا الحق في بعض الجزئيات، مثل

Quran and authentic hadith is true. We are certain that we are correct in this and in every position to which our adherence to the apparent meaning of the Quran and authentic hadith has led us, and that whoever disagrees with us is mistaken before Allah, mighty and majestic. We are certain of this, have no doubt about it, and its contrary cannot be. The truth is hidden from us only in some particulars, such as construing two particular hadiths when we do not know which is the abrogating one and which the abrogated one. We do not deny that the truth is hidden from us in some of these instances. Others have undoubtedly known the correct understanding of matters hidden from us, just as we have known it in matters hidden from others. Whoever witnessed the Prophet—may Allah bless him and grant him peace ﷺ—and the issuance of commands from him undoubtedly possessed certain knowledge concerning what was absent from our experience. Some said: "A person may hold a position, support it, fight in its defense, and believe that the truth lies in it, and then move to another."[16]

بناء حديثين بأعيانهما لا ندري أيهما الناسخ من المنسوخ، ولسنا ننكر خفاء الحق علينا في بعض هذه المواضع، وقد علم غيرنا بلا شك وجه الحق فيما خفي علينا كما علمناه نحن فيما خفي على غيرنا ومن شاهد النبي صلى الله عليه وسلم وورود الأوامر منه علم اليقين فيما غاب عنا بلا شك. وقال بعضهم: قد يكون الإنسان على مذهب يعضده ويقاتل عنه، ويعتقد الحق فيه ثم ينتقل إلى غيره.

L2052–2057

Abu Muhammed said: Had someone who denies realities said this, it would have been more in keeping with his position. This has no substance, because anyone who holds one position and then abandons it for another must fall into one of two cases, with absolutely no third possibility: either he holds the truth, and then a specious argument presents itself to him, which he neither examines thoroughly nor subjects to an exhaustive investigation of the demonstration according to its requisite conditions, so that he abandons the truth for falsehood and errs in doing so; or he holds a position whose correctness has not been established for him by a demonstration, having believed it only on the strength of a specious argument concerning which he did not exhaustively investigate the methods of demonstration. He then abandons it for another specious argument that presents itself to him, thus moving from one falsehood to another like it; or he abandons it for some-

قال أبو محمد: لو قال هذا من يبطل الحقائق لكان أشبه بقوله، وهذا لا معنى له، لأن كل من كان على مذهب ثم تركه لآخر فإنه لا يخلو من أحد وجهين لا ثالث لهما البتة، إما أن يكون على حق ثم دخلت عليه شبهة لم ينعم فيها النظر، ولا تقصي البرهان على شرائطه، فترك الحق للباطل، وأخطأ في ذلك، أو كان على مذهب لم يقم له على صحته برهان، وإنما اعتقده بشبهة لم يتقص فيها طرائق البرهان فتركه لشبهة أخرى دخلت عليه، فانتقل من باطل إلى مثله، أو تركه لشيء يقوم عليه برهان صحيح، فانتقل من باطل إلى حق فهو لا بد مغفل ضرورة ومخطىء بلا شك، ومضرب عن طلب البرهان الصحيح، إما أنه لم يبلغه، وإما لأنه لم يتقصه ولا تأمله، فلا بد له من الخطأ كما قلنا إما في اعتقاده الأول الذي انتقل عنه، وإما في اعتقاده الثاني الذي انتقل إليه أو في كليهما. ونحن لم ننف الخطأ عن الناس بل أثبتناه، وإنما نفينا التضاد على الحق، وأن ينتقل من حق غير منسوخ إلى حق مضاد لذلك الحق الذي انتقل عنه، فهذا هو المحال الذي لا سبيل إليه البتة. وقد بينا وجوه البراهين الصحاح الذي لا يصح شيء

[16] **Translator's note (L2051):** طباخ is an unusual word here, understood idiomatically as a vestige of intelligence or discernment. The wording ولا يكن خلافه is grammatically irregular; "and its contrary cannot be" represents its apparent sense. The phrase بناء حديثين بأعيانهما, rendered "construing two particular hadiths," is awkward; the following clause indicates uncertainty over which hadith abrogates the other.

thing supported by a sound demonstration, thus moving from falsehood to truth. He must necessarily have been negligent, undoubtedly mistaken, and turned away from seeking sound demonstration, either because it did not reach him or because he did not investigate it exhaustively or consider it. He must therefore have erred, as we have said, either in his first belief, which he abandoned, or in his second belief, to which he moved, or in both. We have not denied that people err; rather, we have affirmed it. What we have denied is that truth admits of contradiction, and that someone can move from a truth that has not been abrogated to a truth contrary to the truth he abandoned. This is the impossibility for which there is absolutely no way. We have explained the forms of sound demonstrations, without which nothing can be established as correct, and the demonstration that can never be anything but sound. We have also explained what is thought to be a demonstration but is no demonstration, in our book entitled Bringing the Definitions of Logic within Reach. It is a book of considerable usefulness and great benefit, indispensable to anyone seeking realities. Whoever desires reassurance and to attain knowledge of realities should read it, then read our discussion of the modes of knowledge in our book entitled The Book of Distinction, and then read this book of ours. Realities will then become apparent to him without obscurity. Success comes through Allah the Exalted. Now that everything with which they have stirred up contention has been invalidated, praise be to Allah, let us proceed to establish the demonstration invalidating their unsound position. In Allah the Exalted we seek protection. Among these demonstrations is that those who uphold this position agree among themselves that they uphold it only where no explicit text from the Quran or an authentic Sunnah is found, according to their differing views of the characteristics of what must be accepted of the transmitted Sunnahs. Where an explicit text from the Quran or a Sunnah exists, however, they hold that no one is permitted to exercise independent legal reasoning in opposition to it; rather, in their view, whoever opposes it is mistaken. Abu Muhammed said: If this is their position, then, praise be to Allah the Exalted, we have been spared the trouble of dealing with them, because there is no case that arises for which an explicit text does not exist. Were this otherwise, that ruling would constitute legislation within the religion that is

إلا بها، والبرهان الذي لا يكون أبدا إلا صحيحا، وبينا ما يظن أنه برهان وليس ببرهان في كتابنا الموسوم بالتقريب لحدود المنطق وهو كتاب جليل المنفعة عظيم الفائدة، لا غنى لطالب الحقائق عنه فمن أحب أثلج، وأن يقف على علم الحقائق فليقرأه. ثم ليقرأ كلامنا في وجوه المعارف من كتابنا الموسم بكتاب الفصل، ثم ليقرأ كتابنا هذا فإنه يلوح له الحقائق دون إشكال، وبالله تعالى التوفيق، فإذا بطل كل ما شغبوا به بحمد الله، فلنقل في إقامة البرهان على إبطال قولهم الفاسد وبالله تعالى نعتصم. فمن ذلك أن القائلين بهذه المقالة إنما يقولون بها باتفاق منهم، حيث لا يوجد نص من قرآن أو سنة صحيحة على حسب اختلافهم في صفة ما يجب قبوله من السنن، وأما حيث يوجد نص قرآن أو سنة فلا يسع أحدا عندهم اجتهد في خلافها، بل هو مخطىء مخالفها عندهم. قال أبو محمد: فإذا كان هذا قولهم فقد كفينا بحمد الله تعالى مؤونتهم، لأنه لا نازلة إلا وفيها نص موجود، ولو لم يكن كذلك لكان ذلك الحكم شرعا في الدين ليس من الدين، وهذا تناقض وموهوا أيضا بلفظه الاجتهاد فقالوا: هذا مما يسوغ فيه الاجتهاد، وهذا مما لا يسوغ فيه الاجتهاد. قال أبو محمد: حقيقة الأمر هي أنهم إن كانوا يعنون بالاجتهاد اجتهاد المرء نفسه في طلب حكم دينه في مظان وجوده ولا مظان لوجود الدين إلا القرآن والسنن فقد صدقوا، والاجتهاد المذكور فرض على كل أحد في كل شيء من الدين، فهو قولنا، وإن كانوا يعنون بالاجتهاد أن يقول برأيه ما أداه إليه ظنه، فهذا باطل لا يحل أصلا في شيء من الدين، وإيقاع لفظه الاجتهاد على هذا المعنى باطل في الديانة وباطل في اللغة، وتحريف للكلم عن مواضعه، ونعوذ بالله من هذا ومما يبطل قولهم وإن كان فيما أوردنا كفاية أنهم يقولون: إن كل قائل مجتهد فهو حق محق مصيب، ونحن نقول: إنهم في قولهم هذا مخطئون عند الله عز وجل بلا شك، وإنهم فيه على باطل، فإذا حكموا لنا بالصواب والصدق في قولنا، فقد أقروا ببطلان قولهم، لأننا محقون في قولنا أنهم مخطئون بإقرارهم، وفي هذا كفاية

not part of the religion, and this is a contradiction. They also obscured the issue by using the expression "independent legal reasoning," saying: "This is a matter in which independent legal reasoning is permissible, and this is a matter in which independent legal reasoning is not permissible." Abu Muhammed said: The reality of the matter is that, if by independent legal reasoning they mean a person's exerting himself in seeking the ruling of his religion in the places where it is to be found—and there are no places in which the religion is to be found other than the Quran and the transmitted Sunnahs—then they have spoken truly. The exertion just mentioned is obligatory upon everyone in every matter of religion, and this is our position. But if by independent legal reasoning they mean that someone should state, on the basis of his own opinion, whatever his conjecture has led him to, then this is false and is absolutely impermissible in any matter of religion. Applying the expression "independent legal reasoning" to this meaning is invalid in religion and invalid in language, and constitutes displacing words from their proper places. We seek refuge in Allah from this. Another thing that invalidates their position, although what we have already presented is sufficient, is that they say: "Every person who states a position while exercising independent legal reasoning is true, in the right, and correct." We say that, in making this statement, they are undoubtedly mistaken before Allah, mighty and majestic, and that they hold a false position in this matter. Thus, when they judge us correct and truthful in our statement, they have acknowledged the invalidity of their own statement, because, by their own admission, we are in the right when we say that they are mistaken. This suffices for anyone who understands. They should be asked: "Among those who pronounce legal opinions, has anyone erred, or not?" If they say, "No," they obstinately deny the evident, because sense perception attests that error exists. If they say, "Yes," they have abandoned their unsound position that everyone exercising independent legal reasoning is correct. They should also be asked about the Exalted's prohibition of division: "Did He prohibit something true or something false?" If they say, "Something true," they have disbelieved. If they say, "He prohibited something false," they have abandoned their unsound posi-

لمن عقل، ويقال لهم أفي المتكلمين في الفتيا أحد أخطأ أم لا؟ فإن قالوا لا، كابروا لأن الحس يشهد بأن الخطأ موجود، وإن قالوا نعم، تركوا قولهم الفاسد إن كل مجتهد مصيب، ويسألون عن نهيه تعالى عن التفرق أنهي عن حق أم عن باطل؟ فإن قالوا: عن حق كفروا. وإن قالوا: نهي عن باطل، تركوا قولهم الفاسد، وكل آية تلوناها في باب ذم الاختلاف من كتابنا هذا فهي مبطلة لقولهم الفاسد في هذا الباب

tion. Every verse we have recited in the chapter condemning disagreement in this book of ours invalidates their unsound position in this chapter.[17][18]

L2058–2059

Success comes through Allah the Exalted. Among these is His statement, exalted is He: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome." The Exalted has thus not given us leave to persist in dispute, and has commanded us to refer back to the explicit text and adhere to it. Furthermore, religion is not entrusted to whatever those who speak wish to say; whoever says this is an unbeliever. Rather, religion is referred back to an explicit text of consensus. Whoever departs from the proper course in this is mistaken. Furthermore, Allah the Exalted says: "Does not burden Allah any soul beyond its capacity. It shall have what it has earned, and against it shall be what it has incurred. Our Lord, do not take us to task if we forget or make a mistake. Our Lord, do not lay upon us a burden such as You laid upon those before us. Our Lord, do not burden us with what we have no power to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the disbelieving people." It is not within anyone's capacity to believe that one and the same thing is forbidden and lawful at the same time for one and the same person, nor that the ruling of religion shifts from permission to prohibition

وبالله تعالى التوفيق ومن ذلك قوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} فلم يطلق لنا تعالى البقاء على التنازع وأمرنا بالرد إلى النص والأخذ به، وأيضا فإن الدين ليس موكولا إلى ما أراد القائلون أن يقولوه وقائل هذا كافر، وإنما الدين مردود إلى نص إجماع، فمن خالف الوجه في ذلك فهو مخطىء وأيضا فإن الله تعالى يقول {لا يكلف لله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسيناآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} وليس في الوسع أن يعتقد أحد كون شيء واحد حراما حلالا في وقت واحد على إنسان واحد، ولا أن الدين ينتقل حكمه من تحليل إلى تحريم إذا حرم الشي مفت ما وحلله مفت آخر.

[17] **Translator's note (L2054):** The wording فمن أحب أثلج وأن يقف is syntactically defective. "Whoever desires reassurance and to attain" conveys its apparent intended sense; أثلج suggests the reassurance or satisfaction of the heart. The book titles are translated from the wording supplied: التقريب لحدود المنطق and كتّاب الفصل.

[18] **Translator's note (L2055):** The supplied اجتهد is grammatically irregular in this construction; it is understood here as referring to the exercise of independent legal reasoning.

when one mufti declares something forbidden and another mufti declares it lawful.[19][20][21]

L2060–2062

Furthermore, a mufti has no authority to legislate, declare things lawful, or declare things forbidden. His duty is only to report, on behalf of Allah Most High, His ruling concerning this particular case. It is impossible that Allah Most High's ruling concerning it should not be settled as either permission, prohibition, or obligation. His statement, Most High, "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal killed by a blow, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you duly slaughter—and that which has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful," makes clear that the ruling has been settled in every particular case as either prohibition, permission, or obligation. Whoever declares things lawful and forbidden on the basis of the jurists' disagreement has acknowledged that they prohibit, permit, and impose obligations. This is unbelief on the part of whoever believes it. His statement, Most High, "And do not say, concerning the falsehood your tongues describe, 'This is lawful and this is forbidden,' so as to fabri-

وأيضا فإن المفتي ليس له أن يشرع، ولا أن يحلل ولا أن يحرم، وإنما عليه أن يخبر عن الله تعالى بحكمه في هذه النازلة، ومن المحال أن يكون حكم الله تعالى فيها غير مستقر، إما بتحليل، وإما بتحريم وإما بوجوب قوله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} مبين أن الحكم قد استقر في كل نازلة، إما بتحريم، وإما بتحليل، وإما بإيجاب، ومن حلل وحرم باختلاف الفقهاء، فقد أقر أنهم يحرمون ويحللون ويوجبون، فهذا كفر ممن اعتقده، وقوله تعالى {ولا تقولوا لما تصف ألسنتكم لكذب هذا حلال وهذا حرام لتفتروا على لله لكذب إن لذين يفترون على لله لكذب لا يفلحون} مبطل لقول من قال إن الشيء يكون حراما حلالا باختلاف الفقهاء فيه، ومخبر أن قائل ذلك كاذب، وأنه ما حرم الله تعالى فهو حرام لا حلال، وما أحله تعالى فهو حلال لا حرام وكذلك القول فيما أوجب تعالى وقال صلى الله عليه وسلم إن الحلال بين وإن الحرام بين وبينهما مشتبهات لا يعلمها كثير من الناس فلو لم يكن علينا إصابة الحق، وكنا لا يلزمنا شيء إلا الاجتهاد فقط لكان كل أحد من الناس عالما بحكم تلك المشتبهات؛ بل كانوا ناقلين بأقوالهم للحرام البين إلى التحليل؛ وللحلال البين إلى التحريم وهذا كفر وتكذيب للنبي صلى الله عليه وسلم فصح لما ذكرنا أن من لم يعلم تلك المشتبهات فقد جهلها، ومن جهلها فقد أخطأها ولم يصب الحق فيها، وصح أن القائل في الحرام: أنه حلال أو في الحلال أنه حرام مخطىء بيقين لا شك فيه، وبالله تعالى التوفيق. ويلزم من قال:

[19] **Translator's note (L2058):** The Quranic quotation, corresponding to 4:59, repeatedly omits written alifs in words such as Allah, the Messenger, and the Last Day. The recognizable wording is rendered in English. The supplied نص إجماع literally reads "an explicit text of consensus." A conjunction may be missing between "explicit text" and "consensus"; it has not been silently inserted. The final Quranic quotation ends after لا يكلف, before its subject, Allah, which occurs in the following segment. The fragment is retained without supplying that subject.

[20] **Translator's note (L2059):** The opening continues the quotation of Quran 2:286: the words meaning "does not burden" occur in the preceding segment. The fragment retains the Arabic order across this boundary. The Quranic transcription repeatedly omits written alifs and other letters; the intended words remain identifiable.

[21] **Qur'an references (L2058):** Qur'an 4:59 (An-Nisa); Qur'an 2:286 (Al-Baqarah).

cate falsehood against Allah. Indeed, those who fabricate falsehood against Allah will not prosper," invalidates the statement of anyone who says that a thing becomes forbidden and lawful through the jurists' disagreement about it. It declares that whoever says this is a liar, and that whatever Allah Most High has forbidden is forbidden, not lawful, and whatever He, Most High, has permitted is lawful, not forbidden. The same applies to whatever He, Most High, has made obligatory. He—may Allah bless him and grant him peace ﷺ—said: "Indeed, what is lawful is clear, and indeed, what is forbidden is clear, and between them are doubtful matters which many people do not know." If we were not required to arrive at the truth, and nothing were incumbent upon us except the exercise of independent judgment alone, then every single person would know the ruling concerning those doubtful matters. Indeed, by their statements they would be transferring what is clearly forbidden into the category of the lawful, and what is clearly lawful into the category of the forbidden. This is unbelief and a declaration that the Prophet lies—may the blessings of Allah and peace be upon him. Thus, from what we have mentioned, it is established that whoever does not know those doubtful matters is ignorant of them; whoever is ignorant of them has erred concerning them and has not arrived at the truth about them. It is established that whoever says of something forbidden that it is lawful, or of something lawful that it is forbidden, is mistaken with certainty, without any doubt. Through Allah Most High comes success. Whoever says that every person who voices an opinion through independent judgment is correct must also say that whoever declares those who adopt interpretations to be disbelievers is right and truthful, and that he must say that whoever declares them to be believers who are morally corrupt is right and truthful, and that he must say that whoever declares them to be believers who are not morally corrupt is right and truthful. It would follow from this that a man is a disbeliever, a

إن كل قائل مجتهد مصيب أن يقول: إن من قال: إن المتأولين كفار أن يكون محقا صادقا، وأن يقول: إن من قال إنهم مؤمنون فساق أن يكون محقا صادقا، وأن يقول: إن من قال إنهم مؤمنون غير فساق أن يكون محقا صادقا، فيلزم من هذا أن يكون الرجل كافرا مؤمنا فاسقا فاضلا في وقت واحد؛ وهذا لا يقوله من يقذف بالحجارة.

believer, morally corrupt, and virtuous at the same time. This is something that even someone pelted with stones would not say.[22][23][24][25]

L2063–2064 It would also follow from this that a person abides eternally in Paradise and abides eternally in the Fire at the same time, because the disbeliever abides eternally in the Fire and the believer abides eternally in Paradise. Thus, if a person is a disbeliever because someone says of him that he is a disbeliever, and a believer because someone says of him that he is a believer, he is in Paradise and in the Fire at the same time. No one but someone afflicted with obsessive delusions would say this. All these positions have been maintained by eminent leading scholars—I mean, declaring the people of doctrinal whims to be disbelievers and rejecting their classification as disbelievers—from among the Companions and the Successors, and onward thereafter. It suffices here that He, Most High, has expressly stated that His path is one and that all the other paths diverge from His path. The Prophet—may Allah bless him and grant him peace ﷺ—also expressly declared a number of the Companions, may Allah be pleased with them, who exercised independent judgment to have erred. Examples include his declaring, peace be upon him, that Abu Bakr erred in his interpretation of the dream; that Umar erred in his statement concerning the emigrants' migration to Abyssinia; and that Usayd ibn al-Hudayr erred in saying, "Amir ibn al-Akwa'ʿs striving in battle has come to nothing"; as well as the other legal opinions in which they erred, such as Abu al-Sanabil's imposing upon a pregnant woman whose husband had died the later of the two terms. Examples of this are numerous. Through Allah Most High comes success. Muhammed ibn Saʿid related to us: Ahmad ibn Abd al-Basir related to us: Qasim ibn Asbagh related to

ويلزم من هذا أن يكون المرء في الجنة مخلدا، وفي النار مخلدا في وقت واحد، لأن الكافر مخلد في النار، والمؤمن مخلد في الجنة، فإذا كان المرء كافرا بقول من قال فيه إنه كافر، ومؤمنا بقول من قال فيه إنه مؤمن فهو في الجنة وفي النار في وقت واحد، وهذا ما لا يقوله إلا موسوس، وكل ذلك قد قال به فضلاء أئمة من أهل العلم يعني تكفير أهل الأهواء، وإبطال تكفيرهم من الصحابة والتابعين إلى هلم جرا، ويكفي من هذا أن تعالى قد نص على أن سبيله واحدة، وأن سائر السبل متفرقة عن سبيله وقد نص النبي صلى الله عليه وسلم على تخطئة جماعة من الصحابة رضي الله عنهم من المجتهدين كتخطئته عليه السلام أبا بكر في تفسيره للرؤيا، وعمر في قوله في هجرة المهاجرين إلى الحبشة، وأسيد بن الحضير في قوله: بطل جهاد عامر بن الأكوع، وسائر الفتاوى التي أخطؤوا فيها؛ كأبي السنابل في وضعه على الحامل المتوفى عنها زوجها آخر الأجلين، ومثل هذا كثير: وبالله تعالى التوفيق. حدثنا محمد بن سعيد، نا أحمد بن عبد البصير، ثنا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، ثنا محمد بن المثنى، ثنا عبد الرحمن بن مهدي، ثنا سفيان الثوري، عن حبيب بن أبي ثابت، عن خالد بن سعد قال: دخل أبو مسعود على حذيفة فقال: اعهد إلي، قال: ألم يأتك اليقين؟ قال: بلى فإن الضلالة كل الضلالة أن تعرف ما كنت تنكر أو تنكر ما كنت تعرف، وإياك والتلون في دين الله أو في أمر الله، فإن دين الله واحد، فبين حذيفة ووافقه أبو مسعود رضي الله عنهما، وهذا نص قولنا، والذي لا يجوز غيره وهو ما استقر عليه الأمر إذا مات النبي صلى الله عليه وسلم وبالله تعالى التوفيق وهو حسبنا ونعم الوكيل

[22] **Translator's note (L2060):** The final salutation is divided between this segment and the next; only its opening is translated here. The Quranic quotations contain recurrent transcriptional omissions of letters, but their intended wording is identifiable.

[23] **Translator's note (L2061):** The opening completes the salutation begun in the preceding segment. "Those who adopt interpretations" renders al-mutaʾawwilūn, referring here to people whose disputed doctrinal positions rest on interpretation.

[24] **Translator's note (L2062):** The unvocalized expression "someone pelted with stones" can grammatically also mean "someone who throws stones." The passive reading is adopted as a polemical reference to someone treated as mad.

[25] **Qur'an references (L2060):** Qur'an 5:3 (Al-Ma'idah); Qur'an 16:116 (An-Nahl).

us: Muhammed ibn Abd al-Salam al-Khushti related to us: Muhammed ibn al-Muthanna related to us: Abd al-Rahman ibn Mahdi related to us: Sufyan related to us, al-Thawri, on the authority of Habib ibn Abi Thabit, on the authority of Khalid ibn Saʿd, who said: Abu Masʿud visited Hudhayfa and said, "Give me your counsel." He said, "Has certainty not come to you?" He said, "Yes." "Then misguidance, utter misguidance, is that you recognize what you used to reject, or reject what you used to recognize. Beware of changing colors in Allah's religion—or in Allah's affair—for Allah's religion is one." Hudhayfa thus made this clear, and Abu Masʿud agreed with him, may Allah be pleased with them both. This is the explicit statement of our position, the only position that is permissible: namely, what the matter had become settled upon when the Prophet—may Allah bless him and grant him peace ﷺ—died. Through Allah Most High comes success. He is sufficient for us, and an excellent Trustee.[26][27]

[26] **Translator's note (L2063):** "The later of the two terms" refers to the competing end-points of a pregnant widow's waiting period: childbirth and the prescribed period following her husband's death. The surname al-Khushti is retained from the supplied transcription; its exact reading is uncertain.

[27] **Translator's note (L2064):** "Al-Thawri" completes Sufyan's name from the preceding segment. The report supplies no explicit speech marker after "Yes"; the ensuing counsel is understood as Hudhayfa's resumed speech. The alternative "in Allah's religion—or in Allah's affair" is preserved as transmitted.



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 27: الشذوذ

Chapter 27: Deviation

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[Chapter Twenty-Seven: On Deviation]

L2065

L2066–2072 Abu Muhammed said: Deviation, in the language in which we have been addressed, means departing from the whole. It is agreed that this expression has been assigned a particular meaning in the revealed Law, but people have disagreed about that meaning. One group said: "Deviation is one scholar's parting company with all the others." This is a position whose invalidity we have already demonstrated in the chapter discussing consensus in this book of ours. Praise be to Allah, Lord of all worlds. For when an individual disagrees with the majority in favor of a truth, he is praiseworthy and commendable, whereas deviation is blameworthy by consensus. It is therefore impossible for a person to be praiseworthy and blameworthy in the same respect at the same time, and impossible for one thing to entail praise and blame together at the same time in the same respect. This is a necessary demonstration. All the Companions, may Allah be pleased with them, disagreed with Abu Bakr concerning warfare against the apostates. At the time of their disagreement, they were all mistaken, and he alone was correct. Thus the aforementioned position is invalid. Another group said: "Deviation is that the scholars reach consensus on some matter, and then a man departs from among them from that position in which he had joined them." This is the position of Abu Sulayman and the majority of our associates. Such a case, if it occurred, would be one kind of deviation; it is neither an essential definition nor a descriptive definition of deviation. What they have mentioned, if it occurred, would be both deviation and unbelief, because we have already demonstrated in the chapter discussing consensus that whoever departs from consensus while being certain that it is consensus has disbelieved. Moreover, what has been mentioned falls within the realm of the impossible and the absurd. Would that I knew when we ever ascertained with certainty the consensus of all the scholars, every one of them, in a single gathering, such that they agree and then one of them disagrees with them! Our position—and through Allah Most High comes success—is that the definition of deviation is opposition to the truth. Everyone who opposes what is correct in any question is deviant concerning it, whether they comprise all the people of the earth, every one of them, or only some

[الباب السابع والعشرون في الشذوذ]

قال أبو محمد الشذوذ في اللغة التي خوطبنا بها هو الخروج عن الجملة، وهذه اللفظة في الشريعة موضوعة باتفاق على معنى ما، واختلف الناس في ذلك المعنى. فقالت طائفة: الشذوذ هو مفارقة الواحد من العلماء سائرهم، وهذا قول قد بينا بطلانه في باب الكلام في الإجماع من كتابنا هذا، والحمد لله رب العالمين، وذلك أن الواحد إذا خالف الجمهور إلى حق فهو محمود ممدوح، والشذوذ مذموم بإجماع، فمحال أن يكون المرء محمودا مذموما من وجه واحد، في وقت واحد، وممتنع أن يوجب شيء واحد الحمد والذم معا في وقت واحد، من وجه واحد، وهذا برهان ضروري، وقد خالف جميع الصحابة رضي الله عنهم أبا بكر في حرب أهل الردة، فكانوا في حين خلافهم مخطئين كلهم، فكان هو وحده المصيب، فبطل القول المذكور. وقال طائفة: الشذوذ هو أن يجمع العلماء على أمر ما، ثم يخرج رجل منهم عن ذلك القول الذي جامعهم عليه، وهذا قول أبي سليمان وجمهور أصحابنا، وهذا المعنى لو وجد نوع من أنواع الشذوذ، وليس حدا للشذوذ ولا رسما له، وهذا الذي ذكروا لو وجد شذوذ وكفر معا لما قد بينا في باب الكلام في الإجماع، أن من فارق الإجماع وهو يوقن أنه إجماع فقد كفر، مع دخول ما ذكر في الامتناع والمحال، وليت شعري متى تيقنا إجماع جميع العلماء كلهم في مجلس واحد فيتفقون، ثم يخالفهم واحد منهم، والذي نقول به وبالله تعالى التوفيق: إن حد الشذوذ هو مخالفة الحق، فكل من خالف الصواب في مسألة ما فهو فيها شاذ، وسواء كانوا أهل الأرض كلهم بأسرهم أو بعضهم، والجماعة والجملة هم أهل الحق، ولو لم يكن في الأرض منهم إلا واحد فهو الجماعة وهو الجملة. وقد أسلم أبو بكر وخديجة رضي الله عنهما فقط، فكانا هم الجماعة، وكان سائر أهل الأرض غيرهما وغير رسول الله صلى الله عليه وسلم أهل الشذوذ وفرقة وهذا الذي قلنا لا خلاف فيه بين العلماء، وكل من خالف فهو راجع إليه ومقربه شاء أو أبى، والحق هو الأصل

of them. The community and the whole are the people of truth. Even if there were only one of them on earth, he would be the community and he would be the whole. Abu Bakr and Khadija alone had embraced Islam, may Allah be pleased with them both; thus they were the community, while all the other people of the earth, apart from them and the Messenger of Allah—may Allah bless him and grant him peace ﷺ—were people of deviation and division. There is no disagreement among the scholars concerning what we have said. Everyone who disagrees ultimately returns to it and acknowledges it, whether he wishes to or not. And the truth is the foundation by which the heavens and the earth stand. Allah Most High said: {We did not create the heavens and the earth and what is between them except in truth. And the Hour is surely coming, so pardon with gracious pardon.} Since truth is the foundation, falsehood is a departure from it and a deviation from it. Since truth cannot be a deviation, and there is nothing but truth or falsehood, it is established that deviation is falsehood. This is a division whose initial premise is necessarily known, and a decisive, sufficient demonstration. Praise belongs to Allah. Whoever says that deviation consists in one person's separating from the community is to be asked: What do you say about two people's disagreeing with the community? If he says that this is deviation, he is to be asked about three people's disagreeing with the community. Then one more is to be added, one at a time, in this manner indefinitely. He must inevitably do one of two things: either identify some number as constituting deviation, while anything above it does not constitute deviation, thereby advancing an unsound statement for which there is no proof, thus becoming truly deviant; or persist until he departs from what is rationally intelligible and from the consensus of the Muslim community, thus likewise becoming truly deviant. He cannot avoid this. Success comes through Allah Most High. Thus, anyone whom demonstration from the scriptural text or from consensus known with certainty leads to some position, without his knowing of anyone before him who held that position, is obligated to hold the position to which the demonstration has led him. Whoever opposes him has opposed the truth, and whoever opposes the truth has disobeyed Allah Most High. The Most High said: {They said: None shall enter Paradise unless he is a Jew or a Christian. Those are their wishes. Say: Bring your demonstration, if you

الذي قامت السموات والأرض به قال الله تعالى: {وما خلقنا السماوات والأرض وما بينهما إلا بالحق وإن الساعة لآتية فاصفح الصفح الجميل} فإذا كان الحق هو الأصل فالباطل خروج عنه، وشذوذ منه فلما لم يجز أن يكون الحق شذوذا. وليس إلا حق أو باطل صح أن الشذوذ هو الباطل، وهذا تقسيم أوله ضروري وبرهان قاطع كاف ولله الحمد. ويسأل من قال: إن الشذوذ هو مفارقة الواحد للجماعة: ما تقول في خلاف الاثنين للجماعة؟ فإن قال: هو شذوذ، سئل عن خلاف الثلاثة للجماعة، ثم يزاد واحدا واحدا هكذا أبدا، فلا بد له من أحد أمرين: إما أن يجد عددا ما بأنه شذوذ، وإن ما زاد عليه ليس شذوذا، فيأتي بكلام فاسد لا دليل عليه، فيصير شاذا على الحقيقة، أو يتمادى حتى يخرج عن المعقول وعن إجماع الأمة فيصير شاذا على الحقيقة أيضا، ولا بد له من ذلك، وبالله تعالى التوفيق. فكل من أداه البرهان من النص أو الإجماع المتيقن إلى قول ما، ولم يعرف أحد قبله قال بذلك القول، ففرض عليه القول بما أدى إليه البرهان، ومن خالفه فقد خالف الحق، ومن خالف الحق فقد عصى الله تعالى، قال تعالى: {وقالوا لن يدخل الجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} ولم يشترط تعالى في ذلك أن يقول به قائل قبل القائل به، بل أنكر تعالى ذلك على من قاله، إذ يقول عز وجل حاكيا عن الكفار منكرا عليهم أنهم قالوا: {ما سمعنا بهذا فى الملة الآخرة إن هذا إلا اختلاق} قال أبو محمد: ومن خالف هذا فقد أنكر على جميع التابعين، وجميع الفقهاء بعدهم، لأن المسائل التي تكلم فيها الصحابة رضي الله عنهم من الاعتقاد أو الفتيا فكلها محصور مضبوط، معروف عند أهل النقل من ثقات المحدثين وعلمائهم، فكل مسألة لم يرو فيها قول عن صاحب، لكن عن تابع فمن بعده، فإن ذلك التابع قال في تلك المسألة بقول لم يقله أحد قبله بلا شك، وكذلك كل مسألة لم يحفظ فيها قول عن صاحب ولا تابع، وتكلم فيها الفقهاء بعدهم فإن ذلك الفقيه قد قال في تلك المسألة بقول لم

are truthful.} The Most High did not stipulate that someone must have held that position before the person holding it. Rather, the Most High censured those who said this, when He, Mighty and Majestic, relates the unbelievers' words in censure of them: {We have not heard of this in the latter religion. This is nothing but a fabrication.} Abu Muhammed said: Whoever opposes this has thereby censured all the Successors and all the jurists after them. For the questions concerning belief or legal opinion on which the Companions, may Allah be pleased with them, spoke are all delimited, accurately recorded, and known to the transmitters who are trustworthy scholars of hadith. Thus, in every question on which no position is transmitted from a Companion, but only from a Successor or someone after him, that Successor undoubtedly expressed a position on that question that no one before him had expressed. Likewise, in every question on which no position has been preserved from either a Companion or a Successor, but on which the jurists after them spoke, that jurist expressed a position on that question that no one before him had expressed. Whoever masters this subject will find that Abu Hanifah, Malik, and al-Shafi'i have more than ten thousand questions on which no one before them expressed the positions they expressed. How, then, can these ignorant people permit the Successors, and then those after them, to express a position that no one before them had expressed, yet prohibit this to those after them, down to us and then until the Day of Resurrection? On the part of whoever says it, this is a claim without demonstration, conjecture in religion, and opposition to the consensus that this was permissible for those whom we have mentioned. The matter is therefore as we have stated. Whoever wishes to ascertain what we have mentioned should accurately record every question transmitted from any of the Companions, for they are the first of this Muslim community then let him turn his hand to every question outside those questions: the person issuing a legal opinion on it is expressing a position that no one before him expressed. There is, however, a difference between us and others: we express no position whatsoever on any question unless He Most High has already stated it in the Qur'an, or His Messenger, peace be upon him, has stated it in something authentically transmitted from him. That is sufficient reassurance and truth. As for those who oppose us, most of what they say on matters in which they have no predecessor comes

يقله أحد قبله، ومن ثقف هذا الباب فإنه يجد لأبي حنيفة ومالك والشافعي أزيد من عشرة آلاف مسألة لم يقل فيها أحد قبلهم بما قالوه، فكيف يسوغ هؤلاء الجهال للتابعين، ثم لمن بعدهم أن يقولوا قولا لم يقله أحد قبلهم، ويحرم ذلك على من بعدهم إلينا، ثم إلى يوم القيامة فهذا من قائله دعوى بلا برهان وتخرص في الدين، وخلاف الإجماع على جواز ذلك لمن ذكرنا، فالأمر كما ذكرنا، فمن أراد الوقوف على ما ذكرنا فليضبط كل مسألة جاءت عن أحد من الصحابة، فهم أول هذه الأمة، ثم ليضرب بيده إلى كل مسألة خرجت عن تلك المسائل، فإن المفتي فيها قائل بقول لم يقله أحد قبله، إلا أن بيننا نحن وبين غيرنا فرقا، وهو أننا لا نقول في مسألة قولا أصلا إلا وقد قاله تعالى في القرآن أو رسوله عليه السلام فيما صح عنه، وكفى بذلك أنسا وحقا. وأما من خالفنا فإن أكثر كلامه فيما لم يسبق إليه، فمن رأيه، وكفى بهذا وحشة. والحمد لله رب العالمين كثيرا وصلى الله على محمد خاتم النبيين وحسبنا الله ونعم الوكيل

from their own opinion. That is sufficient cause for unease. Abundant praise belongs to Allah, Lord of the worlds. May Allah bless Muhammed, the Seal of the Prophets. Allah is sufficient for us, and an excellent Trustee is He.[1][2][3]

[1] **Translator's note (L2066):** "Deviation" consistently renders shudhūdh, whose definition is the subject of this chapter; "the whole" renders al-jumla.

[2] **Translator's note (L2067):** "Essential definition" and "descriptive definition" distinguish the technical terms ḥadd and rasm. The awkward opening preserves the continuation across the segment boundary: a man from among the scholars departs from a position in which he had previously joined them.

[3] **Qur'an references (L2066):** Qur'an 15:85 (Al-Hijr); Qur'an 2:111 (Al-Baqarah); Qur'an 38:7 (Sad).

الباب 28: الصحابة والفقهاء الذين رويت عنهم الفتيا

Chapter 28: Companions and Later Jurists Who Gave Legal Opinions

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الثامن والعشرون في تسمية الصحابة الذين رويت عنهم الفتيا وتسمية الفقهاءالمذكورين في الاختلاف بعد عصر الصحابة رضي الله عنهم]

قال أبو محمد: أما الصحابة رضي الله عنهم فهو كل من جالس النبي صلى الله عليه وسلم ولو ساعة وسمع منه ولو كلمة فما فوقها أو شاهد منه عليه السلام أمرا يعيه، ولم يكن من المنافقين الذين اتصل نفاقهم، واشتهر حتى ماتوا على ذلك، ولا مثل من نفاه عليه السلام باستحقاقه كهيت المخنث ومن جرى مجراه، فمن كان كما وصفنا أولا فهو صاحب، وكلهم عدل إمام فاضل رضي، فرض علينا توقيرهم وتعظيمهم، وأن نستغفر لهم ونحبهم، وتمرة يتصدق بها أحدهم أفضل من صدقة أحدنا بما يملك وجلسة من الواحد منهم مع النبي صلى الله عليه وسلم أفضل من عبادة أحدنا دهره كله وسواء كان من ذكرنا على عهده عليه السلام صغيرا أو بالغا، فقد كان النعمان بن بشير، وعبد الله بن الزبير، والحسن والحسين ابنا علي رضي الله عنهم أجمعين من أبناء العشر فأقل إذ مات النبي صلى الله عليه وسلم وأما الحسين فكان حينئذ ابن ست سنين إذ مات الرسول صلى الله عليه وسلم وكان محمود بن الربيع ابن خمس سنين إذ مات النبي صلى الله عليه وسلم وهو يعقل مجة مجها النبي صلى الله عليه وسلم في وجهه من ماء بئر دارهم وكلهم معدودون في خيار الصحابة، مقبولون فيما رووا عنه عليه السلام أتم القبول، وسواء في ذلك الرجال والنساء والعبيد والأحرار وأما من أدرك رسول الله صلى الله عليه وسلم بعقله وسنه إلا أنه لم يلقه فليس من الصحابة ولكنه من التابعين، وكأبي عثمان النهدي، وأبي رجاء العطاردي، وشريح بن الحارث القاضي، وعلقمة، والأسود، ومسروق، وقيس بن أبي حازم، والرحيل الجعفي، ونباتة الجعفي، وعمرو

[Chapter Twenty-Eight: Naming the Companions from Whom Legal Opinions Have Been Transmitted, and Naming the Jurists Mentioned in Disagreements after the Age of the Companions, May Allah Be Pleased with Them]

Abu Muhammed said: As for the Companions, may Allah be pleased with them, a Companion is anyone who sat with the Prophet ﷺ, even for an hour, and heard from him even a single word or more, or witnessed something done by him, peace be upon him, that he comprehended, provided that he was not among the hypocrites whose hypocrisy persisted and became notorious until they died in that condition, nor like someone whom he, peace be upon him, banished because he deserved it, such as Hit the effeminate man and others of his kind. Anyone who meets our initial description is a Companion. Every one of them is upright, an exemplary leader, virtuous, and well-pleasing. We are obligated to honor and revere them, seek forgiveness for them, and love them. A single date given in charity by one of them is better than one of us giving everything he owns in charity, and a single sitting by one of them with the Prophet ﷺ is better than one of us worshipping throughout his entire lifetime. It makes no difference whether the person we have described was a child or an adult during his lifetime, peace be upon him. Al-Nu'man ibn Bashir, 'Abd Allah ibn al-Zubayr, and al-Hasan and al-Husayn, the two sons of 'Ali, may Allah be pleased with them all, were ten years old or younger when the Prophet ﷺ died. As for al-Husayn, he was then six years old when the Messenger ﷺ died, and Mahmud ibn al-Rabi' was five years old when the Prophet ﷺ died, and he remembered a mouthful of water from the well of their house that the Prophet ﷺ had squirted into his face. All of them are counted among the finest Companions, and what they transmitted from him, peace be upon him, is accepted with the fullest acceptance. Men and women, enslaved people and free people are alike in this respect. As for someone who lived in the time of the Messenger of Allah ﷺ and was of an age and mental capacity to comprehend him, but did not meet him, he is not one of the Companions, but one of the Successors. Examples are Abu 'Uthman al-Nahdi, Abu Raja' al-'Utaridi, Shurayh ibn al-Harith the judge, 'Alqamah, al-Aswad, Masruq, Qays ibn Abi Hazim,

al-Ruhayl al-Ju‘fi, Nubatah al-Ju‘fi, ‘Amr ibn Maymun, Salman ibn Rabi‘ah al-Bahili, Zayd ibn Suhan, Abu Maryam al-Hanafi, Ka‘b ibn Sur, ‘Amr ibn Yathribi, and others—numbers whom none but their Creator, Mighty and Majestic, can enumerate. Among these were people who issued legal opinions in the days of ‘Umar ibn al-Khattab and adjudicated between people in the time of ‘Umar and ‘Uthman. As for someone who apostatized after the Prophet ﷺ, having met him and embraced Islam, then returned to Islam and became upright in his conduct, such as al-Ash‘ath ibn Qays, ‘Amr ibn Ma‘di Karib, and others, his companionship with him is counted, and he is undoubtedly included among the Companions, because the Messenger of Allah ﷺ said: “You have embraced Islam with the good you previously performed.” They are all upright, virtuous, and among the people of Paradise. Allah Most High said: {Muhammed is the Messenger of Allah, and those with him are stern toward the unbelievers, merciful among themselves. You see them bowing and prostrating, seeking bounty from Allah and good pleasure. Their mark is on their faces from the trace of prostration. That is their likeness in the Torah; and their likeness in the Gospel is like a crop that puts forth its shoots, then strengthens them, then grows thick and stands upright on its stalks, delighting the sowers, so that through them He may enrage the unbelievers. Allah has promised those among them who believe and perform righteous deeds forgiveness and a tremendous reward.} And the Most High said: {What is the matter with you that you do not spend in the way of Allah, when to Allah belongs the inheritance of the heavens and the earth? Those among you who spent before the conquest and fought are not equal: they are greater in rank than those who spent afterward and fought. Yet to each Allah has promised the fairest reward. And Allah is fully aware of what you do.} And the Most High said: {Indeed, those for whom the fairest reward has already gone forth from Us—they will be kept far from it. * They will not hear its faint sound, and they, amid what their souls desire, abiding forever. * The greatest terror shall not grieve them, and the angels shall meet them: ‘This is your day which you were promised.’” Abu Muhammed said: These are the promises of Allah Most High, and the fulfillment of Allah’s promise is guaranteed. All of them who died as believers had believed and performed righteous deeds. The Messenger of Allah ﷺ said: “Leave my Companions

بن ميمون، وسلمان بن ربيعة الباهلي، وزيد بن صوحان، وأبي مريم الحنفي، وكعب بن سور، وعمرو بن يثربي وغيرهم، وأعداد لا يحصهم إلا خالقهم عز وجل، ومن هؤلاء من أفتى أيام عمر بن الخطاب وقضى بين الناس زمن عمر وعثمان وأما من ارتد بعد النبي صلى الله عليه وسلم وبعد أن لقيه وأسلم ثم راجع الإسلام وحسنت حاله كالأشعث بن قيس، وعمرو بن معدي كرب، وغيرهما، فصحبته له معدودة، وهو بلا شك من جملة الصحابة لقول رسول الله صلى الله عليه وسلم أسلمت على ما سلف لك من خير وكلهم عدول فاضل من أهل الجنة قال الله تعالى {محمد رسول لله ولذين معه أشدآء على لكفار رحمآء بينهم تراهم ركعا سجدا يبتغون فضلا من لله ورضوانا سيماهم في وجوههم من أثر لسجود ذلك مثلهم في لتوراة ومثلهم في لإنجيل كزرع أخرج شطأه فآزره فستغلظ فستوى على سوقه يعجب لزراع ليغيظ بهم لكفار وعد لله لذين آمنوا وعملوا لصالحات منهم مغفرة وأجرا عظيما} وقال تعالى {وما لكم ألا تنفقوا في سبيل لله ولله ميراث لسماوات ولأرض لا يستوي منكم من أنفق من قبل لفتح وقاتل أولئك أعظم درجة من لذين أنفقوا من بعد وقاتلوا وكلا وعد لله لحسنى ولله بما تعملون خبير} وقال تعالى {إن لذين سبقت لهم منا لحسنى أولئك عنها مبعدون * لا يسمعون حسيسها وهم في ما شتهت أنفسهم خالدون * لا يحزنهم لفزع لأكبر وتتلقاهم لملائكة هذا يومكم لذي كنتم توعدون} قال أبو محمد هذه مواعيد الله تعالى، ووعد الله مضمون تمامه، وكلهم ممن مات مؤمنا قد آمن وعمل الصالحات وقال رسول الله صلى الله عليه وسلم دعوا لي أصحابي فلو كان لأحدكم مثل أحد ذهبا فأنفقه في سبيل الله ما بلغ مد أحدهم ولا نصيفه وقد قال قوم إنه لا يكون صاحبا من رأى النبي صلى الله عليه وسلم مرة واحدة لكن من تكررت صحبه قال أبو محمد: وهذا خطأ بيقين لأنه قول بلا برهان، ثم نسأل قائله عن حد التكرار الذي ذكر، وعن

to me. Were any one of you to possess gold equal to Mount Uhud and spend it in the path of Allah, he would not attain the measure of one mudd given by any of them, nor even half of it." Some people have said that someone who saw the Prophet ﷺ only once is not a Companion, but only someone whose companionship was repeated. Abu Muhammed said: This is certainly erroneous, because it is a statement without demonstration. We then ask its proponent about the extent of the repetition he mentioned and the duration of time he stipulated. If he sets a limit for that, he compounds his arbitrary assertion of falsehood; and if he sets no limit for it, he is speaking about something of which he has no knowledge. That suffices as misguidance. Another demonstration of the invalidity of his statement is that, in the language, the designation of companionship applies to anyone whom some circumstance has brought together with another in any situation, for he has kept his company in it. Since someone who saw the Prophet ﷺ without opposing him or denying his prophethood kept his company at that time, he must be called a Companion. As for the Successors and those after them, we have only the outward appearances of their circumstances, since there is no testimony from Allah Most High that any one of them will attain salvation. Not every one of the Successors and those after them is upright. Their circumstances must therefore be examined, and anyone whose excellence and knowledge become apparent is accepted as a transmitter. Abu Muhammed said: The Messenger of Allah ﷺ campaigned against Hawazin at Hunayn with twelve thousand fighting men, all of whom fall under the designation of companionship. He then campaigned at Tabuk with more than that. Delegations came to him from all the clans of all the Arab tribes, and every one of them was a Companion. Their number undoubtedly amounted to more than thirty thousand people. Delegations of jinn also came to him ﷺ and embraced Islam. The designation of companionship properly applied to them, and they received from him ﷺ the Qur'an and the prescribed laws of Islam. And all those we have mentioned who met the Prophet ﷺ and received instruction from him— every individual among them, their humans and their jinn, undoubtedly gave legal opinions to his household, his neighbors, and his people. This is something known necessarily. Yet, after exhaustive investigation, legal opinions concerning acts of worship and legal rulings have been

مدة الزمان الذي اشترط، فإن حد في ذلك حدا كان زائدا في التحكم بالباطل، وإن لم يحد في ذلك حدا كان قائلا بما لا علم له به، وكفى بهذا ضلالا، وبرهان بطلان قوله أيضا، إن اسم الصحبة في اللغة إنما هو لمن ضمته مع آخر حالة ما فإنه قد صحبه فيها فلما كان من رأى النبي صلى الله عليه وسلم وهو غير منابذ له ولا جاحد لنبوته قد صحبه في ذلك الوقت، وجب أن يسمى صاحبا، وأما التابعون ومن بعدهم فإنما لنا ظواهر أحوالهم، إذ لا شهادة من الله تعالى لأحد منهم بالنجاة، وليس كل التابعين فمن بعدهم عدلا، فإنما يراعى أحوالهم، فمن ظهر منه الفضل والعلم فهو مقبول النقل قال أبو محمد وقد غزا رسول الله صلى الله عليه وسلم هوازن بحنين في اثني عشر ألف مقاتل كلهم يقع عليهم اسم الصحبة، ثم غزا تبوك في أكثر من ذلك، ووفد عليه جميع البطون من جميع قبائل العرب وكلهم صاحب، وعددهم بلا شك يبلغ أزيد من ثلاثين ألف إنسان ووفد عليه صلى الله عليه وسلم وفود الجن فأسلموا وصح لهم اسم الصحبة وأخذوا عنه صلى الله عليه وسلم القرآن وشرائع الإسلام وكل من ذكرنا ممن لقي النبي صلى الله عليه وسلم وأخذ عنه فكل امرىء منهم إنسهم وجنهم فلا شك أفتى أهله وجيرانه وقومه. هذا أمر يعلم ضرورة ثم لم ترو الفتيا في العبادات والأحكام إلا عن مائة ونيف وثلاثين منهم فقط من رجل وامرأة بعد التقصي الشديد، فكيف يسع من له رمق من عقل، أو مسكة من دين وشعبة من حياء أن يدعي عليهم الإجماع فيما لا يوقن أن جميعهم قال به وعلمه، لا سيما وإنما ننازعهم في دعوى الإجماع عليهم في الخطأ المخالف لكلام الله عز وجل في القرآن والثابت عن رسول الله صلى الله عليه وسلم فهذا هو العجب وفيما ذكرنا يقين العلم بكذب من ادعى الإجماع على ما يمكن أن يخفى من أحكام القرآن والسنن فكيف على خلاف القرآن والسنن. قال أبو محمد: وهذا حين نذكر إن شاء الله تعالى اسم كل من روى عن مسألة فما فوقها من الفتيا من

transmitted from only a hundred and thirty-odd of them, men and women. How, then, can anyone with a vestige of reason, a hold upon religion, or a trace of modesty presume to attribute consensus to them concerning something that he does not know with certainty they all professed and knew? Especially since our dispute with them concerns their claim that these people reached consensus upon an error contrary to the words of Allah, Mighty and Majestic, in the Qur'an and to what is established from the Messenger of Allah ﷺ. This indeed is astonishing! What we have mentioned provides certain knowledge of the falsehood of anyone who claims consensus concerning rulings of the Qur'an and the transmitted prophetic practices that might remain unknown; how much more so concerning something contrary to the Qur'an and the transmitted prophetic practices! Abu Muhammed said: Now is the time for us to mention, if Allah Most High wills, the name of every Companion—may Allah be pleased with them—from whom a legal opinion on one question or more has been transmitted. If any have escaped us, they can only be very few, from whom likewise only one or two questions have been transmitted. Success comes through Allah Most High.

Those Companions—may Allah be pleased with them—from whom many legal opinions have been transmitted:

Aishah, Mother of the Believers; Umar ibn al-Khattab; his son Abd Allah; Ali ibn Abi Talib; Abd Allah ibn al-Abbas; Abd Allah ibn Masud; Zayd ibn Thabit. These are seven, and a substantial volume could be compiled from the legal opinions of each one of them. Abu Bakr Muhammed ibn Musa ibn Yaqub ibn the Commander of the Believers al-Mamun compiled the legal opinions of Abd Allah ibn al-Abbas in twenty books. The aforementioned Abu Bakr is one of the leading authorities of Islam in learning and hadith.

Those of them from whom a moderate number of legal opinions have been transmitted—may Allah be pleased with them:

Umm Salamah, Mother of the Believers; Anas ibn Malik; Abu Said al-Khudri; Abu Hurayrah; Uthman ibn Affan; Abd Allah ibn Amr ibn al-As; Abd Allah ibn al-Zubayr; Abu Musa al-Ashari; Sad ibn Abi Waqqas; Salman al-Farisi; Jabir ibn Abd Allah; Muadh ibn Jabal; and Abu Bakr al-Siddiq. These are only

الصحابة رضي الله عنهم وما فات منهم إن كان فات إلا يسيرا جدا ممن لم يرو عنه أيضا إلا مسألة واحدة أو مسألتان وبالله تعالى التوفيق. المكثرون من الصحابة رضي الله عنهم فيما روي عنهم من الفتيا عائشة أم المؤمنين، عمر بن الخطاب، ابنه عبد الله، علي بن أبي طالب، عبد الله بن العباس، عبد الله بن مسعود، زيد بن ثابت، فهم سبعة يمكن أن يجمع من فتيا كل واحد منهم سفر ضخم، وقد جمع أبو بكر محمد بن موسى بن يعقوب بن أمير المؤمنين المأمون فتيا عبد الله بن العباس في عشرين كتابا، وأبو بكر المذكور أحد أئمة الإسلام في العلم والحديث. والمتوسطون منهم فيما روي عنهم من الفتيا رضي الله عنهم أم سلمة أم المؤمنين، أنس بن مالك، أبو سعيد الخدري، أبو هريرة، عثمان بن عفان، عبد الله بن عمرو بن العاص، عبد الله بن الزبير، أبو موسى الأشعري، سعد بن أبي وقاص، سلمان الفارسي، جابر بن عبد الله، معاذ بن جبل، وأبو بكر الصديق. فهم ثلاثة عشر فقط. يمكن أن يجمع من فتيا كل امرىء منهم جزء صغير جدا ويضاف أيضا إليهم طلحة، الزبير، عبد الرحمن بن عوف، عمران بن الحصين، أبو بكرة، عبادة بن الصامت، معاوية بن أبي سفيان. والباقون منهم رضي الله عنهم مقلون في الفتيا لا يروي الواحد منهم إلا المسألة والمسألتان والزيادة اليسيرة على ذلك فقط يمكن أن يجمع من فتيا جميعهم جزء صغير فقط بعد التقصي والبحث وهم رضي الله عنهم أبو الدرداء، أبو اليسر، أبو سلمة المخزومي، أبو عبيدة بن الجراح، سعيد بن زيد، الحسن والحسين ابنا علي بن أبي طالب، النعمان بن بشير، أبو مسعود، أبي بن كعب، أبو أيوب، أبو طلحة، أبو ذر، أم عطية، صفية أم المؤمنين، حفصة أم المؤمنين، أم حبيبة أم المؤمنين، أسامة بن زيد، جعفر بن أبي طالب، البراء بن عازب، قرظة بن كعب، أبو عبد الله البصري، نافع أخو أبي بكرة لأمه، المقداد بن الأسود، أبو السنابل بن بعكك، الجارود العبدي، ليلى بنت قائف، أبو محذورة، أبو

thirteen, and a very small fascicle could be compiled from the legal opinions of each one of them. To them are also added: Talhah; al-Zubayr; Abd al-Rahman ibn Awf; Imran ibn al-Husayn; Abu Bakrah; Ubadah ibn al-Samit; Muawiyah ibn Abi Sufyan.

The remainder of them—may Allah be pleased with them—gave few legal opinions. Each transmits only one question, or two questions, or a slight addition to that. After exhaustive investigation and searching, only a small fascicle could be compiled from the legal opinions of all of them together. They are—may Allah be pleased with them:

Abu al-Darda; Abu al-Yusr; Abu Salamah al-Makhzumi; Abu Ubaydah ibn al-Jarrah; Said ibn Zayd; al-Hasan and al-Husayn, the two sons of Ali ibn Abi Talib; al-Numan ibn Bashir; Abu Masud; Ubayy ibn Kab; Abu Ayyub; Abu Talhah; Abu Dharr; Umm Atiyyah; Safiyyah, Mother of the Believers; Hafsah, Mother of the Believers; Umm Habibah, Mother of the Believers; Usamah ibn Zayd; Jafar ibn Abi Talib; al-Bara ibn Azib; Qarazah ibn Kab; Abu Abd Allah al-Basri; Nafi, Abu Bakrah's brother through their mother; al-Miqdad ibn al-Aswad; Abu al-Sanabil ibn Bakak; al-Jarud al-Abdi; Layla bint Qaif; Abu Mahdhurah; Abu Shurayh al-Kabi; Abu Barzah al-Aslami; Asma bint Abi Bakr; Umm Sharik; al-Hawla bint Tuwayt; Usayd ibn al-Hudayr; al-Dahhak ibn Qays; Habib ibn Maslamah; Abd Allah ibn Unays; Hudhayfah ibn al-Yaman; Thumamah ibn Uthal; Ammar ibn Yasir; Amr ibn al-As; Abu al-Ghadiyah al-Juhani al-Sulami; Umm al-Darda the Elder; al-Dahhak ibn Khalifah al-Mazini; al-Hakam ibn Amr al-Ghifari; Wabisah ibn Mabad al-Asadi; Abd Allah ibn Jafar; Awf ibn Malik; Adi ibn Hatim; Abd Allah ibn Abi Awfa; Abd Allah ibn Salam; Amr ibn Abasah; Attab ibn Asid; Uthman ibn Abi al-As; Abd Allah ibn Sarjis; Abd Allah ibn Rawahah; Aqil ibn Abi Talib; Aidh ibn Amr; Abu Qatadah; Abd Allah ibn Mamar al-Adawi; Umayr ibn Sad; Abd Allah ibn Abi Bakr al-Siddiq; Abd al-Rahman ibn Abu Bakr al-Siddiq; ʿAtikah daughter of Zayd ibn ʿAmr; ʿAbd Allah ibn ʿAwf al-Zuhri; Saʿd ibn Muʿadh; Abu Munib; Saʿd ibn ʿUbadah; Qays ibn Saʿd; ʿAbd al-Rahman ibn Sahl; Samurah ibn Jundub; Sahl ibn Saʿd al-Saʿidi; Muʿawiyah ibn Muqarrin; Suwayd ibn Muqarrin; Muʿawiyah ibn al-Hakam; Sahlah daughter of Suhayl; Abu Hudhayfah ibn ʿUtbah; Salamah ibn al-Akwaʿ; Zayd ibn Arqam; Jarir ibn

شريح الكعبي، أبو برزة الأسلمي، أسماء بنت أبي بكر، أم شريك الحولاء بنت تويت، أسيد بن الحضير، الضحاك بن قيس، حبيب بن مسلمة، عبد الله بن أنيس، حذيفة بن اليمان، ثمامة بن أثال. عمار بن ياسر، عمرو بن العاص، أبو الغادية الجهني السلمي، أم الدرداء الكبرى، الضحاك بن خليفة المازني، الحكم بن عمرو الغفاري، وابصة بن معبد الأسدي، عبد الله بن جعفر، عوف بن مالك، عدي بن حاتم، عبد الله بن أبي أوفى. عبد الله بن سلام، عمرو بن عبسة، عتاب بن أسيد، عثمان بن أبي العاص، عبد الله بن سرجس، عبد الله بن رواحة، عقيل بن أبي طالب، عائذ بن عمرو، أبو قتادة، عبد الله بن معمر العدوي، عمير بن سعد، عبد الله بن أبي بكر الصديق، عبد الرحمن بن أبي بكر الصديق، عاتكة بنت زيد بن عمرو، عبد الله بن عوف الزهري، سعد بن معاذ، أبو منيب، سعد بن عبادة، قيس بن سعد، عبد الرحمن بن سهل، سمرة بن جندب، سهل بن سعد الساعدي، معاوية بن مقرن، سويد بن مقرن، معاوية بن الحكم، سهلة بنت سهيل، أبو حذيفة بن عتبة، سلمة بن الأكوع، زيد بن أرقم، جرير بن عبد الله البجلي، جابر بن سمرة، جويرية أم المؤمنين، حسان بن ثابت، حبيب بن عدي، قدامة بن مظعون، عثمان بن مظعون، ميمونة أم المؤمنين، مالك بن الحويرث، أبو أمامة الباهلي، محمد بن مسلمة، خباب بن الأرت، خالد بن الوليد، ضمرة بن العيص، طارق بن شهاب، ظهير بن رافع رافع بن خديج فاطمة بنت رسول الله صلى الله عليه وسلم فاطمة بنت قيس هشام بن حكيم بن حزام أبوه حكم بن حزام، شرحبيل بن السمط، أم سليم دحية بن خليفة الكلبي، ثابت بن قيس بن الشماس ثوبان مولى رسول الله صلى الله عليه وسلم سرق المغيرة بن شعبة بريدة بن الحصيب الأسلمي، رويفع بن ثابت، أو حميدة، أو أسيد، فضالة بن عبيد، رجل يعرف بأبي محمد روينا عنه وجوب الوتر هو من الأنصار اسمه مسعود بن أوس نجاري بدري زينب بنت أم المؤمنين، أم سلمة، عتبة بن مسعود، بلال المؤذن، مكرز، عرفة بن الحارث، سيار بن روح

ʿAbd Allah al-Bajali; Jabir ibn Samurah; Juwayriyah, Mother of the Believers; Hassan ibn Thabit; Habib ibn ʿAdi; Qudamah ibn Mazʿun; ʿUthman ibn Mazʿun; Maymunah, Mother of the Believers; Malik ibn al-Huwayrith; Abu Umamah al-Bahili; Muhammed ibn Maslamah; Khabbab ibn al-Aratt; Khalid ibn al-Walid; Damrah ibn al-ʿIs; Tariq ibn Shihab; Zuhayr ibn Rafiʿ; Rafiʿ ibn Khadij; Fatimah, daughter of the Messenger of Allah, may Allah bless him and grant him peace ﷺ; Fatimah daughter of Qays; Hisham ibn Hakim ibn Hizam; his father, Hakam ibn Hizam; Shurahbil ibn al-Simt; Umm Sulaym; Dihyah ibn Khalifah al-Kalbi; Thabit ibn Qays ibn al-Shammas; Thawban, the freedman of the Messenger of Allah, may Allah bless him and grant him peace ﷺ; Suraq; al-Mughirah ibn Shuʿbah; Buraydah ibn al-Husayb al-Aslami; Ruwayfiʿ ibn Thabit, or Humaydah, or Usayd; Fadalah ibn ʿUbayd; a man known as Abu Muhammed, from whom we have transmitted that the odd-numbered prayer is obligatory—he was one of the Helpers, his name was Masʿud ibn Aws, he belonged to the Najjar clan, and he participated at Badr; Zaynab, daughter of the Mother of the Believers Umm Salamah; ʿUtbah ibn Masʿud; Bilal, the caller to prayer; Mikraz; ʿArafah ibn al-Harith; Sayyar ibn Rawh, or Rawh ibn Sayyar; Abu Saʿid ibn al-Muʿalla; al-ʿAbbas ibn ʿAbd al-Muttalib; Busr ibn Abi Artah, also called Busrah ibn Artah; Suhayb ibn Sinan; Umm Ayman; Umm Yusuf; Maʿiz; the Ghamidi woman. As for the jurists among the Successors from whom legal opinions have been transmitted, and those who came after them, we shall, if Allah Most High wills, mention those among them who are known, arranged by the celebrated cities, specifically in the early days of Islam. As for those after that period, none can enumerate them except Allah, mighty and majestic.

Mecca—may it be exalted by Allah.

ʿAta' ibn Rabah, the client of Umm Kurz al-Khuzaʿiyyah; Tawus ibn Kaysan al-Farisi; al-Aswad, father of ʿUthman ibn al-Aswad; Mujahid ibn Jabr; ʿUbayd ibn ʿUmar al-Laythi; his son ʿAbd Allah ibn ʿUbayd; ʿAmr ibn Dinar; ʿAbd Allah ibn Abi Mulaykah; ʿAbd Allah ibn Sabit; ʿIkrimah, the client of Ibn ʿAbbas. These were among the associates of Ibn ʿAbbas, may Allah be pleased with them. They also learned from Ibn ʿUmar, the Mother of the Believers ʿA'ishah, ʿAli, and Jabir. Then came Abu al-Zubayr al-Makki, ʿAbd Allah ibn

أو روح بن سيار، أبو سعيد بن المعلى، العباس بن عبد المطلب، بسر بن أبي أرطاة، ويقال بسرة بن أرطاة صهيب بن سنان، أم أيمن، أم يوسف، ماعز، الغامدية. وأما فقهاء التابعين الذين روي عنهم الفتيا فمن بعدهم فنحن إن شاء الله تعالى نذكر من عرف منهم على البلاد المشهورة في صدر الإسلام خاصة، وأما بعد ذلك فلا يحصيهم إلا الله عز وجل. مكة أعزها الله عطاء بن رباح مولى أم كرز الخزاعية، طاوس بن كيسان الفارسي، والأسود والد عثمان بن الأسود، مجاهد بن جبر، عبيد بن عمر الليثي، ابنه عبد الله بن عبيد، عمرو بن دينار، عبد الله بن أبي مليكة، عبد الله بن سابط، عكرمة مولى ابن عباس وهؤلاء من أصحاب ابن عباس رضي الله عنهم، وقد أخذوا أيضا عن ابن عمر، وأم المؤمنين عائشة، وعلي جابر، ثم أبو الزبير المكي، وعبد الله بن خالد بن أسيد بن أبي العيص بن أمية، وعبد الله بن طاوس، ثم بعدهم عبد الملك بن عبد العزيز بن جريج، سفيان بن عيينة وكان أكثر فتياه في المناسك، وكان يتوقف في الطلاق وبعدهم مسلم بن خالد الزنجي، سعيد بن سالم القداح؛ وبعدهما محمد بن إدريس الشافعي؛ ثم ابن عمه إبراهيم بن محمد الشافعي، أبو بكر عبد الله، ابن الزبير الحميدي، أبو الوليد موسى بن أبي الجارود، ثم أبو بكر بن أبي مسرة، ثم غلب عليهم تقليد الشافعي إلا من لا نقف الآن على اسمه منهم المدينة أعزها الله وحرسها سعيد بن المسيب المخزومي وكان على بنت أبي هريرة وأخذ عنه كثيرا وعن سعد بن أبي وقاص وغيره، عروة بن الزبير بن العوام؛ القسم بن محمد بن أبي بكر الصديق؛ وأخذ عن عائشة أم المؤمنين؛ عبيد الله بن عبد الله بن عتبة بن مسعود الهذلي وأخذ عن ابن عباس؛ خارجة بن زيد بن ثابت وأخذ عن أبيه أبو بكر بن عبد الرحمن بن الحارث بن هشام المخزومي؛ سليمان بن يسار، أخذ عن أمي المؤمنين عائشة وأم سلمة وعن غيرهما من الصحابة؛

Khalid ibn Usayd ibn Abi al-ʿIs ibn Umayyah, and ʿAbd Allah ibn Tawus. Then, after them, came ʿAbd al-Malik ibn ʿAbd al-ʿAziz ibn Jurayh; Sufyan ibn ʿUyaynah, whose legal opinions concerned pilgrimage rites for the most part, and who would refrain from giving a ruling on divorce. After them came Muslim ibn Khalid al-Zanji; Saʿid ibn Salim al-Qaddah. After these two came Muhammed ibn Idris al-Shafiʿi; then his paternal cousin Ibrahim ibn Muhammed al-Shafiʿi; Abu Bakr ʿAbd Allah ibn al-Zubayr al-Humaydi; Abu al-Walid Musa ibn Abi al-Jarud; then Abu Bakr ibn Abi Masarrah. Thereafter, adherence to al-Shafiʿi's authority without independent examination predominated among them, except for some whose names we cannot presently ascertain.

Medina—may Allah exalt and protect it.

Saʿid ibn al-Musayyab al-Makhzumi, who was married to Abu Hurayrah's daughter and learned much from him, as well as from Saʿd ibn Abi Waqqas and others; ʿUrwah ibn al-Zubayr ibn al-ʿAwwam; al-Qasm ibn Muhammed ibn Abi Bakr al-Siddiq, who learned from ʿA'ishah, Mother of the Believers; ʿUbayd Allah ibn ʿAbd Allah ibn ʿUtbah ibn Masʿud al-Hudhali, who learned from Ibn ʿAbbas; Kharijah ibn Zayd ibn Thabit, who learned from his father; Abu Bakr ibn ʿAbd al-Rahman ibn al-Harith ibn Hisham al-Makhzumi;

Sulayman ibn Yasar, who learned from the two Mothers of the Believers, ʿA'ishah and Umm Salamah, and from other Companions.[1][2][3][4][5][6][7][8][9][10]

[1] **Translator's note (L2074):** The unvocalized personal name هيت is rendered Hit; its precise vocalization is not specified in the supplied text.

[2] **Translator's note (L2077):** The Qur'anic quotations contain repeated apparent transcription losses of initial alifs, including لله for الله and لذين for الذين. The English follows the words indicated by these defective spellings; the supplied Arabic itself has not been reproduced or silently amended. The description عدول فاضل combines a plural adjective with a singular one. Both are rendered predicatively as "upright, virtuous," preserving the apparent sense while noting the grammatical irregularity.

[3] **Translator's note (L2078):** The opening word is truncated, continuing the Qur'anic quotation from the preceding segment. The translation follows the recoverable sense without adding the preceding text. A mudd is a measure of capacity; here it denotes the quantity given in charity. The segment ends within the definition of companionship; its sentence continues in the next segment.

[4] **Translator's note (L2081):** The source reads "sakhm," apparently a transcription error for "dakhm," meaning "substantial" or "large," used here of the volume.

[5] **Translator's note (L2083):** The source literally says that each person "transmits" one or two questions, although the surrounding discussion concerns legal opinions transmitted from them. The names "Layla bint Qaif," "Usayd ibn al-Hudayr," and "Abu al-Ghadiyah al-Juhani al-Sulami" reproduce the supplied readings; potentially anomalous name forms and the paired affiliations have not been silently corrected.

[6] **Translator's note (L2086):** The opening name completes the preceding segment's "ʿAbd al-Rahman ibn." The text gives "Habib ibn ʿAdi" and calls Hisham's father "Hakam ibn Hizam," although it has just named Hisham as the son of Hakim ibn Hizam. These readings have been preserved. The unpunctuated sequence "Ruwayfiʿ ibn Thabit, or Humaydah, or Usayd" leaves the relationship of the alternative names uncertain; the translation preserves that uncertainty. Suraq is treated as a personal name in this list; the unvocalized spelling could otherwise be read as a verb.

[7] **Translator's note (L2087):** The blessing in the heading continues with "Allah" in the next segment; English word order has been arranged to allow the segments to join.

[8] **Translator's note (L2088):** The supplied text reads "ʿUbayd ibn ʿUmar"; this has been retained without correcting the name. The final name continues as "ibn Dinar" in the next segment.

[9] **Translator's note (L2089):** The sequence "ʿAli Jabir" has no conjunction between the names; it is understood here as two names in the list of teachers. The supplied spelling is "al-Qasm," rather than the expected "al-Qasim"; the supplied form has been retained. "Adherence to al-Shafiʿi's authority without independent examination" renders the technical term taqlid.

L2090–2094

These are the seven celebrated jurists of Medina. Those who also issued legal opinions there included Aban ibn ʿUthman ibn ʿAffan, who learned from his father; ʿAbd Allah and Salim, the two sons of ʿAbd Allah ibn ʿUmar; Abu Salamah ibn ʿAbd al-Rahman ibn ʿAwf; ʿAli ibn al-Husayn ibn ʿAli ibn Abi Talib; his son Muhammed, who learned from Jabir; Abu Bakr ibn Sulayman Abi Khaythamah al-ʿAdawi, of the ʿAdi clan of Quraysh; Nafiʿ, the client of Ibn ʿUmar, from whom we have transmitted approximately ten questions with his legal opinions; ʿAmrah daughter of ʿAbd al-Rahman ibn Saʿd ibn Zurarah, the brother of Abu Umamah Asʿad ibn Zurarah, may Allah be pleased with him. Sufyan mentioned that she was consulted for legal opinions concerning sales. She learned from ʿA'ishah and from the women Companions among the Helpers. Also Marwan ibn al-Hakam, before he assumed power in Syria; he was below these in standing. After them came Abu Bakr ibn Muhammed ibn ʿAmr ibn Hazm and his two sons, Muhammed and ʿAbd Allah; ʿAbd Allah ibn ʿAmr ibn ʿUthman ibn ʿAffan and his son Muhammed; ʿAbd Allah and al-Hasan, the two sons of Muhammed ibn al-Hanafiyyah, who was Muhammed ibn ʿAli ibn Abi Talib; Jaʿfar ibn Muhammed ibn ʿAli ibn al-Husayn ibn ʿAli ibn Abi Talib; ʿAbd al-Rahman ibn al-Qasim ibn Muhammed ibn Abi Bakr al-Siddiq; Musʿab ibn Muhammed ibn Shurahbil al-ʿAbdari; Muhammed ibn al-Munkadir al-Taymi; Muhammed ibn Muslim ibn Shihab al-Zuhri, whose legal opinions Muhammed ibn Ahmad ibn Mufarrij collected in three substantial volumes arranged according to the chapters of jurisprudence; ʿAbd Allah ibn al-Hasan ibn al-Husayn ibn ʿAli ibn Abi Talib; Yahya ibn Saʿid ibn Qays al-Ansari; Abu al-Zinad; ʿAbd Allah ibn Yazid ibn Hurmuz; ʿUmar ibn Husayn; Saʿd ibn Ibrahim ibn ʿAbd al-Rahman ibn ʿAwf; Rabiʿah ibn Abi ʿAbd al-Rahman, a client of the sons of Tamim of Quraysh, namely Rabiʿah of Independent Legal Opinion; al-ʿAbbas ibn ʿAbd Allah ibn Maʿbad ibn al-ʿAbbas ibn ʿAbd al-Muttalib; ʿAbd al-Rahman ibn Harmalah al-Aslami; Zayd ibn Aslam; ʿUthman ibn ʿUrwah ibn al-Zubayr; Safwan ibn Sulaym; Ismaʿil ibn Umayyah ibn ʿAmr ibn Saʿid ibn al-ʿAs al-Umawi. Then, after these, came ʿUbayd Allah ibn ʿUmar ibn Hafs ibn ʿAsim ibn ʿUmar ibn al-Khattab; Muhammed ibn ʿAbd al-Rahman ibn Abi Dhi'b al-Qurashi al-ʿAmiri; Muhammed ibn Ishaq;

وهؤلاء هم الفقهاء السبعة المشهورون في المدينة. وكان من أهل الفتيا أيضا فيها أبان بن عثمان بن عفان، وأخذ عن أبيه، عبد الله، وسالم ابنا عبد الله بن عمر، أبو سلمة بن عبد الرحمن بن عوف، علي بن الحسين بن علي بن أبي طالب، ابنه محمد وأخذ عن جابر أبو بكر بن سليمان أبي خيثمة العدوي عدي قريش، نافع مولى ابن عمر، روينا عنه نحو عشر مسائل من فتياه، عمرة بنت عبد الرحمن بن سعد بن زرارة أخي أبي أمامة، أسعد بن زرارة رضي الله عنه، وذكر سفيان أنها كانت تستفتى في البيوع وأخذت عن عائشة وعن الصواحب الأنصاريات، ومروان بن الحكم قبل أن يقوم بالشام، وكان دون هؤلاء، وبعدهم أبو بكر بن محمد بن عمرو بن حزم وابناه محمد وعبد الله، عبد الله بن عمرو بن عثمان بن عفان، وابنه محمد، عبد الله والحسن ابنا محمد بن الحنفية وهو محمد بن علي بن أبي طالب، جعفر بن محمد بن علي بن الحسين بن علي بن أبي طالب، عبد الرحمن بن القاسم، بن محمد بن أبي بكر الصديق، مصعب بن محمد بن شرحبيل العبدري، محمد بن المنكدر التيمي، محمد بن مسلم بن شهاب الزهري. وقد جمع محمد بن أحمد بن مفرج فتاويه في ثلاثة أسفار ضخمة على أبواب الفقه عبد الله بن الحسن بن الحسين بن علي بن أبي طالب، يحيى بن سعيد بن قيس الأنصاري، أبو الزناد عبد الله بن يزيد بن هرمز، عمر بن حسين، سعد بن إبراهيم بن عبد الرحمن بن عوف ربيعة بن أبي عبد الرحمن مولى بن تميم من قريش وهو ربيعة الرأي العباس بن عبد الله بن معبد بن العباس بن عبد المطلب، عبد الرحمن بن حرملة الأسلمي، زيد بن أسلم، عثمان بن عروة بن الزبير، صفوان بن سليم، إسماعيل بن أمية بن عمرو بن سعيد بن العاص الأموي. ثم كان بعد هؤلاء عبيد الله بن عمر بن حفص بن عاصم بن عمر بن الخطاب، محمد بن عبد الرحمن بن أبي ذئب القرشي العامري، محمد بن إسحاق، مالك بن أنس، عبد العزيز بن أبي سلمة الماجشون، محمد بن عبد العزيز بن

[10]**Qur'an references (L2074):** Qur'an 48:29 (Al-Fath); Qur'an 57:10 (Al-Hadid); Qur'an 21:102 (Al-Anbya).

Malik ibn Anas; ʿAbd al-ʿAziz ibn Abi Salamah al-Majishun; Muhammed ibn ʿAbd al-ʿAziz ibn ʿUmar ibn ʿAbd al-Rahman ibn ʿAwf, who held the judgeship of Medina, and on whose legal opinion Jaʿfar ibn Sulayman ibn ʿAli ibn ʿAbd Allah ibn al-ʿAbbas had Malik ibn Anas beaten. After them came Malik's associates, such as ʿAbd al-ʿAziz ibn Abi Hazim; al-Mughirah ibn ʿAbd al-Rahman ibn al-Harith ibn ʿAbd Allah ibn ʿAyyash ibn Abi Rabiʿah ibn al-Mughirah al-Makhzumi; Muhammed ibn Maslamah ibn Muhammed ibn Hisham ibn Ismaʿil ibn al-Walid ibn al-Mughirah, who had a very large compilation of material he had heard from Malik; ʿAbd Allah ibn Nafiʿ, the one-eyed goldsmith; ʿAbd al-Malik ibn ʿAbd al-ʿAziz ibn Abi Salamah al-Majishun; Mutarrif ibn ʿAbd Allah ibn Mutarrif ibn Sulayman ibn Yasar; and Abu Musʿab Ahmad ibn Bakr al-Harith ibn Abi Zurarah ibn al-Musʿab ibn ʿAbd al-Rahman ibn ʿAwf al-Zuhri. He was the last surviving celebrated jurist in Medina. He died in the year two hundred and forty-two, in the days of al-Mutawakkil, and held the judgeship of Medina. Learning there diminished thereafter. Truly, we belong to Allah, and truly, to Him we return. Allah is the bestower of success; He is sufficient for us, and what an excellent Trustee He is.[11][12][13]

عمر بن عبد الرحمن بن عوف ولي قضاء المدينة، وبفتياه ضرب جعفر بن سليمان بن علي بن عبد الله بن العباس مالك بن أنس، وبعدهم أصحاب مالك: كعبد العزيز بن أبي حازم والمغيرة بن عبد الرحمن بن الحارث بن عبد الله بن عياش بن أبي ربيعة بن المغيرة، المخزومي، ومحمد بن مسلمة بن محمد بن هشام بن إسماعيل بن الوليد بن المغيرة وله ديوان كبير جدا سماعه من مالك، وعبد الله بن نافع الأعور الصائغ، وعبد الملك بن عبد العزيز بن أبي سلمة الماجشون، ومطرف بن عبد الله بن مطرف بن سليمان بن يسار، وأبو مصعب أحمد بن بكر الحارث بن أبي زرارة بن المصعب بن عبد الرحمن بن عوف الزهري، وهو آخر من بقي من الفقهاء المشاهير بالمدينة، ومات سنة اثنتين وأربعين ومائتين أيام المتوكل، وولي قضاء المدينة، وقل العلم بها بعد ذلك، فإنا لله وإنا إليه راجعون، والله ولي التوفيق وهو حسبنا ونعم الوكيل.

L2095–2104 The jurists of Basra after the Companions, may Allah be pleased with them ʿAmr ibn Salamah al-Jarmi, who lived in the time of the Prophet, may Allah bless him and grant him peace ﷺ, and whose father was a Companion; Abu Maryam al-Hanafi; Kaʿb ibn Sur; ʿAmr ibn Yathribi; al-Hasan ibn Abi al-Hasan, who encountered five hundred Companions, and whose legal opin-

فقهاء البصرة بعد الصحابة رضي الله عنهم عمرو بن سلمة الجرمي وأدرك النبي صلى الله عليه وسلم ولأبيه صحبة أبو مريم الحنفي كعب بن سور عمرو بن يثربي، والحسن بن أبي الحسن وأدرك خمسمائة من الصحابة. وقد جمع بعض الفقهاء فتياه في سبعة أسفار ضخمة، جابر بن زيد أبو الشعثاء، أخذ عن ابن عباس، محمد بن سيرين، يحيى بن يعمر أبو قلابة عبد الله بن زيد الجرمي، مسلم بن يسار، أبو العالية الرياحي مولى بكر بن عبد الله المزني، حميد بن عبد الرحمن، مطرف بن عبد الله بن الشخير الحرشي، زرارة بن أوفى، أبو بردة بن أبي موسى الأشعري، معبد بن عبد الله، عكيم الجهني، عبد الملك بن يعلى الليثي القاضي، بلال بن أبي بردة بن أبي موسى الأشعري، وهؤلاء لقوا أكابر الصحابة رضي الله عنهم. ثم كان بعدهم: أيوب بن كيسان السختياني، سليمان

[11] **Translator's note (L2090):** The wording "ibn Sulayman Abi Khaythamah" is genealogically awkward: it does not explicitly supply "ibn" before "Abi Khaythamah." The translation preserves the sequence without inserting another generation.

[12] **Translator's note (L2092):** The unpunctuated sequence "Abu al-Zinad ʿAbd Allah ibn Yazid ibn Hurmuz" has been divided into two entries; the supplied text does not explicitly mark that division. The phrase rendered "a client of the sons of Tamim" reads "mawla ibn Tamim," an irregular construction that may reflect a defective transcription of a clan name. "Tamim" has been retained. "Rabiʿah of Independent Legal Opinion" renders the sobriquet Rabiʿat al-Raʾy, preserving its reference to legal reasoning.

[13] **Translator's note (L2094):** The name continues directly from the preceding segment as "Ahmad ibn Bakr al-Harith ibn Abi Zurarah." Its genealogy is awkward as supplied; no missing "ibn" or alternative name has been inserted.

ions one of the jurists collected in seven substantial volumes; Jabir ibn Zayd Abu al-Shaʿtha', who learned from Ibn ʿAbbas; Muhammed ibn Sirin; Yahya ibn Yaʿmar; Abu Qilabah ʿAbd Allah ibn Zayd al-Jarmi; Muslim ibn Yasar; Abu al-ʿAliyah al-Riyahi, the client of Bakr son of Abd Allah al-Muzani; Humayd ibn Abd al-Rahman; Mutarrif ibn Abd Allah ibn al-Shikhkhir al-Harashi; Zurarah ibn Awfa; Abu Burdah ibn Abi Musa al-Ashari; Mabad ibn Abd Allah; Ukaym al-Juhani; Abd al-Malik ibn Yala al-Laythi, the judge; Bilal ibn Abi Burdah ibn Abi Musa al-Ashari. These met the foremost Companions, may Allah be pleased with them. Then after them came Ayyub ibn Kaysan al-Sakhtiyani; Sulayman ibn Tarkhan al-Taymi, a client; Yunus ibn Ubayd; Abd Allah ibn Awn; Khalid ibn Abi Imran; al-Qasim ibn Rabiah; Ashath ibn Abd al-Malik al-Humrani; Hafs ibn Sulayman al-Minqari; Qatadah ibn Diamah al-Sadusi; and Iyas ibn Muawiyah, the judge. After them came Sawwar ibn Abd al-Malik, the Anbari judge; Abu Bakr al-Ataki; Uthman ibn Muslim al-Batti; Talhah ibn Iyas, the judge; Ubayd Allah ibn al-Hasan al-Anbari, the judge; Ashath ibn Jabir; and Amr ibn Ubayd. Then after these came Abd al-Wahhab ibn Abd al-Majid al-Thaqafi; Said ibn Abi Arubah; Hammad ibn Salamah; Hammad ibn Zayd; Abd Allah ibn Dawud al-Khuraybi; Ismail ibn Ulayyah; Bishr ibn al-Mufaddal ibn Lahiq; Muadh ibn Muadh al-Anbari; Abu Asim al-Dahhak ibn Makhlad; Mamar ibn Rashid; Quraysh ibn Anas; Ubayd Allah ibn Muadh; Muhammed ibn Abd Allah al-Ansari; and Kulthum ibn Kulthum. Then Abu Hanifah's legal opinion entered among them through Yusuf ibn Khalid and others, and Malik's legal opinion through Ahmad ibn al-Muadhdhal, except for a few whose circumstances have not reached us, and some whose names have reached us, such as Sulayman ibn Harb al-Washiji, who followed the earlier ways in issuing his legal opinions, and Ibrahim ibn Ulayyah; Yahya ibn Aktham, the judge; Abd al-Salam ibn Umar; Yahya ibn Said al-Qattan; Abd al-Rahman ibn Mahdi; Khalid ibn al-Harith al-Hujaymi; Abd al-Warith ibn Said al-Tannuri; Shubah ibn al-Hajjaj; and their peers among the leading scholars of hadith, whose extensive knowledge of the transmitted practices and reports from the Companions is beyond doubt, as is the fact that each followed no one uncritically in his religion. They are therefore counted among those we have mentioned, but their legal opinions are very few indeed. In issuing legal opinions, they relied only on what they

بن طرخان التيمي مولى يونس بن عبيد، عبد الله بن عون، خالد بن أبي عمران، القاسم بن ربيعة، أشعث بن عبد الملك الحمراني، حفص بن سليمان المنقري، قتادة بن دعامة السدوسي، إياس بن معاوية القاضي. وبعدهم: سوار بن عبد الملك القاضي العنبري، أبو بكر العتكي، عثمان بن مسلم البتي، طلحة بن إياس القاضي، عبيد الله بن الحسن العنبري القاضي، أشعث بن جابر، عمرو بن عبيد، ثم كان بعد هؤلاء: عبد الوهاب بن عبد المجيد الثقفي، سعيد بن أبي عروبة، حماد بن سلمة، حماد بن زيد، عبد الله بن داود الخريبي، إسماعيل بن علية، بشر بن المفضل بن لاحق، معاذ بن معاذ العنبري، أبو عاصم الضحاك بن مخلد، معمر بن راشد، قريش بن أنس، عبيد الله بن معاذ، محمد بن عبد الله الأنصاري، كلثوم بن كلثوم. ثم دخل عندهم رأي أبي حنيفة بيوسف بن خالد وغيره، ورأى مالك بأحمد بن المعذل إلا قليلا ممن لم يبلغنا أمره. وممن بلغنا ذكره كسليمان بن حرب الواشجي فإنه كان جاريا على السنن الأولى في فتياه، وإبراهيم بن علية، ويحيى بن أكثم القاضي، وعبد السلام بن عمر، ويحيى بن سعيد القطان، وعبد الرحمن بن مهدي، وخالد بن الحارث الهجيمي، وعبد الوارث بن سعيد التنوري، وشعبة بن الحجاج. ونظرائهم من أئمة المحدثين ممن لا شك في سعة علمه بالسنن والآثار عن الصحابة وفي أنه كان لا يقلد أحدا في دينه. فهم معدودون فيمن ذكرنا ولكن فتاويهم قليلة جدا، وإنما كانوا يعولون في فتياهم على ما رووا من فتاوى الصحابة والتابعين ولا يكادون في كثير ممن ذكرنا لا يحفظ عنه إلا المسألة والمسألتين ونحو ذلك وكثير منهم أكثر من الفتيا جدا. فقهاء الكوفة بعد الصحابة رضي الله عنهم علقمة بن قيس النخعي الأسود بن يزيد النخعي وهو عم علقمة أخو أبيه، أبو ميسرة عمرو بن شرحبيل الهمداني، مسروق بن الأجدع الهمداني، عبيدة السلماني، شريح بن الحارث الكندي القاضي، سلمان بن ربيعة الباهلي، زيد بن صوحان، سويد بن غفلة، الحارث بن قيس الجعفي، عبد الرحمن بن يزيد بن قيس النخعي، أخو الأسود

transmitted of the legal opinions of the Companions and the Successors, and they scarcely did so. From many of those we have mentioned, only an answer to one question or two questions, or something of that order, has been preserved, whereas many of them issued very numerous legal opinions.

The Jurists of Kufa after the Companions, May Allah Be Pleased with Them

Alqamah ibn Qays al-Nakhai; al-Aswad ibn Yazid al-Nakhai, who was Alqamah's paternal uncle, his father's brother; Abu Maysarah Amr ibn Shurahbil al-Hamdani; Masruq ibn al-Ajda al-Hamdani; Abidah al-Salmani; Shurayh ibn al-Harith al-Kindi, the judge; Salman ibn Rabiah al-Bahili; Zayd ibn Suhan; Suwayd ibn Ghafalah; al-Harith ibn Qays al-Jufi; Abd al-Rahman ibn Yazid ibn Qays al-Nakhai, the brother of al-Aswad ibn Yazid ibn Abd Allah ibn Utbah ibn Masud, the judge; Khaythamah ibn Abd al-Rahman; Abu Hudhayfah Salamah ibn Suhayb; Abu Atiyyah Malik ibn Amir; Abu al-Akhwas; Abd Allah ibn Sakhirah; Raz ibn Hubaysh al-Asadi; Khilas ibn Amr, who was one of Ali's companions, may Allah be pleased with him; Amr ibn Maymun al-Awdi, one of Muadh ibn Jabal's companions; Hammam ibn al-Harith; Nabatah al-Jufi; al-Harith ibn Suwayd; Zayd ibn Muawiyah al-Nakhai; Muaddid al-Shaybani; al-Rabi ibn Khuthaym al-Thawri; Utbah ibn Farqad al-Sulami; his son Amr; Silah ibn Zufar al-Absi; Sharik ibn Hanbal; Abu Wail Shaqiq ibn Salamah al-Asadi; and Ubayd ibn Nadlah. These were companions of Ibn Masud and Ali and foremost members of the Successors. They issued legal opinions concerning religion, and their legal opinions were sought by the people, while the foremost Companions were alive and present, permitting them to do so. Most of them had learned from Umar ibn al-Khattab, Aishah the Mother of the Believers, Ali, and others. Umar ibn Maymun met Muadh ibn Jabal, accompanied him, and learned from him, and thus did so. At his death, Muadh charged him to join Ibn Masud, accompany him, and seek knowledge with him. To these should be added Abu Ubaydah and Abd al-Rahman, the two sons of Abd Allah ibn Masud; Abd al-Rahman ibn Abi Layla al-Ansari, who learned from one hundred and twenty Companions; Maysarah; Zadhan; and al-Dahhak al-Masriqi. Then after them came Ibrahim al-Nakhai; Amir al-Shabi; and Said ibn Jubayr, the client of the Banu Asad, the companion of Ibn Abbas; al-Qasim ibn Abd al-Rahman ibn

بن يزيد بن عبد الله بن عتبة بن مسعود القاضي، خيثمة بن عبد الرحمن أبو حذيفة، سلمة بن صهيب، أبو عطية مالك بن عامر أبو الأخوص، عبد الله بن سخيرة، رزبن حبيش الأسدي، خلاس بن عمرو وهو من أصحاب علي رضي الله عنه. عمرو بن ميمون الأودي من أصحاب معاذ بن جبل، همام بن الحارث، نباتة الجعفي، الحارث بن سويد، زيد بن معاوية النخعي، معضد الشيباني، الربيع بن خيثم الثوري، عتبة بن فرقد السلمي ابنه عمرو، صلة بن زفر العبسي، شريك بن حنبل، أبو وائل شقيق بن سلمة الأسدي، عبيد بن نضلة. وهؤلاء أصحاب ابن مسعود وعلي وأكابر التابعين كانوا يفتون في الدين ويستفتيهم الناس وأكابر الصحابة أحياء حاضرون يجوزون لهم ذلك وأكثرهم قد أخذ عن عمر بن الخطاب وعائشة أم المؤمنين وعلي وغيرهم ولقي عمر بن ميمون معاذ بن جبل وصحبه وأخذ عنه ففعل ذلك وأوصاه معاذ عند موته أن يلحق بابن مسعود فيصحبه ويطلب العلم عنده، ويضاف إلى هؤلاء أبو عبيدة وعبد الرحمن ابنا عبد الله بن مسعود وعبد الرحمن بن أبي ليلى الأنصاري. وأخذ عن مائة وعشرين من الصحابة وميسرة وزاذان والضحاك المسرفي. ثم كان بعدهم: إبراهيم النخعي وعامر الشعبي، وسعيد بن جبير مولى بني أسد صاحب ابن عباس، والقاسم بن عبد الرحمن بن عبد الله بن مسعود الهذلي، وأبو بكر بن أبي موسى الأشعري وكان سائر إخوته بالبصرة ومحارب بن دثار سدوسي، والحكم بن عتيبة، وجبلة بن سحيم الشيباني وصحب ابن عمر. ثم كان بعد هؤلاء حماد بن أبي سليمان ومنصور بن المعتمر السلمي والمغيرة بن مقسم الضبي وسليمان الأعمش مولى بني أسد ومصعر بن كدام الهلالي. ثم كان بعد هؤلاء: محمد بن عبد الرحمن بن أبي ليلى القاضي وعبد الله بن شبرمة القاضي الضبي، وسعيد بن أشوع القاضي وشريك القاضي النخعي والقاسم بن معن وسفيان بن سعيد الثوري، وأبو حنيفة النعمان بن ثابت والحسن بن صالح بن حي. ثم كان بعدهم: حفص بن غياث القاضي ووكيع بن الجراح وأصحاب أبي

Abd Allah ibn Masud al-Hudhali; Abu Bakr ibn Abi Musa al-Ashari, whose other brothers were in Basra; Muharib ibn Dithar, a Sadusi; al-Hakam ibn Utaybah; and Jabalah ibn Suhaym al-Shaybani, who accompanied Ibn Umar. Then after these came Hammad ibn Abi Sulayman; Mansur ibn al-Mutamir al-Sulami; al-Mughirah ibn Miqsam al-Dabbi; Sulayman al-Amash, the client of the Banu Asad; and Misar ibn Kidam al-Hilali. Then after these came Muhammed ibn Abd al-Rahman ibn Abi Layla, the judge; Abd Allah ibn Shubrumah, the Dabbi judge; Said ibn Ashwa, the judge; Sharik, the Nakhai judge; al-Qasim ibn Man; Sufyan ibn Said al-Thawri; Abu Hanifah al-Numan ibn Thabit; and al-Hasan ibn Salih ibn Hayy. Then after them came Hafs ibn Ghiyath, the judge; Waki ibn al-Jarrah; and Abu Hanifah's associates, such as Abu Yusuf, the judge; Zufar ibn al-Hudhayl, a Basran who settled in Kufa; Hammad ibn Abi Hanifah; al-Hasan ibn Ziyad al-Lului, the judge; Muhammed ibn al-Hasan, the judge of Raqqah; Afiyah, the judge; Asad ibn Amr; and Nuh ibn Darraj, the judge; and Sufyan al-Thawri's associates, such as al-Ashjai and al-Muafa ibn Imran; and the two associates of al-Hasan ibn Hayy, Humayd al-Ruasi and Yahya ibn Adam; and a group of scholars of hadith who were not renowned for issuing legal opinions. Then they came to be dominated by uncritical adherence to Abu Hanifah. We have mentioned those associates of Abu Hanifah whom we have mentioned, to the exclusion of the rest, only because they were not wholly absorbed in uncritical adherence. Rather, by their own choice they disagreed with him on many matters of jurisprudence, and for that reason they were included among the jurists. The same applies to those associates of Malik whom we have mentioned among the jurists of Medina and those whom we shall mention among the jurists of Egypt. As for someone wholly absorbed in uncritical adherence, who disagrees with his master on nothing, he is unworthy of being mentioned among the jurists, nor does he deserve to have his name included among the people of knowledge, because he is not one of them. Rather, he is 'like the donkey carrying books.' Success comes through Allah Most High; He is sufficient for us, and an excellent Trustee is He.

The Jurists of the People of Syria after the Companions, May Allah Be Pleased with Them

حنيفة، كأبي يوسف القاضي وزفر بن الهزيل بصري سكن الكوفة وحماد بن أبي حنيفة والحسن بن زياد اللؤلؤي القاضي، ومحمد بن الحسن قاضي الرقة وعافية القاضي وأسد بن عمرو ونوح بن دراج القاضي وأصحاب سفيان الثوري كالأشجعي والمعافى بن عمران وصاحبي الحسن بن حي حميد الرؤاسي ويحيى بن آدم وقوم من أصحاب الحديث لم يشتهروا بالفتيا. ثم غلب عليهم تقليد أبي حنيفة وإنما ذكرنا من ذكرنا من أصحاب أبي حنيفة دون سائرهم، لأنهم لم يستهلكوا في التقليد، بل خالفوه باختيارهم في كثير من الفقه، فدخلوا من أجل ذلك في جملة الفقهاء. وكذلك من ذكرنا في فقهاء المدينة من أصحاب مالك ومن نذكره منهم في فقهاء أهل مصر. وأما من استهلك في التقليد فلم يخالف صاحبه في شيء فليس أهلا أن يذكر في أهل الفقه ولا يستحق أن يلحق اسمه في أهل العلم لأنه ليس منهم، ولكنه كمثل الحمار يحمل أسفارا. وبالله تعالى التوفيق، وهو حسبنا ونعم الوكيل. فقهاء أهل الشام بعد الصحابة رضي الله عنهم أبو إدريس الخولاني ولقي معاذا وأخذ عنه شرحبيل بن الصمت عبد الله بن أبي زكريا الخزاعي، قبيصة بن ذؤيب الخزاعي وطلب بالمدينة. وجنادة بن أبي أمية، وسليمان بن حبيب المحاربي والحارث بن عميرة الزبيدي وخالد بن معدان وعبد الرحمن بن غنم الأشعري وجبير بن نفير، ثم كان بعدهم عبد الرحمن بن جبير بن نفير ومكحول وعمر بن عبد العزيز ورجاء بن حيوة، وكان عبد الملك بن مروان يعد في الفقهاء قبل أن يلي ما ولي، وحدير بن كريب. ثم كان بعد هؤلاء: يحيى بن حمزة القاضي وأبو عمرو عبد الرحمن بن عمرو الأوزاعي وإسماعيل بن أبي المهاجر وسليمان هو مولى ابن موسى الأموي وسعيد بن عبد العزيز ثم مخلد بن الحسين والوليد بن مسلم والعباس بن يزيد صاحب الأوزاعي، وشعيب بن إسحاق صاحب أبي حنيفة وأبو إسحاق الفزاري صاحب ابن المبارك. ثم لم يكن بعد هؤلاء في الشام فقيه مشهور.

Abu Idris al-Khawlani, who met Muadh and learned from him; Shurahbil ibn al-Samt; Abd Allah ibn Abi Zakariyya al-Khuzai; Qabisah ibn Dhuayb al-Khuzai, who sought knowledge in Medina; Junadah ibn Abi Umayyah; Sulayman ibn Habib al-Muharibi; and al-Harith ibn Umayrah al-Zubaydi, and Khalid ibn Madan; Abd al-Rahman ibn Ghanm al-Ashari; and Jubayr ibn Nufayr. Then after them came Abd al-Rahman ibn Jubayr ibn Nufayr; Makhul; and Umar ibn Abd al-Aziz; and Raja ibn Haywah. Abd al-Malik ibn Marwan was counted among the jurists before he assumed the authority that he assumed; and Hudayr ibn Kurayb. Then after these came Yahya ibn Hamzah, the judge; Abu Amr Abd al-Rahman ibn Amr al-Awzai; Ismail ibn Abi al-Muhajir; Sulayman—he is the client of Ibn Musa al-Umawi; and Said ibn Abd al-Aziz. Then came Makhlad ibn al-Husayn; al-Walid ibn Muslim; al-Abbas ibn Yazid, the associate of al-Awzai; Shuayb ibn Ishaq, the associate

of Abu Hanifah; and Abu Ishaq al-Fazari, the associate of Ibn al-Mubarak. Then after these there was no renowned jurist in Syria.[14][15][16][17][18][19]

L2105 The jurists of Egypt after the Companions, may Allah be pleased with them, were Yazid ibn Abi Habib and Bukayr ibn ʻAbd Allah ibn al-Ashajj, and after them ʻAmr ibn al-Harith. It has been transmitted from Ibn Wahb that he said: "Had ʻAmr ibn al-Harith lived on among us, we would have had no need, with him present, for Malik or anyone else." He was an Ansari. There were also al-Layth ibn Saʻd and ʻUbayd Allah ibn Abi Jaʻfar, and af-

فقهاء مصر بعد الصحابة رضي الله عنهم يزيد بن أبي حبيب وبكير بن عبد الله بن الأشج وبعدهما عمرو بن الحارث، وقد روي عن ابن وهب أنه قال: لو عاش لنا عمرو بن الحارث ما احتجنا معه إلى مالك ولا إلى غيره، وهو أنصاري، والليث بن سعد، وعبيد الله بن أبي جعفر، وبعدهم أصحاب مالك كعبد الله بن وهب وعثمان بن كنانة وأشهب وابن القاسم على غلبة تقليد مالك عليه إلا في الأقل. ثم أصحاب الشافعي كأبي إبراهيم إسماعيل بن يحيى المزني وأبي يعقوب يوسف بن يحيى البويطي ومحمد بن عبد الله بن عبد الحكم. ثم غاب عليهم تقليد مالك وتقليد الشافعي إلا قوما قليلا لهم اختيارات كمحمد بن يوسف وأبي جعفر أحمد بن محمد الصحاوي وغيرهما. وكان بالقيروان سحنون بن سعيد، وله كثير من الاختيار، وسعيد بن محمد بن الحداد. وكان بالأندلس ممن له أيضا شيء من الاختيار يحيى بن يحيى وعبد الملك بن حبيب وبقي بن مخلد وقاسم بن محمد صاحب الوثائق، يحفظ لهم فتاوى يسيرة. وكذلك أسلم بن عبد العزيز القاضي ومنذر بن سعيد. وممن أدركنا من أهل العلم على الصفة التي من بلغها استحق الاعتداد به في الاختلاف: مسعود بن سليمان بن مفلت، ويوسف بن عبد الله بن محمد بن عبد البر النمري.

[14] **Translator's note (L2095):** The final client relationship is translated as supplied and continues into the next segment. Its wording may reflect a transcription problem; no different affiliation has been substituted.

[15] **Translator's note (L2096):** The opening continues the name Bakr ibn Abd Allah al-Muzani from the preceding segment; only the portion present here is translated. The unpunctuated sequence 'Mabad ibn Abd Allah Ukaym al-Juhani' leaves the boundary between names uncertain. It is rendered as two entries without supplying a missing patronymic. The word meaning 'client' follows Sulayman al-Taymi without naming the person or group to whom he was affiliated. Yunus ibn Ubayd is treated as the next entry, though the unpunctuated wording could grammatically attach his name to 'client'.

[16] **Translator's note (L2099):** The phrase translated 'and they scarcely did so' lacks an explicit complement and is followed by an abrupt syntactic restart. The translation preserves the interruption without supplying a specific missing action. The source calls al-Aswad Alqamah's paternal uncle. This appears to reverse the commonly given relationship, but the claim is retained as written. The sequence after 'the brother of al-Aswad ibn Yazid' appears to conflate a kinship description with another list entry. The supplied wording continues directly with 'ibn Abd Allah ibn Utbah ibn Masud, the judge'; it is retained without inserting a conjectural personal name or silently separating the genealogy. The supplied forms Abu al-Akhwas, Abd Allah ibn Sakhirah, and 'Raz ibn Hubaysh' appear corrupt; the last is written as the fused sequence 'رزبن حبيش'. These readings are represented rather than silently replaced with conjectural corrections.

[17] **Translator's note (L2100):** The source here names Umar ibn Maymun, whereas the preceding unit names Amr ibn Maymun. The discrepancy is retained. The phrase 'and thus did so' translates the source's repetitive 'fa-faala dhalika'; its precise reference is unclear.

[18] **Translator's note (L2101):** The source writes the name rendered Misar as 'مصعر', an apparent spelling corruption; the supplied consonant corresponding to s is retained rather than silently changing the name to the familiar Musir/Misar form written with س.

[19] **Translator's note (L2104):** The source's sequence 'Sulayman—he is the client of Ibn Musa al-Umawi' appears disordered or corrupt. It is translated as supplied rather than rearranged into a conjectural personal name and affiliation.

ter them the associates of Malik, such as ʻAbd Allah ibn Wahb, ʻUthman ibn Kinanah, Ashhab, and Ibn al-Qasim, although uncritical adherence to Malik predominated in the latter, except in very few matters. Then came the associates of al-Shafiʻi, such as Abu Ibrahim Ismaʻil ibn Yahya al-Muzani, Abu Yaʻqub Yusuf ibn Yahya al-Buwayti, and Muhammed ibn ʻAbd Allah ibn ʻAbd al-Hakam. Then uncritical adherence to Malik and uncritical adherence to al-Shafiʻi predominated among them, except for a few people who had independently chosen positions, such as Muhammed ibn Yusuf, Abu Jaʻfar Ahmad ibn Muhammed al-Sahawi, and others. In Qayrawan there were Sahnun ibn Saʻid, who had many independently chosen positions, and Saʻid ibn Muhammed ibn al-Haddad. In al-Andalus, those who likewise had some independently chosen positions included Yahya ibn Yahya, ʻAbd al-Malik ibn Habib, Baqi ibn Makhlad, and Qasim ibn Muhammed, the specialist in legal instruments; a few legal opinions of theirs are preserved. Likewise, there were Aslam ibn ʻAbd al-ʻAziz the judge and Mundhir ibn Saʻid. Among the people of learning whom we met who possessed the qualification that entitles its possessor to be counted in scholarly disagreement were Masʻud ibn Sulayman ibn Muflit and Yusuf ibn ʻAbd Allah ibn Muhammed ibn ʻAbd al-Barr al-Namari.[20]

وكان باليمن مطرف بن مازن قاضي صنعاء وعبد الرزاق بن همام، وهشام بن يوسف، ومحمد بن ثور، وسماك بن الفضل. والأئمة المتقدمين من أهل الثبات على السنن الأول، ولكنهم ليسوا في أعداد أهل الأمصار، منهم خراسانيون، ومنهم من سكن بغداد. قال أبو محمد: عبد الله بن المبارك الخراساني، ونعيم بن حماد، وأبو ثور إبراهيم بن خالد الكلبي صاحب الشافعي بغدادي وأحمد بن محمد بن حنبل مروزي سكن بغداد، وإسحاق بن راهويه نيسابوري سكن بغداد، وأبو عبيد القاسم بن سلام اللغوي كوفي سكن بغداد، وسليمان بن داود بن علي بن عبد الله بن العباس بن عبد المطلب بن هاشم بن عبد مناف، وحسين بن علي الكرابيسي بغدادي، وكان أبو خيثمة زهير بن حرب يجري مجراهم، ولم يكن له اتساعهم، وأبو حاتم محمد بن إدريس الحنظلي صليبة،

L2106–2109 In Yemen there were Mutarrif ibn Mazin, the judge of Sanaʻa, ʻAbd al-Razzaq ibn Hammam, Hisham ibn Yusuf, Muhammed ibn Thawr, and Simak ibn al-Fadl. There were also the earlier leading scholars who remained steadfast in following the earliest established practices, but they are not counted among the scholars of the regional centers; some were Khurasanis, and some settled in Baghdad. Abu Muhammed said: ʻAbd Allah ibn al-Mubarak al-Khurasani; Nuʻaym ibn Hammad; Abu Thawr Ibrahim ibn Khalid al-Kalbi, an associate of al-Shafiʻi, who was a Baghdadi; Ahmad ibn Muhammed ibn Hanbal, a native of Marw who settled in Baghdad; Ishaq ibn Rahawayh, a native of Nishapur

[20] **Translator's note (L2105):** The source reads غاب عليهم, literally suggesting disappearance or absence, where the context appears to require غلب عليهم, "predominated among them." The translation follows this apparent intended reading explicitly rather than treating the supplied wording as unproblematic. The supplied name الصحاوي is rendered al-Sahawi; it appears to be an error for الطحاوي, al-Tahawi, but has not been silently corrected.

who settled in Baghdad; Abu ʻUbayd al-Qasim ibn Sallam the linguist, a Kufan who settled in Baghdad; Sulayman ibn Dawud ibn ʻAli ibn ʻAbd Allah ibn al-ʻAbbas ibn ʻAbd al-Muttalib ibn Hashim ibn ʻAbd Manaf; and Husayn ibn ʻAli al-Karabisi, a Baghdadi. Abu Khaythamah Zuhayr ibn Harb followed their course, although he did not possess their breadth of learning. There were also Abu Hatim Muhammed ibn Idris, a Hanẓali by direct descent, and Abu Zurʻah ʻUbayd Allah ibn ʻAbd al-Karim, both of Rayy. Hushaym ibn Bashir also had independently chosen positions. After these came Dawud ibn ʻAli, Muhammed ibn Nasr al-Marwazi, and Muhammed ibn Ismaʻil al-Bukhari; then Muhammed ibn Jarir al-Tabari, Muhammed ibn Ibrahim ibn al-Mundhir al-Naysaburi, and the associates of Dawud, such as his son Muhammed, ʻAbd Allah ibn Ahmad ibn al-Mughallis, ʻAbd Allah ibn Muhammed Ruwaym, ʻAbd Allah ibn Muhammed al-Radiʻ, Abu Bakr ibn al-Najjar, Abu Bakr Ahmad ibn Muhammed al-Awani, al-Khallal, and Abu al-Tayyib Muhammed ibn Ahmad al-Diyaji, all of them Baghdadis. Among their peers, although they were proponents of analogy, were Abu ʻUbayd ʻAli ibn Harb, the judge of Egypt, and Abu Ishaq Ibrahim ibn Jaʻfar ibn Jabir, the judge of Aleppo; both inclined toward al-Shafiʻi. Also among these were Muhammed ibn Shujaʻ al-Balkhi, Ahmad ibn Abi ʻImran, and Bakkar ibn Qutaybah, a Basran who assumed the judgeship of Egypt and died there. These, too, had independently chosen positions, even though for the most part they did not depart from Abu Hanifah and his associates Zufar, Abu Yusuf, and Muhammed ibn al-Hasan. Abu Muhammed said: This chapter is of immense benefit in exposing the falsity of claims of consensus concerning questions of jurisprudence on which people's positions cannot be comprehensively known except through transmission. Those whom we have mentioned are the ones whose positions our opponents count when considering disagreement, and whose agreement they count when considering consensus, after the consensus of the Companions.

وأبو زرعة عبيد الله بن عبد الكريم الرازيان، وكان هشيم بن بشير له اختيارات. وكان بعد هؤلاء: داود بن علي، ومحمد بن نصر المروزي، ومحمد بن إسماعيل البخاري، ثم محمد بن جرير الطبري، ومحمد بن إبراهيم بن المنذر النيسابوري، وأصحاب داود كمحمد ابنه، وعبد الله بن أحمد بن المغلس، وعبد الله بن محمد رويم وعبد الله بن محمد الرضيع، وأبي بكر بن النجار، وأبي بكر أحمد بن محمد الأواني، والخلال، وأبي الطيب محمد بن أحمد الدياجي؛ بغداديون كلهم. ومن نظرائهم ولكنهم من أصحاب القياس: أبو عبيد علي بن حرب قاضي مصر وأبو إسحاق إبراهيم بن جعفر بن جابر قاضي حلب، وكانا مائلين إلى الشافعي، ومن هؤلاء أيضا: محمد بن شجاع البلخي، وأحمد بن أبي عمران، وبكار بن قتيبة بصري ولي قضاء مصر وبها مات. فهؤلاء أيضا لهم اختيارات وإن كانوا في الأغلب لا يفارقون أبا حنيفة وأصحابه زفر وأبا يوسف ومحمد بن الحسن. قال أبو محمد: وهذا الباب له منفعة عظيمة في تكذيب دعوى الإجماع في مسائل الفقه التي لا تعم أقوال الناس فيها إلا بالرواية فهؤلاء الذين ذكرناهم الذين يعتد خصومنا بأقوالهم في الخلاف وبإجماعهم في الإجماع بعد إجماع الصحابة وهؤلاء الذين رويت عنهم الأقوال في مسائل الفقه.

These are the people from whom positions on questions of jurisprudence have been transmitted.[21][22][23]

L2110 From many of these, only positions on two or three questions are preserved. We may have overlooked some whom we have not mentioned, but they are undoubtedly few, and belong to those from whom very little indeed is preserved. We are human, and perfection among human beings belongs to the prophets, peace be upon them, and to those whom the Prophet, may Allah bless him and grant him peace ﷺ, described as possessing perfection. Success comes through Allah Most High. Now, if the only Successors whose identities have been recorded are those we have named, while everyone who knows anything of the historical reports knows with absolute certainty that they filled the land—from the furthest reaches of Sind and the furthest reaches of Khurasan to Armenia and Azerbaijan, to Mosul and the territories of Rabi'ah and Mudar, to Syria, to Egypt, to Ifriqiyah, to the furthest reaches of al-Andalus, to the remotest Berber lands, to the Hijaz, Yemen, and the whole Arabian Peninsula, to Iraq, to al-Ahwaz, to Fars, to Kirman, to Sijistan, to Kabul, to Sind, Isfahan, Tabaristan, Jurjan, and al-Jibal—and that Islam spread throughout all these lands and prevailed over them, praise be to Allah Most High, and that throughout all the lands we have mentioned the Muslims had no large village without a legal adviser and a teacher of Quranic recitation, sometimes more than one: how could anyone possessed of reason and some measure of religion, who fears Allah Most High concerning lying

وكثير من هؤلاء لا يحفظ عنهم إلا المسألتان والثلاث وربما فاتنا من لم نذكر إلا أنهم بلا شك يسير، وممن لا يحفظ عنه إلا اليسير جدا، ونحن بشر والكمال من الناس للنبيين عليهم السلام ولمن وصفه النبي عليه الصلاة والسلام بالكمال، وبالله تعالى التوفيق. فإذا لم يضبط من التابعين إلا من سمينا، وكل من يدري شيئا من الأخبار يوقن قطعا بأنهم ملؤوا الأرض من أقصى السند وأقصى خراسان إلى أرمينية وأذربيجان إلى الموصل وديار ربيعة وديار مضر إلى الشام إلى مصر إلى أفريقيا إلى أقصى الأندلس إلى أقاصي بلاد البربر إلى الحجاز واليمن وجميع جزيرة العرب إلى العراق إلى الأهواز إلى فارس إلى كرمان إلى سجستان إلى كابل إلى السند وأصبهان وطبرستان وجرجان والجبال، وأن جميع هذه البلاد فشا فيها الإسلام وغلب عليها، ولله تعالى الحمد. وإنه لم يكن للمسلمين في جميع ما ذكرنا من البلاد ولا قرية ضخمة إلا كان فيها المفتي والمقرىء وربما أكثر من واحد، فكيف يسوغ لدى عقل له حظ من دين يخاف الله تعالى في الكذب، ويتقي العار والشهرة والافتضاح بالإفك على كل مفت كان في البلاد المذكورة في دعواه الإجماع على ما لا يتيقن أن كل واحد من مفتي جميع تلك البلاد قال به

[21] **Translator's note (L2106):** The accusative form الأئمة المتقدمين is syntactically irregular here. It is understood as introducing a further group, whose description continues in the next unit.

[22] **Translator's note (L2107):** Several personal names in this list may contain transcription errors. The supplied forms حرب, رويم, الرضيع, الأواني, and الدياجي have been retained as Harb, Ruwaym, al-Radi', al-Awani, and al-Diyaji. The unpunctuated sequence الأواني والخلال is translated as listing al-Awani and al-Khallal separately, although the intended division of names is uncertain.

[23] **Translator's note (L2108):** The source reads لا تعم أقوال الناس فيها, an awkward expression literally concerning the comprehensiveness of people's positions. The translation understands it as referring to comprehensive knowledge of those positions through transmission.

and guards against disgrace, notoriety, and exposure for falsely attributing statements to every legal adviser in the lands mentioned, consider it permissible to claim consensus on something that he does not know with certainty every one of the legal advisers in all those lands affirmed?

L2111–2112 And if those we have named are but a small fraction compared with those whose names have not reached us, and for most of them only positions on very few questions can be found, although they themselves are few in number, where are their legal opinions on all the other matters concerning which nothing has been transmitted from them? What, then, of those among them who have not been named? It is thus established with certainty that none can enumerate all the positions of the Successors, and then the positions of the people of each subsequent age, on every case that arises, except Allah Most High, their Creator, from whom nothing in His creation is hidden. By Allah, the angels have not enumerated that, for each angel enumerates only the statements of those over whom he has been appointed a guardian and an ever-ready watcher, not the statements of anyone else. How, then, could someone who has been given only a little knowledge undertake to enumerate all of it? It has therefore become as clear as the sun on a cloudless day that anyone who claims consensus concerning anything other than that of which it is known with certainty that whoever did not affirm it was not a Muslim is a liar, a purveyor of falsehood, and a fabricator. We seek refuge in Allah from falsely attributing something to even a single unbeliever—how much more, then, to many people; how much more to a believer; how much more to all the scholars of the people of Islam, every last one of them, ancient and recent! This is something that makes the skin shudder. We seek refuge in Allah the Magnificent from abandonment. Furthermore, there is no way to find, on any question, a recorded position from every one of those we have named, few as they are compared with those we have not named. All that can be found on a question is a transmission from somewhere between eleven and nineteen men, or fewer, and they disagree as well. Whoever devotes attention to the transmissions in compiled works and to scattered hadith reports will ascertain with certainty what we have said. All of this makes plain the falsehood of anyone who claims consensus concerning anything

وإذا كان ممن سميناهم جزءا يسيرا ممن لم يبلغنا اسمه لا يوجد لأكثرهم إلا مسائل يسيرة جدا وهم عدد يسير فأين فتاويهم في سائر ما لم يرد عنهم فكيف بمن لم يسم منهم؟. فصح يقينا أنه لا يحصي جميع أقوال التابعين. ثم أقوال أهل عصر بعدهم في كل نازلة إلا الله تعالى خالقهم الذي لا يخفى عليه شيء من خلقه. ووالله ما أحصت الملائكة ذلك، لأن كل ملك إنما يحصي أقوال من جعل عليه حفيظا ورقيبا عتيدا لا قول من سواه، فكيف أن يتعاطى الاحصاء لذلك كله من لم يؤت العلم إلا قليلا؟. فوضح وضوحا كالشمس في يوم صحو أن كل من ادعى الإجماع على ما عدا ما قد جاء اليقين بأن من لم يقله لم يكن مسلما فهو كاذب آفك مفتر ونعوذ بالله من الكذب على كافر واحد فكيف على ناس كثير، فكيف على مؤمن فكيف على جميع علماء أهل الإسلام، أولهم عن آخرهم. قديما وحديثا هذا أمر تقشعر منه الجلود ونعوذ بالله العظيم من الخذلان، ثم إنه لا سبيل أن يوجد في مسألة ذكر قول لكل من سمينا على قلتهم فيمن لم نسم وإنما يوجد في المسألة رواية عن بضع عشر رجلا فأقل مختلفين أيضا. ومن عنى بروايات المصنفات والأحاديث المنثورة وقف على ما قلنا يقينا. وكل هذا مبين كذب من ادعى الإجماع على غير ما ذكرنا وبالله تعالى التوفيق

other than what we have mentioned. Success comes through Allah Most High.[24]

[24]**Translator's note (L2111):** The opening wording ممن سميناهم جزءا يسيرا ممن لم يبلغنا اسمه is syntactically disturbed. The translation follows the contextual sense that those named constitute a small fraction compared with those whose names have not reached the author; the supplied wording does not express this cleanly.



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 29: الدليل

Chapter 29: Inferential Proof

Ibn Ḥazm · Arabic–English parallel edition

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[الباب التاسع والعشرون في الدليل]

قال أبو محمد ظن قوم بجهلهم أن قولنا بالدليل خروج منا عن النص والإجماع وظن آخرون أن القياس والدليل واحد، فأخطؤوا في ظنهم أفحش خطأ. ونحن إن شاء الله عز وجل نبين الدليل الذي نقول به بيانا يرفع الإشكال جملة فنقول وبالله تعالى التوفيق: الدليل مأخوذ من النص ومن الإجماع. فأما الدليل المأخوذ من الإجماع فهو ينقسم أربعة أقسام كلها أنواع من أنواع الإجماع وداخلة تحت الإجماع وغير خارجة عنه، وهي استصحاب الحال، وأقل ما قيل وإجماعهم على ترك قولة ما، وإجماعهم على أن حكم المسلمين سواء وإن اختلفوا في حكم كل واحدة منها وهذه الوجوه قد بيناها كلها في كلامنا في الإجماع فأغنى عن ترددها. وبالله تعالى التوفيق. وأما الدليل المأخوذ من النص، فهو ينقسم أقساما سبعة كلها واقع تحت النص: أحدها: مقدمتان تنتج نتيجة ليست منصوصة في إحداهما كقوله صلى الله عليه وسلم كل مسكر خمر وكل خمر حرام النتيجة كل مسكر حرام، فهاتان المقدمتان دليل برهاني على أن كل مسكر حرام. وثانيها: شرط معلق بصفة فحيث وجد فواجب ما علق بذلك الشرط، مثل قوله تعالى: {ليميز الله الخبيث من الطيب ويجعل الخبيث بعضه على بعض فيركمه جميعا فيجعله في جهنم أولئك هم الخاسرون} فقد صح بهذا أن من انتهى غفر له. وثالثها: لفظ يفهم منه معنى فيؤدى بلفظ آخر وهذا نوع من تسميه أهل الاهتبال بحدود الكلام المتلائمات مثل قوله تعالى: {وما كان استغفار إبراهيم لأبيه إلا عن موعدة وعدها إياه فلما تبين له أنه عدو لله تبرأ منه إن إبراهيم لأواه حليم} فقد فهم من هذا فهما ضروريا أنه ليس بسفيه وهذا هو معنى واحد يعبر عنه بألفاظ شتى كقولك الضيغم والأسد والليث والضرغام وعنبسة، فهذه كلها أسماء معناها واحد وهو الأسد.

[Chapter Twenty-Nine: On Inferential Proof]

L2113

L2114–2115 Abu Muhammed said: Some people, in their ignorance, supposed that our acceptance of inferential proof constitutes a departure on our part from the authoritative text and consensus. Others supposed that analogy and inferential proof are one and the same. They were most grievously mistaken in their supposition. We shall, if Allah, Mighty and Majestic, wills, explain the inferential proof we accept in a manner that removes the difficulty entirely. We therefore say—and success comes through Allah Most High—that proof is derived from the text and from consensus. As for proof derived from consensus, it falls into four divisions, all of which are varieties of consensus, included within consensus and not outside it. These are: the presumption of continuity of an existing state; the least of what has been said; their consensus on abandoning a particular position; and their consensus that the ruling applicable to Muslims is the same, even though they disagree about the ruling in each individual instance. We have already explained all these approaches in our discussion of consensus, making their repetition unnecessary. Success comes through Allah Most High.

As for proof derived from the text, it falls into seven divisions, all included within the text. The first consists of two premises yielding a conclusion that is not explicitly stated in either of them, as in his saying—may Allah bless him and grant him peace ﷺ—"Every intoxicant is wine, and every wine is forbidden." The conclusion is: every intoxicant is forbidden. These two premises thus constitute a demonstrative proof that every intoxicant is forbidden.

The second is a condition attached to a qualifying attribute: wherever it is present, what is attached to that condition necessarily follows. An example is His saying, Most High: "So that Allah may distinguish the impure from the pure, and place the impure one upon another, heap it all together, and put it in Hell. Those are the losers." It is thereby established that whoever desists will be forgiven.

The third is an expression from which a meaning is understood and then conveyed through another expression. This is a variety of what those con-

cerned with the definitions of discourse call mutually equivalent expressions. An example is His saying, Most High: "Abraham's seeking forgiveness for his father was only because of a promise he had made to him. But when it became clear to him that he was an enemy of Allah, he dissociated himself from him. Abraham was indeed much given to sighing, forbearing." From this it is necessarily understood that he was not foolish. This is a single meaning expressed through various words, as when you say 'the fierce lion,' 'the lion,' 'the powerful lion,' 'the mighty lion,' and 'a lion'—ḍaygham, asad, layth, ḍirghām, and ʿanbasah. All these are names whose meaning is one: the lion.[1][2][3]

L2116–2118 The fourth consists of alternatives that are all invalidated except one, so that the remaining alternative is established. For example: this thing is either forbidden, in which case such-and-such a ruling applies to it; obligatory, in which case such-and-such a ruling applies to it; or permissible, in which case such-and-such a ruling applies to it. It is neither obligatory nor forbidden; therefore it is permissible, and such-and-such a ruling applies to it. Or a person's statement entails alternatives that are all invalid, and therefore the statement is invalid.

The fifth consists of propositions presented in an ordered series. This entails that the higher degree is above the next one following it, even though it has not been explicitly stated that it is above the next one. For example, you say: Abu Bakr is superior to Umar, and Umar is superior to Uthman; therefore Abu Bakr is undoubtedly superior to Uthman.

رابعها: أقسام تبطل كلها إلا واحدا فيصح ذلك الواحد مثل أن يكون هذا الشيء إما حرام فله حكم كذا، وإما فرض له حكم كذا وإما مباح فله حكم كذا، فليس فرضا ولا حراما فهو مباح له حكم كذا أو يكون قوله يقتضي أقساما كلها فاسد فهو قول فاسد. وخامسها: قضايا واردة مدرجة فيقتضي ذلك أن الدرجة العليا فوق التالية لها بعدها وإن كان لم ينص على أنها فوق التالية، مثل قولك: أبو بكر أفضل من عمر، وعمر أفضل من عثمان، فأبو بكر بلا شك أفضل من عثمان. وسادسها: أن نقول: كل مسكر حرام، فقد صح بهذا أن بعض المحرمات مسكر وهذا هو الذي تسميه أهل الاهتبال بحدود الكلام، عكس القضايا، وذلك أن الكلية الموجبة تنعكس جزئية أبدا. وسابعها: لفظ ينطوي فيه معان جمة مثل قولك: زيد يكتب، فقد صح من هذا اللفظ أنه حي، وأنه ذو جارحة سليمة يكتب بها وأنه ذو آلات يصرفها، ومثل قوله تعالى: {كل نفس ذائقة الموت وإنما توفون أجوركم يوم القيامة فمن زحزح عن النار وأدخل الجنة فقد فاز وما الحياة الدنيا إلا متاع الغرور} فصح من ذلك أن زيدا يموت وأن هندا تموت وأن عمرا يموت وهكذا كل ذي نفس، وإن لم يذكر نص اسمه. فهذه هي الأدلة التي نستعملها وهي معاني النصوص ومفهومها وهي كلها واقعة تحت النص وغير خارجة عنه أصلا، وقد بيناها وأنعمنا الكلام عليها في كتابنا الموسوم بكتاب

[1] **Translator's note (L2114):** "Inferential proof" renders الدليل, distinguished here from analogy (القياس).

[2] **Translator's note (L2115):** The opening word completes the preceding segment's statement about removing ambiguity entirely. The Qur'anic quotation is 8:37, concerning the separation of the impure from the pure. It does not state the conditional forgiveness invoked in the following argument. That argument appears to refer to 8:38; the supplied quotation has been retained without substitution. The Arabic lion names are synonyms with differing associations; the English modifiers are approximate aids to distinguishing the examples, not separate definitions supplied by the author.

[3] **Qur'an references (L2114):** Qur'an 8:37 (Al-Anfal); Qur'an 9:114 (At-Tawbah).

The sixth is that we say: every intoxicant is forbidden. It is thereby established that some forbidden things are intoxicants. This is what those concerned with the definitions of discourse call the conversion of propositions, for a universal affirmative always converts into a particular proposition.

The seventh is an expression encompassing numerous meanings. For example, you say: Zayd writes. From this expression it is established that he is alive, that he possesses a sound bodily member with which he writes, and that he possesses implements that he manipulates. Another example is His saying, Most High: "Every soul shall taste death, and you will be paid your rewards in full only on the Day of Resurrection. Whoever is removed from the Fire and admitted to the Garden has indeed triumphed. The life of this world is only the enjoyment of delusion." It follows from this that Zayd will die, Hind will die, and Amr will die, and likewise every being possessing a soul, even though its name has not been expressly mentioned.

These, then, are the proofs we employ. They are the meanings of the texts and what is understood from them. They all fall within the text and do not depart from it at all. We have explained them and discussed them thoroughly in our work entitled The Book of Approximation, and here we have confined ourselves to mentioning only this much about them. All these varieties fall into one of two divisions: either the detailed exposition of a comprehensive statement, or the expression of a single meaning through various words, as when one language is expressed in another language.

As for what is apprehended through sense perception alone, the text has come affirming its acceptance—His saying, Mighty and Majestic: "Have they legs with which they walk? Or have they hands with which they strike? Or have they eyes with which they see? Or have they ears with which they hear? Say: 'Call upon your partners, then scheme against me and give me no respite.'" And likewise all the other texts in which the senses and reason are called upon as witnesses. Moreover, the senses and reason are the foundation of everything: through them we have recognized the truth of the Qur'an, divine lordship, and prophethood. Thus we did not invoke the text as proof to establish them on the grounds that, were it not for the text, what is apprehended would not be valid through reason and the senses, but rather

التقريب واقتصرنا ههنا على هذا المقدار من ذكرها فقط، وجميع هذه الأنواع كلها لا تخرج من أحد قسمين، إما تفصيل لجملة، وإما عبارة عن معنى واحد بألفاظ شتى، كلغة يعبر عنها بلغة أخرى. وأما ما أدرك بالحس فقط جاء النص بقبوله عز وجل: {ألهم أرجل يمشون بها أم لهم أيد يبطشون بها أم لهم أعين يبصرون بها أم لهم آذان يسمعون بها قل ادعوا شركاءكم ثم كيدون فلا تنظرون} وسائر النصوص المستشهد فيها بالحواس وبالعقل، مع أن الحواس والعقل أصل لكل شيء وبهما عرفنا صحة القرآن والربوبية والنبوة فلم نحتج في إثباتها بالنص، لأنه لولا النص لم يصح ما يدرك بالعقل والحواس لكن حسما لشغب أهل الضعف العاكسين للاستدلال القائلين لا نأخذ إلا ما في النصوص.

to put an end to the contentious objections of those of weak understanding who reverse the direction of inference and say, "We accept only what is in the texts."[45]

L2119–2120 Discussion of this has already appeared in the chapter establishing the probative authority of reason in this book of ours. Success comes through Allah Most High. Seeking proof is distinct from proof itself, for someone may seek proof without arriving at the proof. Seeking proof—which is the search for proof—may occur on the part of someone who does not find what he seeks. A proof may also come unexpectedly upon someone who is not seeking it, either through his reading it in a book or through an informant telling him of it or through its suddenly coming to his mind. It is therefore established that seeking proof is distinct from proof itself. It is also established that our proof does not depart from the text or consensus at all, and that it is simply what is understood from the expression. A cause is not called a proof, and a proof is not called a cause. A cause is anything that necessarily produces an effect, such that neither has ever been found without the other, as with fire's causing moisture to rise and drawing fiery substances to itself: that belongs to its nature.

Here the proponents of analogy confused matters: they called proof a cause and a cause proof, and their error was egregious. They called their assigning to something about which no explicit text exists a ruling explicitly stated concerning something else a proof. This is an error. Rather, this is precisely the analogy that we reject and invalidate. They thus conflated meanings, applying the name of a sound meaning to something false and the name of a false meaning to something sound. They mingled things and confused whatever they pleased, without distinguishing the meanings from one another. The matter consequently became confused for them, and they wandered astray

وقد مضى الكلام في هذا في باب إثبات حجة العقل من كتابنا هذا وبالله تعالى التوفيق، والاستدلال هو غير الدليل، لأنه قد يستدل من لا يقع على الدليل، وقد يوجد الاستدلال وهو طلب الدليل ممن لا يجد ما يطلب وقد يرد الدليل مهاجمة على من لا يطلبه، إما بأن يطالعه في كتاب، أو يخبره به مخبر أو يثوب إلى ذهنه دفعه، فصح أن الاستدلال غير الدليل، وصح أن دليلنا غير خارج عن النص أو الإجماع أصلا، وأنه إنما هو مفهوم اللفظ فقط، والعلة لا تسمى دليلا، والدليل لا يسمى علة، فالعلة هي كل ما أوجب حكما لم يوجد قط أحدهما خاليا من الآخر كتصعيد النار للرطوبات واستجلابها الناريات فذلك من طبعها. وههنا خلط أصحاب القياس فسموا الدليل علة والعلة دليلا ففحش غلطهم وسموا حكمهم في شيء لم ينص عليه بحكم قد نص عليه شيء آخر دليلا وهذا خطأ بل هذا هو القياس الذي ننكره ونبطله فمزجوا المعاني وأوقعوا على الباطل اسم معنى صحيح وعلى معنى صحيح اسم معنى باطل، فمزجوا الأشياء وخلطوا ما شاؤوا. ولم يصفوا بعض المعاني من بعض، فاختلط الأمر عليهم وتاهوا ما شاؤوا والحمد لله على هدايته وتوفيقه وما كنا لنهتدي لولا أن هدانا الله. وبالله تعالى التوفيق والحول والقوة به عز وجل

[4]**Translator's note (L2117):** The supplied فقط جاء is awkward: it can be read literally as 'through sense perception alone, the text has come,' as translated, but فقد جاء, 'the text has indeed come,' may have been intended. The final clause is syntactically awkward and continues into the following unit. It has been construed as denying the need to establish reason and the senses through scripture on the premise that their validity depends on scripture. The supplied wording has not been replaced with a conjectural correction.

[5]**Qur'an references (L2116):** Qur'an 3:185 (Ali 'Imran); Qur'an 7:195 (Al-A'raf).

as much as they pleased. Praise belongs to Allah for His guidance and His granting of success. We would not have been guided had Allah not guided us. Success comes through Allah Most High, and power and strength are through Him, Mighty and Majestic.[6]

[6]**Translator's note (L2120):** The physical example uses النواريات, literally 'fiery things' or 'fiery substances.' Its precise physical referent is unclear; the supplied reading has been retained.

الباب 30: لزوم الشريعة ووقته

Chapter 30: Who Is Bound by Islamic Law, and When

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Thirty: The Binding Force of Islamic Law upon Every Believer and Unbeliever on Earth, and the Time at Which Religious Laws Become Binding upon a Human Being]

L2121

L2122–2126 Abu Muhammed said: Allah Most High said: “Children of Adam, take your adornment at every place of prayer, and eat and drink, but do not be excessive. He does not love those who are excessive.” Thus He Most High commanded the children of Adam collectively, as you see. And He, Mighty and Majestic, said: “Those who follow the Messenger, the unlettered Prophet, whom they find written down with them in the Torah and the Gospel: he commands them to do what is right and forbids them what is wrong, makes good things lawful for them and foul things unlawful for them, and removes from them their burden and the fetters that were upon them. Those who believe in him, honor him, support him, and follow the light sent down with him—those are the successful.” And He Most High said: “In gardens, they ask one another * about the criminals: * ‘What brought you into Saqar?’ * They say: ‘We were not among those who prayed, * nor did we feed the needy, * and we used to engage in vain discourse with those who engaged in it, * and we used to deny the Day of Recompense, * until there came to us certainty.’” Thus He Most High explicitly stated, as you see, that He punishes those who deny the Day of Recompense—and they are undoubtedly the unbelievers—for their abandonment of prayer and their abandonment of feeding the needy. And He, Mighty and Majestic, said: “Then thread him into a chain whose length is seventy cubits. * He did not believe in Allah the Magnificent, * nor did he urge the feeding of the needy.” Thus He Most High also explicitly stated, as you see, that the class of unbelievers are punished because they did not feed the needy. And He said: “We have sent you only to all humankind, as a bearer of good tidings and a warner, but most people do not know.” And He Most High commanded him to say: “Say: ‘People, I am the Messenger of Allah to you all—He to whom belongs the dominion of the heavens and the earth. There is no deity except Him; He gives life and causes death. So believe in Allah and His Messenger, the unlettered Prophet who believes in Allah and His words, and follow him so that you may be

[الباب الثلاثون في لزوم الشريعة الإسلامية لكل مؤمن وكافر في الأرض ووقت لزوم الشرائع للإنسان]

قال أبو محمد: قال الله تعالى: {يابني آدم خذوا زينتكم عند كل مسجد وكلوا وشربوا ولا تسرفوا إنه لا يحب لمسرفين} فأمر تعالى بني آدم جملة كما ترى وقال عز وجل {لذين يتبعون لرسول لنبي لأمي لذي يجدونه مكتوبا عندهم في لتوراة ولإنجيل يأمرهم بلمعروف وينهاهم عن لمنكر ويحل لهم لطيبات ويحرم عليهم لخبآئث ويضع عنهم إصرهم ولأغلال لتي كانت عليهم فلذين آمنوا به وعزروه ونصروه وتبعوا لنور لذي أنزل معه أولئك هم لمفلحون} وقال تعالى {في جنات يتسآءلون * عن المجرمين * ما سلككم في سقر * قالوا لم نك من المصلين * ولم نك نطعم المسكين * وكنا نخوض مع الخآئضين * وكنا نكذب بيوم الدين * حتى أتانا اليقين} فنص تعالى كما ترى أنه يعذب المكذبين بيوم الدين وهم الكفار بلا شك على تركهم الصلاة، وترك إطعام المسكين، وقال عز وجل: {ثم في سلسلة ذرعها سبعون ذراعا فاسلكوه * إنه كان لا يؤمن بلله لعظيم * ولا يحض على طعام لمسكين} فنص تعالى كما ترى أيضا على أن نوع الكفار معذبون لأنهم لم يطعمون المساكين، وقال: {ومآ أرسلناك إلا كآفة للناس بشيرا ونذيرا ولكن أكثر لناس لا يعلمون} وأمره تعالى أن يقول {قل يأيها لناس إني رسول لله إليكم جميعا لذي له ملك لسماوات ولأرض لا إله إلا هو يحيي ويميت فآمنوا بلله ورسوله لنبي لأمي لذي يؤمن بلله وكلماته وتبعوه لعلكم تهتدون} هو نص جلي على لزوم شرائع الإسلام كلها للكفار كلزومها للمؤمنين، إلا أن منها ما لا يقبل منهم إلا بعد الإسلام، كالصلاة والصيام والحج، وهم في ذلك كالجنب وتارك النية والمحدث لا تقبل منه صلاة حتى يطهر، ولا صيام ولا حج إلا بإحداث النية في ذلك وقال تعالى {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما

guided.'" This is an explicit text establishing that all the laws of Islam are binding upon unbelievers just as they are binding for believers, except that some of them are not accepted from them until after they embrace Islam, such as prayer, fasting, and pilgrimage. In this they are like someone in a state of major ritual impurity, someone who omits the intention, or someone in a state of minor ritual impurity: no prayer is accepted from him until he purifies himself, nor any fasting or pilgrimage unless he forms the intention for it. The Exalted said: {Fight those who do not believe in Allah or the Last Day, do not forbid what Allah and His Messenger have forbidden, and do not profess the religion of truth, among those who were given the Scripture, until they pay the tribute by hand, while humbled.} Thus the Exalted expressly stated that they are disobedient because they do not forbid what Allah and His Messenger ﷺ have forbidden. The Exalted said: {Today the good things have been made lawful for you. The food of those who were given the Scripture is lawful for you, and your food is lawful for them; and chaste women among the believing women and chaste women among those who were given the Scripture before you, when you give them their bridal dues, being chaste, neither committing fornication nor taking secret lovers. Whoever disbelieves in faith, his work has come to nothing, and in the Hereafter he will be among the losers.} It is therefore established that our food is lawful for them, whether they wish it or refuse it. The Exalted said: {And judge between them by what Allah has sent down, and do not follow their desires. Beware of them, lest they tempt you away from some of what Allah has sent down to you. If they turn away, know that Allah only intends to afflict them for some of their sins. Indeed, many people are defiantly disobedient.} We have transmitted from Ibn ʿAbbas, through a good chain of transmission, that this verse abrogates the Exalted's statement: {They listen avidly to falsehood and consume illicit gain. If they come to you, judge between them or turn away from them. If you turn away from them, they will not harm you at all. If you judge, judge between them with equity. Indeed, Allah loves those who act equitably.} Since all this has been established with certainty, it is obligatory that the prescribed punishments be inflicted upon them for wine and unlawful sexual intercourse, that their wines be poured away, that their pigs be killed, that their usurious transactions be invalidated, and that,

حرم الله ورسوله ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون} فنص تعالى على أنهم عصاة إذ لا يحرمون ما حرم الله ورسوله صلى الله عليه وسلم وقال تعالى {ليوم أحل لكم لطيبات وطعام لذين أوتوا لكتاب حل لكم وطعامكم حل لهم ولمحصنات من لمؤمنات ولمحصنات من لذين أوتوا لكتاب من قبلكم إذآ آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان ومن يكفر بلإيمان فقد حبط عمله وهو في لآخرة من لخاسرين} فصح أن طعامنا حل لهم شاؤوا أو أبوا وقال تعالى {وأن حكم بينهم بمآ أنزل لله ولا تتبع أهوآءهم وحذرهم أن يفتنوك عن بعض مآ أنزل لله إليك فإن تولوا فعلم أنما يريد لله أن يصيبهم ببعض ذنوبهم وإن كثيرا من لناس لفاسقون} وروينا عن ابن عباس بسند جيد أن هذه الآية ناسخة لقوله تعالى {سماعون للكذب أكالون للسحت فإن جآءوك فحكم بينهم أو أعرض عنهم وإن تعرض عنهم فلن يضروك شيئا وإن حكمت فحكم بينهم بلقسط إن لله يحب لمقسطين} وإذا قد صح كل هذا بيقين فواجب أن يحدوا على الخمر والزنى، وأن تراق خمورهم، وتقتل خنازيرهم، ويبطل رباهم، ويلزمون من الأحكام كلها في النكاح والمواريث والبيوع والحدود كلها وسائر الأحكام، مثل ما يلزم المسلمون، ولا فرق، ولا يجوز غير هذا، وأن يؤكل ما ذبحوا من الأرانب، وما نحروا من الجمال، ومن كل ما لا يعتقدون تحليله، لأن كل ذلك حلال لهم بلا شك، ومن خالف قولنا فهو مخطىء عند الله عز وجل بيقين، وقد أنكر تعالى ذلك عليهم فقال تعالى {أفحكم لجاهلية يبغون ومن أحسن من لله حكما لقوم يوقنون} وكل من أباح لهم الخمر ثم لم يرض حتى أغرمها المسلم إذا أراقها عليهم، فقد حكم بحكم الجاهلية وترك حكم الله ورسوله صلى الله عليه وسلم لحكم الطاغوت والشيطان الرجيم نعوذ بالله من ذلك، مع أن خصومنا في هذا يتناقضون أقبح تناقض، فيحدونهم في القذف والسرقة كما يحدون المسلمين،

in all the rulings concerning marriage, inheritance, sales, all prescribed punishments, and all other rulings, they be bound by the same obligations as Muslims, without distinction. Nothing else is permissible. It is also obligatory that what they slaughter of rabbits, what they sacrifice of camels, and everything else whose lawfulness they do not acknowledge be eaten, for all of this is lawful for them without doubt. Whoever opposes our position is certainly in error in the sight of Allah, Mighty and Majestic. The Exalted has indeed condemned this in them, saying: {Is it the judgment of the age of ignorance that they seek? Who is better than Allah in judgment for a people who possess certainty?} Whoever permits wine to them, and then is not satisfied until he makes a Muslim pay compensation for it if he pours it away to their detriment, has judged by the judgment of the age of ignorance and abandoned the judgment of Allah and His Messenger ﷺ for the judgment of the false god and the accursed Satan. We seek refuge in Allah from that. Moreover, our opponents in this contradict themselves in the most shameful manner: they inflict the prescribed punishments upon them for accusations of unlawful sexual intercourse and for theft, just as they inflict them upon Muslims, yet they do not inflict the prescribed punishments upon them for unlawful sexual intercourse and wine. They eat some parts of a sheep ritually slaughtered by a Jew but do not eat other parts, thereby giving effect to the Jews' falsehood and abandoning Allah the Exalted's express declaration that our food is lawful for them and their food lawful for us. In Allah the Exalted we seek refuge from such statements, so grossly erroneous. The Exalted said: {And when your Lord took from the children of Adam, from their backs, their descendants, and made them testify concerning themselves:

ولا يحدونهم في الزنى والخمر، ويأكلون بعض الشاة التي يذكيها اليهودي، ولا يأكلون بعضها، إنفاذا لإفك اليهود. وتركا لنص الله تعالى على أن طعامنا حل لهم، وطعامهم حل لنا، وبالله تعالى نعوذ من مثل هذه الأقوال الفاحشة الخطأ، وقال تعالى: {وإذ أخذ ربك من بني آدم من ظهورهم ذريتهم وأشهدهم على أنفسهم ألست بربكم قالوا بلى شهدنآ أن تقولوا يوم لقيامة إنا كنا عن هذا غافلين}

“Am I not your Lord?” They said: “Yes indeed; we testify”—lest you say on the Day of Resurrection: “We were unaware of this.”}[1][2][3][4][5][6]

L2127–2128 The Exalted said: {Remember Allah’s favor upon you and His covenant by which He bound you, when you said: “We hear and obey.” Fear Allah; indeed, Allah knows what is within the breasts.} The Exalted said: {The coloring of Allah—and who is better than Allah in coloring? And Him we worship.} The Exalted said: {So set your face toward the religion, inclining to the true faith: the original disposition of Allah upon which He originated people. There is no changing Allah’s creation. That is the upright religion, but most people

وقال تعالى {وذكروا نعمة الله عليكم وميثاقه لذي واثقكم به إذ قلتم سمعنا وأطعنا وتقوا الله إن الله عليم بذات لصدور} وقال تعالى {صبغة الله ومن أحسن من الله صبغة ونحن له عابدون} وقال تعالى {فأقم وجهك للدين حنيفا فطرة الله لتي فطر لناس عليها لا تبديل لخلق لله ذلك لدين لقيم ولكن أكثر لناس لا يعلمون} وحدثنا عبد الله بن يوسف عن أحمد بن فتح، عن عبد الوهاب بن عيسى عن أحمد بن محمد، عن أحمد بن علي، عن مسلم، ثنا أبو غسان المسمعي، ومحمد بن المثنى، ومحمد بن بشار بن عثمان، واللفظ لأبي غسان، وابن المثنى قالا: ثنا معاذ بن هشام حدثني أبي عن قتادة عن مطرف بن عبد الله بن عبد الله بن الشخير عن عياض بن حمار المجاشعي أن رسول الله صلى الله عليه وسلم قال ذات يوم في خطبته ألا إن ربي أمرني أن أعلمكم ما تجهلون مما علمني يومي هذا، كل مال نحلته عبدا حلال، وإني خلقت عبادي حنفاء كلهم، وإنهم أتتهم الشياطين فاجتالتهم عن دينهم وحرمت عليهم ما أحللت لهم. قال أبو محمد: عياض بن حمار هذا من بني تميم فكان صديق النبي صلى الله عليه وسلم في الجاهلية وحرميه ومعنى حرميه أن عياضا كان من الحلة وكان النبي صلى الله عليه وسلم من الحمس وكان لكثير من رجال الحلة إخوان من الحمس يطوفون في ثيابهم فكان كل صديق منهم يقال له: هذا حرمي فلان، فكان عياض يطوف إذا طاف بالكعبة في ثياب النبي صلى الله عليه وسلم وبالسند المذكور إلى مسلم ثنا أبو بكر بن أبي شيبة، نا أبو معاوية، عن الأعمش، عن أبي صالح عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم ما من مولود يولد إلا على هذه الملة حتى يبين عنه لسانه.

[1] **Translator’s note (L2122):** The Qur’anic quotations contain repeated omissions of letters, particularly initial alifs in definite articles, as well as وشربوا where the recognizable verse has واشربوا, ‘and drink.’ The recognizable wording is translated; these transcription defects are noted rather than reproduced as unintelligible English. The final Qur’anic quotation continues into the following unit.

[2] **Translator’s note (L2123):** The Qur’anic quotations continue to exhibit the repeated omission of initial alifs and other letters seen in the preceding unit; recognizable words have been translated. The quoted verse says that the person did not urge the feeding of the needy; the author’s ensuing formulation says that unbelievers did not feed the needy. This difference has been preserved. The supplied لم يطعمون is grammatically irregular after لم; its evident meaning, ‘they did not feed,’ has been translated.

[3] **Translator’s note (L2124):** The Qur’anic quotations throughout the supplied text repeatedly omit written alifs, including those in the divine name and the definite article. These have been treated as transcriptional spelling defects where the intended words are unambiguous. The opening and closing phrases continue across segment boundaries.

[4] **Translator’s note (L2125):** “Certainly” in the preceding segment renders بيقين, which appears here after “Allah, Mighty and Majestic” in the Arabic. Its placement in English allows the sentence to join naturally. The final clause continues into the next segment.

[5] **Translator’s note (L2126):** The opening عليهم is an apparent transposition of عليهم, understood here as referring to the owners whose wine is poured away. “Accusations of unlawful sexual intercourse” renders the legal term القذف, referring to accusations subject to a prescribed punishment.

[6] **Qur’an references (L2122):** Qur’an 7:31 (Al-A’raf); Qur’an 6:141 (Al-An’am); Qur’an 74:40 (Al-Muddaththir); Qur’an 74:41 (Al-Muddaththir); Qur’an 74:42 (Al-Muddaththir); Qur’an 74:43 (Al-Muddaththir); Qur’an 74:44 (Al-Muddaththir); Qur’an 74:45 (Al-Muddaththir); Qur’an 69:32 (Al-Haqqah); Qur’an 34:28 (Saba); Qur’an 7:158 (Al-A’raf); Qur’an 9:29 (At-Tawbah); Qur’an 5:5 (Al-Ma’idah); Qur’an 5:49 (Al-Ma’idah); Qur’an 5:42 (Al-Ma’idah); Qur’an 7:172 (Al-A’raf).

do not know.} ʿAbd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from ʿAbd al-Wahhab ibn ʿIsa, from Ahmad ibn Muhammed, from Ahmad ibn ʿAli, from Muslim: Abu Ghassan al-Mismaʿi, Muhammed ibn al-Muthanna, and Muhammed ibn Bashshar ibn ʿUthman related to us—the wording is that of Abu Ghassan and Ibn al-Muthanna—who both said: Muʿadh ibn Hisham related to us: My father related to me, from Qatada, from Mutarrif ibn ʿAbd Allah ibn ʿAbd Allah ibn al-Shikhkhir, from ʿIyad ibn Himar al-Mujashiʿi, that the Messenger of Allah ﷺ said one day in his sermon: "Take heed! My Lord has commanded me to teach you what you do not know, from what He has taught me this day: 'Every possession that I have bestowed upon a servant is lawful. I created My servants all inclining to the true faith, but the devils came to them and turned them away from their religion and forbade them what I had made lawful for them.'" Abu Muhammed said: This ʿIyad ibn Himar belonged to the Banu Tamim. He was the Prophet's ﷺ friend in the age of ignorance and his sanctuary associate. The meaning of "his sanctuary associate" is that ʿIyad belonged to the Hilla, whereas the Prophet ﷺ belonged to the Hums. Many men of the Hilla had brethren among the Hums in whose clothes they performed the circumambulation. Each such friend would be called "the sanctuary associate of so-and-so." Thus, when ʿIyad circumambulated the Kaʿba, he would do so in the Prophet's ﷺ clothes. Through the aforementioned chain of transmission to Muslim: Abu Bakr ibn Abi Shayba related to us: Abu Muʿawiya related to us, from al-Aʿmash, from Abu Salih, from Abu Hurayra, who said: The Messenger of Allah ﷺ said:

"No newborn is born except upon this religious community's faith, until his tongue expresses what is within him."[789]

L2129–2131 Abu Muhammed said: These verses that we have recited and the two reports that we have mentioned explain what the Prophet ﷺ meant by his statement: "No newborn is born except upon the original disposition; then his parents make him a Jew, a Christian, and a Magian, just as an animal gives birth to an animal with all its parts intact. Do you perceive among them any with parts cut off?" ʿAbd al-Razzaq transmitted it from Maʿmar, from Hammam ibn Munabbih, from Abu Hurayra, from the Prophet ﷺ: "Whoever is born is born upon this original disposition." It includes: "Until you yourselves are the ones who mutilate them." All this therefore establishes necessarily that all people are born upon Islam. This is the interpretation of the Exalted's statement: {We offered the Trust to the heavens, the earth, and the mountains, but they refused to bear it and were apprehensive of it; yet the human being bore it. Indeed, he was wrongdoing and ignorant.} Acceptance of the Islamic religious community's faith is thus the Trust. Allah the Exalted created all souls together—they being the perceiving, rational, discerning entities—then bound them by a covenant to Islam, and they accepted it. He then settled them in place until He transferred each soul to its body. It remained therein for as long as it remained, then returns to its abode by the lowest heaven, where the Prophet ﷺ saw them on the night of the Night Journey. Those destined for felicity are in the place on the right, in joy and well-being, and those destined for misery are in the place on the left, in distress and hardship, until the Day of Resurrection. They then take up their abodes in Paradise

قال أبو محمد: هذه الآيات التي تلونا، والحديثان اللذان ذكرنا يبينان مراد النبي صلى الله عليه وسلم بقوله ما من مولود يولد إلا على الفطرة فأبواه يهودانه وينصرانه ويمجسانه كما تنتج البهيمة بهيمة جمعاء هل تحسون فيها من جدعاء ورواه عبد الرزاق عن معمر عن همام بن منبه عن أبي هريرة عن النبي صلى الله عليه وسلم من يولد يولد على هذه الفطرة وفيه حتى تكونوا أنتم تجدعونها فصح بهذا كله ضرورة أن الناس كلهم مولودون على الإسلام وهذا تأويل قوله تعالى {إنا عرضنا لأمانة على لسماوات ولأرض ولجبال فأبين أن يحملنها وأشفقن منها وحملها لإنسان إنه كان ظلوما جهولا} فقبول الملة الإسلامية هي الأمانة، وأن الله تعالى خلق الأنفس كلها جملة، وهي الحساسة العاقلة المميزة، ثم واثقها بالإسلام فقبلته، ثم أقرها حتى نقل كل نفس منها إلى جسدها فأقامت فيه ما أقامت، ثم تعود إلى مقرها عند سماء الدنيا حيث رآها النبي صلى الله عليه وسلم ليلة الإسراء فأهل السعادة في محل اليمين في سرور وخير، وأهل الشقاء في محل الشمال في نكد ومشقة إلى يوم القيامة، فينزلون منازلهم من الجنة والنار بعد أن تكسي أجسادا على العظام المخرجة من القبور بعد أن أرمت وهذا نص قوله تعالى: {ولقد خلقناكم ثم صورناكم ثم قلنا للملائكة سجدوا لآدم فسجدوا إلا إبليس لم يكن من لساجدين} ونص قوله تعالى {وأما إن كان من أصحاب ليمين * فسلام لك من أصحاب ليمين} وقال تعالى {فأصحاب ليمنة ما أصحاب ليمنة * وأصحاب لمشأمة ما أصحاب لمشأمة} وقوله تعالى {وإذ أخذ ربك من بني آدم من ظهورهم ذريتهم وأشهدهم على أنفسهم ألست بربكم قالوا بلى شهدنا أن تقولوا يوم لقيامة إنا كنا عن هذا غافلين} بيان جلي أن النفوس إذا حلت الأجساد الكدرة الأرضية في الدنيا، فإنها ينتقص تمييزها، ويذهب ذكرها لما سلف، وأنها إذا فارقتها صح حسها، وذكا تمييزها

[7] **Translator's note (L2127):** "The coloring of Allah" preserves the imagery of صبغة rather than replacing it with an interpretive rendering such as "religion." The chain gives "Mutarrif ibn ʿAbd Allah ibn ʿAbd Allah ibn al-Shikhkhir," repeating ʿAbd Allah. The repetition has been preserved; it appears to be a transmission or transcription error. The divine speech quoted within the prophetic report continues into the next segment.

[8] **Translator's note (L2128):** "Sanctuary associate" renders حرمي, the pre-Islamic relationship explained by the author. Hilla and Hums designate the groups distinguished in that explanation. The final expression حتى يبين عنه لسانه is compressed: literally, "until his tongue makes [it] clear concerning him." The translation preserves its reference to the child's own verbal expression.

[9] **Qur'an references (L2127):** Qur'an 5:7 (Al-Ma'idah).

and the Fire, after being clothed with bodies upon the bones brought out of the graves after they have decayed. This is the express meaning of the Exalted's statement: {We created you, then formed you, then said to the angels: "Prostrate yourselves before Adam." They prostrated themselves, except Iblis; he was not among those who prostrated themselves.} And the express meaning of the Exalted's statement: {And if he is among the companions of the right, then peace be upon you from the companions of the right.} The Exalted said: {Then the companions of the right—what are the companions of the right! And the companions of the left—what are the companions of the left!} His statement, exalted is He: {And when your Lord took from the children of Adam, from their backs, their descendants, and made them testify concerning themselves: "Am I not your Lord?" They said: "Yes indeed; we testify"—lest you say on the Day of Resurrection: "We were unaware of this"} is a clear explanation that, when souls inhabit the turbid, earthly bodies in this world, their discernment diminishes and their recollection of what preceded departs; and that, when they leave them, their perception becomes sound, their discernment keen, and their apprehension clear. The Exalted said: {This worldly life is only diversion and play; and indeed the abode of the Hereafter is truly life, if only they knew.} The Exalted has declared that this world is a deception. Glory, then, be to the Originator and Governor of all; there is no deity but Him.[10][11][12]

وصفا إدراكها قال تعالى {وما هذه لحياة لدنيآ إلا لهو ولعب وإن لدار لآخرة لهي لحيوان لو كانوا يعلمون} وأخبر تعالى أن الدنيا غرور، فسبحان مخترع الكل ومدبره، لا إله إلا هو.

L2132–2133 On this and other grounds, we have said that no one is to be left adhering to any religion other than Islam except someone for whom an authentic text

فبهذا وبغيره قلنا: ألا يترك أحد على غير دين الإسلام إلا من صح النص على إقراره، وأن النبي عليه السلام أقرهم، فأوجبنا ألا نقبل جزية ولا نقر على غير الإسلام من خرج من دين كتابي إلى دين كتابي آخر ولا من دان آباؤه بعد مبعث النبي صلى الله عليه وسلم بدين كتابي انتقلوا إليه عن كفرهم ولا من كان في أجداده أو جداته من أي جهة كان مسلم أو مسلمة وإن بعد وبعدت، ولا من سبي وهو بالغ، وسواء سبي مع أبويه أو مع أحدهما، ولا يترك كافر بتباعه أصلا، ولا يقبل من كل من ذكرنا إلا الإسلام أو السيف، لأن الإسلام دين كل مولود، وقد قال عليه السلام: من غير دينه فاقتلوه وقال تعالى {ومن يبتغ غير لإسلام دينا فلن يقبل منه وهو في لآخرة

[10] **Translator's note (L2129):** The supplied report says "Whoever is born is born" (من يولد يولد); this wording has been preserved rather than replaced with the wording of the preceding report. In "mutilate them," the Arabic feminine singular pronoun refers back to the animal imagery. The final word تكسي is read contextually as a passive form meaning "are clothed"; the description continues into the next segment.

[11] **Translator's note (L2130):** The opening preserves the source's compressed description of souls being clothed with bodies "upon the bones." The quotation beginning "Then the companions of the right" uses فأصحاب where the standard Qur'anic wording has وأصحاب; the supplied connective has been translated. The final Qur'anic quotation continues into the next segment.

[12] **Qur'an references (L2129):** Qur'an 33:72 (Al-Ahzab); Qur'an 7:11 (Al-A'raf); Qur'an 56:90 (Al-Waqi'ah); Qur'an 7:172 (Al-A'raf).

من الخاسرين} فحرم القبول من أحد غير الإسلام إلا من جاء النص بتركه عليه، وأنه مخصوص من هذه الآية، والدلائل على هذا تكثر جدا وقوله تعالى {لا إكراه في الدين قد تبين الرشد من الغي فمن يكفر بالطاغوت ويؤمن بالله فقد استمسك بالعروة الوثقى لا انفصام لها والله سميع عليم} مخصوص بالنصوص الثابتة أن رسول الله صلى الله عليه وسلم أكره غير أهل الكتاب على الإسلام أو السيف، وأيضا فإن الأمة كلها مجمعة على إكراه المرتد على الإسلام، والقوم الذين أخبر عز وجل أنهم أوتوا الكتاب، ثم أمر تعالى بقتالهم حتى يعطوا الجزية عن يد، قد ماتوا وحدث غيرهم، والحس يشهد بأن هؤلاء الذين هم أبناء أولئك ليسوا الذين أوتوا التوراة والإنجيل والصحف والزبور، بل هم غيرهم بلا شك فإنما أقروا بإقرار النبي صلى الله عليه وسلم لمن تناسل منهم وأمر بذلك فيمن توالد منهم فقط لا نص فيه فهو داخل في قوله تعالى {فإذا انسلخ الأشهر الحرم فاقتلوا المشركين حيث وجدتموهم وخذوهم واحصروهم واقعدوا لهم كل مرصد فإن تابوا وأقاموا الصلاة وآتوا الزكاة فخلوا سبيلهم إن الله غفور رحيم}

establishes that he is to be permitted to remain in it and that the Prophet, peace be upon him, permitted them to remain in it. We therefore held it obligatory neither to accept the poll tax nor to permit continued adherence to anything other than Islam in the case of anyone who has left one scriptural religion for another scriptural religion; anyone whose forefathers, after the Prophet's ﷺ mission began, adopted a scriptural religion, converting to it from their unbelief; anyone among whose grandfathers or grandmothers, on any side, there was a Muslim man or woman, however remote he or she may have been; or anyone taken captive as an adult, whether captured with both parents or with one of them. Nor is an unbeliever to be left as such on account of his following others at all. Nothing is to be accepted from any of those we have mentioned except Islam or the sword, because Islam is the religion of every newborn. He, peace be upon him, said, "Whoever changes his religion, kill him." And the Exalted said, "Whoever seeks a religion other than Islam, it will never be accepted from him, and in the Hereafter he will be among the losers." He thus prohibited accepting anything other than Islam from anyone, except someone whom a text permits to be left adhering to his religion and who is thereby excepted from the general scope of this verse. The proofs for this are exceedingly numerous. His statement, the Exalted, "There is no compulsion in religion. Right guidance has become distinct from error. Whoever disbelieves in false objects of worship and believes in Allah has grasped the firmest handhold, which cannot break. Allah is All-Hearing, All-Knowing," is restricted in its scope by the established texts stating that the Messenger of Allah ﷺ compelled those other than the People of the Book to accept Islam or face the sword. Furthermore, the entire community unanimously agrees on compelling the apostate to accept Islam. The people whom He, Mighty and Majestic, stated had been given the Scripture, and whom the Exalted then commanded to be fought until they paid the poll tax by hand, have died, and others have come into existence. Sense perception attests that these people, who are the children of those people, are not the ones who were given the Torah, the Gospel, the Scrolls, and the Psalms; rather, they are undoubtedly other people. They were therefore permitted to remain only because the Prophet ﷺ permitted their descendants to remain and commanded this concerning those born of them alone. There is no text

concerning him, so he falls within His statement, the Exalted: "When the sacred months have elapsed, kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give the obligatory alms, then let them go their way. Surely Allah is All-Forgiving, Merciful."[13][14][15]

L2134 This is clear. Allah the Exalted grants success; there is no god but Him. The Exalted has expressly stated that He does not allow the work of any worker among us, male or female, to go to waste. We transmitted, through the previously mentioned chain to Muslim, who said: Uthman ibn Abi Shaybah narrated to us; Jarir narrated to us, from Mansur, from Abu Wa'il, from Abd Allah ibn Mas'ud, who said: Some people said to the Messenger of Allah ﷺ, "Messenger of Allah, will we be held accountable for what we did in the time of ignorance?" He said, "Whoever among you does well in Islam will not be held accountable for it; whoever does badly will be held accountable for his deeds in the time of ignorance and in Islam."

L2135–2143 Through the same chain to Muslim: Hasan al-Hulwani and Abd ibn Humayd narrated to us—Hasan said, "Ya'qub ibn Ibrahim ibn Sa'd narrated to us," while Abd said, "Ya'qub ibn Ibrahim ibn Sa'd narrated to me"—who said: My father narrated to us, from Salih, namely Ibn Kaysan, from Ibn Shihab, who said: Urwah ibn al-Zubayr informed us that Hakim ibn Hizam told him that he said to the Messenger of Allah ﷺ, "O Messenger of Allah, consider acts through which I used to practice devotion in the time of ignorance, such as charity, emancipating slaves, or maintaining ties of kinship: is there any reward for them?" The Messenger of Allah ﷺ said, "You have embraced Islam with the good you previously performed." Through the same chain to Muslim: Ibn Abi Umar narrated to us; Sufyan, namely Ibn Uyaynah, narrated

[13] **Translator's note (L2132):** The reading بتباعه is unclear. It has been provisionally rendered as referring to following others; the wording may be corrupt, and its precise legal implication cannot be securely determined.

[14] **Translator's note (L2133):** The transition at فقط لا نص فيه فهو is abrupt: "There is no text concerning him" has no explicit antecedent. The apparent sense concerns someone outside the descendants just mentioned, but the supplied Arabic does not state that qualification.

[15] **Qur'an references (L2132):** Qur'an 3:85 (Ali 'Imran); Qur'an 9:5 (At-Tawbah).

وهذا بين والله تعالى الموفق لا إله إلا هو، وقد نص تعالى على أنه لا يضيع عمل عامل منا من ذكر أو أنثى. وروينا بالسند المتقدم إلى مسلم قال: ثنا عثمان بن أبي شيبة، نا جرير، عن منصور، عن أبي وائل، عن عبد الله بن مسعود قال قال أناس لرسول الله صلى الله عليه وسلم يا رسول الله أنؤاخذ بما عملنا في الجاهلية؟ قال: من أحسن منكم في الإسلام فلا يؤاخذ به، ومن أساء أخذ بعمله في الجاهلية والإسلام.

وبه إلى مسلم نا حسن الحلواني، وعبد بن حميد، قال: حسن، نا وقال عبد: ثني يعقوب بن إبراهيم بن سعد، ثنا أبي عن صالح هو ابن كيسان عن ابن شهاب قال: أنبأ عروة بن الزبير: أن حكيم بن حزام أخبره أنه قال لرسول الله صلى الله عليه وسلم أي رسول الله أرأيت أمورا كنت أتحنث بها في الجاهلية من صدقة، أو عتاقة أو صلة رحم أفيها أجر فقال رسول الله صلى الله عليه وسلم أسلمت على ما أسلفت من خير وبه إلى مسلم ثنا ابن أبي عمر، ثنا سفيان هو ابن عيينة، عن عبد الله بن عمير، عن عبد الله بن الحارث هو ابن نوفل قال: سمعت العباس بن عبد المطلب يقول: قلت يا رسول الله: إن أبا طالب كان يحوطك وينصرك فهل نفعه ذلك؟ قال: نعم، وجدته في غمرات من النار فأخرجته إلى ضحضاح. وقد رواه أيضا وكيع، ويحيى بن سعيد القطان، عن سفيان الثوري، عن عبد الملك بن عمير بالسند المذكور، ورواه أيضا عبد الله بن خباب عن أبي سعيد الخدري عن النبي صلى الله عليه وسلم في أبي طالب

to us, from Abd Allah ibn Umayr, from Abd Allah ibn al-Harith, namely Ibn Nawfal, who said: "I heard al-Abbas ibn Abd al-Muttalib say: I said, 'Messenger of Allah, Abu Talib used to protect you and support you. Has that benefited him?' He said, 'Yes. I found him in the depths of the Fire and brought him out into a shallow part.'" Waki' and Yahya ibn Sa'id al-Qattan also transmitted it from Sufyan al-Thawri, from Abd al-Malik ibn Umayr, through the chain mentioned. Abd Allah ibn Khabbab also transmitted it from Abu Sa'id al-Khudri, from the Prophet ﷺ, who said concerning Abu Talib, "Perhaps my intercession will benefit him on the Day of Resurrection, so that he will be placed in a shallow part of the Fire reaching his ankles, from which his brain will boil." Abu Muhammed said: Allah the Exalted said, "We shall surely make them taste the lesser punishment before the greater punishment, so that they may return." And the Exalted said, "The Fire: they are exposed to it morning and evening. And on the day the Hour comes: 'Admit Pharaoh's people to the most severe punishment.'" And the Exalted said, "The hypocrites are in the lowest depth of the Fire, and you will never find a helper for them." It is thus established by necessity that there can be nothing more severe except in relation to something less severe, and that the lowest depth has a higher depth above it, because all this belongs to the category of relation. And it is established with certainty by His statement, the Exalted, "Whoever comes with an evil deed, their faces will be cast down into the Fire. Are you recompensed for anything except what you used to do?" that people in Paradise differ in rank according to the measure of their deeds, and that, in the Fire, some suffer more severe punishment than others. The texts we have mentioned attest to this. It is also established that if someone does good while an unbeliever and then embraces Islam, that good is credited to him and recorded, and he receives recompense and reward for it; and that whoever does evil during his unbelief, then embraces Islam without desisting from those evil deeds, has all of them recorded and reckoned against him and is punished for them. This is the explicit wording of Allah the Exalted's speech which we have recited, and the explicit wording of the Prophet's ﷺ ruling when he was asked about this. It is not lawful for anyone to oppose this. Some people have raised an objection against this position on the basis of His statement, the Exalted: "Say to those who

قال لعله تنفعه شفاعتي يوم القيامة فيجعل في ضحضاح من النار يبلغ كعبيه يغلي منها دماغه. قال أبو محمد قال الله تعالى {ولنذيقنهم من لعذاب لأدنى دون لعذاب لأكبر لعلهم يرجعون} وقال تعالى {لنار يعرضون عليها غدوا وعشيا ويوم تقوم لساعة أدخلوا آل فرعون أشد لعذاب} وقال تعالى {إن لمنافقين في لدرك لأسفل من لنار ولن تجد لهم نصيرا} فصح بالضرورة أنه لا أشد إلا بالإضافة إلى ما هو أقل منه، وأن الدرك الأسفل له درك أعلى، لأن كل ذلك من باب الإضافة وصح يقينا بقوله تعالى {ومن جآء بلسيئة فكبت وجوههم في لنار هل تجزون إلا ما كنتم تعملون} أن الناس في الجنة يتفاضلون على مقدار أعمالهم، وأنهم في النار أشد عذابا من بعض، والنصوص التي ذكرناها تشهد بذلك، وصح أن من عمل خيرا وهو كافر ثم أسلم، فإن ذلك الخير محسوب له، مكتوب، وهو مثاب عليه ومأجور، وأن من عمل سوءا في كفره، ثم أسلم ولم يقلع عن تلك السيئات فإنها كلها مكتوبة عليه محسوبة، وهو معاقب عليها، وهذا نص كلام الله تعالى الذي تلونا ونص فتيا النبي صلى الله عليه وسلم إذ سئل عن ذلك وهذا ما لا يحل لأحد خلافه وقد اعترض قوم في مخالفة ذلك بقوله تعالى: {قل للذين كفروا إن ينتهوا يغفر لهم ما قد سلف وإن يعودوا فقد مضت سنة الأولين} قاله أبو محمد وهذا لا حجة فيه بل هو حجة لنا، لأنه إنما نص أنه إنما يغفر ما انتهى عنه، ومن تمادى على إساءته في إسلامه فلم ينته فلم يستحق أن يغفر له ما قد سلف، وإنما يغفر له الشرك الذي انتهى عنه فقط، ولو انتهى عن سائر إساءاته لغفرت له أيضا، وهذا نص الآية التي احتجوا بها. واعترضوا أيضا بما رويناه بالسند المتقدم إلى مسلم: ثنا أبو بكر بن أبي شيبة، ثنا حفص بن غياث، عن داود، عن الشعبي، عن مسروق، عن عائشة قالت: قلت: يا رسول الله إن ابن جدعان كان في الجاهلية يصل الرحم ويطعم المسكين، فهل ذلك نافعه؟ قال: لا ينفعه إنه لم يقل يوما رب اغفر لي خطيئتي يوم الدين. قال أبو محمد وهذا حجة لنا عليهم قوية جدا لأن النبي صلى الله عليه

disbelieve: if they desist, what has previously occurred will be forgiven them; but if they return, the precedent of the earlier peoples has already passed." Abu Muhammed said this: There is no proof for them in this; rather, it is a proof for us, because He expressly stated only that what one has desisted from is forgiven. Whoever persists in his wrongdoing after embracing Islam has not desisted and therefore has not become entitled to have what has previously occurred forgiven him. Only the associating of partners with Allah from which he has desisted is forgiven him. Had he desisted from the rest of his wrongdoing, that too would have been forgiven him. This is the explicit wording of the verse they cited as proof. They also objected on the basis of what we transmitted through the previously mentioned chain to Muslim: Abu Bakr ibn Abi Shaybah narrated to us; Hafs ibn Ghiyath narrated to us, from Dawud, from al-Sha'bi, from Masruq, from A'ishah, who said: I said, "Messenger of Allah, Ibn Jud'an used to maintain ties of kinship and feed the needy in the time of ignorance. Will that benefit him?" He said, "It will not benefit him. He never once said, 'My Lord, forgive me my sin on the Day of Recompense.'" Abu Muhammed said: This is a very strong proof for us against them, because the Prophet ﷺ made his failure to embrace Islam the sole reason why what he had done would not benefit him. It is therefore established that, had he embraced Islam, that would have benefited him just as it benefited Hakim. This is precisely our position. We have never said that Allah the Exalted rewards an unbeliever who dies in his unbelief for the good he has done. We have only said that someone who embraces Islam after his unbelief is rewarded for every good deed he performed during his unbelief. They objected on the basis of Allah the Exalted's statement: "It has indeed been revealed to you and to those before you: if you associate partners with Allah, your work will surely come to nothing, and you will surely be among the losers." Abu Muhammed said: This is a proof for us, because associating partners with Allah nullifies deeds, while Islam purifies them. This is clarified by His statement, the Exalted: "Their Lord answered them: 'I do not allow the work of any worker among you, male or female, to go to waste; you are of one another. Those who emigrated, were expelled from their homes, were harmed in My way, fought, and were killed—I shall surely expiate their evil deeds for them and admit them to gardens beneath which rivers flow, as a

وسلم إنما جعل السبب في أن ما فعل لا ينفعه أنه لم يسلم، فصح أنه لو أسلم لنفعه ذلك كما نفع حكيما. وهذا نص قولنا، ونحن لم نقل قط إن الله تعالى يأجر كافرا مات على كفره، وعلى ما عمل من خير، وإنما قلنا: من أسلم بعد كفره أجر على كل خير عمل في كفره. واعترضوا بقول الله تعالى {ولقد أوحي إليك وإلى لذين من قبلك لئن أشركت ليحبطن عملك ولتكونن من لخاسرين} قال أبو محمد وهذا حجة لنا لأن الشرك يحبط الأعمال، والإسلام يزكيها ويبين ذلك قوله تعالى {فستجاب لهم ربهم أني لا أضيع عمل عامل منكم من ذكر أو أنثى بعضكم من بعض فلذين هاجروا وأخرجوا من ديارهم وأوذوا في سبيلي وقاتلوا وقتلوا لأكفرن عنهم سيئاتهم ولأدخلنهم جنات تجري من تحتها لأنهار ثوابا من عند لله ولله عنده حسن لثواب} وإنما شرطنا أنه ينتفع بما عمل في كفره من خير إن أسلم لا إن لم يسلم. واعترضوا أيضا بما رويناه عن مسلم بالسند المذكور قال: ثنا محمد بن المثنى، ثنا أبو عاصم الضحاك بن مخلد، نا حيوة بن شريح، ثنا يزيد بن أبي حبيب، عن ابن شماسة المهري قال: حضرنا عمرو بن العاص وهو في سياقة الموت فحدثنا أنه سمع رسول الله صلى الله عليه وسلم يقول إن الإسلام يهدم ما كان قبله وإن الهجرة تهدم ما كان قبلها، وإن الحج يهدم ما كان قبله. قال أبو محمد: وإنما يهدم الإسلام الكفر الذي هو مضاده، وحديث ابن مسعود زائد على ما في حديث عمرو غير مضاد له بل هو مبين بيانا زائدا وكلام رسول الله صلى الله عليه وسلم لا يضاد بعضه بعضا ففي حديث ابن مسعود زيادة حكم على ما في حديث عمرو، من أنه من أساء في الإسلام أخذ بما عمل في الجاهلية، ومن أحسن في الإسلام سقط عنه ما عمل في الجاهلية، فإنما معنى حديث عمرو أن الإسلام يهدم ما كان قبله بشرط الإحسان فيه، وبالله تعالى التوفيق. واعترضوا أيضا بما حدثنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن محمد بن عيسى،

reward from Allah. With Allah is the finest reward.'" We stipulated only that he benefits from the good he performed during his unbelief if he embraces Islam, not if he does not embrace Islam. They also objected on the basis of what we transmitted from Muslim through the chain mentioned, who said: Muhammed ibn al-Muthanna narrated to us; there narrated to us Abu ʿAsim al-Dahhak ibn Makhlad narrated to us: Haywah ibn Shurayh narrated to us: Yazid ibn Abi Habib narrated to us, from Ibn Shumasah al-Mahri, who said: We were present with ʿAmr ibn al-ʿAs while he was in the throes of death, and he related to us that he had heard the Messenger of Allah ﷺ say: "Islam effaces what preceded it; emigration effaces what preceded it; and pilgrimage effaces what preceded it." Abu Muhammed said: Islam effaces only unbelief, which is its opposite. The report of Ibn Masʿud adds to what is in the report of ʿAmr without contradicting it; rather, it supplies further clarification. The words of the Messenger of Allah ﷺ do not contradict one another. Thus, in the report of Ibn Masʿud there is an additional ruling beyond what is in the report of ʿAmr: whoever does evil in Islam is held accountable for what he did in the time of ignorance, while whoever does good in Islam has what he did in the time of ignorance remitted. The meaning of the report of ʿAmr is therefore that Islam effaces what preceded it on condition that one does good within it. Through Allah Most High comes success.

They also objected on the basis of what ʿAbd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from ʿAbd al-Wahhab ibn ʿIsa, from Muhammed ibn ʿIsa, from ʿAmrawayh, from Ibrahim ibn Muhammed ibn Sufyan, from Muslim: Zuhayr ibn Harb narrated to us: Yazid ibn Harun narrated to us: Hammam ibn Yahya informed us, from Qatadah, from Anas ibn Malik, who said: The Messenger of Allah ﷺ said: "Allah does not wrong a believer with respect to a good deed: he is given something for it in this world and rewarded for it in the next. As for the unbeliever, he is given in this world in proportion to the deeds he performed therein for Allah, until, when he passes into the hereafter, he has no good deed for which to be rewarded." Abu Muhammed said: This contains no proof for them, because we have not said that the unbeliever enjoys bliss in the hereafter if he dies in his unbelief. We have said only that some inhabitants of the Fire suffer more

عن عمرويه، عن إبراهيم بن محمد بن سفيان، عن مسلم، ثنا زهير بن حرب، ثنا يزيد بن هرون أنبأ همام بن يحيى، عن قتادة عن أنس بن مالك قال قال رسول الله صلى الله عليه وسلم إن الله لا يظلم مؤمنا حسنة يعطى بها في الدنيا ويجزى بها في الأخرى، وأما الكافر فيعطى بحساب ما عمل بها لله في الدنيا، حتى إذا أفضى إلى الآخرة لم يكن له حسنة يجزى بها. قال أبو محمد: وهذا لا حجة لهم فيه، لأننا لم نقل إن الكافر ينعم في الآخرة إذا مات على كفره، وإنما قلنا: إن بعض أهل النار أشد عذابا من بعض وهذا إجماع الأمة، ونص القرآن والسنة الذي من خالفه كفر، وهذا الحديث حجة لنا عليهم، لأن الكافر إذا أسلم فهو مؤمن فقد نص النبي صلى الله عليه وسلم أنه لا يظلمه حسنة مما عمل من حسنة في حال كفره ثم أسلم، فهي داخلة تحت هذا الوعد الصادق المضمون إنجازه، فصح أنه يجازى بها في الآخرة، فصح قولنا يقينا وبالله تعالى التوفيق. وكذلك قوله تعالى: {وما منعهم أن تقبل منهم نفقاتهم إلا أنهم كفروا بالله وبرسوله ولا يأتون لصلاة إلا وهم كسالى ولا ينفقون إلا وهم كارهون} قال أبو محمد: وهذا بيان جلي على أن السبب المانع من قبول نفقاتهم هو الكفر، فإذا ارتفع ذلك ارتفع السبب المانع من قبول نفقاتهم، فإذا ارتفع ذلك السبب فقد وجب قبول النفقات، وهذا نص القرآن والسنة وبالله تعالى التوفيق.

severe punishment than others. This is the consensus of the community and the explicit wording of the Qur'an and the Sunnah; whoever contradicts it commits unbelief. This report is proof for us against them, because when an unbeliever embraces Islam, he is a believer. The Prophet ﷺ explicitly stated that He does not wrong him with respect to a good deed. Whatever good deed he performed while in unbelief, after which he embraced Islam, therefore falls within this truthful promise whose fulfillment is guaranteed. It is thus established that he is rewarded for it in the hereafter. Thus is established our position with certainty. Through Allah Most High comes success. Likewise is His saying, Most High: "Nothing prevented their expenditures from being accepted from them except that they disbelieved in Allah and His Messenger, and they come to prayer only while indolent, and spend only while unwilling." Abu Muhammed said: This is a clear statement that the cause preventing the acceptance of their expenditures is unbelief. When that ceases, the cause preventing the acceptance of their expenditures ceases. When there ceases that cause, the acceptance of the expenditures necessarily follows. This is the explicit wording of the Qur'an and the Sunnah. Through Allah Most High comes success.[16][17][18][19][20][21]

L2144–2145 As for the time at which the revealed law becomes binding, it falls into two divisions: revealed law that is believed and verbally professed, and revealed

وأما وقت لزوم الشريعة فإنها تنقسم قسمين: شريعة تعتقد ويلفظ بها، وشريعة تعمل، وتنقسم هذه الشريعة قسمين: قسم في المال، وقسم على الأبدان، فأما شريعة الأموال فهي لازمة لكل صغير وكبير وجاهل بها، وعارف ومجنون وعاقل، لدلائل من النص وردت على العموم في الزكاة والإجماع على وجوب النفقات عليهم، وأما شرائع الأبدان والاعتقاد، فإنها تجب بوجهين: أحدهما: البلوغ مبلغ الرجال والنساء، وهو البلوغ المخرج عن حد الصبا. والثاني: بلوغ الشريعة إلى المرء. وأما الحدود فإنها تلزم من عرف أن الذي فعل حرام وسواء علم أن فيه حدا أم لا. وهذا لا خلاف فيه وأما من لم يعرف أن ما عمل حرام فلا حد عليه فيه، وبرهان ذلك قول الله تعالى {قل أي شيء أكبر شهادة قل لله شهيد بيني وبينكم وأوحي إلي هذا لقرآن لأنذركم به ومن بلغ أئنكم لتشهدون أن مع لله آلهة أخرى قل لا أشهد قل إنما هو إله واحد وإنني

[16] **Translator's note (L2135):** The transmission chain reads "Abd Allah ibn Umayr." The following unit gives "Abd al-Malik ibn Umayr" in a parallel transmission. Both readings have been preserved.

[17] **Translator's note (L2136):** The supplied wording وأنهم في النار أشد عذابا من بعض is syntactically awkward, literally saying that "they in the Fire are more severely punished than some." The translation expresses the apparent comparison among its inhabitants.

[18] **Translator's note (L2137):** The supplied attribution reads قاله أبو محمد, literally "Abu Muhammed said it," rather than the recurring formula قال أبو محمد, "Abu Muhammed said."

[19] **Translator's note (L2138):** The phrase وعلى ما عمل من خير is awkwardly joined to the preceding clause in the supplied Arabic. It has been understood as referring to reward for the good deeds performed.

[20] **Hadith references (L2135):** Sahih Muslim 214.

[21] **Qur'an references (L2135):** Qur'an 40:46 (Ghafir); Qur'an 27:90 (An-Naml); Qur'an 8:38 (Al-Anfal); Qur'an 39:65 (Az-Zumar); Qur'an 3:195 (Ali 'Imran); Qur'an 9:54 (At-Tawbah).

law that is put into practice. This latter revealed law falls into two divisions: a division concerning property and a division incumbent upon bodies. The revealed law concerning property is binding upon everyone, young and old, ignorant of it and knowledgeable, insane and sane, because of textual evidence expressed in general terms concerning obligatory alms, and because of the consensus that maintenance payments are obligatory upon them. As for the revealed laws concerning bodily acts and belief, they become obligatory through two things: the first is reaching the maturity of men and women, namely the attainment of puberty that takes one beyond the bounds of childhood; the second is the revealed law reaching the person. As for the prescribed punishments, they apply to anyone who knew that what he did was forbidden, whether or not he knew that it entailed a prescribed punishment. There is no disagreement about this. As for someone who did not know that what he did was forbidden, no prescribed punishment applies to him for it. The demonstration of this is the saying of Allah Most High: "Say: What thing is greatest in testimony? Say: Allah is a witness between me and you. This Qur'an has been revealed to me so that I may warn you by it, and whomever it reaches. Do you indeed testify that there are other gods alongside Allah? Say: I do not testify. Say: He is only One God, and I am quit of what you associate with Him." Allah Most High thus made the binding force of the proof depend upon the warning reaching the person. He also said, Most High: "Accept pardon, command what is recognized as right, and turn away from the ignorant." He thus commanded that the ignorant person's action be disregarded. He also said, Most High: "O you who believe, do not betray Allah and the Messenger, and betray your trusts while you know." Allah Most High thus only forbade its becoming obligatory upon him.

ʿAbd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from ʿAbd al-Wahhab ibn ʿIsa, from Ahmad ibn Muhammed, from Ahmad ibn ʿAli, from Muslim: Yunus ibn al-Aʿla narrated to us: Ibn Wahb narrated to us: ʿAmr ibn al-Harith informed us that Abu Yunus related to him, from Abu Hurayrah, from the Prophet ﷺ, that he said: "By Him in whose hand is Muhammed's soul, no one of this community, Jew or Christian, hears of me and then dies without believing in that with which I was sent, without being one of the

بريء مما تشركون} فإنما جعل الله تعالى وجوب الحجة ببلوغ النذارة إلى المرء وقال تعالى {خذ لعفو وأمر بلعرف وأعرض عن لجاهلين} فأمر أن يهدر فعل الجاهل وقال تعالى {يأيها لذين آمنوا لا تخونوا لله ولرسول وتخونوا أماناتكم وأنتم تعلمون} فإنما نهى الله تعالى عن وجوب ذلك عليه. وحدثنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى عن أحمد بن محمد، عن أحمد بن علي، عن مسلم، ثنا يونس بن الأعلى، ثنا ابن وهب، أنا عمرو بن الحارث أن أبا يونس حدثه عن أبي هريرة عن النبي صلى الله عليه وسلم أنه قال والذي نفس محمد بيده لا يسمع بي أحد من هذه الأمة يهودي ولا نصراني ثم يموت ولم يؤمن بالذي أرسلت به إلا كان من أهل النار قال أبو محمد فإنما أوجب النبي صلى الله عليه وسلم الإيمان به على من سمع بأمره صلى الله عليه وسلم فكل من كان في أقاصي الجنوب والشمال والمشرق وجزائر البحور والمغرب وأغفال الأرض من أهل الشرك فسمع بذكره صلى الله عليه وسلم ففرض عليه البحث عن حاله وإعلامه والإيمان به

inhabitants of the Fire." Abu Muhammed said: The Prophet ﷺ thus made belief in him obligatory only upon someone who had heard of his mission ﷺ. Thus everyone in the remotest south, north, and east, the islands of the seas, the west, and the uncharted regions of the earth, among the adherents of polytheism, who hears mention of him ﷺ, is obliged to investigate his circumstances and the signs attesting to him, and to believe in him.[222324]

L2146–2155 As for someone whom mention of him ﷺ has not reached, if he affirms Allah's oneness, he is a believer according to the original innate disposition, sound in faith, and incurs no punishment in the hereafter, and he is one of the inhabitants of Paradise. If he does not affirm Allah's oneness, he is among those concerning whom the text states that a fire will be kindled for him on the Day of Resurrection, and they will be commanded to enter it: whoever enters it will be saved, and whoever refuses will perish. Allah, Mighty and Majestic, said: "Whoever is guided is guided only for his own benefit, and whoever goes astray goes astray only to his own detriment. No bearer of a burden bears another's burden, and We would not punish until We sent a messenger." It is thus established that no unbeliever incurs any punishment at all until the warning of the Messenger ﷺ reaches him. As for someone whom mention of the Prophet Muhammed ﷺ and what he brought has reached, but who then finds no one in his country to inform him about him, he is obliged to leave it for a country in which he can ascertain the facts. Had he ﷺ not informed us that there is no prophet after him, we would have been obliged to do that concerning everyone of whom we heard that he had claimed prophethood. But we have been spared that,

أما من لم يبلغه ذكره صلى الله عليه وسلم فإن كان موحدا فهو مؤمن على الفطرة الأولى صحيح الإيمان، لا عذاب عليه في الآخرة، وهو من أهل الجنة، وإن كان غير موحد فهو من الذين جاء النص بأنه يوقد له يوم القيامة نار، فيؤمرون بالدخول فيها، فمن دخلها نجا ومن أبى هلك قال الله عز وجل {من هتدى فإنما يهتدي لنفسه ومن ضل فإنما يضل عليها ولا تزر وازرة وزر أخرى وما كنا معذبين حتى نبعث رسولا} فصح أنه لا عذاب على كافر أصلا حتى يبلغه نذارة الرسول صلى الله عليه وسلم وأما من بلغه ذكر النبي محمد صلى الله عليه وسلم وما جاء به ثم لا يجد في بلاده من يخبره عنه، ففرض عليه الخروج عنها إلى بلاد يستبرىء فيها الحقائق ولولا إخباره صلى الله عليه وسلم أنه لا نبي بعده للزمنا ذلك في كل من نسمع عنه أنه ادعى النبوة، ولكنا قد أمنا ذلك والحمد لله. وأخبرنا الصادق: إن كل من يدعي النبوة بعده كذاب، ولا سبيل إلى أن يأتي بآية معجزة، فإن ظهر من أحد منهم ذلك فهي نيرنجات، وحيل وجوهها معروفة لمن بحث عنها، ومن أهل هذه الصفة كان مسيلمة والجلاح، ومن أهلها الدجال لا حقيقة لكل ما ظهر من هؤلاء وأشباههم، وإنما هي حيل كما ذكرنا يبين ذلك حديث المغيرة بن شعبة في الدجال، وكل من كان منا في بادية لا يجد فيها من يعلمه شرائع دينه، ففرض على جميعهم، من رجل أو امرأة أن يرحلوا إلى مكان يجدون فيها فقيها يعلمهم دينهم، أو أن يرحلوا إلى أنفسهم فقيها يعلمهم أمور دينهم، وإن كان الإمام يعلم ذلك فليرحل إليهم فقيها يعلمهم قال الله تعالى {دع إلى سبيل

[22]**Translator's note (L2144):** The sentence «فإنما نهى الله تعالى عن وجوب ذلك عليه» literally says that Allah forbade its becoming obligatory upon him. This is awkward and apparently corrupt in context; it has been translated without substituting a conjectural correction. In the quotation beginning "O you who believe," the Arabic connects "betray your trusts" to the preceding prohibition without repeating the negative. The English preserves that construction.

[23]**Translator's note (L2145):** The unvocalized «وإعلامه» is ambiguous. It is rendered here as "and the signs attesting to him," understanding it as «وأعلامه»; as written, it could instead mean "and informing him," which is awkward in this context.

[24]**Qur'an references (L2144):** Qur'an 6:19 (Al-An'am).

and praise belongs to Allah. The truthful one informed us that everyone who claims prophethood after him is a liar and has no way of producing a miraculous sign. If anything of that sort appears from any of them, it consists of conjuring tricks and stratagems whose methods are known to anyone who investigates them. Musaylimah and al-Jallah were among people of this description, and the Dajjal is among them. There is no reality to anything that has appeared from these people and their like; these are only stratagems, as we have mentioned. The report of al-Mughirah ibn Shuʿbah concerning the Dajjal makes this clear. Everyone among us who lives in a desert region where he finds no one to teach him the laws of his religion is obliged—all of them, man or woman—to travel to a place where they can find a jurist to teach them their religion, or to bring a jurist to themselves to teach them the affairs of their religion. If the ruler knows of this, let him send them a jurist to teach them. Allah Most High said: "Call to the way of your Lord with wisdom and good admonition, and dispute with them in the best manner. Your Lord knows best who has strayed from His way, and He knows best those who are guided." He ﷺ sent Muʿadh and Abu Musa to Yemen, and Abu ʿUbaydah to Bahrain, to teach people the affairs of their religion. This is therefore obligatory upon rulers. He also said, Most High: "It is not for the believers to go forth all together. Why, then, should a party from every group among them not go forth, so that they may acquire understanding of the religion and warn their people when they return to them, that they may beware?" Abu Muhammed said: In our view, the attainment of puberty falls into several categories. For both a man and a woman, it occurs through a sexual dream, according to the explicit wording of what has been transmitted from him ﷺ concerning this. ʿAbd Allah ibn Rabiʿ related to us, from Muhammed ibn Ishaq the judge, from Ibn al-Aʿrabi, from Sulayman ibn al-Ashʿath: Musa, son of Ismaʿil: Wuhayb related to us, from Khalid al-Hadhdhaʾ, from Abu al-Duha, from ʿAli, from the Prophet ﷺ, who said: "The pen is lifted from three: from the sleeper until he awakens, from the child until the child experiences a nocturnal emission, and from the insane person until he recovers his reason." Abu Muhammed said: "Child" applies to the category and includes both male and female. He, peace be upon him, has stated in the hadith of ʿA'ishah that a woman experiences nocturnal emis-

ربك بلحكمة ولموعظة لحسنة وجادلهم بلتي هي أحسن إن ربك هو أعلم بمن ضل عن سبيله وهو أعلم بلمهتدين} وبعث صلى الله عليه وسلم معاذا وأبا موسى إلى اليمن وأبا عبيدة إلى البحرين، معلمين للناس أمور دينهم ففرض ذلك على الأئمة وقال تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} قال أبو محمد: والبلوغ عندنا ينقسم أقساما: فهو في الرجل والمرأة الاحتلام بنص ما روي عنه صلى الله عليه وسلم من ذلك حدثنا عبد الله بن ربيع عن محمد بن إسحاق القاضي، عن ابن الأعرابي، عن سليمان بن الأشعث، ثنا موسى بن إسماعيل، حدثنا وهيب، عن خالد الحذاء عن أبي الضحى عن علي عن النبي صلى الله عليه وسلم قال رفع القلم عن ثلاث عن النائم حتى يستيقظ، وعن الصبي حتى يحتلم، وعن المجنون حتى يفيق. قال أبو محمد: الصبي يقع على الجنس، ويدخل فيه الذكر والأنثى، وقد أخبر عليه السلام في حديث عائشة: أن المرأة تحتلم، فصار الإحتلام بلوغا صحيحا في المرأة والرجل، وسواء احتلما من أحد عشر عاما أو أقل أو أكثر، ويكون البلوغ أيضا في المرأة بالحيض. كما حدثنا عبد الله بن ربيع، عن عمر بن عبد الملك الخولاني، عن محمد بن بكر البصري، ثنا سليمان بن الأشعث، ثنا محمد بن عبيد، ثنا حماد بن زيد، عن أيوب السختياني، عن محمد بن سيرين، أن عائشة نزلت على صفية أم طلحة الطلحات فرأت بنات لها فقالت إن رسول الله صلى الله عليه وسلم دخل وفي حجرتي جارية فألقى لي حقوه فقال شقيه شقتين فأعط هذه نصفا والفتاة التي عند أم سلمة نصفا وإني لا أراها إلا قد حاضت أو لا أراهما إلا قد حاضتا. وبه إلى أبي داود، ثنا المثنى، ثنا حجاج بن المنهال، ثنا حماد هو ابن زيد عن قتادة، عن محمد بن سيرين عن صفية بنت الحارث عن عائشة عن النبي صلى الله عليه وسلم أنه قال لا تقبل صلاة الحائض إلا بخمار قال أبو محمد:

sions. Thus a nocturnal emission constitutes valid attainment of puberty for both woman and man, whether they experience it at eleven years, younger, or older. Puberty is also attained in a woman through menstruation, as ʿAbd Allah ibn Rabiʿ related to us, from ʿUmar ibn ʿAbd al-Malik al-Khawlani, from Muhammed ibn Bakr al-Basri: Sulayman ibn al-Ashʿath related to us: Muhammed ibn ʿUbayd related to us: Hammad ibn Zayd related to us, from Ayyub al-Sakhtiyani, from Muhammed ibn Sirin, that ʿA'ishah stayed with Safiyyah, the mother of Talhah al-Talahat, and saw some daughters of hers. She said: "The Messenger of Allah ﷺ came in while there was a young girl in my chamber. He tossed his waist-wrapper to me and said: 'Tear it into two pieces, and give this girl half and the girl who is with Umm Salamah half. I think she must already have menstruated'—or, 'I think they must both already have menstruated.'" And through the same chain to Abu Dawud: al-Muthanna related to us: Hajjaj ibn al-Minhal related to us: Hammad—he is Ibn Zayd—related to us, from Qatadah, from Muhammed ibn Sirin, from Safiyyah bint al-Harith, from ʿA'ishah, from the Prophet ﷺ, that he said: "The prayer of a woman who has reached menstruating age is not accepted without a head-covering." Abu Muhammed said: The growth of pubic hair constitutes valid attainment of puberty, as we transmitted from ʿAbd Allah ibn Rabiʿ, from Muhammed ibn Ishaq, from Ibn al-Aʿrabi, from Abu Dawud: Muhammed ibn Kathir related to us: Sufyan related to us: ʿAbd al-Malik ibn ʿUmayr related to us: ʿAtiyyah al-Qurazi related to us, saying: "I was among those taken captive from Qurayzah. They would inspect us: whoever had grown hair was killed, and whoever had not grown it was not killed. I was among those who had not grown it." Abu Muhammed said: It is impossible and inconceivable that people should be killed in the presence of the Prophet ﷺ while he did not know whether it was rightfully or wrongfully done. No Muslim would ever think such a thing. Those of Qurayzah who were killed were killed in the presence of the Prophet ﷺ and at his command. He said to Saʿd ibn Muʿadh: "You have judged concerning them according to the judgment of the King," as ʿAbd Allah ibn Rabiʿ related to us, from Muhammed ibn Muʿawiyah, from Ahmad ibn Shuʿayb, from Mahmud ibn Ghaylan: Wakiʿ related to us: Sufyan al-Thawri related to us, from ʿAbd al-Malik ibn ʿUmayr, who said: I heard ʿAtiyyah al-Qurazi saying: "We were presented before the

والإنبات بلوغ صحيح، كما روينا عن عبد الله بن ربيع، عن محمد بن إسحاق، عن ابن الأعرابي، عن أبي داود، ثنا محمد بن كثير، ثنا سفيان، ثنا عبد الملك بن عمير، ثنا عطية القرظي قال: كنت فيمن سبي من قريظة فكانوا ينظرون، فمن أنبت الشعر قتل، ومن لم ينبت لم يقتل، فكنت فيمن لم ينبت. قال أبو محمد: ومن المحال الممتنع أن تقتل الناس بحضرة النبي صلى الله عليه وسلم وهو لا يعلم أبحق أم بباطل هذا ما لا يظنه مسلم البتة وقتلى قريظة قتلوا بحضرة النبي صلى الله عليه وسلم وبأمره وقال لسعد بن معاذ حكمت فيهم بحكم الملك كما حدثنا عبد الله بن ربيع، عن محمد بن معاوية، عن أحمد بن شعيب، عن محمود بن غيلان، ثنا وكيع، ثنا سفيان الثوري، عن عبد الملك بن عمير قال سمعت عطية القرظي يقول عرضنا على النبي صلى الله عليه وسلم يوم قريظة فكان من أنبت قتل ومن لم ينبت خلي سبيله، فكنت فيمن لم ينبت فخلي سبيلي. قال أبو محمد: فمن لم ينبت ولا احتلم من رجل أو امرأة أو لم تحض المرأة، فإذا تجاوزا تسعة عشر عاما قمرية بساعة فقط، لزمهم حكم البلوغ، لأنه إجماع، وأما من جعل إكمال خمسة عشر عاما بلوغا، وإن لم يكن هناك حيض ولا احتلام ولا إنبات فقول لا دليل عليه. وأما حجتهم بحديث ابن عمر عرضت على رسول الله صلى الله عليه وسلم يوم أحد وأنا ابن أربعة عشر عاما فردني ثم عرضت عليه يوم الخندق وأنا ابن خمسة عشر عاما فأجازني فلا حجة لهم في ذلك لأن النبي صلى الله عليه وسلم لم يقل إني أجزته لسنه وكان عام الخندق بالمدينة لا خروج عليهم فيه، فالله أعلم لماذا أجازه، إما لأنهم لم يسافروا عن موضعهم، أو لأنه قد بلغ، فلا حجة في ذلك أصلا وبالله تعالى التوفيق. ولا نهى عليه السلام عن غزو الأشداء من الصبيان، فتكون إجازته دليلا على أنه قد كان بلغ. ومما يدل على أن الشرائع لا تلزم إلا من عرفها ما صح عن النبي صلى الله عليه وسلم من أنه لم يزجر عدي بن حاتم عما تأوله في العاقلين،

Prophet ﷺ on the day of Qurayzah. Whoever had grown pubic hair was killed, and whoever had not grown it was released. I was among those who had not grown it, so I was released." Abu Muhammed said: If a male or female has neither grown pubic hair nor experienced a nocturnal emission, or the woman has not menstruated, then once they have exceeded nineteen lunar years by just one hour, the legal status of puberty becomes binding upon them, because this is a matter of consensus. As for whoever makes completion of fifteen years an attainment of puberty even where there has been no menstruation, nocturnal emission, or growth of pubic hair, that is a position for which there is no proof. As for their adducing the hadith of Ibn ʿUmar as evidence—"I was presented before the Messenger of Allah ﷺ on the day of Uhud when I was fourteen years old, and he turned me back. Then I was presented before him on the day of the Trench when I was fifteen years old, and he permitted me"—they have no evidence in this. The Prophet ﷺ did not say, "I permitted him because of his age." In the year of the Trench they were in Medina, with no going out required of them. Allah knows best why he permitted him: either because they did not travel away from their location, or because he had attained puberty. There is therefore no evidence in this at all. Success comes through Allah Most High. Nor did he, peace be upon him, prohibit strong boys from taking part in military expeditions, such that his permission would be evidence that he had already attained puberty. Among the things indicating that the prescriptions of the Law bind only those who know them is what is authentically established concerning the Prophet ﷺ: he did not rebuke ʿAdi ibn Hatim for the interpretation he adopted concerning the two rational beings, but taught him instead. Blame was lifted from ʿAdi because he had interpreted in ignorance. Nor did he ﷺ command Muʿawiyah ibn al-Hakam to repeat the prayer when he deliberately spoke during it. He ﷺ repeatedly commanded the man who had not completed his prayer with stillness in its bowing and prostration to repeat it. Then, when the man informed him that he knew no more, he taught him. The transmitter did not mention that he commanded him to repeat it, except that his ﷺ command to perform what he had taught him was a command to him to perform it. Likewise, there is the explicit report of the people of Qubaʾ praying toward Jerusalem when that had already been abrogated. Nor

لكن علمه وسقط اللوم عن عدي لأنه تأول جاهلا وأنه صلى الله عليه وسلم لم يأمر معاوية بن الحكم بإعادة الصلاة إذ تكلم فيها عامدا وأنه صلى الله عليه وسلم أمر الذي لم يتم صلاته مطمئنا في ركوعه وسجوده بالإعادة مرارا. فلما أعلمه أنه لا يدري أكثر، علمه. ولم يذكر الراوي أنه أمره بإعادة إلا أن أمره صلى الله عليه وسلم بأن يعمل ما علمه أمر له بعمله وكذلك ما نص من صلاة أهل قباء إلى بيت المقدس وقد كان نسخ ذلك وأنه صلى الله عليه وسلم لم يقد من أسامة إذ قتل الرجل بعد قوله لا إله إلا الله وأعلمه صلى الله عليه وسلم أنه قد فعل في ذلك ما لا يحل وكذلك لم يقد صلى الله عليه وسلم بني جذيمة ممن قتلهم مع خالد بن الوليد فهذا يبطل قول من أوجب إعادة صلاة، أو إقامة حد، أو قضاء صوم على جاهل متأول. وبذلك قضى عمر وعثمان إذ درء الحد عن السوداء المعترفة بالزنى، لجهلها بتحريمه وهذا بين وبالله تعالى التوفيق

did he ﷺ exact retaliation from Usamah when he killed the man after the latter had said, “There is no god but Allah”; he ﷺ informed him that in doing so he had done something unlawful. Likewise, he did not exact retaliation —may Allah bless him and grant him peace ﷺ—on behalf of Banu Jadhimah from those who killed them alongside Khalid ibn al-Walid. This invalidates the position of anyone who requires the repetition of a prayer, the application of a prescribed punishment, or the making up of a fast from an ignorant person acting on an interpretation. ʿUmar and ʿUthman ruled accordingly when they averted the prescribed punishment from the black woman who confessed to unlawful sexual intercourse, because she did not know that it was prohibited. This is clear, and success comes through Allah Most High.[25][26][27][28][29]

[25] **Translator’s note (L2147):** The source shifts from singular “for him” to plural “they will be commanded” in the account of the fire; this shift is preserved. The name «الجلاح» is rendered “al-Jallah” as supplied. Its identification and intended vocalization are uncertain; no other name has been substituted.

[26] **Translator’s note (L2151):** The unvocalized الملك is rendered “the King”; it can also be read “the angel.”

[27] **Translator’s note (L2153):** The source reads العاقلين, literally “the two rational beings,” in the account of ʿAdi ibn Hatim. This appears to be a transcription error for العقالين, “the two tethering cords”; the supplied reading has been retained. The phrase لا خروج عليهم فيه is compressed and somewhat awkward. It is rendered as indicating that they were not required to march out from Medina.

[28] **Translator’s note (L2155):** The source uses a singular verb, درء, “he averted,” after naming both ʿUmar and ʿUthman. The English preserves both named authorities while expressing the apparent sense.

[29] **Qur’an references (L2146):** Qur’an 17:15 (Al-Isra); Qur’an 16:125 (An-Nahl); Qur’an 9:122 (At-Tawbah).

الباب 31: التفقه في الدين وصفة المفتي

Chapter 31: Religious Learning and the Qualifications of the Mufti

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الحادي والثلاثون في صفة التفقه في الدين وما يلزم كل امرىء طلبه من دينه، وصفة المفتيالذي لم يفت في الدين، وصفة الاجتهاد الواجب على أهل الإسلام]

قال أبو محمد قال الله تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} فبين الله عز وجل في هذه الآية وجه التفقه كله، وأنه ينقسم قسمين: أحدهما: يخص المرء في نفسه وذلك مبين في قوله تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} فهذا معناه تعليم أهل العلم لمن جهل حكم ما يلزمه. والثاني: تفقه من أراد وجه الله تعالى، بأن يكون منذرا لقومه وطبقته قال تعالى: {ومآ أرسلنا من قبلك إلا رجالا نوحي إليهم فسألوا أهل لذكر إن كنتم لا تعلمون} ففرض على كل أحد طلب ما يلزمه، على حسب ما يقدر عليه من الاجتهاد لنفسه في تعرف ما ألزمه الله تعالى إياه، وقد بينا أن الاجتهاد هو افتعال من الجهد، فهو في الدين إجهاد المرء نفسه في طلب ما تعبده الله تعالى به في القرآن وفيما صح عن النبي صلى الله عليه وسلم لأنه لا دين غيرهما فأقلهم في ذلك درجة من هو في غمار العامة، ومن حدث عهده بالجلب من بلاد الكفر وأسلم من الرجال والنساء. وقد ذكرنا كيف يطلب هؤلاء علم ما يلزمهم من شرائع الإسلام، في باب إبطال التقليد من كتابنا هذا، فأغنى عن ترداده، ونذكر منه ههنا ما لا بد من ذكره، وهو أن كل مسلم عاقل بالغ من ذكر أو أنثى، حر أو عبد، يلزمه الطهارة والصلاة والصيام فرضا بلا خلاف من أحد من المسلمين، وتلزم الطهارة والصلاة المرضى والأصحاء، ففرض على كل من ذكرنا أن يعرف فرائض صلاته وصيامه وطهارته وكيف يؤدي كل ذلك. وكذلك يلزم كل من ذكرنا أن

[Chapter Thirty-One: On the Nature of Acquiring Understanding of Religion, What Each Person Must Seek to Learn of His Religion, the Qualifications of the Mufti Who Has Not Issued a Legal Opinion in Religion, and the Nature of the Independent Exertion Required of the People of Islam][1]

L2156

L2157–2162 Abu Muhammed said: Allah Most High said: {The believers were not to go forth all together. Why, then, did a group from each division of them not go forth, so that they might acquire understanding of religion and warn their people when they returned to them, that they might beware?} In this verse Allah, Mighty and Majestic, explained the whole manner of acquiring understanding, and that it falls into two divisions. One concerns a person individually. This is explained in His words, Most High: {The believers were not to go forth all together. Why, then, did a group from each division of them not go forth, so that they might acquire understanding of religion and warn their people when they returned to them, that they might beware?} Its meaning is that those possessing knowledge are to teach anyone ignorant of the ruling governing what is binding upon him. The second is the acquisition of understanding by someone who seeks the countenance of Allah Most High by becoming a warner to his people and those of his own rank. He, Most High, said: {We sent before you only men to whom We revealed; so ask the people of the Reminder if you do not know.} Thus He made it obligatory for everyone to seek what is binding upon him, according to the independent exertion of which he is capable on his own behalf, in ascertaining what Allah Most High has obligated him to do. We have already explained that "independent exertion" (ijtihad) is a verbal noun of the ifti'al pattern derived from "effort" (juhd). In religion it means a person's exerting himself to seek what Allah Most High has required of him as worship in the Quran and in what is authentically established from the Prophet ﷺ, for there is no religion apart from these two. Those of the lowest degree in this respect are

[1] **Translator's note (L2156):** The heading reads المفتيالذي لم يفت, with the first two words run together: "the mufti who has not issued a legal opinion." This is an awkward and possibly corrupt reading, retained without correction.

people among the mass of ordinary folk, and men and women who have recently been brought from the lands of unbelief and have embraced Islam. We have already explained how these people are to seek knowledge of the prescriptions of Islam binding upon them in the chapter invalidating uncritical imitation in this book of ours, which makes repetition unnecessary. Here we shall mention what must be mentioned of it, namely, that every sane Muslim who has attained puberty, male or female, free or enslaved, is bound by ritual purification, prayer, and fasting as obligations, without disagreement from any Muslim. Ritual purification and prayer bind the sick and the healthy alike. It is therefore obligatory for everyone we have mentioned to know the obligatory requirements of his prayer, fasting, and ritual purification, and how to perform all of these. Likewise, everyone whom we have mentioned is bound to know what is lawful and unlawful for him concerning foods, drinks, clothing, sexual relations, the shedding of blood, speech, and deeds. Ignorance of all this is permissible for none of people, male and female, their free persons, their male slaves, and their female slaves. They are obliged to begin learning this from the time they attain puberty, if they are Muslims, or from the time they embrace Islam after attaining puberty. The imam must compel women's husbands and slaves' masters to teach them what we have mentioned, either themselves or by permitting them to meet someone who will teach them. The imam is obliged to require people to do this and to appoint persons regularly to teach the ignorant. Then every possessor of wealth is obliged to learn the ruling concerning the obligatory alms incumbent upon him; men and women, slaves and free persons, are alike in this. Whoever possesses no wealth whatsoever is not obliged to learn the rulings on obligatory alms. Then whoever becomes subject to the obligation of pilgrimage is obliged to learn the rites of pilgrimage and the lesser pilgrimage. This is not incumbent upon someone who lacks bodily health and possesses no wealth. Then commanders of armies are obliged to know the rules governing military conduct, the rulings on jihad, and the division of spoils and revenues acquired without fighting. Then governors and judges are obliged to learn legal rulings, judicial decisions, and prescribed punishments; learning these is not obligatory for others. Then merchants and everyone who sells his produce are obliged to learn the rulings on sales, and which sales

يعرف ما يحل له ويحرم، من المآكل والمشارب والملابس والفروج والدماء والأقوال والأعمال، فهذا كله لا يسع جهله أحدا من الناس، ذكورهم وإناثهم، أحرارهم وعبيدهم وإمائهم، وفرض عليهم أن يأخذوا في تعلم ذلك من حين يبلغون الحلم وهم مسلمون، أو من حين يسلمون بعد بلوغهم الحلم، ويجبر الإمام أزواج النساء وسادات الأرقاء على تعليمهم ما ذكرنا، إما بأنفسهم، وإما بالإباحة لهم لقاء من يعلمهم، وفرض على الإمام أن يأخذ الناس بذلك، وأن يراتب أقواما لتعليم الجهال. ثم فرض على كل ذي مال تعلم حكم ما يلزمه من الزكاة، وسواء الرجال والنساء والعبيد والأحرار، فمن لم يكن له مال أصلا فليس تعلم أحكام الزكاة عليه فرضا. ثم من لزمه فرض الحج، ففرض عليه تعلم أعمال الحج والعمرة. ولا يلزم ذلك من لا صحة لجسمه ولا مال له، ثم فرض على قواد العساكر معرفة السير وأحكام الجهاد، وقسم الغنائم والفيء، ثم فرض على الأمراء والقضاة تعلم الأحكام والأقضية والحدود، وليس تعلم ذلك فرضا على غيرهم، ثم فرض على التجار وكل من يبيع غلته تعلم أحكام البيوع، وما يحل منها وما يحرم، وليس ذلك فرضا على من لا يبيع ولا يشتري ثم فرض على كل جماعة مجتمعة في قرية أو مدينة أو دسكرة وهي المجشرة عندنا أو حلة أعراب أو حصن أن ينتدب منهم لطلب جميع أحكام الديانة أولها عن آخرها، ولتعلم القرآن كله ولكتاب كل ما صح عن النبي صلى الله عليه وسلم من أحاديث الأحكام أولها عن آخرها وضبطها بنصوص ألفاظها، وضبط كل ما أجمع المسلمون عليه ما اختلفوا فيه من يقوم بتعليمهم وتفقيههم من القرآن والحديث والإجماع. يكتفي بذلك على قدر قلتهم أو كثرتهم بالآية التي تلونا في أول هذا الكتاب، بحسب ما يقدر أن يعمهم بالتعليم، ولا يشق على المستفتي قصده، فإذا انتدب لذلك من يقوم بما ذكرنا فقط سقط عن باقيهم إلا ما يلزمه خاصة نفسه فقط على ما ذكرنا آنفا، ولا يحل للمفقه أن يقتصر على

are lawful and which unlawful. This is not obligatory for someone who neither sells nor buys. Then every community gathered in a village, a city, a rural settlement—which we call a majsharah—a Bedouin encampment, or a fortress is obliged to have persons from among them volunteer to seek all the rulings of the religion, from first to last; to learn the entire Quran; to write down all the hadiths concerning legal rulings authentically transmitted from the Prophet ﷺ, from first to last, and accurately preserve their precise wording; and to accurately preserve everything upon which Muslims have reached consensus and the matters over which they have disagreed: persons who will undertake to teach them and give them understanding of the law from the Quran, hadith, and consensus, in sufficient numbers according to whether the community is small or large, in accordance with the verse we recited at the beginning of this book, so that they can provide instruction to everyone and reaching them does not impose hardship upon someone seeking a legal opinion. When persons volunteer who can undertake what we have mentioned, that obligation alone falls away from the rest, except for what is incumbent upon each personally, as we mentioned just now. It is not lawful for the instructor in jurisprudence to confine himself to men's opinions instead of what we have mentioned. If they cannot find in their locality someone who will give them understanding of all this, as we have mentioned, they are obliged to travel to wherever they can find scholars versed in the various branches of knowledge, however distant their dwellings may be, even if they are in China, because of His saying, exalted is He: "The believers are not to go forth all together. Why, then, does a group from every division of them not go forth, so that they may acquire understanding of the religion

آراء الرجال دون ما ذكرنا. فإن لم يجدوا في محلتهم من يفقههم في ذلك كله كما ذكرنا ففرض عليهم الرحيل إلى حيث يجدون العلماء المحتوين على صنوف العلم، وإن بعدت ديارهم ولو أنهم بالصين لقوله تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} والنفار والرجوع لا يكون إلا برحيل.

and warn their people when they return to them, so that they may beware?" Going forth and returning can only occur through travel.[2][3][4][5]

L2163–2168 As for someone who finds in his locality a person who will give him understanding of the various branches of knowledge, as we have mentioned, the community unanimously agrees that no travel is incumbent upon him for this beyond going to the jurist's mosque or home, just as the Companions used to do with the Prophet ﷺ. The same applies to memorizing the entire Quran and teaching it. Every Muslim is obliged to memorize the Mother of the Quran and some further portion of the Quran. All Muslims are obliged to ensure that in every village, city, or fortress there is someone who has memorized the entire Quran, teaches it to people, and instructs them in its recitation, because of the Messenger of Allah's ﷺ command to recite it. Everything we have mentioned thus establishes that the going forth in question is obligatory upon the entire community until some of them undertake it, whereupon it falls away from the rest. As for someone who says that it is not obligatory upon the community, but is obligatory upon some of them without specifying their identities, it suffices to invalidate his statement that he construes Allah's address, exalted is He, as applying to no one. For if He, exalted is He, has neither specified whom He addresses nor addressed everyone, He has addressed no one—exalted and majestic is He above that!

ومن وجد في محلته من يفقهه في صنوف العلم كما ذكرنا فالأمة مجمعة على أنه لا يلزمه رحيل في ذلك، إلا القصد إلى مسجد الفقيه أو منزله فقط كما كان الصحابة يفعلون مع النبي صلى الله عليه وسلم وهكذا القول في حفظ القرآن كله وتعليمه ففرض على كل مسلم حفظ أم القرآن وقرآن ما، وفرض على جميع المسلمين أن يكون في كل قرية أو مدينة أو حصن من يحفظ القرآن كله ويعلمه الناس ويقرئه إياهم لأمر رسول الله صلى الله عليه وسلم بقراءاته فصح بكل ما ذكرنا أن النفار المذكور فرض على الجماعة كلها حتى يقوم بها بعضهم فيسقط عن الباقين. وأما من قال: إنه ليس فرضا على الجماعة، لكنه فرض على بعضهم بغير أعيانهم، فنكتفي من إبطال قوله بأنه يحمل خطاب الله تعالى واقعا على لا أحد، لأنه إذا لم يعين تعالى من يخاطب، ولا خاطب الجميع، فلم يخاطب أحدا عز وجل عن ذلك، وفي هذا سقوط الفرض عن كل من لم يخاطب، فهو ساقط على كل أحد، إذ كل أحد لم يخاطب، وفي هذا بطلان الدين، وبالله تعالى التوفيق. فالناس في ذلك على مراتب، فمن ارتفع فهمه عن فهمهم أغتام المجلوبين من بلاد العجم منذ قريب، وعن فهم أغتام العامة، فإنه لا يجزيه في ذلك ما يجزي من ذكرنا، لكن يجتهد هذا على حسب ما يطيق في البحث عما نابه من نص الكتاب والسنة ودلائلهما، ومن الإجماع ودلائله؛ ويلزم هذا إذا سأل الفقيه فأفتاه أن يقول له: من أين قلت هذا؟ فيتعلم من ذلك مقدار ما انتهت إليه طاقته وبلغه فهمه. وأما المنتصبون لطلب الفقه، وهم النافرون للتفقه، الحاملون لفرض النفار عن جماعتهم، المتأهبون لنذارة قومهم، ولتعلم المتعلم، وفتيا المستفتي، وربما للحكم بين الناس، ففرض عليهم تقصي علوم الديانة على حسب طاقتهم ومن أحكام القرآن وحديث النبي صلى الله عليه وسلم ورتب النقل وصفات النقلة ومعرفة السند

[2] **Translator's note (L2157):** The first Quranic quotation is repeated in full in the source and is retained. In both occurrences the transcription has لمؤمنون and لدين where the standard Quranic wording has المؤمنون and الدين; the translation follows their evident lexical sense. The second Quranic quotation has لذكر where the standard wording has الذكر; the translation follows the evident sense, "the Reminder."

[3] **Translator's note (L2160):** The supplied wording places 'the matters over which they have disagreed' immediately after 'everything upon which Muslims have reached consensus,' without a conjunction. The translation supplies the apparent coordination and flags the irregularity here. The author identifies the rural settlement termed daskarah with the local term majsharah; the latter is retained because its precise regional sense is uncertain.

[4] **Translator's note (L2162):** The Quran quotation, corresponding to 9:122, contains defective spellings in 'the believers' and 'the religion.' These do not yield a distinct intelligible meaning in English.

[5] **Qur'an references (L2157):** Qur'an 9:122 (At-Tawbah); Qur'an 12:109 (Yusuf); Qur'an 16:43 (An-Nahl).

This entails that the obligation falls away from everyone who has not been addressed; it therefore falls away from every individual, since every individual has not been addressed. This entails the nullification of the religion. Through Allah, exalted is He, comes success. People occupy different levels in this respect. Anyone whose understanding rises above the understanding of the inarticulate persons recently brought from non-Arab lands, and above the understanding of the inarticulate among the common people, cannot discharge his obligation in this matter through what suffices for those whom we have mentioned. Rather, he must exert himself to the extent of his ability in investigating whatever matter confronts him through the text of the Book and the Sunnah and their indications, and through consensus and its indications. When he asks a jurist and the jurist gives him a legal opinion, he is obliged to say to him, "On what basis do you say this?" He thereby learns as much as his capacity permits and his understanding can encompass. As for those who devote themselves to seeking jurisprudence—those who go forth to acquire understanding, who bear on behalf of their community the obligation of going forth, and who prepare themselves to warn their people, for the learner's learning, to give legal opinions to those seeking them, and perhaps to judge between people—they are obliged to investigate the religious sciences exhaustively, to the extent of their ability: the rulings of the Quran, the hadith of the Prophet ﷺ, the ranks of transmission, the characteristics of transmitters, and how to distinguish a sound chain of transmission from others, such as a weak report with an omitted intermediary. This is his binding obligation. If he adds to this knowledge of consensus and disagreement, the basis upon which each proponent states his position, and how to refer the statements of those who differ and dispute back to the Book and the Sunnah, that is good. He is obliged to learn the manner of demonstrations by which truth is distinguished from falsehood, and how to proceed with texts that appear to conflict. All this is expressly stated in the Quran. He said, exalted is He: "The believers are not to go forth all together. Why, then, does a group from every division of them not go forth, so that they may acquire understanding of the religion and warn their people when they return to them, so that they may beware?" This imposes the obligation to learn the rulings of the Quran and the rulings of the Prophet's ﷺ commands, because these two

الصحيح مما عداه من مرسل ضعيف، هذا فرضه اللازم له، فإن زاد إلى ذلك معرفة الإجماع والاختلاف، ومن أين قال كل قائل، وكيف يرد أقاويل المختلفين المتنازعين إلى الكتاب والسنة، فحسن، وفرض عليه تعلم كيفية البراهين التي يتميز بها الحق من الباطل، وكيف يعمل فيما ظاهره التعارض من النصوص، وكل هذا منصوص في القرآن قال تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} فهذا إيجاب لتعلم أحكام القرآن وأحكام أوامر النبي صلى الله عليه وسلم لأن هذين أصل الدين وقال تعالى {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين} فوجب بذلك تعرف عدول النقلة من فساقهم، وفقهائهم ممن لم يتفقه منهم. وأما معرفة الإجماع والاختلاف فقد زعم أن هذا يجب بقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} قال ففرض علينا معرفة ما اتفق عليه أولو الأمر منا، لأننا مأمورون بطاعتهم، ولا يمكننا طاعتهم إلا بعد معرفة إجماعهم الذي يلزمنا طاعتهم فيه. وأما معرفة الاختلاف، ومعرفة ما يتنازعون فيه، ومعرفة كيفية الرد إلى الكتاب والسنة فبقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} ففرض علينا معرفة ما يتنازعون فيه، ومعرفة كيف يرد ذلك إلى الكتاب والسنة، لأننا إن لم نعرف الاختلاف ظننا أن القول الذي نسمعه من بعض العلماء لا خلاف فيه، فنتبعه دون أن نعرضه على القرآن والسنة، فنخطىء ونعصي الله تعالى، إذ أخذنا قولا نهينا عن اتباعه. قال أبو محمد: وهذا خطأ، لأننا إنما أمرنا تعالى بطاعة أولي الأمر فيما نقلوه إلينا عن رسول الله صلى الله عليه وسلم فأما أن يقولوا من عند أنفسهم بحكم لا

are the foundation of the religion. He also said, exalted is He: "O you who believe, if a morally corrupt person brings you news, ascertain the matter, lest you afflict people in ignorance and then become remorseful for what you have done." This makes it obligatory to distinguish upright transmitters from morally corrupt ones, and their jurists from those among them who have not acquired understanding of the law. As for knowledge of consensus and disagreement, someone has claimed that this is obligatory because of His saying, exalted is He: "O you who believe, obey Allah, obey the Messenger, and those vested with authority among you. If you dispute over anything, refer it back to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome." He said: "We are therefore obliged to know what those vested with authority among us have agreed upon, because we are commanded to obey them, and we cannot obey them until we know their consensus concerning that in which we are bound to obey them. As for knowing disagreement, knowing what they dispute over, and knowing how to refer matters back to the Book and the Sunnah, this follows from His saying, exalted is He: 'O you who believe, obey Allah, obey the Messenger, and those vested with authority among you. If you dispute over anything, refer it back to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome.' We are therefore obliged to know what they dispute over and to know how that is referred back to the Book and the Sunnah. For if we do not know disagreement, we will suppose that the statement we hear from one of the scholars is undisputed, and will follow it without submitting it to the Quran and the Sunnah. We will thereby err and disobey Allah, exalted is He, because we have adopted a statement that we were forbidden to follow." Abu Muhammed said: This is mistaken, because He, exalted is He, commanded us to obey those vested with authority only concerning what they have transmitted to us from the Messenger of Allah ﷺ. As for their pronouncing, on their own authority, a ruling for which there is no text, it has never been permissible for anyone to do this, nor has it ever been lawful for anyone to obey someone who does so. Allah, exalted is He, has threatened His Messenger ﷺ with the sternest threat over this; how much more, then, someone below him! He said, exalted is He: "Had he fabricated some sayings against Us, We would have seized

نص فيه فما جاز هذا قط لأحد أن يفعله، ولا حل لأحد قط أن يطيع من فعله وقد توعد الله تعالى ورسوله صلى الله عليه وسلم على هذا أشد الوعيد فكيف على من دونه قال تعالى {ولو تقول علينا بعض لأقاويل * لأخذنا منه باليمين * ثم لقطعنا منه لوتين * فما منكم من أحد عنه حاجزين} فصح أن من قال في الدين بقول أضافه إلى الله تعالى فقد كذب، وتقول على الله تعالى الأقاويل.

him by the right hand; then We would have severed his aorta; and none of you could have shielded him." It is thus established that anyone who makes a statement concerning religion and attributes it to Allah, exalted is He, has lied and fabricated sayings against Allah, exalted is He,[6][7][8][9][10]

L2169–2176 and that whatever one does not attribute to Allah Most High is no part of religion at all. Knowledge of disagreement, however, is additional knowledge. Saʿid ibn Jubayr said, "The most knowledgeable of people is the one most knowledgeable about disagreement." Saʿid spoke truly, because this is additional knowledge; so too is knowing the basis on which each person advanced his position. As for knowing how to establish a demonstration, this follows from His saying, Most High: "They say, 'None will enter Paradise unless he is a Jew or a Christian.' Those are their wishes. Say: 'Produce your demonstration, if you are truthful.'" We have therefore said nothing except what our Lord, Mighty and Majestic, has said and made obligatory

وأن من لم يضفه إلى الله تعالى، فليس من الدين أصلا، لكن معرفة الاختلاف علم زائد، قال سعيد بن جبير: أعلم الناس أعلمهم بالاختلاف، وصدق سعيد، لأنه علم زائد، وكذلك معرفة من أين قال كل قائل، فأما معرفة كيفية إقامة البرهان فبقوله تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} فلم نقل شيئا إلا ما قاله ربنا عز وجل وأوجبه علينا، والحمد لله رب العالمين. وإنما نحن منبهون على ما أمرنا الله تعالى، وموقفون على مواضع الأوامر التي مر عليها من يمر غافلا أو معرضا، ومنذرون قومنا فيما تفقهنا فيه، ونفرنا لتعلمه بمن الله عز وجل علينا كما أمرنا تعالى إذ يقول {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} ولا نقول من عند أنفسنا شيئا ونعوذ بالله من ذلك، ولم يبح الله تعالى ذلك لأحد لا قديما ولا حديثا، وبالله تعالى نتأيد، وقال تعالى: {ما ننسخ من آية أو ننسها نأت بخير منها أو مثلها ألم تعلم أن لله على كل شيء قدير} ففرض علينا معرفة الناسخ من المنسوخ، وفرض على من قصد التفقه في الدين، كما ذكرنا أن يستعين على ذلك من سائر العلوم بما تقتضيه حاجته إليه في فهم كلام ربه تعالى وكلام نبيه صلى الله عليه وسلم قال تعالى {ومآ أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل لله من يشآء ويهدي من يشآء وهو لعزيز لحكيم} ففرض على الفقيه أن يكون عالما بلسان العرب ليفهم عن الله عز وجل وعن النبي صلى الله عليه وسلم ويكون عالما بالنحو الذي هو ترتيب العرب لكلامهم الذي به نزل القرآن، وبه يفهم

[6] **Translator's note (L2163):** 'The Mother of the Quran' designates the opening chapter, al-Fatihah. The supplied phrase corresponding to 'above the understanding of the inarticulate persons' contains an extra or corrupt pronoun in fahmihim. The translation follows the apparent syntactic intention. 'Inarticulate' renders aghtam, a disparaging term that can denote difficulty speaking intelligibly, especially in Arabic, and can also suggest dullness.

[7] **Translator's note (L2164):** The source reads 'for the learner's learning' rather than the more expected 'to teach the learner'; the translation preserves that wording. Mursal denotes a report with an omitted intermediary in its transmission. The supplied phrase mursal da'if may describe a weak mursal report or elliptically enumerate mursal and weak reports; the translation follows the former construction.

[8] **Translator's note (L2166):** The Quran quotations correspond to 9:122, 49:6, and 4:59, with 4:59 quoted twice. The supplied transcription has defective spellings and a duplicated letter in the verb translated 'afflict'; these do not produce distinct intelligible meanings. The source introduces an unnamed person's argument with 'someone has claimed' and then 'he said.' The argument continues into the next unit until Abu Muhammed's response.

[9] **Translator's note (L2168):** The unvocalized wording permits 'His Messenger' to be read either as the object of Allah's threat or as a second subject alongside Allah. The translation takes it as the object, as indicated by the following comparison with someone below the Messenger and the quotation. The Quran quotation corresponds to 69:44–47 and contains defective spellings of several definite articles. The final clause of the author's argument continues in the following segment.

[10] **Qur'an references (L2163):** Qur'an 9:122 (At-Tawbah); Qur'an 49:6 (Al-Hujurat); Qur'an 4:59 (An-Nisa); Qur'an 69:47 (Al-Haqqah).

upon us. Praise belongs to Allah, Lord of the worlds. We merely draw attention to what Allah Most High has commanded us, point out the locations of commands over which some pass heedlessly or turn away, and warn our people concerning that in which we have acquired understanding and which we have gone forth to learn, through Allah's favor upon us, Mighty and Majestic, as He Most High commanded us when He said: "The believers should not go forth all together. Why, then, should a group from every division of them not go forth, so that they may acquire understanding of religion and warn their people when they return to them, so that they may beware?" We say nothing of our own devising, and we seek refuge in Allah from that. Allah Most High has permitted this to no one, in earlier or later times. From Allah Most High we derive support. He Most High said: "Whatever verse We abrogate or cause to be forgotten, We bring one better than it or its like. Do you not know that Allah has power over all things?" He thus made it obligatory upon us to distinguish the abrogating from the abrogated, and made it obligatory upon anyone seeking to acquire understanding of religion, as we have mentioned, to draw upon the other sciences for whatever assistance he needs in understanding the speech of his Lord Most High and the speech of his Prophet ﷺ. He Most High said: "We have sent no messenger except in the language of his people, so that he might make things clear to them. Then Allah leads astray whomever He wills and guides whomever He wills, and He is the Mighty, the Wise." It is therefore obligatory for the jurist to know the language of the Arabs, so that he may understand what Allah, Mighty and Majestic, and the Prophet ﷺ communicate, and to know grammar, which is the Arabs' arrangement of their speech: the language in which the Qur'an was revealed and through which one understands the meanings of speech expressed by differences in vowel markings and the formation of words. Whoever is ignorant of vocabulary—that is, the expressions applied to the things named—and ignorant of grammar—that is, knowledge of the differences in vowel markings that occur because of differences in meaning—does not know the language in which Allah Most High and our Prophet, may Allah bless him and grant him peace, addressed us. Anyone who does not know that language is not permitted to issue legal opinions concerning it, because he would be issuing opinions about what he does not know. Allah

معاني الكلام التي يعبر عنها باختلاف الحركات، وبناء الألفاظ، فمن جهل اللغة وهي الألفاظ الواقعة على المسميات، وجهل النحو الذي هو علم اختلاف الحركات الواقعة لاختلاف المعاني، فلم يعرف اللسان الذي به خاطبنا الله تعالى ونبينا صلى الله عليه وسلم ومن لم يعرف ذلك اللسان لم يحل له الفتيا فيه، لأنه يفتي بما لا يدري، وقد نهاه الله تعالى عن ذلك بقوله تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} وبقوله تعالى {ومن لناس من يجادل في لله بغير علم ويتبع كل شيطان مريد} وبقوله تعالى: {هأنتم هؤلاء حاججتم فيما لكم به علم فلم تحآجون فيما ليس لكم به علم ولله يعلم وأنتم لا تعلمون} وبقوله تعالى {هأنتم هؤلاء حاججتم فيما لكم به علم فلم تحآجون فيما ليس لكم به علم ولله يعلم وأنتم لا تعلمون} وقال تعالى {إذ تلقونه بألسنتكم وتقولون بأفواهكم ما ليس لكم به علم وتحسبونه هينا وهو عند لله عظيم} وفرض على الفقيه أن يكون عالما بسير النبي صلى الله عليه وسلم ليعلم آخر أوامره وأولها وحربه صلى الله عليه وسلم لمن حارب وسلمه لمن سالم وليعرف على ماذا حارب، ولماذا وضع الحرب وحرم الدم بعد تحليله وأحكامه صلى الله عليه وسلم التي حكم بها فمن كانت هذه صفته وكان ورعا في فتياه، مشفقا على دينه صليبا في الحق، حلت له الفتيا وإلا فحرام عليه أن يفتي بين اثنين، أو أن يحكم بين اثنين، وحرام على الإمام أن يقلده حكما أو يتيح له فتيا، وحرام على الناس أن يستفتوه لأنه إن لم يكن عالما بما ذكرنا، فلم يتفقه في الدين، وإن لم يكن مشفقا على دينه فهو فاسق، وإن لم يكن صليبا لم يأمر بمعروف، ولا نهى عن منكر، والأمر بالمعروف والنهي عن المنكر فرضان على الناس قال تعالى {ولتكن منكم أمة يدعون إلى لخير ويأمرون بلمعروف وينهون عن لمنكر وأولئك هم لمفلحون} وهذا متوجه إلى العلماء بالمعروف وبالمنكر، لأنه لا يجوز أن يدعو إلى الخير إلا من علمه، ولا يمكن

Most High has forbidden him to do that through His saying, Most High: "Do not pursue that of which you have no knowledge. Hearing, sight, and the heart—all of these will be questioned about"; and through His saying, Most High: "Among people is one who disputes concerning Allah without knowledge and follows every rebellious devil"; and through His saying, Most High: "Here you are: you have argued concerning that of which you have knowledge. Why, then, do you argue concerning that of which you have no knowledge? Allah knows, and you do not know"; and through His saying, Most High: "Here you are: you have argued concerning that of which you have knowledge. Why, then, do you argue concerning that of which you have no knowledge? Allah knows, and you do not know." He Most High said: "When you received it with your tongues and said with your mouths that of which you had no knowledge, reckoning it a trivial matter, while with Allah it was grave." It is obligatory for the jurist to know the accounts of the Prophet's ﷺ conduct, so that he may know his later commands and his earlier ones, his ﷺ warfare against those he fought and his peace with those with whom he made peace; so that he may know on what grounds he fought, why he laid down arms and forbade bloodshed after permitting it, and the judgments that he ﷺ delivered. Whoever possesses these qualities, exercises religious scrupulousness in his legal opinions, is solicitous for his religion, and stands firm in the truth is permitted to issue legal opinions. Otherwise, it is forbidden for him to issue a legal opinion between two people or to adjudicate between two people. It is forbidden for the ruler to entrust him with judicial authority or permit him to issue legal opinions, and it is forbidden for people to seek legal opinions from him. For if he does not know what we have mentioned, he has not acquired understanding of religion; if he is not solicitous for his religion, he is an evildoer; and if he is not firm, he will neither enjoin what is right nor forbid what is wrong. Enjoining what is right and forbidding what is wrong are two obligations upon people. He Most High said: "Let there be among you a community calling to goodness, enjoining what is right, and forbidding what is wrong. Those are the successful." This is addressed to those who know what is right and what is wrong, because only someone who knows goodness may call to it; only someone who recognizes what is right can enjoin it; and only someone who distinguishes

أن يأمر بالمعروف إلا من عرفه، ولا يقدر على إنكار المنكر إلا من يميزه. فإن كان مع ما ذكرنا قويا على إنفاذ الأمور حسن السياسة حل له القضاء والإمارة وإلا فلا قال رسول الله صلى الله عليه وسلم المؤمن القوي أحب إلى الله من المؤمن الضعيف وقال صلى الله عليه وسلم لأبي ذر يا أبا ذر إني أحب إليك ما أحب لنفسي، إنك ضعيف فلا تأمرن على اثنين ولا تولين مال يتيم، وكان أبو ذر رضي الله عنه ممن له أن يفتي ولم يكن ممن له أن يقضي، لأنه لم يكن له حسن التأتي في تناول ما يريد، بل كانت فيه عجرفة ومهاجمة ربما صار بها منذرا وقد أمر صلى الله عليه وسلم معاذا وأبا موسى إذ بعثهما قاضيين على اليمن، ومعلمين للدين، وأميرين بأن ييسرا ولا ينفرا، هذا على عظيم فضل أبي ذر وكريم سوابقه في الإسلام، وزهده وورعه ورفضه للدنيا وثباته على ما فارق عليه نبيه صلى الله عليه وسلم وصدعه بالحق وأنه كان لا تأخذه في الله لومة لائم، وتقدمه على أكثر الصحابة. فحد الفقه هو المعرفة بأحكام الشريعة من القرآن، ومن كلام المرسل بها، الذي لا تؤخذ إلا عنه، وتفسير هذا الحد كما ذكرنا المعرفة بأحكام القرآن وناسخها ومنسوخها والمعرفة بأحكام كلام رسول الله صلى الله عليه وسلم ناسخه ومنسوخه وما صح نقله مما لو يصح ومعرفة ما أجمع العلماء عليه، وما اختلفوا فيه، وكيف يرد الاختلاف إلى القرآن وكلام الرسول صلى الله عليه وسلم فهذا تفسير العلم بأحكام الشريعة وكل من علم مسألة واحدة من دينه على الرتبة التي ذكرنا، أجاز له أن يفتي بها، وليس جهله بما جهل بمانع من أن يفتي بما علم، ولا علمه بما علم بمبيح له أن يفتي فيما جهل وليس أحد بعد النبي صلى الله عليه وسلم إلا وقد غاب عنه من العلم كثير هو موجود عند غيره، فلو لم يفت إلا من أحاط بجميع العلم لما حل لأحد من الناس بعد رسول الله صلى الله عليه وسلم أن يفتي أصلا وهذا لا يقوله مسلم وهو إبطال للدين وكفر من قائله وفي بعثه النبي صلى الله عليه وسلم الأمراء

what is wrong can repudiate it. If, in addition to what we have mentioned, he is capable of carrying matters into effect and skilled in governance, he is permitted to hold judicial office and political command; otherwise, he is not. The Messenger of Allah ﷺ said: "The strong believer is more beloved to Allah than the weak believer." He ﷺ said to Abu Dharr: "Abu Dharr, I desire for you what I desire for myself. You are weak, so do not exercise command over two people, and do not undertake the administration of an orphan's property." Abu Dharr, may Allah be pleased with him, was among those permitted to issue legal opinions, but he was not among those permitted to adjudicate, because he lacked skill in approaching what he wished to accomplish. Rather, there was in him a brusqueness and an impetuousness through which he sometimes became a warner. He ﷺ commanded Muʿadh and Abu Musa, when he sent them to Yemen as judges, teachers of religion, and commanders, to make things easy and not drive people away. This was despite Abu Dharr's great merit, his noble early services to Islam, his asceticism, his scrupulousness, his rejection of worldly things, his steadfast adherence to the condition in which he had parted from his Prophet ﷺ, his outspoken proclamation of the truth, his refusal to fear anyone's reproach in matters concerning Allah, and his precedence over most of the Companions. The definition of jurisprudence, then, is knowledge of the rulings of the revealed law derived from the Qurʾan and from the speech of the one sent with it, from whom alone it may be received. The explanation of this definition is, as we have mentioned, knowledge of the Qurʾan's rulings, its abrogating and its abrogated provisions; knowledge of the rulings contained in the speech of the Messenger of Allah ﷺ, its abrogating and its abrogated provisions, and which reports of it have been soundly transmitted as distinct from those that [have not]; knowledge of what the scholars have agreed upon and what they have disagreed about; and knowledge of how disagreement is referred back to the Qurʾan and the speech of the Messenger ﷺ. This, then, explains knowledge of the rulings of the revealed law. Anyone who knows a single question of his religion to the standard we have described is permitted to issue a legal opinion on it. His ignorance of what he does not know does not prevent him from issuing legal opinions on what he knows, nor does his knowledge of what he knows permit him to issue legal opinions con-

إلى البلاد ليعلموا الناس القرآن وحكم الدين، ولم يكن أحد منهم يستوعب جميع ذلك، لأنه قد كان تنزل بعدهم الآيات والأحكام بيان صحيح بأن العلماء، وإن فاتهم كثير من العلم، فإن لهم أن يفتوا ويقضوا بما عرفوا.

cerning what he does not know. There is no one after the Prophet ﷺ from whom much knowledge, available to others, has not been hidden. If only someone who comprehended all knowledge could issue legal opinions, no person after the Messenger of Allah ﷺ would have been permitted to issue any legal opinion at all. No Muslim says this: it is an annulment of religion and unbelief on the part of whoever says it. The Prophet's ﷺ dispatching commanders to the various lands to teach people the Qur'an and the rulings of religion—although none of them comprehended all of that, since verses and rulings continued to be revealed after their departure—provides clear evidence that scholars, even if much knowledge has escaped them, may issue legal opinions and adjudicate on the basis of what they know.[11][12][13][14][15][16][17]

وهذا الباب أيضا بيان جلي على أن من علم شيئا من الدين علما صحيحا فله أن يفتي به، وعليه أن يطلب علم ما جهل مما سوى ذلك، ومن علم أن في المسألة التي نزلت حديثا قد فاته، لم يحل له أن يفتي في ذلك حتى يقع على ذلك الحديث. ومن لم يعلم الأحكام على الصفة التي ذكرنا قبل، لكن إنما أخذ المسائل تقليدا، فإنه لا يحل لمسلم أن يستفتيه، ولا يحل له أن يفتي بين اثنين، ولا يحل للإمام أن يوليه قضاء ولا حكما أصلا، ولا يحل له إن قلد ذلك أن يحكم بين اثنين وليس أحد بعد النبي صلى الله عليه وسلم إلا وهو يخطىء ويصيب فليس خطأه بمانع من قبول صوابه، وبالله تعالى التوفيق،

[11] **Translator's note (L2169):** The opening continues the preceding argument: the object of "does not attribute" is an opinion concerning religion. The Qur'anic quotations contain apparent transcription defects, including missing initial letters in words corresponding to "Paradise," "the believers," and "religion." Their identifiable meanings are rendered here. The final quotation also has a grammatically irregular wording in the clause rendered "Allah has power over all things."

[12] **Translator's note (L2170):** The final salutation continues in the next unit; only the fragment present here is translated.

[13] **Translator's note (L2171):** "Addressed us" completes the construction in the preceding unit; in the Arabic, the verb occurs there before the salutation that crosses the boundary.

[14] **Translator's note (L2172):** The quotation beginning "Here you are: you have argued" occurs twice in the supplied text; the repetition is preserved. Several Qur'anic words have apparent transcription defects involving omitted initial letters; their identifiable meanings are rendered.

[15] **Translator's note (L2174):** The supplied wording uses an unusual preposition in "I desire for you"; the sense is rendered without changing the substance of the quotation.

[16] **Translator's note (L2175):** The supplied word rendered "a warner" means precisely that, although the surrounding discussion of driving people away suggests a possible corruption of a word meaning "one who drives people away." The supplied reading is retained. The phrase distinguishing soundly transmitted reports from others contains "if" where a negation appears to be required. "[Have not]" marks the contextual interpretation of this apparently corrupt reading.

[17] **Qur'an references (L2169):** Qur'an 2:111 (Al-Baqarah); Qur'an 37:182 (As-Saffat); Qur'an 9:122 (At-Tawbah); Qur'an 2:106 (Al-Baqarah); Qur'an 14:4 (Ibrahim); Qur'an 17:36 (Al-Isra); Qur'an 22:3 (Al-Hajj); Qur'an 3:66 (Ali 'Imran); Qur'an 24:15 (An-Nur); Qur'an 3:104 (Ali 'Imran).

L2177 This chapter also provides clear evidence that anyone who has sound knowledge of something in religion may issue a legal opinion on it, and must seek knowledge of whatever else he does not know. Anyone who knows that there is a report concerning the question that has arisen which has escaped him is not permitted to issue a legal opinion on it until he finds that report. Anyone who does not know the rulings in the manner we described earlier, but has merely acquired positions through uncritical adherence to others, may not lawfully be consulted by a Muslim for a legal opinion. He may not lawfully issue a legal opinion between two people; the ruler may not lawfully appoint him to any judicial office or authority to adjudicate whatsoever; and, if he is entrusted with that, he may not lawfully adjudicate between two people. There is no one after the Prophet ﷺ who does not both err and judge correctly. His error does not prevent acceptance of what he gets right. Through Allah Most High comes success.

L2178–2184 Thus, no one who gives authoritative advice in religion or medicine is ever other than one of three people: either a learned person who gives an opinion according to the texts that have reached him, after searching and investigating thoroughly as he is obliged to do—such a person is rewarded whether he errs or is correct, and he is obliged to give opinions according to what he knows; or an evildoer who gives whatever opinion happens to occur to him, seeking to perpetuate a position of leadership or to acquire money, while knowing that he is giving an opinion that is not warranted; or an ignorant person of weak understanding who gives opinions without certain knowledge, supposing that he is correct, although he has not investigated as he should. Had he been sensible, he would have recognized his ignorance and would not have ventured into what he does not understand. Abu al-Zinad Siraj ibn Siraj and Khalaf related to me ibn ʿUthman al-Bahham and Abu ʿUthman Saʿid ibn Muhammed al-Darrab, all of them saying: "I heard ʿAbd Allah ibn Ibrahim al-Asili say: ʿAl-Abhari, Abu Bakr Muhammed ibn Salih, said to me: "What characterizes a jurist among you in al-Andalus?" I told him: "He reads al-Mudawwanah, and perhaps al-Mustakhrajah; then, once he has memorized the questions discussed in those two works, he gives legal opinions." He said to me: "Is that what he is?" I told him: "Yes." He said

فلا يوجد مفت في الديانة وفي الطب أبدا، إلا أحد ثلاثة أناسي: إما عالم يفتي بما بلغه من النصوص بعد البحث والتقصي، كما يلزمه، فهذا مأجور أخطأ وأصاب، وواجب عليه أن يفتي بما علم، وإما فاسق يفتي بما يتفق له، مستديما لرياسة أو لكسب مال، وهو يدري أنه يفتي بغير واجب، وإما جاهل ضعيف العقل، ويفتي بغير يقين علم، وهو يظن أنه مصيب، ولم يبحث حق البحث، ولو كان عاقلا لعرف أنه جاهل، فلم يتعرض لما لا يحسن. حدثني أبو الزناد سراج بن سراج، وخلف بن عثمان البحام، وأبو عثمان سعيد بن محمد الضراب كلهم يقولون: سمعت عبد الله بن إبراهيم الأصيلي يقول: قال لي الأبهري أبو بكر محمد بن صالح: كيف صفة الفقيه عندكم بالأندلس؟ فقلت له: يقرأ المدونة، وربما المستخرجة، فإذا حفظ مسائلهما أفتى. فقال لي: هذا ما هو؟ فقلت له: نعم، فقال لي: أجمعت الأمة على أن من هذه صفته لا يحل له أن يفتي. قال أبو محمد: علي بن أحمد، وحدثني أبو مروان عبد الملك بن أحمد المرواني قال: سمعت أحمد بن عبد الملك الإشبيلي المعروف بابن المكري، ونحن مقبلون من جنازة

to me: "The community has unanimously agreed that someone of this description is not permitted to give legal opinions."" Abu Muhammed ʿAli ibn Ahmad said: Abu Marwan ʿAbd al-Malik ibn Ahmad al-Marwani also related to me, saying: "I heard Ahmad ibn ʿAbd al-Malik al-Ishbili, known as Ibn al-Mukri, as we were returning from a funeral in the suburb on the bank of the river of Cordoba, when someone questioned him, saying to him: 'What level must a person attain before he is permitted to give legal opinions?'" Then Ahmad ibn al-Layth al-Ansari informed me that he had brought to him and to the judge Abu Bakr Yahya ibn ʿAbd al-Rahman ibn Waqid Ibn al-Mundhir's Book of Intermediate Disagreement. When the two had examined it, they told him: "This is a book such that anyone who does not have it in his house has not smelled the scent of knowledge." He said: "Ibn Waqid added, addressing me: 'And we do not have it in our houses, so we have not smelled the scent of knowledge.'" Abu Muhammed said: We have not adduced what we have mentioned as evidence for our position, but to hold them to what they themselves accept as binding. For, in their estimation, the statements of the eminent men of our country are more firmly established than direct observation and more deserving of obedience than what they have transmitted in the hadith of the Prophet ﷺ. In Allah Most High we seek refuge from abandonment. We have explained the character of inquiry, of the giver of legal opinions, and of the independent investigation that we command and whose practitioner we judge to be acting correctly: it consists in seeking the ruling on a question from the text of the Quran and authentic hadith; distinguishing the abrogating from the abrogated; construing the hadith reports in conjunction with one another and with the Quran; and construing the verses in conjunction with one another, as we have explained earlier in this book of ours. He is under absolutely no obligation beyond this. If he examines the statements of the Companions, the Successors, and those who came after them, generation after generation, then it is obligatory for him to consider all the statements of the scholars with the same scrutiny and to make the Quran and the Sunnah the arbiters over them. Whichever of them their judgment favors, he must adopt it as his conviction and give legal opinions according to it, discarding all the others, even if he finds nothing among those statements that have reached him. Rather, he must adhere to the text even if no report

من الربض بعدوة نهر قرطبة، وقد سأله سائل فقال له: ما المقدار الذي بلغه المرء، حل له أن يفتي. ثم أخبرني أحمد بن الليث الأنسري، أنه حمل إليه وإلى القاضي أبي بكر يحيى بن عبد الرحمن بن واقد كتاب الاختلاف الأوسط لابن المنذر فلما طالعاه قالا له: هذا كتاب من لم يكن عنده في بيته لم يشم رائحة العلم، قال: وزادني ابن واقد أن قال: ونحن ليس في بيوتنا، فلم نشم رائحة العلم. قال أبو محمد: لم نأت بما ذكرنا احتجاجا لقولنا، ولكن إلزاما لهم ما يلتزمونه، فإن قول أكابر أهل بلادنا عندهم أثبت من العيان وأولى بالطاعة مما رووا في حديث النبي صلى الله عليه وسلم وبالله تعالى نعوذ من الخذلان قد بينا صفة الطلب والمفتي والاجتهاد الذي نأمر به، ونصوب من فعله، وهو طلب الحكم في المسألة من نص القرآن، وصحيح الحديث، وطلب الناسخ من المنسوخ، وبناء الحديث بعضه مع بعض ومع القرآن، وبناء الآي بعضها مع بعض على ما بينا فيما سلف من كتابنا هذا، ليس عليه غير هذا البتة، وإن طالع أقوال الصحابة والتابعين ومن جاء بعدهم عصرا عصرا، ففرض عليه أن ينظر من أقوال العلماء كلها نظرا واحدا، ويحكم فيها القرآن والسنة، فلأيها حكم اعتقده وأفتى به واطرح سائرها، وإن لم يجد شيئا مما بلغه منها، بل عليه أن يأخذ بالنص وإن لم يبلغه أن قائلا قال به، لما قد بيناه في كلامنا في الإجماع من امتناع الإحاطة بأقوال العلماء السالفين، ومن قيام البرهان على أنه لا يخلو عصر من قائل الحق، فهذا هو الاجتهاد الصحيح الذي يؤجر من فعله على كل حال، فإن وافق الحق عند الله عز وجل أجر أجرا ثانيا على الإصابة، فحصل له أجران، وإن لم يوافق لإدراك الحق لم يأثم، وقد حصل له أجر الطلب للحق وإرادته كما قال الشاعر: وما كل موصوف له الحق يهتدي ولا كل من أم الصوى يستبينها وكل ما سمي اجتهادا من غير ما ذكرنا فهو باطل وإفك، وزين بأن سمي اجتهادا كما سمي الديغ سليما، والمهلكة مفازة، والأسود السخامي أبا البيضاء والأعمى بصيرا، وكما سمى قوم المسكر نبيذا، وطلاء وهو الخمر بعينها ويبين ما

has reached him that anyone has expressed that position, because of what we have already explained in our discussion of consensus: that it is impossible to encompass the statements of all earlier scholars, and that demonstration has established that no age is without someone who speaks the truth. This, then, is sound independent investigation, for which its practitioner is rewarded in every case. If he accords with the truth as it is with Allah, Mighty and Majestic, he is rewarded a second time for being correct, and thus receives two rewards. If he does not succeed in apprehending the truth, he incurs no sin, and he has obtained the reward for seeking the truth and intending it. As the poet said: "Not everyone to whom the truth is described finds guidance, Nor does everyone who heads toward the waymarks discern them." Everything called independent investigation other than what we have described is falsehood and fabrication, embellished by being called independent investigation, just as someone bitten by a venomous creature is called 'unharmed,' a deadly wilderness 'a place of deliverance,' a soot-black man 'father of the white woman,' and a blind man 'sighted'; and just as some people have called an intoxicating drink 'steeped drink' and 'cooked-down drink,' although it is wine itself. What we have said is made clear by his saying ﷺ: "When a judge undertakes independent investigation and errs, he has one reward; if he is correct, he has two rewards"—or words to that effect from him ﷺ. An issue arises here that we need to explain, because most people are mistaken about it: applying the designation 'memorization,' the designation 'knowledge,' and the designation 'juristic understanding' to everything that deserves any one of these names. These are names applied to distinct attributes, and so they must be explained. We shall therefore explain this with respect to knowledge of the revealed law, which we have undertaken to discuss in this work of ours. Success comes through Allah Most High; through Him, Mighty and Majestic, we receive support. There is no god but Him. We say, seeking the assistance of Allah Most High: 'Memorization' is a name applied to an attribute of a person, namely his recollection of most of the written material that has been composed, collected, and mentioned in his field of knowledge and in the subject he has chosen to pursue. Examples include someone who has memorized the written text of the Quran, someone who has memorized the written body of hadith and its texts, or someone who has memorized

قلنا قوله صلى الله عليه وسلم إذا اجتهد الحاكم فأخطأ فله أجر وإن أصاب فله أجران أو كما قال صلى الله عليه وسلم واعتراضها ههنا أمر نحتاج إلى تفسيره لغلط أكثر الناس فيه، وهو إيقاع اسم الحفظ واسم العلم واسم الفقه، على كل ما يستحق شيئا من هذه الأسماء، لأنها أسماء واقعة على صفات متغايرة، فوجب بيانها، فنفسر ذلك في علم الشريعة التي عرضنا في ديواننا هذا الكلام فيها، وبالله تعالى التوفيق، وبه عز وجل نتأيد لا إله إلا هو، فنقول وبالله تعالى نستعين: الحفظ: اسم واقع على وصفه المرء، وهي ذكره لأكثر سواد ما صنف وجمع، وذكر في علمه وغرضه الذي قصد، كحافظ سواد القرآن، وحافظ سواد الحديث ونصوصه، أو حافظ نصوص مسائل مذهبه الذي يقصد وينتحل. فهذا معنى الحفظ. وأما اسم العلم: فهو واقع على صفة في المرء، وهو اتساعه على الإشراف على أحكام القرآن، وروى الحديث صحيحه وسقيمه فقط، فإن أضاف إلى ذلك الوقوف على أقوال الناس، كان ذلك حسنا، كلما اتسع باع المرء في هذه المعاني زاد استحقاقه لاسم العلم، وهكذا في كل علم من العلوم، ويكون مع ذلك ذاكرا لأكثر ما عنده، وليس هذا حقيقة معنى لفظة العلم في اللغة، لكنه معناه في قولهم: فلان عالم، وفلان أعلم من فلان.

the texts of the questions belonging to the school of doctrine he pursues and professes. This is the meaning of memorization. As for the designation 'knowledge,' it applies to an attribute in a person, namely the breadth of his capacity to survey the rulings of the Quran and the transmitted accounts of hadith, both authentic and unsound, and nothing more. If he adds to this familiarity with people's statements, that is good. The greater a person's range in these matters, the greater his entitlement to the designation 'knowledge.' The same holds in every field of knowledge. Alongside this, he must remember most of what he possesses. This is not the actual meaning of the word 'knowledge' in the language, but it is its meaning when people say, 'So-and-so is learned,' and 'So-and-so is more learned than so-and-so.'[18][19]

L2185–2187 As for the explanation of the word 'knowledge' in the language, we have explained it in this book of ours and in our book entitled al-Fasl. As for the designation 'juristic understanding,' it applies to an attribute in a person: his understanding of what he possesses, his awareness and grasp of the true meanings of the expressions of the Quran and hadith, and the presence of all this in his recollection whenever he wishes to call upon it. The advocates of analogy add a further qualification here beyond ours: his knowledge of analogous cases among rulings and questions, and his ability to distinguish them. These, then, are the meanings of the aforementioned designations when people say, 'So-and-so is a memorizer,' 'So-and-so is learned,' and 'So-and-so possesses juristic understanding.' If someone asks, 'Is independent

[18]**Translator's note (L2179):** The unpunctuated expression «هذا ما هو» is ambiguous. It is rendered as a question, "Is that what he is?", in view of the following "Yes"; an emphatic statement, "That is what he is," is also possible. The account of Ahmad ibn ʿAbd al-Malik records the question put to him but supplies no answer before moving to the next report. No answer has been supplied in translation.

[19]**Translator's note (L2182):** The clause "even if he finds nothing among those statements that have reached him" is incomplete or awkward in the supplied Arabic; its unstated object has not been silently supplied. The supplied «واعتراضها» is grammatically irregular in context. The translation conveys the apparent sense that an issue arises at this point. The examples 'unharmed,' 'place of deliverance,' 'father of the white woman,' and 'sighted' reproduce the author's examples of euphemistic or contrary naming. 'Steeped drink' renders nabidh, and 'cooked-down drink' renders tilaʾ; the author's assertion that the intoxicant in question is wine is preserved.

وأما تفسير لفظة العلم في اللغة فقد فسرناه في كتابنا هذا، وفي كتابنا الموسوم بالفصل. وأما اسم الفقه: فهو واقع على صفة في المرء، وهي فهمه لما عنده، وتنبهه على حقيقة معاني ألفاظ القرآن والحديث، ووقوفه عليها، وحضور كل ذلك في ذكره متى أراده، ويزيد القياسيون علينا ههنا زيادة وهي: معرفته بالنظائر في الأحكام والمسائل وتمييزه لها، فهذه معاني الأسماء المذكورة في قولهم: فلان حافظ، وفلان عالم، وفلان فقيه. فإن قال قائل أيجوز الاجتهاد بحضرة النبي صلى الله عليه وسلم فالجواب أنه فيما لم يؤمروا به ولا نهوا عنه، ولكنه مباح لهم، جائز كاجتهادهم فيما يجعلونه علما للدعاء إلى الصلاة، ولم يكن ذلك على إيجاب شريعة تلزم، وإنما كان إنذارا من بعضهم لبعض، كقول أحدنا لجاره إذا نهض للصلاة: قم بنا إلى الصلاة حتى إذا نزل الوحي على النبي صلى الله عليه وسلم بما وافق رؤيا عبد الله بن زيد الأنصاري أبطل كل ما كانوا تراضوا به وقد اجتهد قوم بحضرته صلى الله عليه وسلم فيمن هم السبعون ألفا الذين يدخلون الجنة وجوههم كالقمر ليلة البدر فأخطؤوا في ذلك حتى بين لهم النبي صلى الله عليه وسلم من هم ولم يعنفهم في اجتهادهم وقد أخطؤوا فيه ولكن بين صلى الله عليه وسلم أنهم لم يصيبوا وأن الحق في خلاف ما قالوا كلهم. فإنما يجوز

investigation permissible in the presence of the Prophet ﷺ?', the answer is that it is permissible concerning matters that they have neither been commanded to do nor forbidden to do, but that are permissible for them. An example is their investigation of what they should adopt as a signal for the call to prayer. This did not amount to establishing an obligatory provision of revealed law; it was merely some of them notifying others, as when one of us says to his neighbor, upon rising for prayer, 'Come, let us go to prayer.' Then, when revelation descended upon the Prophet ﷺ in agreement with the dream of ʿAbd Allah ibn Zayd al-Ansari, it invalidated everything upon which they had mutually agreed. Some people also exercised independent investigation in his presence ﷺ concerning the identity of the seventy thousand who would enter Paradise with faces like the moon on the night when it is full. They were mistaken about this, until the Prophet ﷺ explained to them who they were. He did not rebuke them for their investigation, although they had been mistaken in it; rather, he explained —may Allah bless him and grant him peace ﷺ—that they had not been correct and that the truth differed from what all of them had said. Independent investigation is thus permissible only in interpreting something of this kind, in the means by which they notify one another that the time for prayer has arrived, and in similar matters. As for establishing an obligation, prohibiting something, or inflicting a prescribed punishment, it is forbidden to allow anyone to undertake independent investigation concerning it on the basis of his opinion alone, or to make any pronouncement whatsoever on that basis. For in doing so they would have been legislating what Allah had not authorized and fabricating claims against Allah Most High; Allah Most High has declared them free of that. Everything concerning which it was permissible for them—may Allah be pleased with them—to exercise independent investigation is permissible for us and for everyone until the Day of Resurrection. Whatever of this or anything else is forbidden to us was also forbidden to them, without any distinction. Abu al-Sanabil gave a legal opinion, through his independent investigation, concerning a pregnant woman whose husband had died. He adopted the verse concerning four months and ten days, and was mistaken while exercising independent investigation, so he has one reward because he did not arrive at the ruling of Allah Most High. As for the ha-

الاجتهاد في تأويل مثل هذا، وفيما يعرف به بعضهم بعضا بحضور الصلاة وما أشبه ذلك، وأما في إيجاب فرض أو تحريم شيء أو ضرب حد، فحرام أن يجوز فيه لأحد اجتهاد برأيه فقط، أو قول بوجه من الوجوه، لأنهم كانوا يكونون بذلك شارعين ما لم يأذن به الله، ومفترين على الله تعالى، وقد نزههم الله تعالى عن ذلك وكل ما جاز لهم رضوان الله عليهم أن يجتهدوا فيه فهو جائز لنا، ولكل إلى يوم القيامة، وما حرم علينا من ذلك وغيره فقد كان حراما عليهم ولا فرق. وقد أفتى أبو السنابل باجتهاده في المتوفى عنها زوجها وهي حامل، فأخذ بآية الأربعة أشهر وعشرا فأخطأ، وهو مجتهد فله أجر واحد لأنه لم يصب حكم الله تعالى. وأما حديث معاذ فيما روي من قوله: أجتهد رأيي، وحديث عبد الله بن عمر وفي قوله: أجتهد بحضرتك يا رسول الله، فحديثان ساقطان.

dith of Muʿadh, concerning the statement transmitted from him, ‘I exercise independent judgment by my own opinion,’ and the hadith of ʿAbd Allah ibn ʿUmar, concerning his statement, ‘Shall I exercise independent judgment in your presence, O Messenger of Allah?’, these are two discredited hadith reports[20]

L2188–2193 As for the report of Muʿadh, it was transmitted only from unnamed men from Homs. The report of ʿAbd Allah likewise has an interrupted chain of transmission and is not connected. If someone asks, “Is independent juristic exertion permissible for the prophets, peace be upon them?” the answer—and success comes through Allah Most High—is that supposing independent juristic exertion to be permissible for them in instituting a religious law concerning which they have received no revelation is grave unbelief. Sufficient to invalidate this is His command, Most High, to His Prophet ﷺ to say: {Say: I do not tell you that I possess the treasuries of Allah, nor do I know the unseen, nor do I tell you that I am an angel. I follow only what is revealed to me. Say: Are the blind and the seeing equal? Will you not then reflect?}; His saying: {Nor does he speak from desire. It is only a revelation revealed}; and His saying, Most High: {Had he fabricated some sayings against Us, We would have seized him by the right hand; then We would have severed his aorta}. Furthermore, he ﷺ would be asked about something and await revelation, saying, “Nothing has been sent down to me concerning this.” This occurs in a report concerning the obligatory alms on donkeys and the inheritance of two daughters together with a paternal uncle and a wife, and in numerous reports. If, however, the person asking about this means, “Is independent juristic exertion permissible for him in accepting two witnesses who may be inattentive?” then this is permissible. Rendering judgment on the basis of an oath that may be false is likewise permissible, because he ﷺ was explicitly commanded to do this. He ﷺ was not given knowledge of the unseen in every matter. He was commanded only to accept two Muslim witnesses whom he considered upright; or one similarly upright witness to-

أما حديث معاذ فإنما روي عن رجال من أهل حمص لم يسموا، وحديث عبد الله منقطع أيضا لا يتصل. فإن قال قائل: أيجوز للأنبياء عليهم السلام الاجتهاد؟ فالجواب وبالله تعالى التوفيق. إن من ظن أن الاجتهاد يجوز لهم في شرع شريعة لم يوح إليهم فيها فهو كفر عظيم ويكفي من إبطال ذلك أمره تعالى نبيه صلى الله عليه وسلم أن يقول {قل لا أقول لكم عندي خزآئن لله ولا أعلم لغيب ولا أقول لكم إني ملك إن أتبع إلا ما يوحى إلي قل هل يستوي لأعمى ولبصير أفلا تتفكرون} وقوله {وما ينطق عن لهوى * إن هو إلا وحي يوحى} وقوله تعالى {ولو تقول علينا بعض لأقاويل * لأخذنا منه بليمين * ثم لقطعنا منه لوتين} وأنه صلى الله عليه وسلم كان يسأل عن الشيء فينتظر الوحي ويقول ما أنزل علي في هذا شيء ذلك في حديث في زكاة الحمير وميراث البنتين مع العم والزوجة وفي أحاديث جمة وإن كان السائل عن هذا يعني أيجوز عليه الاجتهاد في قبول شاهدين لعلهما مغفلان؟ فهذا جائز والحكم بيمين لعلها كاذبة فهذا جائز لأنه صلى الله عليه وسلم بهذا أمر نصا وهو صلى الله عليه وسلم لم يؤت علم الغيب في كل موضوع وإنما أمر بقبول الشاهدين العدلين عنده من المسلمين أو العدل كذلك مع يمين الطالب أو المرأة الواحدة في الرضاع، أو الكافرين في الوصية في السفر، أو الواحد على رؤية الهلال، أو الأربعة العدول في الزنى، أو المرأتين مكان الرجل، أو يمين المدعى عليه إن مبطلا وإن محقا ما لم يعلم هو ببطلان الشهادة، أو قوله: ويسلط الله من يشاء على ظلم من يشاء حتى ينصف كل مظلوم يوم الحشر و {ووضع لكتاب فترى لمجرمين مشفقين مما فيه ويقولون يويلتنا ما لهذا لكتاب لا يغادر صغيرة

[20] **Translator’s note (L2187):** The supplied wording «عبد الله بن عمر وفي قوله» is awkward and may reflect a transcription or word-division error involving the name ʿAbd Allah ibn ʿAmr. The name is translated as supplied, without silently changing ʿUmar to ʿAmr.

gether with the claimant's oath; or one woman in matters of breastfeeding; or two unbelievers in a testamentary matter during travel; or one person concerning the sighting of the crescent moon; or four upright witnesses in cases of unlawful sexual intercourse; or two women in place of one man; or the defendant's oath, whether he is in the wrong or in the right, so long as he himself does not know that the testimony or the defendant's statement is false. Allah gives whomever He wills power to wrong whomever He wills, until He grants redress to everyone wronged on the Day of Gathering: {And the Book will be set down, and you will see the criminals apprehensive about what it contains. They will say: Woe to us! What is the matter with this Book? It leaves nothing small or great without enumerating it. They will find whatever they did present, and your Lord wrongs no one}. Nor is there an atom's weight for which He does not give recompense, except what He remits through repentance or through avoidance of major sins. What we have stated is an explicit text. He ﷺ explained this through his saying, "Anyone to whom I award anything belonging by right to his brother must not take it, for I am only assigning him a portion of the Fire"; and through his saying, peace be upon him, "Whoever swears a false oath upon this pulpit of mine, Allah forbids Paradise to him and makes the Fire his due"; and through his saying, peace be upon him, when the Hadrami said to him concerning his adversary, "Messenger of Allah, he is a wicked man who refrains from nothing." He, peace be upon him, had required the adversary to swear an oath, and he ﷺ said to the Hadrami, "You are entitled to nothing beyond that." Likewise, when his Companions said to him upon the killing of ʿAbd Allah ibn Sahl, "Messenger of Allah, will you accept the oaths of a Jew?" he ﷺ provided them with no alternative to that. And through his saying ﷺ to the two spouses exchanging imprecations, "One of you is lying. Will either of you repent?" He, peace be upon him, thus explained that he does only what his Lord Most High has commanded him. He was never charged with ensuring with certainty that a right reaches its rightful possessor, nor with knowing the defects of witnesses; neither have we been charged with any of that. He was commanded only to judge on the basis of evidence that he considered upright. He can do no more than judge according to the uprightness apparent to him and the outward knowledge available to him, just as

ولا كبيرة إلا أحصاها ووجدوا ما عملوا حاضرا ولا يظلم ربك أحدا} ولا مثقال ذرة إلا جازى عليها إلا ما أسقط من ذلك بالتوبة أو باجتناب الكبائر وهذا الذي قلنا هو نص جلي وقد بين ذلك صلى الله عليه وسلم بقوله فمن قضيت له بشيء من حق أخيه فلا يأخذه، فإنما أقطع له قطعة من النار وبقوله عليه السلام: من حلف على منبري هذا بيمين كاذبة حرم الله عليه الجنة وأوجب له النار وبقوله عليه السلام: إذا قال له الحضرمي في خصمه: يا رسول الله إنه فاجر لا يرع عن شيء وكان عليه السلام قد أوجب عليه اليمين فقال صلى الله عليه وسلم للحضرمي ليس لك إلا ذلك وإذ قال له أصحابه حين قتل عبد الله بن سهل: يا رسول الله أتقبل أيمان يهودي فلم يجعل لهم صلى الله عليه وسلم غير ذلك وبقوله صلى الله عليه وسلم للمتلاعنين إن أحدكما كاذب فهل منكم تائب. فبين عليه السلام أنه إنما يفعل ما أمره به ربه تعالى؛ ولم يكلف قط أن يعطي الحق صاحبه بيقين، ولا أن يعلم عيب الشهود، ولا كلفنا نحن شيئا من ذلك أيضا، وإنما أمر أن يقضي بالبينة العدلة عنده، ولا يقدر على أكثر من أن يحكم بالعدالة الظاهرة إليه، وبظاهر العلم عنده، وكما أمر بقبول اليمين من المنكر، وهما شيئان متغايران: أحدهما: بما شهدت به البينة، وألا يقضي على من حلف في قضية ألزم فيها اليمين فهذا هو الذي ألزم النبي صلى الله عليه وسلم وألزمنا نحن بعده صلى الله عليه وسلم والثاني أن يمكن صاحب الحق في علم الله تعالى من حقه، وهذا لا سبيل إلى علمه في كل موضع، فإن حرمنا هذا وحرمنا وفاق العدل عند الله عز وجل. فلا إثم ولا حرج، لأنه لا سبيل إلى علم ذلك بيقين، ولا كلفناه، وهذا لا يسمى اجتهادا على الإطلاق، ولكنه يقين اتباع ما أمر به عليه السلام من الحكم بالعدول على حسب ما يطيق على معرفته، وهو الظاهر، وبقبول يمين المنكر ولا سبيل إلى اجتهاد النبي صلى الله عليه وسلم في شرع الشرائع والأوامر عنده واردة متيقنة، ولا إشكال فيها.

he was commanded to accept the oath of the denying party. These are two different things. The first is [to judge] according to what the evidence attests, and not to rule against someone who has sworn an oath in a case in which an oath was required of him. This is what the Prophet ﷺ was required to do, and what we have been required to do after him ﷺ. The second is to enable the person who, in Allah Most High's knowledge, possesses the right to obtain that right. There is no way to know this in every instance. If we are denied this, and denied conformity with what is just in the sight of Allah, Mighty and Majestic, there is neither sin nor blame, because there is no way to know that with certainty, nor have we been charged with it. This is not called independent juristic exertion without qualification. Rather, it is certain adherence to what he, peace be upon him, was commanded: to judge on the basis of upright witnesses, according to the extent of his ability to ascertain their uprightness—which is its outward appearance—and to accept the denying party's oath. There is no scope for independent juristic exertion by the Prophet ﷺ in instituting religious laws. The commands have come to him with certainty and contain no ambiguity for him: he applies their specific provisions as distinct from their general provisions, their abrogating provisions as distinct from their abrogated provisions, and their exceptions as distinct from that from which the exceptions are made, with certain and directly witnessed knowledge concerning everything sent down to him. As for the independent juristic exertion with which we have been charged, it consists in seeking these matters. We have not directly witnessed all of them so as to know them; rather, we accept them from the trustworthy persons whose warnings Allah Most High commanded us to accept, until they lead us back to those who witnessed them. Neither they nor we know all of this with certain knowledge. If an objector raises his action, peace be upon him,

يعمل خاصها من عامها، وناسخها من منسوخها، ومستثناها من المستثنى منه، علم يقين ومشاهدة في جميع ما أنزل عليه. وأما الاجتهاد الذي كلفناه نحن، فهو طلب هذه المعاني، ولم نشاهدها كلها فنعلمها لكن نقبلها من الثقات الذين أمرنا الله تعالى بقبول نذارتهم إلى أن يبلغونا إلى الذين شهدوها، وهم ونحن لا نعلم كل ذلك علم يقين. فإن اعترض معترض بفعله عليه السلام في أخذ الفداء، فنزل من عتابه على ذلك ما نزل.

in taking ransom, whereupon the rebuke concerning it that was sent down was sent down,[21][22][23]

L2194–2195 the answer is that we do not deny that he, peace be upon him, might do something concerning which no prior prohibition had come to him from his Lord Most High. He is, however, not left with that: his attention must necessarily be drawn to it. As for an error on the part of the Prophet ﷺ while intending thereby to do good, we do not deny it; but he is absolutely never allowed to persist in it. This cannot occur in instituting a religious law, imposing an obligation, or declaring something forbidden. It concerns only something he considered permissible for himself because he had not previously been prohibited from it, as in his treatment of Ibn Umm Maktum, when {He frowned and turned away} was sent down. Some of those who permit independent juristic exertion through personal opinion in religion have invoked the affair of Solomon and David, peace be upon them: {And David and Solomon, when they were judging concerning the cultivated field, when the people's sheep strayed into it by night; and We were witnesses to their judgment}. Abu Muhammed said: This is a question concerning which people have differed in several ways. One group said, "Allah abrogated David's judgment through Solomon's judgment, peace be upon them both." Abu Muhammed said: This is false, because, had that been so, David would have been given understanding of it, since he would have been judging according to a command he had received before it was abrogated; Solomon would not have had a greater claim than he to being given understanding. Others said, "He judged on the basis of an established indication, but in doing

فالجواب: أننا لا ننكر أن يفعل عليه السلام ما لم يتقدم نهي من ربه تعالى له عنه، إلا أنه لا يترك وذلك، ولا بد من أن ينبه عليه وأما الوهم من النبي صلى الله عليه وسلم وهو يقصد بذلك فعل الخير فلسنا ننكره إلا أنه لا يقر عليه البتة، وهذا لا يجوز أن يكون في شرع شريعة، ولا إيجاب فرض، ولا تحريم، وإنما هو فيما قدره مباحا له، إذ لم ينه عنه قبل ذلك، لكن كفعله بابن أم مكتوم إذ نزلت: {عبس وتولى} وقد احتج بعضهم ممن أجاز الاجتهاد بالرأي في الدين، بأمر سليمان وداود عليهم السلام {وداوود وسليمان إذ يحكمان في لحرث إذ نفشت فيه غنم لقوم وكنا لحكمهم شاهدين} قال أبو محمد وهذه مسألة اختلف الناس فيها على وجوه، فقوم قالوا: نسخ الله حكم داود بحكم سليمان عليهما السلام. قال أبو محمد: وهذا باطل، لأنه لو كان كذلك لكان داود مفهما لها، لأنه كان يكون حاكما بأمر أمر به قبل أن ينسخ، ولما كان سليمان أولى بالإفهام منه. وقال بعضهم: حكم بدليل منصوب لم يوافق فيه الحقيقة وحكم سليمان فوافق الحقيقة. قال أبو محمد: والذي نقول به وبالله تعالى التوفيق: إن داود عليه السلام حكم بظاهر الأمر، مثل ما لو حكمنا نحن بشهادة شاهدين عدلين عندنا، وهما في علم الله عز وجل المغيب عنا مغفلان، فأطلع الله تعالى على غيب تلك المسألة سليمان عليه السلام. فأوحى إليه بيقين من هو صاحب الحق فيها، بخلاف شهادة الشهود أو نحو ذلك مما أفهم الله تعالى سليمان فيه بيقين عين صاحب الحق، فهذا وجه تلك الآية الذي لا يجوز خلافه، لبطلان كل تأويل غيره، ولقوله تعالى في الآية نفسها: {ففهمناها سليمان وكلا آتينا حكما وعلما وسخرنا مع داوود لجبال يسبحن ولطير وكنا فاعلين} فصح أن داود بالحكم والعلم الذي آتاه الله تعالى في تلك المسألة،

[21] **Translator's note (L2191):** The supplied wording says "the oaths of a Jew," with "a Jew" singular; this has been retained.

[22] **Translator's note (L2192):** The clause beginning "The first" lacks an explicit verb governing "according to what the evidence attests"; "[to judge]" supplies the apparent ellipsis. The supplied text reads يعمل, "he applies/acts," before "their specific provisions as distinct from their general provisions." The syntax is awkward and may reflect a corruption of يعلم, "he knows." The translation retains the supplied verb rather than silently substituting the latter reading.

[23] **Qur'an references (L2188):** Qur'an 6:50 (Al-An'am); Qur'an 53:4 (An-Najm); Qur'an 18:49 (Al-Kahf).

so did not accord with the actual truth; Solomon judged and accorded with the actual truth." Abu Muhammed said: What we maintain—and success comes through Allah Most High—is that David, peace be upon him, judged according to the outward circumstances, just as we might judge on the testimony of two witnesses whom we consider upright, while in the knowledge of Allah, Mighty and Majestic, which is concealed from us, they are inattentive. Allah Most High then disclosed to Solomon, peace be upon him, the unseen aspect of that case, revealing to him with certainty who possessed the right in it, contrary to the witnesses' testimony, or something similar through which Allah Most High made Solomon understand with certainty the identity of the rightful possessor. This is the interpretation of that verse from which no departure is permissible, because every other interpretation is false, and because of His saying, Most High, in the very same verse: {So We gave Solomon understanding of it, and to each We gave judgment and knowledge. And We subjected the mountains, glorifying, and the birds, together with David; and We were the doers}. It is thus established that David [judged] by the judgment and knowledge Allah Most High had given him in that case, and that Solomon—peace be upon them both—judged in it by the judgment and knowledge Allah Most High had given him concerning it, with the additional understanding of its actual truth.[24][25][26]

وأن سليمان عليهما جميعا السلام حكم فيها بالحكم والعلم الذي آتاه الله تعالى فيها بالفهم الزائد لحقيقتها.

L2196 As for the two women's claims to the child, and Solomon's calling, peace be upon him, for a knife to divide him between them, Solomon, peace be upon him, intended only to test their endurance. He never intended to cut the boy in two; he called for the knife only to give them that impression. Allah Most High may have commanded him to do this, just as He commanded Abraham, peace be upon him, to slaughter Ishmael, peace be upon him, although He Most High never intended his slaughter. He intended only to test Abraham's

وأما ادعاء المرأتين في الولد، ودعاء سليمان عليه السلام بالسكين ليشقه بينهما، فإن سليمان عليه السلام إنما أراد اختبار صبرهما، ولم يهم قط بشق الصبي، وإنما دعا بالسكين موهما لهما بذلك، وقد يكون الله تعالى أمره بذلك كما أمر إبراهيم عليه السلام بذبح إسماعيل عليه السلام، ولم يرد قط تعالى ذبحه، وإنما أراد اختبار صبر إبراهيم عليه السلام، واختبار صبر المرأتين فقط، ثم نهاه عن شقه، إذ لاح أيتهما أمه. كما نهى إبراهيم عن ذبح إسماعيل فهذا أيضا وجه ظاهر حسن، والله أعلم.

[24] **Translator's note (L2194):** The wording لا يترك وذلك, rendered "he is … not left with that," is syntactically irregular. The apparent sense is that he is not left uncorrected.

[25] **Translator's note (L2195):** In "It is thus established that David [judged]," the supplied Arabic lacks the verb "judged." It has been supplied in brackets to make the incomplete construction intelligible.

[26] **Qur'an references (L2194):** Qur'an 80:1 ('Abasa); Qur'an 21:78 (Al-Anbya); Qur'an 21:79 (Al-Anbya).

endurance, peace be upon him, and to test the two women's endurance. Then He forbade him to cut the child in two once it became apparent which of them was his mother, just as He forbade Abraham to slaughter Ishmael. This too is a clear and sound interpretation, and Allah knows best.

L2197–2200 As for the affair of Moses and al-Khidr, peace be upon them both, al-Khidr was a prophet receiving revelation. He did none of all that he did through independent judgment, as those without reason suppose; rather, he did all of it through revelation that Allah revealed to him. This is made clear by Allah the Exalted's explicit statement, recounting that he said to Moses: {As for the wall, it belonged to two orphan boys in the city, and beneath it was a treasure belonging to them. Their father had been righteous, so your Lord willed that they should reach maturity and extract their treasure, as a mercy from your Lord. I did not do it on my own command. That is the interpretation of what you could not bear patiently.} As for Moses, peace be upon him, questioning him about that, he did so only because he had forgotten his undertaking. We do not deny that prophets, peace be upon them, may forget. Our Prophet ﷺ prayed a fifth prayer-unit out of forgetfulness, and pronounced the concluding salutation after three units and after two out of forgetfulness. What we have said is explicitly stated in the Quran, in the Exalted's words recounting that Moses said to al-Khidr: {He said: Do not take me to task for what I forgot, and do not burden me with hardship in my affair.}

Abu Muhammed said: If they argue from what Abd Allah ibn Rabi' al-Tamimi related to us, from Umar ibn Abd al-Malik al-Khawlani, from Muhammed ibn Bakr al-Basri, from Sulayman ibn al-Ash'ath: Ibrahim ibn Musa related to us; Isa related to us; Usamah ibn Zayd related to us, from Abd Allah ibn Rafi', the freedman of Umm Salamah, who says: "The Messenger of Allah ﷺ said: 'I judge between you only according to my opinion in matters concerning which nothing has been sent down to me'"—this is a worthless, fabricated report, because this Usamah ibn Zayd is weak, and his reports cannot be used as evidence; there is agreement that he is such. Its falsity is made clear by the reports we mentioned at the beginning of this chapter, which describe his refraining, peace be upon him, from giving judgment

وأما أمر موسى والخضر عليهما السلام، فإن الخضر نبي موحى إليه، ولم يفعل شيئا من كل ما فعل باجتهاد، كما يظن من لا عقل له، وإنما فعل كل ذلك بوحي أوحاه الله إليه. وبيان ذلك نص الله تعالى بأن حكى عنه أنه قال لموسى {وأما لجدار فكان لغلامين يتيمين في لمدينة وكان تحته كنز لهما وكان أبوهما صالحا فأراد ربك أن يبلغآ أشدهما ويستخرجا كنزهما رحمة من ربك وما فعلته عن أمري ذلك تأويل ما لم تسطع عليه صبرا} وأما سؤال موسى عليه السلام له عن ذلك فإنما فعله ناسيا لعهده، ولسنا ننكر أن تنسى الأنبياء عليهم السلام وقد صلى نبينا صلى الله عليه وسلم خامسة ناسيا وسلم من ثلاث ومن اثنين ناسيا. وهذا الذي قلنا هو نص القرآن في قوله تعالى حاكيا عن موسى أنه قال للخضر: {قال لا تؤاخذني بما نسيت ولا ترهقني من أمري عسرا} قال أبو محمد: فإن احتجوا بما حدثناه عبد الله بن ربيع التميمي، عن عمر بن عبد الملك الخولاني، عن محمد بن بكر البصري، عن سليمان بن الأشعث، نا إبراهيم بن موسى، ثنا عيسى، نا أسامة بن زيد، عن عبد الله بن رافع مولى أم سلمة تقول قال رسول الله صلى الله عليه وسلم إنما أقضي بينكم برأيي فيما لم ينزل علي فيه فهذا حديث ساقط مكذوب لأن أسامة بن زيد هذا ضعيف لا يحتج بحديثه، متفق على أنه كذلك ويبين كذبه ما ذكرنا في أول هذا الباب من الأحاديث التي فيها تركه عليه السلام الحكم فيما لم ينزل عليه فيه شيء، وانتظاره الموحى في كل ذلك، ويكفي من ذلك قول الله تعالى آمرا له أن يقول {قل لا أقول لكم عندي خزآئن لله ولا أعلم لغيب ولا أقول لكم إني ملك إن أتبع إلا ما يوحى إلي قل هل يستوي لأعمى ولبصير أفلا تتفكرون} وقوله تعالى {وما ينطق عن الهوى * إن هو إلا وحي يوحى} وأمر الله

in matters concerning which nothing had been sent down to him, and his awaiting what was revealed in all of that. Sufficient in this regard are Allah the Exalted's words commanding him to say: {Say: I do not tell you that I possess the treasuries of Allah, nor do I know the unseen, nor do I tell you that I am an angel. I follow only what is revealed to me. Say: Are the blind and the sighted equal? Will you not then reflect?} And the Exalted's words: {Nor does he speak from desire. * It is only a revelation revealed.} And Allah the Exalted's command to him to say: {When Our signs are recited to them as clear proofs, those who do not expect to meet Us say: Bring a Quran other than this, or change it. Say: It is not for me to change it of my own accord. I follow only what is revealed to me. I fear, if I disobey my Lord, the punishment of a tremendous day.} Had he ﷺ legislated anything that had not been revealed to him, he would have been changing the religion of his own accord. Everyone who allows this has disbelieved and departed from Islam. In Allah the Exalted we seek refuge from abandonment.

If an objector argues on this issue from the Exalted's words, {We have sent down to you the Book in truth, so that you may judge between people by what Allah has shown you; and do not be an advocate for the treacherous}, then what Allah the Exalted showed him was the Reminder and revelation, according to the explicit wording of the verse, for its beginning is: {We have sent down to you the Book in truth, so that you may judge between people by what Allah has shown you; and do not be an advocate for the treacherous}. And the Exalted said: {They nearly tempted you away from what We revealed to you, so that you would fabricate something else against Us; then they would have taken you as a close friend.} He then threatened him over that, saying: {Then We would have made you taste double in life and double in death; then you would find no helper for yourself against Us.} Thus the Exalted made clear that, had he, peace be upon him, made anything obligatory in religion without revelation, he would have been fabricating against his Lord, the Exalted. Allah, mighty and majestic, protected him from that and declared whoever allows it of him an unbeliever. It is therefore established that he ﷺ does nothing except through revelation. Thus the

تعالى له أن يقول: {وإذا تتلى عليهم آياتنا بينات قال الذين لا يرجون لقآءنا ائت بقرآن غير هذآ أو بدله قل ما يكون لي أن أبدله من تلقآء نفسي إن أتبع إلا ما يوحى إلي إني أخاف إن عصيت ربي عذاب يوم عظيم} فلو أنه صلى الله عليه وسلم شرع شيئا لم يوح إليه به لكان مبدلا للدين من تلقاء نفسه، وكل من أجاز هذا فقد كفر وخرج عن الإسلام، وبالله تعالى نعوذ من الخذلان فإن احتج فيها معترض بقوله تعالى {إنآ أنزلنا إليك لكتاب بلحق لتحكم بين لناس بمآ أراك لله ولا تكن للخآئنين خصيما} فإن الذي أراه الله تعالى هو الذكر والوحي بنص الآية لأن أولها {إنآ أنزلنا إليك لكتاب بلحق لتحكم بين لناس بمآ أراك لله ولا تكن للخآئنين خصيما} وقال تعالى {وإن كادوا ليفتنونك عن لذي أوحينآ إليك لتفتري علينا غيره وإذا لاتخذوك خليلا} ثم توعده على ذلك فقال {إذا لأذقناك ضعف لحياة وضعف لممات ثم لا تجد لك علينا نصيرا} فبين تعالى أنه عليه السلام لو أوجب شيئا في الدين بغير وحي، لكان مفتريا على ربه تعالى، وقد عصمه الله عز وجل من ذلك وكفر من أجازه عليه فصح أنه صلى الله عليه وسلم لا يفعل شيئا إلا بوحي فسقط الاجتهاد الذي يدعيه أهل الرأي أو القياس جملة وقال تعالى {وأنزلنآ إليك لكتاب بلحق مصدقا لما بين يديه من لكتاب ومهيمنا عليه فحكم بينهم بمآ أنزل لله ولا تتبع أهوآءهم عما جآءك من لحق لكل جعلنا منكم شرعة ومنهاجا ولو شآء لله لجعلكم أمة واحدة ولكن ليبلوكم في مآ آتاكم فاستبقوا الخيرات إلى الله مرجعكم جميعا فينبئكم بما كنتم فيه تختلفون} فصح بهذه الآية أن كل نبي كان قبله، فهكذا كانوا أيضا، إنما اتبع كل نبي شرعته التي أوحي إليه بها فقط.

independent judgment claimed by the adherents of opinion or analogy is invalidated entirely.

The Exalted said: {We have sent down to you the Book in truth, confirming the Scripture that preceded it and watching over it. So judge between them by what Allah has sent down, and do not follow their desires, turning away from the truth that has come to you. For each of you We have appointed a law and a way. Had Allah willed, He would have made you one community, but so that He may test you in what He has given you. So vie with one another in good deeds. To Allah you will all return, and He will inform you concerning that over which you differed.} Thus it is established by this verse that every prophet before him was likewise: each prophet followed only his own law, which had been revealed to him.[27][28][29]

L2201–2209 As for worldly affairs and stratagems of war, provided that no prohibition concerning any of them had previously been issued and that—may Allah bless him and grant him peace—the Exalted had permitted him to act in them as he wished, we do not deny that he, peace be upon him, might manage all of that according to what he considered beneficial. If Allah the Exalted wished to confirm him in it, He confirmed him; and if He wished to introduce a prohibition preventing him from it in the future, He prohibited it. Nevertheless, all of that must necessarily have been among the things whose permissibility had previously been revealed to him. As for declaring things forbidden or obligatory, there is absolutely no way for that to occur. An example is the Prophet's ﷺ intention to make a peace agreement with Ghatafan in exchange for one-third of Medina's fruit harvest. This is permissible because they may give away as much of their property as they wish, provided that

[27] **Translator's note (L2197):** In the transmission chain, the feminine verb translated as "who says" appears to refer to Umm Salamah, but the supplied text does not explicitly say "from her" after identifying Abd Allah ibn Rafi' as her freedman.

[28] **Translator's note (L2198):** The supplied الموحى means "what is revealed," although the surrounding discussion concerns his awaiting revelation.

[29] **Qur'an references (L2197):** Qur'an 18:82 (Al-Kahf); Qur'an 18:73 (Al-Kahf); Qur'an 6:50 (Al-An'am); Qur'an 53:3 (An-Najm); Qur'an 53:4 (An-Najm); Qur'an 10:15 (Yunus); Qur'an 17:73 (Al-Isra); Qur'an 17:75 (Al-Isra); Qur'an 5:46 (Al-Ma'idah); Qur'an 5:48 (Al-Ma'idah).

وأما أمور الدنيا ومكايد الحروب ما لم يتقدم نهي عن شيء من ذلك وأباح صلى الله عليه وسلم تعالى له التصرف فيه كيف شاء فلسنا ننكر أن يدبر عليه السلام كل ذلك على حسب ما يراه صلاحا، فإن شاء الله تعالى إقراره عليه أقره، وإن شاء إحداث منع له من ذلك في المستأنف منع، إلا أن كل ذلك مما تقدم الوحي إليه بإباحته إياه ولا بد. وأما في التحريم والإيجاب فلا سبيل إلى ذلك البتة وذلك مثل ما أراد النبي صلى الله عليه وسلم أن يصالح غطفان على ثلث ثمار المدينة فهذا مباح، لأن لهم أن يهبوا من أموالهم ما أحبوا ما لم ينهوا على ذلك، ولهم أن يمنعوه ما لم يؤمروا بإعطائه وكذلك منازله صلى الله عليه وسلم في حروبه له أن ينزل من الأرض حيث شاء ما لم ينه عن مكان بعينه أو يؤمر بمكان بعينه وكذلك قوله صلى الله عليه وسلم في تلقيح ثمار أهل المدينة لأنه مباح للمرء أن يلقح نخله ويذكر تينه، ومباح أن يترك فلا يفعل شيئا من ذلك. وقد أخبرني محمد بن عبد الله الهمداني عن أبيه: أنه ترك تينه سنين دون تذكير فاستغنى عن التذكير، فلعل النخل كذلك، لو توبع عليه ترك التلقيح سنة بعد سنة لاستغنى عن ذلك. وهذا كله ليس من أمور الدين الواجبة والمحرمة

they have not been prohibited from doing so; and they may withhold it, provided that they have not been commanded to give it. The same applies to his ﷺ encampments during his wars: he could encamp wherever he wished on the land, provided that he had not been prohibited from a particular place or commanded to occupy a particular place. The same applies to his ﷺ statement concerning the pollination of the fruit trees of the people of Medina, because a person is permitted to pollinate his date palms and to caprify his fig trees, and is permitted to refrain and do none of that. Muhammed ibn Abd Allah al-Hamdani informed me, from his father, that he left his fig trees for years without caprification, and they came to have no need of caprification. Perhaps date palms would likewise come to have no need of it if the omission of pollination were continued year after year. None of this belongs at all to the obligatory and forbidden matters of religion. These are merely permissible things among the affairs of livelihood: whoever wishes may do them, and whoever wishes may leave them. The independent judgment that is prohibited is only that concerning the declaration of things as forbidden or obligatory without a text. In the report about pollination, the Prophet ﷺ explicitly stated our position, saying ﷺ: "You know better the affairs of your worldly life."

Abd Allah ibn Yusuf ibn Nahi related this report to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali, from Muslim: Abu Bakr ibn Abi Shaybah and Umar and al-Naqid related to us, both of them from Aswad ibn Amir: Hammad ibn Salamah related to us, from Hisham ibn Urwah and Thabit—Hisham from his father, from Aishah, and Thabit from Anas—that the Messenger of Allah, may Allah bless him and grant him peace, passed some people pollinating date palms and said: "If you did not do so, they would turn out well." He said: They produced poorly developed dates. He then passed them and said: "What is wrong with your date palms?" They said: "You said such-and-such." He said: "You know better the affairs of your worldly life." Abu Muhammed said: This is a clear explanation, together with the soundness of its chain of transmission, of the distinction between opinion concerning worldly affairs and religion, and of the fact that he ﷺ speaks concerning religion only from Allah the Exalted,

في شيء، إنما هي أشياء مباحة من أمور المعاش، من شاء فعل ومن شاء ترك، وإنما الاجتهاد الممنوع منه ما كان في التحريم والإيجاب فقط بغير نص وقد نص النبي صلى الله عليه وسلم في حديث التلقيح على قولنا وقال صلى الله عليه وسلم أنتم أعلم بأمور دنياكم وقد حدثنا بهذا الحديث عبد الله بن يوسف بن ناهي، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم، حدثنا أبو بكر بن أبي شيبة وعمر والناقد، وكلاهما عن أسود بن عامر، ثنا حماد بن سلمة، عن هشام بن عروة وثابت وهشام، عن أبيه عن عائشة وثابت عن أنس أن رسول الله صلى الله عليه وسلم مر بقوم يلقحون النخل فقال لو لم تفعلوا لصلح قال فخرج شيصا، فمر بهم فقال: ما لنخلكم؟ فقالوا: قلت كذا وكذا، قال: أنتم أعلم بأمور دنياكم. قال أبو محمد: فهذا بيان جلي مع صحة سنده في الفرق بين الرأي في أمر الدنيا والدين وأنه صلى الله عليه وسلم لا يقول الدين إلا من عند الله تعالى وأن سائر ما يقول فيه برأيه ممكن فيه أن يشار عليه بغيره فيأخذ عليه السلام به، لأن كل ذلك مباح مطلق له، وإننا أبصر منه بأمور الدنيا التي لا خير معها إلا في الأقل، وهو أعلم منا بأمر الله تعالى وبأمر الدين المؤدي إلى الخير الحقيقي، وهذا نص قولنا. وبالله تعالى التوفيق. وفي هذا كفاية والحمد رب العالمين. ومن ذلك ما قال أبو بكر يوم الحديبية لرسول الله صلى الله عليه وسلم إذ قال له بعض من حضر أرى أن نميل على عيال هؤلاء فقال أبو بكر: نرى أن نمضي لوجهنا فهذا كله مباح للإمام أن يغزو، وله أن يؤخر الغزو ويومه ذلك وشهره ذلك، ويغزو بعد ذلك. فاعلم الآن أن الاجتهاد إنما هو طلب الحقيقة من الوجوه المؤدية إليها، لا من حيث لا يؤدي إليها والطلب، كما ذكرنا هو الاستدلال، فالاستدلال والاجتهاد شيء واحد، وقد يستدل من لا يقع على حقيقة الدليل. وكون الشيء في نفسه حقا هو شيء آخر. لأنه قد يكون الشيء

and that, in all other matters concerning which he speaks according to his own judgment, it is possible for a different course to be suggested to him and for him, peace be upon him, to adopt it, because all of that is permissible and unrestricted for him. We are more discerning than he concerning worldly affairs, in which there is good only rarely, while he knows better than we the command of Allah Most High and the affairs of religion that lead to true good. This is precisely our position. Success comes through Allah Most High. This suffices, and praise be to the Lord of all worlds. Among such instances is what Abu Bakr said to the Messenger of Allah, may Allah bless him and grant him peace ﷺ, on the day of al-Hudaybiyyah, when one of those present said to him, "I think we should turn against these people's dependants," and Abu Bakr said, "We think we should proceed toward our destination." All of this is permissible for the imam: he may undertake a military expedition, and he may postpone the expedition on that day and in that month and undertake it thereafter. Know now that independent legal inquiry (ijtihād) is simply seeking the truth through avenues that lead to it, not through those that do not lead to it. Seeking, as we have mentioned, is inference from evidence (istidlāl); thus inference from evidence and independent legal inquiry are one and the same. Someone may engage in inference without grasping the true nature of the evidence. A thing's being true in itself is a separate matter, because a thing may be true without the person seeking it finding it, and that does no harm to the truth. In our homes, for example, there are things that other people do not know. Neither the ignorance of those ignorant of them nor their supposing them to be otherwise than they are changes the truth from what it is, just as someone's knowing it does not [increase it] by a degree in its being true. Known truth and unknown truth are equal in being true: both fall under the genus of truth. Any two things that fall under a single species or a single genus are truly equal with respect to that species and that genus—we mean with respect to what belonging to that genus or that species entails for them. Everyone whom a report from the Prophet, may Allah bless him and grant him peace ﷺ, reaches is obliged to investigate it. If he does not, he has disobeyed Allah Most High. Anyone against whom an authoritative proof is established from foundational principles that he has verified and acknowledged to be true, so

حقا ولا يوافق له طالبه، ولا يضر ذلك الحق، كما أن في منازلنا أشياء لا يعلمها غيرنا من الناس، وليس جهل من جهلها أو ظن فيها غير ما فيها مما يحيل الحق عن وجهه، كما لا نريده علم من علمه درجة في أنه حق، والحق المعلوم والحق المجهول سواء في أنهما حق، واقعان تحت جنس الحق، وكل شيئين وقعا تحت نوع واحد أو تحت جنس واحد، فإنهما متساويان في ذلك النوع وذلك الجنس مساواة صحيحة، نعني فيما أوجبه لهما تلك الجنسية أو تلك النوعية وكل من بلغه عن النبي صلى الله عليه وسلم خبر فقد لزمه البحث عنه فإن لم يفعل فقد عصى الله تعالى. وكل من قامت عليه حجة من أصول صححها. وأقر بأنها حق، فلاحت له وفهمها، ثم لم يرجع إلى موجبها لتقليد، أو لأنه ظن أن ههنا حجة أخرى لا يعلمها فهو فاسق، وذلك نحو من أقر بخبر الواحد، فأتاه حديث صحيح مسند، فتركه لقياس أو لهوى، أو تقليدا لمالك أو للشافعي أو لأبي حنيفة أو لأحمد أو لداود، أو لصاحب من الصحابة أو تابع، أو فقيه قديم أو حديث معتقدا أن ذلك الفقيه أو الصاحب كان عنده فضل علم جهله هو، أو أن النص الذي قاس عليه أحق أن يتبع، فهو فاسق ساقط العدالة عاص لله عز وجل. وأما من تعلق بحديث آخر معارض للحديث الذي بلغه، فما دام لا يحقق أصلا في بناء الأحاديث بعضها على بعض، فهو مأجور على اجتهاده وإن كان مخطئا ولا إثم عليه في خطئه، وهكذا القول في الآي، وفي الأحاديث والآي، ولا فرق. وأما من ذكرنا قبل فبخلاف ذلك، لأنه ترك الحق وهو يعلمه، فدخل فيمن شاق الرسول من بعد ما تبين له الهدى. وأما إذا حقق أصلا في بناء الأحاديث أو الآي، أو الأحاديث مع الآي فالتزمه، ثم لم يعتقد موجبه فهو فاسق كما قدمنا للآية التي قال تعالى فيها {ومن يشاقق لرسول من بعد ما تبين له لهدى ويتبع غير سبيل لمؤمنين نوله ما تولى ونصله جهنم وسآءت مصيرا} وهذا الذي فعل ما ذكرنا، فقد ترك ما أقر بلسانه أنه هدى وأنه أمر الله تعالى ورسوله عليه السلام، وصار فيمن شهد على نفسه.

that it becomes apparent to him and he understands it, but who then does not return to what it entails because of uncritical adherence to an authority, or because he supposes that there is another authoritative proof here of which he is unaware, is defiantly disobedient. An example is someone who accepts the report of a single transmitter, then receives an authentic hadith with a connected transmission chain but abandons it for an analogy, a personal inclination, or uncritical adherence to Malik, al-Shafi'i, Abu Hanifah, Ahmad, Dawud, a Companion, a Successor, or an earlier or later jurist, believing that this jurist or Companion possessed additional knowledge of which he himself was ignorant, or that the text upon which he based his analogy deserves more to be followed: such a person is defiantly disobedient, disqualified from moral probity, and disobedient to Allah, Mighty and Majestic. As for someone who relies on another hadith that conflicts with the hadith that has reached him, so long as he has not established a foundational principle for construing hadiths in relation to one another, he is rewarded for his independent legal inquiry, even if he is mistaken, and incurs no sin for his error. The same applies to verses, and to hadiths together with verses; there is no difference. The person we mentioned previously, however, is otherwise, because he abandoned the truth while knowing it, thereby becoming one of those who oppose the Messenger after guidance has become clear to them. But if he has established a foundational principle for construing hadiths, verses, or hadiths together with verses, and has committed himself to it, yet then does not believe what it entails, he is defiantly disobedient, as we stated earlier, because of the verse in which the Most High says: "Whoever opposes the Messenger after guidance has become clear to him, and follows a path other than that of the believers, We shall turn him toward what he has turned toward and make him burn in Hell—an evil destination." The person who has done what we have described has abandoned what he acknowledged with his own tongue to be guidance and the command of Allah Most High and His Messenger, peace be upon him, and has become one of those who testify against themselves. The same applies to someone who refuses to accept the report of a single transmitter, or refuses to accept the manner of proceeding through the correct construction of the texts in relation to one another, when authoritative proof concerning all of this has been established

وكذلك من أبى قبول خبر الواحد، أو أبى قبول وجه العمل في البناء الصحيح في النصوص، فأقيمت الحجة عليه في ذلك كله، من براهين راجعة إلى النصوص وفهمها ولاحت له فلم يرجع إلى الحق في ذلك، وإنما يعذر من لم تقم عليه حجة بجهله فقط، وكذلك من قامت عليه البراهين في إبطال القياس فتمادى عليه. وأما من أجاز أن يكون صاحب فمن دونه ينسخ أمرا أمر به رسول الله صلى الله عليه وسلم أو يحدث شريعة فهذا كافر مشرك حلال الدم والمال، بمنزلة اليهود والنصارى، وعليه لعنة الله ولعنة اللاعنين والملائكة والناس أجمعين، ونحن برآء منه وهو بريء منا، فإن لم تقم عليه الحجة فهو مخطىء مأجور مرة لقصده إلى الخير، وبالله تعالى التوفيق وهو حسبنا ونعم الوكيل

against him through demonstrations referring back to the texts, and he has understood them and they have become apparent to him, yet he does not return to the truth concerning it. Only someone against whom authoritative proof has not been established is excused on account of his ignorance. The same applies to someone to whom demonstrations invalidating analogy have been established, yet who persists in it. As for someone who allows that a Companion, or anyone below him, may abrogate a command issued by the Messenger of Allah—may Allah bless him and grant him peace—or introduce a religious law, such a person is an unbeliever and a polytheist whose blood and property are lawful, in the same position as the Jews and Christians. Upon him is the curse of Allah and the curse of those who curse, of the angels, and of all people. We disavow him, and he is dissociated from us. If, however, authoritative proof has not been established against him, he is mistaken and receives one reward for his intention to do good. Success

comes through Allah Most High. He suffices us, and an excellent Trustee is He.[30][31][32][33][34][35][36]

[30] **Translator's note (L2201):** The supplied text places "may Allah bless him and grant him peace" between "permitted" and "the Exalted," where "Allah the Exalted" would ordinarily be expected as the subject. The displaced salutation and the irregular wording are preserved rather than silently repaired.

[31] **Translator's note (L2202):** "Caprify" renders the technical cultivation term for treating female fig trees with male figs to facilitate pollination. The supplied "Umar and al-Naqid" appears to contain a transcription error for the single transmitter Amr al-Naqid. The wording supplied is retained; "both of them" consequently sits awkwardly after what appears to be a list of three names. The salutation at the end is incomplete and continues in the next unit.

[32] **Translator's note (L2203):** The opening words complete the salutation begun in the preceding unit.

[33] **Translator's note (L2205):** The wording rendered "does not [increase it]" is corrupt: the supplied text has a form meaning "we do not want it," where the syntax and argument appear to require "does not increase it." The bracketed rendering makes this conjecture explicit. The praise formula lacks the usual explicit "to Allah"; the translation preserves its intelligible sense without adding that name.

[34] **Translator's note (L2208):** The Qur'anic quotation is recognizable as 4:115. Its supplied spelling repeatedly omits the initial alif of the definite article; the English follows the recoverable wording. The final blessing begins here and continues in the next unit; only its opening fragment is translated here.

[35] **Translator's note (L2209):** The opening words complete the blessing begun in the preceding unit.

[36] **Qur'an references (L2201):** Qur'an 4:115 (An-Nisa).



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 32: النيات والخطأ والعمد

Chapter 32: Intentions, Error and Deliberate Acts

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Thirty-Two: The Obligation of Intentions in All Actions; the Distinction between an Error Whose Performance Was Deliberate but Was Not Intended to Contravene What Was Commanded, an Error Whose Performance Was Not Deliberate, and an Action Accompanied by the Intention to Perform It; and When a Person's Action Brings Reward or Sin upon Another, and When It Does Not]

L2210

L2211–2212 Abu Muhammed said: Allah, Mighty and Majestic, said: "They were commanded only to worship Allah, devoting religion sincerely to Him, inclining to true faith, to establish prayer, and to give the obligatory alms; that is the upright religion." The Most High said: "There is no good in much of their private conversation, except for one who enjoins charity, a recognized good, or reconciliation between people. Whoever does that seeking Allah's good pleasure, We shall grant him a tremendous reward." He said: "I do not say to you that I possess Allah's treasuries, nor do I know the unseen, nor do I say that I am an angel. Nor do I say of those whom your eyes disdain that Allah will never grant them any good. Allah knows best what is within their souls. I would then indeed be among the wrongdoers." The Most High said: "Allah was indeed pleased with the believers when they pledged allegiance to you beneath the tree. He knew what was in their hearts, so He sent tranquillity down upon them and rewarded them with a victory near at hand." The Most High said: "Have they not travelled through the earth, so that they might have hearts with which to understand or ears with which to hear? For it is not eyes that become blind; rather, it is the hearts within the breasts that become blind." The Most High said: "When the hypocrites come to you, they say, 'We testify that you are indeed the Messenger of Allah.' Allah knows that you are indeed His Messenger, and Allah testifies that the hypocrites are indeed liars." Hammam ibn Ahmad related to us: 'Abd Allah ibn Ibrahim related to us: Abu Zayd al-Marwazi related to us: al-Firabri related to us: al-Bukhari related to us: Abu Nu'aym related to us: Zakariyya related to us, from 'Amir—that is, al-Sha'bi—who said: I heard al-Nu'man ibn Bashir say: I heard the Prophet, may Allah bless him and grant him peace ﷺ, say—he

[الباب الثاني والثلاثون في وجوب النيات في جميع الأعمال والفرق بين الخطأ الذي تعمد فعله ولم يقصد به خلاف ما أمر وبين الخطأ الذي لم يتعمد فعله وبين العمل المصحوب بالقصد إليه، وحيث يلحق عمل المرء غيره بأجر أو إثم وحيث لا يلحق]

قال أبو محمد قال الله عز وجل {وما أمروا إلا ليعبدوا الله مخلصين له لدين حنفآء ويقيموا لصلاة ويؤتوا لزكاة وذلك دين لقيمة} وقال تعالى {لا خير في كثير من نجواهم إلا من أمر بصدقة أو معروف أو إصلاح بين لناس ومن يفعل ذلك بتغآء مرضات لله فسوف نؤتيه أجرا عظيما} وقال {ولا أقول لكم عندي خزآئن لله ولا أعلم لغيب ولا أقول إني ملك ولا أقول للذين تزدري أعينكم لن يؤتيهم لله خيرا لله أعلم بما في أنفسهم إني إذا لمن لظالمين} وقال تعالى {لقد رضي لله عن لمؤمنين إذ يبايعونك تحت لشجرة فعلم ما في قلوبهم فأنزل لسكينة عليهم وأثابهم فتحا قريبا} وقال تعالى {أفلم يسيروا في لأرض فتكون لهم قلوب يعقلون بها أو آذان يسمعون بها فإنها لا تعمى لأبصار ولكن تعمى لقلوب لتي في لصدور} وقال تعالى {إذا جآءك لمنافقون قالوا نشهد إنك لرسول لله ولله يعلم إنك لرسوله ولله يشهد إن لمنافقين لكاذبون} حدثنا حمام بن أحمد حدثنا عبد الله بن إبراهيم، ثنا أبو زيد المروزي، ثنا الفربري، ثنا البخاري، ثنا أبو نعيم، ثنا زكريا، عن عامر هو الشعبي سمعت النعمان بن بشير سمعت النبي صلى الله عليه وسلم يقول فذكر الحديث وفيه ألا وإن في الجسد مضغة إذا صلحت صلح الجسد كله وإذا فسدت فسد الجسد كله ألا وهي القلب.

then recounted the hadith, which includes: “Indeed, in the body there is a morsel of flesh: when it is sound, the whole body is sound and when it is corrupt, the whole body is corrupt. Indeed, it is the heart.”[1][2]

L2213–2216 Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Abd Allah ibn Maslamah ibn Qaʿnab related to us: Dawud—meaning Ibn Qays—related to us, from Abu Saʿid, the client of Amir ibn Kurayz, from Abu Hurayrah, who said: The Messenger of Allah, may Allah bless him and grant him peace ﷺ, said—he then mentioned the report, which includes: “Godfearingness is here,” pointing to his chest three times.

Judge Hammam ibn Ahmad related to us: Abd Allah ibn Ibrahim al-Asili related to us: Abu Zayd al-Marwazi related to us: Muhammed ibn Yusuf al-Firabri related to us: Muhammed ibn Ismaʿil al-Bukhari related to us: al-Humaydi related to us: Sufyan related to us: Yahya ibn Saʿid al-Ansari related to us, saying: Muhammed ibn Ibrahim al-Taymi informed me that he heard Alqamah ibn Waqqas al-Laythi say: I heard Umar ibn al-Khattab say from the pulpit: I heard the Messenger of Allah, may Allah bless him and grant him peace ﷺ, say: “Actions are only according to intentions, and each person has only what he intended.”

Abd Allah ibn Yusuf ibn Nami related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Amr al-Naqid related to us: Kathir ibn Hisham related to us: Jaʿfar ibn Barfan related to us, from Yazid al-Asamm, from Abu Hurayrah, who said: The Messenger of Allah, may Allah bless him and grant him peace ﷺ, said: “Allah does not

حدثنا عبد الله بن يوسف، ثنا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم بن الحجاج، نا عبد الله بن مسلمة بن قعنب، نا داود يعني ابن قيس عن أبي سعيد مولى عامر بن كريز عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم فذكر الحديث وفيه التقوى ههنا ويشير إلى صدره ثلاث مرات. حدثنا القاضي حمام بن أحمد، ثنا عبد الله بن إبراهيم الأصيلي، ثنا أبو زيد المروزي، نا محمد ابن يوسف الفربري، نا محمد بن إسماعيل البخاري، نا الحميدي، نا سفيان، نا يحيى بن سعيد الأنصاري قال: أخبرني محمد بن إبراهيم التيمي، أنه سمع علقمة بن وقاص الليثي يقول: سمعت عمر بن الخطاب يقول على المنبر سمعت رسول الله صلى الله عليه وسلم يقول إنما الأعمال بالنيات وإنما لكل امرىء ما نوى. حدثنا عبد الله بن يوسف بن نامي، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم بن الحجاج، نا عمرو الناقد، نا كثير بن هشام، نا جعفر بن برفان، عن يزيد الأصم عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم إن الله لا ينظر إلى صوركم وأموالكم ولكن ينظر إلى قلوبكم وأعمالكم. قال أبو محمد: فصح بكل ما ذكرنا أن النفس هي المأمورة بالأعمال، وأن الجسد آلة لها، فإن نوت النفس بالعمل الذي تصرف فيه الجسد وجها ما، فليس لها غيره، وصح أن الله تعالى لا يقبل إلا ما أمر به، بالإخلاص له، فكل عمل لم يقصد به الوجه الذي أمر الله تعالى به فليس ينوب عما أمر الله تعالى به، فبطل قول من قال: إن من توضأ تبردا أو تعليما، أو تيمم بغير نية، أو لم يأكل ولا شرب ولا وطأ بغير نية، أو مشى في المناسك بغير نية: إنه يجزيه عن الوضوء المأمور به للصلاة. وعن التيمم المأمور به للصلاة، وعن الصيام المأمور

[1] **Translator’s note (L2211):** The Qur’anic quotations repeatedly omit the initial alif in words such as “Allah” and in the definite article. The translation follows their recoverable sense. In the first quotation, “the upright religion” renders the conventional sense of the recognizable wording from 98:5; the supplied spelling is defective.

[2] **Qur’an references (L2211):** Qur’an 4:114 (An-Nisa); Qur’an 11:31 (Hud); Qur’an 48:18 (Al-Fath); Qur’an 22:46 (Al-Hajj).

look at your outward forms and your wealth; rather, He looks at your hearts and your actions."

Abu Muhammed said: Thus, everything we have mentioned establishes that it is the soul that is commanded to perform actions, and that the body is its instrument. If, through the action in which it directs the body, the soul intends some particular purpose, it has nothing other than that. It is also established that Allah Most High accepts only what He has commanded, performed with exclusive devotion to Him. Consequently, any action through which the purpose commanded by Allah Most High was not intended cannot stand in place of what Allah Most High commanded. Thus invalid is the statement of anyone who says that, if someone performs ablution to cool himself or to teach, performs dry ablution without an intention, refrains from eating, drinking, and intercourse without an intention, or walks through the pilgrimage rites without an intention, this suffices for the ablution commanded for prayer, the dry ablution commanded for prayer, the fasting commanded or voluntarily undertaken for Allah, Mighty and Majestic, or the pilgrimage commanded or voluntarily undertaken for Allah Mighty and Majestic, because in all of that he did not devote himself exclusively to Allah, Mighty and Majestic, nor did he do it seeking His good pleasure, exalted is He, nor did he intend by it what he was commanded to do. And it has been declared by Allah Most High, through the tongue of His Prophet, peace be upon him, that He does not look at outward forms. Since He does not look at outward forms, it is invalid for the action of the outward form alone to suffice in place of the action of the heart, which is intention. It is established that He Most High looks only at the heart and what is intended through it. There is no clearer demonstration than Allah's, Mighty and Majestic, declaring false the hypocrites in their testimony that Muhammed is the Messenger of Allah. This is the very essence and substance of truth, without which no truth is complete. Yet, because they did not intend that statement in their hearts, they became liars in making it. This plainly demonstrates the invalidity of every statement and action not intended in the heart. We recount the statements of the unbelievers and recite them in the Quran, but, since we do not intend them in our hearts, that does us no harm whatsoever. The explicit wording

به، أو المتطوع به لله عز وجل، وعن الحج المأمور به، أو المتطوع به لله عز وجل، لأنه لم يخلص في كل ذلك لله عز وجل، ولا فعله ابتغاء مرضاته تعالى، ولا نوى به ما أمر به. وقد أخبر الله تعالى على لسان نبيه عليه السلام أنه لا ينظر إلى الصور، فإذا لم ينظر إلى الصور فقد بطل أن يجزي عمل الصورة المنفرد على عمل القلب الذي هو النية، وصح أنه تعالى إنما ينظر إلى القلب وما قصد به فقط، ولا بيان أكثر من تكذيب الله عز وجل لمنافقين في شهادتهم أن محمدا رسول الله. وهذا عين الحق وعنصره الذي لا يتم حق إلا به، فلما كانوا غير ناوين لذلك القول بقلوبهم صاروا كاذبين فيه، وهذا بيان جلي في بطلان كل قول وعمل لم ينو بالقلب، ونحن نحكي أقوال الكفار ونتلوها في القرآن، ولكنا لم ننوها بقلوبنا لم يضرنا ذلك شيئا وصح بنص الحديث على رسول الله صلى الله عليه وسلم أن التقوى في القلب فكل عمل لم يقصده القلب فليس تقوى، وكل عمل لم يقصد بالمضغة التي بها يصلح الجسد فهو باطل، وإن عمله الجسد، وفي هذا كفاية. على أن القائلين بخلاف قولنا يتناقضون أقبح تناقض، فمن مفرق بين التيمم والوضوء، ومن مفرق في النية في الصوم بين أول النهار وآخره، ومن مفرق في الحج بين الإحرام وبين سائر فرائضه، كل ذلك استطالة في الدين بالآراء الفاسدة والأهواء المضلة بلا دليل من الله تعالى، فإن قال قائل منهم: إنما أمر الله تعالى بغسل أعضاء الوضوء فغاسلها، وإن لم تكن له نية قد غسلها، قيل له وبالله تعالى التوفيق: ما أمر الله تعالى قط بغسلها مجردا عن النية بذلك للصلاة وبيان ذلك في الآيتين اللتين ذكرنا. وفي الحديثين اللذين نصصنا وأيضا: فإن الصلاة حركات من وقوف وانحناء ووضع رأس بالأرض، فإن فعل ذلك إنسان متمددا ومتأملا شيئا بين يديه ومستريحا، حتى أتم بذلك ركعتين في وقت صلاة الصبح لا ينوي بذلك صلاة الصبح أتروه يجزيه ذلك من صلاة الصبح المفترضة عليه؟ وهذا ما لا يقولونه

of the report from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, establishes that godfearingness is in the heart. Thus, every action that the heart does not intend is not godfearingness, and every action not intended by the morsel of flesh through which the body becomes sound is invalid, even if the body performs it. This is sufficient.

Moreover, those who maintain a position contrary to ours contradict themselves most disgracefully. Some distinguish between dry ablution and ablution; some distinguish, regarding the intention for fasting, between the beginning of the day and its end; and some distinguish, regarding pilgrimage, between entering the state of consecration and its other obligatory rites. All of this is overreaching in religion through corrupt opinions and misleading desires, without evidence from Allah Most High.

If one of them says, "Allah Most High only commanded the washing of the bodily members involved in ablution, so someone who washes them has washed them, even if he has no intention," he is told—and success comes through Allah Most High: Allah Most High never commanded washing them devoid of an intention to do so for prayer. The explanation of this is in the two verses we have mentioned and the two reports we have quoted explicitly. Furthermore, prayer consists of movements: standing, bending, and placing one's head on the ground. If a person does that while stretching, examining something in front of him, and resting, until he has thereby completed two units of prayer during the time of the dawn prayer, without intending the

dawn prayer by it, do you consider that this suffices for the dawn prayer obligatory upon him? This is something they do not maintain.[3][4][5][6]

L2217–2221 They have therefore fallen into contradiction. If, concerning fasting, they appeal to what is reported, that he, may Allah bless him and grant him peace ﷺ, used to enter Aʿishah's presence and say, "Do you have any food?" and, if she said no, would say, "I am fasting," they are told—and success comes through Allah Most High: You have no proof in this, because it contains no explicit statement that he, may Allah bless him and grant him peace ﷺ, began the fast anew at that moment. It is possible that he, may Allah bless him and grant him peace ﷺ, asked, "Do you have any food?" when he had already intended to fast, so that, had he found food, he would have broken his fast with it and discontinued the fast. This accords with what is reported through Aʿishah, that she brought food close to him, whereupon he ate and said, may Allah bless him and grant him peace ﷺ, "I had begun the morning fasting." This is permissible for us as well. As for an action without an intention, there is no way to allow it, for the reasons we have previously set out. If they say, "But you permit washing away ritual impurity without an intention," the answer—and success comes through Allah Most High—is that every ritual impurity whose removal the Messenger of Allah, may Allah bless him and grant him peace ﷺ, commanded through a specified action and a fixed number of repetitions must be removed with an intention, and its removal suffices only when one intends thereby to perform the action commanded in its regard; otherwise, it does not. As for every ritual impurity that we have merely been commanded to avoid, without an action

فقد حصلوا على التناقض فإن احتجوا في الصيام بما روي أنه صلى الله عليه وسلم كان يدخل على عائشة فيقول أعندكم طعام فإن قالت: لا. قال: إني صائم قيل لهم وبالله تعالى التوفيق لا حجة لكم في ذلك لأنه ليس فيه نص على أنه صلى الله عليه وسلم استأنف الصوم من حينئذ وجائز أن يكون صلى الله عليه وسلم سأل هل عندكم طعام وهو قد نوى الصيام فلو وجد طعاما أفطر عليه وترك الصوم، كما روى من طريق عائشة أنها قربت إليه طعاما فأكل وقال صلى الله عليه وسلم إني كنت أصبحت صائما وهذا جائز لنا نحن أيضا، وأما عمل بلا نية فلا سبيل إليه، لما قدمنا قبل. فإن قالوا: فإنكم تجيزون غسل النجاسة بلا نية؟ فالجواب وبالله تعالى التوفيق إن كل نجاسة أمر رسول الله صلى الله عليه وسلم بإزالتها بعمل موصوف وبعدد محدود فلا بد في إزالتها من النية، ولا تجزى إلا بالقصد إليه تأدية العمل المأمور به فيها، وإلا فلا، وأما كل نجاسة أمرنا باجتنابها فقط، دون أن يجد لنا فيها عمل أو عدد فكيف ما زالت فقد زالت وقد اجتنبناها، وأيضا فإنه لولا الإجماع ما أجزنا ذلك ههنا. وأيضا فإن لباس الثوب النجس حلال إلا في الصلاة وفرض الصلاة، أن يصلي قاصدا بنيته إلى لباس وثياب طاهرة عنده لا نجاسة فيه، فإذا صلى في ثوب هذه صفته، ناويا لذلك فقد أدى فرضه كما أمر بالنية التي أمر بها، وليس غسلها فرضا، لا يجزي سواه، بل لو قطعها أو انقطع موضعها من ثوبه، أو لبس ثوبا آخر أجزأه، فحسبنا أن يكون الثوب طاهرا لا نجاسة فيه، ولا نبالي كيف زالت النجاسة عنه، ولا فرق بين إجازة مالك النية للصوم لرمضان في أول ليلة منه، ويجزي ذلك عنده من تحديد النية كل ليلة، وبين إجازة أبي حنيفة إحداث النية لصيام كل يوم من رمضان قبل زوال الشمس وإن لم ينوه من الليل، ولا فرق بين تقديم النية قبل وقت العمل، وبين تأخيرها عن

[3] **Translator's note (L2213):** The supplied transmitter's name is جعفر بن برفان, rendered here as Jaʿfar ibn Barfan; the apparent intended name is Jaʿfar ibn Burqan, but the supplied reading has not been silently corrected.

[4] **Translator's note (L2215):** The phrase المنفرد على عمل القلب is awkward. It is rendered according to the apparent argument: an outward bodily action alone cannot suffice in place of the heart's act of intention.

[5] **Translator's note (L2216):** The opening لمنافقين appears defective in the supplied transcription; the context plainly identifies the hypocrites as those whom Allah declares false. The statement about the hypocrites alludes to Quran 63:1 without directly quoting the whole verse.

[6] **Hadith references (L2213):** Sahih Muslim 2564c.

or a number being prescribed for us in its regard, however it disappears, it has disappeared, and we have avoided it. Furthermore, were it not for consensus, we would not have permitted that here. Moreover, wearing an impure garment is lawful except during prayer. What is obligatory in prayer is that one pray with the intention of wearing clothing and garments that are pure in one's judgment, containing no impurity. If one prays in a garment of this description, intending that, one has discharged one's obligation as commanded, with the intention one was commanded to have. Washing the impurity away is not an obligation for which nothing else suffices. Rather, if one cut it away, if its location were severed from one's garment, or if one wore another garment, that would suffice. It is therefore sufficient for us that the garment be pure, containing no impurity, and we do not concern ourselves with how the impurity disappeared from it.

There is no difference between Malik's allowing the intention to fast Ramadan to be made on its first night, which in his view suffices in place of specifying the intention each night, and Abu Hanifah's allowing the intention to fast each day of Ramadan to be newly formed before the sun passes its zenith, even if one did not intend it during the night. Nor is there any difference between advancing the intention before the time of the action and delaying it beyond the time of the action. In both cases, the commanded action is performed without an intention accompanying it. No action may be performed except with a preceding intention immediately connected with entering upon it, with that intention present and without any interval; beginning the action must not be devoid of it. If this were possible in fasting, such that the intention were immediately connected with the break of dawn, nothing else would suffice. But, since that is not possible on every occasion, it suffices according to one's capacity. This is alongside the report transmitted on this subject through Hafsah: "There is no fasting for one who has not resolved upon it during the night." And success comes through Allah Most High.

Every action must have an intention. Everything a person does necessarily falls into one of two categories: either movement or refraining from movement. Only intentions distinguish obedience in these two categories

وقت العمل، وفي كلا الوجهين يحصل العمل المأمور به مؤدى بلا نية مصاحبة له، ولا يجوز أن يؤدى عمل إلا بنية متقدمة، يتصل بها ومعها الدخول فيه بلا مهلة، ولا يعرى الابتداء به منها. ولو أمكن ذلك في الصوم حتى تكون النية متصلة بطلوع الفجر لما أجزأ غير ذلك، ولكن لما كان ذلك غير ممكن في كل وقت، أجزأ ذلك على قدر الطاقة هذا مع الحديث الوارد في هذا المعنى من طريق حفصة: لا صيام لمن لم يبيته من الليل وبالله تعالى التوفيق. ولا بد لكل عمل من نية، وكل شيء يتصرف فيه المرء فلا يخلو من أحد وجهين: إما حركة، وإما إمساك عن حركة، وإنما يفرق بين الطاعة من هذين الوجهين وبين المعصية منهما وبين اللغو منهما النيات فقط، ولا فرق بين الطاعة والمعصية واللغو في الحركات والإمساك عن الحركات إلا بالنيات فقط، وإلا فكل واحد فهو إما واقع تحت جنس الحركة وإما واقع تحت جنس الإمساك عن الحركة. فوجب بالضرورة أن لا يتم عمل، ولا يصح أن يكون حركة أو إمساك متوجهين إلى الطاعة المأمور بها. خارجين عن المعصية وعن اللغو إلا بنية. هذا أمر لا محيد عنه أصلا إلا لجاهل لا معرفة له بحقائق الأمور.

from disobedience in them and from purposeless activity in them. There is no distinction between obedience, disobedience, and purposeless activity in movements and in refraining from movements except through intentions alone. Otherwise, each instance falls either within the genus of movement or within the genus of refraining from movement. It therefore follows necessarily that no action is complete, and no movement or refraining can validly be directed toward the commanded obedience and free of disobedience and idle activity, except through an intention. This is a matter from which there is absolutely no escape, except for an ignorant person who has no knowledge of the realities of things.[7][8]

L2222–2224 Thus, whoever prays with the intention of showing off is an evildoer and disobedient; whoever prays with the intention of the obedience he has been commanded to perform is obedient and virtuous. Whoever bows, prostrates, stands, and sits with neither an intention of showing off nor an intention of obedience engages in idle activity and is neither obedient nor disobedient. Whoever performs ablution with the intention of showing off is an evildoer and disobedient; whoever performs ablution with the intention of obedience, as commanded, is obedient and virtuous. Whoever washes his limbs to cool himself, without an intention of obedience or an intention of showing off, is neither obedient nor disobedient. If he is not obedient, then he has not performed the ablution that constitutes obedience to Allah, Mighty and Majestic, and is commanded. The same applies to fasting, pilgrimage, striving in Allah's cause, and obligatory almsgiving. For fasting consists only in abstaining from eating, drinking, sexual intercourse, vomiting, lying, backbiting, and

فمن صلى بنية رياء ففاسق عاص، ومن صلى بنية الطاعة التي أمر بها فمطيع فاضل، ومن ركع وسجد وقام وقعد لا بنية رياء ولا بنية الطاعة فذلك لغو، وليس مطيعا ولا عاصيا، ومن توضأ بنية الرياء ففاسق عاص، ومن توضأ بنية الطاعة كما أمر فمطيع فاضل، ومن غسل أعضاءه تبردا بلا نية طاعة ولا بنية رياء فليس مطيعا ولا عاصيا، وإذا لم يكن مطيعا فلم توضأ الوضوء الذي هو طاعة الله عز وجل مأمور به. وكذلك الصوم والحج والجهاد والزكاة، لأن الصوم إنما هو إمساك عن الأكل والشرب، والوطء، والقيء، والكذب والغيبة، ومباشرة من لا يحل للمرء مباشرته، فإن أمسك عن كل ذلك بنية الرياء فهو عاص لله عز وجل فاسق غير صائم، وإن أمسك عن كل ذلك بنية الطاعة في تركه كما أمر فهو مطيع فاضل صائم. وإن أمسك عن كل ذلك لا بنية الرياء ولا بنية الطاعة كما أمر، فليس مطيعا ولا عاصيا، وإذا لم يكن كذلك فليس صائما، وإذا لم يمسك بنية الطاعة عن ذلك في صوم الفرض في الوقت الذي أمر فيه بالإمساك عن كل ما ذكرنا فهو عاص، لأنه خالف ما أمر به وهكذا القول في رمي الجمار والوقوف بعرفة والمزدلفة والطواف والسعي. وكذلك سائر الأشياء كلها. فمن أكل الشعير مؤثرا بالبر المساكين، ناويا للبر في ذلك، ففاضل محمود، ومن أكله لؤما وبخلا وخزن البر مستكثرا للمال. فمذموم آثم، ومن مشى راجلا

[7] **Translator's note (L2219):** The supplied يجد لنا فيها عمل أو عدد is grammatically awkward and appears to have a defective verb. The translation gives the apparent contextual meaning, that no action or number is prescribed. The phrase لباس وثياب طاهرة عنده لا نجاسة فيه shifts awkwardly between expressions for clothing and singular reference; its repetition and the qualification عنده, "in one's judgment," are retained. The supplied تحديد النية means specifying or determining the intention; it has not been silently changed to تجديد النية, "renewing the intention."

[8] **Translator's note (L2221):** The opening continues the preceding sentence. The Arabic uses plural participles, although the preceding grammatical subjects are singular; the translation preserves the sense without silently supplying a new subject.

bodily contact with someone with whom such contact is unlawful. If he abstains from all of that with the intention of showing off, he is disobedient to Allah, Mighty and Majestic, an evildoer, and not fasting. If he abstains from all of that with the intention of obedience in refraining from it, as commanded, he is obedient, virtuous, and fasting. If he abstains from all of that with neither an intention of showing off nor an intention of obedience as commanded, he is neither obedient nor disobedient. If that is his condition, he is not fasting. If, during an obligatory fast, he does not abstain from that with the intention of obedience at the time when he has been commanded to abstain from everything we have mentioned, he is disobedient, because he has contravened what he was commanded to do. The same applies to casting the pebbles, standing at ʿArafah and Muzdalifah, circumambulation, and the ritual passage between al-Ṣafā and al-Marwah. The same applies to all other things. Whoever eats barley, giving the poor preference over himself with respect to wheat and intending righteousness thereby, is virtuous and praiseworthy. Whoever eats it out of meanness and miserliness, and stores up wheat to accumulate wealth, is blameworthy and sinful. Whoever travels on foot and carries his belongings in his own hand out of humility before Allah Most High, rather than miserliness or baseness, while also keeping himself above ignoble acts, and gives charity, intending through all of this what we have mentioned, is virtuous and praiseworthy. Whoever does that out of miserliness and baseness is blameworthy; if he does it with the intention of showing off, he is an evildoer. Whoever marries his daughter to his slave or to a non-Arab man, as Ḍirār ibn ʿAmr did, out of humility and with the intention of treating Muslims equally, while retaining his self-respect and being neither covetous nor greedy, is virtuous and praiseworthy in the eyes of people of reason, disciplining the irascible faculty of his soul. Whoever does that out of covetousness or abjectness of soul is blameworthy and contemptible. Whoever wears fine patterned cloth that is not silk, intending to follow the example of the Prophet—may Allah bless him and grant him peace ﷺ—is rewarded and virtuous. Whoever wears it with the intention of effeminacy, insolent self-indulgence, and self-admiration is an evildoer and blameworthy. So it is with all deeds, from first to last. It is therefore estab-

وحمل متاعه بيده، تواضعا لله تعالى لا بخلا ولا دناءة، وتصاون عن الخسائس مع ذلك، وتصدق ناويا بكل ذلك ما ذكرنا، فهو فاضل محمود، ومن فعل ذلك بخلا ودناءة فمذموم، وإن فعل بنية رياء ففاسق، ومن أنكح بنته عبده أو علجا كما فعل ضرار بن عمرو تواضعا ونيته التسوية بين المسلمين، وهو مع ذلك عزيز النفس غير طمع ولا جشع ففاضل محمود عند أهل العقول، رائض لنفسه الغضبية، ومن فعل ذلك طمعا أو مهانة نفس فمذموم ساقط، ومن لبس الوشي المرتفع الذي ليس حريرا بنية الاقتداء بالنبي صلى الله عليه وسلم فمأجور فاضل ومن لبسه بنية التخنث والأشر والإعجاب ففاسق مذموم، وهكذا جميع الأعمال، أولها عن آخرها، فصح أن لا عمل أصلا إلا بنية كما ذكرنا، وبالله تعالى التوفيق.

lished that there is absolutely no deed except with an intention, as we have mentioned. Success comes through Allah Most High.[9]

L2225–2233 If someone says: "You say of someone who inwardly emancipates his female slave or his male slave, intends their emancipation, and resolves upon it with a valid intention, but does not verbally pronounce their emancipation, that they do not thereby become free, and that he is not someone who has emancipated them, either before Allah or in judicial judgment; rather, the male slave and female slave remain his property as before. You also say of someone who inwardly divorces and intends divorce, but does not utter any expression of divorce, that he does not thereby become someone who has divorced, either before Allah or in judicial judgment; rather, his wife remains lawful to him as before. You even say that if he utters an expression that is not one of the expressions of divorce, intending divorce by it, no divorce becomes binding upon him thereby, and she remains his wife as before, lawful to him both in judicial judgment and in legal opinion. You say that someone who gives by his intention, or by his intention gives in charity, a specified portion of his property, but does not utter any expression of gift or charity, is thereby neither a giver nor a giver of charity, and nothing becomes binding upon him, either in legal opinion or in adjudication, even if he acknowledges this and admits that he intended it. Yet you then say that someone who, while fasting, intends to abandon the fast, deliberately doing so while remembering his fast, although he neither eats nor drinks nor has intercourse nor performs any act that invalidates fasting, has invalidated his fast and broken it. You say of someone who, while praying, intends to abandon the prayer and leave it, although he has not departed from the posture of prayer in which he is engaged, that his prayer has become invalid if he does this deliberately while remembering that he is praying. You say of someone who, while giving the obligatory alms on his property, intends that this should not count toward the obligatory alms incumbent upon him, that he has thereby failed to discharge his obligation of almsgiving and

فإن قال قائل: أنتم تقولون فيمن أعتق في نفسه أمته أو عبده، ونوى عتقهما وأمضاه نية صحيحة، إلا أنه لم يلفظ بعتقهما أنهما لا يكونان بذلك حرين، ولا يكون هو معتقا لا عند الله ولا في الحكم، فإن العبد والأمة باقيان مملوكين له كما كانا. وتقولون فيمن طلق في نفسه، ونوى الطلاق إلا أنه لم يلفظ بلفظ من ألفاظ الطلاق: إنه لا يكون مطلقا بذلك لا عند الله ولا في الحكم، وإنما امرأته حلال له كما كانت، حتى أنكم تقولون: إنه إن لفظ بلفظ ليس من ألفاظ الطلاق ونوى به الطلاق، إنه لا يلزمه بذلك طلاق وإنها امرأته كما كانت حلال له في الحكم والفتيا معا. وتقولون: إن من وهب نيته أو تصدق بنيته بشيء من ماله مسمى، ولكنه لم يلفظ بلفظ من ألفاظ الهبة أو الصدقة إنه بذلك غير واهب ولا متصدق، ولا يلزمه شيء، لا في الفتيا ولا في القضاء، وإن اعترف بذلك وأقر بأنه نواه. ثم تقولون: إن من نوى في حال صيامه أنه تارك للصوم عامدا بذلك، ذاكرا لصومه، إلا أنه لم يأكل ولم يشرب ولا وطىء ولا فعل فعلا ينقض الصوم، فإن صومه قد بطل، وأنه قد أفطر، وتقولون فيمن نوى في حال صلاته: إنه تارك الصلاة خارج عنها، إلا أنه لم يفارق ما هو فيه من هيئتها أنه قد بطلت صلاته إذا تعمد ذلك وهو ذاكر أنه في صلاة، وتقولون فيمن نوى في حال إعطائه زكاة ماله أنه ليس ذلك عن زكاته المفترضة عليه، إنه كذلك غير مؤد فرض زكاته وأن عليه أداءها ثانية. وتقولون فيمن نوى في حال تذكيته ما يذكي: أنه عابث غير قاصد إلى التذكية المأمور بها، إنها ميتة لا يحل أكلها، وتقولون فيمن نوى في حال عمرته وحجه إنه رافض لهما، وهو مع ذلك متماد في عملهما، فإن حجه وعمرته قد بطلا، وتقولون فيمن نوى في حال وضوئه وغسله، إن بعض عمله لهما لا ينوي به أداء الغسل الوضوء المفترضين عليه: إن ذلك الغسل والوضوء ناقصان، لا بد من إعادة ما عمل بغير نية. وتقولون فيمن أتم كل هذه الأعمال بنية لها فلما أتمها

[9] **Translator's note (L2223):** ʿIlj, rendered here as "non-Arab man," can carry derogatory connotations and can also denote a non-Muslim foreigner; the precise intended scope is uncertain here.

must discharge it a second time. You say of someone who, while ritually slaughtering an animal, intends merely to amuse himself, without intending the commanded ritual slaughter, that it is carrion and unlawful to eat. You say of someone who, during his lesser pilgrimage and pilgrimage, intends to abandon them, while nevertheless continuing to perform their rites, that his pilgrimage and lesser pilgrimage have become invalid. You say of someone who, during his ablution and full ritual washing, does not intend, in some part of his performance of them, to discharge the full ritual washing and ablution incumbent upon him, that this full ritual washing and ablution are incomplete, and that whatever he performed without an intention must be repeated. You say of someone who completes all these deeds with an intention for them, then, after completing them, intends their invalidation, that none of them becomes invalid thereby, and that they remain effective, sufficient, and valid. What, then, is the difference between what you have deemed valid and what you have invalidated among these things? Are they not all alike? What is the difference between intention's having no need, in some of these cases, for an act to accompany it, and its needing an act to accompany it in others?" The answer—and success comes through Allah Most High—is that all commanded deeds require an intention accompanying them, as we stated earlier, because of what we mentioned at the beginning of this chapter concerning the obligation to direct one's purpose toward Allah Most High and to devote one's deed sincerely to Him. Whenever a person intends to invalidate that intention, that deed becomes invalid, since he has not performed it as commanded, with the intention accompanying it. For this reason, the ablution, full ritual washing, fasting, and pilgrimage we mentioned become invalid. For one is only either fasting or not fasting, praying or not praying, performing ablution or not performing ablution. The same applies to obligatory almsgiving, pilgrimage, and other things. Thus, if he is not fasting, praying, or performing ablution as commanded, he is not fasting, not performing ablution, and not praying. The same applies to all other deeds. Likewise, our position concerning someone who divorces, emancipates, or gives charity without an intention is that none of this is binding upon him before Allah Most High, even though we adjudge it enforceable against him, because we do not know his intention in doing so. If we knew

نوى بطلانها: إنه لا يبطل شيء منها بذلك، وأنها ماضية جازية جائزة، فما الفرق بين ما جوزتموه وبين ما أبطلتموه من ذلك؟ وهل كل ذلك إلا سواء؟ وما الفرق بين استغناء النية في بعض هذه الوجوه عن مضامة العمل إليها، وبين افتقارها إلى مضامة العمل إليها في بعضها؟. فالجواب وبالله تعالى التوفيق: إن جميع الأعمال المأمور بها هي مفتقرة إلى نية تصحبها كما قدمنا لما ذكرنا في أول هذا الباب من وجوب القصد إلى الله تعالى والإخلاص له بالعمل، فمتى قصد المرء إلى إبطال تلك النية فقد بطل ذلك العمل، إذ لم يأت به كما أمر من إصحاب النية إياه، فلذلك بطل ما ذكرنا من الوضوء والغسل والصوم والحج، لأنه ليس إلا صائم أو غير صائم، أو مصل، أو غير مصل، ومتوضىء أو غير متوضىء. وهكذا في الزكاة والحج وغير ذلك، فإذا لم يكن صائما. ولا مصليا ولا متوضئا كما أمر، فهو غير صائم ولا متوضىء ولا مصل وهكذا، سائر الأعمال. وهكذا القول عندنا، فيمن طلق أو عتق أو تصدق بغير نية، إن كل ذلك لا يلزمه عند الله تعالى، وإن كنا نقضي عليه بإمضائه، لأنا لا نعلم نيته في ذلك، ولو علمنا أنه بغير نية لما حكمنا عليه بشيء من ذلك أصلا، فلو وصل قوله كله فقال: عبدي حر بغير نية مني لعتقه، أو قال ذلك في الطلاق والنكاح والصدقة والهبة، لما أنفذنا عليه شيئا من ذلك أصلا. وكل ما ذكرنا وما لم نذكر من سائر الأعمال، فلا تجزىء فيه النية دون العمل ولا العمل دون النية، ولا بد من اقترانهما معا، لأنه مأمور من الله تعالى بهما معا، فلا بد في الصلاة من حركات محدودة معمولة مع النية، ولا بد في الوضوء من مثل ذلك أيضا، ولا بد في الحج من مثل ذلك، ولا بد في الصوم من إمساك عن كل ما أمر بالإمساك عنه، مع النية أيضا، ولا بد في العتق والطلاق، والنكاح والهبة والصدقة، من نطق ولفظ مع النية في كل ذلك، لأنه لا يعلم شيء من ذلك إلا بالألفاظ المعبرة عنه، وإن انفرد في كل ما ذكرنا عمل دون نية فهو باطل، وإن انفرد نية فيه دون عمل فهي باطل أيضا. فمن نوى أن يصلي أو يتوضأ، أو

that it was without an intention, we would not adjudge any of that binding upon him at all. Thus, if he made his entire statement continuous and said, 'My slave is free, without any intention on my part to emancipate him,' or said that regarding divorce, marriage, charity, or a gift, we would enforce none of that against him at all. In everything we have mentioned, and every other deed we have not mentioned, intention does not suffice without action, nor action without intention. They must be joined together, because he is commanded by Allah Most High to perform both together. Thus, prayer necessarily requires specified movements performed with an intention; ablution likewise necessarily requires the same; pilgrimage necessarily requires the same; and fasting necessarily requires abstention from everything from which one is commanded to abstain, together with an intention as well. And emancipation and divorce necessarily require as do marriage, gifts, and charity, speech and verbal expression accompanied by an intention in all of this, because none of these things can be known except through the expressions that convey it. If, in anything we have mentioned, an act occurs alone without an intention, it is invalid; if an intention occurs alone in it without an act, it too is invalid. Thus, whoever intends to pray, perform ablution, undertake pilgrimage, or fast, but neither prays nor performs ablution nor undertakes pilgrimage nor fasts, has nothing to his credit. Let no one suppose that our position differs in any of what we have mentioned; rather, it all falls under one and the same category: both an act and an intention are indispensable; neither has legal effect without the other. Whoever disagrees with us on this contradicts himself: sometimes he adopts our position in certain cases, including prayer, and sometimes he does not adopt our position, without any proof, merely following personal inclination and the imitation of authorities that is impermissible. If someone says, "You say that someone who breaks his fast forgetfully, without remembering his fast; or speaks, acts, or eats forgetfully during his prayer, without remembering that he is praying; or kills game while in the state of consecration, without deliberately intending to kill it, incurs nothing in any of these cases. Yet you then say that someone who incurs ritual impurity through something issuing from either of his two bodily outlets—feces, urine, wind, pre-seminal fluid, post-urinary fluid, or semen—forgetfully, or falls asleep because sleep overcomes him, has had his

يحج أو يصوم ولم يصل ولا توضأ ولا حج ولا صام فلا شيء له، فلا يظن الظان أن قولنا اختلف في شيء مما ذكرنا، بل هو كله باب واحد، وهو أنه لا بد من عمل ونية، لا حكم لأحدهما دون الآخر، ومن خالفنا في هذا فإنه يتناقض، فمرة يقول بقولنا في بعض المواضع، ومنها الصلاة، ومرة لا يقول بقولنا دون دليل، لكن اتباعا للهوى والتقليد الذي لا يحل. فإن قال: فإنكم تقولون فيمن أفطر ناسيا غير ذاكر لصومه، أو تكلم أو عمل أو أكل ناسيا في صلاته غير ذاكر أنه في صلاة، أو قتل صيدا وهو محرم غير معتمد لقتله إنه لا شيء عليه في كل ذلك. ثم تقولون: من أحدث بشيء يخرج من مخرجيه من غائط أو بول أو ريح أو مذي أو ودي أو مني ناسيا، أو نام مغلوبا فقد بطلت طهارته وتقولون إن من ذبح أو نحر أو تصيد، فلم يسم الله تعالى ناسيا أو عامدا، فكلاهما سواء لا يحل أكل شيء من ذلك. فالجواب وبالله تعالى التوفيق: أن الأصل الذي تجري عليه الفتيا أنه لا شيء على الناس لقوله تعالى {دعوهم لآبآئهم هو أقسط عند الله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان الله غفورا رحيما} فلا يخرج عن هذا النص إلا ما أخرجه نص أو إجماع، فلهذا النص ولما أخبرنيه أبو العباس أحمد بن عمر العذري، أنا الحسين بن عبد الله الجرجاني، ثنا عبد الرزاق بن أحمد بن عبد الحميد الشيرازي، أخبرتنا فاطمة بنت الحسن بن الريان المخزومي وراق القاضي أبي بكار بن قتيبة قالت: ثنا الربيع بن سليمان المؤذن، ثنا بشر بن بكر عن الأوزاعي، عن عطاء، عن عبيد بن عمير عن ابن عباس قال قال رسول الله صلى الله عليه وسلم إن الله تجاوز عن أمتي الخطأ والنسيان وما استكرهوا عليه. ففي هذا الحديث نص التسوية بين العمل المقصود نسيانا بغير نية، وبين الخطأ الذي لم يقصد، فلهذا ولنصوص أخر لم يبطل الصوم بفطر نسيان، ولا بطلت الصلاة لعمل نسيان، وهكذا كل نسيان، إلا

ritual purity invalidated. And you say that someone who slaughters by cutting the throat, slaughters by piercing the base of the neck, or hunts, but does not mention Allah Most High, whether forgetfully or deliberately, is in the same position in either case: eating any of that is unlawful." The answer—and success comes through Allah Most High—is that the governing principle for issuing legal opinions is that people incur nothing, because of His saying, Most High: "Call them after their fathers; that is more equitable in Allah's sight. If you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for that in which you have erred, but only for what your hearts have deliberately intended. Allah is ever forgiving, merciful." Nothing is excluded from this text except what another text or consensus excludes. Thus, on account of this text and what Abu al-Abbas Ahmad ibn Umar al-Udhri related to me: al-Husayn ibn Abd Allah al-Jurjani informed us; Abd al-Razzaq ibn Ahmad ibn Abd al-Hamid al-Shirazi narrated to us; Fatimah bint al-Hasan ibn al-Rayyan al-Makhzumi, the copyist of Judge Abu Bakkar ibn Qutaybah, informed us, saying: al-Rabi ibn Sulayman, the caller to prayer, narrated to us; Bishr ibn Bakr narrated to us, from al-Awzaʿi, from Ata, from Ubayd ibn Umayr, from Ibn Abbas, who said: The Messenger of Allah ﷺ said, "Allah has pardoned my community for error, forgetfulness, and what they have been compelled to do." This report explicitly establishes equivalence between an act intentionally performed while forgetful, without the requisite intention, and an error that was not intended. For this reason, and because of other texts, a fast is not invalidated by breaking it forgetfully, nor is prayer invalidated by an act performed forgetfully. The same applies to every instance of forgetfulness except one that another text or consensus excludes from this text, as has been established by certain, conclusive consensus concerning the aforementioned

نسيانا استثناه من هذا النص نص آخر أو إجماع، كما صح من الإجماع المتيقن المقطوع به في الأحداث المذكورة أنها تنقض الطهارة على كل حال بالنسيان والعمد.

occurrences of ritual impurity: they invalidate ritual purity in every case, whether through forgetfulness or deliberate action.[10][11][12][13]

L2234–2236 We know by necessity that people have continually incurred ritual impurity every day since the time of the Messenger of Allah ﷺ, and all of them require ablution on account of it. It is therefore established that this is a consensus transmitted back to the Messenger of Allah ﷺ. The same applies to sleep, because it invariably occurs only when it overcomes a person, never through intention. Even if someone spent his entire life intending to sleep, he could not do so unless sleep overcame him. As for the other occurrences of ritual impurity concerning which there is no consensus, in our view they invalidate ritual purity only through intention and deliberate action, not through forgetfulness, such as touching women and touching the private parts. As for lawful slaughter, the text states that we must not eat anything over which Allah's name has not been mentioned. He said, Most High: "Do not eat of that over which Allah's name has not been mentioned, for it is indeed wickedness. The devils do indeed inspire their allies to dispute with you; and if you obey them, you are indeed associators of partners with Allah." And He said, Most High: "They ask you what has been made lawful for them. Say: Lawful for you are wholesome things, and what you have trained of hunting animals, as trainers of hunting animals, teaching them from what Allah has taught you. So eat of what they catch for you, and mention Allah's name over it. Fear Allah; Allah is swift in reckoning." Since what people

وبالضرورة ندري أنه لم يزل الناس يحدثون في كل يوم من عهد رسول الله صلى الله عليه وسلم وكلهم يوجب الوضوء من ذلك فصح أنه إجماع منقول إلى رسول الله صلى الله عليه وسلم وكذلك النوم لأنه لا يكون إلا بغلبة أبدا لا بقصد، ولو قصد المرء دهره كله أن ينام لم يقدر إلا أن يغلبه النوم، وأما سائر الأحداث التي لا إجماع فيها فإنها لا تنقض الطهارة عندنا إلا بالقصد والعمد لا بالنسيان، كاللمس للنساء ومس الفرج. وأما الذكاة فإن النص ورد بألا نأكل مما لم يذكر اسم الله عليه قال تعالى {ولا تأكلوا مما لم يذكر سم لله عليه وإنه لفسق وإن لشياطين ليوحون إلى أوليآئهم ليجادلوكم وإن أطعتموهم إنكم لمشركون} وقال تعالى {يسألونك ماذآ أحل لهم قل أحل لكم لطيبات وما علمتم من لجوارح مكلبين تعلمونهن مما علمكم لله فكلوا مما أمسكن عليكم وذكروا سم لله عليه وتقوا لله إن لله سريع لحساب} فلما كان ما ذكاه الناس للتسمية مما لم يذكر اسم الله عليه بلا شك كان مما نهينا عن أكله بالنص، وأما الإثم فساقط عن الناسي جملة. وقد رام قوم أن يتوصلوا إلى إباحة ما نسي ذكر اسم الله عليه بقوله عز وجل في الآية المذكورة {ولا تأكلوا مما لم يذكر سم لله عليه وإنه لفسق وإن لشياطين ليوحون إلى أوليآئهم ليجادلوكم وإن أطعتموهم إنكم لمشركون} وقالوا: الفسق لا يقع إلا على النسيان. قال أبو محمد: وهذا تمويه ضعيف، لأننا لم نقل إن الله تعالى أوقع اسم الفسق على نسيان الناسي للتسمية، وإنما قلنا ما في نص الآية: إن ذلك الشيء المذبوح أو المنحور أو المتصيد الذي لم يسم الله تعالى عليه عمدا أو نسيانا هو نفسه المسمى فسقا، كما سمى الله تعالى الخمر والميسر رجسا من عمل الشيطان، فبطل تمويههم، وكان الناس لذكر اسم الله تعالى على التذكية غير مذك، وغير المذكى لا يحل أكله، وكذلك من نسي

[10] **Translator's note (L2226):** The wording "gives by his intention" follows the supplied وهب نيته, which appears to lack the preposition found in the parallel expression "gives in charity by his intention."

[11] **Translator's note (L2227):** The Arabic places "full ritual washing" and "ablution" together without a conjunction in the first occurrence; the translation supplies the connective required by the apparent sense.

[12] **Translator's note (L2232):** The opening continues the preceding segment; "category" is not a new chapter heading. The source reads "people incur nothing." In context, "the forgetful person incurs nothing" may have been intended, but that is not the transmitted wording. The relative "al-Makhzumi" and the designation "copyist" have masculine forms in the source, although they follow Fatimah's name and she subsequently speaks in the feminine.

[13] **Qur'an references (L2225):** Qur'an 33:5 (Al-Ahzab).

slaughtered for the invocation is unquestionably something over which Allah's name has not been mentioned, it falls within what the text forbids us to eat. As for sin, it is entirely waived for the forgetful person. Some people have sought to establish the permissibility of that over which mentioning Allah's name was forgotten by appealing to His saying, Mighty and Majestic, in the aforementioned verse: "Do not eat of that over which Allah's name has not been mentioned, for it is indeed wickedness. The devils do indeed inspire their allies to dispute with you; and if you obey them, you are indeed associators of partners with Allah." They said, "Wickedness applies only to forgetfulness." Abu Muhammed said: This is a feeble obfuscation, because we did not say that Allah Most High applied the designation "wickedness" to the forgetful person's forgetting the invocation. We said only what the verse explicitly states: that the very thing slaughtered by cutting the throat, slaughtered by piercing the base of the neck, or hunted, over which Allah Most High was not mentioned, deliberately or forgetfully, is itself what is designated "wickedness," just as Allah Most High designated wine and gambling "defilement from Satan's work." Their obfuscation is therefore invalid. The person who forgets to mention Allah Most High's name over the slaughter has not performed lawful slaughter, and eating what has not been lawfully slaughtered is impermissible. The same applies to someone who forgets to perform lawful slaughter and instead wrenches the neck apart, and likewise to someone who forgets the intention at the commencement of his prayer, at the commencement of his fast, or when paying his obligatory alms: none of these people has performed prayer, nor fasted, nor paid obligatory alms. Obligatory alms, however, are not tied to a period with two fixed endpoints, so they may always be made up. A text has established the obligation to make up prayer for someone who forgets. Fasting, however, is tied to a period with two fixed endpoints, and there is no way to transfer it except through another text. Likewise, as for the person performing lawful slaughter, it is only an act upon a particular thing that he cannot recover after its death. Since he did not mention Allah over it, through forgetfulness or deliberately, it is carrion, and eating it is impermissible. In the language, invoking the name applies

أن يذكي ففك الرقبة، وكذلك من نسي النية في مدخل صلاته ومدخل صومه ومدفع زكاته، فهؤلاء كلهم غير مصل ولا صائم ولا مزك، إلا أن الزكاة ليست مرتبطة بوقت محدود الطرفين فهي تقضى أبدا. وقد جاء النص بوجوب قضاء الصلاة على الناسي، وأما الصيام فهو مرتبط بوقت محدود الطرفين، فلا سبيل إلى نقله إلا بنص آخر، وكذلك المذكي إنما هو عمل في شيء بعينه، لا يقدر على استرجاعه بعد موته، فلما لم يسم الله عليه بنسيان أو عمد فهو ميتة لا يحل أكله، والتسمية في اللغة لا تقع إلا على ما ذكرنا باللسان لا على ما استقر في القلب دون ذكر باللسان.

only to what we have mentioned with the tongue, not to what is established in the heart without mention by the tongue.[14][15][16]

L2237 It is utterly astonishing that someone should require a person who breaks his fast forgetfully to make it up and refuse to excuse him, although the text establishes that he is fasting and that his fast is complete, and then consider it permissible to eat slaughtered animals and other things over which mentioning Allah Most High's name was forgotten, granting an excuse for forgetfulness here, where the text prohibits it in general terms. This is as you see, and success comes through Allah Most High. Likewise, someone who begins the act he has been commanded to perform with an intention directed toward it as commanded, then forgets the intention in the course of that act, while the act remains continuous and uninterrupted, does not have his act invalidated by forgetfulness, because of the text we have mentioned. Everything we have mentioned therefore invalidates the supposition that our statement that deliberately breaking the fast through an intention to break it, without eating, takes effect contradicts our statement that emancipation and divorce through intention without utterance do not take effect. Rather, it all belongs to one and the same category. Abstaining from what invalidates fasting without an intention directed thereby toward performing the fast is defective and invalid. Likewise, intending to fast without deliberately abstaining from what invalidates fasting is invalid and defective. Likewise, emancipation and divorce without an intention for them are invalid. Likewise, intending them without expressing them through that without which

والعجب كل العجب ممن يرى على المفطر ناسيا القضاء ولا يعذره، وقد جاء النص بأنه صائم تام الصوم، ثم يرى أكل ما نسي ذكر اسم الله تعالى عليه من المذبوحات وغيرها، ويعذر ههنا بالنسيان حيث عم النص بالمنع منه، وهذا كما ترى، وبالله تعالى التوفيق. وكذلك من افتتح العمل الذي أمر به بنية قصد إليه كما أمر، ثم نسي النية في درج ذلك العمل، وكان العمل متصلا غير منقطع، فهذا لا يبطل عمله بالنسيان للنص الذي ذكرنا، فبطل بكل ما ذكرنا ما ظنه الظان من أن قولنا: إن كون الفطر بنية الفطر عمدا في الصوم دون الأكل واقع أنه مخالف لقولنا: إن العتق والطلاق بالنية دون النطق غير واقعين، بل هو كله باب واحد، وذلك أن الإمساك عما ينقض الصوم بغير نية، قصد بذلك إلى أداء الصوم فاسد باطل. وكذلك نية الصوم دون الإمساك عما ينقض الصوم عمدا باطل فاسد. وكذلك العتق والطلاق دون نية لهما باطل، وكذلك النية لهما دون إظهارهما بما لا يكونان إلا به فاسدة باطل، ولاح أن الشك إنما وقع لمن وقع في هذا لاختلاف الأجوبة. وبيان تحقيق رفع الإشكال في هذا الباب هو أن يسأل السائل فيقول: ما تقولون فيمن طلق في نيته دون قول؟ وفيمن أعتق في نيته دون قول؟

[14] **Translator's note (L2234):** "What people slaughtered for the invocation" follows an apparently corrupt phrase. The argument requires something like "what someone slaughtered while forgetting the invocation," but the transmitted wording does not say this clearly. "Wickedness applies only to forgetfulness" reproduces the supplied wording. It appears to be a quotation error, since the objection and the ensuing rebuttal suggest that "wickedness does not apply to forgetfulness," or "applies only to deliberate action," was intended. In "the person who forgets to mention," the source reads "the people" where "the person who forgets" appears intended. The translation adopts that contextual reading explicitly here.

[15] **Translator's note (L2236):** The source has the active form "the person performing lawful slaughter," followed awkwardly by "it is only an act." This grammatical discontinuity is retained rather than silently changing the word to "slaughter."

[16] **Qur'an references (L2234):** Qur'an 6:121 (Al-An'am); Qur'an 5:4 (Al-Ma'idah).

they cannot take effect is defective and invalid. It has become clear that the doubt experienced by those who experienced it in this matter arose only from the differing answers. A precise explanation that removes the difficulty in this matter is for a questioner to ask, "What do you say about someone who divorces in his intention without speaking, and someone who emancipates in his intention without speaking,

L2238–2245 and someone who breaks his fast in his intention without performing an act that invalidates the fast, and someone who intends through his intention to invalidate the prayer in which he is engaged without performing an act contrary to prayer, or intends to cool himself during his ablution without incurring an occurrence of ritual impurity that invalidates ablution, doing all this deliberately and remembering the act in which he is engaged?" The answer—and success comes through Allah Most High—is that we say to him: None of those you have mentioned has effected emancipation or divorce, or has a valid fast, ablution, or prayer. Faith is similar, for it consists of utterance and intention. Whoever lacks the intention and utters faith has faith; whoever lacks the utterance and intends faith has no faith. If he has no faith, he is an unbeliever, because there is only a believer or an unbeliever. As for someone who completes the act he has been commanded to perform as he was commanded, in both act and intention, and then, after its conclusion, intends to undo and invalidate it, that act is not undone, because it has been completed and discharged as Allah Most High commanded, and its time has elapsed; thus a newly formed intention does not undo it. Likewise, an intention that does not accompany a defective act, whether preceding or following it, does not render that act valid. And we have We have established demonstrations that whatever was valid at one time does not become invalid at a subsequent time except through a text or consensus, and whatever was invalid at one time does not become valid at a subsequent time except through a text or consensus. This applies to someone who divorces by an intention or emancipates by his intention without an utterance: ownership and marriage were initially valid, so they do not subsequently become invalid except through a text. There is neither a text nor consensus establishing their invalidation through intention without the expressions designated for

وفيمن أفطر في نيته دون عمل يفسد به الصوم؟ وفيمن نوى إبطال صلاته التي هو فيها بنيته دون عمل مضاد للصلاة، أو نوى تبردا في خلال وضوئه ولم يحدث حدثا ينقض الوضوء، وفعل كل ذلك عامدا ذاكرا لما هو فيه؟. فالجواب وبالله تعالى التوفيق أن نقول له: كل من ذكرت لا عتق له ولا طلاق له ولا صوم له، ولا وضوء له، ولا صلاة له، ومثل هذا الإيمان فإنه قول ونية فمن عدم النية ولفظ بالإيمان فهو إيمان له، ومن عدم القول ونوى بالإيمان فلا إيمان له، وإذا كان لا إيمان له فهو كافر، لأنه ليس إلا مؤمن أو كافر، وأما من أتم العمل الذي أمر به كما أمر به، من عمل ونية ثم نوى بعد انقضائه نقضه وإبطاله، لم يكن ذلك العمل منتقضا، لأنه قد كمل وتأدى كما أمر الله تعالى، وانقضى وقته فلا ينقضه نية مستأنفة. وكذلك لا تصلح العمل الفاسد نية غير مضامة له، إما متقدمة وإما متأخرة، وقد أقمنا البراهين على أن كل ما صح في وقت لم يبطل في ثان إلا بنص أو إجماع وما بطل في وقت لم يصح في ثان إلا بنص أو إجماع، وهذا القول فيمن طلق بنية وأعتق بنيته دون لفظ: إن الملك والنكاح قد صحا في أول فلا يبطلان في ثان إلا بنص، ولا نص ولا إجماع في بطلانهما بالنية دون الألفاظ الموضوعة لنقضهما، وبطل بما ذكرنا قول من أراد أن يحقق جواز العمل بنية متقدمة له غير متصلة به، لأنه لو جاز أن يكون بين النية والعمل دقيقة لجاز أن يكون بينهما مائة عام ولا فرق. وقد قال المالكيون: إن في أول ليلة من شهر رمضان تجزىء النية لصيام باقيه، وهذا باطل، لأنه لو جاز ذلك لأجزت نية واحدة في أول رمضان يصومه المرء عن إحداث نية لكل رمضان يأتي، وهم لا يقولون ذلك، فإن قالوا: إنه

يحول بين رمضان ورمضان شهور لا صيام فيها، قيل لهم: وكذلك يحول بين كل يومين من أيام رمضان ليل لا صيام فيه، ولكل يوم حكمه، وقد يمرض ويسافر فيفطر ولا يبطل لذلك صيام ما سلف. ومن قولهم: إن انتقاض صيام يوم من رمضان بطاعة أو بمعصية لا ينقض صيام ما سلف فيه، وهذا هدم لقولهم، فإن ادعوا في ذلك إجماعا أكذبهم سعيد بن المسيب عميد أهل المدينة، لأنه يقول: من أفطر في رمضان يوما عمدا فعليه قضاء الشهر كله، لأنه عنده كيوم واحد وكصلاة واحدة، إن انتقضت منها ركعة تعمدا انتقضت كلها، فاستبان بكل ما ذكرنا أن كل هذا نوع واحد لا خلاف بين شيء منه، ولم نقل هذا على أننا حاكمون لبعض ما ذكرنا بمثل حكمنا لسائره، قياسا، ومعاذ الله من ذلك. ولكنا أرينا أصحاب القياس تناقضهم في ذلك، حيث يرتضونه ويصححونه ويحكمون به من القياس الفاسد. وأما نحن فإنما معتمدنا في كل ما ذكرنا على ما قد بيناه من أن كل عمل خلا من نية، أو كل نية خلت من عمل، فكل ذلك فاسد لقوله تعالى {ومآ أمروا إلا ليعبدوا الله مخلصين له لدين حنفآء ويقيموا لصلاة ويؤتوا لزكاة وذلك دين لقيمة} فأمرنا بشيئين كما ترى العبادة وهي العمل، والإخلاص وهو النية، فلا يجزىء أحدهما دون الآخر، وبقوله عليه السلام: إنما الأعمال بالنيات ولكل امرىء ما نوى فصح بهذا النص أنه لا عمل إلا بنية مقترنة معه غير متقدمة ولا متأخرة وقوله تعالى {دعوهم لآبآئهم هو أقسط عند الله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان الله غفورا رحيما} إلا أن يأتي نص باستثناء شيء من هذه النصوص فنصير إليه وإلا فلا. وقد سألني بعضهم فقال: ما تقول فيمن أفطر ناسيا لصومه؟ فقلت له: صومه تام. قال: فما تقول فيمن ترك ركعة من صلاته ناسيا؟ فقلت: يصليها ما لم ينتقض وضوءه، أو يعيد الصلاة كلها إن انتقض وضوءه، فقال لي: لم فرقت بين الأمرين؟ وهلا أجزت الصلاة مع نسيان بعضها، كما أجزت الصيام

dissolving them. What we have mentioned also invalidates the position of anyone who seeks to establish the permissibility of acting upon an intention that precedes the act without being connected to it. For if a minute could permissibly intervene between intention and action, a hundred years could permissibly intervene between them, with no difference. The Malikis have said that an intention on the first night of the month of Ramadan suffices for fasting the remainder of it. This is invalid, because if that were permissible, a single intention at the beginning of the first Ramadan a person fasts would suffice in place of forming a new intention for every subsequent Ramadan. Yet they do not maintain this. If they say, "Between one Ramadan and the next there intervene months during which there is no fasting," they are told: "Likewise, between every two days of Ramadan there intervenes a night during which there is no fasting, and each day has its own ruling." And he may become ill or travel and consequently break his fast, without this invalidating his previous fasting. They themselves maintain that the invalidation of one day's fasting in Ramadan, through an act of obedience or an act of disobedience, does not invalidate the preceding fasting in that month. This demolishes their position. If they claim consensus on this, Saʿid ibn al-Musayyab, the foremost authority among the people of Medina, gives the lie to their claim, for he says: "Anyone who deliberately breaks his fast for one day in Ramadan must make up the entire month." This is because, in his view, it is like a single day and like a single prayer: if one unit of it is deliberately invalidated, the whole is invalidated. Everything we have mentioned thus makes it clear that all this belongs to a single category, with no difference between any of its instances. We have not said this on the basis that we assign some of what we have mentioned the same ruling as the rest by analogy—Allah forbid that! Rather, we have shown the proponents of analogy their inconsistency concerning the unsound analogy that they approve, pronounce valid, and use as a basis for rulings. As for us, our sole basis in everything we have mentioned is what we have already explained: every act devoid of intention, and every intention devoid of action, is invalid. This is because of His saying, exalted is He: "They were commanded only to worship Allah, devoting religion sincerely to Him, inclining to the true faith, and to establish prayer and give the obligatory alms; and that is the upright

religion." He has thus commanded us to do two things, as you see: worship, which is action, and sincere devotion, which is intention. Neither therefore suffices without the other. And because of his saying ﷺ, "Actions are only by intentions, and each person has what he intended," this text establishes that there is no action without an intention accompanying it, neither preceding nor following it; and because of His saying, exalted is He: "Call them after their fathers; that is more equitable in Allah's sight. If you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for what you have done mistakenly, but rather for what your hearts have deliberately intended. And Allah is forgiving, merciful." Unless a text comes establishing an exception to something in these texts, in which case we follow it; otherwise, we do not. One of them asked me, saying: "What do you say about someone who breaks his fast, forgetting that he is fasting?" I told him: "His fast is complete." He said: "Then what do you say about someone who forgetfully omits one unit of his prayer?" I said: "He performs it so long as his ablution has not been invalidated, or repeats the entire prayer if his ablution has been invalidated." He said to me: "Why have you distinguished between the two cases? Why did you not allow the prayer to be valid despite his forgetting part of it, just as you allowed the fast to be valid despite his forgetting part of it by breaking his fast during part of his day?" The answer—and success comes through Allah, exalted is He—is that we are not proponents of analogy such that we would be bound by this question. We have simply followed the text concerning someone who breaks his fast forgetfully, namely that he is to complete his fast; and concerning someone who forgets his prayer or part of it, we have followed the requirement that he perform it. For we are commanded by the text to pray, and part of a prayer is prayer. Thus, someone who has failed to pray through forgetfulness is told, on the authority of the text: "Perform the prayer you forgot when you remember it"—and nothing more. Nevertheless, we will voluntarily show him the unsoundness of what he sought to make binding upon us by means of the analogy they advocate, although they are the people least willing to apply it consistently. We say—and success comes through Allah, exalted is He—that someone who forgetfully omits a unit of prayer does not resemble someone who breaks his fast forgetfully. Rather, someone who

مع نسيان بعضه بإفطار في بعض نهاره؟. فالجواب وبالله تعالى التوفيق: إننا لسنا من أصحاب القياس فيلزمنا هذا السؤال، وإنما اتبعنا النص الوارد فيمن أفطر ناسيا أنه يتم صومه، واتبعنا فيمن نسي صلاته أو بعضها أن يصليها، لأننا مأمورون بالصلاة بالنص، وبعض الصلاة صلاة، فمن لم يصل ناسيا، قيل له بالنص: أقم الصلاة التي نسيت إذا ذكرتها ولا مزيد، ولكنا نتطوع ونريه فساد ما أراد إلزامنا إياه من طريق القياس الذي يدعونه، وهم أترك الناس لطرده. فنقول وبالله تعالى التوفيق: ليس يشبه تارك ركعة ناسيا من أفطر ناسيا، وإنما يشبه من أفطر ناسيا من تكلم في صلاته ناسيا، ويشبه تارك الركعة ناسيا من نسي أنه صائم، فنوى الفطر في باقي نهاره إلا أن النص فرق بين حكميهما وذلك أن النبي صلى الله عليه وسلم يقول من نسي صلاة أو نام عنها فليصلها إذا ذكرها ولم يأمر في نسيان الصوم بذلك والصوم له وقت محدود حده الله تعالى فلا سبيل إلى نقله إلى وقت آخر أصلا إلا حيث جاء النص بنقله فقط، ومن تعدى ذلك فقد تعدى حدود الله تعالى قال الله عز وجل {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود لله ومن يتعد حدود لله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد ذلك أمرا} نعوذ بالله من الظلم والظلم حرام. وأما من نوى أن يفطر ولو بعد ساعة ولم ينو أنه مفطر في وقته ذلك فلا يكون بذلك مفطرا أصلا، فإن جازت تلك الساعة ولم يحدث فيها نية للفطر مجددة لم يضر صومه تلك شيئا وصومه تام.

breaks his fast forgetfully resembles someone who speaks during his prayer forgetfully. Someone who forgetfully omits a unit of prayer resembles someone who forgets that he is fasting and consequently intends not to fast for the remainder of his day. The text, however, distinguishes between their two rulings. This is because the Prophet ﷺ says: "Whoever forgets a prayer or sleeps through it, let him perform it when he remembers it." He gave no such command concerning forgetting a fast. Fasting has a defined time that Allah, exalted is He, has specified. There is therefore absolutely no way to transfer it to another time except precisely where a text has come authorizing its transfer. Whoever goes beyond this has transgressed the limits of Allah, exalted is He. Allah, mighty and majestic, said: "O Prophet, when you divorce women, divorce them for their waiting period, and count the waiting period, and fear Allah, your Lord. Do not expel them from their homes, nor should they leave, unless they commit a manifest indecency. Those are Allah's limits, and whoever transgresses Allah's limits has wronged himself. You do not know: perhaps Allah will bring about some matter after that." We seek refuge in Allah from wrongdoing, and wrongdoing is forbidden. As for someone who intends to break his fast, even an hour later, but does not intend that he is breaking his fast at that present time, he does not thereby break his fast at all. If that hour passes and he does not form a renewed

intention during it to break his fast, that earlier intention does not harm his fast in any way, and his fast is complete.[17][18][19][20][21][22]

L2246–2251 Likewise, someone who intends to commit illicit sexual intercourse but does not do so, or to drink but does not drink, or to give charity but does not give it, has nothing recorded to his credit or against him so long as he does not actually do any of these things. All of this falls within a single category. There is no action without an intention accompanying its commencement, with the commencement of the action coming after the intention has been formed. Error is of two kinds. One is an act that a person did not intend at all, as when a man shoots at a target and hits a person whom he did not intend to hit; or when someone draws in his breath and draws in a fly, which enters his throat while he is fasting; or when he intends to scratch his thigh and touches his penis. This is one kind, and it is what the speculative theologians call "generation," because it was generated by his act although he did not intend to perform it. And the second is an act that a person intended to perform, but by which he intended neither obedience nor disobedience, nor intended what resulted from his act, nor aimed at any part of what he was commanded to do or at the contrary of what he was commanded to

وهكذا من نوى أن يزني ولم يزن أو أن يشرب ولم يشرب أو أن يتصدق ولم يتصدق، لا يكتب له ولا عليه ما لم يفعل من كل ذلك شيئا، وهو كله باب واحد ولا عمل إلا بنية مصحبة للدخول فيه يكون أول الدخول فيه بعد إحداثها. والخطأ يكون على ضربين: أحدهما فعل لم يقصده الإنسان أصلا، وذلك كرجل رمى غرضا فأصاب إنسانا لم يقصده، وكإنسان جر نفسه فاستجر ذبابا، فدخل حلقه وهو صائم، أو أراد حك فخذه فمس ذكره فهذا وجه، وهو الذي يسميه أهل الكلام التولد، لأنه تولد عن فعله ولم يقصد هو فعله. والوجه الثاني: فعل قصد الإنسان عمله إلا أنه لم ينو بذلك طاعة ولا معصية، ولا نوى بذلك ما حدث من فعله، ولا قصد إلى بعض ما أمر به، ولا إلى خلاف ما أمر به كإنسان لطم آخر فوافق منية الملطوم، أو كإنسان صائم عمد الأكل وهو غير ذاكر لصومه، ولا قاصد إفساد صومه، أو نسي أنه في صلاة فقصد إلى الأكل أو إلى الكلام أو إلى المشي غير عامد لإفساد صلاته، أو نسي أنه على طهارة فقصد إلى مس ذكره غير قاصد بذلك إلى نقض وضوئه، أو سقاه إنسان بحضرة عدول من إناء أخبره أن فيه نبيذا غير مسكر، فلما جرع منه قاصدا إلى شربه علم أنه خمر، فأزاله عن فيه بعد أن شرب منه، أو وطىء امرأة لقيها في فراشه عامدا لوطئها وهو يظنها امرأته، فإذا بها أجنبية أدخلت عليه، أو قرأ آية قاصدا إلى الألفاظ التي قرأ يظنها من القرآن وهي بخلاف ذلك في القرآن، أو قتل صيدا عامدا لقتله غير ذاكر لإحرامه وهو محرم. فهذا وجه ثان وكلاهما مرفوع لا ينقض شيء من ذلك عملا ولا إيمانا، ولا يوجب إثما ولا حكما إلا حيث جاء النص بأنه يوجب حكما مما ذكرنا، فيوقف عنده ويكون مستثنى من الجملة التي ذكرنا منها طرفا، كالنص الوارد في إيجاب الدية على العاقلة، لأنه في كلا الوجهين المذكورين لم ينو معصية. وكذلك من فعل أي فعل كان ولم ينو به الطاعة لله تعالى فهو غير موجب له أجرا ولا أدى ما

[17] **Translator's note (L2238):** "Whoever lacks the intention and utters faith has faith" follows the supplied wording. It apparently omits a negation: the surrounding argument would require "has no faith." The translation retains the transmitted assertion.

[18] **Translator's note (L2241):** The supplied Qur'anic quotation, from 98:5, reads ليعبدوا الله where the standard wording is ليعبدوا الله, adding a lām before Allah. The translation follows the evident intended sense; the quotation also contains several defective spellings of definite articles.

[19] **Translator's note (L2242):** This completes the quotation of Qur'an 98:5 begun in the preceding segment. The supplied لقيمة is a defective spelling of القيمة, understood here as "upright."

[20] **Translator's note (L2243):** In the quotation of Qur'an 33:5, the supplied دعوهم lacks the initial alif of ادعوهم, "Call them." The translation adopts that reading, as required by the context; other missing alifs in the quotation likewise appear to be transcription defects.

[21] **Translator's note (L2245):** The quotation is Qur'an 65:1. Its supplied Arabic repeatedly omits alifs, particularly in definite articles and the name Allah; the translation treats these as spelling defects.

[22] **Qur'an references (L2238):** Qur'an 33:5 (Al-Ahzab); Qur'an 65:1 (At-Talaq).

do. Examples include someone who slaps another person and whose slap coincides with the death of the person slapped; someone fasting who intentionally eats while neither remembering his fast nor intending to invalidate it; someone who forgets that he is praying and intentionally eats, speaks, or walks, without deliberately seeking to invalidate his prayer; someone who forgets that he is in a state of ritual purity and intentionally touches his penis, without thereby intending to invalidate his ablution; someone to whom another person, in the presence of upright witnesses, gives a drink from a vessel, telling him that it contains a non-intoxicating infusion, but who, upon taking a draught with the intention of drinking it, realizes that it is wine and removes it from his mouth after having drunk some of it; someone who intentionally has intercourse with a woman he finds in his bed, thinking her to be his wife, only for her to prove to be an unrelated woman who has been brought in to him; someone who recites a verse, intending the words he recites and thinking them to be from the Qur'an, although it is otherwise in the Qur'an; or someone who intentionally kills game, intending to kill it, while forgetting his state of ritual consecration, although he is in that state. This is a second kind. Both kinds are excused: none of these things invalidates an act or faith, or entails sin or a legal consequence, except where a text establishes that something we have mentioned entails a legal consequence. There one stops at the text, and it constitutes an exception to the general category of which we have mentioned some instances, such as the text imposing blood money upon the kin group responsible for its payment. For in both of the kinds mentioned, he did not intend disobedience. Likewise, whoever performs any act whatsoever without intending thereby obedience to Allah, exalted is He, does not thereby earn a reward, nor has he discharged what he was commanded to do. As for deliberate action linked to an intention directed toward what results from that deliberate action, or toward some aspect of what he is engaged in—as when someone fasting intentionally eats while remembering that he is observing an obligatory fast; or strikes a person with something capable of causing death, intending to strike him with it and knowing that something of that kind may cause death; or deliberately alters the Qur'an, knowing that it is not thus in the written Quran; or his drinking wine while knowing it to be wine; or his having intercourse with a

أمر به. وأما العمد المرتبط بالقصد إلى ما يحدث من ذلك العمد، أو إلى بعض ما هو فيه كقصد الصائم إلى الأكل، وهو ذاكر لأنه صائم فرض، وكضربه إنسانا بما يمات منه قاصدا لضربه به، عالما بأنه قد يمات من مثله، وكتبديله القرآن عامدا عالما بأنه ليس كذلك في المصحف، وكشربه الخمر، وهو يعلمها خمرا، وكوطئه أجنبية، وهو يعلم أنها ليست له زوجا، ولا ملك يمين. فهذا كله يوجب الحكم بالإثم، وبما أتى به النص. وإنما قلنا في قاتل الصيد عامدا لقتله غير ذاكر لإحرامه: إنه لا جزاء عليه لقوله تعالى في آخر الآية {يأيها لذين آمنوا لا تقتلوا لصيد وأنتم حرم ومن قتله منكم متعمدا فجزآء مثل ما قتل من لنعم يحكم به ذوا عدل منكم هديا بالغ لكعبة أو كفارة طعام مساكين أو عدل ذلك صياما ليذوق وبال أمره عفا لله عما سلف ومن عاد فينتقم لله منه ولله عزيز ذو نتقام} والنقمة لا تقع إلا على عاص ولا يكون عاصيا بقتل الصيد أصلا إلا حتى يعمد قتله، وهو مع ذلك ذاكر لإحرامه، عالم بأنه منهي عن قتله في تلك الحال، هذا ما لا خلاف فيه، أعني أنه لا يأثم إلا في هذه الحال. وكذلك من قصد بنيته إلى فعل الطاعة فهو مؤد لما أمر به من ذاك والنفس هي الفعالة، وفعلها المعرفة بما نفعله وغرضها فيه، وهي المحركة للجسد فلا بد من توفيتها فعلها الذي أمرت به بتمامه. ومما ذكرنا: من لقي رجلا في صف المشركين فظنه مشركا فقتله عمدا، وهو لا يعلم أنه مسلم، فإذا هو مسلم، فلا خلاف في أنه لا قود عليه ولا إثم. وكذلك سقط الإثم والقود عن المتأول من الحكام، وإن كان عامدا، ليس ذلك إلا لأنه لم يقصد خلاف ما أمر به وهو يعلمه معصية. وكذلك من أكل لحم خنزير وهو يظنه لحم كبش أو حنث غير ذاكر ليمينه فكل هذا لا شيء عليه فيه ولا قضاء ولا إثم ولا تعزير ولا حد. فإن جاء نص في شيء ما من ذلك كان مستثنى، كمن صلى وهو يظن أنه متوضىء، فإذا به غير متوضىء فذكر بعد ذلك، فهذا لم يصل فليصل، لقوله عليه السلام: لا صلاة إلا بطهور وهذا لم يصل كما أمر، وأما من صلى

وفي ثوبه شيء فرض اجتنابه على من بلغه، أو صلى إلى غير القبلة، فإن كان ممن لم يبلغه فرض اجتناب ذلك الشيء، ولا فرض القبلة، فصلاته تامة، لأنه لم يكلف ما لم يبلغه، فإن كان ممن بلغه كل ذلك فعليه أن يعيد الصلاة ما دام وقتها، لأنه علم ووقتها قائم، إذ لم يصل تلك الصلاة كما أمر، ففرض عليه أن يصليها كما أمر. وأما بعد الوقت فلا، لأنه لا يصلي صلاة إلا في وقتها حاشا النائم والناسي والسكران، فإنهم خصوا بالنص فيهم، وكالدية وعتق الكفارة في قتل الخطأ، فهذا مستثنى بالنص من سائر ما لم يقصده المرء.

woman who is unrelated to him while knowing that she is neither his wife nor a woman whom his right hand possesses. All this requires a judgment of sinfulness and whatever the revealed text prescribes. We said, concerning someone who kills game deliberately, intending to kill it but not remembering his state of ritual consecration, that he owes no compensation because of His words, exalted is He, at the end of the verse: {O you who believe, do not kill game while you are in ritual consecration. Whoever among you kills it deliberately must provide compensation equivalent to what he killed, from livestock, as judged by two just men among you, as an offering reaching the Kaaba; or an expiation consisting of feeding needy people; or the equivalent of that in fasting, so that he may taste the ill consequence of his deed. Allah has pardoned what has passed, but whoever does it again, Allah will exact vengeance upon him. Allah is mighty, possessed of vengeance.} Vengeance falls only upon someone who disobeys, and a person cannot be disobedient through killing game at all unless he deliberately kills it while also remembering his ritual consecration and knowing that he is forbidden to kill it in that state. This is a matter on which there is no disagreement: I mean that he incurs sin only in this situation. Likewise, someone whose intention is directed toward performing an act of obedience is fulfilling what he has been commanded to do in that respect. The soul is the agent; its action consists in knowing what we do and its purpose in doing it, and it is what moves the body. It must therefore perform in full the action it has been commanded to perform. Among the cases we have mentioned is that of someone who encounters a man in the ranks of the polytheists, thinks him a polytheist, and deliberately kills him without knowing that he is a Muslim, only for him to turn out to be a Muslim. There is no disagreement that he is subject neither to retaliation nor to sin. Likewise, sin and retaliation are waived for judges who act on an interpretation, even when they act deliberately. This is solely because such a person did not intend to contravene what he had been commanded while knowing it to be an act of disobedience. The same applies to someone who eats pork while thinking it to be mutton, or breaks an oath without remembering his oath. In all these cases he incurs no liability: no making up of the act, no sin, no discretionary punishment, and no prescribed punishment. If a revealed text addresses any particular instance

of this, it constitutes an exception. An example is someone who prays while thinking that he has performed ablution, when in fact he has not, and subsequently remembers. This person has not prayed, so let him pray, because of his saying, peace be upon him, 'There is no prayer without purification.' This person has not prayed as he was commanded. As for someone who prays with something on his garment that anyone whom the command has reached is obliged to avoid, or prays facing a direction other than the prayer direction: if he is someone whom neither the obligation to avoid that thing nor the obligation concerning the prayer direction has reached, his prayer is complete, because he has not been charged with what has not reached him. If he is someone whom all of that has reached, he must repeat the prayer as long as its appointed time remains, because he has come to know while its time still remains. Since he did not perform that prayer as commanded, he is obliged to perform it as commanded. After its time, however, he is not, because no prayer is to be performed except within its appointed time, apart from the sleeper, the forgetful person, and the intoxicated person, for they have been singled out by revealed texts concerning them. Another example is blood money and the freeing of a slave as expiation for accidental killing: this is excepted by the revealed text from all other things a person has not intended.[232425]

L2252–2258 Know that our opponents contradict themselves in everything we have mentioned, with a contradiction in which they refer back to no foundational principle. Rather, sometimes they impose liability upon him and sometimes

واعلم أن خصومنا يتناقضون في كل ما ذكرنا تناقضا لا يرجعون فيه إلى أصل، لكن مرة يلزمونه ومرة لا يلزمونه دون برهان من الله تعالى في كل ذلك. ومما يؤيد ما قلنا ما حدثنا عبد الله بن يوسف، حدثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم، ثنا محمد بن المثنى، ثنا محمد بن جعفر، ثنا شعبة، عن عمرو بن مرة قال: سمعت أبا وائل. هو شقيق بن سلمة يقول: ثنا أبو موسى الأشعري أن رجلا أعرابيا أتى النبي صلى الله عليه وسلم فقال يا رسول الله الرجل يقاتل للمغنم والرجل يقاتل للذكر، والرجل يقاتل ليرى مكانه فمن في سبيل الله فقال له رسول الله صلى الله عليه وسلم من قاتل لتكون كلمة الله هي العليا فهو في سبيل الله. وقد روى الأعمش هذا الحديث فذكر فيه: الذي يقاتل شجاعة وحمية

[23] **Translator's note (L2246):** جر نفسه is read here as "drew in his breath," with نفس understood as nafas, "breath"; the unvocalized wording is awkward. "Generation" renders the theological technical term التولد: an effect produced through an agent's act, distinguished here from what the agent directly intended.

[24] **Translator's note (L2247):** The phrase فوافق منية الملطوم literally says that the slap "coincided with the death of the person slapped"; it does not explicitly state the causal relation. "An unrelated woman" renders أجنبية, here a woman outside the marital or other relationship that would make intercourse lawful. The description of the misrecited verse is compressed and awkward: the supplied wording says that the words are thought to belong to the Qur'an although the Qur'anic wording is otherwise.

[25] **Qur'an references (L2246):** Qur'an 5:95 (Al-Ma'idah).

they do not, without any demonstration from Allah, exalted is He, in all of that. Supporting what we have said is what Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim related to us: Muhammed ibn al-Muthanna related to us: Muhammed ibn Jafar related to us: Shubah related to us, from Amr ibn Murrah, who said: I heard Abu Wail—who is Shaqiq ibn Salamah—say: Abu Musa al-Ashari related to us that a Bedouin man came to the Prophet ﷺ and said, 'O Messenger of Allah, one man fights for spoils, another fights to be spoken of, and another fights so that his standing may be seen. Which of them is in Allah's path?' The Messenger of Allah ﷺ said to him, 'Whoever fights so that Allah's word may be supreme is in Allah's path.' Al-Amash also transmitted this report, mentioning in it the person who fights out of bravery, partisan zeal, anger, or ostentation, and that he ﷺ counted as being in Allah's path only someone who fights so that the word of Allah, mighty and majestic, may be supreme. If an act could discharge an obligation without intention, jihad would do so, since it is the best of deeds after faith. Yet there is no possibility that an act should discharge an obligation without intention. Also belonging to this category is someone compelled to unbelief: if he worships with his tongue but does not worship with his heart, he does not thereby depart from faith. Allah, exalted is He, said: {Whoever disbelieves in Allah after his faith, except someone who is compelled while his heart is at rest in faith—but those who open their breasts to unbelief, upon them is wrath from Allah, and for them is a tremendous punishment.} Thus He, exalted is He, took account only of the heart's action. The Prophet ﷺ also made this clear when he was asked about someone who ate forgetfully: he stated, peace be upon him, that this did not invalidate his fast. There is no doubt that this fasting person deliberately ate, but he was remembering his fast. Thus what we have said is established explicitly by the text, and success comes through Allah, exalted is He. He, exalted is He, said: {So fight in Allah's path: you are charged only with yourself. Urge on the believers; perhaps Allah will restrain the might of those who disbelieve. Allah is greater in might and more severe in exemplary punishment.} Some people have invoked this as an argument for invalidating one person's performing pilgrimage on behalf of another,

وغضبا ورياء وأنه صلى الله عليه وسلم لم يجعل في سبيل الله إلا من قاتل لتكون كلمة الله عز وجل العليا، فلو أجزأ عمل بغير نية لأجزأ الجهاد الذي هو أفضل الأعمال بعد الإيمان، ولكن لا سبيل إلى أن يجزىء عمل بغير نية. ومن هذا الباب أيضا المكره على الكفر، فإن عبد بلسانه ولم يعبد بقلبه فلم يخرج بذلك عن الإيمان قال الله تعالى {من كفر بالله من بعد إيمانه إلا من أكره وقلبه مطمئن بالإيمان ولكن من شرح بالكفر صدرا فعليهم غضب من الله ولهم عذاب عظيم} فإنما راعى تعالى عمل القلب فقط وقد بين ذلك النبي صلى الله عليه وسلم إذ سئل عمن أكل ناسيا فأخبر عليه السلام أنه لم ينتقض صومه بذلك، ولا شك في أن هذا الصائم عمد الأكل، ولكنه كان ذاكرا لصيامه، فصح ما قلنا نصا، وبالله تعالى التوفيق وقال تعالى {فقاتل في سبيل الله لا تكلف إلا نفسك وحرض لمؤمنين عسى لله أن يكف بأس لذين كفروا ولله أشد بأسا وأشد تنكيلا} احتج بهذا قوم في إبطال أن يحج أحد عن غيره أو يصلي أحد عن غيره أو يصوم أحد عن غيره، وقد أخطؤوا في ذلك خطأ فاحشا وليس في هذه الآية معارضة لأمر النبي صلى الله عليه وسلم بالحج عن الشيخ الكبير وبالصيام عن الولي الميت، وبقضاء النذر عن الميت، لأن كل ما ذكرنا فالحي المؤدي هو المكلف ذلك في نفسه، وهي شريعة ألزمه الله تعالى إياها وافترضها عليه، كالصلوات الخمس وسائر صيامه في رمضان، فقد تعين في ذلك فرضا على الولي زائدا، كلفه في نفسه، هو مأجور على أدائه، لأنه أدى فرضا كلفه. والله تعالى متفضل على الميت والمحجوج عنه بأجر آخر زائد، وخزائن الله لا تنفد، وفضله تعالى لا ينقطع، فبطل ظن من جهل ولم يفهم، وقدر أن بين الآية التي ذكرنا، والأحاديث التي وصفنا تعارضا وقد تناقضوا فأجازوا أن يؤدي المرء الدين عن غيره، وجعلوا له أجرا بذلك. وللميت المؤدى عنه حطيطة الدين الذي عليه، وهكذا قلنا نحن في سائر ما أمرنا بأدائه من الصوم والحج والصلاة المنذورة ولا فرق،، وأوجبوا غرم بني عم المرء الدية

praying on behalf of another, or fasting on behalf of another. They have committed a gross error in this. There is nothing in this verse that conflicts with the command of the Prophet, may Allah bless him and grant him peace, to perform pilgrimage on behalf of an elderly man, to fast on behalf of a deceased relative, and to fulfill a vow on behalf of the deceased, because in everything we have mentioned, the living person who performs the act is himself the one charged with it. It is a religious ordinance that Allah, exalted is He, has made binding upon him and imposed upon him as an obligation, like the five prayers and all his fasting in Ramadan. An additional obligation has thus become specifically incumbent upon the relative, with which he himself has been charged. He is rewarded for performing it because he has fulfilled an obligation with which he was charged. Allah, exalted is He, graciously bestows another, additional reward upon the deceased and upon the person on whose behalf pilgrimage is performed. Allah's treasuries are never exhausted, and His bounty, exalted is He, never ceases. Thus the supposition of someone who is ignorant, has not understood, and has imagined a conflict between the verse we mentioned and the reports we described is invalidated. They have contradicted themselves: they have permitted a person to discharge another's debt, assigning him a reward for that and assigning to the deceased on whose behalf it is discharged the remission of the debt he owed. This is precisely what we say concerning all the fasting, pilgrimage, and vowed prayer that we have been commanded to perform, and there is no difference. They have also required a man's paternal cousins to pay the blood money on behalf of someone who kills accidentally, thereby contradicting their own position. If they say that consensus made this obligatory, they lie, because Uthman al-Batti does not hold this view—meaning the payment of blood money by the liable kin group on behalf of someone who kills accidentally. Abu Muhammed, may Allah have mercy on him, said: Our opponent has also argued on this matter from His words, exalted is He: {And that a human being has only what he has striven for.} Abu Muhammed said: We have already explained that everything he ﷺ said must be joined to what his Lord, exalted is He, said. It is therefore established that He, exalted is He, may graciously favor a person by allowing his child's supplication to benefit him after his death, although it is not something he strove for; and

عن القاتل خطأ فنقضوا قولهم، فإن قالوا: الإجماع أوجب ذلك كذبوا، لأن عثمان البتي لا يرى ذلك، يعني غرم العاقلة الدية عن قاتل الخطأ. قال أبو محمد رحمه الله: واحتج مخالفنا أيضا في ذلك بقوله تعالى: {وأن ليس للإنسان إلا ما سعى} قال أبو محمد وقد بينا فيما خلا أن يضاف كل ما قاله صلى الله عليه وسلم إلى ما قال ربه تعالى فصح أنه تعالى قد يتفضل على المرء بأن يلحقه دعاء ولده بعد موته وليس بما سعى، وأنه تلحقه صدقة وليه عنه وليس مما سعى، وكذلك سائر ما نص عليه السلام على أنه يلحقه وقال تعالى {وقال لذين كفروا للذين آمنوا تبعوا سبيلنا ولنحمل خطاياكم وما هم بحاملين من خطاياهم من شيء إنهم لكاذبون * وليحملن أثقالهم وأثقالا مع أثقالهم وليسألن يوم لقيامة عما كانوا يفترون} وقال تعالى {ليحملوا أوزارهم كاملة يوم لقيامة ومن أوزار لذين يضلونهم بغير علم ألا ساء ما يزرون} وأخبر عليه السلام أن من سن في الإسلام سنة حسنة كان له أجر من عمل بها إلى يوم القيامة، لا ينقص ذلك من أجورهم شيئا، ومن سن سنة سيئة كان له مثل وزر من عمل بها إلى يوم القيامة، لا ينقص ذلك من أوزارهم شيئا.

that charity given on his behalf by his relative benefits him, although it is not something he strove for. The same applies to everything else that he, peace be upon him, explicitly stated would benefit him. He, exalted is He, said: {Those who disbelieve said to those who believe, 'Follow our way, and let us bear your sins.' Yet they will not bear any of their sins at all. They are indeed liars. And they will surely bear their own burdens, and burdens alongside their burdens; and on the Day of Resurrection they will surely be questioned about what they used to fabricate.} He, exalted is He, also said: {So that they may bear their burdens in full on the Day of Resurrection, and some of the burdens of those whom they lead astray without knowledge. Indeed, evil is what they bear.} He, peace be upon him, stated that whoever establishes a good practice in Islam will have the reward of whoever acts upon it until the Day of Resurrection, without that diminishing their rewards at all; and whoever establishes a bad practice will bear the equivalent of the burden of whoever acts upon it until the Day of Resurrection, without that diminishing their burdens at all.[26][27][28][29]

L2259–2260 Abu Muhammed said: All of this is consistent, with no contradiction whatsoever. For the meaning of His saying, exalted is He, {Those who disbelieve say to those who believe, "Follow our path, and let us bear your sins." Yet they will bear nothing whatsoever of their sins. They are indeed liars}, is

قال أبو محمد: وكل هذا متفق لا تعارض فيه أصلا لأن معنى قوله تعالى {وقال لذين كفروا للذين آمنوا تبعوا سبيلنا ولنحمل خطاياكم وما هم بحاملين من خطاياهم من شيء إنهم لكاذبون} أي أنهم لا يسقطون عنهم بتقليدهم إياهم إثما، ولكن للعامل إثمه، وللسان مثل ذلك أيضا، وهذا بين، وبالله تعالى التوفيق وكذلك ما أمر به رسول الله صلى الله عليه وسلم من ألا يحنط الميت المحرم ولا يمس طيبا ولا يغطى وجهه ولا رأسه، وأن يكفن في ثوبه فإنه يبعث يوم القيامة ملبيا وما أمر به صلى الله عليه وسلم في الشهيد ألا يغسل ولا يكفن وأن يدفن في ثيابه وأخبر صلى الله عليه وسلم أنه يبعث يوم القيامة وجرحه يثعب دما اللون لون دم والريح ريح مسك فكلا الأمرين عمل كلفناه نحن وألزمناه، فمن فعله أطاع الله تعالى، ومن لم يفعله عصى الله عز وجل. فتخيل أهل الجهل والاستخفاف بأوامر الله تعالى وأوامر رسوله صلى الله عليه وسلم فقالوا إن عمل الميت قد انقطع فيا ليت شعري من قال لهم: إن هذا عمل

[26] **Translator's note (L2253):** The statement that the person who ate forgetfully 'was remembering his fast' reproduces the supplied Arabic. It appears inconsistent with both the immediately preceding description and the argument; the text may have lost a negation. The wording 'worships with his tongue' follows عبد بلسانه as supplied; no object of that worship is specified. The final salutation is divided between this unit and the next; its fragments are rendered in English.

[27] **Translator's note (L2254):** The opening completes the salutation begun in the preceding unit. Wali, translated here as 'relative,' denotes the person's relevant kin or responsible representative in this legal context.

[28] **Translator's note (L2256):** 'Liable kin group' translates al-aqilah, the group responsible for paying blood money in the case discussed. Wali is rendered consistently here as 'relative,' with the sense of the relevant kin or responsible representative.

[29] **Qur'an references (L2252):** Qur'an 16:106 (An-Nahl); Qur'an 4:84 (An-Nisa); Qur'an 53:39 (An-Najm); Qur'an 29:12 (Al-'Ankabut); Qur'an 29:13 (Al-'Ankabut); Qur'an 16:25 (An-Nahl).

that, through their imitation of them, they do not relieve them of any sin. Rather, the person performing the deed bears his sin, and the person who instituted it bears the like of that as well. This is clear, and success comes through Allah Most High.

Likewise, there is what the Messenger of Allah ﷺ commanded concerning a deceased person in the state of pilgrimage consecration: that he should not be treated with aromatic funerary preparations, that no perfume should touch him, that neither his face nor his head should be covered, and that he should be shrouded in his own garment, for he will be raised on the Day of Resurrection reciting the pilgrimage response. There is also what he ﷺ commanded concerning the martyr: that he should neither be washed nor shrouded, and that he should be buried in his clothes. He ﷺ reported that he will be raised on the Day of Resurrection with his wound gushing blood: its color will be the color of blood, and its scent the scent of musk. Both matters are deeds that we have been charged and obliged to perform. Whoever performs them obeys Allah Most High, and whoever does not perform them disobeys Allah, mighty and majestic.

Those characterized by ignorance and disregard for the commands of Allah Most High and the commands of His Messenger ﷺ then entertained a fancy and said, "The deceased person's deeds have ceased." Would that I knew who told them that this was a deed the deceased person had been commanded to perform! They were told only that it was a deed we ourselves had been commanded to perform concerning the deceased, just as we have been commanded to wash the rest of our dead, treat them with funerary preparations of lote leaves and camphor, and pray over them. All of this is alike, with no difference. The consecrated pilgrim's recitation of the pilgrimage response on the Day of Resurrection is a favor bestowed upon him then, and a recompense, like the gushing of the martyr's wound; there is no difference. Thus the obfuscation of the ignorant is invalidated, and praise belongs to Allah.

And His saying, exalted is He, {O people, be mindful of your Lord, and fear a day when no parent will avail his child, nor will any child avail his parent in anything. Allah's promise is indeed true. So do not let the life of this world deceive you, and do not let the deceiver deceive you concerning Allah}. And

أمر به الميت وإنما قيل لهم: إنه عمل أمرنا نحن به في الميت، كما أمرنا بغسل سائر موتانا وتحنيطهم بالسدر والكافور والصلاة عليهم، فهذا كله سواء ولا فرق. وتلبية المحرم يوم القيامة فضل له حينئذ وجزاء كشعب جرح الشهيد، ولا فرق فبطل تمويه أهل الجهل والحمد لله وقوله تعالى {يأيها لناس تقوا ربكم وخشوا يوما لا يجزي والد عن ولده ولا مولود هو جاز عن والده شيئا إن وعد لله حق فلا تغرنكم لحياة لدنيا ولا يغرنكم بلله لغرور} وقوله تعالى {وتقوا يوما لا تجزي نفس عن نفس شيئا ولا يقبل منها شفاعة ولا يؤخذ منها عدل ولا هم ينصرون} وقوله تعالى: {ولا تزر وازرة وزر أخرى وإن تدع مثقلة إلى حملها لا يحمل منه شيء ولو كان ذا قربى إنما تنذر لذين يخشون ربهم بلغيب وأقاموا لصلاة ومن تزكى فإنما يتزكى لنفسه وإلى لله لمصير} وقوله تعالى {ومن يكسب إثما فإنما يكسبه على نفسه وكان لله عليما حكيما} وقوله تعالى {قل أغير لله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون}

His saying, exalted is He, {And fear a day when no soul will avail another soul in anything, nor will intercession be accepted from it, nor will a ransom be taken from it, nor will they be helped}. And His saying, exalted is He, {No bearer of a burden shall bear another's burden. If a heavily laden soul calls for its load to be carried, nothing of it will be carried, even if the one called is a close relative. You warn only those who fear their Lord unseen and establish prayer. Whoever purifies himself purifies himself only for his own sake, and to Allah is the final destination}. And His saying, exalted is He, {Whoever earns a sin only earns it against himself. And Allah is ever Knowing, Wise}. And His saying, exalted is He, {Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Every soul earns only against itself, and no bearer of a burden shall bear another's burden. Then to your Lord is your return, and He will inform you of that over which you used to differ}.[30][31]

L2261 Abu Muhammed, may Allah have mercy on him, said: None of this contradicts what we have mentioned in any way whatsoever. Its meaning is only that no one bears another's sin or burden unless he instituted that evil deed, in which case he bears the like of the sin of those who perform it, forever. For the verses must be taken together. He, exalted is He, has said, {Whoever intercedes with a good intercession shall have a share of it, and whoever intercedes with an evil intercession shall have a portion of it. And Allah is ever a guardian over everything}. And he, peace be upon him, reported that, for every person killed, the first son of Adam bears a portion of responsibility for that killing, because he was the first to institute killing.

Thus the meaning of the earlier verses is that Allah does not place anyone's sin upon someone innocent of it. As for someone who initiates evil and puts it in place, he has a share in every deed that accords with what preceded it. Likewise, this always applies to someone who institutes good. No one's deed,

قال أبو محمد رحمه الله: فهذا كله لا يعارض ما ذكرنا البتة، وإنما معناه أن أحدا لا يحمل إثم غيره ولا وزره، إلا أن يكون سن ذلك العمل السوء فله مثل إثم صانعيه أبدا، لأن الآي مضاف بعضها إلى بعض، وقد قال تعالى: {من يشفع شفاعة حسنة يكن له نصيب منها ومن يشفع شفاعة سيئة يكن له كفل منها وكان الله على كل شيء مقيتا} وأخبر عليه السلام أن كل قتيل يقتل فعلى ابن آدم الأول كفل منه، لأنه أول من سن القتل. فمعنى الآي الأول أن الله لا يلقي إثم أحد على بريء منه، وأما من استن الشر ورتبه فله حظ من كل فعل يوافق ما سبق، وكذلك من سن الخير أبدا، فلا يلحق عمل أحد أحدا أبدا إلا ما جاء به النص، فيصير حينئذ فعلا مأمورا به من كلف أداه، يؤجر على فعله ويأثم بتركه كسائر ما أمر به ولا فرق، وبالله تعالى التوفيق وحسبنا الله ونعم الوكيل

[30] **Translator's note (L2259):** The unvocalized «وللسان» is read here as referring to the person who institutes the deed, consistent with the preceding and following discussion.

[31] **Qur'an references (L2259):** Qur'an 29:12 (Al-'Ankabut); Qur'an 31:33 (Luqman); Qur'an 2:48 (Al-Baqarah); Qur'an 35:18 (Fatir); Qur'an 4:111 (An-Nisa); Qur'an 6:164 (Al-An'am).

then, ever accrues to anyone else except where an explicit text provides for it. It then becomes a commanded deed: whoever is charged with performing it is rewarded for doing it and incurs sin by leaving it undone, just like everything else he has been commanded to do, with no difference. Success comes through Allah Most High. Allah is sufficient for us, and an excellent Trustee He is.[32]

[32] **Qur'an references (L2261):** Qur'an 4:85 (An-Nisa).

الباب 33: شرائع الأنبياء قبل محمد

Chapter 33: The Revealed Laws of Earlier Prophets

Ibn Ḥazm · Arabic–English parallel edition

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L2262 **[Chapter Thirty-Three: On the Revealed Laws of the Prophets, Peace Be upon Them, before Muhammed ﷺ: Are We Obliged to Follow Them Unless We Are Forbidden to Do So, or Is It Entirely Impermissible for Us to Follow Anything in Them Except What Is Included in Our Own Revealed Law and Which We Ourselves Have Been Explicitly Commanded to Perform, Specifically by Name?]**

L2263–2269 Abu Muhammed, may Allah have mercy on him, said: We have mentioned the grounds through which Allah Most High has required us to worship and obey Him, and from which alone any ruling in any matter of religion may be derived. Now is the time to mention, if Allah Most High wills, the grounds through which some people have fallen into error in religion, ruling on their basis and treating them as evidence and demonstrations, although they are nothing of the sort. The correct position is that it is unlawful to rule on the basis of any of them in religion. They are seven things: the revealed laws of the earlier prophets before our Prophet Muhammed ﷺ; precaution; juristic preference; uncritical imitation; personal opinion; contrary implication; and analogy, which includes effective causes. We shall, if Allah Most High wills, discuss these grounds chapter by chapter, explaining why they are invalid and why ruling on their basis is forbidden. Through Allah Most High we are strengthened.

As for the revealed laws of the prophets, peace be upon them, who lived before our Prophet Muhammed ﷺ, people hold two positions concerning them. Some say, "They are binding upon us unless we are forbidden to follow them." Others say, "They are not binding upon us, and it is impermissible to act upon anything in them unless we are addressed within our own religion with something corresponding to some part of them. We then abide by it in obedience to our Prophet ﷺ, rather than in adherence to the bygone revealed laws."

Abu Muhammed said: This is our position. Some people have added a qualification, saying, "Except the revealed law of Abraham ﷺ."

[الباب الثالث والثلاثون في شرائع الأنبياء عليهم السلام قبل محمد صلى الله عليه وسلم أيلزمنا اتباعها ما لم ننه عنها أم لا يجوز لنا اتباع شيء منها أصلا إلا ما كان منها في شريعتنا وأمرنا نحن به نصا باسمه فقط]

قال أبو محمد رحمه الله: قد ذكرنا الوجوه التي تعبدنا الله تعالى بها، والتي لا حكم في شيء من الدين إلا منها. وهذا حين نذكر إن شاء الله تعالى الوجوه التي غلط بها قوم في الديانة، فحكموا بها وجعلوها أدلة وبراهين، وليست كذلك، والصحيح أنه لا يحل الحكم بشيء منها في الدين وهي سبعة أشياء: شرائع الأنبياء السالفين قبل نبينا محمد صلى الله عليه وسلم والاحتياط والاستحسان والتقليد والرأي، ودليل الخطاب. والقياس. وفيه العلل. ونحن إن شاء الله تعالى ذاكرون هذه الأوجه بابا بابا. ومبينون وجه سقوطها وتحريم الحكم بها. وبالله تعالى نتأيد. فأما شرائع الأنبياء عليهم السلام الذين كانوا قبل نبينا محمد صلى الله عليه وسلم فالناس فيها على قولين فقوم قالوا هي لازمة لنا ما لم ننه عنها، وقال آخرون: هي ساقطة عنا، ولا يجوز العمل بشيء منها، إلا أن نخاطب في ملتنا بشيء موافق لبعضها فنقف عنده ائتمارا لنبينا صلى الله عليه وسلم لا اتباعا للشرائع الخالية قال أبو محمد: وبهذا نقول، وقد زاد قوم بيانا فقالوا إلا شريعة إبراهيم صلى الله عليه وسلم قال أبو محمد أما شريعة إبراهيم عليه السلام فهي هذه الشريعة التي نحن عليها نفسها: والبراهين على ذلك قائمة سنذكرها إن شاء الله تعالى، وإنما الاختلاف الذي ذكرنا في ما كان من شرائع الأنبياء عليهم السلام موجودا نصه في القرآن أو عن النبي صلى الله عليه وسلم وأما ما ليس في القرآن ولا صح عن النبي

Abu Muhammed said: As for the revealed law of Abraham, peace be upon him, it is this very revealed law that we follow. The demonstrations establishing this are in place; we shall mention them, if Allah Most High wills. The disagreement we have mentioned concerns only those provisions of the revealed laws of the prophets, peace be upon them, whose text is found in the Quran or is transmitted from the Prophet ﷺ. As for what is neither in the Quran nor authentically transmitted from the Prophet ﷺ, we know of no one who gives unrestricted permission to act upon it. Nevertheless, some people have issued legal opinions based upon such provisions in some of their positions. One example is some Malikis' prohibition of anything among animals slaughtered by Jews that is found to have its lung adhering to its side. There is no text in either the Quran or the Sunnah stating that this was forbidden to the Jews. Indeed, it is not even a matter of agreement among the Jews: it is something peculiar to the Rabbanites among them. As for the Ananites, the Isawites, and the Samaritans, they agree that eating it is permissible for them. These people, then—may Allah grant us and them success—have taken care not to eat anything from animals slaughtered by Jews concerning which there is disagreement among the Jewish elders, may Allah curse them. They have been apprehensive about differing with Hillal and Shammay, the elder of the Rabbanites. Allah is sufficient for us, and an excellent Trustee He is.

Among the curious, repugnant, and outrageous things into which one of them has fallen in this matter—things from the like of which people of understanding ought to seek refuge with Allah, mighty and majestic—is that Isma'il ibn Ishaq said, concerning the Prophet's ﷺ stoning of the two Jews who committed illicit sexual intercourse, "He did that only may Allah bless him and grant him peace ﷺ, in execution of what is in the Torah. Yet he himself considered, in his corrupt judgment, that he should hold himself above executing its prescribed stoning of Jewish adulterers who have the status of having been married, when they commit adultery. Thus he spared himself what he attributed to his Prophet ﷺ. We declare ourselves before Allah Most High free of this corrupt statement and this belief. If an ignorant person were to become an unbeliever through his ignorance, the person

صلى الله عليه وسلم فما نعلم من يطلق إجازة العمل بذلك إلا أن قوما أفتوا بها في بعض مذاهبهم، فمن ذلك تحريم بعض المالكيين لما وجد في ذبائح اليهود ملتصق الرئة بالجنب، وهذا مما لا نص في القرآن ولا في السنة على أنه حرم على اليهود، نعم ولا هو أيضا متفق عليه عند اليهود، وإنما هو شيء انفردت به الربانية منهم. وأما العانانية والعيسوية والسامرية فإنهم متفقون على إباحة أكله لهم. فتحرى هؤلاء القوم وفقنا الله وإياهم ألا يأكلوا شيئا من ذبائح اليهود فيه بين أشياخ اليهود لعنهم الله اختلاف، وأشفقوا من مخالفة هلال وشماي شيخ الربانية وحسبنا الله ونعم الوكيل. ومن طريف ما وقع لبعضهم في هذا الباب، وسمجه وشنعه الذي ينبغي لأهل العقول أن يستجيروا بالله عز وجل من مثله أن إسماعيل بن إسحاق قال في رجم النبي صلى الله عليه وسلم اليهوديين الزانيين إنما فعل ذلك صلى الله عليه وسلم تنفيذا لما في التوراة ورأى هو من رأيه الفاسد أن يرفع نفسه عن تنفيذ ما فيها من الرجم على اليهود الزناة المحصنين إذا زنوا فصان نفسه عما وصف به نبيه صلى الله عليه وسلم ونحن نبرأ إلى الله تعالى من هذا القول الفاسد، ومن هذا الاعتقاد، فلو كفر جاهل بجهله لكان قائل هذا القول أحق الناس بالكفر لعظيم ما فيه. واحتج أيضا في ألا يقول الإمام آمين إذا قال {بسم الله لرحمن لرحيم} بأن موسى عليه السلام إذا دعا لم يؤمن وأمن هارون عليهما السلام فسماهما تعالى داعيين بقوله تعالى {قال قد أجيبت دعوتكما فستقيما ولا تتبعآن سبيل لذين لا يعلمون} قال أبو محمد وفي هذا الاحتجاج من الغثاثة والبرد والسقوط والمجاهرة بالقبيح ما فيه، لأنه يقال له قبل كل شيء، من أخبرك أن موسى عليه السلام دعا ولم يؤمن؟ وأن هارون أمن ولم يدع، وهذا شيء إنما قاله بعض المفسرين بغير إسناد إلى النبي صلى الله عليه وسلم ومثل هذا لا يؤخذ إلا عن النبي صلى الله عليه وسلم أو عن كافة تنقل عن مثلها إلى ما هنالك فمن فاته هذان الوجهان فقد فاته الحق، ولم

making this statement would be the most deserving of all people of unbelief, because of the enormity it contains. He also argued that the imam should not say "Amen" when he says, {In the name of Allah, the All-Merciful, the Ever-Merciful}, on the grounds that Moses, peace be upon him, supplicated without saying "Amen," while Aaron said "Amen"—peace be upon them both—and that the Most High therefore called them both supplicants in His words, {He said: Your supplication, both of you, has been answered; so remain upright, both of you, and do not follow the way of those who do not know.} Abu Muhammed said: This argument contains its full measure of insipidity, dullness, worthlessness, and brazen ugliness. For the first thing to say to him is: Who told you that Moses, peace be upon him, supplicated without saying "Amen," and that Aaron said "Amen" without supplicating? This is merely something that some exegetes said without a chain of transmission to the Prophet ﷺ. Something of this kind may be accepted only from the Prophet ﷺ, or from an entire body transmitting from another such body, back to the events in question. Whoever lacks these two avenues lacks the truth, and has nothing left in his hands but brazen lying and pursuing that of which he has no knowledge—or having it transmitted from the accursed Iblis, for he undoubtedly witnessed all those events, except that he is not trustworthy. Then it is said to him: This is so even if what you claimed—that Moses supplicated without saying "Amen," and that Aaron said "Amen" without supplicating—were established: what in this would invalidate the Prophet's ﷺ statement concerning the imam, "When he says 'Amen,' say 'Amen,'" or the transmitter's statement that the Prophet ﷺ, while serving as imam, would say "Amen" when he finished the Mother of the Quran in prayer? Moreover, perhaps Moses said "Amen" when he supplicated; perhaps Aaron supplicated when Moses supplicated, and both said "Amen," or one of them said "Amen," or neither of them said "Amen." The express text of the Quran entails that they both supplicated, in His words, {He said: Your supplication, both of you, has been answered; so remain upright, both of you, and do not follow the way of those who do not know.} There is no evidence in the Quran that either both of them or one of them said "Amen." Has anyone ever heard an argument more insipid or more worthless than this, or of anyone more helpless in argument or more dull in his obfuscation than someone who argues

يبق بيده إلا المجاهرة بالكذب وأن يقفو ما ليس له به علم، أو أن يروى ذلك عن إبليس الملعون، فإنه قد أدرك لا محالة تلك المشاهد كلها إلا أنه غير ثقة، ثم يقال له: هذا لو صح لك ما ادعيت من أن موسى دعا ولم يؤمن، وأن هارون أمن ولم يدع فأي شيء في هذا مما يبطل قول النبي صلى الله عليه وسلم عن الإمام وإذا أمن فأمنوا وقول الراوي أن النبي صلى الله عليه وسلم وهو الإمام كان يقول إذا فرغ من أم القرآن في الصلاة آمين هذا ولعل موسى قد أمن إذ دعا، ولعل هارون دعا إذ دعا موسى وأمنا، أو أمن أحدهما، أو لم يؤمن واحد منهما، ونص القرآن يوجب أنهما دعوا معا بقوله تعالى {قال قد أجيبت دعوتكما فستقيما ولا تتبعآن سبيل لذين لا يعلمون} وليس في القرآن دليل على تأمين وقع منهما ولا من أحدهما، فهل سمع بأغث من هذا الاحتجاج أو أسقط منه، أو أقل حيلة أو أبرد تمويها ممن يحتج بمثله في إبطال السنن الثابتة ثم قال له: من عجائب الدنيا أنك جعلت فعل موسى وهارون الذي لم يصح قط ناسخا لقول محمد صلى الله عليه وسلم الصحيح في التأمين وهذا عكس الحقائق وقد كنا نعجب من قول شيخ من شيوخهم أدركناه مقدما في مشاورة القضاة له على جميع مفتيهم، فإن ذلك الشيخ قال في كتاب ألفه وقد رأيناه ووقفنا عليه وناولناه بيده، وهو مكتوب كله بخطه، وأقر لنا بتألفه وقرأه غيرنا عليه، فكان في بعض ما أورد فيه أن قال: روينا بأسانيد صحاح إلى التوراة أن السماء والأرض بكتا على عمر بن عبد العزيز أربعين سنة. قال أبو محمد: هذا نص لفظه، فلا أعجب من الشيخ المذكور في أن يروي عن التوراة شيئا من أخبار عمر بن عبد العزيز وهذا إسماعيل يبطل قول النبي صلى الله عليه وسلم إذا أمن يعني الإمام فأمنوا وتأمينه عليه السلام وهو الإمام بما لم يصح من ترك موسى للتأمين وترك هارون للدعاء. واحتجوا أيضا في إباحة قتل المسلمين وسفك الدماء المحرمة بدعوى المريض أن فلانا قتله ورسول الله صلى الله عليه وسلم

with its like to invalidate established prophetic practices? Then he said to him: Among the wonders of the world is that you have made an action of Moses and Aaron, which has never been authentically established, abrogate Muhammed's ﷺ authentic statement concerning saying "Amen." This is a reversal of realities. We used to marvel at a statement by one of their elders whom we knew, whom judges preferred to consult above all their other muftis. That elder said in a book he composed—we have seen it and examined it, and we handed it to him with his own hand; it was written entirely in his handwriting, he acknowledged to us that he had composed it, and someone other than us read it aloud to him—among the things he included in it, he said: "We have transmitted, through authentic chains of transmission reaching the Torah, that heaven and earth wept over Umar ibn Abd al-Aziz for forty years." Abu Muhammed said: These are his exact words. There is, then, nothing more astonishing about the aforementioned elder's transmitting from the Torah something concerning Umar ibn Abd al-Aziz, when here is Ismail invalidating the Prophet's ﷺ statement, "When he"—meaning the imam—"says 'Amen,' say 'Amen,'" and his own saying "Amen," peace be upon him, while serving as imam, on the basis of the unauthenticated account that Moses refrained from saying "Amen" and Aaron refrained from supplicating. They also argued for permitting the killing of Muslims and the shedding of inviolable blood on the strength of a sick person's allegation that so-and-so killed him, although the Messenger of Allah ﷺ says, "If people were granted their claims merely on their allegations, men would lay claim to other people's blood and property." Yet they permitted this on the sick person's allegation, arguing from what some exegetes mentioned: that when

يقول لو أعطي قوم بدعواهم لادعى رجال دماء قوم وأموالهم فأباحوا ذلك بدعوى المريض. واحتجوا بما ذكر بعض المفسرين من أن المقتول من بني إسرائيل لما ضرب ببعض البقرة حيي وقال: فلان قتلني.

the murdered man among the Children of Israel was struck with part of the cow, he came to life and said, “So-and-so killed me.”[1][2][3][4]

L2270–2271 Abu Muhammed said: This is not in the express text of the Quran. It contains only mention of the killing of a person, the mutual accusations concerning it, the slaughtering of the cow, and striking him with part of it, and that thus Allah brings the dead to life. Whoever adds to what we have mentioned in interpreting this verse has lied and claimed something of which he has no knowledge. How much worse, then, to deem inviolable blood lawful on that basis and grant a claimant his claim merely on his allegation, when Allah Most High has forbidden this! Who is more astonishing than someone who, in such momentous matters, argues from fables of the Children of Israel that appear neither in an express text, nor in transmission by an entire body, nor in a report with a chain of transmission to the Messenger of Allah ﷺ

L2272–2279 This, despite the fact that that fable contains no mention whatsoever of the collective oath procedure in homicide cases, nor of the rule that only two or more persons may swear in that procedure. Where, then, did these additions come from? Allah is sufficient for us, and an excellent Trustee is He. Then he turned to His words, Most High, {And We prescribed for them

قال أبو محمد: وهذا ليس في نص القرآن، وإنما فيه ذكر قتل النفس والتدارىء فيها، وذبح البقرة وضربه ببعضها، وكذلك يحيي الله الموتى فمن زاد على ما ذكرنا في تفسير هذه الآية، فقد كذب وادعى ما لا علم لديه، فكيف أن يستبيح بذلك دما حراما ويعطي مدعيا بدعواه، وقد حرم الله تعالى ذلك، فمن أعجب ممن يحتج بخرافات بني إسرائيل التي لم تأت في نص ولا في نقل كافة ولا في خبر مسند إلى رسول الله صلى الله عليه وسلم في مثل هذه العظائم

هذا مع أن تلك الخرافة ليس فيها ذكر قسامة أصلا، ولا أنه لا يحلف في القسامة إلا اثنان فصاعدا، فهذه الزوائد من أين خرجت؟ وحسبنا الله ونعم الوكيل. ثم أتى إلى قوله تعالى {وكتبنا عليهم فيها أن لنفس بلنفس ولعين بلعين ولأنف بلأنف ولأذن بلأذن ولسن بلسن ولجروح قصاص فمن تصدق به فهو كفارة له ومن لم يحكم بما أنزل لله فأولئك هم لظالمون} فقال لا نأخذ بها ولا نقتل مؤمنا بكافر ولا حرا بعبد، لأن هذا من شرائع من كان قبلنا، ونسي أخذه في القسامة بخرافة مروية عن بني إسرائيل وترك لها فعل النبي صلى الله عليه وسلم في القسامة ثم ترك ههنا نص الله تعالى في أنه كتب عليهم أن النفس بالنفس. وأعلى ما روي في حديث بقرة بني إسرائيل فحديث حدثناه أحمد بن عمر، ثنا عبد الله بن حسين بن عقال، نا إبراهيم بن محمد الدينوري، نا محمد بن الجهم، ثنا أبو بكر الوراق، نا علي بن عبد الله هو ابن المديني وعياش بن الوليد قال علي: نا يحيى بن سعيد، وسفيان بن عيينة، قال يحيى: نا ربيعة بن كلثوم، حدثني أبي عن سعيد بن جبير، أن ابن عباس قال: إن أهل المدينة من بني

[1] **Translator’s note (L2265):** The Arabic uses the singular «شيخ» (“elder”) after the two names Hillal and Shammay; that grammatical irregularity is retained. The supplied spelling «هلال» is rendered “Hillal” rather than silently normalized to “Hillel.”

[2] **Translator’s note (L2266):** The opening salutation completes a reference to the Prophet in the preceding context. The supplied text expressly quotes the opening invocation, “In the name of Allah, the All-Merciful, the Ever-Merciful,” in the discussion of saying “Amen”; it has been retained without substituting another passage. “Who have the status of having been married” renders the legal qualification muḥṣanīn; it is not merely a description of their marital status at the time of the offense.

[3] **Translator’s note (L2268):** “The Mother of the Quran” is the designation used here for the opening chapter, al-Fātiḥah.

[4] **Translator’s note (L2269):** The phrase rendered “we handed it to him with his own hand” is awkward in the supplied Arabic: nāwalnāhu bi-yadihi. The apparent mismatch of agent and possessive has been retained rather than silently changed to “he handed it to us.” The supplied text says “Then he said to him,” although the surrounding polemic otherwise presents the author’s own address to his opponent.

therein: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and retaliation for wounds. Whoever relinquishes it as charity, it is an expiation for him. And whoever does not judge by what Allah has sent down—those are the wrongdoers.} He said: "We do not adopt this, nor do we put a believer to death for an unbeliever, or a free person for a slave, because this belongs to the revealed laws of those who came before us." He forgot that, in the collective oath procedure, he had adopted a fable related from the Children of Israel and, for its sake, abandoned the Prophet's ﷺ practice concerning that procedure. Then here he abandoned Allah Most High's express text stating that He prescribed for them a life for a life. The highest-reaching report transmitted concerning the cow of the Children of Israel is a report which Ahmad ibn Umar related to us: Abdullah ibn Husayn ibn Iqal related to us: Ibrahim ibn Muhammed al-Dinawari related to us: Muhammed ibn al-Jahm related to us: Abu Bakr al-Warraq related to us: Ali ibn Abdullah—that is, Ibn al-Madini—and Ayyash ibn al-Walid related to us. Ali said: Yahya ibn Said and Sufyan ibn Uyaynah related to us. Yahya said: Rabiah ibn Kulthum related to us: My father related to me, from Said ibn Jubayr, that Ibn Abbas said: "The inhabitants of a town among the Children of Israel found an old man murdered at the base of their town. The inhabitants of another town came and said, 'You killed our companion!' A young nephew of his was weeping. They came to Moses, peace be upon him, and Allah revealed to him, {And when Moses said to his people: Allah commands you to slaughter a cow. They said: Do you make a mockery of us? He said: I seek refuge in Allah from being one of the ignorant.}" He then related the account of the cow at length. At its end: "They brought the cow until they reached the old man's grave with it, while his nephew stood beside his grave. They slaughtered it, and the grave was struck with a piece of its flesh. The old man rose, shaking his head and saying, 'My nephew killed me. My life had grown too long for him, and he wanted to consume my property.' Then he died." Sufyan said: Ibn Suqah related to us: I heard Ikrimah say: "The Children of Israel had a place of worship with twelve gates. They found a murdered man who had been killed at one gate, so they dragged him to another gate. Then they brought their dispute before Moses, peace be upon him, and he said,

إسرائيل وجدوا شيخا قتيلا في أصل مدينتهم، فأقبل أهل مدينة أخرى فقالوا: قتلتم صاحبنا وابن أخ له شاب يبكي، فأتوا موسى عليه السلام فأوحى الله إليه {وإذ قال موسى لقومه إن الله يأمركم أن تذبحوا بقرة قالوا أتتخذنا هزوا قال أعوذ بالله أن أكون من الجاهلين} فذكر حديث البقرة بطوله وفي آخره فأقبلوا بالبقرة حتى انتهوا بها إلى قبر الشيخ وابن أخيه قائم عند قبره، فذبحوها فضرب ببضعة من لحمها القبر، فقام الشيخ ينفض رأسه ويقول: قتلني ابن أخي، طال عليه عمري وأراد أكل مالي ومات. وقال سفيان: ثنا ابن سوقة، سمعت عكرمة يقول: كان لبني إسرائيل مسجد له اثنا عشر بابا، فوجدوا قتيلا قد قتل على باب، فجروه إلى باب آخر، فتحاكموا إلى موسى عليه السلام فقال {وإذ قال موسى لقومه إن الله يأمركم أن تذبحوا بقرة قالوا أتتخذنا هزوا قال أعوذ بالله أن أكون من الجاهلين} فذبحوها فضربوه بفخذها فقام فقال: قتلني فلان، وكان رجلا له مال كثير، وكان ابن أخيه قتله، وقال عياش بن الوليد، نا يزيد بن زريع، نا سعيد، عن قتادة قال: كان قتيل في بني إسرائيل فأوحى الله عز وجل إلى موسى، أن اذبح بقرة فاضربوه ببعضها، فذكر لنا أنهم ضربوه بفخذها، فأحياه الله عز وجل، فأنبأ بقاتله وتكلم ثم مات. وذكر لنا أنهم وليه الذي كان يطلب بدمه هو قتله من أجل ميراث كان بينهم، فلا يورث قاتل بعده. وبه إلى ابن الجهم، ثنا محمد بن مسلمة، ثنا يزيد بن هارون، أنبأ هشام عن محمد بن سيرين، عن عبيدة السلماني قال: كان في بني إسرائيل رجل عقيم لا يولد له، وكان له مال كثير، وكان ابن أخيه وارثه فقتله، ثم احتمله ليلا حتى أتى به في آخرين فوضعه على باب رجل منهم، ثم أصبح يدعيه عليهم، فأتوا موسى عليه السلام فقال {وإذ قال موسى لقومه إن الله يأمركم أن تذبحوا بقرة قالوا أتتخذنا هزوا قال أعوذ بالله أن أكون من الجاهلين} فذبحوها فضربوه ببعضها فقام فقالوا: من قتلك؟ فقال: هذا، لابن أخيه، ثم مال ميتا فلم يعط ابن أخيه من ماله شيئا، ولم يورث قاتل بعده. وبه إلى ابن الجهم. حدثنا محمد الفرج، وإبراهيم بن

{And when Moses said to his people: Allah commands you to slaughter a cow. They said: Do you make a mockery of us? He said: I seek refuge in Allah from being one of the ignorant.} They slaughtered it and struck him with its thigh. He rose and said, 'So-and-so killed me.' He was a man with considerable wealth, and his nephew had killed him." Ayyash ibn al-Walid said: Yazid related to us ibn Zurayʿ: Saʿid related to us, from Qatadah, who said: There was a slain man among the Children of Israel, and Allah, mighty and majestic, revealed to Moses: "Slaughter a cow, then strike him with part of it." We were told that they struck him with its thigh, whereupon Allah, mighty and majestic, brought him to life. He identified his killer and spoke, then died. We were told that his next of kin, who was demanding vengeance for his blood, was the one who had killed him, on account of an inheritance between them. No killer was allowed to inherit after him. Through the same chain to Ibn al-Jahm: Muhammed ibn Maslamah related to us; Yazid ibn Harun related to us; Hisham informed us, from Muhammed ibn Sirin, from ʿAbidah al-Salmani, who said: Among the Children of Israel there was a childless man who could father no children. He had considerable wealth, and his brother's son was his heir. His nephew killed him, then carried him by night until he brought him among other people and laid him at the door of one of their men. In the morning he accused them of his murder. They came to Moses, peace be upon him, and he said: {And when Moses said to his people, "Indeed, Allah commands you to slaughter a cow," they said, "Do you take us in mockery?" He said, "I seek refuge in Allah from being one of the ignorant."} They slaughtered it and struck him with part of it, whereupon he stood up. They asked, "Who killed you?" He said, "This one," referring to his brother's son. Then he fell over dead. His brother's son was given none of his wealth, and no killer was allowed to inherit after him. Through the same chain to Ibn al-Jahm: Muhammed al-Faraj and Ibrahim ibn Ishaq al-Harbi related to us. Muhammed said—and the wording is his—Hajjaj related to us, from Ibn Jurayj, from Mujahid, who said: The man involved in the affair of the cow was a man of the Children of Israel whom another man killed. Then he related the substance of the account. Al-Harbi said: Husayn ibn al-Aswad related to us; ʿAmr ibn Muhammed related to us; Asbat related to us, from al-Suddi, to similar effect. We have

إسحاق الحربي قال محمد: واللفظ له: ثنا حجاج، عن ابن جريج، عن مجاهد قال: صاحب البقرة رجل من بني إسرائيل قتله رجل ثم ذكر معناه. وقال الحربي: نا حسين بن الأسود، نا عمرو بن محمد، نا أسباط، عن السدي نحوه. وروينا أيضا نحوه من طريق إسماعيل بن إسحاق، عن عبد الله بن إسماعيل، عن عبد الرحمن بن زيد بن أسلم. قال أبو محمد: وهذه مرسلات وموقوف لو أتت فيما أنزل علينا ما جاز الاحتجاج بها أصلا، فكيف فيما أنزل في غيرنا؟ وليس في القرآن نص بشيء مما ذكر في هذه الأخبار أكثر من أنهم تدارؤوا في نفس مقتولة منهم، فأمرهم عز وجل أن يذبحوا بقرة فيضربوه ببعضها {فقلنا ضربوه ببعضها كذلك يحيي الله لموتى ويريكم آياته لعلكم تعقلون} ولم يقل تعالى في القرآن إن الميت قال: فلان قتلني، ولا أنه صدق في ذلك، ولا أنه أقيد به، وكل من زاد على ما في القرآن شيئا بغير نص من الرسول صلى الله عليه وسلم فقد أتى عظيمة وحتى لو صح كل هذا لما كانت فيه حجة أصلا، لأن ذلك كان يكون معجزة، وإحياء ميت، ومن عاد من الآخرة فلا شك في أنه لا يقول إلا الحق، وأما الأحياء فيما بيننا فالكذب غير مأمون عليهم، ودعوى الباطل وهم لا يصدقونه، في درهم يدعيه ولا في درهم يقر به لوارث، ويصدقونه في الدم الذي يوجب قتل عدوه عندهم، أو أخذ ماله في الدية. ونحن الآن إن شاء الله تعالى نذكر كل ما في القرآن من شرائع النبيين عليهم السلام قبلنا، ونبين ما اتفق على تركه منها، وما اختلف في الأخذ منها، ثم نذكر إن شاء الله تعالى حجج الآخذين بها، والمانعين منها، وبالله تعالى التوفيق. فمن شرائع سليمان عليه السلام قول الله تعالى {قال أبو محمد وهذا لا خلاف بيننا في سقوط عقاب الطير وإن أفسدت علينا ومنها قوله تعالى {} قال أبو محمد هذا مما اختلف فيه فادعى قوم فيها دعاوى من أن سليمان عليه السلام كلف أصحاب الغنم جبر ما أفسدت من الزرع أو الكرم ليلا وهذا باطل لأنه ليس ذلك في الآية ولا صح عن النبي صلى الله عليه وسلم وإنما ذكر في بعض التفاسير

also transmitted something similar through Isma'il ibn Ishaq, from 'Abd Allah ibn Isma'il, from 'Abd al-Rahman ibn Zayd ibn Aslam. Abu Muhammed said: These are reports with omitted links to the Prophet and a report stopping short of him. Even if they concerned what was revealed to us, adducing them as evidence would not be permissible at all. How, then, when they concern what was revealed among others? The Quran contains no explicit statement of anything mentioned in these reports beyond their disputing over a person slain among them, whereupon He, mighty and majestic, commanded them to slaughter a cow and strike him with part of it: {Then We said, "Strike him with part of it." Thus Allah brings the dead to life and shows you His signs, so that you may understand.} The Exalted did not say in the Quran that the dead man said, "So-and-so killed me," nor that he spoke truthfully in that, nor that retaliatory punishment was exacted on his account. Anyone who adds anything to what is in the Quran without an explicit text from the Messenger, may Allah bless him and grant him peace ﷺ, has committed a grave offense. Even if all this were authentic, it would contain no evidence whatsoever, because that would have been a miracle and the bringing of a dead man to life. Whoever has returned from the Hereafter undoubtedly speaks only the truth. As for the living among us, they cannot be trusted to refrain from lying and making false claims. Yet they do not believe him concerning a dirham he claims, nor concerning a dirham he acknowledges as belonging to an heir, while they believe him concerning bloodshed, which, in their view, entails killing his enemy or taking his wealth as blood money. We shall now, if Allah the Exalted wills, mention everything in the Quran concerning the laws of the prophets before us, peace be upon them, and explain which of those laws are unanimously agreed to be abandoned and which are disputed as to their adoption. Then we shall mention, if Allah the Exalted wills, the arguments of those who adopt them and those who prohibit their adoption. Through Allah the Exalted comes success. Among the laws of Solomon, peace be upon him, is the saying of Allah the Exalted: {Abu Muhammed said: Concerning this, there is no disagreement among us that punishment of birds is inapplicable, even if they cause us damage. Another is His saying, exalted is He: {}. Abu Muhammed said: This is among the matters disputed. Some people made claims about it, namely that Solomon, peace be

التي لا تصح وذلك من نحو ما ذكر فيها أن ملكين زنيا وقتلا النفس التي حرم الله تعالى وشربا الخمر وقد نزه الله تعالى الملائكة عن ذلك وأن الزهرة كانت زانية فمسخت كوكبا مضيئا يهتدى به في البر والبحر حتى أدت هذه الروايات الفاسدة بعض أهل الإلحاد إلى أن قال: لو كان هذا لما بقيت محصنة إلا زنت لتمسخ كوكبا, والتي ذكر فيها أن يوسف عليه السلام, قعد من امرأة العزيز, مقعد الرجل من امرأته, وقد نزه الله تعالى أنبياءه عن ذلك وهذا كثير جدا

upon him, required the owners of the sheep to make good the damage the sheep had caused to crops or vines by night. This is false, because that is not in the verse, nor has it been authentically transmitted from the Prophet, may Allah bless him and grant him peace ﷺ. It is mentioned only in certain Quran commentaries that are not authentic. It is like what is mentioned in them about two angels committing fornication, killing a person whose killing Allah the Exalted had forbidden, and drinking wine—though Allah the Exalted has declared the angels free of such things—and about al-Zuharah having been a woman who committed fornication and was transformed into a shining star by which people find their way on land and sea. These corrupt reports even led one of the proponents of unbelief to say: "If this were so, there would remain no chaste woman who would not commit fornication in order to be transformed into a star." And those in which it is mentioned that Joseph, peace be upon him, positioned himself with the wife of al-ʿAziz as a man positions himself with his own wife—though Allah the Exalted

has declared His prophets free of such things. Such material is exceedingly abundant.[5][6][7][8][9][10]

L2280–2281 The Messenger of Allah, may Allah bless him and grant him peace ﷺ, has stated that injury inflicted by a dumb animal entails no liability. The report concerning al-Bara''s she-camel has no connected chain of transmission whatsoever; rather, its chain is interrupted through every route. Among the laws of Zechariah, peace be upon him, is His saying, exalted is He: {}. This is rendered inapplicable by what is transmitted from the Prophet, may Allah bless him and grant him peace ﷺ, of his saying: "I shall certainly remain silent for a day until nightfall." In general, we have not been commanded to remain silent. Whoever refrains from speech other than obligatory speech and recommended remembrance has done well. Another is His saying, exalted is He: {}. Some people adduced this as evidence for deciding by lot, then

وقد أخبر رسول الله صلى الله عليه وسلم أن جرح العجماء جبار ولا ينسند حديث ناقة البراء أصلا وإنما هو منقطع من جميع جهاته. ومن شريعة زكريا عليه السلام قوله تعالى {} وهذا ساقط بما روي عن النبي صلى الله عليه وسلم من قوله لأصمت يوما إلى الليل وبالجملة فلم نؤمر بالصمت، ومن صمت عن غير الواجب من الكلام والمستحب من الذكر فقد أحسن ومنها قوله تعالى {} فاحتج بهذا قوم في الحكم بالقرعة ثم جعلوا ذلك حكما في المستلحق من الأولاد، وفي المشكوك في طلاقها من النساء وفي غير ذلك، وهذا لا يلزم بل يبطل من وجهين: أحدهما: أن هذا قياس والقياس باطل. والثاني: أنه غير مأمور به في شريعتنا ومن شرائع موسى عليه السلام قوله تعالى {} ونحن لا نخلع نعالنا في الأرض المقدسة ومنها قوله تعالى {} قال أبو محمد وهذا لا خلاف في أنه منسوخ وأن الله تعالى قد أحل لهم كل ذلك على لسان محمد صلى الله عليه وسلم بقوله {} وهذه الشحوم من طعامنا فهن حل لهم وإن رغمت أنوفهم وأنوف المجتنبين لها اتباعا لدعوى اليهود في تحريم ذلك

[5] **Translator's note (L2272):** "The collective oath procedure in homicide cases" renders qasāmah throughout this passage. "Highest-reaching" renders aʿlā, a term concerning a transmission chain's elevation or proximity to its source; the wording does not itself certify the report as authentic. "At the base of their town" preserves the unusual location expressed by fī aṣl madīnatihim.

[6] **Translator's note (L2275):** The segment begins in the middle of a transmission chain; "ibn Zurayʿ" continues the name in the preceding segment. The wording "أنهم وليه" is syntactically irregular. The translation reflects the apparent sense that the victim's next of kin was his killer. The Quran quotation has defective spellings in "إن لله" "بلله" and "لجاهلين." The intended words are recognizable; these defects do not yield a distinct translatable meaning. "Reports with omitted links to the Prophet" renders marāsīl; "a report stopping short of him" renders mawqūf. The Arabic combines a plural and a singular.

[7] **Translator's note (L2276):** The quotation continues from the preceding segment. "ضربوه" appears without the initial alif of the expected imperative "اضربوه"; the translation follows its apparent imperative sense in context. "لله" and "لموتى" also have defective spellings.

[8] **Translator's note (L2278):** The opening Quran citation after "the saying of Allah the Exalted" is missing: the source supplies only an opening brace before resuming the author's commentary. The subsequent empty braces likewise mark an absent quotation. No verses have been supplied. Al-Zuharah is the name of Venus, here also used as the name of the woman in the story.

[9] **Translator's note (L2279):** "Those" refers back to the Quran commentaries mentioned in the preceding segment. The opening words complete the quotation begun there.

[10] **Qur'an references (L2272):** Qur'an 5:45 (Al-Ma'idah); Qur'an 2:67 (Al-Baqarah).

made this a ruling applicable to children whose paternity someone claims, to women whose divorce is uncertain, and to other matters. This does not follow; rather, it is invalid on two grounds. The first is that this is analogy, and analogy is invalid. The second is that it is not commanded in our revealed law. Among the laws of Moses, peace be upon him, is His saying, exalted is He: {}. We do not take off our sandals in the Holy Land. Another is His saying, exalted is He: {}. Abu Muhammed said: There is no disagreement that this is abrogated, and that Allah the Exalted has made all of that lawful for them through the tongue of Muhammed, may Allah bless him and grant him peace ﷺ, by His saying: {} These fats are part of our food, so they are lawful for them, even though their noses—and the noses of those who avoid them in adherence to the Jews' claim that this is forbidden—be rubbed in the dust.[11][12]

L2282 Another is His saying, exalted is He: {}. Abu Muhammed said: As for us, we do not adopt this, because we were not commanded to do so; only others were commanded to do so. We have required retaliation in all these cases, and in cases of lesser injury, between Muslims themselves, and have treated the free person and the slave, the male and the female, equally in all of this, on the basis of His saying, exalted is He, addressing us: {}; His saying, exalted is He, addressing us: {}; His saying, exalted is He: {}; and the saying of the Messenger of Allah, may Allah bless him and grant him peace ﷺ: "The believers' blood is of equal worth." Thus, in all of this, we have exacted retaliation against a free man on behalf of a free man and a male slave, a free woman and a female slave. We have exacted retaliation against a male

ومنها قوله تعالى {} قال أبو محمد أما نحن فلا نأخذ بهذا لأننا لم نؤمر به، وإنما أمر به غيرنا، وإنما أوجبنا القود في كل هذا، وفيما دونه بين المسلمين فيما بينهم، وساوينا في كل ذلك بين الحر والعبد، والذكر والأنثى بقوله تعالى مخاطبا لنا {} وبقوله تعالى مخاطبا لنا {} وبقوله تعالى {} ويقول رسول الله صلى الله عليه وسلم المؤمنون تتكافأ دماؤهم فأقدنا في كل ذلك من الحر للحر، والعبد للحرة والأمة وأقدنا من العبد للعبد، وللحر وللحرة، وللأمة وكذلك من الحرة والأمة ولا فرق، وأقدنا لكل من ذكرنا من الكافر، ولم نقد كافرا من مؤمن أصلا لقول الله تعالى {} وبقوله صلى الله عليه وسلم ولا يقتل مؤمن بكافر ومنها قوله تعالى {} وهذا منسوخ بإجماع ومنها قوله تعالى {} قال أبو محمد وهذا منسوخ بإجماع ومنها الأمر بذبح بقرة صفراء فاقع لونها، وهذا لا يلزم في شيء من الأحكام بإجماع ومن شريعة لوط عليه السلام {} ولا يحل في شريعتنا رجم المكذب بالنذر وقد احتج قوم في رجم من فعل فعل لوط بهذه الآية.

[11] **Translator's note (L2280):** All five Quran quotations are absent from the supplied text and are represented by empty braces. The transmitted saying is written "لأصمت يوما إلى الليل," which reads as an emphatic first-person statement, "I shall certainly remain silent for a day until nightfall." This conflicts with the author's argument. It apparently reflects corruption of "لا صمت يوما إلى الليل," meaning "There is to be no silence for a day until nightfall"; the supplied wording has been translated without silently repairing it. "ينسند" is an irregular form in the supplied text; its apparent sense here is having a connected transmission chain.

[12] **Translator's note (L2281):** Having one's nose rubbed in the dust is an expression of humiliation or defiance; the polemical wording is retained.

slave on behalf of a male slave, a free man, a free woman, and a female slave; likewise against a free woman and a female slave, without distinction. We have exacted retaliation against an unbeliever on behalf of everyone we have mentioned, but we have never exacted retaliation against a believer on behalf of an unbeliever, on the basis of the saying of Allah the Exalted: {}, and his saying, may Allah bless him and grant him peace ﷺ: "A believer shall not be killed for an unbeliever." Another is His saying, exalted is He: {}. This is abrogated by consensus. Another is His saying, exalted is He: {}. Abu Muhammed said: This is abrogated by consensus. Another is the command to slaughter a cow of a vivid yellow color. By consensus, this is not binding in any legal ruling. Among the laws of Lot, peace be upon him, is: {}. In our revealed law, it is not lawful to stone someone who rejects the warnings as false. Some people have adduced this verse as evidence for stoning someone who commits the act of Lot.[13]

L2283 Abu Ali said: They forgot that whoever committed that act among the people of Lot was an unbeliever, and that this is expressly stated in the Quran, in the very same verse, where the Exalted reports that they rejected the warnings, and that their children and women were stoned along with them, although they were not among those who committed that act. They also forgot His words, Exalted is He: {}. Thus, if they consistently applied their unsound principle, they would be obliged to "hand over their eye"—that of everyone who solicited a male to yield himself—because Allah, Exalted is He, obliterated the eyes of Lot's people when they solicited his guest, just as He stoned them when they approached males and disbelieved. Whoever distinguishes between any of these things has imposed an arbitrary judgment upon the religion of Allah, Mighty and Majestic, without demonstration or guidance from Allah, Exalted is He.

[13]**Translator's note (L2282):** All eight Quran quotations are absent from the supplied text and are represented by empty braces. The list following retaliation "against a free man" is syntactically awkward: "للحر والعبد للحرة والأمة." The translation preserves all four named categories while reflecting the author's stated equality among them. "The act of Lot" is the source's conventional expression for the act attributed to Lot's people, rather than an act attributed personally to the prophet.

قال أبو علي: ونسوا أن فاعل ذلك من قوم لوط كان كافرا، وذلك منصوص في القرآن في الآية نفسها إذ أخبر تعالى أنهم كذبوا بالنذر، وأن صبيانهم ونساءهم رجموا معهم، ولم يكونوا ممن فعل ذلك الفعل ونسوا أيضا قوله تعالى {} فكان يلزمهم إذا طردوا أصلهم الفاسد أن يسلموا عينهم كل من راود ذكرا عن نفسه، لأن الله تعالى طمس أعين قوم لوط إذ راودوا ضيفه، كما رجمهم لما أتوا الذكور وكفروا، فمن فرق بين شيء من ذلك فقد تحكم في دين الله عز وجل بلا برهان ولا هدى من الله تعالى ومن شريعة يوسف عليه السلام {} قال أبو محمد وهذا مما لا خلاف فيه أنه لا يجوز أن نحكم به الآن بين الناس في تداعيهم الزنى ومنها {} قال أبو محمد فاحتج قوم بهذا في إثبات الجعل وهذا لا يلزم لأن قول رسول الله صلى الله عليه وسلم أموالكم عليكم حرام مبطل للجعل إلا أن يوجبه نص في شريعتنا أو تطيب به نفس الجاعل ومنها قوله تعالى {} قال أبو محمد وهذا لا خلاف بيننا وبين خصومنا في أنه لا يحكم به بيننا، وأنه لا يسترق السارق لأجل سرقته، وكان يلزمهم القول به لأنه ليس مجمعا على

And among the laws of Joseph, peace be upon him: {}. Abu Muhammed said: This is something concerning which there is no disagreement: we may not now adjudicate by it among people in their competing allegations of unlawful sexual intercourse. Also among them: {}. Abu Muhammed said: Some people adduced this as evidence for establishing an entitlement to a stipulated reward. But this does not follow, because the words of Allah's Messenger, may Allah bless him and grant him peace ﷺ, "Your property is inviolable among you," invalidate such a stipulated reward unless a text in our revealed law makes it obligatory, or the person offering the reward willingly gives it. Also among them are His words, Exalted is He: {}. Abu Muhammed said: There is no disagreement between us and our opponents that this is not to be applied in adjudication among us, and that a thief is not to be enslaved on account of his theft. Yet they would be obliged to affirm it, because there is no consensus on abandoning it. Indeed, we have transmitted from Zurarah ibn Awfa, the judge, that he sold a free man for a debt. We have also transmitted [this] from al-Shafi'i through an unusual transmission route. This did exist in the early period of Islam, but was then abrogated by His words, Exalted is He: {}.[14]

L2284 And among the laws of Job, peace be upon him: {}.[15]

L2285–2286 Some people therefore adduced this as evidence for permitting the flogging of a person who commits unlawful sexual intercourse, a person who makes an accusation of unlawful sexual intercourse, and a drinker, when they are ill, [with something] in which they "limp"—one hundred, eighty, or forty stalks—and for fulfilling the oath of someone who swore that he would flog his male slave with such-and-such a number of lashes. Abu Muhammed said: Those who adduced as evidence their claim concerning the dead man's

[14]**Translator's note (L2283):** The empty braces mark absent quotations in the supplied text; their wording has not been supplied. The transmitted phrase أن يسلموا عينهم كل من راود is grammatically and semantically problematic. Its wording literally suggests "that they hand over their eye, everyone who solicited." The context appears to require gouging out the eyes of everyone who solicited a male, but the Arabic has not been silently emended.

[15]**Translator's note (L2284):** The empty braces mark an absent quotation in the supplied text.

تركه، بل قد روينا عن زرارة بن أوفى القاضي أنه باع حرا في دين، وروينا أيضا عن الشافعي من طريق غريبة، وقد كان ذلك في صدر الإسلام ثم نسخ بقوله تعالى {}

ومن شريعة أيوب عليه السلام {}

فاحتج بهذا قوم في إباحة جلد الزاني والقاذف والشارب إذا كانوا مرضى، يعرجون فيه مائة أو ثمانون أو أربعون شمراخا، وفي بر يمين من حلف ليجلدن غلامه كذا وكذا جلدة. قال أبو محمد: والذين احتجوا بدعواهم في كلام الميت في أمر بقرة بني إسرائيل أن فلانا قتلني، يأبون ههنا من أن يبرأ الحالف إذا ضرب بضغث، ويكفي هذا من قبيح التناقض وفاحشة، ونحن وإن كنا نرى الجلد بالضغث للمريض فإنما نجيزه من غير هذه الآية لكن من الحديث المأثور عن رسول الله صلى الله عليه وسلم أنه أمر أن يجلد المريض الذي زنى بعثكول فيه مائة شمراخ، ونرى البر يقع بما يقع عليه اسم جلد واسم ضرب ومن شريعة موسى وصهره عليهما السلام {} قال أبو محمد وبهذا يحتج من يبيح النكاح على إجارة إلى أحد أجلين لم يوقت أحدهما بعينه، وهذا

speech in the affair of the cow of the Children of Israel—"So-and-so killed me"—refuse here to allow that the person who swore the oath discharges it if he strikes with a bundle of stalks. This suffices as an instance of the ugliness and enormity of their contradiction. Although we hold that an ill person may be flogged with a bundle of stalks, we permit it on grounds other than this verse: rather, on the basis of the report transmitted from Allah's Messenger, may Allah bless him and grant him peace ﷺ, that he ordered the ill man who had committed unlawful sexual intercourse to be flogged with a date cluster containing one hundred stalks. We hold that an oath is fulfilled by whatever falls under the designation "flogging" and the designation "striking."

And among the laws of Moses and his father-in-law, peace be upon them both: {}. Abu Muhammed said: This is what those who permit marriage in exchange for hired service extending to one of two terms, without specifying either one individually, adduce as evidence. In our view and that of our opponents, this is impermissible, because a contract of hire whose term is unknown is invalid, since it constitutes consuming property wrongfully; and marriage contracted in exchange for something invalid is invalid. For anything whose validity depends upon the validity of something that is not valid is undoubtedly itself invalid. Especially so when that hired service benefits the person giving the woman in marriage, while the woman being married has no share in it. In our religion, the bridal payment belongs solely to the woman being married, by the explicit wording of Allah's words, Exalted is He: {}. Neither the father nor the guardian has any share in it. Among the wonders of the world is what Ahmad ibn Muhammed ibn al-Jasur related to us: Wahb ibn Masarrah related to us: Ibn Waddah related to us: Sahnun related to us: Ibn al-Qasim related to us, saying: Malik adduced as evidence for the permissibility of a man's action in marrying off his virgin daughter

عندنا وعند خصومنا لا يجوز، لأن الإجارة المجهولة الأجل فاسدة، لأنها أكل مال بالباطل، والنكاح على شيء فاسد، لأن كل ما لا يصح إلا بصحة ما لا يصح فلا شك في أنه لا يصح، لا سيما وتلك الإجارة للمنكح لا حظ فيها للمنكحة، والصداق في ديننا إنما هو للمنكحة بنص قول الله تعالى {} ولا حظ فيها للأب ولا للولي ومن عجائب الدنيا ما حدثنا أحمد بن محمد بن الجسور، ثنا وهب بن مسرة، ثنا ابن وضاح، ثنا سحنون، ثنا ابن القاسم قال: احتج مالك في جواز فعل الرجل بإنكاح ابنته البكر بغير رضاها بقول الله تعالى عن صهر موسى {}

without her consent, Allah's words, Exalted is He, concerning Moses' father-in-law: {}.[16][17]

L2287–2289 Ali said: What wonder could be more astonishing than his adducing this verse as evidence for something that is not in the verse at all? It is possible that she consented and that this was simply not mentioned. Then he contradicts the very same verse on four points. The first is giving "one of my two daughters" in marriage without specifying her individually. The second is giving her in marriage in exchange for hired service. The third is that the hired service extends to one of two terms: whichever he completes, the marriage remains established. The fourth is giving a woman in marriage in exchange for service to her father. Then, after all this, who can establish for him that she was a virgin? Perhaps she was previously married. Is there not in this argument a lesson for anyone who takes heed? Perhaps she was a virgin who had remained unmarried beyond the usual age, and he does not hold that such a woman may be married off except with her permission and consent. How, then, can this stand, when adducing the verse as evidence is itself unsound, for the reason we have already given: the revealed laws of the prophets, peace be upon them, are not binding upon us?

Among the laws of al-Khidr, peace be upon him, are His words, Exalted is He: {}. Then He said: {}. Abu Muhammed said: There is no disagreement within our revealed law that it is unlawful to kill a boy out of fear that he might overwhelm his parents with transgression and unbelief. And among the laws of Noah, peace be upon him: {}. Abu Muhammed said: The Azariqah adopted this and deemed the killing of children lawful. They failed to notice that Noah's words, peace be upon him, concerned only the unbelievers who lived in his own time, whom Allah, Exalted is He, destroyed, leaving them

قال علي فأي عجب أعجب من احتجاجه بهذه الآية فيما لا يوجد في الآية أصلا، وفي الممكن أنها رضيت فلم يذكر، ثم يخالف الآية نفسها في أربعة مواضع: أحدهما: إنكاح إحدى ابنتي بغير عينها. والثاني: إنكاحه بإجارة. الثالث: الإجارة إلى أحد أجلين أيهما أوفى فالنكاح ثابت. والرابع: إنكاح امرأة بخدمة أبيها. ثم بعد هذا كله: من له بأنها كانت بكرا؟ ولعلها ثيب، أليس في هذا الاحتجاج عبرة لمن اعتبر، ولعلها بكر عانس وهو لا يرى إنكاح هذه إلا بإذنها ورضاها، فكيف والاحتجاج بالآية لا يصح لما قدمنا من أن شرائع الأنبياء عليهم السلام لا تلزمنا، ومن شرائع الخضر عليه السلام قوله تعالى {} ثم قال {} قال أبو محمد ولا خلاف في شريعتنا أنه لا يحل قتل غلام خوف أن يرهقهما طغيانا وكفرا ومن شريعة نوح عليه السلام {} قال أبو محمد فأخذ بهذا الأزارقة واستباحوا قتل الأطفال وغاب عنهم أن قول نوح عليه السلام إنما كان فيمن كان في عصره من الكفار فقط، الذين أهلكهم الله تعالى ولم يبق لهم نسلا بقوله تعالى {} وبقوله تعالى {} ولم يحمل نوح مع نفسه عليه السلام إلا المؤمنين فقط من قومه وولده وغاب عنهم بجهلهم أن رسول الله صلى الله عليه وسلم سيد ولد آدم هو ولد كافر وكافرة وأن عمر كذلك، وقد قال عليه السلام: أو ليس خياركم أولاد المشركين، ونحن نترك الكفار ولا نقتلهم، بل نأخذ منهم الجزية، وننكح إليهم ونعاملهم، ونأكل ذبائحهم، ولا نستحل قتل طفل من أطفال أهل الحرب عمدا، بل يهديهم الله بنا، ولا يضلوننا والحمد لله رب العالمين، وقد نقل كافة بني إسرائيل أن موسى عليه السلام قتل صبيان أهل مدين، وقتل يوشع صبيان أهل أريحا الأطفال بأمر الله تعالى بذلك، وهذا في شريعتنا غير جائز ومن شريعة يونس عليه السلام قوله تعالى {} قال أبو محمد فاحتج بهذا قوم في الحكم بالقرعة وقد مضى الكلام في ذلك ولا

[16] **Translator's note (L2285):** The phrase يعرجون فيه مائة أو ثمانون أو أربعون شمراخا is corrupt or incomplete as supplied. يعرجون ordinarily means "they limp" or "they ascend"; the surrounding argument concerns a bundle containing a specified number of stalks. The translation marks the difficulty rather than substituting an unattested corrected reading. The empty braces mark absent quotations in the supplied text. The final sentence continues in the next unit.

[17] **Translator's note (L2286):** This unit continues the sentence begun in the preceding unit. The empty braces mark an absent quotation in the supplied text.

no descendants, by His words, Exalted is He: {}, and by His words, Exalted is He: {}. Noah, peace be upon him, took along with himself only the believers among his people and his offspring. In their ignorance, they failed to notice that Allah's Messenger, may Allah bless him and grant him peace ﷺ, the master of Adam's descendants, was the son of an unbelieving man and an unbelieving woman, and that Umar was likewise. He also said, peace be upon him: "Are not the best among you the children of polytheists?" We leave the unbelievers alive and do not kill them; rather, we collect the poll tax from them, marry into their communities, transact with them, and eat the animals they slaughter. We do not deem it lawful deliberately to kill any child among the children of people at war with us; rather, He guides them —Allah—through us, and they do not lead us astray. Praise belongs to Allah, Lord of the worlds. The entirety of the Children of Israel have transmitted that Moses, peace be upon him, killed the children of the people of Midian, and that Joshua killed the young children of the people of Jericho, at Allah's command, Exalted is He. This is impermissible in our revealed law.

Among the laws of Jonah, peace be upon him, are His words, Exalted is He: {}. Abu Muhammed said: Some people adduced this as evidence for adjudicating by drawing lots. Discussion of this has already preceded, and there is no disagreement among any of us that it is impermissible for anyone to be cast into the sea by the drawing of lots. And among the laws of Mary, peace be upon her: {}. This is not among the conditions of fasting in our view. Among Allah's laws, Exalted is He, for the Children of Israel are His words, Exalted is He: {}. Yet we transgress often and are not transformed in shape; praise belongs to Allah. Among the laws of the people of Zechariah's time, peace be upon him, are the words of Mary's mother: {}. Abu Muhammed

خلاف بين أحد منا أنه لا يجوز أن يلقى أحد في البحر بالقرعة ومن شريعة مريم عليها السلام {} وليس هذا من شرط الصوم عندنا ومن شرائع الله تعالى في بني إسرائيل قوله تعالى {} ونحن نعتدي كثيرا فلا نمسخ ولله الحمد ومن شريعة أهل زمان زكريا عليه السلام قول أم مريم {} قال أبو محمد وهذا غير جائز عندنا أصلا ومن شريعة يعقوب عليه السلام {}

said: This is entirely impermissible in our view. And among the laws of Jacob, peace be upon him: {}.[18][19][20]

L2290 Abu Muhammed said: This is unlawful in our view. No one may declare forbidden to himself what Allah, Mighty and Majestic, has not forbidden to him. Nevertheless, groups of our scholars have disagreed over declaring one's wife or female slave forbidden: some affirmed it, while others disallowed it. We uphold its disallowance. No one may declare a wife or anything else forbidden, and she does not thereby become forbidden; nor does this constitute divorce, nor is there any expiation for it. She remains lawful to him as she was before, and the same applies to all the rest of his property. And among the laws of the Children of Israel: {}.[21]

L2291 Abu Muhammed said: This is not binding upon us. Among the laws of Adam, peace be upon him, are His words: {}. Abu Muhammed said: There is no disagreement that, in our view, it is impermissible to seek adjudication by sacrificial offerings. Nor is it lawful, in our view, to submit to being killed unjustly; rather, someone killed defending his own life is a martyr. And among the laws of the people of the two Scriptures in the time of the Companions of the Cave: {}. Abu Muhammed said: This is forbidden in our revealed law. He said, peace be upon him: "Those people, whenever a righteous man among them died, would build a place of worship over his grave. Those are the worst of creation." Abu Muhammed said: These, then, are laws that anyone who advocates following the revealed laws of the

قال أبو محمد وهذا لا يحل عندنا وليس لأحد أن يحرم على نفسه ما لم يحرم الله عز وجل عليه إلا أن طوائف من علمائنا اختلفوا في تحريم الزوجة والأمة فقال به قوم: ومنع منه آخرون وبالمنع منه نقول ولا يحل لأحد أن يحرم زوجة ولا غيرها، ولا تكون بذلك حراما، ولا طلاقا ولا كفارة في ذلك وهي حلال له كما كانت وكذلك سائر ماله ومن شرائع بني إسرائيل {}

قال أبو محمد وهذا لا يلزمنا ومن شريعة آدم عليه السلام قوله {} قال أبو محمد ولا خلاف في أنه لا يجوز عندنا التحاكم بالقرابين، ولا يحل عندنا الاستسلام للقتل ظلما، بل المقتول دون نفسه شهيد. ومن شريعة الكتابيين في زمان أصحاب الكهف {} قال أبو محمد وهذ حرام في شريعتنا وقد قال عليه السلام: إن أولئك كانوا إذا مات فيهم رجل صالح بنوا على قبره مسجدا أولئك شرار الخلق. قال أبو محمد: فهذه شرائع يلزم من قال باتباع شرائع الأنبياء عليهم السلام أن يقول بها، وإلا فقد نقضوا أصلهم. واحتج الموجبون للأخذ بشرائع الأنبياء عليهم السلام بقوله تعالى {}

[18] **Translator's note (L2287):** The wording "one of my two daughters" preserves the first-person expression in the supplied Arabic within the author's discussion. The empty braces mark absent quotations in the supplied text. The final introduction to a quotation continues into the next unit.

[19] **Translator's note (L2288):** The initial empty braces mark the absent quotation introduced at the end of the preceding unit. The claims concerning the Prophet's and Umar's parents are the author's own assertions. The final clause continues in the next unit, where Allah is named as the subject of "guides."

[20] **Translator's note (L2289):** The opening names Allah as the subject of the verb "guides" at the end of the preceding unit; the dashes preserve that connection across the segment boundary. The empty braces mark absent quotations in the supplied text.

[21] **Translator's note (L2290):** The empty braces mark an absent quotation in the supplied text.

prophets, peace be upon them, is obliged to affirm; otherwise, they have contradicted their own principle. Those who make it obligatory to adopt the revealed laws of the prophets, peace be upon them, adduced as evidence His words, Exalted is He: {}.[22]

L2292 Abu Muhammed said: This provides them with no evidence. No two Muslims disagree that this has been abrogated, and that anyone who adjudicates according to a ruling of the Gospel for which no revelation in the revealed law of Islam has supplied an explicit text is an unbeliever, a polytheist, outside Islam. They also adduced as evidence His words, Exalted is He: {}. Abu Muhammed said: By this Allah, Exalted is He, meant only the prophets of the Children of Israel, not Muhammed, may Allah bless him and grant him peace ﷺ, because He, Exalted is He, says: {}.[23]

L2293–2294 This is clarified by His saying, exalted is He, {}. We do not have prophets; we have only one prophet, whereas all the prophets are Muslims. Allah, exalted is He, has related that earlier prophets said, "We have been commanded to be among the Muslims." Moreover, He, exalted is He, has related that the People of the Book said to us, {}. It is therefore established that Allah, exalted is He, forbade the religion of the Jews and Christians and commanded us to follow the religion of Abraham, peace be upon him. He, exalted is He, said, {}. Thus it is established with certainty that Abraham's law preceded the Torah and that his law is binding upon us. It is utterly impossible that we should be commanded to follow something revealed after our law: this is contradictory. Thus the interpretation of anyone who supposed an error in His saying, exalted is He, {}, is invalid, and it is established that they are exclusively the prophets of the Children of Israel. If they say, "There is no difference between the Torah and the law of Abraham, peace be upon him, nor between our law," and they adduce as evidence what ʿAbd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us; ʿAbd al-Wahhab ibn ʿIsa

[22]**Translator's note (L2291):** The empty braces mark absent quotations in the supplied text. الكتابيين is rendered "the people of the two Scriptures," referring to Jews and Christians; its unvocalized written form also permits a dual reading, "the two scriptural adherents."

[23]**Translator's note (L2292):** The empty braces mark absent quotations in the supplied text.

قال أبو محمد وهذا لا حجة لهم فيه لا خلاف بين اثنين من المسلمين أن هذا منسوخ، وأن من حكم بحكم الإنجيل مما لم يأت بالنص عليه وحي في شريعة الإسلام فإنه كافر مشرك خارج عن الإسلام واحتجوا بقوله تعالى {} قال أبو محمد وهذا إنما عني الله تعالى به أنبياء بني إسرائيل لا محمدا صلى الله عليه وسلم لأنه تعالى يقول {}

وبيان ذلك قوله تعالى {} ونحن ليس لنا نبيون وإنما لنا نبي واحد والأنبياء كلهم مسلمون وقد حكى الله تعالى عن أنبياء سالفين أنهم قالوا أمرنا بأن نكون من المسلمين. وأيضا فقد قال تعالى حاكيا عن أهل الكتاب أنهم قالوا لنا {} فصح أن الله تعالى نهى عن دين اليهود والنصارى، وأمرنا بدين إبراهيم عليه السلام وقال تعالى {} فصح يقينا أن إبراهيم كانت شريعته قبل التوراة، وأن شريعته لازمة لنا فمن المحال الممتنع أن نؤمر باتباع شيء نزل بعد شريعتنا، وهذا متناقض فبطل تأويل من ظن الخطأ في قوله تعالى {} وصح أنهم أنبياء بني إسرائيل فقط فإن قالوا: لا خلاف بين التوراة وبين شريعة إبراهيم عليه السلام، ولا بين شريعتنا، واحتجوا بما حدثناه عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم، ثنا محمد بن رافع، ثنا عبد الرزاق، ثنا معمر، عن همام بن منبه عن أبي هريرة عن رسول الله صلى الله عليه وسلم أنه قال الأنبياء إخوة من علات وأمهاتهم شتى ودينهم واحد قلنا لهم: هذا حجة عليكم لا لكم، إن تأولتم فيه اتفاق أحكام شرائعهم أكذبهم القرآن في قوله تعالى {وأنزلنآ إليك لكتاب بلحق مصدقا لما بين يديه

related to us; Ahmad ibn Muhammed related to us; Ahmad ibn ʿAli related to us; Muslim related to us; Muhammed ibn Rafiʿ related to us; ʿAbd al-Razzaq related to us; Maʿmar related to us, from Hammam ibn Munabbih, from Abu Hurayrah, from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, that he said, "The prophets are brothers through one father; their mothers are different, and their religion is one"—we say to them: This is evidence against you, not for you. If you interpret it as meaning that the rulings of their laws agree, the Quran gives the lie to them in His saying, exalted is He, {And We have sent down to you the Book in truth, confirming the Scripture before it and acting as a guardian over it. So judge between them by what Allah has sent down, and do not follow their desires, turning away from the truth that has come to you. For each of you We have appointed a law and a path. Had Allah willed, He would have made you one community, but He intended to test you in what He has given you. So vie with one another in good deeds. To Allah is the return of you all, and He will inform you concerning that over which you differed}. His saying, exalted is He, concerning Jesus, peace be upon him, also gives the lie to them: {And confirming the Torah before me, and so that I may make lawful for you some of what was forbidden to you. I have come to you with a sign from your Lord, so fear Allah and obey me}. The matter of the Sabbath, the prohibition of every animal possessing a claw, and what Israel forbade himself also give the lie to them. Rather, the meaning of his saying, may Allah bless him and grant him peace ﷺ, "Their religion is one," is simply the affirmation of Allah's oneness, concerning which they never differed at all. They also adduce as evidence His saying, exalted is He, {Those are the ones whom Allah has guided, so follow their guidance. Say: I ask you for no payment for it; it is only a reminder to all the worlds}.[24][25]

من لكتاب ومهيمنا عليه فحكم بينهم بما أنزل الله ولا تتبع أهوآءهم عما جآءك من لحق لكل جعلنا منكم شرعة ومنهاجا ولو شآء الله لجعلكم أمة واحدة ولكن ليبلوكم في ما آتاكم فاستبقوا الخيرات إلى الله مرجعكم جميعا فينبئكم بما كنتم فيه تختلفون} وأكذبهم قوله تعالى عن عيسى عليه السلام {ومصدقا لما بين يدي من لتوراة ولأحل لكم بعض لذي حرم عليكم وجئتكم بآية من ربكم فتقوا لله وأطيعون} وأكذبهم أمر السبت وتحريم كل ذي ظفر وما حرم إسرائيل على نفسه ولكن معنى قوله صلى الله عليه وسلم ودينهم واحد إنما يعني التوحيد الذي لم يختلفوا فيه أصلا واحتجوا بقوله تعالى {أولئك لذين هدى لله فبهداهم قتده قل لا أسألكم عليه أجرا إن هو إلا ذكرى للعالمين}

L2295–2296 Abu Muhammed said: This provides them with no evidence, because that

قال أبو محمد وهذا لا حجة لهم فيه لأن الذي أمرنا أن نقتدي بهم فيه هو ما اتفقت فيه شريعتنا وشريعتهم مثل قوله تعالى: {وإذ أخذنا ميثاق بني إسرائيل لا تعبدون إلا لله وبلوالدين إحسانا وذي لقربى واليتامى ولمساكين وقولوا للناس حسنا وأقيموا لصلاة وآتوا لزكاة ثم توليتم إلا قليلا منكم وأنتم معرضون} فأما باقي الآية في قوله تعالى

[24] **Translator's note (L2293):** The five empty pairs of braces mark missing quotations in the supplied text; their contents have not been reconstructed. The wording "anyone who supposed an error" follows the supplied reading al-khaṭaʾ, "error." It is awkward in context and may be corrupt, but has not been silently emended.

[25] **Qur'an references (L2293):** Qur'an 5:46 (Al-Ma'idah); Qur'an 5:48 (Al-Ma'idah); Qur'an 3:50 (Ali 'Imran); Qur'an 6:90 (Al-An'am).

in which we have been commanded to follow their example is what our law and their law agree upon, such as His saying, exalted is He, {And when We took the covenant of the Children of Israel: You shall worship none but Allah, and show kindness to parents, relatives, orphans, and the needy; speak kindly to people, establish prayer, and give the obligatory alms. Then you turned away, except a few of you, while you were averse}. As for the remainder of the verse in His saying, exalted is He, {Your Lord has decreed that you worship none but Him and show kindness to parents. If one or both of them reach old age with you, do not say "Ugh" to them, nor rebuke them, but speak to them with honorable words}, we did not derive it from this verse, but from Allah's command to us to that effect in another verse. Likewise His saying, mighty and majestic is He, {He has prescribed for you of religion what He enjoined upon Noah, and that which We have revealed to you, and what We enjoined upon Abraham, Moses, and Jesus: Establish the religion and do not become divided within it. What you call them to is grievous to the polytheists. Allah chooses for Himself whomever He wills and guides to Himself whoever turns to Him}. He, exalted is He, thus expressly stated that they were all commanded not to become divided in religion. This is precisely what he, peace be upon him, reported: that the religion of the prophets, peace be upon them, is one. Allah, exalted is He, has expressly stated that He commanded some of them to refrain from working on the Sabbath, whereas He did not command us to do so; and He permitted wine for a time and then prohibited it afterward. It is therefore established with certainty that what they were forbidden to become divided over, and what He prescribed for them all as the one religion, is simply the affirmation of Allah's oneness; whereas that in which He differentiated among them consists of the laws and the acts that are obligatory or prohibited. This is precisely our position.[26][27]

{وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهمآ أف ولا تنهرهما وقل لهما قولا كريما} فلم نأخذه من هذه الآية، لكن من أمر الله تعالى لنا بذلك في آية أخرى ومثل قوله عز وجل {شرع لكم من لدين ما وصى به نوحا ولذي أوحينآ إليك وما وصينا به إبراهيم وموسى وعيسى أن أقيموا لدين ولا تتفرقوا فيه كبر على لمشركين ما تدعوهم إليه لله يجتبي إليه من يشآء ويهدي إليه من ينيب} فنص تعالى على أنهم كلهم أمروا ألا يتفرقوا في الدين، وهذا هو نفس إخباره عليه السلام أن دين الأنبياء عليهم السلام واحد، وقد نص الله تعالى على أنه أمر بعضهم بترك العمل في السبت، ولم يأمرنا نحن بذلك، وأحل الخمر مدة وحرمها بعد ذلك، فصح يقينا أن الذي نهوا عن التفرق فيه. وأن الذي شرع لجميعهم من الدين الواحد إنما هو التوحيد، وأن الذي فرق فيه بينهم هي الشرائع والأعمال الواجبات والمحرمات وهذا هو نفس قولنا

L2297 He, exalted is He, has said, {If their turning away weighs heavily upon you,

وقد قال تعالى {وإن كان كبر عليك إعراضهم فإن ستطعت أن تبتغي نفقا في لأرض أو سلما في لسمآء فتأتيهم بآية ولو شآء لله لجمعهم على لهدى فلا تكونن من لجاهلين} وقال {وأنزلنآ إليك لكتاب بلحق مصدقا لما بين يديه من لكتاب ومهيمنا عليه فحكم

[26] **Translator's note (L2295):** The text introduces Quran 17:23 as "the remainder of the verse" after quoting Quran 2:83. These are separate verses; the supplied wording has been retained.

[27] **Qur'an references (L2295):** Qur'an 2:83 (Al-Baqarah); Qur'an 17:23 (Al-Isra); Qur'an 42:13 (Ash-Shuraa).

then, if you can seek a tunnel into the earth or a ladder into the sky and bring them a sign—had Allah willed, He would have brought them all together upon guidance. So do not be among the ignorant}. And He said, {And We have sent down to you the Book in truth, confirming the Scripture before it and acting as a guardian over it. So judge between them by what Allah has sent down, and do not follow their desires, turning away from the truth that has come to you. For each of you We have appointed a law and a path. Had Allah willed, He would have made you one community, but He intended to test you in what He has given you. So vie with one another in good deeds. To Allah is the return of you all, and He will inform you concerning that over which you differed}. He, exalted is He, said, {For each there is a direction toward which he turns, so vie with one another in good deeds. Wherever you may be, Allah will bring you all together. Indeed, Allah has power over all things}. Thus it is established by the explicit text that He, exalted is He, differentiated between the laws, between the path of each of them, and between the direction of each of them. He, exalted is He, has said, {Allah desires to make things clear to you, to guide you to the ways of those before you, and to turn toward you in forgiveness. Allah is All-Knowing, All-Wise}. It is therefore established that the speech of Allah, exalted is He, does not contradict itself, and it is established that what we have been commanded to follow their ways in is something other than the laws in which He differentiated between us and them. It is therefore established that this is the affirmation of Allah's oneness, which He made equally binding upon them all. Thus it is established that this is the guidance in which he, may Allah bless him and grant him peace ﷺ, was commanded to follow their example. This is also clarified by His saying, exalted is He, relating that His messenger Joseph, peace be upon him, said, {And I have followed the religion of my fathers Abraham, Isaac, and Jacob. It is not for us to associate anything with Allah. That is of Allah's favor upon us and upon humankind, but most people do not give thanks}.[28]

L2298–2299 Abu Muhammed said: He thus made explicitly clear that they agreed specifically upon the affirmation of Allah's oneness. Otherwise, He, exalted is He,

[28] **Qur'an references (L2297):** Qur'an 6:35 (Al-An'am); Qur'an 5:46 (Al-Ma'idah); Qur'an 5:48 (Al-Ma'idah); Qur'an 2:148 (Al-Baqarah); Qur'an 12:38 (Yusuf).

بينهم بما أنزل الله ولا تتبع أهواءهم عما جاءك من الحق لكل جعلنا منكم شرعة ومنهاجا ولو شاء الله لجعلكم أمة واحدة ولكن ليبلوكم في ما آتاكم فاستبقوا الخيرات إلى الله مرجعكم جميعا فينبئكم بما كنتم فيه تختلفون} قال تعالى {ولكل وجهة هو موليها فستبقوا الخيرات أين ما تكونوا يأت بكم الله جميعا إن الله على كل شيء قدير} فصح بالنص أنه تعالى فرق بين الشرائع، وبين منهاج كل واحد منهم، وبين وجهة كل واحد منهم وقد قال تعالى {يريد الله ليبين لكم ويهديكم سنن الذين من قبلكم ويتوب عليكم والله عليم حكيم} فصح أن الله تعالى لا يتناقض كلامه، وصح أن الذي أمرنا أن نتبع فيه سننهم هو غير الشرائع التي فرق بيننا وبينهم فيها، فصح أنه التوحيد الذي سوى فيه بينهم كلهم في التزامه فصح أنه هو الهدى الذي أمر صلى الله عليه وسلم بأن يقتدي بهم ويبين ذلك أيضا قوله تعالى حاكيا عن رسوله يوسف عليه السلام أنه قال: {واتبعت ملة آبائي إبراهيم وإسحاق ويعقوب ما كان لنا أن نشرك بالله من شيء ذلك من فضل الله علينا وعلى الناس ولكن أكثر الناس لا يشكرون}

قال أبو محمد فبين نصا أنهم اتفقوا في التوحيد خاصة، وإلا فقد نص تعالى على أن إسرائيل وهو يعقوب عليه السلام حرم على نفسه أشياء كانت له حلالا، وليس هذا في شريعة إبراهيم عليه السلام؛ فصح يقينا أنه كان مباحا لإسرائيل أن يحرم على

has expressly stated that Israel, who is Jacob, peace be upon him, forbade himself things that had been lawful for him, and this is not part of the law of Abraham, peace be upon him. It is therefore established with certainty that Israel was permitted to forbid himself certain foods. As for the law of Abraham, peace be upon him, it is our very own law, as we shall explain at the end of this chapter, if Allah, mighty and majestic is He, wills. Our law does not allow anyone to forbid himself food that Allah has made lawful for him. Jacob was married to two sisters at the same time, and this is not lawful in our law, which is the law of Abraham. Thus, when an equivalence was drawn by Joseph, peace be upon him, between the religion of Abraham and that of Jacob, although their laws differed, we knew that this concerned the affirmation of Allah's oneness alone, to the exclusion of anything else. One of our opponents objected, saying: "If you interpret His saying, exalted is He, as concerning the affirmation of Allah's oneness alone, to the exclusion of anything else, you strip the verse of its benefit, because the affirmation of Allah's oneness is derived through reason."

نفسه بعض الطعام. وأما شريعة إبراهيم عليه السلام فهي شريعتنا نفسها، على ما نبين في آخر هذا الباب إن شاء الله عز وجل، وليس في شريعتنا أن يحرم أحد على نفسه طعاما أحله الله له، وقد جمع يعقوب بين الأختين. وهذا لا يحل في شريعتنا التي هي شريعة إبراهيم، فلما سوى يوسف عليه السلام بين ملة إبراهيم ويعقوب وشرائعهما مفترقة علمنا أن ذلك في التوحيد وحده لا فيما سواه. فاعترض بعض خصومنا بأن قال: إذا حملتم قوله تعالى على أن ذلك في التوحيد وحده لا فيما سواه عريتم الآية من الفائدة لأن التوحيد مأخوذ بالعقل

L2300 Abu Muhammed said: This is among the feeblest arguments that a contentious disputant puts forward. Whoever says this is bound to delete from the Quran every repeated verse, such as { and others. The oneness of Allah is indeed known necessarily through reason, but having it recited did not become an obligatory duty through reason, nor was the threat against its denier—of death and the Fire in the Hereafter—established through reason. Rather, all of that became binding solely through the messengers' warning. The verse mentioned thus made belief in Allah's oneness obligatory and made acknowledgment of it obligatory. This never became obligatory through reason, because reason does not prescribe law or disclose whom Allah, exalted is He, will punish in the Hereafter or whom He will bless. Reason merely distinguishes between the impossible, the necessary, and the possible; it distinguishes among existing things and between truth, which exists and is apprehensible by reason, and falsehood, which is nonexistent and is apprehensible by reason. This is what reason contains, and nothing more. Some of them said: "We interpret His saying, exalted is He, {Those are the ones whom Allah has guided, so follow their guidance. Say: I ask you

قال أبو محمد هذا من أغث احتجاج يورده مشغب، ويلزم من قال بهذا أن يحذف من القرآن كل آية مكررة مثل {وغيرها والتوحيد عرف بالعقل ضرورة ولكن ما يجب الإقراء به فرضا، ولا صح الوعيد على جاحده بالقتل والنار في الآخرة بالعقل، وإنما وجب ذلك كله بإنذار الرسل فقط. فالآية المذكورة أوجبت اعتقاد التوحيد، وأوجبت الإقرار به، ولم يجب ذلك قط بالعقل، لأن العقل لا يشرع ولا يخبر بمن يعذب الله تعالى في الآخرة، ولا بمن ينعم، وإنما العقل مميز بين الممتنع والواجب، والممكن ومميز بين الأشياء الموجودات وبين الحق الموجود المعقول والباطل المعدوم المعقول فهذا ما في العقل ولا مزيد وقال بعضهم نحمل قوله تعالى {أولئك لذين هدى لله فبهداهم قتده قل لا أسألكم عليه أجرا إن هو إلا ذكرى للعالمين} على ما لم يأتنا فيه نص أنه نسخ من شرائعهم ونحمل قوله {وأنزلنآ إليك لكتاب بلحق مصدقا لما بين يديه من لكتاب ومهيمنا عليه فحكم بينهم بمآ أنزل لله ولا تتبع أهوآءهم عما جآءك من

for no payment for it; it is only a reminder to all the worlds}, as referring to those parts of their laws concerning which no explicit text has reached us stating that they have been abrogated. And we interpret His saying, {And We have sent down to you the Book in truth, confirming the Scripture before it and acting as a guardian over it. So judge between them by what Allah has sent down, and do not follow their desires, turning away from the truth that has come to you. For each of you We have appointed a law and a path. Had Allah willed, He would have made you one community, but He intended to test you in what He has given you. So vie with one another in good deeds. To Allah is the return of you all, and He will inform you concerning that over which you differed}, as referring to those parts of their laws that have been abrogated."[29][30]

L2301–2302 Abu Muhammed said: This is an interpretation of theirs devoid of evidence, and whatever is devoid of evidence is a baseless claim. We have already set out the proofs that the only matter in which we were commanded to follow their example is the affirmation of Allah's oneness alone. They also adduced the saying of Allah Most High: {And We have sent down to you the Book in truth, confirming the Scripture before it and as a guardian over it. So judge between them by what Allah has sent down, and do not follow their desires, departing from the truth that has come to you. For each of you We have appointed a law and a way. Had Allah willed, He would have made you one community, but so that He might test you in what He has given you. So vie with one another in good deeds. To Allah you shall all return, and He will inform you of that concerning which you used to differ.} Abu Muhammed said: Allah Most High has clarified this in another verse, other than this verse, through His saying, Most High: {And We have sent down to you the Book in truth, confirming the Scripture before it and as a guardian

[29] **Translator's note (L2300):** After "such as," the supplied text has an opening quotation brace followed immediately by "and others"; the example quotation is missing. The supplied al-iqrā' means causing or having something to be recited, rendered here as "having it recited." The context may suggest al-iqrār, "acknowledgment," which occurs later in the passage, but the supplied reading has not been silently corrected.

[30] **Qur'an references (L2300):** Qur'an 6:90 (Al-An'am); Qur'an 5:46 (Al-Ma'idah); Qur'an 5:48 (Al-Ma'idah).

لحق لكل جعلنا منكم شرعة ومنهاجا ولو شآء الله لجعلكم أمة واحدة ولكن ليبلوكم في مآ آتاكم فاستبقوا الخيرات إلى الله مرجعكم جميعا فينبئكم بما كنتم فيه تختلفون} على ما نسخ من شرائعهم.

قال أبو محمد: هذا تأويل منهم مجرد من الدليل، وما تجرد عن الدليل فهو دعوى ساقطة. وقد بينا الدلائل على أن الذي أمرنا بالاقتداء بهم فيه إنما هو التوحيد وحده فقط واحتجوا بقول الله تعالى {وأنزلنآ إليك لكتاب بلحق مصدقا لما بين يديه من لكتاب ومهيمنا عليه فحكم بينهم بمآ أنزل لله ولا تتبع أهوآءهم عما جآءك من لحق لكل جعلنا منكم شرعة ومنهاجا ولو شآء الله لجعلكم أمة واحدة ولكن ليبلوكم في مآ آتاكم فاستبقوا الخيرات إلى الله مرجعكم جميعا فينبئكم بما كنتم فيه تختلفون} قال أبو محمد: وقد بين الله تعالى في آية أخرى غير هذه الآية بقوله تعالى {وأنزلنآ إليك لكتاب بلحق مصدقا لما بين يديه من لكتاب ومهيمنا عليه فحكم بينهم بمآ أنزل لله ولا تتبع أهوآءهم عما جآءك من لحق لكل جعلنا منكم شرعة ومنهاجا ولو شآء الله لجعلكم أمة واحدة ولكن ليبلوكم في مآ آتاكم فاستبقوا الخيرات إلى الله مرجعكم جميعا فينبئكم بما كنتم فيه تختلفون} {ومن يبتغ غير لإسلام دينا فلن يقبل منه وهو في لآخرة من لخاسرين} واحتجوا بقول رسول الله صلى الله عليه وسلم في أمر ثنية الربيع أو الجرح الذي جرحت على حسب اختلاف الروايات في ذلك كتاب الله القصاص

over it. So judge between them by what Allah has sent down, and do not follow their desires, departing from the truth that has come to you. For each of you We have appointed a law and a way. Had Allah willed, He would have made you one community, but so that He might test you in what He has given you. So vie with one another in good deeds. To Allah you shall all return, and He will inform you of that concerning which you used to differ.} {Whoever seeks a religion other than Islam, it will never be accepted from him, and in the Hereafter he will be among the losers.} They also adduced the saying of the Messenger of Allah ﷺ concerning al-Rubayyi''s incisor, or the wound she inflicted, according to the differing reports concerning this: "Allah's Book prescribes retaliation."[31][32]

L2303 Abu Muhammed said: The Messenger of Allah ﷺ meant only His saying, Most High: {The sacred month for the sacred month, and violations of sacred things are subject to retaliation. Whoever transgresses against you, transgress against him in the same measure as he transgressed against you. Fear Allah, and know that Allah is with those who fear Him.} This, which was addressed to us, is what binds us. No text whatsoever has come stating that he, peace be upon him, meant any verse other than this one. If someone says, "Perhaps he, peace be upon him, meant by that His saying, Most High: {And We prescribed for them therein: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and retaliation for wounds. Whoever forgoes it as charity, it is an expiation for him. Whoever does not judge by what Allah has sent down—those are the wrongdoers.} How do you know that he, peace be upon him, meant the verse you recited rather than this one?" The answer—and success is through Allah Most High—is that the demonstration that, by his saying, "Allah's Book prescribes retaliation," he ﷺ did not mean His saying, Most High: {And We prescribed for them therein: a life for a life,

قال أبو محمد إنما عنى رسول الله صلى الله عليه وسلم قوله تعالى {لشهر لحرام بلشهر لحرام ولحرمات قصاص فمن عتدى عليكم فعتدوا عليه بمثل ما عتدى عليكم وتقوا لله وعلموا أن لله مع لمتقين} وهذا الذي خوطبنا به نحن هو اللازم لنا ولم يأت نص عن أنه عليه السلام عنى غير هذه الآية أصلا. فإن قال قائل: فلعله عليه السلام إنما عنى بذلك قوله تعالى {وكتبنا عليهم فيها أن لنفس بلنفس ولعين بلعين ولأنف بلأنف ولأذن بلأذن ولسن بلسن ولجروح قصاص فمن تصدق به فهو كفارة له ومن لم يحكم بما أنزل لله فأولئك هم لظالمون} الآية وما علمكم بأنه عنى عليه السلام الآية التي تلوتم دون هذه؟. فالجواب وبالله تعالى التوفيق إن البرهان على أنه صلى الله عليه وسلم لم يعن بقوله كتاب الله القصاص قوله تعالى {وكتبنا عليهم فيها أن لنفس بلنفس ولعين بلعين ولأنف بلأنف ولأذن بلأذن ولسن بلسن ولجروح قصاص فمن تصدق به فهو كفارة له ومن لم يحكم بما أنزل لله فأولئك هم لظالمون} أنه ليس في سورة التوراة قبول أرش، وإنما الأرش في حكم الإسلام، وفي الحديث المذكور أنهم قبلوا الأرش فصح أنه صلى الله عليه وسلم لم يعن قوله تعالى {وكتبنا عليهم فيها أن لنفس بلنفس

[31] **Translator's note (L2302):** After announcing "another verse, other than this verse," the supplied text repeats the preceding quotation of Quran 5:48 before quoting 3:85. The repetition has been retained. The reference to "al-Rubayyi''s incisor" is compressed and potentially misleading: the Arabic does not explicitly identify whose incisor was injured. The alternative account explicitly describes a wound she inflicted.

[32] **Qur'an references (L2301):** Qur'an 5:46 (Al-Ma'idah); Qur'an 5:48 (Al-Ma'idah); Qur'an 3:85 (Ali 'Imran).

an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and retaliation for wounds. Whoever forgoes it as charity, it is an expiation for him. Whoever does not judge by what Allah has sent down—those are the wrongdoers,} is that the chapter of the Torah contains no provision for accepting compensation for bodily injury, whereas compensation for bodily injury is part of the ruling of Islam. The aforementioned report states that they accepted compensation for bodily injury. Thus it is established that he ﷺ did not mean His saying, Most High: {And We prescribed for them therein: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and retaliation for wounds. Whoever forgoes it as charity, it is an expiation for him. Whoever does not judge by what Allah has sent down—those are the wrongdoers.}[33][34]

ولعين بلعين ولأنف بلأنف ولأذن بلأذن ولسن بلسن ولجروح قصاص فمن تصدق به فهو كفارة له ومن لم يحكم بما أنزل الله فأولئك هم لظالمون}

L2304–2305 They also adduced his saying ﷺ when he saw the Jews fasting on the day of ʿAshura: "We have a greater claim to Moses than they do." Abu Muhammed said: This affords them no evidence, because he ﷺ had commanded fasting on it. Had Allah Most High not commanded him to fast on it, he would not have followed the Jews in that. It is also authentically established that it was a day on which Quraysh used to fast in the age of ignorance, and he ﷺ fasted on it as an act of piety. They also argued by saying: "Since the law of the prophets, peace be upon them, was true, following the truth is obligatory until something comes that transfers us away from it." Abu Muhammed said: The answer—and success is through Allah Most High—is that, although those laws were binding as a matter of right upon those who were addressed by them, they were never prescribed for us. What was binding as a matter of right upon one person is not thereby binding upon another unless Allah Most High makes it obligatory for him. We were prescribed only to acknowledge the earlier prophets and that they were sent with the truth to their own peoples, not to everyone. We were not prescribed to act according to their laws. They also adduced his calling ﷺ for the Torah on the day he stoned the two Jews, and his asking them, peace be upon him, "What do you find in

واحتجوا بقوله صلى الله عليه وسلم إذا رأى اليهود يصومون يوم عاشوراء نحن أولى بموسى منهم قال أبو محمد وهذا لا حجة لهم فيه لأنه صلى الله عليه وسلم قد أمر بصيامه ولولا أن الله تعالى أمره بصيامه ما اتبع اليهود في ذلك، وقد صح أنه كان يوما تصومه قريش في الجاهلية فصامه صلى الله عليه وسلم تبررا واحتجوا أيضا بأن قالوا لما كانت شريعة الأنبياء عليهم السلام حقا وجب اتباع الحق حتى يأتي ما ينقلنا عنه. قال أبو محمد: والجواب وبالله تعالى التوفيق: إن تلك الشرائع وإن كانت حقا على الذين خوطبوا بها فلم تكتب قط علينا، وليس ما كان حقا على واحد كان حقا على غيره، إلا أن يوجبه الله تعالى عليه، وإنما كتب علينا الإقرار بالأنبياء السالفين، وبأنهم بعثوا إلى قومهم بالحق لا إلى كل أحد ولم يكتب علينا العمل بشرائعهم واحتجوا بدعائه صلى الله عليه وسلم بالتوراة يوم رجم اليهوديين وأنه عليه السلام سألهم: ما تجدون في التوراة فلما أخبروه بالرجم وأنهم تركوه قال صلى الله عليه وسلم أنا أول من أحيا أمر الله تعالى

[33] **Translator's note (L2303):** "The chapter of the Torah" renders the supplied wording literally. The expression is unusual here, and the text does not identify a particular chapter.

[34] **Qur'an references (L2303):** Qur'an 5:45 (Al-Ma'idah).

the Torah?" When they told him about stoning and that they had abandoned it, he ﷺ said: "I am the first to revive the command of Allah Most High."

L2306 Abu Muhammed said: This affords them no evidence. Rather, it is an evil interpretation on the part of whoever interprets it in that way, because he ﷺ had unquestionably been commanded, in the law revealed to him, to stone those guilty of unlawful sexual intercourse who had acquired the status of having consummated a valid marriage. He ﷺ called for the Torah only to put an end to the Jews' contentious objections, to rebuke them for abandoning compliance with what they had been commanded, and to make known to them that they had contravened their own Book, which they acknowledge was sent down to them. Whoever says that he ﷺ stoned the two Jews in obedience to the Torah, rather than because Allah Most High had commanded him, in the law revealed to him, to stone everyone guilty of unlawful sexual intercourse who had acquired that marital status, has disbelieved, departed from Islam, and rendered his blood lawful to shed. For he attributes to the Prophet ﷺ disobedience to his Lord concerning what He commanded him in the law revealed to him, in that he abandoned it and followed what was sent down in the Torah.[35]

L2307–2312 He, Most High, has stated that the Jews distort words from their proper places. It is therefore an act of grave disbelief for someone who claims to be a Muslim to say that the Prophet ﷺ judged by a Book which He has stated is distorted. By Allah, great indeed is the astonishment occasioned by someone who attributes to the Messenger of Allah ﷺ judging according to what is in the Torah when stoning two Jews who had committed unlawful sexual intercourse, while considering his own contemptible self above doing this, saying: "If two Jews who had committed unlawful sexual intercourse were brought before me, I would not carry out the prescribed punishment upon them, and I would send them back to the people of their religion." Thus he considers himself above what he ascribes to his Prophet ﷺ. Before Allah Most High, we disavow supporting any doctrine that leads to such

قال أبو محمد: وهذا لا حجة لهم فيه بل هو تأويل سوء ممن تأوله لأنه صلى الله عليه وسلم بلا شك في شريعته المنزلة عليه قد أمر برجم من أحصن من الزناة وإنما دعا صلى الله عليه وسلم بالتوراة حسما لشغب اليهود وتبكيتا لهم في تركهم العمل بما أمروا به، وإعلاما لهم بأنهم خالفوا كتابهم الذي يقرون أنه أنزل عليهم ومن قال إنه صلى الله عليه وسلم رجم اليهوديين اتباعا للتوراة لا لأمر الله تعالى له برجم كل من أحصن من الزناة في شريعته المنزلة عليه، فقد كفر وفارق الإسلام وحل دمه لأنه ينسب إلى النبي صلى الله عليه وسلم عصيان ربه فيما أمره به في شريعته المنزلة عليه، إذ تركها واتبع ما أنزل في التوراة.

وقد أخبر تعالى أن اليهود يحرفون الكلم عن مواضعه، فمن الكفر العظيم أن يقول من يدعي أنه مسلم إن النبي صلى الله عليه وسلم حكم بكتاب قد أخبر أنه محرف ووالله إن العجب ليعظم ممن ينسب إلى رسول الله صلى الله عليه وسلم الحكم بما في التوراة في رجم يهوديين زنيا، وهو يرفع نفسه الخسيسة عن هذا، فيقول: إن قدم إلي يهوديان زنيا لم أقم عليهما الحد، ورددتهما إلى أهل دينهما فهو يترفع عما يصف به نبيه صلى الله عليه وسلم نبرأ إلى الله تعالى من نصر كل مذهب يؤدي إلى مثل هذه البوائق والكبائر، وحسبنا الله ونعم الوكيل واحتجوا بما روي أنه صلى الله عليه وسلم سدل ناصيته كما يفعل أهل الكتاب ثم فرقها بعده، وكان يحب موافقة أهل الكتاب فيما لم ينزل عليه فيه شيء. قال أبو محمد: وهذا الحديث من أقوى الحجج عليهم لأنه نص

[35] **Translator's note (L2306):** The technical marital status underlying the stoning ruling is expressed by aḥṣana. It is rendered descriptively here; it does not simply mean being currently married.

فيه على أنه صلى الله عليه وسلم إنما كان يحب موافقة أهل الكتاب فيما لم ينزل عليه فيه شيء فصح أنه صلى الله عليه وسلم إنما كان يفعل ذلك في المباح له فعله وتركه مما لم ينه عنه ولا أمر به، وهذا غير ما نحن فيه، وإنما كلامنا في وجوب شرائعهم ما لم ننه عنها وفي سقوطها حتى نؤمر بها، وأما الزي المباح وفرق الشعر وسدله فكل ذلك مباح حتى الآن فعله وتركه. هذا كل ما احتجوا به قد أبطلنا شغبهم فيه وبالله تعالى التوفيق. ونحن إن شاء الله تعالى ذاكرون البراهين المبينة قولنا المبطلة قولهم ولا حول ولا قوة إلا بالله العلي العظيم. حدثنا عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم، ثنا أبو بكر بن أبي شيبة، ويحيى بن يحيى واللفظ له قال أبو بكر: نا هشيم، ثنا سيار، ثنا يزيد الفقير، ثنا جابر وقال يحيى، أنا هشيم، عن سيار، عن يزيد الفقير، عن جابر بن عبد الله الأنصاري أن رسول الله صلى الله عليه وسلم قال أعطيت خمسا لم يعطهن أحد قبلي كان كل نبي يبعث إلى قومه خاصة وبعثت إلى كل أحمر وأسود وذكر باقي الحديث. وبه إلى مسلم، ثنا قتيبة بن سعيد، وعلي بن حجر قالا: ثنا إسماعيل وهو ابن جعفر عن العلاء بن عبد الرحمن عن أبيه عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال فضلت على الأنبياء بست فذكرهن وفيها أرسلت إلى الخلق كافة. قال أبو محمد: هذا الحديث يكفي من كل شغب موه به المبطلون ويبين أن كل نبي قبل نبينا صلى الله عليه وسلم إنما بعث إلى قومه خاصة وإذا كان ذلك صح بيقين أن غير قومه لم يلزموا بشريعة نبي غير نبيهم، فصح بهذا يقينا أنه لم يبعث إلينا أحد من الأنبياء غير محمد صلى الله عليه وسلم وإذ قد صح ذلك فقد قال تعالى {وإلى ثمود أخاهم صالحا قال يقوم عبدوا الله ما لكم من إله غيره هو أنشأكم من لأرض وستعمركم فيها فستغفروه ثم توبوا إليه إن ربي قريب مجيب} {وإلى عاد أخاهم هودا قال ياقوم عبدوا الله ما

enormities and grave sins. Allah is sufficient for us, and an excellent Trustee is He. They also adduced the report that he ﷺ let his forelock hang down as the People of the Book did, then subsequently parted it, and that he liked to conform to the People of the Book in matters concerning which nothing had been sent down to him. Abu Muhammed said: This report is among the strongest arguments against them, because it explicitly states that he ﷺ liked to conform to the People of the Book only in matters concerning which nothing had been sent down to him. It is thus established that he ﷺ did this only in matters which he was permitted either to do or to leave undone, concerning which he had neither been prohibited nor commanded. This is other than the matter we are discussing. Our discussion concerns whether their laws are obligatory unless we are prohibited from them, or whether their binding force is absent until we are commanded to observe them. As for permissible appearance, parting the hair, and letting it hang down, doing or leaving any of these remains permissible even now. This is everything they have adduced; we have refuted their contentious objections concerning it. Success is through Allah Most High. We shall, if Allah Most High wills, set out the demonstrations that establish our position and invalidate theirs. There is neither power nor strength except through Allah, the Most High, the Magnificent. ʿAbd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: ʿAbd al-Wahhab ibn ʿIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʿAli related to us: Muslim related to us: Abu Bakr ibn Abi Shayba and Yahya ibn Yahya related to us, the wording being his. Abu Bakr said: Hushaym related to us: Sayyar related to us: Yazid al-Faqir related to us: Jabir related to us. Yahya said: Hushaym informed us, on the authority of Sayyar, from Yazid al-Faqir, from Jabir ibn Abd Allah al-Ansari, that the Messenger of Allah ﷺ said: "I have been given five things that no one before me was given. Every prophet used to be sent specifically to his own people, whereas I have been sent to everyone, red and black." He mentioned the remainder of the report. Through the same chain to Muslim: Qutaybah ibn Saʿid and Ali ibn Hujr related to us; both said: Ismaʿil—namely, Ibn Jaʿfar—related to us, from al-ʿAla' ibn Abd al-Rahman, from his father, from Abu Hurayrah, that the Messenger of Allah ﷺ said: "I have been favored over

the prophets in six respects." He mentioned them, including: "I have been sent to all creation."

Abu Muhammed said: This report suffices against every contentious objection with which the proponents of falsehood have sought to deceive. It makes clear that every prophet before our Prophet ﷺ was sent specifically to his own people. Since that is so, it is established with certainty that people other than his own were not bound by the revealed law of a prophet other than their own prophet. Thus it is established with certainty that none of the prophets was sent to us except Muhammed ﷺ. Since this has been established, Allah Most High has said: {And to Thamud, their brother Salih. He said: "My people, worship Allah; you have no deity other than Him. He brought you into being from the earth and settled you in it. So seek His forgiveness, then repent to Him. My Lord is indeed near and responsive."} {And to ʿAd, their brother Hud. He said: "My people, worship Allah; you have no deity other than Him. Will you not then be mindful of Him?"} {And to Madyan, their brother Shuʿayb. He said: "My people, worship Allah; you have no deity other than Him. Clear evidence has come to you from your Lord. So give full measure and weight, do not deprive people of their things, and do not cause corruption on the earth after it has been set right. That is better for you, if you are believers."}

Concerning our Prophet ﷺ, Allah Most High said: {We have sent you only to all mankind, as a bearer of good tidings and a warner, but most people do not know.} Allah Most High said, commanding him to say: {Say: "People, I am the Messenger of Allah to you all—He to whom belongs the dominion of the heavens and the earth. There is no deity but Him; He gives life and causes death. So believe in Allah and His Messenger, the unlettered Prophet, who believes in Allah and His words, and follow him, so that you may be guided."} This addresses all people. Allah Most High commanded him to call humankind and the jinn to faith. Allah Most High said: {So that you may warn a people whose forefathers were not warned, and who are therefore heedless.} Thus it is established that they were not bound by the revealed law of any of the prophets. Allah Most High said: {People of the Scripture, Our Messenger has come to you, making clear to you, after an interval without

لكم من إله غيره أفلا تتقون} {وإلى مدين أخاهم شعيبا قال ياقوم عبدوا الله ما لكم من إله غيره قد جآءتكم بينة من ربكم فأوفوا لكيل ولميزان ولا تبخسوا لناس أشياءهم ولا تفسدوا في لأرض بعد إصلاحها ذلكم خير لكم إن كنتم مؤمنين} وقال تعالى في نبينا صلى الله عليه وسلم {ومآ أرسلناك إلا كآفة للناس بشيرا ونذيرا ولكن أكثر لناس لا يعلمون} وقال تعالى آمرا له أن يقول {قل يأيها لناس إني رسول لله إليكم جميعا لذي له ملك لسماوات ولأرض لا إله إلا هو يحيي ويميت فآمنوا بلله ورسوله لنبي لأمي لذي يؤمن بلله وكلماته وتبعوه لعلكم تهتدون} مخاطبا للناس كلهم وأمره تعالى أن يدعو الإنس والجن إلى الإيمان، وقال تعالى: {لتنذر قوما مآ أنذر آبآؤهم فهم غافلون} فصح أنهم لم يكونوا ملزمين شريعة أحد من الأنبياء وقال تعالى {يا أهل لكتاب قد جآءكم رسولنا يبين لكم على فترة من لرسل أن تقولوا ما جآءنا من بشير ولا نذير فقد جاءكم بشير ونذير ولله على كل شيء قدير} فعلمنا أن الشرائع التي بعث بها موسى عليه السلام لم تلزم غير بني إسرائيل حاشا التوحيد وحده على ما بينا قبل، وعلى ما بينه تعالى إذ يقول: {وقالوا كونوا هودا أو نصارى تهتدوا قل بل ملة إبراهيم حنيفا وما كان من لمشركين} {قولوا آمنا بلله ومآ أنزل إلينا ومآ أنزل إلى إبراهيم وإسماعيل وإسحاق ويعقوب ولأسباط ومآ أوتي موسى وعيسى وما أوتي لنبيون من ربهم لا نفرق بين أحد منهم ونحن له مسلمون * فإن آمنوا بمثل مآ آمنتم به فقد هتدوا وإن تولوا فإنما هم في شقاق فسيكفيكهم لله وهو لسميع لعليم}

messengers, lest you say: “No bearer of good tidings or warner has come to us.” A bearer of good tidings and a warner has indeed come to you, and Allah has power over all things.} Thus we know that the revealed laws with which Moses, peace be upon him, was sent did not bind anyone other than the Children of Israel, with the sole exception of the affirmation of Allah’s oneness, as we explained earlier, and as Allah Most High explained when He says: {They said: “Become Jews or Christians, and you will be guided.” Say: “Rather, the religion of Abraham, inclining exclusively to Allah; he was not one of the polytheists.”} {Say: “We believe in Allah, in what has been sent down to us, in what was sent down to Abraham, Ishmael, Isaac, Jacob, and the Tribes, and in what Moses was given and Jesus, and what the prophets were given from their Lord. We make no distinction between any of them, and to Him we submit.” * So if they believe in the like of what you believe in, they have indeed been guided; but if they turn away, they are merely in dissension. Allah will suffice you against them, and He is the All-Hearing, the All-Knowing.}[36][37][38]

L2313 Abu Muhammed said: This verse also establishes that what is binding upon us is that in which all the prophets whom Allah mentioned were equal. That is nothing other than the affirmation of Allah’s oneness alone. Otherwise, there is no disagreement among any of the Muslims that their revealed laws differed. Accordingly, all their revealed laws cease to bind us except that in which He made them equal, namely, the affirmation of Allah’s oneness alone. Whoever binds us to the revealed laws of the prophets before us has nullified the Prophet’s ﷺ distinction and declared him false in his statement

قال أبو محمد فصح بهذه الآية أيضا أن الذي تساوى فيه كل من ذكر الله من النبيين هو اللازم لنا وليس ذلك إلا التوحيد وحده، وإلا فلا خلاف بين أحد من المسلمين في أن شرائعهم كانت مختلفة فسقط عنا بذلك جميع شرائعهم إلا الذي سوى بينهم فيه وهو التوحيد فقط. ومن ألزمنا شرائع الأنبياء قبلنا فقد أبطل فضيلة النبي صلى الله عليه وسلم وأكذبه في إخباره أنه لم يبعث نبي إلا إلى قومه خاصة حاشا، لأن خصومنا يريدون منا اتباع شرائع من قبلنا فيوجبون بذلك أنهم مبعوثون إلينا، وهذا الباطل والكذب. ويبين هذا أيضا قوله تعالى: {ما يقال لك إلا ما قد قيل للرسل من قبلك إن ربك لذو مغفرة وذو عقاب أليم} وهذه صفة فعل الله تعالى الذي لم يزل حكمه موصوفا بها في خلقه في علمه وقال تعالى {أم كنتم شهداء إذ حضر يعقوب لموت إذ قال لبنيه ما تعبدون من بعدي قالوا نعبد إلهك وإله آبائك إبراهيم وإسماعيل وإسحاق إلها واحدا ونحن له مسلمون * تلك أمة قد خلت لها ما كسبت ولكم ما كسبتم

[36] **Translator’s note (L2309):** “The wording being his” refers to Yahya ibn Yahya in the preceding unit.

[37] **Translator’s note (L2310):** The Quranic quotations contain recurring transcriptional losses of initial letters, especially alifs, in otherwise recognizable words. The English follows the intelligible wording; these defective spellings are not treated as distinct Quranic readings. “Red and black” preserves the report’s expression for the full range of people.

[38] **Qur’an references (L2307):** Qur’an 7:73 (Al-A’raf); Qur’an 11:61 (Hud); Qur’an 7:65 (Al-A’raf); Qur’an 11:50 (Hud); Qur’an 23:23 (Al-Mu’minun); Qur’an 23:32 (Al-Mu’minun); Qur’an 7:85 (Al-A’raf); Qur’an 11:84 (Hud); Qur’an 34:28 (Saba); Qur’an 7:158 (Al-A’raf); Qur’an 36:6 (Ya-Sin); Qur’an 5:19 (Al-Ma’idah); Qur’an 2:135 (Al-Baqarah); Qur’an 2:136 (Al-Baqarah); Qur’an 3:84 (Ali ’Imran).

that no prophet was sent except specifically to his own people. Far be it! For our opponents want us to follow the revealed laws of those before us, thereby necessarily maintaining that those prophets were sent to us. This is falsehood and a lie.

This is also made clear by His saying, Most High: {Nothing is said to you except what has already been said to the messengers before you. Your Lord indeed possesses forgiveness and possesses painful punishment.} This is a description of the action of Allah Most High, by which His judgment concerning His creation has always been characterized in His knowledge. Allah Most High said: {Or were you witnesses when death came to Jacob, when he said to his sons: "What will you worship after me?" They said: "We shall worship your God and the God of your forefathers, Abraham, Ishmael, and Isaac, one God, and to Him we submit." * That was a community that has passed away. It has what it earned, and you have what you earned, and you will not be questioned about what they used to do.}

Abu Muhammed said: This is sufficient on this subject, because He, Most High—what He made them equal in, namely, worshipping Allah Most High alone and acknowledging that He alone is God. Then He, Most High, informed us that He would not question us about what those prophets used to do. Since we shall not be questioned about their deeds, everyone of sound perception knows with certainty that what we shall not be questioned about is not binding upon us. Had it been binding upon us, we would have been questioned about it.[39][40]

L2314–2316 All of this establishes what we have stated. These are necessary demonstrations from which there is no escape. Their deeds are the revealed laws with which they were sent. Thus, by the explicit text, seeking those laws has

ولا تسألون عما كانوا يعملون} قال أبو محمد: هذه كافية في هذا الباب لأنه تعالى ما سوى بينهم فيه وهو عبادة الله تعالى وحده والإقرار بأنه الإله وحده ثم أخبرنا تعالى أنه لا يسألنا عما كان أولئك الأنبياء يعملون، وإذا لم نسأل عن عملهم فقد تيقن كل ذي حس سليم أن ما لا نسأل عنه، فإنه غير لازم لنا، ولو كان لنا لازما لسئلنا عنه.

فصح بهذا كله ما ذكرنا وهي براهين ضرورية لا محيد عنها وأعمالهم هي شرائعهم التي بعثوا بها فقد سقط عنا بالنص طلبها، وإذ سقط عنا طلبها فقد سقط عنا حكمها، إذ لا سبيل إلى التزام حكم شيء إلا بعد معرفته، ولا سبيل إلى معرفته إلا بعد طلبه، وبالله تعالى التوفيق. وأما شريعة إبراهيم عليه السلام فهي شريعتنا هذه بعينها، ولسنا نقول: إن إبراهيم بعث إلى الناس كافة وإنما نقول إن الله تعالى بعث محمدا صلى الله عليه وسلم إلى الناس كافة بالشريعة التي بعث تعالى بها إبراهيم عليه السلام إلى قومه

[39] **Translator's note (L2313):** The isolated "Far be it!" translates حاشا as supplied. Its intended complement is unclear; an exception or an expression rejecting the implication may be intended. The sentence beginning "because He, Most High—what He made them equal in" is grammatically incomplete in the supplied Arabic, apparently lacking a verb or other connecting wording. The translation preserves the disruption rather than supplying an unmarked repair.

[40] **Qur'an references (L2313):** Qur'an 41:43 (Fussilat); Qur'an 2:133 (Al-Baqarah); Qur'an 2:134 (Al-Baqarah); Qur'an 2:141 (Al-Baqarah).

ceased to be incumbent upon us; and since seeking them has ceased to be incumbent upon us, their legal authority over us has ceased, since there is no way to commit oneself to the ruling of anything without first knowing it, and no way to know it without first seeking it. Success comes through Allah Most High.

As for the revealed law of Abraham, peace be upon him, it is this very revealed law of ours. We do not say that Abraham was sent to all mankind. We say only that Allah Most High sent Muhammed ﷺ to all mankind with the revealed law with which He, Most High, sent Abraham, peace be upon him, specifically to his own people, to the exclusion of all the other people of his time. Abraham's religion became binding upon us only because Muhammed ﷺ was sent to us with it, not because Abraham, peace be upon him, was sent with it. Allah Most High said: {Then We revealed to you: "Follow the religion of Abraham, inclining exclusively to Allah; he was not one of the polytheists."} Allah Most High said: {They said: "Become Jews or Christians, and you will be guided." Say: "Rather, the religion of Abraham, inclining exclusively to Allah; he was not one of the polytheists."}

Abu Muhammed said: The issue has thus become clear, and praise belongs to Allah, Lord of all worlds. Allah Most High abrogated for us part of Abraham's revealed law, just as He also abrogated for us part of what had been binding upon us of Muhammed's ﷺ revealed law. Among these matters is slaughtering children: it was abrogated for him, peace be upon him, just as it was also abrogated for us by His saying, Most High: {Say: "Come, I shall recite what your Lord has forbidden you: that you associate anything with Him; and show kindness to parents; do not kill your children because of poverty—We provide for you and for them; do not approach indecencies, whether outward or hidden; and do not kill the soul that Allah has made inviolable, except by right. This He has enjoined upon you, so that you may understand."} And by His saying, Most High: {And when the girl buried alive is asked * for what sin she was killed.} And by His saying, Most High: {Lost indeed are those who killed their children foolishly, without knowledge, and forbade what Allah had provided for them, fabricating a lie against Allah. They have indeed gone astray and were not guided.}

خاصة دون سائر أهل عصره وإنما لزمتنا ملة إبراهيم لأن محمدا صلى الله عليه وسلم بعث بها إلينا لا لأن إبراهيم عليه السلام بعث بها قال تعالى {ثم أوحينآ إليك أن تبع ملة إبراهيم حنيفا وما كان من لمشركين} وقال تعالى {وقالوا كونوا هودا أو نصارى تهتدوا قل بل ملة إبراهيم حنيفا وما كان من لمشركين} قال أبو محمد فانبلجت المسألة والحمد لله رب العالمين. ونسخ الله تعالى عنا بعض شريعة إبراهيم كما نسخ أيضا عنا بعض ما كان يلزمنا من شريعة محمد صلى الله عليه وسلم فمن ذلك ذبح الأولاد نسخ عنه عليه السلام كما نسخ عنا أيضا بقوله تعالى: {قل تعالوا أتل ما حرم ربكم عليكم ألا تشركوا به شيئا وبلوالدين إحسانا ولا تقتلوا أولادكم من إملاق نحن نرزقكم وإياهم ولا تقربوا لفواحش ما ظهر منها وما بطن ولا تقتلوا لنفس لتي حرم لله إلا بلحق ذلكم وصاكم به لعلكم تعقلون} وبقوله تعالى {وإذا لموءودة سئلت * بأى ذنب قتلت} وبقوله تعالى {قد خسر لذين قتلوا أولادهم سفها بغير علم وحرموا ما رزقهم لله فترآء على لله قد ضلوا وما كانوا مهتدين} ونسخ الاستغفار للمشركين بقوله تعالى {وما كان ستغفار إبراهيم لأبيه إلا عن موعدة وعدهآ إياه فلما تبين له أنه عدو لله تبرأ منه إن إبراهيم لأواه حليم} وبقوله تعالى {ما كان للنبي ولذين آمنوا أن يستغفروا للمشركين ولو كانوا أولي قربى من بعد ما تبين لهم أنهم أصحاب لجحيم} وقد وعد النبي صلى الله عليه وسلم عمه أبا طالب بالاستغفار كما وعد إبراهيم عليه السلام أباه بالاستغفار حتى نهى الله تعالى كليهما عن ذلك.

He abrogated seeking forgiveness for the polytheists by His saying, Most High: {Abraham's seeking forgiveness for his father was only because of a promise he had made to him. But when it became clear to him that he was an enemy of Allah, he disavowed him. Abraham was indeed much given to supplication and forbearing.} And by His saying, Most High: {It is not for the Prophet and those who believe to seek forgiveness for the polytheists, even if they are close relatives, after it has become clear to them that they are the inhabitants of Hellfire.} The Prophet ﷺ had promised his uncle Abu Talib that he would seek forgiveness for him, just as Abraham, peace be upon him, had promised his father that he would seek forgiveness for him, until Allah Most High forbade both of them to do so.[41][42]

وأما قول إبراهيم عليه السلام لقومه إذ رأى الكوكب {فلما رأى لقمر بازغا قال هذا ربي فلما أفل قال لئن لم يهدني ربي لأكونن من لقوم لضالين} فإنما كانت تقريرا لهم تبكيتا لا استدلالا ومعاذ الله أن يقول إبراهيم بالعبودية لأحد دون الله تعالى، ومن كان مثل إبراهيم سبقت له من الله تعالى سابقة علم في انتخابه للرساله والخلة لا يستدل بكبر الشمس على ربوبيتها وهو يرى الفلك أكبر منها، فصح أن ذلك توبيخ لهم على فساد استدلالهم في عبادتهم للنجوم وأن هذا إنما هو كما قال {ذق إنك أنت لعزيز لكريم} أي عند نفسك في الدنيا وعند قومك المغرورين وإلا فهو في تلك الحال الدليل المهان وقال قوم متكلفون متنطعون ماذا كانت شريعة النبي صلى الله عليه وسلم قبل أن ينبأ قال أبو محمد فالجواب وبالله تعالى التوفيق: أن يقال لهم في نفس سؤالكم جوابكم وهو قولكم أن ينبأ وأن لم يكن نبيا، فلم يكن مكلفا شيئا من الشرائع التي لم يؤمر بها ومن الهذيان أن يكون مأمورا بما لم يؤمر به، فصح أنه لم يكن ألزم شيئا من الشريعة حاشا التوحيد اللازم لقومه من عهد إبراهيم عليه السلام لولده ونسله حتى غيره عمرو بن لحي، وحاشا ما صانه الله تعالى عنه من الزنى، وكشف العورة والكذب والظلم، وسائر الفواحش والرذائل التي سبق في علم الله تعالى أنه سيحرمها

L2317–2319 As for what Abraham, peace be upon him, said to his people when he saw the star—{Then, when he saw the moon rising, he said, "This is my Lord." But when it set, he said, "Unless my Lord guides me, I shall surely be among the people who go astray"}—this was only a way of confronting them with their own position to confound them, not an inference. Allah forbid that Abraham should profess servitude to anyone other than Allah Most High! Someone such as Abraham, whose election to messengership and intimate friendship had already been established in Allah Most High's foreknowledge, would not infer the sun's lordship from its size while seeing that the celestial sphere is larger than it. Thus it is established that this was a rebuke to them for the unsoundness of their inference in worshipping the stars. This is only like His saying, {Taste! Indeed, you are the mighty, the noble!}—that is, in your own estimation in this world and in the estimation of your deluded people; otherwise, in that condition he is the guide, the humiliated one.

[41] **Translator's note (L2315):** In the quotation beginning "Come, I shall recite," the Arabic places the positive injunction to show kindness to parents within a passage introduced as what Allah has forbidden. The translation retains that syntactic shift without adding explanatory wording.

[42] **Qur'an references (L2314):** Qur'an 2:135 (Al-Baqarah); Qur'an 3:95 (Ali 'Imran); Qur'an 6:161 (Al-An'am); Qur'an 16:123 (An-Nahl); Qur'an 37:182 (As-Saffat); Qur'an 6:151 (Al-An'am); Qur'an 81:9 (At-Takwir); Qur'an 6:140 (Al-An'am); Qur'an 9:114 (At-Tawbah); Qur'an 9:113 (At-Tawbah).

Some affected, excessively punctilious people have said: "What was the Prophet's ﷺ religious law before he was made a prophet?" Abu Muhammed said: The answer—and success comes through Allah Most High—is to tell them: Your answer lies in your very question, namely your words, "was made a prophet." If he was not a prophet, he was not charged with any of the religious laws that he had not been commanded to follow. It is nonsense to say that he was commanded to do what he had not been commanded to do. Thus it is established that he had not been obligated to observe any religious law, except the affirmation of Allah's oneness, which was binding upon his people from the time of Abraham's injunction, peace be upon him, to his children and descendants, until ʿAmr ibn Luhayy altered it; and except those things from which Allah Most High protected him: fornication, exposing the private parts, lying, wrongdoing, and all the other indecencies and vices that Allah Most High had already known He would prohibit for him and for humankind. There is no deity but Him.

Some people have said that Noah was sent to all the inhabitants of the earth. Abu Muhammed said: This is an error, because it contradicts his ﷺ statement that every prophet other than himself was sent only to his own people specifically. Thus it is established that Noah, peace be upon him, was likewise, with no distinction. He Most High drowned those whom He drowned from outside Noah's people just as He drowned the children at that time and the other animals. Our Lord Most High does whatever He wills; none can overturn His judgment. The Prophet—may Allah bestow blessings upon him and grant him peace—was asked: "Shall we perish while there are righteous people among us?" He said: "Yes, when wickedness becomes abundant." And he ﷺ mentioned an army whom the earth would swallow up. He was asked: "O Messenger of Allah ﷺ, when among them are those under compulsion and others?" He ﷺ explained that, although the punishment would encompass them in this world, each person would be resurrected according to his intention on the Day of Resurrection—or words to this effect. Thus Allah Most High's destruction of those whom He destroyed by the Flood contains no evidence that Noah was sent to them all. Rather, the explicit text of the Quran establishes that Noah, peace be upon him, was absolutely never sent

عليه وعلى الناس، لا إله إلا هو. وقد قال قوم: إن نوحا بعث إلى أهل الأرض كلهم قال أبو محمد وهذا خطأ لأنه تكذيب لقوله صلى الله عليه وسلم إن كل نبي حاشاه إنما بعث إلى قومه خاصة فصح أن نوحا عليه السلام كذلك ولا فرق وإنما غرق تعالى من غرق من غير قومه كما غرق الأطفال حينئذ وسائر الحيوان، ويفعل ربنا تعالى ما شاء لا معقب لحكمه وقد قيل للنبي صلى الله عليه وسلم أنهلك وفينا الصالحون قال نعم إذا كثر الخبث وذكر صلى الله عليه وسلم جيشا يخسف بهم فقيل له يا رسول الله صلى الله عليه وسلم وفيهم المكره وغيره فأخبر صلى الله عليه وسلم أنهم وإن عمهم العذاب في الدنيا فكل أحد يبعث على نيته يوم القيامة أو كلاما هذا معناه، فليس في إهلاك الله تعالى من أهلك بالطوفان دليل على أن جميعهم بعث إليهم نوح، بل نص القرآن مثبت أن نوحا عليه السلام لم يبعث إلى غير قومه البتة بقوله تعالى: {إنآ أرسلنا نوحا إلى قومه أن أنذر قومك من قبل أن يأتيهم عذاب أليم} فمن ادعى أن قومه كانوا جميع أهل الأرض فقد كذب وقفا ما ليس له به علم

to anyone other than his own people, in His Most High's saying: {Indeed, We sent Noah to his people: "Warn your people before a painful punishment comes upon them."} Whoever claims that his people comprised all the inhabitants of the earth has therefore lied and pursued that of which he has no knowledge.[43][44]

L2320–2323 He has prohibited this in His saying: {And give the kinsman his due, and the needy and the wayfarer, and do not squander wastefully.} Nor does the revealed text state that all the inhabitants of the earth perished in the Flood, either in the Quran or in authentic hadith. Allah knows best, and we have no knowledge except what He has taught us. No virtuous person treats lying and speaking without knowledge lightly. We seek refuge in Allah from abandonment.

If someone invokes what was related to us on the authority of ʿAbd al-Rahman ibn ʿAbd Allah al-Hamdani: Abu Ishaq al-Mustamli related to us: al-Firabri related to us: al-Bukhari related to us: Ishaq ibn Nadr related to us: Muhammed ibn ʿUbayd related to us: Abu Hayyan related to us, on the authority of Abu Zurʿah, on the authority of Abu Hurayrah, who said: "We were with the Prophet ﷺ at a meal to which he had been invited. A foreleg was presented to him, and he was fond of it. He took a bite from it and said: 'I am the chief of humankind on the Day of Resurrection.'" Then he ﷺ described the Resurrection. The account includes the statement that people will come to Noah and say: "O Noah, you are the first of the messengers to the inhabitants of the earth." He related the remainder of the hadith.

Such a person should be told—and success comes through Allah Most High: You have no proof in this, because he did not say "to all the inhabitants of the earth." Some of the inhabitants of the earth may be designated "the inhabitants of the earth." We would not have considered it permissible to

وقد حرم ذلك بقوله {وآت ذا لقربى حقه ولمسكين وبن لسبيل ولا تبذر تبذيرا} ولا في النص أيضا أن جميع أهل الأرض هلكوا بالطوفان لا في القرآن ولا في الحديث الصحيح والله أعلم، ولا علم لنا إلا ما علمنا، والكذب، والقول بغير علم لا يستسهله فاضل، نعوذ بالله من الخذلان. فإن تعلق متعلق بما حدثناه عن عبد الرحمن بن عبد الله الهمداني، ثنا أبو إسحاق المستملي، ثنا الفربري، ثنا البخاري، ثنا إسحاق بن نضر، ثنا محمد بن عبيد، ثنا أبو حيان عن أبي زرعة عن أبي هريرة قال كنا مع النبي صلى الله عليه وسلم في دعوة فرفع إليه الذراع وكانت تعجبه فنهس منها نهسة وقال أنا سيد الناس يوم القيامة ثم ذكر صلى الله عليه وسلم صفة القيامة وفيه أن الناس يأتون نوحا فيقولون: يا نوح أنت أول الرسل إلى أهل الأرض وذكر باقي الحديث، قيل له وبالله تعالى التوفيق. ليس لك في هذا حجة لأنه لم يقل إلى جميع أهل الأرض، وبعض أهل الأرض يقع عليه اسم أهل الأرض، وما كنا لنستجيز تخصيص هذا العموم لولا ما ذكرنا قبل من رواية جابر وأبي هريرة وشهادتهما على رسول الله صلى الله عليه وسلم بأن كل نبي قبله إنما بعث إلى قومه خاصة حاشاه عليه السلام، فإنه بعث إلى الناس كافة، وفضل على جميع الأنبياء بذلك. وقد قال قوم: إن آدم عليه السلام بعث إلى ولده، وهم أهل الأرض قاطبة في وقتهم بلا شك. قال أبو محمد: وهذا شغب لا يصح، لأن الحديث الذي ذكرنا آنفا يبطل هذه الدعوى، وقد أخبر عليه السلام في هذا الحديث أن نوحا أول من بعث إلى أهل الأرض، وقد روى أن شيثا كان نبيا، وإذا كان ذلك فليس آدم مبعوثا إليه. فإن قال قائل: ومن أين استجزت الاحتجاج

[43] **Translator's note (L2317):** The discussion refers to Abraham seeing the star, while the supplied Quranic quotation begins with his seeing the moon (6:77). This mismatch is preserved. The supplied reading al-dalil means "the guide," producing the awkward expression "the guide, the humiliated one." The context suggests al-dhalil, "the abased," but the transcription has not been silently corrected.

[44] **Qur'an references (L2317):** Qur'an 6:77 (Al-An'am); Qur'an 71:1 (Nuh).

في دفع بعث آدم إلى أهل الأرض بنبوة شيث، ولم يأت في نص صحيح ولا في إجماع، وأنت تنكر مثل هذا على غيرك. قال أبو محمد: فنقول له وبالله تعالى التوفيق: وإنما قلنا ذلك لأنه قد صح عندنا بيقين أنه لم يبعث قط نبي إلى جميع الناس حاشا محمدا صلى الله عليه وسلم فمن قال إن آدم ونوحا أو غيرهما بعث إلى جميع الناس في زمانه فهو كاذب بلا شك مخالف لمحمد صلى الله عليه وسلم مبطل لفضيلته فلما صح ذلك عندنا علمنا أن آدم لا يخلو من أحد وجهين ضرورة لا ثالث لهما: إما أن يكون معه نبي آخر لم يبعث آدم إليه، أو يكون ولده لم يلزموا شريعة أبيهم آدم، وقد ينبأ المرء في مهده كما نبىء عيسى عليه السلام، فلعله قد ولد لآدم ولد نبىء في حين خروجه إلى الدنيا. فلا يكون آدم مبعوثا إليه والله أعلم، إلا أن اليقين الذي لا شك فيه أن آدم لم يبعث إلى جميع ناس عصره، ولا ناس هنالك إلا هو وامرأته حواء وولده فقط وبالله تعالى التوفيق

restrict this general wording were it not for what we mentioned earlier of the narration of Jabir and Abu Hurayrah and their testimony concerning the Messenger of Allah ﷺ: that every prophet before him was sent only to his own people specifically, except for him, peace be upon him, for he was sent to all humankind and was given precedence over all the prophets by this distinction.

Some people have said that Adam, peace be upon him, was sent to his children, who undoubtedly constituted all the inhabitants of the earth in their time. Abu Muhammed said: This is an invalid piece of contentious argument, because the hadith we have just mentioned refutes this claim. He, peace be upon him, stated in this hadith that Noah was the first to be sent to the inhabitants of the earth. It has also been narrated that Seth was a prophet. If that was so, Adam was not sent to him.

If someone says: "On what grounds did you consider it permissible to invoke Seth's prophethood as proof against Adam's having been sent to the inhabitants of the earth, when it is established neither in an authentic text nor by consensus, while you condemn others for doing such a thing?" Abu Muhammed said: We say to him—and success comes through Allah Most High: We said this only because it has been established for us with certainty that no prophet was ever sent to all humankind except Muhammed ﷺ. Thus whoever says that Adam and Noah or anyone else was sent to all humankind in his own time is undoubtedly a liar, contradicting Muhammed ﷺ and denying his distinction. Once this was established for us, we knew that Adam's case must necessarily fall under one of two alternatives, with no third possibility: either there was another prophet with him to whom Adam was not sent, or his children were not obligated to observe the religious law of their father Adam. A person may be made a prophet while in his cradle, as Jesus, peace be upon him, was made a prophet. Perhaps, then, a child was born to Adam who was made a prophet at the moment he came into the world, so that Adam would not have been sent to him. Allah knows best. Yet the certainty about which there is no doubt is that Adam was not sent to all the people of his age, and there were no people there other than

himself, his wife Eve, and his children alone. Success comes through Allah Most High.[45][46]

L2324–2325 As for his ﷺ statement in the hadith we mentioned just now that Noah was the first of the messengers to the inhabitants of the earth—while there is no doubt that Adam was a messenger of Allah, Mighty and Majestic—its meaning, as we understand it, and Allah knows best, is that Adam's mission, peace be upon him, was only to the inhabitants of heaven, speaking to them on behalf of Allah, Mighty and Majestic: {And He taught Adam all the names, then presented them to the angels and said: "Tell Me the names of these, if you are truthful"}; informing them of their names and greeting them with peace, as related in the Quran and authentic hadith. He was never sent to the inhabitants of the earth at all. The affirmation of Allah's oneness was revealed to his children and his wife; then a prophet from each group was sent to it. Then Noah was sent specifically to his own people with a religious law, as the Messenger of Allah ﷺ stated. He was also sent to the inhabitants of the earth with the punishment that encompassed them and all the animals, without doubt, rather than with a religious law that they were obligated to observe. This accords with what is authentically established in the Quran concerning his account, peace be upon him.

Whenever He Most High sent him, He undoubtedly sent him with some particular charge: this is inescapable. It was therefore necessary to determine what he was sent with to the inhabitants of the earth. We found it to be nothing other than the punishment encompassing everyone on earth, and we found that the explicit text states that he was sent specifically to his own people with his religious law. Thus the matter is established, and praise belongs to Allah. In this way all the hadiths and the Quran are reconciled.

[45] **Translator's note (L2320):** The Quranic quotation supplied here is 17:26, concerning the rights of relatives, the needy, and the wayfarer and the prohibition of squandering. It does not explicitly prohibit pursuing what one does not know; that wording occurs in 17:36. The apparent quotation error is preserved. The transmitter's name is supplied as Ishaq ibn Nadr; this reading has been retained.

[46] **Translator's note (L2322):** The verb translated "denying" continues into the following unit, where its object is "his distinction."

وأما قوله صلى الله عليه وسلم في الحديث الذي ذكرنا آنفا إن نوحا أول الرسل إلى أهل الأرض ولا شك في آدم رسول الله عز وجل، فإن معناه عندنا والله أعلم أن رسالة آدم عليه السلام إنما كانت لأهل السماء قائلا لهم عن الله عز وجل {وعلم آدم لأسمآء كلها ثم عرضهم على لملائكة فقال أنبئوني بأسمآء هؤلاء إن كنتم صادقين} ومنبئا لهم بأسمائهم، ومسلما عليهم على ما جاء في القرآن والحديث الصحيح، وإنه لم يبعث إلى أهل الأرض أصلا، وأن أولاده وامرأته أوحي إليهم التوحيد، ثم بعث إلى كل طائفة نبي منها، ثم بعث نوح إلى قومه خاصة بشريعة كما أخبر رسول الله صلى الله عليه وسلم وأرسل إلى أهل الأرض بالعذاب العام لهم ولجميع الحيوان بلا شك، لا شريعة ألزموها فهذا موافق لما صح في القرآن من خبره عليه السلام. وكل ما أرسله تعالى فبلا شك أنه إنما أرسله بأمر ما، هذا ما لا بد منه، فوجب أن يعرف بماذا أرسل إلى أهل الأرض؟ فلم نجده إلا العذاب العام لكل من في الأرض، ووجدنا النص قد جاء بإرساله إلى قومه خاصة بشريعته فصح الأمر ولله الحمد. وبهذا تتألف الأحاديث كلها والقرآن، وقد روينا في هذا الحديث تأويلا آخر: عن قتادة والحكم، وهو ما حدثناه أحمد بن عمر العذري، ثنا أبو ذر عبد بن السرخسي، قال: ثنا إبراهيم بن خزيم قال: ثنا عبد بن حميد، قال: حدثني يونس، عن شيبان، عن قتادة قال: بعث نوح حين بعث الشريعة بتحليل الحلال وتحريم الحرام،

We have transmitted another interpretation of this hadith on the authority of Qatadah and al-Hakam. It is what Ahmad ibn ʿUmar al-ʿUdhri related to us: Abu Dharr ʿAbd ibn al-Sarakhsi related to us, saying: Ibrahim ibn Khuzaym related to us, saying: ʿAbd ibn Humayd related to us, saying: Yunus related to me on the authority of Shayban, on the authority of Qatadah, who said: "When Noah was sent, he was sent with the religious law, declaring lawful what is lawful and prohibiting what is forbidden."[47][48][49]

L2326–2327 And through the same chain back to ʿAbd, who said: Abu Nuʿaym related to us: Ibn Abi Ghaniyyah related to us, on the authority of al-Hakam, He said: Noah brought the revealed law prohibiting sisters, mothers, and daughters. Abu Muhammed said: These two imams thus interpreted Noah as the first to have been sent with prohibitions and permissions. What appears correct to us, however, is what we presented first. Allah knows best. Glory be to You, O Allah, and praise be to You. I testify that there is no deity but You. I seek Your forgiveness and repent to You.

وبه إلى عبد قال: حدثنا أبو نعيم، ثنا ابن أبي غنية، عن الحكم قال: جاء نوح بالشريعة بتحريم الأخوات والأمهات والبنات. قال أبو محمد: فتأول هذان الإمامان أن نوحا أول من بعث بالتحريم والتحليل والذي يظهر إلينا، فالذي قدمنا أولا، والله أعلم. سبحانك اللهم وبحمدك أشهد أن لا إله إلا أنت أستغفرك وأتوب إليك

[47] **Translator's note (L2324):** The supplied Quranic quotation is 2:31. Its speaker is Allah, while the surrounding wording describes Adam speaking to the angels on Allah's behalf. This apparent mismatch is preserved. The transmission chain supplies the unusual name "Abu Dharr ʿAbd ibn al-Sarakhsi." It appears corrupt or incomplete and has been retained without reconstruction.

[48] **Translator's note (L2325):** The construction connecting "was sent" with "the religious law" is grammatically irregular in the supplied Arabic. The translation gives its apparent sense.

[49] **Qur'an references (L2324):** Qur'an 2:31 (Al-Baqarah).

الباب 34: الاحتياط وقطع الذرائع والمشتبه

Chapter 34: Precaution, Blocking the Means and Doubtful Matters

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Thirty-Four: Precaution, Blocking the Means, and Doubtful Matters]

L2328

L2329–2334 Abu Muhammed Ali ibn Ahmad, may Allah have mercy on him, said: Some people have held that certain things are prohibited on grounds of precaution and fear that they might serve as means of reaching what is outright unlawful. They argued for this on the basis of what Abd Allah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us: Abd al-Wahhab narrated to us: Ahmad ibn Muhammed narrated to us: Ahmad ibn Ali narrated to us: Muslim ibn al-Hajjaj narrated to us: Muhammed ibn Abd Allah ibn Numayr al-Hamdani narrated to us: My father narrated to us: Zakariyya narrated to us, from al-Shaʿbi, from al-Nuʿman ibn Bashir. He said: I heard him say: I heard the Messenger of Allah ﷺ say—and al-Nuʿman moved his two fingers toward his ears—"The lawful is clear, and the unlawful is clear. Between them are doubtful matters which many people do not know. Whoever guards against doubtful matters safeguards his religion and his honor; whoever falls into doubtful matters falls into the unlawful, like a shepherd grazing around a protected preserve who is on the point of grazing within it. Every owner has a protected preserve, and Allah's protected preserve consists of His prohibitions." He mentioned the remainder of the hadith.

Abu Muhammed said: This hadith has been transmitted in different wordings, as Abd al-Rahman ibn Abd Allah ibn Khalid narrated it to us: Ibrahim ibn Ahmad al-Balkhi narrated to us: al-Firabri narrated to us: al-Bukhari narrated to us: Muhammed ibn Kathir narrated to us: Sufyan reported to us, from Abu Farwa, from al-Shaʿbi, from al-Nuʿman ibn Bashir: The Prophet ﷺ said: "The lawful is clear, and the unlawful is clear. Between them are doubtful matters. Whoever leaves what is doubtful to him concerning sin will be still more ready to leave what is manifest. Whoever ventures upon what he doubts concerning sin is on the point of committing what is manifest. Acts of disobedience are Allah's protected preserve; whoever grazes around the protected preserve is on the point of entering it." Abd Allah ibn Rabiʿ narrated to us: Muhammed ibn Muʿawiya narrated to us: Ahmad ibn Shuʿayb narrated to us: Muhammed ibn Abd al-Aʿla narrated to us: Khalid ibn al-Harith narrated to us: Ibn Awn narrated to us—al-Shaʿbi said: I heard

[الباب الرابع والثلاثون في الاحتياط وقطع الذرائع والمشتبه]

قال أبو محمد علي بن أحمد رحمه الله ذهب قوم إلى تحريم أشياء من طريق الاحتياط، وخوف أن يتذرع منها إلى الحرام البحت. واحتجوا في ذلك بما حدثناه عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا محمد بن عبد الله بن نمير الهمداني، ثنا أبي، نا زكريا، عن الشعبي، عن النعمان بن بشير قال سمعته يقول سمعت رسول الله صلى الله عليه وسلم يقول وأهوى النعمان بأصبعيه إلى أذنيه إن الحلال بين وإن الحرام بين وبينهما مشتبهات لا يعلمهن كثير من الناس، فمن اتقى الشبهات استبرأ لدينه وعرضه، ومن وقع في الشبهات وقع في الحرام، كالراعي يرعى حول الحمى يوشك أن يرتع فيه، وإن لكل مالك حمى وإن حمى الله محارمه وذكر باقي الحديث. قال أبو محمد: هذا الحديث روي بألفاظ كما حدثناه عبد الرحمن بن عبد الله بن خالد، ثنا إبراهيم بن أحمد البلخي، ثنا الفربري، ثنا البخاري، ثنا محمد بن كثير، أنا سفيان، عن أبي فروة عن الشعبي عن النعمان بن بشير قال النبي صلى الله عليه وسلم الحلال بين والحرام بين وبينهما أمور مشتبهة، فمن ترك ما شبه عليه في الإثم كان لما استبان أترك، ومن اجترأ على ما يشك فيه من الإثم أوشك أن يواقع ما استبان والمعاصي حمى الله من يرتع حول الحمى يوشك أن يواقعه. حدثنا عبد الله بن ربيع، ثنا محمد بن معاوية، ثنا أحمد بن شعيب، ثنا محمد بن عبد الأعلى، ثنا خالد بن الحارث، ثنا ابن عون الشعبي قال: سمعت النعمان بن بشير يقول سمعت رسول الله صلى الله عليه وسلم يقول إن الحلال بين وإن الحرام بين وإن بين ذلك أمورا مشتبهات، وسأضرب لكم في ذلك مثلا، إن الله عز وجل ذكره حمى، وإن حمى الله ما حرم، وإنه من يرتع حول الحمى يوشك أن

al-Nuʿman ibn Bashir say: I heard the Messenger of Allah ﷺ say: "The lawful is clear, and the unlawful is clear, and between these are doubtful matters. I shall give you an example of this: Allah—mighty and majestic is His remembrance—has a protected preserve, and Allah's protected preserve is what He has prohibited. Whoever grazes around the protected preserve is on the point of grazing within it, and whoever mingles with what arouses doubt is on the point of becoming bold."

Abu Muhammed said: This is Abu Farwa the Elder. As for Abu Farwa the Younger, he is Muslim ibn Salim al-Juhani. Both are trustworthy Kufans. This is therefore an exhortation from him ﷺ to scrupulousness, and an explicit, clear statement that what surrounds the protected preserve is not part of the protected preserve, and that those doubtful matters are not certainly among the unlawful. Since they are not among the unlawful things that have been set out in detail, they have the ruling of the lawful, by the saying of the Exalted: "What is the matter with you that you do not eat of that over which Allah's name has been mentioned, when He has set out in detail for you what He has prohibited to you, except that to which you are compelled? Many indeed lead others astray by their desires without knowledge. Your Lord knows best those who transgress." Whatever has not been set out in detail is therefore lawful, by His saying, exalted is He: "He is the One who created for you everything on earth, then turned to heaven and fashioned them into seven heavens; He knows all things"; and by his saying ﷺ: "The person guilty of the greatest offense in Islam is one who asks about something that He had not prohibited, and it is then prohibited because of his question."

In the hadith we transmitted just above through Abu Farwa, from al-Shaʿbi, the Prophet ﷺ made clear that this is only recommended for the individual specifically concerning what is unclear to him, and that the ruling for someone to whom the matter has become clear is otherwise. Likewise, in the hadith we transmitted just above through Ibn Awn, from al-Shaʿbi, the Messenger of Allah ﷺ explained with complete clarity that what is feared for someone who engages in doubtful matters is only that he may afterward become bold enough to engage in the unlawful. This explanation thus establishes the correctness of its apparent meaning: the meaning of Zakariyya's

يرع فيه وإنه من يخالط الريبة يوشك أن يجسر قال أبو محمد: هذا هو أبو فروة الأكبر، وأما أبو فروة الأصغر فهو مسلم بن سالم الجهني وكلاهما كوفي ثقة فهذا حض منه صلى الله عليه وسلم على الورع ونص جلي على أن ما حول الحمى ليست من الحمى، وأن تلك المشتبهات ليست بيقين من الحرام، وإذا لم تكن مما فصل من الحرام فهي على حكم الحلال بقول تعالى {وما لكم ألا تأكلوا مما ذكر سم لله عليه وقد فصل لكم ما حرم عليكم إلا ما ضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بلمعتدين} فما لم يفصل فهو حلال بقوله تعالى {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء فسواهن سبع سماوات وهو بكل شيء عليم} وبقوله صلى الله عليه وسلم أعظم الناس جرما في الإسلام من سأل عن شيء لم يحرمه فحرم من أجل مسألته وقد بين النبي صلى الله عليه وسلم في الحديث الذي رويناه آنفا من طريق أبي فروة عن الشعبي، أن هذا إنما هو مستحب للمرء خاصة فيما أشكل عليه وأن حكم من استبان له الأمر بخلاف ذلك وكذلك بين رسول الله صلى الله عليه وسلم في الحديث الذي روينا آنفا من طريق ابن عون عن الشعبي بيانا جليا أن المخوف على من واقع الشبهات إنما هو أن يجسر بعدها على الحرام، فصح بهذا البيان صحة ظاهره، أن معنى رواية زكريا عن الشعبي التي يقول فيها: وقع في الحرام أنه إنما هو على معنى آخر وهو كل فعل أدى إلى أن يكون فاعله متيقنا أنه راكب حرام في حالته تلك، وذلك نحو ماءين كل واحد منها مشكوك في طهارته، متيقن نجاسة أحدهما بغير عينه، فإذا توضأ بهما جميعا كنا موقنين بأنه إن صلى صلى وهو حامل نجاسة، وهذا ما لا يحل، وكذلك القول في ثوبين أحدهما نجس بيقين لا يعرف بعينه، وسائر ألفاظ من ذكرنا على ما لا يتيقن فيه تحريم ولا تحليل. وأما ما يوقن تحليله فلا يزيله الشك عن ذلك، ولا معنى لقول من قال هذا على المقاربة كما قال الله تعالى {ولذين يتوفون منكم ويذرون

transmission from al-Shaʿbi, in which he says, "falls into the unlawful," is only a different meaning. It concerns every act that results in its doer being certain that he is committing something unlawful in that situation. An example is two quantities of water, each of which is of doubtful ritual purity, while it is certain that one of them is ritually impure, without its being identifiable. If he performs ablution with both of them, we are certain that, if he prays, he prays while bearing ritual impurity, and this is unlawful. The same applies to two garments, one of which is certainly ritually impure, without its being identifiable. The remaining wordings of those we have mentioned concern that whose prohibition or permissibility is not certain. As for that whose permissibility is certain, it is not removed from that status by doubt. There is no substance to the statement of someone who says that this refers to proximity, as Allah the Exalted said: "Those of you who die and leave wives behind—the women shall wait by themselves for four months and ten days. Then, when they have reached their term, there is no blame upon you for what they do concerning themselves in accordance with what is right. Allah is fully aware of what you do." For there is no disagreement that the meaning of this is not at the expiration of the waiting period, but when the term of the waiting period following divorce is reached. This is the only permissible interpretation, since it is impermissible to divert the verse from its apparent meaning by mere assertion.

Whoever transmitted, in the hadith of al-Nuʿman that we have mentioned, the expression "is on the point of" supplied something additional to what Zakariyya transmitted. An addition supplied by an upright transmitter is accepted. How much more so when this expression and its meaning were added by someone more eminent than Zakariyya and someone his equal, namely Ibn Awn and Abu Farwa. In this way the hadiths and their transmission routes are reconciled, and all the transmitters' statements can properly be applied. Success comes through Allah the Exalted.

If they invoke what our companion Ahmad ibn Umar ibn Anas al-Udhri narrated to us, saying: Ahmad ibn Ali al-Kisa'i reported to us in Mecca: Abu al-Fadl al-Abbas ibn Muhammed ibn Nasr al-Wafiqi reported to us: Hilal ibn al-Ala' al-Raqqi narrated to us: Ibrahim ibn Saʿid narrated to us: Abu

أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا فإذا بلغن أجلهن فلا جناح عليكم فيما فعلن في أنفسهن بلمعروف ولله بما تعملون خبير} إذ لا خلاف في أن معنى هذا ليس في انقضاء العدة، لكن إذا بلغ أجل العدة من الطلاق. وهذا هو الذي لا يجوز غيره، إذ لا يجوز صرف الآية عن ظاهرها بالدعوى. ومن روى في حديث النعمان الذي ذكرنا لفظه أوشك فهو زائد على ما رواه زكريا فزيادة العدل مقبولة، فكيف وقد زاد هذه اللفظة ومعناها من هو أجل من زكريا ومثله، وهما ابن عون وأبو فروة، وبهذا تتألف الأحاديث وطرقها، ويصح استعمال جيمع أقوال الرواة، وبالله تعالى التوفيق. فإن تعلقوا بما حدثناه صاحبنا أحمد بن عمر بن أنس العذري قال: أنا أحمد بن علي الكسائي بمكة، أنا أبو الفضل العباس بن محمد بن نصر الوافقي، ثنا هلال بن العلاء الرقي، ثنا إبراهيم بن سعيد، ثنا أبو النضر، ثنا أبو عقيل، عن عبد الله بن يزيد الدمشقي، عن ربيعة بن يزيد، وعطية بن قيس كلاهما، عن عطية السعدي وكانت له صحبة قال قال رسول الله صلى الله عليه وسلم لا يبلغ العبد أن يكون من المتقين حتى يدع ما لا بأس به حذرا لما به بأس. فالقول في هذا الحديث كالقول في حديث النعمان سواء بسواء، وإنما هو حض لا إيجاب. وقد علمنا أن من لم يجتنب المتشابه وهو الذي لا بأس به، فليس من أهل الورع، وأهل الورع هم المتقون، لأن المتقين جمع متق، والمتقي الخائف، ومن خاف مواقعه الحرام فهو الخائف حقا.

al-Nadr narrated to us: Abu Aqil narrated to us, from Abd Allah ibn Yazid al-Dimashqi, from Rabiʿa ibn Yazid and Atiyya ibn Qays, both from Atiyya al-Saʿdi, who had been a Companion. He said: The Messenger of Allah ﷺ said: "The servant does not attain the rank of the Allah-fearing until he leaves what is unobjectionable out of caution against what is objectionable." The discussion of this hadith is exactly the same as the discussion of al-Nuʿman's hadith. It is only an exhortation, not an imposition of obligation. We know that someone who does not avoid the doubtful—which is unobjectionable—is not among the scrupulous. The scrupulous are the Allah-fearing, because "the Allah-fearing" (al-muttaqūn) is the plural of "one who is Allah-fearing" (muttaqī), and one who is Allah-fearing is one who fears. Whoever fears falling into the unlawful is truly one who fears.[1][2][3][4][5]

L2335–2336 By my life, the people who have the strongest reason not to invoke this hadith are those who hold that Allah the Exalted's saying, "For divorced women there is provision in accordance with what is right—a duty upon the Allah-fearing," does not impose an obligation. Indeed, they said: "The provision is not obligatory." They have thus explicitly stated that a person is not obliged to be among the Allah-fearing, especially since this hadith conveys exhortation, not an imposition of obligation, whereas the verse we recited contains

ولعمري إن أولى الناس ألا يحتج بهذا الحديث من يرى قول الله تعالى {وللمطلقات متاع بالمعروف حقا على المتقين} ليس فرضا بل قالوا المتعة ليست بواجبة، فقد صرحوا بأن كون المرء من المتقين ليس عليه بواجب، لا سيما وفي هذا الحديث معنى الحض لا الإيجاب، وفي الآية التي تلونا لفظ معنى الفرض بقوله تعالى {وللمطلقات متاع بالمعروف حقا على المتقين} وكل مسلم لفظ بالتوحيد اتقى النار فهو متق، إلا أن لفظ المتقين لا يطلق إلا على المستكملين لدرجة الخوف.

[1] **Translator's note (L2330):** The transmission chain reads directly "Ibn Awn, al-Shaʿbi said," without a connecting "from" or another transmission formula between the two names.

[2] **Translator's note (L2331):** The wording "Allah—mighty and majestic is His remembrance—has a protected preserve" is grammatically incomplete in the supplied Arabic: a possessive construction or equivalent connective appears to be missing. Both Quranic quotations contain transcription defects, chiefly missing letters in words such as "name," "Allah," "compelled," "transgressors," "the One who," "earth," and "turned." The English renders the recognizable wording; no substantive clause has been added.

[3] **Translator's note (L2334):** The explanation following the Quranic quotation is internally problematic as supplied: it denies that the passage means expiration of the waiting period, then speaks of reaching the term of a waiting period following divorce, although the quoted verse concerns widows. This has been preserved without correction. The Quranic quotation contains orthographic transcription defects in "those who," "in accordance with what is right," and "Allah"; the recognizable wording is rendered in English.

[4] **Hadith references (L2329):** Mishkat al-Masabih 2775.

[5] **Qur'an references (L2329):** Qur'an 6:119 (Al-An'am); Qur'an 2:29 (Al-Baqarah); Qur'an 2:234 (Al-Baqarah).

wording conveying obligation in His saying, exalted is He: "For divorced women there is provision in accordance with what is right—a duty upon the Allah-fearing." Every Muslim who has uttered the profession of Allah's oneness has guarded himself against the Fire and is therefore one who guards himself. Nevertheless, the expression "the Allah-fearing" is applied without qualification only to those who have fully attained the degree of fear[6]

L2337 just as someone who acts righteously in a single one of his actions is righteous, and someone who performs an excellent deed is excellent by virtue of it. Nevertheless, without disagreement, a person is not given the designation "righteous" or "excellent" without qualification until he reaches the utmost extent of obedience and religious scrupulousness of which he is capable. Allah forbid that the Messenger of Allah ﷺ should have spoken the words mentioned in any sense other than this—if they are authentically reported from him. For if our opponents' supposition concerning this report were true, his express statement, peace be upon him, concerning abandoning that in which there is no harm would be the greatest judgment that he is among the greatest of people. For that in which there is no harm is something whose performance is permissible. Thus, on this corrupt supposition, what is permissible would be prohibited. This is corrupt: only an ignorant person or an unbeliever would suppose that the Prophet ﷺ would say it, because it attributes to the Prophet ﷺ the act of permitting something to people and forbidding them that same thing at the same time. This is impossible; no one is capable of it. Allah Most High said: "Allah does not burden any soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy on us. You are our Protector, so grant us victory over the unbelieving people." Treating something as permissible while making abstention from it obligatory at the same time is beyond any-

[6]**Translator's note (L2335):** Both occurrences of the Quranic quotation contain the same orthographic transcription defects in "in accordance with what is right" and "the Allah-fearing." Its repeated wording has been retained.

كما أن من صلح في فعلة واحدة من أفعاله فهو صالح، ومن فعل فضلا فهو به فاضل، إلا أنه بلا خلاف لا يطلق على المرء اسم صالح وفاضل إلا بعد أن يبلغ الغاية التي تمكنه من الطاعات والورع ومعاذ الله أن يقول رسول الله صلى الله عليه وسلم الكلام المذكور إلا على هذا الوجه هذا إن صح عنه لأنه لو كان ظن خصومنا في هذا الحديث حقا لكان نصه عليه السلام على ترك ما لا بأس به أعظم الحكم بأنه من أعظم الناس، لأن ما لا بأس به هو المباح فعله، فكان على هذا الظن الفاسد يكون المباح محظورا وهذا فاسد لا يظن أن النبي صلى الله عليه وسلم يقوله إلا جاهل أو كافر لأنه ينسب إلى النبي صلى الله عليه وسلم إباحة الشيء للناس ونهيهم عنه في وقت واحد، وهذا محال لا يقدر عليه أحد قال الله تعالى {لا يكلف لله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} وليس استباحة الشيء وإيجاب الامتناع منه في وقت واحد في وسع أحد، فالله تعالى قد أكذب من ظن هذا الظن. وصح أن معنى هذا الحديث لو صح إنما هو على الحض لا على الإيجاب. فلو كان المشتبه حراما وفرضا تركه لكان النبي صلى الله عليه وسلم قد نهى عنه ولكنه صلى الله عليه وسلم لم يفعل ذلك لكنه حض على تركه وخاف على مواقعه أن يقدم على الحرام ونظر ذلك صلى الله عليه وسلم بالراتع حول الحمى فالحمى هو الحرام وما حول الحمى ليس من الحمى، والمشتبهات ليس من الحرام، وما لم يكن حراما فهو حلال وهذا في غاية

one's capacity. Allah Most High has therefore declared false the supposition of anyone who supposes this. It is established that the meaning of this report, were it authentic, concerns encouragement alone, not obligation. If the doubtful were forbidden and abandoning it obligatory, the Prophet ﷺ would have prohibited it. But he ﷺ did not do that: he encouraged abandoning it and feared that someone who engaged in it might venture into the forbidden. He ﷺ likened this to an animal grazing around a protected enclosure. The protected enclosure is the forbidden; what surrounds the protected enclosure is not part of the protected enclosure. Doubtful matters are not part of the forbidden, and whatever is not forbidden is lawful. This is an explanation of the utmost clarity. This is the religious scrupulousness for which its practitioner is praised and rewarded, whereas someone who abandons it is neither blamed nor sinful, so long as he does not engage in what is plainly forbidden.[7][8]

البيان، وهذا هو الورع الذي يحمد فاعله ويؤجر، ولا يذم تاركه ولا يأثم، ما لم يواقع الحرام البين.

L2338–2339 As for the report of ʿAtiyyah al-Saʿdi that we mentioned just now, it should not be supposed that it contains any proof for those who advocate precaution and blocking the means to prohibited acts. For the Prophet ﷺ did not specify in it the harmless thing that a servant must abandon in order to be among the God-fearing. If this report were authentic and were taken in its apparent sense, it would make it obligatory to avoid everything lawful on earth, since everything lawful is harmless. Nor does that report specify which harmless things a servant must abandon in order to be among the God-fearing. Thus the weakness of that narration has become apparent. Its chain includes Abu ʿAqil, who is not someone whose reports may be adduced

وأما حديث عطية السعدي الذي ذكرنا آنفا، فلا يظن أن فيه حجة لمن قال بالاحتياط وقطع الذرائع لأن النبي صلى الله عليه وسلم لم يبين فيه الشيء الذي ليس به بأس الذي لا يكون العبد من المتقين إلا بأن يدعه، فلو كان هذا الحديث صحيحا وعلى ظاهره لوجب به أن يجتنب كل حلال في الأرض، لأن كل حلال فلا بأس به. ولا يحص في ذلك الحديث أي الأشياء التي لا بأس بها لا يكون العبد من المتقين لا بأن يدعها، فظهر وهي تلك الرواية وفيه أبو عقيل وليس بالمحتج به، وصح أنه لو صح لكان على الورع فقط.

[7] **Translator's note (L2337):** The wording about "the greatest judgment" and "the greatest of people" is apparently corrupt. The translation preserves the supplied wording rather than replacing "people" with a conjectured reference to sins. The supplied الإيحاب appears to be a transcription error for الإيجاب, "making obligatory"; the translation follows that apparent sense.

[8] **Qur'an references (L2337):** Qur'an 2:286 (Al-Baqarah).

as proof. It is established that, were it authentic, it would concern religious scrupulousness alone.[9]

L2340 If they appeal to what ʿAbd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: ʿAbd al-Wahhab ibn ʿIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʿAli related to us: Muslim ibn al-Hajjaj related to us: Muhammed ibn Hatim ibn Maymun related to us: ʿAbd al-Rahman ibn Mahdi related to us: Muʿawiyah ibn Salih related to us, from ʿAbd al-Rahman ibn Jubayr ibn Nufayr, from his father, from al-Nawwas ibn Samʿan al-Ansari, who said: "I heard the Messenger of Allah ﷺ speak about righteousness and sin. He said: 'Righteousness is good character, and sin is what troubles your breast and what you would dislike people discovering.'" And if they appeal to what Ahmad ibn Muhammed al-Jusuri related to us: Ahmad ibn al-Fadl al-Dinawari related to us: Muhammed ibn Jarir al-Tabari related to us: Muhammed ibn ʿAwf al-Ta'i related to me: Muhammed ibn Ismaʿil related to us: my father related to us: Damdam related to us, from Shurayh ibn ʿUbayd, who said: "Ayyub ibn Mikraz asserted that a young man of al-Azd was addressed by the Messenger of Allah ﷺ, having come to ask him about the forbidden and the lawful. The Messenger of Allah ﷺ said to him: 'The lawful is that with which the soul is at ease, and sin is what troubles your breast and what you dislike, whatever legal opinions people may give you.'" As for the first report, its chain includes Muʿawiyah ibn Salih, who is strong.[10][11]

L2341–2343 The second contains unidentified transmitters, and its transmission chain is also interrupted. Allah forbid that the forbidden and the lawful should

فإن تعلقوا بما حدثنا عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا محمد بن حاتم بن ميمون، ثنا عبد الرحمن بن مهدي، ثنا معاوية بن صالح، عن عبد الرحمن بن جبير بن نفير، عن أبيه، عن النواس بن سمعان الأنصاري قال سمعت رسول الله صلى الله عليه وسلم يقول عن البر والإثم قال البر حسن الخلق والإثم ما حاك في صدرك وكرهت أن يطلع عليه الناس. وبما حدثناه أحمد بن محمد الجسوري، ثنا أحمد بن الفضل الدينوري، ثنا محمد بن جرير الطبري، حدثني محمد بن عوف الطائي، ثنا محمد بن إسماعيل، ثنا أبي، ثنا ضمضم، عن شريح بن عبيد قال: زعم أيوب بن مكرز أن غلاما من الأزد قال له رسول الله صلى الله عليه وسلم وقد أتاه يسأله عن الحرام والحلال فقال له رسول الله صلى الله عليه وسلم إن الحلال ما اطمأنت إليه النفس وإن الإثم ما حاك في صدرك وكرهته أفتاك الناس ما أفتوك. فالأول فيه معاوية بن صالح بالقوي،

وفي الثاني مجهولون وهو منقطع أيضا، ومعاذ الله أن يكون الحرام والحلال على ما وقع في النفس، والنفوس تختلف أهواؤها، والدين واحد لا اختلاف فيه قال الله تعالى {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} ومن حرم المشتبه وأفتى بذلك وحكم به على الناس فقد زاد في الدين ما لم يأذن به الله تعالى وخالف النبي صلى الله عليه وسلم واستدرك على ربه تعالى بعقله أشياء من الشريعة. ويكفي من هذا كله إجماع الأمة كلها نقلا عصرا عن عصر أن من كان في عصره صلى الله عليه وسلم وبحضرته في المدينة إذا أراد شراء شيء مما يؤكل، أو ما يلبس، أو

[9] **Translator's note (L2339):** The supplied ولا يحص is defective; the translation takes its apparent sense to be that the report does not specify or delimit the things in question. The supplied لا بأن يدعها appears to lack the initial element of إلا, "except by abandoning them"; the translation reflects the construction established earlier in the passage. The supplied وهي is understood as وَهْي, "weakness," rather than the pronoun "and it."

[10] **Translator's note (L2340):** The final wording بالقوي is affirmative as supplied: "strong," meaning a strong transmitter. The surrounding criticism may suggest a missing negative, but none has been inserted.

[11] **Hadith references (L2340):** Sahih Muslim 2553a.

depend on what occurs in the soul! Souls differ in their desires, whereas religion is one and contains no disagreement. Allah Most High said: "Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much disagreement in it." Whoever declares doubtful matters forbidden, issues legal opinions to that effect, and imposes that judgment upon people has added to religion something Allah Most High has not authorized, opposed the Prophet ﷺ, and used his own reason to supply his Lord Most High with things supposedly missing from the revealed law. Sufficient against all this is the consensus of the entire community, transmitted from generation to generation: anyone living in his ﷺ time and in his presence in Medina, when wishing to purchase something to eat, wear, have intercourse with, ride, employ in service, or possess—whatever it might be—would enter the Muslims' market or encounter a Muslim selling something and purchase it from him. He was entitled to purchase it unless he knew that particular thing to be forbidden, or unless the forbidden predominated over it to such an extent that the lawful became obscured. There is no doubt that the market contains things seized by force, stolen, and taken without right. All of that existed in the time of the Prophet ﷺ and ever since. Yet the Prophet ﷺ did not prohibit any of that, although this is precisely what is doubtful. His ﷺ statement when his Companions, may Allah be pleased with them, questioned him, saying, "Bedouins who have only recently left unbelief bring us slaughtered animals, and we do not know whether they pronounced the name of Allah Most High over them or not," whereupon he, blessings and peace be upon him, said, "Pronounce Allah's name and eat"—or words to this effect—removes the difficulty entirely in this matter. It has also been narrated that he ﷺ instructed anyone whose brother offered him something to eat to eat it and not ask questions. We therefore encourage people to exercise religious scrupulousness, just as the Prophet ﷺ encouraged them, recommend it to them, and advise a person to avoid what troubles his soul. But we do not impose that judgment upon anyone or issue a binding legal opinion requiring it, just as the Messenger of Allah ﷺ did not impose that judgment upon anyone. Some of them have argued concerning this from the words of Allah Most High: "O you who believe, do not say, 'Attend to us,' but say, 'Look toward us,' and listen. For the unbelievers there is a painful

يوطأ، أو يركب، أو يستخدم، أو يتملك أي شيء كان، أنه كان يدخل سوق المسلمين أو يلقى مسلما يبيع شيئا ويبتاعه منه، فله ابتياعه ما لم يعلمه حراما بعينه، أو ما لم يغلب الحرام عليه غلبة يخفي معها الحلال ولا شك أن في السوق مغصوبا ومسروقا ومأخوذا بغير حق وكل ذلك قد كان في زمن النبي صلى الله عليه وسلم إلى هلم جرا فما منع النبي صلى الله عليه وسلم من شيء من ذلك وهذا هو المشتبه نفسه وقوله صلى الله عليه وسلم إذ سأله أصحابه رضي الله عنهم فقالوا إن أعرابا حديثي عهد بالكفر يأتوننا بذبائح لا ندري أسموا الله تعالى عليها أم لا؟، فقال عليه الصلاة والسلام: سموا الله وكلوا أو كلاما هذا معناه، يرفع الإشكال جملة في هذا الباب وقد روي أنه صلى الله عليه وسلم أمر في من أطعمه أخوه شيئا أن يأكل ولا يسأل، فنحن نحض الناس على الورع كما حضهم النبي صلى الله عليه وسلم وندبهم إليه ونشير عليه باجتناب ما حاك في النفس، ولا نقضي بذلك على أحد ولا نفتيه به فتيا إلزام كما لم يقض بذلك رسول الله صلى الله عليه وسلم على أحد وقد احتج بعضهم في هذا بقول الله تعالى {ياأيها لذين آمنوا لا تقولوا راعنا وقولوا نظرنا وسمعوا وللكافرين عذاب أليم} قالوا فنهوا عن لفظة {ياأيها لذين آمنوا لا تقولوا راعنا وقولوا نظرنا وسمعوا وللكافرين عذاب أليم} لتذرعهم بها إلى سب النبي صلى الله عليه وسلم

punishment.” They said: “They were thus forbidden the expression ‘O you who believe, do not say, “Attend to us,” but say, “Look toward us,” and listen. For the unbelievers there is a painful punishment,’ because they used it as a means to insult the Prophet ﷺ.”[12][13][14]

L2344–2346 Abu Muhammed said: This contains no proof for them. For an authentic report has come stating that they used to say rāʿinā, intending the sense of foolishness. But this is not a report traced through a transmission chain to the Prophet; it is merely a Companion’s statement. Neither Allah Most High nor His Messenger ﷺ said, “You were forbidden to say rāʿinā only because you used it as a means to say rāʿinā.” And when no explicit text to that effect has come from Allah Most High or His Messenger ﷺ, in the statement of anyone other than him. Some of the Companions said concerning donkeys, “They were forbidden only because they were the people’s beasts of burden.” Others said, “They were forbidden only because they used to eat filth.” Neither statement is correct, because chickens eat filth that donkeys do not eat, yet he ﷺ never prohibited chickens. People had greater need of horses for warfare than of donkeys, yet he ﷺ permitted eating horses at the very time he prohibited donkeys. Both statements are therefore invalid. Likewise, whoever says that Allah Most High prohibited saying “and say” only lest they use it as a means to say rāʿinā—his statement carries no proof, because he has reported his own view and has not traced it to the Prophet ﷺ. This verse is proof against them, not for them. For when they were forbidden rāʿinā and commanded to say “and listen,” although the two expressions have the same meaning, it was established beyond doubt that it is not lawful to

قال أبو محمد وهذا لا حجة لهم فيه لأن الحديث الصحيح قد جاء بأنهم كانوا يقولون: راعنا من الرعونة، وليس هذا مسندا، وإنما هو قول لصاحب ولم يقل الله تعالى ولا رسوله صلى الله عليه وسلم إنكم إنما نهيتم عن قول راعنا لتذرعكم بذلك إلى قول راعنا، وإذا لم يأت بذلك نص عن الله تعالى ولا عن رسوله صلى الله عليه وسلم في قول أحد دونه وقد قال بعض الصحابة في الحمر، إنما حرمت لأنها كانت حمولة الناس، وقال بعضهم: إنما حرمت لأنها كانت تأكل القذر، وكلا القولين غير صواب، لأن الدجاج تأكل من القذر ما لا تأكل الحمير ولم يحرم قط صلى الله عليه وسلم الدجاج والناس كانوا أفقر إلى الخيل للجهاد منهم إلى الحمير وقد أباح صلى الله عليه وسلم أكل الخيل في حين تحريمه الحمير فبطل كلا القولين. وهكذا من قال: إن الله تعالى إنما نهى عن قول: {وقولوا} لئلا يتذرعوا بها إلى قول راعنا، فلا حجة في قوله، لأنه أخبر عما عنده ولم يسند ذلك إلى النبي صلى الله عليه وسلم وهذه الآية حجة عليهم لا لهم لأنهم إذ نهوا عن راعنا وأمروا بأن يقولوا {وسمعوا} ومعنى اللفظين واحد فقد صح بلا شك أنه لا يحل تعدي ظواهر الأوامر بوجه من الوجوه، وهذه حجة قوية في إبطال القول بالقياس وبالعلل، وبالله تعالى التوفيق. وأيضا فإنما أمر الله تعالى في نص القرآن بأن لا يقولوا {وقولوا} وأن يقولوا {وسمعوا} المؤمنين الفضلاء أصحاب رسول الله صلى الله عليه وسلم المعظمين له الذي لم يعنوا بقول {وقولوا} قط الرعونة، وأما المنافقون الذين كانوا يقولون: {وقولوا} يعنون من الرعونة، فما كانوا يلتفتون إلى أمر الله تعالى، ولا يؤمنون به، فظهر يقين فساد قولهم وتمويههم بهذه الآية. وقالوا: إنما منعنا من نكح في العدة ودخل بها أن ينكحها في الأبد، لأنه استعجل نكاحها قبل أوانه، قالوا:

[12] **Translator’s note (L2341):** The verb يوطأ can refer to something trodden or used underfoot, and also to a person with whom intercourse is had. The latter sense is adopted here in the list of things historically purchased.

[13] **Translator’s note (L2343):** The Arabic expressions rendered “Attend to us” and “Look toward us” are rāʿinā and the supplied نظرنا, apparently intended as unẓurnā. Their wording matters to the wordplay discussed in the following passage. After “the expression,” the supplied text repeats the entire Quranic quotation, rather than citing only rāʿinā. This apparent quotation error has been retained.

[14] **Qur’an references (L2341):** Qur’an 4:82 (An-Nisa); Qur’an 42:21 (Ash-Shuraa); Qur’an 2:104 (Al-Baqarah).

go beyond the apparent meanings of the commands in any respect whatsoever. This is a powerful argument invalidating advocacy of analogy and operative causes. Success comes through Allah Most High. Furthermore, in the express text of the Quran, Allah Most High commanded only the virtuous believers, the Companions of the Messenger of Allah—may Allah bless him and grant him peace ﷺ—who revered him, not to say {and say}, but to say {and they heard}. They never intended foolishness by saying {and say}. As for the hypocrites who used to say {and say}, intending foolishness, they paid no attention to the command of Allah Most High and did not believe in Him. Thus the falsity of their position and their deceptive use of this verse have become certain. They said: "We prohibited someone who married a woman during her waiting period and consummated the marriage with her from ever marrying her because he hastened to marry her before its proper time." They said: "Likewise, we deprived a killer of inheritance because he hastened to obtain it before its proper time." Ali said: This is an operative cause that requires something to establish its validity, for it is an unsound assertion.[15][16][17]

وكذلك حرمنا القاتل الميراث لأنه استعجله قبل أوانه. قال علي: وهذه علة مفتقرة إلى ما يصححها، لأنها دعوى فاسدة

L2347–2351 They should be asked: Where do you get the proposition that someone who hastens to obtain something before its proper time is forbidden it for-

ويقال لهم: ومن أين لكم أن من استعجل شيئا قبل أوانه حرم عليه في الأبد؟ ثم لم يلبثوا أن تناقضوا أسخف تناقض فقالوا: من تزوج امرأة ذات زوج فدخل بها، فأتى زوجها لم تحرم عليه في الأبد، بل له نكاحها إن طلقها زوجها أو مات عنها. وهو قد استعجله قبل أوانه، ويلزمهم أن من سرق مالا لغيره أن يحرم عليه في ملكه في الأبد، لأنه استعجله قبل وقته، وأن من قتل آخر أو تحرم عليه أمته في الأبد، لأنه استعجل تحللها قبل أوانه، ويلزمهم أيضا ألا يرث ولاء موالي من قتل، لأنه استعجل استحقاقه قبل أوانه، وأن من قتل لا يدخل في حبس معقب عليه بعد موت مقتوله، وألا يرث من انتقل التعصيب له إليه بعد موت مقتوله، وهذا كثير جدا. فإن قالوا: قد يمكن أن يموت هو قبل مقتوله، قلنا: وقد يموت هو قبل موت مقتوله باعتباط ونحو ذلك ولا فرق. وأصحاب مالك يلزمون الطلاق ثلاثا من يشك أطلق ثلاثا أم أقل، ويفرقون بين من طلق إحدى امرأتيه، ثم لم يدر أيتهما المطلقة وبينهما معا،

[15] **Translator's note (L2344):** Rāʿinā normally means "attend to us"; the author links its abusive use to ruʿūnah, "foolishness." The repeated rāʿinā forms have been retained because the contrast concerns intended meaning rather than visibly different wording. The sentence beginning "And when no explicit text" is defective as supplied and lacks a main clause. Its fragmentary form has been retained. The supplied Quranic citation وقولوا means "and say." It appears to replace the expression under discussion erroneously; the translation preserves it.

[16] **Translator's note (L2345):** Rāʿinā means "attend to us." The supplied quotation وسمعوا is understood here as "and listen," but that does not have the same meaning as rāʿinā. The ensuing claim of identical meaning suggests that the intended quotation was unẓurnā, "look toward us"; the supplied quotation and the author's claim have both been preserved.

[17] **Translator's note (L2346):** The quoted expressions {وقولوا}, literally "and say," and {وسمعوا}, literally "and they heard," appear to be transcription errors. The surrounding discussion evidently concerns the Quranic prohibition on saying rāʿinā and the command to say unẓurnā in Quran 2:104. The supplied expressions have been translated without replacement. The singular relative الذي follows a plural description of the Companions; the translation follows the evident plural reference.

ever? Then they promptly contradicted themselves in the most ridiculous fashion, saying: "If someone marries a woman who already has a husband and consummates the marriage with her, and her husband then arrives, she is not forbidden to him forever. Rather, he may marry her if her husband divorces her or dies leaving her." Yet he has hastened to obtain her before her proper time. Their position also entails that someone who steals another person's property should be forbidden to own it forever, because he hastened to obtain it before its proper time; and that someone who kills another should have his slave woman forbidden to him forever, because he hastened to make her lawful before her proper time. It also entails that he should not inherit, through the bond of clientage, from the clients of someone he killed, because he hastened to acquire his entitlement before its proper time; that someone who kills should not become a beneficiary of an endowment settled upon successive beneficiaries after the death of the person he killed; and that he should not inherit from someone whose agnatic succession passes to him after the death of the person he killed. Such cases are very numerous. If they say, "He himself might die before the person he killed," we say: He himself might also die before the person he killed dies, through a sudden death or the like. There is no difference. Malik's followers impose a threefold divorce upon someone who is unsure whether he pronounced three divorces or fewer, and they separate a man who divorced one of his two wives and then did not know which one was divorced from both of them together: they divorce both his wives and prohibit much that is lawful for fear of committing what is forbidden. In this there is a lesson for anyone who takes heed. I wonder: just as you fear committing what is forbidden when declaring something permissible, do you not fear committing what is forbidden through their categorical declarations of prohibition and separation, by their prohibiting what Allah Most High has not prohibited? Everyone possessing religion knows that it is forbidden for a person to prohibit something whose prohibition has not been established for him. Thus they have undoubtedly fallen into precisely what they feared. It is astonishing that fear that someone else might commit what is forbidden—although perhaps he would not commit it—has certainly caused them to commit what is certainly forbidden, because they prohibited what Allah Most High did not prohibit. Someone

فيطلقون كلتا امرأتيه، ويحرمون حلالا كثيرا خوف مواقعة الحرام، وفي هذا عبرة لمن اعتبر، ليت شعري كما تشفقون في الاستباحة من مواقعة الحرام أما تشفقون في قطعهم بالتحريم وبالتفريق من مواقعة الحرام في تحريمهم ما لم يحرمه الله تعالى؟ وقد علم كل ذي دين أن تحريم المرء ما لم يصح تحريمه عنده حرام عليه، فقد وقعوا في نفس ما خافوا بلا شك، ومن العجيب أن خوف الحرام أن يقع فيه غيرهم ولعله لا يقع فيه قد أوقعهم يقينا في مواقعتهم يقين الحرام، لأنهم حرموا ما لم يحرمه الله تعالى، ومحرم الحلال كمحلل الحرام ولا فرق. والعجب كل العجب أنهم يحتاطون بزعمهم على هذا الذي جهل أي امرأتيه طلق خوف أن يواقع التي طلق وهو لا يعلمها، فيكون قد أوقع حراما لا يعلمه بعينه، ولا يتقون الله تعالى فيحتاطون على أنفسهم التي أمروا بالاحتياط عليها وقال لهم ربهم تعالى {يأيها لذين آمنوا عليكم أنفسكم لا يضركم من ضل إذا هتديتم إلى لله مرجعكم جميعا فينبئكم بما كنتم تعملون} فيحرمون عليه الثانية التي هي امرأته بلا شك، ولم يطلقها قط فيخرجونها عن ملكه بغير إذن من الله تعالى، ويبيحون فرجها لمن لا شك في أنه حرام عليه من سائر من يتزوجها من الناس، وهي غير مطلقة ولا منفسخة ولا متوفى عنها، فيقعون في أعظم مما صانوا عنه غيرهم، لأن الشاك في الطلاق لو واقع ذلك الحرام لكان غير آثم، لأنه لا يعلمه حراما بعينه، وهم يبيحون شيئا لا شك في أنه حرام غير مباح، وقد كان الأولى بهم ألا يقدموا على إباحة المرأتين اللتين لم يطلق إحداهما بلا شك للأجنبيين، فصاروا محلين للفروج المحرمة بيقين. وأيضا فإنهم حكموا بالطلاق على امرأة لم تطلق من أجل غيرها طلقت والله تعالى يقول {قل أغير لله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} ولا يحل لأحد أن يحتاط في الدين فيحرم ما لم يحرم الله تعالى، لأنه يكون

who prohibits what is lawful is like someone who permits what is forbidden: there is no difference. What is utterly astonishing is that they claim to exercise precaution on behalf of this man who does not know which of his two wives he divorced, fearing that he might have intercourse with the one he divorced without knowing which she is, and thus commit a forbidden act whose particular identity he does not know. Yet they do not fear Allah Most High and exercise precaution for their own souls, which they were commanded to safeguard. Their Lord Most High said to them: {O you who believe, attend to your own souls. Whoever goes astray will not harm you if you are rightly guided. To Allah is the return of you all, and He will inform you of what you used to do.} Thus they forbid him the second woman, who is unquestionably his wife and whom he has never divorced. They remove her from his marital possession without permission from Allah Most High and make sexual access to her lawful for any other man who marries her, although there is no doubt that it is forbidden to him, while she has neither been divorced, nor had her marriage dissolved, nor been widowed. Thus they fall into something graver than that from which they protected someone else. For if the man who is uncertain about the divorce were to commit that forbidden act, he would not be sinful, because he does not know that particular act to be forbidden. They, however, permit something that is unquestionably forbidden and impermissible. It would have been more fitting for them not to venture to make the two women lawful for two unrelated men, when he unquestionably had not divorced one of them. They have thereby become people who permit sexual access that is certainly forbidden. Furthermore, they have adjudged a woman divorced who was not divorced, on account of another woman who was divorced. Allah Most High says: {Say: Shall I seek a lord other than Allah, when He is the Lord of everything? Every soul earns only against itself, and no burden-bearing soul bears the burden of another. Then to your Lord is your return, and He will inform you concerning that over which you used to differ.} No one is permitted to exercise precaution in religion by prohibiting what Allah Most High has not prohibited, because he would then be fabricating in religion. Allah Most High takes greater care for us than we take for one another. Our obligation, therefore, is to prohibit only what Allah Most High has prohibited, expressly

حينئذ مفتريا في الدين، والله تعالى أحوط علينا من بعضنا على بعض، فالفرض علينا ألا نحرم إلا ما حرم الله تعالى، ونص على اسمه وصفته بتحريمه، وفرض علينا أن نبيح ما وراء ذلك بنصه تعالى على إباحة ما في الأرض لنا، إلا ما نص على تحريمه، وألا نزيد في الدين شيئا لم يأذن به الله تعالى، فمن فعل غير هذا فقد عصى الله عز وجل ورسوله صلى الله عليه وسلم وأتى بأعظم الكبائر

identifying its name and description as forbidden. We are obliged to permit everything beyond that, because of His express declaration, Most High, that what is on earth is permissible for us, except what He expressly prohibited; and we must add nothing to religion for which Allah Most High has given no permission. Whoever does otherwise has disobeyed Allah, Mighty and Majestic, and His Messenger—may Allah bless him and grant him peace ﷺ—and has committed the gravest of major sins.[18][19][20][21][22]

L2352–2354 Then they turned around, abandoned precaution, and deliberately set about setting aside an obligation in the case of a man against whom four upright witnesses testified that he had emancipated this female servant of his a full year earlier, while he denies this and acknowledges having intercourse with her. They give effect to the witnesses' testimony from the time it is delivered, but do not inflict the prescribed punishment upon him for intercourse with a free woman without marriage. This is the utmost audacity in committing forbidden acts. Where, then, is precaution? What is astonishing is that they declare the witnesses false by failing to judge according to the express terms

ثم عطفوا فأسقطوا الاحتياط وتعمدوا إلى إسقاط الواجب في رجل شهد عليه أربعة عدول، بأنه أعتق خادمه هذه منذ عام كامل، وهو منكر لذلك، وهو مقر بوطئها، فيحكمون بشهادتهم، حين أدائها، ولا يحدونه على وطء حرة بلا إنكاح، فهذا غاية الإقدام على المحرمات فأين الاحتياط؟ والعجب أنهم يكذبون الشهود إذ لم يحكموا بنص شهادتهم، ولم يشهد القوم بأنها حررت الآن، وإنما شهدوا أنها حررت منذ عام. وكانوا غيبا إلى اليوم، وفي هذا من السقوط والإقدام غير قليل، ويقال لمن جعل الاحتياط أصلا يحرم به ما لم يصح بالنص تحريمه أنه يلزمك أن يحرم كل مشتبه يباع في السوق مما يمكن أن يكون حراما أو حلالا، ولا توقن بأنه حلال ولا بأنه حرام، ويلزمك أن تحرم معاملة من في ماله حرام وحلال، وهم لا يقولون بشيء من ذلك، وهذا نقض لأصولهم في الحكم بالاحتياط، ورفع الذريعة والتهمة، وقد تناقضوا في هذه المواضع. وقال بعضهم محتجا لأصولهم في الحكم بالاحتياط: إن الحرام يدخل بأرق سبب كتحريم الله تعالى نكاح ما نكح الآباء، فحرم ذلك بالعقد، وإن لم يكن وطىء قالوا: وأما التحليل فلا يدخل إلا بأقوى الأسباب، كتحليل المطلقة لزوجها ثلاثا لا تحل له بعقد زوج آخر حتى يطأ. قال أبو محمد: وهذا لا حجة لهم فيه، وإنما اتبعنا في كلا الموضعين النصين الواردين فيهما، وقولهم إن التحريم يدخل بأرق سبب، والتحليل لا يدخل إلا بأغلظ سبب، قول فاسد لا دليل عليه، لأنه لم يأت به نص ولا اتفق على صحته، ونحن نوجدهم تحريما لا يدخل بأغلظ سبب، وهو أن الله

[18] **Translator's note (L2347):** The wording وأن من قتل آخر أو تحرم عليه أمته is grammatically disrupted: أو means "or," where the argument appears to require a construction meaning "that." The translation conveys the apparent argument while recording the corruption here. The possessive reference in "his slave woman" is also unclear. The distinction between the two possibilities of dying before the victim is obscure in the supplied wording. Both statements have been retained.

[19] **Translator's note (L2348):** The Arabic shifts from direct address ("you fear") to third-person references ("their categorical declarations," "their prohibiting"). This shift has been preserved.

[20] **Translator's note (L2349):** The Quranic quotation, from 5:105, continues in the following unit. The supplied يأيها لذين has defective spelling, but its wording is identifiable.

[21] **Translator's note (L2350):** The opening continues the Quran 5:105 quotation begun in the preceding unit. The supplied هتديتم إلى لله has defective spelling; its identifiable wording is translated. The later quotation is Quran 6:164. The supplied لله in أغير لله is orthographically defective; the identifiable name Allah has been translated accordingly. "Unrelated men" renders الأجنبيين here in its legal sense: men outside the existing marital relationship.

[22] **Qur'an references (L2347):** Qur'an 5:105 (Al-Ma'idah); Qur'an 6:164 (Al-An'am).

of their testimony. Those men did not testify that she was emancipated now; they testified only that she was emancipated a year ago, and they had been absent until today. In this there is no small degree of baseness and audacity. Someone who makes precaution a principle by which he prohibits what has not been established as forbidden by an explicit text should be told: Your position obliges you to prohibit every doubtful item sold in the market that might be forbidden or lawful, when you are not certain that it is lawful or that it is forbidden. It obliges you to prohibit dealings with anyone whose property contains both forbidden and lawful wealth. Yet they affirm none of this. This overturns their principles of ruling by precaution, eliminating the means to wrongdoing, and suspicion. They have contradicted themselves in these instances. One of them, arguing for their principles of ruling by precaution, said: "Prohibition takes effect through the slightest cause, as when Allah Most High prohibited marrying women whom fathers had married: this became forbidden through the marriage contract, even if there had been no intercourse." They said: "Permissibility, however, takes effect only through the strongest causes, as in making a woman divorced three times lawful for her husband: she does not become lawful for him through a marriage contract with another husband until that husband has intercourse with her." Abu Muhammed said: This provides them with no argument. In both instances we have simply followed the two explicit texts concerning them. Their statement that prohibition takes effect through the slightest cause, whereas permissibility takes effect only through the weightiest cause, is an unsound statement for which there is no proof: no explicit text has conveyed it, nor has there been agreement upon its validity. We can show them a prohibition that does not take effect through the weightiest cause: Allah Most High prohibited the stepdaughter whose mother a man has had intercourse with and who was in his care. The stepdaughter becomes forbidden only through the conditions by which Allah expressly declared her forbidden. We find, by agreement between us and them, that she does not become forbidden merely through contracting marriage with her mother. We also find that release from solemn oaths, made weighty and august by the name of Allah Most High, takes effect through feeding ten needy people, or through an exception consisting of a few words involving no trouble. If

تعالى حرم الربيبة التي دخل المرء بأمها، وكانت في حجره فالربيبة لا تحرم إلا بما نص الله على تحريمها به، ووجدناها باتفاق منا ومنهم لا تحرم بالعقد على أمها فقط. ووجدنا التحليل في الأيمان المغلظة المعظمة باسم الله تعالى يدخل بإطعام عشرة مساكين، أو بالاستثناء الذي هو كلمات يسيرة لا مؤونة فيها، فإن قالوا: إنما وجب هذان الحكمان بالنص، قلنا لهم: وكذلك تحريم ما نكح الآباء وتحليل المطلقة ثلاثة بوطء زوج آخر، إنما وجبا بالنص لا بما ادعيتم من رقة سبب وغلظة ووجدنا النبي صلى الله عليه وسلم قد حرم على نفسه ما أحل الله تعالى له فلم يحرم عليه بذلك ولا أغلظ من تحريم النبي صلى الله عليه وسلم فلم يدخل التحريم بذلك إذ لم يكن نزل بذلك عليه نص، وتحلل من تلك اليمين بكفارة، فدخل التحليل بأرق سبب وأهونه، فبطل ما ادعوا من ذلك. وأيضا فإن حجتهم بأن المطلقة لا تحل لزوجها الأول إلا بأغلظ سبب ثم أباحوها.

they say, “These two rulings became obligatory only through an explicit text,” we say to them: Likewise, the prohibition of marrying women whom fathers have married and making a woman divorced three times lawful through intercourse with another husband became obligatory only through the explicit text, not through your alleged slightness or weightiness of a cause. We also find that the Prophet—may Allah bless him and grant him peace ﷺ—prohibited for himself what Allah Most High had made lawful for him, yet it did not become forbidden to him by that act. There is nothing weightier than a prohibition pronounced by the Prophet—may Allah bless him and grant him peace ﷺ—yet prohibition did not take effect through it, since no explicit text concerning this had been revealed to him. He released himself from that oath through an expiation. Thus permissibility took effect through the slightest and easiest cause, invalidating what they alleged concerning this. Furthermore, their argument that a divorced woman does not become lawful for her first husband except through the weightiest cause, and then their permitting her[2324]

L2355–2358 Furthermore, their argument that a divorced woman does not become lawful for her first husband except through the weightiest cause, and then their permitting her through intercourse without ejaculation: they have thereby contradicted their principles in this matter and made permissibility take effect through a slight cause. For al-Hasan al-Basri, who is one of the leading authorities, says that she does not become lawful for the first husband unless the second husband has intercourse with her and ejaculates; otherwise, she does not become lawful. He makes ejaculation the completion of “tasting the sweetness,” whereas they do not hold that view. Furthermore, they permit a man to marry a woman with whom his father committed fornication, and they do not declare his wife forbidden to him if he commits

[23]**Translator’s note (L2353):** “An exception” renders الاستثناء, the technical expression for qualifying an oath, ordinarily by saying “if Allah wills.” The Arabic here does not state the qualifying formula.

[24]**Translator’s note (L2354):** The closing unfinished argument is repeated at the beginning of the following unit. The repetition has been preserved. The supplied ثلاثة is an irregular form in the expression for a woman divorced three times; the evident sense is translated.

وأيضا فإن حجتهم بأن المطلقة لا تحل لزوجها الأول إلا بأغلظ سبب ثم أباحوها بالوطء دون الإنزال، فقد نقضوا أصولهم في ذلك، وأدخلوا التحليل بسبب رقيق، لأن الحسن البصري وهو أحد الأئمة يقول: لا تحل للأول إلا بأن يطأها الثاني، وينزل وإلا فلا، وجعل الإنزال تمام ذوق العسيلة، وهم لا يقولون بذلك. وأيضا فإنهم يبيحون للمرء نكاح من زنى بها أبوه، ولا يحرمون عليه امرأته إن زنى بجريمتها، فهنا لا يدخلون التحريم بأرق سبب، بل بأغلظ سبب، وهو المتفق عليه في وطء الحلال، ويبيحون قتل المقر بالزنى مرة واحدة، فيدخلون التحليل على الدم الحرام الذي هو أغلظ الحرمات بأرق سبب، وغيرهم لا يبيح دمه إلا بإقرار أربع مرات يثبت عليها ولا يرجع عنها أصلا، وكل هذا تناقض منهم وهدم لما أصلوه من أن التحريم يدخل بأرق الأسباب، ولا يدخل التحليل إلا بأغلظ الأسباب. ومما يبطل قولهم غاية الإبطال قول الله تعالى {ولا تقولوا لما تصف ألسنتكم لكذب هذا حلال

fornication with “her crime.” Here, then, they do not establish prohibition through the slightest cause, or even through the strongest cause, which is agreed upon in the case of lawful intercourse. They permit the killing of someone who confesses to unlawful sexual intercourse once, thus permitting the shedding of inviolable blood, whose inviolability is the gravest of all, through the slightest cause. Others do not permit his blood to be shed except upon four confessions in which he persists and from which he does not retract at all. All this is contradiction on their part and a demolition of the principle they established: that prohibition arises through the slightest causes, whereas permission arises only through the strongest causes. Among the things that utterly invalidate their position are the words of Allah Most High: {And do not say, concerning the falsehood your tongues describe, “This is lawful, and this is forbidden,” so as to fabricate falsehood against Allah. Indeed, those who fabricate falsehood against Allah will not prosper}; and His words, Most High: {Say: Have you considered the provision Allah has sent down for you, some of which you have made forbidden and some lawful? Say: Has Allah given you permission, or do you fabricate against Allah?} These two verses establish that everyone who declares something lawful or forbidden without authorization from Allah Most High for its prohibition or permission has fabricated a lie against Allah. We are certain that Allah Most High has made lawful for us everything He created on earth, except what He has expressly detailed as forbidden to us in the text, because of His words, Most High: {What is the matter with you that you do not eat of that over which Allah’s name has been mentioned, when He has detailed for you what He has forbidden you, except that to which you are compelled? Indeed, many lead others astray through their desires, without knowledge. Indeed, your Lord knows best the transgressors.} These two clear texts thus invalidate anyone’s declaring anything forbidden out of precaution or fear that it might serve as a means. Furthermore, the Messenger of Allah ﷺ instructed someone who imagined that he had incurred a state of ritual impurity to pay no attention to that, but to continue his prayer and retain his legal status of ritual purity—this concerning prayer, which is among the most emphatically binding religious observances—until he heard a sound or smelled an odor. If adjudicating on the basis of precaution were correct, prayer would have

وهذا حرام لتفتروا على الله لكذب إن لذين يفترون على الله لكذب لا يفلحون} وقوله تعالى {قل أرأيتم مآ أنزل الله لكم من رزق فجعلتم منه حراما وحلالا قل ءآلله أذن لكم أم على الله تفترون} فصح بهاتين الآيتين أن كل من حلل أو حرم ما لم يأت بإذن من الله تعالى في تحريمه أو تحليله فقد افترى على الله كذبا، ونحن على يقين من أن الله تعالى قد أحل لنا كل ما خلق في الأرض، إلا ما فصل لنا تحريمه بالنص لقوله تعالى {وما لكم ألا تأكلوا مما ذكر سم لله عليه وقد فصل لكم ما حرم عليكم إلا ما ضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بلمعتدين} فبطل بهذين النصين الجليين أن يحرم أحد شيئا باحتياط أو خوف تذرع وأيضا فإن رسول الله صلى الله عليه وسلم أمر من توهم أنه أحدث ألا يلتفت إلى ذلك وأن يتمادى في صلاته، وعلى حكم طهارته، هذا في الصلاة التي هي أوكد الشرائع، حتى يسمع صوتا أو يشم رائحة، فلو كان الحكم الاحتياط حقا لكانت الصلاة أولى ما احتيط لها، ولكن الله تعالى لم يجعل لغير اليقين حكما فوجب بما ذكرنا أن كل ما تيقن تحريمه فلا ينتقل إلى التحليل إلا بيقين آخر من نص أو إجماع، وكل ما تيقن تحليله فلا سبيل أن ينتقل إلى التحريم إلا بيقين آخر من نص أو إجماع، وبطل الحكم باحتياط.

the greatest claim to such precaution. But Allah Most High has accorded legal effect to nothing other than certainty. It therefore follows from what we have mentioned that everything whose prohibition is certain cannot pass into permissibility except through another certainty derived from an explicit text or consensus. Likewise, there is no way for anything whose permissibility is certain to pass into prohibition except through another certainty derived from an explicit text or consensus. Adjudication on the basis of precaution is thus invalidated,[25][26][27]

L2359–2367 and it is established that legal effect belongs to certainty alone. Precaution, in its entirety, consists in a person's declaring nothing forbidden except what Allah Most High has forbidden, and declaring nothing lawful except what Allah Most High has made lawful. This invalidates declaring a woman divorced from her husband when he doubts whether he has divorced her or not, for she is certainly his wife and therefore cannot become forbidden to him except through another certainty derived from an explicit text or consensus. Success comes through Allah Most High. Indeed, this corrupt principle has even led them to adjudicate many matters on the basis of suspicion, which is impermissible. Thus they have rejected the testimony of upright witnesses in favor of their fathers, sons, wives, and friends, suspecting them of false testimony and partiality. Adjudication on the basis of suspicion is forbidden and impermissible, because it is adjudication on the basis of conjecture. Allah Most High has reproached people who treated their conjectures as certain, saying: {Rather, you supposed that the Messenger and the believers would never return to their families, and that was made attractive in your hearts.

[25] **Translator's note (L2355):** The opening repeats the unfinished argument at the end of the preceding unit. It has been translated again as supplied.

[26] **Translator's note (L2356):** The expression rendered "with 'her crime'" reads bi-jarīmatihā in the supplied text and is anomalous in this context. It may be a corruption of bi-jāriyatihā, "with her slave woman," but that correction has not been silently adopted. "Tasting the sweetness" literally refers to tasting a little honey and is a sexual euphemism here. The Quran quotations contain repeated orthographic losses, particularly missing initial alifs in articles and in the name Allah. These have been understood as spelling defects where the intended word is clear.

[27] **Qur'an references (L2355):** Qur'an 16:116 (An-Nahl); Qur'an 10:59 (Yunus); Qur'an 6:119 (Al-An'am).

وصح أن لا حكم إلا لليقين وحده، والاحتياط كله هو ألا يحرم المرء شيئا إلا ما حرم الله تعالى، ولا يحل شيئا إلا ما أحل الله تعالى، وبطل بهذا أن تطلق امرأة على زوجها إذ شك أطلقها أم لا، لأنها زوجة بيقين فلا تحرم عليه إلا بيقين آخر من نص أو إجماع، وبالله تعالى التوفيق. نعم حتى لقد أداهم هذا الأصل الفاسد إلا أن حكموا في أشياء كثيرة بالتهمة التي لا تحل، فأبطلوا شهادة العدول لآبائهم وأبنائهم ونسائهم وأصدقائهم تهمة لهم بشهادة الزور والحيف. والحكم بالتهمة حرام لا يحل، لأنه حكم بالظن، وقد قال تعالى عائبا لقوم قطعوا بظنونهم فقال تعالى {بل ظننتم أن لن ينقلب لرسول ولمؤمنون إلى أهليهم أبدا وزين ذلك في قلوبكم وظننتم ظن لسوء وكنتم قوما بورا} وقال تعالى عائبا قوما قالوا {وإذا قيل إن وعد لله حق ولساعة لا ريب فيها قلتم ما ندري ما لساعة إن نظن إلا ظنا وما نحن بمستيقنين} وقال تعالى {وما لهم به من علم إن يتبعون إلا لظن وإن لظن لا يغني من لحق شيئا} وقال تعالى {إن هي إلا أسمآء سميتموهآ أنتم وآبآؤكم مآ أنزل لله بها من سلطان إن يتبعون إلا لظن وما تهوى لأنفس ولقد جآءهم من ربهم لهدى} وقال رسول الله صلى الله عليه وسلم الظن أكذب الحديث قال أبو محمد فكل من حكم بتهمة أو باحتياط لم يستيقن أمره أو بشيء خوف ذريعة إلى ما لم يكن بعد، فقد حكم بالظن، وإذا حكم بالظن فقد حكم بالكذب والباطل، وهذا لا يحل وهو حكم بالهوى، وتجنب للحق نعوذ بالله من كل

مذهب أدى إلى هذا، مع أن هذا المذهب في ذاته متخاذل متفاسد متناقض، لأنه ليس أحد أولى بالتهمة من أحد، وإذا حرم شيئا حلالا خوف تذرع إلى حر فليخص الرجال خوف أن يزنوا، وليقتل الناس خوف أن يكفروا، وليقطع الأعناب خوف أن يعمل منها الخمر، وبالجملة فهذا المذهب أفسد مذهب في الأرض، لأنه يؤدي إلى إبطال الحقائق كلها، وبالله تعالى التوفيق فإن تعلق متعلق بقول النبي صلى الله عليه وسلم لعقبة بن الحارث إذ تزوج بنت أبي إهاب بن عزيز فأتت الأمة السوداء فقالت إني أرضعتكما فقال له رسول الله صلى الله عليه وسلم دعها عنك كيف بك وقد قيل فهذا لا يقوله رسول الله صلى الله عليه وسلم إلا وقد صح عنده وجوب الحكم بقول تلك الأمة السوداء، والخبر إذا صح عند الحاكم، والشهادة إذا ثبتت عنده لزمه أن يحكم بهما. فإن قال قائل: لم يكن ذلك من قول الأمة السوداء شهادة لوجهين أحدهما أنه لم تؤد ذلك عند رسول الله صلى الله عليه وسلم وإنما أخبرت بذلك عقبة بن الحارث وليس حكم الشهادة إلا أن تؤدى عند الحاكم والوجه الثاني أنه صلى الله عليه وسلم قد قال إن شهادة المرأة نصف شهادة رجل فلا سبيل إلى تعدي هذه القضية، ولا إلى أن تكون شهادة المرأة كشهادة رجل فكيف أن تكون كشهادة رجلين ولا سبيل إلى أن يكون النبي صلى الله عليه وسلم يأمر عقبة بأن يدع زوجه وينهاه عنها بالظن الذي قد أخبر النبي صلى الله عليه وسلم أنه أكذب الحديث هذا ما لا يظنه مسلم بالنبي صلى الله عليه وسلم لا سيما في الفراق بين الزوجين الذي عظمه الله تعالى بقوله عز وجل واصفا للسحرة {وتبعوا ما تتلوا لشياطين على ملك سليمان وما كفر سليمان ولكن لشياطين كفروا يعلمون لناس لسحر ومآ أنزل على لملكين ببابل هاروت وماروت وما يعلمان من أحد حتى يقولا إنما نحن فتنة فلا تكفر فيتعلمون منهما ما يفرقون به بين لمرء وزوجه وما هم بضآرين به من أحد إلا بإذن لله ويتعلمون ما يضرهم ولا

You entertained an evil supposition, and you were a ruined people.} And Allah Most High said, reproaching people who spoke thus: {And when it was said, "Indeed, Allah's promise is true, and the Hour—there is no doubt about it," you said, "We do not know what the Hour is. We merely conjecture, and we are not certain."} And Allah Most High said: {They have no knowledge of it. They follow only conjecture, and conjecture avails nothing against the truth.} And Allah Most High said: {They are only names that you and your fathers have named, for which Allah has sent down no authority. They follow only conjecture and what their souls desire, although guidance has certainly come to them from their Lord.} The Messenger of Allah ﷺ said: "Conjecture is the most false of speech." Abu Muhammed said: Everyone who adjudicates on the basis of suspicion, or of precaution concerning a matter of which he is not certain, or of something done for fear of a means leading to what has not yet occurred, has adjudicated on the basis of conjecture. When he adjudicates on the basis of conjecture, he has adjudicated on the basis of falsehood and invalidity. This is impermissible: it is adjudication on the basis of desire and an avoidance of truth. We seek refuge in Allah from every doctrine that leads to this. Moreover, this doctrine is inherently incoherent, unsound, and contradictory, for no one is more deserving of suspicion than anyone else. If someone forbids something lawful for fear that it may serve as a means to something forbidden, then let him castrate men for fear that they might commit fornication; let him kill people for fear that they might disbelieve; and let him cut down the grapevines for fear that wine might be made from them. In sum, this doctrine is the most corrupt doctrine on earth, because it leads to the invalidation of all realities. Success comes through Allah Most High. If someone appeals to the Prophet's ﷺ words to ʿUqbah ibn al-Harith, when he married the daughter of Abu Ihab ibn ʿAziz and the black slave woman came and said, "I suckled you both," whereupon the Messenger of Allah ﷺ said to him, "Leave her. What position are you in, now that this has been said?"—the one who would appeal to this says: this is something that would not be said by the Messenger of Allah ﷺ unless it had been established for him that it was obligatory to adjudicate on the basis of that black slave woman's statement. When a report is established as authentic before a judge, and testimony is established before him, he is obliged

to adjudicate on their basis. If someone says: “That statement by the black slave woman was not testimony, for two reasons. The first is that she did not deliver it before the Messenger of Allah ﷺ, but merely informed ʿUqbah ibn al-Harith of it, whereas testimony has legal effect only when delivered before the judge. The second is that he ﷺ said, ‘A woman’s testimony is half a man’s testimony.’ There is therefore no way to go beyond this ruling or to make a woman’s testimony equivalent to a man’s testimony, much less equivalent to that of two men. Nor is it possible that the Prophet ﷺ would instruct ʿUqbah to leave his wife and prohibit her to him on the basis of conjecture, which the Prophet ﷺ himself declared to be the most false of speech. No Muslim would think this of the Prophet ﷺ, especially concerning separation between spouses, the gravity of which Allah Most High emphasized through His words, Mighty and Majestic, describing sorcerers: {They followed what the devils recited concerning Solomon’s kingship. Solomon did not disbelieve, but the devils disbelieved, teaching people sorcery and what was sent down to the two angels in Babylon, Harut and Marut. They would teach no one until they had said, ‘We are only a trial, so do not disbelieve.’ They would learn from the two of them that by which they separate a man from his wife. Yet they harm no one with it except by Allah’s permission. They learn what harms them and does not benefit them. They certainly knew that whoever purchased it would have no share in the Hereafter. How evil was that for which they sold themselves, if only they knew!} Since it has thus been ruled out that the black slave woman’s account was testimony or an adjudication based on conjecture, there remains only that it was a report which the Prophet ﷺ accepted as true, whose authenticity he knew, and on the basis of which he ruled.” He is answered: As for your statement that she did not deliver it before the Messenger of Allah ﷺ, a trustworthy person did convey to him ﷺ their testimony concerning that and her statement; that person was the one to whom it had been said. In our view, the testimony of one woman transmitting the testimony of one woman is admissible. As for your statement that he ﷺ said, “A woman’s testimony is half a man’s testimony,” yes: he ﷺ is the one who said what you have mentioned, and he is the one who said to ʿUqbah ibn al-Harith, “Leave her.” Thus he ﷺ instructed him to separate from her on the testimony of the black woman.

ينفعهم ولقد علموا لمن شتراه ما له في لآخرة من خلاق ولبئس ما شروا به أنفسهم لو كانوا يعلمون} فإذ قد بطل أن يكون حديث الأمة السوداء شهادة أو حكما بالظن فلم يبق إلا أنه خبر صدقه النبي صلى الله عليه وسلم وعلم صحته فقضى به قيل له أما قولك لم تؤده عند رسول الله صلى الله عليه وسلم فقد أدى شهادتهما بذلك وقولها إليه صلى الله عليه وسلم الثقة وهو المقول له ذلك وشهادة واحدة على شهادة واحدة عندنا جائزة وأما قولك أنه صلى الله عليه وسلم قال شهادة المرأة نصف شهادة الرجل فنعم وهو صلى الله عليه وسلم القائل لما ذكرت وهو القائل لعقبة بن الحارث دعها عنك فهو صلى الله عليه وسلم أمره بفراقها بشهادة السوداء فالمرأة الواحدة مقبولة في هذا المكان بهذا الحديث، وأما في سواه فامرأتان مقام رجل بالنص الآخر الذي ذكرت، ولا يحل ترك أحدهما للآخر. هذا على أن المالكيين الحاكمين باحتياط وقطع الذرائع في العظائم التي لم يأذن بها الله تعالى لا يحكمون بقول امرأة لزوج وامرأته: إني قد أرضعتكما، ولا يفرقون بينهما بذلك، فهم يخالفون النصوص كما ترى حيث كان يكون لهم فيه متعلق، ويفرقون بالاحتياط حيث لم يأت فيه نص يتعلق به متعلق وبالله التوفيق. فإن احتجوا بما حدث أبو العباس أحمد بن عمر بن أنس العذري، أنا الحسن بن أحمد بن فراس، ثنا أحمد بن محمد بن سهل المعروف ببكير بن الحداد، ثنا أبو مسلم إبراهيم بن عبد الله الكجي، ثنا عمرو بن محمد العثماني، ثنا إسماعيل بن أبي أويس، عن حسين بن عبد الله بن ضميرة، عن أبيه عن جده عن تميم الداري أن رسول الله صلى الله عليه وسلم قال كل مشكل حرام وليس في الدين إشكال فهذا حديث لا تقوم به حجة لضعف سنده، لأن حسين بن عبد الله ضعيف وأبوه وجده غير مشهورين في أصحاب النقل. وأما كل أشياء أو شيئين أيقنا أن فيهما حراما لا نعلمه بعينه فحكمهما التوقف أو ترك التوقف، على ما قد قسمناه في غير هذا الموضع،

A single woman is therefore accepted in this instance on the basis of this hadith. As for other instances, two women take the place of one man on the basis of the other explicit text you mentioned. It is impermissible to abandon either of the two texts for the sake of the other. Furthermore, the Malikis, who adjudicate on the basis of precaution and blocking the means in grave matters for which Allah Most High has given no authorization, do not adjudicate on the basis of a woman's saying to a husband and his wife, "I have indeed "I have nursed you both," yet they do not separate the two on that account. Thus they contradict the texts, as you see, precisely where they would have something in them to rely upon, while they separate people on grounds of precaution where no text has come upon which anyone could rely. Success comes through Allah.

If they appeal to what Abu al-Abbas Ahmad ibn Umar ibn Anas al-Udhri related—al-Hasan ibn Ahmad ibn Firas informed us; Ahmad ibn Muhammed ibn Sahl, known as Bukayr ibn al-Haddad, related to us; Abu Muslim Ibrahim ibn Abd Allah al-Kajji related to us; Amr ibn Muhammed al-Uthmani related to us; Ismail ibn Abi Uways related to us, from Husayn ibn Abd Allah ibn Dumayrah, from his father, from his grandfather, from Tamim al-Dari, that the Messenger of Allah, may Allah bless him and grant him peace ﷺ, said, "Everything ambiguous is forbidden, and there is no ambiguity in religion"—this is a report that cannot establish a proof, because its chain of transmission is weak: Husayn ibn Abd Allah is weak, and his father and grandfather are not well known among the transmitters.

As for any collection of things, or two things, among which we are certain there is something forbidden but do not know which particular thing it is, the ruling concerning them is to suspend judgment or not to suspend judgment, according to the distinctions we have set out elsewhere, until the forbidden becomes distinguishable from the lawful. For here there is something certainly forbidden, avoidance of which is obligatory. This differs from something doubtful concerning which there is no certainty at all.

Muhammed ibn Said ibn Nabat related to us; Ahmad ibn Abd al-Basir related to us; Qasim ibn Asbagh related to us; Muhammed ibn Abd al-Salam al-Khushani related to us; Muhammed ibn al-Muthanna related to us; Abd

حتى يتبين الحرام من الحلال، لأن هذا المكان فيه يقين حرام يلزم اجتنابه فرضا، وهذا بخلاف المشكوك فيه الذي لا يقين فيه أصلا. حدثنا محمد بن سعيد بن نبات، ثنا أحمد بن عبد البصير، ثنا قاسم بن أصبغ، حدثنا محمد بن عبد السلام الخشني، ثنا محمد بن المثنى، ثنا عبد الرحمن بن مهدي، ثنا سفيان الثوري، عن أبيه، عن تميم بن سلمة، عن ابن عمرة قال: إن الله يحب أن يؤتى مياسره كما يحب أن تؤتى عزائمه قال: فذكرت ذلك لعبد الرحمن الرحال فقال: قال ابن عباس: إن الله يحب أن تقبل رخصه كما يحب أن يؤتى حده وبه نصا إلى عبد الرحمن بن مهدي، عن سفيان الثوري، عن منصور بن المعتمر، عن مالك بن الحارث، عن عمرو بن شرحبيل قال: قال عبد الله بن مسعود: إن الله يحب أن تؤتى مياسره كما يحب أن تؤتى عزائمه. قال أبو محمد: فهذا يبين أنه لا يجوز التحري في اجتناب ما جاء عن الله تعالى على لسان نبيه صلى الله عليه وسلم وإن كانت رخصة وأن كل ذلك حق وسنة ودين فبطل ما تعلقوا به من الاحتياط الذي لم يأت به نص ولا إجماع. وبالله تعالى التوفيق وهو حسبنا ونعم الوكيل

al-Rahman ibn Mahdi related to us; Sufyan al-Thawri related to us, from his father, from Tamim ibn Salamah, from Ibn Umrah, who said: "Allah loves that His provisions of ease be acted upon just as He loves that His binding requirements be acted upon." He said: "I mentioned that to Abd al-Rahman al-Rahhal, and he said: 'Ibn Abbas said: Allah loves that His dispensations be accepted just as He loves that His prescribed limit be observed.'"

Through that same chain, with the wording transmitted as far as Abd al-Rahman ibn Mahdi, from Sufyan al-Thawri, from Mansur ibn al-Mutamir, from Malik ibn al-Harith, from Amr ibn Shurahbil, who said: "Abd Allah ibn Masud said: 'Allah loves that His provisions of ease be acted upon just as He loves that His binding requirements be acted upon.'"

Abu Muhammed said: This makes clear that it is not permissible to exercise scrupulous caution by avoiding what has come from Allah Most High through the tongue of His Prophet, may Allah bless him and grant him peace ﷺ, even if it is a dispensation, and that all of this is truth, Sunnah, and religion. Thus their reliance upon precaution for which neither a text nor consensus has

come is invalidated. Success comes through Allah Most High. He suffices us, and an excellent Trustee He is.[28][29][30][31][32][33][34]

[28]**Translator's note (L2359):** The supplied illā in "has even led them … to adjudicate" appears to be a transcription error for ilā; the contextual sense has been translated. The Quran quotations contain recurrent orthographic omissions, including missing initial alifs; their otherwise clear wording has been translated.

[29]**Translator's note (L2360):** The supplied ḥurr, literally "a free man" or "free," is anomalous after "a means to" and appears to be a truncated or corrupt word for something forbidden. The translation follows the contextual sense while flagging the defect. The unvocalized falyakhṣi is understood as "then let him castrate," as required by the continuation about preventing fornication.

[30]**Translator's note (L2361):** "The one who would appeal to this says" makes explicit the speaker of the argument that continues into the next segment; the Arabic introduces that argument without an express "he says."

[31]**Translator's note (L2362):** The objection introduced by "If someone says" continues into the next segment, where the author begins his response. The Quran quotation contains recurrent orthographic omissions, including missing initial alifs; its otherwise clear wording has been translated.

[32]**Translator's note (L2363):** The supplied shahādatahumā means "their testimony," with a dual pronoun, although the argument concerns the slave woman's testimony. This apparent textual anomaly is retained. "The testimony of one woman transmitting the testimony of one woman" follows the feminine forms in the supplied text. These are awkward alongside the preceding identification of the intermediary as ʿUqbah; the wording has not been silently changed to masculine forms.

[33]**Translator's note (L2365):** The opening continues a woman's statement to a husband and wife from the preceding segment. The wording attributed to Ibn Abbas has the singular "His prescribed limit" (ḥaddahu), rather than the "binding requirements" found in the adjacent reports; that distinction has been retained.

[34]**Qur'an references (L2359):** Qur'an 48:12 (Al-Fath); Qur'an 45:32 (Al-Jathiyah); Qur'an 53:28 (An-Najm); Qur'an 53:23 (An-Najm); Qur'an 2:102 (Al-Baqarah).

الباب 35: الاستحسان والاستنباط بالرأي

Chapter 35: Juristic Preference and Inference through Opinion

Ibn Ḥazm · Arabic–English parallel edition

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[الباب الخامس والثلاثون في الاستحسان والاستنباط في الرأي وإبطال كل ذلك]

قال أبو محمد رحمه الله إنما جمعنا هذا كله في باب واحد، لأنها كلها ألفاظ واقعة على معنى واحد، لا فرق بين شيء من المراد بها وإن اختلفت الألفاظ وهو الحكم بما رآه الحاكم أصلح في العاقبة وفي الحال، وهذا هو الاستحسان لما رأى برأيه من ذلك، وهو استخراج ذلك الحكم الذي رآه. قال المالكيون بالاستحسان في كثير من مسائلهم، روى العتبي محمد بن أحمد قال: ثنا أصبغ بن الفرج قال: سمعت ابن القاسم يقول: قال مالك: تسعة أعشار العلم الاستحسان، قال أصبع بن الفرج: الاستحسان في العلم يكون أغلب من القياس، ذكر ذلك في كتاب أمهات الأولاد من المستخرجة. وأما الحنفيون فأكثروا فيه جدا، وأنكره الشافعيون، وأنكره من أصحاب مذهب أبي حنيفة أحمد بن محمد الطحاوي، فأما القائلون به فإننا نجدهم يقولون في كثير من مسائلهم إن القياس في هذه المسألة كذا، ولكنا نستحسن فنقول غير ذلك. قال أبو محمد: واحتج القائلون بالاستحسان بقول الله عز وجل {لذين يستمعون لقول فيتبعون أحسنه أولئك لذين هداهم لله وأولئك هم أولو لألباب}

[Chapter Thirty-Five: Juristic Preference and Inference through Personal Opinion, and the Invalidation of All of That]

L2368

L2369 Abu Muhammed, may Allah have mercy on him, said: We have gathered all of this into a single chapter only because these are all expressions denoting one meaning. There is no difference whatsoever in what is intended by them, even though the expressions differ: namely, ruling according to what the person giving the ruling considers more beneficial in its eventual outcome and in the present circumstances. This is juristic preference for what he has arrived at through his own opinion concerning that, and it is the extraction of that ruling which he has conceived.

The Malikis have advocated juristic preference in many of their legal questions. Al-Utbi, Muhammed ibn Ahmad, transmitted, saying: Asbagh ibn al-Faraj related to us, saying: I heard Ibn al-Qasim say: Malik said: "Nine-tenths of knowledge is juristic preference." Asba ibn al-Faraj said: "Juristic preference in knowledge is more predominant than analogy." He mentioned that in the Book of Slave Women Who Have Borne Their Masters Children in al-Mustakhrajah. As for the Hanafis, they have employed it very extensively. The Shafiis rejected it, and Ahmad ibn Muhammed al-Tahawi, one of the adherents of Abu Hanifah's school, also rejected it. As for those who advocate it, we find them saying in many of their legal questions: "Analogy in this question yields such-and-such, but we exercise juristic preference and say something else."

Abu Muhammed said: Those who advocate juristic preference have appealed to the saying of Allah, Mighty and Majestic: "Those who listen to speech and follow the best of it: those are the ones whom Allah has guided, and those are the possessors of understanding."[1]

[1] **Translator's note (L2369):** The transmitter's name is first written أصبغ (Asbagh), but later أصبع (Asba); the differing forms have been retained. The Quranic quotation corresponds to Quran 39:18; several initial alifs are absent in the transcription, without changing the identifiable wording.

قال أبو محمد وهذا الاحتجاج عليهم لا لهم، لأن الله تعالى لم يقل فيتبعون ما استحسنوا وإنما قال عز وجل {إن تكفروا فإن لله غني عنكم ولا يرضى لعباده لكفر وإن تشكروا يرضه لكم ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم تعملون إنه عليم بذات لصدور} وأحسن الأقوال ما وافق القرآن وكلام الرسول صلى الله عليه وسلم هذا هو الإجماع المتيقن من كل مسلم ومن قال غير هذا فليس مسلما وهو الذي بينه عز وجل إذ يقول {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} ولم يقل تعالى فردوه إلى ما تستحسنون. ومن المحال أن يكون الحق فيما استحسنا دون برهان، لأنه لو كان ذلك لكان الله تعالى يكلفنا ما لا نطيق، ولبطلت الحقائق ولتضادت الدلائل، وتعارضت البراهين، ولكان تعالى يأمرنا بالاختلاف الذي قد نهانه عنه، وهذا محال لأنه لا يجوز أصلا أن يتفق استحسان العلماء كلهم على قول واحد، على اختلاف هممهم وطبائعهم وأغراضهم، فطائفة طبعها الشدة، وطائفة طبعها اللين، وطائفة طبعها التصميم، وطائفة طبعها الاحتياط، ولا سبيل إلى الاتفاق على استحسان شيء واحد مع هذه الدواعي والخواطر المهيجة، واختلافها واختلاف نتائجها وموجباتها، ونحن نجد الحنفيين قد استحسنوا ما استقبحه المالكيون، ونجد المالكيين قد استحسنوا قولا قد استقبحه الحنفيون، فبطل أن يكون الحق في دين الله عز وجل مردودا إلى استحسان بعض الناس، وإنما كان يكون هذا وأعوذ بالله لو كان الدين ناقصا، فأما وهو تام لا مزيد فيه، مبين كله منصوص عليه، أو مجمع عليه فلا معنى لمن استحسن شيئا منه أو من غيره، ولا لمن استقبح أيضا شيئا منه أو من غيره. والحق حق وإن استقبحه الناس، والباطل باطل وإن استحسنه الناس، فصح أن الاستحسان شهوة واتباع للهوى وضلال، وبالله تعالى نعوذ من الخذلان. وقد روى الفتيا بالرأي في مسائل عن الصحابة. فإن قال قائل: إذ قد ظهر

L2370–2373 Abu Muhammed said: This appeal is against them, not in their favor, because Allah Most High did not say, "And follow what they deem preferable." Rather, He, Mighty and Majestic, said: "If you disbelieve, Allah is indeed independent of you, and He does not approve disbelief for His servants. If you give thanks, He approves it for you. No bearer of burdens shall bear another's burden. Then to your Lord is your return, and He will inform you of what you used to do. Indeed, He knows what is within the breasts." The best speech is that which accords with the Quran and the speech of the Messenger, may Allah bless him and grant him peace ﷺ. This is the certain consensus of every Muslim. Whoever says anything other than this is not a Muslim. This is what He, Mighty and Majestic, clarified when He says: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute concerning anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and best in outcome." He Most High did not say: "Refer it to what you deem preferable."

It is impossible for the truth to reside in what we deem preferable without demonstration. For if that were so, Allah Most High would be imposing upon us what we cannot bear; realities would be nullified; indications would contradict one another; demonstrations would conflict; and He Most High would be commanding us to engage in the disagreement that He has forbidden us. This is impossible, because it is altogether impossible for the preferences of all scholars to converge upon a single position, given the differences in their aspirations, temperaments, and purposes. One group is stern by temperament, another gentle, another resolute, and another cautious. There is no way to agree on deeming one thing preferable amid these motives and stirring thoughts, their differences, and the differences in their results and implications. We find that the Hanafis have deemed preferable what the Malikis have deemed objectionable, and we find that the Malikis have deemed preferable a position that the Hanafis have deemed objectionable. Thus it is invalid for the truth in the religion of Allah, Mighty and Majestic, to be referred to the preferences of certain people.

This could only have been so—I seek refuge in Allah—if religion were deficient. But since it is complete, admitting no addition, entirely elucidated,

and established by explicit texts or consensus, there is no significance to anyone's deeming preferable anything within it or outside it, nor to anyone's deeming objectionable anything within it or outside it. Truth is truth even if people deem it objectionable, and falsehood is falsehood even if people deem it preferable. It is therefore established that juristic preference is appetite, the pursuit of personal inclination, and error. In Allah Most High we seek refuge from abandonment.

The giving of legal opinions through personal opinion on certain questions has been transmitted from the Companions. If someone says, "Since giving legal opinions through personal opinion became manifest among the Companions, they reached a consensus approving it," he is told—and success comes through Allah Most High—"It is not as you say. Rather, if someone said that they, may Allah be pleased with them, reached a consensus condemning it, he would be correct. For those among them from whom legal opinions have been transmitted—may Allah be pleased with them—number one hundred and thirty-odd, and abundant legal opinions are preserved from only twenty of them. Moreover, it is not preserved from any one of those mentioned that he affirmed the correctness of pronouncing on the basis of personal opinion, or that it is religion, or that it is binding. Rather, most of them are reported to have condemned the personal opinion they expressed, and to have explained on what basis they issued a legal opinion through it: that it was not binding.[2][3][4]

L2374 Then the question is turned back upon them, and we ask them: Was anyone protected from error after the Prophet ﷺ? Their position, and that of all Muslims, is that no one was protected from error after the Prophet ﷺ, and that anyone below him may err or be correct. Since that is so, is it permissible for anyone to say that they reached a consensus upon error,

الفتيا بالرأي في الصحابة فقد أجمعوا على الرضا به. قيل له وبالله تعالى التوفيق: ليس كما تقول، بل لو قال قائل: إنهم رضي الله عنهم أجمعوا على ذمه لكان مصيبا، لأن الذين روى عنهم الفتيا منهم رضي الله عنهم مائة ونيف وثلاثون، لا يحفظ التكثير منهم من الفتيا إلا عن عشرين، ثم لا يحفظ عن أحد من هؤلاء المذكورين تصويب القول بالرأي، ولا أنه دين ولا أنه لازم، بل أكثرهم قد روي عنه ذم ما أخبر به من الرأي وعلى أي وجه أفتى به من أنه غير لازم.

ثم تعكس عليهم السؤال فنسألهم أعصم أحد من الخطأ بعد النبي صلى الله عليه وسلم فمن قولهم وقول جميع المسلمين إنه لم يعصم أحد من الخطأ بعد النبي صلى الله عليه وسلم وإن كان من دونه يخطىء ويصيب فإذ الأمر كذلك أفيسوغ لأحد أن يقول: إنهم قد أجمعوا على الخطأ؟ وأراد تصحيح الخطأ بذلك، وهذا ما لا يقوله أحد. وإنما يكون الإجماع صحيحا إذا أجمعوا على صحة القول بشيء ما، ولم يصح قط أحد منهم القول بالرأي، وأيضا فإنه ليس منهم أحد أفتى برأيه في مسألة إلا وقد أفتى غيره فيها بنص رواه، أو موافق لنص فإذ الأمر كذلك، فإن الواجب عرض تلك الأقوال على

[2] **Translator's note (L2370):** Following "Rather, He … said," the supplied text quotes Quran 39:7, although the argument concerns the wording of Quran 39:18 quoted immediately before. The apparent quotation mismatch has been retained rather than repaired.

[3] **Translator's note (L2373):** The phrase "and on what basis he issued a legal opinion through it" is syntactically compressed; "to have explained" makes its implied connection explicit.

[4] **Qur'an references (L2370):** Qur'an 39:7 (Az-Zumar); Qur'an 4:59 (An-Nisa).

القرآن والسنة، فالقرآن والسنة يشهدان بصحة قول من وافق قوله النص، لا من قال برأيه، وبالله تعالى التوفيق. واحتجوا في الاستحسان بقول يجري على ألسنتهم وهو: ما رآه المسلمون حسنا فهو عند الله حسن وهذا لا نعلمه ينسند إلى رسول الله صلى الله عليه وسلم من وجه أصلا وأما الذي لا شك فيه فإنه لا يوجد البتة في مسند صحيح وإنما نعرفه عن ابن مسعود، كما حدثنا المهلب التميمي عن محمد بن عيسى بن مناس، عن محمد بن مسرور، عن يونس بن عبد الأعلى، عن ابن وهب، أخبرني عبد الله بن يزيد، عن عبد الرحمن بن عبد الله عتبة، عن عاصم بن بهدلة، عن شقيق، عن عبد الله بن مسعود فذكر كلاما فيه، فما رآه المسلمون حسنا فهو عند الله حسن.

intending thereby to establish the correctness of error? No one says this. Consensus is valid only when they agree upon the correctness of affirming some particular thing, and none of them ever declared pronouncing on the basis of personal opinion to be correct. Moreover, there is not one of them who gave a legal opinion on a question on the basis of his personal opinion without someone else giving a legal opinion on it on the basis of a text that he transmitted, or one that accorded with a text. Since that is so, those statements must be submitted to the Quran and the Sunnah. The Quran and the Sunnah attest to the correctness of the statement of the person whose statement accords with the text, not of the person who speaks on the basis of his personal opinion. Through Allah Most High comes success.

In support of juristic preference, they have adduced a saying that circulates upon their tongues: "Whatever the Muslims deem good is good in Allah's sight." We know of no route of transmission whatsoever by which this is attributed to the Messenger of Allah ﷺ. What is beyond doubt is that it is nowhere to be found with a sound chain of transmission to him. We know it only from Ibn Masʿud, as al-Muhallab al-Tamimi related to us, from Muhammed ibn ʿIsa ibn Manas, from Muhammed ibn Masrur, from Yunus ibn ʿAbd al-Aʿla, from Ibn Wahb: "ʿAbd Allah ibn Yazid informed me, from ʿAbd al-Rahman ibn ʿAbd Allah ʿUtbah, from ʿAsim ibn Bahdalah, from Shaqiq, from ʿAbd Allah ibn Masʿud." He then mentioned a statement containing: "Whatever the Muslims deem good is good in Allah's sight."[5]

قال أبو محمد: وهذا لو أتى من وجه صحيح لما كان لهم فيه متعلق، لأنه إنما يكون إثبات إجماع المسلمين فقط، لأنه لم يقل ما رآه بعض المسلمين حسنا فهو حسن وإنما فيه: ما رآه المسلمون، فهذا هو الإجماع الذي لا يجوز خلافه لو تيقن، وليس ما رآه بعض المسلمين بأولى بالاتباع مما غيرهم من المسلمين، ولو كان ذلك لكنا مأمورين بالشيء وضده، وبفعل شيء وتركه معا، وهذا محال لا سبيل إليه، ثم يقال لهم: ما معنى قولكم: الاستحسان في هذه المسألة وجه كذا؟. فجوابهم في ذلك أحد جوابين: أحدهما: ما كانوا عليه فيما قارب عصر أبي حنيفة ومالك، وهو الذي يرونه أحوط أو

L2375–2378 Abu Muhammed said: Even if this had come through a sound route of transmission, it would afford them no support, because it would establish only the consensus of the Muslims. He did not say, "Whatever some Muslims deem good is good." Rather, its wording is, "Whatever the Muslims deem good." This, then, is the consensus that it would be impermissible to oppose, if it were known with certainty. What some Muslims deem good has no greater claim to be followed than what other Muslims deem good. Were that so, we

[5]**Translator's note (L2374):** The transmitter's name appears as "ʿAbd al-Rahman ibn ʿAbd Allah ʿUtbah," without a genealogical connector before "ʿUtbah"; the supplied form has been retained. The form ينسند is irregular; it has been understood as referring to attribution through a transmission chain.

would be commanded to do a thing and its opposite, and to do something and leave it undone simultaneously. This is impossible; there is no way for it to occur. Then they are to be asked: What do you mean by your statement, "Juristic preference in this question is such-and-such an approach"? Their answer to this is one of two answers. The first is the position they held around the time of Abu Hanifah and Malik: it is what they consider more cautious, less burdensome, closer to customary and familiar practice, or further removed from offensiveness. All of this ultimately comes down to whatever their own souls find agreeable. This is invalidated by His saying, Most High: "But as for him who feared standing before his Lord and restrained the soul from desire, Paradise shall indeed be the refuge"; and: "I do not acquit my own soul. Indeed, the soul insistently commands evil, except insofar as my Lord shows mercy. Indeed, my Lord is forgiving, merciful," and by His saying, Most High: "Rather, those who have done wrong have followed their desires without knowledge. Who, then, can guide someone whom Allah has led astray? They have no helpers." And He said, Most High: "If they do not respond to you, know that they follow only their desires. Who is further astray than someone who follows his desire without guidance from Allah? Indeed, Allah does not guide the wrongdoing people." These verses invalidate anyone's following what he deems good without a demonstration grounded in a text or consensus. No one can exercise greater care for the believing servants than Allah, their Creator, their Provider, and the One who sends messengers to them. All caution consists in following what Allah Most High has commanded, and all offensiveness consists in opposing Him. There is no [intelligible meaning here] in what hearts recoil from because they are unaccustomed to it. All of this consists of unsound conjectures, acceptable only to someone who has had no practice in knowing realities. Nothing is good except what Allah Most High [and] His Messenger ﷺ have commanded or what the two have permitted; and nothing is bad or offensive except what He, Most High, and His Messenger ﷺ have forbidden. They have a second answer, given by al-Karkhi, who said: "It is the subtler of the two analogies." Abu Muhammed said: This statement is invalidated by everything we shall present, if Allah wills, in the chapter invalidating analogy in this work of ours. Through Allah Most High comes success. They are to be told: If there is an

أخف أو أقرب من العادة والمعهود، أو أبعد من الشناعة، وهذا كله بالجملة راجع إلى ما طابت عليه أنفسهم، وهذا باطل بقوله تعالى {وأما من خاف مقام ربه ونهى لنفس عن لهوى * فإن لجنة هي لمأوى} {ومآ أبرىء نفسي إن لنف 4 س لأمارة بلسوء إلا ما رحم ربي إن ربي غفور رحيم} وبقوله تعالى {بل تبع لذين ظلموا أهوآءهم بغير علم فمن يهدي من أضل لله وما لهم من ناصرين} وقال تعالى {فإن لم يستجيبوا لك فعلم أنما يتبعون أهوآءهم ومن أضل ممن تبع هواه بغير هدى من لله إن لله لا يهدي لقوم لظالمين} وفي هذه الآي إبطال أن يتبع أحد ما استحسن بغير برهان من نص أو إجماع، ولا يكون أحد أحوط على العباد المؤمنين من الله خالقهم ورازقهم، وباعث الرسل إليهم، والاحتياط كله اتباع ما أمر الله تعالى به والشناعة كلها مخالفته، ولا مني لما نافرته قلوب لم تعتده، وهذا كله ظنون فاسدة لا تجوز إلا عند من لم يتمرن بمعرفة الحقائق ولا حسن إلا ما أمر الله تعالى به رسوله صلى الله عليه وسلم أو أباحاه ولا قبيح ولا شنيع إلا ما نهى عنه تعالى ورسوله صلى الله عليه وسلم وجواب لهم ثان أجاب به الكرخي وهو أن قال هو أدق القياسين. قال أبو محمد: وهذا القول يبطله كل ما نورده إن شاء الله في باب إبطال القياس من ديواننا هذا. وبالله تعالى التوفيق. ويقال لهم: إن كان ههنا قياس يوجب ترك قياس آخر ويضاده ويبطله فقد صح بطلان دلالة القياس بإقراركم، وصح بالبرهان الضروري إبطال القياس كله جملة بهذا العمل، لأن الحق لا يتضاد ولا يبطل بعضه بعضا، ولا يضاد برهان برهانا أبدا، لأن معنى المضاد أن يبطل أحد المعنيين الآخر، والشيء إذا أبطله الحق فقد بطل، والباطل لا يكون حقا في حال كونه باطلا، وإذا أبطل بعض الشيء بعضا فواجب أن يكون كله باطلا، لما قلنا من أن الحق لا يبطل بعضه بعضا. فإذا شهد بعض القياس عندكم بإبطال بعض قياس آخر، فنوع القياس كله متفاسد، مبطل بعضه بعضا، فهو كله باطل. فإن قالوا: إن الحديث ينقض بعضه بعضا، وكذلك الآي

analogy here that requires abandoning another analogy, contradicts it, and invalidates it, then the invalidity of analogy's evidentiary force is established by your own admission. Through this procedure, the invalidity of analogy in its entirety is established by necessary demonstration. For truth does not contradict itself, nor does one part of it invalidate another. A demonstration never contradicts another demonstration, because contradiction means that one of two propositions invalidates the other. When truth invalidates something, that thing is invalid; what is false cannot be true while it is false. If one part of something invalidates another, all of it must be false, for the reason we have stated: one part of truth does not invalidate another. Thus, if in your view one analogy attests to the invalidity of another analogy, analogy as an entire category is mutually destructive, one part invalidating another, and it is all false. If they say: "Some hadith reports negate others, and likewise the verses, by way of abrogation, and likewise rational inquiry; yet this is no evidence for the invalidity of the Quran, hadith, and rational inquiry in their entirety"—[6][7][8][9]

على سبيل النسخ وكذلك النظر، وليس ذلك دليلا على بطلان جميع القرآن والحديث والنظر.

L2379 Abu Muhammed said: We say to them—and through Allah Most High comes success—this is gross obfuscation. No verse can invalidate another verse, nor any hadith another hadith, except by way of abrogation, or where one of the

قال أبو محمد: فنقول لهم، وبالله تعالى التوفيق: هذا تمويه شديد، ولا يجوز أن تبطل آية آية أخرى، ولا حديث حديثا آخر، إلا من طريق النسخ، أو يكون أحد الحديثين ضعيف النقل، فليس داخلا حينئذ فيمال أمرنا بطاعته وكذلك النظر، لأن النظر الصحيح إنما هو البرهان، وإنما تأتي أغاليط وشبه بظن قوم أنها برهان، وليست برهانا فليس هذا داخلا في النظر، وليس ما قلتم في القياسين من هذا الباب في شيء، لأن القياس ليس فيه ناسخ ولا منسوخ، ولا قلتم: إن أحد القياسين مموه ليس قياسا، بل قلتم: هما معا قياس، فاستحسنا أدقهما، فتركتم أحد القياسين وأبطلتموه، وأنتم تقرون أنه قياس وإذا كان بعض النوع باطلا فهو كله باطل، ولا يجوز أن يجمع الحق والباطل نوع واحد أبدا.

[6] **Translator's note (L2375):** The comparison beginning مما غيرهم من المسلمين lacks an explicit verb. The translation supplies "deem good" from the preceding clause.

[7] **Translator's note (L2376):** The Quranic quotations contain defective spellings and missing letters. In the second quotation, the word النفس is broken by an intrusive numeral: س 4 لنف. The intended words remain identifiable; the numeral has no translatable linguistic meaning.

[8] **Translator's note (L2377):** The phrase ولا مني لما نافرته قلوب لم تعتده is corrupt or unintelligible at مني. The translation marks that points rather than silently replacing it with the plausible reading معنى, "meaning" or "significance." The source reads ما أمر الله تعالى به رسوله, without "and" before "His Messenger." The translation marks the supplied conjunction; the subsequent dual verb أباحاه, "the two permitted," supports this construction. The Quranic quotations contain defective spellings and missing letters, although their wording is identifiable.

[9] **Qur'an references (L2375):** Qur'an 79:40 (An-Nazi'at); Qur'an 12:53 (Yusuf); Qur'an 30:29 (Ar-Rum); Qur'an 28:50 (Al-Qasas).

two hadith reports is weak in transmission, in which case it does not fall within what we have been commanded to obey. The same applies to rational inquiry, because sound rational inquiry is nothing other than demonstration. What occurs is merely that fallacies and specious arguments arise which some people suppose to be demonstrations, although they are not demonstrations. This therefore does not fall within rational inquiry. What you have said concerning the two analogies has nothing whatsoever to do with this, because analogy contains neither an abrogating element nor an abrogated one. Nor have you said that one of the two analogies is a deceptive semblance that is not actually an analogy. Rather, you have said: "Both are analogies, so we preferred the subtler of them." You thus abandoned one of the two analogies and invalidated it while acknowledging that it is an analogy. If part of the category is false, all of it is false. Truth and falsehood can never be comprised within a single category.[10]

L2380–2381 Those who advocate invalidating juristic preference, taking refuge instead in assigning preponderance to effective causes and giving greater weight to the multiplicity of analogous cases, must not imagine that what they have resorted to frees them from this binding objection. In every case, they have invalidated the effective cause over which the other was given preponderance, and invalidated the legal effect of the smaller number of analogous cases. They have neither established a ruling through them nor validated an analogy through them. Rather, they have ruled that effective causes invalidate one another, and that certain analogous cases furnish no basis for a ruling, nor is a ruling made because of them, nor because of them with a single ruling; and that resemblance does not necessitate agreement in ruling through similarity and effective causes. The advocacy of analogy in its entirety is thereby invalidated. For every method of disputation in which one part invalidates another, one part gives the lie to another, and the parts contradict and undermine one another, is entirely unsound and false. Truth never opposes truth, and evidence can never establish the correctness of two contrary positions concerning a single matter. Malik—may Allah have

[10]**Translator's note (L2379):** The form فيمال appears to be a transcriptional corruption of فيما, "within what"; it has been translated accordingly.

ولا يظن القائلون بإبطال الاستحسان، الهاربون إلى القول بترجيح العلل وتغليب كثرة الأشباه، أنهم يتخلصون من هذا الإلزام بما فزعوا إليه، لأنهم على كل حال قد أبطلوا العلة المرجح عليها الأخرى، وأبطلوا حكم الأشباه القليلة، ولم يوجبوا بها حكما، ولا صححوا بها قياسا بل حكموا بأن العلل يبطل بعضها بعضا، وأن بعض الأشباه لا يحكم به، ولا من أجله يحكم به، ولا من أجله بحكم واحد، ولا يوجب الاشتباه اتفاقا في الحكم بالتشابه وبالعلل، وبطل بذلك القول بالقياس جملة، لأن كل طريق من الجدال أبطل بعضه بعضا، وكذب بعضه بعضا، وتناقض وتفاسد فهو كله فاسد باطل، والحق لا يعارض الحق أبدا، ولا يقوم دليل على صحة ضدين في معنى واحد أبدا. وقد اعترف مالك رحمه الله بالحق في هذا، وبرىء ممن قلده، كما حدثنا رجل من أصحابنا اسمه عبد الرحمن بن سلمة قال: ثنا أحمد بن خليل، ثنا خالد بن سعد، ثنا عبد الله بن يونس المرادي من كتابه، نا بقي بن مخلد، نا سحنون والحارث بن مسكين، عن ابن القاسم، عن مالك أنه كان يكثر أن يقول: إن نظن إلا ظنا وما نحن بمستيقنين. قال أبو محمد: ونحن نقول لمن قال بالاستحسان: ما الفرق بين ما استحسنت أنت

mercy on him—acknowledged the truth in this matter and disavowed those who followed him uncritically, as a man among our companions named ʿAbd al-Rahman ibn Salamah related to us. He said: "Ahmad ibn Khalil related to us; Khalid ibn Saʿd related to us; ʿAbd Allah ibn Yunus al-Muradi related to us from his book; Baqi ibn Makhlad related to us; Sahnun and al-Harith ibn Miskin related to us, from Ibn al-Qasim, from Malik, that he frequently used to say: 'We do nothing but conjecture, and we have no certainty.'" Abu Muhammed said: We say to whoever advocates juristic preference: What is the difference between what you deem good and someone else deems bad, and what someone else deems good and you deem bad? What makes either of the two courses more entitled to be considered true than the other? There is no escaping this. Through Allah Most High comes success.[11]

واستقبحه غيرك، وبين ما استحسنه غيرك واستقبحته أنت؟ وما الذي جعل أحد السبيلين أولى بالحق من الآخر؟ وهذا ما لا انفكاك منه، وبالله تعالى التوفيق.

L2382–2383 As for derivation, the advocates of analogy sometimes call their analogy "derivation." The term is taken from "I drew out water," meaning bringing it out of the earth, soil, and stones, although it is something other than these. Derivation, then, is extracting a ruling from an expression that is different from that ruling. This is false. It is astonishing that they have adduced, in support of establishing it, the saying of Allah, Mighty and Majestic: "When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those in authority among them, those among them who derive it would have known it. Were it not for Allah's favor upon you and His mercy, you would have followed Satan, except for a few." This is among their most flagrant displays of audacity, indicating the tenuous religious commitment of anyone who adduces this to establish derivation, deceiving whoever took him as a guide, and to deceive those who thought well of his words. This verse undoubtedly invalidates derivation, because "if" in the Arabic language in which the Quran was revealed is a particle indicating the nonoccurrence of the thing itself, not the nonoccurrence of something else. Thus He, exalted is He, explicitly states that, had those who

وأما الاستنباط فإن أهل القياس ربما سموا قياسهم استنباطا، وهو مأخوذ من أنبطت الماء، وهو إخراجه من الأرض والتراب والأحجار، وهو غيرها، فالاستنباط هو استخراج الحكم من لفظ هو خلاف لذلك الحكم، وهذا باطل، ومن العجب أنه احتجوا في ثباته بقول الله عز وجل {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} وهذا من عظيم مجاهرتهم الدالة على رقة دين من احتج بهذا في إثبات الاستنباط غشا لمن اعتبر به، وتلبيسا على من أحسن الظن بكلامه. وهذه الآية مبطلة الاستنباط بلا شك، لأن لو في كلام العرب الذي نزل به القرآن حرف يدل على امتناع الشيء لا امتناع غيره، فنص تعالى على أن المستنبطين لو ردوه إلى الرسول وإلى أهل العلم الناقلين لسنن النبي صلى الله عليه وسلم لعلموا الحق فلم يردوه واتكلوا على استنباطهم، فلم يعلموا الحق، هذا شيء ظاهر لا يجوز أن يحتمل تأويلا غير ما ذكرنا، ولا حجة أعظم في إبطال الاستنباط من هذه الآية لو أنصفوا أنفسهم. وقد قال بعضهم: إن الضمير في قوله تعالى: راجع إلى الرسول وإلى أولي الأمر، لا إلى الضمير الذي في. قال أبو محمد: وهذا ليس بمخرج للفظ الآية عن

[11] **Translator's note (L2380):** The wording ولا من أجله يحكم به ولا من أجله بحكم واحد is repetitive and grammatically disrupted. Its repeated phrases have been retained; the final phrase lacks a clear governing verb. The quotation attributed to Malik echoes Quran 45:32, but here it is presented within a report of Malik's habitual words.

derive referred it to the Messenger and to the learned transmitters of the Prophet's ﷺ practices, they would have known the truth. They did not refer it, however, but relied on their own derivation, and so did not know the truth. This is something plain, admitting no interpretation other than the one we have mentioned. There is no greater proof invalidating derivation than this verse, if only they would deal fairly with themselves.

One of them has said that the pronoun in His saying, exalted is He, refers back to the Messenger and those vested with authority, rather than to the pronoun in . Abu Muhammed said: This does not remove the wording of the verse from invalidating the derivation they wish to defend. For, if matters are as they say, the meaning of the verse would then be that, had they referred it to the Messenger and to those among them vested with authority, those who derive it would have known the truth—that is, those who obtain knowledge of it from the Messenger and those vested with authority.

Abu Muhammed said: This is our position, not theirs, because every statement taken from the Prophet ﷺ and from consensus is undoubtedly true. What we object to in their position is only their extracting from the Prophet's ﷺ words and from the community's consensus a meaning that is neither understood from hearing those words nor entailed by their established meaning in the Arabic language.[12][13][14]

L2384–2386 This, then, is what they sought to defend and what we disputed with them, rather than what is taken from the Prophet ﷺ and from the leading authorities who transmit the ruling from him ﷺ. As for anyone who permits

إبطال الاستنباط الذي يريدون نصره، لأنه إن كان كما ذكروا فمعنى الآية حينئذ: إنهم لو ردوه إلى الرسول وإلى أولي الأمر منهم لعلم الحق الذين يستنبطونه أي يستخرجون علمه من عند الرسول وأولي الأمر. قال أبو محمد: وهذا قولنا لا قولهم لأن كل قول أخذ عن النبي صلى الله عليه وسلم وعن الإجماع فهو حق بلا شك وإنما ينكر عليهم أن يستخرجوا من كلام النبي صلى الله عليه وسلم ومن إجماع الأمة معنى لا يفهم من مسموع ذلك الكلام، ولا يقتضيه موضوعه في اللغة العربية،

فهذا الذي راموا نصره وخالفناهم فيه لا ما أخذ عن النبي صلى الله عليه وسلم وعن الأئمة الناقلين للحكم عنه صلى الله عليه وسلم ومن استجاز مثل هذا التمويه في دين الإسلام فلا يستجيزه من له دين أو حياء. فإن تعلقوا بحديث رويناه عن عمر في سبب نزول هذه الآية وفيه: أن عمر قال: فكنت أنا الذي استنبطت ذلك الأمر فلا حجة لهم فيه، بل هو عليهم لا لهم، وهو حديث حدثناه عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب بن عيسى نا أحمد بن محمد، نا أحمد بن علي، نا مسلم، حدثني زهير بن حرب، نا عمر بن يونس الحنفي، ثنا عكرمة بن عمار، عن سماك أبي زميل قال حدثني عبد الله بن العباس، حدثني عمر بن الخطاب فذكر حديث إيلاء النبي

[12] **Translator's note (L2382):** The Quranic quotation contains defective spellings and missing letters, although its wording is identifiable. The wording "those among them who derive it" preserves the expression on which the author's ensuing argument turns.

[13] **Translator's note (L2383):** The opening continues the preceding segment's accusation of deceiving those who rely on the person advancing the argument. The sentence discussing the pronoun is defective: the expressions that should follow "in His saying, exalted is He" and "the pronoun in" are absent. The missing quotations have not been supplied. The explanation of the conditional particle "if" follows the supplied wording, including its distinction between the nonoccurrence of the thing itself and that of something else.

[14] **Qur'an references (L2382):** Qur'an 4:83 (An-Nisa).

himself such deception in the religion of Islam, no one possessed of religion or shame would permit it.

If they appeal to a report we transmitted from Umar concerning the occasion of this verse's revelation, in which Umar said, "I was the one who derived that matter," it affords them no proof. Rather, it is evidence against them, not in their favor. It is a report that Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim related to us: Zuhayr ibn Harb related to me: Umar ibn Yunus al-Hanafi related to us: Ikrima ibn Ammar related to us, from Simak Abu Zamil, who said: Abd Allah ibn al-Abbas related to me: Umar ibn al-Khattab related to me. He then recounted the report of the Prophet's ﷺ oath to abstain from his wives, and that Umar said: "I said, 'Messenger of Allah, what troubles you about the women? If you have divorced them, Allah is with you, as are His angels, Gabriel, and Michael; and I, Abu Bakr, and the believers are with you.' Rarely did I utter any words—and I praise Allah—without hoping that Allah would confirm the words I spoke. Then the verse was revealed, the verse of granting the choice: 'If you two repent to Allah, your hearts have indeed inclined; but if you support one another against him, then Allah is his Protector, and Gabriel and the righteous among the believers; and the angels, after that, are a support. Perhaps his Lord, if he divorces you, will give him in exchange wives better than you: women who submit, believe, are devoutly obedient, repent, worship, and fast, previously married women and virgins.'"

Umar said: "I stood at the door of the mosque and called out at the top of my voice, 'The Messenger of Allah ﷺ has not divorced his wives!' Then this verse was revealed: 'When a matter concerning security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those among them vested with authority, those among them who derive it would have known it. Were it not for Allah's favor toward you and His mercy, you would have followed Satan, except for a few.'" Umar said: "I was the one who derived that matter, and Allah, mighty and majestic, revealed the verse of granting the choice."

صلى الله عليه وسلم من أزواجه وأن عمر قال فقلت يا رسول الله ما يشق عليك من شأن النساء فإن كنت طلقتهم فإن الله معك وملائكته وجبريل وميكائيل، وأنا وأبو بكر والمؤمنون معك، وقلما تكلمت وأحمد الله بكلام إلا رجوت أن يكون الله يصدق قولي الذي أقول ونزلت الآية آية التخيير {إن تتوبآ إلى لله فقد صغت قلوبكما وإن تظاهرا عليه فإن الله هو مولاه وجبريل وصالح المؤمنين والملائكة بعد ذلك ظهير * عسى ربه إن طلقكن أن يبدله أزواجا خيرا منكن مسلمات مؤمنات قانتات تائبات عابدات سائحات ثيبات وأبكارا} قال عمر: فقمت على باب المسجد فناديت بأعلى صوتي لم يطلق رسول الله صلى الله عليه وسلم نساءه ونزلت هذه الآية {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} قال عمر فكنت أنا الذي استنبطت ذلك الأمر وأنزل الله عز وجل آية التخيير. قال أبو محمد: وقبل كل شيء فهذا اللفظ إنما روي من هذه الطريق، وفيها عكرمة بن عمار وهو منكر الحديث جدا، وقد روينا من طريقه حديثا موضوعا مكذوبا من طريق هذا الإسناد نفسه، عكرمة بن عمار عن سماك أبي زميل، عن ابن عباس وهكذا لا شك فيه، ليس في سنده أحد متهم غيره.

Abu Muhammed said: Before anything else, this wording has been transmitted only through this route, which includes Ikrima ibn Ammar, whose reports are exceedingly objectionable. We have transmitted through him a fabricated, falsely invented report, through this very chain of transmission: Ikrima ibn Ammar, from Simak Abu Zamil, from Ibn Abbas. And this is so, beyond doubt: there is no one in its chain of transmission under suspicion other than him.[15][16]

L2387–2393 This is the report stating that, after Abu Sufyan ibn Harb embraced Islam, the Muslims used to avoid him, and that he asked the Prophet ﷺ to marry his daughter Umm Habiba, to employ his son Muawiya as a scribe, and to employ him—meaning himself—and appoint him to office.

Abu Muhammed said: This is sheer falsehood, because the Messenger of Allah's ﷺ marriage to Umm Habiba took place while she was in the land of Abyssinia as an emigrant, and Abu Sufyan was in Mecca, a long time before the conquest. Abu Sufyan did not embrace Islam until the night preceding the day of the conquest. Furthermore, what is authentically transmitted from him ﷺ is his saying, "We do not appoint to any office of ours someone who desires it." We transmitted this through Abu Musa al-Ashari. Thus the falsity of Ikrima ibn Ammar's narration has become apparent with a certainty admitting no ambiguity. This report necessarily allows only two possibilities: either Ikrima ibn Ammar fabricated it, or he took it from a liar who fabricated it and then concealed that intermediary in attributing it to Abu Zamil. Either possibility disqualifies his moral probity and invalidates his narration.

Moreover, even if it were authentic—and it is not authentic—it would constitute evidence against them, because it states that the verse of granting the

[15] **Translator's note (L2385):** The report calls the quoted passage "the verse of granting the choice," but the quotation is Quran 66:4–5; the passage ordinarily designated by that description is Quran 33:28–29. The supplied identification and its later repetition have been retained. The expression translated "whose reports are exceedingly objectionable" is a technical criticism of a transmitter, munkar al-hadith jiddan.

[16] **Qur'an references (L2384):** Qur'an 66:4 (At-Tahrim); Qur'an 66:5 (At-Tahrim); Qur'an 4:83 (An-Nisa).

وهذا الحديث الذي فيه أن أبا سفيان بن حرب بعد إسلامه كان المسلمون يجتنبونه وأنه سأل النبي صلى الله عليه وسلم أن يتزوج ابنته أم حبيبة وأن يستكتب ابنه معاوية وأن يستعمله يعني نفسه ويوليه. قال أبو محمد وهذا هو الكذب البحت لأن نكاح رسول الله صلى الله عليه وسلم أم حبيبة كان وهي بأرض الحبشة مهاجرة وأبو سفيان كان بمكة قبل الفتح بمدة طويلة، ولم يسلم أبو سفيان إلا ليلة يوم الفتح ولأن الصحيح عنه صلى الله عليه وسلم قوله إنا لا نستعمل على عملنا من أراده روينا ذلك من طريق أبي موسى الأشعري، فظهر كذب رواية عكرمة بن عمار بيقين، لا إشكال فيه، ولا يخلو ضرورة هذا الخبر من أن عكرمة بن عمار وضعه، أو أخذه عن كذاب وضعه، فدلسه هو إلى أبي زميل وكلتاهما مسقطة لعدالته مبطلة لروايته. ثم لو صح وهو لا يصح لكان حجة عليهم، لأن فيه أن آية التخيير نزلت يومئذ، وهي مخالفة لرأي عمر واستنباطه، فليس فيه صح إلا أن الذي استنبطه عمر ليس فيه ذكر التخيير لهن، ولا أشار إليه. ثم ليس فيه أيضا إلا أمر ظاهر منصوص عليه من قدرة الله تعالى أن يبدله خيرا منهن إن طلقن، وهذا أمر ظاهر لا يجهله مسلم، وأن الله تعالى معه والملائكة والمؤمنين، وهذا أيضا متيقن يدريه كل مسلم قبل أن يقوله عمر، وليس هذا هو الاستنباط الذي يشيرون إليه، ونمنعه نحن من إخراج حكم في شرع الدين ليس له نص في قرآن ولا سنة، فبطل تعلقهم بهذا الخبر جملة، والحمد لله رب العالمين. وأما الرأي فإنهم احتجوا في تصويب القول به بقول الله عز وجل {فبما رحمة من لله لنت لهم ولو

choice was revealed that day, and it conflicts with Umar's opinion and his derivation. Thus there is nothing in it—"authentic"—except that what Umar derived contains no mention of granting them the choice, nor did he allude to it. Furthermore, it contains only an evident matter expressly stated in the text: Allah's power, exalted is He, to give him better wives in exchange for them if they are divorced. This is an evident matter of which no Muslim is ignorant. Likewise, that Allah, exalted is He, is with him, as are the angels and the believers: this too is certain, something every Muslim knew before Umar said it. This is not the derivation to which they refer and which we prohibit: extracting a ruling in the religious law of the religion for which there is no explicit text in either Quran or Sunnah. Their appeal to this report is therefore wholly invalidated. Praise belongs to Allah, Lord of all worlds.

As for opinion, they have argued for the correctness of adopting it by citing the saying of Allah, mighty and majestic: "It was through mercy from Allah that you were gentle with them. Had you been harsh and hard-hearted, they would have dispersed from around you. So pardon them, seek forgiveness for them, and consult them in the matter. Then, when you have resolved, put your trust in Allah. Allah indeed loves those who put their trust in Him"; and His saying, exalted is He: "And those who respond to their Lord, establish prayer, conduct their affairs through consultation among themselves, and spend out of what We have provided them." From the reports, they cite the authentic account of the Prophet's ﷺ consultation with the Muslims about what they should use to signal the time for prayer before the call to prayer was revealed. Some said, "A fire"; some said, "A horn"; and some said, "A bell." They also cite what Ahmad ibn Umar ibn Anas related to us: Abu Dawud related to us: Abd Allah ibn Ahmad al-Sarakhsani related to us: Ibrahim ibn Khuzaym related to us: Abd ibn Humayd related to us: Abd al-Razzaq related to us: Mamar informed us, from al-Zuhri. He mentioned the report of the Prophet's ﷺ consultation with his Companions about fighting on the day of al-Hudaybiyya. Al-Zuhri said: Abu Hurayra used to say, "I have never seen anyone who consulted his companions more than the Messenger of Allah ﷺ."

كنت فظا غليظ لقلب لانفضوا من حولك فعف عنهم وستغفر لهم وشاورهم في لأمر فإذا عزمت فتوكل على لله إن لله يحب لمتوكلين} وبقوله تعالى {ولذين ستجابوا لربهم وأقاموا لصلاة وأمرهم شورى بينهم ومما رزقناهم ينفقون} ومن الحديث بالأثر الصحيح في مشاورة النبي صلى الله عليه وسلم المسلمين فيما يعملون به لوقت الصلاة قبل نزول الأذان فقال بعضهم: نار، وقال بعضهم: بوق وقال بعضهم: ناقوس. وبما حدثناه أحمد بن عمر بن أنس، ثنا أبو داود، ثنا عبد الله بن أحمد السرخسني، ثنا إبراهيم بن خزيم، نا عبد بن حميد، نا عبد الرزاق، أنا معمر عن الزهري وذكر حديث مشاورة النبي صلى الله عليه وسلم أصحابه في القتال يوم الحديبية قال الزهري فكان أبو هريرة يقول: ما رأيت أحدا قط كان أكثر مشاور لأصحابه من رسول الله صلى الله عليه وسلم حدثنا المهلب ثنا ابن مناس بن مسرور نا يونس بن عبد الأعلى، نا ابن وهب، نا إبراهيم بن نشيط، عن عبد الله بن عبد الرحمن بن أبي حسين قال سئل رسول الله صلى الله عليه وسلم عن الحزم فقال تستشير الرجل ذا الرأي ثم تمضي إلى ما أمرك به. وبه إلى ابن وهب: أخبرني عبد العزيز بن محمد الدراوردي، عن عيسى الواسطي يرفعه قال: ما شقي عبد بمشورة، ولا سعد عبد استغنى برأيه حدثنا أحمد بن محمد الطلمنكي، نا ابن مفرج، نا إبراهيم بن أحمد بن فراس، نا محمد بن علي بن زيد، نا سعيد بن منصور، نا فرج بن فضالة، نا محمد بن عبد الأعلى، عن أبيه، عن عبد الله بن عمرو بن العاص، عن أبيه قال جاء خصمان يختصمان إلى رسول الله صلى الله عليه وسلم فقال لي يا عمرو اقض بينهما قلت أولى بذلك مني يا نبي الله، قال: وإن كان، قلت: على ماذا أقضي؟ قال: إن أصبت القضاء بينهما فلك عشر حسنات، وإن اجتهدت، فأخطأت فلك حسنة. قال سعيد بن منصور: وحدثناه فرج بن فضاله، عن ربيعة بن يزيد عن عقبة بن عامر عن رسول الله صلى الله عليه وسلم مثله إلا

Al-Muhallab related to us: Ibn Munas ibn Masrur related to us: Yunus ibn Abd al-Ala related to us: Ibn Wahb related to us: Ibrahim ibn Nashit related to us, from Abd Allah ibn Abd al-Rahman ibn Abi Husayn, who said: The Messenger of Allah ﷺ was asked about prudence, and he said, "You consult a man possessed of sound judgment, then proceed with what he directs you to do."

Through the same chain to Ibn Wahb: Abd al-Aziz ibn Muhammed al-Darawardi informed me, from Isa al-Wasiti, who attributed it to the Prophet: he said, "No servant has come to grief through consultation, nor has any servant prospered who deemed his own opinion sufficient."

Ahmad ibn Muhammed al-Talamanki related to us: Ibn Mufarrij related to us: Ibrahim ibn Ahmad ibn Firas related to us: Muhammed ibn Ali ibn Zayd related to us: Said ibn Mansur related to us: Faraj ibn Fadala related to us: Muhammed ibn Abd al-Ala related to us, from his father, from Abd Allah ibn Amr ibn al-As, from his father, who said: Two litigants came bringing their dispute before Allah's Messenger ﷺ. He said to me, "O 'Amr, judge between them." I said, "You are more entitled to do that than I, O Prophet of Allah." He said, "Even so." I said, "On what basis shall I judge?" He said, "If you judge correctly between them, you will have ten good deeds credited to you; and if you exercise independent judgment and err, you will have one good deed credited to you." Sa'id ibn Mansur said: Faraj ibn Fadalah also related it to us, from Rabi'ah ibn Yazid, from 'Uqbah ibn 'Amir, from Allah's Messenger ﷺ, with the same wording, except that it reads: "If you are correct, you will have ten rewards; and if you err, you will have one reward." 'Abd Allah ibn Rabi' al-Tamimi related to us: 'Abd al-Malik ibn 'Umar al-Khawlani related to us: Muhammed ibn Bakr al-Basri related to us: Abu Dawud al-Sijistani related to us: Hafs ibn 'Umar related to us: Shu'bah related to us, from Abu 'Awn Muhammed ibn 'Ubayd Allah al-Thaqafi, from al-Harith ibn 'Amr, the nephew of al-Mughirah ibn Shu'bah, from some people of Homs who were companions of Mu'adh, that when Allah's Messenger ﷺ wished to send Mu'adh to Yemen, he said, "How will you judge when a case is presented to you?" He said, "I will judge by the Book of Allah, mighty and majestic." He said, "And if you do not find it in the Book of Allah?" He said, "Then by the

أنه إن أصبت فلك عشرة أجور وإن أخطأت فلك أجر واحد. حدثنا عبد الله بن ربيع التميمي، ثنا عبد الملك بن عمر الخولاني، نا محمد بن بكر البصري، نا أبو داود السجستاني، نا حفص بن عمر، نا شعبة عن أبي عون محمد بن عبيد الله الثقفي، عن الحارث بن عمرو بن أخي المغيرة بن شعبة عن أناس من أهل حمص من أصحاب معاذ أن رسول الله صلى الله عليه وسلم لما أراد أن يبعث معاذا إلى اليمن قال كيف تقضي إذا عرض لك القضاء؟ قال: أقضي بكتاب الله عز وجل، قال: فإن لم تجد في كتاب الله قال فبسنة رسول الله صلى الله عليه وسلم قال فإن لم تجد في سنة رسول الله ولا في كتاب الله قال أجتهد رأيي ولا آلو فضرب رسول الله صلى الله عليه وسلم صدره وقال الحمد لله الذي وفق رسول الله لما يرضي رسول الله.

Sunnah of Allah's Messenger ﷺ." He said, "And if you do not find it in the Sunnah of Allah's Messenger or in the Book of Allah?" He said, "I will exert my own judgment and spare no effort." Allah's Messenger ﷺ then struck his chest and said, "Praise be to Allah, who has guided Allah's messenger to that which pleases Allah's Messenger."[17][18][19][20][21]

L2394 Abu Dawud said: Musaddad also related it to us, saying: Yahya ibn Sa'id al-Qattan related to us: Shu'bah related to us: Abu 'Awn—namely, Muhammed ibn 'Ubayd Allah al-Thaqafi—related to us, from al-Harith ibn 'Amr, from some of Mu'adh's companions, from Mu'adh, that Allah's Messenger ﷺ sent him to Yemen; he then related its substance.

L2395–2396 He wrote to Yusuf ibn 'Abd Allah ibn 'Abd al-Barr al-Namari, who said: 'Abd al-Warith ibn Sufyan related to us: Qasim ibn Asbagh related to us: Muhammed ibn 'Abd al-Salam al-Khushani related to us, saying: Ibrahim ibn Abi al-Fayyad al-Barqi, the righteous shaykh, related to us: Sulayman ibn Buzaygh al-Iskandarani related to us: Malik ibn Anas related to us, from Yahya ibn Sa'id al-Ansari, from Sa'id ibn al-Musayyab, from 'Ali ibn Abi Talib, who said: I said, "O Messenger of Allah, a matter befalls us concerning which no Qur'an has been revealed and no Sunnah from you has previously been established." He said, "Gather for it the learned—or he said, the worshippers—among the believers, make it a matter of consultation among yourselves, and

قال أبو داود: وثناه مسدد قال: ثنا يحيى بن سعيد القطان، ثنا شعبة، ثنا أبو عون هو محمد بن عبيد الله الثقفي، عن الحارث بن عمرو، عن ناس من أصحاب معاذ عن معاذ أن رسول الله صلى الله عليه وسلم بعثه إلى اليمن فذكر معناه

كتب إلى يوسف بن عبد الله بن عبد البر النمري قال: ثنا عبد الوارث بن سفيان، ثنا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني قال: ثنا إبراهيم بن أبي الفياض البرقي الشيخ الصالح، ثنا سليمان بن بزيغ الإسكندراني، ثنا مالك بن أنس، عن يحيى بن سعيد الأنصاري، عن سعيد بن المسيب، عن علي بن أبي طالب قال: قلت: يا رسول الله، الأمر ينزل بنا لم ينزل فيه قرآن ولم يمض فيه منك سنة؟ قال: اجمعوا له العالمين أو قال العابدين من المؤمنين فاجعلوه شورى بينكم ولا تقضوا فيه برأي واحد. حدثنا عبد الله بن ربيع، حدثنا عبد الله بن محمد بن عثمان الأسدي، ثنا أحمد بن خالد، ثنا عبد العزيز، ثنا الحجاج بن المنهال السلمي، ثنا عبد الحميد بن بهرام، ثنا شهر بن حوشب حدثني ابن غنم أن رسول الله صلى الله عليه وسلم لما خرج إلى بني قريظة والنضير قال له أبو بكر وعمر: يا رسول الله إن الناس يزيدهم حرصا على الإسلام أن يروا عليك زيا حسنا من الدنيا، فانظر إلى الحلة التي أهداها لك سعد بن عبادة فالبسها فليرك اليوم المشركون أن عليك زيا حسنا، قال: أفعل، وأيم الله لو أنكما تتفقان لي على أمر واحد ما عصيتكما في مشورة أبدا ولقد ضرب لي ربي مثلا، فأمثالكما في الملائكة كمثل جبريل، وميكائيل فأما ابن الخطاب فمثله في الملائكة كمثل جبريل إن الله لم يدمر أمة قط إلا بجبريل، ومثله في الأنبياء كمثل نوح إذ قال {وقال نوح رب لا

[17] **Translator's note (L2388):** The wording fa-laysa fihi sahha illa is grammatically defective. The isolated word sahha, rendered here as "authentic," has been retained as a marked interruption rather than silently repaired. The intended construction may have been "Thus, even if authentic, it contains only …". Concealing an intermediary in the transmission chain renders the technical verb dallasa; the author alleges that Ikrima attributed the report to Abu Zamil while concealing a liar between them.

[18] **Translator's note (L2390):** The transmitter's geographical surname is supplied in the unusual form al-Sarakhsani; it has not been silently normalized to al-Sarakhsi.

[19] **Translator's note (L2391):** The name Ibn Munas ibn Masrur follows the supplied transcription, whose reading is uncertain. "Who attributed it to the Prophet" renders yarfa'uhu, indicating that the report is presented as a prophetic statement.

[20] **Translator's note (L2393):** The final sentence reads "Allah's messenger," rather than the commonly quoted "the messenger of Allah's Messenger." The supplied wording has been retained; in context, the first occurrence refers to Mu'adh.

[21] **Qur'an references (L2387):** Qur'an 3:159 (Ali 'Imran); Qur'an 42:38 (Ash-Shuraa).

do not decide it on the basis of one person's opinion." 'Abd Allah ibn Rabi' related to us: 'Abd Allah ibn Muhammed ibn 'Uthman al-Asadi related to us: Ahmad ibn Khalid related to us: 'Abd al-'Aziz related to us: al-Hajjaj ibn al-Minhal al-Sulami related to us: 'Abd al-Hamid ibn Bahram related to us: Shahr ibn Hawshab related to us: Ibn Ghanm related to me that when Allah's Messenger ﷺ went out against Banu Qurayzah and al-Nadir, Abu Bakr and 'Umar said to him, "O Messenger of Allah, seeing you dressed in fine worldly attire makes people more eager for Islam. So consider the suit of clothes that Sa'd ibn 'Ubadah gave you and wear it, so that the polytheists may see you today dressed in fine attire." He said, "I will do so. By Allah, if you two were to agree upon a single course for me, I would never go against you in any consultation. My Lord has indeed set forth a comparison for me: your counterparts among the angels are Gabriel and Michael. As for Ibn al-Khattab, his counterpart among the angels is Gabriel: Allah has never destroyed a nation except through Gabriel. His counterpart among the prophets is Noah, when he said, {And Noah said: My Lord, do not leave upon the earth a single inhabitant from among the unbelievers.} Ibn Abi Quhafah's counterpart among the angels is Michael, as he seeks forgiveness for those on earth; and his counterpart among the prophets is Abraham, when he said, {My Lord, they have led many people astray. Whoever follows me is of me; and whoever disobeys me—You are indeed forgiving, merciful.} If you two were to agree upon a single course for me, I would never go against you in any consultation. But your respective ways in consultation are something like those of Gabriel and Michael, and Noah and Abraham."[22][23]

تذر على لأرض من لكافرين ديارا} ومثل ابن أبي قحافة في الملائكة كمثل ميكائيل إذ يستغفر لمن في الأرض، ومثله في الأنبياء كمثل إبراهيم إذ قال {رب إنهن أضللن كثيرا من لناس فمن تبعني فإنه مني ومن عصاني فإنك غفور رحيم} ولو أنكما تتفقان لي على أمر واحد ما عصيتكما في مشاورة أبدا ولكن شأنكما في المشاورة شيء كمثل جبريل وميكائيل ونوح وإبراهيم.

L2397–2405 Abu Muhammed said: This is all the hadith material with which they have sought to give their position a deceptive appearance of validity. They said, "The revealed text requires obedience to those in authority among us in gen-

قال أبو محمد: هذا كل ما موهوا به من الحديث، وقالوا: قد جاء النص بوجوب طاعة أولي الأمر منا عموما فهو فيما قالوه برأيهم أيضا. وقالوا قد اتفقنا على وجوب تقديم الإمام إذا مات الإمام، ولا نص على إمام بعينه فثبت أنه إنما يقدم بالرأي والإمامة من قواعد الدين. وذكروا عن الصحابة ما حدثناه أحمد بن محمد الطلمنكي، حدثنا ابن مفرج، ثنا إبراهيم بن أحمد بن فراس، نا محمد بن علي، ثنا سعيد بن منصور، نا سفيان بن عيينة وأبو معاوية هو محمد بن خازم الضرير كلاهما عن الأعمش، عن عمارة بن

[22] **Translator's note (L2395):** The opening literally reads "He wrote to Yusuf." In this transmission formula, "Yusuf … wrote to me" may have been intended, but that would require reading ilayya instead of the supplied ila. The first Qur'anic quotation includes "And Noah said" within what the preceding clause introduces as Noah's own speech. This apparent quotation mismatch is retained. Both Qur'anic quotations also contain defective spellings of definite articles; their identifiable words have been translated.

[23] **Qur'an references (L2395):** Qur'an 71:26 (Nuh); Qur'an 14:36 (Ibrahim).

eral, so this also applies to what they say on the basis of their own opinions." They said, "We have agreed that an imam must be appointed when the imam dies, although there is no revealed text specifying a particular imam. It is therefore established that he is appointed only on the basis of opinion, and the imamate is one of the foundations of religion." They cited reports from the Companions, including what Ahmad ibn Muhammed al-Talamanki related to us: Ibn Mufarrij related to us: Ibrahim ibn Ahmad ibn Firas related to us: Muhammed ibn ʻAli related to us: Saʻid ibn Mansur related to us: Sufyan ibn ʻUyaynah and Abu Muʻawiyah—namely, Muhammed ibn Khazim the blind—related to us, both from al-Aʻmash, from ʻUmarah ibn ʻUmayrah, from ʻAbd al-Rahman ibn Yazid, who said: One day people pressed ʻAbd Allah ibn Masʻud with many questions, and he said, "There was a time when we did not judge cases and were not in that position. Allah Most High has decreed that we should reach the circumstances you now see. So whoever among you is presented with a case after today should judge by what is in the Book of Allah Most High. If a matter comes to him that is not in the Book of Allah, he should judge according to what His Prophet ﷺ ruled. If a matter comes to him that is not in the Book of Allah Most High or among the rulings of the Prophet ﷺ, he should judge according to what the righteous have ruled; then let him exert his own judgment and say, 'This is my opinion, and I am afraid.' For the lawful is clear and the unlawful is clear, and between them are ambiguous matters. So leave what causes you doubt for what does not cause you doubt." Hammam related to us: ʻAbd Allah ibn Muhammed ibn ʻAli al-Baji related to us: ʻAbd Allah ibn Yunus al-Muradi related to us: Baqi ibn Makhlad related to us: Abu Bakr ibn Abi Shaybah related to us: Ibn Abi Zaʼidah related to us, from al-Aʻmash, from al-Qasim ibn ʻAbd al-Rahman ibn ʻAbd Allah ibn Masʻud, from his father, from ʻAbd Allah ibn Masʻud, the same report in its entirety, adding: "If a matter comes to him that he does not know, let him acknowledge it and feel no shame." Through the same chain to Ibn Abi Shaybah: Sufyan ibn ʻUyaynah related to us, from ʻUbayd Allah ibn Abi Yazid, from Ibn ʻAbbas, that when he was asked about a matter, if it was in the Qurʼan, he would state what it said. If it was not in the Qurʼan but something concerning it had been transmitted from Allah's Messenger ﷺ, he would state it. If there was nothing, then he would

عميرة، عن عبد الرحمن بن يزيد قال: أكثر الناس على عبد الله بن مسعود يوما فقال: إنه قد أتى علينا زمان لسنا نقضي، ولسنا هنالك إن الله تعالى قدر أن بلغنا من الأمور ما ترون، فمن عرض قضاء منكم بعد اليوم فليقض بما في كتاب الله تعالى، فإن جاءه أمر ليس في كتاب الله فليقض بما قضى به نبيه صلى الله عليه وسلم فإن جاءه أمر ليس في كتاب الله تعالى وليس فيما يقضي به النبي صلى الله عليه وسلم فليقض بما قضى به الصالحون فاجتهد رأيه وليقل إني أرى وأخاف، فإن الحلال بين، والحرام بين، وبين ذلك أمور متشابهات فدع ما يريبك إلى ما لا يريبك. حدثنا حمام: ثنا عبد الله بن محمد بن علي الباجي، ثنا عبد الله بن يونس المرادي، ثنا بقي بن مخلد، ثنا أبو بكر بن أبي شيبة، ثنا بن أبي زائدة، عن الأعمش، عن القاسم بن عبد الرحمن بن عبد الله بن مسعود، عن أبيه، عن عبد الله بن مسعود مثله بتمامه وزاد فيه: فإن أتاه أمر لا يعرفه فليقر ولا يستحي. وبه إلى ابن أبي شيبة، ثنا سفيان بن عيينة، عن عبيد الله بن أبي يزيد، عن ابن عباس أنه كان إذا سئل عن أمر فكان في القرآن أخبر به فإن لم يكن في القرآن فكان عن رسول الله صلى الله عليه وسلم أخبر به فإن لم يكن فعن أبي بكر وعمر فإن لم يكن قال برأيه، حدثنا أحمد بن محمد الطلمنكي، ثنا ابن المفرج، ثنا إبراهيم بن أحمد بن فراس، ثنا محمد بن علي بن زيد، ثنا سعيد بن منصور، ثنا سفيان بن عيينة، حدثني عبيد الله بن أبي يزيد قال: شهدت ابن عباس إذا سئل عن شيء فإن كان في كتاب الله تعالى قال به فإن لم يكن في كتاب الله عز وجل وحدث به عن رسول الله صلى الله عليه وسلم قال به وإن لم يكن في كتاب الله ولا حدث به عن رسول الله صلى الله عليه وسلم ولا أخبر به عن أبي بكر وعمر واجتهد وقال برأيه. وبه إلى سعيد بن منصور: ثنا هشيم، أخبرنا سيار، عن الشعبي قال: لما بعث عمر شريحا على قضاء الكوفة قال: انظر ما تبين لك من كتاب الله فاتبع فيه السنة، وما لم يتبين

في السنة فاجتهد فيه برأيك. وبه إلى سعيد بن منصور: حدثنا سفيان بن عيينة، عن أبي إسحاق الشيباني، عن الشعبي قال: كتب عمر إلى شريح: إذا أتاك أمر في كتاب الله فاقض به ولا يلفتنك عنه الرجال، فإن لم يكن في كتاب الله فبما في سنة رسول الله صلى الله عليه وسلم فإن لم يكن في كتاب الله ولا سنة رسول الله صلى الله عليه وسلم فاقض بما قضى به أئمة الهدى فإن لم يكن في كتاب الله عز وجل ولا في سنة رسول الله صلى الله عليه وسلم ولا فيما قضى به أئمة الهدى فأنت بالخيار: إن شئت أن تجتهد رأيك، وإن شئت أن تؤامرني، ولا أرى مؤامرتك إياي إلا خيرا لك. حدثنا حمام، ثنا الباجي، ثنا عبد الله بن يونس، ثنا بقي بن مخلد، ثنا أبو بكر بن أبي شيبة، ثنا علي بن مسهر، عن أبي إسحاق الشيباني، عن الشعبي، عن شريح أن عمر بن الخطاب كتب إليه: إذا جاءك شيء في كتاب الله فاقض به، ولا يلفتنك عنه الرجال، فإن جاء أمر ليس في كتاب الله فانظر سنة رسول الله صلى الله عليه وسلم فاقض بها فإن جاءك أمر ليس في كتاب الله ولا سنة رسول الله صلى الله عليه وسلم فاقض بما قضى به أئمة الهدى فإن لم يكن في كتاب الله ولم يكن فيه سنة من رسول الله صلى الله عليه وسلم ولم يتكلم فيه أحد قبلك فاختر أي الأمرين شئت: إن شئت أن تجتهد رأيك وتقدم فتقدم، وإن شئت أن تؤخر فتأخر، ولا أرى التأخير إلا خيرا لك. قال أبو محمد: هذا كل ما موهوا به، ما نعلم لهم شيئا غيره، وكله لا حجة لهم في شيء منه أما قوله تعالى {فبما رحمة من الله لنت لهم ولو كنت فظا غليظ لقلب لانفضوا من حولك فعف عنهم وستغفر لهم وشاورهم في لأمر فإذا عزمت فتوكل على الله إن الله يحب لمتوكلين} وقوله عز وجل {ولذين ستجابوا لربهم وأقاموا لصلاة وأمرهم شورى بينهم ومما رزقناهم ينفقون} فإن كل مخالف ومؤلف لا يمتري أن ذلك ليس في شرع شيء من الدين، ولو أن أحدا يقول: إن الصلاة فرضت برأي ومشورة، أو قال ذلك

draw on Abu Bakr and ʻUmar; and if there was nothing, he would speak on the basis of his own opinion. Ahmad ibn Muhammed al-Talamanki related to us: Ibn al-Mufarrij related to us: Ibrahim ibn Ahmad ibn Firas related to us: Muhammed ibn ʻAli ibn Zayd related to us: Saʻid ibn Mansur related to us: Sufyan ibn ʻUyaynah related to us: ʻUbayd Allah ibn Abi Yazid related to me, saying: I observed Ibn ʻAbbas when he was asked about something: if it was in the Book of Allah Most High, he would speak according to it. If it was not in the Book of Allah, mighty and majestic, but a report concerning it had been transmitted from Allah's Messenger ﷺ, he would speak according to it. If it was not in the Book of Allah, nor had a report concerning it been transmitted from Allah's Messenger ﷺ, nor had anything concerning it been reported from Abu Bakr and ʻUmar—and he would exercise independent judgment and speak on the basis of his own opinion. Through the same chain to Saʻid ibn Mansur: Hushaym related to us: Sayyar informed us, from al-Shaʻbi, who said: When ʻUmar sent Shurayh to serve as judge of Kufa, he said: "Examine what has become clear to you from the Book of Allah, and follow the Sunnah concerning it. Whatever has not become clear in the Sunnah, exercise your own judgment concerning it."

Through the same chain to Saʻid ibn Mansur: Sufyan ibn ʻUyaynah related to us, from Abu Ishaq al-Shaybani, from al-Shaʻbi, who said: "ʻUmar wrote to Shurayh: 'When a matter comes before you that is in the Book of Allah, judge according to it, and do not let men turn you away from it. If it is not in the Book of Allah, then judge according to what is in the Sunnah of the Messenger of Allah ﷺ. If it is neither in the Book of Allah nor in the Sunnah of the Messenger of Allah ﷺ, judge according to what the leaders of guidance have adjudicated. If it is neither in the Book of Allah, mighty and majestic, nor in the Sunnah of the Messenger of Allah ﷺ, nor among what the leaders of guidance have adjudicated, then you have a choice: if you wish, exercise your own judgment; and if you wish, consult me. I consider your consulting me to be nothing but good for you.'"

Hammam related to us: al-Baji related to us: ʻAbd Allah ibn Yunus related to us: Baqi ibn Makhlad related to us: Abu Bakr ibn Abi Shaybah related to us: ʻAli ibn Mushir related to us, from Abu Ishaq al-Shaybani, from al-Shaʻbi,

from Shurayh, that ʿUmar ibn al-Khattab wrote to him: “When something comes before you that is in the Book of Allah, judge according to it, and do not let men turn you away from it. If a matter comes that is not in the Book of Allah, examine the Sunnah of the Messenger of Allah —may Allah bless him and grant him peace ﷺ—and judge according to it. If a matter comes before you that is neither in the Book of Allah nor in the Sunnah of the Messenger of Allah ﷺ, judge according to what the leaders of guidance have adjudicated. If it is not in the Book of Allah, there is no Sunnah concerning it from the Messenger of Allah ﷺ, and no one before you has spoken about it, choose whichever of the two courses you wish. If you wish to exercise your own judgment and proceed, then proceed; and if you wish to defer, then defer. I consider deferral to be nothing but good for you.”

Abu Muhammed said: This is everything with which they have sought to mislead; we know of nothing else they have. In all of it, there is nothing that provides them with an authoritative proof. As for His saying, exalted is He, {It was through a mercy from Allah that you were gentle with them. Had you been harsh and hard of heart, they would have dispersed from around you. So pardon them, ask forgiveness for them, and consult them in the matter. Then, when you have resolved, place your trust in Allah. Indeed, Allah loves those who place their trust in Him}, and His saying, mighty and majestic, {And those who have responded to their Lord, established prayer, whose affair is consultation among themselves, and who spend from what We have provided them}: every opponent and conciliator is in no doubt that this does not concern legislating anything in religion. If someone were to say that prayer was made obligatory through opinion and consultation, or were to say this about fasting, pilgrimage, or anything in religion, he would be a liar, a fabricator, and, in addition, an unbeliever. How could this be, given the saying of Allah, exalted is He, {Do not say, concerning the falsehood your tongues describe, “This is lawful and this is forbidden,” so as to fabricate falsehood against Allah. Indeed, those who fabricate falsehood against Allah will not prosper}, and His saying, exalted is He, {Say: “Have you considered what Allah has sent down for you as provision, of which you have made some forbidden and some lawful?” Say: “Has Allah given you permission, or are

في الصيام أو الحج، أو في شيء من الدين، لكان كاذبا آفكا كافرا مع ذلك. وكيف يكون هذا مع قول الله تعالى {ولا تقولوا لما تصف ألسنتكم لكذب هذا حلال وهذا حرام لتفتروا على الله لكذب إن لذين يفترون على الله لكذب لا يفلحون} وقوله تعالى {قل أرأيتم مآ أنزل الله لكم من رزق فجعلتم منه حراما وحلالا قل ءآلله أذن لكم أم على الله تفترون} وقوله تعالى {تبعوا مآ أنزل إليكم من ربكم ولا تتبعوا من دونه أولياآء قليلا ما تذكرون} وقوله {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافآ ألا يقيما حدود الله فإن خفتم ألا يقيما حدود الله فلا جناح عليهما فيما فتدت به تلك حدود الله فلا تعتدوها ومن يتعد حدود الله فأولئك هم لظالمون} فصح يقينا أنه لم يجعل الله قط إلى الصحابة تحريما ولا تحليلا، فقد صح أنه لم يأمره الله تعالى قط بمشورتهم في شيء من الدين لا سيما مع قوله تعالى {فبما رحمة من لله لنت لهم ولو كنت فظا غليظ لقلب لانفضوا من حولك فعف عنهم وستغفر لهم وشاورهم في لأمر فإذا عزمت فتوكل على لله إن لله يحب لمتوكلين} فصح أنه ليس في الآية التي شغبوا بها قبول رأيهم أصلا بل رد تعالى الأمر إلى نبيه صلى الله عليه وسلم فيما يعزم عليه مع التوكل على الله وكيف يسع مسلما أن يخطر هذا الجنون بباله مع قول الله عز وجل {وآعلموا أن فيكم رسول لله لو يطيعكم في كثير من لأمر لعنتم ولكن لله حبب إليكم لأيمان وزينه في قلوبكم وكره إليكم لكفر ولفسوق ولعصيان أولئك هم لراشدون} فكيف يجوز قبول رأي قوم لو أطاعهم لوقع العنت عليهم في أكثر الأمر أم كيف يدخل في عقل ذي عقل أن النبي صلى الله عليه وسلم تجب عليه طاعة أصحابه هذا هو الكفر المحض والسخف البين، بل طاعته هي الفرض عليهم التي لا يصح لهم إيمان إلا بها. قال الله تعالى: {فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا

you fabricating against Allah?"}, and His saying, exalted is He, {Follow what has been sent down to you from your Lord, and do not follow protectors apart from Him. Little do you remember!}, and His saying, {Divorce is twice; then retention on fair terms or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they will not uphold the limits of Allah. If you fear that the two will not uphold the limits of Allah, there is no blame upon either of them concerning what she gives to ransom herself. Those are the limits of Allah, so do not transgress them. Whoever transgresses the limits of Allah—those are the wrongdoers}.

It is thus established with certainty that Allah never entrusted the Companions with declaring anything forbidden or lawful. It is therefore established that Allah, exalted is He, never commanded him to consult them concerning anything in religion, especially given His saying, exalted is He, {It was through a mercy from Allah that you were gentle with them. Had you been harsh and hard of heart, they would have dispersed from around you. So pardon them, ask forgiveness for them, and consult them in the matter. Then, when you have resolved, place your trust in Allah. Indeed, Allah loves those who place their trust in Him}. It is thus established that the verse with which they have stirred up contention contains no requirement whatsoever to accept their opinion. Rather, He, exalted is He, referred the matter back to His Prophet ﷺ concerning whatever he resolves upon, while placing his trust in Allah. How can a Muslim allow this madness to enter his mind, given the saying of Allah, mighty and majestic, {And know that among you is the Messenger of Allah. Were he to obey you in much of the matter, you would suffer hardship. But Allah has made faith beloved to you and adorned it in your hearts, and has made unbelief, transgression, and disobedience hateful to you. Those are the rightly guided}? How, then, can it be permissible to accept the opinion of people who, if he obeyed them, would suffer hardship in most matters? Or how can any rational person conceive that the Prophet ﷺ is obliged to obey his Companions? This is sheer unbelief and manifest foolishness. Rather, obedience to him is the obligation incumbent upon them, without which their faith cannot be valid. Allah, exalted is He, said: {But no, by your

تسليما} ثم إن وجوه الحمق في هذه المقالة جملة بادية، ليت شعري كيف كان يكون الأمر لو اختلفوا عليه في الشرع فإن قيل: لا يلزم إلا باتفاقهم، خرجنا إلى الكلام في الإجماع، وبطل الكلام في الرأي، وقد كتبنا في دعوى الإجماع ما فيه كفاية، ولله تعالى الحمد. وأيضا فلا فرق بين جواز شرع شريعة من إيجاب أو تحريم أو إباحة بالرأي لم ينص تعالى عليه ولا رسوله صلى الله عليه وسلم وبين إبطال شريعة شرعها الله على لسان رسوله صلى الله عليه وسلم بالرأي

Lord, they do not believe until they make you judge concerning what has arisen in dispute among them, and then find within themselves no distress concerning what you have adjudicated, and submit in full submission}.

Moreover, the various aspects of folly in this assertion are all apparent. Would that I knew how matters would stand if they disagreed before him concerning religious law! If it is said that he is bound only by their agreement, we have moved into a discussion of consensus, and the discussion of opinion has fallen away. We have written enough concerning the claim of consensus; praise belongs to Allah, exalted is He. Furthermore, there is no difference between permitting the enactment, through opinion, of a religious law imposing an obligation, a prohibition, or a permission that neither He, exalted is He, nor His Messenger ﷺ has expressly stipulated, and invalidating, through opinion, a religious law that Allah has enacted through the tongue of His Messenger ﷺ.[24][25][26][27][28][29]

[24]**Translator's note (L2399):** The final conditional statement about Ibn ʿAbbas has an awkward additional "and" before "he would exercise independent judgment," leaving its grammatical conclusion irregular. This feature of the supplied wording is retained.

[25]**Translator's note (L2400):** The opening continues the preceding segment's statement that ʿUmar sent Shurayh. The first report explicitly says to follow the Sunnah concerning what becomes clear from the Book of Allah. This unusual wording has been retained.

[26]**Translator's note (L2401):** The supplied مؤلف means a conciliator or someone who brings people together; the expected expression may be مخالف ومؤالف, "opponent and ally." The supplied reading has not been silently replaced. The Qur'anic quotations contain numerous missing alifs and malformed definite articles, including لله for الله. Their intelligible wording is translated; the transcriptional defects are not treated as distinct theological wording.

[27]**Translator's note (L2402):** The Qur'anic quotation has transcriptional omissions in such forms as لكذب, لله, and لذين. The intelligible wording is translated without supplying any additional clause.

[28]**Translator's note (L2403):** The Qur'anic quotations repeatedly omit alifs or portions of definite articles: for example, تبعوا for اتبعوا, لطلاق for الطلاق, فتدت for افتدت, and لأيمان for الإيمان. The intelligible readings are translated, with these transcriptional defects explicitly noted.

[29]**Qur'an references (L2397):** Qur'an 3:159 (Ali 'Imran); Qur'an 42:38 (Ash-Shuraa); Qur'an 16:116 (An-Nahl); Qur'an 10:59 (Yunus); Qur'an 7:3 (Al-A'raf); Qur'an 2:229 (Al-Baqarah); Qur'an 49:7 (Al-Hujurat); Qur'an 4:65 (An-Nisa).

والمفرق بين هذين العملين متحكم بالباطل مفتر، وكلاهما كفر لا خفاء به. فصح يقينا أن الذي أمره الله تعالى بمشاورتهم فيه، وغبطهم بأن يكون أمرهم فيه شورى بينهم، إنما هو ما أبيح لهم التصرف فيه كيف شاؤوا فقط فتشاورهم من يولي على بني فلان، وأي الطرق إلى من يغزو من القبائل أفضل وأسهل وآمن، وأين يكون النزول فقط. وهذا كمشاورة المرء منا جاره إلى أي خياط أدفع ثوبي، وأي لون ترى لي أن أصبغه، ومثل هذا ولا مزيد، وقد يكون عند الصحابة من المعرفة بالطرق المسلوكة والمياه ما ليس عنده صلى الله عليه وسلم وأما ما لا يؤخذ من الدين إلا من الوحي فلا ولا كرامة لأحد بعده أن يكون لسواه حظ في ذلك معه ولا بعده، وبالله تعالى التوفيق. فظهر فساد تمويههم بالآيتين.

L2406 Whoever distinguishes between these two acts makes an arbitrary assertion based on falsehood and is a fabricator. Both are unmistakable unbelief. It is thus established with certainty that what Allah, exalted is He, commanded him to consult them about, and commended them for making a matter of consultation among themselves, consists solely of those things in which they were permitted to act however they wished. Thus consultation with them concerns only whom he should appoint over such-and-such a clan, which routes to the tribes he intends to raid are better, easier, and safer, and where to encamp. This is like one of us consulting his neighbor: "To which tailor should I give my garment? What color do you think I should dye it?" It concerns things like this, and nothing beyond them. The Companions may have possessed knowledge of traveled routes and water sources that he ﷺ did not possess. But as for those matters of religion that can be derived only from revelation—no! No one after him is entitled to the distinction of anyone other than him having a share in that alongside him or after him. Success is through Allah, exalted is He. Thus the invalidity of their misleading use of the two verses has become apparent.[30]

وأما المشاورة التي كانت قبل نزول الأذان فأعظم حجة عليهم، أول ذلك أن الأمر حينئذ كان مباحا كل ما قالوه، ولم ينزل في شيء منه إيجاب ولا تحريم، وهذا لا ننكر فيه المشاورة إلى اليوم ثم إنه لم يأخذ صلى الله عليه وسلم في ذلك بشيء من آرائهم بل بما صوبه الوحي مما أريه في منامه عبد الله بن زيد ولولا أن النبي صلى الله عليه وسلم أمر بالأذان ما جاز الالتفات إلى رؤيا عبد الله بن زيد، ولا إلى رؤيا غيره، فصح أن آراءهم رضي الله عنهم لا يلزم قبولها، فكيف أراء من بعدهم؟. وأما الخبر عن أبي هريرة: ما رأيت أحدا كان أكثر مشورة لأصحابه من رسول الله صلى الله عليه وسلم بعقب ذكرى الزهري لمشاورته صلى الله عليه وسلم أصحابه في القتال يوم الحديبية فهو نفس كلامنا هذا، على أن كلا الخبرين مرسل، لأن الزهري لم يلق أبا هريرة قط، ولا سمع منه كلمة، ولم ينكر أن يشاورهم في مكايد الحروب وتعجيلها وتأخيرها.

L2407–2408 As for the consultation that took place before the call to prayer was revealed, it is a most powerful proof against them. The first point is that, at that time, everything they proposed in the matter was permissible, and no obligation or prohibition had been revealed concerning any of it. To this day, we do not reject consultation about such things. Furthermore, he ﷺ did not adopt any of their opinions in that matter; rather, he adopted what revelation endorsed of what ʿAbd Allah ibn Zayd had been shown in his sleep. Had the Prophet ﷺ not commanded the call to prayer, it would not have been permissible to pay heed to the dream of ʿAbd Allah ibn Zayd or to anyone else's dream. It is thus established that accepting their opinions—may Allah be pleased

[30] **Translator's note (L2406):** The form فتشاورهم is syntactically awkward in context; it is rendered as introducing the subjects of consultation with them. The emphatic phrase ولا كرامة لأحد بعده is awkwardly attached to the following clause. The translation retains both its denial of any such distinction to another person and the explicit contrast between participation alongside the Prophet and after him.

with them—is not obligatory. How, then, could it be obligatory to accept the opinions of those after them?

As for the report from Abu Hurayrah, "I have never seen anyone who consulted his Companions more than the Messenger of Allah ﷺ," following al-Zuhri's mention of his ﷺ consulting his Companions about fighting on the day of al-Hudaybiyyah, this is precisely what we ourselves say. Moreover, both reports have interrupted transmission chains omitting an intermediary (mursal), for al-Zuhri never met Abu Hurayrah or heard a single word from him. Nor has it been denied that he might consult them about stratagems of war and whether to hasten or postpone wars.

As for the report containing the question, "What is prudence?" to which he replied, "That you consult a man of sound judgment and then proceed with what he instructs you to do," it too has an interrupted transmission chain. Furthermore, it is far removed from the Prophet ﷺ, because two men of sound judgment may give you conflicting advice: which of the two, then, will you follow? Allah forbid that the Messenger of Allah—may Allah bless him and grant him peace—such falsehood. As for the report, "No servant has ever come to grief through consultation," it is a report with an interrupted chain of transmission (mursal), and an interrupted report constitutes no proof. We do not reject consultation concerning matters outside religion, just as we reject—indeed, declare an unbeliever—anyone who consults others about whether he should perform the five prayers or not, or whether he should fast Ramadan or not. We affirm categorically that no Muslim disagrees with us about this.[31][32]

L2409–2413 As for the hadith of ʿAmr ibn al-ʿAs, it is the strongest proof against them,

[31] **Translator's note (L2407):** The supplied ذكرى الزهري is grammatically awkward; it is understood as referring to al-Zuhri's mention of the consultation. Mursal denotes a report with a transmission chain omitting an intermediary; the author's specific reason for applying that description here is retained in full. The final salutation ends at صلى الله عليه. Only that fragment is translated; the continuation is not supplied.

[32] **Translator's note (L2408):** The opening completes a salutation begun in the preceding segment; "such falsehood" completes the preceding statement that Allah forbid His Messenger should utter it.

وأما الخبر الذي فيه: ما الحزم؟ فقال: أن تستشير الرجل ذا الرأي ثم تمضي لما أمرك به فمرسل ثم هو بعيد عن النبي صلى الله عليه وسلم لأنه قد يختلف عليك الرجلان ذوا الرأي فلأيهما تمضي حاش الله أن ينطق رسول الله صلى الله عليه وسلم بهذا الباطل وأما الخبر ما شقي عبد بمشورة فمرسل، ولا حجة في مرسل، ونحن لا ننكر المشورة في غير الدين، كما أننا ننكر بل نكفر من يشاور أيصلي الخمس أم لا؟ أيصوم رمضان أم لا؟ ونقطع أن مسلما لا يخالفنا في هذا.

وأما حديث عمرو بن العاص فأعظم حجة عليهم، لأن فيه أن الحاكم المجتهد يخطىء ويصيب، فإذ ذلك كذلك فحرام الحكم في الدين بالخطأ، وما أحل الله تعالى قط إمضاء الخطأ، فبطل تعلقهم به. وأما خبر علي فموضوع مكذوب، ما كان قط من حديث علي، ولا من حديث سعيد بن المسيب، ولا من حديث يحيى بن سعيد، ولا من حديث مالك ولم يروه قط أحد عن مالك إلا سليمان بن يزيع الإسكندراني وهو مجهول ولا يخلو ضرورة من أنه وضعه أو دلسه عمن وضعه. وهذا خبر لا يحل لأحد

because it states that a judge exercising independent judgment (ijtihad) both errs and judges correctly. Since this is so, issuing an erroneous judgment in religion is forbidden, and Allah Most High has never permitted giving effect to error. Their reliance upon it is therefore invalid. As for the report of ʿAli, it is fabricated, a lie: it was never part of the reports transmitted by ʿAli, nor of those transmitted by Saʿid ibn al-Musayyab, nor of those transmitted by Yahya ibn Saʿid, nor of those transmitted by Malik. No one ever transmitted it from Malik except Sulayman ibn Yaziʿ al-Iskandarani, who is an unidentified transmitter. Necessarily, he either fabricated it or concealed the person who fabricated it in transmitting it from him. This is a report that no one may lawfully transmit. Lying is not beyond the abilities of someone who does not fear Allah Most High. The demonstration that this hadith is a lie and a fabrication is that it is utterly impossible for the Prophet, may Allah bless him and grant him peace ﷺ, to say anything allowing that people might encounter a matter requiring a religious ruling for which there is neither anything in the Quran nor any explanation from the Prophet, may Allah bless him and grant him peace ﷺ, given his saying, may Allah bless him and grant him peace ﷺ: "Leave me alone so long as I leave you alone. Those before you perished only because of their many questions and their disagreements with their prophets. When I command you to do something, do as much of it as you can; and when I forbid you something, leave it." And given the saying of Allah Most High: "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, animals strangled, beaten to death, killed by a fall, gored to death, and that which a beast of prey has eaten—except what you duly slaughter—and that which is slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is iniquity. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful." Thus, by commanding us to leave alone whatever he neither commanded nor forbade us, he, may Allah bless him and grant him peace ﷺ, excluded anything concerning which he gave no explicit command or prohibition from the categories of obligation,

أن يرويه، والكذب لا يعجز عنه من لا يتقي الله تعالى، وبرهان كذب هذا الحديث ووضعه أنه لا يجوز البتة أن يقول النبي صلى الله عليه وسلم كلاما يصح نزول حكم في الدين بالناس لا قرآن فيه ولا بيان فيه من النبي صلى الله عليه وسلم مع قوله صلى الله عليه وسلم دعوني ما تركتكم فإنما هلك من كان قبلكم بكثرة مسائلهم واختلافهم على أنبيائهم، فإذا أمرتكم بشيء فأتوا منه ما استطعتم، وإذا نهيتكم عن شيء فاتركوه ومع قول الله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} فقد أخرج صلى الله عليه وسلم ما لم ينص فيه بأمر أو بنهي عن الفرض والندب والتحريم والكراهة، وبأمره بترك ما لم يأمرنا أو ينهانا، وأبقاه في جملة المباح المطلق، فصار من المحال الممتنع وجود نازلة لا حكم لها في النصوص. وأما حديث ابن غنم ففيه ثلاث بلايا: إحداها أنه مرسل، والثانية: عبد الحميد بن بهرام وهو ضعيف، والثالثة: شهر بن حوشب وهو متروك، ثم لو صح لما كان لهم فيه متعلق، لأنه ليس فيه إلا قبول رأي أبي بكر وعمر فقط لا قبول رأي غيرهما، وهذا خلاف عمل أهل الرأي كلهم اليوم، ثم فيه قبولهما إلا في لبس حلة، وهذا مباح لا يمنع من قبول رأي خادم أو عبد أو جار إن شاء الذي أشير عليه بذاك، ثم فيه اختلافهما فبطل التعلق برأي خالفه رأي آخر. وأما احتجاجهم بوجوب طاعة أولي الأمر منا، فقد قلنا في ذلك قبل بما أغنى وإنه لا يخلو رأيهم من أن يوجد فيه اختلاف بينهم أو لا يوجد، فإن وجد اختلاف منهم فليس بعضهم يقول رأيه أولى من بعض، وإن لم يوجد فيه اختلاف فقد قلنا: إن القطع بأنه إجماع

أولي الأمر باطل ممتنع لا سبيل إليه مع أن قول الله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} مبطل لدعوى من ادعى أنه تعالى أمرنا بطاعتهم فيما ليس فيه نص، أو في خلاف النص، لأنه شرع شريعة لم يشرعها الله تعالى، أو إبطال شريعة شرعها الله تعالى وكلا الأمرين كفر لا يجوز البتة إجماع العلماء عليه وقد يجوز الوهم في هذا على الطائفة فصح أننا إنما أمرنا بطاعتهم فيما بلغوه إلينا عن رسول الله صلى الله عليه وسلم فقط وأما ما قالوه في الإمامة فقد نص صلى الله عليه وسلم على أن الأئمة من قريش وأمرنا بأن نفي ببيعة الأول فالأول، وأن نتعاون على البر والتقوى، وأن نسمع ونطيع لمن قادنا، بكتاب الله عز وجل، فهذه صفة إذا وجدت في أي عين وجدت فطاعته واجبة بالنص لأنه صلى الله عليه وسلم بعث إلى كل من يأتي إلى يوم القيامة فلا معنى للأسماء المعلقة على أعيان الرجال في ذلك أصلا، وهذا كالعتق في الكفارات والصدقة على المساكين، وكالضحايا، وغير ذلك من سائر الشريعة، وكأمره تعالى في بني إسرائيل بذبح بقرة ولم يميز بقرة بعينها، وإنما نرد الأحكام في الأنواع الجامعة للأشخاص. ثم في أي شخص نفذ الحق فقد أجزأ، وهذا لا خلاف فيه من أحد، وكالنص على الماء، فبأي ماء تطهر أجزأ، وإنما يبطل الرأي في شرع الشريعة بما لا نص فيه، فظهر تمويههم بهذا في الرأي.

recommendation, prohibition, and disapproval, and left it within the category of unrestricted permissibility. It therefore becomes utterly impossible for there to be a case for which the texts contain no ruling. As for the hadith of Ibn Ghanm, it has three grave defects. The first is that it is a report with an interrupted chain of transmission; the second is ʿAbd al-Hamid ibn Bahram, who is a weak transmitter; and the third is Shahr ibn Hawshab, whose reports are rejected. Even if it were authentic, moreover, they would have no basis for relying upon it, because it contains only acceptance of the opinions of Abu Bakr and ʿUmar alone, not acceptance of anyone else's opinion. This runs contrary to the practice of all the adherents of opinion today. Furthermore, it contains acceptance of the opinions of those two except concerning wearing a suit of clothes. This is a permissible matter, in which there is no impediment to accepting the opinion of a servant, a slave, or a neighbor, if the person receiving that advice wishes. Furthermore, it contains their disagreement, so reliance upon an opinion opposed by another opinion is invalid. As for their argument from the obligation to obey those vested with authority among us, we have already said enough about that. Their opinions must either contain disagreement among them or contain none. If there is disagreement among them, none has a greater claim than another to have his opinion followed. If there is no disagreement, we have already said that categorically asserting that this is the consensus of those vested with authority is invalid and impossible: there is no way to establish it. Moreover, the saying of Allah Most High, "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, animals strangled, beaten to death, killed by a fall, gored to death, and that which a beast of prey has eaten—except what you duly slaughter—and that which is slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is iniquity. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful," invalidates the claim of anyone who claims that He Most High commanded us to obey them in matters for which there is no explicit text, or in opposition to an explicit

text. For that would be instituting a religious law that Allah Most High did not institute, or nullifying a religious law that Allah Most High instituted. Both things are unbelief, concerning which a consensus of the scholars is utterly impossible, although a group may conceivably fall into error about this. It is therefore established that we were commanded to obey them only in what they conveyed to us from the Messenger of Allah, may Allah bless him and grant him peace ﷺ. As for what they said concerning the imamate, he, may Allah bless him and grant him peace ﷺ, explicitly stated that the imams are from Quraysh. He commanded us to fulfill the pledge of allegiance to the first, then the next in order; to cooperate in righteousness and piety; and to hear and obey whoever leads us by the Book of Allah, mighty and majestic. This, then, is a qualification which, whenever it is found in any particular individual, makes obedience to him obligatory by the explicit text. For he, may Allah bless him and grant him peace ﷺ, was sent to everyone who will come into existence until the Day of Resurrection. Names attached to particular men therefore have no significance whatsoever in this matter. This is like freeing slaves in expiations, giving charity to the needy, sacrificial animals, and other matters throughout the religious law. It is also like His command, Most High, to the Children of Israel to slaughter a cow: He did not single out a particular cow. We merely refer rulings to the kinds that encompass particular individuals; then, in whichever individual the required duty is fulfilled, that suffices. No one disputes this. It is also like the explicit text concerning water: whichever water someone uses to purify himself suffices. Opinion is invalid only in instituting religious law concerning matters

for which there is no explicit text. Their obfuscation in using this to support opinion has thus become evident.[333][435]

L2414–2422 As for the report of Muʿadh, it is unlawful to adduce it as proof because it is disqualified. This is because it has never been transmitted except through al-Harith ibn ʿAmr, who is an unidentified transmitter: no one knows who he is. Ahmad ibn Muhammed al-ʿUdhri related to me: Abu Dharr al-Harawi related to us: Zahir ibn Ahmad the jurist related to us: Zanjuwayh ibn Muhammed al-Naysaburi related to us: Muhammed ibn Ismaʿil al-Bukhari—the compiler of the Sahih—related to us. He mentioned the chain of transmission of this hadith and said, "He attributed it to the Prophet concerning independent judgment by opinion." Al-Bukhari said, "Al-Harith is known only through this, and it is not authentic." These are al-Bukhari's exact words, may Allah have mercy upon him, in his Middle History. Furthermore, it is transmitted from men of Hims whose identities are unknown. Furthermore, it was never known in the age of the Companions, nor did any of them mention it. Furthermore, no one ever knew it in the age of the Successors until Abu ʿAwn alone received it from someone whose identity is unknown. Then, when the adherents of opinion found it with Shuʿbah, they flew with it to every destination and spread it throughout the world, although it is false and has no foundation. Abu Ishaq al-Shaybani also transmitted it from Abu ʿAwn, differing in it from Shuʿbah; and Abu Ishaq is likewise a trustworthy transmitter. Thus Hammam and Abu ʿUmar al-Talamanki related to us. Hammam said: Abu Muhammed al-Baji related to us: ʿAbd Allah ibn Yunus related to us: Baqi related to us: Abu Bakr ibn Abi Shaybah related to us. And al-Talamanki said: Ibn Mufarrij related to us: Ibrahim ibn Ahmad ibn

وأما خبر معاذ فإنه لا يحل الاحتجاج به لسقوطه، وذلك أنه لم يرو قط إلا من طريق الحارث بن عمرو وهو مجهول لا يدري أحد من هو، حدثني أحمد بن محمد العذري، ثنا أبو ذر الهروي، نا زاهر بن أحمد الفقيه، نا زنجويه بن محمد النيسابوري، نا محمد بن إسماعيل البخاري هو مؤلف الصحيح فذكر سند هذا الحديث، وقال: رفعه في اجتهاد الرأي، قال البخاري: ولا يعرف الحارث إلا بهذا ولا يصح. هذا نص كلام البخاري رحمه الله في تاريخه الأوسط ثم هو عن رجال من أهل حمص لا يدري من هم. ثم لا يعرف قط في عصر الصحابة، ولا ذكره أحد منهم، ثم لم يعرفه أحد قط في عصر التابعين حتى أخذه أبو عون وحده عمن لا يدري من هو، فلما وجده أصحاب الرأي عند شعبة طاروا به كل مطار، وأشاعوه في الدنيا وهو باطل لا أصل له. ثم قد رواه أيضا أبو إسحاق الشيباني، عن أبي عون فخالف فيه شعبة، وأبو إسحاق أيضا ثقة كما حدثنا حمام وأبو عمر الطلمنكي قال حمام: نا أبو محمد الباجي، نا عبد الله بن يونس، نا بقي، نا أبو بكر بن أبي شيبة، وقال الطلمنكي: نا ابن مفرج، نا إبراهيم بن أحمد بن فراس، نا محمد بن علي بن زيد، نا سعيد بن منصور، ثم اتفق ابن أبي شيبة وسعيد كلاهما عن أبي معاوية الضرير، نا أبو إسحاق الشيباني، عن محمد بن عبيد الله الثقفي هو أبو عون قال لما بعث رسول الله صلى الله عليه وسلم معاذا إلى اليمن قال يا معاذ بما تقضي قال: أقضي بما في كتاب الله. قال: فإن جاءك أمر ليس في كتاب الله قال أقضي بما قضي به نبيه صلى الله عليه وسلم قال فإن جاءك أمر ليس في كتاب الله ولم يقض به نبيه؟ قال: أقضي بما قضى به الصالحون. قال: فإن جاءك أمر ليس في كتاب الله ولم يقض به نبيه ولا قضى به الصالحون قال أؤم الحق جهدي فقال رسول الله صلى الله عليه وسلم الحمد لله الذي جعل رسول رسول الله يقضي بما

[33] **Translator's note (L2410):** The transmitter's name is rendered Yaziʿ in accordance with the supplied spelling. The Quran quotation contains numerous defective spellings, principally omitted alifs; the translation follows the intelligible wording without reproducing those orthographic defects.

[34] **Translator's note (L2412):** The wording translated "none has a greater claim than another to have his opinion followed" is syntactically awkward in the supplied text, which reads literally along the lines of "some of them, saying his opinion, are not more entitled than others." The repeated Quran quotation again contains numerous defective spellings, principally omitted alifs.

[35] **Qur'an references (L2409):** Qur'an 5:3 (Al-Ma'idah).

Firas related to us: Muhammed ibn ʿAli ibn Zayd related to us: Saʿid ibn Mansur related to us. Then Ibn Abi Shaybah and Saʿid agreed, both transmitting from Abu Muʿawiyah the blind: Abu Ishaq al-Shaybani related to us, from Muhammed ibn ʿUbayd Allah al-Thaqafi—who is Abu ʿAwn—who said: When the Messenger of Allah, may Allah bless him and grant him peace ﷺ, sent Muʿadh to Yemen, he said, "Muʿadh, by what will you judge?" He said, "I shall judge by what is in the Book of Allah." He said, "And if a matter comes to you that is not in the Book of Allah?" He said, "I shall judge by what His Prophet, may Allah bless him and grant him peace ﷺ, judged." He said, "And if a matter comes to you that is not in the Book of Allah and concerning which His Prophet has not judged?" He said, "I shall judge by what the righteous have judged." He said, "And if a matter comes to you that is not in the Book of Allah, concerning which neither His Prophet nor the righteous have rendered judgment?" He said, "I shall seek the truth to the utmost of my ability." The Messenger of Allah ﷺ said, "Praise be to Allah, who has made the messenger of the Messenger of Allah judge in a manner pleasing to the Messenger of Allah." Thus he did not mention "I shall exercise my own judgment" at all. His statement, "I shall seek the truth," means seeking the truth until he finds it in the only source from which the revealed law can be obtained: the Quran and the established practices of the Prophet ﷺ. Moreover, Ahmad ibn Muhammed Allah al-Talamanki related to us: Ahmad ibn Awn Allah related to us: Ibrahim ibn Ahmad ibn Firas related to us: Ahmad ibn Muhammed ibn Salim al-Naysaburi related to us, saying: Ishaq ibn Rahawayh related to us, saying: Sufyan ibn Uyaynah said, "The exercise of judgment means consulting the people of knowledge, not speaking on the basis of one's own opinion." Furthermore, they contradict what it contains and abandon it, since it states that he first judges according to what is in the Book of Allah; if he finds nothing in the Book of Allah, only then does he judge according to the Sunnah of the Messenger of Allah ﷺ. All of them act contrary to this. Indeed, they abandon the explicit text of the Quran, whether for an authentic Sunnah or for a corrupt report, just as they abandoned wiping the feet—which is the explicit text of the Quran—for a report prescribing washing, and just as they abandoned the bequest to parents and close relatives for a report stating, "There is no bequest for an heir,"

يرضى به رسول الله فلم يذكر أجتهد رأيي أصلا، وقوله: أؤم الحق هو طلبه للحق حتى يجده حيث لا توجد الشريعة إلا منه وهو القرآن وسنن النبي صلى الله عليه وسلم على أننا قد حدثنا أحمد بن محمد الله الطلمنكي، نا أحمد بن عون الله، نا إبراهيم بن أحمد بن فراس، نا أحمد بن محمد بن سالم النيسابوري قال: نا إسحاق بن راهويه قال: قال سفيان بن عيينة: اجتهاد الرأي هو مشاورة أهل العلم، لا أن يقول برأيه. وأيضا فإنه مخالفون لما فيه، تاركون له، لأن فيه أنه يقضي أولا بما في كتاب الله، فإن لم يجد في كتاب الله فحينئذ يقضي بسنة رسول الله صلى الله عليه وسلم وهم كلهم على خلاف هذا بل يتركون نص القرآن إما لسنة صحيحة، وإما لرواية فاسدة، كما تركوا مسح الرجلين، وهو نص القرآن لرواية جاء بالغسل، وكما تركوا الوصية للوالدين والأقربين لرواية جاءت: لا وصية لوارث وكما تركوا جلد المحصن، وهو نص القرآن لظن كاذب في تركه، ومثل هذا كثير، فكيف يجوز لذي دين أن يحتج بشيء هو أول مخالف له؟.

وبرهان وضع هذا الخبر وبطلانه هو أن من الباطل الممتنع أن يقول رسول الله: فإن لم تجد في كتاب الله ولا في سنة رسول الله وهو يسمع قول ربه تعالى {تبعوا مآ أنزل إليكم من ربكم ولا تتبعوا من دونه أولياآء قليلا ما تذكرون} وقوله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وقوله تعالى {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود لله ومن يتعد حدود لله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد

and just as they abandoned flogging the legally married person—which is the explicit text of the Quran—on the basis of a false supposition that it should be abandoned. There are many such examples. How, then, can a person of religion legitimately invoke as evidence something that he himself is the first to contradict? The demonstration that this report is fabricated and invalid is that it is false and impossible that the Messenger of Allah should say, "If you find nothing in the Book of Allah or in the Sunnah of the Messenger of Allah," while hearing the words of his Lord, exalted is He: {Follow what has been sent down to you from your Lord, and do not follow protectors apart from Him. Little do you take heed!} And His words, exalted is He: {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal killed by a blow, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter—and what has been slaughtered upon sacrificial stones, and that you seek apportionment by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful.} And His words, exalted is He: {O Prophet, when you divorce women, divorce them for their prescribed waiting period, and count the waiting period. Fear Allah, your Lord. Do not expel them from their homes, nor should they leave, unless they commit a manifest indecency. Those are Allah's limits. Whoever transgresses Allah's limits has wronged himself. You do not know: perhaps Allah will bring about some new matter after that.} This is in addition to what is authentically established from him ﷺ concerning the prohibition of speaking on the basis of opinion in religion, in his statement ﷺ: "Then the people took ignorant leaders, who issued legal opinions on the basis of opinion, and so went astray and led others astray." Moreover, even if it were authentic, his statement, "I shall exercise my own judgment," would mean only, "I shall expend my utmost effort until I discern the truth in the Quran and the Sunnah, and I shall never cease seeking it." Furthermore, even if it were authentic, it would necessarily admit of one of two possibilities: either

ذلك أمرا} مع الثابت عنه صلى الله عليه وسلم من تحريم القول بالرأي في الدين من قوله صلى الله عليه وسلم فاتخذ الناس رؤوسا جهالا فأفتوا بالرأي فضلوا وأضلوا ثم لو صح لكان معنى قوله: أجتهد رأيي إنما معناه أستنفذ جهدي حتى أرى الحق في القرآن والسنة، ولا أزال أطلب ذلك أبدا. وأيضا فلو صح لكان لا يخلو من أحد وجهين: إما أن يكون ذلك لمعاذ وحده، فيلزمهم ألا يتبعوا رأي أحد إلا رأي معاذ، وهم لا يقولون بهذا. أو يكون لمعاذ وغيره، فإن كان ذلك فكل من اجتهد رأيه فقد فعل ما أمر به، وإذ الأمر كذلك فإن كل من فعل ما أمر به فهم كلهم محقون ليس أحد منهم أولى بالصواب من آخر، فصار الحق على هذا في المتضادات، وهذا خلاف قولهم، وخلاف المعقول، بل هذا المحال الظاهر، وليس حينئذ لأحد أن ينصر قوله بحجة، لأن مخالفه أيضا قد اجتهد رأيه، وليس في الحديث الذي احتجوا به أكثر من اجتهاد الرأي ولا مزيد، فلا يجوز لهم أن يزيدوا فيه ترجيحا لم يذكر في الحديث وأيضا فليس أحد أولى من أحد مع هذا، فلكل واحد منا أن يجتهد برأيه، فليس من اتبعوا أولى من غيره، ومن المحال البين أن يكون ما ظنه الجهال في حديث معاذ لو صح من أن يكون صلى الله عليه وسلم يبيح لمعاذ أن يحلل برأيه ويحرم برأيه ويوجب الفرائض برأيه ويسقطها برأيه وهذا ما لا يظنه مسلم، وليس في الشريعة شيء غير ما ذكرنا البتة وقد بين لنا رسول الله صلى الله عليه وسلم ما تقع فيه المشورة منه وفرق بينه وبين الدين، كما حدثنا أحمد بن محمد بن عبد الله الطلمنكي، نا أبو بكر بن مفرج القاضي، نا محمد بن أيوب الصموت الرقي، نا أحمد بن عمرو بن عبد الخالق البزار، نا عمرو بن علي، نا عفان بن مسلم، نا حماد بن سلمة، عن هشام بن عروة عن أبيه عن عائشة أن النبي صلى الله عليه وسلم سمع أصواتا فقال ما هذه الأصوات قالوا النخل يؤبرونه، فقال: لو لم يفعلوا لصلح فأمسكوا عنه فصار شيصا فذكروا ذلك للنبي صلى الله عليه وسلم

this was for Muadh alone, in which case they would be obliged to follow no one's opinion except Muadh's—and they do not maintain this—or it was for Muadh and others. If that were so, everyone who exercised his own judgment would have done what he was commanded to do. Since that is the case, all those who have done what they were commanded to do are in the right; none of them has any greater claim to correctness than another. On this basis, truth would lie in mutually contradictory things. This contradicts their own position and what reason admits; indeed, it is manifest impossibility. No one would then be entitled to support his position with an argument, because his opponent, too, has exercised his own judgment. The hadith they invoke as evidence contains nothing beyond the exercise of judgment, nothing more. They are therefore not entitled to add to it a preference for one position that is not mentioned in the hadith. Furthermore, on this basis no one has a greater claim than anyone else: each of us may exercise his own judgment, and the person they have followed has no greater claim than anyone else. What the ignorant suppose concerning the hadith of Muadh, were it authentic—that he ﷺ would permit Muadh to declare things lawful on the basis of his opinion, declare things unlawful on the basis of his opinion, impose obligations on the basis of his opinion, and waive them on the basis of his opinion—is a manifest impossibility. No Muslim would suppose this. There is absolutely nothing in the revealed law beyond what we have mentioned. The Messenger of Allah ﷺ has explained to us which matters are subject to consultation and distinguished them from religion, as Ahmad ibn Muhammed ibn Abd Allah al-Talamanki related to us: Abu Bakr ibn Mufarrij, the judge, related to us: Muhammed ibn Ayyub al-Samut al-Raqqi related to us: Ahmad ibn Amr ibn Abd al-Khaliq al-Bazzar related to us: Amr ibn Ali related to us: Affan ibn Muslim related to us: Hammad ibn Salamah related to us, from Hisham ibn Urwah, from his father, from Aishah, that the Prophet ﷺ heard sounds and said, "What are these sounds?" They said, "The date palms: they are pollinating them." He said, "If they did not do so, they would turn out well." So they refrained from doing it, and the fruit turned out poorly developed. They mentioned this to the Prophet ﷺ, and he said, "If it concerns a matter of your worldly affairs, attend to it yourselves; if it concerns a matter of your religion, refer it to me." Through

فقال إذا كان شيئا من أمر دنياكم فشأنكم وإن كان شيئا من أمر دينكم فإلي. وبه إلى البزاز: نا هدبة بن خالد، نا جهاد بن سلمة عن ثابت البناني عن أنس أن رسول الله صلى الله عليه وسلم سمع صوتا في النخل فقال ما هذا قال يؤبرون النخل قال: لو تركوها أصلحت، فتركوها فصارت شيصا، فأخبروه بذلك فقال: أنتم أعلم بما يصلحكم في دنياكم، وأما آخرتكم فإلي.

the same chain as far as al-Bazzaz: Hudbah ibn Khalid related to us: Jihad ibn Salamah related to us, from Thabit al-Bunani, from Anas, that the Messenger of Allah—may Allah bless him and grant him peace—heard a sound among the date palms and said, “What is this?” He said, “They are pollinating the date palms.” He said, “If they left them alone, they would turn out well.” So they left them alone, and their fruit turned out poorly developed. They informed him of this, and he said, “You know better what benefits you in your worldly affairs. As for your hereafter, refer it to me.”[36][37][38][39][40][41]

L2423–2431 Abu Muhammed said: Here Aishah and Anas have left no obscurity in their narration. They reported that he ﷺ informed us that we know better than he does what benefits us in our worldly affairs. It was concerning this that he would consult his Companions. They also reported that he ﷺ assigned the affair of our hereafter to himself, not to anyone else. The affair of the hereafter consists solely of religion and revealed law. He ﷺ did not assign that to anyone other than himself. Thus everyone’s opinion is invalidated, and speaking on the basis of opinion in religion is prohibited altogether. Success comes through Allah, exalted is He. This clarifies the meaning of

قال أبو محمد: فهذه عائشة وأنس لم يدعا في روايتها إشكالا وأخبرا أنه صلى الله عليه وسلم أعلمنا أننا أعلم بما يصلحنا في دنيانا منه ففي هذا كان يشاور أصحابه وأخبرا أنه صلى الله عليه وسلم جعل أمر آخرتنا إليه لا إلى غيره وأمر الآخرة هو الدين والشريعة فقط فلم يجعل ذلك صلى الله عليه وسلم إلى أحد سواه وبطل بذلك رأي كل أحد وحرم القول بالرأي جملة في الدين، وبالله تعالى التوفيق. وهذا يبين معنى قول الله عز وجل {وما ينطق عن الهوى * إن هو إلا وحي يوحى} إنما هو في أمر الدين فكل ما تكلم به النبي صلى الله عليه وسلم في شيء من تحريم أو تحليل أو إيجاب فهو عن الله تعالى بيقين وما كان من غير ذلك فكما قلنا لقوله صلى الله عليه وسلم إذ قيل له حاضت صفية فقال عقري حلقي وكقوله صلى الله عليه وسلم إني اتخذت عند الله عهدا أيما امرىء سببته أو لعنته في غير كنهه أو جلدته فاجعلها له طهرة أو كما قال صلى الله عليه وسلم ومثل قوله صلى الله عليه وسلم لذي اليدين لم تقصر ولا نسيت وهذا يبين فساد قول من اعترض بمثل هذا على سائر أوامره صلى الله عليه وسلم ليردها ناطقا في ذلك بلسان أهل الإلحاد المعترضين في الإسلام، ونعوذ بالله من الخذلان. حدثنا أحمد بن عمرو العذري، ثنا أبو ذر الهروي، ثنا عبد الله بن أحمد بن حمويه السرخسي، ثنا إبراهيم بن خزيم الشاشي، ثنا عبد الرزاق، ثنا سفيان الثوري، عن عبد الأعلى،

[36] **Translator’s note (L2414):** The terse phrase “He attributed it to the Prophet concerning independent judgment by opinion” uses the technical transmission term for raising a report to the Prophet; its subject is not expressly identified in this excerpt.

[37] **Translator’s note (L2417):** The transmitter’s name appears as “Ahmad ibn Muhammed Allah al-Talamanki,” an apparently defective reading. In unit 2420:0, the corresponding name is given as “Ahmad ibn Muhammed ibn Abd Allah al-Talamanki.”

[38] **Translator’s note (L2418):** “The legally married person” renders al-muhsan, a technical designation concerning marital status in the law of sexual offenses; it completes the reference to flogging in the preceding unit.

[39] **Translator’s note (L2420):** The name is written “al-Bazzaz” in the second chain, whereas the preceding chain has “al-Bazzar”; the difference is preserved. The second chain reads “Jihad ibn Salamah,” whereas the preceding parallel report has “Hammad ibn Salamah.” The supplied reading is preserved. “Poorly developed” renders shis, a term for inferior date fruit resulting from unsuccessful pollination.

[40] **Translator’s note (L2422):** The supplied text has the singular “He said” before “They are pollinating the date palms,” without identifying the speaker. The opening completes the salutation begun in unit 2421:0.

[41] **Qur’an references (L2414):** Qur’an 7:3 (Al-A’raf); Qur’an 5:3 (Al-Ma’idah); Qur’an 65:1 (At-Talaq).

Allah's words, mighty and majestic is He: {He does not speak from desire. * It is nothing but revelation revealed.} This concerns only the matter of religion. Everything the Prophet ﷺ said concerning any prohibition, permission, or imposition of obligation is, with certainty, from Allah, exalted is He. Whatever falls outside that is as we have stated, in view of his words ﷺ when he was told, "Safiyyah has begun menstruating," and he said, "May she be stricken with barrenness and have her head shorn!" And likewise his statement ﷺ: "I have taken a covenant with Allah: any person whom I have insulted or cursed without his deserving it, or flogged—make that a purification for him," or words to that effect, as he ﷺ said. Another example is his statement ﷺ to Dhu al-Yadayn: "It has neither been shortened, nor have I forgotten." This demonstrates the invalidity of the position of anyone who raises objections of this kind against all his other commands ﷺ in order to reject them, speaking thereby in the tongue of the people of heresy who raise objections against Islam. We seek refuge in Allah from abandonment. Ahmad ibn Amr al-Udhri related to us: Abu Dharr al-Harawi related to us: Abd Allah ibn Ahmad ibn Hammuyah al-Sarakhsi related to us: Ibrahim ibn Khuzaym al-Shashi related to us: Abd al-Razzaq related to us: Sufyan al-Thawri related to us, from Abd al-Ala, from Said ibn Jubayr, from Ibn Abbas, who said: The Messenger of Allah ﷺ said, "Whoever speaks concerning the Quran on the basis of his own opinion, let him take his seat in the Fire." Abd said: Ubayd Allah ibn Musa, Abu Nuaym, and Abu Sufyan al-Thawri also related it to us, from Abd al-Ala, from Said ibn Jubayr, from Ibn Abbas, from the Prophet ﷺ, who said, "Whoever speaks concerning the Quran without knowledge, let him take his seat in the Fire." Hammam ibn Ahmad related to us: Abd Allah ibn Muhammed ibn Ali al-Baji related to us: Muhammed ibn Abd al-Malik ibn Ayman related to us: Ahmad ibn Muslim related to us: Abu Thawr Ibrahim ibn Khalid al-Kalbi related to us: Waki related to us, from Hisham ibn Urwah, from his father, from Abd Allah ibn Amr ibn al-As, who said: The Messenger of Allah said, may Allah bless him and grant him peace ﷺ: "Allah does not remove knowledge from men's breasts; rather, He removes knowledge through the death of scholars. When no scholar remains, people take ignorant men as leaders, who speak on the basis of personal opinion, and thus go astray and lead others astray." ʿAbd

عن سعيد بن جبير عن ابن عباس قال قال رسول الله صلى الله عليه وسلم من قال في القرآن برأيه فليتبوأ مقعده من النار. قال عبد: وحدثناه أيضا عبيد الله بن موسى، وأبو نعيم، وأبو سفيان الثوري، عن عبد الأعلى عن سعيد بن جبير عن ابن عباس عن النبي صلى الله عليه وسلم قال من قال في القرآن بغير علم فليتبوأ مقعده من النار. حدثنا حمام بن أحمد، ثنا عبد الله بن محمد بن علي الباجي، نا محمد بن عبد الملك بن أيمن، ثنا أحمد بن مسلم، نا أبو ثور إبراهيم بن خالد الكلبي، ثنا وكيع عن هشام بن عروة، عن أبيه، عن عبد الله بن عمرو بن العاص قال قال رسول الله صلى الله عليه وسلم لا ينزع الله العلم من صدور الرجال ولكن ينزع العلم بموت العلماء، فإذا لم يبق عالم اتخذ الناس رؤوسا جهالا فقالوا بالرأي فضلوا وأضلوا. حدثنا عبد الرحمن بن عبد الله الهمذاني، نا أبو إسحاق البلخي، نا محمد بن يوسف الفربري، نا محمد بن إسماعيل البخاري، ثنا سعيد بن تليد، نا ابن وهب، حدثني عبد الرحمن بن شريح وغيره، وعن أبي الأسود، عن عروة قال: حج علينا عبد الله بن عمرو بن العاص فسمعته يقول سمعت النبي صلى الله عليه وسلم يقول إن الله لا ينزع العلم بعد أن أعطاهموه انتزاعا، ولكن ينتزعه منهم مع قبض العلماء بعلمهم فيبقى ناس جهال يستفتون فيفتون برأيهم فيضلون ويضلون. وأما ما رووه عن أبي مسعود من قوله، فليجتهد رأيه فهو خبر لا يصح، لأن محمد بن سعيد بن نبات حدثناه قال: ثنا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا محمد بن أبي عدي، ثنا شعبة، نا الأعمش، عن عمارة بن عمير، عن حريث بن ظهير قال الأعمش: أحسبه قال. قال ابن مسعود: لقد أتى علينا حين وما نسأل وما نحن هناك. ثم ذكر بنصه، فصح أن الأعمش شك فيه أهو عن ابن مسعود أم لا. ثم لو صح لكان معناه: فليجتهد رأيه، أي ليجهد نفسه حتى يرى السنة في ذلك، يبين هذا قوله في الخبر نفسه: ولا

al-Rahman ibn ʿAbd Allah al-Hamadhani related to us: Abu Ishaq al-Balkhi related to us: Muhammed ibn Yusuf al-Firabri related to us: Muhammed ibn Ismaʿil al-Bukhari related to us: Saʿid ibn Talid related to us: Ibn Wahb related to us: ʿAbd al-Rahman ibn Shurayh and another related to me; and from Abu al-Aswad, from ʿUrwah, who said: "'Abd Allah ibn ʿAmr ibn al-ʿAs came among us on pilgrimage, and I heard him say: 'I heard the Prophet, may Allah bless him and grant him peace ﷺ, say: "Allah does not wrench knowledge away after having given it to them. Rather, He takes it from them by taking the scholars away together with their knowledge. Ignorant people then remain, who are asked for legal opinions and give legal opinions on the basis of their own opinions, and thus go astray and lead others astray."'" As for what they have transmitted from Abu Masʿud, namely his statement, "Let him exercise his judgment," this is a report that is not sound. For Muhammed ibn Saʿid ibn Nabat related it to us, saying: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn ʿAbd al-Salam al-Khushani related to us: Muhammed ibn Bashshar related to us: Muhammed ibn Abi ʿAdi related to us: Shuʿbah related to us: al-Aʿmash related to us, from ʿUmarah ibn ʿUmayr, from Hurayth ibn Zuhayr. Al-Aʿmash said: "I think he said: 'Ibn Masʿud said: "There was a time when we were not asked questions, nor were we in a position to be asked."'" Then he cited it verbatim. It is therefore established that al-Aʿmash was uncertain whether it was from Ibn Masʿud or not. Moreover, even if it were sound, "Let him exercise his judgment" would mean: let him exert himself until he discerns the Sunnah concerning that matter. This is clarified by his statement in the report itself: "And let him not say, 'I fear, and I think.'" He thus forbade him to say, "I think," and this is a prohibition against issuing legal opinions on the basis of personal opinion. Likewise, his statement in that same report, "Leave what causes you doubt for what does not cause you doubt. The lawful is clear, and the unlawful is clear, and between them are doubtful matters." He thus commanded him only to exercise scrupulous restraint and to seek out the evidence. As for the transmission from ʿUmar, it expressly gives him the choice between exercising his judgment and refraining, and he considered refraining better for him. It is therefore established that he did not regard speaking on the basis of personal opinion as the truth, because

يقل إني أخاف وأرى، فنهاه عن أن يقول أرى، وهذا نهي عن الفتيا بالرأي وكذلك قوله فيه نفسه: فدع ما يريبك إلى ما لا يريبك، وإن الحلال بين وإن الحرام بين، وبينهما مشتبهات فإنما أمره بالتورع والطلب فقط. وأما الرواية عن عمر فإن فيها نصا تخييره بين اجتهد رأيه أو الترك، ورأى الترك خيرا له فصح أنه لم ير القول بالرأي حقا، لأن الحق لا خيار في تركه لأحد، ثم هم مخالفون لما فيه أيضا مما ذكرنا من أنهم لا يبدؤون بالطلب في القرآن كما في ذلك الخبر ثم بالسنن، بل يتركون القرآن لما يصح من السنن ولما لا يصح، وهذا خلاف أمر عمر في ذلك الخبر، فكيف يحتجون بشيء هم أول مخالف له، هذا مع أن ظاهر ذلك الخبر الانقطاع. وأما خبر عبيد الله بن أبي يزيد، عن ابن عباس، فليس فيه أن ابن عباس أخبر بذلك عن نفسه، ولا أنه أمر به، فإذا هو ظن من عبيد الله، والثابت عن ابن عباس النهي عن تقليد أبي بكر وعمر. ثم قصة خالفوا فيها ابن مسعود وعمر وابن عباس، فلو صح هذا عنهم لكان كبعض ما خالفوهم فيه، فليس بعض حكمهم أولى بالتقليد من بعض، مثل ما صح عن عمر وابن مسعود وابن عباس من القول بأن من تسحر يرى أنه ليل، فإذا به نهار، فصومه تام، ومثل قضائهم ثلاثتهم في اليربوع جفرة، ومثل هذا كثير. وأما ما رووه عن بعض الصحابة من الفتيا بالرأي، فإنما أفتى منهم من أفتى برأيهم على سبيل الإخبار بذلك أو الصلح، لا على أنه حكم بات، ولا على أنه لازم لأحد، فقال خصومنا: إنما ذموا الرأي الذي يحكم به على غير أصل، وأما الذي حكموا به فهو الرأي المردود إلى ما يشبه من قرآن أو سنة، فقلنا لهم: هذه دعوى منكم، فإن وجدتم عن أحد منهم تصحيحا فلكم مقال، وإلا فقد كذبتم عليهم، فنظرنا فلم نجد قط عن أحد من الصحابة كلمة تصح تدل على الفرق بين رأي مأخوذ عن شبه لما في القرآن والسنة وبين غيره من الآراء، إلا في رسالة مكذوبة عن عمر، ووجدنا قولهم في ذمهم الرأي جملة، وأنهم حكموا به على ما قلنا. كما حدثنا محمد بن سعيد بن نبات، نا أحمد

the truth is something that no one has the option of abandoning. Furthermore, they also contravene its contents in the respect we have mentioned: they do not begin by seeking in the Quran, as stipulated in that report, and then in the transmitted Sunnahs. Instead, they abandon the Quran for sound transmitted Sunnahs and for unsound ones alike. This contravenes ʿUmar's command in that report. How, then, can they invoke as proof something that they themselves are the first to contravene? This is in addition to the fact that the apparent state of that report is a break in its transmission chain. As for the report of ʿUbayd Allah ibn Abi Yazid from Ibn ʿAbbas, it does not state that Ibn ʿAbbas reported this about himself, or that he commanded it. It is therefore a supposition on ʿUbayd Allah's part. What is established from Ibn ʿAbbas is his prohibition against following Abu Bakr and ʿUmar without proof. Then there is an instance in which they disagreed with Ibn Masʿud, ʿUmar, and Ibn ʿAbbas. Even if this were soundly transmitted from them, it would be like some of the matters in which they disagreed with them: some of their rulings have no greater claim to being followed without proof than others. Examples include what is soundly transmitted from ʿUmar, Ibn Masʿud, and Ibn ʿAbbas, namely that if someone eats the predawn meal thinking that it is night, only to discover that it is daytime, his fast is complete; and the ruling of all three that a female goat kid is due for a jerboa. There are many such examples. As for what they have transmitted from some of the Companions concerning the issuing of legal opinions on the basis of personal opinion, those of them who issued opinions on that basis did so only by way of conveying that opinion or effecting a settlement, not as a definitive ruling or as something binding upon anyone. Our opponents said: "They condemned only personal opinion by which a ruling is made without any foundation. As for that by which they themselves ruled, it was personal opinion referred back to something resembling it in the Quran or Sunnah." We said to them: "This is a claim on your part. If you find an affirmation of it from any one of them, you will have grounds to speak; otherwise, you have attributed a lie to them." We examined the matter and never found a single soundly transmitted statement from any of the Companions indicating a distinction between an opinion derived from a resemblance to something in the Quran and Sunnah and other opinions, except in a letter

بن عون الله، نا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، نا محمد بن المثنى، نا عبد الرحمن بن مهدي، نا سفيان الثوري، عن أبي إسحاق السبيعي، عن حارثة بن مضرب قال: جاء ناس من أهل الشام إلى عمر بن الخطاب فقالوا: إنا أصبنا أموالا خيلا، ورقيقا، نحب أن يكون لنا فيها زكاة وطهور، فقال عمر: ما فعله صاحباي قبل فأفعله فاستشار أصحاب محمد صلى الله عليه وسلم فقال له علي هو حسن إن لم تكن جزية يؤخذون بها بعد راتبة. قال أبو محمد: فهذا نص ما قلنا من أنهم لا يرون ما حكموا فيه برأيهم أمرا راتبا، وأيضا فقد روينا عنهما وعن غيرهما في إبطال الرأي آثارا أصح مما شغبوا به، ولسنا نوردها احتجاجا بها إذ لا حجة في أحد إلا في رسول الله صلى الله عليه وسلم أو في إجماع متيقن لا خلاف فيه وإنما نوردها لتلزمهم ما أرادوا إلزامنا وهو لازم لهم، لأنهم يحتجون بمثله، ومن جعل شيئا ما حجة في مكان ما لزمه أن يجعله حجة في كل مكان، وإلا فهو متناقض متحكم في الدين بلا دليل.

falsely attributed to ʿUmar. We found their statements condemning personal opinion in its entirety, and found that their rulings based upon it were as we have said. Thus Muhammed ibn Saʿid ibn Nabat related to us: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn ʿAbd al-Salam al-Khushani related to us: Muhammed ibn al-Muthanna related to us: ʿAbd al-Rahman ibn Mahdi related to us: Sufyan al-Thawri related to us, from Abu Ishaq al-Sabiʿi, from Harithah ibn Mudarrib, who said: "Some people from Syria came to ʿUmar ibn al-Khattab and said: 'We have acquired property—horses and slaves—and would like there to be alms and purification for us in respect of it.' ʿUmar said: 'My two predecessors did not do it before me, that I should do it.' He then consulted the Companions of Muhammed, may Allah bless him and grant him peace ﷺ. ʿAli said to him: 'It is good, provided that it does not become a regular tribute subsequently exacted from them.'" Abu Muhammed said: This explicitly states what we have said: they did not regard the matters in which they ruled on the basis of their own opinions as established, continuing requirements. Moreover, we have transmitted from those two and from others reports invalidating personal opinion that are sounder than those with which they have raised their objections. We do not cite them as proof, since no one constitutes an authority except the Messenger of Allah, may Allah bless him and grant him peace ﷺ, or a consensus known with certainty, concerning which there is no disagreement. We cite them only to hold them to what they sought to impose upon us. It is binding upon them because they invoke reports of this kind as proof. Whoever treats anything as proof in one instance is bound

to treat it as proof in every instance; otherwise, he contradicts himself and makes arbitrary pronouncements about religion without evidence.[42][43][44][45][46]

L2432–2438 Ahmad ibn ʿUmar related to us: Abu Dharr al-Harawi related to us: ʿAbd Allah ibn Ahmad al-Sarakhsi related to us: Ibrahim ibn Khuzaym related to us: ʿAbd ibn Humayd related to us: Abu Usamah related to us, from Nafiʿ ibn ʿUmar al-Jumahi, from Ibn Abi Mulaykah, who said: Abu Bakr al-Siddiq said: “What earth would bear me, and what sky would shelter me, if I were to say concerning a verse of Allah’s Book something other than what He intended?” Muhammed ibn Saʿid al-Nabati related to us: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn ʿAbd al-Salam al-Khushani related to us: Muhammed ibn Bashshar related to us: Ibn Abi ʿAdi related to us, from Shuʿbah, from al-Aʿmash, from ʿAbd Allah ibn Murrah, from Abu Maʿmar, from Abu Bakr al-Siddiq, who said: “What earth would bear me, and what sky would shelter me, if I were to speak

حدثنا أحمد بن عمر، ثنا أبو ذر الهروي، نا عبد الله بن أحمد السرخسي، نا إبراهيم بن خزيم، نا عبد بن حميد، ثنا أبو أسامة، عن نافع بن عمر الجمحي، عن ابن أبي مليكة قال: قال أبو بكر الصديق: أي أرض تقلني وأي سماء تظلني إن قلت في آية من كتاب الله بغير ما أراد. حدثنا محمد بن سعيد النباتي، نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا ابن أبي عدي، عن شعبة، عن الأعمش، عن عبد الله بن مرة، عن أبي معمر، عن أبي بكر الصديق قال: أية أرض تقلني وأي سماء تظلني إن قلت في كتاب الله برأيي أو بما لا أعلم. حدثنا المهلب عن ابن مناس، نا محمد بن مسرور، نا يونس بن عبد الأعلى، ثنا ابن وهب، أخبرني يونس بن يزيد، عن ابن شهاب، عن عمر بن الخطاب قال وهو على المنبر: يا أيها الناس إنما الرأي إنما كان من رسول الله مصيبا، لأن الله عز وجل كان يريه، وإنما هو منا الظن والتكلف. وبه إلى ابن وهب: حدثنا عبد الله بن عياش، عن ابن عجلان، عن عبد الله بن عمر بن الخطاب قال: اتقوا الرأي في دينكم. كتب إلي النمري: حدثنا أحمد بن عبد الله بن محمد بن علي الباجي، وعبد الله بن محمد بن يوسف الأزدي القاضي قال أحمد: نا أبي، وقال القاضي: نا سهل بن إبراهيم، قال عبد الله الباجي وسهل: ثنا أحمد بن فطيس، نا أحمد بن يحيى الأودي الصوفي، نا عبد الرحمن بن شريك، حدثني أبي عن مجالد، عن الشعبي، عن عمرو بن حريث قال: قال عمر بن الخطاب: إياكم وأصحاب الرأي، فإنهم أعداء السنن، أعيتهم الأحاديث أن يحفظوها فقالوا بالرأي فضلوا وأضلوا. كتب إلي النمري: أخبرنا محمد بن خليفة، نا محمد بن الحسين البغدادي، نا أبو بكر بن أبي داود، نا محمد بن عبد الملك القزاز، نا أبو مريم، نا نافع بن يزيد، عن ابن الهاد، عن محمد بن إبراهيم قال: قال عمر بن الخطاب: إياكم والرأي فإن أصحاب

[42] **Translator’s note (L2423):** The supplied text has the singular possessive in “their narration,” literally “her narration,” despite naming both Aishah and Anas. “May she be stricken with barrenness and have her head shorn!” renders the conventional exclamation aqra halqa, here written aqri halqi. Its literal imprecatory wording is retained; in such usage it need not express a literal wish for those harms. “Without his deserving it” renders the unusual expression fi ghayr kunhihi; its exact force here is uncertain. The text attributes the final statement to “Abd” without giving the remainder of his name. The final transmitter is given as “Abu Sufyan al-Thawri.” This appears to be a defective reading: Sufyan al-Thawri, named earlier in the same unit, is ordinarily identified by the patronymic Abu Abd Allah. The supplied form is preserved.

[43] **Translator’s note (L2426):** The text first names Abu Masʿud but subsequently names Ibn Masʿud. This discrepancy has been retained. The transmission wording “ʿAbd al-Rahman ibn Shurayh and another … and from Abu al-Aswad” is syntactically awkward; the additional conjunction has been retained. The wording “nor were we in a position to be asked” renders the elliptical وما نحن هناك, literally “nor were we there.”

[44] **Translator’s note (L2429):** The phrase “Then there is an instance” renders the abrupt ثم قصة; the supplied wording provides no further specification at that point. The ruling concerning a jerboa refers elliptically to compensatory liability for game. The translation preserves the text’s omission of that setting.

[45] **Translator’s note (L2430):** “My two predecessors” renders صاحباي, literally “my two companions,” referring in context to the Prophet and Abu Bakr. The expression “those two” is retained: its intended pair is not explicitly identified in this sentence.

[46] **Qur’an references (L2423):** Qur’an 53:4 (An-Najm).

concerning Allah's Book on the basis of my personal opinion or of something I do not know?" Al-Muhallab related to us, from Ibn Munas: Muhammed ibn Masrur related to us: Yunus ibn ʿAbd al-Aʿla related to us: Ibn Wahb related to us: Yunus ibn Yazid informed me, from Ibn Shihab, from ʿUmar ibn al-Khattab, who said while on the pulpit: "O people, personal opinion—personal opinion was correct only when it came from the Messenger of Allah, because Allah, mighty and majestic, showed him. From us it is only supposition and strained conjecture." Through the same transmission chain to Ibn Wahb: ʿAbd Allah ibn ʿAyyash related to us, from Ibn ʿAjlan, from ʿAbd Allah ibn ʿUmar ibn al-Khattab, who said: "Guard against personal opinion in your religion." Al-Namari wrote to me: Ahmad ibn ʿAbd Allah ibn Muhammed ibn ʿAli al-Baji and ʿAbd Allah ibn Muhammed ibn Yusuf al-Azdi, the judge, related to us. Ahmad said: My father related to us. The judge said: Sahl ibn Ibrahim related to us. ʿAbd Allah al-Baji and Sahl said: Ahmad ibn Futays related to us: Ahmad ibn Yahya al-Awdi al-Sufi related to us: ʿAbd al-Rahman ibn Sharik related to us: My father related to me, from Mujalid, from al-Shaʿbi, from ʿAmr ibn Hurayth, who said: ʿUmar ibn al-Khattab said: "Beware of the adherents of personal opinion, for they are the enemies of the transmitted Sunnahs. The hadiths proved too difficult for them to memorize, so they spoke on the basis of personal opinion, and thus went astray and led others astray." Al-Namari wrote to me: Muhammed ibn Khalifah informed us: Muhammed ibn al-Husayn al-Baghdadi related to us: Abu Bakr ibn Abi Dawud related to us: Muhammed ibn ʿAbd al-Malik al-Qazzaz related to us: Abu Maryam related to us: Nafiʿ ibn Yazid related to us, from Ibn al-Had, from Muhammed ibn Ibrahim, who said: ʿUmar ibn al-Khattab said: "Beware of personal opinion, for the adherents of personal opinion are the enemies of the transmitted Sunnahs. The hadiths proved too difficult for them to comprehend and escaped their grasp when they tried to memorize them, so they spoke about religion on the basis of their own opinions." Al-Muhallab related to us, from Ibn Munas, from Ibn Masrur, from Yunus ibn ʿAbd al-Aʿla, from Wahb: Ibn Lahiʿah informed me, from Ibn al-Had, from Muhammed ibn Ibrahim al-Taymi, that ʿUmar ibn al-Khattab said: "The proponents of opinion have become enemies of the transmitted practices. These proved too difficult for them to comprehend and eluded

الرأي أعداء السنن، أعيتهم الأحاديث أن يعوها، وتفلت منهم أن يحفظوه، فقالوا في الدين برأيهم. حدثنا المهلب، عن ابن مناس، عن ابن مسرور، عن يونس بن عبد الأعلى، عن وهب، أخبرني ابن لهيعة، عن ابن الهاد، عن محمد بن إبراهيم التيمي أن عمر بن الخطاب قال: أصبح أصحاب الرأي أعداء السنن أعيتهم أن يعوها وتفلتت أن يرووها، فاستقوها بالرأي. حدثنا عبد الله بن ربيع، نا محمد بن إسحاق بن السليم، نا ابن الأعرابي، ثنا أبو داود السجستاني، ثنا أبو كريب محمد بن العلاء، ثنا حفص بن غياث، ثنا الأعمش، عن أبي إسحاق، عن عبد خير، عن علي بن أبي طالب قال: لو كان الدين بالرأي لكان أسفل الخف أولى بالمسح من أعلاه وقد رأيت رسول الله صلى الله عليه وسلم يمسح على ظاهر الخفين حدثنا عبد الله بن ربيع عن عبد الله بن محمد بن عثمان، عن أحمد بن خالد، عن علي بن عبد العزيز، عن الحجاج بن المنهال، ثنا حماد بن سلمة، عن قتادة قال: قال علي: القضاء ثلاثة: رجل حاف فهو في النار، ورجل اجتهد برأيه فأخطأ فهو في النار، ورجل أصاب فهو في الجنة. حدثنا حمام بن أحمد، ثنا أبو محمد الباجي، ثنا عبد الله بن يوسف، ثنا بقي بن مخلد، ثنا أبو بكر بن أبي شيبة، نا شبابة بن سوار، عن شعبة، عن قتادة قال: سمعت رفيعا أبا العالية يقول: قال علي بن أبي طالب: القضاة ثلاثة: اثنان في النار وواحد في الجنة، رجل جار متعمدا فهو في النار، ورجل أراد الحق فأخطأ فهو في النار، ورجل أراد الحق فأصاب فهو في الجنة، قال قتادة: قلت لأبي العالية: أرأيت هذا الذي أراد الحق فأخطأ؟ قال: كان حقه إذا لم يعلم القضاء أن يكون قاضيا. حدثنا أحمد بن محمد الطلمنكي، ثنا ابن مفرج، ثنا إبراهيم بن أحمد بن فراس، ثنا محمد بن علي بن زيد، نا سعيد بن منصور، نا فرج بن فضالة، عن مالك بن زياد، قال: سمعت عراك بن مالك وقال له عمر بن عبد العزيز: يا عراك ما قولك في القضاة؟ فقال: يا أمير المؤمنين القضاة ثلاثة: رجل ولي القضاء ولا علم له بالقضاء، فأحل حراما وحرم حلالا فهو في النار على أم رأسه،

their attempts to transmit them, so they sought to draw them forth through opinion."

ʿAbd Allah ibn Rabiʿ related to us: Muhammed ibn Ishaq ibn al-Salim related to us: Ibn al-Aʿrabi related to us: Abu Dawud al-Sijistani related to us: Abu Kurayb Muhammed ibn al-ʿAlaʾ related to us: Hafs ibn Ghiyath related to us: al-Aʿmash related to us, from Abu Ishaq, from ʿAbd Khayr, from ʿAli ibn Abi Talib, who said: "If religion were based on opinion, the underside of the leather sock would have a better claim to being wiped than its upper side. Yet I saw the Messenger of Allah ﷺ wiping the upper surfaces of his two leather socks."

ʿAbd Allah ibn Rabiʿ related to us, from ʿAbd Allah ibn Muhammed ibn ʿUthman, from Ahmad ibn Khalid, from ʿAli ibn ʿAbd al-ʿAziz, from al-Hajjaj ibn al-Minhal: Hammad ibn Salamah related to us, from Qatadah, who said: ʿAli said: "Judgment is of three kinds: a man who acts unjustly, and he is in the Fire; a man who exercises independent judgment according to his opinion and errs, and he is in the Fire; and a man who reaches the correct judgment, and he is in Paradise."

Hammam ibn Ahmad related to us: Abu Muhammed al-Baji related to us: ʿAbd Allah ibn Yusuf related to us: Baqi ibn Makhlad related to us: Abu Bakr ibn Abi Shaybah related to us: Shababah ibn Sawwar related to us, from Shuʿbah, from Qatadah, who said: I heard Rufayʿ, Abu al-ʿAliyah, say: ʿAli ibn Abi Talib said: "Judges are of three kinds: two are in the Fire and one is in Paradise. A man who deliberately acts unjustly is in the Fire; a man who intends the truth but errs is in the Fire; and a man who intends the truth and reaches it is in Paradise." Qatadah said: I said to Abu al-ʿAliyah: "What do you say about this man who intended the truth but erred?" He said: "His proper course, if he did not know how to adjudicate, was to be a judge."

Ahmad ibn Muhammed al-Talamanki related to us: Ibn Mufarrij related to us: Ibrahim ibn Ahmad ibn Firas related to us: Muhammed ibn ʿAli ibn Zayd related to us: Saʿid ibn Mansur related to us: Faraj ibn Fadalah related to us, from Malik ibn Ziyad, who said: I heard ʿIrak ibn Malik, when ʿUmar

ورجل ولي القضاء وله علم بالقضاء فاتبع الهوى وترك الحق فهو في النار على أم رأسه،
ورجل ولي القضاء وله علم بالقضاء فاتبع الحق وترك الهوى فهو يستقام به ما استقام،
وإن هو مال سلك مسلك أصحابه

ibn ʿAbd al-ʿAziz said to him, "'Irak, what is your view concerning judges?" He replied: "Commander of the Faithful, judges are of three kinds: a man who assumes judicial office without knowledge of adjudication, then declares something forbidden lawful and something lawful forbidden: he is in the Fire, headfirst. A man who assumes judicial office with knowledge of adjudication, then follows desire and abandons the truth: he is in the Fire, headfirst. And a man who assumes judicial office with knowledge of adjudication, then follows the truth and abandons desire: through him matters are kept upright for as long as he remains upright; but if he deviates, he takes the path of his fellows."[47][48][49][50]

L2439–2441 Abu Muhammed said: This has also been transmitted from the Messenger of Allah ﷺ, as we transmitted through the aforementioned sound chain of transmission to Saʿid ibn Mansur: Khalaf ibn Khalifah related to us: Abu Hashim related to us, saying: Were it not for the report of Ibn Buraydah, from his father, that the Messenger of Allah ﷺ said, "Judges are of three kinds: two are in the Fire and one is in Paradise. A man who knows the truth and judges according to it is in Paradise; a man who judges between people in ignorance is in the Fire; and a man who knows the truth but falters is in the Fire," we would have said that, when a judge exercises independent judgment, no blame attaches to him.

قال أبو محمد وقد روي هذا عن رسول الله صلى الله عليه وسلم كما روينا بالسند الصحيح المذكور إلى سعيد بن منصور: نا خلف بن خليفة، ثنا أبو هاشم قال: لولا حديث ابن بريدة عن أبيه أن رسول الله صلى الله عليه وسلم قال القضاة ثلاثة اثنان في النار وواحد في الجنة: رجل عرف الحق فقضى به فهو في الجنة، ورجل قضى بين الناس بجهل فهو في النار، ورجل عرف الحق فجار فهو في النار، لقلنا: إن القاضي إذا اجتهد فليس عليه شيء. نعم، وعن عمر بن الخطاب كما روينا بالسند المذكور إلى سعيد بن منصور: نا يعقوب بن عبد الرحمن الزهري، نا موسى بن عقبة، قال: خطب عمر بن الخطاب بالجابية، فذكر الخطبة وفيها أن عمر قال: ليس لهالك هلك معذرة في تعمد ضلالة حسبها هدى، ولا في ترك حق حسبه ضلالا قال أبو محمد ليس هذا مخالفا لقول النبي صلى الله عليه وسلم إذا اجتهد الحاكم فأخطأ فله أجر لأن هذا فيمن لم يعرف بالحق، وسائر ما ذكرنا قيل فيمن عرف بالحق فلج مقدرا أنه على صواب، مغلبا لظنه الكاذب على يقين ما جاءه من الهدى والنور. ويه إلى سعيد بن منصور: حدثنا خالد بن عبد الله، عن أبي سنان، عن سعيد بن جبير، عن ابن عباس قال: من أفتا فتيا يعمى بها فإنهما عليه يعني يخطىء فيها فيخطىء آخذها منه. حدثنا عبد الله بن ربيع التميمي، نا محمد بن أحمد بن مفرج، نا سعيد بن السكن، نا الفربري، نا البخاري، نا موسى بن إسماعيل، نا أبو عوانة، عن الأعمش، عن أبي وائل قال: قال

[47] **Translator's note (L2433):** The repetition of "personal opinion" in ʿUmar's statement reflects the repeated إنما الرأي إنما in the supplied Arabic.

[48] **Translator's note (L2435):** The Arabic in "escaped their grasp when they tried to memorize them" shifts awkwardly in grammatical number: تفلت and يحفظوه do not agree straightforwardly with الأحاديث. The translation conveys the apparent sense without emending the source.

[49] **Translator's note (L2436):** The opening continues the transmission chain from the preceding segment; "Wahb" is retained as supplied rather than silently changed to "Ibn Wahb." The unusual expression "istaqawha" literally suggests drawing or obtaining water. "Sought to draw them forth through opinion" preserves its apparent metaphor without replacing the supplied reading. "Judgment is of three kinds" follows the supplied abstract noun; the subsequent enumeration describes three kinds of men.

[50] **Translator's note (L2437):** The statement that someone ignorant of adjudication should "be a judge" is translated as supplied. The context strongly suggests a missing negation, but none appears in the original.

سهل بن حنيف: يا أيها الناس اتهموا آراء على دينكم، لقد رأيتني يوم أبي جندل ولو أستطيع أن أرد أمر رسول الله صلى الله عليه وسلم لرددته حدثنا عبد الله بن يوسف نا أحمد بن فتح، نا أبو العلاء عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم بن الحجاج، حدثني إبراهيم بن سعيد الجوهري، نا أبو أسامة، عن مالك بن مغول، عن أبي حصين، عن أبي وائل شقيق بن سلمة قال: سمعت سهل بن حنيف بصفين يقول: اتهموا آراء كم على دينكم، فلقد رأيتني يوم أبي جندل لو أستطيع أن أرد أمر رسول الله صلى الله عليه وسلم لرددته

Indeed, this is also transmitted from ʿUmar ibn al-Khattab, as we transmitted through the aforementioned chain to Saʿid ibn Mansur: Yaʿqub ibn ʿAbd al-Rahman al-Zuhri related to us: Musa ibn ʿUqbah related to us, saying: ʿUmar ibn al-Khattab delivered a sermon at al-Jabiyah. He then recounted the sermon, which included ʿUmar's statement: "No one who perishes has any excuse for deliberately pursuing an error that he reckoned to be guidance, or for abandoning a truth that he reckoned to be error."

Abu Muhammed said: This does not contradict the Prophet's ﷺ statement, "When a judge exercises independent judgment and errs, he receives a reward," because this concerns someone who has not been acquainted with the truth, whereas everything else we have mentioned was said concerning someone who had been acquainted with the truth but persisted obstinately, supposing himself correct and giving his false conjecture precedence over the certainty of the guidance and light that had reached him.

And through it, to Saʿid ibn Mansur: Khalid ibn ʿAbd Allah related to us, from Abu Sinan, from Saʿid ibn Jubayr, from Ibn ʿAbbas, who said: "Whoever gives a legal opinion by which someone is led blindly astray bears responsibility for both"—meaning that he errs in it, and the person who takes it from him consequently errs.

ʿAbd Allah ibn Rabiʿ al-Tamimi related to us: Muhammed ibn Ahmad ibn Mufarrij related to us: Saʿid ibn al-Sakan related to us: al-Firabri related to us: al-Bukhari related to us: Musa ibn Ismaʿil related to us: Abu ʿAwanah related to us, from al-Aʿmash, from Abu Waʾil, who said: Sahl ibn Hunayf said: "People, regard opinions concerning your religion with suspicion. I remember myself on the day of Abu Jandal: had I been able to reject the Messenger of Allah's ﷺ command, I would have rejected it."

ʿAbd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abu al-ʿAlaʾ ʿAbd al-Wahhab ibn ʿIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʿAli related to us: Muslim ibn al-Hajjaj related to us: Ibrahim ibn Saʿid al-Jawhari related to me: Abu Usamah related to us, from Malik ibn Mighwal, from Abu Hasin, from Abu Waʾil Shaqiq ibn Salamah, who said: I heard Sahl ibn Hunayf saying at Siffin: "Regard your opinions concerning

your religion with suspicion. I remember myself on the day of Abu Jandal: had I been able to reject the Messenger of Allah's ﷺ command, I would have rejected it."[5152]

L2442 Ahmad ibn ʿUmar related to us: Abu Dharr related to us: ʿAbd Allah ibn Ahmad related to us: Ibrahim ibn Khuzaym related to us: ʿAbd ibn Humayd related to us: Hasan ibn ʿAli al-Juʿfi, from Zaʾidah, from Layth, from Bakr, from Saʿid ibn Jubayr, from Ibn ʿAbbas, who said: "Whoever speaks about the Quran according to his own opinion, let him take his seat in Hell."

Al-Muhallab related to us: Ibn Munas related to us: Ibn Masrur related to us: Yunus ibn ʿAbd al-Aʿla related to us: Ibn Wahb related to us: Bishr ibn Bakr informed me, from al-Awzaʿi, from ʿAbdah ibn Abi Lubabah, from Ibn ʿAbbas, who said: "Whoever introduces an opinion that is not in the Book of Allah, mighty and majestic, and for which no transmitted practice from the Messenger of Allah ﷺ has established a precedent, will not know where he stands regarding it when he meets Allah, mighty and majestic."

Yunus ibn ʿAbd Allah the judge related to us: Ahmad ibn ʿAbd Allah ibn ʿAbd al-Rahim related to us: Ahmad ibn Khalid related to us: Muhammed ibn ʿAbd Allah al-Khushani related to us: Muhammed ibn Bashshar related to us: Yunus related to us: ʿUbayd al-ʿUmari related to us: Mubarak ibn Fadalah related to us, from ʿUbayd Allah ibn ʿUmar, from Nafiʿ, from Ibn ʿUmar, from ʿUmar, who said: "People, regard your opinions concerning religion with suspicion. I remember myself opposing the Messenger of Allah's ﷺ command on the basis of an opinion at which I was striving to arrive; by Allah, I spared no effort. That was on the day of Abu Jandal, while the document was being written. He said, 'Write: In the name of Allah, the All-

حدثنا أحمد بن عمر ثنا أبو ذر نا عبد الله بن أحمد، نا إبراهيم بن خزيم، ثنا عبد بن حميد حسن بن علي الجعفي، عن زائدة، عن ليث، عن بكر، عن سعيد بن جبير، عن ابن عباس قال: من قال في القرآن برأيه فليتبوأ مقعده من جهنم. حدثنا المهلب، نا ابن مناس، نا ابن مسرور، نا يونس بن عبد الأعلى، نا ابن وهب، أخبرني بشر بن بكر، عن الأوزاعي، عن عبدة بن أبي لبابة، عن ابن عباس قال: من أحدث رأيا ليس في كتاب الله عز وجل لم تمض به سنة من رسول الله صلى الله عليه وسلم لم يدر على ما هو منه إذا لقي الله عز وجل حدثنا يونس بن عبد الله القاضي، نا أحمد بن عبد الله بن عبد الرحيم، نا أحمد بن خالد، نا محمد بن عبد الله الخشني، نا محمد بن بشار، نا يونس، نا عبيد العمري، ثنا مبارك بن فضالة، عن عبيد الله بن عمر، عن نافع عن ابن عمر، عن عمر أنه قال: يا أيها الناس اتهموا آراءكم على الدين فلقد رأيتني وإني لأرد أمر رسول الله صلى الله عليه وسلم برأي أجتهد والله ما آلو وذلك يوم أبي جندل والكتاب يكتب فقال اكتبوا: بسم الله الرحمن الرحيم، فقالوا نكتب باسمك اللهم فرضي رسول الله صلى الله عليه وسلم وأبيت فقال يا عمر تراني قد رضيت وتأبى قال أبو محمد: أما الرواية عن أبي بكر وعلي وسهل وابن عباس، والتي تورد بعد هذا عن عمر وابن مسعود: فصحاح ولا سبيل لهم إلى أن يأتوا برواية عن صاحب يثبت فيها التصويب للفتيا بالرأي، فأن وجد يوما ما فتيا عن أحدهم برأي فلا بد من أن يوجد عنه التبرؤ من ذلك. كما حدثنا عبد الله بن ربيع، حدثنا محمد بن معاوية، نا أحمد بن شعيب، أنا علي بن حجر، نا علي بن مسهر، عن داود بن أبي هند، عن الشعبي، عن علقمة، عن عبد الله بن مسعود: أتاه قوم فقالوا: إن رجلا منا تزوج امرأة ولم يفرض

[51] **Translator's note (L2439):** The quotation reads "fakhara," meaning "faltered" or "became weak," rather than the contextually expected "fajara," "acted wickedly," or "jara," "acted unjustly." The supplied wording is retained.

[52] **Translator's note (L2440):** "And through it" interprets the corrupt-looking "wayhi" as a reference to the previously mentioned chain of transmission; the wording appears to have lost a letter. The wording of Ibn ʿAbbas's statement is compressed: "both" apparently refers to the error of the person giving the legal opinion and that of the person following it, as the ensuing explanation indicates. The first quotation from Sahl reads simply "opinions," without the possessive "your" found in the following unit.

Merciful, the Ever-Merciful.' They said, 'We shall write: In Your name, O Allah.' The Messenger of Allah ﷺ accepted, but I refused. He said, "Umar, you see that I have accepted, yet you refuse?'"

Abu Muhammed said: The reports from Abu Bakr, ʿAli, Sahl, and Ibn ʿAbbas, and those that will be presented after this from ʿUmar and Ibn Masʿud, are sound. They have no way of producing a report from a Companion that establishes approval of issuing legal opinions on the basis of personal opinion. If, on any occasion, a legal opinion based on personal opinion is found from one of them, a disavowal of it must also be found from him, as ʿAbd Allah ibn Rabiʿ related to us: Muhammed ibn Muʿawiyah related to us: Ahmad ibn Shuʿayb related to us: ʿAli ibn Hujr informed us: ʿAli ibn Mushir related to us, from Dawud ibn Abi Hind, from al-Shaʿbi, from ʿAlqamah, from ʿAbd Allah ibn Masʿud: Some people came to him and said, "A man among us married a woman without specifying a marriage payment, and died before bringing her to live with him." ʿAbd Allah said: "Since I parted from the Messenger of Allah ﷺ, I have never been asked about anything more difficult for me than this. Go to someone else." They continued coming back to him about it for a month.[53]

L2443–2447 Then, at the end of that period, they said to him: "Whom should we ask, when you are the mainstay of the Companions of the Messenger of Allah ﷺ in this town, and we do not find [it] with you?" He said: "I shall speak about it using the utmost effort of my own opinion. If it is correct, then it is from what Allah alone, who has no partner, has bestowed; but if it is wrong, then it is from me and from Satan, and Allah and His Messenger are free of responsibility." He then related the hadith, at the end of which it states that, when he—may Allah be pleased with him—was informed of the Sunnah from the Prophet ﷺ concerning this matter, in agreement with the ruling he had given, ʿAbd Allah was never seen as happy as he was that day except upon his acceptance of Islam. Through the same chain to Ah-

[53] **Translator's note (L2442):** The first transmission chain places Hasan ibn ʿAli al-Juʿfi directly after ʿAbd ibn Humayd without an explicit transmission formula connecting them. This omission is retained. "'Ubayd al-ʿUmari" is retained as supplied, distinct from the subsequent "'Ubayd Allah ibn ʿUmar."

صداقا ولم يجمعها إليه حتى مات؟ فقال عبد الله ما سئلت عن شيء مذ فارقت رسول الله صلى الله عليه وسلم أشد علي من هذا فأتوا غيري فاختلفوا إليه فيها شهرا،

ثم قالوا له في آخر ذلك من نسأل وأنت أخيه أصحاب رسول الله صلى الله عليه وسلم بهذا البلد ولا نجد عندك قال سأقول فيها بجهد رأيي، فإن كان صوابا فمن أتاه الله وحده لا شريك له، وإن كان خطأ فمني ومن الشيطان، والله ورسوله بريء فقد ذكر الحديث وفي آخره، أنه رضي الله عنه إذ أخبر بالسنة عن النبي صلى الله عليه وسلم في ذلك بوفاق ما أفتى به فما رئي عبد الله فرح فرحه يومئذ إلا بإسلامه. وبه إلى أحمد بن شعيب: أخبرنا عبد الله بن محمد بن عبد الرحمن الزهري، ثنا أبو سعيد عبد الرحمن بن عبد الله، عن زائدة عن منصور، عن إبراهيم عن علقمة والأسود قالا: أتى عبد الله بن مسعود في رجل تزوج امرأة ولم يفرض لها، فتوفي قبل أن يدخل بها، فقال عبد الله: سلوا هل تجدون فيها أثرا؟ وذكر باقي الحديث. حدثنا محمد بن سعيد بن نبات،

mad ibn Shuʿayb: ʿAbd Allah ibn Muhammed ibn ʿAbd al-Rahman al-Zuhri informed us; Abu Saʿid ʿAbd al-Rahman ibn ʿAbd Allah narrated to us, from Zaʾidah, from Mansur, from Ibrahim, from ʿAlqamah and al-Aswad, who said: "ʿAbd Allah ibn Masʿud was approached concerning a man who married a woman without stipulating a bridal due for her, then died before consummating the marriage with her. ʿAbd Allah said: 'Ask whether you can find a transmitted report concerning her case.'" He then related the remainder of the hadith. Muhammed ibn Saʿid ibn Nabat narrated to us, from ʿAbd Allah ibn Muhammed ibn Qasim al-Qalʿi: Muhammed ibn Ahmad al-Sawwaf narrated to us; Bishr ibn Musa ibn Salih al-Asadi narrated to us; ʿAbd Allah ibn al-Zubayr al-Humaydi narrated to us; Sufyan ibn ʿUyaynah narrated to us, from al-Aʿmash, from Muslim ibn Subayh, namely Abu al-Duha, from Masruq, who said: Ibn Masʿud said: "O people, whoever among you possesses knowledge should speak according to it, and whoever does not know should say, concerning what he does not know, 'I do not know,' for Allah taught man. Allah Most High said to His Prophet ﷺ: 'Say: I ask you for no payment for it, and I am not one of those who affect what is beyond them.'" Abu Muhammed said: This is of the utmost authenticity. Everything we have just transmitted from Ibn ʿUmar, Ibn Masʿud, and Ibn ʿAbbas explains what they intended by saying, "Let him exert himself in forming his judgment," if that is authentically transmitted from them. It has nothing whatsoever to do with speaking about religion on the basis of personal opinion; rather, it means exerting oneself until one sees the truth in the Qurʾan and the Sunnah. Hammam narrated to us; al-Baji narrated to us; ʿAbd Allah ibn Yunus narrated to us; Baqi ibn Makhlad narrated to us; Abu Bakr ibn Abi Shaybah narrated to us; Yazid ibn Harun narrated to us; Hammad ibn Salamah narrated to us, from Qatadah, that Abu Musa al-Ashʿari said: "A judge ought not to pass judgment until the truth becomes as clearly distinguishable to him as night is from day." This reached ʿUmar ibn al-Khattab, who said: "He has spoken truly." Abu Muhammed said: This establishes that they did not permit pronouncements based on personal opinion, which is merely conjecture,

عن عبد الله بن محمد بن قاسم القلعي، نا محمد بن أحمد الصواف، نا بشر بن موسى بن صالح الأسدي، نا عبد الله بن الزبير الحميدي، حدثنا سفيان بن عيينة عن الأعمش عن مسلم بن صبيح هو أبو الضحى، عن مسروق قال: قال ابن مسعود: يا أيها الناس من علم منكم علما فليقل به، ومن لم يعلم فليقل لم لا يعلم: لا أعلم، فإن الله علم المرء وقد قال الله تعالى لنبيه صلى الله عليه وسلم {قل ما أسألكم عليه من أجر وما أنا من المتكلفين} قال أبو محمد هذا في غاية الصحة. وكل ما رويناه الآن من ابن عمر وابن مسعود وابن عباس يبين مرادهم بقولهم: فليجتهد رأيه لو صح ذلك عنهم، وأنه ليس على القول في الدين بالرأي أصلا لكن بأن يجتهد حتى يرى الحق في القرآن والسنة. حدثنا حمام، نا الباجي، نا عبد الله بن يونس، نا بقي بن مخلد، نا أبو بكر بن أبي شيبة، نا يزيد بن هارون، نا حماد بن سلمة، عن قتادة أن أبا موسى الأشعري قال: لا ينبغي لقاض أن يقضي حتى يتبين له الحق كما يتبين له الليل عن النهار، فبلغ ذلك عمر بن الخطاب فقال: صدق. قال أبو محمد: هذا يبين أنهم لم يجيزوا القول بالرأي الذي إنما هو ظن، وبين أنهم كانوا يرون خبر الواحد يوجب العلم والقطع به ولا بد.

and establishes that they considered a report transmitted by a single narrator to entail knowledge and certainty concerning it, necessarily.[54][55][56][57]

أخبرني محمد بن سعيد بن نبات، ثنا أحمد بن عبد البصير، نا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، نا محمد بن المثنى، نا مؤمل بن إسماعيل الحميري، نا سفيان الثوري، نا أبو إسحاق الشيباني، عن أبي الضحى، عن مسروق قال: كتب كاتب لعمر بن الخطاب: هذا ما رأى الله ورأى عمر، فقال عمر: بئس ما قلت، إن يكن صوابا فمن الله، وإن يكن خطأ فمن عمر.

L2448 Muhammed ibn Saʿid ibn Nabat informed me; Ahmad ibn ʿAbd al-Basir narrated to us; Qasim ibn Asbagh narrated to us; Muhammed ibn ʿAbd al-Salam al-Khushani narrated to us; Muhammed ibn al-Muthanna narrated to us; Muʾammal ibn Ismaʿil al-Himyari narrated to us; Sufyan al-Thawri narrated to us; Abu Ishaq al-Shaybani narrated to us, from Abu al-Duha, from Masruq, who said: A scribe wrote for ʿUmar ibn al-Khattab: “This is what Allah has judged and what ʿUmar has judged.” ʿUmar said: “How ill you have spoken! If it is correct, it is from Allah; if it is mistaken, it is from ʿUmar.”

حدثنا يونس بن عبد الله، نا أحمد بن عبد الله بن عبد الرحيم، نا أحمد بن خالد، نا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا يحيى بن سعيد القطان، نا مجالد عن الشعبي، عن مسروق قال: قال عبد الله بن مسعود: يذهب العلماء ويبقى قوم يقولون برأيهم، قال الشعبي: لعن الله أرأيت. قال أبو محمد: والله ما أفتى قط أحد من الصحابة رضي الله عنهم باجتهاد رأيه إلا كما ترى، بعد أن يبحث عن السنة فتغيب عنه، وهي عند غيره بلا شك، ثم لا يجعل رأيه ذلك إلا مما يخاف الله تعالى فيه، ويشفق منه ويتبرأ من التزامه، وكذلك كان التابعون رحمهم الله، فأتى اليوم ناس يجعلونه دينا يبطلون به كلام الله تعالى وكلام رسوله صلى الله عليه وسلم نعوذ بالله من الخذلان وقد روينا أيضا عن ابن عمر، كما نا المهلب، نا ابن مناس، أنا ابن مسرور، نا يونس بن عبد الأعلى، نا ابن وهب، أخبرني عمر بن الحارث أن عمرو بن دينار أخبره: أن عبد الله بن عمر كان إذا لم يبلغه شيء في الأمر يسأل عنه قال: إن شئتم أخبرتكم بالظن. قال عمرو بن دينار: أخبرني بذلك طاوس عنه. قال أبو محمد: وهذا سند في غاية الصحة، وحدثنا يونس بن عبد الله، نا يحيى بن مالك بن عائذ عبد الرحمن بن إسماعيل أبو عيسى الخشاب، نا أبو جعفر أحمد بن محمد بن سلامة الطحاوي، نا يونس

L2449–2452 Yunus ibn ʿAbd Allah narrated to us; Ahmad ibn ʿAbd Allah ibn ʿAbd al-Rahim narrated to us; Ahmad ibn Khalid narrated to us; Muhammed ibn ʿAbd al-Salam al-Khushani narrated to us; Muhammed ibn Bashshar narrated to us; Yahya ibn Saʿid al-Qattan narrated to us; Mujalid narrated to us, from al-Shaʿbi, from Masruq, who said: ʿAbd Allah ibn Masʿud said: “The scholars will pass away, and people will remain who speak according to their personal opinions.” Al-Shaʿbi said: “May Allah curse ‘What do you think if …?’” Abu Muhammed said: By Allah, none of the Companions—may Allah be pleased with them—ever issued a ruling by exerting himself in forming his own judgment except as you see here: after searching for the Sunnah and

[54] **Translator’s note (L2443):** The supplied “akhiyyah,” written with a final h, is interpreted as “mainstay,” literally a tethering fixture. The spelling and intended reading are uncertain.

[55] **Translator’s note (L2444):** “We do not find [it] with you” follows the supplied wording, which leaves the object unstated. The context might suggest a reading such as “we find no one other than you,” but that is not what the supplied text says. The phrase rendered “from what Allah … has bestowed” is grammatically irregular as supplied: “fa-min atahu Allah.” The translation gives its apparent sense while flagging the uncertainty rather than silently replacing it with the expected “from Allah.”

[56] **Translator’s note (L2446):** The wording translated as “concerning what he does not know” is irregular as transcribed. “For Allah taught man” follows the supplied wording. The clause appears corrupt in context and does not clearly express the expected connection between acknowledging ignorance and possessing knowledge.

[57] **Qur’an references (L2443):** Qur’an 38:86 (Sad).

failing to find it, although it was undoubtedly known to someone else. Even then, he regarded that opinion of his only as something concerning which he feared Allah Most High, felt apprehensive, and disavowed any commitment to it. Such too were the Successors—may Allah have mercy on them. Yet today people have appeared who make it a religion by which they invalidate the words of Allah Most High and the words of His Messenger ﷺ. We seek refuge in Allah from being forsaken. We have also transmitted from Ibn ʿUmar, as follows: al-Muhallab narrated to us; Ibn Munas narrated to us; Ibn Masrur informed us; Yunus ibn ʿAbd al-Aʿla narrated to us; Ibn Wahb narrated to us: ʿUmar ibn al-Harith informed me that ʿAmr ibn Dinar informed him that, whenever nothing had reached ʿAbd Allah ibn ʿUmar concerning a matter about which he was asked, he would say: "If you wish, I will tell you on the basis of conjecture." ʿAmr ibn Dinar said: "Tawus informed me of that from him." Abu Muhammed said: This chain of transmission is of the utmost authenticity. Yunus ibn ʿAbd Allah also narrated to us; Yahya ibn Malik ibn ʿA'idh narrated to us; ʿAbd al-Rahman ibn Ismaʿil, Abu ʿIsa al-Khashshab; Abu Jaʿfar Ahmad ibn Muhammed ibn Salamah al-Tahawi narrated to us; Yunus ibn ʿAbd al-Aʿla narrated to us; Ibn Wahb informed us; ʿUmar ibn al-Harith informed us, saying: ʿAmr ibn Dinar said to me: Tawus informed me, from Ibn ʿUmar, that whenever he was asked about a matter concerning which nothing had reached him, he would say: "If you wish, I will tell you on the basis of conjecture." Abu Muhammed said: Yusuf ibn ʿAbd al-Barr al-Namari wrote to me, saying: Abu Yusuf Yaʿqub related ibn Shaybah: Muhammed ibn Hatim ibn Maymun narrated to us; Yaʿqub ibn narrated to me— Ibrahim ibn Saʿd al-Zuhri: My father narrated to us, from Ibn Ishaq: Yahya ibn ʿAbbad ibn ʿAbbad ibn ʿAbd Allah ibn al-Zubayr narrated to me, from ʿAbd Allah ibn al-Zubayr, who said: "By Allah, I was with ʿUthman ibn ʿAffan at al-Juhfah, and with him was a group of men from Syria, among them Habib ibn Maslamah al-Fihri, when ʿUthman said, after combining the lesser pilgrimage with the greater pilgrimage had been mentioned to him: 'Complete the greater pilgrimage and devote it exclusively to the months of the greater pilgrimage. If you postponed this lesser pilgrimage so that you visited this House twice, that would be better, for Allah has made ample provision for good.' ʿAli said to him: 'You have turned to a practice of Allah's Messenger

بن عبد الأعلى، أنا ابن وهب، أنا عمر بن الحارث قال: قال لي عمرو بن دينار: أخبرني طاوس عن ابن عمر: أنه كان إذا سئل عن أمر لم يبلغه فيه شيء قال: إن شئتم أخبرتكم بالظن. قال أبو محمد: كتب إلي يوسف بن عبد البر النمري قال: ذكر أبو يوسف يعقوب بن شيبة، نا محمد بن حاتم بن ميمون، حدثني يعقوب بن إبراهيم بن سعد الزهري، نا أبي عن ابن إسحاق، حدثني يحيى بن عباد بن عباد بن عبد الله بن الزبير، عن عبد الله بن الزبير قال: أنا والله لمع عثمان بن عفان بالجحفة ومعه رهط من أهل الشام، منهم حبيب بن مسلمة الفهري إذ قال عثمان وذكر له التمتع بالعمرة إلى الحج أن أتموا الحج وخلصوه في أشهر الحج، فلو أخرتم هذه العمرة حتى تزوروا هذا البيت زورتين كان أفضل، فإن الله قد أوسع في الخير فقال له علي عمدت إلى سنة رسول الله صلى الله عليه وسلم ورخصة رخص الله للعباد بها في كتابه تضيق عليهم فيها، وتنتهي عنها، وكانت لذي الحاجة ولنائي الدار. ثم أهل بعمرة وحج معا فأقبل عثمان على الناس فقال: وهل نهيت عنها؟ إني لم أنه عنها، إنما كان رأيا أشرت به، فمن شاء أخذه ومن شاء تركه. كتب إلي النمري: حدثنا أحمد بن سعيد، نا ابن أبي دليم، نا ابن وضاح، نا إبراهيم بن محمد بن يوسف الفريابي، نا ضمرة بن ربيعة عن عثمان بن عطاء هو الخراساني، عن أبيه قال: أضعف العلم علم النظر، أن يقول الرجل: رأيت فلانا يفعل كذا، ولعله قد فعله ساهيا. كتب إلي النمري قال: ذكر الحسن بن علي الحلواني، نا عامر، نا حماد بن زيد عن سعيد بن أبي صدقة عن ابن سيرين قال لم يكن أحد بعد النبي صلى الله عليه وسلمأهيب لما لا يعلم مع أبي بكر ولم يكن أحد أهيب لما لا يعلم بعد أبي بكر من عمر، وإن أبا بكر نزلت به قضية فلم يجد في كتاب الله تعالى منها أصلا، ولا في السنة أثرا فاجتهد رأيه ثم قال: هذا رأيي فإن يكن صوابا فمن الله عز وجل، وإن يكن خطأ فمني وأستغفر الله تعالى.

ﷺ and a concession Allah granted His servants in His Book, restricting it for them and refraining from it, although it was for those in need and those whose homes are distant.' He then entered the consecrated state for both a lesser and a greater pilgrimage together. ʿUthman turned to the people and said: 'Have I forbidden it? I have not forbidden it. It was merely an opinion I offered as advice: whoever wishes may adopt it, and whoever wishes may leave it.'" Al-Namari wrote to me: Ahmad ibn Saʿid narrated to us; Ibn Abi Dulaym narrated to us; Ibn Waddah narrated to us; Ibrahim ibn Muhammed ibn Yusuf al-Firyabi narrated to us; Damrah ibn Rabiʿah narrated to us, from ʿUthman ibn ʿAta', namely al-Khurasani, from his father, who said: "The weakest knowledge is knowledge based on observation: a man says, 'I saw so-and-so do such-and-such,' although he may have done it inadvertently." Al-Namari wrote to me, saying: Al-Hasan ibn ʿAli al-Hulwani related: ʿAmir narrated to us; Hammad ibn Zayd narrated to us, from Saʿid ibn Abi Sadaqah, from Ibn Sirin, who said: "After the Prophet ﷺ, no one was more apprehensive about what he did not know, alongside Abu Bakr; and after Abu Bakr, no one was more apprehensive about what he did not know than ʿUmar. A case came before Abu Bakr, and he found no basis for it in the Book of Allah Most High, nor any transmitted report in the Sunnah. He therefore exerted himself in forming his judgment, then said: 'This is my opinion. If it is correct, it is from Allah, Mighty and Majestic; if it is mistaken, it is from me, and I seek forgiveness from Allah Most High.'"[58][59][60][61]

[58] **Translator's note (L2449):** Al-Shaʿbi's expression "What do you think if …?" targets the formula used in posing hypothetical legal questions. The supplied chain places ʿAbd al-Rahman ibn Ismaʿil after Yahya ibn Malik ibn ʿA'idh without an explicit transmission formula. The missing connection has not been supplied.

[59] **Translator's note (L2450):** The segment ends within the narrator's name. Its final words mean "Yaʿqub son of"; the remainder of the name follows in the next segment. The English word order is interrupted accordingly.

[60] **Translator's note (L2451):** The repeated "ibn ʿAbbad" is present in the supplied text and has been retained. The segment ends within the name ʿAbd Allah.

[61] **Translator's note (L2452):** The supplied wording says "refraining from it." In context, a reading meaning "forbidding it" might be expected, but has not been substituted. "Alongside Abu Bakr" follows the supplied preposition, which makes the comparison grammatically awkward. The apparent intended sense is that Abu Bakr was the most apprehensive about matters he did not know.

كتب إلي النمري قال: قرأت على عبد الوارث بن سفيان أن قاسم بن أصبغ أخبرهم قال: نا بكر بن حماد، نا مسدد بن مسرهد، نا يحيى بن سعيد القطان، عن ابن جريج، حدثني سليمان بن عتيق، عن طلق بن حبيب، عن الأحنف بن قيس عن عبد الله بن مسعود عن النبي صلى الله عليه وسلم قال ألا هلك المتنطعون ألا هلك المتنطعون ألا هلك المتنطعون. كتب إلي النمري: حدثنا عبد الله بن محمد، نا عبد الله بن محمد القاضي بالقلزم، نا محمد بن إبراهيم بن زياد بن عبد الله الرازي، نا الحارث بن عبد الله بهمدان، نا عثمان بن عبد الرحمن الوقاص، عن الزهري، عن سعيد بن المسيب عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم تعمل هذه الأمة برهة بكتاب الله وبرهة بسنة رسول الله صلى الله عليه وسلم ثم يعملون بالرأي فإذا فعلوا ذلك فقد ضلوا. كتب إلي النمري: حدثنا محمد بن خليفة، نا محمد بن الحسين الآجري، نا محمد بن الليث، نا جبارة بن المغلس، نا حماد بن يحيى الأبح، عن الزهري، عن سعيد بن المسيب عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم تعمل هذه الأمة برهة بكتاب الله ثم تعمل برهة بسنة رسول الله صلى الله عليه وسلم ثم تعمل بعد ذلك بالرأي فإذا أعملوا بالرأي ضلوا. كتب إلي النمري: أنا أبو زيد العطار، نا علي بن محمد بن مسرور، نا أحمد بن داود، نا سحنون، نا ابن وهب، أخبرني ابن لهيعة، عن عبد الله بن أبي جعفر قال: قال عمر بن الخطاب السنة ما سنه الله تعالى ورسوله صلى الله عليه وسلم لا تجعلونه خطأ الرأي سنة للأمة

L2453–2455 Al-Namari wrote to me, saying: I read to ʿAbd al-Warith ibn Sufyan that Qasim ibn Asbagh had informed them, saying: Bakr ibn Hammad narrated to us; Musaddad ibn Musarhad narrated to us; Yahya ibn Saʿid al-Qattan narrated to us, from Ibn Jurayj: Sulayman ibn ʿAtiq narrated to me, from Talq ibn Habib, from al-Ahnaf ibn Qays, from ʿAbd Allah ibn Masʿud, from the Prophet ﷺ, who said: "Indeed, those who go to extremes have perished! Indeed, those who go to extremes have perished! Indeed, those who go to extremes have perished!" Al-Namari wrote to me: ʿAbd Allah ibn Muhammed narrated to us; ʿAbd Allah ibn Muhammed, the judge at al-Qulzum, narrated to us; Muhammed ibn Ibrahim ibn Ziyad ibn ʿAbd Allah al-Razi narrated to us; al-Harith ibn ʿAbd Allah narrated to us at Hamadhan; ʿUthman ibn ʿAbd al-Rahman al-Waqqas narrated to us, from al-Zuhri, from Saʿid ibn al-Musayyab, from Abu Hurayrah He said: The Messenger of Allah, may Allah bless him and grant him peace ﷺ, said: "This community will act for a time according to the Book of Allah and for a time according to the practice of the Messenger of Allah, may Allah bless him and grant him peace ﷺ. Then they will act according to personal opinion. When they do that, they will have gone astray." Al-Namari wrote to me: Muhammed ibn Khalifah related to us; Muhammed ibn al-Husayn al-Ajurri related to us; Muhammed ibn al-Layth related to us; Jubarah ibn al-Mughallis related to us; Hammad ibn Yahya al-Abahh related to us, from al-Zuhri, from Saʿid ibn al-Musayyab, from Abu Hurayrah, who said: The Messenger of Allah, may Allah bless him and grant him peace ﷺ, said: "This community will act for a time according to the Book of Allah, then act for a time according to the practice of the Messenger of Allah, may Allah bless him and grant him peace ﷺ. Then, after that, it will act according to personal opinion. When they apply personal opinion, they will go astray." Al-Namari wrote to me: Abu Zayd al-ʿAttar informed us; ʿAli ibn Muhammed ibn Masrur related to us; Ahmad ibn Dawud related to us; Sahnun related to us; Ibn Wahb related to us: Ibn Lahiʿah informed me, from ʿAbd Allah ibn Abi Jaʿfar, who said: ʿUmar ibn al-Khattab said: "The normative practice is what Allah Most High and His Messenger, may

Allah bless him and grant him peace ﷺ, have instituted. Do not make it—the error of personal opinion—a normative practice for the community."[62]

L2456–2457

Al-Namari wrote to me: Ahmad ibn ʿAbd Allah ibn Muhammed ibn ʿAli al-Baji related to us; al-Hasan ibn Ismaʿil al-Muhandis related to us; ʿAbd al-Malik ibn Bahr related to us; Muhammed ibn Ismaʿil related to us; Sunayd Dawud related to us; Yahya ibn Zakariyya—namely, Ibn Abi Zaʾidah—related to us, from Ismaʿil ibn Abi Khalid, from ʿAmir al-Shaʿbi, who said: Some people came to Zayd ibn Thabit and asked him about certain matters. He informed them about them, and they wrote them down. Then they said: "If only we were to tell him!" He said: They came to him and told him, whereupon he said: "An act of treachery? Perhaps everything I have told you is mistaken. I am merely exerting my judgment on your behalf." Through the same chain, with the wording transmitted verbatim, as far as Sunayd: Hammad ibn Zayd related to us, from ʿAmr ibn Dinar, who said: It was said to Jabir ibn Zayd: "They write down what they hear from you." He replied: "Indeed, we belong to Allah, and indeed, to Him we return! They write down an opinion that I may retract tomorrow." ʿAbd Allah ibn Rabiʿ related to us; Ibn Mufarrij related to us; Qasim ibn Asbagh related to us; Ibn Waddah related to us; Ibn Wahb related to us, from al-Layth ibn Saʿd, who said: Rabiʿah wrote to him, saying: "I consider that every woman bound in marriage and awaiting a husband who is absent is entitled to her maintenance. There may be someone upon whom, if that were imposed, it would bring ruin to his worldly affairs and his obligations. Thus, the married woman continues to receive her maintenance until her inheritance devolves upon her and her husband's death becomes evident. Someone does indeed trans-

كتب إلي النمري: حدثنا أحمد بن عبد الله بن محمد بن علي الباجي، نا الحسن بن إسماعيل المهندس، ثنا عبد الملك بن بحر، نا محمد بن إسماعيل، نا سنيد داود، نا يحيى بن زكريا، هو ابن أبي زائدة، عن إسماعيل بن أبي خالد، عن عامر الشعبي، قال: أتى زيد بن ثابت قوم، فسألوه عن أشياء فأخبرهم بها فكتبوها ثم قالوا: لو أخبرناه قال: فأتوه فأخبروه، فقال: أغدرا لعل كل شيء حدثتكم خطأ، إنما أجتهد لكم رأيي. وبه نصا إلى سنيد: نا حماد بن زيد، عن عمرو بن دينار قال: قال لجابر بن زيد: إنهم يكتبون ما يسمعون منك، فقال: إنا لله وإنا إليه راجعون يكتبون رأيا أرجع عنه غدا. حدثنا عبد الله بن ربيع، نا ابن مفرج، نا قاسم بن أصبغ، نا بن وضاح، نا ابن وهب، عن الليث بن سعد قال: إن ربيعة كتب إليه يقول: أرى أن كل محبوسة منتظرة زوجا في غيبة إن نفقتها لها، ورب من يكون لو حمل ذلك عليه لكانت فيه هلكة دنياه وذمته. فالمرأة ذات الزوج في نفقتها حتى يقع ميراثها، ويتبين هلاك زوجها، وإن قائلا ليأثر عن بعض الناس بالمدينة غير ذلك، وهذا رأينا، والسنة أملك بذلك.

[62] **Translator's note (L2455):** The final clause has an awkward pronominal construction: "Do not make it—the error of personal opinion—a normative practice." The translation retains this irregularity rather than silently replacing it with a smoother Arabic reading.

mit something different from certain people in Medina. This is our opinion, but the normative practice has greater authority in this matter."[63][64]

L2458–2468 Yunus ibn ʿAbd Allah related to us; Ahmad ibn ʿAbd Allah ibn ʿAbd al-Rahim related to us; Ahmad related to us; Khalid related to us; Muhammed ibn ʿAbd al-Salam al-Khushani related to us; Muhammed ibn Bashshar, Bundar, related to us; Yahya ibn Saʿid al-Qattan related to us; Salih ibn Muslim related to us that ʿAmir al-Shaʿbi said to him, concerning a question about marriage that he had asked him, in the course of a report: "If I tell you my personal opinion, urinate on it." Al-Namari wrote to me: Muhammed ibn Khalifah related to us; Muhammed ibn al-Husayn al-Ajurri related to us; Jaʿfar ibn Muhammed al-Firyabi related to us; al-ʿAbbas ibn al-Walid ibn Mazyad related to us: My father informed us: I heard al-Awzaʿi say: "Hold fast to the transmitted reports of those who preceded you, even if people reject you. Beware of men's opinions, even if they embellish their speech for you." Al-Firyabi said: Ahmad ibn Ibrahim al-Dawraqi also related to us: I heard ʿAbd al-Rahman ibn Mahdi say: I heard Hammad ibn Zayd say: Ayyub al-Sakhtiyani was asked: "Why do you not examine personal opinion?" Ayyub replied: "The donkey was asked: 'Why do you not chew the cud?' It replied: 'I dislike chewing falsehood.'" Al-Namari wrote to me: ʿAbd al-Warith ibn Sufyan related to us; Qasim ibn Asbagh related to us; Ahmad ibn Zuhayr related to us; al-Hawti related to us; Ismaʿil ibn ʿAyyash related to us, from Sawadah ibn Ziyad and ʿAmr ibn Muhajir, from ʿUmar ibn ʿAbd al-ʿAziz, that he wrote to the people: "No one's personal opinion has any standing along-

حدثنا يونس بن عبد الله، نا أحمد بن عبد الله بن عبد الرحيم، نا أحمد، نا خالد، نا محمد بن عبد السلام الخشني، نا محمد بن بشار بندار، نا يحيى بن سعيد القطان، نا صالح بن مسلم أن عامرا الشعبي قال له في مسألة من النكاح سأله عنها في حديث: إن أخبرتك برأيي فبل عليه. كتب إلي النمري: حدثنا محمد بن خليفة، نا محمد بن الحسين الأجري، نا جعفر بن محمد الفريابي، نا العباس بن الوليد بن مزيد، أنا أبي، سمعت الأوزاعي يقول: عليك بآثار من سلف وإن رفضك الناس، وإياك وآراء الرجال وإن زخرفوا لك القول. قال الفريابي: وحدثنا أحمد بن إبراهيم الدورقي، سمعت عبد الرحمن بن مهدي يقول: سمعت حماد بن زيد يقول: قيل لأيوب السختياني، ما لك لا تنظر في الرأي؟ فقال أيوب: قيل للحمار ما لك لا تجتر؟ فقال: أكره مضغ الباطل. كتب إلي النمري: حدثنا عبد الوارث بن سفيان، نا قاسم بن أصبغ، نا أحمد بن زهير، نا الحوطي، نا إسماعيل بن عياش، عن سوادة بن زياد، وعمرو بن مهاجر، عن عمر بن عبد العزيز، أنه كتب إلى الناس إنه لا رأي لأحد مع سنة سنها رسول الله صلى الله عليه وسلم وبه إلى قاسم حدثنا ابن وضاح نا يوسف بن عدي، نا عبيدة بن حميد، عن عطاء بن السائب قال: قال الربيع بن خيثم: إياكم أن يقول الرجل لشيء: إن الله حرم هذا أو نهى عنه، فيقول الله عز وجل: كذبت لم أحرمه ولم أنه عنه، أو يقول: إن الله تعالى أحل هذا وأمر به، فيقول الله تعالى: كذبت لم أحله ولم آمر به. وكتب إلي النمري: حدثنا محمد بن خليفة، نا محمد بن الحسين الأجري، نا أبو بكر بن أبي داود السجستاني، نا أحمد بن سنان قال: سمعت الشافعي يقول: مثل الذي ينظر في الرأي ثم يتوب منه، مثل المجنون الذي قد عولج حتى برأ فأغفل ما يكون قد هاج به. وبه إلى ابن أبي داود السجستاني قال: سمعت أبي يقول: سمعت أحمد بن حنبل يقول: لا

[63] **Translator's note (L2456):** "Sunayd Dawud" is the name sequence supplied by the transcription; its relationship is unclear, and no missing patronymic has been inserted. "An act of treachery?" renders the unvocalized accusative aghadran as a reproachful question. The final statement continues into the next unit; "bound in marriage" interprets the literal "confined" in light of that continuation.

[64] **Translator's note (L2457):** The opening completes Rabiʿah's statement in the preceding unit. The construction concerning the absent husband and maintenance is awkward; the translation takes the woman to remain entitled to maintenance while awaiting him. "His obligations" renders dhimma, which can denote legal or moral responsibility. The referent of the person upon whom "that" would be imposed is not explicit. "Her inheritance devolves upon her" retains the supplied wording, which does not expressly identify the estate from which she inherits.

side a normative practice instituted by the Messenger of Allah, may Allah bless him and grant him peace ﷺ." Through the same chain as far as Qasim: Ibn Waddah related to us; Yusuf ibn ʿAdi related to us; ʿAbidah ibn Humayd related to us, from ʿAtaʾ ibn al-Saʾib, who said: Al-Rabiʿ ibn Khuthaym said: "Beware lest a man say of something, 'Allah has forbidden this or prohibited it,' and Allah, Almighty and Majestic, say: 'You have lied. I have neither forbidden it nor prohibited it'; or say, 'Allah Most High has permitted this and commanded it,' and Allah Most High say: 'You have lied. I have neither permitted it nor commanded it.'" Al-Namari also wrote to me: Muhammed ibn Khalifah related to us; Muhammed ibn al-Husayn al-Ajurri related to us; Abu Bakr ibn Abi Dawud al-Sijistani related to us; Ahmad ibn Sinan related to us, saying: I heard al-Shafiʿi say: "The likeness of someone who examines personal opinion and then repents of it is that of a madman who has been treated until he has recovered: at his most unsuspecting, madness has seized him." Through the same chain as far as Ibn Abi Dawud al-Sijistani, who said: I heard my father say: I heard Ahmad ibn Hanbal say: "You will scarcely see anyone who has examined this personal opinion without there being something corrupt in his heart." Al-Namari wrote to me: ʿAbd al-Rahman ibn ʿAbd Allah ibn Khalid al-Hamdani related to us; Yusuf son of Yaʿqub al-Najirami, in Basra, informed us: Al-ʿAbbas ibn al-Fadl informed us: I heard Salamah son of Shabib say: I heard Ahmad ibn Hanbal say: "Al-Shafiʿi's opinion, Malik's opinion, and Abu Hanifah's opinion are all personal opinion, and to me they are all alike. Authoritative proof consists only in transmitted reports." Al-Namari wrote to me, saying: Muhammed ibn Harith al-Khushani mentioned: Abu ʿAbd Allah Muhammed ibn ʿUthman al-Nahhas informed us: I heard Abu ʿUthman Saʿid ibn Muhammed ibn al-Haddad say: I heard Sahnun ibn Saʿid say: "I do not know what this personal opinion is, by which blood has been shed, sexual relations have been deemed lawful, and rights have been established, except that we saw him to be a righteous man and therefore followed him without independent proof." Al-Namari wrote to me: ʿAbd al-Rahman ibn Yahya informed us; Ahmad ibn Saʿid ibn Hazm related to us; ʿUbayd Allah ibn Yahya ibn Yahya related to us, from his father, Yahya ibn Yahya, that he used to visit Ibn Wahb, who would ask him: "Where have you come from?" He would reply: "From Ibn al-Qasim." He would say to him:

تكاد ترى أحدا نظر في هذا الرأي إلا وفي قلبه دغل. كتب إلي النمري: حدثنا عبد الرحمن بن عبد الله بن خالد الهمداني، نا يوسف بن يعقوب النجيرمي بالبصرة، أنا العباس بن الفضل، سمعت سلمة بن شبيب يقول: سمعت أحمد بن حنبل يقول: رأي الشافعي ورأي مالك ورأي أبي حنيفة كله رأي وهو عندي سواء وإنما الحجة الآثار. كتب إلي النمري قال: ذكر محمد بن حارث الخشني، أنا أبو عبد الله محمد بن عثمان النحاس، سمعت أبا عثمان سعيد بن محمد بن الحداد يقول: سمعت سحنون بن سعيد يقول: ما أدري ما هذا الرأي؟ سفكت به الدماء واستحلت به الفروج، واستحقت به الحقوق غير أنا رأيناه رجلا صالحا فقلدناه. كتب إلي النمري: أنا عبد الرحمن بن يحيى، ثنا أحمد بن سعيد بن حزم، ثنا عبيد الله بن يحيى بن يحيى عن أبيه يحيى بن يحيى أنه كان يأتي بن وهب فيقول له: من أين فيقول له: من عند ابن القاسم. فيقول له: اتق الله فإن أكثر هذه المسائل رأي. قال أبو محمد: فقد ثبت أن الصحابة رضي الله عنهم لم يفتوا برأيهم على سبيل الإلزام، ولا على أنه حق، لكن على أنه ظن يستغفرون الله تعالى منه، أو على سبيل صلح بين الخصمين، فلا يحل لمسلم أن يحتج بشيء أتى عنهم على هذه السبيل، وأما التابعون فقد ذكرنا منهم طرفا صالحا. وحدثنا أيضا يونس بن عبد الله القاضي قال: ثنا يحيى بن عائذ، ثنا هشام بن محمد بن قرة، عن أبي جعفر أحمد بن سلامة الطحاوي، ثنا إبراهيم بن مرزوق، ثنا مسلم بن إبراهيم، ثنا أبو عقيل، ثنا سعيد الجريري، عن أبي نضرة أنه قال: سمعت أبا سلمة بن عبد الرحمن بن عوف يقول للحسن بن أبي الحسن البصري وقد قصدته أنا والحسن، فقال أبو سلمة للحسن: بلغني أنك تفتي برأيك، فلا تفتي برأيك إلا أن يكون سنة عن رسول الله صلى الله عليه وسلم أو كتابا منزلا وبه إلى الطحاوي حدثنا سليمان بن شعيب، ثنا خالد بن عبد الرحمن، ثنا مالك بن مغول، عن الشعبي قال ما جاءكم به هؤلاء من أصحاب رسول

"Fear Allah, for most of these questions are matters of personal opinion." Abu Muhammed said: It has thus been established that the Companions, may Allah be pleased with them, did not issue legal opinions based on their own judgment as something binding, or on the grounds that it was the truth. Rather, they did so as a conjecture for which they sought Allah Most High's forgiveness, or as a means of settling a dispute between two litigants. It is therefore unlawful for a Muslim to adduce as authoritative proof anything transmitted from them in this manner. As for the Successors, we have already mentioned a substantial selection of them. Yunus ibn ʿAbd Allah, the judge, also related to us, saying: Yahya ibn ʿA'idh related to us; Hisham ibn Muhammed ibn Qurrah related to us, from Abu Jaʿfar Ahmad ibn Salamah al-Tahawi: Ibrahim ibn Marzuq related to us; Muslim ibn Ibrahim related to us; Abu ʿAqil related to us; Saʿid al-Jurayri related to us, from Abu Nadrah, who said: I heard Abu Salamah ibn ʿAbd al-Rahman ibn ʿAwf speaking to al-Hasan ibn Abi al-Hasan al-Basri, when al-Hasan and I had gone to see him. Abu Salamah said to al-Hasan: "I have heard that you issue legal opinions according to your personal opinion. Do not issue legal opinions according to your personal opinion, unless it is a normative practice transmitted from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, or a revealed Book." Through the same chain as far as al-Tahawi: Sulayman ibn Shuʿayb related to us; Khalid ibn ʿAbd al-Rahman related to us; there related to us Malik ibn Mighwal, from al-Shaʿbi, who said: "Whatever these men among the Companions of the Messenger of Allah, may Allah bless him and grant him peace ﷺ, bring you, accept it; and whatever comes from their personal opinions, throw it into the privy." Ahmad ibn ʿUmar related to us; Abu Dharr related to us; Zahir ibn Ahmad related to us; Zanjawayh ibn Muhammed related to us; Muhammed ibn Ismaʿil al-Bukhari related to us; Muhammed ibn Mahbub related to us; ʿAbd al-Wahid related to us; al-Zibriqan son of ʿAbd Allah al-Asadi, that Abu Wa'il Shaqiq ibn Salamah said to him: "Beware of sitting with someone who says, 'What if? What if?'" Abu Muhammed said: We have also transmitted from al-Shaʿbi that he said: "These 'what-if' people have made the mosque more hateful to me than the sweepings of my household." 'Abd al-Rahman ibn Salamah, a companion of ours, narrated to us; Ahmad ibn Khalil narrated to us; Khalid ibn Sa'd nar-

الله صلى الله عليه وسلم نخذوا به وما كان من رأيهم فاطرحوه في الحش. حدثنا أحمد بن عمر، ثنا أبو ذر، ثنا زاهر بن أحمد، نا زنجويه بن محمد، ثنا محمد بن إسماعيل البخاري، نا محمد بن محبوب، نا عبد الواحد، نا الزبرقان بن عبد الله الأسدي، أن أبا وائل شقيق بن سلمة قال له: إياك ومجالسة من يقول: أرأيت أرأيت. قال أبو محمد: وقد روينا عن الشعبي أنه قال: قد ترك هؤلاء الأرأيتيون المسجد أبغض إلي من كناسة أهلي. حدثنا عبد الرحمن بن سلمة صاحب لنا، ثنا أحمد بن خليل، نا خالد بن سعد، أخبرني محمد بن عمر بن لبابة، أخبرني أبان بن عيسى بن دينار وكان فاضلا عن أبيه، عن ابن القاسم، عن مالك، عن ابن شهاب قال: دعوا السنة تمضي لا تعرضوا لها بالرأي، قال أبان: وكان أبي قد أجمع على ترك الفتيا بالرأي، وأحب الفتيا بما روي من الحديث، فأعجلته المنية عن ذلك. حدثنا المهلب، ثنا بن مناس، نا ابن مسرور، نا يونس بن عبد الأعلى، ثنا ابن وهب، أخبرني سعيد بن أبي أيوب، عن أبي الأسود هو محمد بن عبد الرحمن بن نوفل يتيم عروة قال: سمعت عروة بن الزبير يقول: ما زال أمر بني إسرائيل معتدلا حتى نشأ المولدون أبناء سبايا الأمم، فأخذوا فيهم بالرأي فأضلوهم. وبه إلى ابن وهب: حدثني أبي لهيعة، أن رجلا سأل سالم بن عبد الله بن عمر عن شيء، فقال: لم أسمع في هذا شيئا، فقال له الرجل، فأخبرني أصلحك الله برأيك قال: لا، ثم عاد عليه فقال: إني أرضى برأيك، فقال له سالم، إني لعلي إن أخبرتك برأيي ثم تذهب فأوى بعد ذلك رأيا غيره فلا أجدك. حدثنا محمد بن سعيد بن نبات، ثنا عبد الله بن محمد القلعي، ثنا أبو علي محمد بن أحمد الصواف، عن بشر بن موسى الأسدي، ثنا عبد الله بن الزبير الحميدي قال: قال سفيان بن عيينة: ما زال أمر الناس معتدلا حتى غير ذلك أبو حنيفة بالكوفة، والبتي بالبصرة وربيعة بالمدينة. قال أبو محمد: هؤلاء النفر غفر الله لنا ولهم أول من فتح باب الرأي وعول عليه واعترض بالقياس على حديث رسول الله صلى الله عليه وسلم وتلك زلة عالم ووهلة فاضل سمح

rated to us: Muhammed ibn ʻUmar ibn Lubabah informed me: Aban ibn ʻIsa ibn Dinar, who was a virtuous man, informed me, from his father, from Ibn al-Qasim, from Malik, from Ibn Shihab, who said: "Let the Sunnah proceed; do not assail it with personal opinion." Aban said: My father had firmly resolved to abandon issuing legal opinions on the basis of personal opinion and wished to issue legal opinions on the basis of transmitted hadith, but death overtook him before he could do so. Al-Muhallab narrated to us; Ibn Munas narrated to us; Ibn Masrur narrated to us; Yunus ibn ʻAbd al-Aʻla narrated to us; Ibn Wahb narrated to us: Saʻid ibn Abi Ayyub informed me, from Abu al-Aswad—who is Muhammed ibn ʻAbd al-Rahman ibn Nawfal, the orphan under ʻUrwah's care—who said: I heard ʻUrwah ibn al-Zubayr say: "The affairs of the Children of Israel remained sound until the mixed offspring, the sons of captive women from other nations, arose. They then employed personal opinion among them and led them astray." Through the same chain to Ibn Wahb: My father, Lahiʻah, narrated to me that a man asked Salim ibn ʻAbd Allah ibn ʻUmar about something. He said: "I have heard nothing concerning this." The man said to him: "Then tell me your personal opinion, may Allah set you right." He said: "No." Then he asked him again, saying: "I am content with your personal opinion." Then Salim said to him: "Perhaps, if I tell you my personal opinion and you then leave, I may afterward turn to a different opinion and be unable to find you." Muhammed ibn Saʻid ibn Nabat narrated to us; ʻAbd Allah ibn Muhammed al-Qalʻi narrated to us; Abu ʻAli Muhammed ibn Ahmad al-Sawwaf narrated to us, from Bishr ibn Musa al-Asadi; ʻAbd Allah ibn al-Zubayr al-Humaydi narrated to us, saying: Sufyan ibn ʻUyaynah said: "People's affairs remained sound until Abu Hanifah changed that in Kufah, al-Batti in Basrah, and Rabiʻah in Medina." Abu Muhammed said: These men—may Allah forgive us and them—were the first to open the door to personal opinion, rely upon it, and use analogy to raise objections against the hadith of the Messenger of Allah, may Allah bless him and grant him peace ﷺ. That was a scholar's lapse and a virtuous man's error. May Allah pardon everyone through His bounty. Amen. Al-Namari, Yusuf ibn ʻAbd Allah, wrote to me: ʻAbd Allah ibn Muhammed ibn ʻAbd al-Mu'min, who is Ibn al-Zayyat, informed us; Abu ʻAbd Allah Muhammed ibn Ahmad, the Maliki judge of Basrah, narrated to us; Musa ibn Ishaq narrated

الله للجميع بمنه آمين. كتب إلى النمري يوسف بن عبد الله: أنا عبد الله بن محمد بن عبد المؤمن هو ابن الزيات، ثنا أبو عبد الله محمد بن أحمد القاضي المالكي البصري، ثنا موسى بن إسحاق، نا إبراهيم بن المنذر، نا معن بن عيسى قال: سمعت مالك بن أنس يقول: أنا بشر أخطىء وأصيب، فانظروا في رأيي، فكل ما وافق الكتاب والسنة فخذوا به، وما لم يوافق الكتاب والسنة فاتركوه. أخبرني بعض أصحابنا محمد بن أبي نصر، عن أبي عمر وعثمان بن أبي بكر، حدثني أبو نعيم بأصبهان، ثنا عبد الله بن محمد بن عبد الكريم، ثنا الحسن بن منصور، ثنا الحنيني قال: قال مالك بن أنس: إياكم وأصحاب الرأي فإنهم أعداء السنن. وحدثني ابن أبي نصر، نا عثمان بن أبي بكر، نا أبو نعيم إبراهيم بن عبد الله، ثنا محمد بن إسحاق قال: سمعت عثمان بن صالح يقول: جاء رجل إلى مالك فسأله عن مسألة فقال له قال رسول الله صلى الله عليه وسلم كذا فقال الرجل أرأيت فقال مالك {لا تجعلوا دعآء لرسول بينكم كدعآء بعضكم بعضا قد يعلم لله لذين يتسللون منكم لواذا فليحذر لذين يخالفون عن أمره أن تصيبهم فتنة أو يصيبهم عذاب أليم}

to us; Ibrahim ibn al-Mundhir narrated to us; Maʿn ibn ʿIsa narrated to us, saying: I heard Malik ibn Anas say: "I am a human being: I err and I am right. Examine my personal opinion: whatever agrees with the Book and the Sunnah, accept it; whatever does not agree with the Book and the Sunnah, leave it." One of our companions, Muhammed ibn Abi Nasr, informed me, from Abu ʿUmar and ʿUthman ibn Abi Bakr: Abu Nuʿaym narrated to me in Isfahan; ʿAbd Allah ibn Muhammed ibn ʿAbd al-Karim narrated to us; al-Hasan ibn Mansur narrated to us; al-Hun ayni narrated to us, saying: Malik ibn Anas said: "Beware of the adherents of personal opinion, for they are enemies of the transmitted practices." Ibn Abi Nasr also narrated to me; ʿUthman ibn Abi Bakr narrated to us; Abu Nuʿaym Ibrahim ibn ʿAbd Allah narrated to us; Muhammed ibn Ishaq narrated to us, saying: I heard ʿUthman ibn Salih say: A man came to Malik and asked him about a question. He said to him: "The Messenger of Allah, may Allah bless him and grant him peace ﷺ, said such-and-such." The man said: "What if?" Malik then said: "Do not make the Messenger's calling among you like your calling of one another. Allah certainly knows those of you who slip away, taking cover

behind others. So let those who act contrary to his command beware lest a trial befall them or a painful punishment befall them.”[65]666768697071

L2469–2470

‘Abd al-Rahman ibn Salamah narrated to us; Ahmad ibn Khalil narrated to us; Khalid ibn Rasul narrated to us; ‘Abd Allah ibn Yunus al-Muradi narrated to us; Baqi ibn Makhlad narrated to us; Sahnun and al-Harith ibn Miskin narrated to us, from Ibn al-Qasim, from Malik, that he frequently used to say: “And when it was said, ‘Indeed, Allah’s promise is true, and the Hour—there is no doubt about it,’ you said, ‘We do not know what the Hour is. We entertain nothing but conjecture, and we possess no certainty.’” Through the same chain to Khalid, who said: I heard Muhammed ibn ‘Umar Lubabah say:

حدثنا عبد الرحمن بن سلمة، ثنا أحمد بن خليل، ثنا خالد بن رسول، ثنا عبد الله بن يونس المرادي، نا بقي بن مخلد، نا سحنون والحارث بن مسكين، عن ابن القاسم، عن مالك أنه كان يكثر أن يقول {وإذا قيل إن وعد الله حق ولساعة لا ريب فيها قلتم ما ندري ما لساعة إن نظن إلا ظنا وما نحن بمستيقنين} ويه إلى خالد قال: سمعت محمد بن عمر لبابة يقول: أخبرني أبو خالد مالك بن علي القرشي القطني الزاهد وكان فاضلا خيرا مجتهدا في العبادة، قال: أخبرني القعنبي قال: دخلت على مالك بن أنس في مرضه الذي مات فيه، فسلمت ثم جلست فرأيته يبكي، فقلت: يا أبا عبد الله ما الذي يبكيك؟ فقال لي: يا ابن قعنب وما لي لا أبكي ومن أحق بالبكاء مني والله لوددت أني ضربت بكل مسألة أفتيت بها برأيي سوطا سوطا، وقد كانت لي السعة فيما قد سبقت إليه، وليتني لم أفت بالرأي أو كما قال.

[65] **Translator’s note (L2459):** The final phrase is syntactically compressed. It is understood as describing a sudden relapse when the recovered person is least on his guard; its last pronoun appears in the next unit.

[66] **Translator’s note (L2461):** The opening completes the name Yusuf ibn Yaʿqub from the preceding unit; “in Basra” identifies the location of the transmission.

[67] **Translator’s note (L2462):** In Sahnun’s statement, the man referred to by “him” is not identified in this excerpt. “Followed him without independent proof” renders the technical term taqlid. The name Ahmad ibn Salamah al-Tahawi follows the supplied transcription; it has not been silently changed to the better-known form Ahmad ibn Muhammed ibn Salamah. The formulation “unless it is a normative practice … or a revealed Book” retains the supplied wording despite the tension with the preceding prohibition of reliance on personal opinion.

[68] **Translator’s note (L2465):** The opening “Allah” completes the name “‘Abd Allah” begun in the preceding segment; it is not an independent invocation. The expression rendered “‘what-if’ people” is a polemical coinage derived from the repeated question “What if?” The supplied text reads “my father, Lahiʻah,” rather than the expected narrator’s name “Ibn Lahiʻah.” This anomalous reading is retained.

[69] **Translator’s note (L2466):** The verb rendered “turn to” is anomalous in the supplied text: literally it suggests taking refuge or resorting to something. The context suggests subsequently adopting or coming to see a different opinion; the wording has not been silently replaced with the more usual verb for “see.”

[70] **Translator’s note (L2468):** The supplied transmission chain reads “from Abu ‘Umar and ‘Uthman ibn Abi Bakr”; the coordination and the attachment of the ensuing “narrated to me” are unclear and have been retained. The narrator rendered “al-Hun ayni” is written without vowels; the name is commonly vocalized al-Hunayni. The Quranic quotation, corresponding to 24:63, repeatedly omits the initial alif of definite articles and of the divine name in the transcription. Its wording remains intelligible. “The Messenger’s calling” can refer either to his summoning people or to people addressing him.

[71] **Qur’an references (L2458):** Qur’an 24:63 (An-Nur).

Abu Khalid Malik ibn ʻAli al-Qurashi al-Qutni, the ascetic, informed me—he was virtuous, good, and diligent in worship—saying: Al-Qaʻnabi informed me, saying: I went in to Malik ibn Anas during the illness in which he died. I greeted him and then sat down. I saw him weeping, so I said: "Abu ʻAbd Allah, what makes you weep?" He said to me: "Ibn Qaʻnab, why should I not weep? Who has more right to weep than I? By Allah, I wish that I had been struck, for every question on which I issued a legal opinion on the basis of my personal opinion, with a lash, a lash. I had ample scope in what had already preceded me. If only I had not issued legal opinions on the basis of personal opinion!" Or words to that effect.[72][73][74]

L2471–2475 Through the same chain to Khalid: Ahmad ibn Khalid narrated to us; Yahya ibn ʻUmar informed us; al-Harith ibn Miskin informed us; Ibn Wahb informed us, saying: Malik said to me: "The Messenger of Allah, may Allah bless him and grant him peace ﷺ, was the leader of the Muslims and the master of all beings. He would be asked about something and would not answer until revelation came to him from heaven." Abu Muhammed said: Is it then lawful for anyone who has established this as authentic concerning the Prophet, may Allah bless him and grant him peace ﷺ—from whom we received our religion—subsequently to issue legal opinions on a basis other than what revelation brought him, and to employ personal opinion and analogy? Allah forbid that! Ahmad ibn ʻUmar informed us; Ahmad ibn Muhammed ibn ʻIsa narrated to us; Muhammed ibn Ghundar narrated to us; Khalaf ibn Qasim narrated to us; Abu al-Maymun ʻAbd al-Rahman ibn

وبه إلى خالد: حدثنا أحمد بن خالد، أنا يحيى بن عمر، أنا الحارث بن مسكين، أنا ابن وهب قال قال لي مالك كان رسول الله صلى الله عليه وسلم إمام المسلمين وسيد العالمين يسأل عن الشيء فلا يجيب حتى يأتيه الوحي من السماء. قال أبو محمد أفيحل لأحد صح هذا عنده عن النبي صلى الله عليه وسلم الذي عنه أخذنا ديننا ثم يفتي بعد ذلك بغير ما أتاه به الوحي ويستعمل الرأي والقياس، معاذ الله من ذلك. أخبرنا أحمد بن عمر، ثنا أحمد بن محمد بن عيسى، نا محمد بن غندر، نا خلف بن قاسم، نا أبو الميمون عبد الرحمن بن عبد الله بن عمر بن راشد البجلي، نا أبو زرعة عبد الرحمن بن عمرو، نا أبو مسهر، نا سعيد بن عبد العزيز قال: كان إذا سئل لا يجيب حتى يقول: لا حول ولا قوة إلا بالله العلي العظيم، هذا رأيي والرأي يخطىء ويصيب. قال أبو محمد: ويقال لمن يقضي بالرأي في الدين فخلل به وحرم وأوجب: أخبرنا عنك في قولك بالرأي، هذا حرام أو هذا واجب عمن تخبر بأنه حرم هذا أو أوجب هذا أعنك أم عن الله تعالى ورسوله صلى الله عليه وسلم لله فإن كنت تخبر بذلك عن الله تعالى أو عن رسوله صلى الله عليه وسلم كنت كاذبا عليهما لأنك تقول عنهما ما لم يقله الله تعالى ولا نبيه صلى الله عليه وسلم وإن كنت تقول ذلك عن نفسك فقد صرت محللا ومحرما وشارعا،

[72] **Translator's note (L2469):** The Quranic quotation corresponds to 45:32; the transcription omits initial alifs in several words but presents no clear substantive change. The linking expression before "to Khalid" is corrupt in the supplied text; it has been understood as the recurrent formula "through the same chain." The text gives "Khalid ibn Rasul," whereas a nearby chain gives "Khalid ibn Sa'd." The supplied name is retained. "Muhammed ibn 'Umar Lubabah" lacks the additional "ibn" found in the nearby occurrence of "Muhammed ibn 'Umar ibn Lubabah"; it has not been inserted.

[73] **Translator's note (L2470):** "What had already preceded me" is compressed and somewhat ambiguous; in context it likely refers to previously transmitted teachings or precedents that would have sufficed. The translation preserves the unspecific wording. The repeated "a lash, a lash" is retained from the supplied text.

[74] **Qur'an references (L2469):** Qur'an 45:32 (Al-Jathiyah).

‘Abd Allah ibn ‘Umar ibn Rashid al-Bajali narrated to us; Abu Zur‘ah ‘Abd al-Rahman ibn ‘Amr narrated to us; Abu Mushir narrated to us; Sa‘id ibn ‘Abd al-‘Aziz narrated to us, saying: When he was asked, he would not answer until he said: “There is no power and no strength except through Allah, the Most High, the Magnificent. This is my personal opinion, and personal opinion can be wrong or right.” Abu Muhammed said: To someone who judges in religion by personal opinion, thereby declaring things lawful, forbidding things, and imposing obligations, it is said: “Tell us about yourself: when, on the basis of personal opinion, you say, ‘This is forbidden,’ or, ‘This is obligatory,’ whom are you reporting as having forbidden this or imposed this obligation? Yourself, or Allah Most High and His Messenger, may Allah bless him and grant him peace ﷺ? For Allah. If you are reporting this from Allah Most High or from His Messenger, may Allah bless him and grant him peace ﷺ, you are lying about them both, because you attribute to them what neither Allah Most High nor His Prophet, may Allah bless him and grant him peace ﷺ, said. If you are saying it on your own authority, you have become someone who declares things lawful, forbids things, and legislates. This has the implications that it has; we seek refuge in Allah from it. Furthermore, you become someone who passes judgment upon the Creator Most High and dictates to Him, by imposing within His religion—which no one but He has legislated—rulings that you yourself legislate. This demonstration is sufficient, and through Allah Most High we receive support.” Ahmad ibn ‘Umar ibn Anas narrated to us; al-Husayn ibn Ya‘qub narrated to us; Sa‘id ibn Fahlun narrated to us; Yunus ibn Yahya al-Mufami narrated to us; ‘Abd al-Malik ibn Habib narrated to us: Ibn al-Majishun informed me that he said: Malik ibn Anas said: “Whoever introduces something into this community today that its predecessors did not follow has thereby claimed that the Messenger of Allah, may Allah bless him and grant him peace ﷺ, betrayed the message, because Allah Most High says: ‘ Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah’s has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you duly slaughter—and what has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is

وفي هذا ما فيه نعوذ بالله منه. وأيضا فإنك تصير قاضيا على الباري تعالى، ومتحكما عليه أن تلزم في دينه الذي لم يشرعه سواه أحكاما تشرعها أنت، وفي هذا البرهان كفاية. وبالله تعالى نتأيد. حدثنا أحمد بن عمر بن أنس، نا الحسين بن يعقوب، نا سعيد بن فحلون، نا يونس بن يحيى المفامي، نا عبد الملك بن حبيب، أخبرني بن الماجشون أنه قال: قال مالك بن أنس: من أحدث في هذه الأمة اليوم شيئا لم يكن عليه سلفها فقد زعم أن رسول الله صلى الله عليه وسلم خان الرسالة لأن الله تعالى يقول { حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} فما لم يكن يومئذ دينا لا يكون اليوم دينا، وقد ذكر الطحاوي عن أبي حنيفة أنه قال: علمنا هذا رأي فمن أتانا بخير منه قبلناه. حدثنا محمد بن سعيد بن نبات، نا إسماعيل بن إسحاق البصري، نا خالد بن سعد، نا محمد بن إبراهيم بن حيون الحجاري، نا عبد الله بن أحمد بن حنبل قال: سمعت أبي يقول: الحديث الضعيف أحد إلينا من الرأي. حدثنا حمام، نا عباس بن أصبغ، نا محمد بن عبد الملك بن أيمن، نا عبد الله بن أحمد بن حنبل قال: سألت أبي عن الرجل يكون ببلد لا يجد فيه إلا صاحب حديث لا يعرف صحيحه من سقيمه، وأصحاب رأي، فتنزل به النازلة، من يسأل؟ فقال أبي: يسأل صاحب الحديث ولا يسأل صاحب الرأي، ضعيف الحديث أقوى من رأي أبي حنيفة. قال أبو محمد: صدق أحمد رحمه الله لأن من أخذ بما بلغه عن رسول الله صلى الله عليه وسلم وهو لا يدري ضعفه فقد أجر يقينا على قصده إلى طاعة رسول الله صلى الله عليه وسلم كما أمره الله تعالى وأما من أخذ برأي أبي حنيفة أو رأي مالك أو غيرهما، فقد أخذ بما لم يأمره الله تعالى قط بالأخذ به، وهذه

transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—then indeed Allah is forgiving, merciful.' Thus, whatever was not religion on that day cannot be religion today." Al-Tahawi has related from Abu Hanifah that he said: "This knowledge of ours is personal opinion. Whoever brings us something better than it, we accept it." Muhammed ibn Sa'id ibn Nabat narrated to us; Isma'il ibn Ishaq al-Basri narrated to us; Khalid ibn Sa'd narrated to us: Muhammed ibn Ibrahim ibn Hayyun al-Hijari narrated to us: 'Abd Allah ibn Ahmad ibn Hanbal narrated to us, saying: I heard my father say, "A weak hadith is dearer to us than personal opinion." Hammam narrated to us: 'Abbas ibn Asbagh narrated to us: Muhammed ibn 'Abd al-Malik ibn Ayman narrated to us: 'Abd Allah ibn Ahmad ibn Hanbal narrated to us, saying: I asked my father about a man who lives in a town where he finds only a hadith scholar who cannot distinguish its sound reports from its unsound ones, and proponents of personal opinion. When a case arises for him, whom should he ask? My father replied, "He should ask the hadith scholar and should not ask the proponent of personal opinion. Weak hadith is stronger than Abu Hanifah's personal opinion." Abu Muhammed said: Ahmad spoke truly—may Allah have mercy on him—for whoever adopts what has reached him from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, without knowing its weakness, has certainly been rewarded for his intention to obey the Messenger of Allah, may Allah bless him and grant him peace ﷺ, as Allah Most High commanded him. But whoever adopts Abu Hanifah's personal opinion, or Malik's personal opinion, or that of anyone else, has adopted something that Allah Most High never commanded him to adopt. This is disobedience, not obedience. Every one you see among the Companions, the Successors, and the jurists has disavowed personal opinion, regretted the opinions he had previously put forward, and disavowed anyone who followed him unquestioningly in any of them. Who, then, is more astray than someone who worships his Lord Most High according to an opinion whose proponent wished that he could receive one lash for each question on which he had expressed it—and these may number

معصية لا طاعة. وقد تبرأ كل من ترى من الصحابة والتابعين، ومن الفقهاء من الرأي، وندموا على ما قد قدموا منه، وتبرؤوا ممن قلدهم في شيء منه، فمن أضل ممن دان ربه تعالى برأي قد تمنى الذي رآه أن يضرب عن كل مسألة منه سوطا ولعلها أزيد من عشرة آلاف مسألة ومن أضل ممن دان ربه تعالى برأي من قال: من أتانا بخير من رأينا قبلناه ولا شك عند كل ذي مسكة عقل من المسلمين أن كلام الله تعالى وكلام محمد صلى الله عليه وسلم خير من رأي أبي حنيفة ومالك هذا مع ما قد أوردناه في هذا الباب من الأحاديث الصحاح عن رسول الله صلى الله عليه وسلم في تحريم الفتيا بالرأي ومن البراهين القاطعة في ذلك وحسبنا الله ونعم الوكيل

more than ten thousand questions? And who is more astray than someone who worships his Lord Most High according to the opinion of someone who said, "Whoever brings us something better than our opinion, we will accept it"? No Muslim with the slightest grasp of reason doubts that the speech of Allah Most High and the speech of Muhammed, may Allah bless him and grant him peace ﷺ, are better than the personal opinions of Abu Hanifah and Malik. This is in addition to the sound hadiths from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, that we have adduced in this chapter concerning the prohibition of issuing legal opinions on the basis of personal opinion, and the decisive demonstrations concerning that. Allah is sufficient for us, and an excellent Trustee is He.[75][76][77][78][79]

[75] **Translator's note (L2471):** The subject of "when he was asked" is not explicitly named in the supplied report; the pronoun is retained without assigning it to a particular narrator.

[76] **Translator's note (L2472):** The isolated "for Allah" after the first question translates an intrusive phrase in the supplied text. Its grammatical connection is unclear; it has not been omitted. The name rendered "al-Mufami" follows the supplied consonants and may be corrupt.

[77] **Translator's note (L2473):** The Quranic quotation corresponds to 5:3. The supplied transcription repeatedly omits initial alifs, including in the divine name and "Islam"; no substantive omission or alteration of the verse's wording is evident.

[78] **Translator's note (L2474):** The opening name, Saʿd, continues the preceding segment's transmission chain. The transcription reads أحد, literally "one" or potentially "sharper," where the comparison appears to require أحب, "dearer." The translation follows that apparent intended reading; the supplied wording is corrupt or uncertain.

[79] **Qur'an references (L2471):** Qur'an 5:3 (Al-Ma'idah).

الباب 36: إبطال التقليد

Chapter 36: Refutation of Unquestioning Adherence

Ibn Ḥazm · Arabic–English parallel edition

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[الباب السادس والثلاثون في إبطال التقليد]

قال أبو محمد علي علي بن أحمد علي اعتقاد المرء قولا من قولين فصاعدا ممن اختلف فيه أهل التمييز المتكلمون في أفانين العلوم، فإنه لا يخلو في اعتقاده ذلك من أحد وجهين: إما أن يكون اعتقده ببرهان صح عنده أو يكون اعتقده بغير برهان صح عنده، فإن كان اعتقده ببرهان صح عنده، يخلو أيضا من أحد وجهين: إما أن يكون اعتقده ببرهان حق صحيح في ذاته، وإما أن يكون اعتقده بشيء يظن أنه برهان وليس ببرهان، لكنه شغب وتمويه موضوع وضعا غير مستقيم. وقد بينا كل برهان حق صحيح في ذاته في كتابنا الموسوم بالتقريب وبينا في كتابنا هذا أن البرهان في الديانة إنما هو نص القرآن أو نص كلام صحيح النقل مسند إلى النبي صلى الله عليه وسلم أو نتائج مأخوذة من مقدمات صحاح من هذين الوجهين. وأما القسم الثاني الذي هو شغب يظن أنه برهان وليس برهانا، فمن أنواعه: القياس والأخذ بالمرسل، والمقطوع، والبلاغ، وما رواه الضعفاء والمنسوخ والمخصص وكل قضية فاسدة قدمت بالوجوه المموهة التي قد بيناها في كتاب التقريب. وأما ما اعتقده المرء بغير برهان صح عنده، فإنه لا يخلو من أحد وجهين: إما أن يكون اعتقده لشيء استحسنه بهواه، وفي هذا القسم يقع الرأي والاستحسان، ودعوى الإلهام، وإما أن يكون اعتقده لأن بعض من دون النبي صلى الله عليه وسلم قال وهذا هو التقليد وهو مأخوذ من قلدت فلانا الأمر، أي جعلته كالقلادة في عنقه، وقد استحى قوم من أهل التقليد من فعلهم فيه، وهم يقرون ببطلان المعنى الذي يقع عليه هذا الاسم، فقالوا: نقلد بل نتبع. قال أبو محمد: ولم يتخلصوا بهذا التمويه من قبيح فعلهم، لأن الحرم إنما هو المعنى، فليسموه بأي اسم شاؤوا، فإنهم ما داموا آخذين بالقول لأن فلانا قاله دون النبي صلى الله عليه وسلم فهم عاصون لله تعالى لأنهم اتبعوا من لم يأمرهم الله تعالى باتباعه.

[Chapter Thirty-Six: On Invalidating Unquestioning Adherence to Another's Authority]

Abu Muhammed ʿAli ʿAli ibn Ahmad ʿAli said: When a person adopts one position out of two or more concerning a matter disputed by discerning people who discourse on the various branches of knowledge, his adoption of it necessarily takes one of two forms: either he adopted it on the basis of a demonstration established as sound in his judgment, or he adopted it without a demonstration established as sound in his judgment. If he adopted it on the basis of a demonstration established as sound in his judgment, there are again two possibilities: either he adopted it on the basis of a true demonstration, sound in itself, or he adopted it on the basis of something he thinks is a demonstration, although it is no demonstration, but contentious sophistry and deception constructed in an unsound manner. We have explained every true demonstration that is sound in itself in our book entitled Bringing Near, and we have explained in this book of ours that demonstration in religion consists solely of the explicit text of the Quran, the explicit wording of a statement soundly transmitted with a chain of transmission leading to the Prophet, may Allah bless him and grant him peace ﷺ, or conclusions drawn from sound premises derived from these two sources. As for the second category—contentious sophistry that is thought to be demonstration but is no demonstration—its varieties include analogy; reliance on reports with an omitted link to the Prophet, reports terminating short of the Prophet, reports conveyed without a chain of transmission, and what weak transmitters have related; abrogated texts; texts whose scope has been restricted; and every unsound proposition advanced through the deceptive methods we have explained in Bringing Near. As for what a person adopts without a demonstration established as sound in his judgment, it necessarily takes one of two forms: either he adopted it because of something he deemed preferable through his own inclination—and personal opinion, juristic preference, and claims of inspiration fall into this category—or he adopted it because someone other than the Prophet, may Allah bless him and grant him peace ﷺ, said it. This is unquestioning adherence to another's authority, or taqlid. The word is derived from the expression 'I entrusted so-and-so

with the matter,' meaning that I placed it like a necklace around his neck. Some practitioners of unquestioning adherence have felt ashamed of their conduct in this regard, while acknowledging the invalidity of the meaning to which this name applies, and have said, "We adhere unquestioningly; rather, we follow." Abu Muhammed said: By this deception they have not escaped the ugliness of their conduct, because it is the substance of the act that is prohibited. Let them call it whatever name they wish: so long as they adopt a position because so-and-so, other than the Prophet, may Allah bless him and grant him peace ﷺ, said it, they are disobeying Allah Most High, because they have followed someone whom Allah Most High did not command them to follow.[1][2]

L2479 It is sufficient to establish the invalidity of unquestioning adherence to ask someone who adheres unquestioningly to one particular person: "What distinguishes you from someone who adheres unquestioningly to someone other than the person you follow—indeed, who follows someone who, by your own admission, is more learned and more excellent than he?" If he advocates unquestioning adherence to every scholar, he has left religion without restraint and made both of two contrary rulings simultaneously binding in the issuing of legal opinions. There is no escape from this. But they have resorted to contentious sophistry and prolonged their discourse, so their sophistry must be exhaustively investigated, since this book of ours is a book of exhaustive investigation, not a book of abridgment. From Allah Most High we seek support. Abu Muhammed said: We shall mention, if Allah wills, the deceptive

ويكفي من بطلان التقليد أن يقال لمن قلد إنسانا بعينه: ما الفرق بينك وبين من قلد غير الذي قلدته، بل قلد من هو بإقرارك أعلم منه وأفضل منه؟ فإن قال بتقليد كل عالم كان قد جعل الدين هملا، وأوجب الضدين معا في الفتيا، هذا ما لا انفكاك منه، لكن شغبوا وأطالوا، فوجب تقصي شغبهم، إذ كتابنا هذا كتاب تقص لا كتاب إيجاز وبالله تعالى نتأيد. قال أبو محمد: ونحن ذاكرون إن شاء الله ما موه به المتأخرون لنصر قولهم في التقليد، ومبينون بطلان كل ذلك بحول الله وقوته، ثم نذكر البراهين الضرورية الصحاح على إبطال التقليد جملة، وبالله تعالى التوفيق.

[1] **Translator's note (L2477):** The attribution contains repeated occurrences of ʿAli: علي علي بن أحمد علي. These have been retained rather than silently regularized. In the second division, the transcription has يخلو, "is free of," where the argument appears to require لا يخلو, "cannot fall outside." The translation conveys the two alternatives, while noting the apparent missing negation. Bringing Near translates the title al-Taqrib.

[2] **Translator's note (L2478):** The report categories are, respectively, mursal, maqtuʿ, and balagh. The translation preserves their distinctions through descriptive English. The supplied quotation reads نقلد بل نتبع, "We adhere unquestioningly; rather, we follow." A negation before نقلد appears to be missing, but has not been inserted. The transcription's الحرم is irregular in this context; the translation takes it as referring to prohibition.

arguments advanced by later scholars to support their position on unquestioning adherence, and explain the invalidity of all of them through Allah's power and strength. We shall then set out the sound, necessary demonstrations invalidating unquestioning adherence altogether. Success comes through Allah Most High.

L2480–2482 Among their contentious arguments is the assertion of some of them: "It is related that Ibn Masʿud used to adopt ʿUmar's position." Abu Muhammed said: This is false, because Ibn Masʿud's disagreements with ʿUmar are too well known to require the effort of adducing them. He agreed with him only as people who reason from evidence agree with one another, and nothing more. We know of no report that Ibn Masʿud deferred to ʿUmar's position except a weak, unauthentic report concerning a single question: the grandfather's sharing of the inheritance with the siblings, sometimes down to one-third and sometimes down to one-sixth. Perhaps, if reports comparable to this one were exhaustively investigated, they would not amount to four questions. Moreover, all that this report states is that Ibn Masʿud implemented the ruling according to ʿUmar's position because ʿUmar was the caliph and Ibn Masʿud was one of his officials, and nothing more. As for their disagreements, if exhaustively investigated, they would amount to more than a hundred questions. About two leaves after this, we have given the chain of transmission of the aforementioned report about Ibn Masʿud's following ʿUmar, and have explained the weakness and unreliability of that report. Among the instances that occur to us of Ibn Masʿud's disagreement with practice in the greatest and most famous of his rulings is what Muhammed ibn Saʿid al-Nabati narrated to us: Ahmad ibn ʿAwn Allah narrated to us: Qasim ibn Asbagh narrated to us: Muhammed ibn ʿAbd al-Salam al-Khushani narrated to us: Muhammed ibn Bashshar narrated to us: Muhammed ibn Jaʿfar narrated to us: Shuʿbah narrated to us, from al-Hakam ibn ʿUtaybah, from Zayd ibn Wahb, who said: Another man and I went to ʿAbd Allah ibn Masʿud to ask him about a slave woman who had borne her master a child. There he was praying, with two men flanking him, one on his right and one on his left. When he had finished praying, the two asked him about al-Khattab. He said to one of them, "Who taught you to recite?" He replied, "Abu ʿAmrah,

فما شغبوا به أن قال بعضهم: روي أن ابن مسعود كان يأخذ بقول عمر. قال أبو محمد: وهذا باطل، لأن خلاف ابن مسعود لعمر أشهر من أن يتكلف إيراده، وإنما وافقه كما يتوافق أهل الاستدلال فقط، وما نعرف رواية أن ابن مسعود رجع إلى قول عمر إلا رواية ضعيفة لا تصح في مسألة واحدة، وهي في مقاسمة الجد الأخوة مرة إلى الثلث ومرة إلى السدس، ولعل نظائر هذه الرواية لو تقصيت لم تبلغ أربع مسائل، وإنما جاء فيها أيضا أن ابن مسعود أنفذها بقول عمر، لأن عمر كان الخليفة. وابن مسعود أحد عماله فقط. وأما اختلافهما فلو تقصي لبلغ أزيد من مائة مسألة، وقد ذكرنا بعد هذا بنحو ورقتين سند الحديث المذكور من اتباع ابن مسعود عمر، وبينا وهي تلك الرواية وسقوطها. ومما حضرنا ذكره من خلاف ابن مسعود لعمل في أعظم قضاياه، وأشهرها ما حدثناه محمد بن سعيد النباتي، نا أحمد بن عون الله، نا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا محمد بن جعفر، نا شعبة، عن الحكم بن عتيبة، عن زيد بن وهب قال: انطلقت أنا ورجل إلى عبد الله بن مسعود نسأله عن أم الولد، وإذا هو يصلي ورجلان قد اكتنفاه عن يمينه وعن يساره، فلما صلى سألاه الخطاب. فقال لأحدهما: من أقرأك؟ قال: أقرأنيها أبو عمرة أو أبو حكم المزني، وقال الآخر: أقرأنيها عمر بن الخطاب، فبكى حتى بل الحصا بدموعه وقال له: اقرأ كما أقرأك عمر، فإنه كان للإسلام حصنا حصينا يدخل الناس فيه ولا يخرجون منه، فلما أصيب عمر انثلم الحصن فخرج الناس من الإسلام، قال: سألته عن أم الولد، فقال: تعتق من نصيب ولدها.

or Abu Hakam al-Muzani, taught me to recite it." The other said, "'Umar ibn al-Khattab taught me to recite it." He then wept until he wetted the pebbles with his tears and said to him, "Recite as ʿUmar taught you to recite, for he was a strongly fortified stronghold for Islam: people entered it and did not leave it. When ʿUmar was struck down, the stronghold was breached, and people left Islam." He said: I asked him about a slave woman who had borne her master a child, and he replied, "She is emancipated out of her child's share."[3][4]

L2483–2486 Abu Muhammed said: Here is Ibn Masʿud, through this remarkable chain of transmission, in which there is no point open to criticism, disagreeing with ʿUmar after ʿUmar's death—as indicated by the explicit mention of ʿUmar's death in this report—concerning slave women who have borne their masters children. He does not consider them free at the expense of their masters' principal estates, but rather from their children's shares, just as anyone's mother becomes free upon his acquiring ownership of her. Moreover, Ibn Masʿud continued until his death to press his palms together between his knees during prayer, whereas ʿUmar would place his hands on his knees and prohibit pressing the palms together. Ibn Masʿud would strike hands for being placed on the knees. Ibn Masʿud said concerning a declaration of prohibition, "It is an oath," whereas ʿUmar said, "It is a single divorce." Ibn Masʿud would say concerning a man who committed fornication with a woman and then married her, "They remain fornicators for as long as they remain together," whereas ʿUmar would command the fornicator to marry

[3] **Translator's note (L2480):** The grandfather's sharing arrangement is expressed elliptically: "sometimes down to one-third and sometimes down to one-sixth." The source does not spell out the calculation or its denominator here. The transcription reads لعمل, "with practice," where the context strongly suggests لعمر, "with ʿUmar." The translation retains the supplied reading; "his rulings" consequently has an uncertain antecedent. The phrase سألاه الخطاب, translated "the two asked him about al-Khattab," appears corrupt or incomplete. It does not clearly explain the subsequent question about who taught the men to recite. The uncertainty between Abu ʿAmrah and Abu Hakam al-Muzani is present in the transmitted wording.

[4] **Translator's note (L2482):** "Her child's share" refers to the child's share of the inheritance, as the following context clarifies.

قال أبو محمد: فهذا ابن مسعود بهذا السند العجيب الذي لا مغمز فيه بعد موت عمر على ما في نص هذا الحديث من ذكره موت عمر يخالفه في أمهات الأولاد، فلا يراهن حرائر من رأس مال سادتهن، ولكن من نصيب أولادهن كما تعتق على كل أحد أمه إذا ملكها. ومع ذلك أن ابن مسعود إلى أن مات كان يطبق في الصلاة، وعمر كان يضع اليدين على الركبتين وينهى عن التطبيق وكان ابن مسعود يضرب الأيدي لوضعها على الركب، وابن مسعود يقول في الحرم هي يمين، وعمر يقول: هي طلقة واحدة. وكان ابن مسعود يقول في رجل زنى بامرأة ثم تزوجها: لا يزالان زانيين ما اجتمعا، وعمر يأمر الزاني أن يتزوج التي زنى بها، وابن مسعود يقول بيع الأمة طلاقها، وعمر لا يرى بيعها طلاقا ويخالفه في قضايا كثيرة جدا. والعجب كله ممن يحتج بالكذب، من أن ابن مسعود كان يقلد عمر، وهم لا يرون تقليد عمر ولا ابن مسعود في كل أقوالهما، وإنما يقلدون من لم يقلده قط ابن مسعود ولا رآه، كأبي حنيفة ومالك والشافعي وحسبك بمقدار من يحتج بمثل هذا في الغباوة والجهل، وقوله مخالف لما احتج به. وكيف يجوز أن يقلد ابن مسعود عمر؟ وقد حدثنا عبد الله بن يوسف، حدثنا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، حدثنا مسلم بن الحجاج، نا إسحاق بن راهويه، نا عبدة بن سليمان، نا الأعمش عن أبي وائل شقيق بن سلمة الأسدي، عن عبد الله بن مسعود قال لقد علم أصحاب رسول الله صلى الله عليه وسلم أني أعلمهم بكتاب الله عز وجل ولو أعلم أن أحدا أعلم

به مني لرحلت إليه قال شقيق فجلست في حلق أصحاب محمد صلى الله عليه وسلم فما سمعت أحدا يرد ذلك عليه ولا يعيبه وبه إلى مسلم: نا أبو كريب، نا يحيى بن آدم، نا قطبة عن الأعمش، عن مسلم، عن مسروق، عن عبد الله بن مسعود قال: والذي لا إله غيره ما من كتاب الله تعالى سورة إلا أنا أعلم حيث نزلت، وما من آية إلا أنا أعلم فيما أنزلت، ولو أعلم أحدا هو أعلم بكتاب الله تعالى مني تبلغه الإبل لركبت إليه. قال أبو محمد وكان ابن مسعود من الملازمة لرسول الله صلى الله عليه وسلم بحيث قال أبو موسى الأشعري كنا حينا وما نرى ابن مسعود وأمه إلا من أهل بيت النبي صلى الله عليه وسلم من كثرة دخولهم ولزومهم له وقال ابن مسعود البدري وقد قام عبد الله بن مسعود ما أعلم رسول الله صلى الله عليه وسلم ترك بعده أعلم بما أنزل الله تعالى من هذا القائم، فقال أبو موسى: لقد كان يشهد إذا غبنا، ويؤذن له إذا حجبنا. روينا هذا السند المذكور إلى مسلم قال: حدثناه أبو كريب محمد بن العلاء الهمداني، نا يحيى بن آدم، نا قطبة، عن الأعمش، عن مالك بن الحارث، عن أبي الأحوص أنه سمع أبا مسعود وأبا موسى يقولان ذلك. قال أبو محمد: فمن كانت هذه صفته وهو يخبر أنه ما من آية في القرآن إلا وهو يعلم فيما أنزلت، أيجوز أن يظن به ذو عقل أنه يقلد أحدا من الناس؟

the woman with whom he had committed fornication. Ibn Masʿud said, "The sale of a slave woman constitutes her divorce," whereas ʿUmar did not consider her sale a divorce. He disagreed with him on very many cases.

Utterly astonishing are those who argue from the falsehood that Ibn Masʿud practiced uncritical adherence to ʿUmar's authority, although they themselves do not consider uncritical adherence to either ʿUmar or Ibn Masʿud obligatory in all their statements. They instead adhere uncritically to people whom Ibn Masʿud never followed uncritically, nor even saw, such as Abu Hanifah, Malik, and al-Shafiʿi. The stupidity and ignorance of someone who argues with something of this sort are sufficient indication of his worth, while his own position contradicts what he has adduced as an argument. How could Ibn Masʿud have adhered uncritically to ʿUmar, when ʿAbd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: ʿAbd al-Wahhab ibn ʿIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʿAli related to us: Muslim ibn al-Hajjaj related to us: Ishaq ibn Rahawayh related to us: ʿAbdah ibn Sulayman related to us: al-Aʿmash related to us, from Abu Waʾil Shaqiq ibn Salamah al-Asadi, from ʿAbd Allah ibn Masʿud, who said: "The Companions of the Messenger of Allah ﷺ certainly know that I am the most knowledgeable of them concerning the Book of Allah, Mighty and Majestic. Were I to know that anyone knew it better than I did, I would journey to him." Shaqiq said: "I sat in the circles of Muhammed's Companions ﷺ, and I never heard anyone reject this claim of his or find fault with it." Through the same chain to Muslim: Abu Kurayb related to us: Yahya ibn Adam related to us: Qutbah related to us, from al-Aʿmash, from Muslim, from Masruq, from ʿAbd Allah ibn Masʿud, who said: "By Him besides whom there is no deity, there is no chapter in the Book of Allah, Exalted is He, whose place of revelation I do not know, and there is no verse whose occasion of revelation I do not know. Were I to know anyone more knowledgeable than I concerning the Book of Allah, Exalted is He, whom camels could reach, I would ride to him."

Abu Muhammed said: Ibn Masʿud's constant attendance upon the Messenger of Allah ﷺ was such that Abu Musa al-Ashʿari said: "For a time, we thought Ibn Masʿud and his mother could only be members of the Prophet's

household ﷺ, so frequently did they enter and so constantly did they attend upon him." Ibn Masʿud al-Badri said, when ʿAbd Allah ibn Masʿud had stood up: "I do not know that the Messenger of Allah ﷺ left behind anyone more knowledgeable about what Allah, Exalted is He, revealed than this man standing here." Abu Musa then said: "He used to be present when we were absent, and he was granted permission to enter when we were barred." We transmitted this through the aforementioned chain to Muslim, who said: Abu Kurayb Muhammed ibn al-ʿAlaʾ al-Hamdani related it to us: Yahya ibn Adam related to us: Qutbah related to us, from al-Aʿmash, from Malik ibn al-Harith, from Abu al-Ahwas, that he heard Abu Masʿud and Abu Musa saying this.

Abu Muhammed said: Could any rational person suppose that someone of this description, who reports that there is no verse in the Quran whose occasion of revelation he does not know, would adhere uncritically to any human being?[5][6][7][8]

L2487–2488 This is impossible, inconceivable, and admits of no possibility. Only someone ignorant of the ruling concerning a case that arises adheres uncritically to another, accepting the statement of someone whom he supposes to know it. How could Ibn Masʿud have adhered uncritically to ʿUmar, when his situation was as Muhammed ibn Saʿid related to us: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn ʿAbd al-

هذا محال ممتنع لا سبيل إليه، وإنما يقلد من يجهل الحكم في النازلة، فيأخذ بقول من يقدر أنه يعلمه، وكيف يمكن أن يقلد ابن مسعود عمر؟ وقد كان كما حدثنا محمد بن سعيد، نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن بشار بندار، نا محمد بن عدي، وأبو داود الطيالسي كلاهما عن شعبة، عن عمرو بن مرة، عن أبي عبيد الله بن عبد الله بن مسعود عن مسروق قال ما شهدت أصحاب النبي صلى الله عليه وسلم إلا بالإخاذ فالإخاذة تكفي الواحد والاثنين والثلاثة، والإخاذة تكفي الفئام من الناس، وإني أتيت عبد الله بن مسعود وعمر وعثمان فوجدت عبد الله كفاني، فلزمت عبد الله. قال أبو محمد: فقد بين مسروق أنه جربهم فوجد ابن مسعود لا يقصر عن عمر في العلم، بل كلام مسروق يدل على تقدم ابن مسعود عنده على عمر في العلم، ولذلك اكتفى به عنه، وقد ذكرنا في باب

[5] **Translator's note (L2483):** The source reads «الحرم», an unclear form in this context. It is rendered as a declaration of prohibition, apparently referring to a husband's declaring his wife forbidden to him; the Arabic reading has not been silently replaced with «الحرام». Pressing the palms together between the knees renders the prayer practice termed taṭbīq.

[6] **Translator's note (L2484):** The final personal name, ʿAbd Allah, is divided between this unit and the next.

[7] **Translator's note (L2485):** This unit begins with the second part of the personal name ʿAbd Allah and ends within the phrase 'the Book of Allah.' The English word order anticipates 'chapter' from the following context so that the translated segments join coherently.

[8] **Translator's note (L2486):** The source names the speaker 'Ibn Masʿud al-Badri,' but the chain later in the same unit names 'Abu Masʿud.' The apparent name error is preserved. The source reads «إذا حجنا», which does not naturally mean 'when we were barred.' The translation reflects the apparent intended reading «إذا حجبنا»; the supplied wording is evidently problematic.

Salam al-Khushani related to us: Muhammed ibn Bashshar, Bundar, related to us: Muhammed ibn ʿAdi and Abu Dawud al-Tayalisi related to us, both from Shuʿbah, from ʿAmr ibn Murrah, from Abu ʿUbayd Allah ibn ʿAbd Allah ibn Masʿud, from Masruq, who said: "I have only witnessed the Prophet's Companions ﷺ as pools of water: one pool suffices for one person, two, or three, while another pool suffices for large companies of people. I came to ʿAbd Allah ibn Masʿud, ʿUmar, and ʿUthman, and found that ʿAbd Allah sufficed for me, so I attached myself to ʿAbd Allah."

Abu Muhammed said: Masruq has thus explained that he tried them and found that Ibn Masʿud fell no short of ʿUmar in knowledge. Indeed, Masruq's words indicate that, in his estimation, Ibn Masʿud surpassed ʿUmar in knowledge; that is why he found him sufficient without recourse to ʿUmar. We have already mentioned, in the chapter on consensus in this book of ours, in the section concerning those who claim that consensus is the consensus of the people of Medina, the description of Ibn Masʿud's standing in knowledge in ʿUmar's estimation, as expressed in his letter to the people of Kufa.[9]

L2489–2491 Some of them argued by saying: "Uncritical adherence is unavoidable, because you go to the butcher and adhere uncritically to his assertion that he pronounced the name of Allah, Mighty and Majestic, although it is possible that he did not pronounce it. The same applies to everything."

Abu Muhammed said: Someone advancing this argument either has the ignorance of donkeys or is weak in religion, without shame and without fear of Allah, Mighty and Majestic. He should be told: If what you have mentioned counts, in your estimation, as uncritical adherence, then adhere uncritically to every flagrantly sinful person and everyone who makes a statement. Adhere uncritically to Jews and Christians and follow their religion, for we likewise buy meat from them and believe them when they say that they pronounced the name of Allah, Exalted is He, over the animals they slaughtered,

[9] **Translator's note (L2487):** The wording «ما شهدت ... إلا بالإخاذ» is awkward: literally, 'I only witnessed … with pools.' The translation preserves its apparent comparison of the Companions to pools of differing capacity. The transmitter names 'Muhammed ibn ʿAdi' and 'Abu ʿUbayd Allah ibn ʿAbd Allah ibn Masʿud' are reproduced as supplied; their readings may be corrupt.

الإجماع من كتابنا هذا في باب من ادعى أن الإجماع هو إجماع أهل المدينة صفة منزلة ابن مسعود عند عمر في العلم في كتابه إلى أهل الكوفة.

واحتج بعضهم بأن قال: لا بد من التقليد، لأنك تأتي الجزار فتقلده في أنه سمى الله عز وجل، وممكن أن يكون لم يسم، وهكذا في كل شيء. قال أبو محمد: المحتج بهذا إما كان بمنزلة الحمير في الجهل، وإما كان رقيق الدين لا يستحي ولا يتقي الله عز وجل، فيقال له: إن كان ما ذكرت عندك تقليدا، فقلد كل فاسق وكل قائل، وقلد اليهود والنصارى فاتبع دينهم، لأنا كذلك نبتاع اللحم منهم. ونصدقهم أنهم سموا الله تعالى على ذبائحهم، كما نبتاعه من المسلم الفاضل، ولا فرق، ولا فضل بين ابتياعه من زاهد عابد، وبين ابتياعه من يهودي فاسق، ولا أثرة ولا فضيلة لذبيحة العالم الورع على ذبيحة الفاسق الفاجر، فقلد كل قائل على ظهر الأرض وإن اختلفوا، كما نأكل ذبيحة كل جزار من مؤمن أو ذمي. فإن قال بذلك خرج عن الإسلام وكفى مؤونته، ولزمه ضرورة ألا يقلد عالما بعينه دون من سواه، كما أنه لا يقلد جزارا بعينه دون من سواه، وإن أبى من ذلك فقد أبطل احتجاجه بتقليد الجزار وغيره، وسقط تمويهه.

just as we buy it from a virtuous Muslim. There is no difference or superiority between buying it from an ascetic worshipper and buying it from a flagrantly sinful Jew. Nor is there any preference or superiority attaching to the animal slaughtered by a scrupulously pious scholar over that slaughtered by a flagrantly sinful, wicked person. So adhere uncritically to everyone who makes a statement on the face of the earth, even if they disagree, just as we eat the animals slaughtered by every butcher, whether a believer or a non-Muslim under Muslim protection. If he accepts this, he has departed from Islam and spared us the trouble of dealing with him. It necessarily follows that he must not adhere uncritically to one particular scholar to the exclusion of others, just as he does not adhere uncritically to one particular butcher to the exclusion of others. If he refuses this, he has invalidated his own argument from uncritical adherence to the butcher and others, and his obfuscation collapses.

But let the ignorant person know that our believing the butcher, the craftsman, and the seller of a commodity in his possession—the matter with which this obfuscator has stirred up controversy—is not uncritical adherence at all. We believe them only because the authoritative text commands us to believe them. The Companions of the Messenger of Allah ﷺ asked about this very matter, saying: "O Messenger of Allah, people who have only recently left unbelief bring slaughtered animals, and we do not know whether they pronounced the name of Allah, Exalted is He, over them." He ﷺ said: "Pronounce Allah's name yourselves and eat"—or words to that effect from him ﷺ. He, Exalted is He, also commanded the eating of the food of the People of the Book and the animals they slaughter. If, concerning uncritical adherence to one particular man, they bring us an authoritative text making adherence to him obligatory, or a consensus making adherence to him obligatory, we shall accept it and follow them. It would then no longer be uncritical adherence, because demonstration would by then have established the obligation to follow him.

Some of them argued by saying: "It is related from ʿUmar that he said, 'I would indeed be ashamed before Allah, Mighty and Majestic, to disagree with Abu Bakr.'"

ولكن ليعلم الجاهل أن هذا الذي شغب به هذا المموه من تصديقنا الجزار والصانع وبائع سلعة بيده: ليس تقليدا أصلا، وإنما صدقناهم لأن النص أمر بتصديقهم وقد سأل أصحاب رسول الله صلى الله عليه وسلم عن هذه بعينها فقالوا يا رسول الله إنه يأتي قوم حديثو عهد بالكفر بذبائح لا ندري أسموا الله تعالى عليها فقال صلى الله عليه وسلم سموا الله أنتم وكلوا أو كما قال صلى الله عليه وسلم وأمر تعالى بأكل طعام أهل الكتاب وذبائحهم فإن أتونا في تقليد رجل بعينه بنص على إيجاب تقليده أو بإجماع على إيجاب تقليده صرنا إليه واتبعناهم، ولم يكن ذلك تقليدا حينئذ، لأن البرهان كان يكون حينئذ قد قام على وجوب اتباعه. واحتج بعضهم بأن قال: روي عن عمر أنه قال: إني لأستحي من الله عز وجل أن أخالف أبي بكر. قال أبو محمد: وهذا يبطل من خمسة أوجه: أولها: أن هذا حديث مكذوب محذوف، لا يصح منفردا هذا اللفظ كما أوردوه، وإنما جاء بلفظ إذا حقق فهو حجة عليهم، وسنورده عند الفراغ بذكر حججهم، ثم الابتداء بالاحتجاج عليهم في هذا الباب إن شاء الله تعالى.

Abu Muhammed said: This is invalid on five grounds. The first is that this is a falsified, truncated report: this wording, taken in isolation as they have presented it, is not authentic. It has come down only in a wording which, when properly examined, constitutes an argument against them. We shall present it when we have finished mentioning their arguments and then begin adducing arguments against them on this subject, if Allah, Exalted is He, wills.[10]

L2492–2495 The second is that ‘Umar’s disagreement with Abu Bakr is too well known to be unknown to anyone with even the slightest knowledge of transmitted reports. Among these is his disagreement with him over taking the people of the apostasy captive. Abu Bakr took them captive, and Umar’s disagreement with him went so far that he overturned his ruling on this matter and returned the women to their families as free women, except those among them who had borne children to their masters. Among these women was Khawlah al-Hanafiyyah, the mother of Muhammed ibn Ali. He also disagreed with him over dividing conquered land: Abu Bakr favored dividing it, whereas Umar favored retaining it undivided, and he did not divide it. He also disagreed with him over granting unequal stipends: Abu Bakr favored equality, whereas Umar favored differentiation, and he granted unequal amounts. Among the most immediately relevant instances is what Abd Allah ibn Rabi narrated to us: Umar ibn Abd al-Malik narrated to us: Muhammed ibn Bakr narrated to us: Sulayman ibn al-Ashath narrated to us: Muhammed ibn Dawud ibn Sufyan and Salamah ibn Shabib narrated to us, both saying: Abd al-Razzaq narrated to us: Mamar narrated to us, from al-Zuhri, from Salim, from Ibn Umar, who said: Umar said, “If I do not appoint a successor, the Messenger of Allah, may Allah bless him and grant him peace ﷺ, did not appoint a successor; and if I appoint a successor, Abu Bakr did appoint a successor.” Ibn Umar said: “By Allah, as soon as he mentioned the Messenger of Allah, may Allah bless him and grant him peace ﷺ, and Abu Bakr, I knew that he would place no one on an equal footing with the Messenger of Allah, may Allah bless

والثاني: أن خلاف عمر لأبي بكر أشهر من أن يجهله من له أقل علم بالروايات، فمن ذلك خلافه إياه في سبي أهل الردة، سباهم أبو بكر، وبلغ الخلاف عن عمر له أن نقض حكمه في ذلك، وردهن حرائر إلى أهليهن إلا من ولدت لسيدها منهن، ومن جملتهن كانت خولة الحنفية أم محمد بن علي. وخالفه في قسمة الأرض المفتتحة، فكان أبو بكر يرى قسمتها، وكان عمر يرى إيقافها ولم يقسمها. وخالفه في المفاضلة أيضا في العطاء، فكان أبو بكر يرى التسوية، وكان عمر يرى المفاضلة وفاضل. ومن أقرب ذلك ما حدثناه عبد الله بن ربيع، ثنا عمر بن عبد الملك، ثنا محمد بن بكر، ثنا سليمان بن الأشعث، حدثنا محمد بن داود بن سفيان، وسلمة بن شبيب قالا: ثنا عبد الرزاق، ثنا معمر عن الزهري، عن سالم، عن ابن عمر قال قال عمر إني إن لا أستخلف فإن رسول الله صلى الله عليه وسلم لم يستخلف وإن استخلف فإن أبا بكر قد استخلف. قال ابن عمر فوالله ما هو إلا أن ذكر رسول الله صلى الله عليه وسلم وأبا بكر فعلمت أنه لا يعدل برسول الله صلى الله عليه وسلم أحدا وأنه غير مستخلف قال أبو محمد فهذا نص خلاف عمر لأبي بكر فيما ظن أنه فعل النبي صلى الله عليه وسلم وقد خالفه في فرض الجد وفي غير ذلك كثيرا بالأسانيد الصحاح، المبطلة لقول من قال: إنه كان لا يخالفه. والثالث: أن هذا لو صح كما أوردوه وموهوا به وهو لا يصح كذلك لكان غير موجب لتقليد مالك وأبي حنيفة، ولا يتمثل في عقل ذي عقل، إن في تقليد عمر لأبي بكر ما يوجب تقليد أهل زماننا لمالك وأبي حنيفة فبطل تمويههم بما ذكروا.

[10] **Translator’s note (L2491):** The source has the grammatically irregular «أبي بكر» after ‘disagree with’; the intended personal name is clear. ‘Falsified, truncated’ preserves both of the author’s descriptions, «مكذوب محذوف».

him and grant him peace ﷺ, and that he would not appoint a successor." Abu Muhammed said: This is an explicit statement of Umar's disagreement with Abu Bakr concerning what he believed to have been the Prophet's practice, may Allah bless him and grant him peace ﷺ. He also disagreed with him over the grandfather's prescribed inheritance share and over many other matters, as established through sound chains of transmission that invalidate the assertion of anyone who says that he did not disagree with him. Third: even if this were sound as they have presented it and used it to mislead—and it is not sound in that form—it would not entail uncritical imitation of Malik and Abu Hanifah. Nor can it be conceived in the mind of any rational person that Umar's uncritical imitation of Abu Bakr contains anything that requires the people of our time to imitate Malik and Abu Hanifah uncritically. Their misleading use of what they have mentioned is therefore invalid. Fourth: anyone who argues from what we have mentioned concerning Umar must be the most brazen and least bashful of people, because he has argued from something he himself contradicts and has sought support in something that refutes him, for he feels no shame over what Umar felt ashamed of. Those who argue in this way disagree with Abu Bakr and Umar in most of their statements. Earlier in our book we have mentioned the Malikis' disagreement with what they themselves transmitted in the Muwatta from Abu Bakr and Umar, making its repetition unnecessary. We explained that they transmitted six rulings from Abu Bakr and disagreed with him in five of them, and that they disagreed with Umar in approximately thirty rulings from among those they transmitted in the Muwatta alone.[11]

والرابع: أن المحتج بما ذكرنا عن عمر ينبغي أن يكون أوقح الناس، وأقلهم حياء، لأنه احتج بما يخالفه، وانتصر بما يبطله، لأنه لا يستحي مما استحى منه عمر، لأن المحتجين بهذا يخالفون أبا بكر وعمر في أكثر أقوالهم، وقد ذكرنا خلاف المالكيين لما رووا في الموطأ عن أبي بكر وعمر فيما خلا من كتابنا، فأغنى عن ترداده، وبينا أنهم رووا عن أبي بكر ست قضايا خالفوه منها من خمس، وخالفوا عمر في نحو ثلاثين قضية مما رووا في الموطأ فقط

L2496 Why, then, does this person advancing the argument not feel ashamed of what Umar felt ashamed of? He is obliged to imitate Abu Bakr and Umar uncritically; otherwise, he has admitted against himself that he has abandoned the truth, since he has abandoned Umar's statement while invoking that statement to establish uncritical imitation. Fifth: even if it were sound that Umar practiced uncritical imitation—and Allah has protected him from that—he and all the Companions who disagreed with him and rejected un-

فهلا استحيا هذا المحتج مما استحيا منه عمر ويلزمه أن يقلد أبا بكر وعمر، وإلا فقد أقر على نفسه بترك الحق، إذ ترك قول عمر، وهو يحتج بقوله في إثبات التقليد. والخامس: أنه لو صح أن عمر قلد وقد أعاذه الله من ذلك لكان هو وسائر من خالفه من الصحابة، وأبطلوا التقليد راجيا أن ترد أقوالهم إلى النص، فلأيها شهد النص أخذ به، والنص يشهد لقول من أبطل التقليد. واحتجوا بما حدثناه محمد بن سعيد، ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، ثنا الخشني، ثنا بندار، ثنا غندر، ثنا شعبة، عن جابر بن يزيد

[11] **Translator's note (L2495):** The phrase rendered "in five of them" contains an apparently redundant preposition in the supplied text.

critical imitation would be hoping that their statements would be referred back to the authoritative text. Whichever of them the text supported would then be adopted, and the text supports the statement of those who rejected uncritical imitation. They also argued from what Muhammed ibn Said narrated to us: Ahmad ibn Awn Allah narrated to us: Qasim ibn Asbagh narrated to us: al-Khushani narrated to us: Bundar narrated to us: Ghundar narrated to us: Shubah narrated to us, from Jabir ibn Yazid al-Jufi, from al-Shabi, that a statement by Ibn Masud concerning a question of prayer was mentioned to Jundab. Jundab said: "He is indeed a man whose statement I would not abandon for the statement of any other person." Through the same chain to al-Shabi, from Masruq, who said: "Six of the Prophet's Companions, may Allah bless him and grant him peace ﷺ, used to issue legal opinions to the people: Ibn Masud, Umar ibn al-Khattab, Ali, Zayd ibn Thabit, Ubayy ibn Kab, and Abu Musa al-Ashari. Three of them would abandon their own statements for the statements of three others: Abd Allah would abandon his statement for Umar's statement; Abu Musa would abandon his statement for Ali's statement; and Zayd would abandon his statement for Ubayy ibn Kab's statement."[12]

الجعفي، عن الشعبي، أن جندبا ذكر له قول في مسألة من الصلاة لابن مسعود، فقال جندب: إنه لرجل ما كنت لأدع قوله لقول أحد من الناس. وبه إلى الشعبي عن مسروق قال كان ستة من أصحاب النبي صلى الله عليه وسلم يفتون الناس ابن مسعود وعمر بن الخطاب وعلي، وزيد بن ثابت، وأبي بن كعب، وأبو موسى الأشعري، وكان ثلاثة منهم يدعون قولهم لقول ثلاثة: كان عبد الله يدع قوله لقول عمر، وكان أبو موسى يدع قوله لقول علي، وكان زيد يدع قوله لقول أبي بن كعب.

L2497–2499

Abu Muhammed said: This provides them with no proof, for several reasons. First: the transmitter of these two reports is Jabir al-Jufi, who is a liar, so invoking him as proof falls away. Second: the falsity of this last report is plain and manifest through something as conspicuous and soundly established as the sun: Ibn Masud's disagreement with Umar is too well known for one to trouble oneself to cite it, and Abu Musa's disagreement with Ali is likewise. Among the instances of his disagreement with him was his refusal to pledge allegiance to him or to attend his battles, and no disagreement is greater than this. Likewise, Zayd's disagreement with Ubayy concerning the Quranic readings, prescribed inheritance shares, and other matters is more widely known than anything else widely known. Thus Jabir's lying in this report of his has become clear. Third: even if all this were sound, it would

قال أبو محمد: وهذا لا حجة لهم فيه لوجوه: أحدها: أن راوي هذين الخبرين جابر الجعفي وهو كذاب، فسقط الاحتجاج به. والثاني: أنه كذب هذا الحديث الأخير بين ظاهر، بما هو في الشهرة والصحة كالشمس، وهو أن خلاف ابن مسعود لعمر أشهر من أن يتكلف إيراده، وخلاف أبي موسى لعلي كذلك، ومن جملة خلافه إياه امتناعه من بيعته ومن حضور مشاهده، وليس في الخلاف أعظم من هذا، وكذلك خلاف زيد لأبي في القراءات والفرائض وغير ذلك أشهر من كل مشتهر، فوضح كذب جابر في روايته هذه. والثالث: أنه لو صح كل هذا لكان عليهم لا لهم، لأن الذين كان هؤلاء المذكورون يقلدون بزعمهم، هم غير الذين يقلد هؤلاء المتأخرون اليوم، فلا حجة لمن قلد مالكا وأبا حنيفة والشافعي فيمن قلد عمر وعليا وأبيا، بل هو حجة عليهم لأنه إن كان تقليد هؤلاء حقا فتقليد مالك والشافعي وأبي حنيفة باطل، وإن كان تقليد من

[12] **Translator's note (L2496):** The supplied word rendered "would be hoping" is singular, although its apparent subject comprises Umar and the other Companions. The wording is grammatically awkward; the translation preserves its apparent sense.

count against them, not in their favor, because those whom the men mentioned supposedly imitated uncritically are different from those whom these later people imitate uncritically today. Thus those who imitate Malik, Abu Hanifah, and al-Shafii uncritically have no proof in the example of someone who imitated Umar, Ali, and Ubayy uncritically. Rather, it is proof against them, because if uncritical imitation of these men is right, then uncritical imitation of Malik, al-Shafii, and Abu Hanifah is invalid; and if uncritical imitation of those who came earlier is invalid, then uncritical imitation of those who came later is still more invalid. It is therefore an untenable impossibility that Ibn Masud should have imitated Umar or anyone else uncritically, given what al-Muhallab narrated to us, from Ibn Munas, from Ibn Masrur, from Yunus ibn Abd al-Ala, from Ibn Wahb, who said: I heard Sulayman narrating, from Asim ibn Bahdalah, from Zirr ibn Hubaysh, from Abd Allah ibn Masud, that he used to say: "Go forth in the morning as a scholar or a learner, and never go forth as a mindless follower." Ibn Wahb said: Sufyan related to me, from Abu al-Zara, from Abu al-Ahwas, from Ibn Masud: "The mindless follower among you is the one who loads his religion onto men."[13]

[13]**Translator's note (L2499):** "Loads his religion onto men" preserves the report's metaphor of entrusting one's religion to other men as though placing a load upon them.

تقدم باطلا فتقليد من تأخر أبطل، فمن المحال الباطل أن يقلد ابن مسعود عمر أو غيره مع ما حدثناه المهلب، عن ابن مناس، عن ابن مسرور، عن يونس بن عبد الأعلى، عن ابن وهب قال: سمعت سليمان يحدث عن عاصم بن بهدلة، عن زر بن حبيش، عن عبد الله بن مسعود، أنه كان يقول: اغد عالما أو متعلما ولا تغدون إمعة، قال ابن وهب: فذكر لي سفيان، عن أبي الزعراء، عن أبي الأحوص، عن ابن مسعود: إنه الإمعة فيكم الذي يحقب دينه الرجال.

L2500–2502 They also argued from the case of a blind man being directed toward the direction of prayer, and that of a passenger aboard a ship whom the sailors direct toward the direction of prayer and inform about the time. Abu Muhammed said: This provides them with no proof, because it belongs to the category of accepting a report, not to that of accepting a legal opinion concerning religion without evidence, nor to that of prohibiting something that had been permissible, imposing an obligation that had not been obligatory, or removing an obligation that had become obligatory. What they have mentioned is not uncritical imitation; it is merely the communication of information. People agree unanimously on accepting a single transmitter's report concerning many things, including gifts, the circumstances of bringing a husband in to his wife, and accepting the statement of a woman, whether a non-Muslim under Muslim protection or a Muslim, that she is free of menstruation, so that intercourse with her becomes permissible after having been prohibited by menstruation, as well as other matters. A blind man's acceptance of the report of someone informing him about the time and the direction of prayer, when he comes to believe him through it, is something whose validity has been established by evidence. Indeed, most of these matters produce necessary knowledge through one's natural constitution. It is therefore invalid to regard what they have mentioned as uncritical imitation. Some of them argued from the saying of Allah Most High: "And who is better in religion than one who submits his face to Allah, doing good, and follows the religious way of Abraham, inclining to the true faith, and he took Abraham as an intimate friend for Allah?" Abu Muhammed said: What brazen impudence this is! For something Allah commands is not uncritical imitation; rather, it is a necessary demonstration. Uncritical imitation consists only in following someone whom He, mighty and majestic, has not commanded us to follow. The uncritical imitation over which we disagree with them consists specifically in accepting the statement of a man below the Prophet, may Allah bless him and grant him peace ﷺ, whom our Lord has not commanded us to follow, without evidence establishing the soundness of his statement, but merely because so-and-so said it. This is what is invalid. Yet someone who does not fear Allah, mighty and majestic—someone whom the truth has overwhelmed, who has become unable to support falsehood,

واحتجوا أيضا بالأعمى يدل على القبلة وبالراكب في السفينة يدله الملاحون على القبلة، وعلى الوقت. قال أبو محمد: وهذا لا حجة لهم فيه، لأنه من باب قبول الخبر، لا من باب قبول الفتيا في الدين بلا دليل، ولا من باب تحريم أمر كان مباحا، أو إيجاب فرض لم يكن واجبا أو إسقاط فرض قد وجب، وهذا الذي ذكروا ليس تقليدا، وإنما هو إخبار، والناس مجمعون على قبول خبر الواحد في أشياء كثيرة منها الهدية، وحال إدخال الزوج على الزوجة، وقبول قول المرأة الذمية والمسلمة إنها طاهر فيستباح وطؤها بعد تحريمه بالحيض وغير ذلك، فقبول الأعمى لخبر المخبر له عن الوقت والقبلة إذ وقع به تصديقه أمر قد قام الدليل على صحته، بل أكثر هذه الأمور توجب العلم الضروري بالجبلة، وبطل أن يكون ما ذكروا تقليدا، واحتج بعضهم بقول الله تعالى: {ومن أحسن دينا ممن أسلم وجهه لله وهو محسن واتبع ملة إبراهيم حنيفا وتخذ لله إبراهيم خليلا} قال أبو محمد وهذا من القحة ما هوا! لأن الشيء الذي يأمر به الله ليس تقليدا، ولكنه برهان ضروري، والتقليد إنما هو اتباع من لم يأمرنا عز وجل باتباعه. وإنما التقليد الذي نخالفهم فيه أخذ قول رجل ممن دون النبي صلى الله عليه وسلم لم يأمرنا ربنا باتباعه بلا دليل يصحح قوله، لكن فلانا قاله فقط، فهذا هو الذي يبطل، ولكن من لا يتقي الله عز وجل ممن قد بهره الحق وعجز عن نصره الباطل، وأراد استدامة سوقه، ولا يبالي إلى ما أداه ذلك أوقع على اعتقاد الحق الذي قد ثبت برهانه اسم التقليد، فسمى الانقياد لخبر الواحد تقليدا وسمى الإجماع تقليدا وسمى اتباع النبي صلى الله عليه وسلم فيما أمر باتباعه من ملة إبراهيم عليه السلام تقليدا.

who wishes to keep his trade going, and who does not care where that leads him—applies to belief in the truth whose demonstration has been established the name "uncritical imitation." Thus he calls submission to a single transmitter's report uncritical imitation, calls consensus uncritical imitation, and calls following the Prophet, may Allah bless him and grant him peace ﷺ, in what he was commanded to follow of the religious way of Abraham, peace be upon him, uncritical imitation.[1][2][3]

فإن أرادوا منا تصحيح هذه المعاني فهي صحاح، لقيام النص بوجوبها، وإن أرادوا أن يتطرقوا بذلك إلى تقليد مالك والشافعي وأبي حنيفة فذلك حرام وباطل، وليس في اتباع ملة إبراهيم ما يوجب اتباع مالك وأبي حنيفة والشافعي، لأنهم غير إبراهيم المأمور باتباعه، ولم نؤمر قط باتباع هؤلاء المذكورين، وإنما هذا بمنزلة من سمى الخنزير كبشا، وسمى الكبش خنزيرا فليس ذلك مما يحل الخنزير ويحرم الكبش وكذلك إنما نحرم اتباع من دون النبي صلى الله عليه وسلم بغير دليل ونوجب اتباع ما قام الدليل على وجوب اتباعه، ولا نلتفت إلى من مزج الأسماء، فسمى الحق تقليدا، وسمى الباطل اتباعا، وقد بينا قبل وبعد أن الآفة العظيمة إنما دخلت على الناس وتمكن بهم أهل الشر والفسق والتخليط والسفسطة ولبسوا عليهم دينهم فمن قبل اشتراك الأسماء واشتباكها على المعاني الواقعة تحتها. ولذلك دعونا في كتبنا إلى تمييز المعاني، وتخصيصها بالأسماء المخلفة، فإن وجدنا في اللغة اسما مشتركا حققنا المعاني التي تقع تحته، وميزنا كل معنى منها بحدوده التي هي صفاته التي لا يشاركه فيها سائر المعاني، حتى يلوح البيان، فيهلك من هلك عن بينة، ويحيا من حي عن بينة، والله تعالى يلبس على من على الناس وبالله تعالى التوفيق. واحتجوا بما حدثنا محمد بن سعيد بن نبات، ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، ثنا الخشني، ثنا بندار، ثنا غندر ثنا شعبة، ثنا عمرو بن مرة، عن حصين، عن ابن أبي ليلى قال: حدثنا أصحابنا أنهم كانوا إذا صلوا مع النبي صلى الله عليه وسلم فدخل الرجل أشاروا إليه فقضى ما سبق به فكانوا من بين

L2503–2505 If they mean that we should affirm the validity of these meanings, they are valid, because the revealed text establishes their obligatory character. But if they mean to use this as a means of arriving at uncritical following of Malik, al-Shafi'i, and Abu Hanifah, that is forbidden and false. Following the religion of Abraham entails nothing that obliges one to follow Malik, Abu Hanifah, and al-Shafi'i, because they are other than Abraham, whom we have been commanded to follow. We have never been commanded to follow these men mentioned. This is merely like someone calling a pig a ram and calling a ram a pig: that does not make the pig lawful or the ram forbidden. Likewise, we only forbid following anyone other than the Prophet ﷺ without evidence, and require following that which evidence establishes must be followed. We pay no attention to someone who confounds names, calling truth 'uncritical following' and falsehood 'following.' We have explained before and after this that the great affliction befell people, and people of evil, disobedience, confusion, and sophistry gained power over them and obscured their religion for them, precisely through the ambiguity of names and their entanglement with the meanings falling under them. For this reason, in our books we have called for distinguishing meanings and assigning them distinct names.

[1] **Translator's note (L2500):** The Quranic quotation apparently refers to Quran 4:125, but its final clause is corrupt as supplied: it has a preposition before "Allah" and lacks the usual initial alif in the verb. The awkward rendering "and he took Abraham as an intimate friend for Allah" follows the supplied wording rather than silently replacing it with the standard text.

[2] **Translator's note (L2501):** The expression rendered "unable to support falsehood" is awkward as transcribed. This rendering reads the supplied form as an apparent spelling of the verbal noun meaning "support"; another possible reading would make falsehood the agent of supporting him.

[3] **Qur'an references (L2500):** Qur'an 4:125 (An-Nisa).

If we find an ambiguous name in the language, we ascertain the meanings falling under it and distinguish each meaning by its defining limits—that is, its attributes in which the other meanings do not share—until the clarification becomes manifest, so that whoever perishes may perish upon clear evidence, and whoever lives may live upon clear evidence. And Allah Most High confounds for whoever … upon people. Success comes through Allah Most High. They adduced as evidence what Muhammed ibn Sa'id ibn Nabat related to us: Ahmad ibn 'Awn Allah related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Bundar related to us: Ghundar related to us: Shu'bah related to us: 'Amr ibn Murrah related to us, from Husayn, from Ibn Abi Layla, who said: 'Our companions related to us that, when they prayed with the Prophet ﷺ and a man entered, they would signal to him, and he would make up what he had missed. Thus some would be standing, some bowing, some sitting, and some praying with the Messenger of Allah ﷺ, until Mu'adh came and said, "Whatever posture I find him in, I shall join him in it." The Messenger of Allah ﷺ then said, "Mu'adh has indeed instituted for you a practice, so do likewise."'[4]

قائم وراكع وقاعد ومصل مع رسول الله صلى الله عليه وسلم حتى جاء معاذ فقال لا أراه على حال إلا كنت معه فقال رسول الله صلى الله عليه وسلم إن معاذا قد سن لكم سنة فكذلك فافعلوا

L2506–2509 Abu Muhammed said: This is a report in which, as you see, Ibn Abi Layla did not identify who related it to him. Nor is there anything establishing that the pronoun in 'they used to' refers to those who related it to Ibn Abi Layla. Rather, it may refer to Companions other than those who related it to Ibn Abi Layla. Facts are not established through doubts. Even if this report were authentic, it would contain no evidence for their position, for two reasons. The first is that those whom they follow uncritically are other than Mu'adh; thus, even if uncritical following of Mu'adh were valid, that would be nothing but an invalidation of uncritical following of Malik, Abu Hanifah, and al-Shafi'i. The second is that Mu'adh's action became an established practice only insofar as the Messenger of Allah ﷺ commanded it, and at the time

قال أبو محمد: وهذا حديث كما ترى، لم يذكر ابن أبي ليلى من حدثه به، والضمير الذي في كانوا لا بيان فيه أنه راجع إلى المحدثين لابن أبي ليلى، بل لعله راجع إلى الصحابة غير المحدثين لابن أبي ليلى، ولا تؤخذ الحقائق بالشكوك. وحتى لو صح هذا الحديث لما كانت فيه حجة لوجهين: أحدهما: أن الذين يقلدونهم غير معاذ، فلو صح تقليد معاذ ما كان ذلك إلا مبطلا لتقليد مالك وأبي حنيفة والشافعي. والثاني: أن فعل معاذ لم يصر سنة إلا حيث أمر به رسول الله صلى الله عليه وسلم وحين أمر به لا بفعل معاذ ويكون حينئذ معنى أن معاذا سن سنة، أي فعل فعلا جعله الله لكم سنة، فإنما صار سنة حين أمر به عليه السلام فقط، مع أنه حديث مرسل لا يحتج به. وقد روينا عن معاذ ما يبطل ظن الظان في هذا الحديث، وما يبطل به التقليد، وهو ما حدثنا محمد بن سعيد النباتي، ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، ثنا محمد بن عبد السلام

[4] **Translator's note (L2503):** The supplied word al-mukhlifah, rendered 'distinct,' is an awkward reading in the phrase about assigning names; it appears to be a corruption of a word meaning 'different' or 'differentiating.' The sentence rendered 'And Allah Most High confounds for whoever … upon people' is grammatically incomplete in the supplied text. It appears to have lost a verb, perhaps conveying that Allah confounds whoever confounds matters for people; that conjecture has not been inserted into the translation.

he commanded it, not through Mu‘adh’s action. The meaning of ‘Mu‘adh instituted a practice’ would then be that he performed an action which Allah made an established practice for you. It therefore became an established practice only when he, peace be upon him, commanded it. Moreover, it is a report with a disconnected chain of transmission, which cannot serve as evidence. We have transmitted from Mu‘adh something that invalidates the supposition made by anyone concerning this report and that invalidates uncritical following. It is what Muhammed ibn Sa‘id al-Nabati related to us: Ahmad ibn ‘Awn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn ‘Abd al-Salam al-Khushani related to us: Muhammed ibn Bashshar, Bundar, related to us: Ghundar related to us: Shu‘bah related to us, saying: ‘Amr ibn Murrah informed me, saying: I heard ‘Abd Allah ibn Salimah say: Mu‘adh ibn Jabal said: ‘O Arabs, how will you deal with three things: worldly life that cuts your necks, a scholar’s lapse, and a hypocrite’s disputation using the Quran?’ They remained silent. Mu‘adh then said: ‘As for the scholar, if he is rightly guided, do not entrust your religion to him through uncritical following; and if he succumbs to temptation, do not cease being patient with him, for the believer—or he said, the Muslim—succumbs to temptation and then repents. As for the Quran, it has markers like the markers of a road, which are not hidden from anyone. Whatever you know of it, do not ask anyone about it; and whatever you do not know, leave it to the one who knows it. As for worldly life, whoever has had Allah place his sufficiency in his heart has succeeded; whoever has not, his worldly life will not benefit him.’ Abu Muhammed said: May Allah have mercy on Mu‘adh! He certainly proclaimed the truth openly, prohibited uncritical following in everything, commanded following the apparent meaning of the Quran and paying no heed to whoever disagrees concerning it, and commanded withholding judgment concerning what is obscure. This is precisely our position. Success comes through Allah Most High. It is astonishing that they adduce this report as evidence, and no one knows why. If by this they intend uncritical following of Mu‘adh and to establish that he used to institute established practices, it has been transmitted from him that he used to allow a Muslim to inherit from an unbeliever: let them follow him uncritically, then! Otherwise, they have made a game of their religion. If they adduce it

الخشني، ثنا محمد بن بشار بندار، ثنا غندر، ثنا شعبة قال: أنبأني عمرو بن مرة قال: سمعت عبد الله بن سليمة يقول: قال معاذ بن جبل: يا معشر العرب كيف تصنعون بثلاث: دنيا تقطع أعناقكم، وزلة عالم، وجدال المنافق بالقرآن؟ فسكتوا، فقال معاذ: أما العالم فإن اهتدى فلا تقلدوه دينكم، وإن افتتن فلا تقطعوا منه أناتكم، فإن المؤمن أو قال المسلم يفتتن ثم يتوب، وأما القرآن فإن له منارا كمنار الطريق لا يخفى على أحد، فما علمتم منه فلا تسألوا عنه أحدا، وما لم تعلموا فكلوه إلى عالمه، وأما الدنيا فمن جعل الله غناه في قلبه فقد أفلح، ومن لا فليست بنافعته دنياه. قال أبو محمد: رحم الله معاذا، لقد صدع بالحق، ونهى عن التقليد في كل شيء، وأمر باتباع ظاهر القرآن، وألا يبالي من خالف فيه، وأمر بالتوقف فيما أشكل. وهذا نص مذهبنا. وبالله تعالى التوفيق. ومن العجب احتجاجهم بهذا الخبر، ولا يدري أحد لماذا؟ فإن كانوا أرادوا بذلك تقليد معاذ، وأنه كان يسن السنن، فقد جاء عنه أنه كان يورث المسلم من الكافر فيقلدوه، وإلا فقد لعبوا بدينهم، وإن كانوا يحتجون به في إيجاب تقليد أبي حنيفة ومالك والشافعي، فهذا حمق ما سمع بأظرف منه وأين تقليد معاذ من تقليد هؤلاء واحتج بعضهم بقوله تعالى {محمد رسول الله ولذين معه أشداء على لكفار رحماء بينهم تراهم ركعا سجدا يبتغون فضلا من الله ورضوانا سيماهم في وجوههم من أثر لسجود ذلك مثلهم في لتوراة ومثلهم في لإنجيل كزرع أخرج شطأه فآزره فستغلظ فستوى على سوقه يعجب لزراع ليغيظ بهم لكفار وعد الله لذين آمنوا وعملوا لصالحات منهم مغفرة وأجرا عظيما} وبقوله تعالى {لقد رضي الله عن لمؤمنين إذ يبايعونك تحت لشجرة فعلم ما في قلوبهم فأنزل لسكينة عليهم وأثابهم فتحا قريبا} وبقوله تعالى {لا يستوي لقاعدون من لمؤمنين غير أولي لضرر ولمجاهدون في سبيل الله بأموالهم وأنفسهم

فضل الله لمجاهدين بأموالهم وأنفسهم على لقاعدين درجة وكلا وعد الله لحسنى وفضل الله لمجاهدين على لقاعدين أجرا عظيما}

as evidence that uncritical following of Abu Hanifah, Malik, and al-Shafi'i is obligatory, this is foolishness more ludicrous than any ever heard of. What connection is there between uncritical following of Mu'adh and uncritical following of these men? Some of them adduced as evidence His saying, Most High: 'Muhammed is the Messenger of Allah, and those who are with him are stern toward the unbelievers, merciful among themselves. You see them bowing and prostrating, seeking bounty from Allah and good pleasure. Their mark is on their faces from the trace of prostration. That is their likeness in the Torah, and their likeness in the Gospel is like a crop that puts forth its shoots, then strengthens them, then grows stout and stands upright upon its stalks, pleasing the sowers, so that through them He may enrage the unbelievers. Allah has promised those among them who believe and perform righteous deeds forgiveness and a tremendous reward.' And His saying, Most High: 'Allah was indeed pleased with the believers when they pledged allegiance to you beneath the tree. He knew what was in their hearts, so He sent down tranquility upon them and rewarded them with a near victory.' And His saying, Most High: 'Those believers who remain seated, other than those with a disability, are not equal to those who strive in the way of Allah with their wealth and their lives. Allah has favored those who strive with their wealth and their lives above those who remain seated by a degree. To each Allah has promised the finest reward, and Allah has favored those who strive above those who remain seated with a tremendous reward.'[5][6][7][8]

[5] **Translator's note (L2507):** The technical term mursal is rendered 'a report with a disconnected chain of transmission'; here the author's objection concerns the unidentified intermediaries in Ibn Abi Layla's account. The supplied anatـم, rendered 'being patient with him,' is awkward in this construction. The precise sense of the instruction is uncertain.

[6] **Translator's note (L2508):** The Quran quotation, continuing in the next unit, contains repeated transcriptional omissions of letters, especially initial alifs in the divine name and definite articles. These have been understood according to the otherwise recognizable words; they do not yield a distinct coherent English reading.

[7] **Translator's note (L2509):** The Quran quotations contain repeated transcriptional omissions of letters, especially initial alifs in the divine name and definite articles. The recognizable words have been translated accordingly.

[8] **Qur'an references (L2506):** Qur'an 48:29 (Al-Fath); Qur'an 48:18 (Al-Fath).

L2510–2512 And His saying, Mighty and Majestic: 'The first forerunners among the Emigrants and the Helpers, and those who followed them in excellence—Allah is pleased with them, and they are pleased with Him. He has prepared for them gardens beneath which rivers flow, abiding therein forever. That is the tremendous triumph.' They said: 'Anyone whom Allah Most High has praised has a statement farther from error and nearer to correctness.' They adduced as evidence his saying ﷺ: 'You must adhere to my established practice and the established practice of the rightly guided caliphs after me,' and what has been transmitted from him ﷺ in the report containing: 'Follow the example of the two after me, Abu Bakr and 'Umar.' They said: 'The Companions, may Allah be pleased with them, witnessed revelation, so they know best what they witnessed.' Some of them said: 'The statement of the caliphs among the Companions is a judgment, and their judgment must not be overturned.' They adduced as evidence His saying, Most High: 'O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome.' And what has been transmitted: 'My Companions are like the stars: whichever of them you follow, you will be rightly guided.' Abu Muhammed said: None of this contains any evidence for their position. Rather, the verses we have mentioned are evidence against them. As for His saying, Most High: 'Muhammed is the Messenger of Allah, and those who are with him are stern toward the unbelievers, merciful among themselves. You see them bowing and prostrating, seeking bounty from Allah and good pleasure. Their mark is on their faces from the trace of prostration. That is their likeness in the Torah, and their likeness in the Gospel is like a crop that puts forth its shoots, then strengthens them, then grows stout and stands upright upon its stalks, pleasing the sowers, so that through them He may enrage the unbelievers. Allah has promised those among them who believe and perform righteous deeds forgiveness and a tremendous reward'; and His saying: 'Allah was indeed pleased with the believers when they pledged allegiance to you beneath the tree. He knew what was in their hearts, so He sent down tranquility upon them and rewarded them with a near victory'; and His saying, Most High: 'Those believers who remain seated, other than those with a disability, are

وبقوله عز وجل {ولسابقون لأولون من لمهاجرين ولأنصار ولذين تبعوهم بإحسان رضي لله عنهم ورضوا عنه وأعد لهم جنات تجري تحتها لأنهار خالدين فيهآ أبدا ذلك لفوز لعظيم} فقالوا من أثنى الله تعالى عليه فقوله أبعد من الخطأ وأقرب من الصواب واحتجوا بقوله صلى الله عليه وسلم عليكم بسنتي وسنة الخلفاء الراشدين من بعدي وبما روي عنه صلى الله عليه وسلم من الحديث الذي فيه اقتدوا باللذين من بعدي أبي بكر وعمر وقالوا: إن الصحابة رضي الله عنهم شهدوا الوحي فهم أعلم بما شهدوا. وقال بعضهم: قول الخلفاء من الصحابة حكم، وحكمهم لا يجب أن ينقض واحتجوا بقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي الأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} وبما روى من أصحابي كالنجوم بأيهم اقتديتم اهتديتم قال أبو محمد كل هذا لا حجة لهم فيه بل الآيات التي ذكرنا حجة عليهم وأما قوله تعالى {محمد رسول لله ولذين معه أشدآء على لكفار رحمآء بينهم تراهم ركعا سجدا يبتغون فضلا من لله ورضوانا سيماهم في وجوههم من أثر لسجود ذلك مثلهم في لتوراة ومثلهم في لإنجيل كزرع أخرج شطأه فآزره فستغلظ فستوى على سوقه يعجب لزراع ليغيظ بهم لكفار وعد لله لذين آمنوا وعملوا لصالحات منهم مغفرة وأجرا عظيما} وقوله {لقد رضي لله عن لمؤمنين إذ يبايعونك تحت لشجرة فعلم ما في قلوبهم فأنزل لسكينة عليهم وأثابهم فتحا قريبا} وقوله تعالى {لا يستوي لقاعدون من لمؤمنين غير أولي لضرر ولمجاهدون في سبيل لله بأموالهم وأنفسهم فضل لله لمجاهدين بأموالهم وأنفسهم على لقاعدين درجة وكلا وعد لله لحسنى وفضل لله لمجاهدين على لقاعدين أجرا عظيما} وقوله تعالى {ولسابقون لأولون من لمهاجرين ولأنصار ولذين تبعوهم بإحسان رضي لله عنهم ورضوا عنه وأعد لهم جنات تجري تحتها لأنهار خالدين فيهآ أبدا ذلك لفوز لعظيم} فإنما هذا كله

not equal to those who strive in the way of Allah with their wealth and their lives. Allah has favored those who strive with their wealth and their lives above those who remain seated by a degree. To each Allah has promised the finest reward, and Allah has favored those who strive above those who remain seated with a tremendous reward'; and His saying, Most High: 'The first forerunners among the Emigrants and the Helpers, and those who followed them in excellence—Allah is pleased with them, and they are pleased with Him. He has prepared for them gardens beneath which rivers flow, abiding therein forever. That is the tremendous triumph'—it is only All of this is praise of them—may Allah's good pleasure be upon them. We have not disputed the praise of them, and to Allah belongs all praise. Indeed, we hold them in greater reverence and know their due rights better than these people who invoke this verse outside its proper applications. For we have abandoned the statements of the Companions only for the statement of Muhammed ﷺ, whose rights over them impose the same obligations as his rights over us, without any difference, and whom they were obliged to obey just as we are obliged to obey him, on precisely equal terms. They, however, have abandoned the statements of the Companions, whose excellence they supported with the evidence we have mentioned, for the statements of Abu Hanifah, Malik, and al-Shafi'i.[9][10][11]

L2513–2514 We have only said that the obligation to praise them does not entail an obligation to follow them uncritically, since the Messenger of Allah ﷺ mentioned that Abu Bakr and 'Umar, who were the best of their men after the Messenger of Allah ﷺ, had erred. Thus Hammam ibn Ahmad related to us: 'Abd Allah ibn Ibrahim related to us: Abu Zayd al-Marwazi related to us:

ثناء عليهم رضوان الله عليهم، ولم ننازع في الثناء عليهم ولله الحمد، بل نحن أشد توقيرا لهم، وأعلم بحقوقهم من هؤلاء المحتجين بهذه الآية في غير مواضعها. لأننا نحن إنما تركنا أقوال الصحابة لقول محمد صلى الله عليه وسلم الذي يجب من حقه صلى الله عليه وسلم عليهم كالذي يجب من حقه علينا ولا فرق والذي ألزموا طاعته كما ألزمناها سواء بسواء، وهم إنما تركوا أقوال الصحابة الذين احتجوا في فضلهم بما ذكرنا، لقول أبي حنيفة ومالك والشافعي.

وإنما قلنا نحن: ليس وجوب الثناء عليهم بموجب أن يقلدوا إذ قد ذكر رسول الله صلى الله عليه وسلم أن أبا بكر وعمر اللذين هما أفضل رجالهم بعد رسول الله صلى الله عليه وسلم قد أخطأ كما حدثنا حمام بن أحمد ثنا عبد الله بن إبراهيم، نا أبو زيد المروزي، نا الفربري، نا البخاري، نا إبراهيم بن موسى، نا هشام بن يوسف، أن ابن جريج أخبرهم، عن ابن أبي مليكة، أن عبد الله بن الزبير أخبرهم أنه قدم ركب من بني تميم عن النبي صلى الله عليه وسلم فقال أبو بكر أمر القعقاع بن معبد بن زرارة، قال عمر: بل أمر الأقرع بن حابس. فقال أبو بكر: ما أردت إلا خلافي، قال عمر: ما أردت خلافك، فتماريا حتى ارتفعت أصواتهما فنزل في ذلك {يأيها لذين آمنوا لا

[9] **Translator's note (L2510):** The Quran quotations contain repeated transcriptional omissions of letters, especially initial alifs in the divine name and definite articles. The recognizable words have been translated accordingly. The supplied argument says literally 'nearer from correctness,' using an awkward preposition. It has been rendered 'nearer to correctness,' while retaining the stated comparative argument.

[10] **Translator's note (L2511):** The Quran quotations contain repeated transcriptional omissions of letters, especially initial alifs in the divine name and definite articles. The recognizable words have been translated accordingly.

[11] **Qur'an references (L2510):** Qur'an 9:100 (At-Tawbah); Qur'an 4:59 (An-Nisa); Qur'an 48:29 (Al-Fath); Qur'an 48:18 (Al-Fath).

al-Firabri related to us: al-Bukhari related to us: Ibrahim ibn Musa related to us: Hisham ibn Yusuf related to us that Ibn Jurayj informed them, on the authority of Ibn Abi Mulaykah, that ʻAbd Allah ibn al-Zubayr informed them that a mounted party from Banu Tamim arrived from the Prophet ﷺ. Abu Bakr said, "Appoint al-Qaʻqaʻ ibn Maʻbad ibn Zurarah as commander." ʻUmar said, "Rather, appoint al-Aqraʻ ibn Habis as commander." Abu Bakr said, "You intended only to oppose me." ʻUmar said, "I did not intend to oppose you." They disputed until their voices rose, whereupon the following was revealed concerning this: "O you who believe, do not raise your voices above the voice of the Prophet, nor speak loudly to him as you speak loudly to one another, lest your deeds come to nothing while you are unaware"—until it ended, meaning the verse. Al-Bukhari said: Muhammed ibn Muqatil related to us: Waki' related to us, on the authority of Nafi' ibn ʻUmar, on the authority of Ibn Abi Mulaykah, who said: Ibn al-Zubayr said, "Thereafter, whenever ʻUmar spoke to the Prophet ﷺ about something, he spoke to him like someone whispering confidentially; he could not hear him until he asked him to clarify." Al-Bukhari said: Busrah ibn Safwan ibn Jamil related to us: Nafi' ibn ʻUmar related to us, on the authority of Ibn Abi Mulaykah, who said: Ibn al-Zubayr said, "Thereafter, whenever ʻUmar spoke to the Prophet ﷺ about something, he spoke to him like someone whispering confidentially; he could not hear him until he asked him to clarify." Al-Bukhari said: Busrah ibn Safwan ibn Jamil related to us: Nafi' ibn ʻUmar related to us, on the authority of Ibn Abi Mulaykah, who said, "The two excellent men, Abu Bakr and ʻUmar, almost perished: they raised their voices in the presence of the Messenger of Allah ﷺ." Likewise, ʻAbd Allah ibn Rabi' related to us, on the authority of Muhammed ibn Ishaq ibn al-Salim, on the authority of Ibn al-Aʻrabi, on the authority of Abu Dawud, who said: Muhammed ibn Yahya ibn Faris related to us: ʻAbd al-Razzaq related to us—I copied it from his book—who said: Maʻmar informed us, on the authority of al-Zuhri, on the authority of ʻAbd Allah ibn ʻAbd Allah ibn ʻUtbah ibn Masʻud, on the authority of Ibn ʻAbbas, who said: Abu Hurayrah used to relate that a man came to the Prophet ﷺ and said, "I saw a dream last night." Abu Bakr interpreted it,

ترفعوا أصواتكم فوق صوت النبي ولا تجهروا له بالقول كجهر بعضكم لبعض أن تحبط أعمالكم وأنتم لا تشعرون} حتى انقضت، يعني الآية. قال البخاري: ثنا محمد بن مقاتل، ثنا وكيع، عن نافع بن عمر، عن ابن أبي مليكة قال: قال ابن الزبير فكان عمر بعد إذ حدث النبي صلى الله عليه وسلم بحديث حدثه كأخي السرار لم يسمعه حتى يستفهمه قال البخاري نا بسرة بن صفوان بن جميل، نا نافع بن عمر، عن ابن أبي مليكة قال: قال ابن الزبير فكان عمر بعد إذا حدث النبي صلى الله عليه وسلم بحديث حدثه كأخي السرار لم يسمعه حتى يستفهمه قال البخاري نا بسرة بن صفوان بن جميل، نا نافع بن عمر، عن ابن أبي مليكة قال: كاد الخيران يهلكان: أبو بكر وعمر رفعا أصواتهما عند رسول الله صلى الله عليه وسلم وكما حدثنا عبد الله بن ربيع عن محمد بن إسحاق بن السليم، عن ابن الأعرابي، عن أبي داود، وقال: نا محمد بن يحيى بن فارس، نا عبد الرزاق كتبته من كتابه قال: أنا معمر، عن الزهري، عن عبد الله بن عبد الله بن عتبة بن مسعود عن ابن عباس قال كان أبو هريرة يحدث أن رجلا أتى النبي صلى الله عليه وسلم فقال إني رأيت الليلة رؤيا فعبر لها أبو بكر فقال النبي صلى الله عليه وسلم أصبت بعضا وأخطأت بعضا

and the Prophet ﷺ said, “You were right about some of it and wrong about some of it.”[12][13][14]

L2515 He said, “I swear, O Messenger of Allah—may my father be your ransom—that you must tell me what I got wrong.” The Prophet ﷺ said, “Do not swear.”

L2516–2519 Abu Muhammed said: When someone has erred, it is impermissible to accept his statement without a demonstration establishing its correctness. As for the Prophet ﷺ, if something proceeded from him, by way of intending to convey information, that did not accord with the will of his Lord Most High, He Most High would not leave him to persist in it without making it clear to him. As for Abu Bakr—may Allah be pleased with him—he sought to have the Prophet ﷺ explain to him the nature of his error in what he had interpreted, but he ﷺ did not do so. As for their reliance on what is reported from him ﷺ, namely his statement to Abu Bakr and ‘Umar, “Were it not for your disagreement before me, I would not have disagreed with you,” the first point is that this report is not authentic. Even if it were authentic, it would be evidence invalidating uncritical adherence to the two of them, because the circumstance present in the two of them prevented the Messenger of Allah ﷺ from adopting their opinion in worldly affairs. We are therefore obliged to follow him ﷺ and not to adopt their statements in matters of the revealed law. This is clear. As for his statement ﷺ, “Adhere to my practice and the practice of the rightly guided caliphs,” we know that he ﷺ does not command what cannot be done. We have found that the rightly guided caliphs after him ﷺ disagreed vehemently. There must therefore be one of three possibilities, with no fourth. Either we adopt everything about which they disagreed, which is impossible and cannot be done, since it includes a thing

فقال أقسمت يا رسول الله بأبي أنت لتحدثني بالذي أخطأت فيه فقال النبي صلى الله عليه وسلم لا تقسم

قال أبو محمد فمن أخطأ فغير جائز أن يؤخذ قوله بغير برهان يصححه والنبي صلى الله عليه وسلم إذا كان منه على طريق إرادة الخبر ما لا يوافق إرادة ربه تعالى، لم يقره تعالى على ذلك حتى يبين له، وأما أبو بكر رضي الله عنه فقد رام من النبي صلى الله عليه وسلم أن يبين له وجه خطئه فيما عبر فلم يفعل صلى الله عليه وسلم وأما ما تعلقوا به بما روي عنه صلى الله عليه وسلم من قوله لأبي بكر وعمر لولا اختلافكما علي ما خالفتكما فأول ذلك أن هذا خبر لا يصح، ولو صح لكان حجة في إبطال تقليدهما لأن الأمر الموجود فيهما منع رسول الله صلى الله عليه وسلم من الأخذ برأيهما في أمور الدنيا ففرض علينا اتباعه صلى الله عليه وسلم وألا نأخذ بقولهما في أمور الشريعة وهذا بين وأما قوله صلى الله عليه وسلم عليكم بسنتي وسنة الخلفاء الراشدين فقد علمنا أنه صلى الله عليه وسلم لا يأمر بما لا يقدر عليه ووجدنا الخلفاء الراشدين بعده صلى الله عليه وسلم قد اختلفوا اختلافا شديدا فلا بد من أحد ثلاثة أوجه لا رابع لها: إما أن نأخذ بكل ما اختلفوا فيه، وهذا ما لا سبيل إليه، ولا يقدر عليه، إذ فيه الشيء وضده ولا سبيل إلى أن يورث أحد الجد دون الإخوة بقول أبي بكر وعائشة، ويورثه الثلث فقط، وباقي ذلك للإخوة على قول عمر، ويورثه السدس وباقيه للإخوة على مذهب علي. وهكذا في كل ما اختلفوا فيه، فبطل هذا الوجه، لأنه ليس في استطاعة الناس أن يفعلوه فهذا وجه. أو يكون مباحا لنا بأن نأخذ بأي ذلك شيئا، وهذا خروج عن الإسلام، لأنه يوجب أن يكون دين الله تعالى موكولا إلى اختيارنا،

[12] **Translator’s note (L2513):** The supplied text says that the party arrived “from the Prophet” (عن النبي), an awkward reading in this context. It has been retained rather than silently changed to “to the Prophet.”

[13] **Translator’s note (L2514):** The repeated report about ‘Umar speaking softly is present twice in the supplied text and has been retained. The transmitter’s name is supplied as Busrah ibn Safwan ibn Jamil. This appears to be an error for Bishr ibn Safwan ibn Jamil; the supplied form has been retained.

[14] **Qur’an references (L2513):** Qur’an 49:2 (Al-Hujurat).

and its opposite. There is no way for someone to grant the grandfather the inheritance to the exclusion of the siblings, in accordance with the statement of Abu Bakr and ‘A’ishah, and grant him only one-third, with the remainder going to the siblings, in accordance with the statement of ‘Umar, and grant him one-sixth, with the remainder going to the siblings, in accordance with the position of ‘Ali. The same applies to everything about which they disagreed. This possibility is thus invalid, because it is beyond people’s ability to do it. That is one possibility. Or we are permitted to adopt whichever of these positions we choose. This is a departure from Islam, because it entails that the religion of Allah Most High is entrusted to our choice: each of us would prohibit whatever he wishes and permit whatever he wishes, and one of us would prohibit what another permits. And the statement of Allah Most High, “Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah’s has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter—and what is sacrificed on sacrificial stones, and that you seek allotments by divining arrows. That is wickedness. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful”; and His statement Most High, “Divorce is twice; then retention on equitable terms or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they will not uphold Allah’s limits. If you fear that the two will not uphold Allah’s limits, there is no blame upon either of them concerning that with which she ransoms herself. Those are Allah’s limits, so do not transgress them. Whoever transgresses Allah’s limits—it is they who are the wrongdoers”; and His statement Most High, “Obey Allah and His Messenger, and do not dispute, lest you lose heart and your strength depart. Be patient; Allah is with the patient”—invalidate this corrupt possibility and entail that whatever was forbidden then remains forbidden until the Day of Resurrection, whatever was obligatory then remains obligatory until the Day

فيحرم كل واحد منا ما يشاء، ويحل ما يشاء، ويحرم أحدنا ما يحله الآخر وقول الله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وقوله تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافآ ألا يقيما حدود لله فإن خفتم ألا يقيما حدود لله فلا جناح عليهما فيما فتدت به تلك حدود لله فلا تعتدوها ومن يتعد حدود لله فأولئك هم لظالمون} وقوله تعالى {وأطيعوا لله ورسوله ولا تنازعوا فتفشلوا وتذهب ريحكم وصبروا إن لله مع لصابرين} يبطل هذا الوجه الفاسد ويوجب أن ما كان حراما حينئذ فهو حرام إلى يوم القيامة، وما كان واجبا يومئذ فهو واجب إلى يوم القيامة، وما كان حلالا يومئذ فهو حلال إلى يوم القيامة.

of Resurrection, and whatever was lawful then remains lawful until the Day of Resurrection.[15][16]

L2520–2522 Moreover, if this were so, then whenever we adopted the opinion of one of them, we would necessarily have abandoned the opinion of another of them. We would therefore not be following their established practices, and we would have fallen into contravention of the aforementioned report—as would they, whether they liked it or not. This has indeed reminded us of a mufti we had in al-Andalus who was ignorant. His habit was to have two men precede him, upon whom the giving of legal opinions depended at that time, and he would write beneath their legal opinions, "I say what the two shaykhs have said." It happened that those two shaykhs disagreed. When he wrote beneath their legal opinions what we have mentioned, someone present said to him, "The two shaykhs have disagreed." He replied, "And I disagree in accordance with their disagreement."

Abu Muhammed said: Since these two interpretations have been invalidated, only the third interpretation remains: adopting that upon which they reached consensus. This can only concern matters upon which all the other Companions, may Allah be pleased with them, reached consensus together with them, and their following the established practices of the Prophet ﷺ and affirming them. Moreover, when the Messenger ﷺ commanded following the established practices of the rightly guided caliphs, this necessarily admits of only one of two interpretations. Either he ﷺ permitted them to institute established practices other than his own—and this is something no Muslim would say. Whoever permits this has disbelieved and apostatized, and his blood and property have become lawful to take. For everything in religion is either obligatory or nonobligatory, and either forbidden or lawful; there is absolutely no category in religion outside these categories. Whoever permits the rightly guided caliphs to have an established practice that the Messenger

وأيضا فلو كان هذا لكنا إذا أخذنا بقول الواحد منهم فقد تركنا قول الآخر منهم، ولا بد من ذلك فلسنا حينئذ متبعين لسنتهم، فقد حصلنا في خلاف الحديث المذكور، وحصلوا فيه شاؤوا أو أبوا. ولقد أذكرنا هذ مفتيا كان عندنا بالأندلس وكان جاهلا، فكانت عادته أن يتقدمه رجلان، كان مدار الفتيا عليهما في ذلك الوقت، فكان يكتب تحت فتياهما: أقول بما قاله الشيخان، فقضى أن ذينك الشيخين اختلفا، فلما كتب تحت فتياهما ما ذكرنا، قال له بعض من حضر: إن الشيخين اختلفنا؟ فقال: وأنا أختلف باختلافهما. قال أبو محمد: فإذ قد بطل هذان الوجهان فلم يبق إلا الوجه الثالث، وهو أخذ ما أجمعوا عليه، وليس ذلك إلا فيما أجمع عليه سائر الصحابة رضوان الله عليهم معهم وفي تتبعهم سنن النبي صلى الله عليه وسلم والقول بها وأيضا فإن الرسول صلى الله عليه وسلم إذا أمر باتباع سنن الخلفاء الراشدين لا يخلو ضرورة من أحد وجهين إما أن يكون صلى الله عليه وسلم أباح أن يسنوا سننا غير سننه فهذا ما لا يقوله مسلم، ومن أجاز هذا فقد كفر وارتد وحل دمه وماله لأن الدين كله إما واجب أو غير واجب، وإما حرام وإما حلال، لا قسم في الديانة غير هذه الأقسام أصلا، فمن أباح أن يكون للخلفاء الراشدين سنة لم يسنها رسول الله صلى الله عليه وسلم فقد أباح أن يحرموا شيئا كان حلالا على عهده صلى الله عليه وسلم إلى أن مات أو أن يحلوا شيئا حرمه رسول الله صلى الله عليه وسلم أو أن يوجبوا فريضة لم يوجبها رسول الله صلى الله عليه وسلم أو أن يسقطوا فريضة فرضها رسول الله صلى الله عليه وسلم ولم يسقطها إلى أن مات وكل هذه الوجوه من جوز منها شيئا فهو كافر مشرك بإجماع الأمة كلها بلا خلاف، وبالله تعالى التوفيق، فهذا الوجه قد بطل ولله الحمد. وأما أن يكون أمر باتباعهم في اقتدائهم بسنته صلى الله عليه وسلم فهكذا نقول ليس

[15] **Translator's note (L2516):** The supplied reading إرادة الخبر means "intending to convey information." In context it may be a transcription error for إرادة الخير, "intending good," but the supplied reading has been translated. The prayer for Abu Bakr begins here and continues in the next unit.

[16] **Qur'an references (L2516):** Qur'an 5:3 (Al-Ma'idah); Qur'an 2:229 (Al-Baqarah); Qur'an 8:46 (Al-Anfal).

of Allah ﷺ did not institute has thereby permitted them to forbid something that remained lawful during his ﷺ lifetime until he died, or to make lawful something that the Messenger of Allah ﷺ forbade, or to impose an obligation that the Messenger of Allah ﷺ did not impose, or to abolish an obligation imposed by the Messenger of Allah, may Allah bless him and grant him peace, and did not abolish before he died. Anyone who permits any of these possibilities is an unbeliever and a polytheist, by the consensus of the entire community, without disagreement. Success comes through Allah Most High. This interpretation has therefore been invalidated, and praise belongs to Allah. Or else he commanded following them in their emulation of his ﷺ established practice. This is precisely what we say: this report admits of absolutely no interpretation other than this. Some of them said, "We follow them only in matters concerning which there is no established prophetic practice." Abu Muhammed said: And since nothing remains except this, their contentious objection has collapsed. There is nothing in the world concerning which there is not an explicitly stated prophetic practice. We have explained this in the chapter on the invalidation of analogy in this book of ours. Success comes through Allah Most High.[17][18]

يحتمل هذا الحديث وجها غير هذا أصلا. وقال بعضهم: إنما نتبعهم فيما لا سنة فيه. قال أبو محمد: وإذ لم يبق إلا هذا فقد سقط شغبهم، وليس في العالم شيء إلا وفيه سنة منصوصة، وقد بينا هذا في باب إبطال القياس من كتابنا هذا، وبالله تعالى التوفيق.

L2523 They argued on the basis of what Abd Allah ibn Rabi informed us of, saying: Muhammed ibn Muawiyah related to us; Ahmad ibn Shuayb related to us; Muhammed ibn Bashshar informed us; Abu Umar related to us; Sufyan—that is, al-Thawri—related to us, from al-Shaybani—that is, Abu Ishaq—from al-Shabi, from Shurayh, that he wrote to Umar asking him, and Umar wrote to him: "Judge according to what is in the Book of Allah. If it is not in the Book of Allah, then according to the established practice of the Messenger of Allah ﷺ. If it is neither in the Book of Allah nor in the established practice of the Messenger of Allah ﷺ, then judge according to what the righteous

واحتجوا بما أخبرناه عبد الله بن ربيع قال: نا محمد بن معاوية، نا أحمد بن شعيب، أنا محمد بن بشار، نا أبو عمر، نا سفيان هو الثوري عن الشيباني هو أبو إسحاق عن الشعبي، عن شريح أنه كتب إلى عمر يسأله فكتب إليه: أن اقض بما في كتاب الله فإن لم يكن في كتاب الله فبسنة رسول الله صلى الله عليه وسلم فإن لم يكن في كتاب الله ولا في سنة رسول الله صلى الله عليه وسلم فاقض بما قضى به الصالحون فإن لم يكن في كتاب الله ولا سنة رسول الله صلى الله عليه وسلم ولم يقض فيه الصالحون فإن شئت فتقدم وإن شئت فتأخر، ولا أرى التأخر إلا خيرا لك، والسلام عليكم. قال أبو محمد: وهذا عليهم لا لهم، لأن عمر لم يقل بما قضى به بعض الصالحين وإنما قال: ما قضى به الصالحون فهذا هو إجماع جميع الصالحين، وفي هذا الحديث إباحة عمر ترك الحكم بالقياس واختياره لذلك.

[17] **Translator's note (L2520):** The transcription has هذ for هذا, "this," and اختلفنا, literally "we disagreed," where the context of the quoted objection indicates "the two shaykhs disagreed." The translation follows that contextual reading while recording the textual discrepancy. The final salutation is incomplete in this unit; its remaining words occur at the beginning of the next unit.

[18] **Translator's note (L2521):** The opening words complete the salutation begun in the preceding unit. The final clause continues in the next unit.

have adjudicated. If it is neither in the Book of Allah nor in the established practice of the Messenger of Allah ﷺ, and the righteous have not adjudicated it, then proceed if you wish, and hold back if you wish. I consider holding back to be nothing but better for you. Peace be upon you."

Abu Muhammed said: This is evidence against them, not for them, because Umar did not say, "According to what some of the righteous have adjudicated"; he said only, "What the righteous have adjudicated." This, then, is the consensus of all the righteous. This report also contains Umar's permission to refrain from judging by analogy, and his preference for doing so.

L2524–2529 They should be told, concerning their appeal to the transmitted command to adhere to the established practice of the rightly guided, divinely guided caliphs: This is evidence against you, because the established practice of all the rightly guided, divinely guided caliphs, without disagreement among them, was that they should follow no one's authority without evidence, that none of them should follow another's authority without evidence, and that they should seek out the established practices of the Messenger of Allah ﷺ wherever they could find them, turn to them, and act upon them. Umar, may Allah be pleased with him, expressed the strongest disapproval of a man who asked him about a question concerning pilgrimage. After he had given him a legal opinion, the man said to him, "This is how the Messenger of Allah ﷺ gave me a legal opinion." Umar struck him with his whip and said to him, "You asked me about something on which the Messenger of Allah ﷺ had already given a legal opinion, so that I might perhaps contradict him!" We have transmitted this through Abd al-Razzaq. Umar, may Allah be pleased with him, said, "Opinion on our part is the imposition of a burden, whereas opinion on the part of the Prophet ﷺ was truth."

Abu Muhammed said: Whoever would follow them should therefore follow them in this matter on which they agreed: abandoning adherence to authority without evidence; in that upon which they reached consensus: following the established practices of the Prophet ﷺ; and in what they prohibited of strained effort. By doing so, he will accord with the truth, the words of Allah Most High, and the words of His Messenger ﷺ. These caliphs were opposed by people of their own time: Zayd, Ali, and others disagreed with

ويقال لهم في احتجاجهم بما روي من الأمر بإلتزام سنة الخلفاء الراشدين المهديين هذا حجة عليكم، لأن سنة الخلفاء الراشدين المهديين كلهم بلا خلاف منهم ألا يقلدوا أحدا، وألا يقلد بعضهم بعضا وأن يطلبوا سنن رسول الله صلى الله عليه وسلم حيث وجدوها فينصرفوا إليها ويعملوا بها، وقد أنكر عمر رضي الله عنه أشد الإنكار على رجل سأله عن مسألة في الحج، فلما أفتاه قال له الرجل هكذا أفتاني رسول الله صلى الله عليه وسلم فضربه عمر بالدرة وقال له سألتني عن شيء قد أفتى فيه رسول الله صلى الله عليه وسلم لعلي أخالفه رويناه من طريق عبد الرزاق وقال عمر رضي الله عنه: إن الرأي منا هو التكليف وإن الرأي من النبي صلى الله عليه وسلم كان حقا قال أبو محمد فمن كان متبعا لهم فليتبعهم في هذا الذي اتفقوا فيه من ترك التقليد وفيما أجمعوا عليه من اتباع سنن النبي صلى الله عليه وسلم وفيما نهوا عنه من التكلف فإنه يوافق بذلك الحق وقول الله تعالى وقول رسوله صلى الله عليه وسلم وهؤلاء الخلفاء قد خالفهم من في عصرهم فقد خالف عمر زيد وعلي وغيرهما وخالف عثمان وعمر، وخالف عمر أبا بكر في قضايا كثيرة، فما منهم أحد قال لمن خالفه: لم خالفتني وأنا إمام؟ فلو كان تقليدهم واجبا لما تركوا أحدا يعمل بغير الواجب وأما تمويه من احتج بقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء

Umar; Uthman and Umar disagreed; and Umar disagreed with Abu Bakr in many cases. None of them said to anyone who disagreed with him, "Why have you disagreed with me when I am an imam?" Had following their authority without evidence been obligatory, they would not have allowed anyone to act otherwise than as required.

As for the obfuscation of those who appeal to His words, Most High, "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome," this verse invalidates adherence to authority without evidence with an invalidation in which there is no obscurity at all. It is the strongest evidence against them, because He Most High commanded obedience to them only in what they transmitted to us from the Messenger of Allah ﷺ, and in nothing else. If they say, "Rather, in what they stated through their independent legal reasoning," we say: We have already invalidated this supposition. Moreover, even if that were conceded, such obedience would be obligatory only with respect to all of them, not some of them, because Allah, Mighty and Majestic, did not say, "And some of those vested with authority among you." He commanded us only to follow those vested with authority among us, who are all the people of knowledge. Thus, when they reach consensus on some matter, there is no disagreement that following them is obligatory. He Most High explained this in the verse itself and did not leave us in uncertainty. He Most High said, "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome." Thus, in the event of dispute, He Most High removed referral to those vested with authority and required referral to the Quran and the established prophetic practice alone. He commanded obedience to those vested with authority among us only so long as there is no dispute. This is our position, and praise belongs to Allah.

As for the report, "Muadh has instituted an established practice for you," we have said that it is a report whose chain of transmission is not sound. Even if it were sound, they would have no evidence in it, because joining the

فردوه إلى الله ولرسول إن كنتم تؤمنون بالله وليوم لآخر ذلك خير وأحسن تأويلا} فهذه الآية مبطلة للتقليد إبطالا لا خفاء به، وهي أعظم الحجج عليهم، لأنه تعالى إنما أمر بطاعتهم فيما نقلوه إلينا عن رسول الله صلى الله عليه وسلم لا في غير ذلك وإن قالوا بل فيما قالوه باجتهادهم، قلنا: قد سلف منا إبطال هذا الظن، ثم لو سلم ذلك لما وجب ذلك إلا في جميعهم، لا في بعضهم، لأن الله عز وجل لم يقل وبعض أولي الأمر منكم، وإنما أمرنا باتباع أولي الأمر منا، وهم أهل العلم كلهم فإذا أجمعوا على أمر ما فلا خلاف في وجوب اتباعهم، وقد بين تعالى ذلك في الآية نفسها ولم يدعنا في لبس فقال تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} فأسقط تعالى عند التنازع الرد إلى أولي الأمر، وأوجب الرد إلى القرآن والسنة فقط، وإنما أمر بطاعة أولي الأمر منا ما لم يكن تنازع وهذا هو قولنا، ولله الحمد. وأما الرواية: إن معاذا سن لكم فقد قلنا: إنه حديث لا يصح سنده، ولو صح لما كانت لهم فيه حجة، لأن الدخول مع الإمام كيد وجد ليس من قبل أن معاذا فعله لكن من قبل أن النبي صلى الله عليه وسلم صوبه وأمر به فقوله صلى الله عليه وسلم ما أدركتم فصلوا وما فاتكم فأتموا وإلا فقد فعل معاذ في تطويل الصلاة أمرا غضب منه صلى الله عليه وسلم ونهاه عن العودة فلو كان ما فعل معاذ سنة لكان تطويله الصلاة إذ أم الناس سنة، وهذا خطأ، فصح أنه ليس فعل معاذ ولا غيره سنة إلا حتى يأمر بها النبي صلى الله عليه وسلم ويصححها وهذا قولنا لا قولهم وأما الرواية: اقتدوا باللذين من بعدي فحديث لا يصح، لأنه مروي عن مولى لربعي مجهول وعن المفضل الضبي وليس بحجة، كما حدثنا أحمد بن محمد بن الجسور، نا أحمد بن الفضل الدينوري، نا محمد بن جبير، نا عبد الرحمن بن الأسود الطفاوي،

imam as he is found is prescribed not because Muadh did it, but because the Prophet ﷺ approved it and commanded it, in his ﷺ words, "Pray whatever you catch, and complete whatever you have missed." Otherwise, Muadh did something in prolonging the prayer that angered him ﷺ, and he forbade him to do it again. If whatever Muadh did constituted an established practice, then his prolonging the prayer when he led the people would have constituted an established practice. This is an error. It is therefore established that neither an act of Muadh nor an act of anyone else constitutes an established practice until the Prophet ﷺ commands it and confirms its correctness. This is our position, not theirs.

As for the report, "Follow the example of the two after me," it is a report that is not sound, because it is transmitted from an unidentified client of Ribi, and from al-Mufaddal al-Dabbi, who is not an authoritative transmitter. As Ahmad ibn Muhammed ibn al-Jasur related to us: Ahmad ibn al-Fadl al-Dinawari related to us; Muhammed ibn Jubayr related to us; Abd al-Rahman ibn al-Aswad al-Tufawi related to us; Muhammed ibn Kathir al-Mulai related to us; al-Mufaddal al-Dabbi related to us, from Dirar ibn Murrah, from Abd Allah ibn Abi al-Hudhayl al-Utari, from his grandmother, from the Prophet ﷺ, who said, "Follow the example of the two after me, Abu Bakr and Umar; be guided by Ammar's guidance; and hold fast to the injunction of Ibn Umm Abd."[19][20][21][22]

L2530–2539 And as Ahmad ibn Qasim related it to us, saying: My father, Qasim ibn

نا محمد بن كثير الملائي، نا المفضل الضبي، عن ضرار بن مرة، عن عبد الله بن أبي الهذيل العتري عن جدته عن النبي صلى الله عليه وسلم قال اقتدوا باللذين من بعدي أبي بكر وعمر، واهتدوا بهدي عمار، وتمسكوا بعهد ابن أم عبد.

وكما حدثناه أحمد بن قاسم قال: نا أبي قاسم بن محمد بن قاسم بن أصبغ قال: حدثني قاسم بن أصبغ، نا إسماعيل بن إسحاق القاضي، نا محمد بن كثير، أنا سفيان الثوري، عن عبد الملك بن عمير، عن مولى الربعي عن حذيفة قال قال رسول الله صلى الله عليه وسلم اقتدوا باللذين من بعدي أبي بكر وعمر واهتدوا بهدي عمار، وتمسكوا بعهد ابن أم عبد. وأخذناه أيضا عن بعض أصحابنا، عن القاضي أبي الوليد بن الفرضي، عن ابن الدخيل، عن العقيلي، نا محمد بن إسماعيل، نا محمد بن فضيل، نا وكيع، نا سالم المرادي، عن عمرو بن هرم، عن ربعي بن حراش، وأبي عبد الله رجل من أصحاب حذيفة عن حذيفة. قال أبو محمد: سالم ضعيف وقد سمى بعضهم المولى فقال: هلال

[19] **Translator's note (L2524):** The wording التكليف means imposing a burden or obligation. It is translated as supplied, without substituting التكلف, "strained effort" or "affectation," which appears in the continuation.

[20] **Translator's note (L2525):** The phrase وخالف عثمان وعمر is syntactically awkward: as written, it can mean "Uthman and Umar disagreed," without specifying with whom, while the surrounding examples name both parties. The translation preserves that lack of specification.

[21] **Translator's note (L2527):** The phrase كيد وجد is corrupt or unclear as transcribed. "As he is found" is a contextual rendering of the apparent intended sense, referring to joining the imam in whatever state of prayer one finds him; it is not a literal translation of an intelligible supplied phrase.

[22] **Qur'an references (L2524):** Qur'an 4:59 (An-Nisa).

مولى ربعي، وهو مجهول لا يعرف من هو أصلا، ولو صح لكان عليهم لا لهم، لأنهم نعني أصحاب مالك وأبي حنيفة والشافعي أترك الناس لأبي بكر وعمر، وقد بينا أن أصحاب مالك خالفوا أبا بكر مما رووا في الموطأ خاصة في خمسة مواضع، وخالفوا عمر في نحو ثلاثين قضية مما رووا في الموطأ خاصة، وقد ذكرنا أيضا أن عمر وأبا بكر اختلفا، وأن اتباعهما فيما اختلفا فيه متعذر ممتنع لا يقدر عليه أحد. وإنما الصحيح في هذا الباب ما ناولنيه بعض أصحابنا، وحدثنيه أيضا يوسف بن عبد الله بن عبد البر النمري، كلاهما عن أبي الوليد عبد الله بن يوسف القاضي، عن ابن الدخيل، عن العقيلي، نا محمد بن إسماعيل، نا إسماعيل بن أبي أويس، عن عبد الله بن أبي عبد الله البصري، وثور بن يزيد الديلي عن عكرمة عن ابن عباس قال قال النبي صلى الله عليه وسلم اعقلوا أيها الناس قولي فقد بلغت وقد تركت فيكم أيها الناس ما إن اعتصمتم به فلن تضلوا: كتاب الله وسنة نبيه، وبه إلى العقيلي، ثنا موسى بن إسحاق، ثنا محمد بن عبيد المحاربي، ثنا صالح بن موسى الطلحي، عن عبد العزيز بن رفيع، عن أبي صالح عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم إني قد خلفت فيكم شيئين لن تضلوا بعدهما أبدا ما أخذتم بهما أو عملتم بهما: كتاب الله وسنتي، ولم يتفرقا حتى يردا علي الحوض. وأما الرواية: أصحابي كالنجوم فرواية ساقطة، وهذا حديث حدثنيه أبو العباس أحمد بن عمر بن أنس العذري قال: أنا أبو ذر عبد بن أحمد بن محمد الهروي الأنصاري قال: أنا علي بن عمر بن أحمد الدارقطني، ثنا القاضي أحمد كامل بن كامل خلف، ثنا عبد الله بن روح، ثنا سلام بن سليمان، ثنا الحارث بن غصين، عن الأعمش عن أبي سفيان عن جابر قال قال رسول الله صلى الله عليه وسلم أصحابي كالنجوم بأيهم اقتديتم اهتديتم. قال أبو محمد: أبو سفيان ضعيف، والحارث بن غصين هذا هو أبو وهب الثقفي، وسلام بن سليمان يروي الأحاديث الموضوعة، وهذا منها بلا شك،

Muhammed ibn Qasim ibn Asbagh, related to us, saying: Qasim ibn Asbagh related to me: Isma'il ibn Ishaq the judge related to us: Muhammed ibn Kathir related to us: Sufyan al-Thawri informed us, from 'Abd al-Malik ibn 'Umayr, from the freedman of al-Rib'i, from Hudhayfah, who said: The Messenger of Allah ﷺ said: "Follow the two who come after me, Abu Bakr and 'Umar; be guided by 'Ammar's guidance; and hold fast to the charge of Ibn Umm 'Abd." We also received it from one of our companions, from the judge Abu al-Walid ibn al-Faradi, from Ibn al-Dakhil, from al-'Uqayli: Muhammed ibn Isma'il related to us: Muhammed ibn Fudayl related to us: Waki' related to us: Salim al-Muradi related to us, from 'Amr ibn Haram, from Rib'i ibn Hirash and Abu 'Abd Allah, a man among Hudhayfah's companions, from Hudhayfah. Abu Muhammed said: Salim is weak. Some have named the freedman, saying that he was Hilal, the freedman of Rib'i. He is unknown: who he was is not known at all. Even if it were authentic, it would count against them, not in their favor, because they—by whom we mean the followers of Malik, Abu Hanifah, and al-Shafi'i—are the people who most thoroughly abandon Abu Bakr and 'Umar. We have explained that Malik's followers contradicted Abu Bakr in five instances within what they themselves transmitted in the Muwatta' alone, and contradicted 'Umar in approximately thirty cases within what they themselves transmitted in the Muwatta' alone. We have also mentioned that 'Umar and Abu Bakr disagreed, and that following both of them on the matters over which they disagreed is unfeasible and impossible: no one can do it. The only authentic report on this subject is what one of our companions handed to me in writing, and which was also related to me by Yusuf ibn 'Abd Allah ibn 'Abd al-Barr al-Namari, both of them transmitting from Abu al-Walid 'Abd Allah ibn Yusuf the judge, from Ibn al-Dakhil, from al-'Uqayli: Muhammed ibn Isma'il related to us: Isma'il ibn Abi Uways related to us, from 'Abd Allah ibn Abi 'Abd Allah al-Basri and Thawr ibn Yazid al-Dili, from 'Ikrimah, from Ibn 'Abbas, who said: The Prophet ﷺ said: "Understand my words, O people, for I have conveyed the message. I have left among you, O people, that which, if you hold fast to it, you will never go astray: the Book of Allah and the Sunna of His Prophet." And through the same chain as far as al-'Uqayli: Musa ibn Ishaq related to us: Muhammed ibn 'Ubayd al-Muharibi related

to us: Salih ibn Musa al-Talhi related to us, from ʻAbd al-ʻAziz ibn Rufayʻ, from Abu Salih, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said: "I have left among you two things after which you will never go astray, so long as you adhere to them or act upon them: the Book of Allah and my Sunna. They have not separated, until they come to me at the Pool." As for the report, "My companions are like the stars," it is a discredited report. This is a report related to me by Abu al-ʻAbbas Ahmad ibn ʻUmar ibn Anas al-ʻUdhri, who said: Abu Dharr ʻAbd ibn Ahmad ibn Muhammed al-Harawi al-Ansari informed us, saying: ʻAli ibn ʻUmar ibn Ahmad al-Daraqutni informed us: The judge Ahmad Kamil ibn Kamil Khalaf related to us: ʻAbd Allah ibn Rawh related to us: Sallam ibn Sulayman related to us: Al-Harith ibn Ghusayn related to us, from al-Aʻmash, from Abu Sufyan, from Jabir, who said: The Messenger of Allah ﷺ said: "My companions are like the stars: whichever of them you follow, you will be guided." Abu Muhammed said: Abu Sufyan is weak, and this al-Harith ibn Ghusayn is Abu Wahb al-Thaqafi. Sallam ibn Sulayman transmits fabricated reports, and this is undoubtedly one of them. Thus this is a report that is discredited, transmitted through a route whose chain of transmission is weak. Abu ʻUmar Yusuf ibn ʻAbd Allah ibn ʻAbd al-Barr al-Namari wrote to me that this report was also transmitted through ʻAbd al-Rahman ibn Zayd al-ʻAmmi, from his father, from Saʻid ibn al-Musayyab, from Ibn ʻUmar; and through Hamzah al-Jazari, from Nafiʻ, from Ibn ʻUmar. He said: ʻAbd al-Rahim ibn Zayd and his father are both abandoned as transmitters, and Hamzah al-Jazari is unknown. Al-Namari also wrote to me: Muhammed ibn Ibrahim ibn Saʻid related to us that Abu ʻAbd al-Rahman ibn Mufarrij related to them, saying: Muhammed ibn Ayyub al-Samut related to us, saying: Al-Bazzar said to us: As for what is transmitted from the Prophet ﷺ, "My companions are like the stars: whichever of them you follow, you will be guided," these are words that are not authentically established as coming from the Prophet ﷺ. Abu Muhammed said: It has thus become clear that this report is not established at all. Undoubtedly it is a lie, because Allah Most High says, describing His Prophet ﷺ: "Nor does he speak from desire. It is nothing but a revelation revealed." Since everything he ﷺ says concerning the revealed law is true, it is undoubtedly from Allah Most High. Whatever comes from Allah Most High contains no

فهذا رواية ساقطة من طريق ضعيف إسنادها. وكتب إلي أبو عمر يوسف بن عبد الله بن عبد البر النمري أن هذا الحديث روي أيضا من طريق عبد الرحمن بن زيد العمي، عن أبيه، عن سعيد بن المسيب، عن ابن عمر، ومن طريق حمزة الجزري، عن نافع، عن ابن عمر قال: وعبد الرحيم بن زيد وأبوه متروكان، وحمزة الجزري مجهول. وكتب إلي النمري، حدثنا محمد بن إبراهيم بن سعيد، أن أبا عبد الرحمن بن مفرج حدثهم قال: ثنا محمد بن أيوب الصموت قال قال لنا البزار وأما ما يروى عن النبي صلى الله عليه وسلم أصحابي كالنجوم بأيهم اقتديتم اهتديتم فهذا كلام لا يصح عن النبي صلى الله عليه وسلم قال أبو محمد فقد ظهر أن هذه الرواية لا تثبت أصلا، بلا شك أنها مكذوبة لأن الله تعالى يقول في صفة نبيه صلى الله عليه وسلم {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فإذا كان كلامه صلى الله عليه وسلم في الشريعة حقا كله فهو من الله تعالى بلا شك، وما كان من الله تعالى فلا اختلاف فيه بقوله تعالى {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} وقد نهى تعالى عن التفرق والاختلاف بقوله {وأطيعوا لله ورسوله ولا تنازعوا فتفشلوا وتذهب ريحكم وصبروا إن لله مع لصابرين} فمن المحال أن يأمر رسول الله صلى الله عليه وسلم باتباع كل قائل من الصحابة رضي الله عنهم، وفيهم من يحلل الشيء، وغيره منهم يحرمه، ولو كان ذلك لكان بيع الخمر حلالا اقتداء بسمرة بن جندب، ولكان أكل البرد للصائم حلالا اقتداء بأبي طلحة، وحراما اقتداء بغيره منهم، ولكان ترك الغسل من الإكسال واجبا اقتداء بعلي وعثمان وطلحة وأبي أيوب وأبي بن كعب، وحراما اقتداء بعائشة وابن عمر، ولكان بيع الثمر قبل ظهور الطيب فيها حلالا اقتداء بعمر، حراما اقتداء بغيره منهم، وكل هذا مروي عندنا بالأسانيد الصحيحة، تركناها خوف التطويل بها، وقد بينا آنفا إخباره عليه السلام أبا بكر بأنه أخطأ. وقد كان الصحابة يقولون بآرائهم في

discrepancy, according to His saying, Most High: "Do they not ponder the Quran? Had it been from other than Allah, they would have found in it much discrepancy." He Most High has forbidden division and disagreement in His saying: "And obey Allah and His Messenger, and do not dispute, lest you falter and your strength depart and be steadfast; indeed, Allah is with the steadfast." It is therefore impossible that the Messenger of Allah ﷺ should command following every companion who expresses a view—may Allah be pleased with them—when among them one declares something lawful and another declares it unlawful. Were that so, selling wine would be lawful in emulation of Samurah ibn Jundab; eating hailstones while fasting would be lawful in emulation of Abu Talhah and unlawful in emulation of others among them; forgoing the full ritual bath after intercourse without ejaculation would be obligatory in emulation of ʻAli, ʻUthman, Talhah, Abu Ayyub, and Ubayy ibn Kaʻb, and unlawful in emulation of ʻA'ishah and Ibn ʻUmar; and selling fruit before its ripeness becomes apparent would be lawful in emulation of ʻUmar and unlawful in emulation of others among them. All this has been transmitted to us through chains of transmission that are authentic; we have omitted them for fear of making the discussion lengthy by including them. We have just explained how he, peace be upon him, informed Abu Bakr that he had erred. The companions used to express their own opinions during his ﷺ lifetime, and this would reach him; he would then affirm the one who was correct and declare mistaken the one who had erred. After his ﷺ death, this was more widespread and more frequent. One example is Abu al-Sanabil's legal opinion to Subayʻah al-Aslamiyyah that her waiting period had to last until the later of the two terms. He ﷺ rejected this and stated that his legal opinion was invalid. Some of the companions also issued a legal opinion, while he ﷺ was alive, that an illicit sexual offender who lacked the status of prior consummated marriage was liable to stoning, until his father ransomed him with a hundred sheep and a slave girl. He ﷺ then invalidated that settlement and rescinded it. He ﷺ mentioned the seventy thousand of his community who would enter Paradise with their faces like the moon on the night when it is full. Some of the companions said: "They are people who were born into Islam." The Prophet ﷺ declared the person who said this mistaken. When the Prophet ﷺ slept through the

عصره صلى الله عليه وسلم فيبلغه ذلك فيصوب المصيب ويخطىء المخطىء فذلك بعد موته صلى الله عليه وسلم أفشى وأكثر فمن ذلك فتيا أبي السنابل لسبيعة الأسلمية بأن عليها في العدة آخر الأجلين فأنكر صلى الله عليه وسلم ذلك وأخبر أن فتياه باطل وقد أفتى بعض الصحابة وهو صلى الله عليه وسلم حي بأن على الزاني غير المحصن الرجم حتى افتداه والده بمائة شاة ووليدة فأبطل صلى الله عليه وسلم ذلك الصلح وفسخه وذكر صلى الله عليه وسلم السبعين ألفا من أمته يدخلون الجنة وجوههم كالقمر ليلة البدر، فقال بعض الصحابة هم قوم ولدوا على الإسلام فخطأ النبي صلى الله عليه وسلم قائل ذلك وقالوا إذ نام النبي صلى الله عليه وسلم عن صلاة الصبح ما كفارة ما صنعنا فأنكر النبي صلى الله عليه وسلم قولهم ذلك وأراد طلحة بحضرة عمر بيع الذهب بالفضة نسيئة فأنكر ذلك عمر وأخبر أن النبي صلى الله عليه وسلم حرم ذلك وباع بلال صاعين من تمر بصاع من تمر فأنكر النبي صلى الله عليه وسلم ذلك وأمره بفسخ تلك البيعة وأخبره أن هذا عين الربا، وباع بعض الصحابة بريرة واشترط الولاء فأنكر النبي صلى الله عليه وسلم ذلك ولام عليه وقال عمر لأهل هجرة الحبشة نحن أحق برسول الله صلى الله عليه وسلم منكم فكذبه النبي صلى الله عليه وسلم في ذلك وقال جابر كنا نبيع أمهات الأولاد ورسول الله صلى الله عليه وسلم حي بين أظهرنا وأخبر أبو سعيد أنهم كانوا يخرجون زكاة الفطر والنبي صلى الله عليه وسلم حي فذكر الأقط والزبيب وإنما فرض صلى الله عليه وسلم التمر والشعير فقط وأمر سمرة النساء بإعادة الصلاة أيام الحيض وقال قوم من الصحابة بحضرة النبي صلى الله عليه وسلم أما أنا فأفيض على رأسي يعنون في غسل الجنابة كذا وكذا مرة فأنكر ذلك النبي صلى الله عليه وسلم

وكان علي يغتسل من المذي والنبي صلى الله عليه وسلم حي فأنكر ذلك النبي صلى الله عليه وسلم

dawn prayer, they said: "What is the expiation for what we have done?" The Prophet ﷺ rejected their saying this. Talhah wanted, in 'Umar's presence, to sell gold for silver on deferred payment. 'Umar rejected this and stated that the Prophet ﷺ had forbidden it. Bilal sold two sa's of dates for one sa' of dates. The Prophet ﷺ rejected this, commanded him to rescind that sale, and informed him that this was usury itself. Some of the companions sold Barirah and stipulated that they retain the right of patronage over her. The Prophet ﷺ rejected this and reproached them for it. 'Umar said to those who had emigrated to Abyssinia: "We are more entitled to the Messenger of Allah ﷺ than you are." The Prophet ﷺ declared what he said on that matter false. Jabir said: "We used to sell slave women who had borne their masters children while the Messenger of Allah ﷺ was alive among us." Abu Sa'id reported that they used to pay the alms due at the breaking of the fast while the Prophet ﷺ was alive, and he mentioned dried curds and raisins, whereas he ﷺ had prescribed only dates and barley. Samurah commanded women to repeat the prayers for the days of menstruation. A group of companions said in the presence of the Prophet ﷺ: "As for me, I pour water over my head"—meaning during the full ritual bath for major ritual impurity—"such-and-such a number of times." This was rejected by the Prophet, may Allah bless him and grant him peace. 'Ali used to perform the full ritual

bath after the discharge of pre-ejaculatory fluid while the Prophet ﷺ was alive, and the Prophet ﷺ rejected this.[23][24][25][26][27][28][29][30][31][32]

L2540 Usayd and others said, when Abu ʿAmir al-Ashʿari's sword turned back upon him, that his fighting in Allah's cause had come to nothing. They said this concerning ʿAmir ibn al-Akwaʿ, and the Prophet ﷺ declared their statement

وقال أسيد وغيره إذ رجع سيف أبي عامر الأشعري عليه بطل جهاده، وقالوا ذلك في عامر بن الأكوع فكذبهم النبي صلى الله عليه وسلم في ذلك وأفتى عمر المجنب في السفر ألا يصلي شهرا بالتيمم، ولكن يترك الصلاة حتى يجد الماء وقال عمر للنبي صلى الله عليه وسلم أن يناول القدح أبا بكر وهو عن يسار النبي صلى الله عليه وسلم فأبى ذلك النبي صلى الله عليه وسلم وأخبر أن الواجب غير ذلك وهو أن يناوله الأيمن فالأيمن، وكان عن يمينه أعرابي، وتمعك عمار في التراب كما تتمعك الدابة فأنكر ذلك النبي صلى الله عليه وسلم وأنكر النبي صلى الله عليه وسلم على عمر نداءه إياه إذ أخر صلى الله عليه وسلم العتمة وقال له ما كان لكم أن تنذروا رسول الله صلى الله عليه وسلم وقال أسامة إذ قتل الرجل بعد أن قال لا إله إلا الله: يا رسول الله إنما قالها تعوذا فقال له النبي صلى الله عليه وسلم هلا شققت عن قلبه وأنكر عليه قتله إياه وخطأه في تأويله حتى قال أسامة: وددت أني لم أكن أسلمت إلا ذلك اليوم، وقال خالد: رب مصل يقول بلسانه ما ليس في قلبه فأنكر ذلك رسول الله صلى الله عليه وسلم وأنكر فعله ببني جذيمة وتنزه قوم منهم عن أشياء فعلها صلى الله عليه وسلم فأنكر ذلك صلى الله عليه وسلم وغضب منه وتأول عمر أنه أخطأ إذ قبل وهو صائم فخطأه صلى الله عليه وسلم في تأويله ذلك وأخبر أنه لا شيء عليه فيه وتأول الأنصاري تقبيله صلى الله عليه وسلم وهو صائم وإصباحه جنبا وهو صائم أن ذلك خصوص له صلى الله عليه وسلم فخطأه صلى الله عليه وسلم في ذلك وغضب منه وتأول عدي في الخيط الأبيض أنه عقال أبيض والنبي صلى الله عليه وسلم حي وأعظم من هذا كله تأخر أهل الحديبية عن الحلق والنحر والإحلال إذ أمرهم بذلك صلى الله عليه وسلم

[23] **Translator's note (L2530):** The first chain reads "the freedman of al-Rib'i," whereas the author's subsequent discussion identifies him as the freedman of Rib'i; this variation has been preserved.

[24] **Translator's note (L2532):** The quotation reads "they have not separated" followed by "until they come to me," an awkward tense sequence preserved in translation.

[25] **Translator's note (L2533):** The judge's name appears in the irregular form "Ahmad Kamil ibn Kamil Khalaf"; it has been retained without reconstructing a different genealogy.

[26] **Translator's note (L2534):** The transmitter is first named 'Abd al-Rahman ibn Zayd, but the subsequent assessment names 'Abd al-Rahim ibn Zayd. The discrepancy is present in the source. The Quran quotations contain apparent transcription errors: "عن لهوى" for "عن الهوى"; "القرآن" for "لقرآن"; "غير لله" for "غير الله"; "اختلافا" for "ختلافا"; and "وأطيعوا لله" for "وأطيعوا الله." The English conveys the apparent intended wording while recording these defects here.

[27] **Translator's note (L2535):** The continuation of the Quran quotation has apparent transcription errors: "واصبروا" for "وصبروا"," "الله" for "لله," and "الصابرين" for "لصابرين." The translation conveys the apparent intended wording.

[28] **Translator's note (L2536):** "Intercourse without ejaculation" renders the technical expression al-iksal. The source explicitly says that forgoing the ritual bath would be "obligatory"; this wording has been retained.

[29] **Translator's note (L2537):** "The later of the two terms" refers to the competing endpoints of the widow's waiting period and the pregnancy. "Lacked the status of prior consummated marriage" renders ghayr al-muhsan, a technical legal status whose conditions receive different formulations in jurisprudence. A sa' is a measure of capacity. The "right of patronage" is wala', the legal affiliation associated with manumission.

[30] **Translator's note (L2538):** "Slave women who had borne their masters children" renders the legal category ummahat al-awlad. The final salutation is divided between this unit and the next; only its opening portion appears here.

[31] **Translator's note (L2539):** The opening words complete the salutation begun in the preceding unit. "Pre-ejaculatory fluid" renders madhy, which is distinguished from semen in the rules of ritual purification.

[32] **Qur'an references (L2530):** Qur'an 53:4 (An-Najm); Qur'an 4:82 (An-Nisa); Qur'an 8:46 (Al-Anfal).

false. ʿUmar gave a legal ruling that a person in a state of major ritual impurity while travelling should not pray for a month by performing dry purification, but should leave off prayer until he found water. ʿUmar told the Prophet ﷺ to hand the cup to Abu Bakr, who was on the Prophet's ﷺ left. The Prophet ﷺ refused to do that and explained that the obligation was otherwise: to hand it to the person on the right, and then the next person on the right. A Bedouin was on his right. ʿAmmar rolled about in the earth as an animal rolls about, and the Prophet ﷺ disapproved of that. The Prophet ﷺ also disapproved of ʿUmar's calling out to him when he ﷺ delayed the night prayer, saying to him, "You ought not to alert the Messenger of Allah ﷺ." When Usamah killed the man after he had said, "There is no god but Allah," he said, "Messenger of Allah, he said it only to seek protection." The Prophet ﷺ said to him, "Why did you not cut open his heart?" He condemned his killing him and declared his interpretation mistaken, until Usamah said, "I wished that I had not embraced Islam until that day." Khalid said, "Many a person who prays says with his tongue what is not in his heart." The Messenger of Allah ﷺ disapproved of that, and he disapproved of Khalid's treatment of Banu Jadhimah. Some of them scrupulously abstained from things that he ﷺ had done, and he ﷺ disapproved of that and became angry at it. ʿUmar interpreted his having kissed while fasting as a mistake on his part, but he ﷺ declared that interpretation mistaken and told him that nothing was incumbent upon him on that account. The Ansari interpreted his ﷺ kissing while fasting and his entering the morning in a state of major ritual impurity while fasting as something exclusive to him ﷺ. He ﷺ declared him mistaken in that and became angry at him. ʿAdi interpreted "the white thread" as a white hobble-cord while the Prophet ﷺ was alive. Greater than all of this was the people of al-Hudaybiyah's delay in shaving their heads, slaughtering their sacrificial animals, and leaving the state of ritual consecration when he ﷺ commanded them to do so, until he became angry and complained of them to Umm Salamah, the Mother of the Believers.

حتى غضب وشكاهم إلى أم سلمة أم المؤمنين وكل ما ذكرنا محفوظ عندنا بالأسانيد الصحاح الثابتة،

Everything we have mentioned is preserved in our possession through sound, established chains of transmission.[33]

L2541–2542 Ahmad ibn ʿUmar informed me: Abu Dharr related to us: Zahir ibn Ahmad al-Sarakhsi related to us: Abu Muhammed informed us ibn Zanjawayh ibn Muhammed al-Naysaburi: Muhammed ibn Ismaʿil al-Bukhari informed us: Abu al-Nuʿman related to us: Hammad ibn Zayd related to us, from Yahya ibn Saʿid, who said: Saʿid—that is, Ibn al-Musayyab—said, "ʿUmar adjudged twenty-five for the thumb and the finger next to it." Saʿid said, "After that, there was found in the document of the family of Hazm, concerning the fingers, 'Ten for each,' and he adopted that." Muhammed ibn Saʿid informed me: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Bandar related to us: Yahya al-Qattan related to us, from Shuʿbah, from Abu Ishaq, from Masruq, who said: I asked Ibn ʿUmar about undoing the odd-numbered prayer, and he said, "I do not transmit it from anyone; it is merely something I say on the basis of my own opinion."[34]

L2543–2551 Abu Muhammed said: How, then, can it be permissible to follow unquestioningly people who are sometimes wrong and sometimes right? Or how can it be lawful for a Muslim who fears Allah Most High to say concerning a Companion's legal ruling, "Something like this is not said on the basis of personal opinion," when everything we have mentioned was something they said on the basis of their own opinions and in which they were mistaken? Muhammed ibn Saʿid ibn Nabat related to us: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Bundar related to us: Shuʿbah related to us, saying: I heard Abu Ishaq relate, from

[33]**Translator's note (L2540):** The text first names Abu ʿAmir al-Ashʿari and then ʿAmir ibn al-Akwaʿ in connection with the sword incident. The apparent inconsistency is preserved. "Alert" renders tundhiru, literally "warn." The wording is unusual in this account and has not been silently replaced with a different reported wording.

[34]**Translator's note (L2542):** The figures twenty-five and ten concern compensation for fingers; the source does not state the unit of compensation or explicitly distribute the twenty-five between the two fingers. "Undoing the odd-numbered prayer" renders naqd al-witr, the practice of adding a prayer unit to an earlier witr prayer so that it becomes even-numbered. The transmitter's name appears here as Bandar, with a spelling different from Bundar in the following unit.

وأخبرني أحمد بن عمر، ثنا أبو ذر، نا زاهر بن أحمد السرخسي، أنا أبو محمد بن زنجويه بن محمد النيسابوري، أنا محمد بن إسماعيل البخاري، نا أبو النعمان، نا حماد بن زيد، عن يحيى بن سعيد، قال سعيد هو ابن المسيب: قضى عمر في الإبهام وفي التي تليها بخمس وعشرين، وقال سعيد: ووجد بعد ذلك في كتاب آل حزم في الأصابع عشرا عشرا، فأخذ بذلك. أخبرني محمد بن سعيد: نا أحمد بن عون الله، نا قاسم بن أصبغ، نا الخشني، نا بندر، نا يحيى القطان، عن شعبة، عن أبي إسحاق، عن مسروق قال: سألت ابن عمر عن نقض الوتر، فقال: ليس أرويه عن أحد إنما هو شيء أقوله برأيي.

قال أبو محمد: فكيف يجوز تقليد قوم يخطئون ويصيبون؟ أم كيف يحل لمسلم يتقي الله تعالى أن يقول في فتيا الصاحب مثل هذا لا يقال بالرأي، وكل ما ذكرناه فقد قالوه بآرائهم وأخطؤوا فيه. حدثنا محمد بن سعيد بن نبات، نا أحمد بن عون الله، نا قاسم بن أصبغ، نا الخشني، نا بندار، نا شعبة قال: سمعت أبا إسحاق يحدث عن رجل من بني سليم قال: سمعت ابن عباس يقول في العزل إن كان رسول الله صلى الله عليه وسلم قال فيه شيئا فهو كما قال وأما أنا فأقول برأيي: هو زرعك إن شئت سقيته وإن شئت أعطشته. وقالعلي: في مسيره إلى صفين هو رأي رأيته ما عهد إلي رسول الله صلى الله عليه وسلم فيه بشيء وقال عمر الرأي منا هو التكلف وقال معاوية في بيع الذهب بالذهب متفاضلا، هذا رأي، وقال ابن مسعود في قصة بروع بنت واشق: أقول فيها برأيي فإن كان حقا فمن الله، وإن كان باطلا فمني، والله ورسوله بريئان، وقال عمران بن الحصين وذكر متعة الحج قال فيها رجل برأيه ما شاء، يعني

a man of Banu Sulaym, who said: I heard Ibn ʿAbbas say concerning withdrawal before ejaculation, "If the Messenger of Allah ﷺ said anything about it, then it is as he said. As for me, I speak on the basis of my own opinion: it is your crop; if you wish, you water it, and if you wish, you leave it thirsty." ʿAli said concerning his march to Siffin, "It is an opinion I formed; the Messenger of Allah ﷺ gave me no instruction concerning it." ʿUmar said, "Personal opinion on our part is taking upon ourselves what we have not been charged with." Muʿawiyah said concerning selling gold for gold in unequal amounts, "This is an opinion." Ibn Masʿud said concerning the case of Barwaʿ bint Washiq, "I speak concerning her on the basis of my own opinion. If it is right, it is from Allah; if it is false, it is from me, and Allah and His Messenger are free of responsibility for it." ʿImran ibn al-Husayn, mentioning combining the lesser pilgrimage with the pilgrimage, said, "A man said whatever he wished concerning it on the basis of his own opinion"—meaning ʿUmar. ʿAbidah said to ʿAli, "Your opinion when there was unity is dearer to us than your opinion when there is division." Abu Hurayrah said, in the report concerning maintenance—and he added an addition at its end—so he was asked, "Is this from the Messenger of Allah ﷺ?" He said, "No; this is from Abu Hurayrah's own bag." Here they are, then—may Allah be pleased with them—acknowledging that they speak on the basis of their own opinions and that they may be mistaken in doing so. Thus the invalidity of the position of those we have mentioned is established. ʿAbd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from ʿAbd al-Wahhab ibn ʿIsa, from Ahmad, from Muhammed, from Ahmad ibn ʿAli, from Muslim: Abu Kurayb, Ishaq ibn Rahawayh, and Ishaq ibn Yunus related to us. Abu Kurayb said: Abu Muʿawiyah related to us—and the wording is his. Both said: From al-Aʿmash, from Muslim, who is Abu al-Duha, from Masruq, from ʿA'ishah, who said: The Messenger of Allah ﷺ availed himself of a concession in a matter from which some people scrupulously abstained. This reached the Prophet ﷺ, and he became angry, until the anger was apparent in his face. Then he said, "What is the matter with people who turn away from something in which I have been granted a concession? By Allah, I am indeed the most knowledgeable of them concerning Allah and the most fearful of Him." Abu Muhammed said: Muslim also transmitted it from Zuhayr ibn

عمر. وقال عبيدةلعلي: رأيك في الجماعة أحب إلينا من رأيك في الفرقة، وقال أبو هريرة في حديث النفقة وزاد في آخره زيادة فقيل له هذا عن رسول الله صلى الله عليه وسلم قال لا هذا من كيس أبي هريرة فها هم رضي الله عنهم يعترفون أنهم يقولون برأيهم، وأنهم قد يخطئون في ذلك، فصح بذلك بطلان قول من ذكرنا، وحدثنا عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد، عن محمد، عن أحمد بن علي، عن مسلم، نا أبو كريب وإسحاق بن راهويه، وإسحاق بن يونس، وقال أبو كريب: نا أبو معاوية واللفظ له، قالا جميعا عن الأعمش عم مسلم وهو أبو الضحى عن مسروق عن عائشة قالت ترخص رسول الله صلى الله عليه وسلم في أمر استنزه عنه ناس من الناس فبلغ ذلك النبي صلى الله عليه وسلم فغضب حتى بان الغضب في وجهه ثم قال ما بال أقوام يرغبون عما رخص لي فيه فوالله لأنا أعلمهم بالله وأشدهم له خشية. قال أبو محمد: ورواه مسلم أيضا عن زهير بن حرب، عن جرير، عن الأعمش بسنده فقال: بلغ ذلك ناسا من أصحابه. حدثنا أحمد بن عمر، نا علي بن الحسين بن فهر، نا الحسن بن علي بن شعبان، وعمر بن محمد بن عراك قالا: نا أحمد مروان، نا أبو إسماعيل محمد بن إسماعيل الترمذي، نا حرملة عن ابن وهب: سئل مالك عمن أخذ بحديثين مختلفين حدثه بهما ثقة عن رسول الله صلى الله عليه وسلم أتراه من ذلك في سعة قال لا والله حتى يصيب الحق، وما الحق إلا في واحد، قولان مختلفان يكونان صوابا ما الحق وما الصواب إلا في واحد. قال أبو محمد: وهذا حجة على المالكيين القائلين بتقليد من احتجوا به من الصحابة وقد اختلفوا. فصح بكل ما ذكرنا أنه لا يحل اتباع فتيا صاحب ولا تابع، ولا أحد دونهم إلا أن يوجبها نص أو إجماع، ويبطل بذلك قول من قال، فيما رواه عن الصاحب بخلاف ما صح عن النبي صلى الله عليه وسلم مثل هذا لا يقال بالرأي وصح أنه قد يخطىء المرء منهم فيقول برأيه ما

Harb, from Jarir, from al-Aʿmash with his chain of transmission, saying, "That reached some of his Companions." Ahmad ibn ʿUmar related to us: ʿAli ibn al-Husayn ibn Fihr related to us: al-Hasan ibn ʿAli ibn Shaʿban and ʿUmar ibn Muhammed ibn ʿIrak related to us; both said: Ahmad Marwan related to us: Abu Ismaʿil Muhammed ibn Ismaʿil related to us al-Tirmidhi: Harmalah related to us, from Ibn Wahb: Malik was asked about someone who acted upon two conflicting reports which a trustworthy transmitter had related to him from the Messenger of Allah ﷺ: "Do you consider him to have latitude in that?" He said, "No, by Allah, not until he arrives at the truth. The truth lies in only one. Can two conflicting statements both be correct? Truth and correctness lie in only one." Abu Muhammed said: This is an argument against the Malikis who advocate unquestioningly following those Companions whom they have adduced as authorities, although those Companions disagreed. Everything we have mentioned thus establishes that it is not lawful to follow the legal ruling of a Companion, a Successor, or anyone below them unless a revealed text or consensus makes it obligatory. This also invalidates the statement of someone who says, concerning what he transmits from a Companion contrary to what has been authentically established from the Prophet ﷺ, "Something like this is not said on the basis of personal opinion." It is established that one of them may indeed err and say, on the basis of his own opinion, something contrary to what has been authentically established from the Prophet ﷺ. They adduced as arguments ʿUmar's prohibition of selling slave women who had borne their masters children, what has been transmitted concerning the normative practice of placing the hands on the knees during prayer, and his statement in reply to ʿAmr ibn al-ʿAs, when the latter said to him after he had experienced a nocturnal emission, "Take a garment other than your garment." He replied, "If I did that, it would become a normative practice." Abu Muhammed said: None of this affords them any argument. As for selling slave women who had borne their masters children, Ibn Masʿud, ʿAli, Zayd ibn Thabit, and Ibn ʿAbbas disagreed with ʿUmar about that and considered their sale permissible. What, then, made ʿUmar more entitled to be followed unquestioningly than these men? We prohibit their sale only because of an established revealed text that requires this; we have mentioned it in The Book of Bringing One to an Understanding

يخالف ما صح عن النبي صلى الله عليه وسلم واحتجوا بمنع عمر من بيع أمهات الأولاد بما روي من سنة وضع الأيدي على الركب في الصلاة ومن قوله في جوابه لعمرو بن العاص، إذ قال له وقد احتلم: خذ ثوبا غير ثوبك، فقال: لو فعلتها لصارت سنة. قال أبو محمد: وهذا لا حجة لهم في شيء منه. أما بيع أمهات الأولاد فقد خالف في ذلك ابن مسعود، وعلي وزيد بن ثابت وابن عباس عمر، فرأوا بيعهن، فما الذي جعل عمر أولى بالتقليد من هؤلاء؟ وإنما منعنا من بيعهن لنص ثابت أوجب ذلك، فقد ذكرناه في كتاب الإيصال إلى فهم الخصال. وقال أصحابنا: إنما منعنا من ذلك لإجماع الأمة على المنع من بيعهن إذا حملن من وسادتهن، ثم اختلفوا في بيعهن بعد الوضع، فقلنا نحن: لا نترك ما اتفقنا عليه إلا بنص أو إجماع آخر طردا لقولنا باستصحاب الحال. وأما وضع الأيدي على الركب، فقد صح من طريق أبي حميد الساعدي عن النبي صلى الله عليه وسلم مسندا وضع الأيدي على الركب في الركوع وأما قول عمر: لو فعلتها لكانت سنة، فليس على ما ظن الجاهل المحتج بذلك في التقليد، ولكن معنى ذلك: لو فعلتها لاستن بذلك الجهال بعدي: فكره عمر أن يفعل شيء يلحقه أحد من الجهال بالسنن، كما قال طلحة، إذ رأى عليه ثوبا مصبوغا وهو محرم: إنكم قوم يقتدى بكم فربما رآك من يقول: رأيت على طلحة ثوبا مصبوغا وهو محرم، أو كلاما هذا معناه. فعلى هذا الوجه قال عمر: لو فعلتها لكانت سنة، لا على أن يسن في الدين ما لم ينزل به وحي، وقد كانوا رضي الله عنهم يفتون بالفتيا فيبلغهم عن النبي صلى الله عليه وسلم خلافها فيرجعون عن قولهم إلى الحق الذي بلغهم، وهذا لا يحل غيره. وقد فعل أبو بكر نحو ذلك في الجدة وبحث عن فعل النبي صلى الله عليه وسلم في ذلك وفعل ذلك عمر في الاستئذان ثلاثا حتى قال له أبي بن كعب يا عمر لا تكن عذابا على أصحاب محمد صلى الله عليه وسلم فقال عمر سبحان الله إنما سمعت شيئا فأردت أن أثبت. ورجع عن إنكاره لقول أبي موسى، ولم يعرف حكم إملاص المرأة حتى سأل عنه فوجده

of the Characteristics. Our associates said, "We prohibit that only because the community has reached consensus on prohibiting their sale when they become pregnant from their pillows. They then disagreed about selling them after delivery. We therefore said: We do not abandon what we have agreed upon except on the basis of a revealed text or another consensus, consistently applying our position that an existing state is presumed to continue." As for placing the hands on the knees, placing the hands on the knees while bowing has been authentically established through Abu Humayd al-Saʿidi, in a report with a connected chain back to the Prophet ﷺ. As for ʿUmar's statement, "If I did that, it would become a normative practice," it does not mean what the ignorant person adducing it as an argument supposed concerning uncritical following. Rather, its meaning is: "If I did it, ignorant people after me would adopt it as an established practice." Thus ʿUmar disliked doing anything that an ignorant person might class among the established practices, just as Talhah said when he saw him wearing a garment that was dyed, while he was in the state of pilgrimage consecration: "You are people whose example is followed. Someone might see you and say, 'I saw Talhah wearing a dyed garment while he was in the state of pilgrimage consecration,'" or words to this effect. It was in this sense that ʿUmar said, "If I did it, it would become an established practice," not in the sense of instituting in religion something concerning which no revelation had descended. They, may Allah be pleased with them, would issue a legal opinion, then receive a report from the Prophet ﷺ contrary to it, whereupon they would abandon their position and return to the truth that had reached them. Nothing else is lawful. Abu Bakr did something of this kind concerning the grandmother, investigating what the Prophet ﷺ had done in that matter. ʿUmar did likewise concerning asking permission to enter three times, until Ubayy ibn Kaʿb said to him, "'Umar, do not be a torment to the Companions of Muhammed ﷺ!" ʿUmar replied, "Glory be to Allah! I merely heard something and wanted to ascertain it." He withdrew his objection to Abu Musa's statement. He did not know the ruling concerning a woman's miscarriage until he inquired about it and found knowledge of it with al-Mughirah ibn Shuʿbah. The same was true concerning the Magians. Muʿawiyah sold a gold drinking vessel for more than its weight, until ʿUbadah ibn al-Samit objected to this and informed him that the Prophet ﷺ

عند المغيرة بن شعبة، وكذلك أمر المجوس، وباع معاوية سقاية من ذهب بأكثر من وزنها، حتى أنكر ذلك عليه عبادة بن الصامت وبلغه أن النبي صلى الله عليه وسلم نهى عن ذلك وأراد عمر قسمة مال الكعبة فقال له أبي إن النبي صلى الله عليه وسلم لم يفعل ذلك فأمسك عمر وكان يرد الحيض حتى يطهرن ثم يطفن بالبيت حتى بلغه عن النبي صلى الله عليه وسلم خلاف ذلك فرجع عن قوله وكان يرد المفاضلة في دية الأصابع حتى بلغه عن النبي صلى الله عليه وسلم المساواة بينها فرجع عن قوله إلى ذلك وترك قوله. وكان لا يرى توريث المرأة في دية زوجها حتى بلغه عن النبي صلى الله عليه وسلم خلاف ذلك فترك قوله ورجع إلى ما بلغه وكان ينهى عن متعة الحج حتى وقف على أنه صلى الله عليه وسلم أمر بها فترك قوله ورجع إلى ما بلغه وأمر برجم مجنونة زنت حتى أخبره علي أن النبي صلى الله عليه وسلم قال كلاما معناه إن المجنون قد رفع عنه القلم، فرجع عن رجمها. ونهى عن التسمي بأسماء الأنبياء فأخبره طلحة أن النبي صلى الله عليه وسلم كناه أبا محمد فأمسك ولم يتماد على النهي عن ذلك وأراد ترك الرمل في الحج ثم ذكر أن النبي صلى الله عليه وسلم فعله فرجع عما أراد من ذلك ومثل هذا كثير

had prohibited it. ʿUmar wanted to distribute the wealth of the Kaʿbah, but Ubayy told him, "The Prophet ﷺ did not do that," so ʿUmar desisted. He used to send menstruating women back until they became pure and then circumambulated the House, until a report from the Prophet ﷺ to the contrary reached him, whereupon he abandoned his position. He used to reject differentiation in the blood-money payable for fingers, until a report from the Prophet ﷺ establishing equality between them reached him, whereupon he abandoned his position in favor of that and relinquished his own statement. He did not consider a woman entitled to inherit from the blood-money paid for her husband until a report from the Prophet ﷺ to the contrary reached him; he then relinquished his position and returned to what had reached him. He used to prohibit combining the lesser pilgrimage with the major pilgrimage with a release from consecration between them, until he learned that he ﷺ had commanded it; he then relinquished his position and returned to what had reached him. He ordered that an insane woman who had committed unlawful sexual intercourse be stoned, until ʿAli informed him that the Prophet ﷺ had said words meaning that the pen of accountability had been lifted from the insane person; he then withdrew the order to stone her. He prohibited taking the names of prophets, but Talhah informed him that the Prophet ﷺ had given him the appellation Abu Muhammed, so he desisted and did not persist in prohibiting that. He wanted to abandon the brisk, short-stepped gait during pilgrimage, but then remembered that the

Prophet ﷺ had practiced it, so he withdrew his intended course of action. Instances of this kind are numerous.[3536373839404142]

L2552–2555 If the Messenger of Allah ﷺ states that his Companions may err in their legal opinions, how can it be permissible for a Muslim who believes in Allah and the Last Day to say that he ﷺ commands following them in matters in which he has declared them mistaken? How could he command taking them as examples in statements he had forbidden them to make? How could he make following someone who errs obligatory? Only a flagrantly sinful

وإذا كان رسول الله صلى الله عليه وسلم يخبر أن أصحابه قد يخطئون في فتياهم فكيف يسوغ لمسلم يؤمن بالله واليوم الآخر أن يقول إنه صلى الله عليه وسلم يأمر باتباعهم فيما قد خطأهم فيه وكيف يأمر بالاقتداء بهم في أقوال قد نهاهم عن القول بها، وكيف يوجب اتباع من يخطىء ولا ينسب مثل هذا إلى النبي صلى الله عليه وسلم إلا فاسق أو جاهل لا بد من إلحاق إحدى الصفتين به، وفي هذا هدم الديانة، وإيجاب اتباع الباطل، وتحريم الشيء وتحليله في وقت واحد وهذا خارج عن المعقول وكذب على النبي صلى الله عليه وسلم ومن كذب عليه ولج في النار نعوذ بالله من ذلك. وأما قولهم: إن الصحابة رضي الله عنهم شهدوا الوحي فهم أعلم به، فإنه يلزمهم على هذا أن التابعين شهدوا الصحابة فهم أعلم بهم، فيجب تقليد التابعين. وهكذا قرنا فقرنا، حتى يبلغ الأمن إلينا فيجب تقليدنا. وهذه صفة دين النصارى في اتباعهم أساقفتهم، وليست صفة ديننا والحمد لله رب العالمين. وقد قلنا ونقول: إن كل ما احتجوا به مما ذكرنا لو كان حقا لكان عليهم لا لهم، لأنه ليس في تقليد الصحابة ما يوجب تقليد مالك وأبي حنيفة والشافعي، فمن العجب العجيب أنهم يقلدون مالكا وأبا حنيفة والشافعي، فإذا أنكر ذلك عليهم احتجوا بأشياء يرومون بها إيجاب تقليد الصحابة، وهم يخالفون الصحابة خلافا عظيما فهل يكون أعجب من هذا ونعوذ بالله من الخذلان. وليس من هؤلاء الفقهاء المذكورين أحد إلا وهو يخالف كل واحد من الصحابة في مئين من القضايا، وفي عشرات منها، فقد بطل ما نصروا، وتركوا ما حققوا، وقد ذكرنا في باب الإجماع إبطال قول من قال باتباع الصاحب الذي لا مخالف له يعرف من الصحابة. وبينا هنالك أنهم الناس لذلك، وأنهم قد خالفوا أحكاما كثيرة لعمر، بحضرة المهاجرين والأنصار، لم يرو عن واحد منهم إنكارا لفعله

[35]**Translator's note (L2543):** "Following unquestioningly" renders taqlid, accepting another person's legal position on that person's authority. "Combining the lesser pilgrimage with the pilgrimage" renders mutʿat al-hajj, the pilgrimage arrangement known as tamattuʿ. The unvowelled personal name Barwaʿ also permits the reading Birwaʿ.

[36]**Translator's note (L2544):** "From Abu Hurayrah's own bag" preserves the report's idiom for something supplied from his own resources. The chain as supplied names three transmitters, but then says "both said"; this numerical inconsistency is preserved. The source has ʿamm before Muslim, an apparently corrupt transmission link. It is rendered "from," with the corruption recorded here.

[37]**Translator's note (L2545):** The name Ahmad Marwan appears without a connecting ibn; that wording is preserved.

[38]**Translator's note (L2546):** "Can two conflicting statements both be correct?" reads the unpunctuated phrase as a rhetorical question, as its surrounding argument requires.

[39]**Translator's note (L2547):** "Slave women who had borne their masters children" renders ummahat al-awlad, the legal category of slave women who bear children to their owners. The source reads "when they become pregnant from their pillows" (min wisadatihinna), an apparently corrupt expression. "From their masters" would fit the legal context, but that correction has not been substituted into the translation. "An existing state is presumed to continue" renders istishab al-hal, the technical principle of presuming continuity of an established state. "Normative practice" consistently renders sunnah here, preserving the term's role in the argument about whether ʿUmar's conduct would establish a precedent.

[40]**Translator's note (L2548):** The supplied wording attributes the ensuing statement to Talhah, although the quotation in the next segment refers to Talhah as the person wearing the garment. The apparent inconsistency has been retained.

[41]**Translator's note (L2550):** The text says that ʿUmar 'rejected differentiation' in blood-money for fingers, yet subsequently describes his abandoning that position upon learning that the amounts were equal. This apparent textual inconsistency has been retained. The expression translated as 'send menstruating women back' can also convey holding them back or requiring them to return; the wording does not specify the precise action.

[42]**Hadith references (L2543):** Sahih Muslim 2356c.

person or an ignorant person would attribute anything of this kind to the Prophet ﷺ; one must necessarily ascribe one of these two descriptions to him. This entails demolishing religion, making adherence to falsehood obligatory, and prohibiting and permitting the same thing at the same time. This is beyond reason and is a lie against the Prophet ﷺ. Whoever lies against him enters the Fire. We seek refuge in Allah from that. As for their statement, "The Companions, may Allah be pleased with them, witnessed revelation and therefore know it better," it follows necessarily on their reasoning that the Successors witnessed the Companions and therefore know them better, so uncritical following of the Successors must be obligatory. The same applies generation after generation until security reaches us, whereupon uncritical following of us must be obligatory. This describes the religion of the Christians in their following of their bishops; it does not describe our religion. Praise belongs to Allah, Lord of all worlds. We have said, and continue to say, that even if everything we have mentioned that they adduce as evidence were true, it would count against them, not in their favor, because uncritical following of the Companions contains nothing that makes uncritical following of Malik, Abu Hanifah, and al-Shafiʿi obligatory. It is astonishing indeed that they follow Malik, Abu Hanifah, and al-Shafiʿi uncritically, yet, when this is challenged, they invoke things by which they seek to establish an obligation to follow the Companions uncritically, while themselves disagreeing profoundly with the Companions. Could anything be more astonishing? We seek refuge in Allah from abandonment. There is not one of these aforementioned jurists who does not disagree with every one of the Companions in hundreds of cases and in dozens of them. Thus what they championed is invalid, and they have abandoned what they established. In the chapter on consensus, we have set out the refutation of the position of those who advocate following a Companion for whom no dissenting Companion is known. We explained there that they are the people for that, and that they have opposed numerous rulings of ʿUmar made in the presence of the Emigrants and the Helpers, with no objection to his doing so reported from any one of them, such as his doubling the compensation imposed on Hatib for the Muzani man's she-camel, and other matters. This was a well-known, widely circulated ruling in which none of the Companions opposed him, nor was

ذلك كإضعافه الغرم على حاطب في ناقة المزني وغير ذلك، وهذا حكم مشتهر منتشر لم يعارضه فيه أحد من الصحابة، ولا روي عن أحد منهم إنكارا لذلك، فقد تركوه هم يشهدون أن حكم الصاحب الذي لا يعرف له مخالف من الصحابة هو الحق؛ فقد أقروا على أنفسهم أنهم تركوا الحق، وأنهم أصروا على ما فعلوا وهم يعلمون. ويقال لهم أيضا: كيف كان حال حكم الصحابي الواحد الذي لا يعرف له مخالف قبل أن يشتهر وينتشر؟ أكان لازما أن يؤخذ به؟ أو كان غير لازم؟ فإن قال: كان غير لازم، أوجب أن ذلك الحكم في الدين وجب بعد أن كان غير واجب، وهذا كفر وتكذيب لله عز وجل في قوله {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم}

any objection to it reported from any one of them. Yet they have abandoned it while themselves testifying that the ruling of a Companion for whom no dissenting Companion is known is the truth. They have therefore admitted against themselves that they abandoned the truth and knowingly persisted in what they did. They should also be asked: What was the status of the ruling of a single Companion for whom no dissenter is known before it became well known and widely circulated? Was adopting it obligatory, or was it not obligatory? If someone says, "It was not obligatory," he necessarily entails that this ruling in religion became obligatory after having been nonobligatory. This is unbelief and a denial of Allah, mighty and majestic, in His saying: {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and what a beast of prey has eaten, except what you slaughter duly, and what has been slaughtered upon sacrificial stones, and that you seek allotments by divining arrows. That is grave disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—then indeed Allah is forgiving, merciful.}[43][44][45]

L2556 If he says, "It was obligatory," he has established its obligatory force before its circulation, and their invalid condition requiring circulation falls away.

وإن قال كان لازما فقد أوجب لزومه قبل الانتشار، وسقط شرطهم الفاسد في الانتشار، وهذا القول الفاسد يوجب أن دين الله مترقب فإن انتشر لزم؛ وإن لم ينتشر لم يلزم؛ وهذا كفر بارد، وشرك وسخف. وبالله تعالى التوفيق. وهم يخالفون عمر وزيد بن ثابت في قضاء عمر في الضلع بحمل، وفي الترقوة بحمل، وفي قضاء زيد في العين القائمة بمائة دينار، ولا يعرف له من الصحابة مخالف، حتى تحكم بعضهم فلم يستحي من الكذب فقال: إنما كان ذلك منهما على وجه الحكومة. قال أبو محمد: وهذه دعوى فاسدة لا دليل لهم على صحتها أصلا. ولا يعجز عن مثلها أحد، ويقال لهم مثل ذلك في تقويم الدية بألف دينار وبعشرة آلاف درهم، أو باثني عشر ألف درهم ولا

[43] **Translator's note (L2553):** The supplied text reads 'security reaches us,' an apparent transcription error where the argument would suggest 'the matter reaches us.' The supplied reading has been retained. The wording 'they are the people for that' appears defective, possibly through the omission of a word describing their opposition to that principle. No missing word has been supplied as established text. The juxtaposition 'in hundreds of cases and in dozens of them' is awkward in the supplied text and has been retained.

[44] **Translator's note (L2555):** The quotation is Quran 5:3. The supplied transcription repeatedly omits initial letters or hamzas in otherwise identifiable words, including the words for carrion, blood, swine, Allah, today, and Islam. The translation reflects the identifiable wording; these orthographic defects are noted rather than silently treated as an exact Quranic transcription.

[45] **Qur'an references (L2552):** Qur'an 5:3 (Al-Ma'idah).

This invalid position entails that Allah's religion remains pending: if it circulates, it becomes binding, and if it does not circulate, it does not become binding. This is sheer unbelief, associating partners with Allah, and folly. Success comes through Allah Most High. They disagree with ʿUmar and Zayd ibn Thabit concerning ʿUmar's award of a young sheep for a rib and a young sheep for a collarbone, and Zayd's award of one hundred dinars for an eye that remains in place, although no dissenting Companion is known. One of them even made an arbitrary assertion and, without being ashamed to lie, said, "What the two of them did was merely an exercise of discretionary assessment of compensation." Abu Muhammed said: This is an invalid claim for whose soundness they have absolutely no evidence, and no one would be incapable of making a similar claim. The same can be said to them concerning the valuation of blood-money at one thousand dinars, ten thousand dirhams, or twelve thousand dirhams; there is no difference. They disagreed with Ibn ʿUmar and Abu Barzah concerning their statement that, whenever two people engage in a sale, no sale is binding between them until they physically separate from the place of sale, although no dissenting Companion is known to either of them. Malik disagreed with Ibn ʿUmar and Ibn ʿAbbas concerning their statement that the ability to undertake pilgrimage consists solely in provisions and a riding mount.[46]

فرق. وخالفوا ابن عمر وأبا برزة في قولهما: إن كل متبايعين فلا بيع بينهما حتى يتفرقا بأبدانهما عن مكان البيع، ولا يعرف لهما مخالف من الصحابة. وخالف مالك ابن عمر وابن عباس في قولهما: إن استطاعة الحج ليست إلا الزاد والراحلة.

L2557–2561 They also opposed Jabir ibn Abd Allah concerning his prohibition of selling copies of the Quran. No opponent among the Companions is known to Ibn Umar, Ibn Abbas, or Jabir on these two questions. Malik and al-Shafiʿi opposed Umm Salamah and Uthman ibn Abi al-As concerning their statement that the maximum duration of postpartum bleeding is forty days; no opponent among the Companions is known to those two on this matter. Malik opposed Ibn Masʿud, Abu al-Darda', al-Zubayr, and Qudamah ibn Mazʿun concerning their permitting a sick man to marry and allowing the woman to inherit from him; no opponent among the Companions is known to them on this matter. They opposed Abu Bakr, Umar, Khalid ibn al-Walid, and Suwayd

وخالفوا جابر بن عبد الله في نهيه عن بيع المصاحف، ولا يعرف لابن عمر ولا لابن عباس ولا لجابر في هاتين المسألتين، مخالف من الصحابة. وخالف مالك والشافعي أم سلمة وعثمان بن أبي العاص في قولهما: إن أقصى أمد النفاس أربعون يوما ولا يعرف لهما في ذلك مخالف من الصحابة. وخالف مالك ابن مسعود وأبا الدرداء والزبير وقدامة بن مظعون في إباحة نكاح المريض، وجواز ميراثه للمرأة، ولا يعلم لهم من الصحابة مخالف في ذلك. وخالفوا أبا بكر وعمر وخالد بن الوليد وسويد بن مقرن في إقادتهم من اللطمة، ولا يعلم لهم في ذلك مخالف من الصحابة. قال أبو محمد: وقد أبطلنا في باب الإجماع قول من قال باتباع الأكثر، وهذه نصوص يوجب تكرارنا إياها أنها تقليد صحيح، فتدخل في باب التقليد وادعوا هم أنها إجماع، فوجب التنبيه عليها

[46] **Translator's note (L2556):** An 'eye that remains in place' is a technical expression for an eye that has lost its sight while remaining physically intact. The unvowelled word translated as 'a young sheep' is read here as ḥamal, a young sheep, in the context of compensation for bodily injury.

ibn Muqarrin concerning their exacting retaliation for a slap; no opponent among the Companions is known to them on this matter. Abu Muhammed said: In the chapter on consensus, we have already refuted the position of those who advocate following the majority. These are texts whose repetition by us is warranted by their constituting valid instances of following authority without proof, and thus belonging in the chapter on following authority without proof. They themselves claimed that these constituted consensus, so it was also necessary, for that reason, to draw attention to them in the chapter on consensus. There, and in the chapter on transmitted reports in this book of ours, we have explained the invalidity of the statement of someone who says: It is impossible that a ruling of the Prophet ﷺ should be unknown to the majority while being known to the minority. He mentioned the report of Abu Hurayrah: "My brothers among the Emigrants were occupied with striking bargains in the markets, and my brothers among the Helpers were occupied with tending their property, whereas I was a poor man who kept close to the Messenger of Allah ﷺ." Although this report is transmitted through individually transmitted reports, demonstration compels its acceptance as true. For no one possessed of reason and knowledge of transmitted reports doubts that the Companions—may Allah be pleased with them—lived in severe straitened circumstances. They were worn out with trade, for which they traveled to the far reaches of the lands of the Arabs, despite their harshness and scant wealth, and with date palms, which they tended with strenuous exertion and hard toil. Whenever one of them found an opening, he attended and listened. Thus the statement of someone who says that it is not possible for his ruling—peace be upon him—to be unknown to the majority while being known to the minority is invalid, and the opposite is established as correct for the reasons we have mentioned. Success comes through Allah Most High. Furthermore, we say to anyone who advocates following the majority: You are obliged to count them all, then ascertain who holds one of the two positions and ascertain the number of those who hold the second position. This is something they have never done in any of their questions. Allah Most High has said: "O you who believe, why do you say what you do not do? * It is greatly hateful in Allah's sight that you say what you do not do." We also say to them: Why have you not accepted

أيضا في باب الإجماع لذلك. وقد بينا هنالك، وفي باب الأخبار من كتابنا هذا بطلان قول من قال محال أن يغيب حكم النبي صلى الله عليه وسلم عن الأكثر ويعلمه الأقل وذكر حديث أبي هريرة: إن أخواني من المهاجرين كان يشغلهم الصفق بالأسواق، وإن إخواني من الأنصار كان يشغلهم القيام على أموالهم وكنت امرأ مسكينا ألزم رسول لله صلى الله عليه وسلم وهذا الحديث وإن كان منقولا من طريق الآحاد، فإن البرهان يضطر إلى تصديقه، لأنه لا شك عند كل ذي عقل ومعرفة بالأخبار، أن الصحابة رضي الله عنهم كانوا في ضنك شديد من العيش. وكانوا مكدودين في تجارة يضربون لها آفاق بلاد العرب على خشونتها وقلة أموالها، وفي نخل يعاونونه بالنص والكد الشديد، فإذا وجد أحدهم فرجة حصر وسمع. فبطل قول من قال: إنه لا يجوز أن يغيب حكمه عليه السلام عن الأكثر ويعلمه الأقل. وصح ضد ذلك لما ذكرنا وبالله تعالى التوفيق. وأيضا فنقول لمن قال باتباع الأكثر: إنه يلزمك أن تعدهم كلهم، ثم تعرف من قال بأحد القولين، وتعرف عدد من قال بالقول الثاني، وهذا أمر لم يفعلوه قط في شيء من مسائلهم وقد قال تعالى {يأيها لذين آمنوا لم تقولون ما لا تفعلون * كبر مقتا عند لله أن تقولوا ما لا تفعلون} ونقول لهم أيضا: هلا قلتم بالأكثر عددا في الشهود إذا اختلفوا؟ على أن عليا يقول بذلك، فأين تقليدكم الإمام الصحابي؟ وأين قولكم باتباع الأكثر عددا؟ فإن قالوا: النص منعنا من ذلك، وتركوا قولهم إن الصحابي أعلم منا، ولا شك أن عليا رضي الله عنه قد عرف من النص الوارد في الشهادات كالذي عرف مالك وأبو حنيفة والشافعي، مع أن النص لم يرد في عدد الشهود إلا في الزنى والطلاق والديون فقط. وقد رجع الصحابة من قول إلى قول، وخالف كل إمام منهم الإمام الذي كان قبله، فقد كانت الضوال أيام عمر مهملة لا تمس، ثم رأى عثمان بيعها، وقد ذكرنا ما خالف فيه عمر أبا بكر قبل هذا، وقد نهى عثمان عن القران، فلبى علي بهما معا قاصدا معلنا بخلافه، فلما قال له في ذلك قال

the greater number of witnesses when they disagree, given that Ali holds this position? Where, then, is your following the imam who was a Companion without proof, and where is your advocacy of following the greater number? If they say, "The revealed text prevented us from doing so," they have abandoned their statement, "The Companion is more knowledgeable than we are." There is no doubt that Ali—may Allah be pleased with him—knew as much of the revealed text concerning testimony as Malik, Abu Hanifah, and al-Shafi'i knew, even though a revealed text concerning the number of witnesses occurs only in cases of unlawful sexual intercourse, divorce, and debts. The Companions changed from one position to another, and each imam among them opposed the imam who had preceded him. Stray animals were left alone and untouched in Umar's days; then Uthman considered that they should be sold. We have already mentioned before this the matters in which Umar opposed Abu Bakr. Uthman prohibited combining the pilgrimage and the lesser pilgrimage, but Ali pronounced the pilgrimage invocation for both together, deliberately and openly opposing him. When he spoke to him about this, Ali told him: "I would not abandon the practice of the Prophet ﷺ for anyone's statement." And Ahmad ibn Umar related to me, ibn Umar: Abu Dharr related to us: Zahir ibn Ahmad related to us: Zanjuwayh ibn Muhammed informed us: Muhammed ibn Isma'il al-Bukhari related to us: Muhammed ibn Yusuf related to us: Sufyan related to us, from Aslam al-Minqari, from Abd Allah ibn Abd al-Rahman ibn Abza, from his father, who said: I said to Ubayy ibn Ka'b, when people became embroiled in the affair of Uthman: "Abu al-Mundhir, what is the way out of this affair?" He

له علي ما كنت لأترك سنة النبي صلى الله عليه وسلم لقول أحد وحدثني أحمد بن عمر بن عمر نا أبو ذر، نا زاهر بن أحمد، أنا زنجويه بن محمد، نا محمد بن إسماعيل البخاري، نا محمد بن يوسف، نا سفيان، عن أسلم المنقري، عن عبد الله بن عبد الرحمن بن أبزى، عن أبيه قال: قلت لأبي بن كعب لما وقع الناس في أمر عثمان: أبا المنذر، ما المخرج من هذا الأمر؟ قال: كتاب الله تعالى ما استبان لك فاعمل به. وما اشتبه عليك فكله إلى عالمه.

said: “The Book of Allah Most High. Act upon whatever becomes clear to you, and entrust whatever is unclear to you to one who knows it.”[47][48][49]

L2562 Abu Muhammed said: Then let them follow Ali and Ubayy without proof in this matter, for on it those two adhere to the manifest truth, which it is absolutely impermissible to oppose. Here are Umar, Ali, Ibn Abbas, and Ibn Mas‘ud holding that the remainders of inheritances should be returned to blood relatives, while Zayd ibn Thabit alone holds that the remainder should be returned to the public treasury rather than to blood relatives. If our opponent is a Maliki or a Shafi‘i, he has abandoned the position of the imams among the Companions and the position of their majority, and adopted the position of Zayd alone. They have done the same concerning the menstrual cycles used to reckon the waiting period, saying that they are the intervals of purity, whereas the majority of the Companions hold that they are the menstrual periods, and the minority hold that they are the intervals of purity. If they say, “A text has been transmitted stating, ‘Zayd is the most knowledgeable of you concerning prescribed inheritance shares,’” the answer is: This report is not authentic.[50]

L2563–2565 Even if it were authentic, it would count against you, because that report also contains: “And Mu‘adh is the most knowledgeable of you in jurisprudence.” So follow Mu‘adh without proof in the issuing of legal opinions, in executing the apostate without first asking him to repent, in allowing a believer to

قال أبو محمد: فليقلدوا عليا وأبيا في هذا، فإنهما على الحق المبين فيه الذي لا يحل خلافه أصلا. وهؤلاء عمر وعلي وابن عباس وابن مسعود، يرون رد فضلات المواريث على ذوي الأرحام، وزيد بن ثابت وحده يرى رد الفضل على بيت المال دون ذوي الأرحام، وإن كان خصمنا مالكيا أو شافعيا فقد ترك قول الأئمة من الصحابة وقول الجمهور منهم، وأخذ بقول زيد وحده، وكذلك فعلوا في الأقراء فقالوا هي الأطهار، وجمهور الصحابة على أنه الحيض، والأقل على أنها الأطهار. فإن قالوا: قد جاء النص: إن زيدا أفرضكم قيل هذا الحديث لا يصح

ولو صح لكان عليكم، لأن في ذلك الحديث: ومعاذ أفقهكم فقلدوا معاذا في الفتيا، وفي قتل المرتد دون أن يستتاب، وفي توريث المؤمن من الكافر، وفي أشياء كثيرة خالفتموه فيها. واحتج بعضهم بقوله تعالى {كنتم خير أمة أخرجت للناس تأمرون بالمعروف وتنهون عن المنكر وتؤمنون بالله ولو آمن أهل الكتاب لكان خيرا لهم منهم المؤمنون وأكثرهم الفاسقون} وبقوله تعالى {وكذلك جعلناكم أمة وسطا لتكونوا شهداء على الناس ويكون الرسول عليكم شهيدا وما جعلنا القبلة التي كنت عليها إلا لنعلم من يتبع الرسول ممن ينقلب على عقبيه وإن كانت لكبيرة إلا على الذين هدى الله وما كان الله ليضيع إيمانكم إن الله بالناس لرءوف رحيم} قال أبو محمد وهذا لا يوجب التقليد، لأنه قد بينا أنهم لم يتفقوا إلا على ما لا خلاف فيه وعلى الأخذ بسنن النبي صلى الله عليه وسلم وإنكار رأيهم إذا كان فيه خلاف للسنن وعلى ما قد خالفه هؤلاء

[47] **Translator’s note (L2557):** The wording describing these texts as «تقليد صحيح»—rendered as “valid instances of following authority without proof”—is awkward in the context of the author’s rejection of such following. The supplied wording has been retained rather than silently altered.

[48] **Translator’s note (L2558):** «رسول لله» appears to be a transcriptional error for “Messenger of Allah.” The wording «نخل يعاونونه بالنص» is uncertain. “Date palms, which they tended with strenuous exertion” gives the apparent sense, but the verb and «النص» are awkward in this context. «حصر» literally means “confined” or “besieged”; “attended” reflects the contextual reading «حضر», an apparent transcriptional error.

[49] **Qur’an references (L2557):** Qur’an 61:2 (As-Saf); Qur’an 61:3 (As-Saf).

[50] **Translator’s note (L2562):** The term «الأقراء» denotes the disputed units used to reckon a divorced woman’s waiting period; the passage contrasts interpreting them as menstrual periods with interpreting them as intervals of purity.

inherit from an unbeliever, and in many matters in which you have opposed him. Some of them argued from His statement, Most High: “You were the best community brought forth for humankind: you enjoin what is right, forbid what is wrong, and believe in Allah. Had the People of the Book believed, it would have been better for them. Among them are believers, but most of them are defiantly disobedient”; and from His statement, Most High: “Thus We made you a middle community, so that you might be witnesses over humankind and the Messenger might be a witness over you. We appointed the direction of prayer that you formerly faced only so that We might know who follows the Messenger from him who turns back on his heels. It was indeed a great burden, except for those whom Allah guided. Allah would never let your faith go to waste. Indeed, Allah is compassionate and merciful toward humankind.” Abu Muhammed said: This does not entail following authority without proof. We have already explained that they agreed only upon matters concerning which there is no disagreement, upon adhering to the practices of the Prophet ﷺ and repudiating their own opinion when it conflicted with those practices, and upon matters that these present-day men have opposed, such as an irrigation partnership without a fixed term: “But we shall allow you to remain as long as Allah allows you to remain, Most High, and we shall expel you whenever we wish,” and other matters that we have recorded in their proper place, and that alone. And we have found that Abu Ayyub refrained from performing the two units of prayer after the afternoon prayer throughout Umar’s lifetime. When he died, Abu Ayyub resumed performing them. Someone asked him about this, and he said: “Umar used to beat people for performing them.” Ibn Abbas expressed a position, and he was asked: “Where were you with this in Umar’s days?” He replied: “I stood in awe of him.” Yahya ibn Abd al-Rahman ibn Masʻud related this to us: Ibn Duhaym related to us: Ibrahim ibn Hammad related to us: Ismaʻil ibn Ishaq related to us: Ali ibn Abd Allah ibn al-Madini related to us: Yaʻqub ibn Ibrahim ibn Saʻd related to us: My father related to us, from Ibn Ishaq: Muhammed ibn Muslim ibn al-Zuhri related to me, from Abd Allah ibn Abd Allah ibn Utbah ibn Masʻud, that he was with Ibn Abbas when the proportional reduction of prescribed inheritance shares was mentioned, and Ibn Abbas rejected it. Zufar ibn Aws said to him: “What prevented you,

الحاضرون، كالمساقات إلى غير أجل. لكن نقركم ما أقركم الله تعالى ونخرجكم إذا شئنا، وغير ذلك مما قد كتبناه في موضعه فقط، وقد وجدنا أبا أيوب ترك صلاة الركعتين بعد العصر طول مدة عمر، فلما مات رجع يصليهما، فسأله عن ذلك سائل فقال: كان عمر يضرب الناس عليهما. وقال ابن عباس قولا فقيل له: أين كنت عن هذا أيام عمر؟. فقال: هبته. حدثنا بذلك يحيى بن عبد الرحمن بن مسعود، ثنا ابن دحيم، ثنا إبراهيم بن حماد، ثنا إسماعيل بن إسحاق، ثنا علي بن عبد الله بن المديني، ثنا يعقوب بن إبراهيم بن سعد، ثنا أبي عن ابن إسحاق، حدثني محمد بن مسلم بن الزهري، عن عبد الله بن عبد الله بن عتبة بن مسعود أنه كان عند ابن عباس فذكر عول الفرائض، فأنكره ابن عباس، فقال له زفر بن أوس: ما منعك يا ابن عباس أن تشير بهذا الرأي على عمر؟. قال هبته، وقد روينا عن ابن عباس من طرق صحيحة أنه هم أن يسأل عمر بن الخطاب عن المرأتين اللتين تظاهرتا على رسول الله صلى الله عليه وسلم فبقي سنة كاملة لا يقدم على أن يسأله عن ذلك هيبة له. وروينا عنه أنه قال: كنت أضرب الناس مع عمر على الركعتين بعد العصر،

Ibn Abbas, from suggesting this opinion to Umar?" He said: "I stood in awe of him." We have also transmitted from Ibn Abbas through authentic chains that he intended to ask Umar ibn al-Khattab about the two women who supported one another against the Messenger of Allah ﷺ, but remained for an entire year without venturing to ask him about it, out of awe of him. And we have transmitted from him that he said: "I used to beat people along with Umar for performing the two units of prayer after the afternoon prayer."[51][52][53]

L2566–2567 Then we transmitted from him the view that the two prayer units should be performed after Umar's death, as Muhammed ibn Sa'id al-Nabati related to us: Ahmad ibn Abd al-Basir related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Bundar related to us: Ghundar related to us: Shu'bah related to us, from Abu Hamzah, who said: Ibn Abbas said to me, "I certainly saw Umar beating people for praying after the afternoon prayer." Ibn Abbas also said, "Pray, if you wish, during the interval before the sun sets." Abu Musa mentioned the report concerning requesting permission to enter, and Umar threatened to beat him on his back and belly. This establishes that their silence may have been an act of protective concealment for Islam, or intended to prevent contention and disagreement; it may also have been a matter of seeking confirmation, or for whatever reason Allah, mighty and majestic, willed. No one's statement or silence constitutes authoritative proof except that of the Messenger of Allah ﷺ: his statements and his silence constitute established authoritative proof concerning what he made known. Some of them argued that a ruler's judgment cannot be overturned, because Abu Bakr gave people equal shares whereas Umar gave them unequal shares, yet no one returned what Abu Bakr had given him. Abu Muhammed said: This is an error, because what they mention concerning Abu Bakr's equal treatment and Umar's unequal treatment was not a judicial ruling; it was

ثم روينا عنه القول بصلاتهما بعد عمر، كما حدثنا محمد بن سعيد النباتي، ثنا أحمد بن عبد البصير، ثنا قاسم بن أصبغ، ثنا الخشني، ثنا بندار، ثنا غندر، ثنا شعبة عن أبي حمزة قال: قال لي ابن عباس: لقد رأيت عمر يضرب الناس على الصلاة بعد العصر، وقال ابن عباس: صل إن شئت ما بينك وبين أن تغيب الشمس. وقد ذكر أبو موسى حديث الاستئذان، فتهدده عمر بضرب ظهره وبطنه، فصح بهذا أن سكوتهم قد يكون تقية للإسلام، أو لئلا يقع تنازع واختلاف. وقد يكون تثبتا، أو لما شاء الله عز وجل وليس قول أحد لا سكوته حجة إلا رسول الله صلى الله عليه وسلم فإن قوله وسكوته حجة قائمة على ما أعلم واحتج بعضهم بأن حكم الإمام لا ينقض، لأن أبا بكر ساوى بين الناس وأن عمر فاضل بينهم، فلم يرد أحد ما أعطاه أبو بكر. قال أبو محمد: وهذا خطأ لأن ما ذكروا من مساواة أبي بكر ومفاضلة عمر ليس حكما، وإنما هي قسمة مال موكولة إلى اجتهاد الإمام، مباح له أن يفاضل ومباح له أن يسوي وليس هذا شريعة تحليل ولا تحريم ولا إيجاب. وقد دون عمر ولم يدون أبو بكر، وبالجملة فقد يخطىء الإمام غيره، واتباع من يجوز أن يخطىء هو الحكم بالظن

[51] **Translator's note (L2563):** «المساقات» is rendered as an irrigation partnership: an arrangement to tend and irrigate trees in return for a share of their produce. The quoted condition continues in the next unit.

[52] **Translator's note (L2564):** "Most High" continues the reference to Allah at the end of the preceding unit. The final words introduce the sentence continued in the next unit.

[53] **Qur'an references (L2563):** Qur'an 3:110 (Ali 'Imran); Qur'an 2:143 (Al-Baqarah).

merely a distribution of money entrusted to the ruler's independent legal judgment. He is permitted to give unequal shares, and he is permitted to give equal shares. This is not legislation declaring something lawful, prohibited, or obligatory. Umar established registers, whereas Abu Bakr did not. In general, an imam may deem another mistaken, and following someone who may be mistaken amounts to judging by conjecture.[5455]

L2568–2571 Allah Most High has forbidden following conjecture. As for the obligation to obey rulers, that is the right of every just ruler who has existed or will exist until the Day of Resurrection. This applies only to what accords with obedience to Allah, mighty and majestic, and is right. It does not extend to their legislating for us a position for which neither a revealed text nor consensus has come to us. In general, regarding everything they have said here, the deception they have practiced upon the Muslims, and the things with which they have blackened their books—things for which their regret on the Day of Resurrection will be prolonged—they are the people who most thoroughly abandon and most strongly oppose those members of the community whose uncritical following they have declared obligatory in it. We have explained this in several places in our books, and success comes through Allah Most High. Some of them argued on the basis of what al-Muhallab related to us: Ibn Munas related to us: Ibn Masrur related to us: Yusuf ibn Abd al-A'la related to us: Ibn Wahb related to us: Someone who heard al-Awza'i say the following informed me: Abdah ibn Abi Lubabah related to me that Ibn Mas'ud said, "Take heed: no man should entrust his religion to another man through uncritical following, believing if he believes and disbelieving if he disbelieves. If he must inevitably follow someone uncritically, let him follow the dead and leave the living, for the living cannot be considered safe from being put to trial." Abu Muhammed said: This is invalid, because Ibn Wahb

وقد نهى الله تعالى عن اتباع الظن وأما وجوب طاعة الأئمة فذلك حق كل إمام عدل كان أو يكون إلى يوم القيامة وإنما ذلك فيما وافق طاعة الله عز وجل وكان حقا، وليس ذلك في أن يشرعوا لنا قولا لم يأتنا به نص ولا إجماع، وبالجملة فكل ما تكلموا به في هذا المكان، وموهوا به عن المسلمين، وسودوا كتبهم بما سيطول الندم عليه يوم القيامة، فهم أترك الناس وأشدهم خلافا للأمة الذين أوجبوا تقليدهم فيه، وقد بينا ذلك في غير مكان من كتبنا. وبالله تعالى التوفيق. واحتج بعضهم بما حدثنا المهلب، ثنا ابن مناس، ثنا ابن مسرور، ثنا يوسف بن عبد الأعلى، ثنا ابن وهب، أخبرني من سمع الأوزاعي يقول: حدثني عبدة بن أبي لبابة أن ابن مسعود قال: ألا لا يقلدن رجل رجلا دينه، إن آمن آمن، وإن كفر كفر فإن كان مقلدا لا محالة، فليقلد الميت ويترك الحي فإن الحي لا يؤمن عليه الفتنة. قال أبو محمد: وهذا باطل لأن ابن وهب لم يسم من أخبره ولا لقي عبدة بن أبي لبابة بن مسعود، مع أنه كلام فاسد، لأن الميت أيضا لا تؤمن عليه الفتنة إذا أفتي بما أفتي، ولا فرق بينه وبين الحي في هذا، هذا على أن بعض من يخالفنا في التقليد عكس هذا الأمر برأيه، وهو المعروف بالباقلاني قال: من قلد فلا يقلد إلا الحي، ولا يجوز تقليد الميت. فكان هذا طريقا من الضلالة جدا، لأنه دعوى فاسدة بلا برهان، وقول، مع سخفه، ما نعلم قاله قبله أحد. أخبرني أحمد بن عمر العذري، ثنا أحمد بن محمد بن عيسى البلوي غندر، ثنا خلف بن قاسم، ثنا ابن الميمون عبد الرحمن بن عبد الله بن عمر بن راشد البجلي، ثنا أبو زرعة عبد الرحمن بن عمرو النضري الدمشقي، ثنا أبو مسهر، ثنا سعيد بن عبد

[54] **Translator's note (L2566):** The reading تقبة is corrupt or unclear; the rendering provisionally understands تقية, protective concealment or dissimulation. The unvocalized phrase على ما أعلم is ambiguous. It is rendered as 'concerning what he made known'; it could also mean 'to the best of my knowledge.'

[55] **Translator's note (L2567):** The unvocalized يخطىء الإمام غيره is read as 'an imam may deem another mistaken,' rather than as a statement merely that the imam himself may err.

did not name the person who informed him, and Abdah ibn Abi Lubabah did not meet Ibn Mas'ud. Moreover, it is an unsound statement, because neither can the dead man be considered safe from having been put to trial when he issued whatever legal opinions he issued. In this respect there is no difference between him and the living. Furthermore, one of those who disagree with us concerning uncritical following, the man known as al-Baqillani, reversed this matter on the basis of his own opinion. He said, "Whoever follows someone uncritically must follow only a living person; uncritically following the dead is impermissible." This was indeed a path of profound error, because it is an unsound claim without demonstration, and a statement which, besides its foolishness, we know of no one having made before him. Ahmad ibn Umar al-Udhri informed me: Ahmad ibn Muhammed ibn Isa al-Balawi, Ghundar, related to us: Khalaf ibn Qasim related to us: Ibn al-Maymun, Abd al-Rahman ibn Abd Allah ibn Umar ibn Rashid al-Bajali, related to us: Abu Zur'ah Abd al-Rahman ibn Amr al-Nadri al-Dimashqi related to us: Abu Mushir related to us: Sa'id ibn Abd al-Aziz related to us, from Isma'il ibn Ubayd Allah, from al-Sa'ib ibn Zayd, the son of Nimr's sister, that he heard Umar ibn al-Khattab say, "Your reports are indeed the worst reports; your speech is indeed the worst speech. You have related things to people until it has come to be said, 'So-and-so said,' and 'So-and-so said,' while there is abandoned the Book of Allah. Whoever among you stands to speak, let him stand with the Book of Allah; otherwise, let him sit down." This was Umar's statement to the finest generation on the face of the earth. What, then, if he had lived to witness our present condition: abandoning the Quran and the words of Muhammed ﷺ, and turning instead to what Malik, Abu Hanifah,

العزيز، عن إسماعيل بن عبيد الله، عن السائب بن زيد بن أخت نمر أنه سمع عمر بن الخطاب يقول: إن حديثكم شر الحديث. إن كلامكم شر الكلام. فإنكم قد حدثتم الناس حتى قيل: قال فلان وقال فلان، ويترك كتاب الله، من كان منكم قائما فليقم بكتاب الله وإلا فليجلس. فهذا قول عمر لأفضل قرن على ظهر الأرض، فكيف لو أدرك ما نحن فيه من ترك القرآن وكلام محمد صلى الله عليه وسلم والإقبال على ما قال مالك وأبو حنيفة والشافعي وحسبنا الله ونعم الوكيل، وإنا لله وإنا إليه راجعون.

and al-Shafi'i said? Allah is sufficient for us, and He is the best disposer of affairs. We belong to Allah, and to Him we shall return.[56][57]

L2572 Some of them argued for this on the basis of accepting the statements of those who assess the monetary values of destroyed property, and testimony concerning its equivalents. This belongs to the category of testimony and reporting, not to the category of uncritical following. Allah, mighty and majestic, has commanded us to obtain redress from an aggressor equivalent to the aggression he committed. Thus, in accepting a witness's statement that this thing is equivalent to such-and-such a value, we have not taken from him a legal prescription declaring something prohibited or obligatory by Allah. Rather, we knew him to be knowledgeable about that commodity or that wound, so we accepted his testimony concerning it against the wrongdoer. This does not belong to the category of Malik and Abu Hanifah saying, "This is prohibited, this is obligatory, and this is permissible," concerning matters for which there is neither a revealed text nor consensus. We have been commanded to give testimony concerning rights, to accept it, and to judge by it. Whatever we have been commanded to do is not uncritical following. Anyone who fears Allah, mighty and majestic, should therefore refrain from misleading the believers. Among forms of concealing knowledge and shifting words away from their proper places, nothing is more grievous or harmful than a man misleading someone sitting with him who has formed a good opinion of him and has sat down with him so that he might teach him the religion of Allah, mighty and majestic: he gives a true legal prescription the name of prohibited uncritical following, then slips prohibited uncritical following in along with it. He is thus like someone who slips poison into

واحتج بعضهم في ذلك بقبول قول المقومين لأثمان المتلفات، والشهادة على أمثالها، وهذا من باب الشهادة والخبر لا من باب التقليد، لأن الله عز وجل قد أمرنا بالانتصاف من المعتدي بمثل ما اعتدى فيه، فلم نأخذ عن الشاهد، بأن هذا الشيء مماثل لقيمة كذا، شريعة حرمها الله ولا أوجبها، ولكنا علمناه عالما بتلك السلعة أو تلك الجرحة، فقبلنا شهادته في ذلك على الظالم، وليس هذا من باب، قال مالك وأبو حنيفة: هذا حرام وهذا واجب وهذا مباح، فيما لا نص فيه ولا إجماع، وقد أمرنا بالشهادة على الحقوق، وبقبولها وبالحكم بها، وكل ما أمرنا به فليس تقليدا، فينبغي لمن اتقى الله عز وجل ألا يلبس على المؤمنين، فليس في كتمان العلم وتحريف الكلم عن مواضعه، أشد ولا أضر من أن يضل المرء جليسه، الذي أحسن الظن به، وقعد إليه ليعلمه دين الله عز وجل، يسمي له باسم التقليد المحرم شريعة حق، ثم يدس له معها التقليد المحرم، فيكون كمن دس السم في العسل، والبنج في الكعك، فيتحمل إثمه وإثم من اتبعه إلى يوم القيامة. وقد قال بعض أهل الجهل: لو كلفنا النظر لضاعت أمورنا. قال أبو محمد: وهذا كلام فاسد من وجوه: أحدها: أنه يقال له: بل لو كلفنا التقليد لضاعت أمورنا، لأننا لم نكن ندري من نقلد من الفقهاء المفتين، وهم دون الصحابة أزيد من مائتي رجل معروفة أسماؤهم. وفي الحقيقة لا يدري عددهم إلا الله تعالى، إذ بالضرورة ندري أنه قد كان في كل قرية كبيرة للمسلمين مفت، وفي كل مدينة من مدائنهم عدة من المفتين، والمسلمون قد ملؤوا الأرض من السند إلى آخر الأندلس وسواحل البربر، ومن سواحل اليمن إلى ثغور أذربيجان وإرمينية، فما بين ذلك، والحمد لله رب العالمين.

[56] **Translator's note (L2568):** The supplied text reads للأمة, 'the community,' although the ensuing plural relative clause suggests that particular authorities are intended. The rendering retains the supplied reading as 'those members of the community'; للأئمة, 'the imams,' may have been intended. The wording موهوا به عن المسلمين is awkward; it has been rendered according to its apparent sense of deceiving or obscuring matters for Muslims.

[57] **Translator's note (L2569):** The opening 'in it' completes the preceding unit's statement about the matter in which uncritical following was declared obligatory. The names al-Nadri and al-Sa'ib ibn Zayd follow the supplied transcription and have not been normalized to possible alternative readings.

honey and henbane into cakes, bearing his own sin and the sin of whoever follows him until the Day of Resurrection. Some ignorant people have said, "If we were required to examine the evidence, our affairs would fall into ruin." Abu Muhammed said: This statement is unsound in several respects. First, one may say to him: On the contrary, if we were required to follow uncritically, our affairs would fall into ruin, because we would not know whom to follow among the jurists who issue legal opinions. Even apart from the Companions, they number more than two hundred men whose names are known. In reality, no one knows their number except Allah Most High, since we know necessarily that every large Muslim village has had a mufti, and every one of their cities several muftis. The Muslims have filled the earth from Sind to the furthest reaches of al-Andalus and the coasts of the Berbers, and from the coasts of Yemen to the frontier regions of Azerbaijan and Armenia, and everything in between. Praise belongs to Allah, Lord of the worlds.

L2573–2575 Furthermore, examination of the evidence puts affairs in order rather than ruining them. Furthermore, each of us is required to know what pertains to him in his religion, as we explained earlier concerning everyone's obligation to know the rulings governing his prayer and fasting, what is binding upon him, what is prohibited to him, and what is permissible for him. This is examination of the evidence itself. Examination is nothing other than ascertaining what has been commanded by Allah Most High and His Messenger ﷺ concerning these matters binding upon us. Even if Allah Most High had required us to let our affairs go to ruin, that would have been binding upon us, just as the Children of Israel were bound to kill themselves when they were commanded to do so. This is greater than letting one's affairs go to ruin. We have been commanded to pour away wines and discard carcasses and throwing away melted clarified butter in which a mouse dies. He has forbidden us usury. All this involves wasting great amounts of property of considerable value, which, had they been permitted, would have been among the most valuable and abundant sources of gain. How much more so, then, when examination involves wasting nothing, but instead preserves everything and gives every matter its full due! Praise belongs to Allah. It has been

وأيضا فإن النظر به صلاح الأمور لا ضياعها، وأيضا فإن كل امرىء منا مكلف أن يعرف ما يخصه من أمر دينه على ما بينا قبل، مما يجب على كل أحد من معرفة أحكام صلاته وصيامه، وما يلزمه وما يحرم عليه، وما هو مباح له وهذا هو النظر نفسه، ليس النظر شيئا غير تعريف ما أمر الله تعالى به ورسوله صلى الله عليه وسلم في هذه اللوازم لنا ولو كلفنا الله تعالى إضاعة أمورنا للزمنا ذلك، كما لزم بني إسرائيل قتل أنفسهم إذا أمروا بذلك، وهذا أعظم من إضاعة الأمور، وقد أمرنا بهرق الخمور، وطرح الجيف، ورمي السمن الذائب يموت فيه الفأر، وحرم علينا الربا، وفي هذا كله إضاعة أموال عظيمة لها قيم كثيرة لو أبيحت لكانت من أنفس المكاسب، وأوفرها، فكيف وليس في النظر إضاعة أمر بل فيه حفظ كل شيء وتوفية كل الأمور حقها. ولله الحمد. وقد صح عن الصحابة أنهم قالوا بآرائهم، صح ذلك عن أبي بكر وابن مسعود وعمر وعلي وغيرهم، وكلهم يقول: أقول في هذا برأيي، فإن كان صوابا فمن الله، وإن كان خطأ فمني، وزاد بعضهم، ومن الشيطان، والله ورسوله بريئان، وفعل ذلك أيضا

authentically established that the Companions spoke according to their own opinions. This has been authentically established concerning Abu Bakr, Ibn Masʿud, ʿUmar, ʿAli, and others. Each of them would say: "I speak about this according to my own opinion. If it is correct, it is from Allah; if it is mistaken, it is from me." Some added: "And from Satan; Allah and His Messenger are free of responsibility for it." Those who came after them also did this. Since this is established, it is established that they disclaimed responsibility for that opinion and did not regard it as religion binding upon people. It is therefore forbidden for anyone after them to adopt anything from their legal opinions as a religious obligation unless an authoritative text from Allah Most High or His Messenger ﷺ is authentically established in its support.

Muhammed ibn Saʿid ibn Nabat related to us: ʿAbd Allah ibn Muhammed ibn ʿAli al-Baji related to us: Ahmad ibn Khalid related to us: Abu ʿAli al-Hasan ibn Ahmad related to us, saying: Muhammed ibn ʿUbayd ibn Hisab related to me: Hammad ibn Zayd related to us, from al-Muthanna ibn Saʿid, who traced it back to Abu al-ʿAliyah, who said: Al-ʿAbbas said: "Woe to followers because of a scholar's stumbles!" He was asked: "How is that?" He said: "The scholar speaks from his own opinion; then something from the Prophet ﷺ reaches him, and he adopts it, while his followers continue upon what they heard." Hammad ibn Zayd said: Al-Nuʿman ibn Rashid related to us, saying: Al-Zuhri would sometimes dictate to me. When he reached an opinion and I stopped him at it to write it down, he would say: "Write: 'This is Ibn Shihab's opinion.'"[58][59]

L2576–2577 For perhaps something will reach you, and someone will say: 'Ibn Shihab could only have said it on the basis of a transmitted report.' Let it therefore be known that it is my opinion." Abu Muhammed said: The two of them—may Allah be pleased with them both—left nothing unexplained, but supplied every clarification. Ibn ʿAbbas thus informed you that woe awaits the person

من بعدهم، فإذا صح ذلك صح أنهم تبرؤوا من ذلك الرأي، ولم يروه على الناس دينا، فحرام على كل من بعدهم أن يأخذ من فتاويهم بشيء يتدين به، إلا أن يصح به نص عن الله تعالى أو عن رسوله صلى الله عليه وسلم حدثنا محمد بن سعيد بن نبات نا عبد الله بن محمد بن علي الباجي، نا أحمد بن خالد، نا أبو علي الحسن بن أحمد قال: حدثني محمد بن عبيد بن حساب، نا حماد بن زيد عن المثنى بن سعيد رده إلى أبي العالية قال: قال العباس، ويل للأتباع من عثرات العالم. قيل له: كيف ذلك؟ قال: يقول العالم من قبل رأيه ثم يبلغه عن النبي صلى الله عليه وسلم فيأخذ به وتمضي الأتباع بما سمعت قال حماد بن زيد: حدثنا النعمان بن راشد قال: كان الزهري ربما أملى علي حتى إذا جاء الرأي ووقفته عليه فأكتبه فيقول: اكتب إنه رأي ابن شهاب،

وإنه لعلك أن يبلغك الشيء فيقول ما قاله ابن شهاب إلا بأثر، فليعلم أنه رأيي. قال أبو محمد: لم يدعا رضي الله عنهما من البيان شيئا إلا أتيا به، فأعلمك ابن عباس أن كاتب رأي العالم والآخذ به له الويل، وأن العالم يقول برأيه: وأنه يلزمه ترك ذلك الرأي إذا سمع عن النبي صلى الله عليه وسلم خلافه وأعلمك الزهري أنه يقول برأيه وينهاك عن أن تقول فيما أتاك عنه: إنه لم يقله إلا بأثر، وهكذا يفعل هؤلاء الجهال فإنهم يقولون: لم يقل هذا مالك وفلان وفلان إلا بعلم كان عندهم عن النبي صلى

[58] **Translator's note (L2573):** The supplied تعريف literally means 'making known' or 'identifying'; in this context it is rendered 'ascertaining.'

[59] **Translator's note (L2575):** The transmission names al-ʿAbbas, whereas the author's explanation in the next unit attributes the statement to Ibn ʿAbbas. The discrepancy is preserved.

who writes down a scholar's opinion and adopts it; that a scholar speaks according to his own opinion; and that he must abandon that opinion when he hears something contrary to it from the Prophet ﷺ. Al-Zuhri informed you that he speaks according to his own opinion, and forbids you to say of something reaching you from him that he could only have said it on the basis of a transmitted report. Yet this is precisely what these ignorant people do. They say: "Malik, so-and-so, and so-and-so could only have said this because of knowledge they possessed from the Prophet ﷺ." Thus they attribute falsehoods to the Prophet ﷺ, judge by conjecture, and abandon certainty. We seek refuge in Allah from being forsaken.

Some of them argued for establishing uncritical adherence to another's authority by an extraordinary argument, following their customary practice of adducing whatever happened to pass their lips. This was the hadith containing the words: "My son was a hired worker for this man." They said: "People were therefore issuing legal opinions while the Messenger of Allah ﷺ was alive."[60]

L2578–2583 Abu Muhammed said: This is the strongest argument against them for invalidating uncritical adherence to another's authority. Those issuing legal opinions disagreed over that matter while the Messenger of Allah ﷺ was alive. Some ruled that the person who had committed unlawful intercourse without possessing the requisite marital status was to be stoned, while others ruled that he was to receive one hundred lashes and a year's banishment. When this dispute arose, it became obligatory to refer it to the Messenger ﷺ. The matter was therefore referred to him, and he ruled according to the truth and invalidated the falsehood. The situation is the same now: those issuing legal opinions have continued to disagree over that very matter down to the present. Abu Hanifah said: "He is subject to flogging, but not banishment, whether he is free or enslaved." Malik said: "He is subject to flogging and banishment unless he is enslaved." We and the adherents of al-Shafiʿi said: "He is subject to flogging and banishment as a general rule, whether enslaved

[60] **Translator's note (L2576):** The wording shifts awkwardly between addressing "you," an unspecified person saying something, and "let it be known." The translation preserves that shift.

الله عليه وسلم فيكذبون على النبي صلى الله عليه وسلم ويحكمون بالظن ويتركون اليقين نعوذ بالله من الخذلان. واحتج بعضهم في إثبات التقليد بغريبة جروا فيها على عادتهم في الاحتجاج بكل ما جرى على أفواههم، وذلك الحديث الذي فيه: إن ابني كان عسيفا على هذا قالوا فقد كان الناس يفتون ورسول الله صلى الله عليه وسلم حي

قال أبو محمد وهذا أعظم حجة عليهم في إبطال التقليد، لأن المفتين اختلفوا في تلك المسألة ورسول الله صلى الله عليه وسلم حي فأفتى بعضهم على الزاني غير المحصن بالرجم، وأفتى بعضهم عليه بجلد مائة وتغريب عام، فكان هذا التنازع لما وقع قد وجب فيه الرد إلى الرسول صلى الله عليه وسلم فرد الأمر إليه فحكم بالحق وأبطل الباطل. وهكذا الأمر الآن، قد اختلف المفتون حتى الآن في تلك المسألة بعينها فقال أبو حنيفة: عليه الجلد ولا تغريب عليه حرا كان أو عبدا، وقال مالك: عليه الجلد والتغريب إلا أن يكون عبدا، وقلنا نحن وأصحاب الشافعي: عليه الجلد والتغريب على العموم، عبدا كان أو غير عبد، فوجب أن يرد هذا التنازع الذي بيننا إلى القرآن والسنة، فوجدنا نص السنة يشهد لقولنا فوجب الانقياد له، فهذا الحديث يبطل التقليد جملة، ونحن لم ننكر فتيا العلماء للمستفتين، وإنما أنكرنا أن يؤخذ بها برهان يعضدها، ودون رد لها إلى نص القرآن والسنة، لأن ذلك يوجب الأخذ بالخطأ وإذا كان في

or otherwise." It therefore became obligatory to refer this dispute between us to the Qur'an and the Sunnah. We found that the explicit text of the Sunnah supports our position, so submission to it became obligatory. This hadith thus invalidates uncritical adherence altogether. We have never objected to scholars issuing legal opinions to those who seek them; we have objected only to their being adopted with a demonstration supporting them and without referring them to the explicit text of the Qur'an and the Sunnah, because that entails adopting error. If there were people issuing false legal opinions during his lifetime ﷺ, then after his death ﷺ they are more numerous and more widespread. It therefore necessarily follows that we must guard against the legal opinion of every person issuing one unless his opinion rests upon the Qur'an, the Sunnah, and consensus.

They also argued, saying: "The Companions—may Allah be pleased with them—witnessed the occasions of his commands ﷺ, and which of them proceeded from satisfaction and which proceeded from anger. It is therefore obligatory to follow their legal opinions." Abu Muhammed said: They are to be told—and success comes through Allah—that the Messenger of Allah ﷺ was sent to make matters clear to everyone who comes until the Day of Resurrection, not to his Companions alone. Every occasion involving anger or satisfaction that entails a ruling has therefore been transmitted by them to us. Conveying it was incumbent upon them as an obligation, because of his statement ﷺ: "Let those present convey to those absent, for someone to whom a report is conveyed may comprehend it better than someone who heard it." They have therefore transmitted everything of this kind that they witnessed, since they were not at liberty to conceal it. Allah has protected them from that. Had they concealed anything they heard or witnessed that entails a ruling in the revealed law, they would have deserved the most disgraceful descriptions; and indeed Allah protected them from that and kept them free of it. They—may Allah be pleased with them—did not confine themselves to their own legal opinions without conveying what they heard from him ﷺ and witnessed of his conduct. Thus they transmitted to us his anger with the Ansari who wished to maintain that kissing while fasting was specifically permitted to him, his anger with Muʿadh for prolonging the prayer when

عصره صلى الله عليه وسلم من يفتي بالباطل فهم من بعد موته صلى الله عليه وسلم أكثر وأفشى فوجب بذلك ضرورة أن نتحفظ من فتيا كل مفت، ما لم تستند فتياه إلى القرآن والسنة والإجماع. واحتجوا أيضا فقالوا: إن الصحابة رضي الله عنهم شهدوا أسباب الأوامر منه صلى الله عليه وسلم وما خرج منها على رضا وما خرج منها على غضب، فوجب اتباعهم في فتاويهم لذلك. قال أبو محمد فيقال لهم وبالله التوفيق إن رسول الله صلى الله عليه وسلم إنما بعث مبينا على كل من يأتي إلى يوم القيامة، لا على أصحابه وحدهم، فكل سبب من غضب أو رضى يوجب حكما فقد نقلوه إلينا ولزمهم أن يبلغوه فرضا بقوله صلى الله عليه وسلم ليبلغ الشاهد الغائب فرب مبلغ أوعى من سامع فقد نقلوا كل ما شهدوه من ذلك إذا لم يكونوا في سعة من كتمانه، وقد أعاذهم الله من ذلك، ولو كتموا شيئا مما يوجب حكما في الشريعة، مما سمعوا أو مما شاهدوا، لاستحقوا أقبح الصفات، وقد أعاذهم الله من ذلك ونزههم عنه، فلم يقتصروا رضي الله عنهم على فتاويهم دون تبليغ منهم لما سمعوا منه صلى الله عليه وسلم وشاهدوه منه كما نقلوا إلينا غضبه على الأنصاري الذي أراد أن يقول بالخصوص في قبلة الصائم، وغضبه على معاذ في تطويله الصلاة إذا كان إماما وغضبه على من تنزه عما فعل صلى الله عليه وسلم وغضبه على اليهود إذ قال والذي اصطفى موسى على البشر، وإعراضه عن عمار إذ تخلق، وعن عائشة وفاطمة إذ علقتا سترين المزينين، وسروره بقول مجزز المدلجي في أسامة بن زيد، وسروره باجتماع الصدقة بين يديه إذ أمر بالصدقة إذا أتاه القوم المجتابون للثمار وإشاحته بوجهه المكرم صلى الله عليه وسلم وأفضل التحيات إذ ذكر النار أورده مسلم في كتاب الزكاة وحياءه صلى الله عليه وسلم من الأنصارية المستفتية في غسل المحيض ووصفه الجبة التي على البخيل إذا أراد أن يتصدق، وإشارته على كعب بن مالك بيده في إسقاط النصف من دينه على ابن

leading others, and his anger with those who held themselves above doing what he ﷺ had done; his anger with the Jews when one said, "By Him who chose Moses above humankind"; his turning away from ʿAmmar when he had applied khaluq perfume, and from ʿA'ishah and Fatimah when they hung up the two decorated curtains; his pleasure at what Mujazziz al-Mudliji said about Usamah ibn Zayd; his pleasure when charitable contributions accumulated before him after he commanded charity when the people wearing cut-open fruits came to him; and his turning his noble face aside—may Allah's blessings and peace be upon him ﷺ and the finest greetings—when he mentioned the Fire; Muslim included it in the Book of Almsgiving; his bashfulness ﷺ before the Ansari woman seeking a legal opinion about washing after menstruation; his description of the coat upon the miser when he wishes to give charity; his hand gesture to Kaʿb ibn Malik indicating that he should remit half the debt owed him by Ibn Abi Hadrad; the astonishment he expressed through his gaze and facial expression at al-ʿAbbas when he carried off a large amount of money, without his ﷺ saying anything about it; and his poking with a stick in his hand ﷺ between the water and the mud in the hadith of Abu Musa. There are very many examples like this. No outward expression or circumstance of his ﷺ entailing a ruling of disapproval, prohibition, permission, recommendation, or command has failed to be transmitted to us, because all of this was among the means by which he ﷺ made clear the intent of his Lord Most High. Had they concealed that from us, they would not have conveyed the message as they were obliged to do. Had they confined themselves to conveying some of it and not the rest, they would have fallen among those who conceal knowledge, and their probity would thereby have been forfeited. Allah Most High has kept them free of this, preserved His religion, and decreed that it be conveyed to us, generation after generation, until some of your Lord's signs come: "Are they waiting for anything but that the angels should come to them, or your Lord should come, or some of your Lord's signs should come? On the day some of your Lord's signs come, its faith will not benefit a soul that had not believed before or earned any good through its faith. Say: 'Wait; we too are waiting.'" They—may Allah be pleased with them—knew that their legal opinions do not bind us. What binds us is only to accept what they transmitted to us

أبي حدرد، وتعجبه بنظره وهيئة وجهه من العباس إذ احتمل المال الكثير دون أن يكون منه صلى الله عليه وسلم في ذلك كلام وضربه صلى الله عليه وسلم بعود في يده بين الماء والطين في حديث أبي موسى ومثل هذا كثير جدا فلم يكن له صلى الله عليه وسلم هيئة ولا حال يوجب حكما من كراهة أو نهي أو إباحة أو ندب أو أمر إلا وقد نقلت إلينا لأن كل ذلك مما بين به صلى الله عليه وسلم مراد ربه تعالى ولو كتموا ذلك عنا لما بلغوا كما لزمهم، ولو اقتصروا على تبليغ بعض ذلك دون بعض لدخلوا في جملة من يكتم العلم، ولسقطت عدالتهم بذلك، وقد نزههم الله تعالى عن هذا وحفظ دينه، وقضى بتبليغه إلينا جيلا بعد جيل إلى أن يأتي بعض آيات ربك {هل ينظرون إلا أن تأتيهم الملائكة أو يأتي ربك أو يأتي بعض آيات ربك يوم يأتي بعض آيات ربك لا ينفع نفسا إيمانها لم تكن آمنت من قبل أو كسبت في إيمانها خيرا قل انتظروا إنا منتظرون} وقد علموا رضي الله عنهم أن فتاويهم لا تلزمنا، وإنما يلزمنا قبول ما نقلوا إلينا عن نبينا صلى الله عليه وسلم وقد خالف بعض التابعين الصحابة بحضرتهم، فما أنكر الصحابة عليهم ذلك، كما أنكروا عليهم مخالفة ما رووه، كفعل ابن عمر في ابنه، إذ روى حديث الخذف، وحديث النهي عن منع النساء إلى المساجد،

from our Prophet ﷺ. Some of the Successors disagreed with the Companions in their presence, and the Companions did not rebuke them for this as they rebuked them for contravening what they narrated. An example is Ibn ʿUmar's conduct toward his son when he narrated the hadith concerning flicking pebbles and the hadith forbidding the prevention of women from going to the mosques.[61626364656667]

L2584–2597 His son then said: "Do not do that." Ibn ʿUmar rebuked this very severely, although he would not rebuke someone who disagreed with his legal opinion. The same applies to the rest of the Companions—may Allah be pleased with them—as in Ibn ʿAbbas's rebuke of ʿUrwah and others for opposing the hadith of the Prophet ﷺ by citing Abu Bakr and Umar; and like Imran ibn al-Husayn's rebuke, when he mentioned the hadith about modesty, of someone who opposed it with what was written in books of wisdom; and like Abu Hurayrah's statement, concerning the hadith about performing ablution after consuming something touched by fire: "When I relate something to you from the Prophet ﷺ, do not draw comparisons against it." We found that

فقال ابنه: لا تفعل ذلك، فأنكر ابن عمر ذلك إنكارا شديدا وكان لا ينكر على من خالفه في فتياه. وكذلك سائر الصحابة رضي الله عنهم، كإنكار ابن عباس على عروة وغير معارضة حديث النبي صلى الله عليه وسلم بأبي بكر وعمر وكإنكار عمرأن ابن الحصين إذ ذكر حديث الحياء على من عارضه بما كتب في الحكمة وكقول أبي هريرة إذا حدثتك عن النبي صلى الله عليه وسلم فلا تضرب له الأمثال في حديث الوضء مما مست النار. ووجدنا ابن عباس لم ينكر على عكرمة مخالفته له في الذبيح، ولم ينكر أبو هريرة على من خالفه بحديث النبي صلى الله عليه وسلم في إفطار من أصبح جنبا وجميعهم رضي الله عنهم على هذا السبيل، لا ينكر على من يخالفه في فتياه وينكر على من خالف روايته عن النبي صلى الله عليه وسلم أشد الإنكار ولكن أصحابنا يغفر الله لهم ويسددهم أضربوا على الواجب عليهم من تدبر أحكام القرآن ورواية أخبار النبي صلى الله عليه وسلم واختلاف العلماء ومعرفة مراتب الاستدلال المفرق بين الحق والباطل، وأقبلوا على ظلمات بعضها فوق بعض من قراءة طروس معكمة مملوءة من، قلت: أرأيت؟ فقنعوا بجوابات لا دلائل عليها وأفنوا في ذلك أعمارهم، فصفرت أيديهم من معرفة الحقائق، وظلموا من اغتر بهم، والأقل منهم شغلوا أنفسهم في أنواع القياس وتخصيص العلل، واستخراج علل لم يأذن بها الله تعالى ولا رسوله، ولا يقوم على صحتها برهان فقطعوا أيامهم بالترهات، ولو اعتنوا بما ألزمهم الله تعالى الاعتناء به من تدبر القرآن وتتبع سنن النبي صلى الله عليه وسلم لاستناروا واهتدوا ولاستحقوا بذلك

[61] **Translator's note (L2578):** "The requisite marital status" renders muḥṣan, the technical legal status relevant here to liability to stoning, rather than simply current marriage.

[62] **Translator's note (L2579):** The opening reads "with a demonstration supporting them," although the preceding objection and the ensuing argument appear to require "without a demonstration supporting them." The apparent omission or corruption is preserved.

[63] **Translator's note (L2580):** "Specifically permitted to him" refers to the claim that the permission concerning kissing while fasting was particular to the Prophet.

[64] **Translator's note (L2581):** The Arabic reads "the Jews," followed by a singular verb, "he said"; "when one said" conveys that grammatical shift. The supplied reading al-mujtābūn lil-thimār literally concerns "fruits" and is anomalous in this description of clothing. It apparently represents a corruption of a reference to people wearing cut-open woollen cloaks; the supplied reading is retained. Khaluq is a compounded perfume, commonly containing saffron.

[65] **Translator's note (L2582):** The Qur'anic quotation contains the malformed spellings l-malā'ikah and ntaẓirū, apparently missing the initial alif of al-malā'ikah and intaẓirū. The recognizable words are translated, and the repeated phrases are retained.

[66] **Translator's note (L2583):** The supplied wording places both the pebble-flicking report and the report about women attending mosques under Ibn ʿUmar's narration. This apparent conflation of reports is preserved.

[67] **Qur'an references (L2578):** Qur'an 6:158 (Al-An'am); Qur'an 16:33 (An-Nahl).

Ibn Abbas did not rebuke Ikrimah for disagreeing with him about the one offered for sacrifice, nor did Abu Hurayrah rebuke someone who disagreed with him on the basis of a hadith of the Prophet ﷺ concerning the breaking of the fast by someone who entered the morning in a state of major ritual impurity. All of them, may Allah be pleased with them, followed this course: a man would not rebuke someone who disagreed with his legal opinion, but would rebuke most severely someone who opposed what he transmitted from the Prophet ﷺ. Yet our companions—may Allah forgive them and guide them aright—turned away from their obligation to ponder the rulings of the Quran, transmit the reports of the Prophet ﷺ, study the disagreements of the scholars, and know the ranks of inference that distinguish truth from falsehood. They turned instead to layers of darkness, one above another, reading densely packed sheets filled with "I said" and "What would you say if …?" They thus contented themselves with answers unsupported by any evidence, and spent their lives on this, so that their hands were left empty of knowledge of realities, and they wronged those who were taken in by them. A smaller number of them occupied themselves with varieties of analogy, restricting effective causes, and deriving effective causes for which neither Allah Most High nor His Messenger had given authorization, and whose validity no demonstration establishes. They thus passed their days in absurdities. Had they attended to what Allah Most High obliged them to attend to—pondering the Quran and tracing the established practices of the Prophet ﷺ—they would have gained illumination and guidance, and would thereby have deserved success and precedence. Our success comes only through Allah Most High. Someone whose ignorance was strong, whose intellect was weak, and whose religion was tenuous said: "When two scholars disagree, and one adduces a hadith from the Prophet ﷺ or a verse, while the other advances a statement contrary to that hadith and that verse, it is obligatory to follow the one who contradicts the hadith. For we are commanded to revere them, and we know that, if this scholar deliberately opposed the Messenger of Allah ﷺ, he would be an unbeliever or a flagrant sinner. His innocence of that entails that he possessed knowledge requiring that hadith to be set aside and the ruling of that verse to be lifted, knowledge not possessed by the one who invoked them both. In this way, reverence for all of them is

الفوز والسبق، وما توفيقنا إلا بالله تعالى. وقال بعض من قوي جهله وضعف عقله ورق دينه: إذا اختلف العالمان وتعلق أحدهما بحديث عن النبي صلى الله عليه وسلم أو آية وأتى الآخر بقول يخالف ذلك الحديث وتلك الآية. فواجب اتباع من خالف الحديث، لأننا مأمورون بتوقيرهم ونحن عالمون أن هذا العالم لو تعمد خلاف رسول الله صلى الله عليه وسلم لكان كافرا أو فاسقا وفي براءته من ذلك ما يوجب أنه كان عنده علم يوجب ترك ذلك الحديث، ورفع حكم تلك الآية، لم يكن عند القائل بهما، وبهذا يوصل إلى توقير جميعهم. قال أبو محمد: وهذا القول في غاية الفساد من وجوه: أحدهما أن قائل هذا من أي المذاهب كان، أترك الناس لهذا الأصل، ويلزمه أن يبيح بيع الخمر تقليدا لسمرة، وألا يبيح التيمم للجنب في السفر أصلا تقليدا لعمر، وأن يبيح بيع الثمار قبل أن يبدو صلاحها تقليدا له، وأن يسقط الكفارة عن الواطىء في نهار رمضان تقليدا لإبراهيم النخعي، ومحمد بن سيرين، وسعيد بن جبير، وأن يتعمد بالجملة كل قولة خالف صاحبها الحديث والقرآن فيأخذ بها، وهذا ما لا يفعله مسلم وفيه ترك لمذاهب في الأكثر. ومنها أنه لو صح ما ذكر هذا الجاهل لوجب تفسيق ذلك العالم ضرورة ولاستحق لعنة الله عز وجل، لأنه كان يكون كاتما لعلم عنده عن رسول الله صلى الله عليه وسلم ومن فعل هذا فقد استحق اللعنة بقول الله تعالى: {إن الذين يكتمون مآ أنزلنا من البينات والهدى من بعد ما بيناه للناس في الكتاب أولئك يلعنهم لله ويلعنهم للاعنون} وأيضا فلو كان ما ذكر هذا الجاهل لكان ذلك النص، الذي توهمه عند ذلك العالم المخالف للحديث قد ضاع ولم ينقل وهذا باطل لأن كلامه صلى الله عليه وسلم كله وحي والوحي ذكر والذكر محفوظ قال الله تعالى {إنا نحن نزلنا لذكر وإنا له لحافظون} وأيضا فيقال لهذا الجاهل: ولعل هذا العالم لم يبلغه هذا الحديث، أو بلغه فنسيه جملة، أو لم ينسه لكنه لم يخطر على باله إذا خالفه، كما نسي عمر أن

achieved." Said Abu Muhammed: This statement is utterly unsound in several respects. One is that whoever says this, whatever his legal school, is among those who most thoroughly abandon this principle. It would oblige him to permit the sale of wine in unquestioning adherence to Samurah; to forbid altogether dry ablution for someone in a state of major ritual impurity while traveling, in unquestioning adherence to Umar; and to permit the sale of fruits before their ripeness becomes apparent, in unquestioning adherence to him; to waive the expiation for someone who has intercourse during the daytime in Ramadan, in unquestioning adherence to Ibrahim al-Nakhai, Muhammed ibn Sirin, and Said ibn Jubayr; and, in general, deliberately to seek out and adopt every statement whose proponent contradicted the hadith and the Quran. This is something no Muslim would do, and it would entail abandoning legal schools in most instances. Another respect is that, if what this ignorant man mentioned were sound, that scholar would necessarily have to be declared a flagrant sinner and would deserve the curse of Allah, Mighty and Majestic, because he would have been concealing knowledge in his possession from the Messenger of Allah ﷺ. Whoever does this has deserved the curse, according to the words of Allah Most High: "Indeed, those who conceal what We have sent down of clear proofs and guidance, after We have made it clear to people in the Book—those are the ones whom Allah curses, and whom those who curse also curse." Furthermore, if what this ignorant man mentioned were the case, the authoritative text he imagined that scholar who contradicted the hadith possessed would have been lost and never transmitted. This is false, because everything he ﷺ said is revelation; revelation is the Reminder; and the Reminder is preserved. Allah Most High said: "Indeed, We ourselves sent down the Reminder, and indeed We shall preserve it." Furthermore, this ignorant man should be told: Perhaps this hadith never reached that scholar; or it reached him and he forgot it entirely; or he did not forget it, but it did not occur to him when he contradicted it. Thus Umar forgot that before him were Muhammed ibn Maslamah, the Companion of the Messenger of Allah ﷺ; Abu Ayyub al-Ansari, who hosted the Prophet's ﷺ lodging; and Abu Musa al-Ashari, his ﷺ governor over part of Yemen. These latter two were known only by their teknonyms, to the point that most people did not know their personal names at all. Yet he

بين يديه محمد بن مسلمة صاحب رسول الله صلى الله عليه وسلم وأبا أيوب الأنصاري صاحب رحل النبي صلى الله عليه وسلم وأبا موسى الأشعري عامله صلى الله عليه وسلم على بعض اليمن وهذان لا يعرفان إلا بكناهما، حتى إن أكثر الناس لا يعرف اسمهما البتة. فنهى عن التسمي بأسماء الأنبياء عليهم السلام، فإذا جاز كما ترى أن لا يمر بباله شيء وهو بين يديه وفي حفظه حتى ينهى عنه، فهو فيما يمكن مغيبة عنه أمكن وأحرى، وكما نسي عمر أيضا قوله تعالى {إنك ميت وإنهم ميتون} حين موت النبي صلى الله عليه وسلم فقال والله ما مات ولا يموت حتى يسوسنا كلنا. حتى تليت عليه هذه الآية فخر مغشيا عليه، ثم قام وقال: والله كأني ما سمعتها قط قبل وقتي هذا. وكما نهى عن المغالاة في صدقات النساء، حتى ذكرته المرأة بقول الله تعالى {وإن أردتم ستبدال زوج مكان زوج وآتيتم إحداهن قنطارا فلا تأخذوا منه شيئا أتأخذونه بهتانا وإثما مبينا} فاعترف بالحق ورجع عن قوله، وقد كان حافظا لهذه الآية، ولكنه لم يذكرها في ذلك الوقت، وكما نسي عثمان رضي الله عنه وهو أحفظ الناس للقرآن قوله تعالى {ووصينا لإنسان بوالديه إحسانا حملته أمه كرها ووضعته كرها وحمله وفصاله ثلاثون شهرا حتى إذا بلغ أشده وبلغ أربعين سنة قال رب أوزعني أن أشكر نعمتك لتي أنعمت علي وعلى والدي وأن أعمل صالحا ترضاه وأصلح لي في ذريتي إني تبت إليك وإني من لمسلمين} أمر برجم التي ولدت لستة أشهر وهو حافظ للآية المذكورة حتى ذكر بها، فذكرها وأمر ألا ترجم. أو لعل ذلك العالم كان ذاكرا لتلك الآية وذلك الحديث ولكنه تأول تأويلا ما، من خصوص أو نسخ بما لا يصح وجهه كما فعلوا رضي الله عنهم في نهيه صلى الله عليه وسلم عن لحوم الحمر الأهلية فقال بعضهم إنما نهى عنها لأنها كانت حمولة الناس، وقال بعضهم: لأنها لم تخمس، وقال بعضهم: لأنها كانت تأكل القذر، وقال بعضهم: بل حرمت البتة، ومثل هذا كثير فهذا كله يخرج

prohibited taking the names of the prophets, peace be upon them. If, as you see, it is possible for something not to occur to him even though it is before him and retained in his memory, so that he prohibits it, this is still more possible and more likely concerning something that may be absent from him. Likewise, Umar also forgot His words, Most High: "You will die, and they will die," when the Prophet ﷺ died, and said: "By Allah, he has not died, nor will he die until he has governed us all." Then this verse was recited to him, and he fell unconscious. He then rose and said: "By Allah, it is as though I had never heard it before this moment." Likewise, he prohibited excessive bridal payments to women until the woman reminded him of the words of Allah Most High: "If you wish to replace one wife with another, and have given one of them a great sum, do not take any of it back. Would you take it through slander and manifest sin?" He then acknowledged the truth and withdrew his statement, although he had memorized this verse, but did not recall it at that time. Likewise, Uthman, may Allah be pleased with him, although he was the most retentive of people in memorizing the Quran, forgot His words, Most High: "We have enjoined upon the human being kindness toward his parents. His mother bore him with hardship and delivered him with hardship; his gestation and weaning are thirty months. Then, when he reaches full strength and reaches forty years, he says: 'My Lord, inspire me to give thanks for Your favor which You have bestowed upon me and upon my parents, and to do righteous deeds pleasing to You; and make my offspring righteous for me. Indeed, I have turned to You in repentance, and indeed I am among those who submit.'" He ordered the stoning of the woman who gave birth at six months, although he had memorized the aforementioned verse until he was reminded of it, whereupon he recalled it and ordered that she not be stoned. Or perhaps that scholar remembered that verse and that hadith, but adopted some interpretation involving specific scope or abrogation on an unsound basis, as they did—may Allah be pleased with them—concerning his ﷺ prohibition of the meat of domestic donkeys. Some said: "He prohibited them only because they were the people's beasts of burden." Others said: "Because the one-fifth share had not been taken from them." Others said: "Because they used to eat filth." Others said: "Rather, they were prohibited absolutely." There is much of this kind. All of this

تارك الحديث، من العلماء السالفين، عن الفسق وعن المجاهرة بخلاف نص القرآن والحديث ومعصية النبي صلى الله عليه وسلم الموجبة سخط الله تعالى حدثنا محمد بن سعيد النباتي، ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، ثنا الخشني، ثنا بندار، ثنا غندار، نا شعبة، عن أبي إسحاق السبيعي عن أبي عبيدة بن عبد الله بن مسعود، عن أبيه: أشد الناس عذابا يوم القيامة إمام ضال يضل الناس بغير ما أنزل الله، ومصور، ورجل قتل نبيا أو قتله نبي. قال أبو محمد: فنعيذ الله من سلف من القصد إلى هذه المرتبة، وإنما البلية على من تدين بما لم يؤده إليه اجتهاده، مما هو عالم مقر أنه لم ينزله الله تعالى، وكل من سلف من الأئمة رضي الله عنهم، إنما أداهم إلى ما أفتوا به اجتهادهم، فالمخطىء منهم معذور مأجور أجرا واحدا، هذا لا يظن بهم مسلم سواه وإنما أن يكون عندهم علم عن رسول الله صلى الله عليه وسلم من أجله ترك الحديث المنقول ولم يبلغوه ولا نقلوه فهم مبرؤون من ذلك ومنزهون عنه، لأن فاعل ذلك ملعون، وأما الخطأ فليس ذلك منفيا عنهم، بل هو ثابت عليهم وعلى كل بشر. فصح بما ذكرنا أن التأويل الذي ذكره الجاهل الذي وصفنا قوله، ورام به إثبات التقليد هو الذي يوجب، لو صح، على العلماء الفسق ضرورة ويوجب لهم اللعنة، وقد أعاذهم الله تعالى من ذلك، وأما نحن فننزههم عن ذلك. ولكنا نقول: إنهم يصيبون ويخطئون، وكان كل ما قالوه مردود إلى القرآن والسنة، ومعروض عليهما فلأيهما شهد القرآن والسنة فهو الصحيح، وغيره متروك، معذور صاحبه الذي قاله، ومأجور باجتهاده، وأما مقلده ومتبعه فملوم آثم عاص لله عز وجل، وبالله تعالى التوفيق. وذكر بعضهم أن إبراهيم النخعي قال: لو رأيتهم يتوضؤون إلى الكوعين ما تجاوزتهما وأنا أقرؤها {لمرافق ومسحوا} قال أبو محمد هذا كذب على إبراهيم ولو صح ما انتفعوا به، ولكان ذلك خطأ من إبراهيم عظيما، فما إبراهيم معصوم من الخطأ، فكيف ولا يصح عنه،

absolves a scholar of earlier generations who sets aside a hadith of flagrant sinfulness, of openly defying the explicit text of the Quran and the hadith, and of that disobedience to the Prophet ﷺ which incurs the displeasure of Allah Most High. Muhammed ibn Said al-Nabati related to us; Ahmad ibn Awn Allah related to us; Qasim ibn Asbagh related to us; al-Khushani related to us; Bundar related to us; Ghundar related to us; Shubah related to us, from Abu Ishaq al-Sabii, from Abu Ubaydah ibn Abd Allah ibn Masud, from his father: "Those who will suffer the severest punishment on the Day of Resurrection are a misguided leader who leads people astray by something other than what Allah has sent down, an image-maker, and a man who killed a prophet or whom a prophet killed." Abu Muhammed said: We seek Allah's protection for those who preceded us against deliberately descending to this rank. The calamity falls only upon someone who adopts as religion something to which his independent legal reasoning did not lead him, while knowing and acknowledging that Allah Most High did not send it down. All the imams who preceded us—may Allah be pleased with them—were led by their independent legal reasoning to the legal opinions they issued. Whoever among them erred is excused and receives one reward. No Muslim thinks otherwise of them. But as for their possessing knowledge from the Messenger of Allah ﷺ on account of which one of them set aside the transmitted hadith, while they neither conveyed nor transmitted that knowledge, they are innocent of this and above it, because anyone who does that is accursed. As for error, it is not denied of them; rather, it is established of them and of every human being. What we have mentioned thus establishes that the interpretation advanced by the ignorant man whose statement we described, and through which he sought to establish Blind following is what, if valid, would necessarily entail that the scholars were flagrantly disobedient and would entail their being accursed. Allah Most High has protected them from that. As for us, we hold them innocent of that, but we say that they are right and wrong, and that everything they have said is to be referred back to the Quran and the Sunnah and assessed against them. Whichever position the Quran and the Sunnah attest to is correct; anything else is to be abandoned, while the person who stated it is excused and rewarded for his independent legal reasoning. As for someone who blindly follows him and adopts

لأن راويه عنه أبو حمزة ميمون وهو ساقط جدا غير ثقة، وإنما الصحيح عنه خلاف هذا من الطرق الصحاح. كما حدثنا أحمد بن عمر بن أنس، ثنا أبو ذر الهروي، ثنا عبد الله بن أحمد بن حمويه السرخسي، ثنا إبراهيم بن خزيم، نا عبد بن حميد الكسي، ثنا محمد بن بشر العبدي، عن الحسن بن صالح، عن أبي الصباح، عن إبراهيم النخعي قال: لا طاعة مفترضة إلا لنبي. وكما حدثنا حمام بن أحمد، عن عبد الله بن إبراهيم الأصلي، عن أبي زيد المروزي، عن محمد بن يوسف الفربري، عن البخاري محمد بن إسماعيل، ثنا محمد بن يوسف، ثنا سفيان، هو الثوري، عن منصور، عن سعيد بن جبير قال: كان ابن عمر يدهن بالزيت، قال: فذكرته لإبراهيم النخعي فقال: ما تصنع بقوله؟ حدثني الأسود عن عائشة قالت: كأني أنظر وبيص الطيب في مفارق رسول الله صلى الله عليه وسلم وهو محرم قال أبو محمد فهذا الذي يليق بإبراهيم رحمه الله، وهو ألا يلتفت إلى قول ابن عمر إذا وجد عن النبي صلى الله عليه وسلم خلافه فكيف يظن من له مسكة عقل أن إبراهيم يترك قول ابن عمر لشيء رواه عن الأسود عن عائشة عن النبي صلى الله عليه وسلم ويترك نص القرآن لقوم لم يسمعهم ما يظن هذا بإبراهيم وينسبه إليه وقاح سخيف جاهل، وبالله تعالى نعوذ من الخذلان.

his position, he is blameworthy, sinful, and disobedient to Allah, Mighty and Majestic. Success comes through Allah Most High. Some of them mentioned that Ibrahim al-Nakha'i said: "If I saw them performing ablution only up to the wrists, I would not go beyond them, even though I read it as: 'the elbows, and wipe.'" Abu Muhammed said: This is a lie attributed to Ibrahim. Even if it were authentic, it would avail them nothing, and it would constitute a grave error on Ibrahim's part, for Ibrahim is not protected from error. How much less so when it is not authentically transmitted from him, since its transmitter from him is Abu Hamzah Maymun, who is utterly discredited and untrustworthy. What is authentically transmitted from him is precisely the opposite, through sound transmission routes, as Ahmad ibn 'Umar ibn Anas related to us: Abu Dharr al-Harawi related to us: 'Abd Allah ibn Ahmad ibn Hammuyah al-Sarakhsi related to us: Ibrahim ibn Khuzaym related to us: 'Abd ibn Humayd al-Kassi related to us: Muhammed ibn Bishr al-'Abdi related to us, from al-Hasan ibn Salih, from Abu al-Sabbah, from Ibrahim al-Nakha'i, who said: "No obedience is obligatory except obedience to a prophet." And as Hammam ibn Ahmad related to us, from 'Abd Allah ibn Ibrahim al-Asili, from Abu Zayd al-Marwazi, from Muhammed ibn Yusuf al-Firabri, from al-Bukhari, Muhammed ibn Isma'il: Muhammed ibn Yusuf related to us: Sufyan—that is, al-Thawri—related to us, from Mansur, from Sa'id ibn Jubayr, who said: "Ibn 'Umar used to anoint himself with oil." He said: "I mentioned this to Ibrahim al-Nakha'i, and he said: 'What use have you for his statement? Al-Aswad related to me, from 'A'ishah, who said: "It is as though I can see the gleam of perfume in the partings of the hair of the Messenger of Allah ﷺ while he was in the state of pilgrimage consecration."'" Abu Muhammed said: This is what befits Ibrahim, may Allah have mercy on him: that he should pay no heed to Ibn 'Umar's statement when he finds something contrary to it transmitted from the Prophet ﷺ. How, then, could anyone with a shred of reason suppose that Ibrahim would abandon the statement of Ibn 'Umar because of something he transmitted from al-Aswad, from 'A'ishah, from the Prophet ﷺ, yet abandon the explicit text of the Quran for people whom he had not heard? No one supposes this of

Ibrahim and attributes it to him [except] an impudent, foolish ignoramus. In Allah Most High we seek refuge from being forsaken.[68][69][70][71][72][73][74][75]

[68] **Translator's note (L2584):** The son's words literally read "Do not do that," an awkward response in this context; they have not been silently changed to "We will not do that." The final phrase, wa-ghayr muʿāraḍat, is grammatically irregular as supplied. The translation takes ghayr to mean "others," with the following context supplying the object of "opposing"; another possible reading would invoke "not opposing."

[69] **Translator's note (L2585):** The opening continues the preceding segment's description of Ibn Abbas rebuking Urwah for opposing a prophetic hadith by citing Abu Bakr and Umar. The name printed as "Umaran ibn al-Husayn" appears to be a transcription error for Imran ibn al-Husayn. "The one offered for sacrifice" refers to the disputed identity of Abraham's intended sacrificial son. The unusual adjective describing the sheets has been rendered "densely packed"; its precise reading and sense are uncertain.

[70] **Translator's note (L2587):** "Unquestioning adherence" renders taqlid, the technical term for accepting another person's position without independently establishing its proof.

[71] **Translator's note (L2588):** The wording "abandoning legal schools in most instances" follows the supplied indefinite plural; the intended reference may be to the adherents' own legal schools.

[72] **Translator's note (L2589):** In the Quranic quotations, the transcription omits initial letters in several words, including the divine name and words meaning "those who curse" and "the Reminder." The translations give the meanings of the recognizable intended words while flagging these defects here. The expression describing Abu Ayyub literally associates him with the Prophet's baggage or lodging; it is rendered here as referring to his role as host. The author's argument relies on Muhammed being a prophet's name and on Abu Ayyub and Abu Musa containing the prophets' names Ayyub and Musa. The latter two forms are teknonyms, conventionally meaning "father of Ayyub" and "father of Musa."

[73] **Translator's note (L2590):** The Quranic quotation has a defective spelling in the word meaning "replace"; the recognizable intended wording is translated here. "Until he has governed us all" follows the supplied wording of the reported statement.

[74] **Translator's note (L2591):** The Quranic quotation omits initial letters in the words meaning "the human being," "which," and "those who submit." These recognizable words are translated with the transcription defects noted here.

[75] **Translator's note (L2592):** The phrase translated "We seek Allah's protection for those who preceded us" is grammatically defective as supplied: its wording places "Allah" directly after the verb "grant protection," apparently omitting a preposition. "Independent legal reasoning" renders ijtihad. "Specific scope" renders khusus, distinguished here from abrogation. The reference to taking a one-fifth share concerns the treatment of the donkeys as spoils.

وأتى بعضهم بعظيمة فقال: إن عمر بن عبد العزيز قال: يحدث للناس أحكام بمقدار ما أحدثوا من الفجور. قال أبو محمد: هذا من توليد من لا دين له، ولو قال عمر ذلك لكان مرتدا عن الإسلام، وقد أعاذه الله تعالى من ذلك وبرأه منه، فإنه لا يجيز تبديل أحكام الدين إلا كافر. والصحيح عن عمر بن عبد العزيز ما حدثناه حمام بن أحمد، عن عبد الله بن إبراهيم، عن أبي أحمد الجرجاني، عن الفربري، عن البخاري، ثنا العلاء بن عبد الجبار، ثنا عبد العزيز بن مسلم، عن عبد الله بن دينار قال: كتب عمر بن عبد العزيز إلى أبي بكر بن حزم انظر ما كان من حديث رسول الله صلى الله عليه وسلم فاكتبه فإني خفت دروس العلم وذهاب العلماء ولا يقبل إلا حديث رسول الله صلى الله عليه وسلم قال أبو محمد فهذا عمر بن عبد العزيز لا يأمر ولا يجيز إلا حديث النبي صلى الله عليه وسلم وحده وروي أيضا أن عمر بن عبد العزيز كتب إليه عدي بن عدي الكندي عامله على الموصل يقول: إن وجدتها أكثر البلاد سرقا ونقبا، أفآخذهم بالظنة أم أحكم بمر الحق؟ فكتب إليه عمر بن عبد العزيز: إن أخذتم بمر الحق، فمن لم يصلحه الحق فلا أصلحه الله. قال: فما خرجت منها إلا وهي أصلح البلاد. قال أبو محمد: والذي اخترع هذه الكذبة على عمر بن عبد العزيز لا يخلو من أحد وجهين: إما إن يكون كافرا أو زنديقا ينصب للإسلام الحبائل. أو يكون جاهلا لم يدرك مقدار ما أخرج من رأسه، لأن إحداث الأحكام لا يخلو من أحد أربعة أوجه: إما إسقاط فرض لازم، كإسقاط بعض الصلاة أو بعض الصيام أو بعض الزكاة أو بعض الحج أو بعد حد الزنى أو حد القذف، أو إسقاط جميع ذلك، وإما زيادة في شيء منها، أو إحداث فرض جديد، وإما إحلال محرم كتحليل لحم الخنزير والخمر والميتة، وإما تحريم محلل كتحريم لحم الكبش وما أشبه ذلك

L2598–2600 Some of them advanced an outrageous claim, saying that ‘Umar ibn ‘Abd al-‘Aziz said: “New rulings are instituted for people in proportion to the wickedness they introduce.” Abu Muhammed said: This is an invention of someone who has no religion. Had ‘Umar said that, he would have been an apostate from Islam. Allah Most High has protected him from that and cleared him of it, for only an unbeliever permits altering the rulings of religion. What is authentically transmitted from ‘Umar ibn ‘Abd al-‘Aziz is what Hammam ibn Ahmad related to us, from ‘Abd Allah ibn Ibrahim, from Abu Ahmad al-Jurjani, from al-Firabri, from al-Bukhari: al-‘Ala’ ibn ‘Abd al-Jabbar related to us: ‘Abd al-‘Aziz ibn Muslim related to us, from ‘Abd Allah ibn Dinar, who said: “‘Umar ibn ‘Abd al-‘Aziz wrote to Abu Bakr ibn Hazm: ‘Look for whatever reports there are from the Messenger of Allah ﷺ and write them down, for I fear the effacement of knowledge and the passing of the scholars. Nothing is to be accepted except the reports of the Messenger of Allah ﷺ.’” Abu Muhammed said: Here, then, is ‘Umar ibn ‘Abd al-‘Aziz commanding and permitting nothing except the reports of the Prophet — may Allah bless him and grant him peace ﷺ—alone. It is also reported that ‘Adi ibn ‘Adi al-Kindi, his governor over Mosul, wrote to ‘Umar ibn ‘Abd al-‘Aziz, saying: “I have found it to have more theft and housebreaking than any other land. Shall I apprehend them on suspicion, or judge according to the bitterness of the truth?” ‘Umar ibn ‘Abd al-‘Aziz wrote to him: “If you proceed according to the bitterness of the truth, then whoever the truth does not reform, may Allah not reform him.” He said: “I did not leave it until it

[76] **Translator’s note (L2593):** The source shifts from a singular verb, “he set aside,” to plural verbs, “they neither conveyed nor transmitted.” The translation preserves this shift through “one of them” followed by “they.”

[77] **Translator’s note (L2595):** The purported Quranic fragment is defective: its first word lacks the beginning expected in the wording ‘to the elbows,’ and its second word is also orthographically defective. The translation retains the surviving sense, ‘the elbows, and wipe,’ without restoring the missing wording.

[78] **Translator’s note (L2597):** The final denunciation appears to lack an exceptive particle. ‘[Except]’ marks the supplied word needed for the apparent intended sense; the transmitted wording is grammatically defective.

[79] **Qur’an references (L2584):** Qur’an 2:159 (Al-Baqarah); Qur’an 39:30 (Az-Zumar); Qur’an 4:20 (An-Nisa); Qur’an 46:15 (Al-Ahqaf).

was the most upright of lands." Abu Muhammed said: Whoever invented this lie against ʻUmar ibn ʻAbd al-ʻAziz must fall into one of two categories: either he is an unbeliever or a clandestine heretic setting snares for Islam, or he is an ignoramus who has not grasped the enormity of what he has produced from his own head. For instituting new rulings must take one of four forms: either abolishing a binding obligation, such as abolishing some of the prayer, some of the fasting, some of the obligatory alms, some of the pilgrimage, or what comes after the prescribed punishment for unlawful sexual intercourse, or the prescribed punishment for an accusation of unlawful sexual intercourse, or abolishing all of that; or adding to any of these, or instituting a new obligation; or making something forbidden lawful, such as permitting pork, wine, and carrion; or forbidding something lawful, such as forbidding the meat of a ram, and similar things.[80]

L2601–2604 Whichever of these forms it takes, anyone who advocates it is a polytheist, joining the Jews and Christians. It is obligatory upon every Muslim to kill anyone who permits any such thing, without calling upon him to repent or accepting his repentance if he repents, and to confiscate his property for the Muslims' treasury, because he has changed his religion. He ﷺ said: "Whoever changes his religion, kill him." We seek refuge in Allah Most High from His wrath over falsehood that has led to such ruinous ends. They also adduced Abu Bakr's writing down the Quranic codex after it had not been collected together. They mentioned a report from Zayd ibn Thabit that he said: "I could not find a verse from the surah Bara'ah, namely: 'There has certainly come to you a messenger from among yourselves; grievous to him is what you suffer; he is deeply concerned for you, compassionate and merciful toward the believers.' I found it only with one man." They mentioned lies and fables in this connection, claiming that they would not enter a verse into the record until two men testified to it. All of this is sheer falsehood invented by clandestine heretics. As for Abu Bakr's collecting the Quranic codex—may

[80] **Translator's note (L2599):** 'The bitterness of the truth' renders a deliberately forceful expression for applying the truth even when its consequences are harsh. The supplied text reads 'what comes after the prescribed punishment,' which is awkward in this list. It may be a corruption of 'part of the prescribed punishment,' but the translation preserves the supplied reading.

وأي هذه الوجوه كان فالقائل به مشرك لاحق باليهود والنصارى، والفرض على كل مسلم قتل من أجاز شيئا من هذا دون استتابة ولا قبول توبة إن تاب، واستصفاء ماله لبيت مال المسلمين لأنه مبدل لدينه وقد قال صلى الله عليه وسلم من بدل دينه فاقتلوه ومن الله تعالى نعوذ من غضبه لباطل أدت إلى مثل هذه المهالك، واحتجوا بكتابة أبي بكر المصحف بعد أن لم يكن مجموعا، وذكروا حديثا عن زيد بن ثابت أنه قال: افتقدت آية من سورة براءة هي: {لقد جآءكم رسول من أنفسكم عزيز عليه ما عنتم حريص عليكم بلمؤمنين رءوف رحيم} فلم أجدها إلا عند رجل واحد، وذكروا في ذلك تكاذيب وخرافات، أنهم كانوا لا يثبتون الآية إلا حتى يشهد عليها رجلان، وهذا كله كذب بحت من توليد الزنادقة. وأما جمع أبي بكر رضي الله عنه المصحف فنعم ووجه ذلك بين وهو أن النبي صلى الله عليه وسلم كان ينزل عليه القرآن مفرقا فيأمر بضم الآية النازلة إلى آية كذا من سورة كذا، فلم يكن يمكن أن يكتب القرآن في مصحف جامع لأجل ذلك فلما مات صلى الله عليه وسلم واستقر الوحي وعلم أنه لا مزيد فيه ولا تبديل، كتبه أبو بكر حينئذ وأثبته. وأما افتقار زيد بن ثابت الآية،

فليس ذلك على ما ظنه أهل الجهل، وإنما معناه أنه لم يجدها مكتوبة إلا عند ذلك الرجل، وهذا بين في حديث حدثناه عبد الرحمن بن عبد الله، عن أبي إسحاق البلخي، عن الفربري، عن البخاري: حدثنا أبو اليمان، أنا شعيب عن الزهري قال: أخبرني خارجة بن زيد بن ثابت: أن زيد بن ثابت قال: لما نسخنا المصحف في المصاحف فقدت آية من سورة الأحزاب كنت أسمع رسول الله صلى الله عليه وسلم يقرؤها لم أجدها مع أحد إلا مع خزيمة بن ثابت الذي جعل رسول الله صلى الله عليه وسلم شهادته شهادة رجلين {من لمؤمنين رجال صدقوا ما عاهدوا لله عليه فمنهم من قضى نحبه ومنهم من ينتظر وما بدلوا تبديلا} قال أبو محمد: بيان ما قلناه منصوص في هذا الحديث نفسه وذلك أن زيدا حكى أنه سمع هذه الآية من النبي صلى الله عليه وسلم فقد كانت عند زيد أيضا وقد يدخل هذا الحديث علة، وهي أن خارجة لم يحك أنه سمعه من أبيه.

Allah be pleased with him—yes, that occurred, and its explanation is clear. The Quran used to be revealed to the Prophet ﷺ in separate portions, and he would order that the newly revealed verse be joined to such-and-such a verse in such-and-such a surah. For that reason it was not possible to write the Quran in a comprehensive codex. When he ﷺ died, revelation had become settled, and it was known that there would be no addition to it or alteration, Abu Bakr then wrote it down and recorded it. As for Zayd ibn Thabit's lacking the verse, it is not as the ignorant have supposed. It means only that he did not find it in writing except with that man. This is clear in a report that 'Abd al-Rahman ibn 'Abd Allah related to us, from Abu Ishaq al-Balkhi, from al-Firabri, from al-Bukhari: Abu al-Yaman related to us: Shu'ayb informed us, from al-Zuhri, who said: Kharijah ibn Zayd ibn Thabit informed me that Zayd ibn Thabit said: "When we copied the codex into the codices, I could not find a verse from the surah al-Ahzab that I used to hear the Messenger of Allah ﷺ reciting. I did not find it with anyone except Khuzaymah ibn Thabit, whose testimony the Messenger of Allah ﷺ made equivalent to the testimony of two men: 'Among the believers are men who have been true to what they pledged to Allah. Some of them have fulfilled their vow, and some of them are waiting; and they have made no alteration whatsoever.'" Abu Muhammed said: The explanation of what we have said is explicitly stated in this very report, namely that Zayd related that he heard this verse from the Prophet ﷺ. Thus Zayd, too, possessed it. A defect may also affect this report, namely that Kharijah did not state that he heard it from his father.[81][82][83][84]

[81] **Translator's note (L2601):** The wording translated 'over falsehood that has led' is grammatically irregular in the supplied text; the verb 'has led' is feminine, while 'falsehood' is masculine. The Quranic quotation contains a defective spelling of 'toward the believers'; its meaning remains recoverable.

[82] **Translator's note (L2602):** The expression translated 'Zayd ibn Thabit's lacking the verse' is unusual here. The surrounding discussion makes clear that it concerns his inability to find the verse in writing.

[83] **Translator's note (L2603):** The Quranic quotation has defective spellings in 'the believers' and 'Allah.' These are orthographic defects; the translated wording otherwise follows the supplied quotation.

[84] **Qur'an references (L2601):** Qur'an 9:128 (At-Tawbah); Qur'an 33:23 (Al-Ahzab).

L2605 Furthermore, ʻAbd Allah ibn Rabiʻ al-Tamimi related to us, saying: Muhammed ibn Muʻawiyah al-Marwani related to us: Ahmad ibn Shuʻayb related to us: Muhammed ibn Maʻmar informed us: Abu Dawud—that is, al-Tayalisi—related to us: Abu ʻAwanah related to us, from Firas, from al-Shaʻbi, from Masruq, from ʻA'ishah, who informed him that Fatimah, the daughter of the Messenger of Allah ﷺ, "related it to me": that the Messenger of Allah ﷺ spoke privately to her before his death and said to her: "Gabriel used to review the Quran with me once every year, but this year he reviewed it with me twice. I can only think that my appointed time has drawn near." He mentioned the remainder of the report. This is an explicit, clear text establishing that it was Allah Most High who collected and arranged the Quran, and that Gabriel had the Prophet ﷺ recite it, just as it is, twice in the year of his death; that no one other than Allah Most High collected it; and that, as it is now, it retains that original arrangement.[85]

وأيضا فقد حدثنا عبد الله بن ربيع التميمي قال: ثنا محمد بن معاوية المرواني، ثنا أحمد بن شعيب، أنا محمد بن معمر، ثنا أبو داود، هو الطيالسي، حدثنا أبو عوانة، عن فراس، عن الشعبي، عن مسروق: عن عائشة أنها أخبرته أن فاطمة بنت رسول الله صلى الله عليه وسلم حدثتها أن رسول الله صلى الله عليه وسلم سارها قبل وفاته فقال لها إن جبريل كان يعارضني القرآن في كل عام مرة، وإنه عارضني به العام مرتين، ولا أرى الأجل إلا قد اقترب وذكر باقي الحديث فهذا نص جلي على أن القرآن إنما هو جمعه وألفه الله تعالى وأقرأه جبريل للنبي صلى الله عليه وسلم في عام موته مرتين كما هو وإنه لم يجمعه أحد دون الله تعالى، فهو كما هو الآن على ذلك الجمع الأول.

L2606–2607 Furthermore, Ahmad ibn Muhammed al-Jusuri related to us: Wahb ibn Masarrah related to us: Ibn Waddah related to us: Abu Bakr ibn Abi Shaybah related to us: Muʻawiyah related to us, from al-Aʻmash, from Abu Zabyan, from Ibn ʻAbbas, who said: "Which of the two readings do you consider earlier?" We said: "The reading of ʻAbd Allah." He said: "The Messenger of Allah ﷺ used to have the Quran presented to him once every Ramadan, except in the year in which he died, when it was presented to him twice. ʻAbd Allah attended this and witnessed what had been abrogated from it and what had been changed." Abu Muhammed said: Abu Zabyan is Husayn ibn Jundab al-Janbi. We have already mentioned those who collected the Quran during his lifetime ﷺ. There is no doubt that this verse was among the entirety of it that they possessed. Zayd's finding it with no one except Khuzaymah does not entail that it existed with no one except Khuzaymah. Rather, all those who recited to ʻUthman, Abu al-Dardaʾ, Ibn Masʻud, and ʻAli undoubtedly recited this verse to them. This is sufficient. Some people have related that the verse Zayd found missing was from the surah Baraʾah, namely: "There

وأيضا فقد حدثنا أحمد بن محمد الجسوري، ثنا وهب بن مسرة ثنا ابن وضاح، ثنا أبو بكر بن أبي شيبة، ثنا معاوية، عن الأعمش، عن أبي ظبيان، عن ابن عباس قال: أي القراءتين تعدون أول قلنا قراءة عبد الله قال إن رسول الله صلى الله عليه وسلم كان يعرض عليه القرآن في كل رمضان مرة إلا العام الذي قبض فيه، فإنه عرض عليه مرتين، فحضره عبد الله فشهد ما نسخ منه وما بدل. قال أبو محمد: أبو ظبيان هو حصين بن جندب الجنبي وقد ذكرنا من جمع القرآن على عهده صلى الله عليه وسلم ولا شك أن هذه الآية في جملته عندهم وليس عدم زيد وجودها إلا عند خزيمة بموجب أنها لم تكن إلا عند خزيمة، بل كل من قرأ على عثمان وأبي الدرداء وابن مسعود وعلي قد قرؤوا عليهم هذه الآية بلا شك، وفي هذا كفاية. وقد روى قوم أن الآية التي افتقد زيد من سورة براءة وهي: {لقد جآءكم رسول من أنفسكم عزيز عليه ما عنتم حريص عليكم بلمؤمنين رءوف رحيم} وهذا كذب بحت لكل ما ذكرنا آنفا. وأيضا فقد روي عن البراء: أن آخر سورة نزلت سورة براءة وبعث النبي بها صلى الله

[85] **Translator's note (L2605):** The supplied wording shifts awkwardly from indirect narration about 'A'ishah to 'related it to me,' with an additional attached pronoun. The translation marks the first-person wording rather than silently regularizing it.

has certainly come to you a messenger from among yourselves; grievous to him is what you suffer; he is solicitous for you, compassionate and merciful toward the believers." This is an outright lie, for all the reasons we have just mentioned. Furthermore, it has been related from al-Baraʾ that the last surah revealed was the surah Baraʾah, and the Prophet dispatched someone with it—may blessings and peace from Allah be upon him—and he recited it publicly to those attending the pilgrimage season. One of the Companions—I think it was Jabir ibn ʿAbd Allah—said: "We used to call Baraʾah nothing other than 'The Exposer.'"[86][87]

L2608 Abu Muhammed said: A surah was thus recited to all the Arabs at the pilgrimage season, and many of the people of Medina were rebuked by it—and from it, would there be a verse from it that remained unknown to people? No one with a breath of life and a spark of vitality would suppose this.[88]

L2609–2616 What demonstrates the falsity of these reports is what we have related through sound chains of transmission: that he ﷺ did not recognize the boundary of a surah until "In the name of Allah, the All-Merciful, the Ever-Merciful" was revealed; and that a verse would be revealed to him ﷺ and he would place it in its position. That is why you find the verse concerning a person who leaves neither parents nor children, which was the last verse revealed, in the surah al-Nisaʾ near the beginning of the written Quran, while the beginning of the surah "Recite in the name of your Lord who created" is near the end of the written Quran, although they were both the first to be revealed. It is thereby established that the ordering of the verses and the ordering of the surahs were received from Allah, Mighty and Majestic, by Gabriel, and then by the Prophet ﷺ. It is not as the ignorant suppose, that it was arranged after the Prophet's death ﷺ. Had that been so, the Quran would not have been transmitted by the community as a whole. There is

عليه وسلم فقرأها على أهل الموسم علانية وقال بعض الصحابة، وأظنه جابر بن عبد الله ما كنا نسمي براءة إلا الفاضحة.

قال أبو محمد: فسورة قرئت على جميع العرب في الموسم، وتقرع بها كثير من أهل المدينة، ومنها يكون منها آية خفيت على الناس؟ هذا ما لا يظنه من له رمق وبه حشاشة.

ويبين كذب هذه الأخبار ما رويناه بالأسانيد الصحيحة أنه صلى الله عليه وسلم كان لا يعرف فصل سورة حتى تنزل بسم الله الرحمن الرحيم وأنه صلى الله عليه وسلم كانت تنزل عليه الآية فيرتبها في مكانها، ولذلك تجد آية الكلالة وهي آخر آية نزلت وهي في سورة النساء في أول المصحف وابتداء سورة {قرأ بسم ربك لذي خلق} في آخر المصحف وهما أول ما نزل فصح بهذا أن رتبة الآي ورتبة السور مأخوذة عن الله عز وجل إلى جبريل ثم إلى النبي صلى الله عليه وسلم لا كما يظنه أهل الجهل أنه ألف بعد موت النبي صلى الله عليه وسلم ولو كان ذلك ما كان القرآن منقولا نقل الكافة. ولا خلاف بين المسلمين واليهود والنصارى والمجوس أنه منقول عن محمد صلى الله عليه وسلم نقل التواتر ويبين هذا أيضا ما صح أنه صلى الله عليه وسلم كان يعرض القرآن كل ليلة في رمضان على جبريل، فصح بهذا أنه كان مؤلفا كما هو عهد الرسول صلى الله عليه وسلم وقولهصلى الله عليه وسلم تركت فيكم الثقلين كتاب الله وأهل بيتي والأحاديث الصحاح أنه صلى الله عليه وسلم قرأ المص والطور والمراسلات في صلاة

[86] **Translator's note (L2606):** The object of "dispatched" is not expressed in the supplied Arabic; "someone" makes the implied object explicit. The salutation continues in the next unit.

[87] **Qur'an references (L2606):** Qur'an 9:128 (At-Tawbah).

[88] **Translator's note (L2608):** The wording repeats "from it" and has an awkward construction. The translation preserves the repetition and renders the author's challenge as a rhetorical question.

no disagreement among Muslims, Jews, Christians, and Magians that it has been transmitted from Muhammed ﷺ through recurrent mass transmission. This is also demonstrated by the soundly established report that he ﷺ used to present the Quran to Gabriel every night in Ramadan. It is thereby established that it was arranged as it now is during the Messenger's lifetime ﷺ; and by his statement ﷺ, "I have left among you the two weighty things: the Book of Allah and the people of my household"; and by the sound hadiths reporting that he ﷺ recited Alif Lam Mim Sad, al-Tur, and 'Those Sent Forth' during the sunset prayer; that Muʿadh recited al-Baqarah during the night prayer in his lifetime ﷺ; that he ﷺ delivered a sermon using "Qaf. By the glorious Quran"; that he ﷺ mentioned the concluding verses of Al ʿImran and the surah al-Nisaʾ; that he ﷺ commanded that the Quran be taken from four men: Ubayy, ʿAbd Allah ibn Masʿud, Zayd, and Muʿadh; and by ʿAbd Allah ibn ʿAmr ibn al-ʿAs's statement to the Prophet, peace be upon him, concerning reciting the Quran every night, and his command ﷺ that it should not be recited in fewer than three days. Those who collected the Quran during the lifetime of the Prophet—may blessings and peace from Allah be upon him—were a group of people. Among them were Abu Zayd, Zayd, Ubayy, Muʿadh, Saʿid ibn ʿUbayd, and Abu al-Dardaʾ. He ﷺ commanded ʿAbd Allah ibn ʿAmr to recite the Quran over a number of days no fewer than three. How, then, could it be recited and collected while it was not arranged? This is absurd, utterly impossible. These are all hadiths with sound chains of transmission, open to no criticism. Through this, the falsity of the fabricated reports that contradict them becomes evident, for those reports are not soundly established through transmission at all. Thus their supposition is invalid that anyone collected the Quran and arranged it other than the Prophet ﷺ. Among the things that demonstrate the invalidity of this assertion by a clear demonstration is that some of the written copies of the Quran that ʿUthman, may Allah be pleased with him, sent to the various regions contain additional occurrences of the conjunction "and" compared with the others. In some copies, in the surah al-Hadid, there is: "To Him belongs whatever is in the heavens and whatever is on earth, and indeed Allah—He indeed is the Self-Sufficient, the Praiseworthy," while in some copies "He" is omitted. Furthermore, it is impossible that ʿUthman, may Allah be pleased

المغرب وأن معاذا قرأ في حياته صلى الله عليه وسلم البقرة في صلاة العتمة وأنه صلى الله عليه وسلم خطب ب {ق ولقرآن لمجيد} وذكر صلى الله عليه وسلم خواتم آل عمران وسورة النساء وأمره صلى الله عليه وسلم أن يؤخذ القرآن من أربعة من أبي وعبد الله بن مسعود، وزيد، ومعاذ. وقول عبد الله بن عمرو بن العاص للنبي عليه السلام في قراءة القرآن كل ليلة وأمره صلى الله عليه وسلم أن لا يقرأ في أقل من ثلاث والذين جمعوا القرآن في حياة النبي صلى الله عليه وسلم جماعة ذلك منهم أبو زيد وزيد وأبي ومعاذ وسعيد بن عبيد وأبو الدرداء وأمر صلى الله عليه وسلم عبد الله بن عمرو بقراءة القرآن في أيام لا تكون أقل من ثلاث، فكيف يقرأ ويجمع وهو غير مؤلف، هذا محال لا يمكن البتة. وهذا كلها أحاديث صحاح الأسانيد لا مطعن فيها، وبهذا يلوح كذب الأخبار المفتعلة بخلافها، لأن تلك لا تصح من طريق النقل أصلا، فبطل ظنهم أن أحدا جمع القرآن وألفه دون النبي صلى الله عليه وسلم ومما يبين بطلان هذا القول ببرهان واضح أن في بعض المصاحف التي وجه بها عثمان رضي الله عنه إلى الآفاق واوات زائدة على سائرها وفي بعض المصاحف {له ما في لسماوات وما في لأرض وإن لله لهو لغني لحميد} في سورة الحديد وفي بعضها بنقصان هو. وأيضا فمن المحال أن يكون عثمان رضي الله عنه أقرأ الخلفاء، وأقدمهم صحبة، وكان يحفظ القرآن كله ظاهرا ويقوم به في ركعة ويترك قراءته التي أخذها من فم النبي صلى الله عليه وسلم ويرجع إلى قراءة زيد وهو صبي من صبيانه وهذا ما لا يظنه إلا جاهل غبي. ومنها أن عاصما روى عن زر، وقرأ عليه، لم يقرأ على زيد، ولا على من قرأ على زيد شيئا، إلا أنه قد صح عنه أنه عرض على زيد فلم يخالف ابن مسعود، وهذا ابن عامر قارىء أهل الشام لم يقرأ على زيد شيئا، ولا على من قرأ على زيد، وإنما قرأ على أبي الدرداء، ومن طريق عثمان رضي الله عنهما، وكذلك حمزة لم يأخذ من طريق زيد

with him—who was the most accomplished Quran reciter among the caliphs and the earliest of them in companionship, who knew the whole Quran by heart and would recite it in a single unit of prayer—should abandon the reading he had received from the mouth of the Prophet ﷺ and turn to Zayd's reading, when Zayd was a boy among his boys. Only an ignorant fool would suppose this. Another point is that ʿAsim transmitted from Zirr and recited to him; he did not recite anything to Zayd or to anyone who had recited to Zayd, except that it has been soundly established of him that he presented his recitation to Zayd and did not differ from Ibn Masʿud. Here too is Ibn ʿAmir, the Quran reciter of the people of Syria: he did not recite anything to Zayd or to anyone who had recited to Zayd. He recited only to Abu al-Darda' and through the transmission of ʿUthman, may Allah be pleased with them both. Likewise, Hamzah took nothing through Zayd's transmission. Some people have erred by calling adherence to what the Messenger of Allah ﷺ said and to what the scholars of the community have agreed upon 'uncritical acceptance of authority.' This is the conduct of sophists and of those who seek to obscure and corrupt knowledge, invalidate truths, and produce bewilderment. Nothing assists this more than confusing and mixing the names applied to a meaning, until they apply the name of falsehood to truth to drive people away from it, and apply the name of truth to falsehood to draw into it those who think well of them and to make it pass muster among people. This is like what is related about wicked dealers in riding animals: they name their feeding stalls after towns. When a donkey is offered for sale, the dealer swears by Allah that only last night it came down from such-and-such a town, meaning the stall in which it was fed, while the purchaser thinks that it is among the animals brought from the place mentioned. This is the conduct of evil and wicked people. Someone who does this in religion is in a worse condition and commits a greater offense than someone who does it in other transactions. Know, then, that accepting what has been soundly transmitted from the Prophet ﷺ, and accepting what the Quran requires through its explicit text and its apparent meaning, and accepting what the community has reached consensus upon, is not uncritical acceptance of authority. No one may lawfully call it uncritical acceptance of authority, because doing so obscures and confuses matters and mixes truth with falsehood. Uncriti-

شيئا. وقد غلط قوم فسموا الأخذ بما قاله رسول الله صلى الله عليه وسلم وبما اتفق عليه علماء الأمة تقليدا وهذا هو فعل أهل السفسطة، والطالبين لتلبيس العلوم وإفسادها وإبطال الحقائق، وإيقاع الحيرة، فلا شيء أعون على ذلك من تخليط الأسماء الواقعة على المعنى ومزجها، حتى يوقعوا على الحق اسم الباطل، لينفروا عنه الناس، ويوقعوا على الباطل اسم الحق، ليوقعوا فيه من أحسن الظن بهم، وليجوزوه عند الناس. كما يحكى عن فساق باعة الدواب أنهم يسمون أورايهم بأسماء البلاد، فإذا عرض الحمار للبيع أقسم بالله: إن البارحة نزل من بلد كذا وكذا، وهو يعني الآري الذي اعتلف فيه ويظن المبتاع أنه من جلب المذكور، فهذا فعل أهل الشر والفسق. وفاعل هذا في الديانة أسوأ حالا وأعظم جرما من فاعله في سائر المعاملات، فاعلم الآن أن قبول ما صح بالنقل عن النبي صلى الله عليه وسلم وقبول ما أوجبه القرآن بنصه وظاهره وقبول ما أجمعت عليه الأمة، ليس تقليدا، ولا يحل لأحد أن يسميه تقليدا، لأن ذلك تلبيس وإشكال، ومزج الحق بالباطل، لأن التقليد على الحقيقة إنما هو قبول ما قاله قائل دون النبي صلى الله عليه وسلم بغير برهان فهذا هو الذي أجمعت الأمة على تسميته تقليدا، وقام البرهان على بطلانه، وهو غير ما قام البرهان على صحته، فحرام أن يسمى الحق باسم الباطل، والباطل باسم الحق، وقد قال تعالى: {إن هي إلا أسمآء سميتموها أنتم وآبآؤكم ما أنزل الله بها من سلطان إن يتبعون إلا لظن وما تهوى لأنفس ولقد جآءهم من ربهم لهدى} وقد أنذر عليه السلام بقوم يستحلون الخمر يسمونها بغير اسمها. وقد احتج بعضهم في ذلك بقوله تعالى {وما كان لمؤمنون لينفروا كآفة فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في لدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} قالوا: وقد أوجب الله تعالى على الناس قبول نذارة المنذر لهم، قالوا وهذا أمر منه تعالى بتقليد العامي للعالم. قال أبو محمد: وهذا لا حجة لهم فيه، لأن الله تعالى

cal acceptance of authority, properly speaking, is simply accepting, without demonstration, what someone other than the Prophet ﷺ has said. This is what the community has unanimously agreed to call uncritical acceptance of authority, and demonstration has established its invalidity. It differs from that whose validity has been established by demonstration. It is therefore forbidden to call truth by the name of falsehood or falsehood by the name of truth. He, Exalted, has said: "They are nothing but names that you and your fathers have named, for which Allah has sent down no authority. They follow nothing but conjecture and what their souls desire, although guidance has certainly come to them from their Lord." He, peace be upon him, also warned of people who would deem wine lawful, calling it by another name. Some of them have argued for this on the basis of His statement, Exalted: "The believers should not go forth all together. Why, then, should a party from every group of them not go forth, so that they may gain understanding of religion and warn their people when they return to them, so that they may beware?" They said: "Allah, Exalted, has required people to accept the warning of the one who warns them." They said: "This is a command from Him, Exalted, that the layperson accept the scholar's authority uncritically." Abu Muhammed said: This provides them with no proof, because Allah, Exalted, has never commanded the acceptance of whatever the warner says without qualification. Rather, it is said: He commanded acceptance only of what they acquired, in gaining understanding of religion, from the Prophet ﷺ and from Allah, Mighty and Majestic—not what someone invented on his own, nor what someone added to religion on the basis of his own opinion. Whoever attributes that interpretation to Allah, Mighty and Majestic, and permits any created being to institute a religious law not transmitted from the Prophet ﷺ has disbelieved, and his blood and property have become lawful. Allah has called anyone who does that a fabricator, saying, Exalted is He: "Say: Have you considered what provision Allah has sent down for you, of which you have made some unlawful and some lawful? Say: Has Allah given you permission, or are you fabricating against Allah?" Abu Muhammed said: Some people imagined that they had escaped uncritical imitation through a method by which they actually established themselves within it and entered its very core. This consists in their invalidating arguments that support only

لم يأمر قط بقبول ما قال المنذر مطلقا، لكنه يقال: إنما أمر بقبول ما أخذ ذلك في تفقههم في الدين عن النبي صلى الله عليه وسلم وعن الله عز وجل لا ما اخترع مخترع من عند نفسه، ولا ما زاد زائد في الدين من قبل رأيه، ومن تأول ذلك على الله عز وجل، وأجاز لأحد من المخلوقين أن يشرع شريعة غير منقولة عن النبي صلى الله عليه وسلم فقد كفر وحل دمه وماله وقد سمى الله من فعل ذلك مفتريا فقال تعالى {قل أرأيتم مآ أنزل لله لكم من رزق فجعلتم منه حراما وحلالا قل ءآلله أذن لكم أم على لله تفترون} قال أبو محمد وظن قوم أنهم تخلصوا من التقليد بوجه به تحققوا بالدخول فيه، وتوسطوا عنصره، وهو أنهم يبطلون حجاجا تؤيد ما وجدوا أسلافهم عليه فقط، ثم لا يبالون أشغبا كانت الحجاج أم حقا، ويضربون عن كل حجة خالفت قولهم. فإن كانت آية أو حديثا تأولوا فيها التأويلات البعيدة، وحرفوهما عن مواضعهما فدخلوا في قوله تعالى {من لذين هادوا يحرفون لكلم عن مواضعه ويقولون سمعنا وعصينا وسمع غير مسمع وراعنا ليا بألسنتهم وطعنا في لدين ولو أنهم قالوا سمعنا وأطعنا وسمع ونظرنا لكان خيرا لهم وأقوم ولكن لعنهم لله بكفرهم فلا يؤمنون إلا قليلا} فإن أعياهم ذلك قالوا: هذا خصوص؛ وهذا متروك وليس عليه العمل.

what they found their predecessors following; then they do not care whether the arguments are sophistry or truth. They turn away from every argument that contradicts their position. If it is a verse or a hadith, they impose far-fetched interpretations upon it and distort the two from their proper places, thus coming within His saying, Exalted is He: "Among those who became Jews are those who distort words from their proper places and say, 'We hear and disobey,' and 'Hear, without being made to hear,' and 'Attend to us,' twisting their tongues and disparaging religion. Had they said, 'We hear and obey,' and 'Hear,' and 'Look upon us,' it would have been better for them and more upright. But Allah has cursed them for their disbelief, so they believe only a little." If that defeats them, they say: "This has specific application," and "This is abandoned and is not acted upon."[89][90][91][92][93][94][95]

[89] **Translator's note (L2609):** "They were both the first to be revealed" preserves the supplied dual pronoun. Its referents are unclear; its apparent inclusion of the verse just called the last revelation creates a tension that has not been corrected. The surah name rendered "Those Sent Forth" appears in the supplied text as al-Murasalat, rather than the usual al-Mursalat. The salutation continues in the next unit.

[90] **Translator's note (L2610):** The supplied wording includes an awkward "that" after "a group," apparently functioning resumptively. The final name continues in the next unit.

[91] **Translator's note (L2612):** The supplied quotation from al-Hadid includes an initial "To Him belongs whatever is in the heavens and whatever is on earth" not present at this point in the standard text of Quran 57:24. It is retained as supplied. The claim that ʿAsim did not recite to Zayd is followed by an exception asserting that he presented his recitation to Zayd. This apparent inconsistency is preserved.

[92] **Translator's note (L2613):** "Uncritical acceptance of authority" renders the technical term taqlid, which the author defines in the following unit.

[93] **Translator's note (L2615):** The wording "what they acquired" renders the grammatically awkward phrase mā ukh idha dhālika fī tafaqquhihim, whose intended connection is uncertain. The supplied text says "invalidating arguments" (yubṭilūna ḥijājan), although the surrounding criticism appears to concern producing arguments that support inherited positions. The supplied reading has been retained.

[94] **Translator's note (L2616):** "Hear, without being made to hear" preserves the ambiguity of ghayra musmaʿ, which can imply a hostile wish that the person addressed should not hear. "Attend to us" renders rāʿinā, whose abusive wordplay is implicated by the verse's reference to twisting tongues.

[95] **Qur'an references (L2609):** Qur'an 53:23 (An-Najm); Qur'an 9:122 (At-Tawbah); Qur'an 10:59 (Yunus); Qur'an 4:46 (An-Nisa).

قال أبو محمد: وهذا أقبح ما يكون من التقليد وأفحشه، كالذي يفعل مقلدو مالك وأبي حنيفة والشافعي، فإنهم إنما يأخذون من الحجاج ما وافق مذهبهم وإن كان خبرا موضوعا أو شغبا فاسدا، ويتركون ما خالفه، وإن كان نص قرآن أو خبرا مسندا من نقل الثقات. والعجب أنهم ينسون التقليد، ويقولون: إن المقلد عاص لله، ويقولون: لا يجوز أن يؤخذ من أحد ما قامت عليه حجة ويقولون ليس أحد بعد رسول الله صلى الله عليه وسلم إلا ويؤخذ من قوله ويترك ثم إنهم مع هذا لا يفارقون قول صاحبهم بوجه من الوجوه. وأما أهل بلادنا فليسوا ممن يتغنى بطلب دليل على مسائلهم وطالبه منهم، في الندرة، إنما يطلبه كما ذكرنا آنفا فيعرضون كلام الله تعالى وكلام الرسول صلى الله عليه وسلم على قول صاحبهم وهو مخلوق مذنب يخطىء ويصيب فإن وافق قول الله وقول رسوله صلى الله عليه وسلم قول صاحبهم أخذوا به وإن خالفاه تركوا قول الله جانبا وقوله صلى الله عليه وسلم ظهريا وثبتوا على قول صاحبهم وما نعلم في المعاصي ولا في الكبائر، بعد الشرك المجرد، أعظم من هذه، وأنه لأشد من القتل والزنى. لأن فيما ذكرنا الاستخفاف بالله عز وجل وبرسوله صلى الله عليه وسلم وبالدين ولأن من ذكرنا قد جاءته موعظة من ربه فلم ينته، وعاد إلى ما نهي عنه، وعرف أنه باطل، فتدين به واستحله وعلمه الناس، وأما القاتل والزاني فعالمان أن فعلهما خطأ، وأنهما مذنبان فهما أحسن حالا ممن ذكرنا وقد قال تعالى {لذين يأكلون لربا لا يقومون إلا كما يقوم لذي يتخبطه لشيطان من لمس ذلك بأنهم قالوا إنما لبيع مثل لربا وأحل لله لبيع وحرم لربا فمن جآءه موعظة من ربه فنتهى فله ما سلف وأمره إلى لله ومن عاد فأولئك أصحاب لنار هم فيها خالدون} هذا وهم يقرون أن الفقهاء الذين قلدوا مبطلون للتقليد، وأنهم قد نهوا أصحابهم عن تقليدهم، وكان أشدهم في ذلك الشافعي، فإنه رحمه الله بلغ من التأكيد في اتباع صحاح الآثار، والأخذ بما أوجبته الحجة، حيث

L2617–2621 Abu Muhammed said: This is uncritical imitation at its ugliest and most outrageous, like what the uncritical imitators of Malik, Abu Hanifah, and al-Shafi'i do. They accept only those arguments that agree with their school, even if they consist of a fabricated report or unsound sophistry, and abandon whatever contradicts it, even if it is an explicit text of the Quran or a report with a connected chain transmitted by trustworthy narrators. The astonishing thing is that they forget uncritical imitation and say that the uncritical imitator disobeys Allah. They say: "It is impermissible to accept from anyone that for which an argument has been established." They say: "There is no one after the Messenger of Allah ﷺ whose statements are not sometimes accepted and sometimes rejected." Yet, despite this, they never depart in any respect from their master's position. As for the people of our country, they are not among those who sing of seeking evidence for their legal questions; and anyone who seeks it among them, on the rare occasions when someone does, seeks it only in the manner we have just described. They therefore submit the words of Allah, Exalted is He, and the words of the Messenger ﷺ to their master's position, although he is a sinful created being who errs and is correct. If the words of Allah and the words of His Messenger ﷺ agree with their master's position, they accept them. If the two contradict it, they set Allah's words aside, cast his ﷺ words behind their backs, and hold fast to their master's position. We know of no act of disobedience or major sin, after outright associating partners with Allah, greater than this. Indeed, it is more grievous than killing and fornication, because what we have described entails treating Allah, Mighty and Majestic, His Messenger ﷺ, and religion with contempt. Moreover, the person we have described has received an admonition from his Lord but has not desisted: he has returned to what he was forbidden, recognized that it is false, and nevertheless adopted it as religion, deemed it lawful, and taught it to people. The killer and the fornicator, by contrast, both know that what they do is wrong and that they are sinners; thus their condition is better than that of the person we have described. He, Exalted is He, has said: "Those who consume usury will not rise except as one whom Satan strikes into confusion through his touch rises. That is because they say, 'Trade is only like usury,' whereas Allah has permitted trade and forbidden usury. Whoever receives an admonition from his Lord and desists

may retain what has already passed, and his affair rests with Allah. But whoever returns—those are the inhabitants of the Fire; they will abide therein forever." All this, while they acknowledge that the jurists whom they have uncritically imitated themselves declare uncritical imitation invalid, and that they forbade their followers to imitate them uncritically. The most emphatic of them in this was al-Shafi'i: may Allah have mercy upon him, he went further than anyone else in insisting upon following sound transmitted reports and accepting what the argument establishes, and he disavowed anyone who practiced uncritical imitation altogether, and proclaimed this openly. May Allah benefit him through it and magnify his reward, for he was indeed a cause of much good. Who, then, is in a worse condition than someone who believes that uncritical imitation is misguidance, and that uncritical imitation means accepting a position before accepting its evidence, yet they do not depart from it in any matter of their religion? Besides the disobedience to Allah, Mighty and Majestic, that this entails, it contains a measure of deficiency in reason and discernment that is immense. We seek refuge in Allah from abandonment and ask Him for success and protection from error, for everything is in His hand; there is no deity but Him. A group of Ash'aris related to us a statement they had invented in support of uncritical imitation, remarkable in its absurdity. They said: "When a case arises for a layperson, his obligation is to inquire who in his locality has the greatest understanding of jurisprudence. Once directed to him, he must question him; when he gives him a legal opinion, he must accept it. The layperson may not accept the position of any deceased scholar, whether from earlier or recent times, whether a Companion, a Successor, or someone after them. If that very same case arises for that layperson another time, he may not accept the legal opinion that the jurist previously gave him. Instead, he must question him a second time, or question someone else, and accept whatever legal opinion he gives him, whether it is that first legal opinion or another." They said: "Each person's obligation is only what his independent legal reasoning leads him to concerning matters for which there is no explicit text. Thus every person exercising independent legal reasoning in this sphere is correct." Abu Muhammed said: It is sufficient to establish the invalidity of this position that all these are fabricated propositions and claims without any demonstra-

لم يبلغ غيره، وتبرأ من يقلد جملة، وأعلن بذلك نفعه الله به وأعظم أجره، فلقد كان سببا إلى خير كثير، فمن أسوأ حالا ممن يعتقد أن التقليد ضلال، وأن التقليد هو اعتقاد القول قبل اعتقاد دليله، ثم هم لا يفارقون في شيء من دينهم؟ وهذا مع ما فيه من المخالفة لله عز وجل ففيه من نقص العقل والتمييز عظيم نعوذ بالله من الخذلان ونسأله التوفيق والعصمة، فكل شيء بيده لا إله إلا هو. وحدثنا طائفة من الأشعرية، أبدعوا في قولهم بالتقليد قولا طريفا في السخف، وهو أن قالوا: الفرض على العامي إذا نزلت به النازلة أن يسأل عن أفقه من في ناحيته، فإذا دل عليه سأله، فإذا أفتاه لزمه الأخذ به، ولا يحل للعامي أن يأخذ بقول ميت من العلماء، قديما كان أو حديثا، صاحبا كان أو تابعا، أو من بعدهم، فإن نزلت بذلك العامي تلك النازلة بعينها مرة أخرى، لم يجز له أن يأخذ تلك الفتيا التي أفتاه الفقيه بها، ولكن يسأله مرة ثانية، أو يسأل غيره، فما أفتاه به أخذ به، سواء كانت تلك الفتيا الأولى غيرها، وقالوا: إن الفرض على كل أحد إنما هو ما أداه إليه اجتهاده فيما لا نص فيه فكل مجتهد في هذا الموضع فهو مصيب. قال أبو محمد: ويكفي من بطلان هذا القول أنها كلها قضايا مفتراة، ودعاوى بلا برهان أصلا. فإن قالوا: قال الله تعالى: {ومآ أرسلنا من قبلك إلا رجالا نوحي إليهم فسألوا أهل لذكر إن كنتم لا تعلمون} قلنا صدق الله تعالى، وكذب محرف قوله أهل الذكر هم رواة السنن عن النبي صلى الله عليه وسلم والعلماء بأحكام القرآن برهان ذلك قوله تعالى {ثاني عطفه ليضل عن سبيل لله له في لدنيا خزي ونذيقه يوم لقيامة عذاب لحريق} فصح أن الله تعالى إنما أمرنا بسؤالهم ليخبرونا بما عندهم من القرآن والسنن، لا لأن يشرعوا لنا من الدين ما لم يأذن به الله تعالى، بآرائهم الفاسدة وظنونهم الكاذبة وفي هذا كفاية وبالله تعالى التوفيق

tion whatsoever. If they say: “Allah, Exalted is He, said, ‘We sent before you only men to whom We revealed; so ask the people of the Reminder if you do not know,’” we say: Allah, Exalted is He, has spoken the truth, and whoever distorts His words has lied. The people of the Reminder are the transmitters of the prophetic traditions from the Prophet ﷺ and those knowledgeable about the Quran’s rulings. The demonstration of this is His saying, Exalted is He: “Turning his side away to lead astray from Allah’s path: for him is disgrace in this world, and on the Day of Resurrection We shall make him taste the punishment of burning.” It is thus established that Allah, Exalted is He, commanded us to question them only so that they would inform us of what they possess of the Quran and the prophetic traditions—not so that, through their corrupt opinions and false conjectures, they might institute for us religious prescriptions that Allah, Exalted is He, has not authorized. This is sufficient, and success comes through Allah, Exalted is He.[96][97][98][99][100]

L2622–2623 Section: What Allah, Exalted Is He, Has Said in Invalidating Uncritical Imitation

فصل ما قاله الله تعالى في إبطال التقليد قال أبو محمد قد ذكرنا كل ما موه به القائلون بالتقليد، وبينا بطلانه وانتقاضه بعون الله تعالى لنا، ولله الحمد، ونحن الآن ذاكرون ما قاله الله تعالى في إبطال التقليد، ونبين وجه الحجاج في بيان سقوطه، وأنه لا يحل تصريفه في دين الله عز وجل أصلا. فمن ذلك أن يقال لمن قلد: ما الفرق بينك وبين من قلد غير الذي قلدت أنت؟ فإن أخذ يحتج في فضل من قلد ووصف سعة علمه، سئل: أكان قبله أحد أفضل منه وأعلم؟ أم لم يكن قبله أحدا أعلم منه ولا أفضل منه؟. فإن قال لم يكن قبله أحد أفضل منه كذب رسول الله صلى الله عليه وسلم في قوله إننا لا ندرك بإنفاقنا مثل أحد ذهبا مد أحد من أصحابه ولا نصيفه وبقوله صلى الله عليه وسلم إنه ما من عام إلا والذي بعده دونه وقائل هذا مخالف للإجماع، وخارج عن سبيل المؤمنين. ولا شك عند كل مؤمن أن أبا بكر وعائشة وعليا وعمر ومعاذا وأبيا وزيدا وابن مسعود وابن عباس أعلم بما شاهدوا من نزول القرآن وحكم رسول الله صلى الله عليه وسلم وأفضل من سفيان الثوري والأوزاعي ومالك وأبي

[96] **Translator’s note (L2617):** The supplied yansawna means “they forget”; in context, a reading meaning “they condemn” or “they disparage” might be expected, but has not been substituted. The assertion “It is impermissible to accept from anyone that for which an argument has been established” follows the supplied wording. Its apparent contradiction of the surrounding argument suggests textual corruption or an omission. The supplied yataghannā means “sings” or “extols in song.” The expression about seeking evidence is awkward and may reflect corruption; it has not been silently replaced with a verb meaning “takes pains.”

[97] **Translator’s note (L2619):** The unvocalized phrase tabarraʾa man yuqallidu is syntactically awkward. It is rendered as disavowing anyone who practices uncritical imitation; a reading referring to someone who imitates al-Shafiʿi is also possible.

[98] **Translator’s note (L2620):** The Arabic supplies no explicit object after “do not depart”; “from it” refers contextually to uncritical imitation.

[99] **Translator’s note (L2621):** The phrase concerning whether the repeated legal opinion is the first or another lacks an expected conjunction in the supplied Arabic; the translation makes the apparent alternatives explicit. The quotation introduced as a demonstration identifying “the people of the Reminder” is Quran 22:9. Its subject does not evidently support the stated argument; the supplied quotation has been retained without substitution.

[100] **Qur’an references (L2617):** Qur’an 2:275 (Al-Baqarah); Qur’an 12:109 (Yusuf); Qur’an 16:43 (An-Nahl); Qur’an 22:9 (Al-Hajj); Qur’an 42:21 (Ash-Shuraa).

Abu Muhammed said: We have mentioned everything with which the advocates of uncritical imitation have sought to mislead, and have explained its invalidity and incoherence, with Allah's help to us; praise belongs to Allah. We shall now mention what Allah, Exalted is He, has said in invalidating uncritical imitation, and explain the manner of argument that establishes its collapse and that employing it in the religion of Allah, Mighty and Majestic, is absolutely impermissible. One such argument is to ask the uncritical imitator: "What is the difference between you and someone who uncritically imitates someone other than the person you imitate?" If he begins arguing for the excellence of the person he imitates and describing the breadth of his knowledge, he should be asked: "Was there anyone before him who was more excellent and more knowledgeable than he, or was there no one before him more knowledgeable or more excellent?" If he says, "There was no one before him more excellent," he contradicts the Messenger of Allah ﷺ in his statement that, by spending gold equal to Mount Uhud, we could not match a mudd spent by any one of his Companions, nor even half of it; and in his ﷺ statement that no year comes without the one after it being inferior to it. Anyone who says this opposes consensus and departs from the believers' path. No believer doubts that Abu Bakr, 'A'ishah, 'Ali, 'Umar, Mu'adh, Ubayy, Zayd, Ibn Mas'ud, and Ibn 'Abbas were more knowledgeable concerning what they witnessed of the Quran's revelation and the judgments of the Messenger of Allah ﷺ, and more excellent, than Sufyan al-Thawri, al-Awza'i, Malik, Abu Hanifah, Abu Yusuf, al-Shafi'i, Ibn al-Qasim, Dawud, Muhammed ibn al-Hasan, Ahmad ibn Hanbal, and Abu Thawr. These jurists—may Allah have mercy upon them—are those whom the various groups after them have uncritically imitated. We know of no one anywhere on earth today who uncritically imitates anyone else, especially since Ahmad ibn 'Umar al-'Udhri related to us: 'Ali ibn al-Hasan ibn Fihr related to us: Judge Abu al-Tahir Muhammed ibn Ahmad al-Dhuhli related to us: Ja'far ibn Muhammed al-Firyabi related to us: Ahmad ibn Ibrahim al-Dawraqi related to me: related to me al-Haytham ibn Jamil: "I said to Malik ibn Anas, 'Abu Abd Allah, among us are people who have compiled books in which one of them says: "So-and-so narrated to us, from so-and-so, from Umar ibn al-Khattab, such-and-such; and so-and-so narrated to us, from Ibrahim, such-and-such; and

حنيفة وأبي يوسف والشافعي وابن القاسم وداود ومحمد بن الحسن وأحمد بن حنبل وأبي ثور. وهؤلاء الفقهاء رحمهم الله هم الذين قلدتهم الطوائف بعدهم ما نعلم الآن على ظهر الأرض أحدا يقلد غيرهم، لا سيما وقد حدثنا أحمد بن عمر العذري، ثنا علي بن الحسن بن فهر، ثنا القاضي أبو الطاهر محمد بن أحمد الذهلي، ثنا جعفر بن محمد الفريابي، حدثني أحمد بن إبراهيم الدورقي، حدثني الهيثم بن جميل، قلت لمالك بن أنس: يا أبا عبد الله، إن عندنا قوما وضعوا كتبا يقول أحدهم: حدثنا فلان عن فلان عن عمر بن الخطاب بكذا، وحدثنا فلان عن إبراهيم بكذا، ونأخذ بقول إبراهيم. قال مالك: صح عندهم قول عمر؟ قلت: إنما هي رواية كما صح عندهم قول إبراهيم. فقال مالك: هؤلاء يستتابون.

we adopt Ibrahim's opinion.'" Malik said, 'Has Umar's opinion been established as authentic for them?' I said, 'It is simply a transmitted report, just as Ibrahim's opinion has been established as authentic for them.' Malik said, 'These people must be called upon to repent.'"[101]

L2624–2626 Abu Muhammed said: If he says, "Yes, those whom you mentioned, and others who came after those whom you mentioned, alongside these named men, or before them, were superior to them and more knowledgeable about religion," he is to be asked: "Then why did you abandon the superior and more knowledgeable person and unquestioningly follow someone inferior in merit and knowledge?" If he says, "Because he came after some of the earlier scholars and critically examined their positions," he is to be told: "Then unquestioningly follow someone who likewise came after these men and critically examined their positions." If he is a Maliki, Shafi'i, Hanafi, Sufyani, or Awza'i, he is to be told: "Then unquestioningly follow Ahmad ibn Hanbal, for he came after these men, examined their knowledge and the knowledge of others, and critically examined the positions of them all. None of the scholars of the people of the Sunnah, whether adherents of transmitted reports or adherents of considered opinion, disputes the breadth of his knowledge, his proud mastery of the Prophet's ﷺ hadith and the legal opinions of the Companions and Successors, his understanding of jurisprudence, his merit, his scrupulousness, or his caution in issuing legal opinions. Or unquestioningly follow Ishaq ibn Ibrahim al-Hanzali, for he was likewise, with penetrating examination and sound understanding. Or unquestioningly follow Abu Thawr, for he attained the utmost in all of that." If he is a Hanbali, he is to be told: "Unquestioningly follow Muhammed ibn Nasr al-Marwazi, for he came after Ahmad and critically examined his positions. He met Ahmad, learned from him, and encompassed his knowledge; he also met the disciples of Malik and al-Shafi'i and the disciples of Abu Hanifah's disciples, and acquired their knowledge. He attained the utmost, beyond which there

قال أبو محمد: فإن قال: بلى، قد كان من ذكرتم وغيرهم مما كان بعد ما ذكرتم، ومع هؤلاء المذكورين، وقبلهم أفضل منهم وأعلم بالدين. قيل له: فلم تركت الأفضل والأعلم، وقلدت الأنقص فضلا وعلما؟. فإن قال: لأنه أتى بعض الأولين متعقبا، قيل له: فقلد من أتى بعدهم أيضا متعقبا على هؤلاء. فإن كان مالكيا، أو شافعيا، أو حنفيا، أو سفيانيا، أو أوزاعيا قيل له: فقلد أحمد بن حنبل، فإنه أتى هؤلاء ورأى علمهم وعلم غيرهم، وتعقب على جميعهم ولا خلاف بين أحد من علماء أهل السنة، أصحاب الحديث منهم وأصحاب الرأي في سعة علمه وتبحره في حديث النبي صلى الله عليه وسلم وفتاوى الصحابة والتابعين وفقهه وفضله وورعه وتحفظه في الفتيا، أو قلد إسحاق بن إبراهيم الحنظلي، فقد كان كذلك مع دقة النظر وصحة الفهم، أو قلد أبا ثور، فقد كان غاية في ذلك كله. وإن كان حنبليا فقيل له: قلد محمد بن نصر المروزي، فإنه أتى متعقبا بعد أحمد، ولقد لقي أحمد وأخذ عنه وحوى علمه، ولقي أصحاب مالك والشافعي وأصحاب أصحاب أبي حنيفة، وأخذ علمهم، وقد كان في الغاية التي لا وراء بعدها في سعة العلم بالقرآن والحديث والآثار والحجاج ودقة النظر، مع الورع العظيم والدين المتين، أو محمد بن جرير الطبري، فكان في علمه ودينه بحيث عرف، أو الطحاوي فقد كان من العلم، أو داود بن علي، فكان من سعة الرواية والعلم بالقرآن والحديث والآثار والإجماع والاختلاف ودقة النظر والورع بحيث لا مزيد، وقد أتى متأخرا متعقبا مشرفا على مذهب كل من تقدمه. فإن قلد داود قيل له: قلد من أتى بعده متعقبا عليه ومخالفه، كولده، وابن سريج، وكالطبري، وكمحمد بن نصر المروزي، والطحاوي، وهكذا أبدا يقلد الآخر فالآخر وهذا خروج عن المعقول

[101] **Translator's note (L2622):** A mudd is a measure of capacity; the comparison concerns expenditure measured by it. The statement about each succeeding year is given in the supplied text as the Prophet's statement; its wording and attribution have been preserved. The final "related to me" introduces the next transmitter, whose name occurs in the following segment.

والقياس، وعن الدين جملة. وحتى لو مالوا إلى تقليد الأفضل لبطل عليهم بأن الأفاضل على خلاف ذلك، فقد رجع عمر إلى قول المرأة من عرض النساء، إذ هم بالمنع من المغالاة في الصداق، وعمر أفضل منها بلا شك، وقد كان أبو بكر وعمر يجمعان الصحابة ويسألانهم، فلو كان قول الأفضل واجبا أن يتبع، لما كان لجمعهما الصحابة معنى لأنهما أفضل ممن جمعا ليعرفا ما عندهم ولكانا في ذلك مخطئين

is nothing further, in the breadth of his knowledge of the Qur'an, hadith, transmitted accounts, and argumentation and in penetrating examination, together with great scrupulousness and firmly grounded religious commitment. Or Muhammed ibn Jarir al-Tabari, whose standing in knowledge and religious commitment was well known. Or al-Tahawi, for he possessed such knowledge. Or Dawud ibn Ali, whose breadth of transmission, knowledge of the Qur'an, hadith, transmitted accounts, consensus and disagreement, penetrating examination, and scrupulousness could not be surpassed. He came later, critically examining the positions of his predecessors and surveying the doctrine of everyone who preceded him." If he unquestioningly follows Dawud, he is to be told: "Unquestioningly follow someone who came after him, critically examining his positions and disagreeing with him, such as his son, Ibn Surayj, al-Tabari, Muhammed ibn Nasr al-Marwazi, or al-Tahawi." Thus he must perpetually follow each successive later scholar unquestioningly. This departs from reason, analogy, and religion altogether. Even if they inclined toward unquestioningly following the person of greatest merit, their position would be invalidated by the fact that people of great merit acted otherwise. Umar deferred to the opinion of an ordinary woman when he intended to prohibit excessive marriage payments, although Umar was undoubtedly superior to her in merit. Abu Bakr and Umar used to assemble the Companions and question them. If following the opinion of the person of greatest merit were obligatory, their assembling the Companions would have been meaningless, since they were superior in merit to those whom they assembled in order to discover what knowledge they possessed; and the two of them would have been mistaken in doing so.[102][103]

وكل هذه أقوال فاسدة بلا برهان على صحة شيء منها وليس طريق الفضل من طريق الاتباع في شيء، فقد يخطىء الفاضل فيحرم اتباعه على الخطأ ولا ينقص ذلك من فضله شيئا وقد قال رسول الله صلى الله عليه وسلم لأبي الدرداء سلمان أفقه إذ منعه سلمان من قيام جميع الليل ومن مواترة الصيام، فكان سلمان أفقه من أبي الدرداء. وكان أبو الدرداء أفضل من سلمان، فأبو الدرداء بدري عقبي، لا تجزأ سلمان منه

L2627–2631 All these are unsound statements, with no demonstration establishing the correctness of any of them. The basis of merit has nothing whatsoever to do with the basis for following someone. A person of merit may err, in

[102] **Translator's note (L2624):** The supplied تبجحه ordinarily denotes taking pride or boasting. 'His proud mastery' retains that nuance in this context of praise; the wording is unusual.

[103] **Translator's note (L2625):** The clause فقد كان من العلم concerning al-Tahawi is syntactically incomplete as supplied; 'for he possessed such knowledge' preserves its unfinished sense without supplying a missing assessment.

which case following him in his error is forbidden, without that diminishing his merit at all. The Messenger of Allah ﷺ said to Abu al-Darda, "Salman has greater understanding of jurisprudence," when Salman prevented him from spending the whole night in prayer and from fasting continuously. Thus Salman had greater understanding of jurisprudence than Abu al-Darda, while Abu al-Darda was superior to Salman in merit. Abu al-Darda was a participant at Badr and at al-Aqabah; Salman did not match him in this, and the first expedition in which Salman participated was the Trench. He ﷺ thus testified that someone inferior in merit had more complete understanding of jurisprudence. He ﷺ also said, "Many a bearer of jurisprudential knowledge carries it to someone who understands it better than he does." He ﷺ also said, "Many a person to whom a report is conveyed comprehends it better than someone who heard it." He was addressing the Companions with these words, so what we have stated is not to be rejected. Success comes through Allah Most High.

It suffices here that all the jurists we have mentioned who have been followed unquestioningly declared unquestioning adherence invalid, prohibited it, forbade it, and stated that anyone practicing it was following falsehood. Hammam narrated to us, from al-Baji, from Aslam the judge, from al-Mazini, from al-Shafi'i, that he forbade people to follow him or anyone else unquestioningly. Abd al-Rahman ibn Salamah narrated to us: Ahmad ibn Khalil narrated to us: Khalid ibn Sa'd narrated to us: Ahmad ibn Khalid narrated to us: Yahya ibn Umar informed us: al-Harith ibn Miskin informed us: Ibn Wahb narrated to us, saying: "I heard Malik when Ibn al-Qasim said to him, 'After the people of Medina, no one is more knowledgeable about sales than the people of Egypt.' Malik asked him, 'Where did they learn that?' He replied, 'From you, Abu Abd Allah.' Malik said, 'I do not know them myself, so how do they know them?'"

Abu Muhammed said: How could it be otherwise, when Allah Most High has spared us any need for their statements on this matter through His explicit declaration in His Book that unquestioning adherence is invalid? Among the words of Allah, Mighty and Majestic, are: {The likeness of those who take protectors apart from Allah is that of the spider that takes a house; and

وأول مشاهد سلمان فالخندق فقد شهد صلى الله عليه وسلم أن الأنقص فضلا أتم فقها وقد قال صلى الله عليه وسلم فرب حامل فقه إلى من هو أفقه منه وقد قال صلى الله عليه وسلم ورب مبلغ أوعى من سامع وإنما خاطب بذلك الصحابة، فغير منكر ما ذكرنا، وبالله تعالى التوفيق. ويكفي من هذا أن كل ما ذكرنا من الفقهاء الذين قلدوا مبطلون التقليد ناهون عنه، مانعون منه، مخبرون أن فاعله على باطل، وقد حدثنا حمام، عن الباجي، عن أسلم القاضي، عن المازني، عن الشافعي أنه نهى الناس عن تقليده وتقليد غيره وحدثنا عبد الرحمن بن سلمة ثنا أحمد بن خليل، ثنا خالد بن سعد، ثنا أحمد بن خالد، أنا يحيى بن عمر، أنا الحارث بن مسكين، ثنا ابن وهب قال: سمعت مالكا وقال له ابن القاسم: ليس أحد بعد أهل المدينة أعلم بالبيوع من أهل مصر، قال له مالك: من أين علموا ذلك؟ قال: منك يا أبا عبد الله، قال مالك: ما أعلمها أنا، فكيف يعلمونها هم؟ قال أبو محمد: كيف وقد أغنانا الله تعالى عن قولهم في ذلك بما نص في كتابه من إبطال التقليد فمن قول الله عز وجل {مثل لذين تخذوا من دون لله أولياآء كمثل لعنكبوت تخذت بيتا وإن أوهن لبيوت لبيت لعنكبوت لو كانوا يعلمون} ثم قال الله تعالى على أثر هذه الآية: {وتلك الأمثال نضربها للناس وما يعقلهآ إلا العالمون} قال أبو محمد: فمن اتخذ رجلا إماما يعرض عليه قول ربه وقول نبيه صلى الله عليه وسلم فما وافق فيه قول ذلك الرجل قبله وما خالفه ترك قول ربه تعالى وقول نبيه صلى الله عليه وسلم وهو يقر أن هذا قول الله عز وجل وقول رسوله صلى الله عليه وسلم والتزم قول إمامه فقد اتخذ دون الله تعالى وليا، ودخل في جملة الآية المذكورة. اللهم إننا نبرأ إليك من هذه الفعلة، فلا كبيرة أعظم منها. وقال تعالى {أم حسبتم أن تتركوا ولما يعلم لله لذين جاهدوا منكم ولم يتخذوا من دون لله ولا رسوله ولا لمؤمنين وليجة ولله خبير بما تعملون} {أم حسبتم أن تتركوا ولما يعلم لله لذين جاهدوا منكم ولم

surely the frailest of houses is the spider's house, if only they knew.} Then Allah Most High said immediately after this verse: {And these parables We set forth for people, but none understand them except those who possess knowledge.} Abu Muhammed said: Whoever takes a man as an authoritative leader and submits to him the words of his Lord and the words of his Prophet ﷺ, accepting whatever agrees with that man's opinion, while, whenever it disagrees with him, abandoning the words of his Lord Most High and the words of his Prophet ﷺ while acknowledging that these are the words of Allah, Mighty and Majestic, and the words of His Messenger ﷺ, and adhering instead to the opinion of his authoritative leader, has taken a protector apart from Allah Most High and falls within the scope of the aforementioned verse. O Allah, we declare ourselves before You free of this deed, for no grave sin is greater than it.

He Most High said: {Or did you suppose that you would be left alone, while Allah has not yet known those among you who strive and take no intimate confidant apart from Allah, His Messenger, and the believers? Allah is fully aware of what you do.} {Or did you suppose that you would be left alone, while Allah has not yet known those among you who strive and take no intimate confidant apart from Allah, His Messenger, and the believers? Allah is fully aware of what you do.}

Abu Muhammed said: There is no greater taking of an intimate confidant than making one particular man the standard for the words of Allah Most High, the words of His Messenger ﷺ, and the words of all the other scholars of the community. He Most High said: {On the day their faces are turned about in the Fire, they will say, "Would that we had obeyed Allah and obeyed the Messenger!" And they will say, "Our Lord, we obeyed our masters and our great ones, and they led us astray from the way."} He Most High said: {Then bring your book, if you are truthful.} He Most High said: {They say, "None shall enter Paradise unless they are Jews or Christians." Those are their wishes. Say, "Bring your demonstration, if you are truthful."}

Abu Muhammed said: Whoever does not produce the Book of Allah Most High as a witness to his statement, or a demonstration of the truth of his statement, is not truthful; rather, he is a liar, a fabricator, inventing falsehood

يتخذوا من دون الله ولا رسوله ولا لمؤمنين وليجة والله خبير بما تعملون} } قال أبو محمد ولا وليجة أعظم ممن جعل رجلا بعينه عيارا من كلام الله تعالى وكلام رسوله صلى الله عليه وسلم وكلام سائر علماء الأمة وقال تعالى {يوم تقلب وجوههم في لنار يقولون يليتنآ أطعنا الله وأطعنا لرسولا * وقالوا ربنآ إنآ أطعنا سادتنا وكبرآءنا فأضلونا لسبيلا} وقال تعالى {فأتوا بكتابكم إن كنتم صادقين} وقال تعالى {وقالوا لن يدخل لجنة إلا من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم إن كنتم صادقين} قال أبو محمد: فمن لم يأت بكتاب الله تعالى شاهد لقوله، أو ببرهان على صدق قوله، وإلا فليس صادقا، لكنه كاذب آفك، مفتر على الله عز وجل، ومن أطاع سادته وكبراءه وترك ما جاءه عن الله تعالى وعن رسوله صلى الله عليه وسلم فقد ضل بنص القرآن واستحق الوعيد بالنار، نعوذ بالله منها وما أدى إليها. وقال تعالى حاكيا عن الجن الذين أسلموا مصدقا لهم ومثبتا عليهم {وأنا ظننآ أن لن تقول لإنس ولجن على لله كذبا} فبطل ظن من ظن ذلك في رئيس قلده لم يأمر الله تعالى بأن يقلده وقال تعالى {إذ تبرأ لذين تبعوا من لذين تبعوا ورأوا لعذاب وتقطعت بهم الأسباب}

against Allah, Mighty and Majestic. Whoever obeys his masters and great ones and abandons what has come to him from Allah Most High and His Messenger ﷺ has gone astray according to the explicit text of the Qur'an and has deserved the threat of the Fire. We seek refuge in Allah from it and from whatever leads to it.

He Most High said, reporting the words of the jinn who embraced Islam, affirming their truthfulness and confirming their statement: {We had thought that humankind and jinn would never speak a lie against Allah.} Thus the supposition of anyone who thinks this of a leader whom he follows unquestioningly, although Allah Most High has not commanded him to follow that leader unquestioningly, is invalidated. He Most High said: {When those who were followed disavow those who followed, and they see the punishment, and the ties between them are severed.}[104][105][106]

L2632 Abu Muhammed said: This, by Allah, is what these excellent men say—the very men whom certain people followed unquestioningly, although they had forbidden those people to follow them unquestioningly. For they, may Allah have mercy upon them, disavowed, in this world and the Hereafter, everyone who followed them unquestioningly. Those excellent, virtuous men attained success, while their unquestioning followers perished, after hearing

قال أبو محمد: هكذا والله يقول هؤلاء الفضلاء الذين قلدهم أقوام قد نهوهم عن تقليدهم، فإنهم رحمهم الله تبرؤوا في الدنيا والآخرة من كل من قلدهم، وفاز أولئك الأفاضل الأخيار، وهلك المقلدون لهم بعد ما سمعوا من الوعيد الشديد، والنهي عن التقليد، وعلموا أن أسلافهم الذين قلدوا قد نهوهم عن تقليدهم، وتبرؤوا منهم إن فعلوا ذلك. ومن ذلك ما حدثنا أحمد بن عمر، ثنا علي بن الحسن بن فهر، حدثنا أبو الطاهر محمد بن أحمد الذهلي، ثنا جعفر بن محمد الفريابي، ثنا محمد بن إسماعيل، حدثنا عبد العزيز بن عبد الله الأويسي، ثنا مالك قال: كان ربيعة يقول لابن شهاب: إن حالي ليس يشبه حالك، أنا أقول برأيي، من شاء أخذه وعمل به، ومن شاء تركه. وقد ذكرنا قول مالك وندامته على القول به. وقال أبو حنيفة: علمنا هذا رأي، من أتانا بخير منه قبلناه منه وقال عز وجل {وإذا قيل لهم تبعوا مآ أنزل لله قالوا بل نتبع مآ ألفينا عليه آبآءنآ أولو كان آباؤهم لا يعقلون شيئا ولا يهتدون} قال أبو محمد: وهذا نص ما فعل خصومنا بلا تأويل ولا تدبر، بل تعرض عليهم الآية والحديث الصحيح، الذي يقرون بصحته، وكلاهما مخالف لمذاهب لهم فاسدة، فيأبون قبولها، لا بفارق ما

[104] **Translator's note (L2628):** The supplied لا تجزأ سلمان منه is grammatically irregular and its precise sense is uncertain. 'Salman did not match him in this' renders its apparent contextual meaning. The descriptions of Abu al-Darda as a participant at Badr and al-Aqabah, and the quoted prophetic reports, are retained as the author presents them. The Qur'anic quotation contains irregular spellings and missing initial letters in several words. Its recoverable wording has been translated.

[105] **Translator's note (L2631):** The verse beginning 'Or did you suppose' is repeated in full in the supplied text; the repetition is retained. An additional unmatched closing brace follows it in the source. The expression عيارا من كلام الله is awkward as supplied. 'The standard for the words of Allah' renders its apparent sense in the argument while noting the unusual preposition. The Qur'anic quotations contain irregular spellings and missing initial letters in several words; their recoverable wording is translated without removing the repeated verse.

[106] **Qur'an references (L2627):** Qur'an 29:43 (Al-'Ankabut); Qur'an 9:16 (At-Tawbah); Qur'an 33:67 (Al-Ahzab); Qur'an 37:157 (As-Saffat); Qur'an 2:111 (Al-Baqarah); Qur'an 72:5 (Al-Jinn).

the severe threat and the prohibition against unquestioning adherence, and knowing that their predecessors, whom they followed unquestioningly, had forbidden them to do so and had disavowed them if they did so. Among the reports concerning this is what Ahmad ibn Umar related to us: Ali ibn al-Hasan ibn Fahr related to us: Abu al-Tahir Muhammed ibn Ahmad al-Dhuhli related to us: Ja'far ibn Muhammed al-Firyabi related to us: Muhammed ibn Isma'il related to us: Abd al-Aziz ibn Abd Allah al-Uwaysi related to us: Malik related to us, saying: Rabi'ah used to say to Ibn Shihab: "My situation is unlike yours. I speak according to my own opinion: whoever wishes may adopt it and act upon it, and whoever wishes may leave it." We have already mentioned Malik's statement and his regret over speaking on the basis of opinion. Abu Hanifah said: "This knowledge of ours is opinion. Whoever brings us something better than it, we accept it from him." He, mighty and majestic, said: {And when it is said to them, 'Follow what Allah has sent down,' they say, 'Rather, we follow what we found our fathers following.' Even though their fathers understood nothing and were not guided?} Abu Muhammed said: This describes precisely what our opponents have done, without any interpretive qualification or reflection. Indeed, a verse and an authentic hadith whose authenticity they acknowledge are presented to them, both contradicting corrupt doctrines of theirs, yet they refuse to accept them: "We will not depart from what we found our fathers and our elders following." He, exalted, has answered them sufficiently. Allah is sufficient for us, and what an excellent Trustee He is. He, exalted, said: {But if they do not respond to you, know that they merely follow their desires. And who is further astray than one who follows his desire without guidance from Allah? Indeed, Allah does not guide the wrongdoing people.} He, exalted, also said: {Have you considered the one who has taken his desire as his god, whom Allah has led astray with knowledge, whose hearing and heart He has sealed,

وجدنا عليه آباءنا وكبراءنا، فقد أجابهم تعالى جوابا كافيا، وحسبنا الله ونعم الوكيل وقال تعالى {فإن لم يستجيبوا لك فعلم أنما يتبعون أهوآءهم ومن أضل ممن تبع هواه بغير هدى من الله إن الله لا يهدي لقوم لظالمين} وقال تعالى {أفرأيت من تخذ إلهه هواه وأضله الله على علم وختم على سمعه وقلبه وجعل على بصره غشاوة فمن يهديه من بعد الله أفلا تذكرون}

and over whose sight He has placed a covering? Who, then, will guide him after Allah? Will you not take heed?}[107][108]

L2633–2634

Abu Muhammed said: This is a manifest characteristic of every unquestioning follower, which he necessarily recognizes in himself: he desired to follow a particular person unquestioningly, and so followed him without knowledge. We find that he derives no benefit from his hearing when he hears verses and prophetic traditions that contradict his school's doctrine; nor has he benefited from his sight regarding what he has been shown of this, or from his intellect regarding what he has learned of this. We find that he has abandoned seeking guidance from the Book of Allah, exalted, and the words of His Prophet may Allah bless him and grant him peace ﷺ, and has sought guidance from someone other than Allah, exalted, and has thus strayed far astray. Alas for them, and how grievous our sorrow for them! He, exalted, said: {Say: 'Shall we call upon, apart from Allah, what neither benefits us nor harms us, and be turned back on our heels after Allah has guided us, like someone whom the devils have lured away in the land, bewildered, having companions who call him to guidance: "Come to us"?' Say: 'Indeed, Allah's guidance is the guidance, and we have been commanded to submit to the Lord of all worlds.'} Abu Muhammed said: This describes precisely the conduct of the unquestioning follower, because he has committed himself to following someone who neither benefits him nor harms him, who will not intercede for him on the Day of Resurrection, who will not bestow upon him a single good deed from his own good deeds, and who will not remove a single evil deed from his evil deeds. Likewise, his companions have called him to guidance, as they claim, but He, exalted, has declared them liars. He said: {Neither the Jews nor the Christians will be pleased with you until you follow their creed. Say: 'Indeed, Allah's guidance is the guidance.' And if you follow their desires after the knowledge that has come

قال أبو محمد هذه صفة ظاهرة من كل مقلد، يعرفها من نفسه ضرورة لأنه هوى تقليد فلان فقلده بغير علم، ووجدناه لا ينتفع بسمعه فيما يسمع من الآي والسنن المخالفة لمذهبه. ولا انتفع بصره فيما أري من ذلك، ولا بعقله فيما علم من ذلك، ووجدناه ترك طلب الهدى من كتاب الله تعالى وكلام نبيه صلى الله عليه وسلم وطلب الهدى ممن دون الله تعالى فضل ضلالا بعيدا فواحسرتاه عليهم وواأسفاه لهم وقال تعالى {قل أندعوا من دون الله ما لا ينفعنا ولا يضرنا ونرد على أعقابنا بعد إذ هدانا الله كالذي ستهوته لشياطين في لأرض حيران له أصحاب يدعونه إلى لهدى ئتنا قل إن هدى لله هو لهدى وأمرنا لنسلم لرب لعالمين} قال أبو محمد وهذا نص فعل المقلد، لأنه التزم اتباع من لا ينفعه ولا يضره ولا يشفع له يوم القيامة، ولا ينيله من حسناته حسنة، ولا يحط عنه من سيئاته سيئة، وكذلك دعاه أصحابه إلى الهدى بزعمهم فأكذبهم تعالى وقال {ولن ترضى عنك ليهود ولا لنصارى حتى تتبع ملتهم قل إن هدى لله هو لهدى ولئن تبعت أهوآءهم بعد لذي جآءك من لعلم ما لك من لله من ولي ولا نصير} فلم يجعل هدى إلا ما جاء من عنده تعالى. وقال تعالى: {وإذا فعلوا فاحشة قالوا وجدنا عليها آباءنا ولله أمرنا بها قل إن لله لا يأمر بلفحشآء أتقولون على لله ما لا تعلمون} وهكذا فعل المقلدون فإنهم أباحوا لحوم السباع والحمر الأهلية وقد جاء أمر الرسول صلى الله عليه وسلم بتحريمها وآخذوا الناسي وألزموا شريعة الكفارة المخطىء، وقد جاء نص القرآن والسنة بإسقاط ذلك كله، فلما أخبروا أن ذلك كله فواحش قالوا وجدنا عليها آباءنا والله أمرنا بها. وقال تعالى ذاما لقوم قلدوا أسلافهم، وحاكيا عنهم أنهم قالوا: {بل قالوا إنا وجدنآ آبآءنا على أمة وإنا على آثارهم مهتدون * وكذلك مآ أرسلنا

[107] **Translator's note (L2632):** The supplied phrase lā bi-fāriq is grammatically defective. "We will not depart" reflects the apparent intended reading lā nufāriqu; this is a conjectural reading. The Quranic quotations contain recurrent omissions of initial alifs and similar transcription defects; their identifiable words have been translated.

[108] **Qur'an references (L2632):** Qur'an 2:170 (Al-Baqarah); Qur'an 28:50 (Al-Qasas); Qur'an 45:23 (Al-Jathiyah); Qur'an 37:155 (As-Saffat).

to you, you will have neither protector nor helper against Allah.} Thus He recognized no guidance except what comes from Him, exalted. He, exalted, said: {And when they commit an indecency, they say: 'We found our fathers practicing it, and Allah commanded us to do it.' Say: 'Indeed, Allah does not command indecency. Do you say of Allah what you do not know?'} This is what the unquestioning followers have done: they have permitted the flesh of beasts of prey and domestic donkeys, although the Messenger's command ﷺ prohibiting it has come; they have held the forgetful person accountable and imposed the legal obligation of expiation upon the person who errs, although the explicit text of the Quran and the Sunnah has come waiving all of that. When they were told that all this constituted indecencies, they said: "We found our fathers practicing them, and Allah commanded us to do them." He, exalted, said, censuring people who followed their predecessors unquestioningly and reporting their words: {Rather, they said: 'We found our fathers following a religious way, and we are guided by their footsteps.' * Likewise, We never sent a warner before you to any town without its affluent inhabitants saying: 'We found our fathers following a religious way, and we follow in their footsteps.' * Say: 'Even if I bring you better guidance than what you found your fathers following?'[109][110]

L2635 They said: 'We disbelieve in what you have been sent with.'}

L2636 He, exalted, said: {And when it is said to them: 'Come to what Allah has sent down and to the Messenger,' they say: 'What we found our fathers following is sufficient for us.' Even though their fathers knew nothing and were not guided?} He, exalted, also said: {O people, eat of what is lawful and wholesome on earth, and do not follow Satan's footsteps. Indeed, he is an open enemy to you. * He commands you only to evil and indecency, and to say of Allah what you do not know. * And when it is said to them: 'Follow what Allah has sent down,' they say: 'Rather, we follow what we found our

من قبلك في قرية من نذير إلا قال مترفوهآ إنا وجدنآ آبآءنا على أمة وإنا على آثارهم مقتدون * قل أولو جئتكم بأهدى مما وجدتم عليه آبآءكم

قالوا إنا بمآ أرسلتم به كافرون}

وقال تعالى {وإذا قيل لهم تعالوا إلى مآ أنزل الله وإلى لرسول قالوا حسبنا ما وجدنا عليه آباءنآ أولو كان آباؤهم لا يعلمون شيئا ولا يهتدون} وقال تعالى {يأيها لناس كلوا مما في لأرض حلالا طيبا ولا تتبعوا خطوات لشيطان إنه لكم عدو مبين * إنما يأمركم بلسوء ولفحشآء وأن تقولوا على الله ما لا تعلمون * وإذا قيل لهم تبعوا مآ أنزل الله قالوا بل نتبع مآ ألفينا عليه آبآءنآ أولو كان آباؤهم لا يعقلون شيئا ولا يهتدون}

[109] **Translator's note (L2634):** The final Quranic quotation reads "Say" (qul), rather than "He said" (qāla), a distinction retained in the translation.

[110] **Qur'an references (L2633):** Qur'an 6:71 (Al-An'am); Qur'an 2:120 (Al-Baqarah); Qur'an 7:28 (Al-A'raf); Qur'an 43:22 (Az-Zukhruf); Qur'an 43:23 (Az-Zukhruf); Qur'an 43:24 (Az-Zukhruf).

fathers following.' Even though their fathers understood nothing and were not guided?}[111]

L2637–2639 Whoever follows unquestioningly has said of Allah what he does not know. This is the explicit wording of the speech of the Lord of all worlds, to whom we shall return and before whom we shall stand. He will question us about what He has commanded us concerning this, and recompense us according to our obedience or disobedience. Let anyone who knows that Allah's promise is true, and that these are his Lord's injunctions to him, fear Allah concerning his own soul. Let him repent of unquestioning adherence and examine his condition. If he sees in it these characteristics that Allah, exalted, has condemned, let him rescue himself by repenting of that, and return to the glad tidings of accepting the words of his Lord, exalted, when He says: {Those who have shunned false objects of worship, refusing to worship them, and have turned penitently to Allah—for them are glad tidings. So give glad tidings to My servants, * who listen to speech and follow the best of it. Those are the ones whom Allah has guided, and those are the possessors of understanding.} {Those who have shunned false objects of worship, refusing to worship them, and have turned penitently to Allah—for them are glad tidings. So give glad tidings to My servants, * who listen to speech and follow the best of it. Those are the ones whom Allah has guided, and those are the possessors of understanding.} The deprived person is the one deprived of these glad tidings and excluded from this praiseworthy description. We ask Allah to record us among those who possess it and to keep us steadfast among them. Amen. Whoever Allah, exalted, describes as someone He has guided, someone given glad tidings, and someone possessing understanding has indeed attained success. This describes the person who listens to statements, does not follow unquestioningly, and chooses the best of them. The best is that which Allah, mighty and majestic, and His Messenger ﷺ have attested to as good: what accords with the Quran and the Sunnah. Success comes through Allah, exalted. Thus the invalidity of unquestioning adherence to men and women altogether, and the absolute prohibition against following

[111]**Qur'an references (L2636):** Qur'an 4:61 (An-Nisa); Qur'an 5:104 (Al-Ma'idah); Qur'an 2:168 (Al-Baqarah); Qur'an 2:170 (Al-Baqarah).

ومن قلد فقد قال على الله ما لا يعلم، وهذا نص كلام رب العالمين، الذي إليه معادنا، وبين يديه موقفنا، وهو سائلنا عما أمرنا به من ذلك، ومجازينا بحسب ما أطعنا أو عصينا، فليتق الله على نفسه أمرؤ يعلم أن وعد الله حق، وأن هذه عهود ربه إليه، وليتب عن التقليد وليفتش حاله، فإن رأى فيها هذه الصفات التي ذمها الله تعالى، فليتدارك نفسه بالتوبة من ذلك، وليرجع إلى بشرى قبول قول ربه تعالى إذ يقول {ولذين جتنبوا لطاغوت أن يعبدوها وأنابوا إلى لله لهم لبشرى فبشر عباد * لذين يستمعون لقول فيتبعون أحسنه أولئك لذين هداهم لله وأولئك هم أولو لألباب} {ولذين جتنبوا لطاغوت أن يعبدوها وأنابوا إلى لله لهم لبشرى فبشر عباد * لذين يستمعون لقول فيتبعون أحسنه أولئك لذين هداهم لله وأولئك هم أولو لألباب} فالمحروم من حرم هذه البشرى وخرج عن هذه الصفة المحمودة، نسأل الله أن يكتبنا في عداد أهلها، وأن يثبتنا في جملتهم آمين فقد فاز من وصفه الله تعالى بأنه هداه، وبأنه مبشر، وأنه من أولي الألباب، وهذه صفة من استمع الأقوال فلم يقلد، واختار أحسنها والأحسن هو ما شهد الله عز وجل ورسوله صلى الله عليه وسلم بالحسنى مما وافق القرآن والسنة وبالله تعالى التوفيق. فقد صح بنص كلام الله تعالى بطلان تقليد الرجال والنساء جملة، وتحريم اتباع الآباء والرؤساء البتة، وعلى هذا كله السلف الصالح. أخبرنا محمد بن سعيد النباتي، ثنا أحمد بن عون الله ثنا قاسم بن أصبغ ثنا محمد بن عبد السلام الخشني ثنا محمد بن بشار، ثنا محمد بن جعفر غندر، ثنا شعبة، عن عاصم الأحول، عن الشعبي: أن أبا بكر قال في الكلالة: أقضي فيها، فإن يكن صوابا فمن الله، وإن يكن خطأ فمني ومن الشيطان، والله منه بريء وهو ما دون الولد والوالد، فقال عمر بن الخطاب: إني لأستحي من الله أن أخالف أبا بكر. قال أبو محمد: هذا هو

الحديث الذي موهوا به، واستحلوا الكذب بإبراء مفردا مما قبله، وإنما استحى عمر من مخالفة أبي بكر رضي الله عنهما في اعترافه بالخطأ، وأنه ليس كلامه كله صوابا، لا في قوله في الكلالة.

fathers and leaders, have been established by the explicit wording of Allah's speech, exalted. The righteous predecessors upheld all of this. Muhammed ibn Sa'id al-Nabati informed us: related to us: Ahmad ibn Awn Allah: Qasim ibn Asbagh related to us: Muhammed ibn Abd al-Salam al-Khushani related to us: Muhammed ibn Bashshar related to us: Muhammed ibn Ja'far, Ghundar, related to us: related to us: Shu'bah, from Asim al-Ahwal, from al-Sha'bi, that Abu Bakr said concerning collateral inheritance: "I shall give judgment concerning it. If it is correct, it is from Allah; if it is mistaken, it is from me and from Satan, and Allah is free of it. It concerns those other than the child and the father." Umar ibn al-Khattab then said: "I would indeed feel ashamed before Allah to disagree with Abu Bakr." Abu Muhammed said: This is the report with which they have obscured the matter and deemed lying permissible by presenting [it] in isolation from what preceded it. Umar felt ashamed to disagree with Abu Bakr, may Allah be pleased with them both, only in his acknowledgment of error and of the fact that not everything he said was correct—not in his statement concerning collateral inheritance.[112][113][114]

وبرهان ذلك أن عمر أقر عند موته أنه لم يقض في الكلالة بشيء، وقد اعترف بأنه لم يفهمها قط، وحتى لو صح أنه وافق أبا بكر في الكلالة في الحديث المذكور لما كانت فيه حجة، لأن الشعبي راوي الحديث لم يدرك عمر، وأبعد روايته، فعن علي على اختلاف في رؤيته أيضا. وأما الاضطراب عن عمر في الجد، فإن محمد بن سعيد أخبرني، عن أحمد بن عون الله، عن قاسم بن أصبغ، عن الخشني، عن بندار، عن ابن أبي عدي شعبة، عن يحيى بن سعيد الأنصاري، عن سعيد بن المسيب قال: قال عمر بن الخطاب حين طعن: إني لم أقض في الجد شيئا. وأما الاختلاف عنه رضي الله عنه في الكلالة، فهو أن حماما حدثني قال: ثنا ابن مفرج، عن عبد الأعلى بن محمد بن الحسن قاضي صنعاء، عن الديري، عن عبد الرزاق، عن معمر، عن الزهري، عن سعيد بن المسيب: أن عمر بن الخطاب كتب في الجد والكلالة كتابا، فمكث يستخير الله يقول: اللهم إن علمت فيه خيرا فأمضه، حتى إذا طعن دعا بالكتاب فمحي، فلم يدر أحد ما كان

L2640–2645 The demonstration of this is that, at his death, Umar acknowledged that he had decided nothing concerning collateral inheritance, and he admitted that he had never understood it. Even if it were authentic that he agreed with Abu Bakr concerning collateral inheritance in the report mentioned, it would contain no proof, because al-Sha'bi, the transmitter of the report, did not live to meet Umar. The earliest person from whom he transmitted was Ali, and even his having seen him is disputed. As for the conflicting reports from Umar concerning the grandfather, Muhammed ibn Sa'id informed me, from Ahmad ibn Awn Allah, from Qasim ibn Asbagh, from

[112] **Translator's note (L2637):** The Quranic passage is repeated in full in the supplied text; both occurrences are retained. The closing transmission formula precedes the narrator's name in the next unit; its order is retained.

[113] **Translator's note (L2638):** The final "related to us" introduces Shu'bah, whose name begins the next unit. The transmission formulas are retained in their source order.

[114] **Translator's note (L2639):** "Collateral inheritance" renders kalālah, whose meaning is itself at issue here. The supplied definition literally excludes "the child and the father"; its scope has not been expanded. The supplied bi-ibrāʾ, literally "by exoneration," is obscure in context. "By presenting [it]" conjecturally reflects bi-īrādihi, which would fit the following phrase "in isolation from what preceded it"; the supplied reading is not secure.

al-Khushani, from Bundar, from Ibn Abi Adi, Shu'bah, from Yahya ibn Sa'id al-Ansari, from Sa'id ibn al-Musayyab, who said: Umar ibn al-Khattab said when he was stabbed: "I have decided nothing concerning the grandfather." As for the disagreement in what is reported from him—may Allah be pleased with him—concerning collateral inheritance, Hammam related to me, saying: Ibn Mufarrij related to us, from Abd al-A'la ibn Muhammed ibn al-Hasan, the judge of Sana'a, from al-Dayri, from Abd al-Razzaq, from Ma'mar, from al-Zuhri, from Sa'id ibn al-Musayyab, that Umar ibn al-Khattab wrote a document concerning the grandfather and collateral inheritance. He continued seeking Allah's guidance, saying: "O Allah, if You know there is good in it, bring it into effect." Then, when he was stabbed, he called for the document, and it was erased, so no one knew what had been in it. He said: "I had written a document concerning the grandfather and collateral inheritance, and I was seeking Allah's guidance concerning it. Then I thought it best to leave you as you had been." Abd al-Razzaq said: Ibn Jurayj also related to us: Ibn Tawus informed me, from his father, from Ibn Abbas, that Umar ibn al-Khattab gave instructions at his death, saying: "Collateral inheritance is as I said." Ibn Abbas said: "And what did you say?" He said: "One who has no child." Abu Muhammed said: This is the soundest chain of transmission reported on this subject from Umar, because its chain is uninterrupted and its transmitters are upright and authorities in their field, and because their having heard directly from one another is established. As you see, it contradicts Abu Bakr's opinion concerning collateral inheritance, because Abu Bakr used to say: "The person subject to collateral inheritance is one who has neither child nor father," whereas Umar, at his death, said: "The person subject to collateral inheritance is one who has no child," and nothing more, according to the chain of transmission that contains no defect. This therefore invalidates what al-Sha'bi transmitted, whose earliest recorded encounter was his seeing Ali—may Allah be pleased with him—performing ablution in the public square at Kufa, assuming that his having seen him is itself established. Muhammed ibn Sa'id al-Nabati informed us: Ahmad ibn Awn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn Abd al-Salam al-Khushani related to us: Muhammed ibn Bashshar related to us: Muhammed ibn Ja'far, Ghundar, related to us: Shu'bah related to us, from Asim, from

فيه فقال: إني كنت كتبت في الجد والكلالة كتابا وكنت أستخير الله فيه فرأيت أن أترككم على ما كنتم عليه. قال عبد الرزاق: وحدثنا ابن جريج، أخبرني ابن طاوس، عن أبيه، عن ابن عباس أن عمر بن الخطاب أوصى عند الموت فقال: الكلالة كما قلت، قال ابن عباس: وما قلت؟ قال: من لا ولد له. قال أبو محمد: هذا أصح سند يرد في هذا الباب عن عمر، لاتصاله وعدالة ناقليه وإمامتهم وصحة سماع بعضهم من بعض، وهو كما ترى مخالف لرأي أبي بكر في الكلالة، لأن أبا بكر كان يقول: الكلالة من لا ولد له ولا والد، وعمر عند الموت يقول: الكلالة من لا ولد له فقط بالسند الذي لا داخلة فيه، فبطل بهذا ما رواه الشعبي الذي أبعد ذكره رؤيته عليا رضي الله عنه بالكوفة يتوضأ في الرحبة، هذا إن صح أنه رآه أيضا، أخبرنا محمد بن سعيد النباتي، ثنا أحمد بن عون الله ثنا قاسم بن أصبغ ثنا محمد بن عبد السلام الخشني ثنا محمد بن بشار، ثنا محمد بن جعفر غندر، ثنا شعبة، عن عاصم، عن الشعبي قال: سئل عبد الله بن مسعود، عن امرأة توفي عنها زوجها، ولم يفرض لها؟ فاختلف إليه شهرا فقال ما سئلت عن شيء منذ توفي رسول الله صلى الله عليه وسلم أشد علي منه لم ينزل فيه قرآن ناطق ولا سنة ماضية، أقضي فيها فإن يكن صوابا فمن الله، وإن يكن خطأ فمن الشيطان، والله منه بريء وذكر الحديث. قال أبو محمد: فهذا ابن مسعود يعترف بالخطأ وبمغيب السنن عنه، وفي هذه القصة سنة صحيحة خفيت عنه، ثم علمها بعد ذلك، ولا سبيل إلى أن يوجد عن أحد من الصحابة والتابعين غير الاعتراف بجواز الخطأ عليهم. والصحيح من رواية الشعبي في الخبر الذي ذكرنا هو ما أخبرناه محمد بن سعيد بن نبات، عن أحمد بن عون الله، عن قاسم بن أصبغ، عن الخشني عن بندار، عن غندر، ثنا شعبة، عن يحيى بن سعيد التيمي تيم الرباب قال ثلاث وددت أن رسول الله صلى الله عليه وسلم لم يقض حتى يبين لنا فيهن أمرا ينتهي إليه: الجد والكلالة وأبواب من أبواب الربا، فهذا هو المتصل من طريق الشعبي. ثم إنا نقول: إن العجب

al-Sha'bi, who said: Abd Allah ibn Mas'ud was asked about a woman whose husband had died without having assigned her a marriage payment. The questioner kept returning to him for a month. He then said: "Since the Messenger of Allah ﷺ—may Allah bless him and grant him peace—died, I have not been asked about anything more difficult for me than this. No explicit Qur'anic text or established prophetic practice has come down concerning it. I shall give a judgment concerning it: if it is correct, it is from Allah; and if it is mistaken, it is from Satan, and Allah is free of it." He then mentioned the report. Abu Muhammed said: Here is Ibn Mas'ud acknowledging error and that prophetic practices were unknown to him. Concerning this case there was an authentic prophetic practice that had escaped him, which he subsequently learned. There is no possibility of finding anything from any of the Companions or Successors other than acknowledgment that they could err. The authentic version of al-Sha'bi's transmission in the report we mentioned is what Muhammed ibn Sa'id ibn Nabat reported to us, from Ahmad ibn Awn Allah, from Qasim ibn Asbagh, from al-Khushani, from Bundar, from Ghundar: Shu'bah related to us, from Yahya ibn Sa'id al-Taymi, of Taym al-Ribab, who said: "There are three matters concerning which I wish the Messenger of Allah ﷺ—may Allah bless him and grant him peace—had not passed away before making clear to us a determination to which one could have recourse: the grandfather, collateral inheritance, and certain categories of usury." This, then, is the version with an uninterrupted chain through al-Sha'bi. Furthermore, we say: Astonishment can only be prolonged at someone who chooses to adopt the statements of one particular person who was accompanied by no miracle from Allah, mighty and majestic, upon whom no sign appeared, and for whom Allah testified neither to protection from error nor to being His devoted friend. More astonishing still is this if he is one of the Successors or those after them, someone concerning whose inward profession of Islam no certainty can be attained, and whose unquestioning follower has nothing more than a favorable opinion of him and the fact that, to outward appearances, he is a virtuous man among the virtuous Muslims, whose superiority

ليطول ممن اختار أخذ أقوال إنسان بعينه لم يصحبه من الله عز وجل معجزة، ولا ظهرت عليه آية، ولا شهد الله له بالعصمة عن الخطأ، ولا بالولاية وأعجب من ذلك إن كان من التابعين فمن دونهم، ممن لا يقطع على غيب إسلامه، ولا بيد مقلده أكثر من حسن الظن به، وأنه في ظاهر أمره فاضل من أفاضل المسلمين، لا يقطع له على غيره من الناس بفضل، ولا يشهد له على نظارته بسبق إن هذا لهو الضلال المبين.

over other people cannot be asserted with certainty, and whose precedence over his peers cannot be attested. This indeed is manifest error.[115][116][117][118]

L2646–2661 If only I knew what obliged him to incline toward this person instead of inclining toward someone else who is outwardly his equal, or outwardly superior to him, or truly superior to him among the earliest Companions, until they came to make his statements the basis of their religious observance in their religion, which is their means of approach to Allah Most High, through which alone they hope for deliverance from the punishment of the Hereafter. Yet we find these poor wretches following no one unquestioningly in their worldly affairs. Not one of them buys anything, whether lesser or greater, without measuring it, examining its newness, and guarding against being cheated over it. Yet he does not guard against being cheated in his religion, in which lie his eternal destruction or salvation. You find him accepting it recklessly and taking it up haphazardly: "Give me what Malik, Ibn al-Qasim, and Sahnun said," if he is a Maliki; or what Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Hasan said, if he is a Hanafi; or what al-Shafi'i said, if he is a Shafi'i—and nothing more. By Allah, if these men—may Allah have mercy on them—were to arrive at the plain of Resurrection with good deeds filling the heavens and the earth, they would not show him mercy by giving him a single one of them. And if he, deluded as he is, were to arrive at that standing place with sins filling the heavens and the earth, they would not remove a single one of them, nor turn aside to attend to him, nor look

فليت شعري ما الذي أوجب عليه أن يميل إليه دون أن يميل إلى غيره ممن هو مثله في الظاهر، أو أفضل منه في الظاهر، أو في الحقيقة من سابقي الصحابة، حتى صاروا يتدينون بقوله في دينهم الذي هو وسليتهم إلى الله تعالى، لا يرجون النجاة من عذاب الآخرة بسواه؟ ونجدهم، المساكين، في أمور دنياهم لا يقلدون أحدا، ولا يبتاع أحدهم شيئا فما دونه أو فما فوقه، إلا حتى يقيسه ويتأمل جددته ويتقي الغبن فيه، وهو لا يتقي الغبن في دينه الذي فيه هلاكه أو نجاته في الأبد، فتجده قد قبله مجازفة وأخذه مطارفة: هات ما قال مالك وابن القاسم وسحنون إن كان مالكيا، أو ما قال أبو حنيفة وأبو يوسف ومحمد بن الحسن إن كان حنفيا، أو ما قال الشافعي إن كان شافعيا، ولا مزيد. ووالله لو أن هؤلاء، رحمهم الله، وردوا عرصة القيامة بملء السموات والأرض حسنات، ما رحموه منها بواحدة، ولو أنه المغرور ورد ذلك الموقف بملء السموات والأرض سيئات، ما حطوا منها واحدة، ولا عرجوا عليه، ولا التفتوا إليه، ولا نفعوه بنافعة ونجده يضرب عن كلام نبيه صلى الله عليه وسلم الذي لا يرجو شفاعة سواه ولا أن ينقذه من أطباق النيران، بعد رحمة الله تعالى، إلا اتباعه إياه فأين الضلال إن لم يكن في فعل هؤلاء القوم. ثم نخط في سؤالهم درجة فنقول: ما الذي دعاكم إلى التهالك على قول مالك وابن القاسم، فهلا تبعتم أقوال عمر بن الخطاب وابنه فتهالكتم عليها؟ فهما أعلم وأفضل من مالك وابن القاسم عند الله عز وجل بلا شك، ونقول للحنفيين. ما الذي حملكم على التماوت على قول أبي حنيفة وأبي يوسف ومحمد بن الحسن؟ فهلا طلبتم أقوال عبد الله بن مسعود وعلي فتماوتم عليها؟ فهما أفضل وأعلم من أبي حنيفة وأبي يوسف ومحمد بن الحسن عند الله تعالى بلا شك. ونقول لمن قلد الشافعي رحمه الله: ألم ينهكم عن تقليده وأمركم باتباع كلام

[115] **Translator's note (L2640):** "Collateral inheritance" renders kalalah; the passage itself disputes which deceased persons fall within this category. The chain places "Shu'bah" directly after "Ibn Abi Adi" without a transmission formula between them. This apparent omission has not been silently supplied.

[116] **Translator's note (L2643):** The last chain as supplied names Yahya ibn Sa'id al-Taymi but does not name al-Sha'bi or the speaker of the quotation that follows, although the author identifies it as al-Sha'bi's transmission.

[117] **Translator's note (L2644):** The unvocalized expression translated "had not passed away" can also mean "had not rendered judgment." The context favors death, but the supplied wording is ambiguous. The author calls this a chain through al-Sha'bi, although al-Sha'bi is absent from the chain supplied in the preceding unit.

[118] **Translator's note (L2645):** The supplied word rendered "his peers" appears to be an irregular or corrupt form of the expected word for counterparts or peers.

toward him, nor benefit him in any way. Yet we find him turning away from the words of his Prophet, may Allah bless him and grant him peace ﷺ, whose intercession alone he hopes for, and from the layers of the fires of Hell he hopes for nothing to rescue him, after the mercy of Allah Most High, except his following him. Where, then, is error, if it is not in what these people do? Then we descend one degree in questioning them and say: What impelled you to devote yourselves so desperately to the statements of Malik and Ibn al-Qasim? Why did you not follow the statements of Umar ibn al-Khattab and his son and devote yourselves desperately to them? For, without doubt, those two are more learned and more excellent before Allah, mighty and majestic, than Malik and Ibn al-Qasim. We say to the Hanafis: What drove you to cling with such desperate devotion to the statements of Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Hasan? Why did you not seek out the statements of Abd Allah ibn Mas'ud and Ali and cling with such desperate devotion to them? For, without doubt, those two are more excellent and more learned before Allah Most High than Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Hasan. We say to whoever follows al-Shafi'i unquestioningly—may Allah have mercy on him: Did he not forbid you to follow him unquestioningly and command you to follow the words of the Prophet ﷺ—may Allah bless him and grant him peace—wherever they are authentically established? Why, then, did you not follow him in this true statement, which no one may lawfully oppose? Did he not say—may Allah have mercy on him—when he mentioned the Prophet's report ﷺ—may Allah bless him and grant him peace—concerning someone who dies owing a fast, "His guardian shall fast on his behalf," saying: may Allah have mercy on him: "If this report is authentic, then it is what I maintain, and we disavow every doctrine that contradicts the report of the Prophet ﷺ—may Allah bless him and grant him peace." The report mentioned possesses the highest degree of authenticity through A'ishah—may Allah be pleased with her. Yet you continually resort to contrivances to invalidate it, using various feeble devices. He forbade you to accept a report with an omitted Companion, yet you adopt it in prohibiting the sale of meat in exchange for a living animal, unquestioningly following his mistake—may Allah have mercy on him—from which no one has been protected. If unquestioning adherence is un-

النبي صلى الله عليه وسلم حيث صح فهلا اتبعتموه في هذا القولة الصادقة التي لا يحل خلافها لأحد؟ أو ليس قد قال رحمه الله وقد ذكر حديث النبي صلى الله عليه وسلم فيمن مات وعليه صيام صام عنه وليه فقال رحمه الله: إن صح هذا الحديث فبه أقول ونبرأ من كل مذهب خالف حديث النبي صلى الله عليه وسلم والحديث المذكور في غاية الصحة من طريق عائشة رضي الله عنها، ثم أنتم دأبا تتحيلون في إبطاله بأنواع من الحيل الباردة ونهاكم عن قبول المرسل. ثم أنتم تأخذون به في تحريم بيع اللحم بالحيوان، تقليدا لغلطه رحمه الله الذي لم يعصم منه أحد، فقد كان تقليد ابن عباس أولى بكم إذ ولا بد، لأنه أفضل وأعلم عند الله عز وجل من الشافعي. وقد قال قائلون منهم: نحن لم نرزق من العقل والفهم ما يمكننا أن نأخذ الفقه من القرآن وحديث النبي صلى الله عليه وسلم فأتوا بالتي تملأ الفم فيقال لهم أمنعكم الله تعالى العقل الذي تفهمون به عند ما قد ألزمكم فهمه إذ يقول عز وجل {أفلا يتدبرون لقرآن أم على قلوب أقفالها} وقد سمعتموه يقول {يأيها لذين آمنوا عليكم أنفسكم لا يضركم من ضل إذا هتديتم إلى لله مرجعكم جميعا فينبئكم بما كنتم تعملون} وسمعتموه يقول {قل أغير لله أبغي ربا وهو رب كل شيء ولا تكسب كل نفس إلا عليها ولا تزر وازرة وزر أخرى ثم إلى ربكم مرجعكم فينبئكم بما كنتم فيه تختلفون} وسمعتموه يقول {لا يكلف لله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} فلولا أن في وسعكم الفهم لأحكام القرآن ما أمركم بتدبره ولولا أن في وسعكم الفهم لكلام النبي صلى الله عليه وسلم ما أمره بالبيان عليكم ولا أمركم بطاعته، هذا إن كنتم تصدقون كلام ربكم. فليت شعري كيف قصرت عقولكم عن فهم ما افترض الله تعالى عليكم تدبره والأخذ به واتسعت

avoidable, then following Ibn Abbas unquestioningly would have been more fitting for you, because he is more excellent and more learned before Allah, mighty and majestic, than al-Shafi'i. Some of them have said: "We have not been endowed with the intellect and understanding that would enable us to derive jurisprudence from the Qur'an and the reports of the Prophet ﷺ—may Allah bless him and grant him peace." Thus they have uttered a mouth-filling enormity. They are to be asked: Has Allah Most High withheld from you the intellect by which you could understand what He has obliged you to understand, when He, mighty and majestic, says: "Do they not reflect upon the Qur'an, or are there locks upon hearts?" You have heard Him say: "O you who believe, attend to yourselves. Those who go astray will not harm you when you are rightly guided. To Allah is your return, all together; then He will inform you of what you used to do." And you have heard Him say: "Say: Shall I seek a lord other than Allah, when He is the Lord of everything? And every soul except against itself, and no bearer of a burden shall bear another's burden. Then to your Lord is your return, and He will inform you concerning that over which you used to differ." And you have heard Him say: "Allah does not burden a soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden such as You laid upon those before us. Our Lord, do not burden us with that which we have no strength to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the disbelieving people." Had understanding the rulings of the Quran not been within your capacity, He would not have commanded you to reflect upon it. And had understanding the speech of the Prophet ﷺ not been within your capacity, He would not have commanded him to explain it to you, nor commanded you to obey him. This is so if you believe the words of your Lord. Would that I knew how your minds fell short of understanding that upon which Allah Most High made it obligatory for you to reflect and to act, while your minds were capacious enough to understand al-Shafi'i, Malik, and Abu Hanifah! Allah Most High never commanded you to listen specifically to them to the exclusion of all other scholars. Nor did your Lord Most High ever guarantee you assistance in understanding their words as He guaranteed you, concerning

عقولكم للفهم عن الشافعي ومالك وأبي حنيفة وما أمركم الله تعالى قط بالسماع منهم خاصة دون سائر العلماء ولا ضمن لكم ربكم تعالى قط العون على فهم كلامهم، كما ضمن لكم في فهم كلامه إنه لا يكلفكم إلا وسعكم. وقد أيقنا أن الله عز وجل لا يأمرنا بشيء إلا وقد سبب لنا طرق الوصول إليه وسهلها وبينها، فقد أيقنا بلا شك عندنا أن وجوه معرفة أحكام الآي والأحاديث التي أمرنا بقبولها بينة لمن طلبها، إن صدقتم ربكم، وإن كذبتم كفرتم. وأما ما لم نؤمر باتباعه من رأي مالك، وأبي حنيفة، وقول الشافعي، فلا سبيل إلى أن نقطع بأن فهمه ممكن لنا. حدثنا أحمد بن عمر العذري، نا أبو محمد الحسن بن أحمد بن إبراهيم بن فراس، أنا أبو حفص عمر بن محمد بن أحمد بن عبد الرحمن بن عمرو بن أبي سفيان بن عبد الرحمن بن صفوان بن أمية بن خلف الجمحي، نا أبو الحسن علي بن عبد العزيز، نا الأصبهاني، نا عبد السلام، نا غطيف بن أعين المحاربي، عن مصعب بن سعد عن عدي بن حاتم قال أتيت النبي صلى الله عليه وسلم وفي عنقي صليب من ذهب فقال لي يا ابن حاتم ألق هذا الوثن من عنقك فألقيته. ثم افتتح سورة براءة فقرأ حتى بلغ قوله تعالى {تخذوا أحبارهم ورهبانهم أربابا من دون لله ولمسيح بن مريم ومآ أمروا إلا ليعبدوا إلها واحدا لا إله إلا هو سبحانه عما يشركون} فقلت يا رسول الله ما كنا نعبدهم فقال النبي صلى الله عليه وسلم كانوا يحلون لكم الحرام فتستحلونه ويحرمون عليكم الحلال فتحرمونه قلت: بلى، قال فتلك عبادتكم قال أبو محمد فسمى النبي صلى الله عليه وسلم اتباع من دون النبي صلى الله عليه وسلم في التحليل والتحريم عبادة وكل من قلد مفتيا يخطىء ويصيب، فلا بد له من أن يستحل حراما ويحرم حلالا، وبرهان ذلك تحريم بعضهم ما يحله سائرهم، ولا بد أن أحدهم مخطىء. أفليس من العجب إضراب المرء عن الطريق التي أمره خالقه بسلوكها، وضمن له بيان نهج الصواب فيها. وأمره أن يكون

understanding His words, that He burdens you only within your capacity. We are certain that Allah, Mighty and Majestic, commands us to do nothing without having provided us with the means of attaining it, made them easy, and explained them. Thus we are certain, without any doubt on our part, that the ways of knowing the rulings of the verses and hadiths which we have been commanded to accept are clear to whoever seeks them—if you believe your Lord; and if you disbelieve Him, you have committed unbelief. As for what we have not been commanded to follow, namely the opinions of Malik and Abu Hanifah and the statements of al-Shafi'i, there is no way for us to assert categorically that understanding it is possible for us. Ahmad ibn 'Umar al-'Udhri related to us: Abu Muhammed al-Hasan ibn Ahmad ibn Ibrahim ibn Firas related to us: Abu Hafs 'Umar ibn Muhammed ibn Ahmad ibn 'Abd al-Rahman ibn 'Amr ibn Abi Sufyan ibn 'Abd al-Rahman ibn Safwan ibn Umayyah ibn Khalaf al-Jumahi informed us: Abu al-Hasan 'Ali ibn 'Abd al-'Aziz related to us: al-Asbahani related to us: 'Abd al-Salam related to us: Ghutayf ibn A'yan al-Muharibi related to us, from Mus'ab ibn Sa'd, from 'Adi ibn Hatim, who said: "I came to the Prophet ﷺ with a gold cross around my neck. He said to me, 'O son of Hatim, cast this idol from your neck.' So I cast it away. Then he began Surat Bara'ah and recited until he reached His saying, Most High: "They took their rabbis and monks as lords apart from Allah, and the Messiah, son of Mary, although they were commanded only to worship one God. There is no god but Him. Glory be to Him above what they associate with Him." I said, 'O Messenger of Allah, we did not worship them.' The Prophet ﷺ said, 'They used to make the forbidden lawful for you, and you would treat it as lawful; and they would make the lawful forbidden for you, and you would treat it as forbidden.' I said, 'Yes indeed.' He said, 'That, then, was your worship.'" Abu Muhammed said: Thus the Prophet ﷺ called following anyone other than the Prophet ﷺ in declaring things lawful and forbidden "worship." Everyone who unquestioningly follows a mufti who both errs and judges correctly must inevitably treat something forbidden as lawful and something lawful as forbidden. The demonstration of this is that some of them forbid what the rest permit, and one of them must necessarily be mistaken. Is it not astonishing that a person should turn away from the path his Creator commanded him to follow, on which He guaranteed to

همه نفسه لا ما سواها، فيترك ذلك كله، ويقصد إلى طريق لم يؤمر بسلوكها، ولا ضمن له نهج الصواب فيها، بل قد نهي عن ذلك وعيب عليه، ولامه ربه عز وجل على ذلك أشد الملامة مع أن الذي قلدوه ينهاهم عن تقليده فمن أضل من هؤلاء وقد احتج بعض من قلد مالكا بأنه المعني بقول رسول الله صلى الله عليه وسلم في إنذاره بزمان يأتي لا يوجد فيه عالم أعلم من عالم المدينة. أخبرنا عبد الله بن ربيع التميمي، عن محمد بن معاوية، عن أحمد بن شعيب، أنا علي بن محمد، ثنا محمد بن كثير، عن سفيان بن عيينة، عن ابن جريج، عن أبي الزناد، عن أبي صالح، عن أبي هريرة قال: قال رسول الله: يضربون أكباد الإبل ويطلبون العلم فلا يجدون عالما أعلم من عالم المدينة. فقال النسائي: قوله أبو الزناد خطأ، إنما هو أبو الزبير. قال أبو محمد: وهكذا حدثناه أحمد بن عبد الله الطلمنكي، ثنا ابن مفرج قال: ثنا محمد بن أيوب الصموت، ثنا أحمد بن عمرو بن عبد الخالق البزار، ثنا عمرو بن علي، ثنا سفيان بن عيينة، عن ابن جريج، عن أبي الزبير عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم يوشك أن تضرب أكباد المطي فلا يوجد عالم أعلم من عالم المدينة قال البزار: لم يرو ابن جريج عن أبي صالح غير هذا الحديث. حدثنا أحمد بن عمر، ثنا علي بن الحسن بن فهر، أنا محمد بن علي، ثنا محمد بن عبد الله البيع إجازة، أنا أبو النضر الفقيه أحمد بن محمد العنزي، ثنا عثمان بن سعيد الدارمي، ثنا أبو مسلم، عن عبد الرحمن بن يونس المستلمي، نا معن بن عيسى، حدثني زهير أبو المنذر التميمي، ثنا عبيد الله بن عمر بن سعيد بن أبي هند عن أبي موسى الأشعري قال قال رسول الله صلى الله عليه وسلم يخرج ناس من المشرق في طلب العلم فلا يجدون عالما أعلم من عالم المدينة وقال عالم أهل المدينة. حدثنا أحمد بن عمر، ثنا فهر، نا ابن أحمد بن إبراهيم بن فراس، ثنا ابن الأعرابي، ثنا محمد بن إسماعيل الصوفي، ثنا علي بن المديني، ثنا سفيان بن عيينة، فذكر الحديث فقال ابن

make the course of correctness clear to him, and commanded him to concern himself with his own soul rather than anything else? He abandons all of that and sets out upon a path he was not commanded to follow, on which no course of correctness was guaranteed to him. Indeed, he has been forbidden to do that and censured for it, and his Lord, Mighty and Majestic, has blamed him for it with the severest blame. Moreover, the very person whom they unquestioningly follow forbids them to follow him unquestioningly. Who, then, is more astray than these people? Some of those who unquestioningly follow Malik have argued that he is the one intended by the saying of the Messenger of Allah ﷺ, in his foretelling of a time to come when no scholar will be found more learned than the scholar of Medina. ʻAbd Allah ibn Rabiʻ al-Tamimi informed us, from Muhammed ibn Muʻawiyah, from Ahmad ibn Shuʻayb, who informed us: ʻAli ibn Muhammed related to us: Muhammed ibn Kathir related to us, from Sufyan ibn ʻUyaynah, from Ibn Jurayj, from Abu al-Zinad, from Abu Salih, from Abu Hurayrah, who said: The Messenger of Allah said, "They will strike the livers of camels and seek knowledge, but they will find no scholar more learned than the scholar of Medina." Al-Nasa'i said: "His saying 'Abu al-Zinad' is an error; it is actually Abu al-Zubayr." Abu Muhammed said: Ahmad ibn ʻAbd Allah al-Talamanki likewise related it to us: Ibn Mufarrij related to us, saying: Muhammed ibn Ayyub al-Samut related to us: Ahmad ibn ʻAmr ibn ʻAbd al-Khaliq al-Bazzar related to us: ʻAmr ibn ʻAli related to us: Sufyan ibn ʻUyaynah related to us, from Ibn Jurayh, from Abu al-Zubayr, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said, "Soon the livers of riding camels will be struck, and no scholar will be found more learned than the scholar of Medina." Al-Bazzar said: "Ibn Jurayj transmitted no hadith from Abu Salih other than this hadith." Ahmad ibn ʻUmar related to us: ʻAli ibn al-Hasan ibn Fihr related to us: Muhammed ibn ʻAli informed us: Muhammed ibn ʻAbd Allah al-Bayyiʻ related to us by authorization to transmit: Abu al-Nadr, the jurist Ahmad ibn Muhammed al-ʻAnazi, informed us: ʻUthman ibn Saʻid al-Darimi related to us: Abu Muslim related to us, from ʻAbd al-Rahman ibn Yunus al-Mustamli: Maʻn ibn ʻIsa related to us: Zuhayr Abu al-Mundhir al-Tamimi related to me: ʻUbayd Allah ibn ʻUmar ibn Saʻid ibn Abi Hind related to us, from Abu Musa al-Ashʻari, who said: The Messenger of Allah ﷺ said, "People will set

عيينة: وضعناه على مالك بن أنس، قال ابن فراس: ثنا محمد بن أحمد اليقطيني، نا محمد بن أحمد بن سلم الحراني، ثنا أبو موسى الأنصاري وذكر هذا الحديث فقال: بلغني عن ابن جريج أنه كان يقول: نرى أنه مالك بن أنس. قال أبو محمد: هذا حديث لم يقنعوا بقبيح فعلهم في التقليد حتى أضافوا إلى ذلك الكذب على رسول الله صلى الله عليه وسلم في الصفة المذكورة في الحديث المذكور على أن في سنده أبو الزبير وهو مدلس ما لم يقل: حدثنا أو: أخبرنا ومع ذلك فليست تلك الصفة موجودة في عصر مالك، لأنه كان في عصره ابن أبي ذئب، وعبد العزيز بن الماجشون، وسفيان الثوري، والليث، والأوزاعي، وكل هؤلاء لا يمكن لمن له أقل إنصاف وعلم أن يفضله في علمه وورعه على واحد منهم ولا في فهمه للقرآن ولا لحديث النبي صلى الله عليه وسلم وأقوال الصحابة رضي الله عنهم وليت شعري ما الذي دلهم على أنه مالك، دون أن يقولوا إنه سعيد بن المسيب الذي كان أفقه من مالك وأفضل؟. وذكروا عن سفيان بن عيينة أنه قال: كانوا يرونه مالكا، قالوا: فإنما عنى سفيان بذلك التابعين. قال أبو محمد: فزادوا كذبة، وما دليلهم على أن سفيان عنى بذلك التابعين؟ لو صح عن سفيان؟ ولعله عنى بذلك مقلدي مالك من صغار أصحابه. قال أبو محمد: هذا بارد وكذب، وليت شعري أي شيء من إدراك سفيان للتابعين مما يوجب أنه عناهم بهذا القول؟ فكيف يصح عن سفيان إلا ما رويناه آنفا من أنه ظن منه، ومثل هذا من الإقدام على القطع بالظنون لا يستسهله إلا من يستسهل الكذب، نعوذ بالله من ذلك. ومما يوضح كذبهم في هذا على سفيان بن عيينة ما حدثناه أحمد بن عمر بن أنس العذري، ثنا أحمد بن عيسى بن إسماعيل البلوي، ثنا غندر، ثنا خلف بن القاسم الحافظ، ثنا أبو الميمون عبد الرحمن بن عبد الله بن عمر بن راشد البجلي، ثنا أبو زرعة عبد الرحمن بن عمرو بن عبد الله بن صفوان النصري، قال محمد بن أبي عمر: قال سفيان بن عيينة: لو

out from the East in search of knowledge, but they will find no scholar more learned than the scholar of Medina." He also said, "the scholar of the people of Medina." Ahmad ibn ʻUmar related to us: Fihr related to us: Ibn Ahmad ibn Ibrahim ibn Firas related to us: Ibn al-Aʻrabi related to us: Muhammed ibn Ismaʻil al-Sufi related to us: ʻAli ibn al-Madini related to us: Sufyan ibn ʻUyaynah related to us and he mentioned the hadith. Ibn ʻUyaynah then said: "We applied it to Malik ibn Anas." Ibn Firas said: Muhammed ibn Ahmad al-Yaqtini related to us: Muhammed ibn Ahmad ibn Salm al-Harrani related to us: Abu Musa al-Ansari related to us; he mentioned this hadith and said: "It has reached me that Ibn Jurayj used to say, 'We think that he is Malik ibn Anas.'" Abu Muhammed said: This is a hadith concerning which they were not content with the ugliness of their conduct in unquestioning adherence, but added to that lying about the Messenger of Allah ﷺ regarding the description mentioned in the aforementioned hadith. Moreover, its chain of transmission includes Abu al-Zubayr, who is a transmitter who conceals an intermediary, unless he says, "He related to us," or "He informed us." Besides, that description was not fulfilled in Malik's time, because in his time there were Ibn Abi Dhi'b and ʻAbd al-ʻAziz ibn al-Majishun, Sufyan al-Thawri, al-Layth, and al-Awzaʻi. No one possessing the slightest fairness and knowledge can rank him above any one of all these men in his knowledge or scrupulous piety, or in his understanding of the Quran, the hadith of the Prophet ﷺ, or the statements of the Companions, may Allah be pleased with them. Would that I knew what indicated to them that it was Malik, instead of their saying that it was Saʻid ibn al-Musayyab, who was more learned in jurisprudence than Malik and more excellent! They reported that Sufyan ibn ʻUyaynah said, "They used to consider him to be Malik." They said: "By that, Sufyan meant only the Successors." Abu Muhammed said: Thus they added another lie. What is their evidence that Sufyan meant the Successors by that, even if it were authentically established from Sufyan? Perhaps he meant those among Malik's junior associates who followed him unquestioningly. Abu Muhammed said: This is feeble and a lie. Would that I knew what there is in Sufyan's having lived to meet the Successors that would require that he meant them by this statement! How, then, can anything be authentically established from Sufyan except what we transmitted just above: that it was

سئل أي الناس أعلم؟ لقالوا سفيان، يعني الثوري، فهذا سفيان بن عيينة يقطع بأنهم كانوا يقولون سفيان أعلم الناس، فدخل في ذلك مالك وغيره. وأما الرواية عن أبي جريج فلا يدرى عمن هي، وإنما هي بلاغ ضعيف كما ترى. وبالله تعالى التوفيق. وقد ضربت آباط الإبل أيام عمر في طلب العلم حقا، الذي هو العلم بالحقيقة وهو القرآن وسنن رسول الله صلى الله عليه وسلم وهاجر الناس في خلافته إلى المدينة متعلمين للعلم، ومتفقهين في الدين، وما كان في أقطار البلاد يومئذ أحد يقطع على أنه أعلم من عمر لا سيما مع شهادة النبي صلى الله عليه وسلم له بالعلم والدين وأقصى ما يمكن أن يشك هل يساويه في العلم علي وعائشة ومعاذ وابن مسعود؟ وأما أن يقطع بأنهم أعلم منه جملة، فلا أصلا.

a supposition on his part? Such audacity in making categorical assertions on the basis of suppositions is treated lightly only by someone who treats lying lightly. We seek refuge in Allah from that. Among the things that expose their lies concerning Sufyan ibn ʿUyaynah on this matter is what Ahmad ibn ʿUmar ibn Anas al-ʿUdhri related to us: Ahmad ibn ʿIsa ibn Ismaʿil al-Balawi related to us: Ghundar related to us: Khalaf ibn al-Qasim, the hadith master, related to us: Abu al-Maymun ʿAbd al-Rahman ibn ʿAbd Allah ibn ʿUmar ibn Rashid al-Bajali related to us: Abu Zurʿah ʿAbd al-Rahman ibn ʿAmr ibn ʿAbd Allah ibn Safwan al-Nasri related to us, saying: Muhammed ibn Abi ʿUmar said: Sufyan ibn ʿUyaynah said: "If they were asked which person was the most knowledgeable, they would say Sufyan"—meaning al-Thawri. Here, then, is Sufyan ibn ʿUyaynah stating categorically that they used to say that Sufyan was the most knowledgeable of people; Malik and others were therefore included in that comparison. As for the report from Abu Jurayj, it is not known from whom he transmitted it. It is merely a weak report received without a stated chain, as you can see. Success comes through Allah Most High. In ʿUmar's days, people did indeed strike their camels' flanks in pursuit of knowledge—knowledge in the true sense, namely the Quran and the established practices of the Messenger of Allah ﷺ. During his caliphate, people migrated to Medina to acquire knowledge and gain understanding of religion. In the regions of the lands at that time, there was no one of whom it could categorically be asserted that he was more knowledgeable than ʿUmar, especially given the Prophet's ﷺ testimony to his knowledge and religion. The furthest one could go would be to entertain uncertainty as to whether ʿAli, ʿA'ishah, Muʿadh, and Ibn Masʿud equaled him in knowledge. As for categorically asserting that they were more knowledgeable than he overall, there is absolutely no basis for that.[119][120][121][122][123][124]

[119] **Translator's note (L2646):** "Examining its newness" follows the unusual supplied expression; the context concerns inspecting the condition of a purchase. "Taking it up haphazardly" renders an uncommon expression suggesting casual or chance acquisition.

[120] **Translator's note (L2649):** "A report with an omitted Companion" renders mursal: a report attributed directly to the Prophet by a Successor without naming the intervening Companion. The supplied Qur'anic quotations contain several irregular spellings and missing initial letters. Their wording remains intelligible; the translation follows the supplied text without adding words from beyond this unit.

وأما الإكثار من الرأي فليس علما أصلا، ولو كان علما لكان أبو حنيفة وأبو يوسف ومحمد بن الحسن أعلم من مالك، لأنهم أكثر فتيا ورأيا منه فإذا ليس الرأي علما وإنما العلم حفظ سنن رسول الله صلى الله عليه وسلم وأقوال الصحابة والتابعين فقد كان في عصر مالك من هو أوسع علما منه كشعبة وسفيان، ومن هو مثله كسفيان بن عيينة والأوزاعي وهشيم وغيره، فظهر كذب من كذب في الحديث المذكور، وبالله تعالى التوفيق. ثم لو صح، وصح أنه مالك باسمه ونسبه، لكان إنما فيه أنه لا يوجد أعلم منه قط، وليس فيه أنه لا يوجد مثله في العلم، فبطل احتجاجهم، ولم يمنع وجود مثله في العلم،

L2662 As for producing a great quantity of personal legal opinion, that is no knowledge at all. Were it knowledge, Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Hasan would be more knowledgeable than Malik, because they produced more legal responses and personal legal opinions than he did. Thus personal legal opinion is not knowledge. Knowledge consists only in preserving the established practices of the Messenger of Allah ﷺ and the statements of the Companions and the Successors. In Malik's time there were those whose knowledge was more extensive than his, such as Shuʿbah and Sufyan, and those who equaled him, such as Sufyan ibn ʿUyaynah, al-Awzaʿi, Hushaym, and others. The falsehood of those who lied concerning the aforementioned hadith has therefore become clear. Success comes through Allah Most High. Furthermore, even if it were authentic, and it were established that it referred to Malik by his name and lineage, all it would contain is that no one more knowledgeable than he would ever be found. It does not say that no one equal to him in knowledge would be found. Their argument therefore fails, and it does not preclude the existence of someone equal to him in knowledge.

وعارضهم بعض الشافعيين بما حدثناه هشام بن سعيد الخير بن فتحون قال: ثنا عبد الجبار المقرىء بمصر، نا الحسن بن الحسين النجيرمي، ثنا جعفر بن محمد الأصبهاني، نا يونس بن حبيب، نا أبو داود الطيالسي، نا جعفر بن سليمان، عن النضر بن معبد، عن الجارود عن عبد الله بن مسعود قال قال رسول الله صلى الله عليه وسلم لا تسبوا قريشا فإن عالمها يملأ الأرض علما، اللهم إنك أذقت أولها عذابا أو وبالا فأذق آخرها نوالا. فقالوا: هذه صفة الشافعي، فما ملأ الأرض علما قرشي غيره، وحدثنا أحمد بن محمد بن الجسور قال: نا ابن أبي دليم، نا ابن وضاح، نا أبو بكر بن أبي شيبة، عن عبد الأعلى، عن معمر الأزهري عن سهل بن أبي حثمة أن رسول الله صلى الله عليه وسلم قال تعلموا من قريش ولا تعلموها وقدموا قريشا ولا تؤخروها. فإن للقرشي قوة الرجلين من غير قريش. قال أبو محمد: وهذا حديث صحيح، أصح من حديثهم الذي شنعوا به. وأما الحقيقة في ذلك الحديث فهي أن الصفة التي بين صلى الله عليه وسلم في ذلك

L2663–2679 Some of the Shafiʿis countered them with what Hisham ibn Saʿid al-Khayr ibn Fathun related to us, saying: ʿAbd al-Jabbar, the Quran reciter, related

[121] **Translator's note (L2656):** "Strike the livers of camels" is an idiom for urging camels onward on a journey in pursuit of knowledge. The second chain reads "Ibn Jurayh," whereas the surrounding text reads "Ibn Jurayj"; the supplied spelling is preserved. Al-Bazzar's comment names Abu Salih, although the immediately preceding chain names Abu al-Zubayr without Abu Salih. The discrepancy is retained. The supplied chain presents "'Ubayd Allah ibn 'Umar ibn Sa'id ibn Abi Hind" as a continuous genealogy. It may contain a transmission error, but no missing link has been inserted. The final chain reads "Ibn Ahmad ibn Ibrahim ibn Firas," leaving the individual's personal name unspecified; this has not been silently replaced with al-Hasan.

[122] **Translator's note (L2657):** "A transmitter who conceals an intermediary" renders mudallis: a transmitter whose wording can conceal the absence of direct reception from the person cited. The qualification continues in the next unit.

[123] **Translator's note (L2660):** The supplied text reads "Abu Jurayj," whereas the surrounding discussion elsewhere names Ibn Jurayj. The supplied reading has been retained. "Strike their camels' flanks" is an idiom for undertaking journeys, here in pursuit of knowledge.

[124] **Qur'an references (L2646):** Qur'an 5:105 (Al-Ma'idah); Qur'an 6:164 (Al-An'am); Qur'an 2:286 (Al-Baqarah); Qur'an 9:31 (At-Tawbah).

to us in Egypt: al-Hasan ibn al-Husayn al-Najirami related to us: Jaʿfar ibn Muhammed al-Asbahani related to us: Yunus ibn Habib related to us: Abu Dawud al-Tayalisi related to us: Jaʿfar ibn Sulayman related to us, from al-Nadr ibn Maʿbad, from al-Jarud, from ʿAbd Allah ibn Masʿud, who said: The Messenger of Allah ﷺ said: "Do not revile Quraysh, for its scholar will fill the earth with knowledge. O Allah, You have made the first of them taste punishment—or affliction—so make the last of them taste bounty." They said: "This describes al-Shafiʿi, for no Qurashi other than he has filled the earth with knowledge." Ahmad ibn Muhammed ibn al-Jasur also related to us, saying: Ibn Abi Dulaym related to us: Ibn Waddah related to us: Abu Bakr ibn Abi Shaybah related to us, from ʿAbd al-Aʿla, from Maʿmar al-Azhari, from Sahl ibn Abi Hathmah, that the Messenger of Allah ﷺ said: "Learn from Quraysh, and do not teach them. Give Quraysh precedence, and do not put them behind, for a Qurashi has the strength of two men from outside Quraysh." Abu Muhammed said: This is an authentic hadith, more authentic than their hadith with which they raised such an outcry. As for the truth concerning that hadith, it is that the state of affairs he ﷺ described in that hadith has not yet come to pass—assuming that the aforementioned hadith is authentic—for throughout the time up to the present, the lands have never been without a scholar matching the scholars of Medina. In the age of the Companions, Ibn Masʿud, ʿAli, and Sulayman were in Iraq; Muʿadh and Abu al-Dardaʾ were in Syria; and Ibn ʿAbbas was in Mecca. It is not permissible for a person of scrupulous piety and knowledge to say that ʿUmar, ʿAʾishah, Ubayy ibn Kaʿb, and Zayd ibn Thabit had greater understanding of religion than ʿAli, Ibn Masʿud, and Muʿadh. Nor did Ibn ʿAbbas rank below those we have mentioned. Then came the Successors, and no person of scrupulous piety and knowledge can say that Saʿid ibn al-Musayyab and Sulayman ibn Yasar had greater understanding of religion than ʿAtaʾ, al-Hasan, ʿAlqamah, and al-Aswad. Then came the younger Successors, and no person of scrupulous piety and knowledge can say that Rabiʿah, al-Zuhri, and Abu al-Zinad had greater understanding of religion than Ibrahim al-Nakhaʿi, ʿAmir, al-Shaʿbi, Saʿid ibn Jubayr, Ayyub al-Sakhtiyani, and ʿUmar ibn ʿAbd al-ʿAziz. Then came Malik's age, and alongside him were Ibn Abi Dhiʾb, Sufyan al-Thawri, al-Awzaʿi, Ibn Jurayj, and al-Lays. None of those we have mentioned

الحديث لم تأت بعد هذا إن صح الحديث المذكور، لأن الزمان إلى الآن لم تكن قط فيه البلاد عارية من عالم يضاهي علماء المدينة، فقد كان في عصر الصحابة بالعراق ابن مسعود وعلي وسليمان، وكان بالشام معاذ وأبو الدرداء، وكان بمكة ابن عباس، ولا يحل لذي ورع وعلم أن يقول: إن عمر وعائشة وأبي بن كعب وزيد بن ثابت كانوا أفقه من علي وابن مسعود ومعاذ وما ابن عباس بمتأخر عمن ذكرنا. ثم أتى التابعون، فلا يقدر ذو ورع وعلم أن يقول: إن سعيد بن المسيب، وسليمان بن يسار كانا أفقه من عطاء والحسن وعلقمة والأسود، ثم أتى صغار التابعين، فلا يقدر ذو ورع وعلم أن يقول: إن ربيعة والزهري وأبا الزناد كانوا أفقه من إبراهيم النخعي، وعامر والشعبي وسعيد بن جبير وأيوب السختياني وعمر بن عبد العزيز، ثم أتى عصر مالك، فكان معه ابن أبي ذئب وسفيان الثوري والأوزاعي وابن جريج والليس، وليس أحد ممن ذكرنا دونه في رواية ولا دراية ولا ورع، ثم هكذا إلى أن انقطع الفقه من المدينة جملة. واستقر في الآفاق. فإنما ذلك الحديث، إن صح، إذا قرب قيام الساعة، وأرز الإيمان إلى المدينة ومكة، وغلب الدجال على الأرض، حاشا مكة والمدينة، فحينئذ يكون ذلك، وإنما حتى الآن فلم تأت صفة ذلك الحديث، وهذا بين ظاهر. وأما الإنذار بما ذكرنا فكما حدثنا حمام بن أحمد عن عبد الله بن إبراهيم، عن أبي زيد المروزي، عن محمد بن يوسف، عن محمد بن إسماعيل البخاري، حدثنا إبراهيم بن المنذر، نا أنس بن عياض، حدثني عبيد الله، عن خبيب بن عبد الرحمن عن حفص بن عاصم عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال إن الإيمان ليأزر إلى المدينة كما تأرز الحية إلى جحرها. وكما حدثنا عبد الله بن يوسف بن نامي، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم بن الحجاج، ثنا محمد بن رافع والفضل بن سهل الأعرج، ثنا شبابة بن سوار قال: ثنا عاصم بن محمد

العمري عن أبيه عن ابن عمر عن النبي صلى الله عليه وسلم إن الإسلام بدأ غريبا وسيعود غريبا كما بدأ، وهو يأرز بين المسجدين كما تأرز الحية إلى جحرها. وكما حدثنا حمام بن أحمد، عن عبد الله بن إبراهيم، عن أبي زيد، عن الفربري، عن البخاري، ثنا إبراهيم بن المنذر، ثنا الوليد بن مسلم، ثنا أبو عمرو الأوزاعي، ثنا إسحاق بن عبد الله بن أبي طلحة حدثني أنس بن مالك عن النبي صلى الله عليه وسلم قال ليس من بلد إلا سيطؤه الدجال إلا مكة والمدينة وذكر باقي الحديث. ثم نقول لهم، هبكم، حتى لو صح الحديث المذكور، ثم لو صح أنه مالك بلا شك، أي شيء كان يكون فيه مما يوجب اتباعه دون غيره من العلماء؟ ولا شك عند أحد من نقلة الحديث في صحة الحديث المسند إلى رسول الله صلى الله عليه وسلم أنه رأى رؤيا فيها أنه أعطي قدحا فشرب منه حتى رأى الري يجري في أظفاره ثم ناول فضله عمر فقيل له يا رسول الله ما أولت ذلك فقال صلى الله عليه وسلم العلم وصحة الحديث أنه صلى الله عليه وسلم أري أمته وعليهم قمص بعضها إلى الثديين وعلى عمر قميص يجره وأنه صلى الله عليه وسلم أخبر أن ذلك الدين فقد صح عن النبي صلى الله عليه وسلم أن عمر من أعلم أمته وأصحابه ومن أئمتهم دينا. ولا خلاف بين أحد المسلمين أن عمر وعليا وابن مسعود وعائشة. أعلم من مالك بلا شك، وليس ذلك يوجب تقليد أحد ممن ذكرنا، ولا اتباعه على جميع أقواله، كما فعلوا هم بمالك، فبطل تعلقهم بالحديث المذكور لو صح، وتأولهم فيه كذب بحت لا يحل لأحد نسبته إلى رسول الله صلى الله عليه وسلم وما الفرق بينهم في الإقدام وبين الشافعيين لو استحلوا أن يقولوا إن قول رسول الله صلى الله عليه وسلم الناس تبع لقريش في هذا الأمر برهم لبرهم وفاجرهم لفاجرهم إن المراد بهذا هو الشافعي، لأنه قرشي النسب، فيجب أن يكون الناس تبعا له؟ وبين الداوديين لو أنهم استحلوا فقال إن قول رسول الله صلى الله عليه وسلم لو أن العلم أو هذا الدين

was below him in transmission, understanding, or scrupulous piety. Matters continued thus until understanding of religious law disappeared entirely from Medina and became established throughout the regions. Thus that hadith, if authentic, applies only when the coming of the Hour draws near, faith retreats to Medina and Mecca, and the Antichrist overcomes the earth except for Mecca and Medina. Only then will that occur. As matters stand up to the present, the state of affairs described in that hadith has not come to pass. This is clear and evident. As for the warning of what we have mentioned, it is as Ḥammam ibn Ahmad related to us, from ʿAbd Allah ibn Ibrahim, from Abu Zayd al-Marwazi, from Muhammed ibn Yusuf, from Muhammed ibn Ismaʿil al-Bukhari: Ibrahim ibn al-Mundhir related to us: Anas ibn ʿIyad related to us: ʿUbayd Allah related to me, from Khubayb ibn ʿAbd al-Rahman, from Hafs ibn ʿAsim, from Abu Hurayrah, that the Messenger of Allah ﷺ said: "Faith will surely retreat to Medina as a snake retreats to its stone." And as ʿAbd Allah ibn Yusuf ibn Nami related to us, from Ahmad ibn Fath, from ʿAbd al-Wahhab ibn ʿIsa, from Ahmad ibn Muhammed, from Ahmad ibn ʿAli, from Muslim ibn al-Hajjaj: Muhammed ibn Rafiʿ and al-Fadl ibn Sahl al-Aʿraj related to us: Shababah ibn Sawwar related to us, saying: ʿAsim ibn Muhammed al-ʿUmari related to us, from his father, from Ibn ʿUmar, from the Prophet ﷺ: "Islam began as something strange, and it will become strange again as it began; it retreats between the two mosques as a snake retreats to its burrow." And as Ḥammam ibn Ahmad related to us, from ʿAbd Allah ibn Ibrahim, from Abu Zayd, from al-Firabri, from al-Bukhari: Ibrahim ibn al-Mundhir related to us: al-Walid ibn Muslim related to us: Abu ʿAmr al-Awzaʿi related to us: Ishaq ibn ʿAbd Allah ibn Abi Talhah related to us: Anas ibn Malik related to me, from the Prophet ﷺ, who said: "There is no town that the Antichrist will not set foot in, except Mecca and Medina." He then mentioned the remainder of the hadith. Then we say to them: Grant your position: even if the aforementioned hadith were authentic, and then even if it were established beyond doubt that it referred to Malik, what would it contain that required following him to the exclusion of other scholars? None of the transmitters of hadith doubts the authenticity of the hadith transmitted with a chain to the Messenger of Allah —may Allah bless him and grant him peace ﷺ—that he saw a dream in which he was

given a cup and drank from it until he saw the satiation flowing through his fingernails; then he handed what remained to Umar. He was asked, "Messenger of Allah, how did you interpret that?" He ﷺ replied, "Knowledge." There is also the authenticity of the report that he ﷺ was shown his community wearing shirts, some reaching their breasts, while Umar wore a shirt that he dragged along, and that he ﷺ explained that this represented religion. It is thus authentically established from the Prophet ﷺ that Umar was among the most knowledgeable members of his community and his Companions, and among their leaders in religion. No two Muslims disagree that Umar, Ali, Ibn Masud, and Aishah were more knowledgeable than Malik, without any doubt. Yet this does not entail the unquestioning imitation of any of those we have mentioned, or following him in all his statements, as they have done with Malik. Their appeal to the aforementioned report is therefore invalid, even if it were authentic. Their interpretation of it is an outright lie that no one may lawfully attribute to the Messenger of Allah ﷺ. What difference is there between their audacity and that of the Shafiis, were they to deem it permissible to say that the Messenger of Allah's ﷺ statement, "People follow Quraysh in this affair: their righteous follow their righteous, and their wicked follow their wicked," refers to al-Shafii because he is of Qurashi descent, so that people must follow him? Or between them and the Dawudis, were they to deem it permissible and say that the Messenger of Allah's ﷺ statement, "Were knowledge—or this religion—at the Pleiades, a man, or men, from among the sons of Persia would attain it," refers to Dawud and Abu Hanifah because both are sons of Persia? This, moreover, is despite these two reports being authentic, with no doubt about their authenticity, whereas the report about the scholar of Medina is defective and not authentic. If they say, "There were scholars among Quraysh other than al-Shafii, and scholars among the Persians other than Dawud and Abu Hanifah," they are told, "There were also scholars in Medina other than Malik, without any doubt." This would amount to deeming lying about the Messenger of Allah ﷺ permissible, something that no person of scrupulous piety would allow himself. Abu Muhammed said: As for their invoking Malik's statement, "This is the practice in our land," this has no significance, because practice in Medina, for twenty-three years before Malik's birth, had

بالثريا لتناوله رجل أو رجال من أبناء فارس المراد بهذا داود وأبو حنيفة، لأنهما من أبناء فارس؟ هذا على أن هذين الحديثين صحيحان لا شك في صحتهما، وحديث عالم المدينة معلول لا يصح. فإن قالوا: قد كان في قريش علماء غير الشافعي، وفي الفرس علماء غير داود وأبي حنيفة، قيل لهم: وقد كان بالمدينة علماء غير مالك بلا شك وكان هذا استحلال للكذب على رسول الله صلى الله عليه وسلم لا يستجيزه ذو ورع قال أبو محمد وأما احتجاجهم بقول مالك: هذا العمل ببلدنا، فهذا لا معنى له، لأن العمل بالمدينة قبل مولد مالك بثلاث وعشرين سنة لم يجز إلا بالظلم والجور والفسق، ولا وليهم إلا الفساق من عمال بني مروان، ثم عمال بني العباس كالحجاج وحبيش بن دلجة، وطارق وعبد الرحمن بن الضحاك وغيرهم ممن لا يعتد بهم. وما أدرك مالك قط بالمدينة بعقله عمل أمير ووال يقتدي به أصلا، ولقد كان التغيير بدأ في السنن من قبل ما ذكرنا كقول مروان: ذهب ما هنالك. ودليل ما ذكرنا تركهم عمل عمر وعثمان في نصوص الموطأ، فبطل الاحتجاج بالعمل جملة، ولا يبق إلا الرواية التي رواها ثقات العلماء عن أمثالهم، إذ لم يمكن الظالمين أن يحولوا بينهم وبين ألسنتهم، كما حالوا بينهم وبين العمل، وبالله تعالى التوفيق. قال أبو محمد: ومن البرهان اللائح على بطلان التقليد أن أهل العصر الأول والعصر الثاني والعصر الثالث وهي القرون التي أثنى عليها النبي صلى الله عليه وسلم كما حدثنا عبد الله بن ربيع عن محمد بن إسحاق بن السليم، عن ابن الأعرابي، عن أبي داود، عن مسدد وعمرو بن عون قالا: ثنا أبو عوانة، عن قتادة، عن زرارة بن أوفى عن عمران بن الحصين قال قال رسول الله صلى الله عليه وسلم خير أمتي القرن الذي بعثت فيهم ثم الذين يلونهم، ثم الذين يلونهم، والله أعلم أذكر الثالث أم لا، ثم يظهر قوم يشهدون ولا يستشهدون، وينذرون ولا يوفون، ويحربون ولا يؤتمنون، ويفشون فيهم السمن. قال أبو محمد: وهكذا في كتابي، والصواب: يخونون ولا يؤتمنون. وبلفظة يخونون، رويناه من طريق مسلم، عن محمد

not proceeded except through oppression, injustice, and flagrant disobedience. None governed them except flagrantly disobedient men among the governors of the house of Marwan, and then the governors of the house of Abbas, such as al-Hajjaj, Hubaysh ibn Duljah, Tariq, Abd al-Rahman ibn al-Dahhak, and others whose conduct carries no weight. At no time during his years of understanding did Malik witness in Medina the practice of any ruler or governor who could serve as an exemplar at all. Indeed, alteration of the established prophetic practices had begun even before what we have mentioned, as in Marwan's statement, "What was there has gone." Evidence for what we have mentioned is their abandonment of the practice of Umar and Uthman, as recorded in the texts of the Muwatta. Invoking practice as proof is therefore invalid altogether, and nothing remains except the transmission that trustworthy scholars transmitted from others like themselves, since the oppressors could not come between them and their tongues as they came between them and their practice. Success comes through Allah Most High. Abu Muhammed said: Among the manifest demonstrations of the invalidity of unquestioning imitation is that the people of the first age, the second age, and the third age—these being the generations praised by the Prophet ﷺ, as Abd Allah ibn Rabi related to us, from Muhammed ibn Ishaq ibn al-Salim, from Ibn al-Arabi, from Abu Dawud, from Musaddad and Amr ibn Awn, who both said: Abu Awanah related to us, from Qatadah, from Zurarah ibn Awfa, from Imran ibn al-Husayn, who said: The Messenger of Allah ﷺ said, "The best of my community is the generation among whom I was sent, then those who follow them, then those who follow them"—and Allah knows best whether he mentioned the third or not—"then people will appear who give testimony without being asked to testify, make vows without fulfilling them, plunder and are not entrusted, and obesity will spread among them." Abu Muhammed said: This is how it stands in my book; the correct wording is "betray and are not entrusted." We transmitted it with the wording "betray" through Muslim, from Muhammed ibn al-Muthanna, from Ghundar, from Shubah, from Abu Hamzah, from Zahdam, from Imran, from the Messenger of Allah ﷺ. Thus, the people of these excellent, praised generations sought the reports of the Prophet ﷺ and understanding of the Quran, and traveled to other lands for that purpose. Whenever they found

بن المثنى، عن غندر، عن شعبة، عن أبي حمزة عن زهدم عن عمران عن رسول الله صلى الله عليه وسلم فكان أهل هذه القرون الفاضلة المحمودة يطلبون حديث النبي صلى الله عليه وسلم والفقه في القرآن ويرحلون في ذلك إلى البلاد فإن وجدوا حديثا عنه صلى الله عليه وسلم عملوا به واعتقدوه ولا يقلد أحد منهم أحدا البتة، فلما جاء أهل العصر الرابع تركوا ذلك كله، وعولوا على التقليد الذي ابتدعوه ولم يكن قبلهم، فاتبع ضعفاء أصحاب أبي حنيفة أبا حنيفة، وأصحاب مالك مالكا، ولم يلتفتوا إلى حديث يخالف قولهما، ولا تفقهوا في القرآن والسنن، ولا بالوا بهما، إلا من عصمه الله عز وجل وثبته على ما كان عليه السلف الصالح في الأعصار الثلاثة المحمودة من اتباع السنن عن رسول الله صلى الله عليه وسلم والتفقه في القرآن وترك التقليد وأما أفاضل أصحاب أبي حنيفة ومالك فما قلدوهما، فإن خلاف ابن وهب وأشهب وابن الماجشون والمغيرة وابن أبي حازم، لمالك أشهر من أن يتكلف إيراده، وقد خالفه أيضا ابن القاسم، وكذلك خلاف أبي يوسف وزفر ومحمد والحسن بن زياد لأبي حنيفة أشهر من أن يتكلف إيراده، وكذلك خلاف أبي ثور والمزني للشافعي رحمه الله. وكذلك خالف أصبغ وسحنون ابن القاسم، وخالف بن المواز أصبغ، وكذلك خالف محمد بن علي بن يوسف المزني في كثير، وكذلك خالف الطحاوي أيضا أبا حنيفة وأصحابه، فإن كان النظر حقا فقد أخطؤوا في التقليد، وإن كان التقليد حقا فقد أخطؤوا النظر وترك التقليد، فقد ثبت الخطأ عليهم على كل حال، والخطأ واجب أن يجتنب. قال أبو محمد: وقد سألناهم فقلنا لهم: أنتم مقرون معنا بأن عيسى ابن مريم عبد الله ورسوله عليه السلام ينزل إذا خرج الدجال اللعين، فيدبر أهل الإسلام بملتهم لا بملة أخرى، فقالوا لنا: أبرأي أبي حنيفة وأبي يوسف ومحمد بن الحسن أو بتقليد مالك وابن القاسم وسحنون: يحكم بين المسلمين ويقضي في الدين، ويفتي المستفتين؟ ألا إن هذا هو الضلال

a report from him ﷺ, they acted upon it and accepted it as true. None of them unquestioningly imitated anyone at all. Then, when the people of the fourth age came, they abandoned all of that and relied upon the unquestioning imitation that they invented and that had not existed before them. The weaker followers of Abu Hanifah followed Abu Hanifah, and Malik's followers followed Malik. They paid no attention to any report contradicting the statements of those two, nor did they seek understanding of the Quran and the prophetic traditions, nor did they concern themselves with either, except those whom Allah, Mighty and Majestic, protected and kept steadfast upon the way of the righteous predecessors in the three praised ages: following the prophetic traditions transmitted from the Messenger of Allah ﷺ, seeking understanding of the Quran, and abandoning unquestioning imitation. As for the more excellent followers of Abu Hanifah and Malik, they did not unquestioningly imitate those two. Indeed, the disagreements of Ibn Wahb, Ashhab, Ibn al-Majishun, al-Mughirah, and Ibn Abi Hazim with Malik are too well known for one to undertake the trouble of presenting them. He was also opposed by Ibn al-Qasim. Likewise, the disagreements of Abu Yusuf, Zufar, Muhammed, and al-Hasan ibn Ziyad with Abu Hanifah are too well known for one to undertake the trouble of presenting them. The same applies to the disagreements of Abu Thawr and al-Muzani with al-Shafii, may Allah have mercy on him. Likewise, Asbagh and Sahnun disagreed with Ibn al-Qasim, and Ibn al-Mawwaz disagreed with Asbagh. Muhammed ibn Ali ibn Yusuf likewise disagreed with al-Muzani on many matters. Al-Tahawi likewise disagreed with Abu Hanifah and his followers. Thus, if independent examination is right, they have erred in unquestioning imitation; and if unquestioning imitation is right, they have erred in independent examination and in abandoning unquestioning imitation. Error is therefore established against them in either case, and error must be avoided. Abu Muhammed said: We questioned them, saying to them, "You agree with us that Jesus son of Mary, Allah's servant and His messenger, peace be upon him, will descend when the accursed Antichrist emerges, and will govern the people of Islam according to their religion, not another religion." Then they said to us, "Will he judge between Muslims, adjudicate religious matters, and issue legal opinions to those who seek them according to the opinion

المبين. ولقد نكس الإسلام، وذلت النبوة، وهانت الرسالة وخزي الحق وأهله إن كان رسول الله صلى الله عليه وسلم وروحه وكلمته يرجع تابعا لمثل هؤلاء الذين لا يقطع لهم بنجاة، ولا يضمن ما هم عليه عند الله تعالى فلا والله، بل ما يقضي ويحكم ويفتي إلا بما أتى به أخوه في الرسالة، وصاحبه في النبوة وقسيمه في نزول الوحي محمد بن عبد الله صلى الله عليه وسلم وليبطلن الآراء الفاسدة فلا خوف من أحد فمن أضل طريقه ممن يدين بشيء هو موقن أنه لم يكن أول الإسلام، ولا يكون عند نزول المسيح عليه السلام ومن يضلل الله فما له من هاد. ابن فراس، نا محمد بن علي بن علي بن زيد، نا سعيد بن منصور، نا هشيم، أنا ابن أبي ليلى، عن أبي قيس، عن هزيل بن شرحبيل: أن رجلا مات وترك ابنته وابنة ابنه وأخته لأبيه وأمه، فأتوا أبا موسى الأشعري فسألوه عن ذلك فقال: لابنته النصف، والنصف الباقي للأخت، فأتوا ابن مسعود فذكروا ذلك له فقال: لقد ضللت إذن وما أنا من المهتدين إن أخذت بقول الأشعري وتركت قول رسول الله صلى الله عليه وسلم فهذا ابن مسعود يسمي القول من الصاحب إذا خالف النص: ضلالا وخلافا للهدى. وحدثنا أحمد بن عمر، نا أبو ذر، نا عبد الله بن أحمد، نا إبراهيم بن خزيم، نا عبد بن حميد، نا أبو نعيم، عن سفيان الثوري، عن حبيب بن أبي ثابت، عن أبي البختري قال: سئل حذيفة عن قوله تعالى: {ألا تقاتلون قوما نكثوا أيمانهم وهموا بإخراج لرسول وهم بدءوكم أول مرة أتخشونهم فالله أحق أن تخشوه إن كنتم مؤمنين} قال لم يكونوا يعبدونهم، ولكن إذا أحلوا لهم شيئا استحلوه، وإذا حرموا عليهم شيئا حرموه.

of Abu Hanifah, Abu Yusuf, and Muhammed ibn al-Hasan, or through unquestioning imitation of Malik, Ibn al-Qasim, and Sahnun?" Surely this is manifest error! Islam would indeed be overturned, prophethood abased, the prophetic mission dishonored, and truth and its people disgraced, if Allah's messenger ﷺ, His spirit and His word, were to return as a follower of the likes of these men, whose salvation cannot be affirmed with certainty and whose standing before Allah Most High cannot be guaranteed. No, by Allah! Rather, he will adjudicate, judge, and issue legal opinions only according to what was brought by his brother in the prophetic mission, his companion in prophethood, and his fellow recipient of revelation, Muhammed ibn Abd Allah ﷺ, and he will assuredly invalidate corrupt opinions, with no fear of anyone. Who, then, has strayed further from his path than someone who professes as religion something that he is certain did not exist at the beginning of Islam and will not exist when the Messiah, peace be upon him, descends? "Whomever Allah leads astray has no guide." Ibn Firas related to us: Muhammed ibn Ali ibn Ali ibn Zayd related to us: Said ibn Mansur related to us: Hushaym related to us: Ibn Abi Layla informed us, from Abu Qays, from Huzayl ibn Shurahbil, that a man died leaving his daughter, his son's daughter, and his full sister. They came to Abu Musa al-Ashari and asked him about this. He said, "His daughter receives half, and the remaining half goes to the sister." They then came to Ibn Masud and mentioned this to him. He said, "I would then indeed have gone astray and would not be among the rightly guided if I adopted al-Ashari's statement and abandoned the statement of the Messenger of Allah ﷺ." Here, then, Ibn Masud calls a Companion's statement, when it contradicts the revealed text, error and a departure from guidance. Ahmad ibn Umar also related to us: Abu Dharr related to us: Abd Allah ibn Ahmad related to us: Ibrahim ibn Khuzaym related to us: Abd ibn Humayd related to us: Abu Nuaym related to us, from Sufyan al-Thawri, from Habib ibn Abi Thabit, from Abu al-Bakhtari, who said: Hudhayfah was asked about His saying, Most High, "Will you not fight a people who broke their oaths and intended to expel the Messenger, and who began against you the first time? Do you fear them? Allah has a greater right that you fear Him, if you are believers." He said, "They did not worship them, but whenever they declared something lawful for them, they deemed

it lawful, and whenever they declared something forbidden to them, they deemed it forbidden."[125][126][127][128][129][130][131][132][133][134][135][136][137]

[125] **Translator's note (L2663):** The transmitter's designation "Maʿmar al-Azhari" is retained as supplied; the wording may reflect a corruption or loss within the transmission chain.

[126] **Translator's note (L2665):** The supplied text names "Sulayman" among the Companions in Iraq. This may be a corruption of "Salman," but the supplied name has been retained.

[127] **Translator's note (L2666):** The text lists "ʿAmir" and "al-Shaʿbi" separately, although ʿAmir al-Shaʿbi is ordinarily one person. The apparent duplication has been retained. The supplied name "al-Lays" appears to be a corruption of "al-Layth." It has been retained as supplied.

[128] **Translator's note (L2667):** In the first quotation, the supplied text has "its stone" rather than "its burrow"; this apparent quotation error has been retained. The first quotation also supplies a transposed form of the verb rendered "retreat." Its intended sense is inferred from the parallel wording in the following quotation.

[129] **Translator's note (L2670):** The expression translated as "the satiation flowing through his fingernails" follows the supplied wording الري, denoting the quenching of thirst. The construction فقال after the plural subject referring to the Dawudis is grammatically irregular; the translation preserves the evident hypothetical argument.

[130] **Translator's note (L2671):** The unvocalized لم يجز is awkward here. It is rendered in the sense of practice proceeding or being conducted, with the qualification supplied by the following segment.

[131] **Translator's note (L2672):** Marwan's terse statement, ذهب ما هنالك, is translated closely; what precisely has "gone" is not specified in this excerpt.

[132] **Translator's note (L2674):** The transmitted wording ويحربون is rendered "plunder"; the author himself explicitly corrects it to يخونون, "betray." His correction is part of the original authorial discussion. The supplied ويفشون فيهم السمن is grammatically irregular. The translation conveys the apparent sense, "obesity will spread among them," without treating the Arabic as a sound quotation.

[133] **Translator's note (L2676):** The unvocalized sequence محمد بن علي بن يوسف المزني is read here as Muhammed ibn Ali ibn Yusuf being the subject and al-Muzani the object of "disagreed with." Without case markings, the division is not explicit.

[134] **Translator's note (L2677):** The source says فقالوا لنا, "then they said to us," although the following rhetorical question appears to continue the author's challenge to his opponents. This apparent speaker-attribution error has been preserved. "Allah's messenger, His spirit and His word" refers here to Jesus. The supplied Arabic places the salutation صلى الله عليه وسلم after "Allah's messenger"; its position is preserved with ﷺ.

L2680–2681 Abu Muhammed said: This describes those who adhere uncritically to Abu Hanifah, Malik, and al-Shafi‘i. They declare unlawful only what has been transmitted from their master as unlawful, and they declare lawful only what has reached them from their master as lawful. We declare ourselves free before Allah Most High of any such belief, and we seek refuge in Him from holding it concerning any descendant of Adam, except the Messenger of Allah ﷺ.

‘Abd al-Rahman ibn Salamah related to us: Ahmad ibn Khalil related to us: Khalid ibn Sa‘d related to us: Aslam ibn ‘Abd al-‘Aziz, the judge, and Sa‘id ibn ‘Uthman al-‘Anani informed me; both said: Yunus ibn ‘Abd al-A‘la related to us: Sufyan ibn ‘Uyaynah related to us, from Ibn Abi Najih, from Mujahid, who said: “There is no one whose statements may not be accepted or rejected, except the Prophet ﷺ.”

Yusuf ibn ‘Abd Allah al-Namari wrote to me: ‘Abd al-Warith ibn Sufyan informed us: Qasim ibn Asbagh related to us: Ibn Waddah related to us: Duhaym related to us: Ibn Wahb related to us: Ibn Lahi‘ah related to us, from Bukayr ibn al-Ashajj, that a man said to al-Qasim ibn Muhammed ibn Abi Bakr al-Siddiq: “How astonishing of ‘A’ishah! She used to pray four units while traveling, whereas the Messenger of Allah ﷺ used to pray two units.” He replied: “My nephew, adhere to the practice of the Messenger of Allah ﷺ wherever you find it, for there are people who are not to be faulted.”

Al-Namari wrote to me: Sa‘id ibn Nasr related to us: Qasim ibn Asbagh related to us: Muhammed ibn Isma‘il al-Tirmidhi related to us: al-Humaydi related to us: Sufyan ibn ‘Uyaynah related to us, from ‘Amr ibn Dinar, from Salim ibn ‘Abd Allah ibn ‘Umar, from his father: ‘Umar ibn al-Khattab

قال أبو محمد: هذه صفة المقلدين لأبي حنيفة ومالك والشافعي، ولا يحرمون إلا ما جاء عن صاحبهم تحريمه، ولا يحلون إلا ما جاءهم عن صاحبهم تحليله، نبرأ إلى الله تعالى من مثل هذا الاعتقاد، ونعوذ به منه في أحد من ولد آدم حاشا رسول الله صلى الله عليه وسلم حدثنا عبد الرحمن بن سلمة نا أحمد بن خليل، نا خالد بن سعد، أخبرني أسلم بن عبد العزيز القاضي، وسعيد بن عثمان العناني قالا: نا يونس بن عبد الأعلى، نا سفيان بن عيينة، عن ابن أبي نجيح، عن مجاهد قال: ليس من أحد إلا يؤخذ من قوله ويترك إلا النبي صلى الله عليه وسلم كتب إلي يوسف بن عبد الله النمري أنا عبد الوارث بن سفيان، نا قاسم بن أصبغ، نا ابن وضاح، نا دحيم، نا ابن وهب، نا ابن لهيعة، عن بكير بن الأشج أن رجلا قال للقاسم بن محمد بن أبي بكر الصديق: عجبا لعائشة كانت تصلي في السفر أربعا ورسول الله صلى الله عليه وسلم كان يصلي ركعتين فقال يا ابن أخي عليك بسنة رسول الله صلى الله عليه وسلم حيث وجدتها فإن من الناس من لا يعاب كتب إلي النمري: ثنا سعيد بن نصر، نا قاسم بن أصبغ، نا محمد بن إسماعيل الترمذي، نا الحميدي، نا سفيان بن عيينة، عن عمرو بن دينار عن سالم بن عبد الله بن عمر عن أبيه: قال عمر بن الخطاب: إذا رميتم الجمرة بسبع حصيات وذبحتم وحلقتم فقد حل لكم كل شيء إلا الطيب والنساء قال سالم قالت عائشة أنا طيبت رسول الله صلى الله عليه وسلم لحله قبل أن يطوف بالبيت قال سالم فسنة رسول الله أحق أن تتبع.

[135] **Translator’s note (L2678):** The Quranic quotation contains لرسول where الرسول would be expected; the translation renders the apparent intended referent, “the Messenger,” while recording the defective wording. The Quranic passage quoted here is 9:13, but Hudhayfah’s response in the following unit appears to concern 9:31, about taking religious authorities as lords. The apparent quotation mismatch is preserved.

[136] **Translator’s note (L2679):** The response appears to concern Quran 9:31 rather than the passage from 9:13 quoted across this and the preceding unit; the supplied quotation and response are both preserved.

[137] **Qur’an references (L2663):** Qur’an 9:13 (At-Tawbah).

said: “When you have pelted the pillar with seven pebbles, slaughtered, and shaved your heads, everything has become lawful for you except perfume and women.” Salim said: ‘A’ishah said: “I myself perfumed the Messenger of Allah ﷺ for his release from ritual consecration before he circumambulated the House.” Salim said: “The practice of the Messenger of Allah has the greater right to be followed.”[138]

L2682–2684 Abu Muhammed said: We therefore ask them to give us, from the three praised ages—the age of the Companions, the age of the Successors, and the age of the Successors’ Successors—a single man who adhered uncritically to a scholar who preceded him, accepting everything he said and disagreeing with him on nothing. If they find him—and, by Allah, they will never find him, because there never was such a person among them—then, by way of concession, they have something to cling to. And [if] they do not find him, let them be certain that they have introduced an innovation into the religion of Allah Most High in which no one preceded them. Let them know that a band of people of the fourth age introduced this hideous innovation into Islam, except those among them whom Allah Most High protected. Innovations are forbidden, and the worst affairs are those newly introduced. Let them know that those who seek the practices of the Messenger of Allah ﷺ wherever they may be, act upon them, and acquire understanding of the Quran, without adhering uncritically to anyone, follow the path of the Companions, the Successors, and the praised ages; that they are the people of truth in every age and, without doubt, the greater number in the sight of Allah Most High, even if their numbers are few. Success comes through Allah Most High.

Let whoever reads our book know that this great innovation—we mean uncritical adherence—only arose among people and began to be practiced after the year one hundred and forty of the Hijrah calendar, and more than one hundred and thirty years after the death of the Messenger of Allah ﷺ. Before the time we have mentioned, there had never been in Islam even a single Muslim, let alone more, who practiced this innovation. Nor was there found among them a man who adhered uncritically to one particular scholar, fol-

[138] **Translator’s note (L2681):** The statement “there are people who are not to be faulted” is terse and leaves its intended application implicit; the translation preserves that wording.

قال أبو محمد: فنحن نسألهم أن يعطونا في الأعصار الثلاثة المحمودية، عصر الصحابة وعصر التابعين وعصر تابعي التابعين، رجلا واحدا قلد عالما كان قبله، فأخذ بقوله كله ولم يخالفه في شيء، فإن وجدوه، ولن يجدوه والله أبدا لأنه لم يكن قط فيهم، فلهم متعلق على سبيل المسامحة، ولم يجدوه فليوقنوا أنهم قد أحدثوا بدعة في دين الله تعالى لم يسبقهم إليها أحد. وليعلموا أن عصابة من أهل العصر الرابع ابتدعوا في الإسلام هذه البدعة الشنعاء إلا من عصم الله تعالى منهم، والبدع محرمة، وشر الأمور محدثاتها وليعلموا أن طلاب سنن رسول الله صلى الله عليه وسلم حيث كانت والعاملين بها والمتفقهين في القرآن الذين لا يقلدون أحدا، هم على منهاج الصحابة والتابعين والأعصار المحمودة، وأنهم أهل الحق في كل عصر، والأكثرون عند الله تعالى، بلا شك، وإن قل عددهم، وبالله تعالى التوفيق. وليعلم من قرأ كتابنا أن هذه البدعة العظيمة، نعني التقليد، إنما حدثت في الناس وابتدىء بها بعد الأربعين ومائة من تاريخ الهجرة، وبعد أزيد من مائة عام وثلاثين عاما بعد وفاة رسول الله صلى الله عليه وسلم وأنه لم يكن قط في الأسلام قبل الوقت الذي ذكرنا مسلم واحد فصاعدا على هذه البدعة، ولا وجد فيهم رجل يقلد عالما بعينه، فيتبع أقواله في الفتيا، فيأخذ بها ولا يخالف شيئا منها، ثم ابتدأت هذه البدعة من حين ذكرنا في العصر الرابع في القرن المذموم، ثم لم تزل تزيد حتى عمت بعد المائتين من الهجرة عموما طبق الأرض، إلا من عصم الله عز وجل، وتمسك بالأمر الأول الذي كان عليه الصحابة والتابعون،

lowing his pronouncements in legal rulings, accepting them, and disagreeing with none of them. Then this innovation began at the time we have mentioned, in the fourth age, in the censured generation. It continued to increase until, after the year two hundred of the Hijrah, it became so widespread that it covered the earth, except for those whom Allah, Almighty and Majestic, protected and who held fast to the original practice followed by the Companions, the Successors, and the Successors' Successors, without disagreement from any of them. We ask Allah Most High to keep us steadfast upon it, not to turn us away from it, to turn in forgiveness toward those of our Muslim brothers who have become embroiled in this grave sin, and to bring them back to the path of their righteous predecessors.[139]

L2685–2692 'Abd Allah ibn Rabi' al-Tamimi related to us, saying: Muhammed ibn Ishaq ibn al-Salim related to us, saying: Ibn al-A'rabi related to us, from Abu Dawud: Abu Bakr ibn Shaybah related to us: Waki' related to us, from al-Awza'i, from Yahya ibn Abi Kathir, from Abu Qilabah, who said: Abu Mas'ud—namely, al-Badri—said to Abu 'Abd Allah—namely, Hudhayfah—or Abu 'Abd Allah—namely, Hudhayfah—said to Abu Mas'ud al-Badri: "What did you hear the Messenger of Allah ﷺ say about 'They claim'?" He replied: "I heard the Messenger of Allah ﷺ say: 'What a wretched mount for a man!'" And the Messenger of Allah ﷺ explicitly stated in the report concerning punishment in the grave that the hypocrite, or the doubter, says: "I do not know. I heard people saying something, so I said it." Thus this uncritical adherence is censured concerning the oneness of Allah; how, then, can it be otherwise concerning lesser matters? Ibn Mas'ud said: "Do not be an unthinking follower." He was asked: "What is that?" He replied: "Someone who says, 'I am with the people.'"

Muhammed ibn Sa'id ibn Nabat related to us: Ahmad ibn 'Awn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn 'Abd al-Salam al-Khushani related to us: Bashshar Bundar related to us: Ibn Abi 'Adi related

[139] **Translator's note (L2682):** The supplied المحمودية is an irregular form, rendered "praised" in accordance with its evident function here. The supplied wording says "and they did not find him," without an explicit conditional particle. "[If]" marks the conditional sense required by the following exhortation.

وتابعو التابعين بلا خلاف من أحد منهم، نسأل الله تعالى أن يثبتنا عليه، وألا يعدل بنا عنه، وأن يتوب على من تورط في هذه الكبيرة من إخواننا المسلمين، وأن يفيء بهم إلى منهاج سلفهم الصالح.

حدثنا عبد الله بن ربيع التميمي، قال: نا محمد بن إسحاق بن السليم قال: نا ابن الأعرابي، عن أبي داود، نا أبو بكر بن شيبة، نا وكيع، عن الأوزاعي، عن يحيى ابن أبي كثير، عن أبي قلابة قال: قال أبو مسعود، وهو البدري، لأبي عبد الله، وهو حذيفة، أو قال أبو عبد الله، وهو حذيفة لأبي مسعود البدري ما سمعت رسول الله صلى الله عليه وسلم يقول في زعموا قال سمعت رسول الله صلى الله عليه وسلم يقول بئس مطية الرجل وقد نص رسول الله صلى الله عليه وسلم في حديث عذاب القبر على أن المنافق أو المرتاب يقول: لا أدري، سمعت الناس يقولون شيئا فقلته، فهذا التقليد مذموم في التوحيد، فكيف ما دونه. وقال ابن مسعود: لا تكن إمعة. فسئل: ما هو؟ فقال: الذي يقول أنا مع الناس. حدثنا محمد بن سعيد بن نبات، نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا بشار بندار، نا ابن أبي عدي، أنبأنا شعبة، عن الأعمش، عن عمارة بن عمير، عن أبي الأحوص عن عبد الله بن مسعود قال: لا يكونن أحدكم إمعة، يقول: إنما أنا مع الناس، ليوطن أحدكم نفسه إن كفر الناس ألا يكفر، وبه إلى بندار، نا محمد بن جعفر، نا شعبة قال: سمعت أبا إسحاق يقول: سمعت هبيرة وأبا الأحوص عن ابن مسعود قال: إذا وقع الناس في الشر،

to us: Shu'bah informed us, from al-A'mash, from 'Umarah ibn 'Umayr, from Abu al-Ahwas, from 'Abd Allah ibn Mas'ud, who said: "Let none of you be an unthinking follower who says, 'I am merely with the people.' Let each of you firmly resolve that, if the people disbelieve, he will not disbelieve."

Through the same chain as far as Bundar: Muhammed ibn Ja'far related to us: Shu'bah related to us, saying: I heard Abu Ishaq say: I heard Hubayrah and Abu al-Ahwas report from Ibn Mas'ud, who said: "When people fall into evil, say: 'I have no example to follow in evil.'"

Through the same chain as far as Bundar, who said: Sa'id ibn 'Amir related to us: Shu'bah related to us, from al-Hakam, who said: "There is no person whose statements you may not accept or reject, except the Prophet ﷺ."

Through the same chain as far as Bundar: Abu Dawud related to us: Shu'bah related to us, from Mansur, from Sa'id ibn Jubayr, that he said concerning an inadvertent error: "He repeats it." He said: I mentioned that to Ibrahim, and he replied: "What use have you for Sa'id ibn Jubayr's report alongside the statement of the Messenger of Allah ﷺ?"

Muhammed ibn Sa'id related to us, from al-Qal'i, from al-Sawwaf, from Bishr ibn Musa, from al-Humaydi, who said: Sufyan said: "People's affairs remained on an even course until Abu Hanifah changed things in Kufah, al-Batti in Basra, and Rabi'ah in Medina."

Abu Muhammed said: Sufyan spoke truly, for these were the first to propound opinions and reject reports. People hastened to do this and deemed it permissible. People are quick to accept falsehood, whereas truth is bitter and burdensome. A few leaves before this passage, we have already related that when the Prophet ﷺ recited, "They took their rabbis and their monks as lords apart from Allah, and the Messiah, son of Mary; yet they were commanded only to worship one God. There is no god but He. Glory be to Him above what they associate with Him," 'Adi ibn Hatim, who had previously been a Christian, said to him: "Messenger of Allah, we did not worship them." He ﷺ replied with words meaning that they used to regard as unlawful whatever those men declared unlawful for them, and regard as lawful

قل: لا أسوة لي في الشر. وبه إلى بندار قال: ثنا سعيد بن عامر، نا شعبة عن الحكم قال: ليس أحد من الناس إلا وأنت آخذ من قوله أو تارك إلا النبي صلى الله عليه وسلم وبه إلى بندار نا أبو داود نا شعبة عن منصور، عن سعيد بن جبير أنه قال في الوهم: يعيد، قال: فذكرت ذلك لإبراهيم، فقال: ما تصنع بحديث سعيد بن جبير مع قول رسول الله صلى الله عليه وسلم حدثنا محمد بن سعيد عن القلعي عن الصواف عن بشر بن موسى، عن الحميدي قال: قال سفيان: ما زال أمر الناس معتدلا حتى غير أبو حنيفة بالكوفة والبتي بالبصرة، وربيعة بالمدينة. قال أبو محمد: وصدق سفيان، فإن هؤلاء أول من تكلم بالآراء، ورد الأحاديث، فسارع الناس في ذلك واستحلوه، والناس سراع إلى قبول الباطل والحق مر ثقيل. وقد أوردنا قبل هذا المكان بأوراق يسيرة أن النبي صلى الله عليه وسلم لما تلا {تخذوا أحبارهم ورهبانهم أربابا من دون لله ولمسيح بن مريم ومآ أمروا إلا ليعبدوا إلها واحدا لا إله إلا هو سبحانه عما يشركون} قال له عدي بن حاتم وكان قبل ذلك نصرانيا يا رسول الله ما كنا نعبدهم فقال له صلى الله عليه وسلم كلاما معناه إنهم كانوا يحرمون ما حرموا عليهم ويحلون ما أحلوا لهم وأخبر صلى الله عليه وسلم أن هذه هي العبادة قال أبو محمد ولا جرم فقد حرم مقلدو مالك شحوم البقر والغنم إذا ذبحها يهودي، وحرموا الجمل والأرنب، إذا ذكاهما يهودي، تقليدا لخطأ مالك في ذلك وردوا قول الله تعالى في ذلك بعينه {ليوم أحل لكم لطيبات وطعام لذين أوتوا لكتاب حل لكم وطعامكم حل لهم ولمحصنات من لمؤمنات ولمحصنات من لذين أوتوا لكتاب من قبلكم إذآ آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان ومن يكفر بلإيمان فقد حبط عمله وهو في لآخرة من لخاسرين} وأحل أصحاب أبي حنيفة ثمن الكلب الذي حرمه رسول الله صلى الله عليه وسلم وحرم من اتبعه منهم المساقاة التي أحلها الله تعالى، تقليدا لخطأ أبي حنيفة

whatever those men declared lawful for them. He ﷺ explained that this was worship.

Abu Muhammed said: Indeed, those who adhere uncritically to Malik have forbidden the fat of cattle and sheep when a Jew slaughters them, and have forbidden the camel and the rabbit when a Jew ritually slaughters them, uncritically following Malik's error in this matter. They have rejected the statement of Allah Most High concerning this very matter: "Today the good things have been made lawful for you. The food of those who were given the Scripture is lawful for you, and your food is lawful for them; and chaste women from among the believing women, and chaste women from among those who were given the Scripture before you, when you have given them their bridal dues, being chaste, neither engaging in fornication nor taking secret lovers. Whoever disbelieves in faith, his work has come to nothing, and in the Hereafter he is among the losers." And Abu Hanifah's followers have declared lawful the price received for a dog, which the Messenger of Allah ﷺ declared unlawful, and those among them who followed him have forbidden orchard cultivation in return for a share of its yield, which Allah Most High made lawful, uncritically following Abu Hanifah's error in this matter. They have rejected the words of the Prophet ﷺ, his declaration that the price received for a dog is illicit gain, and his prohibition of it. This is precisely what Allah exalted is He, and His Messenger ﷺ, of the conduct of the Jews and Christians. He ﷺ had warned of this, saying, "You will surely follow the ways of those before you." He was asked, "O Messenger of Allah, the Jews and Christians?" He ﷺ replied with words meaning, "Yes."

Yahya ibn Abd al-Rahman ibn Mas'ud related to us: Ibn Duhaym ibn Hammad related to us: Isma'il ibn Ishaq related to us: Hajjaj ibn al-Minhal related to us: Hammad ibn Salamah related to us: Ata ibn al-Sa'ib related to us, from Abu al-Bakhtari, that Salman said to Zayd ibn Suhan and Abu Qurrah: "How will you two fare when confronted with a scholar's lapse, a hypocrite's disputation using the Quran—although the Quran is true—and a worldly life that drives people to transgression and severs necks?" He then said: "As for the scholar's lapse: if he follows right guidance, do not entrust your religion to him; and if he lapses, do not withdraw your forbearance from him. As for

في ذلك وردوا كلام النبي صلى الله عليه وسلم وإخباره في ثمن الكلب أنه سحت وتحريمه إياه وهذا نص ما حرم الله تعالى ورسوله صلى الله عليه وسلم من فعل اليهود والنصارى وقد أنذر صلى الله عليه وسلم بذلك وقال لتركبن سنن من كان قبلكم فقيل له يا رسول الله اليهود والنصارى فقال صلى الله عليه وسلم كلاما معناه نعم حدثنا يحيى بن عبد الرحمن بن مسعود، نا ابن دحيم بن حماد، نا إسماعيل بن إسحاق، نا حجاج بن المنهال، نا حماد بن سلمة، نا عطاء بن السائب، عن أبي البختري، أن سلمان قال لزيد بن صوحان وأبي قرة، كيف أنتما عند زلة العالم وجدال المنافق بالقرآن، والقرآن حق، ودنيا مطغية تقطع الأعناق؟ ثم قال: أما زلة العالم فإن اهتدى فلا تحملوه دينكم، وإن زل فلا تقطعوا منه أناتكم، وأما جدال المنافق بالقرآن، والقرآن حق، فإن للقرآن منارا كمنار الطريق، فما أضاء لكم فاتبعوه، وما شبه عليكم فكلوه إلى الله عز وجل، وذكر باقي الحديث. قال أبو محمد: فهذا سلمان ينهى أن يقلد العلماء، ويأمر باتباع ظاهر القرآن الذي هو كمنار الطريق، وينهى عن التأويلات والمتشابه منه، وهذا نص قولنا والحمد لله رب العالمين. حدثنا يوسف بن عبد الله النمري، أخبرني عبد الله بن محمد بن عبد المؤمن، هو ابن الزيات، نا محمد بن أحمد القاضي المالكي البصري، نا موسى بن إسحاق. نا إبراهيم بن المنذر الخزامي قال: نا معن بن عيسى القزاز، قال: سمعت مالك بن أنس يقول: إنما أنا بشر أخطىء وأصيب، فانظروا في رأيي، فكل ما وافق الكتاب والسنة فخذوا به، وما لم يوافق الكتاب والسنة فاتركوه، فهذا مالك ينهى عن تقليده، وكذلك أبو حنيفة وكذلك الشافعي، فلاح الحق لمن لم يغش نفسه ولم تسبق إليه الضلالة نعوذ بالله منها

the hypocrite's disputation using the Quran—although the Quran is true—the Quran has landmarks like the landmarks of a road. Follow whatever it illuminates for you, and whatever appears obscure to you, entrust it to Allah, mighty and majestic." He mentioned the remainder of the report.

Abu Muhammed said: Here Salman forbids uncritical adherence to scholars and commands following the apparent meaning of the Quran, which is like the landmarks of a road; he forbids interpretive reinterpretations and its ambiguous passages. This is precisely our position. Praise belongs to Allah, Lord of all worlds.

Yusuf ibn Abd Allah al-Namari related to us: Abd Allah ibn Muhammed ibn Abd al-Mu'min—namely, Ibn al-Zayyat—informed me: Muhammed ibn Ahmad, the Maliki judge of Basra, related to us: Musa ibn Ishaq related to us: Ibrahim ibn al-Mundhir al-Khuzami related to us, saying: Ma'n ibn Isa al-Qazzaz related to us, saying: I heard Malik ibn Anas say: "I am only a human being: I err and I am right. Examine my opinion, then: whatever agrees with the Book and the Sunnah, adopt it; and whatever does not agree with the Book and the Sunnah, leave it." Here Malik forbids uncritical adherence to himself, and likewise Abu Hanifah, and likewise al-Shafi'i. Thus the truth has become apparent to anyone who has not deceived himself and

whom misguidance has not already overtaken. We seek refuge in Allah from it.[140141142143144145]

L2693–2698

Section on Asking Transmitters about the Statements of Scholars

Abu Muhammed said: If someone says, “What should a scholar do when he is asked about a question that defeats him, or when a case arises for him that defeats him?” he is told—and success comes through Allah, exalted is He—that he must ask the transmitters about the statements of the scholars concerning that question which has arisen. He must then submit those statements to the Book of Allah, exalted is He, and the words of the Prophet ﷺ, as Allah, exalted is He, commanded him when He says, “We sent before you only men to whom We revealed; so ask the people of the Reminder if you do not know”; and when He says, “Whatever you differ about, its judgment belongs to Allah. That is Allah, my Lord; in Him I have placed my trust, and to Him I turn”; and in His saying, exalted is He, “O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and best in outcome.” He,

فصل في سؤال الرواة عن أقوال العلماء قال أبو محمد فإن قال قائل فكيف يفعل العالم إذا سئل عن مسألة فأعيته، أو نزلت به نازلة فأعيته؟ قيل له وبالله تعالى التوفيق: يلزمه أن يسأل الرواة عن أقوال العلماء في تلك المسألة النازلة، ثم يعرض تلك الأقوال على كتاب الله تعالى وكلام النبي صلى الله عليه وسلم كما أمره الله تعالى إذ يقول {ومآ أرسلنا من قبلك إلا رجالا نوحي إليهم فسألوا أهل لذكر إن كنتم لا تعلمون} وإذ يقول {وما ختلفتم فيه من شيء فحكمه إلى لله ذلكم لله ربي عليه توكلت وإليه أنيب} وقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} ولم يقل تعالى فردوه إلى مالك وأبي حنيفة والشافعي، فمن كان يؤمن بالله واليوم الآخر، فليرد ما اختلف فيه من الدين إلى القرآن والسنة الواردة عن النبي صلى الله عليه وسلم وليتق الله ولا يرد ذلك إلى رجل من المسلمين لم يؤمر بالرد عليه، ومن أبى فسيرد ويعلم وقد قال الله تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فلم يجعل البيان إلا لنبيه صلى الله عليه وسلم فمن رد إلى سواه فقد عدم البيان وحصل على الضلالة، ونعوذ بالله منها. فالتقليد كله حرم في جميع الشرائع، أولها عن آخرها، من التوحيد والنبوة والقدر والإيمان والوعيد والإمامة والمفاضلة وجميع العبادات والأحكام. فإن قال قائل: فما وجه قوله تعالى: {ومآ أرسلنا من قبلك إلا رجالا نوحي إليهم فسألوا أهل لذكر إن كنتم لا تعلمون} قيل له وبالله تعالى التوفيق: إنه تعالى أمرنا أن نسأل أهل العلم عما حكم به الله تعالى في هذه المسألة وما روي عن رسول الله صلى الله عليه وسلم فيها ولم يأمرنا أن نسألهم

[140] **Translator’s note (L2685):** The quoted response ends at “What a wretched mount for a man!” The expression “They claim,” identified in the question, is not repeated within the supplied response; it has not been silently inserted.

[141] **Translator’s note (L2686):** The supplied transmitter’s name is “Bashshar Bundar.” This appears to conflate or truncate the name Muhammed ibn Bashshar, known as Bundar; the supplied form is preserved.

[142] **Translator’s note (L2688):** The report about an “inadvertent error” does not specify what is to be repeated; the translation retains that lack of specification. Both Quran quotations contain defective spellings, especially omitted initial alifs, such as تخذوا, لله, and ليوم. The translation follows the recoverable wording; no substantive clause has been added.

[143] **Translator’s note (L2689):** The Quran quotation contains defective spellings, including بلإيمان, لآخرة, and لخاسرين. “Disbelieves in faith” preserves the quotation’s explicit reference to faith.

[144] **Translator’s note (L2691):** The opening continues the preceding unit’s statement about what Allah and His Messenger prohibited. The unusual wording “do not withdraw your forbearance from him” translates the supplied reading anātakum; its precise intended sense is uncertain. The supplied attribution al-Khuzami is retained without correction.

[145] **Qur’an references (L2685):** Qur’an 9:31 (At-Tawbah); Qur’an 5:5 (Al-Ma’idah).

exalted is He, did not say, “Refer it to Malik, Abu Hanifah, and al-Shafi‘i.” Whoever believes in Allah and the Last Day must therefore refer whatever is disputed in religion to the Quran and the Sunnah transmitted from the Prophet ﷺ. Let him fear Allah and not refer it to a man among the Muslims to whom he has not been commanded to refer it. Whoever refuses will be returned and will know.

Allah, exalted is He, has said: “With clear proofs and scriptures; and We have sent down to you the Reminder, that you may explain to people what has been sent down to them, and that they may reflect.” Thus He assigned explanation only to His Prophet ﷺ. Whoever refers to anyone else has consequently been deprived of explanation and has acquired misguidance. We seek refuge in Allah from it. Uncritical adherence is therefore entirely forbidden throughout all the religious prescriptions, from first to last: divine oneness, prophethood, divine determination, faith, the threat of punishment, leadership, the ranking of relative merit, and all acts of worship and legal rulings.

If someone says, “What, then, is the meaning of His saying, exalted is He, ‘We sent before you only men to whom We revealed; so ask the people of the Reminder if you do not know’?” he is told—and success comes through Allah, exalted is He—that He, exalted is He, commanded us to ask those possessing knowledge what Allah, exalted is He, has ruled concerning this question, and what has been transmitted from the Messenger of Allah—may Allah bless him and grant him peace—concerning it. He did not command us to ask them about a new religious law that they originate for us from their own opinions. He ﷺ made this clear by saying, “Let there convey the one present to the one absent.” He, exalted is He, also made it clear by His saying: “Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah’s has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter—and that which is slaughtered on sacrificial stones; and that you seek allotments by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected

عن شريعة جديدة يحدثونها لنا من آرائهم وقد بين ذلك صلى الله عليه وسلم بقوله فليبلغ الشاهد الغائب وبينه تعالى بقوله {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} فالدين قد كمل فلا مدخل لأحد فيه بزيادة ولا نقص ولا تبديل، وكل هذا كفر ممن أجازه. وقد أمر تعالى المتفقهين أن ينفروا لطلب أحكام الدين، ولم يأمرهم أن يقولوا من عند شيئا، بل حرم تعالى ذلك بذمه قوما شرعوا لهم في الدين ما لم يأذن به الله وبقوله عز وجل {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} فإنما نحن دعاة إلى تفهم القرآن وكلام النبي صلى الله عليه وسلم ومبلغون من ذلك إلى من تقدمناه في الطلب ما بلغه إلينا من تقدمنا، ومعلمون إياه، ومعاذ الله من التزيد في هذا أو من تبديله أو من النقص منه. فإن قال قائل: فكيف يصنع العامي إذا نزلت به النازلة؟. قال أبو محمد: فالجواب وبالله تعالى التوفيق: إنا قد بينا تحريم الله تعالى للتقليد جملة، ولم يخص الله تعالى بذلك عاميا من عالم، ولا عالما من عامي، وخطاب الله تعالى متوجه إلى كل أحد، فالتقليد حرام على العبد المجلوب من بلده، والعامي، والعذراء المخدرة، والراعي في شعف الجبال، كما هو حرام على العالم المتبحر ولا فرق، والاجتهاد في طلب حكم الله تعالى ورسولهصلى الله عليه وسلم في كل ما خص المرء من دينه لازم لكل من ذكرنا، كلزومه للعالم المتبحر ولا فرق، فمن قلد من كل من ذكرنا فقد عصى الله عز وجل، وأثم ولكن يختلفون في كيفية الاجتهاد فلا يلزم المرء منه إلا مقدار ما يستطيع عليه لقوله تعالى {لا يكلف لله نفسا إلا وسعها لها ما

your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful." Religion has therefore been completed, and no one has any scope to add to it, subtract from it, or alter it. All of this is unbelief on the part of anyone who permits it.

He, exalted is He, commanded those seeking understanding of religion to go forth to seek its rulings. He did not command them to say anything of their own; rather, He, exalted is He, prohibited that by censuring people who prescribed for them in religion what Allah had not authorized, and by His saying, mighty and majestic: "Do they not reflect upon the Quran? Had it been from anyone other than Allah, they would have found much contradiction in it." We are therefore only callers to understanding the Quran and the words of the Prophet ﷺ, conveying from them to those whom we have preceded in seeking knowledge what those who preceded us conveyed to us, and teaching it to them. Allah forbid that we add anything to this, alter it, or subtract anything from it.

If someone says, "What, then, should the layperson do when a case arises for him?" Abu Muhammed said: The answer—and success comes through Allah, exalted is He—is that we have explained Allah's prohibition, exalted is He, of uncritical adherence in its entirety. Allah, exalted is He, did not single out the layperson to the exclusion of the scholar, or the scholar to the exclusion of the layperson. Allah's address, exalted is He, is directed to everyone. Uncritical adherence is therefore forbidden to the slave brought from his homeland, the layperson, the secluded virgin, and the shepherd on the mountain peaks, just as it is forbidden to the scholar of extensive learning; there is no difference. Diligent inquiry to seek the ruling of Allah, exalted is He, and His Messenger ﷺ in everything pertaining to a person's religion is obligatory upon everyone we have mentioned, just as it is obligatory upon the scholar of extensive learning; there is no difference. Whoever among all those we have mentioned follows another uncritically has disobeyed Allah, mighty and majestic, and sinned. They differ, however, in the manner of diligent inquiry. A person is obliged to undertake only as much of it as he is capable of, because of His saying, exalted is He: "Allah burdens no soul

كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} ولقوله تعالى {فاتقوا الله ما استطعتم واسمعوا وأطيعوا وأنفقوا خيرا لأنفسكم ومن يوق شح نفسه فأولئك هم المفلحون} والتقوى كله هو العمل في الدين بما أوجبه الله تعالى فيه، ولم يكلفنا تعالى منه إلا ما نستطيع فقط، ويسقط عنا ما لا نستطيع، وهذا نص جلي على أنه لا يلزم أحدا من البحث على ما نزل به في الديانة إلا بقدر ما يستطيع فقط، فعلى كل أحد حظه من الاجتهاد، ومقدار طاقته منه، فاجتهاد العامي إذا سأل العالم على أمور دينه فأفتاه أن يقول له: هكذا أمر الله ورسوله؟ فإن قال له: نعم، أخذ بقوله، ولم يلزمه أكثر من هذا البحث، وإن قال له: لا، أو قال له: هذا قولي، أو قال له: هذا قول مالك أو ابن القاسم أو أبي حنيفة أو أبي يوسف أو الشافعي أو أحمد أو داود أو سمى له أحد من صاحب أو تابع فمن دونهما غير النبي صلى الله عليه وسلم أو انتهزه أو سكت عنه فحرام على السائل أن يأخذ بفتياه، وفرض عليه أن يسأل غيره من العلماء وأن يطلبه حيث كان، إذ إنما يسأل المسلم من سأل من العلماء عن نازلة تنزل به ليخبره بحكم الله تعالى وحكم محمد صلى الله عليه وسلم في ذلك وما يجب في دين الإسلام في تلك المسألة، ولو علم أنه يفتيه بغير ذلك لتبرأ منه وهرب عنه. وفرض على الفقيه إذا علم أن الذي أفتاه به هو في نص القرآن والسنة عن رسول الله صلى الله عليه وسلم أو الإجماع أن يقول له نعم هكذا أمر الله تعالى رسوله صلى الله عليه وسلم وحرام عليه أن ينسب إلى الله تعالى وإلى رسوله صلى الله عليه وسلم شيئا قاله بقياس أو استحسان أو تقليد لأحد دون النبي صلى الله عليه وسلم فإنه إن فعل ذلك كان بذلك كاذبا على رسوله عليه السلام، ومقولا له ما لم يقل وقد وجبت له النار يقينا بنص قوله صلى

beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid it upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the unbelieving people"; and because of His saying, exalted is He, "So fear Allah as much as you are able, listen, obey, and spend, for your own good. Those who are protected from the avarice of their own souls—it is they who prosper." All Godfearing conduct consists in acting in religion according to what Allah, exalted is He, has made obligatory in it. He, exalted is He, has charged us with only what we are able to do, and whatever we cannot do is waived for us. This is an explicit, clear text establishing that no one is obliged to investigate a matter that has arisen for him in religion beyond what he is able to do. Everyone must therefore undertake his share of diligent inquiry, to the extent of his capacity for it. The layperson's diligent inquiry, when he asks a scholar about the affairs of his religion and the scholar gives him a legal opinion, is to say to him, "Is this what Allah and His Messenger commanded?" If he says to him, "Yes," he adopts his statement, and is obliged to undertake no more than this inquiry. But if he says to him, "No," or says to him, "This is my opinion," or says to him, "This is the opinion of Malik, Ibn al-Qasim, Abu Hanifah, Abu Yusuf, al-Shafi'i, Ahmad, or Dawud," or names for him any Companion or Successor or anyone below those two ranks other than the Prophet ﷺ, or rebukes him, or gives him no answer, then it is forbidden for the questioner to adopt his legal ruling. He is obligated to ask another scholar and to seek him wherever he may be. For a Muslim asks whichever scholar he asks about a case that arises for him only so that the scholar may inform him of the ruling of Allah Most High and the ruling of Muhammed ﷺ concerning it, and of what is obligatory in the religion of Islam concerning that question. Were he to know that the scholar was giving him a ruling on some other basis, he would disavow him and flee from him. The jurist, when he knows that the ruling he has given him is contained in the explicit text of the Quran, the Sunnah transmitted from the Messenger of Allah ﷺ, or consensus, is obligated to say to him, "Yes, this is how Allah Most High commanded His Messenger ﷺ." It is forbidden for him to attribute to Allah

الله عليه وسلم من كذب علي فليلج النار وهذا الذي قلنا لا يعجز عنه واحد وإن بلغ الغاية في جهله، لأنه لا يكون أحد من الناس مسلما حتى يعلم أن الله تعالى ربه، وأن النبي عليه السلام، وهو محمد بن عبد الله، رسول الله بالدين القيم.

Most High and to His Messenger ﷺ anything he has stated on the basis of analogy, juristic preference, or unquestioning adherence to anyone other than the Prophet ﷺ. If he does so, he thereby lies about His Messenger, peace be upon him, and attributes to him something he did not say. The Fire has certainly become his due, by the explicit wording of his saying ﷺ: "Whoever lies about me, let him enter the Fire." No one is incapable of what we have stated, even if his ignorance reaches its utmost extent. For no person is a Muslim until he knows that Allah Most High is his Lord and that the Prophet, peace be upon him—namely, Muhammed ibn 'Abd Allah—is Allah's Messenger bearing the upright religion.[146][147][148][149][150][151]

L2699–2715 If someone says, "What if the jurist gives him an abrogated legal ruling, or one whose scope has been restricted, or makes an error in it and attributes it to the Prophet ﷺ although it is not something he said, doing so inadvertently or deliberately? What obligation does this impose on the layperson?"

فإن قال قائل: فإن أفتاه الفقيه بفتيا منسوخة أو مخصوصة أو أخطأ فيها فنسبها إلى النبي صلى الله عليه وسلم وليست من قوله سهوا أو تعمد ذلك فما الذي يلزم العامي من ذلك؟ وقد روينا من طريق عبد الله بن أحمد بن حنبل قال: قلت لأبي رحمه الله الرجل تنزل به النازلة وليس يجد إلا قوما من أصحاب الحديث والرواية لا علم لهم بالفقه، وقوما من أصحاب الرأي من يسأل؟ فقال يسأل أصحاب الحديث، ولا يسأل أصحاب الرأي، ضعيف الحديث خير من الرأي. قال أبو محمد: فالجواب وبالله تعالى التوفيق: إن هذا ينقسم ستة عشر قسما، وهي: من بلغه خبر منسوخ، أو آية منسوخة، ولم يعلم بنسخ ذلك، فالعامي والعالم في ذلك سواء، والواجب عليهما بلا شك العمل بذلك المنسوخ، ولم يؤمرا قط بتركه إلا إذا بلغهما النسخ قال تعالى {قل أي شيء أكبر شهادة قل لله شهيد بيني وبينكم وأوحي إلي هذا لقرآن لأنذركم به ومن بلغ أئنكم لتشهدون أن مع لله آلهة أخرى قل لا أشهد قل إنما هو إله واحد وإنني بريء مما تشركون} فأخبر تعالى أنه لا تلزم النذارة إلا من بلغه الأمر، فما دام النسخ لم يبلغه فلم يلزمه وإذا لم يلزمه فلم يؤمر به {لا يكلف لله نفسا إلا وسعها لها ما كسبت وعليها ما

[146] **Translator's note (L2693):** "Whoever refuses will be returned and will know" preserves the terse, unvocalized wording fa-sayuraddu wa-yaʿlam; the destination of the return and what he will know are unstated. The quotation beginning "With clear proofs and scriptures" begins with a phrase whose syntactic connection lies outside the quoted passage. The final blessing is divided between this unit and the next; only the supplied fragment is translated here.

[147] **Translator's note (L2694):** The opening completes the blessing begun in the preceding unit. The final quotation continues in the next unit: the person present is to convey to the person absent.

[148] **Translator's note (L2695):** The opening completes the quotation begun in the preceding unit; the English word order is constrained by that division. "Say anything of their own" renders the evidently defective phrase min ʿindi shayʾan, which lacks an expressed complement after "from." "Diligent inquiry" consistently renders ijtihād, contrasted here with uncritical adherence, taqlīd.

[149] **Translator's note (L2697):** The final sentence continues in the following unit, where "this" is qualified by "investigation."

[150] **Translator's note (L2698):** The opening word completes the preceding segment's phrase about further inquiry. The supplied wording literally says that Allah "commanded His Messenger"; it does not include "and" before "His Messenger."

[151] **Qur'an references (L2693):** Qur'an 12:109 (Yusuf); Qur'an 16:43 (An-Nahl); Qur'an 42:10 (Ash-Shuraa); Qur'an 4:59 (An-Nisa); Qur'an 65:2 (At-Talaq); Qur'an 16:44 (An-Nahl); Qur'an 5:3 (Al-Ma'idah); Qur'an 4:82 (An-Nisa); Qur'an 2:286 (Al-Baqarah); Qur'an 64:16 (At-Taghabun).

[163] **Qur'an references (L2699):** Qur'an 6:19 (Al-An'am); Qur'an 2:286 (Al-Baqarah); Qur'an 2:143 (Al-Baqarah); Qur'an 4:65 (An-Nisa); Qur'an 3:135 (Ali 'Imran).

We have transmitted through ‘Abd Allah ibn Ahmad ibn Hanbal, who said: “I said to my father, may Allah have mercy on him: ‘A man encounters a case and can find only some people devoted to hadith and transmission who have no knowledge of jurisprudence, and some people devoted to opinion. Whom should he ask?’ He said: ‘He should ask the people of hadith and should not ask the people of opinion. Weak hadith is better than opinion.’” Abu Muhammed said: The answer—and success comes through Allah Most High—is that this falls into six- teen categories. They are as follows: someone receives an abrogated report or an abrogated verse but does not know that it has been abrogated. The layperson and the scholar are alike in this respect. Their obligation, without doubt, is to act upon that abrogated text, and they have never been commanded to abandon it unless knowledge of its abrogation reaches them. He Most High said: “Say: ‘What thing is greatest in testimony?’ Say: ‘Allah is a witness between me and you. This Quran has been revealed to me so that through it I may warn you and whomever it reaches. Do you indeed testify that there are other gods alongside Allah?’ Say: ‘I do not testify.’ Say: ‘He is only One God, and I am free of what you associate with Him.’” Thus He Most High declared that the warning binds only someone whom the matter has reached. As long as knowledge of the abrogation has not reached him, it has not become binding upon him; and if it has not become binding upon him, he has not been commanded to follow it. “Allah does not burden any soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid it upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy on us. You are our Protector, so grant us victory over the disbelieving people.” It is beyond anyone’s capacity to know what he does not know while he remains ignorant of it, or to know the revealed law before it reaches him. The earlier command has become binding upon him with certainty, and, by the explicit text of the Quran, it ceases to bind him only when the abrogating text reaches him. Such was the situation of the Companions who were in the land of Abyssinia. Prayer facing Jerusalem had been made obligatory in Mecca, and they learned of this and undoubtedly prayed accordingly. Then

كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} وليس في وسع أحد أن يعلم ما لم يعلم في حين جهله به، ولا أن يعرف الشريعة قبل أن تبلغه، وقد لزمه الأمر الأولى بيقين، فلا يسقط عنه إلا ببلوغ الناسخ إليه بنص القرآن. وهكذا كان الصحابة الذين بأرض الحبشة، والصلاة قد فرضت بمكة إلى بيت المقدس وعرفوا ذلك فصلوا كذلك بلا شك، ثم حولت القبلة إلى الكعبة بالمدينة بعد ستة عشر شهرا من الهجرة، ولا خلاف بين أحد أنهم لم يلزمهم التحول إلى الكعبة ولا سقط عنهم فرض الصلاة، ولا كان لهم أن يصلوا إلى غير القبلة التي صح عندهم الأمر بها، ما لم يبلغهم النسخ، وقد سمى الله تعالى صلاة من مات قبل أن يبلغهم بالنسخ إيمانا، فقال تعالى: {وكذلك جعلناكم أمة وسطا لتكونوا شهدآء على لناس ويكون لرسول عليكم شهيدا وما جعلنا لقبلة لتي كنت عليهآ إلا لنعلم من يتبع لرسول ممن ينقلب على عقبيه وإن كانت لكبيرة إلا على لذين هدى لله وما كان لله ليضيع إيمانكم إن لله بلناس لرءوف رحيم} وهكذا فعل أهل قباء صلوا نصف صلاتهم إلى بيت المقدس، ولا شك أنهم لم يبتدئوها إلى بيت المقدس إلا والقبلة قد نسخت، لكن لما لم يعلموا ذلك، لم يلزمهم ما لم يعلموا، ولا سقط عنهم ما كان لزمهم إلا بعد بلوغ النسخ إليهم. وهكذا القول في كل ما صح نسخه، ولم يصح عند بعض الناس. وأما إن قامت عليه الحجة فعاند تقليدا ففاسق، وهذا في غاية البيان فيما قلنا والحمد لله رب العالمين. وأما من بلغه الخبر المنسوخ أو الآية المنسوخة ولم يعرف أنهما منسوخان فأقدم على تركهما بغير علم الناسخ، فهو عاص لله تعالى، لأنه ترك الفرض الواجب عليه لما ذكرنا، وبالله تعالى التوفيق. فهذا وجهان في النص المنسوخ الذي لم يبلغ المرء نسخه. ثم وجهان آخران في عكس هذه المسألة وهما نص غير منسوخ من آية أو كلام النبي صلى الله عليه وسلم ظنه عالم من العلماء منسوخا فترك العمل به،

the direction of prayer was changed to the Kaaba in Medina, sixteen months after the Emigration. There is no disagreement among anyone that they were not obligated to turn toward the Kaaba, that the obligation of prayer did not lapse for them, and that they were not permitted to pray toward any direction other than the direction that they had reliably learned they were commanded to face, so long as knowledge of the abrogation had not reached them. Allah Most High called the prayer of those who died before knowledge of the abrogation reached them "faith," saying, Most High: "Thus We have made you a middle community, so that you may be witnesses over the people and the Messenger may be a witness over you. We appointed the direction of prayer that you used to face only so that We might know who follows the Messenger from him who turns back on his heels. It was indeed a great burden, except for those whom Allah guided. Allah would never let your faith go to waste. Allah is indeed compassionate and merciful toward people." The people of Quba acted in this same way: they prayed half their prayer facing Jerusalem. There is no doubt that, when they began it facing Jerusalem, that direction of prayer had already been abrogated. But because they did not know this, what they did not know did not become binding upon them, nor did what had previously become binding upon them lapse until knowledge of the abrogation reached them. The same applies to everything whose abrogation has been established but has not been established for some people. But if the authoritative proof has been established against someone and he stubbornly resists out of unquestioning adherence, he is defiantly disobedient. This makes what we have said perfectly clear. Praise belongs to Allah, Lord of the worlds. As for someone who receives an abrogated report or an abrogated verse, does not know that they have been abrogated, and nevertheless ventures to abandon them without knowing the abrogating text, he is disobedient to Allah Most High, because he has abandoned the duty incumbent upon him, for the reasons we have stated. Success comes through Allah Most High. These, then, are two cases concerning an abrogated text whose abrogation has not reached a person. There are then two further cases involving the reverse of this question. They concern an unabrogated text, whether a verse or words of the Prophet ﷺ, which a scholar supposes to have been abrogated. He therefore abandons acting upon it, gives a layper-

وأفتى بذلك عاميا، وأخبره أن الحديث أو الآية منسوخان، فتركه العامي أو عملا به وهما يظنان ويقدران أنه منسوخ، وهذا خلاف ما تقدم، لأنهما ههنا تركا العمل بما أوجبه الله تعالى عليهما، إلا أن من ترك ذلك مجتهدا يرى أن الذي فعل هو الحق، ولم يتبين له غيره بعد فهو مخطىء له أجر واحد ومن ترك ذلك مقلدا فهو عاص لله عز وجل آثم، لا حظ له في الآخرة أصلا لأنه ترك الحق للباطل دون اجتهاد. فهذه أربعة أوجه: ثم وجهان آخران، وهما: من بلغه حديث صحيح فلم يصح عنده فعمل به أو تركه، فأما الذي عمل بحديث صحيح وهو يعتقد فيه أنه غير صحيح، فإنه مقدم على ما يرى أنه باطل فهو عاص لله تعالى بنيته في ذلك، فإن تركه وهو عنده غير صحيح، ولم تقم الحجة عليه بصحته، فهو محسن مأجور، ولا شيء عليه، لأنه لم يبلغه بعد ما يلزمه اتباعه. وأما من صح عنده الخبر فتركه، فإنه لا يخلو من أحد وجهين إما أن يكون مقدما مستجيزا لخلاف ما صح عنده من الله عز وجل ولا إثم عليه في نفس عمله بما وافق الحق، فهذا قسم وقسم ثان وهو أن يستحل خلاف رسول الله صلى الله عليه وسلم فهو كافر مشرك لقول الله تعالى {فلا وربك لا يؤمنون حتى يحكموك فيما شجر بينهم ثم لا يجدوا في أنفسهم حرجا مما قضيت ويسلموا تسليما} ثم وجهان آخران: وهما عكس اللذين قبلهما، وهما: من بلغه حديث غير صحيح فظنه صحيحا فعمل به، فهذا مأجور على نيته واجتهاده أجرا واحدا، ولا إثم عليه فيما خالف فيه الحق، لأنه لم يقصد، والأعمال بالنيات فلو تركه عمدا لكان متسهلا لخلاف ما صح عنده عن الله تعالى أو عن رسوله صلى الله عليه وسلم فهو عاص لله تعالى بهذه النية فقط آثما فيها، فإن لم يكن مستسهلا لذلك لكن اتفق له ترك العمل بذلك. فلا إثم عليه، لأنه لم يترك حقا وهذا حكم من أفتاه فقيه بفتيا غير صحيحة. فإنها لا تلزمه، ولا هو مأمور بها. ولو كان عاصيا بترك العمل بها لكان مأمورا بها وهي باطل. فكان يكون مأمورا بالباطل. وهذا خطأ متيقن. لكنه إن تركها مستسهلا لترك العمل بالواجب عليه، فهو

son a ruling to that effect, and tells him that the hadith or verse has been abrogated. The layperson then abandons it; or the two of them act upon it while supposing and considering it to have been abrogated. This differs from what preceded, because here the two of them have abandoned acting upon what Allah Most High has made obligatory for them. However, someone who abandons it while exercising independent reasoning, believing that what he has done is correct and having as yet discerned no alternative yet, is mistaken and receives one reward. Someone who abandons it out of unquestioning adherence is disobedient to Allah, Mighty and Majestic, sinful, and has absolutely no share in the Hereafter, because he has abandoned truth for falsehood without exercising independent reasoning. These, then, are four cases. There are then two further cases: someone receives an authentic hadith whose authenticity is not established to his satisfaction, and either acts upon it or abandons it. As for someone who acts upon an authentic hadith while believing it to be inauthentic, he is venturing upon what he considers falsehood. He is therefore disobedient to Allah Most High by virtue of his intention in doing so. But if he abandons it while he considers it unauthentic and no binding proof of its authenticity has been established for him, then he acts rightly, is rewarded, and bears no liability, because that which he is obliged to follow has not yet reached him. As for someone for whom the report has been established as authentic but who abandons it, his case necessarily falls into one of two categories: either he ventures to act contrary to what has been established for him as authentic from Allah, Mighty and Majestic, considering such contravention permissible, while he incurs no sin in his actual deed insofar as it accords with the truth—this is one category. The second category is that he deems it lawful to contravene the Messenger of Allah ﷺ; he is then an unbeliever and a polytheist, because Allah Most High says: "But no, by your Lord, they do not believe until they make you judge concerning what has arisen in dispute between them, then find within themselves no unease concerning what you have decided, and submit in full submission." Then there are two further cases, the reverse of the two preceding ones: someone receives an unauthentic hadith, thinks it authentic, and acts upon it. Such a person receives one reward for his intention and his exercise of independent judgment, and incurs no sin for the respect in

عاص بهذه النية فقط لا بتركه للعمل بغير الواجب. وبالله تعالى التوفيق. ومن أفتى آخر بفتيا صحيحة إلا أنه لم يأته عليها بدليل، فإنه إن عمل بها مقلدا فهو آثم في تقليده مأجور إن شاء الله تعالى بعمله بها إن أراد الله تعالى. ثم وجهان: وهما: من بلغه نص مخصوص فعمل به على عمومه، ولم يبلغه الخصوص، وترك العمل بعمومه، فوافق الحق وهو لا يعلمه، أو بلغه نص عام فتأول فيه الخصوص. فأما الذي عمل بالعموم في الخصوص ولم يبلغه الخصوص وهو يظنه عموما، فمأجور أجرين، لأن فرضه أن يعمل بما بلغه حتى يبلغه خلافه، إذ وجوب الطاعة لله تعالى فرض عليه، فلو تأول أنه مخصوص دون دليل يقوم له على ذلك، لكن مطارفة، فعمل بالخصوص فوافق الحق، فإن كان مستسهلا لمخالفة ظاهر ما يأتيه عن الله تعالى أو عن رسوله صلى الله عليه وسلم بلا دليل فهو فاسق عاص بهذه النية فقط غير عاص فيما فعل، لأنه لم يخطىء في ذلك، فإن فعل ذلك باتفاق دون قصد إلى خلاف ما بلغه من الظواهر عن الله تعالى ورسوله صلى الله عليه وسلم فلا إثم عليه البتة والقياس وقول من دون النبي صلى الله عليه وسلم بغير نص ولا إجماع والرأي كل ذلك خطأ ولم يكن قط حقا البتة. ثم وجهان: وهما حاكم شهد عنده رجلان هما عنده عدلان فوافق أن شهدا بباطل، إما عمدا وإما غلطا، فإنه حق مأمور بالحكم بشهادتهما. لأنه قد ورد النص بقبول شهادة العدول عندنا ولم نكلف علم غيبهما وقد قال رسول الله صلى الله عليه وسلم فمن قضيت له بشيء من حق أخيه فلا يأخذه فإنما أقطع له قطعة من النار فقد أخبر صلى الله عليه وسلم أنه يحكم بظاهر الشهادة أو اليمين ولعل الباطن خلاف ذلك وهو صلى الله عليه وسلم لا يحكم إلا بالحق الذي لا يحل خلافه ففرض على الحاكم أن يحكم بشهادة العدول عنده، وإن كانوا كاذبين أو مغفلين، وهو في ذلك مأجور أجرين، ولا إثم عليه فيما خفي عنه، فإن لم يحكم بتلك الشهادة فهو عاص لله عز وجل. فاسق بتلك النية وبعمله معا، والإثم عليه في تركه الحكم بها. ثم وجهان: وهما:

which he contravenes the truth, because he did not intend that, and deeds are judged by intentions. If he were deliberately to abandon it, taking lightly the contravention of what has been established for him as authentic from Allah Most High or His Messenger ﷺ, he would be disobedient to Allah Most High through this intention alone, incurring sin through it. If, however, he did not take that lightly, but merely happened to omit acting upon it, he would incur no sin, because he had not abandoned anything true. This is also the ruling concerning someone to whom a jurist gives an incorrect legal opinion: it is not binding upon him, nor is he commanded to follow it. Were he disobedient by omitting to act upon it, he would be commanded to follow it, although it is false; he would thus be commanded to follow falsehood. This is certainly erroneous. But if he abandons it while taking lightly the omission of acting upon what is obligatory for him, then he is disobedient through this intention alone, not through his omission of an act that is not obligatory. Success comes through Allah Most High. If someone gives another person a correct legal opinion but does not furnish him with evidence for it, and that person acts upon it through uncritical imitation, he incurs sin through his uncritical imitation and is rewarded, if Allah Most High wills, for acting upon it, if his intention was to seek Allah Most High. Then there are two cases: someone receives a text whose scope has been restricted, acts upon it according to its general scope, and has not received its restriction to a specific scope, and refrains from acting upon its general scope, thereby coinciding with the truth without knowing it; or someone receives a text of general scope and interprets it as having a specific scope. As for someone who applies the general scope where a specific scope applies, without having received the restriction to a specific scope and while thinking it general, he receives two rewards, because his obligation is to act upon what has reached him until something contrary to it reaches him, since obedience to Allah Most High is obligatory for him. If, however, he interprets it as restricted to a specific scope without any evidence establishing that for him, but merely on a whim, and acts according to the specific scope, thereby coinciding with the truth, then, if he takes lightly the contravention, without evidence, of the apparent meaning of what comes to him from Allah Most High or His Messenger ﷺ, he is flagrantly sinful and disobedient through this intention

حاكم شهد عنده عدلان بحق فلم يعرفهما، فهو غير مأمور بالحكم بشهادتهما، ولا يحل له أن يحكم بها أصلا، وهما عنده مجهولان ولا إثم عليه فيما خفي عنه من ذلك، فلو حكم بها فهو آثم عاص بهذه النية وبعمله فاسق بها والإثم عليه في نفس حكمه، وإن كان بما وافق الحق. وعمدة القول في هذا الباب كله: أن الإثم ساقط عن المرء فيما لم يبلغه، والإثم لازم له فيما بلغه فخالفه عمدا أو تقليدا، وأنه لا يجب على المرء إلا ما جاء به النص أو الإجماع حقا، لا ما أفتاه به المفتون، مما لم يأت به نص ولا إجماع، وأخبر بأنه نص أو إجماع، وأنه مأجور على نيته ومثاب عليها، فإن كانت خيرا، فخير وإن كانت شرا فشر، وإن المرء لا يأثم بعمل ما أمر به وإن لم يعلم أنه مأمور به ولا يأثم بترك ما لم يؤمر به. وإن لم يعلم أنه ليس مأمورا به، وإن ظن أنه مأمور به لأن النية غير العمل، إلا أن يبلغه نص فيخالفه، وإن كان مخصوصا أو منسوخا بعد أن يبلغه الناسخ أو المخصص. ومن هذا الباب: من لقي امرأة فراودها عن نفسها فأجابته فوطئها، وهو يظنها أجنبية، فإذا بها امرأته، ولم يكن عرفها بعد ولا كان دخل بها، أو لقي إنسانا فقتله وهو يظنه مسلما حرام الدم، فإذا به قاتل أبيه عمدا أو كافر حربي، أو انتزاع مالا من مسلم كرها، فإذا به ماله نفسه، فكل هذا إن كان مستسهلا للزنى أو لغصب المال وقتل النفس فهو آثم بتلك النية فاسق بها عاص لله عز وجل، ولا إثم عليه في وطئه، ولا أخذه ماله. ولا قتله الحربي ولا قاتل أبيه لأنه لم يواقع في ذلك إلا مباحا له وقد يظن ظان أن المستسهل للإثم وإن لم يواقعه لا يكتب عليه إثم ذلك لما صح عن النبي صلى الله عليه وسلم من قوله من هم بسيئة فلم يعملها لم تكتب عليه، ومن هم بحسنة فلم يعملها كتبت له حسنة. قال أبو محمد: وهذا الحديث بين أن الذي لا يكتب عليه إثم فهي السيئة التي لم يعملها وهذا ما لا شك فيه ولم يقل صلى الله عليه وسلم إن إثم الهم بالسيئة لا يكتب عليه والهم بالشيء غير العمل به؛ قال ضابىء

alone. He is not disobedient in what he actually did, because he did not err in that. If he does this by happenstance, without intending to contravene the apparent meanings that have reached him from Allah Most High and His Messenger ﷺ, he incurs absolutely no sin. Analogy, the statement of anyone below the Prophet ﷺ without a text or consensus, and personal opinion—all of this is erroneous and has never, under any circumstances, been true. Then there are two cases: a judge before whom two men testify, both of whom he considers upright, and it happens that they testify falsely, whether deliberately or mistakenly. It is right, and he is commanded to judge according to their testimony, because a text has come requiring acceptance of the testimony of those who are upright in our estimation, and we have not been charged with knowing their hidden circumstances. The Messenger of Allah ﷺ said: "Anyone to whom I award anything belonging by right to his brother must not take it, for I am only cutting off a piece of the Fire for him." He ﷺ thus stated that he judges according to the outward appearance of testimony or an oath, while the hidden reality may be otherwise. Yet he ﷺ judges only according to the truth, which it is unlawful to contravene. It is therefore obligatory for a judge to judge according to the testimony of those whom he considers upright, even if they are liars or heedless. In doing so, he receives two rewards and incurs no sin for what is hidden from him. If he does not judge according to that testimony, he is disobedient to Allah, Mighty and Majestic, and flagrantly sinful through both that intention and his action together, and the sin falls upon him for his omission of judging according to it. Then there are two cases: a judge before whom two upright men testify truthfully, but he does not know them. He is therefore not commanded to judge according to their testimony, and it is not lawful for him to judge according to it at all while they are unknown to him. He incurs no sin for what is hidden from him in this matter. If he does judge according to it, he incurs sin and is disobedient through this intention and through his action, being flagrantly sinful through it. The sin falls upon him in the very act of his judgment, even if it accords with the truth. The essential principle throughout this entire subject is that a person incurs no sin concerning what has not reached him, while sin attaches to him concerning what has reached him if he deliberately contravenes it or does so through uncritical imitation;

بن الحارث البرجمي: هممت ولم أفعل وكدت وليتني تركت على عثمان تبكي حلائله ثم استدركنا هذا، وتأملنا النصوص فوجدناها مسقطة حكم الهم جملة، وأنه هو اللمم المغفور جملته فإن قال قائل فقد صح عن النبي صلى الله عليه وسلم أنه أخبر أن من هم بسيئة فلم يعملها كتبت له حسنة قيل له قد صح ذلك وأخبر صلى الله عليه وسلم أن الأعمال بالنيات ولكل امرىء ما نوى فمن هم بسيئة ثم تركها قاصدا بتركها إلى الله تعالى، كتبت له حسنة بهذه النية الجميلة، فإن تركها لا لذلك لكن ناسيا أو مغلوبا أو بدا له فقط، فإنها غير مكتوبة عليه، لأنه لم يعملها ولا أجر له في تركها، لأنه لم يقصد بذلك الله تعالى. ولا يكون من هم بالسيئة مصرا إلا من تقدم منه مثل ذلك الفعل قال الله تعالى {ولذين إذا فعلوا فاحشة أو ظلموا أنفسهم ذكروا الله فستغفروا لذنوبهم ومن يغفر لذنوب إلا الله ولم يصروا على ما فعلوا وهم يعلمون} فصح أن لا إضرار إلا على من قد عمل بالشيء الذي هو مصر عليه، وهو عالم بأنه حرام عليه، وأما من هم بقبيح ولم يفعله قط، فهو هام به لا مصر عليه، بالنصوص التي ذكرنا. فإن قال قائل: ما تقولون في حربي كافر لقي مسلما فدعاه المسلم إلى الإسلام فأسلم، ثم علمه الشرائع، وقال له: هذه شرائع الإسلام، أيلزمه العمل بما أخبره من ذلك أم لا؟ قيل له وبالله تعالى التوفيق: الكلام في هذا كالكلام فيما تقدم. وهو أن ما كان مما أمره به موافقا للنص أو الإجماع، فهو واجب عليه قبوله، ومأجور فيه إن عمله أجران، وعاص فيه إن لم يفعله، وما كان من ذلك بخلاف النص فهو غير واجب عليه، ولا يأثم في ترك العمل به، إلا إن استسهل خلاف ما ورد عليه من النص، فهو آثم في هذه النية فقط، فلو عمل بذلك أجر أجرا واحدا بقصده إلى الخير فقط، ولم يؤجر على ذلك العمل، ولا إثم فيه، لأنه ليس حقا فيؤجر عليه، ولم يقصد عمل الخطأ وهو يعلمه فيأثم عليه، وهذا حكم العامي في كل ما أفتاه فيه فقيه من الفقهاء.

and that nothing is obligatory for a person except what a text or consensus has actually established, rather than what those issuing legal opinions prescribe for him when no text or consensus has established it, though it is represented as a text or consensus; and that he is recompensed for his intention and receives its requital: if it is good, then good, and if it is evil, then evil. A person does not sin by doing what he has been commanded to do, even if he does not know that he has been commanded to do it; nor does he sin by omitting what he has not been commanded to do, even if he does not know that he has not been commanded to do it, and even if he thinks that he has been commanded to do it, because intention is distinct from action—unless a text reaches him and he contravenes it, even if it has been restricted to a specific scope or abrogated, after the abrogating text or the text restricting its scope has reached him. Among cases of this kind is someone who meets a woman and solicits her for intercourse, and she agrees, so he has intercourse with her while thinking her a woman to whom he is not married, only for her to turn out to be his wife, whom he had not yet recognized and with whom he had not consummated the marriage; or someone who meets a person and kills him, thinking him a Muslim whose blood is inviolable, only for him to turn out to be his father's deliberate killer or an unbeliever at war with the Muslims; or someone who forcibly seizes property from a Muslim, only for it to turn out to be his own property. In all these cases, if he takes lightly unlawful sexual intercourse, the usurpation of property, or the killing of a person, he incurs sin through that intention, is flagrantly sinful through it, and is disobedient to Allah, Mighty and Majestic. He incurs no sin for his intercourse, his taking his own property, or his killing the person at war with the Muslims or his father's killer, because in these acts he has done only what is permissible for him. Someone might suppose that a person who takes sin lightly, even though he does not commit it, has no sin recorded against him for that, because of the authentically transmitted saying of the Prophet ﷺ: "Whoever intends an evil deed but does not do it has it not recorded against him; and whoever intends a good deed but does not do it has one good deed recorded for him." Abu Muhammed said: This hadith makes clear that what incurs no recorded sin is the evil deed that he did not do. This is beyond doubt. He ﷺ did not say that the sin of intending an evil

وهذا حكم العالم فيما اعتقده، وأفتى به، باجتهاد لا يوقن فيه أنه مصيب للحق عند الله عز وجل. فهي أربع مراتب هو: إنسان عمل بالحق وهو يدري أنه حق، فله أجران: أجر النية وأجر العمل، وآخر عمل الباطل وهو يدري أنه حق، فله أجران، أجر النية وأجر العمل، وآخر عمل الباطل وهو يدري أنه باطل، فله إثمان: إثم النية وإثم العمل

[162] **Translator's note (L2715):** The sentence assigning two rewards to someone who "acts falsely while knowing that it is correct" is internally inconsistent and repeats the preceding reward formula. It is translated as supplied, without correction. The following unit resumes the enumeration with a third and fourth category.

deed is not recorded against him; intending a thing is distinct from doing it. Dabi' ibn al-Harith al-Burjumi said: "I intended, but did not act; I nearly did—and would that I had left his wives weeping over Uthman." Then we reconsidered this and examined the texts, and found that they remove altogether the legal consequence of intending, and that this is the minor lapses, all of which are forgiven If someone says, "It has been authentically reported from the Prophet ﷺ that he stated that whoever intends an evil deed but does not perform it has a good deed recorded for him," he is told: This has indeed been authentically reported. He ﷺ also stated that deeds are according to intentions, and that each person shall have what he intended. Thus, whoever intends an evil deed and then abandons it, seeking Allah Most High through abandoning it, has a good deed recorded for him on account of this fine intention. If he abandons it for some other reason—because he forgets, is prevented, or merely changes his mind—it is not recorded against him, because he did not perform it; nor does he receive a reward for abandoning it, because he did not thereby seek Allah Most High. Someone who intends an evil deed is not persisting in it unless he has previously committed an act of that kind. Allah Most High said: "And those who, when they commit an indecency or wrong themselves, remember Allah and ask forgiveness for their sins—and who forgives sins except Allah?—and do not persist in what they have done while they know." Thus, it is established that persistence applies only to someone who has already performed the act in which he persists, knowing that it is forbidden to him. As for someone who intends an ugly deed but has never performed it, he intends it but is not persisting in it, according to the texts we have mentioned. If someone says, "What do you say about an unbeliever belonging to a people at war with the Muslims who meets a Muslim, and the Muslim invites him to Islam, so he embraces Islam; then the Muslim teaches him the religious ordinances and tells him, 'These are the ordinances of Islam'? Is he obliged to act upon what he has told him of these, or not?" he is told—and success comes through Allah Most High: The discussion of this is like the preceding discussion. Whatever he has commanded him that accords with the revealed text or consensus must be accepted by him. If he performs it, he receives two rewards for it, and he is disobedient concerning it if he does not perform it. Whatever of this

conflicts with the revealed text is not obligatory for him, and he does not sin by refraining from acting upon it, unless he regards contravening the revealed text that has reached him as a light matter; in that case, he sins through this intention alone. If he acts upon that instruction, he receives one reward solely for his intention to do good. He receives no reward for that act itself, nor does he incur sin through it, because it is not correct such that he should be rewarded for it, and he did not intend to commit an error knowing it to be an error such that he should sin through it. This is the ruling concerning the layperson in everything about which a jurist gives him a legal opinion. This is also the ruling concerning the scholar in what he believes and concerning which he issues a legal opinion through independent legal reasoning, without being certain that he has attained the truth in the sight of Allah, Mighty and Majestic. There are thus four categories: a person who acts correctly while knowing that it is correct has two rewards—the reward for the intention and the reward for the act. Another acts falsely while knowing that it is correct, and has two rewards—the reward for the intention and the reward for the act. Another acts falsely while knowing

that it is false, and has two sins—the sin of the intention and the sin of the act.[152][153][154][155][156][157][158][159][160][161][162][163]

[152]**Translator's note (L2699):** The Arabic number sixteen is divided across this segment and the next: "six" here and "ten" there. The English is correspondingly divided as "six-" and "teen."

[153]**Translator's note (L2700):** The opening completes "sixteen" across the segment boundary. The Quran quotation contains apparent transcription defects: لله for الله in "Allah is a witness" and "alongside Allah," and لقرآن for القرآن. These have been rendered according to their evident intended readings.

[154]**Translator's note (L2701):** The Quran quotation has numerous apparent transcription defects, including omitted initial letters in Allah, "acquired," "those," "pardon," "forgive," "have mercy," "grant victory," "people," and "disbelieving." The translation follows the words evidently intended; the supplied spellings are defective. The wording "before knowledge of the abrogation reached them" renders an awkward construction in the supplied text, قبل أن يبلغهم بالنسخ.

[155]**Translator's note (L2702):** The Quran quotation contains repeated apparent transcription defects, especially omitted initial letters in "the people," "the Messenger," "the direction of prayer," "which," "those," and Allah. The translation renders the evident intended words.

[156]**Translator's note (L2704):** The opening "yet" completes the qualification begun in the preceding segment; the repetition in English preserves the segment boundary without supplying a new clause.

[157]**Translator's note (L2705):** The first category concerning abandonment of an authenticated report is awkwardly expressed: the text describes the person as considering contravention permissible, yet distinguishes him from the second category, who deems contravention of the Messenger lawful. The distinction is retained without supplying missing wording.

[158]**Translator's note (L2707):** The opening continues an internally awkward enumeration: the same person is described as acting upon the text's general scope and then refraining from doing so. Both clauses are preserved; the subsequent discussion appears to distinguish these as separate possibilities. "On a whim" renders the unusual word muṭārafatan (مطارفة), whose precise force here is uncertain; the context suggests an interpretation adopted without supporting evidence.

[159]**Translator's note (L2710):** The exception concerning a restricted or abrogated text explicitly reads "after the abrogating text or the text restricting its scope has reached him." This appears inconsistent with the surrounding argument, which would seem to require "before"; the supplied wording is retained. The transcription has the verbal noun intizāʿ, "seizure," where the parallel examples would ordinarily call for a finite verb. It is rendered as a further example of someone seizing property.

وقال تعالى {ومن جآء بلسيئة فكبت وجوههم في لنار هل تجزون إلا ما كنتم تعملون} فالنية عمل النفس المجرد، والعمل على الجوارح بتحريك النفس لها، فهما عملان متغايران، وثالث عمل بالحق وهو يظنه باطلا، أو ترك الباطل وهو يظن أن ذلك الباطل الذي ترك حق، فلا إثم عليه فيما عمل، ولا فيما ترك، لأنه لم يعمل محرما عليه، ولا ترك واجبا عليه، ولا يؤجر أيضا في شيء من ذلك، لأنه لم يقصد بنيته في ذلك وجه الله تعالى، فإن نوى في ذلك استسهال مخالفة الحق فهو آثم بهذه النية فقط، لا بما فعل ولا بما ترك. ورابع عمل بالباطل وهو يظنه حقا أو ترك الحق وهو يظنه باطلا، فهذا مأجور في نيته للخير أجرا واحدا، ولا إثم عليه فيما فعل ولا فيما ترك ولا أجر أيضا، لأنه لم يعمل صوابا فيؤجر. ولا قصد الباطل وهو يعلمه باطلا فيأثم، فهذه حقيقة البيان في هذه المسألة واليقين فيها والحق عند الله بلا شك، وما عدا هذا فحيرة ودعوى بلا دليل. فإن سأل العامي فقيهين فصاعدا فاختلفوا عليه، فقد قال قوم: يأخذ بالأخف، وقال قوم: يأخذ بالأثقل، وقال قوم: لا يلزمه منها، وقال قوم: هو مخير يأخذ ما يشاء من ذلك.

L2716 And He Most High said: “And whoever comes with an evil deed, their faces will be cast down into the Fire. Are you recompensed for anything except what you used to do?” Intention is the act of the soul alone, whereas bodily action occurs through the soul’s moving the bodily members. They are therefore two distinct acts. A third person acts correctly while supposing it to be false, or abandons what is false while supposing that the falsehood he abandoned is correct. He incurs no sin through what he performs or what he abandons, because he has neither performed something forbidden to him nor abandoned something obligatory for him. Nor is he rewarded for any of this, because his intention in it was not to seek the countenance of Allah Most High. If his intention in this is to regard contravening the truth as a light matter, he sins through this intention alone, not through what he performs or what he abandons. A fourth person acts falsely while supposing it to be correct, or abandons what is correct while supposing it to be false. This person receives one reward for his intention to do good. He incurs no sin through what he performs or what he abandons, nor does he receive a reward for it, because he has not acted correctly such that he should be rewarded, nor intended falsehood while knowing it to be false such that he should sin. This is the true elucidation of this question, the certainty concerning it, and the truth in the sight of Allah, without doubt. Anything besides this is confusion and an unsupported claim. If the layperson asks two or more jurists and they give him conflicting answers, some people have said that he should adopt the less onerous ruling; others have said that he should adopt the more onerous ruling; others have said that none of them

[160]**Translator’s note (L2712):** “Then we reconsidered this” introduces the author’s express revision of the position just argued: he now states that mere intending carries no legal consequence.

[161]**Translator’s note (L2713):** The Quranic quotation, corresponding to 3:135, contains repeated omissions of initial alifs and related spelling defects. Its recoverable wording has been translated. The text reads “iḍrār” (“causing harm”) where the argument requires “iṣrār” (“persistence”). The translation follows the contextual sense and flags the apparent transcription error here.

binds him; and others have said that he is free to choose, adopting whichever of these he wishes.[164][165]

L2717–2718 Abu Muhammed said: As for someone who says that he is free to choose, he has commanded him to follow caprice, which is forbidden, and has undoubtedly erred. He has made religion subject to people's choice, so that one acts upon whatever one wishes, and has permitted disagreement within it. Yet Allah Most High says: "Do they not contemplate the Quran? Had it been from anyone other than Allah, they would have found much disagreement within it." And He Most High said: "Obey Allah and His Messenger, and do not dispute, lest you lose heart and your strength depart; and be patient. Indeed, Allah is with the patient." And He Most High said: "If they do not respond to you, then know that they are only following their caprices. And who is further astray than someone who follows his caprice without guidance from Allah? Indeed, Allah does not guide the wrongdoing people." Disagreement is therefore not among the things Allah Most High has permitted and commanded. We know that Allah Most High has a single ruling in religion, and that everything else is error and falsehood. This speaker has thus given him the choice of accepting the truth or abandoning it, and has permitted him to contravene Allah Most High's ruling. This is certainly false, without doubt. This position is therefore refuted by a logically necessary demonstration.[166][167]

L2719–2721 As for someone who says that he should adopt the more onerous ruling, there is likewise no evidence establishing the soundness of his position. The same applies to the position of someone who says that he should adopt the

قال أبو محمد: أما من قال: هو مخير، فقد أمره باتباع الهوى، وذلك حرام وأخطأ بلا شك، وجعل الدين مردودا إلى اختيار الناس يعمل بما شاء، وأجاز فيه الاختلاف والله تعالى يقول {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} وقال تعالى {وأطيعوا لله ورسوله ولا تنازعوا فتفشلوا وتذهب ريحكم وصبروا إن لله مع لصابرين} وقال تعالى {فإن لم يستجيبوا لك فعلم أنما يتبعون أهوآءهم ومن أضل ممن تبع هواه بغير هدى من لله إن لله لا يهدي لقوم لظالمين} فالاختلاف ليس من أمر الله تعالى الذي أباحه وأمر به. وقد علمنا أن حكم الله تعالى في الدين حكم واحد، وأن سائر ذلك خطأ وباطل، فقد خيره هذا القائل في أخذ الحق أو تركه، وأباح له خلاف حكم الله تعالى، وهذا الباطل المتيقن بلا شك، فسقط هذا القول بالبرهان الضروري.

وأما من قال: يأخذ بالأثقل فلا دليل على صحة قوله أيضا، وكذلك قول من قال: يأخذ بالأخف، وكل قول بلا دليل فهي دعوى ساقطة فإن احتج بقول الله عز وجل {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد لله بكم ليسر ولا يريد بكم لعسر ولتكملوا لعدة ولتكبروا لله على ما هداكم ولعلكم تشكرون} فقد علمنا أن كل ما ألزم الله تعالى فهو يسر وبقوله تعالى {وجاهدوا في لله حق جهاده هو جتباكم وما جعل عليكم في لدين من حرج ملة أبيكم إبراهيم هو سماكم لمسلمين من قبل وفي هذا ليكون لرسول شهيدا عليكم وتكونوا شهدآء على لناس فأقيموا لصلاة وآتوا لزكاة

[164] **Translator's note (L2716):** The Quranic quotation, corresponding to 27:90, contains defective spellings in "with the evil deed" and "the Fire"; the recoverable wording has been translated. The phrase rendered "none of them binds him" is elliptical in the supplied Arabic, which literally reads "does not bind him of them," without an expressed subject.

[165] **Qur'an references (L2716):** Qur'an 27:90 (An-Naml).

[166] **Translator's note (L2717):** The Quranic quotations, corresponding to 4:82, 8:46, and 28:50, repeatedly omit initial alifs and contain related spelling defects. Their recoverable wording has been translated.

[167] **Qur'an references (L2717):** Qur'an 4:82 (An-Nisa); Qur'an 8:46 (Al-Anfal); Qur'an 28:50 (Al-Qasas).

less onerous ruling. Every position without evidence is an invalid claim. If he adduces as evidence the saying of Allah, Mighty and Majestic, “The month of Ramadan, in which the Quran was sent down as guidance for humankind and clear proofs of guidance and the criterion. So whoever among you witnesses the month, let him fast it; and whoever is ill or on a journey, then an equal number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that you may give thanks”—we know that everything Allah Most High has made binding is ease—or His saying, “Strive for Allah with the striving due to Him. He has chosen you and has placed no hardship upon you in religion: the creed of your father Abraham. He named you Muslims before, and in this, so that the Messenger may be a witness over you and you may be witnesses over humankind. So establish prayer, give the obligatory alms, and hold fast to Allah. He is your Protector: how excellent a Protector and how excellent a Helper!” Abu Muhammed said: The position we uphold—and success comes through Allah Most High—is that if two or more jurists give him legal opinions concerning different courses of action that they attribute to the Messenger of Allah ﷺ, he is not an evildoer for declining to accept any of them. For only what the revealed text makes binding upon him in that question binds him, and he does not yet know it. He therefore does not sin by omitting an obligation of which he has no knowledge. Rather, he should leave them, ask others, and seek the truth. An example is a man who asks, “How should I perform the pilgrimage?” A jurist tells him, “Perform the pilgrimage alone, for this is how the Messenger of Allah ﷺ acted in his pilgrimage, the only one he performed after the Emigration.” Others tell him, “Combine the pilgrimage and the lesser pilgrimage, for this is how the Messenger of Allah ﷺ acted in his pilgrimage, the only one he performed after the Emigration.” Others tell him, “Perform the lesser pilgrimage followed by release from consecration before the pilgrimage, for this is how the Messenger of Allah —may Allah bless him and grant him peace ﷺ—acted in his pilgrimage, the only one he performed after the Emigration.” He is therefore obliged to leave them and begin asking others afresh. Then what we stated just above applies to him concerning his attaining the truth or being deprived of it after his

وعتصموا بالله هو مولاكم فنعم لمولى ونعم لنصير} قال أبو محمد والذي نقول به وبالله تعالى التوفيق: إنه إن أفتاه فقيهان فصاعدا بأمور مختلفة نسبوها إلى رسول الله صلى الله عليه وسلم فهو غير فاسق بتركه قبول شيء منها لأنه إنما يلزمه ما ألزمه النص في تلك المسألة، وهو لم يدره بعده، فهو غير آثم بتركه ما وجب مما لم يعلمه، لكنه يتركهم ويسأل غيرهم، ويطلب الحق. مثال ذلك: رجل سأل: كيف أحج فقال له فقيه أفرد فهكذا فعل رسول الله صلى الله عليه وسلم في حجته التي لم يكن له بعد الهجرة غيرها وقال له آخرون اقرن فهكذا فعل رسول الله صلى الله عليه وسلم في حجته التي لم تكن له بعد الهجرة غيرها وقال له آخرون تمتع فهكذا فعل رسول الله صلى الله عليه وسلم في حجته التي لم يكن له بعد الهجرة غيرها ففرض عليه أن يتركهم ويستأنف سؤال غيرهم، ثم يلزمه ما قلنا آنفا، قبل هذا من موافقته للحق أو حرمانه إياه بعد اجتهاده. ويكون العامي حينئذ بمنزلة عالم لم يبين له وجه الحكم في مسألة ما، إما بتعارض أحاديث أو آي أو أحاديث وآي، فحكمه التوقف والتزيد من الطلب والبحث، حتى يلوح له الحق، أو يموت وهو باحث عن الحق، عالي الدرجة في الآخرة في كلا الأمرين، ولا يؤاخذه الله تعالى بتركه أمرا لم يلح له الحق فيه لما قدمنا قبل من أن الشريعة لا تلزم إلا من بلغته وصحت عنده والأصل إباحة كل شيء بقوله تعالى {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء فسواهن سبع سماوات وهو بكل شيء عليم} وبقوله صلى الله عليه وسلم أعظم الناس جرما في الإسلام من سأل عن أمر لم يحرم فحرم من أجل مسألته.

independent effort. The layperson is then in the position of a scholar to whom the basis of the ruling on some question has not become clear, whether because of conflicting reports, verses, or reports and verses. His ruling is to suspend judgment and increase his seeking and investigation until the truth becomes apparent to him, or until he dies while seeking the truth, exalted in rank in the Hereafter in either case. Allah Most High does not hold him accountable for omitting something concerning which the truth has not become apparent to him, because, as we explained earlier, the revealed law binds only someone whom it has reached and for whom its authenticity has been established. The original rule is the permissibility of everything, by His saying, "He is the One who created for you everything on earth; then He turned to the heaven and fashioned them into seven heavens, and He knows all things," and by his saying ﷺ, "The person with the greatest culpability in Islam is someone who asks about a matter that had not been forbidden, and it is then forbidden because of his question."[168][169][170]

والأصل ألا يلزم أحدا شيء إلا بعد ورود النص وبيانه وبقوله تعالى {يأيها لذين آمنوا لا تسألوا عن أشيآء إن تبد لكم تسؤكم وإن تسألوا عنها حين ينزل لقرآن تبد لكم عفا لله عنها ولله غفور حليم} وبقوله عليه السلام لو قلتها لوجبت فاتركوني ما تركتكم وبقوله صلى الله عليه وسلم في قيام رمضان خشيت أن يفرض عليكم فمن علم أن عليه الحج ولم يدر كيف يقيمه، فلا يؤاخذ من تركه ما وجب عليه من عمل الحج إلا بما علم، لا بما لا يعلم، ولكن عليه التزيد في البحث حتى يدري كيف يعمل ثم حينئذ يلزمه الذي علم، ولا يؤاخذ الله تعالى أحدا بشيء لم تقم عليه الحجة، ولا صح عنده وجهه، لأنه لم يبلغه ذلك الحكم قال تعالى {قل أي شيء أكبر شهادة قل لله شهيد بيني وبينكم وأوحي إلي هذا لقرآن لأنذركم به ومن بلغ أئنكم لتشهدون أن مع لله آلهة أخرى قل لا أشهد قل إنما هو إله واحد وإنني بريء مما تشركون} وأما من قال: إن الفرض على العامي أن يقبل ما أفتاه به الفقيه ولم يفسر كما فسرنا فقد أخطأ.

L2722 The basic principle is that nothing becomes binding upon anyone until the textual ruling has arrived and been explained. This is also established by His saying, Exalted is He: "O you who believe, do not ask about things which, if disclosed to you, would distress you. But if you ask about them while the Quran is being sent down, they will be disclosed to you. Allah has pardoned them, and Allah is Forgiving, Forbearing"; by his saying, peace be upon him, "Had I said it, it would have become obligatory; so leave me alone so long

[168] **Translator's note (L2719):** The Quranic quotations, corresponding to 2:185 and 22:78, repeatedly omit initial alifs and contain related spelling defects. Their recoverable wording has been translated. The Arabic leaves the conditional argument beginning "If he adduces as evidence" syntactically awkward, particularly when introducing the second quotation after the intervening statement about ease. This structure has been preserved. The three pilgrimage instructions distinguish pilgrimage alone (ifrād), combining pilgrimage and lesser pilgrimage in one state of consecration (qirān), and performing the lesser pilgrimage with release from consecration before entering consecration for the pilgrimage (tamattuʿ).

[169] **Translator's note (L2721):** The Quranic quotation, corresponding to 2:29, contains omissions of initial alifs and related spelling defects. Its recoverable wording has been translated.

[170] **Qur'an references (L2719):** Qur'an 2:185 (Al-Baqarah); Qur'an 22:78 (Al-Hajj); Qur'an 2:29 (Al-Baqarah).

as I leave you alone”; and by his saying ﷺ concerning the night prayers of Ramadan, “I feared that they would be made obligatory upon you.” Thus, someone who knows that pilgrimage is incumbent upon him but does not know how to perform it is held accountable, for omitting obligatory acts of pilgrimage, only for what he knows, not for what he does not know. He must, however, pursue further investigation until he knows how to act; then, at that point, what he has learned becomes binding upon him. Allah Most High does not hold anyone accountable for something concerning which the proof has not been established against him and whose grounds have not been established for him, because that ruling has not reached him. He, Exalted is He, said: “Say: What thing is greatest in testimony? Say: Allah is a witness between me and you. This Quran has been revealed to me so that through it I may warn you and whomever it reaches. Do you indeed testify that there are other gods alongside Allah? Say: I do not testify. Say: He is only one God, and I am indeed free of what you associate with Him.” As for someone who says that the layperson is obliged to accept whatever legal opinion the jurist gives him, without providing the explanation we have provided, he has erred.[171]

L2723–2724 We question the person who makes this assertion, saying to him: If you are a Shafi‘i, what do you say about a layperson who asks a Maliki or a Hanafi about a man who emancipated his slave woman, married her, and made her emancipation her bridal due, and receives the legal opinion that she is not his wife and that his marriage is invalid? Would you permit him to [unclear verb] without a divorce and marry her to someone else, thereby permitting that other man sexual access which Allah has forbidden him? Or would you consider him disobedient if he remained with her? If he is a Maliki, we say to him: What do you say about a layperson who asks a Shafi‘i or a Hanbali about marrying a woman—his mother having breastfed him twice—and receives a legal opinion permitting him to marry her? Would you permit him to do that and say that he is bound to adopt that jurist’s opinion? Or suppose he asks a Hanafi whether an orchard-tending contract for a share of the yield is permissible, and the jurist declares it forbidden to him: would adopting

ونحن نسأل قائل هذا القول فنقول له: إن كنت شافعيا فماذا تقول في عامي سأل مالكيا أو حنفيا عن رجل أعتق أمته وتزوجها وجعل عتقها صداقها؟. فأفتاه بأنها ليست له بزوجة، وأن نكاحه فاسد، أتجيز له أن يعتر بغير طلاق، فيزوجها من غيره، فيبيح له فرجا حرمه الله عليه؟ أو تراه عاصيا إن قام معها؟. وإن كان مالكيا قلنا له: ما تقول في عامي سأل شافعيا أو حنبليا عن نكاح امرأة أمه أرضعته رضعتين فأفتاه بنكاحها، أتبيح له ذلك، وتقول: إنه لازم الأخذ بقوله. أو سأل حنفيا عن المساقاة، أتجوز؟ فحرمها عليه، أيكون الأخذ بتحريم المساقاة واجبا عليه؟. فإن قال نعم، قيل له: من أوجب عليه تحريم ذلك؟، إذ يقول: إنه واجب عليه أن يأخذ بقول الفقيه الذي يفتيه، أنت أم الله عز وجل؟ فإن قال: الله عز وجل، كذب على الله تعالى، وأقر

[171] **Qur’an references (L2722):** Qur’an 5:101 (Al-Ma’idah); Qur’an 6:19 (Al-An’am).

the prohibition of such a contract be obligatory upon him? If he says yes, he is asked: Who made that prohibition binding upon him, when you say that he is obliged to adopt the opinion of the jurist who gives him a legal opinion—you, or Allah, Mighty and Majestic? If he says, "Allah, Mighty and Majestic," he has lied about Allah Most High and has also acknowledged that Allah Most High has made something contrary to his own school binding upon him. If he says, "I made that binding," he has abandoned his school and has further informed us that he himself forbids and permits. This is a departure from Islam.[172]

L2725–2727 Likewise, the Hanafi is asked about a layperson who requests a Maliki's legal opinion concerning the prayer leader's speaking during prayer for the purpose of putting it right, and receives a legal opinion permitting this: is he bound to adopt that jurist's opinion, so that speaking during prayer becomes permissible for him? Then all that we mentioned just now follows against him. In the same way, we question everyone who holds a position on an issue and regards disagreement with it as a grave matter, concerning a layperson who asks a jurist and receives a legal opinion which this person whom we are questioning regards as grave: Has Allah Most High obliged him to accept that position or not? If he says no, he has abandoned his false assertion that Allah Most High has obliged the layperson to accept whatever legal opinion the jurist consulted gives him. If he persists obstinately and says yes, he has thereby ruled that a thing is both forbidden and permissible at the same time. He has made Allah Most High's ruling dependent upon that mufti's ruling, made that mufti's ruling invalidate the ruling of Allah Most High and the ruling of His Messenger ﷺ, and made Allah Most High's religion entrusted to men's opinions and subject to change as legal opinions change, being waived at one time and binding at another. This entails departing from Islam, defying reason, and invalidating realities. Through Allah Most High comes success. With respect to what people believe, they necessarily fall into one of four categories, with no fifth: either a person has sought

[172] **Translator's note (L2723):** The verb transcribed as "يعتر" is unclear in this context; its meaning has been left unresolved rather than silently emended. The breastfeeding example reads "his mother breastfed him twice." The legal argument appears to require "her mother breastfed him twice," but the supplied masculine possessive has been preserved in translation.

مع ذلك أن الله تعالى أوجب عليه خلاف مذهبه، وإن قال: أنا أوجبت ذلك ترك مذهبه، وزادنا أنه يحرم ويحلل، وهذا خروج عن الإسلام.

وكذلك يسأل الحنفي عن عامي استفتى مالكيا عن كلام الإمام في الصلاة بما فيه إصلاحها، فأفتاه بجواز ذلك، أيلزمه الأخذ بقوله فيصير له الكلام في الصلاة مباحا؟ ثم يلزمه كل ما ذكرنا آنفا. وهكذا نسأل كل معتقد لمسألة يستعظم مخالفة من خالفه فيها من عامي سأل فقيها فأفتاه بما يستعظمه هذا الذي نسأله نحن، أفرض الله تعالى عليه قبول ذلك المعنى أم لا؟ فإن قال: لا، ترك قوله الفاسد: إن العامي قد فرض الله تعالى عليه قبول ما أفتاه الفقيه المسؤول، وإن لج وقال: نعم، صار حاكما بتحريم شيء وتحليله في وقت واحد، وجعل حكم الله تعالى مردودا إلى حكم ذلك المفتي، وجعل حكم ذلك المفتي مبطلا لحكم الله تعالى ولحكم رسوله صلى الله عليه وسلم وجعل دين الله تعالى موكولا إلى آراء الرجال، ومتبدلا بتبدل الفتاوى، فمرة ساقطا ومرة لازما، وفي هذا مفارقة الإسلام، ومكابرة العقل، وإبطال الحقائق، وبالله تعالى التوفيق. والناس فيما يعتقدونه ولا يخلون من أحد أربعة أوجه لا خامس لها: إما أن يكون المرء طلب الصواب فأداه اجتهاده إلى الصواب حقا فاعتقده على بصيرة، وإما أن يكون طلب الصواب فحرم إدراكه لبعض العوارض التي سبقت له في علم الله تعالى، وإما أن يكون قلد فوافق في تقليده الصواب، وإما أن يكون قلد فوافق في تقليده الخطأ. فأما الوجهان الأولان فقد قضى رسول الله صلى الله عليه وسلم بأن من اجتهد

what is correct, and his independent reasoning has led him to what truly is correct, so that he believes it with clear insight; or he has sought what is correct but has been prevented from attaining it by certain impediments already foreknown concerning him in Allah Most High's knowledge; or he has followed another uncritically, and in doing so has happened upon what is correct; or he has followed another uncritically, and in doing so has happened upon error. As for the first two categories, the Messenger of Allah ﷺ has ruled that whoever exercises independent reasoning and reaches the correct conclusion receives two rewards, and that whoever exercises independent reasoning and errs receives one reward. His saying ﷺ, "When the judge exercises independent reasoning," is general in its application to everyone who exercises independent reasoning, because everyone who believes that some ruling applies to some issue is a judge concerning that issue, by virtue of what he believes. This designation applies to him by the explicit wording, not through interpretive construction. Seeking is different from attaining the correct conclusion: someone may seek without attaining it, as we explained earlier, and someone may attain it without seeking. When he seeks, he is rewarded; when he attains the correct conclusion, he has performed a second act for which he also receives a second reward. If the matter remains unclear to him after his search, he has neither done anything forbidden to him nor deliberately committed disobedience, and so he incurs no sin. He has not accomplished the attainment of the correct conclusion which he was commanded to accomplish, and therefore receives no reward for what he has not done; for his search he receives a reward of one. But seeking varies: some seeking has been commanded, and some seeking has not been commanded. The seeking that has been commanded is seeking in the Quran, the transmitted Prophetic practices, and the evidentiary inference derived from the two. Whoever seeks in these three sources has sought as he was commanded and receives the reward for seeking, because he has performed the seeking he was commanded to perform, as we have explained.

L2728–2731 The seeking that has not been commanded is seeking in analogy and in inference from the contrary implication of an utterance, in juristic preference, and in the statements of anyone below the Prophet ﷺ. Such a person

فأصاب فله أجران وأن من اجتهد فأخطأ فله أجر وقوله صلى الله عليه وسلم إذا اجتهد الحاكم عموم لكل مجتهد لأن كل من اعتقد في مسألة ما حكما ما فهو حاكم فيها لما يعتقد، هذا هو اسمه نصا لا تأويلا، لأن الطلب غير الإصابة، وقد يطلب من لا يصيب على ما قدمنا، ويصيب من لا يطلب، فإذا طلب أجر فإذا أصاب فقد فعل فعلا ثانيا، يؤجر عليه أجرا ثانيا أيضا. فإن أشكل عليه بعد طلبه، فلم يأت محرما عليه ولا اعتمد معصية، فلا إثم عليه ولم يفعل ما أمر به من الإصابة فلا أجر له فيما لم يفعل، وله بالطلب أجر واحد. ولكن الطلب يختلف، فمنه طلب أمر به، وطلب لم يؤمر به، فالطلب الذي أمر به هو الطلب في القرآن والسنن ودليلهما، فمن طلب في هذه المعادن الثلاثة فقد طلب كما أمر. فله أجر الطلب، لأنه مؤد لما أمر به منه على ما ذكرنا.

والطلب الذي لم يؤمر به هو الطلب في القياس، وفي دليل الخطاب وفي الاستحسان وفي قول من دون النبي صلى الله عليه وسلم فلم يطلب كما أمر فلا أجر له على طلب

has not sought as he was commanded, and therefore receives no reward for seeking in those things. However, because his intention in doing so was to direct himself toward Allah, Mighty and Majestic, and to seek and pursue the truth, he was not deliberately pursuing error while knowing it to be error. He therefore has, in this respect, the intention of someone who intends something good and intends a good deed—namely, the seeking which he did not perform. It is authentically established that the Messenger of Allah ﷺ said: "Whoever intends a good deed but does not perform it has it recorded for him as a good deed." A good deed is undoubtedly a reward. Rewards here therefore differ in degree: whoever intends to seek and then seeks as he was commanded receives ten good deeds, because he intended a good deed and performed it; whoever intends to seek as he was commanded receives one good deed, because he did not perform it as he was commanded. ʻAbd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: ʻAbd al-Wahhab ibn ʻIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʻAli related to us: Muslim related to us: Abu Kurayb related to us: Abu Khalid al-Ahmar related to us, from Hisham, from Ibn Sirin, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said: "Whoever intends a good deed but does not perform it has one good deed recorded for him. Whoever intends a good deed and performs it has it recorded for him tenfold, up to seven hundredfold. Whoever intends an evil deed but does not perform it does not have it recorded; if he performs it, it is recorded." Through the same chain to Muslim: Shayban ibn Farrukh related to us: ʻAbd al-Warith—that is, Ibn Saʻid al-Tannuri—related to us, from al-Jaʻd Abu ʻUthman: Abu Raja' al-ʻAttari related to us, from Ibn ʻAbbas, from the Messenger of Allah ﷺ, in what he relates from his Lord, Exalted is He, who said: "Allah has recorded good deeds and evil deeds, and then explained this: whoever intends a good deed but does not perform it, Allah records it with Himself as one complete good deed. If he intends it and performs it, Allah records it with Himself as ten good deeds, up to seven hundred times as much, and up to many further multiples. If he intends an evil deed but does not perform it, Allah records it with Himself as one complete good deed. If he intends it and performs it, Allah records it as one evil deed." Abu Muhammed said: As for the third category, namely, the uncritical follower who reaches the correct conclusion,

ذلك لكن لما كانت نيته بذلك القصد إلى الله عز وجل وطلب الحق وابتغاءه، كان غير قاصد إلى الخطأ وهو يدري أنه خطأ، فله من ذلك نية من هم بخير وهم بحسنة، وهي الطلب الذي لم يفعله وقد صح عن رسول الله صلى الله عليه وسلم أنه قال من هم بحسنة ولم يعملها فإنها تكتب له حسنة والحسنة بلا شك أجر، فالأجر هنا يتفاضل، فمن هم بالطلب ثم طلب كما أمر فله عشر حسنات، لأنه هم بحسنة فعملها، ومن هم بالطلب كما أمر، فله حسنة واحدة، لأنه لم يعملها كما أمر. حدثنا عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم، ثنا أبو كريب، ثنا أبو خالد الأحمر، عن هشام، عن ابن سيرين عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم من هم بحسنة فلم يعملها كتبت له حسنة ومن هم بحسنة فعملها كتبت له عشرا إلى سبعمائة ضعف، ومن هم بسيئة فلم يعملها لم تكتب، وإن عملها كتبت. وبه إلى مسلم: حدثنا شيبان بن فروخ، ثنا عبد الوارث هو ابن سعيد التنوري، عن الجعد أبي عثمان، ثنا أبو رجاء العطاري عن ابن عباس عن رسول الله صلى الله عليه وسلم فيما يروي عن ربه تعالى قال إن الله كتب الحسنات والسيئات ثم بين ذلك، فمن هم بحسنة فلم يعملها كتبها الله عنده حسنة كاملة وإن هم بها فعملها كتبها الله عنده عشر حسنات إلى سبعمائة ضعف إلى أضعاف كثيرة، وإن هم بسيئة فلم يعملها كتبها الله عنده حسنة كاملة، فإن هم بها فعملها كتبها الله سيئة واحدة. قال أبو محمد: وأما القسم الثالث: وهو المقلد المصيب، فهو في تقليده عاص لله عز وجل، لأنه فعل أمرا قد نهاه الله عنه وحرمه عليه، فهو آثم بذلك ويبعد عنه أجر المعتقد للحق، لأنه لم يصبه من الوجه الذي أمره الله تعالى به، وكل من عمل عملا بخلاف أمر الله تعالى فهو باطل. ولا شك أن المجتهد المخطىء أعظم أجرا من المقلد المصيب وأفضل، لأن المقلد المصيب آثم بتقليده غير مأجور

he is, in his uncritical following, disobedient to Allah, Mighty and Majestic, because he has done something which Allah has forbidden him and made unlawful for him. He therefore incurs sin through that, and the reward of one who believes the truth is withheld from him, because he did not reach it by the means Allah Most High commanded him to use. Whoever performs an act contrary to Allah Most High's command—his act is invalid. There is no doubt that the person who exercises independent reasoning and errs is greater in reward and superior to the uncritical follower who reaches the correct conclusion, because the uncritical follower who reaches the correct conclusion incurs sin through his uncritical following and receives no reward for reaching the correct conclusion, whereas the person who exercises independent reasoning and errs is rewarded for his independent reasoning and incurs no sin for his error. A reward that is certain and a reward that is guaranteed are undoubtedly better than a reward denied and a sin that is certain.[173][174]

بإصابته والمجتهد المخطىء مأجور باجتهاده غير آثم لخطئه، فأجر متيقن وأجر مضمون أفضل من أجر محروم وإثم متيقن بلا شك.

L2732 If someone says, "Then reject the testimony of every Muslim who has not come to know Islam by way of substitution, because he is an uncritical imitator, and an uncritical imitator is disobedient," he is told: Someone who follows a person whom Allah Most High has commanded him to follow is not an uncritical imitator. Rather, he is obedient, doing what he has been commanded to do, and acting well. The uncritical imitator is only someone who follows a person whom Allah Most High has not commanded him to follow; such a person is disobedient to Allah Most High. Furthermore, if we knew that this Muslim held his beliefs concerning Islam only in imitation of his father, his neighbor, and those among whom he grew up, and that, had he grown up among non-Muslims, he would not have been a Muslim, accepting his testimony would not be permissible. This is not far removed

فإن قال قائل: فردوا شهادة كل مسلم لم يعرف الإسلام من طريق الاستبدال لأنه مقلد، والمقلد عاص، قيل له: ليس من اتبع من أمره الله تعالى باتباعه مقلدا، بل هو مطيع فاعل ما أمر به، محسن، وإنما المقلد من اتبع من لم يأمره الله تعالى باتباعه. فهذا عاص لله تعالى، ثم لو علمنا أن هذا المسلم إنما اعتقد من الإسلام تقليدا لأبيه وجاره ولمن نشأ معه، ولو أنه نشأ من غير المسلمين لم يكن مسلما، لما جاز قبول شهادته، وهذا لا يبعد من الكفر، بل إن عقد نيته على هذا فهو كافر بلا شك وكذلك أخبر النبي صلى الله عليه وسلم إذ وصف فتنة الناس في قبورهم فقال صلى الله عليه وسلم وأما المنافق أو المرتاب لا ندري أسمى أي ذلك قال فيقول: لا أدري. سمعت الناس يقولون شيئا فقلته وهذا نص ما قلنا، والمسلمون بحمد الله في أغلب أمورهم مبعدون عن هذا، بل تجد منهم الأكثر من عقد قلبه على أنه لو كفر أبوه وأهل مصره ما كفر هو ولو أحرق بالنار فهذا ليس مقلدا والحمد لله رب العالمين.

[173] **Translator's note (L2729):** The supplied transmission chain calls 'Abd al-Warith ibn Sa'id "al-Tannuri" and Abu Raja' "al-'Attari." These apparent transcription errors have been retained rather than replaced with the familiar forms "al-Tannuri" with a different Arabic consonant spelling, and "al-'Utaridi," respectively. In the final report, the supplied text places "who said" immediately after "his Lord." The translation preserves that apparent attribution rather than silently recasting the report's narrative framing.

[174] **Hadith references (L2728):** Sahih Muslim 130.

from unbelief. Indeed, if he has firmly resolved upon this in his intention, he is unquestionably an unbeliever. The Prophet ﷺ likewise reported this when describing the testing of people in their graves. He ﷺ said: "As for the hypocrite or the doubter—we do not know which of these designations he used—he says, 'I do not know. I heard people saying something, so I said it.'" This expressly states what we have said. Praise be to Allah, Muslims are, in most of their affairs, far removed from this. Rather, you find that most of them have firmly resolved in their hearts that, even if their fathers and the people of their towns became unbelievers, they themselves would not become unbelievers, even if they were burned with fire. Such a person is not an uncritical imitator. Praise be to Allah, Lord of all worlds.[175]

L2733–2739 Likewise, someone who practices uncritical imitation in a legal opinion or a religious doctrine, and against whom the proof has been established, but who then obstinately resists, is an evildoer whose testimony is rejected. If, however, he has not understood it, he is excused, and that does not impair his testimony. Allah Most High said: "They dispute with you concerning the truth after it has become clear, as though they were being driven toward death while looking on." Thus He, Almighty and Majestic, censured anyone who obstinately resisted after the truth had become clear to him, whereas the Prophet ﷺ excused Umar when he did not understand the verse concerning a person who leaves neither parent nor child as heir. This is the distinction between the two cases, and success comes through Allah Most High. As for the fourth category, namely the mistaken uncritical imitator, he bears the sin of disobedience through uncritical imitation and the sin of disobedience through holding an erroneous belief: he thus bears two sins. The report transmitted from the Prophet ﷺ may be interpreted as applying to the third category: "A man may indeed perform a prayer and have credited to him only half of it, a third of it, a quarter of it." This would then be in proportion to the extent to which he conformed to the truth in

[175] **Translator's note (L2732):** The supplied text reads "substitution" (al-istibdāl). The context suggests "inference" (al-istidlāl), but the supplied reading has been retained. The wording of the narrator's uncertainty in the grave-testing report, particularly "asmā," is awkward and possibly corrupt. It is rendered as uncertainty over which designation the Prophet used.

وكذلك من قلد في فتيا أو نحلة وقامت عليه الحجة فعند فهو فاسق مردود الشهادة، ولو لم يفهمها فهو معذور، ولا يضر ذلك شهادته قال الله تعالى {يجادلونك في لحق بعدما تبين كأنما يساقون إلى لموت وهم ينظرون} فذم عز وجل من عند بعد أن تبين له الحق وعذر النبي صلى الله عليه وسلم عمر إذ لم يفهم آية الكلالة فهذا فرق ما بين الأمرين، وبالله تعالى التوفيق، وأما القسم الرابع، وهو المقلد المخطىء، فله إثم معصية التقليد، وإثم المعصية باعتقاده الخطأ، فعليه إثمان. وقد يخرج على القسم الثالث الحديث المأثور عن النبي صلى الله عليه وسلم إن الرجل ليصلي الصلاة وما له منها إلا نصفها، ثلثها، ربعها فيكون ذلك على قدر ما وافق فيه الحق من أحكام صلاته. وقد بينا فيما خلا كيفية اجتهاد طالب الفقه، وما يلزمه من معرفة الرواة والثقات والمجرحين والمسند المرسل، وبناء النصوص بعضها على بعض من الآي والأحاديث والاستثناء، والإضافة، وزيادات العدول، والناسخ والمنسوخ، والمحكم، والعام، والخاص، والمجمل والمفسر، والإجماع والاختلاف وكيفية الرد إلى القرآن والسنة، وفهم البراهين والشغب، على حسب ما تنتهي إليه طاقته، وبينا في هذا الباب وجه اجتهاد العامي. وأما من أباح للعامي أن يقلد فقد أخطأ بالبراهين التي قدمنا، من نهي الله تعالى عن التقليد جملة، ومع خطئه فقد تناقض، لأن القائل بما ذكرنا

the rulings governing his prayer. We have explained previously how the student of jurisprudence is to exercise independent judgment, and what he must know concerning transmitters, trustworthy transmitters, transmitters whose reliability has been impugned, reports with connected chains of transmission, reports with an omitted intermediary, the construction of scriptural texts in relation to one another—verses and reports—exceptions, qualification by attachment, and additions transmitted by upright transmitters, the abrogating and the abrogated, the determinate, the general and the specific, the indeterminate and the explicated, consensus and disagreement, how to refer matters back to the Quran and the Sunnah, and the understanding of demonstrations and specious disputation, according to the extent of his capacity. In this chapter we have explained the manner in which the layperson exercises independent judgment. As for someone who permits the layperson to practice uncritical imitation, he has erred, as shown by the demonstrations we have already presented concerning Allah Most High's prohibition of uncritical imitation altogether. Besides being mistaken, he has contradicted himself, because the person who holds the position we have mentioned requires the layperson to investigate who is the most knowledgeable in jurisprudence among the people of his town. This is a form of independent judgment: he has thus departed from uncritical imitation and abandoned it. No one has said that the layperson should uncritically imitate everyone who happens to come his way. Thus, in substance, the abandonment of uncritical imitation by laypeople and others is established by consensus, on account of what we have just mentioned, even though some permit its designation, contradicting themselves in permitting it. Everyone who accepts a designation while denying its meaning has acknowledged the unsoundness of his own position. Furthermore, if he investigates who is the most knowledgeable in jurisprudence among the people of his town, he will scarcely find agreement on this. Rather, most often some people direct him to one man and others direct him to another. Furthermore, someone who has no good in him, someone who possesses no knowledge, or someone less knowledgeable than another may acquire a reputation among the common people for preeminence in jurisprudence in a particular town. We ourselves have witnessed evildoers acquire a reputation for preeminence in our town, although they

قد أوجب على العامي البحث عن أفقه أهل بلده، وهذا النوع من أنواع الاجتهاد، فقد فارق التقليد وتركه، ولم يقل أحد أن العامي يقلد كل من خرج إلى يده. فقد صح معنى ترك التقليد من العامي وغيره بإجماع لما ذكرنا آنفا، وإن أجاز لفظه مجيزون ناقضون في إجازتهم إياه، وكل من أقر بلفظ وأنكر معناه فقد أقر بفساد مذهبه، وأيضا فإنه إن بحث عن أفقه أهل بلده لم يكد يجد اتفاقا على ذلك، بل في الأغلب يدله قوم على رجل، ويدله آخرون على آخر. وأيضا فقد يحمل اسم التقدم في الفقه في بلد ما عند العامة من لا خير فيه، ومن لا يعلم عنده، ومن غيره أعلم منه، وقد شهدنا نحن قوما فساقا حملوا اسم التقدم في بلدنا، وهم ممن لا يحل لهم أن يفتوا في مسألة من الديانة، ولا يجوز قبول شهادتهم. وقد رأيت أنا بعضهم، وكان لا يقدم عليه في وقتنا هذا أحد في الفتيا، وهو يتغطى الديباج الذي هو الحرير المحض لحافا، ويتخذ في منزله الصور ذوات الأرواح من النحاس والحديد تقذف الماء أمامه، ويفتي بالهوى للصديق فتيا، وعلى العدو فتيا ضدها، ولا يستحي من اختلاف فتاويه على قدر ميله إلى من أفتى وانحرافه عليه، شاهدنا نحن هذا عيانا، وعليه جمهور أهل البلد، إلى قبائح مستفيضة، لا نستجيز ذكرها لأننا لم نشاهدها. هذا مع ما فشا في الناس من فتيا من يسمونه في الفقه: بالتقليد والقياس والاستحسان، وإنما أوقع العامة في سؤالهم حسن الظن بهم أنهم لا يقدمون على الفتيا بغير علم ولا بما لا يصح عندهم عن النبي صلى الله عليه وسلم ولو علمت العامة أنهم ليس عندهم في أكثر ما يفتونهم به علم عن الله عز وجل ولا عن رسول الله صلى الله عليه وسلم وأنهم يوقعونهم في مخالفة القرآن والسنة، ما سألوهم ولا استفتوهم، بل لعلهم كانوا يقدمون عليهم إقداما يتلفهم. فمن استفتى فقيهين فأفتاه كل واحد منهما بفتيا غير الذي أفتى به الآخر، وقال له أحدهما: كذا قال الله عز وجل وقال الآخر كذا قال رسول الله صلى الله عليه وسلم فاللازم

له أن يأخذ بقول رسول الله صلى الله عليه وسلم لقوله عز وجل {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} ولأنه صلى الله عليه وسلم لا يخالف ربه عز وجل لكنه يبين مراده تعالى ولأنه لولا رسول الله صلى الله عليه وسلم لم نعلم أن القرآن كلام الله تعالى ولا درينا دين الله تعالى، ولا عرفنا مراد ربنا تعالى، ولا أوامره ولا نواهيه، ولا خلاف بين أحد المسلمين في وجوب المصير إلى قوله صلى الله عليه وسلم وترك ما أمرنا أن نترك العمل به من القرآن. فمن ذلك أنه لا خلاف بين أحد من المسلمين حاشا الأزارقة في وجوب الرجم على الزاني المحصن، وليس ذلك في القرآن، ولا في عدد الصلوات وكيفية أخذ الزكوات، وتحريم الجمع بين المرأة وعمتها إلا من شذ عن الحق في ذلك، وليس في القرآن شيء من ذلك أصلا. وهكذا سائر الأحكام والعبادات كلها، وبالله تعالى التوفيق، وبرهان قولنا في هذا ما حدثناه عبد الله بن ربيع التميمي، ثنا محمد بن إسحاق بن السليم، عن أبي داود، نا أحمد بن حنبل، نا سفيان بن عيينة، عن أبي النضر مولى عمر بن عبيد الله، عن عبيد الله بن أبي رافع عن أبيه عن النبي صلى الله عليه وسلم أنه قال لا ألفين أحدكم متكئا على أريكته يأتيه الأمر بما أمرت به أو نهيت عنه فيقول لا أدري ما وجدناه في كتاب الله تبعناه

are people for whom it is unlawful to issue a legal opinion on any religious question and whose testimony may not be accepted. I myself have seen one of them—at this time no one was given precedence over him in issuing legal opinions—covering himself with brocade, which is pure silk, as a quilt, and keeping in his house representations of living creatures made of copper and iron, spouting water before him. He issues legal opinions according to his desires: one opinion for a friend, and its opposite against an enemy. He feels no shame at his legal opinions differing according to his inclination toward, or aversion to, the person for whom he gives an opinion. We ourselves witnessed this with our own eyes, and the majority of the town's inhabitants follow him. There are also widely reported disgraceful acts which we do not consider ourselves entitled to mention, because we did not witness them. This is alongside the widespread practice among people of those whom they designate as authorities in jurisprudence issuing legal opinions through uncritical imitation, analogy, and juristic preference. What has led the common people to consult them is their favorable opinion of them: that they would not venture to issue legal opinions without knowledge, or on a basis that they themselves do not regard as authentically established from the Prophet ﷺ. If the common people knew that, concerning most of the legal opinions these men give them, they possess no knowledge from Allah, Almighty and Majestic, or from the Messenger of Allah ﷺ, and that they cause them to contravene the Quran and the Sunnah, they would neither question them nor seek legal opinions from them. Indeed, they might even attack them so violently as to destroy them. If someone seeks legal opinions from two jurists, and each gives him an opinion different from the other's, with one telling him, "Thus said Allah, Almighty and Majestic," and the other saying, "Thus said the Messenger of Allah—may Allah bless him and grant him peace," then he is obliged to accept the statement of the Messenger of Allah ﷺ, because He, Almighty and Majestic, said: "With clear proofs and scriptures; and We have sent down to you the Reminder so that you may explain to people what has been sent down to them, and so that they may reflect." Also, he ﷺ does not oppose his Lord, Almighty and Majestic; rather, he explains what He Most High intends. Moreover, were it not for the Messenger of Allah ﷺ, we would not know that the Quran is the speech of Allah Most High, nor

would we know the religion of Allah Most High, nor recognize what our Lord Most High intends, His commands, or His prohibitions. There is no disagreement among any Muslims concerning the obligation to resort to his ﷺ statement and to refrain from acting upon those portions of the Quran that we have been commanded to refrain from acting upon. For example, there is no disagreement among any Muslims, apart from the Azariqa, concerning the obligation to stone an adulterer who has the legally qualifying marital status, although this is not in the Quran. Nor is there disagreement concerning the number of prayers, the manner of collecting obligatory alms, or the prohibition against being married simultaneously to a woman and her paternal aunt, except on the part of someone who has departed from the truth concerning this. None of that is in the Quran at all. The same applies to all the remaining rulings and acts of worship, and success comes through Allah Most High. The demonstration supporting our position on this is what Abd Allah ibn Rabi al-Tamimi related to us: Muhammed ibn Ishaq ibn al-Salim related to us, from Abu Dawud: Ahmad ibn Hanbal related to us: Sufyan ibn Uyayna related to us, from Abu al-Nadr, the client of Umar ibn Ubayd Allah, from Ubayd Allah ibn Abi Rafi, from his father, from the Prophet ﷺ, who said: "Let me not find any of you reclining on his couch when a matter concerning something I have commanded or forbidden

reaches him, saying, ‘I do not know. Whatever we find in the Book of Allah, we follow.’”[176][177][178][179][180][181]

L2740 Section: Is It Permissible to Practice Uncritical Imitation of the People of Medina?

Some people have advocated uncritical imitation of the people of Medina. In the chapter discussing transmitted reports in this book, and in the chapter on consensus in this book, we have already explained the invalidity of the position of those who invoke the practice and consensus of the people of Medina as proof. That suffices to dispense with repeating it. Nevertheless, we must mention here a portion consonant with our purpose in this chapter, if Allah Most High wills.[182]

فصل هل يجوز تقليد أهل المدينة وقال قوم بتقليد أهل المدينة وقد ذكرنا في باب الكلام في الأخبار من كتابنا هذا وفي باب الإجماع من كتابنا هذا بطلان من احتج بعمل أهل المدينة وإجماعهم، فأغنى عن ترديده، ولكن لا بد أن نذكر ههنا طرفا نشاكل غرضنا في هذا الباب إن شاء الله تعالى.

احتج قوم في تقليد أهل المدينة بقبول قولهم في المد، والصاع، وهذا لا حجة لهم فيه، لأن هذا داخل فيما نقلوه مسندا بالتواتر، على أن ذلك أيضا مما قد اختلفوا فيه، فقد روي عن موسى بن طلحة بن عبيد الله وهو مدني ما يخالف قولهم ويوافق قول أبي حنيفة. ولو كان قبول قولهم في المد والصاع موجبا لقبول قولهم في غير ذلك، لوجب تقليد أهل مكة في جميع أقوالهم، لاتفاق الأمة كلها يقينا بلا خلاف من أحد منهم، على قبول قولهم في موضع عرفة، وموضع مزدلفة، وموضع منى، وموضع الجمار، وموضع الصفا، وموضع المروة، وحدود الحمى. فما خالف أحد من جميع فرق الإسلام، لا قديما ولا حديثا، قول أهل مكة. وهذا أكثر من المد والصاع، على أن الأمة لم توافق قولهم في المد والصاع. وأيضا فإن قولهم في المد والصاع هو أقل ما قيل، فهو حجة عندنا من هذه الجهة، كما لو قال غيرهم ذلك سواء ولا فرق، لأن ما قالوا: الصاع ثمانية أرطال، وقال قوم: أكثر من ذلك، وقال جمهور أهل المدينة وقوم من غيرهم: خمسة أرطال ونيف. فكان هذا المقدار متفقا على وجوب إخراجه في زكاة الفطر، وجزاء الصيد، وكفارة الواطىء في رمضان، والمظاهر، وحلق الرأس للمحرم قبل بلوغ الهدي محله، فوجب الوقوف عند الإجماع في ذلك، وكان ما زاد

[176] **Translator’s note (L2733):** The Quranic quotation has defective spellings in “the truth” and “death”; its intended wording remains identifiable and is reflected in the translation. The supplied text places “reports with connected chains” and “reports with an omitted intermediary” together without a conjunction. They are understood as separate technical categories; the omitted intermediary in a mursal report is conventionally the Companion between a Successor and the Prophet. “Qualification by attachment” renders al-iḍāfa, whose precise technical scope is not specified here.

[177] **Translator’s note (L2736):** The phrase rendered “someone who possesses no knowledge” is awkward in the supplied text and appears to lack a letter in the word for knowledge. The wording concerning those designated as authorities in jurisprudence is syntactically awkward; the translation follows its apparent sense without supplying a missing title.

[178] **Translator’s note (L2737):** The final salutation is divided across units. This unit translates only its opening fragment.

[179] **Translator’s note (L2738):** The opening words complete the salutation begun in the preceding unit.

[180] **Translator’s note (L2739):** The Quranic quotation contains defective spellings in “with clear proofs,” “and scriptures,” and “the Reminder.” The intended words remain identifiable and are reflected in the translation. “The legally qualifying marital status” renders muḥṣan, a technical legal status associated here with the prescribed punishment of stoning. The Arabic wording of the transition from stoning to the number of prayers and the other listed rulings is compressed; the translation makes its coordinated structure explicit.

[181] **Qur’an references (L2733):** Qur’an 8:6 (Al-Anfal); Qur’an 16:44 (An-Nahl).

[182] **Translator’s note (L2740):** The supplied wording nushākilu, rendered “consonant with,” is grammatically awkward in this construction and may be a transcription error for a form meaning “that accords with.”

L2741–2751

Some people have argued for unquestioning adherence to the people of Medina on the grounds that their statement concerning the mudd and the sa‘ is accepted. This provides them with no proof, because it belongs to what they have transmitted with an established chain through mass transmission. Moreover, this too is something over which they have differed: a view contrary to theirs and agreeing with Abu Hanifa’s has been transmitted from Musa ibn Talha ibn ‘Ubayd Allah, who was a Medinan. If accepting their statement concerning the mudd and the sa‘ required accepting their statements on other matters, unquestioning adherence to the people of Mecca in all their statements would be obligatory, since the entire community certainly agrees, without dissent from any of its members, on accepting their statements concerning the location of ‘Arafa, the location of Muzdalifa, the location of Mina, the locations of the stoning sites, the location of al-Safa, the location of al-Marwa, and the boundaries of the protected pasture. No one from any of the groups of Islam, either in earlier or in recent times, has contradicted the people of Mecca’s statements on these matters. This amounts to more than the mudd and the sa‘, quite apart from the fact that the community has not agreed with their statement concerning the mudd and the sa‘. Furthermore, their statement concerning the mudd and the sa‘ gives the smallest amount proposed, and it is authoritative evidence for us on this account, exactly as it would be if others had said it: there is no difference. For some said that the sa‘ is eight ratls, while some people said more than that; the majority of the people of Medina, together with some others, said five ratls and a little more. Thus, there was agreement that this amount must be given for the alms due at the breaking of the fast, compensation for game killed, and the expiation incumbent upon one who has intercourse during Ramadan, one who pronounces the repudiation of his wife by likening her to his mother’s back, and a person in the state of pilgrimage consecration who shaves his head before the sacrificial offering reaches its appointed place. It was therefore obligatory to stop at the consensus on this matter. Any additional amount was disputed, and affirming its obligation would require a textual ruling. There is no textual ruling on this supported by an authentic chain of transmission. Consequently, affirming the obligation to give anything beyond that amount was not required in the absence of a textual ruling

مختلفا فيه لم يجب القول به إلا بنص ولا نص مسندا صحيحا في ذلك فلم يجب القول بإخراج الزيادة على ذلك، بغير نص ولا إجماع، وأجمعت الأمة كلها، بلا خلاف في أحد منها، على أن المد والصاع المذكورين في زكاة الفطر هما المذكوران في المقدار الذي تلزم فيه الزكاة من الحب والتمر، وأنهما سواء، فلما صح المقدار المذكور في زكاة الفطر، صح أنه يعينه في زكاة الحب والتمر، ولا فرق ويكفي من هذا أنه نقل مبلغ إلى رسول الله صلى الله عليه وسلم بالكافة وأما الخلاف في المد والصاع فإنما هو خلاف رأي لا خلاف رواية عن النبي صلى الله عليه وسلم فسقط ذلك الخلاف والحمد لله رب العالمين. واحتجوا في ذلك بما روي من قول عبد الرحمن بن عوف لعمر رضي الله عنهما: إن الموسم يجمع رعاع الناس، فاصبر حتى تأتي المدينة فتخلو بوجوه الناس فالجواب أن رسول الله صلى الله عليه وسلم أولى أن يتبع من عبد الرحمن بن عوف وهذا رسول الله صلى الله عليه وسلم لم يجعل التبليغ الذي أمره الله به إلا في مكة في حجة الوداع في الموسم الجامع لكل عالم وجاهل وهنالك قال رسول الله صلى الله عليه وسلم ألا هل بلغت فقال الناس اللهم نعم فقال صلى الله عليه وسلم اللهم اشهد ولم يجعل صلى الله عليه وسلم ذلك التبليغ العام الذي أقام به الحجة في المدينة ولا في خاص من الناس، ولا بحضرة وجوه الناس خاصة دون الرعاع وكذلك لم يكتف رسول الله صلى الله عليه وسلم بقراءة سورة براءة في المدينة وهي آخر سورة نزولا، وهي الجامعة للسير وأحكام الخلافة والإمامة، حتى يبعث بها عليا ليقرأ في الموسم بمكة، في حجة أبي بكر رضي الله عنهما، بحضرة كل من حضر. وإنما يكون الانفراد بوجوه الناس في الآراء التي تدار، ويستضر بكشفها وتجري مجرى الأسرار، ومثل هذا كانت مقالة عمر، التي حضه عبد الرحمن على تأخيرها إلى أن يخلو بوجوه الناس، ولم تكن من الشرائع الواجب معرفتها، من الفرض والحرام والمباح، ونحن

or a consensus. The entire community has agreed, without dissent from any of its members, that the mudd and the sa‘ mentioned in connection with the alms due at the breaking of the fast are those mentioned in connection with the threshold at which alms become obligatory on grain and dates, and that they are the same. Once the amount mentioned in connection with the alms due at the breaking of the fast was established, it was established that precisely that amount applies to the alms on grain and dates, without any difference. Sufficient in this regard is that it is a transmission conveyed through the community at large and traced back to the Messenger of Allah ﷺ. As for the disagreement concerning the mudd and the sa‘, it is merely a disagreement of opinion, not a disagreement in transmission from the Prophet ﷺ. That disagreement therefore falls away, and praise belongs to Allah, Lord of all worlds. They also argued for this on the basis of the reported statement of ‘Abd al-Rahman ibn ‘Awf to ‘Umar—may Allah be pleased with them both—"The pilgrimage season brings together the rabble, so wait until you reach Medina, where you can meet privately with the leading men." The answer is that the Messenger of Allah ﷺ has a greater claim to be followed than ‘Abd al-Rahman ibn ‘Awf. Here is the Messenger of Allah ﷺ, who carried out the proclamation that Allah commanded him to make precisely in Mecca, during the Farewell Pilgrimage, at the pilgrimage gathering that brought together every learned and ignorant person. There the Messenger of Allah ﷺ said, "Have I indeed conveyed the message?" The people replied, "O Allah, yes." He ﷺ then said, "O Allah, bear witness." He ﷺ did not make that public proclamation, by which he established the binding proof, in Medina, or among a select group of people, or specifically in the presence of the leading men to the exclusion of the rabble. Likewise, the Messenger of Allah ﷺ did not content himself with having Surat Bara'a read in Medina—it being the last sura to be revealed and encompassing the rules governing relations in war and peace and the rulings concerning the caliphate and leadership—but sent ‘Ali with it to read it at the pilgrimage gathering in Mecca, during Abu Bakr's pilgrimage—may Allah be pleased with them both—in the presence of everyone attending. Meeting privately with the leading men is appropriate only for opinions under deliberation whose disclosure would cause harm and which have the character of secrets. Such was ‘Umar's statement, which

إنما نتكلم مع خصومنا في الشرائع التي تلزم أهل صين الصين والخالدات ومن في حوزارين وأقاضي الزنج، وأقاضي بلاد الصقالبة. كما يلزم الصحابة وأهل المدينة لزوما مستويا لا تفاضل فيه ولم ننازعهم في إدارة رأي، ولا في تحذير من طالب خلافة. فلو تركوا التمويه لكان أولى بهم ولو كانت تلك المقالة من واجبات الشرائع ما أخرها عمر ولا أمره ابن عوف بتأخيرها. والعجب أن القائلين بهذا قد خالفوا إجماع أهل المدينة حقا فمن ذلك سجودهم مع عمر في {إذا لسمآء نشقت} يوم جمعة فقالوا ليس عليه العمل فتركوا إجماع أهل المدينة. ومن ذلك اشتراكهم في الهدي يوم الحديبية. فقالوا: ليس عليه العمل فتركوا إجماع أهل المدينة الصحيح، وادعوه حيث لا يصح، وهكذا يكون عكس الحقائق والأمور في الديانة لا تؤخذ إلا من نص منقول، ولا نص على وجوب اتباع أهل المدينة دون غيرهم، فإذا كان ذلك دعوى بلا برهان فهو افتراء على الله عز وجل أنه أوجب ذلك. وهو تعالى لم يوجبه، وهذا عظيم جدا ونسأل الله التوفيق. وإذا كان نقل أهل المدينة وغيرهم إنما حكمه أن يراعى الفاسق فيجتنب نقله، والعدل فيقبل نقله، ففي المدينة عدول وفساق ومنافقون، وغيرهم شر خلق الله تعالى وفي الدرك الأسفل من النار وقال تعالى {وممن حولكم من لأعراب منافقون ومن أهل لمدينة مردوا على لنفاق لا تعلمهم نحن نعلمهم سنعذبهم مرتين ثم يردون إلى عذاب عظيم} وقال تعالى {إن لمنافقين في لدرك لأسفل من لنار ولن تجد لهم نصيرا} وفي سائر البلاد أيضا عدول وفساق ومنافقون ولا فرق. وكيف يدعي هؤلاء المغفلون تقليد أهل المدينة وهم يخالفون عمر بن الخطاب في نيف وثلاثين قضية من موطأ مالك خاصة، وخالفوا أبا بكر، وعائشة وابن عمر وسعيد بن المسيب وسليمان بن يسار والزهري وغيرهم من فقهاء المدينة في كثير من أقوالهم جدا، فإن كان تقليد أهل المدينة واجبا فمالك مخطىء في خلافه لهؤلاء فيجب عليهم أن يتركوه إذا خالف من أهل المدينة. والحقيقة التي لا شك فيها هي أن مرادهم بالدعاء إلى

أهل المدينة، والتشييع بوجوب طاعتهم، إنما هو دعاء إلى قول مالك وحده، لا يبالون بأحد سواه من أهل المدينة، وأعجب من هذا أنهم فيما يدعون فيه إجماع أهل المدينة من المسائل، ليس عندهم في صحة ذلك إلا نقل مالك وحده ومن المحال أن يثبت الإجماع بنقل واحد لا برهان بيده وكل ما جوزوه على سائر الثقات من رواة الحديث عن النبي صلى الله عليه وسلم وعمن دونه إلى قيام الساعة فهو جائز على مالك ولا فرق، فظهر بطلان قولهم لكل ذي حس سليم. وأيضا فإن مالك بن أنس رحمه الله لم يدع إجماع أهل المدينة في موطئه إلا في نحو ثمان وأربعين مسألة فقط، مع أن الخلاف موجود من أهل المدينة في أكثر تلك المسائل بأعيانها، وأما سائرها فلا خلاف فيها بين أحد لا مدني ولا غيره، ولم يدع إجماعا في سائر مسائله فاستجاز أهل الجهل على الحقيقة من اتباعه الكذب المجرد والجهل الفاضح، ونعوذ بالله من الخذلان، في إطلاق الدعوى على جميع أقوالهم أو أكثرها، أنها إجماع أهل المدينة. وحتى لو صح لهم هذا القول الفاسد، لوجب ألا تقبل رواية القاسم وأشهب وابن عبد الحكم وسائر المالكيين قديما وحديثا، لأنهم ليسوا مدنيين. فإن قال قائل: إنهم أخذوا عن أهل المدينة. قيل: وكذلك أهل البصرة والكوفة والشام ومصر ومكة واليمن أخذوا عن أصحاب رسول الله صلى الله عليه وسلم الذين هم أفضل وأعلم من الذين أخذ عنهم المذكورون وأخذوا عن رسول الله صلى الله عليه وسلم الذي به هدى الله تعالى من شاء من أهل المدينة وغيرهم والقرآن واحد مشهور في غير المدينة كما هو بالمدينة وسنن الرسول صلى الله عليه وسلم معروفة منقولة في غير المدينة كما هي بالمدينة، والدين واحد ويهب الله من يشاء، من أهل المدينة وغير أهل المدينة، ما شاء من الحظ في دينه والفهم في كتابه وأهل المدينة وغيرهم سواء، ولا فرق بينهم وما عدا هذا القول فإفك وزور وكذب وبهتان وبالله التوفيق. وقد ذكرنا أن مالكا وأبا حنيفة والشافعي لم يقلدوا، ولا أجازوا

'Abd al-Rahman urged him to postpone until he could meet privately with the leading men. It did not concern the religious ordinances that must be known: the obligatory, the forbidden, and the permissible. Our discussion with our opponents concerns only the religious ordinances that bind the inhabitants of the remotest China and the Eternal Islands, those in Hawzarin, those in the furthest reaches of the lands of the Zanj, and those in the furthest reaches of the lands of the Slavs, just as they bind the Companions and the people of Medina, with an equal obligation admitting no distinction. We have not disputed with them about deliberating over an opinion or warning against someone seeking the caliphate. It would have been more fitting for them to abandon their obfuscation. Had that statement concerned obligatory religious ordinances, 'Umar would not have postponed it, nor would Ibn 'Awf have instructed him to postpone it. What is astonishing is that those who say this have contradicted actual consensus among the people of Medina. One instance is their prostrating with 'Umar during "When the heaven is split open" on a Friday. Yet these people said, "Established practice does not follow this," thereby abandoning the consensus of the people of Medina. Another instance is their sharing sacrificial offerings on the day of al-Hudaybiya. Again, these people said, "Established practice does not follow this," thereby abandoning the authentic consensus of the people of Medina while claiming it where it cannot be established. Such is the inversion of realities and affairs in religion, which is derived only from a transmitted textual ruling. There is no textual ruling requiring that the people of Medina be followed to the exclusion of others. Since this is a claim without demonstration, it is a fabrication against Allah, mighty and majestic, asserting that He has made something obligatory when He, exalted is He, has not made it obligatory. This is exceedingly grave, and we ask Allah to grant success. Since the rule governing transmission by the people of Medina and others is simply to identify the morally dissolute transmitter and avoid his transmission, and the upright transmitter and accept his transmission, there are in Medina upright people, morally dissolute people, hypocrites, and others who are the worst of Allah's creatures and in the lowest depth of the Fire. He, exalted is He, said: "Among the desert Arabs around you are hypocrites, and among the people of Medina are those who persist in hypocrisy. You do not know them; We know them. We shall

punish them twice; then they will be returned to a tremendous punishment." He, exalted is He, also said: "The hypocrites are in the lowest depth of the Fire, and you will never find a helper for them." In all other lands there are likewise upright people, morally dissolute people, and hypocrites; there is no difference. How can these heedless people claim unquestioning adherence to the people of Medina when they contradict 'Umar ibn al-Khattab in more than thirty rulings in Malik's Muwatta' alone? They have also contradicted Abu Bakr, 'A'isha, Ibn 'Umar, Sa'id ibn al-Musayyab, Sulayman ibn Yasar, al-Zuhri, and other jurists of Medina in very many of their statements. If unquestioning adherence to the people of Medina is obligatory, then Malik is mistaken in contradicting these men, and they must abandon him whenever he contradicts someone from the people of Medina. The truth, about which there is no doubt, is that what they intend by calling people to the people of Medina and promoting the obligation to obey them is merely a call to Malik's statement alone. They care nothing for anyone else among the people of Medina. More astonishing still is that, in the questions on which they claim a consensus of the people of Medina, they have nothing to establish its authenticity except Malik's transmission alone. It is impossible for consensus to be established by the transmission of a single person who has no demonstration in hand. Everything they allow as possible concerning all the other trustworthy transmitters of reports from the Prophet ﷺ, and from those below him down to the coming of the Hour, is possible concerning Malik as well; there is no difference. Thus, the invalidity of their statement becomes evident to everyone of sound perception. Furthermore, Malik ibn Anas—may Allah have mercy on him—claimed a consensus of the people of Medina in his Muwatta' on only about forty-eight questions, even though disagreement among the people of Medina exists on most of those very questions. As for the remaining ones, no one disagrees about them, whether Medinan or otherwise. He claimed no consensus concerning the rest of his questions. Yet those among his followers who are truly ignorant have permitted themselves sheer lying and disgraceful ignorance—we seek refuge in Allah from abandonment—in asserting indiscriminately that all or most of their statements constitute the consensus of the people of Medina. Even if this invalid statement of theirs were established in their favor, it would require

لأحد أن يقلدهم، ولا أن يقلد غيرهم. وروي أن مالكا أفتى في مسألة في طلاق البتة: أنها ثلاث، فنظر إلى أشهب قد كتبها، فقال: امحها، أنا كلما قلت قولا جعلتموه قرآنا ما يدريك لعلي سأرجع عنها غدا فأقول: هي واحدة. وهذا ابن القاسم لا يرى بيع كتب الرأي، لأنه لا يدري: أحق فيها أم باطل؟ ويرى جواز بيع المصاحف وكتب الحديث، لأنها حق. وقال مالك عند موته: وددت أني ضربت بكل مسألة تكلمت فيها برأيي سوطا على أنه لا صبر لي على السياط وذكر الشافعي حديثا عن النبي صلى الله عليه وسلم فقال له بعض جلسائه يا أبا عبد الله أنأخذ به؟ فقال له: يا هذا أرأيت علي زنارا؟ أرأيتني خارجا من كنيسة حتى تقول لي في حديث النبي صلى الله عليه وسلم أنأخذ بهذا ولم يزل رحمه الله في جميع كتبه ينهي عن تقليده وتقليد غيره، وهكذا حدثني القاضي أبو بكر حمام بن أحمد عن عبد الله بن محمد الباجي، عن القاضي أسلم بن عبد العزيز بن هشام، عن أبي إبراهيم المزني عن الشافعي. فترك هؤلاء القوم ما أمرهم به أسلافهم، وعصوهم في الحق، واتبعوا آراءهم تقليدا وعنادا للحق.

that the transmission of al-Qasim, Ashhab, Ibn ʻAbd al-Hakam, and all the other Malikis, earlier and later, should not be accepted, because they are not Medinans. If someone says, "They received their learning from the people of Medina," the reply is: "Likewise, the people of Basra and Kufa and Syria, Egypt, Mecca, and Yemen received their learning from the Companions of the Messenger of Allah may Allah bless him and grant him peace ﷺ, who are superior and more learned than those from whom the aforementioned men received their knowledge. They received it from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, through whom Allah Most High guided whomever He willed among the people of Medina and others. The Quran is one, well known outside Medina just as it is in Medina; and the practices of the Messenger, may Allah bless him and grant him peace ﷺ, are known and transmitted outside Medina just as they are in Medina. The religion is one. Allah grants whomever He wills, among the people of Medina and those outside Medina, whatever share He wills of His religion and understanding of His Book. The people of Medina and others are equal, with no difference between them. Anything other than this statement is falsehood, fabrication, lying, and calumny. Success comes through Allah.

We have already mentioned that Malik, Abu Hanifa, and al-Shafiʻi did not practice unquestioning imitation, nor did they permit anyone to imitate them unquestioningly or to imitate anyone else unquestioningly. It is related that Malik issued a legal opinion concerning an absolute divorce, ruling that it counted as three divorces. He then noticed that Ashhab had written it down and said: "Erase it! Whenever I make a statement, do you turn it into Quran? How do you know? Perhaps tomorrow I shall retract it and say that it counts as one." Here is Ibn al-Qasim, who does not consider the sale of books of juristic opinion permissible, because he does not know whether they contain truth or falsehood, whereas he considers the sale of copies of the Quran and books of hadith permissible, because they are true. At his death, Malik said: "I wish I had been given one stroke of the whip for every question on which I spoke according to my own opinion, although I have no endurance for the whip."

Al-Shafiʿi mentioned a hadith from the Prophet, may Allah bless him and grant him peace ﷺ, and one of those sitting with him said: "Abu ʿAbd Allah, should we act upon it?" He replied: "You there! Have you seen me wearing a non-Muslim's girdle? Have you seen me coming out of a church, that you should say to me concerning a hadith of the Prophet, may Allah bless him and grant him peace ﷺ: 'Should we act upon this?'" Throughout all his books he continually prohibited unquestioning imitation of himself and of others—may Allah have mercy on him. This is how the judge Abu Bakr Hammam ibn Ahmad related it to me, from ʿAbd Allah ibn Muhammed al-Baji, from the judge Aslam ibn ʿAbd al-ʿAziz ibn Hisham, from Abu Ibrahim al-Muzani, from al-Shafiʿi. These people thus abandoned what their predecessors commanded them to do and disobeyed them concerning the truth,

while following their opinions through unquestioning imitation and obstinate opposition to the truth.[183][184][185][186][187][188][189][190]

L2752–2757 The judge Yunus ibn ʿAbd Allah and Muhammed ibn Saʿid ibn Nabat related to us. Yunus said: Yahya related to us, ibn Malik ibn ʿA'in; Abu ʿIsa ʿAbd al-Rahman ibn Ismaʿil al-Khashshab related to us; Abu Jaʿfar Ahmad related to us, ibn Muhammed al-Tahawi; Ibrahim ibn Abi al-Jahim related to us; Muhammed ibn Muʿadh related to us; Sufyan ibn ʿUyayna related to us. Muhammed ibn Saʿid said: Ahmad ibn ʿAwn Allah related to us; Qasim ibn

حدثنا القاضي يونس بن عبد الله، ومحمد بن سعيد بن نبات، قال يونس: نا يحيى بن مالك بن عائن، نا أبو عيسى عبد الرحمن بن إسماعيل الخشاب، نا أبو جعفر أحمد بن محمد الطحاوي، نا إبراهيم بن أبي الجحيم، نا محمد بن معاذ، نا سفيان بن عيينة، وقال محمد بن سعيد: نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا أبو موسى الزمن هو محمد بن المثنى نا عبد الرحمن بن مهدي، عن سفيان الثوري، ثم اتفق ابن عيينة والثوري واللفظ للثوري: عن عبد الله بن طاوس، عن أبيه قال: قال معاوية لابن عباس: أنت على ملة علي؟ قال لا ولا على ملة عثمان أنا على ملة النبي صلى الله عليه وسلم قال محمد بن المثنى وثنا مؤمل نا سفيان الثوري، عن ابن طاوس، عن أبيه، عن ابن عباس قال: قال لي معاوية: أنت قلت ما أنا بعلوي ولا عثماني ولكني على ملة رسول الله صلى الله عليه وسلم حدثنا يونس بن عبد الله نا يحيى بن مالك بن عائذ، حدثنا الحسين بن أحمد بن أبي حنيفة، نا أبو جعفر أحمد بن محمد الطحاوي، نا يوسف بن يزيد القراطيسي، نا سعيد بن منصور، نا هشيم عن المغيرة بن مقسم، عن إبراهيم النخعي قال: كان يكره أن يقال: سنة أبي بكر وعمر ولكن سنة الله عز وجل وسنة رسوله صلى الله عليه وسلم قال أبو محمد فإذا كان الصحابة والتابعون رضي الله عنهم لا يستجيزون نسبة ما يعبدون به ربهم ولا مذاهبهم إلى أبي بكر، ولا إلى عمر، ولا إلى عثمان، ولا إلى علي ولا ينتسبون إلى أحد دون رسول الله صلى الله عليه وسلم فكيف بهم لو شاهدوا ما نشاهده من المصائب الهادمة للإسلام على من امتحنه الله به من الانتماء إلى مذهب فلان وفلان، والإقبال على أقوال مالك وأبي حنيفة والشافعي وترك أحكام القرآن وكلام النبي صلى الله عليه وسلم ظهريا

[183] **Translator's note (L2741):** The mudd and sa‘ are measures of capacity; the ratl is a measure of weight used here to express their equivalents. The wording لأن ما قالوا is syntactically unclear, apparently corrupt. The translation provisionally understands the ensuing statement as reporting that some held the sa‘ to be eight ratls; the precise wording cannot be established from the supplied text.

[184] **Translator's note (L2744):** The description of Surat Bara'a as the last sura revealed is the author's assertion.

[185] **Translator's note (L2745):** "The Eternal Islands" renders al-Khalidat, a traditional geographical name for the Fortunate Isles. The identification and vocalization of حوزارين, rendered "Hawzarin," are uncertain. The supplied Quranic wording إذا لسماء نشقت has apparent transcriptional omissions relative to the conventional wording إذا السماء انشقت. The recognizable sense is translated, with the discrepancy recorded here. The transition from the end of this unit into the next is syntactically awkward in the supplied text; no missing words have been supplied.

[186] **Translator's note (L2746):** The unpunctuated phrase ومنافقون وغيرهم شر خلق الله تعالى permits more than one syntactic grouping. The translation retains "and others" without emending the wording; the following unit continues the description with their being in the lowest depth of the Fire.

[187] **Translator's note (L2747):** The Quranic quotations contain repeated apparent transcriptional omissions of initial alifs in such words as الأعراب, المدينة, النفاق, المنافقين, الأسفل, and النار. Their recognizable meanings are translated here; these are discrepancies in the supplied Arabic spelling.

[188] **Translator's note (L2748):** The supplied text names القاسم, "al-Qasim." The context may suggest Ibn al-Qasim, but the missing "Ibn" has not been silently supplied.

[189] **Translator's note (L2751):** The opening blessing continues the preceding segment's reference to the Messenger of Allah; "who are superior" refers to his Companions in that preceding segment. "Absolute divorce" renders ṭalāq al-batta, a divorce formula whose effect—one divorce or three—is the subject of the report.

[190] **Qur'an references (L2741):** Qur'an 9:101 (At-Tawbah).

Asbagh related to us; Muhammed ibn ʿAbd al-Salam al-Khushani related to us; Abu Musa al-Zaman—that is, Muhammed ibn al-Muthanna—related to us; ʿAbd al-Rahman ibn Mahdi related to us, from Sufyan al-Thawri. The accounts of Ibn ʿUyayna and al-Thawri then coincide, with the wording being al-Thawri's: from ʿAbd Allah ibn Tawus, from his father, who said: Muʿawiya said to Ibn ʿAbbas: "Do you follow the religious way of ʿAli?" He replied: "No, nor the religious way of ʿUthman. I follow the religious way of the Prophet, may Allah bless him and grant him peace ﷺ."

Muhammed ibn al-Muthanna said: Muʾammal also related to us: Sufyan al-Thawri related to us, from Ibn Tawus, from his father, from Ibn ʿAbbas, who said: Muʿawiya said to me: "Was it you who said, 'I am neither a partisan of ʿAli nor a partisan of ʿUthman; rather, I follow the religious way of the Messenger of Allah, may Allah bless him and grant him peace ﷺ'?"

Yunus ibn ʿAbd Allah related to us; Yahya ibn Malik ibn ʿA'idh related to us; al-Husayn ibn Ahmad ibn Abi Hanifa related to us; Abu Jaʿfar Ahmad ibn Muhammed al-Tahawi related to us; Yusuf ibn Yazid al-Qaratisi related to us; Saʿid ibn Mansur related to us; Hushaym related to us, from al-Mughira ibn Miqsam, from Ibrahim al-Nakhaʿi, who said: He disliked the expression "the established practice of Abu Bakr and ʿUmar"; instead, it should be "the established practice of Allah, mighty and majestic, and the established practice of His Messenger, may Allah bless him and grant him peace ﷺ."

Abu Muhammed said: If the Companions and the Successors—may Allah be pleased with them—did not consider it permissible to attribute the practices by which they worshipped their Lord, or their doctrinal positions, to Abu Bakr, ʿUmar, ʿUthman, or ʿAli, and did not affiliate themselves with anyone to the exclusion of the Messenger of Allah, may Allah bless him and grant him peace ﷺ, how would they react if they witnessed what we witness: calamities that destroy Islam for those whom Allah has tried with them, consisting of affiliation with the school of so-and-so and so-and-so, devotion to the statements of Malik, Abu Hanifa, and al-Shafiʿi, and casting the rulings of the Quran and the words of the Prophet, may Allah bless him and grant him peace ﷺ, behind their backs? Praise belongs to Allah for keeping us steadfast upon His religion and His established practice, which the people

والحمد لله على تثبيته إيانا على دينه وسنته التي مضى عليها أهل الأعصار المحمودة، قبل أن تحدث بدعة التقليد وتفشو، وبالله نعتصم. كتب إلي النمري يوسف بن عبد الله الحافظ، نا سعيد بن نصر، نا قاسم بن أصبغ، نا ابن وضاح، نا موسى بن معاوية، نا عبد الرحمن بن مهدي، نا سفيان الثوري، عن يزيد بن أبي زيادة، عن إبراهيم هو النخعي عن علقمة، عن عبد الله بن مسعود قال: كيف أنتم إذا لبستكم فتنة يربو فيها الصغير، ويهرم عليها الكبير، وتتخذ سنة المبتدعة جرى عليها الناس، فإذا غير منها شيء قيل، غيرت السنة؟ قيل: متى ذلك يا أبا عبد الرحمن؟ قال: إذا كثر قراؤكم، وقل فقهاؤكم، وكثر أمراؤكم، وقل أمناؤكم، والتمست الدنيا بعمل الآخرة، وتفقه لغير الدين.

of the praiseworthy ages followed before the innovation of unquestioning imitation arose and spread. In Allah we seek protection.

Al-Namari, Yusuf ibn ʿAbd Allah, the hadith master, wrote to me: Saʿid ibn Nasr related to us; Qasim ibn Asbagh related to us; Ibn Waddah related to us; Musa ibn Muʿawiya related to us; ʿAbd al-Rahman ibn Mahdi related to us; related to us: Sufyan al-Thawri, from Yazid ibn Abi Ziyada, from Ibrahim—that is, al-Nakhaʿi—from ʿAlqama, from ʿAbd Allah ibn Masʿud, who said: "How will you fare when a tribulation envelops you, in which the young grow up and the old grow decrepit, and the practice of the innovators is adopted and followed by the people, so that whenever anything in it is changed, it is said: 'The established practice has been changed'?" He was asked: "When will that be, Abu ʿAbd al-Rahman?" He replied: "When your Quran reciters become numerous and your scholars of religious law become few, your rulers become numerous and your trustworthy men become few, and there is sought this world through deeds intended for the Hereafter, and understanding of religious law is acquired for purposes other than religion."[191][192][193]

L2758 Ahmad ibn ʿUmar al-ʿUdhri related to us; Abu Dharr ʿAbd ibn Ahmad related to us; ʿAbd Allah ibn Ahmad ibn Hammuya al-Sarakhsi related to us; Ibrahim ibn Khuzaym ibn Mihr related to us; ʿAbd ibn Humayd related to us; Muhammed ibn al-Fadl related to us; al-Saʿq ibn Hazn related to us, from ʿAqil al-Jaʿdi, from Abu Ishaq al-Hamdani, from Suwayd ibn Ghafala, from Ibn Masʿud, that the Messenger of Allah, may Allah bless him and grant him peace ﷺ, said to him: "'Abd Allah ibn Masʿud!" I said: "At your service, Messenger of Allah!" He said: "Do you know which people are best?" I said: "Allah and His Messenger know best." He said: "The best people are those

حدثنا أحمد بن عمر العذري، نا أبو ذر عبد بن أحمد، نا عبد الله بن أحمد بن حمويه السرخسي، نا إبراهيم بن خزيم بن مهر، نا عبد بن حميد، نا محمد بن الفضل، نا الصعق بن حزن، عن عقيل الجعدي، عن أبي إسحاق الهمداني، عن سويد بن غفلة عن ابن مسعود أن رسول الله صلى الله عليه وسلم قال له يا عبد الله بن مسعود قلت لبيك يا رسول الله، قال: أتدري أي الناس أفضل؟ قلت: الله ورسوله أعلم: قال: فإن أفضل الناس أفضلهم عملا إذ فقهوا في دينهم، ثم قال: يا عبد الله بن مسعود قلت: لبيك يا رسول الله قال: هل تدري أي الناس أعلم؟ قلت: الله ورسوله أعلم،

[191] **Translator's note (L2753):** The name is written ʿA'in here, whereas the corresponding name in unit 2754:0 is written ʿA'idh. The supplied forms have been retained.

[192] **Translator's note (L2755):** The final "related to us" introduces Sufyan al-Thawri in the next unit; the repeated transmission formula is retained.

[193] **Translator's note (L2756):** The wording concerning "the practice of the innovators" is syntactically awkward. The translation retains the supplied reference to the innovators rather than replacing it with a different version of the report. The final passive verb continues into the next unit.

whose deeds are best, when they have understanding of their religion." Then he said: "'Abd Allah ibn Masʿud!" I said: "At your service, Messenger of Allah!" He said: "Do you know which people are most knowledgeable?" I said: "Allah and His Messenger know best."[194]

L2759 He said: "The most knowledgeable of people is the one who discerns the truth most clearly when people disagree, even if he falls short in deeds, and even if you crawl upon your backside."

Al-Namari wrote to me: Saʿid ibn Sayyid related to us; ʿAbd Allah ibn Muhammed related to us; Ahmad ibn Khalid related to us; Ibn Waddah related to us; Ibrahim ibn Muhammed al-Shafiʿi related to us; Abu ʿIsam Rawwad ibn al-Jarrah al-ʿAsqalani related to us, from Saʿid ibn Bashir, from Qatada, who said: "Whoever does not know the disagreements has not so much as smelled the understanding of religious law with his nose."

Al-Namari wrote to me: Ahmad ibn Saʿid ibn Bishr related to us; Ahmad ibn Abi Dulaym related to us; Ibn Waddah related to us; Ibrahim ibn Yusuf al-Firyabi related to us; Damra ibn Rabiʿa related to us, from ʿUthman ibn ʿAtaʾ, from his father, who said: "No one should issue a legal opinion to anyone among the people until he is knowledgeable about people's disagreements. For if he is not, he will reject knowledge that is more reliable than what he himself possesses." This is also what we have transmitted from Saʿid ibn Jubayr, and this is also what Ahmad ibn Hanbal and others said.

Al-Namari wrote to me, saying: ʿIsa ibn Dinar related from Abu al-Qasim, who said: Malik was asked: "Who is permitted to issue legal opinions?" He replied: "Issuing legal opinions is permissible only for someone who knows the matters about which people have disagreed." He was asked: "The disagreements of the adherents of juristic opinion?" He replied: "No, the disagreements of the Companions of Muhammed, may Allah bless him and grant him peace ﷺ, and who knows the abrogating and the abrogated passages of the Quran and the hadith of the Prophet, may Allah bless him and grant him peace ﷺ. With such knowledge he issues legal opinions. Some-

قال: أعلم الناس أبصرهم بالحق إذا اختلف الناس، وإن كان مقصرا في العمل، وإن كان تزحف على استه. كتب إلي النمري: نا سعيد بن سيد، نا عبد الله بن محمد، نا أحمد بن خالد، نا ابن وضاح، نا إبراهيم بن محمد الشافعي، نا أبو عصام رواد بن الجراح العسقلاني، عن سعيد بن بشر، عن قتادة قال: من لم يعرف الاختلاف لم يشم الفقه بأنفه. كتب إلي النمري: ثنا أحمد بن سعيد بن بشر، نا أحمد بن أبي دليم، نا ابن وضاح، نا إبراهيم بن يوسف الفريابي، نا ضمرة بن ربيعة، عن عثمان بن عطاء، عن أبيه أنه قال: لا ينبغي لأحد أن يفتي أحدا من الناس حتى يكون عالما باختلاف الناس، فإنه إن لم يكن كذلك رد من العلم ما هو أوثق من الذي في يديه، هكذا روينا عن سعيد بن جبير. وهكذا قال أحمد بن حنبل وغيره. كتب إلي النمري قال: روى عيسى بن دينار عن أبي القاسم قال: سئل مالك قيل له: لمن تجوز الفتيا؟ قال: لا تجوز الفتيا إلا لمن علم ما اختلف الناس فيه، قيل له: اختلاف أهل الرأي قال لا اختلاف أصحاب محمد صلى الله عليه وسلم وعلم الناسخ والمنسوخ من القرآن وحديث النبي صلى الله عليه وسلم وكذلك يفتي ولا يجوز لمن لم يعلم الأقاويل أن يقول: هذا أحب إلي

[194] **Translator's note (L2758):** The supplied report shifts from the third-person introduction, "said to him," to Ibn Masʿud's first-person narration, "I said"; this shift is retained.

one who does not know the various positions is not permitted to say: 'This is preferable to me.'"[195]

L2760–2761 Al-Namari said: Yahya ibn Sallam said: "Someone who does not know the disagreements should not issue legal opinions, and someone who does not know the various positions is not permitted to say: 'This is preferable to me.'" Al-Namari wrote to me: Khalaf ibn related to us, al-Qasim; al-Hasan ibn Rashiq related to us; ʿAli ibn Saʿid al-Razi related to us; Muhammed ibn al-Muthanna related to us; ʿIsa ibn Ibrahim related to us: I heard Yazid Zurayʿ say: I heard Saʿid ibn Abi ʿAruba say: "Whoever has not heard the disagreements, do not count him as a scholar."[196][197]

L2762–2770 Al-Namari wrote to me: Khalaf ibn al-Qasim informed me: Muhammed ibn Shaʿban al-Qurazi narrated to us: Ibrahim ibn ʿUthman narrated to us: ʿAbbas al-Duri narrated to us, saying: I heard Qabisah ibn ʿUqbah say: "One who does not know the disagreements will not prosper." Al-Namari wrote to me: Qasim ibn Muhammed informed me: Khalid ibn Saʿid narrated to us: Muhammed ibn Futays narrated to us: Muhammed ibn ʿAbd Allah ibn ʿAbd al-Hakam narrated to us, saying: I heard Ashhab say: Malik was asked about the disagreement among the Companions of the Messenger of Allah ﷺ. He replied: "Error and correctness; so examine that." Al-Namari wrote to me and mentioned: Yahya ibn Ibrahim ibn Muzayyin: Asbagh narrated to me, saying: Ibn al-Qasim said: I heard Malik and al-Layth say concerning the disagreement among the Companions of the Messenger of Allah ﷺ: "It is not as some people have said, that there is latitude in it. It is not so: it is only error and correctness." Al-Namari wrote to me: ʿAbd al-Rahman ibn Yahya informed me: Ahmad ibn Saʿid informed us: Muhammed narrated to us ibn Rayyan: al-Harith ibn Miskin narrated to us, from Ibn al-Qasim, from Malik, that he said concerning the disagreement among the Companions of

قال النمري: وقال يحيى بن سلام: لا ينبغي لمن لم يعرف الاختلاف أن يفتي، ولا يجوز لمن لا يعلم الأقاويل أن يقول: هذا أحب إلي. كتب إلي النمري: نا خلف بن القاسم، نا الحسن بن رشيق، نا علي بن سعيد الرازي، نا محمد بن المثنى، نا عيسى بن إبراهيم، سمعت يزيد زريع يقول: سمعت: سعيد بن أبي عروبة يقول: من لم يسمع الاختلاف فلا تعده عالما.

كتب إلي النمري: أخبرني خلف بن القاسم، نا محمد بن شعبان القرظي، نا إبراهيم بن عثمان، نا عباس الدوري قال: سمعت قبيصة بن عقبة يقول: لا يفلح من لم يعرف الاختلاف. كتب إلي النمري: أخبرني قاسم بن محمد، نا خالد بن سعيد، نا محمد بن فطيس، نا محمد بن عبد الله بن عبد الحكم قال: سمعت أشهب يقول سئل مالك عن اختلاف أصحاب رسول الله صلى الله عليه وسلم فقال خطأ وصواب فانظر في ذلك كتب إلي النمري: وذكر يحيى بن إبراهيم بن مزين، حدثني أصبغ قال: قال ابن القاسم، سمعت مالكا والليث يقولان في اختلاف أصحاب رسول الله صلى الله عليه وسلم ليس كما قال ناس فيه توسعة ليس كذلك إنما هو خطأ وصواب. كتب إلي النمري: أخبرني عبد الرحمن بن يحيى، أنا أحمد بن سعيد، نا محمد بن ريان، نا الحارث بن مسكين، عن ابن القاسم، عن مالك أنه قال في اختلاف أصحاب رسول الله صلى الله عليه وسلم مخطىء ومصيب فعليك بالاجتهاد وذكره إسماعيل في المبسوط عن أبي ثابت المدني عن ابن القاسم عن مالك. كتب إلي النمري: نا عبد الوارث بن سفيان، نا قاسم بن أصبغ، نا أحمد بن زهير، حدثني أبي، عن سعيد بن عامر، ثنا شعبة، عن الحاكم بن عتيبة قال: ليس أحد من خلق الله تعالى إلا يؤخذ من قوله ويترك إلا النبي صلى الله عليه وسلم كتب إلي النمري ثنا خلف بن القاسم نا ابن أبي العقب بدمشق، نا أبو

[195] **Translator's note (L2759):** The supplied تزحف is a second-person verb, "you crawl," although the surrounding description is in the third person. This apparent grammatical disruption has been retained. The transmitter is named "Abu al-Qasim" in the supplied text; this has not been changed to "Ibn al-Qasim."

[196] **Translator's note (L2760):** The final name continues as "al-Qasim" in the next unit.

[197] **Translator's note (L2761):** The supplied text reads "Yazid Zurayʿ," without "ibn" between the names; the omission has not been silently repaired.

the Messenger of Allah ﷺ: “One is mistaken and another is correct; therefore you must exercise independent legal judgment.” Isma‘il also related it in al-Mabsut, from Abu Thabit al-Madani, from Ibn al-Qasim, from Malik. Al-Namari wrote to me: ‘Abd al-Warith ibn Sufyan narrated to us: Qasim ibn Asbagh narrated to us: Ahmad ibn Zuhayr narrated to us: My father narrated to me, from Sa‘id ibn ‘Amir: Shu‘bah narrated to us, from al-Hakim ibn ‘Utaybah, who said: “There is no one among the creatures of Allah Most High whose statements may not be accepted or rejected, except the Prophet ﷺ.” Al-Namari wrote to me: Khalaf ibn al-Qasim narrated to us: Ibn Abi al-‘Aqib narrated to us in Damascus: Abu Zur‘ah narrated to us: Ibn Abi ‘Umar narrated to us: Sufyan ibn ‘Uyaynah narrated to us, from Ibn Abi Najih, from Mujahid, who said: “There is no one among the creatures of Allah, Mighty and Majestic, whose statements may not be accepted or rejected, except the Prophet ﷺ.” Al-Namari wrote to me: ‘Abd al-Warith ibn Sufyan narrated to us: Qasim ibn Asbagh narrated to us: Ahmad ibn Zuhayr narrated to us: al-Ghallaqi informed us: Khalid ibn al-Harith narrated to us, saying: Sulayman al-Taymi said: “If you were to adopt the concession of every scholar, all evil would be gathered within you.” Al-Namari wrote to me: ‘Abd al-Warith ibn Sufyan narrated to us: narrated to us Qasim ibn Asbagh: Ibn Waddah narrated to us: Yusuf ibn ‘Adi narrated to us: Abu al-Ahwas narrated to us, from ‘Ata’ ibn al-Sa’ib, from Abu al-Bakhtari, concerning His saying, Mighty and Majestic: {They took their rabbis and their monks as lords apart from Allah, and the Messiah, son of Mary; yet they were commanded only to worship one God. There is no god but He. Glory be to Him above what they associate with Him.} He said: “Indeed, had they commanded them to worship them apart from Allah Most High, they would not have obeyed them; but they commanded them, making what Allah Most High had made lawful His forbidden thing, and His forbidden thing His lawful thing; they obeyed them, and that was the lordship.” Ibn Waddah said: Musa ibn Mu‘awiyah also narrated to us: Waki‘ narrated to us: Sufyan and al-A‘mash both narrated to us, from Habib ibn Abi Thabit, from Abu al-Bakhtari, who said: Hudhayfah ibn al-Yaman was asked concerning the saying of Allah Most High: {They took their rabbis and their monks as lords apart from Allah, and the Messiah, son of Mary; yet they were com-

زرعة، ثنا ابن أبي عمر، نا سفيان بن عيينة، عن ابن أبي نجيح، عن مجاهد قال: ليس أحد من خلق الله عز وجل إلا يؤخذ من قوله ويترك إلا النبي صلى الله عليه وسلم كتب إلي النمري نا عبد الوارث بن سفيان نا قاسم بن أصبغ، نا أحمد بن زهير، أنا الغلاقي، نا خالد بن الحارث قال: قال سليمان التيمي: لو أخذت برخصة كل عالم اجتمع فيك الشر كله. كتب إلي النمري: نا عبد الوارث بن سفيان، نا قاسم بن أصبغ، نا ابن وضاح، نا يوسف بن عدي، نا أبو الأحوص، عن عطاء بن السائب عن أبي البختري في قوله عز وجل {تخذوا أحبارهم ورهبانهم أربابا من دون الله والمسيح بن مريم وما أمروا إلا ليعبدوا إلها واحدا لا إله إلا هو سبحانه عما يشركون} قال: أما أنهم لو أمروهم أن تعبدوهم من دون الله تعالى ما أطاعوهم، ولكن أمروهم فجعلوا حلال الله تعالى حرامه، وحرامه حلاله، فأطاعوهم فكانت تلك الربوبية. قال ابن وضاح، وحدثنا موسى بن معاوية، نا وكيع، نا سفيان والأعمش جميعا، عن حبيب بن أبي ثابت، عن أبي البختري قال قيل لحذيفة بن اليمان في قول الله تعالى {تخذوا أحبارهم ورهبانهم أربابا من دون الله والمسيح بن مريم وما أمروا إلا ليعبدوا إلها واحدا لا إله إلا هو سبحانه عما يشركون} أكانوا يعبدونهم؟ قال: لا ولكن كانوا يحلون لهم الحرام فيحلونه، ويحرمون عليهم الحلال فيحرمونه. كتب إلي النمري: أنا سعيد بن نصر، ثنا قاسم بن أصبغ، ثنا ابن وضاح، ثنا موسى بن معاوية، ثنا عبد الرحمن بن مهدي، عن شعبة، عن عمرو بن مرة، عن عبد الله بن سلمة قال: قال معاذ بن جبل: يا معشر العرب، كيف تصنعون بثلاث: دنيا تقطع أعناقكم، وزلة عالم، وجدال المنافق بالقرآن؟ فسكتوا، فقال: أما العالم فإن اهتدى فلا تقلدوه دينكم، وإن افتتن فلا تقطعوا منه أناتكم، فإن المؤمن يفتتن ثم يتوب، وأما القرآن فله منار كمنار الطريق، لا يخفى على أحد، فما عرفتم منه فلا تسألوا عنه ما شئتم فيه فكلوه إلى عالمه.

manded only to worship one God. There is no god but He. Glory be to Him above what they associate with Him.} "Did they worship them?" He replied: "No; but they would declare forbidden things lawful for them, and they would treat them as lawful; and they would declare lawful things forbidden to them, and they would treat them as forbidden." Al-Namari wrote to me: Sa'id ibn Nasr informed us: Qasim ibn Asbagh narrated to us: Ibn Waddah narrated to us: Musa ibn Mu'awiyah narrated to us: 'Abd al-Rahman ibn Mahdi narrated to us, from Shu'bah, from 'Amr ibn Murrah, from 'Abd Allah ibn Salamah, who said: Mu'adh ibn Jabal said: "O company of Arabs, how will you deal with three things: worldly life that severs your necks, a scholar's lapse, and a hypocrite's disputation using the Qur'an?" They remained silent. He then said: "As for the scholar, if he is rightly guided, do not entrust your religion to him through uncritical adherence; and if he falls into temptation, do not withhold your forbearance from him, for the believer falls into temptation and then repents. As for the Qur'an, it has signposts like the signposts of a road, hidden from no one. Whatever you recognize in it, do not ask about it; whatever you wish concerning it, entrust it to one who knows it." He related the remainder of the report. Abu Muhammed said: This is an explicit statement of the position we have adopted—praise be to Allah, Lord of all worlds—concerning following the apparent meaning and abandoning uncritical adherence. Al-Namari wrote to me: Muhammed ibn Ibrahim narrated to us: Muhammed ibn Ahmad ibn Mufarrij narrated to us: Abu Sa'id al-Basri narrated to us in Mecca: al-Hasan ibn 'Affan al-'Amiri narrated to us: al-Husayn al-Ju'fi narrated to us, from Za'idah, from 'Ata' ibn al-Sa'ib, from Abu al-Bakhtari, who said: Sulayman al-Farisi said: "How will you fare when faced with three things: a scholar's lapse, a hypocrite's disputation using the Qur'an, and worldly life that severs your necks? As for the scholar's lapse, if he is rightly guided, do not entrust your religion to him through uncritical adherence. And as for a hypocrite's disputation using the Qur'an, the Qur'an has signposts like the signposts of a road. Whatever you recognize in it, adopt it; and whatever you do not recognize, entrust it to one who knows it." Al-Namari wrote to me: 'Abd al-Warith ibn Sufyan and Ya'ish ibn Sa'id narrated to us; both said: Qasim ibn Asbagh informed us: Bakr ibn Hammad narrated to us: Bishr ibn Hajar narrated to us: Khalid

وذكر باقي الحديث. قال أبو محمد: هذا هو نص ما ذهبنا، والحمد لله رب العالمين، في اتباع الظاهر وترك تقليد. كتب إلي النمري: ثنا محمد بن إبراهيم ثنا محمد بن أحمد بن مفرج، ثنا أبو سعيد البصري بمكة، ثنا الحسن بن عفان العامري، ثنا الحسين الجعفي، عن زائدة، عن عطاء بن السائب، عن أبي البختري قال: قال سليمان الفارسي. كيف أنتم عند ثلاث: زلة عالم، وجدال منافق بالقرآن، ودنيا تقطع أعناقكم؟ فأما زلة العالم فإن اهتدى فلا تقلدوه دينكم، وأما مجادلة منافق بالقرآن فإن للقرآن منارا كمنار الطريق، فما عرفتم منه فخذوا، وما لم تعرفوا فكلوه إلى عالمه. كتب إلي النمري: ثنا عبد الوارث بن سفيان، ويعيش بن سعيد قالا: أنا قاسم بن أصبغ، ثنا بكر بن حماد، ثنا بشر بن حجر، أنا خالد بن عبد الله الواسطي، عن عطاء، يعني ابن السائب، عن أبي البختري، عن علي بن أبي طالب، قال: إياكم والاستنان بالرجال، فإن الرجل يعمل بعمل أهل الجنة، ثم ينقلب لعلم الله عز وجل فيه، وذكر الحديث. كتب إلي النمري قال: ذكر ابن مزين، عن عيسى بن دينار، عن ابن القاسم، عن مالك قال: ليس كل ما قال رجل قولا، وإن كان له فضل يتبع عليه يقول الله عز وجل {لذين يستمعون لقول فيتبعون أحسنه أولئك لذين هداهم لله وأولئك هم أولو لألباب} قال أبو محمد لو اتبع مقلدوه وهذا القول منه لاهتدوا. ونعوذ بالله من الخذلان. وقالوا أيضا: إن جمهور الصحابة كانوا بالمدينة، وإنما خرج عنها الأقل ومن المحال أن تغيب السنة عن الأكثر، ويدريها الأقل. قال أبو محمد: وهذا فاسد من القول جدا، لأن الرواية إنما جاءت عن ألف صاحب وثلاثمائة صاحب ونيف، أكثرهم من غير أهل المدينة، وجاءت الفتيا عن مائة ونيف وثلاثين منهم فقط، أكثرهم من غير أهل المدينة، وهذه الأمور لا تطلق جزافا، ولا يؤخذ الدين عمن لا يبالي أن يطلق لسانه بما لا يدري، ولا اهتبل به يوما من دهره قط، ولا شغل بالبحث عنه ليلة من عمره، وإنما يؤخذ ممن جعله وكده وعمدته، وآثره على طلب رياسة الدنيا، وأعده حجة ليلقى بها ربه، إذا

ibn ‘Abd Allah al-Wasiti informed us, from ‘Ata’—meaning Ibn al-Sa’ib—from Abu al-Bakhtari, from ‘Ali ibn Abi Talib, who said: “Beware of taking men as your models, for a man may perform the deeds of the people of Paradise and then turn away, in accordance with Allah’s knowledge, Mighty and Majestic, concerning him.” He related the report. Al-Namari wrote to me, saying: Ibn Muzayyin related, from ‘Isa ibn Dinar, from Ibn al-Qasim, from Malik, who said: “Not every statement a man makes is to be followed, even if he possesses merit. Allah, Mighty and Majestic, says: {Those who listen to speech and follow the best of it: those are the ones whom Allah has guided, and those are the possessors of understanding.}” Abu Muhammed said: Had his uncritical adherents followed this statement of his, they would have been rightly guided. We seek refuge in Allah from abandonment. They also said: “The majority of the Companions were in Medina, and only the minority left it. It is impossible for the Sunnah to escape the majority’s knowledge while the minority knows it.” Abu Muhammed said: This is a thoroughly unsound assertion, because reports have come down from only one thousand three hundred and some Companions, most of whom were not people of Medina; and legal opinions have come down from only one hundred and thirty-some of them, most of whom were not people of Medina. Such claims are not to be made recklessly, and religion is not to be taken from someone who does not care that he lets his tongue loose about what he does not know, to which he has never devoted attention for even a day of his life, and into which he has never spent a night of his life inquiring. Rather, it is to be taken from someone who has made it his chief concern and mainstay, has preferred it to seeking worldly leadership, and has prepared it as an argument with which to meet his Lord when questioned on the Day of Resurrection. Furthermore, regarding every opinion in which they have adhered uncritically to Malik—among those inconsistent views and those questions on which he holds two or three positions, which constitute most of his statements—not every one of them was witnessed by all his companions remaining in Medina. Indeed, neither were all the other rulings that he attributed to whomever he attributed them to. They are merely rulings delivered by a ruler: others among them either approved or disapproved of them. Whoever claims their consensus concerning such a ruling has asserted a falsehood evident to everyone, since

سئل يوم القيامة. ثم إن كل قولة قلدوا فيها مالكا، من تلك الآراء المضطربة، وتلك المسائل التي فيها القولان والثلاثة، وهي أكثر أقواله، فليس كل واحدة منها شهدها جميع أصحابه الباقين بالمدينة، نعم، ولا سائر الأحكام التي أسندها إلى من أسندها إليه إنما هي حكم حكم بها حاكم، إما رضيه غيره منهم، وإما سخطه، ومن ادعى إجماعهم عليه، فقد ادعى الكذب الذي لا يخفى على أحد، إذ لا شك أنهم لم يكونوا كلهم ملازمين لكل حكم حكم به الإمام هنالك أو قاضيه، فظهر سقوط ما احتجوا به وبالله تعالى التوفيق

there is no doubt that they were not all constantly present at every ruling delivered there by the imam or his judge. Thus the invalidity of what they have adduced as an argument has become clear. Through Allah Most High comes success.[198][199][200][201][202][203][204]

[198]**Translator's note (L2763):** The source reads "al-Hakim ibn 'Utaybah"; the familiar transmitter's name is al-Hakam ibn 'Utaybah. The supplied reading has been retained. The final "narrated to us" introduces Qasim ibn Asbagh in the following unit; its position reflects the Arabic transmission formula across the segment boundary.

[199]**Translator's note (L2764):** The Qur'anic quotation, corresponding to 9:31, has several defective spellings: its opening verb lacks its initial alif, and the forms for "Allah" and "and the Messiah" also lack expected letters. The translation follows the words these forms evidently represent.

[200]**Translator's note (L2765):** The source shifts awkwardly from third-person "them" to second-person plural "you" within "to worship them." The translation follows the surrounding third-person reference.

[201]**Translator's note (L2766):** The repeated Qur'anic quotation has the same defective spellings as in unit 2764:0. "Whatever you wish concerning it" translates the supplied "ma shi'tum fihi," an awkward reading in this context. It may be corrupt, but has not been replaced with a conjecture about passages that are unclear or doubtful. "Do not withhold your forbearance from him" follows "fa-la taqta'u minhu anatakum," an unusual construction whose intended sense appears to be continued patience with the erring scholar. The source names "Sulayman al-Farisi," rather than the familiar Salman al-Farisi; the supplied name has been retained.

[202]**Translator's note (L2769):** The Qur'anic quotation, corresponding to 39:18, omits initial alifs in several words. Its evident wording is reflected in the translation. The source has an awkward additional "and" in the sentence beginning "Had his uncritical adherents followed"; the translation reflects the apparent syntax without assigning it a separate clause.

[203]**Translator's note (L2770):** The referent of "his companions" is not entirely clear: the immediate grammatical antecedent is Malik, while the surrounding argument concerns the Companions remaining in Medina. The translation preserves the possessive rather than resolving the ambiguity.

[204]**Qur'an references (L2762):** Qur'an 9:31 (At-Tawbah).



PRECISION IN THE FOUNDATIONS OF LEGAL RULINGS

الباب 37: دليل الخطاب

Chapter 37: Contrary Implication

Ibn Ḥazm · Arabic–English parallel edition

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[الباب السابع والثلاثون في دليل الخطاب]

قال أبو محمد هذا مكان عظيم فيه خطأ كثير من الناس وفحش جدا، واضطربوا فيه اضطرابا شديدا، وذلك أن طائفة قالت إذا ورد نص من الله تعالى أو من رسوله صلى الله عليه وسلم معلقا بصفة ما أو بزمان ما أو بعدد ما فإن ما عدا تلك الصفة، وما عدا ذلك الزمان. وما عدا ذلك العدد، فواجب أن يحكم فيه بخلاف الحكم في هذا المنصوص، وتعليق الحكم بالأحوال المذكورة دليل على أن ما عداها مخالف لها، وقالت طائفة أخرى، وهم جمهور أصحاب الظاهريين وطوائف من الشافعيين منهم أبو العباس بن سريج وطوائف من المالكيين، إن الخطاب إذا ورد كما ذكرنا لم يدل على أن ما عداه بخلافه، بل كان موقوفا على دليل. قال أبو محمد: هذا القول هو الذي لا يجوز غيره، وتمام ذلك في قول أصحابنا الظاهريين، أن كل خطاب وكل قضية فإنما تعطيك ما فيها، ولا تعطيك حكما في غيرها، لا أن ما عداها موافق لها، ولا أنه مخالف لها، لكن كل ما عداها موقوف على دليله.

وتحير في هذا بعض أصحاب القياس من الحنفيين والشافعيين والمالكيين، كأبي الحسين القطان الشافعي، وأبي الفرج القاضي المالكي، لما رأوا عظيم تناقضهم في هذا الباب فقالوا: دليل الخطاب على مراتب، فمنه ما يفهم منه أن ما عدا القضية التي خوطبنا بها فحكمها كحكم هذه التي خوطبنا. ومنه ما لا يفهم منه أن ما عدا القضية التي خوطبنا بها فحكمها بخلاف حكم هذه التي خوطبنا. ومنه ما لا يفهم أن ما عدا القضية التي خوطبنا بها موافق لحكم هذه التي خوطبنا بها ولا مخالف.

[Chapter Thirty-Seven: On Contrary Implication (dalil al-khitab)]

Abu Muhammed said: This is a matter of great importance in which many people have committed exceedingly gross errors and become severely confused. One group said: When a text from Allah Most High or His Messenger (may Allah bless him and grant him peace ﷺ) makes a ruling dependent upon a particular attribute, time, or number, then whatever falls outside that attribute, time, or number must receive a ruling contrary to the ruling concerning what the text specifies. Making the ruling dependent upon the aforementioned circumstances is evidence that whatever falls outside them differs from them. Another group—the majority of the adherents of the literalist school, groups of Shafiʿis, including Abu al-ʿAbbas ibn Surayj, and groups of Malikis—said: When an address occurs as we have described, it does not indicate that whatever falls outside it has a contrary ruling; rather, its ruling awaits evidence. Abu Muhammed said: This is the only admissible position. Its full expression is found in the statement of our fellow literalists: Every address and every proposition conveys only what it contains; it conveys no ruling concerning anything else, neither that whatever falls outside it agrees with it nor that it differs from it. Rather, everything outside it awaits its own evidence.

Some advocates of analogy among the Hanafis, Shafiʿis, and Malikis became perplexed over this, such as Abu al-Husayn al-Qattan the Shafiʿi and Abu al-Faraj the Maliki judge, when they saw the enormous contradictions in their positions on this subject. They said: Implication from the wording of an address has different levels. In some instances, one understands from it that whatever falls outside the proposition addressed to us has the same ruling as the proposition addressed to us. In some instances, one does not understand from it that whatever falls outside the proposition addressed to us has a ruling contrary to that of the proposition addressed to us. In some instances, one does not understand that whatever falls outside the proposition addressed to

us either agrees with or differs from the ruling of the proposition addressed to us.[1]

L2774 They illustrated the first category with His words, Most High: {Your Lord has decreed that you worship none but Him, and show kindness to parents. If either or both of them reach old age with you, do not say to them, "Uff," nor rebuke them, but speak to them gracious words.} They said: Thus we understood that other than {Your Lord has decreed that you worship none but Him, and show kindness to parents. If either or both of them reach old age with you, do not say to them, "Uff," nor rebuke them, but speak to them gracious words.} And with many verses that we shall mention in the chapter on analogy in this book, if Allah Most High wills, because that is a more suitable place to mention them. They illustrated the second category with examples concerning which they were inconsistent. The Shafiʿis and Hanafis said: One such example is the statement of Allah's Messenger (may Allah bless him and grant him peace ﷺ), concerning freely grazing sheep: "For every forty sheep, one sheep." They said: This indicates that sheep other than freely grazing sheep are not subject to obligatory alms and do not have the same status as freely grazing sheep. The Malikis placed this report in the first category and said: Rather, it indicates only that sheep other than freely grazing sheep have the same status as freely grazing sheep. "The colors" said: This is like someone saying, "If Zayd enters the house, give him a dirham." It is understood that this is a condition imposed in his case: if he enters, he is given a dirham, and if he does not enter, he is given nothing. The Malikis illustrated this latter category with His words, Most High: {And horses, mules, and donkeys, for you to ride and as an adornment; and He creates what you do not know.} They said: Mentioning riding and adornment indicates that anything other than these two purposes is prohibited, such as eating and the like. Abu Muhammed said: As for these perplexed people whom we mentioned last—meaning those who said that an address may indicate in some places that whatever falls outside it has a

[1] **Translator's note (L2773):** The second category contains an explicit negation, translated as supplied. This makes the classification awkward: the ensuing discussion treats the second category as implying a contrary ruling.

ومثلوا القسم الأول بقوله تعالى {وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهما أف ولا تنهرهما وقل لهما قولا كريما} قالوا: ففهمنا أن غير {وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهما أف ولا تنهرهما وقل لهما قولا كريما} وبآيات كثيرة سنذكرها في باب القياس من هذا الكتاب إن شاء الله تعالى، لأن ذلك المكان أمكن بذكرها. ومثلوا القسم الثاني بأمثلة اضطربوا فيها، فقال الشافعيون والحنفيون من ذلك قول رسول الله صلى الله عليه وسلم في سائمة الغنم في كل أربعين شاة شاة قالوا: فدل ذلك على أن ما عدا السائمة لا زكاة فيها وأنها ليست بمنزلة السائمة وأدخل المالكيون هذا الحديث في القسم الأول وقالوا: بل ما دل إلا أن غير السائمة بمنزلة السائمة، وقال الألوان: هذا بمنزلة من قال إذا دخل زيد الدار فأعطه درهما فيعلم أن هذا شرط فيه، وإنه إن دخل أعطى درهما وإن لم يدخل لم يعط شيئا. ومثل المالكيون هذا القسم الآخر بقوله تعالى {والخيل والبغال والحمير لتركبوها وزينة ويخلق ما لا تعلمون} قالوا: فدل ذكر الركوب والزينة على أن ما عداهما ممنوع كالأكل ونحوه. قال أبو محمد: فأما هؤلاء المتحيرون الذين ذكرنا آخرا، يعني الذين قالوا: إن الخطاب قد يدل في مواضع على أن ما عداه بخلافه، ويدل في مواضع أخر على أن ما عداه ليس بخلافه، فإنهم لعبوا في هذا المكان بالخطاب كما يلعب بالمخراق،

contrary ruling, while indicating in other places that whatever falls outside it does not have a contrary ruling—they have played with the address here as one plays with a rolled-cloth plaything.[2][3]

L2775–2776 At one time they ruled concerning what the text does not specify that what the text specifies indicates that its ruling is the same; at another time they ruled that what the text specifies indicates that its ruling is not the same. Would that I knew how two addresses could state rulings concerning two named things, yet one be understood to mean that what is not mentioned is like what is mentioned, and the other be understood to mean that what is not mentioned differs from what is mentioned! This is the opposite of what was understood from the first. By Allah, Allah Most High has created no intellect in which this could hold, except the intellect of someone who deceives himself and imagines something untenable through an assertion that no one would be unable to make the like of, without evidence. Anyone who has no concern for what he says can claim that he understood from a given expression something other than what that expression conveys.

L2777–2780 Abu Muhammed said: As for their clever ones, they called the first category analogy and the second implication from the wording of an address. By distinguishing a single meaning through two names, they supposed that they had thereby escaped contradiction. Yet they are just as entangled in it as those who call all of this implication from the wording of an address; there is no difference. We question them on the basis of their own statements, saying to them: What distinguishes your positions, when one group among you says that mentioning freely grazing livestock indicates that livestock other than freely grazing livestock have a contrary ruling, while another group says, “Rather, mentioning freely grazing livestock only that livestock other than freely grazing livestock agree with the ruling concerning freely

فمرة حكموا لغير المنصوص بأن المنصوص يدل على أن حكمه كحكمه، ومرة حكموا بأن المنصوص يدل على أن حكمه ليس كحكمه، فليت شعري كيف يمكن أن يكون خطابان يردان بالحكم في اسمين، فيفهم من أحدهم أن غير الذي ذكر مثل الذي ذكر، ويفهم من الآخر أن غير الذي ذكر بخلاف الذي ذكر؟. وهذا ضد ما فهم من الأول، وتالله ما خلق الله تعالى عقلا يقوم فيه هذا إلا عقل من غالط نفسه فتوهم ما لا يصح بدعوى لا يعجز عن مثلها أحد بلا دليل، وكل من لم يبال بما قال يقدر أن يدعي أنه فهم من هذا اللفظ غير ما يعطي ذلك اللفظ.

قال أبو محمد: وأما أكياسهم فإنهم سموا القسم الأول قياسا وسموا الثاني دليل الخطاب، فقد رأوا إذ فرقوا بين معنى واحد باسمين أنهم قد سلموا بذلك من التناقض، وهم من التورط فيه بمنزلة من سمى كل ذلك دليل الخطاب ولا فرق. ونحن نسألهم من كلامهم فنقول لهم: ما الفرق بينكم إذ قالت طائفة منكم: إن ذكر السائمة يدل على أن غير السائمة بخلاف السائمة، وقالت طائفة أخرى، بل ذكر السائمة إلا على أن غير السائمة موافق لحكم السائمة؟ ما الفرق بينكم وبين من عكس عليكم قولكم إن قول الله تعالى {ومن أهل لكتاب من إن تأمنه بقنطار يؤده إليك ومنهم من إن تأمنه بدينار لا يؤده إليك إلا ما دمت عليه قآئما ذلك بأنهم قالوا ليس علينا في لأميين سبيل ويقولون على الله لكذب وهم يعلمون} إن ذكر القنطار يدل على أن ما عدا القنطار مثل القنطار، فقال: بل ما يدل ذكر القنطار إلا على أن ما عدا القنطار بخلاف القنطار فقد يفزع الخائن من خيانته إذا كانت كثيرة، وقد يحتقر اليسير فلا يخونه، فهلا جعلتم القنطار

[2] **Translator’s note (L2774):** The first Quranic quotation is repeated in full after “we understood that other than,” leaving that statement grammatically incomplete. Both quotations and the incompleteness are preserved. “Uff” is an expression of irritation or disgust. The supplied reading al-alwan means “the colors” and appears corrupt in context; “the former group” may have been intended. The word mikhraq denotes a rolled or twisted cloth used as a plaything.

[3] **Qur’an references (L2774):** Qur’an 17:23 (Al-Isra); Qur’an 16:8 (An-Nahl).

grazing livestock"? What distinguishes you from someone who reverses your assertion that, in the words of Allah Most High, {Among the People of the Book is one who, if you entrust him with a great weight of wealth, will return it to you; and among them is one who, if you entrust him with a dinar, will not return it to you unless you remain standing over him. That is because they say, "We are under no liability concerning the unlettered," and they knowingly tell lies against Allah}, mentioning a great weight of wealth indicates that amounts other than a great weight of wealth are like that great weight of wealth? He could say: Rather, mentioning a great weight of wealth indicates only that amounts other than a great weight of wealth differ from it. A betrayer may indeed become frightened of his betrayal when the amount is large, and he may regard a small amount as insignificant and therefore not betray his trust over it. Why, then, did you not make the great weight of wealth here the threshold of a large amount, just as groups among you made his mention (may Allah bless him and grant him peace ﷺ) of two hundred dirhams, concerning the obligation of alms upon them, evidence that twenty dinars constitute a large amount, so that no one is required to swear an oath at the pulpit over less than that, and that anything below that is a small amount, concerning which an oath is sworn only in the judge's court? And other groups among you made his mention (may Allah bless him and grant him peace ﷺ) of a quarter-dinar, concerning amputating a thief's hand, evidence that a quarter-dinar constitutes a large amount and that anything other than it is a small amount, so that sexual access cannot be made lawful for less than it, nor may an oath be sworn at the pulpit over less than it. Other groups made what they transmitted of his mention (may Allah bless him and grant him peace ﷺ) of ten dirhams, concerning amputating a thief's hand, evidence that ten dirhams constitute a large amount and that anything below them is a small amount, so that sexual access cannot be made lawful for less than them. They even made this a limit on the deduction involved in the difference between a slave's value and the blood money for a free person. Abu Muhammed said: Among the passages from which they claimed to understand that what is left unmentioned has a ruling contrary to that of what is expressly specified is His statement, Most High: {Lodge them where you yourselves lodge, according to your means, and do not harm

ههنا حدا للكثير كما جعلت طوائف منكم ذكره صلى الله عليه وسلم المائتي درهم في وجوب الزكاة فيها دليلا على أن العشرين دينارا كثير، فلا يحلف عند المنبر أحد في أقل منها، وأن ما دونها قليل فلا يحلف فيها إلا في مجلس الحاكم وجعلت طوائف أخر منكم ذكره صلى الله عليه وسلم ربع الدينار في قطع السارق دليلا على أن ربع الدينار كثير وأن ما عداه قليل، فلا يستباح فرج بأقل منه، ولا يحلف عند المنبر في أقل منه وجعلت طوائف أخر ما رووا من ذكره صلى الله عليه وسلم عشرة دراهم في قطع السارق دليلا على أن العشرة دراهم كثيرة، وإن ما دونها قليل، فلا يستباح فرج بأقل منها، حتى جعلوا ذلك حدا فيما يسقط مما بين قيمة العبد ودية الحر. قال أبو محمد: ومما ادعوا فيه أنهم فهموا منه أن المسكوت عنه بخلاف حكم المنصوص عليه قوله تعالى: {أسكنوهن من حيث سكنتم من وجدكم ولا تضآروهن لتضيقوا عليهن وإن كن أولات حمل فأنفقوا عليهن حتى يضعن حملهن فإن أرضعن لكم فآتوهن أجورهن وأتمروا بينكم بمعروف وإن تعاسرتم فسترضع له أخرى} قالوا: فهذا يدل على أن غير الحامل بخلاف الحامل. قال أبو محمد: هذا خطأ، لأن المطلقة لا تخلو من أن يكون طلاقها رجعيا أو غير رجعي، فإن كان رجعيا فلها النفقة إذا كانت ممسوسة، كانت حاملا أو كانت غير حامل، باتفاق من جميعنا، وإن كان غير رجعي، فلا نفقة لها بنص السنة سواء كانت حاملا أو غير حامل، وإنما جاء النص المذكور في الطلاق الرجعي وبنص الآيات في قوله تعالى في الآية التي ابتدأ فيها في هذه السورة بتعليم الطلاق. ثم عطف سائر الآيات عليها: {فإذا بلغن أجلهن فأمسكوهن بمعروف أو فارقوهن بمعروف وأشهدوا ذوي عدل منكم وأقيموا لشهادة لله ذلكم يوعظ به من كان يؤمن بالله واليوم لآخر ومن يتق الله يجعل له مخرجا} وهذا لا يكون إلا في رجعي، وأمسك تعالى عن ذكر غير الحامل في هذه السورة، فبينت السنة أن التي هي موطوءة

them so as to make their circumstances straitened. If they are pregnant, then provide for them until they deliver their burden. If they nurse for you, give them their wages, and consult together in a fair manner. If you make matters difficult for one another, another woman will nurse for him.} They said: This indicates that a woman who is not pregnant has a ruling contrary to that of a pregnant woman. Abu Muhammed said: This is an error, because a divorced woman's divorce must be either revocable or irrevocable. If it is revocable, she is entitled to maintenance if the marriage has been consummated, whether she is pregnant or is not pregnant, by agreement among all of us. If, however, her divorce is irrevocable, she is entitled to no maintenance, by the explicit text of the Sunnah, whether she is pregnant or not pregnant. The aforementioned text concerns only revocable divorce, as also established by the explicit wording of the verses, in His saying, exalted is He, in the verse with which He began teaching the rules of divorce in this surah, then connected the remaining verses to it: {Then, when they reach their appointed term, retain them honorably or part with them honorably, and call two just men from among you to witness, and uphold testimony for Allah. By this is admonished whoever believes in Allah and the Last Day. Whoever fears Allah, He will make for him a way out.} This can concern only a revocable divorce. He, exalted is He, refrained from mentioning the woman who is not pregnant in this surah; the Sunnah then explained that a woman with whom intercourse has occurred and who is not pregnant has the same status as a pregnant woman, without any difference. No one is permitted to say, "Why was the woman who is not pregnant left unmentioned here?" If someone ventures to say this, he is told: "She was left unmentioned just as this surah left unmentioned divorce by compensation, the woman whose husband has died, annulment, and other matters." If they say, "Allah, exalted is He, mentioned that in other verses," they are told: "Likewise, He also mentioned the obligation of maintenance for the woman who is not pregnant through the Sunnah of His Prophet Muhammed ﷺ." Whoever wishes to find all legal rulings, in their entirety, in a single verse is devoid of reason, seeking

وليست حاملا بمنزلة الحامل ولا فرق، ولا يحل لأحد أن يقول: لم سكت عن ذكر غير الحامل ههنا؟ فإن قال ذلك مقدم، قيل له: سكت عن ذلك كما سكت فيها عن ذكر الخلع وعن ذكر المتوفى عنها زوجها وعن الفسخ وغير ذلك. فإن قالوا: قد ذكر الله تعالى ذلك في آيات أخر قيل: وكذلك أيضا قد ذكر وجوب النفقة لغير الحامل بسنة نبيه محمد صلى الله عليه وسلم ومن أراد أن يجد جميع الأحكام كلها في آية واحدة فهو عديم عقل متعلل في إفساد الشريعة، ويأبى الله إلا أن يتم نوره.

pretexts to corrupt the revealed law. Yet Allah refuses anything but to perfect His light.[4][5][6][7]

L2781–2792 They claimed that a group of scholars of language, including al-Mubarrad and Thaʿlab, held this position. Abu Muhammed said: As for bringing this subject within the domain of language, that is feeble obfuscation and worthless misrepresentation. Experts in language are needed only to identify the assembled letters of which words consist and to tell us to which named things those combinations apply. As for knowing whether something that they have acknowledged to us is not denoted by a particular name falls within the ruling of a statement concerning that name, or does not fall within its ruling, this lies neither within the competence of linguistic scholarship nor among its requisite concerns. Only someone who has confused the sciences and whose ability falls short of distinguishing between them would think this. This is a matter found in the natural capacities of Arabs and non-Arabs alike. Even if this were authentically reported from Thaʿlab, al-Mubarrad, al-Asmaʿi, and Khalaf along with them, their statement would stand alongside the statement of all scholars of language, from first to last, without disagreement among them—indeed, the statement of the speakers of every human language, Arab and non-Arab—that the word “stone” does not convey “horse,” and that the word “camel” does not convey “dog,” and that someone’s saying, “Today I rode in a ship,” does not convey that he also rode a donkey or that he did not ride it, and that someone’s saying, “I ate bread,” does not convey whether he ate meat with the bread or did not eat it. The testimony of all intellects,

وادعوا أن جماعة من أهل اللغة منهم المبرد وثعلب قالوا بذلك. قال أبو محمد: أما إدخال هذا الباب في اللغة فتمويه ضعيف وإيهام ساقط، لأن اللغة إنما يحتاج فيها إلى أربابها في معرفة الحروف المجموعة التي تقوم منها الكلمات، وأن يخبرونا على ماذا تركبت من المسميات فقط. وأما معرفة هل يدخل في حكم الخبر عن الاسم ما قد أقروا لنا أنه ليس يقع عليه ذلك الاسم أو لا يدخل في حكمه، فليس هذا في قوة علم اللغة ولا من شروطها، إنما يظن هذا من اختلطت عليه العلوم ولم تبلغ قوته أن يفرق بينها. وهذا أمر موجود في طبائع العرب والعجم، وحتى لو صح ذلك عن ثعلب وعن المبرد وعن الأصمعي وخلف معهم لكان قولهم مع قول جميع أهل اللغة أولهم عن آخرهم بلا خلاف منهم، بل قول أهل كل لغة للناس من عرب وعجم إن اسم حجر لا يفهم منه فرس، وإن اسم جمل لا يفهم منه كلب. وإن من قال: ركبت اليوم سفينة أنه لا يفهم منه أنه ركب أيضا حمارا، أو أنه لم يركبه، وأن من قال أكلت خبزا أنه لا يفهم منه أكل لحما مع الخبز أم لم يأكله؟ ولكان في شهادة العقول كلها باتفاقها على صحة ما ذكرنا كغاية في إبطال قول من قال بخلاف ذلك كائنا من كان ومبين صدق من قال إنما عدا الخبر المخبر به موقوف على دليله. قال أبو محمد واعترض بعضهم بما روي عن رسول الله صلى الله عليه وسلم من قوله في الاستغفار لمن مات من المنافقين: لأزيدن على السبعين فقال هذا القائل: في هذا دليل على أن ما عدا السبعين يغفر لهم به ولا بد. قال أبو محمد: وهذا خطأ من وجهين أحدهما أن ذلك دعوى بلا دليل ولو قطع صلى الله عليه وسلم بذلك لكان حقا ولكنه لم يقطع على ذلك وأنه لما يئس من المغفرة لهم بالسبعين رجا بالزيادة، وهذا الحديث من أعظم حجة عليهم في دعواهم التي نسوا أنفسهم فيها فقالوا: إن ما عدا القنطار في

[4] **Translator’s note (L2777):** The second group’s quoted statement is grammatically defective in the supplied text: the construction corresponding to “only” lacks the expected negative verb, “does not indicate.” Its apparent meaning is that mentioning freely grazing livestock indicates only agreement in ruling, but the defect has been retained. “A great weight of wealth” renders qintar, a large measure or quantity of wealth.

[5] **Translator’s note (L2778):** Making sexual access lawful refers here to the minimum marriage payment. The wording about the deduction between a slave’s value and a free person’s blood money is compressed; the precise calculation is not stated in this passage.

[6] **Translator’s note (L2780):** The assertion that an irrevocably divorced woman receives no maintenance whether pregnant or not reproduces the supplied text without correction.

[7] **Qur’an references (L2777):** Qur’an 3:75 (Ali ’Imran); Qur’an 65:6 (At-Talaq); Qur’an 65:2 (At-Talaq).

agreeing upon the soundness of what we have mentioned, would be the utmost refutation of anyone who says otherwise, whoever he may be, and would demonstrate the truthfulness of whoever says that whatever lies beyond the information actually stated depends upon its own evidence. Abu Muhammed said: Some of them raised an objection based on what is related from the Messenger of Allah ﷺ concerning his saying, regarding asking forgiveness for those hypocrites who had died, "I shall certainly exceed seventy." This speaker said: "This is evidence that, through what exceeds seventy, they must necessarily be forgiven." Abu Muhammed said: This is mistaken in two respects. The first is that this is a claim without evidence. Had he ﷺ asserted it decisively, it would have been true; but he did not assert it decisively. Rather, when he despaired of their being forgiven through seventy, he hoped for it through an increase. This report is among the strongest arguments against them in their claim, in which they forgot themselves, saying that what falls outside the hundredweight in His saying, exalted is He, {If you wish to replace one wife with another, and you have given one of them a hundredweight, take nothing of it. Would you take it through slander and manifest sin?}, and what falls outside saying "Uff" in His saying, exalted is He, {Your Lord has decreed that you worship none but Him, and show kindness to parents. If one or both of them reach old age in your care, do not say "Uff" to them, nor rebuke them, but address them with honorable words}, have the same status as the hundredweight and "Uff." Why, then, did they not say that what falls outside seventy has the same status as seventy, just as they said that what falls outside seventy has the same status as seventy, just as they said that what falls outside the hundredweight has the same status as the hundredweight? Or why did they not say that what falls outside the hundredweight differs from the hundredweight, just as they said that what falls outside seventy differs from seventy? Indeed, Allah, exalted is He, has declared their statement false by revealing: {It is the same for them whether you ask forgiveness for them or do not ask forgiveness for them: Allah will never forgive them. Indeed, Allah does not guide the defiantly disobedient people}, and by His forbidding His Prophet ﷺ to perform the funeral prayer over them altogether. Thus, through this general verse, He, exalted is He, explained that what falls outside seventy has the same status as seventy. Let

قوله تعالى {وإن أردتم ستبدال زوج مكان زوج وآتيتم إحداهن قنطارا فلا تأخذوا منه شيئا أتأخذونه بهتانا وإثما مبينا} وما عدا الأف من قوله تعالى {وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهما أف ولا تنهرهما وقل لهما قولا كريما} بمنزلة القنطار والأف فهلا قالوا: إن ما عدا السبعين بمنزلة السبعين، كما قالوا: إن ما عدا السبعين بمنزلة السبعين، كما قالوا: إن ما عدا القنطار بمنزلة القنطار أو هلا قالوا: إن ما عدا القنطار بخلاف القنطار. كما قالوا: إن ما عدا السبعين بخلاف السبعين، بل قد أكذب الله تعالى قولهم بإنزاله: {سواء عليهم أستغفرت لهم أم لم تستغفر لهم لن يغفر الله لهم إن الله لا يهدي لقوم لفسقين} وبنهيه تعالى نبيه صلى الله عليه وسلم عن الصلاة عليهم جملة فبين تعالى بهذه الآية العامة أن ما عدا السبعين بمنزلة السبعين. ولا يظن جاهل أننا بهذا القول يلزمنا أن ما عدا المنصوص عليه له حكم المنصوص، ومعاذ الله من ذلك، ولو ظننا ذلك كما ظنوا لكنا مخالفين لرسول الله صلى الله عليه وسلم إذ رجا أن يكون ما عدا السبعين بخلاف السبعين، فإننا لم نقل إن بذكر السبعين وجب أن يكون ما عدا السبعين موافقا للسبعين ولا مخالفا لها، بل قلنا: ممكن أن يكون ما عدا السبعين موافقا للسبعين في ألا يغفر لهم، وممكن أن يكون بخلاف السبعين في أن يغفر لهم. وإنما ننتظر في ذلك ما يرد في البيان كما فعل رسول الله صلى الله عليه وسلم ولا فرق ثم ينزل الله تعالى ما شاء إما بموافقة لما قد ذكر وإما بمخالفة له، وكان الأصل إباحة الاستغفار جملة بقوله عز وجل: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم والله سميع عليم} والصلاة ههنا الدعاء بلا خلاف، والاستغفار دعاء، وهو نوع من أنواع الدعاء، فلما نص على خروج السبعين من جملة الدعاء لهم، كان ما بقي على ظاهر الإباحة المتقدمة، حتى نهى عن الاستغفار لهم جملة، وعن الصلاة عليهم البتة. وقد جاء نص الحديث هكذا كما قلنا من أخباره صلى الله عليه وسلم أنه مخير

no ignorant person suppose that, by this statement, we are committed to holding that whatever falls outside what is explicitly specified has the ruling of what is explicitly specified. Allah forbid that! Had we supposed this, as they supposed it, we would have contradicted the Messenger of Allah ﷺ, since he hoped that what falls outside seventy would differ from seventy. We have not said that mentioning seventy necessarily requires what falls outside seventy either to agree with seventy or to differ from it. Rather, we have said that what falls outside seventy may agree with seventy in their not being forgiven, and may differ from seventy in their being forgiven. We simply await whatever clarification comes concerning this, precisely as the Messenger of Allah ﷺ did, without any difference. Then Allah, exalted is He, reveals whatever He wills, either in agreement with what has already been mentioned or in difference from it. The original rule was the unrestricted permissibility of asking forgiveness, by His saying, mighty and majestic is He: {Take from their wealth an alms offering by which you cleanse and purify them, and pray for them. Indeed, your prayers are a source of tranquility for them, and Allah is All-Hearing, All-Knowing.} "Prayer" here means supplication, without disagreement, and asking forgiveness is supplication: it is one of the kinds of supplication. Thus, when He explicitly excluded seventy from the general scope of supplication for them, what remained continued under the apparent meaning of the preceding permission, until He prohibited asking forgiveness for them altogether and performing the funeral prayer over them entirely. The explicit wording of the report has come down just as we have said, through his ﷺ stating that he had been given a choice in this matter; so he followed the apparent meaning of the wording. ʿAbd Allah ibn Yusuf related it to us, from Ahmad ibn Fath, from ʿAbd al-Wahhab ibn ʿIsa, from Ahmad ibn Muhammed, from Ahmad ibn ʿAli, from Muslim: Abu Bakr ibn Abi Shaybah related to us: Abu Usamah related to us: related to us ʿUbayd Allah ibn ʿUmayr, from Nafiʿ, from Ibn ʿUmar, that the Messenger of Allah ﷺ said, when ʿUmar objected to his performing the funeral prayer over ʿAbd Allah ibn Ubayy: "Allah merely gave me a choice, saying: {You will ask forgiveness for them, or do not ask forgiveness for them. If you ask forgiveness for them seventy times, Allah will never forgive them. That is because they disbelieved in Allah and His Messenger, and Allah does not guide the defi-

في ذلك فأخذ بظاهر اللفظ حدثناه عبد الله بن يوسف عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، عن مسلم، نا أبو بكر بن أبي شيبة، نا أبو أسامة، نا عبيد الله بن عمير عن نافع عن ابن عمر أن رسول الله صلى الله عليه وسلم قال حين اعترضه عمر في الصلاة على عبد الله بن أبي إنما خيرني الله فقال {ستغفر لهم أو لا تستغفر لهم إن تستغفر لهم سبعين مرة فلن يغفر لله لهم ذلك بأنهم كفروا بالله ورسوله والله لا يهدي لقوم لفاسقين} وسأزيد على السبعين فأخذ صلى الله عليه وسلم بظاهر اللفظ في التخيير والأصل المتقدم في إباحة الاستغفار، حتى نهى عن ذلك جملة. وقال بعضهم: ما عدا الاسم المذكور فبخلاف المذكور إلا أن تقترن إليه دلالة. قال أبو محمد: فنقول له: ما الفرق بينك وبين من عارضك من أهل مذهبك؟ أراد أن ينصر القياس نفسه، كما أردت أنت أن تنصر دليل الخطاب فنسيت نفسك، فقال لك: ما عدا الاسم المذكور فهو داخل في حكم المذكور ما لم تقترن إليه دلالة. قال أبو محمد: وهكذا يعرض للحمل المائل المرتب على غير اعتدال، وبخلاف القوام إذا أراد صاحبه أن يعدل أحد شقيه مال عليه الآخر، ثم يقال لهم جميعا: ما هذه الدلالة المقترنة التي يشير كل واحد منكما إليها؟ أهي كهانة منكم، أم هي طبيعية توجب ضرورة، فهم ما ذكر كل واحد منكما على تضادكما؟، أم هي نص واحد فهم لا يدعون كهانة، فلم يبق إلا أن يقولوا هي ضرورة توجب فهم كل ما لم يذكر أو أن يقولوا هو نص يبين حكم ما لم يذكره في هذا النص الآخر، فأي ذلك قالوا فقد وافقونا في قولنا: إنه لا يدل شيء مذكور على شيء لم يذكر، وإن الذي لم يذكر في هذا النص فإنما ننتظر فيه نصا آخر، إلا أن توجب ضرورة ما أن نعرف حكمه كما أوجبت ضرورة الحس في قوله تعالى {هو لذي جعل لكم لأرض ذلولا فمشوا في مناكبها وكلوا من رزقه وإليه لنشور} إننا لا نقدر أن نمشي في الهواء ولا في السماء ولا أن نأكل من غير رزقه واحتج بعضهم في قول أبي عبيد في قوله صلى الله عليه

وسلم لأن يمتلىء جوف أحدكم قيحا حتى يريه خير له من أن يمتلىء شعرا وأنكر أبو عبيد قول من قال: إن ذلك إنما هي في الشعر الذي هجي به رسول الله صلى الله عليه وسلم فقال أبو عبيد لو كان ذلك لكان قد أباح القليل من الشعر الذي هجي به رسول الله صلى الله عليه وسلم وذلك لا يحل قال أبو محمد وهذا لا حجة لهم فيه، بل هو على خلاف ما ظنوا، وهو أن الأصل أن رواية الشعر حلال باستنشاد النبي صلى الله عليه وسلم للأشعار وسماعه إياها وأما رواية ما هجي به صلى الله عليه وسلم فحرام سماعه وقراءته وكتابته وحفظه بقول الله تعالى {يأيها لذين آمنوا لا تدخلوا بيوت لنبي إلا أن يؤذن لكم إلى طعام غير ناظرين إناه ولكن إذا دعيتم فدخلوا فإذا طعمتم فنتشروا ولا مستأنسين لحديث إن ذلكم كان يؤذي لنبي فيستحيي منكم ولله لا يستحيي من لحق وإذا سألتموهن متاعا فسألوهن من ورآء حجاب ذلكم أطهر لقلوبكم وقلوبهن وما كان لكم أن تؤذوا رسول لله ولا أن تنكحوا أزواجه من بعده أبدا إن ذلكم كان عند لله عظيما} وبقوله تعالى آمرا بتعزيره وتوقيره في غير ما آية. فلما جاء النهي عن امتلاء الجوف من الشعر كان ذلك مخرجا لكثير منه من جمله كله المباح وبقي ما دون الامتلاء مما سوى هجو النبي صلى الله عليه وسلم على الإباحة وحد الامتلاء هو ألا يكون للإنسان علم إلا الشعر فقط، وحد ما دون الامتلاء أن يعلم المرء ما يلزمه ويروي مع ذلك من الشعر ما شاء. واحتجوا أيضا بقول أبي عبيد فيما روي عن النبي صلى الله عليه وسلم لي الواجد يحل عرضه وعقوبته أن ذلك مخرج لغير الواحد عن إحلال العرض والعقوبة. قال أبو محمد وليس هذا كما ظنوا ولكن لما أخبر صلى الله عليه وسلم أن أعراضنا علينا حرام وأن المسلم أخو المسلم لا يسلمه لا يظلمه. كان كل أحد حرام العرض والعقوبة، فلما جاء النص بتغيير المنكر باليد وكان لي الواجد منكرا لأنه منهي عنه، كان ذلك مدخلا لعقوبته في جملة تغيير المنكر المأمور به، ومخرجا له

antly disobedient people.} And I shall exceed seventy." Thus he ﷺ followed the apparent meaning of the wording as granting a choice, and the previously established original rule permitting requests for forgiveness, until this was prohibited altogether. Some of them said: "Whatever falls outside the name mentioned differs from what is mentioned, unless an accompanying indication is joined to it." Abu Muhammed said: We therefore say to him: "What difference is there between you and someone of your own school who opposes you, wishing to champion analogy itself just as you wished to champion the contrary implication of the wording, so that you forgot yourself, and who says to you: 'Whatever falls outside the name mentioned is included within the ruling of what is mentioned, unless an accompanying indication is joined to it'?" Abu Muhammed said: This is precisely what happens to a leaning load arranged without balance and contrary to proper alignment: when its owner wishes to straighten one of its two sides, the other tilts against him. Then they are all asked: "What is this accompanying indication to which each of you two points? Is it divination on your part, or is it something natural that necessarily compels an understanding of what each of you has stated, despite your mutual contradiction, or is it a single explicit text?" They do not claim divination, so nothing remains except for them to say, "It is a necessity that compels an understanding of everything that has not been mentioned," or to say, "It is an explicit text that explains the ruling of what He has not mentioned in this the other text. Whichever of these they say, they have agreed with us in our assertion that nothing mentioned indicates anything unmentioned, and that, concerning what is unmentioned in this text, we await another text, unless some necessity requires us to know its ruling, just as the necessity of sense perception requires, in His saying—exalted is He—{He is the One who made the earth tractable for you, so walk upon its slopes and eat of His provision, and to Him is the resurrection}, that we cannot walk in the air or in heaven, nor eat anything other than His provision. Some of them adduced as an argument Abu Ubayd's statement concerning his saying ﷺ: "For the belly of one of you to be filled with pus until it eats away at him is better for him than to be filled with poetry." Abu Ubayd rejected the statement of those who said that this applies only to poetry in which the Messenger of Allah ﷺ was lampooned. Abu Ubayd

said: “Were that so, he would have permitted a small amount of poetry in which the Messenger of Allah ﷺ was lampooned, and that is unlawful.” Abu Muhammed said: This provides them with no argument. Rather, the matter is contrary to what they supposed: the original rule is that transmitting poetry is lawful, as established by the Prophet’s ﷺ asking for poems to be recited and listening to them. As for transmitting that in which he ﷺ was lampooned, listening to it, reading it, writing it, and memorizing it are forbidden by Allah’s saying, exalted is He: {O you who have faith, do not enter the houses of the Prophet unless permission is given to you for a meal, without waiting for its readiness. But when you are invited, enter; and when you have eaten, disperse, without lingering sociably for conversation. That was causing the Prophet distress, but he is shy of you; whereas Allah is not shy of the truth. And when you ask them for some article, ask them from behind a screen. That is purer for your hearts and their hearts. It is not for you to distress the Messenger of Allah, nor ever to marry his wives after him. Indeed, that would be tremendous in Allah’s sight}; and by His saying, exalted is He, commanding that he be supported and revered in more than one verse. Thus, when the prohibition against filling the belly with poetry came, it excluded a large quantity of it from the entirety that had been permissible. What falls short of being filled, apart from lampooning the Prophet ﷺ, remained permissible. The defining limit of being filled is that a person should have no knowledge except poetry alone. The defining limit of what falls short of being filled is that a person should know what is incumbent upon him and, alongside that, transmit as much poetry as he wishes. They also adduced as an argument the statement of Abu Ubayd concerning what is transmitted from the Prophet ﷺ: “Delay by one who has the means makes his honor and his punishment lawful”—namely, that this excludes anyone other than ‘the one’ from the permissibility of impugning his honor and punishing him. Abu Muhammed said: This is not as they supposed. Rather, when he ﷺ informed us that our honor is inviolable among us, and that a Muslim is a Muslim’s brother, neither abandoning him nor wronging him, everyone’s honor and person were protected against violation and punishment. Then, when the text came commanding the changing of wrongdoing by hand, and delay by one who has the means was wrongdoing because it is

مما حرم من أعراض الناس جملة وعقوباتهم، هذا الذي لا يفهم ذو لب سواه، ولا ينفقه غيره، واحتجوا بأن الشافعي أحد أئمة أهل اللغة وقد قال إن ذكره صلى الله عليه وسلم السائمة دليل على أن ما عدا السائمة بخلاف السائمة. قال أبو محمد: أما إمامة الشافعي رحمه الله في اللغة والدين فنحن معترفون بذلك،

prohibited, this included his punishment within the commanded changing of wrongdoing, and excluded him from the general prohibition against violating people's honor and punishing them. This is that of which no person of understanding comprehends anything else, nor does he expend anything other than it. They argued that al-Shafi'i is one of the leading authorities among the scholars of the language, and that he said: "His ﷺ mentioning livestock that graze freely is evidence that livestock other than those that graze freely have a different ruling from those that graze freely." Abu Muhammed said: As for al-Shafi'i's standing as a leading authority in language and religion—may Allah have mercy on him—we acknowledge that.[8][9][10][11][12][13][14][15]

[8] **Translator's note (L2783):** The phrase «إنما عدا الخبر المخبر به» appears to have a word-division problem: the translation understands it as «إن ما عدا الخبر المخبر به», "that whatever lies beyond the information actually stated." The supplied wording also has the awkward «كغاية», rendered here as "the utmost."

[9] **Translator's note (L2784):** The repeated clause "just as they said that what falls outside seventy has the same status as seventy" is present in the supplied Arabic and has been retained, although it appears to be an accidental repetition. "Uff" is an expression of irritation or exasperation; it is retained as the particular utterance discussed in the argument.

[10] **Translator's note (L2786):** The final "related to us" introduces the transmitter named at the beginning of the next unit; its position follows the Arabic transmission formula.

[11] **Translator's note (L2787):** The transmitter is named «عبيد الله بن عمير», "'Ubayd Allah ibn 'Umayr," in the supplied text; this reading has been retained. The Quranic quotation begins with «ستغفر», literally "you will ask forgiveness," rather than the customary imperative «استغفر», "ask forgiveness." The translation retains the supplied reading, although the ensuing argument treats the wording as granting a choice. «دليل الخطاب» is rendered "the contrary implication of the wording": the inference that a case not mentioned has a ruling contrary to that of the case mentioned.

[12] **Translator's note (L2790):** "Until it eats away at him" renders the unvocalized يريه, understood as referring to pus consuming or damaging his internal organs.

[13] **Translator's note (L2791):** The source reads "other than the one" (غير الواحد), whereas the quoted report says "one who has the means" (الواجد). The former appears to be a transcription error, but its wording has been retained in the translation.

[14] **Translator's note (L2792):** The opening continues the preceding unit. The source reads ينفقه, literally "expends it," which produces an awkward statement here. It may be a corruption of يفقه, "understands," but has not been silently corrected.

[15] **Qur'an references (L2781):** Qur'an 4:20 (An-Nisa); Qur'an 17:23 (Al-Isra); Qur'an 63:6 (Al-Munafiqun); Qur'an 9:103 (At-Tawbah); Qur'an 9:80 (At-Tawbah); Qur'an 67:15 (Al-Mulk); Qur'an 33:53 (Al-Ahzab).

L2793–2798 But he—may Allah be pleased with him—is a human being who errs and is correct. Would that I knew where al-Shafi'i—may Allah have mercy on him—stood in relation to this inference when he said that His mention—exalted be His remembrance—that the slave to be freed for killing must be a believer is evidence that, where the religion of the slave to be freed for the declaration of a wife as forbidden like one's mother is left unmentioned, the ruling is the same as that explicitly stated concerning the slave to be freed for killing: that this slave too must be a believer. Would that I knew what difference there is between His mentioning, exalted is He, faith in the slave to be freed for killing, and his ﷺ mentioning freely grazing livestock in the report of Anas. Yet someone says: "The slave to be freed for the declaration of a wife as forbidden like one's mother, whose religion is left unmentioned, has the same ruling as the slave to be freed for killing, whose religion is mentioned. As for sheep other than those that graze freely, even though grazing is not mentioned in Ibn Umar's report, their ruling differs from that of freely grazing sheep." What difference is there between this and someone who reverses the ruling and says: "Rather, livestock other than those that graze freely have the same ruling as those that graze freely," as the Malikis say, "whereas the slave whose religion is left unmentioned has a different ruling from the slave whose religion is explicitly stated; thus, an unbelieving slave suffices for the declaration of a wife as forbidden like one's mother," as the Hanafis say? This is sufficient. As for us, we say: Had nothing concerning freely grazing livestock been transmitted except the report of Anas, we would not have imposed obligatory alms on livestock other than those that graze freely, because the original rule is that no obligatory alms are due from anyone unless a text imposes them. Had a text come only concerning freely grazing livestock, obligatory alms would have been due only on them. But when Ibn Umar's report came, imposing obligatory alms on every forty sheep, the report concerning freely grazing livestock concerned a portion of what was covered by the report mentioning sheep generally. We therefore imposed obligatory alms on sheep, whether they graze freely or do not graze freely. When He, exalted is He, explicitly stipulated a believing slave in the case of killing, we said: Only a believing slave suffices in the case of killing, as Allah, exalted is He, commanded. When He did not mention faith in the

ولكنه رضي الله عنه بشر يخطىء ويصيب، وليت شعري أين كان الشافعي رحمه الله عن هذا الاستدلال، إذ قال جل ذكره في رقبة القتل أن تكون مؤمنة دليل على أن المسكوت عنه من دين الرقبة في الظهار، بمنزلة المنصوص في رقبة القتل أن تكون أيضا مؤمنة؟ وليت شعري أي فرق بين ذكره تعالى الأيمان في رقبة القتل وذكره صلى الله عليه وسلم السائمة في حديث أنس فبقول قائل رقبة الظهار التي سكت عن ذكر دينها بمنزلة رقبة القتل التي ذكر دينها، وأما غير السائمة من الغنم، وإن كان السوم لم يذكر في حديث ابن عمر، فبخلاف السائمة، وما الفرق بين من عكس الحكم؟ فقال: بل غير السائمة بمنزلة السائمة كما قال المالكيون. وأما الرقبة المسكوت عن دينها فبخلاف الرقبة المنصوص على دينها، فتجزىء في الظهار كافرة كما قال الحنفيون؟ وفي هذا كفاية. وأما نحن فنقول: لو لم يرد في السائمة إلا حديث أنس لما أوجبنا زكاة في غير السائمة، لأن الأصل أن لا زكاة على أحد إلا أن يوجبها نص، فلو لم يأت نص إلا في السائمة لما وجبت زكاة إلا فيها، لكن لما ورد حديث ابن عمر بإيجاب زكاة كل أربعين من الغنم، كان حديث السائمة بعض الحديث الذي فيه ذكر الغنم جملة، فأوجبنا الزكاة في الغنم سائمة كانت أو غير سائمة، ولما نص تعالى في القتل على رقبة مؤمنة قلنا: لا يجزىء في القتل إلا مؤمنة، كما أمر الله تعالى، ولما لم يذكر الإيمان في رقبة الظهار، قلنا: يجزىء الظهار أي رقبة كانت كما قال تعالى سواء كانت كافرة أو مؤمنة، إلا أن المؤمنة أحب إلينا لقوله تعالى {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار والله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس لعلهم يتذكرون} {ولمطلقات يتربصن بأنفسهن ثلاثة قروء ولا يحل لهن أن يكتمن ما خلق لله في أرحامهن إن كن يؤمن بلله وليوم لآخر وبعولتهن أحق بردهن في ذلك إن أرادوا إصلاحا ولهن مثل لذي عليهن بلمعروف وللرجال عليهن درجة ولله عزيز

slave to be freed for the declaration of a wife as forbidden like one's mother, we said: Any slave whatsoever suffices for that declaration, as He, exalted is He, said, whether an unbeliever or a believer, although a believing slave is more beloved to us, because of His saying, exalted is He: {And do not marry polytheistic women until they have faith. A believing slave woman is better than a polytheistic woman, even if she pleases you. And do not marry women to polytheistic men until they have faith. A believing slave man is better than a polytheistic man, even if he pleases you. Those invite to the Fire, while Allah invites to the Garden and forgiveness by His permission, and He makes His signs clear to people, so that they may take heed.} {And divorced women shall wait by themselves for three menstrual periods; it is not lawful for them to conceal what Allah has created in their wombs, if they have faith in Allah and the Last Day. Their husbands have a greater right to take them back during that time if they desire reconciliation. Women have rights corresponding to their obligations, according to what is right, and men have a degree above them. Allah is mighty, wise.} Nevertheless, an unbelieving slave suffices because of the generality of His mentioning, exalted is He, simply a slave. They also adduced as an argument the consensus of the Muslims that any number of wives beyond the explicitly stated four is forbidden. Abu Muhammed said: This does not arise in the manner they supposed. Rather, when He, exalted is He, commanded guarding the private parts generally, He categorically forbade women except only those whom He excepted. Furthermore, the Messenger of Allah ﷺ annulled the marriage in excess of four, his ruling ﷺ suffices in place of every other proof. Through Allah Most High comes success.

They adduced His words, Most High: {Divorced women shall wait by themselves for three menstrual periods. It is not lawful for them to conceal what Allah has created in their wombs, if they believe in Allah and the Last Day. Their husbands have a greater right to take them back during that time, if they desire reconciliation. Women have rights corresponding to their obligations, according to what is right, and men have a degree above them. Allah is Mighty, Wise.}

حكيم} إلا أن الكافرة تجزىء لعموم ذكره تعالى الرقبة فقط. واحتجوا أيضا بإجماع المسلمين على أن ما عدا المنصوص عليه من عدد الزوجات أن يكون أربعا حرام. قال أبو محمد: وليس هذا من الوجه الذي ظنوا، ولكنه لما أمر تعالى بحفظ الفروج جملة حرم النساء البتة إلا ما استثنى منهن فقط أيضا فإن رسول الله صلى الله عليه وسلم قد فسخ نكاح الزائدة على أربع فكفى حكمه صلى الله عليه وسلم من كل دليل سواه وبالله تعالى التوفيق واحتجوا بقوله تعالى {ولمطلقات يتربصن بأنفسهن ثلاثة قروء ولا يحل لهن أن يكتمن ما خلق الله في أرحامهن إن كن يؤمن بالله واليوم لآخر وبعولتهن أحق بردهن في ذلك إن أرادوا إصلاحا ولهن مثل لذي عليهن بلمعروف وللرجال عليهن درجة والله عزيز حكيم} قال أبو محمد وهذا لا حجة لهم فيه لأنه تعالى قد أباح لهن النكاح بالنص فقال عز وجل {ولذين يتوفون منكم ويذرون أزواجا يتربصن بأنفسهن أربعة أشهر وعشرا فإذا بلغن أجلهن فلا جناح عليكم فيما فعلن في أنفسهن بلمعروف والله بما تعملون خبير} قال أبو محمد والنكاح المباح من المعروف واحتجوا أيضا بقوله تعالى {ولوالدات يرضعن أولادهن حولين كاملين لمن أراد أن يتم لرضاعة وعلى لمولود له رزقهن وكسوتهن بلمعروف لا تكلف نفس إلا وسعها لا تضآر والدة بولدها ولا مولود له بولده وعلى لوارث مثل ذلك فإن أرادا فصالا عن تراض منهما وتشاور فلا جناح عليهما وإن أردتم أن تسترضعوا أولادكم فلا جناح عليكم إذا سلمتم مآ آتيتم بلمعروف وتقوا لله وعلموا أن لله بما تعملون بصير} قال أبو محمد وهذا لا حجة لهم فيه. لأن الأم إن أرادت أن ترضعه أقل من حولين أو أكثر من حولين فذلك مباح لها، ما لم يكن في الفطام قبل الحولين ضرر على الرضيع. وكنا نقول إنه لا يحرم إلا ما كان في الحولين من الرضاع، لأن الأصل أن الرضاع لا يحرم شيئا، فلما حرم تعالى نكاح النساء بالرضاع ووجدناه تعالى قد جعل حكم الرضاع الذي أمر به حولين وما زاد عن الحولين فليس مأمورا، ولكنه مباح، وجب أن يكون الرضاع المحرم هو

Abu Muhammed said: This contains no proof for them, because He Most High has expressly permitted them to marry. He, Mighty and Majestic, said: {Those among you who die and leave wives behind: they shall wait by themselves for four months and ten days. When they have reached the end of their appointed term, there is no blame upon you for what they do concerning themselves according to what is right. Allah is fully aware of what you do.}

Abu Muhammed said: Permissible marriage is among the things that are right.

They also adduced His words, Most High: {Mothers shall breastfeed their children for two complete years, for whoever wishes to complete the breastfeeding. The father shall provide their sustenance and clothing according to what is right. No soul is charged beyond its capacity. No mother shall be harmed through her child, nor any father through his child. The heir bears the like of that obligation. If the two desire weaning by mutual consent and consultation, there is no blame upon them. If you wish to have your children breastfed by others, there is no blame upon you, provided you hand over what you have given according to what is right. Be mindful of Allah, and know that Allah sees what you do.}

Abu Muhammed said: This contains no proof for them, because if the mother wishes to breastfeed him for less than two years or more than two years, that is permissible for her, provided that weaning before two years does not harm the nursing child. We used to maintain that only breastfeeding occurring within the two years establishes a prohibition of marriage, because the original presumption is that breastfeeding prohibits nothing. Since He Most High prohibited marriage to women on account of breastfeeding, and we found that He Most High had set the prescribed period for the breastfeeding He commanded at two years, while anything beyond the two years is not commanded but is permissible, it necessarily followed that the breastfeeding which establishes a prohibition is the commanded breastfeeding, to the exclusion of any other—unless proof concerning something else is established by an explicit text or consensus, in which case that must be followed. However, recourse must be had to the words of Allah Most High: {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts,

الرضاع المأمور به لا ما سواه، إلا أن يقوم دليل على ما سواه من نص أو إجماع فيصار إليه. ولكن المصير إلى قول الله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} وحمل ذلك على عمومه وكلام رسول الله صلى الله عليه وسلم إذ أخبر أن سالما وهو رجل ذو لحية تحرم عليه التي أرضعته لا يجوز مخالفة شيء من ذلك وبالله تعالى التوفيق. هذا على أن أكثر القائلين بدليل الخطاب المذكور قد جعلوا ما زاد على الحولين، بشهر، وقال بعضهم: بستة أشهر، وقال بعضهم: بسنة كاملة، بمنزلة الحولين، وحرموا بكل ذلك، تناقضا لما أصلوه، وهدما لما أسسوه، وبيانا منهم أن حكمهم بذلك من عند غير الله تعالى

your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who breastfed you, your sisters through breastfeeding, your wives' mothers, and your stepdaughters in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who issue from your loins, and that you should take two sisters together in marriage, except what has already occurred. Indeed, Allah is Forgiving, Merciful.} This must be understood in its general scope, as must the words of the Messenger of Allah—may Allah bestow blessings upon him and grant him peace—when he reported that the woman who breastfed Salim was forbidden to him in marriage, although he was a bearded man. It is impermissible to contravene any of that. Through Allah Most High comes success.

Moreover, most of those who uphold the aforementioned contrary implication have treated one month beyond the two years—and some said six months, while others said an entire year—as equivalent to the two years, and have established a prohibition of marriage through all of that. This contradicts the principles they laid down, demolishes the foundations they

established, and constitutes their own demonstration that their ruling on this comes from someone other than Allah Most High.[16][17][18][19][20][21]

L2799–2801 They argued, saying: ‘The Messenger of Allah ﷺ was given comprehensive expressions. It is therefore impossible for Allah, Mighty and Majestic, or His Messenger ﷺ to mention a word except for some benefit. He, peace be upon him, mentioned freely grazing livestock; had there been no benefit in mentioning it, he would not have done so.’

Abu Muhammed said: This is the questioning of the people of heresy; besides that, it is feeble and grossly misleading. We acknowledge that Allah Most High has mentioned no word except for some benefit, and likewise His Messenger ﷺ. But we disagree with them about the nature of that bene-

واحتجوا فقالوا قد أعطي رسول الله صلى الله عليه وسلم جوامع الكلم فمحال أن يذكر الله عز وجل أو رسوله صلى الله عليه وسلم لفظة إلا لفائدة وقد ذكر عليه السلام السائمة، فلو لم يكن لها فائدة لما ذكرها. قال أبو محمد: وهذا سؤال أهل الإلحاد، وهو مع ذلك غث وتمويه شديد، ونحن مقرون أن الله تعالى لم يذكر لفظه إلا لفائدة وكذلك رسوله صلى الله عليه وسلم ولكنا نخالفهم في ماهية تلك الفائدة فنحن نقول: إن الفائدة في كل لفظة هي الانقياد لمعناها والحكم بموجبها، والأجر الجزيل في الإقرار بأنها من عند الله عز وجل، وألا نسأل لأي شيء قبل هذا؟ وألا نقول لم لم يقل تعالى كذا؟ وألا نتعدى حدود ما أمرنا الله به فنضيف إلى ما ذكر ما لم يذكره، أو نحكم فيما لم يسم من أجل ما سمي بخلاف أو وفاق، وألا تخرج مما أمرنا به شيئا بآرائنا بل نقول: إن هذه كلها أقوال فاسدة واعتراضات كل جاهل زائغ عظيم الجرأة، فلا فائدة أعظم مما أدى إلى الجنة وأنقذ من النار. وأما هم فهم أعرف بالفوائد التي يبطلونها من غير ما ذكرنا. وقالوا: قد كان يغني ذكر الغنم جملة عن ذكر السائمة. قال أبو محمد: فيقال لهم: هذا تعليم منكم لربكم عز وجل كيف ينزل وحيه ولنبيه صلى الله عليه وسلم كيف يبلغ عن ربه تعالى فمن أضل ممن ينزل نفسه في هذه المنزلة ويقال لهم: ما الفرق على مذهبكم الفاسد بين ذكره تعالى في الاستغفار سبعين مرة، ومراده تعالى بلا خوف منا ومنكم أن ما فوق السبعين بمنزلة السبعين بما بين في الآية الأخرى وبين ذكره صلى الله عليه وسلم السائمة ومراده أيضا مع السائمة غير السائمة بما بين في حديث آخر؟ وهلا اكتفى بذكر النهي عن الاستغفار جملة عن السبعين مرة؟. ويقال لهم في سؤالهم: فما معنى ذكر السائمة، وقد كان يغني ذكر الغنم جملة؟: ما معنى ذكره تعالى جبريل وميكائيل بعد ذكره الملائكة في قوله تعالى: {من كان عدوا لله وملائكته

[16] **Translator’s note (L2793):** “The declaration of a wife as forbidden like one’s mother” renders the legal term ẓihār; the references to freeing a slave concern its expiation. The wording around “when he said” and “exalted be His remembrance” is syntactically compressed. The translation understands al-Shafi‘i as making the inference from Allah’s stipulation of a believing slave.

[17] **Translator’s note (L2794):** The term qurū’ can denote menstrual periods or intervals of purity between menstruations; “menstrual periods” is used here. The source appends the quotation concerning divorced women directly after the marriage verse without an explanatory transition; this sequence is retained.

[18] **Translator’s note (L2796):** The opening fragment continues the preceding statement that the Messenger annulled marriages involving wives in excess of four. The Qur’anic quotations repeatedly omit written alifs in such forms as the divine name and the definite article. These transcriptional spellings have been read according to their evident grammatical sense. Qurū’ is rendered ‘menstrual periods’; the Arabic term also admits the interpretation ‘periods of purity between menstruations,’ a distinction relevant to the legal duration. In the breastfeeding quotation, ‘what you have given’ follows the supplied آتيتم; it has not been replaced with an explanatory rendering such as ‘the agreed payment.’

[19] **Translator’s note (L2797):** The final words begin a salutation that continues in the next unit; only the supplied fragment is translated here. The phrase ‘This must be understood’ supplies the English syntax of the Arabic verbal noun ‘understanding/taking,’ whose construction continues from the preceding unit.

[20] **Translator’s note (L2798):** ‘Contrary implication’ renders dalīl al-khiṭāb: inferring a contrary ruling for an unmentioned case from a qualification attached to the case expressly mentioned. The opening completes the salutation begun in the preceding unit.

[21] **Qur’an references (L2793):** Qur’an 2:221 (Al-Baqarah); Qur’an 2:228 (Al-Baqarah); Qur’an 2:234 (Al-Baqarah); Qur’an 2:233 (Al-Baqarah); Qur’an 4:23 (An-Nisa).

fit. We maintain that the benefit in every word consists in submitting to its meaning, ruling according to what it entails, and receiving abundant reward for acknowledging that it comes from Allah, Mighty and Majestic; in our not asking for what purpose this was accepted, and not saying, 'Why did He Most High not say such-and-such?'; in our not overstepping the limits of what Allah has commanded us, thereby adding to what He mentioned something He did not mention, or ruling on something unnamed, on account of something named, either contrary to it or in agreement with it; and in our not excluding anything from what we have been commanded by means of our own opinions. Rather, we say that all these are unsound statements and the objections of every ignorant, deviant person of immense audacity. No benefit is greater than that which leads to Paradise and delivers from the Fire. As for them, they know best the benefits, other than those we have mentioned, which they invalidate.

They said: 'Mentioning sheep and goats collectively would have sufficed without mentioning freely grazing ones.'

Abu Muhammed said: They should therefore be told: 'This is your teaching your Lord, Mighty and Majestic, how to send down His revelation, and teaching His Prophet ﷺ how to convey from his Lord Most High. Who is more astray than someone who places himself in this position?'

They should be told: 'On your unsound doctrine, what difference is there between His mentioning, Most High, seventy times in connection with asking forgiveness—when His intention, Most High, without fear on our part or yours, is that more than seventy is equivalent to seventy, as He explained in the other verse—and his mentioning ﷺ freely grazing livestock, when his intention also includes livestock that do not graze freely along with those that do, as he explained in another report? Why did He not content Himself with mentioning the prohibition of asking forgiveness collectively, without mentioning seventy times?'

They should be told, in response to their question, 'What is the point of mentioning freely grazing livestock, when mentioning sheep and goats collectively would have sufficed?': 'What is the point of His mentioning, Most

ورسله وجبريل وميكال فإن الله عدو للكافرين} وقد كان يغني ذكر الملائكة جملة؟ وما معنى قوله تعالى: {إن إبراهيم لحليم أواه منيب} أترى إسماعيل لم يكن حليما أواها وما معنى قوله تعالى في إسماعيل {وذكر في لكتاب إسماعيل إنه كان صادق لوعد وكان رسولا نبيا} أترى إبراهيم وموسى وعيسى لم يكن وعدهم صادقا

High, Gabriel and Michael after mentioning the angels, in His words, Most High: {Whoever is an enemy to Allah, His angels, His messengers, Gabriel and Michael—then Allah is an enemy to the unbelievers}, when mentioning the angels would have sufficed collectively? And what is the meaning of His words, Most High: {Indeed, Abraham was forbearing, much given to sighing in supplication, ever turning back to Allah}? Do you suppose that Ishmael was not forbearing and much given to sighing in supplication? And what is the meaning of His words, Most High, concerning Ishmael: {And mention Ishmael in the Book. He was true to his promise, and he was a messenger and a prophet}? Do you suppose that Abraham, Moses and Jesus were not true to their promises?'[222324]

L2802–2803 They should be told: 'We have found that Allah Most High introduces in the Qur'an, whose composition is inimitable, an account consisting of a narrative, a legal prescription or an admonition, mentioning some part of the whole of each in one place. Then He Most High mentions that very narrative, that very legal prescription and that very admonition in another place more fully than He mentioned it elsewhere. No one objects to this except someone who assails his Creator, Mighty and Majestic, for what we have mentioned occurs in more than a hundred places in the Qur'an: in the account of Moses, Noah, Abraham and Adam; in the description of Paradise and the Fire; in the command concerning prayer, pilgrimage, almsgiving and jihad; and in other matters. When he ﷺ spoke, he would repeat his words three times.

ويقال لهم قد وجدنا الله تعالى يأتي في القرآن، وهو المعجز نظمه، بذكر قصة من خبر أو شريعة أو موعظة، فيذكر من كل ذلك بعض جملته في مكان، ثم يذكر تعالى ذلك الخبر بعينه، وتلك الشريعة بعينها، وتلك الموعظة بعينها في مكان آخر بأتم مما ذكرها به في غير ذلك الموضع، ولا يعترض في هذا إلا طاعن على خالقه عز وجل، لأن الذي ذكرنا موجود في أكثر من مائة موضع في القرآن، في قصة موسى ونوح وإبراهيم وآدم، وصفة الجنة والنار، وأمر الصلاة والحج والصدقة والجهاد وغير ذلك وقد كان صلى الله عليه وسلم يكرر الكلام إذا تكلم به ثلاثا ولا فرق بين تكرار جميعه وبين تكرار بعضه فكرر صلى الله عليه وسلم ذكر الغنم السائمة في مكان وذكر في مكان آخر الغنم جملة كما كرر قوله تعالى {ليس على لذين آمنوا وعملوا لصالحات جناح فيما طعموا إذا ما تقوا وآمنوا وعملوا الصالحات ثم اتقوا وآمنوا ثم اتقوا وأحسنوا والله يحب لمحسنين} وكما كرر تعالى ذكر موسى عليه السلام في القرآن في مائة وثلاثين موضعا، وإبراهيم عليه السلام في أربع وستين موضعا، ولم يذكر إدريس واليسع وإلياس وذا الكفل إلا في موضعين من القرآن فقط، وكما كرر تعالى: {فبأي آلاء ربكما تكذبان} أكثر من آية في سورة واحدة إحدى وثلاثين مرة فهل لأحد أن يعترض فيقول هلا بلغها أكثر؟ أو هلا

[22] **Translator's note (L2799):** The supplied قبل in 'لأي شيء قبل هذا' is unvocalized and awkward in context. The translation reads it as qubila, 'was accepted.' A reading قيل, 'was said,' would fit the surrounding argument, but has not been silently substituted. The supplied 'وألا تخرج' shifts grammatical form; the translation follows the surrounding first-person plural construction while preserving its stated sense. Sā'ima means livestock that graze freely, a technical qualification in the discussion of obligatory alms. Ghanam includes both sheep and goats.

[23] **Translator's note (L2800):** The supplied 'بلا خوف منا ومنكم' literally says 'without fear on our part or yours.' 'Without disagreement between us and you' would fit the argument, but would require خلاف in place of the supplied خوف; the wording has not been silently corrected.

[24] **Qur'an references (L2799):** Qur'an 2:98 (Al-Baqarah); Qur'an 11:75 (Hud).

There is no difference between repeating all of something and repeating part of it. Thus he ﷺ repeated the mention of freely grazing sheep and goats in one place, and in another place mentioned sheep and goats collectively, just as He Most High repeated in His words: {There is no blame upon those who believe and do righteous deeds for what they have consumed, provided they are mindful of Allah, believe and do righteous deeds, then are mindful of Allah and believe, then are mindful of Allah and do good. Allah loves those who do good.} And just as He Most High repeated the mention of Moses, peace be upon him, in the Qur'an in a hundred and thirty places, and Abraham, peace be upon him, in sixty-four places, while He mentioned Idris, Elisha, Elijah and Dhu al-Kifl in only two places in the Qur'an; and just as He Most High repeated {Which, then, of your Lord's favors do you two deny?} in more than one verse in a single surah, thirty-one times. Does anyone have the right to object and say, "Why did He not make them more numerous?" or "Why did He not restrict Himself to a smaller number of them?" or "Would once not have sufficed?"—as these mistaken people said, "Why did he not content himself with mentioning sheep and goats without mentioning freely grazing ones?" We have already explained that Allah Most High derives no benefit from anything He created, nor from His leaving undone what He left undone, and that the benefit for us in this is the immense reward for

اقتصر على عدد منها أقل؟ أو ما كان يكفي مرة واحدة؟ كما قال هؤلاء المخطئون: هلا اكتفى بذكر الغنم عن ذكر السائمة؟ وقد بينا أنه لا فائدة لله تعالى في شيء مما خلق ولا في تركه ما ترك، وأن الفائدة لنا في ذلك الأجر العظيم في الإيمان بكل ذلك كما قاله تعالى: {وإذا مآ أنزلت سورة فمنهم من يقول أيكم زادته هذه إيمانا

believing in all of it, as He Most High said: {Whenever a surah is sent down, some of them say, “Which of you has this increased in faith?[25][26]

L2804–2808 “As for those who believe, it has increased them in faith, and they rejoice.” And He, exalted is He, reported that the unbelievers said: “We have appointed none but angels as the keepers of the Fire, and We have made their number only a trial for those who disbelieve, so that those given the Book may attain certainty, and those who believe may increase in faith, and those given the Book and the believers may not doubt, and so that those in whose hearts is sickness and the unbelievers may say, ‘What did Allah intend by this as a parable?’ Thus Allah leads astray whom He wills and guides whom He wills. None knows the hosts of your Lord but He, and it is only a reminder to humankind.” We therefore increase in faith through what we have cited, and we do not ask, “What did Allah intend by this as a parable?” Let them choose for themselves whichever of the two paths they prefer, as Ali ibn Abbas said: “Before you—consider which of your two courses you will follow— Are two divergent paths: one straight and one crooked.” The benefit of repeating the mention of grazing livestock, and confining the mention to them in certain places, may also be an additional benefit beyond what we have mentioned. This is that we know that some obligations are more emphatic than others.

[25] **Translator’s note (L2803):** The awkward ‘أكثر من آية’ is rendered ‘in more than one verse,’ retaining the supplied wording alongside the explicit count of thirty-one repetitions. The final quotation continues in the following unit; no closing quotation or completion of the verse has been supplied.

[26] **Qur’an references (L2802):** Qur’an 5:93 (Al-Ma’idah); Qur’an 55:13 (Ar-Rahman); Qur’an 55:16 (Ar-Rahman); Qur’an 55:18 (Ar-Rahman); Qur’an 55:21 (Ar-Rahman); Qur’an 55:23 (Ar-Rahman); Qur’an 55:25 (Ar-Rahman); Qur’an 55:28 (Ar-Rahman); Qur’an 55:30 (Ar-Rahman); Qur’an 55:32 (Ar-Rahman); Qur’an 55:34 (Ar-Rahman); Qur’an 55:36 (Ar-Rahman); Qur’an 55:38 (Ar-Rahman); Qur’an 55:40 (Ar-Rahman); Qur’an 55:42 (Ar-Rahman); Qur’an 55:45 (Ar-Rahman); Qur’an 55:47 (Ar-Rahman); Qur’an 55:49 (Ar-Rahman); Qur’an 55:51 (Ar-Rahman); Qur’an 55:53 (Ar-Rahman); Qur’an 55:55 (Ar-Rahman); Qur’an 55:57 (Ar-Rahman); Qur’an 55:59 (Ar-Rahman); Qur’an 55:61 (Ar-Rahman); Qur’an 55:63 (Ar-Rahman); Qur’an 55:65 (Ar-Rahman); Qur’an 55:67 (Ar-Rahman); Qur’an 55:69 (Ar-Rahman); Qur’an 55:71 (Ar-Rahman); Qur’an 55:73 (Ar-Rahman); Qur’an 55:75 (Ar-Rahman); Qur’an 55:77 (Ar-Rahman); Qur’an 9:124 (At-Tawbah).

فأما لذين آمنوا فزادتهم إيمانا وهم يستبشرون} وأخبر تعالى أن الكفار قالوا {وما جعلنآ أصحاب لنار إلا ملائكة وما جعلنا عدتهم إلا فتنة للذين كفروا ليستيقن لذين أوتوا لكتاب ويزداد لذين آمنوا إيمانا ولا يرتاب لذين أوتوا لكتاب ولمؤمنون وليقول لذين في قلوبهم مرض ولكافرون ماذآ أراد لله بهذا مثلا كذلك يضل لله من يشآء ويهدي من يشآء وما يعلم جنود ربك إلا هو وما هي إلا ذكرى للبشر} فنحن نزداد إيمانا بما أوردنا ولا نسأل ماذا أراد الله بهذا مثلا، فليختاروا لأنفسهم أي السبيلين أحبوا، كما قال علي بن عباس: أمامك فانظر أي نهجيك تنهج طريقان شتى: مستقيم وأعوج وقد يمكن أن تكون الفائدة في تكرار السائمة والاقتصار عليها في بعض المواضع فائدة زائدة على ما ذكرنا، وهي أننا قد علمنا أن بعض الفرائض أوكد من بعض، مثل الصلاة فإنها أوكد من الصيام. وليس ذلك بمخرج صيام رمضان على أن يكون فرضا، ومثل القتل والشرك فإنهما أوكد في التحريم من لطمة المرء المسلم ظلما، وليس ذلك بمخرج للطمة ظلما من أن تكون حراما، وإنما المعنى فيما ذكرنا من التأكيد أن هذا أعظم أجرا، وهذا أعظم وزرا، وما استواء كل ذلك في الوجوب وفي التحريم فسواء، لا تفاضل في شيء من ذلك. وكل ذلك سواء إن هذا حرام وهذا حرام، وإن هذا واجب وهذا واجب، فيكون على هذا أجر المزكي غير للسائمة أعظم من أجر المزكي غير السائمة، وكل مؤد فرضا ومأجور على ما أدى ويكون إثم مانع زكاة السائمة أعظم من إثم مانع زكاة غير السائمة، وكلاهما مانع فرض، ومحتقب إثم، فلتخصيص السائمة بالذكر في بعض المواضع على هذا فائدة عظيمة، كما أن الزاني بامرأة جاره أو امرأة المجاهد والحريمة أعظم إثما من الزاني بامرأة أجنبية، أو امرأة أجنبي ذمي أو حربي، وكل زان وآت كبيرة وآثم إلا أن الإثم يتفاضل. ومثل هذا قوله تعالى {وقضى ربك ألا تعبدوا

Prayer, for example, is more emphatic than fasting; yet this does not remove fasting Ramadan from being an obligation. Likewise, killing and associating partners with Allah are more emphatically prohibited than unjustly slapping a Muslim; yet this does not remove an unjust slap from being unlawful. What we mean by the greater emphasis we have mentioned is only that this carries a greater reward and that carries a greater burden of sin. As for all these being equal in obligatoriness and prohibition, they are equal: there is no difference of degree in any of that. All are equal in that this is unlawful and that is unlawful, and this is obligatory and that is obligatory. On this basis, the reward of the person paying zakat on livestock other than grazing livestock would be greater than the reward of the person paying zakat on livestock other than grazing livestock. Each discharges an obligation and is rewarded for what he has discharged. The sin of withholding the zakat on grazing livestock would be greater than the sin of withholding the zakat on livestock other than grazing livestock. Each withholds something obligatory and incurs a burden of sin. Thus, on this basis, singling out grazing livestock for mention in certain places has a great benefit. Similarly, someone who commits fornication with his neighbor's wife, or the wife of a warrior engaged in jihad, or a woman within the prohibited degrees of kinship, incurs greater sin than someone who commits fornication with an unrelated woman, or the wife of an unrelated man who is a protected non-Muslim or a non-Muslim at war with the Muslims. Each is a fornicator, a perpetrator of a major sin, and a sinner; nevertheless, sin admits of degrees. Similar to this is His saying, exalted is He: "Your Lord has decreed that you worship none but Him, and show kindness to parents. If one or both of them reach old age with you, do not say to them 'Uff,' and do not rebuke them, but speak to them graciously." And His saying, exalted is He: "As for the orphan, do not oppress him; and as for the petitioner, do not rebuke him." Does this permit oppressing someone other than an orphan and rebuking someone other than a poor person, or prohibit showing kindness to relatives, neighbors, and all other Muslims apart from parents? Rather, because oppressing an orphan, rebuking a poor person, and failing to show kindness to parents involve a greater burden of sin and a greater reward, they were singled out for mention in certain places and included with all other people

إلا إياه وبالوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهمآ أف ولا تنهرهما وقل لهما قولا كريما} وكقوله تعالى {فأما ليتيم فلا تقهر * وأما لسآئل فلا تنهر} فهل في هذا إباحة قهر غير اليتيم ونهر غير المسكين، أو المنع من الإحسان إلى غير الآباء من ذوي القربى والجيران وسائر المسلمين؟ ولكنه لما كان قهر اليتيم ونهر المسكين وترك الإحسان إلى الوالدين أعظم وزرا وأعظم أجرا، خصوا بالذكر في بعض المواضع، وعموا مع سائر الناس في مواضع أخر، فلعل السائمة مع غير السائمة كذلك، وكذلك ذكره تعالى الصلوات إذ يقول عز من قائل {حافظوا على لصلوات ولصلاة لوسطى وقوموا لله قانتين} فيسأل هؤلاء المقدمون كما سألوا فيقال لهم المعنى في تخصيص النبي صلى الله عليه وسلم السائمة بالذكر في بعض الأحاديث كالمعنى في تخصيصه تعالى الصلاة الوسطى بالمحافظة دون الصلوات في لفظ مفرد، وقد عمهما تعالى في سائر الصلوات كما عم رسوله صلى الله عليه وسلم السائمة مع غير السائمة في حديث ابن عمر فبطل بما ذكرنا اعتراضهم بطلب الفائدة في تكرار السائمة، وبأن ذكر الغنم جملة كان يكفي، ولاح أن سؤالهم سؤال إلحاد وشر. وبالله تعالى التوفيق. وقد يكفي من هذا قوله تعالى: {لا يسأل عما يفعل وهم يسألون} وما روي عن رسول الله صلى الله عليه وسلم هلك المتنطعون ولا تنطع أعظم من قول قائل: لم قال الله تعالى أمرا كذا ولم يقل أمرا كذا؟ وبالله تعالى نستعين

in other places. Perhaps grazing livestock, together with livestock other than grazing livestock, are likewise. So too is His mention of the prayers, when He—mighty is He who speaks—says: "Observe the prayers, and the middle prayer, and stand before Allah in devout obedience." These presumptuous people should therefore be questioned as they themselves have questioned. They should be told: the significance of the Prophet's ﷺ singling out grazing livestock for mention in some hadiths is like the significance of His, exalted is He, singling out the middle prayer for observance, apart from the other prayers, in a separate expression. He, exalted is He, has included both within all the prayers, just as His Messenger ﷺ included grazing livestock together with livestock other than grazing livestock in the hadith of Ibn Umar. What we have mentioned therefore invalidates their objection demanding a benefit in repeating the mention of grazing livestock and asserting that mentioning sheep collectively would have sufficed. It has become apparent that their question is a question of impiety and evil. Success comes through Allah, exalted is He. His saying, exalted is He, may suffice concerning this: "He is not questioned about what He does, whereas they are questioned." So too may what is transmitted from the Messenger of Allah ﷺ: "Those who go to excess in questioning have perished." There is no greater excess in questioning than someone saying, "Why did Allah, exalted is He, say such-and-such a thing and not say such-and-such a thing?" And we seek help from Allah, exalted is He.[27][28][29]

[27] **Translator's note (L2805):** The wording وما استواء is syntactically awkward; the translation follows the contrast established by the surrounding argument between degrees of reward or sin and equality in legal status.

[28] **Translator's note (L2806):** The opening comparison repeats 'livestock other than grazing livestock' on both sides. The first occurrence, غير للسائمة, is also malformed. The translation preserves the repeated comparison rather than substituting the apparently intended 'grazing livestock' in its first half. الحريمة is rendered as a woman within the prohibited degrees of kinship; its precise scope here is uncertain. The source attributes both 'a greater burden of sin' and 'a greater reward' to the listed wrongful acts. The apparent intended distinction between committing those acts and avoiding them is not expressed in the Arabic and has not been inserted. The dual pronoun in عمهما, 'included both,' has an unclear antecedent in the discussion of the prayers.

[29] **Qur'an references (L2804):** Qur'an 74:31 (Al-Muddaththir); Qur'an 2:26 (Al-Baqarah); Qur'an 17:23 (Al-Isra); Qur'an 21:23 (Al-Anbya).

وقالوا إن قول رسول الله صلى الله عليه وسلم إنما الولاء لمن أعتق دليل على أن ولاء لمن لم يعتق. قال أبو محمد: وليس كما ظنوا، ولكن لما كان الأصل أن لا ولاء لأحد على أحد بقوله تعالى: {يابني آدم قد أنزلنا عليكم لباسا يواري سوءاتكم وريشا ولباس لتقوى ذلك خير ذلك من آيات لله لعلهم يذكرون} وبقوله تعالى {بل عجبوا أن جآءهم منذر منهم فقال لكافرون هذا شيء عجيب} وبقوله صلى الله عليه وسلم كل المسلم على المسلم حرام ثم جاء الحديث المذكور وجب به الولاء لمن أعتق، وبقي من لم يعتق على ما كان عليه مذ خلق من أن لا ولاء لأحد عليه إلا من أوجب عليه الإجماع المنقول المتيقن إلى حكم النبي صلى الله عليه وسلم ولولا مثل من تناسل من المعتق من أصلاب أبنائه الذكور من كل من يرجع إليه نسبه، ممن حمل به بعد الولاء المنعقد على الذي ينتسب إليه كأسامة بن زيد وغيره ولولا قوله صلى الله عليه وسلم إنما الولاء لمن أعتق ما وجب المعتق ولاء على المعتق، لأن ذلك إيجاب شريعة وشرط، والشرائع لا تكون إلا بإذن من الله تعالى على لسان رسوله صلى الله عليه وسلم وكل شرط ليس في كتاب الله تعالى فهو باطل ووجدنا هذا الحديث الذي احتجوا به لم يمنع من وجوب الولاء لغير من أعتق، مثل ما ذكرنا من وجوب ولاء ولد المعتق، ولم يعتقه أحد، ولا ولدته أمه، ولا حمل به إلا وهو حر، لولد معتق أبيه وهو لم يعتقه قط، ولا ملكه قط، ولا أعتق أباه ولا جده ولا ملكهما قط، ولا أعتقه أبو هذا الذي ولاؤه الآن، ولا جده ولا ملكاه قط، فبطل ما ادعوه من القول بدليل الخطاب. ومن أعجب الأشياء: أن هؤلاء المحتجين بهذا الحديث في تصحيح الحكم بدليل الخطاب هم أشد الناس نقضا لأصولهم في ذلك، وهدما لما احتجوا به لأنهم قد حكموا بالولاء لغير المعتق على من لم يعتق قط بلا دليل، لا من نص ولا من إجماع لكن تحكما فاسدا، فأوجبت طوائف منهم أن الولاء يجزىء العم والجد إذا أعتقا. وأوجبوه ينتقل كانتقال الكرة

L2809–2811 They said that the saying of the Messenger of Allah ﷺ, "Patronage belongs only to the one who emancipates," is evidence that patronage belongs to someone who has not emancipated. Abu Muhammed said: It is not as they supposed. Rather, since the original state is that no one has patronage over anyone else, by His saying, exalted is He, "Children of Adam, We have sent down to you clothing to cover your shameful parts, and finery; but the clothing of piety—that is better. That is among the signs of Allah, so that they may take heed"; and by His saying, exalted is He, "Rather, they marveled that a warner from among themselves had come to them, and the unbelievers said, 'This is an astonishing thing'"; and by his saying ﷺ, "The whole of a Muslim is inviolable to another Muslim"; then, when the aforementioned hadith came, patronage became due through it to the person who emancipated. Someone who had not emancipated remained in the state in which he had been since he was created: no one had patronage over him, except someone upon whom transmitted consensus, traced with certainty to the judgment of the Prophet ﷺ, established it. And were it not for such people as those descended from an emancipated person through the loins of his male children—all those whose lineage goes back to him and who were conceived after patronage had been established over the person to whom they trace their descent, such as Usamah ibn Zayd and others—and were it not for his saying ﷺ, "Patronage belongs only to the one who emancipates," no patronage over an emancipated person would be due to his emancipator. For that constitutes the imposition of a religious law and a stipulation, and religious laws can exist only by permission from Allah, exalted is He, through the speech of His Messenger ﷺ. Every stipulation that is not in the Book of Allah, exalted is He, is void. We have found that this hadith which they adduced as evidence did not prevent patronage from becoming due to someone other than the person who emancipated. An example is what we have mentioned: patronage over the child of an emancipated person becomes due to the child of his father's emancipator, although no one emancipated him, and his mother neither bore him nor conceived him except as a free person. That person never emancipated him or owned him, never emancipated his father or grandfather or owned either of them; nor did the father or grandfather of the person to whom his patronage now belongs ever emancipate

him or own him. Thus their claim to argue from contrary implication is invalidated. Among the most astonishing things is that these people who adduce this hadith to establish the validity of ruling by contrary implication are the most vigorous of all people in contradicting their own principles on this matter and demolishing what they have adduced as evidence. For they have awarded patronage to someone other than the emancipator over someone who was never emancipated, without any evidence from either a text or consensus, but merely through an unsound arbitrary ruling. Some groups among them have therefore ruled that patronage suffices for the paternal uncle and grandfather when they are emancipated, and have ruled that it passes from one person to another like a ball passing about in play. Yet the Messenger of Allah ﷺ has shown them to be false by saying, "Patronage is a bond like the bond of lineage." Lineage does not transfer; it therefore follows necessarily that patronage, like lineage, does not transfer. They say, concerning a male slave who marries an emancipated woman and she bears him children, that patronage over her children belongs to her masters. They

في اللعب بها وقد أكذبهم رسول الله صلى الله عليه وسلم بقوله الولاء لحمة كلحمة النسب والنسب لا ينتقل، فوجب ضرورة أن الولاء كالنسب لا ينتقل. وهم يقولون في العبد ينكح معتقة فتلد له: إن ولاء ولدها لسادتها. قالوا: أعتق أبوهم يوما ما عاد ولاء والدها إلى معتق أبيهم.

said: “Should their father be emancipated one day, patronage over her father returns to their father’s emancipator.”[30][31][32][33]

L2812–2817 Abu Muhammed said: Could anything be more astonishing than this? A man belongs to Banu Tamim because his mother is their client—and the Messenger of Allah ﷺ says, in the statement they have construed improperly, “A people’s client belongs to them”—when suddenly he becomes directly affiliated with al-Azd because a man of al-Azd emancipates his father! Could there be any greater opposition to the Messenger of Allah ﷺ, who conveys the message of his Lord Most High? Or could they more thoroughly give themselves the lie than by saying that his statement ﷺ, “The bond of clientage belongs only to the one who emancipates,” proves that there is no bond of clientage for someone who has not emancipated anyone? Yet this person, whose clientage they have transferred once from the Yemenite tribes to the Mudarite tribes, and another time from the Persians to Quraysh, has never been emancipated by anyone, has never been owned, and was free from the moment his mother conceived him. They have assigned the bond of clientage

قال أبو محمد: أفيكون أعجب من هذا بينما المرء من بني تميم لكون أمه مولاة منهم ويقول رسول الله صلى الله عليه وسلم الذي حملوه على غير وجهه مولى القوم منهم. إذ صار بلا واسطة من الأزد بعتق رجل من الأزد لأبيه أفيكون في خلاف رسول الله صلى الله عليه وسلم المبلغ عن ربه تعالى أكثر من هذا أو يكون في إكذابهم أنفسهم أن قالوا قوله صلى الله عليه وسلم إنما الولاء لمن أعتق دليل على أن لا ولاء لمن لم يعتق؟ وهذا الذي حروا ولاءه مرة من اليمانية إلى المضرية، ومرة من الفرس إلى قريش، لم يعتقه أحد ولا ملك قط، ولا حملته أمه إلا وهو حر. وأوجبوا الولاء لموالي الأم على ولدها من حربي، وعلى ولد الملاعنة بلا نص ولا إجماع، فأين احتجاجهم بدليل الخطاب؟ ولكن غرض القوم إقامة الشغب في المسألة التي هم فيها فقط، ولا يبالون أن ينقضوا على أنفسهم ألف مسألة بما يريدون به تأييد هذه، حتى إذا صاروا إلى غيرها لم يبالوا بإبطال ما صححوا به هذه التي انقضى الكلام فيها في نصرهم للتي صاروا إليها، فهم دأبا ينقضون ما أبرموا، ويصححون ما أبطلوا، ويبطلون ما صححوا، فصح أن أقوالهم من عند غير الله عز وجل، لكثرة ما فيها من الاختلاف والتفاسد، وإنما هم قوم توغلوا فانتسبوا في التقليد لأقوال فاسدة يهدم بعضها بعضا، فألفوها ألفة كل ذي دين لدين أبيه، ودين من نشأ معه، فلا يبالون بما قالوا في إرادتهم نصر ما لم ينصره الله تعالى من تلك المذاهب الفاسدة وقالوا قوله صلى الله عليه وسلم إنما الأعمال بالنيات دليل على أن لا عمل إلا بنية وأن: ما عمل بغير نية باطل. قال أبو محمد: ليس ذلك كما ظنوا، ولكن لما قال الله تعالى: {وأن ليس للإنسان إلا ما سعى} وقال تعالى {ومآ أمروا إلا ليعبدوا الله مخلصين له لدين حنفآء ويقيموا لصلاة ويؤتوا لزكاة وذلك دين لقيمة} كان قد بطل كل أمر إلا تأدية ما أمرنا به من العبادة

[30] **Translator’s note (L2809):** The opening Arabic says that patronage belongs to someone who has not emancipated; it lacks the negative required by the position attributed to the opponents in the surrounding discussion. The supplied wording is preserved. The two Quranic passages are translated as supplied. Their connection to the claimed original absence of patronage is not explained in this passage. ولولا مثل, translated ‘And were it not for such people as,’ produces a disrupted construction. The surrounding argument appears to require an exception or an illustration concerning descendants, but the wording has not been repaired. ما وجب المعتق ولاء على المعتق appears to lack the preposition before the first المعتق. The translation follows the roles established by the surrounding discussion: patronage due to the emancipator over the emancipated person. دليل الخطاب is rendered consistently as ‘contrary implication’: inferring an opposite ruling for what the wording does not expressly mention.

[31] **Translator’s note (L2810):** يجزىء, rendered ‘suffices,’ is anomalous in this legal context. A reading referring to the transfer or drawing of patronage may have been intended, but the supplied wording has been retained.

[32] **Translator’s note (L2811):** The final sentence reads والدها, ‘her father,’ although the context concerns ولدها, ‘her children.’ The supplied reading is preserved. The conditional sense of ‘should their father be emancipated’ is inferred from the sequence, since no explicit conditional particle appears.

[33] **Qur’an references (L2809):** Qur’an 7:26 (Al-A’raf); Qur’an 50:2 (Qaf).

over a woman's child by a man from a people at war with the Muslims, and over the child of a woman subjected to mutual imprecation, to the mother's patrons, without either a revealed text or consensus. Where, then, is their appeal to the contrary implication of the wording? These people's purpose, however, is merely to stir up contentious argument over the question immediately before them. They do not care if, through what they seek to use to support it, they undermine a thousand of their own positions. Then, when they move on to another question, they do not care if, in support of the one to which they have turned, they invalidate what they used to establish the question whose discussion has now ended. Thus they continually undo what they have settled, affirm what they have invalidated, and invalidate what they have affirmed. It is therefore established that their statements come from someone other than Allah, Mighty and Majestic, because of the abundant disagreement and mutual inconsistency within them. They are merely people who have immersed themselves and committed themselves, through uncritical adherence, to unsound positions that demolish one another. They have grown attached to them as every adherent of a religion grows attached to his father's religion and the religion of those among whom he grew up. They therefore do not care what they say in their desire to support those unsound doctrines which Allah Most High has not supported. They also said that his statement ﷺ, "Actions are only according to intentions," proves that there is no action except with an intention, and that whatever is done without an intention is invalid. Abu Muhammed said: It is not as they supposed. Rather, when Allah Most High said, "And that a human being shall have only what he has striven for," and said, "And they were commanded only to worship Allah, making religion sincerely His, inclining to the true faith, and to establish prayer and give the obligatory alms; and that is the religion of uprightness," every undertaking was thereby invalidated except the performance of the worship we have been commanded to perform, with its purpose directed sincerely to Allah Most High. Thus, by this verse, the sufficiency of an action without an intention was invalidated, except what a revealed text or consensus has established, which is consequently excepted from this general statement. Examples include what is established by consensus transmitted back to the Messenger of Allah ﷺ: that a living person's

بإخلاص القصد بذلك إلى الله تعالى فبهذه الآية بطل أن يجزى عمل بغير نية إلا ما أوجبه نص أو إجماع، فكان مستثنى من هذه الجملة، مثل ما ثبت بالإجماع المنقول إلى رسول الله صلى الله عليه وسلم من جواز لحاق دعاء الحي للميت بالميت ومثل لحاق صيام الولي عن الميت بالميت وصدقته عنه، والحج عنه، وتأدية الديون إلى الله تعالى وللناس عنه، وإن لم يأمر هو بذلك ولا نواه، ولحاق الأجر من كل عامل بمن علمه ذلك العمل أو سنه، ولحاق الوزر من كل عامل بمن علمه ذلك العمل أو سنه. وإنما وجب بالحديث الذي ذكروا أن من عمل شيئا بنية ما فله ما نوى، فإن نوى به الله تعالى وتأدية ما أمر به من كيفية ذلك العمل فله ذلك، وقد أدى ما لزمه، وإن نوى غير ذلك فله أيضا ما نوى، فإن لم ينو شيئا فلا ذكر له في هذا الحديث، لكن حكمه في سائر ما ذكرنا قبل. والعجب ممن احتج بهذا الحديث من أصحاب القياس وهم أترك الناس له فأما الحنفيون فينبغي لهم التقنع عند ذكر هذا الحديث والاحتجاج به، فإنهم يجيزون تأدية صيام الفرض بلا نية أصلا بل بنية الفطر، وتأدية فرض الوضوء بغير نية الوضوء لكن بنية التبرد. وقالوا كلهم وأصحاب الشافعي وأصحاب مالك: إن كثيرا من فرائض الحج التي يبطل الحج بتركها تجزي بغير نية. فأما الحنفيون فقالوا: من أحرم وحج ينوي التطوع أجزأه ذلك عن حج الإسلام. وقال الشافعيون: أعمال الحج كلها، حاشا الإحرام، تجزيه بلا نية أداء الفرض. وقال المالكيون: الوقوف بعرفة يجزي بلا نية، وأن الصيام لآخر يوم من رمضان يجزي بنية كانت قبله بنحو ثلاثين يوما، والصلاة تجزيه بلا نية مقترنة بها. وقال بعضهم: غسل الجمعة يجزي من غسل الجنابة. وقال بعضهم: دخول الحمام بلا نية يجزي من غسل الجنابة. فأبطلوا احتجاجهم بالحديث المذكور، وأكذبوا قولهم في دليل الخطاب؛ وأوجبوا جواز أعمال بلا نية حيث أبطلها الله تعالى ورسوله صلى الله عليه وسلم وأبطلوا صيام الولي عن الولي والحج عن الميت وأداء ديون الله تعالى عنه وقد أوجبها الله تعالى. واحتجوا

supplication for the deceased may benefit the deceased; likewise, that a close relative's fasting on behalf of the deceased may benefit the deceased, as may his giving charity on the deceased's behalf, pilgrimage on his behalf, and the discharge on his behalf of debts owed to Allah Most High and to other people, even if he himself neither directed this nor intended it; and that the reward arising from everyone who performs an action accrues to whoever taught him that action or instituted it, and that the burden of sin arising from everyone who performs an action accrues to whoever taught him that action or instituted it. The hadith they cited establishes only that whoever does something with a particular intention has what he intended. If he intended thereby Allah Most High and the performance of the action in the manner he was commanded to perform it, he has that and has discharged his obligation. If he intended something else, he likewise has what he intended. If he intended nothing, however, he is not mentioned in this hadith; his ruling is instead found in the other evidence we previously mentioned. What is astonishing is that the advocates of analogy appeal to this hadith, although they are the people who most disregard it. As for the Hanafis, they ought to cover their faces when this hadith is mentioned and invoked as evidence. They permit the discharge of obligatory fasting with no intention whatsoever—indeed, with the intention of not fasting—and the discharge of obligatory ablution without the intention of ablution, but with the intention of cooling oneself. All of them, together with the followers of al-Shafi'i and the followers of Malik, say that many of the obligatory acts of pilgrimage, whose omission invalidates the pilgrimage, suffice without an intention. The Hanafis say that whoever enters the consecrated state and performs the pilgrimage intending a voluntary observance thereby discharges the obligatory pilgrimage of Islam. The Shafi'is say that all the acts of pilgrimage except entering the consecrated state suffice without an intention to discharge the obligation. The Malikis say that standing at 'Arafat suffices without an intention, that fasting the last day of Ramadan suffices with an intention formed approximately thirty days previously, and that prayer suffices for him without an intention accompanying it. Some of them say that the Friday ritual bath suffices in place of the ritual bath required by major ritual impurity. Some of them say that entering the bathhouse without an intention suffices

أن لا عمل إلا بنية العامل، ولا نية للمعمول عنه في ذلك فاستدركوا على ربهم ما لم يستدركوه على أنفسهم، وهذا غاية الخذلان. واحتجوا بما روي عن عمر بن الخطاب رضي الله عنه، وعن يعلى بن منبه رحمة الله عليه إذ سأل عن قصر الصلاة وقد ارتفع الخوف، قالوا: فلما جاء القصر في القرآن في حال الخوف دل ذلك على أن الأمر بخلاف الخوف.

in place of the ritual bath required by major ritual impurity. They have thus invalidated their own appeal to the aforementioned hadith, given the lie to their position concerning the contrary implication of the wording, and affirmed the validity of actions without an intention where Allah Most High and His Messenger ﷺ have invalidated them. They have also invalidated a close relative's fasting on behalf of a close relative, pilgrimage on behalf of the deceased, and the discharge on his behalf of debts owed to Allah Most High, although Allah Most High has established them. They argued that there is no action except with the intention of the person performing it, and that the person on whose behalf it is performed has no intention in that matter. They have thus presumed to correct their Lord in a way they have not corrected themselves. This is the utmost abandonment to error. They appealed to what is related from 'Umar ibn al-Khattab—may Allah be pleased with him—and from Ya'la ibn Munabbih—may Allah have mercy upon him—when he asked about shortening the prayer after fear had ceased. They said: Since shortening is mentioned in the Quran in a state of fear, this indicates that the ruling is different when fear is absent.[34][35][36][37]

L2818 Abu Muhammed said: One of the leading men among our own companions, Abu al-Hasan, reporting from 'Abd Allah ibn Ahmad ibn al-Mughallis, erred in this matter and held the view we have mentioned. This provides them with no proof, because the original rule for all prayers, according to the apparent sense of the command, is to perform them in full. The Messenger of Allah

قال أبو محمد: وقد غلط في ذلك من أكابر أصحابنا أبو الحسن، عن عبد الله بن أحمد بن المغلس: فظن مثل ما ذكرنا، وهذا لا حجة لهم فيه، لأن الأصل في الصلوات كلها على ظاهر الأمر الإتمام وقد نص رسول الله صلى الله عليه وسلم على عدد ركعات كل صلاة ثم جاء النص بعد ذلك في القصر في حال السفر مع الخوف، فكان ذلك مستثنى من سائر الأحوال، فلما رأى عمر القصر متماديا مع ارتفاع الخوف، أنكر خروج الحال التي لم تستثن في علمه عن حكم النص الوارد في إتمام الصلاة في سائر الأحوال غير الخوف فأخبر صلى الله عليه وسلم أن حال السفر فقط مستثناة أيضا من إيجاب الإتمام، وإن لم يكن هنالك خوف، فكان هذا نصا زائدا في استثناء حال السفر مع الأمن،

[34] **Translator's note (L2812):** The supplied حروا in the discussion of transferring clientage appears corrupt; the translation follows the contextual sense of transferring or drawing the bond of clientage from one affiliation to another. The phrase فانتسبوا في التقليد is awkward as supplied; it is rendered as committing themselves through uncritical adherence.

[35] **Translator's note (L2813):** The second Quranic quotation, corresponding to 98:5, contains defective spellings and missing initial letters in the supplied transcription, including لدين، لصلاة، لزكاة، لقيمة where the standard wording has الله, and الدين، الصلاة، الزكاة، القيمة where the standard wording has الله. The translation gives the intelligible sense of the supplied quotation.

[36] **Translator's note (L2816):** The supplied text says صيام الولي عن الولي, literally a close relative's fasting on behalf of a close relative. The surrounding discussion concerns fasting on behalf of the deceased, but that wording has not been substituted here.

[37] **Qur'an references (L2812):** Qur'an 53:39 (An-Najm).

ﷺ explicitly specified the number of prayer cycles in each prayer. A revealed text subsequently came concerning shortening during travel accompanied by fear, so that circumstance was excepted from all other circumstances. When ‘Umar saw the continued practice of shortening after fear had ceased, he objected to a circumstance which, to his knowledge, had not been excepted being excluded from the ruling of the text prescribing the full performance of prayer in all circumstances other than fear. He ﷺ then explained that the circumstance of travel alone is also excepted from the obligation to perform the prayer in full, even where there is no fear. This was therefore an additional text excepting the circumstance of travel in safety.[38]

L2819–2820 Thus, the person who objected was someone unaware that revealed law had prescribed this charitable concession, which must be accepted; that person was ‘Umar—may Allah be pleased with him. We do not deny that one Companion, or even most of them, might be unaware of the revelation of a ruling known to others among them. As for the hadith related from ‘A’ishah—may Allah be pleased with her—“Prayer was made obligatory,” it provides no proof against us; rather, it is proof for us. ‘Umar may have supposed, when prayer performed while resident was changed to four prayer cycles, that prayer during travel had also been changed. No one after the Messenger of Allah ﷺ is exempt from error. Abu Muhammed said: Some of our companions who erred in this matter offered as their justification the argument that his statement ﷺ in the hadith of Laqit ibn Sabrah al-Iyadi, “Draw water into the nose twice, thoroughly, unless you are fasting,” prohibits a fasting person from drawing water thoroughly into the nose. Abu Muhammed said: It is not as they supposed. Rather, Laqit’s hadith makes thoroughness obligatory upon someone who is not fasting, as an obligation he must necessarily discharge. It also excepts the fasting person from this obligation. Thus, the fasting person is relieved of the obligation of thoroughness. The lapse of the obligation does not entail any prohibition of it. Thus, the aforementioned hadith contains no prohibition against the fast-

[38]**Translator’s note (L2818):** The wording أبو الحسن عن عبد الله بن أحمد بن المغلس is syntactically awkward. The translation preserves عن as a transmission link, “reporting from,” although the passage may contain a corruption in the scholar’s identification.

فإنما أنكر ذلك من جهل أن هذه الصدقة الواجب قبولها قد نزل بها الشرع، وهو عمر رضي الله عنه، ولسنا ننكر مغيب الواحد من الصحابة أو الأكثر منهم عن نزول حكم قد علمه غيره منهم. وأما الحديث المروي عن عائشة رضي الله عنها فرضت الصلاة فلا حجة فيه علينا، بل هو حجة لنا، وقد يظن عمر إذا نقلت صلاة الحضر إلى أربع ركعات أن صلاة السفر أيضا منقولة والغلط غير مرفوع عن أحد بعد رسول الله صلى الله عليه وسلم قال أبو محمد وتعلل بعض من غلط في هذا الباب من أصحابنا بأن قالوا قوله صلى الله عليه وسلم استنشق اثنتين بالغتين إلا أن تكون صائما في حديث لقيط بن صبرة الأيادي، في ذلك مانع من مبالغة الصائم في الاستنشاق. قال أبو محمد: وليس ذلك كما ظنوا، ولكن حديث لقيط فيه إيجاب المبالغة على غير الصائم فرضا لا بد له من ذلك، وفيه استثناء الصائم من إيجاب ذلك عليه، فسقط عن الصائم فرض المبالغة وليس في سقوط الفرض ما وجب المنع منها، فليس في الحديث المذكور منع الصائم منها، لكنه له مباحة لا واجبة ولا محظورة لأن الإباحة واسطة بين الحظر والإيجاب. فإذا سقط الإيجاب لم ينتقل إلى الحظر إلا بنهي وارد، لكن ينتقل إلى أقرب المراتب إليه وهي الإباحة أو الندب، وإذا سقط التحريم ولم ينتقل إلى الوجوب إلا بأمر وارد، لكنه ينتقل إلى أقرب المراتب إليه وهي الإباحة أو الكراهة وقد بينا هذا في باب النسخ من هذا الكتاب.

ing person doing so; rather, it is permissible for him, neither obligatory nor prohibited. This is because permissibility stands between prohibition and obligation. When obligation lapses, the ruling does not move to prohibition without an express prohibition being received; rather, it moves to the nearest degree, namely permissibility or recommendation. And when prohibition lapses, the ruling does not move to obligation without an express command being received; rather, it moves to the nearest degree, namely permissibility or disapproval. We have explained this in the chapter on abrogation in this book.[39]

L2821–2824 Abu Muhammed said: Some of our companions who also erred in this section said that the command of the Messenger of Allah ﷺ, in the hadith of Safwan ibn ʻAssal al-Muradi, that travelers remove their leather socks for three days" imposes an obligation to remove them after the three days, and an obligation upon the resident to remove them after a day and a night. From this they concluded that someone who has wiped over them is to pray after the expiration of the two aforementioned periods until he removes his leather socks. They did not require him thereafter to wash his feet anew or repeat his ablution. Abu Bakr ibn Dawud—may Allah have mercy upon them both—rejected this, and he was right to reject it.

Abu Muhammed said: The aforementioned report contains neither an obligation to remove the leather socks nor a prohibition against removing them. It contains only a prohibition against performing an additional wiping. After either of the two periods expires, the person has the choice between removing them and praying without renewing his ablution or washing his feet, and leaving them on and praying on the strength of the previous wiping, so long as his ablution has not been invalidated. Once his ablution has been invalidated, wiping becomes forbidden to him. When wiping becomes forbidden to him, the obligation of ablution binds him, and he must then wash his feet.

[39]**Translator's note (L2819):** The quoted instruction explicitly says "twice" (اثنتين); this wording has been retained rather than replaced with the familiar wording of the report. The supplied text gives Laqit's tribal affiliation as al-Iyadi (الأيادي), although this report is commonly attributed to Laqit ibn Sabrah al-ʻUqayli. The supplied affiliation has been preserved.

قال أبو محمد: وقال بعض من غلط في هذا الفصل أيضا من أصحابنا إن أمر رسول الله صلى الله عليه وسلم في حديث صفوان بن عسال المرادي ألا ينزع المسافرون الخفاف ثلاثا، إيجاب لنزعها بعد الثلاث، وإيجاب على المقيم نزعها بعد يوم وليلة، فأوجبوا من ذلك أن يصلي الماسح بعد انقضاء الأمدين المذكورين، حتى ينزع خفيه، ولم يوجبوا عليه بعد ذلك أن يجدد غسل رجليه، ولا إعادة وضوئه، وأنكر ذلك أبو بكر بن داود رحمهما الله وأصاب في إنكاره. قال أبو محمد: وليس في الحديث المذكور إيجاب نزع الخفين ولا المنع من نزعهما وإنما فيه المنع من إحداث مسح زائد فقط، وهو الخيار بعد انقضاء أحد الأمدين بين أن ينزع ويصلي دون تجديد وضوء ولا غسل رجليه، وبين ألا ينزعهما ويصلي بالمسح المتقدم ما لم ينتقض وضوءه، فإذا انتقض وضوءه فقد حرم عليه المسح، وإذا حرم عليه المسح لزمه فرض الوضوء، فلا بد حينئذ من غسل الرجلين، وإذا لم يكن بد من غسل الرجلين فلا سبيل إلى ذلك إلا بإزالة الخفين فحينئذ لزم نزع الخفين، لا قبل أن يحدث. وبلغنا عن بعض أصحابنا أنه يقول إن قول رسول الله صلى الله عليه وسلم الماء لا ينجسه شيء دليل على أن ما عداه ينجس، فيقال له وبالله تعالى التوفيق: هذا ليس بشيء لوجوه: أولها أنها دعوة مجردة بلا دليل، ويقال: ما الفرق بينك وبين من قال: بل ما هو إلا دليل على أنه مثل الماء في أنه لا ينجس؟ فإن قال: هذا قياس والقياس باطل، قيل له: هل كان القياس

Since his feet must be washed, and there is no way to do that except by removing the leather socks, removing them becomes obligatory at that point, not before he incurs a state of ritual impurity.

It has reached us that one of our companions says that the statement of the Messenger of Allah ﷺ, "Nothing renders water impure," is evidence that things other than water become impure. He should be told—and through Allah Most High comes success—that this amounts to nothing, for several reasons. First, it is a bare assertion without evidence. He should be asked: What distinguishes you from someone who says, "On the contrary, it is evidence only that other things are like water in not becoming impure"? If he says, "That is analogy, and analogy is invalid," he should be asked: Was analogy invalid for any reason other than that it constitutes a ruling without a text? He must answer yes. We then say to him: Likewise, your ruling that things other than water differ from water is a ruling without a text; there is no difference.

Another reason is that we say to him: Consider his statement ﷺ, "Food for food, like for like." Does it contain a prohibition against selling things other than food, like for like? Consider his statement ﷺ, "What an excellent condiment vinegar is!" Does it contain a ruling that everything else is a bad condiment? Consider his statement ﷺ, "When water reaches two large jars in volume, it does not bear filth," or "does not become impure"—assuming that it is more authentic than the report concerning the well of Budaʿah—can it validly establish that water amounting to less than two large jars becomes impure? Many similar instances could be found if one pursued them. If he were to say, "Texts concerning things other than those mentioned in these reports have come down, through which their rulings have been established for us," we would say to him: A text has likewise come down permitting things other than water, in His statement, Most High: {O humankind, eat

باطلا إلا لأنه حكم بغير نص؟ فلا بد له من: نعم، فنقول له: وهكذا حكمك لما عدا الماء أنه بخلاف الماء، حكم بغير نص ولا فرق ومنها أننا نقول به أرأيت قوله صلى الله عليه وسلم الطعام بالطعام مثلا بمثل أفيه منع من بيع ما عدا الطعام مثل بمثل أرأيت قوله صلى الله عليه وسلم نعم الإدام الخل أفيه حكم على أن ما عداه بئس الإدام أرأيت قوله صلى الله عليه وسلم إذا بلغ الماء قلتين لم يحمل الخبث أو لم ينجس على أنه أصح من حديث بئر بضاعة أيصح منه أن ما دون القلتين ينجس؟ ومثل هذا كثير لو تتبع، فلو قال: قد جاء فيما عدا ما ذكر في هذه الأحاديث نصوص صح بها عندنا حكمها، قلنا له: وقد جاء فيما عدا الماء نص على إباحته بقوله تعالى ف {يأيها لناس كلوا مما في لأرض حلالا طيبا ولا تتبعوا خطوات لشيطان إنه لكم عدو مبين}

of what is on the earth, lawful and good, and do not follow the footsteps of Satan; indeed, he is a manifest enemy to you.}[40][41][42]

L2825–2830 There is thus no basis for declaring any of those things forbidden except through a text concerning it, nor for declaring any of it impure because an impurity has entered it except through a text concerning it. There is no difference, and through Allah Most High comes success.

Abu Muhammed said: They argued that people unanimously agree concerning someone who says to another, "Do not give my slave a dirham until he performs such-and-such a task." They said: This entails that, once he performs it, giving him the dirham becomes obligatory.

Abu Muhammed said: This is wrong. If the person addressed gives him the dirham after that task has been completed, and the dirham belongs to the master, he is liable to make restitution if the dirham is lost and its recipient cannot be found. The evidence for this is people's unanimous agreement that the person addressed may ask the person giving the instruction, saying, "When he performs that task, shall I give him the dirham or not?" If these words entailed giving him the dirham upon his performing the aforementioned task, the inquiry by the person instructed would have no meaning. Furthermore, the community unanimously agrees that, if the person giving the instruction were to tell the person instructed, when the latter asks him, "Do not give it to him until I find something for you to work on," this would be proper speech and binding upon the person instructed. The aforementioned words contain only a prohibition against giving the dirham before the task is performed. They contain neither an instruction to give it nor a

فلا سبيل إلى تحريم شيء من ذلك إلا بنص وارد فيه، ولا إلى تنجيس شيء منه من أجل نجاسة حلته إلا بنص وارد فيه، ولا فرق، وبالله تعالى التوفيق. قال أبو محمد: واحتجوا بأن الناس مجمعون على أن من قال لآخر: لا تعط غلامي درهما حتى يعمل شغلا كذا، قالوا: فهذا يقتضي أنه إذا عمله وجب أن يعطي الدرهم. قال أبو محمد: وهذا خطأ، وإن أعطاه المقول له هذا القول الدرهم بعد انقضاء ذلك الشغل، وكان ذلك الدرهم من مال السيد:، فعليه ضمانه إن تلف الدرهم ولم يوجد المدفوع إليه، ودليل ذلك إجماع الناس على أن المقول له ذلك يسأل الآمر فيقول له: إذا عمل ذلك الشغل أعطيه الدرهم أم لا؟ فلو اقتضى هذا الكلام إعطاءه الدرهم بعمل الشغل المذكور ما كان للاستفهام المأمور به معنى، وأيضا فإن الأمة مجمعة على أن الآمر لو قال للمأمور عند استفهامه إياه: لا تعطه إياه حتى أجد لك ما تعمل فيه، أن ذلك حسن في الخطاب ولازم للمأمور، وإنما في الكلام المذكور المنع من إعطاء الدرهم قبل عمل الشغل، وليس فيه بعد عمل الشغل لا إعطاؤه ولا منعه، وذلك موقوف على أمر له حادث إما بمنع وإما بإعطاء فإن قالوا فقول الله تعالى {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون} أليس إعطاؤهم الجزية مانعا من قتلهم؟. قيل لهم وبالله تعالى التوفيق: إنما في الآية الأمر بقتلهم إلى وقت إعطاء الجزية، ثم ليس فيها إلا المنع من قتلهم بعد إعطائها ولا إيجاب قتلهم ولكن لما قال رسول الله صلى الله عليه وسلم ولا يقتل ذا عهد في عهده وقال صلى الله عليه وسلم لمن كان يبعث من قواده فإن هم أبوا فسلهم الجزية، فإن هم أجابوك فاقبل منهم وكف عنهم هذا نص كلامه صلى الله عليه وسلم لكل من يبعثه إلى كتابي حربي حدثناه عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد

[40] **Translator's note (L2822):** The opening continues a negation introduced in the preceding context: the report instructs travelers not to remove their leather socks for three days. The supplied text says that the person "is to pray ... until he removes his leather socks." The argument appears to require "is not to pray," but the missing negation has not been silently supplied. "May Allah have mercy upon them both" is dual in the source, although it immediately follows the name Abu Bakr ibn Dawud.

[41] **Translator's note (L2824):** A stray letter immediately precedes the Quranic quotation in the supplied transcription; it has no clear independent meaning.

[42] **Qur'an references (L2821):** Qur'an 2:168 (Al-Baqarah).

prohibition against giving it after the task is performed. That depends upon a fresh instruction to him, either prohibiting it or directing that it be given.

If they say: What, then, of the statement of Allah Most High, {Fight those who do not believe in Allah or in the Last Day, who do not forbid what Allah and His Messenger have forbidden, and who do not profess the religion of truth, from among those who were given the Scripture, until they pay the poll tax by hand while they are humbled}? Does their payment of the poll tax not preclude killing them? They should be told—and through Allah Most High comes success—that the verse contains only the command to kill them until the time when they pay the poll tax. Thereafter, it contains only the prohibition against killing them after they have paid it, and no obligation to kill them. However, when the Messenger of Allah ﷺ said, "Nor shall he kill a person under covenant during the term of his covenant," and when he said—may Allah bless him and grant him peace—to those commanders whom he would send out, "If they refuse, ask them for the poll tax. If they respond to you, accept it from them and refrain from acting against them"—this is the explicit wording of his speech ﷺ to everyone whom he would send against a person of the Scripture in a state of war.

ʿAbd Allah ibn Yusuf transmitted it to us, from Ahmad ibn Fath, from ʿAbd al-Wahhab ibn ʿIsa, from Ahmad ibn Muhammed, from Ahmad ibn ʿAli, from Muslim, who said: Abu Bakr ibn Abi Shaybah, Ishaq ibn Rahawayh, and ʿAbd Allah ibn Hashim related to us. Abu Bakr said: Wakiʿ ibn al-Jarrah related to us. Ishaq said: Yahya ibn Adam related to us. And ʿAbd Allah said: ʿAbd al-Rahman ibn Mahdi related to us. They all said: Sufyan al-Thawri related to us, from ʿAlqamah ibn Marthad, from Sulayman ibn Buraydah, from his father, from the Prophet ﷺ.

Abu Muhammed said: When he ﷺ said this, making clear that their blood, their property, wrongfully harming them, and taking their dependants and children captive are forbidden upon their payment of the poll tax, by the explicit wording of his statement ﷺ, "Refrain from acting against them"—refraining entails all of this. Many of those who argue against us using what we have mentioned have forgotten themselves. Concerning his prohibition ﷺ against selling a crop until it hardens, they have said that this does not

بن محمد، عن أحمد بن علي، عن مسلم قال: حدثنا أبو بكر بن أبي شيبة، وإسحاق بن راهويه، وعبد الله بن هاشم، قال أبو بكر: ثنا وكيع بن الجراح وقال إسحاق: ثنا يحيى بن آدم، وقال عبد الله، ثنا عبد الرحمن بن مهدي كلهم قالوا: ثنا سفيان الثوري، عن علقمة بن مرثد عن سليمان بن بريدة عن أبيه عن النبي صلى الله عليه وسلم قال أبو محمد فلما قال صلى الله عليه وسلم ذلك مبينا أن دماءهم وأموالهم وأذاهم بالظلم، وسبي عيالهم وأطفالهم حرام بإعطائهم الجزية بنص قوله صلى الله عليه وسلم كف عنهم فالكف يقتضي كل هذا وكثير ممن يحتج علينا بما ذكرنا قد نسوا أنفسهم فقالوا في نهيه صلى الله عليه وسلم عن بيع الزرع حتى يشتد إن ذلك غير مبيح لبيعه بعد اشتداده، ولكن حتى يضفى من تبنه ويداس. قال أبو محمد: وبيع الزرع عندنا بعد اشتداده مباح وإن لم يصف ولا ديس لقوله تعالى {لذين يأكلون لربا لا يقومون إلا كما يقوم لذي يتخبطه لشيطان من لمس ذلك بأنهم قالوا إنما لبيع مثل لربا وأحل لله لبيع وحرم لربا فمن جآءه موعظة من ربه فنتهى فله ما سلف وأمره إلى لله ومن عاد فأولئك أصحاب لنار هم فيها خالدون} فلا يخرج من هذه الجملة إلا ما جاء نص أو إجماع بتحريمه، ولهذه الجملة أجزنا بيع منخل بعد أن تزهى، والعنب بعد أن يسود، والثمر بعد أن يبدو فيه الطيب، وليس لأن هذه النواهي توجب إباحة البيع بعد حلول الصفات المذكورة فيها. وكذلك قلنا في قوله تعالى: {أحل لكم ليلة الصيام الرفث إلى نسائكم هن لباس لكم وأنتم لباس لهن علم الله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فالآن باشروهن وابتغوا ما كتب لله لكم وكلوا واشربوا حتى يتبين لكم الخيط الأبيض من الخيط الأسود من الفجر ثم أتموا الصيام إلى الليل ولا تباشروهن وأنتم عاكفون في المساجد تلك حدود الله فلا تقربوها كذلك يبين الله آياته للناس لعلهم يتقون} وإنما حرم الأكل من حين يتبين طلوع الفجر بالأمر المتقدم لهذا النسخ، فإن الأمر

permit selling it after it hardens, but only after it is cleared of its straw and threshed.

Abu Muhammed said: In our view, selling a crop after it hardens is permitted, even if it has not been cleared or threshed, because of His statement, Most High: {Those who consume usury do not rise except as one rises whom Satan has thrown into confusion through his touch. That is because they say, "Sale is only like usury," whereas Allah has permitted sale and forbidden usury. Whoever receives an admonition from his Lord and desists may keep what has passed, and his affair rests with Allah. But whoever returns—those are the inhabitants of the Fire; they shall abide therein forever.} Nothing is excluded from this general statement except that whose prohibition is established by a text or consensus. Because of this general statement, we have permitted selling "a sieve" after it begins to ripen, grapes after they turn black, and fruit after signs of ripeness appear in it. It is not because these prohibitions entail permission to sell once the characteristics mentioned in them come about.

We have likewise said concerning His statement, Most High: {It has been made lawful for you, on the night of fasting, to have sexual relations with your wives. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you in forgiveness and pardoned you. Now, therefore, have intercourse with them and seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread of dawn. Then complete the fast until night, and do not have intercourse with them while you are remaining in the mosques for devotional retreat. These are the limits of Allah, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him.} Eating from the time when the rising of dawn becomes evident was forbidden only by the command preceding this abrogation. For a command had already come down forbidding eating, drinking, and intercourse from the moment a person fell asleep until sunset on the following day. That was then abrogated, and intercourse, eating, and drinking were permitted to us until the time when the rising of the second dawn becomes evident. What comes after it consequently remained subject to the original previously established concerning prohibition, and by

قد كان ورد بتحريم الأكل والشرب والوطء مذ ينام المرء إلى غروب الشمس من غد، ثم نسخ ذلك وأبيح لنا الوطء، والأكل والشرب إلى حين يتبين طلوع الفجر الثاني، فبقي ما بعده على الأصل المتقدم في التحريم، وبنصوص وردت في ذكر تحريم كل ذلك بطلوع الفجر الثاني وبقوله تعالى {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم الله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب الله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} ولو لم يكن ههنا إلا قوله تعالى {أحل لكم ليلة لصيام لرفث إلى نسآئكم هن لباس لكم وأنتم لباس لهن علم الله أنكم كنتم تختانون أنفسكم فتاب عليكم وعفا عنكم فلآن باشروهن وبتغوا ما كتب الله لكم وكلوا وشربوا حتى يتبين لكم لخيط لأبيض من لخيط لأسود من لفجر ثم أتموا لصيام إلى لليل ولا تباشروهن وأنتم عاكفون في لمساجد تلك حدود لله فلا تقربوها كذلك يبين لله آياته للناس لعلهم يتقون} ما كان فيه إيجاب الصيام ولا المنع منه وكذلك قوله صلى الله عليه وسلم أمرت أن أقاتل الناس حتى يقولوا لا إله إلا الله إنما حرم القتال بقوله صلى الله عليه وسلم فإذا قالوها عصموا مني دماؤهم وأموالهم إلا بحقها وهكذا سائر النصوص التي وردت على هذا الحسب، وبالله تعالى التوفيق

texts that state that all of this becomes prohibited at the rising of the second dawn, and by His saying, exalted is He: {It has been made lawful for you, on the night of fasting, to have sexual intercourse with your wives. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you and pardoned you. So now have intercourse with them, and seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread, of dawn. Then complete the fast until night. Do not have intercourse with them while you are in devotional retreat in the mosques. Those are Allah's bounds, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him.} Had there been nothing here except His saying, exalted is He: {It has been made lawful for you, on the night of fasting, to have sexual intercourse with your wives. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned toward you and pardoned you. So now have intercourse with them, and seek what Allah has prescribed for you. Eat and drink until the white thread becomes distinct to you from the black thread, of dawn. Then complete the fast until night. Do not have intercourse with them while you are in devotional retreat in the mosques. Those are Allah's bounds, so do not approach them. Thus Allah makes His signs clear to people, so that they may be mindful of Him.} it would have contained neither an obligation to fast nor a prohibition of it. Likewise, his saying ﷺ, "I have been commanded to fight people until they say, 'There is no god but Allah'": fighting was prohibited only by his saying ﷺ, "When they say it, they protect their blood and their property from me, except as its due right requires." The same applies to all the other texts that have come in this manner. Through Allah Most High comes success.[43][44][45][46][47][48]

[43] **Translator's note (L2825):** The phrase "until I find something for you to work on" shifts to addressing the intermediary himself; this awkward wording is retained.

[44] **Translator's note (L2826):** The supplied text says "only the prohibition against killing them." This appears inconsistent with the surrounding argument, which would be expected to deny that the verse itself supplies either a prohibition or an obligation after payment; the supplied wording is retained. The word rendered "killing them" in the second occurrence is transcribed with its letters transposed. The final salutation is incomplete in this unit and continues in the next.

L2831–2838 In this connection they cited his saying ﷺ: “Whoever sells date palms that have been pollinated, their fruit belongs to the seller, unless the buyer stipulates that it belongs to him”—or words to that effect spoken by him ﷺ. They said: This indicates that those that have not been pollinated differ from those that have been pollinated, and that their fruit belongs to the buyer. Abu Muhammed said: This provides them with no proof, because we did not rule on the basis of this report that the fruit that is pollinated belongs to the buyer. Rather, since that which is pollinated was hidden and had not yet appeared, it was nonexistent, and was part of what lay within the date palm being sold; it was therefore included in the thing sold, because it was part of it. Then we say to them: Having demonstrated the invalidity of your supposition, we shall now show you, if Allah Most High wills, your inconsistency on this point. We say: If you rule that what is left unmentioned differs from what is mentioned, what would you say to someone who told you: “Rather, what is left unmentioned here has precisely the same ruling as what is mentioned, by analogy with it”? The fruit that has not been pollinated would then also belong to the seller, by analogy with that which has been pollinated. Abu Hanifah has indeed said that there is no difference between pollination and its absence. Thus he forgot his own statement: “He ﷺ mentioned grazing livestock only because they differ from livestock that do not graze; otherwise there would not have been any point to the pre-

وذكروا في ذلك قوله صلى الله عليه وسلم من باع نخلا قد أبرت فثمرتها للبائع إلا أن يشترطها المبتاع أو كما قال صلى الله عليه وسلم قالوا فدل ذلك على أن التي لم تؤبر بخلاف التي أبرت وأنها للمبتاع. قال أبو محمد: وهذا لا حجة لهم فيه، لأننا لم نقض من هذا الحديث أن الثمرة التي تؤبر للمبتاع، لكن لما كانت التي تؤبر غائبة لم تظهر بعد كانت معدومة، وكانت بعض ما في عمق النخلة المبيعة كانت داخلة في المبيع لأنها بعضه. ثم نقول لهم: وبعد أن بينا بطلان ظنكم فنحن نريكم إن شاء الله تعالى تناقضكم في هذا المكان فنقول: إن كنتم إذا قضيتم بأن المسكوت عنه بخلاف المذكور، فما قولكم لمن قال لكم: بل ما المسكوت عنه ههنا إلا في حكم المذكور قياسا عليه؟ فتكون الثمرة التي لم تؤبر للبائع أيضا قياسا على التي أبرت؟ وقد قال أبو حنيفة: لا فرق بين الإبار وعدمه فنسي قوله لم يذكر صلى الله عليه وسلم السائمة إلا لأنها بخلاف غير السائمة ولولا ذلك لما كان في زكاة السائمة فائدة وجعل ههنا ذكره صلى الله عليه وسلم الإبار لا لفائدة وجعله كترك الإبار فبان اضطراب هؤلاء القوم جملة وبالله تعالى التوفيق. واحتج الطحاوي في إسقاط الزكاة عما أصيب في أرض الخراج بقول رسول الله صلى الله عليه وسلم منعت العراق قفيزها ودرهمها الحديث قال: فلو كان في أرض الخراج شيء غير الخراج لذكره صلى الله عليه وسلم قال أبو محمد فيقال للطحاوي أرأيت إن قال لك قائل إن قوله صلى الله عليه وسلم فيما سقت السماء العشر دليل على أن لا خراج على شيء من الأرض لأنه لو كان فيها خراج لذكره في هذا الحديث فإن قال: قد ذكر الخراج في الحديث الذي قدمنا آنفا، قيل له: وقد ذكر العشر ونصف العشر في الحديث الذي ذكر آنفا. فإن قال قائل: ما تقولون في خطاب ورد من الله تعالى أو رسوله صلى الله عليه وسلم معلقا بشرط قيل له ينظر أتقدمت ذلك الخطاب جملة حاظرة لما أباح ذلك الخطاب، أو مبيحة لما حظر، أم لم يتقدمه جملة بشيء من ذلك،

[45] **Translator’s note (L2827):** The opening words complete the salutation begun in the preceding unit.

[46] **Translator’s note (L2828):** The sentence beginning “When he said this” has an awkward, incomplete grammatical construction in the supplied text; its explanatory claim is retained without supplying a new conclusion. The verb rendered “is cleared” is transcribed in an apparently corrupt form; the subsequent wording supports this sense. The supplied word literally means “a sieve,” which cannot coherently begin to ripen. The context strongly suggests a corruption of “date palms,” but the supplied reading is retained and marked in quotation marks.

[47] **Translator’s note (L2830):** The Qur’anic quotation, repeated in full in the source, has pervasive omissions of initial alifs in words and definite articles; its recognizable wording is translated in both occurrences. The source explicitly says that the quoted passage would contain neither an obligation to fast nor a prohibition of it, despite including “Then complete the fast until night.” This apparent tension in the quotation and argument has been preserved.

[48] **Qur’an references (L2825):** Qur’an 2:275 (Al-Baqarah); Qur’an 2:187 (Al-Baqarah).

scribed alms on grazing livestock." Yet here he treated his mention ﷺ of pollination as serving no purpose, and treated it as equivalent to the absence of pollination. Thus the inconsistency of these people has become entirely apparent. Through Allah Most High comes success. Al-Tahawi argued for waiving the prescribed alms on what is produced on land subject to land tax by citing the saying of the Messenger of Allah ﷺ, "Iraq has withheld its qafiz and its dirham"—the report. He said: If anything other than land tax were due on land subject to land tax, he ﷺ would have mentioned it. Abu Muhammed said: Al-Tahawi should therefore be asked: Consider whether someone might say to you, "His saying ﷺ, 'On what the sky waters, one tenth is due,' is proof that no land tax is due on any land, because, had land tax been due on it, he would have mentioned it in this report." If he says, "He mentioned land tax in the report we presented just now," he is told: He likewise mentioned the tenth and the half-tenth in the report just cited. If someone asks, "What do you say concerning an address that has come from Allah Most High or His Messenger ﷺ and is made dependent upon a condition?" he is told: One examines whether that address was preceded by a general statement prohibiting what that address permitted, or permitting what it prohibited, or whether no general statement preceded it to either of those effects, but it was instead preceded by a general statement encompassing it together with other things, in agreement with what is in that text. One of these alternatives must necessarily apply, because the general statement explicitly expressed in His saying, exalted is He, {He is the One who created for you everything on earth, then turned toward heaven and fashioned them into seven heavens; and He knows all things}, is a general permission from which nothing departs except what has been explicitly designated and specifically distinguished as prohibited. Thus no text can fall outside this general statement. Every text that comes must necessarily either mention some of what it contains, in agreement with it, or constitute an exception to it by imposing a prohibition. If we find that a text that has come was preceded by a general statement contrary to it, we except it from that statement and leave the remainder of that general statement as it was. We prohibit only what that text prohibits, permit only what it permits, and do not go beyond it. If we find it to be in agreement with a general statement preceding it,

لكن تقدمت جملة تعمه وتعم معه غيره موافقة لما في ذلك النص. ولا بد من أحد هذه الوجوه، لأن الجملة التي نص عليها بقوله تعالى {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء فسواهن سبع سماوات وهو بكل شيء عليم} مبيحة عامة لا يشذ عنها إلا ما نص عليه، وفصل بالتحريم، فلا سبيل إلى خروج شيء من النصوص عن هذه الجملة. ولا بد لكل نص ورد من أن يكون مذكورا فيه بعض ما فيها بموافقة أو يكون مستثنى منها بتحريم، فإن وجدنا النص الوارد، وقد تقدمته جملة مخالفة له، استثنيناه منها، وتركنا سائر تلك الجملة على حالها، ولم نحظر إلا ما حظر ذلك النص فقط. ولم نبح إلا ما أباح فقط، ولم نتعده، وإن وجدناه موافقا لجملة تقدمته، أبحنا ما أباح ذلك الخطاب، وأبحنا أيضا ما أباحته الجملة الشاملة له ولغيره معه، أو حظرنا ما حظره لك الخطاب، وحظرنا أيضا ما حظرته الجملة الشاملة له ولغيره معه، ولم نسقط من أجل ذلك الشرط شيئا مما هو مذكور في الجملة الشاملة له ولغيره، وهذا هو مفهوم الكلام في الطبائع في كل لغة من لغات بني آدم عربهم وعجمهم ولا يجوز غير ذلك وقد ذكرنا في باب الأخبار من كتابنا هذا بيان هذا العمل، ونظرناه بمسائل جمة، ولكن لا بد لنا أيضا ههنا من تشخيص شيء من ذلك ليتم البيان بحول الله وقوته، فليس كل أحد يسهل عليه تمثيل مسائل تقضيها الجملة التي ذكرنا، وبالله تعالى التوفيق. وليس قولنا آنفا: تقدمته جملة بمعنى تقدم وقت النزول، فليس لذلك عندنا معنى إلا في النسخ وحده، وإلا فالقرآن والحديث كله عندنا ككلمة واحدة، وكأنه نزل معا، لوجوب طاعة جميع ذلك علينا، وإنما نعني بقولنا: تقدمته أي عمت ذلك الخطاب وغيره معه، ولكن لما كنا نجعل تلك الجملة مقدمة يستثنى منها ذلك النص أو نضيفه إليها على معنى البيان لها: سمينا ورودها من أجل ما ذكرنا تقدما. قال أبو محمد فمما ذكرنا قوله تعالى {يا أيها لذين آمنوا إذا قمتم إلى لصلاة فغسلوا وجوهكم وأيديكم إلى لمرافق ومسحوا برؤوسكم وأرجلكم إلى لكعبين وإن كنتم جنبا فطهروا وإن كنتم مرضى أو

we permit what that address permits, and also permit what is permitted by the general statement encompassing it and other things together with it; or we prohibit what that address prohibits, and also prohibit what is prohibited by the general statement encompassing it and other things together with it. On account of that condition, we do not set aside anything mentioned in the general statement encompassing it and other things. This is what speech is naturally understood to mean in every language of the children of Adam, Arab and non-Arab alike, and no other interpretation is permissible. In the chapter on reports in this book of ours, we have already explained this procedure and illustrated it with numerous cases. Nevertheless, we must also give concrete examples of some of this here, so that the explanation may be complete, through Allah's might and power. For not everyone finds it easy to formulate examples of cases governed by the general statement we have mentioned. Through Allah Most High comes success. Our earlier expression, "a general statement preceded it," does not mean precedence in the time of revelation. For us, that has significance only in abrogation. Otherwise, we regard the whole Qur'an and all the reports as a single utterance, as though they had been revealed together, because we are obliged to obey all of them. By saying "preceded it," we mean only that it encompassed that address and other things together with it. But since we make that general statement a premise from which that text is excepted, or to which we add it as an explanation of that statement, we have called its occurrence "precedence" for the reason we have mentioned. Abu Muhammed said: Among the instances of what we have mentioned is His saying, exalted is He: {O you who believe, when you rise for prayer, wash your faces and your hands up to the elbows and wipe your heads and your feet up to the ankles. If you are in a state of major ritual impurity, purify yourselves. If you are ill or on a journey, or one of you has come from relieving himself, or you have touched women, and you find no water, then resort to clean earth and wipe your faces and your hands with some of it. Allah does not intend to impose any hardship upon you, but He intends to purify you and to complete His favor upon you, so that you may give thanks.} The general statement preceding this condition is His command, exalted is He, to use water as an obligation in every circumstance for anyone intending to perform obligatory or voluntary

على سفر أو جآء أحد منكم من لغائط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم منه ما يريد الله ليجعل عليكم من حرج ولكن يريد ليطهركم وليتم نعمته عليكم لعلكم تشكرون} فالجملة المتقدمة لهذا الشرط هي أمره تعالى باستعمال الماء فرضا على كل حال لمن أراد الصلاة الواجبة أو التطوع، فإن تيمم مع وجود الماء والصحة ولم يستعمل الماء كان عاصيا، لأنه لم يأت بما أمر به، ولأنه لم يستعمل ما أمر باستعماله في غسل أعضائه المذكورة في آية الوضوء والغسل، فإن تيمم مع وجود الماء والصحة واستعمل الماء أيضا، كان متكلفا لم يؤمر به، والمتكلف لذلك إن سلم من سلم من الإسم لم يسلم من الفضول وسوء الاختيار وقد أمر الله تعالى فيه صلى الله عليه وسلم أن يقول {قل مآ أسألكم عليه من أجر ومآ أنآ من لمتكلفين} فإن اعتقد وجوب التيمم مع استعمال الماء في حال الصحة ووجود الماء كان عاصيا كافرا، لاعتقاده ما لا خلاف أنه لم يؤمر به وزيادة في الدين وتعديه حدود الله تعالى، فلما بطلت هذه الوجوه كلها لم يبق إلا استعمال التيمم عند عدم الماء المقدور عليه في السفر وعند المرض. وهكذا القول في قوله تعالى {ومن لم يستطع منكم طولا أن ينكح لمحصنات لمؤمنات فمن ما ملكت أيمانكم من فتياتكم لمؤمنات والله أعلم بإيمانكم بعضكم من بعض فنكحوهن بإذن أهلهن وآتوهن أجورهن بلمعروف محصنات غير مسافحات ولا متخذات أخدان فإذآ أحصن فإن أتين بفاحشة فعليهن نصف ما على لمحصنات من لعذاب ذلك لمن خشي لعنت منكم وأن تصبروا خير لكم والله غفور رحيم} إلى منتهى قوله {ومن لم يستطع منكم طولا أن ينكح لمحصنات لمؤمنات فمن ما ملكت أيمانكم من فتياتكم لمؤمنات والله أعلم بإيمانكم بعضكم من بعض فنكحوهن بإذن أهلهن وآتوهن أجورهن بلمعروف محصنات غير مسافحات ولا متخذات أخدان فإذآ أحصن فإن أتين بفاحشة فعليهن نصف ما على لمحصنات من لعذاب ذلك لمن

prayer. If someone performs dry ablution while water is available and he is healthy, and does not use water, he is disobedient, because he has not done what he was commanded to do, and because he has not used what he was commanded to use in washing the bodily members mentioned in the verse concerning ablution and the full ritual bath. If he performs dry ablution while water is available and he is healthy, and also uses water, he is undertaking an unnecessary burden that he was not commanded to undertake. The person undertaking that burden, if he escapes—escapes the "name"—does not escape superfluity and poor judgment. Allah Most High commanded, concerning him ﷺ, that he say: {Say: I ask you for no recompense for it, and I am not one of those who undertake unnecessary burdens.} If he believes the obligation of performing dry ablution together with using water while healthy and when water is available, he would be disobedient and an unbeliever, because he believes in something that, without disagreement, he has not been commanded to do, adds to the religion, and transgresses the limits of Allah Most High. Since all these possibilities are invalid, nothing remains except performing dry ablution when accessible water is unavailable during travel, and during illness. The same applies to His saying, Most High: "Whoever among you lacks the means to marry believing women of protected status, then from among the believing slave women whom your right hands possess. Allah knows best your faith; you are of one another. So marry them with their owners' permission and give them their marriage dues according to what is right, as chaste women, neither fornicators nor women who take lovers. Then, when they have been given protected status, if they commit an indecency, they shall receive half the punishment imposed upon women of protected status. That is for whoever among you fears falling into sin; but that you remain patient is better for you. Allah is forgiving, merciful," through to the end of His saying: "Whoever among you lacks the means to marry believing women of protected status, then from among the believing slave women whom your right hands possess. Allah knows best your faith; you are of one another. So marry them with their owners' permission and give them their marriage dues according to what is right, as chaste women, neither fornicators nor women who take lovers. Then, when they have been given protected status, if they commit an indecency, they shall receive half

خشي لعنت منكم وأن تصبروا خير لكم والله غفور رحيم} قال أبو محمد فنظرنا هل نجد جملة متقدمة لإباحة نكاح الفتيات المؤمنات بالزواج، فوجدنا قبلها متصلا بها ذكر ما حرم الله تعالى من النساء من قوله تعالى {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن لله كان عليما حكيما} إلى منتهى قوله فحرم الله تعالى بهذا النص كل محصنة، والإحصان يقع على معان، منها العفة، ومنها الزوجية، ومنها الحرية، فلم يجز لنا إيقاع لفظة {ة على بعض ما يقع تحتها دون بعض، بالبراهين التي ذكرنا في باب العموم، فحرم بقوله تعالى: كل عفيفة من أمة أو حرة، وكل حرة، وكل ذات زوج، وقد حرم الزواني من الإماء والحرائر بقوله تعالى { لزانية ولزاني فجلدوا كل واحد منهما مئة جلدة ولا تأخذكم بهما رأفة في دين لله إن كنتم تؤمنون بلله وليوم لآخر وليشهد عذابهما طآئفة من لمؤمنين} فحرمت كل امرأة في الأرض بهذين النصين إلا ما استثنى من ذلك بنص أو إجماع. ثم قال تعالى متصلا بالتحريم المذكور غير مؤخر لبيان مراده تعالى {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن لله كان عليما حكيما} فأباح تعالى ما شاء مما ملكت أيماننا، وليس في هذا إباحة الزواج ثم زادنا تعالى بيانا متصلا فقال {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن لله كان عليما حكيما} فاستثنى تعالى الزواج أيضا بالإباحة المذكورة.

the punishment imposed upon women of protected status. That is for whoever among you fears falling into sin; but that you remain patient is better for you. Allah is forgiving, merciful." Abu Muhammed said: We therefore examined whether we could find a preceding statement permitting the taking of believing slave women in marriage. Immediately before it, connected with it, we found mention of the women whom Allah Most High has forbidden, in His saying, Most High: "And women of protected status among women, except those whom your right hands possess: Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, seeking chastity, not fornication. For whatever enjoyment you have had of them, give them their marriage dues as an obligation. There is no blame upon you concerning whatever you mutually agree upon after the obligation. Indeed, Allah is knowing, wise," through to the end of His saying. By this text, Allah Most High thus forbade every woman of protected status. Protected status has several meanings, including chastity, marriage, and freedom. It was therefore impermissible for us to apply the expression [corrupt text] to some of what falls within its scope to the exclusion of the rest, on the demonstrations we have presented in the chapter on generality. Thus, by His saying, Most High, He forbade every chaste woman, whether enslaved or free, every free woman, and every married woman. He had already forbidden fornicating women, both enslaved and free, by His saying, Most High: " The female fornicator and the male fornicator: flog each of them with a hundred lashes, and let no pity for them take hold of you in Allah's religion, if you believe in Allah and the Last Day; and let a group of the believers witness their punishment." Thus, every woman on earth was forbidden by these two texts, except whatever was excepted from that by a text or consensus. Then He said, Most High, in direct connection with the prohibition just mentioned, without delaying the clarification of His intention, Most High: "And women of protected status among women, except those whom your right hands possess: Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, seeking chastity, not fornication. For whatever enjoyment you have had of them, give them their marriage dues as an obligation. There is no blame upon you concerning whatever you mutually agree upon after the obligation. Indeed,

Allah is knowing, wise." Thus He, Most High, permitted whatever He willed of those whom our right hands possess, and this contains no permission for marriage. Then He, Most High, gave us further clarification in direct connection with this, saying: "And women of protected status among women, except those whom your right hands possess: Allah's prescription for you. Lawful to you are those beyond these, that you seek them with your wealth, seeking chastity, not fornication. For whatever enjoyment you have had of them, give them their marriage dues as an obligation. There is no blame upon you concerning whatever you mutually agree upon after the obliga-

tion. Indeed, Allah is knowing, wise." Thus He, Most High, also excepted marriage through the permission mentioned.[49][50][51][52][53]

[49]**Translator's note (L2831):** In the author's explanation, the source twice reads "that which is pollinated," without the negation required by the apparent argument about fruit that has not yet appeared. Both affirmative readings have been preserved.

[50]**Translator's note (L2832):** A qafiz is a measure of capacity; the qafiz and dirham here represent the payments mentioned in the cited report. The phrase "the report" indicates that only the opening of the report is quoted.

[51]**Translator's note (L2833):** The Qur'anic quotation contains omissions of initial alifs in several words; the recognizable wording is translated.

[52]**Translator's note (L2835):** The source reads "what that address prohibits" with an apparently defective demonstrative, literally "what the address prohibits for you"; the intended reference to the same address is clear from the parallel clauses. The opening of the Qur'anic quotation contains omissions of initial alifs.

[53]**Translator's note (L2836):** The unvocalized wording "and your feet" follows "wipe your heads." It is rendered within the scope of "wipe" without adding a separate command to wash. The source has a repeated phrase, literally "if he escapes escapes," followed by "the name" (al-ism), apparently a corruption of "sin" (al-ithm). The repetition and transmitted word are retained rather than silently repaired. The Qur'anic quotations contain omissions of initial alifs in several words.

[54]**Translator's note (L2837):** "Protected status" renders iḥṣān, and "women of protected status" renders muḥṣanāt. The author expressly argues from the term's several meanings: chastity, marriage, and freedom. The corresponding wording in the quotations is kept broad to preserve that argument; in the first quotation, the initial and punishment-related occurrences ordinarily refer to free women, while "when they have been given protected status" can refer to marriage. After "the expression," the supplied text has only an opening quotation marker and an isolated Arabic letter, rather than a recoverable word. This is marked as corrupt without supplying the likely missing expression. The first Quranic quotation, corresponding to 4:25, is supplied twice in full, despite the intervening phrase "through to the end of His saying"; both occurrences are retained. The quotation corresponding to 4:24 likewise extends beyond the particular wording discussed by the author.

[55]**Translator's note (L2838):** The opening completes the quotation begun in the preceding unit. The same full quotation corresponding to Quran 4:24 appears twice, although the author's successive comments concern distinct clauses. Both occurrences are retained as supplied. "Women of protected status" preserves the multiple meanings of muḥṣanāt on which the preceding argument depends: chaste, married, or free women.

[56]**Qur'an references (L2831):** Qur'an 2:29 (Al-Baqarah); Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah); Qur'an 38:86 (Sad); Qur'an 4:25 (An-Nisa); Qur'an 4:24 (An-Nisa); Qur'an 24:2 (An-Nur).

L2839–2840 The application of this is extensive, but the concise statement and ultimate point concerning it is the saying of Allah Most High: “He created for you everything that is on earth.” This is a verse such that, if we were left with its apparent meaning, everything Allah Most High created on earth would be lawful for us. But Allah Most High forbade certain things on earth, and these were therefore excepted from the general permission. Among these is His saying, Most High: “Tell the believing men to lower their gazes and guard their private parts,” and: “Tell the believing women to lower their gazes and guard their private parts,” together with the verse we recited just now, from His saying, Most High, in the verse of prohibition: “And women of protected status among women.” If we were left with these two texts, all women would be forbidden and would be excepted from the general permission. Then He said, Most High: “And those who guard their private parts, except with their spouses or those whom their right hands possess, for then they are not blameworthy. But whoever seeks beyond that—it is they who are the transgressors.” Thus Allah, Mighty and Majestic, excepted spouses and those possessed by the right hand from the totality of forbidden women. If we were left with this verse, every woman would be lawful specifically through marriage and solely through possession by the right hand, not through fornication, whether a mother, a daughter, or a female relative within the prohibited degrees, because married women and women held in ownership are a subset of women. This verse agrees with His saying, Most High: “So marry such women as are pleasing to you,” and with His saying, Most High: “And marry off the unmarried among you and the righteous among your male slaves and your female slaves.” There is no difference between any of these verses. Then He said, Most High: “Forbidden to you are your mothers and your daughters”—the verse through to the end of His saying: “And that you unite two sisters.” And He said, Most High: “Do not marry those women whom your fathers married, except what has already passed.” And He said, Most High: “Do not

والعمل في هذا يكثر إلا أن اختصار القول والغاية في ذلك قول الله تعالى {خلق لكم ما في الأرض جميعا} فهذه آية لو تركنا وظاهرها لكان كل ما خلق الله تعالى في الأرض حلالا لنا، لكن حرم الله تعالى أشياء مما في الأرض فكانت مستثناة من جملة التحليل فمن ذلك قوله تعالى {قل للمؤمنين يغضوا من أبصارهم ويحفظوا فروجهم} {وقل للمؤمنات يغضضن من أبصارهن ويحفظن فروجهن} مع الآية التي تلونا آنفا من قوله تعالى في آية التحريم {والمحصنات من النساء} فلو تركنا وهذين النصين لحرم النساء كلهن وكن مستثنيات من جملة التحليل ثم قال تعالى {والذين هم لفروجهم حافظون إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين فمن ابتغى وراء ذلك فأولئك هم العادون} فاستثنى الله عز وجل من جملة النساء المحرمات، الأزواج وملك اليمين، فلو تركنا وهذه الآية لحلت كل امرأة بالزواج خاصة، وبملك اليمين فقط، لا بالزنى من أم أو إبنة أو حريمة، لأن المتزوجات والمملوكات بعض النساء وكانت هذه الآية موافقة لقوله تعالى {فانكحوا ما طاب لكم من النساء} ولقوله تعالى {وأنكحوا الأيامى منكم والصالحين من عبادكم وإمائكم} ولا فرق بين شيء من هذه الآيات ثم قال تعالى {حرمت عليكم أمهاتكم وبناتكم} الآية إلى منتهى قوله {وأن تجمعوا بين الاختين} وقال تعالى {ولا تنكحوا ما نكح آباؤكم من النساء إلا ما قد سلف} وقال تعالى {ولا تنكحوا المشركات حتى يؤمن} وقال تعالى {ولا تنكحوا المشركين حتى يؤمنوا}

marry polytheist women until they believe." And He said, Most High: "Do not give in marriage to polytheist men until they believe."[57][58]

L2841–2843 And the Prophet, may Allah bless him and grant him peace ﷺ, forbade uniting a woman and her paternal aunt, and a woman and her maternal aunt, in marriage. He prohibited on grounds of suckling what is prohibited on grounds of kinship by descent. The text prohibited the deed of the people of Lot, marrying female fornicators, and Muslim women's marrying male fornicators. And there was prohibition by consensus and by the text, in His saying, Most High: "If you fear that you will not deal equitably with the orphans, then marry such women as are pleasing to you, two, three, or four. But if you fear that you will not act justly, then one, or those whom your right hands possess. That is more conducive to your not acting unjustly," through to His saying, Most High: "If you fear that you will not deal equitably with the orphans, then marry such women as are pleasing to you, two, three, or four. But if you fear that you will not act justly, then one, or those whom your right hands possess. That is more conducive to your not acting unjustly." And intercourse with animals and with a polytheist woman, and also by the indication of the text. Thus everything we have mentioned was excepted from the women permitted through marriage and possession by the right hand, because what is included in these texts is narrower than what is mentioned in the verse permitting spouses and possession by the right hand. And He said, Most High: "Today the good things have been made lawful for you. The food of those who were given the Scripture is lawful for you, and your food is lawful for them; and women of protected status among the believing women, and women of protected status among those who were given

وحرم النبي صلى الله عليه وسلم الجمع بين المرأة وعمتها وبين المرأة وخالتها، وحرم بالرضاعة ما يحرم من النسب، وحرم النص فعل قوم لوط، ونكاح الزواني ونكاح الزناة للمسلمات، وحرم بالإجماع والنص بقوله تعالى {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا} إلى قوله تعالى {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا} ووطء البهائم، والمشركة، وبدليل النص أيضا، فكان كل ما ذكرنا مستثنى مما أبيح من النساء بالزواج وملك اليمين، لأن ما في هذه النصوص أقل مما ذكر في آية إباحة الأزواج وملك اليمين وقال تعالى {ليوم أحل لكم لطيبات وطعام لذين أوتوا لكتاب حل لكم وطعامكم حل لهم ولمحصنات من لمؤمنات ولمحصنات من لذين أوتوا لكتاب من قبلكم إذآ آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان ومن يكفر بلإيمان فقد حبط عمله وهو في لآخرة من لخاسرين} إلى قوله عز وجل {ليوم أحل لكم لطيبات وطعام لذين أوتوا لكتاب حل لكم وطعامكم حل لهم ولمحصنات من لمؤمنات ولمحصنات من لذين أوتوا لكتاب من قبلكم إذآ آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان ومن يكفر بلإيمان فقد حبط عمله وهو في لآخرة من لخاسرين} فاستثنى تعالى الكتابيات بالنكاح خاصة، وهذا يقع على الإماء منهن والحرائر وبقيت الأمة الكتابية حراما وطؤها بملك اليمين خاصة وبقوله تعالى {ولا تنكحوا لمشركات حتى يؤمن ولأمة مؤمنة خير من مشركة ولو أعجبتكم ولا تنكحوا لمشركين حتى يؤمنوا ولعبد مؤمن خير من مشرك ولو أعجبكم أولئك يدعون إلى لنار ولله يدعو إلى لجنة ولمغفرة بإذنه ويبين آياته للناس

[57] **Translator's note (L2840):** "Women of protected status" preserves the several meanings of muḥṣanāt invoked in the preceding argument. The supplied ḥarīma is rendered "a female relative within the prohibited degrees"; its precise range here is not specified. The final quotation omits the object of "give in marriage," as does the supplied Arabic.

[58] **Qur'an references (L2839):** Qur'an 2:29 (Al-Baqarah); Qur'an 24:30 (An-Nur); Qur'an 24:31 (An-Nur); Qur'an 4:24 (An-Nisa); Qur'an 23:5 (Al-Mu'minun); Qur'an 70:29 (Al-Ma'arij); Qur'an 23:6 (Al-Mu'minun); Qur'an 70:30 (Al-Ma'arij); Qur'an 23:7 (Al-Mu'minun); Qur'an 70:31 (Al-Ma'arij); Qur'an 4:3 (An-Nisa); Qur'an 24:32 (An-Nur); Qur'an 4:23 (An-Nisa); Qur'an 4:22 (An-Nisa); Qur'an 2:221 (Al-Baqarah).

the Scripture before you, when you give them their marriage dues, seeking chastity, neither fornicating nor taking lovers. Whoever disbelieves in faith, his work has come to nothing, and in the Hereafter he will be among the losers," through to His saying, Mighty and Majestic: "Today the good things have been made lawful for you. The food of those who were given the Scripture is lawful for you, and your food is lawful for them; and women of protected status among the believing women, and women of protected status among those who were given the Scripture before you, when you give them their marriage dues, seeking chastity, neither fornicating nor taking lovers. Whoever disbelieves in faith, his work has come to nothing, and in the Hereafter he will be among the losers." Thus He, Most High, excepted women of the People of the Scripture specifically through marriage. This applies to both their enslaved women and their free women. Intercourse with an enslaved woman of the People of the Scripture remained forbidden specifically through possession by the right hand, also by His saying, Most High: "Do not marry polytheist women until they believe. A believing slave woman is better than a polytheist woman, even if she pleases you. And do not give in marriage to polytheist men until they believe. A believing male slave is better than a polytheist man, even if he pleases you. Those call to the Fire, while Allah calls to the Garden and forgiveness by His permission, and He makes His signs clear to people so that they may take heed." Nor has anything occurred in any of the texts that permits her. Then we examined His saying, Most High: "Whoever among you cannot the means to marry free believing women, then [marry] from among the believing slave women whom your right hands possess. Allah knows your faith best; you are of one another. So marry them with their owners' permission and give them their marriage payments according to what is right, as chaste women, neither fornicators nor women who take secret lovers. Then, when they have been taken in marriage, if they commit an indecency, they shall incur half the punishment incurred by free women. That is for whoever among you fears falling into sin; but that you remain patient is better for you. Allah is Forgiving, Merciful.} We found that in this verse He, exalted is He, mentioned only the permissibility of marrying a slave woman for someone who lacks the means and fears falling into sin. There remained the ruling concerning

لعلهم يتذكرون} ولما يأت في شيء من النصوص ما يبيحها. ثم نظرنا في قوله تعالى {ومن لم يستطع منكم طولا أن ينكح لمحصنات لمؤمنات فمن ما ملكت أيمانكم من فتياتكم لمؤمنات والله أعلم بإيمانكم بعضكم من بعض فنكحوهن بإذن أهلهن وآتوهن أجورهن بلمعروف محصنات غير مسافحات ولا متخذات أخدان فإذآ أحصن فإن أتين بفاحشة فعليهن نصف ما على لمحصنات من لعذاب ذلك لمن خشي لعنت منكم وأن تصبروا خير لكم والله غفور رحيم} فوجدناه تعالى إنما ذكر في هذه الآية إباحة نكاح الأمة لمن لم يجد طولا، وخشي العنت وبقي حكم واحد الطول الذي لا يخاف العنت فلم نجده تعالى ذكر في هذه الآية إباحة ولا تحريما عليه، فرجعنا إلى سائر الآي فوجدناه تعالى قد أباح نكاح الإماء المؤمنات لكل مسلم، ولم يخص فقيرا من غني، ولا من عنده حرة ممن ليست عنده حرة بقوله تعالى {وأنكحوا لأيامى منكم ولصالحين من عبادكم وإمائكم إن يكونوا فقرآء يغنهم الله من فضله والله واسع عليم} فكان للعبد مباحا أن ينكح حرة وأمة، وللحر أيضا كذلك ولا فرق

someone possessing the means who does not fear falling into sin: we did not find that He, exalted is He, mentioned in this verse either permission or prohibition for him. We therefore returned to the other verses and found that He, exalted is He, had permitted every Muslim to marry believing slave women, without distinguishing a poor man from a rich man, or someone who has a free wife from someone who has no free wife, in His saying, exalted is He: {Marry off the unmarried among you and the righteous among your male slaves and your female slaves. If they are poor, Allah will enrich them out of His bounty. Allah is All-Encompassing, Knowing.} Thus a male slave was permitted to marry a free woman or a slave woman, and the same likewise applied to a free man, without distinction.[59][60][61][62]

L2844–2847 Likewise, it is lawful for a Muslim to marry a slave woman belonging to the People of the Book, by His saying, exalted is He: {Today the good things have been made lawful for you. The food of those who were given the Book is lawful for you, and your food is lawful for them; and [lawful for

وكذلك الأمة الكتابية نكاحها للمسلم حلال بقوله تعالى {ليوم أحل لكم لطيبات وطعام لذين أوتوا لكتاب حل لكم وطعامكم حل لهم ولمحصنات من لمؤمنات ولمحصنات من لذين أوتوا لكتاب من قبلكم إذآ آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان ومن يكفر بلإيمان فقد حبط عمله وهو في لآخرة من لخاسرين} وهذا قول عثمان البتي وغيره والعجب من الحنفيين في منعهم الزكاة عن غير السائمة بذكره صلى الله عليه وسلم السائمة في حديث أنس وإباحتهم ههنا نكاح الأمة المسلمة لمن وجد طولا لحرة مسلمة فهلا سألوا أنفسهم عن الفائدة في ذكره تعالى {ومن لم يستطع منكم طولا أن ينكح لمحصنات لمؤمنات فمن ما ملكت أيمانكم من فتياتكم لمؤمنات ولله أعلم بإيمانكم بعضكم من بعض فنكحوهن بإذن أهلهن وآتوهن أجورهن بلمعروف محصنات غير مسافحات ولا متخذات أخدان فإذآ أحصن فإن أتين بفاحشة فعليهن نصف ما على لمحصنات من لعذاب ذلك لمن خشي لعنت منكم وأن تصبروا خير لكم ولله غفور رحيم} كما سألوا هناك عن الفائدة في ذكر السائمة؟ ولكن هكذا يكون من اتبع رأيه وقياسه وهواه المضل. والعجب من المالكيين في عكسهم ذلك فقالوا ليس في قوله صلى الله عليه وسلم في السائمة ما يوجب أن يسقط الزكاة من غير السائمة،

[59] **Translator's note (L2841):** The clause "And there was prohibition by consensus and by the text" lacks an explicit object in the supplied wording. The later phrase concerning intercourse with animals and a polytheist woman is also syntactically disconnected. The translation preserves these defects rather than supplying a missing prohibition. The full quotation corresponding to Quran 4:3 is repeated after "through to His saying"; both occurrences are retained. "Not acting unjustly" renders the final verb in the quotation; it has also been understood as referring to becoming burdened with dependants.

[60] **Translator's note (L2842):** The full quotation corresponding to Quran 5:5 is repeated after "through to His saying"; both occurrences are retained. "Women of protected status" renders muḥṣanāt consistently with the author's preceding discussion of chastity, marriage, and freedom. "Whoever disbelieves in faith" preserves the unusual literal wording of the Quranic quotation. The final quotation continues in the following segment; its reference to lacking the means to marry is not supplied here.

[61] **Translator's note (L2843):** The opening continues the Qur'anic quotation from the preceding segment, Qur'an 4:25. The transcription reads wāḥid al-ṭawl, literally 'one of means,' where the argument appears to require wājid al-ṭawl, 'one possessing the means'; the translation follows that apparent intended reading. In Qur'an 4:25, muḥṣanāt and uḥṣinna carry context-dependent senses associated with freedom, chastity, and marriage. Here they are rendered as 'free women,' 'chaste women,' and 'have been taken in marriage' according to their respective contexts.

[62] **Qur'an references (L2841):** Qur'an 4:3 (An-Nisa); Qur'an 5:5 (Al-Ma'idah); Qur'an 2:221 (Al-Baqarah); Qur'an 4:25 (An-Nisa); Qur'an 24:32 (An-Nur).

you are] chaste women from among the believers and chaste women from among those who were given the Book before you, when you give them their marriage payments, being chaste, neither fornicators nor men who take secret lovers. Whoever disbelieves in faith, his work has come to nothing, and in the Hereafter he is among the losers.} This is the position of ʿUthmān al-Battī and others. What is astonishing about the Hanafis is that they exclude livestock other than grazing livestock from the obligation of zakat because he—may Allah bless him and grant him peace ﷺ—mentioned grazing livestock in the report of Anas, while here they permit marriage to a Muslim slave woman for someone who possesses the means to marry a free Muslim woman. Why, then, did they not ask themselves about the purpose of His saying, exalted is He: {Whoever among you lacks the means to marry free believing women, then [marry] from among the believing slave women whom your right hands possess. Allah knows your faith best; you are of one another. So marry them with their owners' permission and give them their marriage payments according to what is right, as chaste women, neither fornicators nor women who take secret lovers. Then, when they have been taken in marriage, if they commit an indecency, they shall incur half the punishment incurred by free women. That is for whoever among you fears falling into sin; but that you remain patient is better for you. Allah is Forgiving, Merciful.}—just as they asked there about the purpose of mentioning grazing livestock? But this is how someone behaves who follows his own opinion, his analogy, and his misleading desire. What is astonishing about the Malikis is that they reverse this, saying: There is nothing in his saying—may Allah bless him and grant him peace ﷺ— concerning grazing livestock that requires zakat to be waived for livestock other than grazing livestock. Yet here they said: His mention, exalted is He, of 'one equivalent in means' and of the believing slave woman requires the prohibition of the slave woman belonging to the People of the Book. Then, at the same time, they permitted a believing slave woman to someone possessing the means. Abū Muḥammed said: Both groups have thus contradicted themselves, as you see. Some of them prohibited marriage to a believing slave woman for someone possessing the means to marry a free woman belonging to the People of the Book. There is absolutely nothing of this in the wording of the verse. Those who prohibited it did so only by

وقالوا ههنا: ذكره تعالى عادل الطول والأمة المؤمنة موجب التحريم الأمة الكتابية ثم في الوقت أباحوا الأمة المؤمنة لواجد الطول. قال أبو محمد: فكلا الفريقين تناقض كما ترى، وحرم بعضهم نكاح الأمة المؤمنة على واجد الطول بحرة كتابية وليس هذا في نص الآية أصلا، وإنما منع من منع من ذلك قياسا للكتابية على المسلمة، وقد أكذب الله تعالى هذا القياس الفاسد بقوله {أفنجعل لمسلمين كلمجرمين * ما لكم كيف تحكمون} فلو كان القياس حقا لكان هنا باطلا، وإذا قاسوا واجد الطول للحرة الكتابية على واجد الطول للحرة المسلمة، ولم ينص تعالى إلا على واجد الطول للحرة المسلمة فقط، فهلا فعلوا مثل ذلك، فقاسوا إباحة الأمة الكتابية بالنكاح لعادم الطول لحرة وخائف العنت على إباحة الأمة المؤمنة لخائف العنت وعادم الطول كما فعلوا في التي ذكرنا قبل؟. قال أبو محمد: وهذا مما تركوا فيه القول بدليل الخطاب، لأنه كان يلزمهم على أصلهم أن يقولوا: إن ذكره تعالى: المحصنات المؤمنات دليل على أن الكافرات بخلافهم، ولكن أكثرهم لم يفعلوا ذلك فنقضوا أصلهم في دليل الخطاب. ونحن وإن وافقنا أبا حنيفة في بعض قوله ههنا، فلسنا ننكر اتفاقنا مع خصومنا في هذه المسائل، وقد يجتمع المصيب والمخطىء في طريقهما الذي يطلبانه، أحدهما بالجد والبحث والعلم بيقين ما يطلب، والثاني بالجد والبحث والاتفاق، وغير منكر أن يخرجهم الرؤوف الرحيم تعالى إلى الغرض المطلوب وإن تعسفوا الطريق نحوه، ولكنهم مع ذلك تحكموا بلا دليل أصلا فقالوا: من كانت عنده حرة فحرام عليه نكاح الأمة، وهذا قول ليس في النص ما يوجبه أصلا،

drawing an analogy between a woman belonging to the People of the Book and a Muslim woman. Allah, exalted is He, has declared this corrupt analogy false by His saying: {Shall We then make the Muslims like the criminals? * What is the matter with you? How do you judge?} Even if analogy were valid, it would be invalid here. And if they drew an analogy between someone possessing the means to marry a free woman belonging to the People of the Book and someone possessing the means to marry a free Muslim woman, although He, exalted is He, expressly mentioned only someone possessing the means to marry a free Muslim woman, why did they not do likewise and draw an analogy between the permissibility of marrying a slave woman belonging to the People of the Book for someone who lacks the means to marry a free woman and fears falling into sin, and the permissibility of a believing slave woman for someone who fears falling into sin and lacks the means, as they did in the case we mentioned previously? Abū Muḥammed said: This is one of the matters in which they abandoned reliance on contrary implication, for their own principle would have required them to say that His mention, exalted is He, of free believing women indicates that unbelieving women are subject to a different ruling. But most of them did not do this, and thus they overturned their own principle concerning contrary implication. Although we agree with Abū Ḥanīfa in part of his position here, we do not deny that we agree with our opponents on these questions. Someone who is right and someone who is mistaken may come together on the path they seek: the one through diligence, investigation, and knowledge with certainty of what he seeks, and the other through diligence, investigation, and chance. Nor is it inconceivable that the Most Compassionate the Merciful, exalted is He, should bring them to the desired goal, even though they take a tortuous path toward it. Nevertheless, they have laid down arbitrary rulings without any evidence whatsoever, saying: Whoever has a free wife is forbidden to marry

a slave woman. This is a statement for which the text provides absolutely no basis.[636465]

L2848–2852

Our position on this is that of ʿUthmān al-Battī and others. It has been related from Mālik that he permitted marrying a slave woman in addition to a free wife if the free wife consented to it. Abū Ḥanīfa and his companions permitted marrying a Muslim slave woman or one belonging to the People of the Book for someone possessing the means to marry a free Muslim woman, even if he did not fear falling into sin, provided that he had no free wife. Thus, from each person's position, one takes whatever he has got right. What we have mentioned therefore makes clear that Allah, exalted is He, has made the free women and slave women of the People of the Book lawful in marriage, while those of them held in ownership remain prohibited, on the grounds of demonstrations we have mentioned in the chapter on reports in this book of ours. It is said to them: You prohibited marriage to a slave woman belonging to the People of the Book and said, 'She is not like a Muslim slave woman, such that we might draw an analogy between them.' Yet you have contradicted yourselves: you permitted marriage to a free woman belonging to the People of the Book for someone possessing the means to marry a free Muslim woman, even if he did not fear falling into sin, while prohibiting him from marrying a Muslim slave woman. Some of them even said that someone possessing the means to marry a free woman belonging to the People of the Book was not permitted to marry a Muslim slave woman; and it was decreed that some of them did not put the free man belonging to the People of the Book to death for the Muslim. There is no disagreement between any two Muslims that a Muslim slave woman is better, in the sight of Allah, mighty and majestic, and in the sight of every Muslim, than every

وقولنا في هذا هو قول عثمان البتي وغيره. وقد روي عن مالك إجازة نكاح الأمة على الحرة إذا رضيت بذلك الحرة، وأجاز أبو حنيفة وأصحابه نكاح المسلمة والكتابية لواجد طول لحرة مسلمة، وإن لم يخش العنت إذا لم تكن عنده حرة، فيؤخذ من قول كل واجد ما أصاب فيه، فبان بما ذكرنا تحليل الله تعالى حرائر أهل الكتاب وإماءهم في الزواج، وبقي ما ملكت منهن على التحريم لبراهين ذكرناها في باب الإخبار من كتابنا هذا. ويقال لهم: إنكم منعتم من نكاح الأمة الكتابية، وقلتم: ليست كالأمة المسلمة فنقيسها عليها، وقد تناقضتم فأبحتم نكاح الحرة الكتابية لواجد طول لحرة مسلمة وإن لم يخف عنتا، وحرمتم عليه نكاح الأمة المسلمة حتى أن بعضهم قال: إن من وجد طولا لحرة كتابية لم يحل له نكاح الأمة المسلمة وحتم أن بعضهم لم يقتل الحر الكتابي المسلم، ولا خلاف بين مسلمين أن الأمة المسلمة خير عند الله عز وجل وعند كل مسلم من كل حرة كتابية كانت في الدنيا أو تكون إلى يوم البعث. فإن قالوا: فأي معنى أو أي فائدة في قصد الله تعالى بالذكر في الآية المذكورة آنفا عادم الطول وخائف العنت والمحصنة المؤمنة والأمة المؤمنة إذا كان واجد الطول وآمن العنت والأمة الذمية والمحصنة والكافرة سواء في كل ذلك؟. قال أبو محمد: فيقال لهم وبالله تعالى التوفيق: هذا سؤال إلحاد، وقد ذكر الله تعالى في بعض الآيات التي تلونا بعض ما ذكره في غيرهن، فلم يكن ذلك متعارضا وقد قال تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} وليس تخصيصه الذين آمنوا بالذكر ههنا موجبا أن طاعة الله عز وجل لا تلزم الذين كفروا، بل هي لازمة للكفار كلزومها للمؤمنين ولا فرق وقد ذكرنا طرقا من هذا في باب الأخبار وفي باب العموم من كتابنا

[63] **Translator's note (L2845):** The transcription reads ʿādil al-ṭawl, rendered literally as 'one equivalent in means.' This is obscure in context and appears likely to be a corruption of ʿādim al-ṭawl, 'one lacking the means.'

[64] **Translator's note (L2846):** 'Contrary implication' renders dalīl al-khiṭāb: inferring from an expressly qualified ruling that the contrary ruling applies where that qualification is absent. The final divine epithet continues into the next segment.

[65] **Qur'an references (L2844):** Qur'an 5:5 (Al-Ma'idah); Qur'an 4:25 (An-Nisa); Qur'an 37:154 (As-Saffat); Qur'an 68:36 (Al-Qalam).

free woman belonging to the People of the Book who has ever existed in this world or will exist until the Day of Resurrection. If they say: What meaning or purpose, then, is there in Allah's expressly mentioning, in the verse cited just now, someone lacking the means, someone fearing falling into sin, a free believing woman, and a believing slave woman, if someone possessing the means, someone safe from falling into sin, a slave woman under a covenant of protection, and a free woman and an unbelieving woman are all alike in all of this? Abū Muḥammed said: It is said to them—and success comes through Allah, exalted is He—this is a question of impiety. In some of the verses we have recited, Allah, exalted is He, mentioned some of what He mentioned in others, yet that constituted no contradiction. He, exalted is He, has said: {O you who believe, obey Allah and obey the Messenger and those in authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in outcome.} His singling out those who believe for mention here does not entail that obedience to Allah, mighty and majestic, is not obligatory for those who disbelieve. Rather, it is obligatory for unbelievers just as it is obligatory for believers, without distinction. We have already mentioned some instances of this in the chapter on reports and in the chapter on generality in this book of ours. Abū Muḥammed said: Likewise His saying, exalted is He: {If you fear that you will not deal equitably with the orphans, then marry such women as are pleasing to you, two, three, or four. But if you fear that you will not act justly, then one, or those whom your right hands possess. That is more conducive to your not acting unjustly.} They have all agreed with us that everyone who likewise does not fear that he will not act equitably is permitted to restrict himself to one woman and to those whom his right hand possesses. Here, then, they abandoned their doctrine concerning implication by exclusion. Their position would have required them to permit one woman alone only to someone who feared that he would not act equitably. If they say, "That is established by consensus," they are told: You have acknowledged that a sound consensus has set aside your position concerning implication by exclusion. They are also told: Question yourselves here and say, "What benefit and what meaning are there in Allah Most High specifically mentioning someone who fears that he will act equi-

هذا. قال أبو محمد: وكذلك قوله تعالى {وإن خفتم ألا تقسطوا في ليتامى فنكحوا ما طاب لكم من لنسآء مثنى وثلاث ورباع فإن خفتم ألا تعدلوا فواحدة أو ما ملكت أيمانكم ذلك أدنى ألا تعولوا} وهم كلهم قد وافقونا على أن كل من لم يخف أيضا ألا يعدل فمباح له الاقتصار على واحدة وعلى ما ملكت يمينه، فتركوا ههنا مذهبهم في دليل الخطاب، وكان يلزمهم ألا يبيحوا الواحدة فقط إلا لمن خاف ألا يعدل. فإن قالوا: إن ذلك إجماع، قيل لهم: قد أقررتم أن الإجماع قد صح بإسقاط قولكم في دليل الخطاب. ويقال لهم: سلوا أنفسكم ههنا فقولوا: أي فائدة وأي معنى لقصد الله تعالى بالذكر من خاف أن يعدل؟ كما قلتم لنا: أي فائدة، وأي معنى لقصد الله تعالى بالذكر لمن خاف العنت وعدم الطول؟ وهذا ما لا انفكاك منه، والحمد لله. فإن قالوا فهلا قلتم مثل هذا في قوله تعالى {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} وقوله تعالى أيضا {وأتموا لحج ولعمرة لله فإن أحصرتم فما ستيسر من لهدي ولا تحلقوا رؤوسكم حتى يبلغ لهدي محله فمن كان منكم مريضا أو به أذى من رأسه ففدية من صيام أو صدقة أو نسك فإذآ أمنتم فمن تمتع بلعمرة إلى لحج فما ستيسر من لهدي فمن لم يجد فصيام ثلاثة أيام في لحج وسبعة إذا رجعتم تلك عشرة كاملة ذلك لمن لم يكن أهله حاضري لمسجد لحرام وتقوا لله وعلموا أن لله شديد لعقاب} وقوله تعالى {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير

tably?"—just as you asked us, "What benefit and what meaning are there in Allah Most High specifically mentioning someone who fears falling into sin and lacks the means?" There is no escaping this, and praise belongs to Allah. If they say: Why, then, did you not say the same concerning His saying, Most High, {Complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is ill or has an ailment of the head must offer a ransom of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return: those are ten complete days. That is for someone whose family does not reside near the Sacred Mosque. Fear Allah, and know that Allah is severe in punishment}; and His saying, Most High, also, {Complete the pilgrimage and the lesser pilgrimage for Allah. But if you are prevented, then whatever sacrificial offering is readily available. Do not shave your heads until the sacrificial offering reaches its appointed place. Whoever among you is ill or has an ailment of the head must offer a ransom of fasting, charity, or sacrifice. When you are secure, whoever enjoys the lesser pilgrimage followed by the pilgrimage must offer whatever sacrificial offering is readily available. Whoever cannot find one must fast three days during the pilgrimage and seven when you return: those are ten complete days. That is for someone whose family does not reside near the Sacred Mosque. Fear Allah, and know that Allah is severe in punishment}; and His saying, Most High, {It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake must free a believing slave and pay blood money to his family, unless they forgo it as charity. If he belongs to a people who are enemies of yours, while he is a believer, then a believing slave must be freed. If he belongs to a people between whom and you there is a covenant, then blood money must be paid to his family and a believing slave freed. Whoever cannot find one must fast two consecutive months, as repentance from Allah. Allah is All-Knowing, All-Wise}—so that you would hold fasting permissible for someone who can find a slave or a sacrificial offering? We say: The cases are not alike. The

رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من الله وكان الله عليما حكيما} فتوجبوا إباحة الصيام لمن وجد الرقبة والهدي؟ قلنا: لا سواء، والأصل أنه لا يلزمنا صيام فرض أصلا إلا ما أوجبه نص، كما أن الأصل إباحة نكاحة الإماء بقوله تعالى {ليوم أحل لكم لطيبات وطعام لذين أوتوا لكتاب حل لكم وطعامكم حل لهم ولمحصنات من لمؤمنات ولمحصنات من لذين أوتوا لكتاب من قبلكم إذآ آتيتموهن أجورهن محصنين غير مسافحين ولا متخذي أخدان ومن يكفر بلإيمان فقد حبط عمله وهو في لآخرة من لخاسرين} وقوله تعالى {وأنكحوا لأيامى منكم ولصالحين من عبادكم وإمائكم إن يكونوا فقرآء يغنهم لله من فضله ولله واسع عليم} فلم نوجب الصوم فرضا إلا حيث أوجبه النص، وأحللنا النكاح في كلتا الآيتين لأنهما معا نص واجب وطاعته.

basic rule is that no obligatory fasting is incumbent upon us at all except what a text has made obligatory, just as the basic rule is the permissibility of marrying slave women, on the basis of His saying, Most High, {Today the good things have been made lawful for you. The food of those who were given the Scripture is lawful for you, and your food is lawful for them; and chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you give them their bridal dues, seeking chastity, neither committing fornication nor taking secret lovers. Whoever disbelieves in faith, his work has come to nothing, and in the Hereafter he will be among the losers}; and His saying, Most High, {Marry off the unmarried among you and the righteous among your male slaves and female slaves. If they are poor, Allah will enrich them from His bounty. Allah is All-Encompassing, All-Knowing}. Thus we have imposed fasting as an obligation only where the text makes it obligatory, and we have

declared marriage lawful under both verses, because both together constitute a binding text, and obedience to it[66][67][68][69][70]

L2853 Furthermore, the ruling concerning someone who can find a slave for the expiation of sexual intercourse, someone who can find a sacrificial animal as an offering for enjoying the lesser pilgrimage followed by the pilgrimage, and someone who has sufficient wealth to provide food, clothing, or a slave for the expiation of an oath is explicitly stated: all these things are incumbent upon them. If such a person fasted, he would be disobeying Allah, Mighty and Majestic, and abandoning what the text explicitly makes obligatory upon him. The same does not apply to someone who possesses the means and is safe from falling into sin, because there is absolutely no explicit prohibition against his marrying slave women, either in a text or in a consensus. Between the two cases, therefore, there is the greatest difference. One of them, Abu Yusuf, has held that the prayer in conditions of fear, in the form transmitted

وأيضا فإن حكم واجد الرقبة في كفارة الوطء، وواجد النسك من الهدي في التمتع، وواجد الغنى في الإطعام والكسوة، والرقبة في كفارة اليمين، منصوص على لزوم كل ذلك لهم، فلو صام كان عاصيا لله عز وجل تاركا لما نص على وجوبه عليه، وليس كذلك واجد الطول وآمن العنت؛ لأنه لا نص على منعه من نكاح الإماء أصلا، لا في نص ولا في إجماع فبين الأمرين أعظم الفرق. وقد ذهب بعضهم وهو أبو يوسف إلى المنع من صلاة الخوف على ما جاءت به الروايات ولقوله تعالى {وإذا كنت فيهم فأقمت لهم لصلاة فلتقم طآئفة منهم معك وليأخذوا أسلحتهم فإذا سجدوا فليكونوا من ورآئكم ولتأت طآئفة أخرى لم يصلوا فليصلوا معك وليأخذوا حذرهم وأسلحتهم ود لذين كفروا لو تغفلون عن أسلحتكم وأمتعتكم فيميلون عليكم ميلة واحدة ولا جناح عليكم إن كان بكم أذى من مطر أو كنتم مرضى أن تضعوا أسلحتكم وخذوا حذركم إن لله أعد للكافرين عذابا مهينا} قال فدل ذلك على أنه صلى الله عليه وسلم إذا لم يكن فينا لم نصل كذلك

[66] **Translator's note (L2848):** The transcription reads kull wājid, literally 'each finder' or 'each possessor,' in the sentence about taking what each person gets right. The translation follows the apparent sense; kull wāḥid, 'each person,' may have been intended. The clause beginning wa-ḥutama anna baʿḍahum lam yaqtul al-ḥurr al-kitābī al-muslim is syntactically problematic. 'And it was decreed that some of them did not put the free man belonging to the People of the Book to death for the Muslim' is a provisional rendering; the supplied wording does not explicitly contain 'for' or 'for killing,' and does not securely establish the grammatical roles of the two men. The enumeration 'a slave woman under a covenant of protection, and a free woman and an unbelieving woman' follows the supplied conjunctions. Its wording is awkward and may be corrupt.

[67] **Translator's note (L2850):** The final phrase continues into the next segment: 'that he will not act justly.'

[68] **Translator's note (L2851):** The question about the benefit of specifically mentioning someone who fears acting equitably reads "fears that he will act equitably," without the negative found earlier. This apparent omission has been retained. The quotation of Quran 2:196 occurs twice in succession in the supplied text; both occurrences have been translated in full.

[69] **Translator's note (L2852):** The final wording, literally "a binding text and obedience to it," is syntactically irregular and appears incomplete or corrupt. The irregular ending has been retained without supplying a missing clause.

[70] **Qur'an references (L2848):** Qur'an 4:59 (An-Nisa); Qur'an 4:3 (An-Nisa); Qur'an 2:196 (Al-Baqarah); Qur'an 4:92 (An-Nisa); Qur'an 5:5 (Al-Ma'idah); Qur'an 24:32 (An-Nur).

in the reports, is prohibited, on account of His saying, Most High, {When you are among them and lead them in prayer, let a group of them stand with you, and let them take their weapons. When they have prostrated, let them be behind you, and let another group, who have not prayed, come and pray with you, taking their precautions and their weapons. Those who disbelieve wish that you would neglect your weapons and your belongings, so that they could fall upon you in a single assault. There is no blame upon you if you are troubled by rain or are ill, should you lay down your weapons; but take your precautions. Allah has prepared a humiliating punishment for the disbelievers}. He said: This indicates that when he ﷺ is not among us, we are not to pray in that manner.[71]

L2854–2856 Abu Muhammed said: The first objection to him is that it does not follow for him that the rulers should take no obligatory alms from anyone, because Allah Most High said, {Take from their wealth charity by which you cleanse them and purify them, and pray for them. Your prayers are a reassurance to them. Allah is All-Hearing, All-Knowing}. It was the Prophet ﷺ alone who was addressed by this, just as he was addressed when taught how to perform the prayer in conditions of fear; there is no difference. His inconsistency has thus become apparent. Furthermore, the Prophet's ﷺ saying, "Pray as you have seen me pray," obliges us to perform both the prayer in conditions of fear and prayer outside conditions of fear as he ﷺ was seen performing them. Likewise, his ﷺ saying, "Satisfy your alms collectors," and his ﷺ saying in the document concerning obligatory alms, "Any Muslim who is asked for it in its proper manner must give it, and whoever is asked for its difference must not give," require the rulers to collect obligatory alms by dispatching collectors. Through Allah Most High comes success.

A Section of This Chapter

Abu Muhammed said: Every expression that occurs as a negation and is then qualified by an exception introduced by the word "except" or the word "until" applies only in conjunction with that upon which it has been made conditional. Examples are the Messenger of Allah's ﷺ saying, "The prayer

[71] **Qur'an references (L2853):** Qur'an 4:102 (An-Nisa).

قال أبو محمد فأول ما يدخل عليه أنه لا يلزمه ألا يأخذ الأئمة زكاة من أحد، لأن الله تعالى قال: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم والله سميع عليم} فإنما خوطب بذلك النبي صلى الله عليه وسلم كما خوطب بتعليمه كيفية صلاة الخوف ولا فرق فقد ظهر تناقضه وأيضا فإن قول النبي صلى الله عليه وسلم صلوا كما رأيتموني أصلي ملزم لنا أن نصلي صلاة الخوف وغير صلاة الخوف كما رئي صلى الله عليه وسلم يصليهما وكذلك قوله صلى الله عليه وسلم أرضوا مصدقيكم وقوله صلى الله عليه وسلم في كتاب الزكاة فمن سئلها من المسلمين على وجهها فليعطها، ومن سئل فرقها فلا يعط موجب لأخذ الأئمة الزكاة بإرسال المصدقين، وبالله تعالى التوفيق. فصل من هذا الباب قال أبو محمد: كل لفظ ورد بنفي ثم استثني منه بلفظة إلا أو لفظة حتى فهو غير جار إلا بما علق به مثل قول رسول الله صلى الله عليه وسلم لا تقبل صلاة من أحدث حتى يتوضأ ومثل لا صلاة إلا بأم القرآن ولا قطع إلا في ربع دينار فصاعدا وهذا هو المفهوم من الخطاب بالضرورة، لأنه نفى قبول الصلاة إلى أن يتوضأ، ووجب قبولها بعد الوضوء بالآية التي فيها {يا أيها لذين آمنوا إذا قمتم إلى لصلاة فغسلوا وجوهكم وأيديكم إلى لمرافق ومسحوا برؤوسكم وأرجلكم إلى لكعبين

of someone who has incurred ritual impurity is not accepted until he performs ablution"; and such sayings as, "There is no prayer except with the Mother of the Quran," and, "There is no amputation except for a quarter of a dinar or more." This is what is necessarily understood from the discourse, because he denied the acceptance of prayer until one performs ablution, and its acceptance after ablution is established by the verse containing {O you who believe, when you rise for prayer, wash your faces and your hands up to the elbows, and wipe your heads and your feet up to the ankles. If you are in a state of major ritual impurity, purify yourselves. If you are ill or on a journey, or one of you comes from relieving himself, or you have touched women, and you find no water, then seek clean earth and wipe your faces and your hands with it. Allah does not wish to impose any hardship upon you, but He wishes to purify you and complete His blessing upon you, so that you may give thanks}; and by the report, "Whoever performs ablution as he was commanded." He also denied prayer except with the Mother of the Quran and affirmed it with the Mother of the Quran, because everyone who prays must either recite the Mother of the Quran or not recite it. There is absolutely no possibility of a third alternative in any respect whatsoever. Prayer is obligatory. Since prayer is indispensable, and in it one must either recite the Mother of the Quran or omit its recitation, and someone who does not recite it is not performing prayer, then whoever recites it in it is undoubtedly performing prayer. Every adult Muslim is obligated to pray as

وإن كنتم جنبا فطهروا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغائط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم منه ما يريد الله ليجعل عليكم من حرج ولكن يريد ليطهركم وليتم نعمته عليكم لعلكم تشكرون} وبالحديث: من توضأ كما أمر ونفى الصلاة إلا بأم القرآن وأثبتها بأم القرآن، لأنه لا بد لكل مصل من أن يقرأ أم القرآن أو لا يقرؤها. ولا سبيل إلى وجه ثالث أصلا بوجه من الوجوه، والصلاة فرض، فلما لم يكن بد من الصلاة ولم يكن فيها بد من قراءة أم القرآن أو ترك قراءتها، وكان من لم يقرأها ليس مصليا، فمن قرأها فيها فهو مصل بلا شك، وفرض على كل مسلم بالغ أن يصلي كما أمر، ففرض عليه أن يقرأ أم القرآن وهذا برهان ضروري قاطع

commanded; therefore, he is obligated to recite the Mother of the Quran. This is a necessary, conclusive demonstration.[72][73][74]

L2857–2859 Likewise, his ﷺ negation of amputation in general, followed by his making it obligatory, as an exception, for a quarter of a dinar or more. However, had no explicit text or consensus preceded this, we would have imposed amputation only for gold. But since Allah Most High said, "As for the male thief and the female thief, cut off their hands as recompense for what they have earned, as a deterrent punishment from Allah; and Allah is Mighty, Wise," and the Messenger of Allah ﷺ said, "May Allah curse the thief: he steals an egg and his hand is cut off, and he steals a rope and his hand is cut off," and the community unanimously agreed that, by the report concerning a quarter of a dinar, he ﷺ did not intend to abolish amputation for things other than gold, we must apply the verse in its generality. Only someone who steals less than a quarter of a dinar in gold is excluded from it. Thus, someone who steals less than a quarter of a dinar in gold is not subject to amputation; but someone who steals anything other than gold, whether little or much, whatever it may be, provided it has some value, however small, is subject to amputation under the verse and the report containing the words, "May Allah curse the thief." Abu Muhammed said: Whoever rejects this can only resort to saying that, in his ﷺ statement mentioning a quarter of a dinar, he meant its value. Abu Muhammed said: This is a claim for which there is no evidence. Whoever supposes that the Prophet ﷺ overlooked something that this critic has noticed has made a tremendous error. "We descend only

وكذلك نفيه صلى الله عليه وسلم القطع جملة ثم أوجبه مستثنى في ربع دينار فصاعدا إلا أن هذا لو لم يتقدم فيه نص أو إجماع لم قطعنا إلا في الذهب فقط ولكن لما قال تعالى {ولسارق ولسارقة فقطعوا أيديهما جزآء بما كسبا نكالا من لله ولله عزيز حكيم} وقال رسول الله صلى الله عليه وسلم لعن الله السارق يسرق البيضة فتقطع يده ويسرق الحبل فتقطع يده وأجمعت الأمة على أن حديث ربع دينار لم يقصد به صلى الله عليه وسلم إبطال القطع في غير الذهب وجب علينا أن نستعمل الآية على عمومها، فلا يخرج منها إلا سارق أقل من ربع دينار ذهب فقط. فمن سرق أقل من ربع دينار ذهب فلا قطع عليه، ومن سرق من غير الذهب شيئا، قل أو كثر، أي شيء كان له قيمة وإن قلت، فعليه القطع بالآية والحديث الذي فيه: لعن الله السارق. قال أبو محمد: ومن أبى هذا فإنما يلجأ أن يقول المراد بقوله صلى الله عليه وسلم في ذكره ربع الدينار إنما عنى القيمة قال أبو محمد وهذه دعوى لا دليل عليها وأن من ظن النبي صلى الله عليه وسلم سها عما تنبه له هذا المتعقب فقد عظم غلطه {وما نتنزل إلا بأمر ربك له ما بين أيدينا وما خلفنا وما بين ذلك وما كان ربك نسيا} وليت شعري أي شيء كان المانع لرسول الله صلى الله عليه وسلم أن يقول لا قطع إلا في قيمة ربع الدينار فصاعدا، فيكشف عنا الإشكال، وقد أمره ربه تعالى بالبيان والذي نسبوه إلى رسول الله صلى الله عليه وسلم من أنه أراد القيمة ولم يبينها فإنما هو تلبيس لا بيان، وقد أعاذ الله تعالى من ذلك. والحديث الذي فيه ذكر القيمة ليس فيه بيان بأن القطع من أجل القيمة، فليس لأحد أن يقول: إن التقويم كان من أجل القطع، إلا كان لآخر أن يقول: بل لتضمين السارق ما جنى في ذلك. قال أبو محمد: ثم يقنعوا إلا بأن

[72] **Translator's note (L2854):** The opening reads "it does not follow for him that," although the argument appears to require "it follows for him that." The supplied negative has been retained. The alms quotation reads "its difference" (farqahā), an obscure and apparently corrupt expression here. It may stand in place of "more than it" (fawqahā), but the supplied wording has been translated. "The Mother of the Quran" designates the opening chapter, al-Fatihah.

[73] **Translator's note (L2855):** The unvocalized wording concerning the feet permits different grammatical readings. The translation preserves its placement after "wipe," without inserting a second, unexpressed "wash." The report beginning "Whoever performs ablution as he was commanded" is quoted only as a fragment in the supplied text.

[74] **Qur'an references (L2854):** Qur'an 9:103 (At-Tawbah); Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah).

by the command of your Lord. To Him belongs what is before us, what is behind us, and what is between that; and your Lord is never forgetful." I would dearly like to know what prevented the Messenger of Allah ﷺ from saying, "There is no amputation except for the value of a quarter of a dinar or more," thereby removing the difficulty for us, when he had been commanded by his Lord Most High to provide clarification. What they attribute to the Messenger of Allah ﷺ—that he intended the value but did not explain it—is only obfuscation, not clarification; and Allah Most High has protected him from that. The report in which value is mentioned contains no explanation that amputation is on account of the value. No one can say that the valuation was for the purpose of amputation without another being equally entitled to say, "Rather, it was to hold the thief financially liable for the damage he caused in that matter." Abu Muhammed said: Then they were content only to attribute to the one whom his Lord Most High described as compassionate and merciful toward us, and as one to whom our suffering is grievous, that he increased our confusion by his ﷺ saying, "May Allah curse the thief: he steals an egg and his hand is cut off"—that this concerned only an iron helmet used in fighting, and that he ﷺ meant an ornamented rope worth a quarter of a dinar. Besides being bare assertions devoid of evidence, these claims are also unsound, because he ﷺ did not intend by this to excuse the thief. How could he intend to excuse him while cursing him? Rather, he ﷺ intended to convey the thief's utter baseness and vileness, and that he exposes his hand

نسبوا إلى الذي وصفه ربه تعالى بأنه رؤوف بنا رحيم، وأنه عزيز عليه ما عنتنا إنه زادنا تلبيسا بقوله صلى الله عليه وسلم لعن الله السارق يسرق البيضة فتقطع يده إنه إنما في بيضة الحديد التي يقاتل بها وأنه صلى الله عليه وسلم عنى حبلا مزينا يساوي ربع دينار هذا مع أنها دعاوى بارية عارية من الأدلة فهي أيضا فاسدة لأنه صلى الله عليه وسلم لم يرد بهذا عذر السارق وكيف يريد عذره وهو يلعنه وإنما أراد صلى الله عليه وسلم شدة مهانة السارق ورذالته وأنه يبيح يده فيما لا خطب له من بيضة أو حبل، وهذا الذي لا يعقل سواه.

to lawful amputation for something of no consequence, such as an egg or a rope. No other understanding is intelligible.[75][76][77][78]

L2860–2865 They have a great mass of similar drivel that they attribute to the intention of Allah Most High and the intention of His Messenger ﷺ, although they consider themselves too dignified for anything of the kind. Among this is what they attribute to the verse concerning a testament while travelling: that the words of Allah Most High, "O you who believe, testimony among you, when death approaches one of you at the time of making a testament, shall be by two just men from among you, or two others from outside your number, if you are travelling through the land and the calamity of death befalls you. Detain them both after the prayer, and let them both swear by Allah, if you have doubts: 'We will not exchange it for a price, even if he is a near relative, nor will we conceal the testimony of Allah; otherwise we would indeed be among the sinners,'" mean "from outside your tribe." This is so inept that it cannot permissibly be attributed to anyone with the slightest knowledge of the language and the ways speech proceeds. How, then, could it be attributed to the Creator of speech and clarification, besides whom there is no god? Another instance is what some Malikis say concerning his ﷺ words to the man who proposed marriage to the woman while having nothing with him: "Look for something, even an iron ring." This speaker said that he ﷺ only required him to obtain a handsome, ornamented ring worth a quarter of a dinar. This, while they hear the man's statement that he possesses

ولهم من مثل هذا، ما ينسبونه إلى مراد الله تعالى ومراد رسوله صلى الله عليه وسلم غثائث جمة يوقرون أنفسهم عن مثلها فمن ذلك ما ينسبون إلى الآية التي في الوصية في السفر أن قول الله تعالى {يا أيها لذين آمنوا شهادة بينكم إذا حضر أحدكم لموت حين لوصية ثنان ذوا عدل منكم أو آخران من غيركم إن أنتم ضربتم في لأرض فأصابتكم مصيبة لموت تحبسونهما من بعد لصلاة فيقسمان بلله إن رتبتم لا نشتري به ثمنا ولو كان ذا قربى ولا نكتم شهادة لله إنآ إذا لمن لآثمين} أي من غير قبيلتكم وهذا من الهجنة بحيث لا يجوز أن ينسب إلى من له أدنى معرفة باللغة ومجاري الكلام، فكيف بخالق الكلام والبيان؟ لا إله إلا هو ومن ذلك قول بعض المالكيين في قوله صلى الله عليه وسلم للذي خطب المرأة ولا شيء معه التمس ولو خاتما من حديد قال هذا القائل إنما كلفه صلى الله عليه وسلم خاتما مزينا مليحا يساوي ربع دينار وهذا وهم يسمعون كلام الرجل أنه لا يملك إلا إزاره فقط وأنه لا يقدر على حيلة فيقول له صلى الله عليه وسلم ولو خاتما من حديد أفيسوغ عن عقل من له مسكة أن يظن أن رسول الله صلى الله عليه وسلم يكلف من هذه صفته خاتما بديعا يساوي ربع مثقال؟ وهذا مع ما فيه من الافتراء على رسول الله صلى الله عليه وسلم والكذب عليه فقول مفضوح ظاهر العوار لأنه لم يكن بلغ عن غلاء الحديد بالمدينة، ومنه مساحيهم ومناحلهم لعمل النخل، ودروعهم للقتال، أن يساوي خاتم منه قريبا من وزنه من الذهب، ولو نطقت بهذا مخدرة غريرة لأضحكت بقولها، وبالله عز وجل نستعين. قال أبو محمد وقد اعترض بعض الحنفيين على قوله صلى الله عليه وسلم لا قطع إلا في ربع دينار فصاعدا فقال هذا اللفظ لا يوجب قطعا في الربع دينار. قال أبو محمد: وهذه لحة ظاهرة،

[75] **Translator's note (L2857):** The wording "لم قطعنا" is grammatically irregular as transcribed; the conditional context indicates "we would not have imposed amputation," rendered here as "we would have imposed amputation only."

[76] **Translator's note (L2858):** "ثم يقنعوا إلا" appears to lack a negative particle, such as "لم." The translation conveys the apparent sense, "they were content only," while noting the defective construction. The attribution begun here continues in the next unit.

[77] **Translator's note (L2859):** "بيضة" means an egg but can also denote a helmet; the author disputes the interpretation of the report as referring to a helmet. "دعاوى بارية" in "عارية من الأدلة" is unclear and may be corrupt. "Bare assertions devoid of evidence" conveys the intelligible force of the surrounding wording without assigning a secure independent meaning to "بارية."

[78] **Qur'an references (L2857):** Qur'an 5:38 (Al-Ma'idah); Qur'an 19:64 (Maryam).

nothing but his waist-wrapper alone, and that he has no means of obtaining anything! Yet he ﷺ says to him, “Even an iron ring.” Could anyone with a shred of sense reasonably suppose that the Messenger of Allah ﷺ would require someone in this condition to obtain an exquisite ring worth a quarter of a mithqal? Besides the fabrication against the Messenger of Allah ﷺ and the lying about him that this involves, it is a disgraceful statement whose defect is manifest. For no report had come of iron being so expensive in Medina—iron from which they made their spades and sieves for work on the date palms, and their armour for battle—that a ring made from it would be worth nearly its weight in gold. Had a sheltered, inexperienced woman uttered this, her statement would have provoked laughter. And it is Allah, Mighty and Majestic, whose help we seek. Abu Muhammed said: One of the Hanafis objected to his ﷺ statement, “There is no amputation except for a quarter of a dinar or more,” saying, “This wording does not make amputation obligatory for a quarter of a dinar.” Abu Muhammed said: This is manifest insolence and brazen audacity that no one with any shame in his face would accept for himself. He is like someone who says, concerning “Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah’s has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which has been eaten by a predatory beast—except what you slaughter—and what has been slaughtered upon sacrificial stones, and that you seek allotments by divining arrows: that is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favour upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is Forgiving, Merciful,” that this wording entails neither a prohibition nor a prevention. And whoever says in a case like this that this address does not make amputation obligatory for a quarter of a dinar, and that “There is no prayer except with recitation of the Quran” does not make recitation obligatory, then says of commands that they are not binding and that they indicate recommendation, then says of expressions that they have specific scope, then says of speech that it does not bear its apparent meaning, then abandons the explicit text and does not judge according to it,

ومجاهرة لا يرضاها لنفسه من في وجهه حياء وهو بمنزلة من قال {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} أن هذا اللفظ لا يوجب نهيا ولا منعا ومن قال في مثل هذا إن هذا الخطاب لا يوجب القطع في ربع دينار وأن لا صلاة إلا بقراءة القرآن ألا يوجب القراءة ثم قال في الأوامر أنها غير لازمة وأنها على الندب ثم قال في الألفاظ إنها على الخصوص ثم قال في الكلام إنه ليس على ظاهره ثم ترك النص فلم يحكم به ثم أتى إلى أشياء لم تنص فحرمهاوأحلها برأيه فما نعلم أحدا ولا الحلاج ولا الغالية من الروافض أشد كيدا للإسلام منه وأما الجاهل فهو معذور وأما من قامت عليه الحجة فتمادى فهو فاسق بلا شك وسيرد فيعلم وما توفيقنا إلا بالله فإن قال قائل إن مثل هذا قوله صلى الله عليه وسلم لا إيمان لمن لا أمانة له قيل له وبالله تعالى التوفيق هذا على ظاهره ونعم لا إيمان أصلا لمن لا أمانة له ولا يجوز أن نخص بذلك أمانة دون أمانة والإسلام هو الأمانة التي عرضها الله تعالى على السماوات والأرض وقبول الشرائع فمن عدم هذه الأمانة التي هي بعض الأمانات فلا إيمان له ومن قيل فيه لا أمانة له فهو محمول على كل أمانة لا على بعضها دون بعض وأما قوله صلى الله عليه وسلم لا يؤمن من لا يأمن جاره بوائقه فكذلك نقول: إن الفعل المذموم منه ليس إيمانا، لأن الإيمان هو جميع الطاعات، والمعصية إذا فعلها فليس فعله إياها إيمانا، فإذا لم يفعل الإيمان فلم يؤمن، يعني في تركه ذلك الفعل خاصة، وإن كان مؤمنا بفعله للطاعات في سائر أفعاله، وقد بينا هذا في كتاب الفصل والإيمان هو الطاعات كلها، وليس التوحيد

then turns to things for which no explicit text has been given and declares them forbidden or lawful by his own opinion—we know of no one, neither al-Hallaj nor the extremists among the Rafidites, who plots more intensely against Islam than he does. As for the ignorant person, he is excused; but someone against whom the proof has been established and who persists is undoubtedly a transgressor. He will be brought back, and then he will know. Our success comes only through Allah. If someone says, "An instance of this is his ﷺ statement, 'There is no faith in someone who has no trustworthiness,'" He is told—and success comes through Allah Most High: This bears its apparent meaning, and yes, there is absolutely no faith in one who has no trustworthiness. We may not restrict this to one trust rather than another. Islam is the trust that Allah Most High offered to the heavens and the earth, and it is acceptance of the revealed laws. Whoever lacks this trust, which is one among the trusts, has no faith. When someone is described as having "no trustworthiness," this is understood to concern every trust, rather than some trusts to the exclusion of others. As for his statement ﷺ, "One whose neighbor is not safe from his mischief does not believe," we likewise say that the blameworthy act he commits is not faith, because faith consists of all acts of obedience. When he commits an act of disobedience, his committing it is not faith. Thus, when he has not enacted faith, he has not believed—meaning specifically in his omission of that act—even though he is a believer through the acts of obedience he performs in the rest of his actions. We have explained this in The Book of Distinctions. Faith consists of all acts of obedience; the affirmation of Allah's oneness alone is not the entirety of faith. Thus, "He has no faith" means "He has no obedience." Likewise, when he disobeys, he has not obeyed; and when he has not obeyed, he has not believed. It does not follow against us that, if he has not believed in some of his circumstances, he has thereby disbelieved, or that he does not believe in all the rest of them. Rather, when he has not obeyed, he has not believed with respect to the matter in which he disobeyed, while he has believed with respect to that in which he obeyed. If someone says, "This obliges you to say that he is a believer and not a believer," we say: Yes, he is a believer with respect to that in which he has believed, and not a believer with respect to that in which he has not believed. This is something known necessarily. We

وحده إيمانا فقط، فمعنى: لا إيمان له أي لا طاعة، وكذلك إذا عصى فلم يطع، وإذا لم يطع فلم يؤمن، وليس يلزمنا أنه إذا لم يؤمن في بعض أحواله أنه كفر، ولا أنه لا يؤمن في سائرها لكن إذا لم يطع فلم يؤمن في الشيء الذي عصى به وآمن فيما أطاع فيه. فإن قال: أنه يلزمكم بهذا أن تقولوا: إنه مؤمن لا مؤمن، قلنا نعم، هو مؤمن بما آمن به، غير مؤمن فيما لم يؤمن به، وهذا شيء يعلم ضرورة، ولم نقل إنه مؤمن لا مؤمن على الإطلاق، وهكذا يلزم خصومنا في مسيء ومحسن ولا فرق. فإن قلتم: من أحسن في جهة وأساء في أخرى فهو مسيء عاص فيما أساء فيه، ومحسن طائع فيما أحسن فيه، أفترى يلزمكم من هذا أن تقولوا: هو عاص طائع ومحسن مسيء على الإطلاق؟ ونحن لا نأبى هذا إذا كان من وجهين مختلفين ولا نعيب به أحدا.

have not said that he is a believer and not a believer without qualification. The same consequence applies to our opponents concerning an evildoer and a doer of good, without any difference. For if you say that someone who does good in one respect and evil in another is an evildoer and disobedient with respect to the evil he does, and a doer of good and obedient with respect to the good he does, do you think this obliges you to say that he is disobedient and obedient, and a doer of good and an evildoer without qualification? We ourselves do not reject this when it is in two different respects, nor do we fault anyone for it.[79][80][81]

L2866–2868 As for someone who says that "There is no prayer for one who has not recited" and "There is no fasting for one who will not have resolved upon it during the night" merely mean "There is no complete prayer," this is a claim for which there is no evidence. Moreover, even if their statement were correct, it would count against them, not in their favor, because when prayer is not complete, it is part of a prayer, and part of a prayer is not accepted unless it is completed, just as fasting for part of a day is not accepted until the day is completed. If someone says, "It only means that it is a complete prayer, but another prayer is more complete than it," this is obfuscation. When prayer has been completed with all its obligatory components, no other prayer is more complete than it in being a prayer. Rather, the person's recitation and prolongation of it have increased—things whose omission would do no harm, and without which his prayer would not be called deficient. He Most High has commanded the completion of fasting and the establishment of prayer. Whoever has neither established it nor completed his fasting has neither prayed nor fasted, because he has not performed what he was com-

وأما من قال: لا صلاة لمن لم يقرأ ولا صيام لمن لن يبيته من الليل إنما معناه لا صلاة كاملة، فهذه دعوى لا دليل عليها، وأيضا فلو صح قولهم لكان عليهم لا لهم، لأن الصلاة إذا لم تكن كاملة فهي بعض صلاة، وبعض الصلاة لا تقبل إذا لم تتم، كما أن صيام بعض يوم لا يقبل حتى يتم اليوم، فإن قال: إنما معناه أنها صلاة كاملة، إلا أن غيرها أكمل منها، فهذا تمويه، لأن الصلاة إذا تمت بجميع فرائضها فليس غيرها أكمل منها في أنها صلاة، ولكن زادت قراءته وتطويله الذي لو تركه لم يضر، ولا سميت صلاته دون ذلك ناقصة، وقد أمر تعالى بإتمام الصيام وإقامة الصلاة، فمن لم يقمها ولا أتم صيامه فلم يصل ولا صام، لأنه لم يأت بما أمر به، وإنما فعل غير ما أمر به والناقص غير التام وقد قال صلى الله عليه وسلم من عمل عملا ليس عليه أمرنا فهو رد وليس هذا مما يكتفى به في إقامة الصلاة وإتمام الصيام فقط، لكن كل ما جاءت به الشريعة زائدا أبدا ضم إلى هذا. ومن العجب العجيب أن قوما لم يبطلوا الصلاة بما أبطلها به صلى الله عليه وسلم من عدم القراءة لأم القرآن ومن ترك إقامة الأعضاء في الركوع والسجود، ومن فساد الصفوف، وأبطلوها بما لم يبطلها به الله تعالى ولا رسوله صلى الله عليه وسلم من وقوف الإمام في موضع أرفع من المأمومين، ومن اختلاف نية الإمام والمأموم. ثم فعلوا مثل ذلك في الصيام، فلم يبطلوه بما

[79] **Translator's note (L2861):** "مناحلهم" ordinarily means "their sieves" here, but its association with work on date palms is awkward and may reflect a transcription error. The supplied wording is retained. The Quranic quotation continues in the next unit; "by" anticipates its opening "a predatory beast."

[80] **Translator's note (L2862):** "ألا يوجب القراءة" has an irregular extra interrogative or connective form in this construction. The translation follows the surrounding argument, which presents the claim that the wording does not make recitation obligatory; the transcription is not silently treated as regular.

[81] **Qur'an references (L2860):** Qur'an 5:106 (Al-Ma'idah); Qur'an 5:3 (Al-Ma'idah).

manded to perform; he has merely done something other than what he was commanded. What is deficient is other than what is complete. He ﷺ said, "Whoever performs an act that does not accord with our command, it is rejected." Nor is this alone sufficient with respect to establishing prayer and completing fasting: everything additional brought by the revealed law must always be joined to this. It is an extraordinary wonder that some people did not invalidate prayer on the grounds on which he ﷺ invalidated it: failure to recite the Mother of the Quran, failure to position the limbs properly in bowing and prostration, and disorder in the rows. Yet they invalidated it on grounds on which neither Allah Most High nor His Messenger ﷺ invalidated it: the prayer leader's standing in a place higher than those following him, and a difference between the intention of the prayer leader and that of the follower. Then they did the same with fasting. They did not invalidate it on the grounds on which Allah Most High invalidated it: the absence of an intention each night, backbiting, and lying. Then they invalidated it on grounds on which Allah Most High did not invalidate it: eating forgetfully, an enema, and applying medicinal substances as eye cosmetics. Thus they have overturned the religion, as you see, prohibited what is lawful, and permitted what is unlawful. We seek refuge in Allah Most High from abandonment, and Him we ask for success. There is no deity but Him. Abu Muhammed said: We say the same concerning the report of Abu Dharr—may Allah be pleased with him—about what interrupts prayer. He mentioned the black dog, and that he asked the Prophet ﷺ, "What distinguishes the black from the red, from the yellow, from the white?" He ﷺ replied, "The black dog is a devil." This report does not state either that other dogs do not interrupt prayer or that they do interrupt it. Thus, when Abu Hurayrah's report from the Prophet ﷺ was transmitted, "A woman, a donkey, and a dog interrupt prayer," this was a general statement encompassing every dog. This is the position of Anas, Ibn Abbas, and others.[8283]

أبطله به الله تعالى، من عدم النية في كل ليلة، ومن الغيبة والكذب، ثم أبطلوه بما لم يبطله به الله تعالى، من الأكل ناسيا، ومن الحقنة، ومن الكحل بالعقاقير، فقلبوا الديانة كما ترى، وحرموا الحلال، وأحلوا الحرام وبالله تعالى نعوذ من الخذلان، وإياه نسأل التوفيق، لا إله إلا هو. قال أبو محمد: وكذلك نقول في حديث أبي ذر رضي الله عنه فيما يقطع الصلاة فذكر الكلب الأسود وأنه سأل النبي صلى الله عليه وسلم ما بال الأسود من الأحمر من الأصفر من الأبيض فقال صلى الله عليه وسلم الكلب الأسود شيطان فليس في هذا الحديث أن سائر الكلاب لا تقطع الصلاة ولا أنها تقطع فلما ورد حديث أبي هريرة عن النبي صلى الله عليه وسلم تقطع الصلاة المرأة والحمار والكلب كان هذا عموما لكل كلب، وهو قول أنس وابن عباس وغيرهما.

[82] **Translator's note (L2866):** The fasting quotation reads لن يبيته, with the future negation "will not," rather than the expected past negation لم يبيته. This has been retained in the translation. Resolving upon the fast is the intended sense of يبيته.

[83] **Translator's note (L2868):** The question uses a repeated "from" in listing the dogs' colors; this awkward construction has been preserved across the segment boundary.

L2869–2870 Those among the Shafiʿis and Malikis who object to us on this point should reflect on their position concerning the Prophet's statement ﷺ, "And whoever takes a man as his patron without the permission of his patrons." They must consequently permit him to take someone other than his patrons as his patron with their permission. This is the position of Ata and others, yet they reject it. There are many such instances of their inconsistency.

Section on Refuting Their Claim Concerning Implication from the Wording

Abu Muhammed said: What is understood from the wording is that, when emphasis occurs, it removes contentious objections and rules out the supposition of anyone who supposes that the statement does not retain its general scope. Some people have gone astray concerning His statement Most High, "So the angels prostrated, all of them, altogether," saying that the bearers of the Throne and those absent from that scene did not prostrate. Abu Muhammed said: Sufficient to refute this madness is His statement Most High, "I did not make them witnesses to the creation of the heavens and the earth, nor to their own creation, and I would not take those who lead astray as helpers." I would dearly like to know on what grounds they deemed it permissible to say that any of the angels did not prostrate, despite His statement Most High, "So the angels prostrated, all of them, altogether, except Iblis: he refused to be among those who prostrated." Such audacity gives grounds for suspecting the beliefs of the person who utters it, since it amounts to nothing but rejecting the statement of Allah Most High by means of the dead. Some Shafiʿis have attempted to construe the statement of Allah Most High, "In it are clear signs, the standing place of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by mankind, by whoever is able to find a way to it. Whoever disbelieves—Allah has no need of the worlds," after His statement Most High, "In it are clear signs, the standing place of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by mankind, by whoever is able to find a way to it. Whoever disbelieves—Allah has no need of the worlds," "whoever is able to it," as meaning that this is neither an explanation of those upon whom pilgrimage has been made obligatory nor in agreement with His statement Most High, "Allah does not burden a soul beyond its capacity. It shall have what it has earned, and

ومن أنكر هذا علينا من الشافعيين والمالكيين فليتفكروا في قولهم في قول النبي صلى الله عليه وسلم ومن تولى رجلا بغير إذن مواليه فيلزمهم أن يبيحوا له تولي غير مواليه بإذنهم وهذا قول عطاء وغيره وهم يأبون ذلك ومثل هذا من تناقضهم كثير فصل في إبطال دعواهم في دليل الخطاب قال أبو محمد والمفهوم من الخطاب هو أن التأكيد إذا ورد فإنه رفع للشغب وحسم لظن من ظن أن الكلام ليس على عمومه وقد ضل قوم في قوله تعالى {فسجد لملائكة كلهم أجمعون} فقالوا إن حملة العرش ومن غاب عن ذلك المشهد لم يسجد. قال أبو محمد: ويكفي من إبطال هذا الجنون قوله تعالى {ما أشهدتهم خلق لسماوات ولأرض ولا خلق أنفسهم وما كنت متخذ لمضلين عضدا} فليت شعري من أين استحلوا أن يقولوا إن أحدا من الملائكة لم يسجد مع قوله تعالى {فسجد لملائكة كلهم أجمعون * إلا إبليس أبى أن يكون مع لساجدين} ومثل هذا من الإقدام يسيء الظن بمعتقد قائله، إذ ليس فيه إلا رد قول الله تعالى بالميت. وقد رام بعض الشافعيين أن يجعل قول الله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} بعد قوله تعالى {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} من استطاع إليه على معنى أن ذلك ليس بيانا للذين ألزموا الحج ولا على أنه موافق لقوله تعالى {لا يكلف لله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} وقال إن هذا خطاب فائدة أخرى موجب أن الاستطاعة من غير قوة.

against it shall be what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, and do not lay upon us a burden as You laid upon those before us. Our Lord, and do not burden us with what we have no power to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the disbelieving people." And he said that this is an address conveying another import, entailing that ability exists without strength.[848586]

L2871–2876 Abu Muhammed said: We do not reject the possibility that ability may also be something other than bodily strength. Rather, we say that ability comprises everything that provides a means to performing pilgrimage: provisions, a riding mount, and bodily strength. We do not say, as the Malikis have said, that ability is bodily strength alone, and that someone who lacks it but can afford provisions and a riding mount is unable. Nor do we say, as the Shafiʿis have said, that ability is only—only provisions and a riding mount, and that bodily strength is not ability. Rather, we say that bodily strength without a mount constitutes ability, and that provisions and a mount constitute ability: even if their possessor has paralyzed legs, incapacitated hands, and is blind, he is able by virtue of his wealth. This applies the verse in its generality, with the statement of Allah Most High and the hadith of the Prophet ﷺ also attesting to the correctness of our position—meaning the hadith of the woman of Khathʿam and His statement, Most High: {And proclaim the pilgrimage

قال أبو محمد: ولسنا نأبى أن تكون الاستطاعة أيضا شيئا غير القوة للجسم، لكننا نقول: إن الاستطاعة كل ما كان سببا إلى تأدية الحج، من زاد وراحلة وقوة جسم، ولا نقول كما قال المالكيون: إن الاستطاعة هي قوة الجسم فقط، وإن من عدمها وقدر على زاد وراحلة فهو غير مستطيع، ولا كما قال الشافعيون: إنما الاستطاعة إنما هي الزاد والراحلة فقط، وأن قوة الجسم ليست استطاعة، بل نقول: إن قوة الجسم دون الراحلة استطاعة، وإن الزاد والراحلة وإن كان واجدهما مقعد الرجلين مبطل اليدين أعمى، أنه مستطيع بماله، حملا للآية على عمومها مع شهادة قول الله تعالى وحديث النبي صلى الله عليه وسلم لصحة قولنا يعني حديث الخثعمية وقوله تعالى {وأذن في لناس بلحج يأتوك رجالا وعلى كل ضامر يأتين من كل فج عميق} قال أبو محمد وقد ذكرنا فيما خلا أن النبي صلى الله عليه وسلم إذا سئل عن شيء فأجاب أن ذلك الجواب محمول على عموم لفظه لا على ما سئل عنه صلى الله عليه وسلم فقط لأنه صلى الله عليه وسلم إنما بعث معلما فلا فرق بين ابتدائه بأمر وتعليم، وبين جوابه عما سئل، ومخبرا أيضا عما لم يسأل عنه فإن قال قائل فاحملوا قوله صلى الله عليه وسلم الخراج بالضمان على عمومه فاجعلوا الخراج للغاصب بضمانه، قيل له وبالله تعالى التوفيق: الحديث في ذلك لا يقوم بمثله حجة، لأنه عن مخلد بن خفاف، وعن مسلم بن خالد الزنجي وكلاهما ليس قويا في الحديث، وأيضا فلو صح لمنع من حمله على الغاصب قوله صلى الله عليه

[84] **Translator's note (L2869):** "Implication from the wording" renders دليل الخطاب, the technical doctrine of inferring a contrary ruling for an unmentioned case from a qualification in the wording. The reading بالميت literally means "by means of the dead" or "by means of the dead person." It is anomalous here and may be corrupt; it has not been silently replaced. The pilgrimage verse is quoted in full twice in the supplied text, followed by the fragment من استطاع إليه, "whoever is able to it." The repetition and disrupted syntax have been retained. The Quran quotations contain several defective spellings, chiefly missing initial alifs. Where these leave the intended words unambiguous, their meanings have been translated.

[85] **Translator's note (L2870):** The phrase خطاب فائدة أخرى موجب is syntactically awkward as transmitted. The translation follows its apparent sense: that the wording conveys an additional import, namely ability without strength.

[86] **Qur'an references (L2869):** Qur'an 18:51 (Al-Kahf); Qur'an 15:31 (Al-Hijr); Qur'an 3:97 (Ali 'Imran); Qur'an 2:286 (Al-Baqarah).

among the people: they will come to you on foot and on every lean mount; they will come from every distant mountain pass.}

Abu Muhammed said: We have previously mentioned that when the Prophet ﷺ was asked about something and answered, that answer is understood according to the generality of its wording, rather than being confined to what he ﷺ was asked about. For he ﷺ was sent only as a teacher, and there is no difference between his initiating a command and instruction and his answering what he was asked, while also giving information about what he had not been asked.

If someone says, "Then apply his saying ﷺ, 'Revenue goes with liability,' in its generality, and assign the revenue to the usurper because he bears liability," he is told—and success comes through Allah Most High: The hadith on this matter is not of a kind that can establish a proof, for it is transmitted through Makhlad ibn Khufaf and through Muslim ibn Khalid al-Zanji, neither of whom is strong in hadith transmission. Moreover, even if it were sound, applying it to the usurper would be precluded by his saying ﷺ, through an acceptable transmission route: "No wrongful root has any right." ʿAbd Allah ibn Rabiʿ al-Tamimi related to us, from Muhammed ibn Ishaq, from Ibn al-Aʿrabi, from Sulayman ibn al-Ashʿath: Muhammed ibn al-Muthanna related to us: ʿAbd al-Wahhab—that is, al-Thaqafi—related to us: Ayyub—that is, al-Sakhtiyani—related to us, from Hisham ibn ʿUrwah, from his father, from Saʿid ibn Zayd, from the Messenger of Allah ﷺ.

Abu Muhammed said: This hadith thus singled out wrongdoers from the entire class of those bearing liability, and denied the revenue to the purchaser who purchases rightfully. Moreover, His statement, Most High, {And do not consume your wealth among yourselves wrongfully, and offer it to the judges so that you may sinfully consume a portion of other people's wealth while you know}, precludes consuming any wealth without right whatsoever. Success comes through Allah Most High.

He ﷺ commanded clarification, and all his wording, whether an answer or otherwise, is therefore understood in its generality. If, however, the answer conveys no generality extending beyond what he was asked about, it is then

وسلم من الطريق المرضية ليس لعرق ظالم حق حدثنا عبد الله بن ربيع التيمي، عن محمد بن إسحاق، عن ابن الأعرابي، عن سليمان بن الأشعث، حدثنا محمد بن المثنى، حدثنا عبد الوهاب، هو الثقفي، حدثنا أيوب، هو السختياني، عن هشام بن عروة عن أبيه عن سعيد بن زيد عن رسول الله صلى الله عليه وسلم قال أبو محمد نخص هذا الحديث الظالمين من جملة الضامنين، فنفى الخراج للمشتري بحق، وأيضا فقوله تعالى {ولا تأكلوا أموالكم بينكم بلباطل وتدلوا بها إلى لحكام لتأكلوا فريقا من أموال لناس بلإثم وأنتم تعلمون} مانع من أكل مال بغير حق جملة وبالله تعالى التوفيق وقد أمر صلى الله عليه وسلم بالبيان فلفظه كله جوابا كان أو غير جواب، محمول على عمومه، فإن لم يعط الجواب عموما غير ما سئل عنه لم يحمل على ما سواه حينئذ كما أفتى صلى الله عليه وسلم الواطىء في رمضان بالكفارة فوجب ألا يجعل على غير الواطىء لأنه ليس في لفظه صلى الله عليه وسلم ما يوجب مشاركة غير الواطىء للواطىء في ذلك وكذلك أمره صلى الله عليه وسلم لمن أساء الصلاة أو صلى خلف الصفوف منفردا بالإعادة، أمر لمن فعل مثل ذلك الفعل وحكم في ذلك الفعل متى وجد وأمره صلى الله عليه وسلم بغسل المحرم أمر في كل ميت في حال إحرام وذكر صلى الله عليه وسلم أو ذكر ربه تعالى المسجد الحرام حكما في المسجد الحرام أنه لا يشركه فيه غيره، لأنه ليس ههنا مسجد حرام غيره، وليس لكل لفظ إلا مقتضاه ومفهومه فقط وكذلك قوله صلى الله عليه وسلم الأئمة من قريش حكم في قريش لا يشاركهم فيه غيرهم، ولا يقتصر به على بعضهم دون بعض، إلا من منع منه إجماع، من امرأة أو مجنون أو من لم يبلغ، وكذلك حب الأنصار فضل في جميع الأنصار لا يعدوهم إلى غيرهم، ولا يقتصر به على بعضهم دون بعض. وكذلك ذو القربى وكذلك فضل أبي بكر لا يشركه فيه غيره، وكذلك فضل علي لا يشركه فيه غيره، لأن الحكم على الأسماء، فكل اسم

not applied to anything else. Thus, when he ﷺ gave the man who had intercourse during Ramadan a ruling requiring expiation, it followed that it must not be imposed upon someone other than the person who had intercourse, because nothing in his wording ﷺ requires someone who did not have intercourse to share that ruling with the person who did. Likewise, his command ﷺ to someone who performed the prayer badly, or prayed alone behind the rows, to repeat it is a command addressed to anyone who performs that same act, and a ruling concerning that act whenever it occurs. His command ﷺ to wash the person in the state of pilgrimage consecration is a command concerning everyone who dies while in that state. His mention ﷺ, or the mention by his Lord Most High, of the Sacred Mosque constitutes a ruling concerning the Sacred Mosque in which no other mosque shares, because there is no other Sacred Mosque here. Every expression has only what it entails and signifies. Likewise, his saying ﷺ, "The leaders are from Quraysh," is a ruling concerning Quraysh in which others do not share; nor is it confined to some of them to the exclusion of others, except those excluded by consensus, such as a woman, an insane person, or someone who has not reached puberty Likewise, love of the Helpers is a merit pertaining to all the Helpers: it does not extend beyond them to others, nor is it confined to some of them to the exclusion of others. The same applies to the near relative. Likewise, no one else shares in Abu Bakr's merit, and no one else shares in ʿAli's merit. For rulings attach to names: each name has its named referent, and it is not extended beyond that referent to another, nor is another substituted for it, nor is it confined to some of what it names

مسماه لا يعدي به إلى غيره، ولا يبدل منه غيره، ولا يقتصر به على بعض مسماه دون بعض ولا في الأحوال دون بعض

to the exclusion of the rest, or to some circumstances to the exclusion of others.[87][88][89][90]

L2877 **[Section on Refuting Their Claim Concerning Inference from Contrary Implication][91]**

L2878–2882 Abu Muhammed said: Through the power of our Creator Most High, rather than our own power, we have fully discussed everything with which they have raised contentious objections, and have explained the resolution of all their doubts. We shall now present the demonstrations that invalidate their claim on this matter, if Allah, Mighty and Majestic, wills. There is neither power nor strength except through Allah, the Most High, the Magnificent.

They are asked: Consider the statement of Allah, Mighty and Majestic, {And do not approach the orphan's property except in the manner that is best, until he reaches his maturity; and give full measure and weight with equity. We burden no soul beyond its capacity. And when you speak, be just, even if it concerns a near relative; and fulfill the covenant of Allah. This He has enjoined upon you, so that you may take heed.} Does it contain permission to approach the property of someone who is not an orphan in a manner other than that which is best? If they say, "No, it contains no permission for that," they have abandoned their corrupt assertion that mentioning freely

[87] **Translator's note (L2871):** The repeated restriction إنما ... إنما in the statement attributed to the Shafi'is has been retained as "only—only."

[88] **Translator's note (L2872):** The opening construction concerning provisions, a mount, and their possessor is syntactically awkward; the translation preserves its argument that financial means can constitute ability despite bodily incapacity.

[89] **Translator's note (L2873):** "No wrongful root has any right" is a literal rendering of a legal expression concerning planting or establishment on another person's land without right. The supplied text says that the hadith "denied the revenue to the purchaser who purchases rightfully." This conflicts with the surrounding argument, which concerns excluding wrongful possessors from entitlement to revenue. The wording has been preserved without correction.

[90] **Qur'an references (L2871):** Qur'an 22:27 (Al-Hajj).

[91] **Translator's note (L2877):** "Inference from contrary implication" renders dalil al-khitab: inferring that cases not covered by an expressly stated qualification have the opposite ruling.

[فصل في إبطال دعواهم في دليل الخطاب]

قال أبو محمد قد أوعينا بحول خالقنا تعالى لا بحولنا، الكلام في كل ما شغبوا به، وأبنا حل شكوكهم جملة، ثم نأتي بالبراهين المبطلة لدعواهم في ذلك إن شاء الله عز وجل، ولا حول ولا قوة إلا بالله العلي العظيم. يقال لهم أرأيتم قول الله عز وجل {ولا تقربوا مال ليتيم إلا بلتي هي أحسن حتى يبلغ أشده وأوفوا لكيل ولميزان بلقسط لا نكلف نفسا إلا وسعها وإذا قلتم فعدلوا ولو كان ذا قربى وبعهد لله أوفوا ذلكم وصاكم به لعلكم تذكرون} فيه إباحة أن يقرب مال من ليس يتيما بغير التي هي أحسن؟ فإن قالوا: لا، ما فيه إباحة لذلك تركوا قولهم الفاسد إن ذكر السائمة دليل على أن غير السائمة بخلاف السائمة ولا فرق بين ذكره صلى الله عليه وسلم السائمة في موضع والغنم جملة في موضع آخر، وبين قوله تعالى {ولا تأكلوا أموالكم بينكم بلباطل وتدلوا بها إلى لحكام لتأكلوا فريقا من أموال لناس بلإثم وأنتم تعلمون} في مكان ثم قال في آخر {ولا تقربوا مال ليتيم إلا بلتي هي أحسن حتى يبلغ أشده وأوفوا لكيل ولميزان بلقسط لا نكلف نفسا إلا وسعها وإذا قلتم فعدلوا ولو كان ذا قربى وبعهد لله أوفوا ذلكم وصاكم به لعلكم تذكرون} وكذلك لا فرق بين من قال: إن الحديث الذي فيه ذكر السائمة بيان للحديث الذي فيه ذكر الغنم جملة، وبين من قال: إن ذكر مال اليتيم في الآية بيان للأحوال المحرمة، ويعلم أن المراد بها مال اليتيم خاصة ويقال لهم أترون قول الله تعالى {إن عدة لشهور عند لله ثنا عشر شهرا في كتاب لله يوم خلق لسماوات ولأرض منها أربعة حرم ذلك الدين القيم فلا تظلموا فيهن أنفسكم وقاتلوا لمشركين كآفة كما يقاتلونكم

grazing livestock is evidence that livestock which do not graze freely have a different ruling. There is no difference between his mentioning ﷺ freely grazing livestock in one place and sheep collectively in another place, and His saying, Most High, {And do not consume your wealth among yourselves wrongfully, and offer it to the judges so that you may sinfully consume a portion of other people's wealth while you know}, in one place, and then saying in another, {And do not approach the orphan's property except in the manner that is best, until he reaches his maturity; and give full measure and weight with equity. We burden no soul beyond its capacity. And when you speak, be just, even if it concerns a near relative; and fulfill the covenant of Allah. This He has enjoined upon you, so that you may take heed.} Likewise, there is no difference between someone who says that the hadith mentioning freely grazing livestock clarifies the hadith mentioning sheep collectively, and someone who says that the mention of the orphan's property in the verse clarifies the forbidden circumstances, and that it is thereby known that what is intended is specifically the orphan's property.

They are also asked: Do you consider His statement, Most High, {Indeed, the number of months with Allah is twelve months, in Allah's Book, on the day He created the heavens and the earth; of them four are sacred. That is the upright religion, so do not wrong yourselves during them; and fight the polytheists all together, just as they fight you all together, and know that Allah is with those who are mindful of Him}, to permit wrongdoing during the remaining months that are not sacred? Or do you consider His statement, Most High, {Sovereignty that day belongs to Allah; He will judge between them. Those who have believed and done righteous deeds will be in Gardens of Bliss}, to preclude sovereignty belonging to Allah at any time other than that day?

Likewise, His statement, Most High, {And let those who find no means to marry remain chaste until Allah enriches them from His bounty. And those among those whom your right hands possess who seek a contract of emancipation—make such a contract with them if you know good in them, and give them from the wealth of Allah which He has given you. And do not compel your slave girls to prostitution, if they desire chastity, seeking the

كآفة وعلموا أن الله مع لمتقين} مبيحا للظلم في سائر الأشهر غير الحرم أو ترون قوله تعالى {لملك يومئذ لله يحكم بينهم فلذين آمنوا وعملوا لصالحات في جنات لنعيم} مانعا من أن يكون الملك في غير يومئذ لله وكذلك قوله تعالى {وليستعفف لذين لا يجدون نكاحا حتى يغنيهم لله من فضله ولذين يبتغون لكتاب مما ملكت أيمانكم فكاتبوهم إن علمتم فيهم خيرا وآتوهم من مال لله لذي آتاكم ولا تكرهوا فتياتكم على لبغآء إن أردن تحصنا لتبتغوا عرض لحياة لدنيا ومن يكرههن فإن لله من بعد إكراههن غفور رحيم} أتراه مبيحا للبغاء إن لم يردن تحصنا. وكذلك قوله تعالى {ولا جناح عليكم فيما عرضتم به من خطبة لنسآء أو أكننتم في أنفسكم علم لله أنكم ستذكرونهن ولكن لا تواعدوهن سرا إلا أن تقولوا قولا معروفا ولا تعزموا عقدة لنكاح حتى يبلغ لكتاب أجله وعلموا أن لله يعلم ما في أنفسكم فحذروه وعلموا أن لله غفور حليم} أتراه مبيحا لمواعدتهن في العدة جهرا وكذلك قوله تعالى {لعن لذين كفروا من بني إسرائيل على لسان داوود وعيسى بن مريم ذلك بما عصوا وكانوا يعتدون} أتراه مانعا من لعن من كفر من غير بني إسرائيل وكذلك قوله تعالى {أحل لكم صيد لبحر وطعامه متاعا لكم وللسيارة وحرم عليكم صيد لبر ما دمتم حرما وتقوا لله لذي إليه تحشرون} أتراه مانعا من أكل الثمار والحبوب وما ليس من صيد البحر ولا طعامه كما قال المالكيون إن قوله تعالى {ولخيل ولبغال ولحمير لتركبوها وزينة ويخلق ما لا تعلمون} مانع من أكل الخيل إذ لم يذكر الأكل، وإذا عارضوا بهذه الآية الحديث الذي فيه إباحة للخيل فهلا عارضوا بالآية التي ذكرنا إباحة كل ما اختلف فيه فحرموه بها ويقال لهم أترون قوله صلى الله عليه وسلم أمرت أن أقاتل الناس حتى يقولوا لا إله إلا الله، فإذا قالوها عصموا مني دماءهم وأموالهم إلا بحقها مسقطا لقتلهم إن جحدوا نبوة موسى وعيسى عليهما السلام؟.

goods of the life of this world. And whoever compels them—then Allah, after their compulsion, is Forgiving, Merciful.} Do you consider it to permit prostitution if they do not desire chastity?

Likewise, His statement, Most High, {And there is no blame upon you for what you intimate of a proposal of marriage to women, or conceal within yourselves. Allah knows that you will mention them, but do not make promises to them secretly, except that you speak an honorable word. And do not resolve upon the marriage bond until the prescribed term reaches its end. And know that Allah knows what is within yourselves, so beware of Him; and know that Allah is Forgiving, Forbearing.} Do you consider it to permit making promises to them openly during the waiting period?

Likewise, His statement, Most High, {Those who disbelieved among the Children of Israel were cursed upon the tongue of David and Jesus son of Mary. That was because they disobeyed and used to transgress.} Do you consider it to preclude cursing disbelievers who are not among the Children of Israel?

Likewise, His statement, Most High, {Lawful for you is the game of the sea and its food, as provision for you and for travelers; and forbidden to you is the game of the land for as long as you are in pilgrimage consecration. And be mindful of Allah, to whom you will be gathered.} Do you consider it to preclude eating fruits, grains, and anything that is neither the game of the sea nor its food, just as the Malikis said that His statement, Most High, {And horses, mules, and donkeys, for you to ride and as an adornment; and He creates what you do not know}, precludes eating horses, since He did not mention eating? And if they oppose the hadith permitting horses with this verse, why do they not oppose the permissibility of everything about which there is disagreement with the verse we have mentioned, and thus declare it forbidden on its basis?

They are also asked: Do you consider his saying ﷺ, "I have been commanded to fight the people until they say, 'There is no god but Allah.' When they say it, they protect their blood and their property from me, except as required by its

right," to remove the grounds for killing them if they deny the prophethood of Moses and Jesus, peace be upon them both?[92][93][94]

L2883–2884 They should be told: If your assertion were true—that when something is attached to a particular attribute, this indicates that whatever falls outside it has the opposite ruling—then someone's statement, "Zayd died," would be false, because, according to their judgment, it would necessarily mean that no one other than Zayd had died. The same applies to "Zayd is a writer," and likewise to "Muhammed is the Messenger of Allah ﷺ," if that necessarily means that no one other than him is a messenger of Allah. Furthermore, given the position we have mentioned, they must permit killing children for reasons other than poverty, because Allah Most High said only: {And do not kill your children for fear of poverty. We provide for them and for you. Surely killing them is a great sin.} Likewise, concerning His saying, Most High, {And believe in what I have sent down, confirming what is with you, and do not be the first to disbelieve in it, and do not purchase a small price with My signs, and fear Me alone}, they must hold that this permits purchasing a large price with them. Thus, since they abandoned their doctrine in everything we have mentioned, and since someone's statements, "Zayd died," "Zayd is a writer," "Muhammed is the Messenger of Allah ﷺ," and "Musaylimah is a liar," are true, without this precluding that someone other than Zayd has died, that many people other than Zayd are writers, that Moses, Jesus, and Abraham are messengers of Allah, and that al-Aswad al-ʿAnsi, al-Mughirah al-Jallah, and Banata are liars, the assertion of these people is invalid: that when an address refers to a particular attribute, a particular named subject, or a particular time, whatever falls outside it has the opposite ruling. Let no one who hears these words of ours misunderstand us and suppose that, because we reject their assertion that what is unmentioned has a ruling contrary to what

ويقال لهم: لو كان قولكم حقا إن الشيء إذا علق بصفة ما، دل على أن ما عداه بخلافه، لكان قول القائل: مات زيد كذبا، لأنه كان يوجب على حكمهم أن غير زيد لم يمت وكذلك زيد كاتب وكذلك محمد رسول الله صلى الله عليه وسلم إذا كان ذلك يوجب ألا يكون غيره رسول الله، ويلزمهم أيضا، إذ قالوا بما ذكرنا، أن يبيحوا قتل الأولاد لغير الإملاق، لأن الله تعالى إنما قال: {ولا تقتلوا أولادكم خشية إملاق نحن نرزقهم وإياكم إن قتلهم كان خطئا كبيرا} ويلزمهم في قوله تعالى: {وآمنوا بما أنزلت مصدقا لما معكم ولا تكونوا أول كافر به ولا تشتروا بآياتي ثمنا قليلا وإياي فتقون} إن ذلك مبيح لأن يشترى بها ثمن كثير فلما تركوا مذهبهم في كل ما ذكرنا وكان قول القائل مات زيد وزيد كاتب ومحمد رسول الله صلى الله عليه وسلم ومسيلمة كذاب حقا ولم يكن في ذلك منع من أن غير زيد قد مات، وأن غير زيد كتاب كثير، وأن موسى وعيسى وإبراهيم رسل الله، وأن الأسود العنسي والمغيرة الجلاح وبناتا كذابون، بطل قول هؤلاء القوم إن الخطاب إذا ورد بصفة ما وفي اسم ما أو في زمان ما أن ما عداه بخلاف. ولا يغلط علينا من سمع كلامنا هذا، فيظن أننا إذ أنكرنا قولهم: إن غير المذكور بخلاف المذكور، إننا نقول: إن غير المذكور موافق للمذكور، بل كلا الأمرين عندنا خطأ فاحش، وبدعة عظيمة، وافتراء بغير هدى. ولكنا نقول: إن الخطاب لا يفهم منه إلا ما قضي لفظه فقط، وأن لكل قضية حكم اسمها فقط، وما عداه فغير محكوم له، لا بوفاقها ولا بخلافها لكنا نطلب دليل ما عداها من نص وارد اسمه، وحكم مسموع فيه، أو من إجماع ولا بد من أحدهما وبالله تعالى التوفيق

[92] **Translator's note (L2880):** The supplied text reads "the forbidden circumstances" (al-ahwal al-muharramah). "The forbidden properties/wealth" (al-amwal al-muharramah) is a possible intended reading in context, but has not been substituted.

[93] **Hadith references (L2878):** Sunan an-Nasai 3093; Sunan an-Nasai 3975.

[94] **Qur'an references (L2878):** Qur'an 6:152 (Al-An'am); Qur'an 17:34 (Al-Isra); Qur'an 9:36 (At-Tawbah); Qur'an 24:33 (An-Nur); Qur'an 2:235 (Al-Baqarah); Qur'an 5:78 (Al-Ma'idah); Qur'an 5:96 (Al-Ma'idah); Qur'an 16:8 (An-Nahl).

is mentioned, we maintain that what is unmentioned has a ruling agreeing with what is mentioned. Rather, both positions are, in our view, a flagrant error, a grave innovation, and a fabrication without guidance. We maintain, however, that nothing is understood from an address except what its wording alone dictates, and that each proposition carries a ruling only for its named subject. Whatever falls outside it has no ruling established for it, either in agreement with that proposition or contrary to it. Instead, we seek evidence concerning what falls outside it from a text in which its name occurs and a ruling concerning it is transmitted, or from consensus. One of these two is indispensable. Through Allah Most High comes success.[95][96]

[Section on Their Great Self-Contradiction in This Matter]

L2885

L2886 Abu Muhammed said: In sum, their doctrine concerning analogy, their doctrine concerning the contrary implication of an address, and their doctrine concerning specific application are doctrines that invalidate and demolish one another. For concerning analogy they say: "When a particular ruling is expressly stated, we include what is not expressly mentioned under the ruling of what is expressly mentioned, and we make that for which there is no Sunnah follow the Sunnah. Thus, if it establishes the ruling of usury for wheat exchanged for wheat, we establish it for straw exchanged for straw; and if expiation is obligatory for someone who intentionally kills game, we make it obligatory for someone who does so by mistake."

L2887–2889 Concerning the contrary implication of an address, they say: "When a particular ruling is expressly stated, we exclude what is not expressly mentioned from the ruling of what is expressly mentioned, and we do not make that for which there is no Sunnah follow the Sunnah." Thus, groups among them said: "We do not levy zakat on livestock other than freely grazing livestock, because freely grazing livestock are mentioned in some hadiths." A group among them said: "We do not eat horses, because only riding and adornment are mentioned in the verse." And groups among them said: "We award

[95] **Translator's note (L2884):** The supplied text reads "al-Mughirah al-Jallah" and "Banata." These names are uncertain and have been retained rather than silently emended.

[96] **Qur'an references (L2883):** Qur'an 17:31 (Al-Isra); Qur'an 2:41 (Al-Baqarah).

[فصل في عظيم تناقضهم في هذا الباب]

قال أبو محمد وبالجملة فإن مذهبهم في القياس، ومذهبهم في دليل الخطاب ومذهبهم في الخصوص، مذاهب يبطل بعضها بعضا ويهدم بعضها بعضا، وذلك أنهم قالوا في القياس: إذا نص على حكم ما فنحن ندخل ما لا ينص عليه في حكم المنصوص عليه، ونتبع السنة ما لا سنة فيه، فإذا أوجب الربا في البر بالبر أوجبناه نحن في التبن بالتبن، وإذا وجبت الكفارة، على العامد في الصيد أوجبناه نحن على المخطىء،

وقالوا في دليل الخطاب: إذا نص على حكم ما فنحن نخرج ما لم ينص عليه من حكم المنصوص عليه، ولا نتبع السنة ما لا سنة فيه. فقالت طوائف منهم لا نزكي غير السائمة، لأنه ذكرت السائمة في بعض الأحاديث. وقالت طائفة منهم: لا نأكل الخيل، لأنه إنما ذكر في الآية الركوب والزينة. وقالت طوائف منهم: لا نقضي بالمتعة إلا التي طلقت ولم تمس ولا فرض لها لأن هذه قد ذكرت بصفتها في بعض الآيات. قال أبو محمد: وهذا ضد قولهم في القياس وإبطاله. وقالوا في الخصوص: لا نقضي لجميع ما اقتضاه النص، لكن نخرج منه بعض ما يقع عليه لفظ فقالوا في قوله تعالى {يستفتونك

a consolatory gift only to a woman who has been divorced without having been touched and without a bridal due having been fixed for her, because a woman with these attributes is mentioned in some verses." Abu Muhammed said: This is the opposite of their position concerning analogy and invalidates it. Concerning specific application, they say: "We do not apply the ruling to everything encompassed by the text; rather, we exclude from it some of what its wording covers." Thus, concerning His saying, Most High, {They ask you for a ruling. Say: Allah gives you a ruling concerning collateral inheritance. If a man dies having no child but having a sister, she shall have half of what he leaves, and he inherits from her if she has no child. If there are two sisters, they shall have two-thirds of what he leaves. If there are siblings, men and women, the male shall have the share of two females. Allah makes clear to you lest you go astray, and Allah knows all things}, they said: "He meant only male children, to the exclusion of females." Concerning His saying, Most High, {Then, when they reach the end of their appointed term, retain them honorably or part with them honorably, and call to witness two just men from among you, and establish testimony for Allah. By this is admonished whoever believes in Allah and the Last Day. And whoever fears Allah, He will make a way out for him}, they said: "He meant only free men, not slaves, and unrelated persons, not brothers, fathers, sons, or spouses." And concerning His saying, Most High, {The sacred month for the sacred month, and sacred things are subject to retaliation. So whoever commits aggression against you, commit aggression against him to the same extent that he committed aggression against you; and fear Allah, and know that Allah is with those who fear Him}, and His saying, Most High, {And We prescribed for them therein: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and wounds are subject to retaliation. But whoever forgoes it as charity, it is an expiation for him. And whoever does not judge by what Allah has sent down—it is they who are the wrongdoers}, they said: "There is no retaliation for a wound except a wound exposing the bone alone, nor is there retaliation against someone who destroys something, someone who slaps, or someone who plucks out hair." Abu Muhammed said: This is a doctrine that invalidates their position concerning analogy and the contrary implication of an address alike. We

قل لله يفتيكم في لكلالة إن مرؤ هلك ليس له ولد وله أخت فلها نصف ما ترك وهو يرثها إن لم يكن لها ولد فإن كانتا ثنتين فلهما لثلثان مما ترك وإن كانوا إخوة رجالا ونسآء فللذكر مثل حظ لأنثيين يبين لله لكم أن تضلوا ولله بكل شيء عليم} إنما عنى الذكر من الأولاد دون الإناث. وقالوا في قوله تعالى: {فإذا بلغن أجلهن فأمسكوهن بمعروف أو فارقوهن بمعروف وأشهدوا ذوي عدل منكم وأقيموا لشهادة لله ذلكم يوعظ به من كان يؤمن بلله واليوم لآخر ومن يتق لله يجعل له مخرجا} إنما عنى من الأحرار لا من العبيد، ومن الأباعد لا من الإخوة والآباء والأبناء والأزواج وقالوا في قوله تعالى {لشهر لحرام بلشهر لحرام ولحرمات قصاص فمن عتدى عليكم فعتدوا عليه بمثل ما عتدى عليكم وتقوا لله وعلموا أن لله مع لمتقين} وفي قوله تعالى {وكتبنا عليهم فيها أن لنفس بلنفس ولعين بلعين ولأنف بلأنف ولأذن بلأذن ولسن بلسن ولجروح قصاص فمن تصدق به فهو كفارة له ومن لم يحكم بما أنزل لله فأولئك هم لظالمون} لا قصاص من جرح إلا من الموضحة فقط ولا قصاص من متلف ولا من لطم ولا من نتف شعر. قال أبو محمد: وهذا مذهب يبطل قولهم في القياس وفي دليل الخطاب معا ونحن نرى إن شاء الله تعالى تناقضهم في مذاهبهم هذه في مسألة واحدة. روى المالكيون حديث القطع في ربع دينار، فقالوا: لا يستباح فرج زوجة بأقل من ربع دينار، قياسا على ما يقطع فيه يد السارق، وذكر ربع الدينار في القطع موجب ألا يكون الصداق أقل منه، ثم قالوا: لا يقطع المستعير لأنه ليس سارقا، وذكر الله تعالى السارق موجب ألا يقطع من ليس سارقا. ثم قالوا: من سرق شيئا فأكله قبل أن يخرج من حرزه، وإن كان يساوي دنانير، فلا قطع عليه، فخصوا بالقطع بعض السراق دون بعض.

shall show, if Allah Most High wills, their self-contradiction in these doctrines of theirs within a single question. The Malikis transmitted the hadith concerning amputation for a quarter of a dinar, then said: "Sexual access to a wife may not be rendered lawful for less than a quarter of a dinar," by analogy with the amount for which a thief's hand is amputated. "And the mention of a quarter of a dinar in connection with amputation requires that the bridal due be no less than that." Then they said: "A borrower's hand is not amputated, because he is not a thief; and Allah Most High's mention of the thief requires that someone who is not a thief should not have his hand amputated." Then they said: "Whoever steals something and eats it before leaving the place where it is securely kept incurs no amputation, even if it is worth several dinars." Thus they restricted amputation to some thieves to the exclusion of others.[979899]

L2890–2891 The Hanafis did precisely the same, except that they said: "The hand of someone who steals meat, a copy of the Quran, fruit, or arsenic is not amputated." Muhammed ibn al-Mughirah al-Makhzumi transmitted from Malik that a vessel is washed seven times after a pig laps from it, by analogy with the hadith concerning a dog. Then they said: "Neither a garment nor a body is washed on account of a dog's saliva, because the hadith mentions only the vessel and does not mention anything else." Then Ibn al-Qasim transmitted from him that he said: "The vessel is not emptied unless it contains water; as for anything other than water, a dog's lapping does not harm it." As for the Shafiʿis, they turned to the verse concerning the declaration that a wife is as forbidden as one's mother, and reasoned by analogy concerning the mother and the sister. They said: "Allah Most High's mention of the mother is evidence that the sister is like her." Then they said: "Allah Most High's mention

وكذلك فعل الحنفيون سواء بسواء، إلا أنهم قالوا: لا يقطع سارق لحم ولا مصحف ولا فاكهة ولا زرنيخ. وروى محمد بن المغيرة المخزومي عن مالك: أن الإناء يغسل من ولوغ الخنزير سبعا، قياسا على الحديث الوارد في الكلب، ثم قالوا: لا يغسل من لعاب الكلب ثوب ولا جسد، لأنه إنما ذكر في الحديث الإناء ولم يذكر غيره، ثم روى ابن القاسم عنه أنه قال: لا يهرق الإناء إلا أن يكون فيه ماء وأما غير الماء فلا يضره ولوغ الكلب. وأما الشافعيون فأتوا إلى آية الظهار فقاسوا على الأم والأخت، وقالوا: ذكر الله تعالى الأم دليلا على أن الأخت مثلها، ثم قالوا: ذكر الله تعالى المظاهر دليلا على أن المرأة إذا ظاهرت من زوجها بخلاف ذلك، ثم قالوا: ومن ظاهر من أمته فلا كفارة عليه، فخصوا بعض النساء المذكورات في الآية بلا دليل، كل ذلك ومثل هذا في أقوالهم كثير، بل هو أكثر أقوالهم، وما سلم منها من التناقض إلا الأقل، وكلها يهدم بعضها بعضا، ويدل هذا دلالة قطع على أن أقوالهم من عند غير الله تعالى، إذا ما كان من عند الله تعالى فلا اختلاف فيه ولا تعارض وبعضه يصدق بعضا

[97] **Translator's note (L2887):** The Quranic quotations contain numerous omitted initial alifs and irregular word forms. Their identifiable wording is translated without treating those transcriptional spellings as different words.

[98] **Translator's note (L2889):** "A wound exposing the bone" renders the technical term al-mudihah. "Someone who destroys something" renders the unqualified mutlif; the supplied wording does not specify what is destroyed.

[99] **Qur'an references (L2887):** Qur'an 4:176 (An-Nisa); Qur'an 65:2 (At-Talaq); Qur'an 5:45 (Al-Ma'idah).

of the man making this declaration is evidence that the ruling differs when a woman makes such a declaration concerning her husband." Then they said: "Whoever makes such a declaration concerning his slave woman owes no expiation." Thus they singled out some of the women mentioned in the verse, all of this without evidence. Much of what they say is like this; indeed, it constitutes most of what they say. Only the smallest part of it is free of contradiction, and all these positions demolish one another. This indicates conclusively that their statements come from someone other than Allah Most High, since whatever comes from Allah Most High contains no contradiction within it, nor any conflict, and its parts confirm one another.[100]

L2892–2898 Section: Further Instances of Their Self-Contradiction in This Matter

Abu Muhammed said: Allah Most High expressly stipulated the obligation of blood money and expiation for killing a believer by mistake. The proponents of analogy then made it obligatory for killing a believer who is a protected non-Muslim by mistake, although he is not mentioned in the verse at all. Then they differed: one group made expiation obligatory for intentional killing by analogy with killing by mistake, while another group disallowed this. The self-contradiction of this latter group was greater, because they made expiation obligatory for someone who kills game by mistake by analogy with someone who kills it intentionally, while they disallowed expiation for killing a believer deliberately, and they did not draw an analogy between it and killing him by mistake. All this while every one of them hears the words of Allah Most High: {Call them after their fathers; that is more equitable before Allah. But if you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for that in which you have erred, but only for what your hearts have intended. Allah is ever forgiving, merciful}; and the words of the Messenger of Allah ﷺ: "My community has been relieved of mistakes, forgetfulness, and what they have

[100]**Translator's note (L2890):** The phrase describing their analogy literally reads "they reasoned by analogy on the mother and the sister." The subsequent explanation supplies the intended comparison but the phrasing itself is awkward. The technical term zihar denotes declaring one's wife sexually forbidden by likening her to a prohibited female relative, paradigmatically one's mother; its related forms are rendered here as "such a declaration."

فصل من تناقضهم في ذلك أيضا قال أبو محمد نص الله تعالى على إيجاب الدية والكفارة في قتل المؤمن خطأ، فأوجبها القياسيون في قتل المؤمن الذمي خطأ، ولا ذكر له في الآية أصلا، ثم اختلفوا: فطائفة أوجبت الكفارة في قتل العمد قياسا على قتل الخطأ، وطائفة منعت من ذلك، وكان تناقض هذه الطائفة أعظم، لأنهم أوجبوا الكفارة على قاتل الصيد خطأ: قياسا على قاتله عمدا، ومنعوا من الكفارة في قتل المؤمن عمدا، ولم يقيسوه على قتله خطأ هذا وكلهم يسمع قول الله تعالى {دعوهم لآبآئهم هو أقسط عند لله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان لله غفورا رحيما} وقول رسول الله صلى الله عليه وسلم رفع عن أمتي الخطأ والنسيان وما استكرهوا عليه فوجب بهذين النصين ألا يؤخذ أحد بخطأ من فعله، إلا ما جاء به النص من إيجاب الكفارة على المخطىء في قتل المؤمن، وما أجمعت الأمة عليه من ضمان الخطأ في إتلاف الأموال، وأن الوضوء ينتقض بالأحداث الخارجة من المخرجين بالنسيان كالعمد فقط. ومن تناقضهم أن قالت طوائف منهم في قول النبي صلى الله عليه وسلم من باع نخلا وفيها تمر قد أبر فهو للبائع إلا أن يشترط المبتاع فقال بعضهم: إذا ظهر، أبر أو لم يؤبر، فهو للبائع، وهذا قول أبي حنيفة، وقد كثر تناقض أصحابه في دليل الخطاب جدا. وقالت

been compelled to do." These two texts therefore make it obligatory that no one be held accountable for an act he has committed by mistake, except where a text requires expiation from someone who kills a believer by mistake, and except for what the community has unanimously agreed upon: liability for property destroyed by mistake, and that ritual ablution is invalidated by discharges emerging from the two bodily outlets through forgetfulness just as it is by deliberate discharges—these exceptions alone.

Among their contradictions is that certain groups of them, concerning the Prophet's ﷺ statement, "Whoever sells date palms bearing fruit that has been pollinated, it belongs to the seller unless the purchaser stipulates otherwise," said: "Once it has appeared, whether it has been pollinated or not, it belongs to the seller." This is Abu Hanifah's position, and his followers' contradictions concerning inference from the contrary implication of an utterance have become exceedingly numerous.

Certain groups of them said: "The slave to be freed for a declaration of prohibited marital resemblance must be a believer, because the slave mentioned in the expiation for killing can only be a believer. Thus the slave whose religion is left unmentioned in the case of prohibited marital resemblance must be like the slave whose religion is specified in the case of killing." Then some of this group said: "Since he ﷺ mentioned two large jars in his statement, 'When water reaches two large jars, it does not bear impurity,' water amounting to less than two large jars must have a different ruling from two large jars." Abu Muhammed said: Why, then, did they not say the same concerning the slave, and require that the slave about whose religion nothing is said have a different ruling from the slave whose religion is specified, just as they gave what is left unmentioned concerning water below two large jars a different ruling from the expressly mentioned two large jars? Or why did they not make the unmentioned case of water below two large jars like two large jars, just as they made the slave whose religion is left unmentioned in the case of prohibited marital resemblance like the slave whose religion is specified in the case of killing? Another group of them said: "The person praying behind an imam does not say, 'Allah hears whoever praises Him,' because that is not mentioned in some of the reports; nor does the imam say

طوائف منهم: واجب أن تكون الرقبة في الظهار إلا مؤمنة، لأن الرقبة التي ذكرت في كفارة القتل لا تكون إلا مؤمنة، فوجب أن تكون الرقبة المسكوت عن ذكر دينها في الظهار مثل الرقبة المذكور دينها في القتل ثم قال بعض هذه الطائفة لما ذكر صلى الله عليه وسلم القلتين في قوله إذا بلغ الماء قلتين لم يحمل خبثا وجب أن يكون لها ما دون القلتين بخلاف القلتين. قال أبو محمد: فهلا قالوا في الرقبة كذلك، وأوجبوا أن يكون المسكوت عنها بخلاف المذكور دينها، كما جعلوا المسكوت عنه فيما دون القلتين بخلاف المذكور من القلتين؟ أو هلا جعلوا المسكوت عنه مما دون القلتين مثل القلتين، كما جعلوا المسكوت عن دينها في الظهار مثل المذكور دينها في القتل؟. وقالت طائفة أخرى منهم: لا يقول المأموم: سمع الله لمن حمده، لأن ذلك لم يذكر في بعض الأحاديث، ولا يقول الإمام: آمين، لأنه لم يذكر ذلك في بعض الأحاديث، وإن كان قد ذكر في غيرها، لكن يغلب المسكوت ههنا، فلا نقول إلا ما جاء في كلا الحديثين ذكره. ثم قالت: الجزية من غير أهل الكتاب، وإن كان الله تعالى لم يأمر بأخذها إلا من أهل الكتاب، وادعوا ذلك على عثمان رضي الله عنه. قال أبو محمد: وهذا لا يصح عن عثمان أصلا، وأول من أخذ الجزية من غير أهل الكتاب، فالقاسم بن محمد الثقفي قائد الفاسق الحجاج أخذها من عباد البد من كفرة أهل السند، وأما عثمان رضي الله عنه فلم يتجاوز إفريقية وأهلها نصارى، ولا تجاوز في الشرق خراسان وفي الشمال أذربيجان وأهلها مجوس. ومن عجائبهم التي تغيظ كل ذي عقل ودين، والتي كان يجب عليهم أن يراقبوا الله تعالى في القول بها، أو يستحيوا من تقليد من أخطأ فيها، إطباقهم على أن قول الله تعالى: {ومن يقتل مؤمنا متعمدا فجزآؤه جهنم خالدا فيها وغضب لله عليه ولعنه وأعد له عذابا عظيما} فليس يدخل فيه القاتل خطأ وأن القاتل خطأ بخلاف القاتل عمدا في ذلك، ثم أجمع الحنفيون والشافعيون والمالكيون على قول الله تعالى {يأيها لذين آمنوا لا تقتلوا لصيد وأنتم حرم ومن قتله منكم متعمدا

'Amen,' because that is not mentioned in some of the reports, even though it is mentioned in others. Here, however, what is left unmentioned takes precedence, so we say only what is mentioned in both reports." Then they said: "The poll tax is taken from people other than the People of the Book," even though Allah Most High commanded that it be taken only from the People of the Book. They attributed this to Uthman, may Allah be pleased with him. Abu Muhammed said: This is not authentically established from Uthman at all. The first to take the poll tax from people other than the People of the Book was al-Qasim ibn Muhammed al-Thaqafi, the commander serving the evildoer al-Hajjaj. He took it from the worshippers of the idol among the unbelieving inhabitants of Sind. As for Uthman, may Allah be pleased with him, he did not go beyond Ifriqiyah, whose inhabitants were Christians; nor did he go beyond Khurasan in the east or Azerbaijan in the north, whose inhabitants were Magians.

Among their astonishing positions, which enrage everyone possessed of reason and religion, and concerning which they ought to have been mindful of Allah Most High when advancing them, or ashamed to follow uncritically those who erred in them, is their unanimous agreement that the words of Allah Most High, {Whoever kills a believer deliberately, his recompense is Hell, abiding therein forever; Allah is angry with him, has cursed him, and has prepared for him a tremendous punishment}, do not include someone who kills by mistake, and that someone who kills by mistake differs in this respect from someone who kills deliberately. Then the Hanafis, Shafi'is, and Malikis unanimously agreed, concerning the words of Allah Most High, {O you who believe, do not kill game while you are in a state of ritual consecration. Whoever among you kills it deliberately, the recompense is the equivalent, in livestock, of what he killed, as judged by two just men among you, as an offering reaching the Kaaba; or an expiation consisting of feeding needy people, or its equivalent in fasting, so that he may taste the evil consequence of his deed. Allah has pardoned what is past; but whoever does it again, Allah will take vengeance upon him. Allah is mighty, possessed of vengeance}, through to the end of His words, Most High, {O you who believe, do not kill game while you are in a state of ritual consecration. Whoever

فجزآء مثل ما قتل من لنعم يحكم به ذوا عدل منكم هديا بالغ لكعبة أو كفارة طعام مساكين أو عدل ذلك صياما ليذوق وبال أمره عفا الله عما سلف ومن عاد فينتقم الله منه والله عزيز ذو نتقام} إلى منتهى قوله تعالى {يأيها لذين آمنوا لا تقتلوا لصيد وأنتم حرم ومن قتله منكم متعمدا فجزآء مثل ما قتل من لنعم يحكم به ذوا عدل منكم هديا بالغ لكعبة أو كفارة طعام مساكين أو عدل ذلك صياما ليذوق وبال أمره عفا الله عما سلف ومن عاد فينتقم الله منه والله عزيز ذو نتقام} فقالوا كلهم إن القاتل الصيد وهو محرم خطأ تحت هذا الحكم وهم يسمعون هذا الوعيد الشديد الذي لا يستحقه مخطىء بإجماع الأمة، فيكون في عكس الحقائق والتحكم في دين الله تعالى أعظم من هذا التلاعب في حكمين وردا بلفظ العمد، ففرقوا بينهما كما ترى؟ وحسبنا الله ونعم الوكيل

among you kills it deliberately, the recompense is the equivalent, in livestock, of what he killed, as judged by two just men among you, as an offering reaching the Kaaba; or an expiation consisting of feeding needy people, or its equivalent in fasting, so that he may taste the evil consequence of his deed. Allah has pardoned what is past; but whoever does it again, Allah will take vengeance upon him. Allah is mighty, possessed of vengeance}. They all said that someone who kills game by mistake while in a state of ritual consecration falls under this ruling, although they hear this severe threat, which someone acting by mistake does not deserve, according to the unanimous agreement of the community. Can there, then, be any inversion of realities or arbitrary ruling concerning the religion of Allah Most High greater than this playing about with two rulings, both expressed using the word "deliber-

ately," between which they have distinguished as you see? Allah is sufficient for us, and an excellent trustee is He.[101][102][103][104][105]

L2899–2901 They said: "Allah Most High mentioned: {Those among you who declare their wives prohibited by likening them to their mothers—their wives are not their mothers. Their mothers are only those who gave birth to them. They indeed utter a reprehensible saying and a falsehood. Allah is indeed pardoning, forgiving}." They then said: "We draw an analogy between someone who makes such a declaration by reference to his offense, or to something prohibited, and someone who does so by reference to his mother; and we assimilate the unmentioned case to the mentioned case." Then they said: "We do not draw an analogy between a woman's making such a declaration concerning her husband and his making it concerning her, nor do we assimilate the unmentioned case to the mentioned case." Then they said: "We

وقالوا ذكر الله تعالى {لذين يظاهرون منكم من نسآئهم ما هن أمهاتهم إن أمهاتهم إلا للائي ولدنهم وإنهم ليقولون منكرا من لقول وزورا وإن لله لعفو غفور} فقالوا نقيس من يظاهر بجريمته أو بشيء محرم على الأم، ونلحق المسكوت عنه بالمذكور. ثم قالوا: لا نقيس تظاهر المرأة من زوجها بتظاهره منها، ولا نلحق عنه بالمذكور ثم قالوا: نوجب الكفارة على المرأة الموطوءة نهارا في رمضان قياسا على الرجل الواطىء في رمضان، فيلحق المسكوت عنه بالمذكور، وقد قالوا كما ذكرنا: نلحق الرقبة المسكوت عنها في الظهار بالرقبة المذكور دينها في القتل، ثم قالوا: نوجب في التعويض من الصيام في كفارة القتل إطعاما، وإن كان قد عوض من الصيام بالإطعام في كفارة الظهار التي قسنا آنفا رقبتها على رقبة القتل، وقاس بعضهم التيمم على الوضوء، أن لا بد من بلوغ التيمم إلى المرفقين وأبوا أن يقيسوا مسح الرأس في التيمم على مسحه في الوضوء. وقالوا: الحكم المسكوت عنه بحكم المذكور ههنا، ثم لم يقيسوا قوله تعالى في الرجعة: {فإذا بلغن أجلهن فأمسكوهن بمعروف أو فارقوهن بمعروف وأشهدوا ذوي عدل منكم وأقيموا لشهادة لله ذلكم يوعظ به من كان يؤمن بالله واليوم لآخر ومن يتق لله يجعل له مخرجا} على قوله تعالى في الدين {يأيها لذين آمنوا إذا تداينتم بدين إلى أجل مسمى فكتبوه وليكتب بينكم كاتب بلعدل ولا يأب كاتب أن يكتب كما علمه لله فليكتب وليملل لذي عليه لحق وليتق لله ربه ولا يبخس منه شيئا فإن كان لذي عليه لحق سفيها أو ضعيفا أو لا يستطيع أن يمل هو فليملل وليه بلعدل وستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل ومرأتان ممن ترضون من لشهدآء أن تضل إحداهما فتذكر إحداهما لأخرى ولا يأب لشهدآء إذا ما دعوا ولا تسأموا أن تكتبوه صغيرا أو كبيرا إلى أجله ذلكم أقسط عند لله وأقوم للشهادة وأدنى ألا ترتابوا إلا أن تكون تجارة حاضرة تديرونها بينكم فليس عليكم جناح ألا تكتبوها وأشهدوا إذا تبايعتم

[101] **Translator's note (L2892):** The supplied text reads "the believer who is a protected non-Muslim" (al-mu'min al-dhimmi), an apparently inconsistent designation. It may contain a transcriptional error; the translation preserves both terms rather than silently removing or changing either. The singular pronoun in "made it obligatory" follows the supplied Arabic, although both blood money and expiation precede it.

[102] **Translator's note (L2893):** "Clients" renders mawālī, which can denote persons connected through patronage or allegiance. The Arabic wording of the date-palm report uses tamr, "dates," where the report is commonly worded with thamar, "fruit." The translation preserves the supplied report's meaning without replacing its wording. "Declaration of prohibited marital resemblance" renders ẓihār, the declaration comparing one's wife to a prohibited female relative. The wording lahā mā dūna al-qullatayn is syntactically awkward; the translation gives the apparent argument concerning the different ruling for water below the specified quantity. A qullah is a large jar used as a measure of volume.

[103] **Translator's note (L2896):** The source reads al-Qasim ibn Muhammed al-Thaqafi; this appears to be a name error for Muhammed ibn al-Qasim al-Thaqafi. The supplied name is retained. Al-budd can denote an idol or a Buddha image; "the idol" preserves the term's broader sense here. The game-hunting verse is quoted twice in the supplied text, with the second quotation continuing into the next unit. Both occurrences are retained, as is the awkward linking phrase "through to the end of His words."

[104] **Translator's note (L2897):** The wording fa-yakūnu is awkward in the ensuing rhetorical question; the translation follows the apparent interrogative force of the passage without altering the underlying claim.

[105] **Qur'an references (L2892):** Qur'an 33:5 (Al-Ahzab); Qur'an 4:93 (An-Nisa); Qur'an 5:95 (Al-Ma'idah).

require expiation from the woman with whom intercourse is had during the daytime in Ramadan, by analogy with the man who has intercourse in Ramadan." Thus the unmentioned case is assimilated to the mentioned case. As we have related, they also said: "We assimilate the slave whose religion is left unmentioned in the case of prohibited marital resemblance to the slave whose religion is specified in the case of killing." Then they said: "We require feeding as a substitute for fasting in the expiation for killing, even though feeding has been made a substitute for fasting in the expiation for prohibited marital resemblance, whose slave we just now analogized to the slave required for killing."

Some of them analogized dry ablution to ritual ablution, holding that dry ablution must extend to the elbows, yet refused to analogize wiping the head in dry ablution to wiping it in ritual ablution. They said: "Here, the ruling for the unmentioned case is the ruling for the mentioned case." Then they did not analogize His words, Most High, concerning taking back a divorced wife, {When they reach their appointed term, retain them honorably or part from them honorably, and call two just men from among you to witness, and uphold testimony for Allah. By this is admonished whoever believes in Allah and the Last Day. Whoever is mindful of Allah, He will make for him a way out}, to His words, Most High, concerning debt: {O you who believe, when you contract a debt for a specified term, write it down. Let a scribe write between you with justice. Let no scribe refuse to write as Allah has taught him; so let him write, and let the one who owes the obligation dictate. Let him be mindful of Allah, his Lord, and diminish nothing of it. If the one who owes the obligation is foolish or weak, or cannot dictate himself, then let his guardian dictate with justice. Call two witnesses from among your men to witness; if there are not two men, then one man and two women from among those whom you approve as witnesses, so that if one of the two women errs, one may remind the other. Let the witnesses not refuse when they are summoned. Do not weary of writing it down, whether small or great, together with its due date. That is more equitable before Allah, more upright for testimony, and more conducive to your having no doubts—unless it is an immediate transaction that you conduct among yourselves, in which

ولا يضآر كاتب ولا شهيد وإن تفعلوا فإنه فسوق بكم وتقوا الله ويعلمكم الله والله بكل شيء عليم} فقالوا هذا لا نحكم عنه للمسكوت عنه بحكم المذكور، وقالوا هنالك: نحكم للمسكوت عنه بحكم المذكور. وأما الحنفيون فحكموا في آيتي الشهادة المسكوت عنه بحكم المذكور، فقبلوا النساء في الرجعة والطلاق والنكاح وفي آية التيمم، فأوجبوا إلى المرفقين، ولم يحكموا في رقب الظهار والقتل والكفارة للمسكوت عنه بحكم المذكور، ولا حكموا لغير السائمة بحكم السائمة، ففرقوا ههنا بين المسكوت عنه وبين المذكور، فكل طائفة منهم تحكمت في دين الله بعقولها وتقليدها الفاسد، بلا برهان. وقد احتج بعضهم علي حيث وافق هواه، بأن البدل حكمه حكم المبدل منه فأعلمته بأن ذلك باطل بلغة العرب التي خوطبنا بها في القرآن والسنة، وبحكم الشريعة، أما اللغة فإن البدل على أربعة أضرب: بدل البعض من الكل، وبدل البيان، وبدل الغلط، وبدل الصفة من الموصوف، فليس في هذه الوجوه بدل يكون حكمه حكم المبدل منه إلا بدل البيان وحده، كقولك: مررت بزيد رجل صالح على أن أحدهما نكرة الآخر معرفة،

case there is no blame upon you if you do not write it down. And take witnesses when you transact with one another. Let neither scribe nor witness be harmed; if you do so, it is wickedness on your part. Be mindful of Allah; Allah teaches you, and Allah knows all things}. They said: "Here we do not assign to the unmentioned case the ruling of the mentioned case," whereas there they said: "We assign to the unmentioned case the ruling of the mentioned case." As for the Hanafis, in the two verses concerning testimony they assigned to the unmentioned case the ruling of the mentioned case, and therefore accepted women as witnesses in taking back a divorced wife, divorce, and marriage; and in the verse concerning dry ablution, they required it to extend to the elbows. Yet concerning the slaves required for prohibited marital resemblance and killing, and concerning expiation, they did not assign to the unmentioned case the ruling of the mentioned case; nor did they assign to livestock that do not graze freely the ruling of freely grazing livestock. Here they distinguished between the unmentioned and the mentioned. Thus each group of them has ruled arbitrarily concerning the religion of Allah, using its own reasoning and its corrupt uncritical adherence, without demonstration. One of them argued against me, where it suited his desire, that a substitute has the same ruling as the thing substituted for. I informed him that this is false according to the Arabic language in which we have been addressed in the Quran and the Sunnah, and according to the ruling of the revealed Law. As for the language, substitution is of four kinds: substitution of a part for the whole; explanatory substitution; substitution correcting an error; and substitution of an attribute for the thing described. Among these kinds, there is no substitute that has the same ruling as that for which it is substituted except explanatory substitution alone, as when

you say, “I passed by Zayd, a righteous man,” even though one of the two is indefinite and the other definite.[106][107][108][109]

L2902–2905 As for the Quran, Allah Most High has substituted fasting for three days for freeing a slave as expiation, and fasting for two consecutive months for freeing a slave on account of the declaration that one’s wife is forbidden as one’s mother. He has substituted feeding ten needy people for freeing a slave as expiation, and fasting for three days for feeding those ten. He has substituted feeding sixty needy people for fasting for the two months. The Most High has substituted fasting for ten days for the sacrificial offering associated with combining the lesser and greater pilgrimages, and fasting for three days for the sacrificial offering on account of an ailment. Thus their claim is invalid.

A group of them said concerning his statement—may Allah bless him and grant him peace ﷺ—“Whoever touches his private part must perform ablution”: “Ablution is invalidated only by someone who touches it with the inside of his hand, rather than its back.” Thus they did not apply the ruling here to everything to which the term “touching” applies. They then argued

وأما القرآن فقد أبدل الله تعالى من عتق رقبة الكفارة، صيام ثلاثة أيام، ومن عتق رقبة الظهار صيام شهرين متتابعين، وأبدل من عتق رقبة الكفارة إطعام عشرة مساكين، ومن هؤلاء العشرة صيام ثلاثة أيام، وأبدل من صيام الشهرين إطعام ستين مسكينا، وأبدل تعالى من هدي المتعة صيام عشرة أيام، ومن هدي الأذى صيام ثلاثة أيام فبطل ما ادعوه وقالت طائفة منهم في قوله صلى الله عليه وسلم من مس فرجه فليتوضأ لا ينقض الوضوء إلا من مسة بباطن يده دون ظاهرها، فلم يحكموا في ذلك بكل ما يقع عليه اسم مس. ثم قالوا في ذلك بحديث لا يصح فيه: من أفضى بيده إلى فرجه فليتوضأ. قال أبو محمد: ولو صح لما كان مانعا من إيجاب الوضوء في مسه بغير اليد، لأنه إنما يكون في هذه الرواية التي احتجوا بها ذكر الإفضاء باليد فقط، وكان يكون في الحديث الآخر المس جملة كما لم يكن في قوله صلى الله عليه وسلم من مس فرجه فليتوضأ ما يوجب إسقاط الوضوء من الريح والغائط، بل كان مضافا إليه ومجموعا معه. ثم نقضوا هذا فقالوا في حديثين وردا: أحدهما: إذا وقعت الحدود فلا شفعة والآخر: إذا وقعت الحدود وصرفت الطرق فلا شفعة فاستعملوا كلا اللفظين ولم يجعلوهما حديثا واحدا، بل أوجبوا قطع الشفعة بتحديد الحدود وإن لم تصرف الطرق، وقالوا: نعم إذا حدث الحدود فلا شفعة وإذا زيد في ذلك فصرفت الطرق فلا شفعة أيضا. قال أبو محمد: ولم يفعل ذلك الحنفيون ههنا ولكنهم قد نقضوه فيما ذكرنا آنفا من مس الفرج، ونقضه بعضهم في حديثين رويا عن رسول الله صلى الله عليه وسلم في أحدهما أنه عليه السلام مسح بناصيته وفي الآخر: أنه مسح على العمامة فقالوا: هذا حديث واحد، ولا يجزىء المسح على العمامة دون الناصية. قال أبو محمد: وهذا خلاف ما فعلوا في الشفعة مع أن كون الحديث الذي فيه ذكر الناصية غير

[106] **Translator’s note (L2899):** The reading bi-jarīmatihi literally means “by reference to his offense” and is obscure in this discussion of prohibited marital resemblance. It may be corrupt; it has not been silently replaced with a conjectured reference to a female relative. In “nor do we assimilate the unmentioned case,” the supplied Arabic has an incomplete expression, wa-lā nulḥiqu ʿanhu, apparently missing the designation of what is left unmentioned. The source affirmatively says “We require feeding” in the expiation for killing. This appears inconsistent with the surrounding polemic and may lack a negation; the affirmative wording is retained. The statement about the ruling of the unmentioned case is syntactically compressed in the source; the translation supplies its apparent grammatical connection.

[107] **Translator’s note (L2900):** The phrase hādhā lā naḥkumu ʿanhu contains an awkward extra pronoun; the translation follows the evident contrast between the two treatments of unmentioned cases. The unvocalized prohibition concerning harm to a scribe or witness can also be understood as prohibiting the scribe or witness from causing harm.

[108] **Translator’s note (L2901):** “Substitution” here renders the grammatical term badal, an appositional construction, as the author examines the linguistic claim underlying the legal argument. The classification “substitution of an attribute for the thing described” is retained as supplied.

[109] **Qur’an references (L2899):** Qur’an 58:2 (Al-Mujadila); Qur’an 65:2 (At-Talaq); Qur’an 2:282 (Al-Baqarah).

الحديث الذي فيه ذكر العمامة، أبين من أن يحتاج فيه كلفة، لأن راوي الناصية المغيرة بن شعبة، وراوي العمامة فقط بلال وعمرو بن أبي أمية الضمري معا، فمن ادعى أنهما حديث واحد فقد افترى وقفا ما ليس له به علم، وذلك لا يحل وقد كان ينبغي لهم أن يحكموا المسكوت عنه من المسح على الرأس المستور، بحكمهم على الرجلين المستورين كما حكموا بالمسح على الجرموقين قياسا على الخفين، وكما قاسوا المسح على الجبائر في الذراعين على المسح على الخفين في الرجلين، والجبائر لم يأت ذكرها في نص صحيح أصلا، وإذا جاز عندهم تعويض المسح عليها من غسل الذراعين فتعويض المسح على العمامة من مسح الرأس أولى، لأن هذا مسح عوض من مسح، وذلك مسح عوض من غسل، وكان قياس الرأس على الرجلين، لأنهما طرفا الجسد، ولأنهما جميعا يسقطان في التيمم: أولى من قياس الذراعين بالجبائر على الرجلين، ولكن القوم ليسوا في شيء، وإنما يقولون ما خرج إلى أفواههم دون تعقب، وقلدهم من تلاهم

for this on the basis of an inauthentic report containing the words, "Whoever brings his hand into direct contact with his private part must perform ablution."

Abu Muhammed said: Even if it were authentic, it would not preclude requiring ablution for touching it with something other than the hand. This narration on which they relied would mention only direct contact with the hand, while the other report would speak of touching without qualification. Likewise, his statement—may Allah bless him and grant him peace ﷺ—"Whoever touches his private part must perform ablution" contains nothing requiring that ablution on account of passing wind or defecation be dispensed with. Rather, this would be added to it and combined with it. They then contradicted this position in discussing two transmitted reports, one of which says, "When the boundaries have been established, there is no right of pre-emption," while the other says, "When the boundaries have been established and the roads laid out, there is no right of pre-emption." They applied both wordings and did not treat them as a single report. Rather, they held that establishing boundaries necessarily terminates the right of pre-emption, even if the roads have not been laid out. They said: "Yes, when the boundaries have been established, there is no right of pre-emption; and when something is added to this, so that the roads are laid out, there is likewise no right of pre-emption."

Abu Muhammed said: The Hanafis did not do this here, but they have contradicted this principle in what we mentioned just now concerning touching the private part. Some of them contradicted it concerning two reports narrated from the Messenger of Allah—may Allah bless him and grant him peace ﷺ—in one of which he, peace be upon him, wiped his forelock, and in the other of which he wiped over his turban. They said: "This is a single report, and wiping over the turban without wiping the forelock does not suffice."

Abu Muhammed said: This conflicts with what they did concerning pre-emption. Moreover, the fact that the report mentioning the forelock is distinct from the report mentioning the turban is too obvious to require any effort to establish: the narrator of the forelock report is al-Mughirah ibn Shuʿbah, whereas the narrators of the report mentioning only the turban are

Bilal and ʿAmr ibn Abi Umayyah al-Damri, both of them. Whoever claims that these are a single report has fabricated a falsehood and pursued something of which he has no knowledge, and that is unlawful. They ought to have applied to the unaddressed matter of wiping over a covered head the ruling they apply to covered feet, just as they ruled that one may wipe over outer boots by analogy with leather socks, and just as they analogized wiping over splints on the forearms to wiping over leather socks on the feet, although splints have never been mentioned in any authentic text at all. If they consider it permissible to substitute wiping over them for washing the forearms, then substituting wiping over the turban for wiping the head is more appropriate: the latter substitutes wiping for wiping, whereas the former substitutes wiping for washing. Analogizing the head to the feet, because they are the two extremities of the body and because both are omitted in dry ablution, would have been more appropriate than analogizing the forearms with their splints to the feet. But these people have no basis whatsoever: they merely say whatever comes to their mouths without examining it, and those who came after them followed them uncritically.[110][111][112]

L2906–2909 They turned to the statement of the Most High, "O you who believe, retaliation is prescribed for you concerning those killed: the free person for the free person, the slave for the slave, and the female for the female. But whoever is pardoned anything by his brother, then there must be pursuit according to what is right and payment to him with goodness. That is an alleviation from your Lord and a mercy. Whoever transgresses after that shall have a painful punishment." They contradicted themselves, saying: "This verse requires that a free person not be killed in retaliation for a slave, but it does

وأتوا إلى قوله تعالى {يأيها لذين آمنوا كتب عليكم لقصاص في لقتلى لحر بالحر ولعبد بلعبد ولأنثى بلأنثى فمن عفي له من أخيه شيء فتباع بلمعروف وأدآء إليه بإحسان ذلك تخفيف من ربكم ورحمة فمن عتدى بعد ذلك فله عذاب أليم} فتناقضوا فقالوا: هذه الآية موجبة أنه لا يقتل الحر بالعبد وليست موجبة ألا يقتل الذكر بالأنثى، أفيكون أقبح تحكما ممن يقول إن قوله تعالى {لحر بالحر} موجب ألا يقتل حر بعبد ويقولون إن قوله تعالى {ولأنثى بلأنثى} موجبا ألا تقتل الأنثى بالذكر والذكر بالأنثى وأما نحن فإن قوله صلى الله عليه وسلم المؤمنون تتكافأ دماؤهم عموم موجب عندنا قتل الحر بالعبد والعبد بالحر، والذكر بالأنثى والأنثى بالذكر، وكذلك قوله تعالى: {وجزآء سيئة سيئة مثلها فمن عفا وأصلح فأجره على لله إنه لا يحب لظالمين} موجب القصاص بين الحر والعبد والذكر والأنثى، فيما دون النفس، يقص فيه للحر من العبد، وللعبد من الحر، والإماء والحرائر فيما بينهن، ومع الرجال كذلك ولا قصاص لكافر من مؤمن

[110] **Translator's note (L2902):** The opening reference to fasting for three days as a substitute for freeing a slave in expiation is reproduced as supplied; the kind of expiation is not specified. The declaration translated as making one's wife forbidden as one's mother is the technical legal category ẓihār. The pilgrimage arrangement is tamattuʿ.

[111] **Translator's note (L2903):** The wording إذا حدث الحدود is awkward as supplied; the surrounding repeated wording supports the sense "when the boundaries have been established."

[112] **Translator's note (L2904):** "Outer boots" renders jurmūqayn, footwear worn over leather socks; "leather socks" renders khuffayn.

not require that a male not be killed in retaliation for a female." Could there be more outrageous arbitrariness than that of someone who says that the statement of the Most High, "The free person for the free person," requires that no free person be killed in retaliation for a slave, while they say that His statement, "And the female for the female," requires that a female not be killed in retaliation for a male, nor a male for a female?

As for us, his statement—may Allah bless him and grant him peace ﷺ—"Believers' blood is of equal worth" is a general expression that, in our view, requires killing a free person in retaliation for a slave, a slave for a free person, a male for a female, and a female for a male. Likewise, the statement of the Most High, "The recompense of an evil deed is an evil deed like it; but whoever pardons and effects reconciliation, his reward rests with Allah. He does not love wrongdoers," requires retaliation between free persons and slaves, and males and females, for injuries short of taking life. Retaliation is exacted for a free person against a slave, and for a slave against a free person; the same applies to slave women and free women among themselves and in relation to men. No retaliation whatsoever is exacted for an unbeliever against a believer, on account of other texts which this is not the place to mention.

Some of them said: His statement, Most High, "Say: I find nothing in what has been revealed to me forbidden to an eater who eats it, unless it be carrion, or blood poured forth, or the flesh of swine—for it is unclean—or an act of wickedness over which a name other than Allah's has been invoked. But whoever is compelled, neither seeking it nor transgressing, then your Lord is forgiving, merciful," indicates that blood which is poured forth is not forbidden.

Abu Muhammed said: They have forgotten themselves concerning this verse. For if mentioning blood poured forth requires that blood not poured forth be permissible, then mentioning the flesh of swine in the verse itself must require that its skin and hair be permissible. They do not say this, so they have contradicted themselves. If they claim consensus, they lie, because many jurists permit selling its skin and making use of it once it has been tanned, and stitching with its hair. This is a contradiction not so remote from them that

أصلا، لنصوص أخر ليس هذا مكان ذكرها. وقال بعضهم: قوله تعالى: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير الله به فمن ضطر غير باغ ولا عاد فإن ربك غفور رحيم} يدل على أن الدم الذي يكون مسفوحا ليس حراما. قال أبو محمد: وهم قد نسوا أنفسهم في هذه الآية، لأنه إذا كان ذكر المسفوح موجبا أن يكون غير المسفوح مباحا، فوجب أن يكون ذكر لحم الخنزير في الآية نفسها، موجبا إباحة جلده، وشعره، وهم لا يقولون هذا، فقد تناقضوا، فإن ادعوا إجماعا كذبوا، لأن كثيرا من الفقهاء يبيحون بيع جلده، والانتفاع به إذا دبغ والخرز بشعره، فهذا تناقض لم يبعد عنهم فينسوه. وأيضا فإن قوله تعالى في سورة المائدة في آية منها من آخر ما نزل {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم واخشون اليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} مبين أن كل دم فهو حرام ويدخل في ذلك المسفوح وغير المسفوح وهذا بين وبالله تعالى التوفيق

they could have forgotten it. Moreover, His statement, Most High, in Surat al-Ma'idah, in a verse of it that was among the last to be revealed, "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal that has fallen to its death, the animal gored to death, and that which a beast of prey has eaten—except what you duly slaughter—and what has been sacrificed on stone altars, and that you seek apportionment by divining arrows. That is wickedness. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful," makes clear that all blood is forbidden, including both blood poured forth and blood not poured forth. This is clear, and success comes through Allah Most High.[113][114][115]

[113] **Translator's note (L2906):** The rhetorical question contains an apparent textual error: the supplied wording says that "the female for the female" requires that neither sex be killed in retaliation for the other, although the preceding sentence says the opponents do not infer that exclusion. The positive "requires" has been retained rather than silently changed to "does not require."

[114] **Translator's note (L2907):** The supplied text explicitly says that blood "which is poured forth" is not forbidden. This appears to be missing a negative: the ensuing argument concerns blood that is not poured forth. The supplied reading is retained.

[115] **Qur'an references (L2906):** Qur'an 2:178 (Al-Baqarah); Qur'an 42:40 (Ash-Shuraa); Qur'an 6:145 (Al-An'am); Qur'an 5:3 (Al-Ma'idah).

الباب 38: إبطال القياس

Chapter 38: Refutation of Legal Analogy

Ibn Ḥazm · Arabic–English parallel edition

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[Chapter Thirty-Eight: On Invalidating Analogy in the Rulings of Religion]

L2910

L2911–2913 Abu Muhammed ʿAli ibn Ahmad, may Allah be pleased with him, said: Groups among the later scholars who issue legal opinions adopted the use of analogy in religion. They stated that questions and newly arising cases occur which are not mentioned in the explicit text of the speech of Allah Most High or in the Sunnah of the Messenger of Allah—may Allah bless him and grant him peace ﷺ—and concerning which people have reached no consensus. They said: "We therefore examine what resembles them among the matters mentioned in the Quran or in the Sunnah of the Messenger of Allah—may Allah bless him and grant him peace ﷺ—and rule concerning a matter for which there is neither an explicit text nor consensus by applying the same ruling as that given for its counterpart in the explicit text and consensus."

Thus analogy, according to them, is to rule concerning a matter for which there is neither an explicit text nor consensus by applying the same ruling as applies to a matter for which there is an explicit text or consensus, because the two share the operative cause that is the sign of the ruling. This is the position of all the proficient proponents of analogy: all the followers of al-Shafiʿi and groups among the Hanafis and Malikis. Other groups among the Hanafis and Malikis said: "Because the two share merely some kind of resemblance."

One of the later scholars who understands neither analogy nor jurisprudence, namely Muhammed ibn al-Tayyib al-Baqillani, said: "Analogy is assimilating one of two known things to the other in establishing certain rulings for them or removing such a ruling from them, through bringing them together by a matter or by an aspect in which they have been brought together."

ʿAli said: This is unintelligible speech, more like the speech of the deranged than that of anyone else. All of it is floundering and confusion. Then, even if anything could be extracted from it—and nothing can be extracted—it would be a false claim without demonstration. The most amusing thing is his expression, "one of two known things." Would that I knew what these two known things are, and who knows them! Then he mentioned imposing

[الباب الثامن والثلاثون في إبطال القياس في أحكام الدين]

قال أبو محمد علي بن أحمد رضوان الله عليه: ذهب طوائف من المتأخرين من أهل الفتيا إلى القول بالقياس في الدين، وذكروا أن مسائل ونوازل ترد لا ذكر لها في نص كلام الله تعالى ولا في سنة رسول الله صلى الله عليه وسلم ولا أجمع الناس عليها قالوا فننظر إلى ما يشبهها مما ذكر في القرآن أو في سنة رسول الله صلى الله عليه وسلم فنحكم فيما لا نص فيه ولا إجماع بمثل الحكم الوارد في نظيره في النص والإجماع، فالقياس عندهم هو أن يحكم لما لا نص فيه ولا إجماع، بمثل الحكم فيما فيه نص أو إجماع، لاتفاقهما في العلة التي هي علامة الحكم، هذا قول جميع حذاق أصحاب القياس وهم جميع أصحاب الشافعي وطوائف من الحنفيين والمالكيين، وقالت طوائف من الحنفيين والمالكيين: لاتفاقهما في نوع من الشبه فقط. وقال بعض من لا يدري، ما القياس ولا الفقه من المتأخرين، وهو محمد بن الطيب الباقلاني: القياس هو حمل أحد المعلومين على الآخر في إيجاب بعض الأحكام لهما أو إسقاطه عنهما من جمع بينهما بأمر أو بوجه جمع بينهما فيه. قال علي: وهذا كلام لا يعقل، وهو أشبه بكلام المرورين منه بكلام غيرهم، وكله خبط وتخليط، ثم لو تحصل منه شيء، وهو لا يتحصل، لكان دعوى كاذبة بلا برهان، وأطرف شيء قوله: أحد المعلومين فليت شعري، ما هذان المعلومان ومن علمهما؟ ثم ذكر إيجاب بعض الأحكام أو إسقاطه وهما ضدان، ثم قال: من جمع بينهما بأمر أو بوجه جمع بينهما فيه وهذه لكنه وعي وتخليط ونسأل الله السلامة، وإنما أوردناه ليقف على تخليطه كل من له أدنى فهم، ثم نعود إلى ما يتحصل منه معنى يفهم، وإن كان باطلا من أقوال سائر أهل القياس وبالله تعالى التوفيق. وقال أبو حنيفة الخبر المرسل والضعيف عن رسول الله صلى الله عليه وسلم أولى من القياس ولا يحل القياس مع وجوده قال: والرواية عن الصاحب الذي لا يعرف له مخالف

certain rulings or removing them, which are opposites. Then he said, "by bringing the two together through some matter or in some respect in which he brings them together." This is stammering, inarticulacy, and confusion. We ask Allah for safety. We have quoted it only so that everyone with even the slightest understanding may recognize his confusion. We now return to those statements of the other proponents of analogy from which an intelligible meaning can be extracted, even though it is false. Through Allah Most High comes success. Abu Hanifah said: "A report from the Messenger of Allah ﷺ whose transmission chain omits the Companion, and a weak report from him, take precedence over analogy, and resorting to analogy is unlawful when such a report exists." He said: "And a report from a Companion who is not known to have any opponent among them takes precedence over analogy." He said: "Rulings may not be reached by analogy concerning expiations, prescribed penalties, or legally fixed quantities." Al-Shafi'i said: "Analogy is impermissible in the presence of a Qur'anic text or an authentic report with a connected transmission chain—these alone. When neither exists, however, analogy is obligatory in every ruling." Abu al-Faraj the judge and Abu Bakr al-Abhari, the two Malikis, said: "Analogy takes precedence over an individually transmitted report, whether its transmission chain is connected or omits the Companion." We know of no Muslim before these two who held that individually transmitted reports should be accepted and expressed this opinion. They divided analogy into three categories. One is the category of greater resemblance and stronger entitlement. This consists in their saying: "If such-and-such a ruling is given concerning a certain matter, then another matter has a stronger claim to that ruling." An example is the statement of al-Shafi'i's followers: "If expiation is obligatory for accidental killing and for an oath that is not a knowingly false oath, then an intentional killer and someone who swears a knowingly false oath have a stronger claim to that and a greater need for expiation." Another is the statement of the Maliki and the Shafi'i: "If a man and his wife are separated because of the absence of intercourse, then separating them because of the absence of maintenance, which is more pressing than intercourse, is more appropriate and more obligatory." Another is the statement of the Hanafi, the Shafi'i, and the Maliki: "If expiation is incumbent upon someone who

منهم، أولى القياس: قال: ولا يجوز الحكم بالقياس في الكفارات، ولا في الحدود، ولا في المقدرات. وقال الشافعي: لا يجوز القياس مع نص قرآن، أو خبر صحيح مسند فقط، وأما عند عدمهما فإن القياس واجب في كل حكم، وقال أبو الفرج القاضي، وأبو بكر الأبهري المالكيان: القياس أولى من خبر الواحد المسند والمرسل، وما نعلم هذا القول عن مسلم، يرى قبول خبر الواحد قبلهما. وقسموا القياس بثلاثة أقسام: فقسم هو قسم الأشبه والأولى، وهو إن قالوا: إذا حكم في أمر كذا بحكم كذا، فأمر كذا أولى بذلك الحكم، وذلك نحو قول أصحاب الشافعي: إذا كانت الكفارة واجبة في قتل الخطأ وفي اليمين التي ليست غموسا، فقاتل العمد وحالف اليمين الغموس أولى بذلك وأحوج إلى الكفارة، وكقول المالكي والشافعي: إذا فرق بين الرجل وامرأته لعدم الجماع، فالفرقة بينهم العدم النفقة التي هي أوكد من الجماع أولى وأوجب، وكقول الحنفي والشافعي والمالكي: إذا لزمت المظاهر بظهر الأم الكفارة، فالمظاهر بفرج أمه أولى.

declares his wife to be like his mother's back, then someone who declares her to be like his mother's genitals has a stronger claim to it."[1][2][3]

L2914–2918 A second category is the category of equivalence. An example is the statement of Abu Hanifah and Malik: "If someone who deliberately has intercourse during the daytime in Ramadan is liable to expiation, then someone who deliberately eats is equivalent to him in this respect. And if the man is liable to expiation for that, then the woman who willingly and deliberately submits to intercourse is equivalent to the man in being liable to expiation." Another is the statement of some of the Successors and those after them: "If a man's declaration that his wife is like his mother's back makes expiation incumbent upon him, then a woman who makes the corresponding declaration concerning her husband is equivalent to the man in being liable to expiation." Another is al-Shafi'i's statement: "If a vessel must be washed seven times because a dog has lapped from it, the same applies to a pig." Another is the Malikis' statement: "If someone who commits unlawful sexual intercourse without having the status of a previously consummated lawful marriage must receive one hundred lashes and a year's banishment, then an intentional killer whose life has been spared by pardon is equivalent to him." Another is al-Hasan's statement: "If a woman divorced three times during her husband's

وقسم ثان وهو قسم المثل، وهو نحو قول أبي حنيفة ومالك: إذا كان الواطىء في نهار رمضان عمدا تلزمه الكفارة، فالمتعمد للأكل مثله في ذلك، وإذا كان الرجل يلزمه في ذلك الكفارة فالمرأة، الموطوءة باختيارها عامدة، في وجوب الكفارة عليها مثل الرجل، وكقول من قال من التابعين ومن بعدهم: إذا كان ظهار الرجل من امرأته يوجب عليه الكفارة فالمرأة المظاهرة من زوجها في وجوب الكفارة عليها مثل الرجل. وكقول الشافعي: إذا وجب غسل الإناء من ولوغ الكلب فيه سبعا فهو من الخنزير كذلك. وكقول المالكيين: إذا وجب على الزاني الذي ليس محصنا جلد مائة وتغريب عام، فقاتل العمد إذا عفي له عن دمه مثله، وكقول الحسن: إذا ورثت المطلقة ثلاثا في المرض، فهو في وجوب الميراث له منها إن ماتت كذلك أيضا. والقسم الثالث قسم الأدنى، وهو نحو قول مالك وأبي حنيفة: إذا وجب القطع في مقدار ما في السرقة، وهو عضو يستباح، فالصداق في النكاح مثله، وكقول أبي حنيفة: إذا كان خروج البول والغائط وهما نجسان ينقض الوضوء فخروج الدم وهو نجس متى خرج من الجسد أيضا كذلك، وكقول الشافعي: إذا كان مس الذكر ينقض الوضوء فمس الدبر الذي هو عورة مثله كذلك، وكقول المالكي: إذا كان قول: أف عمدا في الصلاة يبطلها، فالنفخ فيها عمدا كذلك. قال أبو محمد: فهذه أقسام القياس عند المتحذلقين القائلين به. وذهب أصحاب الظاهر إلى إبطال القول بالقياس في الدين جملة، وقالوا: لا يجوز الحكم البتة في شيء من الأشياء كلها، إلا بنص كلام الله تعالى أو نص كلام النبي صلى الله عليه وسلم أو بما صح عنه صلى الله عليه وسلم من فعل أو إقرار أو إجماع من جميع علماء الأمة كلها، متيقن أنه قاله كل واحد منهم، دون مخالف من أحد منهم، أو بدليل من النص أو من الإجماع المذكور الذي لا يحتمل إلا وجها واحدا، والإجماع عند هؤلاء راجع إلى توقيف من رسول الله صلى الله عليه وسلم ولا بد من

[1] **Translator's note (L2911):** The honorific "may Allah be pleased with him" appears in the introductory attribution to Abu Muhammed and belongs to a transmitting or editorial voice rather than necessarily to the author's own words. Al-Baqillani's definition is syntactically awkward as supplied, particularly من جمع بينهما; the translation preserves its uncertain construction without silently rewriting it.

[2] **Translator's note (L2912):** The opening completes an expression begun in the preceding segment: "Would that I knew." The wording rendered "stammering, inarticulacy" is awkwardly transcribed but appears to represent two disparaging descriptions of the quoted definition. The description of a report whose chain omits the Companion renders the technical term mursal; "weak" renders the distinct term da'if.

[3] **Translator's note (L2913):** The opening comparison lacks the expected Arabic preposition meaning "over" or "than"; the translation reflects the evident comparison and records the omission here. The wording concerning separation for lack of maintenance is grammatically damaged in the transcription, but its intended comparison is clear. The final example concerns the repudiatory declaration known technically as zihar. The distinction between comparison with the mother's back and with her genitals is retained.

illness inherits, then the same also applies to him: he is entitled to inherit from her if she dies." The third category is the category of the lesser. An example is the statement of Malik and Abu Hanifah: "If amputation becomes obligatory for a certain amount in theft, and a bodily member is thereby made lawful to take, then the marriage dower is equivalent to it." Another is Abu Hanifah's statement: "If the discharge of urine and feces, both of which are ritually impure, invalidates ablution, then the discharge of blood, which is ritually impure, likewise does so whenever it leaves the body." Another is al-Shafi'i's statement: "If touching the penis invalidates ablution, then touching the anus, which is likewise a private part, does so as well." Another is the Maliki's statement: "If deliberately saying 'Uff' during prayer invalidates it, then deliberately blowing during it does so as well." Abu Muhammed said: These are the categories of analogy according to the would-be experts who advocate it. The adherents of the apparent meaning of texts held that recourse to analogy in religion must be rejected altogether. They said: "It is absolutely impermissible to give a ruling concerning anything whatsoever except through the explicit wording of Allah Most High's speech, the explicit wording of the Prophet's ﷺ speech, an act or tacit approval authentically established from him ﷺ, or a consensus of all the scholars of the entire community, of which it is certain that every single one expressed it among them, without any one of them dissenting, or through an inference from the text or from the aforementioned consensus that admits of only one interpretation." According to these scholars, consensus necessarily derives from instruction by the Messenger of Allah ﷺ; no other possibility is admissible at all. This is our position, by which we practice our religion before Allah. We ask Him, mighty and majestic, through His favor and mercy, to keep us steadfast in it and cause us to die adhering to it. Amen. The proponents of analogy raised specious objections through which they sought to obscure the matter. Allah Most High willing, we shall refute everything they have adduced as evidence, formulate on their behalf every possible objection they might raise, and explain, through Allah Most High's power and strength, the invalidity of their reliance on everything upon which they have relied in this matter. Then, with the help of Allah, mighty and majestic, we shall begin presenting the clear, necessary demonstrations invalidating analogy. There is

لا يجوز غير ذلك أصلا وهذا هو قولنا الذي ندين الله به، ونسأله عز وجل أن يثبتنا فيه، ويميتنا عليه بمنه ورحمته. آمين. وشغب أصحاب القول بالقياس بأشياء موهوا بها، ونحن إن شاء الله تعالى ننقض كل ما احتجوا به، ونحتج لهم بكل ما يمكن أن يعترضوا به، ونبين بحول الله تعالى وقوته بطلان تعلقهم بكل ما تعلقوا به في ذلك، ثم نبتدىء بعون الله عز وجل بإيراد البراهين الواضحة الضرورية على إبطال القياس، ولا حول ولا قوة إلا بالله العلي العظيم. فما شغبوا به أن قالوا: قال الله عز وجل {وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهما أف ولا تنهرهما وقل لهما قولا كريما} فوجب إذ منع من قول: {لهما} للوالدين أن يكون ضربهما أو قتلهما ممنوع، لأنهما أولى من قول {أف} وقال تعالى {وإذ قال موسى لقومه ياقوم ذكروا نعمة الله عليكم إذ جعل فيكم أنبيآء وجعلكم ملوكا وآتاكم ما لم يؤت أحدا من لعالمين} قالوا فوجب أن ما فوق القنطار وما دونه داخل كل ذلك في حكم القنطار في المنع من أخذه وقال تعالى {ونضع لموازين لقسط ليوم لقيامة فلا تظلم نفس شيئا وإن كان مثقال حبة من خردل أتينا بها وكفى بنا حاسبين} قالوا: فعلمنا أن ما دون مثقال حبة وما فوقها داخلان في حكم مثقال حبة الخردل، أنه تعالى يأتي بها، وقال تعالى: {فمن يعمل مثقال ذرة خيرا يره * ومن يعمل مثقال ذرة شرا يره} قالوا: فعلمنا أن ما فوق مثقال الذرة وما دونها يرى أيضا وقال تعالى {ومن أهل لكتاب من إن تأمنه بقنطار يؤده إليك ومنهم من إن تأمنه بدينار لا يؤده إليك إلا ما دمت عليه قآئما ذلك بأنهم قالوا ليس علينا في لأميين سبيل ويقولون على الله لكذب وهم يعلمون}

no power and no strength except through Allah, the Most High, the Magnificent. Among their specious objections was their saying: Allah, mighty and majestic, said, "Your Lord has decreed that you worship none but Him, and show kindness to parents. If either or both of them reach old age with you, do not say 'Uff' to them both, nor rebuke them, but speak gracious words to them." Thus, since saying "to them both" to one's parents is prohibited, it necessarily follows that beating or killing them is prohibited, because these two acts have a stronger claim to prohibition than saying "Uff." And He Most High said: "And when Moses said to his people, 'My people, remember Allah's favor upon you, when He placed prophets among you, made you kings, and gave you what He had not given anyone among all peoples.'" They said: "It necessarily follows that everything above a hundredweight and below it is included under the ruling concerning a hundredweight, in that taking it is prohibited." And He Most High said: "We shall set up the just balances for the Day of Resurrection, so that no soul will be wronged in anything. Even if it is the weight of a mustard seed, We shall bring it, and sufficient are We as reckoners." They said: "We thus know that what is below the weight of a seed and what is above it are both included under the ruling concerning the weight of a mustard seed: that He Most High will bring it." And He Most High said: "Whoever does an atom's weight of good will see it; and whoever does an atom's weight of evil will see it." They said: "We thus know that what is above an atom's weight and what is below it will also be seen." And He Most High said: "Among the People of the Scripture is one who, if you entrust him with a hundredweight, will return it to you; and among them is one who, if you entrust him with a dinar, will not return it to you unless you keep standing over him. That is because they say, 'We are under no

obligation concerning the unlettered,' and they knowingly speak falsehood against Allah."[4][5][6][7][8]

L2919–2924 They said: "We thus know that what is above a hundredweight and a dinar, and what is below them, falls under the ruling concerning a hundredweight and a dinar." And He Most High said: "Do not consume your wealth among yourselves wrongfully, nor offer it to the judges so that you may knowingly consume a portion of people's wealth sinfully." They said: "We thus know that uses other than eating, such as clothing and other things, are forbidden when they are wrongful." And He Most High said: "Do not kill your children for fear of poverty. We provide for them and for you. Surely killing them is a great sin." We thus know that killing them for reasons other than poverty is forbidden, just as it is when done for fear of poverty. They said: And when people say, "Do not give so-and-so a single grain," it is understood that whatever is greater than a grain and whatever is less than it are all included in the ruling concerning the grain. They said: Whoever claims to

قالوا فعلمنا أن ما فوق القنطار والدينار وما دونهما في حكم القنطار والدينار وقال تعالى {ولا تأكلوا أموالكم بينكم بلباطل وتدلوا بها إلى لحكام لتأكلوا فريقا من أموال لناس بلإثم وأنتم تعلمون} قالوا فعلمنا أن ما عدا الأكل من اللباس وغيره حرام إذا كان بالباطل، وقال تعالى: {ولا تقتلوا أولادكم خشية إملاق نحن نرزقهم وإياكم إن قتلهم كان خطئا كبيرا} فعلمنا أن قتلهم لغير الإملاق حرام، كما هو خشية الإملاق، قالوا: وقول الناس: لا تعط فلانا حبة، فإنه مفهوم منه أن ما فوق الحبة وما دونها داخل كل ذلك في حكم الحبة، قالوا: ومن ادعى من هذه الآي فهم ما عدا ما فيها من غيرها فهو خارج عن المعقول وعن اللغة. قالوا: وأنتم توافقوننا في كل ما قلنا في هذه الآيات وهذا الفصل، وتقرون معنا بأن ما عدا هذه المنصوصات فإنه داخل في حكمها، قالوا: وهذا إقرار منكم بالقياس، وترك لمذهبكم في إبطاله. قال أبو محمد: قال الله عز وجل: {أم للإنسان ما تمنى} وكل ما ذكروا فلا حجة لهم فيه أصلا، بل هو أعظم حجة عليهم، لأنه ينعكس عليهم في القول بدليل الخطاب، فإنهم، على ما ذكرنا في بابه في هذا الديوان، يقولون: إن ما عدا المنصوص فهو مخالف للمنصوص، فيلزمهم على ذلك الأصل أن يقولوا ههنا: إن ما عدا {أف} فإنه مباح، وما عدا الدينار والقنطار، والأكل، ومثقال الخردلة والذرة، وخشية الإملاق، بخلاف حكم ذلك، فقد ظهر تناقضهم وهدم مذاهبهم بعضها لبعض، ثم نعود فنقول وبالله تعالى التوفيق: أما قول الله تعالى {وقضى ربك ألا تعبدوا إلا إياه وبلوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهما أف ولا تنهرهما وقل لهما قولا كريما * وخفض لهما جناح لذل من لرحمة وقل رب رحمهما كما ربياني صغيرا} فلو لم يرد غير هذه اللفظة لما كان فيها تحريم ضربهما ولا قتلهما. ولما كان فيها إلا تحريم قول {أف} فقط. ولكن

[4] **Translator's note (L2914):** The technical term muhsan in the unlawful-intercourse example denotes the legally relevant status arising from a consummated lawful marriage; the Arabic states the absence of that status. The phrase "a bodily member is thereby made lawful to take" is terse. It refers to the limb whose amputation is authorized; the ensuing comparison with the marriage dower is left as terse as the source. The source calls the final category simply "the lesser," without explicitly specifying the respect in which it is lesser.

[5] **Translator's note (L2916):** "Uff" is an expression of irritation or disgust; its particular utterance is material to the legal example. "The adherents of the apparent meaning of texts" renders the designation of the Zahiris.

[6] **Translator's note (L2917):** In the argument following the first Qur'anic quotation, the source quotes "to them both" where the reasoning evidently requires "Uff." The translation preserves the apparent quotation error. The second Qur'anic quotation concerns Moses addressing his people, but the ensuing argument concerns a hundredweight. The quotation and argument do not correspond in the supplied text; no replacement verse has been supplied. "Necessary demonstrations" renders the author's technical expression for demonstrations yielding necessary knowledge.

[7] **Translator's note (L2918):** "Hundredweight" renders qintar as a conventional term for a large weight or quantity of wealth, without assigning it a precise modern weight.

[8] **Qur'an references (L2914):** Qur'an 17:23 (Al-Isra); Qur'an 5:20 (Al-Ma'idah); Qur'an 21:47 (Al-Anbya); Qur'an 99:7 (Az-Zalzalah); Qur'an 99:8 (Az-Zalzalah); Qur'an 3:75 (Ali 'Imran).

understand from these verses anything beyond what they contain, by some other means, departs from reason and language. They said: You agree with us in everything we have said concerning these verses and this discussion, and you acknowledge with us that whatever falls outside these expressly stated cases is included in their ruling. They said: This is an acknowledgment of analogy on your part and an abandonment of your doctrine invalidating it.

Abu Muhammed said: Allah, Mighty and Majestic, said: "Or shall man have whatever he wishes?" Nothing they have mentioned provides them with any proof whatsoever. Rather, it is the strongest proof against them, because it turns back against their position concerning the contrary implication of a statement. For, as we mentioned in its chapter in this work, they say that whatever falls outside the expressly stated case differs from the expressly stated case. On that principle, they must therefore say here that anything other than "Uff" is permissible, and that anything other than the dinar, the hundredweight, eating, the weight of a mustard seed, a speck, and fear of poverty has a different ruling from those things. Their contradiction has thus become apparent, as has the way their doctrines demolish one another.

We now return and say—and success comes through Allah Most High: As for Allah Most High's words, "Your Lord has decreed that you worship none but Him, and that you show kindness to parents. If either one or both of them reach old age with you, do not say 'Uff' to them, nor rebuke them, but speak to them noble words. And lower to them the wing of humility out of mercy, and say: 'My Lord, have mercy upon them, as they raised me when I was small'"—had nothing but this expression been revealed, it would not have contained a prohibition against striking them or killing them. It would have contained only a prohibition against saying "Uff." But since Allah Most High said in the very same verse, "Your Lord has decreed that you worship none but Him, and that you show kindness to parents. If either one or both of them reach old age with you, do not say 'Uff' to them, nor rebuke them, but speak to them noble words. And lower to them the wing of humility out of mercy, and say: 'My Lord, have mercy upon them, as they raised me when I was small'"— these expressions concerning kindness, noble speech, lowering the wing, humility and mercy toward them, and the prohibition against re-

لما قال الله تعالى في الآية نفسها {وقضى ربك ألا تعبدوا إلا إياه وبالوالدين إحسانا إما يبلغن عندك لكبر أحدهما أو كلاهما فلا تقل لهمآ أف ولا تنهرهما وقل لهما قولا كريما * وخفض لهما جناح لذل من لرحمة وقل رب رحمهما كما ربياني صغيرا} اقتضت هذه الألفاظ من الإحسان والقول الكريم وخفض الجناح والذل والرحمة لهما، والمنع من انتهارهما، وأوجبت أن يؤتى إليهما كل بر وكل خير وكل رفق، فبهذه الألفاظ وبالأحاديث الواردة في ذلك وجب بر الوالدين بكل وجه وبكل معنى، والمنع من كل ضرر وعقوق بأي وجه كان، لا بالنهي عن قول: {أف} وبالألفاظ التي ذكرنا وجب ضرورة أن من سبهما أو تبرم عليهما أو منعهما رفده في أي شيء كان من غير الحرام، فلم يحسن إليهما ولا خفض لهما جناح الذل من الرحمة. ولو كان النهي عن قول: {أف} مغنيا عما سواه من وجوه الأذى لما كان لذكر الله تعالى في الآية نفسها، مع النهي عن قول: {أف} النهي عن النهر والأمر بالإحسان، وخفض الجناح والذل لهما معنى، فلما لم يقتصر تعالى على ذكر الأف وحده، بطل قول من ادعى أن بذكر الأف علم ما عداه. وصح ضرورة أن لكل لفظة من الآية معنى غير سائر ألفاظها، ولكنهم جروا على عادة لهم ذميمة من الاقتصار على بعض الآية والإضراب عن سائرها، تمويها على من اغتر بهم، ومجاهرة لله تعالى بما لا يحل من التدليس في دينه. كما فعلوا في ذكرهم في الاستنباط قول الله تعالى {وإذا جآءهم أمر من لأمن أو لخوف أذاعوا به ولو ردوه إلى لرسول وإلى أولي لأمر منهم لعلمه لذين يستنبطونه منهم ولولا فضل لله عليكم ورحمته لاتبعتم لشيطان إلا قليلا} وأضربوا عن أول الآية في قوله تعالى {وإذا سمعوا مآ أنزل إلى لرسول ترى أعينهم تفيض من لدمع مما عرفوا من لحق يقولون ربنآ آمنا فكتبنا مع لشاهدين} وأول الآية مبطل للاستنباط وكما فعل من فعل منهم في قول الله تعالى {وإذا قرىء لقرآن فستمعوا له وأنصتوا لعلكم ترحمون}

وأضربوا عما بعدها من قوله تعالى {وذكر ربك في نفسك تضرعا وخيفة ودون لجهر من لقول بلغدو ولآصال ولا تكن من لغافلين}

buking them, entailed and required that every act of dutifulness, every good, and every kindness be extended to them. Through these expressions and the transmitted hadiths concerning this, dutifulness toward parents became obligatory in every respect and in every sense, and every harm and act of undutifulness, in whatever form, became forbidden—not through the prohibition against saying "Uff." Through the expressions we have mentioned, it necessarily follows that whoever insults them, expresses irritation with them, or withholds his assistance from them in any matter whatsoever that is not forbidden has neither shown kindness to them nor lowered to them the wing of humility out of mercy. If the prohibition against saying "Uff" sufficed to cover every other form of injury, there would be no meaning in Allah Most High's mentioning, in the very same verse alongside the prohibition against saying "Uff," the prohibition against rebuking them and the command to show kindness, lower the wing, and be humble toward them. Since He Most High did not confine Himself to mentioning "Uff" alone, the claim of anyone who maintains that mentioning "Uff" makes everything else known is invalidated. It is necessarily established that each expression in the verse has a meaning distinct from its other expressions.

But they have followed their own reprehensible habit of restricting themselves to part of a verse and disregarding the rest, misleading those taken in by them and openly defying Allah Most High through unlawful deception concerning His religion. This is what they did when, in discussing inference, they cited Allah Most High's words: "When a matter of security or fear comes to them, they broadcast it. Had they referred it to the Messenger and to those in authority among them, those among them who draw it out by inference would have known it. Were it not for Allah's favor toward you and His mercy, you would have followed Satan, except for a few." They disregarded the beginning of the verse in His words, Most High: "When they hear what has been sent down to the Messenger, you see their eyes overflowing with tears because of the truth they have recognized. They say: 'Our Lord, we believe, so record us among the witnesses.'" The beginning of the verse invalidates inference. Likewise, some of them cited Allah Most High's words, "When the Quran is recited, listen to it and be silent, so that

you may receive mercy," and disregarded what follows it in His words, Most High: "Remember your Lord within yourself, in supplication and fear, and with speech below a loud voice, in the mornings and the late afternoons, and do not be among the heedless."[9][10][11]

L2925–2927 Abu Muhammed said: Among the necessary demonstrations that Allah Most High's prohibition against a person's saying ['Uff'] to his parents is not a prohibition against striking, killing, or anything other than "Uff" is this: if someone reported that a person had killed another, or struck him until he broke his ribs, leveled accusations carrying prescribed penalties against him, and spat in his face, and someone who had witnessed all this testified against him, with the witness saying, "Zayd"—meaning the killer, accuser, or assailant—"said ['Uff'] to ʿAmr"—meaning the person killed, struck, or accused—then, by agreement between us and them, he would be a liar, a fabricator, a false witness, a slanderer whose testimony must be rejected. How, then, do these people want us to judge according to something they acknowledge to be a lie? How do they consider it permissible to attribute to Allah Most High a judgment according to something they themselves attest is a lie? We seek refuge in Allah the Magnificent from saying that Allah's—Mighty and Majestic—prohibition against saying ['Uff'] to one's parents is understood to prohibit striking them, killing them, or making defamatory accusations against them. What is beyond doubt for anyone with any knowledge of the Arabic language is that killing, striking, and defamatory accusation—none of these is called ['Uff']. Without doubt, then, every rational person knows that the prohibition against saying ['Uff'] is not a prohibition against killing, striking, or defamatory accusation; it is only a prohibition against saying ['Uff'].

قال أبو محمد ومن البرهان الضروري على أن نهي الله تعالى عن أن يقول المرء لوالديه: ليس نهيا عن الضرب ولا عن القتل ولا عما عدا الأف، أن من حدث عن إنسان قتل آخر أو ضربه حتى كسر أضلاعه وقذفه بالحدود، وبصق في وجهه، فشهد عليه من شهد ذلك كله، فقال الشاهد: إن زيدا، يعني القاتل أو القاذف أو الضارب، قال لعمرو: يعني المقتول أو المضروب أو المقذوف، لكان بإجماع منا ومنهم كاذبا آفكا شاهد زور مفتريا مردود الشهادة فكيف يريد هؤلاء القوم بنا أن نحكم بما يقرون أنه كذب؟. فكيف يستجيزون أن ينسبوا إلى الله تعالى الحكم بما يشهدون أنه كذب؟ ونحن نعوذ بالله العظيم من أن نقول: إن نهي الله عز وجل عن قول: للوالدين يفهم منه النهي عن الضرب لهما أو القتل أو القذف، فالذي لا شك فيه عند كل من له معرفة بشيء من اللغة العربية أن القتل والضرب والقذف لا يسمى شيء من ذلك فبلا شك يعلم كل ذي عقل أن النهي عن قول ليس نهيا عن القتل ولا عن الضرب ولا عن القذف، وأنه إنما هو نهي عن قول: فقط. وأما ذكره تعالى القنطار في آية الصداق وآية وفاء أهل الكتاب، فما فهمنا قط أن ما عدا القنطار فهو حكم القنطار من هاتين الآيتين لكن لما قال تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافا ألا يقيما حدود الله فإن خفتم ألا يقيما حدود الله فلا جناح عليهما فيما فتدت به تلك حدود الله فلا تعتدوها ومن يتعد حدود الله فأولئك هم لظالمون} قال أبو محمد فبهذه الآية حرم على الزوج أن يأخذ مما أعطى زوجته شيئا، وسواء قل أو كثر، إلا أن يخافا ألا يقيما حدود الله أو تطيب نفسها كما قال تعالى {وآتوا لنساء صدقاتهن نحلة فإن طبن لكم عن شيء منه

[9] **Translator's note (L2920):** "Uff" is an expression of irritation or impatience, approximately "Fie!" It is retained consistently because the author's argument concerns the precise expression prohibited.

[10] **Translator's note (L2923):** The quotation beginning "When they hear what has been sent down to the Messenger" is Quran 5:83. It is not the beginning of the preceding quotation, which is Quran 4:83. The supplied text's apparent quotation error has been preserved. "Inference" here renders istinbāṭ, the drawing out or derivation of a meaning or ruling; it is distinct from analogy.

[11] **Qur'an references (L2919):** Qur'an 17:31 (Al-Isra); Qur'an 53:24 (An-Najm); Qur'an 17:23 (Al-Isra); Qur'an 4:83 (An-Nisa); Qur'an 5:83 (Al-Ma'idah); Qur'an 7:205 (Al-A'raf).

As for His Most High's mentioning the hundredweight in the verse concerning the marriage payment and the verse concerning the People of the Book's fulfillment of trusts, we have never understood from these two verses that anything other than a hundredweight has the ruling of a hundredweight. Rather, when He Most High said, "Divorce is twice; then retention on honorable terms or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they will not maintain Allah's limits. If you fear that they will not maintain Allah's limits, there is no blame upon either of them concerning that with which she ransoms herself. These are Allah's limits, so do not transgress them. Whoever transgresses Allah's limits—it is they who are the wrongdoers"—Abu Muhammed said: Through this verse, the husband was forbidden to take anything of what he had given his wife, whether little or much, unless the two fear that they will not maintain Allah's limits, or she willingly consents, as He Most High said: "Give women their marriage payments as a free gift. But if they willingly remit any part of it to you, then consume it with enjoyment and ease." Were it not for this verse and the other verses and hadiths with the same purport, which prohibit taking property generally and prohibit taking gifts back, the verse concerning the hundredweight would contain no prohibition concerning anything other than the hundredweight at all.[12][13][14]

L2928–2931 A demonstration concerning this is that, if two witnesses testified on Zayd's behalf that ʿAmr owed him a hundredweight, while they knew for certain that he owed him two hundredweights, or more than a hundredweight, or less than a qintar, they would both be false witnesses, liars and fabricators. We have never known anyone of human nature to understand the statement,

نفسا فكلوه هنيئا مريئا} لولا هذه الآية، وما في معناها من سائر الآيات والأحاديث التي فيها تحريم الأموال جملة وتحريم العود في الهبات، لما كان في آية القنطار مانع مما عدا القنطار أصلا.

وبرهان عن ذلك أنه لو شهد شاهدان لزيد: أن له على عمرو قنطارا، وكان في علمهما الصحيح أنه له عليه قنطارين أو أكثر من قنطار أو أقل من قنطار، لكانا شاهدي زور كذابين آفكين، وما علمنا في طبيعة بشر أحدا يفهم من قول القائل أخذ لي عمرو قنطارا، أنه آخذ له أكثر من قنطار، ومدعي هذا مفتر على اللغة ومكابر للحس، داخل في نصاب الموسوسين مبطل للحقائق، ويقال له: لعله تعالى إذا ذكر سبع سموات، إنما أراد بها خمس عشرة أو أكثر من ذلك، وهذا هو بطلان الحقائق، وفساد العقل على الحقيقة. وأما الآية التي فيها ذكر الدينار والقنطار في ائتمان أهل الكتاب فقد أخبرنا تعالى أنهم يقولون أو من قال منهم {ومن أهل الكتاب من إن تأمنه بقنطار يؤده إليك ومنهم من إن تأمنه بدينار لا يؤده إليك إلا ما دمت عليه قآئما ذلك بأنهم قالوا

[12] **Translator's note (L2925):** The supplied text omits the expression after "a person's saying … to his parents" and also omits what Zayd supposedly said to ʿAmr. "['Uff']" marks contextual supplements; neither occurrence is present in the supplied Arabic. The unusual wording translated "leveled accusations carrying prescribed penalties against him" is literally "accused him with the prescribed penalties." It appears to refer to accusations of offenses subject to such penalties.

[13] **Translator's note (L2926):** The supplied Arabic repeatedly omits the quoted expression after "saying" and after "is called." Each bracketed "['Uff']" explicitly marks a supplement supplied from the argument's context.

[14] **Qur'an references (L2925):** Qur'an 2:229 (Al-Baqarah); Qur'an 4:4 (An-Nisa).

"'Amr took a qintar for me," as meaning that he took more than a qintar for him. Anyone who claims this fabricates claims about the language, obstinately denies sensory perception, enters the ranks of the obsessional, and nullifies realities. He should be told: perhaps, when He, exalted is He, mentions seven heavens, He actually means fifteen or more! This truly is the nullification of realities and the corruption of reason. As for the verse mentioning the dinar and the qintar in connection with entrusting the People of the Book, He, exalted is He, has informed us that they say—or that those of them who said it say—"Among the People of the Book is someone who, if you entrust him with a qintar, will return it to you; and among them is someone who, if you entrust him with a dinar, will not return it to you unless you remain standing over him. That is because they say, 'We bear no liability concerning the unlettered,' and they knowingly tell lies about Allah." This states that the People of the Book consider it permissible to betray what we entrust to them, whether little or much. We know through the necessity of reason and through observation, and people knew before the revelation of this particular verse, that among the People of the Book and among Muslims there are trustworthy people who faithfully discharge trusts involving little or much, and treacherous people who betray trusts involving little or much, because these are human characteristics. Among people are those who faithfully discharge a small trust as a pretense, but betray a large one out of greed. Among them are those who betray a small trust out of baseness of soul and disregard, but faithfully discharge a large one for fear of notoriety or of losing their livelihood, if their only means of earning a living depends on people entrusting them. All this exists, is observed, and is known through the senses. If they say, "What, then, is the benefit of the verse?" they should be told—and success comes through Allah, exalted is He—that its benefit is immense. First comes the immense reward for reciting it and affirming that it comes from Allah, mighty and majestic. There is also its prompting us to reflect upon the greatness of His power in His ordering of human dispositions for us: among them are the trustworthy unbeliever and the treacherous unbeliever. There is also entrusting them with property, for that is permissible for us when we judge them to be trustworthy, and the invalidation of the position of anyone who prohibits appointing them to administer property

ليس علينا في لأميين سبيل ويقولون على الله لكذب وهم يعلمون} ففي هذا استجازة أهل الكتاب لخون أماناتنا، قلت أو كثرت، وقد علمنا بضرورة العقل والمشاهدة، وعلم الناس قبل نزول هذه الآية المذكورة، أن في أهل الكتاب وفي المسلمين أوفياء، يفون بالقليل والكثير، وغدرة يغدرون بالقليل والكثير، لأن هذا من صفات الناس، وإن في الناس من يفي بالقليل تصنعا ويخون الكثير رغبة، وأن فيهم من يغدر بالقليل خسة نفس واستهانة، ويفي بالكثير مخافة الشهرة أو انقطاع رزقه إن كان لا يعيش في مكسبة إلا بائتمان الناس إياه وهذا كله موجود مشاهد، معلوم بالحس. فإن قالوا: فما فائدة الآية إذن؟ قيل لهم وبالله تعالى التوفيق: الفائدة فيها عظيمة، فأول ذلك الأجر العظيم في تلاوتها في التصديق أنها من عند الله عز وجل. وأيضا فالتنبيه لنا على التفكر في عظيم القدرة في ترتيبه لنا طبائع الناس، فمنهم الوفي الكافر، والخائن الكافر، وأيضا فائتمانهم على المال فإن ذلك مباح لنا إذا قدرنا فيهم الأمانة، وإبطال قول من منع من الوصية إليهم بالمال وهذا مثل قوله تعالى {أفلا ينظرون إلى لإبل كيف خلقت} ومثل قوله تعالى {ونزلنا من لسمآء مآء مباركا فأنبتنا به جنات وحب لحصيد} وقد علمنا ذلك قبل نزول القرآن ولكنه تنبيه ووعظ وتحريك إلى اكتساب الأجر بالاعتبار والفكرة في قدرة الله عز وجل وذكره تعالى القنطار ههنا كذكره السبعين استغفارة في قوله تعالى {ستغفر لهم أو لا تستغفر لهم إن تستغفر لهم سبعين مرة فلن يغفر لله لهم ذلك بأنهم كفروا بلله ورسوله ولله لا يهدي لقوم لفاسقين}

by testament. This is like His saying, exalted is He, “Do they not look at the camels, how they were created?” And like His saying, exalted is He, “We sent down blessed water from the sky, and with it caused gardens and grain for harvesting to grow.” We knew this before the revelation of the Quran, but it is a reminder, an admonition, and an encouragement to acquire reward through taking heed and reflecting upon the power of Allah, mighty and majestic. And His—exalted is He—mention of the qintar here is like His mention of seeking forgiveness seventy times in His saying, exalted is He, “Seek forgiveness for them, or do not seek forgiveness for them: if you seek forgiveness for them seventy times, Allah will never forgive them. That is because they disbelieved in Allah and His Messenger, and Allah does not guide the defiantly disobedient people.”[15][16][17]

L2932–2937 It was already within the knowledge of Allah, exalted is He, that He would explain His intention in this: that He, exalted is He, does not accept his seeking forgiveness for them at all. We have said more than once that such a question is invalid, and that He, exalted is He, is not questioned about what He does, whereas we are questioned about everything we do and say. As for His saying, exalted is He, “We shall set up the just balances for the Day of Resurrection, and no soul shall be wronged in anything. Even if it be the weight of a mustard seed, We shall bring it forth; and sufficient are We as reckoners,” and His saying, exalted is He, “Whoever does a speck’s weight of good shall see it; and whoever does a speck’s weight of evil shall see it,” we know that all this applies generally to what is smaller than a speck and what is larger only from His saying, exalted is He, “The record shall be set down, and you shall see the criminals apprehensive about what it contains. They shall say, ‘Woe to us! What is the matter with this record? It leaves out

[15] **Translator’s note (L2928):** The supplied wording “a demonstration concerning this” uses the somewhat awkward preposition ʿan; the reference to the preceding argument is clear.

[16] **Translator’s note (L2929):** A qintar is a unit of weight or a substantial quantity of wealth; the passage does not specify its exact measure. The opening word completes the phrase “less than a qintar” in the preceding segment.

[17] **Qur’an references (L2928):** Qur’an 3:75 (Ali ’Imran); Qur’an 50:9 (Qaf); Qur’an 9:80 (At-Tawbah).

وقد سبق في علم الله تعالى أنه سيبين مراده من ذلك أنه تعالى لا يقبل استغفاره لهم أصلا، وقد قلنا غير مرة إن مثل هذا السؤال فاسد، وأنه تعالى لا يسأل عما يفعل، ونحن نسأل عن كل فعلنا وقولنا وأما قوله تعالى {ونضع لموازين لقسط ليوم لقيامة فلا تظلم نفس شيئا وإن كان مثقال حبة من خردل أتينا بها وكفى بنا حاسبين} وقوله تعالى: {فمن يعمل مثقال ذرة خيرا يره * ومن يعمل مثقال ذرة شرا يره} فإنما علمنا عموم ذلك كله فيما دون الذرة وما فوقها من قوله تعالى {ووضع لكتاب فترى لمجرمين مشفقين مما فيه ويقولون يويلتنا ما لهذا لكتاب لا يغادر صغيرة ولا كبيرة إلا أحصاها ووجدوا ما عملوا حاضرا ولا يظلم ربك أحدا} وبقوله تعالى {فستجاب لهم ربهم أني لا أضيع عمل عامل منكم من ذكر أو أنثى بعضكم من بعض فلذين هاجروا وأخرجوا من ديارهم وأوذوا في سبيلي وقاتلوا وقتلوا لأكفرن عنهم سيئاتهم ولأدخلنهم جنات تجري من تحتها لأنهار ثوابا من عند لله ولله عنده حسن لثواب} وبقوله تعالى {فكيف إذا جمعناهم ليوم لا ريب فيه ووفيت كل نفس ما كسبت وهم لا يظلمون} فهذه الآيات بينت أن ما فوق الذرة والخردلة وما دونها محسوب كل ذلك ومجازى به، وكذلك قوله تعالى: {يبني إنها إن تك مثقال حبة من خردل

nothing small or great without enumerating it.' They shall find whatever they did present, and your Lord wrongs no one"; and from His saying, exalted is He, "Their Lord answered them: 'I do not let the work of any worker among you go to waste, whether male or female; you are of one another. Those who emigrated, were driven from their homes, were harmed in My path, fought, and were killed—I shall assuredly expiate their evil deeds for them and assuredly admit them into gardens beneath which rivers flow, as a reward from Allah; and with Allah is the finest reward'"; and from His saying, exalted is He, "How, then, will it be when We gather them for a day about which there is no doubt, and every soul is paid in full for what it earned, and they are not wronged?" These verses make clear that whatever is larger than a speck or a mustard seed, and whatever is smaller, is all reckoned and recompensed. Likewise, concerning His saying, exalted is He, "My son, even if it be the weight of a mustard seed, and be within a rock, or in the heavens, or in the earth, Allah will bring it forth. Allah is subtle, all-aware," we know its general applicability only from the saying of Allah, exalted is He, "There is no creature on earth whose provision does not rest with Allah. He knows its dwelling place and its place of deposit; all is in a clear record." In this verse He, exalted is He, encompassed all the provisions of living creatures, so that what is smaller than a mustard seed and what is larger fall within it. Abu Bakr ibn Dawud answered this question by saying: "What is greater than a speck is a speck and a speck, and likewise whatever exceeds it, because it exceeds a speck by part of a speck. When that part is added to the parts of a speck, the result is the measure of a speck. As for what is less than a speck's weight, its ruling is taken from somewhere other than this passage." ʿAli said: This is a correct answer, necessarily so. What we rely upon generally throughout this entire topic is what we have just stated: in everything of this kind, recourse is to other texts, or to consensus known with certainty, or solely to what is necessarily established by observation through the senses and reason. If we find no text, no consensus, and no necessary evidence, we confine ourselves to what is conveyed by the text, and stop where it stops, adding nothing. Otherwise, His—exalted is He—mention of the quantities and circumstances He mentions in these verses is like His—exalted is He—relating accounts of certain prophets, peace be upon them, in one place, and

فتكن في صخرة أو في لسماوات أو في لأرض يأت بها لله إن لله لطيف خبير} فإنما علمنا العموم في ذلك من قول الله تعالى {وما من دآبة في لأرض إلا على لله رزقها ويعلم مستقرها ومستودعها كل في كتاب مبين} فشمل تعالى جميع أرزاق الحيوان في هذه الآية، فدخل في ذلك ما هو دون الخردلة وما فوقها. وقد أجاب أبو بكر بن داود عن هذا السؤال أن قال: إن الذي هو فوق الذرة ذرة وذرة وهكذا ما زاد لأنه زاد على الذرة بعض ذرة، فذاك البعض إذا أضيف إلى أبعاض الذرة جاء من ذلك مقدار الذرة، وأما ما دون مثقال الذرة فحكمه مأخوذ من غير هذا المكان. قال علي: وهذا جواب صحيح ضروري والذي نعتمد عليه عموما في جميع هذا الباب، فهو الذي قلنا آنفا، وأن المرجوع إليه في كل ما جرى هذا المجرى نصوص أخر، أو إجماع متيقن أو ضرورة المشاهد بالحواس والعقل فقط، فإن لم نجد نصا ولا إجماعا ولا ضرورة اقتصرنا على ما جاء به النص، وقفنا حيث وقف ولا مزيد وإلا فإن ذكره تعالى لما ذكر من هذه المقادير، وهذه الأحوال في هذه الآيات كذكره تعالى أخبار بعض الأنبياء عليهم السلام في مكان، وذكره تعالى لهم في مكان آخر بأكمل مما ذكرهم به في غيرها، ولا يسأل عما يفعل. وأما قوله عز وجل {ولا تأكلوا أموالكم بينكم بلباطل وتدلوا بها إلى لحكام لتأكلوا فريقا من أموال لناس بلإثم وأنتم تعلمون} فإنما علمنا أن ما عدا الأكل حرام بقول رسول الله صلى الله عليه وسلم في حجة الوداع دماؤكم وأموالكم وأعراضكم عليكم حرام وبآيات أخر وأحاديث أخر، فبالحديث المذكور حرم التصرف في أموال الناس بغير ما أمر الله تعالى به بالأكل وغير الأكل، ولو تركنا والآية المذكورة ما حرم بها شيء غير الأكل، ولكان ما عدا الأكل موقوفا على طلب الدليل فيه إما بمنع وإما إباحة من غيرها، ولما وجب أن تحكم فيما عدا الأكل من الآية لا بتحريم ولا بتحليل كما يقولون معنا: إن الله حرم الأكل على الصائم ولم يحل عليه تملك الطعام، ولا ما عدا الأكل من بيه وهبة وغير ذلك فأي فرق بين الأكل

His—exalted is He—mentioning them in another place more fully than He mentions them elsewhere. He is not questioned about what He does. As for His saying, mighty and majestic, "Do not eat up your property among yourselves wrongfully, and offer it to the judges so that you may knowingly eat up a portion of people's property sinfully," we know that things other than eating are prohibited only from the saying of the Messenger of Allah, may Allah bless him and grant him peace ﷺ, at the Farewell Pilgrimage, "Your blood, your property, and your honor are inviolable among you," and from other verses and other reports. Thus, by the aforementioned report, disposing of people's property in ways other than those Allah, exalted is He, has commanded is prohibited, whether through eating or otherwise. Had we been left with the aforementioned verse alone, nothing other than eating would have been prohibited by it. Anything other than eating would have remained pending the search elsewhere for evidence concerning it, whether prohibiting or permitting it. It would not have been incumbent to rule on the basis of that verse that anything other than eating was either prohibited or permitted. Similarly, they agree with us in saying that Allah prohibited eating for someone who is fasting, but did not make the ownership of food lawful for him, or anything other than eating, such as selling, giving as a gift, and so forth. What difference, then, is there between the eating prohibited for someone who is fasting and the eating prohibited for people with respect to their property? Likewise, since both they and we permit eating from the house of one's father, mother, friend, and the relatives expressly named in the text, why did they not permit taking whatever they find belonging to those relatives, apart from eating, by analogy with the eating that is permitted? Why did they not prohibit someone who is fasting from owning food and selling it, by analogy with the established prohibition on his eating, just as they claim that they prohibited acquiring property through injustice and falsehood only by analogy with Allah's—exalted is He—prohibition on eating it up wrongfully? Since they have not done this, they have abandoned the analogy they acknowledge to be true. Their inconsistency has thus become evident, and praise belongs to Allah, Lord of the worlds. Even if no clear text had been transmitted prohibiting violations of property altogether, consensus on their prohibition would have sufficed, and we would then have known

المحرم على الصائم، وبين الأكل المحرم على الناس في أموالهم؟ وكما أباحوا هم ونحن الأكل من بيت الأب والأم والصديق والأقارب المنصوصين، فهلا أباحوا أخذ ما وجدوا للأقارب ما عدا الأكل قياسا على الأكل المباح أهلا حرموا على الصائم تملك الطعام وبيعه قياسا على ما صح من تحريم الأكل عليه؟ كما زعموا أنهم إنما حرموا تملك الأموال بالظلم والباطل قياسا على تحريم الله تعالى أكلها بالباطل، فإذ لم يفعلوا ذلك، فقد تركوا القياس الذي يقرون أنه حق، فظهر تناقضهم والحمد لله رب العالمين. وحتى لو لم يرد نص جلي في تحريم الأموال جملة، لكان الإجماع على تحريمها كافيا، ولعلمنا حينئذ أن اسم الأكل موضوع على أخذ منقول عن موضوعه المختص له في اللغة كما تقول العرب، أكلتنا السنة أي أفنت أموالنا، وكما قال الشاعر: فإن قومي لم تأكلهم الضبع يريد لم تفنهم.

that the term “eating” is applied to taking, transferred from the meaning specifically assigned to it in the language, as the Arabs say, “The year ate us up,” meaning that it destroyed our property. And as the poet said, “For my people have not been eaten by the hyena,” meaning that it did not destroy them.[18][19][20][21][22]

L2938–2939 As for His saying, exalted is He, {Do not kill your children for fear of poverty. We provide for them and for you. Indeed, killing them is a great sin}, the prohibition against killing them generally, for reasons other than poverty, comes only from other verses, namely Allah’s saying, exalted is He, {Lost indeed are those who killed their children foolishly, without knowledge, and prohibited what Allah provided them, fabricating a lie against Allah. They have gone astray and were not rightly guided}; His saying, exalted is He, {Do not kill the soul that Allah has made inviolable, except with right. Whoever is killed wrongfully, We have given his heir authority; so let him not exceed bounds in killing. Indeed, he has been granted support}; His saying, exalted is He, {And when the girl buried alive is asked: For what sin was she killed?}; and the saying of the Messenger of Allah ﷺ, “Your blood, your property, your honor, and your skin are inviolable among you.” As for His saying, exalted is He, {He causes the night to enter the day and causes the day to

وأما قوله تعالى: {ولا تقتلوا أولادكم خشية إملاق نحن نرزقهم وإياكم إن قتلهم كان خطئا كبيرا} فإنما حرم قتلهم جملة لغير الإملاق من آيات أخر وهي قول الله تعالى {قد خسر لذين قتلوا أولادهم سفها بغير علم وحرموا ما رزقهم لله فترآء على لله قد ضلوا وما كانوا مهتدين} وبقوله تعالى {ولا تقتلوا لنفس لتي حرم لله إلا بلحق ومن قتل مظلوما فقد جعلنا لوليه سلطانا فلا يسرف في لقتل إنه كان منصورا} وبقوله تعالى {وإذا لموءودة سئلت * بأى ذنب قتلت} وبقول رسول الله صلى الله عليه وسلم إن دماءكم وأموالكم وأعراضكم وأبشاركم عليكم حرام وأما قوله تعالى {يولج لليل في لنهار ويولج لنهار في لليل وسخر لشمس ولقمر كل يجري لأجل مسمى ذلكم لله ربكم له لملك ولذين تدعون من دونه ما يملكون من قطمير} فإنما أخبر عز وجل في موضع آخر على أنها لا تضر ولا تنفع ولا تبصر ولا تسمع، وما كان هذا فبالضرورة نعلم أنها لا تملك شيئا. وهكذا الحكم في كل ما موهوا به، فإن الله تعالى قد بين لنا مراده، ولو لم يرد غير النصوص التي ذكرنا لوجب ألا نتعدى البتة إلى ما لم يذكر بها وللزم ألا نحكم بها أصلا إلا فيما وردت فيه، ومن تعدى هذا فإنه متعد لحدود الله تعالى {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود لله ومن يتعد حدود لله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد ذلك أمرا} نعوذ بالله من ذلك وأما قول الناس: لا تعط فلانا حبة، فإنما يعلم مراد القائل في ذلك، أمجدا قال ذلك أم هازلا أم مقتصرا على الحبة أم لأكثر منها، بما يشهده من حال الأمر في امتناعه وتسهله،

[18] **Translator’s note (L2932):** Abu Bakr ibn Dawud’s explanation moves awkwardly from whole specks to fractions of a speck. The supplied wording has been retained without reconstructing the argument.

[19] **Translator’s note (L2935):** The supplied wording ولم يحل عليه says “did not make … lawful for him,” although the argument appears to require “did not prohibit … for him.” The translation preserves the supplied reading. بيه appears to be a transcription error for بيع, “selling.” The supplied أهلا before the second rhetorical question appears corrupt; it has been understood as a question corresponding to the preceding فهلا, “why did they not.”

[20] **Translator’s note (L2936):** “The year ate us up” is an Arabic idiom referring to a year of drought or famine consuming people’s wealth. The explanation continues in the next segment.

[21] **Translator’s note (L2937):** “The hyena” can figuratively denote a devastating year or famine in classical Arabic; the line retains its literal animal imagery.

[22] **Qur’an references (L2932):** Qur’an 21:47 (Al-Anbya); Qur’an 99:7 (Az-Zalzalah); Qur’an 99:8 (Az-Zalzalah); Qur’an 18:49 (Al-Kahf); Qur’an 3:195 (Ali ’Imran); Qur’an 3:25 (Ali ’Imran); Qur’an 31:16 (Luqman); Qur’an 11:6 (Hud).

enter the night, and has subjected the sun and the moon, each running for an appointed term. That is Allah, your Lord; to Him belongs dominion. Those whom you invoke besides Him do not possess even the membrane of a date stone}, He, mighty and majestic, has stated elsewhere that they neither harm nor benefit, neither see nor hear. Whatever is like this, we know by necessity that it possesses nothing. The same ruling applies to everything with which they have obscured the matter: Allah, exalted is He, has explained His intent to us. Had nothing been transmitted other than the texts we have mentioned, we would have been obliged never to extend them to what they do not mention, and would have been bound to apply their rulings only to the matters concerning which they were revealed. Whoever goes beyond this transgresses the limits of Allah, exalted is He: {O Prophet, when you divorce women, divorce them with regard to their waiting period, and count the waiting period. Fear Allah, your Lord. Do not expel them from their houses, nor should they leave, unless they commit a manifest indecency. Those are Allah's limits. Whoever transgresses Allah's limits has wronged himself. You do not know: perhaps Allah will bring about something after that.} We seek refuge in Allah from that. As for people's saying, "Do not give so-and-so a grain," the speaker's intent—whether he said this seriously or in jest, whether he meant only the grain or more than it—is known only through what one witnesses of the circumstances of the matter, in his refusal and his willingness to relent and most of that. Such a statement from its speaker never occurs in isolation. He must necessarily say, "Do not give him anything at all, not even a grain." He may also add, "Neither a little nor a great deal." This is the familiar manner in which people address one another. Whoever claims otherwise brazenly attributes to reason something it does

وأكثر ذلك فهذا القول من قائله لا يتأتى مجردا البتة. ولا بد ضرورة من أن يقول: لا تعطه البتة شيئا ولا حبة، وربما زاد لا قليلا ولا كثيرا، فهذا هو المعهود من تخاطب الناس فيما بينهم، ومن ادعى غير هذا فهو مجاهر مدع على العقل ما ليس فيه، بل هو مخالف لموجب العقل ولمقتضى اللغة على الحقيقة، وبالله تعالى نعتصم

not contain; indeed, he contradicts what reason requires and what language actually entails. In Allah, exalted is He, we seek protection.[23][24][25]

L2940–2942 If they cite Allah's saying, exalted is He, {Or do they have a share in dominion? In that case they would not give people even the speck in a date stone}, He, exalted is He, has said in another verse, {Say: If you possessed the treasuries of my Lord's mercy, you would surely withhold for fear of spending. Man is ever miserly.} Thus He, exalted is He, expressly mentions withholding, and withholding in its generality encompasses the speck in a date stone and things other than the speck in a date stone, things smaller than it, and things greater than it. They also argued for this on the basis of Allah's saying, exalted is He, {You were the best community brought forth for mankind: you enjoin what is right, forbid what is wrong, and believe in Allah. Had the People of the Scripture believed, it would have been better for them. Among them are believers, but most of them are defiantly disobedient}; and His saying, exalted is He, {O you who believe, obey Allah, obey the Messenger, and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome.} They said: Allah, exalted is He, did not distinguish between what those vested with authority among us say on the basis of instruction from the Prophet ﷺ and what they say by analogy. Abu Muhammed said: This argument of theirs combines outrageousness and sin. Allah, exalted is He, has never commanded those vested with authority among us to speak according to their opinions or their analogies, or to say whatever they wish. Allah, exalted is He, has only commanded them to say what they have heard, or to acquire understanding of the religion that Allah, exalted is He, sent down to His Prophet ﷺ, and to

فإن ذكروا قول الله تعالى {أم لهم نصيب من لملك فإذا لا يؤتون لناس نقيرا} فقد قال تعالى في آية أخرى {قل لو أنتم تملكون خزآئن رحمة ربي إذا لأمسكتم خشية لإنفاق وكان لإنسان قتورا} فنص تعالى على الإمساك والإمساك على عمومه يقتضي النقير وغير النقير، وأقل من النقير وأكثر منه. واحتجوا في ذلك أيضا بقول الله تعالى {كنتم خير أمة أخرجت للناس تأمرون بلمعروف وتنهون عن لمنكر وتؤمنون بلله ولو آمن أهل لكتاب لكان خيرا لهم منهم لمؤمنون وأكثرهم لفاسقون} وبقوله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} قالوا فلم يخص الله تعالى ما قال أولو الأمر منا بتوقيف من النبي صلى الله عليه وسلم مما قالوه بقياس قال أبو محمد هذا الاحتجاج منهم جمع الشناعة والإثم لأن الله تعالى لم يأمر قط أولي الأمر منا أن يقولوا بآرائهم ولا بقياساتهم، ولا أن يقولوا ما شاؤوا، وإنما أمرهم الله تعالى أن يقولوا ما سمعوا، أو يتفقهوا في الدين الذي أنزله الله تعالى على نبيه صلى الله عليه وسلم وينذروا بذلك قومهم وهذا بين في قوله تعالى {وعتصموا بحبل لله جميعا ولا تفرقوا وذكروا نعمة لله عليكم إذ كنتم أعدآء فألف بين قلوبكم فأصبحتم بنعمته إخوانا وكنتم على شفا حفرة من لنار فأنقذكم منها كذلك يبين لله لكم آياته لعلكم تهتدون} وفي قوله تعالى {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافآ ألا يقيما حدود لله فإن خفتم ألا يقيما حدود لله فلا جناح عليهما فيما فتدت به تلك حدود لله فلا تعتدوها ومن يتعد حدود لله فأولئك هم لظالمون} وفي قوله تعالى {ولا تقف ما ليس لك به علم إن

[23] **Translator's note (L2938):** The final wording concerning the speaker's refusal and willingness to relent is awkward, and continues into the next unit; the translation preserves that unfinished construction.

[24] **Translator's note (L2939):** The opening words, "and most of that" (وأكثر ذلك), have an unclear connection to the preceding unit and may reflect a corrupt reading. They have been retained without repair.

[25] **Qur'an references (L2938):** Qur'an 17:31 (Al-Isra); Qur'an 6:140 (Al-An'am); Qur'an 17:33 (Al-Isra); Qur'an 81:9 (At-Takwir); Qur'an 35:13 (Fatir); Qur'an 65:1 (At-Talaq).

warn their people by means of it. This is clear in His saying, exalted is He, {Hold fast, all together, to Allah's rope, and do not divide. Remember Allah's favor upon you: when you were enemies, He brought your hearts together, and by His favor you became brothers. You were on the brink of a pit of fire, and He rescued you from it. Thus Allah makes His signs clear to you, so that you may be guided}; in His saying, exalted is He, {Divorce is twice; then retention with propriety or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they cannot maintain Allah's limits. If you fear that the two cannot maintain Allah's limits, there is no blame upon either of them concerning that with which she ransoms herself. Those are Allah's limits, so do not transgress them. Whoever transgresses Allah's limits—those are the wrongdoers}; in His saying, exalted is He, {Do not pursue that of which you have no knowledge. Hearing, sight, and the heart—each of these will be questioned}; and in His saying, exalted is He, {He only commands you to evil and indecency, and to say about Allah what you do not know.} Abu Muhammed said: Whoever speaks on the basis of his own analogy has transgressed Allah's limits, pursued that of which he has no knowledge, and made assertions about Allah, exalted is He, concerning that which no one knows to be with Allah, exalted is He, except through a communication from Allah, exalted is He, to that effect; otherwise, it is false. We have already explained that Allah's saying, exalted is He, {O you who believe, obey Allah, obey the Messenger, and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome}, refers only to all those vested with authority, not some of them. They have never reached consensus on holding analogy to be authoritative. How, then, could we be commanded to follow them in a matter over which they have differed?[26]

L2943–2946 This is contrary to Allah's command in the Quran. A conclusive demonstration is that Allah, exalted is He, said, {O Prophet, when you divorce women,

[26] **Qur'an references (L2940):** Qur'an 17:100 (Al-Isra); Qur'an 3:110 (Ali 'Imran); Qur'an 4:59 (An-Nisa); Qur'an 3:103 (Ali 'Imran); Qur'an 2:229 (Al-Baqarah); Qur'an 17:36 (Al-Isra).

لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} وفي قوله تعالى {إنما يأمركم بلسوء ولفحشآء وأن تقولوا على الله ما لا تعلمون} قال أبو محمد ومن قال بقياسه فقد تعدى حدود الله، وقفا ما لا علم به، وأخبر عن الله تعالى بما لا يعلم أحد ما عند الله تعالى إلا بإخبار من الله تعالى بذلك، وإلا فهو باطل، وقد بينا فيما خلا أن قول الله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} إنما هو جميع أولي الأمر لا بعضهم ولم يجمعوا قط على القول بالقياس، فكيف نكون نحن مأمورين باتباعهم فيما افترقوا فيه؟.

وهذا ضد أمر الله تعالى في القرآن وبرهان قاطع وهو أن الله تعالى قال {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود لله ومن يتعد حدود لله فقد

divorce them with regard to their waiting period, and count the waiting period. Fear Allah, your Lord. Do not expel them from their houses, nor should they leave, unless they commit a manifest indecency. Those are Allah's limits. Whoever transgresses Allah's limits has wronged himself. You do not know: perhaps Allah will bring about something after that.} The limits of Allah, exalted is He, are everything He has delimited and explained. It is therefore established that no one may go beyond, in any matter of religion, what Allah, exalted is He, has delimited in the Quran and through the tongue of His Messenger—may Allah bless him and grant him peace—through revelation. It is therefore invalid to construe those vested with authority as transgressing the limits of Allah, exalted is He, because that is false, and we have agreed that they do not reach consensus upon falsehood. Everything that is not among the limits of Allah, exalted is He, and His revelation is necessarily from Allah; this is unavoidable. He, exalted is He, has said, {Do they not reflect upon the Quran? Had it been from other than Allah, they would have found much discrepancy in it.} This verse therefore establishes that there can never be consensus except upon what has come from Allah, exalted is He, through revelation, by which alone what is with Allah, exalted is He, can be known, and which ceased after the Messenger of Allah ﷺ. These texts thus establish with certainty the invalidity of their reaching consensus upon anything other than an authentic text. They argued on the basis of Allah's saying, exalted is He, in the verse concerning a person leaving neither parent nor child as heir: {They ask you for a ruling. Say: Allah gives you a ruling concerning a person leaving neither parent nor child as heir. If a man dies having no child, but having a sister, she shall have half of what he leaves; and he inherits from her if she has no child. If there are two sisters, they shall have two-thirds of what he leaves. If there are siblings, men and women, the male shall have the share of two females. Allah makes this clear to you lest you go astray. Allah knows all things.} They said: You maintain that inheritance here takes place only after debt and bequest. They said: This is not in the verse; you have said it only by analogy with the other verses on inheritance, which state that it takes place after bequest and debt. Abu Muhammed said: This is a tremendous error. We seek refuge in Allah, exalted is He, from establishing, by way of analogy, that inheritance in the case of siblings takes place after

ظلم نفسه لا تدرى لعل لله يحدث بعد ذلك أمرا} وحدود الله تعالى هي كل ما حد وبين فصح أنه ليس لأحد أن يتعدى في شيء من الدين ما حده الله تعالى في القرآن وعلى لسان رسوله صلى الله عليه وسلم بالوحي فبطل أن يحمل أولوا الأمر على تعدي حدود الله تعالى، لأنه باطل فقد اتفقنا أنهم لا يجمعون على باطل، وكل ما لم يكن من حدود الله تعالى، ووحيه فهو من عند الله ضرورة لا بد من ذلك وقد قال تعالى {أفلا يتدبرون لقرآن ولو كان من عند غير لله لوجدوا فيه ختلافا كثيرا} فصح بهذه الآية أنه لا يمكن أن يكون إجماع أبدا إلا على ما جاء من عند الله تعالى بالوحي الذي لا يعلم ما عند الله تعالى إلا به والذي قد انقطع بعد رسول الله صلى الله عليه وسلم فبطل بهذه النصوص يقينا أن يجمعوا على غير نص صحيح. واحتجوا بقول الله تعالى في آية الكلالة {يستفتونك قل لله يفتيكم في لكلالة إن مرؤ هلك ليس له ولد وله أخت فلها نصف ما ترك وهو يرثها إن لم يكن لها ولد فإن كانتا ثنتين فلهما لثلثان مما ترك وإن كانوا إخوة رجالا ونسآء فللذكر مثل حظ لأنثيين يبين لله لكم أن تضلوا ولله بكل شيء عليم} قالوا فأنتم تقولون إن الميراث ههنا إنما هو بعد الدين والوصية، قالوا: وليس هذا في الآية فإنما قلتموه قياسا على سائر آيات المواريث التي فيها أنها بعد الوصية والدين. قال أبو محمد: وهذا خطأ عظيم، ونعوذ بالله تعالى من أن نثبت الميراث في مواريث الإخوة بعد الوصية والدين من طريق القياس وما أثبتنا ذلك إلا بنص النبي صلى الله عليه وسلم إذ كان يقدم إلى الجنازة فيسأل صلى الله عليه وسلم أعليه دين فإن قيل له لا صلى عليه وإن قيل له نعم سأل صلى الله عليه وسلم أعليه وفاء فإن قيل له نعم صلى عليه وإن قالوا لا قال صلى الله عليه وسلم صلوا على صاحبكم ولم يصل هو عليه وبقوله صلى الله عليه وسلم إن الشهيد يغفر له كل شيء إلا الدين أو

bequest and debt. We have established this only through the explicit statement of the Prophet ﷺ: when he would be brought forward to a funeral, he ﷺ would ask, “Did he owe a debt?” If he was told no, he would pray over him. If he was told yes, he would ask—may blessings be Allah upon him and grant him peace—“Is there enough to discharge it?” If he was told yes, he would pray over him; if they said no, he ﷺ would say, “Pray over your companion,” and would not himself pray over him. And by his ﷺ saying, “The martyr is forgiven everything except debt,” or words to that effect; and his ﷺ saying, “Your companion is held in pledge for his debt”; and his ﷺ general command that anyone who has something concerning which to make a bequest should make a will; and his ﷺ command to bequeath one-third or less. And concerning bequeathing one-third and the prohibition against bequeathing more, he ﷺ said, “For you to leave your heirs wealthy is better than to leave them destitute,” or as he ﷺ said. Thus he ﷺ included all heirs generally, without singling out a brother or sister as distinct from anyone else. It is therefore necessarily established that no one receives an inheritance until after the debt, and then the bequest, have been discharged. Their obfuscation through citing the aforementioned verse thus falls away.[27][28][29]

L2947–2949 Then we turn this very same question back upon them and say to them: If you yourselves did this in the verse concerning collateral inheritance by analogy with the other inheritances, you must consequently require feeding as expiation for killing on the part of someone unable to fast or to free a slave, by analogy with the expiation for the declaration that one’s wife is like one’s mother’s back, and by analogy with the expiation for someone who has intercourse during the daytime in Ramadan. Do not distinguish between the

كلاما هذا معناه وقوله صلى الله عليه وسلم إن صاحبكم مرتهن بدينه وبأمره صلى الله عليه وسلم جملة بالوصية لمن عنده شيء يوصي فيه وبأمره صلى الله عليه وسلم بالوصية بالثلث فدون وقال صلى الله عليه وسلم في الوصية بالثلث والنهي عن الوصية بأكثر: إنك أن تذر ورثتك أغنياء خير من أن تتركهم عالة أو كما قال صلى الله عليه وسلم فعم صلى الله عليه وسلم الورثة كلهم ولم يخص أخا ولا أختا من غيرهما، فصح ضرورة ألا ميراث لأحد إلا بعد الدين ثم الوصية، فسقط تمويههم بذكر الآية المذكورة.

ثم نعكس عليهم هذا السؤال المذكور بعينه، فنقول لهم: إذا فعلتم أنتم ذلك في آية الكلالة قياسا على سائر المواريث، فيلزمكم أن توجبوا الإطعام في كفارة القتل لمن عجز عن الصيام والرقبة، قياسا على كفارة الظهار، وقياسا على كفارة الواطىء في نهار رمضان، ولا تفرقوا بين الأمرين، فقد ذكر الله تعالى في كلتا الآيتين عتق الرقبة ثم الصيام لشهرين متتابعين، ثم ذكر تعالى في أحدهما تعويض الإطعام من الصيام، فافعلوا ذلك في المسكوت عنه من الآية الأخرى، لا سيما وأنتم قد قستم، أو بعضكم، المسكوت عنه من دين الرقبة في الظهار على المنصوص عليه من أن تكون مؤمنة في قتل الخطأ، فما الذي جعل قياس الرقبة في الظهار على التعويض في القتل حقا وجعل قياس التعويض بالإطعام من الصيام في كفارة قتل الخطأ على التعويض بالإطعام من الصيام في كفارة الظهار، باطلا؟ ولولا التخليط والموق ونعوذ بالله من الخذلان.

[27] **Translator’s note (L2944):** The supplied text says, “Everything that is not among the limits of Allah … and His revelation is necessarily from Allah.” This contradicts the surrounding argument and apparently omits “other than” before “Allah.” The translation retains the supplied wording. “A person leaving neither parent nor child as heir” renders the technical inheritance term kalālah. The unit ends midway through the salutation, after صلى; its English fragment is left unfinished.

[28] **Translator’s note (L2945):** The opening words continue the salutation begun in the preceding segment; the fragment is retained without supplying the missing beginning.

[29] **Qur’an references (L2943):** Qur’an 65:1 (At-Talaq); Qur’an 4:82 (An-Nisa); Qur’an 4:176 (An-Nisa).

two cases. Allah Most High has mentioned in both verses the freeing of a slave, followed by fasting for two consecutive months; then, in one of them, He Most High mentioned substituting feeding for fasting. So apply this to what is left unmentioned in the other verse, especially since you—or some of you—have already reasoned by analogy from what is left unmentioned concerning the religion of the slave in the case of the declaration that one's wife is like one's mother's back to the explicit stipulation that the slave be a believer in the case of accidental killing. What, then, made drawing an analogy from the slave in the case of that declaration to the substitution in the case of killing correct, while making the analogy between substituting feeding for fasting in the expiation for accidental killing and substituting feeding for fasting in the expiation for that declaration invalid? Were it not for muddle and stupidity! We seek refuge in Allah from being forsaken.

Some of them argued by saying that the obligation for twenty of us to stand firm against two hundred unbelievers is abrogated by analogy with the abrogation of the obligation for one hundred of us to stand firm against one thousand unbelievers. Abu Muhammed said: This is muddle, falsehood, and the turning of one error back upon another. Neither the obligation for one hundred to stand firm against one thousand nor that for twenty to stand firm against two hundred has ever been abrogated. We have explained this question in the chapter discussing abrogation in this work of ours. In general, a Muslim may not assert that a verse or a hadith is abrogated except on the basis of an authentic explicit text, because obedience to Allah and obedience to His Messenger ﷺ are obligatory. If their words have been abrogated, the obligation upon us to obey them has fallen away. This is an error. Whoever claims that obedience to Allah Most High and obedience to His Prophet ﷺ have ceased to be obligatory at any point in the revealed law—his statement is discarded and rejected unless he produces an established explicit text demonstrating the soundness of his claim. If he produces it, then we hear and obey. If he does not produce it, he is a liar and a fabricator, unless he is someone against whom the authoritative proof has not been established; in that case, he is mistaken but excused on account of his independent effort to determine the ruling. Success comes through Allah Most High.

واحتج بعضهم بأن قال: إن ثبات العشرين منا للمائتين من الكفار منسوخ بالقياس على نسخ ثبات المائة منا للألف من الكفار. قال أبو محمد: وهذا تخليط وكذب، وعكس الخطأ على الخطأ، وما نسخ قط ثبات المائة للألف، ولا ثبات العشرين للمائتين، وقد بينا هذه المسألة في باب الكلام في النسخ من ديواننا هذا، وبالجملة لا يحل لمسلم أن يقول في آية ولا حديث بالنسخ إلا عن نص صحيح لأن طاعة الله وطاعة رسوله صلى الله عليه وسلم واجبة فإذا كان كلامهما منسوخا فقد سقطت طاعته عنا، وهذا خطأ، ومن ادعى سقوط طاعة الله تعالى وسقوط طاعة نبيه صلى الله عليه وسلم في مكان ما من الشريعة فقوله مطروح مردود، ما لم يأت على صحة دعواه بنص ثابت، فإن أتى به فسمعا وطاعة، وإن لم يأت به فهو كاذب مفتر، إلا أن يكون ممن لم تقم عليه الحجة، فهو مخطىء معذور باجتهاده، وبالله تعالى التوفيق واحتجوا أيضا بقول الله تعالى {يأيها لذين آمنوا لا تقتلوا لصيد وأنتم حرم ومن قتله منكم متعمدا فجزآء مثل ما قتل من لنعم يحكم به ذوا عدل منكم هديا بالغ لكعبة أو كفارة طعام مساكين أو عدل ذلك صياما ليذوق وبال أمره عفا لله عما سلف ومن عاد فينتقم لله منه ولله عزيز ذو نتقام} وهذا عمدة ما موهوا به في إثبات القياس مع آية الاعتبار ومع قوله تعالى {فقلنا ضربوه ببعضها كذلك يحيي لله لموتى ويريكم آياته لعلكم تعقلون}

They also argued from the saying of Allah Most High: "O you who believe, do not kill game while you are in a state of consecration. Whoever among you kills it deliberately, then the recompense is the like of what he killed, from livestock, as judged by two just men from among you, as an offering reaching the Kaaba; or an expiation consisting of feeding needy people; or the equivalent of that in fasting, so that he may taste the evil consequence of his deed. Allah has pardoned what is past, but whoever does it again, Allah will exact vengeance upon him. Allah is mighty, possessed of vengeance." This is the principal passage with which they have obscured the issue in establishing analogy, together with the verse concerning taking heed, and His Most High's saying: "Then We said, 'Strike him with part of it.' Thus Allah brings the dead to life and shows you His signs, so that you may understand."[30][31]

L2950–2952 Abu Muhammed said: This is among the most extraordinary of their contentious arguments: their audacity in using the words of Allah Most High to obscure the issue and putting them where they do not belong. This is exceedingly grave; we seek refuge in Allah from being forsaken. No one possessed of reason has ever understood analogy to have any entry, avenue, or connection whatsoever in this verse. This verse is simply a clear explicit text: He Most High commanded two just believers to adjudge, for the game killed, livestock resembling it. This is an explicit text, not analogy. It would only have been analogy if they had said: Just as He Most High commanded us, when we kill game that we are forbidden to kill, to compensate for it with its like from livestock, so too, when we kill livestock that we are forbidden to kill because someone else owns it, we must compensate for it with its like from game. Furthermore, just as they drew an analogy between Allah Most High's ownership of game and people's ownership, thereby requiring compensation from someone who kills it accidentally and contradicting the Quran in this respect, so, according to their corrupt principle, they must

[30] **Translator's note (L2947):** The phrase "to the substitution in the case of killing" translates على التعويض في القتل as supplied. In context, a reference to the slave's being a believer would be expected; the supplied wording has not been corrected. "Were it not for muddle and stupidity!" preserves an elliptical exclamation whose consequent is unstated in the Arabic.

[31] **Qur'an references (L2947):** Qur'an 5:95 (Al-Ma'idah).

قال أبو محمد: وهذا من أطرف ما شغبوا به من الجرأة على التمويه بكلام الله تعالى، ووضعه في غير موضعه، فهذا عظيم جدا نعوذ بالله من الخذلان، وما فهم أحد قط له عقل أن للقياس في هذه الآية مدخلا أو طريقا، أو نسبة بوجه من الوجوه، وما هذه الآية إلا نص جلي، أمر تعالى ذوي عدل من المؤمنين أن يحكما في الصيد المقتول بما يشبهه من النعم، فهذا نص لا قياس، وإنما كان يكون قياسا لو قالوا كما أمرنا تعالى إذا قتلنا الصيد المحرم علينا قتله أن نجزيه بمثله من النعم. فكذلك إذا قتلنا شيئا من النعم حراما علينا لملك غيرنا له، فواجب علينا أن نجزيه بمثله من الصيد، وأيضا فكما قاسوا ملك الله تعالى الصيود فأوجبوا الجزاء على قاتلها مخطئا، وخالفوا القرآن في ذلك قياسا على ملك الناس، فواجب عليهم على أصلهم الفاسد أن يقيسوا ملك الناس من النعم، ومن الصيد إذا قتله فيلزموه أن يجزيه بمثله، إن كان صيدا فمن النعم، وإن كان من النعم فمثله من الصيد. فهذا حقيقة القياس الذي إن قالوه كفروا، وإن تركوا القياس وتناقضوا ووفقوا في تركهم له، وأيضا فإن كانت هذه الآية متيحة للقياس، فينبغي ألا يكون إلا حتى يحكم فيه ذوا عدل منا، أو يكون عدل ذلك صياما. فهكذا هو الحكم في الآية، وأما الآية المذكورة فلا نسبة بينها وبين القياس البتة، وإنما فيها أن الصيد

draw an analogy concerning people's property, whether livestock or game, when someone kills it, and require him to compensate for it with its like: if it is game, then with livestock; and if it is livestock, then with its like from game. This is analogy in its true form: if they affirm it, they disbelieve; and if they abandon analogy, they contradict themselves and are rightly guided in abandoning it. Furthermore, if this verse permits analogy, then it should only take place when two just men from among us adjudicate concerning it, or its equivalent should be fasting, for that is the ruling in the verse. As for the aforementioned verse, there is absolutely no connection between it and analogy. It states only that game can be the like of livestock. This is something we do not deny, for the whole world exhibits likeness in some of its attributes. What we deny is assigning, in religious matters, to something for which that ruling has not come from Allah Most High, a ruling like the one explicitly prescribed for something resembling it. This is the falsehood, error, and forbidden act that is impermissible. Through Allah Most High we receive support. Some of them also argued from the saying of Allah Most High: "O you who believe, do not approach prayer while you are intoxicated until you know what you are saying, nor while in a state of major ritual impurity, unless passing along a way, until you have washed yourselves. If you are ill or on a journey, or one of you has come from relieving himself, or you have touched women, and you find no water, then seek clean earth and wipe your faces and your hands. Allah is indeed pardoning, forgiving." And from His Most High's saying: "It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake must free a believing slave and deliver blood money to his family, unless they forgo it as charity. If he belongs to a people hostile to you, while he is a believer, then a believing slave must be freed. If he belongs to a people between whom and you there is a covenant, then blood money must be delivered to his family and a believing slave freed. Whoever does not find must fast for two consecutive months, as repentance granted by Allah. Allah is knowing, wise."

They said: You have thus drawn an analogy between someone who possesses the price of water or the price of a slave, even though he has neither a slave nor water with him, and someone who has the slave or water with him, and

يكون مثلا للنعم وهذا أمر لا ننكره، فالعالم كله متماثل في بعض أوصافه، وإنما أنكرنا أن نحكم في الديانة شيء لم يأت فيه ذلك الحكم من الله تعالى بمثل الحكم المنصوص فيما يشبهه، فهذا هو الباطل والخطأ والحرام الذي لا يحل وبالله تعالى نتأيد. واحتج أيضا بعضهم بقول الله تعالى {يا أيها لذين آمنوا لا تقربوا لصلاة وأنتم سكارى حتى تعلموا ما تقولون ولا جنبا إلا عابري سبيل حتى تغتسلوا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغآئط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم إن لله كان عفوا غفورا} وبقوله تعالى {وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من لله وكان لله عليما حكيما} قالوا فقستم واجد الثمن للماء والثمن للرقبة، وإن لم يكن عنده رقبة ولا ماء، على من عنده الرقبة والماء، فلم تجيزوا لهما التيمم ولا الصيام. قال أبو محمد: وهذا من ذلك التمويه المعهود، ويعيذنا الله تعالى أن نقول بالقياس في شيء من الدين، وليس ما ذكروا قياسا ولكنه نص جلي بلا تأويل فيه البتة، لأن الله تعالى إنما قال في آية كفارة قتل الخطأ والعود للظهار بعد إيجاب الرقبة.

you have not permitted the former two to perform purification with earth or to fast. Abu Muhammed said: This is more of that familiar obfuscation. May Allah Most High protect us from affirming analogy in any matter of religion. What they have mentioned is not analogy; it is a clear explicit text involving absolutely no interpretive departure from its wording. For Allah Most High merely said, in the verse concerning expiation for accidental killing and returning to the declaration that one's wife is like one's mother's back, after requiring the freeing of a slave,[323][334]

L2953–2955 "It is not for a believer to kill a believer except by mistake. Whoever kills a believer by mistake must free a believing slave and deliver blood money to his family, unless they forgo it as charity. If he belongs to a people hostile to you, while he is a believer, then a believing slave must be freed. If he belongs to a people between whom and you there is a covenant, then blood money must be delivered to his family and a believing slave freed. Whoever does not find must fast for two consecutive months, as repentance granted by Allah. Allah is knowing, wise." He Most High did not say, "Whoever does not find a slave"; rather, He Most High left finding unrestricted. Thus, anything found through which the freeing of a slave can be achieved precludes fasting. Following this is obligatory, because it accords with the apparent meaning of the verse, which may not be contravened. The same applies to the expiation for someone who has intercourse during the daytime in Ramadan.

As for purification with earth by someone who has no water but possesses money with which to purchase it, our companions have said what these peo-

{وما كان لمؤمن أن يقتل مؤمنا إلا خطئا ومن قتل مؤمنا خطئا فتحرير رقبة مؤمنة ودية مسلمة إلى أهله إلا أن يصدقوا فإن كان من قوم عدو لكم وهو مؤمن فتحرير رقبة مؤمنة وإن كان من قوم بينكم وبينهم ميثاق فدية مسلمة إلى أهله وتحرير رقبة مؤمنة فمن لم يجد فصيام شهرين متتابعين توبة من الله وكان الله عليما حكيما} ولم يقل تعالى فمن لم يجد رقبة، ولكنه تعالى أطلق الوجود، فكل وجود يتوصل به إلى عتق الرقبة، فإنه مانع من الصيام، فالواجب اتباعه، لأنه موافق لظاهر الآية الذي لا يجوز خلافه، وهكذا القول في كفارة الواطىء في نهار رمضان، وأما التيمم لمن لم يكن له ماء وعنده ثمن يبتاع به الماء، فإن أصحابنا قالوا ما ذكر هؤلاء، ورأوا واجبا على من وجد ماء للشراء أن يبتاعه بقيمته في الوقت لا بأكثر. وقال غيرهم: بأكثر من قيمته ما لم يجحف به. وقال الحسن البصري: يبتاعه بكل ما يملك إن لم يبع منه بأقل. قال أبو محمد: ولعل من حجة أصحابنا أن يقولوا إن قوله تعالى {يا أيها لذين آمنوا إذا قمتم إلى لصلاة فغسلوا وجوهكم وأيديكم إلى لمرافق ومسحوا برؤوسكم وأرجلكم إلى لكعبين وإن كنتم جنبا فطهروا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغائط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم منه ما يريد لله ليجعل عليكم من حرج ولكن يريد ليطهركم وليتم نعمته عليكم لعلكم تشكرون} يقتضي بعموم هذا اللفظ واجده بالابتياع والاستيهاب كما يقول القائل: أمر

[32]**Translator's note (L2951):** The wording وإن تركوا القياس وتناقضوا is syntactically awkward: literally, "and if they abandoned analogy and contradicted themselves." The translation follows the apparent conditional sense without removing the assertion that abandoning analogy contradicts their own position.

[33]**Translator's note (L2952):** "Unless passing along a way" preserves the wording عابري سبيل without deciding whether it concerns travelers or people passing through a place of prayer. "Whoever does not find" deliberately leaves the object unstated, as in the supplied Quranic quotation; the author's subsequent argument turns on that absence. The final clause refers to both accidental killing and the declaration likening one's wife to one's mother's back, but the quotation that follows in the next segment concerns accidental killing alone.

[34]**Qur'an references (L2950):** Qur'an 4:43 (An-Nisa); Qur'an 4:92 (An-Nisa).

ple mentioned. They considered it obligatory for someone who finds water available for purchase to buy it at its value at that time, but not for more. Others said that he must buy it for more than its value, provided that doing so does not impose an excessive burden upon him. Al-Hasan al-Basri said: he must buy it with everything he owns if it will not be sold to him for less. Abu Muhammed said: Perhaps our companions might argue that His words, exalted is He, {O you who believe, when you rise for prayer, wash your faces and your hands up to the elbows, and wipe your heads and your feet up to the ankles. If you are in a state of major ritual impurity, purify yourselves. If you are ill, or on a journey, or one of you comes from relieving himself, or you have touched women, and you find no water, then seek clean earth and wipe your faces and your hands with some of it. Allah does not intend to impose any hardship upon you, but He intends to purify you and to complete His favor upon you, so that you may give thanks}, encompass, through the generality of this wording, someone who finds it through purchasing it or requesting it as a gift, just as someone says, "Such-and-such a thing is available in the market." They would thus say that someone who finds it through purchasing it or requesting it as a gift has found water. Abu Muhammed said: As for us, in our view selling water is absolutely impermissible, in any manner or under any circumstances, because the Prophet ﷺ prohibited selling water. We understand this prohibition in its general scope. This position of ours is also the position of Iyas ibn Abd Allah al-Muzani, a Companion of the Messenger of Allah ﷺ, and others. Thus purchasing water for minor ritual ablution is absolutely impermissible, as is purchasing it for a full ritual bath, because he is prohibited from purchasing it, and he is not a finder of water. His prescribed course is therefore dry ablution, unless the owner of the water voluntarily gives it to him as a gift. That is permissible, and he then has found water and owns it, so his obligation is to purify himself with it. As for someone compelled by necessity to drink water, who fears dying of thirst and finds no one who will voluntarily provide him with enough water to keep him alive, he is obligated to preserve his life by whatever means he can: by overpowering someone, by taking it secretly while concealing what he is doing, or by purchasing it. If he has no means available other than a sale and purchases it, that is then permissible for him. The price is unlawful for

كذا موجود في السوق، فيقولوا إن واجده بالابتياع والاستيهاب واجد للماء. قال أبو محمد: وأما نحن فلا يجوز عندنا بيع الماء البتة بوجه من الوجوه ولا بحال من الأحوال لنهي النبي صلى الله عليه وسلم عن بيع الماء فهذا عندنا على عمومه وقولنا هذا هو قول إياس بن عبد الله المزني صاحب رسول الله صلى الله عليه وسلم وغيره فلا يجوز ابتياع الماء للوضوء البتة ولا للغسل، لأنه منهي عن ابتياعه، وهو غير واجد للماء، فحكمه التيمم إلا أن يتطوع عليه صاحب الماء بأن يهبه إياه، فذلك جائز، وهو حينئذ واجد للماء مالك له، ففرضه التطهر به، وأما من اضطر إلى شرب الماء، وخشي الهلاك من العطش، ولم يجد من يتطوع له بماء يحيي به رمقه، ففرض عليه إحياء نفسه كيف أمكن، بغلبة أو بأخذه سرا مختفيا بذلك، أو بابتياعه، فإذا لم يقدر على غير البيع فابتاعه فهو حينئذ جائز له، والثمن حرام على البائع، وهو باق على ملك المبتاع المضطر، وهو بمنزلة من اضطر إلى ميتة أو لحم خنزير فلم يجده مع ذلك إلا بثمن، ففرض عليه أن يبتاعه لإحياء نفسه.

the seller and remains the property of the purchaser compelled by necessity. He is in the same position as someone compelled by necessity to eat carrion or pork who nevertheless can obtain it only for a price: he is obligated to purchase it to preserve his life.[35][36]

L2956–2958 The same applies to money paid to ransom captives and to bribes paid to avert an injustice. All of this falls under one category: it is permissible for the giver and unlawful for the taker, because the giver is compelled by necessity, while the taker consumes wealth wrongfully and disobeys Allah, exalted is He. We seek refuge in Allah. Then we turn this objection of theirs back upon them and say to them—and success comes through Allah, exalted is He—if this constitutes analogy in their view, they must adopt al-Hasan's position concerning purchasing water with everything one owns, because one has found it. Dry ablution is therefore not an available option when water is available, just as they say concerning someone who can find a slave only by spending everything he owns, while being able afterward to earn enough to sustain himself and his dependents: in their view, nothing will suffice for him except purchasing the slave with all his property. If they do not say the same concerning water, they have contradicted themselves and abandoned the analogy that they claim is religion. There is no escaping this. They argued from His words, exalted is He: {There is no blame upon the blind, nor blame upon the lame, nor blame upon the sick, nor upon yourselves, for eating from your own houses, or the houses of your fathers, or the houses of your mothers, or the houses of your brothers, or the houses of your sisters, or the houses of your paternal uncles, or the houses of your paternal aunts, or the houses of your maternal uncles, or the houses of your maternal aunts, or those whose keys you possess, or your friend. There is no blame upon you for eating together or separately. When you enter houses, greet yourselves with a greeting from Allah, blessed and good. Thus Allah makes the signs clear to you, so that you may understand}. They said: He, exalted is He, did not

وكذلك ما يبذل من المال في فدى الأسرى، وفي الرشوة لدفع المظلمة، فهذا كله باب واحد، وهو مباح للمعطي وحرام على الآخذ، لأن المعطي مضطر، والآخذ آكل مال بالباطل، عاص لله تعالى، نعوذ بالله. ثم نعكس عليهم اعتراضهم هذا فنقول لهم، وبالله تعالى التوفيق: إن كان هذا عندهم قياسا فيلزمهم أن يقولوا بقول الحسن في ابتياع الماء بكل ما يملك، لأنه واجد له، فلا يسعه التيمم مع وجود الماء، كما يقولون فيمن لم يجد رقبة إلا بكل ما يملك، وهو قادر على اكتساب ما يقوم بقوته وقوت عياله بعد ذلك، فإنه لا يجزيه عندهم إلا ابتياع الرقبة بملكه كله، فإن لم يقولوا في الماء كذلك فقد تناقضوا وتركوا القياس الذي يزعمون أنه دين، وهذا ما لا انفكاك منه واحتجوا بقوله تعالى {ليس على لأعمى حرج ولا على لأعرج حرج ولا على لمريض حرج ولا على أنفسكم أن تأكلوا من بيوتكم أو بيوت آبائكم أو بيوت أمهاتكم أو بيوت إخوانكم أو بيوت أخواتكم أو بيوت أعمامكم أو بيوت عماتكم أو بيوت أخوالكم أو بيوت خالاتكم أو ما ملكتم مفاتحه أو صديقكم ليس عليكم جناح أن تأكلوا جميعا أو أشتاتا فإذا دخلتم بيوتا فسلموا على أنفسكم تحية من عند الله مباركة طيبة كذلك يبين الله لكم لآيات لعلكم تعقلون} قالوا ولم يذكر تعالى بيوت الأولاد، فوجب إباحة الأكل من بيوت الأولاد قياسا على الإباحة من بيوت الآباء. قال أبو محمد: وهذا في غاية الفساد والكذب، ومعاذ الله أن تكون الإباحة للأكل من بيوت الأولاد قياسا على إباحة ذلك من بيوت الآباء والأقارب، وما أبحنا الأكل من بيوت الأولاد إلا بنص جلي وهو قول رسول الله صلى الله عليه وسلم إن أطيب ما أكل أحدهم من كسبه وإن ولد أحدكم من كسبه فبهذا أبحنا الأكل من بيوت الأولاد، ولكن يلزمهم إذا فعلوا

[35] **Translator's note (L2953):** The Quranic quotation is repeated in full in the source and has been retained. "Whoever does not find" preserves the absence of an expressed object, on which the author bases his argument.

[36] **Qur'an references (L2953):** Qur'an 4:92 (An-Nisa); Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah).

mention the houses of children, so permission to eat from children's houses must be established by analogy with permission to eat from fathers' houses. Abu Muhammed said: This is the utmost corruption and falsehood. Allah forbid that permission to eat from children's houses should rest upon analogy with permission to do so from the houses of fathers and relatives! We permit eating from children's houses only on the basis of an explicit text, namely the words of the Messenger of Allah ﷺ: "Indeed, the best of what any one of them eats is from his earnings, and the child of any one of you is from his earnings." On this basis we permit eating from children's houses. But if they do this, as they claim, by analogy with fathers' houses, they must waive the prescribed punishment for a son who has intercourse with his father's slave woman, just as they waived the prescribed punishment for a father who has intercourse with his child's slave woman. They must also treat sons and fathers equally in all legal rulings and all other relatives, just as they did this by analogy concerning eating. Otherwise, they have contradicted themselves and abandoned analogy. They argued from the words of Allah, exalted is He: {There is no blame upon them concerning their fathers, nor their sons, nor their brothers, nor their brothers' sons, nor their sisters' sons, nor their women, nor those whom their right hands possess. And fear Allah; indeed, Allah is a witness over all things}; and from His words, exalted is He: {And tell the believing women to lower their gaze and guard their private parts, and not to display their adornment except what appears thereof. Let them draw their head coverings over their bosom openings, and not display their adornment except to their husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their brothers, or their brothers' sons, or their sisters' sons, or their women, or those whom their right hands possess, or male attendants who have no sexual desire, or children who have not become aware of women's private parts. And let them not stamp their feet so that what they conceal of their adornment may be known. And turn to Allah in repentance, all of you, O believers, so that you may prosper}. They said: You have included paternal and maternal uncles,

ذلك قياسا بزعمهم على بيوت الآباء، أن يسقطوا الحد على الابن الواطىء أمة أبيه. كما أسقطوا الحد عن الأب إذا وطىء أمة ولده ولزمهم أن يسووا في جميع الأحكام بين الأبناء والآباء وسائر القرابات، كما فعلوا ذلك قياسا على الأكل، وإلا فقد تناقضوا، وتركوا القياس واحتجوا بقول الله تعالى: {لا جناح عليهن في آبآئهن ولا أبنآئهن ولا إخوانهن ولا أبنآء إخوانهن ولا أبنآء أخواتهن ولا نسآئهن ولا ما ملكت أيمانهن وتقين الله إن الله كان على كل شيء شهيدا} بقوله تعالى {وقل للمؤمنات يغضضن من أبصارهن ويحفظن فروجهن ولا يبدين زينتهن إلا ما ظهر منها وليضربن بخمرهن على جيوبهن ولا يبدين زينتهن إلا لبعولتهن أو آبآئهن أو آبآء بعولتهن أو أبنآئهن أو أبنآء بعولتهن أو إخوانهن أو بني إخوانهن أو بني أخواتهن أو نسآئهن أو ما ملكت أيمانهن أو لتابعين غير أولي لإربة من لرجال أو لطفل لذين لم يظهروا على عورات لنسآء ولا يضربن بأرجلهن ليعلم ما يخفين من زينتهن وتوبوا إلى الله جميعا أيها لمؤمنون لعلكم تفلحون} قالوا فأدخلتم من لم يذكر في الآيتين المذكورتين من الأعمام والأخوال في حكم من ذكر فيهما.

who are not mentioned in the two aforementioned verses, under the ruling governing those mentioned in them.[37][38][39]

L2959–2961 Abu Muhammed said: This is not analogy; rather, it is an explicit text, because the Prophet ﷺ said to Aishah, "He is your paternal uncle, so let him enter your presence." And he ﷺ said, "A woman must not travel except with a husband or a male relative permanently barred from marrying her." He thus permitted every male relative permanently barred from marrying her to travel with her. When he travels with her, he must necessarily lift her up, set her down, and see her. Thus all male relatives permanently barred from marrying her are included, by this text, in the permission to see the woman. Their supposition that this rests only upon analogy is therefore invalid. Success comes through Allah, exalted is He. They argued from the words of Allah, exalted is He: {Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, brothers' daughters, sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters who are in your care, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you should take two sisters together, except what has already passed. Indeed, Allah is ever forgiving, merciful}. They said: You have included in the prohibition sons' daughters, however far down the line of descent, daughters' daughters, however far down the line of descent, grandmothers, however far up the line of ancestry, the paternal and maternal aunts of fathers and grandfathers, and the paternal and maternal aunts of mothers and grandmothers, however distant, although they are not mentioned in the verse of prohibition.

قال أبو محمد وهذا ليس قياسا بل هو نص جلي لأن النبي صلى الله عليه وسلم قال لعائشة إنه عمك فليلج عليك وقال صلى الله عليه وسلم لا تسافر المرأة إلا مع زوج أو ذي محرم فأباح لكل ذي محرم أن يسافر معها، وإذا سافر معها فلا بد له من رفعها ووضعها ورؤيتها فدخل ذو المحارم كلهم بهذا النص في إباحة رؤية المرأة فبطل ظنهم أن ذلك إنما هو قياس، وبالله تعالى التوفيق. واحتجوا بقول الله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسائكم وربائبكم اللاتي في حجوركم من نسائكم اللاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} قالوا فأدخلتم بنات البنين وإن سفلن، وبنات البنات وإن سفلن، والجدات وإن علون، وعمات الآباء والأجداد وخالاتهم وعمات الأمهات والجدات وخالاتهن، وإن بعدن في التحريم، وإن لم يذكرن في آية التحريم. قالوا: وهذا قياس، وكذلك أدخلتم تحريم ما نكح الأجداد وإن علوا وبنو البنين وإن سفلوا، قياسا على تحريم ما نص عليه من نكاح نساء الآباء وحلائل الأبناء. قال أبو محمد: وهذه دعوى فاسدة، بل هذا نص جلي، وبنو البنين وبنو البنات وإن سفلوا، وبنات البنين وبنات البنات وإن سفلن، فإنه يقع عليهن في اللغة بنص القرآن اسم البنين والبنات وإن سفلن. قال الله تعالى: {يابني آدم قد أنزلنا عليكم لباسا يواري سوءاتكم وريشا ولباس لتقوى ذلك خير ذلك من آيات لله لعلهم يذكرون} فجعلنا بنين له وبنو البنين بنون بالنص، والجد والجدة وإن بعدا فاسم الأب والأم يقع عليهما كما قال تعالى {يابني آدم لا يفتننكم لشيطان كما أخرج أبويكم من لجنة ينزع عنهما لباسهما ليريهما سوءاتهما إنه يراكم هو وقبيله من

[37] **Translator's note (L2957):** In the quoted verse, "or your friend" follows the supplied wording; "house" is not expressly repeated there. The hadith quotation shifts from "any one of them" to "any one of you"; that shift is retained.

[38] **Translator's note (L2958):** The supplied text introduces the second verse with "by His words," without an explicit coordinating conjunction; it is rendered as a second citation in the same argument.

[39] **Qur'an references (L2956):** Qur'an 24:61 (An-Nur); Qur'an 33:55 (Al-Ahzab); Qur'an 24:31 (An-Nur).

They said: This is analogy. Likewise, you have included the prohibition of women whom grandfathers, however far up the line of ancestry, and sons' sons, however far down the line of descent, have married, by analogy with the expressly stated prohibition of marrying fathers' wives and sons' wives. Abu Muhammed said: This is a corrupt claim. Rather, this is an explicit text. Sons' sons and daughters' sons, however far down the line of descent, and sons' daughters and daughters' daughters, however far down the line of descent, fall linguistically under the designation "sons" and "daughters," by the explicit text of the Quran, however far down the line of descent. Allah, exalted is He, said: {O children of Adam, We have sent down to you clothing to cover your private parts, and finery; but the clothing of reverent fear—that is better. That is among Allah's signs, so that they may take heed}. He thus made us sons of his, and sons' sons are sons by the explicit text. A grandfather and grandmother, however distant, fall under the designation "father" and "mother," as He, exalted is He, said: {O children of Adam, let Satan not tempt you as he brought your two parents out of the Garden, stripping them of their clothing to show them their private parts. Indeed, he and his tribe see you from where you do not see them. Indeed, We have made the devils allies of those who do not believe}, meaning Adam and Eve. And likewise is the case with the descendants of brothers and sisters, however far down the line of descent, and paternal uncles, maternal uncles, paternal aunts, and maternal aunts, however far up the line of ancestry. Whoever has a brother from whom you descend is your paternal uncle and your paternal aunt, and you are the son of his brother and of her brother. Whoever has a sister from whom you descend is your maternal uncle and your maternal aunt, and you are the son of his sister and of her sister. We distinguish between the rulings governing some of those to whom a single designation applies only in those cases in which the text, or transmitted and certain consensus, [distin-

حيث لا ترونهم إنا جعلنا لشياطين أولياآء للذين لا يؤمنون} يعني آدم وحواء، وهكذا القول فيمن سفل من أولاد الإخوة والأخوات، ومن علا من الأعمام والأخوال، والعمات والخالات، فمن كنت من ولد أخيه فهو عمك وعمتك، وأنت ابن أخيه وأخيها، ومن كنت من ولد أخته فهو خالك وخالتك، وأنت ابن أخته وأختها، وإنما فرقنا بين أحكام بعض من يقع عليه الاسم الواحد في المواضع التي فوق النص أو الإجماع المنقول المتيقن بينهم فيها، وهذا أيضا الذي ذكروا إجماع، والإجماع لا يجوز خلافه.

guishes] between them. This matter they have mentioned is also a matter of consensus, and it is impermissible to contravene consensus.[40][41][42]

L2962–2968 Then we say to them: If, as you claim, you did that by analogy, you must likewise, by analogy, treat all those we have mentioned equally with respect to giving in marriage, inheritance, and the obligation to provide maintenance, yet they do not do that. They have thus contradicted their own principle and acknowledged their abandonment of analogy. Such is the nature of unsound positions. Success comes through Allah Most High.

They adduced the statement of Allah Most High concerning a woman divorced three times: {Then, if he divorces her, she is not thereafter lawful to him until she marries a husband other than him. Then, if he divorces her, there is no blame upon the two of them if they return to one another, if they think that they can uphold the limits of Allah. Those are the limits of Allah, which He makes clear to people who know.} They said: "You have thus drawn an analogy between this second husband's death or the annulment of his marriage to her and his attachment to her, in that, if he has had intercourse with her, she thereby becomes lawful to the man who divorced her three times." They said to us: "Indeed, you were not content with that, but went so far as to say that, if she is a woman under a covenant of protection whom a Muslim has divorced three times, and a man under a covenant of protection marries her and then divorces her after having intercourse with her, she does not thereby become lawful to the man who divorced her three

ثم نقول لهم: إذا فعلتم ذلك بزعمكم قياسا فيلزمكم أن تسووا أيضا قياسا بين كل من ذكرنا في الإنكاح والمواريث، ووجوب الإنفاق، وهم لا يفعلون ذلك، فقد نقضوا أصلهم، وأقروا بترك القياس، وهكذا تكون الأقوال الفاسدة، وبالله تعالى التوفيق.

واحتجوا بقول الله تعالى في المطلقة ثلاثا: {فإن طلقها فلا تحل له من بعد حتى تنكح زوجا غيره فإن طلقها فلا جناح عليهما أن يتراجعا إن ظنا أن يقيما حدود الله وتلك حدود الله يبينها لقوم يعلمون} قالوا فقستم وفاة هذا الزوج الثاني وفسخ نكاحه عنها على علاقة لها في كونها إذا مسها في ذلك حلالا المطلق ثلاثا، قالوا لنا: بل لم تقنعوا بذلك حتى قلتم إن كانت ذمية طلقها مسلم ثلاثا فتزوجها ذمي، فطلقها بعد أن وطئها لم تحل بذلك لمطلقها ثلاثا، ولا تحل إلا بموته عنها، أو بفسخ نكاحه منها. قال أبو محمد: فالجواب وبالله تعالى التوفيق: أننا أبحنا لها الرجوع إليه بالوفاة وبالفسخ لوجهين: أحدهما: الإجماع المتيقن، والثاني: النص الصحيح الذي عنه تم الإجماع وهو قول رسول الله صلى الله عليه وسلم للقرظية المطلقة ثلاثا أتريدين أن ترجعي إلى رفاعة؟ لا، حتى تذوقي عسيلته ويذوق عسيلتك. قال علي: فهذا الحديث أعم من الآية، وزائد على ما فيها، فوجب الأخذ به، ووجب أن كل ما كان بعد ذوق العسيلة، مما يبطل به النكاح، فهي به حلال رجوعها إلى الزوج المطلق ثلاثا لأنه صلى الله عليه وسلم إنما جعل الحكم الرافع للتحريم ذوق العسيلة في النكاح الصحيح، فإذا ارتفع بذلك التحريم فقد صارت كسائر النساء، فإذا خلت من ذلك الزوج بفسخ أو وفاة أو طلاق كان لها أن تنكح من شاءت من غير ذوي محارمها ولم يشترط النبي صلى الله عليه وسلم بعد ذوق العسيلة طلاقا من فسخ من وفاة وأيقنا أنه صلى الله عليه وسلم لم يبحها للزوج الأول وهي بعد في عصمة الزوج الثاني، ولا خلاف بين أحد

[40] **Translator's note (L2960):** "Lift her up, set her down" preserves the concrete wording, apparently referring to assisting her onto and off a mount.

[41] **Translator's note (L2961):** The kinship examples awkwardly coordinate masculine and feminine relationships: literally, "he is your paternal uncle and your paternal aunt" and "he is your maternal uncle and your maternal aunt." The translation retains that coordination; the intended reference appears to be to the corresponding male and female relatives. The supplied phrase "in the cases in which the text is above" is syntactically defective. The bracketed "distinguishes" reflects the apparent intended argument; the supplied word meaning "above" may be a corruption of a word meaning "distinguished."

[42] **Qur'an references (L2959):** Qur'an 4:23 (An-Nisa); Qur'an 7:26 (Al-A'raf); Qur'an 7:27 (Al-A'raf).

times. She becomes lawful only through that husband's death or the annulment of his marriage to her."

Abu Muhammed said: The answer—and success comes through Allah Most High—is that we permitted her to return to him following death or annulment for two reasons. The first is certain consensus. The second is the authentic text on the basis of which that consensus was reached: the statement of the Messenger of Allah ﷺ to the Quraziyyah woman who had been divorced three times: "Do you wish to return to Rifaʿah? No, not until you taste his little sweetness and he tastes your little sweetness."

Ali said: This hadith is more general than the verse and adds to what it contains, so it must be followed. It follows necessarily that, through anything that terminates the marriage after the tasting of the little sweetness, her return to the husband who divorced her three times becomes lawful. For he ﷺ made the tasting of the little sweetness within a valid marriage the determining condition that removes the prohibition. Once that prohibition has thereby been removed, she becomes like other women. When she is free of that husband through annulment, death, or divorce, she may marry whomever she wishes, apart from those within the degrees of kinship prohibited to her. Following the tasting of the little sweetness, the Prophet ﷺ did not stipulate divorce rather than annulment rather than death. We know with certainty that he ﷺ did not permit her to the first husband while she remained within the marriage bond of the second husband; no one disagrees about that. As for divorce pronounced by a man under a covenant of protection, or by any other unbeliever, it is no divorce, because everything an unbeliever does or says, apart from professing Islam, is invalid, and rejected, except for that whose enforcement is required by the text or transmitted certain consensus, or which the text or consensus likewise permits him. Thus, if he pronounces divorce, it is ineffectual, because there is neither a text nor consensus establishing the validity of his divorce. He has therefore not effected a divorce, and she remains within his marriage bond, since their marriages are valid under the text, on account of the confirmation by the Prophet ﷺ of the unbelievers' marriages to their wives when they embraced Islam together with them, and because he ﷺ was conceived through such a marriage. We know

في ذلك. وأما طلاق الذمي وسائر الكفار، فليس طلاقا، لأن كل ما فعل الكافر، وقال غير اللفظ بالإسلام، فهو باطل مردود إلا ما أوجب إنفاذه النص أو الإجماع المتيقن المنقول، أو أباحه له النص أو الإجماع، كذلك فإذا لفظ بالطلاق فهو لغو لأنه لا نص ولا إجماع في جواز طلاقه، فليس مطلقا وهو بعد في عصمته لصحة نكاحهم بالنص من إقرار النبي صلى الله عليه وسلم للكفار لما أسلموا مع نسائهم على نكاحهم معهن ولأنه صلى الله عليه وسلم من ذلك النكاح خلق وقد علمنا أنه صلى الله عليه وسلم مخلوق من أصح نكاح ولا يحل لمسلم أن يمر بباله غير هذا، ولم يمنع تعالى في الآية من إباحة رجعتها بعد وفاة الزوج، أو فسخ نكاحه، وإنما ذكر تعالى الطلاق فقط وعم رسول الله صلى الله عليه وسلم بإجمال لفظه الطلاق وغيره وقد كان يلزم من قال بذلك الخطاب منهم ألا يبيحها إلا بعد الطلاق لا بعد الفسخ والوفاة، فهذه الآية حجة عليهم لا لهم، وبالله تعالى التوفيق واحتجوا أيضا بقوله تعالى {يأيها لذين آمنوا إذا نكحتم لمؤمنات ثم طلقتموهن من قبل أن تمسوهن فما لكم عليهن من عدة تعتدونها فمتعوهن وسرحوهن سراحا جميلا} قالوا: فقستم الكافرات في ذلك على المؤمنات. قال أبو محمد: وهذا خطأ، وقد بينا، في باب مفرد من كتابنا هذا، لزوم شريعة الإسلام لكل كافر ومؤمن مستويا بقوله تعالى {وأن حكم بينهم بمآ أنزل لله ولا تتبع أهوآءهم وحذرهم أن يفتنوك عن بعض مآ أنزل لله إليك فإن تولوا فعلم أنما يريد لله أن يصيبهم ببعض ذنوبهم وإن كثيرا من لناس لفاسقون} فهذا لازم في كل حكم حاشا ما فرق النص والإجماع المتيقن فيه بين أحكامنا وأحكامهم، وما كان كرامة لنا، فإنه ليس لهم فيه حظ لقول الله تعالى {قاتلوا لذين لا يؤمنون بلله ولا بليوم لآخر ولا يحرمون ما حرم لله ورسوله ولا يدينون دين لحق من لذين أوتوا لكتاب حتى يعطوا لجزية عن يد وهم صاغرون} والصغار لا يجتمع مع الكرامة أصلا. وأيضا فالأمة كلها مجمعة على

أن حكم العدة في الطلاق وسقوطها على الذمية كحكمها على المسلمة، والإجماع لا يجوز خلافه. وأيضا فإن الآيات التي أوجب الله تعالى فيها العدد على المطلقات معلومة محصورة، لا خلاف بين المسلمين أن المراد بها الممسوسات، وأصل الناس كلهم على البراءة من وجوب الأحكام عليهم، حتى يلزمهم الحكم نص أو إجماع، وإلا فلا يلزم أحدا حكم إلا أن يلزمه إياه نص أو إجماع، فبقيت الذمية المطلقة غير الممسوسة لم يأت قط بإيجاب عدة عليها، فلم يجز لأحد أن يلزمها عدة لم يأت بها نص ولا إجماع، ووجب المتعة لها، ونصف الصداق بإيجاب الله تعالى ذلك لكل مطلقة فرض لها صداق المتعة خاصة لكل مطلقة، وهي إحدى المطلقات فبطل ظن هؤلاء القوم، والحمد لله رب العالمين.

that he ﷺ was conceived through a marriage of the utmost validity, and it is not lawful for a Muslim to entertain any other thought. In the verse, the Most High did not preclude permitting her return after the husband's death or the annulment of his marriage; the Most High mentioned divorce alone. The Messenger of Allah ﷺ, through the comprehensive wording of his statement, included divorce and other means. Those among them who maintain that position concerning the wording of an address would have been obliged to permit her only after divorce, and not after annulment or death. This verse is therefore evidence against them, not in their favor. Success comes through Allah Most High.

They also adduced His statement, Most High: {O you who believe, when you marry believing women and then divorce them before you have touched them, you have no waiting period to reckon against them. So provide for them and release them with a gracious release.} They said: "You have thus applied analogy to unbelieving women on the basis of believing women in this matter."

Abu Muhammed said: This is an error. In a separate chapter of this book of ours, we have explained that the Law of Islam binds every unbeliever and believer equally, on the basis of His statement, Most High: {And judge between them by what Allah has sent down, and do not follow their desires. Beware of them, lest they tempt you away from some of what Allah has sent down to you. If they turn away, then know that Allah intends only to afflict them for some of their sins. Indeed, many people are defiantly disobedient.} This is binding in every ruling, except where the text and certain consensus distinguish between the rulings applicable to us and those applicable to them, and whatever constitutes an honor bestowed upon us: they have no share in that, because Allah Most High says: {Fight those who do not believe in Allah or in the Last Day, who do not forbid what Allah and His Messenger have forbidden, and who do not profess the religion of truth, among those who were given the Scripture, until they pay the tribute out of hand, while they are abased.} Abasement cannot coexist with honor at all. Furthermore, the entire community unanimously agrees that the ruling concerning the waiting period following divorce, and its nonrequirement, applies to a woman under

a covenant of protection just as it applies to a Muslim woman. Consensus may not be contravened. Furthermore, the verses in which Allah Most High has imposed waiting periods upon divorced women are known and limited in number. There is no disagreement among Muslims that the women intended by them are those with whom intercourse has taken place. The original presumption for all people is freedom from the obligation to comply with legal rulings until a text or consensus makes the ruling binding upon them. Otherwise, no ruling binds anyone unless a text or consensus makes it binding upon him. Thus, the woman under a covenant of protection who has been divorced without having had intercourse remains someone upon whom no waiting period has ever been imposed. No one may therefore impose upon her a waiting period for which neither a text nor consensus has provided. The provision upon divorce and half the bridal payment are due to her because Allah Most High has imposed that for every divorced woman for whom a bridal payment was stipulated; the provision upon divorce specifically is for every divorced woman, and she is one of the divorced women. The supposition of these people is therefore invalid. Praise belongs to Allah, Lord of the worlds.[43][44][45][46]

واحتجوا بما في القرآن من الآيات التي فيها خطاب النبي صلى الله عليه وسلم وحده مثل قوله تعالى {وإذا كنت فيهم فأقمت لهم لصلاة فلتقم طآئفة منهم معك وليأخذوا أسلحتهم فإذا سجدوا فليكونوا من ورائكم ولتأت طآئفة أخرى لم يصلوا فليصلوا معك وليأخذوا حذرهم وأسلحتهم ود لذين كفروا لو تغفلون عن أسلحتكم وأمتعتكم فيميلون عليكم ميلة واحدة ولا جناح عليكم إن كان بكم أذى من مطر أو كنتم مرضى أن تضعوا أسلحتكم وخذوا حذركم إن لله أعد للكافرين عذابا مهينا} ومثل قوله تعالى {وآخرون عترفوا بذنوبهم خلطوا عملا صالحا وآخر سيئا عسى لله أن يتوب عليهم إن لله غفور رحيم} وما أشبه ذلك قالوا فقلتم هي لازمة لنا ومباحة كلزومها النبي صلى الله عليه وسلم وإباحتها له قال أبو محمد وهذا من التخليط ما هو، لأن النص حكم علينا

L2969–2970 They adduced those verses in the Quran in which the Prophet ﷺ alone is addressed, such as His statement, Most High: {When you are among them

[43] **Translator's note (L2963):** The wording translated as "his attachment to her" reads ʿalāqah lahā and appears corrupt; the argument would ordinarily require "his divorcing her." The following wording concerning her becoming lawful to the man who divorced her three times is also grammatically defective. "Tasting the little sweetness" preserves the hadith's diminutive metaphor for sexual enjoyment through intercourse. The sequence translated as "divorce rather than annulment rather than death" has the awkward repeated preposition min; the context presents these as alternative ways for the marriage to end.

[44] **Translator's note (L2965):** The Arabic reads "and he remains within his marriage bond," using a masculine pronoun where the argument requires the woman as its referent. The translation reflects that referent while recording the grammatical discrepancy.

[45] **Translator's note (L2968):** The Arabic moves directly from "a bridal payment was stipulated" to "the provision upon divorce specifically," without an explicit conjunction or other connective. The translation marks the apparent division with a semicolon rather than supplying additional legal qualifications.

[46] **Qur'an references (L2962):** Qur'an 2:230 (Al-Baqarah); Qur'an 33:49 (Al-Ahzab); Qur'an 5:49 (Al-Ma'idah).

and establish the prayer for them, let a group of them stand with you, and let them take their weapons. When they have prostrated, let them be behind you, and let another group, who have not prayed, come and pray with you, taking their precautions and their weapons. Those who disbelieve wish that you would neglect your weapons and your belongings, so that they could fall upon you in a single assault. There is no blame upon you, if you suffer discomfort from rain or are ill, in laying down your weapons; but take your precautions. Allah has prepared a humiliating punishment for the unbelievers.} And such as His statement, Most High: {And others have acknowledged their sins: they mixed a righteous deed with another that was evil. Perhaps Allah will turn toward them in forgiveness. Allah is forgiving, merciful.} And other passages like these. They said: "You have said that these are binding upon us and permissible for us just as they were binding upon the Prophet ﷺ and permissible for him."

Abu Muhammed said: This is confusion indeed, for the text has imposed that ruling upon us when He says: {You have indeed had in the Messenger of Allah a good example, for whoever hopes for Allah and the Last Day and remembers Allah much}; through his statement ﷺ, "Adhere to my established practice"; and through his anger ﷺ at those who disdained to do as he did. Their specious claim that this is analogy is thus invalidated. It is established that every provision of the Law addressed to him ﷺ is binding upon us unless we are forbidden to follow it, as in the Prophet's statement ﷺ concerning continuous fasting without breaking the fast: "I am not as you are."

If someone were to say that what they have mentioned and seized upon is evidence against them, invalidating analogy, he would be right, because the Prophet ﷺ explicitly stated that he is not as we are, nor like any one of us, nor our like. Since he is not our like, and analogy, according to its proponents, consists only in reasoning from a thing to its like, not to something unlike it, analogy is invalid here. They would therefore be obliged not to impose upon people any ruling addressed to the Prophet ﷺ alone. If they did that, they would depart from Islam. It is thus established that these

بذلك إذ يقول {لقد كان لكم في رسول الله أسوة حسنة لمن كان يرجو الله واليوم لآخر وذكر الله كثيرا} وبقوله صلى الله عليه وسلم عليكم بسنتي وبغضبه صلى الله عليه وسلم على من تنزه عن أن يفعل مثل فعله فبطل تمويههم بأن هذا قياس وصح وجوب كل شريعة خوطب بها صلى الله عليه وسلم علينا ما لم ننه عن ذلك كقول النبي صلى الله عليه وسلم في الوصال لست كهيئتكم فلو قال قائل إن الذين تعلقوا به مما ذكروا هو حجة عليهم في إبطال القياس لكان حقا لنص النبي صلى الله عليه وسلم على أنه ليس كهيئتنا ولا كأحدنا ولا مثلنا، وإذ ليس مثلنا والقياس عند القائلين به إنما هو قياس الشيء على مثله لا على ما ليس مثله. فقد بطل القياس ههنا فيلزمهم ألا يحكموا على الناس بشيء خوطب به النبي صلى الله عليه وسلم وحده وإن فعلوا ذلك خرجوا من الإسلام فصح أنه لا مدخل لهذه الآيات، ولا لهذا المعنى في القياس البتة، وبالله تعالى التوفيق واحتجوا أيضا بقول الله تعالى {هو لذي أخرج لذين كفروا من أهل لكتاب من ديارهم لأول لحشر ما ظننتم أن يخرجوا وظنوا أنهم مانعتهم حصونهم من لله فأتاهم لله من حيث لم يحتسبوا وقذف في قلوبهم لرعب يخربون بيوتهم بأيديهم وأيدي لمؤمنين فعتبروا يأولي لأبصار}

verses and this consideration have absolutely no place in analogy. Success comes through Allah Most High.

They also adduced the statement of Allah Most High: {He is the One who expelled those who disbelieved among the People of the Scripture from their homes at the first gathering. You did not think that they would leave, and they thought that their fortresses would protect them against Allah. But Allah came upon them from where they had not expected, and cast terror into their hearts. They were destroying their houses with their own hands and the hands of the believers. So take heed, O people of insight.}[47][48]

L2971 Abu Muhammed said: This, in their estimation, is their foundation for analogy. Yet never have they been further removed from analogy than in their treatment of this verse. No person of reason has ever understood from the words of Allah, blessed and exalted, {He is the One who expelled those who disbelieved among the People of the Book from their homes at the first gathering. You did not think they would leave, and they thought their fortresses would protect them against Allah. Then Allah came upon them from where they had not reckoned, and He cast terror into their hearts. They demolished their houses with their own hands and the hands of the believers. So take heed, you who possess insight}, a prohibition against exchanging one dry measure of acorns for two dry measures of acorns. Analogy has absolutely no scope in this verse, in any respect whatsoever. Nor has anyone ever known, in the language in which the Quran was revealed, that taking heed means analogy. Rather, the Exalted commanded us to reflect upon His immense power in creating the heavens and the earth and upon what He brought down upon the disobedient, as the Exalted said concerning the story of Yusuf's brothers, peace be upon him: {There was indeed in their

قال أبو محمد وهذه هي قاعدتهم بظنهم في القياس، وما كانوا أبعد قط من القياس منهم في هذه الآية، وما فهم قط ذو عقل من قول الله تبارك وتعالى {هو لذي أخرج لذين كفروا من أهل لكتاب من ديارهم لأول لحشر ما ظننتم أن يخرجوا وظنوا أنهم مانعتهم حصونهم من لله فأتاهم لله من حيث لم يحتسبوا وقذف في قلوبهم لرعب يخربون بيوتهم بأيديهم وأيدي لمؤمنين فعتبروا يأولي لأبصار} تحريم مد بلوط بمدي بلوط وما للقياس مجال على هذه الآية أصلا بوجه من الوجوه، ولا علم أحد قط في اللغة التي بها نزل القرآن أن الاعتبار هو القياس، وإنما أمرنا تعالى أن نتفكر في عظيم قدرته في خلق السموات والأرض، وما أحل بالعصاة كما قال تعالى في قصة إخوة يوسف عليه السلام {لقد كان في قصصهم عبرة لأولي لألباب ما كان حديثا يفترى ولكن تصديق لذي بين يديه وتفصيل كل شيء وهدى ورحمة لقوم يؤمنون} فلم يستح هؤلاء القوم أن يسموا القياس اعتبارا وعبرة على جاري عادتهم في تسمية الباطل باسم الحق ليحققوا بذلك باطلهم.

[47] **Translator's note (L2969):** The second Quranic quotation, beginning "And others have acknowledged their sins" (9:102), does not itself address the Prophet alone. This is an apparent mismatch between the author's stated category and the quotation supplied; it has been preserved. The Arabic literally has the plural "those whom they seized upon" where the context appears to require "that which they seized upon." The translation follows the apparent referent, the material adduced, while noting the defective wording.

[48] **Qur'an references (L2969):** Qur'an 4:102 (An-Nisa); Qur'an 9:102 (At-Tawbah); Qur'an 33:21 (Al-Ahzab); Qur'an 60:6 (Al-Mumtahanah); Qur'an 59:2 (Al-Hashr).

stories a lesson for those who possess understanding. It was no fabricated account, but a confirmation of what preceded it, a detailed explanation of everything, and guidance and mercy for people who believe}. Yet these people felt no shame in calling analogy "taking heed" and "a lesson," following their customary practice of naming falsehood with the name of truth, so as thereby to establish their falsehood as true.[49][50]

L2972–2980 This is feeble obfuscation and a flimsy stratagem. The Exalted has said: {They are only names that you and your fathers have named, for which Allah has sent down no authority. They follow only conjecture and what their souls desire, although guidance has already come to them from their Lord. Or shall a human being have whatever he wishes?} Thus Allah the Exalted invalidated every designation whose correctness is established by a demonstration, whether from linguistic usage heard from speakers of the language or expressly stated in the Quran and the words of the Prophet, may Allah bless him and grant him peace ﷺ. Anything other than that is false. Is this course of obfuscation and deception that they have followed—uprooting names from their proper places and shifting words from their proper places—anything other than the conduct of livestock dealers who name their tethering stalls after cities and then swear by Allah, "This animal arrived yesterday from such-and-such a town," concealing the truth and cheating? The proponents of analogy follow this course when they call analogy "a lesson" and "taking heed." We ask them: In what language did they find this? Allah the Exalted has declared them false in this through His words: {There was indeed in their stories a lesson for those who possess understanding. It was no fabricated account, but a confirmation of what preceded it, a detailed explanation of everything, and guidance and mercy for people who believe}. Would that I knew what analogy there is in the story of Yusuf, peace be upon him! Do you suppose that it has been made permissible for us to sell our brothers as his brothers sold him? Or do you suppose that someone whom his brothers

[49] **Translator's note (L2971):** "Dry measure" renders mudd, a specific unit of dry capacity; the example concerns exchanging one mudd of acorns for two mudds. "Taking heed" renders iʿtibār, "a lesson" renders ʿibrah, and "analogy" renders qiyās; the argument turns on distinguishing these terms.

[50] **Qur'an references (L2971):** Qur'an 59:2 (Al-Hashr); Qur'an 12:111 (Yusuf).

وهذا تمويه ضعيف، وحيلة واهية، وقد قال تعالى: {إن هي إلا أسمآء سميتموهآ أنتم وآبآؤكم مآ أنزل الله بها من سلطان إن يتبعون إلا لظن وما تهوى لأنفس ولقد جآءهم من ربهم لهدى * أم للإنسان ما تمنى} فأبطل الله تعالى كل تسمية قام بصحتها برهان، إما من لغة مسموعة من أهل اللسان وإما منصوصة في القرآن وكلام النبي صلى الله عليه وسلم وما عدا ذلك فباطل وهل هذه الطريقة التي سلكوا من التمويه والغش بقلع الأسماء عن مواضعها وتحريف الكلم عن مواضعه، إلا كمن سمى من النخاسين أواريهم بأسماء المدن، ثم يحلف بالله لقد جاءت هذه الدابة أمس من بلد كذا تدليسا وغشا؟ وأهل القياس جارون على هذه الطريقة في تسميتهم القياس عبرة واعتبارا. ونسألهم في أي لغة وجدوا ذلك؟ وقد أكذبهم الله تعالى في ذلك بقوله {لقد كان في قصصهم عبرة لأولي لألباب ما كان حديثا يفترى ولكن تصديق لذي بين يديه وتفصيل كل شيء وهدى ورحمة لقوم يؤمنون} فليت شعري أي قياس في قصة يوسف عليه السلام أترى أنه أبيح لنا بيع إخوتنا كما باعه إخوته؟ أو ترى أن من باعه إخوته يكون ملكا على مصر ويغلو الطعام في أيامه أو ترى إذ قال الله تعالى {هو لذي أخرج لذين كفروا من أهل لكتاب من ديارهم لأول لحشر ما ظننتم أن يخرجوا وظنوا أنهم مانعتهم حصونهم من لله فأتاهم لله من حيث لم يحتسبوا وقذف في قلوبهم لرعب يخربون بيوتهم بأيديهم وأيدي لمؤمنين فعتبروا يأولي لأبصار} أنه أمرنا قياسا على ذلك أن نخرب بيوتنا بأيديهم وأيدينا قياسا على ما أمرنا الله تعالى أن نعتبر به

sell will become king over Egypt and that food will become expensive in his days? Or do you suppose that, when Allah the Exalted said, {He is the One who expelled those who disbelieved among the People of the Book from their homes at the first gathering. You did not think they would leave, and they thought their fortresses would protect them against Allah. Then Allah came upon them from where they had not reckoned, and He cast terror into their hearts. They demolished their houses with their own hands and the hands of the believers. So take heed, you who possess insight}, He commanded us, by analogy with this, to demolish our houses with their hands and our hands, by analogy with what Allah the Exalted commanded us to take heed of: their demolition of their houses with their own hands and the hands of the believers? Have they not heard the words of Allah the Exalted: {And indeed, in livestock there is a lesson for you. We give you to drink, from what is in its bellies, from between dung and blood, pure milk, palatable to those who drink. And from the fruits of date palms and grapevines you take intoxicating drink and good provision. Indeed, in that is a sign for people who reason}? Can anyone with a modicum of reason say that "a lesson" here means analogy, and that the meaning of this verse, {And indeed, in livestock there is a lesson for you We give you to drink, from what is in its bellies, from between dung and blood, pure milk, palatable to those who drink}, is indeed analogy? Does not everyone with sound perception see that this verse invalidates analogy, since the Exalted related therein that He brings forth lawful milk from between unlawful dung and blood, and that from dates and grapes we take an unlawful, foul intoxicant and lawful provision, both coming from a single thing? Thus it becomes evident that the equality of things does not entail the equality of their legal rulings, and it is established that "a lesson" means only wonder. This is something women, children, and the ignorant know, until someone arose who obstinately denied sensory perception and claimed that taking heed means analogy, openly proclaiming falsehood. By Allah, we never imagined that a rational person would accept for himself such baseness, such lying about religion, and the immediate disgrace of this! We seek refuge in Allah. These people are like a group clinging to whatever it finds. Even if there were nothing to invalidate analogy except this verse, it would suffice, for its beginning is the words of the Exalted: {He is the One

من هدم بيوتهم بأيديهم وأيدي المؤمنين أما سمعوا قول الله تعالى {وإن لكم في لأنعام لعبرة نسقيكم مما في بطونه من بين فرث ودم لبنا خالصا سآئغا للشاربين * ومن ثمرات لنخيل ولأعناب تتخذون منه سكرا ورزقا حسنا إن في ذلك لآية لقوم يعقلون} أفيجوز لذي مسكة عقل أن يقول: إن العبرة ههنا القياس وإن معنى هذه الآية {وإن لكم في لأنعام لعبرة نسقيكم مما في بطونه من بين فرث ودم لبنا خالصا سآئغا للشاربين} لقياسا أما يرى كل ذي حس سليم أن هذه الآية مبطلة للقياس لما قص تعالى عليه أنه يخرج من بين فرث حرام ودم لبنا حلالا، وأننا نتخذ من تمر النخيل والأعناب مسكرا حراما خبيثا، ورزقا حلالا، وهما من شيء واحد، فظهر أن تساوي الأشياء لا يوجب تساوي حكمها، وصح أن معنى العبرة التعجب فقط، هذا أمر يدريه النساء والصبيان والجهال، حتى حدث من كابر الحس، وادعى أن الاعتبار القياس مجاهرة بالباطل، تالله ما قدرنا أن عاقلا يرضى لنفسه بهذه الخساسة، وبهذا الكذب في الدين، وبعاجل هذه الفضيحة نعوذ بالله. والقوم كالفريق يتعلق بما وجد، ولو لم يكن في إبطال القياس إلا هذه الآية لكفى لأن أولها قوله تعالى {هو لذي أخرج لذين كفروا من أهل لكتاب من ديارهم لأول لحشر ما ظننتم أن يخرجوا وظنوا أنهم مانعتهم حصونهم من لله فأتاهم لله من حيث لم يحتسبوا وقذف في قلوبهم لرعب يخربون بيوتهم بأيديهم وأيدي لمؤمنين فعتبروا يأولي لأبصار} فنص الله تعالى كما نسمع على أنه أخرج الذين كفروا من أهل الكتاب من ديارهم، وأن المؤمنين لم يظنوا قط ذلك، وأن الكفار لم يحتسبوا قط ذلك، فثبت يقينا بالنص في هذه الآية أن أحكام الله عز وجل جارية على خلاف ما يحتسب الناس كلهم، مؤمنهم وكافرهم، والقياس إنما هو يحتسبه القائسون، لا نص فيه ولا إجماع كظن المالكي أن علة الربا الإدخار في المأكولات في الجنس، وظن الحنفي أنها الوزن أو الكيل في الجنس، وظن الشافعي أنها الأكل في الجنس، وهذه كلها ظنون واحتسابات، فصح أن أحكام الله تعالى

who expelled those who disbelieved among the People of the Book from their homes at the first gathering. You did not think they would leave, and they thought their fortresses would protect them against Allah. Then Allah came upon them from where they had not reckoned, and He cast terror into their hearts. They demolished their houses with their own hands and the hands of the believers. So take heed, you who possess insight}. Thus Allah the Exalted expressly states, as we hear, that He expelled those who disbelieved among the People of the Book from their homes, that the believers had never thought this would happen, and that the unbelievers had never reckoned on it. It is therefore established with certainty by the explicit text in this verse that the rulings of Allah, mighty and majestic, proceed contrary to what all people, believers and unbelievers alike, reckon. Analogy is merely what those who reason by analogy reckon; there is neither an explicit text nor a consensus supporting it. Examples are the Maliki's conjecture that the effective cause of usury is storability in foodstuffs of the same kind, the Hanafi's conjecture that it is weight or measure within the same kind, and the Shafi'i's conjecture that it is edibility within the same kind. All these are conjectures and reckonings. It is thus established that the rulings of Allah the Exalted come contrary to what occurs to people's minds. This verse, then, is the clearest possible invalidation of analogy. Praise be to Allah, Lord of all worlds. Some of them have reinforced their argument from what we mentioned concerning His words, {the believers}, by what is related from Ibn Abbas concerning compensation for fingers: "Why did you not consider this in light of the teeth? Their compensation is equal, although their uses differ." Abu Muhammed said: This provides them with no proof, for Ibn Abbas intended only by his words, "Why did you not take heed?": "Why did you not ascertain this through the fingers and thereby gain clarity?" For an expression conveying something is that by which the thing becomes clear. That is: "Why did you not ascertain that differences in uses do not entail differences in compensation?" Or: "Why did you not reflect upon the fingers and marvel at them and see that differences in their uses do not entail differences in their compensation or differences in their legal rulings, just as the teeth are likewise?" This is an explicit, clear statement from Ibn Abbas invalidating analogy and the effective causes which, according to the proponents

تأتي بخلاف ما يقع في النفوس، فهذه الآية أبين شيء في إبطال القياس والحمد لله رب العالمين. وقد قوى بعضهم احتجاجهم بما ذكرنا في قوله {لمؤمنين} بما روي عن ابن عباس من قوله في دية الأصابع، ألا اعتبرتم ذلك بالأسنان، عقلها سواء وإن اختلفت منافعها. قال أبو محمد: وهذا لا حجة لهم فيه، لأن ابن عباس إنما أراد بقوله: هلا اعتبرتم أي هلا تبينتم ذلك بالأصابع فاستبنتم، لأن العبارة عن الشيء هو ما يتبين به الشيء، أي هلا تبينتم أن اختلاف المنافع لا يوجب اختلاف الدية، أو هلا فكرتم وعجبتم في الأصابع، ورأيتم أن اختلاف منافعها لا يوجب اختلاف دياتها ولا اختلاف أحكامها، كما أن الأسنان أيضا كذلك، وهذا نص جلي من ابن عباس على إبطال القياس، والعلل الموجبة عند القائلين بالقياس لاستواء الأحكام، لأنهم يقولون: إن الدية إنما هي عوض عن الأعضاء المصابة، فيقيسون فقد السمع على فقد البصر في الدية، لأن المنفعة بذلك متساوية فأبطل ابن عباس ذلك ورد إلى نص، ولم يجد الأصابع أصلا للأسنان يقاس عليه، ولا جعل الأسنان أصلا للأصابع يقاس عليه، بل سوى بين كل ذلك تسوية واحدة، وهذا هو ضد القياس، لأن القياس عند القائلين به إنما هو رد الفرع إلى الأصل، وليس ههنا أصل وفرع، بل النص ورد أن الأصابع سواء وأن الأسنان سواء ورودا مستويا فبطل تمويههم الذي راموا به تصحيح أن القياس يسمى عبرة. ولقد ناظرني كبيرهم في مجلس حافل بهذا الخبر فقلت له: إن القياس عند جميع القائلين به، وأنت منهم، إنما هو رد ما اختلف فيه إلى ما أجمع عليه أو رد ما لا نص فيه إلى ما فيه نص، وليس في الأصابع ولا في الأسنان إجماع، بل الخلاف موجود في كليهما، وقد جاء عن عمر المفاضلة بين دية الأصابع وبين دية الأضراس، وجاء عنه وعن غيره التسوية بين كل ذلك، فبطل ههنا رد المختلف فيه إلى المجمع عليه والنص في الأصابع والأسنان سواء، ثم من المحال الممتنع أن يكون عند ابن عباس نص ثابت عن النبي صلى الله عليه وسلم في التسوية

of analogy, necessitate equality of rulings. For they say that compensation is merely recompense for the injured bodily members, and so they draw an analogy between loss of hearing and loss of sight concerning compensation, because the benefit derived from them is equal. Ibn Abbas invalidated that and referred back to an explicit text. He did not find the fingers to be an original case for the teeth to be analogized to, nor did he make the teeth an original case for the fingers to be analogized to. Rather, he treated all of them equally, with one and the same equal treatment. This is the opposite of analogy, for analogy, according to its proponents, consists only in referring the derivative case to the original case. Here, however, there is no original case and derivative case; rather, the explicit text states equally that fingers are equal and that teeth are equal. Thus their obfuscation, by which they sought to establish that analogy is called "a lesson," is invalidated. Their leading figure once debated this report with me before a large gathering. I said to him: "Analogy, according to all its proponents, yourself included, consists only in referring something disputed to something agreed upon by consensus, or referring something for which there is no explicit text to something for which there is an explicit text. There is no consensus concerning either fingers or teeth; rather, disagreement exists concerning both. Reports from Umar distinguish between compensation for fingers and compensation for molars, while reports from him and others prescribe equal compensation for all of them. Thus referring a disputed matter to one agreed upon by consensus is inapplicable here, and the explicit text concerning fingers and teeth is the same. Furthermore, it is utterly impossible that Ibn Abbas should possess an explicit text reliably established from the Prophet, may Allah bless him and grant him peace ﷺ, prescribing equality between fingers and molars, and then issue his ruling to that effect by analogy." He said to me: "Where is the explicit text on that transmitted from Ibn Abbas?" So I mentioned to him the report which Abd Allah ibn Rabiʿ al-Tamimi related to us: Umar ibn Abd al-Malik al-Khawlani related to us: Muhammed ibn Bakr related to us: Sulayman ibn al-Ashʿath al-Sijistani related to us: Abbas ibn Abd al-Azim al-Anbari related to us: Abd al-Samad ibn Abd al-Warith related to us: Shuʿbah ibn al-Hajjaj related to us: Qatadah narrated to us, from ʿIkrimah, from Ibn ʿAbbas, who said: The Messenger of Allah ﷺ said: "The fingers are equal;

بين الأصابع وبين الأضراس ثم يفتي هو بذلك قياسا. فقال لي: وأين النص بذلك عن ابن عباس؟ فذكرت له الخبر الذي حدثناه عبد الله بن ربيع التميمي: ثنا عمر بن عبد الملك الخولاني، ثنا محمد بن بكر، ثنا سليمان بن الأشعث السجستاني، ثنا عباس بن عبد العظيم العنبري، ثنا عبد الصمد بن عبد الوارث، ثنا شعبة بن الحجاج، ثنا قتادة عن عكرمة عن ابن عباس قال قال رسول الله صلى الله عليه وسلم الأصابع سواء الأسنان سواء الثنية والضرس سواء، هذه وهذه سواء يعني الإبهام والخنصر. فانقطع وسكت. وزاد بعضهم جنونا فاحتج في إثبات القياس بقول الله تعالى {وقال الملك إني أرى سبع بقرات سمان يأكلهن سبع عجاف وسبع سنبلات خضر وأخر يابسات يأيها الملأ أفتوني في رؤياي إن كنتم للرؤيا تعبرون}

the teeth are equal; the incisor and the molar are equal; this and this are equal”—meaning the thumb and the little finger. He was then confounded and fell silent. Some of them went still further in madness, arguing for the establishment of analogy from the words of Allah Most High: “And the king said: ‘I see seven fat cows being eaten by seven lean ones, and seven green ears of grain and others that are dry. O assembly, give me your judgment concerning my dream, if you can interpret dreams.’”[51][52][53][54][55][56][57][58]

L2981–2982 Abu Muhammed said: This is madness indeed, for “expression” (ʿibārah) in the language means only making something clear. You say, “This speech is an expression of such-and-such,” and “I expressed myself on behalf of so-

قال أبو محمد: وهذا من الجنون ما هو: لأن العبارة إنما هي في اللغة البيان عن الشيء تقول: هذا الكلام عبارة عن كذا، وعبرت عن فلان إذا بينت عنه ولا مدخل للحكم في شيء من ذلك لشيء لم يذكر اسمه في الشريعة بالحكم في شيء ذكر فيها اسمه، فعارضوا بأن قالوا: العبور هو الجواز والتجاوز من شيء إلى شيء، تقول: عبرت النهر. قالوا: والقياس تجاوز شيء منصوص إلى شيء لا نص فيه. قال أبو محمد: هذا من المكابرة القبيحة، لأن هذا من الأسماء المشتركة التي هي مثل ضرب من ضراب الجمل وهو سفادة الناقة وضرب بمعنى الإيلام بإيقاع جسم على جسم المضروب بشدة والضرب العمل. وهكذا عبرت الرؤيا فسرتها، وعبرت النهر أي تجاوزته، فهذان معنيان مختلفان، ليس أحدهما من الآخر في ورد ولا صدر، ومصدر عبرت النهر إنما هو العبور ومصدر عبرت الرؤيا إنما هو العبارة ومصدر اعتبرت في الشيء إذا فكرت فيه الاعتبار والعبرة الاسم والعبرة والاستعبار التأهب للبكاء والأخذ فيه، والعبرى نبات يكون على شطوط الأنهار، والعبرانية لغة بني إسرائيل، والعبير ضرب من الطيب. فإذا قلنا: إن معنى عبرت النهر إنما هو تجاوزته، ومعنى عبرت الرؤيا إنما هو فسرتها، فقد وضح أن هذا غير هذان ولو أن المعبر للرؤيا تجاوزها لما كان مبينا لها، بل يكون تاركا لها آخذا في غيرها، كما فعل عابر النهر إذا تجاوزه إلى البر، والاعتبار أيضا معنى ثالث غير هذين بلا شك، فخلط هؤلاء القوم وأتوا بالسفسطة المجردة، وهو أن يأتي بألفاظ مشتركة تقع على معاني شتى، فيخلط بها على الناس ليوهم أهل العقل أشياء تخرجهم عن نور الحق إلى ظلمة الباطل، وقد حذر الأوائل من هذا الباب جدا،

[51] **Translator’s note (L2972):** The supplied text says that Allah invalidated every designation whose correctness is established by a demonstration. This contradicts the ensuing qualification and apparently lacks an exception such as “except”; the translation preserves the supplied reading. “Tethering stalls” renders awārī, places or fixtures where animals are tethered.

[52] **Translator’s note (L2973):** The second Quranic quotation continues into the next unit. “Its bellies” preserves the singular possessive in the supplied Arabic referring to livestock.

[53] **Translator’s note (L2974):** The isolated la-qiyāsan (“indeed analogy”) follows an awkward construction interrupted by the quotation; the translation retains its apparent intended connection to the preceding unit without altering the Arabic.

[54] **Translator’s note (L2975):** The supplied ka-l-farīq means “like a group,” an awkward reading in this image of clinging to whatever is found. It may be a corruption of ka-l-gharīq, “like a drowning person”; the translation preserves the supplied reading. The phrase qaṣṣa taʿālā ʿalayhi is awkward here; “the Exalted related therein” follows the contextual reference to the verse.

[55] **Translator’s note (L2976):** The supplied reference quotes {the believers}, although the argument has concerned “So take heed”; this apparent erroneous quotation or reference is preserved. “Effective cause” renders ʿillah, the legally operative attribute proposed as the basis for extending a ruling by analogy.

[56] **Translator’s note (L2977):** The supplied text says “through the fingers,” although the report in the preceding unit says “in light of the teeth”; this discrepancy is preserved. The explanation also plays on related Arabic words: iʿtibār (“taking heed”) and ʿibārah (“expression”).

[57] **Translator’s note (L2978):** “He did not find” preserves the supplied yajid. “He did not make” would be more parallel to the following clause, but would require a different Arabic reading.

[58] **Qur’an references (L2972):** Qur’an 53:23 (An-Najm); Qur’an 12:111 (Yusuf); Qur’an 59:2 (Al-Hashr); Qur’an 16:66 (An-Nahl); Qur’an 16:67 (An-Nahl); Qur’an 12:43 (Yusuf).

and-so" when you make something clear on his behalf. None of this provides any basis for assigning a ruling to something not named in the revealed Law by means of a ruling concerning something named in it. They countered by saying: "Crossing (ʿubūr) means passing and moving across from one thing to another. You say, 'I crossed the river.'" They said: "Analogy is moving across from something covered by a text to something for which there is no text." Abu Muhammed said: This is a repugnant act of obstinate denial, for these are equivocal words, like ḍarb as derived from a camel's mating, meaning its covering a she-camel, and ḍarb meaning the infliction of pain by bringing one body forcefully against the body of the person struck; ḍarb also means work. Likewise, "I interpreted the dream" (ʿabartu al-ruʾyā) means "I explained it," whereas "I crossed the river" (ʿabartu al-nahr) means "I passed across it." These are two different meanings that have nothing whatsoever to do with one another. The verbal noun of "I crossed the river" is ʿubūr, whereas the verbal noun of "I interpreted the dream" is ʿibārah. The verbal noun of "I reflected upon something" (iʿtabartu), when you have thought about it, is "reflection" (iʿtibār), and the corresponding noun is "lesson" (ʿibrah). "Tearfulness" (ʿabrah) and "seeking to weep" (istiʿbār) mean preparing to cry and beginning to do so. ʿAbrā is a plant that grows along riverbanks; Hebrew (ʿibrāniyyah) is the language of the Children of Israel; and ʿabīr is a kind of perfume. Thus, when we say that "I crossed the river" means only "I passed across it," and that "I interpreted the dream" means only "I explained it," it becomes clear that this is other than these two. If the interpreter of a dream passed beyond it, he would not be making it clear; rather, he would be leaving it and taking up something else, just as someone crossing a river does when he passes across it onto dry land. Reflection, too, is unquestionably a third meaning, different from these two. These people have thus confused matters and brought forward pure sophistry: employing equivocal expressions that apply to various meanings, and thereby confusing people so as to suggest to rational people notions that lead them out of the light of truth into the darkness of falsehood. The ancients warned most strongly against this practice and stated that it is among the most powerful causes of defects entering the understanding and of the corruption of realities. We ourselves have drawn attention to it in many places in this book and in our

وأخبروا أنه أقوى الأسباب في دخول الآفات على الأفهام، وفي إفساد الحقائق، وقد نبهنا نحن عليه في مواضع كثيرة من كتابنا هذا، ومن سائر كتبنا، وقد بينا ذلك في كتاب التقريب، ولم نبق فيه غاية، وبالله تعالى التوفيق.

other books. We have explained it in The Book of Approximation, leaving nothing further to be pursued concerning it. Success comes through Allah Most High.[59]

L2983–2984 Then, even after all this, they were not content with this kind of falsehood, but added to it a further excess of great magnitude: they audaciously and deceptively called analogy a "lesson" (ʿibrah). Naming, in the language and in all the speech used among us, admits only two possibilities, with no third:

L2985–2986 The first is a name heard from the Arabs. Yet the Arabs knew nothing of analogy in legal rulings during their pre-Islamic ignorance, because they had no scriptural revealed Law before Muhammed ﷺ. It is therefore untenable that analogy should have had a name among them. The second category is a name belonging to the revealed Law, which Allah Most High and His Messenger ﷺ applied to certain provisions of that Law, such as prayer, obligatory almsgiving, faith, unbelief, hypocrisy, and similar things. Exalted are Allah and His Messenger above reasoning by analogy. It is therefore untenable that Allah Most High and His Messenger ﷺ should have called analogy a "lesson." These two categories of names are binding upon everyone who speaks this language and upon every Muslim. As for names upon which groups of people agree in order to communicate their intended meanings, that is permissible for them by consensus. They are not, however, entitled to use this to confuse people. They incur the gravest sin and culpability if they give something over which others disagree with them a name that applies to an actual meaning, in order to oblige their opponents to accept the very thing over which they disagree with them, deceiving the weak and committing aggression. This is like someone calling wine honey in order thereby to deem it lawful, because honey is lawful. It is therefore invalid to call analogy a "lesson" or "reflection." We know that the proponents of analogy who introduced this innovation are themselves the ones who intro-

[59] **Translator's note (L2982):** The unvocalized word العبرة occurs in two different senses here: ʿibrah, a lesson, and ʿabrah, tearfulness or a tear. The discussion depends throughout on distinctions among words sharing the consonants ʿ-b-r. The wording "this is other than these two" follows the awkward source reading هذا غير هذان. Its reference is unclear; the subsequent sentence explicitly distinguishes reflection as a third meaning.

ثم مع ذلك لم يقنعوا بهذا الباب من الباطل، حتى زادوا عليه زيادة كثيرة، وهو أنهم سموا القياس عبرة جرأة وتمويها، والتسمية في اللغة والكلام المستعمل بيننا كله لا تخلو من وجهين لا ثالث لهما:

أحدهما: اسم سمع من العرب، والعرب لا تعرف القياس في الأحكام في جاهليتها لأنهم لم يكن لهم شريعة كتابية قبل محمد صلى الله عليه وسلم فبطل أن يكون للقياس عندهم اسم والقسم الثاني اسم شرعي أوقعه الله تعالى ورسوله صلى الله عليه وسلم على بعض أحكام الشريعة كالصلاة والزكاة والإيمان والكفر والنفاق، وما أشبه ذلك، وتعالى الله ورسوله عن أن يقيسا فبطل أن يكون الله تعالى ورسوله صلى الله عليه وسلم سميا القياس عبرة فهذان القسمان من الأسماء لازمان لكل متكلم بهذه اللغة، ولكل مسلم، وأما الأسماء التي يتفق عليها أقوام من الناس التفاهم في مرادهم، فلذلك لهم مباح بإجماع، إلا أنهم ليس لهم أن يلبسوا بذلك على الناس. وهم في أعظم إثم وحرج إن سموا ما يخالفهم فيه غيرهم باسم واقع على معنى حقيقي ليلزموا خصومهم قبول ما خالفهم فيه، تمويها على الضعفاء، وعدوانا كمن سمى الخمر عسلا يستحلها بذلك، لأن العسل حلال، فبطل أن يسمي القياس عبرة أو اعتبارا، وعلمنا أن أصحاب القياس الذي أحدثوا هذه البدعة هم الذين أحدثوا له هذا الاسم كما أنذر النبي صلى الله عليه وسلم بقوم يأتون في آخر الزمان يسمون الخمر بغير اسمها ليستحلوها بذلك، فقد فعل أصحاب القياس ذلك بعينه، وسموا الباطل عبرة واعتبارا لهم ليصبح لهم باطلا بذلك لأن العبرة حق {يريدون أن يطفئوا نور الله بأفواههم ويأبى الله إلا أن يتم نوره ولو كره لكافرون} وبالله تعالى التوفيق واحتجوا بآبدة أنست ما قبلها، وهو أن بعضهم استدل

duced this name for it, just as the Prophet ﷺ warned of people who would come at the end of time and call wine by a name other than its own in order thereby to deem it lawful. The proponents of analogy have done precisely that: they have called falsehood a "lesson" and "reflection" for themselves, so that it might thereby become falsehood for them, because taking a lesson is true. "They wish to extinguish the light of Allah with their mouths, but Allah refuses anything except to perfect His light, even though the unbelievers detest it." Success comes through Allah Most High. They also advanced a monstrosity that made what preceded it be forgotten: some of them argued for the validity of analogy from the words of Allah Most High describing what happened to Adam, peace be upon him, when his nakedness was exposed upon eating from the tree. He, Most High, said: "Thus he brought them both down through deception. Then, when they tasted the tree, their private parts became apparent to them, and they began fastening leaves of the Garden together over themselves. Their Lord called to them: 'Did I not forbid you both that tree and tell you both that Satan is a manifest enemy to you both?'"[6061]

على صحة القياس بقول الله تعالى واصفا لأمر آدم عليه السلام، إذ تكشفت عورته عند أكل الشجرة فقال تعالى {فدلاهما بغرور فلما ذاقا لشجرة بدت لهما سوءاتهما وطفقا يخصفان عليهما من ورق لجنة وناداهما ربهما ألم أنهكما عن تلكما لشجرة وأقل لكما إن لشيطان لكما عدو مبين}

L2987 Abu Muhammed said: We stipulated only that we would discuss what is intelligible. As for delirious rambling, we have nothing to do with it. We do not know what aspect of analogy there is in Adam's covering his nakedness with leaves of the Garden. I wonder: if their opponent were to answer this delirious rambling of theirs by saying, "This is an argument for invalidating analogy," how would they extricate themselves from his argument? Would there be any difference between him and them? They also argued from the words of Allah Most High, reporting Abraham, peace be upon him, when he said: "Indeed, Allah is not ashamed to propound a parable of a mosquito or anything above it. As for those who have faith, they know that it is the truth from their Lord. As for those who disbelieve, they say: 'What did Allah

قال أبو محمد إنما شرطنا أن نتكلم فيما يعقل، وأما الهذيان فلسنا منه في شيء ولا ندري وجه القياس في تغطية آدم عورته بورق الجنة، وليت شعري لو قال لهم خصمهم، مجاوبا لهم بهذا الهذيان: إن هذه حجة في إبطال القياس بماذا كانوا ينفكون منه؟ وهل كان يكون بينه وبينهم فرق. واحتجوا أيضا بقول الله تعالى حاكيا عن إبراهيم عليه السلام إذ قال {إن الله لا يستحي أن يضرب مثلا ما بعوضة فما فوقها فأما لذين آمنوا فيعلمون أنه لحق من ربهم وأما لذين كفروا فيقولون ماذآ أراد لله بهذا مثلا يضل به كثيرا ويهدي به كثيرا وما يضل به إلا لفاسقين}

[60] **Translator's note (L2985):** The clause ليصبح لهم باطلا بذلك literally yields the incongruous sense "so that it might thereby become falsehood for them." The wording appears corrupt, since the surrounding argument concerns making falsehood appear valid. The translation retains the supplied reading.

[61] **Qur'an references (L2985):** Qur'an 9:32 (At-Tawbah); Qur'an 7:22 (Al-A'raf); Qur'an 20:121 (Taha).

intend by this as a parable?' He leads many astray through it and guides many through it, and He leads none astray through it except the defiantly disobedient."[62][63]

L2988–2997

Abu Muhammed said: This is like the preceding argument. No one can discern any analogy in Allah's—Mighty and Majestic—bringing the birds to life, nor that it entails the prohibition of exchanging rice for rice in unequal quantities. Arguing from something like this is a matter in which a Muslim ought to fear Allah, Mighty and Majestic. There is no difference between this and someone arguing for the establishment of analogy, or for its invalidation, from the words of Allah Most High: "Say: I seek refuge in the Lord of humankind." Yet someone who cares nothing about what he says finds disgraceful acts easy, and disgrace is no disgrace in the eyes of someone who follows him uncritically. They also argued from the words of Allah Most High: "The likeness of what they spend in this worldly life is that of a wind containing bitter cold, which strikes the crop of a people who have wronged themselves and destroys it. Allah has not wronged them; rather, they wrong themselves," and from His words, Most High: "As though they were rubies and coral." Abu Muhammed said: This is of the same sort as the bewildering marvels we have just related. While we were discussing the prohibition of something whose prohibition is mentioned neither in the Quran nor in the Sunnah nor in consensus, on account of its resemblance to something else prohibited in a text, we suddenly found ourselves discussing the comparison of the wide-eyed maidens of Paradise to rubies and coral. Every rational person knows that rubies and coral are sold, crushed, stolen, and taken out of the salt sea, and that they neither reason nor are living creatures. Do you suppose that all these things are done to the wide-eyed maidens of Paradise? Exalted is Allah above that! Every Muslim knows that the wide-eyed maidens of Paradise are rational, living, speaking beings who are sexually penetrated,

قال أبو محمد وهذه كالتي قبلها، وما يعقل أحد من إحياء الله عز وجل الطير قياسا، ولا أنه يوجب أن يكون الأرز بالأرز متفاضلا حراما، وأن الاحتجاج بمثل هذا مما ينبغي المسلم أن يخاف الله عز وجل فيه، وما بين هذا وبين من احتج في إثبات القياس وفي إبطاله بقول الله تعالى {قل أعوذ برب لناس} فرق ولكن من لم يبال بما تكلم سهلت عليه الفضائح، وليس العار عارا عند من يقلده، واحتجوا بقول الله تعالى {مثل ما ينفقون في هذه لحياة لدنيا كمثل ريح فيها صر أصابت حرث قوم ظلموا أنفسهم فأهلكته وما ظلمهم لله ولكن أنفسهم يظلمون} وبقوله تعالى {كأنهن لياقوت ولمرجان} قال أبو محمد وهذا من نحو ما أوردناه آنفا من العجائب المدهشة، بينما نحن في تحريم شيء لم يذكر تحريمه في القرآن والسنة ولا في الإجماع، من أجل شبهه لشيء آخر حرم في النص، حتى خرجنا إلى تشبيه الحور العين بالياقوت والمرجان، فكل ذي عقل يدري أن الياقوت والمرجان يباع ويدق ويسرق، ويخرج من البحر الملح، وأنه لا يعقل ولا هو حيوان، أفترى الحور العين يفعل بهن هذا كله؟ تعالى الله عن ذلك، وقد علم كل مسلم أن الحور العين عاقلات أحياء ناطقات، يوطأن ويأكلن ويشربن، فهل الياقوت والمرجان كذلك؟ وإنما شبه الله تعالى الحور العين بالياقوت والمرجان في الصفاء فقط، ونحن لا ننكر تشابه الأشياء وإنما ننكر أن نحكم المتشابهات بحكم واحد في الشريعة بغير نص ولا إجماع، فهذا هو الزور والإفك والضلال، وأما تشابه الأشياء فحق يقين. وكذلك شبه الله تعالى بطلان أعمال الكفار ببطلان الزرع بالريح التي فيها الصر فأي مدخل للقياس ههنا؟ أترى من بطل زرعه خالدا في جهنم كما يفعل بالكافر؟ أو ترى الكافر إذا حبط عمله ذهب زرعه في فدانه، كما يذهب

[62] **Translator's note (L2987):** The introduction attributes the following words to Abraham, but the supplied quotation is Quran 2:26, concerning the parable of a mosquito. The following unit instead discusses Allah's bringing birds to life, suggesting an intended reference to the account of Abraham in Quran 2:260. The supplied quotation and attribution have both been retained.

[63] **Qur'an references (L2987):** Qur'an 2:26 (Al-Baqarah).

eat, and drink. Are rubies and coral like that? Allah Most High compared the wide-eyed maidens of Paradise to rubies and coral only in clarity. We do not deny that things resemble one another. We deny only that we should assign things resembling one another a single ruling in the revealed Law without a text or consensus. That is falsehood, fabrication, and error. As for things resembling one another, that is a certain truth. Likewise, Allah Most High compared the nullification of the unbelievers' deeds to the destruction of crops by a wind containing bitter cold. What place is there for analogy here? Do you suppose that someone whose crop has been destroyed remains eternally in Hell, as happens to the unbeliever? Or do you suppose that, when the unbeliever's deeds come to nothing, his crop disappears from his field just as the crop disappears of someone whose crop has been struck by a wind containing bitter cold? No one with any sense says this. The truth, rather, is that these two verses decisively invalidate analogy, because Allah Most High likened the wide-eyed maidens of Paradise to rubies and coral, and likened the deeds of the unbelievers to a crop struck by a wind containing bitter cold. Likening the maidens to rubies and coral did not require that rubies and coral be governed by the rulings applicable to the wide-eyed maidens, nor that the wide-eyed maidens be governed by the rulings applicable to rubies and coral. Nor did the resemblance of the unbelievers' deeds to a ruined crop require that the crop be governed by the rulings applicable to the unbelievers' deeds, such as cursing, disavowal, and threatened punishment, nor that the unbelievers' deeds be governed by the rulings applicable to crops, such as benefiting from their straw as fodder for beasts, and other things. Thus it is established that things' resemblance does not require their equality in religious rulings. Nothing resembles anything else more closely than two things that Allah, mighty and majestic, has likened to one another. If, then, the resemblance of which Allah Most High has informed us does not require one ruling for those two resembling things concerning matters on which no explicit text has been given, you necessarily know that resemblance does not require one ruling for those two resembling things concerning matters on which no explicit text has been given; you necessarily know, therefore, that the false, fabricated resemblance asserted in the claims of the proponents of analogy is still further from requiring one ruling for the things they have

زرع من أصاب زرعه ريح فيها صر؟ هذا ما لا يقوله أحد ممن له طباخ. وأما الحقيقة فإن هاتين الآيتين تبطلان القياس إبطالا صحيحا، لأن الله تعالى مثل الحور العين بالياقوت والمرجان، ومثل أعمال الكفار بزرع أصابته ريح فيها صر. ولم يكن تشبيه الحور بالياقوت والمرجان يوجب للياقوت والمرجان الحكم أحكام الحور العين، ولا للحور العين الحكم بأحكام الياقوت والمرجان، ولا كان شبه عمل الكفار بالزرع الذاهب يوجب للزرع الحكم بأحكام أعمال الكفار، من اللعين والبراءة والوعيد، ولا لأعمال الكفار بأحكام الزرع من الانتفاع بتبنه في علف الدواب وغير ذلك. فصح أن تشابه الأشياء لا يوجب لها التساوي في أحكام الديانة، ولا شيء أقوى شبها من شيئين شبه الله عز وجل بعضها ببعض، فإذا كان الشبه الذي أخبرنا الله تعالى به لا يوجب لذينك المتشابهين حكما واحدا فيما لم ينص فيه، فبالضرورة تعلم أن الشبه لا يوجب لذينك المتشابهين حكما واحدا فيما لم ينص فيه، فبالضرورة تعلم أن الشبه المكذوب المفترى من دعاوى أصحاب القياس أبعد عن أن يوجب لما شبهوا بينهما حكما واحدا، وبالله تعالى التوفيق. واحتجوا بقول الله تعالى {وضرب لنا مثلا ونسي خلقه قال من يحيي لعظام وهي رميم * قل يحييها لذي أنشأها أول مرة وهو بكل خلق عليم * لذي جعل لكم من لشجر لأخضر نارا فإذآ أنتم منه توقدون * أوليس لذي خلق لسماوات ولأرض بقادر على أن يخلق مثلهم بلى وهو لخلاق لعليم} قال أبو محمد وهذا من عجائبهم وطوامهم، ليت شعري ما في هذه مما يوجب القياس أو أن يحكم في ألا يكون الصدق أقل مما يقطع فيه اليد، وأن يرجم اللوطي كما يرجم الزاني المحصن؟ ولكاد احتجاجهم بهذه الآية أن يخرجهم إلى الكفر، لأنه تعالى لم يوجب أنه يعيد العظام من أجل أنه أنشأها أول مرة، ولا أخبر تعالى أن إنشاءه لها أول مرة يوجب أن يعيدها، ومن ظن هذا فقد افترى. ومع ذلك فلو كان إنشاء الله تعالى للعظام، أو لا يوجب أن يحييها ثانية، لوجب ضرورة إذا أفناها أيضا بعد أن أنشأها أولا أن

likened to one another. Success comes through Allah Most High. They argued from the words of Allah Most High: "And he presents a comparison to Us and forgets his own creation. He says, 'Who will give life to the bones when they are decayed?' Say: 'He who brought them into being the first time will give them life, and He knows every creation: He who made fire for you from the green tree, so that you kindle from it.' Is He who created the heavens and the earth not able to create their like? Yes indeed, and He is the All-Creating, the All-Knowing." Abu Muhammed said: This is among their astonishing absurdities and enormities. Would that I knew what there is in these words that requires analogy, or a ruling that the bridal dower must not be less than the amount for which a hand is cut off, and that a man who commits sodomy is to be stoned as an adulterer possessing the legal status of marital chastity is stoned! Their adducing this verse almost leads them into unbelief, for He Most High did not establish that He restores the bones because He brought them into being the first time, nor did He state that His bringing them into being the first time requires Him to restore them. Whoever supposes this has fabricated a falsehood. Moreover, if Allah Most High's bringing the bones into being initially required Him to give them life a second time, then, since He also annihilated them after bringing them into being initially, it would necessarily follow that He must annihilate them a second time after bringing them into being a second time. This they do not maintain, nor does any Muslim maintain it except Jahm ibn Safwan alone. If that were so, it would also follow that He must return them to this world a second time just as He originated them and brought them into being in it for the first time. This is outright unbelief, maintained only by the proponents of transmigration. May Allah render odious every argument whose proponent flees from being refuted and submitting to the truth into something that leads to unbelief! Their deceptive use of this verse is therefore invalidated, and it is established that its meaning is solely what its apparent wording entails: that He who can create things initially can give life to the dead. Allah Most High has explicitly explained this when He says: "Among His signs is that you see the earth lying humbled; then, when We send water down upon it, it stirs and swells. Surely He who gave it life will indeed give life to the dead. He has power over all things." Thus He, mighty and majestic, made

يفنيها ثانية بعد أن أنشأها ثانية، وهذا ما لا يقولونه، ولا يقول به أحد من المسلمين إلا جهم بن صفوان وحده. ولو كان ذلك أيضا لوجب أن يعيدهم إلى الدنيا ثانية كما ابتدأهم ونشأهم فيها أول مرة، وهذا كفر مجرد، لا يقول به إلا أصحاب التناسخ، فقبح الله كل احتجاج يفر صاحبه من الانقطاع والإذعان للحق إلى ما يؤدي إلى الكفر، فبطل تمويههم بهذه الآية، وصح أن معناها هو اقتضاء ظاهرها فقط، وهو أن القادر على خلق الأشياء ابتداء قادر على إحياء الموتى. وقد بين الله تعالى نصا إذ يقول {ومن آياته أنك ترى لأرض خاشعة فإذآ أنزلنا عليها لمآء هتزت وربت إن لذي أحياها لمحى لموتى إنه على كل شيء قدير} فبين عز وجل أنه إنما بين ذلك قدرته على كل شيء. وإنما عارض الله تعالى بهذا قوما شاهدوا إنشاء الله تعالى للعظام من مني الرجل والمرأة أقروا بذلك وأنكروا قدرته تعالى على إنشائها ثانية وإحيائها، فأراهم الله تعالى فساد تقسيمهم لقدرته كما قال في أخرى {أولم يروا أن لله لذي خلق لسماوات ولأرض ولم يعي بخلقهن بقادر على أن يحيي لموتى بلى إنه على كل شيء قدير} فهذه كلك وليس في شيء منها أن نحكم لما لا نص فيه بالحكم بما فيه نص من تحريم أو إيجاب أو إباحة أصلا وأن هذا كله باب واحد، ليس بعضه مقيسا على بعض، ولا أصلا والآخر فرعا، وإقدام أصحاب القياس وجرأتهم متناسبة في مذاهبهم وفيما يؤيدونها، نعوذ بالله من الخذلان واحتجوا أيضا بقول الله تعالى {وهو لذي يرسل لرياح بشرى بين يدي رحمته حتى إذآ أقلت سحابا ثقالا سقناه لبلد ميت فأنزلنا به لمآء فأخرجنا به من كل لثمرات كذلك نخرج لموتى لعلكم تذكرون} وبقوله تعالى {يأيها لناس إن كنتم في ريب من لبعث فإنا خلقناكم من تراب ثم من نطفة ثم من علقة ثم من مضغة مخلقة وغير مخلقة لنبين لكم ونقر في لأرحام ما نشآء إلى أجل مسمى ثم نخرجكم طفلا ثم لتبلغوا أشدكم ومنكم من يتوفى ومنكم من يرد إلى أرذل لعمر لكيلا يعلم من بعد علم شيئا وترى لأرض هامدة فإذآ أنزلنا عليها لمآء هتزت وربت وأنبتت

clear that through this He was only explaining His power over all things. With this, Allah Most High was merely answering people who had witnessed Allah Most High's bringing bones into being from the seminal fluid of man and woman, acknowledged this, and denied His power, Most High, to bring them into being a second time and give them life so Allah Most High showed them the invalidity of their partitioning of His power, as He said in another verse: "Have they not seen that Allah, who created the heavens and the earth and was not wearied by creating them, is able to give life to the dead? Yes indeed; He has power over all things." This verse is like that one. None of them contains any basis whatsoever for applying to something concerning which there is no explicit text the ruling applicable to something concerning which there is an explicit text, whether prohibition, obligation, or permission. All of this belongs to one category: no part of it is inferred by analogy from another, nor is one part an original case and the other a derivative case. The audacity and temerity of the proponents of analogy are consistent in their doctrines and in what they use to support them. We seek refuge in Allah from abandonment. They also argued from the words of Allah Most High: "It is He who sends the winds as glad tidings ahead of His mercy, until, when they bear heavy clouds, We drive them to a dead land and send water down with them, then bring forth with it fruits of every kind. Thus do We bring forth the dead, so that you may take heed"; and from His words, Most High: "O people, if you are in doubt about the resurrection, then We created you from dust, then from a drop of seminal fluid, then from a clinging clot, then from a morsel of flesh, formed and unformed, so that We may make clear to you. We cause whatever We will to remain in the wombs until an appointed term; then We bring you forth as infants, then so that you may attain your full strength. Some of you are taken in death, and some of you are returned to the most abject stage of life, so that after having knowledge they know nothing. You see the earth lifeless; then, when We send water down upon it, it stirs and swells and brings forth every delightful kind"; and from His words, Most High: "And Allah is He who sent the winds, which stir up clouds; then We drove them to a dead land and with them gave life to the earth after its death. Thus is the resurrection"; and from His words, Most High: "And We sent down blessed water from the sky, and with it caused

من كل زوج بهيج} ولقوله تعالى {ولله لذي أرسل لرياح فتثير سحابا فسقناه إلى بلد ميت فأحيينا به لأرض بعد موتها كذلك لنشور} وبقوله تعالى {ونزلنا من لسمآء مآء مباركا فأنبتنا به جنات وحب لحصيد} إلى قوله {ونزلنا من لسمآء مآء مباركا فأنبتنا به جنات وحب لحصيد} وبقوله تعالى {أو خلقا مما يكبر في صدوركم فسيقولون من يعيدنا قل لذي فطركم أول مرة فسينغضون إليك رؤوسهم ويقولون متى هو قل عسى أن يكون قريبا}

gardens and grain for harvest to grow," up to His words: "And We sent down blessed water from the sky, and with it caused gardens and grain for harvest to grow"; and from His words, Most High: "Or a created thing that seems great in your breasts. Then they will say: 'Who will restore us?' Say: 'He

who originated you the first time.' Then they will shake their heads at you and say: 'When will it be?' Say: 'Perhaps it will be soon.'"[6465666768697071]

L2998–2999 Abu Muhammed said: All of this is of the same kind as what we mentioned just now. Anyone who adduces these verses to establish analogy in legal

قال أبو محمد: وهذا كله من جنس ما ذكرناه آنفا والمحتج بهذه الآيات في إثبات القياس في الأحكام، إما جاهل أعمى لا يدري ما القياس، وإما مموه لا يبالي ما قال: ولا ما أطلق به لسانه في استدامة حاله، ولو كان هذا قياسا لوجب أن يحيي الله الموتى كل سنة في أول الربيع، ثم يموتون في أول الشتاء، كما تفعل الثمار وجميع النبات، وهذا مما لا يقوله إلا ممرو، وإنما أخبر تعالى في كل هذه الآيات بأنه يحيي الموتى ويقدر على كل ذلك، لا على أن بعض ذلك مقيس على بعض البتة. وذكروا أيضا في ذلك قول الله تعالى {ويقول لإنسان أإذا ما مت لسوف أخرج حيا * أولا يذكر الإنسان أنا خلقناه من قبل ولم يك شيئا} وبقوله تعالى {يأيها لناس إن كنتم في ريب من لبعث فإنا خلقناكم من تراب ثم من نطفة ثم من علقة ثم من مضغة مخلقة وغير مخلقة لنبين لكم ونقر في لأرحام ما نشآء إلى أجل مسمى ثم نخرجكم طفلا ثم لتبلغوا أشدكم ومنكم من يتوفى ومنكم من يرد إلى أرذل لعمر لكيلا يعلم من بعد علم شيئا وترى لأرض هامدة فإذآ أنزلنا عليها لمآء هتزت وربت وأنبتت من كل زوج بهيج} {يأيها لناس إن كنتم في ريب من لبعث فإنا خلقناكم من تراب ثم من نطفة ثم من علقة ثم من مضغة مخلقة وغير مخلقة لنبين لكم ونقر في لأرحام ما نشآء إلى أجل مسمى ثم نخرجكم طفلا ثم لتبلغوا أشدكم ومنكم من يتوفى ومنكم من يرد إلى أرذل لعمر لكيلا يعلم من بعد علم شيئا وترى لأرض هامدة فإذآ أنزلنا عليها لمآء هتزت وربت وأنبتت من كل زوج بهيج} قال أبو محمد: هذا هو إبطال القياس على الحقيقة، لأنه لا سبيل إلى أن يخلق ثانية من نطفة، ولا من علقة، ولا من مضغة، فإنما معنى هذه الآية: من الله تعالى علينا وتذكيره لنا بقدرته على ما يشاء لا إله إلا هو. وكذلك الآية التي قبلها: أن الإنسان لم يك شيئا، ثم خلق، ولا سبيل إلى أن يعود لا شيء أبدا بل

[64] **Translator's note (L2988):** The reference to bringing birds to life does not match the mosquito verse quoted in the preceding unit. This apparent discontinuity in the supplied text has been preserved.

[65] **Translator's note (L2991):** The supplied اللعين means "the accursed one" rather than "cursing"; the surrounding enumeration appears to require اللعن, "cursing," which is the provisional rendering here. The repeated clause about resemblance not requiring one ruling, followed by the repeated "you necessarily know," is present in the source and has been retained.

[66] **Translator's note (L2992):** The Quranic quotation contains repeated omissions of initial alifs in words such as "the bones," "He who," and "the heavens." The intended words are identifiable and are translated; these transcription defects are not treated as alternative Quranic wording. The supplied الصدق ordinarily means "truthfulness"; the legal context suggests a defective spelling of the term for bridal dower, which is the provisional rendering here. The supplied أو لا, literally "or not," appears to represent أولا, "initially," in this argument. The translation follows that contextual reading. "Possessing the legal status of marital chastity" renders المحصن, a technical legal qualification rather than merely a description of personal chastity.

[67] **Translator's note (L2994):** The Quranic quotation contains recurring omissions of initial alifs. Its identifiable words have been translated without treating these defects as variant Quranic wording. The phrase إنما بين ذلك قدرته has an awkward construction; it is understood here as "through this He was only explaining His power."

[68] **Translator's note (L2995):** The Quranic quotations contain recurring omissions of initial alifs. Their identifiable words have been translated. "As glad tidings" follows the supplied بشرى; it has not been replaced with the wording of another Quranic reading.

[69] **Translator's note (L2996):** The Quranic quotations contain recurring omissions of initial alifs. Their identifiable words have been translated. The clause "then so that you may attain your full strength" preserves the elliptical construction in the supplied quotation without supplying an additional verb.

[70] **Translator's note (L2997):** The passage introduced by "up to His words" repeats exactly the same Quranic excerpt rather than supplying a later endpoint. This apparent quotation error has been retained. The Quranic quotations contain recurring omissions of initial alifs. Their identifiable words have been translated.

[71] **Qur'an references (L2988):** Qur'an 3:117 (Ali 'Imran); Qur'an 36:78 (Ya-Sin); Qur'an 36:79 (Ya-Sin); Qur'an 41:39 (Fussilat); Qur'an 46:33 (Al-Ahqaf); Qur'an 7:57 (Al-A'raf); Qur'an 22:5 (Al-Hajj); Qur'an 35:9 (Fatir); Qur'an 50:9 (Qaf); Qur'an 17:51 (Al-Isra).

rulings is either a blind ignoramus who does not know what analogy is, or a deceiver who cares neither what he says nor what he lets his tongue utter in order to perpetuate his position. If this were analogy, it would follow that Allah must give life to the dead every year at the beginning of spring, and that they must then die at the beginning of winter, as fruits and all vegetation do. This is something that only a deranged person would say. In all these verses He Most High has merely stated that He gives life to the dead and has power over all of this, certainly not that any part of this is inferred by analogy from another. They also cited in this connection the words of Allah Most High: "Man says: 'When I have died, shall I really be brought forth alive?' Does man not remember that We created him before, when he was nothing?" And His words, Most High: "O people, if you are in doubt about the resurrection, then We created you from dust, then from a drop of seminal fluid, then from a clinging clot, then from a morsel of flesh, formed and unformed, so that We may make clear to you. We cause whatever We will to remain in the wombs until an appointed term; then We bring you forth as infants, then so that you may attain your full strength. Some of you are taken in death, and some of you are returned to the most abject stage of life, so that after having knowledge they know nothing. You see the earth lifeless; then, when We send water down upon it, it stirs and swells and brings forth every delightful kind." "O people, if you are in doubt about the resurrection, then We created you from dust, then from a drop of seminal fluid, then from a clinging clot, then from a morsel of flesh, formed and unformed, so that We may make clear to you. We cause whatever We will to remain in the wombs until an appointed term; then We bring you forth as infants, then so that you may attain your full strength. Some of you are taken in death, and some of you are returned to the most abject stage of life, so that after having knowledge they know nothing. You see the earth lifeless; then, when We send water down upon it, it stirs and swells and brings forth every delightful kind." Abu Muhammed said: This is, in truth, the invalidation of analogy, because there is no possibility of a person's being created a second time from a drop of seminal fluid, or from a clinging clot, or from a morsel of flesh. The meaning of this verse is simply Allah Most High's reminding us of His favor toward us and reminding us of His power to do whatever

نفسه عائدة إلى حيث رآها النبي صلى الله عليه وسلم ليلة أسري به ويعود الجسم ترابا ثم يجمعان يوم القيامة فيخلد حيا باقيا أبد الأبد بلا نهاية ولا فناء، في نعيم أو عذاب فبطل القياس ضرورة من حيث راموا إثباته تمويها على اغترابهم. وهذه الآيات كلها هي بمنزلة قوله تعالى {أأنتم أشد خلقا أم لسمآء بناها * رفع سمكها فسواها} فإنما بين قدرته على ما شاهدنا، وعلى ما أخبرنا به مما لم نشاهد وهذا إبطال للقياس ولظنون الجهال، لأن الله تعالى نص على تشابه الأشياء كلها بعضها لبعض، ولم يوجب من أجل ذلك التشابه أن تستوي في أحكامها، وهذا هو نفس قولنا في إبطال القياس في تسوية الأحكام بين الأشياء المشتبهات وبالله التوفيق

He wills; there is no god but He. Likewise, the verse preceding it states that man was nothing and was then created. There is no possibility of his ever becoming nothing again. Rather, his soul returns to where the Prophet ﷺ, may Allah bless him and grant him peace, saw it on the night he was taken on the Night Journey, and the body returns to dust; then the two are brought together on the Day of Resurrection, and he will remain alive and enduring forever and ever, without end or extinction, in bliss or punishment. Analogy is thus necessarily invalidated by the very means through which they sought to establish it, employing obfuscation to conceal their estrangement. All these verses are of the same character as His saying, exalted is He: "Are you more difficult to create, or the heaven? He built it; He raised its ceiling and fashioned it evenly." He has merely explained His power over what we have witnessed and over what He has told us about that we have not witnessed. This invalidates analogy and the conjectures of the ignorant, because Allah, exalted is He, has expressly stated that all things resemble one another, yet has not required that this resemblance make their rulings equal. This is precisely our position in invalidating analogy as a means of equating the rulings governing things that resemble one another. Through Allah comes success.[72][73][74]

[72] **Translator's note (L2998):** The supplied ممرو is corrupt or incomplete. "A deranged person" provisionally understands it as ممرور, a term for someone afflicted by mental derangement. The complete Quranic quotation beginning "O people, if you are in doubt about the resurrection" occurs twice consecutively in the supplied text. Both occurrences have been translated in full. The Quranic quotations contain recurring omissions of initial alifs. Their identifiable words have been translated. The supplied من الله تعالى علينا is understood as مَنُّ الله تعالى علينا, referring to Allah's favor toward us, rather than مِن الله, "from Allah." The unvocalized wording permits ambiguity.

[73] **Translator's note (L2999):** The wording translated as "their estrangement" is unusual in context and may be corrupt; it has not been replaced with a conjectured reading.

[74] **Qur'an references (L2998):** Qur'an 19:66 (Maryam); Qur'an 19:67 (Maryam); Qur'an 22:5 (Al-Hajj); Qur'an 79:28 (An-Nazi'at).

L3000–3001

Of the same character is His saying, exalted is He: “And set forth for them the likeness of the life of this world: like water that We sent down from heaven, with which the vegetation of the earth mingled; then it became dry fragments scattered by the winds. Allah has power over everything.” Likewise His saying, exalted is He: “Indeed, We tested them as We tested the owners of the garden, when they swore that they would harvest it in the morning, and made no exception”—the verses down to His saying, exalted is He: “Such is the punishment; and the punishment of the Hereafter is greater, if only they knew.” Abu Muhammed said: No resemblance is stronger than a resemblance to whose companionship Allah, exalted is He, has testified. Thus, since Allah, exalted is He, has likened the life of this world to vegetation growing from water descending from heaven, it is therefore the thing most closely resembling it. He has also likened the destruction of the bodies of those disobedient people to justice. That does not require the two to be equal in any ruling of the revealed law beyond what Allah, exalted is He, has expressly stated: deterioration after freshness, and nothing more. Their corrupt conjecture is thus invalidated, and praise belongs to Allah, Lord of all worlds. Likewise, too, His saying, exalted is He: “Muhammed is the Messenger of Allah. Those with him are stern toward the unbelievers, merciful among themselves. You see them bowing and prostrating, seeking bounty from Allah and His good pleasure. Their mark is on their faces from the trace of prostration. That is their likeness in the Torah; and their likeness in the Gospel is like a crop that puts forth its shoots, then strengthens them, then grows stout and stands upright upon its stalks, delighting the sowers, so that He may enrage the unbelievers through them. Allah has promised those of them who believe and do righteous deeds forgiveness and a mighty reward.” Abu Muhammed said: That crop is grazed upon, is not subject to religious obligations, and incurs no recompense in the Hereafter. The people likened to it are undoubtedly otherwise: they are subject to religious obligations and will receive their full recompense in the Hereafter. There is indeed much cause for astonishment at their immense obfuscation in religion and their deception concerning it, as they invoke these verses in support of analogy. No one possessing the slightest reason has ever understood these verses to require prohibiting the exchange of straw for straw in unequal quantities

ومثل ذلك قوله تعالى {وضرب لهم مثل لحياة لدنيا كمآء أنزلناه من لسماء فختلط به نبات لأرض فأصبح هشيما تذروه لرياح وكان لله على كل شيء مقتدرا} وكقوله تعالى {إنا بلوناهم كما بلونآ أصحاب لجنة إذ أقسموا ليصرمنها مصبحين * ولا يستثنون} الآيات إلى قوله تعالى {كذلك لعذاب ولعذاب لآخرة أكبر لو كانوا يعلمون} قال أبو محمد: ولا شبه أقوى من شبه شهد الله تعالى بصحبته، فإذا كان الله تعالى قد شبه الحياة الدنيا بالنبات النابت من الماء النازل من السماء، فهي أشبه الأشياء به، وشبه تلف جثث أولئك العصاة بالعدل، وذلك لا يوجب استواءهما في شيء من الحكم في الشريعة غير الذي نص الله تعالى عليه من البلى بعد الجدة فقط، فبطل ظنهم الفاسد، والحمد لله رب العالمين وكذلك أيضا قوله تعالى {محمد رسول لله ولذين معه أشدآء على لكفار رحمآء بينهم تراهم ركعا سجدا يبتغون فضلا من لله ورضوانا سيماهم في وجوههم من أثر لسجود ذلك مثلهم في لتوراة ومثلهم في لإنجيل كزرع أخرج شطأه فآزره فستغلظ فستوى على سوقه يعجب لزراع ليغيظ بهم لكفار وعد لله لذين آمنوا وعملوا لصالحات منهم مغفرة وأجرا عظيما} قال أبو محمد: وذلك الزرع يرعى، وليس متعبدا ولا جزاء عليه، في الآخر والقوم الذين شبهوا به ولا شك أنهم خلاف ذلك، وأنهم متعبدون مجازون بالجزاء التام في الآخرة. وأن العجب ليكثر من عظيم تمويههم في الدين، وتدليسهم فيه باحتجاجهم بهذه الآيات في القياس وما عقل قط ذو مسكة عقل أنه يجب في هذه الآيات تحريم بيع التبن بالتبن متفاضلا، إذا حرم بيع التمر بالتمر متفاضلا وما قائل هذا قريب من الاستخفاف بالقرآن والشرائع، ونعوذ بالله من هذا. واحتج بعضهم في إثبات القياس بآبدة أنست ما تقدم، وهو أنه قال من الدليل على صحة القياس قول الله تعالى {ولمرسلات عرفا} قال فأشار إلى العرف

because the exchange of dates for dates in unequal quantities is prohibited. One who says this is not close to treating the Qur'an and the revealed laws with contempt; we seek refuge with Allah from this. One of them argued for establishing analogy with an enormity that made what preceded it be forgotten. He said: "Among the proofs of the validity of analogy is the saying of Allah, exalted is He: 'By those sent forth in succession.'" He said: "He thus indicated customary practice."[1][2][3]

L3002–3008 Abu Muhammed said: This is evidence of the unsoundness of the intellect of the person invoking it to establish analogy, and of his lack of shame; nothing further need be said. We seek refuge with Allah, exalted is He, from abandonment, and ask Him for success. There is no recognized good except what Allah, exalted is He, has expressly explained to be recognized good. As for people's customary practice among themselves, it has no authoritative ruling and no significance. Since they first came into being, people have recognized nothing but oppression and unlawful tolls. They also argued by saying: Allah, mighty and majestic is He, said: "The good land brings forth its vegetation by its Lord's permission, whereas that which is bad brings forth only meagerly. Thus do We variously expound the signs for a people who give thanks." They said: "Thus, when the explicit text prescribes flogging someone who accuses chaste women of unlawful intercourse, you flog someone who accuses chaste men just as you flog someone who accuses

قال أبو محمد وهذا دليل على فساد عقل المحتج به في إثبات القياس وقلة حيائه ولا مزيد، وبالله تعالى نعوذ من الخذلان، ونسأله التوفيق، ولا عرف إلا ما بين الله تعالى نصا أنه عرف، وأما عرف الناس فيما بينهم فلا حكم له ولا معنى، وما عرف الناس مذ نشؤوا إلا الظلم والمكوس. واحتجوا أيضا بأن قالوا قال الله عز وجل {ولبلد لطيب يخرج نباته بإذن ربه ولذي خبث لا يخرج إلا نكدا كذلك نصرف لآيات لقوم يشكرون} قالوا فإذا جاء النص بجلد قاذف المحصنات، وأنتم تجلدون قاذف الرجال المحصنين كما تجلدون قاذف المحصنات من النساء، وهذا قياس. قال أبو محمد: وهذا ظن فاسد منهم، وحاشا لله أن يكون قياسا، ونحن نبدأ فنبين، بحول الله وقوته، من أين أوجبنا جلد قاذف الرجال من نص القرآن والسنة، فإذا ظهر البرهان على ذلك لائحا، بحول الله وقوته، وأنه من النص عدنا إلى بيان أنه لا يجوز أن يكون قياسا، وأنه لو استعمل ههنا القياس لكان حكمه غير ما قالوا، وبالله تعالى التوفيق، فنقول وبالله تعالى نتأيد إن قول الله عز وجل {ولذين يرمون لمحصنات ثم لم يأتوا بأربعة شهدآء فجلدوهم ثمانين جلدة ولا تقبلوا لهم شهادة أبدا وأولئك هم لفاسقون} عموم لا يجوز تخصيصا إلا بنص أو إجماع، فممكن أن يريد الله تعالى النساء المحصنات كما قلتم، وممكن أن يريد الفروج المحصنات، وهذا غير منكر في اللغة التي بها نزل القرآن، وخاطبنا بها الله تعالى قال الله عز وجل {وأنزلنا من لمعصرات مآء ثجاجا} يريد من السحاب المعصرات، فقلنا نحن: إنه أراد الفروج المحصنات، وقلتم أنتم: إنه أراد

[1] **Translator's note (L3000):** The supplied quotation of Qur'an 18:45 begins with a form meaning "and set forth"; the standard Qur'anic wording uses the imperative "set forth" without this initial conjunction. The word translated as "companionship" is anomalous in context and may be a transcription error for "soundness." The supplied reading is retained.

[2] **Translator's note (L3001):** The phrase "to justice" is anomalous in the comparison concerning the destruction of bodies; the supplied wording has been retained. The supplied text literally says that the person making this claim is "not close" to treating the Qur'an and revealed laws with contempt. This appears inconsistent with the surrounding polemic, but has not been silently changed. The argument turns on different senses of the same Arabic expression: "in succession" in the quoted oath and "customary practice" in the opponent's interpretation. The expression translated as "in the Hereafter" after the description of the crop appears in a truncated form in the supplied Arabic.

[3] **Qur'an references (L3000):** Qur'an 68:17 (Al-Qalam); Qur'an 68:18 (Al-Qalam); Qur'an 48:29 (Al-Fath).

chaste women. This is analogy." Abu Muhammed said: This is a corrupt conjecture on their part. Allah forbid that it should be analogy! We shall begin by explaining, through Allah's might and power, the explicit text of the Qur'an and the Sunnah on the basis of which we have made flogging someone who accuses men obligatory. Once the demonstration of this becomes manifest, through Allah's might and power, and it is clear that it derives from the explicit text, we shall return to explaining that it cannot be analogy, and that, if analogy were employed here, its ruling would differ from what they have said. Through Allah, exalted is He, comes success. We therefore say, supported by Allah, exalted is He: The saying of Allah, mighty and majestic is He, "Those who accuse chaste ones, then do not produce four witnesses: flog them with eighty lashes, and never accept testimony from them; those are the defiantly disobedient," is a general expression that may not be specified except by an explicit text or consensus. It is possible that Allah, exalted is He, means chaste women, as you have said, and it is possible that He means guarded private parts. This is by no means objectionable in the language in which the Qur'an was revealed and in which Allah, exalted is He, addressed us. Allah, mighty and majestic is He, said: "And We sent down from the rain-bearing ones water pouring abundantly," meaning from the rain-bearing clouds. We therefore said that He meant guarded private parts, whereas you said that He meant chaste women. It thus became incumbent upon us to refer our claim back to a clear demonstration. We said: Private parts are more general than women, because restricting what Allah, exalted is He, intends specifically to women specifies the general scope of the expression, and specifying a general expression is impermissible except through an explicit text or consensus. Furthermore, it is the private parts that are accused, and nothing else belonging to men or women. The demonstration of this is what He said, exalted is He: "And those who guard their private parts, except with their spouses or those whom their right hands possess, for then they are not blameworthy." He also said, exalted is He: "Tell the believing men to lower their gaze and guard their private parts. That is purer for them. Indeed, Allah is fully aware of what they do." "Tell the believing men to lower their gaze and guard their private parts. That is purer for them. Indeed, Allah is fully aware of what they do. And tell the believing women to lower

النساء المحصنات، فوجب علينا ترجيع دعوانا بالبرهان الواضح، فقلنا: إن الفروج أعم من النساء، لأن الاقتصار بمراد الله تعالى على النساء خاصة تخصيص لعموم اللفظ، وتخصيص العموم لا يجوز إلا بنص أو إجماع. وأيضا فإن الفروج هي المرمية لا غير ذلك من الرجال والنساء برهان ذلك ما قاله تعالى {ولذين هم لفروجهم حافظون * إلا على أزواجهم أو ما ملكت أيمانهم فإنهم غير ملومين} وقال تعالى: {قل للمؤمنين يغضوا من أبصارهم ويحفظوا فروجهم ذلك أزكى لهم إن الله خبير بما يصنعون} {قل للمؤمنين يغضوا من أبصارهم ويحفظوا فروجهم ذلك أزكى لهم إن الله خبير بما يصنعون * وقل للمؤمنات يغضضن من أبصارهن ويحفظن فروجهن ولا يبدين زينتهن إلا ما ظهر منها وليضربن بخمرهن على جيوبهن ولا يبدين زينتهن إلا لبعولتهن أو آبآئهن أو آبآء بعولتهن أو أبنآئهن أو أبنآء بعولتهن أو إخوانهن أو بني إخوانهن أو بني أخواتهن أو نسآئهن أو ما ملكت أيمانهن أو لتابعين غير أولي لإربة من لرجال أو لطفل لذين لم يظهروا على عورات لنسآء ولا يضربن بأرجلهن ليعلم ما يخفين من زينتهن وتوبوا إلى الله جميعا أيها لمؤمنون لعلكم تفلحون} وقال تعالى {إن لمسلمين ولمسلمات ولمؤمنين ولمؤمنات ولقانتين ولقانتات ولصادقين ولصادقات ولصابرين ولصابرات ولخاشعين ولخاشعات ولمتصدقين ولمتصدقات ولصائمين ولصائمات ولحافظين فروجهم ولحافظات ولذاكرين لله كثيرا ولذاكرات أعد لله لهم مغفرة وأجرا عظيما} وقال تعالى {ومريم بنة عمران لتي أحصنت فرجها فنفخنا فيه من روحنا وصدقت بكلمات ربها وكتبه وكانت من لقانتين} فصح أن الفرج هو المحصن وصاحبه هو المحصن له بنص القرآن. حدثنا عبد الله بن يوسف، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد بن نا أحمد بن علي، نا مسلم بن الحجاج، نا إسحاق بن إبراهيم هو ابن راهويه أنا عبد الرزاق، ثنا معمر عن ابن طاوس، عن أبيه، عن ابن عباس قال: ما رأيت أن شيئا أشبه باللمم مما قال أبو هريرة أن النبي صلى الله عليه وسلم قال إن الله كتب على ابن آدم حظه من الزنى

their gaze and guard their private parts, and not to display their adornment except what appears of it. Let them draw their head coverings over their bosoms, and not display their adornment except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their women, those whom their right hands possess, male attendants who have no sexual desire, or children who have not become aware of women's intimate parts. Let them not stamp their feet so that what they conceal of their adornment may become known. Turn to Allah in repentance, all of you, O believers, so that you may prosper." He also said, exalted is He: "Indeed, the men who submit and the women who submit, the believing men and the believing women, the obedient men and the obedient women, the truthful men and the truthful women, the patient men and the patient women, the humble men and the humble women, the men who give charity and the women who give charity, the fasting men and the fasting women, the men who guard their private parts and the women who guard theirs, and the men who remember Allah much and the women who remember Him—Allah has prepared for them forgiveness and a mighty reward." And He said, exalted is He: "And Mary, daughter of Imran, who guarded her private part, into which We breathed of Our spirit; she affirmed the words of her Lord and His scriptures, and was among the obedient." It is thus established by the explicit text of the Qur'an that the private part is what is guarded, and its possessor is the one who guards it. Abd Allah ibn Yusuf related to us; Ahmad ibn Fath related to us; Abd al-Wahhab ibn Isa related to us; Ahmad ibn Muhammed ibn [name missing] related to us; Ahmad ibn Ali related to us; Muslim ibn al-Hajjaj related to us; Ishaq ibn Ibrahim—that is, Ibn Rahawayh—related to us; Abd al-Razzaq informed us; Ma'mar related to us, from Ibn Tawus, from his father, from Ibn Abbas, who said: "I have not seen anything that I consider more closely resembling minor sins than what Abu Hurayrah said: that the Prophet, may Allah bless him and grant him peace ﷺ, said, 'Allah has prescribed for the son of Adam his share of unlawful intercourse, which he will inevitably attain. The unlawful intercourse of the eyes is looking, and the unlawful intercourse of the tongue is speaking. The soul wishes and desires, and the private part confirms that or gives it the lie.'" Through the same chain to Muslim: Ishaq ibn Mansur related to

أدرك ذلك لا محالة، فزنى العينين النظر، وزنى اللسان النطق، والنفس تمنى وتشتهي، والفرج يصدق ذلك أو يكذبه. وبه إلى مسلم: ثنا إسحاق بن منصور، أنا هشام المخزومي، هو ابن سلمة، ثنا وهيب بن خالد، ثنا سهيل بن أبي صالح عن أبيه عن أبي هريرة عن النبي صلى الله عليه وسلم قال كتب على ابن آدم نصيبه من الزنى مدرك لا محالة، فالعينان زناهما النظر، والأذنان زناهما الاستماع، واللسان زناه الكلام، واليد زناها البطش، والرجل زناها الخطا، والقلب يهوى ويتمنى، ويصدق ذلك الفرج أو يكذبه. قال أبو محمد: فصح يقينا أن المرمية هي الفروج خاصة، وأن المحصنة على الحقيقة هي الفروج إلا ما عداها، وصح أن الزنى الواجب فيه الحد هو زنى الفروج خاصة لا زنى سائر الأعضاء، ولا زنى النفس دون الفرج، فلا حد في النص كما أوردنا، في زنى العينين، ولا في الرجلين، ولا في زنى اللسان، ولا في زنى الأذنين، ولا في زنى القلب الذي هو مبعث الأعمال، وصح أن من رمى العينين بالزنى أو رمى الرجلين بالزنى أو رمى القلب بالزنى، أو رمى الأذنين بالزنى، أو رمى اليدين بالزنى، أو رمى أي عضو كان بالزنى ما عدا الفرج فليس راميا، ولا حد عليه بالنص، لأن الفرج إن كذب فهو كله لغو. فصح يقينا أن الرمي الذي يحد فيه الحدود ورد الشهادة والتفسيق، إنما رمي الفروج بلا شك، بيقين لا مرية فيه، فإذ ذلك كذلك فقد صح أن مراد الله تعالى بالحدود ورد الشهادة في الآية المتلوة، إنما هي رمي الفروج فقط، فصح قولنا بيقين لا مجال للشك فيه، وهذا إذ هو كذلك ففروج الرجال والنساء داخلات في الآية دخولا مستويا. ثم نسألهم فنقول لهم أخبرونا عن قول الله تعالى {ولذين يرمون لمحصنات ثم لم يأتوا بأربعة شهدآء فجلدوهم ثمانين جلدة ولا تقبلوا لهم شهادة أبدا وأولئك هم لفاسقون} إذ قلتم أنه تعالى أراد بهذه اللفظة ههنا النساء فقط، هل أراد الله أن يحد قاذف الرجل أم لا؟ ولا بد من إحداهما، فإن قالوا: لم يرد بقوله تعالى فقد حكموا على أنفسهم أنهم يحكمون بخلاف ما أراد الله تعالى، وكفونا أنفسهم. وإن

us; Hisham al-Makhzumi—that is, Ibn Salamah—informed us; Wuhayb ibn Khalid related to us; Suhayl ibn Abi Salih related to us, from his father, from Abu Hurayrah, from the Prophet, may Allah bless him and grant him peace ﷺ, who said: "The son of Adam has had his portion of unlawful intercourse prescribed for him, and it will inevitably be attained. The eyes—their unlawful intercourse is looking; the ears—their unlawful intercourse is listening; the tongue—its unlawful intercourse is speaking; the hand—its unlawful intercourse is grasping; the foot—its unlawful intercourse is taking steps. The heart desires and wishes, and the private part confirms that or gives it the lie." Abu Muhammed said: It is thus established with certainty that what is accused is specifically the private parts, and that what is guarded in the true sense is the private parts, except what is other than them. It is also established that the unlawful intercourse for which the prescribed punishment is obligatory is specifically the unlawful intercourse of the private parts, rather than that of the other organs or that of the soul without the private part. Thus, according to the explicit text as we have cited it, there is no prescribed punishment for the unlawful intercourse of the eyes, nor of the feet, nor for the unlawful intercourse of the tongue, nor for the unlawful intercourse of the ears, nor for the unlawful intercourse of the heart, which is the source from which actions arise. And it is established that whoever accuses the eyes of unlawful sexual intercourse, or accuses the feet of unlawful sexual intercourse, or accuses the heart of unlawful sexual intercourse, or accuses the ears of unlawful sexual intercourse, or accuses the hands of unlawful sexual intercourse, or accuses any bodily member whatsoever of unlawful sexual intercourse, apart from the private parts, is not an accuser subject to the prescribed punishment, and no prescribed punishment is incumbent upon him, according to the explicit text. For if the private parts give the lie to it, all of it is idle talk. Thus it is established with certainty that the accusation for which the prescribed punishments, rejection of testimony, and declaration of disobedience are imposed is exclusively an accusation concerning the private parts, without doubt, with a certainty admitting no dispute. Since that is so, it is established that what Allah Most High intends by the prescribed punishments and rejection of testimony in the recited verse is exclusively accusation concerning the private parts. Our position is thus established with

قالوا: إن الله تعالى أراد أن يحد قاذف الرجل، قلنا لهم: إن هذا عجب أن يكون تعالى يريد في دينه وعلمه من عباده أن يحد قاذف الرجل، ثم لا يأمرنا إلا بحد قاذف النساء فقط، حاشا لله من ذلك، فإنه تلبيس لا بيان، فإن قالوا: اقتصر على النساء ونبهنا بذلك على حكم قاذف الرجال قلنا له: هاتوا برهانكم إن كنتم صادقين، ولم تأتوا بأكثر من الدعوى الكاذبة التي فيها خالفناكم، فإن كانت عندكم حجة من نص جلي على صحة هذه الدعوى، وإلا فهي كذب بحت، ولستم بصادقين فيها بنص القرآن، قالوا: الإجماع قد صح على وجوب حد قاذف الرجل. قلنا لهم: وأي دليل لكم في الإجماع؟ والإجماع لنا لا لكم لأن الإجماع إنما كان من هذا النص المذكور، فهاتوا دليلا على أنه كان عن قياس، ولا سبيل لهم إلى دليل ذلك أصلا، لا برهاني ولا إقناعي ولا شغبي، وظهر بطلان قولهم،

a certainty leaving no room for doubt. Since this is so, the private parts of men and women fall equally within the verse.

Then we question them, saying to them: Tell us about the saying of Allah Most High, "Those who accuse chaste women, then do not produce four witnesses: flog them with eighty lashes, and never accept testimony from them; those are the disobedient." Since you say that by this expression here He Most High intended women alone, did Allah intend that someone who accuses a man should receive the prescribed punishment, or did He not? It must be one of the two. If they say that He did not intend it by His saying, Most High, they have passed judgment upon themselves that they rule contrary to what Allah Most High intended, and have spared us the trouble of refuting them. If they say that Allah Most High intended that someone who accuses a man should receive the prescribed punishment, we say to them: This is astonishing—that He Most High should intend, in His religion and His knowledge, that His servants impose the prescribed punishment upon someone who accuses a man, but then command us only to impose the prescribed punishment upon someone who accuses women alone! Far exalted is Allah above that, for it would be obfuscation, not clarification. If they say, "He confined His mention to women and thereby alerted us to the ruling concerning someone who accuses men," we say to him: Produce your demonstration, if you are truthful. You have brought nothing beyond the false assertion over which we disagree with you. If you possess an argument from a clear, explicit text establishing this assertion's correctness, produce it; otherwise it is sheer falsehood, and you are not truthful in it, according to the explicit text of the Quran.

They say: Consensus has been established concerning the obligation to impose the prescribed punishment upon someone who accuses a man. We say to them: What evidence does consensus afford you? Consensus supports us, not you, because that consensus derives solely from this aforementioned explicit text. Produce evidence that it derived from analogy. They have absolutely no means of producing evidence for that—whether demonstrative,

persuasive, or merely contentious—and the invalidity of their position has become manifest.[4][5][6][7][8][9][10][11]

L3009–3013 And praise belongs to Allah, Lord of all worlds. Then we return to refuting, altogether and necessarily, the claim that the prescribed punishment for someone who accuses a man rests upon analogy. We say, seeking strength from Allah Most High: We have found that the rulings concerning men and women differ in certain matters. For men, Friday prayers and congregational prayers are obligatory, whereas neither Friday prayer nor congregational prayer is obligatory for women. Yet they are equal in the ruling concerning all other prayer and obligatory almsgiving. A woman may not

والحمد لله رب العالمين. ثم نعود إلى إبطال أن يكون حد قاذف الرجل قياسا جملة ولا بد، فنقول وبالله تعالى نتأيد: إننا وجدنا أحكام الرجال والنساء تختلف في مواضع، فالرجال عليهم الجمعات والجماعات فرضا، والنساء لا تلزمهن جمعة ولا جماعة فرضا، وقد استووا في حكم سائر الصلاة والزكاة، والمرأة لا تسافر في غير واجب إلا مع زوج أو ذي محرم، والرجل يسافر حيث شاء دون زوجة، ودون ذي محرم، والخوف عليه من أن يزني كالخوف عليها من أن تزني ولا فرق، لأن زناها لا يكون إلا مع رجل، وحكمهن في اللباس مخالف لحكم الرجل. فلا يجوز للرجل لباس القمص والعمائم والسراويل في الإحرام، وهذا مباح للنساء، واستووا في تحريم الطيب عليهم وعليهن في الإحرام، والرجال عليهم الصلاة مع الإمام بمزدلفة صلاة الصبح، ومباح للنساء السفر قبل ذلك فاستووا فيما عدا ذلك، والجهاد على الرجال، ولا جهاد على النساء، وشهادة المرأتين تعدل شهادة الرجل، وخصومنا ههنا لا يقبلون النساء أصلا إلا في الأموال مع رجل ولا بد، وفي عيوب النساء والولادات فقط. ويقبلون الرجال فيما عدا ذلك، ولا يقيسون الرجال عليهن ولا يقيسوهن على الرجال، وليس هذا إجماعا، ودية المرأة نصف دية الرجل، وكثير من الحاضرين من خصومنا ههنا يسوون بينهن وبين الرجال في مقدور محدود من الديات، ويفرقون بين أحكامهم وأحكامهن في سائر ذلك، ولا يقيسون النساء على الرجال، ولا الرجال على النساء، وحد المرأة كحد الرجل في القذف والخمر والزنى والقتل والقطع في السرقة، وفرق بين الحاضرين من خصومنا في التغريب في الزنى بين الرجال والنساء، وفرق آخرون منهم في حد الردة، بين الرجال والنساء فرأوا قتل الرجل في الردة، ولم يروا قتل المرأة في الردة، وتركوا القياس ههنا، وللرجل أن ينكح أربعا ويتسرى، ولا يحل للمرأة أن تنكح إلا واحدا ولا تتسرى، ولم يقيسوا عليهن، إلى كثير مثل هذا اكتفينا منه بهذا المقدار. فلما وجدنا أحكام الرجال، وأحكام النساء تختلف كثيرا، وتتفق كثيرا، على حسب

[4] **Translator's note (L3002):** The author continues to exploit the range of meanings of the term rendered here as "recognized good," "customary practice," and "recognized."

[5] **Translator's note (L3003):** "Chaste ones" preserves the author's argument about the feminine plural adjective in Qur'an 24:4: he takes its unexpressed noun to be either "women" or "private parts." The corresponding Arabic plural for "private parts" can take feminine agreement. The supplied wording means "referring our claim back." A reading meaning "establishing the preponderance of our claim" may have been intended, but has not been substituted.

[6] **Translator's note (L3004):** The quotation of Qur'an 24:30 is repeated in the supplied text, first on its own and then as the beginning of the quotation extending through 24:31. Both occurrences are retained.

[7] **Translator's note (L3005):** The transmission chain leaves "Ahmad ibn Muhammed ibn" without the following name. The omission is marked rather than supplied. The identification of Hisham al-Makhzumi as "Ibn Salamah" appears erroneous; the familiar transmitter in this chain is Hisham ibn Sallam. The supplied identification is retained.

[8] **Translator's note (L3006):** The phrase "except what is other than them" is anomalous and conflicts with the immediately preceding restriction. It may be a corruption of wording meaning "not anything other than them"; the supplied wording is retained.

[9] **Translator's note (L3008):** The references to eyes, feet, and other bodily members committing unlawful sexual intercourse invoke figurative usage; the private parts 'giving the lie' to it means that actual intercourse does not occur. The supplied wording is compressed, and its reference has been preserved. The Quranic quotation is Quran 24:4. Its supplied spelling repeatedly omits letters in forms of the definite article and relative pronoun; these orthographic irregularities do not change the translated sense.

[10] **Hadith references (L3002):** Sahih Muslim 2657b.

[11] **Qur'an references (L3002):** Qur'an 7:58 (Al-A'raf); Qur'an 24:4 (An-Nur); Qur'an 23:6 (Al-Mu'minun); Qur'an 70:30 (Al-Ma'arij); Qur'an 24:30 (An-Nur); Qur'an 24:31 (An-Nur); Qur'an 66:12 (At-Tahrim).

travel for a purpose that is not obligatory except with a husband or a male relative whom she is permanently forbidden to marry, whereas a man may travel wherever he wishes without a wife and without such a relative. The fear that he may commit unlawful sexual intercourse is like the fear that she may commit unlawful sexual intercourse, with no difference, because her unlawful sexual intercourse can occur only with a man. Their ruling concerning clothing differs from that concerning men: a man may not wear shirts, turbans, or trousers while in the state of pilgrimage consecration, whereas this is permissible for women. Yet they are equal in the prohibition of perfume for both men and women while in the state of pilgrimage consecration. Men must perform the dawn prayer with the prayer leader at Muzdalifah, whereas women may depart before that; they are equal in matters other than this. Armed struggle is incumbent upon men, whereas no armed struggle is incumbent upon women. The testimony of two women equals the testimony of one man. Our opponents here do not accept women's testimony at all except in financial matters, necessarily together with a man, and concerning women's bodily defects and childbirth alone. They accept men's testimony in other matters, and do not extend the ruling concerning women to men by analogy, nor extend the ruling concerning men to women by analogy. This is not a matter of consensus. A woman's blood money is half a man's blood money. Many of our opponents present here treat women and men equally up to a specified amount of blood money, but distinguish between the rulings concerning men and those concerning women in the remainder of that, and do not reason by analogy from men to women or from women to men. The prescribed punishment for a woman is like that for a man in accusation of unlawful sexual intercourse, wine drinking, unlawful sexual intercourse, killing, and amputation for theft. Some of our opponents present have distinguished between men and women concerning banishment for unlawful sexual intercourse. Others among them have distinguished between men and women concerning the prescribed punishment for apostasy: they hold that a man is to be killed for apostasy, but do not hold that a woman is to be killed for apostasy. They abandon analogy here. A man may marry four women and take female slaves as concubines, whereas it is not lawful for a woman to marry more than one man, and she may not take concubines;

ورود النص في ذلك فقط، بطل أن يقاس حكم الرجال على النساء، إذا اقتصر النص عن ذكرهن، أو أن تقاس النساء على الرجال،: إذا اقتصر النص على ذكرهم. إذ ليس الجمع بين أحكامهن وأحكام الرجال حيث لم يأت النص بالتفريق قياسا على ما جاء النص فيه متساويا بين أحكامهن وأحكامهم، أولى من التفريق بين أحكامهن وأحكام الرجال، حيث لم يأت النص بالجمع قياسا على ما جاء النص فيه مفرقا بين أحكامهن وأحكامهم، وهذا في غاية الوضوح.

yet they have not extended the ruling concerning women to men by analogy. There are many more examples like this, of which we have confined ourselves to this amount. Thus, since we have found that the rulings concerning men and the rulings concerning women frequently differ and frequently agree, solely according to the occurrence of an explicit text concerning the matter, it is invalid to extend the ruling concerning women to men by analogy when the explicit text stops short of mentioning women, or to extend the ruling concerning men to women by analogy when the explicit text confines itself to mentioning men. For unifying the rulings concerning women and the rulings concerning men where no explicit text establishes a distinction, by analogy with cases in which the explicit text makes their rulings equal, has no greater claim than distinguishing between the rulings concerning women and the rulings concerning men where no explicit text establishes their unity, by analogy with cases in which the explicit text distinguishes between their rulings. This is utterly clear[12][13]

L3014 and true, admitting no doubt. Thus, even if analogy were valid, extending the obligation of the prescribed punishment from someone who accuses a woman to someone who accuses a man would be certainly invalid, and it would be wholly impermissible to rule on that basis. Their supposition is therefore entirely dispelled. Praise belongs to Allah, Lord of all worlds.

Among the clearest demonstrations that the prescribed punishment for someone who accuses a man does not derive from analogy with someone who accuses a woman of unlawful sexual intercourse is that, only one line after Allah's command to flog someone who accuses chaste women, there occurs His saying, Most High: "Those who accuse their spouses and have no witnesses except themselves: the testimony of one of them shall be four testimonies by Allah that he is indeed among the truthful"—the verses. No one in the

والحقيقة بلا شك فيها، فلو كان القياس حقا لكان قياس قاذف الرجل في إيجاب الحد عليه على قاذف المرأة، باطلا متيقنا لا يجوز الحكم به أصلا فارتفع توهمهم جملة، والحمد لله رب العالمين. ومن أوضح برهان على أن حد قاذف الرجل ليس عن قياس على قاذف المرأة بالزنى أن بعد أمر الله بجلد قاذف المحصنات بسطر واحد فقط قوله تعالى {ولذين يرمون أزواجهم ولم يكن لهم شهدآء إلا أنفسهم فشهادة أحدهم أربع شهادات بلله إنه لمن لصادقين} الآيات فلا خلاف بين أحد من الأمة أنه لا يقاس قاذفة زوجها أن تلاعن على قاذف زوجته أن يلاعن، فلو كان القياس حقا، لما كان قياس قاذف الرجل على قاذف المرأة أن يجلد الحد: أولى ولا أصح من قياس قاذف زوجته أن تلاعنه أيضا، ولا يجد أحد فرق بين الأمرين أصلا، فصح أن القياس باطل إذ لو كان حقا لاستعمله الناس في الملاعنة، وصح أن جلد قاذف الرجل ليس عن قياس وأنه عن نص كما ذكرنا، وبالله التوفيق

[12] **Translator's note (L3011):** The wording 'some of our opponents present have distinguished' renders an awkward construction in the supplied text, which reads literally '[someone] among the opponents present distinguished.'

[13] **Translator's note (L3013):** The first condition reads 'when the explicit text stops short of mentioning women.' The argument appears to require 'when the explicit text confines itself to mentioning women,' parallel to the following condition concerning men. The supplied wording has been retained rather than silently corrected.

community disagrees that a woman who accuses her husband is not required to engage in mutual imprecation by analogy with a man who accuses his wife and is required to engage in mutual imprecation. Thus, if analogy were valid, reasoning by analogy from someone who accuses a woman to someone who accuses a man, so that he should be flogged with the prescribed punishment, would have no greater claim and be no more correct than reasoning by analogy from someone who accuses his wife, so that she too should engage in mutual imprecation with him. No one can find any difference whatsoever between the two matters. It is therefore established that analogy is invalid, since, if it were valid, people would have employed it in mutual imprecation. It is also established that flogging someone who accuses a man does not derive from analogy, but from an explicit text, as we have stated. Success comes through Allah.[14][15]

L3015–3016 Some of them argued from the saying of Allah Most High: "He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others that are ambiguous. As for those in whose hearts is deviation, they follow what is ambiguous in it, seeking discord and seeking its interpretation. None knows its interpretation except Allah. Those firmly grounded in knowledge say, 'We believe in it; all is from our Lord.' None takes heed except those possessed of understanding."

Abu Muhammed said: This proponent mumbled and did not state clearly [his contention that] there are things here in the Quran requiring analogy. Abu Muhammed said: These are words that give cause to think ill of their speaker's beliefs. No statement is worse than the statement of someone who says that Allah Most High made matters obscure to His servants concerning what He desired of them and what He charged them with, and that the

[14]**Translator's note (L3014):** The Quranic quotation is Quran 24:6. The supplied spelling contains omitted letters but no evident change of substantive wording. Mutual imprecation is the procedure of sworn attestations and invocations of Allah's curse or wrath associated with a husband's accusation against his wife. The final analogy is elliptically and awkwardly expressed in the Arabic: it mentions 'someone who accuses his wife' and then 'that she engage in mutual imprecation with him too,' without explicitly restating the corresponding case of a wife accusing her husband. That awkwardness has been retained.

[15]**Qur'an references (L3014):** Qur'an 24:6 (An-Nur).

واحتج بعضهم بقول الله تعالى {هو لذي أنزل عليك لكتاب منه آيات محكمات هن أم لكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه بتغاء لفتنة وبتغاء تأويله وما يعلم تأويله إلا لله ولراسخون في لعلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا لألباب} قال أبو محمد وجمجم هذا المحتج ولم يصرح على ههنا أشياء من القرآن مفتقرة إلى القياس. قال أبو محمد: وهذا كلام يسيء الظن بمعتقد، قائله، ولا قول أسوأ من قول من قال: إن الله تعالى شبه على عباده فيما أراد منهم وفيما كلفهم وإن رسول الله صلى الله عليه وسلم لم يبين تلك الأشياء وتركها مهملة واحتاجوا فيها إلى قياسهم الفاسد. وقد بينا الكلام في باب مفرد في ديواننا هذا، وأخبرنا أنه لا يحل لأحد أن يتبع متشابه القرآن، ولا أن يطلب معنى ذلك المتشابه، وليس إلا الإقرار به، وأنه من عند الله تعالى كما قال عز وجل في آخر الآية المذكورة {هو لذي أنزل عليك لكتاب منه آيات محكمات هن أم لكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه بتغاء لفتنة وبتغاء تأويله وما يعلم تأويله إلا لله ولراسخون في لعلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا لألباب}

Messenger of Allah, may Allah bless him and grant him peace ﷺ, did not clarify those things, but left them unattended, so that they needed their corrupt analogy concerning them. We have explained the matter in a separate chapter of this work of ours, and have stated that it is not lawful for anyone to pursue the ambiguous portions of the Quran or to seek the meaning of that which is ambiguous. There is only acknowledgment of it, and acknowledgment that it is from Allah Most High, as He, Mighty and Majestic, said at the end of the aforementioned verse: "He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of of the Book, and others are ambiguous. As for those in whose hearts is deviation, they follow what is ambiguous in it, seeking discord and seeking its interpretation. None knows its interpretation except Allah. Those firmly grounded in knowledge say, 'We believe in it; all is from our Lord.' None takes heed except those possessed of understanding." And He, exalted is He, informed us therein, saying: "He is the One who sent down to you the Book. In it are unequivocal verses, which are the foundation of the Book, and others are ambiguous. As for those in whose hearts is deviation, they follow what is ambiguous in it, seeking discord and seeking its interpretation. None knows its interpretation except Allah. Those firmly grounded in knowledge say, 'We believe in it; all is from our Lord.' None takes heed except those possessed of understanding." Thus He, exalted is He, expressly stated that whoever seeks

وأخبر تعالى فيها فقال {هو لذي أنزل عليك لكتاب منه آيات محكمات هن أم لكتاب وأخر متشابهات فأما الذين في قلوبهم زيغ فيتبعون ما تشابه منه بتغاء لفتنة وبتغاء تأويله وما يعلم تأويله إلا لله ولراسخون في لعلم يقولون آمنا به كل من عند ربنا وما يذكر إلا أولوا لألباب} فنص تعالى على أن من طلب تأويل المتشابه فهو زائغ القلب، مبتغي فتنة.

the interpretation of the ambiguous is one whose heart deviates and who seeks discord.[16][17][18]

L3017–3018 We declare ourselves before Allah free of this description. It is therefore necessarily established by the texts that no one knows the interpretation of the ambiguous except Allah, mighty and majestic, alone and exclusively, because seeking knowledge of it is forbidden. When seeking knowledge of something is forbidden, the door to knowing it has necessarily been closed, since nothing pertaining to action can be attained without first seeking it. Whatever it is forbidden to seek, therefore, cannot be attained. This is clear, with nothing obscure about it. The routes to knowledge are known and delimited: they are the senses and reason, which Allah has implanted in those living beings subject to religious obligations—namely, the angels, the jinn, and those human beings in whom any of this has been placed—and then those things that Allah has commanded us to ascertain, and concerning which He has commanded us to ascertain His ruling, from what has come from Him, mighty and majestic: the Quran and the Sunnah alone. All these are routes that we have been commanded to follow and to use in drawing inferences. Yet we have been forbidden to seek the meaning of the ambiguous. It is therefore established that knowledge of its meaning cannot be attained by way of anything belonging to the senses, nor through what is rationally apprehended, nor through the Quran, nor through the Sunnah. Since this is

ونحن نبرأ إلى الله من هذه الصفة، فثبت بالنصوص، ضرورة، أن تأويل المتشابه، لا يعلمه أحد إلا الله عز وجل وحده فقط، لأن ابتغاء معرفته حرام، وما حرم ابتغاء معرفته فقد سد الباب دون معرفته ضرورة، إذ لا يوصل إلى شيء من العمل إلا بعد ابتغائه، فما حرم ابتغاؤه فلا سبيل إلى الوصول إليه، وهذا بين لا خفاء فيه، وطرق المعارف معروفة محصورة، وهي: الحواس والعقل اللذان ركبهما الله في المتعبدين من الحيوان، وهم الملائكة والجن، ومن وضع من ذلك فيه شيء من الإنس، ثم ما أمر الله بتعرفه وتعرف حكمه فيه، مما جاء من عنده عز وجل، وهو القرآن والسنة فقط، وهذه كلها طرق أمرنا بسلوكها والاستدلال بها، وقد نهينا عن طلب معنى المتشابه، فصح أنه لا يوصل إلى معرفة معناه من جهة شيء من الحواس، ولا من المعقول ولا من القرآن ولا من السنة، فإذا كان الأمر كذلك فلا سبيل لمخلوق إلى معرفته إلا أن الذي صح في الآي المحكمات التي أمرنا الله بتدبرها وبتعلمها، وبطلب تأويلها والتفقه فيها. فطاعة القرآن فيما أمر الله تعالى فيه ونهى وطاعة الرسول صلى الله عليه وسلم في الذي أمر فيه ونهى وترك التعدي لهذه الحدود، وبطلان ما عداها، فبطل القياس ضرورة لأنه غير هذه الحقائق، والحمد لله رب العالمين. واحتجوا فقالوا: حرم الله تعالى لحم الخنزير فحرمتم شحمه والأنثى منه، وهذا قياس. قال أبو محمد: وهذا ظن فاسد منهم، ومعاذ الله أن نحرم شحم الخنزير وأنثاه بقياس، بل بالإجماع الصحيح وبالنص في القرآن، ولو كان الشحم كحكم اللحم لوجب، إذ حرم على بني إسرائيل الشحم، أن يحرم عليهم اللحم، فإذا لم يكن ذلك فقد صح أن الشحم لم يحرم من الخنزير قياسا على اللحم. ومن الطرائف أن المحتجين بهذا يقولون، أو أكثرهم، إن الشحم جنس غير اللحم ويجيزون رطل لحم برطلي شحم، حتى إن جمهورهم، وهم صحاب أبي حنيفة،

[16] **Translator's note (L3015):** The supplied phrase following 'did not state clearly' reads "alā hāhunā,' which is syntactically corrupt or incomplete. The bracketed words supply the apparent connection to the contention that follows, without treating the reading as certain. Both quotations reproduce Quran 3:7, with the second beginning again at the opening of the verse even though the author introduces it as occurring 'at the end' of the verse. This apparent quotation-reference mismatch has been preserved. The unpunctuated Quranic wording permits different syntactic treatment of 'those firmly grounded in knowledge.' The translation places a stop after 'Allah,' consistent with the author's ensuing argument that the ambiguous passages are to be acknowledged rather than interpreted.

[17] **Translator's note (L3016):** The opening continues a Quranic quotation from the preceding segment. The supplied transcription repeatedly omits initial letters, particularly alifs; the words remain identifiable. The punctuation separating 'except Allah' from 'Those firmly grounded in knowledge' reflects the author's explicit interpretation of the verse.

[18] **Qur'an references (L3015):** Qur'an 3:7 (Ali 'Imran).

so, no created being has any way to know it. However, what is established concerning the unequivocal verses, which Allah has commanded us to ponder, learn, seek to interpret, and understand thoroughly, is obedience to the Quran in what Allah, exalted is He, has commanded and forbidden therein, obedience to the Messenger ﷺ in what he has commanded and forbidden, refraining from transgressing these limits, and the invalidity of everything beyond them. Analogy is therefore necessarily invalid, since it is something other than these realities. Praise belongs to Allah, Lord of the worlds. They advanced an argument, saying: 'Allah, exalted is He, forbade the flesh of swine, and you forbade its fat and the female of the species. This is analogy.' Abu Muhammed said: This is a corrupt supposition on their part. Allah forbid that we should prohibit swine fat and the female of the species by analogy! Rather, we do so by sound consensus and by the explicit text of the Quran. If fat had the same ruling as flesh, then, when fat was forbidden to the Children of Israel, flesh would necessarily have been forbidden to them. Since that was not the case, it is established that swine fat was not forbidden by analogy with its flesh. One of the curious things is that those who advance this argument—or most of them—say that fat is a different category from flesh, and permit exchanging one ratl of flesh for two ratls of fat. Indeed, the majority of them, namely the followers of Abu Hanifah, consider back fat different from abdominal fat, and so permit exchanging one ratl of abdominal fat for two ratls of goose fat. What, then, becomes of their ravings that swine fat was forbidden only by analogy with its flesh?[19][20]

يرون شحم الظهر غير شحم البطن، فيجيزون رطل شحم بطن برطلي شحم الأوز فأين هذيانهم، إنه إنما حرم شحم الخنزير قياسا على لحمه؟.

L3019–3026 The Shafiʿis, Hanafis, and Malikis say that someone who swears not to eat fat and then eats flesh does not break his oath. Nor is there any disagreement among them that, if someone says to another, 'Buy me flesh with this dirham,' and he buys him fat with it, he is liable. Their feeble analogy—that swine fat is assimilated by analogy to its flesh—is thus invalid. And there is no

والشافعيون والحنفيون والمالكيون يقولون: من حلف ألا يأكل شحما فأكل لحما فإنه لا يحنث، ولا خلاف بينهم أن من قال لآخر: ابتع لي بهذا الدرهم لحما فابتاع له به شحما فإنه ضامن. فبطل قياسهم البارد إن الشحم من الخنزير مقيس على لحمه، ولا خلاف بينهم أن العظم لا نسبة بينه وبين اللحم، ولا يجوز أن يقاس عليه، ونحن وهم مجمعون على أن من سحق عظم الخنزير فاستفه فقد عصى الله تعالى، فصح ضرورة أنه لم يحرم شحمه قياسا على لحمه، ولا أنثاه قياسا على ذكره، وبطل تمويههم والحمد لله. وإنما حرم شحم الخنزير وغضروفه ودماغه ومخه وعصبه، وعروقه وجلده وشعره وعظمه وعضله

[19] **Translator's note (L3017):** The text reads 'action' (al-ʿamal) in 'nothing pertaining to action can be attained.' 'Knowledge' (al-ʿilm) would fit the surrounding argument more readily, but the supplied reading has been retained.

[20] **Translator's note (L3018):** A ratl is a unit of weight; its particular regional value is not specified here. The wording introducing obedience as what is 'established concerning the unequivocal verses' is syntactically awkward in the supplied Arabic.

disagreement among them that bone bears no relation to flesh and cannot permissibly be assimilated to it by analogy. Both we and they unanimously agree that someone who crushes a swine's bone and swallows the powder has disobeyed Allah, exalted is He. It is therefore necessarily established that there was no prohibition of its fat by analogy with its flesh, nor of its female by analogy with its male. Their obfuscation is invalid, and praise belongs to Allah. Swine fat, its cartilage, its brain, its marrow, its sinews, its vessels, its skin, its hair, its bone, its muscle, its tooth, its cloven hoof, ownership of it, the female of the species, and her milk were forbidden only by the saying of Allah, exalted is He: "Say: I find in what has been revealed to me nothing forbidden to an eater who eats it, unless it be carrion, or blood poured forth, or the flesh of swine—for it is filth—or an act of transgression over which a name other than Allah's has been invoked. But whoever is compelled, neither seeking it nor transgressing—then your Lord is forgiving, merciful." In the language of the Arabs, a pronoun refers back to the nearest thing mentioned; we have devoted a separate chapter to this in this book of ours. The nearest thing mentioned to the pronoun in "O you who believe, wine, gambling, sacrificial stones, and divining arrows are only filth, of Satan's work; so avoid it, that you may prosper" is the swine, not the flesh. Thus the whole swine is filth by the explicit text, and all filth is foul and forbidden by the saying of Allah, exalted is He: "O you who believe, wine, gambling, sacrificial stones, and divining arrows are only filth, of Satan's work; so avoid it, that you may prosper." The pronoun in His saying, exalted is He, therefore refers back to filth, because, had He, exalted is He, intended the four things mentioned at the beginning of the verse, He would have said, 'So avoid them.' Since He, exalted is He, did not say that, and since the pronoun in His saying, exalted is He, "O you who believe, wine, gambling, sacrificial stones, and divining arrows are only filth, of Satan's work; so avoid it, that you may prosper," cannot refer back to Satan, because we are incapable of avoiding him, it is necessarily established that it refers back to filth and Satan's work. All filth is therefore forbidden; it is of Satan's work, forbidden, and something we are commanded to avoid. Thus whatever is filth is [subject to] avoiding it. The swine is filth, so the whole of it is forbidden and something we are commanded to avoid. Likewise wine, gambling, sacrificial stones, divining

وسنه وظلفه، وملكه والأنثى منه ولبنها، بقول الله تعالى: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير الله به فمن ضطر غير باغ ولا عاد فإن ربك غفور رحيم} والضمير في لغة العرب راجع إلى أقرب مذكور. وقد أفردنا لذلك بابا في كتابنا هذا وأقرب مذكور إلى الضمير الذي في {يأيها لذين آمنوا إنما خمر ولميسر ولأنصاب ولأزلام رجس من عمل لشيطان فجتنبوه لعلكم تفلحون} هو الخنزير لا اللحم، فالخنزير كله بالنص رجس والرجس كله خبيث محرم بقول الله تعالى {يأيها لذين آمنوا إنما خمر ولميسر ولأنصاب ولأزلام رجس من عمل لشيطان فجتنبوه لعلكم تفلحون} فرجع الضمير في قوله تعالى: إلى الرجس، لأنه تعالى لو أراد الأربعة المذكورة في أول الآية لقال: فاجتنبوها، فلما لم يقل تعالى ذلك، ولم يجز أن يكون الضمير راجعا في قوله تعالى {يأيها لذين آمنوا إنما خمر ولميسر ولأنصاب ولأزلام رجس من عمل لشيطان فجتنبوه لعلكم تفلحون} إلى الشيطان لأننا غير قادرين على اجتنابه، صح ضرورة أنه راجع إلى الرجس وعمل الشيطان، فكان الرجس كله محرما، وهو من عمل الشيطان محرم مأمور باجتنابه، فكل ما كان رجسا فهو باجتنابه، والخنزير رجس فكله محرم مأمور باجتنابه، وكذلك الخمر والميسر والأنصاب، والأزلام، وكل رجس بالنص المذكور، وبالله تعالى التوفيق. وإنما قلنا هذا حسما للأقوال، وإنما فالضمير راجع إلى عمل الشيطان، والرجس، بنص الآية، من عمل الشيطان، فهو مأمور باجتنابه بيقين، والخنزير رجس بنص القرآن، والخنزير كله حرام، والخنزير في لغة العرب، التي بها خوطبنا، اسم للجنس يقع تحته الذكر والأنثى والصغير والكبير، فبطل ما ظنوا أن تحريم الشحم إنما هو جهة القياس، وبالله تعالى التوفيق. ثم نقول لهم: أخبرونا عن قول الله تعالى: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير الله به فمن ضطر غير باغ

arrows, and every filthy thing, by the aforementioned explicit text. Through Allah, exalted is He, comes success. We have said this only to put an end to the arguments. And indeed, the pronoun refers back to Satan's work, while filth, by the explicit wording of the verse, is of Satan's work. It is therefore certainly something we are commanded to avoid. The swine is filth by the explicit text of the Quran, and the whole swine is forbidden. 'Swine,' in the language of the Arabs in which we have been addressed, is a generic noun encompassing male and female, young and old. Their supposition that the prohibition of fat comes only by way of analogy is thus invalid. Through Allah, exalted is He, comes success. Then we say to them: Tell us about the saying of Allah, exalted is He: "Say: I find in what has been revealed to me nothing forbidden to an eater who eats it, unless it be carrion, or blood poured forth, or the flesh of swine—for it is filth—or an act of transgression over which a name other than Allah's has been invoked. But whoever is compelled, neither seeking it nor transgressing—then your Lord is forgiving, merciful." What, according to you, did He intend by it? Flesh alone, excluding fat? If you say that, then, according to your assertion, He permitted fat. This contradicts Islam and contradicts your own position. Or did He intend by it fat, flesh, bone and milk? This is false, because all of that is called "flesh" by someone. Your position thus amounts to either a lie or unbelief: one of the two is unavoidable. If they say, "He prohibited flesh and thereby indicated fat," we say: "Bring your demonstration, if you are truthful." This is precisely where we disagree with you and declare your claim false. They have thus ended up in sheer error.

One of them argued: "You must permit killing unbelievers only by striking their necks, because Allah Most High says: {When you meet those who disbelieve, strike their necks; then, when you have thoroughly subdued them, bind them firmly. Thereafter, either release them graciously or ransom them, until war lays down its burdens. Thus it is. Had Allah willed, He would have exacted retribution from them Himself, but [He commands this] to test some of you through others. Those who are killed in Allah's path—He will never let their deeds go astray.}"

ولا عاد فإن ربك غفور رحيم} ماذا أراد به عندكم؟ اللحم وحده دون الشحم؟ فإن قلتم ذلك فقد أباح الشحم على قولكم، وهذا خلاف الإسلام، وخلاف قولكم، أم أراد به الشحم واللحم والعظم واللبن؟ فهذا باطل، لأن كل ذلك يقع عليه عند أحد اسم لحم، فقد حصل قولكم بين كذب وكفر، لا بد من إحداهما، فإن قالوا: حرم اللحم ودل بذلك على الشحم قلنا: هاتوا برهانكم إن كنتم صادقين، وفي هذا خالفناكم وكذبنا دعواكم، فحصلوا في ضلال محض. واحتج بعضهم بأن قال: يلزمكم ألا تبيحوا قتل الكفار إلا بضرب الرقاب فقط لقول الله تعالى {فإذا لقيتم لذين كفروا فضرب لرقاب حتى إذآ أثخنتموهم فشدوا لوثاق فإما منا بعد وإما فدآء حتى تضع لحرب أوزارها ذلك ولو يشآء الله لانتصر منهم ولكن ليبلو بعضكم ببعض ولذين قتلوا في سبيل لله فلن يضل أعمالهم} قال أبو محمد والجواب بأن الله تعالى إنما قال هذا في المتمكن منهم من الكفار، وهذا فرض بلا شك، ولا يحل خلافه، فمن أراد الإمام قتله من الأسارى لم يحل قتله إلا بضرب الرقبة خاصة، لا بالتوسيط ولا بالرماح ولا بالنبل ولا بالحجارة ولا بالخنق ولا بالسم ولا بقطع الأعضاء. وأما من لا يتمكن منه فقد قال تعالى {إذ يوحي ربك إلى لملائكة أني معكم فثبتوا لذين آمنوا سألقي في قلوب لذين كفروا لرعب فضربوا فوق لأعناق وضربوا منهم كل بنان} وقال تعالى {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} فقتل هؤلاء واجب كيف ما أمكن بالنص المذكور، وهذا لا نعلم فيه خلافا، وهو ظاهر الآيات المذكورات ويبين أن المراد بالآية التي فيها ضرب رقاب الأسرى فقط قوله تعالى في تلك الآية بعينها {هو لذي أنزل لسكينة في قلوب لمؤمنين ليزدادوا إيمانا مع إيمانهم ولله جنود لسماوات ولأرض وكان لله عليما حكيما} فاستثنى الأسرى من

جملة قوله تعالى {إذ يوحي ربك إلى لملائكة أني معكم فثبتوا لذين آمنوا سألقي في قلوب لذين كفروا لرعب فضربوا فوق لأعناق وضربوا منهم كل بنان} و {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} وقال بعضهم أيضا يلزمكم ألا تجيزوا أن يبدأ في غسل الذراعين في الوضوء إلا من الأنامل لقول الله تعالى {يا أيها لذين آمنوا إذا قمتم إلى لصلاة فغسلوا وجوهكم وأيديكم إلى لمرافق ومسحوا برؤوسكم وأرجلكم إلى لكعبين وإن كنتم جنبا فطهروا وإن كنتم مرضى أو على سفر أو جآء أحد منكم من لغائط أو لامستم لنسآء فلم تجدوا مآء فتيمموا صعيدا طيبا فمسحوا بوجوهكم وأيديكم منه ما يريد لله ليجعل عليكم من حرج ولكن يريد ليطهركم وليتم نعمته عليكم لعلكم تشكرون} قال أبو محمد: وهذا خطأ وقول فاسد، لأن الله تعالى لم ينص على أن يبدأ في ذلك من مكان من اليدين بعينه، وإنما جعل عز وجل المرافق نهاية موضع الغسل لا نهاية عمل الغسل، فكيف ما غسل الغاسل ما بين أطراف الأنامل إلى نهاية المرافق فقد فعل ما أمر به في النص ولا مزيد.

Abu Muhammed said: The answer is that Allah Most High said this only concerning those unbelievers over whom control has been secured. This is unquestionably an obligation, and departing from it is unlawful. Any prisoner whom the ruler intends to execute may lawfully be killed only by striking the neck specifically: not by cutting him in two, nor with spears, arrows, stones, strangulation, poison, or severing his limbs. As for someone over whom control has not been secured, He Most High said: {When your Lord revealed to the angels: "I am with you, so strengthen those who believe. I shall cast terror into the hearts of those who disbelieve. Strike above their necks, and strike every fingertip of theirs."} And He Most High said: {Then, when the sacred months have elapsed, kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give the obligatory alms, then let them go their way. Allah is indeed forgiving, merciful.}

Killing these people is therefore obligatory by whatever means are possible, under the aforementioned text. We know of no disagreement about this, and it is the apparent meaning of the verses cited. What makes clear that the verse mentioning the striking of necks refers only to prisoners is His Most High's statement in that very verse: {He is the one who sent down tranquility into the hearts of the believers, so that they might increase in faith alongside their faith. To Allah belong the armies of the heavens and the earth, and Allah is knowing, wise.} He thus excepted prisoners from the general scope of His Most High's statement: {When your Lord revealed to the angels: "I am with you, so strengthen those who believe. I shall cast terror into the hearts of those who disbelieve. Strike above their necks, and strike of theirs every fingertip."} And: {Then, when the sacred months have elapsed, kill the polytheists wherever you find them, seize them, and besiege them and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give the obligatory alms, then let them go their way. Allah is indeed forgiving, merciful.}

One of them also said: "You must not permit washing the forearms during ablution to begin anywhere except at the fingertips, because Allah Most High says: {O you who believe, when you rise for prayer, wash your faces and your

hands up to the elbows, and wipe your heads, and [wash] your feet up to the ankles. If you are in a state of major ritual impurity, purify yourselves. If you are ill or on a journey, or one of you has come from relieving himself, or you have touched women, and you find no water, then resort to clean earth and wipe your faces and your hands with it. Allah does not wish to impose hardship upon you, but wishes to purify you and complete His favor upon you, so that you may give thanks.}"

Abu Muhammed said: This is an error and an unsound statement, because Allah Most High did not expressly stipulate that one must begin at any particular place on the hands. Rather, He, mighty and majestic, made the elbows the limit of the area to be washed, not the endpoint of the act of washing. Thus, however a person washes the area between the tips of the fingers and the far limit of the elbows, he has done what the text commands, and nothing further is required.[21][22][23][24]

L3027–3038 One of them argued from Allah Most High's statement: {Then, when they reach the end of their appointed term, retain them honorably or part with them honorably, and call to witness two persons of upright character from

واحتج بعضهم بقول الله تعالى: {فإذا بلغن أجلهن فأمسكوهن بمعروف أو فارقوهن بمعروف وأشهدوا ذوي عدل منكم وأقيموا لشهادة لله ذلكم يوعظ به من كان يؤمن بالله واليوم لآخر ومن يتق لله يجعل له مخرجا} قالوا وإنما قال ذلك تعالى في الطلاق والرجعة، يعني اشتراط العدالة، واشترط تعالى الرضا في الرجل والمرأتين في الديون فقط، فكان ذلك في سائر الأحكام قياسا على الطلاق والرجعة. قال أبو محمد: وهذا الاحتجاج من غريب نوادرهم فأول ذلك أن المحتج بهذا إن كان مالكيا فقد نسي نفسه في إباحتهم شهادة الطبيب الفاسق، وفي شهادة الصبيان في الدماء والجراحات خاصة، وهم غير موصوفين بعدالة، ولم يقس على ذلك الصبايا ولا تحريق الثياب. وإن كان حنفيا فقد نسي نفسه في قبول شهادة الكفار بعضهم على بعض، ونقضهم كلهم هذا الأصل في رد شهادة العبيد العدول والأقارب العدول، وأما نحن فلم نأخذ قبول شهادة العدول فيما عدا الطلاق والرجعة والديون قياسا على ذلك، ونعوذ بالله من هذا، وإنما لزم قبول العدول في كل موضع حاشا ما استثناه النص من

[21] **Translator's note (L3021):** The first quotation is Quran 6:145. In the subsequent claim that 'the nearest thing mentioned' is swine, the supplied text instead quotes Quran 5:90, which contains no mention of swine. This apparent quotation error has been retained. The wording 'whatever is filth is [subject to] avoiding it' renders the defective phrase fa-huwa bi-ijtināibihi; the bracketed words supply an English connection without silently replacing the Arabic. 'Ownership of it' renders the supplied mulkihi, which introduces ownership among the listed bodily parts and products.

[22] **Translator's note (L3022):** The supplied phrase wa-innamā fa-l-ḍamīr, rendered 'And indeed, the pronoun,' is syntactically irregular; its precise connective force is uncertain.

[23] **Translator's note (L3024):** The opening continues the preceding unit's question about whether the prohibition encompasses fat, flesh, bone, and milk. The supplied wording says that all these things are called "flesh" by someone. The argument appears to require a negation, but none is supplied; the translation preserves the affirmative wording. The quotation beginning "He is the one who sent down tranquility" is Quran 48:4, not part of the verse about striking necks, Quran 47:4. The source's assertion that it occurs "in that very verse" is preserved.

[24] **Qur'an references (L3019):** Qur'an 6:145 (Al-An'am); Qur'an 47:4 (Muhammad); Qur'an 9:5 (At-Tawbah); Qur'an 48:4 (Al-Fath); Qur'an 4:43 (An-Nisa); Qur'an 5:6 (Al-Ma'idah).

among you, and uphold testimony for Allah. This is what anyone who believes in Allah and the Last Day is admonished with. Whoever fears Allah, He will provide him a way out.} They said: "He Most High said this only concerning divorce and the resumption of marriage"—meaning the stipulation of upright character—"and He Most High stipulated acceptability in the case of the man and the two women only in matters of debt. Its application to all other legal rulings is therefore by analogy with divorce and the resumption of marriage."

Abu Muhammed said: This argument is one of their peculiarly remarkable productions. To begin with, if the person advancing it is a Maliki, he has forgotten his own position in their permitting the testimony of a morally depraved physician, and the testimony of boys specifically in cases of bloodshed and wounds, although they are not characterized by uprightness. Yet he did not extend this by analogy to girls or to the burning of clothes. If he is a Hanafi, he has forgotten his own position in accepting unbelievers' testimony against one another. All of them have contradicted this principle by rejecting the testimony of upright slaves and upright relatives.

As for us, we did not derive the acceptance of upright witnesses' testimony in matters other than divorce, the resumption of marriage, and debts by analogy with those matters—we seek refuge in Allah from this. Rather, accepting upright persons became obligatory in every instance, except what the text specifically excepted regarding the acceptance of unbelievers' testimony concerning a testament while traveling only, through Allah Most High's statement: {O you who believe, if a morally depraved person brings you a report, ascertain the truth, lest you harm people in ignorance and then become remorseful over what you have done.} Allah Most High thus forbade us to accept a morally depraved person. Among sane adults there is only either a morally depraved person or an upright person. We must therefore ascertain the condition of every witness and every informant until we know whether he is morally depraved, in which case we do not act on his report or his testimony when he conveys it to us, or know whether he is upright, in which case we act on his report and his testimony. This ignorant man's supposition is therefore invalid.

قبول شهادة الكفار في الوصية في السفر فقط في قول الله تعالى {يأيها لذين آمنوا إن جآءكم فاسق بنبإ فتبينوا أن تصيبوا قوما بجهالة فتصبحوا على ما فعلتم نادمين} فنهانا الله تعالى عن قبول الفاسق، ليس في البالغين العقلاء، وإلا فاسق أو عدل، فوجب علينا التبين في كل شاهد، وكل مخبر حتى نعلم أفاسق هو فلا نعمل بخبره ولا بشهادته إذا أنبأنا بها، أو نعلم أهو عدل؟ فنعمل بخبره وشهادته فبطل ظن هذا الجاهل وأما قبول عدلين في سائر الأحكام فقد كان يلزم هذا الجاهل، إن التزم القياس، أن يقيس جميع الشهادات في السرقة والقذف والخمر والقصاص والقتل على الشهادة في الزنى فلا يقبل في شيء مما ذكرنا إلا أربعة شهداء لا أقل، لأن الحدود بالحدود أشبه من الحدود بالطلاق والرجعة والديون، والزنى حد، وكل ما ذكرناه في السرقة والقذف والخمر حد. وكان يلزمه أيضا أن يقيس على الديون فيقبل في سائر الأشياء رجلا وامرأتين كما جاء النص في الأموال، وإلا فلأي معنى وجب أن يقاس على الرجعة والطلاق دون أن يقاس على الديون؟ فإن ادعى الإجماع، قيل له: كذبت وجهلت فالحسن البصري لا يقبل في القتل إلا أربعة شهداء عدول، وهذا عمر بن الخطاب وعطاء بن أبي رباح يقبلان في الطلاق النساء دون الرجال، وعطاء يقبل في الزنى ثماني النسوة، وأبو حنيفة يقبل في الطلاق والرجعة والنكاح رجلا وامرأتين، ولا يقبل ذلك في الحدود، وقول الحسن أدخل في القياس، لأن القتل أشبه بالزنى الذي يكون فيه القتل في الإحصان، فهو قتل وقتل، فالقتل بالقتل أشبه من القتل بالطلاق. وقول عمر وعطاء أشبه بالقياس، لأنهما جعلا مكان كل رجل امرأتين، وجلد الزنى جلد، وجلد القذف والخمر جلد، فالجلد بالجلد أشبه من الجلد بالرجعة في النكاح. وهذا ما لا يحل يخيل على من له أدنى حس سليم، لا سيما المالكيين الذين يقولون بقياس القتل على الزنى: أنه إن عبر عن القاتل أن يجلد مائة سوط ويغرب سنة، قياسا على الزاني غير المحصن، فهلا قلدوه عليه فيما يقبل عليه من عدد الشهود

As for accepting two upright witnesses in all other legal rulings, if this ignorant man committed himself to analogy, he would have been obliged to assimilate all testimony concerning theft, accusations of unlawful intercourse, wine, retaliation, and homicide to testimony concerning unlawful intercourse. He would then accept no fewer than four witnesses in any of the matters we have mentioned, because prescribed penalties resemble prescribed penalties more closely than prescribed penalties resemble divorce, the resumption of marriage, and debts. Unlawful intercourse incurs a prescribed penalty, and everything we have mentioned concerning theft, accusations of unlawful intercourse, and wine incurs a prescribed penalty. He would also have been obliged to draw an analogy with debts, and thus accept one man and two women in all other matters, as the text provides concerning property. Otherwise, on what grounds must an analogy be drawn with the resumption of marriage and divorce, without an analogy being drawn with debts? If he claims consensus, he is told: "You have lied and displayed ignorance." Al-Hasan al-Basri accepts only four upright witnesses in homicide cases. Here are Umar ibn al-Khattab and Ata ibn Abi Rabah accepting women without men in divorce cases; Ata accepts eight women in cases of unlawful intercourse. Abu Hanifa accepts one man and two women in divorce, the resumption of marriage, and marriage, but does not accept this in cases involving prescribed penalties.

Al-Hasan's position accords more closely with analogy, because homicide more closely resembles unlawful intercourse, for which there is execution when the offender has the status of a person who has consummated a valid marriage. It is thus execution and execution: execution resembles execution more closely than execution resembles divorce. Umar's and Ata's position more closely resembles analogy because they put two women in the place of each man. Flogging for unlawful intercourse is flogging, and flogging for accusations of unlawful intercourse and wine is flogging. Flogging thus resembles flogging more closely than flogging resembles the resumption of marriage.

This is something that it is not lawful to make appear plausible to anyone with even the slightest sound sense, especially the Malikis, who say, by analogy

ولكن هكذا يكون من سلك السبل فتفرقت به عن سبيل الله تعالى والعجب أن مالكا أجاز في القتل شاهدا واحدا وأيمان الأولياء، وهذا قياس على الشاهد واليمين في الأموال، فلا أجاز ذلك في الطلاق والنكاح والعتق وغير ذلك وأي فرق بين هذه الوجوه نعوذ بالله من التخليط والآراء والمقاييس الفاسدة في دين الله تعالى. واحتج بعضهم في ذلك بالآية الواردة في تعبير الرؤيا، وهذا تخليط ما شئت والرؤيا قتل كل كلام لا يقطع بصحتها، وقد تكون أضغاثا، والحكم في الدين استباحة للدماء، والفروج، والأموال وإيجاب العبادات، وإسقاط لكل ذلك، ولا يجوز الحكم في شيء من ذلك برؤيا أحد دون رؤيا النبي صلى الله عليه وسلم وإذا كانت هذه الرؤيا التي جعلها هذا المحتج أصلا لتصحيح القياس لا يجوز القطع بها في دين الله تعالى. فالقياس الذي هو فرعها أبعد من ذلك على قضيته الفاسدة التي رضيها لنفسه، وأيضا فإن كثيرا من الرؤيا يفسر فيها الشيء بضده؟ فيحمد القيد والسواد، ويذم العرس، وليس هذا من القياس في ورود ولا صدر، ولو كان ذلك في القياس لوجب إذا جاء النص بالأمر أن يفهم منه النهي، أو بالنهي أن يفهم منه ضده، وهذا عكس الحقائق، وبالجملة فهذا شغب فاسد ضعيف، لأن الحكم بالقياس عندهم إنما هو أن يحكم المسكوت عنه بحكم المنصوص عليه، وهذا هو غير العمل في الرؤيا جملة، ومن شبه دينه بالرؤيا، وفيها الأضغاث وما تتحدث به النفس، فقد كفى خصمه مؤنته، وبالله تعالى التوفيق. وذكروا أيضا قول الله تعالى {ولقد صرفنا للناس في هذا لقرآن من كل مثل فأبى أكثر لناس إلا كفورا} وقوله تعالى {وتلك لأمثال نضربها للناس وما يعقلهآ إلا لعالمون} قال أبو محمد صدق الله تعالى وكذب أصحاب القياس، وما أنكر ضرب الله تعالى الأمثال إلا كافر، بل قد ضرب الله عز وجل الأمثال في إدبار الدنيا بالزرع، وفي أعمال الكفار بسراب بقيعة، وفي الظالمين بالأمم السالفين فهذا لا يعقله فيغبط به إلا العالمون. ولعمري إن من صرف هذا الأمثال عما وضعها الله تعالى

between homicide and unlawful intercourse, that if the killer is 'passed over,' he is to be flogged one hundred lashes and banished for a year, by analogy with a perpetrator of unlawful intercourse who does not have the status of a person who has consummated a valid marriage. Why, then, did they not follow him in applying it to the number of witnesses accepted against him? But this is what happens to someone who follows the paths and is thereby led away from the path of Allah Most High. What is astonishing is that Malik permitted one witness together with the oaths of the victim's legal heirs in homicide cases. This is an analogy with one witness and an oath in property cases. Why, then, did he not permit that in divorce, marriage, emancipation, and other matters? What difference is there between these cases? We seek refuge in Allah from confusion, personal opinions, and unsound analogies in the religion of Allah Most High.

One of them argued for this from the verse concerning the interpretation of dreams. This is confusion to whatever extent you please. Dreams—'the killing of all speech'—cannot be established as certainly true, and they may be confused dreams. Ruling in religion means permitting the taking of lives, sexual relations, and property, imposing acts of worship, and removing all those obligations. No ruling in any of these matters may be based on anyone's dream other than the dream of the Prophet, may Allah bless him and grant him peace ﷺ. If this dream, which the person advancing the argument has made a basis for establishing the validity of analogy, cannot be treated as certain in the religion of Allah Most High, then analogy, which is its derivative, is even further from that, according to his own premise corrupt, which he has accepted for himself. Furthermore, in many dreams a thing is interpreted as its opposite: fetters and blackness are regarded favorably, while a wedding is regarded unfavorably. This has nothing whatsoever to do with analogy. Were this applicable to analogy, then, whenever a text commanded something, a prohibition would have to be understood from it, or, whenever it prohibited something, its opposite would have to be understood. This reverses realities. In sum, this is invalid, feeble disputation, because ruling by analogy, according to them, consists precisely in assigning to something about which the text is silent the ruling applicable to something expressly

له، إلى تحريم القديد بالقديد، إلا مثل بمثل، أو البتة وإلى أن على المرأة الموطوءة في نهار رمضان عتق رقبة، وإلى أن الصداق لا يكون إلا عشرة دراهم أو ربع دينار، وإلى أن من لاط حد حد الزنى، لجريء على القول على الله تعالى بغير علم. وليت شعري لو ادعى خصمهم عليهم واستحل ما يستحلونه، فادعى في هذه الآيات أنها تقتضي ضد مذاهبهم فيما ذكرنا، أكان بينه وبينهم فرق؟ ونعوذ بالله من الخذلان. وكما نقول: إن الله تعالى ضرب لنا الأمثال، وإن أمثاله المضروبة كلها حق، لأنه تعالى قال ذلك فيها. فكذلك نقول: لا يحل لنا ضرب الأمثال لله تعالى لأنه قال تعالى {فلا تضربوا لله لأمثال إن لله يعلم وأنتم لا تعلمون} والقياس ضرب أمثال الله تعالى بيقين منا ومنهم، فهو حرام وباطل، لنهي الله تعالى عنا نصا، وبالله تعالى التوفيق. فهذا كل ما شغبوا به من القرآن، ووضعهوه في غير مواضعه، وقد أوردناه وبينا ذلك لكل ذي حس سليم أنه لا حجة لهم في شيء منه، وأن أكثره مانع من القول في الدين بغير نص من الله تعالى. واحتجوا من الحديث بما كتب به إلي يوسف بن عبد الله النمري؛ حدثنا سعيد ابن نصر، ثنا قاسم بن أصبغ، ثنا محمد بن وضاح، ثنا أبو بكر بن أبي شيبة، حدثنا شبابة بن سوار المدائني، عن الليث بن سعد، عن بكير بن عبد الله بن الأشج، عن عبد الملك بن سعيد الأنصاري، عن جابر بن عبد الله، عن عمر بن الخطاب قال: هششت إلى المرأة فقبلتها وأنا صائم فأتيت النبي صلى الله عليه وسلم فقلت يا رسول الله أتيت أمرا عظيما قبلت وأنا صائم فقال رسول الله صلى الله عليه وسلم أرأيت لو مضمضت بماء وأنت صائم قلت لا بأس. قال: ففيم؟. قال أبو محمد: لو لم يكن في إبطال القياس إلا هذا الحديث لكفى، لأن عمر ظن أن القبلة تفطر الصائم قياسا على الجماع فأخبره صلى الله عليه وسلم أن الأشياء المماثلة والمتقاربة لا تستوي أحكامها، وأن المضمضة لا تفطر، ولو تجاوز الماء الحلق عمدا لأفطر، وأن الجماع يفطر، والقبلة

addressed by the text. This is entirely different from the procedure followed in interpreting dreams. Whoever likens his religion to dreams, which include confused dreams and things the soul says to itself, has spared his opponent the trouble of refuting him. Success comes through Allah Most High. They also cited the words of Allah Most High: "We have indeed variously presented for people in this Quran every kind of parable, yet most people refuse anything but unbelief"; and His words, Most High: "These parables We set forth for people, but none understands them except those who possess knowledge." Abu Muhammed said: Allah Most High has spoken the truth, and the advocates of analogy have lied. None denies the setting forth of parables by Allah Most High except an unbeliever. Indeed, Allah, Mighty and Majestic, has set forth parables concerning the passing away of this world through crops, concerning the deeds of the unbelievers through a mirage on a level plain, and concerning wrongdoers through bygone nations. None understands this, and is consequently to be envied for it, except those who possess knowledge. By my life, anyone who diverts these parables from the purposes for which Allah Most High established them to the prohibition of exchanging dried meat for dried meat except in equal quantities, or to its outright prohibition; to requiring a woman who has been subjected to intercourse during the daytime in Ramadan to emancipate a slave; to holding that the bridal dower can only be ten dirhams or a quarter of a dinar; and to imposing upon someone who commits sodomy the prescribed punishment for unlawful sexual intercourse—such a person is indeed audacious in speaking about Allah Most High without knowledge. I should like to know: if their opponent made a claim against them and deemed permissible what they deem permissible, asserting that these verses entail the opposite of their positions on the matters we have mentioned, would there be any difference between him and them? We seek refuge in Allah from abandonment. Just as we say that Allah Most High has set forth parables for us, and that all the parables He has set forth are true, because He Most High has said this concerning them, so too we say that it is unlawful for us to set forth comparisons for Allah Most High, because He Most High said: "So do not set forth comparisons for Allah. Indeed, Allah knows, and you do not know." Analogy is the setting forth of comparisons for Allah Most High, as both we and they know with

لا تفطر، وهذا هو إبطال القياس حقا. ولا شبه بين القبلة والمضمضة فيمكنهم أن يقولوا إنه صلى الله عليه وسلم قاس القبلة على المضمضة لأنهم لا يرون القياس إلا بين شيئين مشتبهين، وبضرورة العقل والحس نعلم أن القبلة من الجماع أقرب شيئا، لأنهما من باب اللذة، فهما أقرب شبها من القبلة إلى المضمضة. ثم إن الحديث عائد للمالكيين، لأنهم يستحبون المضمضة للصائم في الوضوء، ويكرهون له القبلة، فقد فرقوا بإقرارهم بين ما زعموا أنه عليه السلام سوى بينهما، وفي هذا ما فيه، فبطل شغبهم بهذا الحديث، وعاد عليهم حجة، والحمد لله رب العالمين. واحتجوا بما حدثناه أحمد بن محمد الطلمنكي، ثنا ابن مفرج، ثنا محمد بن أيوب الصموت، ثنا أحمد بن عمرو بن عبد الخالق البزار، ثنا إبرهيم بن نصر، ثنا الفضل بن دكين، ثنا طلحة بن عمر عن عطاء عن أبي هريرة عن النبي صلى الله عليه وسلم قال إذا كنت إماما فقس الناس بأضعفهم قال أبو محمد: طلحة بن عمرو ركن من أركان الكذب متروك الحديث، قاله أحمد ويحيى وغيرهما، وهذا حديث مشهور من طريق أبي هريرة وعثمان بن أبي العاص، ليس في شيء منه هذه اللفظة البتة إلا من هذه الطريق الساقطة. ولو صحت ما كانت لهم فيه حجة أصلا، لأنه ليس هنا شيء مسكوت قيس بمنصوص عليه وإنما أمر صلى الله عليه وسلم الإمام أن يخفف الصلاة على قدر احتمال أضعف من خلفه، وليس يخرج من هذا تحريم البلوط بالبلوط متفاضلا، والنص قد جاء بإيجاب أن يخفف الإمام الصلاة رفقا بالناس كلهم.

certainty. It is therefore forbidden and invalid, because Allah Most High has explicitly forbidden us this. Success comes through Allah Most High. This, then, is everything from the Quran that they have used for disputation and placed where it does not belong. We have presented it and made clear to everyone of sound perception that they have no proof in any of it, and that most of it precludes speaking about religion without a text from Allah Most High. From the hadith, they adduced as evidence what Yusuf ibn Abd Allah al-Namari wrote to me: Said ibn Nasr related to us; Qasim ibn Asbagh related to us; Muhammed ibn Waddah related to us; Abu Bakr ibn Abi Shaybah related to us; Shababah ibn Sawwar al-Madaini related to us, from al-Layth ibn Sad, from Bukayr ibn Abd Allah ibn al-Ashajj, from Abd al-Malik ibn Said al-Ansari, from Jabir ibn Abd Allah, from Umar ibn al-Khattab, who said: "I felt desire for the woman and kissed her while I was fasting. I went to the Prophet ﷺ and said: 'O Messenger of Allah, I have done something grave: I kissed while I was fasting.' The Messenger of Allah ﷺ said: 'Tell me, what if you rinsed your mouth with water while you were fasting?' I said: 'There would be no harm.' He said: 'Then what is the concern?'" Abu Muhammed said: If there were nothing to invalidate analogy except this hadith, it would suffice. Umar thought that kissing broke the fasting person's fast by analogy with intercourse. He ﷺ informed him that things which resemble one another and are closely related do not have identical rulings: rinsing the mouth does not break the fast, although, if the water deliberately passed beyond the throat, it would break the fast; intercourse breaks the fast, while kissing does not. This is truly the invalidation of analogy. There is no resemblance between kissing and rinsing the mouth that would enable them to say that he ﷺ drew an analogy between kissing and rinsing the mouth, for they recognize analogy only between two things that resemble one another. Through the necessary evidence of reason and sense perception, we know that kissing is more closely related to intercourse, since both belong to the category of pleasure: the resemblance between them is closer than that between kissing and rinsing the mouth. Moreover, the hadith turns against the Malikis, because they regard rinsing the mouth during ablution as recommended for someone fasting, while they regard kissing as disapproved for him. By their own admission, they have thus distinguished between the

things they claim he, peace be upon him, treated alike. This has the implications it has. Their disputation based on this hadith is therefore invalid, and it becomes a proof against them. Praise be to Allah, Lord of the worlds. They adduced as evidence what Ahmad ibn Muhammed al-Talamanki related to us: Ibn Mufarrij related to us; Muhammed ibn Ayyub al-Samut related to us; Ahmad ibn Amr ibn Abd al-Khaliq al-Bazzar related to us; Ibrahim ibn Nasr related to us; al-Fadl ibn Dukayn related to us; Talhah ibn Umar related to us, from Ata, from Abu Hurayrah, from the Prophet—blessings of Allah and peace be upon him—who said: "When you are an imam, measure the people by the weakest among them." Abu Muhammed said: Talhah ibn Amr is one of the pillars of lying, a transmitter whose hadith is abandoned. Ahmad, Yahya, and others said this. This is a well-known hadith transmitted through Abu Hurayrah and Uthman ibn Abi al-As. This particular expression occurs in absolutely none of its versions except through this discredited transmission route. Even if it were authentic, they would have no proof in it at all, because there is nothing here about which the text is silent that has been subjected to analogy with something expressly addressed by a text. He ﷺ merely commanded the imam to shorten the prayer in accordance with the endurance of the weakest person behind him. No prohibition of exchanging acorns for acorns in unequal quantities follows from this. The

text has already established the obligation for the imam to shorten the prayer out of consideration for all the people.[25][26][27][28][29][30]

L3039–3041 How, then, could their claim stand, when this report has come only in two wordings: “Follow the weakest among them,” and “Gauge the people by the weakest among them”? Thus Abd Allah ibn Rabi related to us: Muhammed ibn Muawiyah related to us; Ahmad ibn Shuayb related to us; Ahmad ibn Sulayman related to us; Affan ibn Muslim related to us; Hammad ibn Salamah related to us; Said al-Jurayri related to us, from Abu al-Ala, from Mutarrif ibn al-Shikhkhir, from Uthman ibn Abi al-As, who said: “I said: ‘O Messenger of Allah, appoint me imam of my people.’ He said: ‘You are their imam. Follow the weakest among them, and appoint a caller to prayer who takes no payment for his call to prayer.’” Abd Allah ibn Rabi related to us: Muhammed ibn Muawiyah related to us; Ahmad ibn Shuayb related to us; Qutaybah related to us; Malik related to us, from Abu al-Zinad, from al-Araj, from Abu

فكيف وإنما جاء هذا الخبر بلفظين: اقتد بأضعفهم واقدر الناس بأضعفهم كما حدثنا عبد الله بن ربيع، ثنا محمد بن معاوية، ثنا أحمد بن شعيب، ثنا أحمد بن سليمان، ثنا عفان بن مسلم، ثنا حماد بن سلمة، ثنا سعيد الجريري، عن أبي العلاء، عن مطرف بن الشخير، عن عثمان بن أبي العاص قال: قلت: يا رسول الله اجعلني إمام قومي، قال: أنت إمامهم واقتد بأضعفهم، واتخذ مؤذنا لا يأخذ على أذانه أجرا. حدثنا عبد الله بن ربيع، ثنا محمد بن معاوية، ثنا أحمد بن شعيب، نا قتيبة، نا مالك، عن أبي الزناد عن الأعرج عن أبي هريرة عن النبي صلى الله عليه وسلم قال إذا صلى أحدكم بالناس فليخفف فإن فيهم السقيم والضعيف والكبير، وإذا صلى أحدكم لنفسه فليطول ما شاء. وهكذا رواه أيضا أبو سلمة عن أبي هريرة. واحتجوا أيضا بما حدثناه عبد الله بن ربيع، نا عمر بن عبد الملك، ثنا محمد بن بكر، نا أبو داود، نا قتيبة، عن الليث، عن عقيل، عن الزهري، عن سعيد بن المسيب عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم لا يلدغ المؤمن من جحر مرتين قال أبو محمد: وقد قلنا مرارا إننا لا ننكر نقل لفظ إلى معنى آخر، إذا صح ذلك بنص آخر أو إجماع، ولكن إذا كان عندهم هذا قياسا فإنه يلزمهم أنه متى سمعوا ذكر جحر في أي شيء ذكر، أن يقيسوا عليه كل ما في العالم، كما جاء النهي عن البول في الجحر فلم يقيسوا عليه غيره. فإذا لم يفعلوا فلا شك أنه إنما انتقل إلى ههنا لفظ الجحر إلى كل ما عداه بالإجماع، وبالله تعالى التوفيق واحتجوا أيضا بقوله صلى الله عليه وسلم للخثعمية وللمستفتية التي ماتت وعليها صوم. وهو حديث مشهور رويناه من طرق، ومن بعضها ما حدثناه عبد الله بن يوسف، عن أحمد بن فتح، عن عبد الوهاب بن عيسى، عن أحمد بن محمد، عن أحمد بن علي، ثنا مسلم بن الحجاج، حدثني أحمد بن عمر الوكيعي، ثنا حسين بن علي الجعفي، عن

[25] **Translator’s note (L3027):** The wording rendered “Among sane adults there is only either a morally depraved person or an upright person” is syntactically irregular in the supplied Arabic, which contains an apparently intrusive conjunction before “except.” Its evident binary distinction is retained.

[26] **Translator’s note (L3030):** The wording rendered “it is not lawful to make appear plausible” is awkward and possibly corrupt: the supplied text reads “ما لا يحل يخيل.” No secure correction is evident. “If the killer is ‘passed over’” represents the uncertain supplied wording “إن عبر عن القاتل.” The context suggests a reference to pardoning the killer, but the Arabic does not clearly say this. The antecedent of “him” in “did they not follow him” is unclear in the supplied wording; the translation preserves that uncertainty.

[27] **Translator’s note (L3031):** The phrase “قتل كل كلام,” translated literally as “the killing of all speech,” is apparently corrupt. It interrupts an otherwise intelligible statement that the truth of dreams cannot be established with certainty; no correction has been silently substituted. The concluding “premise” continues into the following segment, where it is qualified as unsound.

[28] **Translator’s note (L3034):** The phrase rendered “because Allah Most High has explicitly forbidden us this” reads li-nahy Allahi taala anna nassan. The preposition anna is syntactically awkward here; the translation conveys the prohibition asserted in the surrounding argument.

[29] **Translator’s note (L3036):** The transmitter is called Talhah ibn Umar here, but Talhah ibn Amr in the next unit. The discrepancy in the supplied text has been retained.

[30] **Qur’an references (L3027):** Qur’an 65:2 (At-Talaq); Qur’an 49:6 (Al-Hujurat); Qur’an 17:89 (Al-Isra); Qur’an 29:43 (Al-’Ankabut).

Hurayrah, from the Prophet ﷺ, who said: "When one of you leads the people in prayer, let him shorten it, for among them are the sick, the weak, and the elderly. When one of you prays on his own, let him prolong it as much as he wishes." It was also transmitted in this same way by Abu Salamah, from Abu Hurayrah. They also adduced as evidence what Abd Allah ibn Rabi related to us: Umar ibn Abd al-Malik related to us; Muhammed ibn Bakr related to us; Abu Dawud related to us; Qutaybah related to us, from al-Layth, from Uqayl, from al-Zuhri, from Said ibn al-Musayyab, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said: "The believer is not bitten from the same burrow twice." Abu Muhammed said: We have said repeatedly that we do not reject transferring an expression to another meaning when this is established by another text or by consensus. But if they regard this as analogy, they are bound, whenever they hear a burrow mentioned, in whatever connection it is mentioned, to draw an analogy from it to everything in the world. Thus a prohibition has been transmitted against urinating into a burrow, yet they have not extended it by analogy to anything else. Since they have not done so, there is no doubt that it is only by consensus that the expression "burrow" has here been extended to everything other than it. Success comes through Allah Most High. They also adduced as evidence his ﷺ words to the woman of Khatham and to the woman seeking a ruling who had died owing a fast. This is a well-known hadith that we have transmitted through several routes. Among them is what Abd Allah ibn Yusuf related to us, from Ahmad ibn Fath, from Abd al-Wahhab ibn Isa, from Ahmad ibn Muhammed, from Ahmad ibn Ali: Muslim ibn al-Hajjaj related to us; Ahmad ibn Umar al-Wakii related to me; Husayn related to us ibn Ali al-Jufi, from Zaidah, from Sulayman al-Amash, from Muslim al-Batin, from Said ibn Jubayr, from Ibn Abbas, who said: A man came to the Prophet ﷺ and said: "O Messenger of Allah, my mother died owing a month's fast. Should I make it up on her behalf?"[31]

L3042 He said, "If your mother owed a debt, would you discharge it on her behalf?" He said, "Yes." He said, "Then a debt owed to Allah has a greater claim to

[31] **Translator's note (L3040):** The supplied wording describes the woman seeking a ruling as herself having died while owing a fast. This is an apparent textual error: the following report concerns an inquirer's deceased mother. The wording has been translated without silently supplying a missing reference to the mother.

زائدة، عن سليمان الأعمش، عن مسلم البطين، عن سعيد بن جبير عن ابن عباس قال جاء رجل إلى النبي صلى الله عليه وسلم فقال يا رسول الله إن أمي ماتت وعليها صوم شهر أفأقضيه عنها؟.

قال: لو كان على أمك دين أكنت قاضيه عنها؟ قال: نعم. قال: فدين الله أحق أن يقضى قال الأعمش: فقال الحكم بن عتيبة وسلمة بن كهيل جميعا ونحن جلوس حين حدث مسلم هذا الحديث فقال: سمعنا مجاهدا يذكر هذا الحديث عن ابن عباس.

be discharged." Al-Aʿmash said: Al-Hakam ibn ʿUtaybah and Salamah ibn Kuhayl both spoke, while we were sitting there when Muslim related this hadith, saying, "We heard Mujahid relate this hadith from Ibn ʿAbbas."

L3043–3058 Among them is what ʿAbd Allah ibn Rabiʿ related to us: Muhammed ibn Muʿawiyah related to us: Ahmad ibn Shuʿayb related to us: Khushaysh ibn Asram al-Nasaʾi related to us, from ʿAbd al-Razzaq: Maʿmar informed us, from ʿIkrimah, from Ibn ʿAbbas, who said: A man said, "O Prophet of Allah, my father died without performing the pilgrimage. Shall I perform the pilgrimage on his behalf?" He said, "Consider: if your father owed a debt, would you discharge it?" He said, "Yes." He said, "Then a debt owed to Allah has a greater claim." Muhammed ibn Saʿid ibn Nabat informed me: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: Muhammed ibn ʿAbd al-Salam al-Khushani related to us: Muhammed ibn Bashshar related to us: Muhammed ibn Jaʿfar, Ghundar, related to us: Shuʿbah related to us, from Abu Bishr—namely, Jaʿfar ibn Abi Wahshiyyah—who said: I heard Saʿid ibn Jubayr relate from Ibn ʿAbbas that a woman vowed to perform the pilgrimage and then died. Her brother came to the Prophet ﷺ and asked him about that. He said, "Consider: if your sister owed a debt, would you discharge it?" He said, "Yes." He said, "Then discharge what is owed to Allah, for He has a greater claim to fulfillment." Abu Muhammed said: This is among the most astonishing things they have adduced as evidence, and among those that most disgrace their positions and expose their corrupt doctrines. As for the Shafiʿis, Hanafis, and Malikis, they ought to be ashamed to mention the hadith about fasting with which we began, because they disobey it and oppose its provision concerning making up a deceased person's fasts on that person's behalf. How, then, can they find it permissible, or bring their tongues to pronounce, that analogy is obligatory on the basis of this hadith, when it contains absolutely no trace of analogy? Yet they venture to contradict it, saying, "No one may fast on anyone else's behalf." As for the Malikis and Hanafis, they have gone still further in their audacity: they do not hold that debts owed to Allah Most High, consisting of obligatory alms, vows, and expiations, are to be discharged from anyone's estate before its division. They say, "Debts owed to people have a greater claim to be dis-

ومنها ما حدثناه عبد الله بن ربيع، ثنا محمد بن معاوية: ثنا أحمد بن شعيب، حدثنا خشيش بن أصرم النسائي، عن عبد الرزاق، أنا معمر، عن عكرمة، عن ابن عباس قال: قال رجل: يا نبي الله إن أبي مات ولم يحج، أفأحج عنه؟ قال: أرأيت لو كان على أبيك دين كنت قاضيه؟ قال: نعم، قال: فدين الله أحق. أخبرني محمد بن سعيد بن نبات، نا أحمد بن عون الله، نا قاسم بن أصبغ، ثنا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا محمد بن جعفر غندر، نا شعبة، عن أبي بشر، هو جعفر بن أبي وحشية، قال: سمعت سعيد بن جبير يحدث عن ابن عباس: أن امرأة نذرت أن تحج فماتت فأتى أخوها النبي صلى الله عليه وسلم فسأله عن ذلك فقال أرأيت لو كان على أختك دين أكنت قاضيه؟ قال: نعم. قال: فاقضوا الله فهو أحق بالوفاء. قال أبو محمد: وهذا من أعجب ما احتجوا به وأشده فضيحة لأقوالهم، وهتكا لمذاهبهم الفاسدة. أما الشافعيون والحنفيون والمالكيون فينبغي لهم أن يستحوا من ذكر حديث الصوم الذي صدرنا به، لأنهم عاصون له، مخالفون لما فيه من قضاء الصيام عن الميت. فكيف يسوغ لهم أو تواتيهم ألسنتهم بإيجاب القياس من هذا الحديث؟ وليس فيه للقياس أثر البتة؟ ويقدمون على خلافه، فيقولون: لا يصوم أحد عن أحد. وأما المالكيون والحنفيون فإنهم زادوا إقداما، فلا يقولون بقضاء ديون الله تعالى من الزكاة والنذور والكفارات من رأس مال أحد. ويقولون: ديون الناس أحق بالقضاء من ديون الله تعالى؛ واقضوا الناس فهم أحق بالوفاء، وإن ديون الناس من رأس المال، وديون الله تعالى من الثلث، إن أوصى بها، وإلا فلا تؤدى البتة، لا من الثلث ولا من غيره، والله إن الجلود لتقشعر من أن يكون الرسول صلى الله عليه وسلم يقول اقضوا الله فهو

charged than debts owed to Allah Most High," and, "Discharge what is owed to people, for they have a greater claim to fulfillment," and that debts owed to people are payable from the estate before its division, whereas debts owed to Allah Most High are payable from the disposable third if the deceased made a bequest concerning them; otherwise they are not to be paid at all, either from the third or from anything else. By Allah, one's skin indeed shudders at the fact that the Messenger ﷺ should be saying, "Discharge what is owed to Allah, for He has a greater claim to fulfillment," and, "A debt owed to Allah has a greater claim to be discharged," while these wretched men, with their forsaken opinions, blindly following those who were neither protected against error nor furnished with a declaration from Allah Most High certifying their correctness—Abu Hanifah, Malik, and their followers—say, "Leave aside the words of your Prophet ﷺ, pay them no heed, and accept our statement: discharge debts owed to people, for their debts have a greater claim than a debt owed to Allah Most High." Abu Muhammed said: We know of nothing among religious innovations uglier or more abominable than this. The adherents of religious innovations did not deem the hadiths authentic, and therefore have more excuse for abandoning them. These men, however, profess, as they claim, to accept the report of a single upright transmitter and to hold that it is true and may not be contradicted. They have absolutely no grounds for impugning these chains of transmission, yet they venture openly to contradict them. What admits of no doubt is that anyone whom these reports have reached, who has found them authentic, and who then deems it permissible to contradict what is authentically established from the Messenger of Allah ﷺ in order to follow the position of Abu Hanifah and Malik, is an unbeliever and a polytheist, whose blood may lawfully be shed and whose property may lawfully be taken, joining the ranks of the Jews and Christians. As for someone who authenticates a chain of transmission of this kind and bases religious rulings upon it, but then says of these reports, "It is not authentic," he is a brazen evildoer, possessing little shame and displaying his defiance openly. We seek refuge in Allah from both courses, for both are courses of degradation. Then there is their collective refusal to extend by analogy the ruling on performing the pilgrimage on a deceased person's behalf, when that person has directed it in a bequest, to fasting on a deceased

أحق بالوفاء ودين الله أحق أن يقضى فيقول هؤلاء المساكين بآرائهم المخذولة، تقليدا لمن لم يعصم من الخطأ، ولا أنته براءة من الله تعالى بالصواب، من أبي حنيفة ومالك وأصحابهما دعوا كلام نبيكم صلى الله عليه وسلم ولا تلتفتوه وخذوا قولنا فاقضوا ديون الناس، فدينهم أحق من دين الله تعالى. قال أبو محمد: ما نعلم في البدع أقبح من هذا ولا أشنع منه، لأن أهل البدع لم يصححوا الأحاديث، فهم أعذر في تركها، وهؤلاء يقولون بزعمهم بخبر الواحد العدل، وأنه حق لا يجوز خلافه، وليس لهم في هذه الأسانيد مطعن البتة ثم يقدمون على المجاهرة بخلافها. والذي لا يشك فيه، أن من بلغته هذه الآثار. وصحت عنده ثم استجاز خلاف ما صح عن رسول الله صلى الله عليه وسلم إتباعا لقول أبي حنيفة ومالك فهو كافر مشرك حلال الدم والمال، لاحق باليهود النصارى. وأما من صحح مثل هذا الإسناد وحكم به في الدين، ثم قال في هذه لا يصح، فهو فاسق وقاح قليل الحياء بادي المجاهرة، نعوذ بالله من كلتي الخطتين فهما خطتا خسف. ثم تركهم كلهم أن يقيسوا الصوم عن الميت، وإن أوصى به على الحج عنه إذا أوصى به، وهم يدعون أنهم أصحاب قياس، فهم أول من ترك القياس، في الحديث الذي احتجوا به مع تركهم لحديث الصوم، وقياسهم عليه وهم لا يأخذون به. ثم نقول وبالله تعالى التوفيق: إنه ليس في هذا الحديث قياس أصلا، ولا دلالة على القياس، ولكنه نص من الله تعالى أخبر في آية المواريث فقال: {ولكم نصف ما ترك أزواجكم إن لم يكن لهن ولد فإن كان لهن ولد فلكم لربع مما تركن من بعد وصية يوصين بها أو دين ولهن لربع مما تركتم إن لم يكن لكم ولد فإن كان لكم ولد فلهن لثمن مما تركتم من بعد وصية توصون بها أو دين وإن كان رجل يورث كلالة أو مرأة وله أخ أو أخت فلكل واحد منهما لسدس فإن كانوا أكثر من ذلك فهم شركاء في لثلث من بعد وصية يوصى بها أو دين غير مضار وصية من لله ولله عليم

person's behalf, even when that person has directed it in a bequest. They claim to be proponents of analogy, yet they are the first to abandon analogy in the very hadith they have adduced as evidence, while abandoning the hadith about fasting and drawing analogies from it although they do not follow it. Then we say—and success comes through Allah Most High—that this hadith contains no analogy whatsoever, nor any indication supporting analogy. Rather, it is an explicit text from Allah Most High, who declared in the verse concerning inheritances: {And you shall have half of what your wives leave if they have no child; but if they have a child, you shall have a quarter of what they leave, after any bequest they make or debt. And they shall have a quarter of what you leave if you have no child; but if you have a child, they shall have an eighth of what you leave, after any bequest you make or debt. And if a man whose estate is inherited leaves neither direct ascendants nor descendants, or a woman, and he has a brother or sister, then each one of the two shall have a sixth; but if they are more than that, they shall share in the third, after any bequest made or debt, without causing harm—a prescription from Allah; and Allah is All-Knowing, Forbearing.} Thus Allah, Mighty and Majestic, included all debts without restriction. Through rational necessity we know that whatever Allah has made obligatory upon us concerning our property unquestionably falls under the designation 'debt.' Then, through the explicit texts and through rational necessity, we know that Allah's command has a greater claim to obedience, is more entitled to implementation, and is more binding upon us than people's commands. This explicit text would have sufficed for the man and the woman who questioned the Prophet ﷺ, had they recalled it. The Prophet ﷺ therefore informed them that all of that constitutes a debt, and further taught them that a debt owed to Allah Most High has a greater claim to be discharged than debts owed to people. This is a clear explicit text. Where, then, is there any trace of analogy here, or any avenue for it, if only these people would deal fairly with themselves and consider their own interests? Yet among calamities there is nothing more abominable than the statement of someone who says: "When the Prophet ﷺ commands that fasting and pilgrimage be performed on a deceased person's behalf, and declares that this is a debt owed to Allah Most High and has a greater claim to be discharged than all other debts owed to people,

حليم} فعم الله عز وجل الديون كلها. وبضرورة العقل علمنا أن ما أوجبه الله علينا في أموالنا فإنه يقع عليه اسم دين بلا شك، ثم بالنصوص علمنا، وبضرورة العقل. أن أمر الله أولى بالانقياد له، وأحق بالتنفيذ، وأوجب علينا من أمر الناس وكان السائل والسائلة للنبي صلى الله عليه وسلم مكتفين بهذا النص لو حضرهما ذكره فأعلمها للنبي صلى الله عليه وسلم بأن كل ذلك دين وزادهم علما بأن دين الله تعالى أحق بالقضاء من ديون الناس، وهذا نص جلي فأين للقياس ههنا أثر أو طريق لو أن هؤلاء القوم أنصفوا أنفسهم ونظروا لها؟. ولكن ما في المصائب أشنع من قول من قال إذا أمر النبي صلى الله عليه وسلم بأن يصام عن الميت ويحج عنه وأخبر أنه دين الله تعالى وهو أحق بالقضاء من سائر ديون الناس، فترك ذلك واجب، فلا يجوز أن يصام عن ميت، ولا يستعمل هذا الحديث فيما جاء فيه، لكن منه استدللنا على أن بيع العسل في قيره بعسل في قيره لا يجوز، أو أن بيع رطل لحم تيس برطلي لحم أرنب لا يجوز، أو أن رطل قطن برطلي قطن لا يجوز تبارك الله ما أقبح هذا وأشنعه لمن نظر بعين الحقيقة ونعوذ بالله من الخذلان. واحتجوا بما روى الحديث المشهور أن رجلا قال لرسول الله صلى الله عليه وسلم يا رسول الله إن امرأتي ولدت ولدا أسود وهو يعرض لنفيه فقال رسول الله صلى الله عليه وسلم هل لك من إبل قال نعم قال ما ألوانها قال حمر. قال: هل فيها من أورق قال إن فيها لورقا فقال رسول الله صلى الله عليه وسلم أنى ترى ذلك أناه أو كلاما هذا معناه فقال له الرجل لعل عرقا نزعه فقال صلى الله عليه وسلم لعل هذا عرقا نزعه قالوا وهذا قياس وتعليم للقياس. قال أبو محمد: وهذا من أقوى الحجج عليهم في إبطال القياس، وذلك لأن الرجل جعل خلاف ولده في شبه اللون علة لنفيه عن نفسه فأبطل رسول الله صلى الله عليه وسلم حكم الشبه وأخبره أن الإبل الورق قد تلدها الإبل الحمر فأبطل صلى الله عليه وسلم أن

abandoning that is obligatory: one may not fast on a deceased person's behalf, and this hadith is not to be applied to the matter concerning which it was transmitted. But from it we have inferred that selling honey in its wax for honey in its wax is impermissible; or that selling one ratl of billy-goat meat for two ratls of rabbit meat is impermissible; or that one ratl of cotton for two ratls of cotton is impermissible." Blessed is Allah! How ugly and abominable this is to anyone who looks with an eye for the truth! We seek refuge in Allah from abandonment. They also adduced as evidence what is related in the well-known hadith: a man said to the Messenger of Allah ﷺ, "O Messenger of Allah, my wife has given birth to a black child," hinting that he wished to deny paternity. The Messenger of Allah ﷺ said, "Do you own any camels?" He said, "Yes." He said, "What colors are they?" He said, "Red." He said, "Are there any dusky gray ones among them?" He said, "There certainly are dusky gray ones among them." The Messenger of Allah ﷺ said, "How do you think that came to it?"—or words to that effect. The man said to him, "Perhaps an ancestral strain drew it back." He ﷺ said, "Perhaps an ancestral strain drew this one back." They said: This is analogy and instruction in analogy. Abu Muhammed said: This is among the strongest arguments against them for invalidating analogy. That is because the man made his child's difference in color resemblance a causative ground for denying that the child was his. The Messenger of Allah ﷺ invalidated judgment on the basis of resemblance and informed him that red camels may give birth to dusky gray camels. He ﷺ thus invalidated the proposition that similar things must have the same ruling. It is utterly impossible that anyone with a modicum of reason should reason by analogy from camel births to human births. Analogy, according to them, consists only in referring a derivative case to its original case and likening something not covered by an explicit text to something covered by one. We know by necessity that camels have no greater claim to giving birth than humans, nor humans than camels, and that the two species are alike in producing offspring and impregnation. Where, then, is there any scope for analogy here? Is someone who says that human reproduction is determined by analogy with camel reproduction any different from someone who says that the sunset prayer was made obligatory only because it was determined by analogy with the noon prayer, and that

تتساوى المتشابهات في الحكم ومن المحال الممتنع أن يكون من له مسكة عقل يقيس ولادات الناس على ولادات الإبل، والقياس عندهم إنما هو رد فرع إلى أصله، وتشبيه ما لم ينص بمنصوص، وبالضرورة نعلم أنه ليس الإبل أولى الولادة من الناس ولا الناس أولى من الإبل، وأن كلا النوعين في الإيلاء والإلقاح سواء، فأين ههنا مجال للقياس وهل من قال: إن توالد الناس مقيس على توالد الإبل، إلا بمنزلة من قال: إن صلاة المغرب إنما وجبت فرضا لأنها قيست على صلاة الظهر؟ وإن الزكاة إنما وجبت قياسا على الصلاة؟. وهذه حماقة لا تأتي بها عضاريط أصحاب القياس، لا يرضون بها لأنفسهم فكيف أن يضاف هذا إلى رسول الله صلى الله عليه وسلم الذي آتاه الله الحكمة والعلم دون معلم للناس، وجعل كلامه على لسانه ما أخوفنا أن يكون هذا استخفافا بقدر النبوة وكذبا عليه صلى الله عليه وسلم ولقد كنا نعجب من إقدام أصحاب القياس في نسبتهم إلى عمر وعلي وعبد الرحمن رضي الله عنهم قياس حد الشارب على حد القاذف، ونقول:، إن هذا استنقاص للصحابة، إذ ينسب مثل هذا الكلام السخيف إليهم. حتى أتونا بالثالثة الأثافي والتي لا شوى لها فنسبوا إلى رسول الله صلى الله عليه وسلم أنه قاس ولادة الناس على ولادة الإبل فأذكرنا هذا الفعل منهم قول بشر بن أبي حازم الأسدي. غضبت تميم أن تقتل عامر يوم النسار فأعقبوا بالصيلم هذا مع أن بعضهم لا يأخذ بهذا الحديث فيما ورد فيه ويروى في التعريض الحد وهو يسمع فيه أن الأعرابي كان يعرض بنفي ولده فلم يزده النبي صلى الله عليه وسلم على أن أراد بطلان ظنه ووجوب الحكم بظاهر المولد والفراش، ولم ير عليه حدا، أفيكون أعجب ممن يترك الحديث فيما ورد فيه، ويطلب فيه ما لا يجده أبدا، ومن أن القاتل إذا عفي عنه ضرب مائة سوط ونفي سنة، قياسا على الزاني، إن هذا العجب ونسأل الله العصمة والتوفيق واحتجوا أيضا بقول النبي صلى الله عليه

obligatory alms were made obligatory only by analogy with prayer? This is a stupidity that even the lackeys of the proponents of analogy would not perpetrate or accept for themselves. How, then, can this be attributed to the Messenger of Allah ﷺ, to whom Allah gave wisdom and knowledge without a teacher for mankind, and placed His speech upon his tongue. How greatly we fear that this is a belittling of the dignity of prophethood and a lie against him ﷺ! We had indeed been astonished at the audacity of the proponents of analogy in attributing to ‘Umar, ‘Ali, and ‘Abd al-Rahman—may Allah be pleased with them—the analogical assimilation of the prescribed punishment for the drinker to the prescribed punishment for someone who makes an accusation of unlawful intercourse. We would say that this disparages the Companions, since such foolish discourse is attributed to them. Then they brought us the third hearthstone, a calamity that spares no vital part: they attributed to the Messenger of Allah ﷺ an analogy between human births and the births of camels. This conduct of theirs reminded us of the words of Bishr ibn Abi Hazim al-Asadi: “Tamim grew angry that ‘Amir should be slain on the day of al-Nisar; then they were visited with utter destruction.” This, moreover, while some of them do not follow this hadith concerning the very matter about which it was related, and transmit that an insinuation incurs the prescribed punishment, although they hear in it that the Bedouin was insinuating a denial of his child’s paternity. Yet the Prophet ﷺ did no more than seek to invalidate his suspicion and establish the obligation to judge according to the apparent circumstances of the birth and the marital bed; he did not consider him liable to a prescribed punishment. Could anything be more astonishing than someone who abandons a hadith concerning the matter about which it was related, while seeking in it something he will never find? Or than the claim that a killer, if pardoned, is to be flogged one hundred lashes and banished for a year, by analogy with someone who commits unlawful intercourse? This is indeed astonishing! We ask Allah for protection and success. They also adduced as evidence the words of the Prophet ﷺ when he was asked about camels that are among the grazing herd, looking like gazelles, among which a mangy camel enters, whereupon they all become mangy. He ﷺ said: “And who infected the first one?” Abu Muhammed said: This is like the preceding example, and worse. No one

وسلم إذ سئل عن الإبل تكون في الرسل كأنها الظباء فيدخل فيها البعير الأجرب فتجرب كلها فقال صلى الله عليه وسلم ومن أعدى الأول قال أبو محمد وهذا كما قبله وأطم، وما فهم قط أحد أن هذا القياس وجها، بل فيه إبطال القياس حقا، لأنهم أرادوا أن يجعلوا الإبل إنما جربت من قبل الأجرب الذي انتقل حكمه إليها فأبطل رسول الله صلى الله عليه وسلم هذا الظن الفاسد وأخبر أن كل وارد من قبل الله عز وجل، وأنه فعل ذلك بالإبل والنعم ولا فرق. وذكروا ما حدثناه أحمد بن قاسم، ثنا أبي قاسم بن محمد بن قاسم، ثنا جدي قاسم بن أصبغ، ثنا إسماعيل هو ابن إسحاق، ثنا علي هو ابن المديني ثنا عبد الأعلى بن عبد الأعلى، ثنا هشام هو ابن حسان عن الحسن عن عمران ابن الحصين قال أسرينا مع رسول الله صلى الله عليه وسلم في غزاة فلما كان من آخر السحر عرسنا فما استيقظنا حتى أيقظنا حر الشمس، فجعل الرجل يثب دهشا فزعا فقال رسول الله صلى الله عليه وسلم اركبوا فركب وركبنا فسار حتى ارتفعت الشمس، ثم نزل فأمر بلال فأذن، قضى حاجاتهم، وتوضؤوا فصلينا ركعتين قبل الغداة، ثم أقام فصلى بنا فقلنا: يا رسول الله ألا نقضيها لوقتها من الغد؟ فقال: لا ينهاكم ربكم عن الربا ويقبله منكم قالوا فقاس صلى الله عليه وسلم حكم قضاء صلاتين مكان صلاة على الربا قال أبو محمد: وهذا باطل من وجوه أحدها: أنه قد تكلم في سماع الحسن بن عمران بن الحصين، فقيل: سمع منه، وقيل لم يسمع منه وأيضا فإنه قد صح من طريق جابر عن النبي صلى الله عليه وسلم قال جابر كان على رسول الله صلى الله عليه وسلم دين فقضاني وزادني فهذا أشبه بالربا من صلاتين مكان صلاة، إلا أن هذا حلال والربا حرام وأيضا فقد صح عن النبي صلى الله عليه وسلم فيمن جامع عامدا في يوم رمضان أن يصوم مكانه ستين يوما أو ثمانية وخمسين يوما أو تسعة وخمسين يوما، فلو كان القياس كما ذكروا لكان هذا عين الربا على أصلهم، وأيضا فإن هذا الحديث

has ever understood this to constitute analogy in any respect. Indeed, it truly invalidates analogy, because they wished to maintain that the camels became mangy only because of the mangy one, whose condition passed to them. The Messenger of Allah ﷺ invalidated this corrupt supposition and declared that every occurrence comes from Allah, mighty and majestic, and that He had done this to the camels and the livestock alike, without distinction. They also cited what Ahmad ibn Qasim related to us: My father, Qasim ibn Muhammed ibn Qasim, related to us: My grandfather, Qasim ibn Asbagh, related to us: Isma'il—that is, Ibn Ishaq—related to us: 'Ali—that is, Ibn al-Madini—related to us: 'Abd al-A'la ibn 'Abd al-A'la related to us: Hisham—that is, Ibn Hassan—related to us, from al-Hasan, from 'Imran ibn al-Husayn, who said: "We travelled by night with the Messenger of Allah ﷺ on a military expedition. Toward the end of the predawn hours, we halted to sleep, and we did not awaken until the heat of the sun woke us. Men began springing up, bewildered and frightened. The Messenger of Allah ﷺ said: 'Mount!' He mounted, and we mounted. He travelled until the sun had risen high, then dismounted and instructed Bilal, who gave the call to prayer. They attended to their needs and performed their ablutions. We prayed two units of prayer before the morning prayer; then he gave the announcement commencing the prayer, and he led us in prayer. We said: 'Messenger of Allah, shall we not make it up at its appointed time tomorrow?' He said: 'No. Your Lord forbids you usury, yet would He accept it from you?'" They said: Thus he ﷺ drew an analogy between the ruling on making up two prayers in place of one prayer and usury. Abu Muhammed said: This is invalid on several grounds. First, there has been discussion of the hearing of al-Hasan ibn 'Imran ibn al-Husayn: it has been said that he heard from him, and it has been said that he did not hear from him. Moreover, an authentic report from the Prophet ﷺ has come through Jabir. Jabir said: "The Messenger of Allah ﷺ owed me a debt, and he repaid me and gave me an additional amount." This more closely resembles usury than two prayers in place of one prayer, except that this is lawful and usury is forbidden. Moreover, it has been authentically reported from the Prophet ﷺ, concerning someone who deliberately has intercourse during a day of Ramadan, that he is to fast sixty days in its place, or fifty-eight days, or fifty-nine days. If analogy were

لا يقول به المالكيون والشافعيون، لأنهم لا يرون أن يؤذن للصلاة الفائتة، ولا يصلي ركعتا الظهر قبل صلاة الصبح إذا فاتت، ولا أقبح من قول من يحتج بخبر ثم هو أول مخالف لنصه وحكمه. والقول الصحيح هو أن هذا الخبر حجة في إبطال القياس، لأنهم رضي الله عنهم أرادوا أن يصلوا مكان صلاة صلاتين، وقد نهاهم الله تعالى عن تعدي حدوده ومن تعدي الحدود أن يزيد أحد شرعا لم يأمر الله تعالى به، والربا في لغة العرب الزيادة فصح بهذا الخبر نهي النبي صلى الله عليه وسلم عن ربه تعالى عن الزيادة على ما أمر به فقط. وبيقين يدري كل ذي حس أن القول بالقياس زيادة في الشرع على ما أمر الله تعالى به، فلما حرم الله تعالى الأصناف الستة متفاضلة في ذاتها، زادوا هم ذلك في المأكولات أو المكيلات أو الموزونات أو المدخرات، فزيادتهم هذه هي الربا حقا، والله تعالى قد نهى عنه، فهذا الخبر حجة، لو صح، في إبطال القياس، وإلا فلا نسبة بين الصلاة والبيع، وبالله تعالى التوفيق.

as they describe, this would be usury itself according to their principle. Furthermore, the Malikis and Shafi'is do not adopt this hadith, because they do not hold that the call to prayer should be given for a missed prayer, nor that the two units of the noon prayer should be performed before the dawn prayer when it has been missed. Nothing is more disgraceful than the position of someone who adduces a report as evidence and then is the first to contravene its explicit wording and ruling. The correct position is that this report is evidence invalidating analogy. For they—may Allah be pleased with them—wanted to perform two prayers in place of one prayer, whereas Allah Most High had forbidden them to transgress His limits. One form of transgressing those limits is for someone to add a religious prescription that Allah Most High has not commanded. In the language of the Arabs, usury means increase. Thus this report establishes the Prophet's ﷺ prohibition, on the authority of his Lord Most High, against adding to what He has commanded, and nothing more. Every possessor of sense knows with certainty that advocating analogy adds to religious law beyond what Allah Most High has commanded. When Allah Most High prohibited exchanging the six categories in unequal quantities within their respective kinds, they extended this to foodstuffs, or things measured by volume, or things measured by weight, or things stored for future use. This addition of theirs is truly usury, and Allah Most High has forbidden it. Thus this report, if authentic, is evidence

invalidating analogy. Otherwise, there is no correspondence between prayer and sale. Success is through Allah Most High.[3233343536373839]

[32]**Translator's note (L3047):** The Quranic quotation has defective spellings, including forms lacking the initial alif in the words for 'the quarter' and 'the eighth.' Their meanings remain identifiable.

[33]**Translator's note (L3048):** The Quranic quotation contains defective spellings in the words for 'the sixth,' 'the third,' and 'Allah'; the intended words remain identifiable. The wording rendered 'The Prophet ﷺ therefore informed them' is corrupt: the supplied Arabic reads fa-aʿlamahā li-l-nabī, with an anomalous pronoun and a preposition before 'the Prophet.' The translation gives the contextual sense; the supplied syntax does not securely support it.

[34]**Translator's note (L3049):** A ratl is a unit of weight; its value varies by place and period.

[35]**Translator's note (L3050):** The question 'How do you think that came to it?' follows the supplied wording, which is awkward; the narrator expressly allows that the actual wording differed. The word al-īlāʾ in the phrase rendered 'producing offspring and impregnation' ordinarily means an oath to abstain from marital intercourse and is anomalous here. The contextual rendering is uncertain; the text may be corrupt.

[36]**Translator's note (L3053):** "The third hearthstone" is an idiom for a crowning calamity. The accompanying expression literally refers to a calamity that does not merely strike a nonvital part. The supplied poem reads فأعقبوا, rendered here as "then they were visited with"; its unvocalized form leaves the precise voice and construction uncertain. الصيلم denotes a devastating calamity or utter destruction. The supplied الرسل in the description of the camels is obscure. "Among the grazing herd" is a contextual rendering; the familiar wording of this report has الرمل, "sand," but that reading has not been substituted here.

[37]**Translator's note (L3056):** The supplied فأذن قضى حاجاتهم has an abrupt grammatical transition and a singular verb before "their needs." The translation reflects the apparent sequence without adding a missing Arabic conjunction. The unpunctuated لا ينهاكم ربكم عن الربا ويقبله منكم is construed as a refusal followed by a rhetorical question: "No. Your Lord forbids you usury, yet would He accept it from you?" The Arabic does not explicitly mark the interrogative. The supplied سماع الحسن بن عمران بن الحصين literally makes "ibn 'Imran ibn al-Husayn" part of al-Hasan's name, producing an inconsistency with the preceding transmission chain and the subsequent "heard from him." The apparent intended reading is "al-Hasan's hearing from 'Imran ibn al-Husayn," but the supplied wording has been retained.

L3059 Furthermore, this report is a clear, explicit text in which analogy has absolutely no place, and there is no correspondence between it and any kind of analogy. For, by the explicit wording of this report, the term “usury” encompasses both an increase in a debt and an increase in prayer. The prohibition of usury therefore entails the prohibition of both matters. Everything established by the explicit text is valid, while everything they want it to mean that is not explicitly stated is invalid. It is thus clear that whoever adduces this report as evidence has engaged in obfuscation by invoking something that has no bearing whatever on what he seeks; rather, it is evidence against him. Praise be to Allah, Lord of all worlds.[40]

وأيضا فإن هذا الخبر نص جلي، لا مدخل للقياس فيه أصلا، ولا بينه وبين شيء من القياس نسبة، لأنه اسم الربا يجمع الزيادة في الدين، والزيادة في الصلاة بنص هذا الخبر، فتحريم الربا مقتضى لتحريم الأمرين وكل ما جاء به النص فصحيح، وكل ما أرادوا هم أن يريده مما ليس منصوصا عليه فهو باطل، فظهر أن من احتج بهذا الخبر فموه بما ليس مما يريد في شيء، بل هو حجة عليه، والحمد لله رب العالمين.

L3060 Then, even if explicit texts from the Qur’an and the transmitted practices were authentically established in their favor and mentioned analogy by name and its ruling—and this will never be found—they would have no evidence in any of that. For the ruling then would be that whatever Allah Most High and His Messenger ﷺ have said is the truth, whereas whatever they themselves say that neither Allah Most High nor His Messenger ﷺ has said is falsehood that it is unlawful to profess. This suffices for anyone who understands. Allah Most High has imposed obligations and prohibitions through the tongue of His Messenger ﷺ and in His Book. Yet it is not lawful for anyone to prohibit, impose as obligatory, or declare lawful something that Allah Most High has not declared lawful, imposed as obligatory, or prohibited, on the grounds that Allah Most High has prohibited, imposed obligations, and declared things lawful. All of that is a transgression of the limits of Allah Most High. They also engaged in obfuscation by saying: “If all knowledge were manifest, the learned and the ignorant would be equal in their understanding of it. If all knowledge were hidden, the learned and the ignorant would be equal in their ignorance of it. It is therefore established that some of it is manifest and

ثم لو صح لهم نصوصا من القرآن والسنن ووردت باسم القياس وحكمه، وهذا لا يوجد أبدا، لما كان لهم في شيء من ذلك حجة، لأنه كان يكون الحكم حينئذ أن ما قاله الله تعالى ورسوله صلى الله عليه وسلم فهو الحق وإنما ما يقولونه هم مما لم يقله الله تعالى ولا رسوله صلى الله عليه وسلم فهو الباطل الذي لا يحل القول به وفي هذا كفاية لمن عقل. وقد أوجب الله تعالى وحرم على لسان رسوله صلى الله عليه وسلم وفي كتابه ولم يحل لأحد أن يحرم ولا أن يوجب ولا أن يحل ما لم يحله الله تعالى ولا أوجبه ولا حرمه، لأن الله تعالى حرم وأوجب وأحل، وكل ذلك تعد لحدود الله تعالى. وموهوا أيضا بأن قالوا: لو كان العلم كله جلي لاستوى العالم والجاهل في البيان، ولو كان العلم كله خفيا لاستوى العالم والجاهل في الجهل به، فصح أن بعضه جلي وبعضه خفي، فوجب أن يقاس الخفي على الجلي. قال أبو محمد: وهذا كلام في غاية الفساد، لأنه إذا كان بعضه جليا وبعضه خفيا، فالواجب على أصلهم هذا الفاسد أن يستوي العالم والجاهل في تبين الجلي منه، وأن يستوي الجاهل والعالم في خفاء الخفي منه عليهما أيضا، فبطل العلم على أصلهم الخبيث الظاهر الفساد. وأما نحن فنقول إن العلم كله جلي بين، نعني علم الديانة، قال تعالى: {ويوم نبعث في كل أمة شهيدا عليهم

[38] **Translator’s note (L3057):** The supplied text specifies “the two units of the noon prayer” (ركعتا الظهر), although the preceding report describes two units before the morning prayer. This apparent inconsistency has been preserved. The three alternative numbers of fasting days are present in the source and have been retained without reconciliation.

[39] **Qur’an references (L3043):** Qur’an 4:12 (An-Nisa).

[40] **Translator’s note (L3059):** The unvocalized الدين is rendered “debt,” in keeping with the discussion of usury, though the same written form can also mean “religion.”

some hidden, so the hidden must be assimilated by analogy to the manifest." Abu Muhammed said: This is discourse of the utmost invalidity. For if some of it is manifest and some hidden, then, according to this corrupt principle of theirs, the learned and the ignorant must be equal in discerning what is manifest in it, and the ignorant and the learned must likewise be equal in its hidden aspects remaining hidden from both of them. Knowledge is thus nullified according to their vile principle, whose invalidity is evident. As for us, we say that all knowledge is manifest and clear—we mean knowledge of religion. He Most High said: "And on the day when We raise up in every community a witness against them from among themselves, and bring you as a witness against these, and We have sent down to you the Book as an explanation of everything, and as guidance, mercy, and glad tidings for those who submit." And He Most High said: "With clear proofs and the scriptures; and We have sent down to you the Reminder so that you may explain to mankind what has been sent down to them, and so that they may reflect."[41][42]

من أنفسهم وجئنا بك شهيدا على هؤلآء ونزلنا عليك لكتاب تبيانا لكل شيء وهدى ورحمة وبشرى للمسلمين} وقال تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون}

L3061 It is thus established that the Messenger of Allah ﷺ explained to mankind what was sent down to him. What has been explained is clear—praise be to Allah, Lord of all worlds—to anyone who knows the language in which we have been addressed.

فصح أن رسول الله صلى الله عليه وسلم قد بين للناس ما نزل إليه والمبين بين والحمد لله رب العالمين، لمن يعلم اللغة التي بها خوطبنا.

L3062–3065 Whatever knowledge of religious law remains hidden from anyone does so only because he turns away from it, neglects to examine it, and devotes himself to forms of falsehood that provide no path to understanding religious law, or because he examines it with an understanding dulled, whether by preoccupation, illness, or heedlessness. If religious knowledge were not entirely clear, it would never be possible for the ignorant person to understand any of it—meaning those matters which they claim are obscure. Since it is established that the scholar can furnish a demonstration and clarify what is

وإنما خفي ما خفي من علم الشريعة على من خفي عليه، لإعراضه عنه وتركه النظر فيه وإقباله على وجود الباطل، التي ليست طريقة إلى فهم الشريعة، أو لنظره في ذلك بفهم كليل؛ إما لشغل بال أو مرض أو غفلة، ولو لم يكن علم الدين جليا كله ما أمكن الجهل فهم شيء منه أبدا، نعني مما يدعون أنه خفي، فلما صح أن العالم ممكن له إقامة البرهان وإيضاح ما خفي على الجاهل حتى يفهمه ويتبين له، صح أن العلم كله جلي بين نعني علم الديانة، والحمد لله رب العالمين. وموهوا أيضا بما روي من قول نسب إلى رسول الله صلى الله عليه وسلم وهو ما حدثناه عن عبد الله بن ربيعة التيمي، ثنا محمد بن إسحاق بن السليم، ثنا ابن الأعرابي، ثنا سليمان بن الأشعري، ثنا حفص بن

[41] **Translator's note (L3060):** The Qur'anic quotations contain defective spellings: لكتاب for الكتاب, بلبينات for بالبينات, ولزبر for والزبر, and لذكر for الذكر. Their recognizable lexical meanings are translated, with these transcription defects recorded here. The opening "And" before "on the day" in the first quotation is retained as supplied.

[42] **Qur'an references (L3060):** Qur'an 16:89 (An-Nahl); Qur'an 16:44 (An-Nahl).

obscure to the ignorant person until he understands it and it becomes evident to him, it is established that all knowledge is clear and evident: we mean religious knowledge. Praise be to Allah, Lord of the worlds.

They also resorted to obfuscation through a reported statement attributed to the Messenger of Allah ﷺ, namely what was related to us from Abd Allah ibn Rabi'ah al-Tamimi: Muhammed ibn Ishaq ibn al-Sulaym related to us; Ibn al-A'rabi related to us; Sulayman ibn al-Ash'ari related to us; Hafs ibn Umar al-Awdi related to us, from Shu'bah, from Abu Awn, from al-Harith ibn Amr, the nephew of al-Mughirah ibn Shu'bah, from some people of Homs among the companions of Mu'adh: When the Messenger of Allah ﷺ intended to send Mu'adh to Yemen, he said, "How will you judge when a case requiring judgment is presented to you?" He said, "I will judge by the Book of Allah, mighty and majestic." He said, "And if you do not find it in the Book of Allah, mighty and majestic?" He said, "Then by the Sunnah of the Messenger of Allah ﷺ." He said, "And if you do not find it in the Sunnah of the Messenger of Allah or in the Book of Allah?" He said, "I will exercise my own judgment, even if I fall short." Then the Messenger of Allah ﷺ struck him on the chest and said, "Praise be to Allah, who has guided the messenger of the Messenger of Allah to what pleases the Messenger of Allah."

Abu Muhammed said: Abd Allah ibn Rabi' also related to us: Umar ibn Abd al-Malik al-Khawlani related to us; Muhammed ibn Bakr related to us; Dawud related to us; Musaddad related to us; Yahya—that is, al-Qattan—related to us, from Shu'bah ibn Abi Awn, from al-Harith ibn Umar, from some people among the companions of Mu'adh, from Mu'adh ibn Jabal, that the Messenger of Allah ﷺ sent him to Yemen; he then related its substance.

Abu Muhammed said: This is a discredited report. No one has transmitted it through any route other than this one. The first reason for its discredit is that it comes from unidentified people who are not named: someone whose identity is unknown cannot serve as an authoritative proof. Its chain also includes al-Harith ibn Umar, who is unidentified: who he is is not known. This report has never come through any route other than his. Ahmad ibn Umar al-Udhri informed me: Abu Dharr al-Harawi related to us; Zahr ibn Ahmad, the jurist, Zanjawayh ibn al-Naysaburi related to us; Muhammed ibn

عمر العوضي، عن شعبة، عن أبي عون، عن الحارث بن عمرو ابن أخي المغيرة بن شعبة، عن أناس من أهل حمص من أصحاب معاذ أن رسول الله صلى الله عليه وسلم لما أراد أن يبعث معاذا إلى اليمن قال كيف تقضي إذا عرض لك قضاء؟ قال: أقضي بكتاب الله عز وجل، قال: فإن لم تجد في كتاب الله عز وجل قال فبسنة رسول الله صلى الله عليه وسلم قال فإن لم تجد في سنة رسول الله ولا في كتاب الله؟ قال اجتهد رأيي ولو آلو قال فضرب رسول الله صلى الله عليه وسلم في صدره وقال الحمد لله الذي وفق رسول رسول الله لما يرضي رسول الله. قال أبو محمد: وحدثنا أيضا عبد الله بن ربيع، ثنا عمر بن عبد الملك الخولاني، ثنا محمد بن بكر، ثنا داود، ثنا مسدد، ثنا يحيى هو القطان عن شعبة بن أبي عون، عن الحارث بن عمر، عن ناس من أصحاب معاذ عن معاذ بن جبل أن رسول الله صلى الله عليه وسلم بعثه إلى اليمن فذكر معناه قال أبو محمد هذا حديث ساقط، لم يروه أحد من غير هذا الطريق، وأول سقوطه أنه عن قوم مجهولين لم يسموا، فلا حجة فيمن لا يعرف من هو، وفيه الحارث بن عمر وهو مجهول لا يعرف من هو، ولم يأت هذا الحديث قط من غير طريقه. أخبرني أحمد بن عمر العذري، ثنا أبو ذر الهروي، ثنا زهر بن أحمد الفقيه زنجويه بن النيسابوري، ثنا محمد بن إسماعيل البخاري، هو جامع الصحيح، قال فذكر سند هذا الحديث، وقال: رفعه في اجتهاد الرأي، قال البخاري: ولا يعرف الحارث إلا بهذا، ولا يصح. هذا كلام البخاري رحمه الله.

Isma‘il al-Bukhari—that is, the compiler of the Sahih—related to us. He then mentioned the chain of this report and said, “He attributed it to the Prophet concerning the exercise of personal judgment.” Al-Bukhari said, “Al-Harith is known only through this, and it is not sound.” These are al-Bukhari’s words, may Allah have mercy on him.[43][44][45]

L3066–3068 Moreover, this report is manifestly false and fabricated. For it is plainly impossible that Allah Most High should say, {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah’s has been invoked, the strangled animal, the animal killed by a blow, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten, except what you slaughter, and that which has been sacrificed upon stone altars; and that you seek allotments by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful}, and {There is no creature upon the earth, nor any bird flying with its two wings, but they are communities like you. We have neglected nothing in the Book. Then to their Lord they will be

وأيضا فإن هذا الحديث ظاهر الكذب والوضع، لأن من المحال البين أن يكون الله تعالى يقول {حرمت عليكم لميتة ولدم ولحم لخنزير وما أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة وما أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} و {وما من دآبة في لأرض ولا طائر يطير بجناحيه إلا أمم أمثالكم ما فرطنا في لكتاب من شيء ثم إلى ربهم يحشرون} و {ويوم نبعث في كل أمة شهيدا عليهم من أنفسهم وجئنا بك شهيدا على هؤلآء ونزلنا عليك لكتاب تبيانا لكل شيء وهدى ورحمة وبشرى للمسلمين} ثم يقول رسول الله صلى الله عليه وسلم إنه ينزل في الديانة ما لا يوجد في القرآن ومن المحال البين أن يقول الله تعالى مخاطبا لرسوله صلى الله عليه وسلم {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} ثم يقول رسول الله صلى الله عليه وسلم إنه يقع في الدين ما لم يبينه صلى الله عليه وسلم ثم من المحال الممتنع أن يقول رسول الله صلى الله عليه وسلم فاتخذ الناس رؤوسا جهالا فأفتوا بالرأي فضلوا وأضلوا جاء هذا بالسند الصحيح الذي لا اعتراض فيه، وقد ذكرنا في باب الكلام في الرأي. ثم يطلق الحكم في الدين بالرأي فهذا كله كذب ظاهر لا شك فيه. وقد كان في التابعين الراوين عن الصحابة رضي الله عنهم خبث كثير وكذب ظاهر، كالحارث الأعور وغيره ممن شهد

[43] **Translator’s note (L3062):** The supplied وجود الباطل literally suggests “the existence of falsehood,” but its plural relative clause suggests that وجوه الباطل, “forms” or “aspects of falsehood,” may have been intended. “Forms of falsehood” reflects that apparent sense; the supplied reading is uncertain.

[44] **Translator’s note (L3063):** The opening continues the preceding segment’s description of someone examining the subject with a dulled understanding. الجهل, literally “ignorance,” is grammatically awkward here; the translation takes it as referring to the ignorant person, as the ensuing argument does. The report reads ولو آلو, “even if I fall short,” rather than the familiar ولا آلو, “and I will spare no effort.” The supplied wording is retained. The second chain reads “Shu‘bah ibn Abi Awn,” whereas the first reads “Shu‘bah, from Abu Awn.” It also changes al-Harith’s father’s name from Amr to Umar. These differences are retained.

[45] **Translator’s note (L3065):** The sequence زهر بن أحمد الفقيه زنجويه بن النيسابوري is apparently corrupt: the relationship between “Zahr ibn Ahmad, the jurist” and “Zanjawayh ibn al-Naysaburi” is unclear, and the latter name is itself awkward. No missing transmission formula or corrected name has been supplied. The subject of “He attributed it to the Prophet” is not explicitly identified in the supplied wording.

gathered}, and {And on the day We raise up in every community a witness against them from among themselves, and bring you as a witness against these. We have sent down to you the Book as an explanation of everything, and as guidance, mercy, and glad tidings for those who submit}, and that the Messenger of Allah ﷺ should then say that something arises in religion which is not found in the Quran.

It is plainly impossible that Allah Most High should say, addressing His Messenger ﷺ, {With clear proofs and scriptures; and We have sent down to you the Reminder so that you may explain to people what has been sent down to them, and so that they may reflect}, and that the Messenger of Allah ﷺ should then say that something occurs in religion which he ﷺ has not explained.

Then it is utterly impossible that the Messenger of Allah ﷺ should say, "So the people took ignorant leaders, who issued legal opinions on the basis of personal opinion, and thus went astray and led others astray"—this has come through a sound chain of transmission to which no objection can be made, and we have mentioned it in the chapter discussing personal opinion—and should then permit unrestricted judgment in religion on the basis of personal opinion. All this is manifest falsehood, without any doubt. Among the Successors who transmitted from the Companions, may Allah be pleased with them, there was much wickedness and manifest lying, such as al-Harith al-A'war and others against whom testimony was given that they lied. It is therefore impermissible to accept a transmission from an unidentified person whose identity and condition are unknown. Some of them have indeed resorted to claiming that this report was transmitted by the community at large.

Abu Muhammed said: Anyone can make such a claim about every report. If he were told, instead, that the report which came through Ibn al-Mubarak—"The factions that will cause the greatest tribulation for my community are people who judge matters by analogy on the basis of their own opinions, and thus forbid what is lawful and permit what is forbidden"—was transmitted by the community at large, would there be any difference between him and …? But whoever feels no shame says whatever he wishes. Yet what is be-

عليه بالكذب، فلا يجوز أن تؤخذ رواية عن مجهول لم يعرف من هو ولا ما حاله. ولقد لجأ بعضهم إلى أن ادعى في هذا الحديث أنه منقول نقل الكافة. قال أبو محمد: ولا يعجز أحد عن أن يدعي في كل حديث مثل هذا، ولو قيل له: بل الحديث الذي جاء من طريق ابن المبارك: إن أشد الفرق فتنة على أمتي قوم يقيسون الأمور برأيهم فيحرمون الحلال ويحلون الحرام هو من نقل الكافة أكان يكون بينه وبين فرق؟. ولكن من لم يستح قال ما شاء، ولكن الذي لا شك فيه أنه من نقل الكواف كلها نقل تواتر يوجب العلم الضروري فقول الله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا}

yond doubt transmitted by all communities at large, through recurrent mass transmission that yields necessary knowledge, is the saying of Allah Most High: {O you who believe, obey Allah, obey the Messenger, and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and best in outcome}.[46][47][48]

L3069–3071 This, then, is what is unquestionably sound. It contains no instruction, when there is a dispute, to refer to anything except Allah Most High—that is, the Quran—and the Messenger—that is, his words ﷺ. Nor do I mention analogy in that. It is therefore established that, in a dispute, it is impermissible to refer to anything other than the Quran and the hadith. Analogy is fundamentally neither Quran nor hadith, so it is absolutely impermissible to refer to it. Success comes through Allah Most High.

Furthermore, this report which we mentioned through Mu'adh contains absolutely no mention of analogy in any respect, whether explicitly or by implication. It mentions only personal opinion, and personal opinion is different from analogy. For personal opinion consists in judging according to what is more conducive to good, more precautionary, and safer in its eventual outcome. Analogy consists in giving something for which there is no explicit text the same ruling as something for which there is an explicit text, whether it is more precautionary or not, more conducive to good or not, whether

فهذا هو الذي لا شك في صحته، وليس فيه الرد عند التنازع إلا إلى الله تعالى وهو القرآن وإلى الرسول وهو كلامه صلى الله عليه وسلم ولا أذكر القياس في ذلك فصح أن ما عدا القرآن والحديث لا يحل الرد إليه عند التنازع، والقياس أصلا ليس قرآنا ولا حديثا، فلا يحل الرد إليه أصلا، وبالله تعالى التوفيق. مع أن هذا الحديث الذي ذكرنا من طريق معاذ لا ذكر للقياس فيه البتة بوجه من الوجوه، ولا بنص ولا بدليل، وإنما فيه الرأي، والرأي غير القياس، لأن الرأي إنما هو الحكم بالأصلح والأحوط والأسلم في العاقبة، والقياس هو الحكم بشيء لا نص فيه بمثل الحكم في شيء منصوص عليه، وسواء كان أحوط أو لم يكن أصلح، أو لم يكن كان أسلم أو أقتل، استحسنه القاتل له أو استشنعه وهكذا القول في قوله صلى الله عليه وسلم إذا اجتهد الحاكم فأخطأ فله أجر وإذا اجتهد فأصاب فله أجران ليس فيه للقياس أثر، لا بدليل ولا بنص ولا للرأي أيضا لا يذكر ولا بدليل بوجه من الوجوه، وإنما فيه إباحة الاجتهاد فقط. والاجتهاد ليس قياسا ولا رأيا، وإنما الاجتهاد: إجهاد النفس، واستفراغ الوسع في طلب حكم طلب النازلة في القول والسنة، فمن طلب القرآن وتقرأ آياته، وطلب في السنن وتقرأ الأحاديث في طلب ما نزل به، فقد اجتهد، فإن وجدها منصوصة فقد أصاب فله أجران أجر الطلب وأجر الإصابة، وإن طلبها في القرآن والسنة فلم يفهم موضعا منهما، ولا وقف عليه، وفاتت إدراكه، فقد اجتهد فأخطأ فله أجر. ولا شك أنها هنالك إلا أنه قد يجدها من وفقه الله لها، ولا يجدها من لم يوفقه الله تعالى لها، كما فهم جابر وسعد وغيرهما آية الكلالة ولم يفهمها عمر، وكما قال عثمان في الأختين

[46] **Translator's note (L3066):** The Quranic quotations correspond to 5:3, 6:38, 16:89, and a fragment of 16:44. The supplied transcription repeatedly drops the initial alif of the definite article and contains similar spelling defects; the recognizable words are translated according to their contextual readings. The quotation about ignorant leaders explicitly says "issued legal opinions on the basis of personal opinion" in this text. This wording is retained; it differs from the familiar wording "issued legal opinions without knowledge."

[47] **Translator's note (L3068):** The phrase أكان يكون بينه وبين فرق is incomplete or corrupt: after "between him and," the second term of comparison is missing. The omission is marked rather than silently repaired. The Quranic quotation is 4:59. Its transcription repeatedly omits the initial alif of the definite article; the recognizable wording is translated.

[48] **Qur'an references (L3066):** Qur'an 5:3 (Al-Ma'idah); Qur'an 6:38 (Al-An'am); Qur'an 16:89 (An-Nahl); Qur'an 16:44 (An-Nahl); Qur'an 4:59 (An-Nisa).

it is safer or more deadly, and whether the one who kills by it considers it good or considers it abhorrent.

The same applies to his saying ﷺ, "When the judge exercises independent effort and errs, he has one reward; and when he exercises independent effort and is correct, he has two rewards." There is no trace of analogy in it, whether by implication or explicitly; nor is there anything concerning personal opinion either, whether by mention or by implication, in any respect. It contains only permission to exercise independent effort. Independent effort is neither analogy nor personal opinion. Rather, independent effort means exerting oneself and exhausting one's capacity in seeking the ruling—seeking the case that has arisen—in the discourse and the Sunnah. Whoever searches the Quran and reads through its verses, and searches the transmitted Sunnahs and reads through the hadiths, seeking what has befallen him, has exercised independent effort. If he finds it explicitly stated, he has been correct and has two rewards: the reward for searching and the reward for being correct. If he seeks it in the Quran and the Sunnah but does not understand its location in either, does not discover it, and it escapes his comprehension, he has exercised independent effort and erred, and has one reward. There is no doubt that it is there. Yet someone whom Allah guides to it may find it, while someone whom Allah Most High does not guide to it does not find it, just as Jabir, Sa'd, and others understood the verse concerning collateral inheritance, while Umar did not understand it; and just as Uthman said concerning two sisters held by right-hand possession, "One verse made the two of them lawful, and another verse made the two of them forbidden." He thus stated that he had not discovered where their actual ruling lay, while someone else undoubtedly discovered it. It is impossible for Allah Most High's ruling to be hidden from all Muslims. Success comes through Allah Most High.

They also adduced as proof what Ahmad ibn Qasim related to us: my father, Qasim ibn Muhammed, related to us; my grandfather, Qasim ibn Asbagh, related to us: Muhammed ibn Isma'il al-Tirmidhi related to us: Sa'id ibn Abi Maryam related to us: Salamah ibn 'Ali informed us: al-Awza'i related to me, from Yahya ibn Abi Kathir, from Abu Salamah ibn 'Abd al-Rahman ibn 'Awf, from Abu Hurayrah, who said: "The Messenger of Allah, may Allah bless

بملك اليمين: أحلتهما آية وحرمتهما آية، فأخبر أنه لم يقف على موضع حقيقة حكمهما، ووقف غيره على ذلك بلا شك، ومحال أن يغيب حكم الله تعالى عن جميع المسلمين، وبالله تعالى التوفيق. واحتجوا أيضا بما حدثناه أحمد بن قاسم، ثنا أبي قاسم بن محمد، ثنا جدي قاسم ابن أصبغ، نا محمد بن إسماعيل الترمذي، نا سعيد بن أبي مريم، أنا سلمة بن علي، حدثني الأوزاعي، عن يحيى بن أبي كثير، عن أبي سلمة بن عبد الرحمن بن عوف عن أبي هريرة قال حض رسول الله صلى الله عليه وسلم على تعلم العلم قبل ذهابه

him and grant him peace ﷺ, urged the acquisition of knowledge before its disappearance."[49] [50]

L3072–3075 Safwan ibn ʿAssal said: "How could that be, when the Book of Allah is among us and we teach it to our children?" The Messenger of Allah, may Allah bless him and grant him peace ﷺ, became angry, until this was apparent in him. Then he said: "Are not the Torah and the Gospel in the hands of the Jews and the Christians? What benefit did they afford them when they abandoned what was in them?" Abu Muhammed said: This report is among the strongest arguments against them for the obligation to invalidate analogy, because he, may Allah bless him and grant him peace ﷺ, stated that whoever abandons the Quran and acting upon it has abandoned knowledge or followed the path of the Jews and the Christians. The advocates of analogy fit this description, because they have abandoned the Quran and acting upon it, and have turned to their invalid analogies. We seek refuge in Allah from being forsaken. Then they are to be told: You have merely seized upon the Prophet's—may Allah bless him and grant him peace ﷺ—likening, in this respect, the conduct of those of his community denied divine guidance to the conduct of the Jews and the Christians when they cast aside their scripture. We acknowledge the validity of this comparison. We deny only that the ruling concerning Muslims who do this should be the same as the ruling concerning those Jews and Christians whose conduct theirs resembles. As for the advocates of analogy, since they assign a single ruling to two similar things, they are necessarily obliged to rule concerning those among us who abandon the

قال صفوان بن عسال: وكيف وفينا كتاب الله ونعلمه أولادنا فغضب رسول الله صلى الله عليه وسلم حتى عرف ذلك فيه ثم قال أليست التوراة والإنجيل في أيدي اليهود والنصارى؟ فما أغنت عنهم حين تركوا ما فيهما. قال أبو محمد: هذا الحديث من أعظم الحجج عليهم في وجوب إبطال القياس لأنه صلى الله عليه وسلم أخبر أن من ترك القرآن والعمل به فقد ترك العلم، أو سلك سبيل اليهود والنصارى وأصحاب القياس أهل هذه الصفة، لأنهم تركوا القرآن والعمل به، وأقبلوا على قياساتهم الفاسدة، ونعوذ بالله من الخذلان ثم يقال لهم إنما تعلقتم بتشبيه النبي صلى الله عليه وسلم فعل من حرم التوفيق من أمته في ذلك بفعل اليهود والنصارى، إذ نبذوا كتابهم، ونحن نقر بصحة هذا التشبيه، وإنما ننكر أن يكون حكم من فعل ذلك من المسلمين كحكم من أشبه فعله من اليهود والنصارى. وأما أهل القياس فيلزمهم لزوما ضروريا، إذ حكموا للمشتبهين بحكم واحد، أن يحكموا فيمن ترك أحكام القرآن منا بما نحكم به في اليهود والنصارى، من القتل والسبي للذراري والنساء، وأخذ الجزية إن سالموا، فإن تمادوا على قياسهم لحقوا بالصفرية الأزارقة، وعاد هذا من الحكم عليهم في تركهم لأحكام القرآن، والعمل بالقياس وإن جحدوا عن ذلك تناقضوا وتركوا القياس، وبالله تعالى التوفيق. فهذا كل ما موهوا به من إيراد الحديث الذي قد أوضحنا، بحول الله تعالى وقوته، أنه كله حجة عليهم، وموجب لإبطال القياس، وكل من له أدنى حس يرى أن إيرادهم ما أوردوا لا طريق للقياس فيه، ولأنهم يوهمون الضعفاء أننا ننكر تشابه الأسماء ونحن، ولله الحمد، أعلم بتشابه الأسماء منهم وأشد إقرارا به منهم. وإنما ننكر أن نحكم في الدين للمتشابهين في بعض الصفات بحكم واحد من إيجاب أو تحريم أو تحليل

[49] **Translator's note (L3069):** ولا أذكر القياس literally reads "nor do I mention analogy." This awkward first-person wording is retained rather than changed to "analogy is not mentioned." The text reads أقتل, "more deadly," and القاتل له, literally "the one who kills by/for it." The latter is likely a transcription error for القائل له, "the one who advocates it," but the supplied reading is translated rather than silently corrected.

[50] **Translator's note (L3070):** The phrase في طلب حكم طلب النازلة في القول والسنة is awkward and apparently corrupt, repeating "seeking" and reading القول, "the discourse," where "the Quran" might be expected. These features are retained. "Collateral inheritance" renders الكلالة, a technical inheritance term whose precise scope is disputed, commonly concerning a deceased person without a parent or child. The final "related to us" introduces the next transmitter, whose name occurs in the following segment.

rulings of the Quran as we rule concerning the Jews and the Christians: killing, taking children and women captive, and collecting the poll tax if they make peace. If they persist in their analogy, they join the Sufriyyah and the Azariqah, and this ruling rebounds upon them for their abandonment of the rulings of the Quran and their practice of analogy. If they disavow that, they contradict themselves and abandon analogy. Success comes through Allah Most High. This, then, is everything with which they have sought to mislead by citing reports. Through the power and might of Allah Most High, we have made clear that all of it is evidence against them and requires the invalidation of analogy. Anyone with the slightest sense sees that the material they have cited provides no avenue for analogy. Moreover, they give the weak-minded the impression that we deny similarities between names, whereas, praise be to Allah, we know more about similarities between names than they do and acknowledge them more firmly than they do. We deny only that, in religion, we should assign a single ruling to two things resembling one another in certain attributes by imposing an obligation, a prohibition, or a permission without authorization from Allah Most High or His Messenger, may Allah bless him and grant him peace ﷺ. This is what we have denied, and this is where we have disagreed, rather than over similarities between things. It would be more fitting for them to abandon such feeble obfuscation. Some of them have claimed, without any restraint, that the Companions, may Allah be pleased with them, unanimously agreed to endorse analogy. This is a brazen assertion whose ugliness nothing whatsoever can equal. We know with certainty that the assertion that analogy is valid has never been transmitted from any of the Companions in any manner whatsoever, through either an authentic route of transmission or a weak one, except for a single report that we shall mention, if Allah Most High wills, after finishing our account of their obfuscation using the proofs of consensus. That report is wholly inauthentic.[51]

L3076–3083 If an opponent were to challenge them and say, "The consensus of the Com-

[51] **Translator's note (L3073):** The supplied المسملين is an apparent transposition of letters in المسلمين, rendered "Muslims." The wording وعاد هذا من الحكم عليهم is awkward; it has been understood as saying that this ruling rebounds upon the advocates of analogy.

بغير إذن من الله تعالى أو من رسوله صلى الله عليه وسلم فهذا أنكرنا وفي هذا خالفنا لا في تشابه الأشياء، فلو تركوا التمويه الضعيف لكان أولى بهم. وادعى بعضهم، دون مراقبة، إجماع الصحابة رضي الله عنهم على القول بالقياس، وهذه مجاهرة لا يعدلها في القبح شيء أصلا، وباليقين نعلم أن ما روي قط عن أحد من الصحابة القول بأن القياس حق بوجه من الوجوه، لا من طريق تصح، ولا من طريق ضعيفة، إلا حديثا واحدا، نذكره إن شاء الله تعالى بعد فراغنا من ذكر تمويههم بدلائل الإجماع، وهو لا يصح البتة.

ولو أن معارضا يعارضهم، فقال: قد صح إجماع الصحابة على إبطال القياس، أكان يكون بينه وبينهم فرق في أنها دعوى ودعوى؟ بل إن قائل هذا، من إجماعهم على إبطال القياس، يصح قوله ببرهان نذكره إن شاء الله تعالى. وهو أنه قد صح بلا شك

panions upon the invalidation of analogy has been established," would there be any difference between him and them, insofar as each is merely making a claim? Indeed, the statement of one who asserts their consensus upon the invalidation of analogy is established by a demonstration that we shall mention, if Allah Most High wills. It is this: it is established beyond doubt for every descendant of Adam acquainted with Islam and the Muslims, whether believer or unbeliever, that all the Companions unanimously agreed upon the binding force of whatever Allah Most High said in the Quran whose abrogation has not been established, and upon the binding force of whatever the Messenger of Allah, may Allah bless him and grant him peace ﷺ, said; that no one may prohibit, permit, or impose as obligatory any ruling in religion that neither Allah Most High nor His Messenger, may Allah bless him and grant him peace ﷺ, has brought; that the Messenger of Allah did not obscure for his community the matter of its religion; and that he, may Allah bless him and grant him peace ﷺ, explained it all to the people. All of this was unanimously agreed upon by all the Companions, from the first to the last, without doubt. Otherwise, they would not have been Muslims, for this is unanimously agreed upon without doubt. These premises invalidate analogy, because, according to its advocates, there are new occurrences in religion concerning which Allah Most High has not sent down a clear ruling in the Quran, nor has the Messenger of Allah, may Allah bless him and grant him peace ﷺ, explained their ruling by expressly addressing them in a text. No Muslim doubts that, had the Companions heard someone saying this, they would have disavowed him. Furthermore, the Companions numbered tens of thousands. Reports were transmitted by more than one thousand three hundred of them, identified by name, and jurisprudence and legal opinions were transmitted from some one hundred and forty-odd of them, identified by name, apart from the general matters transmitted from most or all of them, such as performing prayer, paying the obligatory alms, prostrating wherever their imam led them in a prostration occasioned by the Quran, sharing in sacrificial offerings, and performing an obligatory prayer behind someone performing a voluntary prayer. There are many such examples. By the transmission of legal opinions, we have meant only those individuals of whom it is reported by name that they permitted such-and-such a matter,

عند كل أحد من ولد آدم يدري الإسلام والمسلمين، من مؤمن أو كافر، أن جميع الصحابة مجمعون على إيجاب ما قال الله تعالى في القرآن مما لم يصح نسخه وعلى إيجاب ما قال رسول الله صلى الله عليه وسلم وعلى أنه لا يحل لأحد أن يحرم ولا يحلل ولا أن يوجب حكما لم يأت به الله تعالى ولا رسوله صلى الله عليه وسلم في الديانة وعلى أن رسول الله لم يلبس على أمته أمر دينها وأنه صلى الله عليه وسلم قد بينه كله للناس وهذا كله مجمع عليه من جميع الصحابة أولهم عن آخرهم بلا شك. ولولا ذلك ما كانوا مسلمين، فإن هذا مجمع عليه بلا شك، فهذه المقدمات مبطلة للقياس، لأنه عند القائلين به حوادث في الدين لم ينزل الله تعالى فيها حكما في القرآن بينا ولا بين رسول الله صلى الله عليه وسلم ما حكمها بنصه عليها وهذا ما لا يشك مسلم أن الصحابة لو سمعوا قائلا يقول بهذا لبرئوا منه. وأيضا فالصحابة عشرات ألوف، روى الحديث منهم ألف وثلاثمائة ونيف مذكورون بأسمائهم، وروى الفقه والفتيا منهم عن نحو مائة ونيف وأربعين، مسمين بأسمائهم، حاشا الجمل المنقول عن أكثرهم أو جميعهم، كإقامة الصلاة وأداء الزكاة، والسجود فيما سجد بهم إمامهم فيه من سجود القرآن، والاشتراك في الهدى، والصلاة الفريضة خلف التطوع، ومثل هذا كثير، وإنما أوردنا بنقل الفتيا من ذكر عنه باسمه أنه أجاز أمر كذا أو نهى عن أمر كذا، أو أوجب كذا، أو عمل كذا، فما منهم أحد روي عنه إباحة القياس، ولا أمر به البتة بوجه من الوجوه، حاشا الحديث الواحد الذي ذكرنا آنفا، وسنذكره إن شاء الله تعالى بإسناده، ونبين وهيه وسقوطه. وروي أيضا نحو عشر قضايا، فيها العمل بما يظن أنه قياس، فإذا حقق لم يصح أنه قياس، منها صحيح السند، ومنها ساقط السند، ويروى عنهم أكثر من ذلك وأصح في إبطال القياس نصا. وأما القول بالعمل التي يقول بها حذاق القياسيين عند أنفسهم، ولا يرون القياس جائزا إلا عليها، فباليقين ضرورة تعلم، أنه لم

prohibited such-and-such a matter, imposed such-and-such an obligation, or performed such-and-such an act. From none of them has permission to use analogy, or any command to use it, ever been transmitted in any manner whatsoever, except for the single report we mentioned just now. We shall cite it, if Allah Most High wills, with its chain of transmission, and explain its weakness and untenability. Some ten cases have also been transmitted involving action on what is thought to be analogy; upon investigation, however, it is not established that it is analogy. Some of these have sound chains of transmission, while others have untenable chains of transmission. More numerous and more authentic reports are transmitted from them explicitly invalidating analogy. As for the doctrine concerning the operative grounds of rulings which the self-styled experts in analogy maintain, and on which alone they consider analogy permissible, we necessarily know with certainty that none of the Companions ever professed it in any way whatsoever, nor did any of the Successors, nor any of the Successors' successors. It is merely something that arose among the followers of al-Shafiʿi; the followers of Abu Hanifah followed them in it, and then the followers of Malik followed them in it. This is a matter of certainty for them and for us. Nothing has ever appeared in any transmission from any of those we have mentioned—not even in a weak or unsound transmission—to the effect that anyone in those generations accounted for a ruling by an inferred operative ground, making it a marker of the ruling, and then reasoning by analogy from it to cases in which he found that operative ground but concerning whose ruling no text had come. Now, according to the majority of the advocates of analogy, analogy is permissible only on the basis of an operative ground common to the two matters, which is the cause and marker of the ruling; otherwise, the analogy is invalid. Yet both they and we are certain that none of the Companions, their Successors, or their Successors' successors uttered this expression, drew attention to this meaning, or provided any indication of it, knew it, or recognized it. Had they recognized it, they would not have concealed it. Their consensus upon the invalidation of analogy is therefore established beyond doubt. This matter and this demonstration have compelled a group of the advocates of analogy to flee from mentioning operative grounds and from accounting for rulings by operative grounds altogether,

يقل قط بها أحد من الصحابة بوجه من الوجوه، ولا أحد من التابعين، ولا أحد تابعي التابعين، وإنما هو أمر حدث في أصحاب الشافعي، واتبعهم عليه أصحاب أبي حنيفة، ثم تلاهم فيه أصحاب مالك. وهذا أمر متيقن عندهم وعندنا، وما جاء قط في شيء من الروايات عن أحد من كل من ذكرنا أصلا، لا في رواية ضعيفة ولا سقيمة، أن أحدا من تلك الأعصار علل حكما بعلة مستخرجة يجعلها علامة للحكم، ثم يقيس عليها ما وجد تلك العلة فيه، مما لم يأت في حكمه نص، وإذا لا يجوز القياس عند جمهور أصحاب القياس إلا على علة جامعة بين الأمرين هي سبب الحكم وعلامته، وإلا فالقياس باطل، ثم أيقنوا هم ونحن على أن ليس أحد من الصحابة ولا من تابعيهم، ولا من تابعي تابعيهم نطق بهذا اللفظ، ولا نبه على هذا المعنى، ولا دل عليه ولا علمه، ولا عرفه، ولو عرفوه ما كتموه فقد صح إجماعهم على إبطال القياس بلا شك. وقد اضطر هذا الأمر وهذا البرهان طائفة من أصحاب القياس إلى الفرار من ذكر العلل وتعليل الأحكام جملة، وعن لفظ القياس، ولجؤوا إلى التشبيه والتمثيل والتنظير، وهو المعنى الذي فروا منه بعينه، لأنه لا بد لهم من التعريف بالشبه بين الأمرين الموجب تسوية حكم ما لم ينص عليه مع ما نص عليه منهما، فكانوا كالمستجيرين من الرمضاء بالنار، وكمحلل الخمر باسم النبيذ وأكثر ما هي هذه الطائفة فمن أصحاب مالك وأحمد، ومن لم يقلد أحدا من علماء أصحاب الحديث، ومنهم نبذ من أصحاب مالك، ويسير من أصحاب أبي حنيفة، فكيف يستحل من له علم وورع وفرار عن الكذب أن يدعي الإجماع فيما هذه صفته وفي أمر قد روي عن أصحابه أزيد من عشرين ألف قضية، ليس فيها ما يدل على القياس، إلا قضية واحدة لا تصح، ونحو عشر قضايا يظن أنها قياس، وليست عند التحقيق قياسا، وهم مجمعون معنا على أنه لم يحفظ قط عن أحد من الصحابة قياس في حياة النبي صلى الله عليه وسلم فإذ ذلك كذلك فنحن نبرأ إلى الله تعالى من كل دين حدث بعده صلى الله عليه وسلم ولو كان القياس حقا لما أغفل

and from the term "analogy." They have taken refuge in likening, comparison by example, and drawing parallels. Yet this is precisely the meaning from which they fled, because they must identify the resemblance between the two matters that requires equating the ruling of the one not expressly addressed in a text with that of the one expressly addressed. They are thus like those who seek refuge from the scorching ground in fire, or someone who declares wine permissible under the name of steeped-fruit drink. Most of this group belong to the followers of Malik and Ahmad, and to those scholars of the traditionists who do not follow anyone unquestioningly. Among them are also a handful of Malik's followers and a few of Abu Hanifah's followers. How, then, can anyone possessing knowledge, scrupulousness, and an aversion to lying consider it lawful to claim consensus in something of this description, and in a matter concerning which more than twenty thousand cases have been transmitted from its adherents, containing nothing that indicates analogy except a single inauthentic case and some ten cases that are thought to be analogy but, upon investigation, are not analogy. They agree with us that no instance of analogy during the Prophet's ﷺ lifetime has ever been preserved from any of the Companions. Since that is so, we declare ourselves before Allah Most High free of every religion that arose after him ﷺ. Had analogy been true, the Messenger of Allah ﷺ would not have neglected to explain it and how to act upon it. Moreover, it is certainly false that analogy should be permissible in religion and yet the Messenger of Allah ﷺ should not teach us what things we are to reason about by analogy, what we are to take as the basis of analogy, where we are to apply analogy, or how we are to reason by analogy. Thus it is established that analogy is false, without any doubt. As for statements, personal opinion, juristic preference, and individual choice, very many instances of these are transmitted from them, may Allah be pleased with them. But there is no way to find that any one of them made his own opinion a religion that he imposed as a binding ruling. They spoke only to report that this was what first occurred to their minds, and that this was how they thought, by way of reconciling disputants and the like. Moreover, the advocates of analogy have spared us, praise be to Allah, the need to rely on this line of argument, because they—we mean their skilled authorities and dialectical theologians—reject personal opinion

رسول الله صلى الله عليه وسلم بيانه العمل به ثم من الباطل المتيقن أن يكون القياس مباحا في الدين ثم لا يعلمنا رسول الله صلى الله عليه وسلم أي شيء نقيس ولا على ما نقيس ولا أين نقيس ولا كيف نقيس؟ فصح أن القياس باطل لا شك فيه. وأما القول والرأي والاستحسان والاختيار فكثير عنهم رضي الله عنهم جدا، ولكنه لا سبيل إلى أن يوجد لأحد منهم أن جعل رأيه دينا أوجبه حكما، وإنما قالوا إخبارا منهم بأن هذا الذي يسبق إلى قلوبهم، وهكذا يظنون على سبيل الصلح بين المختصمين، ونحو هذا، مع أن أصحاب القياس قد كفونا، ولله الحمد، التعلق بهذا الباب لأنهم، نعني حذاقهم ومتكلميهم، مبطلون للرأي والاستحسان إلا أن يكون قياسا على علة جامعة. وقد أصفق على هذا أكابر المتأخرين من الحنفيين المالكيين وسلكوا في ذلك مسلك الشافعيين، وتركوا طرائق أسلافهم في الاعتماد على الرأي والاستحسان، وقياس التمثيل المطلوب والتشبيه، ولو لم يفعلوا لكان أمرهم أهون مما يظن، لأنه لم يبق إلا بالرأي وحده مجردا، والاستحسان المطلق، فليس رأي زيد أولى من رأي عمرو، ولا استحسان زيد أولى من استحسان رأي عمرو. فحصل الدين وأعوذ بالله لو كان ذلك هملا غير حقيقة وحراما حلالا معا وحقا باطلا معا، وتخليطا فاسدا. وهذا أبين من أن يغلط فيه من له حس، وبالله تعالى التوفيق. واحتجوا بإجماع الأمة على تقديم أبي بكر إلى الخلافة وأن ذلك قياس على تقديم النبي صلى الله عليه وسلم له إلى الصلاة وأن عمر قال للأنصار ارضوا لإمامتكم من رضيه رسول الله صلى الله عليه وسلم لصلاتكم وهي عظم دينكم قال أبو محمد وهذا من الباطل الذي لا يحل، ولو لم يكن في تقديم أبي بكر حجة إلا أن رسول الله صلى الله عليه وسلم قد استخلف عليا على المدينة في غزوة تبوك. وهي آخر غزواته عليه السلام. فقياس الاستخلاف على الاستخلاف اللذين يدخل فيهما الصلاة والأحكام أولى من قياس الاستخلاف على الصلاة وحدها

and juristic preference unless these constitute analogy based on a common operative cause. The leading later Hanafis and Malikis have unanimously agreed upon this, following the course of the Shafiʿis in this matter and abandoning their predecessors' methods of relying on personal opinion, juristic preference, analogy through the comparison sought, and the identification of resemblance. Even had they not done so, their case would have been easier to refute than is supposed, because nothing would remain except reliance on bare personal opinion alone and unrestricted juristic preference. Zayd's opinion has no greater claim than ʿAmr's opinion, nor does Zayd's juristic preference have any greater claim than juristic preference for ʿAmr's opinion. Were that so, religion—I seek refuge in Allah—would become something left without governance or reality: forbidden and lawful at once, true and false at once, and a corrupt muddle. This is too clear for anyone possessed of sense to err about it. Success comes through Allah Most High.

They adduced as an argument the community's consensus on advancing Abu Bakr to the caliphate, claiming that this was an analogy based on the Prophet's ﷺ advancing him to lead the prayer, and that ʿUmar said to the Helpers: "Accept for your leadership the man whom the Messenger of Allah ﷺ accepted for your prayer, which is the chief part of your religion."

Abu Muhammed said: This is falsehood that it is not lawful to maintain. Even if there were no argument concerning the advancement of Abu Bakr except that the Messenger of Allah ﷺ had appointed ʿAli as his deputy over Medina during the expedition of Tabuk, which was the last of his expeditions, peace be upon him, then drawing an analogy between two appointments as deputy, both of which include prayer and judicial rulings, would have a

greater claim than drawing an analogy between appointment as deputy and prayer alone.[525354555657]

L3084–3093 If they say, "The Prophet's ﷺ appointment of Abu Bakr as his deputy was his last action," they are told—and success comes through Allah Most High—that ʿAli's merit did not decline after the Messenger of Allah ﷺ appointed him as his deputy over Medina during the expedition of Tabuk. Rather, he undoubtedly increased in goodness. The Prophet's ﷺ appointment of Abu Bakr as his deputy for prayer was therefore not on account of some deficiency that had arisen in ʿAli which had not been present in him when he appointed him as his deputy over Tabuk, just as his appointment, peace be upon him, of ʿAli as his deputy over Medina in the year of Tabuk was not because ʿAli was superior to Abu Bakr. Thus appointing Abu Bakr as deputy for prayer did not diminish ʿAli's standing. The scholars hold only

فإن قالوا إن استخلاف النبي صلى الله عليه وسلم أبا بكر هو آخر فعله قيل لهم وبالله تعالى التوفيق، إن عليا لم يحبط فضله بعد أن استخلفه رسول الله صلى الله عليه وسلم على المدينة في غزوة تبوك بل زاد خيرا بلا شك فلم يكن استخلاف النبي صلى الله عليه وسلم أبا بكر على الصلاة لأجل نقيصة حدثت في علي، لم تكن فيه إذا استخلفه على تبوك. كما لم يكن استخلافه عليه السلام عليا على المدينة في عام تبوك لأنه كان أفضل من أبي بكر، فليس استخلاف أبي بكر على الصلاة حاطا لعلي. وإنما العلماء في خلافة أبي بكر على قولين أحدهما أن النبي صلى الله عليه وسلم نص عليه وولاه خلافته على الأمة وأقامه بعد موته مقامه صلى الله عليه وسلم في النظر عليه ولها وجعله أميرا على جميع المؤمنين بعد وفاته صلى الله عليه وسلم وهذا هو قولنا الذي ندين الله تعالى به ونلقاه إن شاء الله تعالى عليه مقرونا منا بشهادة التوحيد. وحجتنا الواضحة في ذلك إجماع الأمة حينئذ جميعا على أن سموه خليفة رسول الله صلى الله عليه وسلم ولو كانوا أرادوا ذلك أنه خليفة على الصلاة، لكان أبو بكر مستحقا لهذا الاسم في حياة النبي صلى الله عليه وسلم والأمة كلها مجمعة على أنه لم يستحق أبو بكر هذا الاسم في حياة النبي صلى الله عليه وسلم وأنه إنما استحقه بعد موت النبي صلى الله عليه وسلم إذ ولي خلافته على الحقيقة وأيضا فلو كان المراد بتسميتهم إياه خليفة رسول الله صلى الله عليه وسلم على الصلاة لا على الأمة لما كان بهذا الاسم في ذلك الوقت أولى من أبي زهم وابن أم مكتوم وعلي فكل هؤلاء فقد استخلفه النبي صلى الله عليه وسلم على المدينة ولا من عتاب بن أسيد بن أبي العيص بن أمية بن عبد شمس وقد استخلفه صلى الله عليه وسلم على مكة ولا من عثمان بن أبي العاص الثقفي فقد استخلفه صلى

[52] **Translator's note (L3076):** The clause beginning لأنه عند القائلين به حوادث is syntactically compressed: literally, "because it, according to its advocates, [is] new occurrences." The translation makes explicit the argument that advocates of analogy posit occurrences lacking an explicit revealed ruling.

[53] **Translator's note (L3077):** The supplied الهدى is understood here as sacrificial offerings, conventionally written الهدي, in the expression concerning sharing an offering. The statement concerning obligatory prayer behind voluntary prayer is compressed in Arabic; the translation makes explicit the imam who is performing the voluntary prayer.

[54] **Translator's note (L3078):** The supplied بالعمل التي, literally "concerning the action which," is grammatically and contextually problematic. The discussion that follows strongly suggests بالعلل التي, "concerning the operative grounds of rulings which." The translation follows that probable intended reading while recording the supplied wording here.

[55] **Translator's note (L3080):** The list names Malik's followers both among the principal constituents of the group and again among its smaller constituents. This apparent repetition or textual disturbance has been preserved. The expression "its adherents" translates أصحابه; in context, the intended reference appears to be the Companions whose transmitted cases the author has been discussing. Steeped-fruit drink renders النبيذ, a drink made by steeping fruit whose intoxicating status depends on its preparation and fermentation; the author's comparison concerns relabeling wine.

[56] **Translator's note (L3081):** The opening word completes the preceding segment's statement that certain cases, upon examination, are not analogy.

[57] **Translator's note (L3083):** The expression "analogy through the comparison sought" renders the awkward phrase قياس التمثيل المطلوب without emending it.

two positions concerning Abu Bakr's caliphate. The first is that the Prophet ﷺ explicitly designated him and entrusted him with succession to him over the community, installing him after his death in his own place ﷺ to exercise oversight over it and attend to its interests, and making him commander over all the believers after his death ﷺ. This is our position, which we profess as our religion before Allah Most High and upon which, if Allah Most High wills, we shall meet Him, joining it to our testimony to His oneness. Our clear proof for this is the entire community's consensus at that time in calling him "the successor of the Messenger of Allah ﷺ." Had they meant by this that he was a deputy for prayer, Abu Bakr would have deserved this title during the Prophet's ﷺ lifetime. Yet the entire community agrees that Abu Bakr did not deserve this title during the Prophet's ﷺ lifetime, and that he deserved it only after the Prophet's ﷺ death, when he actually assumed succession to him. Furthermore, had their intention in calling him "the successor of the Messenger of Allah ﷺ" concerned prayer rather than the community, he would have had no greater claim to this title at that time than Abu Zahm, Ibn Umm Maktum, or ʿAli, for each of these had been appointed as deputy by the Prophet—may Allah bless him and grant him peace—over Medina; nor would he have had any greater claim than ʿAttab ibn Asid ibn Abi al-ʿIs ibn Umayya ibn ʿAbd Shams, whom he ﷺ appointed as deputy over Mecca; nor than ʿUthman ibn Abi al-ʿAs al-Thaqafi, whom he ﷺ appointed as deputy over al-Taʾif; nor than Khalid ibn Saʿid ibn al-ʿAs ibn Umayya ibn ʿAbd Shams, whom he ﷺ appointed as deputy over Sanaʿa. Since the entire community agreed that none of those we have mentioned is called "the successor of the Messenger of Allah," either during the Prophet's ﷺ lifetime or after his death—ʿAli being called that when he assumed the caliphate—we know necessarily that Abu Bakr was called "the successor of the Messenger of Allah ﷺ" because he appointed him to full succession after his death, with authority over all the community's affairs. This is clear, and success comes through Allah Most High. The meaning of "successor," khalīfa, is a word on the pattern faʿīla derived from "one who is succeeded," makhlūf. This final hāʾ serves for intensification, as when you say ʿaqīr and ʿaqīra, "slaughtered," transferred from maʿqūra. This, then, is one position. The second position is that the Muslims advanced him only because he was

الله عليه وسلم على الطائف ولا من خالد بن سعيد بن العاص بن أمية بن عبد شمس فقد استخلفه صلى الله عليه وسلم على صنعاء فلما اتفقت الأمة كلها على أنه لا يسمى أحد ممن ذكرنا خليفة رسول الله لا في حياة النبي صلى الله عليه وسلم ولا بعد موته يسمى بذلك علي إذ ولي الخلافة، علمنا ضرورة أنه سمي أبو بكر خليفة رسول الله صلى الله عليه وسلم لأنه استخلفه على الخلافة التامة بعد موته في ولاية جميع أمور الأمة وهذا بين. وبالله تعالى التوفيق. ومعنى خليفة فعيلة من مخلوف وهذا الهاء للمبالغة، كقولك عقير وعقيرة منقول عن معقورة، فهذا قول. والقول الثاني: أنه إنما قدمه المسلمون لأنه كان أفضلهم، وحكم الإمامة أن يكون في الأفضل. واحتجوا بامتناع الأنصار في أول الأمر، وبقول عمر: إن أستخلف فقد استخلف من هو خير مني، وإن لا أستخلف فلم يستخلف من هو خير مني يعني النبي صلى الله عليه وسلم قال أبو محمد وهذا لا حجة لهم فيه بل بعضه عائد عليهم، لأن الأنصار لم يكونوا ليتركوا رأيهم، وهم أهل الدار والمنعة السابقة، الذين لم يبالوا بمخالفة أهل المشرق والمغرب، وحاربوا جميع العرب حتى أدخلوهم في الإسلام طوعا وكرها إلا لنص من النبي صلى الله عليه وسلم لا لرأي أضافهم النزاع إليهم من المهاجرين. وأما قول عمر فظن منه، وقد قال رضي الله عنه، إذ بشره ابن عباس عند موته بالجنة: والله إن علمك بذلك يا ابن عباس لقليل نخفي عليه شهادة النبي صلى الله عليه وسلم بالجنة مع ما في القرآن من ذلك لأهل الحديبية وهم منهم فهكذا خفي عليه نص النبي صلى الله عليه وسلم على أبي بكر وهذا من عمر مضاف إلى ما قلنا آنفا ومضاف إلى قول يوم مات النبي صلى الله عليه وسلم والله ما مات رسول الله وإلى قوله يوم أراد رسول الله صلى الله عليه وسلم أن يكتب في مرضه الذي مات فيه كما حدثنا حمام بن أحمد، ثنا عبد

the best of them, and the rule governing leadership is that it should belong to the best. They adduced as arguments the Helpers' initial refusal and ʿUmar's statement: "If I appoint a successor, someone better than I has appointed a successor; and if I do not appoint a successor, someone better than I did not appoint a successor," meaning the Prophet ﷺ.

Abu Muhammed said: They have no proof in this. Rather, part of it turns against them, because the Helpers would not have been prepared to abandon their opinion—they being the people of the abode and of the protection afforded from the outset, who had not cared about opposing the people of the East and West and had fought all the Arabs until they brought them into Islam, willingly and unwillingly—except on account of an explicit designation by the Prophet ﷺ, not on account of an opinion held by those Emigrants to whom the dispute had brought them. As for ʿUmar's statement, it was a supposition on his part. When Ibn ʿAbbas gave him glad tidings of Paradise at his death, he, may Allah be pleased with him, said: "By Allah, your knowledge of that, Ibn ʿAbbas, is indeed slight." Thus the Prophet's ﷺ testimony that he would enter Paradise escaped his notice, together with what the Qurʾan contains to that effect concerning the people of al-Hudaybiya, of whom he was one. In the same way, the Prophet's ﷺ explicit designation of Abu Bakr escaped his notice. This from ʿUmar is to be added to what we said just now, and to his statement on the day the Prophet ﷺ died, "By Allah, the Messenger of Allah has not died," and to his statement on the day the Messenger of Allah ﷺ wished to write during the illness in which he died, as Ḥammam ibn Ahmad related to us: ʿAbd Allah ibn Ibrahim related to us: Abu Zayd al-Marwazi related to us: Muhammed ibn Yusuf related to us: al-Bukhari related to us: Yahya ibn Sulayman al-Juʿfi related to us: Ibn Wahb related to us: Yunus informed me, from Ibn Shihab, from ʿUbayd Allah ibn ʿAbd Allah ibn ʿUtba, from Ibn ʿAbbas, who said:

"When the Messenger of Allah's ﷺ pain became severe, he said: 'Bring me writing material, so that I may write you a document after which you will not go astray after me.' ʿUmar said: 'The Prophet ﷺ has been overcome by pain, and we have the Book of Allah; it suffices us.' They disagreed, and the clamour grew. He said: 'Get up and leave me. Disputing in my presence is

الله بن إبراهيم، ثنا أبو زيد المروزي، ثنا محمد بن يوسف، ثنا البخاري، ثنا يحيى بن سليمان الجعفي، ثنا ابن وهب، أخبرني يونس، عن ابن شهاب، عن عبيد الله بن عبد الله بن عتبة عن ابن عباس قال لما اشتد برسول الله صلى الله عليه وسلم وجعه قال ائتوني بكتاب اكتب لكم كتابا لا تضلوا بعدي فقال عمر إن النبي صلى الله عليه وسلم غلبه الوجع وعندنا كتاب الله حسبنا فاختلفوا وكثر اللغط، فقال: قوموا عني، ولا ينبغي عندي التنازع. فخرج ابن عباس يقول: إن الرزية ما حال بين رسول الله وبين كتابه. وحدثناه عبد الله بن ربيع، ثنا محمد بن معاوية، ثنا أحمد بن شعيب، أنا محمد بن منصور، عن سفيان الثوري، سمعت سليمان هو الأحول عن سعيد بن جبير، عن ابن عباس فذكر الحديث وفيه إن قوما قالوا عن النبي صلى الله عليه وسلم في ذلك اليوم ما شأنه هجر قال أبو محمد هذه زلة العالم التي حذر منها الناس قديما، وقد كان في سابق علم الله تعالى أن يكون بيننا الاختلاف، وتضل طائفة وتهتدي بهدى الله أخرى. فلذلك نطق عمر ومن وافقه بما نطقوا به، مما كان سببا إلى حرمان الخير بالكتاب الذي لو كتبه لم يضل بعده، ولم يزل أمر هذا الحديث مهما لنا وشجى في نفوسنا، وغصة نألم لها، وكنا على يقين من أن الله تعالى لا يدع الكتاب الذي أراد نبيه صلى الله عليه وسلم أن يكتبه فلن يضل بعده دون بيان ليحيا من حي عن بينة، إلى أن من الله تعالى بأن أوجدناه فانجلت الكربة، والله المحمود. وهو ما حدثناه عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا عبيد الله بن سعيد، ثنا يزيد بن هارون، ثنا إبراهيم بن سعد، ثنا صالح بن كيسان، عن الزهري عن عروة عن عائشة قالت قال لي رسول الله صلى الله عليه وسلم في مرضه ادعي لي أبا بكر وأخاك حتى أكتب كتابا، فإني

not fitting.' Ibn ʿAbbas went out saying: 'The calamity is what came between the Messenger of Allah and his writing.'"

ʿAbd Allah ibn Rabiʿ also related it to us: Muhammed ibn Muʿawiya related to us: Ahmad ibn Shuʿayb related to us: Muhammed ibn Mansur informed us, from Sufyan al-Thawri: "I heard Sulayman—that is, al-Ahwal—" from Saʿid ibn Jubayr, from Ibn Abbas, who related the report, which includes the statement that some people said of the Prophet ﷺ that day, "What is the matter with him? Has he become delirious?" Abu Muhammed said: This is the scholar's lapse against which people were warned long ago. It was already within Allah Most High's foreknowledge that disagreement would arise among us, that one group would go astray, and that another would be guided by Allah's guidance. That is why Umar and those who agreed with him uttered what they uttered, which was a cause of our being deprived of the good contained in the document which, had he written it, no one would have gone astray afterward. The matter of this report continued to trouble us, like something lodged painfully in our souls and a choking obstruction that caused us suffering. We were certain that Allah Most High would not leave without clarification the document that His Prophet ﷺ intended to write, after which no one would go astray, so that whoever lived might live upon clear evidence—until Allah Most High graciously enabled us to find it, and the distress was dispelled. To Allah belongs praise. It is what Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Ubayd Allah ibn Said related to us: Yazid ibn Harun related to us: Ibrahim ibn Sad related to us: Salih ibn Kaysan related to us, from al-Zuhri, from Urwa, from Aisha, who said: The Messenger of Allah ﷺ said to me during his illness, "Summon Abu Bakr and your brother for me, so that I may write a document, for I fear that someone may entertain an ambition and someone may make a claim; but Allah and the prophets refuse anyone except Abu Bakr." Abu Muhammed said: This is

أخاف أن يتمنى متمن ويقول قائل ويأبى الله والنبيون إلا أبا بكر. قال أبو محمد: هكذا في كتابي عن عبد الله بن يوسف، وفي أم أخرى، ويأبى الله والمؤمنون.

how it appears in my book transmitted from Abd Allah ibn Yusuf. In another master copy it reads, “But Allah and the believers refuse.”[58]596061626364

L3094–3104 Abd Allah ibn Rabi likewise related it to us: Muhammed ibn Muawiya related to us: Ahmad ibn Shuayb related to us: Abd al-Rahman ibn Muhammed ibn Sallam al-Tarsusi related to us: Yazid ibn Harun related to us: Ibrahim

وهكذا حدثناه عبد الله بن ربيع، ثنا محمد بن معاوية، ثنا أحمد بن شعيب، ثنا عبد الرحمن بن محمد بن سلام الطرسوسي، ثنا يزيد بن هارون، ثنا إبراهيم بن سعد، عن صالح بن كيسان عن الزهري عن عروة عن عائشة عن النبي صلى الله عليه وسلم بمثله وفيه إن ذلك كان في اليوم الذي بدىء فيه عليه السلام بوجعه الذي مات فيه بأبي هو وأمي. قال أبو محمد: فعلمنا أن الكتاب المراد يوم الخميس قبل موته صلى الله عليه وسلم بأربعة أيام كما روينا عن ابن عباس يوم قال عمر ما ذكرنا إنما كان في معنى الكتاب الذي أراد صلى الله عليه وسلم أن يكتبه في أول مرضه قبل يوم الخميس المذكور بسبع ليال لأنه صلى الله عليه وسلم ابتدأه وجعه يوم الخميس في بيت ميمونة أم المؤمنين وأراد صلى الله عليه وسلم يوم الاثنين وكانت مدة علته صلى الله عليه وسلم اثني عشر يوما فصح أن ذلك الكتاب كان في استخلاف أبي بكر لئلا يقع ضلال في الأمة بعده صلى الله عليه وسلم فإن ذكر ذاكر معنى ما روي عن عائشة إذ سئلت من كان رسول الله مستخلفا لو استخلف؟ فإنما معناه: لو كتب الكتاب في ذلك. قال أبو محمد: فهذا قول ثان، وقالت الزيدية: إنما استخلف أبو بكر استيلانا للناس كلهم، لأنه كان هنالك قوم ينافرون عليا، فرأى علي أن قطع الشغب أن يسلم الأمر إلى أبي بكر، وإن كان دونه في الفضل. قال أبو محمد: وأما أن يقول أحد من الأمة: إن أبا بكر إنما قدم قياسا على تقديمه إلى الصلاة فيأبى الله ذلك، وما قاله أحد قط يومئذ، وإنما تشبث بهذا القول الساقط المتأخرون من أصحاب القياس، الذين لا يبالون بما نصروا به أقوالهم، مع أنه أيضا في القياس فاسد، لو كان القياس حقا، لما بينا قبل، ولأن الخلافة ليست علتها علة الصلاة، لأن الصلاة جائز أن يليها العربي والمولى والعبد، والذي لا يحسن سياسة الجيوش والأموال والأحكام والسير الفاضلة، وأما الخلافة

[58]**Translator’s note (L3084):** The text says “over Tabuk” here, although the preceding wording describes appointment over Medina during the expedition of Tabuk. The supplied wording has been retained.

[59]**Translator’s note (L3086):** The phrase rendered “to exercise oversight over it and attend to its interests” contains a masculine pronoun in عليه followed by a feminine pronoun in لها. The intended referent appears to be the community, but the supplied Arabic is grammatically inconsistent. The name أبو زهم is rendered “Abu Zahm” as supplied. The final word begins a salutation that continues in the next unit.

[60]**Translator’s note (L3087):** The opening completes the salutation begun in the preceding unit. The clause “‘Ali being called that when he assumed the caliphate” follows a categorical denial that anyone mentioned bore the title. The supplied Arabic lacks an explicit exception or negation linking these clauses; the apparent textual difficulty has been retained. Asid renders the supplied أسيد/أَسِيد spelling without silently substituting another form.

[61]**Translator’s note (L3088):** The derivation of khalīfa from makhlūf, and the explanation of the final hāʾ as intensive, reproduce the author’s grammatical claims. The Arabic examples are retained alongside their English meanings because their forms are the subject of the argument.

[62]**Translator’s note (L3090):** The wording describing the Helpers as أهل الدار والمنعة السابقة is compressed; “the protection afforded from the outset” reflects the stated precedence of their protection. The phrase أضافهم النزاع إليهم, rendered “to whom the dispute had brought them,” is awkward but has not been emended. In the Qurʾan-related clause, the supplied Arabic says وهم منهم, literally “and they were among them,” although the immediate argument concerns ʿUmar individually. The translation follows that apparent individual reference.

[63]**Translator’s note (L3091):** The unvocalized word rendered “Has he become delirious?” can also be read as the assertion “He has become delirious.” The supplied text does not explicitly mark the interrogative.

[64]**Translator’s note (L3093):** The author explicitly records the variant “the prophets” in his own transmitted copy and “the believers” in another master copy; both are preserved here.

ibn Sad related to us, from Salih ibn Kaysan, from al-Zuhri, from Urwa, from Aisha, from the Prophet ﷺ, with the same wording. It includes the statement that this occurred on the day when the illness from which he died first afflicted him, peace be upon him—may my father and mother be his ransom. Abu Muhammed said: Thus we learned that the document intended on the Thursday four days before his death ﷺ, as we related from Ibn Abbas—the day when Umar said what we have mentioned—was concerned with the same matter as the document that he ﷺ intended to write at the beginning of his illness, seven nights before the Thursday in question. For his illness ﷺ began on a Thursday in the house of Maymuna, Mother of the Believers, and he ﷺ intended on Monday; the duration of his illness ﷺ was twelve days. It is therefore established that this document concerned appointing Abu Bakr as successor, so that no going astray would occur within the community after him ﷺ. If someone mentions the meaning of what was related from Aisha when she was asked, "Whom would the Messenger of Allah have appointed as successor, had he appointed a successor?" its meaning is only "had he written the document concerning that." Abu Muhammed said: This, then, is a second position. The Zaydis said: Abu Bakr was appointed successor only to conciliate all the people, because there were people there who were hostile to Ali. Ali therefore considered that the way to put an end to disorder was to surrender authority to Abu Bakr, even though he was inferior to him in merit. Abu Muhammed said: As for anyone in the community saying that Abu Bakr was advanced only by analogy with his being advanced to lead the prayer, Allah rejects that. No one whatsoever said it at the time. Only the later adherents of analogy clung to this worthless assertion, caring nothing about what they used to support their positions. Moreover, it would also be invalid as an analogy, even if analogy were valid, for the reasons we explained earlier, and because the effective cause governing the caliphate is not the effective cause governing prayer. For an Arab, a freed client, a slave, or someone who does not know how to manage armies, finances, legal judgments, and virtuous practices may lead the prayer. As for the caliphate, however, none may hold it except a Qurashi by direct descent who knows governance and its various aspects, even if he is not proficient in recitation. Prayer is subordinate to supreme leadership; supreme leadership is not subordinate to prayer.

فلا يجوز أن يتولاها، إلا قرشي صليبة، عالم بالسياسة ووجوهها. وإن لم يكن محكما للقراءة. وإنما الصلاة تبع للإمامة، وليست الإمامة تبعا للصلاة، فكيف يجوز عند أحد من أصحاب القياس أن تقاس الإمامة التي هي أصل، على الصلاة التي هي فرع من فروع الإمامة؟ هذا ما لا يجوز عند أحد من القائلين بالقياس. وقد كان سالم مولى أبي حذيفة يؤم أكابر المهاجرين وفيهم عمرو وغيره أيام النبي صلى الله عليه وسلم ولم يكن ممن تجوز له الخلافة فكان أحقهم بالصلاة، لأنه كان أقرأهم، وقد كان أبو ذر، وأبي بن كعب، ومعاذ بن جبل، وزيد بن ثابت، وابن مسعود أولى الناس بالصلاة إذا حضرت، إذا لم يكونوا بحضرة أمير أو صاحب منزل، لفضل أبي ذر وزهده وورعه وسابقته، وفضل سائر من ذكرنا وقراءتهم ولم يكونوا من أهل الخلافة، ولا كان أبو ذر من أهل الخلافة، ولا كان أبو ذر من أهل الولايات ولا من أهل الاضطلاع بها وقد قال له رسول الله صلى الله عليه وسلم يا أبا ذر إني أحب لك ما أحب لنفسي وإنك ضعيف، فلا تأمرن على اثنين ولا تولين مال يتيم وقد أمر رسول الله صلى الله عليه وسلم خالد بن الوليد وعمرو بن العاص وأسامة بن زيد على من هو أفضل منهم وأقرأ، وأقدم هجرة وأفقه وأسن، وهذه هي شروط الاستحقاق للإمامة في الصلاة، وليست هذه شروط الإمارة. وإنما شروط الإمارة حسن السياسة، ونجدة النفس، والرفق في غير مهانة، والشدة في غير عنف، والعدل والجود بغير إسراف، وتمييز صفات الناس في أخلاقهم وسعة الصدر، مع البراءة من المعاصي، والمعرفة بما يخصه في نفسه في دينه، وإن لم يكن صاحب عبارة، ولا واسع العلم، ولو حضر عمرو وخالد وأسامة مع أبي ذر وهم غير أمراء ما ساغ لهم أن يؤموا تلك الجماعة، ولا أن يتقدموا أبا ذر ولا أبي بن كعب. ولو حضروا في مواضع يحتاج فيها إلى السياسة في السلم والحرب لكان عمرو وخالد وأسامة أحق بذلك من أبي ذر وأبي ولما كان لأبي ذر وأبي من ذلك حق مع عمرو وخالد وأسامة وبرهان ذلك استعمال رسول الله صلى

How, then, can any adherent of analogy permit supreme leadership, which is a principal matter, to be analogically assimilated to prayer, which is one of the subsidiary matters of supreme leadership? This is something none of those who uphold analogy permits. Salim, the freed client of Abu Hudhayfa, used to lead the foremost Emigrants in prayer, including Amr and others, in the days of the Prophet ﷺ, although he was not among those eligible for the caliphate. He had the greatest right among them to lead the prayer because he was the most proficient of them in recitation. Abu Dharr, Ubayy ibn Kab, Muadh ibn Jabal, Zayd ibn Thabit, and Ibn Masud likewise had the greatest right to lead people in prayer when its time came, provided that they were not in the presence of a commander or the master of a house, because of Abu Dharr's merit, asceticism, scrupulous piety, and precedence, and because of the merit and recitation of the others we have mentioned. They were not eligible for the caliphate, nor was Abu Dharr eligible for the caliphate, nor was Abu Dharr suited to offices of authority or capable of shouldering them. The Messenger of Allah ﷺ said to him, "Abu Dharr, I love for you what I love for myself. You are weak, so never take command over two people, and never administer an orphan's property." The Messenger of Allah ﷺ appointed Khalid ibn al-Walid, Amr ibn al-As, and Usama ibn Zayd as commanders over men who surpassed them in merit, were more proficient in recitation, had emigrated earlier, were more learned in religious law, and were older. These are the conditions of entitlement to lead the prayer; they are not the conditions of command. The conditions of command are sound governance, personal courage, gentleness without abasement, firmness without violence, justice, generosity without extravagance, discernment of people's qualities of character, and forbearance, together with freedom from acts of disobedience and knowledge of what concerns him personally in his religion, even if he is neither eloquent nor extensively learned. If Amr, Khalid, and Usama were present with Abu Dharr without holding command, it would not be permissible for them to lead that congregation in prayer or to take precedence over Abu Dharr or Ubayy ibn Kab. If, however, they were present in situations requiring governance in peace and war, Amr, Khalid, and Usama would have a greater right to that than Abu Dharr and Ubayy, and Abu Dharr and Ubayy would have no entitlement to it in the presence of Amr, Khalid, and

الله عليه وسلم خالدا وأسامة وعمرا دون أبي ذر وأبي وأبو ذر وأبي أفضل من عمرو وأسامة وخالد بدرج عظيمة جدا. وقد حضر الصحابة يوم غزوة مؤتة فقتل الأمراء وأشرف المسلمون على الهلكة، فما قام منهم أحد مقام خالد بن الوليد، كلهم، إلا الأقل، أقدم إسلاما وهجرة ونصرا، وهو حديث الإسلام يومئذ، فما ثبت أحد ثباته، وأخذ الراية ودبر الأمر، حتى انحاز بالناس أجمل انحياز، فليست الإمامة والخلافة من باب الصلاة في ورد ولا صدر، فبطل تمويههم بأن خلافة أبي بكر كانت قياسا على الصلاة أصلا. فإن قالوا: لو كانت خلافة أبي بكر منصوصا عليه من النبي صلى الله عليه وسلم ما اختلفوا فيها قال أبو محمد فيقال لهم وبالله تعالى التوفيق: هذا تمويه ضعيف لا يجوز إلا على جاهل بما اختلف فيه الناس، وهل اختلف الناس إلا في المنصوصات. والله العظيم قسما برا ما اختلف اثنان قط فصاعدا في شيء من الدين إلا في منصوص بين في القرآن والسنة، فمن قائل: ليس عليه العمل، ومن قائل: هذا تلقى بخلاف ظاهره، ومن قائل: هذا خصوص، ومن قائل: هذا منسوخ. ومن قائل: هذا تأويل، وكل هذا منهم بلا دليل في أكثر دعواهم كاختلافهم في وجوب الوصية لمن لا يرث من الأقارب والإشهاد في البيع، وإيجاب الكتابة، وقسمة الخمس، وقسمة الصدقات وممن تؤخذ الجزية، والقراءات في الصلوات والتكبير فيها، والاعتدال، والنيات في الأعمال والصوم، ومقدار الزكاة وما يؤخذ فيها المتعة في الحج، والقرآن والفسخ، وسائر ما اختلف الناس فيه، وكل ذلك منصوص في القرآن والصحيح عن رسول الله صلى الله عليه وسلم فعلى هذا وعلى النسيان للنص كان اختلاف من اختلف في خلافة أبي بكر. وأما الأنصار فإنهم لما ذكروا، وكان قبل ذلك قد نسوا، حتى قال قائلهم: منا أمير ومنكم أمير، ودعا بعضهم إلى المداولة، وبرهان ما قلنا أن عبادة بن الصامت الأنصاري روى عن رسول الله صلى الله عليه وسلم أن الأنصار بايعوه على ألا ينازعوا الأمر أهله وأنس بن مالك الأنصاري روى عن رسول الله

Usama. The demonstration of this is that the Messenger of Allah ﷺ appointed Khalid, Usama, and Amr to office rather than Abu Dharr and Ubayy, although Abu Dharr and Ubayy surpassed Amr, Usama, and Khalid in merit by very great degrees. The Companions were present at the battle of Muta, when the commanders were killed and the Muslims stood on the brink of destruction. None of them took the position that Khalid ibn al-Walid took, although all but a very few of them had preceded him in embracing Islam, emigrating, and giving support, while he had only recently embraced Islam at that time. No one stood firm as he did. He took the standard and managed affairs until he withdrew with the people in the finest manner of withdrawal. Supreme leadership and the caliphate therefore have no connection whatsoever with the category of prayer. Their deceptive claim that Abu Bakr's caliphate was based on analogy with prayer is thus utterly invalidated. If they say, "Had Abu Bakr's caliphate been explicitly stipulated by the Prophet ﷺ, they would not have disagreed about it," Abu Muhammed said: They should be told—and success comes through Allah Most High—this is a weak deception that can pass muster only with someone ignorant of the matters about which people have disagreed. Have people disagreed about anything other than matters explicitly stipulated in the texts? By Allah the Magnificent, in a truthful oath, never have two or more people disagreed about anything in religion except something clearly stipulated in the Quran and the Sunna. One says, "Practice does not follow it"; another says, "This has been received in a sense contrary to its apparent meaning"; another says, "This is specific in scope"; another says, "This is abrogated"; and another says, "This is a figurative interpretation." All this they say without evidence for most of their claims, as in their disagreements concerning the obligation to make a bequest to relatives who do not inherit, calling witnesses to a sale, making a contract of manumission obligatory, distributing the fifth, distributing obligatory alms, from whom the poll tax is to be collected, recitations in the prayers, pronouncing "Allah is greatest" in them, assuming an upright posture, intentions in acts of worship, fasting, the amount of obligatory alms and what is to be taken in payment of them, combining pilgrimage with a preceding lesser pilgrimage with a release from consecration between them, the Quran, annulling the pilgrimage consecration, and all the other matters

صلى الله عليه وسلم أن الأئمة من قريش فبهذا ونحوه رجعت الأنصار عن رأيهم، ولا ذلك ما رجعوا إلى رأي غيرهم، ومعاذ الله أن يكون رأي المهاجرين أولى من رأي الأنصار، بل النظر والتدبير بينهم سواء، وكلهم فاضل سابق وقد قال عمر يوم مات النبي صلى الله عليه وسلم والله ما مات رسول الله وهو يحفظ قول الله عز وجل: {إنك ميت وإنهم ميتون} فلما ذكر بها خر مغشيا عليه، وهكذا عرض للأنصار. وقد روينا ذلك نصا. كما حدثنا عبد الله بن ربيع، نا عبد الله بن محمد بن عثمان الأسدي، نا أحمد بن خالد، نا علي بن عبد العزيز، نا الحجاج بن المنهال، نا أبو عوانة، عن داود بن عبد الله الأودي، عن حميد بن عبد الرحمن الحميري فذكر حديث وفاة رسول الله صلى الله عليه وسلم قال فقال رجال أدركناهم فذكر باقي الحديث وفيه، أن أبا بكر قال وقد علمت يا سعد أن رسول الله صلى الله عليه وسلم قال وأنت قاعد إن الأئمة من قريش والناس برهم تبع لبرهم، وفاجرهم تبع لفاجرهم قال: صدقت أو قال: نعم. قال أبو محمد: ومن أعاجيب أهل القياس: أنهم في هذا المكان يحتجون بأن إمامة أبي بكر كانت قياسا لا نصا، ثم نسوا أنفسهم أو تناسوا عمدا؟ فإذا أرادوا إثبات التقليد للمصاحب قالوا قال رسول الله صلى الله عليه وسلم اقتدوا باللذين من بعدي أبي بكر وعمر قال أبو محمد: وهذا اعجب ما شئت منه فإن كان هذا الحديث صحيحا فقد صح النص من رسول الله صلى الله عليه وسلم على خلافة أبي بكر بعده ثم على خلافة عمر بعد أبي بكر، وبطل قولهم: إن بيعة أبي بكر كانت قياسا على صلاته بالناس، وإن كان هذا الحديث لا يصح فلم احتجوا به في تقليد الإمام من الصحابة؟ أفيكون أقبح من هذه المناقضات بما يبطل بعضه بعضا؟ ولكن إنما شأن القوم نصر المسألة التي يتكلمون فيها بما أمكن، من حق أو باطل أو ضحكة، أو بما يهدم عليهم سائر مذاهبهم، ليوهموا من بحضرتهم من المغرورين بهم أنهم غالبون فقط، فإذا تركوها وأخذوا في غيرها، لم

about which people have disagreed. All this is explicitly stipulated in the Quran and in what is authentically transmitted from the Messenger of Allah—may blessings of Allah be upon him, and peace. It was on this basis, and because of forgetting the explicit text, that those who differed over Abu Bakr's caliphate differed. As for the Helpers, when they were reminded—for before that they had forgotten, to the point that their spokesman said, "An emir from among us and an emir from among you," and some of them called for rotation in office—the demonstration of what we have said is that ʿUbadah ibn al-Samit al-Ansari transmitted from the Messenger of Allah ﷺ that the Helpers pledged allegiance to him on the condition that they would not contest authority with those entitled to it. Anas ibn Malik al-Ansari transmitted from the Messenger of Allah ﷺ that the leaders are to be from Quraysh. Through this and similar evidence, the Helpers abandoned their opinion. Were it not for that, they would not have abandoned it for the opinion of others. And Allah forbid that the opinion of the Emigrants should be more entitled to acceptance than the opinion of the Helpers. Rather, they were equal in deliberation and management, and every one of them was a person of merit and an early adherent. On the day the Prophet ﷺ died, ʿUmar said, "By Allah, the Messenger of Allah has not died," although he had memorized the words of Allah, Mighty and Majestic: {You will indeed die, and they will indeed die}. When he was reminded of them, he fell down unconscious. The same thing befell the Helpers. We have transmitted an explicit report of this, as ʿAbd Allah ibn Rabiʿ narrated to us: ʿAbd Allah ibn Muhammed ibn ʿUthman al-Asadi narrated to us: Ahmad ibn Khalid narrated to us: ʿAli ibn ʿAbd al-ʿAziz narrated to us: al-Hajjaj ibn al-Minhal narrated to us: Abu ʿAwanah narrated to us, from Dawud ibn ʿAbd Allah al-Awdi, from Humayd ibn ʿAbd al-Rahman al-Himyari. He related the account of the death of the Messenger of Allah ﷺ, saying, "Men whom we met said"—and he related the remainder of the account. It includes Abu Bakr's statement: "You know, Saʿd, that the Messenger of Allah ﷺ said, while you were sitting there, 'The leaders are to be from Quraysh, and the people—the righteous among them follow their righteous, and the wicked among them follow their wicked.'" He said, "You have spoken the truth," or he said, "Yes." Abu Muhammed said: Among the astonishing things about the proponents of analogy is that, at

يبالوا أن ينصروها أيضا بما يبطل قولهم في المسألة التي تركوا، وهكذا أبدا ونعوذ بالله من الخذلان.

this point, they argue that Abu Bakr's leadership rested on analogy, not an explicit text. Then they forget themselves, or deliberately pretend to forget, and when they wish to establish uncritical adherence to a Companion, they say: The Messenger of Allah ﷺ said, "Follow the two who come after me, Abu Bakr and ʿUmar." Abu Muhammed said: This is as astonishing as you could wish. If this report is authentic, then an explicit designation by the Messenger of Allah ﷺ of Abu Bakr's caliphate after him, and then of ʿUmar's caliphate after Abu Bakr, is established, and their statement that allegiance was pledged to Abu Bakr by analogy with his leading the people in prayer is invalid. If this report is not authentic, why did they invoke it as evidence for uncritical adherence to a leader from among the Companions? Could anything be uglier than these contradictions, in which one assertion invalidates another? These people's sole concern, however, is to defend the issue they are discussing by whatever means are available: truth, falsehood, a laughable argument, or something that demolishes all their other doctrines, merely to make those present who have been taken in by them imagine that they have prevailed. Then, when they leave that issue and take up another, they have no qualms about defending it too with something that invalidates their po-

sition on the issue they have left. Thus it goes forever. We seek refuge in Allah from abandonment.[65666768697071]

L3105–3106 They argued that Abu Bakr, together with all the Companions, fought the people of apostasy by analogy with withholding prayer. As evidence for this, they invoked his reported statement, “I shall certainly fight anyone who distinguishes between prayer and almsgiving.” One proponent of analogy even said, “It was on this that Abu Bakr relied, not on the verse in Bara’ah.” Abu Muhammed said: This reaches the utmost limit of audacity, treating lying as lawful, and attributing error to Abu Bakr. Whoever attributes this to Abu Bakr has attributed to him misguidance, from which Allah protected him. The demonstration of their lying in this objection is clearer than anything clear. Abu Bakr did not say, “I shall certainly fight them because they distinguished between prayer and almsgiving.” He said only, “I shall certainly fight those who distinguish between prayer and almsgiving.” Without doubt, he did this solely in observance of what Allah Most High has made binding

واحتجوا بأن أبا بكر قاتل أهل الردة مع جميع الصحابة قياسا على منع الصلاة، واحتجوا في ذلك بما روي من قوله: لأقاتلن من فرق بين الصلاة والزكاة، حتى إن بعض أصحاب القياس قال: على هذا عول أبو بكر، لا على الآية التي في براءة. قال أبو محمد: وهذا من الجرأة واستحلال الكذب، ونسب الضلال إلى أبي بكر بحيث لا مرمى وراءه، ومن نسب هذا إلى أبي بكر فقد نسب إليه الضلالة، وقد أعاذه الله من ذلك، وبيان كذبهم في هذا الاعتراض أوضح من كل واضح لأن أبا بكر لم يقل لأقاتلنهم لأنهم فرقوا بين الصلاة والزكاة وإنما قال: لأقاتلن المفرقين بين الصلاة والزكاة، وإنما فعل ذلك بلا شك وقوفا عند إلزام الله تعالى لنا وللمسلمين قديما وحديثا إذ يقول تعالى {فإذا نسلخ لأشهر لحرم فقتلوا لمشركين حيث وجدتموهم وخذوهم وحصروهم وقعدوا لهم كل مرصد فإن تابوا وأقاموا لصلاة وآتوا لزكاة فخلوا سبيلهم إن لله غفور رحيم} فلم يبح الله تعالى لنا ترك سبيلهم إلا بإقامة الصلاة، وإيتاء الزكاة، فهذا الذي حمل أبا بكر على قتالهم لا ما يدعونه من الكذب المفضوح من القياس الذي لا طريق له ههنا وصدق أبو بكر في إيجابه قتال من فرق بين الصلاة والزكاة، لأن نص الله تعالى عليهما سواء، وليست إحداهما أصلا والأخرى فرعا فيجب قياس الفرع على الأصل. وهذا تخليط ما شئت منه ولو اتعظوا بهذا القول من أبي بكر، فلم يفرقوا ما ساوى النص بينه، لكان أولى بهم، لكنهم لم يفعلوا، بل قالت طائفة منهم، الزكاة تجزىء إلا بنية، والصلاة تلزم العبد، والزكاة لا تلزمه وإن كان ذا مال. وأما في سائر النصوص فلا يبالون أن يقولوا في بعض النص: هذا مخصوص، وفي بعضه: هذا عموم، وفي بعضه: هذا واجب، وفي بعضه هذا ندب، ومثل هذا لهم كثير وقد

[65] **Translator’s note (L3094):** The wording “and he intended on Monday” is incomplete as supplied: no object of “intended” is given. The surrounding chronology may suggest a corruption for wording about his death on Monday, but the translation preserves the supplied reading.

[66] **Translator’s note (L3097):** The supplied text names “Amr” among those led in prayer by Salim. This has been retained rather than silently changed to the similar name “Umar.”

[67] **Translator’s note (L3100):** The wording rendered “This is a figurative interpretation” is literally “This is an interpretation” (ta’wil); the precise intended contrast with the preceding appeal to a meaning contrary to the apparent wording is not explicit.

[68] **Translator’s note (L3101):** The supplied text reads “the Quran” in the list of pilgrimage matters. This appears to be an erroneous reading for “performing the greater and lesser pilgrimages together” (qiran), but the supplied wording is retained. “Making a contract of manumission obligatory” refers to kitaba, a contractual arrangement by which an enslaved person purchases freedom. The segment ends partway through the salutation; only its opening fragment is translated.

[69] **Translator’s note (L3102):** The opening continues a salutation begun in the preceding segment; only its remaining fragment is translated. The wording “wa-la dhalika” appears defective; the translation takes it as the contextually indicated “wa-lawla dhalika,” meaning “were it not for that.”

[70] **Translator’s note (L3104):** The supplied “al-musahib” is unusual here; it has been understood as referring to a Companion, as the subsequent wording explicitly does.

[71] **Qur’an references (L3094):** Qur’an 39:30 (Az-Zumar).

عارض الصحابة أبا بكر بقول النبي صلى الله عليه وسلم أمرت أن أقاتل الناس حتى يقولوا لا إله إلا الله، فإذا عصموا مني دماءهم وأموالهم إلا بحقها وحسابهم على الله.

upon us and upon Muslims, past and present, when He, Most High, says: {Then, when the sacred months have passed, kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give almsgiving, then let them go their way. Indeed, Allah is forgiving, merciful}. Allah Most High did not permit us to let them go their way except upon their establishing prayer and giving almsgiving. This is what prompted Abu Bakr to fight them, rather than the exposed falsehood they claim concerning analogy, for which there is no avenue here. Abu Bakr spoke truly in declaring it obligatory to fight anyone who distinguishes between prayer and almsgiving, because Allah Most High's explicit text concerning the two is equal. One is not an original case and the other a derivative case, such that the derivative case must be assimilated to the original case by analogy. This is as much muddled thinking as you could wish. Had they taken heed of this statement by Abu Bakr and refrained from distinguishing between things that the explicit text places on an equal footing, that would have been more fitting for them. But they did not. Rather, one group of them said, "Almsgiving is valid only with an intention; prayer is binding upon the slave, whereas almsgiving is not binding upon him, even if he possesses wealth." As for the other explicit texts, they have no qualms about saying of one part of a text, "This has a restricted application," and of another, "This is general"; of one part, "This is obligatory," and of another, "This is recommended." They have many such instances. The Companions opposed Abu Bakr with the Prophet's ﷺ statement: "I have been commanded to fight the people until they say, 'There is no deity but Allah.' Then they have protected their blood and property from me, except where a right pertaining to it applies, and their reckoning rests with Allah."[72][73]

[72] **Translator's note (L3106):** The Qur'anic quotation, corresponding to 9:5, contains numerous defective spellings and omitted letters in the supplied transcription; the translation follows its recoverable wording. "Almsgiving is valid only with an intention" translates the supplied wording. Its relationship to the author's criticism is unclear, and a transcription defect is possible. The transmitted prophetic quotation reads "then they have protected," without the usual intervening conditional wording. The omission is preserved.

[73] **Qur'an references (L3105):** Qur'an 9:5 (At-Tawbah).

قال أبو محمد: ونسبوا رضي الله عنهم الآية التي ذكرنا آنفا في براءة، وكلهم قد سمعها لأنها في سورة براءة التي قرئت على الناس كلهم في الموسم في حجة أبي بكر سنة تسع.

وفي الجملة أيضا أبو هريرة وابن عمر وكلاهما قد روى عن رسول الله صلى الله عليه وسلم الأمر بقتال الناس حتى يقيموا الصلاة ويؤتوا الزكاة، كما حدثنا ابن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، نا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا أبو غسان مالك بن عبد الواحد المسمعي، ثنا عبد الملك بن الصباح، عن شعبة، عن واقد بن محمد بن زيد بن عبد الله بن عمر عن أبيه عن عبد الله بن عمر قال قال رسول الله صلى الله عليه وسلم أمرت أن أقاتل الناس حتى يشهدوا أن لا إله إلا الله وأن محمدا رسول الله ويقيموا الصلاة ويؤتوا الزكاة فإذا فعلوا عصموا مني دماءهم وأموالهم وحسابهم على الله. قال مسلم: وحدثنا أمية بن بسطام، ثنا يزيد بن زريع، نا روح، عن العلاء بن عبد الرحمن بن يعقوب عن أبيه عن أبي هريرة عن رسول الله صلى الله عليه وسلم قال أمرت أن أقاتل الناس حتى يشهدوا أن لا إله إلا الله ويؤمنوا بي وبما جئت به، فإذا فعلوا ذلك عصموا مني دماءهم وأموالهم إلا بحقها وحسابهم على الله. قال أبو محمد: فلولا هذه النصوص من القرآن وكلام النبي صلى الله عليه وسلم ما ترك الصحابة الحديث الذي تعلقوا به ولكن ليس كل أحد يحضره في كل حين ذكر كل ما عنده، واحتجوا بإجماع الأمة على استخلاف إمام إذا مات إمام ولا نص على المستخلف. قال أبو محمد: وهذا لا حجة لهم فيه، لأن النص قد صح بطاعة أولي الأمر منا وجاءت الآثار الصحاح عن النبي صلى الله عليه وسلم بوجوب الطاعة للأئمة ولزوم البيعة وهذا ما يوجب استخلاف إمام إذا مات الإمام، فهو نص صحيح على وجوب الاستخلاف لمن يوثق بدينه ويقوم بأمور المسلمين من قريش،

L3107 Abu Muhammed said: And they attributed—may Allah be pleased with them—the verse we mentioned just above in Bara'ah. Every one of them had heard it, because it is in Surat Bara'ah, which was recited to all the people at the pilgrimage gathering during Abu Bakr's pilgrimage in the year nine.[74]

L3108–3111 Among them, too, were Abu Hurayrah and Ibn ʿUmar. Both transmitted from the Messenger of Allah ﷺ the command to fight the people until they establish prayer and give almsgiving, as Ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us: ʿAbd al-Wahhab ibn ʿIsa narrated to us: Ahmad ibn Muhammed narrated to us: Ahmad ibn ʿAli narrated to us: Muslim ibn al-Hajjaj narrated to us: Abu Ghassan Malik ibn ʿAbd al-Wahid al-Mismaʿi narrated to us: ʿAbd al-Malik ibn al-Sabbah narrated to us, from Shuʿbah, from Waqid ibn Muhammed ibn Zayd ibn ʿAbd Allah ibn ʿUmar, from his father, from ʿAbd Allah ibn ʿUmar, who said: The Messenger of Allah ﷺ said, "I have been commanded to fight the people until they testify that there is no deity but Allah and that Muhammed is the Messenger of Allah, establish prayer, and give almsgiving. When they do so, they have protected their blood and property from me, and their reckoning rests with Allah." Muslim said: Umayyah ibn Bistam also narrated to us: Yazid ibn Zurayʿ narrated to us: Rawh narrated to us, from al-ʿAla' ibn ʿAbd al-Rahman ibn Yaʿqub, from his father, from Abu Hurayrah, from the Messenger of Allah ﷺ, who said, "I have been commanded to fight the people until they testify that there is no deity but Allah and believe in me and in what I have brought. When they do that, they have protected their blood and property from me, except where a right pertaining to it applies, and their reckoning rests with Allah." Abu Muhammed said: Were it not for these explicit texts from the Qur'an and the words of the Prophet ﷺ, the Companions would not have relinquished the report to which they had attached themselves. But not everyone has present in his mind, at every moment, the recollection of everything he knows. They also invoked the community's consensus on

[74]**Translator's note (L3107):** The supplied verb means "they attributed," leaving the sentence defective. The context strongly suggests "they forgot," but the supplied reading has been preserved rather than silently corrected.

appointing a successor as leader when a leader dies, although there is no explicit text designating the successor. Abu Muhammed said: This contains no proof for them, because the explicit text commanding obedience to those vested with authority among us is established, and authentic reports have come from the Prophet ﷺ concerning the obligation of obedience to the leaders and the binding requirement of the pledge of allegiance. This is what makes appointing a successor as leader obligatory when the leader dies. It is therefore an authentic explicit text establishing the obligation to appoint as successor someone from Quraysh whose religious commitment is trusted and who attends to the Muslims' affairs—clear explicit texts establishing the leader's obligation to act justly, treat his subjects gently, and sincerely seek their welfare. Thus the leader's qualities are explicitly stated on the authority of the Messenger of Allah ﷺ, plainly and clearly. Whoever possesses those qualities is explicitly designated for advancement and for being entrusted alone with authority for as long as he acts justly. It is like the command to emancipate a slave: we have no need to name the person to be emancipated; or the obligation of the sacrificial offering and the ritual sacrifice: we have no need to a description of its color. The same applies to the entirety of the revealed law. If only I knew what place analogy has in this! This is something that any rational person ought to be ashamed to adduce as an argument.

They also adduced the statement of the Messenger of Allah ﷺ, "There is no prophet after me." They said to us: "Then say that there may be a messenger after him, since he stated that there would be no prophet after him, but did not say, 'There is no messenger after me.'"

Abu Muhammed said: This is benighted ignorance; it is possible that this is what produced such a claim. For this is among the comprehensive utterances with which the Messenger of Allah ﷺ was endowed. Every messenger is a prophet, but not every prophet is a messenger. Had he, peace be upon him, said, "There is no messenger after me," it would have been possible to say that there could be a prophet after him. But since he said, "There is no prophet after me," it is established that there is no messenger after him, because every messenger is undoubtedly a prophet, and there is no possibility of a messenger who is not a prophet. This feeble obfuscation is

نصوصا بينة على وجوب العدل على الإمام، والرفق بالرعية، والنصح لهم فصفات الإمام منصوصة عن رسول الله صلى الله عليه وسلم بينة واضحة فمن كانت فيه تلك الصفات فقد نص على تقديمه وإفراده بالأمر ما عدل. كالأمر بالعتق، ولا حاجة بنا إلى تسمية المعتق، وإيجاب الأضحية والنسك، ولا حاجة بنا إلى صفة لونها، وهكذا جمع الشريعة، وليت شعري أي مدخل للقياس في هذا؟ إن هذا الأمر كان ينبغي لكل ذي عقل أن يستحي من الاحتجاج بمثله واحتجوا بقول رسول الله صلى الله عليه وسلم لا نبي بعدي قالوا لنا فقولوا إنه يكون بعده رسول، لأنه أخبر بأنه لا يكون بعده نبي، ولم يقل لا رسول بعدي. قال أبو محمد: وهذا جهل مظلم ممكن أتى بهذا، لأن هذا من جوامع الكلم التي أوتيها رسول الله صلى الله عليه وسلم وكل رسول نبي وليس كل نبي رسولا فلو قال عليه السلام: لا رسول بعدي، لأمكن أن يقول بعده نبي، لكن إذ قال: لا نبي بعدي فقد صح أنه لا رسول بعده، لأن كل رسول فهو نبي بلا شك. ولا سبيل إلى وجود رسول ليس نبيا، فبطل هذا التمويه الضعيف على أن هذا كله لو صح لهم كما ادعوه، ومعاذ الله من ذلك، لما كان من شيء منه دليل على قياس التين على البر، ولا على وجوب القياس في الشرائع، فكيف وكل ما أوتوا به عليهم هو لا لهم، والحمد لله رب العالمين. وقد حدثنا أحمد بن محمد بن الحسن، ثنا وهب بن مسرة، ثنا ابن وضاح، حدثنا أبو بكر بن أبي شيبة، حدثنا عبد الله بن إدريس الأودي عن المختار بن فلفل عن أنس قال قال النبي صلى الله عليه وسلم إن النبوة والرسالة قد انقطعت

therefore invalidated. Moreover, even if all this were established in their favor as they claim—and Allah forbid that it should be—nothing in any of it would provide evidence for drawing an analogy between figs and wheat, or for the obligation to employ analogy in revealed laws. How much less so when everything they have brought forward counts against them, rather than in their favor! Praise belongs to Allah, Lord of all worlds.

Ahmad ibn Muhammed ibn al-Hasan related to us: Wahb ibn Masarrah related to us: Ibn Waddah related to us: Abu Bakr ibn Abi Shaybah related to us: Abd Allah ibn Idris al-Awdi related to us, from al-Mukhtar ibn Fulful, from Anas, who said: The Prophet ﷺ said, "Prophethood and messengership have come to an end."[75][76][77][78]

L3112–3113 The people were distressed, so he said, "Glad tidings remain, and they are a part of prophethood."

Abu Muhammed said: They argued that a menstruating woman was commanded to perform purification with earth when she could find no water while traveling only by analogy with a person in a state of major ritual impurity following sexual activity.

Abu Muhammed said: This is feeble obfuscation. Allah forbid that we should command a menstruating woman to do this on the basis of analogy! Rather, it is on the basis of the explicit text, namely His statement, exalted is He, when He commanded abstention from menstruating women until they become pure: "They ask you about menstruation. Say: It is a hurt, so keep away

فجزع الناس، فقال: قد بقيت مبشرات، وهن جزء من النبوة. قال أبو محمد: واحتجوا بأن الحائض إنما أمرت بالتيمم إذ عدمت الماء في السفر قياسا على الجنب. قال أبو محمد: هذا تمويه ضعيف، ومعاذ الله أن نأمر الحائض بذلك قياسا، بل بالنص، وهو قوله تعالى إذ أمر باعتزال الحيض حتى يطهرن {ويسألونك عن لمحيض قل هو أذى فعتزلوا لنسآء في لمحيض ولا تقربوهن حتى يطهرن فإذا تطهرن فأتوهن من حيث أمركم لله إن لله يحب لتوابين ويحب لمتطهرين} فأمرهن الله تعالى بالطهور جملة وقال رسول الله صلى الله عليه وسلم جعلت لي الأرض مسجدا وطهورا فالتراب طهور، والماء طهور بالنص، وفسر الإجماع أن التراب لا يستعمل ما دام يوجد الماء لغير المريض، أو من أوجبه له النص، فدخلت الحائض في هذا النص، ولقد كان ينبغي لمن فرق بين الحائض والجنب فيما أباح لها من قراءة القرآن، ومنعه الجنب من ذلك، أن يعلم أنه ترك القياس.

[75] **Translator's note (L3109):** The transition to "clear explicit texts" is grammatically abrupt in the supplied Arabic; the translation preserves that transition without supplying an unexpressed reporting verb.

[76] **Translator's note (L3110):** The unvocalized word referring to emancipation can denote either the person emancipated or the person performing the emancipation; the former is adopted here in light of the argument.

[77] **Translator's note (L3111):** The opening continues a sentence from the preceding segment. The wording «وهذا جهل مظلم ممكن أتى بهذا» is syntactically awkward and possibly corrupt. The translation provisionally takes «ممكن أتى بهذا» to mean that such ignorance could have produced the claim.

[78] **Hadith references (L3108):** Sahih Muslim 21b.

from women during menstruation, and do not approach them until they become pure. Then, when they have purified themselves, go in to them from where Allah has commanded you. Indeed, Allah loves those who repeatedly repent and loves those who purify themselves." Thus Allah, exalted is He, commanded them to use a means of purification in general. The Messenger of Allah ﷺ said, "The earth has been made for me a place of prayer and a means of purification." Thus earth is a means of purification, and water is a means of purification, by explicit text. Consensus has clarified that earth is not to be used while water is available, except by someone ill or someone for whom the explicit text makes it obligatory. A menstruating woman is therefore included within this explicit text. Anyone who distinguishes between a menstruating woman and a person in a state of major ritual impurity following sexual activity, permitting her to recite the Quran while forbidding that person to do so, really ought to recognize that he has abandoned analogy.[79]

L3114–3115 They also argued from the obligation of alms-tax on buffalo, saying that this became obligatory only by analogy with cattle.

Abu Muhammed said: This is fallacious disputation, because buffalo are a kind of cattle. The explicit text establishes the obligation of alms-tax on cattle, and alms-tax applies to buffalo because they are cattle and the designation "cattle" applies to them. Were that not so, no alms-tax would be due on them. Likewise, Bactrian camels, Mahri camels, and falij camels are kinds of camels. Similarly, sheep and goats fall under the designation "small livestock." Some people have said, "Bactrian camels are the sheep of the camels, and buffalo are the sheep of the cattle." We have seen that Marisi donkeys, the donkeys of radish growers, and the donkeys of the Masamidah nomadic Arabs constitute a single kind, although the differences among them are greater than those between buffalo and other cattle. The same applies to all kinds.

They argued that people drew an analogy with Dhu al-Hulayfah, and that they drew an analogy between Dhat Irq and Qarn.

[79]**Qur'an references (L3112):** Qur'an 2:222 (Al-Baqarah).

واحتجوا أيضا بإيجاب الزكاة في الجواميس، وأنه إنما وجب ذلك قياسا على البقر.
قال أبو محمد: وهذا شغب فاسد، لأن الجواميس نوع من أنواع البقر، وقد جاء النص بإيجاب الزكاة في البقر، والزكاة في الجواميس، لأنها بقر، واسم البقر يقع عليها. ولولا ذلك ما وجدت فيها زكاة، وكذلك البخت والمهاري والفوالج، هي أنواع من الإبل، وكذا الضأن والماعز يقع عليها اسم الغنم. وقد قال بعض الناس: البخت ضأن الإبل، والجواميس ضأن البقر، وقد رأينا الحمر المريسية، وحمر الفجالين، وحمر الأعراب المصامدة نوعا واحدا وبينها من الاختلاف أكثر مما بين الجواميس وسائر البقر، وكذلك جميع الأنواع. واحتجوا بأن الناس قاسوا على ذي الحليفة، وأنهم قاسوا ذات عرق على قرن. قال أبو محمد: وهذا كذب وباطل، لأن الحديث في توقيت ذات عرق لأهل العراق مشهور ثابت مسند لا يجهله من له بصر بالحديث. حدثنا عبد الله بن ربيع، ثنا محمد بن إسحاق بن السليم القاضي، ومحمد بن معاوية، قال ابن إسحاق، ثنا أبو سعيد الأعرابي، ثنا سليمان بن الأشعث، ثنا هشام بن بهرام، وقال ابن معاوية: ثنا أحمد بن شعيب، أخبرني محمد بن عبد الله عمار، ثنا أبو هاشم محمد بن

Abu Muhammed said: This is a lie and falsehood, because the report designating Dhat Irq as the point for entering the consecrated state for the people of Iraq is well known, established, and transmitted through a chain of authorities. No one with discernment in hadith is ignorant of it.

Abd Allah ibn Rabi related to us: Muhammed ibn Ishaq ibn al-Salim, the judge, and Muhammed ibn Muawiyah related to us. Ibn Ishaq said: Abu Said al-Arabi related to us: Sulayman ibn al-Ashath related to us: Hisham ibn Bahram related to us. Ibn Muawiyah said: Ahmad ibn Shuayb related to us: Muhammed ibn Abd Allah Ammar informed me: Abu Hashim Muhammed ibn Ali related to us. Bahram said: al-Muafa ibn Imran related to us; and Abu Hashim said: from al-Muafa ibn Imran. Then the two agreed: from Aflah ibn Humayd, from al-Qasim ibn Muhammed ibn Abi Bakr, from Aishah, that the Messenger of Allah ﷺ designated Dhat Irq as the point for entering the consecrated state for the people of Iraq.

Abu Muhammed said: Hisham ibn Bahram is trustworthy, al-Muafa is trustworthy and eminent, and Aflah ibn Humayd is likewise.[8081]

L3116–3117 As for their analogy with Dhu al-Hulayfah, it is delirious talk: no one knows what it is or what has been compared with it. The designated points for entering the consecrated state differ: among them is Dhu al-Hulayfah, ten nights' journey away; al-Juhfah, three nights' journey away; Qarn, more than one night's journey away; and Yalamlam, one night's journey away. With which of these, then, is an analogy to be drawn? Only a person of understanding comprehends this matter.

[80]**Translator's note (L3114):** The camel varieties «البخت والمهاري والفوالج» are distinguished as Bactrian, Mahri, and falij camels; the last is retained as a breed designation rather than assigned an uncertain English equivalent.

[81]**Translator's note (L3115):** «الغنم» is a collective designation covering both sheep and goats, rendered here as "small livestock" to preserve the author's argument about the scope of the designation. «حمر الأعراب المصامدة» has an uncertain relationship between its terms; the translation provisionally understands al-Masamidah as identifying the nomadic Arabs. The transmission chain says «قال بهرام», "Bahram said," although the transmitter was previously named Hisham ibn Bahram. This discrepancy is retained. The name «محمد بن عبد الله عمار» is reproduced as supplied, without inserting an additional "ibn" before Ammar.

علي، قال بهرام: ثنا المعافى بن عمران، وقال أبو هاشم: عن المعافى بن عمران، ثم اتفقا: عن أفلح بن حميد، عن القاسم بن محمد بن أبي بكر عن عائشة أن رسول الله صلى الله عليه وسلم وقت لأهل العراق ذات عرق قال أبو محمد هشام بن بهرام ثقة، والمعافى ثقة جليل، وأفلح بن حميد كذلك،

وأما قياسهم على ذي الحليفة فهذيان لا يدرى ما هو؟ ولا ماذا قيس عليه؟ والمواقيت مختلفة، فمنها ذو الحليفة على عشر ليال، ومنها الجحفة على ثلاث ليال، ومنها قرن على أكثر من ليلة، ومنها يلملم على ليلة، فعلى أي هذا يقاس؟ إن هذا الأمر لا يفهمه إلا ذو لب؟. واحتجوا بما روي من قول ابن عمر: فعدل الناس بصاع من شعير مدين من بر. قال أبو محمد: وهذا من طرائف ما احتجوا به لأن المحتج بهذا إن كان مالكيا أو شافعيا فهو مخالف لهذا الإجماع عنده، ومن أقر على نفسه بأنه مخالف للإجماع فأقل ما عليه اعترافه بأنه مخالف للحق، ثابت على الباطل غير تائب عنه، وهذا فسق مجرد.

They argued from the reported statement of Ibn Umar: "The people reckoned two mudds of wheat equivalent to one sa of barley."

Abu Muhammed said: This is among the curiosities of their arguments, because if the person adducing this is a Maliki or a Shafii, he is opposing this consensus, as he himself regards it. Whoever acknowledges that he opposes consensus has, at the very least, admitted that he opposes the truth and persists in falsehood without repenting of it. This is sheer flagrant disobedience.[82]

L3118–3121 Among the most astonishing things is a person's adducing as proof something he does not regard as proof. Yet this is nothing novel on their part. Here is Abu Hanifah arguing, on the basis of the report about an animal whose milk has been allowed to accumulate in its udder to deceive a buyer, that the option to rescind a sale may last only three days, no longer. But when he is asked, "Do you follow this report that you adduce as proof?" he says, "No." And here is Malik arguing that the person leading an animal and the person driving it are liable for the damage done by the animal being driven or led, on the grounds that Umar required Banu Sad ibn Layth to pay half the blood money for a man of Juhaynah whose finger had been struck by a man of Banu Sad ibn Layth who was making his horse run, whereupon the Juhani died. But when he is asked, "Do you begin with the defendants in this case, as Umar did?" he says, "That is not permissible." When he is asked, "Do you require the defendants to pay without the claimants taking an oath, as Umar did in this case?" he says, "That is not permissible." And when he is asked, "Do you limit the award in this case to half the blood money, as Umar did?" he says, "That is permissible." When he is asked, "Do you impose liability for the injury caused by the man making his horse run upon his blood-money-paying kin in this case, as Umar did?" he says, "That is not permissible." Then he makes this very report proof for holding the person leading an animal and the person driving it liable by analogy with its rider. This is astonishing indeed!

[82] **Translator's note (L3116):** The distances are expressed in nights of travel; the Arabic does not expressly name the destination. A sa and a mudd are measures of capacity; the distinction between them is retained.

ومن أعجب العجب احتجاج المرء بما لا يراه حجة ولكن هذا غير بديع منهم فهذا أبو حنيفة يحتج أن الخيار لا يكون إلا ثلاثة أيام لا أكثر، بحديث المصراة، فإذا قيل له فهذا الذي تحتج به أتأخذ به؟ قال: لا. وهذا مالك احتج في تضمين القائد والسائق ما تجنيه الدابة المسوقة والمقودة، بأن عمر غرم بني سعد بن ليث نصف دية رجل من جهينة، أصاب أصبعه رجل من بني سعد بن ليث، كان يجري فرسه فمات الجهني، فإذا سئل أتبدي المدعى عليهم في هذا المكان كما فعل عمر؟ قال: لا يجوز ذلك، وإذا قيل له: أتغرم المدعى عليهم بغير أن يحلف المدعون كما فعل عمر في هذا المكان؟ قال: لا يجوز ذلك، وإذا قيل له: أتقتصر في هذا المكان على نصف الدية كما فعل عمر؟ قال: يجوز ذلك، وإذا قيل له: أتجعل ما جنى الذي يجري فرسه على عاقلته في هذا المكان كما فعل عمر؟ قال: لا يجوز ذلك، ثم يجعل هذا الحديث نفسه حجة في تضمين القائد والسائق قياسا على الراكب وهذا عجب عجيب. ثم تلاه في ذلك ابن الجهم، فاحتج أنه لا يجزئه من ذبح الهدي أو الأضحية ليلا بالنهي عن حصاد الليل وجذاذه، فإذا قيل له: أتمنع من حصاد الليل وجذاذه؟ قال: لا، فهو يخالف ما أقر أنه حجة فيما ورد فيه، ويحتج به فيما ليس منه في ورد ولا صدر. ثم تلاه في ذلك ابن أبي زيد فاحتج في مخالفته نهي النبي صلى الله عليه وسلم عن الصلاة على القبر بصلاته صلى الله عليه وسلم على قبر المسكينة السوداء رضي الله عنها فإذا سئل أتأخذ بصلاته صلى الله عليه

وسلم على قبر المسكينة السوداء قال لا قال أبو محمد: وهذا كثير منهم جدا، كاحتجاج المالكيين في شق زقاق الخمر، وكسر أوانيها بالحديث الوارد في إحراق رجل الغال، فإذا قيل لهم: أتحرقون رجل الغال؟ قالوا: لا. وقد رأيت لرجل منهم يدعى الأبهر، ويكنى بأبي جعفر احتجاجا أن الصداق لا يكون أقل من ثلاثة دراهم بحديث رواه: إن الصداق لا يكون أقل من عشرة دراهم. ومثل هذا من نوادرهم كثير، وحسبنا الله ونعم الوكيل. ثم نرجع إلى ما احتجوا به من قول ابن عمر: فعدل الناس بصاع من شعير نصف صاع بر فأول ذلك أن ابن عمر الذي يروون عنه هذا القول لا يرضى به ولا يقول به.

Then Ibn al-Jahm followed him in this, arguing that slaughtering a pilgrimage offering or a sacrificial animal at night does not discharge one's obligation, on the basis of the prohibition of harvesting crops and gathering dates at night. But when he is asked, "Do you prohibit harvesting crops and gathering dates at night?" he says, "No." Thus he opposes what he has acknowledged as proof in the very matter to which it applies, while adducing it as proof in something with which it has no connection whatsoever.

Then Ibn Abi Zayd followed him in this, adducing, in support of his opposition to the Prophet's ﷺ prohibition of praying over a grave, his ﷺ prayer over the grave of the poor black woman, may Allah be pleased with her. But when he is asked, "Do you follow his ﷺ prayer over the grave of the poor black woman?" he says, "No."

Abu Muhammed said: This is exceedingly frequent among them. An example is the Malikis' adducing, in support of slitting wineskins and breaking wine vessels, the report concerning burning the leg of someone who misappropriates war booty. But when they are asked, "Do you burn the leg of someone who misappropriates war booty?" they say, "No." I have seen a man among them called al-Abhar, whose honorific name is Abu Jafar, argue that the marriage payment cannot be less than three dirhams, on the basis of a report he transmitted stating, "The marriage payment cannot be less than ten dirhams." There are many such curiosities among them. Allah is sufficient for us, and an excellent Trustee is He.

We now return to their adducing the statement of Ibn Umar: "The people reckoned half a sa of wheat equivalent to one sa of barley." The first point

is that Ibn Umar himself, from whom they transmit this statement, neither approves of it nor holds this view.[838485]

L3122–3123 Ahmad ibn Muhammed al-Jasur narrated to us: Ahmad ibn Mutarrif narrated to us: Abd Allah ibn Yahya narrated to us: My father narrated to us: Malik narrated to us, from Nafi, from Ibn Umar, that he would give only dates as the alms of breaking the fast, except on one occasion, when he gave barley.

Muhammed ibn Said ibn Nabat narrated to us: Abd Allah ibn Nasr al-Zahid narrated to us: Qasim ibn Asbagh narrated to us: Ibn Waddah narrated to us: Musa ibn Muawiyah narrated to us: Waki ibn Imran ibn Hudayr narrated to us, from Abu Mijlaz, who said: I said to Ibn Umar, "Allah Most High has bestowed abundance, and wheat is better than dates." He said, "My companions followed a path, and I wish to follow it."

Ahmad ibn Umar ibn Anas narrated to us: Abd Allah ibn Husayn ibn Iqal narrated to us: Ibrahim ibn Muhammed al-Dinawari narrated to us: Ibn Ajham narrated to us: Muadh ibn al-Muthanna narrated to us: Musaddad narrated to us: Ismail ibn Ibrahim narrated to us: Muhammed ibn Ishaq narrated to us: Abd Allah ibn Uthman ibn Hakim ibn Hizam narrated to me, from Iyad ibn Sad, who said: I mentioned the alms of breaking the fast to Abu Said al-Khudri, and he said, "I give only what I used to give during the time of the Messenger of Allah ﷺ: one sa of dates, or one sa of barley, or

حدثنا أحمد بن محمد الجسور، ثنا أحمد بن مطرف، نا عبد الله بن يحيى، نا أبي، ثنا مالك عن نافع، عن ابن عمر: أنه كان لا يخرج في زكاة الفطر إلا التمر مرة واحدة، فإنه أخرج شعيرا. حدثنا محمد بن سعيد بن نبات، نا عبد الله بن نصر الزاهد، نا قاسم بن أصبغ، ثنا ابن وضاح، نا موسى بن معاوية، نا وكيع بن عمران بن حدير، عن أبي مجلز قال: قلت لابن عمر: إن الله تعالى قد أوسع والبر أفضل من التمر، قال: إن أصحابي سلكوا طريقا فأنا أحب أن أسلكه. حدثنا أحمد بن عمر بن أنس، نا عبد الله بن حسين بن عقال، نا إبراهيم بن محمد الدينوري، نا ابن اجهم، نا معاذ بن المثنى، نا مسدد، نا إسماعيل بن إبراهيم، نا محمد بن إسحاق، حدثني عبد الله بن عثمان بن حكيم بن حزام، عن عياض بن سعد قال: ذكرت لأبي سعيد الخدري صدقة الفطر، فقال: لا أخرج إلا ما كنت أخرج في عهد رسول الله صلى الله عليه وسلم صاعا من تمر أو صاعا من شعير أو صاع زبيب أو صاع أقط، فقلت له: أو مدين من قمح؟ قال: لا، تلك قيمة معاوية لا أقبلها، ولا أعمل بها. قال أبو محمد: أفيكون أعجب ممن يدعى الإجماع على قول يقول به ابن عمر إن الصحابة على خلاف ذلك الإجماع كما ذكرنا، وإنه لا يخرج البر أصلا اتباعا لطريق أصحابه ثم يقول أبو سعيد: تلك قيمة معاوية، لا أقبلها ولا أعمل بها فأين الإجماع لولا الجنون وقلة الدين. ومن طرائف الدهر قول الطحاوي ههنا: إنما أنكر أبو سعيد المقوم لا القيمة فيكون أعجب من هذه المهاجرة وهو يذكر أنه قال أبو سعيد وقد ذكر القيمة لا أقبلها ولا أعمل بها، فهل ضمير المؤنث راجع إلى القيمة؟ وهذا ما لا يشك فيه ذو بصر بشيء من مخاطبات الناس، ولكن الهوى يعمي ويصم.

[83] **Translator's note (L3118):** "Begin with the defendants" concerns the order of proceeding, apparently in administering oaths; the Arabic leaves the action unstated. The report describes the man's finger as having been struck, without expressly specifying how the horse or rider struck it.

[84] **Translator's note (L3119):** The supplied text says «قال يجوز ذلك», "he says, 'That is permissible,'" concerning half the blood money. This affirmative answer is retained despite the surrounding sequence of negative answers and the author's polemical argument. «رجل الغال», read as "the leg of someone who misappropriates war booty," appears to be a transcription error for «رحل الغال», "the baggage of someone who misappropriates war booty." The supplied wording is retained here and in the next unit.

[85] **Translator's note (L3120):** «رجل الغال» repeats the apparent transcription error discussed in the preceding unit; "leg" preserves the supplied reading. The name is supplied as «الأبهر», al-Abhar, and has not been silently changed to the possible intended form al-Abhari.

one sa of raisins, or one sa of dried curds." I said to him, "Or two mudds of wheat?" He said, "No. That is Muawiyah's valuation. I neither accept it nor act upon it."

Abu Muhammed said: Could anyone be more astonishing than someone who claims consensus on a position concerning which Ibn Umar says that the Companions opposed that consensus, as we have mentioned, and that he gives no wheat at all, following the path of his companions? Then Abu Said says, "That is Muawiyah's valuation. I neither accept it nor act upon it." Where, then, is the consensus, were it not for madness and lack of religion?

Among the curiosities of the age is al-Tahawi's statement here: "Abu Said objected only to the person making the valuation, not to the valuation." Could anything be more astonishing than this contentious wrangling? He himself reports that Abu Said said, having mentioned the valuation, "I neither accept it nor act upon it." Does the feminine pronoun, then, refer back to the valuation? This is something about which no one with any understanding of how people address one another could have any doubt. But desire blinds and deafens.[86][87]

L3124 Ahmad ibn Umar al-Udhri narrated to us: Abd Allah ibn Husayn ibn Iqal narrated to us: Ibrahim ibn Muhammed al-Dinawari narrated to us: Muhammed ibn Ahmad ibn al-Jahm narrated to us: Musa ibn Ishaq al-Ansari narrated to us: Abu Bakr ibn Abi Shaybah narrated to us: Jarir narrated to

حدثنا أحمد بن عمر العذري، ثنا عبد الله بن حسين بن عقال، ثنا إبراهيم بن محمد الدينوري، ثنا محمد بن أحمد بن الجهم، ثنا موسى بن إسحاق الأنصاري، ثنا أبو بكر بن أبي شيبة، نا جرير، عن منصور، عن إبراهيم، عن الأسود، عن عائشة أم المؤمنين قالت: كان الناس يعطون زكاة رمضان نصف صاع، فأما إذا وسع الله تعالى على الناس فإني أرى أن يتصدق بصاع.

[86] **Translator's note (L3122):** The transmission chain reads "Waki ibn Imran ibn Hudayr," making Imran Waki's father. This may be a transcription error for "Waki, from Imran ibn Hudayr," but the supplied wording is preserved. The transmitter's name "Ibn Ajham" follows the supplied ابن اجهم; the nearby transmission chain in unit 3124:0 has "Muhammed ibn Ahmad ibn al-Jahm." A sa is a measure of capacity; the mudd mentioned in the next unit is one quarter of a sa.

[87] **Translator's note (L3123):** The wording "a position concerning which Ibn Umar says…" is syntactically awkward in the supplied Arabic; the translation preserves the apparent argument that Ibn Umar's reported practice contradicts the claimed consensus. المهاجرة is unusual here; "contentious wrangling" renders its apparent polemical sense. The supplied فهل introduces a question about whether the feminine pronoun refers to "valuation"; the following sentence plainly treats that reference as indisputable. The interrogative wording is preserved.

us, from Mansur, from Ibrahim, from al-Aswad, from Aishah, Mother of the Believers, who said: “People used to give half a sa as the Ramadan alms. But when Allah Most High grants people abundance, I consider that one should give a sa in charity.”

L3125–3126 Thus, what we have mentioned establishes that the statement of Ibn Umar and Aishah, “People then reckoned two mudds of wheat as equivalent to that,” expresses disapproval of the action of those who did so. The demonstration of this is that Ibn Umar and Aishah persisted in giving a sa apiece, rather than following the practice of the people that they reported. For had the practice of the people been correct in their judgment, they would not have been at liberty to oppose it. Their obfuscation is therefore invalidated, and success comes through Allah Most High. Moreover, Aishah did not say, “Half a sa of wheat.” Perhaps she meant someone who could find no more than half a sa of barley. Nevertheless, there is no doubt that the practice of the people which she related in this matter was, in her judgment, neither an authoritative proof nor an acceptable practice. Rather, it was like her statement when she and the Mothers of the Believers ordered that Sad’s bier be brought past their chambers, and people objected to that. She said, “How quick people are to object to something of which they have no knowledge!”

They said: “We have found questions on which there is consensus although there is no explicit text concerning them. It is therefore established that they are matters of analogy.”

Abu Muhammed said: We have already mentioned this question in the chapter on consensus in this work of ours, discussed it, and, with the help of Allah Most High, explained it with the utmost clarity. We have presented conclusive demonstrations that this is absolutely impossible, and that these were simply circumstances that existed during the time of the Messenger of Allah ﷺ, which he approved with knowledge of them. Among these is the profit-sharing investment partnership. There is nothing here upon which the permissibility of the profit-sharing investment partnership could be based by analogy. Indeed, analogy precludes its permissibility, since it is a hiring arrangement without a fixed term, without specified work, and with invalid remuneration. He may receive nothing, so that his work is wasted, or he

فصح بما ذكرنا أن قول ابن عمر وعائشة فعدل الناس بذلك مدين من بر إنما هو على الإنكار لفعل من فعل ذلك وبرهان هذا ثبات ابن عمر وعائشة على صاع صاع، لا على ما ذكروا من عمل الناس، فلو كان عمل الناس عندهما حقا لما وسعهما خلافه، فبطل تمويههم، وبالله تعالى التوفيق. مع أن عائشة لم تقل نصف صاع من بر، ولعلها عنت من لا يجد أكثر من نصف صاع شعير، إلا أنه لا شك أن ما حكته من فعل الناس في ذلك لم يكن عندها حجة، ولا عملا مرضيا، ولكن كقولها، إذا أمرت هي وأمهات المؤمنين أن يخطر على حجرهن بجنازة سعد، فأنكر الناس ذلك، فقالت: ما أسرع الناس إلى إنكار ما لا علم لهم به. وقالوا: وقد وجدنا مسائل مجمع عليها ولا نص فيها، فصح أنها قياس. قال أبو محمد: قد ذكرنا هذه المسألة في باب الإجماع من ديواننا هذا وتكلمنا عليها، وبيناها بعون الله تعالى غاية البيان، وأرينا البراهين الضرورية، على أن ذلك لا يجوز البتة، وأنها إنما هي أحوال كانت على عهد رسول الله صلى الله عليه وسلم فأقر بها وقد علمها ومن ذلك القراض وليس ههنا شيء يقاس عليه جواز القراض، بل القياس يمنع من جوازه، لأنه إجازة إلى غير أجل، وعلى غير عمل موصوف، وبأجرة فاسدة، وربما لم يأخذ شيئا فضاع عمله، وربما أخذ قليلا أو كثيرا، وهكذا القول في سائر الإجماعيات من المسائل. مع أن قولهم: إنها عن قياس، خبر كاذب، ودعوى بلا دليل والبرهان قد قام على أن الرسول صلى الله عليه وسلم قد بين جميع واجبات الإسلام وحلاله وحرامه، فكل ما أجمع عليه فعن الرسول وبيانه بلا شك، هذا هو اليقين، إذ لا يجوز إجماع الناس على شريعة لم يأت بها نص، فبطل أن يكون قياس وبالله تعالى التوفيق. واعترضوا ههنا على من أجاب من أصحابنا في

may receive little or much. The same applies to all the other questions on which there is consensus. Furthermore, their statement that these derive from analogy is a false report and a claim without evidence. Demonstration has established that the Messenger ﷺ explained all the obligations of Islam, what it permits, and what it prohibits. Everything on which there is consensus therefore derives, without doubt, from the Messenger and his explanation. This is certainty, since people cannot reach consensus upon a religious ordinance for which no explicit text has come. Thus, its being analogy is invalidated, and success comes through Allah Most High.

Here they raised an objection against one of our companions who answered this question by saying, "People unquestionably disagree about analogy. How, then, could they reach consensus upon something about which they disagree?" "This is manifest confusion."[88]

L3127–3141 Abu Muhammed said: This is a correct answer, evident to direct observation, with no room for doubt. One of the proponents of analogy objected to it, saying to us, "You allow consensus to derive from numerous prophetic practices conveyed in solitary reports, although you know that the acceptance of solitary reports is disputed. This is precisely what you have rejected."

Abu Muhammed said: This is weak obfuscation, unsound and manifestly untenable, because we have not claimed that people have reached consensus on the disputed matter of accepting the report of a single transmitter. We have only said, and continue to say, that the entire community agrees on accepting what the Messenger of Allah ﷺ said. There is no disagreement about this among any who belong to Islam, of any sect whatsoever, from first to last. They then disagreed about the means leading to knowledge of the authenticity of what the Messenger of Allah ﷺ said. We said that the report of a single upright transmitter is among those means, while others said that it is not.

[88] **Translator's note (L3126):** The Arabic reads إجازة, ordinarily "permission" or "authorization," where the argument appears to require إجارة, "hiring." "Hiring arrangement" reflects that apparent intended sense; the supplied reading is not silently treated as unproblematic. The unmarked final statement "This is manifest confusion" is attributed here to the objectors, since the next unit has Abu Muhammed defend his companion's answer as correct. The Arabic punctuation does not explicitly settle the attribution.

هذه المسألة بأن قال: الناس مختلفون في القياس بلا شك، فكيف يجوز أن يجمعوا على ما اختلفوا فيه؟ وهذا تخليط ظاهر.

قال أبو محمد: وهذا جواب صحيح عياني، لا مجال للشك فيه، فاعترض بعض أصحاب القياس فيه بأن قال لنا: إنكم تجيزون الإجماع عن سنن كثيرة أتت في أخبار الآحاد، وقد علمتم أن أخبار الآحاد مختلف في قبولها، وهذا هو الذي أنكرتم. قال أبو محمد: وهذا تمويه ضعيف منحل ظاهر الانحلال، لأننا لم ندع إجماع الناس على ما اختلفوا عليه من قبول خبر الواحد وإنما قلنا ونقول: إن الأمة كلها مجمعة على قبول ما قاله رسول الله صلى الله عليه وسلم لا خلاف بين أحد ممن ينتمي إلى الإسلام في ذلك من جميع الفرق أولها عن آخرها، ثم اختلفوا في الطريق المؤدية إلى معرفة صحة ما قاله رسول الله صلى الله عليه وسلم فقلنا نحن خبر الواحد العدل من جملة ذلك وقال آخرون: ليس من جملة ذلك، ثم تأتي سنن قلنا نحن: صحت عندنا من طريق من الآحاد، وقال من خالفنا، إنما صحت عندنا من طريق التواتر، ولو لم تأت إلا من طريق الآحاد فقط ما أخذنا بها. فهذه الصفة النقل هو الذي اتفق الناس كلهم من المسلمين على قبوله، وأجمعوا على الأخذ به، كإجماع الناس على أن في خمس من الإبل شاة، وعلى أن فيما سقي بالنضح من القمح والشعير نصف العشر، وسائر ما

أجمعوا عليه من آيات النبوة التي جاءت من طريق الكافة، وجاءت أيضا من طريق الآحاد، وليس هكذا أمر القياس الذي ادعوه. ولكنا لا ننكر أن تأتي مسائل تستوي في حكم القياس على أصولهم، وقد صح بها نص أو إجماع أيضا، فأخذنا نحن بها، لأن النص أتى بها، أو لأنها إجماع ولم نبال وافقت القياس أو خالفته. وأيضا فإن من ينكر القياس ينكره على كل حال، وبكل وجه، وفي كل وقت، وليس في فرقة من فرق المسلمين أحد ينكر الخبر جملة، بوجه من الوجوه، بل كلها مجمعة بلا خلاف عن أن الديانة لا تعرف إلا بالخبر، وإنما أنكرت طوائف خبر الواحد وقالت بخبر التواتر. وقال آخرون بالخبر المشتهر، وقال آخرون بخبر الواحد العدل، فالفرق بين ما أنكرنا وبين ما نظروه به بين واضح، وبالله تعالى التوفيق. واحتجوا بإيجاب التحرير على المسيء قالوا: وهذا قياس. قال أبو محمد: وهذا من ذلك المرار، ليت شعري على أي شيء قيس التعزير إن كانوا إنما قالوا به قياسا؟ وأما نحن فإنما قلنا به للنص الوارد في ذلك عن رسول الله صلى الله عليه وسلم ألا يجلد أحد في غير حد أكثر من عشر جلدات وأما السجن فإنما هو منع المسجون من الأذى للناس، أو من الفرار بحق لزمه، وهو قادر على أدائه فقط وهذا وقع تحت قوله تعالى {يا أيها لذين آمنوا أوفوا بلعقود أحلت لكم بهيمة لأنعام إلا ما يتلى عليكم غير محلي لصيد وأنتم حرم إن لله يحكم ما يريد} وله حد لا يتجاوز وهو توبة المسجون وإقلاعه أو خروجه عما لزمه من الحق، أو موته إن فعل به ذلك قصاصا. واحتجوا أيضا بالتوجه إلى القبلة عند المعاينة، فإذا غبنا عنها فبالاجتهاد. قال أبو محمد: وهذا من ذلك التخليط، وليس ههنا شيء قيس عليه ذلك بوجه من الوجوه، ولا هو أيضا موكول إلى الرأي، ولا إلى الاستحسان، ولكنه نص من الله تعالى {قد نرى تقلب وجهك في لسمآء فلنولينك قبلة ترضاها فول وجهك شطر لمسجد لحرام وحيث ما كنتم فولوا وجوهكم شطره وإن لذين أوتوا لكتاب ليعلمون أنه لحق من ربهم وما لله بغافل عما يعملون} فأما وصولنا إلى معرفة

Then prophetic practices are transmitted concerning which we say, "Their authenticity has been established for us through solitary transmitters," while those who disagree with us say, "Their authenticity has been established for us only through recurrent mass transmission. Had they come solely through solitary transmitters, we would not have adopted them." Transmission of this description is what all Muslims have agreed to accept and have reached consensus upon adopting. Examples include people's consensus that one sheep is due on five camels, and that one twentieth is due on wheat and barley irrigated by drawing water, and all the other signs of prophethood on which they have reached consensus, which have come through transmission by the whole body and have also come through solitary transmitters. The analogy they claim is not of this kind.

We do not, however, deny that questions may arise whose rulings coincide with analogy according to their principles, and concerning which an explicit text or consensus has also been established. We adopt these rulings because an explicit text has conveyed them or because they are matters of consensus, and we pay no heed to whether they accord with analogy or oppose it. Furthermore, whoever rejects analogy rejects it in every circumstance, in every respect, and at every time. Yet in no Muslim sect is there anyone who rejects transmitted reports altogether in any respect. Rather, all of them agree, without disagreement, that religious observance can be known only through transmitted reports. Certain groups have rejected only the report of a single transmitter and have upheld reports conveyed by recurrent mass transmission. Others have upheld widely circulated reports, and others the report of a single upright transmitter. The distinction between what we rejected and what they have compared it to is therefore clear and manifest, and success comes through Allah Most High.

They also argued from imposing emancipation upon the wrongdoer, saying, "This is analogy."

Abu Muhammed said: This is more of that bitterness. Would that I knew what discretionary punishment was based upon by analogy, if they advocated it solely by analogy. As for us, we advocate it only because of the explicit text transmitted concerning it from the Messenger of Allah ﷺ: "No one is

to be flogged more than ten lashes except in a prescribed punishment." As for imprisonment, it consists solely in preventing the prisoner from harming people or from evading an obligation incumbent upon him which he is capable of discharging. This falls under His saying, the Exalted: {O you who believe, fulfill your contracts. Livestock animals have been made lawful for you, except what is recited to you, without deeming hunting lawful while you are in a state of pilgrimage consecration. Indeed, Allah rules as He wills.} It has a limit that must not be exceeded: the prisoner's repentance and desistance, his discharge of the obligation incumbent upon him, or his death if this is done to him as legal retaliation. They also argued from facing the prayer direction when it is directly visible, and then, when we are absent from it, proceeding by independent judgment. Abu Muhammed said: This is more of that confusion. Here there is nothing upon which this has been based by analogy in any respect whatsoever. Nor is it entrusted to personal opinion or discretionary preference; rather, it is an explicit text from Allah the Exalted: {We certainly see your face turning toward heaven. We shall therefore turn you toward a prayer direction that pleases you. So turn your face toward the Sacred Mosque; and wherever you may be, turn your faces toward it. Indeed, those who were given the Scripture certainly know that it is the truth from their Lord, and Allah is not heedless of what they do.} As for our attaining knowledge of the direction of prayer, this is through the evidence that they have disputed with us, without knowing what it is, supposing it to be analogy. This is a question in which the distinction between evidence and analogy becomes apparent to anyone with the slightest discernment. For the manner of seeking the prayer direction is not analogy at all, nor is there anything here upon which an analogy is based. Nor is it entrusted to each person's opinion, so that he may face whatever direction he wishes, or to his discretionary preference. Thus it is established that this is reached through evidence that is neither personal opinion, analogy, nor discretionary preference. It would constitute analogy only if, when the Kaaba was hidden from us, we faced Jerusalem by analogy with it, because Jerusalem had also been a prayer direction, or faced Medina. Such a statement constitutes unbelief on the part of whoever says it. This resembles your saying: 'Since exchanging wheat for wheat on deferred terms was prohibited,

جهة القبلة فبالدليل الذي أنكروه علينا، ولم يعرفوا ما هو وظنوه قياسا، وهذه مسألة يلوح فيها، لمن له أدنى حس، الفرق بين الدليل والقياس، لأن جهة طلب القبلة ليس قياسا أصلا، ولا ههنا شيء يقاس عليه، ولا هو موكول إلى رأي كل إنسان، فيستقبل أي جهة شاء، ولا إلى استحسانه، فصح أنه يتوصل إلى ذلك بدليل ليس رأيا ولا قياسا ولا استحسانا، وإنما كان يكون قياسا إذا خفيت عنا الكعبة توجهنا إلى بيت المقدس قياسا عليها، لأنها قد كانت أيضا قبلة، أو إلى المدينة، وهذا كفر من قائله، وهذا نحو قولكم لما حرم البر بالبر نسيئة حرمنا التبن بالتبن نسيئة، وإنما الدليل على جهتها مطالع الكواكب والشمس ومعرفة نسبة العرض من الطول. وقالوا أيضا: قد أسقطتم الزكاة عن الثياب، قياسا على سقوطها عن الحمير وتركتم أخذ الزكاة من الثياب بعموم قول الله تعالى: {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} وقوله تعالى {وأقيموا لصلاة وآتوا لزكاة وركعوا مع لراكعين} قال أبو محمد وكذبوا في ذلك ما شاؤوا، ومعاذ الله أن نترك أخذ الزكاة من الثياب قياسا على الحمير، ولكن لما كانت الآيتان المذكورتان لم ينص عز وجل فيهما على مقدار ما يؤخذ في الزكاة، ولا متى يؤخذ، لم يحل لأحد العمل بما لم يبين له، إذ لا يدري أيأخذ الأقل أو الأكثر، أو كل يوم أو كل شهر أو كل سنة أو مرة من الدهر، ووجب عليه طلب بيان الزكاة في نص آخر فوجدناه صلى الله عليه وسلم قد قال إن دماءكم وأموالكم عليكم حرام قال هذا في حجة الوداع بعد نزول {وأقيموا لصلاة وآتوا لزكاة وركعوا مع لراكعين} بيقين وبعد نزول {خذ من أموالهم صدقة تطهرهم وتزكيهم بها وصل عليهم إن صلواتك سكن لهم ولله سميع عليم} بيقين لا شك فيه عند أحد من المسلمين، لأن هاتين الآيتين نزلتا في صدر الهجرة، فوجب بهذا النص ألا يؤخذ من مال أحد شيء إلا بنص على ما أخذه باسمه فما نص صلى الله عليه وسلم في واجب أخذه في الزكاة وجب قبوله وما لم ينص على وجوبه فلا يحل

we prohibited exchanging straw for straw on deferred terms.' The evidence indicating its direction consists only of the rising points of the stars and the sun, and knowledge of the relationship of latitude to longitude. They also said: 'You have exempted clothing from obligatory alms by analogy with the exemption of donkeys, and you have abandoned collecting obligatory alms from clothing under the general wording of Allah the Exalted's statement: {Take from their wealth an alms payment by which you purify them and cause them to grow in purity, and pray for them. Indeed, your prayers are a source of reassurance for them; and Allah is All-Hearing, All-Knowing,} and His statement, exalted is He: {Establish prayer, give obligatory alms, and bow with those who bow.}' Abu Muhammed said: They have lied about this as much as they pleased. Allah forbid that we should abandon collecting obligatory alms from clothing by analogy with donkeys! Rather, since in the two aforementioned verses He, mighty and majestic, did not explicitly specify the amount to be collected as obligatory alms or when it was to be collected, no one was permitted to act upon something that had not been explained to him. For he would not know whether to collect the smaller amount or the larger, or whether to do so every day, every month, every year, or once in a lifetime. He was therefore obliged to seek an explanation of obligatory alms in another explicit text. We found that he, may Allah bless him and grant him peace ﷺ, had said: 'Indeed, your blood and your property are inviolable among you.' He said this during the Farewell Pilgrimage, certainly after the revelation of {Establish prayer, give obligatory alms, and bow with those who bow,} and after the revelation of {Take from their wealth an alms payment by which you purify them and cause them to grow in purity, and pray for them. Indeed, your prayers are a source of reassurance for them; and Allah is All-Hearing, All-Knowing,} with a certainty concerning which there is no doubt among any of the Muslims, because these two verses were revealed early in the period following the Emigration. This explicit text therefore requires that nothing be taken from anyone's property except on the authority of an explicit text identifying by name what is to be taken. Whatever he, may Allah bless him and grant him peace ﷺ, explicitly stated must be collected as obligatory alms must be accepted; and whatever he did not explicitly declare obligatory, no one may lawfully collect. This is how clothing

أخذه لأحد، فهكذا سقطت الزكاة عن الثياب والعروض كلها على كل حال وأيضا فقد قال صلى الله عليه وسلم ليس فيما دون خمسة أوسق من حب أو تمر صدقة ودون في لغة العرب بمعنى: غير، وبمعنى أقل، قال تعالى: {من ورآئهم جهنم ولا يغني عنهم ما كسبوا شيئا ولا ما تخذوا من دون الله أولياآء ولهم عذاب عظيم} يريد من غير الله، فوجب بهذا الحديث أن لا يؤخذ شيء من غير التمر والحب إلا ما جاء النص على وجوب أخذه بعينه واسمه وليس حمل لفظه دون على بعض ما تقتضيه أولى من حملها على كل ما تقتضيه. وأيضا: فإن سقوط الزكاة عن الثياب المتخذة لغير التجارة إجماع لا خلاف فيه من أحد، والإجماع الانقياد وكان يلزمهم، وهو الموجبون لاستعمال القياس والتدين به، أن يوجبوا الزكاة في الثياب، قياسا على وجوبها في القمح والتمر، والذهب والفضة، لأن هذا كله موات لا حيوان، فالثياب بالذهب والفضة والقمح والتمر أشبه منها بالحمير، وليت شعري ما الذي أوجب عندهم قياس الثياب على الحمير، دون أن يقيسوها على الغنم والإبل، فيوجبوا فيها الزكاة؟ لأن الثياب لا تكون إلا من جلود أو نبات، إلا من شذ كالحرير، وهو أيضا من حيوان، فقياسها على ما هي مأخوذة منه أولى من قياسها على ما لا شبه بينها وبينه. هذا إن كان القياس حقا بل ههنا قياس هو أقرب وأشبه على أصولهم، وهو قياس المنتقاة على الثياب المتخذة للتجارة، وكما أوجب المالكيون الزكاة في غير السائمة قياسا على السائمة، وكما قالوا: يجمع بين الذهب والفضة في غير التجارة، كما يجمع بينهما في التجارة وبين سائر العروض المتخذة للتجارة، فبطل تمويههم والحمد لله رب العالمين. واحتجوا أيضا بوجوب الزكاة في الذهب، وقالوا: هو قياس على الفضة. قال أبو محمد: وهذا في الفساد كالذي قبله، لأن الخبر في زكاة الذهب ووجوب حق الله تعالى فيه، أشهر من أن يجهله ذو علم بالآثار، ثم اختلف العلماء فقالت طائفة: بيان المأخوذ منه مرجوع فيه إلى الإجماع، إذ لم يصح فيه أثر فما أجمع المسلمون على وجوب تزكيته من الذهب قلنا به، وما اختلفوا

and all merchandise became exempt from obligatory alms in every circumstance. Moreover, he, may Allah bless him and grant him peace ﷺ, said: 'On less than five load-measures of grain or dates, no alms are due.' In the Arabic language, 'dūna' means both 'other than' and 'less than.' He, exalted is He, said: {Beyond them is Hell, and neither what they have earned nor those whom they have taken as protectors other than Allah will avail them at all; and theirs is a tremendous punishment.} He means 'other than Allah.' This report therefore requires that nothing be collected from anything other than dates and grain, except whatever an explicit text states must be collected, specifying its identity and name. There is no greater justification for construing his word 'dūna' according to some of the meanings it bears than for construing it according to all the meanings it bears. Moreover, the exemption from obligatory alms of clothing acquired for purposes other than trade is a matter of consensus, disputed by no one; and consensus requires submission. They, who require the use of analogy and adherence to it as a religious duty, would have been obliged to impose obligatory alms on clothing by analogy with its being obligatory on wheat, dates, gold, and silver, because all these are inanimate, not animals. Clothing therefore resembles gold, silver, wheat, and dates more than it resembles donkeys. Would that I knew what required them to draw an analogy between clothing and donkeys, rather than between clothing and sheep and camels, thereby imposing obligatory alms on it! For clothing is made only from hides or plants, apart from exceptional instances such as silk, which also comes from an animal. Drawing an analogy between it and that from which it is derived would therefore be more appropriate than drawing an analogy between it and something with which it has no resemblance—if analogy were valid. Indeed, there is an analogy here that is closer and more similar according to their principles: drawing an analogy between selected clothing and clothing acquired for trade, just as the Malikis imposed obligatory alms on livestock that does not graze freely by analogy with livestock that does graze freely, and just as they said that gold and silver held for purposes other than trade are combined, as they are combined when held for trade, together with all other merchandise acquired for trade. Their obfuscation is thus refuted, and praise belongs to Allah, Lord of the worlds. They also argued from the obligation of alms on gold, saying:

فيه لم نوجبه إلا بنص، وما اتفقوا فيه ثم اختلفوا لم نزل عن إجماعهم إلا بنص وبالله التوفيق. وقالت طائفة: بل في المقدار الذي يجب فيه الزكاة من المذهب نص صحيح، فالواجب الوقوف عنده بهذا نقول: واحتجوا أيضا بتسويتنا في حديث عتق الشقص واشتراط مال العبد، بأننا سوينا بين العبد والأمة في ذلك، وهذا خطأ، بل النص قد جاء في ذلك بلفظ مملوك، وهذا اسم يقع على الأمة كوقوعه على العبد. وأيضا: فإن لفظة العبد واقعة على الجنس، وقولنا عبيد يقع على الذكور والإناث، لأنك تقول: عبد وعبدة بلا خوف من أهل اللغة، ولهم علينا في خاصتنا اعتراض ننبه عليه، وهو: أن أصحابنا لا يجوزون المزارعة، ونحن نجيزها، وهذا الاعتراض علينا على أصحابنا في المساقاة فإنهم يقولون إن الشروط فاسدة بقوله صلى الله عليه وسلم كل شرط ليس في كتاب الله فهو باطل فأنتم إذا أجزتم المساقاة والمزارعة على النصف فكلم مقال لفعله صلى الله عليه وسلم في خيبر فلم أجزتموها بالثلث والربع وقد جاء النهي نصا عن ذلك، فهل هذا إلا قياس الثلث والربع على النصف قال أبو محمد ومعاذ الله أن نقول قياسا وما قلنا ذلك اتباعا للإجماع، فإن الأمة كلها، بلا خلاف من أحد منها، مساوية بين النصف وبين سائر الأجزاء يقينا، فمن مانع من كل ذلك، قاطع على أن حكم كل ذلك سواء، مبيح لكل ذلك، قاطع على أن كل ذلك سواء؛ فقد صح الإجماع يقينا على أن حكم النصف وسائر الأجزاء سواء، ثم وجدنا النص قد جاء بالمساقاة والمزارع على النصف، فوجب القول به، وصح بالإجماع أن حكم سائر الأجزاء كحكم النصف، والنصف حلال، فسائر الأجزاء حلال، وهذا برهان متيقن، لا يجوز خلافه. وبالله تعالى التوفيق. وأيضا: فإن المتعاقدين على النصف والنصف، فقد تعاقدا على ما دون النصف بدخول ذلك في النصف؛ فإذا اقتصر أحدهما على بعض ماله أن يعاقد عليه مع سائره فذلك جائز له بالنص المجيز له أن يعاقد على ما دون النصف مع قوله تعالى: {وإن طلقتموهن من قبل أن تمسوهن وقد فرضتم لهن فريضة فنصف ما فرضتم إلا

أن يعفون أو يعفوا لذي بيده عقدة لنكاح وأن تعفوا أقرب للتقوى ولا تنسوا لفضل بينكم إن لله بما تعملون بصير} فتجافيه عن بعض ماله أن يشترطه فضل منه.

'It is an analogy with silver.' Abu Muhammed said: This, in its invalidity, is like the preceding argument, because the transmitted report concerning obligatory alms on gold and the obligation of Allah the Exalted's due upon it is too well known for anyone knowledgeable about transmitted traditions to be ignorant of it. Then the scholars differed and one group said: 'For clarification of what is to be collected from it, recourse must be had to consensus, since no transmitted tradition concerning this has been established as authentic. Thus, whatever the Muslims have agreed must be subject to obligatory alms from gold, we affirm; whatever they have differed about, we do not impose except on the authority of an explicit text. Concerning that upon which they agreed and subsequently differed, we do not depart from their consensus except on the authority of an explicit text. Success is through Allah.' Another group said: 'Rather, there is an authentic explicit text concerning the amount of the school upon which obligatory alms become due, and it is obligatory to adhere to it.' This is the position we affirm. They also argued against our equal treatment, in the report about emancipating a share in a slave and stipulating entitlement to a slave's property, on the grounds that we treated male and female slaves equally in this matter. This is an error. Rather, the explicit text concerning this uses the expression 'an owned person,' a designation that applies to a female slave just as it applies to a male slave. Furthermore, the word 'slave' applies to the genus, and our expression 'slaves' encompasses males and females, because one says 'ʿabd' and 'ʿabda,' without any fear on the part of the philologists. They have an objection directed particularly against us, to which we draw attention: our companions do not permit sharecropping, whereas we permit it. This objection is directed against us, and against our companions concerning orchard tending for a share of the produce. They say: 'Conditions are invalid by virtue of his statement, may Allah bless him and grant him peace ﷺ: "Every condition that is not in the Book of Allah is void." Thus, when you permit orchard tending and sharecropping for a half share, you have an argument, because he, may Allah bless him and grant him peace ﷺ, did this at Khaybar. Why, then, have you permitted them for a third or a quarter, when an explicit prohibition of this has been transmitted? Is this anything other than drawing an analogy between a third or a quarter and a half?' Abu Muhammed

said: Allah forbid that we should pronounce a ruling by analogy! We did not state this in adherence to consensus. For the entire community, without dissent from any of its members, certainly treats a half and all other fractions equally: some prohibit all of this, affirming decisively that the ruling on all of it is the same, and some permit all of this, affirming decisively that all of it is the same. Thus consensus has certainly been established that the ruling on a half and all other fractions is the same. We then found that an explicit text had sanctioned orchard tending and sharecropping for a half share, so it was obligatory to affirm it; and it was established by consensus that the ruling on all other fractions is like the ruling on a half. A half is lawful; therefore all other fractions are lawful. This is a demonstration established with certainty, which may not be contradicted. Success is through Allah the Exalted. Moreover, the two parties contracting on the basis of one half and one half have thereby contracted for what is less than one half, since that is included within one half. Thus, if either confines himself to part of what he is entitled to contract for together with the remainder, that is permissible for him under the text permitting him to contract for less than one half, together with His statement, exalted is He: "And if you divorce them before you have touched them, having already stipulated an obligatory payment for them, then half of what you stipulated, unless they forgo it or the one in whose hand is the marriage bond forgoes it. And that you forgo is nearer to mindfulness of Allah. And do not forget graciousness among yourselves.

Indeed, Allah sees what you do.” His relinquishing part of what he is entitled to stipulate is therefore graciousness on his part.[8990919293949596]

L3142–3145 They argued from the assessed values of destroyed property, the bridal payment appropriate to a woman of comparable standing, the amount of the divorce provision, and maintenance, asserting that there is no text concern-

واحتجوا بقيم المتلفات ومهر المثل، ومقدار المتعة والنفقات، وإن كل ذلك لا نص فيه، قالوا: فوجب الرجوع إلى القياس. قال أبو محمد: وهذا لا حجة لهم فيه البتة، ولا للقياس هنا مدخل أصلا لأنه ليس ههنا شيء آخر منصوص عليه يقيسون عليه هذه الأشياء، وهذا هو القياس عندهم، فبطل تمويههم، إن هذا القياس، وما هو إلا نص جلي لا داخلة فيه وهو قول الله تعالى {لشهر لحرام بلشهر لحرام ولحرمات قصاص فمن عتدى عليكم فعتدوا عليه بمثل ما عتدى عليكم وتقوا لله وعلموا أن لله مع لمتقين} فهل في البيان أكثر من هذا وهل هذا إلا نص على كل قصة وجب فيها ضمان المثل؟. فأي معنى للقياس فيمن أتلف الآخر ثوبا قيمته دينار فقضى عليه بثوب مثله، فإن لم يوجد فمثله من القيمة في سوق البلد الذي وقع فيه الغصب، أو الذي وقع فيه الحكم؟. وكذلك امرأة وجب لها مهر مثلها بالنص، فعلم مقدار ما تطيب به نفس مثلها في المعهود الذي أحالنا الله تعالى عليه على لسان نبيه صلى الله عليه وسلم وكذلك نص الرسول صلى الله عليه وسلم على أن للأزواج والأقارب والمماليك النفقة والكسوة بالمعروف، وساوى في ذلك بين الأقارب وبين من ذكرنا وأحالنا على المعروف، والمعروف هو غير المنكر، فهو ما تعارفه الناس في نفقات من ذكرنا، وما فيه مصالحهم من كسوة معروفة لأمثالهم، وإسكان وغير ذلك، مما لا قوم للمعاش إلا به، مما لا جوع فيه ولا عري ولا عطش ولا برد، ولا شهرة ولا اتضاع، ولا إسراف ولا تبذير، ولا تقصير ولا تقتير، فهذا هو المنكر، وضده هو المعروف، فأين القياس ههنا؟ وعلى أي شيء قاسوا ما ذكرنا فإذ ليس ههنا شيء يقاس عليه ما ذكرنا البتة فقد بطل أن يكون قياسا، وبطل تمويههم في ذلك. واحتجوا أيضا بأروش الجراحات والجنايات والديات. قال أبو محمد: وهذا في التمويه كالذي قبله، وقولنا في ذلك: إن كل ما أوجبه من ذلك نص وقف عنده، وما لم يوجبه نص فهو ساقط لا يقضى

[89] **Translator’s note (L3129):** The phrase “signs of prophethood” follows the supplied آيات النبوة, although its connection to the immediately preceding examples of alms rulings is awkward.

[90] **Translator’s note (L3130):** The supplied التحرير means “emancipation,” but the discussion immediately turns to التعزير, “discretionary punishment,” and continues with flogging and imprisonment. The apparent transcription error is preserved rather than silently corrected. المرار literally denotes bitterness; its polemical application here is unusual, and the translation retains that wording.

[91] **Translator’s note (L3132):** The opening completes the preceding segment’s phrase introducing Allah’s words. The pronoun in ’It has a limit’ refers to imprisonment. The Quranic quotations contain numerous defective spellings and missing letters, including forms of ’those,’ ’contracts,’ and ’Allah’; their recognizable wording has been translated without reproducing these orthographic defects.

[92] **Translator’s note (L3134):** The Quranic quotations have defective spellings, particularly omitted initial letters in definite articles and the name Allah; the recognizable wording is translated.

[93] **Translator’s note (L3135):** The load-measure is the wasq, plural awsuq. The following segment’s argument depends on the multiple meanings of dūna, rendered here as ’less than.’

[94] **Translator’s note (L3136):** The text reads al-muntaqāt, ’selected [items],’ rendered as ’selected clothing.’ The context suggests a possible corruption of al-muqtaнāt, ’items retained for use,’ but that reading has not been substituted. The Quranic quotation contains defective spellings of ’they have taken’ and ’Allah’; its recognizable wording is translated.

[95] **Translator’s note (L3139):** The text reads al-madhhab, ’the school [of thought],’ in the phrase about the amount subject to alms. The context strongly suggests a corruption of al-dhahab, ’gold’; the supplied reading is retained. The phrase bilā khawf min ahl al-lugha literally reads ’without any fear on the part of the philologists.’ It may be corrupt for bilā khilāf, ’without disagreement among the philologists.’ The phrase fa-kallim maqāl is corrupt or malformed. ’You have an argument’ is a contextual rendering of its apparent intended sense. The text explicitly says ’We did not state this in adherence to consensus,’ although the ensuing argument grounds the ruling in consensus. An omitted ’except’ is possible, but has not been inserted. The text has al-muzāriʿ, ’the cultivator,’ where the preceding discussion calls for al-muzāraʿa, ’sharecropping’; the contextual activity is rendered in the translation.

[96] **Qur’an references (L3127):** Qur’an 5:1 (Al-Ma’idah); Qur’an 2:144 (Al-Baqarah); Qur’an 9:103 (At-Tawbah); Qur’an 45:10 (Al-Jathiyah); Qur’an 2:237 (Al-Baqarah).

به للنص الوارد: إن دماءنا وأموالنا علينا حرام، وما تيقن أنه أجمع عليه واختلف في مقداره: وجب من ذلك أقل ما قيل فقط، وما عدا ذلك فتحكم في الدين لا يحل. وأي شيء في معرفة مقدار شبع الناس في الجمهور في أقواتهم في ذلك البلد، مما يكون فيه للقياس معنى، وكذلك ما اتفقوا على وجوبه في المتعة، وهل شيء من هذا يوجب تحريم البلوط بالبلوط متفاضلا، إن انطلاق اللسان بمثل هذا لعظيم، ونعوذ بالله من نصر الباطل والتمادي عليه. فهذا كل ما احتجوا به من دلائل الإجماع، فقد بينا بحول الله وقوته أنه عائد عليهم، ومبطل للقياس، والحمد لله كثيرا كما هو أهله. واحتجوا أيضا بأحاديث وردت عن الصحابة رضي الله عنهم، كرسالة منسوبة إلى عمر رضي الله عنه، ذكروا أنه كتب بها إلى أبي موسى، وكقول ابن عباس: ولا أرى كل شيء إلا مثله، ولو لم يعتبروا ذلك إلا بالأصابع، أرأيت من ادهن، وعن سعد: أينقص الرطب إذا يبس، وعن معمر بن عبد الله أخشى أن يضارع، وعن أبي سعيد، فأيما أولى، التمر أو الورق،

ing any of these. They said: "It is therefore obligatory to resort to analogy." Abu Muhammed said: This affords them absolutely no proof, and analogy has no place here whatsoever, because there is no other thing specified by a text to which they apply these matters by analogy—and that is what analogy means according to them. Their deceptive claim that this is analogy is therefore invalid. It is nothing but an explicit text containing no hidden complication, namely Allah's statement, exalted is He: "The sacred month for the sacred month, and sacred inviolabilities are subject to retaliation. Whoever transgresses against you, transgress against him in the like of that in which he transgressed against you. And be mindful of Allah, and know that Allah is with those who are mindful of Him." Could anything be more explicit than this? Is this anything other than a text concerning every case in which compensation with an equivalent is obligatory? What relevance, then, does analogy have to someone who destroys another person's garment worth one dinar and is ordered to provide a garment like it, or, if none can be found, its equivalent in value in the market of the town where the wrongful seizure occurred or where judgment was delivered? Likewise, in the case of a woman for whom the text makes obligatory the bridal payment appropriate to a woman of comparable standing, the amount that would satisfy a woman like her is ascertained from the established custom to which Allah, exalted is He, referred us through the tongue of His Prophet, may Allah bless him and grant him peace ﷺ. Likewise, the Messenger, may Allah bless him and grant him peace ﷺ, explicitly stipulated that spouses, relatives, and slaves are entitled to maintenance and clothing according to what is recognized as proper. In this he placed relatives on an equal footing with the others we have mentioned, and referred us to what is recognized as proper. What is recognized as proper is the opposite of what is objectionable: it is what people customarily recognize concerning the maintenance of those we have mentioned and what serves their welfare in the way of clothing customary for people like them, housing, and other things without which life cannot be sustained, involving neither hunger, nakedness, thirst, cold, conspicuousness, degradation, extravagance, squandering, inadequacy, nor stinginess. This, then, is what is objectionable, and its opposite is what is recognized as proper. Where is analogy here? To what did they analogically

assimilate what we have mentioned? Since there is absolutely nothing here to which what we have mentioned is being analogically assimilated, its being analogy is disproved, and their deceptive representation of it is invalid. They also argued from compensation for wounds and bodily injuries, and blood money. Abu Muhammed said: In its deceptiveness, this is like the preceding argument. Our position concerning this is that, wherever a text makes any of these obligatory, one stops at that text; whatever no text makes obligatory is excluded and may not be awarded by judgment, because of the transmitted text that our blood and our property are inviolable among us. And whatever is known with certainty to have been agreed upon by consensus but whose amount is disputed, only the lowest amount proposed is obligatory. Anything beyond that is arbitrary prescription in religion and is unlawful. And what is there in determining the amount that generally satisfies people's hunger, from their staple foods in that town, in which there could be any relevance for analogy? Likewise with what they agree is obligatory in the divorce provision. Does anything of this entail prohibiting the exchange of acorns for acorns in unequal quantities? To let one's tongue utter such a thing is indeed grave. We seek refuge in Allah from supporting falsehood and persisting in it. This, then, is everything they have adduced as evidence from consensus. Through Allah's power and strength, we have explained that it turns against them and invalidates analogy. Abundant praise belongs to Allah, as He deserves. They also argued from reports transmitted from the Companions, may Allah be pleased with them, such as a letter attributed to Umar, may Allah be pleased with him, which they said he wrote to Abu Musa; and such statements of Ibn Abbas as, "I consider everything to be just like it," "Even if they assessed that only by means of their fingers," and "What do you think of someone who has applied oil?"; and from Sa'd, "Do fresh dates come apart when they dry?"; and from Ma'mar ibn Abd Allah, "I fear

that it may resemble it”; and from Abu Sa‘id, “Which, then, has the greater claim: dates or silver?”[97][98]

L3146–3151 and from Ali ibn Abi Talib, may Allah be pleased with him, “When he becomes drunk, he speaks incoherently”; and from Ali and Zayd concerning the grandfather; and from Ali, “If this were so, the Messenger of Allah, may Allah bless him and grant him peace ﷺ, would have been Hamza’s killer”; and from Ibn Abbas, “Allah has commanded arbitration between spouses and concerning a hare worth a quarter of a dirham”; and from Ali, in his arguing for erasing his name from the document by reference to the Prophet’s erasing his name on the day of al-Hudaybiyyah, may Allah bless him and grant him peace ﷺ, “from the Companions”; and from Ali and Umar concerning executing a group for one person, and amputation for theft. Abu Muhammed said: This is everything we presently recall that they might seize upon. Allah willing, exalted is He, we shall mention everything we presently recall, all of it with its transmission chains, and explain, with the help of Allah, mighty and majestic, that none of it affords them any proof even if it were authentic—how much less, then, when most of it is not authentic! As for Umar’s letter, Ahmad ibn Umar al-Udhri related it to us: Abu Dharr Abd ibn Ahmad al-Harawi narrated to us; Abu Sa‘id al-Khalil ibn Ahmad, the judge of Sijistan, narrated to us; Yahya ibn Muhammed ibn Sa‘id narrated to us; Yusuf ibn Musa al-Qattan narrated to us; Ubayd Allah ibn Musa narrated to us; Ubayd Allah ibn Musa narrated to us; Abd al-Malik ibn al-Walid ibn Ma‘dan narrated to us, from his father, who said: Umar ibn al-Khattab wrote to Abu Musa al-Ash‘ari. He then recounted the letter, which includes: “Understanding, understanding”—meaning concerning what turns over within your

[97] **Translator’s note (L3143):** The wording “without which life cannot be sustained” contains the apparently defective reading “qawm,” probably for “qiwām,” meaning sustenance or support. After listing conditions that proper maintenance excludes, the Arabic says, “This, then, is what is objectionable.” The demonstrative appears to refer back to the listed objectionable conditions; the awkward wording has been retained.

[98] **Translator’s note (L3145):** The brief quotations attributed to Ibn Abbas and the other Companions are allusive excerpts whose objects and full contexts are not supplied here. The question attributed to Sa‘d reads “come apart” or “be undone” rather than “decrease.” It appears to contain a transcription error for the familiar question about whether fresh dates decrease when dried; the supplied wording has been retained.

وعن علي بن أبي طالب رضي الله عنه: إذا سكر هذى، وعن علي وزيد في الجد وعن علي لو كان هذا كان رسول الله صلى الله عليه وسلم قاتل حمزة وعن ابن عباس قد أمر الله بالتحكيم بين الزوجين، وفي أرنب قيمتها ربع درهم، وعن علي في احتجاجه بمحو اسمه من الصحيفة بمحو النبي صلى الله عليه وسلم اسمه يوم الحديبية من الصحابة وعن علي وعمر في قتل الجماعة بالواحد، وبالقطع في السرقة. قال أبو محمد: هذا كل ما يحضرنا ذكره مما يمكنهم أن يتعلقوا به، ونحن إن شاء الله تعالى، نذكر كل ما يحضرنا ذكر كل ذلك بأسانيده، ونبين، بعون الله عز وجل، أنه لا حجة لهم في شيء منه لو صح، فكيف وأكثر ذلك لا يصح. فأما رسالة عمر، فحدثنا بها أحمد بن عمر العذري، نا أبو ذر عبد بن أحمد الهروي، نا أبو سعيد الخليل بن أحمد القاضي السجستاني، نا يحيى بن محمد بن صاعد، نا يوسف بن موسى القطان، نا عبيد الله بن موسى، نا عبيد الله بن موسى، نا عبد الملك بن الوليد بن معدان عن أبيه قال: كتب عمر بن الخطاب إلى أبي موسى الأشعري فذكر الرسالة وفيها: الفهم الفهم، يعني فيما يتلجلج في صدرك، مما ليس في كتاب ولا سنة، ثم اعرف الأمثال والأشكال، فقس الأمور عند ذلك، ثم اعمد إلى أشبهها بالحق، وأقربها إلى الله عز وجل، وذكر باقي الرسالة. وحدثناها أحمد بن عمر، نا عبد الرحمن بن الحسن الشافعي، نا القاضي أحمد بن محمد الكرخي، نا محمد بن عبد الله العلاف، نا أحمد بن علي بن محمد الوراق، نا عبد الله بن سعد، نا أبو عبد الله محمد بن يحيى بن أبي عمر العدني، نا سفيان، عن إدريس بن يزيد الأودي، عن سعيد بن أبي موسى الأشعري بن أبي بردى عن أبيه قال: كتب عمر بن الخطاب إلى أبي موسى، فذكر الرسالة وفيها، الفهم فيما يتلجلج في نفسك مما ليس في الكتاب ولا السنة، ثم قس الأمور بعضها ببعض، ثم انظر أشبهها بالحق وأحبها إلى

breast for which there is nothing in a Book or a Sunnah—"then recognize comparable and similar cases, and at that point compare matters by analogy. Then turn to whichever most resembles the truth and is nearest to Allah, mighty and majestic." He recounted the remainder of the letter. Ahmad ibn Umar also related it to us: Abd al-Rahman ibn al-Hasan al-Shafi'i narrated to us; Judge Ahmad ibn Muhammed al-Karkhi narrated to us; Muhammed ibn Abd Allah al-Allaf narrated to us; Ahmad ibn Ali ibn Muhammed al-Warraq narrated to us; Abd Allah ibn Sa'd narrated to us; Abu Abd Allah Muhammed ibn Yahya ibn Abi Umar al-Adani narrated to us; Sufyan narrated to us, from Idris ibn Yazid al-Awdi, from Sa'id ibn Abi Musa al-Ash'ari ibn Abi Burda, from his father, who said: Umar ibn al-Khattab wrote to Abu Musa. He recounted the letter, which includes: "Understanding concerning what turns over within yourself for which there is nothing in the Book or the Sunnah; then compare matters with one another by analogy, then consider whichever most resembles the truth and is most beloved to Allah, exalted is He, and act upon it." It also includes: "Muslims are upright witnesses with respect to one another, except someone flogged as a prescribed punishment, someone against whom false testimony has been recorded, or someone suspected of partiality because of a bond of clientage or kinship." He recounted the remainder. Abu Muhammed said: This is not authentic, because the first transmission chain contains Abd al-Malik ibn al-Walid ibn Ma'dan, a Kufan whose reports are abandoned and who is discredited without disagreement; his father is unknown. As for the second transmission chain, those between al-Karaji and Sufyan are unknown, and it is also interrupted. Reliance upon it is therefore wholly invalid. It is sufficient in this matter that no one's statement constitutes authoritative proof apart from the Prophet's, may Allah bless him and grant him peace ﷺ. How many cases there are in which they have opposed Umar! Furthermore, it must be either authentic or inauthentic. If it is inauthentic, that is our position, and it contains no proof against us. If it is authentic and establishes authoritative proof, then Abu Hanifa, Malik, al-Shafi'i, and those of our opponents present who invoke it as proof have contradicted its contents. They have admitted the testimony of someone flogged for wine drinking or unlawful sexual intercourse if he repents. Malik and al-Shafi'i have admitted the testimony of someone flogged

الله تعالى فاعمل به. وفيها أيضا: المسلمون عدول بعضهم على بعض إلا مجلودا في حد، أو مجربا عليه شهادة زور، أو ظنينا في ولاء أو قرابة وذكر باقيها. قال أبو محمد: وهذا لا يصح، لأن السند الأول فيه عبد الملك بن الوليد بن معدان وهو كوفي متروك الحديث، ساقط بلا خلاف، وأبوه مجهول، وأما السند الثاني فمن بين الكرجي إلى سفيان مجهولون، وهو أيضا منقطع، فبطل القول به جملة. ويكفي من هذا أنه لا حجة في قول أحد دون النبي صلى الله عليه وسلم وكم قصة خالفوا فيها عمر وأيضا فلا يخلو من أن تكون صحيحة أو غير صحيحة، فإن كانت غير صحيحة، فهو قولنا ولا حجة علينا فيها، وإن كانت صحيحة تقوم بها الحجة، فقد خالف أبو حنيفة ومالك والشافعي والحاضرون من خصومنا المحتجين بها، ما فيها، فأجازوا شهادة المجلود في الخمر والزنى إذا تاب. وأجاز مالك والشافعي شهادة المجلود في حد القذف إذا تاب، وهذا خلاف ما في رسالة عمر، وإن ادعوا إجماعا كذبهم الأوزاعي، فإنه لا يجيز شهادة مجلود في شيء من الحدود أصلا، كما في رسالة عمر التي صححوا. وأجازوا شهادة الأخ لأخيه، والمولى لذي ولائه، ولم يجعلوهما ظنينين في ولاء وقرابة، وردوا شهادة الأب العدل لابنه، وجعلوه ظنين في قرابة، وليس إجماعا، لأن عثمان البتي وغيره يجيز شهادته له، وردوا شهادة العبد وهو مسلم. وكل هذا خلاف ما في رسالة عمر، ومن الباطل المحال أن تكون حجة علينا في القياس، ولا تكون حجة عليهم فيما خالفوها فيه، ويكفي في هذا إقرارهم بأنها حق وحجة، ثم خلافهم ما فيها، فقد أقروا بأنهم خالفوا الحق والحجة، ونحن لا نقر بها. ولله الحمد.

with the prescribed punishment for accusing another of unlawful sexual intercourse, if he repents. This contradicts what is in Umar's letter. If they claim consensus, al-Awza'i gives the lie to their claim, for he does not admit the testimony of anyone flogged under any prescribed punishment whatsoever, in accordance with Umar's letter, which they have declared authentic. They have admitted a brother's testimony for his brother and the testimony of a client for the person with whom he has a bond of clientage, and have not regarded either as suspected of partiality because of clientage or kinship. Yet they have rejected the testimony of a father who is upright, on behalf of his son, and have deemed him suspected of partiality because of kinship. This is not a matter of consensus, because Uthman al-Batti and others admit his testimony on his son's behalf. They have rejected the testimony of a slave, although he is a Muslim. All of this contradicts what is in Umar's letter. It is false and absurd that it should constitute authoritative proof against us concerning analogy but should not constitute authoritative proof against them in those matters in which they have contradicted it. Their acknowledgment that it is true and constitutes authoritative proof, followed by their contravention of its contents, suffices here: they have acknowledged that they have contradicted the jinn and the authoritative proof. We, however, do not acknowledge its authority, and praise belongs to Allah.[99][100][101][102]

L3152–3157 What is authentically transmitted from Umar is something other than this:

والصحيح عن عمر غير هذا من إنكار القياس، مما سنذكره في هذا الباب إن شاء الله تعالى. وأما الرسالة التي تصح عن عمر فهي غير هذه، وهي التي حدثنا بها عبد الله بن ربيع التميمي، نا محمد بن معاوية المرواني، نا أحمد بن شعيب النسائي، نا محمد بن بشار، نا أبو عامر العقدي، نا سفيان الثوري، عن أبي إسحاق الشيباني، عن الشعبي عن شريح أنه كتب إلى عمر يسأله، فكتب إليه عمر: أن اقض بما في كتاب الله تعالى فإن لم يكن في كتاب الله فسنة رسول الله صلى الله عليه وسلم فإن لم يكن في كتاب الله ولا في سنة رسول الله صلى الله عليه وسلم فاقض بما قضى الصالحون فإن لم يكن في كتاب الله، ولا في سنة رسول الله، ولم يقض به الصالحون، فإن شئت فتقدم،

[99] **Translator's note (L3146):** The supplied Arabic says that the Prophet erased his name "from the Companions," an apparent corruption, probably of "from the document." The anomalous phrase has been preserved. The transmission chain repeats "Ubayd Allah ibn Musa narrated to us." Both occurrences have been retained. The report concerning "the grandfather" alludes to an inheritance question without specifying it here.

[100] **Translator's note (L3148):** The genealogy "Sa'id ibn Abi Musa al-Ash'ari ibn Abi Burda" is anomalous as supplied. Its order has been retained without correction.

[101] **Translator's note (L3149):** The phrase rendered "someone against whom false testimony has been recorded" is awkward as supplied. In context it appears intended to identify a person established to have borne false witness. The name appears here as "al-Karaji," whereas the preceding transmission chain has "al-Karkhi." The variation has been preserved.

[102] **Translator's note (L3151):** The supplied text reads "the jinn" (al-jinn), which is anomalous here and may be a corruption of "the truth" (al-ḥaqq). The supplied reading has been retained.

his rejection of analogy, some of which we shall mention in this chapter, if Allah Most High wills. As for the letter authentically attributable to Umar, it is a different letter, namely the one transmitted to us by Abd Allah ibn Rabi al-Tamimi, who said: Muhammed ibn Muawiya al-Marwani related to us; Ahmad ibn Shuayb al-Nasai related to us; Muhammed ibn Bashshar related to us; Abu Amir al-Aqadi related to us; Sufyan al-Thawri related to us, from Abu Ishaq al-Shaybani, from al-Shabi, from Shurayh, that he wrote to Umar asking him a question. Umar wrote to him: "Judge according to what is in the Book of Allah Most High. If it is not in the Book of Allah, then according to the practice of the Messenger of Allah ﷺ. If it is neither in the Book of Allah nor in the practice of the Messenger of Allah ﷺ, then judge according to what the righteous have adjudicated. If it is neither in the Book of Allah nor in the practice of the Messenger of Allah, and the righteous have not adjudicated it, then proceed if you wish, or hold back if you wish. I consider holding back to be nothing but better for you. And peace." Abu Muhammed said: This is an abandonment of judgment by analogy altogether, and Umar's preference for refraining from judgment when a person does not find the particular case in a Book, a prophetic practice, or a consensus. Thus the report attributing an instruction to employ analogy to Umar falls because its transmitter is discredited, and for a second, compelling reason that exposes the falsehood of that letter and establishes that it is unquestionably fabricated: the wording in it, "Then turn to whichever of them most resembles the truth, is nearest to Allah, Mighty and Majestic, and is most beloved to Him Most High, and judge according to it." Abu Muhammed said: This is false and fabricated. How does the practitioner of analogy know, when he likens the various possibilities to one another, which is most beloved to Allah, Mighty and Majestic, or which is nearest to Him? Yet this is something they assert with certainty, although no one with any share of knowledge would assert it with certainty. Then there is his statement, "Turn to whichever of them most resembles the truth." We know only truth or falsehood; thus whatever resembles the truth must necessarily be either true or false. It is unlawful to judge according to falsehood; and if it is true, it is impermissible to say of the truth that, among its class and its counterparts, it most resembles the truth. Rather, one says of the truth that it is unquestionably true, and it is

وإن شئت فتأخر، ولا أرى التأخر إلا خيرا لك، والسلام. قال أبو محمد: وهذا ترك الحكم بالقياس جملة، واختيار عمر لترك الحكم إذا لم يجد المرء تلك النازلة في كتاب ولا سنة ولا إجماع، فسقطت الرواية عن عمر في الأمر بالقياس، لسقوط راويها. ولوجه ثان ضروري مبين لكذب تلك الرسالة، وأنها موضوعة بلا شك، وهو اللفظ الذي فيها، ثم اعمد لأشبهها بالحق وأقربها إلى الله عز وجل، وأحبها إليه تعالى فاقض به. قال أبو محمد: وهذا باطل موضوع: وما يدري القايس إذا شبهت الوجوه أيها أحب إلى الله عز وجل، أو أيها أقرب إليه؟ وهذا ما يقطعون به، ولا يقطع به أحد له حظ من علم. ثم قوله: اعمد إلى أشبهها بالحق، ولا نعلم إلا حقا أو باطلا، فما أشبه الحق فلا يخلو من أن يكون حقا أو باطلا، فالباطل لا يحل الحكم به، وإن كان حقا فلا يجوز أن يقال في الحق إنه أشبه طبقته ونظرائه بالحق، ولكن يقال في الحق إنه حق بلا شك، ولا يجوز أن يقال فيه يشبه الحق، فصح أن القياس باطل بلا شك، وبطلت تلك الرسالة بلا شك. وبالله تعالى التوفيق. فإن قال قائل: افتقطعون في خبر الواحد العدل أنه حق إذا قضيتم به أم تقولون: إنه باطل، أم تقولون: إنه يشبه الحق، وهذا نفس ما دخلتم علينا؟. قال أبو محمد: والجواب، وبالله التوفيق: إن خبر الواحد العدل المتصل، وشهادة العدلين حق عند الله عز وجل، مقطوع به، إلا أننا نحن نقول: إن كل خبر صح مسندا بنقل من اتفق على عدالته، فهو حق عند الله، بخلاف الشهادات، وقال غيرنا: إن كل شخص من أشخاص الأخبار وأشخاص الشهادات، إما حق عند الله فهو حق مطلق، وإما باطل عند الله فهو باطل مطلق. ولا يجوز أن يقال: إنه يشبه الحق، ولا إنه أشبه بالحق من غيره، ولسنا نوقفهم في هذه المراجعة على مذهبهم في أشخاص القياس، وإنما نتكلم على ما رووا عن عمر من لفظ، أشبهها بالحق، فعلى هذه اللفظة تكلمنا، وفسادها بينا لنرى بعون الله كذب الرواية في ذلك عن عمر. وأما: ولا أحسب كل شيء إلا مثله فحدثنا عبد الله بن يوسف بن نامي،

impermissible to say that it resembles the truth. Thus analogy is established to be unquestionably invalid, and that letter is unquestionably invalidated. Success comes through Allah Most High. If someone says, "When you judge according to a report from a single upright transmitter, do you assert with certainty that it is true, or do you say that it is false, or do you say that it resembles the truth? This is precisely the objection you have brought against us." Abu Muhammed said: The answer —and success comes through Allah—is that a report from a single upright transmitter with a connected chain of transmission, and the testimony of two upright witnesses, are true in the sight of Allah, Mighty and Majestic, with certainty. However, we ourselves maintain that every report authentically established with a chain of transmission through the transmission of someone whose uprightness is agreed upon is true in the sight of Allah, unlike witness testimonies. Others maintain that every individual instance of a report or a witness testimony is either true in the sight of Allah, in which case it is true without qualification, or false in the sight of Allah, in which case it is false without qualification. It is impermissible to say that it resembles the truth or that it resembles the truth more than something else does. In this exchange, we are not confronting them with their doctrine concerning individual instances of analogy. We are discussing only the expression they transmit from Umar: "whichever of them most resembles the truth." It is this expression that we have discussed and whose invalidity we have explained, so that, with Allah's help, we may see the falsehood of the report attributing this to Umar. As for "I consider everything to be nothing other than like it," Abd Allah ibn Yusuf ibn Nami related to us: Ahmad ibn Fath related to us; Abd al-Wahhab ibn Isa related to us; Ahmad ibn Muhammed al-Ashqar related to us; Ahmad ibn Ali al-Qalansi related to us; Muslim related to us; Qutayba related to us; Hammad—that is, Ibn Zayd—related to us, from Umar ibn Dinar, from Tawus, from Ibn Abbas, that the Messenger of Allah ﷺ said: "Whoever purchases food must not sell it until he has received it in full." Ibn Abbas said: "I consider everything to be like it." Abu Muhammed said: They have no authoritative proof in this, because many proponents of analogy do not accept this position and do not consider things other than food to fall under the ruling governing food in this matter. Rather, they hold that anything other than food may

ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد الأشقر، ثنا أحمد بن علي القلانسي، ثنا مسلم، ثنا قتيبة، ثنا حماد وهو ابن زيد عن عمر بن دينار عن طاوس عن ابن عباسأن رسول الله صلى الله عليه وسلم قال من ابتاع طعاما فلا يبعه حتى يستوفيه قال ابن عباس: واحسب كل شيء مثله. قال أبو محمد: ولا حجة لهم في هذا، لأن كثيرا من أصحاب القياس لا يقولون بهذا، ولا يرون غير الطعام داخلا في حكم الطعام في ذلك، بل يرون ما عدا الطعام جائز بيعه قبل أن يستوفى، وهذا قول المالكيين، فمن المحال أن يحتج امرؤ بشيء يقر أنه خطأ لا يجوز أن يؤخذ به. وأيضا فإن ابن عباس لم يقطع بصحة ظنه في ذلك، وإنما أخبر أنه يحسب كل شيء مثل الطعام في ذلك، وهذا هو الذي قلنا عنهم رضي الله عنهم: إنهم لا يقطعون برأيهم فيما رأوه، وإنما هو ظن لا يثبتونه دينا، وليس حكم القياس عند القائلين به من باب الحسبان الذي ذكره ابن عباس في هذا الحديث، فصح يقينا أنه لا مدخل للقياس في هذا الحديث، فاحتجاجهم به باطل، وبالله تعالى التوفيق. وأما: لو لم تعتبروا ذلك إلا بالأصابع لحدثناه حمام بن أحمد، ثنا محمد بن أبي مفرج، ثنا ابن الأعرابي، ثنا أبو يعقوب الدبري، ثنا عبد الرزاق، ثنا مالك، عن داود بن الحصين، عن أبي غطفان، أن مروان أرسله إلى ابن عباس يسأله: ماذا جعل في الضرس، قال: فيه خمس من الإبل، قال: فردني إلى ابن عباس: فقال: أتجعل مقدم الفم مثل الأضراس، فقال ابن عباس: لو أنك لا تعتبر ذلك إلا بالأصابع عقلها سواء.

lawfully be sold before it has been received in full. This is the position of the Malikis. It is therefore absurd for someone to invoke as proof something he acknowledges to be erroneous and impermissible to adopt. Furthermore, Ibn Abbas did not assert with certainty that his supposition in this matter was correct. He merely reported that he considered everything to be like food in this respect. This is precisely what we have said about them—may Allah be pleased with them—that they did not assert with certainty the opinions they formed. Rather, these were suppositions that they did not establish as religion. According to those who advocate analogy, a judgment reached by analogy does not belong to the category of supposition mentioned by Ibn Abbas in this report. Thus it is established with certainty that analogy has no place in this report, and their invocation of it as proof is invalid. Success comes through Allah Most High. As for "Even if you were to assess that only by reference to the fingers," Hammam ibn Ahmad related it to us: Muhammed ibn Abi Mufarrij related to us; Ibn al-Arabi related to us; Abu Yaqub al-Dabari related to us; Abd al-Razzaq related to us; Malik related to us, from Dawud ibn al-Husayn, from Abu Ghatafan, that Marwan sent him to Ibn Abbas to ask him what compensation he had prescribed for a molar. He said: "Five camels for it." He said: "He sent me back to Ibn Abbas, saying, 'Do you make the front teeth equivalent to the molars?' Ibn Abbas said: 'Even if you were to assess that only by reference to the fingers, the compensation for them is equal.'"[103]

L3158–3160 Abu Muhammed said: Analogy has absolutely no place in this. Rather, it invalidates reasoning by effective causes altogether. Marwan assigned an effective cause to the compensation, namely that it is an incidental attribute of the injured bodily member, so the compensation for the more valuable member ought to be greater. These are precisely the effective causes employed by proponents of analogy. Ibn Abbas therefore showed him the invalidity of this and the inconsistency in his position, by stating that fingers differ in

قال أبو محمد: وهذا لا مدخل للقياس فيه البتة، بل هو إبطال للتعليل جملة، لأن مروان علل الدية بأنها عرض من العضو المصاب، فينبغي أن تكون دية العضو الأفضل أكثر، وهذه هي علل أصحاب القياس على الحقيقة، فأراه ابن عباس بطلان هذا، وتناقضه في قوله: بأن الأصابع منافعها متفاضلة، وديتها سواء. وهذا إبطال العلل على الحقيقة وفي إبطال العلل إبطال للقياس، إذ لا قياس إلا على علة جامعة عند حذاق القائلين به، فهذا الحديث مبطل للقياس كما ذكرنا، وراد إلى النص، وألا يتعقب بتعليل، وبالله تعالى التوفيق، وبرهان واضح فيما ذكرنا هو أن القياس بلا خلاف، إنما هو أن يحكم لما نص فيه بالحكم فيما نص، أو فيما اختلف فيه بالحكم فيما اجتمع عليه،

[103] **Translator's note (L3155):** The introductory quotation uses a negative construction meaning "I consider everything to be nothing other than like it," whereas Ibn Abbas's wording in the ensuing report is simply "I consider everything to be like it." Both forms have been retained. The supplied chain names Umar ibn Dinar. This appears to be an error for Amr ibn Dinar; the supplied name has been retained.

their usefulness while their compensation is equal. This is an actual invalidation of effective causes; and invalidating effective causes invalidates analogy, since, according to its proficient proponents, there can be no analogy without a shared effective cause. Thus this report invalidates analogy, as we have mentioned, and directs one back to the explicit text and to refraining from subjecting it to further examination by assigning an effective cause. Success comes through Allah Most High. A clear demonstration of what we have mentioned is that analogy, without dispute, consists only in assigning to that for which there is an explicit text the ruling applying to that for which an explicit text exists, or assigning to a disputed matter the ruling applying to a matter on which there is consensus. There is no consensus concerning fingers upon which an analogy concerning molars could be based. Rather, disagreement exists concerning them just as it does concerning molars. Nor is there an explicit text concerning fingers to the exclusion of molars. Rather, disagreement exists concerning them just as it does concerning molars. Nor is there an explicit text concerning fingers to the exclusion of molars. Rather, the explicit text concerns both alike. It is therefore invalid to make fingers the original case upon which an analogy concerning molars is based. As for the disagreement concerning all of this, it is as Hammam ibn Ahmad related to us: Ibn Mufarrij related to us; Ibn al-Arabi related to us; al-Dayri related to us; Abd al-Razzaq related to us; Ibn Jurayj related to us: Yahya ibn Said—that is, al-Ansari—informed me, saying: Ibn al-Musayyab said: "Umar ibn al-Khattab adjudged five young she-camels for the teeth at the front of the mouth, in its upper and lower parts, and one camel apiece for the molars." Abd al-Razzaq also reported, from Sufyan al-Thawri, from Yahya ibn Said al-Ansari, from Said ibn al-Musayyab, that Umar ibn al-Khattab prescribed fifteen for the thumb, ten apiece for the index and middle fingers, nine for the ring finger, and seven for the little finger. Thus there is demonstrably no consensus here concerning fingers upon which the matter of teeth and molars could be based by analogy. As for the explicit text, Abd Allah ibn Rabi related to us, saying: He related to us: Umar ibn Abd al-Malik; Muhammed ibn Bakr related to us; Abu Dawud al-Sijistani related to us; Abbas ibn Abd al-Azim al-Anbari related to us; Abd al-Samad ibn Abd al-Warith al-Tannuri related to us; Shuba related to us: Qatada related to us, from Ikrima, from

وليس في الأصابع إجماع، فيقاس عليه الأضراس، بل الخلاف موجود فيها كما هو في الأضراس، وليس في الأصابع نص دون الأضراس، بل الخلاف موجود فيها كما هو في الأضراس، وليس في الأصابع نص دون الأضراس، بل النص فيهما جميعا، فبطل أن تكون الأصابع أصلا يقاس عليه الأضراس. فأما الخلاف في كل ذلك فكما حدثنا حمام بن أحمد، ثنا ابن مفرج، ثنا ابن الأعرابي، ثنا الديري، ثنا عبد الرزاق، ثنا ابن جريج، أخبرني يحيى بن سعيد هو الأنصاري قال: قال ابن المسيب قضى عمر بن الخطاب فيما أقبل من الفم أعلى الفم وأسفله خمس قلانص، وفي الأضراس بعير بعير. وقال عبد الرزاق أيضا: عن سفيان الثوري، عن يحيى بن سعيد الأنصاري، عن سعيد بن المسيب: أن عمر بن الخطاب جعل في الإبهام خمس عشرة، وفي السبابة والوسطى عشرا عشرا، وفي البنصر تسعا، وفي الخنصر سبعا. فبطل أن يكون ههنا إجماع في الأصابع يقاس عليه أمر الأسنان والأضراس. وأما النص فإن عبد الله بن ربيع ثنا قال: حدثنا عمر بن عبد الملك، ثنا محمد بن بكر، ثنا أبو داود السجستاني، ثنا عباس بن عبد العظيم العنبري، ثنا عبد الصمد بن عبد الوارث التنوري، ثنا شعبة، حدثنا قتادة عن عكرمة عن ابن عباس أن رسول الله صلى الله عليه وسلم قال الأصابع سواء والأسنان سواء الثنية والضرس سواء، هذه وهذه سواء. فصح أن النص عند ابن عباس في الأضراس، كما هو في الأصابع، بأصح إسناد وأجوده، وشعبة لم يسمع قتادة حديثا إلا فقه على سماعه، إلا حديثا واحدا في الصلاة،

Ibn Abbas, that the Messenger of Allah ﷺ said: “The fingers are equal, and the teeth are equal. The incisor and the molar are equal. This one and this one are equal.” Thus it is established, through the soundest and finest chain of transmission, that Ibn Abbas possessed an explicit text concerning molars just as he did concerning fingers. Shuba did not hear a single report from Qatada without ascertaining that he had heard it, except for one report concerning prayer.[104][105][106]

L3161 Thus it is altogether disproved that Ibn Abbas intended any analogy by his statement, “Even if you did not assess that by comparison with the fingers.”

L3162–3164 And through Allah Most High comes success. Indeed, Amr ibn Shuayb also transmitted the equal treatment of molars and other teeth, and of fingers, from his father, from his grandfather, with a chain reaching the Prophet; it also appears in the document of Amr ibn Hazm. Thus their supposition is disproved with certainty. Praise be to Allah, Lord of all worlds. As for “Consider if he applied oil,” Hammam ibn Ahmad related it to us: Ibn Mufarrij related to us: Ibn al-Arabi related to us: al-Diri related to us: Abd al-Razzaq related to us, from Mamar, from Jafar ibn Yarqan, who said: Abu Hurayra used to perform ablution after consuming anything that fire had touched. This reached Ibn Abbas, who sent him the following message: “Consider: if I took some fragrant oil and anointed my beard with it, would I have to

[104]**Translator’s note (L3158):** The supplied wording calls compensation an “incidental attribute” (ʿaraḍ) of the injured member. This is awkward in context and may be a corruption of ʿiwaḍ, “compensation” or “substitute.” The supplied reading has been retained.

[105]**Translator’s note (L3159):** Read together with the preceding unit, the supplied text defines analogy as assigning a ruling to something “for which there is an explicit text.” The argument appears to require “for which there is no explicit text,” but the negative is absent and has not been supplied. The passage repeats the statements about disagreement and the absence of a text concerning fingers alone. The repetition has been retained. The supplied word for “young she-camels” is qalāniṣ, apparently an erroneous form of qalāʾiṣ. The final transmission formula is redundant and awkward in the supplied text; both occurrences of “related to us” have been retained.

[106]**Translator’s note (L3160):** The wording translated as “without ascertaining that he had heard it” is compressed and awkward. It apparently means that Shuba verified Qatada’s direct hearing of each report from his source, with the stated exception. The supplied transmitter’s epithet is al-Tannuri; it has been retained rather than silently normalized.

فبطل أن يكون ابن عباس أراد بقوله: ولو لم تعتبروا ذلك، بالأصابع، قياسا البتة،

وبالله تعالى التوفيق. نعم: قد روى التسوية أيضا بين الأضراس والأسنان، وبين الأصابع، عمرو بن شعيب، عن أبيه، عن جده مسندا: وفي كتاب عمرو بن حزم أيضا فبطل ما ظنوه بيقين، والحمد لله رب العالمين. وأما: أرأيت لو ادهن فحدثناه حمام بن أحمد، حدثنا ابن مفرج، حدثنا ابن الأعرابي، حدثنا الديري، حدثنا عبد الرزاق، عن معمر، عن جعفر بن يرقان قال: كان أبو هريرة يتوضأ مما مست النار، فبلغ ذلك ابن عباس فأرسل إليه: أرأيت لو أخذت دهنة طيبة فدهنت بها لحيتي أكنت متوضئا؟ قال أبو هريرة يا ابن أخي إذا حدثت بالحديث عن النبي صلى الله عليه وسلم فلا تضرب له الأمثال جدلا قال أبو محمد وليس ههنا للقياس مدخل البتة بوجه من الوجوه وابن عباس قد روى عن النبي صلى الله عليه وسلم أنه شاهده أكل شيئا مما مست النار فلم يتوضأ، وهذا الحديث عنه مشهور، فلم يترك ابن عباس الوضوء مما مست النار قياسا، لكن اتباعا للنص، وإنما عارض أبا هريرة بأمر الدهن في هذا الحديث ليعلم: أيطرد أبو هريرة قوله، أم لا يرى الوضوء من الدهن فقط، فإنما هو استفهام عن مذهب أبي هريرة في الدهن: أيوجب الوضوء أم لا؟ ليس في هذا الحديث شيء غير هذا البتة، ولكن في قول أبي هريرة إذا حدثت بالحديث عن النبي صلى الله عليه وسلم فلا تضرب له الأمثال جدلا إبطال صحيح للقياس، لأن القياس ضرب أمثال

perform ablution?" Abu Hurayra said: "My brother's son, when I relate a report from the Prophet ﷺ, do not set examples against it for the sake of disputation." Abu Muhammed said: Analogy has absolutely no place here, in any respect whatsoever. Ibn Abbas himself transmitted from the Prophet ﷺ that he witnessed him eat something that fire had touched without subsequently performing ablution. This report from him is well known. Thus Ibn Abbas did not forgo ablution after consuming what fire had touched on the basis of analogy, but in adherence to the explicit text. He challenged Abu Hurayra with the matter of oil in this report only to ascertain whether Abu Hurayra would apply his statement consistently or whether he merely did not consider oil to require ablution. It is simply an inquiry into Abu Hurayra's position on oil: does it necessitate ablution or not? There is absolutely nothing else in this report. Yet Abu Hurayra's statement, "When I relate a report from the Prophet ﷺ, do not set examples against it for the sake of disputation," constitutes a sound refutation of analogy, because analogy consists of setting forth examples in religion for which Allah Most High has given no authorization. Abu Hurayra prohibited that and instructed him to follow the report and submit to it. Thus this report is evidence against them, not for them. What is soundly transmitted from Ibn Abbas is the rejection of analogy, as will be mentioned hereafter, if Allah Most High wills. As for "Do fresh dates diminish when they dry?", Ahmad ibn Muhammed al-Jasur related it to us: Ahmad ibn Said ibn Hazm related to us: Ubayd Allah ibn Yahya related to us: my father related to us, from Malik ibn Anas, from Abd Allah ibn Zayd, that Zayd Abu Ayyash informed him that he asked Sad ibn Abi Waqqas about exchanging white wheat for hulless barley. Sad said to him: "Which of the two is better?" He replied: "The white wheat." He therefore forbade him to do that and said: "I heard the Messenger of Allah ﷺ being asked about purchasing dried dates in exchange for fresh dates. He ﷺ said: 'Do fresh dates diminish when they dry?'"[107][108]

في الدين لم يأذن بها الله تعالى. وقد نهى أبو هريرة عن ذلك، وأمره باتباع الحديث والتسليم له، فهذا الحديث عليهم لا لهم، والصحيح عن ابن عباس إبطال القياس، على ما ذكر بعد هذا إن شاء الله تعالى. وأما: أينقص الرطب إذا يبس فحدثناه أحمد بن محمد الجسور، نا أحمد بن سعيد بن حزم، نا عبيد الله بن يحيى، نا أبي عن مالك بن أنس، عن عبد الله بن زيد، أن زيدا أبا عياش أخبره: أنه سأل سعد بن أبي وقاص عن البيضاء بالسلت. قال له سعد: أيتهما أفضل؟ فقال: البيضاء فنهاه عن ذلك وقال سمعت رسول الله صلى الله عليه وسلم يسأل عن اشتراء التمر بالرطب فقال صلى الله عليه وسلم أينقص الرطب إذا يبس

[107] **Translator's note (L3162):** The transmitter's name is written "Jafar ibn Yarqan" in the supplied text and is retained as written.

[108] **Translator's note (L3163):** "White wheat" renders al-bayda, literally "the white"; the precise grain intended is not specified in this passage. "Hulless barley" renders sult, a grain designation also associated with grain resembling both wheat and barley.

They said: "Yes." He therefore forbade him to do that. Abu Muhammed said: The first point here is that this report is not authentic, because Zayd Abu Ayyash is an unknown transmitter.

Discussion of it is therefore dispensed with. Furthermore, even if it were authentic, they would have no proof in it, because all the proponents of analogy, from first to last, neither regard this as analogy nor prohibit exchanging white wheat for hulless barley. It is therefore absurd for people to adduce as proof something they do not themselves accept. Furthermore, this is not analogy according to those who advocate it, because it draws a parallel between the superior kind and something that diminishes when it dries. This is no resemblance whatsoever according to those who advocate analogy. Their reliance upon this transmitted report therefore falls away. Praise be to Allah, Lord of all worlds. As for "I fear that it may resemble it," Abd Allah ibn Yusuf ibn Nami related it to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim related to us: Abu al-Tahir related to me: Ibn Wahb informed me, from Amr ibn al-Harith, that Abu al-Nadr related to him that Busr ibn Said related to him, from Mamar ibn Abd Allah, that he sent his servant with a sa of wheat and said: "Sell it, then buy barley with its proceeds." The servant went and obtained a sa and an additional fraction of a sa. When he came to Mamar, he informed him of this. Mamar said to him: "Why did you do that? Go and return it, and take only an equal quantity for an equal quantity, for I used to hear the Messenger of Allah ﷺ say: 'Food for food, an equal quantity for an equal quantity.' Our food at that time was barley." He was told: "It is not the same as it." He said: "I fear that it may resemble it." Abu Muhammed said: They have no proof in this whatsoever. It is merely an act of scrupulous caution on the part of Mamar ibn Abd Allah, neither an imposition of an obligation nor a definitive assertion on his part. This is made clear by Mamar's statement that he feared it might resemble it: he did not assert definitively that it did resemble it. Furthermore, the Hanafis and Shafiis do not accept this position; they permit exchanging wheat for barley in unequal quantities. There is therefore no justification for a person's adducing as proof something he

فقالوا نعم فنهاه عن ذلك. قال أبو محمد: فأول هذا إن هذا خبر لا يصح، لأن زيدا أبا عياش مجهول،

فارتفع الكلام فيه، وأيضا فلو صح لما كانت لهم فيه حجة، لأن جميع أصحاب القياس، أولهم عن آخرهم، لا يرون هذا قياسا ولا يمنعون من البيضاء بالسلت فمحال أن يحتج قوم بما لا يقولون به. وأيضا فإن هذا ليس قياسا عند القائلين به، لأنه تنظير للأفضل بما ينقص إذا يبس، وهذا ليس شبها البتة، عند من يقول بالقياس، فسقط تعلقهم بهذا الأثر، والحمد لله رب العالمين. وأما: أخاف أن يضارع فحدثناه عبد الله بن يوسف بن نامي، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم، حدثني أبو الطاهر، أخبرني ابن وهب، عن عمرو بن الحارث أن أبا النضر حدثه أن بسر بن سعيد حدثه عن معمر بن عبد الله: أنه أرسل غلامه بصاع قمح، فقال: بعه ثم اشتر به شعيرا، فذهب الغلام فأخذ صاعا وزيادة بعض صاع، فلما جاء معمرا أخبره بذلك. فقال له معمر: لم فعلت ذلك؟ انطلق فرده، ولا تأخذ إلا مثلا بمثل فإني كنت أسمع رسول الله صلى الله عليه وسلم يقول الطعام بالطعام مثلا بمثل وكان طعامنا يومئذ الشعير، فقيل: إنه ليس بمثله؟ قال: إني أخاف أن يضارع. قال أبو محمد: وهذا لا حجة لهم فيه أصلا، وإنما هو تورع من معمر بن عبد الله، لا إيجاب، ولا أنه قطع بذلك. وبيان ذلك: إخبار معمر بأنه يخاف أن يضارع، ولم يقطع بأنه يضارع، وأيضا فإن الحنفيين والشافعيين لا يقولون بهذا، وهم يجيزون القمح بالشعير متفاضلا، فلا وجه لاحتجاج المرء بما لا يراه صحيحا، ولا ممن يخطىء ويصيب ممن لا يلزم اتباعه. ولعل من جهل يظن أن احتجاجنا بمن دون النبي صلى الله عليه وسلم هو أننا نرى من دونه صلى الله عليه وسلم حجة لازمة فليعلم من ظن ذلك أن ظنه كذب وأننا لا نورد قولا عمن دون النبي صلى الله عليه وسلم إلا على أحد وجهين لا

does not regard as sound, nor for adducing as proof someone who errs and is right and whom one is not obliged to follow. Perhaps an ignorant person supposes that our adducing as proof someone other than the Prophet ﷺ means that we regard someone other than him ﷺ as a binding authority. Let anyone who supposes that know that his supposition is false, and that we cite no statement from anyone other than the Prophet ﷺ except for one of two purposes, with no third: either out of concern that an ignorant person may accuse us of contravening consensus, so that we show him his falsehood, the unsoundness of his suppositions, and that there is no consensus on the matter in which he supposed there was consensus; or to show someone who adduces as proof a person other than the Prophet ﷺ that the very person he adduces as proof disagrees with him, thereby making him recognize his contradiction in opposing someone he regards as an authority.[109][110]

ثالث لهما إما خوف جاهل يدعي علينا خلاف الإجماع، فنريه كذبه، وفساد ظنونه، وأنه لا إجماع فيما ظن فيه إجماعا وإما لنرى من يحتج بمن دون النبي صلى الله عليه وسلم أن الذي يحتج به مخالف له فنوقفه علي تناقضا في أنه يخالف من يراه حجة.

L3169–3171 There is one exception: the ruling of the two adjudicators concerning compensation for game. We cite that ruling as proof because of the statement of Allah Most High: {O you who have believed, do not kill game while you are in a state of consecration. Whoever among you kills it deliberately must recompense it with livestock equivalent to what he killed, as adjudged by two just men from among you, as an offering reaching the Kaaba; or make expiation by feeding poor people, or the equivalent of that in fasting, so that he may taste the evil consequence of his deed. Allah has pardoned what is past. Whoever repeats it, Allah will take vengeance upon him. Allah is mighty, possessed of vengeance.} Allah, mighty and majestic, has thus obliged us here to accept the judgment of the two just men. We therefore cite the statement of two just men among the early generations, may Allah be pleased with them, as proof on the authority of their statement, because Allah Most High has made that obligatory. As for the report, "Which is more deserving?", Ibn

حاشا موضعا واحدا، وهو حكم الحكمين بجزاء الصيد، فإننا نورده احتجاجا به لقول الله تعالى {يأيها لذين آمنوا لا تقتلوا لصيد وأنتم حرم ومن قتله منكم متعمدا فجزآء مثل ما قتل من لنعم يحكم به ذوا عدل منكم هديا بالغ لكعبة أو كفارة طعام مساكين أو عدل ذلك صياما ليذوق وبال أمره عفا لله عما سلف ومن عاد فينتقم لله منه ولله عزيز ذو نتقام} فألزمنا الله عز وجل قبول العدلين ههنا، فنحن نورد قول العدلين من السلف رضي الله عنهم، احتجاجا بقولهما، لأن الله تعالى أوجب ذلك. وأما حديث: أيما أولى؟ فحدثناهابن نامي، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم بن الحجاج، نا إسحاق بن إبراهيم، أنا عبد الأعلى، أنا داود، عن أبي نضر قال: سألت ابن عمر وابن عباس عن الصرف فلم ير بأسا، فإني لقاعد عند أبي سعيد الخدري إذ جاءه رجل فسأله عن الصرف فقال: ما زاد فهو ربا. فأنكرت ذلك لقولهما فقال لا أحدثك إلا ما سمعت من رسول الله صلى الله عليه وسلم جاءه صاحب نخلة بصاع من تمر جنيب وكان تمر النبي صلى الله عليه وسلم غير هذا اللون فقال النبي صلى الله عليه وسلم أنى لك هذا قال انطلقت بصاعين

[109] **Translator's note (L3166):** A sa is a measure of capacity. The object of "resemble it" is left unstated in the Arabic; the surrounding discussion concerns whether this exchange resembles a prohibited exchange.

[110] **Translator's note (L3168):** The phrase rendered "making him recognize his contradiction" is grammatically corrupt as supplied: fa-nuqifuhu ala tanaqudan. The translation follows its apparent sense without treating the transmitted wording as grammatically regular.

Nami related it to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Ishaq ibn Ibrahim related to us: Abd al-Ala informed us: Dawud informed us, from Abu Nadr, who said: I asked Ibn Umar and Ibn Abbas about currency exchange, and they saw no harm in it. I was sitting with Abu Said al-Khudri when a man came to him and asked him about currency exchange. He said: "Whatever is in excess is usury." I objected to that because of what those two had said. He replied: "I shall relate to you only what I heard from the Messenger of Allah ﷺ. The owner of a date palm came to him with a sa of janib dates, while the Prophet's ﷺ dates were of a different variety. The Prophet ﷺ said: "'Where did you get this?' He said: 'I went with two sas and purchased this one sa with them, for the market price of this is such-and-such, and the price of that is such-and-such.' The Messenger of Allah ﷺ said: 'Woe to you! Consider: when you want to do that, sell dates for a commodity, then use your commodity to buy whatever dates you wish.'" Abu Said said: "Dates for dates are more deserving of being usury. As for silver for silver—" Abu Muhammed said: This is not analogy, because Abu Said al-Khudri possessed a prohibition transmitted from the Prophet ﷺ against unequal quantities in an exchange of silver for silver, as we have related. And through the aforementioned chain to Muslim: Muhammed ibn Rumh related to us: al-Layth ibn Sad related to us, from Nafi the client of Ibn ʿUmar, who said: Ibn ʿUmar went, with me accompanying him, until he entered upon Abu Saʿid al-Khudri. He then mentioned Ibn ʿUmar's question to Abu Saʿid about currency exchange. Abu Saʿid pointed with his finger to his eyes and ears and said: "My two eyes saw, and my two ears heard, the Messenger of Allah, may Allah bless him and grant him peace ﷺ, saying: 'Do not sell gold for gold, and do not sell silver for silver, except like for like, and do not make some of it exceed the other.'" He then related the hadith. Through the same chain to Muslim: Abu Bakr ibn Abi Shaybah related to us; Wakiʿ related to us; Ismaʿil ibn Muslim al-ʿAbdi related to us; al-Mutawakkil al-Naji, from Abu Saʿid al-Khudri, who said: The Messenger of Allah, may Allah bless him and grant him peace ﷺ, said: "Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, and salt for salt, like for like. Whoever gives an excess and

واشتريت به هذا الصاع، فإن سعر هذا في السوق كذا وسعر هذا كذا فقال رسول الله صلى الله عليه وسلم ويلك أرأيت إذا أردت ذلك فبع تمرا بسلعة ثم اشتر بسلعتك أي تمر شئت قال أبو سعيد: فالتمر بالتمر أحق أن يكون ربا أما الفضة بالفضة؟. قال أبو محمد: وهذا ليس قياسا، لأن النهي عن التفاضل في الفضة بالفضة عند أبي سعيد الخدري عن النبي صلى الله عليه وسلم كما روينا وبالسند المذكور إلى مسلم حدثنا محمد بن رمح: ثنا الليث بن سعد، عن نافع مولى ابن عمر قال: ذهب ابن عمر وأنا معه حتى دخل على أبي سعيد الخدري، فذكر سؤال ابن عمر لأبي سعيد عن الصرف، فقال أبو سعيد وأشار بأصبعه إلى عينيه وأذنيه فقال أبصرت عيناني وسمعت أذناي رسول الله صلى الله عليه وسلم يقول لا تبيعوا الذهب بالذهب ولا تبيعوا الورق بالورق إلا مثلا بمثل ولا تفشوا بعضه على بعض وذكر الحديث. وبه إلى مسلم: حدثنا أبو بكر بن أبي شيبة، نا وكيع، نا إسماعيل بن مسلم العبدي المتوكل الناجي عن أبي سعيد الخدري قال قال رسول الله صلى الله عليه وسلم الذهب بالذهب والفضة بالفضة والبر بالبر، والشعير بالشعير، والتمر بالتمر، والملح بالملح مثلا بمثل فمن زاد واستزاد فقد أربى، الآخذ والمعطي فيه سواء.

seeks an excess has engaged in usury; the recipient and the giver are equal in this."[111][112][113][114]

L3172–3177 Abu Muhammed said: It is manifestly impossible that Abu Saʿid should possess the Prophet's prohibition of silver for silver except like for like, heard directly in the words of the Prophet, may Allah bless him and grant him peace, yet rely on analogy to establish its prohibition. It is therefore established that analogy has absolutely no part in this report. For analogy, according to those who advocate it, is simply a ruling concerning something for which there is no explicit text, corresponding to the ruling concerning its counterpart for which an explicit text has been transmitted. Abu Saʿid had heard the explicit text concerning silver for silver, just as he had concerning dates for dates. Thus, by the necessary implications of the advocates of analogy's own admission, it is untenable that either of these two matters should, for him, have been established by analogy with the other. If it is said, "What, then, is the explanation of Abu Saʿid's statement? That is the question," we say—and success comes through Allah Most High—that we have no doubt that Abu Nadrah distorted Abu Saʿid's wording and omitted from it something without which the meaning cannot stand. He did the same at the beginning of this very hadith, in his statement: "I asked Ibn ʿAbbas and Ibn ʿUmar about currency exchange, and they saw no harm in it." This is an obscured

قال أبو محمد فمن المحال البين أن يكون نهى النبي صلى الله عليه وسلم عن الفضة بالفضة إلا مثلا بمثل عند أبي سعيد سماعا من لفظ النبي صلى الله عليه وسلم ويعول في تحريمه على القياس فصح أن هذا الأثر لا مدخل للقياس فيه أصلا، لأن القياس عند القائلين به، إنما هو: حكم في شيء ولا نص فيه، على نحو الحكم في نظيره، مما جاء فيه النص، والنص عند أبي سعيد مسموع في الفضة بالفضة، كما هو في التمر بالتمر، فبطل ضرورة إقرار أصحاب القياس أن يكون أحد الأمرين عنده قياسا على الآخر. فإن قيل: فما وجه قول أبي سعيد إذن هو القول، فنقول وبالله تعالى التوفيق: إننا لا نشك أن أبا نضرة مسخ لفظ أبي سعيد، وحذف منه ما لا يقوم المعنى إلا به. كما فعل في صدر هذا الحديث نفسه، من قوله: سألت ابن عباس وابن عمر عن الصرف فلم يريا به بأسا، وهذا كلام مطموس، لأن الصرف لا بأس به عند كل أحد من الأمة، إذا كان على ما جاء به النص، من التماثل والتعاقد في الفضة بالفضة وفي الذهب بالذهب، ومن التفاضل والتناقد في الذهب بالفضة، فطمس أبو نضرة كل هذا. وكذلك فعل بلا شك في كلام أبي سعيد، ولا يجوز غير هذا أصلا، إذ من الباطل أن يروي من هو أوثق من أبي نضرة عن أبي سعيد أنه سمع النبي صلى الله عليه وسلم يوجب أن التفاضل في الفضة بالفضة ربا ثم لا يعول أبو سعيد في تحريم ذلك إلا على تحريم التمر بالتمر متفاضلا، هذا ما لا يدخل في عقل أحد. وجميع أصحاب القياس لا يجوزون هذا القياس، ولا يدخلون الصفر بالصفر، قياسا على الربا في التمر بالتمر، فبطل تعلقهم بهذا الخبر جملة والحمد لله رب العالمين، وبالله تعالى نعتصم. وأما: سكر هذى فحدثناه حمام بن أحمد، ثنا ابن مفرج، ثنا ابن الأعرابي، ثنا الدبري، نا عبد الرزاق، عن معمر، عن أيوب السختياني، عن عكرمة، أن عمر بن الخطاب شاور الناس في حد الخمر، وقال: إن الناس قد شربوها واجترؤوا عليها، فقال له علي: إن

[111] **Translator's note (L3169):** The Quranic quotation, from 5:95, contains numerous missing initial alifs in the supplied transcription. These spelling defects do not yield a distinct translatable wording here. Janib denotes a select variety or quality of dates; its precise identification is not supplied. The source uses a singular verb in "they saw no harm in it" although both Ibn Umar and Ibn Abbas have been named.

[112] **Translator's note (L3170):** Abu Said's concluding comparison is awkward as supplied: "Dates for dates are more deserving of being usury. As for silver for silver." The word amma ordinarily introduces "as for," leaving the construction incomplete here; the translation preserves this difficulty rather than silently replacing it with a comparative expression.

[113] **Translator's note (L3171):** The supplied transmission chain places "al-Mutawakkil al-Naji" directly after "Ismaʿil ibn Muslim al-ʿAbdi," without a connecting transmission formula. This apparent omission has not been silently repaired. The supplied verb rendered "make … exceed" is tafshū, literally suggesting spreading or making widespread, rather than the expected verb for giving an excess. The contextual rendering is uncertain.

[114] **Qur'an references (L3169):** Qur'an 5:95 (Al-Ma'idah).

statement, because everyone in the community holds that there is no harm in currency exchange when it accords with what the explicit text prescribes: equality and contracting in silver for silver and gold for gold, and unequal quantities and immediate reciprocal payment in gold for silver. Abu Nadrah effaced all this, and he undoubtedly did the same with Abu Saʿid's words. No other explanation is admissible at all. For it is absurd that someone more trustworthy than Abu Nadrah should relate from Abu Saʿid that he heard the Prophet, may Allah bless him and grant him peace ﷺ, declare that inequality in silver for silver is usury, and that Abu Saʿid should then rely, in prohibiting that, solely on the prohibition of exchanging dates for dates in unequal quantities. This is something no one's reason can accept. All the advocates of analogy disallow this analogy, and they do not bring brass for brass within the prohibition by analogy with usury in dates for dates. Their appeal to this report is therefore entirely invalid. Praise belongs to Allah, Lord of the worlds, and in Allah Most High we seek protection. As for "became intoxicated, he spoke deliriously," Hammam ibn Ahmad related it to us: Ibn Mufarrij related to us; Ibn al-Aʿrabi related to us; al-Dabari related to us; ʿAbd al-Razzaq related to us, from Maʿmar, from Ayyub al-Sakhtiyani, from ʿIkrimah: ʿUmar ibn al-Khattab consulted the people concerning the prescribed punishment for wine and said: "The people have drunk it and grown bold about it." ʿAli said to him: "When the intoxicated man becomes intoxicated, he speaks deliriously; and when he speaks deliriously, he makes false accusations. So make its punishment the prescribed punishment for false accusation." ʿUmar accordingly made it the prescribed punishment for false accusation: eighty lashes. Ahmad ibn Muhammed ibn al-Jasur also related it to us: Ahmad ibn Saʿid ibn Hazm related to us; ʿUbayd Allah ibn Yahya ibn Yahya related to us; my father related to us; Malik related to us, from Thawr ibn Zayd al-Dili: ʿUmar ibn al-Khattab sought advice concerning a man's drinking wine. ʿAli ibn Abi Talib said to him: "We consider that we should flog him eighty lashes, for when he drinks, he becomes intoxicated; when he becomes intoxicated, he speaks deliriously; and when he speaks deliriously, he makes false accusations"—or words to that effect. So ʿUmar administered eighty lashes for wine. Muhammed ibn Saʿid ibn Nabat related it to us: ʿAbd Allah ibn Nasr related to us; Qasim ibn Asbagh related to us;

السكران إذا سكر هذى، وإذا هذى افترى، فاجعله حد الفرية فجعله عمر حد الفرية ثمانين. وحدثناه أيضا أحمد بن محمد بن الجسور، ثنا أحمد بن سعيد بن حزم، ثنا عبيد الله بن يحيى بن يحيى، ثنا أبي، ثنا مالك، عن ثور بن زيد الديلي: أن عمر بن الخطاب استشار في الخمر يشربها الرجل، فقال له علي بن أبي طالب: نرى أن نجلده ثمانين، فإنه إذا شرب سكر، وإذا سكر هذى، وإذا هذى افترى، أو كما قال، فجلد عمر في الخمر ثمانين. حدثناه محمد بن سعيد بن نبات، ثنا عبد الله بن نصر، نا قاسم بن أصبغ، ثنا ابن وضاح، نا موسى بن معاوية، نا وكيع، نا ابن أبي خالد، عن عامر الشعبي قال: استشارهم عمر في الخمر، فقال عبد الرحمن بن عوف: هذا رجل افترى على القرآن رأى أن تجلده ثمانين. حدثنا عبد الله بن ربيع التميمي، نا عبد الله بن محمد بن عثمان الأسدي، ثنا أحمد بن خالد، نا عبد الله بن عبد العزيز، نا الحجاج بن المنهال، نا حماد بن سلمة، عن عطاء بن السائب، عن محارب بن دثار إن ناسا من أصحاب رسول الله صلى الله عليه وسلم شربوا الخمر بالشام وإن يزيد بن أبي سفيان كتب فيهم إلى عمر فذكر الحديث، وفيه: إنهم احتجوا على عمر بقول الله تعالى {ليس على لذين آمنوا وعملوا لصالحات جناح فيما طعموا إذا ما تقوا وآمنوا وعملوا الصالحات ثم اتقوا وآمنوا ثم اتقوا وأحسنوا ولله يحب لمحسنين} فشاور فيهم الناس فقال لعلي ماذا ترى؟ فقال: أرى قد شرعوا في دين الله تعالى ما لم يأذن به الله تعالى، فإن زعموا أنها حلال فاقتلهم، فإنهم قد أحلوا ما حرم الله، وإن زعموا أنها حرام فاجلدهم ثمانين ثمانين، فقد افتروا على الله الكذب، وقد أخبر الله تعالى بحد ما يفتري به بعضنا على بعض. حدثنا عبد الله بن ربيع، نا محمد بن معاوية، نا أحمد بن شعيب، نا محمد بن عبد الله بن عبد الرحيم البرقي، ثنا سعيد بن عفير، ثنا يحيى بن فليح بن سليمان المدني، عن ثور بن زيد، عن عكرمة، عن ابن عباس أن الشراب كانوا يضربون في عهد رسول

Ibn Waddah related to us; Musa ibn Muʿawiyah related to us; Wakiʿ related to us; Ibn Abi Khalid related to us, from ʿAmir al-Shaʿbi, who said: ʿUmar consulted them concerning wine. ʿAbd al-Rahman ibn ʿAwf said: "This is a man who has fabricated a falsehood against the Quran. The opinion is that you should flog him eighty lashes." ʿAbd Allah ibn Rabiʿ al-Tamimi related to us; ʿAbd Allah ibn Muhammed ibn ʿUthman al-Asadi related to us; Ahmad ibn Khalid related to us; ʿAbd Allah ibn ʿAbd al-ʿAziz related to us; al-Hajjaj ibn al-Minhal related to us; Hammad ibn Salamah related to us, from ʿAtaʾ ibn al-Saʾib, from Muharib ibn Dithar: Some of the Companions of the Messenger of Allah, may Allah bless him and grant him peace ﷺ, drank wine in Syria, and Yazid ibn Abi Sufyan wrote to ʿUmar about them. He then related the hadith, which includes their arguing before ʿUmar on the basis of Allah Most High's statement: "There is no blame upon those who believe and perform righteous deeds for what they have consumed, provided that they are mindful of Allah and believe and perform righteous deeds, then are mindful of Allah and believe, then are mindful of Allah and do good; and Allah loves those who do good." He consulted the people about them and said to ʿAli: "What do you think?" He replied: "I consider that they have instituted in the religion of Allah Most High something for which Allah Most High has given no permission. If they maintain that it is lawful, kill them, for they have declared lawful what Allah has forbidden. If they maintain that it is forbidden, flog them eighty lashes each, for they have fabricated a lie against Allah, and Allah Most High has stated the prescribed punishment for the false accusations that some of us make against others." ʿAbd Allah ibn Rabiʿ related to us; Muhammed ibn Muʿawiyah related to us; Ahmad ibn Shuʿayb related to us; Muhammed ibn ʿAbd Allah ibn ʿAbd al-Rahim al-Barqi related to us; Saʿid ibn ʿUfayr related to us; Yahya ibn Fulayh ibn Sulayman al-Madani related to us, from Thawr ibn Zayd, from ʿIkrimah, from Ibn ʿAbbas: Drinkers used to be beaten with hands, sandals, and sticks in the time of the Messenger of Allah, may Allah bless him and grant him peace

الله صلى الله عليه وسلم بالأيدي والنعال والعصي حتى توفي رسول الله صلى الله عليه وسلم

ﷺ until the Messenger of Allah, may Allah bless him and grant him peace ﷺ died.[115][116][117]

L3178–3179 During Abu Bakr's caliphate they became more numerous than they had been in the time of the Messenger of Allah, may Allah bless him and grant him peace ﷺ. Abu Bakr said: "If only we were to establish a prescribed punishment for them." He therefore sought to approximate the beating they used to receive in the time of the Messenger of Allah, may Allah bless him and grant him peace ﷺ. Abu Bakr would flog them forty lashes, and continued doing so until he died. Then came ʿUmar, who likewise flogged them forty lashes, until a man from among the earliest Emigrants was brought to him, having drunk. He ordered that he be flogged. The man said: "Why are you flogging me? Between you and me stands the Book of Allah." ʿUmar said: "And where in the Book of Allah do you find that I should not flog you?"

L3180 He said to him: "Allah Most High says in His Book: 'There is no blame upon those who believe and perform righteous deeds for what they have consumed, provided that they are mindful of Allah and believe and perform righteous deeds, then are mindful of Allah and believe, then are mindful of Allah and do good; and Allah loves those who do good.' I am one of those who believe and perform righteous deeds, then are mindful of Allah and believe, then are mindful of Allah and do good. I was present with the Messenger of Allah, may Allah bless him and grant him peace ﷺ, at Badr, Uhud, the Trench, and the campaigns." ʿUmar said: "Will you not answer what he is saying?" Ibn ʿAbbas said: "These verses were revealed as an excuse for those who had

فكانوا في خلافة أبي بكر أكثر منهم في عهد رسول الله صلى الله عليه وسلم فقال أبو بكر لو فرضنا لهم حدا فتوخى نحو ما كانوا يضربون في عهد رسول الله صلى الله عليه وسلم فكان أبو بكر يجلدهم أربعين حتى توفي ثم كان عمر فجلدهم كذلك أربعين، حتى أتي برجل من المهاجرين الأولين قد شرب، فأمر به أن يجلد، فقال: لم تجلدني، بيني وبينك كتاب الله؟ فقال عمر: وفي أي كتاب الله تجد ألا أجلدك؟

قال له إن الله تعالى يقول في كتابه {ليس على لذين آمنوا وعملوا لصالحات جناح فيما طعموا إذا ما تقوا وآمنوا وعملوا الصالحات ثم اتقوا وآمنوا ثم اتقوا وأحسنوا ولله يحب لمحسنين} فأنا من الذين آمنوا وعملوا الصالحات، ثم اتقوا وآمنوا ثم اتقوا وأحسنوا شهدت مع رسول الله صلى الله عليه وسلم بدرا وأحدا والخندق والمشاهد فقال عمر ألا تردون عليه ما يقول؟ فقال ابن عباس: إن هؤلاء الآيات أنزلن عذرا للماضين، وحجة على الباقين، فعذر الماضين بأنهم لقوا الله قبل أن يحرم عليهم الخمر، وحجة على الباقين لأن الله تعالى يقول {يأيها لذين آمنوا إنما خمر ولميسر ولأنصاب ولأزلام رجس من عمل لشيطان فجتنبوه لعلكم تفلحون} ثم قرأ الأخرى فإن كان من الذين {ليس على لذين آمنوا وعملوا لصالحات جناح فيما طعموا إذا ما تقوا وآمنوا وعملوا الصالحات ثم اتقوا وآمنوا ثم اتقوا وأحسنوا ولله يحب لمحسنين} فإن الله نهاه أن يشرب الخمر فقال عمر: صدقت فما ترون؟ فقالعلي: إنه إذا شرب سكر، وإذا سكر هذى، وإذا هذى افترى وعلى المفتري ثمانون جلدة، فأمر به عمر فجلد ثمانين. قال محمد بن عبد الله بن عبد الرحيم البرقي، وحدثنا سعيد بن أبي مريم، أنا يحيى بن فليح بن سليمان، حدثني

[115] **Translator's note (L3173):** The source reads "contracting" (al-taʿāqud) in its description of exchanges of silver for silver and gold for gold. This has been retained, although the surrounding discussion might lead one to expect a term for immediate reciprocal payment. The introductory phrase "became intoxicated, he spoke deliriously" is abbreviated in the supplied Arabic; its conditional relationship becomes explicit in the report that follows.

[116] **Translator's note (L3176):** The wording "the opinion is that" renders the supplied raʾy/raʾā an, whose grammatical form is awkward here. It may be a defective transcription of "I consider that," but that repair has not been adopted. The Quran quotation contains several omitted initial alifs, including in words corresponding to "those," "righteous deeds," "are mindful," "Allah," and "those who do good." These apparent transcription defects have been noted; the recoverable wording and all repetitions are retained in translation.

[117] **Qur'an references (L3172):** Qur'an 5:93 (Al-Ma'idah); Qur'an 42:21 (Ash-Shuraa).

passed away and as an argument against those who remained. Those who had passed away were excused because they met Allah before wine was forbidden to them. They are an argument against those who remained because Allah Most High says: ‘O you who believe, wine, gambling, sacrificial stones, and divining arrows are only an abomination of Satan’s doing, so avoid it, that you may prosper.’” He then recited the other verse. “If he is among those of whom it is said, ‘There is no blame upon those who believe and perform righteous deeds for what they have consumed, provided that they are mindful of Allah and believe and perform righteous deeds, then are mindful of Allah and believe, then are mindful of Allah and do good; and Allah loves those who do good,’ then Allah has forbidden him to drink wine.” ʿUmar said: “You have spoken the truth. What, then, do you think?” ʿAli said: “When he drinks, he becomes intoxicated; when he becomes intoxicated, he speaks deliriously; and when he speaks deliriously, he makes false accusations. The false accuser incurs eighty lashes.” ʿUmar therefore gave orders concerning him, and he was flogged eighty lashes. Muhammed ibn ʿAbd Allah ibn ʿAbd al-Rahim al-Barqi said: Saʿid ibn Abi Maryam also related to us; Yahya ibn Fulayh ibn Sulayman informed us; Thawr ibn Zayd al-Daylami related to me, from ʿIkrimah, from Ibn ʿAbbas. He then related this hadith, at the end of which is: He then asked those present with him about the prescribed punishment for it. ʿAli ibn Abi Talib said: “When he drinks, he speaks deliriously; and when he speaks deliriously, he makes false accusations. So flog him eighty lashes.” ʿUmar accordingly flogged him eighty lashes.[118][119]

ثور بن زيد الديلمي، عن عكرمة، عن ابن عباس، فذكر هذا الحديث، وفي آخر: ثم سأل من عنده عن الحد فيها؟ فقال علي بن أبي طالب: إنه إذا شرب هذى، وإذا هذى افترى فاجلده ثمانين فجلده عمر ثمانين

L3181 Hammam narrated to us: Abbas ibn Asbagh narrated to us: Muhammed ibn Abd al-Malik ibn Ayman narrated to us: Muhammed ibn Isma‘il al-Tirmidhi narrated to us: Yusuf ibn Sulayman narrated to us: Hatim ibn Isma‘il narrated

حدثنا حمام نا عباس بن أصبغ نا محمد بن عبد الملك بن أيمن، نا محمد بن إسماعيل الترمذي، نا يوسف بن سليمان، نا حاتم بن إسماعيل، نا أسامة بن زيد، عن ابن شهاب، أخبرني عبد الرحمن بن أزهر قال رأيت رسول الله صلى الله عليه وسلم يتخلل الناس يسأل عن منزل خالد بن الوليد، فأتي بسكران فأمر من كان في أيديهم وحثا رسول الله صلى الله عليه وسلم التراب عليه ثم إن أبا بكر أتي بسكران فتوخى الذي كان يومئذ من ضربهم: فضرب أربعين،

[118] **Translator’s note (L3180):** Both Quran passages contain repeated omissions of initial alifs in the supplied transcription. Their recoverable wording and repetitions have been retained in translation. The wording “If he is among those” leads directly into an entire Quranic verse rather than a grammatically matching description of those people. The translation marks the quotation without replacing or shortening it. The final transmission chain gives Thawr ibn Zayd’s affiliation as al-Daylami, whereas the earlier chain in unit 3175:0 gives al-Dili. The supplied difference has been preserved.

[119] **Qur’an references (L3180):** Qur’an 5:93 (Al-Ma’idah).

to us: Usamah ibn Zayd narrated to us, from Ibn Shihab: Abd al-Rahman ibn Azhar informed me, saying: "I saw the Messenger of Allah ﷺ making his way among the people, asking where Khalid ibn al-Walid was staying. A drunken man was brought to him, and he gave orders to those who had him in their custody, and the Messenger of Allah ﷺ threw dust upon him. Then a drunken man was brought to Abu Bakr, and he sought to approximate the beating they had administered that day, so he administered forty strokes."[120]

L3182–3186 "Then Umar administered forty strokes." Ibn Shihab said: Then Humayd ibn Abd al-Rahman ibn Awf informed me, from Wabrah al-Kalbi, who said: "Khalid ibn al-Walid sent me to Umar. I came to him while Ali, Talhah, al-Zubayr, and Abd al-Rahman ibn Awf were with him, reclining with him in the mosque. I said to him: 'Khalid ibn al-Walid sends you greetings and says to you: People have flagrantly transgressed concerning wine and have come to regard the punishment as insignificant. What do you think?' Umar said: 'Here they are before you.'" He said: "Then Ali said: 'My view is that when he becomes drunk, he speaks deliriously; when he speaks deliriously, he makes a slanderous accusation; and the slanderer is liable to eighty strokes.' They all agreed upon that. Umar said: 'Convey to your companion what they have said.' So Khalid administered eighty strokes, and Umar administered eighty strokes." He said: "When a strong man engrossed in drinking was brought to Umar, he would administer eighty strokes to him; when a man whose offense had been the lapse of a weak person was brought to him, he would administer forty strokes to him. Uthman likewise did this: forty and eighty." Abu Muhammed said: This is everything transmitted on this subject; we have examined it exhaustively. All of it is untenable, containing no authoritative evidence within it; it is inconsistent, with one part contradicting another. As for the reports with which we began, transmitted through the trustworthy narrators Ayyub, Malik, al-Sha'bi, and Muharib ibn Dithar, they all have disconnected chains of transmission: it is not known from whom they originally derive. Invoking them as evidence therefore fails. As for the

[120]**Translator's note (L3181):** The object of the Prophet's order to those holding the drunken man is not stated explicitly in the supplied wording; the subsequent reference to their beating supplies the context.

ثم ضرب عمر أربعين. قال ابن شهاب: ثم أخبرني حميد بن عبد الرحمن بن عوف، عن وبرة الكلبي قال: بعثني خالد بن الوليد إلى عمر، فأتيته وعنده علي وطلحة والزبير وعبد الرحمن بن عوف، متكئون معه في المسجد، فقلت له: إن خالد بن الوليد يقرأ عليك السلام ويقول لك: إن الناس انتهكوا في الخمر، وتحاقروا العقوبة، فما ترى؟ فقال عمر: هم هؤلاء عندك، قال: فقال علي: أراه إذا سكر هذى، وإذا هذى افترى، وعلى المفتري ثمانون، فأجمعوا على ذلك. فقال عمر: بلغ صاحبك ما قالوا، فضرب خالد ثمانين، وضرب عمر ثمانين. قال: وكان عمر إذا أتي بالرجل القوي المنهمك في الشراب ضربه ثمانين، وإذا أتي بالرجل الذي كان منه زلة الضعيف ضربه أربعين، وفعل ذلك عثمان أربعين وثمانين. قال أبو محمد: فهذا كل ما ورد في ذلك قد تقصيناه وكله ساقط لا حجة فيه مضطرب ينقض بعضه بعضا. أما الآثار التي صدرنا بها من طريق الثقات: أيوب ومالك والشعبي ومحارب بن دثار فمرسلات كلها، لا يدري عمن هي في أصلها، فسقط الاحتجاج بها. وأما المتصلان فمن طريق يحيى بن فليح بن سليمان، وهو مجهول البتة، والحجة لا تقوم بمجهول، وأبو فليح متكلم فيه مضعف، والثاني عن أسامة بن زيد وهو ضعيف بالجملة، فسقط كل ما في هذا الباب، مع أنه لو صح هذان الأثران المتصلان لكان حجة عليهم قاطعة، لأن في رواية يحيى بن فليح أن أبا بكر فرض الحد في الخمر أربعين، فلو جاز لعمر أن يزيد على ما فرض أبو بكر، لمن بعد عمر أن يزيد ويحيل الحد الذي فرض عمر، أو يسقط منه، ولا فرق، فإن لم يكن فرض

two reports with connected chains, one comes through Yahya ibn Fulayh ibn Sulayman, who is entirely unknown, and authoritative evidence cannot be established through an unknown narrator. Abu Fulayj has also been criticized and deemed weak. The second comes from Usamah ibn Zayd, who is weak overall. Thus everything in this chapter falls away. Moreover, even if these two reports with connected chains were authentic, they would constitute decisive evidence against them, because Yahya ibn Fulayh's version states that Abu Bakr prescribed the fixed punishment for wine as forty strokes. If Umar were permitted to increase what had been prescribed by Abu Bakr, those coming after Umar would be permitted to increase and alter the fixed punishment Umar prescribed, or to reduce it; there is no difference. If Abu Bakr's prescription in the presence of all the Companions, with Umar and others present, is not authoritative evidence—and they claim consensus on less than this—then Umar's prescription, when many Companions had already died before that prescription, has still greater reason not to constitute authoritative evidence. On their own principles, this permits disagreement, with all that this entails. Indeed, anyone who regards Abu Bakr's action in the presence of the Companions in this report as consensus, and then regards a fabricated letter from Umar to al-Ash'ari as consensus, has deviated from the truth. As for the report transmitted through Usamah ibn Zayd, it contains a clear indication that Umar did not make that a binding prescription; rather, it was discretionary punishment on his part. For it mentions that when someone engrossed in drinking was brought to him, he flogged him eighty lashes, whereas when someone whose offense in this matter had been the lapse of a weak person was brought to him, he flogged him forty; and that Uthman also flogged forty and eighty. Every rational person therefore knows with certainty that, had eighty been prescribed, it would not have been permissible to alter it on some occasions. Their appeal to this as ev-

أبي بكر بحضرة جميع الصحابة حجة، وعمر وغيره بالحضرة، وفي أقل من هذا يزعمون أنه إجماع، ففرض عمر، وقد مات كثير من الصحابة قبل ذلك الفرض، أحرى ألا يكون حجة، وهذا على أقوالهم إجازة لمخالفة. وفي هذا ما فيه، وأن من يرى ما في هذا الخبر من فعل أبي بكر بحضرة الصحابة إجماعا، ثم يرى رسالة مكذوبة من عمر إلى الأشعري إجماع، لمنحرف عن الحق. وأما الذي من طريق أسامة بن زيد، ففيه بيان جلي، على أن عمر لم يجعل ذلك فرضا واجبا، وأنه إنما كان منه تعزيرا، وذلك أنه ذكر فيه إذا أتي بالمنهمك في الشراب جلده ثمانين جلدة، وإذا أتي بالذي كانت منه في ذلك زلة الضعيف جلده أربعين، وأن عثمان أيضا جلد أربعين وثمانين، فباليقين يعلم كل ذي عقل أنه لو كانت الثمانون فرضا لما جاز أن يحال في بعض الأوقات، فسقط احتجاجهم بالجملة، وعاد عليهم مسقطا لقولهم،

idence thus fails altogether and turns back against them, invalidating their position.[121][122]

L3187 How much more so when none of any of this is authentic! Allah, Mighty and Majestic, has kept Ali—may Allah be pleased with him—free of this worthless, insipid statement: "Then Umar asked those with him about the fixed punishment for the two of them, and Ali ibn Abi Talib said"—a statement unsurpassable in worthlessness and repulsiveness, for several reasons. The first is that it is not lawful for a Muslim to suppose that Umar and Ali would institute a law in Islam that the Prophet ﷺ had not brought. In doing so, they would be like those whom they themselves censured in this very report for instituting what Allah Most High had not authorized. It is impossible that Ali should censure someone who instituted in religion what Allah Most High had not authorized, and himself institute, at that very moment, a law Allah Most High had not authorized. No person possessing reason and religion would think this of Ali. There is no difference between instituting a fixed punishment for wine and abolishing the fixed punishment for unlawful sexual intercourse or increasing it, omitting a unit of the noon prayer or adding one to it, prescribing a prayer other than the known prayers, or instituting a prescribed fixed punishment for consuming usury.[123]

L3188–3193 All of this is unbelief on the part of anyone who permits it. Furthermore,

فكيف ولا يصح من ذلك كله شيء. وقد نزه الله عز وجل عليا رضي الله عنه عن هذا الكلام الساقط الغث، ثم سأل عمر عن من عنده عن الحد فيهما، فقال علي بن أبي طالب: الذي ليس وراءه مرمى في السقوط والهجنة، لوجوه: أحدها أنه لا يحل لمسلم أن يظن أن عمر وعليا يضعان شريعة في الإسلام لم يأت بها النبي صلى الله عليه وسلم ولكانا في ذلك كالذين أنكرا عليهم في الحديث نفسه أنهم شرعوا ما لم يأذن به الله تعالى، فمن المحال أن ينكر على علي من شرع في الدين ما لم يأذن به الله تعالى، ويشرع هو في الحين نفسه شريعة لم يأذن بها الله تعالى، وهذا ما لا يظنه بعلي ذو عقل ودين، ولا فرق بين وضع حد في الخمر، وبين إسقاط حد الزنى أو الزيادة فيه، أو إسقاط ركعة من الظهر، أو زيادة فيها، أو فرض صلاة غير الصلوات المعهودة، أو وضع حد مفترض في أكل الربا؛

وكل هذا كفر ممن أجازه. ثم المشهور عن علي: رضي الله عنه بالسند الصحيح، أنه جلد الوليد بن عقبة في الخمر أربعين، في أيام عثمان رضي الله عنه، فبطل يقينا أن يكون يرى الحد ثمانين، ويجلد هو أربعين فقط، وهذا الحديث يكذب كل ما عن علي بخلافه. وأيضا فليس كل من يشرب الخمر يسكر، وشارب الجرعة لا يسكر، والحد عليه، ولا كل من يسكر يهذي، ففي الناس كثير يغلب عليهم السكون حينئذ، نعم وذكر الله تعالى الآخرة والبكاء والدعاء والتأدب الزائد، ولا كل من يهذي يفتري، فالمبرسم يهذي ولا يفتري، ولا كل من يفتري يلزمه الحد، فقد يفتري المجنون والنائم، فلا يحدان، فوضح أن هذا الكلام المنسوب إلى علي، وقد نزهه الله تعالى عنه، من الكذب في منزله ينزه عنها كل ذي عقل فكيف مثله رحمة الله عليه. وأيضا، فإن

[121] **Translator's note (L3184):** The supplied text names "Abu Fulayj," although the preceding narrator's patronymic is "Fulayh." This apparent name inconsistency has been retained. "Disconnected chains of transmission" renders mursal reports, here specifically reports whose original source is unidentified.

[122] **Translator's note (L3185):** The conditional sentence begins in the preceding unit. Its consequence is expressed elliptically in the Arabic; "would be permitted" supplies the necessary English syntax. The supplied phrase literally reads "anyone who regards … as consensus," without a negation. The surrounding argument may suggest a missing "not" before the first "regards," but the supplied wording has been preserved.

[123] **Translator's note (L3187):** The embedded quotation is syntactically awkward and ends after "Ali ibn Abi Talib said," without his actual statement. It also contains an additional "about" before "those with him." Its apparent intended reference is the earlier consultation report, but the incomplete quotation has not been repaired. The supplied wording says "for the two of them" (fihima), although the context concerns wine alone. The dual has been retained.

what is well known concerning Ali—may Allah be pleased with him—through an authentic chain of transmission is that he flogged al-Walid ibn Uqbah forty lashes for wine in the days of Uthman—may Allah be pleased with him. It is therefore certainly false that he considered the fixed punishment to be eighty while himself administering only forty lashes. This report gives the lie to everything attributed to Ali that contradicts it. Furthermore, not everyone who drinks wine becomes drunk: someone who drinks a mouthful does not become drunk, yet the fixed punishment applies to him. Nor does everyone who becomes drunk speak deliriously: many people are then predominantly quiet—indeed, they remember Allah Most High and the Hereafter, weep, supplicate, and display greater decorum. Nor does everyone who speaks deliriously make slanderous accusations: a person suffering from an inflammatory delirium speaks deliriously but does not make slanderous accusations. Nor is everyone who makes a slanderous accusation liable to the fixed punishment: an insane person or someone asleep may make such an accusation, yet neither is subjected to the fixed punishment. It is thus clear that this statement attributed to Ali—from which Allah Most High has kept him free—occupies a degree of falsehood from which any rational person should be held free, so how much more someone like him! May Allah have mercy upon him. Furthermore, if he is flogged for a slanderous accusation he has not yet made, this is injustice by the consensus of the Muslim community. No two people disagree that it is unlawful for anyone to hold a Muslim or a non-Muslim under covenant accountable for something he has not done, or to inflict an advance punishment upon him for a sin he has not committed, which he may or may not commit. In our view, this is only the conduct of unjust kings, perpetrators of depredations, notorious for their followers among the foolish, who amuse themselves with this and similar absurdities. Only someone ignorant of Umar and Ali, and of their standing in virtue and knowledge—may Allah be pleased with them both—would attribute such madness to them. We have known these people to say: "Avert fixed punishments on grounds of doubt." Yet here they have come to impose fixed punishments and to attribute to Umar and Ali the imposition of them on the weakest grounds of doubt, for there is no doubtful ground more foolish than the doubtful ground invoked by someone who imposes the fixed

كان يجلد لفرية لم يفترها بعد، فهذا ظلم بإجماع الأمة، ولا خلاف بين اثنين أنه لا يحل لأحد أن يؤاخذ مسلما أو ذميا بما لم يفعل، ولا أن يقدم إليه عقوبة معجلة لذنب لم يفعله، عسى أن يفعله؛ أو عسى ألا يفعله، وإنما عندنا هذا من فعل ظلمة الملوك ذوي الأعياث؛ المشتهرين بأتباعهم من السخفاء المتطايبين بمثل هذا، وشبه من السخف؛ ومثل هذا الجنون لا يضيفه إلى عمر وعلي إلا جاهل بهما وبمحلهما من الفضل والعلم رضي الله عنهما. وعهدنا بهؤلاء القوم يقولون ادرؤوا الحدود بالشبهات؛ فصاروا ههنا يقيمون الحدود وينسبون إلى عمر، وعلى إقامتها بأضعف الشبهات؛ لأن لا شبهة أحمق من شبهة من يقيم حد القذف على شارب الخمر. خوف أن يفتري؛ وهو لم يفتر بعد. وأيضا: فإن كان حد الشارب إنما هو للفرية فأين حد الخمر؟ وإن كان للخمر فأين حد الفرية؟ ولا يحل سقوط حد لإقامة آخر. وأيضا، فإنه إذا سكر هذى؛ وإذا هذى كفر؛ فينبغي لهم أن يضربوا عنقه، وإذا شرب سكر. وإذا سكر زنى؛ فينبغي لهم أن يرجموه ويجلدوه، وإذا شرب سكر، وإذا سكر سرق فينبغي لهم أن يقطعوا يده، وإذا شرب سكر وإذا سكر هذى، وإذا هذى خرج فأفسد أموال الناس، وأقر في ماله لغيره، فينبغي لهم أن يلزموه كل هذه الأحكام، فإن لم يفعلوا فقد أبطلوا حدهم إياه ثمانين، لأنه إذا هذى افترى، وهذا كله جنون؛ نبرأ إلى الله تعالى منه، ونقطع يقينا بلا شك أنه كذب موضوع مفترى على علي رضي الله عنه: لم يقله قط. وكذلك الرواية التي ذكرنا أيضا عن عبد الرحمن بن عوف فهالكة جدا، مبعد عن مثله أن يقول: افترى على القرآن اجلده ثمانين. وهذا محال ظاهرا وكيف يمكن أن يفتري أحد على الله تعالى، أو على القرآن فرية توجب ثمانين جلدة والفرية الموجبة لذلك إنما هي في القذف بالزنى فقط، وهذا ما لا سبيل إلى إضافته إلى القرآن، لأنه ليس إنسانا. فإن صحح أهل القياس هذه القضية، فليوجبوا ثمانين جلدة حدا واجبا لا يتعد على كل من افترى على أحد بكذبة، مثل أن يرميه بكفر، أو بتهمة أو بسرقة،

أو كذب على القرآن، أو على الله تعالى، وهذا ما لا يقولونه، فقد أقروا بضعف هذا القياس الذي جعلوه أصلهم وبنوا عليه، أو أنهم تركوا القياس في سائر ما ذكرنا. ولا بد لهم من أحد الوجهين ضرورة، وأول من كان يلزمهم هذا فهم؛ لأنهم مفترون فيما يدعونه من القياس، وبالله تعالى التوفيق. والصحيح في هذا الباب: هو ما حدثناه عبد الله بن يوسف، نا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا محمد بن المثنى، ثنا محمد بن جعفر، نا شعبة قال سمعت قتادة يحدث عن أنس أن النبي صلى الله عليه وسلم أتي برجل شرب الخمر فجلده بجريدتين نحو أربعين وفعله أبو بكر. فلما كان عمر استشار الناس، فقال عبد الرحمن: أخف الحدود ثمانين فأمر به عمر.

punishment for an accusation of unlawful sexual intercourse upon a wine drinker for fear that he will make a slanderous accusation, when he has not yet made one. Furthermore, if the drinker's fixed punishment is solely for the slanderous accusation, where is the fixed punishment for wine? And if it is for wine, where is the fixed punishment for the slanderous accusation? It is not lawful to omit one fixed punishment because another has been imposed. Furthermore, when he becomes drunk, he speaks deliriously, and when he speaks deliriously, he commits unbelief; they should therefore strike off his head. When he drinks, he becomes drunk, and when he becomes drunk, he commits unlawful sexual intercourse; they should therefore stone him and flog him. When he drinks, he becomes drunk, and when he becomes drunk, he steals; they should therefore cut off his hand. When he drinks, he becomes drunk, and when he becomes drunk, he speaks deliriously, and when he speaks deliriously, he goes out and damages people's property and acknowledges that someone else has a claim upon his property; they should therefore hold him subject to all these rulings. If they do not do so, they have invalidated their imposition of eighty strokes upon him on the ground that, when he speaks deliriously, he makes a slanderous accusation. All of this is madness, from which we declare ourselves free before Allah Most High. We affirm with certainty, without any doubt, that it is a fabricated lie falsely attributed to Ali—may Allah be pleased with him—which he never uttered. Likewise, the report we also mentioned from Abd al-Rahman ibn Awf is utterly unsound. It is far beneath someone like him to say: "He has fabricated a falsehood against the Quran; flog him eighty lashes." This is manifestly absurd. How could anyone fabricate a falsehood against Allah Most High or against the Quran that would entail eighty lashes? The slanderous accusation entailing that punishment consists exclusively in accusing someone of unlawful sexual intercourse. This cannot possibly be attributed to the Quran, because it is not a human being. If the advocates of analogy deem this proposition sound, let them require eighty lashes as a binding fixed punishment, whose limit must not be exceeded, for everyone who fabricates a falsehood against anyone—for example, accusing him of unbelief, some suspected wrongdoing, or theft—or tells a lie against the Quran or against Allah Most High. Yet they do not maintain this. They have thus acknowl-

edged the weakness of this analogy which they made their foundation and upon which they built, or else they have abandoned analogy in all the other matters we have mentioned. They must necessarily accept one of these two alternatives. The very first people upon whom this should be binding are they themselves, for they are fabricating what they claim to be analogy. And with Allah Most High rests success. The authentic report on this subject is what Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Muhammed ibn al-Muthanna related to us: Muhammed ibn Jafar related to us: Shubah related to us, saying: I heard Qatadah relate from Anas that a man who had drunk wine was brought to the Prophet ﷺ, and he flogged him with two palm stalks, approximately forty strokes. Abu Bakr did the same. When Umar's time came, he consulted the people, and Abd al-Rahman said, "The lightest of the prescribed punishments is eighty." Umar therefore ordered it.[124][125][126]

L3194 Abu Muhammed said: Thus it is established that this was discretionary punishment, not a prescribed punishment—we mean the additional forty strokes. Hammam related to us: Ibn Mufarrij related to us: Ibn al-Arabi related to us: al-Dabari related to us: Abd al-Razzaq related to us: Ibn Jurayj related to us: Ata ibn Abi Rabah related to us that he heard Ubayd ibn Umayr say: They used to beat someone who drank wine with their hands and sandals

قال أبو محمد: فصح أنه تعزير لا حد، نعني الأربعين الزائدة. وقد حدثنا حمام، ثنا ابن مفرج، نا ابن الأعرابي، ثنا الدبري، ثنا عبد الرزاق، ثنا ابن جريج، ثنا عطاء بن أبي رباح أنه سمع عبيد بن عمير يقول: كان الذي يشرب الخمر يضربونه بأيديهم ونعالهم ويصكونه فكان ذلك على عهد النبي صلى الله عليه وسلم وأبي بكر وبعض إمارة عمر حتى خشي أن يغتال الرجال فجعله أربعين سوطا، فلما رآهم لا يتناهون جعله ستين، فلما رآهم لا يتناهون جعله ثمانين، ثم قال: هذا أدنى الحدود. حدثنا أحمد بن عمر العذري، نا عبد الله بن حسين بن عقال، نا إبراهيم بن محمد الدينوري، ثنا ابن الجهم، نا موسى بن إسحاق، نا أبو بكر بن أبي شيبة، ثنا أبو خالد، عن حجاج، عن الأسود بن هلال، عن عبد الله هو ابن مسعود أنه أتي برجل قد شرب خمرا في رمضان، فضربه ثمانين، وعزره عشرين. وقد فعل ذلك أيضا علي بالنجاشي.

[124] **Translator's note (L3188):** The phrase concerning remembrance literally places "Allah Most High" and "the Hereafter" together without an explicit conjunction. The translation supplies "and" to convey the apparent list, while noting the irregularity. The description translated "a person suffering from an inflammatory delirium" is al-mubarsam, referring to someone afflicted with the illness classically called birsam. The supplied al-a'yath in the description of kings is an unusual reading; "depredations" reflects its apparent connection with havoc or destructive misconduct.

[125] **Translator's note (L3189):** "For their followers" follows the supplied bi-atba'ihim. Its connection to "notorious" in the preceding unit is awkward, and the precise construction may be corrupt.

[126] **Translator's note (L3191):** The final reference to "this analogy" continues into the following unit. The supplied description of the mandatory punishment reads la yuta'adda, "must not be exceeded"; this has been retained rather than changed to "must not be waived."

and strike him. This was the practice during the time of the Prophet ﷺ, Abu Bakr, and part of Umar's rule, until he feared that men might be killed by it, so he made it forty lashes. When he saw that they would not desist, he made it sixty. When he saw that they would not desist, he made it eighty. Then he said, "This is the lowest of the prescribed punishments." Ahmad ibn Umar al-Udhri related to us: Abd Allah ibn Husayn ibn Iqal related to us: Ibrahim ibn Muhammed al-Dinawari related to us: Ibn al-Jahm related to us: Musa ibn Ishaq related to us: Abu Bakr ibn Abi Shaybah related to us: Abu Khalid related to us, from Hajjaj, from al-Aswad ibn Hilal, from Abd Allah—that is, Ibn Masud—that a man who had drunk wine during Ramadan was brought to him, and he beat him eighty strokes and imposed twenty as discretionary punishment. Ali also did this to al-Najashi.

L3195–3202 Abd al-Rahman ibn Abd Allah al-Hamdani related to us: Abu Ishaq al-Balkhi related to us: al-Firabri related to us: al-Bukhari related to us: Abd Allah ibn Abd al-Wahhab related to us: Khalid ibn al-Harith informed us: Sufyan al-Thawri related to us: Abu Husayn related to us, saying: I heard Umayr ibn Sad al-Nakhai say: I heard Ali ibn Abi Talib, may Allah be pleased with him, say: "I would not carry out a prescribed punishment upon anyone who then died and feel any misgiving within myself, except in the case of a wine drinker. If he died, I would pay blood money for him, because the Messenger of Allah ﷺ did not establish it as a practice." This is how we transmitted it through al-Hamdani and others: "Umayr ibn Sad." The correct name is Said, as we transmitted it through Yazid ibn Zuray. Abd Allah ibn Nami related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn Ali related to us: Muslim related to us: Ishaq ibn Rahawayh related to us: Yahya ibn Hammad related to us: Abd al-Aziz ibn al-Mukhtar related to us: Abd Allah ibn Fayruz al-Dibaj, the client of Ibn Amir, related to us: Husayn ibn al-Mundhir, Abu Sasan, related to us, saying: I was present with Uthman when al-Walid was brought before him; he had performed the dawn prayer as two prayer cycles and said, "Shall I give you more?" Two men testified against him: one of them, Humran, testified that he had drunk wine, and the second that he had vomited it. Uthman said, "Ali, flog him." Ali said to al-Hasan, "Get up

حدثنا عبد الرحمن بن عبد الله الهمداني، ثنا أبو إسحاق البلخي، ثنا الفربري، ثنا البخاري، ثنا عبد الله بن عبد الوهاب، أنا خالد بن الحارث، ثنا سفيان الثوري، ثنا أبو حصين قال: سمعت عمير بن سعد النخعي قال: سمعت علي بن أبي طالب رضي الله عنه قال: ما كنت لأقيم حدا على أحد فيموت، فأجد في نفسي إلا صاحب الخمر فإنه لو مات وديته وذلك أن رسول الله صلى الله عليه وسلم لم يسنه هكذا رويناه من طريق الهمداني وغيره عمير بن سعد والصواب سعيد كما رويناه من طريق يزيد بن زريع. حدثنا عبد الله بن نامي، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم، ثنا إسحاق بن راهويه، ثنا يحيى بن حماد، ثنا عبد العزيز بن المختار، ثنا عبد الله بن فيروز الديباج مولى ابن عامر، نا حصين بن المنذر أبو ساسان قال: شهدت عثمان أتي بالوليد، صلى الصبح ركعتين فقال: أزيدكم؟ فشهد عليه رجلان: أحدهما حمران: أنه شرب الخمر، والثاني أنه قاءها. فقال عثمان: يا علي فاجلده. فقال علي للحسن: قم فاجلده، فقال الحسن ول حارها من تولى قارها، فكأنه وجد عليه علي، فقال علي: يا عبد الله بن جعفر، قم فاجلده، فجلده، وعلي يعد حتى

and flog him." Al-Hasan said, "Entrust its heat to whoever has enjoyed its coolness." It seemed that displeasure was felt toward him by Ali. Ali said, "Abd Allah ibn Jafar, get up and flog him." He flogged him while Ali counted, until he reached forty. He said, "Stop. The Prophet ﷺ flogged forty strokes, Abu Bakr flogged forty, and Umar eighty; each is an established practice." Abu Muhammed said: These reports make clear what we have said: Umar's addition to the forty strokes that constitute the prescribed punishment for wine drinking was only discretionary punishment. On one occasion he added only twenty, and on another he added forty; on one occasion Ali and Ibn Masud added sixty. Ali stated that the Prophet ﷺ had not established that as a practice, meaning only the addition beyond forty. Whoever thinks otherwise rejects the authentic transmission as false and accepts as true what is feeble, weak, and discredited. Here is Ali, during Uthman's time, flogging only forty strokes in the presence of al-Hasan, Abd Allah ibn Jafar, and the other Companions and others who were there. Umar and Abd al-Rahman spoke of the lightest of the prescribed punishments. It is therefore established with certainty that they did not make that addition beyond forty obligatory, either as a duty or as a prescribed punishment, in any respect whatsoever. We seek Allah Most High's protection for them against that. If reports with an omitted intermediary were transmitted stating that the Prophet ﷺ flogged eighty strokes for wine drinking, whoever says that the prescribed punishment for wine drinking is eighty would be an unbeliever. But whoever relies on a report from the Prophet ﷺ has exercised independent judgment. If he is guided to an authentic report, he has two rewards; if he is led to an inauthentic report without knowing its weakness, he is excused and has one reward while being mistaken. The real problem and calamity concern two doomed persons: someone against whom a sound proof has been established but who persists—he is misguided and defiantly disobedient—or someone who follows another without knowledge, acting presumptuously in the religion of Allah, Mighty and Majestic—he too is misguided and defiantly disobedient. We seek refuge in Allah from abandonment. As for analogy concerning the grandfather, Hammam ibn Ahmad, the judge in the West, related to us: Ibn Mufarrij, the judge in Rayyah, related to us: Abd al-Ala ibn Muhammed ibn al-Hasan al-Bawsi, the judge of Sanaa, related to us: Abu Yaqub al-Dabari

بلغ أربعين فقال أمسك جلد النبي صلى الله عليه وسلم أربعين وجلد أبو بكر أربعين وعمر ثمانين وكل سنة. قال أبو محمد: فهذه الأحاديث مبينة ما قلنا، من أن زيادة عمر على الأربعين التي هي حد الخمر، إنما هي تعزير، فمرة زاد عشرين فقط، ومرة زاد أربعين ومرة زاد علي وابن مسعود ستين وأخبر علي أن النبي صلى الله عليه وسلم لم يسن ذلك يعني الزيادة على الأربعين فقط، ومن ظن غير هذا فإنه يكذب النقل الصحيح، ويصدق الواهي الضعيف الساقط. وهذا علي يجلد في أيام عثمان، بحضرة الحسن وعبد الله بن جعفر وسائر من هنالك من الصحابة وغيرهم، أربعين فقط. وقال عمر وعبد الرحمن: بأخف الحدود، فصح يقينا أن تلك الزيادة على الأربعين لم يوجبوها فرضا ولا حدا البتة، ونعيذهم بالله تعالى من ذلك ولو أخبار مرسلة وردت بأن النبي صلى الله عليه وسلم جلد في الخمر ثمانين لكفر من يقول إن حد الخمر ثمانون ولكن من تعلق بخبر عن النبي صلى الله عليه وسلم فقد اجتهد فإن وفق لخبر صحيح فله أجران وإن يسر لخبر غير صحيح وهو لا يدري وهيه فهو معذور، وله أجر واحد وهو مخطىء، وإنما الشأن والبلية في اثنين هالكين: وهو من قامت عليه حجة صحيحة فتمادى، فهو ضال فاسق، أو مقلد بغير علم متجاسر في دين الله عز وجل، فهو أيضا ضال فاسق، ونعوذ بالله من الخذلان. وأما القياس في الجد: فحدثنا حمام بن أحمد القاضي بالغرب، ثنا ابن مفرج القاضي برية، نا عبد الأعلى بن محمد بن الحسن البوسي قاضي صنعاء، نا أبو يعقوب الدبري، نا عبد الرزاق، نا سفيان الثوري، عن عيسى هو ابن أبي عيسى الخياط عن الشعبي قال: كره عمر الكلام في الجد حتى صار جدا فقال: إنه كان من أبي بكر أن الجد أولى من الأخ، وذكر الحديث، وفيه، فسأل عنه زيد بن ثابت فضرب له مثلا: شجرة خرجت لها أغصان، قال: فذكر شيئا لا أحفظه، فجعل له الثلث. قال الثوري: وبلغني أنه قال: يا أمير المؤمنين، شجرة نبتت فانشعب

related to us: Abd al-Razzaq related to us: Sufyan al-Thawri related to us, from Isa—that is, Ibn Abi Isa al-Khayyat—from al-Shabi, who said: Umar disliked discussing the grandfather until he became a grandfather himself. He said, "Abu Bakr's position was that the grandfather has a stronger claim than the brother." He mentioned the report, which includes: He then asked Zayd ibn Thabit about it, and he offered him an illustrative comparison: a tree from which branches had grown. He said: He then mentioned something I do not remember, and assigned him one third. Al-Thawri said: It has reached me that he said, "Commander of the Faithful, a tree grew, and a branch sprang from it; then two branches sprang from that branch. What makes the first branch have a stronger claim than the second branch, when there have sprung the two branches from the first branch?" He said: Then he asked Ali, who offered him an illustrative comparison: a valley through which a torrent flowed. He treated him as a brother when the total was up to six, and gave him one sixth. It has reached me concerning him that, when Umar asked Ali, he represented it as a torrent. He said: A channel branched off from it, and then two channels branched off. He said, "Consider: if the water in this middle channel dried up, would it not return to both channels together?" Al-Shabi said: Zayd used to treat him as a brother until the total reached three, with him as their third; if they exceeded that, he gave him one third. Ali used to treat him as a brother when the total was up to six, with him as their sixth, and give him one sixth. If they exceeded six, he gave him one sixth, and the remainder was divided among them. Ahmad ibn Umar al-Udhri also related to us, from Abd al-Rahman ibn al-Hasan al-Abbasi, from Ahmad ibn Muhammed al-Karaji: Abu Bakr Ahmad ibn Yusuf ibn Khallaf al-Nasibi informed us: Ismail ibn Ishaq the judge related to us: Ismail ibn Abi Uways related to us: Abd al-Rahman ibn Abi al-Zinad related to me, from his father: Kharijah ibn Zayd ibn Thabit informed me, from his father, that when Umar ibn al-Khattab consulted about an inheritance to be divided between the grandfather and the brothers, Zayd said: "My opinion at that time was that the grandfather had a stronger claim to his son's son's inheritance than his brothers did. Umar and I debated vigorously." An illustrative comparison was put to him on this matter, and I said, "Suppose a tree had a branch springing from its root, and then two shoots sprang from that branch.

منها غصن، فانشعب من الغصن غصنان، فما جعل الغصن الأول أولى من الغصن الثاني، وقد خرج الغصنان من الغصن الأول؟ قال: ثم سأل عليا، فضرب له مثلا، واديا سال فيه سيل فجعله أخا فيما بينه وبين ستة، فأعطاه السدس، وبلغني عنه أن عليا حين سأله عمر جعله سيلا. قال: فانشعب منه شعبة، ثم انشعبت شعبتان، فقال: أرأيت لو أن ماء هذه الشعبة الوسطى يبس؟ أما كان يرجع إلى الشعبتين جميعا؟ قال الشعبي: فكان زيد يجعله أخا حتى يبلغ ثلاثة وهو ثالثهم، فإن زادوا على ذلك أعطاه الثلث، وكان علي يجعله أخا ما بينه وبين ستة وهو سادسهم، ويعطيه السدس، فإن زادوا على ستة أعطاه السدس، وصار ما بقي بينهم. وحدثنا أيضا أحمد بن عمر العذري، عن عبد الرحمن بن الحسن العباسي، عن أحمد بن محمد الكرجي، أنا أبو بكر أحمد بن يوسف بن خلاف النصيبي، ثنا إسماعيل بن إسحاق القاضي، نا إسماعيل بن أبي أويس، حدثني عبد الرحمن بن أبي الزناد، عن أبيه، أخبرني خارجة بن زيد بن ثابت، عن أبيه، أن عمر بن الخطاب لما استشار في ميراث بين الجد والإخوة، قال زيد: وكان رأيي يومئذ، الجد أولى بميراث ابن ابنه من إخوته. فتحاورت أنا وعمر محاورة شديدة، فضرب له في ذلك مثلا فقلت: لو أن شجرة تشعب من أصلها غصن ثم تشعب في ذلك الغصن خوطان، ذلك الغصن يجمع الخوطين دون الأصل ويغدوهما، ألا ترى يا أمير المؤمنين أن أحد الخوطين أقرب إلى أخيه منه إلى الأصل؟. قال زيد: فأنا أعبر له وأضرب له هذه الأمثال، وهو يأبى إلا أن الجد أولى من الأخوة ويقول: والله لولا إني قضيته اليوم لبعضهم لقضيت به للجد كله. ولكن لعلي لا أخيب سهم أحد، ولعلهم أن يكونوا كلهم ذي حق، وضرب علي وابن عباس يومئذ لعمر مثلا معناه: لو أن سيلا سال فخلج من خليج، ثم خلج من ذلك الخليج شعبتان.

That branch, rather than the root, unites the two shoots and nourishes them. Do you not see, Commander of the Faithful, that one of the two shoots is closer to its brother than to the root?" Zayd said: "I kept explaining to him and offering him these illustrative comparisons, while he would accept only that the grandfather had a stronger claim than the brothers, saying, 'By Allah, had I not awarded it today to some of them, I would have awarded all of it to the grandfather. But perhaps I should not disappoint anyone of his share, and perhaps they all possess an entitlement.'" Ali and Ibn Abbas that day offered Umar an illustrative comparison whose meaning was: suppose a torrent flowed and branched into a channel, and then two channels branched off from that channel.[127][128][129][130][131][132]

L3203–3207 Abu Muhammed said: This provides them with no proof, for two reasons. The first is that each of these two chains of transmission is weak. The first contains Isa ibn Abi Isa al-Khayyat, who is weak; moreover, it is interrupted, because al-Shabi did not live to meet Umar. The second contains Abd al-Rahman ibn Abi al-Zinad, who is altogether weak. That is one consideration. The second is that, even if the two reports were sound, there would be no scope in them for analogy in any respect or in any of the senses, because a torrent is entitled to no inheritance whatsoever, neither a sixth nor a third;

قال أبو محمد وهذا لا حجة لهم فيه لوجهين: أحدهما: أن كلا من هذين الإسنادين ضعيف، في الأول عيسى بن أبي عيسى الخياط وهو ضعيف، ومع ذلك منقطع لأن الشعبي لم يدرك عمر. والثاني: فيه عبد الرحمن بن أبي الزناد وهو ضعيف البتة، فهذا وجه. والثاني أنهما صحا لما كان فيهما للقياس مدخل بوجه من الوجوه، ولا بمعنى من المعاني، لأن السيل لا يستحق ميراثا أصلا، لا سدسا ولا ثلثا وكذلك الغصن، ولا فرق، ومن أنوك النوك أن يظن أحد بمثل علي وزيد رضي الله عنهما. إن أحدهما قاسم الجد مع الإخوة إلى خمسة وهو سادسهم، ثم له السدس وإن كثروا، وإن الثاني قاسم بالجد الإخوة إلى اثنين هو ثالثهما. لا ينقضه من الثلث ما بقي أو السدس من رأس المال قياسا على غصنين تفرعا من غصن شجرة، وأن إدخال أصحاب القياس لهذا في القياس في القحة الظاهرة والاستخفاف البادي. فإن قال قائل: فما وجه هذين الصاحبين لهذين المثلين في هذه المسألة؟ فالجواب، وبالله تعالى التوفيق: إن هذا باطل، بلا شك ونحن نبت أنهم رضي الله عنهم ما قالوا قط شيئا من هذا. ولقد كانوا أرجح عقولا، وأثقب نظرا، وأضبط لكلامهم في الدين، من أن يقولوا شيئا من هذا الاختلاط، ولكن عيسى الخياط وعبد الرحمن بن أبي الزناد غير موثوق بهما، ولعل الشعبي سمعه ممن لا خير فيه، كالحارث الأعور وأمثاله. ثم لو قال قائل: إن

[127] **Translator's note (L3195):** The correction from Sad to Said is the author's own textual comment. The supplied text explicitly says that al-Walid performed two prayer cycles; this wording has been retained.

[128] **Translator's note (L3196):** Al-Hasan's proverbial expression continues in the next unit: literally, "Entrust its heat to whoever has undertaken its coolness," meaning that whoever enjoys an affair's benefits should bear its burdens.

[129] **Translator's note (L3198):** The conditional beginning "If reports with an omitted intermediary…" is translated as supplied. Its claim that such reports would entail unbelief conflicts with the ensuing qualification. An omitted negation in ولو, yielding ولولا ("Were it not for…"), is a possible textual explanation, but has not been inserted.

[130] **Translator's note (L3201):** The pronoun "him" in the inheritance allocations refers to the grandfather, who is counted together with the brothers.

[131] **Translator's note (L3202):** The report first attributes to Zayd the view that the grandfather has priority, but then presents him arguing against that view. This apparent inconsistency is retained. The wording فضرب له shifts to the third person before "I said"; the passive English preserves the uncertainty about who offers the comparison.

[132] **Hadith references (L3195):** Sahih al-Bukhari 6778.

the same applies to a branch, without any difference. It is the height of stupidity for anyone to suppose of men such as Ali and Zayd—may Allah be pleased with them both—that one of them assigned the grandfather a share alongside the brothers, up to five brothers with him as their sixth, and thereafter a sixth however numerous they became; and that the other assigned the grandfather a share alongside the brothers, up to two brothers with him as their third, without reducing him below a third of what remained or a sixth of the entire estate, by analogy with two branches that forked from a branch of a tree. The proponents of analogy display manifest impudence and obvious frivolity by including this under analogy. If someone says, "What, then, was the point of these two Companions' use of these two illustrations in this question?" the answer—and success comes through Allah Most High—is that this is unquestionably false. We affirm categorically that they—may Allah be pleased with them—never said any of this at all. Their intellects were sounder, their discernment keener, and their control over what they said concerning religion greater than to utter any of this muddle. But Isa al-Khayyat and Abd al-Rahman ibn Abi al-Zinad are not trustworthy, and perhaps al-Sha'bi heard it from someone in whom there was no good, such as al-Harith al-A'war and others like him. Furthermore, if someone were to say, "The point of this, were it sound, is clear and evident, with nothing obscure about it: Zayd and Ali—may Allah be pleased with them both—held, as their own opinion, which they did not impose upon anyone as an absolute obligation, that entitlement to inheritance rests upon nearness of kinship. That being so, and the brothers being, in their view, nearer than the grandfather, since they are nearer than the grandfather they may not be excluded from inheriting alongside him. The grandfather, too, has an allotted share by consensus, so he likewise may not be excluded on their account. Others disagreed with their statement that the brother is nearer than the grandfather. It was here that they offered these two illustrations, to show that the kinship of one brother to another, both born of the father, is like the kinship of one branch to another, both forking from a single branch and from a tree, or like the kinship of one stream to another, both branching from a channel off a watercourse"—that would be an argument. This is a sensory, directly observable resemblance, necessarily known and beyond doubt.

وجه ذلك لو صح بين ظاهر لا خفاء به، وهو أن زيدا وعليا رضي الله عنهما يذهبان من رأيهما، الذي لم يوجباه حتما على أحد، إلى أن الميراث يستحق بالدنو في القرابة، فإذا كان ذلك والإخوة عندهما أقرب من الجد، فإذ هم أقرب من الجد، فلا يجوز أن يمنعوا من الميراث معه، وللجد فرض بإجماع، فلم يجز أن يمنع أيضا من أجلهم، وخالفهما غيرهما في قولهما إن الأخ أقرب من الجد. فههنا ضربا هذين المثلين، ليريا أن قربى الأخ من الأخ المتولدين من الأب، كقربى الغصن والغصن المتفرعين من غصن واحد ومن شجرة، أو كقربى جدول من جدول تفرعا جميعا من خليج من واد، لكان قولا، وهذا تشبيه حسي عياني ضروري لا شك فيه، إلا أنه ليس من قبل التشبيه بقرب الولادة تستحق الميراث فالعم وابن الأخ أقرب من الجد، ولا خلاف بيننا وبين خصومنا أنهما لا يرثان معه شيئا، وابن البنت أقرب، ابن العم، الذي يلتقي مع المرء إلى الجد العاشر وأكثر، ولا يرث معه شيئا بإجماع الأمة. ونحن لم ننكر الاشتباه، وإنما أنكرنا أن نوجب أحكاما لم يأذن بها الله تعالى ولا رسوله صلى الله عليه وسلم من أجل الاشتباه في الصفات فبطل أن يكون لهذا الخبر مدخل في القياس، أو تعلق به بوجه من الوجوه، ولكن تمويه أصحاب القياس في قياسهم وفيما يحتجون به لقياسهم، متقارب كله في الضعف والسقوط والتمويه على الضعفاء المغترين بهم. نسأل الله أن يفيء بهم إلى الهدى والتوفيق بمنه.

Nevertheless, entitlement to inheritance does not arise through resemblance in nearness of descent: the paternal uncle and the brother's son are nearer than the grandfather, yet there is no disagreement between us and our adversaries that neither inherits alongside him anything. A daughter's son is nearer than a paternal cousin whose common ancestor with the deceased is the tenth grandfather or even further back, yet he inherits nothing alongside that cousin, by the consensus of the community. We have not denied resemblance; what we have denied is that we should impose rulings that neither Allah Most High nor His Messenger ﷺ has authorized on account of resemblance in attributes. Thus, this report has no place in analogy and no connection with it in any respect. But the dissimulation of the proponents of analogy, both in their analogy and in the evidence they advance for their analogy, is all much alike in its weakness, worthlessness, and deception of the vulnerable people who are taken in by them. We ask Allah, through His graciousness, to bring them back to guidance and success.[133][134][135][136]

L3208–3212 As for Ali's statement when he learned what Mu'awiyah had said when Ammar was killed—the Messenger of Allah's ﷺ statement, "The rebellious faction will kill Ammar," having been mentioned to him, Mu'awiyah said, "The one who brought him out is the one who killed him." This reached Ali, who said, "Then it was the Messenger of Allah ﷺ who killed Hamzah!"

وأما قول علي، إذ بلغه أن معاوية قال إذ قتل عمار فذكر له قول رسول الله صلى الله عليه وسلم تقتل عمارا الفئة الباغية فقال معاوية إنما قتله من أخرجه فبلغ ذلك عليا فقال فرسول الله صلى الله عليه وسلم إذن هو قتل حمزة فلا أعجب من تجليح من أدخل هذا القياس وهل هذا إلا الائتساء بالنبي صلى الله عليه وسلم في قتل الصالحين بين يديه ناصرين له ومن استجاز أن يقول، إن هذا قياس فليقل: إن قول لا إله إلا الله قياس، لأنه إذا قيل لنا لم تقولون ذلك قلنا لأن رسول الله صلى الله عليه وسلم قالها وأن الاشتغال بمثل هذا لعناء لولا الرجاء في الأجر الجزيل في بيان تمويه هؤلاء القوم الذين اختدعوا الأغمار بمثل هذه الدعاوى، وإنما هذا من علي رضي الله عنه ليري معاوية تناقض قوله إنه إنما قتل عمارا من أخرجه. وهذا مثل قول المالكي والحنفي: إن نكاح من اعتق أمته وتزوجها وجعل عتقها صداقها، نكاح فاسد، فيقول لهم أصحابنا والشافعيون فنكاح رسول الله صلى الله عليه وسلم إذن صفية فاسد فإن

[133] **Translator's note (L3204):** The supplied wording «أنهما صحا لما» is syntactically irregular. The translation takes it conditionally, as the surrounding argument requires: even if the two reports were sound, they would furnish no basis for analogy.

[134] **Translator's note (L3205):** The inheritance wording «لا ينقضه من الثلث ما بقي» is irregular. The translation gives its apparent intended sense, concerning a third of the remainder, while retaining the alternative of a sixth of the entire estate. The supplied verb literally concerns undoing or diminishing, and the construction does not clearly express the expected minimum share.

[135] **Translator's note (L3206):** The construction «ليس من قبل التشبيه بقرب الولادة تستحق الميراث» is awkward. The translation understands it as denying that resemblance in proximity of descent establishes entitlement to inheritance.

[136] **Translator's note (L3207):** In «وابن البنت أقرب ابن العم», the comparative construction lacks an explicit «من» ("than"). The translation supplies the comparative relationship indicated by the context.

أقدموا على ذلك كفروا وإن كعوا عنه تناقضوا، وكقول الحنفي: إن الحكم باليمين مع الشاهد مخالف للقرآن، فنقول لهم، نحن والشافعيون والمالكيون فحكم النبي صلى الله عليه وسلم بذلك إذن مخالف للقرآن فإن قالوا بذلك كفروا وإن كعوا تناقضوا. وكقول المالكيين: إن صلاة الصحيح المؤتم بإمام مريض قاعدة فاسدة، فنقول لهم، نحن والشافعيون والحنفيون فصلاة الناس خلف رسول الله صلى الله عليه وسلم في مرضه الذي مات فيه كذلك وأمره صلى الله عليه وسلم الناس إذا صلى إمامهم قاعدا أن يصلوا قعودا فاسد كل ذلك باطل فإن قالوه كفروا وإن كعوا عنه تناقضوا، وإن من ظن أن هذا قياس لمخذول أعمى القلب ومن هذا الباب هو قول علي فرسول الله صلى الله عليه وسلم إذن هو قتل حمزة إذ أخرجه وأي قياس ههنا لو عقل هؤلاء القوم وحسبنا الله ونعم الوكيل. وكذلك قصة علي رضي الله عنه يوم القضية بينه وبين أهل الشام إذ أراد أن يكتب علي أمير المؤمنين فأنكر ذلك عمرو، ومن حضر من أهل الشام وقالوا: اكتب اسمك واسم أبيك، ففعل. فقالت الخوارج لما محا أمير المؤمنين قد خلعت نفسك فاحتج عليهم بأن رسول الله صلى الله عليه وسلم فعل ذلك إذ أنكر سهيل بن عمرو حين القضية يوم الحديبية أن يكتب في الكتاب محمد رسول الله فمحا رسول الله صلى الله عليه وسلم وكتب محمد بن عبد الله فقال علي أترون رسول الله صلى الله عليه وسلم محا نفسه من النبوة إذ محا رسول الله من الصحيفة؟. قال أبو محمد: وهذا كالذي في قصة عمار سواء بسواء، ولا مدخل للقياس ههنا وإنما هو إئتساء بالنبي صلى الله عليه وسلم وكلا الأمرين محو من رق ليس أحدهما مقيسا على الآخر، وهكذا الأمر حديثا وقديما وإلى يوم القيامة، وليس إذا كتبت نار ثم محى امحت النار من الدنيا. وهذا من جنون الخوارج، وضعف عقولهم، إذ كانوا أعرابا جهالا، بل قولهم في هذا هو القياس المحقق، لأنهم قاسوا محو الخلافة عن علي، على محو اسمه

Nothing is more astonishing than the brazen audacity of someone who includes this under analogy. Is this anything other than following the Prophet's ﷺ example concerning righteous men being killed before him while supporting him? Whoever permits himself to say that this is analogy should say that the statement "There is no god but Allah" is analogy, because, when we are asked, "Why do you say that?" we answer, "Because the Messenger of Allah ﷺ said it." Occupying oneself with such things would indeed be toil, were it not for the hope of abundant reward in exposing the dissimulation of these people, who have deceived the inexperienced with claims like these. Ali—may Allah be pleased with him—said this only to show Mu'awiyah the self-contradiction in his statement that the one who brought Ammar out was the one who killed him. This is like the Maliki and the Hanafi saying, "The marriage of someone who frees his slave woman, marries her, and makes her emancipation her marriage payment is an invalid marriage." Our companions and the Shafi'is then say to them, "Then the Messenger of Allah's ﷺ marriage to Safiyyah was invalid!" If they venture to affirm that, they fall into unbelief; if they shrink from it, they contradict themselves. It is also like the Hanafi saying, "Judgment on the basis of an oath together with a witness is contrary to the Quran." We, the Shafi'is, and the Malikis then say to them, "Then the Prophet's ﷺ judgment on that basis was contrary to the Quran!" If they affirm that, they fall into unbelief; if they shrink from it, they contradict themselves. It is also like the Malikis saying, "The prayer of a healthy person following a sick imam who is sitting is invalid." We, the Shafi'is, and the Hanafis then say to them, "Then the people's prayer behind the Messenger of Allah ﷺ during the illness in which he died was likewise invalid, and his ﷺ command to the people, when their imam prays sitting, to pray sitting, is invalid—all of that is null!" If they say this, they fall into unbelief; if they shrink from it, they contradict themselves. Anyone who thinks this is analogy is indeed forsaken and blind of heart. To this same category belongs Ali's statement, "Then it was the Messenger of Allah ﷺ who killed Hamzah, since he brought him out!" What analogy is there here, if only these people would understand? Allah is sufficient for us, and an excellent Trustee is He. Likewise, there is the account of Ali—may Allah be pleased with him—on the day of the agreement between him and the peo-

من الصحيفة وهذا قياس يشبه عقولهم، وقد علم كل ذي مسكة عقل أنه إذا محيت سورة من لوح فإنها لا تمحى بذلك من الصدور.

ومن ظن أن بين القياس وبين قول علي نسبة، فإنما هو مكابر للعيان، لأن القياس إنما هو، تحريم أو إيجاب أو إباحة في شيء غير منصوص تشبيها له بشيء منصوص، وليس في هذه القضية تحريم ولا إيجاب ولا تحليل وبالله تعالى التوفيق. وأما قول ابن عباس للخوارج، إذ أنكروا تحكيم الحكمين يوم صفين: إن الله تعالى أمر بالتحكيم بين الزوجين، وفي أرنب قيمتها ربع درهم، فإن هذا الخبر حدثناه أحمد بن محمد الجسور، ثنا وهب بن مسرة، ثنا محمد بن وضاح، ثنا عبد السلام بن سعيد التنوخي، ثنا سحنون، ثنا عبد الله بن وهب، عن عمرو بن الحارث، عن بكير بن الأشج، عمن حدثه، عن

ple of Syria, when he wished to write, "Ali, Commander of the Believers." Amr and those of the people of Syria who were present objected to this and said, "Write your name and your father's name." He did so. When he erased "Commander of the Believers," the Kharijites said, "You have deposed yourself!" He argued against them that the Messenger of Allah ﷺ had done this when Suhayl ibn Amr objected, at the time of the agreement on the day of al-Hudaybiyah, to "Muhammed, the Messenger of Allah" being written in the document. So the Messenger of Allah ﷺ erased it and wrote "Muhammed ibn Abd Allah." Ali said, "Do you think that the Messenger of Allah ﷺ erased himself from prophethood when he erased 'Messenger of Allah' from the sheet?" Abu Muhammed said: This is precisely like what occurred in the account of Ammar. There is no scope for analogy here; it is simply following the Prophet's ﷺ example. Both acts are erasure from parchment; neither is inferred by analogy from the other. This is how the matter stands, recently and long ago, and until the Day of Resurrection. If you write "fire" and it is then erased, fire is not thereby erased from the world. This is an instance of the Kharijites' madness and feebleness of intellect, since they were ignorant Bedouins. Indeed, their statement here is analogy in the fullest sense, because they inferred the erasure of Ali's caliphate by analogy with the erasure of his name from the sheet. This is an analogy befitting their intellects. Everyone with a modicum of intelligence knows that, when a surah is erased from a tablet, it is not thereby erased from people's breasts.[137][138]

L3213–3214 Whoever imagines that there is a relationship between analogy and Ali's statement is merely obstinately denying what is directly observable. For analogy consists only in declaring something prohibited, obligatory, or permissible in a matter not addressed by an explicit text, through likening it to something addressed by an explicit text. In this incident there is no decla-

[137] **Translator's note (L3209):** The supplied «بإمام مريض قاعدة» has an irregular feminine form for "sitting" following the masculine "imam." The translation follows the apparent intended reference to the imam sitting.

[138] **Translator's note (L3212):** The unvocalized phrase «فمحا رسول الله» can be read either with "the Messenger of Allah" as the subject ("the Messenger of Allah erased") or as the wording erased ("he erased 'Messenger of Allah'"). The translation adopts the former; the subsequent argument explicitly identifies the erased wording as "Messenger of Allah."

ration of prohibition, obligation, or permissibility. Success comes through Allah Most High. As for Ibn Abbas's statement to the Kharijites, when they objected to appointing the two arbitrators on the day of Siffin, that Allah Most High commanded arbitration between spouses and concerning a hare worth a quarter of a dirham: this report was related to us by Ahmad ibn Muhammed al-Jasur, who said: Wahb ibn Masarrah related to us, who said: Muhammed ibn Waddah related to us, who said: Abd al-Salam ibn Sa'id al-Tanukhi related to us, who said: Sahnun related to us, who said: Abd Allah ibn Wahb related to us, from Amr ibn al-Harith, from Bukayr ibn al-Ashajj, from someone who related it to him, from Ibn Abbas, who said: Ali sent me to the Haruriyyah to speak to them. When they said, "Judgment belongs to Allah alone," I said, "Yes, you have spoken truly: judgment belongs to Allah alone. Yet Allah has indeed appointed arbitration concerning a man and his wife, and appointed arbitration concerning the killing of game. Is arbitration concerning a man and his wife and game better, or adjudication concerning the community, by which it is restored, its blood is spared, and its divisions are healed?" Abu Muhammed said: This is absolutely not authentic, because it comes through someone who is unnamed and whose identity is unknown. Then suppose that it were more authentic than any authentic report, and that we ourselves had witnessed Ibn Abbas saying this: it would still have nothing whatsoever to do with analogy; rather, it is an explicit text. Allah forbid that anyone possessed of reason should think that Ali, Muawiya, and the Companions with them appointed arbitrators to consider the Muslims' interests by analogy with arbitration concerning a rabbit or between spouses. Absolutely no one but a madman would think this.[139][140]

ابن عباس قال: أرسلني علي إلى الحرورية لأكلمهم، فلما قالوا: لا حكم إلا لله، قلت: أجل صدقتم، لا حكم إلا لله، وإن الله قد حكم في رجل وامرأته، وحكم في قتل الصيد، فالحكم في رجل وامرأته والصيد أفضل، أو الحكم في الأمة يرجع بها ويحقن دماؤها ولم شعثها؟. قال أبو محمد: وهذا لا يصح البتة،: لأنه عمن لم يسم ولا يدري من هو؟ ثم هبك أنه أصح من كل صحيح، وأننا شهدنا ابن عباس يقول ذلك، فإنه ليس من القياس من ورد ولا صدر بل هو نص جلي. ومعاذ الله أن يظن ذو عقل بأن عليا ومعاوية ومن معهما من الصحابة حكموا في النظر للمسلمين قياسا على التحكيم في الأرنب، وبين الزوجين فما يظن هذا إلا مجنون البتة

L3215–3218 And is the appointment of the two arbitrators anything other than what is

وهل تحكيم الحكمين إلا نص قول الله عز وجل {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} فنص تعالى على أن كل تنازع في شيء من الدين، فإن الواجب فيه تحكيم كتاب الله عز وجل وكلام رسوله صلى الله عليه وسلم والتنازع بين علي ومعاوية لا يجهله من له أقل معرفة في الأخبار، ففرض

[139] **Translator's note (L3213):** The transmission chain names Abd al-Salam ibn Sa'id al-Tanukhi and then Sahnun as successive transmitters, although Sahnun is the familiar name of Abd al-Salam ibn Sa'id al-Tanukhi himself. The apparent duplication in the supplied text has been preserved. The final question continues into the following segment; its comparison is intentionally left unfinished here.

[140] **Translator's note (L3214):** The opening continues the preceding unit's comparison. The wording يرجع بها, rendered "by which it is restored," is awkward and leaves the precise sense of restoration unclear.

explicitly stated in Allah's words, mighty and majestic: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, if you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome}? Thus He, exalted, explicitly stated that, whenever there is any dispute concerning a matter of religion, the obligation is to appoint the Book of Allah, mighty and majestic, and the words of His Messenger ﷺ as arbiters. The dispute between Ali and Muawiya is unknown to no one with even the slightest knowledge of historical reports. It was therefore obligatory for both of them to appoint the Quran as arbiter, as they did. What analogy, then, is there here, if these people would do justice to their own reason? If this is analogy in their view, they have neglected and abandoned it. If two people bring before them a dispute concerning a sale, a debt, or anything else, they must dispatch an arbitrator from the people of each of the two; otherwise, they have abandoned analogy according to their own claim. If they say, "Why, then, did one arbitrator not suffice them, so that they needed two?" they are told—and through Allah, exalted, comes success—that the people of Iraq would not accept an arbitrator from the people of Syria, nor would the people of Syria accept an arbitrator from the people of Iraq. They were therefore compelled to appoint an arbitrator from each of the two parties. As for the report from Ali and Umar concerning the execution of a group for one person, it is as Hammam related to us: Ibn Mufarrij related to us: Ibn al-Arabi related to us: al-Dabari related to us: Abd al-Razzaq related to us: Ibn Jurayj related to us: Amr informed me; he said, he said: Huyayy ibn Yala ibn Umayya informed me that he heard his father Yala say—mentioning the account of the man killed by his father's wife and her lover—that Umar ibn al-Khattab wrote to me: "Execute them both. Had all the people of Sanaa shared in shedding his blood, I would have executed them." Ibn Jurayj said: Then Abd al-Karim and Abu Bakr informed me, both saying that Umar had been uncertain about this until Ali said to him: "Commander of the Faithful, consider: if several men participated in stealing a slaughter camel, and this one took a limb and that one took a limb, would you cut off their hands?" He said: "Yes." He said: "That, then, is when neither of the two is a basis for the other, because an explicit text has prescribed the execution of whoever

عليهما تحكيم القرآن كما فعلا، فأي قياس ههنا لو أنصف هؤلاء القوم عقولهم؟. فإن كان هذا عندهم قياسا فقد ضيعوه وتركوه، ويلزمهم إن تحاكم إليهم اثنان في بيع أو دين أو غير ذلك، فليبعثوا من أهل كل واحد منهما حكما، وإلا فقد تركوا القياس بزعمهم. فإن قالوا: فهلا كفاهم حكم واحد حتى احتجوا إلى اثنين، قيل لهم، وبالله تعالى التوفيق: إن أهل العراق لم يرضوا حكما من أهل الشام، ولا رضي أهل الشام حكما من أهل العراق، فلذلك اضطروا إلى حكم من كلتا الطائفتين. وأما الرواية عن علي وعمر في قتل الجماعة بالواحد فكما حدثنا حمام، نا ابن مفرج، نا ابن الأعرابي، نا الدبري، نا عبد الرزاق، نا ابن جريج، أخبرني عمرو قال: قال أخبرني حيي بن يعلى بن أمية أنه سمع أباه يعلى يقول: وذكر قصة الذي قتله امرأة أبيه وخليلها، أن عمر بن الخطاب كتب إلي: اقتلهما فلو اشترك في دمه أهل صنعاء كلهم لقتلتهم، قال ابن جريج: فأخبرني عبد الكريم وأبو بكر قالا جميعا: إن عمر كان يشك فيها حتى قال له علي: يا أمير المؤمنين أرأيت لو أن نفرا اشتركوا في سرقة جزور، فأخذ هذا عضوا، وأخذ هذا عضوا، كنت قاطعهم؟ قال: نعم، قال: فذلك حين ليس أحدهما أصلا للآخر، لأن النص قد ورد بقتل من قتل، وكما ورد بقطع من سرق ليس أحد النصين في القرآن بأقوى من الآخر قال تعالى {ولكم في لقصاص حياة يأولي لألباب لعلكم تتقون} وقال تعالى {وجزآء سيئة سيئة مثلها فمن عفا وأصلح فأجره على الله إنه لا يحب لظالمين} وقال تعالى {ولسارق ولسارقة فقطعوا أيديهما جزآء بما كسبا نكالا من الله والله عزيز حكيم} ولم يخص تعالى من كلا الأمرين منفرد من مشارك، فلو صح لكان علي إنما أنكر على عمر اختلاف حكمه فقط، وتركه أحد النصين وأخذه بالآخر.

kills, just as it has prescribed cutting off the hand of whoever steals. Neither of the two texts in the Quran is stronger than the other. He, exalted, said: {And in retaliation there is life for you, O possessors of understanding, so that you may be mindful of Allah}. And He, exalted, said: {The recompense for an evil deed is an evil deed like it; but whoever pardons and makes amends, his reward rests with Allah. Indeed, He does not love wrongdoers}. And He, exalted, said: {And the male thief and the female thief—cut off their hands as recompense for what they have earned, an exemplary punishment from Allah; and Allah is mighty, wise}. In neither of the two commands did He, exalted, distinguish someone acting alone from someone acting jointly. Thus, if the report were authentic, Ali would merely have been objecting to the inconsistency of Umar's ruling, and to his abandoning one of the two texts while adopting the other.[141][142]

L3219–3221 This is precisely what we ourselves object to, in exactly the same way. Thus this report, even if authentic, would have no bearing, effect, or significance whatsoever in relation to analogy. Praise belongs to Allah, Lord of the worlds. Moreover, we have transmitted from Ali that he did not hold that two people should be executed for one. Thus, if he had said this, he would subsequently have abandoned it, withdrawn it, and considered it an invalid ruling. This, then, is everything they have cited of what has been transmitted from the Companions. Through the power and strength of Allah, exalted, we have explained with the utmost clarity that they have no grounds for reliance in any of it: it is either something manifestly false that has not been authenticated, or something in which analogy has absolutely no part. Since the matter is as you see, since advocacy of analogy has never been authentically established from any of the Companions, and since we know with certainty that they never knew the effective causes without which analogy is invalid according to its advocates, their consensus—may Allah be pleased with them—that they

وهذا هو الذي ننكره نحن سواء بسواء، نخرج هذا الخبر، لو صح، من أن يكون له في القياس مدخل أو أثر أو معنى، والحمد لله رب العالمين. ثم قد روينا عن علي: أنه كان لا يرى قتل اثنين بواحد، فلو قاله لكان قد تركه ورجع عنه ورآه باطلا من الحكم فهذا كل ما ذكروه مما روي عن الصحابة قد بيناه بأوضح بيان، بحول الله تعالى وقوته، أنه ليس لهم في شيء منه متعلق، وهو أنه إما شيء بين الكذب لم يصح، وإما شيء لا مدخل للقياس فيه البتة. فإذا الأمر كما ترون، ولم يصح قط عن أحد من الصحابة القول بالقياس، وأيقنا أنهم لم يعرفوا قط العلل التي لا يصح القياس إلا عليها عند القائل به، فقد صح الإجماع منهم رضي الله عنهم على أنهم لم يعرفوا ما القياس، وبأنه بدعة حدثت في القرن الثاني، ثم فشا وظهر في القرن الثالث، كما ابتدأ التقليد والتعليل للقياس في القرن الرابع، وفشا وظهر في القرن الخامس. فليتق الله امرؤ على نفسه وليتداركها بالتوبة والنزوع عمن هذه صفته، فحجة الله تعالى قد قامت باتباع القرآن والسنة، وترك ما عدا ذلك من القياس والرأي والتقليد. ولقد كان من بعض الصحابة نزعات إلى القياس أبطلها رسول الله صلى الله عليه وسلم نذكرها إن

[141] **Translator's note (L3216):** The source repeats قال ("he said") after Amr; the repetition is retained. The final فذلك حين ("That, then, is when") is syntactically incomplete and does not connect clearly with the following unit. The supplied text appears defective at this transition; no missing conclusion or reporting formula has been supplied.

[142] **Qur'an references (L3215):** Qur'an 4:59 (An-Nisa); Qur'an 42:40 (Ash-Shuraa); Qur'an 5:38 (Al-Ma'idah).

did not know what analogy was has been established, as has the fact that it is an innovation that arose in the second century and then spread and became prevalent in the third century, just as uncritical adherence and the assignment of effective causes for analogy began in the fourth century and spread and became prevalent in the fifth century. Let a person therefore fear Allah for his own soul and rescue it through repentance and by turning away from those whose character is such. For the proof of Allah, exalted, has been established, requiring adherence to the Quran and the Sunna and abandonment of everything beyond them, namely analogy, personal opinion, and uncritical adherence. Some of the Companions did indeed have inclinations toward analogy that the Messenger of Allah ﷺ invalidated. We shall mention them, if Allah, exalted, wills, among the proofs invalidating analogy, once, through the power and strength of Allah, exalted, we have fully covered everything they have advanced by way of objection. There remain certain arguments drawn from rational inquiry with which they have sought to deceive. We shall present them, if Allah, exalted, wills, and explain, with His help, mighty and majestic, the invalidity of their reliance upon them and that they have no proof in any of them, just as, with the support of Allah, blessed and exalted, we have explained what they have used from the Quran to stir up contention, what they have used from the Prophet's ﷺ words to deceive, what they have used from consensus to create confusion, and what they have used from the reports of the Companions to mislead. Through Allah, exalted, comes success. Among these arguments is their statement that analogy belongs to the category of adducing the present as evidence for the absent: "If the present is not adduced as evidence for the absent, perhaps among things absent from us there is a cold fire." Abu Muhammed said: This is a faulty contentious argument. Their first deception is their mention of the absent and the present in the domain of revealed laws. Every Muslim knows that there is nothing in any matter of religion that is absent from the Muslims. The Messenger of Allah ﷺ was sent only to explain to people the religion binding upon them. He, exalted, said: {With clear proofs and scriptures; and We have sent down

شاء الله تعالى في الدلائل على إبطال القياس إذا استوعبنا بحول الله تعالى وقوته كل ما اعترضوا به. وبقيت أشياء من طريق النظر موهوا بها، ونوردها إن شاء الله تعالى، ونبين بعونه عز وجل بطلان تعلقهم، وأنه لا حجة لهم في شيء منها، كما بينا، بتأييد الله تبارك وتعالى، ما شغبوا به من القرآن وما موهوا به من كلام النبي صلى الله عليه وسلم وما لبسوا به من الإجماع وما أوهموا به من آثار الصحابة، وبالله تعالى التوفيق. فمن ذلك: أنهم قالوا: إن القياس هو من باب الاستشهاد على الغائب بالحاضر، فإن لم يستشهد بالحاضر على الغائب فلعل فيما غاب عنا نارا باردة. قال أبو محمد: هذه شغبية فاسدة، فأول تمويههم ذكرهم الغائب والحاضر في باب الشرائع، وقد علم كل مسلم أنه ليس في شيء من الديانة شيء غائب عن المسلمين وإنما بعث رسول الله صلى الله عليه وسلم ليبين للناس دينهم اللازم لهم قال تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون}

to you the Reminder, so that you may explain to people what has been sent down to them, and so that they may reflect}.[143][144][145]

L3222–3230 The Messenger of Allah ﷺ must therefore fall under one of two possibilities, with no third: either he did not convey the message or explain it to people—and saying this constitutes unbelief according to the consensus of the community, without disagreement—or he ﷺ conveyed it as he was commanded and explained to all people their religion. This is what admits of no doubt. Where, then, is anything absent from religion here, if these people would exercise reason? Unless these people—may Allah grant success to us and to them—are undertaking to extract rulings within the revealed law that Allah, exalted, did not send down to His Messenger ﷺ, so that they are absent from us. For anyone who asserts and believes this, it constitutes unbelief and a denial because of the saying of Allah, Mighty and Majestic: "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal killed by a blow, the animal killed by a fall, the animal killed by goring, and that which a beast of prey has eaten—except what you slaughter—and what has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is disobedience. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful"; and because of the saying of the Messenger of Allah ﷺ, "Have I indeed conveyed the message?" They said, "Yes." He said, "O Allah, bear witness." As for their obfuscation through mentioning fire and saying, "Perhaps among things absent from us there is cold fire," this is exceedingly insipid talk. For the word "fire" was applied in the language only to everything hot, luminous, and upward-rising.

فلا يخلو رسول الله صلى الله عليه وسلم من أحد وجهين لا ثالث لهما إما أن يكون لم يبلغ ولا بين للناس، فهذا كفر ممن قاله بإجماع الأمة بلا خلاف وإما أن يكون صلى الله عليه وسلم بلغ كما أمر به وبين للناس جميعهم دينهم وهذا هو الذي لا شك فيه، فأين الغائب من الدين ههنا لو عقل هؤلاء القوم؟ إلا أن يكون هؤلاء القوم، وفقنا الله وإياهم، يتعاطون استخراج أحكام في الشريعة لم ينزلها الله تعالى على رسوله صلى الله عليه وسلم فهي غائبة عنا فهذا كفر ممن أطلقه واعتقده وتكذيب لقول الله عز وجل {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} ولقول رسول الله صلى الله عليه وسلم ألا هل بلغت قالوا نعم قال اللهم اشهد وأما تمويههم بذكر النار، ولعل في الغائب نارا باردة، فكلام غث في غاية الغثاثة، لأن لفظة نار إنما وقعت في اللغة على كل حار مضيء صعاد، فإن كنتم تريدون أن شيئا حارا يكون باردا، فهذا تخليط وعين المحال. وأما لفظة نار فقد وقعت أيضا في اللغة على ما لا يحرق، فالنار عند العرب اسم الميسم الذي توسم به الإبل، فيقولون: ما نارها، بمعنى ما وسمها، فليس الاسم مضطرا إلى وجوده كما هو ولا بد، ولكنه اتفاق أهل اللغة، وليس من قبل أننا شاهدنا النار محرقة صعادة مضيئة، وجب ضرورة أن تسمى نارا ولا بد، بل لو سموها باسم آخر ما ضر ذلك شيئا. وليس أيضا من قبل أننا شاهدنا النار على هذه الهيئة، عرفنا أن ما غاب عنا منها كذلك أيضا، بل قد علمنا أن أهل اللغة لم يوقعوا اسم نار في الغائب

[143] **Translator's note (L3219):** The chronology concerning analogy, uncritical adherence, and the assignment of effective causes is the author's own claim and is preserved as stated.

[144] **Translator's note (L3221):** "The absent" and "the present" render the paired technical terms الغائب والحاضر: what is outside immediate observation and what is available to observation.

[145] **Qur'an references (L3219):** Qur'an 16:44 (An-Nahl).

If you mean that something hot can be cold, this is muddled thinking and impossibility itself. As for the word "fire," it has also been applied in the language to something that does not burn: among the Arabs, "fire" is a name for the branding iron with which camels are branded. Thus they say, "What is its fire?" meaning, "What is its brand?" The name is therefore not necessarily and unavoidably required by the thing's existence as it is; rather, it is an agreement among the speakers of the language. Our observation that fire burns, rises upward, and gives light does not make it necessarily and unavoidably obligatory that it be called "fire." Indeed, had they called it by another name, that would have made no difference. Nor is it because we have observed fire in this condition that we know that whatever of it is absent from us is also like this. Rather, we know that the speakers of the language have applied the name "fire," to things absent and present alike, only to what is hot, luminous, burning, and upward-rising. If you say, "Perhaps among things absent from us there is a luminous, cold, upward-rising body," we say to you: This is something for which there is no evidence, and asserting something for which there is no evidence is not permissible. We have come to know the attributes of all the elements—unless you say, "Perhaps Allah Most High [has created] a world with this attribute." Allah Most High is capable of that. But in this world, among what we have observed through the senses, through reason, or through premises traceable to the senses and reason, He Most High has created nothing other than what we have observed by those means. Perhaps He Most High has created worlds whose attributes differ from those of this world of ours. Yet this is a matter that we neither establish as true nor declare false. It is, however, possible, and Allah knows best. We have no knowledge except what Allah has taught us, and through Allah Most High comes success. They also argued, saying, "Among the scriptural texts there are manifest ones and obscure ones. If they were all manifest, the learned and the ignorant would be equal in understanding them; and if they were all obscure, no one would have any way to understand them or to know anything of them." They said, "It therefore necessarily follows that we must employ analogy, proceeding from the manifest to knowledge of the obscure." Abu Muhammed said: This is a false premise. All rulings are manifest in themselves, because Allah Most High said to His Prophet ﷺ: "With clear

والحاضر إلا على الحار المضيء المحرق الصعاد. فإن قلتم: فلعل في الغائب جسما مضيئا باردا صعادا قلنا لكم: هذا ما لا دليل عليه، والقول بما لا دليل عليه غير مباح، وقد عرفنا صفات العناصر كلها إلا إن قلتم: لعل الله تعالى عالم بهذه الصفة، فالله تعالى قادر على ذلك، ولكنه تعالى لم يخلق في هذا العالم، مما شاهدنا بالحواس أو بالعقل أو بالمقدمات الراجعة إلى الحواس والعقل، غير ما شاهدنا بذلك، ولعله تعالى قد خلق عوالم بخلاف صفة عالمنا هذا، إلا أن هذا أمر لا نحققه ولا نبطله، ولكنه ممكن والله أعلم، ولا علم لنا إلا ما علمنا الله، وبالله تعالى التوفيق. واحتجوا أيضا فقالوا: إن في النصوص جليا وخفيا، فلو كانت كلها جلية لاستوى العالم والجاهل في فهمها، ولو كانت كلها خفية لم يكن لأحد سبيل إلى فهمها، ولا إلى علم شيء منها، قالوا: فوجب بذلك ضرورة أن نستعمل القياس من الجلي على معرفة الخفي. قال أبو محمد: وهذه مقدمة فاسدة، والأحكام كلها جلية في ذاتها لأن الله تعالى قال لنبيه صلى الله عليه وسلم {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} ولا يحل لمسلم أن يعتقد أن الله تعالى أمر رسوله صلى الله عليه وسلم بالبيان في جميع الدين فلم يفعل ولا بين وهذا ما لا يجوز لمسلم أن يخطره بباله فإذ لا شك في هذا ونوقن أنه صلى الله عليه وسلم قد بين الدين كله فالدين كله بين وجميع أحكام الشريعة الإسلامية كلها جلية، واضحة، وقد قال عمر رضي الله عنه: تركتم على الواضحة، ليلها كنهارها، أن تضلوا بالناس يمينا وشمالا، وقال أيضا رضي الله عنه: سننت لكم السنن، وفرضت لكم الفرائض، إلا أن يضل رجل عن عمد. قال أبو محمد: إلا أن من الناس من لا يفهم بعض الألفاظ الواردة في القرآن وكلام النبي صلى الله عليه وسلم لشغل بال أو غفلة أو نحو ذلك وليس عدم هذا الإنسان فهم ما خفي عليه بمانع أن يفهمه غيره من الناس، وهذا أمر مشاهد يقينا، وهكذا عرض لعمر رضي الله عنه إذا لم

proofs and scriptures; and We have sent down to you the Reminder, so that you may explain to people what has been sent down to them, and so that they may reflect." It is not lawful for a Muslim to believe that Allah Most High commanded His Messenger ﷺ to explain the whole of religion, but that he did not do so and did not explain it. This is something that a Muslim may not even allow to cross his mind. Since there is no doubt about this, and we are certain that he ﷺ explained the whole of religion, the whole of religion is clear, and all the rulings of the Islamic revealed law are entirely manifest and plain. Umar, may Allah be pleased with him, said, "You have been left upon the clear path, whose night is like its day—lest you lead people astray to the right and to the left." He also said, may Allah be pleased with him, "The prescribed practices have been laid down for you, and the obligatory duties have been prescribed for you, unless a man should go astray deliberately." Abu Muhammed said: Nevertheless, some people do not understand certain expressions occurring in the Qur'an and the words of the Prophet ﷺ, because of preoccupation, heedlessness, or something similar. This person's failure to understand what is obscure to him does not prevent other people from understanding it. This is something observed with certainty. This is what happened to Umar, may Allah be pleased with him, when he did not understand the verse concerning inheritance in the absence of direct ascendants and descendants, while others understood it. Umar, may Allah be pleased with him, said, "O Allah, whomever You have made to understand it, Umar has not understood it." He said, "I never returned to the Messenger of Allah ﷺ concerning anything as often as I returned to him concerning inheritance in the absence of direct ascendants and descendants; nor did he ever speak as sternly to me about anything as he spoke to me about it, until he jabbed his finger into my chest." And he said to Hafsah, "I do not think he will ever understand it," or words to that effect spoken by him ﷺ. Thus what we have said is established with certainty. He ﷺ stated that the summer verse was sufficient for understanding, and Umar's failure to understand it was not because it was insufficient. Rather, it was sufficient and clear, but he was not enabled to understand it Likewise, he ﷺ stated that the lawful is clear and the unlawful is clear, and that between them are doubtful matters which many people do not know. He ﷺ did not say that they are doubt-

يفهم آية الكلالة وفهمها غيره، وقال عمر رضي الله عنه: اللهم من فهمته إياها فلم يفهمها عمر وقال ما راجعت رسول الله صلى الله عليه وسلم في شيء ما راجعته في الكلالة وما أغلظ لي بشيء ما أغلظ لي فيها، إلى أن طعن بأصبعه في صدري وقال لحفصة ما أراه يفهمها أبدا أو كما قال صلى الله عليه وسلم فصح ما قلناه يقينا وأخبر صلى الله عليه وسلم أن آية الصيف كافية الفهم وأن عمر لم يفهمها، ليس لأنها غير كافية، بل هي كافية بينة ولكن لم ييسر لفهمها وكذلك أخبر صلى الله عليه وسلم أن الحلال بين وأن الحرام بين وبينهما أمور مشتبهات لا يعلمها كثير من الناس فلم يقل صلى الله عليه وسلم إنها مشتبهات على جميع الناس وإنما هي مشتبهة على من لا يعلمها، وإذ هذا كذلك فحكم من لا يعلم أن يسأل من يعلم. كما قال تعالى: {وما أرسلنا من قبلك إلا رجالا نوحي إليهم فسألوا أهل لذكر إن كنتم لا تعلمون} ولم يقل فارجعوا إلى القياس، فوضع دعوى هؤلاء القوم وصح أن الدين كله بين واضح، وسواء كله في أنه جلي مفهوم إلا أن من الناس من يخفى عليه الشيء منه بعد الشيء لإعراضه عنه، وتركه النظر فيه فقط. وقد يخفى على العالم الفهم أيضا، إذا نظر في مقدماته وقضاياه بفهم كليل إما لشغل بال، وإما لطلبه في اللفظ ما لا يقتضيه فقط حتى يعلمه إياه العلماء الذين هو عندهم بين جلي، ولو لم يكن الأمر هكذا لما عرف الجاهل صحة قول مدعي الفهم أبدا. فصح أنه لما أمكن العالم إقامة البرهان حتى يفهم الجاهل من القضايا كالذي فهم العالم فإن العلم كله جلي، ممكن فهمه لكل أحد، ولولا ذلك ما فهم الجاهل شيئا، ولا لزم من لا يفهم، العمل بما لا يفهم. وأيضا فيلزم فيما كان منه خفيا ما ألزموه لو كان كله خفيا، وفي الجلي منه ما يلزم لو كان كله جليا ولا فرق، وليس للقياس ههنا طريق البتة، وبالله تعالى التوفيق. واحتجوا فقالوا: لما رأينا البيضتين إذا تصادمتا تكسرتا، علمنا أن ذلك حكم كل بيضة لم تنكسر، قالوا:

ful to all people; rather, they are doubtful to those who do not know them. Since this is so, the ruling for someone who does not know is that he should ask someone who knows, as He Most High said: "We sent before you only men to whom We revealed; so ask the people of the Reminder if you do not know." He did not say, "Then resort to analogy." Thus these people's claim falls, and it is established that the whole of religion is clear and plain, and that all of it is alike in being manifest and intelligible. It is simply that one thing after another in it may be obscure to some people because they turn away from it and neglect to examine it. Understanding may also elude a learned person when he examines its premises and propositions with a dull understanding, either because of preoccupation or simply because he seeks in an expression something that it does not entail, until scholars to whom it is clear and manifest teach it to him. Were matters otherwise, an ignorant person would never recognize the correctness of the statement of someone claiming to understand. It is therefore established that, since a learned person can present a demonstration so that an ignorant person understands the propositions just as the learned person understood them, all knowledge is manifest and capable of being understood by everyone. Otherwise, an ignorant person would understand nothing, and someone who does not understand would not be obliged to act upon what he does not understand. Furthermore, whatever in it is obscure is subject to the same consequence that they imposed if all of it were obscure; and whatever in it is manifest is subject to the same consequence that would follow if all of it were manifest. There is no difference. Analogy has absolutely no avenue here, and through Allah Most High comes success. They argued, saying, "When we saw that two eggs break upon colliding, we knew that this is the rule for every egg that has not broken." They said, "This is analogy." Abu Muhammed said: This is an error. We did not know this by analogy. Rather, through the primary apprehension of reason and the necessary evidence of sense perception, we knew that anything soft to the touch is affected when something more densely compacted strikes it, either through the separation of its parts or through the alteration of its shape. We have never said at any time that, because one egg resembles another egg, it must break when it encounters a hard body. Rather, this is an egregious error. This statement in fact invali-

وهذا قياس. قال أبو محمد: وهذا خطأ، ولم نعلم ذلك قياسا، ولكن علمنا بأول العقل وضرورة الحس أن كل رخص الملمس فإنه إذا صدمه ما هو أشد منه اكتنازا أثر فيه، إما بتفريق أجزائه، وإما بتبديل شكله، ولم نقل قط، إن البيضة لما أشبهت البيضة وجب أن تنكسر إذا لاقت جرما صليبا، بل هذا خطأ فاحش. وفي هذا القول إبطال القياس حقا، فبيضة الحنش وبيضة الوزعة وبيضة صغار العصافير لا تشبه بيضة النعام البتة في أغلب صفاتها، إلا أنهما جميعا واقعان تحت نوع البيض وكلاهما ينكسر إذا لاقا جسما صليبا مكتنزا. ونحن لو خرطنا صفة بيضة من عاج أو من عود البقس حتى تكون أشبه ببيضة النعامة من الماء بالماء، ولم تشبه بيضة الحجلة إلا في الجسمية فقط ثم ضربنا بها الحجر لما انكسرت.

dates analogy: the egg of a snake, the egg of a gecko, and the egg of a small bird do not resemble an ostrich's egg at all in most of their attributes, except that both fall under the kind "eggs," and both break when they encounter a hard, densely compacted body. If we were to turn an egg-shaped object from ivory or boxwood until it resembled an ostrich's egg more closely than water resembles water, while it resembled a partridge's egg only in being a body, and then struck a stone with it, it would not break[146][147][148][149][150][151]

L3231–3234 Thus it is established that resemblance has absolutely no significance in

فصح أن الشبه لا معنى له في إيجاب استواء الأحكام البتة، وبطل قولهم: إننا علمنا انكسار ما بأيدينا من البيض لشبهها بما شاهدنا انكساره منها، وصح أنه من أجل الشبه بينهما وجب انكسار هذه كانكسار تلك. وإنما الذي يصح بهذا فهو قولنا: إن كل ما كان تحت نوع واحد فحكمه مستو وسواء اشتبها أو لم يشتبها. فقد علمنا أن العنب الأسود الضخم المستطيل أو المستدير أشبه بصغار عيون البقر الأسود منه بالعنب الأبيض الصغير، لكن ليس شبهه به موجبا لتساويهما في الطبيعة، ولا بعده عن مشابهة العنب بموجب لاختلافهما في الطبيعة، فبطل حكم التشابه جملة، وصح أن الحكم للاسم الواقع على النوع الجامع لما تحته وهكذا قلنا نحن إن حكمه صلى الله عليه وسلم في واحد من النوع حكم منه في جميع النوع وأما القياس الذي ننكر فهو: أن يحكم لنوع لا نص فيه بمثل الحكم في نوع آخر قد نص فيه، كالحكم في الزيت تقع فيه النجاسة بالحكم في السمن يقع فيه الفأر، وما أشبه هذا، فهذا هو الباطل الذي ننكره، وبالله التوفيق. ومعرفة المرء بأول طبيعته لا ينكرها إلا جاهل أو مجنون، فنحن نجد الصغير يفر عن الموت، وعن كل شيء ينكره وعن النار، وإن كان لم يحترق قط، ولا رأى محترقا، وعن الإشراف على المهواة ونجده يضرب بيده إذا غضب، وهو لا يعلم أن الضرب يؤلم، ويعض بفمه قبل نبات أسنانه وهو لم يعضه قط أحد فيدري ألم العض. نعم حتى نجد ذلك في الحيوان غير الناطق، فنجد الصغير من الثيران ينطح برأسه قبل نبات قرنيه، والصغير من الخنازير يشتر بفمه قبل كبر ضرسه، والصغير من

[146] **Translator's note (L3223):** The Qur'anic quotation has recurrent defective spellings, especially missing initial alifs. The translation follows its recoverable wording. The opening continues the preceding segment's statement that the opposing claim contradicts Allah's saying.

[147] **Translator's note (L3224):** The wording "لعل الله تعالى عالم بهذه الصفة" is syntactically problematic. Read literally with عالم meaning "a world," it says, "Perhaps Allah Most High is a world with this attribute"; with عالم meaning "knowing," it says, "Perhaps Allah Most High knows this attribute." The surrounding reference to Allah's ability and to other created worlds suggests an omitted verb such as "has created," supplied explicitly in brackets.

[148] **Translator's note (L3226):** "Inheritance in the absence of direct ascendants and descendants" renders الكلالة (kalālah), a technical inheritance term whose precise scope is disputed. Umar's first quoted statement contains an awkward transition, "أن تضلوا بالناس." "Lest you lead people astray" supplies an implicit preventive sense; the wording as supplied does not explicitly contain "lest." The unvocalized سننت and فرضت could also be read as active first-person verbs: "I have laid down the prescribed practices for you and prescribed the obligatory duties for you." The translation adopts the passive reading. The prayer beginning "O Allah, whomever You have made to understand it" is syntactically awkward in the supplied Arabic and has been preserved without reconstructing its wording. "The summer verse" reproduces the designation آية الصيف; no verse number is supplied in the original.

[149] **Translator's note (L3228):** "Thus these people's claim falls" renders the awkward supplied wording "فوضع دعوى هؤلاء القوم," taking وضع in the sense of bringing down or setting aside. The transcription may be defective.

[150] **Translator's note (L3229):** The supplied الوزعة is an unusual form, apparently referring to the gecko, ordinarily written الوزغة. The translation adopts that apparent sense without treating the spelling as certain. The Arabic shifts from three examples to the dual "both"; this shift is preserved.

[151] **Qur'an references (L3222):** Qur'an 5:3 (Al-Ma'idah); Qur'an 16:44 (An-Nahl); Qur'an 12:109 (Yusuf); Qur'an 16:43 (An-Nahl).

necessitating equality of rulings, and their statement that we know that the eggs in our hands will break because they resemble those whose breaking we have witnessed is invalid. And it is established that it is because of the resemblance between them that these must break as those broke. What is correctly established by this is only our statement that everything falling under a single species has the same ruling, whether its members resemble one another or do not resemble one another. We know that large black grapes, whether elongated or round, resemble the small eyes of black cattle more than they resemble small white grapes. Yet their resemblance to those eyes does not necessitate their equality in nature, nor does their remoteness from resembling those grapes necessitate their difference in nature. Thus the authority of resemblance is invalidated altogether, and it is established that the ruling belongs to the name applying to the species that encompasses everything beneath it. Likewise, we ourselves have said that his ﷺ ruling concerning one member of a species constitutes a ruling by him concerning the entire species. As for the analogy we reject, it is assigning to a species concerning which there is no explicit text a ruling like the ruling concerning another species for which there is an explicit text: for example, ruling concerning oil into which falls an impurity by the ruling concerning clarified butter into which a mouse falls, and other such cases. This is the falsehood that we reject, and success comes through Allah. Only an ignorant person or a madman denies a person's knowledge through his original natural constitution. We find a small child fleeing death, everything he finds objectionable, fire—even though he has never been burned or seen anyone burned—and looking over the edge of a precipice. We find him striking with his hand when angry, although he does not know that striking causes pain, and biting with his mouth before his teeth have grown, although no one has ever bitten him so that he might know the pain of biting. Indeed, we even find this among nonrational animals: we find a young bull butting with its head before its horns have grown, a young pig slashing with its mouth before its molar has grown large, and a young riding animal kicking before its hoof has become strong. Such instances are very numerous. Through a natural disposition of this kind, we know that every pliant corporeal thing undergoes a change, through breaking or a change of shape, when it encounters a hard body.

الدواب يرمح قبل اشتداد حافره، وهذا كثير جدا. فبمثل هذا الطبع علمنا أن كل رخص المجسمة فإنه يتغير بانكسار أو تبدل شكل إذا لاقى جسما صليبا، وبه علمنا أن كل نار في الأرض وفيما تحت الفلك فهي محرقة، لا بالقياس البارد الفاسد، وليس هذا في شيء من الشرائع البتة بوجه من الوجوه، لأنه لم تكن النار قط منذ خلقها الله تعالى إلا محرقة، حاشا نار إبراهيم لإبراهيم عليه السلام وحده، لا لغيره بالنص الوارد فيها، ولم يجز أن يقاس عليها غيرها، ولا كانت البيضة قط إلا متهيئة للانكسار إذا لاقت شيئا صلبا، وقد كان البر بالبر حلالا متفاضلا برهة من الدهر، وكذلك كل شيء من الشريعة واجب فقد كان غير واجب، حتى أوجبه النص، وغير حرام حتى حرمه النص، فليست ههنا شيء أن يجب أن يقاس عليه ما لم يأت بإيجابه نص ولا تحريم أصلا، وبالله تعالى التوفيق.

Through it we also know that every fire on earth and beneath the celestial sphere burns—not through insipid, invalid analogy. This has absolutely no application to any revealed law in any respect whatsoever, because fire, ever since Allah Most High created it, has always burned, except for Abraham's fire, for Abraham alone, peace be upon him, and for no one else, according to the explicit text concerning it. It was not permissible to extend its ruling to any other fire by analogy. Nor has an egg ever been anything other than susceptible to breaking when it encounters something hard. Yet exchanging wheat for wheat in unequal amounts was lawful for a period of time. Likewise, everything obligatory in revealed law was not obligatory until the explicit text made it obligatory, and was not prohibited until the explicit text prohibited it. Thus there is nothing here upon which an analogy must be based for something concerning whose obligation or prohibition no explicit text has come at all. And success comes through Allah Most High.[152][153][154]

L3235 They argued by saying: "Our knowledge that what is inside this walnut and this pomegranate has a particular character is merely an analogy based on what we have observed of such things. Otherwise, perhaps there is a jewel inside them, or something different from what we are accustomed to. Likewise, that there are brains in our heads and intestines in our abdominal cavities, that this boy was not born to a she-ass, and that living beings die: we know these things only by analogy with what we have observed." Abu Muhammed said: This is among the most insipid things with which they have sought to deceive. No rational person has ever known that, because we know that what is inside this pomegranate is like what is inside this other one, that

[152]**Translator's note (L3231):** The assertion beginning "And it is established that it is because of the resemblance" contradicts the preceding rejection of resemblance and the argument that follows. The supplied wording has been retained; a negation may be missing.

[153]**Translator's note (L3232):** The unusual wording رخص المجسمة is rendered "pliant corporeal thing"; the grammatical form may be corrupt. يشتر is an unusual verb here. "Slashing with its mouth" is a contextual rendering of the action attributed to the young pig; the precise intended motion is uncertain.

[154]**Translator's note (L3234):** The clause فليست ههنا شيء أن يجب أن يقاس عليه is grammatically irregular. The translation gives its apparent sense without supplying a new argument.

واحتجوا بأن قالوا: إن علمنا بما في داخل هذه الجوزة والرمانة على صفة ما إنما هو قياس على ما شاهدنا من ذلك، وإلا فلعل داخلهما جوهر أو شيء مخالف لما عهدناه، وكذلك أن في رؤوسنا أدمغة، وفي أجوافنا مصرانا، وأن هذا الصبي لم تلده حمارة، وأن الأحياء يموتون، إنما علمنا ذلك قياسا على ما شاهدنا. قال أبو محمد: وهذا من أبرد ما موهوا به وما علم قط ذو عقل أن من أجل علمنا بأن ما في داخل هذه الرمانة كالذي في داخل هذه وأن في أجوافنا مصرانا، وفي رؤوسنا أدمغة، وأن الناس لم تلدهم الأتن، وأن الأحياء يموتون، علمنا أن الزيت ينجس إذا مات فيه عصفور، ولا ينجس إذا مات فيه مائة عقرب وأن التمرة بالتمرة حرام والتفاحة بالتفاحة حلال. وأن البئر إذا مات فيها سنور نزح منها أربعون دلوا فإن سقط فيها نقطة بول نزحت كلها. وأن من مس دبره انتقض وضوءه، وأن من مس أنثييه لم ينتقض وضوءه وهل بين هذه الوجوه والتي قبلها تشبيه؟. وإن المشبه بين هاتين الطريقتين لضعيف التمييز، وتلك أمور طبيعية ضرورية تولى الله عز وجل إيقاعها في القلوب. لا يدري أحد كيف وقع له علمها. وهذه الأخر: إما دعاوى لا دليل عليها، وإما سمعية لم تكن لازمة ثم

there are intestines in our abdominal cavities and brains in our heads, that people were not born to she-asses, and that living beings die, we therefore know that oil becomes impure if a sparrow dies in it but does not become impure if a hundred scorpions die in it; that exchanging a date for a date is prohibited, while exchanging an apple for an apple is lawful; that if a cat dies in a well, forty bucketfuls must be drawn from it, but if a drop of urine falls into it, all of it must be drawn out; and that someone who touches his anus has his ablution invalidated, while someone who touches his testicles does not have his ablution invalidated. Is there any resemblance between these cases and those preceding them? Whoever draws a resemblance between these two methods certainly has weak powers of discernment. Those are natural matters known necessarily, which Allah, Mighty and Majestic, has Himself undertaken to instill in hearts; no one knows how knowledge of them came to him. These latter matters, however, are either claims for which there is no evidence or matters known through transmitted revelation, which were not binding and then Allah made some of them binding through an explicit text, not through soothsaying or unsupported assertion. We find that a small child who has not yet crawled and has only just begun attempting to sit up becomes restless when he sees a pomegranate and eagerly desires to extract and eat what is inside it. The same applies to walnuts and all the other things people eat. If only I knew when this boy learned the analogy that what is inside this pomegranate is like what was inside the one we fed him last year or a month ago! On this account, they really ought to have known the rulings of analogy through their natural dispositions, without adopting them through uncritical imitation of their predecessors.

L3236–3242 Had they contemplated the world and reflected upon its natures, genera, species, differentiae, and properties and accidents, they would not have uttered this delirious nonsense. If they intend to call the operation of natural constitutions as they actually are "analogy," this is a new language. They have not sought the countenance of Allah Most High through it; rather, they have sought contentiousness and confusion, like someone who calls a pig a stag in order to deem it lawful, and a stag a pig in order to deem it prohibited. All these are weak stratagems through which they cannot escape the falsehood

ألزم الله منها بالنص لا بالكهانة ولا بالدعوى. ونحن نجد الصغير الذي لم يحب بعد، وإنما هو حين هم أن يجلس، إذا رأى رمانة قلق وشره إلى استخراج ما فيها وأكلها. وكذلك الجوز وسائر ما يأكله الناس، فليت شعري متى تعلم هذا الصبي القياس، بأن ما في هذه الرمانة كالتي أطعمناه عام أول، أو قبل هذا بشهر. ولقد كان ينبغي لهم أن يعرفوا على هذا أحكام القياس بطبائعهم، دون أن يأخذوها تقليدا عن أسلافهم.

ولو أنهم تدبروا العالم وتفكروا في طبائعه وأجناسه وأنواعه وفصوله وخواصه وأعراضه، لما نطقوا بهذا الهذيان، فإن كانوا يريدون أن يسموا جري الطبائع على ما هي عليه: قياسا، فهذه لغة جديدة، ولم يقصدوا بها وجه الله تعالى، لكن قصدوا الشغب والتخليط، كمن سمى الخنزير أيلا ليستحله، والأيل خنزيرا ليحرمه. وكل هذه حيل ضعيفة لا يتخلصون بها مما نشبوا فيه من الباطل، وإنما تكلمهم عن المعنى، لا على ما بدلوه برأيهم من الأسماء فإذ حققوا معنا المعنى الذي يرمون إثباته ونحن نبطله، فحينئذ

in which they have become entangled. We address them only concerning the meaning, not concerning the names they have altered according to their own opinions. Once they have established with us the meaning they aim to affirm and we reject, then whoever among us or them makes a claim is required to provide a demonstration. Whoever supplies it prevails, and whoever does not supply it falls. Let them then call it whatever they wish. To expose the absurdity of this argument of theirs, it suffices to ask anyone possessed of sense: Is the relation of figs to wheat like the relation of one walnut to another walnut, one pomegranate to another pomegranate, and one human being to another human being? If there is a fool in the world who says yes, he must consequently pay acorns and figs toward the obligatory alms on wheat, measure for measure. This is something no Muslim says. He must also say that someone who swears not to eat wheat and then eats figs has broken his oath. More than all this, he must commit the falsehood of saying that figs are wheat. If they say no, they have abandoned their assertion that analogy in revealed laws resembles our knowledge that what is inside this pomegranate is like what is inside this other one, which we do not doubt. Thus this argument of theirs invalidates their position and establishes ours, because one pomegranate in relation to another pomegranate, one walnut in relation to another walnut, and one human being in relation to another human being are like clarified butter in relation to clarified butter, a mouse in relation to a mouse, and each species in relation to its own species. Walnuts differ from pomegranates as a cat differs from a mouse and oil differs from clarified butter. This is what a rational person denies, and that, when the Prophet ﷺ ruled that exchanging wheat for wheat in unequal amounts was prohibited, that became binding for all wheat, but did not become obligatory for anything that is not wheat except through another explicit text. When he commanded that liquid clarified butter in which a mouse had died be poured away, that became obligatory for every instance of clarified butter in which a mouse had died. It did not become obligatory for anything other than clarified butter in which a mouse had died. This is the only position that reason recognizes, and success comes through Allah Most High. As for prohibiting acorns by analogy with wheat, and their pouring away oil by analogy with clarified butter, this is like someone saying that what is inside almonds is

يكلف البرهان من ادعى أمرا منا ومنهم، فمن أتى به ظفر، ومن لم يأت به سقط، وليسموه حينئذ بما شاؤوا. ويكفي من سخف هذا الاحتجاج منهم أن يقال لكل ذي حس: هل نسبة التين من البر كنسبة الجوزة من الجوزة؟ وكنسبة الرمانة من الرمانة؟ وكنسبة الإنسان من الإنسان؟ فإن وجد في العالم أحمق يقول: نعم، لزمه إخراج البلوط والتين عن زكاة البر كيلا بكيل، وهذا ما لا يقوله مسلم، ولزمه أن يقول فيمن حلف لا يأكل برا فأكل تينا: أن يحنث، ولزمه أكثر من هذا كله، وهو الكذب، إن التين بر، وإن قالوا: لا، تركوا قولهم في تشبيه القياس في الشرائع لمعرفتنا بأن ما في هذه الرمانة كهذه. والذي لا نشك فيه فهذا الاحتجاج منهم مبطل لقولهم، ومثبت لقولنا، لأن الرمانة من الرمانة، والجوزة من الجوزة، والإنسان من الإنسان، كالسمن من السمن والفأر من الفأر وكل نوع من نوعه والجوز مخالف للرمان كخلاف السنور من الفأر، وخلاف الزيت للسمن. وهذا هو الذي ينكره ذو عقل وأنه إذا حكم النبي صلى الله عليه وسلم بتحريم البر بالبر متفاضلا لزم ذلك في كل بر، ولم يجب فيما ليس ببر إلا بنص آخر، وإذا أمر بهرق السمن المائع الذي مات فيه الفأر، وجب ذلك في كل سمن مات فيه فأر، ولم يجب ذلك في غير السمن الذي مات فيه الفأر، وهذا هو الذي لا تعرف العقول غيره وبالله تعالى التوفيق. وأما تحريم البلوط قياسا على البر وهرقهم الزيت قياسا على السمن، فهو كمن قال: الذي داخل اللوز كالذي داخل الرمان ولا فرق، فبطل قولهم بالبرهان الضروري. وصح أن القياس إنما هو قياس نوع على نوع آخر وهذا باطل بنفس احتجاجهم وبالله تعالى التوفيق. ويقال لهم: أمعرفتكم بأنكم تموتون، وهو شيء يستوي في الإقرار به كل ذي حس، هو مثل معرفتكم بالشرائع كالصلاة والزكاة والصيام وغير ذلك مما يحرم في البيوع والنكاح وما يحل؟ فإن قالوا: لا، كفونا أنفسهم، وأبطلوا ما استدلوا به ههنا، وإن قالوا: نعم كابروا ولزمهم أن يكونوا مستغنين عن النبي صلى الله عليه وسلم وأنهم كانوا يدرون الشريعة

like what is inside pomegranates: there is no difference. Their position is therefore invalidated by necessary demonstration, and it is established that analogy consists precisely in drawing an analogy between one species and another species. This is invalidated by their own argument, and success comes through Allah Most High. They are to be asked: Is your knowledge that you will die—a matter in acknowledging which everyone possessed of sense—is it like your knowledge of the revealed laws, such as prayer, obligatory almsgiving, fasting, and other matters concerning what is forbidden and permitted in sales and marriage? If they say no, they spare us the trouble of refuting them and invalidate the argument they have advanced here. If they say yes, they obstinately deny the obvious, and it follows from their position that they have no need of the Prophet ﷺ and that they knew the revealed law by their own natures before being taught it. No rational person says this. They should also be asked: Has there ever been a pomegranate rind upon an almond? If they say yes, they join the inmates of the madhouse. If they say no, we ask them: Was wine ever lawful, and was exchanging wheat for wheat in unequal quantities not forbidden in the early days of Islam? Or have that transaction and wine remained lawful ever since Allah created wine and wheat with its evident nature? If they say that wine and exchanging wheat in unequal quantities were not forbidden for a period of Islam, and that this was subsequently forbidden, they acknowledge that this has absolutely nothing to do with what concerns almond shells and pomegranate rinds, coming or going. For natural constitutions have remained in one fixed order ever since Allah Most High created the world. This is known through the primary apprehensions of reason and sense, through which knowledge of realities is attained. Revealed laws, however, have not remained fixed. Ever since He created creation, the Most High has continued to abrogate one revealed law after another, forbidding in this one what He permitted in that one, and dropping in this one what He made obligatory in that one, and making obligatory and permitting in this one what He dropped and forbade in that one, until Allah Most High expressly declared that this religion would never be changed. It is therefore established that anyone who likens natural constitutions, which are known through sense and reason, to revealed laws, which are known only through an explicit text—reason and sense having no

بطبائعهم قبل أن يعلموها، وهذا ما لا يقوله ذو عقل. ويقال لهم هل كان على قشر الرمان قط على لوز: فإن قالوا: نعم، لحقوا بسكان المارستان، وإن قالوا: لا، سألناهم، أكانت الخمر قط حلالا، وكان بيع البر بالبر متفاضلا غير محرم في صدر الإسلام أو لم يزل ذلك والخمر حلالا مذ خلق الله الخمر وللبر بينة الطبع؟ فإن قالوا كانت الخمر وبيع البر متفاضلا غير حرام برهة من الإسلام، ثم حرم ذلك أقروا بأن ذلك ليس من باب ما في قشر اللوز والرمان في ورد ولا صدر، لأن الطبائع قد استقرت مذ خلق الله تعالى العالم على رتبة واحدة، هذا معلوم بأول العقل والحس اللذين يدرك بهما علم الحقائق، وأما الشرائع فغير مستقرة ولم يزل تعالى مذ خلق الخلق ينسخ شريعة بعد شريعة، فيحرم في هذه ما أحل في تلك ويسقط في هذه ما أوجب في تلك ويوجب في هذه ويحل فيها ما أسقط في تلك، وما حرم إلى أن نص الله تعالى أنه لا تبدل هذه الملة أبدا. فصح أن من شبه الطبائع التي تعلم بالحس والعقل بالشرائع التي لا تعلم إلا بالنص، لا مدخل للعقل ولا للحس في تحريم شيء منها، ولا في إيجاب فرض منها إلا بعد ورود النص بذلك، فهو غافل جاهل، ولو احتج بهذا يهودي لا يرى النسخ، لكان هذا الاحتجاج أشبه بقوله، منه بقول أصحاب القياس. وأما الموت فهو حكم كل جسم مركب من العناصر إلى نفس حية فقد رتب الله تعالى في العالم هذا اصطحابهما مدة، ثم افتراقهما، ورجوع كل عنصر إلى عنصره، وليس هذا قياسا يوجب موت أهل الجنة والنار فبطل تمويههم، وبالله تعالى التوفيق. وقالوا: القياس فائدة زائدة على النص. قال أبو محمد: لا فائدة في الزيادة على ما أمر الله تعالى به، ولا في النقص، منه، بل كل ذلك بلية ومهلكة، وتعد لحدود الله تعالى، وظلم وافتراء، وبالله تعالى نعوذ من ذلك، ولا أعظم جرما ممن يقر على نفسه أنه يزيد على النص الذي أذن الله به، ولم يأذن في تعديه. وبالله تعالى نعوذ من الخذلان.

role in prohibiting anything under them or in imposing any obligation under them until an explicit text concerning it has come—is heedless and ignorant. Had a Jew who rejected abrogation advanced this argument, it would have been more consistent with his position than with that of the advocates of analogy. As for death, it is the condition of every body composed of the elements and joined to a living soul. Allah Most High has ordered this within the world: their companionship for a time, then their separation, and the return of each element to its own element. This is no analogy that entails the death of the inhabitants of Paradise and the Fire. Thus their obfuscation is invalidated. Success comes through Allah Most High. They said: 'Analogy provides an additional benefit beyond the explicit text.' Abu Muhammed said: There is no benefit in adding to what Allah Most High has commanded or in subtracting from it. Rather, all of that is an affliction, a cause of destruction, a transgression of the limits set by Allah Most High, wrongdoing, and fabrication. In Allah Most High we seek refuge from that. No one is more grievously culpable than someone who acknowledges of himself that he adds to the explicit text that Allah has authorized, although He has not authorized going beyond it. In Allah Most High we seek refuge from being forsaken.[155][156][157]

L3243–3244 One of them advanced an argument, saying to one of our predecessors

واحتج بعضهم فقال لمن سلف من أصحابنا فقهكم في اتباع الظاهر يشبه فعل الغلام الذي قال له سيده: هات الطست والإبريق، فأتاه بهما؟ ولا ماء في الإبريق، فقال له: وأين الماء؟ لم تأمرني، وإنما أمرتني بطست وإبريق فهاهما، وأنا لا أفعل إلا ما أمرتني. قال أبو محمد: فقال لهم، وبالله تعالى التوفيق: بل فقهكم أنتم يشبه فعل المذكور على الحقيقة إذ قال له سيده، إذا أمرتك بأمر فافعله وما يشبهه، فعلمه سيده القياس حقا على وجهه، وحفظ الغلام ذلك، وقبله قبولا حسنا، فوجد سيده حرارة فقال: سق إلي الطبيب، فإني أجد التياثا، فلم ينشب أن أتاه، بعض إخوانه فزعا، فقال له: يا فلان، من مات لك؟ فقال: ما مات لي أحد، فقال له: فإن الغاسل والمغتسل والنعش وحفار القبور عند الباب، فدعا غلامه فقال له: ما هذا الباب؟ فقال له ألم تأمرني إذا أمرتني بأمر أن أفعله وما يشبهه؟ قال: نعم، قال: فإنك أمرتني بسوق

[155] **Translator's note (L3237):** The statement "This is what a rational person denies" translates the supplied wording الذي ينكره ذو عقل. The argument appears to require "what no rational person denies," but the Arabic contains no negation. The transition beginning "and that" is syntactically awkward in the supplied text; it has been retained rather than silently recast.

[156] **Translator's note (L3240):** The opening word completes the preceding segment's expression meaning 'everyone possessed of sense'; the question continues from that segment. The wording 'هل كان على قشر الرمان قط على لوز' is syntactically irregular, with a repeated 'upon.' The translation conveys its apparent question about a pomegranate rind being found upon an almond, without treating the Arabic as sound. The phrase 'وللبر بينة الطبع' is obscure and appears corrupt. 'Wheat with its evident nature' is a provisional rendering; the precise syntax and intended wording are uncertain.

[157] **Translator's note (L3241):** The expression 'كل جسم مركب من العناصر إلى نفس حية' is syntactically awkward. 'Joined to a living soul' renders the relationship apparently intended by 'إلى نفس حية'; the wording itself is not regular.

among our companions: 'Your jurisprudence in following the apparent meaning resembles the conduct of the servant whose master told him, "Bring the basin and the ewer." He brought them both, but there was no water in the ewer. His master said to him, "Where is the water?" He replied, "You did not command me to bring it. You commanded me only to bring a basin and a ewer, and here they are. I do only what you command me."' Abu Muhammed said: He replied to them—and success comes through Allah Most High—'Rather, your jurisprudence truly resembles the conduct of that very servant, when his master told him, "When I command you to do something, do it and whatever resembles it." His master thus taught him analogy properly, in its true form. The servant remembered this and received it most favorably. His master then felt feverish and said, "Bring the physician to me, for I feel unwell." Before long, one of his friends came to him in alarm and said, "So-and-so, who has died in your household?" He said, "No one in my household has died." His friend said, "But the corpse-washer, the washing place, the bier, and the gravedigger are at the door." He summoned his servant and said to him, "What is this business?" The servant said, "Did you not command me, whenever you commanded me to do something, to do it and whatever resembles it?" He said, "Yes." The servant said, "You commanded me to bring the physician because you were unwell. Nothing resembles illness and bringing in a physician except death, and death requires the presence of the corpse-washer, the bier, and the digger to dig the grave. So I brought all of that, and did what you commanded me and whatever resembles it." We therefore say that this servant has a better excuse for complying with his master's command concerning the empty ewer—for perhaps his master wishes to show it to his companion, sell it, or kiss it for some purpose of his own—than for bringing the gravedigger, corpse-washer, and bier by analogy with illness and the physician. Indeed, the servant had a strong understanding of analogy, for you possess no analogy other than the like of this: you liken one situation to another on the basis of what generally occurs, and then assign the same ruling to both. This is a path leading to false soothsaying, conjectural claims to knowledge of the unseen, and affected cleverness in presuming upon Allah Most High and His Messenger ﷺ concerning what He, Mighty and Majestic, has not authorized. In Allah Most High we seek

الطبيب لالتياثك، وليس يشبه العلة وإحضار الطبيب إلا الموت، والموت يوجب حضور الغاسل والنعش والحفار لحفر القبر، فأحضرت كل ذلك، وفعلت ما أمرتني وما يشبهه. فنحن نقول: إن هذا الغلام أعذر في الائتمار لأمر مولاه في الإبريق الفارغ، إذ لعله يريد أن يعرضه على جليسه أو يبيعه أو يقبله لمذهب له فيه: منه في جلب الحفار والغاسل والنعش، قياسا على العلة والطبيب، ولقد كان الغلام قوي الفهم في القياس، إذ لا قياس بأيديكم إلا مثل هذا. وهو أن تشبهوا حالا بحال في الأغلب، فتحكمون لهما بحكم واحد، وهو باب يؤدي إلى الكهانة الكاذبة، والتخرص في علم الغيب، والتحذلق في الاستدراء على الله تعالى وعلى رسوله صلى الله عليه وسلم فيما لم يأذن به عز وجل وبالله تعالى نعوذ من ذلك. واحتجوا فقالوا أنتم تقولون إذا حكم رسول الله صلى الله عليه وسلم في عين ما فهو حكم واحد في جميع نوع تلك العين التي يقع عليها اسم نوعها. وهذا قياس.

refuge from that. They advanced an argument, saying: ‘You say that when the Messenger of Allah ﷺ gives a ruling concerning a particular individual thing, it is one ruling applying throughout the entire kind to which that thing belongs, wherever the name of its kind applies. This is analogy.’[158][159]

L3245–3246 Abu Muhammed said: This is spurious obfuscation. We have already explained the basis of this issue: he ﷺ was sent to everyone who will be created until the Day of Resurrection, among humankind and jinn, and to rule concerning every kind among the kinds of things in the world according to what his Lord Most High commanded him. There is no way for him ﷺ to address those who have not yet been created beyond issuing a command that binds the whole kind, unless he ﷺ makes an exception, as he made an exception for Abu Burdah ibn Niyar by saying: ‘It suffices for you, but a young animal will not suffice for anyone after you.’[160]

L3247–3249 They said: ‘Why, then, did you not say, concerning what he ﷺ commanded Fatimah bint Hubaysh to do when she experienced nonmenstrual uterine bleeding, that it binds every woman named Fatimah?’ They should be told—and success comes through Allah Most High: He, peace be upon him, did not expressly state that this was the ruling for every woman named Fatimah. Rather, he ﷺ expressly stated that menstrual blood is black and recognizable: ‘When it comes, do such-and-such, and when it departs, do such-and-such.’

قال أبو محمد: هذا تمويه زائف وقد بينا وجه هذه المسألة وهو أنه صلى الله عليه وسلم بعث إلى كل من يخلق إلى يوم القيامة من الإنس والجن، وليحكم كل نوع من أنواع العالم بحكم ما أمره به ربه تعالى ولا سبيل إلى أن يخاطب صلى الله عليه وسلم من لم يخلق بعد بأكثر من أن يأمر بالأمر فيلزم النوع كله إلا أن يخص صلى الله عليه وسلم كما خص أبا بردة بن نيار بقوله يجزيك ولا تجزىء جذعة عن أحد بعدك

قالوا فهلا قلتم في أمره صلى الله عليه وسلم فاطمة بنت حبيش بما أمرها به إذا استحيضت إنه لازم لكل امرأة تسمى فاطمة؟. فيقال لهم وبالله تعالى التوفيق: لم ينص عليه السلام على أن ذلك حكم كل امرأة تسمى فاطمة وإنما نص صلى الله عليه وسلم على أن دم الحيض أسود يعرف فإذا أقبل فافعلي كذا وإذا أدبر فافعلي كذا فنص صلى الله عليه وسلم على صفة الحيض والطهر والاستحاضة وعلى حكم كل ذلك متى ظهر، فوجب التزام ذلك متى وجد الحيض أو الطهر أو الاستحاضة. ثم ينعكس هذا السؤال عليهم بعد أن أريناه أنه حجة لنا فنقول لهم، وبالله تعالى التوفيق: أنتم، أهل القياس وتفتيش العلل في الديانة، وتعدي القضايا عما نص الله تعالى ورسوله صلى الله عليه وسلم إلى ما لم ينصا عليه وأنتم أهل الكهانة والاستدراك في الديانة ما لم يذكر الله تعالى ولا رسوله صلى الله عليه وسلم فاستعملوا مذهبكم في هذا الحديث فقد قال عليه السلام في دم الاستحاضة عندكم: إنما هو عرق وبين أن دم الحيض أسود يعرف، فكما قستم الحمرة والصفرة والكدرة على الدم الأسود فجعلتموه كله حيضا، فكذلك قيسوا

[158] **Translator’s note (L3243):** The Arabic moves directly from the master’s question about the water to the servant’s answer without an explicit introductory ‘he replied’; the translation supplies that attribution to make the dialogue intelligible.

[159] **Translator’s note (L3244):** ‘المغتسل’ ordinarily denotes a place for washing; here it apparently refers to the place or apparatus for washing a corpse, although it is oddly listed among things brought to the door. ‘ما هذا الباب’ literally reads ‘What is this matter/category?’ In context it is rendered ‘What is this business?’; the immediately preceding reference to the door may also be relevant. The unvocalized ‘يقبله’ can mean ‘kiss it’ or ‘accept it.’ ‘Kiss it’ is retained as a possible literal reading in this deliberately unusual example; the intended action is uncertain. ‘الاستدراء على الله’ is an unusual expression whose precise force here is uncertain and may reflect a corrupt reading. ‘Presuming upon Allah’ provisionally conveys the polemical sense of the passage.

[160] **Translator’s note (L3246):** ‘جذعة’ denotes a young animal at a particular stage of maturity, with the precise age depending on its species. The supplied quotation does not specify the species; the translation therefore retains the general wording.

He ﷺ thus expressly specified the characteristics of menstruation, the state of purity, and nonmenstrual uterine bleeding, and the ruling for each of these whenever it appears. It is therefore obligatory to adhere to that whenever menstruation, the state of purity, or nonmenstrual uterine bleeding occurs. This question is then turned back upon them, after we have shown that it is an argument in our favor. We say to them—and success comes through Allah Most High: You are the practitioners of analogy, of searching out effective causes in religion, and of extending rulings beyond what Allah Most High and His Messenger ﷺ expressly stated to what neither expressly stated. You are the practitioners of soothsaying and of supplementing religion with what neither Allah Most High nor His Messenger ﷺ mentioned. Apply your doctrine to this report. For according to your account, he, peace be upon him, said concerning nonmenstrual uterine bleeding, 'It is only a vein,' and explained that menstrual blood is black and recognizable. Thus, just as you have drawn an analogy between red, yellow, and turbid discharge and black blood, and classified it all as menstruation, likewise draw an analogy between every vein from which blood flows in a woman, whether through a nosebleed or a wound, and the vein of nonmenstrual uterine bleeding, and then assign her the ruling applicable to nonmenstrual uterine bleeding. Otherwise, you are contradicting yourselves and abandoning analogy. No person possessed of good judgment can doubt—if analogy is valid—that drawing an analogy between one bleeding vein and another bleeding vein is more closely fitting and more appropriate than drawing an analogy between watermelons or chestnuts and wheat and dates. Indeed, some of them have done this, namely the Hanafis. They have ruled that ritual ablution is invalidated by every bleeding vein, by analogy, according to them, with the vein of a woman experiencing nonmenstrual uterine bleeding. They must therefore require a full ritual bath on account of that, just as the explicit text requires it of the woman experiencing nonmenstrual uterine bleeding. This is something from which they have no escape. Success comes through Allah Most High. They said: 'We know that the bodies of the people of China are like our bodies only by drawing an analogy from what is observed to what is unobserved.' Abu Muhammed said: This is more of the same madness. We have just explained that our knowledge of this is necessary, primary knowledge, apprehended

كل عرق يسيل من المرأة من رعاف أو جرح على عرق الاستحاضة، وأحكموا لها حينئذ بحكم الاستحاضة وإلا كنتم متناقضين وتاركين للقياس. ولا شك عند كل ذي حسن إن كان القياس حقا إن قياس عرق يدمي عن عرق يدمي أشبه وأولى من قياس الدلاع أو الشاهبلوط على البر والتمر، على أن بعضهم قد فعل ذلك وهم الحنفيون، وأوجبوا أن الوضوء ينتقض بكل عرق دمي، قياسا على عرق المستحاضة عندهم، فيلزمهم أن يوجبوا من ذلك الغسل، كما جاء النص على المستحاضة، وهذا ما لا انفكاك لهم منه، وبالله تعالى التوفيق. وقالوا: لم نعلم أن أجسام أهل الصين كأجسامنا إلا قياسا منا بالشاهد على الغائب. قال أبو محمد: وهذا من الجنون المكرر. وقد بينا آنفا أن علمنا بهذا علم ضروري أولي، يعرف ببديهة العقل، ولم يكن المميز قط من الناس إلا وهو عالم بطبعه أن كل من مضى أو يأتي أو غاب عنه من الناس فعلى هيئتنا بلا شك ولا يتشكل في عقل أحد سوى هذا.

through the immediate intuition of reason. There has never been a human being capable of discernment who did not know by nature that all people who have passed away, who will come into being, or who are absent from him are, without doubt, of the same bodily form as we are. Nothing else takes shape in anyone's mind.[161]

L3250–3259 Every rational person necessarily knows that our knowledge that a woman divorced three times is not lawful for the man who divorced her until after a marriage in which her husband has intercourse with her is different from our knowledge that the people of China have the same bodily forms as we do. Indeed, were it not for the revealed text, she could have become lawful for him after a thousand divorces without another husband. The same applies to the well and everything else concerning which revealed texts have come, for these particular things existed for thousands of years without any such prohibition or obligation applying to them. Bodies, however, have never been devoid of motion or rest, nor have human bodies ever had a shape different from the shape they have. Anyone who likens revealed laws to natural constitutions is mad, or in a condition worse than madness because a madman has more excuse than someone who follows the path of madmen while possessing discernment. If they dealt fairly with themselves, they would know that what they have said is an argument against them. Our knowledge that the bodies of people in China, and of those who will come until the Day of Resurrection, have the same form as our bodies is like our knowledge, after the revealed text has come, that all wheat in China and India, and all wheat that Allah Most High brings into existence until the Day of Resurrection, is forbidden to be sold for other wheat in unequal quantities. As for them, since they transfer the aforementioned ruling concerning wheat to figs and rice, they must also transfer the judgment concerning human bodies to the bodies of mules, and say that the mules of China have the form of human bodies. For the relation of rice to wheat is like the relation of mules

[161] **Translator's note (L3248):** 'كل ذي حسن' literally reads 'everyone possessed of goodness/beauty,' which is awkward here. 'Good judgment' is a contextual rendering; the reading may be corrupt. 'عن عرق يدمي' uses an unusual preposition for the comparison. The translation conveys the apparent comparison of one bleeding vein with another.

وبالضرورة يعلم كل ذي عقل أن علمنا أن المطلقة ثلاثا لا تحل لمطلقها إلا بعد زواج يطؤها، ليس من علمنا بأن أهل الصين من الناس هم على هيئاتنا، بل كان جائزا أن تحل له بعد ألف طلقة دون زوج ولولا النص. وهكذا القول في البئر وسائر ما وردت به النصوص، لأنه قد كانت هذه الأعيان موجودة آلافا من السنين ليس فيها شيء من هذا التحريم، ولا هذا الإيجاب ولم تكن الأجسام قط خالية من حركة أو سكون، ولا كانت أجسام الناس على خلاف هذا الشكل الذي هم عليه والمشبه للشرائع بالطبائع مجنون أو في أسوأ حالا من الجنون لأن من سلك سبيل المجانين وهو مميز فالمجنون أعذر منه. ولو أنصفوا أنفسهم لعلموا أن الذي قالوا حجة عليهم، لأن علمنا بأن أجسام الناس في الصين، وفيما يأتي إلى يوم القيامة، على هيئة أجسامنا هو كعلمنا بعد ورود النص، بأن كل بر في الصين والهند وكل بر يحدثه الله تعالى إلى يوم القيامة فحرام بيع بعضه ببعض متفاضلا. وأما هم فإنه يلزمهم، إذ نقلوا حكم البر المذكور إلى التين والأرز، أن ينقلوا حكم أجسام الناس إلى أجسام البغال، فيقولوا: إن بغال الصين على هيئة أجسام الناس، لأن نسبة الأرز إلى البر، كنسبة البغال إلى الناس ولا فرق وكل ذلك أنواع مختلفة. ويلزمهم أيضا، إذا قاسوا الغائب على غير نوعه من الشاهد أن يقولوا: إن الملائكة والحور العين لحم ودم، قياسا على الناس، وأنهم يمرضون ويفيقون ويموتون، وأن فيهم حاكة وملاحين وفلاحين وحجامين وكرباسيين، قياسا على الشاهد، وإلا فقد نقضوا وبطلوا قياسهم للغائب على الشاهد. والحق من هذا أن لا غائب عن العقل من قسمة العالم التي تدرك بالعقل، ولا غائب عن السمع من الشريعة وبالله

to humans, with no difference: all these are different species. Likewise, if they draw an analogy between the unobserved and something observed that belongs to a different species, they must say that angels and wide-eyed maidens are flesh and blood, by analogy with humans; that they fall ill, recover, and die; and that among them are weavers, sailors, farmers, cuppers, and cotton-cloth workers, by analogy with what is observed. Otherwise, they have contradicted and invalidated their analogy of the unobserved with the observed. The truth in this matter is that nothing in the division of the world apprehended by reason is absent from reason, and nothing in revealed law is absent from transmitted revelation. In Allah Most High we seek protection. All this is established, present, and known, and praise belongs to Allah, Lord of the worlds. They said: "Every two similar things must receive a single judgment in respect of their similarity." Abu Muhammed said: This is an arbitrary assertion without evidence, and a fabricated claim whose formulation is unsound. The truth here is that when two things resemble one another in some attribute, both are equal in that attribute, with the same equality; neither has a greater claim to that attribute than the other nor is one the original case and the other a derivative case; nor is either referred back to the other; nor does either have a greater claim to be treated by analogy with the other than the other has to be treated by analogy just as Zayd has no greater claim to humanity than Amr, and Khalid's donkey has no greater claim to donkeyhood than Muhammed's donkey. Neither the black crow nor the sackcloth has a greater claim to blackness than the other. This is one and the same matter throughout everything in the world. The same applies to revealed laws: the wheat of Baghdad has no greater claim than the wheat of al-Andalus to the prohibition against selling some of it for other wheat in unequal quantities; nor does the clarified butter of Medina, if a mouse dies in it while it is liquid, have a greater claim to being poured away than the clarified butter of Egypt. This is what admits of no doubt. As for their wish to smuggle falsehood and what is unlawful into the body of what is obligatory, with the help of Allah Most High they can get this past only an ignorant person taken in by them, whom they have ruined because he thought well of them. They wish to take something that is equal to another species in some of its attributes and assimilate it to that species in a respect in which

تعالى نعتصم وكل ذلك ثابت حاضر معلوم والحمد لله رب العالمين. وقالوا: إن كل مشتبهين فوجب أن يحكم لهما بحكم واحد من حيث اشتبها. قال أبو محمد: وهذا تحكم بلا دليل ودعوى موضوعة وضعها غير مستقيم والحقيقة في هذا أن الشيئين إذا اشتبها في صفة ما، فهما جميعا فيها مستويان استواء واحدا، ليس أحدهما أولى بتلك الصفة من الآخر، ولا أحدهما أصل والثاني فرع، ولا أحدهما مردود إلى الآخر، ولا أحدهما أولى بأن يكون قياسا على الآخر، من أن يكون الآخر قياسا كزيد ليس أولى بالآدمية من عمرو، ولا حمار خالد أولى بالحمارية من حمار محمد، والغراب الأسود والسح ليس أحدهما أولى بالسواد من الآخر، وهذا كله باب واحد في جميع ما في العالم. وكذلك الشرائع ليس بر بغداد بأولى بالتحريم في بيع بعضه ببعض متفاضلا من بر الأندلس، ولا سمن المدينة إذا مات فيه الفأر وهو مائع بأولى أن يهراق من سمن مصر، فهذا هو الذي لا شك فيه. وأما ما يريدون من دس الباطل وما لا يحل جملة الواجب فلا يجوز لهم بعون الله تعالى إلا على جاهل مغتر بهم، أهلكوه إذ أحسن الظن بهم، وذلك أنهم يريدون أن يأتوا إلى ما ساوى نوعا آخر في بعض صفاته فيلحقونه به فيما لم يستو معه، وهذا هو الباطل المحض الذي لا يجوز البتة. أول ذلك، أنه تحكم بلا دليل وما كان هكذا فقط سقط وقد صح عن رسول الله صلى الله عليه وسلم لعن المؤمن كقتله وكل مسلم يعلم أنه لا تشابه أقوى من تشابه أخبر به صلى الله عليه وسلم فإذا لا شك في هذا وصح يقينا أن لعن المؤمن كقتله وأجمعت الأمة، بلا خلاف، أن لعن المؤمن لا يبيح دم اللاعن كما يبيح القتل دم القاتل، ولا يوجب دية كما يوجب القتل دية فبطل قول من قال إن الاشتباه بين الشيئين يوجب لهما في الشريعة حكما واحدا فيما لم على اشتباههما فيه. وبعد، فإن البرهان يبطل قولهم من نفس هذه المقدمة التي رتبوا وذلك أنه ليس في العالم شيئان أصلا، بوجه من الوجوه، إلا وهما مشتبهان من بعض الوجوه، وفي بعض الصفات، وفي بعض الحدود لا بد من ذلك،

it is not equal to it. This is sheer falsehood, entirely inadmissible. The first objection is that it is an arbitrary assertion without evidence, and whatever is of this character thereby falls. It has been authentically reported from the Messenger of Allah ﷺ: "Cursing a believer is like killing him." Every Muslim knows that no resemblance is stronger than a resemblance reported by him ﷺ. Since there is no doubt about this, and it is established with certainty that cursing a believer is like killing him, yet the community has unanimously agreed, without disagreement, that cursing a believer does not render the curser's blood lawful as killing renders the killer's blood lawful, nor does it entail blood money as killing entails blood money, the assertion of anyone who says that resemblance between two things requires a single ruling for them in revealed law in a respect in which their resemblance has not been established is invalid. Furthermore, demonstration invalidates their assertion on the basis of the very premise they have formulated, namely that there are absolutely no two things in the world, in any manner whatsoever, that do not resemble one another in some respects, in some attributes, and in some definitions. This is unavoidable, because they are two things brought into existence, or composites, or two bodies, or two accidents. Resemblance then becomes more abundant according to the extent to which the two things fall equally under a higher genus, then under one species after another, until you reach the lowest species, immediately above individuals, as when we say humans, jinn, horses, wheat, dates, and things like that. Thus, on this corrupt premise they have advanced, if any particular thing in the world is forbidden, it must follow that everything in the world, from beginning to end, is forbidden by analogy with it, because it necessarily resembles it in some respects. If they persist in this, they become resentful and fall into unbelief; if they reject it, they abandon their corrupt doctrine of drawing an analogy, in matters of legal ruling, between species concerning which no explicit text has been given and those concerning which an explicit text has been given Then we impose another necessary consequence upon them: we also find another thing that is lawful, so everything in the world must be lawful by analogy with it, because it too resembles it in some respects. If they say this, they act foolishly and depart from Islam; if they reject it, they abandon their corrupt doctrine of drawing an analogy, in matters of legal

لأنهما في محدثان أو مؤلفات، أو جسمان أو عرضان، ثم يكثر وجود التشابه على قدر استواء الشيئين تحت جنس أعلى، ثم تحت نوع فنوع، إلى أن تبلغ نوع الأنواع الذي يلي الأشخاص، كقولنا: الناس، أو الجن، أو الخيل، أو البر، أو التمر، وما أشبه ذلك، فواجب على هذه المقدمة الفاسدة التي قدموا، إذا كانت عين ما مما في العالم حراما، إما أن يكون ما في العالم أوله عن آخره حراما، قياسا عليه، لأنه يشبهه ولا بد في بعض الوجوه، إن تمادوا على هذا سخطوا وكفروا، وإن أبوا منه تركوا مذهبهم الفاسد في قياس الحكم فيما لم ينص عليه من الأنواع على ما نص عليه منها ثم نلزمهم إلزاما آخر وهو أننا نجد أيضا شيئا آخر حلالا فيلزم أن يكون كل ما في العالم حلالا، قياسا على هذا، لأنه أيضا يشبهه من بعض الوجوه، وهذا إن قالوه، حمقوا وخرجوا عن الإسلام، وإن أبوا منه، تركوا مذهبهم الفاسد، في قياس الحكم فيما لم ينص عليه من الأنواع على ما نص عليه منها. ثم تجمع عليهم هذين الإلزامين معا، فيلزمهم أن يجعلوا الأشياء كلها حراما حلالا معا، قياسا على ما حرم وما حلل، وهذا تخليط، ولا شك في فساد كل قول أدى إلى مثل هذا السخف، فإذ لا شك في بطلان هذا الهذيان، فالواجب ضرورة أن يحكم بالتحريم فيما جاء فيه النص بالتحريم، وأن يحكم بالتحليل فيما جاء فيه النص بالتحليل، وأن يحكم بالإيجاب فيما جاء فيه النص بالإيجاب ولا يتعدى حدود الله تعالى، فلم يبق لهم إلا أن يقولوا: إن النص لا تستوعب كل شيء. قال أبو محمد: وهذا قول يؤول إلى الكفر، لأنه قول بأن الله تعالى لم يكمل لنا ديننا، وأنه أهم أشياء من الشريعة، تعالى الله عن هذا، والله تعالى أصدق منهم حيث يقول {وما من دآبة في لأرض ولا طائر يطير بجناحيه إلا أمم أمثالكم ما فرطنا في لكتاب من شيء ثم إلى ربهم يحشرون} و {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا

ruling, between species concerning which no explicit text has been given and those concerning which an explicit text has been given. Then both these necessary consequences are brought together against them, requiring them to make all things simultaneously forbidden and lawful, by analogy with what has been forbidden and what has been made lawful. This is confusion, and there is no doubt about the unsoundness of any assertion leading to such absurdity. Since there is no doubt about the invalidity of this delirious talk, it is necessarily obligatory to rule that something is forbidden when a text has come declaring it forbidden, to rule that something is lawful when a text has come declaring it lawful, and to rule that something is obligatory when a text has come declaring it obligatory, without transgressing the limits of Allah Most High. Nothing remains for them except to say: "The revealed text does not encompass everything." Abu Muhammed said: This is an assertion that leads to unbelief, because it amounts to saying that Allah Most High has not perfected our religion for us and that He has neglected things belonging to revealed law. Exalted is Allah above this! And Allah Most High is more truthful than they are when He says: {There is no creature on the earth, nor bird flying with its two wings, but they are communities like you. We have neglected nothing in the Book. Then to their Lord they will be gathered}, and: {Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal killed by goring, and what a beast of prey has eaten, except what you slaughter, and what has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful}, and: {With clear proofs and scriptures; and We have sent down to you the Reminder, so that you may explain to people what has been sent down to them, and so that they may reflect}. Thus their advocacy of analogy is invalid, and praise belongs to Allah, Lord of the worlds. We know of none on earth, apart from the sophists, who invalidate the judgments of reason more severely than the advocates of anal-

تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} و {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فبطل قولهم بالقياس، والحمد لله رب العالمين. وما نعلم في الأرض، بدع السوفسطائية، أشد إبطالا لأحكام العقول من أصحاب القياس، فإنهم يدعون على العقل ما لا يعرفه العقل، من أن الشيء إذا حرم في الشريعة وجب أن يحرم من أجله شيء آخر ليس من نوعه ولا نص الله تعالى ولا رسوله صلى الله عليه وسلم على تحريمه وهذا ما لا يعرفه العقل ولا أوجب العقل قط تحريم شيء ولا إيجابه، إلا بعد ورود النص، ولا خلاف في شيء من العقول، أنه لا فرق بين الكبش والخنزير. ولولا أن الله حرم هذا وأحل هذا، فهم يبطلون حجج العقول جهارا، ويضادون حكم العقل صراحا، ثم لا يستحبون أن يصفوا بذلك خصومهم، فهم كما قال الشاعر: ويأخذ عيب الناس من عيب نفسه مراد لعمري ما أراد قريب

ogy. For they attribute to reason something that reason does not recognize: that when something is forbidden in revealed law, another thing that does not belong to its species must be forbidden on its account, although neither Allah Most High nor His Messenger ﷺ has explicitly declared it forbidden. This is something reason does not recognize. Reason has never required that anything be forbidden or obligatory except after a revealed text has come. There is no disagreement among rational minds that there is no difference between a ram and a pig, were it not that Allah has forbidden the one and permitted the other. Thus they openly invalidate the proofs of reason and expressly oppose reason's judgment; then they do not like to describe their opponents in those terms. They are as the poet said: "He takes people's

fault from the fault within himself; an aim—by my life, what he aimed at is near."[162][163][164][165][166][167][168][169][170]

L3260 Furthermore, they are to be asked: If you say that whenever two things

وأيضا: فإنه يقال لهم: إذا قلتم: إن كل شيئين اشتبها في صفة ما، فإنه يجب التسوية بين أحكامهما في الإيجاب والتحليل وبالتحريم في الدين، فما الفرق بينكم وبين عكس من عليكم هذا القول بعينه، فقال: بل كل شيئين في العالم إذا افترقا في صفة ما، فإنه يجب أن يفرق أحكامهما في الإيجاب والتحليل والتحريم في الدين؟. فأجاب بعضهم بأن قال: هذا لا يجب دون أن يأتي بفرق. فقال أبو محمد: وهذا تحكم عاجز عن الفرق، ويقال له: بل قولك هو الذي لا يجب، فما الفرق؟.

[162]**Translator's note (L3250):** The reference to "the well" is retained as supplied; its particular legal context is not established within these segments. The Arabic has a grammatical irregularity in the final comparison, but its intended sense is clear.

[163]**Translator's note (L3251):** "Cotton-cloth workers" renders a term that may refer more specifically to makers or sellers of cotton cloth. "Transmitted revelation" renders the technical term for knowledge received through authoritative transmission, contrasted here with reason.

[164]**Translator's note (L3254):** "Sackcloth" is a tentative rendering of the unusual word supplied after "the black crow"; the precise referent is uncertain. The wording rendered "into the body of what is obligatory" is syntactically awkward and may be corrupt. The clause rendered "in a respect in which their resemblance has not been established" is defective in the supplied Arabic, which lacks a verb after its negation. The translation gives the apparent intended argument while recording the defect.

[165]**Translator's note (L3255):** The enumeration beginning "because they are" contains a stray preposition and inconsistent grammatical forms in the supplied Arabic. "Lowest species" renders the logical term literally meaning "species of species," here expressly distinguished from individual instances.

[166]**Translator's note (L3256):** The Arabic introduces the consequence with an unmatched "either"; the translation preserves the stated consequence without inventing an alternative. "Become resentful" follows the supplied verb. The reading is unexpected in this argument and may be a corruption, possibly of a word meaning "behave foolishly."

[167]**Translator's note (L3257):** "Neglected" expresses the apparent intended sense, but the supplied verb reads as a form ordinarily meaning "concerned" or "caused concern," rather than the expected verb "neglected." The text appears corrupt here.

[168]**Translator's note (L3258):** The Qur'anic quotations correspond to 6:38, 5:3, and 16:44. The supplied transcription repeatedly omits the initial alif in definite articles and certain other words; the translation reflects the recognizable wording. "Apart from the sophists" follows the apparent intended sense, but the supplied word at that point is defective and appears to be a corruption of "after."

[169]**Translator's note (L3259):** "They do not like to describe" follows the supplied verb literally. The context appears to call for "they are not ashamed to describe," but that would require a different reading. The second half of the poetic quotation is obscure and may be corrupt. "An aim" tentatively treats its opening word as a common noun; it could instead be the proper name Murad. The awkwardness has been retained.

[170]**Qur'an references (L3250):** Qur'an 6:38 (Al-An'am); Qur'an 5:3 (Al-Ma'idah); Qur'an 16:44 (An-Nahl); Qur'an 37:182 (As-Saffat).

resemble one another in some attribute, their rulings concerning obligation, permission, and prohibition in religion must be made equal, what distinguishes you from someone who turns this very assertion against you and says: Rather, whenever two things in the world differ in some attribute, their rulings concerning obligation, permission, and prohibition in religion must be differentiated? Some of them answered by saying, "This does not necessarily follow," without adducing any distinction. Abu Muhammed said: This is an arbitrary assertion by someone incapable of drawing a distinction. He is to be told: Rather, it is your assertion that does not necessarily follow. What, then, is the distinction?

L3261–3266 Some of them said: "This is analogy on your part, for you seek to invalidate analogy by analogy. You are therefore like those who seek to invalidate the evidence of reason by the evidence of reason." Abu Muhammed said: They are to be told—and success comes through Allah Most High—we have not used this argument against you because we consider it, or analogy, sound. Rather, we have shown you that your advocacy of analogy is demolished by analogy and that its parts invalidate one another. Nothing in the world is more unsound than a position whose parts invalidate one another. Since you acknowledge the validity of analogy, we hold you to what you have committed yourselves to and establish our case against you through it, because you consider it sound and accept its testimony as true. It pronounces your position unsound and your doctrines contradictory, whether you acknowledge this or deny it. As for us, we have never considered it sound or advocated it. It therefore binds you and does not bind us. Each person is bound only by what he has committed himself to; it does not bind his opponent. Thus, reports transmitted by individual narrators through uninterrupted chains of trustworthy transmitters are binding upon us, so that they may be adduced against us in debate, whereas we do not bind those who reject them. If someone debates us on their basis, we do not prevent him from holding us to what they entail for us. This is precisely how we proceed with you concerning analogy. As for your likening us in this respect to someone who resorts to the evidence of reason to invalidate the evidence of reason, that comparison is unsound. Someone arguing against us to in-

وقال بعضهم: هذا قياس منكم، فإنكم ترومون إبطال القياس بالقياس، فأنتم كالذين يرومون إبطال حجة العقل بحجة العقل. قال أبو محمد: فيقال لهم، وبالله تعالى التوفيق، لم نحتج عليكم بهذا تصويبا منا له ولا للقياس، لكن أرينا كم أن قولكم بالقياس ينهدم بالقياس، ويبطل بعضه بعضا وليس في العالم أفسد من قول من يفسد بعضه بعضا، فأنتم إذا أقررتم بصحة القياس فنحن نلزمكم ما التزمتم به ونحجكم به، لأنكم مصوبون له، مصدقون لشهادته، وهو قولكم بالفساد وعلى مذاهبكم بالتناقض، أقررتم به أو أنكرتموه، وأما نحن فلم نصوبه قط، ولا قلنا به، فهو يلزمكم ولا يلزمنا، وكل أحد فإنما يلزمه ما التزم، ولا يلزم خصمه، كما أن أخبار الآحاد المتصلة بنقل الثقات لازم لنا للاحتجاج بها علينا في المناظرة، ولا نلزم من أنكرها، فمن ناظرنا بها لم ندفعه عما يلزمنا بها، وهذا هو فعلنا بكم في القياس. وأما تشبيهكم إيانا في ذلك بمن جنح في إبطال حجة العقل بحجة العقل، فتشبيه فاسد، لأن المحتج علينا في إبطال حجة العقل لا يخلو من أحد وجهين: إما أن يصوب ما يحتج به ويحققه فقد تناقض، أو يبطل ما يأتي به فقد كفانا مؤنته، ولسنا نحن كذلك في احتجاجنا عليكم بالقياس، لكنا نقول لكم: إن كان القياس حقا عندكم فإنه يلزمكم منه كذا وكذا، وليس يقول لنا المبطلون لحجج العقول هكذا، لكنهم محققون لما يحتجون به، فيتناقضون إذا حققوا ما أبطلوا، كما تناقضتم

validate the evidence of reason must be in one of two positions: either he considers the argument he adduces sound and affirms its truth, in which case he has contradicted himself, or he declares what he adduces invalid, in which case he has spared us the trouble of dealing with him. Our use of analogy in arguing against you is not like that. Rather, we say to you: If analogy is true in your view, such-and-such consequences necessarily follow from it for you. Those who invalidate the proofs of reason do not address us in this fashion. Rather, they affirm the truth of the arguments they adduce, and thus contradict themselves when they affirm what they have invalidated, just as you have contradicted yourselves by invalidating what you have affirmed among the results of analogy. Your method is therefore their method. We say: You have committed yourselves to the judgment of this analogy with which we counter you, while in our view it is invalid, exactly as your own position is. If you accept it, it invalidates your position; and if you reject it, the same holds, because you then acknowledge the invalidation of what you have already considered sound. And there is no unsoundness greater than the unsoundness of a position that leads to accepting falsehood. The case of someone who invalidates the judgments of reason is different, because nothing whatsoever can be established as valid except through reason, through the senses together with reason, or through what is derived from these. If someone invalidates the evidence of reason and then debates the matter using the evidence of reason, then, if he accepts its validity, he has returned to the truth and joined us; and if he invalidates it, discussion with him falls away, because he acknowledges that he speaks without reason. Analogy is not like this, by your own admission. It suffices here that anyone who seeks to invalidate the evidence of reason by an argument seeks something he will never find. The evidence of reason never invalidates the evidence of reason at all; rather, it establishes and confirms it. Likewise, anyone who seeks to invalidate a report transmitted by an individual narrator by means of another such report will never find an authentic report that invalidates reports transmitted by individual narrators. So it is with everything valid: nothing valid will ever be found to contradict it. This is known necessarily. Were it otherwise, truth would invalidate truth, and this is inherently impossible. Analogy is not like this, because it is plainly invalidated by analogy, with the

أنتم في إبطالكم ما حققتموه من نتائج القياس، فطريقكم هي طريقهم. ونحن نقول: إن هذا الذي نعارضكم به من القياس أنتم التزمتم حكمه، وهو عندنا باطل، كقولكم سواء بسواء، فإن التزمتموه أفسد قولكم، وإن أبيتموه فكذلك لأنكم تقرون حينئذ بإبطال ما قد صوبتموه، ولا فساد أشد من فساد قول أدى إلى التزام الباطل، وليس من يبطل قضايا العقل كذلك، لأنه لا يصح شيء أصلا إلا بالعقل أو بالحواس مع العقل، أو ما أنتج من ذلك، فمن أبطل حجة العقل ثم ناظر في ذلك بحجة العقل، فإن صححها رجع إلى الحق ودخل معنا، وإن أبطلها سقط القول معه، لأنه يقر أنه يتكلم بلا عقل، وليس القياس هكذا بإقراركم. ويكفي من هذا: أن من رام إبطال حجة العقل بحجة فقد رام ما لا يجده أبدا، وحجة العقل لا تبطل حجة العقل أصلا، بل توجبها وتصححها، وكذلك من رام إبطال خبر الواحد بخبر الواحد، فإنه لا يجد أبدا خبرا صحيحا يبطل خبر الواحد. وهكذا كل شيء صحيح، فإنه لا يوجد شيء صحيح يعارضه أبدا، هذا يعلم ضرورة، ولو كان ذلك لكان الحق يبطل الحق، وهذا محال في البنية، وليس كذلك القياس لأنه يبطل بالقياس جهارا وبأسهل عمل، فصح أنه باطل، وهكذا كل باطل في العالم فإنه يبطل بعضه بعضا بلا شك. وقال بعضهم: من الدليل على أن حكم المماثلين حكم واحد أن الله عز وجل قد تحدى العرب بأن يأتوا بمثل هذا القرآن وأعلم أنهم لو أتوا بمثله لكان باطلا، لأن مثل الباطل لا يكون إلا باطلا، ومثل الحق لا يكون إلا حقا. قال أبو محمد: هذا قول صحيح، وهو حجة عليهم، لأن المشبه للباطل في أنه باطل هو بلا شك باطل، وبهذا أبطلنا القياس بالقياس، ورأينا أنه كله باطل، وليس ما أشبه الباطل في أنه مخلوق مثله، وأنه كلام مثله، يكون باطلا بل هذا حكم يؤدي إلى الكفر، لأن الكفر كلام، والكذب كلام، والقرآن كلام، والحق كلام. وليس ذلك بموجب اشتباه كل ذلك في غير ما اشتبه فيه يرومون. وأيضا فهذا من ذلك التمويه الذي إذا كشف عاد مبطلا لقولهم بعون الله

greatest ease. It is therefore established that it is invalid. So it is with every falsehood in the world: its parts undoubtedly invalidate one another. Some of them said: "Among the proofs that two equivalent things have one and the same ruling is that Allah, Mighty and Majestic, challenged the Arabs to produce something like this Quran and made known that, had they produced its like, it would have been false; for the like of falsehood can only be falsehood, and the like of truth can only be truth." Abu Muhammed said: This is a correct statement, and it is an argument against them, because what resembles falsehood in being false is undoubtedly false. By this we invalidated analogy through analogy and found that it is all invalid. Something that resembles a falsehood in being created like it, or in being speech like it, is not thereby false. Rather, such a judgment leads to unbelief, because unbelief is speech, lying is speech, the Quran is speech, and truth is speech. This does not entail that all these resemble one another in anything beyond the respect in which they resemble one another, as they seek to establish. Furthermore, this is another instance of that obfuscation which, when exposed, turns out to invalidate their position, with the help of Allah, Mighty and Majestic. For we have never denied that things to which, together with others, a name applies that encompasses those individual entities are all entitled to that name. Indeed, we are the proponents of this position. We say that any speech used outside the places in which Allah Most High has placed it in the revealed laws, or outside the places in which the speakers of languages have placed it for mutual understanding, is falsehood, a displacement of words from their proper places, and an alteration of them. This is forbidden by the explicit

عز وجل، وذلك أننا لم ننكر قط أن ما وقع عليه مع غيره اسم يجمع تلك الأشخاص، فإنها كلها مستحقة لذلك الاسم، بل نحن أهل هذا القول. ونقول: إن كل ما يوضع من الكلام في غير مواضعه التي وضعها الله تعالى فيها في الشرائع أو في غير المواضع التي وضعه فيها أهل اللغات للتفاهم فهو باطل وتحريف للكلم عن مواضعه، وتبديل له، وهذا محرم بالنص وتدليس بضرورة العقل، وكل ما كان من الكلام موضوعا في مواضعه التي ذكرنا فهو حق.

text, and reason necessarily recognizes it as deception. Any speech placed in the proper places we have mentioned is true.[171][172]

L3267–3269 Since there is no doubt about this, we have not judged anything false to be false because of its resemblance to another falsehood. Rather, neither of two falsehoods has any greater claim to be false than all other falsehoods: all falsehoods are equal in falling under falsehood. Nor does either of two truths have any greater claim to be true than another truth: every truth is equal, in being true, to all other truths. None of this is determined by analogy with anything else. By the necessity of reason, this statement holds consistently for everything in the world, whether revealed laws or other things. Thus, all wheat is wheat, all dates are dates, whatever resembles wheat but is not wheat is not wheat, whatever resembles gold but is not gold is not gold, and whatever resembles something forbidden but has not been prohibited by the explicit text is not forbidden. So it is with all things, from first to last. What they have adduced therefore invalidates analogy, if only they would reason and deal fairly with themselves. Success comes through Allah Most High. These people have relied solely on obfuscation, lying, and confusing those taken in by them. They said, "The adherents of the apparent meaning deny that things resemble one another." They then proceeded to adduce verses, prophetic reports, and observations in which things resemble one another. In this they deceive their own minds. We have never denied that things resemble one another. Indeed, we understand the respects in which things resemble one another better than they do, because we have examined them rigorously and Allah Most High has made them clear

فإذ لا شك في هذا، فلم نحكم لشيء من الباطل بأنه باطل من أجل شبهه بباطل آخر، بل ليس أحد الباطلين أولى أن يكون باطلا من سائر الأباطيل، بل كل الأباطيل في وقوعها تحت الباطل سواء، ولا أحد الحقين أولى أن يكون حقا من حق آخر، بل كل حق فهو، في أنه حق، سواء مع سائر الحقوق كلها، وليس شيء من ذلك مقيسا على غيره. والقول مطرد هكذا بضرورة العقل في كل ما في العالم من الشرائع وغيرها فكذلك كل بر فهو بر، وكل تمر فهو تمر، وكل ما أشبه البر مما ليس برا، فليس برا، وكل ما أشبه الذهب مما ليس ذهبا فليس ذهبا، وكل ما أشبه الحرام مما لم ينه النص عنه فليس حراما، وهكذا جميع الأشياء أولها عن آخرها، فهذا الذي أتوا به مبطل للقياس لو عقلوا وأنصفوا أنفسهم، وبالله تعالى التوفيق. وإنما عول القوم على التمويه والكذب والتلبيس على من اغتر بهم، فقالوا: إن أصحاب الظاهر ينكرون تماثل الأشياء، ثم جعلوا يأتون بآيات وأحاديث ومشاهدات فيها تماثل أشياء. وهذا خداع منهم لعقولهم وما أنكرنا قط تماثل الأشياء، بل نحن أعرف بوجوه التماثل منهم، لأننا حققنا النظر فيها، فأبانها الله تعالى لنا، وهم خلطوا وجه نظرهم، فاختلط الأمر عليهم، وإنما أنكرنا أن نحكم للمتماثلات في صفاتهما من أجل ذلك في الديانة بتحريم أو إيجاب أو تحليل دون نص من الله تعالى أو رسوله صلى الله عليه وسلم أو إجماع من الأمة فهذا الذي أبطلنا وهو الباطل المحض، والتحكم في دين الله تعالى بغير هدى من الله، نعوذ بالله من ذلك، وقالوا أيضا: إن أصحاب الظاهر يبطلون حجج العقول. قال أبو محمد: وكذبوا بل نحن المثبتون لحجج العقول على الحقيقة، وهم المبطلون لها حقا، لأن العقل يشهد أنه يحرم دون الله تعالى، ولا يوجب دون الله تعالى شريعة، وأنه إنما يفهم ما خطب الله تعالى به حامله، ويعرف الأشياء على ما خلقها الله تعالى عليه

[171] **Translator's note (L3261):** The wording وهو قولكم بالفساد وعلى مذاهبكم بالتناقض is syntactically defective or elliptical. The translation takes it as saying that analogy itself pronounces their position unsound and their doctrines contradictory.

[172] **Translator's note (L3264):** The conditional statement about producing the Quran's like is the interlocutors' argument as supplied, not a direct Quran quotation; its wording has been retained. The word يرومون, "they seek," is awkwardly attached at the end of the sentence about resemblance. The translation understands an elliptical reference to the further resemblance they seek to establish. The claim that resemblance to falsehood in being created does not establish falsity is translated as written; the passage does not thereby explicitly characterize the Quran as created.

فقط، وهم يحرمون بعقولهم ويشرعون الشرائع بعقولهم بغير نص من الله تعالى ولا من رسوله صلى الله عليه وسلم ولا إجماع من الأمة فهذا هو إبطال حجج العقول على الحقيقة، وبالله تعالى التوفيق. واحتجوا بالموازنة يوم القيامة. قال أبو محمد: وهذا من أغرب ما أبدوا فيه عن جهلهم، وهل هذا إلا نص جلي؟

وأي شيء من موازنة أعمال العباد؟ وجزاء المحسن بإحسانه، والمسيء بإساءته، والعفو عن التائب بعد أن أجرم، والعفو عن الصغائر باجتناب الكبائر، والمؤاخذة بها لمن فعل كبيرة وأصر عليها، مما يحتج به في إيجاب تحريم الأرز بالأرز متفاضلا، وهل يعقل وجوب هذا من موازنة الأعمال يوم القيامة، وجزاء الحسنة بعشر أمثالها إلى سبعمائة، وجزاء السيئة بمثلها، إلا مجنون مصاب. وقالوا: أخبرونا عن قولكم بالدليل: أبنص قلتموه، أم بغير نص؟ فإن قلتم: قلناه بنص، فأروناه، وإن قلتم: بغير نص، دخلتم فيما عبتم من القياس. قال أبو محمد: وقد أفردنا فيما خلا من كتابنا هذا بابا لبيان الدليل الذي نقول به فأغني عن ترداده، إلا أننا نقول ههنا جوابا لهم، وبالله تعالى التوفيق،

to us. They have muddled their manner of inquiry, and so the matter has become confused for them. What we have denied is only that, on account of their resemblance in attributes, we should assign to similar things a religious ruling of prohibition, obligation, or permission without an explicit text from Allah Most High or His Messenger ﷺ, or a consensus of the community. This is what we have invalidated. It is sheer falsehood and arbitrary ruling in the religion of Allah Most High without guidance from Allah. We seek refuge in Allah from that. They also said, "The adherents of the apparent meaning invalidate the proofs of reason." Abu Muhammed said: They have lied. Rather, we are the ones who truly affirm the proofs of reason, and they are the ones who truly invalidate them. For reason testifies that it prohibits independently of Allah Most High and does not impose any revealed law independently of Allah Most High, and that it only understands what Allah Most High has addressed to its possessor and knows things as Allah Most High has created them. Yet they prohibit by their own reason and institute revealed laws by their own reason, without an explicit text from Allah Most High or from His Messenger ﷺ, or a consensus of the community. This is what truly invalidates the proofs of reason. Success comes through Allah Most High. They also argued from the weighing on the Day of Resurrection. Abu Muhammed said: This is among the strangest instances in which they have exposed their ignorance. Is this anything but a clear, explicit text?[173]

L3270–3272 And what is there in the weighing of servants' deeds, the recompensing of the doer of good for his good conduct and the evildoer for his evil conduct, the pardoning of one who repents after committing a crime, the pardoning of minor sins through avoidance of major sins, and the holding to account for those minor sins of someone who commits a major sin and persists in it, that can serve as an argument for requiring the prohibition of exchanging rice for rice in unequal quantities? Could anyone other than an afflicted madman understand this requirement to follow from the weighing of deeds on the Day of Resurrection, the recompensing of a good deed with ten times

[173] **Translator's note (L3268):** The supplied Arabic reads أنه يحرم, "that it prohibits," although the argument appears to require أنه لا يحرم, "that it does not prohibit." The translation retains the supplied affirmative wording rather than silently inserting the missing negation.

its like up to seven hundred, and the recompensing of an evil deed with its like?

They said: "Tell us about your position concerning inferential proof: did you adopt it on the basis of a text or without a text? If you say, 'We adopted it on the basis of a text,' show it to us. If you say, 'Without a text,' you have fallen into the very analogy you criticized."

Abu Muhammed said: Earlier in this book of ours we devoted a separate chapter to explaining the inferential proof that we uphold, which makes repeating it unnecessary. Nevertheless, in answering them here—and through Allah Most High comes success—we shall state what this passage cannot dispense with presenting: what we call inferential proof is the very meaning intended by the text itself, even if expressed in different words. An example is Allah Most High's statement, "Indeed, Abraham is forbearing, much given to sighing, ever returning in repentance." We necessarily know, therefore, that he is not foolish. Another example is the Messenger of Allah's ﷺ statement: "Every intoxicant is wine, and every wine is forbidden." From this wording it necessarily follows that every intoxicant is forbidden. Thus our inferential proof is the text and consensus themselves, nothing apart from them. And through Allah Most High comes success.

They said: "There is no text concerning the inheritance of someone who is partly free and partly enslaved, or concerning his prescribed punishment or his blood money. What do you say about that? Likewise concerning his marriage, his divorce, and injuries inflicted upon him or by him?"

Abu Muhammed said: The person making this statement would have done better to learn before speaking. For the text lays down inheritance in general terms for sons, daughters, fathers, mothers, brothers, sisters, agnatic relatives, and spouses. It is therefore obligatory that no one be excluded from the text and denied inheritance except on the basis of a text. An authenticated text has indeed been transmitted in the report of Ali and Ibn Abbas: when a slave contracted to purchase his freedom becomes liable to a prescribed punishment, or is involved in a matter of blood money or inheritance, he inherits and is inherited from, the prescribed punishment is inflicted upon

ما لا يستغني هذا المكان عن إيراده وهو أن الدليل نقول: هو المقصود بالنص نفسه وإن كان بغير لفظه، كقول الله تعالى: {إن إبراهيم لحليم أواه منيب} فبالضرورة نعلم أنه ليس بسفيه ومثل قول رسول الله صلى الله عليه وسلم كل مسكر خمر وكل خمر حرام فصح ضرورة من هذا اللفظ أن كل مسكر حرام. فدليلنا هو النص والإجماع نفسه، لا ما سواهما، وبالله تعالى التوفيق. وقالوا: لا نص في ميراث من بعض حر وبعضه عبد، ولا في حده، ولا في ديته، فما تقولون في ذلك؟ وكذلك نكاحه وطلاقه والجناية عليه ومنه. قال أبو محمد: وصاحب هذا الكلام كان أولى به أن يتعلم قبل أن يتكلم، وذلك أن النص ورد بعموم ميراث الأبناء والبنات والآباء والأمهات، والإخوة والأخوات، والعصبة والأزواج، فواجب ألا يخرج عن النص أحد فيمنع الميراث إلا بنص، والنص قد صح من حديث علي، وابن عباس: إن المكاتب إذا أصاب حدا أو دية أو ميراثا، ورث وورث منه، وأقيم عليه الحد، وودي بمقدار ما أدى دية وميراث حر، وبمقدار ما لم يؤده دية عبد وميراث عبد، فخص أن العبد لا يرث. وقد قال قوم من العلماء: إن لهما من الميراث بمقدار ما فيهما من الحرية، وقال آخرون: لا شيء لهما من الميراث فكان قول هؤلاء مساقطا لمخالفته النص، ولأنه دعوى بلا دليل، فلم يبق قول من قال: إن لهما من الميراث بمقدار ما فيهما من الحرية فقلنا به.

him, and blood money is paid for him: in proportion to what he has paid, the blood money and inheritance of a free person, and in proportion to what he has not paid, the blood money of a slave and the inheritance of a slave. Thus it is established that a slave does not inherit. Some scholars have said that the two of them receive inheritance in proportion to the freedom in them, while others have said that neither receives any inheritance. The latter opinion was therefore disqualified because it contradicts the text and because it is a claim without proof. Thus the opinion of those who say that the two of them receive inheritance in proportion to the freedom in them did not remain, so we adopted it.[174][175][176]

L3273–3276 The same, then, is to be said concerning his prescribed punishment and his blood money, since the opinion of those who say that his prescribed punishment is like that of a free person has been invalidated by Ibn Abbas's report concerning the slave contracted to purchase his freedom, since the wording of that report distinguishes between the prescribed punishment of a free person and that of a slave. As for his marriage, the text states that any slave who marries without his masters' permission has contracted a marriage that is fornication. A partly emancipated person is neither wholly enslaved nor wholly free, and he does not pass out of the ruling concerning him that is established by consensus and affirmed by the text except through another text or a consensus. He therefore does not fall outside this text: he may not marry, as other Muslims do, without the permission of whoever has an ownership interest in him. His divorce is valid under the general wording of the text

فهكذا القول في حده وديته إذ قد بطل قول من قال: إن حده كحد الحر بحديث ابن عباس في المكاتب، إذا في نص ذلك الحديث الفرق بين حد الحر وحد العبد. وأما نكاحه فإن النص جاء بأن كل عبد نكح بغير إذن مواليه فنكاحه عهر، والمعتق بعضه ليس عبدا كله ولا حرا كله، ولا ينتقل عن حكمه المجمع عليه، والثابت عليه بالنص إلا بنص آخر أو إجماع، فهو غير خارج عن هذا النص فليس له أن ينكح كسائر المسلمين إلا بإذن من له فيه ملك، وطلاقه جائز على عموم النص في المطلقين. وأما جنايته والجناية عليه وشهادته فكالأحرار، ولا فرق إذ لم يمنع من ذلك نص ولا إجماع هذا مع صحة حديث ابن عباس في ميراث المكاتب وديته وحدوده، وإن ذلك بمقدار ما فيه من الحرية والرق. وقسموا أنواع القياس فقال بعضهم: من القياس قياس المفهوم، مثل قياس رقبة الظهار على رقبة القتل، قالوا: ومنه قياس العلة، كالعلة الجامعة بين النبيذ والخمر وهي الإسكار والشدة، ومنه قياس الشبه، ثم اختلفوا في هذا النوع من القياس، فقالوا: هو على الصفات الموجودة في العلة، وذلك مثل أن يكون في الشيء خمسة أوصاف من التحليل وأربعة من التحريم، فيغلب الذي فيه خمسة أوصاف على الذي فيه أربعة أوصاف، وقال آخرون منهم: وهو على الصور، كالعبد يشبه البهائم في أنه سلعة متملكة، ويشبه الأحرار في الصور الآدمية، وأنه مأمور منهي بالشريعة. قال أبو محمد: وكل هذا فاسد باطل متناقض لأنه كله دعاوى

[174] **Translator's note (L3271):** "Much given to sighing" renders the Qur'anic epithet awwāh, which can also convey frequent supplication or tenderheartedness. The unvocalized forms translated "he inherits and is inherited from" admit some grammatical uncertainty; the rendering follows the apparent legal sense of the passage.

[175] **Translator's note (L3272):** The supplied faḥaṣṣ is apparently a corruption of faṣaḥḥa, "thus it is established," which is the sense rendered here. The Arabic twice uses dual pronouns, "the two of them," although the immediately preceding discussion concerns one partly emancipated person; their referent is unclear. The final sentence literally says that the opinion "did not remain," then says "so we adopted it." An apparent omission of "except" would yield "nothing remained except the opinion," but the contradiction in the supplied wording has been retained.

[176] **Qur'an references (L3270):** Qur'an 11:75 (Hud).

concerning those who divorce. As for injuries he inflicts, injuries inflicted upon him, and his testimony, he is like free persons, with no distinction, since neither a text nor a consensus precludes this. This is in addition to the authenticity of Ibn Abbas's report concerning the inheritance, blood money, and prescribed punishments of the slave contracted to purchase his freedom, and that these are in proportion to the freedom and enslavement in him.

They divided analogy into types. Some of them said: "One type of analogy is analogy based on understood meaning, such as drawing an analogy between the slave to be freed in expiation for declaring one's wife forbidden like one's mother and the slave to be freed in expiation for killing." They said: "Another is analogy based on an effective cause, such as the effective cause common to fermented drink and wine, namely intoxication and potency. Another is analogy based on resemblance." They then disagreed concerning this type of analogy. They said: "It proceeds according to the attributes present in the effective cause. An example is when a thing possesses five attributes supporting permissibility and four supporting prohibition: that which has five attributes is given precedence over that which has four." Others among them said: "It proceeds according to forms: a slave, for example, resembles livestock in being an owned commodity, and resembles free persons in human form and in being subject to the commands and prohibitions of the revealed law."

Abu Muhammed said: All of this is unsound, false, and contradictory, because it consists entirely of feeble claims, without any proof that any of them is sound. Then there is their calling the analogy between the slave to be freed for declaring one's wife forbidden like one's mother and the slave to be freed for killing an "understood meaning." If only I knew by what means they understood it, so that they knew that only a believing slave would suffice! This, although their fellow proponents of analogy among the followers of Abu Hanifah disagreed with them on this matter: they did not understand from this astonishing analogy what the Shafi'i and the Maliki understood. And everything understood from speech is, without doubt, equally accessible to the understanding of those who know the language. Their claim to have understood thus became a lie. Then, if they understood that both slaves

باردة بلا دليل على صحة شيء منها ثم تسميتهم قياس الرقبة في الظهار على الرقبة في القتل أنه مفهوم، وليت شعري بماذا فهموه حتى علموا أنها لا تجزىء إلا مؤمنة؟ هذا وقد خالفهم إخوانهم من القائسين في ذلك من أصحاب أبي حنيفة، فلم يفهموا من هذا القياس العجيب ما فهم الشافعي والمالكي، وكل ما فهم من كلام فأهل اللغة متساوون في فهمه بلا شك، فصار دعواهم للفهم كذبا، ثم هلا إذا فهموا أن كلتا الرقبتين سواء، مشوا في قياسهم ففهموا أنه يجب التعويض من الصيام في القتل إطعام ستين مسكينا كالتعويض لذلك من صيام الظهار، كما تساوى التعويض من رقبتي الظهار والقتل، صيام شهرين متتابعين، فما هذا التباين في فهم ما لا تقضيه الآية ولا اللغة؟. وأما قولهم: قياس العلة، وأن النبيذ مقيس على الخمر فكذب مجرد بارد سمج وجرأة على الله تعالى وقد قال رسول الله صلى الله عليه وسلم كل مسكر خمر وكل مسكر حرام

to be freed are alike, why did they not carry their analogy through and understand that feeding sixty poor people must serve as a substitute for fasting in expiation for killing, just as it serves as a substitute for fasting in expiation for declaring one's wife forbidden like one's mother, just as fasting for two consecutive months serves equally as the substitute for freeing a slave in both cases? What is this disparity in understanding something entailed by neither the verse nor the language?

As for their talk of analogy based on an effective cause, and their assertion that fermented drink is treated by analogy with wine, this is a sheer, feeble, repugnant lie and an audacious presumption against Allah Most High. The Messenger of Allah ﷺ has said: "Every intoxicant is wine, and every intoxicant is forbidden."[177]

L3277–3279

He ﷺ thus placed every intoxicant on an equal footing, without singling out that made from grapes, dates, figs, honey, or anything else. He then stated that every intoxicant is forbidden. Grape wine therefore has no greater claim in this respect than fig wine; nor is grape wine an original case and other wine a derivative case. Rather, all of it is equal by virtue of the text. The feebleness and unsoundness of their position have thus become evident.

If they say, "Why, then, have you not declared someone who deems intoxicating fig drink lawful an unbeliever, just as you declare someone who deems intoxicating grape juice lawful an unbeliever?" the answer to him is—and through Allah Most High comes success: We have declared someone who deems intoxicating grape juice lawful an unbeliever only because the decisive proof has been established through consensus. Were an ignorant person who did not know of the consensus on this matter to deem it lawful, we would not declare him an unbeliever until he knew of it through the consensus. Likewise, we have not declared someone who deems fig drink lawful

[177] **Translator's note (L3274):** The supplied idhā, "when/if," in the opening sentence appears to stand for idh, "since"; the causal sense is rendered here. "Declaring one's wife forbidden like one's mother" renders ẓihār, a technical form of marital repudiation; "the slave to be freed" renders raqabah, literally "a neck," in this expiatory context. "Fermented drink" renders nabīdh, distinguished in the argument from khamr, rendered "wine." "Potency" renders shiddah, referring here to the drink's intoxicating strength.

فساوى صلى الله عليه وسلم بين كل مسكر ولم يخص من عنب ولا تمر ولا تين ولا عسل ولا غير ذلك، ثم أخبر أن كل مسكر حرام، فليست خمر العنب في ذلك بأولى من خمر التين، ولا خمر العنب أصلا وغيرها فرعا، بل كل ذلك سواء بالنص، فظهر برد قولهم وفساده. فإن قالوا: فهلا كفرتم من استحل نبيذ التين المسكر، كما تكفرون مستحل عصير العنب المسكر؟. قيل له، وبالله تعالى التوفيق: إنما كفرنا من استحل عصير العنب المسكر لقيام الحجة بالإجماع، ولو استحله جاهل لم يعرف الإجماع في ذلك ما كفرناه حتى يعرفه بالإجماع، وكذلك لم نكفر مستحل نبيذ التين لجهله بالحجة في ذلك ولو أنه يصح عنه قول النبي صلى الله عليه وسلم في تحريم كل مسكر على عمومه ثم يستجيز مخالفة النبي صلى الله عليه وسلم لكان كافرا بلا شك وقد أفردنا بعد هذا بابا ضخما في إبطال قولهم في العلل، وبالله تعالى التوفيق. وأما قولهم في موازنة صفات التحليل وصفات التحريم، فإنا نقول لهم: هبكم، لو سامحناكم في هذا الهذيان المفترى، وماذا تصنعون إذا تساوت عندكم صفات التحريم وصفات التحليل؟ فإن قالوا: نغلب التحريم احتياطا. قلنا لهم: ولم لا تغلبوا التحليل تيسيرا لقول الله تعالى {شهر رمضان لذي أنزل فيه لقرآن هدى للناس وبينات من لهدى ولفرقان فمن شهد منكم الشهر

an unbeliever because of his ignorance of the decisive proof on this matter. Were the Prophet's ﷺ statement prohibiting every intoxicant in its general scope to be authenticated for him, and were he then to consider himself entitled to contravene the Prophet ﷺ, he would undoubtedly be an unbeliever. We have devoted a substantial chapter later on to refuting their position concerning effective causes. And through Allah Most High comes success.

As for their position concerning weighing attributes supporting permissibility against attributes supporting prohibition, we say to them: Suppose we indulged you in this fabricated delirium: what would you do if the attributes supporting prohibition and the attributes supporting permissibility were equal in your estimation? If they say, "We give prohibition precedence as a precaution," we say to them: Why do you not give permissibility precedence to make things easy, in view of Allah Most High's statement: "The month of Ramadan, in which the Quran was sent down as guidance for people and clear proofs of guidance and discernment. So whoever among you witnesses the month, let him fast it; and whoever is ill or on a journey, then an equal number of other days. Allah desires ease for you and does not desire hardship for you, and that you complete the number and magnify Allah for having guided you, and that perhaps you may give thanks." If they say, "We give permissibility precedence," they are asked: Why did you not give prohibition precedence, and in view of Allah Most High's statement: "Fighting has been prescribed for you, though it is hateful to you. Perhaps you hate something while it is good for you, and perhaps you love something while it is bad for you. Allah knows, and you do not know." The falsity and unsoundness of their position have thus become evident. In sum, giving either alternative precedence has no stronger claim than giving the other precedence. Allah Most High has said: "And do not say, concerning the falsehood your tongues describe, 'This is lawful, and this is forbidden,' thereby fabricating falsehood against Allah. Indeed, those who fabricate falsehood against Allah will not prosper." He Most High thus explicitly states that everyone who declares something forbidden or lawful without a text from Allah Most High is a liar and a fabricator. And through Allah Most High comes success. Furthermore, if an attribute resembling what is forbidden necessitated prohibition, and an

فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد الله بكم اليسر ولا يريد بكم العسر ولتكملوا العدة ولتكبروا الله على ما هداكم ولعلكم تشكرون} وإن قالوا: نغلب التحليل، قيل لهم: وهلا غلبتم التحريم ولقول الله تعالى {كتب عليكم القتال وهو كره لكم وعسى أن تكرهوا شيئا وهو خير لكم وعسى أن تحبوا شيئا وهو شر لكم والله يعلم وأنتم لا تعلمون} فظهر بطلان قولهم وفساده، وبالجملة فليس تغليب أحد الوجهين أولى من الآخر، وقد قال تعالى {ولا تقولوا لما تصف ألسنتكم الكذب هذا حلال وهذا حرام لتفتروا على الله الكذب إن الذين يفترون على الله الكذب لا يفلحون} فنص تعالى على أن كل محرم ومحلل بغير نص من الله تعالى فهو كاذب ومفتر، وبالله تعالى التوفيق. وأيضا: فلو كانت صفة شبه التحريم توجب التحريم، وصفة شبه التحليل توجب التحليل، لما وجد كلا الأمرين في شيء واحد البتة، لأنه كان يجب من ذلك أن يكون الشيء حراما حلالا معا، وهذا حمق محال. فصح أن الشبه لا يوجب تحريما ولا تحليلا، كثرت الأوصاف بذلك أو قلت.

attribute resembling what is lawful necessitated permissibility, the two could never be found together in a single thing at all. For that would necessarily entail that the thing was simultaneously forbidden and lawful, and this is absurd folly. It is therefore established that resemblance necessitates neither prohibition nor permissibility, whether the attributes involved are many or few.[178][179][180]

L3280–3282 Some of them have gone so far as to say that Allah Most High said: "They ask you about wine and gambling. Say: In them both is great sin and benefits for people, but their sin is greater than their benefit. And they ask you what they should spend. Say: The surplus. Thus Allah makes the signs clear to you, so that you may reflect." They said: "He Most High gave preponderance to the sin and therefore prohibited it." Abu Muhammed said: This is audacity in speaking about Allah Most High without knowledge. This entails that Allah Most High was confronted, in wine and gambling, by two principles: one was benefits and the other was sin, and He therefore gave preponderance to sin. This is the express wording of their statement, its apparent meaning, and what it entails. Would that I knew who placed this sin in wine and gambling, when for a period before their prohibition both were lawful and involved no sin! The most eminent Companions, may Allah be pleased with them, drank wine; it was presented as a gift to the Prophet ﷺ; and righteous men drank it together as companions for more than sixteen years, as matters originally stood. This is authentically established concerning Abd al-Rahman ibn Awf, Saʿd ibn Abi Waqqas, Hamzah, Abu Ubaydah ibn al-Jarrah, Suhayl ibn Baydaʾ, Ubayy ibn Kaʿb, Abu Dujanah, and Abu Talhah and Abu Ayyub, Muʿadh ibn Jabal, Abd Allah ibn Amr ibn Haram, and others. All of them drank wine

وقد أقدم بعضهم فقال إن الله تعالى قال {يسألونك عن الخمر والميسر قل فيهما إثم كبير ومنافع للناس وإثمهما أكبر من نفعهما ويسألونك ماذا ينفقون قل لعفو كذلك يبين الله لكم الآيات لعلكم تتفكرون} قالوا غلب تعالى الإثم فحرمها. قال أبو محمد: هذا من الجرأة على القول على الله تعالى بغير علم، وهذا يوجب إن الله تعالى اعترضه في الخمر والميسر أصلان: أحدهما المنافع، والثاني الإثم، فغلب الإثم، هذا هو نص كلامهم وظاهره ومقتضاه، وليت شعري، من رتب هذا الإثم في الخمر والميسر؟ وقد كانا برهة قبل التحريم حلالين لا إثم فيهما، وقد شربها أفاضل الصحابة رضي الله عنهم وأهديت إلى النبي صلى الله عليه وسلم وتنادم الصالحون عليها أزيد من ستة عشر عاما، في الأصل صح ذلك عن عبد الرحمن بن عوف، وسعد بن أبي وقاص، وحمزة، وأبي عبيدة بن الجراح، وسهيل بن بيضاء، وأبي بن كعب، وأبي دجانة، وأبي طلحة، وأبي أيوب، ومعاذ بن جبل، وعبد الله بن عمرو بن حرام، وغيرهم كلهم شربوا الخمر بعد الهجرة، واصطحبها جماعة يوم أحد ممن أكرمهم الله تعالى في ذلك اليوم بالشهادة، فهل أحدث الإثم فيها بعد أن لم يكن إلا الله تعالى؟ فأين قول هؤلاء النوكى: إن الله تعالى حرمها لأجل الإثم الذي فيها، أو لأجل الشدة والإسكار؟ وهل هذا إلا كذب بحت؟ وهل حدث الإثم إلا بعد حدوث التحريم بلا فصل؟ وهل خلط قط عن الشدة والإسكار مذ خلقها الله تعالى، فبطل قولهم بتجاذب الأوصاف، والحمد لله كثيرا. وأما قولهم في تغليب الصورة الآدمية في العبيد على شبهة البهائم، إنه سلعة

[178] **Translator's note (L3277):** The wording "were ... to be authenticated for him" follows the apparent intended sense of the awkward supplied construction concerning the Prophet's statement.

[179] **Translator's note (L3278):** The Qur'anic quotations repeatedly omit the initial alif in the definite article and in forms of the name Allah. The translations render the identifiable words, while recording these transcription defects here. The connective before the second Qur'anic quotation is awkwardly supplied as "and in view of"; it has been retained rather than silently removed.

[180] **Qur'an references (L3277):** Qur'an 2:185 (Al-Baqarah); Qur'an 2:216 (Al-Baqarah); Qur'an 16:116 (An-Nahl).

مملوكة، فقول بارد وهلا، إذ فعلوا ذلك، قبلوا شهادته إذ غلبوا شبهة الأحرار على شبهة البهائم؟ وهل هذا كله إلا لهو ولعب، وشبيه بالخرافات؟ نعوذ بالله من الخذلان، ومن تعدي حدوده، ومن القول في الدين بغير نص من الله تعالى أو رسوله، وحسبنا الله ونعم الوكيل. وإذا أبطلوا حكم الشبه من أجل شبه آخر أقوى منه، فقد صاروا إلى قولنا في إبطال حكم التشابه في إيجاب حكم له في الدين لم يأت به نص، ثم تناقضوا في إثباته مرة وإبطاله أخرى بلا برهان.

after the Emigration, and a group of those whom Allah Most High honored with martyrdom that day took it with them on the day of Uhud. Was it anyone other than Allah Most High who introduced sin into it after there had been none? Where, then, does that leave these fools' assertion that Allah Most High prohibited it because of the sin within it, or because of its potency and intoxicating effect? Is this anything but an outright lie? Did sin arise at any time other than immediately upon the introduction of prohibition? And has it ever been mixed away from potency and intoxication since Allah Most High created it? Their assertion that attributes pull in competing directions is thus invalidated, and abundant praise belongs to Allah. As for their statement about giving preponderance, in slaves, to human form over resemblance to beasts—the resemblance consisting in a slave's being an owned commodity—it is a feeble statement. Why, having done that, did they not accept his testimony, since they gave preponderance to resemblance to free people over resemblance to beasts? Is all this anything but amusement and play, and something akin to fables? We seek refuge in Allah from being forsaken, from transgressing His limits, and from speaking about religion without an explicit text from Allah Most High or His Messenger. Allah is sufficient for us, and an excellent Trustee is He. If they invalidate the legal effect of resemblance because of another resemblance stronger than it, then they have come around to our position of invalidating the legal effect of similarity in establishing through it a ruling in religion for which no explicit text has been transmitted. They then contradicted themselves by affirming it on one occasion and invalidating it on another, without demonstration.[181][182][183]

وشنع بعضهم بأن قال: إن إبطال القياس مذهب النظام، ومحمد بن عبد الله الإسكافي، وجعفر بن حرب، وجعفر بن مبشر، وعيسى المراد، وأبي عفار، وبعض الخوارج، وإن من هؤلاء من يقول: إن بنات البنين حلال، وكذلك الجدات، وكذلك دماغ الخنزير. قال أبو محمد: ولسنا ننكر أن تقول اليهود لا إله إلا الله، ونقولها أيضا نحن، ولكن إذا ذكروا هؤلاء فلا تنسوا القائلين بقولهم القياس، أبا الهذيل العلاف، وأبا بكر بن كيسان الأصم، وجهم بن صفوان، وبشر بن المعتمر، ومعمرا وبشرا المريسي،

L3283–3284 Some of them sought to discredit us by saying: "The rejection of analogy is the doctrine of al-Nazzam, Muhammed ibn Abd Allah al-Iskafi, Jaʿfar ibn

[181] **Translator's note (L3280):** The phrase "في الأصل" is awkward here. It has been rendered "as matters originally stood," referring to the period before prohibition; its precise attachment is uncertain.

[182] **Translator's note (L3281):** "وهل خلط قط عن الشدة والإسكار" is corrupt or grammatically defective as supplied. The translation retains the awkward sense of "خلط" ("mixed") and "عن" ("away from"). The context appears to ask whether wine has ever lacked potency and intoxicating effect, but that would require an emendation.

[183] **Qur'an references (L3280):** Qur'an 2:219 (Al-Baqarah).

والأزارقة، وأحمد بن حائط، ومن هؤلاء من يقول بقياس الأطفال على الكبار، وأنهم نسخت أرواحهم في الأطفال، وبالقياس على قوم نوح، فأباحوا قتل الأطفال، وقاسوا فناء الجنة والنار على فناء الدنيا، وغير ذلك من شنيع الأقوال. فهذا كل ما موهوا به في نص القياس قد تقصيناه والحمد لله، ولم ندع منه بقية، وبينا بعون الله أنه لا حجة لهم بوجه من الوجوه، ولا متعلق في شيء منه البتة، وأنه كله عائد عليهم، ومبطل لقولهم في إثبات القياس، وقد كان هذا يكفي من تكلف إبطال القياس، لأن كل قول لا يقوم بصحته برهان فهو دعوى ساقطة ولكنا لا نقطع بذلك حتى نورد بحول الله البراهين القاطعة على إبطال القياس والقول به

Harb, Jaʿfar ibn Mubashshir, Isa al-Murad, Abu ʿAffar, and some of the Kharijites. Among these are those who say that sons' daughters are lawful, and likewise grandmothers, and likewise a pig's brain." Abu Muhammed said: We do not deny that the Jews say, "There is no deity but Allah," and we too say it. But when you mention these people, do not forget those who profess your doctrine of analogy: Abu al-Hudhayl al-Allaf, Abu Bakr ibn Kaysan al-Asamm, Jahm ibn Safwan, and Bishr ibn al-Muʿtamir, Maʿmar, Bishr al-Marisi, the Azariqah, and Ahmad ibn Haʾit. Among these are those who maintain an analogy between children and adults and hold that their souls have been transmigrated into children; and, by analogy with Noah's people, they permitted the killing of children. They also drew an analogy between the passing away of Paradise and Hell and the passing away of this world, besides other repugnant doctrines. This, then, is everything with which they have sought to create a deceptive appearance of textual warrant for analogy. We have investigated it exhaustively, praise be to Allah, and have left none of it unexamined. With Allah's help, we have shown that they have no proof whatsoever, nor anything at all to hold on to in any of it, and that all of it rebounds upon them and invalidates their position affirming analogy. This would have sufficed for anyone undertaking to invalidate analogy, since every statement for whose soundness no demonstration is established is a worthless claim. But we shall not stop there, until, through Allah's power, we present the conclusive demonstrations invalidating analogy and its espousal.[184][185]

فصل في إبطال القياس وهذا حين نأخذ في إبطال القياس بالبراهين الضرورية إن شاء الله تعالى.

L3285 Section on Invalidating Analogy

Now is the time for us to begin invalidating analogy through demonstrations that yield necessary knowledge, if Allah Most High wills.

[184]**Translator's note (L3283):** The names "عيسى المراد" and "أبي عفار" are retained as supplied; their readings and identification are uncertain. "Sons' daughters" and "grandmothers" are called "lawful" without specifying the act concerned. In context, lawful marriage or sexual relations appears to be intended.

[185]**Translator's note (L3284):** "نص القياس" is rendered "textual warrant for analogy." The wording is somewhat awkward, but has not been emended to "نصر القياس" ("defending analogy"). The pronoun in "their souls have been transmigrated into children" appears to refer to the adults; the Arabic leaves that reference implicit.

L3286 Abu Muhammed said: Those who espouse analogy are to be asked: Did Allah, Mighty and Majestic, not send Muhammed ﷺ as a messenger to humankind and the jinn, so that the first thing to which he called them was to say, "There is no deity but Allah," to reject everything worshipped besides Allah Most High, whether an idol or anything else, and to acknowledge that he was Allah's Messenger—and that alone? There was originally no religious legislation whatsoever other than this: neither the imposition of an obligatory ruling nor the prohibition of anything. Their answer, and that of every Muslim and unbeliever, is: "Yes." This is something about which no one has any doubt. Since, then, there is no disagreement or doubt about this, and no one denies it, religion and Islam once contained neither prohibition nor imposition of obligation. Then Allah Most High sent down the revealed laws. Whatever He commanded is obligatory, and whatever He forbade is prohibited. Whatever He neither commanded nor forbade is permissible, unrestricted, and lawful, as it had been before. This is something necessarily known to everyone through the innate constitution of their minds. In what, then, is there any need for analogy or personal opinion? Has someone who acknowledges what we have stated, but then makes obligatory something for whose obligation there is no explicit text, or prohibits something for which there is no explicit prohibitory text, not legislated in religion something Allah Most High has not authorized, and said something that it is unlawful to say? This is a manifest, clear, and sufficient demonstration, admitting of no objection. Then they are also to be asked—and success is through Allah Most High—in what is analogy needed? Is it in matters on which Allah Most High and His Messenger ﷺ have made an explicit pronouncement, or in matters on which no explicit pronouncement has been made? If they say, "In matters on which an explicit pronouncement has been made," they have departed from consensus and come close to leaving Islam, because no one has maintained this.[186]

قال أبو محمد: ويقال للقائلين بالقياس أليس قد بعث الله عز وجل محمدا صلى الله عليه وسلم رسولا إلى الإنس والجن فأول ما دعاهم إليه فقول لا إله إلا الله ورفض كل معبود دون الله تعالى، ومن وثن وغيره، وأنه رسول الله فقط لم يكن في الدين شريعة غير هذا أصلا، لا إيجاب حكم، ولا تحريم شيء؟. فمن قولهم وقول كل مسلم وكافر: نعم، هذا أمر لا شك فيه عند أحد، فإذ هذا لا خلاف فيه ولا شك فيه، ولا ينكره أحد، فقد كان الدين والإسلام لا تحريم فيه، ولا إيجاب، ثم أنزل الله تعالى الشرائع، فما أمر به فهو واجب، وما نهى عنه فهو حرام، ومالم يأمر به ولا نهى عنه فهو مباح مطلق، حلال كما كان، هذا أمر معروف ضرورة بفطرة العقول من كل أحد ففي ماذا يحتاج إلى القياس أو إلى الرأي؟. أليس من أقر بما ذكرنا ثم أوجب ما لا نص بإيجابه، أو حرم ما لا نص بالنهي عنه، قد شرع في الدين ما لم يأذن به الله تعالى؟ وقال ما لا يحل القول به؟ وهذا برهان لائح واضح وكاف لا معترض فيه. ثم يقال لهم أيضا وبالله تعالى التوفيق: فماذا يحتاج إلى القياس أفيما نص عليه الله تعالى ورسوله صلى الله عليه وسلم أم فيما لم ينص عليه فإن قالوا فيما نص عليه، فارقوا الإجماع، وقاربوا الخروج عن الإسلام، لأنه لم يقل بهذا أحد،

[186] **Translator's note (L3286):** The supplied wording "دون الله تعالى ومن وثن وغيره" contains an awkward extra conjunction before "من وثن." The translation follows the evident connection between "everything worshipped besides Allah" and "whether an idol or anything else."

وهو مع ذلك قول لا يمكن أحد أن يقوله، لأنه لا قياس إلا على أصل يرد ذلك الفرع إليه، ولا أصل إلا نص أو إجماع، فصح على قولهم أن القياس إنما هو مردود إلى النص.

وإن قالوا: فيما لم ينص عليه، فقلنا وبالله تعالى التوفيق قال الله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وقال تعالى {وما من دآبة في لأرض ولا طائر يطير بجناحيه إلا أمم أمثالكم ما فرطنا في لكتاب من شيء ثم إلى ربهم يحشرون} وقال تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} وقال صلى الله عليه وسلم في حجة الوداع اللهم هل بلغت قالوا نعم قال: اللهم اشهد. حدثنا محمد بن سعيد بن نبات، ثنا أحمد بن عون الله، ثنا قاسم بن أصبغ، ثنا الخشني، ثنا محمد بن المثنى، ثنا عبد الرحمن بن مهدي، ثنا شعبة، عن أبي إسحاق، عن مرة الهمداني قال: قال عبد الله بن مسعود: من أراد العلم فليثر القرآن، فإن فيه علم الأولين والآخرين، هكذا رويناه عن مسروق والزهري، أنه ليس شيء اختلف فيه إلا وهو في القرآن، فصح بنص القرآن أنه لا شيء من الدين وجميع أحكامه إلا وقد نص عليه، فلا حاجة بأحد إلى القياس. فإن قالوا: إنما نقيس النوازل، من الفروع على الأصول. قال أبو محمد: وهذا، لأنه ليس في الدين إلا واجب أو حرام أو مباح، ولا سبيل إلى قسم رابع البتة، فأي هذه أصل، وأي هذه فرع فبطل قولهم، وصح أن أحكام الدين كلها أصول لا فرع فيها، وكلها منصوص عليه، فلما اختلف الناس قط إلا في الأصول،

L3287 Moreover, it is a statement that no one can maintain, because there is no analogy except on the basis of a principal case to which that subsidiary case is referred, and there is no principal basis except an explicit text or consensus. Thus, on their own account, it is established that analogy is referred back only to the explicit text.

L3288–3289 If they say, “Concerning that for which no explicit text has been given,” we say—and success comes through Allah Most High: Allah Most High said: “Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah’s has been invoked, the strangled animal, the animal killed by a blow, the animal killed by a fall, the animal killed by goring, and that which a beast of prey has eaten—except what you slaughter duly—and that which is slaughtered upon sacrificial stones; and that you seek a division by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as your religion. But whoever is compelled by severe hunger, without inclining toward sin—Allah is indeed forgiving, merciful.” And He Most High said: “There is no creature upon the earth, nor any bird flying with its two wings, but they are communities like you. We have neglected nothing in the Book. Then to their Lord they will be gathered.” And He Most High said: “With clear proofs and scriptures; and We have sent down to you the Reminder, so that you may explain to people what has been sent down to them, and so that they may reflect.” And he ﷺ said during the Farewell Pilgrimage: “O Allah, have I conveyed the message?” They said, “Yes.” He said, “O Allah, bear witness.” Muhammed ibn Saʿid ibn Nabat related to us: Ahmad ibn ʿAwn Allah related to us: Qasim ibn Asbagh related to us: al-Khushani related to us: Muhammed ibn al-Muthanna related to us: ʿAbd al-Rahman ibn Mahdi related to us: Shuʿbah related to us, from Abu Ishaq, from Murrah al-Hamdani, who said: ʿAbd Allah ibn Masʿud said: “Whoever desires knowledge should delve into the Quran, for in it is the knowledge of the first and the last.” We have likewise transmitted from Masruq and al-Zuhri that there is nothing concerning which disagreement has arisen that is not in the Quran. Thus it is established by the explicit text of the Quran that

there is nothing belonging to religion, including all its rulings, for which an explicit text has not been given. No one, therefore, has any need of analogy. If they say, "We merely reason by analogy from foundational cases to new cases belonging to derivative matters," Abu Muhammed said: This is because there is nothing in religion except what is obligatory, forbidden, or permissible, and there is absolutely no possibility of a fourth division. Which of these, then, is foundational, and which is derivative? Their statement is therefore invalid, and it is established that all the rulings of religion are foundational, with nothing derivative among them, and that an explicit text has been given for them all. People have never disagreed except concerning foundational matters, such as ablution, prayer, obligatory almsgiving, pilgrimage, forbidden and lawful sales, marriage contracts, divorce, and the like. If they say, "We do not deny that Allah Most High has neglected nothing in the Book, nor that the Prophet ﷺ explained matters. But explicit textual statement and explanation fall into two divisions: one is an explicit statement concerning a thing by its name, and the second is an explicit statement concerning it through signification. This is what we call analogy: drawing attention to the operative cause of the ruling, so that wherever that operative cause is found, judgment is given on its basis."[187][188]

كالوضوء والصلاة والزكاة والحج، والحرام من البيوع والحلال منها، وعقود النكاح والطلاق وما أشبه ذلك. فإن قالوا: لسنا ننكر أن الله تعالى لم يفرط في الكتاب من شيء ولا أن النبي صلى الله عليه وسلم بين ولكن النص والبيان ينقسم قسمين أحدهما نص على الشيء باسمه، والثاني نص عليها بالدلالة، وهذا هو الذي نسميه قياسا، وهو التنبيه على علة الحكم، فحيثما وجدت تلك العلة حكم بها.

L3290 They say: "This is the concision and the comprehensive speech with which the Messenger of Allah ﷺ was sent." They are to be told—and success comes through Allah Most High: This is falsehood, because what you mention is a claim without evidence. That signification is devoid of being assigned, in

قالوا: وهذا هو الاختصار وجوامع الكلم التي بعث بها رسول الله صلى الله عليه وسلم قيل لهم وبالله تعالى التوفيق هذا هو الباطل، لأن الذي تذكرون دعوى بلا دليل، وتلك الدلالة تخلو من أن تكون موضوعة في اللغة، التي بها خوطبنا وبها نزل القرآن، لذلك المعنى بعينه.

[187] **Translator's note (L3288):** The wording فلما اختلف الناس قط إلا is syntactically problematic. The translation follows the apparent intended sense, 'People have never disagreed except …,' while noting that the supplied فلما appears corrupt. The final pronoun in عليها is feminine although the preceding الشيء is masculine; it has been rendered 'it' without supplying a different referent.

[188] **Qur'an references (L3288):** Qur'an 5:3 (Al-Ma'idah); Qur'an 6:38 (Al-An'am); Qur'an 16:44 (An-Nahl).

the language in which we were addressed and in which the Quran was sent down, to that very meaning[189]

L3291–3293 —in which case this differs from your position, and this is the first division: explicitly stating a thing by its name. So do not mislead by making explicit textual statement into two divisions—or that signification is not assigned, in the language in which we were addressed and in which the Quran was sent down, to that meaning. If it is so, then this is the deception and confusion above which Allah Most High is exalted and from which He has declared His Messenger ﷺ free. It is not lawful for anyone to attribute this to Allah Most High or to His Messenger ﷺ. This is a necessary demonstration, inescapable and clear, containing no obscurity for anyone with the slightest understanding. This is no method of concision, of drawing attention, or of explanation; rather, it is blundering, obscurity, corruption, and concealment. There is neither an indication nor an explanation in someone wishing to teach us the ruling on the marriage payment, yet mentioning no marriage payment and directing us to it through that for which we amputate the hand; or intending eating, yet mentioning intercourse; or intending walnuts, yet mentioning salt; or intending someone who acts mistakenly, yet mentioning someone who acts deliberately. This is imposing what cannot be borne, requiring knowledge of the unseen and soothsaying, and making judgment on the basis of false conjecture obligatory. Exalted is Allah above that, and free of it is the Messenger of Allah ﷺ. Concision, comprehensive speech, and drawing attention consist only in taking a meaning expressed in many words and explaining it in a few concise, comprehensive words, such that absolutely nothing intended by them falls outside them, and they entail absolutely nothing that is not intended by them. This is the true nature of concision, explanation, and drawing attention. An example is the saying of Allah Most High: "The sacred month for the sacred month, and sacred inviolabilities are subject to retaliation. So whoever transgresses against you,

فهذا غير قولكم، وهذا هو القسم الأول من النص على الشيء باسمه، فلا تموهوا فتجعلوا النص قسمين، أو تكون تلك الدلالة غير موضوعة في اللغة، التي بها خوطبنا وبها نزل القرآن، لذلك المعنى، فإن كانت كذلك فهذا هو التلبيس والتخليط الذي تنزه الله تعالى ونزه رسوله صلى الله عليه وسلم عنه ولا يحل لأحد أن ينسب هذا إلى الله تعالى ولا إلى رسوله صلى الله عليه وسلم وهذا برهان ضروري ولا محيد عنه بين لا إشكال فيه على من له أقل فهم، وليس هذا طريق اختصار، ولا تنبيه ولا بيان، ولكنه خبط وإشكال وإفساد وتدليس. ولا تنبيه ولا بيان فيمن يريد أن يعلمنا حكم الصداق، فلا يذكر صداقا ويدلنا على ذلك بما نقطع فيه اليد، أو يريد الأكل فيذكر الوطء، أو يريد الجوز فيذكر الملح، أو يريد المخطىء فيذكر المتعمد، وهذا تكليف ما لا يطاق، وإلزام لعلم الغيب والكهانة، وإيجاب للحكم بالظن الكاذب تعالى الله عن ذلك وتنزه رسول الله صلى الله عليه وسلم عنه وإنما الاختصار وجوامع الكلم والتنبيه أن يأتي إلى المعنى الذي يعبر عنه بألفاظ كثيرة فيبينه بألفاظ مختصرة جامعة يسيرة، لا يشذ عنها شيء من المراد بها البتة، ولا تقتضي من غير المراد بها شيئا أصلا، فهذا هو حقيقة الاختصار والبيان والتنبيه وذلك مثل قول الله تعالى {لشهر لحرام بلشهر لحرام ولحرمات قصاص فمن عتدى عليكم فعتدوا عليه بمثل ما اعتدى عليكم وتقوا لله وعلموا أن لله مع لمتقين} فدخل تحت هذا اللفظ مالو تقصى لملئت منه أسفار عظيمة، من ذكر قطع الأعضاء عضوا عضوا، وكسرها عضوا عضوا، والجراحات جرحا جرحا، والضرب هيئة هيئة، وذكر أحد الأموال وسائر ما يقتضيه هذا المعنى من تولي المجني عليه للاقتصاص ونفاذ أمره في ذلك ومثل قوله صلى الله عليه وسلم جرح العجماء

[189] **Translator's note (L3290):** The supplied تخلو من أن تكون means 'is devoid of being,' but the continuation presents two alternatives and appears to require لا تخلو من أن تكون, 'cannot fall outside the alternatives of being ….' The missing negation has not been silently supplied.

transgress against him in the like of that in which he transgressed against you; and fear Allah, and know that Allah is with those who fear Him." Under this wording falls that which, if exhaustively detailed, would fill immense volumes: mentioning the severing of bodily members, member by member; their breaking, member by member; wounds, wound by wound; striking, manner by manner; mentioning one of the items of property; and everything else entailed by this meaning, including the injured party's undertaking retaliation and his command in that regard taking effect. Another example is his saying ﷺ, "An injury inflicted by a speechless animal entails no compensation," and the rest of his speech ﷺ. But as for someone's omitting meanings he intended, failing to mention them by the name assigned to them in the language in which we were addressed, and hoping to signify them by a name not assigned to them in the language, this is the action of Satan, who wishes to corrupt religion and confuse the Muslims, not the action of the Lord of all worlds and the Seal of the Prophets. And from Allah Most High we seek help. If they say, "We do not say that a new case arises which is not found in the Quran and the Sunnah. Rather, we say that the ruling for some new cases is found by explicit text and for others by evidence,"[190][191]

L3294–3299 they are to be told—and success comes through Allah Most High: This is true. But if this evidence you mention admits only one interpretation, then this is our position, not yours. If, however, that evidence admits two or more interpretations, this falls into two divisions. Either there is another explicit text that clearly explains what Allah Most High intends among those two or more interpretations, or there is a consensus that does likewise; in that case, this is our position and precisely the explicit text itself: we have not departed from it. Or there is neither another explicit text nor a consensus through either of which the intention of Allah, mighty and majestic, in that

جبار وسائر كلامه صلى الله عليه وسلم وأما من إسقاط معاني أرادها فلم يذكرها بالاسم الموضوع لها في اللغة التي بها خوطبنا، وطمع أن يدل عليها باسم غير موضوع لها في اللغة:، فهذا فعل الشيطان المريد إفساد الدين والتخليط على المسلمين، لا فعل رب العالمين، وخاتم النبيين. وبالله تعالى نستعين. فإن قالوا: لسنا نقول: إنه تنزل نازلة لا توجد في القرآن والسنة، لكنا نقول إنه يوجد حكم بعض النوازل نصا وبعضها بالدليل.

قيل لهم، وبالله تعالى التوفيق: إن هذا حق، ولكن إذا كان هذا الدليل الذي تذكرون لا يحتمل إلا وجها واحدا. فهذا قولنا لا قولكم، وأما إن كان ذلك الدليل يحتمل وجهين فصاعدا فهذا ينقسم على قسمين: إما أن يكون هنالك نص آخر بين مراد الله تعالى من ذينك الوجهين فصاعدا بيانا جليا أو إجماع كذلك، فهذا هو قولنا، والنص بعينه لم نزل عنه، وإما ألا يكون هنالك نص آخر ولا إجماع يبين بأحدهما مراد الله عز وجل من ذلك فهذا إشكال وتلبيس، تعالى الله عن ذلك، ولا يحل لأحد أن ينسب هذا إلى شيء من دين الله تعالى الذي قد بينه غاية البيان رسوله صلى الله عليه وسلم فإن قالوا إن التشابه بين الأدلة هو أحد الأدلة على مراد الله تعالى. قيل لهم: هذه دعوى تحتاج إلى دليل يصححها، وما كان هكذا فهو باطل بإجماع، ولا سبيل إلى وجود نص ولا إجماع يصحح هذه الدعوى، ولا فرق بينها وبين من جعل

[190] **Translator's note (L3292):** The supplied أحد الأموال means 'one of the items of property,' an awkward expression here. It may be a corruption of أخذ الأموال, 'taking property,' but that reading has not been substituted. The supplied وأما من إسقاط is grammatically irregular; the translation preserves its apparent sense as introducing the omission of intended meanings.

[191] **Qur'an references (L3291):** Qur'an 2:194 (Al-Baqarah).

matter is explained. This is obscurity and deception—exalted is Allah above that. It is not lawful for anyone to attribute this to anything belonging to the religion of Allah Most High, which His Messenger ﷺ has explained with the utmost clarity. If they say, "Resemblance between the evidences is one of the evidences of what Allah Most High intends," they are to be told: This is a claim that requires evidence to establish its validity, and whatever is like this is invalid by consensus. There is no possibility of finding an explicit text or a consensus that establishes the validity of this claim. There is no difference between it and someone's making the statement of one particular scholar evidence of what Allah Most High intends in that question. All this is falsehood and fabrication against Allah Most High. Furthermore, they disagree concerning the resemblance that necessitates the ruling: some of them make a particular attribute the operative cause of that ruling, while others reject that and produce another operative cause. All this is arbitrary assertion without evidence. Some of them have validated the operative cause by extending it consistently throughout the cases it governs. This is utter confusion, because such consistent extension can be valid only after the operative cause has been established as valid: consistent extension is merely a derivative consequence necessitated by the validity of the operative cause; otherwise, it is invalid. It is impossible for a foundation to be valid only through the validity of its derivatives. Furthermore, when they disagree over the consistent extension of that operative cause, the person who extends it consistently to establish its validity has no stronger claim than the person who declines to extend it consistently in order to invalidate it, and instead extends another cause consistently. All this is arbitrary assertion in religion, which is impermissible. Examples include al-Shafiʿi's consistently extending the operative cause of edibility in usury, and Abu Hanifah's and Malik's rejection of that; Abu Hanifah's consistently extending the operative cause of being measured by weight and by volume, and Malik's and al-Shafiʿi's rejection of that; and Malik's consistently extending the operative cause of storability and edibility, and Abu Hanifah's and al-Shafiʿi's rejection of that. If they say, "Then show us the entirety of new cases explicitly covered by texts," we say: Were we unable to do that, our inability would not constitute an argument against Allah Most High or against His Messenger ﷺ, since we have not claimed to you

قول إنسان من العلماء بعينه دليلا على مراد الله تعالى في تلك المسألة وكل هذا باطل وافتراء على الله تعالى وأيضا فإنهم في التشابه الموجب للحكم مختلفون، فبعضهم يجعل صفة ما علة لذلك الحكم، وبعضهم يمنع من ذلك ويأتي بعلة أخرى، وهذا كله تحكم بلا دليل. وقد صحح بعضهم العلة بطردها في معلولاتها، وهذا تخليط تام، لأن الطرد إنما يصحح بعد صحة العلة، لأن الطرد إنما هو فرع يوجبه صحة العلة، وإلا فهو باطل ومن المحال ألا يصح الأصل إلا بصحة الفروع. وأيضا فإنهم إذا اختلفوا في طرد تلك العلة، فليس من طردها ليصححها بأولى ممن لم يطردها ليبطلها وطرد غيرها، وهذا كله تحكم في الدين لا يجوز، وذلك نحو طرد الشافعي علة الأكل في الربا، ومنع أبي حنيفة ومالك من ذلك، وطرد أبي حنيفة علة الوزن والكيل، ومنع مالك والشافعي من ذلك، وطرد مالك علة الادخار والأكل، ومنع أبي حنيفة والشافعي من ذلك. فإن قالوا: فأرونا جمع النوازل منصوصا عليها. قلنا لو عجزنا عن ذلك لما كان عجزنا حجة على الله تعالى ولا على رسوله صلى الله عليه وسلم إذ لم ندع لكم الواحد فالواحد منه الإحاطة بجميع الفتن، لكن حسبنا أننا نقطع بأن الله تعالى بين لنا كل ما يقع من أحكام الدين إلى يوم القيامة، فكيف ونحن نأتيكم بنص واحد فيه كل نازلة وقعت أو تقع إلى يوم القيامة، وهو الخبر الصحيح الذي ذكرناه قبل بإسناده وهو قوله صلى الله عليه وسلم دعوني ما تركتكم فإنما هلك من كان قبلكم بكثرة مسائلهم واختلافهم على أنبيائهم فإذا أمرتكم بشيء فأتوا منه ما استطعتم وإذا نهيتكم عن شيء فاجتنبوه فصح نصا أن ما لم يقل فيه النبي صلى الله عليه وسلم فليس واجبا لأنه لم يأمر به وليس حراما لأنه لم ينه عنه، فبقي ضرورة أنه مباح، فمن ادعى أنه حرام مكلف أن يأتي فيه بنهي من النبي صلى الله عليه وسلم فإن جاء سمعنا وأطعنا وإلا فقوله باطل ومن ادعى فيه إيجابا كلف أن يأتي فيه بأمر من النبي صلى الله عليه وسلم فإن جاء

به سمعنا وأطعنا وإن لم يأت به فقوله باطل وصح بهذا النص أن كل ما أمر به صلى الله عليه وسلم فهو فرض علينا إلا ما لم نستطع من ذلك وأن كل ما نهانا عنه فحرام حاشا ما بينه صلى الله عليه وسلم أنه مكروه أو ندب فقط فلم يبق في الدين حكم إلا وهو ههنا منصوص جملة. ثم نعكس عليهم هذا السؤال وهذا القول فنقول لهم: أنتم تقولون: لا نازلة إلا ولها نظير في القرآن أو السنة، فنحن نعكس السؤال عن تلك النوازل التي تريدون سؤالنا عنها، من دينار وقع في محبرة وسائر تلك الحماقات، فأرونا نظائرها في القرآن والسنة، وأنتم تقرون أنه لا نصوص فيها، فخبرونا كيف تصنعون فيها أتحكمون فيها بقولكم؟ فهذا دينكم لا دين الله ففي هذا ما فيه، فظهر فساد كل سؤال لهم والحمد لله رب العالمين كثيرا. وقال من سلف من أصحابنا رحمهم الله: يقال لمن قال بالقياس قد أجمعتم أنتم وجميع المسلمين بلا خلاف من أحد منهم، على أن الأحكام كلها في الديانة جائز أن تؤخذ نصا، واتفقوا كلهم بلا خلاف من واحد منهم لا من القائلين بالقياس ولا من غيرهم، على أن أحكام الديانة كلها لا يجوز أن تؤخذ قياسا، ولا بد عندهم من نص يقاس عليه، فيقال لأصحاب القياس، عندكم حقا فمن ههنا ابدؤوا به فقيسوا ما اختلفنا فيه من المسائل التي جوزتم القياس فيها، ومنعنا نحن منها، على ما اتفقنا عليه من المسائل التي أقررتم أنها لا يجوز أن تؤخذ قياسا، فإن لم تفعلوا فقد تركتم القياس،

that each individual among us comprehends all trials. Rather, it suffices us that we know with certainty that Allah Most High has explained to us every ruling of religion that will arise until the Day of Resurrection. How, then, when we bring you with a single text encompassing every eventuality that has occurred or will occur until the Day of Resurrection. It is the authentic report that we previously cited with its chain of transmission, namely his statement ﷺ: "Leave me alone so long as I leave you alone. Those before you perished only because of their many questions and their disagreement with their prophets. When I command you to do something, do as much of it as you can; and when I forbid you something, avoid it." Thus it is established by explicit text that whatever has not been addressed by the Prophet ﷺ is not obligatory, because he did not command it, and is not forbidden, because he did not prohibit it. It therefore necessarily remains permissible. Anyone who claims that it is forbidden is required to produce a prohibition concerning it from the Prophet ﷺ. If he produces one, we hear and obey; otherwise, his statement is false. Anyone who claims that it is obligatory is required to produce a command concerning it from the Prophet ﷺ. If he produces it, we hear and obey; if he does not produce it, his statement is false. This text establishes that everything he ﷺ commanded is obligatory for us, except what we cannot do, and that everything he forbade us is forbidden, except what he ﷺ explained to be merely disapproved or recommended. Thus no ruling in religion remains without being explicitly covered here in general terms. We then turn this question and this statement back upon them, saying to them: You say that no eventuality lacks a counterpart in the Quran or the Sunnah. We therefore turn the question back upon you concerning those eventualities about which you wish to question us—a dinar falling into an inkwell and all those other absurdities. Show us their counterparts in the Quran and the Sunnah, while you yourselves acknowledge that there are no explicit texts concerning them. Tell us, then, how you deal with them. Do you rule on them according to your own opinion? Then this is your religion, not Allah's religion, with all that this entails. The invalidity of every question they raise has thus become evident. Abundant praise belongs to Allah, Lord of all worlds. Those of our predecessors among our companions—may Allah have mercy on them—said: It should be said to anyone who

advocates analogy: You and all Muslims have unanimously agreed, without dissent from any of them, that all rulings in religion may be derived from explicit texts. They have also all agreed, without dissent from a single one of them, whether an advocate of analogy or anyone else, that not all rulings in religion may be derived through analogy: according to them, there must be an explicit text upon which an analogy is based. It should therefore be said to the advocates of analogy: It is truly valid according to you; so begin with it here, and draw an analogy between the disputed questions in which you permit analogy and we prohibit it, and the questions upon which we agree and which you acknowledge cannot be derived through analogy. If you do not do so, you have abandoned analogy.[192][193]

L3300–3303 And if you do so, you have abandoned analogy. We do not say that this procedure is valid according to us, but it is valid according to your own principles. Nothing is more invalid than a position whose parts contradict one another. It should also be said to them: We have found many questions concerning which you and the entire community have unanimously agreed to abandon analogy, such as a killer who repents and feels remorse before he is apprehended: no one holds that legal retaliation is thereby waived for him. Yet you have not drawn an analogy between this and a perpetrator of armed brigandage who repents before he is apprehended, for whom the prescribed punishment for armed brigandage is waived. Likewise, they agree that no analogy is to be drawn between a wrongful appropriator and a thief, although both have deliberately taken property unlawfully. Another example is their refusal to draw an analogy between substituting the feeding of others for fasting in accidental killing and substituting it for fasting in the expiation for

[192]**Translator's note (L3296):** The supplied الواحد فالواحد منه, literally 'each individual from him/it,' has an unclear referent. The translation takes the apparently intended reference to be individual members of the author's group; منا, 'among us,' may have been intended. The supplied الفتن means 'trials' or 'dissensions' and has been retained as 'trials.' In this context it may be a corruption of الفنون, 'branches of learning,' but that reading has not been substituted.

[193]**Translator's note (L3298):** The clause rendered "It is truly valid according to you" is syntactically incomplete in the supplied Arabic: the referent of "valid" is not explicitly stated. The context suggests analogy or the advocates' own method of reasoning.

وإن فعلتم تركتم القياس، ولسنا نقول إن هذا العمل صحيح عندنا ولكن صحيح على أصولكم ولا أبطل من قول نقض بعضه بعضا. ويقال لهم وجدنا مسائل كثيرة قد أجمعتم وأنتم وجميع الأمة على ترك القياس فيها، كقاتل تاب قبل أن يقدر عليه وندم، فلا يسقط عنه القصاص عند أحد، ولم تقيسوا ذلك على محارب تاب قبل أن يقدر عليه، فالحد في الحرابة عنه ساقط، وكذلك اتفقوا على ألا يقاس الغاصب على السارق، وكلاهما أخذ مالا محرما عمدا، أو كترك قياس تعويض الإطعام من الصيام في قتل الخطأ على تعويضه من الصيام في الظهار، ومثل هذا كثير جدا، بل هو أكثر مما قاسوا فيه، فلو كان القياس حقا ما جاز الإجماع على تركه، كما لا يجوز الإجماع على ترك الحق الذي هو القرآن أو كلام الرسول صلى الله عليه وسلم مما صح عنه فإنه لم يجمع قط على ترك شيء منه إلا لنص آخر ناسخ له فقط، وهذا يوجب بطلان القياس ضرورة. ويقال لهم أخبرونا عن القياس، أيخلو عندكم أن يحكم للشيء الذي لا نص فيه ولا إجماع بمثل الحكم الذي فيه نص أو إجماع، إما لعلة فيهما معا، هي في المحكوم فيه علامة الحكم، وإما لنوع من الشبه بينهما، وإما مطارفة لا لعلة ولا لشبه ولا سبيل إلى قسم رابع أصلا؟ فإن قالوا: مطارفة لا لعلة ولا لشبه كفونا مؤنتهم، وصار قائل هذا ضحكة ومهزأة، ولم يكن أيضا أولى بما يحكم به من غيره، يحكم في ذلك الأمر بحكم

declaring one's wife forbidden by likening her to one's mother. Such examples are very numerous; indeed, they outnumber the matters in which they have applied analogy. If analogy were true, unanimous agreement to abandon it would not be permissible, just as unanimous agreement to abandon the truth—the Quran or authentically established words of the Messenger ﷺ—is not permissible. There has never been unanimous agreement to abandon anything of that except on account of another explicit text abrogating it, and for that reason alone. This necessarily entails the invalidity of analogy. It should also be said to them: Tell us about analogy. According to you, can it be anything other than assigning to something concerning which there is neither an explicit text nor consensus a ruling like that established by an explicit text or consensus, either because of a cause present in both, which is the sign of the ruling in the case being adjudicated; or because of some kind of resemblance between them; or arbitrarily, without either a cause or a resemblance? There is absolutely no fourth possibility. If they say, "Arbitrarily, without either a cause or a resemblance," they spare us the trouble of dealing with them, and whoever says this becomes a laughingstock and an object of ridicule. Nor would he have any greater warrant for the ruling he gives than someone else who gives a different ruling on that matter. None of them says this. If they say, "Rather, because of some kind of resemblance," it should be said to them: What is your evidence that this kind of resemblance necessarily entails that ruling? There is no way to find such evidence. Moreover, you can be opposed with another resemblance entailing another ruling, and so on forever. If they say, "Rather, because of a cause common to the two rulings," we ask them: What is the evidence that what you make the cause of the ruling is its actual cause? If they claim an explicit text, then the ruling belongs to the explicit text, and we do not reject this when we find it. If they say, "Something other than an explicit text," we say: This is falsehood and a claim for whose validity there is no demonstration. Anything of this kind is rejected by the explicit text of the Quran, the judgment of consensus, and reason. If they say, "Consistently extending the ruling attached to the cause is evidence of its validity," it should be said to them: Your own consistent extension, or that of the people of Islam? If they say, "That of the people of Islam," it should be said: This is consensus, concerning which there is no

آخر، وهذا ما لا يقوله أحد منهم. فإن قالوا: بل لنوع من الشبه، قيل لهم: وما دليلكم على أن ذلك النوع من الشبه يجب به ذلك الحكم، ولا سبيل إلى وجود ذلك الدليل، وتعارضون أيضا بشبه آخر يوجب حكما آخر، وهذا أبدا. فإن قالوا: بل لعلة جامعة بين الحكمين، سألناهم: ما الدليل على أن الذي تجعلونه علة الحكم هي علة الحقيقة؟ فإن ادعوا نصا فالحكم حينئذ للنص، ونحن لا ننكر هذا إذا وجدناه. فإن قالوا: غير النص قلنا: هذا الباطل والدعوى التي لا برهان على صحتها وما كان هكذا فهو ساقط بنص القرآن، وبحكم الإجماع والعقول، وإن قالوا: طرد حكم العلة دليل على صحتها، قيل لهم: طردكم أنتم، أو طرد أهل الإسلام. فإن قالوا: طرد أهل الإسلام، قيل: هذا إجماع لا خلاف فيه، ولسنا نخالفكم في صحة الإجماع إذا وجد يقينا، وإن قالوا: بل طردنا نحن قيل لهم: ما طردكم أنتم حجة على أحد، فهاتوا برهانكم على صحة دعواكم إن كنتم صادقين، وهذا ما لا مخلص منه أصلا. والحمد الله رب العالمين.

disagreement. We do not disagree with you about the validity of consensus when it is established with certainty. If they say, “Rather, our own consistent extension,” it should be said to them: Your own consistent extension is no authoritative proof against anyone. Produce your demonstration of the validity of your claim, if you are truthful. There is absolutely no escape from this. Praise belongs to Allah, Lord of all worlds.

L3304–3306 Abu Muhammed said: And he said: Explicit texts have come invalidating analogy. Among them is the statement of Allah Most High: {O you who believe, do not advance before Allah and His Messenger, and fear Allah. Indeed, Allah is All-Hearing, All-Knowing.} And He Most High said: {Do not pursue that of which you have no knowledge. Indeed, hearing, sight, and the heart—each of these will be questioned.} And He Most High said: {There is no creature on the earth, nor any bird flying with its two wings, but they are communities like you. We have neglected nothing in the Book. Then to their Lord they will be gathered.} And He Most High said: {We descend only by your Lord’s command. To Him belongs what is before us, what is behind us, and what is between these; and your Lord is never forgetful.} These are explicit texts invalidating analogy and speaking about religion without an explicit text. For analogy, as we have explained, is pursuing that of which they have no knowledge, advancing before Allah Most High and His Messenger ﷺ, and supplying, as a correction to Allah Most High and His Messenger ﷺ, something they did not mention. If the advocates of analogy say, “Perhaps your rejection of analogy is speaking without knowledge, pursuing that of which you have no knowledge, and advancing before Allah and His Messenger,” it should be said to them—and success comes through Allah Most High: We will show you that our rejection of analogy is a statement based on knowledge, an explicit text, and certainty. For Allah, Mighty and Majestic, said: {Allah brought you forth from your mothers’ wombs knowing nothing, and gave you hearing, eyes, and hearts, so that you might give thanks.} Thus it is established with certainty, without any doubt, by the explicit wording of Allah, Mighty and Majestic, that people entered this world knowing absolutely nothing. And He Most High said: {Just as We have sent among you a messenger from among yourselves, reciting Our signs to you, purifying

قال أبو محمد وقال جاءت نصوص بإبطال القياس فمن ذلك قول الله تعالى {يأيها لذين آمنوا لا تقدموا بين يدي لله ورسوله وتقوا لله إن لله سميع عليم} وقال تعالى {ولا تقف ما ليس لك به علم إن لسمع ولبصر ولفؤاد كل أولئك كان عنه مسؤولا} وقال تعالى {وما من دآبة في لأرض ولا طائر يطير بجناحيه إلا أمم أمثالكم ما فرطنا في لكتاب من شيء ثم إلى ربهم يحشرون} وقال تعالى: {وما نتنزل إلا بأمر ربك له ما بين أيدينا وما خلفنا وما بين ذلك وما كان ربك نسيا} وهذه نصوص مبطلة للقياس، وللقول في الدين بغير نص، لأن القياس على ما بينا قفو لما لا علم لهم به وتقدم بين يدي الله تعالى ورسوله صلى الله عليه وسلم واستدراك على الله تعالى ورسوله صلى الله عليه وسلم ما لم يذكراه فإن قال أهل القياس فلعل إنكاركم للقياس قول بغير علم، وقفو لما لا علم لكم به، وتقدم بين يدي الله ورسوله. قيل لهم، وبالله تعالى التوفيق: نحن نريكم إنكارنا للقياس أنه قول بعلم وبنص وبيقين وذلك أن الله عز وجل قال {ولله أخرجكم من بطون أمهاتكم لا تعلمون شيئا وجعل لكم لسمع ولأبصار ولأفئدة لعلكم تشكرون} فصح يقينا لا شك فيه أن الناس خرجوا إلى الدنيا لا يعلمون شيئا أصلا بنص كلام الله عز وجل. وقال تعالى: {كما أرسلنا فيكم رسولا منكم يتلوا عليكم آياتنا ويزكيكم ويعلمكم لكتاب ولحكمة ويعلمكم ما لم تكونوا تعلمون} فصح يقينا أن الله أرسل محمدا رسوله صلى الله عليه وسلم إلينا ليعلمنا ما لم نعلم فصح ضرورة أن ما علمنا الرسول صلى الله عليه وسلم من أمور الدين فهو الحق وما لم يعلمنا منها فهو الباطل، وحرام

you, teaching you the Book and wisdom, and teaching you what you did not know.} Thus it is established with certainty that Allah sent Muhammed, His Messenger ﷺ, to us to teach us what we did not know. It therefore necessarily follows that whatever the Messenger ﷺ taught us concerning religious matters is the truth, and whatever he did not teach us concerning them is falsehood, and it is forbidden to assert it. And He Most High said, meaning thereby the accursed Iblis: {He commands you only to evil and indecency, and to say of Allah what you do not know.} And He Most High said: {Say: My Lord has forbidden only indecencies—what is manifest of them and what is hidden—and sin, and aggression without right, and that you associate with Allah that for which He has sent down no authority, and that you say of Allah what you do not know.}[194][195]

L3307–3313 Thus it is established by the explicit text of the Quran that we came into this world knowing nothing. Then we were forbidden to say about Allah Most High what we do not know, and He Most High informed us that Iblis commands us to say about Allah what we do not know. These texts therefore necessarily establish that making assertions by analogy or without analogy is like affirming the existence of the phoenix, the ghoul, and alchemy, or like the statements of the Rejecters concerning the imam, or the statements of those who profess inspiration. To assert any of this about Allah Most High in matters of religion is forbidden, coupled with associating partners with Him, and is one of Iblis's commands. The exception is what the Messenger of Allah ﷺ taught us: that is the truth that we state about Allah Most High, and we are not permitted to state anything else about Him. Since he, peace be upon him, did not command us to employ analogy, it is forbidden and unquestionably belongs to Satan's commands. We have already explained all

القول به وقال تعالى يعني به إبليس اللعين {إنما يأمركم بلسوء ولفحشآء وأن تقولوا على الله ما لا تعلمون} وقال تعالى {قل إنما حرم ربي لفواحش ما ظهر منها وما بطن ولإثم ولبغي بغير لحق وأن تشركوا بالله ما لم ينزل به سلطانا وأن تقولوا على الله ما لا تعلمون}

فصح بنص القرآن أننا خرجنا إلى الدنيا لا نعلم شيئا ثم حرم علينا القول على الله تعالى بما لا نعلم، وأخبرنا تعالى أن إبليس يأمرنا بأن نقول على الله ما لا نعلم، فقد صح بهذه النصوص، ضرورة أن القول بقياس وبغير القياس، كمن أثبت العنقاء والغول والكيميا وكقول الروافض في الإمام، وكقول من قال بالإلهام وكل هذا، فالقول به على الله تعالى في الدين حرام. مقرون بالشرك أمر من أمر إبليس إلا ما علمنا رسول الله صلى الله عليه وسلم فهو الحق الذي نقوله على الله تعالى ولا يحل لنا أن نقول عليه غيره، فإذ لم يأمرنا عليه السلام بالقياس فهو حرام من أمر الشيطان بلا شك، وقد بينا فيما خلا، كل ما شغبوا مما أرادوا التمويه به فيه بالحديث فحرم القول بالقياس البتة. وبهذا بطل كل قول بلا برهان على صحته، حتى لو لم يقيم برهان بإبطاله، فلو لم يكن لنا برهان على إبطال القياس لكان عدم البرهان على إثباته برهانا في إبطاله، لأن الفرض علينا ألا نوجب في الدين شيئا إلا ببرهان، وإذ ذلك كذلك فالفرض علينا أن نبطل كل قول قيل في الدين، حتى يقوم برهان بصحته، وهذا برهان ضروري لا محيد عنه، وبالله تعالى التوفيق. وقد اعترض بعضهم في قول الله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع

[194] **Translator's note (L3304):** The opening contains the awkward additional "and he said" after "Abu Muhammed said"; both are retained. The cited Quranic passages contain recurrent transcriptional omissions of the initial alif in definite articles and in the name Allah. These have been understood as orthographic defects; their intended words are otherwise clear.

[195] **Qur'an references (L3304):** Qur'an 49:1 (Al-Hujurat); Qur'an 17:36 (Al-Isra); Qur'an 6:38 (Al-An'am); Qur'an 19:64 (Maryam); Qur'an 16:78 (An-Nahl); Qur'an 2:151 (Al-Baqarah); Qur'an 6:151 (Al-An'am); Qur'an 7:33 (Al-A'raf).

the specious objections through which they sought to obscure this matter by invoking hadith. Making assertions by analogy is therefore absolutely forbidden. This also invalidates every assertion for whose soundness there is no demonstration, even if no demonstration establishing its invalidity has been produced. Thus, even if we had no demonstration invalidating analogy, the absence of a demonstration establishing it would itself be a demonstration invalidating it, because our obligation is to impose nothing in religion without a demonstration. Since that is so, our obligation is to invalidate every assertion made in religion until a demonstration establishing its soundness is produced. This is a necessary demonstration from which there is no escape. Success comes through Allah Most High.

Some of them have raised an objection concerning the statement of Allah Most High: "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter—and that which has been slaughtered upon sacrificial stones; and that you seek allotments by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful," by invoking what is reported from the Messenger of Allah ﷺ on Thursday, four days before his death ﷺ: "Bring me writing material, so that I may write you a document after which you will never go astray after me"; and by invoking the reported statement of Aishah, may Allah be pleased with her: "Revelation had never been more abundant than shortly before the death of the Prophet ﷺ." They said: "These are things additional to what existed when He Most High said during the Farewell Pilgrimage: 'Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled animal, the animal beaten to death, the animal killed by a fall, the animal gored to death, and that which a beast of prey has eaten—except what you slaughter—and that which has been slaughtered

إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} بما روي عن رسول الله صلى الله عليه وسلم يوم الخميس قبل موته صلى الله عليه وسلم بأربعة أيام ائتوني بكتاب أكتب لكم كتابا لن تضلوا من بعدي وبما روي عن عائشة رضي الله عنها قولها لم يكن الوحي قط أكثر منه قبيل موت النبي صلى الله عليه وسلم فقالوا هذه أشياء زائدة على ما كان حين قوله تعالى في حجة الوداع {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب وأن تستقسموا بلأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} واعترض آخرون من أهل الجهل على الحديث المذكور بالآية المذكورة، وصوبوا فعل عمر وقوله في ذلك اليوم. قال أبو محمد: وهذان الاعتراضان من هاتين الطائفتين لا يشبهان اعتراض المسلمين، وإنما يشبهان اعتراض أهل الكفر والإلحاد، وبعيد عندنا أن يعترض بها مسلم صحيح الباطن، لأن الطائفة الأولى مكذبة لله عز وجل في قوله إنه أكمل ديننا، مدعية أنه كانت هنالك أشياء لم تكمل والطائفة الثانية مجهلة لرسول الله صلى الله عليه وسلم مدعية عليه الكذب في أمر الكتاب الذي أراد أن يكتبه، أو التخطيط في كلامه وأن قول عمر أصوب من قول رسول الله صلى الله عليه وسلم وكلا هذين القولين كفر مجرد وكل هذه النصوص حق لا تعارض بين شيء منها بوجه من الوجوه، لأن الآية المذكورة نزلت يوم عرفة في حجة الوداع قبل موته صلى الله عليه وسلم بثلاثة أشهر وحتى لو نزلت بعد ذلك شرائع لما كان نزولها

upon sacrificial stones; and that you seek allotments by divining arrows. That is transgression. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful.'" Others among the ignorant objected to the aforementioned hadith by invoking the aforementioned verse, and judged Umar's action and statement on that day to be correct.

Abu Muhammed said: These two objections from these two groups do not resemble the objections of Muslims; they resemble only the objections of people of unbelief and impiety. We consider it unlikely that a Muslim sound in his inward belief would raise such objections. For the first group declares Allah, mighty and majestic, untruthful in His statement that He has perfected our religion, claiming that there were things that had not been completed. The second group attributes ignorance to the Messenger of Allah ﷺ, alleging that he lied concerning the document he wished to write, or that there was line-drawing in his speech, and that Umar's statement was more correct than the statement of the Messenger of Allah ﷺ. Both these positions are sheer unbelief. All these texts are true, and none of them conflicts with any other in any respect. For the aforementioned verse was revealed on the Day of Arafah during the Farewell Pilgrimage, three months before his death ﷺ. Even if further laws had been revealed afterward, their revelation would not have conflicted with the aforementioned verse, because religion is complete and perfect at every moment. Allah Most High may efface whatever He wishes from religion, add to it, and confirm it; no one else may do so. Indeed, the Prophet's ﷺ command shortly before his death, by an hour, to expel the unbelievers from the Arabian Peninsula and to allow no two religions to remain there, is established as authentic. This law had not come previously; had it come, the Messenger of Allah ﷺ would not have allowed them to remain. Our point concerning this verse is simply that Allah Most High undertook the perfection of religion, and no one may add to what Allah Most High has perfected any opinion or analogy that Allah Most High has

معارضا للآية المذكورة، لأن الدين في كل وقت تام كامل، ولله تعالى أن يمحو من الدين ما يشاء، وأن يزيد فيه، وأن يثبت وليس ذلك لغيره بل قد صح أمر النبي صلى الله عليه وسلم قبيل موته بساعة بإخراج الكفار من جزيرة العرب، وألا يبقى فيها دينان، ولمن يكن هذا الشرع ورد قبل ذلك ولو ورد لما أقرهم رسول الله صلى الله عليه وسلم وإنما غرضنا في هذه الآية أن الله تعالى تولى إكمال الدين، وما أكمله الله تعالى فليس لأحد أن يزيد فيه رأيا ولا قياسا لم يزدهما الله تعالى في الدين، وهذا بين. وبالله تعالى التوفيق وأما أمر الكتاب الذي أراد رسول الله صلى الله عليه وسلم أن يكتبه يوم الخميس قبل وفاته صلى الله عليه وسلم بأربعة أيام فإنما كان في النص على أبي بكر رضي الله عنه، ولقد وهل عمر وكل من ساعده على ذلك، وكان ذلك القول منهم خطأ عظيما، ولكنهم اخير أرادوا، فهم معذورون مأجورون، وإن كانوا قد عوقبوا على ذلك بأمر رسول الله صلى الله عليه وسلم إياهم بالخروج عنه وإنكاره عليهم التنازع بحضرته. ولقد ولد الامتناع من ذلك الكتاب من فرقة الأنصار يوم السقيفة ما كاد يكون فيه بوار الإسلام، لولا أن الله تداركنا بمنه، وولد من اختلاف الشيعة وخروج طوائف منهم عن الإسلام، أمرا يشجي نفوس أهل الإسلام، فلو كتب ذلك الكتاب لانقطع الاختلاف في الإمامة، ولما ضل أحد فيها، لكن يقضي الله أمرا كان مفعولا. وقد أبى ربك إلا ما ترى. وهذه زلة عالم، نعني قول عمر رضي الله عنه يومئذ، قد حذرنا من مثلها، وعلى كل حال فنحن نثبت ونقطع ونوقن، ونشهد بشهادة الله تعالى ونبرأ من كل من لم يشهد بأن الذي أراد صلى الله عليه وسلم أن يمله في ذلك اليوم في الكتاب الذي أراد أن يكتبه، لو كان شرعا زائدا من تحريم شيء لم يتقدم تحريمه، أو تحليل شيء تقدم تحريمه، أو إيجاب شيء لم يتقدم إيجابه إو إسقاط إيجاب شيء تقدم إيجابه لما ترك صلى الله عليه وسلم بيانه ولا كتابه لقول

not added to religion. This is clear, and success comes through Allah Most High.

As for the document that the Messenger of Allah ﷺ wished to write on Thursday, four days before his death ﷺ, it concerned only the explicit designation of Abu Bakr, may Allah be pleased with him. Umar and everyone who supported him in that certainly erred, and that statement of theirs was a grave error. Yet they intended good, and so they are excused and rewarded, although they were punished for it by the Messenger of Allah's ﷺ command that they leave him and his rebuke of their disputing in his presence. Preventing that document from being written certainly gave rise to such division among the Helpers on the Day of the Portico that Islam might almost have perished through it, had Allah not come to our aid through His favor. It also produced, through the disagreement of the Shia and the departure of groups among them from Islam, something that grieves the souls of the people of Islam. Had he written that document, disagreement over the imamate would have ceased, and no one would have gone astray concerning it. But Allah brings about a matter that was to be accomplished, and your Lord has willed nothing other than what you see. This is a scholar's lapse—we mean Umar's statement —may Allah be pleased with him—on that day, the like of which we have been warned against. In any event, we affirm, declare definitively, hold with certainty, and testify with Allah Most High's testimony—and we disavow everyone who does not testify—that if what he ﷺ wished to dictate that day in the document he wished to write had been an additional law, prohibiting something whose prohibition had not previously been established, permitting something whose prohibition had previously been established, or imposing as obligatory something whose obligation had not previously been established, or removing the obligation of something whose obligation had previously been established, he ﷺ would not have refrained from explaining it or writing it because of Umar's statement or the statement of any other person. It is therefore necessarily established that it concerned what he already knew, through Allah Most High's revelation to him, would come to pass concerning Abu Bakr's assumption of authority. This is made clear by his statement ﷺ in the hadith of Aishah that we mentioned earlier: "Allah and

عمر ولا لقول أحد من الناس. فصح ضرورة أنه فيما قد علم بوحي الله تعالى إليه أنه سيتم من ولاية أبي بكر وذلك بين قوله صلى الله عليه وسلم في حديث عائشة الذي قد ذكرنا قبل ويأبى الله والمؤمنون وروي أيضا والنبيون إلا أبا بكر فوضح البرهان بصحة قولنا يقينا. والحمد لله كثيرا.

the believers will refuse”—and it is also transmitted as “and the prophets”—“anyone but Abu Bakr.” Thus the demonstration establishing the soundness of our position has become clear with certainty. Abundant praise belongs to Allah.[196][197][198][199][200]

L3314–3315 As for the successive coming of revelation, it was undoubtedly only a confirmation of the obligation to adhere to what had previously been revealed of the Quran, as in what has been transmitted concerning {When Allah’s help and the conquest come, * and you see people entering Allah’s religion in multitudes}, the revelation of {And fear a day when you will be returned to Allah; then every soul will be paid in full for what it has earned, and they will not be wronged}, and the verse concerning inheritance in the absence of direct ascendants and descendants, whose ruling had already preceded it. It is therefore established that none of these texts conflicts with any other. Praise be to Allah, Lord of all worlds.

If they say, “Then show us, according to your position, every case that arises in the text of the Quran and the Sunnah,” we say to them: Yes; success comes through Allah Most High, and this is incumbent upon us. The first step is to establish what religious observance consists in. We say that the rulings of the revealed law, from first to last, fall into three categories, with no fourth: an obligation, which must be acknowledged in belief and also

وأما تتابع الوحي فإنما كان بلا شك تأكيدا في التزام ما نزل من القرآن قبل ذلك ومثل ما روي من {إذا جآء نصر الله ولفتح * ورأيت لناس يدخلون في دين الله أفواجا} ونزول {وتقوا يوما ترجعون فيه إلى الله ثم توفى كل نفس ما كسبت وهم لا يظلمون} وآية الكلالة التي قد تقدم حكمها. فصح أنه لا تعارض بين شيء من هذه النصوص. والحمد لله رب العالمين. فإن قالوا: فأرونا كل نازلة تنزل على ما تقولون في نص القرآن والسنة. قلنا لهم: نعم، وبالله تعالى التوفيق، وهذا واجب علينا وأول ذلك: أن نقرر ما الديانة؟ وهي أن نقول: إن أحكام الشريعة كلها أولها عن آخرها تنقسم ثلاثة أقسام لا رابع لها: وهي فرض لا بد من اعتقاده، والعمل به مع ذلك، وحرام لا بد من اجتنابه قولا وعقدا وعملا، وحلال مباح فعله ومباح تركه. وأما المكروه والمندب إليه فداخلان تحت المباح على ما بينا قبل، لأن المكروه لا يأثم فاعله، ولو أثم لكان حراما، ولكن يؤجر فاعله. والمندوب إليه لا يأثم تاركه، ولو أثم لكان فرضا، ولكن يؤجر فاعله. فهذه أقسام الشريعة بإجماع من كل مسلم، وبضرورة وجود العقل في القسمة الصحيحة، إلى ورود السمع بها فإذ لا شك في هذا فقد قال الله عز وجل {هو لذي خلق لكم ما في لأرض جميعا ثم ستوى إلى لسمآء فسواهن سبع سماوات وهو بكل شيء عليم} وقال تعالى {وما لكم ألا تأكلوا مما ذكر سم لله عليه وقد فصل لكم ما حرم عليكم إلا ما ضطررتم إليه وإن كثيرا ليضلون بأهوائهم بغير علم إن ربك هو أعلم بلمعتدين} فصح بهاتين الآيتين أن كل شيء في الأرض، وكل عمل فمباح حلال، إلا ما فصل الله تعالى لنا تحريمه اسمه نصا عليه في القرآن وكلام النبي صلى الله عليه وسلم المبلغ عن ربه عز وجل والمبين لما أنزل عليه.

[196] **Translator’s note (L3307):** “The Rejecters” renders the polemical designation al-Rawāfiḍ. “Alchemy” renders al-kīmiyā’, listed here among things whose existence the author rejects.

[197] **Translator’s note (L3310):** The supplied text reads al-takhṭīṭ, literally “line-drawing” or “marking out,” in the phrase concerning his speech. This is contextually anomalous and may be a transcription error for al-takhlīṭ, “confusion” or “incoherence”; the supplied reading has been retained. The supplied wa-laman yakun is grammatically anomalous in context; the translation follows its apparent intended negative sense, “had not.”

[198] **Translator’s note (L3311):** “The Day of the Portico” renders yawm al-Saqīfah, the reference to the gathering associated with the succession after the Prophet’s death.

[199] **Translator’s note (L3313):** The supplied phrase wa-dhālika bayyina qawluhu is syntactically awkward; it has been rendered according to its apparent sense, that the following statement makes the point clear. The alternative wording “and the prophets” has been preserved as transmitted without reconciling it with the preceding wording.

[200] **Qur’an references (L3307):** Qur’an 5:3 (Al-Ma’idah).

acted upon; a prohibition, which must be avoided in speech, conviction, and action; and something lawful, which one is permitted to do and permitted to leave undone. As for the disfavored and the recommended, both fall under the permissible, as we explained previously. Someone who does what is disfavored incurs no sin; if he incurred sin, it would be prohibited. But someone who does it is rewarded. Someone who leaves the recommended undone incurs no sin; if he incurred sin, it would be obligatory. But someone who does it is rewarded. These, then, are the categories of the revealed law, by the consensus of every Muslim and by the necessary recognition of reason in making a correct division, in addition to their being conveyed through revelation.

Since there is no doubt about this, Allah, Mighty and Majestic, has said: {He is the One who created for you everything on earth; then He turned to heaven and fashioned them into seven heavens, and He knows all things}. And He Most High said: {What is the matter with you that you do not eat of that over which Allah's name has been mentioned, when He has explained in detail to you what He has prohibited to you, except what you are compelled to consume? Indeed, many lead others astray through their desires, without knowledge. Your Lord knows best those who transgress}. Through these two verses it is therefore established that everything on earth and [every] action is permissible and lawful, except what Allah Most High has explained to us to be prohibited, naming it explicitly in the Quran and in the speech of the

Prophet ﷺ, who conveys from his Lord, Mighty and Majestic, and explains what has been sent down to him,[201][202][203]

L3316–3317 and in the consensus of the entire community, adherence to which is explicitly prescribed in the Quran. This itself refers back to the text, as we explained previously. If we find something that the text has prohibited by forbidding it, or that consensus has prohibited by name, we declare it prohibited. If we do not find something expressly forbidden by name or subject to consensus, then it is lawful by the explicit wording of the first verse. Allah Most High has confirmed this in more than one place in His Book. He, Mighty and Majestic, said: {O you who believe, do not prohibit the good things that Allah has made lawful for you, and do not transgress. Indeed, Allah does not love those who transgress}. Allah Most High thus made clear that everything is lawful for us except what He has expressly prohibited, and He forbade us to transgress what He Most High has commanded us. Anyone who prohibits something that neither Allah Most High nor His Messenger ﷺ has expressly prohibited and forbidden, and whose prohibition has not been established by consensus, has transgressed and disobeyed Allah Most High.

Then He Most High gave us further clarification, saying: {Say: Bring your witnesses who testify that Allah has prohibited this. If they testify, do not testify with them, and do not follow the desires of those who deny Our

وفي إجماع الأمة كلها المنصوص على اتباعه في القرآن، وهو راجع إلى النص على ما بينا قبل، فإن وجدنا شيئا حرمه النص بالنهي عنه أو الإجماع باسمه حرمناه، وإن لم نجد شيئا منصوصا على النهي عنه باسمه ولا مجمعا عليه فهو حلال بنص الآية الأولى. وقد أكد الله تعالى هذا في غير ما موضع من كتابه فقال عز وجل {يأيها لذين آمنوا لا تحرموا طيبات مآ أحل لله لكم ولا تعتدوا إن لله لا يحب لمعتدين} فبين الله تعالى أن كل شيء حلال لنا إلا ما نص على تحريمه، ونهانا عن اعتداء ما أمرنا تعالى به، فمن حرم شيئا لم ينص الله تعالى ولا رسوله صلى الله عليه وسلم على تحريمه والنهي عنه ولا أجمع على تحريمه، فقد اعتدى وعصى الله تعالى، ثم زادنا تعالى بيانا فقال {قل هلم شهدآءكم لذين يشهدون أن لله حرم هذا فإن شهدوا فلا تشهد معهم ولا تتبع أهوآء لذين كذبوا بآياتنا ولذين لا يؤمنون بلآخرة وهم بربهم يعدلون} فصح بنص هذه الآية صحة لا مرية فيها أن كل ما لم يأت النهي فيه باسمه من عند الله تعالى على لسان رسوله صلى الله عليه وسلم فهو حلال لا يحل لأحد أن يشهد بتحريمه وقال تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} وقال تعالى {يأيها لذين آمنوا لا تسألوا عن أشيآء إن تبد لكم تسؤكم وإن تسألوا عنها حين ينزل لقرآن تبد لكم عفا لله عنها ولله غفور حليم * قد سألها قوم من قبلكم ثم أصبحوا بها كافرين} فبين الله تعالى أن ما أمرنا به في القرآن أو على لسان نبيه صلى الله عليه وسلم فهو واجب طاعته وضد الطاعة المعصية فمن لم يطع فقد عصى، ومن لم يفعل ما أمر به فلم يطع،

[201] **Translator's note (L3314):** The source says that the person who does what is disfavored is rewarded. This has been preserved, although the argument appears to call for the person who refrains from it to be rewarded. The phrase translated as "in addition to their being conveyed through revelation" has awkward wording in the supplied Arabic, literally using "to the arrival of transmitted revelation." The Quranic quotations contain recurrent omissions of initial alifs in the transcription; the recognizable words have been translated without reproducing those orthographic defects.

[202] **Translator's note (L3315):** The supplied wording "وكل عمل" is corrupt or irregular in this context. "[Every] action" represents the probable intended sense, but the transcription itself does not clearly say "every action." The construction translated as "naming it explicitly" is also irregular in the supplied text; it appears to mean that the prohibited thing is expressly identified by name.

[203] **Qur'an references (L3314):** Qur'an 2:281 (Al-Baqarah); Qur'an 3:161 (Ali 'Imran); Qur'an 37:182 (As-Saffat); Qur'an 2:29 (Al-Baqarah); Qur'an 6:119 (Al-An'am).

signs and those who do not believe in the Hereafter and who set others as equals to their Lord}. Through the explicit wording of this verse it is thus established, with a validity admitting of no doubt, that everything for which no prohibition identifying it by name has come from Allah Most High through the tongue of His Messenger ﷺ is lawful, and no one may lawfully testify that it is prohibited.

He Most High said: {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and best in outcome}. And He Most High said: {O you who believe, do not ask about things which, if disclosed to you, would distress you. If you ask about them while the Quran is being sent down, they will be disclosed to you. Allah has pardoned them, and Allah is Forgiving, Forbearing. * A people before you asked about them, then came to disbelieve in them}. Allah Most High thus made clear that obedience to whatever He commands us in the Quran or through the tongue of His Prophet ﷺ is obligatory. The opposite of obedience is disobedience: whoever does not obey has disobeyed, and whoever does not do what he has been commanded has not obeyed.[204]

L3318 And He forbade us to ask about anything at all, without exception. He did not leave us in uncertainty such that someone might say, "This verse was revealed concerning questions like that asked by Abd Allah ibn Hudhafah: 'Who is my father?'" Allah declared their suppositions false; rather, Allah Most High said: {A people before you asked about them, then came to disbelieve in them}. It is therefore established that this concerns the ordinances of the revealed law, the denial of which constitutes unbelief and the abandonment of which leads one astray. It is thus established that whatever is not prescribed by a text or consensus is not obligatory upon us.[205]

L3319–3324 What, then, remains after this? Is there any case in the world that falls outside someone's saying, "This is obligatory," whereupon we say to him: "If

ونهانا عن أن نسأل عن شيء جملة البتة ولم يدعنا في لبس أن يقول قائل: إن هذه الآية نزلت في السؤال عن مثل ما سأل عنه عبد الله بن حذافة: من أبي؟ فأكذب الله ظنونهم لكن قال الله تعالى: {قد سألها قوم من قبلكم ثم أصبحوا بها كافرين} فصح أن ذلك في الشرائع التي يكفر في جحدها، ويضل من تركها، فصح أن ما لم يأت به نص أو إجماع فليس واجبا علينا.

فأي شيء بقي بعد هذا؟ وهل في العالم نازلة تخرج من أن يقول قائل: هذا واجب؟ فنقول له: إن أتيت على إيجابه بنص من القرآن أو بكلام صحيح عن رسول الله صلى الله عليه وسلم أو إجماع فسمعا وطاعة وهو واجب ومن أبى عن إيجابه حينئذ

[204] **Qur'an references (L3316):** Qur'an 5:87 (Al-Ma'idah); Qur'an 6:150 (Al-An'am); Qur'an 4:59 (An-Nisa); Qur'an 5:101 (Al-Ma'idah); Qur'an 5:102 (Al-Ma'idah).

[205] **Qur'an references (L3318):** Qur'an 5:102 (Al-Ma'idah).

you produce a text from the Quran, an authentic statement from the Messenger of Allah ﷺ, or consensus establishing its obligatory character, then we hear and obey, and it is obligatory. Whoever then refuses to acknowledge its obligatory character is an unbeliever"? If he produces neither a text nor consensus establishing its obligatory character, then he is a liar, and the matter stated is not obligatory. Or someone says—he says—"This is prohibited," whereupon we say to him: "If you produce a text or consensus forbidding it, then it is prohibited, and we hear and obey. Whoever then seeks to treat it as lawful is sinful, a liar, and disobedient. If you [do not] produce a text or consensus forbidding it, then you are a liar, and that thing is not prohibited." Is there any ruling in the world that falls outside this? It is therefore established that the text encompasses every ruling that arises or has arisen, until the Day of Resurrection. There is no possibility of a case falling outside these three rulings. Success comes through Allah Most High.

The reports from the Messenger of Allah ﷺ have also conveyed the same as these verses. Thus Abd al-Rahman ibn Abd Allah al-Hamadhani related to us: Abu Ishaq Ibrahim ibn Ahmad al-Balkhi related to us: Muhammed ibn Yusuf related to us: Muhammed ibn Ismail related to us: Ismail—that is, Ibn Abi Uways—related to us: Malik ibn Anas related to us, from Abu al-Zinad, from al-Araj, from Abu Hurayrah, from the Prophet ﷺ, who said: "Leave me alone so long as I leave you alone. Those before you perished only through their questioning and their disagreements with their prophets. When I forbid you something, avoid it; and when I command you to do something, do as much of it as you can."

Abu Muhammed said: This report comprehensively embraces everything we have mentioned. In it he ﷺ explained that when he forbids something, avoiding it is obligatory; that when he commands something, doing it to the full extent of one's ability is obligatory; and that whatever he has neither forbidden nor commanded must not be investigated during his lifetime ﷺ. Since this is its character, it is obligatory upon every Muslim not to declare it prohibited or obligatory. If it is neither prohibited nor obligatory, then it is necessarily permissible, since there is no category beyond these three. When two of them are ruled out, the third must necessarily apply. This is

فهو كافر، وإن لم يأت على إيجابه بنص ولا إجماع، فإنه كاذب وذلك القول ليس بواجب أو يقول قال: هذا حرام، فنقول له: إن أتيت على النهي عنه بنص أو إجماع فهو حرام، وسمعا وطاعة، ومن أراد استباحته حينئذ فهو آثم كاذب عاص، وإن تأت على النهي عنه بنص ولا إجماع فأنت كاذب، وذلك الشيء ليس حراما. فهل في العالم حكم يخرج عن هذا؟ فصح أن النص مستوعب لكل حكم يقع أو وقع إلى يوم القيامة، ولا سبيل إلى نازلة تخرج عن هذه الأحكام الثلاثة، وبالله تعالى التوفيق ثم قد جاءت الأحاديث عن رسول الله صلى الله عليه وسلم بمثل ما جاءت به هذه الآيات كما حدثنا عبد الرحمن بن عبد الله الهمذاني، ثنا أبو إسحاق إبراهيم بن أحمد البلخي، ثنا محمد بن يوسف، ثنا محمد بن إسماعيل، ثنا إسماعيل هو ابن أبي أويس، ثنا مالك بن أنس، عن أبي الزناد عن الأعرج عن أبي هريرة عن النبي صلى الله عليه وسلم قال دعوني ما تركتكم إنما هلك من كان قبلكم بسؤالهم واختلافهم على أنبيائهم فإذا نهيتكم عن شيء فاجتنبوه وإذا أمرتكم بأمر فأتوا منه ما استطعتم. قال أبو محمد فهذا حديث جامع لكل ما ذكرنا بين فيه صلى الله عليه وسلم أنه إذا نهى عن شيء فواجب أن يجتنب وأنه إذا أمر بأمر فواجب أن يؤتى منه حيث بلغت الاستطاعة، وأن ما لم ينه عنه ولا أمر به فواجب ألا يبحث عنه في حياته صلى الله عليه وسلم وإذ هذه صفته ففرض على كل مسلم ألا يحرمه ولا يوجبه، وإذا لم يكن حراما، ولا واجبا، فهو مباح ضرورة، إذ لا قسم إلا هذه الأقسام الثلاثة، فإذا بطل منها اثنان وجب الثالث، ولا بد ضرورة، وهذه قضية النص، وقضية السمع، وقضية العقل التي لا يفهم العقل غيرها، إلا الضلال والكهانة والسخافة التي يدعيها أصحاب القياس أنهم يفهمون من الوطء الأكل ومن الثمر الجلوز ومن قطع السرقة مقدار الصداق، وحسبنا الله ونعم الوكيل. ثم نعكس عليهم سؤالهم فنقول لهم: إذا جوزتم وجود نوازل

the judgment of the text, the judgment of transmitted revelation, and the judgment of reason. Reason recognizes nothing beyond it except the error, soothsaying, and foolishness claimed by the proponents of analogy: that they understand eating from sexual intercourse, hazelnuts from fruit, and the amount of the bridal dower from amputation for theft. Allah suffices us, and He is the best trustee.

We then turn their question back upon them and say to them: If you allow the existence of cases for which there is no ruling in the Quran or the Sunnah, then tell us what you do about them. This question is incumbent upon you, whereas it is not incumbent upon us, because in our view this is false and nonexistent, with no possibility of its ever existing. Tell us, then: if you encounter those cases, do you refrain from giving judgment in them? That is not your position. Or do you rule on them? There is no possible third alternative. If you rule on them, tell us about your ruling on them: have you ruled on them according to the ruling of Allah Most High and the ruling of His Messenger ﷺ? If you say, "Yes," we say: "You have contradicted yourselves, because you said that there is no explicit text concerning them containing a ruling from Allah Most High or His Messenger ﷺ. The end of your statement has belied its beginning." And if you say, "By something other than the ruling of Allah Most High, or something other than the ruling of His Messenger ﷺ," we declare ourselves before Allah Most High free of every ruling in religion that Allah, Mighty and Majestic, has not decreed. This suffices for anyone who understands. Thus it has become clear to us, and everything besides it is invalid. Praise be to Allah, Lord of the worlds. All the reports have come confirming and supporting one another on this point, as Hammam ibn Ahmad narrated to us: Abd Allah ibn Ibrahim narrated to us: Abu Zayd al-Marwazi narrated to us: al-Firabri narrated to us: al-Bukhari narrated to us: Abd Allah ibn Zayd, the Quran reciter, narrated to us: Sa'id narrated to us: 'Aql narrated to us, from Ibn Shihab, from 'Amir ibn Sa'd ibn Abi Waqqas, from his father, that the Prophet ﷺ said: "The Muslim whose offense is greatest is someone who asks about something that has not been prohibited, whereupon it is prohibited because of his question." Thus he ﷺ explicitly stated, as you hear, that everything for which no prohibition has

لا حكم لها في قرآن ولا سنة، فقولوا لنا: ماذا تصنعون فيها؟ فهذا لازم لكم وليس يلزمنا، لأن هذا عندنا باطل معدوم لا سبيل إلى وجوده أبدا، فأخبرونا إذا وجدتم تلك النوازل أتتركون الحكم فيها؟ فليس هذا قولكم، أم تحكمون فيها؟ ولا سبيل إلى قسم ثالث، فإن حكمتم فيها فأخبرونا عن حكمكم فيها أبحكم الله تعالى وحكم رسوله صلى الله عليه وسلم حكمتم فيها فإن قلتم نعم قلنا قد تناقضتم لأنكم قلتم ليس فيها نص بحكم الله تعالى ولا لرسوله صلى الله عليه وسلم وقد كذب آخر قولكم أوله وإن قلتم بغير حكم الله تعالى أو بغير حكم رسوله صلى الله عليه وسلم نحن برآء إلى الله تعالى من كل حكم في الدين لم يحكم به الله عز وجل، وفي هذا كفاية لمن عقل فوضح لنا وبطل ما سواه، والحمد لله رب العالمين. وبهذا جاءت الأحاديث كلها مؤكدة متناصرة، كما ثنا حمام بن أحمد، ثنا عبد الله بن إبراهيم، ثنا أبو زيد المروزي، ثنا الفربري، ثنا البخاري، ثنا عبد الله بن زيد المقرىء، ثنا سعيد، ثنا عقل، عن ابن شهاب، عن عامر بن سعد بن أبي وقاص عن أبيه أن النبي صلى الله عليه وسلم قال إن أعظم المسلمين جرما من سأل عن شيء لم يحرم فحرم من أجل مسألته فنص صلى الله عليه وسلم كما تسمع أن كل ما لم يأت به تحريم من الله تعالى فهو غير محرم وهكذا أخبر صلى الله عليه وسلم في الواجب أيضا كم ثنا عبد الله بن يوسف بن نامي، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد الفقيه الأشقر، ثنا أحمد بن علي القلانسي، ثنا مسلم بن الحجاج، حدثني زهير بن حرب، ثنا يزيد بن هارون، ثنا الربيع بن مسلم القرشي، عن محمد بن زياد عن أبي هريرة قال خطبنا رسول الله صلى الله عليه وسلم فقال أيها الناس قد فرض الله عليكم الحج فحجوا. فقال رجل: أكل عام يا رسول الله فسكت حتى قالها ثلاثا فقال رسول الله صلى الله عليه وسلم لو قلت نعم لوجبت ولما استطعتم ثم قال ذروني ما تركتكم، فإنما هلك من كان قبلكم بكثرة

come from Allah Most High is not prohibited. He ﷺ likewise informed us concerning what is obligatory, also, as Abd Allah ibn Yusuf ibn Nami narrated to us: Ahmad ibn Fath narrated to us: Abd al-Wahhab ibn Isa narrated to us: Ahmad ibn Muhammed, the jurist al-Ashqar, narrated to us: Ahmad ibn Ali al-Qalansi narrated to us: Muslim ibn al-Hajjaj narrated to us: Zuhayr ibn Harb narrated to me: Yazid ibn Harun narrated to us: al-Rabi' ibn Muslim al-Qurashi narrated to us, from Muhammed ibn Ziyad, from Abu Hurayrah, who said: "The Messenger of Allah ﷺ addressed us, saying: 'People, Allah has made the pilgrimage obligatory upon you, so perform the pilgrimage.' A man said: 'Every year, Messenger of Allah?' He remained silent until the man had said it three times. Then the Messenger of Allah ﷺ said: 'Had I said yes, it would have become obligatory, and you would not have been able to do it.' Then he said: 'Leave me alone so long as I leave you alone. Those before you perished only because of their many questions and their disagreements with their prophets. When I command you to do something, do as much of it as you can; and when I forbid you something, leave it alone.'" Abu Muhammed said: The Messenger of Allah ﷺ thus explicitly stated that whatever he has not made obligatory is not obligatory, and whatever he has made obligatory by his command is obligatory to the extent that one is able to perform it; that whatever he has not prohibited is lawful; and that whatever he has forbidden is unlawful. Where, then, is there any opening for analogy, when the explicit texts have encompassed everything over which people have disagreed, and every new case that will arise until the Day of Resurrection, by its name? Success comes through Allah Most High. And He, Most High, said: "Or do they have partners who have prescribed for them in religion that for which Allah has given no permission? Were it not for the word

سؤالهم واختلافهم على أنبيائهم، فإذا أمرتكم بشيء فأتوا منه ما استطعتم، وإذا نهيتكم عن شيء فدعوه قال أبو محمد فنص رسول الله صلى الله عليه وسلم على أن ما لم يوجبه فهو غير واجب وما أوجبه بأمره فواجب ما أستطيع منه، وأن ما لم يحرمه فهو حلال، وأن ما نهى عنه فهو حرام، فأين للقياس مدخل؟ والنصوص قد استوعبت كل ما اختلف الناس فيه، وكل نازلة تنزل إلى يوم القيامة باسمها وبالله تعالى التوفيق وقال تعالى {أم لهم شركاء شرعوا لهم من لدين ما لم يأذن به لله ولولا كلمة لفصل لقضي بينهم وإن لظالمين لهم عذاب أليم}

of decision, judgment would have been passed between them. Indeed, the wrongdoers shall have a painful punishment."[206][207][208][209][210][211][212]

L3325–3326 Abu Muhammed said: It is therefore established by the explicit text that everything not explicitly prescribed is something for which Allah Most High has given no permission. This is the description of analogy, and this is unlawful. And He, Most High, said: "Indeed, among them is a group who twist their tongues with the Book so that you may think it is from the Book, although it is not from the Book. They say, 'It is from Allah,' although it is not from Allah; and they knowingly speak lies against Allah." Abu Muhammed said: Thus, everything that is not explicitly designated by name in the Quran and the Sunnah as obligatory, commanded or forbidden—whoever makes it obligatory or criminalizes it, or acts contrary to what the explicit text has brought, then that is from someone other than Allah Most High. There is no explicit text in either of them commanding analogy; it is therefore from someone other than Allah Most High, and whatever is from someone other

قال أبو محمد فصح بالنص أن كل ما لم ينص عليه، فهو شيء لم يأذن به الله تعالى، وهذه صفة القياس، وهذا حرام. وقال تعالى {وإن منهم لفريقا يلوون ألسنتهم بالكتاب لتحسبوه من الكتاب وما هو من الكتاب ويقولون هو من عند الله وما هو من عند الله ويقولون على الله الكذب وهم يعلمون} قال أبو محمد فكل ما ليس في القرآن والسنة منصوصا باسمه، واجبا مأمورا به أو منهيا عنه، فمن أوجبه أو جرمه، أو خالف لما جاء به النص، فهو من عند غير الله تعالى، والقياس غير منصوص على الأمر به فيهما، فهو من عند غير الله تعالى، وما كان من عند غير الله تعالى فهو باطل وقال تعالى {يأيها النبي إذا طلقتم النساء فطلقوهن لعدتهن وأحصوا العدة وتقوا الله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود الله ومن يتعد حدود الله فقد ظلم نفسه لا تدرى لعل الله يحدث بعد ذلك أمرا} وقد علمنا ضرورة أن الله تعالى إذا حرم بالنص شيئا فحرم إنسان شيئا غير ذلك، قياسا على ما حرم الله تعالى، أو أحل بعض ما حرم الله قياسا، أو أوجب غير ما أوجب الله تعالى قياسا، أو أسقط بعض ما أوجب الله تعالى قياسا، فقد تعدى حدود الله تعالى، فهو ظالم بشهادة الله تعالى عليه بذلك وقد قال تعالى {فبدل لذين ظلموا قولا غير لذي قيل لهم فأنزلنا على لذين ظلموا رجزا من لسمآء بما كانوا يفسقون} قال أبو محمد وهذه كالتي قبلها سواء بسواء. وقال تعالى: {أم تقولون إن إبراهيم وإسماعيل وإسحاق ويعقوب والأسباط كانوا هودا أو نصارى قل أأنتم أعلم أم لله ومن أظلم ممن كتم شهادة عنده من لله وما لله بغافل عما تعملون} قال أبو محمد ومن استدرك برأيه وقياسه على ربه تعالى شيئا من الحرام والواجب لم يأت بتحريمها ولا إيجابها نص فقد دخل تحت هذه العظيمة المذكورة في هذه الآية، ونحمد الله تعالى على توفيقه، لا إله إلا هو.

[206] **Translator's note (L3319):** The source has the redundant wording "or someone says—he says"; the repetition is preserved. In "وان تأت", the supplied text lacks the negative required by the surrounding argument. "[Do not]" marks the contextual supplementation rather than silently correcting the text. "The matter stated" renders the source's "ذلك القول", literally "that statement"; the wording is awkward because the argument concerns whether the thing asserted to be obligatory is actually obligatory.

[207] **Translator's note (L3321):** "Hazelnuts" renders "الجلوز", a term for hazelnuts or filberts. The terse examples are the author's polemical characterizations of analogical inferences; their unstated legal details have not been supplied.

[208] **Translator's note (L3322):** The transmission chain reads "Abd Allah ibn Zayd" and "'Aql." These potentially corrupt names have been retained as supplied rather than silently replaced with names from other versions of the report.

[209] **Translator's note (L3323):** The supplied "كم " before the transmission chain is syntactically defective; the translation takes it as a damaged introductory "as," apparently intended as "كما."

[210] **Translator's note (L3324):** The Quran quotation, corresponding to 42:21, contains defective spellings, including "لدين," "لله," "لفصل," and "لظالمين," with missing initial letters. The translation reflects their identifiable words.

[211] **Hadith references (L3319):** Sahih Muslim 1337; Sahih al-Bukhari 7288; Sahih al-Bukhari 7289.

[212] **Qur'an references (L3319):** Qur'an 42:21 (Ash-Shuraa).

than Allah Most High is invalid. And He, Most High, said: "O Prophet, when you divorce women, divorce them for their prescribed waiting period, and count the waiting period, and fear Allah, your Lord. Do not expel them from their houses, nor are they to leave, unless they commit a manifest indecency. These are Allah's limits. Whoever transgresses Allah's limits has wronged himself. You do not know: perhaps Allah will bring about some matter after that." We know necessarily that, if Allah Most High prohibits something by an explicit text and a person then prohibits something else by analogy with what Allah Most High has prohibited, or makes lawful some of what Allah has prohibited by analogy, or makes obligatory something other than what Allah Most High has made obligatory by analogy, or removes some of what Allah Most High has made obligatory by analogy, he has transgressed Allah's limits. He is therefore a wrongdoer, by Allah Most High's testimony against him to that effect. And He, Most High, has said: "Then those who did wrong substituted a saying other than what had been said to them, so We sent down upon those who did wrong a punishment from heaven because they used to act defiantly." Abu Muhammed said: This is exactly like the preceding one. And He, Most High, said: "Or do you say that Abraham, Ishmael, Isaac, Jacob, and the Tribes were Jews or Christians? Say: 'Do you know better, or does Allah?' Who is more unjust than someone who conceals testimony that he possesses from Allah? Allah is not unaware of what you do." Abu Muhammed said: Whoever, by his own opinion and analogy, presumes to supplement his Lord Most High concerning anything unlawful or obligatory for whose prohibition or imposition no explicit text has come, has come

under the grave condemnation mentioned in this verse. We praise Allah Most High for granting success. There is no deity but Him.[213][214][215]

L3327–3335 And He, Most High, said, describing His speech: “And on the day when We raise up in every community a witness against them from among themselves, and bring you as a witness against these; and We have sent down to you the Book as an explanation of everything, and as guidance, mercy, and glad tidings for those who submit.” And He, Most High, said: “When We recite it, follow its recitation. Then its explanation rests upon Us.” And He, Most High, said: “With clear proofs and scriptures. And We have sent down to you the Reminder so that you may explain to people what has been sent down to them, and so that they may reflect.” Abu Muhammed said: Allah Most High thus explicitly stated that He did not entrust the explanation of the revealed law to any person, or to opinion, or to analogy, but only to the explicit text of the Quran and to His Messenger ﷺ. Everything apart from these two is error, falsehood, and absurdity. And He, Most High, said: “And of camels, two, and of cattle, two. Say: ‘Has He prohibited the two males, or the two females, or what the wombs of the two females contain? Or were you witnesses when Allah enjoined this upon you?’ Who is more unjust than someone who fabricates a lie against Allah to lead people astray without knowledge? Indeed, Allah does not guide wrongdoing people.” Abu Muhammed said: It is therefore established that everything concerning which no injunction has come to us from Allah, Mighty and Majestic, is a fabrication against Allah, a lie, and whoever attributes it to Allah Most High

وقال تعالى يصف كلامه: {ويوم نبعث في كل أمة شهيدا عليهم من أنفسهم وجئنا بك شهيدا على هؤلآء ونزلنا عليك لكتاب تبيانا لكل شيء وهدى ورحمة وبشرى للمسلمين} وقال تعالى {فإذا قرأناه فتبع قرآنه * ثم إن علينا بيانه} وقال تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} قال أبو محمد: فنص الله تعالى على أنه لم يكل بيان الشريعة إلى أحد من الناس، ولا إلى رأي ولا إلى قياس لكن إلى نص القرآن وإلى رسوله صلى الله عليه وسلم فقط وما عداهما فضلال وباطل ومحال وقال تعالى {ومن لإبل ثنين ومن لبقر ثنين قل ءآلذكرين حرم أم لأنثيين أما شتملت عليه أرحام لأنثيين أم كنتم شهدآء إذ وصاكم لله بهذا فمن أظلم ممن فترى على لله كذبا ليضل لناس بغير علم إن لله لا يهدي لقوم لظالمين} قال أبو محمد فصح أن كل ما لم يأتنا به وصية من عند الله عز وجل فهو افتراء على الله كذب، وناسبه إلى الله تعالى ظالم، ولم تأتنا وصية قط من قبله تعالى بالحكم بالقياس، فهو افتراء وباطل، وكذب، بل جاءتنا وصاياه عز وجل بألا نتعدى كلامه وكلام رسوله صلى الله عليه وسلم وألا نحرم ولا نوجب إلا ما أوجبا وحرما ونهيا فقط، فبطل كل ما عدا ذلك، والقياس مما عدا ذلك فهو باطل وقال تعالى {أولم يكفهم أنآ أنزلنا عليك لكتاب يتلى عليهم إن في ذلك لرحمة وذكرى لقوم يؤمنون} فأوجب تعالى أن يكتفى بتلاوة الكتاب، وهذا هو الأخذ بظاهره، وإبطال كل تأويل لم يأت به نص أو إجماع، وألا نطلب غير ما يقتضيه لفظ القرآن فقط وقال تعالى {وما ختلفتم فيه من شيء فحكمه إلى لله ذلكم لله ربي عليه توكلت وإليه أنيب} وقال تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه

[213] **Translator’s note (L3325):** The Quran quotation, corresponding to 3:78, contains repeated defective spellings, including “بلكتاب,” “لكتاب,” “لله,” and “لكذب.” The translation reflects the identifiable words while retaining the quotation’s repetitions.

[214] **Translator’s note (L3326):** The supplied “جرمه” means “criminalizes it” or “declares it an offense.” In this context it may be a transcription error for “حرمه,” “prohibits it”; the supplied reading has been retained. The Quran quotations, corresponding to 65:1, 2:59, and 2:140, contain numerous defective spellings with missing initial letters. The translation reflects the identifiable words. The quotation corresponding to 2:59 ends with “because they used to act defiantly,” wording associated with the parallel passage at 7:162; the usual wording at 2:59 is “because they used to do wrong.” The supplied wording has been retained.

[215] **Qur’an references (L3325):** Qur’an 3:78 (Ali ’Imran); Qur’an 65:1 (At-Talaq); Qur’an 2:140 (Al-Baqarah).

is a wrongdoer. No injunction has ever come to us from Him, Most High, to rule by analogy; it is therefore fabrication, falsehood, and a lie. Rather, His injunctions, Mighty and Majestic is He, have come to us that we must not go beyond His words and the words of His Messenger ﷺ, and that we must neither prohibit nor make obligatory anything except what the two have made obligatory, prohibited, and forbidden, and nothing else. Everything beyond that is therefore invalid, and analogy is among what lies beyond that, so it is invalid. And He, Most High, said: "Has it not sufficed them that We have sent down to you the Book, which is recited to them? Indeed, in that are mercy and a reminder for people who believe." He, Most High, thus made it obligatory to be content with the recitation of the Book. This means adopting its apparent meaning, invalidating every interpretation for which no explicit text or consensus has come, and seeking only what the wording of the Quran entails. And He, Most High, said: "Whatever you disagree about, its judgment belongs to Allah. That is Allah, my Lord; in Him I have placed my trust, and to Him I turn." And He, Most High, said: "O you who believe, obey Allah, and obey the Messenger and those in authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and best in outcome." Thus Allah Most High did not permit, in cases of dispute and disagreement, seeking judgment from or referring a matter to anything except the Quran and the words of the Messenger —may Allah bless him and grant him peace ﷺ—alone, neither to anyone other than the Prophet ﷺ, nor to opinion, nor to analogy. All this is therefore invalid with certain invalidity. Praise be to Allah, Lord of the worlds, for granting success. This, together with the stringency of the condition imposed by Allah, exalted is He, in His saying: "O you who believe, obey Allah and obey the Messenger and those vested with authority among you. Then, if you dispute about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and best in outcome." Every Muslim against whom the proof has been established must indeed fear that this description should attach to him, and he is obliged not to follow those predecessors who interpreted and erred. Someone against whom the proof has been established is not like someone concerning whom we do not know whether the proof was established against

إلى الله ولرسول إن كنتم تؤمنون بالله وليوم لآخر ذلك خير وأحسن تأويلا} فلم يبح الله تعالى عند التنازع والاختلاف أن يتحاكم أو يرد إلا إلى القرآن وكلام الرسول صلى الله عليه وسلم فقط لا إلى أحد دون النبي صلى الله عليه وسلم ولا إلى رأي ولا قياس فبطل كل هذا بطلانا متيقنا، والحمد لله رب العالمين على توفيقه هذا مع شدة شرط الله تعالى بقوله {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بالله وليوم لآخر ذلك خير وأحسن تأويلا} فلقد يجب على كل مسلم قامت عليه الحجة أن يهاب لحقوق هذه الصفة به، وفرض عليه ألا يقتدي بمن سلف ممن تأول نخطأ، فليس من قامت عليه الحجة كمن لا ندري أقامت عليه الحجة أم لم تقم؟ إلا أننا نحسن الظن بهم، كما نحسنه بسائر المؤمنين والله أعلم بحقيقة أمر كل أحد وقال تعالى {ولا تقولوا لما تصف ألسنتكم لكذب هذا حلال وهذا حرام لتفتروا على لله لكذب إن لذين يفترون على لله لكذب لا يفلحون} فحرم تعالى الحكم في الشيء من الدين بتحريم أو تحليل، وسمى من فعل ذلك كاذبا، وفعله كذبا إلا أن يحرمه الله أو يحلله الله في النص أو الإجماع وقال تعالى {قل أرأيتم مآ أنزل لله لكم من رزق فجعلتم منه حراما وحلالا قل ءآلله أذن لكم أم على لله تفترون} فسمى تعالى من حرم بغير إذن من الله تعالى في تحريم ذلك الشيء، أو حلل بغير إذن من الله في تحليله: مفتريا، وهذه صفة القائسين المحرمين المحللين الموجبين بالقياس بغير إذن من الله تعالى وقال تعالى {فلا تضربوا لله لأمثال إن لله يعلم وأنتم لا تعلمون} فنص تعالى على ألا تضرب له الأمثال، وهذا نص جلي على إبطال القياس وتحريمه، لأن القياس ضرب أمثال للقرآن، وتمثيل ما لا نص فيه بما فيه النص، ومن مثل ما لم ينص الله تعالى على تحريمه أو إيجابه بما حرمه الله تعالى وأوجبه، فقد ضرب له الأمثال، وواقع المعصية، نعوذ بالله من ذلك، ونص تعالى

him or not. Nevertheless, we think well of them, just as we think well of all other believers. Allah knows best the true circumstances of each person. And He, exalted is He, said: “Do not say, concerning the falsehood your tongues describe, ‘This is lawful and this is forbidden,’ so as to fabricate falsehood against Allah. Indeed, those who fabricate falsehood against Allah will not prosper.” Thus He, exalted is He, forbade passing judgment on anything in religion by declaring it forbidden or lawful, and called whoever does so a liar and his action a lie, unless Allah forbids it or Allah permits it in an explicit text or through consensus. And He, exalted is He, said: “Say: Have you considered the provision Allah has sent down for you, of which you have made some forbidden and some lawful? Say: Has Allah given you permission, or are you fabricating against Allah?” Thus He, exalted is He, called someone who forbids something without permission from Allah, exalted is He, to forbid that thing, or permits something without permission from Allah to permit it, a fabricator. This is the description of those who employ analogy, declaring things forbidden, lawful, and obligatory through analogy without permission from Allah, exalted is He. And He, exalted is He, said: “So do not strike likenesses for Allah. Indeed, Allah knows, and you do not know.” He, exalted is He, thus explicitly stipulated that likenesses must not be struck for Him. This is a clear, explicit text invalidating analogy and forbidding it, because analogy consists in striking likenesses for the Quran and likening that concerning which there is no explicit text to that concerning which there is an explicit text. Whoever likens something whose prohibition or obligation Allah, exalted is He, has not explicitly stated to something Allah, exalted is He, has forbidden or made obligatory has struck likenesses for Him and committed disobedience. We seek refuge in Allah from that. He, exalted is He, explicitly stated that He knows and we do not know. Had He, exalted is He, known that what He had not explicitly addressed was like what He had explicitly addressed, He would have informed us of that; He would not have neglected it or left it unattended. He, exalted is He, said: “We descend only at the command of your Lord. To Him belongs what is before us, what is behind us, and what is between that; and your Lord is never forgetful.” And He, exalted is He, said: “We have sent no messenger except in the language of his people, so that he might make matters clear to them. Then Allah leads

على أنه يعلم ونحن لا نعلم، فلو علم تعالى أن الذي لم ينص عليه مثل الذي نص عليه لأعلمنا بذلك وما أغفله وما ضيعه، قال تعالى: {وما نتنزل إلا بأمر ربك له ما بين أيدينا وما خلفنا وما بين ذلك وما كان ربك نسيا} وقال تعالى: {ومآ أرسلنا من رسول إلا بلسان قومه ليبين لهم فيضل لله من يشآء ويهدي من يشآء وهو لعزيز لحكيم} فصح أن العربية بها أرسل الله تعالى رسوله صلى الله عليه وسلم فبهذا بين لنا وقال تعالى {وما ينطق عن لهوى * إن هو إلا وحي يوحى} فكل ما بينه رسول الله صلى الله عليه وسلم فعن الله تعالى بينه وقد علمنا يقينا وقوع كل اسم في اللغة على مسماه فيها وأن البر لا يسمى تبنا، وأن الملح لا يسمى زبيبا، وأن التمر لا يسمى أرزا، وأن الشعير لا يسمى بلوطا، ولا الواطىء آكلا، ولا الآكل واطئا، ولا القاتل مظاهرا، ولا المظاهر قاتلا، ولا المعرض قاذفا. فإذ قد أحكم اللسان كل اسم على مسماه لا على غيره ولم يبعث محمدا صلى الله عليه وسلم بالعربية التي ندريها فقد علمنا يقينا أنه صلى الله عليه وسلم إذا نص في القرآن أو كلامه على اسم ما بحكم ما، فواجب ألا يوقع ذلك الحكم إلا على ما اقتضاه ذلك الاسم فقط، ولا نتعدى به الموضع الذي وضعه رسول الله صلى الله عليه وسلم فيه وألا يخرج عن ذلك الحكم شيء مما يقتضيه الاسم ويقع عليه فالزيادة على ذلك في الدين وهو القياس، والنقص منه نقص من الدين، وهو التخصيص، وكل ذلك حرام بالنصوص التي ذكرنا، فسبحان من خص أصحاب القياس بكلا الأمرين فمرة يزيدون إلى النص ما ليس فيه، ويقولون هذا قياس، ومرة يخرجون من النص بعض ما يقتضيه ويقولون: هذا خصوص، ومرة يتركونه كله ويقولون: ليس عليه العمل، والعبرة معترضة عليه كما فعل الحنفيون في حديث المصراة والإقراع بين الأعبد، وكما فعل المالكيون في حديث تمام الصوم لمن أكل ناسيا، وحديث الحج على المريض البائس والميت وغير ذلك، وحسبنا الله ونعم الوكيل وقال الله تعالى: {إن هي إلا أسمآء سميتموهآ أنتم وآبآؤكم مآ أنزل لله بها من

astray whom He wills and guides whom He wills, and He is the Almighty, the Wise." It is therefore established that Arabic is the language with which Allah, exalted is He, sent His Messenger ﷺ, and through it he made matters clear to us. And He, exalted is He, said: "He does not speak from desire. It is nothing but revelation revealed." Thus everything the Messenger of Allah ﷺ explained, he explained from Allah, exalted is He. We know with certainty that every name in the language applies to what it names in that language, and that wheat is not called straw and that salt is not called raisins, dates are not called rice, and barley is not called acorns; nor is someone engaging in intercourse called an eater, nor an eater someone engaging in intercourse, nor a killer someone who pronounces the repudiation likening his wife to his mother, nor someone who pronounces that repudiation a killer, nor someone who insinuates an accusation someone who explicitly accuses another of unlawful sexual intercourse. Since the language has firmly assigned every name to what it names, and not to anything else, and He did not send Muhammed ﷺ with the Arabic that we know, we know with certainty that when he ﷺ explicitly assigns a ruling to a particular name in the Quran or in his own speech, that ruling must be applied only to what that name encompasses, and we must not extend it beyond the place in which the Messenger of Allah ﷺ placed it, nor may anything encompassed by that name and falling under it be excluded from that ruling. Thus, adding to that in religion is analogy, while subtracting from it is a subtraction from religion, namely, specification. All of that is forbidden by the explicit texts we have mentioned. Glory be to Him who has singled out the proponents of analogy for both practices! Sometimes they add to the explicit text what is not in it and say, 'This is analogy.' Sometimes they exclude from the explicit text part of what it encompasses and say, 'This is a specific restriction.' Sometimes they abandon it entirely and say, 'Practice does not follow it, and reasoning stands against it.' This is what the Hanafis did with the report concerning an animal whose milk has been allowed to accumulate in its udder and with the drawing of lots among slaves, and what the Malikis did with the report concerning the completion of the fast by someone who ate forgetfully, and the report concerning pilgrimage on behalf of the sick, afflicted person and the deceased, and other cases. Allah suffices us, and He is the best Trustee.

سلطان إن يتبعون إلا لظن وما تهوى لأنفس ولقد جآءهم من ربهم لهدى} قال أبو محمد والقياس اسم في الدين لم يأذن به الله تعالى، ولا أنزل به سلطانا، وهو ظن منهم بلا شك، لتجاذبهم علل القياسات بينهم، كتعليلهم الربا بالأكل، وقال آخرون منهم: بالكيل والوزن، وقال آخرون: بالادخار، وهذه كلها ظنون فاسدة، وتخاليط وأسماء لم يأذن تعالى بها، ولا أنزل بها سلطانا وقال تعالى {فخلف من بعدهم خلف ورثوا لكتاب يأخذون عرض هذا لأدنى ويقولون سيغفر لنا وإن يأتهم عرض مثله يأخذوه ألم يؤخذ عليهم ميثاق لكتاب أن لا يقولوا على لله إلا لحق ودرسوا ما فيه ولدار لآخرة خير للذين يتقون أفلا تعقلون} وقال تعالى {ويحق لله لحق بكلماته ولو كره لمجرمون} فنص تعالى على ألا يقال عليه إلا الحق، وأخبر تعالى أنه يحق الحق بكلماته، فما لم يأتنا كلام الله تعالى بأنه حق من الدين فهو باطل، لا حق.

And Allah, exalted is He, said: "They are nothing but names you and your fathers have named, for which Allah has sent down no authority. They follow nothing but conjecture and what their souls desire, although guidance has already come to them from their Lord." Abu Muhammed said: Analogy is a name introduced into religion which Allah, exalted is He, has not authorized and for which He has sent down no authority. It is undoubtedly conjecture on their part, since they dispute among themselves over the operative causes of analogies: for example, their assigning edibility as the operative cause of usury, while others among them say it is measurement by volume and weight, and still others say it is storability. All these are corrupt conjectures, muddled notions, and names which He, exalted is He, has not authorized and for which He has sent down no authority. And He, exalted is He, said: "Then successors came after them who inherited the Book, taking the passing goods of this lower world and saying, 'We shall be forgiven.' And if similar passing goods come to them, they take them. Was not the covenant of the Book taken from them, that they should say nothing about Allah except the truth? And they have studied what is in it. And the abode of the Hereafter is better for those who are mindful of Allah. Will you not then understand?" And He, exalted is He, said: "Allah establishes the truth by His words, even though the criminals dislike it." He, exalted is He, thus explicitly stipulated that nothing should be said about Him except the truth, and He, exalted is He, declared that He establishes the truth by His words.

Whatever the speech of Allah, exalted is He, has not conveyed to us as a truth belonging to religion is therefore falsehood, not truth.[216]21621721821922022[1]

L3336–3340 And He, exalted is He, said, recounting the words of His messengers—may Allah bless them and grant them peace ﷺ: "Their messengers said to them: We are only human beings like you, but Allah bestows His favor upon whom He wills among His servants. It is not for us to bring you any authority except by Allah's permission. And in Allah let the believers place their trust." Abu Muhammed said: Allah, exalted is He, thus explicitly related concerning the truthful prophets that it is not for them to bring any authority except by permission from Allah, exalted is He. Authority is undoubtedly proof. Every

وقال تعالى حكاية عن رسله صلى الله عليهم وسلم: {قالت لهم رسلهم إن نحن إلا بشر مثلكم ولكن لله يمن على من يشآء من عباده وما كان لنآ أن نأتيكم بسلطان إلا بإذن لله وعلى لله فليتوكل لمؤمنون} قال أبو محمد فنص الله تعالى عن الأنبياء الصادقين أنه ليس لهم أن يأتوا بسلطان إلا بإذن الله تعالى، والسلطان الحجة بلا شك، فكل حجة لم يأذن الله تعالى بها في كلامه فهو باطل، ولم يأذن قط تعالى في القياس فهو باطل وقال تعالى {ما جعل لله لرجل من قلبين في جوفه وما جعل أزواجكم للائي تظاهرون منهن أمهاتكم وما جعل أدعيآءكم أبنآءكم ذلكم قولكم بأفواهكم ولله يقول لحق وهو يهدي لسبيل * دعوهم لآبآئهم هو أقسط عند لله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان لله غفورا رحيما} وقال تعالى {لذين يظاهرون منكم من نسآئهم ما هن أمهاتهم إن أمهاتهم إلا للائي ولدنهم وإنهم ليقولون منكرا من لقول وزورا وإن لله لعفو غفور} فأنكر تعالى غاية الإنكار أن يجعل أحد أمه غير التي ولدته، ولا أن يجعل ابنه إلا ولده، وهو تعالى قد جعل أمهاتنا من لم تلدنا كنساء النبي صلى الله عليه وسلم واللواتي أرضعتنا وجعل أبناءنا من لم تلده كنحن لنساء النبي صلى الله عليه وسلم وكمن أرضعه نساءنا بألساننا فصح بالنص أن الشيء إذا حكم الله تعالى به فقد لزم دون تعليل، وأن من أراد أن يحكم بمثل ذلك بما لا نص فيه فقد قال منكرا من القول وزورا، وأنه ليس لأحد أن يقول بغير ما لم يقل الله تعالى به. وفي هذا كفاية لمن جعلنا نحن وهم نساء النبي صلى الله عليه وسلم أمهاتنا في التحريم كما جاء النص فقط ثم لم نقس على ذلك رؤيتهن كما نرى أمهاتنا، بل حرم ذلك علينا، ولا قسنا إخوتهم وبنيهم على

[216] **Translator's note (L3327):** The Quran quotations, corresponding to 16:89, 75:18–19, 16:44, and 6:144, contain defective spellings with missing initial letters. Their identifiable words have been translated. The quotation beginning "With clear proofs and scriptures" begins with a dependent phrase in the source; that fragmentary construction has been retained.

[217] **Translator's note (L3328):** The Quran quotations, corresponding to 29:51, 42:10, and 4:59, contain defective spellings with missing initial letters. Their identifiable words have been translated.

[218] **Translator's note (L3330):** The wording لحقوق هذه الصفة به is anomalous. The translation takes it as referring to this description attaching to the person, as the context suggests; the supplied form لحقوق would ordinarily concern 'rights' or 'claims.'

[219] **Translator's note (L3333):** The supplied ولم يبعث means 'and He did not send.' This negation contradicts the preceding argument that the Messenger was sent with the Arabic language known to his audience; it has been retained rather than silently corrected. The distinction between insinuating an accusation and explicitly making one concerns the legal category of accusations of unlawful sexual intercourse. The repudiation mentioned is ẓihār, in which a husband likens his wife to his mother or another prohibited female relative.

[220] **Translator's note (L3334):** The phrase والعبرة معترضة عليه, rendered 'reasoning stands against it,' is awkward. العبرة may refer here to reasoning or analogical consideration; the precise intended formulation is uncertain. The opening clause about adding to religion is syntactically compressed in the supplied text. The translation preserves its contrast between analogy as addition and specification as subtraction.

[221] **Qur'an references (L3327):** Qur'an 16:89 (An-Nahl); Qur'an 75:19 (Al-Qiyamah); Qur'an 16:44 (An-Nahl); Qur'an 6:144 (Al-An'am); Qur'an 29:51 (Al-'Ankabut); Qur'an 42:10 (Ash-Shuraa); Qur'an 4:59 (An-Nisa); Qur'an 16:116 (An-Nahl); Qur'an 10:59 (Yunus); Qur'an 19:64 (Maryam); Qur'an 14:4 (Ibrahim); Qur'an 53:4 (An-Najm); Qur'an 53:23 (An-Najm); Qur'an 7:169 (Al-A'raf).

proof which Allah, exalted is He, has not authorized in His speech is therefore invalid. He, exalted is He, has never authorized analogy, so it is invalid. And He, exalted is He, said: "Allah has not placed two hearts within any man's breast, nor has He made your wives, whom you repudiate by likening them to your mothers, your mothers; nor has He made your adopted sons your sons. That is your saying with your mouths, but Allah speaks the truth and guides to the way. Call them after their fathers; that is more equitable before Allah. If you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for what you do mistakenly, but only for what your hearts deliberately intend. Allah is ever Forgiving, Merciful." And He, exalted is He, said: "Those among you who repudiate their wives by likening them to their mothers—their wives are not their mothers. Their mothers are only those who gave birth to them. They certainly utter a reprehensible saying and falsehood. And Allah is indeed Pardoning, Forgiving." Thus He, exalted is He, condemned in the strongest terms anyone's making someone other than the woman who bore him his mother, or making anyone other than his own offspring his son. Yet He, exalted is He, has made women who did not bear us our mothers, such as the wives of the Prophet ﷺ and the women who suckled us; and He has made those whom she did not bear our sons, as we are in relation to the wives of the Prophet ﷺ, and as are those whom our wives suckled with our milk. It is therefore established by the explicit text that when Allah, exalted is He, rules on something, it becomes binding without assigning an operative cause, and that whoever wishes to issue a similar ruling concerning something for which there is no explicit text has uttered a reprehensible saying and falsehood, and that no one may assert anything other than what Allah, exalted is He, has not asserted. This suffices for those who, together with us, regard the wives of the Prophet ﷺ as our mothers with respect to the prohibition of marriage, solely as the explicit text states, while we have not then inferred by analogy from that that we may see them as we see our mothers; rather, that has been forbidden to us. Nor have we analogized their brothers and sons to maternal uncles by birth and brothers by birth. Rather, it is lawful for them to marry Muslim women, and lawful for Muslim men to marry their sisters and daughters. The validity of ruling by analogy

أخوال الولادة وإخوة الولادة. بل حل لهم نكاح نساء المسلمين، وحل لرجال المسلمين نكاح إخواتهن وبناتهن، فبطل حكم القياس يقينا وصح لزوم النص فقط، وألا يتعدى أصلا. وفي آية واحدة مما ذكرنا كفاية لمن اتقى الله عز وجل ونصح نفسه، فكيف، وقد تظاهرت الآيات بإبطال ما يدعونه من القياس في دين الله تعالى. وكذلك أيضا جاءت الأحاديث الصحاح عن رسول الله صلى الله عليه وسلم بإبطال القياس كما حدثنا عبد الله بن يوسف بن نامي، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، ثنا أحمد بن محمد، ثنا أحمد بن علي، ثنا مسلم، ثنا ابن نمير، ثنا روح بن عبادة، ثنا شعبة، مسلم: وحدثني زهير بن حرب، ثنا يحيى بن سعيد، عن شعبة قال: أخبرني أبو بكر بن حفص عن سالم بن عمر قال: إن عمر رأى على رجل من آل عطارد قباء من ديباج أو حرير فقال لرسول الله صلى الله عليه وسلم لو اشتريته فقال إنما يلبس هذا من لا خلاق له فأهدي لرسول الله صلى الله عليه وسلم حلة سيراء فأرسل بها إلي فقلت أرسلت بها إلي وقد سمعتك قلت فيها ما قلت؟ قال: إنما بعثت إليك لتستمتع بها. وقال ابن نمير في حديثه: إنما بعثتها إليك لتنتفع بها، ولم أبعث بها إليك لتلبسها. والسند المذكور إلى مسلم قال: حدثنا شيبان بن فروخ، ثنا جرير بن حازم، ثنا نافع عن ابن عمر قال: رأى عمر عطاردا اليمني يقيم بالسوق حلة سيراء، فقال عمر: يا رسول الله، إني رأيت عطاردا يقيم في السوق حلة سيراء، فلو اشتريتها فلبستها لوفود العرب إذ قد مرا عليك فقال رسول الله صلى الله عليه وسلم إنما يلبس الحرير في الدنيا من لا خلاق له في الآخرة فلما كان بعد ذلك أتي رسول الله صلى الله عليه وسلم بحلل سيراء فبعث إلى عمر بحلة وإلى ابن زيد بحلة، وأعطى علي بن أبي طالب حلة، وقال: اشققها خمرا بين نسائك فذكر أمر عمر، قال: وأما أسامة فراح في حلته فنظر إليه رسول الله صلى

is therefore disproved with certainty, and the obligation to adhere solely to the explicit text, without ever going beyond it, is established. A single verse among those we have mentioned suffices for anyone who is mindful of Allah, mighty and majestic, and sincerely seeks his own good. How much more so when the verses reinforce one another in invalidating the analogy they claim in the religion of Allah, exalted is He! Likewise, authentic reports have also come from the Messenger of Allah ﷺ invalidating analogy, as ʿAbd Allah ibn Yusuf ibn Nami related to us: Ahmad ibn Fath related to us: ʿAbd al-Wahhab ibn ʿIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʿAli related to us: Muslim related to us: Ibn Numayr related to us: Rawh ibn ʿUbada related to us: Shuʿba related to us. Muslim: And Zuhayr ibn Harb related to me: Yahya ibn Saʿid related to us, from Shuʿba, who said: Abu Bakr ibn Hafs informed me, from Salim ibn ʿUmar, who said: "'Umar saw a man of the family of ʿUtarid wearing an outer robe of silk brocade or silk, and said to the Messenger of Allah ﷺ: 'If only you would buy it.' He said: 'Only someone who has no share wears this.' Then the Messenger of Allah ﷺ was given a striped silk suit as a gift, and he sent it to me. I said: 'You have sent it to me, although I heard you say what you said about it!' He said: 'I sent it to you only so that you might derive some benefit from it.'" Ibn Numayr said in his report: "'I sent it to you only so that you might benefit from it; I did not send it to you for you to wear it.'"

And through the aforementioned chain of transmission to Muslim, who said: Shayban ibn Farrukh related to us: Jarir ibn Hazim related to us: Nafiʿ related to us, from Ibn ʿUmar, who said: "'Umar saw ʿUtarid the Yemeni offering a striped silk suit for sale in the market. ʿUmar said: 'O Messenger of Allah, I saw ʿUtarid offering a striped silk suit for sale in the market. If only you would buy it and wear it for the Arab delegations when they pass by you.' The Messenger of Allah ﷺ said: 'Only someone who has no share in the Hereafter wears silk in this world.' Later, some striped silk suits were brought to the Messenger of Allah ﷺ. He sent one suit to ʿUmar and one suit to Ibn Zayd, and gave ʿAli ibn Abi Talib a suit, saying: 'Tear it into head coverings to distribute among your women.'" He then mentioned the affair of ʿUmar. He said: "As for Usama, he went out in his suit. The Messenger of Allah ﷺ

الله عليه وسلم نظرا عرف أن رسول الله صلى الله عليه وسلم قد أنكر ما صنع فقال يا رسول الله ما تنظر إلي، فأنت بعثت بها إلي؟

looked at him in such a way that he recognized that the Messenger of Allah ﷺ disapproved of what he had done. He said: ‘O Messenger of Allah, why are you looking at me? You yourself sent it to me!’[222][223][224][225]

L3341–3349 He said: ‘I did not send it to you for you to wear it. Rather, I sent it so that you could tear it into head coverings to distribute among your women.’” Thus the Messenger of Allah ﷺ reproved ‘Umar for equating ownership, sale, and deriving benefit with the prohibited wearing, and he also reproved Usama for equating ownership with wearing. Each of these is an analogy: one of them prohibited by analogy, and the other permitted by analogy. He ﷺ therefore rejected both analogies together. This is the invalidation of analogy itself. And concerning these two reports, one of two positions must necessarily be adopted: either someone says that, when the Prophet ﷺ prohibited wearing silk and then gave the two of them silk suits, he thereby confused the matter for them—and for someone to say this is unbelief—

فقال: إني لم أبعثها إليك لتلبسها، ولكن بعثت بها لتشققها خمرا بين نسائك فأنكر رسول الله صلى الله عليه وسلم على عمر تسويته بين الملك والبيع والانتفاع، وبين اللباس المنهي، وأنكر على أسامة تسويته بين الملك واللباس أيضا، وكل واحد منهما قياس، فأحدهما حرم قياسا والآخر أحلى قياسا فأنكر صلى الله عليه وسلم القياسين معا وهذا هو إبطال القياس نفسه. ولا بد في هذين الحديثين من أحد مذهبين إما أن يقول قائل إن النبي صلى الله عليه وسلم إذ نهى عن لباس الحرير ثم وهبهما حلل الحرير، أن يكون لبس عليهما وهذا كفر من قائله أو أنه صلى الله عليه وسلم بين عليهم المحرم من الحرير وهو اللباس المنصوص عليه فقط، وبقي ما لم يذكر على أصل الإباحة، فأخطآ رضي الله عنهما إذا قاسا، وهذا هو الحق الذي لا يحل لأحد أن يعتقد غيره. وبالله تعالى التوفيق. حدثنا أحمد بن قاسم، ثنا أبي قاسم بن محمد بن قاسم، ثنا جدي قاسم بن أصبغ، نا بكر بن حماد، نا حفص بن غياث، عن داود بن أبي هند، عن مكحول عن أبي ثعلبة الخشني قال قال رسول الله صلى الله عليه وسلم إن الله فرض فرائض فلا تضيعوها وحد حدودا فلا تعتدوها، ونهى عن أشياء فلا تنتهكوها، وسكت عن أشياء من غير نسيان لها رحمة لكم فلا تبحثوا عنها. كتب إلي النمري يوسف بن عبد الله، نا أحمد بن عبد الله بن محمد علي الباجي، نا الحسين بن إسماعيل، نا عبد الملك بن يحيى، نا محمد بن إسماعيل، ثنا سنيد بن داود، نا محمد بن فضيل، عن داود بن أبي هند، عن مكحول عن أبي ثعلبة الخشني قال قال رسول الله صلى الله عليه وسلم إن الله فرض فرائض فلا تضيعوها ونهى عن أشياء فلا تنتهكوها؛ وحد حدودا فلا تعتدوها. وعفا عن أشياء رحمة لكم لا عن نسيان فلا تبحثوا عنها. حدثنا أحمد بن قاسم

[222] **Translator’s note (L3337):** In وجعل أبناءنا من لم تلده, the verb تلده is feminine singular: literally, ‘those whom she did not bear.’ Its subject is unclear, and the wording does not fit smoothly with ‘our sons.’ The irregularity is retained. ‘With our milk’ preserves بألباننا, which attributes the wives’ nursing milk to their husbands in the discussion of kinship through suckling. The supplied بغير ما لم يقل الله تعالى به contains a negative that makes the clause say ‘other than what Allah has not asserted,’ contrary to the apparent argument. That negative has been retained. The construction لمن جعلنا نحن وهم نساء النبي ... أمهاتنا is grammatically awkward. The translation provisionally understands it as referring to the author and his opponents jointly recognizing the Prophet’s wives as their mothers.

[223] **Translator’s note (L3338):** The supplied إخوتهم وبنيهم uses masculine plural possessive suffixes where the context appears to refer to the Prophet’s wives. English ‘their’ leaves this grammatical irregularity unresolved.

[224] **Translator’s note (L3340):** The source names the transmitter as Salim ibn ‘Umar; this has been retained without correcting or expanding the name. The isolated ‘Muslim’ before the second transmission chain is treated as an attribution marking Muslim’s resumption of the report. The wording إذ قد مرا عليك is grammatically irregular in context. ‘When they pass by you’ gives its apparent sense without attempting to reconstruct the Arabic. ‘Striped silk suit’ renders حلة سيراء, a technical designation for a set of garments made from silk-striped fabric.

[225] **Qur’an references (L3336):** Qur’an 14:11 (Ibrahim); Qur’an 33:4 (Al-Ahzab); Qur’an 33:5 (Al-Ahzab); Qur’an 58:2 (Al-Mujadila).

or that he ﷺ made clear to them what was prohibited concerning silk, namely, only the wearing expressly specified in the text, while what he did not mention remained subject to the original presumption of permissibility. Thus the two of them, may Allah be pleased with them, erred when they reasoned by analogy. This is the truth, which no one may lawfully believe otherwise. Success comes through Allah Most High.

Ahmad ibn Qasim related to us: My father, Qasim ibn Muhammed ibn Qasim, related to us: My grandfather, Qasim ibn Asbagh, related to us: Bakr ibn Hammad related to us: Hafs ibn Ghiyath related to us, from Dawud ibn Abi Hind, from Makhul, from Abu Thaʿlaba al-Khushani, who said: The Messenger of Allah ﷺ said: "Allah has prescribed obligatory duties, so do not neglect them; He has set limits, so do not transgress them; He has forbidden things, so do not violate their sanctity; and He has remained silent concerning things, without having forgotten them, as a mercy to you, so do not investigate them."

Al-Namari, Yusuf ibn ʿAbd Allah, wrote to me: Ahmad ibn ʿAbd Allah ibn Muhammed ʿAli al-Baji related to us: Al-Husayn ibn Ismaʿil related to us: ʿAbd al-Malik ibn Yahya related to us: Muhammed ibn Ismaʿil related to us: Sunayd ibn Dawud related to us: Muhammed ibn Fudayl related to us, from Dawud ibn Abi Hind, from Makhul, from Abu Thaʿlaba al-Khushani, who said: The Messenger of Allah ﷺ said: "Allah has prescribed obligatory duties, so do not neglect them; He has forbidden things, so do not violate their sanctity; He has set limits, so do not transgress them; and He has left things exempt, as a mercy to you, not out of forgetfulness, so do not investigate them."

Ahmad ibn Qasim related to us, saying: My father, al-Qasim ibn Muhammed ibn Qasim, related to us, saying: My grandfather, Qasim ibn Asbagh, related to us: Muhammed ibn Ismaʿil al-Tirmidhi related to us: Nuʿaym ibn Hammad related to us: ʿAbd Allah ibn al-Mubarak related to us: ʿIsa ibn Yunus related to us, from Jarir—that is, Ibn ʿUthman—from ʿAbd al-Rahman ibn Jubayr ibn Nufayr, from his father, from ʿAwf ibn Malik al-Ashjaʿi, who said: The Messenger of Allah ﷺ said: "My community will split into seventy-odd factions. Those among them who cause the greatest trial for my community

قال: نا أبي القاسم بن محمد بن قاسم، قال: نا جدي قاسم بن أصبغ، نا محمد بن إسماعيل الترمذي، نا نعيم بن حماد، نا عبد الله بن المبارك، ثنا عيسى بن يونس، عن جرير هو ابن عثمان عن عبد الرحمن بن جبير بن نفير، عن أبيه، عن عوف بن مالك الأشجعي قال قال رسول الله صلى الله عليه وسلم تفترق أمتي على بضع وسبعين فرقة أعظمها فتنة على أمتي قوم يقيسون الأمور برأيهم، فيحلون الحرام ويحرمون الحلال. قال أبو محمد: حريز بن عثمان ثقة، وقد روينا عنه أنه تبرأ مما أنسب إليه من الانحراف، عن علي رضي الله عنه، ونعيم بن حماد قد روى عن البخاري في الصحيح، وفي الأحاديث التي ذكرنا في هذا الفصل وفيما قبل هذا من أمره صلى الله عليه وسلم بأن يتركوا ما تركهم وأن ينتهوا عما نهاهم، وأن يفعلوا ما أمرهم به ما استطاعوا كفاية في إبطال القياس لمن نصح نفسه. وقد قال بعض أصحاب القياس: إنما أنكر في هذه الأحاديث من يقيس برأيه، وأما من يقيس على تشابه المنصوص فلم يذم. قال أبو محمد: فقلنا لهم: من أين فرقتم هذا الفرق؟ وهل رددتموها على الدعوة المفتراة الكاذبة شيئا؟ وقولكم هذا من أشد المجاهرة بالباطل. وقد وجدنا للصحابة فتاوى كثيرة بالرأي يتبرؤون فيها من خطأ، إن كان إلى الله تعالى، ولا يوجدون شيئا منها دينا، ولا يقولون إنه الحق، بل يذمون القول بالرأي في خلال ذلك، خوف أن يظن ظان أنه منهم على سبيل الإيجاب والقطع بأنه حق، فمن تعلق بالرأي هكذا فله متعلق. وأما القياس الذي ذكر هذا القائل على التعديل، واستخراج، علة الشبه، فما نطق بذلك قط أحد من الصحابة، ولا قال به، فالذي فر إليه أشد مما فر عنه. وبالله تعالى التوفيق. وقد جاء عن الصحابة رضي الله عنهم، وعمن بعدهم إبطال القياس نصا. كالذي ذكرنا عن أبي هريرة من قوله لابن عباس إذ أتاك الحديث عن رسول الله صلى الله عليه وسلم فلا تضرب له الأمثال وهذا نص من أبي هريرة على إبطال القياس. حدثنا عبد الله

will be people who judge matters by analogy according to their own opinion, thereby permitting what is forbidden and forbidding what is permitted."

Abu Muhammed said: Hariz ibn ʿUthman is a trustworthy transmitter. We have transmitted from him that he disavowed the hostility toward ʿAli, may Allah be pleased with him, that was attributed to him. And Nuʿaym ibn Hammad transmitted from al-Bukhari in the Sahih. The reports we have mentioned in this section and earlier, concerning his ﷺ command that they leave alone what he left alone for them, refrain from what he forbade them, and do what he commanded them as far as they were able, suffice to invalidate analogy for anyone who is sincere with himself.

Some advocates of analogy have said: "These reports reject only someone who reasons by analogy according to his own opinion. Someone who reasons by analogy on the basis of similarities between matters expressly specified in the texts is not censured." Abu Muhammed said: We said to them: "On what basis have you drawn this distinction? And have you referred it back to the fabricated, false claim in any respect? This statement of yours is among the most flagrant avowals of falsehood." We have found many legal opinions issued by the Companions on the basis of personal opinion, in which they disclaim responsibility for any error, if there was any, before Allah Most High. They do not find any of these opinions to constitute religion, nor do they say that it is the truth. Rather, in the course of doing so, they censure speaking on the basis of personal opinion, for fear that someone might suppose that their statements were intended to impose an obligation and assert decisively that they were true. Whoever appeals to personal opinion in this manner has something to which he can appeal. But as for the analogy mentioned by this speaker, based on equating cases and extracting the effective cause of resemblance, no Companion ever uttered such a thing or professed it. What he has fled to is therefore worse than what he has fled from. Success comes through Allah Most High.

Explicit invalidation of analogy has been transmitted from the Companions, may Allah be pleased with them, and from those after them, such as what we mentioned from Abu Hurayra, when he said to Ibn ʿAbbas: "When a report

بن يوسف نامي، نا أحمد بن فتح، نا عبد الوهاب بن عيسى، نا أحمد بن محمد، نا أحمد بن علي، نا مسلم بن الحجاج، نا أحمد بن عبد الله بن يونس، ثنا زهير، ثنا منصور، عن هلال بن يساف، عن ربيع بن عميلة عن سمرة بن جندب قال قال رسول الله صلى الله عليه وسلم أحب الكلام إلى الله عز وجل أربع فذكر الحديث وفي آخره: لا تسمين غلامك يسارا ولا رباحا ولا نجيحا ولا أفلح، فإنك تقول أثم هو؟ فيقول لا: إنما هن أربع، فلا تزيدوا علي. قال أبو محمد: فهذا سمرة بن جندب لم يستجز القياس، وأخبر أنه زيادة في السنة، ولم يستجز أن يقول: ومثل هذا يلزم في خيرة وسعد وفرج، فتقول: أثم سعد أثم فرج، أثم خيرة؟ فيقول: لا. هذا وقد نص على السبب المانع من التسمية بالأسماء المذكورة التي يسمون مثلها التي يكذبون في استخراجها علة يقيسون عليها، فقد كان ينبغي، لو اتقوا الله عز وجل أن يقولوا إن التي نص عليها رسول الله صلى الله عليه وسلم أولى أن يقاس عليها ما يشبهها لكن لم يفعلوا ذلك ولا فعل ذلك رسول الله صلى الله عليه وسلم إذ خص هذه الأسماء ولا سمرة بعده وهذا إبطال صحيح للقياس. فإن قالوا: لعل هذا الكلام: إنما هن أربع فلا تزيدون علي هو من لفظ النبي صلى الله عليه وسلم قيل لهم فذلك أشد عليهم وأبطل لقولكم أن يكون رسول الله صلى الله عليه وسلم نهى عن القياس والتعليل وأمر بالاقتصار على ما نص عليه فقط.

from the Messenger of Allah ﷺ reaches you, do not draw comparisons for it." This is an explicit statement by Abu Hurayra invalidating analogy.

ʿAbd Allah ibn Yusuf Nami related to us: Ahmad ibn Fath related to us: ʿAbd al-Wahhab ibn ʿIsa related to us: Ahmad ibn Muhammed related to us: Ahmad ibn ʿAli related to us: Muslim ibn al-Hajjaj related to us: Ahmad ibn ʿAbd Allah ibn Yunus related to us: Zuhayr related to us: Mansur related to us, from Hilal ibn Yasaf, from Rabiʿ ibn ʿUmayla, from Samura ibn Jundab, who said: The Messenger of Allah ﷺ said: "The words most beloved to Allah, Mighty and Majestic, are four." He then mentioned the report, at the end of which is: "Do not name your boy Yasar, Rabah, Najih, or Aflah, for you will say, 'Is he there?' and someone will say, 'No.' They are only four, so do not add to what I have related."

Abu Muhammed said: Here is Samura ibn Jundab: he did not deem analogy permissible, and stated that it was an addition to the Sunna. Nor did he deem it permissible to say: "The same must apply to Khayra, Saʿd, and Faraj: you say, 'Is Saʿd there? Is Faraj there? Is Khayra there?' and someone says, 'No.'" This is so even though he expressly stated the reason preventing the use of the aforementioned names—a reason of the kind that they, making false claims in extracting it, call an effective cause upon which to base analogy. Had they feared Allah, Mighty and Majestic, they ought to have said that the cause expressly stated by the Messenger of Allah ﷺ was more deserving of having similar cases assimilated to it by analogy. Yet they did not do so; nor did the Messenger of Allah ﷺ do so when he singled out these names, nor did Samura after him. This is a sound invalidation of analogy. If they say, "Perhaps these words, 'They are only four, so do not add to them on my authority,' are the Prophet's own words, may Allah bless him and grant him peace ﷺ," they are to be told: That would bear still more heavily against them and invalidate your position still further: Allah's Messenger, may Allah bless him and grant him peace ﷺ, would thereby have forbidden analogy

and the assignment of effective causes, and commanded that one confine oneself solely to what he expressly specified.[226][227][228][229][230][231][232][233][234]

[226] **Translator's note (L3341):** The source reads أحلى, which does not ordinarily mean 'permitted' in this construction. The parallel with حرم, 'prohibited,' makes that the apparent intended sense; the irregular reading has not been silently treated as unproblematic.

[227] **Translator's note (L3342):** The source's بين عليهم is an awkward construction here; it has been rendered according to its apparent sense, 'made clear to them.'

[228] **Translator's note (L3343):** The final name reads 'Ahmad ibn ʿAbd Allah ibn Muhammed ʿAli,' without an explicit 'ibn' between Muhammed and ʿAli. This irregularity has been retained. The following segment supplies the designation al-Baji. The abbreviated transmission formula نا before the final name is rendered as the introduction to a transmitted report, with the naming phrase continuing into the next unit.

[229] **Translator's note (L3344):** The transmission chain reads 'Jarir—that is, Ibn ʿUthman,' whereas the author's subsequent assessment names 'Hariz ibn ʿUthman.' Both readings have been preserved. The source says that Nuʿaym ibn Hammad 'transmitted from al-Bukhari in the Sahih.' This appears to reverse the intended direction of transmission, but the translation retains the supplied wording. The transmission formula preceding Ahmad ibn ʿAbd Allah's name occurs in the previous unit; 'related to us' follows the completed name here so that the two units rejoin naturally.

[230] **Translator's note (L3345):** The wording وهل رددتموها على الدعوة المفتراة, continuing into the next unit, is syntactically and semantically awkward. 'Referred it back' preserves the apparent wording rather than replacing it with a conjectured reading. الدعوة is understood here as 'claim.'

[231] **Translator's note (L3346):** 'In any respect' renders شيئا, whose grammatical relationship to the preceding clause is unclear in the supplied text.

[232] **Translator's note (L3347):** The source reads ولا يوجدون, literally 'they do not find,' an awkward expression here. It has been retained rather than silently changed to a possible reading meaning 'they do not make obligatory.' The source reads التعديل, rendered 'equating cases,' rather than التعليل, 'identifying an effective cause.' Here the transmitter's name is written "Abd Allah ibn Yusuf Nami,' without the additional 'ibn' found in unit 3340:0. The names Yasar, Rabah, Najih, and Aflah evoke ease or prosperity, gain, success, and flourishing respectively. The quoted negative answer is relevant because these names can also be understood through their favorable meanings. The attribution of 'They are only four, so do not add to what I have related' is left open by the source; the surrounding argument initially treats it as Samura's statement.

L3350–3360 ʿAbd Allah ibn Rabiʿ al-Tamimi related to us: Muhammed ibn Muʿawiyah al-Marwani related to us: Ahmad ibn Shuʿayb al-Nasaʾi related to us: Muhammed ibn Bashshar related to us: Muhammed ibn Jaʿfar, Abu Dawud al-Tayalisi, ʿAbd al-Rahman ibn Mahdi, Yahya ibn Saʿid al-Qattan, Abu al-Walid al-Tayalisi, and Muhammed ibn Abi ʿAdi related to us; they said: Shuʿbah related to us, saying: I heard Sulayman ibn ʿAbd al-Rahman say: I heard ʿUbayd ibn Fayruz say: I said to al-Baraʾ ibn ʿAzib, "Tell me what Allah's Messenger, may Allah bless him and grant him peace ﷺ, disapproved of—or forbade—among sacrificial animals." He gestured thus with his hand—his hand being shorter than the hand of Allah's Messenger, may Allah bless him and grant him peace ﷺ—and said, "Four do not suffice as sacrificial animals," and he recounted the report. He said, "I dislike there being a defect in the horn or the ear." He replied, "Whatever you dislike of that, leave it, but do not declare it forbidden to anyone." We have also transmitted something similar from ʿUtbah ibn ʿAbd al-Sulami: that one should not go beyond what Allah's Messenger, may Allah bless him and grant him peace ﷺ, forbade. Ahmad ibn ʿUmar al-ʿUdhri related to us: ʿAbd Allah ibn Husayn ibn ʿIqal al-Farisi related to us: Ibrahim ibn Muhammed al-Dinawari related to us: Muhammed ibn Ahmad ibn al-Jahm related to us: Ahmad ibn al-Haytham related to us: Muhammed ibn Sharik related to us, from ʿAmr ibn Dinar, from Abu al-Shaʿthaʾ, from Ibn ʿAbbas, who said: "The people of the Age of Ignorance used to eat certain things and leave certain things out of disgust. Then Allah sent His Prophet, may Allah bless him and grant him peace ﷺ, revealed His Book, made lawful what He made lawful, and forbade what He forbade. Whatever He made lawful is lawful; whatever He forbade is forbidden; and whatever He left unmentioned is pardoned." And he recounted the

حدثنا عبد الله بن ربيع التميمي، نا محمد بن معاوية المرواني، نا أحمد بن شعيب النسائي، نا محمد بن بشار، نا محمد بن جعفر، وأبو داود الطيالسي، وعبد الرحمن بن مهدي، ويحيى بن سعيد القطان، وأبو الوليد الطيالسي، ومحمد بن أبي عدي قالوا: ثنا شعبة قال: سمعت سليمان بن عبد الرحمن قال: سمعت عبيد بن فيروز قال: قلت للبراء بن عازب حدثني ما كره أن نهى عنه رسول الله صلى الله عليه وسلم من الأضاحي فقال هكذا بيده ويده أقصر من يد رسول الله صلى الله عليه وسلم أربع لا تجزىء في الأضاحي وذكر الحديث قال: فإني أكره أن يكون نقص في القرن والأذن قال: فما كرهت منه فدعه ولا تحرمه على أحد. وروينا نحو ذلك عن عتبة بن عبد السلمي ألا يتعدى ما نهى عنه رسول الله صلى الله عليه وسلم حدثنا أحمد بن عمر العذري ثنا عبد الله بن حسين بن عقال الفريسي، نا إبراهيم بن محمد الدينوري، نا محمد بن أحمد بن الجهم، نا أحمد بن الهيثم، نا محمد بن شريك، عن عمرو بن دينار، عن أبي الشعثاء، عن ابن عباس قال: كان أهل الجاهلية يأكلون أشياء ويتركون أشياء تقذرا فبعث الله نبيه صلى الله عليه وسلم وأنزل كتابه وأحل حلاله وحرم حرامه فما أحل فهو حلال، وما حرم فهو حرام، وما سكت عنه فهو عفو، وذكر الحديث. وقال محمد بن أحمد بن الجهم: ثنا أحمد بن الهيثم، ثنا سليمان بن حرب، ثنا حماد ابن زيد، نا المعلى بن زياد، عن الحسن قال: بينا عمر بن الخطاب يمشي في بعض طرق المدينة، إذ وطىء رجل من القوم عقبه فقطع نعله، فأهوى له ضربة. فقال: يا أمير المؤمنين، لطمتني وظلمتني، لا والله ما هذا أردت، فألقى إليه الدرة. فقال: دونك فاقتص، فقال بعضهم: اغفرها لأمير المؤمنين، فقال: لا والله ما أريد مغفرتها، لقد كتبت وحفظت، ولكن إن شئت دللتك على خير من ذلك {وكتبنا عليهم فيها أن لنفس بلنفس ولعين بلعين ولأنف بلأنف ولأذن بلأذن ولسن بلسن ولجروح قصاص فمن تصدق به فهو كفارة له ومن لم يحكم بما أنزل لله فأولئك هم لظالمون} قال فإني قد تصدقت فجاء عمر رقيق فأعطاه خادما

[233]**Translator's note (L3348):** Khayra, Saʿd, and Faraj evoke goodness, felicity, and relief respectively; as with the preceding names, a negative answer can be heard as denying the favorable quality. The phrase التي يسمون مثلها التي يكذبون في استخراجها علة is grammatically tangled. The translation follows its apparent argument: the stated reason is of the kind the advocates of analogy call an effective cause, while the author accuses them of falsehood in extracting such causes.

[234]**Translator's note (L3349):** The opening words complete the preceding segment's reference to Samurah. The wording "do not add to them on my authority" follows the supplied reading of the quotation.

report. Muhammed ibn Ahmad ibn al-Jahm said: Ahmad ibn al-Haytham related to us: Sulayman ibn Harb related to us: Hammad ibn Zayd related to us: al-Muʿalla ibn Ziyad related to us, from al-Hasan, who said: While ʿUmar ibn al-Khattab was walking along one of the streets of Medina, a man from the group stepped on his heel and broke his sandal. He swung a blow at him. The man said, "Commander of the Faithful, you have struck me and wronged me! No, by Allah, that was not what I intended." He tossed him the whip and said, "Here, take retaliation." One of them said, "Forgive the Commander of the Faithful for it." He replied, "No, by Allah, I do not want it forgiven. It has already been recorded and preserved. But, if you wish, I shall direct you to something better than that: 'And We prescribed for them therein: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and retaliation for wounds. But whoever gives it up as charity, it is an expiation for him. And whoever does not judge by what Allah has revealed—those are the wrongdoers.'" He said, "Then I have given it up as charity." Some slaves were brought to ʿUmar, and he gave him a servant. And he recounted the report. Abu Muhammed said: Here is ʿUmar, who did not consider it permissible to draw an analogy between forgiveness and charity, although the effective cause is one and the same according to those who employ analogy. Nor do I consider that he would depart from the apparent meaning of the text. Yusuf ibn ʿAbd Allah al-Namari related to us: ʿAbd al-Warith ibn Jabrun related to us: Qasim ibn Asbagh related to us: related to us Abu Bakr ibn Abi Khaythamah: My father—namely, Zuhayr ibn Harb—related to us: Jarir related to us, from Layth ibn Abi Sulaym, from Mujahid, that ʿUmar ibn al-Khattab forbade measuring one thing against another. Mujahid said: "He means reasoning by analogy." Muhammed ibn Saʿid ibn Nabat related to us: Ismaʿil ibn Ishaq al-Basri related to us: ʿIsa related to us ibn Habib: ʿAbd al-Rahman ibn ʿAbd Allah ibn Yazid al-Muqriʾ related to us: My grandfather, Muhammed ibn ʿAbd Allah ibn Yazid, related to us: Sufyan ibn ʿUyaynah related to us, from Khalaf ibn Hawshab, from Salamah ibn Kuhayl, who said: ʿUmar ibn al-Khattab said, "Matters have become clear, established practices have been instituted, and no room for pronouncement has been left to anyone, unless one servant should stray from another servant." Ibn Nabat related to us: Ahmad ibn ʿAwn Allah related to us: Qasim

وذكر الحديث. قال أبو محمد: فهذا عمر لم يستجز قياس المغفرة على الصدقة، والعلة عند القائسين واحدة، ولا أرى أن يفارق ظاهر النص. حدثنا يوسف بن عبد الله النمري، نا عبد الوارث بن جبرون، نا قاسم بن أصبغ، ثنا أبو بكر بن أبي خيثمة، نا أبي هو زهير بن حرب نا جرير، عن ليث بن أبي سليم عن مجاهد: أن عمر بن الخطاب نهى عن المكايلة، قال مجاهد: يعني المقايسة. حدثنا محمد بن سعيد بن نبات، نا إسماعيل بن إسحاق البصري، نا عيسى بن حبيب، نا عبد الرحمن بن عبد الله بن يزيد المقرىء، نا جدي محمد بن عبد الله بن يزيد، نا سفيان بن عيينة، عن خلف بن حوشب، عن سلمة بن كهيل قال: قال عمر بن الخطاب: وقد وضحت الأمور، وسنت السنن، ولم يترك لأحد متكلم إلا أن يضل عبد عن عبد. حدثنا ابن نبات، نا أحمد بن عون الله، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا محمد بن بشار، نا محمد بن جعفر، حدثنا شعبة عن عبد الملك بن ميسرة، عن النزال بن سبرة: أن رجلا وامرأته أتيا ابن مسعود في تحريم فقال: إن الله تعالى بين فمن أتى الأمر من قبل وجهه فقد بين له، ومن خالف فوالله ما نطيق خلافه، وربما قال: خلافكم. قال أبو محمد: فهذا ابن مسعود يجعل كل ما ليس في النص خلافا لله تعالى، ويخبر أن البيان قد تم، وهذا إبطال القياس. أخبرنا المهلب التميمي، نا بن مناس، نا محمد بن مسرور القيرواني، أنا يونس بن عبد الأعلى، نا عبد الله بن وهب قال: سمعت سفيان بن عيينة يحدث عن المجالد بن سعيد، عن الشعبي، عن مسروق، عن عبد الله بن مسعود أنه قال: ليس عام إلا والذي بعده شر منه، لا أقول عام أمطر من عام، ولا عام أخصب من عام، ولا أمير خير من أمير، ولكن ذهاب خياركم وعلمائكم ثم يحدث قوم يقيسون الأمور برأيهم فينهدم الإسلام وينثلم. وكتب إلي النمري أحمد بن فتح الرسان، نا أحمد بن الحسن بن عتبة الرازي، نا عبد الله بن محمد بن عبد العزيز العمري، نا الزبير بن بكار، حدثني سعيد بن داود بن أبي زبر، عن مالك بن أنس، عن داود بن الحصين، عن

ibn Asbagh related to us: Muhammed ibn ʿAbd al-Salam al-Khushani related to us: Muhammed ibn Bashshar related to us: Muhammed ibn Jaʿfar related to us: Shuʿbah related to us, from ʿAbd al-Malik ibn Maysarah, from al-Nazzal ibn Sabrah, that a man and his wife came to Ibn Masʿud concerning a declaration of prohibition. He said, "Allah Most High has made matters clear. Whoever approaches a matter in its proper way has had it made clear to him. As for whoever acts contrary to this—by Allah, we cannot bear his opposition." Sometimes he said, "your opposition." Abu Muhammed said: Here Ibn Masʿud makes everything that is not in the text an act of opposition to Allah Most High, and declares that clarification has been completed. This invalidates analogy. Al-Muhallab al-Tamimi informed us: Ibn Munas related to us: Muhammed ibn Masrur al-Qayrawani related to us: Yunus ibn ʿAbd al-Aʿla informed us: ʿAbd Allah ibn Wahb related to us, saying: I heard Sufyan ibn ʿUyaynah relate, from al-Mujalid ibn Saʿid, from al-Shaʿbi, from Masruq, from ʿAbd Allah ibn Masʿud, that he said: "There is no year but that the one after it is worse than it. I do not mean that one year has more rain than another, or that one year is more fertile than another, or that one ruler is better than another. Rather, it is the passing of the best among you and your scholars. Then people will arise who assess matters by analogy according to their own opinion, and Islam will be demolished and breached." Al-Namari wrote to me: Ahmad ibn Fath al-Rassan; Ahmad ibn al-Hasan ibn ʿUtbah al-Razi related to us: ʿAbd Allah ibn Muhammed ibn ʿAbd al-ʿAziz al-ʿUmari related to us: al-Zubayr ibn Bakkar related to us: Saʿid ibn Dawud ibn Abi Zabr related to me, from Malik ibn Anas, from Dawud ibn al-Husayn, from Tawus, from ʿAbd Allah ibn ʿUmar, who said: "Knowledge consists of three things: a Book that speaks, an established prophetic practice, and 'I do not know.'" Ahmad ibn ʿUmar related to us: Abu Dharr ʿAbd ibn Ahmad al-Harawi related to us: Ahmad ibn ʿAbdan ibn Muhammed, the hadith master of Nishapur, related to us at al-Ahwaz: Muhammed ibn Sahl related to us ibn ʿAbd Allah al-Muqriʾ, a resident of Fasa: related to us Muhammed ibn Ismaʿil al-Bukhari, the compiler of the Sahih, who said: Sadaqah said to me, from al-Fadl ibn Musa, from Ibn ʿUqbah, from al-Dahhak, from Jabir ibn Zayd, who said: Ibn ʿUmar met me and said, "Jabir, you are one of the jurists of Basra, and you will be asked for legal opinions. Give no legal opinion ex-

طاوس، عن عبد الله بن عمر قال: العلم ثلاثة أشياء: كتاب ناطق وسنة ماضية، ولا أدري. حدثنا أحمد بن عمر، حدثنا أبو ذر عبد بن أحمد الهروي، حدثنا أحمد بن عبدان بن محمد الحافظ النيسابوري بالأهواز، نا محمد بن سهل بن عبد الله المقرىء نزيل فسا، ثنا محمد بن إسماعيل البخاري مؤلف الصحيح قال: قال لي صدقة، عن الفضل بن موسى، عن ابن عقبة، عن الضحاك، عن جابر بن زيد قال: لقيني ابن عمر قال: يا جابر إنك من فقهاء البصرة، وستستفتى، فلا تفتين إلا بكتاب ناطق أو سنة ماضية. قال أبو محمد: وهذا نص المنع من القياس والرأي والتقليد. حدثنا عبد الرحمن بن سلمة الكناني، نا أحمد بن خليل، نا خالد بن سعيد، نا طاهر بن عبد العزيز، نا أبو القاسم مسعدة العطار بمكة وكان طاهر وأحمد بن خالد يحسنان الثناء عليه قال: أنا الخزامي يعني إبراهيم بن المنذر، وحدثنا طاهر بن عصام كان طاهرا وكان ثقة عن مالك بن أنس، عن نافع، عن ابن عمر أنه قال: العلم ثلاثة: كتاب الله الناطق، وسنة ماضية، ولا أدري. حدثنا محمد بن سعيد، نا أحمد بن عبد البصير، نا قاسم بن أصبغ، نا محمد بن عبد السلام الخشني، نا المثنى، نا عبد الرحمن بن مهدي، نا سفيان الثوري، عن سليمان الشيباني هو أبو إسحاق سمعت عبد الله بن أبي أوفى يقول نهى رسول الله صلى الله عليه وسلم عن نبيذ الجر الأخضر قلت فالأبيض قال لا أدري. قال أبو محمد: فلو جاز القياس عند ابن أبي أوفى لقال: ما الفرق بين الأخضر والأبيض كما يقول هؤلاء: الفرق بين الزيت والسمن؟ وبين الفأر الميت والسنور الميت، وبين الأرز والبر، وسائر ما قاسوا فيه لكنه وقف عند النص، وهذا الذي لا يجوز غيره. حدثنا عبد الرحمن بن عبد الله بن خالد، نا إبراهيم بن أحمد، نا الفريري، نا البخاري، نا أبو اليمان الحكم بن نافع، أنا شعيب هو ابن حمزة عن الزهري، قال: كان محمد بن جبير بن مطعم يحدث أنه كان عند معاوية في وفد من قريش، فقام فحمد الله وأثنى عليه بما هو أهله، ثم قال: أما بعد، فإنه بلغني أن رجالا منكم يتحدثون أحاديث ليست

في كتاب الله تعالى ولا تؤثر عن رسول الله صلى الله عليه وسلم فأولئك جهالكم وذكر باقي الكلام والخبر حدثنا عبد الله بن ربيع بن محمد بن عثمان نا أحمد بن خالد، نا علي بن عبد العزيز، نا الحجاج بن المنهال، نا حماد بن سلمة، أنا أيوب السختياني، عن أبي قلابة، عن زيد بن عميرة، عن معاذ بن جبل قال: تكون فتن يكثر فيها الملل، ويفتح فيها القرآن حتى يقرؤه الرجل والمرأة، والصغير والكبير، والمؤمن والمنافق، فيقرؤه الرجل فلا يتبع، فيقول: والله لأقرأنه علانية، فيقرؤه علانية فلا يتبع فيتخذ مسجدا، ويبتدع كلاما ليس من كتاب الله ولا من سنة رسوله صلى الله عليه وسلم فإياكم وإياه فإنها بدعة ضلالة قالها ثلاث مرات. فهؤلاء عمر وابن عمر، وابن مسعود وأبو هريرة، ومعاذ بن جبل، وسمرة بن جندب، وابن عباس والبراء بن عازب، وعبد الله بن أبي أوفى ومعاوية، كلهم يبطل القياس، وما ليس موجودا في القرآن ولا في السنة عن رسول الله صلى الله عليه وسلم وهذه صفة الرأي والقياس والتعليل وقد قدمنا أنه لا يصح خلاف هذا عن أحد من الصحابة بوجه من الوجوه، وبالله تعالى التوفيق.

cept on the basis of a Book that speaks or an established prophetic practice." Abu Muhammed said: This is an explicit prohibition of analogy, personal opinion, and uncritical adherence to another's authority. ʿAbd al-Rahman ibn Salamah al-Kattani related to us: Ahmad ibn Khalil related to us: Khalid ibn Saʿid related to us: Tahir ibn ʿAbd al-ʿAziz related to us: Abu al-Qasim Masʿadah al-ʿAttar related to us at Mecca—Tahir and Ahmad ibn Khalid used to speak highly of him—saying: Al-Khuzami informed us, meaning Ibrahim ibn al-Mundhir; and Tahir ibn ʿIsam related to us—he was pure in conduct and trustworthy—from Malik ibn Anas, from Nafiʿ, from Ibn ʿUmar, that he said: "Knowledge consists of three things: Allah's speaking Book, an established prophetic practice, and 'I do not know.'" Muhammed ibn Saʿid related to us: Ahmad ibn ʿAbd al-Basir related to us: Qasim ibn Asbagh related to us: Muhammed ibn ʿAbd al-Salam al-Khushani related to us: al-Muthanna related to us: ʿAbd al-Rahman ibn Mahdi related to us: Sufyan al-Thawri related to us, from Sulayman al-Shaybani—he is Abu Ishaq—who said: I heard ʿAbd Allah ibn Abi Awfa say, "Allah's Messenger, may Allah bless him and grant him peace ﷺ, forbade the infusion prepared in green earthenware jars." I said, "What about white ones?" He said, "I do not know." Abu Muhammed said: Had analogy been permissible in Ibn Abi Awfa's view, he would have said, "What difference is there between green and white, just as these people speak of the difference between oil and clarified butter, between a dead mouse and a dead cat, between rice and wheat, and all the other things to which they have applied analogy. Rather, he stopped at the explicit text, and nothing else is permissible.

Abd al-Rahman ibn Abd Allah ibn Khalid related to us: Ibrahim ibn Ahmad related to us: al-Fariri related to us: al-Bukhari related to us: Abu al-Yaman, al-Hakam ibn Nafi, related to us: Shuayb—namely, Ibn Hamrah—informed us, from al-Zuhri, who said: Muhammed ibn Jubayr ibn Mutim used to relate that he was with Muawiyah among a delegation from Quraysh. Muawiyah stood, praised Allah, and extolled Him as He deserves, then said: "To proceed: I have learned that men among you relate accounts that are neither in the Book of Allah Most High nor transmitted from the Messenger of Allah ﷺ.

Those are the ignorant among you." He mentioned the remainder of the speech and the report.

Abd Allah ibn Rabi ibn Muhammed ibn Uthman related to us: Ahmad ibn Khalid related to us: Ali ibn Abd al-Aziz related to us: al-Hajjaj ibn al-Minhal related to us: Hammad ibn Salamah related to us: Ayyub al-Sakhtiyani informed us, from Abu Qilabah, from Zayd ibn Umayrah, from Muadh ibn Jabal, who said: "There will be trials during which religious creeds proliferate and the Quran is opened up, until men and women, young and old, believers and hypocrites read it. A man will read it but gain no followers, so he will say, 'By Allah, I shall certainly read it publicly.' He will read it publicly but gain no followers, so he will establish a mosque and invent discourse that belongs neither to the Book of Allah nor to the Sunnah of His Messenger ﷺ. Beware of him, for it is an innovation of misguidance." He said this three times.

Here, then, are Umar, Ibn Umar, Ibn Masud, Abu Hurayrah, Muadh ibn Jabal, Samurah ibn Jundab, Ibn Abbas, al-Bara ibn Azib, Abd Allah ibn Abi Awfa, and Muawiyah: every one of them rejects analogy and whatever is not found in the Quran or in the Sunnah transmitted from the Messenger of Allah ﷺ. This describes personal opinion, analogy, and the assignment of legal causes. We have already established that nothing contrary to this is authentically

reported from any of the Companions in any manner whatsoever. Success comes through Allah Most High.[235][236][237][238][239][240][241][242]

L3361–3362 As for the Successors and those after them, Yunus ibn Abd Allah, the judge, related to us: Yahya ibn Malik ibn Aidh related to us: Hisham ibn Muhammed ibn Qurrah, known as Ibn Abi Hanifah, related to us: Abu Jafar Ahmad ibn Muhammed ibn Salamah al-Tahawi related to us: Ibn Ghulayb related to us: Imran ibn Abi Imran related to me: Yahya ibn Sulayman al-Taifi related to us: Dawud ibn Abi Hind related to me, saying: I heard Muhammed ibn Sirin say: “Analogy is ill fortune. The first to apply analogy was Iblis,

وأما التابعون ومن بعدهم، فحدثنا يونس بن عبد الله القاضي، نا يحيى بن مالك بن عائذ، نا هشام بن محمد بن قرة المعروف بابن أبي حنيفة، نا أبو جعفر أحمد بن محمد بن سلامة الطحاوي، نا ابن غليب، حدثني عمران بن أبي عمران، ثنا يحيى بن سليمان الطائفي، حدثني داود بن أبي هند قال: سمعت محمد ين سيرين يقول: القياس شؤم، وأول من قاس إبليس فهلك، وإنما عبدت الشمس والقمر بالقياس. حدثنا المهلب، نا ابن مناس، نا محمد بن مسرور القيرواني، نا يونس بن عبد الأعلى، نا ابن وهب قال: أخبرني مسلمة بن علي أن شريحا الكندي، هو القاضي، قال: إن السنة سبقت قياسكم. كتب إلي النمري قال: قال أبو ذر الهروي: نا أبو نعيم أحمد بن عبد الله الأصبهاني بالري، نا عبد الرحمن بن أبي حاتم، نا محمد بن إسماعيل الأحمسي، نا وهب بن إسماعيل، عن داود الأودي قال: قال لي الشعبي: احفظ عني ثلاثا لهما شأن: إذا سئلت عن مسألة فأجبت فيها فلا تتبع مسألتك: أرأيت فإن الله تعالى قال في كتابه {أرأيت من تخذ إلهه هواه أفأنت تكون عليه وكيلا} حتى فرغ من الآية. والثانية: إذا سئلت عن مسألة فلا تقس شيئا بشيء، فربما حرمت حلالا أو حللت حراما. والثالثة: إذا سئلت عما لا تعلم فقل لا أعلم، وأنا شريكك. كتب إلي يوسف بن عبد الله: نا خلف بن قاسم، نا ابن شعبان، نا محمد بن محمد، نا أبو همام، نا الأشجعي، عن جابر، عن الشعبي، عن مسروق قال: لا أقيس شيئا بشيء. قلت: لم؟ قال: أخاف أن تزل رجلي.

[235] **Translator’s note (L3350):** The wording rendered “disapproved of—or forbade” is syntactically irregular: the supplied text places “that” or “or” between the two verbs. The uncertainty is retained rather than silently repaired.

[236] **Translator’s note (L3352):** “Nor do I consider that he would depart” follows the supplied first-person reading. Its syntax is awkward; it may instead have been intended to say that ʿUmar did not consider departing from the text permissible. The final “related to us” introduces Abu Bakr ibn Abi Khaythamah in the next segment.

[237] **Translator’s note (L3353):** “Measuring one thing against another” renders mukayalah; Mujahid’s gloss identifies it here with analogical comparison. The name ʿIsa continues with “ibn Habib” in the following segment.

[238] **Translator’s note (L3354):** The phrase “unless one servant should stray from another servant” is obscure in the supplied text; it has been translated literally without substituting a conjectural reading. “A declaration of prohibition” leaves unspecified what was declared forbidden; the text does not explicitly identify the declaration or its wording. The transmission following “al-Namari wrote to me” places Ahmad ibn Fath al-Rassan’s name without an explicit transmission verb. This gap is preserved.

[239] **Translator’s note (L3357):** “The infusion” renders nabidh, a beverage made by steeping dates, raisins, or similar ingredients; the term does not by itself establish that the beverage was intoxicating. The description of Tahir ibn ʿIsam as “pure in conduct” renders the adjective tahir, which repeats his given name.

[240] **Translator’s note (L3358):** The opening continues the preceding segment’s question about green and white vessels. The subsequent wording about “the difference” is elliptical in the supplied Arabic. The supplied transmitter names read “al-Fariri” and “Ibn Hamrah”; these readings have been retained rather than silently normalized.

[241] **Translator’s note (L3359):** The supplied word al-milal means “religious creeds”; the unvocalized spelling can also signify weariness. The context may suggest a textual corruption, but the supplied reading has not been replaced.

[242] **Qur’an references (L3350):** Qur’an 5:45 (Al-Ma’idah).

and he perished. It was only through analogy that the sun and moon came to be worshipped."

Al-Muhallab related to us: Ibn Munas related to us: Muhammed ibn Masrur al-Qayrawani related to us: Yunus ibn Abd al-Ala related to us: Ibn Wahb related to us, saying: Maslamah ibn Ali informed me that Shurayh al-Kindi—namely, the judge—said: "The Sunnah preceded your analogy."

Al-Namari wrote to me, saying: Abu Dharr al-Harawi said: Abu Nuaym Ahmad ibn Abd Allah al-Asbahani related to us in Rayy: Abd al-Rahman ibn Abi Hatim related to us: Muhammed ibn Ismail al-Ahmasi related to us: Wahb ibn Ismail related to us, from Dawud al-Awdi, who said: al-Shabi said to me: "Remember three things from me that are of consequence. When you are asked about a question and give an answer concerning it, do not follow up your question with 'What if …?' For Allah Most High said in His Book: 'Have you considered him who has taken his own desire as his god? Will you, then, be a guardian over him?'"—until he finished the verse—"and the second: when you are asked about a question, do not draw an analogy between one thing and another, for you may declare something lawful forbidden or something forbidden lawful. And the third: when you are asked about something you do not know, say, 'I do not know,' and I am your partner in that."

Yusuf ibn Abd Allah wrote to me: Khalaf ibn Qasim related to us: Ibn Shaban related to us: Muhammed ibn Muhammed related to us: Abu Hammam related to us: al-Ashjai related to us, from Jabir, from al-Shabi, from Masruq, who said: "I do not draw an analogy between one thing and another." I said: "Why?" He said: "I fear that my foot may slip."[243][244]

L3363–3367 Al-Namari wrote to me: Abd al-Rahman ibn Yahya ibn Muhammed al-Attar related to us: Ali ibn Muhammed ibn Masrur related to us: Ahmad related to us: Sahnun related to us: Ibn Wahb related to us: Yahya ibn Ayyub informed

كتب إلي النمري: نا عبد الرحمن بن يحيى بن محمد العطار، نا علي بن محمد بن مسرور، حدثنا أحمد، نا سحنون، نا ابن وهب، أخبرني يحيى بن أيوب، عن عيسى بن أبي عيسى، عن الشعبي أنه سمعه يقول: إياكم والمقايسة، فوالذي نفسي بيده لئن أخذتم بالمقايسة لتحلن الحرام، ولتحرمن الحلال ولكن ما بلغكم عن أصحاب رسول الله صلى الله عليه وسلم فاحفظوه حدثنا يونس بن عبد الله القاضي نا يحيى بن مالك بن عائذ، نا أبو عبد

[243] **Translator's note (L3361):** The transcription has "Muhammed yn Sirin"; "yn" is an apparent typographical corruption of "ibn." The Arabic says "three things" but follows it with the dual pronoun lahuma, literally "the two of them." "What if …?" renders ara'ayta as the formula introducing hypothetical legal questions. The same Arabic expression opens the quoted verse, where it is rendered "Have you considered …?"

[244] **Qur'an references (L3361):** Qur'an 25:43 (Al-Furqan).

me, from Isa ibn Abi Isa, from al-Shabi, whom he heard say: "Beware of analogical comparison! By Him in whose hand is my soul, if you adopt analogical comparison, you will assuredly declare the forbidden lawful and declare the lawful forbidden. Rather, preserve whatever reaches you from the Companions of the Messenger of Allah ﷺ."

Yunus ibn Abd Allah, the judge, related to us: Yahya ibn Malik ibn Aidh related to us: Abu Abd Allah Ibn Abi Hanifah related to us: Abu Jafar Ahmad ibn Muhammed al-Tahawi related to us: Yusuf ibn Yazid al-Qaratisi related to us: Said ibn Mansur related to us: Jarir ibn Abd al-Hamid related to us, from al-Mughirah ibn Miqsam, from al-Shabi, who said: "The Sunnah was not established through analogies."

Ahmad ibn Muhammed ibn Abd Allah al-Talamanki also related to us: Muhammed ibn Ahmad ibn Yahya related to us: Ibn Mufarrij related to us: Ibrahim ibn Ahmad ibn Firas al-Abqasi related to us: Muhammed ibn Ali ibn Zayd al-Saigh related to us: Said ibn Mansur related to us: Jarir—he is Abd al-Hamid—related to us, from al-Mughirah, from al-Shabi, who said: "The Sunnah was not established through analogies."

Yunus ibn Abd Allah, the judge, related to us: Ahmad ibn Abd Allah ibn Abd al-Rahim ibn al-Annan, a trustworthy transmitter, related to us: Ahmad ibn Khalid related to us: Ahmad ibn Abd al-Salam al-Khushani related to us: Muhammed ibn Bashshar: Yahya ibn Said al-Qattan related to us: Salih ibn Muslim related to us, saying: Amir al-Shabi said to me one day, while holding my hand: "You perished only when you abandoned the transmitted reports and adopted analogies. This mosque has indeed been made hateful to me: it is more hateful to me than the sweepings of my house—these riffraff!"

Al-Namari wrote to me: Muhammed ibn Khalifah, a very distinguished shaykh with extensive transmission, related to us: Muhammed ibn al-Husayn al-Ajurri related to us: Ahmad ibn Sahl al-Ushnani related to us: al-Husayn ibn Ali ibn al-Aswad related to us: Yahya ibn Adam related to us: al-Mubarak related to us, from Abd al-Malik ibn Abi Sulayman, from Ata ibn Abi Rabah, concerning the words of Allah Most High: "O you who believe, obey Allah, and obey the Messenger and those vested with authority among you. If you

الله ابن أبي حنيفة، نا أبو جعفر أحمد بن محمد الطحاوي، نا يوسف بن يزيد القراطيسي، نا سعيد بن منصور، نا جرير بن عبد الحميد، عن المغيرة بن مقسم، عن الشعبي قال: السنة لم توضع بالمقاييس. وحدثنا أيضا أحمد بن محمد بن عبد الله الطلمنكي، نا محمد بن أحمد بن يحيى، نا ابن مفرج، نا إبراهيم بن أحمد بن فراس العبقسي، نا محمد بن علي بن زيد الصائغ، ثنا سعيد بن منصور، نا جرير هو عبد الحميد عن المغيرة، عن الشعبي قال: السنة لم توضع بالمقاييس. حدثنا يونس بن عبد الله القاضي، نا أحمد بن عبد الله بن عبد الرحيم بن العنان ثقة نا أحمد بن خالد، نا أحمد بن عبد السلام الخشني محمد بن بشار، نا يحيى بن سعيد القطان نا صالح بن مسلم قال: قال لي عامر الشعبي يوما وهو آخذ بيدي: إنما هلكتم حين تركتم الآثار، وأخذتم بالمقاييس، لقد بغض إلي هذا المسجد فلهو أبغض إلي من كناسة داري، هؤلاء الصفافقة. كتب إلي النمري: نا محمد بن خليفة شيخ فاضل جدا واسع الرواية ثنا محمد بن الحسين الآجري، ثنا أحمد بن سهل الأشناني، نا الحسين بن علي بن الأسود، نا يحيى بن آدم، نا المبارك، عن عبد الملك بن أبي سليمان، عن عطاء بن أبي رباح في قول الله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} قال كتاب الله تعالى وإلى سنة رسول الله صلى الله عليه وسلم كتب إلي النمري أخبرنا عبد الوارث بن سفيان، نا قاسم بن أصبغ، ثنا ابن وضاح، ثنا موسى بن معاوية، ثنا وكيع، ثنا جعفر بن برقان، عن ميمون بن مهران في قول الله تعالى {يا أيها لذين آمنوا أطيعوا لله وأطيعوا لرسول وأولي لأمر منكم فإن تنازعتم في شيء فردوه إلى لله ولرسول إن كنتم تؤمنون بلله وليوم لآخر ذلك خير وأحسن تأويلا} قال إلى الله إلى كتاب الله تعالى، وإلى الرسول ما دام حيا، فإذا قبض قال: سنته. حدثنا يونس بن عبد الله بن مغيث،

dispute about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and finer in outcome." He said: "The Book of Allah Most High, and to the Sunnah of the Messenger of Allah ﷺ."

Al-Namari wrote to me: Abd al-Warith ibn Sufyan informed us: related to us: Qasim ibn Asbagh: related to us: Ibn Waddah: Musa ibn Muawiyah related to us: Waki related to us: Jafar ibn Burqan related to us, from Maymun ibn Mihran, Concerning the saying of Allah Most High, {O you who believe, obey Allah and obey the Messenger and those vested with authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and more excellent in outcome}, he said: "'To Allah' means to the Book of Allah Most High; and 'to the Messenger' means while he remains alive. Once he has been taken in death," he said, "it means his Sunnah." Yunus ibn Abd Allah ibn Mughith related to us: Muhammed ibn al-Hasan al-Zubaydi related to us: Ahmad—that is, Ibn Said ibn Hazm al-Sadafi—related to us: Ahmad—that is, Ibn Khalid—related to us: Marwan—that is, Ibn Abd al-Malik al-Najjar—related to us: al-Abbas ibn al-Faraj al-Riyashi related to us, from al-Asmai, that he was told, "Al-Khalil ibn Ahmad rejects analogy." Al-Asmai said: "He took this from Iyas ibn Muawiyah." Abu al-Abbas al-Udhri related to me: al-Hasan ibn Ahmad ibn Ibrahim ibn Firas related to us: Umar ibn Muhammed ibn Ahmad ibn Abd al-Rahman ibn Umar ibn Abi Sufyan ibn Abd al-Rahman ibn Safwan ibn Umayyah ibn Khalaf al-Jumahi informed us: Ali ibn Abd al-Aziz related to us: Abu al-Walid al-Quradi related to us: Muhammed ibn Abd Allah ibn Bakkar al-Qurashi related to us: Sulayman ibn Jafar related to us: Muhammed ibn Yahya al-Rabai related to us, from Ibn Shubrumah, that Jafar ibn Muhammed ibn Ali ibn al-Hasan said to Abu Hanifah: "Fear Allah and do not reason by analogy. For tomorrow we and those who oppose us will stand before Allah Most High, and we shall say, 'The Messenger of Allah ﷺ said,' and 'Allah, Blessed and Most High, said,' whereas you and your companions will say, 'We heard and we considered.' Then Allah will do with us and with you whatever He wills." Muhammed ibn Said ibn Nabat related to us: Ahmad ibn Abd al-Basir related to us: Qasim ibn Asbagh related to us: Ibn Abd al-Salam al-Khushani related to us: Muhammed ibn al-Muthanna related to

نا محمد بن الحسن الزبيدي، نا أحمد هو ابن سعيد بن حزم الصدفي نا أحمد هو ابن خالد نا مروان هو ابن عبد الملك النجار نا العباس بن الفرج الرياشي، عن الأصمعي: أنه قيل له: إن الخليل بن أحمد يبطل القياس، فقال الأصمعي: أخذ هذا عن إياس بن معاوية. حدثني أبو العباس العذري، نا الحسن بن أحمد بن إبراهيم بن فراس، أنا عمر بن محمد بن أحمد بن عبد الرحمن بن عمر بن أبي سفيان بن عبد الرحمن بن صفوان بن أمية بن خلف الجمحي، نا علي بن عبد العزيز، نا أبو الوليد القرضي، نا محمد بن عبد الله بن بكار القرشي، نا سليمان بن جعفر، نا محمد بن يحيى الربعي، عن ابن شبرمة، أن جعفر بن محمد بن علي بن الحسن قال لأبي حنيفة: اتق الله ولا تقس، فإنا نقف غدا نحن ومن خالفنا بين يدي الله تعالى فنقول قال رسول الله صلى الله عليه وسلم قال الله تبارك وتعالى وتقول أنت وأصحابك: سمعنا ورأينا، فيفعل الله بنا وبكم ما يشاء. حدثنا محمد بن سعيد بن نبات، نا أحمد بن عبد البصير، نا قاسم بن أصبغ، ثنا ابن عبد السلام الخشني، نا محمد بن المثنى، نا عبد الرحمن بن مهدي، نا سفيان الثوري، عن هارون بن إبراهيم البربري قال: سمعت عبد الله بن عبيد بن عمير قال: قال أبي: الله لا يدع شيئا أن يبينه أن يكون نسبه، فما قال الله عز وجل فهو كما قال الله وما قال رسول الله صلى الله عليه وسلم فهو كما قال رسول الله صلى الله عليه وسلم وما لم يقل الله ورسوله فبعفو الله ورحمته فلا تبحثوا عنه.

us: Abd al-Rahman ibn Mahdi related to us: Sufyan al-Thawri related to us, from Harun ibn Ibrahim al-Barbari, who said: I heard Abd Allah ibn Ubayd ibn Umayr say: My father said: "Allah does not leave anything unexplained through having forgotten it. Whatever Allah, Mighty and Majestic, has said is as Allah has said; whatever the Messenger of Allah ﷺ has said is as the Messenger of Allah ﷺ has said. Whatever Allah and His Messenger have not spoken of falls under Allah's pardon and mercy, so do not investigate it."[245][246][247]

L3368–3369 Ahmad ibn Umar ibn Anas related to us: Ali ibn al-Hasan ibn Fihr related to us: Muhammed ibn Ali related to us: Muhammed ibn Abd Allah al-Huffaz related to us by authorization to transmit: Abu al-Abbas Muhammed ibn Yaqub related to us: Muhammed ibn Abd Allah ibn Abd al-Hakam related to us: Wahb informed us: I heard Malik ibn Anas say: "Adhere to what the Messenger of Allah ﷺ said during the Farewell Pilgrimage: 'Two things I have left among you; you will not go astray so long as you hold fast to them: the Book of Allah Most High and the Sunnah of His Prophet ﷺ.'"[248]

حدثنا أحمد بن عمر بن أنس، نا علي بن الحسن بن فهر، ثنا محمد بن علي، نا محمد بن عبد الله الحفاظ إجازة، نا أبو العباس محمد بن يعقوب، نا محمد بن عبد الله بن عبد الحكم، أنا وهب، سمعت مالك بن أنس يقول ألزم ما قاله رسول الله صلى الله عليه وسلم في حجة الوداع أمران تركتهما فيكم لن تضلوا ما تمسكتم بهما كتاب الله تعالى وسنة نبيه صلى الله عليه وسلم

[245] **Translator's note (L3364):** "Jarir—he is Abd al-Hamid" follows the supplied wording, which apparently omits "ibn" before "Abd al-Hamid." The transmission chain places "Muhammed ibn Bashshar" immediately after "Ahmad ibn Abd al-Salam al-Khushani" without a transmission formula linking them; none has been supplied. The abrupt phrase "these riffraff" follows the Arabic's loose syntax. Al-safafiqah is a disparaging term for petty dealers or people without capital, used here as an insult. The Quran quotation contains repeated defective spellings, chiefly omitted alifs in articles and in the spelling of Allah. These do not produce a distinct translatable wording. Ata's gloss is elliptical in the supplied Arabic: "The Book of Allah Most High, and to the Sunnah …"

[246] **Translator's note (L3367):** The opening speaker is Maymun ibn Mihran, identified in the preceding context. The Quran quotation, corresponding to 4:59, repeatedly omits written alifs in words and definite articles; the translation follows the identifiable wording. The wording 'an yakuna nasabahu' in the final report is corrupt or unclear. 'Through having forgotten it' is a tentative interpretation of the context, not a secure translation of the transmitted reading.

[247] **Qur'an references (L3363):** Qur'an 4:59 (An-Nisa).

[248] **Translator's note (L3369):** The opening 'Fihr' completes the name at the end of the preceding unit. The source reads 'al-Huffaz,' a plural meaning 'the memorizers,' after Muhammed ibn Abd Allah; this awkward designation has been retained in transliteration. The source names the next transmitter simply as Wahb; no 'Ibn' has been supplied.

L3370–3373

Ahmad ibn Umar related to us: Ali ibn al-Hasan ibn Fihr related to us: al-Hasan ibn Ali ibn Shaban and Abu Hafs Umar ibn Muhammed ibn Irak informed us: Abu Bakr Ahmad ibn Marwan al-Maliki related to us: Ali ibn Abd al-Aziz related to us: al-Zubayr ibn Bakkar related to us, saying: I heard Sufyan ibn Uyaynah say: I asked Malik ibn Anas about a man who entered the state of pilgrimage consecration from Medina or from a point beyond the prescribed boundary. Malik said: "This is a man who opposes Allah Most High and His Messenger ﷺ. I fear for him a trial in this world and a painful punishment in the Hereafter. Have you not heard His saying, Most High, {Do not make the Messenger's calling among you like your calling one another. Allah indeed knows those among you who slip away, taking cover behind others. Let those who oppose his command beware lest a trial befall them or a painful punishment befall them}?" Then he mentioned the report concerning the prescribed boundaries. Abd al-Rahman ibn Salamah related to us: Ahmad ibn Khalil related to us: Khalid ibn Sad related to us: Ahmad ibn Khalid related to us: Yahya ibn Umar related to us: al-Harith ibn Miskin related to us: Ibn Wahb informed us, saying: Malik said to me: "The Messenger of Allah ﷺ was the leader of the messengers and the master of the messengers. He would be asked about something and would not answer until revelation came to him from heaven." Abu Muhammed said: If the Messenger of Allah ﷺ answered only through revelation, and otherwise did not answer, then it is an act of tremendous audacity for anyone to answer concerning religion on the basis of opinion, analogy, juristic preference, precaution, or uncritical adherence, instead of revelation alone. Through Allah Most High comes success. Ahmad ibn Umar ibn Anas related to us: Ahmad ibn Isa Ghundar related to us: Khalaf al-Qasim related to us: Abu al-Maymun Abd al-Rahman ibn Abd Allah ibn Umar ibn Rashid al-Bajali related to us: Abu Zurah Abd al-Rahman ibn Umar related to us: Yazid ibn Abd Rabbih related to us, saying: I heard Waki ibn al-Jarrah say to Yahya ibn Salih al-Wuhazi: "Abu Zakariyya, beware of opinion, for I heard Abu Hanifah say: 'Urinating in the mosque is better than some of their analogies.'" Judge Hammam ibn Ahmad related to us: Abd Allah ibn Ali al-Baji al-Lakhmi related to us: Ahmad ibn Khalid related to us: Ubayd ibn Muhammed al-Kushuri related to us: Muhammed ibn Yusuf al-Hudhafi related to us: Abd

حدثنا أحمد بن عمر نا علي بن الحسن بن فهر أنا الحسن بن علي بن شعبان، وأبو حفص عمر بن محمد بن عراك نا أبو بكر أحمد بن مروان المالكي، نا علي بن عبد العزيز: نا الزبير بن بكار قال: سمعت سفيان بن عيينة يقول: سألت مالك بن أنس عن رجل أحرم من المدينة، أو من وراء الميقات؟ فقال مالك هذا رجل مخالف لله تعالى ولرسوله صلى الله عليه وسلم أخشى عليه الفتنة في الدنيا والعذاب الأليم في الآخرة أما سمعت قوله تعالى {لا تجعلوا دعآء لرسول بينكم كدعآء بعضكم بعضا قد يعلم لله لذين يتسللون منكم لواذا فليحذر لذين يخالفون عن أمره أن تصيبهم فتنة أو يصيبهم عذاب أليم} ثم ذكر حديث المواقيت. حدثنا عبد الرحمن بن سلمة، نا أحمد بن خليل، نا خالد بن سعد، نا أحمد بن خالد، نا يحيى بن عمر، نا الحارث بن مسكين، أنا ابن وهب قال قال لي مالك كان رسول الله صلى الله عليه وسلم إمام المرسلين وسيد المرسلين يسأل عن الشيء فلا يجيب حتى يأتيه الوحي من السماء قال أبو محمد فإذا كان رسول الله صلى الله عليه وسلم لا يجيب إلا بالوحي وإلا لم يجب فمن الجرأة العظيمة إجابة من أجاب في الدين برأي أو قياس، أو استحسان أو احتياط أو تقليد، إلا بالوحي وحده، وبالله تعالى التوفيق. حدثنا أحمد بن عمر بن أنس، نا أحمد بن عيسى غندر، نا خلف القاسم، نا أبو الميمون عبد الرحمن بن عبد الله بن عمر بن راشد البجلي، حدثنا أبو زرعة عبد الرحمن بن عمر، نا يزيد بن عبد ربه قال: سمعت وكيع بن الجراح يقول ليحيى بن صالح الوحاظي: يا أبا زكريا احذر الرأي فإني سمعت أبا حنيفة يقول: البول في المسجد أحسن من بعض قياسهم. حدثنا القاضي حمام بن أحمد، نا عبد الله بن علي الباجي اللخمي، حدثنا أحمد بن خالد، حدثنا عبيد بن محمد الكشوري، ثنا محمد بن يوسف الحذافي، ثنا عبد الرزاق قال: قال لي حماد بن أبي حنيفة قال: أخبرني أبي: من لم يدع القياس في مجلس القضاء لم يفقه. قال أبو محمد: فهذا أبو حنيفة يقول: إنه لا يفقه من

لم يترك القياس في مواضع الحاجة إلى تصريف الفقه، وهو مجلس القضاء، فتبا لكل شيء لا يفقه المرء إلا بتركه، وقد ذكرنا أيضا قول مالك آنفا في إبطال القياس؛ فإن وجد لهذين الرجلين بعد هذا القول منهما قياس، فهو اختلاف من قولهما، وواجب عرض القولين على القرآن والسنة، فلأيهما شهد النص أخذ به، والنص شاهد لقول من أبطل القياس على ما قدمنا، لا سيما وهذان الرجلان لم يعرفا قط القياس الذي ينصره أصحاب القياس، ومن استخراج العلل، ولكن قياسهما كان بمعنى الرأي الذي لم يقطعا على صحته، وكذا صدر الطحاوي في اختلاف العلماء بأن أبا حنيفة قال: علمنا هذا رأي، فمن أتانا بخير منه أخذناه، أو نحو هذا القول. والمتحققون بالقياس لا يقرون بهذا ولا يرضوه، ولا يقولون به، وهكذا جميع أهل عصرها، وبالله تعالى التوفيق.

al-Razzaq related to us, saying: Hammad ibn Abi Hanifah said to me: My father informed me: "Whoever does not abandon analogy in the judicial session has no understanding of jurisprudence." Abu Muhammed said: Here, then, is Abu Hanifah saying that whoever does not abandon analogy where there is a need to apply jurisprudence, namely the judicial session, has no understanding of jurisprudence. Ruin, then, to everything that a person can gain understanding of jurisprudence only by abandoning! We have also just mentioned Malik's statement rejecting analogy. If, after this statement, any analogy is found attributable to these two men on their part, then there is inconsistency in their statements, and the two positions must be submitted to the Quran and the Sunnah. Whichever of them the revealed text supports must be adopted. The revealed text supports the position of those who reject analogy, as we have previously set out, especially since these two men never knew the analogy championed by the proponents of analogy, involving the derivation of effective causes. Rather, their analogy was in the sense of opinion whose correctness they did not affirm with certainty. Likewise, al-Tahawi opened his Differences among the Scholars with the statement that Abu Hanifah said: "This knowledge of ours is opinion; whoever brings us something better than it, we adopt it," or words to that effect. Those thoroughly committed to analogy do not acknowledge this, accept it, or profess it. Such, too, was the case with all the people of its era. Through Allah Most High comes success.[249][250][251][252]

[249] **Translator's note (L3370):** 'Beyond the prescribed boundary' refers here to entering pilgrimage consecration before reaching the appointed entry boundary. The Quran quotation corresponds to 24:63 and contains the same recurrent omissions of written alifs seen elsewhere in the transcription. The source reads 'Khalaf al-Qasim,' without 'ibn' between the names; this has been preserved.

[250] **Translator's note (L3371):** The opening completes the name Waki ibn al-Jarrah, begun in the preceding unit.

[251] **Translator's note (L3373):** The wording 'wa-min istikhraj al-ilal' ('and from deriving effective causes') is syntactically awkward; the translation gives its apparent connection with the preceding description of analogy. The source reads 'its era' with a feminine singular suffix, although 'their era,' referring to the two men, appears to be intended. The transmitted pronoun has been preserved.

[252] **Qur'an references (L3370):** Qur'an 24:63 (An-Nur).

L3374–3378 No significance attaches to the widespread advocacy of analogy and its predominance among most people; indeed, this is a demonstration of its invalidity and unsoundness. The Messenger of Allah ﷺ warned that falsehood would prevail and become manifest, and that truth would become hidden and fade away, as Abd Allah ibn Yusuf related to us: Ahmad ibn Fath related to us: Abd al-Wahhab ibn Isa related to us: Ahmad ibn Muhammed, the jurist al-Ashqar, related to us: Ahmad ibn Ali related to us: Muslim ibn al-Hajjaj related to us: Muhammed ibn Ayyad and Ibn Abi Umar both related to us, from Marwan al-Fazari, from Yazid—meaning Ibn Kaysan—from Abu Hazim, from Abu Hurayrah, who said: The Messenger of Allah ﷺ said: "Islam began as something strange and will return to being strange as it began, so blessed are the strangers." Muslim also said: Muhammed ibn Rafi and al-Fadl ibn Suhayl al-Araj related to us; he said: Shababah ibn Sawwar related to us: Asim—that is, Ibn Muhammed al-Umari—related to us, from his father, from Ibn Umar, from the Prophet ﷺ, who said: "Islam began as something strange and will return to being strange as it began, and it retreats between the two mosques as a snake retreats into its hole." Ahmad ibn Muhammed ibn al-Jasur related to us: Ibn Abi Dulaym and Wahb ibn Masarrah related to us: Ibn Waddah related to us: Abu Bakr ibn Abi Shaybah related to us: Hafs related to us, from Ghiyath, from al-Amash, from Abu Ishaq al-Sabii, from Abu al-Ahwas, from Abd Allah ibn Masud: The Messenger of Allah ﷺ said: "Islam began as something strange and will return to being strange as it began, so blessed are the strangers." It was asked: "Who are the strangers?" He said: "Those who have separated from their tribes." Abu Muhammed said: As for consensus, we have demonstrated it in favor of abandoning analogy from many perspectives. These are the consensus of the entire community on the obligation to adhere to the Quran and to what is authentically transmitted from the Messenger of Allah, may blessings from Allah and peace be upon him, and to those provisions of religious law whose obligatory or prohibited character the entire community has unanimously agreed upon. They have also unanimously agreed that no one may institute a religious law on the basis of without a text or consensus. And it unanimously agreed to affirm the truth of Allah's statement, exalted is He: "There is no creature on the earth, nor any bird flying with its two wings,

ولا معنى لفشو القول بالقياس وغلبته على أكثر الناس، فهذا برهان بطلانه وفساده وقد أنذر رسول الله صلى الله عليه وسلم بغلبة الباطل وظهوره وخفاء الحق ودثوره. كما حدثنا عبد الله بن يوسف، ثنا أحمد بن فتح، ثنا عبد الوهاب بن عيسى، حدثنا أحمد بن محمد الفقيه الأشقر، ثنا أحمد بن علي، ثنا مسلم بن الحجاج، ثنا محمد بن عياد، وابن أبي عمر جميعا، عن مروان الفزاري، عن يزيد يعني بن كيسان عن أبي حازم عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم بدأ الإسلام غريبا وسيعود غريبا كما بدأ، فطوبى للغرباء. وقال مسلم: ثنا محمد بن رافع، والفضل بن سهيل الأعرج قال: ثنا شبابة بن سوار، ثنا عاصم هو ابن محمد العمري عن أبيه عن ابن عمر عن النبي صلى الله عليه وسلم قال إن الإسلام بدأ غريبا وسيعود غريبا كما بدأ، وهو يأزر بين المسجدين تأرز الحية إلى جحرها. حدثنا أحمد بن محمد بن الجسور، ثنا ابن أبي دليم، ووهب بن مسرة، حدثنا ابن وضاح، ثنا أبو بكر بن أبي شيبة، ثنا حفص عن غياث، عن الأعمش، عن أبي إسحاق السبيعي، عن أبي الأحوص عن عبد الله بن مسعود قال رسول الله صلى الله عليه وسلم إن الإسلام بدأ غريبا وسيعود غريبا كما بدأ، فطوبى للغرباء، قيل: ومن الغرباء؟ قال: نزاع القبائل. قال أبو محمد: وأما الإجماع فقد بيناه على ترك القياس من وجوه كثيرة، وهي إجماع الأمة كلها على وجوب الأخذ بالقرآن وبما صح عن رسول الله صلى الله عليه وسلم وبما أجمعت الأمة كلها على وجوبه أو تحريمه من الشرائع، وأجمعت على أنه ليس لأحد أن يحدث شريعة من غير نص أو إجماع، وأجمعت على تصديق قول الله تعالى {وما من دآبة في لأرض ولا طائر يطير بجناحيه إلا أمم أمثالكم ما فرطنا في لكتاب من شيء ثم إلى ربهم يحشرون} وعلى قوله تعالى {حرمت عليكم لميتة ولدم ولحم لخنزير ومآ أهل لغير لله به ولمنخنقة ولموقوذة ولمتردية ولنطيحة ومآ أكل لسبع إلا ما ذكيتم وما ذبح على لنصب

but they are communities like you. We have neglected nothing in the Book. Then to their Lord they will be gathered"; and His statement, exalted is He: "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than Allah's has been invoked, the strangled, the beaten to death, that which has fallen to its death, the gored, and that which a beast of prey has eaten—except what you slaughter—and that which has been slaughtered upon sacrificial stones; and that you seek a division by divining arrows. That is wickedness. Today those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, completed My favor upon you, and approved Islam as a religion for you. But whoever is compelled by severe hunger, without inclining toward sin—then Allah is forgiving, merciful." This is a consensus on abandoning analogy and on there being no ground for anyone to resort to it, until those who fell short did so through the heedlessness inherent in humanity when dealing with particulars, and through error, from which no one after the prophets—may Allah bless them and grant them peace—has been protected. Analogy is found in those who employ it only by way of error and heedlessness of what is incumbent upon them. These are scholars' lapses, like those of someone who advocates uncritical adherence to authority and similar things.

Moreover, we have said and explained that advocacy of analogy has never been authentically established from any of the Companions—that is, under that name. And with certainty, any of them ever spoke, without doubt, or any of the Successors, without doubt, of extracting an effective cause upon which analogy would be based, or of analogy being valid only on the basis of a common factor linking the two rulings. This is a matter on which there is consensus, with absolutely no doubt about it, except for someone who wishes to blot out the very disk of the sun. This matter appeared only in the fourth century, together with the emergence of uncritical adherence to authority. Analogy appeared among the Successors only by way of personal opinion, precaution, and conjecture, not by way of imposing a ruling through it or regarding it as a truth established with certainty. Nor did they permit it to be written down on their authority.

وأن تستقسموا بالأزلام ذلكم فسق ليوم يئس لذين كفروا من دينكم فلا تخشوهم وخشون ليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم لأسلام دينا فمن ضطر في مخمصة غير متجانف لإثم فإن لله غفور رحيم} وهذا إجماع على ترك القياس، وأن لا حجة لأحد إليه حتى نقص من نقص بالغفلة المركبة في البشرية في التفصيل، والخطأ لم يعصم منه أحد بعد النبيين صلى الله عليهم وسلم، فإنما يوجد القياس ممن وجد منه على سبيل الخطأ والغفلة عن الواجب عليه؛ هي زلات علماء، كمن قال بالتقليد وما أشبه ذلك. وأيضا فقد قلنا وبينا أنه لم يصح قط عن أحد من الصحابة القول بالقياس، يعني باسمه وباليقين، فإنه يتكلم قط أحد منهم بلا شك ولا من التابعين بلا شك باستخراج علة يكون القياس عليها، ولا بأن القياس لا يصح إلا على جامعة بين الحكمين، فهذا أمر مجمع عليه، ولا شك فيه البتة، إلا عند من أراد أن يطمس عين الشمس، وهذا أمر إنما ظهر في القرن الرابع فقط مع ظهور التقليد، وإنما ظهر القياس في التابعين على سبيل الرأي والاحتياط والظن، لا على إيجاب حكم به، ولا أنه حق مقطوع به، ولا كانوا يبيحون كتابه عنهم. وأيضا فقد وجدنا مسائل كثيرة جدا اتفقوا هم فيها، ونحن وجميع المسلمين على خلاف جميع وجوه القياس، وعلى ترك القياس كله فيها، ومسائل كثيرة جاء النص بخلاف القياس كله فيها، ولم نجد قط مسألة جاء النص بالأمر بالقياس فيها، ولا مسألة اتفق الناس على الحكم فيها قياسا، فلو كان القياس حقا لما جاز الإجماع على تركه في شيء من المسائل، ولا جاء النص بخلافه البتة، فالإجماع لا يجوز على ترك الحق، ولا يأتي النص بخلاف الحق، وهذا إجماع صحيح على ترك القياس، وسنبين طرفا من المسائل التي ذكرنا.

Moreover, we have found very many questions in which they, we, and all Muslims have agreed upon something contrary to every form of analogy, and upon abandoning analogy altogether in those questions; and many questions in which the text has come with something contrary to analogy in all its forms. Yet we have never found a single question in which the text has come commanding analogy, nor a single question in which people have agreed upon a ruling by analogy. If analogy were true, consensus on abandoning it in any question would not have been permissible, nor would a text ever have come contrary to it. For consensus cannot permissibly be reached on abandoning the truth, nor does a text come contrary to the truth. This is a sound consensus on abandoning analogy. We shall explain a selection of the questions we have mentioned.[253][254][255][256][257]

L3379–3381 Perhaps the analogy of scrupulousness will counter this statement by saying, "Consensus has indeed been reached on abandoning some texts." Let people know that whoever says this is a liar and a fabricator. No authentic text has ever come contrary to a text whose transmission chain is authentic and connected; that is the truth according to us, to the exclusion of anything else. Nor has any authentic text ever come contrary to consensus. If a sophist says, "But a text has come contrary to another text," we say: Yes, abrogating it; and it is a text in any event. We have not mentioned to you an analogy

ولعل قياس الورع يعارض هذا القول بأن يقول: قد جاء الإجماع على ترك بعض النصوص. فليعلم الناس أن من قال ذلك كاذب آفك، وما جاء قط نص صحيح بخلاف نص صحيح السند متصل، وهو الحق عندنا لا ما عداه، وما جاء قط نص صحيح بخلاف الإجماع، فإن قال سوفسطائي: فقد جاء نص بخلاف نص قلنا، نعم؛ ينسخ له وهو نص على كل حال، ولم نذكر لكم قياسا خلاف قياسا، وإنما قلنا بأنه قد وجد إجماع على ترك جميع وجوه القياس، وورود نص مخالف لجميع وجوه القياس، وهكذا هي جميع الشرائع، ككون الظهر أربعا والصبح ركعتين، والمغرب ثلاثا، وكصوم رمضان دون شعبان، وكالحدث من أسفل، فيغسل له الأنواع، وكأنواع الزكاة وسائر الشرائع كلها، وليس أحد من القائلين بالقياس إلا وقد تركه في أكثر مسائله وسنبين من هذا إن شاء الله تعالى في آخر هذا الباب طرفا يدل على المراد. وأما من براهين العقول فإنه يقال لهم: أخبرونا، أو شيء هو القياس الذي تحكمون به في دين الله تعالى؟. فإن قالوا: لا ندري، أو تلجلجوا، فلم يأتوا فيه بحد حاصر: أقروا بأنهم قائلون بما لا يدرون، ومن قال بما لا يدري فهو قائل بالباطل وعاص لله عز وجل إذ يقول {قل إنما حرم ربي لفواحش ما ظهر منها وما بطن

[253] **Translator's note (L3374):** The final transmission chain reads 'Hafs, from Ghiyath.' This has been preserved rather than silently changed to the personal name Hafs ibn Ghiyath. In the second report, the source uses a singular 'he said' after naming two transmitters; the translation preserves this.

[254] **Translator's note (L3375):** 'Those who have separated from their tribes' renders nuzza al-qabail, an expression for individuals who have left or become detached from their respective tribes. The final salutation continues in the following unit; only its opening fragment is translated here.

[255] **Translator's note (L3376):** The opening completes the salutation begun in the preceding unit. The final phrase continues into the following unit.

[256] **Translator's note (L3377):** The clause beginning "And with certainty" is grammatically defective: the supplied wording lacks the negative apparently required by the surrounding argument. The translation preserves its affirmative wording rather than silently inserting "never." The Quranic quotations contain numerous defective spellings and missing letters, particularly in definite articles; these do not materially obscure the wording translated here.

[257] **Qur'an references (L3374):** Qur'an 6:38 (Al-An'am); Qur'an 5:3 (Al-Ma'idah).

contrary to another analogy. We have only said that consensus has been found on abandoning every form of analogy, and that a text has occurred which contradicts every form of analogy. Such are all the prescriptions of the revealed law: the noon prayer being four prayer cycles, the dawn prayer two cycles, and the sunset prayer three; fasting Ramadan rather than Shaʿban; a state of ritual impurity arising from below, on account of which the varieties are washed; the categories of obligatory alms; and all the other prescriptions of the revealed law. There is not a single advocate of analogy who has not abandoned it in most of his questions. At the end of this chapter, Allah willing, we shall explain a selection of this that indicates what is meant.

As for rational demonstrations, they are to be asked: Tell us, what sort of thing is this analogy by which you pass judgment in the religion of Allah, exalted is He? If they say, "We do not know," or stammer and fail to provide a comprehensive definition of it, they have admitted that they assert what they do not know. Whoever asserts what he does not know asserts falsehood and disobeys Allah, mighty and majestic, since He says: "Say: My Lord has forbidden only indecencies, those manifest and those concealed, sin, wrongful aggression, that you associate with Allah that for which He has sent down no authority, and that you say of Allah what you do not know." He is also content for himself to possess this base characteristic, which is found only among fools. If they say, "A ruling linking two things through an effective cause which he extracts," or say, "Through a great degree of resemblance," they assert something for whose validity there is no evidence, and something no Companion or Successor ever asserted. If they say, "Through what occurs to the mind," they are legislating through conjecture, with all that this entails.

All of them, without disagreement among them, have acknowledged that it is possible for the whole revealed law, from beginning to end, to be found in texts. All of them, without disagreement from any of them, have acknowledged that it is absolutely impossible for the whole revealed law to be found through analogy. And among the necessary demonstrations recognized by everyone possessed of sense perception and reason is that what necessarily applies to the whole necessarily applies to the part. Thus, since it is abso-

ولإثم ولبغي بغير لحق وأن تشركوا بالله ما لم ينزل به سلطانا وأن تقولوا على الله ما لا تعلمون} مع الرضا لنفسه بهذه الصفة الخسيسة التي لا تكون إلا في النوكي، وإن قالوا: حكم جامع بين شيئين بعلة يستخرجه، أو قالوا بكثرة التشابه، كانوا قائلين بما لا دليل على صحته، وبما لم يقل به قط صاحب ولا تابع، وإن قالوا: بما يقع في النفس كانوا شارعين بالظن، وفي هذا ما فيه. وقد أقروا كلهم، بلا خلاف منهم، أنه جائز أن توجد الشريعة كلها أولها عن آخرها نصا، وأقروا كلهم، بلا خلاف من أحد منهم، أنه لا يجوز أن توجد الشريعة كلها قياسا البتة، ومن البراهين الضرورية عند كل ذي حس وعقل أن ما لزم الكل لزم البعض، فالشرائع كلها لا يمكن البتة، ولا يجوز أن توجد قياسا من أحد، فبعضها لا يجوز أن يوجد قياسا، وليس هذا قياسا، ولكنه برهان ضروري كقول القائل: إن كان الناس كلهم أحياء ناطقين فكل واحد منهم حي ناطق، ولا يموه مموه فيقول: بعض الناس أعور وليس كلهم أعور، فليس هذا مما ألزمناهم في صفة لكن كل الناس ممكن أن يوجدوا عورا وليس ذلك بممتنع في البقية.

lutely impossible and inadmissible for all the prescriptions of the revealed law to be established through analogy by anyone, it is inadmissible for some of them to be established through analogy. This is not analogy, but a necessary demonstration, like someone saying: If all human beings are living and rational, then each one of them is living and rational. Let no obfuscator attempt deception by saying, "Some people are blind in one eye, but not all of them are blind in one eye." This is not an instance of what we have compelled them to accept concerning an attribute. Rather, it is possible for all people to be blind in one eye, and this is not impossible for the remainder.[258][259][260]

L3382–3387 As for deriving all the prescriptions of the revealed law through analogy, that is absolutely impossible, since, according to them, there must be a text upon which analogy is based. Nor is this like someone saying, "It is inadmissible for all people to lie, while it is possible for some of them to lie." Rather, lying is possible for each individual considered separately, whereas it is not possible for each prescription of the revealed law considered separately to be established through analogy. This explanation makes clear everything with which they seek to obfuscate at this point.

Another demonstration is that the advocates of analogy are to be asked: When you say, "Because Allah, exalted is He, prohibited amputation for less than three dirhams or ten dirhams, it is forbidden for the marriage payment to be less than three dirhams"; and, "Because expiation became obligatory for deliberate intercourse during the daytime in Ramadan, it became obligatory for deliberate eating during the daytime in Ramadan"; and, "Because

[258] **Translator's note (L3379):** "The analogy of scrupulousness" translates the supplied wording literally. The expression is awkward in context and may be corrupt, possibly referring to a supposedly scrupulous advocate of analogy.

[259] **Translator's note (L3380):** "The varieties are washed" preserves the supplied al-anwaʿ. The wording is obscure and may be a corruption of a word referring to bodily members; it has not been silently repaired. The supplied question contains the malformed expression aw shay'; "what sort of thing" renders its apparent interrogative function. The definition of analogy shifts grammatical person in "which he extracts"; that irregularity is retained. "Abrogating it" renders the awkward supplied phrase yansakhu lahu according to its apparent sense.

[260] **Qur'an references (L3379):** Qur'an 6:151 (Al-An'am); Qur'an 7:33 (Al-A'raf).

وأما أخذ الشرائع كلها قياسا فممتنع في البتة إذ لا بد عندهم من نص يقاس عليه، ولا هذا أيضا من قول القائل: لا يجوز أن يكذب الناس كلهم، وجائز أن يكذب بعضهم، بل كل أحد على حدته، فالكذب عليه ممكن، وليس كل شريعة على حدتها جائز أن توجد قياسا، وهذا بيان يوضح كل ما أرادوا أن يموهوا به في هذا المكان، وبرهان آخر وهو أنه يقال لأصحاب القياس: إذا قلتم لما حرم الله تعالى القطع في أقل من ثلاثة دراهم أو عشرة دراهم حرم أن يكون الصداق أقل من ثلاثة دراهم. ولما وجبت الكفارة على الوطء عمدا في نهار رمضان، وجبت على الأكل عمدا في نهار رمضان، ولما حرم حلق الشعر في الرأس بغير ضرورة في الإحرام، حرم حلق العانة في الإحرام كما حرم مد بر بمدي بر نقدا، حرم مد شعير بمد سلت نقدا، وقال آخرون منكم: لا، ولكن حرم رطل حديد برطل حديد نقدا. وقال آخرون: لا، ولكن حرم أصل كرنب بأصل كرنب نقدا، ولما أبيح اتخاذ كلب الصيد والغنم بعد تحريمه أبيح ثمنه بعد تحريمه. ولما أبيح الثلث في الوصية للموصي أبيح بيع الثمر قبل صلاحه إذا كان أقل من ثلث كرام الدار وسائر ما أوجبتموه قياسا، وحرمتموه قياسا، وأبحتموه من هذا الموجب لهذا كله؟ ومن هو المحرم لهذا كله؟ إذ لا بد لكل فعل من فاعل، ولكل تحريم من محرم، ولكل إيجاب من موجب، ولكل إباحة من مبيح. فإن قالوا: الله تعالى ورسوله أباحا ذلك وحرماه وأوجباه كذبوا على الله تعالى وعلى رسوله صلى

shaving the hair of the head without necessity was forbidden while in the state of pilgrimage consecration, shaving the pubic hair was forbidden while in that state"; and, "Just as exchanging one mudd-measure of wheat for two mudd-measures of wheat in an immediate exchange was forbidden, exchanging one mudd-measure of barley for one mudd-measure of huskless barley in an immediate exchange was forbidden"—while others among you said, "No, rather, exchanging one ratl-weight of iron for one ratl-weight of iron in an immediate exchange was forbidden," and still others said, "No, rather, exchanging one cabbage plant for one cabbage plant in an immediate exchange was forbidden"—and, "Because keeping a hunting dog or a sheepdog was permitted after having been forbidden, its price was permitted after having been forbidden"; and, "Because a testator was permitted to bequeath one third, the sale of fruit before it ripens was permitted if it amounted to less than one third of the grapevines of the house"; and all the other things you have made obligatory by analogy, forbidden by analogy, and permitted: who is it that makes all this obligatory, and who is it that forbids all this? For every act must have an agent, every prohibition someone who prohibits, every imposition of an obligation someone who imposes it, and every permission someone who grants it. If they say, "Allah, exalted is He, and His Messenger permitted it, forbade it, and made it obligatory," they have lied against Allah, exalted is He, and against His Messenger ﷺ, and openly uttered fabrications against them both. They do not venture to attribute what they have ruled through their analogy to Allah, exalted is He, and His Messenger ﷺ. Moreover, if someone among them of little religious commitment ventures to do so, all the rest will declare him a liar, because we have asked them only about questions on which they disagree with one another. Their violence would then fall upon one another, and they would spare us the trouble of dealing with them. Necessarily, then, nothing remains but for them to attribute the prohibition, the imposition of obligation, and the permission to themselves, or to someone other than Allah, exalted is He, and other than His Messenger ﷺ. This, as you see, without any difficulty or strained interpretation, is an admission of inventing a religion and a revealed law which the Messenger ﷺ did not bring and which Allah, exalted is He, did not authorize. If they ask us a similar question concerning what we have made obligatory, forbid-

الله عليه وسلم وجاهروا بالفرية عليهما وهم لا يقدمون على أن ينسبوا ما حكموا فيه بقياسهم إلى الله تعالى ورسوله صلى الله عليه وسلم مع أنه إن أقدم منهم قليل الدين على أكذبه سائرهم، لأنه إنما سألناهم عن مسائل يخالف فيها بعضهم بعضا، ووقع حينئذ بأسهم بينهم، وكفونا مؤنتهم، فلم يبق بالضرورة إلا أن يحيلوا في التحريم والإيجاب والإباحة على أنفسهم أو على أحد دون الله تعالى ودون رسوله صلى الله عليه وسلم وهذا كما تراه بلا مؤنة ولا تكلف تأويل إقرار بإحداث دين وشريعة لم يأت بها الرسول صلى الله عليه وسلم ولا أذن بها الله تعالى فإن سألونا عن مثل هذا فيما أوجبناه أو حرمناه أو أبحناه بخبر الواحد العدل المسند؟ فلسنا نقنع بأن نقول لهم: إن هذا السؤال لازم لكم كلزومه لنا لأننا لا نتكثر بهم، ولا نبالي وافقونا في ذلك، أو خالفونا لكن نقول وبالله تعالى التوفيق: إن الله تعالى حرم وأوجب وأباح كل ما صح به الخبر عن رسول الله صلى الله عليه وسلم لا شك في ذلك كما نقول فيما أمر الله تعالى به من قبول شهادة العدول في الأحكام وبالله تعالى التوفيق. ويقال لهم أيضا: أخبرونا أكل قياس قاسه قائس من أصحاب القياس حق وصواب؟ أم من القياس خطأ وصواب؟ ولا بد من أحد الوجهين، فإن قالوا: كل قياس في الأرض فهو صواب، تركوا مذهبهم وأوجبوا المحال، وكون الشيء حراما حلالا فرضا مباحا على إنسان واحد في وقت واحد، وإن قالوا: من القياس خطأ ومنه صواب، قلنا لهم: بأي شيء تعرفون الحق من الباطل في القياس؟ فإن تلجلجوا وقالوا: لا نأتي بذلك إلا في كل مسألة. قلنا: هذا لو إذ عما لزمكم مما لا سبيل لكم إلى وجوده، كمن قاس أن يقبل امرأتان حيث تجوز عنده شهادة النساء مفردات على قبول رجلين، حيث يقبل الرجال، وكمن قاس وجود أربع في ذلك على تعويش امرأتين بدل رجل، حيث يقبل النساء مع الرجل، وقلما تخلو لهم مسألة من مثل هذا. فإذا بطل وجود برهان يصحح

den, or permitted on the basis of a report transmitted by a single upright transmitter with a chain reaching its source, we are not content to tell them, "This question binds you just as it binds us." For we do not seek strength in their numbers, nor do we care whether they agree with us on this or disagree. Rather, we say—and through Allah, exalted is He, comes success—Allah Most High has forbidden, made obligatory, and permitted everything concerning which a report from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, is established as authentic. There is no doubt about this, just as we affirm what Allah Most High commanded concerning accepting the testimony of upright witnesses in legal judgments. Through Allah Most High comes success. They should also be asked: Tell us, is every analogy drawn by a practitioner of analogy true and correct, or does analogy include both error and correctness? One of these two alternatives is unavoidable. If they say, "Every analogy on earth is correct," they abandon their own position and entail an impossibility: that something is forbidden, lawful, obligatory, and permissible for the same person at the same time. If they say, "Some analogy is erroneous and some is correct," we say to them: By what means do you distinguish truth from falsehood in analogy? If they falter and say, "We can provide that only in each individual case," we say: This is evasion of what your position entails, something you have no means of producing. An example is someone who reasons by analogy that two women should be accepted wherever he permits women to testify alone, on the analogy of accepting two men wherever men are accepted; or someone who reasons by analogy that four women must be present in that situation, on the analogy of substituting two women for one man wherever women are accepted alongside a man. Hardly any of their cases is free of something like this. Since no demonstration can be found that establishes the sound analogies as sound and invalidates the false ones, it is established that whatever affords no means of distinguishing its false instances from those that some people claim are true is false in its entirety. If they say to us, "Are all reports true according to you, or do they include both falsehood and truth?" we say: Rather, everything transmitted through an uninterrupted chain of trustworthy transmitters to the Prophet, may Allah bless him and grant him peace

الصحيح من القياس ويبطل الباطل منه فقد صح أن ما لا سبيل إلى الفرق بين باطله وبين ما يدعي قوم أنه منه حق، فهو باطل كله. فإن قالوا لنا: فكل الأخبار عندكم حق أو فيها باطل وحق. قلنا بل كل ما اتصل برواية الثقات إلى النبي صلى الله عليه وسلم حق لا يحل تركه إلا بيقين نسخ أو بيقين تخصيص ولا نسخ في القياس أصلا فصل في وضوح الطريقة على فساد القياس قال أبو محمد ونحن نرتب إن شاء الله تعالى ولا حول ولا قوة إلا به، طريقة لا يتعدى بها على أحد من أهل الحق إفساد كل قياس يعارض به أحد من أصحاب القياس، أو يحتج منهم، وذلك أنه إذا احتج محتج ممن يقول بالقياس بأن هذه المسألة تشبه مسألة كذا، فواجب أن نحكم لها بمثل حكمها، فليطلب من يعارضه من أصحابنا صفة في المسألة التي شبهها خصمه بالمسألة الأخرى، مما يشبه فيه مسألة ثالثة، ثم يلزمه أن يحكم لها أيضا بمثل ذلك الحكم، وهذا أمر موجود في جميع مسائلهم أولها عن آخرها، وهذا وجه يفسد مسائلهم في القياس، وسنذكر من هذا طرفا كافيا في الباب الذي بعد هذا إن شاء الله تعالى، ونذكر ههنا مسألة واحدة تدل على المراد إن شاء الله تعالى، وبالله تعالى التوفيق:

ﷺ is true. It is unlawful to abandon it except with certainty of abrogation or certainty of specification. There is no abrogation in analogy at all.

Section on the clarity of the method for establishing the invalidity of analogy

Abu Muhammed said: We shall set out, if Allah Most High wills—and there is neither power nor strength except through Him—a method by which no adherent of the truth will fail to invalidate any analogy that a practitioner of analogy advances in opposition or adduces as an argument. When someone who advocates analogy argues, "This case resembles such-and-such a case, so we must give it the same ruling," the person among our companions who opposes him should seek an attribute in the case that his adversary has likened to the other case, in respect of which it resembles a third case. He should then require him to give it that ruling as well. This is something found in all their cases, from their first to their last. This is a way of invalidating their cases based on analogy. We shall mention a sufficient selection of this in the chapter after this one, if Allah Most High wills. Here we shall mention one case that illustrates what is intended, if Allah Most High wills. Through Allah Most High comes success.[261][262][263]

L3388 They say: "Nothing can constitute a marriage dower except an amount for which the hand is amputated, because this involves a bodily member rendered licit, like another bodily member rendered licit." They should be asked: Why,

قالوا: لا يكون صداق إلا ما تقطع فيه اليد، لأنه عضو يستباح كعضو يستباح فيقال لهم: وهلا قسمتموه على استباحة الظهر في جرعة خمر لا تساوي فلسا؟ فهو أيضا عضو يستباح، فما الذي جعل قياس الفرج على اليد أولى من قياسه على الظهر؟ وهو إلى الظهر أقرب منه إلى اليد، وليس يقطع الفرج كما لا يقطع الظهر؟. وأما تعليلهم في الربا، فكل طائفة منهم قد كفتنا الأخرى، إذ كل واحد منهم يبطل علة صاحبه التي قاس عليها، وهكذا في كل ما قاسوا فيه وبالله تعالى التوفيق. وقال بعضهم: إنما نقيس في النصين المتعارضين فننظر أشبههما بما اتفق عليه في النصوص فنأخذ به. قال أبو محمد: وهذا أمر قد تقدم إفسادنا له في باب الكلام في الأخبار وأحكمناه وبالله تعالى التوفيق. ولكننا نذكر ههنا من بعض قولهم ما لا غنى بهذا المكان عنه: وهو أنا نقول، هذا عمل فاسد، ولا مدخل للقياس ههنا، لأن كل حديثين تعارضا، أو

[261] **Translator's note (L3382):** The iron and cabbage examples specify equal quantities in the supplied text. The translation retains these potentially problematic examples without changing either quantity. "The grapevines of the house" translates the supplied kuram al-dar; the precise property arrangement and the intended basis for calculating the one-third threshold are not explained in this passage. A mudd is a measure of capacity; a ratl is a unit of weight. The Arabic units are retained because their values vary.

[262] **Translator's note (L3383):** The supplied phrase corresponding to "ventures to do so" is incomplete after the preposition "to"; the translation supplies the reference to the immediately preceding act of attribution.

[263] **Translator's note (L3386):** The wording "لو إذ" is corrupt or incorrectly divided; the translation understands it as "لواذ," meaning evasion or taking refuge. "تعويش" is obscure in this context. The translation provisionally understands it as substitution, apparently intended as "تعويض." The phrase "لا يتعدى بها على أحد من أهل الحق إفساد" is syntactically awkward. The translation gives its apparent contextual sense: a method enabling any adherent of the truth to invalidate the analogies in question.

then, did you not measure it against rendering the back licit for punishment for a mouthful of wine worth less than a fals? That, too, is a bodily member rendered licit. What makes drawing an analogy between the sexual organ and the hand preferable to drawing one between it and the back? It is closer to the back than to the hand, and the sexual organ is not amputated, just as the back is not amputated. As for their identification of effective causes in usury, each faction among them has spared us the task of refuting the other, since each invalidates his fellow's effective cause upon which he based his analogy. The same applies to everything concerning which they have reasoned by analogy. Through Allah Most High comes success.

Some of them say: "We reason by analogy only concerning two conflicting texts: we examine which of them most resembles what is agreed upon among the texts, and adopt it." Abu Muhammed said: We have already invalidated this matter in the chapter discussing reports and have dealt with it conclusively. Through Allah Most High comes success. Here, however, we shall mention something from their position that cannot be dispensed with in this place. We say: This is an invalid procedure, and analogy has no place here. Whenever two hadiths conflict, two verses conflict, or a hadith conflicts with a verse, neither of these two texts has a greater claim to obedience than the other. Nor does the text to which they refer the ruling of these two texts have a greater claim to obedience than either of them. All are from Allah Most High. People's consensus concerning a text does not strengthen it, nor does their disagreement concerning it weaken it. There has been consensus concerning some reports, whereas there has been disagreement concerning many verses. When a text is established as authentic, adopting it is obligatory, and those who oppose it do it no harm. Thus their intended procedure of referring two conflicting texts to a third text falls away. It is obligatory to apply all of them for as long as that is possible. If it is not possible, the text containing the additional provision is adopted, because it is a clarification known with certainty that supersedes what preceded it, while we have no certainty that anything else has superseded it. Moreover, they have not done what they described. Rather, there has come the report, "There is no amputation except for a quarter of a dinar or more," and there has come the

آيتين تعارضتا، أو كل حديث عارض آية، فليس أحد هذين النصين أولى بالطاعة من الآخر، ولا الذي يردون إليه حكم هذين النصين أولى بالطاعة له من كل واحد من هذين، وكل من عند الله تعالى، ولا يقوي النص إجماع الناس عليه، ولا يضعفه، اختلاف الناس فيه فقد أجمع على بعض الأخبار واختلف في آيات كثيرة. والنص إذا صح فالأخذ به واجب ولا يضره من خالفه، فسقط ما أرادوا في ذلك من رد النصين المتعارضين إلى نص ثالث، ووجب استعمال كل ذلك ما دام يمكن، فإن لم يمكن أخذ بالزائد لأنه شرح متيقن رافع لما قبله، ولم نتيقن أنه رفعه غيره. مع أنهم لم يفعلوا ما ذكروا بل جاء: لا قطع إلا في ربع دينار فصاعدا وجاء: لعن السارق يسرق البيضة فتقطع يده، ويسرق الجمل فتقطع يده

report, “Cursed be the thief: he steals an egg and his hand is amputated, and he steals a camel and his hand is amputated.”[264]

L3389–3394

Yet they did not refer the two of them to the verse whose coming from Allah Most High is agreed upon, namely: { As for the male thief and the female thief, cut off their hands as recompense for what they have earned, as a deterrent punishment from Allah; and Allah is Mighty, Wise.} Instead, they gave precedence to “There is no amputation except for a quarter of a dinar”—a text concerning whose adoption there is disagreement —over the verse and the other hadith. Then they contradicted themselves concerning the hadith, “Neither one act of suckling nor two acts of suckling establishes a prohibition of marriage”: they abandoned it and adopted the apparent meaning of the verse. This is contrary to what they did concerning the verse on amputation. Both hadiths are authentic, and both are disputed despite their authenticity. If they impugn one on the grounds that the transmitters differed concerning it, the other is likewise, without any difference. As for the Hanafis’ hadith concerning the amount for which the hand is amputated, it is utterly unsound.

Some of them have said, when we ask them about countering their analogy with another analogy and their assignment of an effective cause with another assignment of an effective cause, “What makes one of the two analogies preferable to the other, or one of the two assignments of an effective cause preferable to the other?”—and there is no way to find an analogy of theirs or an assignment of an effective cause of theirs that cannot be countered with another analogy or another assignment of an effective cause, as we have described—this speaker has said: “The procedure in this situation is like the procedure concerning two conflicting hadiths.” Abu Muhammed said: We replied: This is false, because two conflicting texts or hadiths must be reconciled and applied together, since both are true and obedience to

[264]**Translator’s note (L3388):** The source reads “قسمتموه,” ordinarily “you divided/apportioned it,” where the argument appears to require “قستموه,” “you compared it by analogy.” “Measure it against” conveys the apparent intended argument; the transmitted wording is irregular. The final quotation reads “الجمل,” “the camel.” The familiar wording of this report has “الحبل,” “the rope.” The translation retains “camel” as supplied.

فلم يردوهما إلى الآية المتفق على ورودها من الله تعالى وهي { ولسارق ولسارقة فقطعوا أيديهما جزآء بما كسبا نكالا من لله ولله عزيز حكيم} بل غلبوا لا قطع إلا في ربع دينار وهو نص مختلف في الأخذ به، على الآية وعلى الحديث الآخر، ثم تناقضوا في حديث: لا تحرم الرضعة ولا الرضعتان، فتركوه وأخذوا بظاهر الآية، وهذا خلاف ما فعلوا في آية القطع وكلا الحديثين صحيح وكلاهما مختلف فيه مع صحته، فإن عللوا أحدهما بأنه اختلف فيه الرواة فالآخر كذلك ولا فرق وأما حديث الحنفيين فيما تقطع فيه اليد فساقط جدا. وقد قال بعضهم: إذا سألناهم عن معارضة قياسهم بقياس آخر، وتعليلهم بتعليل آخر، فما الذي جعل أحد القياسين أولى من الآخر؟ أو أحد التعليلين أولى من الآخر؟ ولا سبيل إلى وجود قياس لهم أو تعليل لهم نتعذر معارضتهما بقياس آخر أو تعليل آخر كما وصفنا فقال هذا القائل: العمل حينئذ في هذا كالعمل في الحديثين المتعارضين. قال أبو محمد: فقلنا هذا باطل لأن النصين أو الحديثين المتعارضين لا بد من جمعهما واستعمالهما معا، لأن كليهما حق وواجب الطاعة إذا صحا من طريق السند، ولا يمكن هذا في القياسين المتعارضين، ولا في التعليلين المتعارضين بوجه من الوجوه، فإن تعذر هذا في الحديثين أو الآيتين أو الآية والحديث فالواجب الأخذ بالناسخ أو بالزائد إن لم يأت تاريخ يبين الناسخ منهما، لأن الوارد بالزيادة شريعة من الله تعالى، لا يحل تركها، وليس يمكن هذا في القياسين المتعارضين، ولا في التعليلين المتعارضين بوجه من الوجوه، لأنه ليس فيهما نسخ أصلا. ولا يوجد في القياسين زيادة من أحدهما على الآخر في أكثر الأمر، لأن التعارض فيهما إنما هو يتعلق أحد القياسين بصفة، ويتعلق آخر إلا بأخرى، فبطل تمويه هذا القائل، وبقي الإلزام يحسبه لا مخلص منه البتة. وبالله تعالى التوفيق. وقد زاد بعض مقدميهم، ممن لم يتق الله عز وجل، ولا أبالي الفضيحة في كلامه، فقال: إن القياس أقوى من خبر

them is obligatory when their chains of transmission are established as authentic. This is in no way possible with two conflicting analogies or two conflicting assignments of effective causes. If this proves impossible with two hadiths, two verses, or a verse and a hadith, it is obligatory to adopt the abrogating text, or the text containing the additional provision if no chronology has been transmitted that identifies which of them abrogates the other. For the additional provision that has been transmitted is legislation from Allah Most High that it is unlawful to abandon. This is in no way possible with two conflicting analogies or two conflicting assignments of effective causes, because there is no abrogation in them at all. Nor, in most instances, does one of two analogies contain an additional provision beyond the other, because their conflict consists only in one of the two analogies being attached to one attribute, while another is attached only to another. Thus this speaker's obfuscation is invalidated, and the binding objection remains, with absolutely no escape from it. Through Allah Most High comes success. Some of their leading figures have gone further—among those who did not fear Allah, Mighty and Majestic, and "I do not care about the disgrace in his words"—and said: "Analogy is stronger than a report transmitted by a single transmitter." I have seen this position expressed by Abu al-Faraj the Maliki and by the man known as al-Abhari. The two of them argued for it on the grounds that a report transmitted by a single transmitter is susceptible to inadvertence and deliberate lying, whereas analogy is susceptible only to the risk of error in identifying resemblance. They both said: "What is susceptible to one defect is preferable to what is susceptible to two defects." Abu Muhammed said: No doctrinal innovation more abominable than this statement is known. Yet, for all its abominableness, it is also feeble, foolish, and self-contradictory. This presumptuous ignoramus should be asked: Tell us about yourself: do you reason by analogy on the basis of a report transmitted by a single transmitter, or not? If he says, "No," he has lied and spoken plainly. We have shown them their disgrace in their analogizing the marriage dower to amputation at ten dirhams, although that report is feeble and worthless. Others among them based their analogy on a report concerning this which, even if its chain of transmission is sound, is nevertheless a solitary report. We have shown them their position on valuing destroyed

الواحد ورأيت هذا لأبي الفرج المالكي، والمعروف بالأبهري واحتجا في ذلك بأن الخبر الواحد يدخله السهو وتعمد الكذب، وأما القياس فلا يدخله إلا خوف الخطأ في التشبيه فقط قالا: فما يدخله عيب واحد أولى مما يدخله عيبان. قال أبو محمد: وما يعلم في البدع أشنع من هذا القول ثم هو مع شناعته بارد سخيف متناقض. ويقال لهذا الجاهل المقدم: أخبرنا عنك أتقيس على خبر الواحد أم لا؟ فإن قال: لا، كذب وأفصح، وأريناهم خزيهم في قياسهم صداق النكاح على القطع في عشرة دراهم وهو خبر واهي ساقط، والآخرون منهم قاسوا على خبر في ذلك، وإن كان صحيح السند فهو خبر واحد، وأريناهم قولهم في تقويم الملتفات بالقيمة لا بالمثل على الخبر في عتق الشقص، ومدة الخيار في البيع على حديث المصراة، والاستطهار في المستحاضة على حديث المصراة، وهذا أكثر قياساتهم. وإن قال: أقيس على خبر الواحد فضح نفسه وأبان عن جهله، وقلة ورعه في إقراره بأنه يقيس على ما هو أضعف من القياس وفي هذا غاية الجنون والتناقض، وهم يقولون إن الأصل أقوى من الفرع، والمقيس عندهم فرع، والمقيس عليه أصل، هذا ما لا يختلفون فيه، فإذا كان خبر الواحد هو المقيس عليه عندهم فهو الأصل، والقياس هو الفرع؛ فعلى قول هذين المذكورين إذا كان القياس أقوى من خبر الواحد فالفرع أقوى من الأصل وقد قالوا: إن الأصل أقوى من الفرع، وهذا تناقض فاحش وبناء وهدم

property [reading uncertain] by its monetary value rather than by an equivalent, on the basis of the report concerning the emancipation of a share in a slave; on the duration of the option to rescind a sale, on the basis of the hadith concerning an animal whose milk has been withheld in its udder; and on the additional precautionary period for a woman with irregular uterine bleeding, on the basis of that same hadith concerning an animal whose milk has been withheld in its udder. This accounts for most of their analogies. If he says, "I base analogy on a solitary report," he exposes himself and reveals his ignorance and lack of scrupulousness by acknowledging that he bases analogy on something weaker than analogy. This is the utmost madness and contradiction. They say that the original case is stronger than the derivative case. In their view, the case being analogized is a derivative case, and the case to which it is analogized is an original case. On this they do not disagree. Thus, if the solitary report is what they take as the basis of analogy, it is the original case, and the analogy is the derivative case. According to the position of these two aforementioned men, then, if analogy is stronger than a solitary report, the derivative case is stronger than the original case.

Yet they have said that the original case is stronger than the derivative case. This is a flagrant contradiction: building up and tearing down.[265][266][267][268]

L3395–3399 We seek refuge in Allah from abandonment. Furthermore, in most of their positions they abandon the apparent meaning of the Quran on the strength of a solitary report, and then abandon the solitary report for analogy. The result of their words and their practice is that they have given analogy precedence over hadith, and hadith precedence over the Quran. On this basis, analogy has become stronger than the Quran, although there can be no analogy whatsoever except on the basis of the Quran or a hadith. All this is confusion, cause for dismay, ignorant stupidity, rashness, and treating as lawful what is unlawful. It cannot escape anyone with discernment. Through Allah Most High comes success. Furthermore, when statements attributed only to certain Companions reach them and accord with the positions in which they have followed Malik and Abu Hanifah without independent examination, they frequently say, "Something like this cannot be said on the basis of analogy." They then give it precedence over what analogy requires accord-

ونعوذ بالله من الخذلان وأيضا فإنهم يتركون في أكثر أقوالهم ظاهر القرآن بخبر الواحد، ثم يتركون خبر الواحد للقياس، فقد حصل من كلامهم وعملهم أنهم غلبوا القياس على الحديث، وغلبوا الحديث على القرآن فقد صار القياس على هذا أقوى من القرآن ولا قياس البتة إلا على قرآن أو حديث وهذا كله تخليط، وسخنة عين وغباوة جهل وإقدام واستحلال لما لا يحل ولا يخفى على ذي بصر، وبالله تعالى التوفيق. وأيضا: فهم كثيرا ما يقولون، فيما يرد عليهم من أقوال موقوفة على بعض الصحابة مما يوافق ما قلدوا فيه مالكا وأبا حنيفة، مثل هذا لا يقال بالقياس فيغلبونه على ما يوجبه القياس عندهم كقولهم فيمن باع شيئا إلى أجل، ثم ابتاعه بأقل إلى أقل من ذلك الأجل، وفي البناء في الصلاة على الرعاف والحدث، وفي مواضع كثيرة جمة، وهذا ترك منهم للقياس وتغليب للظن أنه خبر واحد على القياس، لأنهم لا يقطعون على أن هذه الأقوال توقيف، وإنما يظنون ذلك ظنا، فقد صار الظن أنه خبر واحد عندهم أقوى من القياس الذي هو عندهم أقوى من يقين أنه خبر واحد، فقد صار الظن أقوى من اليقين وفي هذا عجب عجيب ونعوذ بالله من الخذلان. وأما الحقيقة فإن الظن باطل بنص حكم النبي صلى الله عليه وسلم بأنه أكذب الحديث وبنص قول الله تعالى {وما لهم به من علم إن يتبعون إلا لظن وإن لظن لا يغني من لحق شيئا} فالظن بنص القرآن ليس حقا فإذ ليس حقا فهو باطل، فإذا كان الظن الذي هو الباطل أقوى من القياس، فالقياس بحكمهم أبطل من كل باطل. وبالله تعالى التوفيق. وجملة القول: أن قولهم: إن خبر الواحد يدخله السهو والغلط، والكذب، إنما هو من اعتراضات من لا يقول بخبر الواحد من المعتزلة. والخوارج وقد مضى الكلام في إيجاب خبر الواحد العدل، وقد وجب قبوله بالبرهان، فاعترض المعترض بأنه قد يدخله السهو، وتعمد الكذب اعتراض بالظن، وبعض الظن إثم والظن أكذب الحديث. وقولهم:

[265] **Translator's note (L3390):** The Quranic quotation has defective or irregular spelling, including "ولسارق," "ولسارقة," "فقطعوا," and "لله" for the divine name in context. The translation follows the apparent wording of the verse; these spelling defects do not establish a distinct intelligible reading.

[266] **Translator's note (L3392):** "ويتعلق آخر إلا بأخرى" is awkward: literally, "and another is attached only to another." The translation retains the restrictive "only," although the syntax appears defective. "يحسبه" is unclear in "وبقي الإلزام يحسبه." The translation conveys the clear surrounding assertion that the binding objection remains, but this word cannot be securely construed. The source reads "ولا أبالي," "and I do not care," interrupting a third-person description. The translation marks this anomalous first-person wording in quotation marks. The context suggests an intended third-person expression such as "ولا يبالي," "and does not care," but that is not what the supplied text reads.

[267] **Translator's note (L3394):** The opening continues the preceding segment's "If he says." The wording وأفصح means "and spoke plainly"; its role here is awkward, but it has been retained. The source reads الملتفات, literally "the turned things," where the context strongly suggests المتلفات, "destroyed property." The contextual rendering is marked as uncertain. The additional precautionary period translates الاستظهار, referring here to additional days treated as menstruation in a case of irregular uterine bleeding.

[268] **Qur'an references (L3389):** Qur'an 5:38 (Al-Ma'idah).

ing to them. Examples include their position concerning someone who sells something on deferred payment and then buys it back for a smaller amount payable at a shorter term than that original term; their position concerning resuming the prayer from where one left off after a nosebleed or a state of ritual impurity; and very many other instances. This is their abandonment of analogy and their giving precedence over analogy to the supposition that something is a solitary report. For they are not certain that these statements derive from instruction received from the Prophet; they merely suppose this. Thus, in their view, the supposition that something is a solitary report has become stronger than analogy, which is in their view stronger than certainty that something is a solitary report. Thus supposition has become stronger than certainty. This is an extraordinary marvel! We seek refuge in Allah from abandonment. As for the truth, supposition is invalid by the explicit judgment of the Prophet ﷺ that it is "the most untruthful speech," and by the explicit wording of the saying of Allah Most High: "They have no knowledge of it. They follow nothing but supposition, and supposition avails nothing against the truth." Thus, by the explicit wording of the Quran, supposition is not truth. Since it is not truth, it is falsehood. If supposition, which is falsehood, is stronger than analogy, then analogy, by their own judgment, is more false than every falsehood. Through Allah Most High comes success. The sum of the matter is that their statement that a solitary report is susceptible to inadvertence, error, and lying is merely one of the objections made by those among the Mu'tazilah and the Kharijites who do not accept solitary reports. The discussion of the binding force of a solitary report transmitted by an upright person has already appeared, and its acceptance has been established as obligatory by demonstration. An objector's objection that it may be susceptible to inadvertence and deliberate lying is an objection based on supposition. Some supposition is sin, and supposition is the most untruthful speech. Their statement that analogy is susceptible to the risk of error in drawing a resemblance is an acknowledgment on their part that they do not trust it in its entirety. This is judging by supposition, which is forbidden by the explicit wording of the Quran. They are to be asked about a person notorious for falsehood and known for advancing false claims, who has done this frequently and whose conduct has become widely known, and who then

إن القياس يدخله خوف خطأ التشبيه إقرار منهم بأنهم لا يثقون بجملته، وهذا هو الحكم بالظن؛ وهو محرم بنص القرآن ويسألون عن إنسان مشهور بالباطل، معروف بادعائه قد كثر ذلك منه وفشا فتقدم إلى قاضي يخاصم عنده؟. فإن الأمة كلها مجمعة عن ألا يقاس أمره الآن على ما عهد منه، فإذا خرم أن يقاس حكم المرء اليوم على حكمه بنفس أمس، فهو أبعد من أن تقاس على غيره وهذا هدم من القياس للقياس، وتفاسد منه بعضه لبعض، وما كان هكذا فهو فاسد كله، وبالله تعالى التوفيق. وقال قائل منهم: هل يجوز أن يتعبدنا الله تعالى بالقياس؟. قال أبو محمد: فالجواب إن كان جائزا قبل نزول قول الله تعالى: {قال هذا فراق بيني وبينك سأنبئك بتأويل ما لم تستطع عليه صبرا} وقوله تعالى {لا يكلف الله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} وكان يكون ذلك لو كان حمل إصر كما حمله على الذين من قبلنا، وتحميلا لما لا طاقة لنا به وكما قال تعالى {في لدنيا ولآخرة ويسألونك عن ليتامى قل إصلاح لهم خير وإن تخالطوهم فإخوانكم والله يعلم لمفسد من لمصلح ولو شآء لله لأعنتكم إن لله عزيز حكيم} وأما بعد نزول الآيتين اللتين ذكرنا، وبعد أن أمننا الله تعالى من أن يكلفنا الحكم بالتكهن وبالظنون، وبعد أن نهانا عن أن نقول عليه تعالى ما لم نعلم، فلا يجوز البتة أن يتعبدنا بالقياس، لأن وعد الله تعالى حق لا يخلف البتة، وقوله الحق. وبالله تعالى التوفيق.

comes before a judge to litigate. The entire community unanimously agrees that his present case is not to be analogized to what has previously been known of him. If it is forbidden [reading uncertain] to analogize a person's legal treatment today to his own legal treatment yesterday, then it is still further from permissible to analogize it to that of someone else. This is analogy demolishing analogy, with its parts invalidating one another. Whatever is like this is entirely invalid. Through Allah Most High comes success. One of them said, "Is it possible for Allah Most High to impose analogy upon us as a religious obligation?" Abu Muhammed said: The answer is that it was possible before the revelation of the saying of Allah Most High, "He said: This is the parting between me and you. I shall inform you of the interpretation of that with which you could not bear patiently," and His saying, Most High: "Allah does not burden any soul beyond its capacity. To its credit is what it has earned, and against it is what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid it upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the disbelieving people." Had that occurred, it would have been the laying of a burden, as He laid it upon those before us, and the imposition upon us of what we have no strength to bear. And as He said, Most High: "In this world and the Hereafter. They ask you about orphans. Say: Putting their affairs right is better. If you mingle with them, they are your brothers. Allah knows the one who causes corruption from the one who puts things right. Had Allah willed, He would have subjected you to hardship. Indeed, Allah is Mighty, Wise." But after the revelation of the two verses we have mentioned, after Allah Most High has assured us that He will not require us to judge by divination and suppositions, and after He has forbidden us to say concerning Him Most High what we do not know, it is absolutely impossible for Him to impose analogy upon us as a religious obligation. For the promise of Allah Most High is true and

is never broken, and His word is the truth. Through Allah Most High comes success.[269][270][271][272][273]

L3400–3401 Section mentioning a few instances of the contradictions of the advocates of analogy in their use of analogy, which demonstrate the invalidity of their doctrine concerning it, if Allah Most High wills.

Abu Muhammed Ali ibn Ahmad, may Allah be pleased with him, said: Most of them did not analogize water poured onto an impurity to water into which an impurity falls, and they distinguished between the two without evidence. Some of them did not analogize the obligation to pour away what a dog has lapped from to the obligation to wash the vessel because of the dog's lapping from what it lapped from. In this matter, they did not analogize water to anything other than water. Most of them distinguished between water into which an impurity falls and other liquids into which impurities fall. They specified a quantity which, when water reaches it, prevents it from

فصل في ذكر طرق يسير من تناقض أصحاب القياس في القياس، يدل على فساد مذهبهم في ذلك إن شاء الله تعالى قال أبو محمد علي بن أحمد رضي الله عنه: أكثرهم لم يقس الماء الوارد على النجاسة على الماء الذي ترد عليه النجاسة، وفرقوا بينهما بغير دليل. وبعضهم لم يقس وجوب إراقة ما ولغ فيه الكلب على وجوب غسل الإناء من ولوغ الكلب فيما ولغ فيه، ولم يقيسوا الماء في ذلك على غير الماء. وأكثرهم فرق بين الماء الذي تقع فيه النجاسة، وبين المائعات التي تقع فيها النجاسات، فيجدوا مقدارا إذا بلغه الماء لم ينجس، ولم يجدوا في سائر المائعات شيئا البتة وإن كثرا. وبعضهم قاس سائر المائعات في ذلك على الماء في حد المقدار وهو أبو ثور. وبعضهم فرق بين حكم الماء في البئر، وبين الماء في غير البئر، ولم يقس أحدهما على الآخر اتباعا، زعم، لقول بعض العلماء في ذلك وهو قد عصى قول رسول الله صلى الله عليه وسلم وجماعة من الفقهاء في المصراة والمسح على العمامة، وفي أزيد من ألف قضية، نعم وحكم القرآن، وفرق أيضا بين أحكام الجيف الواقعة في التيار، وبين أحكامها وأحكام سائر النجاسات ولم يقس بعضها على بعض. وبعضهم قاس الخنزير على الكلب في حكم الغسل مما ولغ فيه كلاهما في الواحد أو السبع، وبعضهم لم يقس أحدهما على الآخر، وبعضهم قاس الماء بحكم الوالغ فيه مما يحرم أكله أو يحل أو يكره، وبعضهم لم يقس ذلك، وبعضهم قاسم ما لا دم له من الميتات على ماله دم. فرأى كل ذلك ينجس ما مات فيه، وبعضهم لم ير ذلك وبعضهم قاس العقارب والخنافس والدود المتولد في القول على الذباب، ولم يقسها على الوزغ وشحمة الأرض والعظماء وصغار الفيران. وبعضهم قاس عذر ما يؤكل لحمه من الدواب وأبوالها على لحومها، ولم يقسها على دمائها، ولم يقسها على لحومها.

[269] **Translator's note (L3395):** "Cause for dismay" renders the idiom سخنة عين, literally a heating of the eye, expressing distress or vexation. توقيف denotes instruction received from an authoritative revealed source, here understood as instruction from the Prophet underlying a Companion's statement.

[270] **Translator's note (L3397):** The Quranic quotation, corresponding to 53:28, is transcribed with missing initial alifs in لظن and لحق. The intended words remain identifiable; the omissions are recorded rather than treated as different wording.

[271] **Translator's note (L3398):** The source reads خرم, which does not yield the expected sense here. "It is forbidden" provisionally reflects the likely intended حرم; the uncertainty is marked. The source has further grammatical irregularities in مجمعة عن ألا and أن تقاس على غيره. The argument is rendered according to its discernible syntax without supplying a new argument. The first Quranic quotation is 18:78. Its relevance to the argument is unclear, but the supplied quotation has been retained. The quotation of 2:286 contains numerous omitted initial alifs, including in لله, كتسبت, لذين, عف, غفر, رحمنآ, فنصرنا, لقوم, and لكافرين. The identifiable words have been translated, with the transcription defects recorded here.

[272] **Translator's note (L3399):** The quotation of 2:220 contains repeated omissions of initial alifs in otherwise identifiable words, including لدنيا, لآخرة, ليتامى, لله, لمفسد, and لمصلح. These transcription defects are recorded here. "The two verses" reproduces the author's reference as supplied.

[273] **Qur'an references (L3395):** Qur'an 53:28 (An-Najm); Qur'an 18:78 (Al-Kahf); Qur'an 2:286 (Al-Baqarah); Qur'an 2:220 (Al-Baqarah).

becoming impure, but they specified absolutely no such quantity for other liquids, however abundant they may be. Some of them analogized all other liquids to water in this respect, regarding the quantitative threshold; Abu Thawr was one of these. Some of them distinguished between the ruling on water in a well and water elsewhere, and did not analogize one to the other, following, as he claimed, the statement of a certain scholar on this matter. Yet he has disobeyed the statement of the Messenger of Allah ﷺ and a group of jurists concerning an animal whose milk has been withheld in its udder, wiping over the turban, and more than a thousand cases—indeed, the ruling of the Quran as well. He also distinguished between the rulings concerning carcasses falling into a flowing current and the rulings concerning them and all other impurities, and did not analogize some to others. Some of them analogized the pig to the dog concerning the ruling on washing what either has lapped from, whether once or seven times, while some did not analogize one to the other. Some of them assigned a ruling to water by analogy with the ruling on the animal lapping from it, according to whether eating that animal is forbidden, lawful, or disapproved, while some did not make that analogy. Some of them analogized dead creatures without blood to those with blood, holding that all of them render impure whatever they die in, while some did not hold this. Some of them analogized scorpions, beetles, and worms generated in "speech" to flies and did not analogize them to geckos, skinks, the creatures called al-ʿaẓmāʾ, and small mice. Some of them analogized the dung and urine of animals whose flesh may be eaten to their

flesh, and did not analogize them to their blood, and did not analogize them to their flesh.[274][275]

L3402 Some of them drew an analogy between a dog's tail and leg and its tongue, while some did not draw that analogy. Most of them drew an analogy between the permissibility of wiping over splints and wiping over leather socks, but did not draw an analogy between the permissibility of wiping over a turban and wiping over the head or wiping over leather socks; some of them did draw that analogy. All of them, so far as we know, failed to draw an analogy between removing leather socks after wiping over them and shaving the hair and clipping the nails after wiping and washing. Some of them did not draw an analogy between the permissibility of performing an obligatory prayer with dry ablution undertaken for a voluntary prayer and the permissibility of performing a voluntary prayer with dry ablution undertaken for an obligatory prayer; some drew that analogy. The former contradicted themselves: they drew an analogy between the validity of the prayer of those who have performed ablution behind someone who has performed dry ablution and the validity of the prayer of those who have performed dry ablution behind someone who has performed ablution, although disagreement over treating these two cases alike is well known. Among the curiosities of some of their analogies is requiring a menstruating woman to wait three additional days to establish her purity, by analogy with Thamud's waiting three days for the cry of punishment, and with the animal whose milk has been retained in

وبعضهم قاس ذنب الكلب ورجله على لسانه، وبعضهم لم يقس ذلك. وأكثرهم قاس إباحة المسح على الجبائر على المسح على الخفين، ولم يقيسوا إباحة مسح العمامة على الرأس، وعلى المسح على الخفين، وبعضهم قاس ذلك، وكلهم فيما نعلم لم يقس نزع الخفين بعد المسح على حلق الشعر وقطع الأظفار بعد المسح والغسل وبعضهم لم يقس إباحة الصلاة الفريضة بتيمم النافلة على إباحة الصلاة النافلة بتيمم الفريضة، وبعضهم قاس ذلك، وتناقض الأولون فقاسوا جواز صلاة المتوضئين خلف المتيمم على جواز صلاة المتيممين خلف المتوضىء، على أن الخلاف في تسوية كلا الأمرين مشهور. ومن طرائف قياس بعضهم إيجابه أن تستطهر الحائض بثلاث قياسا على انتظار ثمود صيحة العذاب ثلاثا، على المصراة، أفلا يراجع بصيرته من يقيس هذا القياس السخيف. فيمنع به خمس عشرة صلاة فريضة، ويوجب به إفطار ثلاثة أيام من رمضان، من أن يقيس مسح العمامة على مسح الخفين. وبعضهم قاس بول ما يأكل لحمه بعضه على بعض، وبعضهم قاس البول المذكور على ما يتولد منه، فإن تولد من ماء نجس فهو نجس، وإن تولد من ماء طاهر فهو طاهر، وكذلك فعل بنحوه، ولم يقس اللحم المتولد فيه على ما تولد منه، بل رأى ذلك حلالا أكله وإن تولد من ميتة ولحم خنزير وعذرة. وبعضهم لم يقس نبيذ التين على نبيذ التمر في جواز الوضوء به عند عدم الماء في السفر، وبعضهم قاس الحظر عليه في الإباحة، وهو الحسن بن حي،

[274] **Translator's note (L3400):** The section heading contains awkward agreement in طرق يسير and يدل; it is rendered according to its discernible meaning. The source's wording about carcasses in a flowing current repeats "the rulings concerning them" without clearly specifying the contrasting circumstances. That obscurity is retained. The source reads قاسم, "divided" or "shared," where the repeated construction strongly suggests قاس, "analogized." The contextual reading is used and recorded here. The source reads القول, "speech," in the phrase about worms. This appears corrupt, possibly for الفول, "broad beans"; "speech" is retained in quotation marks.

[275] **Translator's note (L3401):** شحمة الأرض is an animal name commonly applied to a skink. العظماء is uncertain here and may be a corruption of a name for lizards; it is retained as al-ʿaẓmāʾ rather than silently replaced. The final clause contradicts the preceding assertion that they analogized the dung and urine to the animals' flesh. The repetition and contradiction are present in the supplied Arabic and have been retained.

its udder. Will someone who draws this absurd analogy, thereby prohibiting fifteen obligatory prayers and requiring the breaking of the fast on three days of Ramadan, not reconsider his judgment about drawing an analogy between wiping over a turban and wiping over leather socks? Some of them drew analogies between the urine of the different animals whose flesh is eaten. Some drew an analogy between the urine in question and that from which it is generated: if it is generated from impure water, it is impure, and if it is generated from pure water, it is pure. He did similarly with things of its kind, but did not draw an analogy between the flesh generated in it and that from which it was generated. Rather, he considered it lawful to eat, even if it was generated from carrion, pork, and excrement. Some of them did not draw an analogy between an infusion of figs and an infusion of dates regarding the permissibility of performing ablution with it when water is unavailable during travel. Some drew an analogy between prohibition and it regarding permissibility; this was al-Hasan ibn Hayy.[276]

L3403 The drawing of an analogy between an infusion of figs and an infusion of dates has also been transmitted from Abu Hanifah. Most of them prohibited speaking during the call to prayer by analogy with prayer, but did not draw an analogy between it and prayer when they permitted it without ablution. Some of them permitted reversing the prescribed order of ablution but did not permit reversing the order of the call to prayer or reversing the direction of circumambulation, and did not draw an analogy between any one of these and the other two. Some of them drew analogies among all these matters, either prohibiting all of them or permitting all of them. Some distinguished between obligatory and voluntary prayer, permitting someone who may lead an obligatory prayer to lead a voluntary prayer, yet did not permit a woman to lead women in either. Some of them drew analogies among all these cases.

وقد روى أيضا قياس نبيذ التين على نبيذ التمر عن أبي حنيفة. ومنع أكثرهم من الكلام في الأذان، قياسا على الصلاة، ولم يقيسوه عليها إذ أجازوه بلا وضوء، وأجاز بعضهم تنكيس الوضوء، ولم يجز تنكيس الأذان ولا تنكيس الطواف، ولم يقس أحدهما على الآخرين، وقاس ذلك كله، بعضهم في المنع في الكل، أو في الإباحة في الكل. وفرق بعضهم بين صلاة الفريضة والنافلة، فأجاز أن يؤم النافلة من يجوز أن يؤم في الفريضة، ثم لم يجز أن تؤم المرأة النساء في شيء منهما، وبعضهم قاس كل ذلك بعضه على بعض.

[276] **Translator's note (L3402):** The wording connecting Thamud's three-day wait with the animal whose milk has been retained in its udder is syntactically awkward. Both references have been retained; the latter appears to invoke the three-day option associated with the sale of such an animal. The pronouns in 'did similarly with things of its kind' and 'the flesh generated in it' have uncertain antecedents in the supplied text. The final clause reads 'al-hazr' ('prohibition'), producing an incoherent analogy concerning permissibility. This reading has been retained rather than replaced with a conjectured substance or drink.

L3404–3405 Some of them did not draw an analogy between the validity of performing a voluntary prayer behind someone performing an obligatory prayer and the validity of the prayer of someone performing an obligatory prayer behind someone performing a voluntary prayer. Some of them drew analogies among all these cases. All of them, so far as I know, failed to draw an analogy between prohibiting a traveler from performing the full prayer behind a resident and prohibiting a resident from shortening the prayer with a traveler. More curious still, some of them did not draw an analogy between the people of Mecca performing the full prayer at Mina and the people of Mina performing the full prayer at Mecca. This is as astonishing as you please! They did not draw an analogy between the validity of the pilgrimage for a slave who attends it and the validity of Friday prayer on his behalf if he attends it. Some of them did not draw an analogy between the validity of obligatory prayer behind a morally dissolute ruler and the validity of Friday prayer behind him. Some drew analogies among all these cases and treated them alike. Some of them did not draw an analogy between the ruling on beginning the declaration 'Allah is greatest' when rising from the two prayer cycles and the ruling on beginning that declaration when bowing, prostrating, and rising from prostration. Some treated all these alike and drew analogies among them. Some of them did not draw an analogy between requiring someone whose ritual purity has been broken to resume the prayer from where he left off and requiring someone with a nosebleed to resume it from where he left off. Some treated the two alike.[277]

وبعضهم لم يقس جواز صلاة النفل خلف من يصلي الفرض على جواز صلاة من يصلي الفرض خلف المتنفل، وبعضهم قاس كل ذلك بعضه على بعض، وكلهم، فيما أعلم، لم يقس المنع من إتمام المسافر خلف المقيم على المنع من قصر المقيم على المسافر. وأطرف من هذا أن بعضهم لم يقس إتمام أهل مكة بمنى على إتمام أهل منى بمكة وهذا عجيب ما شئت ولم يقيسوا جواز الحج على العبد إذا حضره على جواز الجمعة عنه إذا حضرها. وبعضهم لم يقس جواز صلاة الفرض خلف الفاسق من الأمراء على جواز صلاة الجمعة خلفه، وبعضهم قاس كل ذلك وجعله سواء. وبعضهم لم يقس حكم ابتداء التكبير للقائم من الركعتين على حكم ابتداء التكبير في الركوع والسجود والرفع من السجود، وبعضهم ساوى بين ذلك كله وقاس بعضه على بعض. وبعضهم لم يقس إيجاب البناء على المحدث على إيجاب البناء على الراعف، وبعضهم ساوى بينهما.

L3406–3410 Some of them did not draw an analogy between the obligation to resume the prayer from where one left off before completing the two prostrations and the obligation to resume it after completing the two prostrations. Some drew an analogy treating the two cases alike. Some did not draw an analogy between the forehead and feet coming into contact with impurity during prayer and the hands and knees coming into contact with impurity during prayer. Some drew analogies among all these cases. Those who drew

وبعضهم لم يقس وجوب البناء قبل تمام السجدتين على وجوب البناء بعد تمام السجدتين، وبعضهم قاس كلا الأمرين على السواء. وبعضهم لم يقس وقوع الجبهة والرجلين على نجاسة الصلاة على وقوع اليدين والركبتين على نجاسة في الصلاة، وبعضهم قاس كل ذلك بعضه على بعض، وهؤلاء الذين قاسوا بعض ذلك على بعض تناقضوا، فلم يقيسوا جواز وقوع الرجلين والركبتين على غير الأرض، أو ما تنبت على جواز وقوع الجبهة واليدين على ذلك، وفرقوا بين الأمرين. وبعضهم لم يقس الثبات على يقين الحدث لمن شك في الوضوء على الثبات على يقين الوضوء لمن شك في الحدث،

[277] **Translator's note (L3405):** The wording concerning a resident shortening the prayer reads literally 'with/upon the traveler' rather than 'behind the traveler'; the intended relationship appears to be prayer behind a traveling imam. 'Rising from the two prayer cycles' refers to rising after the first two cycles; the supplied wording does not explicitly say 'first.'

analogies among these cases contradicted themselves: they did not draw an analogy between the permissibility of placing the feet and knees on something other than the earth or what it grows and the permissibility of placing the forehead and hands on that, but distinguished between the two cases. Some of them did not draw an analogy between adhering to certainty of a state of ritual impurity when one doubts whether one has performed ablution and adhering to certainty of ablution when one doubts whether one's ritual purity has been broken. Some treated the two cases alike. Some did not draw an analogy between frequent inadvertent lapses and infrequent ones, holding that infrequent lapses require only prostration, whereas frequent lapses require repeating the prayer. Some held that inadvertently pronouncing the salutation ending the prayer requires only prostration, whereas inadvertently speaking requires repeating the prayer. Some held that if someone speaks inadvertently during his prayer, it has become invalid; but if his ritual purity is broken involuntarily, his prayer does not become invalid; and if he eats inadvertently while fasting, his fast does not become invalid. Another of them reversed the matter, holding that if someone speaks inadvertently during his prayer, it does not become invalid; but if his ritual purity is broken involuntarily, it becomes invalid; and if he eats forgetfully while fasting, his fast becomes invalid. They distinguished between someone who has forgotten the prayers of a day and a night and someone who has forgotten more, and did not draw an analogy between the one and the other. Some of them drew analogies treating all these cases alike. Some drew an analogy between combining gold and silver for the obligatory alms and combining goats and sheep for the obligatory alms, but did not draw an analogy between that and treating dates and raisins separately for the obligatory alms. Some drew an analogy with the aforementioned separate treatment rather than with combining them. More astonishing still, the person we have mentioned held that gold may be paid in place of silver and silver in place of gold, but did not hold that a she-goat may be paid in place of a ewe, or a ewe in place of a she-goat, or wheat in place of barley, or barley in place of wheat. He did not draw an analogy between some of these and others; or some of them permitted all of this on the basis of equivalent value, by analogy. Some distinguished between the yield of something purchased for trade and the profit gener-

وبعضهم ساوى بين الأمرين. وبعضهم لم يقس كثير السهو على قليله، فرأى من قليله السجود فقط، ومن كثيره الإعادة ومنهم من رأى من السلام ساهيا السجود فقط ورأى من الكلام ساهيا الإعادة، ورأى بعضهم على من تكلم في صلاته ساهيا أنها قد بطلت، فإن أحدث بغلبة لم تبطل صلاته، فإن أكل ساهيا وهو صائم لم يبطل صيامه وقلب غيره منهم الأمر، فرأى إن تكلم ساهيا في صلاته لم تبطل، فإن أحدث بغلبة بطلت، وإن أكل ناسيا وهو صائم بطل صومه، وفرقوا بين من نسي صلاة يوم وليل، وبين من نسي أكثر ولم يقيسوا أحدهما على الآخر، وبعضهم قاس كل ذلك على السواء. وقاس بعضهم الجمع بين الذهب والفضة في الزكاة، على الجمع بين المعز والضأن في الزكاة، ولم يقسه على التفريق بين التمر والزبيب في الزكاة، وبعضهم قاسه على التفريق المذكور لا على الجمع، وأعجب من ذلك أن من ذكرنا رأى إخراج ذهب عن فضة، وفضة عن ذهب، ولم ير إخراج عنز عن ضانية، ولا ضانية عن عنز، ولا برا عن شعير، ولا شعيرا عن بر، ولم يقس بعض ذلك على بعض أو بعضهم أجاز كل ذلك بالقيمة قياسا. وفرق بعضهم بين غلة ما ابتيع للتجارة وبين الربح المتولد في ذلك، فرأى في الغلة الاستئناف، ورأى في الربح ضمه إلى أصل الحول في رأس المال، ولم يقس أحدهما على الآخر، وقاس غيره منهم بعض ذلك ببعض في الاستئناف أو في الضم، وأوجبوا ديون الناس من رأس المال، ولم يوجبوا ديون الله تعالى إلا من الثلث، ولم يقيسوا أحدهما على الآخر، وساوى بعضهم بين الأمرين. ولم يقس بعضهم الحلي، وإن كان لكراء أو لباس، على العوامل المعلوفة من الإبل والبقر والغنم، فبعضهم أوجب الزكاة في الحلي وأسقطها عن العوامل، وبعضهم أوجب الزكاة في العوامل، وأسقطها عن الحلي، وبعضهم قاس أحدهما على الآخر في إسقاط الزكاة عن كل ذلك، والعجب أن الذي أسقط الزكاة عن الحلي الكراء لم يقس عليه الحلي المبتاع للتجارة ورأى فيه الزكاة. وبعضهم فرق بين عبيد العبيد فلم يرهم كسادتهم،

ولا كسادات ساداتهم في وجوب زكاة الفطر المأخوذة، ورأى على عبيد أهل الذمة أن يؤخذ منهم ما يؤخذ من ساداتهم إذا اتجروا إلى غير أفقهم. وبعضهم رأى الزكاة في زيت الفجلة، ولم يرها في الترمس، ولم يقس أحدهما على الآخر، وبعضهم الزكاة في جب الآس، ولم يرها في البلوط ولم يقس أحدهما على الآخر. وبعضهم لم يقس الدين على الرهن في الكفن، فرأى الكفن فيه أولى من الدين، ولم يره أولى من الرهن إذا كان رهنا، وبعضهم ساوى بين الأمرين. وبعضهم لم يقس المدبر على المحتكر، وبعضهم قاسه عليه. وبعضهم لم يقس الخليطين في الثمار والزرع والعين، على الخليطين في المواشي،

ated from it: they held that a new annual period must begin for the yield, whereas the profit is joined to the original annual period of the capital. They did not draw an analogy between the one and the other. Others among them drew analogies between these cases, either beginning a new annual period or joining them to the existing one. They required debts owed to people to be paid from the principal of the estate, but required debts owed to Allah Most High to be paid only from the third, and did not draw an analogy between the two. Some treated the two cases alike. Some did not draw an analogy between jewelry, even when intended for hire or wear, and working animals among camels, cattle, and sheep and goats that are provided with fodder. Some required obligatory alms on jewelry and waived them on working animals; some required obligatory alms on working animals and waived them on jewelry; and some drew an analogy between the two, waiving obligatory alms on all of them. The astonishing thing is that the person who waived obligatory alms on jewelry intended for hire did not draw an analogy between it and jewelry purchased for trade, but held that obligatory alms were due on the latter. Some distinguished in the case of slaves owned by slaves: they did not regard them as being like their masters, or like their masters' masters, with respect to the obligation of the alms at the end of the fast that are collected. Yet they held that the same levy collected from the masters of slaves belonging to protected non-Muslims should be collected from those slaves when they trade outside their own region. Some held that obligatory alms were due on radish oil but not on lupins, and did not draw an analogy between the two. Some held obligatory alms to be due on the 'cavity of myrtle' but not on acorns, and did not draw an analogy between the two. Some did not draw an analogy between a debt and a pledged asset concerning the burial shroud: they held that the shroud took precedence over a debt, but did not hold that it took precedence over a pledged asset when the asset was pledged. Some treated the two cases alike. Some of them did not draw an analogy between a slave whose emancipation is stipulated to occur upon his master's death and a merchant who holds goods awaiting a favorable market. Some drew that analogy. Some did not draw an analogy between two

owners whose holdings are combined in fruit, crops, and monetary wealth and two owners whose holdings are combined in livestock.[278][279][280]

L3411 Some of them treated all of these alike by analogy.

L3412–3414 Some of them distinguished between someone who gave another person money so that the latter could consume its profit while the principal belonged to the owner of the money, and someone who gave him sheep and goats so that he could consume their offspring and milk while the original stock belonged to the owner of the property. He held that obligatory alms were due on the sheep and goats, but held that no obligatory alms were due on the profit, although it was trading wealth—neither from the trader nor from the person who owned the principal. He did not draw an analogy between the two, whereas another did draw an analogy between them. Some of them did not draw an analogy between newly acquired monetary wealth and newly acquired livestock: they held that obligatory alms were due on newly acquired livestock if the person already possessed the minimum assessable amount of that kind, but held that no obligatory alms were due on newly acquired monetary wealth, even if he already possessed the minimum assessable amount of it. Others among them drew analogies between these

[278] **Translator's note (L3406):** The phrase translated 'impurity during prayer' first appears as 'najasat al-salah,' literally 'the impurity of prayer,' apparently lacking a preposition. Its parallel in the same sentence explicitly reads 'impurity during prayer.'

[279] **Translator's note (L3409):** The opening 'or some of them' follows the supplied 'aw ba'duhum'; the connection is awkward but has been retained. 'The third' means the third of the estate available for testamentary dispositions; 'debts owed to Allah' denotes outstanding religious financial obligations. The wording 'distinguished in the case of slaves owned by slaves' is syntactically incomplete: it does not expressly identify both sides of the distinction. The supplied 'jubb al-as' means literally 'the cavity/pit of myrtle' and is apparently corrupt, possibly for 'habb al-as,' 'myrtle berries.' The conjecture has not been silently substituted. The clause concerning myrtle also lacks an explicit verb equivalent to the preceding 'held'; that verb is supplied in English from the parallel construction.

[280] **Translator's note (L3410):** The supplied 'al-mudabbar' ordinarily denotes a slave whose emancipation is stipulated to occur upon his master's death. Its comparison with 'al-muhtakir,' a merchant holding goods awaiting a favorable market, is incongruous here. A possible intended reading is 'al-mudir,' a merchant who continually turns over his stock, but the supplied reading has been retained.

وبعضهم ساوى بين كل ذلك قياسا.

وفرق بعضهم بين من أعطى آخر مالا ليأكل ربحه والأصل لصاحب المال، وأعطاه غنما ليأكل نسلها ورسلها والأصل لصاحب المال، فرأى في الغنم الزكاة، ولم ير في ربحه زكاة، وهو مال تجارة، لا على التاجر ولا على الذي له أصل، ولم يقس أحدهما بالآخر، وقاس غيره أحدهما على الآخر. ولم يقس بعضهم فائدة العين على فائدة الماشية، فرأى في فائدة الماشية الزكاة إذا كان عنده نصاب منها، ولم ير في فائدة العين الزكاة وإن كان عنده نصاب منه، وقاس غيره منهم بعض على بعض في إيجاب الزكاة في الكل، وفي إسقاطها عن الكل. ولم يقس بعضهم فائدة الكسب على فائدة الولادة في إيجاب الزكاة في كل ذلك، وقاس كل ذلك بعضهم، فرأى في الكل الزكاة ولم يقس بعضهم فائدة المعدل على سائر الفوائد، وقاسه بعضهم عليها. وقال بعضهم: لا يجزىء في زكاة الغنم إلا الجذع من الضأن فصاعدا. والثني فصاعدا من الماعز قياسا على ما يجيز منها الأضحية، وأجازوا في البقر والإبل الجذع ودون الجذع، ولم يقيسوا ذلك على ما يجوز منهما في الأضحية، ولا قاسوا حكم الغنم في ذلك على الإبل والبقر، ولا حكم الإبل والبقر على حكم الغنم. وقال بعضهم من بادل ذهبا بفضة زكى الآخر بحول الأول، ولم يقس ذلك على ما بادل بقرا بإبل، وقاسه على ما بادل غنما بماعز. وقال بعضهم: تؤخذ الزكاة من الزيتون قياسا على التمر والعنب، ولم يقسه عليها في الخرص في الزكاة. وقال بعضهم: يخرج الأرز والذرة في زكاة الفطر قياسا على الشعير والبر، ولم يجز أن يخرج فيها الزيتون قياسا على التمر والزبيب، ولم يجز أن يخرج فيها الدقيق قياسا على البر، وقد قاسه على البر في تحريم بيع بعضه ببعض متفاضلا، وأجاز بيعه بالبر متماثلا. وأسقط بعضهم زكاة التجارة على الماشية المشتراة للتجارة لزكاة الأصل، ولم يقس على ذلك سقوط زكاة التجارة عن الدقيق المشترى

للتجارة من أجل زكاة الفطر فيهم. وأوجب بعضهم الزكاة في العسل وفي الحبوب وفي الثمار إذا كانت في أرض غير خراجية وأسقط الزكاة عن كل ذلك في الأرض الخراجية، ولم يسقط الزكاة عن الماشية وإن رعت في أرض خراجية، فلم يقس رعي النحل على رعي الماشية، ولا رعي الماشية على رعي النحل.

acquisitions, either requiring obligatory alms on all of them or waiving them on all of them. Some of them did not draw an analogy between acquisition through earnings and acquisition through birth in requiring obligatory alms on all of these, whereas others drew analogies between all of them and held that obligatory alms were due on them all. Some of them did not draw an analogy between the yield of the maʿdil and other acquisitions, whereas others did draw such an analogy. Some of them said that, for obligatory alms on sheep and goats, nothing suffices except a young sheep at the jadhaʿ stage or older, or a goat at the two-toothed stage or older, by analogy with what they permit as a sacrificial offering from these animals. Yet, among cattle and camels, they permitted an animal at the jadhaʿ stage or younger. They did not draw an analogy with what is permissible as a sacrificial offering from these two kinds, nor did they extend the ruling on sheep and goats in this matter by analogy to camels and cattle, or the ruling on camels and cattle to sheep and goats. Some of them said that someone who exchanges gold for silver pays obligatory alms on the latter according to the annual period of the former. He did not draw an analogy between this and someone who exchanges cattle for camels, but did draw an analogy between it and someone who exchanges sheep for goats. Some of them said that obligatory alms are collected from olives by analogy with dates and grapes, but did not draw an analogy with them regarding estimation of the crop for obligatory alms. Some of them said that rice and sorghum may be given as the alms of fast-breaking, by analogy with barley and wheat, but did not permit olives to be given as those alms by analogy with dates and raisins. Nor did he permit flour to be given as those alms by analogy with wheat, although he had drawn an analogy between it and wheat in prohibiting the exchange of one quantity of it for another in unequal amounts, and permitted its exchange for wheat in equal amounts. Some of them waived the obligatory alms on trading wealth for livestock purchased for trade because obligatory alms were due on the underlying stock, but did not extend this by analogy to waiving the obligatory alms on trading wealth for flour purchased for trade on account of the alms of fast-breaking in their case. Some of them required obligatory alms on honey, grain, and fruit when they were on land not subject to land tax, but waived obligatory alms on all of these on land subject to land tax. Yet

they did not waive obligatory alms on livestock even if it grazed on land subject to land tax. Thus he did not draw an analogy between the foraging of bees and the grazing of livestock, or between the grazing of livestock and the foraging of bees.[281][282]

L3415–3417 Some of them waived obligatory alms on monetary wealth and livestock for a minor and an insane person, by analogy with their exemption from prayer. Yet they did not waive obligatory alms on their fruit and crops by analogy with their exemption from prayer. Others among them said concerning this: "The claim to obligatory alms attaches to the crops and fruit." Abu Muhammed said: This is a lie, because the person who says this holds that no alms are due on less than five load-measures, and thus does not hold that obligatory alms attach to this fruit. They did not draw an analogy between the obligation incumbent on these two to pay obligatory alms on that property and their obligation to pay the alms of fast-breaking; yet an analogy between one kind of alms and another is more appropriate than an analogy between alms and prayer. Nor did they draw an analogy between the obligation to pay obligatory alms, which is a claim against property, and the obligation incumbent on minors and insane persons to discharge other claims against their property, such as maintenance payments and compensation for injuries. An analogy between one financial obligation and another is more appropriate than an analogy between alms and prayer. He did not infer by analogy that the poor are exempt from prayer because they are exempt from obligatory alms. Some of them distinguished between the ruling concerning someone who alone sees the crescent of Shawwal and the ruling

وسقط بعضهم الزكاة في العين والماشية عن الصغير والمجنون، قياسا على سقوط الصلاة عنهما ولم يسقط الزكاة عن ثمارهما وزرعهما قياسا على سقوط الصلاة عنهما. وقال آخرون منهم في هذا: إن حق الزكاة ثابت مع الزرع والثمر. قال أبو محمد: وهذا كذب، لأن قائل هذا لا يرى فيما دون خمسة أوسق صدقة فلم ير الزكاة ثابتة مع هذه الثمرة، ولم يقيسوا وجوب الزكاة في ذلك عليهما على وجوب زكاة الفطر عليهما، وقياس زكاة على زكاة، أولى من قياس زكاة على صلاة، ولا قاسوا وجوب الزكاة، وهي حق المال، على وجوب سائر الحقوق في الأموال على الصغار والمجانين، من النفقات والأروش وقياس مال على مال، أولى من قياس زكاة على صلاة ولم يقس سقوط الصلاة عن الفقراء على سقوط الزكاة عنهم. وفرق بعضهم بين حكم من رأى هلال شوال وحده، وبين حكم من رأى هلال رمضان وحده، ولم يقس أحدهما على الآخر، وبعضهم قاس كل واحد منهما على الآخر، ولم يقس بعضهم حكم الحائض تطهر، والكافر يسلم، والمسافر يقدم في نهار رمضان على حكم من بلغه بعد الفجر إن هلال رمضان رئي البارحة، فأوجبوا على هذا ألا يأكل باقي النهار، ولم يوجبوا ذلك على الآخرين، ثم قاسوا بعضهم على بعض في وجوب القضاء عليهم، حاشا الكافر يسلم، فلم يقيسوه عليهم في وجوب القضاء. وقاسه بعضهم عليهم، فأوجبوا عليه القضاء. وأطرف من هذا قياس بعضهم من غلبته ذبابة فدخلت حلقه، على الأكل عمدا في إيجاب القضاء فقط عليه، ولم يقس على ذلك من أخرج بلسانه من بين أسنانه الجريدة ولعلها من مقدار الذبابة فيبلغها عمدا في نهار رمضان. فقالوا: صومه تام ولا قضاء عليه. وقاس بعضهم: المجنون على الحائض في إيجاب قضاء رمضان عليهما، ولم يقيسوه عليها في وجوب الحدود عليها. وقاس بعضهم من لمس عمدا فأمنى على المجامع عمدا في

[281] **Translator's note (L3412):** The supplied المعدل, rendered provisionally as "maʿdil," is unclear in this context. It may be a transcription error for المعدن, "mine," which would give "the yield of a mine"; the translation does not silently adopt that correction. Jadhaʿ and the two-toothed stage (thanī) are technical livestock age or dentition categories whose precise age requirements vary by species and legal interpretation. The source explicitly distinguishes them.

[282] **Translator's note (L3414):** The pronoun in فيهم, "in their case," has an unclear antecedent and is grammatically awkward in relation to flour. In context, the argument concerns whether liability for the alms of fast-breaking should exempt flour held for trade from obligatory alms on trading wealth.

concerning someone who alone sees the crescent of Ramadan, and did not draw an analogy between the two, whereas some of them drew an analogy between each one and the other. Some of them did not draw an analogy between the ruling concerning a menstruating woman who becomes ritually pure, an unbeliever who embraces Islam, and a traveler who arrives during the daytime in Ramadan, and the ruling concerning someone who learns after dawn that the crescent of Ramadan was seen the previous night. They required this last person to refrain from eating for the remainder of the day, but did not require that of the others. Then they drew analogies between them regarding their obligation to make up the fast, except for the unbeliever who embraces Islam: they did not draw an analogy between him and the others regarding the obligation to make it up. Others did draw an analogy between him and them, and required him to make it up. More extraordinary than this is the analogy some of them drew between someone whom a fly overcomes and enters his throat, and someone who eats deliberately, in requiring him only to make up the fast. Yet he did not extend this by analogy to someone who uses his tongue to dislodge from between his teeth a strip of palm frond, perhaps the size of the fly, and deliberately swallows it during the daytime in Ramadan. They said: "His fast is complete, and he need not make it up." Some of them drew an analogy between an insane person and a menstruating woman in requiring both to make up the Ramadan fast, but did not draw an analogy between him and her regarding her liability to the prescribed penalties. Some of them drew an analogy between someone who deliberately touches another and ejaculates and someone who deliberately has intercourse, regarding making up the fast and expiation. Yet he did not draw an analogy between someone who deliberately administers medicine through his nose and finds its taste in his throat and someone who eats deliberately: he did not require expiation for it. Some of them drew an analogy between someone unconscious during Ramadan and a sick person in requiring him to make up the fast, but did not draw an analogy between

القضاء والكفارة، ولم يقس من استعط عمدا فوجد طعم ذلك في حلقه على الأكل عمدا لم يوجب فيه كفارة. وقاس بعضهم المغمى عليه في رمضان على المريض في إيجاب القضاء عليه، ولم يقسه عليه في إيجاب قضاء ما ترك من الصلوات عليه وقاسه بعضهم في إيجاب الصلوات.

him and the sick person in requiring him to make up the prayers he had omitted. Others did draw an analogy in requiring the prayers.[283][284]

L3418–3423 Some of them required someone who compels his wife to have intercourse during the daytime in Ramadan to perform expiation on her behalf, and thus to fast on her behalf. Yet he did not extend this by analogy to requiring fasting on behalf of someone who died owing a fast. Some of them drew an analogy between someone who eats deliberately during the daytime in Ramadan and someone who deliberately has intercourse during the daytime in Ramadan, and required expiation from both. They did not draw an analogy between him and someone who deliberately induces vomiting during the daytime in Ramadan so as to exempt him from expiation. An analogy between eating and vomiting is more appropriate than an analogy between eating and intercourse. Some of them drew an analogy between him and someone who induces vomiting in the matter we have mentioned. They distinguished between someone who has intercourse and someone who eats by saying: "Intercourse entails rulings that eating does not entail. Intercourse entails the full ritual bath, the prescribed penalty, and the bridal due, whereas neither eating nor drinking entails any of these. Eating entails financial compensation, whereas intercourse does not. Eating from a friend's property is permissible, whereas intercourse with someone he owns is not permissible." Thus they based their analogical ruling that no expiation is due for eating on these differences. Some of them said: "Analogy is based only on similarity, not on the absence of similarity." Abu Muhammed said: All of this is arbitrary judgment, as you see, and there is no proof. Some of them did not draw an analogy, regarding the obligation of expiation, between someone who deliberately breaks a fast undertaken to make up Ramadan—which is

وأوجب بعضهم على من أكره امرأته على الجماع في نهار رمضان أن يكفر عنها فيصوم عنها ولم يقس على ذلك إيجاب الصوم على من مات وعليه صوم. وقاس بعضهم الأكل عمدا في نهار رمضان على الواطىء عمدا في نهار رمضان وأوجب عليهما الكفارة، ولم يقيسوه على المتقيىء عمدا في نهار رمضان في إسقاط الكفارة عنه، وقياس الأكل على القيء أولى من قياسه على الوطء، وقاسه بعضهم على المتقيء فيما ذكرنا. وفرقوا بين الواطىء والآكل بأن قالوا: الوطء يوجب أحكام لا يوجبها الأكل، فالوطء يوجب الغسل والحد والصداق، ولا يوجب شيئا من ذلك الأكل ولا الشرب، والأكل يوجب الغرامة، ولا يوجبها الوطء، والأكل من مال الصديق مباح، ولا يجوز وطء ملكه، فقاسوا ترك الكفارة في الأكل على هذه الفروق. وقال بعضهم: إنما القياس على التشابه لا على عدم التشابه قال أبو محمد وكل هذا تحكم كما ترى ولا دليل ولم يقس بعضهم من أفطر عمدا في قضاء رمضان وهو فرض في وجوب الكفارة عليه على إفطاره عمدا في رمضان، وكلاهما فرض، وقد أوجب ذلك عليهما بعض السلف. وأوجب الكفارة على المظاهر من زوجته، وعلى المرأة الموطوءة في رمضان طائعة وقد سمع النبي صلى الله عليه وسلم أمرها فلم يوجب عليها شيئا ولم يقيسوا المرأة المظاهرة من زوجها في إيجاب الكفارة عليها على المظاهر، ولا على المرأة الموطوءة، وقد أوجب الكفارة على المرأة المظاهرة من زوجها جمهور من السلف ومن بعدهم، وقاسوا الأكل عمدا في رمضان، في إيجاب الكفارة عليه، على الواطىء في رمضان عمدا، ولم يقيسوا على ذلك مفسد صلاته عمدا، والصلاة أعظم حرمة من الصوم. ومن طرائف بعضهم إيجابه قياس من أفطر ناسيا في رمضان على من أفطر عمدا، في إيجاب القضاء عليهما، ولم يقسه عليه في إيجاب الكفارة عليهما، نعم، ولم يقس الأكل ناسيا على المتقيىء ناسيا أو مغلوبا، فأسقط على هذا ولم يسقطه

[283] **Translator's note (L3415):** The opening وسقط is syntactically irregular as supplied; its context indicates the sense "waived," matching the subsequent ولم يسقط. The source uses awsuq, plural of wasq, a technical measure of capacity, rendered here as "load-measures."

[284] **Translator's note (L3416):** The supplied الجريدة ordinarily means a palm frond or a stripped palm stalk. This is awkward as something lodged between the teeth and then swallowed; the literal sense is retained without substituting a presumed food particle. The supplied فيبلغها, rendered contextually as "swallows it," appears irregular; the expected verb for swallowing would be فيبلعها.

obligatory—and his deliberately breaking a fast during Ramadan, although both are obligatory. Some of the early authorities did require it in both cases. He required expiation from a man who pronounces the formula of prohibited kinship against his wife, and from a woman who willingly has intercourse during Ramadan, although the Prophet, may Allah bless him and grant him peace ﷺ, had heard about her case and imposed nothing upon her. Yet they did not draw an analogy, regarding the obligation of expiation, between a woman who pronounces the formula of prohibited kinship against her husband and either a man who pronounces that formula or a woman who has intercourse. The majority of the early authorities and those after them did require expiation from a woman who pronounces the formula of prohibited kinship against her husband. They drew an analogy, regarding the obligation of expiation, between someone who eats deliberately during Ramadan and someone who deliberately has intercourse during Ramadan, but did not extend this by analogy to someone who deliberately invalidates his prayer, although prayer has greater sanctity than fasting. Among the peculiarities of some of them is their insistence on drawing an analogy between someone who breaks his fast forgetfully during Ramadan and someone who breaks his fast deliberately, in requiring both to make it up, while he did not draw an analogy between them in requiring expiation from both. Indeed, he did not draw an analogy between someone who eats forgetfully and someone who vomits forgetfully or involuntarily: he waived the obligation to make up the fast for the latter but did not waive it for the former. Some of them distinguished between the rulings concerning intentions and did not draw analogies between them. Some of them permitted acts of ritual purification without an intention, but did not permit prayer except with an intention. Others did not permit acts of ritual purification except with an intention, but permitted fasting in obligatory fasts without a fresh intention for each day of them. Some required an intention in all of that but did not require it in the rites of pilgrimage. As for their contradictions concerning the rites of pilgrimage, they are too numerous to collect in a volume: this concerns the cases in which they required a compensatory offering and those in which they waived it, without drawing analogies between them. Furthermore, some said that someone who removes ticks from himself need not provide food,

عن الآخر. وفرق بعضهم بين أحكام النيات ولم يقس بعضها على بعض فأجاز بعضهم الطهارات بلا نية، ولم يجز الصلاة إلا بالنية، وبعضهم لم يجز الطهارات إلا بنية وأجاز الصوم في الواجبات بلا نية محدثة لكل يوم منه، وبعضهم أوجب النية في كل ذلك، ولم يوجبها في أعمال الحج. وأما تناقضهم في أعمال الحج فأكثر من أن يجمع في سفر وذلك فيما أوجبوا فيه الفدية، وما أسقطوها فيه، ولم يقيسوا بعض ذلك على بعض. وأيضا فإن بعضهم قال: من طرح القراد عن نفسه لم يطعم، فإن طرحه عن بعيره أطعم، ولم يقس أحدهما على الآخر. ولم يقس بعضهم إباحة قتل الفأرة وإن لم تؤذه، على نهيه عن قتل الغراب والحدأة إن لم تؤذياه. ورأى بعضهم الجزاء على قاتل السنور ولم يره على قاتل الفهد، ولم يقس أحدهما على الآخر، ورأى قتل الفهد قياسا على قتل السبع، ولم ير قتل الصقر البري قياسا على الغراب والحدأة، بل رأى في الصقر البري الجزاء. ولم يقس بعضهم استظلال المحرم في المحمل على استظلاله في الخباء في الأرض، ورأى على المستظل في المحمل الفدية، وكذلك في السفينة، ولم يقس على ذلك من مشى في ظل المحمل، فلم ير عليه الفدية. ولم يقس بعضهم على دهن باطن يديه وباطن قدميه بسمن أو زيت، فلم ير عليه فدية، على من دهن بذلك ظاهرهما، فرأى عليه الفدية. ولم يقس بعضهم تحريمه ما ذبح المحرم من الصيد على ما ذبحه السارق أو الغاصب فأباحه، وقاس بعضهم بعض ذلك على بعض فأباح الكل. ولم يقس بعضم من دل من الحرمين حلالا على صيد أو أعطاه سيفا يقتله به فلم يوجب عليه الفدية: على محرم آكل من صيد صيد من أجله فأوجب عليه الجزاء، وقاس بعضهم عليه فأوجب الجزاء في كل ذلك. ولم يقس بعضهم حكمه بأن جناية العبد في رقبته على قوله، أن أقتله الصيد ليس في رقبته. وقاس بعضهم بيض الصيد على جنين المرأة، ولم يقسه بعضهم عليه، ولم يقس بعضهم تحريمه على المحرم ذبح صيد صاده حلال على إباحته ذبح الصيد في الحرام إذا دخل من الحل.

whereas if he removes them from his camel, he must provide food; they did not draw an analogy between the two. Some did not draw an analogy between their permission to kill a mouse, even if it has not harmed him, and their prohibition against his killing a crow or a kite if neither has harmed him. Some held that compensation was due from someone who killed a cat but did not consider it due from someone who killed a cheetah, without drawing an analogy between the two. They held that killing a cheetah was permissible by analogy with killing a predatory beast, but did not hold that killing a wild falcon was permissible by analogy with a crow or a kite; rather, they held that compensation was due for a wild falcon. Some did not draw an analogy between a person in ritual consecration taking shade in a camel litter and his taking shade in a tent on the ground. They held that someone taking shade in a camel litter owed a compensatory offering, and likewise in a ship, but did not extend this by analogy to someone walking in the shade of a camel litter, holding that he owed no compensatory offering. Some did not draw an analogy between someone anointing the palms of his hands and the soles of his feet with clarified butter or olive oil, for which they held that he owed no compensatory offering, and someone anointing their outer surfaces with these substances, for which they held that he owed a compensatory offering. Some did not draw an analogy between their prohibition of game slaughtered by a person in ritual consecration and that slaughtered by a thief or a usurper, which they permitted. Some drew analogies between these cases and permitted them all. Some did not draw an analogy between someone from the two sanctuaries who directed a person not in ritual consecration to game, or gave him a sword with which to kill it, upon whom they imposed no compensatory offering, and a person in ritual consecration who ate game hunted for his sake, upon whom they imposed compensation. Some extended the latter ruling by analogy and required compensation in all these cases. Some did not draw an analogy between their ruling that liability for a slave's offense attaches to his person and their statement that liability for his killing game does not attach to his person. Some analogized the eggs of game to a woman's fetus, while others did not analogize them to it. Some did not draw an analogy between their prohibition against a person in ritual consecration slaughtering game caught by someone not in ritual consecra-

tion and their permission to slaughter game within the sanctuary if it had entered from outside the sanctuary[285][286][287]

L3424–3426

Some analogized someone who killed a lion to someone who killed a wolf and therefore held that no compensation was due for it. They did not analogize someone who killed a vulture or an eagle to someone who killed a kite or a crow, and therefore held that compensation was due for a vulture or an eagle. Some did not analogize someone who killed a lion or a pig to someone who killed a wolf, and therefore held that compensation was due for a lion or a pig. Some reasoned by analogy that if a pilgrim combining pilgrimage and the lesser pilgrimage in a single consecration killed game, only one compensation was due. They did not analogize him to such a pilgrim who invalidated his pilgrimage, whom they held to owe two sacrificial animals. Some drew analogies between these cases and required two sacrificial animals in all of them, while others required one sacrificial animal in all of them. More curious still, some said that a fugitive slave entering Mecca must enter ritual consecration, whereas this is not required of a non-Arab Muslim or of a slave girl kept secluded for sale. The same jurist makes a similar distinction between the 'woman of the religious Law' and the lowly woman concerning marriage without a guardian. This is more outrageous than the abandonment of analogy that they condemned, for this differentiates between

وقاس بعضهم قاتل الأسد على قاتل الذئب، فلم ير فيه جزاء، ولم يقس قاتل النسر والعقاب على قاتل الحدأة والغراب، فرأى أن في النسر والعقاب الجزاء، ولم يقس بعضهم قاتل الأسد والخنزير على قاتل الذئب، فرأى في الأسد والخنزير الجزاء. وقاس بعضهم: إن أصاب القارن صيدا فجزاء واحد، ولم يقسه على القارن يفسد حجه، فرأى عليه هديين، وقاس بعضهم بعض ذلك على بعض فأوجب في كل ذلك هديين، وبعض أوجب في كل ذلك هديا واحدا. وأظرف من هذا أن بعضهم قال: على العبد الفار إذا دخل مكة أن يحرم وليس ذلك على الأعجمي المسلم، ولا على الجارية المصونة للبيع، وله مثل ذلك في الفرق بين الشريعة والدنية في النكاح بغير الولي وهذا أشنع مما أنكروه من ترك القياس، لأن هذا فرق بين الناس فأين هذا مما استعملوه من التسوية بين الزاني والقتل في جلد مائة وتغريب عام؟ وبين الصداق والقطع في السرقة؟ وبين المستحاضة والمصراة؟ وهل في التخليط أكثر من هذا؟. وفرقوا أو أكثرهم بين صوم المرء عن غيره وحجه عنه، فلم يروا ذلك ولم يقيسوه على الصدقة عنه واحتجوا في ذلك ب {وأن ليس للإنسان إلا ما سعى} وهذا إن منعت من الصيام منعت من الصدقة ولا فرق ثم لم يقيسوا وصيته بالحج على وصيته بالصوم. ولم يقس بعضهم من وقف بعرفة قبل غروب الشمس، ثم دفع منها ولم يعد إليها تلك الليلة فقالوا: بطل حجه على من يقف بمزدلفة حتى طلعت الشمس من يوم النحر. ولم يقس بعضهم من لم يدفع عن عرفة مع الإمام، في إباحة الجمع له بمزدلفة، على من لم يدرك الصلاة بعرفة مع الإمام، في إباحتهم له الجمع بين الصلاتين بعرفة، وقاس بعضهم قصر أهل منى بعرفة، وأهل عرفة بمنى، على قصر أهل مكة بمنى وعرفة، ولم يقيسوا على ذلك في سائر البلاد وقاس بعضهم كل ذلك في سائر البلاد. وقاس بعضهم الهدي على الأضحية فيما يجزي منها، ولم يقسه عليها في الذبح والنحر قبل الإمام، فأي ذلك

[285] **Translator's note (L3418):** The phrase "requiring fasting on behalf of someone who died owing a fast" renders the contextual sense of the source's compressed wording, literally "requiring fasting upon someone who died while owing a fast."

[286] **Translator's note (L3419):** "Pronounces the formula of prohibited kinship" renders ẓihār: declaring one's spouse sexually forbidden by likening the spouse to a relative with whom intercourse is prohibited. In "intercourse with someone he owns," the source has the compressed phrase وطء ملكه, literally "intercourse with his property," referring here to an enslaved person owned by the friend.

[287] **Translator's note (L3423):** The wording "someone from the two sanctuaries" follows the supplied reading al-ḥaramayn. The context suggests a possible corruption of al-muḥrimīn, "those in ritual consecration," but the supplied reading has not been silently replaced. The wording rendered "his killing game" is grammatically corrupt in the supplied text, which reads an aqtulahu al-ṣayd. The translation gives the apparent sense, with the corruption explicitly noted. Liability attaching to a slave's person means that the slave himself is answerable as an asset for the liability, rather than its being an ordinary personal debt.

people. How does this compare with their practice of equating the fornicator and killing with respect to one hundred lashes and a year's banishment, and equating the bridal payment and amputation for theft, and equating a woman with persistent nonmenstrual bleeding and an animal whose milk has been retained in its udder to deceive a buyer. Could there be any greater muddle than this? They, or most of them, distinguished between a person fasting on another's behalf and performing pilgrimage on his behalf. They did not consider that permissible and did not analogize it to giving charity on his behalf. They invoked as proof for this: {And that a human being shall have only what he has striven for}. Yet if this prevents fasting, it prevents charity, without any difference. Then they did not analogize his bequest for pilgrimage to his bequest for fasting. Some did not draw an analogy between someone who stood at Arafat before sunset, then departed from it and did not return that night—whose pilgrimage they declared invalid—and someone who stood at Muzdalifa until the sun rose on the Day of Sacrifice. Some did not draw an analogy between someone who did not depart from Arafat with the imam, regarding permission for him to combine the prayers at Muzdalifa, and someone who did not catch the prayer at Arafat with the imam, for whom they permitted combining the two prayers at Arafat. Some analogized the residents of Mina shortening their prayers at Arafat, and the residents of Arafat shortening theirs at Mina, to the residents of Mecca shortening theirs at Mina and Arafat, but did not extend this analogy to other lands. Some extended all of this by analogy to other lands. Some analogized the pilgrimage sacrificial offering to the Festival sacrifice regarding which animals suffice, but did not analogize it to the latter regarding slaughter by cutting the throat or piercing the base of the neck before the imam: either procedure suffices before the imam for the pilgrimage sacrificial offering, but does not suffice

يجزىء قبل الإمام في الهدي ولا يجزئه في الأضحية، وقاس غيره منهم بعض ذلك على بعض في الإباحة.

for the Festival sacrifice. Others among them drew analogies between these cases regarding permissibility[288][289][290]

L3427–3430 Some did not analogize a blind person, upon whom they held pilgrimage obligatory, to a person unable to walk, from whom the obligation of pilgrimage was waived; others did analogize him to that person. Some placed the residents of Dhu al-Hulayfa, who are approximately two hundred and fifty miles from Mecca, on the same footing as the residents of Yalamlam, which is approximately thirty miles from Mecca, holding that neither group owes a sacrificial offering if they perform the lesser pilgrimage followed by pilgrimage with a release from consecration between them. They did not apply the same comparison to those between them and Mecca, whose position relative to Mecca is like theirs. Nor did they analogize the people of Yalamlam to the people of Dhu al-Hulayfa regarding shortening prayers and breaking the fast Others among them treated all these cases alike by requiring a sacrificial offering from all of them for performing the lesser pilgrimage followed by pilgrimage with a release from consecration between them, but did not treat them alike regarding shortening prayers. Some did not analogize someone who wore sewn clothing while in ritual consecration for a day without necessity to someone who wore it for less than a day without necessity. Some did not draw an analogy between their statement prohibiting a person in ritual consecration from killing a predatory beast that was not harming him, and requiring compensation for that, and their statement permitting him to kill a wolf and one that had not harmed him, for which they imposed no

ولم يقس بعضهم الأعمى في وجوب الحج عليه على المقعد في سقوط الحج عنه، وقاسه بعضهم عليه. وقال بعضهم سكان ذي الحليفة وهم على نحو مائتي ميل وخمسين ميلا من مكة، على سكان يلملم، وهو على نحو ثلاثين ميلا من مكة إنها لا هدي عليهما إن تمتعا، ولم يقسم على ما بينهم وبين مكة كالذي بينهم وبينها، ولم يقس أهل يلملم على أهل ذي الحليفة في قصر الصلاة والإفطار في الصوم، وساوى غيرهم منهم بين كل ذلك في إيجاب الهدي عليهم كلهم التمتع ولم يسو بينهم في قصر الصلاة، ولم يقس بعضهم لابس المخيط في الإحرام يوما من غير ضرورة على لابسه أقل من يوم لغير ضرورة. ولم يقس بعضهم قوله في تحريم قتل المحرم للسبع الذي لا يؤذيه، وإيجاب الجزاء في ذلك، على قوله في إباحة قتله للذئب ومن لم يؤذه ولم يجعل في ذلك جزاء وهم مع ذلك قليلا منهم يقيسون قاتل الصيد خطأ على قاتله عمدا، وعلى قاتل حيوان وغيره خطأ، فأوجبوا الجزاء في ذلك ولم يقيسوا إلا قليلا منهم قاتل النفس عمدا على قاتلها خطأ، فلم يروا في قاتلها عمدا كفارة. وقاس بعضهم سقوط الجزاء على قاتل السبع العادي عليه على سقوط الضمان عنه في البعير العادي فيقتله، ولم يقس بعضهم ذلك فرأى الضمان على قاتل البعير العادي عليه، ولم ير الجزاء على قاتل السبع العادي عليه، وقد قاسوا بعض ذلك على بعض في إيجاب الجزاء في قتل الخطأ. ولم يقس بعضهم الحلال بقتل الصيد في الحرام في حكم الجزاء على المحرم بقتل الصيد في الحل، فرأى الصيام على المحرم، ولم يجزه للحلال إلا بالمثل والإطعام فقط وساوى الأمرين. ولم يقيسوا قاتل الصيد في حرم المدينة في إيجاب الجزاء عليه على قاتله في حرم مكة، وقد أوجب ذلك بعض السلف والخلف. ولم يقس بعضهم من اشترى أحد أربعة أثواب بغير عينه على أن يأخذ أيها شاء بدينار بالخيار ثلاثا، فلم يجز هذا العقد، على إجازته إذا اشترى أحد ثلاثة أثواب بغير عينه على أن يأخذ أيها شاء بدينار بالخيار

[288] **Translator's note (L3424):** The supplied al-sharīʿa means "the religious Law," but here occupies the position of a description of a woman contrasted with a lowly woman. It appears corrupt, possibly for al-sharīfa, "the highborn woman"; the translation marks the anomalous supplied reading. The supplied text reads "the fornicator and killing," an anomalous comparison in connection with lashes and banishment. It has been preserved rather than replaced with a conjectured reading.

[289] **Translator's note (L3425):** The pronoun in "They did not consider that permissible" does not unambiguously specify whether it refers to fasting alone or to both fasting and pilgrimage on another's behalf; the translation preserves that ambiguity. The supplied fa-ayy dhālika, rendered "either procedure," is syntactically awkward. The apparent reference is to the two methods of slaughter just mentioned.

[290] **Qur'an references (L3424):** Qur'an 53:39 (An-Najm).

compensation. Nevertheless, a few of them analogize someone who kills game accidentally to someone who kills it deliberately, and to someone who accidentally kills an animal or something else, and therefore require compensation for that. Yet, except for a few of them, they did not analogize someone who deliberately kills a person to someone who kills one accidentally, and therefore held that no expiation was due from someone who killed deliberately. Some analogized the waiver of compensation from someone who killed a predatory beast attacking him to the waiver of financial liability from him when a camel attacked him and he killed it. Some did not draw this analogy: they held someone who killed a camel attacking him financially liable, but held that someone who killed a predatory beast attacking him owed no compensation. Yet they had drawn analogies between these cases in requiring compensation for accidental killing. Some did not analogize a person not in ritual consecration who killed game within the sanctuary, regarding the rules of compensation, to a person in ritual consecration who killed game outside the sanctuary. They held fasting applicable to the person in ritual consecration, but allowed the person not in ritual consecration to discharge the obligation only through an equivalent animal or feeding, and treated the two cases alike. They did not analogize someone who killed game in the sanctuary of Medina, regarding the obligation of compensation, to someone who killed it in the sanctuary of Mecca, although some of the early and later authorities did impose that obligation. Some did not draw an analogy between someone who purchased one unspecified garment out of four, on the condition that he could take whichever he wished for one dinar, with an option lasting three days—a contract they did not permit—and their permission for someone to purchase one unspecified garment out of three, on the condition that he could take whichever he wished for one dinar, with an option lasting three days. Some made no distinction between all these cases, whether prohibiting or permitting them. Some did not draw an analogy between their statement prohibiting the sale of women's milk expressed

ثلاثا، وسوى بعضهم بين كل ذلك من المنع أو الجواز. ولم يقس بعضهم قوله في تحريم بيع لبن النساء محلوبا في قدح على إباحته بيع سائر الألبان محلوبة في قدح.

into a cup and their permission to sell all other kinds of milk expressed into a cup[291][292]

L3431 Some of them did not apply analogy between their prohibition of a sale before possession has been taken in full, prior to the parties' separation, when specifically designated gold is exchanged for gold not specifically designated, and likewise silver for silver, and their permission for a sale to be completed before possession has been taken in full, prior to the parties' separation, when wheat is exchanged for wheat in the same manner, barley for barley in the same manner, dates for dates in the same manner, and salt for salt in the same manner. Thus, they invalidated the sale of gold for gold and silver for silver in every case, but permitted it with these four commodities when possession had been taken of what was not specifically designated, although possession had not been taken of what was specifically designated. Others applied analogy to all these cases, prohibiting their validity. Some of them did not apply analogy between their ruling prohibiting the sale of belly fat for meat in unequal quantities and their permission for back fat to be sold for meat in unequal quantities, whereas others treated all these cases alike. Some of them did not apply analogy between their ruling that a sheep's fat tail may be sold for meat in unequal quantities and their prohibition of selling the remaining bodily

ولم يقس بعضهم تحريم البيع قبل تمام القبض قبل التفرق في الذهب بعينه بالذهب بغير عينه، وفي الفضة بالفضة كذلك، على إباحة تمام البيع قبل تمام القبض قبل التفرق في البر بالبر كذلك، والشعير بالشعير كذلك، والتمر بالتمر كذلك، والملح بالملح كذلك، فأبطل البيع في الذهب بالذهب، والفضة بالفضة على كل حال، وأجازه في هذه الأربعة إذا قبض الذي بغير عينه ولم يقبض الذي بعينه، وقاس بعضهم كل ذلك في المنع من جوازه. ولم يقس بعضهم قوله في المنع من جواز بيع شحم البطن باللحم متفاضلا على إباحته جواز بيع شحم الظهر باللحم متفاضلا، وسوى بعضهم بين كل ذلك. ولم يقس بعضهم قوله: إن الألية يجوز أن تباع باللحم متفاضلا على منعه من بيع سائر الأعضاء باللحم متفاضلا، وسوى بعضهم بين كل ذلك. وقاس بعضهم جواز بيع الرطب بالتمر، على جواز بيع التمر الحديث بالتمر القديم. وقاس بعضهم جواز بيع الدقيق بالبر متماثلا على المنع من انتباذ الرطب والتمر، وقال: هما صنفان. وقاس بعضهم منعه من بيع الدقيق بالبر البتة على النهي عن بيع الرطب بالتمر وقال هما صنف واحد مجهول تماثله. ولم يقس بعضهم رجوع من أعتق مملوكا اشتراه، ثم اطلع على عيب بأرش العيب على منعه من ابتاع طعاما فأكله ثم اطلع على عيب كان به من الرجوع بأرش العيب. ولم يقس بعضهم من باع مال غيره بغير إذن على من اشترى له شيئا بغير إذنه، وساوى بعضهم بين كلا الأمرين.

[291] **Translator's note (L3427):** The supplied text says "Some said" before an incomplete comparison between the two groups of residents. "Placed ... on the same footing" expresses the apparent comparison without silently substituting an Arabic reading. The clause rendered "They did not apply the same comparison ..." is corrupt or incomplete: the supplied wa-lam yaqsim does not clearly yield the expected verb of analogy, and the following spatial comparison is awkward. The translation gives its apparent sense. The distances are the author's supplied figures and have been retained.

[292] **Translator's note (L3428):** The phrase "a wolf and one that had not harmed him" follows the awkward supplied wording wa-man lam yu'dhihi. It may be corrupt for a concessive expression meaning "even if it had not harmed him," but that reading has not been silently substituted. The first statement about accidental killing reads "a few of them" in an awkward accusative construction. It may lack an exception marker and thus have intended "except for a few of them"; the translation retains the supplied minority sense. The supplied phrase linking the sacrificial offering to the combined performance of the two pilgrimages lacks an expected preposition; the apparent causal connection is expressed in the translation. "And treated the two cases alike" is present in the supplied text despite appearing to conflict with the immediately preceding distinction. It has been retained.

parts for meat in unequal quantities, whereas others treated all these cases alike. Some of them established by analogy the permissibility of selling fresh dates for dried dates from the permissibility of selling newly dried dates for old dried dates. Some of them applied analogy between permitting the sale of flour for wheat in equal quantities and prohibiting the steeping of fresh dates together with dried dates, saying, "They are two distinct categories." Others established by analogy their absolute prohibition of selling flour for wheat from the prohibition of selling fresh dates for dried dates, saying, "They are one category whose equality in quantity is unknown." Some of them did not apply analogy between allowing someone who emancipated an enslaved person whom he had purchased, and subsequently discovered a defect, to recover compensation for the defect, and their prohibition of someone who purchased food, ate it, and subsequently discovered a defect that it had had, from recovering compensation for the defect. Some of them did not apply analogy between someone who sold another person's property without permission and someone who purchased something for him without his permission, whereas others treated both matters alike.

ولم يقس بعضهم بيع من طرأ عليه الخرس على بيع من ولد أخرس فأجازه ههنا وأبطله هنالك. ولم يقس بعضهم بيع السكران على طلاقة، فأجاز طلاقه وأبطل بيعه وقاسه بعضهم فأبطل كل ذلك، وقد أجاز كل ذلك بعضهم. ولم يقس بعضهم جواز السلم في الشحم على جوازه في اللحم، وقاس ذلك بعضهم فأجاز كل ذلك.

L3432 Some of them did not apply analogy between a sale made by someone who became mute and a sale made by someone born mute: they permitted it here and invalidated it there. Some of them did not apply analogy between an intoxicated person's sale and his divorce: they allowed his divorce to take effect but invalidated his sale. Others applied analogy and invalidated both, while still others permitted both. Some of them did not apply analogy between the permissibility of an advance-payment sale with deferred delivery (salam) of fat and its permissibility for meat. Others applied analogy and permitted all of this.[293]

ولم يقس بعضهم جواز السلم في السمك المالح على قوله في المنع من السلم في السمك الطري، وقاس بعضهم بعض ذلك على بعض في المنع من الكل أو جواز الكل. ولم يقس بعضهم على جواز سلم الذهب والفضة في سائر الموزونات، جواز سلم الموزونات بعضها على بعض، وقاس ذلك بعضهم فأجازه فيما عدا ما يؤكل. ولم يقس بعضهم جواز السلم في قوله بتأخير النقد لرأس المال اليوم واليومين بشرط وبغير شرط، على

L3433–3436 Some of them did not apply analogy between the permissibility of an advance-payment sale of salted fish and their ruling prohibiting an advance-payment sale of fresh fish. Others applied analogy between these cases, either prohibiting them all or permitting them all. Some of them did not infer by

[293] **Translator's note (L3432):** The source reads طلاقة, literally "his fluency" or "his freedom," where the ensuing reference to his divorce indicates that طلاقه, "his divorce," is intended.

analogy, from the permissibility of giving gold and silver as advance payment for other commodities sold by weight, the permissibility of giving commodities sold by weight as advance payment for one another. Others applied this analogy and permitted it for everything except what is eaten. Some of them did not apply analogy between the permissibility of an advance-payment sale, according to their ruling allowing payment of its capital to be delayed for one or two days, with or without an express stipulation, and their prohibition of this for many days, with or without an express stipulation. Others applied analogy between these cases, prohibiting them all. Some of them did not apply analogy between the permissibility of an advance-payment sale of wheat, fruit, kannāsh, and milk, on the basis that the purchaser would receive a specified quantity of it each day, with both parties stipulating that payment of the price be postponed until a distant due date, and the rest of their rulings prohibiting delayed payment in an advance-payment sale, and their prohibition of exchanging a debt for a debt. Some of them did not apply analogy between their ruling permitting wheat flour to be exchanged for wheat in equal quantities and prohibiting this in unequal quantities, and their ruling that, when someone has paid in advance for wheat of a specified description and the due date arrives, it is permissible, in their view, for him to take, in place of the wheat, barley or hull-less barley equal to the volume of his wheat, but not take wheat flour or emmer equal to the measured volume of his wheat, although all of this constitutes one category in their view. They did not apply analogy between selling wheat for barley, dates, and salt in unmeasured bulk and selling gold and silver in unmeasured bulk. More curious still, they did not apply analogy between the permissibility of selling fashioned gold and silver in unmeasured bulk and their ruling prohibiting the sale of fashioned gold and silver in unmeasured bulk, and their ruling prohibiting the sale of coined gold and silver in unmeasured bulk. Some of them did not apply analogy between someone who paid in advance for food to be delivered at a specified date, to whom the person owing it brought it before the due date—concerning whom they said, "He does not permit him to accept it before its due date"—and their ruling concerning someone who lent another person food until a specified date, who brought it to him before the due date, concerning whom they said, "He permits him to take possession of

منعه من ذلك في الأيام الكثيرة بشرط وبغير شرط، وقاس غيره بعض ذلك على بعض في المنع من الكل. ولم يقس بعضهم جواز السلم في القمح والفاكهة والكتاش واللبن، على أن يأخذ منه كل يوم مقدارا معلوما، واشترطا تأخير نقد الثمن إلى الأجل البعيد على سائر قوله في المنع من تأخير النقد في السلم، ومن منعه الدين بالدين. ولم يقس بعضهم قوله في إباحة دقيق البر بالبر متماثلا، والمنع منه متفاضلا، على قوله: إن من سلم في قمح موصوف لحل الأجل فجائز عنده أن يأخذ مكان القمح شعيرا أو سلتا مثل كيل قمحه، ولا يأخذ دقيق قمح ولا علسا مثل مكيلة قمحه وكل ذلك عنده صنف واحد ولم يقس بيع البر بالشعير والتمر والملح جزافا، على بيع الذهب والفضة جزافا، وأطرف من ذلك أنه لم يقس جواز بيع المصوغ من الذهب والفضة جزافا على قوله في المنع من بيع المصوغ من الذهب والفضة جزافا على قوله في المنع من بيع المسكوك منهما جزافا.. ولم يقس بعضهم من سلم في طعام إلى أجل مسمى، فأتاه به الذي هو عليه قبل الأجل، فقال: لا يجيز على قبوله قبل أجله، على قوله فيمن أقرض آخر طعاما إلى أجل فأتاه به قبل الأجل، قال: يجيز على قبضه، وقاس غيره منهم أحدهما على الآخر: أن يجيز على القبض قبل الأجل. ولم يقس بعضهم تعين الدنانير والدراهم في المغصوب والبيوع على تعين سائر العروض، وقاس غيره منهم بعض ذلك على بعض في تعيين كل ذلك. ولم يقس بعضهم قوله فيمن ابتاع طعاما فعاب عليه فأباح الإقامة فيه من جميعه ولم يبح من بعضه، على قوله فيه إذا لم يعب عليه فأجاز الإقالة من كله ومن بعضه. ولم يقس بعضهم قوله في بطلان الصرف التفرق قبل تمام القبض، من قوله في جواز الإقالة مع التفرق قبل القبض التفرق اليسير، ولا قاس إباحة ذلك في الإقالة بالتفرق اليسير على التفرق الكثير. ولم يقس بعضهم منعه من التفاضل في الدقيق بالبر على إباحة التفاضل في السويق بالبر، وكلاهما بر مطحون، لم يسق الدقيق السويق، ولا السويق الدقيق، وأطرف من هذا أنه لم يقس جواز بيع البلح الصغار بالتمر عنده متفاضلا على المنع البلح الكبار بالتمر.

it." Others among them applied analogy between the two, allowing possession to be taken before the due date. Some of them did not apply analogy between dinars and dirhams being treated as individually designated property in cases of usurpation and sales, and other goods being treated as individually designated property. Others among them applied analogy between these cases, treating all of this as individually designated property. Some of them did not apply analogy between their ruling concerning someone who purchased food that proved defective for him—allowing him to maintain the transaction in respect of all of it but not part of it—and their ruling concerning it when it did not prove defective for him, allowing mutual rescission in respect of all of it or part of it. Some of them did not apply analogy between their ruling that a currency exchange is invalidated by the parties' separation before possession has been taken in full and their ruling permitting mutual rescission when the parties separate briefly before possession has been taken. Nor did they apply analogy between permitting this in mutual rescission when the separation is brief and a lengthy separation. Some of them did not apply analogy between their prohibition of unequal quantities when flour is exchanged for wheat and their permission for unequal quantities when roasted grain meal is exchanged for wheat, although both are ground wheat: the flour has not driven the roasted grain meal, nor the roasted grain meal the flour. More curious still, they did not apply analogy between the permissibility, in

their view, of selling small unripe dates for dried dates in unequal quantities and the prohibition of large unripe dates for dried dates.[294][295][296]

L3437–3439 Some of them did not apply analogy between dried zufayrif, cow's-eye plums, peaches, and pears, in their ruling permitting exchanges within a single genus in unequal quantities, and their prohibition of selling raisins, wheat, figs, and acorns in exchanges within a single genus in unequal quantities. Then they applied analogy between the former categories and the latter categories in prohibiting the sale of any of these before possession has been taken. Others among them applied analogy between all these things, extending it even to scammony and myrobalan. Some of them applied analogy between one edible thing and another with respect to usury, but did not apply analogy between minerals with respect to usury. Thus, they permitted one ratl of iron for two ratls of iron, and iron for copper, although gold, silver, lead, tin, and mercury are all mineral substances. Some of them did not apply analogy between their ruling that pulses all constitute one genus for the obligatory alms and their being separate categories in sales. Some of them did not apply analogy between their ruling absolutely prohibiting the sale of butter for milk, cheese for milk, clarified butter for milk, or oil for olives, and their ruling permitting the sale of wheat for wheat flour in equal quantities, or their ruling permitting the sale of roasted grain meal made from wheat for wheat in unequal quantities. Some of them did not apply analogy between their ruling

ولم يقس بعضهم ما يبس من الزفيرف وعيون البقر والخوخ والكمثرى، في حكم جواز بعضه ببعض من جنس واحد متفاضلا، على منعه من بيع الزبيب والبر والتين والبلوط بعضه ببعض من جنس واحد متفاضلا، ثم قاس الأصناف الأول على الأصناف الأخر في المنع من بيع كل ذلك قبل أن يقبض، وقاس غيره منهم كل ذلك بعضه ببعض، حتى السقمونيا والهليلج. وقاس بعضهم المأكول على المأكول في الربا، ولم يقس المعادن بالمعادن في الربا، فأباحوا رطل حديد برطلي حديد، والحديد بالنحاس والذهب والفضة والرصاص والقصدير والزئبق معدنيات كلها. ولم يقس بعضهم قوله: إن القطنية كلها جنس واحد في الزكاة، على أنها أصناف متفرقة في البيوع. ولم يقس بعضهم قوله في المنع من بيع الزبد باللبن، أو الجبن باللبن، أو السمن باللبن جملة، ولا الزيت بالزيتون جملة، على قوله في جواز بيع البر بالدقيق من البر متماثلا، ولا على قوله في جواز بيع السويق في البر بالبر متفاضلا. ولم يقس بعضهم قوله: إن سمن البقر وسمن الغنم صنف وقولهم إن لحم الخروف من الضأن ولحم الحمار الوحشي صنف واحد، وكذلك لحم الأرنب على قوله: إن زيت الزيتون وزيت الجلجلان وزيت الفجل أصناف متفرقة، يجوز بعضها ببعض متفاضلا يدا بيد، ولا يجوز ذلك في نبيذ التمر بنبيذ الزبيب ولا يجوز ذلك في لحم الجمل بلحم الأرنب، ولا في لحم حمار الوحش بلحم الخروف، ولا فرق بين تعليله بأن كل ذلك ذو أربع وبين تعليل غيره أن كل ذلك من الطير ومن غيره لحم، ومن تعليل غيره بالتأنس في الطير وذي الأربع، والتوحش أيضا فيهما، لأن الله تعالى جزى الصيد بالأنعام. ولم يقس بعضهم قوله في المنع من بيع العنب بالعصير البتة على قوله في إجازة بيع العنب بخل العنب متفاضلا، وقد يخرج الخل من العنب دون توسط كونه عصيرا.

[294] **Translator's note (L3433):** الكنّاش, rendered provisionally as "kannāsh," is unclear in this list of commodities. Its familiar sense of a notebook or compilation does not fit the context; the reading may be corrupt.

[295] **Translator's note (L3434):** The clause about fashioned gold and silver repeats a prohibition of selling the same goods in unmeasured bulk immediately after stating its permissibility. The repetition and apparent contradiction are retained. The source repeatedly uses forms of يجيز, "permits," in the early-delivery discussion, but their syntax is awkward. Forms of يجبر, "compels," may have been intended; the translation retains the supplied reading. الإقامة literally denotes remaining or maintaining something. In this discussion it may be a corruption of الإقالة, "mutual rescission," which appears explicitly in the next segment. The translation retains the supplied reading.

[296] **Translator's note (L3436):** لم يسق الدقيق السويق ولا السويق الدقيق literally reads "the flour has not driven the roasted grain meal, nor the roasted grain meal the flour." Its intended sense is unclear, and the wording appears corrupt. The literal wording has been retained.

that clarified butter from cattle and clarified butter from sheep constitute one category, and their statement that the meat of a lamb of the sheep species and the meat of a wild ass constitute one category, as does rabbit meat, and their ruling that olive oil, sesame oil, and radish oil are separate categories that may be exchanged for one another in unequal quantities, hand to hand. Yet this is not permissible with date infusion for raisin infusion, nor is it permissible with camel meat for rabbit meat, or wild-ass meat for lamb meat. There is no difference between their assigning as the operative cause that all these are four-legged animals and another's assigning as the operative cause that all of this, whether from birds or other animals, is meat, or another's assigning domestication as the operative cause in birds and four-legged animals, and likewise wildness in both, because Allah Most High prescribed livestock as recompense for game. Some of them did not apply analogy between their ruling absolutely prohibiting the sale of grapes for juice and their ruling permitting the sale of grapes for grape vinegar in unequal quantities, although vinegar may be produced from grapes without an intervening stage of being juice.[297]

ولم يقس بعضهم قوله: لا يباع اللبن بالسمن أصلا، لأنهما صنف واحد مجهول نماثله، ولا الشاة اللبون باللبن أصلا، على إجازته مع الشاة اللبون بالسمن، ولا اللبن بالقمح إلى أجل على إجازته الشاة اللبون بالقمح إلى أجل. ولم يقيسوا قولهم في المنع من بيع القمح بالقمح بالتحري دون كيل ولا وزن على جواز ذلك عندهم في اللحم باللحم من صنفه، نعم ولم يجيزوا الذهب بالفضة بالتحري وأجازوه في القمح بالتمر بالتحري. ولم يقس بعضهم جواز القمح بالقمح عنده وزنا على منعه من سحالة الذهب بالذهب كيلا. وأطرف من هذا أن بعضهم لم يقس منعه من اللحم المشوي باللحم النيء جملة على قول في إباحة اللحم المطبوخ باللحم النيء متماثلا ومتفاضلا، وكلاهما يدخله ملح وصنعة وأغرب حكم من ذكرنا بأن اللحم والشحم صنف واحد، وأن لحم النعامة والكركي ولحم الزرزور صنف واحد وأن لحم النعامة المطبوخ ولحمها النيء صنفان يجوز فيهما التفاضل. ولم يقس بعضهم جواز دجاجة بدجاجتين على قوله في لحم دجاجة بلحم

L3440 Some of them did not apply analogy between their statement that milk may never be sold for clarified butter, because the two constitute a single kind whose equality in quantity is unknown, and that a milk-producing ewe may never be sold for milk, and their permitting a milk-producing ewe to be sold for clarified butter; nor between their prohibition of selling milk for wheat with deferred payment and their permitting a milk-producing ewe to be sold for wheat with deferred payment. They did not apply analogy between their prohibition of selling wheat for wheat by estimation, without measuring by volume or weighing, and their allowing this in the exchange of meat for meat of the same kind. Indeed, they did not permit gold to be exchanged for silver by estimation, yet permitted wheat to be exchanged for dates by esti-

[297] **Translator's note (L3437):** الزفيرف is an uncertain fruit name, provisionally transliterated as "zufayrif"; it may refer to a jujube variety or reflect a corrupt spelling. عيون البقر, literally "cows' eyes," is used as a fruit name and is rendered here as "cow's-eye plums." في جواز بيع السويق في البر بالبر contains an awkward في, literally "in," before "wheat." The translation understands this as roasted grain meal made from wheat, but the wording may be corrupt.

mation. Some of them did not apply analogy between their allowing wheat to be exchanged for wheat by weight and their prohibition of exchanging gold filings for gold by volume. More remarkable still, some of them did not apply analogy between their absolute prohibition of exchanging roasted meat for raw meat and a ruling permitting cooked meat to be exchanged for raw meat in equal or unequal quantities, although both involve salt and processing. Stranger still is the ruling of those we have mentioned that meat and fat constitute a single kind, that ostrich meat, crane meat, and starling meat constitute a single kind, but that cooked ostrich meat and its raw meat constitute two kinds that may be exchanged in unequal quantities. Some of them did not apply analogy between their permitting one hen to be exchanged for two hens and their ruling concerning the meat of one hen being exchanged for the meat of two hens. Some of them did not apply analogy between their prohibition of purchasing a ewe with its hide excepted from the sale while resident and their ruling permitting this while traveling.[298]

L3441–3442 Stranger than this, some of them did not apply analogy between their ruling permitting the purchase of a ewe with a small number of ratls of its meat, or its head, excepted from the sale and their ruling prohibiting the exception of its foreleg, hind leg, or thigh. Some of them did not apply analogy between their prohibition of purchasing the meat of this living ewe and their permitting its purchase with the seller excepting its hide. What is astonishing is that what such a person prohibited is precisely what he permitted; it is not something different, because in both cases the purchaser bought only its skinned carcass, and nothing more. Some of them did not apply analogy between their ruling permitting small fish to be sold in bulk without measurement and their prohibition of selling large fish in bulk without measurement, although the effort of counting the large ones, because they are numerous, may be greater than that of counting the small ones, because they are few. Some of them did not apply analogy between their ruling prohibiting the purchase

[298] **Translator's note (L3440):** The reading نماثله appears corrupt; the translation understands it as تماثله, referring to equality in quantity. The phrase إجازته مع الشاة اللبون بالسمن is syntactically awkward, particularly مع. The translation follows the apparent comparison with permitting the sale of a milk-producing ewe for clarified butter.

دجاجتين. ولم يقس بعضهم منعه من ابتياع شاة واستثناء جلدها في الحضر على قوله في إباحة ذلك في السفر.

وأغرب من هذا أن بعضهم لم يقس قوله في إباحة ابتياع شاة واستثناء أرطال خفيفة منها، أو استثناء رأسها، على قوله في التحريم أن يستثني يدها أو رجلها أو فخذها، ولم يقس بعضهم منه من ابتياع لحم هذه الشاة الحية على إباحته ابتياعها، واستثناء البائع جلده، والعجب أن هذا الذي منع هو الذي أباح بعينه ليس هو شيئا آخر، لأنه في كلتا المسألتين إنما اشترى مسلوخها فقط ولا مزيد. ولم يقس بعضهم قوله في جواز بيع صغار الحيتان جزافا على منعه من بيع كباره جزافا وقد يكون تكلف عد الكبار لكثرتها أصعب من عد الصغار لقلتها. ولم يقس بعضهم قوله في المنع من ابتياع رطل لحم من هذه الشاة وإن شرع في ذبحها على قوله في إباحه ابتياع رطل من لبنها إذا شرع في حلبه. ولم يقس بعضهم قوله في المنع من بيع لبن هذه الشاة شهرا على إباحة بيع لبنها كيلا، وعلى إباحة بيع لبن هذه الغنم شهرا.

of a ratl of meat from this ewe, even once its slaughter has begun, and their ruling permitting the purchase of a ratl of its milk once its milking has begun. Some of them did not apply analogy between their ruling prohibiting the sale of this ewe's milk for a month and their permitting the sale of its milk by volume, and their permitting the sale of the milk of this flock of sheep for a month.[299]

L3443 Some of them did not apply analogy between their ruling prohibiting the division of crops and wheat by estimation and their ruling permitting the division of meat by estimation. Some of them did not apply analogy between the sale, crop after crop, of the entire yield of trees bearing two crops a year and their ruling permitting the sale of the produce of cucumber plots, crop after crop, and green fodder likewise. Some of them established by analogy the permissibility of advance-payment sales involving things counted, cultivated, and so forth, on the basis of the permissibility of advance-payment sales involving things measured by volume and weighed. Yet they did not establish by analogy the permissibility of an advance-payment sale with immediate delivery on the basis of its permissibility with deferred delivery. Some of them applied analogy to all these cases and ruled them permissible.[300]

L3444–3460 Some of them did not apply analogy between their permitting an orphan girl aged ten to be given in marriage because of poverty and their prohibition of permitting sexual access on grounds of necessity. Some of them assimilated by analogy a person who performs the act of the people of Lot to one who commits unlawful sexual intercourse, but did not assimilate by

ولم يقس بعضهم قوله في منع اقتسام الزرع والقمح بالتحري على قوله في إجازة قسمة اللحم بالتحري. ولم يقس بعضهم بيع بطن بعد بطن جملة، شجر تحمل بطنين في السنة، على قوله في إجازة بيع المقاثي بطنا بعد بطن، والفصيل كذلك. وقاس بعضهم جواز السلم في المعدود والمزروع وغير ذلك على جواز السلم في المكيل والموزون، ولم يقيسوا جواز السلم حالا على جوازه إلى أجل وقاس بعضهم كل ذلك بالجواز.

ولم يقس بعضهم جواز إنكاح اليتيمة بنت عشر سنين للفاقة على منعه في إباحة الفروج للضرورة. وقاس بعضهم فاعل فعل قوم لوط على الزاني، ولم يقس واطىء البهيمة على الزاني، وكلاهما واطىء في مكان محرم. ولم يقيسوا الغاصب على السارق ولا على المحارب، وكلاهما أخذ مالا بغير حق، والغاصب بالمحارب مستويان في الإخافة وأخذ المال، ولا سيما بعضهم يقول بقياس الشارب على القاذف، فقد بان تناقضهم. فإن قالوا: إن الصحابة قاسوا الشارب على القاذف، فقد تقدم تكذيب هذه الدعوى لا سيما وقد كفانا بعضهم المؤنة في هذا، فنسوا أنفسهم وقالوا: الحدود لا تؤخذ قياسا،

[299] **Translator's note (L3441):** The reading ولم يقس بعضهم منه من ابتياع منه appears corrupt. The translation understands the intended sense as منعه من ابتياع, 'his prohibition of purchasing,' as required by the comparison that follows. A ratl is a unit of weight whose value varies by locality and period.

[300] **Translator's note (L3443):** The supplied المزروع means 'cultivated.' In this standard classification of saleable goods, المذروع, 'measured by length,' may have been intended; the translation retains the supplied reading. الفصيل is rendered 'green fodder,' a possible agricultural sense of the word suited to the discussion of successive crops; it can also denote a weaned young animal. The clause concerning trees does not expressly state the prohibition that the surrounding comparisons appear to presuppose.

[310] **Translator's note (L3458):** The supplied phrase «وتركهم في القياس وتركهم له» is repetitive and syntactically awkward; its repetition is retained. The supplied amount is 'a thousand dirhams.' In context, this appears incongruous with the preceding ceilings, but it has not been changed.

[311] **Translator's note (L3459):** The wording «ولا قدرته» is awkward in this construction; 'nor do we know its force' follows the supplied wording without emendation.

analogy a person who has intercourse with an animal to one who commits unlawful sexual intercourse, although each has intercourse in a forbidden place. They did not assimilate by analogy a wrongful appropriator of property to a thief or to a brigand, although both take property without right, and the wrongful appropriator and the brigand are alike in causing fear and taking property. This is especially so since some of them advocate assimilating a wine-drinker by analogy to someone who makes an accusation of unlawful sexual intercourse. Their inconsistency has thus become plain. If they say that the Companions assimilated the wine-drinker by analogy to someone who makes an accusation of unlawful sexual intercourse, this claim has already been refuted. All the more so since some of them have spared us the trouble in this matter: they forgot themselves and said, 'Prescribed punishments are not derived through analogy.' We know that everything permissible for the Companions is permissible for those who come after them, and no new religion arose after the death of the Prophet, may Allah bless him and grant him peace ﷺ. Where, then, is their emulation of the Companions—may Allah be pleased with them—when they go so far as to abandon the texts for the statement of one of them if it accords with their uncritical adherence to authority? They must consequently impose a prescribed punishment upon someone who drinks blood and someone who eats carrion and swine flesh. Some jurists have indeed assimilated these people by analogy to the wine-drinker and held that each of the two should receive eighty lashes: this was al-Awza'i. Yet assimilating the drinking of blood by analogy to the drinking of wine, were analogy permissible, would be more appropriate than assimilating the drinking of wine by analogy to accusing a chaste woman of unlawful sexual intercourse. We have found that some of them assimilated by analogy a person who steals, drinks wine, or commits unlawful sexual intercourse, then repents and presents himself, to the brigand with respect to the prescribed punishment being waived for him. Yahya ibn 'Abd al-Rahman related to us: Ahmad ibn Duhaym related to us: Ibrahim ibn Hammad related to us: Isma'il ibn Ishaq related to us: Nasr ibn 'Ali related to us: Muhammed ibn Bakr—that is, al-Bursani—related to us, from Ibn Jurayj, from Hisham ibn 'Urwah, from his father, who said: 'If a thief steals and then comes repentant, he is not subject to amputation.'

وقد علمنا أن كل ما جاز للصحابة فهو جائز لمن بعدهم وما حدث دين جديد بعد موت النبي صلى الله عليه وسلم وأين الائتساء بالصحابة رضوان الله عليهم حتى يتركوا النصوص لقول بعضهم إذا وافق تقليدهم؟ فيلزمهم أن يوجبوا حدا على شارب الدم وأكل الميتة ولحم الخنزير. وقد قاس بعض الفقهاء هؤلاء على شارب الخمر، فرأى على كل واحد منهما ثمانين جلدة، وهو الأوزاعي، مع أن قياس شرب الدم على شرب الخمر، لو جاز القياس، أولى من قياس شرب الخمر على قذف محصنة. ووجدنا بعضهم قد قاس من سرق أو شرب أو زنى ثم تاب واعترض على المحارب في سقوط الحد عنه. حدثنا يحيى بن عبد الرحمن، حدثنا أحمد بن دحيم، حدثنا إبراهيم بن حماد، حدثنا إسماعيل بن إسحاق، ثنا نصر بن علي، ثنا محمد بن بكر هو البرساني عن ابن جريج، عن هشام بن عروة، عن أبيه قال: إذا سرق اللص ثم جاء تائبا فلا قطع عليه. وبعضهم لم يقس هؤلاء على المحارب، وقاسهم على القاتل، والقاتل أبعد شبها من الحدود الواجبة من المحارب. وقد قاس بعضهم القاتل إذا عفي عنه على الزاني غير المحصن، ولم يقس المرتد إذا راجع الإسلام، ولا المحارب إذا تاب قبل القدرة عليه، أو إذا عفا الإمام عن قتله، أو اقتصر على ما دون ذلك، وكل هذا تناقض. وقد ساوى الله تعالى بين الخمر والميسر، والأنصاب والأزلام، فهلا قاسوا وأوجبوا على لاعب القمار والميسر، وعلى المستقسم بالأزلام حدا كحد الخمر ثانيا. وبعضهم لم يقس قوله في جواز بيع جزء مشاع على قوله في المنع من جواز رهنه وهبته والصداق به. وأكثرهم قاس البيع حين النداء للجمعة، على النكاح حينئذ والإجازة في جواز ذلك أو في إبطال كل ذلك. وقد قاس بعضهم دخول حمل الجارية من غير سيدها، وابن الشاة، وحمل الشجر في الرهن على كون الحوامل لكل ذلك في الرهن، ولم يقس سقوط ما قابل الحوامل إذا تلفت من الشيء المرتهن فيه على قوله: إنه لا يسقط من الحق شيء يتلف الولد والحمل واللبن. وبعضهم لم يقس قوله في بيع القاضي دنانير الغرم في ديونه التي هي دراهم

أو دراهمه في ديونه التي هي دنانير، على قوله في المنع من بيع ما هذا ما عدا ذلك في ديونه. وبعضهم لم يقس قوله في المنع من بيع مال الحي، على قوله في إباحة بيع مال الميت في ديونهما. وبعضهم لم يقس قوله في جواز النكاح بشهادة حرين فاسقين، على قوله في إبطال النكاح بشهادة عبدين عدلين. وأكثرهم لم يقس الكافر الوثني يسلم فيعرض على امرأته الإسلام فتأبى، فيفسخ النكاح عنده، على قوله في امرأة الكافر تسلم فيستأني عنده بفسخ نكاحه ما لم تنقض عدتها، ولم يسلم هو، وبعضهم ساوى بين الأمرين. وبعضهم لم يقس قوله في كل كافر تزوج كافرة على خمر بعينها أو خنزير بعينه، ثم أسلما فلا شيء لها غير ذلك على قوله: إن أصدقها خمرا بغير عينها، أو خنزيرا بغير عينه، ثم أسلما فقال: لها في الخمر قيمتها، ولها في الخنزير مهر مثلها. وبعضهم لم يقس الحر يتزوج المرأة على خدمته لها شهرا فقال: لها مهر مثلها على العبد يتزوجها على ذلك، وقال: ليس لها إلا خدمته لها. ولم يقس بعضهم إيجابه الطلاق على الذمي على قوله في إسقاط العدة عن الذمية يطلقها الذمي. ولم يقس بعضهم قوله: إن أجل العبد في العنة ستة أشهر، وأجله في الإيلاء شهران، وأجل الأمة في المفقود سنتان، وطلاق العبد تطليقتان، وعدة الأمة حيضتان، على قوله: إن للعبد أن يتزوج أربعا، وعلى قوله: إن صيامه في الظهار شهران، وفي الوطء في نهار رمضان كذلك، وفي قتل الخطأ كذلك، وشهادة العبد والأمة أربع شهادات في اللعان كالحر والحرة، وعدة المستحاضة الأمة سنة كالحرة. وقاس كل ذلك بعضهم فجعل حكم العبد كل ذلك على نصف حكم الحر وقال آخرون منهم أجل العبد في الإيلاء أربعة أشهر، ولا يتزوج إلا امرأتين، فأبو حنيفة يقول: عدة الأمة حيضتان، ومن الوفاة نصف عدة الحرة، وبالشهور في الطلاق نصف عدة الحرة، وتحرم الأمة على زوجها الحر أو العبد بتطليقتين إلا بعد زوج، ولا يتزوج العبد إلا امرأتين فقط، وأجل العبد يولي من زوجته الأمة نصف أجل الحر، في إيلائه وأجل الحر في إيلائه من الأمة نصف أجل إيلائه من الحرة.

Some of them did not assimilate these people by analogy to the brigand, but assimilated them to the killer, although the killer is more remote than the brigand in resemblance with respect to the prescribed punishments that are obligatory. Some of them assimilated by analogy a killer who is pardoned to a person who commits unlawful sexual intercourse without having the status of prior lawful consummation, but did not similarly assimilate the apostate who returns to Islam, or the brigand who repents before he is apprehended, or when the imam pardons him from execution or confines himself to something less than that. All this is inconsistency. Allah Most High has placed wine, gambling, sacrificial stones, and divining arrows on an equal footing. Why, then, did they not apply analogy and impose upon someone who plays games of chance and gambles, and upon someone who seeks a determination by divining arrows, a further prescribed punishment like that for wine? Some of them did not apply analogy between their ruling permitting the sale of an undivided share and their ruling denying the permissibility of pledging it, giving it as a gift, or providing it as a marriage dower. Most of them applied analogy between sale at the time of the call to Friday prayer and marriage at that time, and authorization, either permitting this or invalidating all of it. Some of them established by analogy that the fetus of a slave woman conceived by someone other than her master, the offspring of a ewe, and the fruit borne by trees are included in a pledge, on the basis of the inclusion in the pledge of the things bearing all these. Yet they did not apply analogy between the cancellation, from the amount secured by the pledge, of what corresponds to the bearers if they perish and their ruling that none of the claim is canceled through the loss of the offspring, the fruit, and the milk. Some of them did not apply analogy between their ruling that a judge may sell a debtor's dinars to discharge his debts denominated in dirhams, or his dirhams to discharge his debts denominated in dinars, and their ruling prohibiting the sale of anything other than that to discharge his debts. Some of them did not apply analogy between their ruling prohibiting the sale of a living person's property and their ruling permitting the sale of a deceased person's property to discharge their respective debts. Some of them did not apply analogy between their ruling permitting marriage on the testimony of two free men of unrighteous conduct and their ruling invalidating mar-

riage on the testimony of two upright slaves. Most of them did not apply analogy between the case of an idolatrous unbeliever who embraces Islam, whose wife is then offered Islam and refuses, whereupon, according to their ruling, the marriage is dissolved, and their ruling concerning the wife of an unbeliever who embraces Islam: according to them, dissolution of his marriage is delayed so long as her waiting period has not expired and he has not embraced Islam. Some of them treated the two cases alike. Some of them did not apply analogy between their ruling concerning any unbeliever who marries an unbelieving woman with a particular quantity of wine or a particular pig as her dower, after which they both embrace Islam, so she is entitled to nothing beyond that—with his ruling that, if he assigns her wine not individually specified, or a pig not individually specified, as her dower, and then both embrace Islam, she is entitled to its value in the case of the wine, and to the customary dower of a woman of her standing in the case of the pig. Some of them did not apply by analogy their ruling concerning a free man who marries a woman in return for serving her for a month, in which case they say that she is entitled to the customary dower of a woman of her standing, to a male slave who marries her on that basis, in which case they say that she is entitled only to his service to her. Some of them did not apply by analogy their imposition of divorce upon a non-Muslim under Muslim protection to their ruling that a non-Muslim woman under Muslim protection has no waiting period when her husband, likewise a non-Muslim under Muslim protection, divorces her. Some of them did not apply by analogy their ruling that a male slave's allotted period in a case of impotence is six months, his allotted period for sworn abstention from marital intercourse is two months, a female slave's allotted period when her husband is missing is two years, a male slave's divorce consists of two pronouncements, and a female slave's waiting period is two menstrual periods, to their ruling that a male slave may marry four women, or to their ruling that his fasting for a declaration likening his wife to a prohibited female relative (ẓihār) is two months, and likewise for intercourse during the daytime in Ramadan, and likewise for accidental killing; that a male slave and a female slave each make four attestations in mutual imprecation, just as a free man and a free woman do; and that the waiting period of a female slave with irregular uterine bleed-

قال أبو حنيفة: صيام العبد في ظهاره من زوجته الحرة والأمة كصيام الحر في ظهاره من الزوجة الحرة والأمة، ولا تحرم الحرة على زوجها العبد إلا بثلاث طلقات، وأجل العبد على زوجته الحرة أو الأمة كأجل الحر في ذلك، وأجل العبد يولي من الزوجة الحرة كأجل الحر. وقال مالك: عدة الأمة حيضتان، ومن الوفاة نصف عدة الحرة، وتحرم الزوجة الحرة والأمة على العبد بتطليقتين، وأجل العبد يولي من زوجته الحرة والأمة نصف أجل الحر، في إيلائه، وأجل العبد يعن عن زوجته الحرة والأمة نصف أجل الحر. وقال مالك: يتزوج العبد أربعا من الحرائر، والإماء وصيام العبد في ظهاره من زوجته الحرة والأمة، كصيام الحر، وعدة الأمة في الطلاق بالشهور ثلاثة أشهر كالحرة. وقال الشافعي: عدة الأمة حيضتان، وفي الوفاة وبالشهور في الطلاق نصف عدة الحرة، وتحرم الحرة والأمة على العبد بتطليقتين، ولا يتزوج العبد إلا اثنتين، وأجل العبد يعن أيولي من الحرة أو الأمة كأجل الحر في كل ذلك، وصيامه في الظهار كصيام الحر. فاعجبوا لتناقض قياساتهم وهكذا في سائر الأحكام ولا فرق. فاتفقوا في صوم الظهار على ألا يقيسوه على سائر أحكام العبد، ولا إجماع في ذلك، لأن قتادة وغيره يقول: هو على نصف صيام الحر، ولم يتفقوا على نصف حكم العبد من حكم الحر إلا في عدة الوفاة، وعدة الحيض وطلاق العبد والأمة، ولا إجماع في ذلك، لأن ابن سيرين يرى عدة الأمة كعدة الحرة في الوفاة وفي الإقراء، وصح عن ابن عباس أنه أمر عبده بمراجعة زوجته، وهي أمة بعد طلقتين، ولم يقس بعضهم قوله: من نظر إلى فرج امرأة طلقها طلاقا رجعيا في العدة بشهوة فهي رجعة، على قوله: فإن نظر إلى شيء من بدنها غير الفرج بشهوة فليست رجعة، ولا على قوله إنه إن لمسها في بدنها بشهوة فهي رجعة. ولم يقس بعضهم قوله فيمن قال لامرأته: لست لي بامرأة ونوى الطلاق ولم يره طلاقا، على قوله لها: قومي ونوى الطلاق فهو طلاق. ولم يقس بعضهم قوله فيمن قال لامرأته: اختاري، فقالت: أنا أختار نفسي، قال: فهي

ing is one year, just as for a free woman. Some of them applied analogy to all of this, making the rule for the male slave in all of it half the rule for the free man. Others among them said that a male slave's allotted period for sworn abstention is four months, and that he may marry only two women. Abu Hanifah says that a female slave's waiting period is two menstrual periods; following a husband's death it is half the waiting period of a free woman; and, when reckoned in months following divorce, it is half the waiting period of a free woman. A female slave becomes forbidden to her husband, whether free or enslaved, through two divorce pronouncements, until after another husband. A male slave may marry only two women. The allotted period for a male slave who swears abstention from his enslaved wife is half the allotted period for a free man in his sworn abstention, and the allotted period for a free man in his sworn abstention from an enslaved woman is half his allotted period for sworn abstention from a free woman. Abu Hanifah said: A male slave's fasting for his ẓihār concerning his wife, whether free or enslaved, is like a free man's fasting for his ẓihār concerning his wife, whether free or enslaved. A free woman becomes forbidden to her enslaved husband only through three divorce pronouncements. A male slave's allotted period concerning his wife, whether free or enslaved, is like a free man's allotted period in that matter. The allotted period for a male slave who swears abstention from a free wife is like the allotted period for a free man. Malik said: A female slave's waiting period is two menstrual periods, and following a husband's death it is half the waiting period of a free woman. A wife, whether free or enslaved, becomes forbidden to a male slave through two divorce pronouncements. The allotted period for a male slave who swears abstention from his wife, whether free or enslaved, is half the allotted period for a free man in his sworn abstention. The allotted period for a male slave who is impotent with his wife, whether free or enslaved, is half the allotted period for a free man. Malik said: A male slave may marry four women, whether free women or female slaves and a male slave's fasting for his ẓihār concerning his wife, whether free or enslaved, is like a free man's fasting. A female slave's waiting period following divorce, when reckoned in months, is three months, just as for a free woman. Al-Shafi'i said: A female slave's waiting period is two menstrual periods; following a husband's death, and

بذلك طالق: على قوله لها: طلقي نفسك فقالت: أنا أطلق نفسي، أو قالت: قد اخترت نفسي، فلم ير ذلك كله طلاقا، ولا على قوله: لو قال لها: لا ملك لي عليك، قال: هو طلاق. ولا قاس بعضهم قوله لمن قال لامرأته: أنت طالق مثل الجبل، فجعلها واحدة رجعية على قوله: إن قال لها أنت طالق مثل عظيم الجبل فجعلها واحدة بائنة. ولا قاس بعضهم قوله فيمن قال لامرأته: اختاري اختاري، اختاري فقالت: قد اخترت نفسي بالأولى أو قالت بالوسطى أو قالت بالآخرة فهي طلقة واحدة، على قوله فيمن قال لامرأته: اختاري اختاري اختاري، فقالت: قد اخترت نفسي بالواحدة، أو قالت واحدة، قال: فهي طالق ثلاثا. وقاس بعضهم قوله في التخيير على قوله في التمليك. ولا قاس بعضهم قوله فيمن قال لامرأته المدخول بها، أنت علي حرام مثل الخنزير والميتة والدم، فقال: هي ثلاث ولا بد، على قوله ذلك في غير المدخول بها وقال بعد ذلك: لم أنو إلا واحدة فإنه يحلف، وتكون واحدة ويراجعها إن أحبا، ولم يقس ذلك كله على قوله: قال لمدخول بها أو لغير مدخول بها: أنت بتة، أو أنت البتة، فقال: هي ثلاث على حال فيهما معا. ولم يقس بعضهم قوله فيمن قال لامرأته المدخول بها وغير المدخول بها: قد خليت سبيلك، إنه ينوي ويحلف على ما نوى، على قوله لمن قال لامرأته: حبلك على غاربك، إنها في المدخول بها ثلاث ولا بد، وفي غير المدخول بها ينوي وتكون واحدة، ولا قاس أكثرهم في قوله في التحريم في الزوجة على قوله في التحريم في الأمة وقد سوى بعضهم بين كل ذلك. ولا قاس بعضهم قوله فيمن شك أطلق زوجته أم لم يطلق وهي تقول له: لم تطلق أنه تطلق عليه ولا بد. على قوله فيمن قال لامرأته: إن كتمتني أمرا كذا فأنت طالق، أو قال لها: إن أبغضتني فأنت طالق، فأخبرته بخبر لا يدري أكتمه ما خاف عليه أم لا، وقالت له: لست أبغضك وهو لا يدري أصدقت أم كذبت أنه طلاق عليه. ولا قاس بعضهم قوله في إباحة جميع كفارات الإيمان قبل الحنث على قوله: إن كفارة يمين الإيلاء لا تكون إلا

when reckoned in months following divorce, it is half the waiting period of a free woman. A woman, whether free or enslaved, becomes forbidden to a male slave through two divorce pronouncements. A male slave may marry only two women. And the allotted period for a male slave who is impotent or swears abstention from a woman, whether free or enslaved, is like the allotted period for a free man in all of that, and his fasting for ẓihār is like a free man's fasting. So marvel at the contradictions in their analogies! It is the same with the other rulings, without distinction. Thus, concerning the fasting for ẓihār, they agreed not to apply analogy to it on the basis of the other rulings concerning a male slave. Yet there is no consensus on this, because Qatadah and others say that it is half a free man's fasting. They agreed that the rule for a slave is half the rule for a free person only concerning the waiting period following a husband's death, the waiting period reckoned by menstruation, and divorce involving a male or female slave. Yet there is no consensus on this, because Ibn Sirin considers a female slave's waiting period to be like a free woman's waiting period following a husband's death and in the menstrual cycles. It is authentically reported from Ibn 'Abbas that he instructed his male slave to take back his wife, who was a female slave, after two divorce pronouncements. Some of them did not apply by analogy their ruling that, if someone looks lustfully at the private parts of a woman whom he has revocably divorced, during her waiting period, this constitutes taking her back, to their ruling that, if he looks lustfully at any part of her body other than her private parts, this does not constitute taking her back; nor to their ruling that, if he touches her body lustfully, this constitutes taking her back. Some of them did not apply by analogy their ruling concerning someone who says to his wife, 'You are no wife of mine,' intending divorce, which they did not consider a divorce, to their ruling that, if he says to her, 'Get up,' intending divorce, it is a divorce. Some of them did not apply by analogy their ruling concerning someone who says to his wife, 'Choose,' and she says, 'I choose myself,' in which case they say that she is thereby divorced, to their ruling concerning his saying to her, 'Divorce yourself,' and her saying, 'I divorce myself,' or her saying, 'I have chosen myself,' none of which they considered a divorce; nor to their ruling that, if he says to her, 'I have no ownership over you,' they say that it is a divorce. Nor did some of them

بعد الحنث. ولا قاس بعضهم جواز تسري العبد عبده على منعه من التفكير بالعتق فيما لا يجزي فيه إلا العتق لواجد الرقبة، وهو واجد رقابا يطؤهن. ولا قاس بعضهم قوله فيمن قال لامرأته: كل امرأة أتزوجها عليك فهي كظهر أمي، قال: ليتزوج عليها واحدة أو اثنتين معا أو ثلاثا معا، وليس عليه في كل ذلك إلا كفارة واحدة على قوله لها: ومتى تزوجت عليك فالتي أتزوج عليك كظهر أمي، فرأى عليه لكل امرأة يتزوجها كفارة. ولم يقس بعضهم سقوط اللعان على الأعمى والمحدودة لسقوط شهادتها على قوله: إن اللعان لا يسقط عن الفاسق المعلن لسقوط شهادته. ولم يقس بعضهم قوله: من أعسر النفقة أجل شهرين أو نحوهما وإلا فرق بينهما، على قوله: فإن أعسر بالصداق أجل عامين أو نحوهما ثم فرق بينهما. ولم يقس بعضهم عدة المستحاضة من الطلاق سنة، ميزت الدم أم لم تميز كانت لها أيام معهودة أو لم تكن، على قوله: عدتها من الوفاة أربعة أشهر وعشر. ولم يقس بعضهم قوله: من قتل أمة أو عبدا قيمة كل واحد منهما مائة ألف درهم لم يغرم في العبد إلا عشرة آلاف درهم غير عشرة دراهم، وفي الأمة خمسة آلاف درهم غير خمسة دراهم، فإن كانت القيمة أقل من عشرة آلاف في العبد وخمسة آلاف في الأمة غرم القيمة كلها، على قوله: إن غصب عبدا أو أمة فماتا عنده غرم قيمتهما، ولو بلغت ألف درهم، ولم يقس هذا الهذيان على سائر أقواله: إن أحكام العبد على نصف أحكام الحر، في النكاح والطلاق وغير ذلك. ولم يقس قوله: إنه يقص بين الحر والعبد والكافر والمؤمن في النفس على قوله: إن ما دون النفس يقص فيه بين المؤمن والكافر، ولا يقص فيه بين العبد والحر. ولم يقس بعضهم قوله: يقتل عشرة بواحد على قوله: لا تقطع يدان بيد، ولا عينان بعين. ولم يقس بعضهم قوله: لا يستقاد من أحد بحجارة ولا بطعنة رمح، على قوله: يقتل الزاني المحصن بالحجارة والمحارب بالطعن بالرمح. ولم يقس بعضهم إباحته قتل المرأة في الزنى وفي القود على قوله في منع قتلها إذا ارتدت. قال أبو محمد: فيما ذكرنا كفاية

apply by analogy their ruling concerning someone who says to his wife, 'You are divorced like the mountain,' which they treated as one revocable divorce, to their ruling that, if he says to her, 'You are divorced like the great mass of the mountain,' they treat it as one irrevocable divorce. Nor did some of them apply by analogy their ruling concerning someone who says to his wife, 'Choose, choose, choose,' and she says, 'I have chosen myself by the first,' or says, 'By the middle one,' or says, 'By the last,' in which case it is one divorce pronouncement, to their ruling concerning someone who says to his wife, 'Choose, choose, choose,' and she says, 'I have chosen myself by the one,' or says, 'One,' in which case they say that she is divorced three times. Some of them applied by analogy their ruling concerning granting a choice to their ruling concerning vesting the wife with the power of divorce. Nor did some of them apply by analogy their ruling concerning someone who says to his wife with whom he has consummated the marriage, 'You are forbidden to me like swine, carrion, and blood,' in which case they say that it is necessarily three divorce pronouncements, to their ruling concerning his saying that to a wife with whom he has not consummated the marriage, and then saying afterward, 'I intended only one,' in which case he swears an oath, it is one divorce pronouncement, and he takes her back if they both wish. Nor did they apply all of that by analogy to their ruling that, if he says to a wife with whom he has consummated the marriage, or to one with whom he has not consummated it, 'You are severed,' or 'You are utterly severed,' they say that it is three divorce pronouncements in every case, for both alike. Some of them did not apply by analogy their ruling concerning someone who says to his wife, whether he has consummated the marriage with her or has not consummated it 'I have set you free to go your way,' that his intention is to be ascertained and he swears to what he intended, to their ruling concerning someone who says to his wife, 'Your rope is on your withers,' that, for a wife with whom he has consummated the marriage, it is necessarily three divorce pronouncements, while, for one with whom he has not consummated it, his intention is to be ascertained and it is one divorce pronouncement. Nor did most of them apply by analogy their ruling concerning declaring a wife forbidden to their ruling concerning declaring a female slave forbidden, though some of them treated all of that alike. Nor did some of them apply by analogy

على أننا لم نكتب من تناقضهم في القياس، وتركهم في القياس، وتركهم له إلا جزءا يسيرا جدا من أجزاء عظيمة جدا، ولو تقصينا ذلك لقام منه ديوان أعظم من جميع ديواننا هذا كله. وكل ما ذكرنا فإنهم إن احتجوا فيه بإجماع على تركه لم ينفكوا من أحد وجهين: إما أن يدعوه بغير علم فيكذبوا، وإما أن يصدقوا في ذلك، فإن كانوا قد صدقوا أقروا أن الإجماع جاء بترك القياس، ولو كان حقا ما جاء الإجماع بتركه، وإن ادعوا أنهم تركوا القياس حيث تركوه لنص وارد في ذلك، فاعلموا أن كل قياس خالفناهم فيه، فإن النص قد ورد بخلاف ذلك القياس، لا بد من ذلك، وإن قالوا بتركنا القياس حيث تركناه لدليل غير النص، قلنا لهم هذا ما لا نعرفه ولا قدرته، وأي دليل يكون أقوى من النص؟ هذا عدم لا سبيل إلى وجوده أبدا. وبالجملة فكل واحد منهم إنما استعمل القياس في يسير من مسائله جدا، وتركه في أكثرها، فإن كان القياس حقا فقد اخطؤوا بتركه وهم يعلمونه، وإن كان باطلا فقد اخطؤوا باستعماله، فهم في خطأ متيقن إلا في القليل من أقوالهم. وقال بعضهم: لا نقيس على شاذ.

[309] **Translator's note (L3455):** 'Your rope is on your withers' is a figurative formula of release, evoking an animal left free to go where it wishes. In the comparison involving uncertainty about divorce and conditional divorce, the supplied wording states that divorce takes effect in both cases. A missing negative in the second ruling is possible, but none has been inserted. The phrase 'تسري العبد عبده' uses a masculine form for the slave taken as a concubine. This is anomalous in the stated legal example and may be a transcription error for a female slave; the translation retains the anomaly through 'his own slave.' The source reads 'التفكير بالعتق,' literally 'thinking through manumission,' where the context indicates 'التكفير بالعتق,' making expiation through manumission. The translation follows that apparent intended reading. The mutual-imprecation sentence groups a blind man with a woman subjected to a prescribed punishment, but gives the reason using the feminine singular, 'her testimony being inadmissible.' That grammatical mismatch is retained. 'Distinguish the blood' refers to distinguishing menstrual blood from other uterine bleeding.

their ruling concerning someone who doubts whether he has divorced his wife or has not divorced her, while she tells him, 'You did not divorce me,' that she must necessarily be divorced from him, to their ruling concerning someone who says to his wife, 'If you conceal such-and-such a matter from me, you are divorced,' or says to her, 'If you hate me, you are divorced,' and she gives him an account, while he does not know whether she has concealed from him what he feared concerning it or not, or tells him, 'I do not hate you,' while he does not know whether she has spoken truthfully or lied, that a divorce takes effect against him. Nor did some of them apply by analogy their ruling permitting all expiations for oaths before the oath is broken to their ruling that expiation for an oath of abstention from marital intercourse can take place only after the oath is broken. Nor did some of them apply by analogy their permission for a male slave to take his own slave as a concubine to their prohibition against his making expiation through manumission in cases where nothing but manumission suffices for someone who possesses a slave, even though he possesses slaves with whom he has intercourse. Nor did some of them apply by analogy their ruling concerning someone who says to his wife, 'Every woman whom I marry in addition to you shall be to me like my mother's back,' in which case they say, 'Let him marry one woman in addition to her, or two together, or three together; he owes only one expiation for all of that,' to their ruling concerning his saying to her, 'Whenever I marry in addition to you, the woman whom I marry in addition to you shall be to me like my mother's back,' in which case they held that he owes an expiation for every woman he marries. Some of them did not apply by analogy their waiving mutual imprecation for a blind man and a woman who has received a prescribed punishment, on account of her testimony being inadmissible, to their ruling that mutual imprecation is not waived for an openly sinful man on account of his testimony being inadmissible. Some of them did not apply by analogy their ruling that someone unable to provide maintenance is granted two months or thereabouts, failing which the couple are separated, to their ruling that, if he is unable to pay the dower, he is granted two years or thereabouts, after which the couple are separated. Some of them did not apply by analogy their ruling that the waiting period following divorce for a woman with irregular uterine bleeding is one year,

whether she can distinguish the blood or cannot distinguish it whether she had an established pattern of days or did not—to their ruling that her waiting period following a husband's death is four months and ten days. Some of them did not apply by analogy their ruling that someone who kills a female slave or a male slave, the value of each of them being one hundred thousand dirhams, is not liable to pay for the male slave except ten thousand dirhams less ten dirhams, and for the female slave five thousand dirhams less five dirhams. If the value is less than ten thousand for the male slave and five thousand for the female slave, he must pay the entire value. Yet according to his statement, if someone wrongfully seizes a male or female slave and they die in his possession, he must pay their value, even if it amounts to a thousand dirhams. He did not apply analogy between this nonsense and his other statements that the rulings concerning a male slave are half those concerning a free man in marriage, divorce, and other matters. Nor did he apply analogy between his statement that retaliation for loss of life applies between a free person and a slave, and between an unbeliever and a believer, and his statement that, for injuries short of loss of life, retaliation applies between a believer and an unbeliever but does not apply between a slave and a free person. Some of them did not apply analogy between their statement that ten people are killed for one and their statement that two hands are not cut off for one hand, nor two eyes for one eye. Some of them did not apply analogy between their statement that no one is executed in retaliation with stones or a spear thrust and their statement that an adulterer possessing the requisite marital status is killed with stones, and one who wages war against society by being thrust through with a spear. Some of them did not apply analogy between their permission to kill a woman for unlawful intercourse and in retaliation, and their statement prohibiting her killing if she apostatizes.

Abu Muhammed said: What we have mentioned is sufficient, although, of their contradictions concerning analogy, their abandonment in analogy, and their abandonment of it, we have recorded only a very tiny portion of exceedingly extensive material. Had we investigated it exhaustively, it would have yielded a volume larger than this entire work of ours. Concerning everything we have mentioned, if they invoke consensus as an argument for

abandoning it, they cannot escape one of two alternatives: either they claim it without knowledge and thus lie, or they speak truthfully about it. If they have spoken truthfully, they have acknowledged that consensus established the abandonment of analogy. Had analogy been true, consensus would not have established its abandonment. If they claim that, wherever they abandoned analogy, they abandoned it because of a revealed text concerning that matter, then know that, in every analogy over which we disagree with them, a revealed text has indeed come in opposition to that analogy: this is necessarily so. If they say, 'We abandoned analogy wherever we abandoned it because of evidence other than a revealed text,' we say to them: This is something we do not know, nor do we know its force. What evidence could be stronger than a revealed text? This is a nonexistent thing that can never possibly exist. In sum, each of them has employed analogy in only a very few of his legal questions and abandoned it in most of them. If analogy is true, they have erred by abandoning it while knowing it; and if it is false, they have erred by employing it. Thus they are certainly in error, except in

a few of their positions. Some of them said: ‘We do not draw an analogy from an anomalous case.’[301][302][303][304][305][306][307][308][309][310][311]

[301]**Translator’s note (L3444):** The phrase منعه في إباحة الفروج للضرورة is awkwardly constructed; it is translated as a prohibition of permitting sexual access on grounds of necessity. The supplied واعترض literally suggests presenting or interposing oneself. ’Presents himself’ preserves that reading, though its precise procedural meaning here is uncertain. The text says ’each of the two’ after listing drinking blood, eating carrion, and eating swine flesh. This apparent numerical mismatch is retained.

[302]**Translator’s note (L3446):** غير المحصن denotes someone lacking the legal status associated with prior lawful consummation, relevant to the punishment for unlawful sexual intercourse. The supplied الإجازة means ’authorization’ and is retained. الإجارة, ’hire’ or ’lease,’ may have been intended in the list of contracts concluded during the call to Friday prayer. ثانيا, rendered ’a further,’ is awkward in its position after the comparison with the punishment for wine. The wording concerning the destruction of pledged bearers and their offspring is syntactically strained. The supplied يتلف is understood in context as expressing loss or destruction; بتلف may have been intended. الغرم in دنانير الغرم appears defective; the translation understands a reference to the debtor, likely الغريم. The phrase ما هذا ما عدا ذلك is corrupt or contains intrusive words. The rendering ’anything other than that’ follows the intelligible portion ما عدا ذلك.

[303]**Translator’s note (L3448):** The opening continues a comparison begun in the preceding segment; the thing referred to by ’that’ is outside this segment. The two-year period concerning a missing husband is described by the Arabic only as the female slave’s ’allotted period’; its precise procedural function is not specified here.

[304]**Translator’s note (L3449):** In Abu Hanifah’s statement, ’a male slave’s allotted period concerning his wife’ does not specify what occasion gives rise to the period. Impotence appears to be intended from the surrounding comparisons, but the Arabic does not expressly say so.

[305]**Translator’s note (L3451):** The supplied ’يعن أيولي’ is malformed. The translation takes it as ’is impotent or swears abstention,’ as the surrounding parallel statements suggest. The source writes ’الإقراء’ in the reference to menstrual cycles, an irregular form apparently intended to refer to the legally counted cycles (aqrāʾ). The term qurʾ can technically denote either menstruation or the interval of purity; the immediate discussion concerns a waiting period of two menstrual periods.

[306]**Translator’s note (L3452):** The examples contrast exact divorce formulas. ’Like the great mass of the mountain’ renders the awkward phrase ’مثل عظيم الجبل’; its precise intended distinction from ’like the mountain’ is not explained in the passage.

L3461 Abu Muhammed said: This is an invalid arbitrary assertion, for nothing in the revealed law is anomalous. Exalted is Allah above obligating us to follow anomalies! Rather, everything that has come from Allah Most High and from His Messenger ﷺ is true, and truth cannot be anomalous. Only falsehood is anomalous. Some of them said: 'We do not draw an analogy from a derivative ruling.' Abu Muhammed said: This is like the first assertion. There is no derivative ruling in the revealed law: everything established by an explicit text or consensus is a foundational ruling. Where, then, is there a derivative ruling here, if these people would judge themselves fairly? Some of them said: 'Prescribed punishments and expiations are not established by analogy.' Abu Muhammed said: What difference is there between them and someone who says, instead, 'Acts of worship and rulings concerning sexual relations are not established by analogy'? Everyone who distinguishes between any of the rulings of Allah Most High is mistaken. Rather, throughout the whole religion, it is unlawful to rule on anything by analogy. Moreover, they have contradicted themselves and employed analogy in both categories: they have made a prescribed punishment obligatory for a man who commits sodomy by analogy, and have made many expiations obligatory by analogy. These people contradict themselves in a manner resembling play and jest. I seek refuge in Allah from that with which they have been afflicted. If someone says, 'You too have abandoned many hadiths,'

L3462–3463 we say to them—and through Allah Most High comes success: You have lied and fabricated falsehoods. This is never found on the part of any of us except in four circumstances, with no fifth: either because demonstration establishes its abrogation or the restriction of its general scope by another explicit text—and this is not lawful for anyone—or because it has not reached

قال أبو محمد: وهذا تحكم فاسد، لأنه ليس شيء في الشريعة شاذا، تعالى الله أن يلزمنا الشواذ بل كل ما جاء عن الله تعالى وعن رسوله صلى الله عليه وسلم فهو حق والحق لا يكون شاذا وإنما الشاذ الباطل. وقال بعضهم: لا نقيس على فرع. قال أبو محمد: وهذا كالأول، ولا فرع في الشريعة، وكل ما جاء نصا أو إجماعا فهو أصل، فأين ههنا فرع؟ لو أنصف القوم أنفسهم؟. وقال بعضهم: الحدود والكفارات لا تؤخذ قياسا. قال أبو محمد: وما الفرق بينهم وبين من قال بل العبادات وأحكام الفروج لا تؤخذ قياسا، وكل من فرق بين شيء من أحكام الله تعالى فهو مخطىء، بل الدين كله لا يحل أن يحكم في شيء منه بقياس، على أنهم قد تناقضوا وقاسوا في البابين، وأوجبوا حد اللوطي قياسا، وأوجبوا كفارات كثيرة قياسا، والقوم متناقضون تناقضا يشبه اللعب والهزل: أعوذ بالله مما امتحنوا به. فإن قال قائل: وأنتم قد تركتم حديثا كثيرا.

قلنا لهم: وبالله تعالى التوفيق: كذبتم وأفكتم، ولا يوجد ذلك من أحد منا أبدا إلا أربعة أوجه لا خامس لها: إما لقيام البرهان على نسخه أو تخصيصه بنص آخر، وهذا لا يحل لأحد. وإما أنه لم يبلغ إلى الذي لم يقل به منا وهذا عذر ظاهر و {لا يكلف الله نفسا إلا وسعها لها ما كسبت وعليها ما كتسبت ربنا لا تؤاخذنا إن نسينآ أو أخطأنا ربنا ولا تحمل علينآ إصرا كما حملته على لذين من قبلنا ربنا ولا تحملنا ما لا طاقة لنا به وعف عنا وغفر لنا ورحمنآ أنت مولانا فنصرنا على لقوم لكافرين} وإما أن بعضنا يرى ترك كل ما رواه المدلس إلا ما قال فيه حدثنا أو أنبأنا وهذا خطأ، وبعضنا يرى قبول جميع روايته إذا لم يدلس المنكرات إلى الثقات، إلا ما صح فيه تدليسه، وبهذا نقول وعلى كل ما ذكرنا البرهان، والبرهان لا يتعارض، والحق لا يعارضه حق آخر.

[307] **Translator's note (L3453):** The opening preserves the source's distinction between 'by the one' and 'one,' as contrasted with 'by the first,' 'by the middle one,' and 'by the last' in the preceding segment. The source says that he 'takes her back' despite specifying that the marriage was not consummated. The wording is retained without resolving the legal difficulty.

[308] **Translator's note (L3454):** The two formulas 'أنت بتة' and 'أنت البتة' differ by the definite article. The English renderings preserve two distinct formulas, although the Arabic difference has no exact English equivalent.

the one among us who does not adopt it. This is an evident excuse, and: {Allah does not burden a soul beyond its capacity. It shall have what it has earned, and against it shall be what it has acquired. Our Lord, do not take us to task if we forget or err. Our Lord, do not lay upon us a burden as You laid it upon those before us. Our Lord, do not burden us with what we have no strength to bear. Pardon us, forgive us, and have mercy upon us. You are our Protector, so grant us victory over the unbelieving people.} Or because some of us hold that everything transmitted by a transmitter who conceals defects in transmission must be rejected, except where he says, 'He narrated to us,' or 'He informed us.' This is an error. Some of us hold that all his transmissions should be accepted, provided he does not deceptively attribute objectionable reports to trustworthy transmitters, except those transmissions in which his concealment has been established. This is the position we adopt. There is demonstration for everything we have mentioned; demonstration does not conflict with demonstration, and no truth conflicts with another truth. Or because some of us hold that two conflicting hadiths should both be rejected because it has not been established for him which abrogates the other; and since it has not been established for him which of the two is the abrogating report, he is forbidden to pursue that of which he has no knowledge. This is an error. Some of us hold that, here, one should adopt the report containing the additional provision, and this is the position we adopt.[312][313]

L3464–3465 Thus none of us—praise be to Allah—has ever abandoned an authentic hadith that reached him, in any manner whatsoever, for the statement of anyone other than the Messenger of Allah ﷺ, or for personal opinion, or for analogy. We seek refuge in Allah from that. As for them, they abandon the explicit

[312] **Translator's note (L3462):** The supplied text says 'and this is not lawful for anyone' immediately after allowing departure from a hadith on demonstrated grounds of abrogation or restriction of general scope. This apparent inconsistency is retained. The Qur'anic quotation, corresponding to 2:286, contains numerous defective spellings and omitted letters, including «لله» for the divine name and «كتسبت» in place of the expected verb form. The recognizable wording is rendered in English; these transcription defects are flagged here. 'A transmitter who conceals defects in transmission' renders mudallis; the subsequent wording concerns deceptive concealment or attribution in a transmission chain.

[313] **Qur'an references (L3462):** Qur'an 2:286 (Al-Baqarah).

وإما أن بعضنا يرى ترك الحديثين المتعارضين، لأنه لم يصح عنده الناسخ، وإذ لم يصح عنده الناسخ منهما فهو منهي أن يقفو ما لا علم له به، وهذا خطأ، وبعضنا يرى ههنا الأخذ بالزائد، وبه نقول.

فليس منا أحد ولله الحمد ترك حديثا صحيحا بلغه بوجه من الوجوه لقول أحد دون رسول الله صلى الله عليه وسلم ولا لرأي ولا لقياس ونعوذ بالله من ذلك وأما هم فإنهم يتركون نصوص القرآن لآرائهم وأهوائهم وتقليدهم، ويتركون الصحيح من الحديث عندهم كذلك، ويتركون القياس وهم يعرفونه ويعلمونه وهو ظاهر إليهم كذلك، فالقوم لم يتمسكوا إلا باتباع الهوى والتقليد فقط، ونعوذ بالله من الخذلان. وقد انتهينا من إيضاح البراهين على إبطال الحكم بالقياس في دين الله تعالى إلى حيث أعاننا الله تعالى عليه، راجين الأجر الجزيل على ذلك، ولاح لكل من ينصف نفسه: أن القياس ضلال ومعصية وبدعة، لا يحل لأحد الحكم به في شيء من الدين كله،

texts of the Qur'an for their opinions, their desires, and their unquestioning adherence to authority. They likewise abandon hadiths they themselves consider authentic, and likewise abandon analogy while recognizing it, knowing it, and finding it evident. These people have therefore held fast only to following desire and unquestioning adherence to authority. We seek refuge in Allah from being forsaken. We have now reached, in elucidating the demonstrations invalidating judgment by analogy in the religion of Allah Most High, the point to which Allah Most High has helped us, hoping for abundant reward for doing so. It has become evident to everyone who judges himself fairly that analogy is misguidance, disobedience, and innovation, and that no one may lawfully rule by it in anything whatsoever pertaining to religion. Let every person therefore fear his Lord. Let obstinacy not drive him to turn away from the truth, and let the love of perpetuating a little authority not plunge him into bearing prolonged remorse. Soon he will stand at the stations of judgment before the Knower of hidden things. Let anyone who has ruled in the religion of Allah Most High by something other than what He enjoined upon him in His speech and in the speech of the Messenger of Allah ﷺ to us consider what his argument will be when he is questioned about that. Let him be certain that whoever is asked on the Day of Resurrection, 'By what did you rule?' and says, 'By Your speech, my Lord, and the speech of His Messenger to me,' has been entirely cleared of liability in this respect. Whoever adds to that or goes beyond it should consider how he will escape, and should prepare an answer to the question concerning his ruling through unquestioning adherence to his forefathers, his personal opinion, and his analogy. And: {You will remember what I say to you, and I entrust my affair to Allah. Indeed, Allah sees His servants.} Allah is sufficient for me, and an excellent Trustee is He.[314][315]

فليتق كل امرىء ربه. ولا يحمله اللجاج على الإعراض عن الحق، ولا يقتحم به حب استدامة رياسة قليلة على تحمل ندامة طويلة، فعن قريب يقف في مواقف الحكم بين يدي عالم الخفيات، فليفكر من حكم في دين الله تعالى بغير ما عهد به إليه في كلامه وكلام رسول الله صلى الله عليه وسلم إلينا ماذا تكون حجته إذا سئل عن ذلك وليوقن أن من سئل يوم القيامة بماذا حكمت؟. فقال: بكلامك يا رب وكلام رسوله إلي، فقد برىء من التبعة من هذا الوجه جملة، ومن زاد على ذلك أو تعداه فلينظر في المخلص، وليعد المسألة في حكمه بتقليد الآباء ورأيه وقياسه جوابا و {فستذكرون ما أقول لكم وأفوض أمري إلى الله إن الله بصير بالعباد} وحسبي الله ونعم الوكيل

[314] **Translator's note (L3465):** Within the direct address 'Your speech, my Lord,' the supplied text unexpectedly shifts to 'His Messenger' rather than 'Your Messenger.' That shift is retained. The phrase «وليعد المسألة ... جوابا» is syntactically awkward; it is rendered as preparing an answer to the question concerning his judgment. The Qur'anic quotation, corresponding to 40:44, has defective spellings, including «لله» for the divine name and «بلعباد» for 'His servants'; its recognizable wording is translated.

[315] **Qur'an references (L3464):** Qur'an 40:44 (Ghafir).

الباب 39: إبطال القول بالعلل

Chapter 39: Refutation of Effective Causes in Religious Rulings

Ibn Ḥazm · Arabic–English parallel edition

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[الباب التاسع والثلاثون في إبطال القول بالعلل في جميع أحكام الدين]

قال أبو محمد علي بن أحمد رضي الله عنه ذهب القائلون بالقياس من المتحذلقين المتأخرين إلى القول بالعلل، واختلف المبطلون للقياس، فقالت طائفة منهم: إذا نص الله تعالى على أنه جعل شيئا ما سببا لحكم ما، فحيث ما وجد ذلك السبب وجد ذلك الحكم وقالوا مثال ذلك قول رسول الله صلى الله عليه وسلم إذ نهى عن الذبح بالسن وأما السن فإنه عظم. قالوا: فكل عظم لا يجوز الذبح به أصلا قالوا ومن ذلك قول رسول الله صلى الله عليه وسلم في السمن تقع فيه الفأرة فإن كان مائعا فلا تقربوه قالوا: فالميعان سبب ألا يقرب، فحيث ما وجد مائع حلت فيه نجاسة فالواجب ألا يقرب. قال أبو محمد: وهذا ليس يقول به أبو سليمان رحمه الله، ولا أحد من أصحابنا، وإنما هو قول لقوم لا يعتد بهم في جملتنا كالقاساني وضربائه. وقال هؤلاء: وأما ما لا نص فيه فلا يجوز أن يقال فيه: إن هذا لسبب كذا. وقال أبو سليمان، وجميع أصحابه رضي الله عنهم: لا يفعل الله شيئا من الأحكام وغيرها لعلة أصلا بوجه من الوجوه فإذا نص الله تعالى أو رسوله صلى الله عليه وسلم على أن أمر كذا لسبب كذا أو من أجل كذا ولأن كان كذا أو لكذا، فإن ذلك كله ندري أنه جعله الله أسبابا لتلك الأشياء في تلك المواضع التي جاء النص بها فيها. ولا توجب تلك الأسباب شيئا من تلك الأحكام في غير تلك المواضع البتة، قال أبو محمد: وهذا هو ديننا الذي ندين به، وندعو عباد الله تعالى إليه، ونقطع على أنه الحق عند الله تعالى. فأما الحديث الذي ذكروا في السن أنه عظم، فكل عظم ما عدا السن فالتذكية به جائزة لأن النبي صلى الله عليه وسلم لم يكن عاجزا عما قدر عليه هؤلاء المتخرصون، ولو كانت الذكاة بالعظام حراما لما اقتصر صلى الله عليه وسلم على ذكر السن وحده ولما رضي بهذا العي

[Chapter Thirty-Nine: Invalidating the Doctrine of Effective Causes in All the Rulings of Religion]

Abu Muhammed Ali ibn Ahmad, may Allah be pleased with him, said: Those advocates of analogy among the later pretentious sophisticates adopted the doctrine of effective causes. Those who reject analogy disagreed. One group among them said: 'If Allah Most High explicitly states that He has made a certain thing a reason for a certain ruling, then wherever that reason exists, that ruling exists.' They said: 'An example is the statement of the Messenger of Allah ﷺ when he prohibited slaughtering with a tooth: "As for the tooth, it is a bone."' They said: 'Thus it is absolutely impermissible to slaughter with any bone.' They said: 'Another example is the statement of the Messenger of Allah ﷺ concerning clarified butter into which a mouse falls: "If it is liquid, do not go near it."' They said: 'Thus liquidity is the reason for its not being approached. Wherever there is a liquid into which an impurity has entered, it is obligatory not to approach it.' Abu Muhammed said: This is not the position of Abu Sulayman, may Allah have mercy on him, nor of any of our companions. It is merely the position of people who carry no weight among us, such as al-Qasani and his like. These people said: "As for that concerning which there is no explicit text, it is impermissible to say that it is for such-and-such a reason." Abu Sulayman and all his companions, may Allah be pleased with them, said: "Allah does nothing, whether concerning legal rulings or anything else, on account of an effective cause, in any respect whatsoever. When Allah Most High or His Messenger ﷺ expressly states that such-and-such a matter is for such-and-such a reason, or on account of such-and-such, or because such-and-such occurred, or for such-and-such, we know that Allah has made all these things causes of those things in the particular instances in which the explicit text specifies them. These causes do not entail any of those rulings in any other instances whatsoever." Abu Muhammed said: This is our religion, which we profess and to which we call the servants of Allah Most High, and we affirm decisively that it is the truth in the sight of Allah Most High. As for the report they cited concerning the tooth, that it is a bone, ritual slaughter with every bone other than a tooth is permissible. For the Prophet ﷺ was not incapable of what

من ذكر شيء وهو يريد غيره، ولقال: ما أنهر الدم وفرى الأوداج فكلوا ما لم يكن عظما أو ظفرا، وصح ضرورة أنه لو كانت العظمة مانعة من الذبح لما هي فيه، لما كان لذكر السن معنى، ولكان تلبيسا لا بيانا، فوضح يقينا أن العظمة ليست مانعة من الذبح بالجرم الذي هي فيه، إلا أن يكون في سن فقط، وكذلك القول في الحديث الآخر ولا فرق. والقائلون بخلاف قولنا قد تناقضوا في الحديث المذكور نفسه، ولم يعنونا في طلب تناقضهم إلى مكان بعيد لكن أتوا إلى قوله صلى الله عليه وسلم في ذلك الحديث نفسه وأما الظفر فإنه مدى الحبشة فكان يلزمهم إذا جعلوا قوله صلى الله عليه وسلم فإنه عظم سببا مانعا من الذبح بكل عظم أن يجعلوا قوله صلى الله عليه وسلم وأما الظفر فإنه مدى الحبشة مانعا من التذكية بكل مدية ك أنت لحبشي، وهذا ما لا يقولونه، بل اقتصروا على المنع من الذبح بالظفر فقط. فلو فعلوا كذلك في السن فمنعوا من الذبح به ولم يتعدوه إلى سائر العظام لكان اهدى لهم، ولكن هكذا يتناقض أهل الخطأ. وأما أصحاب مالك وأبي حنيفة، وهم المغلبون للقياس على نصوص القرآن والحديث في كثير من أقوالهم، فإنهم تركوا القياس ههنا جملة، فأجازوا الذبح بكل عظيم، لم يقنعوا بهذا إلا حتى تجاوزوا ذلك إلى تخصيص النص بلا دليل، فأجازوا الذبح بكل سن نزعت، واقتصروا على المنع من الذبح بالسن التي لم تنزع، وأجازوا الذكاة بكل ظفر قلع وهذا خطأ منهم. والناقص من الدين كالزائد فيه ولا فرق {يأيها لنبي إذا طلقتم لنسآء فطلقوهن لعدتهن وأحصوا لعدة وتقوا لله ربكم لا تخرجوهن من بيوتهن ولا يخرجن إلا أن يأتين بفاحشة مبينة وتلك حدود لله ومن يتعد حدود لله فقد ظلم نفسه لا تدرى لعل لله يحدث بعد ذلك أمرا} فلو كان التعليل صوابا لكان ما له نص الله تعالى عليه ورسوله صلى الله عليه وسلم بأن جعله سببا للحكم أولى عند كل من له مسكة عقل ودين، من علة يتكهنون في استخراجها بلا دليل فهم

these fabricators have managed to do. Had ritual slaughter with bones been forbidden, he ﷺ would not have confined himself to mentioning the tooth alone, nor would he have accepted this inarticulateness of mentioning one thing while meaning something else. He would have said: "Whatever causes the blood to flow and cuts through the jugular vessels, eat what it slaughters, provided it is neither a bone nor a nail." It is necessarily established that, if being bone prevented slaughter with whatever possessed that quality, mentioning the tooth would have served no purpose, and would have been obfuscation rather than clarification. It has thus become certain that being bone does not prevent slaughter with the physical object possessing that quality, except when it is specifically a tooth. The same applies to the other report, without any difference. Those who oppose our position have contradicted themselves within the very report mentioned. They have not put us to the trouble of going far afield to find their contradiction; instead, they turned to his statement ﷺ in that very report: "As for the nail, it is the knives of the Abyssinians." If they made his statement ﷺ, "For it is a bone," a cause preventing slaughter with every bone, they would have been obliged to make his statement ﷺ, "As for the nail, it is the knives of the Abyssinians," a prohibition on ritual slaughter with every knife that belonged to an Abyssinian. Yet they do not say this; instead, they confined the prohibition to slaughter with a nail alone. Had they done likewise with the tooth, prohibiting slaughter with it without extending this to the rest of the bones, that would have been better guidance for them. But this is how those in error contradict themselves. As for the followers of Malik and Abu Hanifah, who give analogy precedence over the explicit texts of the Quran and the reports in many of their positions, they abandoned analogy altogether here and permitted slaughter with every large thing. They were not content with this, but went further, restricting the scope of the explicit text without evidence: they permitted slaughter with every tooth that had been extracted and confined the prohibition to slaughter with a tooth that had not been extracted. They also permitted ritual slaughter with every nail that had been pulled out. This is an error on their part. Someone who subtracts from the religion is like someone who adds to it; there is no difference. "O Prophet, when you divorce women, divorce them for their prescribed waiting period,

and count the waiting period. Fear Allah, your Lord. Do not expel them from their houses, nor shall they leave, unless they commit a manifest indecency. These are Allah's bounds, and whoever transgresses Allah's bounds has wronged himself. You do not know: perhaps Allah will bring about some matter after that." If reasoning by effective causes were correct, then what Allah Most High and His Messenger ﷺ explicitly designated as a cause of a ruling would have greater claim, in the judgment of anyone possessing a modicum of reason and religion, than an effective cause which they divine in their attempts to derive it without evidence. Yet they have reversed this, as you see. Abu Muhammed said: As for the correct position, besides which no other is permissible, it is that neither slaughter by cutting the throat nor slaughter by piercing the base of the neck is lawful with a tooth or a nail, whether they have been removed or have not been removed. As for anything other than these two—bones, Abyssinian knives, or anything else that cuts through—it is lawful to use it for slaughter by cutting the throat, slaughter by piercing the base of the neck, and ritual slaughter. If they say, "Consensus prevented us from consistently extending reasoning by effective causes to the Abyssinian knives in the report mentioned," they are told—and success is through Allah Most High: Consensus has thus been established upon the correctness of our position and upon the invalidity of reasoning by effective causes; and otherwise we extend the cause expressly stated in the text to that which has not been expressly stated in it. Had reasoning by effective causes been true, consensus contrary to it could not have existed. Abu Muhammed said: Abd al-Rahman ibn Abd Allah ibn Khalid related to us; Ibrahim ibn Ahmad related to us; al-Firabri related to us; al-Bukhari related to us; Abd Allah ibn al-Sabbah related to us; Abu Ali al-Hanafi related to us; Qurrah ibn Khalid related to us, saying: We waited for al-Hasan, and he came and said, "These neighbors of ours invited us." Then he said: Anas ibn Malik said: "We waited for the Prophet ﷺ one night until, when it was halfway through the night, reaching that point, he came and led us in prayer. Then he addressed us, saying: 'Take heed: the people have prayed and gone to sleep, whereas you have continued to be in prayer for as long as you have waited for the prayer.'" Abu Muhammed said: The Messenger of Allah ﷺ thus made waiting for the prayer one of the causes for which delaying the

قد قلبوا ذلك كما ترى. قال أبو محمد: وأما الصواب الذي لا يجوز غيره فهو أن السن والظفر لا يحل الذبح بهما ولا النحر، منزوعين كانا أو غير منزوعين، فأما ما عداهما، من عظم ومن مدي الحبشة أو غير ذلك مما يفري، فحلال الذبح به والنحر والتذكية. فإن قالوا: إن الإجماع منعنا أن يطرد التعليل في مدي الحبشة في الحديث المذكور، قيل لهم وبالله تعالى التوفيق: قد ثبت الإجماع على صحة قولنا، وعلى إبطال التعليل، وإلا نتعدى السبب المنصوص عليه إلى ما لم ينص عليه، ولو كان التعليل حقا ما جاز وجود الإجماع بخلافه. قال أبو محمد: وحدثنا عبد الرحمن بن عبد الله بن خالد، ثنا إبراهيم بن أحمد، ثنا الفربري، ثنا البخاري، ثنا عبد الله بن الصباح، ثنا أبو علي الحنفي، ثنا قرة بن خالد قال: انتظرنا الحسن فجاء فقال: دعانا جيراننا هؤلاء ثم قال قال أنس بن مالك نظرنا النبي صلى الله عليه وسلم ذات ليلة حتى إذا كان شطر الليل يبلغه جاء فصلى لنا ثم خطبنا فقال: ألا إن الناس قد صلوا رقدوا، وإنكم لم تزالوا في صلاة ما انتظرتم الصلاة قال أبو محمد فقد جعل رسول الله صلى الله عليه وسلم من الأسباب التي يختار لها تأخير العتمة انتظار الصلاة، فيكون المنتظر لها في صلاة ما انتظرها، ولم يكن هذا علة عند القائلين بالعلل في اختيار تأخير العصر والمغرب فإذا كان ما نص النبي صلى الله عليه وسلم عندهم ليس علة يبنى عليها فالتي ولدوها بآراهم الكاذبة أولى من ألا يبنى عليها. وقد تعدى بعضهم ممن لم يتق الله عز وجل إلى أطم من هذا فقال إن النبي صلى الله عليه وسلم يأمر بالأمر ويقول بالقول مما لا يجوز لكن لعلة شيء آخر أراده قال وذلك مثل قوله صلى الله عليه وسلم لقد هممت أن آمر بحطب فيحطب ثم ذكر أن يحرق بيوت المتخلفين عن الصلوات في الجماعات فقالوا هذا لا يجوز وإنما قاله صلى الله عليه وسلم تغليظا لا أنه أراد ذلك وقالوا إن أمره صلى الله عليه وسلم بغسل الإناء من ولوغ الكلب سبعا ليس على إيجاب ذلك،

late-evening prayer is preferred, so that the person waiting for it is in prayer for as long as he waits for it. Yet those who advocate effective causes did not regard this as an effective cause for preferring to delay the afternoon and sunset prayers. If what the Prophet ﷺ explicitly stated is, in their view, not an effective cause upon which to build, then those they have generated through their lying opinions have an even stronger claim not to be built upon. Some of them who have not feared Allah, Mighty and Majestic, have gone further, to something more monstrous than this. One said that the Prophet ﷺ commands something and makes a statement concerning what is impermissible, but does so on account of an effective cause consisting of something else he intended. He said: An example is his statement ﷺ, "I have indeed contemplated ordering firewood to be gathered"; then he mentioned burning the houses of those who stayed away from the congregational prayers. They said: "This is impermissible. He ﷺ said it only to make the warning severe, not because he intended to do it." They also said that his command ﷺ to wash a vessel seven times after a dog has lapped from it does not impose this as an obligation. Rather, he did this so that people would be deterred from keeping dogs, because they used to harm the Emigrants. They said: Another example is his statement ﷺ to the man who entered the mosque looking shabby while the Messenger of Allah ﷺ was delivering the sermon on Friday. He said: "Stand up and perform two units of prayer." They said: "Performing prayer at that time is impermissible. He ordered him to do this only so that the people would notice him and give him charity." They also said: Another example is his command ﷺ to make room for the pilgrimage. He commanded this, although it was impermissible, only to show them that the lesser pilgrimage was permissible during the months of the pilgrimage. They have much of this ruinous muddle. Abu Muhammed said: Were the person saying this not excused by the intense darkness of ignorance and weakness of intellect, no one would be more deserving than he of being subjected to reflection, of having his neck struck, and of having his property collected in full. For they attribute to the Messenger of Allah ﷺ that he commands falsehood and what is impermissible, and they describe him as lying. Would that I knew: was the Prophet ﷺ incapable of ordering the dogs to be killed, as he did when Allah commanded him Most High—so that he should re-

وإنما فعله ليزدجر الناس عن اتخاذها، لأنها كانت تؤذي المهاجرين قالوا ومن ذلك قوله صلى الله عليه وسلم للذي دخل المسجد بهيئة بذة ورسول الله صلى الله عليه وسلم يخطب يوم الجمعة فقال قم فاركع ركعتين قالوا: والركوع حينئذ لا يجوز، وإنما أمره بذلك ليفطن له الناس فيتصدقوا عليه وقالوا من ذلك أيضا أمره صلى الله عليه وسلم بفسح الحج إنما أمر به وهو لا يجوز ليريهم جواز العمرة في أشهر الحج ولهم من هذا التخليط المهلك كثير. قال أبو محمد: وقائل هذا لولا أنه يعذر بشدة ظلمة الجهل، وضعف العقل لما كان أحد أحق بالتفكير منه، وبضرب العنق وباستيفاء المال لأنهم ينسبون إلى رسول الله صلى الله عليه وسلم أنه يأمر بالباطل وبما لا يجوز ويصفونه بالكذب وليت شعري أعجز النبي صلى الله عليه وسلم عن أن يأمر بقتل الكلاب كما فعل إذ أمره الله تعالى، حتى يحلق هذا التحليق السخيف؟ الذي يشبه عقول المعللين بغسل الإناء من ولوغها سبعا؟. أما من كان لهم عقل يعلمون به أنه أن من عصى أمره بألا تتخذ الكلاب، وأن من اتخذ كلبا لم يبح له اتخاذه نقص من عمله كل يوم قيراطان، فهو لأمره بغسل الإناء سبعا، أعصى وأترك تعالى الله عن هذا وتنزه نبيه صلى الله عليه وسلم عن هذا الوصف الساقط والصحابة رضي الله عنهم أطوع وأجل لله تعالى ولرسوله صلى الله عليه وسلم من أن تكون هذه صفتهم أو تراه صلى الله عليه وسلم عجز عن أن يأمر أصحابه بالصدقة كما صرح لهم بذلك غير مرة حتى يأمر بركوع لا يجوز؟. أترى الصحابة لم يعقلوا أن العمرة في أشهر الحج جائزة وقد اعتمد بهم النبي صلى الله عليه وسلم قبل ذلك في أشهر الحج عمرتين متصلتين بعد ثالثة لم تتم، عمرة الحديبية، وعمرة القضاء، بعدها، وعمرته من الجعرانة بعد فتح مكة، كلهن في أشهر الحج قبل حجة الوداع أما اكتفوا بهذا وبأمره صلى الله عليه وسلم لهم في حجة الوداع فمن شاء منكم أن يهل بعمرة فليفعل فأهل بالعمرة نساؤه وكثير من أصحابه أما

sort to this foolish flight of fancy, which resembles the minds of those who assign effective causes to washing a vessel seven times because dogs have lapped from it? Did they have no understanding by which to recognize that someone who disobeys his command that dogs should not be kept, and that whoever keeps a dog which he is not permitted to keep loses two qirats from his deeds every day, would be still more disobedient to, and neglectful of, his command to wash the vessel seven times? Exalted is Allah above this, and far removed is His Prophet ﷺ from this contemptible characterization! The Companions, may Allah be pleased with them, are more obedient to, and more reverent toward, Allah Most High and His Messenger ﷺ than to be characterized in this way. Or do you suppose that he ﷺ was unable to command his Companions to give charity, as he explicitly told them on more than one occasion, so that he had to command an impermissible bowing in prayer? Do you suppose that the Companions had not understood that the lesser pilgrimage during the months of the pilgrimage was permissible, when the Prophet ﷺ had previously undertaken with them, during the months of the pilgrimage, two successive lesser pilgrimages after a third that was not completed: the lesser pilgrimage of al-Hudaybiyyah, the compensatory lesser pilgrimage after it, and his lesser pilgrimage from al-Jiʿranah after the conquest of Mecca—all of them during the months of the pilgrimage, before the Farewell Pilgrimage? Were they not satisfied with this and with his command ﷺ to them during the Farewell Pilgrimage: "Whoever among you wishes to enter the consecrated state for a lesser pilgrimage, let him do so." His wives and many of his Companions accordingly entered the consecrated state for the lesser pilgrimage. Is this clarification that the lesser pilgrimage during the months of the pilgrimage is permissible not sufficient, so that he would need to command them to do something unlawful—according to the assertion of someone whose assertion has no standing—by cancelling their pilgrimage? Does the person who attributes this to the Companions, may Allah be pleased with them, have no understanding or sense to restrain him from this foolishness and madness? Whoever thinks this of them has reached the utmost extreme in belittling their standing, or the utmost resemblance to cattle; indeed, he is further astray. And do you suppose that, had he ﷺ not truly intended to burn down the houses of those who stayed away from con-

يكفي هذا من البيان بأن العمرة في أشهر الحج جائزة؟ حتى يحتاج إلى أمرهم بما لا يحل؟ بزعم من لا زعم له من فسخ الحج. أما لمن نسب هذا إلى الصحابة رضي الله عنهم عقل أو حس يردعه عن هذا السخف والجنون؟. إن من ظن هذا بهم لفي الغاية القصوى من الاستخفاف بأقدارهم، أو في غاية الشبه بالأنعام بل هو أضل سبيلا وتراه صلى الله عليه وسلم لو لم يكن يريد إحراق بيوت المتخلفين عن الصلاة في الجماعة حقا؟ أما كان يكتفي بأن يأمر بهجرهم، كما فعل بالمتخلفين عن تبوك؟ أو بطردهم، كما طرد الحكم وهيثا المخنث، أو بأدبهم كما أدب في الخمر قبل استقرار الحد فيها بالأربعين؟ حتى يتعد إلى الكذب والأخبار بما لا يحل؟ اللهم إنا نبرأ إليك من هذا القول الفاحش المهلك. حدثنا حمام بن أحمد، ثنا ابن مفرج، ثنا ابن الأعرابي، ثنا الدبري، ثنا عبد الرزاق، عن معمر قال: قلت لعبيد الله بن عمر أعلمت أن رسول الله صلى الله عليه وسلم أفاد بالقسامة قال لا قلت فأبو بكر قال لا. قلت: فعمر؟ قال: لا. قلت: فيم تجترئون على ذلك، فسكت، قال: فقلت ذلك لمالك فقال لا تضع أمر رسول الله صلى الله عليه وسلم على الحيل ثم ذكر باقي الكلام قال أبو محمد: وهذا هو الحق الذي لا يجوز خلافه، وهذا مذهب الأئمة وكل من في قلبه إسلام، ثم يقع لهم الخطأ والوهلات التي لم يعصم منها بشر، فأتى هؤلاء الأوباش المقلدون فقلدوهم في خطئهم الذي لم ينتبهوا له، وعصوهم في الحقيقة التي ذكرنا من أن لا يحمل أمر النبي صلى الله عليه وسلم على الحيل قال أبو محمد فإن ذكروا في ذلك مواصلة النبي صلى الله عليه وسلم بهم وقد نهاهم عن الوصال فليعلموا أن ذلك كان منه عليه السلام صياما مقبولا لأن الوصال له مباح بالنص من قوله صلى الله عليه وسلم لست كأحد منكم إني أبيت يطعمني ربي ويسقيني وكان منهم عقوبة لهم لا صياما، وهكذا في نص الحديث، أنه كان كالتنكيل بهم، وجائز للإمام أن يمنع المرء الطعام اليوم والليلة،

gregational prayer, he would not have contented himself with commanding that they be shunned, as he did with those who stayed behind from Tabuk, or expelled, as he expelled al-Hakam and Hitha the effeminate man, or disciplined, as he imposed discipline for wine drinking before its prescribed punishment was fixed at forty lashes, rather than going so far as lying and announcing something unlawful? O Allah, we declare ourselves free before You of this outrageous, ruinous statement. Hammam ibn Ahmad related to us: Ibn Mufarrij related to us: Ibn al-Aʿrabi related to us: al-Dabari related to us: ʿAbd al-Razzaq related to us, from Maʿmar, who said: I said to ʿUbayd Allah ibn ʿUmar: "Do you know that the Messenger of Allah ﷺ granted anything on the basis of the collective oaths in a homicide case?" He said: "No." I said: "Then Abu Bakr?" He said: "No." I said: "Then ʿUmar?" He said: "No." I said: "On what grounds, then, do you dare to do that?" He fell silent. He said: I then mentioned this to Malik, and he said: "Do not construe the command of the Messenger of Allah ﷺ as a stratagem." He then related the remainder of the discussion. Abu Muhammed said: This is the truth, which it is impermissible to oppose, and this is the position of the leading authorities and everyone in whose heart there is Islam. Nevertheless, errors and lapses occur on their part, from which no human being has been protected. Then these rabble who practice unquestioning imitation came along and imitated them in the error they had not noticed, while disobeying them concerning the truth we have mentioned: that the Prophet's ﷺ command must not be construed as a stratagem. Abu Muhammed said: If, in this connection, they mention the Prophet's ﷺ continuing the fast without a break together with them, although he had forbidden them to continue fasting without a break, let them know that on his part, peace be upon him, this was an accepted fast, because continuing the fast without a break was permissible for him by the explicit wording of his statement ﷺ: "I am not like any one of you. I spend the night with my Lord feeding me and giving me drink." On their part, it was a punishment for them, not a fast. This is also how it appears in the explicit wording of the report: it was something like an exemplary punishment of them. It is permissible for the ruler to withhold food from a person for a day and a night, and for a period which he knows will not bring that person to death, by way of exemplary punish-

ومقدارا يدري أنه لا يبلغ به الموت على سبيل النكال كما فعل صلى الله عليه وسلم وبالله تعالى التوفيق ونحن إن شاء الله تعالى موردون مشاغب أصحاب العلل، على حسب ما التزمنا لجميع خصومنا، ومبينون، بحول الله واهب القوة لا إله إلا هو وعونه لنا إن شاء الله تعالى، تمويههم بها وحل شغبهم الفاسد، ثم موردون البراهين الضرورية الصادقة عن إبطال العلل جملة، إن شاء الله تعالى وبه نعتصم. احتج القائلون بالعلل بآيات ظاهرها كون بعض الأحكام من أجل بعض الأحوال، فمن ذلك قول الله عز وجل وقد ذكر قتل أحد ابني آدم عليه السلام لأخيه: {من أجل ذلك كتبنا على بني إسرائيل أنه من قتل نفسا بغير نفس أو فساد في لأرض فكأنما قتل لناس جميعا ومن أحياها فكأنما أحيا الناس جميعا ولقد جآءتهم رسلنا بلبينات ثم إن كثيرا منهم بعد ذلك في لأرض لمسرفون} قال أبو محمد فيقال لهم وبالله تعالى التوفيق.

ment, as he ﷺ did. Through Allah Most High comes success. We shall, if Allah Most High wills, present the contentious objections of the proponents of effective causes, in accordance with the undertaking we have made to all our opponents. Through the power of Allah, the Giver of strength—there is no god but He—and His assistance to us, we shall, if Allah Most High wills, explain the deception they practice through these objections and dismantle their unsound contentious arguments. Then we shall present the necessary, truthful demonstrations establishing the invalidity of effective causes altogether, if Allah Most High wills. In Him we seek protection. Those who affirm effective causes have argued from verses whose apparent sense is that certain rulings exist on account of certain circumstances. Among these is the saying of Allah, Mighty and Majestic, after He has mentioned one of Adam's two sons—peace be upon him—killing his brother: {Because of that We prescribed for the Children of Israel that whoever kills a soul, unless for a soul or corruption in the earth, it is as though he has killed all people; and whoever preserves its life, it is as though he has preserved the lives of all people. Our messengers certainly came to them with clear proofs; then indeed many of them, after that, are transgressors in the earth.} Abu Muhammed

said: It is therefore to be said to them—and through Allah Most High comes success—[1234567891011]

[1]**Translator's note (L3467):** 'Effective causes' renders ʿilal, while 'reason' renders sabab, preserving the distinction between the two Arabic terms. The introductory invocation 'may Allah be pleased with him' speaks about Abu Muhammed in the third person and appears to belong to the transmitted framing of his words.

[2]**Translator's note (L3470):** The wording rendered "that belonged to an Abyssinian" is typographically corrupt in the supplied text; the separated letters appear to represent "belonged." The supplied text reads "every large thing," where the argument evidently calls for "every bone." The translation preserves the supplied reading rather than silently substituting "bone."

[3]**Translator's note (L3471):** The supplied wording at the end reads "and otherwise we extend," which disrupts the argument. A likely intended reading is "and that we must not extend," yielding an assertion that consensus forbids extending an expressly stated cause to cases not covered by the text.

[4]**Translator's note (L3473):** The wording translated "halfway through the night, reaching that point" contains an awkward additional verb whose precise syntactic function is uncertain. It has been retained rather than silently omitted.

[5]**Translator's note (L3474):** The supplied wording literally means "making room for the pilgrimage." It appears to be a transcription error for dissolving the major pilgrimage into a lesser pilgrimage, which would fit the ensuing argument. The translation preserves the supplied wording.

[6]**Translator's note (L3475):** The supplied text reads "reflection" where the context strongly suggests "declaring someone an unbeliever." The translation preserves the transmitted reading, although it is incongruous. "Having his property collected in full" renders the supplied wording literally; confiscation of his property appears to be intended.

[7]**Translator's note (L3476):** The opening "Most High" completes the reference to Allah in the preceding segment. The supplied اعتمد بهم, literally suggesting undertaking something with them or relying upon them, is awkward here; the context concerns the Prophet's performance of the lesser pilgrimage with them and may reflect a corruption of اعتمر بهم. A qirat is a measure; here it denotes a measure deducted from the reward for one's deeds. The Arabic supplies no numerical equivalent. The enumeration describes two completed lesser pilgrimages and an earlier uncompleted one; its wording and order have been retained.

[8]**Translator's note (L3477):** The initial salutation belongs to the preceding segment's reference to the Prophet: "may Allah bless him and grant him peace" ﷺ. The name هيثا is rendered "Hitha" as supplied; its reading is uncertain. The final name continues in the next segment as ʿUbayd Allah ibn ʿUmar.

L3481–3485

This is the strongest argument against you, because Allah Most High imposed this burden upon none but the Children of Israel alone. If that were an effective cause that applied uniformly, as they claim, it would be binding upon all people. If they say, “It is binding upon all people,” we ask them: “What do you say about all major sins? Are they corruption in the earth, or is nothing corruption in the earth except what has been designated ‘corruption in the earth,’ a designation that applies only to armed depredation alone?” One of these two answers is unavoidable. If they say, “All major sins are corruption in the earth,” we show them that the wine drinker, the thief, the practitioner of usury, the person who consumes orphans’ property, the person who commits unlawful intercourse without protected marital status, the person who consumes pork, blood, or carrion, the usurper of property, and the person who makes an accusation of unlawful intercourse are corrupters in the earth, yet it is not lawful to kill them. Rather, anyone who kills them is executed in retaliation for them. They have therefore contradicted their statement that the ruling of the aforementioned verse applies to us, because the explicit wording of that verse permits the killing of every corrupter in the earth. If they say, “None of the major sins is corruption in the earth except armed depredation,” we show them that the person who commits unlawful intercourse while possessing protected marital status is executed, although he is not a corrupter in the earth. Thus the effective cause which they claimed to be an effective cause breaks down, because the aforementioned verse states that a soul is not to be killed except for a soul or corruption in the earth. The person who commits unlawful intercourse while possessing protected

هذا أعظم حجة عليكم، لأن الله تعالى لم يلزم هذا الإصر غير بني إسرائيل فقط، ولو أن ذلك علة مطردة كما يدعوا للزم جميع الناس. فإن قالوا: هو لازم لجميع الناس، سألناهم ما تقولون في جميع الكبائر، أهي فساد في الأرض أم ليست فسادا في الأرض إلا ما سمي فسادا في الأرض وليس هذا واقعا إلا على المحاربة فقط؟ ولا بد من أحد الجوابين. فإن قالوا: الكبائر كلها فساد في الأرض، أريناهم شارب الخمر والسارق، والمرابي وآكل أموال اليتامى، والزاني غير المحصن، وآكل لحم الخنزير والدم والميتة، والغاصب والقاذف، مفسدين في الأرض ولا يحل قتلهم، بل من قتلهم قتل بهم قودا، فقد نقضوا قولهم إن حكم الآية المذكورة جار علينا، لأن في نص تلك الآية إباحة قتل كل مفسد في الأرض. فإن قالوا: ليس شيء من الكبائر فسادا في الأرض حاشا المحاربة. أريناهم الزاني المحصن يقتل، وليس مفسدا في الأرض، فانتفضت العلة التي ادعوها علة لأن في الآية المذكورة ألا تقتل نفس بغير نفس أو فساد في الأرض، الزاني المحصن لم يقتل نفسا، ولا أفسد في الأرض، وهو يقتل ولا بد، ولا يكون قاتله كأنه قتل الناس جميعا. فإن قالوا: إن زنى المحصن وحده ووطء امرأة الأب، وردة المرتد، وشرب المحدود ثلاث مرات في الخمر مرة رابعة، فساد في الأرض وما عدا هذا فليس فسادا في الأرض كابروا وتحكموا بلا دليل وقد جعل النبي صلى الله عليه وسلم الزاني وهو شيخ أو بامرأة جاره أو بامرأة المجاهد في سبيل الله أعظم جرما من سائر الزناة، وسواء كانوا محصنين أو غير محصنين، إلا أن غير المحصن على كل حال لا يقتل وإن كان أعظم جرما من المحصن في بعض الأحوال التي ذكرنا، والمحصن على كل حال يقتل، وإن كان غير المحصن أعظم جرما منه في بعض الأحوال التي ذكرنا. وأيضا: فإن هذا القول الذي قالوه ناقض لأصولهم في العلل، وموجب ألا يكون الشيء علة إلا حيث نص الله عز وجل على أنه علة

[9] **Translator’s note (L3478):** The opening completes the name ʿUbayd Allah ibn ʿUmar from the preceding segment. The supplied أفاد means “granted” or “conferred a benefit,” but is awkward in this context. It may be a transcription error for أقاد, “exacted retaliation,” which would make the question concern execution in retaliation on the basis of the collective oaths (qasamah). The translation retains the supplied reading.

[10] **Translator’s note (L3480):** “Effective cause” consistently renders ʿillah, the purported basis for extending a legal ruling beyond an expressly stated case. The Qur’anic quotation contains several defective spellings, including لأرض, لناس, and بلبينات. Their lexical meanings remain recognizable and are translated as supplied.

[11] **Qur’an references (L3467):** Qur’an 65:1 (At-Talaq); Qur’an 5:32 (Al-Ma’idah).

marital status has neither killed a soul nor wrought corruption in the earth, yet he is necessarily executed, and his executioner is not as though he had killed all people. If they say, "Unlawful intercourse by someone possessing protected marital status alone, intercourse with one's father's wife, an apostate's apostasy, and drinking wine a fourth time after having received the prescribed punishment for it three times constitute corruption in the earth, whereas everything else does not constitute corruption in the earth," they are obstinately denying the evident and making arbitrary judgments without evidence. The Prophet ﷺ declared that someone who commits unlawful intercourse when he is an old man, or with his neighbor's wife, or with the wife of someone fighting in Allah's path, is greater in wrongdoing than other people who commit unlawful intercourse, whether they possess protected marital status or do not possess it. Yet the person without protected marital status is in every case not executed, even if his wrongdoing is greater than that of someone possessing protected marital status in some of the circumstances we have mentioned. And the person possessing protected marital status is in every case executed, even if someone without protected marital status is greater in wrongdoing than he is in some of the circumstances we have mentioned. Moreover, this statement of theirs contradicts their foundational principles concerning effective causes and entails that nothing is an effective cause except where Allah, Mighty and Majestic, has expressly stated that it is an effective cause, because they say that a major sin is not corruption except where it has been expressly stated to be corruption and where Allah Most High has commanded that its perpetrator be killed. Their application of the effective cause wherever it is found is thereby invalidated. This is precisely our own position, except for calling it an "effective cause" or a "reason": we do not apply that designation, because no revealed text has supplied it. Since nothing separates us except the designation alone, the disagreement has disappeared, for contention concerns only establishing or invalidating the meaning designated. There is no significance to the name, or to contention over it, once we have established the meaning. We prohibit it only for fear of its being used to introduce doubt and confusion, and to give falsehood the name of truth. This, then, is a stopping to consider the unsoundness of his practice, and we explain to him the evil of its outcome.

لأنهم يقولون إن الكبيرة لا تكون فسادا إلا حيث نص على أنها فساد، وحيث أمر الله تعالى بقتل فاعلها، وبطل إجراؤهم العلة حيث وجدت، وهذا قولنا نفسه حاشا التسمية بعلة أو سبب، فإنا لا نطلقه، لأن النص لم يأت به، وإذ ليس بيننا إلا التسمية فقط فقد ارتفع الخلاف إذ إنما تضايق في تصحيح المعنى المسمى أو إبطاله، ولا معنى للاسم ولا للمضايقة فيه إذا حققنا المعنى، وإنما نمنع منه خوف التشكيك به والتلبيس، وتسمية الباطل باسم الحق، فهذا توقف على فساد عمله، ونبين له قبح مغبته وبالله تعالى التوفيق. واحتج بعضهم بقول الله عز وجل حكاية عن المنافقين أنهم قالوا {فرح لمخلفون بمقعدهم خلاف رسول لله وكرهوا أن يجاهدوا بأموالهم وأنفسهم في سبيل لله وقالوا لا تنفروا في لحر قل نار جهنم أشد حرا لو كانوا يفقهون}

Through Allah Most High comes success. Some of them have argued from the saying of Allah, Mighty and Majestic, reporting what the hypocrites said: {Those who stayed behind rejoiced in their remaining behind in opposition to the Messenger of Allah, and disliked striving with their possessions and their lives in Allah's path. They said: "Do not go forth in the heat." Say: "The fire of Hell is more intense in heat," if only they understood.}[12][13][14][15]

L3486–3495 Abu Muhammed said: This verse suffices to invalidate effective causes, because Allah Most High stated that Hell possesses heat and that this world possesses heat, then distinguished between the rulings concerning the two. He commanded them to endure the heat of this world and reproached them for fleeing from it, while commanding them to flee from the heat of Hell and never to endure it at all. We seek refuge in Allah from it. They also adduced His saying, Most High: {And when you said to the one upon whom Allah had bestowed favor and upon whom you had bestowed favor, "Keep your wife and fear Allah," while concealing within yourself what Allah would disclose, and fearing people, although Allah had a greater right that you should fear Him. Then, when Zayd had fulfilled his need of her, We married her to you, so that there should be no impediment for the believers concerning the wives of their adopted sons when they have fulfilled their need of them.

[12]**Translator's note (L3482):** The supplied كما يدعوا is grammatically irregular in this context; it is rendered according to its apparent intended sense, "as they claim."

[13]**Translator's note (L3483):** "Armed depredation" renders muharabah, the legal category of violent attacks upon public security. "Protected marital status" renders ihsan; muhsan and ghayr muhsan are distinguished throughout as possessing or lacking that status. The term denotes a technical legal status rather than simply whether a person is currently married. The supplied فانتفضت, literally "shook" or "shook itself free," is unusual here and may be a transcription error for فانتقضت, "was invalidated." "Breaks down" conveys the argument without assuming a corrected spelling.

[14]**Translator's note (L3485):** The phrase فهذا توقف على فساد عمله is syntactically awkward as supplied. The translation follows its apparent literal wording; the intended construction may instead concern making the person aware of the unsoundness of his practice. The Qur'anic quotation contains defective spellings such as لمخلفون, لله, and لحر, with missing initial letters in recognizable words. These have been translated according to their evident lexical meanings.

[15]**Qur'an references (L3481):** Qur'an 9:81 (At-Tawbah).

قال أبو محمد: وهذه الآية كافية في إبطال العلل، لأن الله تعالى أخبر أن جهنم ذات حر وأن الدنيا ذات حر ثم فرق تعالى بين حكميها وأمرهم بالصبر على حر الدنيا وأنكر عليهم الفرار عنه وأمرهم الفرار عن حر جهنم، وألا يصبروا عليها أصلا نعوذ بالله منها. واحتجوا أيضا بقوله تعالى {وإذ تقول للذي أنعم الله عليه وأنعمت عليه أمسك عليك زوجك وتق الله وتخفي في نفسك ما الله مبديه وتخشى لناس والله أحق أن تخشاه فلما قضى زيد منها وطرا زوجناكها لكي لا يكون على لمؤمنين حرج في أزواج أدعيآئهم إذا قضوا منهن وطرا وكان أمر الله مفعولا} قال أبو محمد وهذا لا حجة لهم فيه لأنه نص على أن النبي صلى الله عليه وسلم إذ تزوج امرأة زيد وهو قد كان استلحقه ونحن مأمورون باتباعه صلى الله عليه وسلم في تحليل ما أحل وتحريم ما حرم فنكاحه صلى الله عليه وسلم إياها موجب علينا تحليل أزواج المستلحقين في الجاهلية غير استلحاق الولادة، لكن الاستلحاق المنسوخ فقط، وهذا الذي قلنا هو نص الآية، ولو كان علة كما ادعوا للزم كل أحد أن ينكح امرأة دعيه ولا بد، فلما لم يكن ذلك بلا خلاف سقط ظنهم أن إنكاحه عز وجل لرسوله صلى الله عليه وسلم زينب أم المؤمنين علة لما راموا تعليله بذلك. وصح قولنا: أنه نص على إيجاب تحليل ما أحل الله تعالى لرسوله عليه السلام فقط، وبالله تعالى التوفيق واحتجوا بقوله تعالى {مآ أفآء لله على رسوله من أهل لقرى فلله وللرسول ولذي لقربى وليتامى ولمساكين وبن لسبيل كي لا يكون دولة بين لأغنيآء منكم ومآ آتاكم لرسول فخذوه وما نهاكم عنه فنتهوا وتقوا لله إن لله

And Allah's command is accomplished.} Abu Muhammed said: This affords them no proof, because it explicitly states that the Prophet ﷺ married Zayd's wife, having previously claimed him as his son. We are commanded to follow him ﷺ in declaring lawful what he declared lawful and declaring forbidden what he declared forbidden. His marriage to her ﷺ therefore obliges us to declare lawful the wives of those claimed as sons in the age of ignorance—not acknowledgment of biological sonship, but only the abrogated form of claiming sonship. What we have stated is the explicit wording of the verse. If it were an effective cause, as they claimed, everyone would necessarily be obliged to marry his adopted son's wife. Since that is indisputably not the case, their supposition that His marrying Zaynab, the Mother of the Believers, to His Messenger ﷺ constituted an effective cause for what they sought to explain through it is defeated. Our position is established: it is merely an explicit text requiring that what Allah Most High made lawful for His Messenger, peace be upon him, be declared lawful. Through Allah Most High comes success. They adduced His saying, Most High: {Whatever Allah has restored to His Messenger from the people of the towns belongs to Allah, the Messenger, relatives, orphans, the needy, and the wayfarer, so that it should not circulate among the wealthy among you. Whatever the Messenger gives you, take it; and whatever he forbids you, desist from it. Fear Allah; indeed, Allah is severe in punishment.} Abu Muhammed said: This too affords them no proof. What is to be said concerning this verse is exactly what is to be said concerning the verse we mentioned just now, without any difference. For we have found much property that was not distributed according to this distribution, but was instead distributed according to another arrangement. If the effective cause of distributing what Allah Most High restored to His Messenger ﷺ were solely that it should not circulate among the wealthy, then that would also be an effective cause requiring the same distribution of all other property, whether spoils of war or otherwise. Thus, what they imagined is invalidated. It is established that Allah Most High intended, specifically concerning what Allah Most High restored to His Messenger ﷺ from the people of the towns, of that against which horses or riding camels were not urged, that it should not circulate among their wealthy. This ruling must therefore not be extended beyond this instance, except also to where Allah

شديد لعقاب} قال أبو محمد وهذا أيضا لا حجة لهم فيه والقول في هذه الآية كالقول في الآية التي ذكرنا آنفا ولا فرق، لأننا قد وجدنا أموالا كثيرة لم تقسم هذه القسمة بل قسمت على رتبة أخرى فلو كان عليه قسمة هذا الذي أفاء الله تعالى على رسوله صلى الله عليه وسلم إنما هي ألا يكون دولة بين الأغنياء لكان ذلك أيضا علة في قسمة سائر الأموال من الغنائم وغيرها كذلك فبطل ما توهموا وصح أن الله تعالى أراد فيما أفاء الله تعالى على رسوله صلى الله عليه وسلم من أهل القرى مما لو يوجف عليه بخيل ولا ركاب خاصة، ألا يكون دولة بين الأغنياء منهم فلا يتعدى بهذا الحكم هذا الموضع، وإلا حيث نص الله تعالى عليه أيضا في قسمة خمس الغنائم ولا مزيد، وهذا قولنا لا قولهم في إجراء العلل وبالله تعالى نتأيد واحتجوا بقوله تعالى: {رسلا مبشرين ومنذرين لئلا يكون للناس على الله حجة بعد لرسل وكان الله عزيزا حكيما} وقال أبو محمد وهذا لا حجة لهم فيه، لأنه لم يكن لأحد على الله تعالى قط حجة لا قبل الرسل ولا بعدهم، بل لله الحجة البالغة: {لا يسأل عما يفعل وهم يسألون} وقد أخبر تعالى أنه لم ينذر آباء هم وإن لم ينذروا فلا حجة لهم على الله عز وجل، ولكن الله تعالى أراد الإحسان إلى من آمن من المنذرين بالرسل، وأراد الإعذار إلى من لم يؤمن منهم، فهذا غرض الله عز وجل فيهم ومراده، وليس هذا علة وسنبين بعد انقضاء ذكر حجاجهم إن شاء الله تعالى فرق ما بين العلة والسبب والغرض، ببيان جلي لا يحيل على من له أدنى فهم وبالله تعالى التوفيق واحتجوا أيضا بقوله تعالى {وعلى لذين هادوا حرمنا كل ذي ظفر ومن لبقر ولغنم حرمنا عليهم شحومهما إلا ما حملت ظهورهما أو لحوايا أو ما ختلط بعظم ذلك جزيناهم ببغيهم وإنا لصادقون} قال أبو محمد: وهذا لا حجة لهم فيه بل هي حجة عليهم لأنه تعالى نص على أنه جزى أولئك ببغيهم بأنواع العذاب المعجل في الدنيا من السخف والصيحة وعذاب الظلة والرجم وغير ذلك.

Most High explicitly prescribed it in distributing the fifth of the spoils of war, and no further. This is our position, not their position concerning the extension of effective causes. Through Allah Most High we receive support. They adduced His saying, Most High: {Messengers bringing good tidings and giving warning, so that people should have no argument against Allah after the messengers. And Allah is mighty, wise.} Abu Muhammed said: This affords them no proof, because no one has ever had an argument against Allah Most High, either before the messengers or after them. Rather, the conclusive argument belongs to Allah: {He is not questioned about what He does, while they are questioned.} He Most High has stated that He did not warn their fathers. Even though they were not warned, they have no argument against Allah, mighty and majestic. Rather, Allah Most High intended to show kindness to those who believed among the people warned by the messengers, and intended to leave those among them who did not believe without an excuse. This is Allah's purpose concerning them, mighty and majestic, and His intention; it is not an effective cause After finishing our account of their arguments, we shall explain, if Allah Most High wills, the distinction between an effective cause, a cause, and a purpose, with a clear explanation that will not be obscure to anyone possessing the slightest understanding. Through Allah Most High comes success. They also adduced His saying, Most High: {And to those who became Jews We forbade every creature possessing a claw; and of cattle and sheep We forbade them their fat, except what their backs bear, or the entrails, or what is mixed with bone. Thus We recompensed them for their transgression, and indeed We are truthful.} Abu Muhammed said: This affords them no proof; rather, it is proof against them, because He Most High explicitly stated that He recompensed those people for their transgression with kinds of punishment hastened in this world: foolishness, the Cry, the punishment of the overshadowing cloud, stoning, and other things. If transgression were an effective cause necessitating recompense with that, it would necessarily follow that transgressors among us and among others should receive that recompense. Yet we see that the unbelievers of our time are transgressors like those people, and that among us too are people whose transgression is exactly like theirs. Among us there is giving short measure on the scales; among us there is the deed of Lot's people; and among us

فلو كان البغي علة في إيجاب الجزاء بذلك لكان ذلك واجبا أن يجزى به البغاة منا ومن غيرنا فلما رأينا كفار زماننا بغاة كأولئك، وفينا نحن أيضا أهل بغي كبغي أولئك نفسه ففينا تطفيف الميزان. وفينا فعل قوم لوط، وفينا الكفر الصريح كما كان في أولئك في المؤمنين منا وفي الكافرين من الحربيين والكتابيين ولم نجاز ولا جوزوا بشيء بما جوزي به أولئك علمنا أن البغي ليس علة للجزاء بما جوزي به أولئك، لأن العلة مطردة في معلوماتها أبدا، لا تجوز أصلا، وصح أن البغي من أولئك كان سببا لجزائهم بما جوزوا به، وليس سببا في غيرهم، لأن يجازوا بمثل ذلك، فصح قولنا إن الأسباب لا يتعدى بها المواضع التي نص الله تعالى ورسوله صلى الله عليه وسلم عليها ولا يوجب في كل مكان الحكم الذي وجب من أجلها في بعض الأمكنة، وسقط قولهم سقوطا لا إشكال فيه. والحمد لله رب العالمين. وهذا قد ظهر كما ترى في الأسباب الصحيحة، فما الظن بالأسباب الكاذبة التي يدعونها في الأحكام، ويضعونها وضعا مختلفا متخاذلا بلا برهان، إلا المجاهرة بالقربة، وما لا يصح بوجه من الوجوه؟ وبالله تعالى التوفيق. واحتجوا أيضا بقول الله تعالى: {هو الذي أخرج الذين كفروا من أهل الكتاب من ديارهم لأول الحشر ما ظننتم أن يخرجوا وظنوا أنهم مانعتهم حصونهم من الله فأتاهم الله من حيث لم يحتسبوا وقذف في قلوبهم الرعب يخربون بيوتهم بأيديهم وأيدي المؤمنين فاعتبروا يأولي الأبصار} الآيات إلى قوله {هههه إلى قوله {ذلك بأنهم شآقوا لله ورسوله ومن يشآق لله فإن لله شديد لعقاب} قال أبو محمد وهذه حجة عليهم لا لهم، لأن المحاربين فيما بيننا وأهل الإلحاد منا فهم مشاقون لله عز وجل ورسوله صلى الله عليه وسلم وأهل الكتاب منا كذلك وهم يخربون بيوتهم بأيديهم وبأيدي المؤمنين، ولا يهدمون بل يبنونها فصح يقينا أن المشاقة لله تعالى ورسوله صلى الله عليه وسلم ليست علة لخراب البيت وأصلا ولا سببا في خراب بيوت المشاقين ما عدا

there is outright unbelief, just as there was among those people—among the believers of our community and among the unbelievers belonging to peoples at war with us and to the People of the Book. Neither we nor they have been recompensed with any of the things with which those people were recompensed. We therefore know that transgression is not an effective cause of recompense with what those people received, because an effective cause invariably applies to its known objects, always, and never passes beyond them at all. It is established that those people's transgression was a cause of their being recompensed with what they received, but is not a cause, in the case of others, of their receiving the like of that recompense. Thus our position is established: causes are not to be extended beyond the instances concerning which Allah Most High and His Messenger ﷺ explicitly stated them, and they do not necessitate in every place the ruling that became obligatory because of them in certain places. Their position has fallen with a fall admitting of no uncertainty. Praise belongs to Allah, Lord of the worlds. As you see, this has become evident regarding valid causes. What, then, should be thought of the false causes they allege concerning legal rulings, fabricating them in inconsistent, mutually undermining ways, without any demonstration beyond openly proclaiming nearness and what cannot be valid in any respect whatsoever. Through Allah Most High comes success. They also adduced the saying of Allah Most High: {He is the One who expelled those who disbelieved among the People of the Book from their homes at the first gathering. You did not think they would leave, and they thought their fortresses would protect them against Allah. But Allah came upon them from where they had not expected, and cast terror into their hearts. They destroy their houses with their own hands and the hands of the believers so take heed, you who possess sight.} The verses, down to His saying, { [five repeated letter hā' characters] down to His saying, {That is because they opposed Allah and His Messenger; and whoever opposes Allah—indeed, Allah is severe in punishment.} Abu Muhammed said: This is proof against them, not for them, because those at war among us and the adherents of unbelief among us oppose Allah, mighty and majestic, and His Messenger ﷺ; and the People of the Book among us do likewise. They destroy their houses with their own hands and the hands of the believers, and they do not demolish them; rather,

أولئك الذين نص الله تعالى على أنه عاقبهم بإخرابهم بيوتهم من أجل مشاقهم، وهذا هو نفس قولنا: إن الشيء إذا نص الله تعالى عليه بلفظ يدل على أنه سبب لحكم ما في مكان ما، فلا يكون سببا البتة في غير ذلك الموضع لمثل ذلك الحكم أصلا. وبالله تعالى التوفيق واحتجوا بقوله تعالى {إنما يريد لشيطان أن يوقع بينكم لعداوة ولبغضآء في خمر وليسر ويصدكم عن ذكر لله وعن لصلاة فهل أنتم منتهون} قالوا فكانت هذه علل في وجوب تحريمها، أو الانتهاء عنها، قال أبو محمد: وهذه حجة عليهم لا لهم من وجوه: أحدها: أن كسب المال والجاه في الدنيا أصد عن ذكر الله تعالى وعن الصلاة وأوقع العداوة والبغضاء فيما بيننا من الخمر والميسر وليس ذلك محرما إذا بغى على وجهه وقد أخبر النبي صلى الله عليه وسلم أصحابه رضي الله عنهم بنص قولنا إذ قال صلى الله عليه وسلم والله ما الفقر أخشى عليكم ولكن أخشى عليكم أن تفتح عليكم الدنيا فتنافسوا فيها فتهلككم كما أهلكت من كان من قبلكم أو كما قال صلى الله عليه وسلم مما هذا حقيقة معناه فلا يظن جاهل أننا نقول شيئا من عند أنفسنا أو برأينا أو بغير ما أتى به النبي صلى الله عليه وسلم وأيضا فالميسر ما عهد منه قبل أن يحرم إيقاع عداوة بذاته ولا فقد عقل، ولا كان إلا وافقا للناس ونافعا لهم، وكذلك قليل الخمر ليس فيه مما ذكر في الآية، ولا في كل من يشربها تفسد أخلاقهم، بل نجد كثيرا من الناس يبكون إذا سكروا ويكثرون ذكر الآخرة والموت والإشفاق من جهنم وتعظيم الله تعالى والدعاء في التوبة والمغفرة، ونجدهم يكرمون حينئذ ويحلمون، ويزول عنهم كثير من سفههم وتؤمن غوائلهم.

they build them. Thus it is established with certainty that opposing Allah Most High and His Messenger ﷺ is not an effective cause of the destruction of a house at all, nor a cause of the destruction of the houses of those who oppose them, apart from those concerning whom Allah Most High explicitly stated that He punished them by making them destroy their houses because of their opposition. This is precisely our position: when Allah Most High explicitly mentions something in wording indicating that it is a cause of a particular ruling in a particular instance, it is absolutely not a cause of a similar ruling in any other instance at all. Through Allah Most High comes success. They adduced His saying, Most High: {Satan desires only to bring about enmity and hatred among you through wine and gambling, and to turn you away from the remembrance of Allah and from prayer. Will you then desist?} They said: These, then, were effective causes necessitating their prohibition or desisting from them. Abu Muhammed said: This is proof against them, not for them, in several respects. One is that acquiring wealth and status in this world turns people away from the remembrance of Allah Most High and from prayer, and brings about enmity and hatred among us, more than wine and gambling do. Yet that is not forbidden when sought in its proper manner. The Prophet ﷺ informed his Companions, may Allah be pleased with them, of precisely what we maintain, when he said ﷺ: "By Allah, it is not poverty that I fear for you. Rather, I fear for you that the world will be opened up to you, and you will compete for it, and it will destroy you as it destroyed those before you"—or as he said ﷺ, in words whose actual meaning is this. So let no ignorant person suppose that we say anything from ourselves, or according to our own opinion, or by anything other than what the Prophet ﷺ brought. Furthermore, before gambling was prohibited, it was not known to cause enmity in itself or loss of reason; it was only congenial to people and beneficial to them. Likewise, a small quantity of wine involves none of what is mentioned in the verse, nor does everyone who drinks it suffer corruption of character. Indeed, we find many people weeping when they become drunk, frequently mentioning the Hereafter and death, expressing fear of Hell, magnifying Allah Most High, and praying for repentance and forgiveness. We find that they then become generous and

فصح بكل ما ذكرنا أن الله تعالى لم يجعل إرادة الشيطان لما ذكر تعالى في الآية سببا إلى تحريمها قط، لكن شاء تعالى أن يحرمها إذ حرمها، وقد كانت حلالا مدة ستة عشرة عاما في الإسلام، وقد كان كل ذلك موجودا من الشيطان فينا وفي كثير الخمر وهي حلال يشربها الصالحون بعلم النبي صلى الله عليه وسلم ولا ينكر ذلك فلو كان ما وصفها الله تعالى به من الصد عن الصلاة، وعن ذكر الله تعالى، وإيقاع الشيطان العداوة والبغضاء بها علة للتحريم، لما وجدت قط إلا محرمة، لأنها لم تكن قط إلا مسكرة، ولم يكن الشيطان قط إلا مريدا لإلقاء العداوة والبغضاء بيننا فيها، وكانت حلالا وهي بهذه الصفة فبطل أن يكون إسكارها علة لتحريمها، أو سبب، لا في الوقت الذي نص الله عز وجل على تحريمها فيه ولا قبله البتة لأن قوله عز وجل {إنما يريد لشيطان أن يوقع بينكم لعداوة ولبغضآء في لخمر ولميسر ويصدكم عن ذكر لله وعن لصلاة فهل أنتم منتهون} إنما هو إخبار عن سوء معتقد الشيطان فينا، ولم يقل قط تعالى إن إرادة الشيطان لذلك هو علة تحريمها، ولا أنه سبب تحريمها، ولا يحل لأحد أن يخبر عن الله تعالى بما لم يخبر به عز وجل عن نفسه ولا أخبر به عنه رسوله صلى الله عليه وسلم وهذا هو قولنا إن المراعى هو النص لا ما عداه أصلا. وبالله تعالى التوفيق. وقد قال بعض أصحابنا: إن إرادة الشيطان إيقاع العداوة والبغضاء بيننا في الخمر، إنما كان بعد تحريمها، لأن شاربها بعد التحريم صاد عن ذكر الله تعالى وعن الصلاة، مبغض من الصالحين ومعاد لهم. قال أبو محمد: وهذا أيضا قد اقتضاه الذي ذكرناه، وزاد عليه وبالله تعالى نتأيد، وقد أدى تعليلهم، هذا الفاسد المفترى، جماعة من الجهال إلى الضلال المبين، فإذا رأوا سكرانا معربدا متلوثا في أقذاره وأهذاره، جعلوا يقولون في مثل هؤلاء حرمت الخمر نعوذ بالله من هذا القول، ومما سببه من

forbearing, that much of their foolishness leaves them, and that people are safe from their harmful outbursts.[16][17][18][19][20][21]

L3496–3498 Thus, everything we have mentioned establishes that Allah Most High never made Satan's desire for what He Most High mentioned in the verse a reason for prohibiting it. Rather, He Most High willed to prohibit it when He prohibited it. It had been lawful for sixteen years during Islam, and all of that activity of Satan had existed among us and in connection with large quantities of wine while it was lawful: righteous people drank it with the Prophet's ﷺ knowledge, and he did not disapprove of that. Had the things with

[16] **Translator's note (L3487):** The transcription has "'alayhi" in the phrase concerning the cause of distribution, where the argument appears to require "'illat," meaning "effective cause." The translation follows that apparent intended construction.

[17] **Translator's note (L3488):** The transcription reads "law" ("if") in "of that against which …," apparently in place of "lam" ("not"). The translation adopts the contextually apparent negative reading and records the discrepancy here.

[18] **Translator's note (L3490):** The transcription reads "al-sukhf," meaning "foolishness" or "feeblemindedness," in the list of punishments. This may be a corruption of "al-khasf," meaning "being swallowed by the earth," but the supplied reading is retained. The transcription says "its known objects" (maʿlūmātihā), rather than the expected "its effects" (maʿlūlātihā). It also reads "never passes beyond" (lā tajūzu), an awkward expression here. Both supplied readings are retained rather than silently normalized. The statement placing "outright unbelief" among "the believers of our community" is awkward in the supplied syntax; the translation preserves its wording and sequence.

[19] **Translator's note (L3491):** The supplied final word, "al-qurba," means "nearness" or "kinship," and can suggest devotional approach to Allah. It is obscure in this polemical context and may be corrupt; its literal sense is retained. The sentence continues into the next unit.

[20] **Translator's note (L3493):** After "down to His saying," the supplied text contains five repeated Arabic hāʾ characters and then repeats "down to His saying." This apparent transcription corruption is represented explicitly; no missing Qur'anic passage has been supplied. The supplied text affirmatively says that these people "destroy their houses," then says they do not demolish them but build them. This apparent contradiction is retained; a negative may have dropped out before "destroy." The transcription reads "baghā" in the phrase translated "when sought in its proper manner." This is an awkward or defective construction; the context indicates seeking wealth and status through proper means.

[21] **Qur'an references (L3486):** Qur'an 33:37 (Al-Ahzab); Qur'an 59:7 (Al-Hashr); Qur'an 4:165 (An-Nisa); Qur'an 21:23 (Al-Anbya); Qur'an 6:146 (Al-An'am); Qur'an 37:182 (As-Saffat); Qur'an 59:2 (Al-Hashr).

which Allah Most High described it—hindering prayer and the remembrance of Allah Most High, and Satan's causing enmity and hatred through it—been an effective cause of prohibition, it could never have existed except as something prohibited. For it had never been anything but intoxicating, and Satan had never ceased wanting to cast enmity and hatred among us through it; yet it was lawful while possessing this characteristic. It is therefore false that its intoxicating character was an effective cause of its prohibition or a reason for it, either at the time when Allah, Mighty and Majestic, expressly prohibited it or at any time before that whatsoever. For His saying, Mighty and Majestic, 'Satan desires only to cause enmity and hatred among you through wine and gambling, and to hinder you from the remembrance of Allah and from prayer. Will you, then, desist?' merely reports Satan's evil intentions toward us. He Most High never said that Satan's desire for this was the effective cause of its prohibition, or that it was the reason for its prohibition. It is not lawful for anyone to report concerning Allah Most High something that He has not reported concerning Himself, Mighty and Majestic, and that His Messenger ﷺ has not reported concerning Him. This is our position: what must be taken into account is the explicit text, and absolutely nothing besides it. Success comes through Allah Most High. Some of our companions have said that Satan's desire to cause enmity and hatred among us through wine arose only after its prohibition, because someone who drinks it after its prohibition turns away from the remembrance of Allah Most High and from prayer, is hated by the righteous, and is hostile to them. Abu Muhammed said: What we have mentioned also entails this, and goes beyond it. Through Allah Most High we receive support. This corrupt, fabricated assignment of effective causes on their part has led a group of ignorant people into manifest error. When they see a drunken person behaving abusively, befouled with his filth and babblings, they begin saying, 'It was on account of people like these that wine was prohibited.' We seek refuge in Allah from this statement and from the accursed assignment of effective causes that gave rise to it. They also argued from His saying, Most High, 'Because of wrongdoing by those who became Jews, We prohibited them good things that had been made lawful for them and because of their much hindering from the path of Allah.' Abu Muhammed said: This is an

التعليل الملعون واحتجوا بقوله تعالى {فبظلم من لذين هادوا حرمنا عليهم طيبات أحلت لهم وبصدهم عن سبيل لله كثيرا} قال أبو محمد وهذه حجة عليهم لا لهم، لأننا نحن نظلم من بكرة إلى المساء، ولم يحرم علينا طيبات أحلت لنا، فصح أن الظلم ليس علة في تحريم الطيبات، ولا سببا له إلا حيث جعله الله تعالى بالنص سببا له فقط، لا فيما عدا ذلك المكان البتة

argument against them, not in their favor, because we ourselves commit wrongdoing from morning until evening, yet good things that were made lawful for us have not been prohibited to us. Thus, wrongdoing is established to be neither an effective cause of prohibiting good things nor a reason for doing so, except solely where Allah Most High has made it a reason by an explicit text, and absolutely nowhere beyond that particular instance.[22][23]

L3499 They also argued from His saying, Most High, ‘We have appointed none but angels as the keepers of the Fire, and We have made their number only a trial for those who disbelieve, so that those who were given the Scripture may attain certainty, and those who believe may increase in faith, and those who were given the Scripture and the believers may not doubt, and so that those in whose hearts is sickness and the disbelievers may say, “What did Allah intend by this as an example?” Thus Allah leads astray whomever He wills and guides whomever He wills. None knows the hosts of your Lord except Him, and it is only a reminder for humankind.’ Abu Muhammed said: This is against them, because the determination mentioned did not bring about certainty in all the People of the Scripture. Rather, some of them lack certainty, and some have persisted in their doubt, falsehood, and association of partners with Allah. Had it been an effective cause of their certainty, no one among them could have been found lacking certainty. Their supposition is therefore invalid, and praise belongs to Allah, Lord of the worlds. They also argued from His saying, Most High, to Moses, peace be upon him, ‘Indeed, I am your Lord, so remove your sandals: you are in the sacred valley, Tuwa.’ Abu Muhammed said: This is an argument against them, because if being in the sacred valley of Tuwa were an effective cause of removing sandals, or a reason for doing so, we would be obliged to remove our sandals in the sacred valley, in the Sanctuary, and in Tuwa. Since this is not obligatory, without fear, our position is established: when Allah makes something a reason for a particular ruling in a particular place, it is a reason only there, and nowhere else. This, then, is everything from the verses of the Quran that

واحتجوا بقوله تعالى {وما جعلنآ أصحاب لنار إلا ملائكة وما جعلنا عدتهم إلا فتنة للذين كفروا ليستيقن لذين أوتوا لكتاب ويزداد لذين آمنوا إيمانا ولا يرتاب لذين أوتوا لكتاب ولمؤمنون وليقول لذين في قلوبهم مرض ولكافرون ماذآ أراد لله بهذا مثلا كذلك يضل لله من يشآء ويهدي من يشآء وما يعلم جنود ربك إلا هو وما هي إلا ذكرى للبشر} قال أبو محمد: وهذا عليهم لأن الحكم المذكور لم يوجب استيقان جميع أهل الكتاب، بل فيهم غير مستيقن، وفيهم من تمادى على شكه وإفكه وشركه، ولو كان علة لاستيقانهم لما وجد فيهم أحد غير مستيقن، فبطل ظنهم والحمد لله رب العالمين. واحتجوا بقوله تعالى لموسى عليه السلام {إني أنا ربك فخلع نعليك إنك بلواد لمقدس طوى} قال أبو محمد وهذا حجة عليهم لأن الكون بالواد المقدس طوى لو كان علة لخلع النعال أو سببا له، لوجب علينا خلع نعالنا بالوادي المقدس وبالحرم وبطوى، فلما لم يلزم ذلك بلا خوف صح قولنا: إن الشيء إذا جعله الله سببا لحكم ما، في مكان ما، فلا يكون سببا إلا فيه وحده لا في غيره، فهذا كل ما راموا تبديله من وجهه من آيات القرآن، وقد أريناهم بعون الله تعالى، أنه كله حجة عليهم مبطل لقولهم بالتعليل الموجب عندهم للقياس، والحمد لله رب العالمين

[22] **Translator’s note (L3497):** The unusual expression ‘befouled with his filth and babblings’ preserves the supplied pairing of أقذاره وأهذاره.

[23] **Qur’an references (L3496):** Qur’an 4:160 (An-Nisa).

they have sought to divert from its proper meaning. With the help of Allah Most High, we have shown them that all of it is an argument against them, invalidating their doctrine of assigning effective causes which, according to them, necessitates analogy. Praise belongs to Allah, Lord of the worlds.[24][25]

[24]**Translator's note (L3499):** The supplied text reads بلا خوف, 'without fear,' where the argument appears to call for بلا خلاف, 'without disagreement.' The supplied reading has been retained. In the Quran quotation, the referent of 'it' in 'it is only a reminder' is left unspecified, as in the Arabic.

[25]**Qur'an references (L3499):** Qur'an 74:31 (Al-Muddaththir); Qur'an 37:182 (As-Saffat).

L3500–3505 They also argued from the saying of the Messenger of Allah ﷺ concerning his prohibition of storing the meat of sacrificial animals for more than three days: 'I did that only because of the beast.' Abu Muhammed said: The people who have the greatest reason to feel shame before Allah Most High when mentioning this report are the proponents of analogy who affirm effective causes. For they invalidate this reason, which they count as an effective cause, in the very instance in which it was stated, and they draw absolutely no analogy from it to anything else. Indeed, they do not even comply with that very ruling. Rather, they disobey it and permit storing the meat of sacrificial animals for as long as a person wishes, even if companies of people arrive. Should someone who sets aside the saying of the Messenger of Allah ﷺ prohibiting the storage of sacrificial meat for more than three days when a company arrives, and considers it permissible to act contrary to him in this, not feel ashamed to invoke that very saying, which he himself discards, to establish false effective causes—if exchanging walnuts for almonds on deferred terms is unlawful? This is indeed a corrupt disposition arising from numerous vices, including ignorance, lack of shame, lack of scrupulousness, intense partisanship, little concern for truthfulness, extreme injustice, lack of sincere counsel, and weakness and reason. We seek refuge in Allah from all of that. As for us, we say that the Prophet ﷺ made the reason for prohibiting the storage of sacrificial meat for more than three nights the arrival of a company around the time of the Feast of Sacrifice. Whenever that occurs, for all eternity, storing its meat is prohibited for more than three nights. If no company arrives around the time of the Feast of Sacrifice, let people bring in as much of its meat as they wish, in submission to the command of the Messenger of Allah ﷺ, for which nothing abrogating it has come. What we have affirmed is the position of Ali ibn Abi Talib and Abd Allah ibn Umar. They also argued from his saying ﷺ, 'The call to prayer was instituted only on account of sight.' Abu Muhammed said: This agrees with our position, not theirs. For we have not denied that an explicit text may prescribe particular rulings for expressly stated reasons. What we have denied is transgressing those limits to reach other cases, applying those rulings to cases other than those expressly specified, and inventing reasons that Allah Most High has not authorized. Furthermore, this report is an argument against them, be-

واحتجوا بقول رسول الله صلى الله عليه وسلم في نهيه عن إدخار لحوم الأضاحي أكثر من ثلاث: إنما فعلت ذلك من أجل الدابة. قال أبو محمد: أحق الناس أن يستحي من الله تعالى عند ذكر هذا الحديث فأصحاب القياس القائلون بالعلل لأنهم يبطلون هذا السبب الذي يعدونه علة في المكان الذي ورد فيه، ولا يقيسون عليه شيئا أصلا نعم، ولا يأخذون بذلك الحكم بعينه، بل يعصونه ويجيزونه ادخار لحوم الأضاحي ما شاء المرء من الدهور، وإن دفت الدواف أفلا يستحي من يبطل قول رسول الله صلى الله عليه وسلم في نهيه إذا دفت دافة أن يدخر لحوم الأضاحي، أكثر من ثلاث ويستجيز خلافه في ذلك، من أن يحتج بذلك القول المطرح عنده في إثبات العلل الكاذبة لو أن الجوز باللوز إلى أجل لا يحل؟ إن هذا لخلق فاسد، منتج من رذائل جمة منها الجهل وقلة الحياء وقلة الورع وشدة العصبية، وقلة المبالاة بالصدق وشدة الجور وقلة النصيحة وضعف والعقل ونعوذ بالله من كل ذلك وأما نحن فنقول إن النبي صلى الله عليه وسلم جعل السبب في النهي عن إدخار لحوم الأضاحي أكثر من ثلاث ليال أن دافة دفت بحضرة الأضحى، فإذا كان ذلك أبد الأبد حرم إدخار لحومها أكثر من ثلاث ليال، فإن لم تدف دافة بحضرة الأضحى فليدخل الناس لحومها ما شاؤوا وانقيادا لأمر رسول الله صلى الله عليه وسلم الذي لم يأت ما ينسخه وهذا الذي قلنا به هو قول علي بن أبي طالب وعبد الله بن عمر واحتجوا بقوله صلى الله عليه وسلم إنما جعل الأذان من أجل البصر قال أبو محمد: وهذا موافق لقولنا لا لقولهم، لأننا لم ننكر وجود النص حاكما بأحكام ما لأسباب منصوصة، لكنا أنكرنا تعدي تلك الحدود إلى غيرها، ووضع تلك الأحكام في غير ما نصت فيه، واخترع أسباب لم يأذن بها الله تعالى. وأيضا فهذا الحديث حجة عليهم، لأنهم أول عاص له أكثر أهل القياس، مخالفون لما في هذا الحديث، من أن من اطلع على آخر ففقأ المطلع عليه عين المطلع

فلا شيء عليه. وقالوا: إن قول المظاهر لامرأته: أنت علي كظهر أمي، لما كان منكرا من القول وزورا كان ذلك علة لوجوب الكفارة. قال أبو محمد: وقد أبطلوا تعليلهم هذا فكفوا مؤنة أنفسهم، فأقروا أن قول المرأة لزوجها: أنت علي كظهر أمي، منكر من القول وزورا، ولم يوجب ذلك عليها الكفارة وقال تعالى {ما جعل الله لرجل من قلبين في جوفه وما جعل أزواجكم للائي تظاهرون منهن أمهاتكم وما جعل أدعيآءكم أبنآءكم ذلكم قولكم بأفواهكم والله يقول الحق وهو يهدي لسبيل} فسوى الله تعالى بين قول الرجل لامرأته، أنت علي كظهر أمي، وبين ادعائه ولد غيره، ولم يجعل في أحد الوجهين كفارة، وجعل في الآخرة الكفارة، فصح أن المساواة في الشبه لا توجب المساواة في الحكم، وبطل قولهم في التعليل إذا وجب في أحد المنكرين كفارة ولم يجب في الآخر وقد قال غيره من الفقهاء إيجاب الكفارة على المرأة المظاهرة من زوجها ككفارة المظاهر ولا فرق. فهذا كل ما موهوا به من الحديث لاح أنه حجة عليهم، وبالله تعالى التوفيق. وجملة القول إن كل شيء نص الله تعالى ورسوله صلى الله عليه وسلم فهو حق وكل ما أوردوه بآرائهم مما ليس في كتاب الله تعالى ولا في سنة رسوله صلى الله عليه وسلم فهو باطل وإفك وهم كمن قال لما حرم الله تعالى وفرض ما شاء حرمت أنا أيضا وفرضت ما شئت، لأنه تعالى حرم وفرض ولا فرق وقد صح على رسول الله صلى الله عليه وسلم من طريق عمر بن عنبسة في نهيه صلى الله عليه وسلم عن الصلاة عند طلوع الشمس وعند غروبها إن تلك ساعة تطلع ومعها قرن الشيطان ويسجد لها الكفار حينئذ وعن الصلاة نصف النهار حتى تزول الشمس: وإن تلك الساعة تسجر فيها النار لو كان هذا على بادىء الرأي وظاهر الاحتياط لكانت الصلاة حينئذ أحرى وأولى، معارضة الكفار، فإذا سجدوا للشمس صلينا نحن لله تعالى، وإذا سجرت النار صلينا، ونعوذ بالله منها. هذه صفة عللهم المفتراة الكاذبة، وهذا ما جاء به

cause they are the first to disobey it. Most proponents of analogy oppose what this report contains: that if someone peers in at another person, and the person being watched puts out the watcher's eye, he incurs no liability. They said that when a husband who pronounces the back-comparison repudiation says to his wife, 'You are to me like my mother's back,' the fact that this is a reprehensible and false utterance is an effective cause of the obligation to make expiation. Abu Muhammed said: They themselves have invalidated this assignment of an effective cause, thus sparing us the trouble of dealing with them. They acknowledged that a woman's saying to her husband, 'You are to me like my mother's back,' is a reprehensible and false utterance, yet this did not make expiation obligatory for her. He Most High said, 'Allah has not placed two hearts within any man, nor has He made your wives whom you repudiate by the back-comparison your mothers, nor has He made those whom you claim as sons your sons. That is your saying with your mouths. Allah speaks the truth, and He guides to the way.' Thus Allah Most High placed a man's saying to his wife, 'You are to me like my mother's back,' on an equal footing with his claiming another person's child as his own. Yet He prescribed no expiation in one of the two cases, while in the other He prescribed expiation. Thus it is established that equality in resemblance does not entail equality in ruling, and their assertion concerning causal explanation is invalidated, since expiation is obligatory for one of the two objectionable utterances but not for the other. Other jurists have held that a woman who pronounces the repudiation formula of likening her husband to a forbidden relative must perform the same expiation as a man who pronounces that formula, without distinction. This, then, is everything from the transmitted reports with which they have sought to mislead: it has become apparent that it constitutes an argument against them. Through Allah Most High comes success. The sum of the matter is that everything expressly stipulated by Allah Most High and His Messenger, may Allah bless him and grant him peace ﷺ, is true, while everything they have advanced on the basis of their opinions, which is absent from the Book of Allah Most High and the practice of His Messenger, may Allah bless him and grant him peace ﷺ, is falsehood and fabrication. They are like someone who says: "Since Allah Most High has forbidden and made obligatory whatever He

النص فصح أنه لا يحل لأحد تعليل في الدين، ولا القول بأن هذا سبب هذا الحكم، إلا أن يأتي به نص فقط.

wills, I too have forbidden and made obligatory whatever I will, because He Most High has forbidden and made obligatory." There is no difference. It has been authentically transmitted from the Messenger of Allah, may Allah bless him and grant him peace ﷺ, through ʿUmar ibn ʿAnbasah, concerning his prohibition, may Allah bless him and grant him peace ﷺ, of prayer at sunrise and sunset, that this is a time when it rises accompanied by a horn of Satan, and the unbelievers then prostrate themselves to it; and concerning prayer at midday until the sun declines, that this is the time when the Fire is stoked. If this were governed by first impressions and apparent precaution, prayer at those times would be more fitting and preferable, in opposition to the unbelievers: when they prostrate themselves to the sun, we would pray to Allah Most High, and when the Fire is stoked, we would pray and seek refuge with Allah from it. Such is the character of their fabricated, lying causes; yet this is what the authoritative text has brought. It is therefore

established that no one may assign causes in religion, or say that this is the reason for this ruling, unless an authoritative text alone establishes it.[1][2][3][4][5][6][7]

L3506–3509

Section on Derivation

Abū Muhammed said: Some of them have argued that one must affirm operative causes, and that rulings came about through causes, on the grounds that names are derived in language. Even if this were sound, it would provide them with no argument, since derivation contains no means by which operative causes in rulings can be established. How, then, when it is false? Valid derivation consists only in coining a name for something, taken from

فصل في الاشتقاق قال أبو محمد: واحتج بعضهم في إيجاب القول بالعلل، وأن الأحكام إنما وقعت العلل بأن الأسماء مشتقة في اللغة. وهذا لو صح لما كان لهم فيه حجة، إذ لا سبب في الاشتقاق يتوصل به إلى إثبات العلل في الأحكام، فكيف وهو باطل. الاشتقاق الصحيح إنما هو اختراع اسم لشيء ما مأخوذ من صفة فيه، كتسمية الأبيض من البياض، والمصلي من الصلاة، والفاسق من الفسق، وما أشبه ذلك. وليس في ذلك من هذا ما يوجب أن يسمى أبيض ما لا بياض فيه، ولا مصليا من لا يصلي، ولا فاسقا، من لا فسق فيه، فأي شيء في هذا مما يتوصل به إلى إيجاب القياس، والقول بأن البر إنما حرم أن يباع البر متفاضلا، لأنه مأكول، أو لأنه مكيل، أو لأنه مدخر؟ وهل يتشكل هذا الحمق في عقل ذي عقل؟ وبالله تعالى التوفيق. وأما ما عدا هذا من الاشتقاق ففاسد البتة وهو كل اسم علم وكل اسم جنس أو نوع أو صفة، فإن الاشتقاق في كل ذلك مبطل ببرهان ضروري؛ وهو أننا نقول لمن قال: إنما سميت الخيل خيلا لأجل الخيلاء التي فيها، وإنما سمي البازي بازيا لارتفاعه، والقارورة قارورة لاستقرار الشيء فيها، والخابية خابية لأنها تخبيء ما فيها، إنه يلزمك في هذا وجهان ضروريان لا انفكاك لك منهما البتة. أحدهما: أن تسمي رأسك خابية، لأن دماغك مخبوء فيها وأن تسمي الأرض خابية، لأنها تخبيء كل ما فيها، وأن تسمي أنفك بازيا لارتفاعه، وأن تسمي السماء والسحاب بازيا لارتفاعهما، وكذلك القصر والجبل، وأن تسمي بطنك قارورة لأن مصيرك مستقر به، وأن تسمي البئر قارورة لأن الماء مستقر فيها، وأن تسمي المستكبرين من الناس خيلا، للخيلاء التي فيهم، ومن فعل هذا لحق بالمجانين المتخذين لإضحاك سخفاء الملوك في مجالس الطرب، وصار ملهى وملعبا وضحكة يتطايب بخبره، وكان للحرمة ومداواة الدماغ أولى منه بغير

[1] **Translator's note (L3500):** The quotation reads الدابة, 'the beast,' rather than الدافة, 'the arriving company,' which the subsequent argument presupposes. The supplied wording has been translated without correction. The Arabic has 'three' without an expressed unit; 'days' is supplied from the context.

[2] **Translator's note (L3501):** The supplied ويجيزونه ادخار is grammatically irregular; the translation follows the apparent sense, 'they permit storing.' The clause introduced by لو, 'if exchanging walnuts for almonds on deferred terms is unlawful,' is syntactically awkward and has no clear consequent. Its conditional wording is retained rather than silently replaced with a straightforward statement of the opponents' ruling.

[3] **Translator's note (L3502):** The segment begins والعقل, 'and reason,' following 'weakness' in the preceding segment. This appears to contain an intrusive conjunction, where the intended construction would be 'weakness of reason'; the supplied conjunction is retained.

[4] **Translator's note (L3503):** The supplied فليدخل means 'let … bring in.' The context concerns storing meat and may suggest فليدخر, 'let … store,' but the supplied wording has been retained. The hadith quotation reads الأذان, 'the call to prayer.' The ensuing discussion concerns permission to enter and protection from intrusive looking, suggesting an apparent quotation error for الإذن or الاستئذان, 'permission' or 'seeking permission.' The supplied quotation has not been corrected. 'Back-comparison repudiation' renders ẓihār: the husband's declaration comparing his wife to his mother's back.

[5] **Translator's note (L3504):** The opening word completes the preceding segment's statement that expiation was prescribed in the latter case. The repudiation formula discussed here is ẓihār, the likening of one's spouse to a relative with whom sexual relations are forbidden.

[6] **Translator's note (L3505):** The transmitted name is supplied as ʿUmar ibn ʿAnbasah; the familiar transmitter of this prayer report is ʿAmr ibn ʿAbasah. The supplied reading has been retained. In "a time when it rises," the Arabic leaves the subject implicit; the sun is intended.

[7] **Qur'an references (L3500):** Qur'an 33:4 (Al-Ahzab).

an attribute within it: for example, naming something "white" from "whiteness," someone "one who prays" from "prayer," and someone "a transgressor" from "transgression," and the like. Nothing in this requires calling something without whiteness "white," someone who does not pray "one who prays," or someone without transgression "a transgressor." What in this provides any means of establishing analogy as obligatory, or of saying that wheat was forbidden to be sold for wheat in unequal quantities only because it is edible, because it is measured by volume, or because it is stored? Can such stupidity even take shape in the mind of a rational person? Through Allah Most High comes success. As for derivation beyond this, it is altogether invalid: this includes every proper name and every name of a genus or species or attribute. Derivation in all of this is invalidated by a necessary demonstration. We say to someone who says, "Horses are called khayl only because of the pride, khuyalāʾ, within them; a hawk is called bāzī because of its elevation; a flask is called qārūrah because something settles, istiqrār, within it; and a storage jar is called khābiyah because it conceals, tukh abbiʾ, what is inside it": two necessary consequences follow for you here, from which you have absolutely no escape. The first is that you must call your head a storage jar, because your brain is concealed within it; call the earth a storage jar, because it conceals everything within it; call your nose a hawk because of its elevation; call the sky and clouds hawks because of their elevation, and likewise a palace and a mountain; call your belly a flask because your intestine is settled within it; and call a well a flask because the water is settled within it; and call arrogant people horses because of the pride within them. Anyone who does this joins the madmen employed to make foolish kings laugh at gatherings of merriment, and becomes an amusement, a plaything, and a laughingstock whose exploits provide entertainment. He would be more deserving of protection and treatment of his brain than of anything else. If he refuses, he abandons his invalid derivation. The second consequence is that he should be asked: if you derive "horses," khayl, from "horses," khayl, or "flask" from "settling," and "storage jar" from "concealment," from what do you derive "pride," "settling," and "concealment"? This entails inescapable circularity, namely that each of the two is derived from the other—and this is madness—or the existence of things without beginnings or end. This leads to unbelief and the

ذلك، فإن أبى ترك اشتقاقه الفاسد. والوجه الثاني: أن يقال: إن اشتققت الخيل من الخيل أو القارورة من الاستقرار والخابية من الخبء: فمن أي شيء اشتققت الخيلاء والاستقرار والخبء، وهذا يقتضي الدور الذي لا ينفك منه، وهو أن يكون كل واحد منهما اشتق من صاحبه، وهذا جنون؛ أو وجود أشياء لا أوائل لها ولا نهاية، وهذا مخرج إلى الكفر والقول بأزلية العالم، ومع أنه كفر فهو محال ممتنع. وأيضا: فإذا بطل الاشتقاق في بعض الأسماء كلف من قال به في بعضها أن يأتي ببرهان، وإلا فهو مبطل. وأيضا: فليس قول من قال: إن الخيل مشتقة من الخيلاء، أولى بالقبول من قول من قال: إن الخيلاء مشتقة من الخيل، وكلا القولين دعوى فاسدة زائفة لا دليل على صحتها، في البرهان الضروري قد قام على بطلانها، لأنه لم توجد قط الخيلاء إلا والخيل موجودة، ولا وجدت الخيل إلا والخيلاء موجودة ولم يوجد قط أحدهما قبل الآخر، فبطل قولهم، وبالله تعالى نتأيد. ولو كان ما قالوا لكانت الأسد أولى أن تسمى خيلا، لأنهم أكثر خيلاء من الخيل، ولكانت النسور أولى أن تسمى بزاة من الصقور، لأنها أشد ارتفاعا منها، وإلا فما الذي جعل القوارير أولى بهذا الاسم من الرمان والعتائد والإدراج والقلال.

assertion of the world's beginningless eternity; besides being unbelief, it is impossible and cannot occur. Furthermore, once derivation has been invalidated for some names, anyone who asserts it for some others must produce a demonstration; otherwise, his assertion is false. Furthermore, the statement of someone who says that "horses" is derived from "pride" is no more deserving of acceptance than the statement of someone who says that "pride" is derived from "horses." Both statements are unsound, spurious assertions, with no evidence establishing their validity. Indeed, a necessary demonstration has established their invalidity, because pride has never existed without horses existing, nor have horses existed without pride existing. Neither has ever existed before the other. Their assertion is therefore invalidated, and through Allah Most High we are strengthened. If what they say were so, lions would be more deserving of being called horses, because they have more pride than horses; and vultures would be more deserving of being called hawks than falcons are, because they rise higher than they do. Otherwise, what makes flasks more deserving of this name than pomegranates, cases, drawers, and large jars?[8][9][10][11]

[8] **Translator's note (L3506):** The phrase rendered "rulings came about through causes" is syntactically defective in the supplied Arabic: وقعت العلل appears to lack a preposition connecting rulings to causes.

[9] **Translator's note (L3507):** The Arabic wordplay is retained through transliterations alongside English meanings: khayl/khuyalāʾ, qārūrah/istiqrār, and khābiyah/tukhabbiʾ. The proposed connection between bāzī, "hawk," and elevation is the author's report of an etymological claim. The supplied مصيرك is understood here as "your intestine"; without vowel marks it can also be read as "your destination" or "your eventual fate."

[10] **Translator's note (L3508):** The supplied للحرمة, rendered "of protection," is obscure in this context; its usual senses include sanctity, inviolability, and protection. The precise intended treatment of the allegedly deranged speaker is uncertain. The source says "derive horses from horses," الخيل من الخيل, although the surrounding argument concerns deriving khayl, "horses," from khuyalāʾ, "pride." The repetition has been retained. The transition rendered "Indeed, a necessary demonstration" is grammatically irregular in the supplied text, which reads في البرهان الضروري.

[11] **Translator's note (L3509):** The list of containers includes الرمان, ordinarily "pomegranates," an unexpected item in this argument. That supplied reading has been retained. العتائد and الإدراج are rendered "cases" and "drawers," respectively, though their precise forms here are uncertain.

L3510–3512

They said: “When we found that juice is sweet, is not called wine, and is lawful, then intoxicating potency develops in it, so it is called wine and becomes forbidden, then the potency disappears and it is no longer called wine but is called vinegar, we knew that the operative cause which makes it forbidden, on account of which it was forbidden, and on account of which it was called wine, is its potency.” Abū Muhammed said: This is unsound speech, unsound in the extreme. The first thing is to ask them: by what reasoning did you find that the presence of potency in it required its being named with the letters khāʾ, mīm, and rāʾ? Rather, whenever an individual thing has attributes different from those of another individual thing, each must be given a name different from the name of the other, so that those addressing one another can understand one another concerning them. Thus, one name was attached to that which possesses potency, and another name to that which does not, for no reason except that people might understand the intention of whoever speaks and addresses them. The same applies to what exists in the world, except whatever the language was too limited to name, its speakers were unable to name, or Allah Most High did not will to have a name in this language. Furthermore, the first person to speak the Arabic language was Ishmael, whereas wine predates Ishmael’s existence on earth, because the two are among the things whose names Adam was taught. He Most High said: “And He taught Adam all the names, then presented them to the angels and said: ‘Inform Me of the names of these, if you are truthful.’” He Most High thus spoke generally and did not specify a restriction. Wine therefore existed with its intoxicating character and potency, while it was lawful and was not called khamr. This speaker has therefore spoken falsely and sinned. Furthermore, in every language wine is called by a name other than our name khamr. Yet we have not found their tongues twisting on that account, or their rulings folding up, nor has wine become lawful for them because its name among them is in the Arabic language. Nor have we ever found that individual substance called wine except that it is intoxicating at every time, among every people, and in every place, with the sole exception of the wine of Paradise. Their assertion concerning operative causes is therefore invalidated. Through Allah Most High comes success. Furthermore, the Arabs call wine by sixty-five names. We have not found that they

وقالوا: لما وجدنا العصير حلو لا يسمى خمرا وهو حلال، ثم حدثت فيه الشدة فسمي خمرا فحرم، ثم ارتفعت الشدة فلم يسم خمرا، لكن سمي خلا، علمنا أن العلة المحرمة، والتي حرم من أجلها، والتي من أجلها سمي خمرا، هي الشدة. قال أبو محمد: هذا كلام فاسد في غاية الفساد. فأول ذلك أن يقال لهم: في أي عقل وجدتم أن كون الشدة فيه أوجبت أن يسمى بالخاء والميم والراء؟ ولكن لا بد لكل عين فيها صفات مخالفة لصفات عين أخرى أن يوقع على كل واحد منها اسم غير اسم العين الأخرى، ليقع التفاهم فيها بين المخاطبين، فعلق على ما فيه الشدة اسم ما، وعلى ما لا شدة فيه اسم آخر، لا لشيء إلا ليفهم الناس مراد من كلمهم وخاطبهم، وكذلك موجود في العالم، وإلا ما ضاقت اللغة عن تسميته، أو عجز أهلها عن ذلك، أو لم يرد الله تعالى أن يكون له في هذه اللغة اسم. وأيضا: فإن اللغة العربية أول من نطق بها إسماعيل، والخمر أقدم من كون إسماعيل في الأرض، لأنهما من الأشياء التي علم آدم أسماءها قال تعالى {وعلم آدم لأسمآء كلها ثم عرضهم على لملائكة فقال أنبئوني بأسمآء هؤلاء إن كنتم صادقين} فعم تعالى ولم يخص، فقد كانت الخمر على حالها من الإسكار والشدة وهي حلال، وهي لا تسمى خمرا، فقد كذب هذا القائل وأثم. وأيضا، فإن الخمر تسمى في كل لغة بغير اسم الخمر عندنا، فما وجدنا ألسنتهم تلتوي لذلك، ولا أحكامهم تنطوي، ولا الخمر حلت لهم: لأجل أن اسمها عندهم في اللغة العربية، ولم نجد قط تلك العين المسماة خمرا إلا وهي مسكرة في كل وقت، وفي كل أمة، وفي كل مكان، حاشا خمر الجنة فقط، فبطل قولهم في العلل. وبالله تعالى التوفيق. وأيضا: فإن العرب تسمي الخمر بخمسة وستين اسما ما وجدناها تضطر إلى ترك شيء منها، ولا اضطرت إلى وضعه، وقد بينا الكلام في كيفية أصل اللغات في باب مفرد من كتابنا هذا، ولله الحمد. وكذلك قالوا: إن كون البر مطعوما محرما متفاضلا هو علة تسمية ذلك ربا، والقول عليهم في ذلك كالقول في الخمر، ولا فرق، وبالله تعالى لا إله إلا هو التوفيق. وقالوا:

are compelled to abandon any of them, nor were they compelled to coin it. We have explained the question of how languages originated in a separate chapter of this book. And to Allah belongs praise. Likewise, they said that wheat's being food, forbidden in unequal quantities, is the operative cause of calling that usury. Our response to them concerning this is the same as our response concerning wine, without distinction. Through Allah Most High—there is no deity but Him—comes success. They said: "The operative cause requiring the enslaved person emancipated in expiation for the repudiation formula of likening one's wife to a forbidden relative to be a believer is the requirement that this person be sound in all limbs, like the enslaved person emancipated in expiation for killing."[12][13][14]

العلة في وجوب كون الرقبة في الظهار مؤمنة هي وجوب كونها سليمة الأعضاء كرقبة القتل.

L3513 Abu Muhammed said: This is an invalid arbitrary assertion, adducing one error in support of another and one claim in support of another. In making this statement, they resemble someone who says, "Zayd owes me a dirham." He is asked, "Do you have evidence?" He says, "Yes." He is asked, "What is it?" He says, "'Amr owes me a dirham." He is asked, "What is your evidence that ʿAmr owes you a dirham?" He says, "My evidence for that is that Zayd owes me a dirham." Thus he wishes to make his claim establish the validity of another claim, although both are untenable, since there is no evidence for either. Such conduct is not the conduct of rational people. Their claim that, in both cases, a slave suffices only if sound in body is a false claim that cannot be established. How, then, can an analogy be drawn from it requiring that

قال أبو محمد: وهذا تحكم فاسد، واحتجاج للخطأ بالخطأ، وللدعوى بالدعوى ومثلهم في هذا القول كإنسان قال: لي على زيد درهم فقيل له: هل لك بينة؟ فقال: نعم، فقيل: وما هي؟ قال: إن لي على عمر درهما، فقيل له، وما بينتك على أن لك على عمر درهما؟ قال: بينتي على ذلك أن لي على زيد درهما؟ فهو يريد أن يجعل دعواه صحة لدعوى أخرى، وكلتاهما ساقطة، إذ لا دليل عليهما، وليس هذا الفعل من أفعال أهل العقول، ودعواهم أن الرقبة في كلا الموضعين لا تجزىء إلا أن تكون سليمة، دعوى زائفة لا تصح، فكيف أن يقاس عليها ألا تكون إلا مؤمنة؟. وقال بعضهم: العلة في ذلك أنها كفارة عن ذنب. قال أبو محمد: وليس على قاتل الخطأ ذنب أصلا، فبطل تعليلهم الفاسد،

[12] **Translator's note (L3510):** The letters khāʾ, mīm, and rāʾ spell khamr, the Arabic word for wine. "Potency" consistently renders الشدة, the intoxicating strength invoked as an operative cause. The dual pronoun in لأنهما, "because the two," has no clear pair of antecedents in the supplied wording. It has been preserved. The phrase "because its name among them is in the Arabic language" is apparently defective: the argument appears to require wording about their name differing from the Arabic name, but the supplied text does not say this. "Their rulings folding up" preserves the unusual metaphor in أحكامهم تنطوي. The Quranic quotation contains defective orthography in لأسمآء and للائكة; its intelligible wording is rendered without adding content.

[13] **Translator's note (L3512):** "Enslaved person" renders رقبة, literally "neck," the legal expression for a person emancipated in expiation. The repudiation formula is ẓihār.

[14] **Qur'an references (L3510):** Qur'an 2:31 (Al-Baqarah).

the slave also be a believer? Some of them said: "The cause of this is that it is an expiation for a sin." Abu Muhammed said: Someone who kills by mistake bears no sin whatsoever, so their invalid causal explanation collapses.

L3514 Furthermore, this is a claim like the first, for which there is no evidence. What distinguishes them from someone who says, "In the case of killing, the slave was required to be a believer only because this is an expiation for killing; in cases other than killing, therefore, the slave need not be a believer"? There is no escaping this. All of these are claims without evidence, and they cannot escape someone who invalidates what they establish and establishes what they invalidate. Know that none of them can claim a cause for any ruling without his opponent being able to produce another cause and claim that the ruling became obligatory solely because of it. From this they have no escape. In Allah Most High we seek protection.

Section on Invalidating the Doctrine of Causes

Abu Muhammed said: This is everything with which they have raised contentious objections. We have exposed its defects, and its collapse has become evident. Praise be to Allah, Lord of all worlds. Now, with the help and strength of Allah Most High—there is no deity but Him—we shall begin invalidating the doctrine of causes in any of the prescriptions of revealed law. Success comes through Allah Most High. Thus, to anyone who says that the rulings of revealed law are nothing but causes, it should be said:[15]

L3515–3517 "Tell us about these causes that you mention: are they the work and ruling of Allah Most High, or the work and ruling of someone other than Him, or neither His work, exalted is He, nor the work of anyone else?" There is absolutely no possibility of a fourth category. If they say, "They are the work of someone other than Allah, apart from His ruling," they have posited here a creator other than Him and an agent responsible for the ruling other than Him. They have made that agent's action impose upon Allah Most High the obligation to do what He did and to rule as He ruled. This is sheer association

[15]**Translator's note (L3514):** The final clause literally says that the rulings "are nothing but causes." This awkward formulation has been retained rather than silently changed to "are based on causes."

وأيضا فهذه دعوى كالأولى، لا دليل عليها. وما الفرق بينهم وبين من قال: إنما وجبت في القتل أن تكون الرقبة مؤمنة لأنها كفارة عن قتل. فما عدا القتل فلا تجب فيه مؤمنة؟ وهذا لا انفكاك منه، فكل هذه دعوى لا دليل عليها، ولا ينفكون ممن بطل ما أثبتوه ويثبت ما أبطلوا. واعلم أنه لا يمكن أحدا منهم أن يدعي علة في شيء من الأحكام إلا أمكن لخصمه أن يأتي بعلة أخرى يدعي أن ذلك الحكم إنما وجب لها، وهذا ما لا مخلص لهم منه وبالله تعالى نعتصم فصل في إبطال القول بالعلل قال أبو محمد هذا كل ما شغبوا به قد بينا عواره، ولاح اضمحلاله، والحمد لله رب العالمين. ونحن الآن بعون الله تعالى وقوته لا إله إلا هو شارعون في إبطال القول بالعلل في شيء من الشرائع، وبالله تعالى التوفيق. فيقال لمن قال: إن أحكام الشريعة إنما هي العلل.

أخبرونا عن هذه العلل التي تذكرون: أهي من فعل الله تعالى وحكمه؟ أم من فعل غيره وحكم غيره؟ أم لا من فعله تعالى ولا من فعل غيره؟ ولا سبيل إلى قسم رابع أصلا. فإن قالوا: من فعل غير الله من غير حكمه، جعلوا ههنا خالقا غيره، وفاعلا للحكم غيره، وجعلوا فعل ذلك الفاعل موجبا على الله تعالى أن يفعل ما فعل، وأن يحكم بما حكم به وهذا شرك مجرد، وكفر صريح، وهم لا يقولون ذلك. فإن قالوا: ليست من فعله ولا من فعل غيره، أوجبوا أن في العالم أشياء لا فاعل لها، أو أنهم في هذا الحاكمون على الله تعالى بها، وهم الذين يحللون ويحرمون، ويقضون على الباري عز وجل، وهذا

of partners with Allah and explicit unbelief, and they do not maintain this. If they say, "They are neither His work nor the work of anyone else," they have necessarily asserted that there are things in the world that have no agent, or that they themselves, in this matter, use these causes to dictate to Allah Most High, and that they are the ones who declare things lawful and unlawful and pass judgment upon the Creator, mighty and majestic is He. This is sheer unbelief and the doctrine of the eternalists, and they do not maintain this. If they say, "Rather, they are the work and ruling of Allah, mighty and majestic is He," we say to them: "Tell us your position: did Allah Most High bring them about for a cause, or did He bring them about without a cause?" If they say, "He, exalted is He, brought them about without a cause," they have abandoned their own principle and acknowledged that He, exalted is He, does things without a cause. They should also be asked: "What made it necessary that the subsequent rulings have causes, while the initial acts that are the causes of these rulings have no causes?" This is arbitrary assertion without evidence and an untenable claim without demonstration. If they say, "Rather, He, exalted is He, brought them about for other causes," they are to be questioned about these causes as they were questioned about the preceding ones, and so on forever. They must necessarily take one of two positions, with no third possibility: either they stop at certain acts and say that He performed them without a cause, thereby abandoning their invalid statement that He, exalted is He, does nothing except for a cause; or they affirm an endless succession of things brought into being and existing things that have no beginnings. This is unbelief and departure from revealed law by the consensus of the community. May Allah condemn a statement that forces its proponent into such positions! Thus their doctrine of causes is invalidated, and our statement that Allah Most High does whatever He wills, except for a cause at all, in any respect, is established by this necessary demonstration from which there is no escape. Success comes through Allah Most High.

Abu Muhammed said: Sufficient for all this is that, among all the Companions—may Allah be pleased with them—from first to last, all the Successors from first to last, and all the Successors to the Successors from first to last, there is not among them anyone who said that Allah Most High issued a

كفر مجرد، ومذهب أهل الدهر، وهم لا يقولون ذلك. فإن قالوا: بل هي من فعل الله عز وجل وحكمه. قلنا لهم: أخبرونا عنكم أفعلها الله تعالى لعلة؟ أو فعلها لغير علة؟ فإن قالوا: فعلها تعالى لغير علة، تركوا أصلهم وأقروا أنه تعالى يفعل الأشياء لا لعلة، وقيل لهم أيضا: ما الذي أوجب أن تكون الأحكام الثواني لعلل، وتكون الأفعال الأول التي هي علل هذه الأحكام لا لعلل وهذا تحكم بلا دليل، ودعوى ساقطة لا برهان عليها، وإن قالوا: بل فعلها تعالى لعلل أخر، سئلوا في هذه العلل أيضا كما سئلوا في التي قبلها، وهكذا أبدا فلا بد لهم ضرورة من أحد وجهين لا ثالث لهما: إما أن يقفوا في أفعال ما فيقولون إنه فعلها لغير علة، فيكونون بذلك تاركين لقولهم الفاسد، إنه تعالى لا يفعل شيئا إلا لعلة، أو يقولون بمفعولات لا نهاية لها، وأشياء موجودة لا أوائل لها، وهذا كفر وخروج عن الشريعة بإجماع الأمة. وقبح الله قولا يضطر قائله إلى مثل هذه المواقف، فبطل قولهم في العلل، وصح قولنا: إن الله تعالى يفعل ما يشاء إلا لعلة أصلا بوجه من الوجوه، بهذا البرهان الضروري الذي لا انفكاك عنه، وبالله تعالى التوفيق. قال أبو محمد: ويكفي من هذا كله أن جميع الصحابة رضي الله عنهم أولهم عن آخرهم، وجميع التابعين، أولهم عن آخرهم، وجميع تابعي التابعين، أولهم عن آخرهم، ليس منهم أحد قال: إن الله تعالى حكم في شيء من الشريعة لعلة، وإنما ابتدع هذا القول متأخرو القائلين بالقياس. وأيضا فدعواهم إن هذا الحكم حكم به الله تعالى لعلة كذا، فرية ودعوى لا دليل عليها، ولو كان هذا الكذب عن أحد من الناس لسقط قائله فكيف على الله عز وجل؟.

ruling concerning anything in revealed law for a cause. It was only the later proponents of analogy who invented this statement. Furthermore, their claim that "Allah Most High issued this ruling for such-and-such a cause" is a fabrication and a claim without evidence. If such a lie were told about any human being, its speaker would lose all credibility; how much more so when it is told about Allah, mighty and majestic is He![16]

L3518 We do not deny that some rulings of revealed law have occasions; rather, we affirm them and maintain their existence. But we say that they are occasions only where Allah Most High has made them occasions. It is unlawful to extend them beyond the cases in which He expressly stated that they are occasions for that of which they were made occasions. We have explained much of this at the beginning of this chapter.

Abu Muhammed said: Among the astonishing things about these people is that, if they were told, "Deliberately pursue falsehood," they could not do more than they have already done. One example is that they came to a ruling for which neither Allah Most High nor His Messenger ﷺ expressly stated an occasion—namely, the prohibition of exchanging wheat for wheat in unequal quantities—and assigned it an occasion and a cause. On that basis, they prohibited exchanging iron for iron in unequal quantities, selling rice for rice in unequal quantities, and selling scammony for scammony in unequal quantities. Then they came to a ruling to which the Messenger of Allah ﷺ assigned a relationship, and concerning which he stated that he had ruled thus on its account, yet they disobeyed him and discarded it. This is his statement ﷺ that he prohibited storing the meat of sacrificial animals for more than three days because of the influx of needy visitors. They said: "The influx of needy visitors is not an occasion, and it does not make it obligatory to refrain from storing the meat of sacrificial animals." This is how realities are reversed. In Allah Most High we seek refuge from abandonment.

[16]**Translator's note (L3516):** The wording "except for a cause at all" translates the supplied إلا لعلة أصلا, which contradicts the surrounding argument. The context strongly suggests لا لعلة أصلا, "without any cause whatsoever," but the supplied reading has not been silently corrected.

ولسنا ننكر وجود أسباب لبعض أحكام الشريعة، بل نثبتها ونقول بها، لكنا نقول: إنها لا تكون أسبابا إلا حيث جعلها الله تعالى أسبابا، ولا يحل أن يتعدى بها المواضع التي نص فيها على أنها أسباب لما جعلت أسبابا له، وقد بينا كثيرا من ذلك في أول هذا الباب. قال أبو محمد: ومن عجائب هؤلاء القوم أنهم لو قيل لهم: تعمدوا الباطل ما قدروا على أكثر مما فعلوا ومن ذلك: أنهم أتوا إلى حكم لم ينص الله تعالى ولا رسوله صلى الله عليه وسلم على أن له سببا وهو تحريم البر بالبر متفاضلا، فجعلوا له سببا وعلة، وحرموا من أجله الحديد بالحديد متفاضلا، وبيع الأرز بالأرز متفاضلا، وبيع السقيمونيا بالسقمونيا متفاضلا ثم أتوا إلى حكم جعل له رسول الله صلى الله عليه وسلم نسبا وأخبر أنه حكم بذلك من أجله فعصوه وأطرحوه وهو قوله صلى الله عليه وسلم إنه نهى عن ادخار لحوم الأضاحي فوق ثلاث لأجل الدافة، فقالوا: ليست الدافة سببا، ولا يجب من أجلها ترك ادخار لحوم الأضاحي، وهكذا يكون عكس الحقائق، وبالله تعالى نعوذ من الخذلان. قال أبو محمد: فإن قال قائل: أنتم تنكرون القول بالعلل وتقولون بالأسباب فما الفرق بين الأمرين. فالجواب، وبالله تعالى التوفيق: أن الفرق بين العلة وبين السبب، وبين العلامة وبين الغرض، فروق ظاهرة لائحة واضحة، وكلها صحيح في بابه، وكلها لا يوجب تعليلا في الشريعة، ولا حكما بالقياس أصلا، فنقول وبالله تعالى التوفيق. إن العلة هي اسم لكل صفة توجب أمرا ما إيجابا ضروريا، والعلة

لا تفارق المعلول البتة، ككون النار علة الإحراق، والثلج علة التبريد الذي لا يوجد أحدهما دون الثاني أصلا، وليس أحدهما قبل الثاني أصلا ولا بعده.

وأما السبب فهو كل أمر فعل المختار فعلا من أجله لو شاء لم يفعله، كغضب أدى إلى انتصار، فالغضب سبب الانتصار، ولو شاء المنتصر ألا ينتصر لم ينتصر، وليس السبب موجبا للشيء المسبب منه ضرورة، وهو قيل الفعل المتسبب منه ولا بد، وأما الغرض فهو الأمر الذي يجري إليه مفاعل ويقصده ويفعله، وهو بعد الفعل ضرورة، فالغرض من الانتصار إطفاء الغضب وإزالته وإزالة الشيء هي شيء غير وجوده، وإزالة الغضب غير الغضب، والغضب هو السبب في الانتصار، وإزالة الغضب هو الغرض في الانتصار، فصح أن كل معنى مما ذكرنا غير المعنى الآخر، فالانتصار بين الغضب وبين إزالته وهو مسبب للغضب وإذهاب الغضب هو الغرض منه. وأما العلامة فهي صفة يتفق عليها الإنسانان، فإذا رآها أحدهما علم الأمر الذي اتفقا عليه ومثل قول رسول الله صلى الله عليه وسلم لابن مسعود إذنك على أن يرفع الحجاب وأن تستمع سوادي حتى أنهاك فكان رفع الحجاب واستماع حركة النبي صلى الله عليه وسلم علامة الإذن لابن مسعود وكقوله صلى الله عليه وسلم إني لأعرف أصوات رفقة الأشعريين بالقرآن حين يدخلون بالليل وأعرف منازلهم من أصواتهم بالقرآن بالليل وإن كنت لم أر منازلهم حين نزلوا بالنهار فكانت أصوات الأشعريين بالقرآن

Abu Muhammed said: If someone says, "You reject the doctrine of causes but affirm occasions; what is the difference between the two?" the answer—and success comes through Allah Most High—is that the distinctions between a cause, an occasion, a sign, and a purpose are manifest, evident, and clear. Each is valid in its own sphere, and none entails assigning causes within revealed law or issuing any ruling whatsoever by analogy. Thus we say—and success comes through Allah Most High—that "cause" is a name for every attribute that necessarily entails some matter. A cause is never separate from its effect, as fire is the cause of burning and snow the cause of cooling: neither of the two exists at all without the other, and neither is ever before or after the other.[17]

L3519–3521 As for an occasion, it is any matter on account of which an agent acting by choice performs an act that, had he wished, he would not have performed. An example is anger leading to retaliation: anger is the occasion of retaliation, but if the person retaliating had wished not to retaliate, he would not have retaliated. An occasion does not necessarily entail the thing occasioned by it, and it is unavoidably before the act occasioned by it. As for a purpose, it is the matter toward which an acting agent proceeds, which he intends and brings about; it necessarily comes after the act. Thus the purpose of retaliation is to extinguish and remove anger. Removing a thing is something other than its existence, and removing anger is other than anger. Anger is the occasion of retaliation, while removing anger is the purpose of retaliation. It is therefore established that each of the meanings we have mentioned differs from the other. Retaliation thus stands between anger and its removal. It is occasioned by anger, and dispelling anger is its purpose. As for a sign, it is an attribute upon which two people agree, so that when one of them sees it, he knows the matter upon which they agreed. An example is the statement of the Messenger of Allah ﷺ to Ibn Masʿud: "Your permission to enter is

[17] **Translator's note (L3518):** "Cause" renders علة (ʿilla), while "occasion" renders سبب (sabab), preserving the distinction the author proceeds to define. The supplied نسبا means "a relationship" or "a lineage." The argument appears to require سببا, "an occasion," but the supplied wording has been retained. The two spellings السقيمونيا and السقمونيا are both rendered "scammony." The final formulation about neither existing without the other appears to refer to each cause–effect pair; its unqualified wording has been retained.

that the curtain be raised and that you hear my private conversation, until I forbid you." Thus the raising of the curtain and hearing the Prophet's ﷺ movement were the sign of permission for Ibn Masʿud. Another example is his statement ﷺ: "I certainly recognize the voices of the company of the Ashʿaris reciting the Quran when they enter at night, and I recognize their lodgings from their voices reciting the Quran at night, even though I did not see their lodgings when they settled there during the day." Thus the Ashʿaris' voices reciting the Quran were a sign of the place where they had lodged. From this derive the markers placed in open wilderness to guide people along the road, and the standards in armies by which the commander's position is known.[18][19]

L3522–3523 Abu Muhammed said: This is a fourth meaning. They have also called necessitating causes "meanings." This is among their gravest sophistries and most unsound grounds of argument. A meaning is simply the explanation of an expression. For example, someone might ask about the meaning of "the forbidden," and you tell him: "It is everything that it is impermissible to do." Or he asks about the meaning of "the obligatory," and we say: "It is everything that it is impermissible to leave undone." Or he asks: "What is a balance?" and we tell him: "An instrument by which differences in the quantities of physical bodies are known." These and similar things are meanings. This, then, is a fifth thing. None of this establishes a necessitating cause for the prescribed laws or requires analogy. For when a sign is instituted so that a particular thing may be known by it, there is absolutely no way for some other thing to be known by it in any respect. Were that possible, it would

[18]**Translator's note (L3520):** The supplied قيل الفعل, literally "it was said, the act," appears corrupt; "before the act" follows the contextually indicated reading قبل الفعل. The supplied مفاعل is awkward here; "an acting agent" reflects its apparent function in the sentence.

[19]**Translator's note (L3521):** The supplied الني in "the Prophet's movement" appears to be a transcription error for النبي. In the first quotation, سوادي is rendered "my private conversation." The author's ensuing explanation instead speaks of hearing the Prophet's movement; this difference has been preserved. The second quotation reads "when they enter at night" (حين يدخلون بالليل). The familiar wording of this report has "when they travel by night" (حين يرحلون بالليل); the supplied wording has been retained.

علامة لموضع نزولهم، ومن هذا أخذت الأعلام الموضوعة في الفلوات لهداية الطريق، والأعلام في الجيوش لمعرفة موضع الرئيس.

وقال أبو محمد: وهذا معنى رابع. وقد سمي أيضا العلل معاني، وهذا من عظيم شغبهم، وفاسد متعلقهم، وإنما المعنى تفسير اللفظ، مثل أن يقول قائل: معنى الحرام؟ فتقول له هو كل ما لا يحل فعله، أو يقول: معنى الفرض، فنقول: هو كل ما لا يحل تركه، أو يقول: ما الميزان؟. فنقول له: آلة يعرف بها تباين مقادير الأجرام، فهذا وما أشبه هو المعاني وهذا أيضا شيء خامس. وكل هذا لا يثبت علة الشرائع ولا يوجب قياسا، لأن العلامة إذا كانت موضوعة لأن يعرف بها شيء ما، فلا سبيل إلى أن يعرف بها شيء آخر بوجه من الوجوه، لأنه لو كان ذلك لما كانت علامة لما جعلت له علامة، ولوقع الإشكال. قال أبو محمد: فلما كانت هذه المعاني المسماة الخمسة التي ذكرنا، مختلفة متغايرة كل واحد منها غير الآخر، وكانت كلها مختلفة الحدود والمراتب، وجب أن يطلق على كل واحد منها اسم غير الاسم الذي لغيره منها. ليقع الفهم واضحا، ولئلا تختلط فيسمى بعضها باسم آخر منها، فيوجب ذلك وضع معنى في غير موضعه، فتبطل الحقائق. والأصل في كل بلاء وزعماء تخليط وفساد، اختلاط أسماء ووقوع اسم واحد على معاني كثيرة، فيخبر المخبر بذلك الاسم، وهو يريد أحد المعاني التي تحته فيحمله السامع على غير ذلك المعنى الذي أراد المخبر، فيقع البلاء والإشكال، وهذا في الشريعة أضر شيء وأشده هلاكا لمن اعتقد الباطل إلا من وفقه الله تعالى

not be a sign of that for which it was made a sign, and ambiguity would arise.

Abu Muhammed said: Since these five designated meanings that we have mentioned are different and distinct, each one being other than the others, and since their definitions and ranks are all different, each must be given a name different from the names given to the others, so that understanding may be clear and they may not become confused, with one being called by the name of another. That would entail putting a meaning where it does not belong, thereby invalidating realities. The root of every calamity, and the ringleaders of confusion and corruption, is the mingling of names and the application of a single name to many meanings: a speaker uses that name, intending one of the meanings falling under it, while the hearer understands it as a meaning other than the meaning intended by the speaker, and calamity and ambiguity arise. In the revealed law, this is the most harmful thing and the most destructive to anyone who embraces falsehood, except someone to whom Allah Most High grants success.[20]

L3524–3528 Now that we have explained these four names—necessitating cause, purpose, cause, and sign—and explained that their meanings differ and that the things they designate are distinct, and have eradicated the malady of anyone wishing to apply the name "necessitating cause" in the revealed law to the meaning of "cause," thereby arriving at a belief that it is impermissible to hold, namely, that Allah Most High prescribed the laws because of necessitating causes that obliged Him to prescribe them, or arriving at a fabrication against Allah Most High by claiming that He prescribed necessitating causes which neither He Most High nor His Messenger ﷺ explicitly stated, and which neither authorized. The proponents of necessitating causes must take one of these two paths, and both are ruinous.

We do not deny that Allah Most High has made certain things causes of some of the laws He prescribed. Rather, we acknowledge and affirm this wherever it occurs in the explicit text, as in his saying ﷺ: "The person whose offense

[20]**Translator's note (L3522):** The phrase «وزعماء تخليط وفساد» literally refers to "ringleaders of confusion and corruption," but its syntax here is anomalous and may reflect a transcription error. The translation retains that wording rather than silently replacing it.

وإذ قد بينا هذه الأسماء الأربعة وهي العلة والغرض والسبب والعلامة، وبينا أن معانيها مختلفة، وأن مسمياتها شتى، وحسمنا داء من أراد إيقاع اسم العلة في الشريعة على معنى السبب، فيخرج بذلك إلا ما لا يحل اعتقاده، من أن الشرائع شرعها الله تعالى لعلل أوجبت عليها أن يشرعها، أو إلى الفرية على الله تعالى في الإدعاء أنه شرع عللا لم ينص عليها هو تعالى ولا رسوله صلى الله عليه وسلم ولا أذنا بها ولا بد لأهل العلل من أحد هذين السبيلين. وكلاهما مهلك. ولسنا ننكر أن يكون الله تعالى جعل بعض الأشياء سببا لبعض ما شرع من الشرائع، بل نقر بذلك ونثبته حيث جاء به في النص كقوله صلى الله عليه وسلم أعظم الناس جرما في الإسلام من سأل عن شيء لم يحرم فحرم من أجل مسألته وكما جعل تعالى كفر الكافر وموته كافرا سببا إلى خلوده في نار جهنم، والموت على الإيمان سببا لدخول الجنة، وكما جعل السرقة بصفة ما سببا للقطع، والقذف بصفة ما سببا للجلد والوطء بصفة ما للجلد والرجم،

is greatest in Islam is someone who asks about something that had not been forbidden, and it is then forbidden because of his question." Likewise, He Most High made the unbeliever's unbelief and his dying as an unbeliever a cause of his remaining eternally in the fire of Hell, and dying in faith a cause of entering Paradise. Likewise, He made theft under certain conditions a cause of amputation, an accusation of unlawful sexual intercourse under certain conditions a cause of flogging, and sexual intercourse under certain conditions a cause of flogging and stoning. Just as we acknowledge these explicitly stated causes, so we reject anyone's claiming a cause where none has been explicitly stated.

We do not say that all prescribed laws have causes. Rather, we say that none of them has a cause except those explicitly stated to have a cause. Everything else is simply something willed by Allah Most High, who does whatever He wills. We neither forbid nor permit, neither add nor subtract, and say only what our Lord, Mighty and Majestic, and our Prophet ﷺ have said. We do not go beyond what they have said, nor do we leave any of it aside. This is pure religion, which no one may oppose or believe anything other than; success comes through Allah Most High.

Allah Most High has said, describing Himself: "He is not questioned about what He does, while they are questioned." He Most High thus declared the distinction between us and Him, and that "Why?" has no valid application to His actions. Since it is impermissible for us to ask Him concerning any of His rulings or actions, "Why was this so?", causes have thereby been invalidated altogether and necessitating causes have fallen away entirely, except where Allah Most High explicitly states that He did such-and-such a thing for such-and-such a reason. This too is among the matters about which questions are asked, so it is impermissible for anyone to say: "Why was this the cause of this ruling and not of another?" Nor may he say: "Why was this thing made a cause without something else also being a cause?" For anyone who asks this question has disobeyed Allah, Mighty and Majestic, deviated from the religion, and contradicted His saying, Most High: "He is not questioned about what He does, while they are questioned." Thus, whoever questions what He does is defiantly disobedient. It necessarily follows that necessitating

وكما نقر بهذه الأسباب المنصوص عليها، فكذلك ننكر أن يدعي أحد سببا حيث لم ينص عليه. ولسنا نقول: إن الشرائع كلها لأسباب، بل نقول: ليس منها شيء لسبب إلا ما نص منها أنه لسبب، وما عدا ذلك فإنما هو شيء أراده الله تعالى الذي يفعل ما شاء، ولا نحرم ولا نحلل، ولا نزيد ولا ننقص ولا نقول إلا ما قال ربنا عز وجل ونبينا صلى الله عليه وسلم ولا نتعد ما قالا ولا نترك شيئا منه وهذا هو الدين المحض الذي لا يحل لأحد خلافه ولا اعتقاده سواء. وبالله تعالى التوفيق. وقد قال الله تعالى واصفا لنفسه: {لا يسأل عما يفعل وهم يسألون} فأخبر تعالى بالفرق بيننا وبينه وأن أفعاله لا يجزىء فيها لم...؟ وإذا لم يحل لنا أن نسأله عن شيء من أحكامه تعالى وأفعاله لم كان هذا فقد بطلت الأسباب جملة وسقطت العلل البتة إلا ما نص الله تعالى عليه أنه فعل أمرا كذا لأجل كذا. وهذا أيضا مما يسأل عنه فلا يحل لأحد أن يقول لم كان هذا السبب لهذا الحكم ولم يكن لغيره؟ ولا أن يقول: لم جعل هذا الشيء سببا دون أن يكون غيره سببا أيضا، لأن من فعل هذا السؤال فقد عصى الله عز وجل، وألحد في الدين وخالف قوله تعالى: {لا يسأل عما يفعل وهم يسألون} فمن سأل عما يفعل فهو فاسق وجب أن تكون العلة كلها منفية عن الله تعالى ضرورة، وفي قوله تعالى: {لا يسأل عما يفعل وهم يسألون} بيان جلي أنه لا يجوز لأحد منا أن يقول قولا لا يسأل عنه، ولزمنا فرضا سؤال كل قائل من أين قلت كذا؟ فإن بين لنا أن قوله ذلك حكاية صحيحة من ربه تعالى وعن نبيه صلى الله عليه وسلم لزمنا طاعته وحرم عليه التمادي في سؤاله، وإن لم يأت به مصححا عن ربه تعالى ولا عن نبيه صلى الله عليه وسلم ضرب برأيه عرض الحائط ورد عليه أمره متروكا غير مقبول معه، ولا مرضي عنه. فهذا حكم السبب وفعله والعلامة والغرض والمعنى قد بينا كل ذلك غاية البيان ولم نقل إلا ما قاله الله ربنا عز وجل، وليست العبارة بالألفاظ المخالفة خلافا إذا حقق المعنى فلم يبعث محمد صلى الله عليه وسلم إلى العرب فقط

causation must be denied altogether of Allah Most High. His saying, Most High, "He is not questioned about what He does, while they are questioned," clearly explains that none of us may make a statement about which he cannot be questioned. We are obligated to ask every speaker: "On what basis did you say such-and-such?" If he explains to us that his statement is an authentic report from his Lord Most High and from his Prophet ﷺ, we must obey him, and it is forbidden for him to persist in questioning him. But if he does not produce it as an authenticated report from his Lord Most High or from his Prophet ﷺ, his opinion is to be dashed against the wall, and his pronouncement returned to him, abandoned, neither accepted from him nor approved.

Such is the status of the cause and its operation, the sign, the purpose, and the meaning. We have explained all of this with the utmost clarity and have said only what Allah, our Lord, Mighty and Majestic, has said. Expressing something in different words does not constitute disagreement when the meaning is accurately established. Muhammed ﷺ was not sent only to the Arabs, but to speakers of every language among humans and jinn. Everyone therefore necessarily requires an expression through which he can understand the speech of his Lord Most High and the meaning of what He intends in the religion binding upon him. We have introduced this only lest an ignorant person seize upon it and say: "These words of yours are not explicitly stated in the Quran." We have thus shown that the entire actual content of what they convey, and their meaning—which admits of no other meaning for our words—is explicitly stated in the Quran in a clear and evident text. Success comes through Allah Most High.

Know now that all necessitating causes are utterly denied of Allah Most High's actions and all His rulings, because a necessitating cause can exist only in one subject to compulsion. Know also that all causes are denied of all Allah Most High's actions and His rulings, except those explicitly stated by Him Most High or His Messenger ﷺ. As for the purpose in His ac-

بل إلى أهل كل لغة من الإنس والجن، فلا بد ضرورة لكل أحد من عبارة يفهم بها كلام ربه تعالى، ومعنى مراده في الدين اللازم له، وإنما أوردنا هذا لئلا يتعلق جاهل فيقول: إن كلامك هذا ليس منصوصا في القرآن فأرينا، أن حقيقة مفهومه كلها، ومعناه الذي لا يتحمل كلامنا معنى غيره منصوص في القرآن نصا جليا ظاهرا وبالله تعالى التوفيق. فاعلم الآن أن العلل كلها منفية عن أفعال الله تعالى وعن جميع أحكامه البتة، لأنه لا تكون العلة إلا في مضطر. واعلم أن الأسباب كلها منفية عن أفعال الله تعالى كلها، وعن أحكامه حاشا ما نص تعالى عليه أو رسوله صلى الله عليه وسلم وأما الغرض في أفعاله تعالى وشرائعه فليس هو شيئا غير ما ظهر منها فقط،

tions and prescribed laws, it is nothing beyond what has become manifest of them.[21][22][23][24][25]

L3529–3530 The purpose in some of them is also that those who take heed should take heed through them; and in some, that He should admit to Paradise whomever He wills to admit to it, and admit to the Fire whomever He wills to admit to it. Everything we have mentioned concerning His purpose, Most High, in people's taking heed, His admitting whomever He wills to Paradise, His admitting whomever He wills to the Fire, and His making whatever He wills a cause of whatever He wills—all these are actions among His actions and rulings among His rulings. They have no cause whatsoever, and He has absolutely no purpose in them beyond their becoming manifest and His bringing them into being. "He is not questioned about what He does, while they are questioned." Had He Most High not explicitly stated that He wished us to take heed and wished to admit whomever He wills to Paradise, we would not have affirmed it. But we have believed what our Lord Most High has said,

والغرض في بعضها أيضا أن يعتبر بها المعتبرون، وفي بعضها أن يدخل الجنة من شاء إدخاله فيها، وأن يدخل النار من شاء إدخاله فيها. وكل ما ذكرنا من غرضه تعالى في الاعتبار، ومن إدخاله الجنة من شاء ومن إدخاله النار من شاء، وتسبيبه ما شاء لما شاء، فكل ذلك أفعال من أفعاله، وأحكام من أحكامه لا سبب لها أصلا، ولا غرض له فيها البتة، غير ظهورها وتكوينها فقط {لا يسأل عما يفعل وهم يسألون} ولولا أنه تعالى نص على أنه أراد منا الاعتبار وأراد إدخال الجنة من شاء، ما قلنا به، ولكنا صدقنا ما قال ربنا تعالى، وقلنا ما علمنا ولم نقل ما لم نعلم. فهذه حقيقة الإيمان الذي تعضده البراهين الحسية والعقلية.

[21] **Translator's note (L3524):** The text has «إلا ما لا يحل اعتقاده», literally "except what it is impermissible to believe," where the continuation calls for "to what it is impermissible to believe" («إلى ما»). The translation follows the apparent intended connection and flags the supplied reading.

[22] **Translator's note (L3525):** In «أوجبت عليها أن يشرعها», the supplied pronoun «عليها» is feminine, although the argument appears to require «عليه», "upon Him." The translation reflects that apparent reference without concealing the discrepancy. The supplied «ولا اعتقاده سواء» is awkward and appears to contain «سواء» in place of «سواه», "other than it." The translation follows the apparent intended meaning. The expression «لا يجزىء فيها لم» has unusual wording or spelling. It is rendered as denying the valid application of the question "Why?" to Allah's actions.

[23] **Translator's note (L3526):** The supplied text says «مما يسأل عنه», "among the matters about which questions are asked," although the surrounding argument appears to require a negation, "about which questions are not asked." The translation preserves the supplied wording.

[24] **Translator's note (L3528):** The supplied «وحرم عليه التمادي في سؤاله» says that persistence in questioning him is forbidden "for him," although the preceding first-person plural would naturally call for "for us" («علينا»). The translation preserves the supplied pronoun; its reference is unclear.

[25] **Qur'an references (L3524):** Qur'an 21:23 (Al-Anbya).

have said what we know, and have not said what we do not know. This is the reality of faith supported by sensory and rational demonstrations.[26]

L3531–3533 The proof of this is that the cause and the purpose must either be created by Allah Most High, be altogether uncreated, or be created by someone other than Him. Whoever holds them to be altogether uncreated commits unbelief, because he posits something within the world that has always existed. Whoever says that they are created by another commits unbelief, because he posits a creator other than Allah Most High. Thus it is established that they are created by Him Most High. Demonstration has established that everything other than Allah Most High is Allah's creation. Since it has now been established that the purpose and the cause are created by Allah Most High, He must have created them either for a further cause and purpose, or without a cause or purpose. If He brought them about for another cause and another purpose, the same must also hold for those two, until this leads the person making this assertion to posit countable entities and created things without end. This is unbelief on the part of whoever says it. If, however, He Most High brought them about without a cause or purpose, this is precisely our position: He Most High does whatever He wills, with none to overturn His judgment, without a cause or purpose, except only where He Most High has expressly stated that He did something for a purpose He intended or for a cause. As for anything concerning which He has made no such explicit statement, we assert definitively that He Most High did it as He willed, without a purpose or cause. Were it not for the texts stating this in certain instances, it would not be lawful for a Muslim to say that Allah Most High did such-and-such for such-and-such a cause, or that He, Mighty and Majestic, has such-and-such an intention in doing such-and-such. {Divorce is twice; then retention on equitable terms or release with kindness. It is not lawful for you to take anything of what you have given them, unless the two fear that they will not uphold Allah's limits. If you fear that the two will not uphold Allah's limits, there is no blame upon either of them concerning that with which she ransoms herself. Those are Allah's limits, so do not transgress them. Whoever transgresses Allah's limits—it is they who are the

[26]**Qur'an references (L3529):** Qur'an 21:23 (Al-Anbya).

ودليل ذلك أن السبب والغرض لا يخلوان من أنهما مخلوقان لله تعالى، أو أنهما غير مخلوقين أصلا، أو أنهما مخلوقان لغيره، فمن جعلهما غير مخلوقين أصلا كفر، لأنه يجعل في العالم شيئا لم يزل، ومن قال: إنهما مخلوقان لغير كفر، لأنه يجعل خالقا غير الله تعالى، فثبت أنهما مخلوقان له تعالى وقد قام البرهان على أن كل ما دون الله تعالى فهو خلق الله، فإذا قد ثبت أن الغرض والسبب مخلوقان لله تعالى، فلا يخلو من أن يكون خلقهما لسبب أيضا، ولغرض أو لا لسبب ولا لغرض، فإن كان فعلها لسبب آخر، وغرض آخر، لزم أيضا فيهما مثل ذلك، حتى تنتهي بقائل هذا إلى إثبات معدودات ومخلوقات لا نهاية لها. وهذا كفر من قائله، وإن كان تعالى فعلهما لا لسبب ولا لغرض، فهذا هو قولنا إنه تعالى يفعل ما يشاء لا معقب لحكمه، لا لسبب ولا لغرض، حاشا ما نص تعالى عليه فقط أنه فعله للغرض أراده، أو لسبب، وأما ما لم ينص ذلك فيه فإنا نقطع على أنه تعالى فعله كما شاء لا لغرض ولا لسبب، ولولا النصوص الواردة بذلك في بعض المواضع ما حل لمسلم أن يقول: إن الله تعالى فعل كذا لسبب كذا ولا إن له عز وجل في فعل كذا إرادة كذا {لطلاق مرتان فإمساك بمعروف أو تسريح بإحسان ولا يحل لكم أن تأخذوا مما آتيتموهن شيئا إلا أن يخافا ألا يقيما حدود الله فإن خفتم ألا يقيما حدود الله فلا جناح عليهما فيما فتدت به تلك حدود الله فلا تعتدوها ومن يتعد حدود الله فأولئك هم لظالمون} قال أبو محمد ويقال لمن قال بالعلل وجعلها صفات في أشياء توجد فتشتبه بها، فيوجب ذلك أن يحكم لها بحكم واحد: إنك لا تعدم معارضا بصفات أخر توجب غير الأحكام التي أوجبتم، فإن أنتم أبطلتم حكم التشابه الذي يعارضكم به خصومكم فقد أقررتم أن الأتباع لا معنى له، ولا يوجب حكما، وليس قول خصومكم فيما أتى به من ذلك بأولى بالسقوط من قولكم. ومثال ذلك: أن تقولوا: لما أشبه النبيذ الخمر في أنه شديد

wrongdoers.} Abu Muhammed said: To whoever affirms effective causes and makes them attributes found in things, through which those things resemble one another, so that this necessitates assigning them one ruling, it should be said: You will never lack an opponent who adduces other attributes necessitating rulings other than those you have necessitated. If you invalidate the ruling based on resemblance with which your opponents challenge you, you have acknowledged that following has no significance and necessitates no ruling. Your opponents' position concerning what they have adduced is no more deserving of rejection than your own position. An example is your saying: Since fermented drink resembles wine in being potent, pleasurable, and intoxicating, its prohibition necessarily follows on that account. Your opponents then challenge you, saying: Since intoxicating fermented drink resembles juice in that whoever deems it lawful does not think, making it into vinegar necessarily follows on that account. If you invalidate the comparison adduced by our opponents, you have acknowledged that comparison necessitates no ruling. This applies in turn to the comparison you yourselves have made, without any difference. Some of them said that the effective cause of prohibiting the exchange of wheat for wheat in unequal quantities is that

ملذ مسكر وجب له التحريم من أجل ذلك، فيعارضكم خصومكم فيقولون: لما أشبه النبيذ المسكر العصير في أنه لا يفكر مستحله، وجب له التخليل من أجل ذلك، فإن أبطلتم التشبيه الذي أتى به خصومنا فقد أقررتم أن التشبيه لا يوجب حكما، وهذا عائدا على تشبهكم الذي شبهتم ولا فرق. وقال بعضهم: علة تحريم البر بالبر متفاضلا أنه مطعوم. وقال بعضهم: العلة في ذلك أنه مكيل.

it is food. Others said that the effective cause in this is that it is measured by volume.[27][28][29][30]

L3534–3536 Others said that the effective cause in this is that it is storable. Abu Muhammed said: Each of these groups invalidates what the other has adduced. Thus they have all agreed upon invalidating reasoning by effective causes, without any disagreement among them. The reasoning by effective causes that this group establishes is no more firmly established than what the other establishes, nor are some of these effective causes more deserving of rejection than the rest. Rather, all of them are false, untenable claims for which there is no demonstration. The same holds for all their effective causes. I wonder how someone who fears being questioned by Allah Most High on the Day of Resurrection can find it easy to introduce an effective cause that he has never found attributed either to Allah Most High or to His Messenger, may Allah bless him and grant him peace ﷺ, and then establish it as part of the religion. For either he attributes it to Allah Most High and thereby lies about Him, or to His Messenger, may Allah bless him and

وقال بعضهم: العلة في ذلك أنه مدخر. قال أبو محمد: وكل واحد من هذه الطوائف مبطلة لما عدت به الأخرى، فكلهم قد اتفق على إبطال التعليل بلا خلاف بينهم، فليس ما أثبتت هذه الطائفة من التعليل بأثبت مما أثبتت الأخرى، ولا بعض هذه العلل أولى بالسقوط من سائرها، بل كلها دعوى زائفة ساقطة لا برهان عليها، وهكذا جميع عللهم. وليت شعري كيف يسهل على من يخاف سؤال الله تعالى يوم القيامة أن يأتي بعلة لم يجدها قط لا لله تعالى ولا لرسوله صلى الله عليه وسلم فيثبتها في الدين فإنما ينسبها إلى الله تعالى فيكذب عليه أو إلى رسوله صلى الله عليه وسلم فيقوله ما لم يقل أو لا ينسب ذلك إلى الله تعالى ولا إلى رسوله صلى الله عليه وسلم فيحصل في أن يحدث دينا من عنده نفسه ولا بد من إحداهما، وهما خطتا خسف، نعوذ بالله منهما، وبالله تعالى التوفيق. قال أبو محمد: ومنهم طوائف يمنعون من تخصيص العلل، ثم يجعلون علة الربا في التمر بالرطب مخصوصة يحدث العرايا. فيقرون أن النص أبطل علتهم، ولو كانت حقا ما أبطلها، لأن الحق لا يبطل الحق، وكذلك لا يمكن أن يبطل حديث صحيح حديثا صحيحا إلا على سبيل النسخ فقط، وأما على معنى ألا يقبل فلا سبيل إلى ذلك البتة. والحق لا يكذب بعضه بعضا أبدا. قال أبو محمد: وقد سألهم من سلف من أصحابنا فقالوا: لو كانت العلة التي تدعون في الشرائع موجبة لما ادعيتم من تحليل أو تحريم، لكانت غير مختلفة أبدا كما أن العلل العقلية لا تختلف أبدا مثال ذلك أن الشدة والإسكار لو كانا علة لتحريم لكانت الخمر حراما مذ خلقها الله تعالى، فالخمر لم تزل مذ خلقها الله تعالى شديدة مسكرة، وقد كانت حلال في الإسلام سنين، وهي على الصفة هي الآن لم تبدل، ولا حدثت لها حال لم تكن قبل ذلك فبطل بهذا أن تكون الشدة علة التحريم، كما أن الباري تعالى جعل النارية علة

[27] **Translator's note (L3531):** The phrase «مخلوقان لغير» lacks an expressed complement after "another"; the preceding wording establishes the sense "someone other than Him." The wording «للغرض أراده» is syntactically irregular; it has been rendered "for a purpose He intended."

[28] **Translator's note (L3532):** The Qur'anic quotation is recognizably 2:229, but the transcription repeatedly omits initial alifs, including in «لطلاق», «لله», «فتدت», and «لظالمون». The translation follows the identifiable words; these transcription defects are recorded here. The supplied «الأتباع» has been rendered "following." The argument concerns resemblance, and «الاشتباه» ("resemblance") may have been intended, but that is not the supplied reading.

[29] **Translator's note (L3533):** The supplied «لا يفكر مستحله» literally means "whoever deems it lawful does not think." The context strongly suggests «لا يكفر مستحله», "whoever deems it lawful is not declared an unbeliever," but the supplied wording has not been silently replaced. The supplied «التخليل» means "making into vinegar." The argument appears to require «التحليل», "declaring lawful," but the supplied reading has been retained. The text shifts to "our opponents" in «خصومنا», although the surrounding argument addresses "your opponents"; that shift has been retained. The expressions «وهذا عائدا» and «تشبهكم» are grammatically or textually awkward; they have been rendered according to their evident reference to the interlocutors' own comparison.

[30] **Qur'an references (L3531):** Qur'an 2:229 (Al-Baqarah).

grant him peace ﷺ, and thereby makes him say what he did not say, or he attributes it neither to Allah Most High nor to His Messenger, may Allah bless him and grant him peace ﷺ and thus ends up introducing a religion of his own invention. One of the two is unavoidable, and both are courses of degradation; we seek refuge in Allah from them both. Success comes through Allah Most High. Abu Muhammed said: Among them are groups that disallow restricting the scope of effective causes, yet then treat the effective cause of usury in exchanging dried dates for fresh dates as restricted by the report concerning the sales of dates on palms in exchange for dried dates known as ʿarāyā. They thereby acknowledge that the explicit text has invalidated their effective cause. Had it been true, the text would not have invalidated it, because truth does not invalidate truth. Likewise, an authentic report cannot invalidate another authentic report except by way of abrogation alone. As for doing so in the sense that the other report is not to be accepted, there is absolutely no way to do that. Truth never contradicts truth. Abu Muhammed said: Our predecessors among our companions questioned them, saying: If the effective cause you claim in revealed laws necessitated the permissibility or prohibition you claim, it would never vary, just as rational causes never vary. An example is that, if potency and intoxication were an effective cause of prohibition, wine would have been forbidden ever since Allah Most High created it; for wine has always been potent and intoxicating ever since Allah Most High created it Yet it was lawful in Islam for years while possessing the same character it possesses now: it was not changed, nor did any condition arise in it that had not existed before. This therefore invalidates the claim that potency is the effective cause of prohibition. Likewise, the Creator Most High made the nature of fire a cause of burning and of causing moisture to rise, and it therefore always remains so, except for what He, Mighty and Majestic, specifically exempted from it in the fire of Abraham, the intimate friend, peace be upon him. It has always been so ever since He Most High created it, even in Hell—may Allah Most High protect us from it. Allah Most High said: {Indeed, those who disbelieve in Our signs, We shall make them burn in a fire. Whenever their skins are cooked through, We shall replace

الإحراق وتصعيد الرطوبات، فلا تزال كذلك أبدا، حاشا ما خص عز وجل منها من نار إبراهيم الخليل عليه السلام، ولم تزل كذلك مذ خلقها تعالى حتى في جهنم، أعاذنا الله تعالى منها قال الله تعالى {إن لذين كفروا بآياتنا سوف نصليهم نارا كلما نضجت جلودهم بدلناهم جلودا غيرها ليذوقوا لعذاب إن لله كان عزيزا حكيما}

them with other skins so that they may taste the punishment. Indeed, Allah is ever Mighty, Wise.}[31][32][33][34]

L3537 Abu Muhammed said: They fell apart under this question and writhed in distress at it, because it is sound and there is absolutely no escape from it. Some of them therefore said: An effective cause is an effective cause only when Allah Most High makes it an effective cause.

L3538 Abu Muhammed said: This amounts to their abandoning their position on effective causes altogether, abandoning analogy, and returning to the explicit text. Since they have returned to this, nothing remains between us and them except their calling the ruling an effective cause. If they said that a ruling becomes binding only when Allah, Mighty and Majestic, explicitly states it, they would agree with us entirely. But they have clung to the term "effective cause" because it has multiple meanings, so that they may soon return to their confused reasoning and pass beyond the explicit text to matters for which there is no explicit text. This is something they do not allow. Success comes through Allah Most High. Some of them said: Here is the report of a single transmitter: it is authoritative evidence for making action obligatory, but it is not authoritative evidence for making knowledge necessary. Therefore, do not object to our holding something to be an effective cause in one instance and not an effective cause in another. It should be said to him—and success comes through Allah Most High: This is obfuscation on your part, by which you cannot escape the consequence

قال أبو محمد فتفسخوا تحت هذا السؤال، وتضوروا منه، لأنه صحيح لا مخرج منه البتة. فقال بعضهم: إنما تكون العلة علة إذا جعلها الله تعالى علة.

قال أبو محمد: وهذا ترك منهم لقولهم في العلل جملة، وترك منهم للقياس ورجوع إلى النص، وإذ قد راجعوا إلى هذا فلم يبق بيننا وبينهم إلا تسميتهم الحكم علة فقط، فلو قالوا: لا يجب الحكم إلا إذا نصه الله عز وجل لوافقونا البتة، ولكنهم تعلقوا باسم العلة، لأنه مشترك، ليرجعوا من قريب إلى تخليطهم، وليتعدوا النص إلى ما لا نص فيه، وهذا ما لا يسوغونه. وبالله تعالى التوفيق. وقال بعضهم: هذا خبر الواحد هو حجة في إيجاب العمل، وليس حجة في إيجاب العلم، فلا تنكروا علينا كون الشيء علة في مكان، وغير علة في مكان آخر. فيقال له وبالله تعالى التوفيق: هذا تمويه منكم، لا تتخلصون به مما ألزمناكم إياه لأننا لم ننكر نحن عليكم أن يكون الشيء حجة في مكانه وبابه، وغير حجة فيما ليس بمكانه ولا ببابه، وإنما أنكرنا عليكم أن يكون ما ادعيتموه علة حجة موجبة للحكم في بعض مكانها وبابها بغير نص، وغير حجة في سائر بابها، وبعض أماكنها من غير نص أيضا فهذا الذي أنكرنا عليكم لا ما سواه. وأما خبر الواحد المسند من طريق العدول فهو حجة في إيجاب العمل أبدا إذا كان عن النبي صلى الله عليه وسلم عند جميعنا ثم اختلفنا فقالت طائفة منهم: ومنه ما لا يضطر إلى العلم فهو غير موجب للعلم أبدا، وما كان منه يضطر إلى العلم بأسباب معروفة فيه فهو موجب للعلم أبدا. وقالت طائفة هو موجب للعلم أبدا إذا كان عن رسول الله صلى الله عليه وسلم فبطل تشبيههم للعلة بالخبر قال أبو محمد: واحتج عليهم من سلف من أصحابنا فقالوا: ما تقولون في إنسان قال في حياته أو عند موته: أعتقوا عبدي ميمونا لأنه أسود، وله

[31] **Translator's note (L3534):** The supplied «عدت به» is awkward in context; "has adduced" reflects the apparent argumentative sense, without assuming a specific corrected Arabic reading.

[32] **Translator's note (L3535):** The supplied «يحدث العرايا» is corrupt in this construction. The translation "by the report concerning … ʿarāyā" adopts the contextually apparent reading «بحديث العرايا»; this is an explicit reconstruction. ʿArāyā names a specific form of date transaction involving dates still on palms exchanged for dried dates. The supplied «من عنده نفسه» is syntactically irregular and has been rendered "of his own invention."

[33] **Translator's note (L3536):** The Qur'anic quotation is recognizably 4:56. The supplied «لذين», «لعذاب», and «لله» omit initial alifs; the translation follows the identifiable words and records those transcription defects here.

[34] **Qur'an references (L3534):** Qur'an 4:56 (An-Nisa).

we have shown to follow from your position. We have not objected to your holding something to be authoritative evidence in its proper setting and subject area, and not authoritative evidence outside its proper setting or subject area. What we have objected to is your holding what you claim to be an effective cause to be authoritative evidence necessitating a ruling in some of its proper settings and subject area, without an explicit text, while it is not authoritative evidence in the remainder of its subject area and some of its settings, likewise without an explicit text. This is what we have objected to, and nothing else. As for a report of a single transmitter, transmitted with a connected chain through upright transmitters, all of us agree that it is always authoritative evidence making action obligatory when it comes from the Prophet, may Allah bless him and grant him peace ﷺ. We then differed. One group among them said: Some such reports do not compel knowledge, and these never necessitate knowledge; those that do compel knowledge through recognized factors present in them always necessitate knowledge. Another group said: Such a report always necessitates knowledge when it comes from the Messenger of Allah, may Allah bless him and grant him peace ﷺ. Their comparison of the effective cause to the report is thus invalid. Abu Muhammed said: Our predecessors among our companions argued against them, saying: What do you say concerning a person who says during his life or at his death, "Set my slave Maymun free because he is black," while he has many black slaves? Do you set them all free by analogy with Maymun, on account of the effective cause of blackness common to them all, which he made the effective cause for freeing Maymun, or do you free none of them except Maymun alone?[35]

L3539–3540 If you say, "We set them free," you contradict your own legal opinions and contravene consensus. If you say, "We do not set them free," you abandon the position that effective causes are to be applied and that analogy is to be used, and return to our position.

L3541–3543 Abu Muhammed said: This is a valid argument establishing what their posi-

[35] **Translator's note (L3538):** The supplied «وهذا ما لا يسوغونه» says "This is something they do not allow." Its apparent tension with the accusation that precedes it has been retained.

عبيد سود كثير، أتعتقونهم لعلة السواد الجامعة لهم، والتي جعلها علة في عتق ميمون قياسا على ميمون؟ أم لا تعتقون منهم أحدا حاشا ميمون وحده،

فإن قلتم: نعتقهم، نقضتم فتاويكم، وخالفتم الإجماع، وإن قلتم. لا نعتقهم تركتم القول بإجراء العلل وبالقياس وعدتم إلى قولنا.

قال أبو محمد: وهذا إلزام صحيح، ونحن نزيده بيانا فنقول وبالله تعالى التوفيق إن رسول الله صلى الله عليه وسلم قال لأمراء سراياه إذا نزلتم بأهل حصن أو مدينة أرادوا أن

tion entails. We shall explain it further, saying—and success comes through Allah Most High—that the Messenger of Allah ﷺ said to the commanders of his detachments: "When you come upon the people of a fortress or town, and they wish you to let them surrender subject to the judgment of Allah Most High, do not do so, for you do not know whether your judgment concerning them will accord with the judgment of Allah Most High or not. Rather, let them surrender subject to your own judgment, and then judge concerning them as you wish. If they ask you to give them the covenant of protection of Allah, Mighty and Majestic, and the covenant of protection of His Messenger ﷺ, do not give them Allah's covenant of protection or the covenant of protection of His Messenger ﷺ. Rather, give them your own covenant of protection, for your violating your own covenant of protection is less grave than your violating the covenant of protection of Allah and His Messenger"—or words to this effect. This is an explicit, clear statement from the Messenger of Allah ﷺ that venturing to attribute something to Allah Most High without certainty is unlawful, and that attributing it to a human being is less grave, although all of that is false. The Messenger of Allah ﷺ also said: "Indeed, a lie against me is not like a lie against anyone else." If it were permissible to pronounce on the basis of analogy and action, then venturing to apply this to people's words and judgments would be more appropriate than venturing to apply it to Allah, Mighty and Majestic, and His Messenger ﷺ. Yet they agree that, if someone says, "Free my slave Salim because he is black," and he has other black slaves, no one is freed except Salim alone, whom he expressly named, out of caution against freeing another slave and fear of altering the testator's instruction and words. It would therefore be more fitting for them to fear Allah, Mighty and Majestic, concerning his ﷺ statement prohibiting slaughter with a tooth, "for it is a bone," and his ﷺ instruction to pour away clarified butter if there dies in it a mouse: they should not extend that to every bone, every olive oil, every fat, every dog, and every cat. Likewise, concerning his ﷺ instruction that someone who urinates into stagnant water that does not suffice must neither perform ablution from it nor bathe in it, they should not extend it to someone who defecates in the water, or to water into which no one has urinated at all. For their more pressing obligation is not to attribute to Allah

تنزلوهم على حكم الله تعالى فلا تفعلوا، فإنكم لا تدرون أتوافقون حكم الله تعالى فيهم أم لا، ولكن أنزلوهم على حكمكم، ثم اقضوا فيهم ما شئتم، فإذا سألوكم أن تعطوهم ذمة الله عز وجل وذمة رسوله صلى الله عليه وسلم فلا تعطوهم ذمة الله ولا ذمة رسوله صلى الله عليه وسلم ولكن أعطوهم ذمتكم فإن تخفروا ذمتكم أهون من أن تخفروا ذمة الله وذمة رسوله، أو كلاما هذا معناه فهذا نص جلي من رسول الله صلى الله عليه وسلم على أن الإقدام على نسبة شيء إلى الله تعالى بغير يقين لا يحل، وأن نسبة ذلك إلى الإنسان أهون وإن كان كل ذلك باطلا وقد قال رسول الله صلى الله عليه وسلم إن كان كذبا علي ليس ككذب على أحد فلو جاز أن يقال بالقياس وبالفعل لكان الإقدام به على كلام الناس، وأحكامهم أولى من الإقدام به على الله عز وجل ورسوله صلى الله عليه وسلم فلما اتفقوا على أن من قال اعتقوا عبدي سالما لأنه أسود، وله عبيد سود أنه لا يعتق غير سالم وحده الذي نص عليه، اتقاء أن يعتقه، وخوفا من تبديل أمر الموصي وكلامه، فإن الأولى بهم أن يتقوا الله عز وجل في قوله صلى الله عليه وسلم في النهي عن الذبح بالسن فإنه عظم وفي أمره صلى الله عليه وسلم بهرق السمن إذا مات فيه الفأر فلا يتعدوا ذلك إلى كل عظم وكل زيت وكل دهن وكل كلب وكل سنور وفي أمره صلى الله عليه وسلم البائل في الماء الراكد الذي لا يجزي ألا يتوضأ منه ولا يغتسل، فلا يتعدوه إلى المحدث في الماء، ولا إلى ما لم يبل فيه أصلا، فإن الأوجب عليهم ألا ينسبوا إلى الله تعالى ولا إلى رسوله صلى الله عليه وسلم تعليلا لم ينصا عليه وأحكاما لم يأذنا بها ولا ذكراها أصلا، ولا في كلامهما ما يوجبهما البتة، ولكنهم اتقوا أن ينسبوا إلى الناس ما لا يقولون، ولم يتقوا أن ينسبوا إلى الله تعالى ورسوله صلى الله عليه وسلم ما لم يقولا وحسبك بهذا عظيمة نعوذ بالله

Most High or His Messenger ﷺ an assignment of an operative cause that neither expressly stated, or rulings that neither authorized or mentioned at all, nor is there anything whatsoever in their words that necessitates either of them. Yet they were careful not to attribute to people what they do not say, while they were not careful to avoid attributing to Allah Most High and His Messenger ﷺ what neither said. This alone is an enormity enough; we seek refuge in Allah from it. One of them tried to confuse the issue in answering this question by saying: "We would free all his other black slaves if the testator were to say to us, immediately after saying, 'Free my slave Salim because he is black,' 'And take heed.' We would then free every black slave he owned." Abu Muhammed said: This answer is unsound in two respects.[36][37][38]

L3544–3549 The first is that, even if he said this, it would not be permissible to free every black slave he owned, because his words "Take heed" are no more entitled to mean "Reason by analogy" than to mean "Take heed of the condition I am in: hasten to obey your Lord, and do not contravene my testamentary instruction." Furthermore, anyone who gives this unsound answer must refrain from reasoning by analogy from any ruling unless, alongside every hadith containing a ruling or every verse containing a ruling, there appears "And take heed," "And take heed." This is found in none of the rulings, nor in the hadith, nor in the continuation of any of the verses. Analogy is therefore invalidated altogether by the express words of this respondent. Praise belongs to Allah Most High. Abu Muhammed said: The question remains in full force against them. We shall press them further on it, saying: Even if he said, "So take heed," and then, on another day, said, "Slaughter my such-and-such ram because it is lame," while he owned other lame rams, would they slaughter every lame ram

منها. وقد شغب بعضهم في هذا السؤال بأن قال: كنا نعتق سائر عبيده السودان لو أن الموصي يقول لنا بعقب قوله: اعتقوا عبدي سالما لأنه أسود واعتبروا فكنا حينئذ نعتق كل عبد له أسود. قال أبو محمد: وهذا جواب فاسد من وجهين:

أحدهما: أنه حتى لو قال ذلك ما جاز أن يعتق كل عبد له أسود، لأنه ليس قوله اعتبروا أولى بأن يكون معناه قيسوا منه بأن يكون معناه واعتبروا بحالي التي أنا فيها فبادروا إلى طاعة ربكم ولا تخالفوا وصيتي. وأيضا فيلزم من أجاب بهذا الجواب الفاسد ألا يقيس على شيء من الأحكام إلا حتى يكون إلى جنب كل حديث فيه حكم أو كل آية فيها حكم، واعتبروا واعتبروا وهذا غير موجود في شيء من الأحكام ولا في الحديث ولا في صلة شيء من الآيات، فبطل القياس جملة بنص قوله هذا المجيب، والله تعالى الحمد. قال أبو محمد: والسؤال باق بحسبه عليهم ونزيدهم فيه فنقول: حتى لو قال: فاعتبروا، ثم لما كان نهارا آخر قال: اذبحوا كبشي الفلاني، لأنه أعرج وله كباش عرج، أيذبحون كل كبش له أعرج، من أجل قوله بالأمس في أمر عتق عبد واعتبروا؟. أم لا يقدمون على ذلك إلا حتى يكون عند وصيته به واعتبروا؟. فإن قالوا: نكتفي بقوله: واعتبروا مرة واحدة، خرقوا الإجماع، وهذا أمر لا يقولونه، ولو قالوه لكانوا حاكمين بلا دليل، ومدعين بلا برهان، وإن لم يقولوا بذلك فقد تركوا القياس جملة، ولزمهم طلب هذه اللفظة إلى جنب كل آية وحديث وهذا لا يجدونه أبدا. قال أبو محمد: وقد قال بعضهم في جواب هذا السؤال، إذ تتبعنا عليهم إدخالهم في

[36] **Translator's note (L3541):** The source reads "analogy and action" (al-qiyas wa-l-fi'l). "Action" is unexpected in this argument and may represent a transcription error for a term referring to operative causes; the supplied reading is retained. The opening of the quotation about lying has awkward Arabic syntax. Its intelligible sense is rendered without adding material to the quotation.

[37] **Translator's note (L3542):** The phrase describing the stagnant water reads "which does not suffice" (alladhi la yujzi), an awkward reading in context. "Which does not flow" would be a plausible intended reading, but the supplied text has not been silently corrected.

[38] **Translator's note (L3543):** "Take heed" translates i'tabiru, the imperative whose possible interpretation as an instruction to reason by analogy is disputed in the following passage.

he owned because he had said yesterday, concerning the freeing of a slave, "And take heed"? Or would they refrain from venturing to do that unless his testamentary instruction concerning it was accompanied by "And take heed"? If they say, "His saying 'And take heed' once is sufficient for us," they violate consensus. This is something they do not say; were they to say it, they would be issuing judgments without evidence and making claims without demonstration. If they do not say it, they have abandoned analogy altogether and are obliged to seek this expression alongside every verse and hadith. This they will never find. Abu Muhammed said: Some of them have said, in answering this question—when we called them to account for introducing into the rulings of Allah Most High and the judgment of His Messenger ﷺ things for which no explicit text had come, but which arose instead from their own assignment of operative causes and their own analogy, while they carefully seek to avoid doing the same with the statements of Abu Hanifah, Malik, and al-Shafiʿi, never going beyond the explicit wording of their statements—"Human discourse may be unsound and contain no wisdom, whereas the discourse of Allah Most High is wisdom." Abu Muhammed said: This is obfuscation that does not extricate its proponent from the aforementioned question. He should be asked: What unsoundness is there in the discourse of a man making testamentary dispositions concerning his property within what Allah Most High, the Messenger ﷺ, and the consensus of the community have permitted him, without venturing into anything disapproved? If it were permissible not to construe his words according to what they entail and convey for fear that they might be unsound, it would not be permissible to execute that testamentary instruction at all, for fear that it might be unsound. Since they agree with us that this testamentary instruction is permissible and that it should be construed according to its apparent meaning, it is established that it is valid, and the obfuscation of anyone seeking to distinguish between the matters about which we questioned them is invalidated: their construing people's words according to their apparent meaning and what they convey, while construing the words of their Lord Most High according to divinations, through unsupported claims, conjectures, and things neither present in them nor conveyed by them. We said to them: "Why have you given precedence to statements whose unsoundness cannot be ruled out and

أحكام الله تعالى وحكم رسوله صلى الله عليه وسلم ما لم يأت به نص لكن تعليلا منهم وقياسا ثم يتحرون تجنب مثل هذا في أقوال أبي حنيفة ومالك والشافعي، فلا يتعدون نصوص أقوالهم، فقالوا: خطاب الآدميين وقد يكون فاسدا ولا حكمة فيه، وخطاب الله تعالى حكمة. قال أبو محمد: وهذا تمويه لا ينفك به من السؤال المذكور، ويقال له: أي فساد في خطاب امرىء موص في ماله بما أباحه له الله تعالى والرسول صلى الله عليه وسلم وإجماع الأمة ولم يتعد إلى مكروه فلو جاز ألا يحمل كلامه على موجبه ومفهومه خوف فساده، لما جاز تنفيذ تلك الوصية جملة خوف فسادها فلما اتفقوا معنا على تجويز تلك الوصية وحملها على ظاهرها، صح أنها حق، وبطل تمويه من رام الفرق بين ما سألناهم عنه، من حملهم كلام الناس على ظاهره ومفهومه وحملهم كلام ربهم تعالى على الكهانات بالدعاوى والظنون، وما ليس فيه ولا مفهوما منه وقلنا لهم: فيم غلبتم ما لم يؤمن فساده وما لا حكمة فيه، من أقوال أبي حنيفة المتخاذلة، وأقوال مالك المتناقضة، وأقوال الشافعي المتعارضة، على المضمون فيه الحكمة من كلام الله تعالى وكلام رسوله صلى الله عليه وسلم حتى صرتم لا تأخذون من النصوص إلا ما وافق كلام أحد المذكورين، ولا تزالون تتحيلون في إبطال حكم ما خالف قولهم من القرآن السنة بأنواع الحيل الباردة الغثة؟ والسؤال يعد لهم لازم لا انفكاك عنه أصلا، وبالله تعالى التوفيق. ومما احتج به عليهم أصحابنا في إبطال العلل والقياس نهي الله تعالى الناس عن سؤالهم النبي صلى الله عليه وسلم وأمرهم الاقتصار على ما يفهمون مما يأمرهم به فقط، فلو كان المراد من النص غير ما سمع منه لكان السؤال لهم لازما، ليتبينوا ويتعلموا، فلما منعوا من السؤال أيقنا أنهم إنما لزمهم ما أعلموا به فقط. فأجاب بعض أصحاب القياس فقال: إنما نهوا عن سؤال من سأل عن أبيه. قال أبو محمد: وهذا الكذب بعينه لأن نص الآية يكذب هذا القائل في قوله تعالى بعقب النهي عن السؤال: {قد سألها قوم من قبلكم ثم أصبحوا بها كافرين} وبين ذلك طلحة رضي الله

which contain no wisdom—the mutually undermining statements of Abu Hanifah, the contradictory statements of Malik, and the conflicting statements of al-Shafiʿi—over the words of Allah Most High and the words of His Messenger ﷺ, in which wisdom is guaranteed, to the point that you accept from the explicit texts only what agrees with the words of one of those mentioned? You continually resort to contrivances to invalidate the ruling of whatever in the Quran and the Sunnah contradicts their statements, using all manner of feeble, paltry stratagems." The question remains binding upon them, with no escape from it whatsoever. Success comes through Allah Most High. Among the arguments our companions have advanced against them to invalidate operative causes and analogy is Allah Most High's prohibition against people questioning the Prophet ﷺ, and His command that they confine themselves solely to what they understand of what he commands them. If what was intended by an explicit text were something other than what was heard from it, questioning would have been obligatory for them, so that they could ascertain and learn. Since they were forbidden to question, we know with certainty that they were bound only by what they had been informed of. One of the proponents of analogy answered: "They were only forbidden to ask the kind of question asked by the man who asked about his father." Abu Muhammed said: This is the very essence of falsehood, because the explicit wording of the verse gives the lie to this speaker, in His Most High's words immediately following the prohibition against questioning: "A people before you asked about them, then became disbelievers in them." Talhah, may Allah be pleased with him, clarified this when he said: "We had been forbidden to ask the Prophet ﷺ about anything, so we liked it when an intelligent man from among the desert dwellers was brought along and questioned him while we listened." Al-Nawwas ibn Samʿan said: "I stayed in Medina for a year without emigrating"—meaning, without pledging allegiance on the basis of emigration—"because, when one of us emigrated, he was not permitted to ask the Prophet ﷺ about anything"—or words to this effect. The Prophet ﷺ also said: "The person whose offense in Islam is greatest is someone who asks about something that has not been forbidden, and it is then forbidden because of his question." He ﷺ also said: "Leave me alone so long as I leave you alone. Those before you perished only because of their many questions

عنه في قوله كنا نهينا أن نسأل النبي صلى الله عليه وسلم عن شيء فكان يعجبنا أن يأتي بالرجل العاقل من أهل البادية فيسأله ونسمع، وقال النواس بن سمعان: أقمت بالمدينة سنة لا أهاجر، يريد لا أبايع على الهجرة، لأننا كنا إذا هاجر أحدنا لم يجز له أن يسأل النبي صلى الله عليه وسلم عن شيء أو كلاما هذا معناه وقد قال النبي صلى الله عليه وسلم أعظم الناس جرما في الإسلام من سأل عن شيء لم يحرم فحرم من أجل مسألته وقد قال صلى الله عليه وسلم اتركوني ما تركتكم فإنما هلك من كان قبلكم بكثرة مسائلهم واختلافهم على أنبيائهم، ولكن إذا نهيتكم عن شيء فاجتنبوه، وإذا أمرتكم بشيء فأتوا منه ما استطعتم فبطل اعتراض هذا المعترض.

and their disagreements with their prophets. But when I forbid you something, avoid it; and when I command you to do something, do as much of it as you can." Thus this objector's objection is invalidated.[39][40][41]

L3550–3552 Section on the Prohibition Found in the Quran against Adopting Operative Causes

Abu Muhammed said: We shall present, if Allah Most High wills, what the Quran contains of the prohibition against adopting operative causes in the rulings and revealed laws of Allah, Mighty and Majestic. For the Book of Allah Most High is the truth that hurls truth against falsehood and crushes it, whereupon it vanishes. Whoever refuses this, we complete the verse for him, namely His saying, exalted is He: {Rather, We hurl truth against falsehood, and it crushes it, whereupon it vanishes; and woe to you for what you describe!} Abu Muhammed said: Allah, exalted is He, said: {We have appointed none but angels as the keepers of the Fire, and We have made their number only a trial for those who disbelieve, so that those given the Book may attain certainty, those who believe may increase in faith, and those given the Book and the believers may not doubt; and so that those in whose hearts is a disease and the disbelievers may say, "What did Allah intend by this as an example?" Thus Allah leads astray whom He wills and guides whom He wills. None knows the hosts of your Lord but He, and it is only a reminder to humankind.} He, exalted is He, thus informed us that investigating the causal rationale for what He intends is error. For it must mean either this, or that the verse prohibits investigating the intended meaning. The latter is an error that no Muslim would affirm. Rather, investigating the meaning that Allah, exalted is He, intended is an obligation upon every seeker of knowl-

فصل فيما ورد في القرآن من النهي عن القول بالعلل قال أبو محمد: ونحن موردون إن شاء الله تعالى ما في القرآن من النهي عن القول بالعلل في أحكام الله عز وجل وشرائعه، فكتاب الله تعالى هو الحق الذي يقذف بالحق عن الباطل فيدمغه فإذا هو زاهق، ومن أبى ذلك ختمنا له الآية وهو قوله تعالى {بل نقذف بالحق على لباطل فيدمغه فإذا هو زاهق ولكم لويل مما تصفون} قال أبو محمد قال الله تعالى {وما جعلنآ أصحاب لنار إلا ملائكة وما جعلنا عدتهم إلا فتنة للذين كفروا ليستيقن لذين أوتوا لكتاب ويزداد لذين آمنوا إيمانا ولا يرتاب لذين أوتوا لكتاب ولمؤمنون وليقول لذين في قلوبهم مرض ولكافرون ماذآ أراد لله بهذا مثلا كذلك يضل لله من يشآء ويهدي من يشآء وما يعلم جنود ربك إلا هو وما هي إلا ذكرى للبشر} فأخبر تعالى أن البحث عن علة مراده تعالى ضلالا، لأنه لا بد من هذا، أو من أن تكون الآية نهيا عن البحث عن المعنى المراد، وهذا خطأ لا يقوله مسلم، بل البحث عن المعنى الذي أراده الله تعالى فرض على كل طالب علم، وعلى كل مسلم فيما يخصه فصح القول الثاني ضرورة ولا بد وقال الله تعالى {خالدين فيها ما دامت لسماوات ولأرض إلا ما شآء ربك إن ربك فعال لما يريد} وقال تعالى: {وإن كنتم في ريب مما نزلنا على عبدنا فأتوا بسورة من مثله ودعوا شهدآءكم من دون لله إن كنتم صادقين} قال أبو محمد وهذه كافية في النهي عن التعليل جملة، فالمعلل بعد هذا عاص لله عز وجل، وبالله نعوذ من الخذلان وقال تعالى {ويا آدم سكن أنت وزوجك لجنة فكلا من حيث شئتما ولا تقربا هذه لشجرة فتكونا من لظالمين * فوسوس لهما لشيطان ليبدي لهما ما ووري عنهما من سوءاتهما وقال ما نهاكما ربكما عن هذه لشجرة إلا أن تكونا

[39] **Translator's note (L3547):** The supplied text places "the Quran" and "the Sunnah" together without a conjunction; their coordination is made explicit in English. The source reads yaʿud/yuʿad in "the question … remains binding," an awkward reading that appears to stand for baʿdu, "still." The contextual sense is rendered here.

[40] **Translator's note (L3548):** The source attributes the report beginning "We had been forbidden to ask" to Talhah. This attribution is retained; the familiar report with closely corresponding wording is attributed to Anas ibn Malik. The Quranic quotation is translated according to the supplied wording, including its plural pronominal references.

[41] **Qur'an references (L3544):** Qur'an 5:102 (Al-Ma'idah).

edge and upon every Muslim in matters that concern him. Thus the second position is necessarily and inescapably established. Allah, exalted is He, said: {Abiding therein for as long as the heavens and the earth endure, except as your Lord wills. Indeed, your Lord does whatever He intends.} And He, exalted is He, said: {If you are in doubt about what We have sent down to Our servant, then produce a surah like it, and call your witnesses besides Allah, if you are truthful.} Abu Muhammed said: This suffices to prohibit assigning causal rationales altogether. Anyone who assigns a causal rationale after this is disobedient to Allah, mighty and majestic. In Allah we seek refuge from abandonment. He, exalted is He, said: {O Adam, dwell, you and your wife, in the Garden, and eat from wherever you both wish, but do not approach this tree, lest you become wrongdoers. * Then Satan whispered to them both, to disclose to them what had been concealed from them of their private parts. He said, "Your Lord has forbidden you this tree only lest you become two angels or become among those who abide forever." * And he swore to them both, "I am indeed a sincere adviser to you both." * Thus he brought them down through deception. Then, when they tasted the tree, their private parts became apparent to them, and they began fastening leaves from the Garden over themselves. Their Lord called to them both, "Did I not forbid you both that tree and tell you both that Satan is a manifest enemy to you?" * They both said, "Our Lord, we have wronged ourselves. If You do not forgive us and have mercy upon us, we shall surely be among the losers."}[42][43]

ملكين أو تكونا من الخالدين * وقاسمهما إني لكما لمن الناصحين * فدلاهما بغرور فلما ذاقا الشجرة بدت لهما سوءاتهما وطفقا يخصفان عليهما من ورق الجنة وناداهما ربهما ألم أنهكما عن تلكما الشجرة وأقل لكما إن الشيطان لكما عدو مبين * قالا ربنا ظلمنا أنفسنا وإن لم تغفر لنا وترحمنا لنكونن من الخاسرين}

L3553–3555 Abu Muhammed said: Allah, exalted is He, also said, recounting what Iblis said when he disobeyed and refused to prostrate: {He said, "What prevented you from not prostrating when I commanded you?" He said, "I am better

قال أبو محمد وقال الله تعالى حاكيا عن إبليس إذ عصى وأبى عن السجود أنه قال: {قال ما منعك ألا تسجد إذ أمرتك قال أنا خير منه خلقتني من نار وخلقته من طين} فصح أن خطأ آدم عليه السلام إنما كان من وجهين: أحدهما: تركه حمل نهي ربه تعالى عن الوجوب. والثاني: قبوله قول إبليس أن نهي الله عن الشجرة إنما هو لعلة كذا. فصح يقينا بهذا النص البين أن تعليل أوامر الله تعالى معصية، وأن أول ما عصى الله تعالى به في عالمنا هذا القياس، وهو قياس إبليس على أن السجود لآدم ساقط عنه، لأنه خير منه، إذ إبليس من نار وآدم من طين، ثم بالتعليل للأوامر كما

[42] **Translator's note (L3551):** The opening is a continuation of the preceding segment: its subject is "the Book of Allah." The expression translated "hurls truth against falsehood" uses the unusual preposition ʿan in the author's prose; the ensuing Qurʾanic quotation uses ʿalā, "against." "The second position" appears inconsistent with the order in which the alternatives have just been presented: the author rejects the second stated alternative and endorses the first. The wording has been retained.

[43] **Qur'an references (L3550):** Qur'an 21:18 (Al-Anbya); Qur'an 74:31 (Al-Muddaththir); Qur'an 11:107 (Hud); Qur'an 2:23 (Al-Baqarah); Qur'an 7:19 (Al-A'raf); Qur'an 7:20 (Al-A'raf); Qur'an 7:23 (Al-A'raf).

than he: You created me from fire and created him from clay."} It is thus established that Adam's error, peace be upon him, consisted only in two things: first, his failure to construe his Lord's prohibition, exalted is He, as imposing an obligation; and second, his acceptance of Iblis's assertion that Allah's prohibition concerning the tree was only on account of such-and-such a causal rationale. Thus this clear text establishes with certainty that assigning causal rationales to Allah's commands, exalted is He, is disobedience, and that the first means by which Allah, exalted is He, was disobeyed in this world of ours was analogy: Iblis's analogical reasoning that prostration before Adam was not incumbent upon him because he was better than Adam, since Iblis was made of fire and Adam of clay. Then came the assignment of causal rationales to commands, as we have mentioned. It is established that the first to reason by analogy in religion and assign causal rationales in religious laws was Iblis. It is therefore established that analogy and the assignment of causal rationales to rulings are the religion of Iblis, and that this is contrary to the religion of Allah, exalted is He—indeed, to His good pleasure as well. We declare before Allah, exalted is He, our repudiation of analogy in religion and of establishing a causal rationale for anything in the revealed law. Through Allah, exalted is He, comes success. Allah, mighty and majestic, said, recounting what some contemptuous people said when commanded to give charity: {When they are told, "Spend from what Allah has provided you," those who disbelieve say to those who believe, "Shall we feed someone whom Allah would have fed, had He willed? You are only in manifest error."} Abu Muhammed said: This is His repudiation, exalted is He, of assigning causal rationales, because they said: "Had Allah, exalted is He, intended to feed these people, He would have fed them without charging us with feeding them." This is an unambiguous text establishing that it is impermissible to assign a causal rationale to any of His commands. All that is required regarding them is submission and acceptance of their apparent meaning. He, exalted is He, said: {Because of wrongdoing by those who became Jews, We forbade them good things that had been permitted to them, and because of their much hindering from Allah's path.} They committed wrongdoing, so these things were forbidden to them; we commit wrongdoing, yet the good things that were permitted have not been forbidden to us for us. He ﷺ

ذكرنا، وصح أن أول من قاس في الدين وعلل في الشرائع فإبليس. فصح أن القياس وتعليل الأحكام دين إبليس، وأنه مخالف لدين الله تعالى، نعم ولرضاه، ونحن نبرأ إلى الله تعالى من القياس في الدين، ومن إثبات علة لشيء من الشريعة، وبالله تعالى التوفيق. وقال الله عز وجل حاكيا عن قوم من أهل الاستخفاف أنهم قالوا إذا أمروا بالصدقة {وإذا قيل لهم أنفقوا مما رزقكم الله قال لذين كفروا للذين آمنوا أنطعم من لو يشآء الله أطعمه إن أنتم إلا في ضلال مبين} قال أبو محمد: فهذا إنكار منه تعالى للتعليل، لأنهم قالوا: لو أراد الله تعالى إطعام هؤلاء لأطعمهم دون أن يكلفنا نحن إطعامهم. وهذا نص لا خفاء به، على أنه لا يجوز تعليل شيء من أوامره، وإنما يلزم فيها الانقياد فقط وقبولها على ظاهرها وقال تعالى {فبظلم من لذين هادوا حرمنا عليهم طيبات أحلت لهم وبصدهم عن سبيل الله كثيرا} فهم ظلموا فحرمت عليهم ونحن نظلم فلم تحرم علينا الطيبات التي أحلت لنا وقال صلى الله عليه وسلم إننا سنركب سنن أهل الكتاب لو دخلوا جحر ضب لدخلناه فصح أننا ظلمنا كظلمهم، ولم يحرم علينا ما حرم عليهم، فبطل التعليل جملة، إذ لو كان ظلمهم علة التحريم لوجب أن يكون ظلمنا علة فينا لمثل ذلك، فلما لم يكن هذا كذلك، علمنا أن الله تعالى جعل ظلمهم سببا لأن حرم عليهم ما حرم، ولم يجعل ظلمنا سببا لأن يحرم علينا مثل ذلك، فصح أنه يفعل ما يشاء في مكان ما من أجل شيء ما، ولا يفعل ذلك في مكان آخر من أجل مثل ذلك الشيء بعينه، وهذا بطلان ما ادعاه خصومنا من العلل القياس نصا،

said: “We shall indeed follow the ways of the People of the Book: were they to enter a lizard’s hole, we would enter it.” It is thus established that we have committed wrongdoing like theirs, yet what was forbidden to them has not been forbidden to us. The assignment of causal rationales is therefore altogether invalid. For if their wrongdoing had been the causal rationale for the prohibition, our wrongdoing would necessarily have been a causal rationale for the same thing in our case. Since this is not so, we know that Allah, exalted is He, made their wrongdoing an occasion for His forbidding them what He forbade, but did not make our wrongdoing an occasion for His forbidding us the same. It is thus established that He does whatever He wills in one situation on account of some thing, yet does not do so in another situation on account of precisely the same thing. This explicitly invalidates what our opponents claim concerning causal rationales and analogy.[44][45][46]

L3556–3558 He, exalted is He, said to Moses, peace be upon him: {Indeed, I am your Lord, so remove your sandals: you are in the sacred valley, Tuwa.} Moses’s presence in the sacred valley, peace be upon him, was thus an occasion for removing his sandals. Yet we may be in that valley and in every sacred place, such as Mecca, Medina, and Jerusalem, without being obliged to remove our sandals. Had entry into the sacred valley been a causal rationale for removing them, we would have been obliged to do so. He, exalted is He, said: {Allah is not ashamed to set forth an example of a mosquito or anything above it. Those who believe know that it is the truth from their Lord, whereas those who disbelieve say, “What did Allah intend by this as an example?” Through it He leads many astray, and through it He guides many; but through it

وقال تعالى لموسى عليه السلام {إني أنا ربك فخلع نعليك إنك بلواد لمقدس طوى} فكان كون موسى عليه السلام بالوادي المقدس سببا لخلع نعليه، ونحن نكون بذلك الوادي، وبكل مكان مقدس كمكة والمدينة وبيت المقدس، ولا يلزمنا خلع نعالنا، ولو كان دخول الوادي المقدس علة للخلع للزمنا ذلك وقال تعالى {إن الله لا يستحى أن يضرب مثلا ما بعوضة فما فوقها فأما لذين آمنوا فيعلمون أنه لحق من ربهم وأما لذين كفروا فيقولون ماذآ أراد الله بهذا مثلا يضل به كثيرا ويهدي به كثيرا وما يضل به إلا لفاسقين} قال أبو محمد هذه آية كافية إنه لا يحل التعليل في شيء من الدين، ولا أن يقول قائل: لم حرم هذا وأحل هذا؟ فقد صح قولنا: إن قول القائل: حرم البر بالبر لأنه مكيل، أو أنه مدخل، أو أنه مأكول، بدعة نعوذ بالله منها. فصل في تناقض قولهم في التعليل والقياس قال أبو محمد: ونحن نورد إن شاء الله تعالى طرفا يسيرا من تناقضهم في التعليل، لندل بذلك عن إفساد مذهبهم، وإلا فتناقضهم لو تتبع لدخل في أزيد من ألف ورقة، ولعل الله تعالى يعيننا على تقصي ذلك في كتاب الإعراب إن شاء الله تعالى فمن ذلك أن رسول الله صلى الله عليه وسلم قال لعن الله اليهود

[44] **Translator’s note (L3553):** The Qurʾanic wording includes “not” in “What prevented you from not prostrating?” It has been retained; classical Arabic can use this negative particle pleonastically in such a construction. The phrase translated “as imposing an obligation” reads ʿan al-wujūb, an awkward construction here, apparently for ʿalā al-wujūb. The translation gives the apparent intended sense while recording the supplied reading.

[45] **Translator’s note (L3555):** The opening “for us” completes “permitted” at the end of the preceding unit; that unit’s English word order places “to us” earlier in its final clause. The final Arabic phrase reads “causal rationales analogy,” without an expected conjunction or a clear grammatical link. The translation supplies “and” to convey the apparent sense.

[46] **Qur’an references (L3553):** Qur’an 7:12 (Al-A’raf); Qur’an 36:47 (Ya-Sin); Qur’an 4:160 (An-Nisa).

He leads astray only the defiantly disobedient.} Abu Muhammed said: This verse suffices to establish that assigning causal rationales is not lawful in any matter of religion, nor may anyone say, “Why was this forbidden and this permitted?” Our position is therefore established: someone’s assertion, “Wheat for wheat was forbidden because it is measured by volume, or because it is brought in, or because it is eaten,” is an innovation from which we seek refuge in Allah.

Section on the Contradictions in Their Position Concerning the Assignment of Causal Rationales and Analogy

Abu Muhammed said: We shall present, if Allah, exalted is He, wills, a small portion of their contradictions in assigning causal rationales, to demonstrate thereby the invalidity of their doctrine. Otherwise, were their contradictions exhaustively traced, they would occupy more than a thousand leaves. Perhaps Allah, exalted is He, will help us investigate this exhaustively in the Book of Elucidation, if Allah, exalted is He, wills. One example is that the Messenger of Allah ﷺ said: “May Allah curse the Jews! Fats were forbidden to them, so they sold them and consumed their proceeds.” They would therefore have been obliged to hold that whatever is forbidden to eat is forbidden to sell. But they have not done so; rather, many of them permit the sale of manure. There is no disagreement that eating an animal alive, just as it is, is forbidden; nor is there disagreement that selling most such animals is permissible. They have acted similarly regarding his saying ﷺ about irregular uterine bleeding: “It is a vein.” They would therefore have been obliged to assign every vein flowing from the body the same ruling as that applicable to a woman with irregular uterine bleeding, just as they made fluidity in oil a legal cause for prohibiting it if a mouse dies in it, by analogy with clarified butter. Yet they contradicted themselves in this. This constitutes a consensus on their part to abandon ruling by legal causes and analogy. Such is falsehood: sometimes embraced and sometimes abandoned. Our position is thus established: something that serves as a cause in one situation, explicitly designated in a text as such for a particular ruling, does not thereby become a cause for the same ruling in another situation in which no text designates it.

حرمت عليهم الشحوم فباعوها فأكلوا أثمانها فكان يلزمهم أن يجعلوا ما حرم أكله محرما بيعه، لكنهم لم يفعلوا ذلك، بل كثير منهم يبيحون بيع الزبول ولا خلاف أن أكل الحيوان حيا كما هو محرم ولا خلاف في جواز بيع أكثره وكذلك فعلوا في قوله صلى الله عليه وسلم في الاستحاضة فإنه عرق فكان يلزمهم أن يجعلوا كل عرق يسيل من الجسد في مثل حكم المستحاضة، كما جعلوا الميعان في الزيت علة لتحريمه إن مات فيه فأر قياسا على السمن، لكنهم تناقضوا في ذلك. وهذا إجماع منهم على ترك الحكم بالعلل والقياس، وهكذا يكون الباطل مرة مصحوبا ومرة متروكا، وصح قولنا: إن ما كان سببا في مكان نص عليه لحكم ما فلا يكون سببا في مكان آخر لم ينص عليه لمثل ذلك الحكم. فقالوا: معنى التعليل هو إجراء صفة الأصل في فروعه. قال أبو محمد: وهذا قول فاسد، لأن جميع أحكام الشريعة كلها أصول، فإن كانوا عنوا بذلك أن الصلاة جملة أصل جامع ثم النوازل فيها فروع إنما هي أجزاء من الصلاة، ولا تسمى أجزاء الشيء فروعا له، لأن الفرع غير الأصل، والأجزاء ليست غير الكل. فبطل ما موهوا به من تقسيمهم الشريعة على فروع وأصول، وصح أن جميع أحكام الشريعة كلها سواء وأصول، ولا يوجد شيء منها إلا عن قرآن أو عن الرسول صلى الله عليه وسلم أو عن إجماع ونص تعالى عن ألا يقرب المشركون المسجد الحرام، فقال بعضهم: إن علة ذلك تطهير المسجد الحرام منهم، فأجروا ذلك في كل مسجد، فكان يلزمهم وإذا لزم الحج إلى مكة، أن يلزم إلى المدينة لأن مسجد المدينة والمدينة عند القائلين بما ذكرنا أفضل من مسجد مكة ومن مكة، وهذا إن طردوا فيه أصولهم كفروا، فإذا ادعوا الإجماع المانع لهم من ذلك قيل لهم: لا عليكم قيسوا إيجاب جزاء الصيد بالمدينة وحرمه، فقد قال بذلك بعض التابعين من الأئمة. وقيسوا الجزاء فيما حرم قطعة من شجر الحرم على الجزاء فيما حرم صيده من صيد الحرم، فإن لم يفعلوا فقد تناقضوا وتركوا إجراء

They said: "Identifying a legal cause means applying an attribute of the original case to its derivative cases." Abu Muhammed said: This is an invalid statement, because all the rulings of the revealed Law are original cases. If they meant by this that prayer as a whole is a comprehensive original case, while the particular questions arising within it are derivative cases, these are merely parts of prayer. The parts of a thing are not called its derivatives, because a derivative is something other than the original, whereas the parts are not something other than the whole. Thus the deceptive distinction they drew in dividing the revealed Law into derivative and original cases is invalidated. It is established that all the rulings of the revealed Law stand on an equal footing and are original cases. None of them is obtained except from the Quran, from the Messenger ﷺ, or from consensus.

The Exalted explicitly stipulated that the polytheists must not approach the Sacred Mosque. Some of them said that the legal cause of this was to purify the Sacred Mosque of them, and they applied this to every mosque. They would therefore have been obliged, since pilgrimage to Mecca is obligatory, to make pilgrimage to Medina obligatory, because, according to those who hold the position we have mentioned, the mosque of Medina and Medina itself are superior to the mosque of Mecca and Mecca itself. If they consistently applied their principles here, they would become unbelievers. If they invoke consensus as preventing them from doing so, they are told: Never mind; reason by analogy to make compensation for hunting obligatory in Medina and its sanctuary, for some leading scholars among the Successors held this position. And reason by analogy from the compensation for sanctuary game whose hunting is forbidden to compensation for sanctuary trees whose cutting is forbidden. If they do not do so, they have contradicted themselves, abandoned the application of practice, abandoned analogy, and abandoned going beyond the text. Had they done this in all their questions,

العمل، وتركوا القياس، وتركوا أن يتعدوا النص، ولو فعلوا هذا في كل مسائلهم لاهتدوا ولنجوا من ضلال القياس وفتنته.

they would have been rightly guided and would have escaped the error of analogy and its temptation.[47][48][49][50]

L3559 They said that the legal cause of the prescribed punishments is deterrence and restraint.

L3560–3562 Abu Muhammed said: They have lied about this. If that were so, pardoning would not have been permissible in the killing of a person, while pardoning would have been permissible for unlawful sexual intercourse with a slave woman and for theft. If that were so, theft would have no greater claim than anger to require a specified prescribed punishment; wine would have no greater claim to that than pork or usury; unlawful sexual intercourse would have no greater claim to that than accusing someone of unbelief or of abandoning prayer; and unlawful sexual intercourse would have no greater claim to that than abandoning prayer. The falsehood of their claim in this matter has thus become apparent. Praise belongs to Allah, Lord of the worlds.

They said that the legal cause of shortening prayer during travel is simply hardship, and that it was therefore delimited by one day, two days, or three days, according to their differing positions on this. Abu Muhammed said: This is something that people of piety ought not even to have allowed to cross their minds. How, then, could they declare things lawful and unlawful on its basis and abandon the statement of their Lord, the Exalted, for

[47] **Translator's note (L3556):** "Brought in" renders the supplied mudkhal. This is unusual in this legal discussion and may be a corruption of muddakhar, "stored" or "storable," a familiar proposed causal rationale in discussions of usury. The supplied wording has not been silently replaced. The phrase translated "to demonstrate thereby the invalidity" contains the awkward preposition ʿan after "demonstrate," where ʿalā would ordinarily be expected. "Book of Elucidation" renders the supplied title Kitāb al-Iʿrāb.

[48] **Translator's note (L3557):** "Every vein flowing from the body" preserves the awkward supplied expression. The apparent reference is to blood flowing from a vein, but the Arabic does not explicitly say "blood."

[49] **Translator's note (L3558):** The segment begins mid-sentence: "fluidity in oil" continues the preceding segment's "just as they made." The wording إجراء العمل literally concerns applying practice or action. The argumentative context may suggest إجراء العلل, "applying legal causes," but the supplied reading has been retained.

[50] **Qur'an references (L3556):** Qur'an 2:26 (Al-Baqarah).

وقالوا: إن علة الحدود الزجر والردع.

قال أبو محمد: كذبوا في ذلك إذا كان ذلك لما جاز العفو في قتل النفس ولم يجز العفو في الزنى بالأمة وفي السرقة، ولو كان ذلك لما كانت السرقة أولى بوجوب حد محدود فيها من الغضب، ولا كانت الخمر أولى بذلك من لحم الخنزير ومن الربا، ولا كان الزنى أولى بذلك من القذف بالكفر، أو بترك الصلاة، ولا كان الزنى بذلك أولى من ترك الصلاة، فظهر كذب دعواهم في ذلك، والحمد لله رب العالمين. وقالوا: إن علة القصر في الصلاة في السفر إنما هي المشقة، فلذلك حدت بيوم ويومين وثلاثة أيام، على اختلافهم في ذلك. قال أبو محمد: وهذا أمر كان ينبغي لأهل التقوى ألا يمروه على خواطرهم فكيف أن يحلوا به ويحرموا ويتركوا له قول ربهم تعالى؟ فأول ذلك الكذب البحث أن أصل القصر المشقة. ولو كان ذلك لكان المريض المدنف المثبت العلة كالمبطون، والذي به ناقض الحمى والموم والسل ممن تثقل عليه الكلمة يسمعها ويصعب عليه رد الجواب بكلمة فما فوقها، أولى بالقصر العظيم مشقة الصلاة عليه وتكلف القراءة فيها والإيماءة والتشهد صرف ذهنه إليها، من المراكب في عمارية ومعه مائة عبد يتمشى في أيام الربيع على ضياعه من روضة إلى نهر، ومن نهر إلى صيد، ومن صيد إلى نزهة، ومن كل منظر بديع إلى منظر حسن ينزل إذا شاء ويرجل إذا شاء، إلا أنه من ذلك قاصد مسافة أكثر من ثلاثة أيام من وطنه. وهذا ما لا يحيل على صبي له أدنى فهم، فكيف على من يتعاطى التحريم والتحليل، ويستدرك على ربه تعالى أشياء لم يذكرها ربه تعالى ولا رسوله صلى الله عليه وسلم إن هذا لهو الضلال المبين هذا والمريض والمسافر قد سوى الله عز وجل بينهما في الفطر في رمضان، وفي إباحة متيمم، فهلا ساوى القياسيون المعللون بينهما في قصر الصلاة للذي المريض أحوج عليه من المسافر، لأنه أكثر مشقة منه وأحوج إلى الراحة؟ فأين

its sake? The first thing here is the sheer lie that the basis of shortening prayer is hardship. If that were so, a gravely ill patient whom illness has laid low—such as someone suffering from an abdominal complaint, or someone afflicted with shaking fever, pleurisy, or consumption, for whom hearing a word is burdensome and answering with a word or more is difficult—would have a greater claim to shortening prayer, because of the immense hardship prayer imposes on him, the exertion of reciting during it, gesturing, reciting the testimony, and directing his attention to it, than someone riding in a litter with a hundred slaves attending him, making his way in the springtime around his estates, from a meadow to a river, from a river to a hunt, from a hunt to an outing, and from every splendid prospect to a beautiful prospect, dismounting whenever he wishes and having his hair combed whenever he wishes, except that in all this he is heading for a distance of more than three days from his home. This could not be passed off on a child possessing the slightest understanding. How, then, could it be passed off on someone who undertakes to declare things unlawful and lawful and supplies omissions on behalf of his Lord, the Exalted, by introducing things that neither his Lord, the Exalted, nor His Messenger ﷺ mentioned? This is indeed manifest error. Moreover, Allah, Mighty and Majestic, has treated the sick person and the traveler equally with regard to breaking the fast in Ramadan and permitting dry ablution. Why, then, have the advocates of analogy who assign legal causes not treated them equally with regard to shortening prayer, which the sick person needs more than the traveler, because he suffers greater hardship and has greater need of rest? Where, then, are their analogy and their legal causes? Then [the wording is unclear], even if their assertion were correct—that the legal cause of shortening prayer is the hardship of travel, from which I seek refuge in Allah—what makes hardship complete at forty-eight miles over level terrain, in safety and beneath the shade of trees, during the spring days of March and April, for a strong, rested horseman, as against forty-seven miles over rugged terrain and through thickets, in the fiercest summer heat

قياسهم وعللهم؟ ثم هلك، لو صح ما قالوه، إن العلة في قصر الصلاة مشقة السفر، وأعوذ بالله من ذلك فأي تمام للمشقة في ثمانية وأربعين ميلا في سهل وأمن وظلال أشجار، وفي أيام الربيع في آذار وفي نيسان، ولفارس مريح قوي، على سبعة وأربعين ميلا في أوعار وشعار، وفي حمارة القيظ في تموز، وفي خوف شديد لراجل مكدود كبير السن ضعيف الجسم؟

of July and in great fear, for an exhausted pedestrian, advanced in age and weak in body?[51][52]

L3563–3565 They thus permitted the horseman we have mentioned to break his fast in Ramadan and shorten his prayer, while denying this to the man exhausted by rugged terrain and heat, saying that he must fast and perform the prayer in full. Do you suppose that the single mile is where hardship occurred? Or do you suppose that the half-day by which the three days were completed is where hardship occurred, to the exclusion of the preceding two and a half days? The like of this can be accepted only from Allah, the Exalted, who is not questioned about what He does, whereas we are questioned, or from His Messenger ﷺ, who explains what his Lord, the Exalted, intends. Yet they were not satisfied until they had attributed this falsehood to reason, because in their own estimation they are the people who possess wisdom concerning the revealed Law through what their intellects require.

Some of them have sought to mislead by claiming that their sole basis in this matter was the report from the Prophet ﷺ: "A woman must not travel for a day and a night except with a male relative whom she is permanently forbidden to marry." Abu Muhammed said: As for their adducing this report to establish the obligation to break the fast and shorten prayer, and what

فأباحوا للفارس الذي ذكرنا أن يفطر في رمضان ويقصر الصلاة، ومنعوا الرجل المكدود في الوعر والحر من ذلك. وقالوا: لا بد له من الصيام والإتمام، أفترى الميل الواحد هو الذي حصلت فيه المشقة؟ أو ترى نصف اليوم الذي به تمت الثلاثة هو الذي حصلت المشقة دون اليومين ونصف يوم؟. هذا لا يحتمل مثله إلا من الله تعالى، الذي لا يسأل عما يفعل وأما نحن فنسأل أو من رسوله صلى الله عليه وسلم المبين مراد ربه تعالى ثم لم يكفهم إلا أن ادعوا على العقل هذا البهتان، لأنهم عند أنفسهم أهل الحكمة في الشريعة بما توجبه عقولهم. وقد موه بعضهم بأنه إنما تعلق في ذلك الحديث عن النبي صلى الله عليه وسلم لا تسافر امرأة يوما وليلة إلا مع ذي محرم. قال أبو محمد: إن احتجاجهم بهذا الحديث في إيجاب الفطر والقصر والقريب من تحديدهم المذكور، فليت شعري: أي شيء في منع المرأة من السفر يوما وليلة مما يوجب القصر في يوم وليلة؟ ومشي يوم وليلة يختلف؟ ففي أيام كانون الأول لا يكمل الراحل ثلاثين ميلا إلى الليل. وفي أيام صدر حزيران في طيب الهواء وطول الأيام والشمس في آخر الجوزاء وأول السرطان يكمل أربعين ميلا والركبان كذلك، والسير يختلف، فمن أين لهم أن يجدوا اليوم والليلة بأربعة برد؟. وقد علمنا أن بين مشي شيخ ضعيف وحمار أعرج، وبين مشي العساكر، وبين مشي الرفاق، وبين مشي المسافر الراكب دابة مطيقة، وبين مشي البريد في اختلاف الأزمان، أشد الاختلاف وأعظم التباين، فكيف يستجيز ذو لب أن يجد ما يقصر فيه ويفطر بثلاثة أيام، اتو اليوم التام؟ ولا خلاف أن ما تمشيه العساكر في أربعة أيام الشتاء يمشيه البريد في يوم واحد في آخر الربيع وأول الصيف، وهذا معروف بالمشاهدة. وأيضا، فإن ذلك الحديث قد جاء بألفاظ شتى ففي بعضها أكثر من ثلاثة أيام وفي بعضها ثلاثة أيام وفي

[51] **Translator's note (L3560):** The supplied الغضب means "anger"; "usurpation," الغصب, appears contextually likely, but has not been substituted. The supplied البحث in الكذب البحث appears to be a transcription error for البحت, "sheer" or "pure"; the translation reflects that apparent intended expression. The medical term الموم is rendered "pleurisy," though its historical usage can refer more broadly to a febrile illness. The phrase مشقة العظيم الصلاة عليه is grammatically irregular; the translation follows its apparent sense, "because of the immense hardship prayer imposes on him." The unvocalized يرجل can mean having one's hair combed or groomed, as translated, though a reference to going on foot is also possible in this travel context.

[52] **Translator's note (L3561):** The supplied إباحة متيمم literally refers to permitting "one who performs dry ablution," rather than permitting dry ablution itself; the translation follows the apparent intended sense. The wording للذي المريض أحوج عليه is grammatically awkward; its apparent sense is that the sick person has greater need of shortening prayer. The word هلك after ثم ordinarily means "he perished" and does not yield a coherent construction here. It has been marked as unclear rather than silently replaced.

approximates their aforementioned limit—would that I knew what there is in forbidding a woman to travel for a day and a night that makes shortening prayer obligatory for a day and a night? The distance traveled in a day and a night varies. During the days of December, a traveler does not complete thirty miles by nightfall, whereas during the early days of June, with pleasant weather and long days, when the sun is at the end of Gemini and the beginning of Cancer, he completes forty miles. The same applies to riders, and the pace of travel varies. On what basis, then, can they define a day and a night as four postal stages? We know that the distance covered by a weak old man and a lame donkey, by armies, by traveling companies, by a traveler riding an animal capable of bearing the journey, and by the postal courier, at different times of year, varies most markedly and differs most greatly. How, then, can anyone possessed of understanding consider it permissible to define the journey in which one shortens prayer and breaks the fast by three days or a full day? There is no disagreement that the distance armies cover in four winter days is covered by the postal courier in a single day at the end of spring and the beginning of summer. This is known through observation. Furthermore, that report has come down in various wordings: in some versions, “more than three days”; in some, “three days”; in some, “two nights”; in some, “a day and a night”; in some, “a day”; in some, “one postal stage”; and in some, “she must not travel,” without qualification, specifying no limit whatsoever. Their adducing it as proof is therefore invalidated.[53][54]

بعضها ليلتين وفي بعضها يوم وليلة وفي بعضها يوم وفي بعضها بريد وفي بعضها لا تسافر على الإطلاق دون تحديد شيء أصلا، فبطل احتجاجهم به.

L3566 If they rely on Ibn Umar and Ibn Abbas, Ibn Masud, Aishah, Dihyah ibn Khalifah, Shurahbil ibn al-Simt, and other Companions disagreed with them. Indeed, Ibn Umar himself did so, for it is authentically reported from him that he shortened prayer over very few miles, over one mile, and on a journey

فإن تعلقوا بابن عمر وابن عباس، فقد خالفهم ابن مسعود وعائشة ودحية بن خليفة، وشرحبيل بن السمط وغيرهم من الصحابة، نعم، وابن عمر نفسه، فقد صح عنه القصر في الأميال اليسيرة جدا. وفي الميل وفي سفر ساعة. وعللوا الشفعة في الأرضين والحكم على الشريك يعتق شقصه في العبد والأمة يعتق الباقي: بأن ذلك الضرر بالشريك.

[53] **Translator’s note (L3563):** The phrase والقريب من تحديدهم المذكور, “and what approximates their aforementioned limit,” is syntactically awkward and may be corrupt or incomplete. Its wording has been retained without supplying a substantive correction.

[54] **Translator’s note (L3564):** The supplied يجدوا and يجد appear contextually to stand for يحدوا and يحد, “define” or “delimit.” The translation follows that apparent intended reading. The supplied اتو between “three days” and “a full day” is corrupt; it has been understood as أو, “or.” The references to early June and the sun’s position at the end of Gemini and beginning of Cancer are retained as supplied, without harmonizing their chronology.

of an hour. They assigned as the legal cause of the right of preemption in lands, and of the ruling requiring a co-owner who emancipates his share in a male or female slave to emancipate the remainder, the harm this causes the other co-owner.[55]

L3567–3571 They contradicted themselves in this by saying that there is no right of pre-emption in jewels, slaves, animals, garments, or swords. Yet everyone possessed of reason knows that the harm arising in these things from joint ownership and the transfer of ownership through charitable donation or sale is greater than the harm arising in lands. Why, then, did they not apply analogy here, just as the Mālikīs analogized the right of pre-emption in figs and fresh dates to the right of pre-emption in lands, out of fear of the harm that would befall the co-owner? Why did they not analogize a co-owner's gift to his sale, and say that his co-owner has the prior entitlement to the gift, lest harm befall him? If they say, "He did not wish to give it to him," they are told, "Likewise, he did not wish to sell it to him." If they return to the explicit text, they have extended themselves, and they are bound not to apply analogy at all, not to transgress Allah's limits in the explicit texts, and not to analogize the right of pre-emption in figs and fruits, to the exclusion of other merchandise, to its obligatoriness in lands and trees according to them. Why did they not analogize someone who establishes his share of jointly owned land as an endowment to someone who emancipates his share in a slave, since both involve harm? But this is how falsehood exposes its adherents, and such is the contradiction of its adherents. And did they analogize an insolvent person who emancipates his share to a solvent person who emancipates his share, since the harm involved is the same? They do, however, analogize to the latter everyone who destroys anything, obliging him, except in the case of goods measured by volume or weight, to pay its value rather than provide its equivalent. They say, "We do this by analogy with assessing the value of the share against the emancipator." Why, then, did they not assess its value against the insolvent person when he emancipates, just as they

[55]**Translator's note (L3566):** The final clause is compressed: بأن ذلك الضرر بالشريك literally reads approximately "that this [is] the harm to the co-owner." The translation renders its apparent causal sense without adding details about the harm.

وتناقضوا في ذلك في قولهم: لا شفعة في الجوهر ولا في العبيد ولا في الحيوان ولا في الثياب ولا في السيوف، وقد علم كل ذي عقل أن الضرر في ذلك بالشركة وانتقال الملك بالصدقة أو البيع أعظم من الضرر في الأرضين. فهلا قاسوا ههنا كما قاس المالكيون الشفعة في التين والرطب على الشفعة في الأرضين خوف الضرر الداخل على الشريك؟. وهلا قاسوا هبة الشريك على بيعه؟ فيقولوا: شريكه أولى بالهبة لئلا يدخل عليه ضرر؟. فإن قالوا: لم يرد أن يهبه، قيل لهم: وكذلك لم يرد أن يبيع منه. فإن رجعوا إلى النص فقد امتدوا، ولزمهم ألا يقيسوا أصلا، ولا يتعدوا حدود الله في النصوص، ولا يقيسوا الشفعة في التين والثمار دون سائر العروض على وجوبها في الأرضين والأشجار عندهم. وهلا قاسوا من حبس شقصا له في أرض مشارعه على من أعتق شقصا له في عبد، لاجتماعهما في الضرر؟ ولكن هكذا يفضح الباطل أهله. وكذلك يكون تناقض أهله. وهل قاسوا المعسر بعتق شقصه على الموسر بعتق شقصه، لأن الضرر في ذلك واحد، وهم يقيسون عليه كل من أتلف شيئا فيوجبون عليه فيما عدا المكيلات والموزونات القيمة لا المثل، قالوا: نفعل ذلك قياسا على تقويم الشقص على المعتق، فهلا قوموا على المعسر إذا أعتق كما يقومون عليه فيما أتلف ويتبعه به دينا؟. قال أبو محمد: وفيما ذكرنا كفاية، وقلما تخلو لهم مسألة من مثل ما أوردنا وبالله تعالى التوفيق. وقال بعض حذاقهم: قد تكون علة الخصم علة لخصمه عليه في إبطال قوله. مثال ذلك: أن يقول الحنفي والمالكي لما كان الوقوف بعرفة لا يصح إلا بمعنى آخر يقترن إليه وهو الإحرام، وجب ألا يصح الاعتكاف إلا بمعنى آخر يقترن إليه وهو الصيام، فيقول الشافعي: لما كان الوقوف بعرفة لا يقتضي الصيام،

assess against him the value of what he destroys, with the claim remaining against him as a debt? Abū Muḥammed said: What we have mentioned is sufficient. Scarcely any question of theirs is free of something like what we have presented. Success comes through Allah Most High. And some of their accomplished practitioners said: "An opponent's effective cause may serve his adversary as an effective cause against him in invalidating his position. An example is that the Ḥanafī and the Mālikī say: 'Since standing at ʿArafah is not valid except with another condition joined to it, namely entry into the state of pilgrimage consecration, it follows that devotional seclusion is not valid except with another condition joined to it, namely fasting.' The Shāfiʿī then says: 'Since standing at ʿArafah does not entail fasting, it follows that devotional seclusion does not require fasting.' The effective cause invoked by all of them in what they have stated is that standing at ʿArafah and devotional seclusion both involve remaining and staying in a specified place." Abū Muḥammed said: Anyone who permits himself to babble while free of brain fever would have no difficulty producing the like of this. If we pursued their preferences among effective causes, we would present laughable things that would dispense with every other amusement. Allah is sufficient for us, and excellent is He as Trustee. Anyone who examines the books of their later scholars, their disputations, and their strained efforts to extract effective causes for every ruling in the revealed law, whether disputed or agreed upon, whether it has an explicit text known to them or they know of no explicit text concerning it, will see discourse the like of which no one of sound mind would ever produce, unless he were following the path of buffoonery and foolishness. We seek refuge in Allah from abandonment.

Section: The Wise Agent—Except for a Cause

Abū Muḥammed said: They said, "A wise person among us acts only for a sound cause, whereas a fool is someone who acts without a cause." Thus they analogized their Lord Most High to themselves and said, "Allah Most High does nothing except for the interests of His servants." By this they sought to establish effective causes in blood-money payments. Abū Muḥammed said: This corrupt proposition, which they made the mainstay of their doctrine and the knot from which their legal opinions are unraveled, almost amounts

وجب أن يكون الاعتكاف لا يفتقر إلى الصيام، وعلتهم كلهم فيما ذكروا أن الوقوف بعرفة والاعتكاف لبث وإقامة في موضع مخصوص. قال أبو محمد: ومثل هذا لا يعجز أن يأتي به من استجاز الهذيان في حال صحته من البرسام ولو تتبعنا ترجيحاتهم العلل لأوردنا من ذلك مضاحك تغني عن كل ملهى وحسبنا الله ونعم الوكيل. ومن تأمل كتب متأخريهم ومناظراتهم، وتكلفهم إخراج العلل لكل حكم مختلف فيه أو مجتمع عليه في الشريعة، كان فيه نص يعرفونه أو لم يعرفوا فيه نصا، رأى كلاما لا يأتي بمثله سالم لدماغ أصلا، إلا أن يكون سالكا سبيل المجون والسخافة ونعوذ بالله من الخذلان فصل الحكيم إلا لعلة قال أبو محمد وقالوا الحكيم بيننا لا يفعل إلا لعلة صحيحة، والسفيه هو الذي يفعل لا لعلة، فقاسوا ربهم تعالى على أنفسهم، وقالوا: إن الله تعالى لا يفعل شيئا إلا لمصالح عباده، وراموا بذلك إثبات العلل في الديات. قال أبو محمد: وتكاد هذه القضية الفاسدة التي جعلوها عمدة لمذهبهم وعقدة تنحل عنها فتاويهم تكون أصلا لكل كفر في الأرض. وأما على التحقيق فهي أصل لقول الدهرية الذين جعلوا برهانهم في إبطال الخالق، لما رأوا الأمور لا تجري على المعهود فيما يحسن في عقولهم، وأنه لا بد من علة للمفعولات، وإذ لا بد من علة فلا بد لتلك العلة من علة، وهكذا أبدا حتى يوجبوا كون أشياء لا أوائل لها. وهي أيضا أصل لقول من قال: إن الفاعل للعالم إنما هو النفس، وأما الله تعالى فيحل عن أن يحدث هذه الأقذار في العالم، وهذا الظلم الظاهر من استطالة بعض الحيوان على بعض.

to a foundation for every unbelief on earth. Indeed, upon examination, it is a foundation for the position of the eternalists, who made their demonstration for denying the Creator out of their observation that things do not proceed in the familiar manner that their minds deem good, and their assertion that things brought about must have a cause. Since there must be a cause, that cause must have a cause, and so on forever, until they make it necessary that there exist things with no beginnings. It is also a foundation for the position of those who say that the agent producing the world is only the soul, whereas Allah Most High is too exalted to bring about these filthy things in the world and this manifest injustice consisting in some animals' aggression against others.[56][57][58]

L3572–3574 It is also a foundation for the position of those who say that the world has existed eternally and its Creator Most High has existed eternally, because they made His existence Most High the cause of creation: His existence has been eternal, so His creation has been eternal. It is also a foundation for the position of those among the Manichaeans and the Dayṣānians who say that the world has two creators. For they said, "Exalted is Allah above doing anything without wisdom or for anything other than the interests of His servants." Thus, according to them, it was established that the creator of folly, evil, and things harmful to servants is another creator. Exalted is He

وهي أيضا أصل لقول من قال: إن للعالم لم يزل وخالقه تعالى لم يزل، لأنهم جعلوا علة الخلق وجوده تعالى، ووجوده لم يزل، فخلقه لم يزل. وهي أيضا أصل لقول من قال: بأن العالم له خالقان، من المانية والديصانية لأنهم قالوا: تعالى الله عن أن يفعل شيئا من غير الحكمة، ولغير مصالح عباده، فصح بذلك عندهم أن خالق السفه والشر ومضار العباد خالق آخر، تعالى عن ذلك علوا كبيرا. وهي أيضا أصل لقول من قال بالتناسخ، لأنهم قالوا: محال أن يعذب الحكيم من لم يذنب، وأن يفعل شيئا إلا لعلة، ومحال أن يعذب أقواما ليعظ آخرين، أو ليجازي بذلك آخرين، أو ليجازيهم بذلك، وهو قادر على المجازاة بلا أذى، ذلك هذا عبث فيما بيننا، فلما رأيناه تعالى يعذب الأطفال بالجدري والقروح والجوع، ويسلط بعض الحيوان على بعض، علمنا أن ذلك لذنوب تقدمت لأنفس ذلك الحيوان وأولئك الصبيان، وأنهم قد كانوا بالغين عصاه قبل أن تنسخ أرواحهم في أجسام الصبيان والحيوان. وهي أيضا أصل لقول من أبطل النبوات، كالبراهمة ومن اتبعها، فإنهم قالوا: ليس من الحكمة أن يبعث الله تعالى نبيا إلى من يدري أنه لا يؤمن به. قال أبو محمد: ثم حسدتهم المعتزلة على هذه القضية فأخرجوا على حكم الله تعالى وعن خلقه وقدرته وجميع أفعال العباد، فضلوا

[56] **Translator's note (L3567):** The reading امتدوا literally suggests extending or going further, but is unclear in this argument. It may be a corruption of اهتدوا, "they have been rightly guided"; the supplied reading has not been silently replaced. The phrase أرض مشارعه is awkward and possibly corrupt. It has been understood as land held jointly with another. The discussion of valuing a slave's share concerns the financial liability arising when a co-owner emancipates his own share.

[57] **Translator's note (L3570):** The heading الحكيم إلا لعلة is elliptical as supplied; it does not explicitly contain "acts" or "does not act." The supplied text reads الديات, "blood-money payments." The broader argument might suggest a reading such as الديانات, "religions" or "religious matters," but this has not been substituted. "The knot from which their legal opinions are unraveled" preserves the unusual metaphor in عقدة تنحل عنها فتاويهم.

[58] **Translator's note (L3571):** The supplied فيحل does not naturally express the sense required here. The translation takes it as an apparent corruption of فيجل, "is too exalted," and records that interpretation rather than silently repairing it.

far above that! It is also a foundation for the position of those who profess the transmigration of souls. For they said, "It is impossible for the Wise One to torment someone who has not sinned, or to do anything except for a cause. It is impossible for Him to torment some people in order to admonish others, or thereby to recompense others, or thereby to recompense those same people, when He is able to give recompense without the harm of that. This is pointless conduct among us. Thus, when we saw Him Most High tormenting children with smallpox, sores, and hunger, and giving some animals power over others, we knew that this was for sins previously committed by the souls of those animals and those children, and that they had been disobedient adults before their souls were transferred into the bodies of children and animals." It is also a foundation for the position of those who deny prophethoods, such as the Brahmins and those who follow them. For they said, "It is not wise for Allah Most High to send a prophet to someone whom He knows will not believe in him." Abū Muḥammed said: Then the Muʿtazilah envied them this proposition and excluded all the acts of servants from Allah Most High's judgment, creation, and power. Thus they strayed far astray and affirmed many creators besides Allah Most High. Allah Most High preserved the people of affirmation from this affliction, but the accursed Iblīs, Allah's enemy, begrudged them their safety. He sought calamities for them, set snares for them, and whispered to them the doctrine of effective causes in legal rulings, so they fell into the accursed proposition we have mentioned. Allah Most High granted the adherents of the apparent meaning His protection from it. They therefore remained steadfast upon the best highway and declared before Allah Most High their disavowal of reviewing His rulings to find fault with them, of asking Him why He did such-and-such, of transgressing His limits, of prohibiting anything other than what their Lord prohibited, of making obligatory anything other than what He Most High made obligatory, or of permitting anything other than what He, Mighty and Majestic, permitted. They did not go beyond what their Prophet, may Allah bless him and grant him peace ﷺ, informed them of. Thus they were guided by Allah's perfect light, which is reason, through which things are known as they are and truth is distinguished from falsehood; then by the explicit text of the Quran and the Messenger of Allah's explanation of the religion, may

ضلالا بعيدا، وأثبتوا خالقين كثيرا غير الله تعالى. وسلم الله تعالى من هذه البلية أهل الإثبات، فنفس عليهم إبليس اللعين عدو الله السلامة، فبغي لهم الغوائل، ونصب لهم الحبائل، ووسوس لهم القول بالعلل في الأحكام، فوقعوا في القضية الملعونة التي ذكرنا. وأصحب الله تعالى عصمته منها أصحاب الظاهر فثبتوا على الجادة المثلى، وتبرؤوا إلى الله تعالى من أن يتعقبوا عليه أحكامه أو أن يسألوه لم فعل كذا، أو أن يتعدوا حدوده، أو أن يحرموا غير ما حرم ربهم، أو أن يوجبوا غير ما أوجب تعالى، أو أن يحلوا غير ما أحل عز وجل ولم يتجاوز ما أخبرهم به نبيهم صلى الله عليه وسلم فاهتدوا بنور الله التام الذي هو العقل، الذي به تعرف الأمور على ما هي عليه، ويمتاز الحق من الباطل ثم بنص القرآن وبيان رسول الله صلى الله عليه وسلم للدين إذ لا سبيل إلى السلامة في الآخرة إلا بهذين السبيلين. والحمد لله رب العالمين، وهو المسؤول أصحاب الهداية حتى نلقاه على أفضل أحوالنا، آمين.

Allah bless him and grant him peace ﷺ. For there is no path to safety in the Hereafter except through these two paths. Praise belongs to Allah, Lord of the worlds, and He is the One asked to keep guidance accompanying us until we meet Him in the best of our states. Amen.[59][60][61]

L3575–3583 Abū Muḥammed said: We have demonstrated the invalidity of all these corrupt doctrines that we have mentioned, by necessary demonstrations, in our book entitled The Book of Distinction concerning Religions and Sects. Praise belongs to Allah, Lord of the worlds. Here we shall make a sufficient statement concerning this, suited to the purpose of this book of ours, if Allah Most High wills. We say, then—and success comes through Allah Most High—that the first error in this question is their analogizing Allah Most High to themselves when they say, "A judge among us does nothing except for a cause; therefore the Wise One, Mighty and Majestic, must be likewise." Abū Muḥammed said: They agree that analogy is likening one thing to another. It therefore follows that they are likening Allah Most High to themselves. Yet Allah Most High has declared them false in this by His saying: "Originator of the heavens and the earth; He has made for you spouses from among yourselves, and pairs from among the livestock, multiplying you therein. There is nothing like His likeness, and He is the All-Hearing, the All-Seeing." If an objector were to oppose them and say, "Since we do

قال أبو محمد: وكل هذه المقالات الفاسدة التي ذكرنا قد بينا بطلانها بالبراهين الضرورية في كتابنا المرسوم بكتاب الفصل في الملل والنحل والحمد لله رب العالمين. ونقول في ذلك ههنا قولا كافيا، يليق بغرض كتابنا هذا إن شاء الله تعالى فنقول وبالله تعالى التوفيق. إن أول ضلال هذه المسألة قياسهم الله تعالى على أنفسهم في قولهم: إن الحكم بيننا لا يفعل شيئا إلا لعلة، فوجب أن يكون الحكيم عز وجل كذلك. قال أبو محمد: وهم متفقون على أن القياس هو تشبيه الشيء بالشيء، فوجب أنهم مشبهون الله تعالى بأنفسهم، وقد أكذبهم الله تعالى في ذلك بقوله {فاطر لسماوات ولأرض جعل لكم من أنفسكم أزواجا ومن لأنعام أزواجا يذرؤكم فيه ليس كمثله شيء وهو لسميع لبصير} ولو أن معارضا عارضهم فقال لما كنا نحن لا نفعل إلا لعلة؛ وجب أن يكون تعالى بخلافنا، فوجب ألا يفعل شيئا لعلة لكان أصوب حكما وأشد اتباعا لقوله {فاطر لسماوات ولأرض جعل لكم من أنفسكم أزواجا ومن لأنعام أزواجا يذرؤكم فيه ليس كمثله شيء وهو لسميع لبصير} وبالله تعالى التوفيق وأيضا فإنهم بهذه القضية الفاضحة قد أدخلوا ربهم تحت الحدود والقوانين، وتحت رتب متى خالفها لزمه السفه، تعالى الله عن ذلك علوا كبيرا، وهذا كفر مجرد دون تأويل، ولزمهم إن طردوا هذا الأصل الفاسد أو يقولوا: لما وجدنا الفعل منا لا يكون إلا جسما مركبا ذا ضمير وفكرة وجب أن يكون الفعال الأول جسما مركبا ذا ضمير وفكرة تعالى الله عن ذلك علوا كبيرا. قال أبو محمد: فهذا يلزمهم كما ذكرنا. ثم نبين بالبرهان الضروري بطلان قضيتهم من غير طريق إلزامهم طردها فنقول بالله تعالى التوفيق: إن الحكيم منا إنما صار حكيما لأنه انقاد لأوامر ربه تعالى، ولتركه نواهيه، فهذا هو السبب الموجب على الحكيم منا ألا

[59] **Translator's note (L3572):** إن للعالم لم يزل is grammatically irregular as supplied; its apparent intended assertion is that the world has existed eternally. The clause فأخرجوا على حكم الله تعالى وعن خلقه وقدرته وجميع أفعال العباد contains an anomalous على and an awkward conjunction before جميع. The translation gives its apparent intended construction: excluding all human acts from Allah's judgment, creation, and power. "People of affirmation" translates أهل الإثبات, a theological designation for those affirming divine realities or attributes; the author's precise scope is not specified here.

[60] **Translator's note (L3573):** أصحاب الظاهر, rendered "adherents of the apparent meaning," designates the Ẓāhirīs. The supplied ولم يتجاوز is singular in form although the surrounding subject is plural; the translation follows the continuing plural reference.

[61] **Translator's note (L3574):** The supplied أصحاب الهداية, literally "companions of guidance," is syntactically problematic here. The translation understands it as an apparent spelling corruption of إصحاب الهداية, asking that guidance continue to accompany us.

nothing except for a cause, He Most High must differ from us; therefore He must do nothing for a cause," he would be more correct in judgment and more closely following His statement: {The Originator of the heavens and the earth; He has made for you spouses from among yourselves, and pairs among the livestock, multiplying you therein. There is nothing like His likeness, and He is the All-Hearing, the All-Seeing.} Success comes through Allah Most High. Moreover, through this disgraceful proposition they have subjected their Lord to limits and laws, and to prescribed arrangements such that, whenever He departs from them, foolishness necessarily attaches to Him. Exalted is Allah far above that! This is outright unbelief, without any interpretive qualification. If they apply this corrupt principle consistently, they are also bound to say: Since we find that action among us can only be a composite body possessing an inner consciousness and thought, the first agent must be a composite body possessing an inner consciousness and thought. Exalted is Allah far above that! Abu Muhammed said: This consequence binds them, as we have mentioned. We shall then demonstrate, by necessary demonstration, the invalidity of their proposition, independently of requiring them to apply it consistently. We say—and success comes through Allah Most High—that a wise person among us only becomes wise because he submits to the commands of his Lord Most High and refrains from what He prohibits. This, then, is the cause that obliges a wise person among us to do nothing except for a benefit from which he will profit in his hereafter, or to avert a harm in his hereafter. As for the Creator Most High, He has always been alone, with nothing alongside Him and no one preceding Him to prescribe an arrangement. Thus, no arrangement was incumbent upon Allah Most High that required His action to occur in one particular manner rather than another. Instead, He did what He did as He willed, and did not do what He did not do, just as He did not will it. Their likening the actions of a wise person among us to the actions of the Creator Most High is therefore invalid. Moreover, we have never called Allah Most High wise on the basis of inference, nor because reason required that He Most High be called wise. We have called Him wise solely because He called Himself that. It is a proper name of His, Most High, not a derived designation. Whoever definitively names his Lord Most High on the basis of inference is bound

يفعل شيئا إلا لمنفعة ينتفع بها في معاده أو لمضرة يستدفعها في معاده. وأما الباري تعالى فلم يزل وحده ولا شيء معه ولا مرتب قبله فلم يكن على الله تعالى رتبة توجب أن يقع الفعل منه على صفة ما دون غيرها، بل فعل ما فعل كما شاء، ولم يفعل ما لم يفعل كما لم يشأ فبطل تشبيههم أفعال الحكيم منا بأفعال الباري تعالى. وأيضا: فإنا لم نسم الله تعالى حكيما من طريق الاستدلال أصلا، ولا لأن العقل أوجب أن يسمى تعالى حكيما، وإنما سميناه حكيما لأنه سمى بذلك نفسه فقط، وهو اسم علم له تعالى لا مشتق، ويلزم من سمى ربه تعالى حتما من طريق الاستدلال أن يسميه عاقلا من طريق الاستدلال، وقد بينا فساد هذه الطريقة وبطلانها وضلالها في كتاب الفصل فبطلت قضيتهم الفاسدة جملة، وصح أنها دعوة فاسدة منتقضة. وأما قولهم: إنه تعالى يفعل الأشياء لمصالح عباده فإن الله تعالى أكذبهم بقوله {وإما تعرضن عنهم بتغآء رحمة من ربك ترجوها فقل لهم قولا ميسورا} فليت شعري أي مصلحة للظالمين في إنزال ما لا يزيدهم إلا خسارا، بل ما عليهم في ذلك إلا أعظم الضرر وأشد المفسدة، ولقد كان أصلح لهم لو ينزل، وما أراد الله تعالى بهم مصلحة قط ولكنهم من الذين قال تعالى فيهم {وترى لشمس إذا طلعت تزاور عن كهفهم ذات ليمين وإذا غربت تقرضهم ذات لشمال وهم في فجوة منه ذلك من آيات لله من يهد لله فهو لمهتد ومن يضلل فلن تجد له وليا مرشدا} قال أبو محمد: ويقال لهم المصلحة جميع عباده فعل تعالى ما فعل؟ أم لمصلحة بعضهم. فإن قالوا لمنفعة جميعهم كابروا وأكذبهم العيان، لأن الله تعالى لم يبعث قط موسى عليه السلام لمنفعة فرعون ولا لمصلحته ولا بعث محمدا صلى الله عليه وسلم لمنفعة أبي جهل ولا لمصلحته بل لمضرتهما ولفساد آخرتهما ودنياهما، وهكذا القول في كل كافر، لو لم يبعث الله من كذبوه من الأنبياء لكان أصلح لدنياهم وآخرتهم. وأيضا فلا شيء في العالم فيه مصلحة

to call Him rational on the basis of inference. We have explained the corruption, invalidity, and error of this method in The Book of Distinctions. Their corrupt proposition is therefore invalid in its entirety, and it is established that it is a corrupt, contradicted claim. As for their statement that He Most High does things for the welfare of His servants, Allah Most High has declared them liars by His statement: {And if you turn away from them, seeking mercy from your Lord for which you hope, then speak to them an easy word.} Would that I knew what welfare there is for the wrongdoers in sending down something that increases them only in loss! Indeed, it brings them nothing but the greatest harm and the most severe detriment. It would certainly have been better for them had it been sent down. Allah Most High never intended any welfare for them at all. Rather, they are among those concerning whom He Most High said: {And you see the sun, when it rises, inclining away from their cave toward the right, and when it sets, passing them by toward the left, while they are in an open space within it. That is among the signs of Allah. Whomever Allah guides is the rightly guided one, and whomever He leads astray, you will never find for him a protecting guide.} Abu Muhammed said: They are to be asked: Did He Most High do what He did for the welfare of all His servants, or for the welfare of some of them? If they say, 'For the benefit of them all,' they obstinately deny the truth, and direct observation declares them liars. For Allah Most High never sent Moses, peace be upon him, for Pharaoh's benefit or welfare, nor did He send Muhammed, may Allah bless him and grant him peace ﷺ, for Abu Jahl's benefit or welfare. Rather, it was to the detriment of them both and to the ruin of their hereafter and their worldly life. The same applies to every unbeliever: had Allah not sent the prophets whom they denied, it would have been better for their worldly life and their hereafter. Moreover, nothing in the world promotes one person's welfare without harming another. Would that I knew what made benefiting Zayd at the cost of ruining Amr an act of wisdom! Anyone among us who does this is foolish—indeed, the most foolish of fools—yet Allah Most High does all this, and He is the wisest of the wise. Their corrupt analogy and disgraceful principle therefore oblige them to attribute foolishness to their Lord Most High, because He, Mighty and Majestic, does what would be foolishness among us if we ourselves did it.

لإنسان إلا وفيه مضرة لآخر، فليت شعري ما الذي جعل الصلاح على زيد بفساد عمرو حكمه؟ وكل من فعل هذا بيننا فهو سفيه، بل هو أسفه السفهاء، والله تعالى يفعل كل ذلك وهو أحكم الحكماء، فيلزمهم على قياسهم الفاسد. وأصلهم الفاضح أن يسفهوا ربهم تعالى، لأنه عز وجل يفعل ما هو سفه بيننا لو فعلناه نحن، وقد وجدنا من أعرى بين الحيوانات بيننا حتى تتقابل كالديكة والكباش والقبج وقتلها لغير أكل أنه غاية السفه، والباري تعالى يفعل كل ذلك ويقتل الحيوانات لغير أكل، ويسلط بعضها دون مثوبة للقاتل منهما ولا المقتول، وهو أحكم الحاكمين. وهذا خلاف الرتبة بيننا فبطل قوله: إن الله تعالى لا يفعل شيئا إلا لمصالح عباده، وصح بالضرورة أنه يفعل ما يشاء لصلاح ما شاء، ولفساد ما شاء، ولنفع من شاء، ولضر من شاء، ليس ههنا شيء يوجب إصلاح من صلح، ولا إفساد من أفسد، ولا هدي من هدى، ولا إضلال من أضل، ولا إحسان إلى من أحسن إليه. ولا الإساءة إلى من أساء إليه، لكن فعل ما شاء {لا يسأل عما يفعل وهم يسألون} وهم دائبا يسألون ربهم. لم فعلت كذا، كأنهم لم يقرؤوا هذه الآية نعوذ بالله من الخذلان. ونجده عز وجل قد حبب بين زوجين حتى أطاعاه وحبب بين آخرين حتى عصياه واشتغلا بما هما فيه عن الصلاة في أوقاتها وجذم صالحا وطالحا، وسلم صالحا وطالحا وابتلى قوما فصبروا وابتلى قوما فكفروا وعافى قوما فصبروا وشكروا، وعافى آخرين فبطروا وكفروا، وعمر صالحا وصالحا أقصى العمر، واخترم صالحا وطالحا في حداثة السن، وجعل عيسى عليه السلام نبيا حين سقوطه من بطن أمه، وآتى يحيى الحكم صبيا، وبسط لفرعون أنواع الغرور حتى قال: أنا ربكم الأعلى، وخلق قوما ألباء فهماء كفارا كالفيومي اليهودي، وأبي ريطة اليعقوبي، وقوما ألباء فهماء مسلمين، وقوما بلداء كفارا، وقوما بلداء مسلمين، فبأي شيء استحق عنده هؤلاء أن يرزقهم الفهم؟ وهؤلاء أن يمنعهم إياه؟. فإن قالوا: لو رزق بلداء الكفار الفهم لكانوا ضررا على المسلمين، أريناهم من

We have found that someone among us who incites animals against one another until they confront one another—such as cocks, rams, and partridges—and kills them for a purpose other than eating them exemplifies the utmost foolishness. Yet the Creator Most High does all this: He kills animals for a purpose other than eating them and sets some of them loose, without any reward for the killer among them or for the one killed, while He is the wisest of judges. This differs from the prescribed arrangement among us. Thus, his statement that Allah Most High does nothing except for the welfare of His servants is invalid. It is established by necessity that He does whatever He wills, for the good of whatever He wills and the ruin of whatever He wills, for the benefit of whomever He wills and the harm of whomever He wills. Nothing here necessitates His setting right those He has set right, corrupting those He has corrupted, guiding those He has guided, leading astray those He has led astray, treating well those He has treated well, or treating badly those He has treated badly. Rather, He did whatever He willed: {He is not questioned about what He does, while they are questioned.} Yet they continually ask their Lord, 'Why did You do such-and-such?' as though they had not read this verse. We seek refuge in Allah from being forsaken. We find that He, Mighty and Majestic, has made two spouses love one another so that they obeyed Him, and made another two love one another so that they disobeyed Him and were distracted by their involvement with one another from performing the prayers at their appointed times. He afflicted a righteous person and a wicked person with leprosy, and kept a righteous person and a wicked person safe. He afflicted some people, and they remained patient; He afflicted others, and they disbelieved. He granted well-being to some people, and they remained patient and gave thanks; He granted well-being to others, and they became insolent and disbelieved. He prolonged the lives of a righteous person and a righteous person to the furthest limit of life, and cut short the lives of a righteous person and a wicked person in youth. He made Jesus, peace be upon him, a prophet when he emerged from his mother's womb, and gave John judgment while still a child. He spread before Pharaoh various forms of delusion until he said, 'I am your highest lord.' He created some people as intelligent, discerning unbelievers, such as al-Fayyumi the Jew and Abu Rita the Jacobite; some as intelligent, dis-

ذكرنا ممن كان ضررا عليهم، فصح تناقضهم وأكذبهم الباري عز وجل بقوله إنما نملي لهم ليزدادوا إثما وبقوله تعالى أنما نمدهم به من مال وبنين نسارع لهم في الخيرات فأخبر تعالى أنه إنما أملى لهم لضررهم لا لنفهم ولا لمصلحتهم وكذلك يكذبهم أيضا إنما يريد الله أن يعذبهم في الحياة الدنيا وتزهق أنفسهم وهم كافرون

cerning Muslims; some as dull-witted unbelievers; and some as dull-witted Muslims. By what, then, did these deserve, in His sight, that He grant them understanding, and those that He withhold it from them? If they say, 'Had He granted understanding to the dull-witted unbelievers, they would have harmed the Muslims,' we point out to them those we have mentioned who did harm them. Their contradiction is thus established. The Creator, Mighty and Majestic, has declared them liars by His statement, 'We only grant them respite so that they may increase in sin,' and by His statement, Most High, 'What We supply them with in wealth and sons—We hasten good things to them.' He Most High thus states that He granted them respite only to their harm, not for their understanding or welfare. Likewise, this also declares

them liars: ‘Allah only intends to punish them in the life of this world, and that their souls depart while they are unbelievers.’[62]6263646566676869

L3584 Likewise, He Most High said: ‘Those are the ones whose hearts Allah did

وكذلك قال تعالى: أولئك الذين لم يرد الله أن يطهر قلوبهم فأبان الله تعالى كذبهم في قولهم: إن الله تعالى إنما يفعل الشرائع لمصالح عباده وأيضا فقد كان أصلح لهم أن يدخلهم الجنة دون تكليف عمل ولا مشقة واحتج بعضهم في ذلك بقوله تعالى ما ننسخ من آية أو ننسأها نأت بخير منها أو مثلها قال أبو محمد وهذا لا حجة لهم فيه، لأن الناسخة إنما صارت خيرا لنا معشر المؤمنين بها خاصة إذ جعلها الله تعالى خيرا لنا لا قبل ذلك ولم يكن قط هنا سبب يوجب أن تكون خيرا لنا إلا أنه تعالى شاء ذلك بلا سبب ولا علة أصلا. ويقال لهم وبالله تعالى التوفيق: متى كانت الناسخة خيرا لنا؟ إذ نسخ بها ما تقدم أو قد كنت خيرا لنا قبل أن يسنخ ما تقدم فإن قالوا كانت خيرا قبل أن يخاطبنا بها فقضوا أصلهم، وأثبتوا أنه تعالى قد منعنا ما هو خير لنا مدة طويلة وإن قالوا بل صارنت خيرا لنا إذا نسخت هبا ما تقدم وإذ خاطبنا وأبطل بها الرتبة الأولى. قيل لهم: وما الذي أوجب أن تصير حينئذ خيرا لنا! وما الذي أوجب أن تنتقل الرتبة الأولى عن كونها خيرا لنا أعلة متقدمة حكمت على البارى تعالى بذلك أم أنه شاء ذلك فقط فإن قالوا بل علة أوجبت ذلك على البارى عز وجل كفروا بإجماع الأمة وجعلوا الله تعالى مدبرا مصرفا تعالى الله عن ذلك

[62]**Translator’s note (L3575):** The supplied الحكم can be read as “the judge” or “the arbiter,” as translated. The parallel argument elsewhere uses الحكيم, “the wise person,” which may have been intended here. The Quran quotation corresponds to 42:11. The transcription repeatedly omits the initial alif of definite articles in words including السماوات، الأرض، الأنعام، السميع، البصير; these orthographic defects do not change the English rendering. “There is nothing like His likeness” retains the supplied wording’s explicit comparative construction.

[63]**Translator’s note (L3576):** The wording literally makes ‘action among us’ a composite body. The argument appears to require ‘the agent among us,’ but the supplied reading has been retained. The construction introducing ‘to say’ is irregular: the supplied text has ‘or’ where the syntax appears to require ‘that.’

[64]**Translator’s note (L3578):** The supplied word rendered ‘definitively’ is irregular in this sentence. The context may suggest a damaged occurrence of ‘wise,’ but that reading has not been substituted.

[65]**Translator’s note (L3579):** The first quotation corresponds to Quran 17:28, but the argument that follows concerns a revelation that increases wrongdoers only in loss, apparently alluding to 17:82. The supplied quotation has been translated without replacement. ‘Had it been sent down’ follows the supplied wording. The argument appears to require a negation, ‘had it not been sent down,’ but none is supplied. The supplied spelling rendered ‘an act of wisdom’ is ambiguous; ‘His judgment’ is another possible reading.

[66]**Translator’s note (L3580):** The verb rendered ‘incites’ has an irregular supplied spelling, apparently for the usual verb meaning to incite. The supplied verb rendered ‘confront’ means to face one another; it has not been silently changed to ‘fight.’

[67]**Translator’s note (L3581):** The construction concerning setting some animals loose appears incomplete: the expected expression ‘against others’ is absent from the supplied text.

[68]**Translator’s note (L3582):** The repetition ‘a righteous person and a righteous person’ follows the supplied text; the surrounding pairs suggest that the second occurrence may be an error for ‘a wicked person.’ The quotation about wealth and sons lacks the opening interrogative wording of Quran 23:55–56. Its supplied declarative wording has been retained. ‘Not for their understanding’ follows the supplied form, which appears corrupt; the context suggests ‘not for their benefit.’

[69]**Qur’an references (L3575):** Qur’an 42:11 (Ash-Shuraa); Qur’an 17:28 (Al-Isra); Qur’an 18:17 (Al-Kahf); Qur’an 21:23 (Al-Anbya); Qur’an 3:178 (Ali ’Imran); Qur’an 23:55 (Al-Mu’minun).

not intend to purify.' Allah Most High has thus exposed their falsehood in saying that Allah Most High institutes revealed laws only for the welfare of His servants. Moreover, it would have been better for them had He admitted them to Paradise without imposing any work or hardship. Some of them argued for this by His statement, Most High: 'Whatever verse We abrogate or defer, We bring one better than it or like it.' Abu Muhammed said: This provides them with no proof, because the abrogating verse became better specifically for us, the community of those who believe in it, only when Allah Most High made it better for us, and not before that. There was never any cause here requiring it to be better for us, except that He Most High willed that, without any cause or explanatory ground whatsoever. They are to be asked—and success comes through Allah Most High—when was the abrogating verse better for us: when He abrogated what preceded it through it, or had it already been better for us before He abrogated what preceded it? If they say, 'It was better before He addressed us with it,' they have contradicted their principle and established that He Most High withheld from us what was better for us for a long time. If they say, 'Rather, it became better for us when what preceded it was abrogated through it, and when He addressed us and abolished the first arrangement through it,' they are to be asked: What required it to become better for us at that point? What required the first arrangement to cease being better for us? Was it a pre-existing explanatory ground that imposed this upon the Creator Most High, or was it solely that He willed it? If they say, 'Rather, an explanatory ground imposed this upon the Creator, Mighty and Majestic,' they have committed unbelief by the consensus of the community and have made Allah Most High subject to management and control. Exalted is Allah above that![7071]

L3585 If they say, "Rather, He simply willed that," they have returned to the posi-

فإن قالوا بل إنه شاء ذلك فقط رجعوا إلى أنه تعالى شاء ما فعل بلا علة أصلا، ولم يشأ ما لم يفعل، وأنه تعالى يريد ضلال من ضل، ولم يرد به الهدى ولا المصلحة أصلا. وبالله تعالى التوفيق. وقد بين تعالى ذلك بقوله: وفي آذانهم وقرا وبقوله تعالى ختم الله على قلوبهم فليت شعرى أي صلاح إرادة الله تعالى لمن ختم على قلبه وجعل

[70] **Translator's note (L3584):** The supplied form rendered 'defer' in the Quran quotation is malformed but appears to represent the reading meaning 'defer it,' rather than the reading meaning 'cause it to be forgotten.' Several words in the discussion of abrogation contain apparent transcription errors, including forms corresponding to 'was,' 'abrogate,' 'they have contradicted,' 'became,' and 'through it.' Their contextual senses are reflected in the translation.

[71] **Qur'an references (L3584):** Qur'an 5:41 (Al-Ma'idah); Qur'an 2:106 (Al-Baqarah).

tion that He, exalted is He, willed what He did without any underlying reason whatsoever, and did not will what He did not do; and that He, exalted is He, wills the misguidance of whoever goes astray and did not will guidance or welfare for him at all. Through Allah, exalted is He, comes success. He, exalted is He, has made this clear in His words, "And in their ears, a heaviness," and in His words, exalted is He, "Allah has sealed their hearts." Would that I knew what welfare Allah, exalted is He, willed for someone whose heart He sealed and in whose ears He placed a heaviness preventing acceptance of the truth! We seek refuge in Allah from His willing for us what He willed for these people. We tell anyone who says that He, exalted is He, willed their welfare to pray to his Lord that He will for him the same welfare that He willed for them.[72]

في أذنيه وقرا عن قبول الحق! نعوذ بالله من أن يريد منا ما أراد بهؤلاء. ونقول لمن قال: إنه تعالى أراد صلاحهم أن يدعو ربه أن يريد به من الصلاح ما أراد بهم!

L3586–3587

We find that He, exalted is He, created the dog as a proverbial example of baseness, and the pig as an abomination, while He created horses with goodness in their forelocks. What underlying reason, then, and what cause necessitated that He arrange these animals in this way? What necessitated that He originate some of them as impure and others as blessed? By what did they deserve that before any action proceeded from them, or before they existed? What underlying reason necessitated that He create the things He created in a particular number, rather than creating more or fewer than that number; and that He create the mole blind and the crab able to direct its sight forward and backward, whichever it wishes, while the viper is more harmful than the mole and has sharp sight? If they say, "He created them so that you might take heed through them, and afflicted children with diseases in order to compensate them or to delay their fathers," all this is invalid. For heed could have been taken through some of what He created just as through all of it; and had He increased creation, there would have been more occasion for taking heed. Their position would thus necessarily impute a shortcoming to Him—exalted is Allah above that! Among us, there is no wrongdoing greater than the act of someone who torments another in order to give him money

ونجده تعالى خلق الكلب مضروبا به المثل في الرذالة والخنزير رجسا وخلق الخيل في نواصيها الخير، فأي علة وأي سبب أوجب على هذه الحيوانات أن يرتبها هكذا! وما الذي أوجب أن يخترع بعضها نجسا وبعضها مباركا! وبأي شيء استحقت ذلك قبل أن يكون منها فعل، أو قبل أن توجد، وأي علة أوجبت أن يخلق ما خلق من الأشياء على عدد ما. دون ان يخلق أكثر من ذلك العدد أو أقل وأن يخلق الخلد أعمى والسرطان صارفا بصره أمام ووراء أي ذلك شاء والأفعى أضر من الخلد ولها بصر حاد. فإن قالوا خلقها لتعتبر بها وعذب الأطفال، بالأمراض ليعوضهم أو ليأخر آباءهم، فهذا كله فاسد، لأنه قد كان يعتبر ببعض ما خلق كالاعتبار بكله، ولو زاد في الخلق لكان الاعتبار أكثر. فلزم التقصير على قولهم، تعالى الله على ذلك، ولا فساد فيما بيننا أعظم من فعل من عذب آخر ليعطيه على ذلك مالا أو من فعل من عذب إنسانا لا ذنب له يعظ به آخر أو ليثبت على ذلك آخر وكل هذا يفعله البارى تعالى وهو أحكم الحاكمين فبطل قولهم إن الحكيم لا يفعل شيئا إلا لعلة قياسا على ما بيننا وأي فرق بين ذبح صغار الحيوان لمنافعنا، وبين ذبح صغارنا لمنافعنا! فيذبح ولد عمرو لمصلحة زيد إلا أن الله تعالى شاء فأباحه ولم يشأ هذا فحرمه ولو أحل هذا وحرم ذلك

[72] **Translator's note (L3585):** The unvocalized أي صلاح إرادة الله in إرادة appears corrupt, probably for أراده, "He willed it." The translation follows that probable construction.

in return for that, or the act of someone who torments a blameless person in order to admonish another through him, or so that another may remain steadfast on account of that. Yet the Creator, exalted is He, does all this, and He is the wisest of judges. Their assertion that a wise agent does nothing except for an underlying reason, by analogy with what obtains among us, is therefore invalid. What difference is there between slaughtering young animals for our benefit and slaughtering our own young for our benefit, so that ʿAmr's child is slaughtered for Zayd's welfare, except that Allah, exalted is He, willed the former and permitted it, and did not will the latter and prohibited it? Had He permitted the latter and prohibited the former, that would have been justice and wisdom; and when He, exalted is He, does not do it, it is folly. There is no underlying reason whatsoever for any of this. He, exalted is He, has permitted taking the polytheists' women and children captive, forcibly enslaving them, our owning their persons, and our seizing their property by force, for sins committed by their fathers. The proof that this is for their fathers' sins is that, had their fathers embraced Islam, taking their children captive and owning them would have been forbidden to us. What, then, made the children answerable for the sins of others? Or what made a welfare take precedence over their fathers' welfare, when each is blameless? If someone among us were to do that without an explicit text from Allah, exalted is He, would he not be the most unjust of the unjust and the most foolish of fools?[73][74]

لكان عدلا وحكمة، وإذا لم يفعله تعالى فهو سفه ولا علة لكل ذلك أصلا وقد أباح تعالى سبي نساء المشركين وأطفالهم واسترقاقهم قهرا، وتملكنا رقابهم، وأخذنا أموالهم غصبا لذنوب وقعت من آبائهم والدليل على أن ذلك لذنوب آبائهم أن آبائهم لو أسلموا لحرم علينا سبي أولادهم وتملكهم فما الذي جعل الأبناء مؤاخذين بذنوب غيرهم أو ما الذي جعل مصلحة أولى من مصلحة ابائهم! وكل لا ذنب له لو فعل ذلك فاعل بيننا بغير نص من الله تعالى، أما كان يكون أظلم الظالمين وأسفه السفهاء

[73] **Translator's note (L3586):** The reading ليأخر آباءهم means "to delay their fathers" and is awkward in context. It may be a corruption of wording meaning "to reward their fathers," but the supplied reading is retained.

[74] **Translator's note (L3587):** ليثبت على ذلك آخر is translated as supplied, "so that another may remain steadfast on account of that." In context, it may be corrupt for wording meaning "so that another may be rewarded for that." The clause "and when He, exalted is He, does not do it, it is folly" has an unclear referent and is retained without supplying an unstated qualification. The wording ما الذي جعل مصلحة أولى من مصلحة آبائهم, "what made a welfare take precedence over their fathers' welfare," appears incomplete or corrupt; the beneficiary of the first "welfare" is not specified.



الباب 40: الاجتهاد والخطأ والعذر

Chapter 40: Independent Legal Exertion and Excusable Error

Ibn Ḥazm · Arabic–English parallel edition

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L3588–3593

Chapter Forty: Discussion of Independent Legal Exertion (Ijtihād): What It Is and Its Explanation; Who Is Excused by His Exertion and Who Is Not Excused by It; Concerning Whom It Is Categorically Determined That He Is in Error Before Allah, Exalted Is He, in What His Exertion Sought; and Concerning Whom It Is Not Determined That He Is Mistaken Before Allah, Mighty and Majestic, Even Though We Disagree with Him

Abū Muhammed ʿAlī ibn Aḥmad, may Allah have mercy on him, said: The expression "independent exertion" is one whose explanation must be known, because most of those who discuss independent exertion and its ruling do not know its meaning. We therefore say—and through Allah, exalted is He, comes success—that the actual morphological formation of the word ijtihād is the ifti'āl form derived from juhd, "effort." Its actual meaning is the exhaustion of one's effort in seeking something one desires to attain, where one hopes it may be found or where one is certain it exists. This is something concerning which there is no disagreement among the scholars of language. Juhd, with the letter jīm bearing the vowel u, means capacity and strength. You say, "This is my juhd," meaning, "my capacity and my strength." Jahd, with the letter jīm bearing the vowel a, means an adverse and straitened condition. You say, "The people are in jahd," meaning, "in an adverse condition." Since this is so, independent exertion in revealed law is the exhaustion of one's capacity in seeking the ruling for a case where that ruling is to be found. There is no disagreement about this among any of those knowledgeable in religion. Abū Muhammed said: In explaining independent exertion generally, we said, "where one hopes it may be found," thus connecting the search to places where there is hope. In explaining independent exertion in revealed law, we said, "where that ruling is to be found," without connecting it to hope, because it is certain, without disagreement, that Allah, exalted is He, has explained all the rulings of revealed law. Whoever says that Allah, exalted is He, and His Messenger ﷺ did not explain to us the revealed law that Allah, exalted is He, showed as required of us and imposed upon us is, without disagreement, an unbeliever. All the rulings of revealed law are therefore guaranteed to be available to the body of scholars. Even if some people cannot find some of them, it is impossible and inconceivable that all

الباب الأربعون وهو باب الكلام في الاجتهاد ما هو وبيانه ومن هو معذور باجتهاده ومن ليس معذورا به ومن يقطع على أنه خطأ عند الله تعالى فيما أراد إليه اجتهاده ومن لا يقع على أنه مخطىء عند الله عز وجل وإن خالفناه قال أبو محمد علي بن أحمد رحمه الله: لفظة الاجتهاد مما يجب معرفة تفسيرها لأن أكثر المتكلمين في الاجتهاد وحكمه لا يعلمون معنا فنقول وبالله تعالى التوفيق إن حقيقة بناء لفظة الاجتهاد أنه افتعال من الجهد، وحقيقة معناها أنه استنفاد الجهد في طلب الشيء المرغوب إدراكه حيث يرجى وجوده فيه أو حيث يوقن بوجوده فيه هذا مالا خلاف بين أهل اللغة فيه. والجهد بضم الجيم الطاقة والقوة، تقول هذا جهدي، أي طاقتي وقوتي، والجهد بفتح الجيم سوء الحال وضيقتها. تقول: القوم في جهد، أي في سوء حال فإذ ذلك كذلك فالاجتهاد في الشريعة هو استنفاد الطاقة في طلب حكم النازلة حيث يوجد ذلك الحكم. ما لا خلاف بين أحد من أهل العلم بالديانة فيه. قال أبو محمد وإنما قلنا في تفسير الاجتهاد العام حيث يرجى وجوده فعلقنا الطلب بمواضع الرجاء، وقلنا في تفسير الاجتهاد في الشريعة. حيث يوجد ذلك الحكم، فلم نعلقه بالرجاء، لأن احكام الشريعة كلها متيقن أن الله تعالى قد بينها بلا خلاف، ومن قال إن الله تعالى ورسوله صلى الله عليه وسلم لم يبن لنا الشريعة التي أراها الله تعالى منا وألزمنا إياها فلا خلاف في أنه كافر، فأحكام الشريعة كلها مضمونة الوجود لعامة العلماء وإن تعذر وجود بعضها على بعض الناس فمحال ممتنع أن يتعذر وجوده على كلهم، لأن الله تعالى لا يكلفنا ما ليس في وسعنا ما نعذر وجوده على الكل فلم يكلفنا الله تعالى إياه قط قال الله تعالى لا يكلف الله نفسا إلا وسعها وقال تعالى وما جعل عليكم في الدين من حرج وبالضرورة ندرى أي تكليف أصابه مالا سبيل إلى وجوده حرج فصح قولنا وبالله تعالى التوفيق ثم اتفق العلماء على أن القرآن وما حكم به رسول الله صلى الله عليه

of them should be unable to find them, because Allah, exalted is He, does not impose upon us what lies beyond our capacity. Whatever all are unable to find, Allah, exalted is He, has never imposed upon us at all. Allah, exalted is He, said, "Allah does not burden a soul beyond its capacity." And He, exalted is He, said, "And He has placed no hardship upon you in religion." We know by necessary knowledge that any obligation to attain something that there is no way to find is a hardship. Our position is thus established, and through Allah, exalted is He, comes success. The scholars then agreed that the Quran, and whatever the Messenger of Allah ﷺ ruled, said, did, or approved with knowledge of it, are places in which the rulings for cases may be found. They disagreed about the transmission of the prophetic traditions, as we mentioned previously. There, through the might and power of Allah, exalted is He, we set out the demonstration establishing the obligation to accept a report with a connected chain of transmission conveyed by upright transmitters. They then disagreed. One group said: "There is absolutely no place in which to seek, or find, the ruling of revealed law for cases except these sources we have mentioned: either an explicit text naming that case, or an indication derived from them concerning the ruling for that case that admits only one interpretation." This is assuredly the position of all the people of Islam, even though they differ over the methods that lead to knowledge of the prophetic traditions. It is the position of all our fellow Literalists, and we adopt it. We have explained the categories of the aforementioned indication earlier in this work of ours and delimited them there. Praise belongs to Allah, Lord of all worlds. Others said: "Rather, there are additional places in which the ruling for a case may be sought." These are: a report with an omitted link in its transmission (mursal); the statement of a Companion who is not known to have any opponent among the Companions, when it has become widely known—others said, even when it has not become widely known; the statement of a governing imam from among them; inference from the contrary implication of an utterance; analogy; unaided opinion; juristic preference; the position of the majority of scholars; the practice of the people of Medina; and adopting a scholar's position even when another scholar of equal standing disagrees with him. We have explained the meanings of these terms and invalidated adjudication by all of them, or by any one of

وسلم أو قاله أو فعلعه أو أقره وقد علمه مواضع لوجود أحكام النوازل، واختلفوا في نقل السنن على ما ذكرناه قبل، وبينا البرهان هنالك بحول الله تعالى وقوته على وجوب قبول الخبر المسند بنقل العدول ثم اختلفوا فقالت طائفة لا موضع البتة لطلب حكم النوازل من الشريعة ولا وجود إلا هذه المعادن التي ذكرنا، أما نص على اسم تلك النازلة، وأما دليل منها على حكم تلك النازلة، لا يحتمل إلا وجها واحدا، وهذا قول جميع أهل الإسلام قطعا وإن اختلفوا في الطرق التي توصل إلى معرقة السنن وهو قول جميع اصحابنا الظاهريين وبه نأخذ وقد بينا أقسام الدليل المذكور فيما سلف من ديواننا هذا، وحضرناها هنالك والحمد لله رب العالمين. وقال آخرون: بل ههنا مواضع أخر يطلب فيها حكم النازلة وهي الخبر المرسل وقال الصاحب الذي لا يعرف له مخالف من الصحابة إذا اشتهر، وقال آخرون: وإن لم يشتهر، وقول الإمام الوالي منهم ودليل الخطاب والقياس والرأى المجرد والاستحسان وقول أكثر العلماء وعمل أهل المدينة، والأخذ بقول عالم وإن كان له مخالف مثله وقد شرحنا معانى هذه الأسماء وأبطلنا الحكم بكلها أو بشيء منها بالبراهين الضرورية، فيما سلف من كتابنا هذا، والحمد لله رب العالمين. فأما تعلق قوم فيما اعتقدوه من أحكام بعض النوازل بقول صاحب له مخالفون أو بقول تابع أو بقول فقيه من الفقهاء المتقديم وإن خالفه غيره من أهل العلم فهذا هو التقليد الذي قد تكلمنا في إبطاله فيما سلف من كتابنا هذا والحمد لله رب العالمين قال أبو محمد وليس للمتكلمين في الديانة اليوم قول يكون عندهم اجتهادا غير ما ذكرنا، وقد كانت أقوال في ذلك لقوم من أهل الكلام قد درست، مثل قول بعضهم: إن ما وقع في النفس من أول الفكر فهو الواجب ان يقال به، وقال بعضهم: الواجب أن يقال بالأثقل لأنه خلاف الهوى، وقال بعضهم: بل الأخف منها، لقول الله تعالى: يريد الله بكم اليسر ولا يريد بكم العسر قال أبو محمد وهذه أقوال فاسده لأنها كلها دعاوى يعارض بعضها بعضا وكل ما ألزمنا الله تعالى فهو يسر وإن نقل علينا

them, through necessary demonstrations earlier in this book of ours. Praise belongs to Allah, Lord of all worlds. As for some people's reliance, in the rulings they maintain concerning certain cases, on the statement of a Companion who has opponents, or the statement of a Successor, or the statement of one of the earlier jurists even though another knowledgeable person disagrees with him: this is the uncritical adherence to authority (taqlīd) whose invalidation we have discussed earlier in this book of ours. Praise belongs to Allah, Lord of all worlds. Abū Muhammed said: Those who discuss religion today have no position that they regard as independent exertion other than what we have mentioned. Certain speculative theologians formerly held positions on this matter that have died out, such as the statement of some of them said: "Whatever occurs to the mind at the beginning of reflection is what one must affirm." Others said: "One must affirm the more burdensome position, because it opposes desire." Others said: "Rather, the less burdensome of them, because Allah Most High says: 'Allah desires ease for you and does not desire hardship for you.'" Abu Muhammed said: These are invalid positions, because they are all assertions that contradict one another. Everything Allah Most High has obligated us to do is ease, even if it weighs heavily upon us. Every religious prescription one undertakes opposes desire, because abandoning it would accord with desire; and obsessive suggestions may occur at the beginning of reflection. The Most High said, censuring certain people: "They prescribed for them in religion what Allah did not authorize." Whoever categorically affirms anything concerning religion that occurs to his mind has prescribed in religion what Allah Most High did not authorize. The Most High said: "Say: Bring your demonstration, if you are truthful." Thus the Most High explicitly stated that whoever has no demonstration is not truthful. The Most High said: "Fighting has been prescribed for you, though it is hateful to you. You may hate something while it is good for you, and you may love something while it is bad for you." This refutes the position of those who advocate the less burdensome course. The Most High said: "He has placed no constraint upon you in religion." This refutes the position of those who advocate the more burdensome course. It is thus established that nothing is binding except what Allah Most High has obligated us to do, whether it occurs to the mind or does not occur, and

وكل شريعة تتكلف فهى خلاف الهوى لأن تركها كان موافقها للهوى لأنه قد يقع في أوائل الفكر الوسواس وقال تعالى ذاما لقوم شرعوا لهم من الدين ما لم يأذن به الله ومن قطع بشيء مما يقع في نفسه من الدين فقد شرع من الدين ما لم يأذن به الله تعالى، وقال تعالى: قل هاتوا برهانكم إن كنتم صادقين فنص تعالى على أن من لا برهان له فليس بصادق وقال تعالى كتب عليكم القتال وهو كره لكم وعسى أن تكرهوا شيئا وهو خير لكم وعسى أن تحبوا شيئا وهو شر لكم فهذا يدفع قول من قال بالأخف، وقال تعالى: وما جعل عليكم في الدين من حرج. وهذا يدفع قول من قال بالأثقل، وصح أنه لا لازم إلا ما ألزمنا الله تعالى وسواء وقع في النفس أو لم يقع وسواء كان أخف أو أثقل قال أبو محمد، وإذ قد انحصرت وجوه الاجتهاد إلى ما قد وضحنا براهينه من القرآن أو الخبر المسند بنقل الثقات إلى النبي صلى الله عليه وسلم أما نصا على الإسم وإما ليلا من النص لا يحتمل إلا معنى واحدا وسقط كل ما عداها من الوجوه التي قد حصرت: فالواجب أن ننظر في أقسام المجتهدين فنظرنا في ذلك فوجدنا أقسام المجتهدين بقسمة العقل الضرورية لا تخرج عن ثلاثة أقسام عندنا، وأما عند الله تعالى فقسمان لا ثالث لهما فالقسمان اللذان عند الله تعالى إما مصيب أو مخطىء لا بد أن يكون كل مجتهد عند الله تعالى واقعا في التعيين: إما مصيب وإما مخطىء، فقد أوضحنا فيما سلف من كتابنا هذا البراهين الضرورية على أن الحق لا يكون في قولين مختلفين في حكم واحد في إنسان واحد في وجه واحد.

whether it is less burdensome or more burdensome. Abu Muhammed said: Since the forms of independent legal reasoning have been confined to those whose demonstrations we have elucidated, from the Quran or a report transmitted through trustworthy narrators with a connected chain to the Prophet ﷺ, either as an explicit text naming the thing, or as an indication derived from the text that admits only one meaning, and since all the other forms that have been enumerated have fallen away, we must examine the categories of those who exercise independent legal reasoning. We examined this and found that, according to the necessary division of reason, those who exercise independent legal reasoning fall into no more than three categories from our standpoint. With Allah Most High, however, there are two categories, with no third. The two categories with Allah Most High are: either correct or mistaken. Every person exercising independent legal reasoning must, with Allah Most High, fall determinately into one of these: either correct or mistaken. Earlier in this book we have elucidated the necessary demonstrations

that the truth cannot reside in two differing positions concerning one ruling, regarding one person, in one respect.[1][2][3][4][5]

L3594 As for the three categories from our standpoint, they are: someone correct, whose correctness with Allah, Mighty and Majestic, you affirm conclusively; someone mistaken, whose error with Allah, Mighty and Majestic, we ascer-

وأما الثلاثة أقسام التي عندنا: فمصيب تقطع على صوابه عند الله عز وجل، أو مخطىء نقع على خطئه عند الله عز وجل أو متوقف فيها لا ندري أمصيب عند الله تعالى أو مخطىء وإن أيقنا أنه في أحد الحيزين عند الله عز وجل بلا شك لأن الله تعالى لا يشك، بل عنده علم حقيقة كل شيء ولكنا نقول مصيب عندنا أو مخطىء عندنا والله أعلم أو نتوقف فلا نقول إنه مخطىء ولا مصيب، وإنما هذا فيما لم يقم على حكمه عندنا دليل أصلا، وما كان من هذه الصفة فلا تحل الفتيا فيه لمن لم يلح له وجهه، إذ لا شك في أن عند غيرنا بيان ما جهلناه كما أن عندنا بيان كثيرا مما جهله غيرنا ولم يعر بشر من نقص أو نسيان أو غفله فإذا قال البرهان عند المرء على صحة قوله ما قياما صحيحا فحقه التدين به والعمل به والدعاء إليه والقطع أنه الحق عند الله عز وجل لما ذكرنا قبل وليس من هذا الحكم بالشهادة من العدلين وقد يكونان في باطن أمرهما عند الله تعالى كاذبين أو مغفلين وإذ لم يكلفنا الله تعالى معرفة باطن ما شهدا به ولكن كلفنا الحكم بشهادتهما

[1] **Translator's note (L3588):** The heading reads فيما أراد إليه اجتهاده, literally "in what his exertion intended toward," an awkward construction that may be corrupt for wording meaning "what his exertion led him to." The translation retains the sense of seeking rather than silently substituting that reading. The heading has لا يقع, "does not occur/fall," where the parallel construction suggests لا يقطع, "is not categorically determined." The translation reflects the apparent intended construction. معنا appears to be a defective spelling of "its meaning." The supplied أراها means "showed it," whereas the context suggests أرادها, "desired it." The translation retains "showed" with an explanatory construction; the reading remains uncertain. The final ما نعذر وجوده على الكل is corrupt. Its translation as "whatever all are unable to find" follows the immediately preceding argument and the likely reading ما تعذر وجوده على الكل.

[2] **Translator's note (L3590):** أي تكليف أصابه مالا سبيل إلى وجوده is syntactically corrupt. The translation follows the probable intended sense, "any obligation to attain something that there is no way to find"; أصابه may represent إصابة, "attainment." The assertion that this is the position of all Muslims is retained as the author's claim, alongside his subsequent account of disagreement. حضرناها, وقال الصاحب, معرفة, فعلعه, and المتقديم appear to be transcription errors. They are understood respectively as "did," "knowledge," "the statement of a Companion," "delimited them," and "earlier."

[3] **Translator's note (L3592):** The transcription has نقل علينا, literally suggesting "was transmitted to us"; the context strongly indicates ثقل علينا, "weighs heavily upon us," followed in the translation. النقس appears to be a transcription error for النفس, "the mind" or "the self." The quotation beginning "They prescribed for them" is reproduced as supplied; its wording differs from the corresponding portion of Quran 42:21, which has "who prescribed for them."

[4] **Translator's note (L3593):** ليلا is corrupt in this context. The translation follows the probable reading دليلا, "an indication" or "evidence," and explicitly records that inference here. نصا على الإسم literally means "an explicit text concerning the name"; "an explicit text naming the thing" conveys its apparent technical sense.

[5] **Qur'an references (L3588):** Qur'an 2:286 (Al-Baqarah); Qur'an 22:78 (Al-Hajj); Qur'an 2:185 (Al-Baqarah); Qur'an 42:21 (Ash-Shuraa); Qur'an 2:111 (Al-Baqarah); Qur'an 27:64 (An-Naml); Qur'an 2:216 (Al-Baqarah).

tain; or someone concerning whom judgment is suspended, since we do not know whether he is correct or mistaken with Allah Most High, although we are certain that he falls into one of the two categories with Allah, Mighty and Majestic, without any doubt. For Allah Most High does not doubt; rather, He possesses knowledge of the reality of everything. But we say: "Correct from our standpoint," or "Mistaken from our standpoint—and Allah knows best"; or we suspend judgment, saying neither that he is mistaken nor that he is correct. This applies only where no evidence whatsoever establishing the ruling has been established for us. In a matter of this description, issuing a legal opinion is not lawful for someone to whom its basis has not become clear. For there is no doubt that others possess an explanation of what we do not know, just as we possess an explanation of much that others do not know. No human being has been free of deficiency, forgetfulness, or heedlessness. When a demonstration of the correctness of some position becomes soundly established for a person, his duty is to embrace it as a matter of religion, act upon it, call others to it, and affirm conclusively that it is the truth with Allah, Mighty and Majestic, for the reasons we mentioned previously. Ruling on the testimony of two upright witnesses does not belong to this category: in their actual inward condition with Allah Most High, they may be lying or inattentive, since Allah Most High has not charged us with knowing the hidden reality of what they have testified to, but has charged us with ruling on their testimony.[6]

L3595–3596 We have known that the truth in religion cannot be hidden from all Muslims. Rather, rather, a group of scholars must attain certainty concerning the correctness of its ruling, on account of what we previously set out in this book on this subject: that the explanation of religion and the removal of obscurity from it are guaranteed, through the saying of Allah Most High,

[6] **Translator's note (L3594):** The source shifts from تقطع, "you affirm conclusively," to نقع, literally "we come upon," in the first two categories. The translation preserves the shift in person and renders the latter as "we ascertain." فإذا قال البرهان ... قياما صحيحا appears corrupt: قال, "said," is apparently intended as قام, "became established." The translation follows that reading. قوله ما is syntactically awkward; the translation takes the intended construction as قول ما, "some position."

وقد عملنا أنه لا يمكن أن يخفى الحق في الدين على جميع المسلمين بل بل لا بد أن تقع طائفة من العلماء على صحة حكمه بيقين لما قدمنا في كتابنا في هذا من أن الدين مضمون بيانه ورفع الإشكال عنه بقول الله تعال تبيانا لكل شيء وبقوله تعالى لتبين للناس ما نزل إليهم. ولكن قد قال الله تعالى: وليس عليكم جناح فيما اخطأتم به ولكن ما تعمدت قلوبكم. فصح بالنص أن الخطأ مرفوع عنا، فمن حكم بقول ولم يعرف أنه خطأ، وهو عند الله تعالى خطأ، فقد أخطأ ولم يتعمد الحكم بما يدري أنه خطأ، فهذا لا جناح عليه في ذلك عند الله تعالى، وهذه الآية عموم دخل فيه المفتون والحكام

والعاملون والمعتقدون فارتفع الجناح عن هؤلاء بنص القرآن فيما قالوه أو عملوا به مما هم مخطئون فيه، وصح أن الجناح إنما هو على من تعمد بقلبه الفتيا أو التدين أو الحكم أو العمل بمن يدرى أنه ليس حقا أو بما لم يقدم إليه دليل أصلا وصح بهذه الآية أن من قام عنده برهان على بطلان قول فتمادى عليه فهو في جناح، لأنه قد تعمد بقلبه ذلك.

"An explanation of everything," and His saying, "So that you may explain to people what has been sent down to them." Yet Allah Most High has said: "There is no blame upon you for that in which you have erred, but for what your hearts have deliberately intended." Thus the text establishes that error is excused for us. Whoever rules according to a position without knowing that it is mistaken, although it is mistaken with Allah Most High, has erred without deliberately ruling according to what he knows to be mistaken. Such a person incurs no blame for that with Allah Most High. This verse is general in scope, encompassing those who issue legal opinions, judges, those who act, and those who hold beliefs. By the explicit text of the Quran, blame is therefore removed from these people for what they have said or acted upon in which they are mistaken. It is established that blame falls only upon someone who deliberately intends in his heart to issue a legal opinion, embrace a position as religion, give a ruling, or act according to what he knows is not true, or according to something for which no evidence at all has been presented to him. This verse establishes that anyone for whom a demonstration of the invalidity of a position has been established, yet who persists in it, incurs blame, because he has deliberately intended that in his heart.[7][8]

وكذلك قول رسول الله صلى الله عليه وسلم: إذا اجتهد الحاكم فأخطأ فله أجر وإذا اجتهد فأصاب فله أجران وقد ذكرناه بإسناده فيما سلف من كتابنا هذا فأغنى عن إعادته، فنص رسول الله صلى الله عليه وسلم على أن الحاكم إذا أخطأ في اجتهاده فله أجر فيما أداه اجتهاده إلى أنه حق عنده، وأسقط عنه بذلك الإثم، وإن كان مخطئا في الحقيقة عند الله تعالى. قال أبو محمد: واعتقاد الشيء والعمل به والفتيا به، حكم به، فدخل هؤلاء تحت لفظ الحديث المذكور وعمومه، فصح ما ذكرناه، وبالله تعالى التوفيق. قال أبو محمد: ثم ينقسم المخطىء المجتهد قسمين لا ثالث لهما: إما مخطىء معذور كما قلنا، وإما مخطىء غير معذور على ما شهد به قول الله تعالى وليس عليكم جناح فيما أخطأتم به ولكن ما تعمدت قلوبكم أن المخطىء المعذور هو الذي يتعمد

L3597–3598 Likewise, the saying of the Messenger of Allah ﷺ: "When a judge exercises independent legal reasoning and errs, he has one reward; and when he exercises independent legal reasoning and is correct, he has two rewards." We have already cited it with its chain of transmission earlier in this book, which makes repeating it unnecessary. The Messenger of Allah ﷺ thus explicitly stated that when a judge errs in his independent legal reasoning, he has a reward for what his reasoning led him to regard as true, and thereby removed sin from him, even though he is in reality mistaken with Allah Most High. Abu Muhammed said: Believing something, acting upon it, and issuing a legal opinion according to it constitute ruling according to it. These people therefore fall within the wording and general scope of the aforementioned

[7] **Translator's note (L3595):** عملنا literally means "we have acted"; the context indicates علمنا, "we have known," followed in the translation. The duplicated بل بل, "rather, rather," is retained. بمن يدرى, literally "according to someone who knows," appears corrupt for بما يدري, "according to what he knows," followed in the translation.

[8] **Qur'an references (L3595):** Qur'an 16:44 (An-Nahl); Qur'an 33:5 (Al-Ahzab).

report. What we have stated is thus established, and success comes through Allah Most High. Abu Muhammed said: The mistaken person exercising independent legal reasoning is then divided into two categories, with no third: either someone mistaken and excused, as we have said, or someone mistaken and unexcused, according to what is attested by the saying of Allah Most High, "There is no blame upon you for that in which you have erred, but for what your hearts have deliberately intended": that the excused person who errs is the one who deliberately intends error, and he is the one who supposes that he is in the right through his independent legal reasoning; and that the mistaken and unexcused person is someone who deliberately intends in his heart what has been established for him to be mistaken, or makes a categorical assertion without his own independent legal reasoning.[9][10]

L3599–3601 If someone says: "On this basis, you must accept that every Companion, Successor, jurist of the community, or one of its best members who advances a position contrary to yours on any issue falls within what you have mentioned of declaring someone an unbeliever, declaring someone defiantly sinful, or falsehood—and that carries the implications it carries," we say: This is a false assertion on your part. Rather, this consequence is binding upon you and upon everyone who says that the truth resides in one of the positions. For, concerning a position of yours, you claim, in defending it, that it accords with what has come from Allah Most High: either with the Quran, or with a Prophetic tradition transmitted through a connected chain, or one transmitted with an omitted link—and the two are equal in your view as regards Allah Most High's command to accept it—or with analogy; indeed, in your view it is something Allah Most High has commanded. You must therefore accept that every Companion, Successor, or jurist who disagrees with you concerning it disagrees with what has come from Allah Most High. Someone

الخطأ، وهو الذي يقدر أنه على حق اجتهاده، وأن المخطىء وغير المعذور هو من تعمد بقلبه ما صح عنده أنه خطأ، أو قطع بغير اجتهاده.

فإن قال قائل: فإنكم على هذا يلزمكم أن كل من قال من الصحابة أو من التابعين وفقهاء الأمة وخيارها بقول يخالف قولكم في كل مسألة، فإنه داخل فيما ذكرتم من التكفير أو التفسيق أو الكذب، وفي هذا ما فيه. قلنا: هذه دعوى منكم كاذبة، بل هو اللازم لكم، ولكل من قال: إن الحق في واحد من الأقوال، لأنكم في قوله لكم تزعمون في نصركم إياها أنها موافقة لما جاءه من عند الله تعالى، إما لقرآن أو لسنة مسندة أو مرسلة، وهما عندكم سواء في أمر الله تعالى بقبوله، أو لقياس، بل هو عندكم مما أمر الله تعالى به، فيلزمكم أن كل من خالفكم فيها من صاحب أو تابع أو فقيه: مخالف لما جاء من عند الله تعالى، والمخالف لما جاء من عند الله تعالى عندكم إما كافر وإما فاسق. فإن قال: لا يكون كافرا ولا فاسقا ولا عاصيا إلا أن يعاند الحق الذي جاء من عند الله تعالى وهو يدري أنه حق. قلنا: هذا نفس قولنا ولله الحمد، فإن كل من خالف قرآنا أو سنة صحيحة أو إجماعا متيقنا وهو لا يلوح له أنه مخالف لشيء من ذلك، فليس كافرا ولا عاصيا ولا فاسقا، بل هو مأجور أجرا واحدا كما قال رسول الله صلى الله عليه وسلم فيمن اجتهد فأخطأ ولا خطأ في شيء من الشريعة إلا في خلاف قرآن أو سنة صحيحة، فهذا برهاننا من السنة

[9] **Translator's note (L3598):** The source explicitly says that the excused person "deliberately intends error" (يتعمد الخطأ). This contradicts the surrounding argument and likely lacks a negative particle, but the supplied wording has been translated without inserting one. على حق اجتهاده is grammatically awkward; the translation understands it as being in the right through one's independent legal reasoning. The extra conjunction in المخطىء وغير المعذور, literally "the mistaken and the unexcused," has been retained in English.

[10] **Qur'an references (L3597):** Qur'an 33:5 (Al-Ahzab).

who disagrees with what has come from Allah Most High is, in your view, either an unbeliever or a defiantly sinful person. If he says: "He is neither an unbeliever, nor defiantly sinful, nor disobedient, unless he obstinately opposes the truth that has come from Allah Most High while knowing that it is true," we say: This is precisely our position, and praise belongs to Allah. Anyone who contravenes a Quranic text, an authentic Prophetic tradition, or a consensus known with certainty, without it being apparent to him that he is contravening any of these, is neither an unbeliever, nor disobedient, nor defiantly sinful. Rather, he receives one reward, as the Messenger of Allah ﷺ said concerning someone who exercises independent legal reasoning and errs. There is no error in any matter of the revealed law except in contravening a Quranic text or an authentic Prophetic tradition. This, then, is our demonstration from the Prophetic tradition.[1112]

وأما من القرآن فقوله تعالى للمسلمين {دعوهم لآبآئهم هو أقسط عند الله فإن لم تعلموا آباءهم فإخوانكم في لدين ومواليكم وليس عليكم جناح فيمآ أخطأتم به ولكن ما تعمدت قلوبكم وكان الله غفورا رحيما} ومن الإجماع أنه لا خلاف بين أحد من الأمة أن من قرأ فبدل من القرآن بلفظ آخر أو أسقط كلاما أو زاد ساهيا مخطئا فإنه لا يكفر ولا يبتدع ولا يفسق ولا يعصي، وإنما الشأن فيمن قامت عليه الحجة، فعند وخالف الآية بعد أن وقف عليها، مقلدا أو متبعا لهواه، أو خالف السنة بعد أن عرفها كذلك، فهؤلاء هم الذين يقع عليهم التكفير والتفسيق، على حسب خلافهم لذلك إن استحلوا خلاف ذلك كفروا، وإن خالفوه معاندين غير مستحلين فسقوا. وهكذا القول في الشريعة كلها، ووطء الفرج الحرام، وأكل الحرام واستباحة العرض الحرام والبشرة الحرام ونحو ذلك، كل هذا من فعله مخطئا غير عالم أنه خالف ما جاء من عند الله تعالى على لسان نبيه صلى الله عليه وسلم فلا يكفر ولا يفسق ولا يعصي ومن فعله عامدا غير معتقد لإباحة ما حرم الله تعالى من ذلك فهو فاسق، ومن فعله عامدا مستحلا خلاف الله تعالى فهو كافر، وقد نزه الله تعالى كل صاحب وكل

L3602–3604 As for the Qur'an, there is His statement, exalted is He, to the Muslims: "Call them after their fathers; that is more equitable before Allah. But if you do not know their fathers, then they are your brothers in religion and your clients. There is no blame upon you for what you do mistakenly, but rather for what your hearts deliberately intend. And Allah is forgiving, merciful." As for consensus, no one in the community disagrees that someone who, while reciting, substitutes another expression for something in the Qur'an, omits words, or adds something through inadvertence and error does not thereby become an unbeliever, introduce a religious innovation, become morally corrupt, or commit disobedience. The issue concerns only someone against whom the proof has been established, who then obstinately opposes the verse after becoming acquainted with it, whether through imitation or through following his own desire, or likewise opposes the Sunnah after learning it. These are the people to whom judgments of unbelief and moral corruption apply, ac-

[11] **Translator's note (L3599):** في قوله لكم and لما جاءه are awkward as supplied. The translation follows their apparent contextual sense, "concerning a position of yours" and "what has come," respectively. الكذب means "falsehood" or "lying"; unlike the preceding two terms, it does not explicitly denote the act of declaring someone to have that status.

[12] **Translator's note (L3600):** مرسلة denotes a mursal transmission, conventionally one in which a Successor attributes a report directly to the Prophet, omitting the intervening transmitter.

cording to the nature of their opposition: if they consider opposition to this lawful, they become unbelievers; if they oppose it obstinately without considering that lawful, they become morally corrupt. The same applies throughout the revealed law, including intercourse with a forbidden sexual organ, eating what is forbidden, treating another's inviolable honor or body as open to violation, and similar things. Whoever does any of this mistakenly, without knowing that he has opposed what came from Allah, exalted is He, through the tongue of His Prophet ﷺ, does not thereby become an unbeliever, become morally corrupt, or commit disobedience. Whoever does it deliberately, without believing that what Allah, exalted is He, has forbidden of these things is permissible, is morally corrupt. And whoever does it deliberately, considering lawful opposition to Allah, exalted is He, is an unbeliever. Allah, exalted is He, has kept every Companion and every virtuous person free of these two conditions, and has caused every morally corrupt person who follows his own desire, intending to champion falsehood and persist in it while knowing that it is falsehood, to fall into them. Success comes through Allah, exalted is He. Abu Muhammed said: Since everything we have said has now been established, let us explain, through Allah's power and strength, the forms of independent legal reasoning that we previously mentioned, the ruling concerning someone who adopts one of them, and, concerning whatever report is involved, whether we judge his correctness with certainty, judge his error with certainty, or suspend judgment about his case. In Allah, exalted is He, we seek protection. The first concerns someone who relies upon an abrogated verse. His case must fall under one of two possibilities: either a text transmitted through recurrent transmission has come establishing that this verse is abrogated, or an indication certain in its wording or circumstances has stated that it is abrogated. If its abrogation has been established by one of these means, then the ruling concerning it is adherence to the abrogated text that has reached him—which is undoubtedly abrogated before Allah, mighty and majestic—so long as the demonstration of its abrogation has not been established for him: he is excused and rewarded twice. Then, when there has been established against him the aforementioned demonstration that it is abrogated, yet he persists in adopting the abrogated text, believing himself correct in doing so, then he is an unbeliever, an associator of partners with

فاضل عن هاتين المنزلتين، وأوقع فيهما كل فاسق متبع هواه قاصدا إلى نصر الباطل، والثبات عليه وهو يدري أنه باطل، وبالله تعالى التوفيق. قال أبو محمد: فإذا قد صح كل ما قلناه فلنبين بحول الله تعالى وقوته وجوه الاجتهاد التي قدمنا، وحكم من أخذ بوجه منها وفي أي خبر يقع عندنا من القطع بصوابه أو القطع بخطئه، أو التوقف في أمره، وبالله تعالى نعتصم. فأول ذلك من تعلق بآية منسوخة، فهذا لا يخلو من أحد وجهين: إما أن تكون تلك الآية قد جاء نص منقول نقل تواتر بأنها منسوخة، أو قال دليل متيقن النص أو الحال بأنها منسوخة، فإن كان نسخها ثبت أحد هذه الوجوه، فحكمها الثبات على ما بلغه من المنسوخ عند الله عز وجل بلا شك، ما لم يثبت البرهان عنده بنسخها معذور مأجور مرتين. فإذ قام عليه البرهان المذكور بأنها منسوخة فتمادى على ذلك من الأخذ بالمنسوخ معتقدا لصوابه في ذلك، فهو كافر مشرك حلال الدم كمن تمادى على القول بأن المتوفى عنها وصية إلى الحول، أو على القول بالصلاة إلى بيت المقدس، وما أشبه ذلك.

Allah, whose blood may lawfully be shed. This is like someone who persists in saying that a woman whose husband has died is entitled to a bequest lasting until the completion of a year, or in advocating prayer toward Jerusalem, and similar things.[13][14][15]

L3605 But if the evidence from the certain text has been established for him that it is abrogated, as we mentioned, yet it is one of those texts over whose abrogation people have disagreed, and he persists in advocating the abrogated text while knowing otherwise, then he is morally corrupt and disobedient to Allah, exalted is He, because his heart deliberately intends to advocate opposition to the established truth. He is thus deliberately committing a grave sin. Success comes through Allah, exalted is He.

L3606–3608 If the verse is one for whose abrogation evidence has been established through individually transmitted reports, and he is someone who accepts such transmission as authentic, yet he persists in advocating it, then he is morally corrupt because he deliberately opposes what he himself regards as the truth, even though we do not judge with certainty that he is mistaken. This applies only where the transmission has not come solely through trustworthy transmitters with a connected chain of transmission, but rather through someone whose trustworthiness is disputed—necessarily so, and nothing further. This is like a judge who rejects the testimony of two upright witnesses in a matter in which their testimony is admissible, without anything requiring its rejection. He is morally corrupt for rejecting what he himself regards as the truth. Yet perhaps, in the depths of the earth, he is correct to reject it, since perhaps the two witnesses are lying or inatten-

وأما إن قام الدليل عنده على أنها منسوخة من النص المتيقن كما ذكرنا إلا أنها مما اختلف الناس في نسخها، فتمادى على القول بالمنسوخ، وهو يعلم خلاف ذلك، فهو فاسق عاص لله تعالى، لتعمد قلبه القول بمخالفة الحق الصحيح، فهو عامد كبيرة وبالله تعالى التوفيق.

فإن كانت تلك الآية مما قام الدليل على نسخها من نقل الآحاد، وهو ممن يصحح مثل ذلك النقل، فتمادى على القول بها، فهو فاسق بتعمده مخالفة ما هو الحق عنده، وإن كنا لا نقطع على أنه مخطىء، وليس هذا فيما لم يأت من جهة الثقات مسندا فقط، لكن من جهة من اختلف في توثيقه ولا بد ولا مزيد، وهذا كمن رد شهادة العدلين من الحكام فيما يقبلان فيه بغير شيء يوجب رد شهادتهما، فهذا فاسق لرده ما هو الحق عنده، ولعله في باطن الأرض مصيب في ردها إذ لعلهما كاذبان أو مغفلان أو غاب عنهما سر تلك الشهادة فهذا أفضل. وفصل ثان وهو أن يتعلق بآية مخصوصة مثل قوله {لئن أشركت ليحبطن عملك} فهذه خاصة فيمن مات كافرا ببرهان نص آخر فهذه أيضا ما لم يقم عنده برهان بأنها مخصوصة، فحكمه الثبات على المخصوص الذي بلغه، وهو مأجور مرتين حتى إذا قام عليه الدليل البرهاني بأنها مخصوصة، فكما قلنا في الفصل الذي قبل هذا. وفصل ثالث: وهو أن يتعلق بآية قد خص منها بعضها كقوله تعالى: {قل لا أجد في مآ أوحي إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير فإنه رجس أو فسقا أهل لغير لله به فمن ضطر غير باغ ولا عاد فإن ربك غفور رحيم} وكقوله تعالى {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب لله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير

[13] **Translator's note (L3602):** The Qur'anic quotation is recognizable as 33:5. The transcription repeatedly omits letters in words such as "Allah" and "religion"; the translation renders the identifiable words.

[14] **Translator's note (L3603):** The wording "or an indication … has stated" is awkward: the supplied text reads "said," where "arose" or "was established" may have been intended. The sentence beginning "If its abrogation…" has disrupted grammar, including a shift from "the ruling concerning it" to "he is excused." The translation preserves its apparent argument without treating the wording as sound. The reference of "before Allah … undoubtedly" is also syntactically uncertain.

[15] **Qur'an references (L3602):** Qur'an 33:5 (Al-Ahzab).

tive, or some hidden aspect of that testimony has escaped them. Thus this is better. A second case is that someone relies upon a verse whose scope is restricted, such as His statement: "If you associate partners with Allah, your work will surely come to nothing." This applies specifically to someone who dies an unbeliever, as demonstrated by another text. Here too, so long as no demonstration has been established for him that its scope is restricted, his ruling is to adhere to the text with restricted scope that has reached him, and he is rewarded twice. Then, when demonstrative evidence has been established against him that its scope is restricted, the matter is as we stated in the preceding case. A third case is that someone relies upon a verse from whose scope some instances have been excluded, such as His statement, exalted is He: "Say: I find in what has been revealed to me nothing forbidden for an eater to eat, unless it be carrion, or blood poured forth, or the flesh of swine—for it is filth—or an act of wickedness over which a name other than Allah's has been invoked. But whoever is compelled, neither seeking it nor exceeding the limit—then your Lord is forgiving, merciful." And His statement, exalted is He: "And married women, except those whom your right hands possess: Allah's prescription for you. And lawful for you are those beyond these, that you seek them with your wealth, seeking chastity and not illicit intercourse. So for whatever enjoyment you have had of them, give them their bridal dues as an obligation. And there is no blame upon you concerning what you mutually agree upon after the prescribed obligation. Indeed, Allah is knowing, wise"—up to His statement: "And married women, except those whom your right hands possess: Allah's prescription for you. And lawful for you are those beyond these, that you seek them with your wealth, seeking chastity and not illicit intercourse. So for whatever enjoyment you have had of them, give them their bridal dues as an obligation. And there is no blame upon you concerning what you mutually agree upon after the prescribed obligation. Indeed, Allah is knowing, wise." And His statement, exalted is He: "And the male thief and the female thief: cut off their hands as recompense for what they have earned, as an exemplary punishment from Allah. And Allah is mighty, wise." Here too, his ruling is to adhere to what has reached him, and he is rewarded twice. If the demonstration is established against him and he persists, then, if it is sound in his

مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن الله كان عليما حكيما} إلى قوله {ولمحصنات من لنسآء إلا ما ملكت أيمانكم كتاب الله عليكم وأحل لكم ما وراء ذلكم أن تبتغوا بأموالكم محصنين غير مسافحين فما ستمتعتم به منهن فآتوهن أجورهن فريضة ولا جناح عليكم فيما تراضيتم به من بعد لفريضة إن الله كان عليما حكيما} وكقوله تعالى {ولسارق ولسارقة فقطعوا أيديهما جزآء بما كسبا نكالا من الله والله عزيز حكيم} فهذا أيضا حكمه الثبات على ما بلغه، وهو مأجور مرتين، فإن قام عليه البرهان فتمادى، فإن كان صحيحا عنده فهو كافر، كمن أحل الخمر بعموم هذه الآية، أو أحل العبيد بملك اليمين.

judgment, he is an unbeliever, like someone who declares wine lawful on the basis of this verse's general scope, or declares male slaves lawful for sexual relations by virtue of possession by the right hand.[16][17][18]

L3609–3614 A fourth case is that someone relies upon a verse to which another text adds something, like someone who relies upon His statement, exalted is He, "Forbidden to you are your mothers," continuing through the verse up to His statement, "And lawful for you are those beyond these." A prohibition against combining a woman in marriage with her paternal aunt or her maternal aunt has been added to this verse. There are many such examples. Here too, his ruling is to adhere to what has reached him, and he is rewarded twice, so long as no evidence for the addition has been stated against him. If the evidence is sound in his judgment, yet he opposes it, believing in what contradicts the text, then he is an unbeliever. A fifth case is that someone relies upon a verse and diverts it from its proper purport, like someone who claims that Allah's statement, mighty and majestic, "And call two witnesses from among your men to witness; if they are not two men, then one man and two women," and His statement, exalted is He, "And call two upright men from among you to witness," contradict what is authentically established from the Prophet ﷺ concerning judgment on the basis of an oath together with one witness, and require that judgment not be given on the basis of fewer than two witnesses, or one witness and two women. Abu Muhammed said: This is a deception they have deliberately practiced, or one that has passed unnoticed by them through heedlessness, or a diversion of the two verses from their proper pur-

وفصل رابع: وهو أن يتعلق بآية مزيد عليها نص آخر، كمن تعلق بقوله تعالى {حرمت عليكم أمهاتكم} الآية إلى قوله {وأحل لكم ما وراء ذلكم} وقد زيد في هذه الآية تحريم الجمع بين المرأة وعمتها، وخالتها. ومثل هذا كثير، فهذا أيضا حكمه الثبات على ما بلغه وهو مأجور مرتين ما لم يقل عليه دليل بالزيادة، فإن كان الدليل صحيحا عنده فخالفه معتقدا خلاف النص فهو كافر. وفصل خامس: وهو أن يتعلق بآية فيصرفها عن وجهها كمن ادعى في قول الله عز وجل {واستشهدوا شهيدين من رجالكم فإن لم يكونا رجلين فرجل وامرأتان} وقوله تعالى {وأشهدوا ذوي عدل منكم} أنهما مخالفان لما صح عن النبي صلى الله عليه وسلم من الحكم باليمين مع الشاهد وموجبان ألا يحكم بأقل من الشاهدين أو شاهد وامرأتين. قال أبو محمد: وهذا تمويه تعمدوه أو جاز عليهم بغفلة. أو صرف للآيتين عن وجههما وتمويه بوضعهما في غير موضعهما، لأنه ليس في الآيتين المذكورتين أمر بالحكم بالشاهدين. أو الشاهد والمرأتين أصلا. ولا دليل على ذلك بوجه من الوجوه. وإنما فيهما الأمر باستشهاد الشاهدين أو الشاهد والمرأتين المداينة والطلاق والرحمة فقط مع ما فيهما من قوله تعالى {وأشهدوا إذا تبايعتم} دون ذكر عدد إشهاد واحد يقع عليه اسم إشهاد وقوعا صحيحا في اللغة بلا شك فهو جائز بنص القرآن. وكمن تعلق في إيجاب الزكاة بقوله تعالى {وآتوا حقه يوم حصاده} وهذا خطأ لأن إيتاء حق الزكاة فيما أنبتت الأرض لا يمكن يوم الحصاد، وهي أيضا مكية والزكاة مدنية. فصح أن من احتج بهذه الآية في أحكام الزكاة فصارف للآية عن وجهها، فمن جهل هذه النكتة واحتج بهاتين الآيتين فيما ذكرنا فهو مخطىء، لأنه لم يأمره الله تعالى قط بما ذهب إليه، لكنه بجهله مأجور مرة معذور، فإن وقف على ما ذكرنا فتمادى على قوله فهو فاسق أو كافر، على ما قسمنا قبل: مخطىء عند

[16] **Translator's note (L3606):** "In the depths of the earth" translates the supplied wording literally. It is contextually anomalous; "in the actual state of affairs" may have been intended, but that is not the supplied reading. "Thus this is better" follows the supplied reading, which appears corrupt. "This is one case" would fit the subsequent enumeration, but has not been substituted. "A verse whose scope is restricted" and "a verse from whose scope some instances have been excluded" preserve the author's distinction between the second and third cases.

[17] **Translator's note (L3607):** The supplied text repeats the whole quotation of Qur'an 4:24 after "up to His statement," although the first quotation has already reached that verse's end. The repetition and apparent quotation error are preserved.

[18] **Qur'an references (L3606):** Qur'an 39:65 (Az-Zumar); Qur'an 6:145 (Al-An'am); Qur'an 4:24 (An-Nisa); Qur'an 5:38 (Al-Ma'idah).

port and a deception consisting in putting them in an inappropriate place. For the two aforementioned verses contain absolutely no command to give judgment on the basis of two witnesses, or one witness and two women, nor any indication of that in any respect. They contain only the command to call two witnesses, or one witness and two women, to witness indebtedness, divorce, and mercy, together with the statement of His that they contain, exalted is He, "And call witnesses when you transact a sale," without specifying a number. Calling a single witness unquestionably falls properly under the designation of calling witnesses in the language, and is therefore permissible by the explicit text of the Qur'an. Another example is someone who relies, in establishing the obligation of the obligatory alms, upon His statement, exalted is He, "And give its due on the day of its harvest." This is an error, because paying the due of the obligatory alms on what the earth produces is not possible on the day of harvest. Moreover, this verse is Meccan, whereas the obligatory alms are Medinan. It is thus established that whoever adduces this verse as evidence concerning the rules of the obligatory alms is diverting the verse from its proper purport. Whoever is ignorant of this subtle point and adduces these two verses as evidence concerning what we have mentioned is mistaken, because Allah, exalted is He, has never commanded him to adopt the position he has adopted. Nevertheless, because of his ignorance, he is rewarded once and excused. If he becomes acquainted with what we have mentioned and then persists in his position, he is morally corrupt or an unbeliever, according to the distinctions we previously set out, and is certainly mistaken before Allah, exalted is He, for the reasons we mentioned earlier. Abu Muhammed said: All these cases also apply to someone who relies upon the hadith reports, exactly as we mentioned before: someone, for example, who relies upon a hadith report that is abrogated, whose scope is restricted, from whose scope some instances have been excluded, or to which something has been added. This is as we have said concerning the verses, exactly the same, except that he becomes an unbeliever only by rejecting a hadith established as authentic in his judgment, even if there is disagreement over acting upon it. Thus, as we said concerning the verses, if in this matter he opposes what he himself considers the truth, believing in that opposition, he is an unbeliever, mistaken before Allah Most High; but if

الله تعالى بيقين لما ذكرنا قبل. قال أبو محمد: وهذه الفصول كلها داخلة على من تعلق بالأحاديث كما ذكرنا قبل سواء بسواء، كمن تعلق بحديث منسوخ أو مخصوص، أو مخصوص منه أو مزيد عليه، فهذا كما قلنا في الآيات سواء بسواء إلا أنه لا يكفر إلا برد حديث ثبت عنده، وإن كان مختلفا في الأخذ به فكما قلنا في الآيات، إن خالف في ذلك ما هو الحق عنده معتقدا لذلك فهو كافر مخطىء عند الله تعالى، وإن خالف ذلك بلسانه دون قلبه فهو فاسق. ومما ذكرنا أيضا قول من احتج في إباحة الصلاة في المقبرة بصلاة النبي صلى الله عليه وسلم على قبر المسكينة السوداء وهو لا يبيح الصلاة على القبر، وأما لو اتخذ بهذا لكان هذا منه قياسا لا صرفا للخبر عن وجهه وكمن احتج بقوله صلى الله عليه وسلم إذا مات الميت انقطع عمله إلا من ثلاث في رد الحج عن الميت وترك للصيام عنه وترك كشف رأسه إن مات محرما. ومنها أن يدعي المرء في عموم آية نسخا أو تخصيصا، أو تخصيصا منها أو ندبا، فإن حق له دعواه في ذلك بنص صحيح فقوله حق مقطوع على صحته عند الله عز وجل، ومن قال: إن هذه الآية أو الخبر قد نسخها الله عز وجل أو خصهما أو خصص منهما أو يلزمنا ما فيهما أو أراد بهما غير ما يفهم منهما ولم يأت على دعواه بنص صحيح فقد قال الله ما لم يعلم. قال أبو محمد: وليس هؤلاء كمن تقدم ذكرنا لهم، لأن من تعلق بنص لم يبلغه ناسخه ولا ما خصه ولا ما زيد به عليه فقد أحسن ولزم ما بلغه، وليس عليه غير ذلك حتى يبلغه خلافه من نص آخر، ومن ذكرنا في هذا الفصل فلم يتعلق بشيء أصلا، بل تحكم في الدين كما اشتهى، وهذا عظيم جدا، فمن قال بهذا ممن نشاهده ساهيا غير عارف بما اقتحم فيه من الدعوى فهو معذور بجهله، ما لم ينبه على خطئه، فإن نبه عليه فثبت على خلاف ما بلغه عامدا فهذا غير معذور، لأنه خالف الحق بعد بلوغه إليه. وأما من روي عنه شيء من ذلك من الصحابة أو التابعين أو ممن سلف، ممن يمكن أن يظن به أنه سمع في ذلك نصا شبه له فيه فهؤلاء معذورون لأننا لا نظن

he opposes it with his tongue alone, without his heart, he is a flagrant sinner. Another instance of what we have mentioned is the argument of someone who adduces, as evidence for permitting prayer in a cemetery, the Prophet's ﷺ prayer over the grave of the poor black woman, although he himself does not permit prayer over a grave. Had he adopted this, however, it would have constituted analogy on his part, rather than diverting the report from its proper meaning. Another example is someone who adduces his ﷺ statement, "When the deceased dies, his deeds cease except for three," to reject performing pilgrimage on behalf of the deceased, to refrain from fasting on his behalf, and to refrain from uncovering his head if he dies in a state of ritual consecration. Another instance is someone's claiming that the general scope of a verse has been abrogated, restricted in scope, or had something excluded from it, or that it expresses a recommendation. If an authentic text establishes his claim concerning this, then his statement is true, its correctness before Allah, Mighty and Majestic, being conclusively established. But whoever says that Allah, Mighty and Majestic, has abrogated this verse or report, restricted their scope, excluded something from them, that their contents bind us, or that He intended by them something other than what is understood from them, without producing an authentic text in support of his claim, has said concerning Allah what he does not know. Abu Muhammed said: These people are not like those whom we mentioned earlier, because someone who adheres to a text, without having received what abrogates it, restricts its scope, or adds to it, has acted well and adhered to what has reached him and nothing further is incumbent upon him until something contrary to it reaches him through another text. Those whom we have mentioned in this section, however, have adhered to nothing whatsoever; instead, they have made arbitrary pronouncements in religion as they pleased. This is exceedingly grave. Anyone whom we observe saying this heedlessly, unaware of the claims into which he has plunged, is excused by his ignorance so long as his error has not been pointed out to him. If it is pointed out to him and he deliberately persists in opposing what has reached him, he is not excused, because he has opposed the truth after it reached him. As for those among the Companions, the Followers, or earlier generations from whom something of this kind has been transmitted, and of whom it may

بهم إلا أحسن الظن وقد حضنا الله تعالى على أن نقول {ولذين جآءوا من بعدهم يقولون ربنا غفر لنا ولإخواننا لذين سبقونا بلإيمان ولا تجعل في قلوبنا غلا للذين آمنوا ربنآ إنك رءوف رحيم} قال أبو محمد: ولا يقين عندنا أنهم تحكموا في الدين بلا شبهة دخلت عليهم، ولا شك أنهم لم يتبين لهم الحق في ذلك.

reasonably be supposed that they heard a text concerning the matter whose meaning became confused for them, these are excused, because we entertain only the best opinion of them. Allah Most High has urged us to say: "And those who came after them say: 'Our Lord has forgiven us and our brothers who preceded us in faith; and do not place in our hearts any rancor toward those who believe. Our Lord, You are indeed compassionate, merciful.'" Abu Muhammed said: We have no certainty that they made arbitrary pronouncements in religion without some specious consideration having occurred to them. Nor is there any doubt that the truth concerning this matter had not become clear to them[19][20][21][22][23]

L3615 As for someone whom we observe, or whom we have not observed, whose circumstances and the extent of whose deeds have become known to us with certainty, we are certain that he possesses nothing concerning this beyond an unsupported claim and saying concerning Allah Most High what he does

وأما من نشاهده أو لم نشاهده ممن صح عندنا بيقين حاله ومقدار عمله فنحن على يقين أنه ليس عنده في ذلك أكثر من الدعوى، والقول على الله تعالى بما لا يعلم، فهؤلاء فساق راكبون أعظم الكبائر ونعوذ بالله من الخذلان.

[19] **Translator's note (L3609):** "So long as no evidence … has been stated against him" follows the supplied verb, "be said." The context suggests that "be established" may have been intended. The phrase rendered "indebtedness, divorce, and mercy" is grammatically incomplete in the supplied text, and "mercy" is contextually anomalous. "Taking a divorced wife back" may have been intended in place of "mercy," but has not been substituted.

[20] **Translator's note (L3612):** The opening continues the sentence in the preceding segment. The distinction between restricting a text's scope and excluding something from its scope reflects the repeated but differentiated expressions in the Arabic. The supplied wording says "their contents bind us"; it contains no negation. This has been retained despite the surrounding argument. The phrase rendered "has said concerning Allah what he does not know" lacks the expected preposition before "Allah" in the supplied Arabic.

[21] **Translator's note (L3613):** The Quranic quotation begins here and continues in the next unit. Its opening word is defectively transcribed but recognizably means "And those who."

[22] **Translator's note (L3614):** In this quotation of Quran 59:10, the supplied text reads "has forgiven" rather than the standard imperative "forgive." The translation preserves that wording, including its resulting shift from speaking about the Lord to addressing Him.

[23] **Qur'an references (L3609):** Qur'an 4:23 (An-Nisa); Qur'an 4:24 (An-Nisa); Qur'an 2:282 (Al-Baqarah); Qur'an 65:2 (At-Talaq); Qur'an 6:141 (Al-An'am); Qur'an 59:10 (Al-Hashr).

not know. Such people are flagrant sinners committing the greatest of major sins. We seek refuge in Allah from abandonment[24]

L3616–3617 Another instance is someone's relying on the implication of an utterance or on analogy. Such a person, too, is excused and rewarded, while certainly mistaken before Allah Most High. Nevertheless, he is not deemed a flagrant sinner unless the proof establishing the invalidity of these two disciplines has been made against him. If demonstration of this has been established for him through authentic, mutually corroborating texts, yet he persists in advocating analogy or the implication of an utterance, then he is a flagrant sinner, because he persists in something that neither Allah Most High nor His Messenger ﷺ has authorized, as we explained earlier Another instance is someone's relying on personal opinion and juristic preference. This is weaker than everything previously mentioned, since the specious consideration relied upon in these two approaches is exceedingly feeble, because there is evidence for their validity; rather, demonstration establishes their invalidity. Nevertheless, they have relied in this matter upon two feeble, discredited transmitted reports, which have also been diverted from their proper meanings. One of them is the hadith attributed to Muʿadh. Yet someone for whom the matter has become confused, so that he believes himself correct in this, is excused and rewarded. If the proof of the invalidity of personal opinion and juristic preference has been established against him, but he persists in advocating them, he is a flagrant sinner, because he gives rulings in religion by means of something Allah Most High has not authorized[25][26]

ومنها: أن يتعلق بدليل الخطاب أو بالقياس، فهذا أيضا معذور مأجور مخطىء عند الله تعالى بيقين، إلا أنه لا يفسق، ما لم تقم عليه الحجة في بطلان هذين العلمين، فإن قام بذلك عنده البرهان من النصوص الثابتة المتظاهرة فتمادى على القول بالقياس أو بدليل الخطاب، فهو فاسق، لأنه ثابت على ما لم يأذن به الله تعالى ولا رسوله صلى الله عليه وسلم كما قدمنا ومنها أن يتعلق بالرأي والاستحسان، وهذا أضعف من كل ما تقدم. إذ الشبهة المتعلق بها في هذين الوجهين في غاية الوهاء لأنه دليل على صحتهما، بل البرهان قائم على بطلانهما، إلا أنهم قد تعلقوا في ذلك بأثرين واهيين ساقطين مصروفين أيضا عن وجههما، أحدهما الحديث المنسوب إلى معاذ، إلا أن من شبه عليه فظن أنه مصيب في ذلك فهو معذور مأجور، فإن قامت عليه الحجة بطلان الرأي والاستحسان فثبت على القول بهما فهو فاسق، لحكمه في الدين بما لم يأذن به الله تعالى.

[24] **Translator's note (L3615):** The supplied text reads "the extent of whose deeds" (ʿamalihi), although "the extent of whose knowledge" (ʿilmihi) would fit the argument more readily. The supplied reading has been retained.

[25] **Translator's note (L3616):** "The implication of an utterance" renders dalīl al-khiṭāb, the technical inference that an unmentioned case has a ruling contrary to that expressly stated for the mentioned case. The supplied text calls these "two disciplines" (ʿilmayn); that wording has been retained.

[26] **Translator's note (L3617):** The supplied wording literally says "because there is evidence for their validity," contradicting both the preceding and following clauses. A negation appears to be missing; it has not been inserted into the translation. The phrase concerning establishing proof of invalidity is grammatically defective in the supplied text, but its intended relation is clear.

L3618–3620

Another instance is someone's relying on the statement of a Companion whom another Companion has contradicted, or on the statement of a scholar of lesser rank whom another scholar has contradicted. This is precisely uncritical imitation. Someone who does this is in no sense exercising independent legal judgment. It is forbidden and impermissible. Thus, anyone already regarded as excused in this [wording corrupt], whom the prohibition of it has not reached, and whom the existence of another scholar disagreeing with the one upon whom he relies has not reached, is excused, because he thinks that this is the truth. But if he learns that another scholar disagrees with the one upon whom he relies, he is a flagrant sinner, because he possesses no semblance of an argument whatsoever upon which to rely in following one particular man rather than another. It is, rather, manifest error. We seek refuge in Allah from abandonment. As for the cases in which we do not arrive at declaring someone who disagrees with us a flagrant sinner, or at declaring him mistaken before Allah Most High, we instead say: In our own judgment we are upon the truth, and in our judgment our opponent is mistaken but rewarded; Allah knows best. The most subtle and obscure such case is when two verses of general scope, two authentic hadiths of general scope, or a verse of general scope and an authentic hadith are transmitted, and each of the two verses, each of the two hadiths, or each of the verse and the hadith contains a restriction excluding some of what falls within the general scope of the other text. An example is His saying, Most High: "Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters under your guardianship, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you take two sisters together, except what has already occurred. Indeed, Allah has been forgiving, merciful," together with His saying, Most High: "Forbidden are to you your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brothers' daughters, your sisters' daughters, your mothers who nursed you, your sisters through nursing, your wives' mothers,

ومنها أن يتعلق بقول صاحب قد خالفه غيره من الصحابة، أو بقول عالم ممن دونه ممن قد خالفه غيره من العلماء، فهذا هو التقليد بعينه، وليس من فعل هذا مجتهدا أصلا، وهو حرام لا يحل، فمن قد رأته معذور في ذلك ولم يبلغه المنع منه ولا بلغه أن ههنا عالما آخر مخالفا لهذا الذي تعلق به فهو معذور، لأنه يظن أن هذا هو الحق وأما إذا بلغه أن عالما آخر مخالفا للذي تعلق هو به فهو فاسق. لأنه ليس بيده شبهة أصلا يتعلق بها في اتباع رجل بعينه دون غيره، بل هو ضلال مبين. ونعوذ بالله من الخذلان. وأما الوجوه التي لا تقع فيها على تفسيق المخالف لنا ولا على أنه مخطىء عند الله تعالى، بل نقول نحن على الحق عند أنفسنا ومخالفنا عندنا مخطىء مأجور والله أعلم، فأدق ذلك وأغمضه أن ترد آيتان عامتان، أو حديثان صحيحان عامان، أو آية عامة وحديث صحيح، وفي كل واحدة من الآيتين، أو في كل واحد من الحديثين، أو في كل واحد من الآية والحديث تخصيص لبعض ما في عموم النص الآخر منهما وذلك مثل قوله تعالى: {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} مع قوله تعالى {حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات لأخت وأمهاتكم اللاتي أرضعنكم وأخواتكم من لرضاعة وأمهات نسآئكم وربائبكم للاتي في حجوركم من نسآئكم للاتي دخلتم بهن فإن لم تكونوا دخلتم بهن فلا جناح عليكم وحلائل أبنائكم لذين من أصلابكم وأن تجمعوا بين لاختين إلا ما قد سلف إن لله كان غفورا رحيما} وكقول رسول الله صلى الله عليه وسلم لا صلاة لمن لم يقرأ بأم القرآن مع قوله صلى الله عليه وسلم وقد ذكر الإمام وإذا قرأ القرآن فأنصتوا ومثل قوله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا

and your stepdaughters under your guardianship, born of your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you—and the wives of your sons who are from your own loins, and that you take two sisters together, except what has already occurred. Indeed, Allah has been forgiving, merciful." Another example is the Messenger of Allah's ﷺ saying, "There is no prayer for someone who does not recite the Mother of the Quran," together with his ﷺ saying, when mentioning the prayer leader, "And when he recites the Quran, remain silent." Another example is His saying, Most High: "In it are clear signs, the standing place of Abraham; and whoever enters it is secure. Pilgrimage to the House is owed to Allah by people, whoever is able to find a way to it. And whoever disbelieves—Allah is indeed free of need of all worlds," together with the Messenger of Allah's ﷺ saying, "It is not lawful for a woman who believes in Allah and the Last Day to travel except with a husband or a male relative whom she is permanently forbidden to marry." Our opponents say: "In it are clear signs, the standing place of Abraham; and whoever enters it is secure. Pilgrimage to the House is owed to Allah by people, whoever is able to find a way to it. And whoever disbelieves—Allah is indeed free of need of all worlds"; and the two sisters held by right-hand possession have been excluded from its scope by His saying, Most High: "In it are clear signs, the standing place of Abraham; and whoever enters it is secure. Pilgrimage to the House is owed to Allah by people, whoever is able to find a way to it. And whoever disbelieves—Allah is indeed free of need of all worlds." We, for our part, have said that His saying, Most High, "In it are clear signs, the standing place of Abraham; and whoever enters it is secure. Pilgrimage to the House is owed to Allah by people, whoever is able to find a way to it. And whoever disbelieves—Allah is indeed free of need of all worlds," has had the two sisters excluded from its scope, in the case of possession by the right hand, by His saying, Most High: "In it are clear signs, the standing place of Abraham; and whoever enters it is secure. Pilgrimage

ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} مع قول رسول الله صلى الله عليه وسلم لا يحل لامرأة تؤمن بالله واليوم الآخر أن تسافر إلا مع زوج أو ذي محرم فإن خصومنا يقولون: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} وقد خص منه الأختين بملك اليمين قوله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} وقلنا نحن إن قوله تعالى {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} خص منه الأختين بملك اليمين قوله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين}

to the House is owed to Allah by people, whoever is able to find a way to it. And whoever disbelieves—Allah is indeed free of need of all worlds."[27][28][29][30]

L3621 Our opponents said: The statement, "There is no prayer for one who does not recite the Mother of the Qur'an," is qualified by excluding the person praying behind an imam, on account of his statement ﷺ, "When he recites the Qur'an, remain silent." We said: His statement ﷺ, "And when he recites the Qur'an, remain silent," is qualified by excluding the Mother of the Qur'an, on account of his statement, "There is no prayer for one who does not recite the Mother of the Qur'an." Our opponents said: Allah Most High's statement is qualified by excluding women, on account of his statement ﷺ, "A woman must not travel except with a husband or a male relative whom she is permanently forbidden to marry." We said: His statement ﷺ, "A woman must not travel except with a husband or a male relative whom she is permanently forbidden to marry," is qualified by excluding travel for pilgrimage, on account of His statement, Most High: {In it are clear signs, the station

[27] **Translator's note (L3618):** The wording following "It is forbidden and impermissible" includes the corrupt phrase fa-man qad raʾat-hu maʿdhūr. Its grammar does not yield a secure reading. The bracketed indication marks the uncertain rendering; the subsequent conditions and conclusion are clear. "Uncritical imitation" renders taqlīd; "exercising independent legal judgment" renders being a mujtahid. The second Quranic quotation begins by repeating the opening of the preceding quotation, Quran 4:23, and continues in the next unit. The repetition is retained.

[28] **Translator's note (L3619):** The opening completes the quotation begun in the previous unit. Its awkward English order reflects the placement of "Forbidden are" at the end of that unit. "The Mother of the Quran" is the designation used here for the opening chapter, al-Fātiḥah. The supplied text repeatedly quotes Quran 3:97, concerning pilgrimage, within an argument about two sisters held by right-hand possession. These appear to be erroneous substitutions for quotations relevant to that argument. Every supplied repetition has been translated without replacement. "Right-hand possession" is the classical expression for ownership of enslaved persons. The final occurrence of this expression is split between this unit and the next.

[29] **Translator's note (L3620):** The opening completes "possession by the right hand" from the preceding unit. The supplied quotation is again Quran 3:97, concerning pilgrimage, although the surrounding argument concerns two sisters held by right-hand possession. This apparent quotation error has been retained.

[30] **Qur'an references (L3618):** Qur'an 4:23 (An-Nisa); Qur'an 3:97 (Ali 'Imran).

وقال خصومنا لا صلاة لمن لم يقرأ بأم القرآن خص منه المأموم قوله صلى الله عليه وسلم إذا قرأ القرآن فأنصتوا وقلنا نحن قوله صلى الله عليه وسلم وإذا قرأ القرآن فأنصتوا خص أم القرآن منه قوله: لا صلاة لمن لم يقرأ بأم القرآن. وقال خصومنا قول الله تعالى خص النساء منه قوله صلى الله عليه وسلم لا تسافر امرأة إلا مع زوج أو ذي محرم وقلنا نحن إن قوله صلى الله عليه وسلم لا تسافر امرأة إلا مع زوج أو ذي محرم خص سفر الحج قوله تعالى: {فيه آيات بينات مقام إبراهيم ومن دخله كان آمنا ولله على لناس حج لبيت من ستطاع إليه سبيلا ومن كفر فإن لله غني عن لعالمين} قال أبو محمد فهذا وإن رجعنا استعمالنا للحديثين بدليل لازم صحيح، فإن متعلق خصومنا هنا قوي، ووجه خطأ من أخطأ ههنا خفي جدا، دقيق البتة، لا يؤمن في مثله الغلط على أهل العلم الواسع والفهم البارع والإنصاف الشائع وليس كسائر ما قدمنا مما تقود إليه العصبية ولا يخفى وجه الخطأ فيه على من أنصف أو تورع. هذا ما لم يوجد فيه نص يشهد لأحد الاستعمالين، فإن وجد نص صحيح بذلك عاد الأمر إلى ما قد ذكرناه في الفصول المتقدمة، ولا بد من وجوده لأن الله تعالى قد ضمن لنا بيان الدين بقوله تعالى {بلبينات ولزبر وأنزلنا إليك لذكر لتبين للناس ما نزل إليهم ولعلهم يتفكرون} فلا يجوز البتة أن يبقى في الدين شيء مشكل، بل هو كله مقطوع على أنه بين بيانا جليا، والحمد لله رب العالمين.

of Abraham; whoever enters it is safe. Pilgrimage to the House is owed to Allah by people—whoever can find a way to it. Whoever disbelieves—Allah is independent of all worlds.}

Abu Muhammed said: Although we have given preference to our application of the two hadiths on the basis of sound, compelling evidence, our opponents' basis for argument here is strong. The nature of the error made by someone who errs here is exceedingly obscure and altogether subtle. In a matter of this kind, even people of extensive knowledge, outstanding understanding, and habitual fairness cannot be considered immune from error. It is unlike the other matters we have presented, to which partisan zeal leads, and in which the nature of the error is not hidden from anyone who is fair or exercises religious scrupulousness. This applies so long as no text is found supporting one of the two applications. If a sound text establishing that is found, the matter reverts to what we have mentioned in the preceding chapters. Such a text must exist, because Allah Most High has guaranteed us the clarification of religion in His statement, Most High: {With clear proofs and scriptures; and We sent down to you the Reminder so that you might explain to people what was sent down to them, and so that they might reflect.} It is therefore absolutely impossible that anything in religion should remain obscure. Rather, it is certain of all of it that it has been explained with manifest clarity. Praise belongs to Allah, Lord of all worlds.[3132]

L3622–3629 The second case: Two sound hadiths that contradict one another may be transmitted, or two verses that contradict one another, or a verse that contra-

الوجه الثاني: أن يرد حديثان صحيحان متعارضان، أو آيتان متعارضتان أو آية معارضة لحديث صحيح تعرضا مقاوما، في أحد النصين منع وفي الثاني إيجاب في ذلك الشيء بعينه، لا زيادة في أحد النصين على الآخر، ولا بيان في أيهما الناسخ من المنسوخ كالنص الوارد أن رسول الله صلى الله عليه وسلم شرب قائما والنص الوارد أنه صلى الله عليه وسلم نهى عن الشرب قائما فإن من ترك الخبرين معا ورجع إلى الأصل الذي كان يجب لو لم يرد ذلك الخبران أو رجع أحد الخبرين على المعارض له بكثرة رواته أو بأنه رواه من هو أعدل ممن روى الآخر، وأحفظ وما أشبه هذا من وجوه الترجيحات التي قد أوردناها في باب الكلام في الأخبار من ديوننا هذا وبيان وجوه

[31] **Translator's note (L3621):** The Mother of the Qur'an is the opening chapter, al-Fatihah. The source reads رجعنا, literally 'we returned,' where the argument appears to require رجحنا, 'we gave preference'; the translation follows that apparent intended reading. After 'Our opponents said: Allah Most High's statement,' the source supplies no quotation before discussing the exclusion of women. The pilgrimage verse quoted subsequently supplies the contextual referent. The Qur'anic quotations contain repeated defective spellings, chiefly missing initial alifs in articles and words such as 'people,' 'House,' and 'whoever can.' These have been understood according to the recognizable wording without treating them as distinct readings.

[32] **Qur'an references (L3621):** Qur'an 3:97 (Ali 'Imran); Qur'an 16:44 (An-Nahl); Qur'an 37:182 (As-Saffat).

dicts a sound hadith, with the opposing texts evenly matched: in one of the two texts there is a prohibition, and in the second, an obligation concerning that very same thing, with neither text adding anything to the other and no indication of which is the abrogating text and which the abrogated one. An example is the transmitted text that the Messenger of Allah ﷺ drank standing, and the transmitted text that he ﷺ forbade drinking standing. Thus, someone who sets both reports aside and returns to the original rule that would have been binding had those two reports not been transmitted, or gives preference to one of the two reports over the report opposing it because of the greater number of its transmitters, or because it was transmitted by someone more upright and more accurate in retention than the person who transmitted the other, and similar grounds for giving preference which we have set out in the chapter discussing reports in this work of ours, and explaining which of those grounds are correct and which erroneous—this too is a matter in which explaining the error is exceedingly difficult. As for us, we maintain that one should adopt what adds a legal prescription. Nevertheless, we say—and success comes through Allah Most High—that someone who inclines toward one of these approaches in one place, then abandons it in a comparable place and adopts the other approach, whether by following another's authority or by discretionary preference, is excused and rewarded so long as his contradiction and the inconsistency of his judgment have not been pointed out to him. Once this has been pointed out to him, however, if he persists, he is an evildoer, disobedient to Allah, Mighty and Majestic, because he follows desire. Allah Most High said: {O David, We have made you a successor upon the earth, so judge between people in truth, and do not follow desire, lest it lead you astray from Allah's path. Those who stray from Allah's path shall have a severe punishment because they forgot the Day of Reckoning.} Everyone who makes a pronouncement concerning religion for which he supplies no demonstration, but merely follows an inclination that has arisen within him, is certainly following his desire.

The third case: Someone may rely upon a weak hadith whose weakness has not become apparent to him, or upon a report with an omitted link to the Prophet, or may allege grounds for impugning the transmitter of a

الصواب منها من الخطأ، فإن هذا أيضا مكان يخفى بيان الخطأ فيه جدا، وأما نحن فنقول بالأخذ الزائد شرعا إلا أننا نقول وبالله تعالى التوفيق: إن من مال إلى أحد هذه الوجوه في مكان ثم تركه في مثل ذلك المكان وأخذ بالوجه الأخر مقلدا أو مستحسنا فما دام لم يوقف على تناقضه وتفاسد حكمه فمعذور مأجور، حتى إذا وقف على ذلك فتمادى فهو فاسق عاص لله عز وجل لاتباعه الهوى قال الله تعالى {يداوود إنا جعلناك خليفة في لأرض فحكم بين لناس بلحق ولا تتبع لهوى فيضلك عن سبيل لله إن لذين يضلون عن سبيل لله لهم عذاب شديد بما نسوا يوم لحساب} وكل من قال في الدين بقول لم يأت عليه ببرهان لكن بما وقع في نفسه الميل فإنه بيقين متبع لهواه. والوجه الثالث: أن يتعلق بحديث ضعيف لم يتبين له ضعفه، أو بحديث مرسل أو ادعى تجريحا في راوي حديث صحيح، إما بتدليس أو نحوه أو ادعى أن الناقل أخطأ فيه، فمن اعتقد صحة ما ذكر من ذلك معذور مأجور، حتى إذا ترك في مكان آخر مثل ذلك الحديث، أو رد مرسلا آخر لإرساله فقط، وأخذ بحديث آخر فيه من التعليل كالذي فيما قد رده في مكان آخر، ووقف على ذلك فإن تمادى فهو فاسق، وإن لم تقطع على أنه مخطىء عند الله عز وجل لكن لإقدامه على الحكم في الدين بما قد شهد لسانه ببطلانه في موضع آخر، فهو متبع هواه، فهو ضال بالنص، كمن حكم شهادة فاسقين يعلم فسقهما فيما لا يدري هو صحة شهادتهما به أو رد شهادة عدلين يعلم عدالتهما بغير جرح ثبت عنده بل علم منه ببطلان ما شهدا به فهذا فاسق بإجماع الأمة كلها، وإن كان في الممكن أن يكون قد صادف الحق عند الله تعالى، ولكن لما أقدم على خلاف ما أمر به بغير يقين كان عاصيا لله تعالى ونعوذ بالله من الخذلان. فإن قال قائل: فكيف تقولون فيمن بلغه نص قرآن أو سنة صحيحة بخبر ليس من باب الأمر أنه قد جاء ذلك الخبر في نص آخر باستثناء منه أو زيادة عليه ولم يبلغه النص الثاني؟. فجوابنا وبالله تعالى التوفيق: إن هذا بخلاف الأمر، لأن الأوامر قد ترد ناسخا بعضها

sound hadith, whether through concealment in transmission or something similar, or may allege that the transmitter made an error in it. Whoever believes that what he has mentioned of these matters is sound is excused and rewarded. But if, in another place, he abandons a comparable hadith, or rejects another report with an omitted link solely because of that omission, and adopts another hadith containing a defect like the one in the report he rejected elsewhere, and this is pointed out to him, then, if he persists, he is an evildoer. This is so even if we do not assert definitively that he is mistaken in Allah's sight, Mighty and Majestic. Rather, it is because he has ventured to rule concerning religion on a basis whose invalidity his own tongue has attested elsewhere. He therefore follows his desire and is astray according to the explicit text. He is like someone who accepts as authoritative the testimony of two evildoers whose wrongdoing he knows, concerning something about which he himself does not know whether their testimony is true, or rejects the testimony of two upright men whose uprightness he knows, without any impugning ground established in his judgment, but rather with knowledge on his part of the falsity of what they testified to. Such a person is an evildoer by the consensus of the entire community, even though it is possible that he has happened upon the truth in Allah Most High's sight. Yet because he ventured to act contrary to what he was commanded, without certainty, he was disobedient to Allah Most High. We seek refuge in Allah from being forsaken. If someone says, "What, then, do you say concerning someone whom a Qur'anic text or an authentic Sunnah has reached, containing a statement that does not belong to the category of commands, when that statement has appeared in another text with an exception to it or an addition to it, but the second text has not reached him?" Our answer—and success comes through Allah Most High—is that this differs from a command, because commands may be transmitted with some abrogating others. What has reached him is therefore binding upon him until what abrogated it reaches him. A statement is not like that; rather, we are obliged to affirm the truth of what has reached us concerning that, because Allah Most High speaks only the truth, and so does His Messenger ﷺ. Alongside that, he must believe that any specification of that statement which has not reached him, or any addition which has not reached him, is true. We do not categorically declare

بعضا، فيلزمه ما بلغه حتى يبلغه ما نسخه، وليس الخبر كذلك، بل يلزمنا تصديق ما بلغنا في ذلك، لأن الله تعالى لا يقول إلا الحق وكذلك رسوله صلى الله عليه وسلم وعليه أن يعتقد مع ذلك أن ما كان في ذلك الخبر من تخصيص لم يبلغه أو زيادة لم تبلغه في حق، ولا نقطع بتكذيب ما ليس في ذلك الخبر أصلا وكذلك أمر رسول الله صلى الله عليه وسلم إذ قال لا تصدقوا أهل الكتاب إذا حدثوكم ولا تكذبوهم، تكذبوا بحق أو تصدقوا بباطل أو كلاما هذا معناه. فهذا حكم الأخبار الواردة في الوعظ وغيره. وبالله تعالى التوفيق. وما كان من الأخبار لا يحتمل خلاف نصه صدق كما هو، ولزم تكذيب كل ظن خالف نص ذلك الخبر. وبالله تعالى التوفيق. وهو حسبنا ونعم الوكيل لا إله إلا هو عليه توكلت. قال أبو محمد: علي بن أحمد رضي الله عنه. قد انتهينا من الكلام في الأصول إلى ما أعاننا الله تعالى عليه، ويسرنا له على حسب ما شرطنا، في أول كلامنا في ديواننا هذا من التقصي والاستيعاب، نسأل الله عز وجل أن يجعله لوجهه، ودعاء إليه ونصرا له. وأن يدخلنا بما من به علينا من ذلك، في جملة من أثنى عليهم بقوله تعالى: {ولتكن منكم أمة يدعون إلى الخير ويأمرون بالمعروف وينهون عن المنكر وأولئك هم المفلحون} وبقوله تعالى {لذين أخرجوا من ديارهم بغير حق إلا أن يقولوا ربنا الله ولولا دفع الله لناس بعضهم ببعض لهدمت صوامع وبيع وصلوات ومساجد يذكر فيها سم الله كثيرا ولينصرن الله من ينصره إن الله لقوي عزيز} قال أبو محمد فلنختم كلامنا بما ابتدأنا به فنقول: والحمد لله رب العالمين. وصلى الله على سيدنا محمد عبده ورسوله وسلم تسليما ولا حول ولا قوة إلا بالله العلي العظيم

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false something that is not in that statement at all. Likewise, the Messenger of Allah ﷺ commanded this when he said, "Do not affirm the People of the Scripture when they relate things to you, and do not declare them false, lest you declare something true to be false or affirm something false"—or words to that effect. This, then, is the ruling concerning statements transmitted for admonition and other purposes, and success comes through Allah Most High. Any statement that admits of nothing contrary to its explicit wording is to be affirmed just as it stands, and every supposition contrary to that statement's explicit wording must be declared false. Success comes through Allah Most High. He is sufficient for us, and an excellent Trustee. There is no deity except Him; upon Him I have relied.

Abu Muhammed Ali ibn Ahmad, may Allah be pleased with him, said: We have reached the end of our discussion of the foundations, to the extent that Allah Most High has assisted us and made it easy for us, in accordance with the thorough investigation and comprehensive treatment we stipulated at the beginning of our discussion in this work of ours. We ask Allah, Mighty and Majestic, to make it for His sake, a call to Him, and support for Him; and, through what He has graciously bestowed upon us in this, to include us among those whom He praised in His statement, Most High: {Let there be among you a community calling to good, commanding what is right, and forbidding what is wrong; and those— they are the successful.} And in His statement, Most High: {Those who were driven from their homes without right, merely for saying, "Our Lord is Allah." Were it not that Allah repels some people by means of others, monasteries, churches, places of prayer, and mosques in which Allah's name is mentioned much would have been demolished. Allah will surely support whoever supports Him. Allah is indeed Strong, Mighty.}

Abu Muhammed said: Let us conclude our discussion with what we began it with, saying: Praise belongs to Allah, Lord of all worlds. May Allah bless our master Muhammed, His servant and Messenger, and grant him peace

abundantly ﷺ. There is neither power nor strength except through Allah, the Most High, the Magnificent. [Volume 8, page 151][33][34][35][36][37][38][39]

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[33]**Translator's note (L3623):** The source reads رجع أحد at the end, literally 'returned one,' where the continuation about preferring a report because of its transmitters appears to require رجح أحد, 'gave preference to one.' The translation follows that apparent intended reading. The source's phrase 'those two reports' has a grammatical irregularity in its demonstrative.

[34]**Translator's note (L3625):** The source reads ديوننا, 'our debts,' where the context plainly suggests ديواننا, 'our work' or 'our compilation.' The translation follows the apparent intended reading. The phrase بالأخذ الزائد شرعا is syntactically awkward. It has been understood as adopting the text that supplies an additional legal prescription; the source does not explicitly include the preposition normally expected before 'what adds.' 'Following another's authority' renders taqlid; 'discretionary preference' renders istihsan. A 'report with an omitted link to the Prophet' renders mursal, and 'concealment in transmission' renders tadlis. The source reads وإن لم تقطع, 'even if you do not assert definitively,' although the surrounding argument uses the first-person plural. The translation follows the surrounding authorial voice. The Qur'anic quotation contains defective spellings, chiefly omitted initial alifs, but remains recognizable.

[35]**Translator's note (L3626):** The source reads بل علم منه ببطلان ما شهدا به, rendered 'but rather with knowledge on his part of the falsity of what they testified to.' This conflicts with the ensuing condemnation of acting without certainty. A reading such as بلا علم منه, 'without knowledge on his part,' would fit the argument, but has not been silently substituted.

[36]**Translator's note (L3627):** 'Statement' here renders khabar in its technical contrast with a command: an assertion capable of being affirmed as true, rather than an injunction.

[37]**Translator's note (L3628):** The source reads في حق, literally 'in truth' or 'in a right,' where the syntax appears to require فهي حق, 'it is true.' The translation follows the apparent intended sense. The quoted instruction concerning the People of the Scripture is expressly presented by the author as an approximate quotation. Its clause تكذبوا بحق lacks an explicit connector; 'lest' renders its apparent cautionary function. The third-person blessing 'may Allah be pleased with him' attached to the author's name may belong to a transmitter or copyist's framing; the passage itself does not identify who supplied it.

[38]**Translator's note (L3629):** The Qur'anic quotation contains defective spellings, including سم لله where the recognizable wording is اسم الله, 'Allah's name.' These have been interpreted according to the identifiable words. 'Places of prayer' renders صلوات in the quotation; the term is commonly understood here as referring to synagogues. 'PageV08P151' is a transcription pagination marker, rendered as '[Volume 8, page 151].'

[39]**Qur'an references (L3622):** Qur'an 38:26 (Sad); Qur'an 3:104 (Ali 'Imran); Qur'an 22:40 (Al-Hajj); Qur'an 37:182 (As-Saffat).

Frequency translation glossary

261 word families account for 327,062 of 408,723 Arabic word occurrences (80.02%). They include 8,303 of 35,366 distinct normalized spellings.

Counting scope: the corrected Arabic body, including quotations and transmission chains. The front index and printed-page labels are excluded. Punctuation and numbers are not words. Compatibility ligatures are expanded; vowel marks and tatweel are ignored for spelling counts. Hamza spellings and final ي / ى and ة / ه remain distinct. Every counted token belongs to at most one family.

How to use this glossary: families are ordered by combined occurrence count. Related derivations may share an entry, but they are different words, not tense changes. The context and form notes explain their distinctions. Homographic spellings can have multiple readings; counts refer to spellings, not an asserted disambiguation of every occurrence. Recognizing 80% of tokens does not by itself establish sentence meaning: negation, syntax and the remaining technical vocabulary matter.

The English glosses and grammatical explanations are editorial reading aids. Lisān al-ʿArab supplies Arabic lexical evidence, not these English translations or an attribution of every legal interpretation to Ibn Manẓūr. References identify dictionary headwords rather than edition-dependent page numbers. Proper names are identified as names; no foreign-name etymology is invented. Corpus links open examples in their Arabic–English context.

Transliteration appears below each headword and beside attested forms. Long vowels use ā, ī and ū; ʿ represents ayn and ʾ hamza; doubled consonants reflect shadda. An asterisk (*) marks an unvowelled word: its rendering follows the written letters and does not supply missing short vowels. It is not a confirmed pronunciation. The article is written al- without phonetic sun-letter assimilation; final ta marbuta is h without an expressed ending and t before an expressed ending. Transliteration preserves ambiguous source readings rather than resolving their meaning.

The form lists show covered spellings actually found in this book, with occurrence counts. The displayed vowelled reading is the most frequent one for that spelling; other vowel and case readings can occur. The counts combine these readings. Membership was seeded with AlKhalil morphological analyses (Farahidi 0.4.0), with explicit corrections for common ambiguities. Unassigned spellings, including rare or unresolved forms, do not contribute to the coverage claim.

A short guide to changing forms

Verbs: aspect and time

قَالَ = he said; يَقُولُ = he says / is saying; قُلْ = say!; قِيلَ = it was said. The perfect commonly presents a completed event; the imperfect can describe

Prefixes and combinations

وَ- = and; فَ = so / then; بِ = with / by / in; لِ = to / for; كَ = like; الْ = the. They attach to words: وَبِقَوْلِهِ = and by his statement; لِلرَّجُلِ = for the man.

present, habitual or future action. Context supplies time. A perfect in a prayer can express a wish: رَضِيَ اللَّهُ عَنْهُ = may God be pleased with him.

Who acts?

قَالَ = he said; قَالَتْ = she said; قَالُوا = they (masculine/mixed) said; قُلْنَ = they (feminine) said; قُلْتُ = I said; قُلْتَ = you (masculine singular) said; قُلْتِ = you (feminine singular) said; قُلْنَا = we said. Unvowelled قلت does not distinguish the three singular readings.

Attached referents

ـهُ / ـهِ = him / his / it / its; ـهَا = her / hers / it / its; ـهُمَا = the two of them; ـهُمْ = them / their (masculine or mixed); ـهُنَّ = them / their (feminine); ـكَ / ـكِ = you / your; ـكُمْ / ـكُنَّ = you / your (plural); ـنَا = us / our; ـي = my. An object pronoun and a possessive suffix can look identical; the host determines the function.

A whole written word is counted once, not again for every attached particle. Root letters are not removed mechanically.

Number, gender and case

رَجُل / رِجَال = man / men; مَرْأَة / نِسَاء = woman / women. Broken plurals change internal letters. ـانِ / ـيْنِ often mark the dual; ـونَ / ـينَ a masculine plural; ـات a feminine plural. In context these endings may also occur inside a stem. أَبُو / أَبَا / أَبِي are case forms of the same noun; كَتَبَ / كُتِبَ distinguish active and passive by vowels.

Negation and reference

لَا يَجُوزُ = it is not permissible; لَمْ يَقُلْ = he did not say; لَنْ يَقُولَ = he will not say; لَا تَقُلْ = do not say. هُوَ / هِيَ can refer to a masculine/feminine noun without implying human sex. A feminine singular adjective or pronoun can refer to a nonhuman plural. Resolve pronouns from the surrounding sentence.

Alphabetical finder (entry numbers)

(119) إِرَادَة / أَرَادَ (93) أَخَذَ (223) أُخْت / أَخ (193) أُجْرَة / أَجْر (83) آتَى / أَتَى (218) أَبَد (26) أَبُو / أَب (80) آيَة (60) أُخْرَى / آخِر / آخَر
(258) مُمْكِن / أَمْكَنَ (29) أَمَرَ / أَمْر (180) أُمَّة / أَمَة (85) أَمَّا (88) إِمَام / أَمْ / أُمّ (194) أَكَلَ (134) أَصْل (253) أَرْض (150) رَبِيع / رُبْع / أَرْبَعَة
(201) إِبْرَاهِيم (124) مُبَاح / إِبَاحَة (84) أَيْضًا (140) أَيّ (103) تَأْوِيل / أَوَّل (25) أَوْ (75) أَهْل (230) مُنْكَر / أَنْكَرَ (248) أَنَا (7) أَنَّ / أَنْ
(11) بَنَى / بِنْت / ابْن (68) أَمَانَة / أَمَان / إِيمَان (61) أَنَس / نَاس / إِنْسَان (10) إِنَّ / إِنْ (21) إِلَى (28) إِلَّا (234) أُذُن / أَذَان / إِذْن (48) إِذَا (116) إِذْ
(178) أَبْوَاب / بَاب (24) بِهِ / بِـ (112) مَرْء / نِسَاء / امْرَأَة (5) إِلَه / اللَّه (33) الَّتِي / الَّذِي (99) سَمَاء / سَمَّى / اسْم (242) اجْتِهَاد (114) اسْتِثْنَاء / ثَانٍ / اثْنَان
(132) بَلْ (165) بُكْرَة / بِكْر / بَكْر (210) بَاقٍ / بَقِيَ (47) بَعْض (67) بَعِيد / بَعْد (136) بُرْهَان (204) بُدّ (251) بَتَّة (175) بَيْع / بَاعَ (45) بَطَلَ / بَاطِل
(137) ثُلُث / ثَلَاثَة (172) ثَابِت / ثَبَتَ (70) اتَّفَقَ / تَوْفِيق (212) تَمَام / تَمَّ (198) تَقْلِيد (76) تَرَكَ (126) اتِّبَاع / تَبِعَ (31) بَيِّنَة / بَيَان / بَيْن (130) بَلَغَ
(171) جَمَل / جُمْلَة (38) إِجْمَاع / جَمِيع / جَمَعَ (73) جَلَال / جَلَّ (161) جَعَلَ (245) جَدِيد / جِدًّا / جَدّ (69) جَائِز / جَازَ (153) جَاءَ (58) ثُمَّ
(49) إِحْرَام / حَرَام (243) حَرِير / حُرّ (17) حَدَّثَ / حَدِيث (139) حُدُود / حَدّ (51) حَجّ / حُجَّة (100) حَتَّى (149) حَوْل / حَال (188) مَجْهُول / جَهْل
(237) حَنِيف / حَنِيفَة (190) حَمْل / حَمَلَ (27) أَحْمَد / مُحَمَّد / حَمْد (74) حَلَّ / حَلَال (41) حَكَمَ / حُكْم (55) حَقِيقَة / حَقّ (155) إِحْسَان / حَسَنَة / حَسَن
(176) خَطَّاب / خِطْبَة / خُطْبَة (169) أَخْطَأَ / خَطَأ (141) أَخْرَجَ / خَرَجَ (54) أَخْبَرَ / خَبَر (151) خُصُوص / خَاصّ (238) حِين (240) حَيَوَان / حَيَاة / حَيّ
(101) دَعْوَى / دَعَا (254) أَدْرِي / دَرَى (154) أَدْخَلَ / دَخَلَ (138) خِيَار / خَيْر (239) خُمُس / خَمْسَة (235) يَخْلُقُ / خَلَقَ (37) اخْتِلَاف / خِلَاف
(191) رَجْعَة / رَجَعَ (104) رَبّ (66) رَأْي / رَأَى (216) ذَات / ذُو (202) ذَهَب / ذَهَبَ (40) ذِكْر / ذَكَرَ (72) دَيْن / دِين (131) دُون (98) دَلَالَة / دَلِيل
(87) رِوَايَة / رَوَى (249) رَفْع / رَفَعَ (129) رِضًا / رَضِيَ (36) أَرْسَلَ / رَسُول (146) رِدَّة / رَدَّ (127) رَحِم / رَحْمَن / رَحْمَة (128) رِجْل / رِجَال / رَجُل
(115) مَسْعُود / سَعْد / سَعِيد (177) سُبُل / سَبِيل (192) سَارَ / سَائِر (90) مَسْأَلَة / سَأَلَ (203) تَزَوَّجَ / زَوْج (213) زَكَّى / زَكَاة (89) زَيْد / زَادَ
(259) شُفْعَة / شَفَاعَة / شَافِعِيّ (167) اسْتَوَى / سَوَاء (117) سَنَة / سِنّ / سُنَّة (156) سَمَاع / سَمِعَ (14) مُسْلِم / إِسْلَام / سَلَام (143) إِسْقَاط / سَقَطَ
(35) شَاءَ / شَيْء (261) أَشْهُر / شَهْر (110) شَهِدَ / شَهَادَة (162) شَكّ (260) شَعْبِيّ / شُعْبَة (152) شَرَعَ / شَرِيعَة (229) شَرْط (241) تَشْبِيه / شَبَه
(224) ضَرُورِيّ / ضَرُورَة (148) صِيَام / صَوْم (18) صَلَّى / صَلَاة (231) صِفَة (158) صَدَاق / صَدَقَة / صَدَقَ (44) صَحِيح / صَحَّ (78) صَحَابَة / صَاحِب

(145) ظِهَار / ظُهْر / ظَهْر (208) ظَنّ (236) طَائِفَة / طَوَاف (214) طَالِب / طَلَبَ (195) طَلَّقَ / طَلَاق (219) طُرُق / طَرِيق (144) اسْتَطَاعَ / تَطَوُّع / طَاعَة
(147) مَعْرُوف / عَرَفَ (184) اعْتَدَى / عَدُوّ (246) عَدَالَة / عَدْل (199) عِدَّة / عَدَد (244) عُثْمَان (42) عَبَدَ / عَبْد (207) عَبَسَ / عَبَّاس
(4) عَلَى (32) عَلِمَ / عِلْم (227) تَعْلِيل / عِلَّة (125) عَاقِلَة / عَقْل (205) عَظِيم / عَظُمَ (211) مَعْصِيَة / عَصَى (225) عُشْر / عَشَرَة / عَشْر (77) عَزِيز / عَزَّ
(215) عَيْن (63) عِنْد (13) عَنْ (142) عَمّ / عُمُوم (62) عَمِلَ / عَمَل (56) عُمْرَة / عُمْر / عَمْر / عُمَر (255) تَعَمَّدَ / عَمْد (12) أَعْلَى / تَعَالَى / عَلِيّ
(2) قَوْل / قَالَ (3) فِي (59) فِعْل / فَعَلَ (179) أَفْضَل / فَضْل (164) فَاسِد / فَسَاد (108) تَفْرِيق / فَرْق (111) فَرِيضَة / فَرْض (34) غَيْر (252) مَغْفِرَة / غَفَرَ
(163) قَاسِم / قَسَم / قَسْم (64) قَرَأَ / قُرْآن (183) قَدَم / قَدَّمَ / قَدِمَ (197) قُدْرَة / قَدْر (22) قَدْ (106) قَتْل / قَتَلَ (57) قَبِلَ / قَبْل (50) قَوْم / قَامَ
(71) كَتَبَ / كِتَاب (15) يَكُون / كَانَ (52) قِيْس / قِيَاس (122) أَقَلّ / قَلِيل (174) قَطْع / قَطَعَ (97) فَقَط / قَطّ (113) قَاضٍ / قَضَاء / قَضَى
(92) لَازِم / لَزِمَ (8) لَا (19) لَهُ / لِ (220) كَيْف (105) كَلِمَة / كَلَام (23) كِلَا / كُلّ (86) كَفَّارَة / كُفْر (123) كَذِب / كَذَبَ (79) أَكْثَر / كَثِير
(157) مَيِّت / مَوْت / مَاتَ (209) مِيَاه / مَاء (9) مَا (46) لَيْسَ (65) لَوْلَا / لَوْ (95) لَمَّا (20) لَمْ (120) لَكِنَّ / لَكِنْ (181) لَفْظِيّ / لَفْظ (247) لُغَة
(170) مَنَعَ (1) مَن / مِن (81) مَلَك / مَالِك / مِلْك (109) مَعْنًى (96) مَعَ (222) مَرَّ / مَرَّة (196) مَدِينَة (91) مَثَل / مِثْل (166) أَمْوَال / مَال
(217) نِعْمَ / نَعَمْ (206) مَنْصُور / نَصْر (43) نُصُوص / نَصّ (133) نَسْخ / نَسَخَ (121) أَنْزَلَ / نَزَلَ (160) نَحْن (53) نُبُوَّة / نَبِيّ (257) مُوسَى
(6) ذَلِكَ / هَذَا (228) هُدًى / هَدْي (256) نَوَى / نِيَّة (118) نَهْي / نَهَى (200) نَكَحَ / نِكَاح (173) نَقْل / نَقَلَ (226) تَنَاقُض / نَقَضَ (94) نَفْس
(186) مَوْضِع / وَضَعَ (189) وُرُود / وَرَدَ (102) جِهَة / وَجْه (82) وُجُود / وَجَدَ (39) وَاجِب / وَجَبَ (30) أَحَد / وَاحِد (16) هِيَ / هُوَ (221) هُنَالِكَ / هُنَا
(233) يَمِين (135) يَقِين (182) أَيْدٍ / يَد (232) يَا (250) هِبَة / وَهَبَ (159) وَلَاء / وَلِيّ (187) وَلَدَ / وَلَد (168) وَاقِعَة / وَقَعَ (185) مِيقَات / وَقْت
(107) أَيَّام / يَوْم

1. مَن / مِن[1]

min / man

15,317 occurrences; cumulative coverage 3.75%.

Possible English: from; of; among; some of; who; whoever

Context: مِنْ marks origin or part of a group. مَنْ refers to a person in a question or relative/conditional clause. A following verb or noun helps distinguish them.

Forms and grammar: منه / منها / منهم = from him or it / her or it / them; ممن combines من + من; مما combines ما + من. Attached و / ف add and / so.

Attested spellings and counts

من —mn* (10,585); ومن —wmn* (928); منه —mnh* (700); فمن — fmn* (504); منهم —mnhm* (494); مما —mmā* (463); منها —mnhā* (363); لمن —lmn* (254); منكم —mnkm* (249); ممن —mmn* (232); منا —mnā* (134); منهما —mnhmā* (77); ومما —wmmā* (47); ومنها —wmnhā* (43); كمن — kmn* (34); بمن —bmn* (33); ومنهم —wmnhm* (31); مني —mny* (28); منهن —mnhn* (27); ومنه —wmnh* (19); وممن —wmmn* (16); منك —mnk* (11); ومنكم —wmnkm* (9); وكمن —wkmn* (6); ولمن —wlmn* (6); فمما —fmmā* (5); فمنه —fmnh* (5); فمنهم —fmnhm* (5); فمنها —fmnhā* (3); ومنا —wmnā* (3); أفمن —ʾfmn* (1); فممن —fmmn* (1); منكن —mnkn* (1)

Context L0: ... رسلا مبشرين ومنذرين ليهلك من هلك عن بينة ويحيى من ...

Context L2: ... النفس الإنسانية قوة مختلفة فمنها عدل يزين لها الإنصاف ويحبب ...

2. قَوْل / قَالَ[2]

qāla / qawl

12,735 occurrences; cumulative coverage 6.86%.

Possible English: say; state; hold an opinion; statement; position

Context: قال in a transmission chain introduces a speaker. قول فلان often means someone's legal opinion. قيل reports a saying without naming its speaker.

Forms and grammar: قال / يقول / قل = said / says / say!; قالوا = they said; قلنا = we said; قلت depends on its vowels. قول / أقوال = statement / statements; قائِل = speaker.

Attested spellings and counts

قال —qāl* (3,918); قوله —qwlh* (809); وقال —wqāl* (681); قالوا — qālwā* (622); قول —qwl* (603); فقال —fqāl* (536); يقول —yqwl* (485); القول —al-qwl* (353); قلنا —qlnā* (283); قيل —qyl* (250); نقول — nqwl* (239); بقوله —bqwlh* (233); فقالوا —fqālwā* (198); قائل —qāʾl* (176); قولهم —qwlhm* (163); وقالوا —wqālwā* (158); بقول —bqwl* (133); قولنا —qwlnā* (127); فنقول —fnqwl* (99); يقولون —yqwlwn* (97); وقوله — wqwlh* (95); وبقوله —wbqwlh* (88); لقول —lqwl* (84); يقال —yqāl* (79); القائل —al-qāʾl* (78); قلت —qlt* (73); القائلين —al-qāʾlyn* (72); يقل —yql* (71); ويقال —wyqāl* (70); قاله —qālh* (69); قلتم —qltm* (68); لقوله —lqwlh* (59); يقولوا —yqwlwā* (59); قالت —qālt* (55); وقالت —

[1] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: منن (read dictionary entry).
[2] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قول (read dictionary entry).

wqālt* (55); فيقال —fyqāl* (52); فيقول —fyqwl* (51); قولا —qwlā* (51); — وقول —tqwlwn* (49); تقولون —tqwl* (49); تقول —ʾqwāl* (49); أقوال wqwl* (45); قولكم —qwlkm* (44); تقولوا —tqwlwā* (41); فقالت —fqālt* (39); ويقولون —fqlt* (35); فقلت —al-ʾqwāl* (35); الأقوال —ʾqwl* (36); أقول — أقوالهم —wyqwlwn* (34); فقلنا —fqlnā* (31); يقوله —yqwlh* (30); ʾqwālhm* (29); وقل —wql* (28); والقول —wālqwl* (28); قولك —qwlk* (28); — ويقول —qāʾlh* (25); قائله —al-qāʾlwn* (26); القائلون —wnqwl* (28); ونقول wyqwl* (23); قالوه —qālwh* (20); القولين —al-qwlyn* (22); قالا —qālā* (21); وكقول —lqwlhm* (18); لقولهم —fqyl* (18); فقيل —fqwlh* (19); فقوله — فيقولون —wkqwl* (18); يقله —yqlh* (17); وتقولون —wtqwlwn* (17); fyqwlwn* (16); وقلنا —wqlnā* (16); تقل —tql* (15); كقوله —kqwlh* (15); — قائلا —fqwl* (11); فقول —wkqwlh* (14); وكقوله —wlqwlh* (15); ولقوله qāʾlā* (10); كقول —kqwl* (10); كقولك —kqwlk* (10); لقولنا —lqwlnā* (10); — قالها —bqwlnā* (9); بقولنا —wqwlwā* (10); وقولوا —wqwlnā* (10); وقولنا — قولين —wqāʾl* (9); وقائل —qlnāh* (9); قولهما —qwlhmā* (9); قلناه —qālhā* (9); qwlyn* (8); بالقول —bālqwl* (7); بأقوال —bʾqwāl* (7); المقالة —al-mqālh* (7); فليقل —flyql* (7); قولة —qwlh* (7); لقلنا —lqlnā* (7); يقولونه —yqwlwnh* (7); — قولي —qwly* (6); قائلون —qāʾlwn* (6); فلنقل —flnql* (6); فقولوا —fqwlwā* (6); — أقواله —wqyl* (6); وقيل —wqwlhm* (6); وقولهم —kālqwl* (6); كالقول ʾqwālh* (5); فيقولوا —fyqwlwā* (5); فقل —fql* (5); فالقول —fālqwl* (5); المقول —al-qwlān* (4); القولان —wʾqwāl* (5); وأقوال —qltmwh* (5); قلتموه —al-mqwl* (4); بقولهم —bqwlhm* (4); قائلها —qāʾlhā* (4); قولها —qwlhā* (4); فتقول —al-ʾqāwyl* (3); الأقاويل —wyqwlwā* (4); ويقولوا —wtqwl* (4); وتقول — وبقول —mqālh* (3); مقالة —qlth* (3); قلته —fqltm* (3); فقلتم —ftqwl* (3); wbqwl* (3); وقلتم —wqltm* (3); ولقول —wlqwl* (3); يقولان —yqwlān* (3); — أقوالا —ʾqwālā* (2); سيقول —syqwl* (2); فأقول —fʾqwl* (2); قالته —qālth* (2); — لأقوال —kqwlhm* (2); كقولهم —kqwlnā* (2); كقولنا —qwlān* (2); قولان

l’qwāl* (2); لقائل —lqā’l* (2); لقال —lqāl* (2); للقول —llqwl* (2); وقولكم — wqwlkm* (2); وقولها —wqwlhā* (2); يقولا —yqwlā* (2); يقولوه —yqwlwh* (2); بقولكم —al-qwlh* (1); القولة —’qwlh* (1); أقوله —’qwālhmā* (1); أقوالهما bqwlkm* (1); بقولها —bqwlhā* (1); تقولن —tqwln* (1); تقويل —tqwyl* (1); قائلهم — f’qwāl* (1); فقالا —fqālā* (1); فليقولوا —flyqwlwā* (1); فأقوال qā’lhm* (1); قائلين —qā’lyn* (1); قلن —qln* (1); قولوا —qwlwā* (1); لأقوالهم — l’qwālhm* (1); لقائله —lqā’lh* (1); لقولكم —lqwlkm* (1); نقوله —nqwlh* (1); وأقوالهم —w’qwālhm* (1); وليقل —wlyql* (1)

Context L0: ... قال الفقيه الإمام أبو محمد علي ...

Context L2: ... ويحبب إليها موافقة الحق قال تعالى إن الله يأمر بالعدل ...

3. فِي[3]

fī

12,732 occurrences; cumulative coverage 9.98%.

Possible English: in; within; concerning; regarding

Context: في can introduce a legal topic rather than physical location. فيه can mean in it or concerning it, depending on the preceding noun.

Forms and grammar: فيه / فيها / فيهم = in him or it / her or it / them; فيما = in what or concerning what; فيمن = concerning whoever.

Attested spellings and counts

في —fy* (9,279); فيه —fyh* (1,535); فيها —fyhā* (619); فيما —fymā* (502); وفي —wfy* (388); فيمن —fymn* (95); فيهم —fyhm* (77); وفيه —wfyh* (49); فيهما —fyhmā* (41); ففي —ffy* (35); وفيما —wfymā* (27); فيكم —fykm* (19); فينا —fynā* (16); وفيها —wfyhā* (15); ففيه —ffyh* (7); لفي —lfy* (7); وفيمن —wfymn* (7); فيهن —fyhn* (4); وفيهم —wfyhm* (4); ففيها —ffyhā* (3); فى — fā* (2); فيك —fyk* (1)

Context L0: ... طريق الحق ووفق قوما في سبيل ما ومنعهم التوفيق في ...

Context L2: ... الله عز وجل ركب في النفس الإنسانية قوة مختلفة فمنها ...

[3] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: فيا (read dictionary entry).

4. عَلَى[4]

ʿalā

12,371 occurrences; cumulative coverage 13.01%.

Possible English: on; upon; against; incumbent on; according to

Context: عليه can express an obligation or liability, not a physical position. In a blessing, عليه means upon him. على قول means according to a position.

Forms and grammar: عليه / عليها / عليهم = on him or it / her or it / them; عليك = on you; علينا = on us. عليّ can mean on me; distinguish the proper name علي from its context.

Attested spellings and counts

عليه —ʿlyh* (5,383); على —ʿlā* (5,362); عليهم —ʿlyhm* (424); عليكم —ʿlykm* (354); علينا —ʿlynā* (244); عليها —ʿlyhā* (205); وعلى —wʿlā* (151); عليهما —ʿlyhmā* (69); عليك —ʿlyk* (62); فعلى —fʿlā* (27); عليهن —ʿlyhn* (24); وعليها —wʿlyhā* (18); وعليه —wʿlyh* (17); فعليه —fʿlyh* (15); فعليهن —fʿlyhn* (5); وعليهم —wʿlyhm* (4); وعليكم —wʿlykm* (2); فعلي —fʿly* (1); فعليها —fʿlyhā* (1); فعليهم —fʿlyhm* (1); وعليك —wʿlyk* (1); وعلينا —wʿlynā* (1)

Context L0: ... بن أحمد رحمة الله عليه ورضوانه الحمد لله الذي امتن ...

Context L2: ... بالقسط شهدآء لله ولو على أنفسكم أو الوالدين والأقربين إن ...

5. اللَّه / إِلَه[5]

Allāh / ʾilāh

11,979 occurrences; cumulative coverage 15.94%.

Possible English: God; Allah; deity

Context: الله is the divine name. إله is a common noun meaning deity. بالله التوفيق is a formula locating success or assistance with God, not an independent legal ruling.

Forms and grammar: بالله / لله / والله attach by or with / to or for / and or oath-wāw. اللهم is an address, O God. آلهة is the plural of إله, not a plural of the divine name.

Attested spellings and counts

الله —Allāh (8,763); لله —llh* (1,938); وبالله —wbāllh* (652); ولله —wllh* (244); بالله —bāllh* (176); والله —wāllh* (105); إله —ʾilāh* (86); إلها —ʾilhā* (8); فالله —fāllh* (7)

Context L0: ... علي بن أحمد رحمة الله عليه ورضوانه الحمد لله الذي ...

Context L2: ... وبعد فإن الله عز وجل ركب في النفس ...

[4] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: علا (read dictionary entry).

[5] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أله (read dictionary entry).

6. هَذَا / ذَلِكَ[6]

hādhā / dhālika

11,761 occurrences; cumulative coverage 18.81%.

Possible English: this; that; these; those; such

Context: Demonstratives can point back to an argument, report or ruling. كذلك can mean likewise or in that way, rather than that alone.

Forms and grammar: هذا masculine / هذه feminine; هذان / هذين dual; هؤلاء these; ذلك / تلك that; أولئك those. لهذا / بذلك = by that / for this. Gender follows the referred-to noun.

Attested spellings and counts

ذلك —dhālika* (3,889); هذا —hādhā* (2,464); وهذا —whdhā* (1,191); هذه —hādhihi* (611); بذلك —bdhlk* (466); وكذلك —wkdhlk* (361); فهذا —fhdhā* (342); تلك —tlk* (301); كذلك —kdhlk* (221); بهذا —bhdhā* (220); هؤلاء —hāʾulāʾ* (190); وذلك —wdhlk* (139); وهكذا —whkdhā* (136); كذا —kdhā* (119); وهذه —whdhh* (116); أولئك —ʾwlʾk* (105); ذلكم —dhlkm* (88); لذلك —ldhlk* (81); بهذه —bhdhh* (70); هكذا —hkdhā* (65); فهذه —fhdhh* (57); هذين —hdhyn* (54); لهذا —lhdhā* (45); فأولئك —fʾwlʾk* (39); وتلك —wtlk* (30); ذا —dhā* (28); وبهذا —wbhdhā* (28); فذلك —fdhlk* (27); وأولئك —wʾwlʾk* (25); وهؤلاء —whʾlāʾ* (24); هذان —hdhān* (19); هاتين —hātyn* (18); فهؤلاء —fhʾlāʾ* (16); ولذلك —wldhlk* (15); فكذلك —fkdhlk* (14); وكذا —wkdhā* (14); فلذلك —fldhlk* (13); لتلك —ltlk* (13); فهكذا —fhkdhā* (12); لهؤلاء —lhʾlāʾ* (12); بتلك —btlk* (11); فهذان —fhdhān* (10); لهذه —lhdhh* (10); فبهذا —fbhdhā* (6); ولهذا —wlhdhā* (6); وهذان —whdhān* (6); بهذين —bhdhyn* (5); فتلك —ftlk* (4); وبذلك —wbdhlk* (4); وهاتان —whātān* (4); لهذين —lhdhyn* (3); وبهذه —wbhdhh* (3); ذاك —dhāk* (2); فذاك —fdhāk* (2); فهاتان —fhātān* (2); هاتان —hātān* (2); ذانك —dhānk* (1); لهاتين —lhātyn* (1); وذا —wdhā* (1)

Context L0: إليكم الكفر والفسوق والعصيان أولئك هم الراشدون فضلا من الله ... ...

Context L2: ... المنطق فجعل لها خالقها بهذه القوة سبيلا إلى فهم خطابه ...

[6] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ذا (read dictionary entry).

7. أَنْ / أَنَّ[7]

ʾan / ʾanna

10,349 occurrences; cumulative coverage 21.35%.

Possible English: to; that; because

Context: أنْ introduces an infinitive-like clause. أنَّ introduces a noun clause with emphasis. لأن / لأنه commonly supply a reason: because / because he or it…

Forms and grammar: أنه / أنها / أنهم carry a following pronoun: that he / she / they. بأن = with or by the fact that; لأن = because. Shadda distinguishes أنَّ from أنْ. كأنّ means as if; لئلا means so that not, combining purpose and negation.

Attested spellings and counts

أن —ʾn* (5,469); أنه —ʾnh* (1,480); لأن —lʾn* (667); لأنه —lʾnh* (610); وأن —wʾn* (467); بأن —bʾn* (363); أنهم —ʾnhm* (205); وأنه —wʾnh* (162); أنها —ʾnhā* (145); بأنه —bʾnh* (132); أننا —ʾnnā* (91); لأنهم —lʾnhm* (84); لأنها —lʾnhā* (61); لأننا —lʾnnā* (47); بأنهم —bʾnhm* (46); أنهما —ʾnhmā* (36); وأنهم —wʾnhm* (31); أنكم —ʾnkm* (20); بأنها —bʾnhā* (19); لأنهما —lʾnhmā* (18); أنما —ʾnmā* (17); أني —ʾny* (17); أنك —ʾnk* (16); لئلا —lʾlā* (16); وأنها —wʾnhā* (16); ولأن —wlʾn* (15); ولأنه —wlʾnh* (12); وأننا —wʾnnā* (11); وبأن —wbʾn* (7); كأنه —kʾnh* (6); وأنهما —wʾnhmā* (6); وبأنه —wbʾnh* (6); لأنك —lʾnk* (5); لأنكم —lʾnkm* (5); بأننا —bʾnnā* (4); فأن —fʾn* (4); وكأنه —wkʾnh* (4); أنهن —ʾnhn* (3); ان —ʾn* (3); فكأنه —fkʾnh* (3); كأنها —kʾnhā* (3); كأني —kʾny* (3); بأنهما —bʾnhmā* (2); فكأنما —fkʾnmā* (2); كأن —kʾn* (2); كأنما —kʾnmā* (2); وأني —wʾny* (2); بأنك —bʾnk* (1); فكأن —fkʾn* (1); كأنهم —kʾnhm* (1); وكأن —wkʾn* (1)

Context L0: … وخاصة فعم النوع الآدمي بأن أرسل إليهم رسلا مبشرين ومنذرين …

Context L2: … بهما فلا تتبعوا الهوى أن تعدلوا وإن تلووا أو تعرضوا …

[7] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أنن (read dictionary entry).

8. لَا[8]

lā

9,985 occurrences; cumulative coverage 23.79%.

Possible English: not; no; do not

Context: لا before an imperfect may negate a statement or prohibit an action. بلا means without. ألا can have other readings, including a question plus negation or أن + لا.

Forms and grammar: لا changes the meaning of the following clause, not the verb's root. ولا / فلا = and not / so not. لا تقلْ is a prohibition; لا يقولُ is a statement.

Attested spellings and counts

لا —lā* (4,576); ولا —wlā* (3,807); فلا —flā* (708); بلا —blā* (463); ألا —ʾlā* (351); أفلا —ʾflā* (37); وألا —wʾlā* (37); وبلا —wblā* (4); فبلا —fblā* (2)

Context L0: ... دنا فتدلى وقال تعالى ولا تسبوا الذين يدعون من دون ...

Context L2: ... فقيرا فالله أولى بهما فلا تتبعوا الهوى أن تعدلوا وإن ...

9. مَا[9]

mā

7,436 occurrences; cumulative coverage 25.61%.

Possible English: what; whatever; that which; not; a clause-forming particle

Context: ما has several syntactic functions. A question ما هو؟ asks what it is; ما كان may negate. كما compares: as or just as. Read the whole clause before choosing a gloss.

Forms and grammar: وما / فما attach and / so. بما = by or with what; كما = as. ما does not change for a masculine, feminine or plural referent in its common relative uses.

Attested spellings and counts

ما —mā* (4,971); كما —kmā* (800); وما —wmā* (721); بما —bmā* (597); فما —fmā* (246); وكما —wkmā* (59); وبما —wbmā* (33); فكما —fkmā* (9)

Context L0: ... ووفق قوما في سبيل ما ومنعهم التوفيق في سبيل أخرى ...

Context L2: ... تعرضوا فإن الله كان بما تعملون خبيرا ومنها غضب وشهوة ...

[8] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: لا (read dictionary entry).
[9] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ما (read dictionary entry).

10. إِنَّ / إِنْ[10]

ʾin / ʾinna

6,667 occurrences; cumulative coverage 27.24%.

Possible English: if; indeed; surely; only

Context: إِنْ commonly introduces a condition; إِنَّ emphasizes a statement. إنما restricts: only, or nothing but. إما ... وإما marks alternatives: either ... or. Do not confuse إن with إلا, except.

Forms and grammar: إنه / إنها / إنهم = indeed he or it / she or it / they. إني / إنني = indeed I. فإن can mean so if or for indeed; vowels and clause structure decide.

Attested spellings and counts

إن —ʾin* (1,930); فإن —fʾin* (1,404); وإن —wʾin* (797); إنما —ʾinmā* (588); وانما —wʾinmā* (523); إنه —ʾinh* (240); فإنه —fʾinh* (223); إما —ʾimā* (153); فإنما —fʾinmā* (142); وإما —wʾimā* (134); إني —ʾiny* (89); فإنهم — fʾinhm* (70); إنا —ʾinā* (47); إنها —ʾinhā* (35); إنك —ʾink* (33); إنهم — ʾinhm* (31); وانا —wʾinā* (31); إننا —ʾinnā* (24); فإنها —fʾinhā* (23); وإنه — wʾinh* (23); فإنا —fʾinā* (19); إنكم —ʾinkm* (16); فإني —fʾiny* (15); فإننا — fʾinnā* (14); وإني —wʾiny* (12); فإنك —fʾink* (9); وإنهم —wʾinhm* (9); فإنكم —fʾinkm* (8); فإنهما —fʾinhmā* (4); إنهما —fʾimā* (6); وإنها —wʾinhā* (5); فإما —ʾinhmā* (3); وإنك —wʾink* (3); فان —fān* (2); إنني —ʾinny* (1); وإنهما — wʾinhmā* (1)

Context L2: ... وبعد فإن الله عز وجل ركب في

Context L4: ... وربما أهلك قال تعالى إن في ذلك لذكرى لمن كان

11. بَنَى / بِنْت / ابْن[11]

ibn / bint / banā

6,286 occurrences; cumulative coverage 28.78%.

Possible English: son; daughter; descendant; build

Context: بن between names means “son of”; ابن فلان identifies a narrator. بني can mean sons of a clan. The building verbs are grouped here as a related lexical set, not inflections of son.

Attested spellings and counts

وبنات —bny* (84); بني —bn* (4,910); ابن —ibn (847); وابن —wābn* (122); أبنائكم —ʾbnāʾkm* (20); لابن —lābn* (26); بنت —bnt* (40); —wbnāt* (51); ابنه —ʾbnh* (19); بنو —bnw* (11); وبني —wbny* (10); البنين —al-bnyn* (9); البنات —al-bnāt* (8); بابن —bābn* (8); بنات —bnāt* (8); ابنا —ʾbnā* (7); وبناء —wbnāʾ* (7); البناء —al-bnāʾ* (6); بناء —bnāʾ* (6); وبنت —wbnt* (6); أبناء —ʾbnāʾ* (5); ابنته —ʾbnth* (5); لبني —lbny* (5); وابنه —wābnh* (5); بنيان —bnyān* (4); والبنات —wālbnāt* (4); ابني —ʾbny* (3); —wbnw* (5);

[10] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أنن (read dictionary entry).
[11] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بني (read dictionary entry).

Forms and grammar: ابن and بن are spellings of son; بنت is daughter; أبناء / بنون / بني are plural or case forms. ابنه = his son. بنى / يبني = built / builds.

البنت —al-bnt* (3); البنيان —al-bnyān* (3); وابنة —wābnh* (3); وابنتها — wābnthā* (3); يبني —ybny* (3); ابنتي —ʾbnty* (2); ابنها —ʾbnhā* (2); بناها — bnāhā* (2); بنون —bnwn* (2); بنى —bnā* (2); فابن —fābn* (2); يبن —ybn* (2); يبنى —ybnā* (2); ابنة —ʾbnh* (1); ابنك —ʾbnk* (1); البنتين —al-bntyn* (1); بنته —bnth* (1); بنتي —bnty* (1); بنوا —bnwā* (1); بنوه —bnwh* (1); بنيه — bnyh* (1); لابنته —lābnth* (1); لابنه —lābnh* (1); والبنت —wālbnt* (1); وبنى —wbnā* (1); ولابن —wlābn* (1); ويبني —wybny* (1)

Context L0: ... الإمام أبو محمد علي بن أحمد رحمة الله عليه ورضوانه ...

Context L54: ... عنه ويوم قتل الحسين وابن الزبير رضي الله عنهم ولعن ...

12. أَعْلَى / تَعَالَى / عَلِيّ[12]

ʿaliyy / taʿālā / ʾaʿlā

5,793 occurrences; cumulative coverage 30.19%.

Possible English: high; exalted; higher; ʿAlī

Context: تعالى after the divine name is conventionally Exalted is He. علي often names ʿAlī; do not translate a narrator's name as high. على, upon, is listed separately.

Forms and grammar: علا / يعلو = rose / rises; تعالى is a derived perfect form often used honorifically; أعلى is a comparative/superlative. علِيّ = high or the proper name, with case-dependent final vowels.

Attested spellings and counts

تعالى —tʿālā* (4,603); علي —ʿly* (984); الأعلى —al-ʾʿlā* (36); وعلي —wʿly* (34); عليا —ʿlyā* (19); العلاء —al-ʿlāʾ* (16); العلي —al-ʿly* (16); لعلي —lʿly* (13); وتعالى —wtʿālā* (10); العالية —al-ʿālyh* (9); علوا —ʿlwā* (9); وعليا —wʿlyā* (9); أعلى —ʾʿlā* (7); تعال —tʿāl* (4); يعلى —yʿlā* (4); العليا —al-ʿlyā* (3); المعلى — al-mʿlā* (3); بعلي —bʿly* (3); تعالوا —tʿālwā* (3); أعلاه —ʾʿlāh* (2); وأعلى — wʾʿlā* (2); بأعلى —bʾʿlā* (1); علا —ʿlā* (1); علو —ʿlw* (1); فتعالى —ftʿālā* (1)

Context L0: ... الفقيه الإمام أبو محمد علي بن أحمد رحمة الله عليه ...

Context L2: ... إليها موافقة الحق قال تعالى إن الله يأمر بالعدل والإحسان ...

[12] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: علا (read dictionary entry).

13. عَنْ[13]

ʿan

5,601 occurrences; cumulative coverage 31.56%.

Possible English: from; on the authority of; about; away from; on behalf of

Context: عن فلان commonly names a transmitter, not a topic. سأله عن means asked him about; an act performed عن someone may be on their behalf.

Forms and grammar: عنه / عنها / عنهم = from or about him / her / them. عما = عن + ما; عمن = عن + من. Suffixes identify the referent, not a different tense.

Attested spellings and counts

عن —ʿn* (3,954); عنه —ʿnh* (747); عنهم —ʿnhm* (255); عنها —ʿnhā* (162); عما —ʿmā* (147); وعن —wʿn* (100); عنا —ʿnā* (63); عنهما —ʿnhmā* (52); عمن —ʿmn* (42); عني —ʿny* (28); عنكم —ʿnkm* (25); عنك —ʿnk* (10); فعن —fʿn* (8); وعما —wʿmā* (3); عنهن —ʿnhn* (2); وعمن —wʿmn* (2); وعنه —wʿnh* (1)

Context L0: ... ومنذرين ليهلك من هلك عن بينة ويحيى من حي عن ...

Context L2: ... وإيتآء ذي القربى وينهى عن الفحشاء والمنكر والبغي يعظكم لعلكم ...

14. مُسْلِم / إِسْلَام / سَلَام[14]

salām / ʾislām / muslim

5,221 occurrences; cumulative coverage 32.84%.

Possible English: peace; Islam; Muslim; submit; deliver; greet

Context: وَسَلَّمَ in a blessing upon the Prophet means "and may He grant him peace." مُسْلِم means a Muslim (one who submits to God), but also occurs as a personal name. In a citation to Ṣaḥīḥ Muslim, Muslim is the compiler Muslim ibn al-Ḥajjāj; in a transmission chain, identify the person from the full name and surrounding chain. سَلَام (peace), إِسْلَام (submission / Islam) and مُسْلِم are related derivations, not tense forms of one word. مسلم in a chain or a report attribution may name Muslim ibn al-Ḥajjāj, the hadith compiler; this identification must come from context.

Attested spellings and counts

وسلم —wslm* (3,062); السلام —al-slām* (927); مسلم —mslm* (276); الإسلام —al-ʾislām* (217); المسلمين —al-mslmyn* (141); سلمة —slmh* (79); المسلم —al-mslm* (56); مسلمة —mslmh* (44); أسلم —ʾslm* (43); مسلما —mslmā* (36); لمسلم —lmslm* (33); سالم —sālm* (29); المسلمون —al-mslmwn* (23); سلم —slm* (21); للمسلمين —llmslmyn* (18); المسلمة —al-mslmh* (15); يسلم —yslm* (13); السلم —al-slm* (12); مسلمون —mslmwn* (11); والسلام —wālslām* (11); للإسلام —llʾislām* (10); أسلموا —ʾslmwā* (9); أسلمت —ʾslmt* (8); تسليما —tslymā* (8); السلمي —al-slmy* (7); سلام —slām* (7); مسلمين —mslmyn* (7); إسلام —ʾislām* (6); السلامة —al-slāmh* (6); مسلمان —mslmān* (6); والإسلام —wālʾislām* (6); ويسلموا —wyslmwā* (6);

[13] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عنن (read dictionary entry).

[14] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: سلم (read dictionary entry).

Forms and grammar: سلم / يسلم vary in meaning with vowels and verb pattern; أسلم = embraced Islam or submitted. مسلم / مسلمة / مسلمون / مسلمين show gender, number and case. الإسلام is the noun Islam.

سالما —sālmā* (5); وسالم —wsālm* (5); إسلامه —ʾislāmh* (4); الأسلمي —al-ʾslmy* (4); والمسلمون —wālmslmwn* (4); بالإسلام —bālʾislām* (3); سلامة —slāmh* (3); أسلما —ʾslmā* (2); التسليم —al-tslym* (2); فأسلم — fʾslm* (2); للمسلم —llmslm* (2); وأسلم —wʾslm* (2); وإسلامه —wʾislāmh* (2); والتسليم —wāltslym* (2); وسلمة —wslmh* (2); يسلمه —yslmh* (2); إسلامهم — ʾislāmhm* (1); إسلامهما —ʾislāmhmā* (1); الأسلمية —al-ʾslmyh* (1); المسلمات —al-mslmāt* (1); بالمسلم —bālmslm* (1); بالمسلمين —bālmslmyn* (1); بمسلم — bmslm* (1); تسلم —tslm* (1); سلامه —slāmh* (1); سلما —slmā* (1); فأسلمت — fʾslmt* (1); فسلم —fslm* (1); فسلمت —fslmt* (1); فيسلم —fyslm* (1); والسالم —wālsālm* (1); والمسلمين —wālmslmyn* (1); وسلام —wslām* (1); وسلما — wslmā* (1); وسلموا —wslmwā* (1); ومسلم —wmslm* (1); يسلموا —yslmwā* (1); يسلمون —yslmwn* (1)

Context L2: ... أبوابها وقال لهم خزنتها سلام عليكم طبتم فادخلوها خالدين وقالوا ...

Context L4: ... محمدا صلى الله عليه وسلم الهاشمي المكي إلى جميع خلقه ...

15. يَكُون / كَانَ[15]

kāna / yakūn

5,043 occurrences; cumulative coverage 34.08%.

Possible English: be; was; become; occur

Context: كان often puts a description in past time, but a condition, habitual description or accompanying verb can change the best English rendering. مكان is a place, a separate derived noun.

Attested spellings and counts

كان —kān* (1,905); يكون —ykwn* (717); يكن —ykn* (325); وكان — wkān* (238); كانت —kānt* (233); لكان —lkān* (200); كنتم —kntm* (195); كانوا —kānwā* (180); مكان —mkān* (119); تكون —tkwn* (114); فكان — fkān* (113); كنت —knt* (64); كنا —knā* (62); المكان —al-mkān* (53); تكن —tkn* (45); كون —kwn* (43); فيكون —fykwn* (37); ويكون —wykwn* (34); تكونوا —tkwnwā* (29); ولكان —wlkān* (27); وكانت —wkānt* (24); يكونوا — ykwnwā* (24); لكانت —lkānt* (20); كانا —kānā* (19); كونه —kwnh* (19);

[15] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: كون (read dictionary entry).

Forms and grammar: كان / كانت = he or it was / she or it was; كانوا = they were; تكون / يكون = is or will be; لم يكن = was not; كنّا = we were; كون = being.

يكونا —ykwnā* (15); وكانوا —wkānwā* (14); وكنّا —wknā* (14); فكانت — fkānt* (13); مكانه —mkānh* (11); فكانوا —fkānwā* (10); كائنا —kāʾnā* (9); كن —kn* (9); أكون —ʾkwn* (7); كانتا —kāntā* (7); كونوا —kwnwā* (7); لكانوا — lkānwā* (6); كونها —kwnhā* (6); فتكون —ftkwn* (6); سيكون —sykwn* (6); وكنتم —wkntm* (6); ليكون —lykwn* (5); نكون —nkwn* (6); يكونان —ykwnān* (5); فكنت —fknt* (4); ومكان — wmkān* (4); وكانا —wkānā* (3); كونهما —kwnhmā* (3); فكنّا —fknā* (3); وتكون —wtkwn* (5); وكنت —wknt* (3); أكن —ʾkn* (2); مكانها —mkānhā* (2); وكون —wkwn* (2); يكونون —ykwnwn* (2); فليكن —flykn* (1); ولتكن —wltkn* (2); لكانا — lkānā* (1); لكنتم —lkntm* (1); مكانا —mkānā* (1); نكن —nkn* (1); والمكان —wālmkān* (1); ولتكونن —wltkwnn* (1)

Context L0: ... ربهم مرجعهم فينبئهم بما كانوا يعملون لله وكما قال النبيان ...

Context L2: ... يا أيها الذين آمنوا كونوا قوامين بالقسط شهدآء لله ولو ...

16. هُوَ / هِيَ[16]

huwa / hiya

4,384 occurrences; cumulative coverage 35.15%.

Possible English: he; she; it; they; a linking or emphatic pronoun

Context: These refer to a previously mentioned noun. Grammatical masculine/feminine does not always correspond to human sex. هو can reinforce identity where English needs only is.

Forms and grammar: هو masculine singular; هي feminine singular; هما dual; هم masculine or mixed plural; هن feminine plural. وهو / فهي add and / so. Independent pronouns differ from attached possession/object suffixes.

Attested spellings and counts

وهم —hy* (286); هي —fhw* (747); فهو —whw* (952); وهو —hw* (1,418); هو —whm* (250); فهم —hm* (238); وهي —why* (174); فهي —fhm* (102); فهما — fhy* (81); وهما —whmā* (42); هن —hn* (36); هما —hmā* (28); أهو —ʾhw* (7); فهن —fhn* (3); وهن —whn* (3)

Context L0: ... وجعلنا السمآء سقفا محفوظا وهم عن آياتها معرضون دون أن ...

Context L2: ... وهلاكه في معاده ومنها فهم يليح لها الحق من قريب ...

[16] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ها (read dictionary entry); نحن (read dictionary entry).

17. حَدَّثَ / حَدِيث[17]

ḥadīth / ḥaddatha

4,125 occurrences; cumulative coverage 36.16%.

Possible English: report; hadith; narration; narrate; new; occur

Context: حدثنا introduces transmission: he narrated to us. نا and ثنا are scribal abbreviations for حدثنا here. حديث can be a report or, in other constructions, an adjective meaning new.

Forms and grammar: يحدّث / حدّث = narrated / narrates; حدثني / حدثنا = narrated to us / me. حديث / أحاديث = report / reports. أحدث means introduced or caused to occur.

Attested spellings and counts

نا —nā* (1,155); ثنا —thnā* (1,078); الحديث —al-ḥdyth* (461); حدثنا — ḥdthnā* (363); حديث —ḥdyth* (285); حدثني —ḥdthny* (69); بحديث — bḥdyth* (61); يحدث —yḥdth* (59); الأحاديث —al-ʾḥādyth* (53); حدثناه —ḥdthnāh* (52); حدث —ḥdth* (47); حديثا —ḥdythā* (40); والحديث — wālḥdyth* (36); بالحديث —bālḥdyth* (31); الحديثين —al-ḥdythyn* (26); وحدثنا —wḥdthnā* (24); وحديث —wḥdyth* (22); أحدث —ʾḥdth* (21); لحديث —lḥdyth* (21); أحاديث —ʾḥādyth* (19); حدثه —ḥdthh* (19); للحديث —llḥdyth* (17); إحداث —ʾiḥdāth* (15); حدثت —ḥdtht* (13); حديثه — ḥdythh* (11); المحدث —al-mḥdth* (8); والأحاديث —wālʾḥādyth* (8); وحديثا —wḥdythā* (7); الحديثان —al-ḥdythān* (6); بأحاديث —bʾḥādyth* (6); فحدثنا — fḥdthnā* (6); وحدثني —wḥdthny* (6); حديثين —ḥdythyn* (5); فحديث — fḥdyth* (5); وأحاديث —wʾḥādyth* (5); المحدثين —al-mḥdthyn* (4); حدثهم — ḥdthhm* (4); حدوث —ḥdwth* (4); حديثان —ḥdythān* (4); وحدثناه — wḥdthnāh* (4); بإحداث —bʾiḥdāth* (3); حادث —ḥādth* (3); حدثا — ḥdthā* (3); فحدث —fḥdth* (3); محدث —mḥdth* (3); وبحديث —wbḥdyth* (3); الأحداث —al-ʾḥdāth* (2); الحدث —al-ḥdth* (2); بحديثه —bḥdythh* (2); محدثا —ḥdthkm* (2); حدثكم —ḥdthk* (2); حدثك —ḥdthtny* (2); حدثتني — mḥdthā* (2); محدثة —mḥdthh* (2); ويحدث —wyḥdth* (2); الحدثان — al-ḥdthān* (1); تحدث —tḥdth* (1); فحدثت —fḥdtht* (1); فحدثني — fḥdthny* (1); فحدثه —fḥdthh* (1); والمحدث —wālmḥdth* (1); وثنا — wthnā* (1); ونا —wnā* (1); يتحدثون —ytḥdthwn* (1)

Context L21: ... وبين المتشابه المذكور في الحديث بين الحلال والحرام الباب الثاني ...

Context L41: ... في مسائل تعارضت فيها الأحاديث والآي في ظاهر اللفظ ولم ...

[17] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حدث (read dictionary entry).

18. صَلَّى / صَلَاة[18]

ṣalāh / ṣallā

4,049 occurrences; cumulative coverage 37.15%.

Possible English: prayer; ritual prayer; pray; bless

Context: A human يصلي performs prayer. In صلى الله عليه, the agent is God and the conventional English rendering is may God bless him. صلاة can also denote supplication, depending on its construction.

Forms and grammar: صلى / يصلي / صلِّ = prayed / prays / pray!; صليت / صلينا = I or you prayed / we prayed. صلاة / صلوات = prayer / prayers; صلاته = his prayer.

Attested spellings and counts

صلى —ṣlā* (3,133); الصلاة —al-ṣlāh* (292); صلاة —ṣlāh* (153); لصلاة — lṣlāh* (64); صلاته —ṣlāth* (53); يصلي —yṣly* (37); الصلوات —al-ṣlwāt* (34); والصلاة —wālṣlāh* (21); يصل —yṣl* (19); أصلهم —ʾṣlhm* (16); للصلاة — llṣlāh* (14); بالصلاة —bālṣlāh* (12); وصلى —wṣlā* (12); صلوا —ṣlwā* (10); أصله —ʾṣlh* (9); فصلى —fṣlā* (9); يصلوا —yṣlwā* (9); صلاها —ṣlāhā* (8); مصل —mṣl* (8); كالصلاة —kālṣlāh* (7); بصلاة —bṣlāh* (6); تصلي —tṣly* (6); صلوات —ṣlwāt* (6); يصليها —yṣlyhā* (6); بصلاته —bṣlāth* (5); صلاتهم — ṣlāthm* (5); صلينا —ṣlynā* (5); مصليا —mṣlyā* (5); صلت —ṣlt* (4); صليت — ṣlyt* (4); فليصلوا —flyṣlwā* (4); نصلي —nṣly* (4); وصلاة —wṣlāh* (4); يصلى —yṣlā* (4); أصلي —ʾṣly* (3); المصلين —al-mṣlyn* (3); صلاتين —ṣlātyn* (3); يصليهما —yṣlyhmā* (3); أصلنا —ʾṣlnā* (2); المصلي —al-mṣly* (2); تصل —tṣl* (2); صليا —ṣlyā* (2); فصلوا —fṣlwā* (2); فليصلها —flyṣlhā* (2); كصلاة —kṣlāh* (2); لصلاته —lṣlāth* (2); ليصلي —lyṣly* (2); مصلاه —mṣlāh* (2); وأصل —wʾṣl* (2); والصلوات —wālṣlwāt* (2); وصلوا —wṣlwā* (2); ويصلي —wyṣly* (2); أصلكم — ʾṣlkm* (1); الصلاتين —al-ṣlātyn* (1); تصلوا —tṣlwā* (1); صل —ṣl* (1); صلاتك — ṣlātk* (1); صلاتنا —ṣlātnā* (1); صلاتها —ṣlāthā* (1); صلاتي —ṣlāty* (1); صلاهما —ṣlāhmā* (1); صلوها —ṣlwhā* (1); فصلاة —fṣlāh* (1); فصلاها — fṣlāhā* (1); فصلينا —fṣlynā* (1); فليصل —flyṣl* (1); للمصلي —llmṣly* (1); نصل —nṣl* (1); وأصله —wʾṣlh* (1); وبالصلاة —wbālṣlāh* (1); يصلها —yṣlhā* (1); يصليه —yṣlyh* (1); يصلون —yṣlwn* (1)

Context L0: ... وكما قال النبيان الفاضلان صلى الله عليهما إبراهيم ويوسف إذ ...

Context L4: ... جميع ولد آدم محمدا صلى الله عليه وسلم الهاشمي المكي ...

[18] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: صلا (read dictionary entry).

19. لَهُ / لِـ[19]

li / lahu

3,730 occurrences; cumulative coverage 38.06%.

Possible English: to; for; belonging to; his/hers; a particle of emphasis

Context: له can express possession, entitlement or a beneficiary. A prefixed لَـ can instead emphasize an assertion; it is not always the preposition لِـ.

Forms and grammar: له / لها / لهما / لهم = for him or it / her or it / the two / them. لي = for me; لك = for you; لنا = for us. With ال, لِ + ال becomes لل.

Attested spellings and counts

له —lh* (1,360); لهم —lhm* (850); لكم —lkm* (437); لنا —lnā* (346); لها —lhā* (237); لهما —lhmā* (94); لك —lk* (87); لي —ly* (80); فله —flh* (54); وله —wlh* (40); لهن —lhn* (38); ولهم —wlhm* (25); ولي —wly* (21); ولها —wlhā* (11); فلها —flhā* (9); ولكم —wlkm* (8); ولنا —wlnā* (8); فلك —flk* (5); واللام —wāllām* (5); فلهما —flhmā* (4); ولهن —wlhn* (4); فلكم —flkm* (2); فلهم —flhm* (2); ولك —wlk* (2); فلنا —flnā* (1)

Context L0: ... بأن وفقه للحق وهداه له ويسره لفهمه وسدده لاختياره وسهل ...

Context L2: ... مختلفة فمنها عدل يزين لها الإنصاف ويحبب إليها موافقة الحق ...

20. لَمْ[20]

lam

3,622 occurrences; cumulative coverage 38.95%.

Possible English: did not; has not

Context: لم negates an imperfect with past-time force. It is a grammatical error to translate it as ordinary present not without considering the clause.

Forms and grammar: لم يقل = he did not say; لم يكن = he was not. ولم / فلم attach and / so. The following verb is jussive and may lose a final weak letter or ن.

Attested spellings and counts

لم —lm* (2,498); ولم —wlm* (789); فلم —flm* (303); ألم —ʾlm* (26); أولم —ʾwlm* (6)

Context L0: ... فلما أفل قال لئن لم يهدني ربي لأكونن من القوم ...

Context L2: ... أبوابها وقال لهم خزنتها ألم يأتكم رسل منكم يتلون عليكم ...

[19] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: اللام (within لوم) (read dictionary entry).

[20] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: لمم (read dictionary entry).

21. إِلَى[21]

ʾilā

3,374 occurrences; cumulative coverage 39.77%.

Possible English: to; toward; up to; until

Context: إلى marks an endpoint in place, time or a range. Whether the endpoint is included in a legal rule is a question of context and argument, not a fixed English gloss.

Forms and grammar: إليه / إليها / إليهم = to him or it / her or it / them; إليك = to you; إلينا = to us. Final ى changes before attached pronouns.

Attested spellings and counts

إلى —ʾilā* (2,480); إليه —ʾilyh* (379); إلي —ʾily* (108); إليهم —ʾilyhm* (106); إليك —ʾilyk* (80); إلينا —ʾilynā* (75); وإلى —wʾilā* (73); إليها —ʾilyhā* (32); إليكم —ʾilykm* (19); إليهما —ʾilyhmā* (9); وإليه —wʾilyh* (8); إليهن —ʾilyhn* (5)

Context L0: ... النوع الآدمي بأن أرسل إليهم رسلا مبشرين ومنذرين ليهلك من ...

Context L2: ... يزين لها الإنصاف ويحبب إليها موافقة الحق قال تعالى إن ...

22. قَدْ[22]

qad

3,342 occurrences; cumulative coverage 40.59%.

Possible English: already; indeed; has; may; sometimes

Context: قد with a perfect often confirms completion. With an imperfect it can express possibility or frequency. It is not invariably the English modal may.

Forms and grammar: لقد / فقد / وقد add and / so / emphasis. قَدْ قال = has said; قد يقول = may say. The homograph فَقَدَ means lost; its vowels and construction distinguish that verb.

Attested spellings and counts

وقد —wqd* (1,259); قد —qd* (1,191); فقد —fqd* (779); ولقد —wlqd* (58); لقد —lqd* (50); فلقد —flqd* (5)

Context L4: ... الهلاك في دار الخلود وقد شهد ربنا تعالى أن متاع ...

Context L8: ... وإذ قد تيقنا أن الدنيا ليست دار ...

[21] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: إلى (read dictionary entry).
[22] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قدد (read dictionary entry).

23. كُلّ / كِلَا[23]

kull / kilā

3,298 occurrences; cumulative coverage 41.40%.

Possible English: all; every; each; both

Context: كل with a singular noun often means every; with a plural or pronoun, all. كلاهما means both of them. كلا can also be the particle "by no means"; vowels and syntax matter.

Forms and grammar: كله / كلها / كلهم = all of it / all of it, feminine / all of them. كلا / كلي and كلتا / كلتي are masculine/feminine dual constructions with case changes; they are not plural verbs.

Attested spellings and counts

كل —kl* (1,699); وكل —wkl* (322); كله —klh* (294); كلها —klhā* (247); لكل —lkl* (152); كلهم —klhm* (139); بكل —bkl* (86); فكل —fkl* (81); كلا —klā* (38); وكلاهما —wklāhmā* (34); كلاهما —klāhmā* (33); الكل —al-kl* (28); ولكل —wlkl* (27); وكلا —wklā* (23); وكلهم —wklhm* (21); كلتا —kltā* (14); وكله —wklh* (7); كليهما —klyhmā* (6); وكلها —wklhā* (6); فكلهم —fklhm* (5); كلها —klmā* (5); كلهن —klhn* (5); وبكل —wbkl* (5); فكلا —fklā* (4); كلنا —klnā* (3); فكله —fklh* (2); فلكل —flkl* (2); والكل —wālkl* (2); وكلتاهما —wkltāhmā* (2); وكلما —wklmā* (2); فكلاهما —fklāhmā* (1); فكلها —fklhā* (1); كلتاهما —kltāhmā* (1); كلتيهما —kltyhmā* (1)

Context L0: ... بغير علم كذلك زينا لكل أمة عملهم ثم إلى ربهم ...

Context L2: ... ولبئس المهاد وقال تعالى كل نفس ذآئقة الموت ونبلوكم بالشر ...

24. بِهِ / بِـ[24]

bi / bihi

3,108 occurrences; cumulative coverage 42.16%.

Possible English: with; by; through; in; concerning; for

Context: بـ can mark an instrument, cause, accompaniment or the complement of a particular verb. An oath may also begin with it. There is no single English equivalent for every occurrence.

Attested spellings and counts

به —bh* (2,173); بها —bhā* (578); وبه —wbh* (89); بهم —bhm* (85); بكم —bkm* (46); بهما —bhmā* (46); بهن —bhn* (45); بنا —bnā* (23); بك —bk* (9); بي —by* (7); وبها —wbhā* (6); وبهما —wbhmā* (1)

Context L2: ... أو فقيرا فالله أولى بهما فلا تتبعوا الهوى أن تعدلوا ...

Context L4: ... بهآ أو آذان يسمعون بها فإنها لا تعمى الأبصار ولكن ...

[23] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: كلل (read dictionary entry); كلا (read dictionary entry).
[24] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: با (read dictionary entry).

Forms and grammar: به / بها / بهم = with, by or concerning him or it / her or it / them; بي = with me; بنا = with us. بالله attaches the same particle to the divine name.

25. أَوْ[25]

ʾaw

3,038 occurrences; cumulative coverage 42.90%.

Possible English: or; alternatively; sometimes an approximation or division into possibilities

Context: أو normally separates alternatives. Whether those alternatives are exclusive, permissive or a narrator's uncertainty must be read from context; the word alone does not settle that.

Forms and grammar: أو is an indeclinable conjunction, with no tense or plural. Do not confuse it with the question form أَ + و or with أم in a paired question.

Attested spellings and counts

أو —ʾw* (3,038)

Context L0: ... مريد حق على إرادته أو يقسر قاصد باطل على قصده ...

Context L2: ... لله ولو على أنفسكم أو الوالدين والأقربين إن يكن غنيا ...

26. أَبُو / أَب[26]

ʾab / ʾabū

2,941 occurrences; cumulative coverage 43.62%.

Possible English: father; Abū, "father of" in a personal designation

Context: أبو محمد is a kunyah, normally retained as Abū Muḥammad. أبي after عن is commonly the genitive of أبو. The name أُبَيّ is a separate possible reading of أبي.

Attested spellings and counts

أبو —ʾbw* (1,421); أبي —ʾby* (897); أبا —ʾbā* (129); وأبي —wʾby* (117); أبيه —ʾbyh* (86); وأبو —wʾbw* (86); لأبي —lʾby* (34); وأبا —wʾbā* (27); الآباء —al-ʾābāʾ* (15); آباءهم —ʾābāʾhm* (12); الأب —al-ʾb* (12); أبوا —ʾbwā* (9); بأبي —bʾby* (9); كأبي —kʾby* (8); أباه —ʾbāh* (7); أب —ʾb* (6); أبوه —ʾbwh* (6); فأبو —fʾbw* (6); لأبيه —lʾbyh* (6); وأبوه —wʾbwh* (6); آبائهم —ʾābāʾhm* (4); أبواه —ʾbwāh* (4); فأبوا —fʾbwā* (3); للأب —llʾb* (3); ولأبويه

[25] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أوا (read dictionary entry).

[26] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أبي (read dictionary entry).

Forms and grammar: أبو / أبا / أبي reflect nominative / accusative / genitive case in an annexed phrase. أبوه / أباه / أبيه = his father with changing case. آباء = fathers.

—wlʾbwyh* (3); أباها —ʾbāhā* (2); أبت —ʾbt* (2); أبيك —ʾbyk* (2); أبيها —ʾbyhā* (2); أبيهم —ʾbyhm* (2); وأباه —wʾbāh* (2); أباك —ʾbāk* (1); أبوان —ʾbwān* (1); أبوها —ʾbwhā* (1); أبوهم —ʾbwhm* (1); أبوهما —ʾbwhmā* (1); أبويكم —ʾbwykm* (1); أبويه —ʾbwyh* (1); أبيهما —ʾbyhmā* (1); الآبي —al-ʾāby* (1); الأبوين —al-ʾbwyn* (1); وأبوها —wʾbwhā* (1); والأب —wālʾb* (1); ولأبي —wlʾby* (1)

Context L0: ... قال الفقيه الإمام أبو محمد علي بن أحمد رحمة ...

Context L4: ... السمع وهو شهيد قال أبو محمد علي أراد بذلك العقل ...

27. أَحْمَد / مُحَمَّد / حَمْد[27]

ḥamd / *muḥammad* / *ʾaḥmad*

2,770 occurrences; cumulative coverage 44.30%.

Possible English: praise; Muḥammad; Aḥmad; Ḥammād; Ḥumayd

Context: Much of this family's frequency comes from personal names. Muḥammad, Aḥmad and Ḥammād are related name formations, not grammatical cases or interchangeable English translations.

Forms and grammar: حمد / يحمد = praised / praises; حمد = praise; محمود = praised. محمد / أحمد / حماد / حميد are distinct formations and names. Retain each narrator's name rather than translating it literally.

Attested spellings and counts

محمد —mḥmd* (1,742); أحمد —ʾḥmd* (629); والحمد —wālḥmd* (113); حماد —ḥmād* (57); الحمد —al-ḥmd* (51); ومحمد —wmḥmd* (46); حميد —ḥmyd* (34); محمدا —mḥmdā* (29); وأحمد —wʾḥmd* (19); بحمد —bḥmd* (10); الحميد —al-ḥmyd* (9); الحميدي —al-ḥmydy* (7); محمود —mḥmwd* (6); فحمد —fḥmd* (3); لأحمد —lʾḥmd* (3); لمحمد —lmḥmd* (2); وحماد —wḥmād* (2); وحميد —wḥmyd* (2); حمد —ḥmd* (1); حمده —ḥmdh* (1); نحمد —nḥmd* (1); وبحمدك —wbḥmdk* (1); ونحمد —wnḥmd* (1); يحمد —yḥmd* (1)

Context L0: ... قال الفقيه الإمام أبو محمد علي بن أحمد رحمة الله ...

Context L2: ... طبتم فادخلوها خالدين وقالوا الحمد لله الذي صدقنا وعده وأورثنا ...

[27] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حمد (read dictionary entry).

28. إِلَّا[28]

ʾillā

2,551 occurrences; cumulative coverage 44.92%.

Possible English: except; unless; only in a negative construction

Context: لا … إلا commonly means only: “not … except.” Exceptions can limit an earlier general rule. Keep the negation and exception together.

Forms and grammar: إلا is an indeclinable particle. وإلا can mean otherwise or and if not, depending on construction. Distinguish إلا from إِلَى to, and إِنْ if.

Attested spellings and counts

إلا —ʾilā* (2,447); وإلا —wʾilā* (104)

Context L0: … إلي مما يدعونني إليه وإلا تصرف عني كيدهن أصب إليهن …

Context L2: … ذي الطول لا إله إلا هو إليه المصير ما يجادل …

29. أَمَرَ / أَمْر[29]

ʾamr / ʾamara

2,498 occurrences; cumulative coverage 45.53%.

Possible English: command; order; matter; affair; command someone

Context: أمر may be an instruction or simply the matter under discussion. أمره can mean his matter or he commanded him; the vowelled form and syntax decide.

Forms and grammar: أمر / يأمر = commanded / commands; أُمر = was commanded; أمرنا = we commanded or he commanded us, depending on vowels. أمر / أوامر / أمور have different plural uses.

Attested spellings and counts

أمر —ʾmr* (623); الأمر —al-ʾmr* (378); أمره —ʾmrh* (189); أمرنا —ʾmrnā* (121); لأمر —lʾmr* (83); الأوامر —al-ʾwāmr* (82); يأمر —yʾmr* (77); أمرا —ʾmrā* (67); المأمور —al-mʾmwr* (62); بأمر —bʾmr* (55); الأمرين —al-ʾmryn* (54); مأمور —mʾmwr* (50); وأمر —wʾmr* (50); يأمرنا —yʾmrnā* (32); أوامر —ʾwāmr* (31); الأمور —al-ʾmwr* (28); وأمره —wʾmrh* (27); أمير —ʾmyr* (24); فأمر —fʾmr* (24); يؤمر —yʾmr* (23); والأمر —wālʾmr* (22); أمرت —ʾmrt* (21); أمرهم —ʾmrhm* (21); أمور —ʾmwr* (21); أمروا —ʾmrwā* (20); بالأمر —bālʾmr* (20); مأمورون —mʾmwrwn* (16); وأمرنا —wʾmrnā* (16); يأمركم —yʾmrkm* (16); يأمره —yʾmrh* (16); أوامره —ʾwāmrh* (15); مأمورا —mʾmwrā* (14); يأمرهم —

[28] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: إلا (read dictionary entry).

[29] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أمر (read dictionary entry).

yʾmrhm* (12); آمرا —ʾāmrā* (10); أمرتكم —ʾmrtkm* (10); الآمر —al-ʾāmr* (9); وأمرهم —wʾmrhm* (9); أميرا —ʾmyrā* (8); الأمراء —al-ʾmrāʾ* (8); فأمره — أمرتموه f’mrh* (8); نؤمر —nʾmr* (8); وأوامر —wʾwāmr* (8); لأمره —lʾmrh* (7); بأمره —bʾmrh* (5); —ʾmrtmwh* (6); أمرتني —ʾmrtny* (5); أمري —ʾmry* (5); وبأمره —wbʾmrh* (5); أمرين —ʾmryn* (4); المأمورين —al-mʾmwryn* (4); نأمره —nʾmrh* (4); ويأمر —wyʾmr* (4); يأمرون —yʾmrwn* (4); أمرك —ʾmrk* (3); — أمرهما —ʾmrhmā* (3); أمورا —ʾmwrā* (3); الأمير —al-ʾmyr* (3); فأمرها — أمرتم f’mrhā* (3); للأمر —llʾmr* (3); آمر —ʾāmr* (2); أمراء —ʾmrāʾ* (2); ʾmrtm* (2); إمارة —ʾimārh* (2); الإمارة —al-ʾimārh* (2); تأمر —tʾmr* (2); تأمرني —tʾmrny* (2); تأمرونه —tʾmrwnh* (2); فأمرنا —f’mrnā* (2); للآمر — أمرناه —lʾāmr* (2); للمأمور —llmʾmwr* (2); ويأمرون —wyʾmrwn* (2); ʾmrnāh* (1); أمورهم —ʾmwrhm* (1); أمرني —ʾmrny* (1); أمروه —ʾmrwh* (1); أميره —ʾmyrh* (1); فأمرت —f’mrt* (1); فأمرهم —f’mrhm* (1); فأمرهن — يؤمرون f’mrhn* (1); فالأمر —fālʾmr* (1); فيأمر —fyʾmr* (1); فيؤمر —fyʾmr* (1); لأوامر —lʾwāmr* (1); ويؤمر —wyʾmr* (1); يأمرها —yʾmrhā* (1); yʾmrwn* (1)

Context L0: ... يطيعكم في كثير من الأمر لعنتم ولكن الله حبب إليكم ...

Context L2: ... قال تعالى إن الله يأمر بالعدل والإحسان وإيتآء ذي القربى ...

30. أَحَد / وَاحِد[30]

wāḥid / ʾaḥad

2,336 occurrences; cumulative coverage 46.11%.

Possible English: one; single; anyone; someone; either one

Context: أحد in a negative clause often means anyone or no one when combined with negation. إحدى is used with feminine nouns. الواحد may mean the one or the sole.

Forms and grammar: واحد / واحدة show gender; إحداهما / أحدهما = one of the two. وحده = alone; توحيد = affirming oneness, a separate derived noun. أحد can also name Sunday in its weekday construction.

Attested spellings and counts

أحد —ʾḥd* (774); واحد —wāḥd* (383); أحدهما —ʾḥdhmā* (204); الواحد —al-wāḥd* (182); واحدة —wāḥdh* (144); لأحد —l'ḥd* (139); أحدا —ʾḥdā* (94); واحدا —wāḥdā* (81); وحده —wḥdh* (79); إحداهما —ʾiḥdāhmā* (39); التوحيد —al-twḥyd* (30); إحدى —ʾiḥdā* (27); أحدكم —ʾḥdkm* (24); أحدها —ʾḥdhā* (21); أحدهم —ʾḥdhm* (17); الآحاد —al-ʾāḥād* (15); بأحد —b'ḥd* (12); الواحدة —al-wāḥdh* (9); فواحدة —fwāḥdh* (9); أحدنا —ʾḥdnā* (7); بأحدهما —b'ḥdhmā* (7); لواحد —lwāḥd* (5); بالتوحيد —ʾiḥdāhn* (4); إحداهن —bwāḥd* (4); بواحد —wḥdhā* (4); وحدها —bāltwḥyd* (3); لأحدهما —l'ḥdhmā* (3); وواحد —wwāḥd* (3); فأحد —f'ḥd* (2); للواحد —llwāḥd* (2); وأحد —w'ḥd* (2); آحاد —ʾāḥād* (1); إحداها —ʾiḥdāhā* (1); بإحدى —b'iḥdā* (1); بواحدة —bwāḥdh* (1); فأحدهما —f'ḥdhmā* (1); وحدهما —wḥdhmā* (1); وواحدة —wwāḥdh* (1)

Context L0: ... قصده أو يحول بين أحد وبين ما دعاه تعالى إليه ...

Context L2: ... نتلدد ويهجم بها على أحد الطرق المجانبة للحق المنكبة عن ...

31. بَيْن / بَيَان / بِيِّنَة[31]

bayn / bayān / bayyinah

2,333 occurrences; cumulative coverage 46.68%.

Possible English: between; among; explanation; clear evidence

Attested spellings and counts

بين —byn* (737); وبين —wbyn* (240); بيان —byān* (145); بينا —bynā* (122); بينهم —bynhm* (89); البيان —al-byān* (84); يبين —ybyn* (82); بينكم —bynkm* (70); بينهما —bynhmā* (60); بيننا —bynnā* (44); بينه —bynh* (42); بيانا —byānā* (40); وبيان —wbyān* (38); ويبين —wybyn* (32); بينة —bynh* (30); تبين —tbyn* (29); وبينا —wbynā* (28); لتبين —ltbyn* (25); مبين —mbyn* (24); مبينة —mbynh* (22); بيانه —byānh* (18); يتبين —ytbyn* (24);

[30] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: وحد (read dictionary entry); أحد (read dictionary entry).
[31] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بين (read dictionary entry).

Context: بين فلان وفلان locates a relation between people. بيّنة in legal procedure is evidence; بيان in argument is clarification. They are related derived nouns, not pronoun changes.

Forms and grammar: بينهم / بينهما = between the two / among them. بيّن / يبيّن = explained / explains; بيّنة / بيّنات = evidence(s). Vowels distinguish forms that share the same letters.

فبين —fbyn* (18); مبينا —mbynā* (17); المبين —al-mbyn* (16); بيناه — bynāh* (15); بينها —bynhā* (14); وبينهم —wbynhm* (14); البين —al-byn* (13); ببيان —bbyān* (12); بيني —byny* (12); ليبين —lybyn* (12); نبين —nbyn* (11); وبينه —wbynh* (11); بان —bān* (10); وبينكم —wbynkm* (10); ونبين — wnbyn* (10); وبينهما —wbynhmā* (9); أبان —ʾbān* (8); بينك —bynk* (8); فتبينوا —ftbynwā* (8); تبيانا —tbyānā* (7); البينة —al-bynh* (6); بالبيان — bālbyān* (6); والبيان —wālbyān* (6); وبيانه —wbyānh* (6); لبيان —lbyān* (5); يبينه —ybynh* (5); استبان —ʾstbān* (4); بينما —bynmā* (4); البينتين — al-byntyn* (3); بينت —bynt* (3); فبينا —fbynā* (3); وبينك —wbynk* (3); وبينها —wbynhā* (3); بالبينة —bālbynh* (2); ببينة —bbynh* (2); بينهن — bynhn* (2); بائنة —bāʾnh* (1); بينتك —byntk* (1); فأبان —fʾbān* (1); فبينما —fbynmā* (1); فبينهما —fbynhmā* (1); لبينه —lbynh* (1); نبينه —nbynh* (1); وبانت —wbānt* (1); وبيانا —wbyānā* (1); يستبين —ystbyn* (1)

Context L0: ... ليهلك من هلك عن بينة ويحيى من حي عن بينة ...

Context L2: ... عليها الطرق ويساوي عندها بين السبل فتبقى النفس في حيرة ...

32. عَلِمَ / عِلْم[32]

ʿilm / ʿalima

2,241 occurrences; cumulative coverage 47.22%.

Possible English: knowledge; know; learn; scholar; sign

Context: علم in argument is knowledge, not always modern science. عالم can be a scholar, while العالم can mean the world with different vowels. The context fixes the reading.

Attested spellings and counts

علم —ʿlm* (330); يعلم —yʿlm* (183); العلم —al-ʿlm* (157); علمنا —ʿlmnā* (144); أعلم —ʾʿlm* (128); العالمين —al-ʿālmyn* (113); العالم —al-ʿālm* (107); علمه — ʿlmh* (100); عليم —ʿlym* (80); العلماء —al-ʿlmāʾ* (78); نعلم —nʿlm* (67); عالم —ʿālm* (58); تعلمون —tʿlmwn* (53); يعلمون —yʿlmwn* (36); تعلم — tʿlm* (35); يعلمه —yʿlmh* (34); وعلم —wʿlm* (30); عالما —ʿālmā* (28); علما — ʿlmā* (27); عليما —ʿlymā* (26); علماء —ʿlmāʾ* (25); تعلموا —tʿlmwā* (21); فعلمنا —fʿlmnā* (20); فعلم —fʿlm* (15); لعلم —lʿlm* (15); معلوم —mʿlwm* (15); والعلم —wālʿlm* (15); تعليم —tʿlym* (14); يعلمها —yʿlmhā* (13); علمتم —

[32] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: علم (read dictionary entry).

Forms and grammar: علم / يعلم = knew / knows; علمنا = we knew or he taught us according to vowels and pattern. عالم / علماء = scholar / scholars; عليم = knowing; تعليم = teaching.

ʿlmtm* (12); علموا —ʿlmwā* (12); لعلمه —lʿlmh* (12); وعلمه —wʿlmh* (12); للعلم —llʿlm* (11); وعلمنا —wʿlmnā* (11); وأعلم —wʾʿlm* (9); أعلمه —ʾʿlmh* (8); العلوم —al-ʿlwm* (8); بعلم —bʿlm* (8); علامة —ʿlāmh* (8); معلما —mʿlmā* (8); معلومة —mʿlwmh* (8); واعلموا —wāʿlmwā* (8); يعلمهم —yʿlmhm* (8); علمناه — ʿlmnāh* (7); علمت —ʿlmt* (6); علمها —ʿlmhā* (6); لنعلم —lnʿlm* (6); ليعلم — lyʿlm* (6); نعلمه —nʿlmh* (6); وليعلم —wlyʿlm* (6); ويعلم —wyʿlm* (6); بعلمه —bʿlmh* (5); وتعليم —wtʿlym* (5); يعلمنا —yʿlmnā* (5); يعلموا —yʿlmwā* (5); التعليم —al-tʿlym* (4); علمتموهن —ʿlmtmwhn* (4); علمهم —ʿlmhm* (4); فاعلموا —fāʿlmwā* (4); أعلام —ʾʿlām* (3); العلامة —al-ʿlāmh* (3); بتعليم —btʿlym* (3); نعلمهم —nʿlmhm* (3); تعلمه —tʿlmh* (2); علمهما —ʿlmhmā* (2); علومهم — ʿlwmhm* (2); فيعلم —fyʿlm* (2); معلوما —mʿlwmā* (2); والعالم —wālʿālm* (2); أعلمكم — ʾʿlmkm* (1); الأعلم —al-ʾʿlm* (1); تعلمونهن —tʿlmwnhn* (1); عالمة —ʿālmh* (1); علمناهم —ʿlmnāhm* (1); علموهم —ʿlmwhm* (1); علمني —ʿlmny* (1); فأعلم — fʿlm* (1); فأعلمها —fʿlmhā* (1); فالعالم —fālʿālm* (1); فيتعلمون —fytʿlmwn* (1); لتعلموا —ltʿlmwā* (1); معلم —mʿlm* (1); نعلمها —nʿlmhā* (1); ونعلم —wnʿlm* (1); يعلمان —yʿlmān* (1); يعلمكم —yʿlmkm* (1)

Context L0: ... من الله ونعمة والله عليم حكيم وكما قال تعالى ثم ...

Context L2: ... قل هل يستوي الذين يعلمون والذين لا يعلمون إنما يتذكر ...

33. الَّتِي / الَّذِي[33]

al-dhī / al-tī

2,207 occurrences; cumulative coverage 47.76%.

Possible English: who; which; that

Context: A relative pronoun links a noun to a defining or descriptive clause. Its gender and number identify the antecedent, while a later suffix can refer back to it.

Forms and grammar: الذي masculine singular; التي feminine singular; اللذان / اللذين masculine dual; اللتان / اللتين feminine dual; الذين masculine plural; اللواتي / اللاتي feminine plural.

Attested spellings and counts

الذي —al-dhy* (1,168); التي —al-ty* (644); الذين —al-dhyn* (201); والذي —wāldhy* (61); اللاتي —al-lāty* (25); للذين —lldhyn* (25); اللذين —al-ldhyn* (16); والتي —wālty* (14); والذين —wāldhyn* (10); اللتين —al-ltyn* (9); فالذي —fāldhy* (8); للذي —lldhy* (8); اللذان —al-ldhān* (7); اللواتي —al-lwāty* (6); فالتي —fālty* (2); للتي —llty* (2); واللاتي —wāllāty* (1)

Context L0: ... عليه ورضوانه الحمد لله الذي امتن علينا بنعم عامة وخاصة ...

Context L2: ... وقال تعالى يا أيها الذين آمنوا كونوا قوامين بالقسط شهدآء ...

34. غَيْر[34]

ghayr

2,143 occurrences; cumulative coverage 48.29%.

Possible English: other; different; not; apart from

Context: غير before a noun often corresponds to non- or not. غيره means someone or something other than him/it. المغيرة is a proper name, al-Mughīrah, not a negative construction.

Forms and grammar: غيره / غيرها / غيرهم change the referent, not tense. بغير means without or by something other than. غيّر / يغيّر = changed / changes, a different derivation.

Attested spellings and counts

غير —ghyr* (1,045); غيره —ghyrh* (245); بغير —bghyr* (233); وغير —wghyr* (100); لغير —lghyr* (79); غيرهم —ghyrhm* (68); وغيره —wghyrh* (53); غيرها —ghyrhā* (51); المغيرة —al-mghyrh* (40); وغيرهم —wghyrhm* (38); غيرهما —ghyrhmā* (21); غيرنا —ghyrnā* (18); وغيرهما —wghyrhmā* (18); لغيره —lghyrh* (14); وغيرها —wghyrhā* (14); متغايران —mtghāyrān* (12); والمغيرة —wālmghyrh* (11); فغير —fghyr* (9); غيركم —ghyrkm* (8); بغيره —bghyrh* (7); غيرك —ghyrk* (7); تغيير —tghyyr* (4); متغايرة —mtghāyrh* (4); وبغير —wbghyr* (4); ولغيره —wlghyrh* (4); التغيير —al-tghyyr* (3); بغيرها —bghyrhā* (3); تغييره —tghyyrh* (3); متغايرين —mtghāyryn* (3); يغير —yghyr* (3); تغير —tghyr* (2); تغيرت —tghyrt* (2); غيري —ghyry* (2); فليغيره —flyghyrh* (2); لغيرهم —lghyrhm* (2); مغيرة —mghyrh* (2); وغيرهن —wghyrhn* (2); يتغير —ytghyr* (2); غيرهن —

[33] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: لذا (read dictionary entry).
[34] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: غير (read dictionary entry).

35. شَاءَ / شَيْء[35]

shayʾ / *shāʾa*

2,066 occurrences; cumulative coverage 48.79%.

Possible English: thing; something; anything; will; wish

Context: شيء is indefinite and can become anything under negation. إن شاء الله means if God wills. The noun thing and the verb will need distinct English glosses.

Forms and grammar: شيء / أشياء = thing / things; شيئا is commonly an accusative spelling; شيئين / شيئان are dual. شاء / يشاء / شئت / شئنا vary by aspect and subject.

ghyrhn* (1); فلغيره —flghyrh* (1); متغايرتان —mtghāyrtān* (1); ولغير — wlghyr* (1); يغيره —yghyrh* (1)

Context L0: ... الله فيسبوا الله عدوا بغير علم كذلك زينا لكل أمة ...

Context L4: ... فهي لكل أحد متذكر وغير متذكر ولكن لما لم ينتفع ...

Attested spellings and counts

شيء —shyʾ* (864); شيئا —shyʾā* (337); شاء —shāʾ* (273); الشيء — al-shyʾ* (149); بشيء —bshyʾ* (112); الأشياء —al-ʾshyāʾ* (80); أشياء — ʾshyāʾ* (65); شئت —shʾt* (43); يشاء —yshāʾ* (30); لشيء —lshyʾ* (27); بالشيء —bālshyʾ* (12); بأشياء —bʾshyāʾ* (11); شيئان —shyʾān* (10); شيئين — shyʾyn* (9); شئتم —shʾtm* (7); شئنا —shʾnā* (7); للشيء —llshyʾ* (7); يشأ — ysh ʾ* (6); وأشياء —wʾshyāʾ* (5); والشيء —wālshyʾ* (5); شاءت —shāʾt* (2); شاءه —shāʾh* (2); أشياءهم —ʾshyāʾhm* (1); مشيئة —mshyʾh* (1); وشيء — wshyʾ* (1)

Context L0: ... عن بينة وخص من شاء منهم بأن وفقه للحق وهداه ...

Context L2: ... عز وجل وإلى معرفة الأشياء ما هي عليه وإلى إمكان ...

[35] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: شيأ (read dictionary entry).

36. أَرْسَلَ / رَسُول[36]

rasūl / ʾarsala

2,049 occurrences; cumulative coverage 49.30%.

Possible English: messenger; Messenger; send; transmit without a named intermediary

Context: رسول الله is the Messenger of God. مرسل in hadith discussion can describe a transmission with an omitted link; elsewhere it may simply mean sent or released.

Forms and grammar: رسول / رسل = messenger / messengers. أرسل / يرسل = sent / sends; مرسل is a participial form. رسوله = his messenger. Related forms need different English words.

Attested spellings and counts

رسول —rswl* (1,274); رسوله —rswlh* (188); ورسوله —wrswlh* (139); لرسول —lrswl* (122); الرسول —al-rswl* (48); أرسلنا —ʾrslnā* (27); المرسل — al-mrsl* (22); مرسل —mrsl* (20); رسولا —rswlā* (18); الرسل —al-rsl* (15); ورسول —wrswl* (15); لرسوله —lrswlh* (14); وللرسول —wllrswl* (12); أرسله —ʾrslh* (11); أرسل —ʾrsl* (10); الرسالة —al-rsālh* (10); أرسلت —ʾrslt* (8); برسول — رسالة —rsālh* (8); مرسلا —mrslā* (8); ولرسوله —wlrswlh* (8); brswl* (7); والرسول —wālrswl* (7); فأرسل —fʾrsl* (6); رسالته —rsālth* (5); مرسلات — بالمرسل —bālmrsl* (4); رسل —rsl* (3); فمرسل —fmrsl* (3); mrslāt* (3); مرسلة —mrslh* (3); وأرسل —wʾrsl* (3); والرسالة —wālrsālh* (3); المرسلين — إرسال —ʾirsāl* (2); يرسل —yrsl* (3); ومرسل —wmrsl* (3); al-mrslyn* (2); بمرسل —bmrsl* (2); رسلا —rslā* (2); رسله —rslh* (2); فأرسلت —fʾrslt* (2); والمرسل —wālmrsl* (2); ورسله —wrslh* (2); أرسلني —ʾrslny* (1); المراسيل —al-mrāsyl* (1); رسولي —rswly* (1)

Context L0: ... فعم النوع الآدمي بأن أرسل إليهم رسلا مبشرين ومنذرين ليهلك ...

Context L2: ... لهم خزنتها ألم يأتكم رسل منكم يتلون عليكم آيات ربكم ...

37. اخْتَلَفَ / خِلَاف[37]

khilāf / ʾkhtalafa

1,925 occurrences; cumulative coverage 49.77%.

Possible English: disagreement; difference; oppose; behind; successor

Attested spellings and counts

خلاف —khlāf* (325); بخلاف —bkhlāf* (122); خالف —khālf* (100); اختلف —ʾkhtlf* (89); الاختلاف —al-ākhtlāf* (82); مخالف —mkhālf* (75); اختلاف —ʾkhtlāf* (63); اختلفوا —ʾkhtlfwā* (61); خلافه —khlāfh* (58); خالفه —khālfh* (57); خلف —khlf* (48); مخالفة —mkhālfh* (45); خلافا — خالفوا —khālfnā* (26); يختلف —ykhtlf* (32); خالفنا —khlāfā* (39);

[36] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: رسل (read dictionary entry).
[37] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: خلف (read dictionary entry).

Context: خلاف فلان often means disagreement with someone's position. اختلفوا means they differed. خلف can also be a personal name or indicate behind; read its vowels and construction.

Forms and grammar: خالف / يخالف = opposed / opposes; اختلف / يختلف = differed / differs. مخالف = one who disagrees; اختلاف is the abstract noun. خليفة and خلاف are separate derivations.

خليفة — khlyfh* (23); اختلفنا — ʾkhtlfnā* (19); تختلفون — tkhtlfwn* (18); خالفهم — khālfhm* (17); مختلفة — mkhtlfh* (17); المخالف — al-mkhālf* (15); مختلفين — mkhtlfyn* (14); يخالفه — ykhālfh* (14); بخلافه — bkhlāfh* (13); وخالف — wkhālf* (13); يخالفون — ykhālfwn* (13); الخلافة — al-khlāfh* (12); خلافة — khlāfh* (12); وخالفوا — wkhālfwā* (12); وخلاف — wkhlāf* (12); الخلفاء — al-khlfāʾ* (11); مخالفا — mkhālfā* (11); نخالفوا — fkhālfwā* (11); مخالفته — mkhālfth* (10); واختلافهم — wākhtlāfhm* (10); واختلفوا — wākhtlfwā* (10); المخالفين — al-mkhālfyn* (9); خلافها — khlāfhā* (9); مختلفا — mkhtlfā* (9); مخالفون — khlāfhm* (8); خلافهم — tkhālf* (8); تخالف — ykhtlfwā* (9); يختلفوا — mkhālfwn* (8); اختلافهم — wkhālfh* (8); وخالفه — mkhtlf* (8); مختلف — ʾkhtlāfhm* (7); المختلفة — ʾstkhlf* (7); استخلفه — ʾstkhlfh* (7); المخالفة — al-mkhtlfh* (7); اختلافا — ʾkhtlāfā* (6); اختلفت — ʾkhtlft* (6); خالفت — al-mkhālfh* (6); المخالفون — al-mkhālfwn* (6); تختلف — tkhtlf* (6); واختلف — wākhtlf* (6); خالفوه — khālfwh* (6); خلفه — khlfh* (6); خالفت — khālft* (6); ومخالف — wmkhālf* (6); أخلف — ʾkhlf* (5); اختلفا — ʾkhtlfā* (5); المختلف — al-mkhtlf* (5); باختلاف — bākhtlāf* (5); بخلافها — bkhlāfhā* (5); خالفها — khālfhā* (5); فبخلاف — fbkhlāf* (5); خلافته — khlāfth* (5); لاختلاف — lākhtlāf* (5); لمخالفة — lmkhālfh* (5); يخالفنا — ykhālfnā* (5); يخالفهم — ykhālfhm* (5); خالفتموه — bmkhālfh* (4); بمخالفة — al-khlyfh* (4); الخليفة — khālftmwh* (4); خالفناهم — khālfnāhm* (4); نخالف — fkhālf* (4); نخالفه — fkhālfh* (4); نخالف — mkhtlfwn* (4); مختلفون — mkhtlfān* (4); مختلفان — nkhālf* (4); بخلافهم — wbkhlāf* (4); وبخلاف — nkhālfhm* (4); نخالفهم — bkhlāfhm* (3); مخالفينا — lkhlāf* (3); لخلاف — khālfwnā* (3); خالفونا — mkhālfynā* (3); ومخالفة — wkhlf* (3); وخلف — wkhlāfā* (3); وخلافا — wmkhālfh* (3); يختلفون — ykhtlfwn* (3); الخليفتين — al-khlyftyn* (2); تختلفوا — tkhtlfwā* (2); خالفته — khālfth* (2); خالفتم — khālftm* (2); خالفناه — khālfnāh* (2); خالفهما — khālfhmā* (2); فاختلف — fākhtlf* (2); للمخالف — llmkhālf* (2); واختلافها — wākhtlāfhā* (2); نخالفكم — nkhālfkm* (2); والخلاف — wālkhlāf* (2); وخالفهم — wkhālfhm* (2); وخالفوه — wkhālfwh* (2);

يستخلف —ystkhlf* (2); أخالفكم —ʾkhālfkm* (1); المستخلف —al-mstkhlf* (1); خالفوهم —tkhlf* (1); خالفا —khālfā* (1); خالفوها —khālfwhā* (1); نخلف —fkhlāf* (1); نخالفوه —fkhālfwh* (1); نخالف —khālfwhm* (1); لخلافه —fkhlf* (1); فمخالف —fmkhālf* (1); فمختلف —fmkhtlf* (1); مختلفتين —lkhlāfh* (1); مخالفان —mkhālfān* (1); مخالفين —mkhālfyn* (1); وخالفهما —mkhtlftyn* (1); نختلف —nkhtlf* (1); واختلفا —wākhtlfā* (1); يخالفونه —wkhālfhmā* (1); ويخالفه —wykhālfh* (1); يتخلف —ytkhlf* (1); يخلف —ykhlf* (1)

Context L2: ... في النفس الإنسانية قوة مختلفة فمنها عدل يزين لها الإنصاف ...

Context L12: ... فبينا فيه صواب ما اختلف الناس فيه من الملل والنحل ...

38. إِجْمَاع / جَمِيع / جَمَعَ[38]

jamaʿa / *jamīʿ* / *ʾijmāʿ*

1,885 occurrences; cumulative coverage 50.23%.

Possible English: gather; combine; all; agreement; consensus

Context: إجماع in argument refers to consensus as a legal category. جميعا means all together; جماعة can be a group or congregation. الجمعة is Friday or Friday prayer.

Forms and grammar: جمع / يجمع = gathered / gathers; أجمعوا = they agreed unanimously; إجماع is its verbal noun. جماعة / جماعات = group(s); جامع and جميع are distinct formations.

Attested spellings and counts

إجماع —ʾijmāʿ* (362); الإجماع —al-ʾijmāʿ* (305); جميع —jmyʿ* (265); جميعا —jmyʿā* (71); إجماعا —ʾijmāʿā* (62); بإجماع —bʾijmāʿ* (61); أجمع —ʾjmʿ* (48); الجمع —al-jmʿ* (48); الجماعة —al-jmāʿh* (40); جماعة —jmāʿh* (37); جمع —jmʿ* (36); يجمع —yjmʿ* (33); والإجماع —wālʾijmāʿ* (29); وجميع —wjmyʿ* (29); أجمعوا —ʾjmʿwā* (27); جميعهم —jmyʿhm* (25); بالإجماع —bālʾijmāʿ* (22); تجمعوا —tjmʿwā* (21); للإجماع —llʾijmāʿ* (21); إجماعهم —ʾijmāʿhm* (18); مجمعة —mjmʿh* (16); الجمعة —al-jmʿh* (15); أجمعين —ʾjmʿyn* (13); لجميع —ljmyʿ* (13); أجمعون —ʾjmʿwn* (12); جمعوا —jmʿwā* (11); جامع —jāmʿ* (9); جامعة —jāmʿh* (9); مجمع —mjmʿ* (9); أجمعت —ʾjmʿt* (8); بجميع —bjmyʿ* (8); جميعها —jmyʿhā* (8); وإجماع —wʾijmāʿ* (8); يجمعوا —yjmʿwā* (8); اجتمع —ʾjtmʿ* (7); اجتمعت —ʾjtmʿt* (7); الجماع —al-jmāʿ* (7); الجميع —al-jmyʿ* (7); جمعا —jmʿā* (7); مجمعون —mjmʿwn* (7); الجماعات —al-jmāʿāt* (5); تجمع —tjmʿ* (5);

[38] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: جمع (read dictionary entry).

جمعه —jmʿh* (5); لإجماع —lʾijmāʿ* (5); والجماعة —wāljmāʿh* (5); وبجميع — wljmyʿ* (5); يجتمع —yjtmʿ* (5); أجمعتم —ʾjmʿtm* (4); الجامع —al-jāmʿ* (4); تجتمع —tjtmʿ* (4); جمعة —jmʿh* (4); جمعت —jmʿt* (4); جمعنا —jmʿnā* (4); جوامع —jwāmʿ* (4); مجتمعين —mjtmʿyn* (4); مجموعة —mjmwʿh* (4); جماع — jmāʿ* (3); جميعه —jmyʿh* (3); فجمع —fjmʿ* (3); للجماعة —lljmāʿh* (3); للجميع — lljmyʿ* (3); والجمع —wāljmʿ* (3); وبالإجماع —wbālʾijmāʿ* (3); وجمع —wjmʿ* (3); أجمعنا —ʾjmʿnā* (2); اجتمعا —ʾjtmʿā* (2); المجتمع —al-mjtmʿ* (2); بالجمع — bāljmʿ* (2); لجميعها —ljmyʿhā* (2); لجميعهم —ljmyʿhm* (2); مجتمع —mjtmʿ* (2); وجماعة —wjmāʿh* (2); يجمعان —yjmʿān* (2); يجمعه —yjmʿh* (2); يجمعون — yjmʿwn* (2); المجامع —al-mjāmʿ* (1); المجموعة —al-mjmwʿh* (1); بإجماعهم — bʾijmāʿhm* (1); باجتماع —bājtmāʿ* (1); بجمع —bjmʿ* (1); بجميعه —bjmyʿh* (1); لجماعة — ljmāʿh* (1); فيجمع —fyjmʿ* (1); جمعهما —jmʿhmā* (1); جمعها —jmʿhā* (1); للجمعة —lljmʿh* (1); مجتمعة —mjtmʿh* (1); مجموع —mjmwʿ* (1); مجموعا —mjmwʿā* (1); وأجمعوا —wʾjmʿwā* (1); وإجماعا —wʾijmāʿā* (1); والجماعات —wāljmāʿāt* (1); والجمعة —wāljmʿh* (1); ويجمع —wyjmʿ* (1)

Context L0: ... محمد عبده ورسوله إلى جميع الجن والإنس بالدين القيم بشيرا ...

Context L4: ... محمد علي هذه كلمة جامعة كافية لأن طاعة الله عز ...

39. وَجَبَ / وَاجِب[39]

wajaba / *wājib*

1,858 occurrences; cumulative coverage 50.68%.

Possible English: be obligatory; be due; obligatory; incumbent

Attested spellings and counts

وجب —ywjb* (177); وجوب —wjwb* (169); إيجاب —ʾījāb* (152); يوجب —wjb* (116); واجب —wājb* (95); أوجب —ʾwjb* (93); يجب —yjb* (86); فوجب —fwjb* (82); الوجوب —al-wjwb* (72); الواجب —al-wājb* (47); واجبا —wājbā* (44); بإيجاب —bʾījāb* (41); فواجب —fwājb* (40); أوجبه — توجب —ʾwjbh* (39); موجب —mwjb* (34); وجوبه —wjwbh* (33);

[39] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: وجب (read dictionary entry).

Context: وجب can concern an act's obligation or a right/payment becoming due. أوجب means made incumbent or entailed, rather than merely did something obligatory.

Forms and grammar: وجب / يجب = became obligatory / is obligatory; وجوب is the abstract noun; واجب / واجبة agree with the described noun. يوجبه = makes it incumbent; تجب can have a feminine subject.

twjb* (30); موجبا —mwjbā* (27); يوجبه —ywjbh* (24); إيجابه —ʾījābh* (22); وأوجب —wʾwjb* (21); بموجب —bmwjb* (19); بوجوب —bwjwb* (19); لوجب —lwjb* (18); ووجب —wwjb* (17); الإيجاب —al-ʾījāb* (16); فأوجب —fʾwjb* (16); وإيجاب —wʾījāb* (16); وجبت —wjbt* (16); فالواجب — fālwājb* (15); واجبة —wājbh* (14); أوجبت —ʾwjbt* (13); يوجبوا — ywjbwā* (13); وأوجبوا —wʾwjbwā* (12); تجب —tjb* (11); فأوجبوا — fʾwjbwā* (11); أوجبنا —ʾwjbnā* (10); أوجبوا —ʾwjbwā* (10); الموجبة — al-mwjbh* (10); وجوبها —wjwbhā* (10); الموجب —al-mwjb* (9); الواجبة —al-wājbh* (9); موجبة —mwjbh* (9); ووجوب —wwjwb* (9); يوجبها — ywjbhā* (8); بإيجابه —bʾījābh* (7); توجبه —twjbh* (7); فيجب —fyjb* (7); نوجب —nwjb* (7); أوجبته —ʾwjbth* (6); أوجبها —ʾwjbhā* (6); وواجب — wwājb* (6); الواجبات —al-wājbāt* (5); والوجوب —wālwjwb* (5); وموجب — wmwjb* (5); لوجوب —lwjwb* (4); والواجب —wālwājb* (4); إيجابها — ʾījābhā* (3); بواجب —bwājb* (3); لوجبت —lwjbt* (3); أوجبتم —ʾwjbtm* (2); إيجابا —ʾījābā* (2); إيجابهم —ʾījābhm* (2); الموجبين —al-mwjbyn* (2); بوجوبه —bwjwbh* (2); توجبون —twjbwn* (2); فيوجبون —fywjbwn* (2); وأوجبه —wʾwjbh* (2); ويجب —wyjb* (2); أوجبا —ʾwjbā* (1); أوجبتموه — ʾwjbtmwh* (1); توجبوا —twjbwā* (1); لإيجاب —lʾījāb* (1); وإيجابه — wʾījābh* (1); يوجبان —ywjbān* (1); ويوجبون —wywjbwn* (1); يوجبون — ywjbwn* (1)

Context L9: ... وتعليمه أهل الجهل والعمل بموجب ذلك وإن ما عدا هذا ...

Context L15: ... رجعوا إليهم لعلهم يحذرون فوجب علينا أن ننفر لما استنفرنا ...

40. ذِكْر / ذَكَرَ[40]

dhakara / dhikr

1,838 occurrences; cumulative coverage 51.13%.

Possible English: mention; remember; cite; recollection; male

Context: ذكرنا commonly refers back: we mentioned. ذَكَر as a noun can mean male in legal classifications. Vowels and surrounding syntax separate it from the verb.

Forms and grammar: ذكر / يذكر = mentioned / mentions; ذكرنا = we mentioned; ذكره = he mentioned it or mention of it, depending on vowels. مذكور / مذكورة = aforementioned, agreeing with the noun.

Attested spellings and counts

ذكرنا —dhkrnā* (515); ذكر —dhkr* (317); المذكور —al-mdhkwr* (137); وذكر —wdhkr* (88); يذكر —ydhkr* (82); ذكره —dhkrh* (73); المذكورة —al-mdhkwrh* (60); ذكروا —dhkrwā* (57); فذكر —fdhkr* (52); لذكر —ldhkr* (45); ذكرناه —dhkrnāh* (37); مذكور —mdhkwr* (28); وذكروا —wdhkrwā* (26); الذكر —al-dhkr* (24); المذكورين —al-mdhkwryn* (24); نذكر —ndhkr* (19); الذكور —al-dhkwr* (17); ذكرت —dhkrt* (16); ذكرها —dhkrhā* (15); بذكر —bdhkr* (13); ذاكر —dhākr* (11); نذكره —ndhkrh* (11); والذكر —wāldhkr* (10); بالذكر —bāldhkr* (9); ذكرتم —dhkrtm* (9); ذكرناها —dhkrnāhā* (7); وذكره —wdhkrh* (7); ذاكرا —dhākrā* (6); ذاكرون —dhākrwn* (6); ذكرا —dhkrā* (6); فذكروا —fdhkrwā* (6); للذكر —lldhkr* (6); يذكرون —ydhkrwn* (6); فذكرت —fdhkrt* (5); ونذكر —wndhkr* (5); يذكره —ydhkrh* (5); يذكرها —ydhkrhā* (5); المذكورات —al-mdhkwrāt* (4); تذكر —tdhkr* (4); ذكرهم —dhkrhm* (4); فذكره —fdhkrh* (4); فللذكر —flldhkr* (4); وسنذكر —wsndhkr* (4); أذكر —ʾdhkr* (3); المذكورون —al-mdhkwrwn* (3); بذكره —bdhkrh* (3); سنذكره —sndhkrh* (3); نذكرها —ndhkrhā* (3); المذكوران —al-mdhkwrān* (2); ذكرهما —dhkrhmā* (2); ذكروه —dhkrwh* (2); فذكرا —fdhkrā* (2); فذكرته —fdhkrth* (2); فذكرنا —fdhkrnā* (2); فلنذكر —flndhkr* (2); لذكره —ldhkrh* (2); مذكورا —mdhkwrā* (2); مذكورة —mdhkwrh* (2); وذكرت —wdhkrt* (2); وسنذكره —wsndhkrh* (2); ويذكر —wydhkr* (2); الذاكر —al-dhākr* (1); ذكورها —dhkwrhā* (1); ذكرناهم —dhkrnāhm* (1); ذكورهم —dhkwrhm* (1); فذكرها —fdhkrhā* (1); فذكرهن —fdhkrhn* (1); وذكرنا —wdhkrnā* (1); يذكروا —ydhkrwā* (1)

Context L12: ... التي أحكمناها في الكتاب المذكور آنفا وجعلنا هذا الكتاب بتأييد ...

Context L19: ... في صدر هذا الكتاب وذكر الغرض فيه وهو الذي تم ...

[40] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ذكر (read dictionary entry).

41. حُكْم / حَكَمَ[41]

ḥukm / ḥakama

1,791 occurrences; cumulative coverage 51.57%.

Possible English: ruling; judgment; rule; judge; govern

Context: حكم may be a legal norm or a particular judgment. حكم بكذا means ruled or adjudged something. الحكيم or حكيم may instead be a descriptive divine name or a personal name.

Forms and grammar: حكم / يحكم = judged / judges; حكم / أحكام = ruling / rulings; حاكم = judge or ruler; محكوم = adjudicated. حكمه changes meaning with vowels and its sentence role.

Attested spellings and counts

حكم —ḥkm* (448); الحكم —al-ḥkm* (293); يحكم —yḥkm* (84); أحكام —ʾḥkām* (82); حكمه —ḥkmh* (81); الأحكام —al-ʾḥkām* (67); حكما —ḥkmā* (62); بحكم —bḥkm* (52); حكيم —ḥkym* (39); وحكم —wḥkm* (36); حكيما —ḥkymā* (33); نحكم —nḥkm* (31); بالحكم —bālḥkm* (28); تحكم —tḥkm* (28); الحاكم —al-ḥākm* (24); والحكم —wālḥkm* (21); لحكم —lḥkm* (20); فحكم —fḥkm* (19); حكموا —ḥkmwā* (18); حكمها —ḥkmhā* (16); للحكم —llḥkm* (14); وأحكام —wʾḥkām* (14); الحكيم —al-ḥkym* (13); بأحكام —bʾḥkām* (12); حاكم —ḥākm* (12); ليحكم —lyḥkm* (12); أحكامه —ʾḥkāmh* (11); التحكم —al-tḥkm* (11); والأحكام —wālʾḥkām* (11); وحكمه —wḥkmh* (11); فحكمه —fḥkmh* (9); لحكمه —lḥkmh* (9); الحكمين —al-ḥkmyn* (8); حكمنا —ḥkmnā* (8); حكمهم —ḥkmhm* (8); يحكموا —yḥkmwā* (8); المحكوم —al-mḥkwm* (7); محكم —mḥkm* (7); تحكما —tḥkmā* (6); تحكموا —tḥkmwā* (6); حاكما —ḥākmā* (6); فحكمها —fḥkmhā* (6); لحكم —kḥkm* (6); يحكموك —yḥkmwk* (6); أحكامها —ʾḥkāmhā* (5); أحكامهم —ʾḥkāmhm* (5); تحكيم —tḥkym* (5); حكمت —ḥkmt* (5); حكمين —ḥkmyn* (5); متحكم —mtḥkm* (5); حكمتم —ḥkmtm* (4); فالحكم —fālḥkm* (4); ويحكم —wyḥkm* (4); الحكام —al-ḥkām* (3); تحكمون —tḥkmwn* (3); حكمهما —ḥkmhmā* (3); لتحكم —ltḥkm* (3); والتحكم —wāltḥkm* (3); وبحكم —wbḥkm* (3); وتحكم —wtḥkm* (3); أحكمنا —ʾḥkmnā* (2); المحكم —al-mḥkm* (2); كالحكم —kālḥkm* (2); متحكمين —mtḥkmyn* (2); محكمة —

[41] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حكم (read dictionary entry).

mḥkmh* (2); وتحكموا —wtḥkmwā* (2); يحكمون —yḥkmwn* (2); إحكام —ʾiḥkām* (1); التحكيم —al-tḥkym* (1); الحكمان —al-ḥkmān* (1); بحكمه —bḥkmh* (1); حكميهما —ḥkmyhmā* (1); فاحكم —fāḥkm* (1); فتحكم — ftḥkm* (1); فحكمهم —fḥkmhm* (1); محكوم —mḥkwm* (1); وحكما — wḥkmā* (1); وحكمها —wḥkmhā* (1)

Context L0: ... الله ونعمة والله عليم حكيم وكما قال تعالى ثم دنا ...

Context L9: ... إظهار العدل وقمع الزور والحكم بأمر الله تعالى وبأمر رسوله ...

42. عَبَدَ / عَبْد[42]

ʿabd / ʿabada

1,774 occurrences; cumulative coverage 52.00%.

Possible English: servant; slave; worshipper; worship

Context: عبد الله is a personal name, ʿAbd Allāh. In legal passages عبد may refer to an enslaved person; in religious description servant or worshipper may fit better.

Forms and grammar: عبد / عبيد / عباد are singular/plural nouns with contextual distinctions. أمة is the corresponding female legal term, not a regular suffix plural. عبد / يعبد = worshipped / worships.

Attested spellings and counts

عبد —ʿbd* (1,310); عبيد —ʿbyd* (89); العبد —al-ʿbd* (71); وعبد —wʿbd* (69); عبدا —ʿbdā* (22); العبيد —al-ʿbyd* (18); عبيدة —ʿbydh* (16); عبادة — ʿbādh* (13); عباده —ʿbādh* (12); عبده —ʿbdh* (12); والعبد —wālʿbd* (11); عباد —ʿbād* (10); والعبيد —wālʿbyd* (9); ليعبدوا —lyʿbdwā* (8); عبدي — ʿbdy* (7); لعبد —lʿbd* (7); معبد —mʿbd* (7); الأعبد —al-ʾʿbd* (6); العبادة —al-ʿbādh* (6); عبدة —ʿbdh* (6); نعبد —nʿbd* (6); وعبيد —wʿbyd* (6); يعبد —yʿbd* (6); عبادكم —ʿbādkm* (5); العباد —al-ʿbād* (4); العبدي — al-ʿbdy* (4); للعبد —llʿbd* (4); بعبد —bʿbd* (3); عابد —ʿābd* (3); بالعبد — bālʿbd* (2); تعبد —tʿbd* (2); عبادي —ʿbādy* (2); لعبده —lʿbdh* (2); متعبدون —mtʿbdwn* (2); وعبادة —wʿbādh* (2); أعبد —ʾʿbd* (1); بعبادة —bʿbādh* (1); عبدك —ʿbdk* (1); عبدها —ʿbdhā* (1); عبدين —ʿbdyn* (1); عبيدا —ʿbydā* (1); عبيده —ʿbydh* (1); لعبيد —lʿbyd* (1); وعباد —wʿbād* (1); وعبدة —wʿbdh* (1); وعبده —wʿbdh* (1); وللعبد —wllʿbd* (1)

Context L0: ... وصلى الله على محمد عبده ورسوله إلى جميع الجن والإنس ...

[42] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عبد (read dictionary entry).

Context L4: ... وأشجار ونواوير وأزهار وخدم وعبيد وأمن فاش وملك ظاهر ومال ...

43. نَصّ / نُصُوص[43]

naṣṣ / nuṣūṣ

1,734 occurrences; cumulative coverage 52.43%.

Possible English: explicit wording; text; express statement; specify

Context: نص often means an explicit scriptural statement used as evidence. Its force is more specific than text in a generic modern sense.

Forms and grammar: نص / نصوص = text or express statement / texts; نص عليه = stated it expressly; منصوص = explicitly stated; نصه = its wording or his explicit statement.

Attested spellings and counts

نص —nṣ* (651); النص —al-nṣ* (393); بنص —bnṣ* (177); النصوص —al-nṣwṣ* (85); بالنص —bālnṣ* (82); نصا —nṣā* (64); النصين —al-nṣyn* (35); ينص —ynṣ* (33); فنص —fnṣ* (26); المنصوص —al-mnṣwṣ* (25); منصوص —mnṣwṣ* (25); نصوص —nṣwṣ* (22); والنص —wālnṣ* (22); للنص —llnṣ* (14); ونص —wnṣ* (14); منصوصا —mnṣwṣā* (13); بالنصوص —bālnṣwṣ* (11); لنص —lnṣ* (10); نصه —nṣh* (6); بنصه —bnṣh* (5); والنصوص —wālnṣwṣ* (5); وبنص —wbnṣ* (5); بنصوص —bnṣwṣ* (4); للنصوص —llnṣwṣ* (2); المنصوصة —al-mnṣwṣh* (1); النصان —al-nṣān* (1); بنصها —bnṣhā* (1); فالنص —fālnṣ* (1); نصها —nṣhā* (1)

Context L21: ... العقود والشروط إلا ما نص عليه منها أو أجمع على ...

Context L40: ... قوله بحجة فهو مبطل بنص حكم الله عز وجل وأنه ...

44. صَحَّ / صَحِيح[44]

ṣaḥḥa / ṣaḥīḥ

1,710 occurrences; cumulative coverage 52.85%.

Possible English: be sound; be established; be valid; authentic; correct

Context: A صحيح report is sound/authentic; a صحيح contract or act is valid. صح عندنا means it is established for us. These judgments depend on the type of object under discussion.

Attested spellings and counts

صح —ṣḥ* (413); فصح —fṣḥ* (296); يصح —yṣḥ* (173); صحيح —ṣḥyḥ* (143); صحة —ṣḥh* (123); وصح —wṣḥ* (106); الصحيح —al-ṣḥyḥ* (81); صحيحا —ṣḥyḥā* (52); صحته —ṣḥth* (39); صحيحة —ṣḥyḥh* (29); تصح —tṣḥ* (21); بصحة —bṣḥh* (18); بصحته —bṣḥth* (17); الصحاح —al-ṣḥāḥ* (16); والصحيح —wālṣḥyḥ* (16); أصح —’ṣḥ* (15); صحاح —ṣḥāḥ* (15); صحت —ṣḥt* (13); الصحيحة —al-ṣḥyḥh* (11); تصحيح —tṣḥyḥ* (11); الصحة —al-ṣḥh* (10); يصحح —yṣḥḥ* (9); صحتها —ṣḥthā* (8); صحح —ṣḥḥ* (8); لصحة —lṣḥh* (8); وصحة —

[43] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نصص (read dictionary entry).
[44] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: صحح (read dictionary entry).

Forms and grammar: صح / يصح = was sound / is sound; صحيح / صحيحة show noun agreement; صحة is the abstract noun. صحح is a derived verb meaning declare sound or correct.

wṣḥh* (8); بأصح —b’ṣḥ* (7); صحيحان —ṣḥyḥān* (4); صحا —ṣḥā* (3); صحيحين —ṣḥyḥyn* (3); وصحت —wṣḥt* (3); وصحيح —wṣḥyḥ* (3); ويصح —wyṣḥ* (3); يصححه —yṣḥḥh* (3); يصححها —yṣḥḥhā* (3); تصحيحه —tṣḥyḥh* (2); صحتم —ṣḥḥtm* (2); صححه —ṣḥḥh* (2); صححوه —ṣḥḥwh* (2); فصحيح —fṣḥyḥ* (2); نصححه —nṣḥḥh* (2); وأصح —w’ṣḥ* (2); تصحيحها —tṣḥyḥhā* (1); فصحت —fṣḥt* (1); فيصح —fyṣḥ* (1); لصحته —lṣḥth* (1); يصححون —yṣḥḥwn* (1)

Context L4: ... إيثار ما دلت عليه صحة الفهم وعلى اعتقاد ذلك علما ...

Context L9: ... ومجاز إلى دار الخلود وصح بذلك أنه لا فائدة في ...

45. بَطَلَ / بَاطِل[45]

bāṭil / baṭala

1,554 occurrences; cumulative coverage 53.23%.

Possible English: invalid; void; false; become invalid; refute

Context: A باطل argument is false or unsound; a باطل contract is invalid. The affected noun determines whether English false or void is appropriate.

Forms and grammar: بطل / يبطل = became invalid / becomes invalid; أبطل / يبطل = invalidated / invalidates with different vowels. باطل / باطلة agree in gender; بطلان / إبطال are distinct verbal nouns.

Attested spellings and counts

باطل —bāṭl* (259); إبطال —’ibṭāl* (194); فبطل —fbṭl* (139); الباطل —al-bāṭl* (133); يبطل —ybṭl* (83); بطل —bṭl* (81); بطلان —bṭlān* (62); بالباطل —bālbāṭl* (54); باطلا —bāṭlā* (49); مبطل —mbṭl* (37); وبطل —wbṭl* (35); وإبطال —w’ibṭāl* (19); أبطل —’bṭl* (27); بطلت —bṭlt* (20); والباطل —wālbāṭl* (18); أبطلنا —’bṭlnā* (17); مبطلا —mbṭlā* (17); وبطلان —wbṭlān* (16); أبطلوا —’bṭlwā* (15); بطلانه —bṭlānh* (15); وباطل —wbāṭl* (15); ويبطل —wybṭl* (15); إبطاله —’ibṭālh* (14); تبطل —tbṭl* (14); فأبطل —f’bṭl* (14); بإبطال —b’ibṭāl* (11); يبطله —ybṭlh* (11); ببطلان —bbṭlān* (10); مبطلة —mbṭlh* (10); يبطلون —ybṭlwn* (9); فبطلت —fbṭlt* (8); بباطل —bbāṭl* (7); بطلانها —bṭlānhā* (7); فباطل —fbāṭl* (7); وأبطل —w’bṭl* (7); أبطلها —’bṭlhā* (6); فأبطلوا —f’bṭlwā* (6); للباطل —llbāṭl* (6); وأبطلوا —w’bṭlwā* (6); أبطله —’bṭlh* (5); بإبطاله —b’ibṭālh* (5); لبطلت —lbṭlt* (4); وإبطاله —w’ibṭālh* (4); يبطلها —ybṭlhā* (4); أبطلتم —’bṭltm* (3);

[45] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بطل (read dictionary entry).

أبطلناه —ʾbṭlnāh* (3); إبطالنا —ʾibṭālnā* (3); إبطالها —ʾibṭālhā* (3); باطلة — bāṭlh* (3); باطلهم —bāṭlhm* (3); بطلانا —bṭlānā* (3); فيبطل —fybṭl* (3); لباطل —lbāṭl* (3); لبطل —lbṭl* (3); ومبطل —wmbṭl* (3); ويبطلون —wybṭlwn* (3); أبطلت —ʾbṭlt* (2); المبطل —al-mbṭl* (2); فتبطل —ftbṭl* (2); نبطل —nbṭl* (2); وباطلا —wbāṭlā* (2); وبطلانه —wbṭlānh* (2); وبطلت —wbṭlt* (2); ويبطله —wybṭlh* (2); البطلان —al-bṭlān* (1); لبطلان —lbṭlān* (1); وأبطله — w’bṭlh* (1); وتبطل —wtbṭl* (1); يبطلان —ybṭlān* (1); يبطلوا —ybṭlwā* (1); يبطلوه —ybṭlwh* (1)

Context L0: ... إرادته أو يقسر قاصد باطل على قصده أو يحول بين ...

Context L2: ... تكون معرفة الحق من الباطل قال تعالى وسيق الذين كفروا ...

46. لَيْسَ[46]

laysa

1,487 occurrences; cumulative coverage 53.59%.

Possible English: is not; are not; it is not the case that

Context: ليس negates a nominal relation. English normally supplies is/are not rather than treating it as an ordinary past action simply because its inflection is perfect-like.

Forms and grammar: ليس / ليست agree with masculine / feminine singular; ليسوا masculine plural; لستُ = I am not; لستَ / لستِ = you are not; لسنا = we are not.

Attested spellings and counts

ليس —lys* (717); وليس —wlys* (413); فليس —flys* (181); ليست — lyst* (69); وليست —wlyst* (25); أليس —ʾlys* (15); فلسنا —flsnā* (15); لسنا —lsnā* (14); فليست —flyst* (13); لست —lst* (9); ليسوا —lyswā* (8); أفليس —ʾflys* (2); فليسا —flysā* (2); ليسا —lysā* (2); أوليس —ʾwlys* (1); فليسوا — flyswā* (1)

Context L4: ... من طاعة أو معصية فليس ذلك عقلا بل هو سخف ...

Context L8: ... قد تيقنا أن الدنيا ليست دار قرار ولكنها دار ابتلاء ...

[46] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ليس (read dictionary entry).

47. بَعْض[47]

baʿḍ

1,463 occurrences; cumulative coverage 53.95%.

Possible English: some; part; a portion; one another in repeated constructions

Context: بعضهم can mean some of them. بعضهم بعضا can express reciprocal action: one another. The relevant group is supplied by context.

Forms and grammar: بعضه / بعضها / بعضهم change the referent; لبعض = for some; ببعض = with or by some. بعض is a noun-like quantifier, without tense inflection.

Attested spellings and counts

بعض —bʿḍ* (611); بعضهم —bʿḍhm* (396); بعضها —bʿḍhā* (88); بعضه —bʿḍh* (82); وبعضهم —wbʿḍhm* (69); بعضا —bʿḍā* (48); ببعض —bbʿḍ* (33); وبعض —wbʿḍ* (31); لبعض —lbʿḍ* (30); بعضكم —bʿḍkm* (25); وبعضها —wbʿḍhā* (13); البعض —al-bʿḍ* (7); ببعضها —bbʿḍhā* (7); بعضنا —bʿḍnā* (7); لبعضهم —lbʿḍhm* (5); وبعضه —wbʿḍh* (5); أبعاض —ʾbʿāḍ* (2); للتبعيض —lltbʿyḍ* (2); تبعيض —tbʿyḍ* (1); فبعضها —fbʿḍhā* (1)

Context L4: ... التي في الصدور وقال بعض السلف الصالح ترى الرجل لبيبا ...

Context L20: ... التي هي السنن وفي بعض فصول هذا الباب سبب الاختلاف ...

48. إِذَا[48]

ʾidhā

1,449 occurrences; cumulative coverage 54.30%.

Possible English: when; whenever; if; suddenly in a different construction

Context: إذا commonly introduces an expected or recurring situation. Whether English if or when is smoother depends on the legal hypothetical and its result clause.

Forms and grammar: وإذا / فإذا attach so / and. إذا does not inflect for tense or referent; the following verb carries those changes. Distinguish it from إذ, when in a past narrative.

Attested spellings and counts

إذا —ʾidhā* (929); فإذا —fʾidhā* (301); وإذا —wʾidhā* (219)

Context L2: ... طريق الرشد قال تعالى وإذا قيل له اتق الله أخذته ...

Context L15: ... في الدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون فوجب ...

[47] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بعض (read dictionary entry).
[48] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: إذا (read dictionary entry).

49. حَرَام / إِحْرَام[49]

ḥarām / ʾiḥrām

1,429 occurrences; cumulative coverage 54.65%.

Possible English: prohibited; unlawful; sacred; consecrated state

Context: حرام in a ruling means prohibited. الحرم is a sacred precinct. إحرام is ritual consecration for pilgrimage, not a synonym for prohibition in every occurrence.

Forms and grammar: حرم / يحرم and حرّم / يحرّم are different verb patterns; تحريم = declaring forbidden. محرم can mean forbidden, a person in iḥrām, or Muḥarram according to its vowels and context.

Attested spellings and counts

حرم —ḥrm* (216); حرام —ḥrām* (154); تحريم —tḥrym* (121); التحريم —al-tḥrym* (75); حراما —ḥrāmā* (74); الحرام —al-ḥrām* (70); حرمت —ḥrmt* (70); يحرم —yḥrm* (63); محرم —mḥrm* (58); وحرم —wḥrm* (39); المحرم —al-mḥrm* (36); تحريمه —tḥrymh* (34); فحرام —fḥrām* (25); محرما —mḥrmā* (23); يحرمون —yḥrmwn* (19); تحرم —tḥrm* (18); فحرم —fḥrm* (18); لحرم —lḥrm* (17); بتحريم —btḥrym* (15); وتحريم —wtḥrym* (15); ويحرم —wyḥrm* (15); المحرمة —al-mḥrmh* (14); تحريمها —tḥrymhā* (14); حرمه —ḥrmh* (13); الإحرام —al-ʾiḥrām* (12); وحرام —wḥrām* (12); بالتحريم —bāltḥrym* (11); الحرم —al-ḥrm* (10); المحرمات —al-mḥrmāt* (10); يحرمه —yḥrmh* (10); والحرام —wālḥrām* (8); بتحريمه —btḥrymh* (7); حرمها —ḥrmhā* (7); أحرم —ʾḥrm* (6); حرموا —ḥrmwā* (6); والتحريم —wāltḥrym* (6); وحرموا —wḥrmwā* (6); حرمة —ḥrmh* (5); محروم —mḥrwm* (5); نحرم —nḥrm* (5); ويحرمون —wyḥrmwn* (5); بتحريمها —btḥrymhā* (4); تحريما —tḥrymā* (4); فيحرم —fyḥrm* (4); لإحرامه —l’iḥrāmh* (4); لتحريم —ltḥrym* (4); والمحرمة —wālmḥrmh* (4); حرما —ḥrmā* (3); فحرموا —fḥrmwā* (3); للتحريم —lltḥrym* (3); محرمات —mḥrmāt* (3); محرمة —mḥrmh* (3); وتحرم —wtḥrm* (3); وتحريمه —wtḥrymh* (3); يحرموا —yḥrmwā* (3); المحارم —al-mḥārm* (2); تحرموا —tḥrmwā* (2); حرامه —ḥrāmh* (2); فحرمت —fḥrmt* (2); كحرمتها —kḥrmthā* (2); محارمه —mḥārmh* (2); وتحريمهم —wtḥrymhm* (2); وحرمه —wḥrmh* (2); وحرمها —wḥrmhā* (2); إحرام —ʾiḥrām* (1); إحراما —ʾiḥrāmā* (1); إحرامه —ʾiḥrāmh* (1); المحرمين —al-mḥrmyn* (1); بحرمة —bḥrmh* (1); بمحرم —bmḥrm* (1); تحرمه —tḥrmh* (1); حرمتهما —ḥrmthmā* (1); حرمي —ḥrmy* (1); فحرموه —fḥrmwh* (1); كحرمة —kḥrmh* (1); للحرام —llḥrām* (1); للمحرم

[49] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حرم (read dictionary entry).

—llmḥrm* (1); وحرمت —wḥrmt* (1); ومحرم —wmḥrm* (1); يحرمها — yḥrmhā* (1)

Context L12: ... لا يزهد فيه إلا محروم فكتبنا كتابنا المرسوم بكتاب التقريب ...

Context L16: ... ووجدناه قد قال تعالى حرمت عليكم الميتة والدم ولحم الخنزير ...

50. قَوْم / قَامَ[50]

qāma / qawm

1,321 occurrences; cumulative coverage 54.98%.

Possible English: stand; perform; establish; people; group

Context: قام can mean stood or undertook an act. أقام الصلاة means established/performed prayer. قوم denotes a group of people; it is not a plural of the verb.

Forms and grammar: قام / يقوم / قم = stood / stands / stand!; أقام / يقيم = established / establishes. قوم / أقوام = people-group(s); قيام and إقامة are different verbal nouns.

Attested spellings and counts

قوم —qwm* (258); القيامة —al-qyāmh* (88); قام —qām* (79); لقوم — lqwm* (71); القوم —al-qwm* (67); يقوم —yqwm* (54); قوما —qwmā* (44); قومه —qwmh* (39); قامت —qāmt* (36); قيام —qyām* (33); يقم —yqm* (26); تقم —tqm* (25); مقام —mqām* (24); تقوم —tqwm* (23); يقيما —yqymā* (23); القيام —al-qyām* (22); قائم —qāʾm* (22); قومهم —qwmhm* (21); قائما — qāʾmā* (19); القيمة —al-qymh* (17); وأقيموا —wʾqymwā* (17); وأقاموا — wʾqāmwā* (15); إقامة —ʾiqāmh* (14); قم —qm* (13); قائمة —qāʾmh* (12); فقام —fqām* (11); وأقوم —wʾqwm* (11); أقام —ʾqām* (9); قيمة —qymh* (9); يقيم —yqym* (8); أقوام —ʾqwām* (7); الإقامة —al-ʾiqāmh* (7); قمتم —qmtm* (7); مستقيم —mstqym* (7); وقامت —wqāmt* (7); المقيم —al-mqym* (6); قيمته — qymth* (6); والقوم —wālqwm* (6); ويقيموا —wyqymwā* (6); أقيموا — ʾqymwā* (5); تقويم —tqwym* (5); فأقيموا —fʾqymwā* (5); قوموا —qwmwā* (5); وإقامة —wʾiqāmh* (5); وقام —wqām* (5); وقوما —wqwmā* (5); يقومون — yqwmwn* (5); بقوم —bqwm* (4); قومي —qwmy* (4); مقامه —mqāmh* (4); وأقام —wʾqām* (4); والإقامة —wālʾiqāmh* (4); وقوم —wqwm* (4); وقيام — wqyām* (4); ويقوم —wyqwm* (4); القائم —al-qāʾm* (3); القيم —al-qym* (3); بالقيمة —bālqymh* (3); فأقام —fʾqām* (3); قوامين —qwāmyn* (3); قياما —

[50] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قوم (read dictionary entry).

qyāmā* (3); قيمتها —qymthā* (3); يقام —yqām* (3); أقامت —ʾqāmt* (2); أقم — ʾqm* (2); إقامته —ʾiqāmth* (2); إقامتها —ʾiqāmthā* (2); التقويم —al-tqwym* (2); القائمة —al-qāʾmh* (2); بالإقامة —bālʾiqāmh* (2); فالقوم —fālqwm* (2); فقوموا —fqwmwā* (2); قومك —qwmk* (2); قومها —qwmhā* (2); مستقيما — mstqymā* (2); والقيام —wālqyām* (2); أقمت —ʾqmt* (1); أقيم —ʾqym* (1); المقام —al-mqām* (1); المقيمين —al-mqymyn* (1); بإقامة —bʾiqāmh* (1); بقيمته — bqymth* (1); بقيمة —bqymh* (1); بقيام —bqyām* (1); بالقيام —bālqyām* (1); تقيم —tqym* (1); فأقم —fʾqm* (1); فأقيمت —fʾqymt* (1); فليقم — flyqm* (1); فيقوم —fyqwm* (1); قاموا —qāmwā* (1); قوامون —qwāmwn* (1); قيامه —qyāmh* (1); قيمتهما —qymthmā* (1); لإقامة —lʾiqāmh* (1); لقام — lqām* (1); للقوم —llqwm* (1); مقيم —mqym* (1); مقيما —mqymā* (1); وقوموا وأقيم —wʾqym* (1); والمقام —wālmqām* (1); وإقامته —wʾiqāmth* (1); يقيمون — yqymwn* (1); يقيموا —yqymwā* (1); يقيمه —yqymh* (1); —wqwmwā* (1)

Context L0: ... عليه طريق الحق ووفق قوما في سبيل ما ومنعهم التوفيق ...

Context L2: ... أيها الذين آمنوا كونوا قوامين بالقسط شهدآء لله ولو على ...

Attested spellings and counts

حجة —ḥjh* (335); واحتجوا —wāḥtjwā* (130); الحجة —al-ḥjh* (117); الحج — al-ḥj* (95); واحتج —wāḥtj* (63); الحجاج —al-ḥjāj* (61); احتج —ʾḥtj* (60); احتجوا —ʾḥtjwā* (57); حج —ḥj* (41); يحتج —yḥtj* (36); الاحتجاج — al-āḥtjāj* (33); احتجاجهم —ʾḥtjājhm* (30); والحج —wālḥj* (23); احتجاج — ʾḥtjāj* (19); المحتج —al-mḥtj* (14); بحجة —bḥjh* (12); فاحتج —fāḥtj* (10);

51. حَجّ / حُجَّة[51]

ḥujjah / ḥajj

1,313 occurrences; cumulative coverage 55.30%.

Possible English: proof; argument; authority; pilgrimage; argue

Context: حجة in a dispute is evidence or argument. الحج is pilgrimage. Shared radicals do not make a proof a grammatical form of the ritual noun.

[51] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حجج (read dictionary entry).

Forms and grammar: حجة / حجج = proof / proofs; احتج / يحتج = argued or adduced evidence / argues. حج / يحج = performed pilgrimage / performs it; حاجّ = pilgrim. الحجاج may be the proper name al-Ḥajjāj.

والحجة —wālḥjh* (10); يحتجون —yḥtjwn* (10); حاجة —ḥājh* (9); حجاج — ḥjāj* (9); احتجاجا —ʾḥtjājā* (8); المحتجين —al-mḥtjyn* (8); يحج —yḥj* (8); الحجج —al-ḥjj* (7); نحتج —nḥtj* (7); حجته —ḥjth* (6); حجتهم —ḥjthm* (6); وحجة —wḥjh* (6); حجه —ḥjh* (5); والحجاج —wālḥjāj* (5); وحج —wḥj* (5); بالحج —bālḥj* (4); حجتنا —ḥjtnā* (4); احتجاجه —ʾḥtjājh* (3); احتججتم — ʾḥtjjtm* (3); بحجته —bḥjth* (3); كالحج —kālḥj* (3); لحاجته —lḥājth* (3); الحاجة —lḥjh* (3); للحج —llḥj* (3); محتج —mḥtj* (3); ويحتجون —wyḥtjwn* (3); تحتجون —tḥtjwn* (2); تحج —tḥj* (2); حاجته —ḥājth* (2); فاحتجوا —fāḥtjwā* (2); ففج —fḥj* (2); فيحتج —fyḥtj* (2); وحجه —wḥjh* (2); يحتجوا —yḥtjwā* (2); أفأحج —ʾfʾḥj* (1); احتججنا —ʾḥtjjnā* (1); الحاج — al-ḥāj* (1); المحتجون —al-mḥtjwn* (1); حاج —ḥāj* (1); حجهم —ḥjhm* (1); ففجة —fḥjh* (1); لاحتجاجهم —lāḥtjājhm* (1); للحاج —llḥāj* (1); ليحج — lyḥj* (1); واحتجاج —wāḥtjāj* (1); وحجاج —wḥjāj* (1); وحجتنا —wḥjtnā* (1); ويحتج —wyḥtj* (1); ويحج —wyḥj* (1)

Context L24: ... يعلم شيء إلا بالتقليد واحتجوا في إبطال ...

Context L25: ... حجة العقل بأن قالوا قد يرى ...

52. قَيْس / قِيَاس[52]

qiyās / qays

1,307 occurrences; cumulative coverage 55.62%.

Possible English: analogy; measure; compare; Qays

Context: القياس usually names legal analogical reasoning in the argument. قيس is often a narrator's name. The author's assessment of an analogy is supplied by the surrounding discussion.

Attested spellings and counts

القياس —al-qyās* (412); قياسا —qyāsā* (158); يقس —yqs* (137); قياس — qyās* (117); بالقياس —bālqyās* (69); للقياس —llqyās* (49); قاس —qās* (45); وقاس —wqās* (40); والقياس —wālqyās* (38); قيس —qys* (33); يقيسوا — yqyswā* (30); قاسوا —qāswā* (27); يقاس —yqās* (27); بقياس —bqyās* (18); قياسهم —qyāshm* (15); يقيس —yqys* (12); يقيسون —yqyswn* (12); نقيس —nqys* (11); يقيسوه —yqyswh* (7); فقاسوا —fqāswā* (5); تقاس —tqās* (4);

[52] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قيس (read dictionary entry).

Forms and grammar: قاس / يقيس = measured or compared / measures or compares; قياس is the verbal noun; قيس can be a name or a passive form according to vowels; يقاس = is compared.

فالقياس —fālqyās* (4); قياسه —qyāsh* (4); وقياس —wqyās* (4); قياساتهم — qyāsāthm* (3); قيسوا —qyswā* (3); أقيس —ʾqys* (2); القيس —al-qys* (2); وقياسهم — wqyāshm* (2); وقيس —wqys* (2); القياسات —al-qyāsāt* (1); المقيس — al-mqys* (1); تقيسوا —tqyswā* (1); فقاس —fqās* (1); فقياس —fqyās* (1); قاسوه —qāswh* (1); قياسكم —qyāskm* (1); قياسها —qyāshā* (1); يقيسوها — yqyswhā* (1)

Context L21: ... النظري والفرق بينه وبين القياس ...

Context L23: ... الثامن والثلاثون في إبطال القياس الباب التاسع والثلاثون في إبطال ...

53. نُبُوَّة / نَبِيّ[53]

nabiyy / nubuwwah

1,234 occurrences; cumulative coverage 55.92%.

Possible English: prophet; prophethood; news; announce

Context: النبي often refers to the Prophet Muḥammad. نبأ is news or an important report, a different noun. The shared root is not a license to replace prophet with narrator.

Forms and grammar: نبي / أنبياء / نبيون / نبيين show singular, plural and case variants; نبيه = his prophet. نبوة is an abstract noun; أنبأ / ينبئ = informed / informs.

Attested spellings and counts

النبي —al-nby* (858); نبيه —nbyh* (103); نبي —nby* (43); الأنبياء — al-ʾnbyāʾ* (35); لنبي —lnby* (34); أنبأنا —ʾnbʾnā* (24); نبوة —nbwh* (18); النبوة —al-nbwh* (14); للنبي —llnby* (14); نبينا —nbynā* (14); نبيا —nbyā* (13); لنبيه —lnbyh* (12); بالنبي —bālnby* (10); أنبيائهم —ʾnbyāʾhm* (9); النبيين — al-nbyyn* (8); نبوته —nbwth* (7); بنبوة —bnbwh* (4); نبيكم —nbykm* (4); والنبي —wālnby* (4); أنبيائه —ʾnbyāʾh* (2); ونبيك —wnbyk* (2); نبأ —nbʾ* (1); والأنبياء —wālʾnbyāʾ* (1)

Context L4: ... ثم إنه تعالى بعث نبيه المختار وعبده المنتخب من جميع ...

Context L13: ... أنه ألزمنا على لسان نبيه صلى الله عليه وسلم شرائع ...

[53] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نبأ (read dictionary entry).

54. أَخْبَرَ / خَبَر[54]

khabar / *ʾakhbara*

1,209 occurrences; cumulative coverage 56.21%.

Possible English: report; information; inform; tell

Context: خبر is often a transmitted report used as evidence. أخبرني names the narrator's receiving relationship: he informed me. الخبر need not mean news in the modern journalistic sense.

Forms and grammar: خبر / أخبار = report / reports; أخبر / يخبر = informed / informs; أخبرنا / أخبرني = informed us / me. خبره can mean his report or he informed him, depending on vowels.

Attested spellings and counts

خبر —khbr* (201); الخبر —al-khbr* (192); أخبر —ʾkhbr* (88); أخبرني —ʾkhbrny* (81); الأخبار —al-ʾkhbār* (79); أخبرنا —ʾkhbrnā* (56); بخبر —bkhbr* (45); الخبرين —al-khbryn* (41); وأخبر —wʾkhbr* (36); فأخبر —fʾkhbr* (32); يخبر —ykhbr* (28); أخبار —ʾkhbār* (21); أخبره — ʾkhbrh* (21); خبرا —khbrā* (18); أخبرونا —ʾkhbrwnā* (17); المخبر — al-mkhbr* (17); خبره —khbrh* (17); إخباره —ʾikhbārh* (13); بالخبر — bālkhbr* (13); والخبر —wālkhbr* (13); وخبر —wkhbr* (12); وأخبرنا — wʾkhbrnā* (11); مخبرا —mkhbrā* (10); أخبرهم —ʾkhbrhm* (9); إخبار — ʾikhbār* (9); بالأخبار —bālʾkhbār* (9); فأخبره —fʾkhbrh* (8); الإخبار — al-ʾikhbār* (7); وأخبره —wʾkhbrh* (7); بأخبار —bʾkhbār* (6); لخبر — lkhbr* (6); وأخبرني —wʾkhbrny* (6); تخبر —tkhbr* (5); للخبر —llkhbr* (5); أخبرت —ʾkhbrt* (4); فأخبرني —fʾkhbrny* (4); فأخبرونا —fʾkhbrwnā* (4); والأخبار —wālʾkhbār* (4); يخبره —ykhbrh* (4); أخبرتك —ʾkhbrtk* (3); أخبرتني —ʾkhbrtny* (3); أخبرناه —ʾkhbrnāh* (3); الخبران —al-khbrān* (3); بخبره —bkhbrh* (3); فأخبرته —fʾkhbrth* (3); نخبر —kkhbr* (3); وإخبار —wʾikhbār* (3); أخبروا —ʾkhbrwā* (2); إخبارا —ʾikhbārā* (2); فأخبروه — fʾkhbrwh* (2); وخبره —wkhbrh* (2); أخباروا —ʾkhbārā* (1); أخبراه — ʾkhbrāh* (1); أخبرتنا —ʾkhbrtnā* (1); أخبرته —ʾkhbrth* (1); أخبرتها — ʾkhbrthā* (1); أخبركم —ʾkhbrk* (1); أخبرهما —ʾkhbrkm* (1); خبرين — ʾkhbrhā* (1); بإخبار —bʾikhbār* (1); بالخبرين —bālkhbryn* (1); نخبر — khbryn* (1); فخبر —fkhbr* (1); للأخبار —llʾkhbār* (1); نخبر —nkhbr* (1);

[54]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: خبر (read dictionary entry).

وأخبارهم —w’khbārhm* (1); وبخبر —wbkhbr* (1); ويخبر —wykhbr* (1); يخبرنا —ykhbrnā* (1)

Context L4: ... عند كل من سمع خبره ذا آفة شديدة في تمييزه ...

Context L9: ... الحق ونور اليقين فقد أخبر رسول الله صلى الله عليه ...

55. حَقّ / حَقِيقَة[55]

ḥaqq / ḥaqīqah

1,154 occurrences; cumulative coverage 56.50%.

Possible English: truth; right; entitlement; due; true; reality

Context: حق can describe a true assertion, an enforceable entitlement or something due. English right does not fit every occurrence.

Forms and grammar: حق / حقوق = right / rights; حقه = his right or its truth according to context; أحق = more entitled. حقيقة and تحقيق are different derived nouns; حقّ / يحقّ are verb forms.

Attested spellings and counts

الحق —al-ḥq* (394); حق —ḥq* (212); حقا —ḥqā* (149); الحقيقة —al-ḥqyqh* (61); الحقائق —al-ḥqā’q* (57); أحق —’ḥq* (43); بالحق —bālḥq* (41); حقيقة —ḥqyqh* (33); والحق —wālḥq* (25); للحق —llḥq* (21); حقه —ḥqh* (19); بحق —bḥq* (12); الحقوق —al-ḥqwq* (11); استحق —’stḥq* (10); يحقق —yḥqq* (8); يستحق —ystḥq* (8); فحق —fḥq* (6); المحق —al-mḥq* (5); بحقها —bḥqhā* (5); للحقائق —llḥqā’q* (5); وحق —wḥq* (5); حقها —ḥqhā* (4); تحقيق —tḥqyq* (3); مستحق —mstḥq* (3); يحق —yḥq* (3); يستحقه —ystḥqh* (3); تستحق —tstḥq* (2); أبحق —’bḥq* (1); حقة —ḥqh* (1); فحقه —fḥqh* (1); وأحق —w’ḥq* (1); والحقوق —wālḥqwq* (1); يستحقها —ystḥqhā* (1)

Context L0: ... شاء منهم بأن وفقه للحق وهداه له ويسره لفهمه وسدده ...

Context L2: ... الإنصاف ويحبب إليها موافقة الحق قال تعالى إن الله يأمر ...

56. عُمْرَة / عُمْر / عَمْر / عُمَر[56]

ʿumar / ʿamr / ʿumr / ʿumrah

1,138 occurrences; cumulative coverage 56.78%.

Possible English: ʿUmar; ʿAmr; life; age; ʿumrah; inhabit

Attested spellings and counts

عمر —ʿmr* (840); وعمر —wʿmr* (80); عامر —ʿāmr* (44); معمر —mʿmr* (41); العمرة —ʿmrh* (12); عمرة —ʿmrān* (25); عمار —ʿmār* (22); عمران —al-ʿmrh* (10); ولعمري —wlʿmry* (7); المعتمر —al-mʿtmr* (6); العمري —al-ʿmry* (5); عمارا —ʿmārā* (5); عمرا —ʿmrā* (5); العمر —al-ʿmr* (4); بالعمرة —

[55] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حقق (read dictionary entry).
[56] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عمر (read dictionary entry).

Context: عمر and عمرو commonly identify different men. العمرة is the lesser pilgrimage. Do not read every word in this lexical family as a person's name.

Forms and grammar: عُمَر and عَمْرو are different names; the written final و in عمرو distinguishes the name. عُمْر is lifespan; عُمْرة is a ritual noun; عمار / عامر / عمران can be distinct names.

57. قَبِلَ / قَبْل[57]

qabl / qabila

1,110 occurrences; cumulative coverage 57.05%.

Possible English: before; accept; receive; front; toward

Context: قبل can locate an event before another, or be a verb meaning accepted. من قبل may mean previously or on the part of, depending on construction.

Forms and grammar: قبلَه = before him/it, but قَبِلَهُ = he accepted it. يقبل = accepts when vowelled يَقْبَل; قبول = acceptance; قابل = facing, receiving or next in a temporal phrase.

bālʿmrh* (3); العامري —al-ʿāmry* (2); بعمرة —bʿmrh* (2); عمرته —ʿmrth* (2); عمره —ʿmrh* (2); فلعمري —flʿmry* (2); لعمري —lʿmry* (2); والعمرة — wālʿmrh* (2); وعامر —wʿāmr* (2); وعمار —wʿmār* (2); وعمرته —wʿmrth* (2); ومعمر —wmʿmr* (2); اعتمر —ʾtmr* (1); عمرتك —ʿmrtk* (1); فعمر —fʿmr* (1); يعمر — yʿmr* (1); وعمرة —wʿmrh* (1); وعمران —wʿmrān* (1); معمرا —mʿmrā* (1)

Context L40: أهل التخليص والبحث وقطع العمر في طلب تصحيح الحجة واعتقاد ... ...

Context L57: ... الحجاج عن ابن أبي عمر المكي ومحمد بن حاتم وغيرهما ...

Attested spellings and counts

قبل —qbl* (493); قبول —qbwl* (137); قبله —qblh* (66); يقبل —yqbl* (60); القبلة —al-qblh* (41); قبوله —qbwlh* (41); قبلكم —qblkm* (34); بقبول — bqbwl* (29); قبلنا —qblnā* (27); قبلها —qblhā* (15); قبلهم —qblhm* (15); قبلك —qblk* (13); تقبل —tqbl* (11); استقبال —ʾstqbāl* (9); مقبول —mqbwl* (9); وقبل —wqbl* (9); قبلوها —qbwlhā* (8); تقبلوا —tqblwā* (7); قبلة —qblh* (7); أقبل —ʾqbl* (6); نقبل —nqbl* (6); القبائل —al-qbāʾl* (5); قابل —qābl* (5); قبلت —qblt* (5); قبيلة —qbylh* (5); يقبله —yqblh* (5); بالقبول —bālqbwl* (4); قبائل —qbāʾl* (4); قبلوا —qblwā* (4); والقبلة —wālqblh* (4); أقبلها —ʾqblhā* (3); قبلهما —qblhmā* (3); مقبولة —mqbwlh* (3); القبيلة —al-qbylh* (2); بقبولها —bqbwlhā* (2); فأقبل —fʾqbl* (2); فقبل —fqbl* (2); أقبلنا —ʾqblnā* (1); استقبلت —ʾstqblt* (1); المقبل —al-mqbl* (1); بالقبلة —bālqblh* (1); فاقبلوا — fāqblwā* (1); قابلا —qāblā* (1); قبلي —qbly* (1); وقبله —wqblh* (1); يقابل — yqābl* (1)

Context L2: ... تقلبهم في البلاد كذبت قبلهم قوم نوح والأحزاب من بعدهم ...

[57] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قبل (read dictionary entry).

Context L15: ... قد ثبت أنه من قبله عز وجل والذي أودعه عهوده ...

58. ثُمَّ[58]

thumma

1,104 occurrences; cumulative coverage 57.32%.

Possible English: then; thereafter; next

Context: ثم often marks ordered succession, which may be narrative or argumentative. The amount of delay is not encoded as a fixed number of moments.

Forms and grammar: وثم adds and. ثَمَّ, with a different first vowel, means there; this homograph is not a tense form of ثُمَّ. Distinguish both from the noun ثمن, price.

Attested spellings and counts

ثم —thm* (1,104)

Context L0: ... حكيم وكما قال تعالى ثم دنا فتدلى وقال تعالى ولا ...

Context L4: ... وفي أثنائها أهوال ومتالف ثم يفضي عند تمام ذلك اليوم ...

59. فِعْل / فَعَلَ[59]

faʿala / fiʿl

1,103 occurrences; cumulative coverage 57.59%.

Possible English: do; perform; act; deed

Context: فعل describes doing an act, with its permissibility supplied elsewhere. الفاعل identifies the doer; its presence does not by itself identify intention.

Forms and grammar: فعل / يفعل / افعل = did / does / do!; فعلنا = we did; فعلوا = they did. فعل / أفعال = act(s); فاعل / مفعول identify doer and affected object in grammatical or lexical uses.

Attested spellings and counts

فعل —fʿl* (302); يفعل —yfʿl* (142); فعله —fʿlh* (118); الفعل —al-fʿl* (63); فعلوا —fʿlwā* (31); يفعله —yfʿlh* (31); أفعاله —ʾfʿālh* (29); تفعل —tfʿl* (25); فعلنا —fʿlnā* (23); فعلا —fʿlā* (20); افعل —ʾfʿl* (18); أفعال —ʾfʿāl* (17); فعلها —fʿlhā* (17); فاعل —fāʿl* (15); فاعله —fāʿlh* (15); بفعل —bfʿl* (13); بفعله —bfʿlh* (13); تفعلوا —tfʿlwā* (13); الأفعال —al-ʾfʿāl* (12); فعلتم —fʿltm* (12); نفعل —nfʿl* (12); وفعله —wfʿlh* (12); يفعلوا —yfʿlwā* (12); فعلت —fʿlt* (11); وفعل —wfʿl* (11); يفعلون —yfʿlwn* (10); أفعل —ʾfʿl* (8); فعلن —fʿln* (8); فعلهم —fʿlhm* (8); ويفعل —wyfʿl* (8); والفعل —wālfʿl* (7); تفعلون —tfʿlwn* (6); لفعل —lfʿl* (6); الفاعل —al-fāʿl* (5); بالفعل —bālfʿl* (5); ففعل —ffʿl* (5); ففعله

[58] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ثمم (read dictionary entry).

[59] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: فعل (read dictionary entry).

ففعلوا —f‘lhmā* (3); فعلهما —fāf‘lwā* (3); فافعلوا —lf‘lh* (5); لفعله —ff‘lh* (5); مفعولا —f‘lwh* (2); فعلوه —al-f‘lh* (2); الفعلة —nf‘lh* (3); نفعله —ff‘lwā* (3); بفاعل —bfā‘l* (1); الفاعلين —al-fā‘lyn* (1); وفاعل —wfā‘l* (2); —mf‘wlā* (2); فاعلين —fā‘lyn* (1); فافعل —fāf‘l* (1); فعلان —f‘lān* (1); فليفعل —flyf‘l* (1); لفعلنا —lf‘lnā* (1); للفعل —llf‘l* (1); مفعول —mf‘wl* (1); وأفعاله —w’f‘ālh* (1)

Context L4: ... إظهار باللسان وحركات الجسم فعلا وبهذه القوة التي هي العقل ...

Context L21: ... الباب التاسع عشر في أفعال رسول الله صلى الله عليه ...

60. أُخْرَى / آخِر / آخَر[60]

ʾākhar / ʾākhir / ʾukhrā

1,088 occurrences; cumulative coverage 57.85%.

Possible English: other; another; last; later

Context: آخَر means another; آخِر means last. الآخرة often denotes the hereafter. Identical unvowelled letters do not make these meanings interchangeable.

Forms and grammar: أخرى / آخر show gender when meaning other; آخرون / آخرين are masculine plural case forms. أخّر / يؤخّر = delayed / delays; تأخير is its verbal noun.

Attested spellings and counts

آخر —ʾākhr* (388); الآخر —al-ʾākhr* (174); أخرى —ʾkhrā* (99); آخرون —ʾākhrwn* (50); أخر —ʾkhr* (49); الأخرى —al-ʾkhrā* (36); الآخرة —al-ʾākhrh* (32); تأخير —tʾkhyr* (28); والآخر —wālʾākhr* (28); آخره —ʾākhrh* (16); آخرها —ʾākhrhā* (16); آخرهم —ʾākhrhm* (16); آخرين —ʾākhryn* (13); وأخر —wʾkhr* (12); تأخيره —tʾkhyrh* (11); آخران —ʾākhrān* (8); تأخر —tʾkhr* (8); بالآخر —bālʾākhr* (7); وآخر —wʾākhr* (7); التأخير —al-tʾkhyr* (6); للآخر —llʾākhr* (6); والآخرة —wālʾākhrh* (6); والأخرى —wālʾkhrā* (5); يؤخر —yʾkhr* (5); آخرا —ʾākhrā* (4); التأخر —al-tʾkhr* (4); المتأخرين —al-mtʾkhryn* (4); تأخيرها —tʾkhyrhā* (4); متأخرا —mtʾkhrā* (4); أخرها —ʾkhrhā* (3); الأخر —al-ʾkhr* (3); المتأخرون —al-mtʾkhrwn* (3); بتأخير —btʾkhyr* (3); تؤخر —tʾkhr* (3); مؤخر —mʾkhr* (3); وآخره —fʾkhr* (2); فأخر —al-ʾkhyr* (2); الأخير —al-ʾākhryn* (2); الآخرين —wʾākhrh* (2); يتأخر —ytʾkhr* (2); آخرهن —ʾākhrhn* (1); الآخرون —al-ʾākhrwn* (1); الأخيرة —al-ʾkhyrh* (1); الأواخر —al-ʾwākhr* (1); المؤخر —al-mʾkhr* (1); بأخرى —bʾkhrā* (1); بالآخرة —bālʾākhrh* (1); متأخر —

[60] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أخر (read dictionary entry).

mtʾkhr* (1); وآخرها —wʾākhrhā* (1); وأخرى —wʾkhrā* (1); وتأخير — wtʾkhyr* (1); وتأخيرها —wtʾkhyrhā* (1); وتؤخر —wtʾkhr* (1); ويتأخر — wytʾkhr* (1)

Context L0: ... ومنعهم التوفيق في سبيل أخرى كما قال عز وجل والذين ...

Context L2: ... الليل ساجدا وقآئما يحذر الآخرة ويرجوا رحمة ربه قل هل ...

Attested spellings and counts

الناس —al-nās* (615); للناس —llnās* (115); أنس —ʾns* (82); إنسان — ʾinsān* (40); الإنسان —al-ʾinsān* (40); بالناس —bālnās* (26); إنسانا — ʾinsānā* (19); ناس —nās* (18); لإنسان —lʾinsān* (16); والناس —wālnās* (14); للإنسان —llʾinsān* (12); الإنس —al-ʾins* (11); أنسا —ʾnsā* (8); وأنس — wʾns* (8); والإنس —wālʾins* (7); ناسا —nāsā* (6); أناس —ʾnās* (4); أنيس — ʾnys* (2); والإنسان —wālʾinsān* (2); آنستم —ʾānstm* (1); أنسيتها —ʾnsythā* (1); فللناس —fllnās* (1); لأنس —lʾns* (1)

Context L0: ... ورسوله إلى جميع الجن والإنس بالدين القيم بشيرا ونذيرا وداعيا ...

Context L4: ... أن كل تمييز في إنسان بان به عن البهائم فهو ...

61. أَنَس / نَاس / إِنْسَان[61]

ʾinsān / nās / ʾanas

1,049 occurrences; cumulative coverage 58.11%.

Possible English: person; human; people; Anas

Context: الناس is the people or people generally. أنس frequently names Anas ibn Mālik. The related spellings and traditional root discussions do not make a personal name an interchangeable gloss for people.

Forms and grammar: ناس / أناس / إنسان are human/collective formations; أنس is also a proper name. إنس contrasts with jinn in religious usage. Case and attached particles change the surface form.

62. عَمِلَ / عَمَل[62]

ʿamal / ʿamila

1,049 occurrences; cumulative coverage 58.37%.

Possible English: act; deed; work; practice; apply

Attested spellings and counts

العمل —al-ʿml* (307); عمل —ʿml* (235); يعمل —yʿml* (55); عمله —ʿmlh* (36); تعملون —tʿmlwn* (35); والعمل —wālʿml* (30); وعملوا —wʿmlwā* (26); عملا — ʿmlā* (25); الأعمال —al-ʾʿmāl* (23); استعمال —ʾstʿmāl* (22); بالعمل — bālʿml* (22); بعمل —bʿml* (21); وعمل —wʿml* (21); أعمال —ʾʿmāl* (15);

[61] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أنس (read dictionary entry); نوس (read dictionary entry).
[62] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عمل (read dictionary entry).

Context: عمل can be a particular act, employment or legal practice. العمل به means acting on or applying a report or rule, not simply working with an object.

Forms and grammar: عمل / يعمل = acted or worked / acts or works; عمل / أعمال = deed(s); عامل = worker or agent; استعمال = use; معاملة = dealing or transaction, a different derived noun.

عامل —yst‘ml* (10); يستعمل —y‘mlwn* (13); يعملون —y‘mlhā* (13); يعملها —‘āml* (9); تعمل —t‘ml* (8); عملوا —‘mlwā* (8); لعمل —l‘ml* (8); استعمل —’st‘mālh* (7); بعمله —b‘mlh* (7); عملنا —‘mlnā* (7); استعماله —’st‘mālh* (6); فعمل —f‘ml* (6); أعمالهم —’‘mālhm* (5); باستعمال —bāst‘māl* (4); نعمل — n‘ml* (4); يعمله —y‘mlh* (4); اعملوا —’‘mlwā* (3); العملين —al-‘mlyn* (3); العوامل —al-‘wāml* (3); عامله —‘āmlh* (3); عملها —‘mlhā* (3); وعملا — w‘mlā* (3); وعمله —w‘mlh* (3); أعمالا —’‘mālā* (2); أعمالكم —’‘mālkm* (2); المستعمل —al-mst‘ml* (2); المعاملة —al-m‘āmlh* (2); المعمول —al-m‘mwl* (2); عاملا —‘āmlā* (2); عملك —‘mlk* (2); والعاملين —wāl‘āmlyn* (2); يعملوا — y‘mlwā* (2); يعملوها —y‘mlwhā* (2); أعمالنا —’‘mālnā* (1); استعمالهما — ’st‘mālhmā* (1); العامل —al-‘āml* (1); عملان —‘mlān* (1); فعملت —f‘mlt* (1); لعمله —l‘mlh* (1); للعامل —ll‘āml* (1); مستعمل —mst‘ml* (1); مستعملا — mst‘mlā* (1); معاملة —m‘āmlh* (1); معمول —m‘mwl* (1); واستعمال — wāst‘māl* (1); والعامل —wāl‘āml* (1); وعامل —w‘āml* (1); ومعمول — wm‘mwl* (1); ويعمل —wy‘ml* (1)

Context L0: ... مرجعهم فينبئهم بما كانوا يعملون لله وكما قال النبيان الفاضلان ...

Context L2: ... فإن الله كان بما تعملون خبيرا ومنها غضب وشهوة يزينان ...

63. عِنْد[63]

‘ind

1,038 occurrences; cumulative coverage 58.62%.

Possible English: at; with; in the possession of; according to

Context: عندنا commonly means according to us or in our view. عند فلان can locate evidence or an opinion with a particular scholar, not necessarily a physical meeting.

Attested spellings and counts

عند —‘nd* (499); عنده —‘ndh* (197); عندنا —‘ndnā* (130); عندهم — ‘ndhm* (86); عندكم —‘ndkm* (38); عندك —‘ndk* (25); عندي —‘ndy* (19); عندها —‘ndhā* (6); عندهما — w‘nd* (14); وعنده —w‘ndh* (10); وعند — ‘ndhmā* (5); وعندنا —w‘ndnā* (5); فعند —f‘nd* (3); وعندهم —w‘ndhm* (1)

Context L2: ... يطمس عليها الطرق ويساوي عندها بين السبل فتبقى النفس في ...

Context L4: ... أهوال ومتالف ثم يفضي عند تمام ذلك اليوم إلى دار ...

[63] **Dictionary reference:** Ibn Manẓūr, Lisān al-‘Arab (Arabic dictionary); headword: عند (read dictionary entry).

Forms and grammar: عنده / عندها / عندهم = with or according to him / her / them; عندي = in my view or with me; عندكم = with you, plural. The noun is used adverbially.

64. قَرَأَ / قُرْآن[64]

qurʾān / qaraʾa

1,014 occurrences; cumulative coverage 58.87%.

Possible English: Quran; recite; read; recitation; periods in a distinct lexical use

Context: القرآن names the Quran. قراءة is a reading/recitation. قروء in waiting-period discussions is a distinct, disputed lexical use; context and the author's argument matter.

Forms and grammar: قرأ / يقرأ = read or recited / reads or recites; قراءة / قراءات = reading(s). قارئ = reader; قرآن is not an ordinary plural. قروء / قرء have their own lexical discussion.

Attested spellings and counts

القرآن —al-qrʾān* (696); قرآن —qrʾān* (50); بالقرآن —bālqrʾān* (37); قرأ —qrʾ* (31); يقرأ —yqrʾ* (28); القراءة —al-qrāʾh* (24); للقرآن —llqrʾān* (24); قراءة —qrāʾh* (23); والقرآن —wālqrʾān* (20); قرآنا —qrʾānā* (16); القراءات —al-qrāʾāt* (8); بقراءة —bqrāʾh* (6); بقرآن —bqrʾān* (5); أقرأنيها —ʾqrʾnyhā* (4); اقرأ —ʾqrʾ* (4); تقرأ —tqrʾ* (4); فقرأ —fqrʾ* (4); قرأت —qrʾt* (4); قراءته —qrāʾth* (4); القرء —al-qrʾ* (3); قرأها —qrʾhā* (3); قراءتها —qrāʾthā* (3); قروء —qrw'* (3); أقرأ —ʾqrʾ* (2); القراء —al-qrāʾ* (2); وقراءة —wqrāʾh* (2); الأقراء —al-ʾqrāʾ* (1); قرأنا —qrʾnā* (1); وقرآن —wqrʾān* (1); وقرأ —wqrʾ* (1)

Context L14: ... وسلم بتبليغه إلينا وسماه قرآنا وفي الكلام الذي أنطق به ...

Context L15: ... فوجدناه قد قال في القرآن الذي قد ثبت أنه من ...

65. لَوْلَا / لَوْ[65]

law / lawlā

981 occurrences; cumulative coverage 59.11%.

Possible English: if; if it were; were it not for

Context: لو often introduces a hypothetical or counterfactual condition. لولا can mean were it not for, and in another construction can urge an action. The result clause determines the English tense.

Attested spellings and counts

لو —lw* (443); ولو —wlw* (381); فلو —flw* (157)

Context L0: ... أن فيكم رسول الله لو يطيعكم في كثير من الأمر ...

Context L2: ... قوامين بالقسط شهدآء لله ولو على أنفسكم أو الوالدين والأقربين ...

[64] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قرأ (read dictionary entry).

[65] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: لولا / لو (within أما) (read dictionary entry).

Forms and grammar: فلو / ولو add and / so. لو has no conjugation; a following perfect can belong to a counterfactual rather than a real past event.

66. رَأْي / رَأَى[66]

raʾā / raʾy

964 occurrences; cumulative coverage 59.34%.

Possible English: see; consider; hold an opinion; opinion

Context: رأى may be perception or a judgment. رأي in legal argument is an opinion; the technical force varies with the contrast made in the passage.

Forms and grammar: رأى / يرى = saw or considered / sees or considers; رأيت = I or you saw; ير after لم loses the final weak letter. رأي / آراء = opinion / opinions; رؤية is a different verbal noun.

Attested spellings and counts

ترى —trā* (97); الرأي —al-rʾy* (74); يرى —yrā* (68); رأى —rʾā* (60); رأي —rʾy* (53); بالرأي —bālrʾy* (43); برأيه —brʾyh* (33); أرى —ʾrā* (25); أرأيت —ʾrʾyt* (24); رأيه —rʾyh* (24); ير —yr* (24); يرون —yrwn* (24); رأيت —rʾyt* (23); ورأى —wrʾā* (21); نرى —nrā* (20); فرأى —frʾā* (18); يروا —yrwā* (17); برأي —brʾy* (16); برأيهم —brʾyhm* (16); رآه —rʾāh* (16); رأيي —rʾyy* (13); يره —yrh* (13); أرأيتم —ʾrʾytm* (12); برأيي —brʾyy* (12); رأوا —rʾwā* (11); رأينا —rʾynā* (11); والرأي —wālrʾy* (11); يراه —yrāh* (11); رأيهم —rʾyhm* (10); ورأوا —wrʾwā* (8); الرؤيا —al-rʾyā* (7); بالآراء —bālʾārāʾ* (7); رأيا —rʾyā* (7); ترون —trwn* (6); أراه —ʾrāh* (5); تراه —trāh* (5); لرأي —lrʾy* (5); ورأي —wrʾy* (5); ويرى —wyrā* (5); آراء —ʾārāʾ* (4); أر —ʾr* (4); الآراء —al-ʾārāʾ* (4); تر —tr* (4); رأيتني —rʾytny* (4); رأيك —rʾyk* (4); رأيها —rʾyhā* (4); ورأيه —wrʾyh* (4); فرأوا —frʾwā* (4); رئي —rʾy* (4); أراها —ʾrāhā* (3); رآها —rʾāhā* (3); رآهم —rʾāhm* (3); ويرون —wyrwn* (3); يراها —yrāhā* (3); يرونه —yrwnh* (3); آراءهم —ʾārāʾhm* (2); أري —ʾry* (2); أريناكم —ʾrynākm* (2); رأيتك —rʾytk* (2); رأيتم —rʾytm* (2); رأيتموني —rʾytmwny* (2); رؤية —rʾyh* (2); رؤيته —rʾyth* (2); فرأيته —frʾyth* (2); لنرى —lnrā* (2); ورأيت —wrʾyt* (2); يرها —yrhā* (2); ونرى —wnrā* (2); ويريكم —wyrykm* (2); أراكم —ʾrākm* (1); أريكم —ʾrykm* (1); أفرأيت —ʾfrʾyt* (1); برأيهما —brʾyhmā* (1);

[66] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: رأي (read dictionary entry).

ترونه —trwnh* (1); تروني —trwny* (1); رأت —rʾt* (1); رأته —rʾth* (1); رأوه — r'wh* (1); رأيته —rʾyth* (1); رأيتهم —rʾythm* (1); رأيهما —rʾyhmā* (1); فرأيت —frʾyt* (1); فيرى —fyrā* (1); لأرى —lʾrā* (1); وأرى —wʾrā* (1); يريا — yryā* (1); يريان —yryān* (1)

Context L0: ... إذ يقول إبراهيم فلما رأى القمر بازغا قال هذا ربي ...

Context L4: ... وقال بعض السلف الصالح ترى الرجل لبيبا داهيا فطنا ولا ...

Attested spellings and counts

بعد —bʿd* (698); بعدهم —bʿdhm* (64); بعده —bʿdh* (62); أبعد —ʾbʿd* (30); وبعد —wbʿd* (26); بعدي —bʿdy* (21); بعدها —bʿdhā* (11); بعيدا —bʿydā* (8); بعيد —bʿyd* (7); يبعد —ybʿd* (5); بعدما —bʿdmā* (4); البعيدة —al-bʿydh* (3); بعدهما —bʿdhmā* (3); وأبعد —wʾbʿd* (3); وبعده —wbʿdh* (3); بعدت — bʿdt* (2); بعدك —bʿdk* (2); بعدوا —bʿdwā* (2); البعد —al-bʿd* (1); بعدنا — bʿdnā* (1); بعيدة —bʿydh* (1); وأبعده —wʾbʿdh* (1)

Context L2: ... وبعد فإن الله عز وجل ركب ...

Context L4: ... وخليلا ورسولا فلا نبي بعده ولا شريعة بعد شريعته إلى ...

67. بَعِيد / بَعْد[67]

baʿd / *baʿīd*

958 occurrences; cumulative coverage 59.58%.

Possible English: after; later; beyond; distant

Context: بعد can sequence events or an argument. أما بعد is a conventional transition. بعيد describes distance or, figuratively, remoteness.

Forms and grammar: بعده / بعدها = after him or it / her or it; بعدما = after what or after. بعيد / بعيدة agree in gender; بَعُد / يبعد are verb forms, distinct from the preposition-like noun.

Attested spellings and counts

آمنوا —ʾāmnwā* (213); المؤمنين —al-mʾmnyn* (100); مؤمن —mʾmn* (62); يؤمن —yʾmn* (61); مؤمنة —mʾmnh* (59); تؤمنون —tʾmnwn* (50); الإيمان —al-ʾīmān* (36); يؤمنون —yʾmnwn* (36); آمنا —ʾāmnā* (34); مؤمنا — mʾmnā* (32); المؤمن —al-mʾmn* (25); آمن —ʾāmn* (17); إيمانا —ʾīmānā* (17);

68. أَمَانَة / أَمَان / إِيمَان[68]

ʾīmān / *ʾamān* / *ʾamānah*

956 occurrences; cumulative coverage 59.81%.

Possible English: faith; believe; security; safe conduct; trust

[67] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بعد (read dictionary entry).

[68] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أمن (read dictionary entry).

Context: إيمان concerns belief, while أمان can mean security or a grant of safe conduct. أمانة is a trust. These are different nouns despite their shared root.

Forms and grammar: يؤمن / آمن = believed / believes in one pattern; أمن / يأمن = was secure / is secure. مؤمن / مؤمنون / مؤمنين show singular/plural/case; أمين = trustworthy.

يؤمنوا —yʾmnwā* (17); لمؤمن —lmʾmn* (13); وآمنوا —wʾāmnwā* (12); مؤمنين —mʾmnyn* (11); للمؤمنين —llmʾmnyn* (10); مؤمنون —mʾmnwn* (10); المؤمنون —al-mʾmnwn* (8); بالإيمان —bālʾīmān* (8); تؤمن —tʾmn* (8); أمانة —ʾmānh* (7); الأمانة —al-ʾmānh* (7); المؤمنات —al-mʾmnāt* (7); بإيمانكم —bʾīmānkm* (5); بإيمانهن —bʾīmānhn* (4); والمؤمن —wālmʾmn* (4); إيمانه —ʾīmānh* (3); للمؤمنات —llmʾmnāt* (3); نؤمن —nʾmn* (3); وأمن —wʾmn* (3); إيمانهم —ʾmnnā* (2); أمننا —ʾāmnt* (2); آمنت —wālmʾmnwn* (3); والمؤمنون —ʾīmānhm* (2); الأمن —al-ʾmn* (2); بأمان —bʾmān* (2); تأمين —tʾmyn* (2); للمؤمن —llmʾmn* (2); ويؤمنوا —wyʾmnwā* (2); أمان —ʾmān* (1); الأمان —al-ʾmān* (1); الأمانات —al-ʾmānāt* (1); المأمون —al-mʾmwn* (1); بالمؤمنين —bālmʾmnyn* (1); مأمون —mʾmwn* (1); والمؤمنين —wālmʾmnyn* (1)

Context L2: ... تعالى يا أيها الذين آمنوا كونوا قوامين بالقسط شهدآء لله ...

Context L4: ... ونواوير وأزهار وخدم وعبيد وأمن فاش وملك ظاهر ومال عريض ...

69. جَائِز / جَازَ[69]

jāza / jāʾiz

951 occurrences; cumulative coverage 60.05%.

Possible English: be permissible; be valid; pass; permissible

Context: يجوز in a ruling often means is permissible or legally possible; context may instead concern validity. The lexical sense pass or cross is distinct.

Attested spellings and counts

يجز —yjwz* (361); جواز —jwāz* (81); جائز —jāʾz* (72); جاز —jāz* (58); استجاز —yjz* (49); أجاز —ʾjāz* (46); يجيز —yjyz* (21); وجائز —wjāʾz* (14); المجاز —al-mjāz* (11); وأجاز —wʾjāz* (13); إجازة —ʾijāzh* (12); جائزة —jāʾzh* (8); يجيزون —yjyzwn* (8); تجوز —tjwz* (11); فجائز —fjāʾz* (9); جوازه —jwāzh* (7); أجازه —ʾjāzh* (7); يستجيز —ystjyz* (8); فأجازوا —fʾjāzwā* (7); يتجاوز —ytjāwz* (7); أجازوا —ʾjāzwā* (6); أجزتم —ʾjztm* (6); فأجاز

[69] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: جوز (read dictionary entry).

Forms and grammar: جاز / يجوز = was permissible or passed / is permissible or passes; لم يجز = was not permissible. جائز / جائزة agree in gender; جواز is the abstract noun.

جائزا —fʾjāz* (6); يجيزوا —yjyzwā* (6); أجزنا —ʾjznā* (5); تجاوز —tjāwz* (5); —jāʾzā* (5); وأجازوا —wʾjāzwā* (5); إجازته —ʾijāzth* (4); بجواز —bjwāz* (4); جوز —jwz* (4); فيجيزون —fyjyzwn* (4); وجواز —wjwāz* (4); يستجز — ystjz* (4); يستجيزون —ystjyzwn* (4); الجواز —al-jwāz* (3); الجوز —al-jwz* (3); لجاز — تجيزوا —tjyzwā* (3); تجيزون —tjyzwn* (3); فأجازه —fʾjāzh* (3); ljāz* (3); نجيز —njyz* (3); يجيزه —yjyzh* (3); أجازوه —ʾjāzwh* (2); أجزت —ʾjzt* (2); وأجازوه — تجز —tjz* (2); تجويز —tjwyz* (2); جاوز —jāwz* (2); w'jāzwh* (2); ويجيزون —wyjyzwn* (2); أجازها —ʾjāzhā* (1); أجزته —ʾjzth* (1); بإجازته ʾfyjwz* (1); إجازتهم —ʾijāzthm* (1); استجازوا —ʾstjāzwā* (1); أفيجوز —b'ijāzth* (1); تجاوزه —tjāwzh* (1); جازت —jāzt* (1); جوازها —jwāzhā* (1); —fʾjztm* (1); مجازا —mjāzā* (1); مجيز —mjyz* (1); وأجازه —wʾjāzh* (1); فأجزتم — ويجيز —wjāz* (1); وجاز —wāljwz* (1); والجوز —wʾijāzh* (1); وإجازة wyjyz* (1); يجيزها —yjyzhā* (1)

Context L21: ... الباب الثامن عشر في المجاز والتشبيه الباب التاسع عشر في ...

Context L25: ... أحد هذه الوجوه ولا يجوز أن يكونا صحيحين معا البتة ...

70. اتَّفَقَ / تَوْفِيق[70]

tawfīq / ʾttafaqa

949 occurrences; cumulative coverage 60.28%.

Possible English: success granted; assistance; agree; accord

Context: وبالله التوفيق is an authorial formula. اتفقوا means they agreed; whether that establishes the technical category of consensus requires further context.

Attested spellings and counts

التوفيق —al-twfyq* (602); اتفق —ʾtfq* (50); وافق —wāfq* (33); موافق — mwāfq* (28); اتفقنا —ʾtfqnā* (23); يوافق —ywāfq* (22); اتفقوا —ʾtfqwā* (19); موافقة —mwāfqh* (19); فوافق —fwāfq* (14); موافقا —mwāfqā* (14); يتفق —ytfq* (12); اتفاق —ʾtfāq* (9); متفق —mtfq* (9); المتفق —al-mtfq* (8); وافقنا —wāfqnā* (7); توفيقنا —twfyqnā* (7); وافقه —wāfqh* (8); wāfqwnā* (6); يوافقه —ywāfqh* (6); اتفقت —ʾtfqt* (5); باتفاق —bātfāq* (5); وفق —wfq* (5); اتفقا —ʾtfqā* (4); متفقون —mtfqwn* (4); واتفقوا — wātfqwā* (4); وافقهم —wāfqhm* (4); توفيقه —twfyqh* (3); ووافقه — wwāfqh* (3); تتفق —ttfq* (2); متفقين —mtfqyn* (2); وافقوا —wāfqwā* (2); —ytfqā* (2); توافق —twāfq* (1); موافقون —mwāfqwn* (1); واتفاقها — يتفقا

[70]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: وفق (read dictionary entry).

Forms and grammar: وفّق / يوفّق = enabled or granted success / enables; توفيق is its verbal noun. اتفق / يتفق = agreed / agrees; موافق = in agreement, a separate formation.

wātfāqhā* (1); واتفق —wātfq* (1); واتفقا —wātfqā* (1); وافقت —wāfqt* (1); وافقهما —wāfqhmā* (1); ووافقنا —wwāfqnā* (1)

Context L0: ... في سبيل ما ومنعهم التوفيق في سبيل أخرى كما قال ...

Context L2: ... لها الإنصاف ويحبب إليها موافقة الحق قال تعالى إن الله ...

71. كَتَبَ / كِتَاب[71]

kitāb / kataba

934 occurrences; cumulative coverage 60.51%.

Possible English: book; writing; scripture; prescribe; write

Context: كتاب can mean a book, a written document or scripture. كتب عليه can mean prescribed for him. A مكاتب is a person with a manumission contract in the relevant legal discussion.

Forms and grammar: كتب / يكتب = wrote / writes; كُتب = was prescribed or written. كتاب / كتب = book / books with different vowels; كاتب = writer; كتابة = writing or the named legal contract.

Attested spellings and counts

كتب كتاب —ktāb* (166); الكتاب —al-ktāb* (124); لكتاب —lktāb* (118); كتابنا —ktbnā* (116); كتابنا —ktābnā* (85); كاتب —kātb* (37); كتابه —ktābh* (30); بكتاب —bktāb* (29); يكتب —yktb* (28); المكاتب —al-mkātb* (20); كتابا —ktābā* (16); الكتابية —al-ktābyh* (13); كتبت —ktbt* (13); تكتبوه — tktbwh* (10); كتابي —ktāby* (10); الكتابيات —al-ktābyāt* (9); كتبنا —ktbnā* (9); وكتبنا —wktbnā* (9); وكتب —wktb* (8); فكاتبوهم — fkātbwhm* (7); فكتب —fktb* (6); الكتابة —al-ktābh* (5); تكتب —tktb* (5); مكتوبا —mktwbā* (5); بالكتاب —bālktāb* (4); كتابته —ktābth* (4); كتابية —ktābyh* (4); مكاتبة —mkātbh* (4); مكتوبة —mktwbh* (4); الكتابي — al-ktāby* (3); المكاتبة —al-mkātbh* (3); المكتوب —al-mktwb* (3); بكتابه — bktābh* (3); كتبه —ktbh* (3); مكاتبه —mkātbh* (3); مكتوب —mktwb* (3); وكتاب —wālktābh* (2); والكتابة —ktābyā* (2); كتابيا —ktābyā* (2); أكتب —’ktb* (2); فكتبوا — fktbwā* (1); كتابة —ktābh* (1); كتبهم —ktbhm* (1); مكاتبته —mkātbth* (1); والكتاب —wālktāb* (1)

Context L2: ... رب العالمين حم تنزيل الكتاب من الله العزيز العليم غافر ...

Context L12: ... فيه إلا محروم فكتبنا كتابنا المرسوم بكتاب التقريب وتكلمنا فيه ...

[71] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: كتب (read dictionary entry).

72. دَيْن / دِين[72]

dīn / dayn

904 occurrences; cumulative coverage 60.73%.

Possible English: religion; religious obligation; debt; liability

Context: الدينِ can mean religion or a debt, distinguished in vocalized text as دِين / دَيْن. A financial context often selects debt, but the clause must still be read.

Forms and grammar: دين / ديون = debt / debts; ديني = my religion or my debt according to vowels and context. دان / يدين have related verbal uses; ديانة concerns religion or religious observance.

Attested spellings and counts

الدين —al-dyn* (379); دين —dyn* (156); دينا —dynā* (55); الديانة — al-dyānh* (50); لدين —ldyn* (50); دينه —dynh* (45); ديون —dywn* (29); دينها —dynhā* (11); الديون —al-dywn* (10); تداينتم —tdāyntm* (10); ديننا — dynnā* (9); بالدين —bāldyn* (8); للدين —lldyn* (8); ودين —wdyn* (8); دان —dān* (4); وديون —wdywn* (4); بدينه —bdynh* (3); لدينه —ldynh* (3); فدين —fdyn* (2); ودينه —wdynh* (2); المداينة —al-mdāynh* (1); بدينهم — bdynhm* (1); دينك —dynk* (1); دينهما —dynhmā* (1); ويدين —wydyn* (1)

Context L0: ... إلى جميع الجن والإنس بالدين القيم بشيرا ونذيرا وداعيا إلى ...

Context L9: ... أوكدها وأحسنها مغبة بيان الدين واعتقاده والعمل به الذي ألزمنا ...

73. جَلَال / جَلَّ[73]

jalla / jalāl

892 occurrences; cumulative coverage 60.95%.

Possible English: be majestic; great; majesty

Context: جل in عز وجل is a divine honorific. جلالة concerns greatness or majesty; do not treat the formula as a new factual event each time it occurs.

Forms and grammar: جلّ / يجلّ are verb forms with vowel-dependent senses; جلال and جلالة are nouns. جلّي, evident, and other same-spelled formations require their own context.

Attested spellings and counts

وجل —wjl* (753); أجل —ʾjl* (120); وأجل —wʾjl* (9); جل —jl* (4); جليل — jlyl* (3); الجلة —al-jlh* (2); الجلال —al-jlāl* (1)

Context L0: ... أخرى كما قال عز وجل والذين كذبوا بآياتنا صم وبكم ...

Context L2: ... وبعد فإن الله عز وجل ركب في النفس الإنسانية قوة ...

[72] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: دين (read dictionary entry).
[73] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: جلل (read dictionary entry).

74. حَلَال / حَلَّ[74]

ḥalāl / ḥalla

887 occurrences; cumulative coverage 61.16%.

Possible English: lawful; permissible; become due; untie; dissolve

Context: يحل in a ruling often means is lawful. حَلّ can also concern untying, release or a due date. حالا, immediately, has a different possible analysis and must be read in context.

Forms and grammar: حل / يحل = became lawful or due / is lawful or due, with vowel-dependent readings. أحل = made lawful; حلال / حلالا differ by case; حلّل is another derived pattern.

Attested spellings and counts

يحل —yḥl* (308); حلال —ḥlāl* (71); أحل —ʾḥl* (53); حلالا —ḥlālā* (53); حل —ḥl* (43); الحلال —al-ḥlāl* (30); محله —mḥlh* (25); وأحل —wʾḥl* (21); التحليل —al-tḥlyl* (19); تحليل —tḥlyl* (19); تحل —tḥl* (15); حلة —ḥlh* (14); أحلت —ʾḥlt* (12); وحل —wḥl* (11); حلول —ḥlwl* (10); حالا —ḥālā* (9); يحلون —yḥlwn* (9); الحلي —al-ḥly* (8); تحليله —tḥlylh* (8); ويحل —wyḥl* (8); إحلال —ʾiḥlāl* (7); حللتم —ḥlltm* (7); محل —mḥl* (7); محلي —mḥly* (6); يحلل —yḥll* (6); استحلوا —ʾstḥlwā* (5); حلل —ḥll* (5); يستحل —ystḥl* (6); والتحليل —wāltḥlyl* (5); وحلالا —wḥlālā* (5); يحله —yḥlh* (5); أحله —ʾḥlh* (4); أحلوا —ʾḥlwā* (4); حلت —ḥlt* (4); والحلال —wālḥlāl* (4); أحلها —ʾḥlhā* (3); استحل —ʾstḥl* (3); مستحل —mstḥl* (3); وتحليل —wtḥlyl* (3); يحلوا —yḥlwā* (3); أحللنا —ʾḥllnā* (2); استحلال —ʾstḥlāl* (2); استحللتم —ʾstḥlltm* (2); الحل — al-ḥl* (2); بالتحليل —bāltḥlyl* (2); تحليلها —tḥlylhā* (2); حلاله —ḥlālh* (2); فيحل —fyḥl* (2); محلة —mḥlh* (2); واستحلال —wāstḥlāl* (2); والحلل — wālḥll* (2); وحلال —wḥlāl* (2); يحلها —yḥlhā* (2); إحلالها —ʾiḥlālhā* (1); استحلها —ʾstḥlhā* (1); الإحلال —al-ʾiḥlāl* (1); الحلل —al-ḥll* (1); بحليلة — bḥlylh* (1); حلي —ḥly* (1); حليا —ḥlyā* (1); فحل —fḥl* (1); فحلال —fḥlāl* (1); محلته —mḥlth* (1); محلل —mḥll* (1); ومحللا —mḥllā* (1); وتحل —wtḥl* (1); وحالا —wḥālā* (1); ويحلل —wyḥll* (1); يستحلون —ystḥlwn* (1); يستحلونه —ystḥlwnh* (1)

Context L21: ... المذكور في الحديث بين الحلال والحرام الباب الثاني والعشرون في ...

...

Context L33: ... ألهمت أن دم فلان حلال وأن ماله مباح لي أخذه ...

[74]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حلل (read dictionary entry).

75. أَهْل[75]

ʾahl

883 occurrences; cumulative coverage 61.38%.

Possible English: people of; family; household; inhabitants; qualified persons

Context: أهل المدينة are the people of Medina; أهل العلم are scholars or people of knowledge. أهله can refer to family or to those appropriately associated with something.

Forms and grammar: أهله / أهلها / أهلهم change the associated referent. أهلون / أهلين occur as plural case forms; أهل is often collective. أهلية is a separate noun meaning qualification or capacity.

Attested spellings and counts

أهل —ʾhl* (702); أهله —ʾhlh* (53); وأهل —wʾhl* (39); لأهل —lʾhl* (26); أهلها —wʾhlhā* (6); وأهلها —bʾhl* (6); بأهل —ʾhlhā* (22); الأهلية —ʾhlhn* (5); أهلهن —al-ʾhlyh* (5); الأهل —ʾhlykm* (3); أهليكم —wʾhlh* (3); وأهله —ʾhlā* (2); أهلا —bʾhlh* (2); بأهله —fʾhlh* (2); فأهله —ʾhly* (1); أهلي —al-ʾhl* (2); الأهلي —wlʾhl* (1); ولأهل —llʾhl* (1); للأهل —bʾhlk* (1); بأهلك —al-ʾhly* (1)

Context L9: ... به عز وجل وتعليمه أهل الجهل والعمل بموجب ذلك وإن ...

Context L16: ... والدم ولحم الخنزير ومآ أهل لغير الله به والمنخنقة والموقوذة ...

76. تَرَكَ[76]

taraka

874 occurrences; cumulative coverage 61.59%.

Possible English: leave; abandon; omit; refrain from

Context: ترك can mean deliberately abstaining or simply leaving something behind. Whether an omission is blameworthy must come from the legal argument.

Forms and grammar: اترك / يترك / ترك = left / leaves / leave!; تركت = I or you left; تركه = he left him/it or his omission according to vowels. متروك = left or abandoned.

Attested spellings and counts

ترك —trk* (262); تركه —trkh* (82); وترك —wtrk* (58); تركوا —trkwā* (53); وتركوا —wtrkwā* (42); يترك —ytrk* (37); تركها —trkhā* (32); تارك —tārk* (21); بترك —btrk* (20); أترك —ʾtrk* (19); التارك —al-trk* (18); بتركه —btrkh* (18); تركنا —trknā* (16); نترك —ntrk* (16); تركهم —trkhm* (13); يتركون —ytrkwn* (13); تركتكم —trktkm* (12); وتركه —wtrkh* (12); ويترك —wytrk* (12); فترك —ftrk* (10); فتركوا —ftrkwā* (10); ويتركون —wytrkwn* (10); تركتم —trktm* (9); تركوه —trkwh* (8); متروك —mtrwk* (8); تاركه —tārkh* (6); تركت —trkt* (6); فتركه —ftrkh* (6); تركا —trkā* (4); تركناه —trknāh* (4); تركهما —trkhmā* (4); فيترك —fytrk* (4); لترك —ltrk* (4); تركوها —trkwhā* (3); فاتركوه —fātrkwh* (3); وتركهم —wtrkhm* (3);

[75] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أهل (read dictionary entry).

[76] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ترك (read dictionary entry).

يتركوا —ytrkwā* (3); وتركها —wtrkhā* (2); يتركه —ytrkh* (2); تركته — trkth* (1); فتركتم —ftrktm* (1); فتركوها —ftrkwhā* (1); لتركه —ltrkh* (1); وبترك —wbtrk* (1); وتركت —wtrkt* (1); وتركتم —wtrktm* (1); وتركم — wtrkkm* (1); ويتركوا —wytrkwā* (1)

Context L4: ... غرور وقد علمنا أن تارك الحق ومتبع الغرور سخيف الاختيار ...

Context L18: ... في هذا الباب بأن ترك ما هو من الدين مخطئا ...

77. عَزِيز / عَزَّ[77]

ʿazza / ʿazīz

870 occurrences; cumulative coverage 61.81%.

Possible English: be mighty; be strong; dear; rare; Mighty

Context: عز وجل is an honorific after the divine name. العزيز can be a divine epithet or part of ʿAbd al-ʿAzīz; another context may mean dear or powerful.

Forms and grammar: عز / يعز have vowel-dependent senses; عزيز / أعزاء are adjective and plural. أعز can be comparative or a derived verb according to vowels. عزّ وجلّ is conventionally Mighty and Majestic.

Attested spellings and counts

عز —ʿz* (755); العزيز —al-ʿzyz* (75); عزيز —ʿzyz* (34); أعزها —ʾʿzhā* (3); العزى —al-ʿzā* (2); وعز —wʿz* (1)

Context L0: ... سبيل أخرى كما قال عز وجل والذين كذبوا بآياتنا صم ...

Context L2: ... وبعد فإن الله عز وجل ركب في النفس الإنسانية ...

78. صَاحِب / صَحَابَة[78]

ṣāḥib / ṣaḥābah

866 occurrences; cumulative coverage 62.02%.

Possible English: companion; associate; holder; person concerned

Attested spellings and counts

الصحابة —al-ṣḥābh* (333); أصحاب —ʾṣḥāb* (181); صاحب —ṣāḥb* (87); الصاحب —al-ṣāḥb* (30); أصحابنا —ʾṣḥābnā* (53); أصحابه —ʾṣḥābh* (44); صاحبه —ṣāḥbh* (22); أصحابي —ʾṣḥāby* (12); وأصحاب —wʾṣḥāb* (26); للصحابة —llṣḥābh* (7); صاحبهم —ṣāḥbhm* (10); وأصحابه —wʾṣḥābh* (10);

[77] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عزز (read dictionary entry).
[78] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: صحب (read dictionary entry).

Context: الصحابة normally refers to the Prophet's Companions. صاحب مال means an owner or holder of wealth. أصحابنا can mean our associates or fellow adherents.

Forms and grammar: أصحاب / صاحب = companion / companions; صحابي / صحابة refer to Companions in the technical usage. أصحابه / صاحبه change singular/plural and the possessive referent.

الصحبة —al-ṣḥbh* (5); صاحبا —ṣāḥbā* (5); لأصحابه —l'ṣḥābh* (5); لصاحب —lṣāḥb* (5); صحب —ṣḥb* (4); لأصحاب —l'ṣḥāb* (4); صحبة —ṣḥbh* (3); بالصحابة —bālṣḥābh* (2); صاحبكم —ṣāḥbkm* (2); صاحبنا —ṣāḥbnā* (2); صحابة —ṣḥābh* (2); والصحابة —wālṣḥābh* (2); أصحابها —'ṣḥābhā* (1); أصحابهم —'ṣḥābhm* (1); صاحبة —ṣāḥbh* (1); صاحبك —ṣāḥbk* (1); صاحبها —ṣāḥbhā* (1); صاحبي —ṣāḥby* (1); صحبته —ṣḥbth* (1); وأصحابهما — w'ṣḥābhmā* (1); وصاحب —wṣāḥb* (1); وصحبه —wṣḥbh* (1)

Context L2: ... على الذين كفروا أنهم أصحاب النار ...

Context L21: ... بهم في الخلاف بعد الصحابة رضي الله عنهم الباب التاسع ...

79. أَكْثَر / كَثِير[79]

kathīr / 'akthar

842 occurrences; cumulative coverage 62.22%.

Possible English: much; many; numerous; more; most; Kathīr

Context: أكثر can be a comparative or part of a verb phrase. كثير in a transmission chain can be the personal name Kathīr; elsewhere it commonly means much or many.

Forms and grammar: كثير / كثيرة agree with the noun; أكثر = more or most; كثرة = abundance; كثر / يكثر = became numerous / is numerous. كثيرا is commonly adverbial or accusative.

Attested spellings and counts

أكثر —'kthr* (214); كثير —kthyr* (153); كثيرا —kthyrā* (122); كثيرة —kthyrh* (90); الأكثر —al-'kthr* (46); أكثرهم —'kthrhm* (17); بأكثر —b'kthr* (17); وأكثر —w'kthr* (17); بكثرة —bkthrh* (15); الإكثار —al-'ikthār* (14); كثر —kthr* (14); الكثير —al-kthyr* (13); وكثير — wkthyr* (13); كثرة —kthrh* (12); يكثر —ykthr* (11); ليكثر —lykthr* (9); وأكثرهم —w'kthrhm* (9); أكثرها —'kthrhā* (7); الكثيرة —al-kthyrh* (5); كثرت —kthrt* (5); لأكثر —l'kthr* (5); والأكثر —wāl'kthr* (5); أكثره — 'kthrh* (4); فأكثر —f'kthr* (4); تكثر —tkthr* (3); كثروا —kthrwā* (3); وكثرة —wkthrh* (3); فأكثروا —f'kthrwā* (2); لكثرة —lkthrh* (2); والكثير — wālkthyr* (2); بالكثير —bālkthyr* (1); بكثير —bkthyr* (1); فكثر —fkthr* (1); كثيره —kthyrh* (1); والإكثار —wāl'ikthār* (1); وبأكثر —wb'kthr* (1)

Context L0: ... الله لو يطيعكم في كثير من الأمر لعنتم ولكن الله ...

[79] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: كثر (read dictionary entry).

Context L4: ... والمكاره الفاني بسرعة على الكثير في عدده العظيم في منفعته ...

80. آيَة[80]

ʾāyah

814 occurrences; cumulative coverage 62.42%.

Possible English: sign; verse; proof-sign

Context: الآية commonly identifies a Quranic verse in citation. Elsewhere it may be a sign or indication rather than a textual verse.

Forms and grammar: آية / آيات = sign or verse / signs or verses; آيتان / آيتين are dual case forms. بالآية = by/with the verse or sign; آيته = his/its sign.

Attested spellings and counts

الآية —al-ʾāyh* (362); آية —ʾāyh* (178); الآيات —al-ʾāyāt* (69); آيات — بآيات ʾāyāt* (63); آياته —ʾāyāth* (38); بآية —bʾāyh* (17); بالآية —bālʾāyh* (16); آي —bʾāyāt* (11); وآية —wʾāyh* (11); للآية —llʾāyh* (10); لآيات —lʾāyāt* (8); —ʾāy* (7); آياتنا —ʾāyātnā* (7); والآية —wālʾāyh* (5); بآياتنا —bʾāyātnā* (3); والآيات —wālʾāyāt* (3); وآيات —wʾāyāt* (2); آياتها —ʾāyāthā* (1); فالآية — fālʾāyh* (1); كآية —kʾāyh* (1); وآياته —wʾāyāth* (1)

Context L0: ... عز وجل والذين كذبوا بآياتنا صم وبكم في الظلمات من ...

Context L2: ... أولو الألباب وقال تعالى وآية لهم الليل نسلخ منه النهار ...

81. مَلَك / مَالِك / مِلْك[81]

milk / mālik / malak

814 occurrences; cumulative coverage 62.62%.

Possible English: ownership; own; owner; Mālik; angel

Context: مالك frequently names Mālik ibn Anas; elsewhere it means owner. مَلَك means angel, while مَلِك means king. Vowel marks and context are essential.

Forms and grammar: يملك / ملك = owned / owns; ملكه = his ownership or he owned it. مالك / مملوك = owner / owned person or object; ملائكة = angels. These are different derivations.

Attested spellings and counts

مالك —mālk* (290); الملك —al-mlk* (73); ملك —mlk* (59); ملكت — mlkt* (55); الملائكة —al-mlāʾkh* (52); المالكيين —al-mālkyyn* (47); ومالك — wmālk* (36); بملك —bmlk* (27); مالكا —mālkā* (25); مالكيا —mālkyā* (15); المالكي —al-mālky* (14); لملك —lmlk* (13); ملكه —mlkh* (12); وملك — wmlk* (12); يملك —ymlk* (12); لمالك —lmālk* (10); تملك —tmlk* (7); والملائكة —wālmlāʾkh* (5); للملائكة —llmlāʾkh* (4); ملكا —mlkā* (4); وملائكته —wmlāʾkth* (4); ملائكة —mlāʾkh* (3); مملوك —mmlwk* (3); يملكون —ymlkwn* (3); المالك —al-mālk* (2); الملوك —al-mlwk* (2); ملكهم —mlkhm* (2); يملكه —ymlkh* (2); التمليك —al-tmlyk* (1); المماليك — al-mmālyk* (1); المملوك —al-mmlwk* (1); المملوكة —al-mmlwkh* (1); بملكه —bmlkh* (1); تملكه —tmlkh* (1); فمالك —fmālk* (1); مالكه —mālkh* (1);

[80] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أيا (read dictionary entry).
[81] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ملك (read dictionary entry).

مماليك —mmālyk* (1); مملوكا —mmlwkā* (1); مملوكة —mmlwkh* (1); مملوكين —mmlwkyn* (1); والملك —wālmlk* (1); ومالكا —wmālkā* (1); وملكه —wmlkh* (1); يتملك —ytmlk* (1); يملكها —ymlkhā* (1); يملكونه —ymlkwnh* (1)

Context L2: ... فنعم أجر العاملين وترى الملائكة حآفين من حول العرش يسبحون ...

Context L4: ... وخدم وعبيد وأمن فاش وملك ظاهر ومال عريض إلا أن ...

82. وُجُود / وَجَدَ[82]

wajada / wujūd

790 occurrences; cumulative coverage 62.81%.

Possible English: find; encounter; be available; exist; existence

Context: وجد can report finding evidence or having something available. يوجد is often passive, is found or exists, but its vowels matter.

Forms and grammar: وجد / يجد = found / finds; وجدنا = we found; وُجد / يوجد = was found / is found. وجود is an abstract noun; موجود / موجودة agree with the referred-to noun.

Attested spellings and counts

يجد —yjd* (70); يوجد —ywjd* (70); وجد —wjd* (67); وجدنا —wjdnā* (65); وجود —wjwd* (47); موجود —mwjwd* (44); نجد —njd* (33); ووجدنا —wwjdnā* (29); وجده —wjwdh* (26); لوجدوا —lwjdwā* (21); وجدت —wjdt* (21); تجد —tjd* (20); موجودا —mwjwdā* (20); فوجدناه —fwjdnāh* (17); فوجدنا —fwjdnā* (16); ووجدناه —wwjdnāh* (16); يجدون —yjdwn* (16); واجد —wājd* (14); تجدوا —tjdwā* (13); يجدوا —yjdwā* (13); توجد —twjd* (12); موجودة —mwjwdh* (12); وجدوا —wjdwā* (12); وجدتموهم —wjdtmwhm* (11); أجد —ʾjd* (10); وجدناه —wjdnāh* (8); يجده —yjdh* (8); وجده —wjdh* (7); فوجد —fwjd* (6); يجدونه —yjdwnh* (6); وجدتم —wjdtm* (5); الموجودة —al-mwjwdh* (4); يجدها —yjdhā* (4); الموجود —al-mwjwd* (3); الواجد —al-wājd* (3); فوجدناها —fwjdnāhā* (3); ووجد —wwjd* (3); نجده —njdh* (3); وجودهم —wjwdhm* (3); فوجده —fwjdh* (3); ووجدناهم —wwjdnāhm* (3); واجده —wājdh* (2); وجدها —wjdhā* (2); وجدوه —wjdwh* (2); وجودها —wjwdhā* (2); ونجد —wnjd* (2); بوجود —bwjwd* (1); فأجد —fʾjd* (1); فوجدت —fwjdt* (1); فوجدناهم —fwjdnāhm* (1); فوجدها —fwjdhā* (1); فوجدوا —fwjdwā* (1); نوجدهم —nwjdhm* (1); وجدا —wjdā* (1); وجدكم —wjdkm* (1); وجدناهم —

[82] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: وجد (read dictionary entry).

wjdnāhm* (1); وجدوها —wjdwhā* (1); ووجدت —wwjdt* (1); يوجدوا — ywjdwā* (1)

Context L9: ... بقائنا في هذه الدنيا فوجدناها على وجوه كثيرة فمن أوكدها ...

Context L15: ... ووجدناه تعالى قد ألزمنا ذلك بقوله ...

83. آتَى / أَتَى[83]

ʾatā / ʾātā

786 occurrences; cumulative coverage 63.01%.

Possible English: come; bring; perform; give

Context: أتى can mean came or performed an act. آتى means gave, a different verb formation, particularly in commands to give an entitlement.

Forms and grammar: أتى / يأتي = came / comes; أتيت = I or you came; أتينا = we came. آتى / يؤتي = gave / gives; أوتي = was given; آتوا = give!, plural.

Attested spellings and counts

يأت —yʾt* (156); يأتي —yʾty* (115); أتى —ʾtā* (101); أوتوا —ʾwtwā* (44); أتي —ʾtākm* (18); آتاكم —ʾātytmwhn* (21); آتيتموهن —wʾātwā* (37); وآتوا — ʾty* (16); يأتوا —yʾtwā* (16); يأتين —yʾtyn* (16); أتاه —ʾtāh* (12); أتوا — ʾtwā* (12); فآتوهن —fʾātwhn* (12); نأت —nʾt* (12); وآتوهم —wʾātwhm* (11); يأتون —yʾtwn* (11); أتت —ʾtt* (9); فأتى —fʾtā* (9); وأتوا —wʾtwā* (9); تأت — t't* (8); تأتي —t'ty* (8); يأتيه —yʾtyh* (8); وأتى —wʾtā* (7); ويؤتوا —wyʾtwā* (7); وآتوهن —ʾtyn* (5); أتين —ʾtyt* (6); فأتيت —fʾtyt* (6); أتيت —ʾtytm* (6); آتيتم —wʾātwhn* (5); يأته —yʾth* (5); يؤتى —yʾtā* (5); آتاهم —ʾātāhm* (4); يأتينا — yʾtynā* (4); آتانا —ʾātānā* (3); آتاه —ʾātāh* (3); أتيا —ʾtyā* (3); أتينا —ʾtynā* (3); نأتي —ʾwty* (3); إتيان —ʾityān* (3); تؤتى —t'tā* (3); فأتيته —fʾtyth* (3); أوتي — nʾty* (3); وآتيتم —wʾātytm* (3); آتي —ʾāty* (2); آتينا —ʾātynā* (2); أتاهم — ʾtāhm* (2); أتيتم —ʾtytm* (2); ائتوني —ʾʾtwny* (2); تؤتي —t'ty* (2); سيأتي — syʾty* (2); فأتينا —fʾtynā* (2); وآت —wʾāt* (2); ويأتي —wyʾty* (2); يأتيني — yʾtyny* (2); أتاكم —ʾtākm* (1); أتته —ʾtth* (1); إيتاء —ʾītāʾ* (1); ائت —ʾʾt* (1); وأتي —fyʾty* (1); فيأتي —fʾty* (1); فأتي —fʾtt* (1); فأتت —t'twā* (1); تأتوا

[83] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أتي (read dictionary entry).

w’ty* (1); ويؤتي —wy’ty* (1); يأتيها —y’tyhā* (1); يؤتون —y’twn* (1); يؤتيه — y’tyh* (1)

Context L17: ... جيلا بعد جيل ما أتى به رسول الله صلى الله ...

Context L33: ... قال ببرهان كلف بأن يأتي به ولا سبيل له إليه ...

84. أَيْضًا[84]

’ayḍan

779 occurrences; cumulative coverage 63.20%.

Possible English: also; too; likewise; again

Context: أيضا adds another point or parallel case. It does not necessarily assert that every detail of the two cases is identical.

Forms and grammar: أيضا is commonly adverbial and accusative in form. وأيضا = and also. It does not take a masculine/feminine or plural ending according to its referent.

Attested spellings and counts

أيضا —’yḍā* (554); وأيضا —w’yḍā* (225)

Context L12: ... الحق من الباطل وكتبنا أيضا كتابنا المرسوم بالفصل فبينا فيه ...

Context L21: ... أقل ما قيل وهو أيضا نوع من أنواع الدليل الإجماعي ...

85. أَمَّا[85]

’ammā

775 occurrences; cumulative coverage 63.39%.

Possible English: as for; regarding; now then

Context: أما introduces a topic followed by a statement, often with ف in its result. Do not confuse it with أَمَا, an introductory or interrogative expression.

Attested spellings and counts

وأما —w’mā* (635); أما —’mā* (81); فأما —f’mā* (59)

Context L4: ... علي أراد بذلك العقل وأما المضغة المسماة قلبا فهي لكل ...

Context L30: ... هو مع أهل ملتنا وأما إن كان المكلم به لنا ...

[84] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أيض (read dictionary entry).

[85] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أما (read dictionary entry).

Forms and grammar: فأما / وأما add and / so. أما does not have tense, gender or plural inflections. Its grammatical job is to organize the following clause.

86. كُفْر / كَفَّارَة[86]

kufr / *kaffārah*

766 occurrences; cumulative coverage 63.57%.

Possible English: disbelief; ingratitude; disbeliever; expiation; cover

Context: كفارة is an expiation, not the noun disbelief. كافر in legal categorization requires its context. The basic lexical family includes covering and concealing.

Forms and grammar: كفر / يكفر and كفّر / يكفّر are different patterns and can have different meanings. كافر / كافرة / كفار / كافرون show gender/plural forms; كفارة / كفارات = expiation(s).

Attested spellings and counts

كفر —kfr* (116); كافر —kāfr* (96); كفروا —kfrwā* (96); الكفر — al-kfr* (69); كفارة —kfārh* (55); الكفار —al-kfār* (47); الكفارة — al-kfārh* (42); كافرا —kāfrā* (31); يكفر —ykfr* (27); الكافر —al-kāfr* (21); كفار —kfār* (12); بالكفر —bālkfr* (11); كفره —kfrh* (10); وكفر — wkfr* (8); الكفارات —al-kfārāt* (7); لكفر —lkfr* (7); للكافرين — llkāfryn* (7); بكافر —bkāfr* (6); كافرين —kāfryn* (6); كفرا —kfrā* (6); الكافرين —al-kāfryn* (5); تكفير —tkfyr* (5); والكافر —wālkāfr* (5); والكفارات —wālkfārāt* (5); وكافر —wkāfr* (5); وكفارة —wkfārh* (5); كفارا —kfārā* (4); كفارات —kfārāt* (4); نكفر —nkfr* (4); بالكافر — bālkāfr* (3); بكفارة —bkfārh* (3); فكفارته —fkfārth* (3); كافرة —kāfrh* (3); كفرهم —kfrhm* (3); للكفار —llkfār* (3); والكفارة —wālkfārh* (3); الكافرة —al-kāfrh* (2); بالكفارة —bālkfārh* (2); تكفرون —tkfrwn* (2); كافرون — kāfrwn* (2); كفورا —kfwrā* (2); لكافر —lkāfr* (2); والكافرة —wālkāfrh* (2); والكفر —wālkfr* (2); بكفر —bkfr* (1); تكفر —tkfr* (1); كفرت —kfrt* (1); للكفر —llkfr* (1); والكفار —wālkfār* (1); ويكفر —wykfr* (1); يكفروا — ykfrwā* (1)

Context L0: ... في قلوبكم وكره إليكم الكفر والفسوق والعصيان أولئك هم الراشدون ...

Context L2: ... قال تعالى وسيق الذين كفروا إلى جهنم زمرا حتى إذا ...

[86] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: كفر (read dictionary entry).

87. رِوَايَة / رَوَى[87]

rawā / riwāyah

760 occurrences; cumulative coverage 63.76%.

Possible English: narrate; transmit; report; narration

Context: روينا reports receipt/transmission of a report. The text often vowels it رُوِّينا, we were made to receive or were transmitted, whereas رَوَيْنا is we narrated.

Forms and grammar: روى / يروي = narrated / narrates; رَوَيْنا = we narrated; رُوِّينا is a different passive derived form. رواه = he narrated it; روي = it was narrated when read passively. رواية / روايات = narration(s).

Attested spellings and counts

روي —rwy* (123); وروا —wrwwā* (76); روى —rwā* (64); رواية —rwāyh* (60); رواه —rwāh* (45); روينا —rwynā* (43); الرواية —al-rwāyh* (38); رووا —rwwā* (22); وروي —wrwy* (19); برواية —brwāyh* (17); رويناه —rwynāh* (17); الراوي —al-rāwy* (14); يرو —yrw* (14); الرواة —al-rwāh* (16); وروينا —wrwāh* (10); ورواه —yrwy* (11); يروي —al-rwāyāt* (11); الروايات —wrwynā* (10); يروه —yrwh* (10); المروي —al-mrwy* (9); وروى —wrwā* (9); راوي —rāwy* (8); راويه —rāwyh* (8); روت —rwt* (8); لرواية —lrwāyh* (8); رواة —rwāh* (7); روايته —rwāyth* (7); رواها —rwāhā* (6); يروى —yrwā* (6); روايتهم —rwāythm* (5); رويت —rwyt* (5); رووه —rwwh* (4); يرويه —wālrwāyh* (4); ورواية —wrwāyh* (4); يروها —yrwhā* (4); والرواية —yrwyh* (4); بالرواية —bālrwāyh* (3); بروايتها —brwāythā* (3); رواته —rwāth* (3); روايات —rwāyāt* (3); مروي —mrwy* (3); الريان —al-ryān* (2); برويا —brwāyāt* (2); روايتهما —rwāythmā* (2); رويا —rwyā* (2); رورياه —rwyāh* (2); التروية —al-trwyh* (1); الروايتين —al-rwāytyn* (1); الري —al-ry* (1); برويته —brwāyth* (1); روايتها —rwāythā* (1); رويتم —rwytm* (1); فرواية —frwāyh* (1); فروي —frwy* (1); للرواية —llrwāyh* (1)

Context L106: ... كان أصله الإباحة كما روي عن عمر رضي الله عنه ...

Context L181: ... كان عنه مسؤولا وقد روي عن النبي صلى الله عليه ...

[87] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: روي (read dictionary entry).

88. إِمَام / أَمْ / أُمّ[88]

ʾumm / ʾam / ʾimām

747 occurrences; cumulative coverage 63.94%.

Possible English: mother; or in a question; leader; imam

Context: أم فلان can be a kunyah, Umm so-and-so. أَمْ links alternatives in a question. إمام is a related lexical formation, not a case or tense form of mother.

Forms and grammar: أم / أمه / أمها = mother / his mother / her mother; أمهات is a plural. إمام / أئمة = leader / leaders; مأموم = one led in prayer. Vowels distinguish أُمّ from أَمْ.

Attested spellings and counts

أم —ʾm* (346); الإمام —al-ʾimām* (70); الأئمة —al-ʾʾmh* (35); أمهاتكم — ʾmhātkm* (27); أمهات —ʾmhāt* (26); وأمهات —wʾmhāt* (22); أمتي — ʾmty* (17); أمه —ʾmh* (17); الأم —al-ʾm* (16); إمام —ʾimām* (15); وأم —wʾm* (14); الأمم —al-ʾmm* (13); أئمة —ʾʾmh* (11); أمي —ʾmy* (10); والأم —wālʾm* (10); أمنا —ʾmnā* (9); أمهاتهم —ʾmhāthm* (7); الإمامة — al-ʾimāmh* (7); بأم —bʾm* (7); للإمام —llʾimām* (7); أمها —ʾmhā* (6); فلأمه —flʾmh* (6); إماما —ʾimāmā* (4); إمامهم —ʾimāmhm* (4); وأمه — wʾmh* (4); الأمهات —al-ʾmhāt* (3); والأمهات —wālʾmhāt* (3); يؤم — yʾm* (3); أمام —ʾmām* (2); أمامك —ʾmāmk* (2); أمامه —ʾmāmh* (2); إمامة —ʾimāmh* (2); المأموم —al-mʾmwm* (2); لأم —lʾm* (2); أمك —ʾmk* (1); إمامنا —ʾimāmnā* (1); إمامه —ʾimāmh* (1); المأمومين —al-mʾmwmyn* (1); تؤم —bālʾimāmh* (1); بالإمام —bālʾimām* (1); بإمام —bʾimām* (1); وأمي —tʾm* (1); لأمه —lʾmh* (1); للأم —llʾm* (1); مأموما —mʾmwmā* (1); والمأموم — wālmʾmwm* (1); والإمام —wʾimāmth* (1); وإمامته —wʾmy* (1); ولأئمة —wlʾʾmh* (1)

Context L0: ... قال الفقيه الإمام أبو محمد علي بن أحمد ...

Context L4: ... الله عز وجل ابتلى الأمم السالفة بأنبياء ابتعثهم إلى قومهم ...

[88] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أمم (read dictionary entry).

89. زَيْد / زَادَ[89]

zāda / zayd

732 occurrences; cumulative coverage 64.12%.

Possible English: increase; add; more; Zayd; Yazīd; Ziyād

Context: زيد, يزيد and زياد commonly name different narrators. يزيد can also be the imperfect verb increases. Keep the personal names distinct.

Forms and grammar: زاد / يزيد = increased / increases; زيادة = increase; مزيد = additional. زيد and زياد are separate name formations, not cases of one name. Context distinguishes the name يزيد from the verb.

Attested spellings and counts

زيد —zyd* (188); يزيد —yzyd* (84); زاد —zād* (57); زيادة —zyādh* (39); الزيادة —al-zyādh* (37); زائد —zāʾd* (34); مزيد —mzyd* (34); أزيد —ʾzyd* (22); الزائد —al-zāʾd* (22); زائدة —zāʾdh* (21); وزيد —wzyd* (21); زياد —zyād* (19); زائدا —zāʾdā* (18); زيدا —zydā* (16); بالزائد —bālzāʾd* (14); لزيد —lzyd* (10); الزائدة —al-zāʾdh* (8); بالزيادة —bālzyādh* (8); زادوا —zādwā* (8); وزاد —wzād* (8); ويزيد —wyzyd* (6); نزيد —nzyd* (4); والزيادة —wālzyādh* (4); وزيادة —wzyādh* (4); التزيد —al-tzyd* (3); الزاد —al-zād* (3); بزيادة —bzyādh* (3); زادت —zādt* (3); يزاد —yzād* (3); يزد —yzd* (3); يزيده —yzydh* (3); بزيد —bzyd* (2); زادك —zādk* (2); زاده —zādh* (2); فزاده —fzādh* (2); فزادوا —fzādwā* (2); وزادني —wzādny* (2); يزده —yzdh* (2); الزوائد —al-zwāʾd* (1); تزيد —tzyd* (1); زادها —zādhā* (1); زيادته —zyādth* (1); فالزيادة —fālzyādh* (1); فزيادة —fzyādh* (1); والزائد —wālzāʾd* (1); والزيدية —wālzydyh* (1); وزادوا —wzādwā* (1); يزداد —yzdād* (1); يزيدوا —yzydwā* (1)

Context L16: ... كمل فليس لأحد أن يزيد فيه ولا أن ينقص منه ...

Context L18: ... الوجهين إما ترك وإما زيادة ولخصنا الحق تلخيصا لا يشكل ...

90. مَسْأَلَة / سَأَلَ[90]

saʾala / masʾalah

725 occurrences; cumulative coverage 64.30%.

Possible English: ask; question; issue; legal problem

Context: مسألة labels a legal issue, not necessarily a question someone actually asked. سئل introduces a question addressed to a person.

Attested spellings and counts

مسألة —msʾlh* (76); المسألة —al-msʾlh* (74); يسأل —ysʾl* (56); سأل —sʾl* (51); سئل —sʾl* (46); السؤال —al-sʾāl* (45); المسائل —al-msāʾl* (37); نسأل —nsʾl* (28); مسائل —msāʾl* (23); سؤال —sʾāl* (20); مسائلهم —msāʾlhm* (20); يسألون —ysʾlwn* (18); سؤالهم —sʾālhm* (15); سألت —sʾlt* (14); سأله —sʾlh* (14); السائل —al-sāʾl* (12); نسألهم —nsʾlhm* (12); ونسأل —wnsʾl* (10);

[89] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: زيد (read dictionary entry).

[90] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: سأل (read dictionary entry).

Forms and grammar: سأل / يسأل = asked / asks; سئل = was asked; سألت can be I or you asked according to its final vowel. مسألة / مسائل = issue / issues; سؤاله = his question.

91. مَثَل / مِثْل[91]

mithl / mathal

713 occurrences; cumulative coverage 64.47%.

Possible English: like; similar; equivalent; example; parable

Context: مثل may compare two legal cases; بمثل can express like for like. مَثَل introduces an example or parable, not always a rule of exact equivalence.

سألناهم —s’lnāhm* (9); سئلت —s’lt* (9); سألها —s’lhā* (8); سئلوا —s’lwā* (8); ونسأله —wns’lh* (8); ونسألهم —wns’lhm* (8); فسأله —fs’lh* (6); فسألوا — fs’lwā* (6); يسأله —ys’lh* (6); سألوا —s’lwā* (5); سائل —sā’l* (5); فسأل — fs’l* (5); وسأل —ws’l* (5); ويسأل —wys’l* (5); ويسألونك —wys’lwnk* (5); المسألتين —al-ms’ltyn* (4); سؤاله —s’ālh* (4); نسألكم —ns’lkm* (4); سألنا — s’lnā* (3); سأله —s’lhm* (3); فسئل —fs’l* (3); ويسألون —wys’lwn* (3); سؤالا —s’ālā* (2); —s’lth* (2); سألناكم —s’lnākm* (2); سألناه —s’lnāh* (2); فسألته —fs’lth* (2); فسألها —fs’lhā* (2); فسألوه —fs’lwh* (2); فنسأل —fns’l* (2); فنسألهم —fns’lhm* (2); يسألونك —ys’lwnk* (2); أسأل —’s’l* (1); تسأل — ts’l* (1); سألني —s’lny* (1); سألتني —s’ltny* (1); سائلا — sā’lā* (1); فسألهم —fs’lhm* (1); مسألتنا —ms’ltnā* (1); وسألت —ws’lt* (1); وسألته —ws’lth* (1); وسأله —ws’lh* (1); يسألها —ys’lhā* (1)

Context L4: ... نعوذ بالله من الخذلان ونسأله التوفيق والعصمة بمنه آمين وكل ...

Context L10: ... الحق في ألوف من المسائل غلط فيها ألوف من الناس ...

Attested spellings and counts

مثل —mthl* (290); ومثل —wmthl* (123); مثله —mthlh* (66); بمثل — bmthl* (50); مثلها —mthlhā* (31); مثلا —mthlā* (28); بمثله —bmthlh* (18); الأمثال —al-’mthāl* (15); كمثل —kmthl* (11); مثلهم —mthlhm* (10); أمثالكم —’mthālkm* (8); مثال —mthāl* (8); المثل —al-mthl* (7); ومثله —wmthlh* (7); التماثل —al-tmāthl* (6); فمثل —fmthl* (6); متماثلا —mtmāthlā* (5); أمثال —’mthāl* (4); أمثالها —’mthālhā* (4); أمثاله —’mthālh* (2); التمثيل —

[91] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: مثل (read dictionary entry).

Forms and grammar: مثله / مثلها = like him or it / her or it; مثلين / مثلان are dual; أمثال is a plural. مِثْل and مَثَل have different common uses despite shared letters.

92. لَازِم / لَزِمَ[92]

lazima / lāzim

712 occurrences; cumulative coverage 64.65%.

Possible English: be binding; entail; be necessary; remain attached

Context: يلزم in argument can mean a conclusion follows, while in a ruling it can mean an obligation is binding. These are related but different English uses.

Forms and grammar: لزم / يلزم = was binding / is binding; ألزمه = imposed on him or held him to it. لازم / لازمة show agreement; لزوم and إلزام are distinct verbal nouns.

al-tmthyl* (2); المماثلة —al-mmāthlh* (2); بالمثل —bālmthl* (2); كمثله — kmthlh* (2); المثلة —al-mthlh* (1); بمثلها —bmthlhā* (1); مثلة —mthlh* (1); مثلكم —mthlkm* (1); مثلهما —mthlhmā* (1); وبمثل —wbmthl* (1)

Context L9: ... في الإسلام كان له مثل أجر كل من عمل بها ...

Context L32: ... عرفناه بأوائل العقل أخبر بمثل ما نخبر سواء وأن المدعين ...

Attested spellings and counts

يلزم —ylzm* (89); يلزمه —ylzmh* (66); لازم —lāzm* (62); يلزمهم — ylzmhm* (36); لزم —lzm* (35); يلزمنا —ylzmnā* (35); لزمه —lzmh* (34); لازمة —lāzmh* (29); ألزمنا —ʾlzmnā* (22); فيلزمهم —fylzmhm* (18); تلزم —tlzm* (16); لزوم —lzwm* (16); اللازم —al-lāzm* (15); ولزمهم — wlzmhm* (15); ويلزمهم —wylzmhm* (15); لزمهم —lzmhm* (13); ولزمه — wlzmh* (13); فيلزم —fylzm* (11); لازما —lāzmā* (11); ويلزم —wylzm* (11); التزم —al-tzm* (10); ألزم —ʾlzm* (9); إلزام —ʾilzām* (9); التزام —al-tzām* (9); يلزمكم —ylzmkm* (9); التزامه —al-tzāmh* (8); لزومه —lzwmh* (7); ولزم — wlzm* (7); التزمه —al-tzmh* (6); للزم —llzm* (6); ألزمه —ʾlzmh* (5); الإلزام —al-ʾilzām* (5); بإلزامه —bʾilzāmh* (5); اللازمة —al-lāzmh* (4); تلزمه — tlzmh* (4); فيلزمكم —fylzmkm* (4); وألزم —wʾlzm* (4); يلزمها —ylzmhā* (4); يلزمونه —ylzmwnh* (4); التزموا —al-tzmwā* (3); فيلزمه —fylzmh* (3); كلزومه —klzwmh* (3); لوازم —lwāzm* (3); ويلزمه —wylzmh* (3); تلزمنا — tlzmnā* (2); لزمت —lzmt* (2); لزمكم —lzmkm* (2); ملازم —mlāzm* (2); ألزموه —ʾlzmwh* (1); إلزامه —ʾilzāmh* (1); فلزمنا —flzmnā* (1); فلزمه —

[92] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: لزم (read dictionary entry).

flzmh* (1); لزمته —lzmth* (1); ملزم —mlzm* (1); والتزام —wāltzām* (1); يلزمون —ylzmwn* (1)

Context L9: ... واعتقاده والعمل به الذي ألزمنا إياه خالقنا عز وجل على ...

Context L13: ... النار الحامية وصح أنه ألزمنا على لسان نبيه صلى الله ...

93. أَخَذَ[93]

ʾakhadha

707 occurrences; cumulative coverage 64.82%.

Possible English: take; receive; seize; adopt; follow

Context: أخذ بقول can mean adopted a legal position. أخذ منه may describe receiving something rather than forcibly seizing it.

Forms and grammar: خذ / يأخذ / أخذ = took / takes / take!; أخذت = I or you took; يؤخذ / أُخذ are passive. أخذه attaches an object pronoun; أخذ is also a verbal noun.

Attested spellings and counts

أخذ —ʾkhdh* (100); الأخذ —al-ʾkhdh* (65); يؤخذ —yʾkhdh* (54); وأخذ —wʾkhdh* (45); يأخذ —yʾkhdh* (45); نأخذ —nʾkhdh* (41); أخذه —ʾkhdhh* (26); خذ —khdh* (22); فأخذ —fʾkhdh* (18); أخذنا —ʾkhdhnā* (17); تؤخذ —tʾkhdh* (17); وأخذوا —wʾkhdhwā* (17); تأخذوا —tʾkhdhwā* (13); والأخذ —wālʾkhdh* (13); أخذوا —ʾkhdhwā* (12); مأخوذ —mʾkhwdh* (12); وخذوهم —wkhdhwhm* (11); يأخذون —yʾkhdhwn* (11); أخذت —ʾkhdht* (10); المأخوذ —al-mʾkhwdh* (9); فخذوا —fkhdhwā* (9); فيأخذ —fyʾkhdh* (8); المأخوذة —al-mʾkhwdhh* (7); الآخذ —al-ʾākhdh* (6); خذوا —khdhwā* (6); فأخذنا —fʾkhdhnā* (6); فأخذوا —fʾkhdhwā* (6); فخذوه —fkhdhwh* (6); يأخذه —yʾkhdhh* (6); يؤاخذكم —yʾākhdhkm* (6); آخذ —ʾākhdh* (5); أخذتم —ʾkhdhtm* (5); مأخوذة —mʾkhwdhh* (5); أخذته —ʾkhdhth* (4); بالأخذ —bālʾkhdh* (4); فالأخذ —fālʾkhdh* (4); يؤاخذ —yʾākhdh* (4); أخذها —ʾkhdhhā* (3); بأخذ —bʾkhdh* (3); تأخذ —tʾkhdh* (3); فنأخذ —fnʾkhdh* (3); فيؤخذ —fyʾkhdh* (3); لأخذ —lʾkhdh* (3); لأخذنا —lʾkhdhnā* (3); ونأخذ —wnʾkhdh* (3); يأخذوا —yʾkhdhwā* (3); بأخذه —bʾkhdhh* (2); تأخذه —tʾkhdhh* (2); فأخذت —fʾkhdht* (2); نخذ —fkhdh* (2); وأخذت —wʾkhdht* (2); وأخذه —wʾkhdhh* (2); ويأخذ —wyʾkhdh* (2);

[93] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أخذ (read dictionary entry).

أخذتها —ʾkhdhthā* (1); أيأخذ —ʾyʾkhdh* (1); الآخذين —al-ʾākhdhyn* (1); مؤاخذ —fkhdhhā* (1); فخذها —fʾkhdhh* (1); فأخذه —bʾkhdhhā* (1); بأخذها —mʾākhdh* (1); وخذ —wkhdh* (1); ويؤخذ —wyʾkhdh* (1); يأخذن — yʾkhdhn* (1); يأخذوها —yʾkhdhwhā* (1)

Context L2: ... قيل له اتق الله أخذته العزة بالإثم فحسبه جهنم ولبئس ...

Context L16: ... أن الدين كله لا يؤخذ إلا عن الله عز وجل ...

94. نَفْس[94]

nafs

700 occurrences; cumulative coverage 64.99%.

Possible English: self; person; soul; life; the same individual

Context: نفسه can emphasize identity, himself or itself. In homicide law نفس may mean a life or person, rather than requiring a philosophical sense soul.

Forms and grammar: نفس / أنفس / نفوس = self or person / plurals; نفسه / نفسها / أنفسهم change referent and number. نَفَس, breath, is a distinct vowelled noun sharing the letters.

Attested spellings and counts

نفسه —nfsh* (222); أنفسهم —ʾnfshm* (84); نفس —nfs* (73); النفس — al-nfs* (59); أنفسكم —ʾnfskm* (44); نفسا —nfsā* (29); نفسها —nfshā* (27); نفسي —nfsy* (20); لنفسه —lnfsh* (19); بنفسه —bnfsh* (13); نفسك — nfsk* (13); النفوس —al-nfws* (10); أنفسنا —ʾnfsnā* (9); بأنفسهن — bʾnfshn* (9); وأنفسهم —wʾnfshm* (9); أنفسهن —ʾnfshn* (8); بنفس — bnfs* (8); الأنفس —al-ʾnfs* (7); أنفسهما —ʾnfshmā* (5); لأنفسهم — lʾnfshm* (5); بأنفسهم —bʾnfshm* (4); لأنفسكم —lʾnfskm* (4); بنفسها — bnfshā* (3); أنفسها —ʾnfshā* (2); لنفسي —lnfsy* (2); نفوس —nfws* (2); والنفس —wālnfs* (2); ونفسه —wnfsh* (2); أنفس —ʾnfs* (1); النفاس — al-nfās* (1); بالنفس —bālnfs* (1); بنفسك —bnfsk* (1); لأنفسنا —lʾnfsnā* (1); وأنفسكم —wʾnfskm* (1)

Context L2: ... عز وجل ركب في النفس الإنسانية قوة مختلفة فمنها عدل ...

Context L4: ... قوة العقل التي تعين النفس المميزة على نصر العدل وعلى ...

[94] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نفس (read dictionary entry).

95. لَمَّا[95]

lammā

692 occurrences; cumulative coverage 65.16%.

Possible English: when; once; not yet

Context: لما followed by a past narrative can mean when. With a jussive imperfect it may mean not yet. Those constructions need different English tense patterns.

Forms and grammar: ولما / فلما add and / so. The temporal and negative uses share a spelling; they are not different persons or genders. Compare لم, did not, and ما in their own entries.

Attested spellings and counts

لما —lmā* (466); فلما —flmā* (192); ولما —wlmā* (34)

Context L0: ... ويوسف إذ يقول إبراهيم فلما رأى القمر بازغا قال هذا ...

Context L2: ... الله تعالى والجاهل يسر لما لا يدري حقيقة وجهه ولما ...

96. مَعَ[96]

maʿa

682 occurrences; cumulative coverage 65.33%.

Possible English: with; together with; alongside; despite in some contexts

Context: مع may express accompaniment, coexistence of facts or a qualification comparable to despite. It does not by itself mean agreement.

Forms and grammar: معه / معها / معهم = with him or it / her or it / them; معي = with me; معنا = with us; معا = together. Do not confuse معنا with معناه, its meaning.

Attested spellings and counts

مع —mʿ* (442); معا —mʿā* (85); معه —mʿh* (77); معهم —mʿhm* (20); معها —mʿhā* (17); ومع —wmʿ* (17); معكم —mʿkm* (6); معهما —mʿhmā* (5); ومعه —wmʿh* (5); فمع —fmʿ* (3); معي —mʿy* (2); ومعها —wmʿhā* (2); معهن —mʿhn* (1)

Context L25: ... وإما الثاني وقد يكونان معا فاسدين فيتنقل من مذهب فاسد ...

Context L27: ... فيها الذهن الكليل ويدخل مع طول الأمر وكثرة العمل ودقته ...

[95] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: لما (read dictionary entry); لم (read dictionary entry).

[96] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: معع (read dictionary entry).

97. فَقَط / قَطّ[97]

qaṭṭ / *faqaṭ*

671 occurrences; cumulative coverage 65.49%.

Possible English: ever in negative contexts; at all; only; enough

Context: قطّ with a past negative can mean ever. فقط means only. Neither should be read as an ordinary tense conjugation of the other.

Forms and grammar: قطّ is an indeclinable adverb in its common negative use; فقط attaches ف to قط in the limiting expression. قطّ can also belong to a lexical cutting sense, distinguished by syntax.

Attested spellings and counts

فقط —fqṭ* (424); قط —qṭ* (247)

Context L27: ... الأنفس إلى تيقن معرفته فقط فهذا الذي ظنوه من ...

Context L30: ... عز وجل في النفوس فقط ثم من هذه المعرفة أنتجنا ...

98. دَلَالَة / دَلِيل[98]

dalīl / *dalālah*

663 occurrences; cumulative coverage 65.66%.

Possible English: evidence; indication; indicate; infer

Context: دليل identifies a supporting reason or evidence. A report's authenticity and the legal conclusion drawn from it are separate questions.

Forms and grammar: يدل / دل = indicated / indicates; دليل / أدلة = proof / proofs. استدلال is inference or adducing evidence; دلالته = its indication.

Attested spellings and counts

دليل —dlyl* (277); الدليل —al-dlyl* (100); بدليل —bdlyl* (58); يدل —ydl* (43); دلائل —dlāʾl* (16); دليلا —dlylā* (32); الاستدلال —al-āstdlāl* (28); الدلائل —al-dlāʾl* (15); الأدلة —al-ʾdlh* (13); دل —dl* (12); ودليل —wdlyl* (12); يستدل —ystdl* (8); استدل —ʾstdl* (7); دليله —dlylh* (6); والدليل —wāldlyl* (6); أدلة —ʾdlh* (5); دلالة —dlālh* (5); فدل —fdl* (5); بالدليل —bāldlyl* (4); ودل —wdl* (4); استدلوا —ʾstdlwā* (2); للاستدلال —llāstdlāl* (2); بالدلالة —bāldlālh* (1); للدليل —lldlyl* (1); والدلالة —wāldlālh* (1)

Context L12: ... وتكلمنا فيه على كيفية الاستدلال جملة وأنواع البرهان الذي به ...

Context L19: ... المعارف وهل على النافي دليل أو لا الباب الثامن في ...

[97] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قطط (read dictionary entry).
[98] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: دلل (read dictionary entry).

99. اسْم / سَمَّى / سَمَاء[99]

ʾsm / sammā / samāʾ

655 occurrences; cumulative coverage 65.82%.

Possible English: name; call or name; heaven; sky

Context: اسم can introduce a designation. سمى can mean named or specified. السماوات denotes the heavens, a related lexical formation rather than a plural of اسم.

Forms and grammar: اسم / أسماء = name / names; اسمه / أسماؤهم add possessive pronouns. سمى / يسمي = named / names; مسمى = named or specified. سماء / سماوات = sky or heaven / heavens.

Attested spellings and counts

اسم —ʾsm* (155); يسمى —ysmā* (50); الأسماء —al-ʾsmāʾ* (49); الاسم — al-āsm* (42); مسمى —msmā* (29); سمى —smā* (27); اسمه —ʾsmh* (25); باسم —bāsm* (20); أسماء —ʾsmāʾ* (19); باسمه —bāsmh* (16); تسمية — tsmyh* (16); سمي —smy* (16); السماء —al-smāʾ* (14); تسمى —tsmā* (12); سم —sm* (12); اسما —ʾsmā* (11); يسم —ysm* (11); واسم —wāsm* (10); السموات —al-smwāt* (8); تسمي —tsmy* (8); يسمي —ysmy* (8); وسمى —wsmā* (7); اسمها —ʾsmhā* (6); التسمية —al-tsmyh* (6); المسمى —al-msmā* (6); فسمى —fsmā* (6); السماوات —al-smāwāt* (5); بالاسم —bālāsm* (5); سماء — smāʾ* (5); وأسماء —wʾsmāʾ* (5); يسموا —ysmwā* (5); يسمون —ysmwn* (5); يسميه —ysmyh* (5); باسمها —bāsmhā* (4); واسمه —wāsmh* (4); بأسمائهم — bʾsmāʾhm* (3); للاسم —llāsm* (3); سماهم —smāhm* (2); سميت —smyt* (2); فاسم —fāsm* (2); ويسمى —wysmā* (2); ويسمي —wysmy* (2); يسمونها — ysmwnhā* (2); أسمائه —ʾsmāʾh* (1); اسمان —ʾsmān* (1); سميا —smyā* (1); فسمي —fsmy* (1); مسماة —msmāh* (1)

Context L21: ... الباب الثامن والعشرون في تسمية الفقهاء المعتد بهم في الخلاف ...

Context L66: ... بد لكل هذا من أسماء يتعارفون بها ما يعانونه من ...

[99] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: سما (read dictionary entry).

100. حَتَّى[100]

ḥattā

652 occurrences; cumulative coverage 65.98%.

Possible English: until; up to; so that; even

Context: حتى can mark an endpoint, introduce a purpose/result or include an emphatic last item. Read whether the following expression is a noun or a verb clause.

Forms and grammar: حتى does not conjugate. Its construction can affect the mood of a following imperfect. وحتى adds and; the legal inclusion of an endpoint is not decided by a universal English gloss.

Attested spellings and counts

حتى —ḥtā* (629); وحتى —wḥtā* (19); فحتى —fḥtā* (4)

Context L2: ... كفروا إلى جهنم زمرا حتى إذا جآءوها فتحت أبوابها وقال ...

Context L27: ... جدا فربما غفل وغلط حتى إذا حقق ونثبت ولم يشغل ...

101. دَعْوَى / دَعَا[101]

daʿā / daʿwā

645 occurrences; cumulative coverage 66.13%.

Possible English: call; invite; invoke; claim; allegation

Context: دعوى in procedure is a claim, not necessarily a supplication. دعا الله is invocation of God; ادعى means claimed.

Forms and grammar: دعا / يدعو = called or invoked / calls or invokes; ادعى / يدعي = claimed / claims. دعوى / دعاوى = claim(s); مدّعٍ = claimant; مدّعى عليه = defendant or person against whom a claim is made.

Attested spellings and counts

ادعى —ʾdʿā* (102); دعوى —dʿwā* (75); يدعون —ydʿwn* (30); يدعي —ydʿy* (30); ادعوا —ʾdʿwā* (25); دعواهم —dʿwāhm* (25); دعوا —dʿwā* (24); دعواه —dʿwāh* (22); يدعو —ydʿw* (21); الدعوى —al-dʿwā* (18); ودعوى —wdʿwā* (16); دعا —dʿā* (15); بدعوى —bdʿwā* (14); الدعاء —al-dʿāʾ* (13); مدع —md* (10); وادعوا —wādʿwā* (11); دعاوى —dʿāwā* (11); المدعى —al-mdʿā* (12); ادعوه —ʾdʿwh* (9); بالدعوى —bāldʿwā* (7); فدعوى —fdʿwā* (7); مدعي —mdʿy* (7); ندع —ndʿ* (7); وادعى —wādʿā* (7); يدعونه —ydʿwnh* (7); المدعي —al-mdʿy* (6); دعاء —dʿāʾ* (6); ومدعي —wmdʿy* (6); ادعاه —ʾdʿāh* (5); ادعيتم —ʾdʿytm* (5); يدعيه —ydʿyh* (5); المدعون —al-mdʿwn* (4); دعواكم —dʿwākm* (4); دعوة —dʿwh* (4); مدعيا —mdʿyā* (4); والدعاء —wāldʿāʾ* (4); والدعوى —wāldʿwā* (4); ودعاء —wdʿāʾ* (4); يدعوا —ydʿwā* (4); الدعاوى —al-dʿāwā* (3); المدعين —al-mdʿyn* (3); بدعواه —bdʿwāh* (3); لدعواهم —ldʿwāhm* (3); يدعى —ydʿā* (3); بدعواهم فادعى —fādʿā* (3);

[100] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حتا (read dictionary entry).
[101] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: دعا (read dictionary entry).

—bdʿwāhm* (2); تدعي —tdʿy* (2); دعاه —dʿāh* (2); دعاهم —dʿāhm* (2); —والدعاوى —lldʿā’* (2); للدعاء —mdʿā* (2); مدعى —mdʿyh* (2); مدعية —wāldʿāwā* (2); ودعاوى —wdʿāwā* (2); ويدعو —wydʿw* (2); يدعوه — ydʿwh* (2); ادعاء —’dʿā’* (1); ادعاها —’dʿāhā* (1); ادعت —’dʿt* (1); الدعوة —al-dʿwh* (1); بالدعاوى —bāldʿāwā* (1); تداعى —tdāʿā* (1); داع —dāʿ* (1); دعانا —dʿānā* (1); فليدع —flydʿ* (1); لادعى —lādʿā* (1); للمدعي —llmdʿy* (1); ندعوه —ndʿwh* (1); وادعاء —wādʿā’* (1); ودعواه —wdʿwāh* (1); ودعواهم — wdʿwāhm* (1)

Context L0: ... بين أحد وبين ما دعاه تعالى إليه أو ندبه إليه ...

Context L12: ... في كتاب التقريب ولم ندع بتوفيق الله عز وجل لنا ...

102. وَجْه / جِهَة[102]

wajh / jihah

640 occurrences; cumulative coverage 66.29%.

Possible English: face; side; aspect; way; respect; direction

Context: وجه in argument often means an aspect or interpretation. على وجه can mean in a manner. Physical face is selected by bodily contexts.

Forms and grammar: وجه / وجوه = face or aspect / faces or aspects; وجهه = his face or its aspect. جهة / جهات = direction or side / directions; وجّه / يوجّه are derived verb forms.

Attested spellings and counts

وجه —wjh* (110); الوجوه —al-wjwh* (97); وجوه —wjwh* (50); وجهين — wjhyn* (49); بوجه —bwjh* (48); وجهه —wjhh* (32); الوجه —al-wjh* (31); الوجهين —al-wjhyn* (29); والوجه —wālwjh* (26); جهة —jhh* (24); أوجه —’wjh* (18); وجوههم —wjwhhm* (13); وجها —wjhā* (12); بوجوهكم — bwjwhkm* (11); لوجهين —lwjhyn* (11); لوجوه —lwjwh* (10); وجهان —wjhān* (10); وجوهكم —wjwhkm* (10); ووجه —wwjh* (9); متوجه — mtwjh* (7); وجهها —wjhhā* (7); وجهك —wjhk* (6); الوجهان —al-wjhān* (5); الجهة —al-jhh* (4); التوجيه —al-twjyh* (1); بالوجه —bālwjh* (1); بالوجوه — bālwjwh* (1); بوجهه —bwjhh* (1); جهات —jhāt* (1); جهتها —jhthā* (1); جهتين —jhtyn* (1); لوجهه —lwjhh* (1); وجهي —wjhy* (1); وجوها — wjwhā* (1); ووجوه —wwjwh* (1)

Context L2: ... لما لا يدري حقيقة وجهه ولما فيه وباله في أخراه ...

Context L9: ... وأمسك الرمق وأنفق في وجوه البر الموصلة إلى الفوز في ...

[102] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: وجه (read dictionary entry).

103. تَأْوِيل / أَوَّل[103]

ʾawwal / taʾwīl

628 occurrences; cumulative coverage 66.44%.

Possible English: first; earlier; initial; interpretation

Context: الأول often points to the first item in a comparison or argument. تأويل is interpretation, not a grammatical tense or case form of first.

Forms and grammar: أولين / أولون / أولى / أول vary with agreement and case; أولا is commonly adverbial. أولو / أولي can instead mean possessors of, requiring its own construction. تأوّل / يتأول = interpreted / interprets.

Attested spellings and counts

أول —ʾwl* (128); الأول —al-ʾwl* (89); تأويلا —tʾwylā* (53); أولي —ʾwly* (48); أولها —tʾwyl* (31); تأويل —al-ʾwlā* (32); الأولى —w'wly* (46); وأولي —f'wl* (17); وأول —w'wl* (17); أولهم ʾwlhā* (23); أولا —ʾwlā* (20); فأول —ʾwlh* (10); أوله —al-tʾwyl* (14); التأويل —tʾwl* (15); تأول —ʾwlhm* (15); وتأول —b'wl* (6); بأول —mtʾwlā* (7); متأولا —al-ʾwlyn* (9); الأولين —al-tʾwylāt* (4); التأويلات —tʾwlwā* (5); تأولوا —ytʾwl* (6); يتأول —wtʾwl* (6); للأول —al-mtʾwl* (3); المتأول —fāl'wl* (4); فالأول —t'wlh* (4); تأوله —bt'wyl* (2); بتأويل —bāl'wl* (2); بالأول —ʾālh* (2); آلة —ft'wl* (2); فتأول —bāl'wlā* (1); بالأولى —al-ʾwlān* (1); الأولان —ʾwlhmā* (1); أولهما —bālt'wyl* (1); بالتأويل —wāl'wl* (1); والأول —

Context L15: ... أطيعوا الله وأطيعوا الرسول وأولي الأمر منكم فإن تنازعتم في ...

Context L17: ... تعالى ثم على ألسنة أولي الأمر منا فهم الذين يبلغون ...

104. رَبّ[104]

rabb

626 occurrences; cumulative coverage 66.60%.

Possible English: lord; master; sustainer

Context: In these excerpts, رب refers to God; a possessive suffix identifies those whose Lord He is.

Attested spellings and counts

رب —rb* (146); ربه —rbh* (117); ربك —rbk* (99); ربنا —rbnā* (85); ربهم —rbhm* (70); ربكم —rbkm* (60); ربي —rby* (30); ربها —rbhā* (7); وربك —wrbk* (6); ورب —wrb* (4); لربه —lrbh* (2)

Context L0: ... أمة عملهم ثم إلى ربهم مرجعهم فينبئهم بما كانوا يعملون ...

Context L2: ... يحذر الآخرة ويرجوا رحمة ربه قل هل يستوي الذين يعلمون ...

[103] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أول (read dictionary entry).
[104] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ربب (read dictionary entry).

Forms and grammar: رب is the bare noun; ربه means his Lord, ربهم their Lord.

105. كَلَام / كَلِمَة[105]

kalām / kalimah

619 occurrences; cumulative coverage 66.75%.

Possible English: speech; statement; word; wound in a different vowelled use

Context: كلمة can be a word or a short utterance, not always one modern typographic token. كلام is speech collectively; الكَلْم is a wound in a different reading.

Forms and grammar: كلمة / كلمات = word(s); كلّم / يكلّم = spoke to / speaks to; تكلّم = spoke. كلامه = his speech, while كَلَمه can be a verb according to vowels.

Attested spellings and counts

الكلام —al-klām* (164); كلام —klām* (153); وكلام —wklām* (50); كلامه —klāmh* (41); كلاما —klāmā* (32); كلمة —klmh* (26); كلامنا —klāmnā* (24); تكلم —tklm* (19); بكلام —bklām* (15); والكلام —wālklām* (9); يتكلم —ytklm* (9); تكلمنا —tklmnā* (8); كلامهم —klāmhm* (8); بكلامه —bklāmh* (7); بالكلام —bālklām* (6); متكلم —mtklm* (6); لكلام —lklām* (5); نتكلم —ntklm* (5); الكلمات —al-klmāt* (3); الكلمة —al-klmh* (3); بكلمة —bklmh* (3); تكلموا —tklmwā* (3); فكلام —fklām* (3); وتكلم —wtklm* (3); وكلامه —wklāmh* (3); المتكلم —al-mtklm* (2); تكلمت —tklmt* (2); فكلم —fklm* (1); كلمات —klmāt* (1); وكلامنا —wklāmnā* (1); وكلم —wklm* (1); يكلم —yklm* (1); يكلمه —yklmh* (1); يكلمهم —yklmhm* (1)

Context L2: ... قالوا بلى ولكن حقت كلمة العذاب على الكافرين قيل ادخلوا ...

Context L4: ... أبو محمد علي هذه كلمة جامعة كافية لأن طاعة الله ...

106. قَتْل / قَتَلَ[106]

qatala / qatl

616 occurrences; cumulative coverage 66.90%.

Possible English: kill; killing; homicide

Attested spellings and counts

قتل —qtl* (144); القتل —al-qtl* (51); قتله —qtlh* (49); يقتل —yqtl* (41); تقتلوا —qātl* (36); القاتل —al-qātl* (23); القتال —al-qtāl* (17); قاتلوا —qātlwā* (13); tqtlwā* (17); بقتل —bqtl* (15); قتلهم —qtlhm* (15); لقتال —fqtlwā* (11); المقتول —al-mqtwl* (10); تقتل —tqtl* (9);

[105] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: كلم (read dictionary entry).

[106] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قتل (read dictionary entry).

Context: قتل denotes killing, but intention, justification and legal consequence must come from surrounding qualifications. قاتل and مقتول identify different participants.

Forms and grammar: قتل / يقتل = killed / kills; قُتل / يُقتل = was killed / is killed. قاتل = killer; مقتول = killed person; قتله = he killed him or his killing, depending on vowels.

lqtāl* (9); أقاتل —ʾqātl* (8); يقاتل —yqātl* (7); بقتله —bqtlh* (5); قتلني — qtlny* (5); قتلوا —qtlwā* (5); قتيل —qtyl* (5); والقتل —wālqtl* (5); وقاتلوا — wqātlwā* (5); وقتل —wqtl* (5); ويقتل —wyqtl* (5); فاقتلوه —fāqtlwh* (4); فقاتلوا —fqātlwā* (4); فقتله —fqtlh* (4); قاتله —qātlh* (4); قتال —qtāl* (4); قتلت —qtlt* (4); للقاتل —llqātl* (4); اقتتلوا —ʾqttlwā* (3); قتالهم —qtālhm* (3); قتيلا — nqtl* (3); يقاتلون —yqātlwn* (3); بالقتل —bālqtl* (2); بقتال —bqtāl* (2); بقتلهم —bqtlhm* (2); فقتل —fqtl* (2); فقتلته —fqtlth* (2); فقتلوهم —fqtlwhm* (2); قاتلا —qātlā* (2); قتلتم —qtltm* (2); قتلنا —qtlnā* (2); قتلها —qtlhā* (2); قتلهما —qtlhmā* (2); قتلوه —qtlwh* (2); للقتال —llqtāl* (2); نقتله —nqtlh* (2); والقاتل — wālqātl* (2); يقتلون —yqtlwn* (2); يقتلوا —yqtlwā* (2); يقتله —yqtlh* (2); تقاتلوهم —tqātlwhm* (1); فقتلهم —fqtlhm* (1); أقتله —ʾqtlh* (1); — مقتولة —llqtl* (1); للقتل —qtlh* (1); قتلة —qātlwkm* (1); قاتلوكم — fqtlwh* (1); وقتلهم —wqtlh* (1); وقتله —wqātl* (1); وقاتل —wtqtl* (1); وتقتل — mqtwlh* (1); يقاتلوكم —yqātlwkm* (1)

Context L54: ... الناس بالحجة البالغة بلا قتال فلما قامت الحجة وعاندوا الحق ...

Context L58: ... لا على دخول النار والقاتل إنما يلام على فعله لا ...

107. أَيَّام / يَوْم[107]

yawm / ʾayyām

613 occurrences; cumulative coverage 67.05%.

Possible English: day; occasion; at the time when

Context: يوم may count a legal period or identify an event. يوم القيامة names the Day of Resurrection. Not every use is a precise twenty-four-hour measurement.

Attested spellings and counts

يوم —ywm* (265); أيام —ʾyām* (93); ليوم —lywm* (72); اليوم —al-ywm* (61); ويوم — يوما —ywmā* (37); يومئذ —ywmʾdh* (25); واليوم —wālywm* (16); wywm* (15); الأيام —al-ʾyām* (8); يومنا —ywmnā* (4); بيوم —bywm* (3); اليومين — يومكم —ywmkm* (3); يومين —ywmyn* (3); أياما —ʾyāmā* (2);

[107] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: يوم (read dictionary entry).

Forms and grammar: يوم / أيام = day / days; يومان / يومين are dual case forms; يومه / يومها = his or its day / her or its day. يوما is commonly accusative or adverbial.

108. فَرْق / تَفْرِيق[108]

farq / *tafrīq*

611 occurrences; cumulative coverage 67.20%.

Possible English: difference; distinction; separate; part company

Context: فرق بين often means distinguished between two cases. تفريق can be separation of spouses or a logical distinction, depending on its object.

Forms and grammar: فرق / يفرق = separated or distinguished / separates; فرّق is a different pattern. افترق / يتفرق can describe parting; فرقة is separation or a group according to vowels.

al-ywmyn* (1); بأيام —b'yām* (1); وأيام —w'yām* (1); ويومه —wywmh* (1); ويومين —wywmyn* (1); يومي —ywmy* (1)

Context L2: ... آيات ربكم وينذرونكم لقآء يومكم هذا قالوا بلى ولكن حقت ...

Context L4: ... طريقه إلى ذلك مشي يوم كامل في طريق فيها بعض ...

Attested spellings and counts

فرق —frq* (323); الفرق —al-frq* (69); فرقة —frqh* (21); التفرق —al-tfrq* (14); يفرق —yfrq* (13); والفرق —wālfrq* (12); وفرق —wfrq* (12); تفرقوا —tfrqwā* (9); فريق —fryq* (9); فارق —fārq* (8); تفرق —tfrq* (7); ففرق —ffrq* (7); مفارقة —mfārqh* (7); فرقوا —frqwā* (6); وفرقوا —wfrqwā* (6); التفريق —al-tfryq* (5); فارقوهن —fārqwhn* (5); فرقا —frqā* (5); فرقنا —frqnā* (4); متفرقة —mtfrqh* (4); يتفرقا —ytfrqā* (4); افترق —'ftrq* (3); الفرقان —al-frqān* (3); الفريقين —al-fryqyn* (3); الفرقة —al-frqh* (3); المفرق —al-mfrq* (3); بالفرق —bālfrq* (3); مفرق —mfrq* (3); والمفرق —wālmfrq* (3); يفرقوا —yfrqwā* (3); الفروق —al-frwq* (2); بفرق —bfrq* (2); فارقوا —fārqwā* (2); فتفرق —ftfrq* (2); فرقت —frqt* (2); مفرقا —mfrqā* (2); يفارق —yfārq* (2); يفرقون —yfrqwn* (2); افتراق —'ftrāq* (1); الفراق —al-frāq* (1); الفريقان —al-fryqān* (1); بالتفرق —bāltfrq* (1); بالتفريق —bāltfryq* (1); تفريقهم —tfryqhm* (1); تفريقا —tfryqā* (1); تفريق —tfryq* (1); بفراقها —bfrāqhā* (1); مفارقته —frqtm* (1); فراقه —frāqh* (1); فراق —frāq* (1); يفارقه —yfārqh* (1); والتفرق —wāltfrq* (1); يتفرقوا —ytfrqwā* (1); يفارقوا —yfārqwā* (1); يفترقا —yftrqā* (1)

Context L4: ... قومهم خاصة فمؤمن وكافر فريق في الجنة وفريق في السعير ...

Context L15: ... فلولا نفر من كل فرقة منهم طآئفة ليتفقهوا في الدين ...

[108] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: فرق (read dictionary entry).

109. مَعْنًى[109]

maʿnanā

598 occurrences; cumulative coverage 67.34%.

Possible English: meaning; sense

Context: معنى refers to a meaning in context.

Forms and grammar: معنى is a singular noun; معان is a related plural.

Attested spellings and counts

معنى —mʿnā* (256); معناه —mʿnāh* (95); المعنى —al-mʿnā* (59); يعني — yʿny* (52); بمعنى —bmʿnā* (22); معاني —mʿāny* (42); المعاني —al-mʿāny* (29); معانيها —fmʿnā* (4); فمعنى —wmʿnā* (19); ومعناه —wmʿnāh* (8); بمعاني —wmʿnāhā* (2); ومعناها —mʿānyhā* (4); معانيه —mʿānyh* (2); تعني —tʿny* (1); عنينا —ʿnynā* (1); ومعانيه —wmʿānyh* (1); bmʿāny* (1)

Context L19: ... لا الباب الثامن في معنى البيان الباب التاسع في تأخير ...

Context L21: ... السابع والعشرون في الشذوذ ومعنى هذه اللفظة وإبطال التمويه بذكرها ...

110. شَهِدَ / شَهَادَة[110]

shahādah / shahida

597 occurrences; cumulative coverage 67.49%.

Possible English: testimony; witness; attend; attest

Context: شهادة in procedure commonly means testimony. التشهد is the named prayer recitation; شهد can also mean was present. The shared root does not erase those distinctions.

Forms and grammar: شهد / يشهد = witnessed / witnesses; شاهد / شهود / شهداء = witness(es); شهادة / شهادات = testimony or testimonies. أشهد is a causative or first-person form depending on vowels.

Attested spellings and counts

شهادة —shhādh* (81); شهد —shhd* (48); الشاهد —al-shāhd* (28); يشهد —yshhd* (27); الشهادة —al-shhādh* (23); شهيد —shhyd* (21); شهادته — shhādth* (18); شهدوا —shhdwā* (18); شهيدا —shhydā* (18); وأشهدوا — wʾshhdwā* (17); بشهادة —bshhādh* (15); أشهد —ʾshhd* (13); شاهدنا — shāhdnā* (13); شاهد —shāhd* (12); شهيدين —shhydyn* (11); الشهود — al-shhwd* (10); شهدت —shhdt* (10); للشهادة —llshhādh* (10); الشاهدين — al-shāhdyn* (9); شاهدين —shāhdyn* (9); شهادتهما —shhādthmā* (9); بالمشاهدة —bālmshāhdh* (8); والمشاهدة —wālmshāhdh* (8); شهدا —shhdā* (8); المشاهدة —al-mshāhdh* (7); مشاهدة —mshāhdh* (7); مشاهد —mshāhd* (6); وليشهد —wlyshhd* (6); اشهد —ʾshhd* (5); الشهادات —al-shhādāt* (5); بشهادتهما — bshhādthmā* (5); شهادتهم —shhādthm* (5); وأشهد —wʾshhd* (5); وشهادة —wshhādh* (5); الشهيد —al-shhyd* (4); المشاهد —al-mshāhd* (4); المشهود —al-mshhwd* (4); تشهد —tshhd* (4); شاهدا —shāhdā* (4); شاهدان — shāhdān* (4); كشهادة —kshhādh* (4); ويشهد —wyshhd* (4); يشهدان —

[109] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عنا (read dictionary entry).

[110] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: شهد (read dictionary entry).

yshhdān* (4); يشهدون —yshhdwn* (4); بالشهادة —bālshhādh* (3); شاهده — shāhdh* (3); شهادات —shhādāt* (3); شهداء —shhdā'* (3); فشهد —fshhd* (3); والشهادة —wālshhādh* (3); يشهده —yshhdh* (3); يشهدوا —yshhdwā* (3); التشهد —al-tshhd* (2); شهدنا —shhdnā* (2); شهده —shhdh* (2); شهدها —shhdhā* (2); وشهد —w'shhdhm* (2); وأشهدهم —fshhādh* (2); فشهادة —nshhd* (2); نشهد —wshhd* (2); يشهدا —yshhdā* (2); الإشهاد —al-'ishhād* (1); الشاهدان — al-shāhdān* (1); الشهداء —al-shhdā'* (1); بشاهد —bshāhd* (1); بشهادتهم —bshhādthm* (1); تشهده —tshhdh* (1); شاهدي —shāhdy* (1); فيشهد — fyshhd* (1); واستشهدوا —wāstshhdwā* (1); والتشهد —wāltshhd* (1); والشاهد —wālshāhd* (1); وبالمشاهدة —wbālmshāhdh* (1); وبشهادة —wbshhādh* (1); وشاهد —wshāhd* (1); يشهدن —yshhdn* (1)

Context L4: ... أو ألقى السمع وهو شهيد قال أبو محمد علي أراد ...

Context L73: ... وبيود علومهم هذا موجود بالمشاهدة ومعلوم بالعقل ...

111. فَرِيضَة / فَرْض[111]

farḍ / farīḍah

593 occurrences; cumulative coverage 67.64%.

Possible English: obligation; prescribe; apportion; prescribed share

Context: فرض can be an obligation or an allotted inheritance share. The plural الفرائض can name the discipline of inheritance or prescribed obligations.

Forms and grammar: يفرض / فرض = prescribed or allotted / prescribes or allots; فريضة / فرائض = prescribed duty or share / plural. مفروض is a passive participle; فرضا can be adverbial or accusative.

Attested spellings and counts

ففرض — frḍ* (169); فرضا —frḍā* (125); الفرض —al-frḍ* (56); فرض — ffrḍ* (46); فريضة —fryḍh* (31); وفرض —wfrḍ* (24); افترض —'ftrḍ* (16); يفرض —lfryḍh* (11); لفريضة —al-frā'ḍ* (12); الفرائض —frḍh* (14); فرضه —yfrḍ* (10); فرائض —frā'ḍ* (9); الفريضة —al-fryḍh* (8); والفرض — wālfrḍ* (7); المفترضة —al-mftrḍh* (5); فرضت —frḍt* (5); مفترض — mftrḍ* (5); فرضتم —frḍtm* (4); فالفرض —fālfrḍ* (4); بفرض —bfrḍ* (4); وافترض —frḍhā* (3); فرضها —tfrḍwā* (3); تفرضوا —al-mfrwḍh* (3); المفروضة —wāftrḍ* (3); فرضان —frḍān* (2); ففرضه —ffrḍh* (2); لفرض —lfrḍ* (2); الفروض —al-frwḍ* (1); المفترض —al-mftrḍ* (1); المفروض —al-mfrwḍ* (1); فافترض —fāftrḍ* (1); فرائضها —frā'ḍhā* (1); فرضهم —frḍhm* (1); فروض —frwḍ* (1); مفترضا —mftrḍā* (1); مفترضة —mftrḍh* (1); والفرائض — wālfrā'ḍ* (1)

[111] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: فرض (read dictionary entry).

Context L42: ... كما أخبرنا تعالى عنه ففرض علينا اتباع المناظرة لنصرف أهل ...

Context L64: ... تعالى ولو فعله لكان فرضا علينا الانقياد لكل ذلك ولا ...

112. مَرْء / نِسَاء / امْرَأَة[112]

ʾmraʾah / nisāʾ / marʾ

590 occurrences; cumulative coverage 67.78%.

Possible English: woman; women; wife; person; man

Context: امرأته commonly means his wife; امرأة without a possessive may mean a woman. المرء is a separate noun meaning a person or man, not a feminine case form.

Forms and grammar: امرأة / امرأتان / امرأتين show singular and dual; نساء / نسوة are irregular plurals of woman. امرأته changes with the possessive referent; امرؤ / امرأ / امرئ are case forms of the masculine noun.

Attested spellings and counts

امرأة —al-mrʾh* (90); المرأة —al-mrʾh* (90); المرء —al-mrʾ* (120); النساء —al-nsāʾ* (122); لامرأته —lāmrʾth* (17); والنساء —wālnsāʾ* (20); امرأته —ʾmrʾth* (28); ʾmrʾh* (81); بامرأة —bāmrʾh* (10); نساء —nsāʾ* (15); والمرأة —wālmrʾh* (9); وامرأته —wāmrʾth* (8); المرأتين —al-mrʾtyn* (8); النسائي —al-nsāʾy* (7); للمرء —llmrʾ* (7); للنساء —llnsāʾ* (5); نسوة —nswh* (6); امرأتان —ʾmrʾtān* (4); فالمرأة —fālmrʾh* (4); لامرأة —lāmrʾh* (4); وامرأة —wāmrʾh* (4); امرأتين —ʾmrʾtyn* (4); امرأتي —ʾmrʾty* (3); وامرأتين —wāmrʾtyn* (3); امرأتك —ʾmrʾtk* (2); للمرأة —llmrʾh* (2); النسوة —al-nswh* (1); بامرأته —bāmrʾth* (1); مرئيا —mryʾā* (1); نساءه —nsāʾh* (1); والناسي —wālnāsy* (1); وامرأتان —wāmrʾtān* (1); ونساء —wnsāʾ* (1)

Context L4: ... أمور الدنيا لا يبالي المرء ما وفق في استجلاب حظه ...

Context L9: ... كان أفضل ما عاناه المرء العاقل بيان ما يرجو به ...

113. قَاضٍ / قَضَاء / قَضَى[113]

qaḍā / qaḍāʾ / qāḍin

589 occurrences; cumulative coverage 67.92%.

Possible English: decide; adjudge; fulfill; make up; judgment; judge

Attested spellings and counts

القاضي —al-qāḍy* (71); قضى —qḍā* (50); قضاء —qḍāʾ* (48); القضاء —al-qḍāʾ* (39); يقتضيه —yqtḍyh* (32); يقتضي —yqtḍy* (29); القضية —al-qḍyh* (24); يقضي —yqḍy* (21); قضية —qḍyh* (19); وقضى —wqḍā* (17); اقتضاه —ʾqtḍāh* (16); يقضى —yqḍā* (16); قضيت —qḍyt* (14); انقضاء —

[112]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: مرأ (read dictionary entry); نسا (read dictionary entry).

[113]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قضى (read dictionary entry).

Context: قضاء can mean adjudication or making up an omitted ritual act. قضى can also mean completed or discharged. The object and topic determine the English sense.

Forms and grammar: قضى / يقضي = adjudged or completed / adjudges or completes; قضيت = I or you did so. قاض / قضاة = judge / judges; قضية / قضايا = case / cases; يقتضي = entails, a different pattern.

114. اسْتِثْنَاء / ثَانٍ / اثْنَان[114]

ʾthnān / thānin / ʾstithnāʾ

580 occurrences; cumulative coverage 68.07%.

Possible English: two; second; fold; exception; exclude

Context: الثاني marks order. استثناء is an exception from a general statement, a different derivation. مثنى can mean in pairs.

ʾnqḍāʾ* (13); قضايا —qḍāyā* (13); يقض —yqḍ* (13); فقضى —fqḍā* (11); أقضي —ʾqḍy* (9); القضاة —al-qḍāh* (9); فاقض —fāqḍ* (9); قاضي —qāḍy* (9); تقتضيه —tqtḍyh* (8); بالقضاء —bālqḍāʾ* (7); القضايا —al-qḍāyā* (6); تقتضي — tqtḍy* (5); قاضيا —qāḍyā* (5); قضي —qḍy* (5); نقضي —nqḍy* (5); تقضي — tqḍy* (4); قاضيه —qāḍyh* (4); اقتضاء —ʾqtḍāʾ* (3); اقض —ʾqḍ* (3); انقضى — ʾnqḍā* (3); تقضى —tqḍā* (3); فليقض —flyqḍ* (3); اقضوا —ʾqḍwā* (2); انقضت —ʾnqḍt* (2); بقضاء —bqḍāʾ* (2); فاقضوا —fāqḍwā* (2); قضيتم —qḍytm* (2); والقضاء — wālqḍāʾ* (2); مقتضى —mqtḍā* (2); لقضي —lqḍy* (2); قضيته —qḍyth* (2); ويقضى —wyqḍā* (2); أقض —ʾqḍ* (1); اقتضى —ʾqtḍā* (1); فيقضى — al-mqḍy* (1); بقضية —bqḍyh* (1); فقضاني —fqḍāny* (1); المقضي — fyqḍā* (1); فيقضي —fyqḍy* (1); قاض —qāḍ* (1); قضاه —qḍāh* (1); قضوا — qḍwā* (1); لقضيت —lqḍyt* (1); قضينا —qḍynā* (1); واقضوا —wāqḍwā* (1); ويقضون —wmqtḍāh* (1); ومقتضاه —wqḍāʾ* (1); وقضي —wqḍy* (1); وقضاء — يقضون —yqḍwā* (1); ويقضي —wyqḍy* (1); يقضون —wyqḍwn* (1); يقضيه —yqḍyh* (1); يقضيها —yqḍyhā* (1); ينقضي —ynqḍy* (1)

Context L2: ... العرش يسبحون بحمد ربهم وقضي بينهم بالحق وقيل الحمد لله ...

Context L4: ... شريعة بعد شريعته إلى انقضاء الدنيا ...

Attested spellings and counts

الثاني —al-thāny* (97); الاستثناء —al-āstthnāʾ* (55); والثاني —wālthāny* (55); اثنان — استثناء —ʾstthnāʾ* (50); اثنين —ʾthnyn* (35); المثنى —al-mthnā* (35); ʾthnān* (22); مستثنى —mstthnā* (22); ثان —thān* (20); ثانية —thānyh* (18); استثنى —ʾstthnā* (16); يستثنى —ystthnā* (16); الثانية —al-thānyh* (15); المستثنى —mthnā* (9); مثنى —ʾthntyn* (11); اثنتين —fāstthnā* (12); فاستثنى

[114] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ثني (read dictionary entry).

Forms and grammar: اثنان / اثنين and اثنتان / اثنتين vary by case and gender; ثاني / ثانية = second. يستثني / استثنى = excepted / excepts; مستثنى = excepted item.

115. مَسْعُود / سَعْد / سَعِيد[115]

saʿīd / saʿd / masʿūd

578 occurrences; cumulative coverage 68.21%.

Possible English: Saʿīd; Saʿd; Masʿūd; happy; fortunate

Context: Most frequent members here are narrator names, especially Saʿīd and Ibn Masʿūd. Keep those names distinct; their relationship is lexical, not identity.

Forms and grammar: مسعود / سعيد / سعد are different formations. سعيد can also mean happy; سعد can be a verb or a proper name. Inflectional final vowels do not turn one narrator's name into another.

—al-mstthnā* (8); أثنى —ʾthnā* (7); والثانية —wālthānyh* (7); باستثناء —bāstthnāʾ* (6); واستثنى —wāstthnā* (6); اثني —ʾthny* (5); ثانيا —thānyā* (5); وثانيها —thāny* (4); ثاني —al-thnāʾ* (4); الثناء —wāstthnāʾ* (5); واستثناء —wthānyhā* (4); باثنين —bāthnyn* (3); وأثنى —wʾthnā* (3); يستثني —ystthny* (3); اثنا —ʾthnā* (2); استثناه —ʾstthnāh* (2); الثنية —al-thnyh* (2); ثناه —thnāh* (2); ثنى —thnā* (2); ثنية —thnyh* (2); ويستثني —wystthny* (2); الثواني —al-thnāyā* (1); الثنايا —al-tthnyh* (1); التثنية —ʾstthnynā* (1); استثنينا —al-thwāny* (1); يثني —ythnā* (1); يثنى —ythny* (1); باثني —bāthny* (1); ثني —thny* (1)

Context L19: ... ترتيب الأبواب وهو الباب الثاني إذ الباب الأول في صدر ...

Context L20: ... الواقع بين الأئمة الباب الثاني عشر في الأوامر والنواهي الواردة ...

Attested spellings and counts

سعيد —sʿyd* (298); مسعود —msʿwd* (183); سعد —sʿd* (62); وسعيد —wsʿyd* (18); وسعد —wsʿd* (6); السعدي —al-sʿdy* (3); الساعدي —al-sāʿdy* (2); أسعد —ʾsʿd* (1); ساعدة —sāʿdh* (1); سعدا —sʿdā* (1); سعيدا —sʿydā* (1); لسعد —lsʿd* (1); نساعدهم —nsāʿdhm* (1)

Context L124: ... وكلهم مع ذلك من مسعود مسلط على عدوه في الدنيا ...

Context L286: ... المؤذن بالكوفة بحضرة ابن مسعود وعلي خمس مرات كل يوم ...

[115] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: سعد (read dictionary entry).

116. إِذْ[116]

ʾidh

562 occurrences; cumulative coverage 68.34%.

Possible English: when; since; as; at the time when

Context: إذ often introduces a past circumstance or an explanatory reason. English since here may be causal rather than a starting point in time.

Forms and grammar: فإذ / وإذ add and / so. إذ does not conjugate; distinguish إذا and حين. Its dictionary discussion can occur with إذا in a combined treatment.

Attested spellings and counts

إذ —ʾidh* (473); وإذ —wʾidh* (57); فإذ —fʾidh* (32)

Context L0: ... الله عليهما إبراهيم ويوسف إذ يقول إبراهيم فلما رأى القمر ...

Context L8: ... وإذ قد تيقنا أن الدنيا ليست ...

117. سَنَة / سِنّ / سُنَّة[117]

sunnah / sinn / sanah

560 occurrences; cumulative coverage 68.48%.

Possible English: practice; prophetic precedent; tooth; year

Context: السنة commonly means prophetic practice in legal argument. سِنّ is a tooth or age; سَنَة is a year. These homographs must be distinguished by vowels and topic.

Forms and grammar: سُنّة / سنن = practice(s); سِنّ / أسنان = tooth/teeth; سَنَة / سنون / سنين = year(s). They are different lexical readings, not one noun's tense forms.

Attested spellings and counts

سنة —snh* (182); السنة —al-snh* (91); والسنة —wālsnh* (86); السنن —al-snn* (42); والسنن —wālsnn* (27); بالسنة —bālsnh* (17); سنن —snn* (16); بالسنن —bālsnn* (14); وسنة —wsnh* (13); سن —sn* (12); السن —al-sn* (10); بسنة —bsnh* (9); الأسنان —al-ʾsnān* (6); سنان —snān* (6); سنه —snh* (6); لسنة —lsnh* (6); بالسن —bālsn* (3); والأسنان —wālʾsnān* (3); أسنانه —ʾsnānh* (2); فسنة —fsnh* (2); للسنن —llsnn* (2); بسنته —bsnth* (1); سنته —snth* (1); لسنه —lsnh* (1); للسنة —llsnh* (1); مسنة —msnh* (1)

Context L9: ... الله عليه وسلم وإحياء سنن الحق وإماتة طوالع الجور وإن ...

Context L20: ... في الأخبار التي هي السنن وفي بعض فصول هذا الباب ...

[116] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: إذا (read dictionary entry); إذا (read dictionary entry).
[117] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: سنن (read dictionary entry); سنه (read dictionary entry).

118. نَهَى / نَهْي[118]

nahā / nahy

558 occurrences; cumulative coverage 68.62%.

Possible English: forbid; prohibit; prohibition; reach an end

Context: نهى عن introduces what was forbidden. انتهى and انتهاء concern ending or reaching an endpoint, not a grammatical tense of the prohibitive noun.

Forms and grammar: نهى / ينهى = forbade / forbids; نهانا = forbade us; نهي = was forbidden when read passively. منهيّ عنه = prohibited; ينتهِ can be a jussive form of انتهى.

Attested spellings and counts

النهي —al-nhy* (120); نهى —nhā* (79); نهي —nhy* (58); نهيه —nhyh* (31); والنهي —wālnhy* (20); نهينا —nhynā* (18); نهاه —nhāh* (17); ونهى —wnhā* (17); بالنهي —mnhy* (15); ينهى —ynhā* (14); نهاية —nhāyh* (13); المنهي —bālnhy* (11); ينه —ynh* (10); نهيتكم —nhytkm* (9); نهيا —nhyā* (8); انتهى —ʾnthā* (7); نهانا —nhānā* (7); نهاهم —nhāhm* (7); —al-mnhy* (7); وينهى —wynhā* (7); منتهى —mnthā* (6); نهاكم —nhākm* (6); نهوا —nhwā* (6); والنواهي —wālnwāhy* (6); بنهي —bnhy* (4); فنهاه —fnhāh* (4); منهيا —mnhyā* (4); ونهانا —wnhānā* (4); انتهاء —ʾnthāʾ* (3); بنهيه —bnhyh* (3); فنهاهم —fnhāhm* (3); نهيت —nhyt* (3); لنهي —lnhy* (2); نهاني —nhāny* (2); ونهي —wnhy* (2); ونهيه —wnhyh* (2); وينهون —wynhwn* (2); ينته —ynth* (2); ينتهوا —ynthwā* (2); أنهاكم —ʾnhākm* (1); انتهوا —ʾnthwā* (1); تنهون —tnhwn* (1); فانتهى —fānthā* (1); فنهانا —fnhānā* (1); فنهوا —fnhwā* (1); فنهى —fnhā* (1); للنهي —llnhy* (1); منهيون —mnhywn* (1); ناه —nāh* (1); نهيتم —nhytm* (1); ونهاه —wnhāh* (1); ونواهيه —wnwāhyh* (1); ينتهي —ynthy* (1); ينهانا —ynhānā* (1); ينهاهم —ynhāhm* (1); ينهها —ynhhā* (1)

Context L2: ... والإحسان وإيتآء ذي القربى وينهى عن الفحشاء والمنكر والبغي يعظكم ...

Context L4: ... رذيلة إلا ارتكاب ما نهى الله تعالى عنه أو نزه ...

[118] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نهي (read dictionary entry).

119. إِرَادَة / أَرَادَ[119]

ʾarāda / ʾirādah

554 occurrences; cumulative coverage 68.75%.

Possible English: want; intend; mean; will

Context: أراد به can mean intended by it or meant by the expression. English want may be too casual in a discussion of intention.

Forms and grammar: أراد / يريد = intended / intends; أردت = I or you intended; أرادت = she intended; إرادة = intention. يريده = intends or wants it.

Attested spellings and counts

أراد —ʾrād* (193); يريد —yryd* (92); المراد —al-mrād* (60); مراد — mrād* (25); أرادوا —ʾrādwā* (23); أردتم —ʾrdtm* (13); إرادة —ʾirādh* (13); وأراد —wʾrād* (13); مراده —mrādh* (12); أريد —ʾryd* (11); يراد — yrād* (11); يريدون —yrydwn* (11); أراده —ʾrādh* (10); تريد —tryd* (10); أردت —ʾrdt* (9); أرادا —ʾrādā* (7); تريدون —trydwn* (6); فأراد —fʾrād* (6); مريد —mryd* (6); أردنا —ʾrdnā* (4); أرادت —ʾrādt* (3); أرد —ʾrd* (3); إرادته —ʾirādth* (2); فأردت —fʾrdt* (2); مريدا —mrydā* (2); وأرادوا — wʾrādwā* (2); يريده —yrydh* (2); أرادها —ʾrādhā* (1); بإرادته —bʾirādth* (1); رواد —rwād* (1)

Context L0: ... معرضون دون أن يجبر مريد حق على إرادته أو يقسر ...

Context L4: ... قال أبو محمد علي أراد بذلك العقل وأما المضغة المسماة ...

120. لَكِنَّ / لَكِنْ[120]

lakin / lakinna

552 occurrences; cumulative coverage 68.89%.

Possible English: but; however

Context: لكن introduces a contrast or qualification. The spelling لكن can also represent لِكُنَّ, for you feminine plural; syntax distinguishes it.

Attested spellings and counts

ولكن —wlkn* (251); لكن —lkn* (137); ولكنه —wlknh* (49); ولكنا — wlknā* (32); لكنه —lknh* (31); لكنا —lknā* (24); ولكنهم —wlknhm* (13); لكنهم —lknhm* (5); ولكنها —wlknhā* (5); ولكنهما —wlknhmā* (2); ولكني — wlkny* (2); لكنها —lknhā* (1)

Context L0: ... إليه أو ندبه إليه لكن كما قال عز وجل وآعلموا ...

Context L2: ... يومكم هذا قالوا بلى ولكن حقت كلمة العذاب على الكافرين ...

[119] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: رود (read dictionary entry).

[120] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: لكن (read dictionary entry).

Forms and grammar: لكنّه / لكنها / لكنهم = but he or it / she or it / they.

Shadda and following syntax distinguish لكنَّ from لكنْ; the particle itself has no tense.

121. أَنْزَلَ / نَزَلَ[121]

nazala / *ʾanzala*

550 occurrences; cumulative coverage 69.02%.

Possible English: descend; alight; reveal; bring down; position

Context: نزل can describe revelation in a Quranic context. بمنزلة means in the position/status of, a related figurative construction.

Forms and grammar: نزل / ينزل = descended / descends; أنزل / ينزل = brought down / brings down with different vowels. منزل / منازل = dwelling(s); منزلة is another place/status noun.

Attested spellings and counts

أنزل —ʾnzl* (123); نزل —nzl* (92); بمنزلة —bmnzlh* (47); نزول —nzwl* (40); ينزل —ynzl* (40); نزلت —nzlt* (33); أنزلنا —ʾnzlnā* (22); النازلة — al-nāzlh* (17); نزلنا —nzlnā* (16); نازلة —nāzlh* (15); تنزل —tnzl* (10); المنزل —al-mnzl* (9); أنزله —ʾnzlh* (8); أنزلت —ʾnzlt* (7); وأنزل —wʾnzl* (7); منزل —mnzl* (6); منزله —mnzlh* (6); فأنزل —fʾnzl* (5); فنزل —fnzl* (5); فنزلت —fnzlt* (5); أنزلها —ʾnzlhā* (4); منازلهم —mnāzlhm* (4); منزلة — mnzlh* (4); النزال —al-nzāl* (3); النزول —al-nzwl* (3); تنزيل —tnzyl* (3); المنازل —al-mnāzl* (2); سينزل —synzl* (2); نزلوا —nzlwā* (2); نزوله — nzwlh* (2); نزولها —nzwlhā* (2); إنزال —ʾinzāl* (1); منازل —mnāzl* (1); منزلا —mnzlā* (1); نازلا —nāzlā* (1); ونزل —wnzl* (1); وينزل —wynzl* (1)

Context L2: ... لله رب العالمين حم تنزيل الكتاب من الله العزيز العليم ...

Context L15: ... ذلك بقوله في كتابه المنزل وما كان المؤمنون لينفروا كآفة ...

122. أَقَلّ / قَلِيل[122]

qalīl / *ʾaqall*

548 occurrences; cumulative coverage 69.16%.

Possible English: little; few; less; least; reduce

Attested spellings and counts

قل —ql* (190); أقل —ʾql* (126); قليلا —qlylā* (59); الأقل —al-ʾql* (40); قليل —qlyl* (28); بأقل —bʾql* (23); وقلة —wqlh* (15); فأقل —fʾql* (9); وأقل —wʾql* (9); القلتين —al-qltyn* (8); القليل —al-qlyl* (8); قلة —qlh* (5); قليلة —qlylh* (5); أقله —ʾqlh* (3); قلوا —qlwā* (3); لقلة —lqlh* (3); وقليل —

[121] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نزل (read dictionary entry).
[122] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قلل (read dictionary entry).

Context: أقل is comparative/superlative, often used for a minimum. قلّ is a verb meaning became little; do not confuse it with قُلْ, say!, from قول.

Forms and grammar: قليل / قليلة agree with a noun; أقل = less or least; قلة = small quantity. قلّ / يقلّ = was little / is little. قليلها = its small amount or her few things according to context.

123. كَذِب / كَذَبَ [123]

kadhaba / kadhib

545 occurrences; cumulative coverage 69.29%.

Possible English: lie; falsehood; deny as false

Context: كذب can concern deliberate lying or an assessment that a statement is false; the precise accusation must be read from the passage. كذّب means declared false or rejected.

Forms and grammar: كذب / يكذب = lied / lies; كاذب / كاذبة show agreement; كذّاب is intensive. كذّب / يكذّب is a different pattern; مكذوب = fabricated or falsely attributed.

wqlyl* (3); قلتين —qltyn* (2); قليله —qlylh* (2); والأقل —wāl'ql* (2); والقليل —wālqlyl* (2); القلة —al-qlh* (1); فالقليل —fālqlyl* (1); وبأقل —wb'ql* (1)

Context L2: ... الآخرة ويرجوا رحمة ربه قل هل يستوي الذين يعلمون والذين ...

Context L4: ... يشهد أن اختيار الشيء القليل في عدده الضعيف في منفعته ...

Attested spellings and counts

كذب —kdhb* (98); الكذب —al-kdhb* (93); كاذب —kādhb* (33); كذبا —kdhbā* (30); وكذب —wkdhb* (26); والكذب —wālkdhb* (21); بالكذب —bālkdhb* (19); أكذب —'kdhb* (16); تكذيب —tkdhyb* (16); الكاذبة —al-kādhbh* (13); كذبهم —kdhbhm* (13); كذبوا —kdhbwā* (13); كذاب —kdhāb* (12); أكذبهم —'kdhbhm* (11); الكاذب —al-kādhb* (11); كاذبة —kādhbh* (11); يكذب —ykdhb* (11); كذبتم —kdhbtm* (10); كذبت —kdhbt* (9); كاذبا —kādhbā* (7); كذبة —kdhbh* (7); مكذوب —mkdhwb* (7); وأكذبهم —al-kādhbyn* (4); الكاذبين —llkdhb* (6); للكذب —kdhbh* (5); كذبه —w'kdhbhm* (4); وكذبوا —wkdhbwā* (4); يكذبون —ykdhbwn* (4); بتكذيب —btkdhyb* (3); بكذب —bkdhb* (3); كاذبان —kādhbān* (3); كاذبين —kādhbyn* (3); مكذوبة —mkdhwbh* (3); يكذبه —ykdhbh* (3); فكذب —fkdhb* (2); فيكذب —fykdhb* (2); كاذبون —kādhbwn* (2); نكذب —nkdhb* (2); الكذاب —al-kdhāb* (1); الكذبة —al-kdhbh* (1); المكذوب —al-mkdhwb* (1); المكذوبة —al-mkdhwbh* (1); ويكذب —wykdhb* (1)

Context L0: ... قال عز وجل والذين كذبوا بآياتنا صم وبكم في الظلمات ...

Context L2: ... يغررك تقلبهم في البلاد كذبت قبلهم قوم نوح والأحزاب من ...

[123] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: كذب (read dictionary entry).

124. مُبَاح / إِبَاحَة[124]

ʾibāḥah / mubāḥ

539 occurrences; cumulative coverage 69.42%.

Possible English: permission; permissibility; allow; permissible

Context: مباح denotes what is permitted in the relevant ruling. It is distinct from the author's claim that a report or contract is sound, even if both are positive evaluations.

Forms and grammar: أباح / يبيح = permitted / permits; إباحة is its verbal noun; مباح / مباحة agree with the described noun. يبح is a jussive form after a suitable particle.

Attested spellings and counts

إباحة —ʾibāḥh* (146); مباح —mbāḥ* (54); أباح —ʾbāḥ* (42); الإباحة — al-ʾibāḥh* (38); أبيح —ʾbyḥ* (28); مباحا —mbāḥā* (21); يبيح —ybyḥ* (17); بإباحته —ʾibāḥth* (15); المباح —al-mbāḥ* (14); أباحه —ʾbāḥh* (12); يبح — ybḥ* (10); مبيحا —mbyḥā* (9); فأباح —fʾbāḥ* (7); ومباح —wmbāḥ* (7); استباحة —ʾstbāḥh* (6); وأباح —wʾbāḥ* (6); وإباحة —wʾibāḥh* (6); والإباحة —wālʾibāḥh* (6); أباحوا —ʾbāḥwā* (5); المبيح —al-mbyḥ* (5); مباحة — mbāḥh* (5); يبيحون —ybyḥwn* (5); أبيحت —ʾbyḥt* (4); فأباحوا —fʾbāḥwā* (4); لإباحة —fmbāḥ* (3); المباحة —al-mbāḥh* (3); بإباحته —bʾibāḥth* (3); يبيحوا —ybyḥwā* (3); إباحتهم —ʾibāḥthm* (2); بإباحتها — lʾibāḥh* (3); وإباحتهم —wʾibāḥthm* (2); وبيبيحون — bʾibāḥthā* (2); للإباحة —llʾibāḥh* (2); أباحها —ʾbāḥhā* (1); إباحتها — wybyḥwn* (2); أباحت —ʾbāḥt* (1); وأباحه — ʾibāḥthā* (1); بمبيح —bmbyḥ* (1); مباحان —mbāḥān* (1); يباح — wʾbāḥh* (1); وإباحته —wʾibāḥth* (1); وإباحتها —wʾibāḥthā* (1); يبيحه —ybyḥh* (1)

Context L16: ... ربنا عز وجل ونهيه وإباحته لا مبلغ إلينا شيئا عن ...

Context L19: ... العقل على الحظر أو الإباحة أو لا على واحد منها ...

[124] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بوح (read dictionary entry).

125. عَقْل / عَاقِلَة[125]

ʿaql / ʿāqilah

536 occurrences; cumulative coverage 69.55%.

Possible English: reason; understand; blood money; compensation-bearing kin group

Context: العاقلة is a specific legal compensation-bearing group. It is not simply a feminine adjective meaning intelligent in every occurrence.

Forms and grammar: عقل / يعقل = understood / understands; عاقل / عاقلة show agreement in ordinary adjective use. عقول = intellects; العاقلة has its legal lexical use.

Attested spellings and counts

العقل —al-ʿql* (180); عقل —ʿql* (126); العقول —al-ʿqwl* (41); يعقل —yʿql* (27); المعقول —al-mʿqwl* (15); بالعقل —bālʿql* (15); عقله —ʿqlh* (15); والعقل —wālʿql* (15); عقيل —ʿqyl* (13); العاقلة —al-ʿāqlh* (12); عقال —ʿqāl* (9); عقولهم —ʿqwlhm* (9); يعقلون —yʿqlwn* (8); بعقله —bʿqlh* (6); عاقل —ʿāql* (6); عاقلا —ʿāqlā* (5); عقلا —ʿqlā* (5); العاقل —al-ʿāql* (4); تعقل —tʿql* (4); العقلاء —al-ʿqlāʾ* (3); عقلوا —ʿqlwā* (3); وعقل —wʿql* (3); وعقله —wʿqlh* (3); عقلها —ʿqlhā* (2); بالعاقلة —bālʿāqlh* (1); عاقلته —ʿāqlth* (1); عقول —wʿql* (1); معقل —mʿql* (1); معقول —mʿqwl* (1); ويعقل —wyʿql* (1); يعقلوا —yʿqlwā* (1)

Context L4: ... ومنها قوة العقل التي تعين النفس المميزة على ...

Context L9: ... أفضل ما عاناه المرء العاقل بيان ما يرجو به هدى ...

126. اتِّبَاع / تَبِعَ[126]

tabiʿa / ʾttibāʿ

532 occurrences; cumulative coverage 69.68%.

Possible English: follow; adhere to; successor; following

Context: اتباع can mean adherence to evidence or a person. التابعون names a historical generation in a technical use; it is not just any plural group of followers.

Forms and grammar: تبع / يتبع = followed / follows; اتبع / يتبع is a different pattern. تابع / تابعون / تابعين show singular/plural/case; متتابع = successive or consecutive.

Attested spellings and counts

اتباع —ʾtbāʿ* (77); التابعين —al-tābʿyn* (70); باتباع —bātbāʿ* (32); يتبعون —ytbʿwn* (32); اتباعه —ʾtbāʿh* (28); يتبع —ytbʿ* (25); اتبع —ʾtbʿ* (23); نتبع —ttbʿ* (21); تابع —tābʿ* (18); نتبعوا —ttbʿwā* (17); والتابعين —wāltābʿyn* (17); متتابعين —mttābʿyn* (16); اتباعا —ʾtbāʿā* (15); تبع —tbʿ* (15); أتبع —ʾtbʿ* (13); باتباعه —bātbāʿh* (13); نتبعه —ttbʿh* (12); نتبع —ntbʿ* (8); اتباعهم —ʾtbāʿhm* (7); التابعون —al-tābʿwn* (7); واتباع —wātbāʿ* (7); تابعي —tābʿy* (6); والتابعون —wāltābʿwn* (6); اتباعها —ʾtbāʿhā* (5); ويتبع —wytbʿ* (5); اتبعه —ʾtbʿh* (4); اتبعوا —ʾtbʿwā* (4); باتباعهم —bātbāʿhm* (3); متبعا —mtbʿā* (3); متبعين —mtbʿyn* (3); اتبعنا —ʾtbʿnā* (2); التتابع —al-ttābʿ* (2); تبعا —tbʿā* (2);

[125] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عقل (read dictionary entry).
[126] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: تبع (read dictionary entry).

تبيع —tbyʿ* (2); فاتباع —fātbāʿ* (2); وتابع —wtābʿ* (2); أتباع —ʾtbāʿ* (1); فنتبعه —fntbʿh* (1); واتبعوا —wātbʿwā* (1); وأتباعه —wʾtbāʿh* (1); يتبعه —ytbʿh* (1)

Context L2: ... فالله أولى بهما فلا تتبعوا الهوى أن تعدلوا وإن تلووا ...

Context L4: ... للعصبية وحمية الجاهلية فمن اتبع ما أناره له العقل الصحيح ...

127. رَحِم / رَحْمَن / رَحْمَة[127]

raḥmah / raḥmān / raḥim

519 occurrences; cumulative coverage 69.81%.

Possible English: mercy; compassion; womb; kinship; the Merciful

Context: الرحمن is a divine name and also part of ʿAbd al-Raḥmān. رحمه الله is a prayer, may God have mercy on him. الرحم can concern blood kinship.

Forms and grammar: رحم / يرحم = had mercy / has mercy; رحمه = had mercy on him when read as a verb. رحمة is a noun; أرحام is a plural related to wombs/kinship.

Attested spellings and counts

الرحمن —al-raḥmān* (242); رحيم —rḥym* (90); رحمه —rḥmh* (42); رحيما —rḥymā* (39); رحمة —rḥmh* (25); ورحمته —wrḥmth* (18); والرحمة —wālrḥmh* (14); ورحمة —wrḥmh* (14); رحم —rḥm* (14); الأرحام —al-ʾrḥām* (3); الرحمة —al-rḥmh* (3); رحمته —rḥmth* (3); الرحم —al-rḥm* (2); رحماء —rḥmāʾ* (1); مرحوم —mrḥwm* (1); يرحم —yrḥm* (1)

Context L0: ... محمد علي بن أحمد رحمة الله عليه ورضوانه الحمد لله ...

Context L2: ... وقآئما يحذر الآخرة ويرجوا رحمة ربه قل هل يستوي الذين ...

128. رِجْل / رِجَال / رَجُل[128]

rajul / rijāl / rijl

510 occurrences; cumulative coverage 69.94%.

Possible English: man; men; male person; foot

Attested spellings and counts

رجل —rjl* (124); الرجال —al-rjl* (85); رجالا —al-rjāl* (74); رجلا —rjlā* (53); رجال —rjāl* (19); رجلين —rjlyn* (19); الرجلين —al-rjlyn* (18); ورجل —wrjl* (17); رجالا —rjālā* (14); رجالكم —rjālkm* (12); فرجل —frjl* (11); والرجل —wālrjl* (8); رجلان —rjlān* (7); لرجل —lrjl* (7); برجل —

[127] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: رحم (read dictionary entry).

[128] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: رجل (read dictionary entry).

Context: رَجُل is a man; رِجْل is a foot/leg. Unvowelled رجل can represent either. Gender distinctions in a legal passage require the surrounding wording.

Forms and grammar: رجل / رجال = man / men; رجلان / رجلين are dual case forms. رِجل / أرجل are a separate noun and its plural; رجليه = his two feet/legs.

brjl* (5); وأرجلكم —w’rjlkm* (5); الرجلان —al-rjlān* (4); للرجال —llrjāl* (4); بالرجل —bālrjl* (3); رجليه —rjlyh* (3); وأرجلهم —w’rjlhm* (3); بأرجلهن — b’rjlhn* (2); للرجل —llrjl* (2); والرجال —wālrjāl* (2); بالرجال —bālrjāl* (1); راجلا —rājlā* (1); رجله —rjlh* (1); رجلها —rjlhā* (1); رجلي —rjly* (1); والرجلين —wālrjlyn* (1); ورجال —wrjāl* (1); ورجله —wrjlh* (1); ورجليه — wrjlyh* (1)

Context L4: ... بعض السلف الصالح ترى الرجل لبيبا داهيا فطنا ولا عقل ...

Context L9: ... من هدى الله به رجلا واحدا فهو خير له من ...

129. رِضًا / رَضِيَ[129]

raḍiya / riḍan

501 occurrences; cumulative coverage 70.06%.

Possible English: be pleased; approve; consent; satisfaction

Context: رضي الله عنه is a prayer, may God be pleased with him. رضا in a transaction concerns consent. Those uses call for different English phrasing.

Forms and grammar: رضي / يرضى = was pleased / is pleased; رضيت = I or you consented; تراضيا = the two mutually agreed. تراض / التراضي are verbal-noun forms; final weak letters can change or disappear.

Attested spellings and counts

ترضون —wrḍwānā* (13); ورضوانا —rḍwān* (42); رضوان —rḍy* (366); رضي —trḍwn* (10); تراض —trāḍ* (9); يرضى —yrḍā* (9); الرضا —al-rḍā* (7); يرض —yrḍ* (6); نرضى —nrḍā* (4); راض —rāḍ* (3); رضا —rḍā* (3); رضيت — rḍyt* (3); رضيه —rḍyh* (3); ورضي —wrḍy* (3); تراضى —trāḍā* (2); فرضي —frḍy* (2); يرضه —yrḍh* (2); التراضي —al-trāḍy* (1); المرضى —al-mrḍā* (1); بتراض —btrāḍ* (1); بتراضيهما —btrāḍyhmā* (1); برضا —brḍā* (1); برضاهما — brḍāhmā* (1); تراضوا —trāḍwā* (1); تراضيا —trāḍyā* (1); راضية —rāḍyh* (1); يتراضيا — ytrāḍyā* (1); رضاها —rḍāhā* (1); رضاهما —rḍāhmā* (1); رضيها —rḍyhā* (1); يرضوا —yrḍwā* (1)

Context L21: ... في الخلاف بعد الصحابة رضي الله عنهم الباب التاسع والعشرون ...

Context L54: ... الحرة ويوم قتل عثمان رضي الله عنه ويوم قتل الحسين ...

[129] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: رضي (read dictionary entry).

130. بَلَغَ[130]

balagha

500 occurrences; cumulative coverage 70.18%.

Possible English: reach; attain; amount to; be informed; maturity

Context: بلغني introduces something that reached the author. بلغ can instead concern age, a quantity or reaching a destination.

Forms and grammar: بلغ / يبلغ = reached / reaches; بلغت = I, you or she according to vowels; بلّغ = conveyed. بالغ / بالغة show agreement; بلوغ is the verbal noun.

Attested spellings and counts

بلغه —blghh* (92); يبلغ —yblgh* (82); يبلغه —yblghh* (68); بلغ —blgh* (51); بلوغ —blwgh* (17); بلغت —blght* (16); بالغ —bālgh* (14); بلغهم —blghhm* (13); بلغن —blghn* (11); مبلغ —mblgh* (11); البلوغ —al-blwgh* (10); بلغنا —blghnā* (10); فبلغ —fblgh* (10); بلوغه —blwghh* (8); تبلغ —tblgh* (8); مبلغا —mblghā* (8); وبلغ —wblgh* (8); بلغته —blghth* (7); يبلغنا —yblghnā* (7); تبلغه —tblghh* (6); بلغني —blghny* (5); بلغوا —blghwā* (5); البالغة —al-bālghh* (4); المبلغ —al-mblgh* (4); أبلغ —ʾblgh* (3); البالغين —al-bālghyn* (3); بلغها —blghhā* (3); فبلغه —fblghh* (3); يبلغوا —yblghwā* (3); البالغ —al-bālgh* (2); المبالغة —al-mbālghh* (2); وبلغني —wblghny* (2); بالغا —bālghā* (1); بلغك —blghk* (1); ليبلغ —lyblgh* (1); يبلغني —yblghny* (1)

Context L16: ... عليه وسلم فهو الذي يبلغ إلينا أمر ربنا عز وجل ...

Context L18: ... الدين أصلا وما لم يبلغه إلينا أولو الأمر منا عن ...

131. دُون[131]

dūn

500 occurrences; cumulative coverage 70.30%.

Possible English: below; short of; other than; without; excluding

Context: دون can set a lower bound or exclude something else. من دون can mean apart from or instead of. It is not invariably a physical below.

Attested spellings and counts

دون —dwn* (393); دونه —dwnh* (46); ديواننا —dywānnā* (13); ودون —wdwn* (11); دونهم —dwnhm* (9); دونهما —dwnhmā* (9); دونها —dwnhā* (8); ديوان —dywān* (7); الديوان —al-dywān* (4)

Context L0: ... وهم عن آياتها معرضون دون أن يجبر مريد حق على ...

Context L30: ... فإن كلامنا في هذا الديوان إنما هو مع أهل ملتنا ...

[130]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بلغ (read dictionary entry).

[131]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: دون (read dictionary entry).

Forms and grammar: دونه / دونها / دونهم change the referent. بدون is a lexicalized combination meaning without. ديوان is a different noun, register or administrative record, not a suffix form of دون.

132. بَلْ[132]

bal

499 occurrences; cumulative coverage 70.42%.

Possible English: rather; instead; indeed

Context: بل corrects, replaces or develops the preceding statement. It can shift the argument without denying every word of the prior clause.

Forms and grammar: بل is indeclinable and has no person or tense forms. Distinguish it from بَلَّ, wetted, when vowels and syntax show a verb.

Attested spellings and counts

بل —bl* (499)

Context L4: ... معصية فليس ذلك عقلا بل هو سخف وحمق ونقص شديد ...

Context L30: ... ذلك فليست حجة عقل بل العقل يبطلها فسقط ما ظنوا ...

133. نَسْخ / نَسَخَ[133]

nasakha / naskh

493 occurrences; cumulative coverage 70.55%.

Possible English: abrogate; copy; abrogation

Context: In legal reasoning نسخ means abrogation, not merely copying a manuscript; the author defines its conditions.

Forms and grammar: نسخ / ينسخ = abrogated / abrogates; ناسخ = abrogating; منسوخ = abrogated; النسخ is the verbal noun.

Attested spellings and counts

نسخ —nskh* (164); النسخ —al-nskh* (96); منسوخ —mnswkh* (57); الناسخ —al-nāskh* (50); المنسوخ —al-mnswkh* (49); ينسخ —ynskh* (35); نسخت —nskht* (14); ناسخ —nāskh* (11); ونسخ —wnskh* (10); ناسخة —nāskhh* (7)

Context L21: ... الباب الموفي عشرين في النسخ الباب الحادي والعشرون في المتشابه ...

Context L41: ... ولم يقم لنا بيان الناسخ من المنسوخ فيها فقط أو ...

[132] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بلل (read dictionary entry).

[133] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نسخ (read dictionary entry).

134. أَصْل[134]

ʾaṣl

490 occurrences; cumulative coverage 70.67%.

Possible English: basis; foundation; origin; root; at all in a negative construction

Context: أصل can identify the basis of an argument. لا … أصلا often means not … at all. The word need not name a formal discipline every time it occurs.

Forms and grammar: أصل / أصول = foundation or origin / foundations or principles; أصله = its basis; أصلي = original or basic. أصلا is commonly accusative/adverbial.

Attested spellings and counts

أصلا —ʾṣlā* (335); الأصل —al-ʾṣl* (78); أصل —ʾṣl* (51); والأصل — wāl’ṣl* (12); أصول —ʾṣwl* (8); أصلها —ʾṣlhā* (3); أصولا —ʾṣwlā* (1); أصوله — ʾṣwlh* (1); الأصلين —al-ʾṣlyn* (1)

Context L12: … وجل فكان ذلك الكتاب أصلا لمعرفة علامات الحق من الباطل …

Context L17: … من عند أنفسهم شيئا أصلا لكن عن النبي عليه السلام …

135. يَقِين[135]

yaqīn

489 occurrences; cumulative coverage 70.79%.

Possible English: certainty; be certain; ascertain

Context: بيقين means with certainty, contrasted with doubt or conjecture. The author’s certainty claim must be distinguished from its reader’s assessment.

Forms and grammar: يوقن / أيقن = became certain / is certain; يتيقن / تيقن is another pattern. يقينا is an accusative/adverbial form; متيقن = certain or ascertained according to vowels.

Attested spellings and counts

يقينا —yqynā* (111); بيقين —byqyn* (98); يقين —yqyn* (52); أيقنا — ʾyqnā* (33); المتيقن —al-mtyqn* (31); متيقن —mtyqn* (30); اليقين — al-yqyn* (27); تيقنا —tyqnā* (26); تيقن —tyqn* (17); يوقن —ywqn* (13); أيقن —ʾyqn* (8); متيقنا —mtyqnā* (8); نوقن —nwqn* (6); يتيقن —ytyqn* (6); واليقين —wālyqyn* (4); باليقين —bālyqyn* (3); موقن —mwqn* (3); موقنون — mwqnwn* (3); وباليقين —wbālyqyn* (3); وبيقين —wbyqyn* (3); تيقنت — tyqnt* (2); توقن —twqn* (1); وأيقن —wʾyqn* (1)

Context L8: … وإذ قد تيقنا أن الدنيا ليست دار قرار …

Context L9: … إلى بيان الحق ونور اليقين فقد أخبر رسول الله صلى …

[134] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أصل (read dictionary entry).
[135] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: يقن (read dictionary entry).

136. بُرْهَان[136]

burhān

487 occurrences; cumulative coverage 70.90%.

Possible English: proof; demonstration; decisive evidence

Context: برهان is an argument or evidence presented as establishing a claim. Whether the proof succeeds is the author's argumentative judgment, not something guaranteed by the noun.

Forms and grammar: برهان / براهين = proof / proofs; برهانكم = your proof, plural addressee. برهن / يبرهن is a related verb formation. وبُرهان attaches and to the noun.

Attested spellings and counts

وبرهان —brhān* (182); البرهان —al-brhān* (99); ببرهان —bbrhān* (41); برهانكم —wbrhān* (41); البراهين —al-brāhyn* (32); بالبرهان —bālbrhān* (19); والبرهان —brhānkm* (19); بالبراهين —bālbrāhyn* (15); برهانا —brhānā* (13); برهانه —brhānh* (4); برهاننا —wālbrhān* (13); براهين —brāhyn* (7); وبرهاننا —wbrhānnā* (1); brhānnā* (1)

Context L4: ... ضعيف العقل فاسد التمييز وبرهان ذلك أن كل تمييز في ...

Context L11: ... المعتقد والعامل بما عضده البرهان ...

137. ثُلُث / ثَلَاثَة[137]

thalāthah / *thuluth*

484 occurrences; cumulative coverage 71.02%.

Possible English: three; third; one-third

Context: ثلاثة counts items; الثلث names a fraction, often in inheritance or bequests. الثالث marks ordinal order. These are distinct numeral formations.

Forms and grammar: ثلاث / ثلاثة vary with the counted noun's grammatical gender; ثالث / ثالثة are ordinal. ثلث / ثلثان / ثلثين show fraction singular and dual; ثلاثا is an accusative form.

Attested spellings and counts

ثلاثة —thlāthh* (117); ثلاثا —thlāthā* (47); ثلاث —thlāth* (44); الثلث —al-thlth* (43); ثالث —thālth* (41); الثالث —al-thālth* (30); الثلاثة —al-thlāthh* (20); وثلاثين —wthlāthyn* (16); ثلث —thlth* (14); ثلاثين —thlāthyn* (13); وثلاث —wthlāth* (11); والثالث —wālthālth* (9); بثلاث —bthlāth* (7); بثلاثة —bthlāthh* (7); وثلاثة —wthlāthh* (7); والثلاثة —wālthlāthh* (6); ثلثا —thlthā* (5); الثلاث —al-thlāth* (4); بالثلث —bālthlth* (4); ثلاثمائة —thlāthmā'h* (4); والثالثة —wālthālthh* (4); وثالثها —wthālthhā* (4); الثلثين —al-thlthyn* (3); ثالثة —thālthh* (3); الثلاثين —al-thlāthyn* (2); ثلاثون —thlāthwn* (2); ثلثها —thlthhā* (2); وثلثا —wthlthā* (2); الثالثة —al-thālthh* (1); الثلثان —al-thlthān* (1); بثالث —bthālth* (1); بثلاثين —bthlāthyn* (1); ثالثا —thālthā* (1); ثلاثتهم —thlāththm* (1); ثلثه —thlthh* (1); ثلثي —thlthy* (1); فالثلثان —fālthlthān* (1); والثلاث —wālthlāth* (1); والثلث —wālthlth* (1); وثالث —wthālth* (1); وثلاثون —wthlāthwn* (1)

[136] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: برهن (read dictionary entry).
[137] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ثلث (read dictionary entry).

Context L19: ... أبواب هذا الكتاب الباب الثالث في إثبات حجج العقل وبيان ...

Context L20: ... الندب أو التراخي الباب الثالث عشر في حملها على العموم ...

138. خَيْر / خِيَار[138]

khayr / *khiyār*

482 occurrences; cumulative coverage 71.14%.

Possible English: good; better; best; choice; option

Context: خير can be good or a comparative. الخيار in a sale may be an option to uphold or rescind a transaction, not just a general preference.

Forms and grammar: خير / خيرا have noun/adjectival and case uses; اختار / يختار = chose / chooses; مخيّر = given a choice. تخيير and اختيار are distinct verbal nouns.

Attested spellings and counts

خير —khyr* (184); خيرا —khyrā* (66); الخير —al-khyr* (42); التخيير — al-tkhyyr* (26); بخير —bkhyr* (21); الاختيار —al-ākhtyār* (19); تخيير —tkhyyr* (12); اختيار —ʾkhtyār* (9); الخيار —al-khyār* (8); اختاري —ʾkhtāry* (7); يختار —ykhtār* (7); المختار —al-mkhtār* (6); بالخيار — bālkhyār* (6); خيار —khyār* (5); خيرة —khyrh* (5); لخير —lkhyr* (5); مخير —mkhyr* (5); اختار —ʾkhtār* (4); بتخيير —btkhyyr* (4); اخترت —ʾkhtrt* (3); فاختار —fākhtār* (3); واختار —wākhtār* (3); والخير —wālkhyr* (3); تخيرت — tkhyrt* (2); خيرت —khyrt* (2); خيرتين —khyrtyn* (2); مختارا —mkhtārā* (2); والتخيير —wāltkhyyr* (2); وخير —wkhyr* (2); اختيارنا —ʾkhtyārnā* (1); اختياره —ʾkhtyārh* (1); الخيرة —al-khyrh* (1); المختارة —al-mkhtārh* (1); باختيار —bākhtyār* (1); بالتخيير —bāltkhyyr* (1); بالخير —bālkhyr* (1); تختار —tkhtār* (1); تخيرنا —tkhyrnā* (1); تخييره —tkhyyrh* (1); تخييرها — tkhyyrhā* (1); خيره —khyrh* (1); خيرها —khyrhā* (1); فخير —fkhyr* (1); مختار —mkhtār* (1); مخيرا —mkhyrā* (1); نختار —nkhtār* (1)

Context L2: ... ذآئقة الموت ونبلوكم بالشر والخير فتنة وإلينا ترجعون فالفاضل يسر ...

Context L4: ... وحمق ونقص شديد وسوء اختيار وقائد إلى الهلاك في دار ...

[138] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: خير (read dictionary entry).

139. حَدّ / حُدُود[139]

ḥadd / ḥudūd

481 occurrences; cumulative coverage 71.26%.

Possible English: boundary; limit; prescribed punishment; define

Context: حد can be a limit or a legally prescribed punishment. حدود الله can denote divine limits more broadly; do not automatically replace every حدود with criminal penalties.

Forms and grammar: حد / حدود = limit / limits; حدّه = its limit or he imposed a punishment on him depending on vowels. تحديد is delimitation; محدود is bounded or defined.

Attested spellings and counts

حد —ḥd* (109); حدود —ḥdwd* (107); الحدود —al-ḥdwd* (41); الحد —al-ḥd* (32); حدا —ḥdā* (32); محدود —mḥdwd* (30); حدوده —ḥdwdh* (12); حده —ḥdh* (11); يحد —yḥd* (11); لحدود —lḥdwd* (8); وحد —wḥd* (8); حديد —ḥdyd* (7); محدودة —mḥdwdh* (6); المحدود —al-mḥdwd* (5); حدوا —ḥdwā* (5); الحديد —al-ḥdyd* (4); بحد —bḥd* (4); تحديد —tḥdyd* (4); حديدا —ḥdydā* (4); والحدود —wālḥdwd* (4); بالحدود —bālḥdwd* (3); كحد —kḥd* (3); محدودا —mḥdwdā* (3); والحد —wālḥd* (3); الإحداد —al-ʾiḥdād* (2); بتحديد —btḥdyd* (2); حدودا —ḥdwdā* (2); حدودها —ḥdwdhā* (2); فالحد —fālḥd* (2); فحد —fḥd* (2); والحديد —wālḥdyd* (2); التحديد —al-tḥdyd* (1); الحدين —al-ḥdyn* (1); تحد —tḥd* (1); تحديده —tḥdydh* (1); حادت —ḥād* (1); حدهما —ḥdhmā* (1); لحد —lḥd* (1); للحد —llḥd* (1); يحدوا —yḥdwā* (1); يحدون —yḥdwn* (1)

Context L66: ... الموجودة في العالم وعرفوا حدودها واتفاقها واختلافها وطبائعها ... وبالضرورة نعلم ...

Context L82: ... فنقول وبالله تعالى نتأيد الحد هو لفظ وجيز يدل على ...

140. أَيّ[140]

ʾayy

480 occurrences; cumulative coverage 71.38%.

Possible English: which; whichever; any

Context: أي can ask which or introduce a generalized choice. أيها in an address such as يا أيها has a special construction; it is not simply which one.

Attested spellings and counts

أي —ʾy* (138); يأيها —yʾyhā* (112); أيها —ʾyhā* (104); فأي —fʾy* (39); وأي —wʾy* (24); بأي —bʾy* (17); فبأي —fbʾy* (12); أيهما —ʾyhmā* (11); فلأي —flʾy* (5); وبأي —wbʾy* (5); أيهم —ʾyhm* (4); وأيكم —wʾykm* (3); فأيها —fʾyhā* (2); أيكم —ʾykm* (1); فأيهما —fʾyhmā* (1); لأي —lʾy* (1); وأيها —wʾyhā* (1)

Context L2: ... تذكرون وقال تعالى يا أيها الذين آمنوا كونوا قوامين بالقسط ...

[139] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حدد (read dictionary entry).

[140] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أيا (read dictionary entry).

Forms and grammar: أيّ / أيّة have gendered uses; أيهما = which of the two; أيهم = which of them. بأي / لأي attach by/with or to/for; endings follow the phrase's syntax.

141. أَخْرَجَ / خَرَجَ[141]

kharaja / ʾakhraja

479 occurrences; cumulative coverage 71.49%.

Possible English: go out; leave; issue; take out; produce

Context: خرج is intransitive went out; أخرج commonly means brought or took out. خروج from a rule can be figurative exclusion.

Forms and grammar: خرج / يخرج = went out / goes out; خرجت = I, you or she went out depending on vowels. أخرج / يخرج and إخراج belong to a different pattern; خارج is a participial/adjectival form.

Context L15: ... إلينا اللازمة لنا يا أيها الذين آمنوا أطيعوا الله وأطيعوا ...

Attested spellings and counts

يخرج —ykhrj* (67); خرج —khrj* (64); خروج —khrwj* (32); أخرج —ʾkhrj* (26); نخرج —fkhrj* (21); إخراج —ʾikhrāj* (17); خارج —khārj* (15); الخروج —al-khrwj* (11); تخرجوهن —tkhrjwhn* (11); مخرج —mkhrj* (11); يخرجن —ykhrjn* (11); خارجة —khārjh* (10); مخرجا —mkhrjā* (10); إخراجه —ʾikhrājh* (9); تخرج —tkhrj* (9); أخرجت —ʾkhrjt* (8); أخرجه —ʾkhrjh* (8); نخرج —nkhrj* (8); وخرج —wkhrj* (8); يخرجوا —ykhrjwā* (8); الخراج —al-khrāj* (7); والخوارج —wālkhwārj* (7); خرجت —khrjt* (7); خرجوا —khrjwā* (6); فيخرج —fykhrj* (6); والخروج —wālkhrwj* (6); الخارجون —al-khārjwn* (5); يخرجون —ykhrjwn* (5); بإخراج —bʾikhrāj* (5); خارجا —khārjā* (4); خرجنا —khrjnā* (4); خروجه —khrwjh* (4); أخرجوا —ʾkhrjwā* (3); الخارج —al-khārj* (3); المخرجة —al-mkhrjh* (3); بمخرج —bmkhrj* (3); ويخرج —wykhrj* (3); يستخرج —ystkhrj* (3); الخارجة —al-khārjh* (2); المخرج —al-mkhrj* (2); بإخراجه —bʾikhrājh* (2); بالخروج —bālkhrwj* (2); خراج —khrāj* (2); خرجن —khrjn* (2); وأخرج —wʾkhrj* (2); يخرجه —ykhrjh* (2); يخرجها —ykhrjhā* (2); إخراجها —ʾikhrājhā* (1); إخراجهم —ʾikhrājhm* (1); المخرجين —al-mkhrjyn* (1); بإخراجها —bʾikhrājhā* (1); بخروجه —bkhrwjh* (1); فأخرجوا —fʾkhrjwā* (1); للخروج —llkhrwj* (1); ليخرج —lykhrj* (1); ليخرجن —lykhrjn* (1); مخرجه —mkhrjh* (1); وأخرجه —wʾkhrjh* (1); وخارج —wkhārj* (1); وخارجة —wkhārjh* (1)

[141] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: خرج (read dictionary entry).

142. عَمّ / عُمُوم[142]

ʿumūm / ʿamm

473 occurrences; cumulative coverage 71.61%.

Possible English: generality; general; paternal uncle; turban in another noun

Context: عموم concerns a statement's scope. عمّ is a paternal uncle; عمامة is a turban. Distinguish these lexical uses from the topic.

Forms and grammar: عام / عامة show agreement in the general sense; عم / أعمام = paternal uncle(s); عمّ / يعمّ = encompassed / encompasses. عموم is an abstract noun.

Context L18: ... ليس منه كذلك فلا يخرج البتة الخطأ في أحكام الديانة ...

Context L57: ... أمر لم يفعله وهو خروج الناس من الجنة وإنما هو ...

Attested spellings and counts

العموم —al-ʿmwm* (95); عام —ʿām* (69); عموم —ʿmwm* (68); عمومه —ʿmwmh* (47); العامي —al-ʿāmy* (18); بالعموم —bālʿmwm* (18); عموما —ʿmwmā* (17); عمومها —ʿmwmhā* (17); بعموم —bʿmwm* (16); العامة —al-ʿāmh* (11); العمامة —al-ʿmāmh* (11); عم —ʿm* (10); وعمتها —wʿmthā* (9); عامة —ʿāmh* (7); الأعم —al-ʾʿm* (5); عمك —ʿmk* (5); عمه —ʿmh* (5); فعم —fʿm* (5); لعموم —lʿmwm* (5); أعم —ʾʿm* (4); العم —al-ʿm* (4); والعمة —wālʿmh* (3); يعم —yʿm* (3); الأعمام —al-ʾʿmām* (2); عامها —ʿāmhā* (2); وعامتهم —wʿāmthm* (2); وعم —wʿm* (2); العمة —al-ʿmh* (1); العمي —al-ʿmy* (1); بعمومها —bʿmwmhā* (1); عمامته —ʿmāmth* (1); عمة —ʿmh* (1); عمته —ʿmth* (1); عمهم —ʿmhm* (1); عمهما —ʿmhmā* (1); عمومهما —ʿmwmhmā* (1); عمي —ʿmy* (1); والعمات —wālʿmāt* (1); والعمامة —wālʿmāmh* (1); وعموم —wʿmwm* (1)

Context L0: ... الذي امتن علينا بنعم عامة وخاصة فعم النوع الآدمي بأن ...

Context L4: ... دنياه بين سكناه مائة عام في قصر أنيق واسع ذي ...

[142] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عمم (read dictionary entry).

143. سَقَطَ / إِسْقَاط[143]

saqaṭa / ʾisqāṭ

472 occurrences; cumulative coverage 71.72%.

Possible English: fall; lapse; be dropped; cancel; omission

Context: سقط can concern a claim or obligation lapsing, not only a physical fall. أسقط makes something lapse or removes it.

Forms and grammar: سقط / يسقط = fell or lapsed / falls or lapses; سقطت = she or it fell. إسقاط is the causative verbal noun; ساقط / ساقطة agree in gender; مسقط is another derivation.

Attested spellings and counts

سقط —sqṭ* (60); يسقط —ysqṭ* (48); ساقط —sāqṭ* (44); سقوط —sqwṭ* (43); إسقاط —ʾisqāṭ* (42); فسقط —fsqṭ* (27); ساقطة —sāqṭh* (23); أسقط —ʾsqṭ* (14); مسقطا —msqṭā* (12); وسقط —wsqṭ* (11); الساقط —al-sāqṭ* (8); وأسقط —wʾsqṭ* (8); بإسقاط —bʾisqāṭ* (6); سقطت —sqṭt* (6); سقوطا — sqwṭā* (6); سقوطه —sqwṭh* (6); سقوطها —sqwṭhā* (6); فأسقط —fʾsqṭ* (6); لسقوط —lsqwṭ* (6); والسقوط —wālsqwṭ* (5); أسقطنا —ʾsqṭnā* (4); تسقط — tsqṭ* (4); مسقط —msqṭ* (4); وإسقاط —wʾisqāṭ* (4); ويسقط —wysqṭ* (4); أسقطها —ʾsqṭhā* (3); إسقاطه —ʾisqāṭh* (3); السقوط —al-sqwṭ* (3); ساقطا — sāqṭā* (3); فساقط —fsāqṭ* (3); فيسقط —fysqṭ* (3); وسقطت —wsqṭt* (3); وسقوط —wsqwṭ* (3); يسقطوا —ysqṭwā* (3); يسقطون —ysqṭwn* (3); أسقطه —ʾsqṭh* (2); إسقاطها —ʾisqāṭhā* (2); الساقطة —al-sāqṭh* (2); بإسقاطه — bʾisqāṭh* (2); بسقوط —bsqwṭ* (2); ساقطان —sāqṭān* (2); فسقطت — fsqṭt* (2); مسقطة —msqṭh* (2); وأسقطها —wʾsqṭhā* (2); وأسقطوا — wʾsqṭwā* (2); يسقطه —ysqṭh* (2); أسقطت —ʾsqṭt* (1); أسقطوا —ʾsqṭwā* (1); أسقطوها —ʾsqṭwhā* (1); بسقوطه —bsqwṭh* (1); بمسقط —bmsqṭ* (1); تسقطه —tsqṭh* (1); فأسقطوا —fʾsqṭwā* (1); لإسقاط —lʾisqāṭ* (1); وأسقطه — wʾsqṭh* (1); والإسقاط —wālʾisqāṭ* (1); وتسقط —wtsqṭ* (1); يسقطان — ysqṭān* (1); يسقطها —ysqṭhā* (1)

Context L30: ... عقل بل العقل يبطلها فسقط ما ظنوا والحمد لله رب ...

Context L36: ... منزلة لم نرغبها منه وسقط الكلام معه ولزمنا السكوت عنه ...

[143] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: سقط (read dictionary entry).

144. اسْتَطَاعَ / تَطَوُّع / طَاعَة[144]

ṭāʿah / taṭawwuʿ / ʾstaṭāʿa

469 occurrences; cumulative coverage 71.84%.

Possible English: obedience; voluntary act; ability; be able

Context: التطوع often names a voluntary ritual act, contrasted with obligation. استطاع concerns ability; it is a different derived verb.

Forms and grammar: أطاع / يطيع = obeyed / obeys; تطوع / يتطوع = acted voluntarily / does so; استطاع / يستطيع = was able / is able. يستطع is a jussive form.

Attested spellings and counts

طاعة —ṭāʿh* (68); وأطيعوا —wʾṭyʿwā* (54); أطيعوا —ʾṭyʿwā* (47); الطاعة — al-ṭāʿh* (47); بطاعة —bṭāʿh* (25); تطوع —tṭwʿ* (20); طاعته —ṭāʿth* (15); وطاعة —wṭāʿh* (15); التطوع —al-tṭwʿ* (14); استطعتم —ʾstṭʿtm* (13); يستطيع — ystṭyʿ* (13); أطاع —ʾṭāʿ* (11); تطوعا —tṭwʿā* (11); الاستطاعة —al-āstṭāʿh* (9); مطيعا —mṭyʿā* (9); يستطع —ystṭʿ* (9); بالطاعة —bālṭāʿh* (8); والطاعة — wālṭāʿh* (8); أستطيع —ʾstṭyʿ* (6); الطاعات —al-ṭāʿāt* (6); أطعنا —ʾṭʿnā* (5); استطاع —ʾstṭāʿ* (5); تطع —tṭʿ* (5); يطيع —yṭyʿ* (5); استطاعة —ʾstṭāʿh* (4); بطاعته —bṭāʿth* (4); فليطعه —flyṭʿh* (4); مستطيع —mstṭyʿ* (4); مطيع — mṭyʿ* (4); ليطاع —lyṭāʿ* (3); نستطيع —nstṭyʿ* (3); يتطوع —yttwʿ* (3); المتطوع —al-mtṭwʿ* (2); يطاع —yṭāʿ* (2); أطعنكم —ʾṭʿnkm* (1); استطعنا — ʾstṭʿnā* (1); بتطوع —bttwʿ* (1); تطوعه —tṭwʿh* (1); طائعة —ṭāʾʿh* (1); طاعتهما —ṭāʿthmā* (1); طوعا —ṭwʿā* (1); لطاعة —lṭāʿh* (1)

Context L4: ... عقل له فالعاقل من أطاع الله عز وجل قال أبو ...

Context L14: ... وألزمنا في كل ذلك طاعة نبيه عليه السلام لزمنا نتبع ...

145. ظِهَار / ظُهْر / ظَهْر[145]

ẓahr / ẓuhr / ẓihār

467 occurrences; cumulative coverage 71.95%.

Possible English: back; noon; become apparent; ẓihār

Context: الظهر can mean the noon prayer or the back. الظهار is a specific marital pronouncement, a separate noun.

Attested spellings and counts

ظاهر —ẓāhr* (81); الظاهر —al-ẓāhr* (51); ظهر —ẓhr* (42); ظاهره — ẓāhrh* (39); الظهار —al-ẓhār* (30); الظهر —al-ẓhr* (25); فظهر —fẓhr* (24); أظهر — ʾẓhr* (11); المظاهر —al-mẓāhr* (9); ظاهرة —ẓāhrh* (8); ظهور —ẓhwr* (8); يظهر —yẓhr* (8); ظاهرهما —ẓāhrhmā* (6); كظهر —kẓhr* (6); وظهر —wẓhr* (6); بالظاهر —bālẓāhr* (5); إظهار —ʾiẓhār* (4); الظاهريين —

[144] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: طوع (read dictionary entry).

[145] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ظهر (read dictionary entry).

Forms and grammar: ظهر / يظهر = appeared / appears; أظهر = made apparent; ظهور = appearance. ظُهر / ظَهر / ظِهار have different meanings and vowel patterns.

al-ẓāhryyn* (4); وظاهره —wẓāhrh* (4); الظاهرة —al-ẓāhrh* (3); ظهاره — ẓhārh* (3); ظهورهم —ẓhwrhm* (3); يظاهرون —yẓāhrwn* (3); الأظهر — al-ʾẓhr* (2); الظاهرين —al-ẓāhryn* (2); بظاهره —bẓāhrh* (2); ظاهرين — ẓāhryn* (2); ظهرت —ẓhrt* (2); ظهورها —ẓhwrhā* (2); لظاهر —lẓāhr* (2); وظاهرها —wẓāhr* (2); وظاهر —wālẓhr* (2); والظهر —wālẓāhr* (2); والظاهر — أظهروا —yẓhrwā* (2); يظهرون —yẓhrwn* (2); يظهروا —wẓāhrhā* (2); بظهر — ʾẓhrwā* (1); بظاهرها —bẓāhrhā* (1); المتظاهرة —al-mtẓāhrh* (1); ظهرك — bẓhr* (1); تظهر —tẓhr* (1); ظهار —ẓhār* (1); ظهرا —ẓhrā* (1); للظهر — ẓhrk* (1); ظهره —ẓhrh* (1); فظاهر —fẓāhr* (1); للظهار —llẓhār* (1); وظهور —wẓhwr* (1); يظاهر —yẓāhr* (1)

Context L2: ... المشكلات فترى به الصواب ظاهرا جليا ومنها جهل يطمس عليها ...

Context L4: ... اعتقاد ذلك علما وعلى إظهار باللسان وحركات الجسم فعلا وبهذه ...

146. رِدَّة / رَدَّ[146]

radda / riddah

462 occurrences; cumulative coverage 72.07%.

Possible English: return; reject; reply; refute; apostasy

Context: رد can mean returning property or rejecting an argument. الردة and المرتد concern apostasy in their legal context, not merely ordinary return.

Forms and grammar: رد / يرد = returned or rejected / returns or rejects; رده = he returned it or his rejection according to vowels. مرتد is a participle of ارتد; مردود = returned or rejected.

Attested spellings and counts

يرد —yrd* (131); رد —rd* (69); فردوه —frdwh* (48); مردود —mrdwd* (26); الرد —al-rd* (23); رده —rdh* (15); الردة —al-rdh* (11); برد —brd* (11); ترد —trd* (10); بالرد —bālrd* (9); مردودا —mrdwdā* (8); يردون —yrdwn* (8); المرتد —al-mrtd* (7); يرده —yrdh* (7); ترداده —trdādh* (6); فرد —frd* (6); وردوا —wrdwā* (6); مرتد —mrtd* (5); ارتد —ʾrtd* (4); فرده —frdh* (4); ورده —wrdh* (4); المرتدة —al-mrtdh* (3); المردود —al-mrdwd* (3); بردهن — brdhn* (3); مردودة —mrdwdh* (3); والرد —wālrd* (3); يردان —yrdān* (3); ارتدوا —ʾrtdwā* (2); المرتدين —al-mrtdyn* (2); تردد —trdd* (2); ردة — rdh* (2); ردوا —rdwā* (2); فردوا —frdwā* (2); نرد —nrd* (2); ارتدت — ʾrtdt* (1); بردها —brdhā* (1); ترده —trdh* (1); ردهما —rdhmā* (1); فمردود —fmrdwd* (1); لرد —lrd* (1); مرتدا —mrtdā* (1); وترد —wtrd* (1); ونرد — wnrd* (1); ويرد —wyrd* (1); يترادان —ytrādān* (1); يتردد —ytrdd* (1)

[146]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ردد (read dictionary entry).

Context L15: ... فإن تنازعتم في شيء فردوه إلى الله والرسول إن كنتم ...

Context L16: ... فيه التنازع بيننا وبيان رد ما تنوزع فيه إلى الله ...

147. عَرَفَ / مَعْرُوف[147]

ʿarafa / maʿrūf

461 occurrences; cumulative coverage 72.18%.

Possible English: know; recognize; acknowledge; known; customary

Context: معروف can mean known, recognized or proper. عرفة / عرفات name pilgrimage locations. اعترف is acknowledged or confessed, rather than merely recognized a face.

Forms and grammar: عرف / يعرف = knew / knows; معرفة = knowledge or acquaintance; معروفة / معروف show agreement. اعتراف is the verbal noun of اعترف; definitions and place names are distinct derivations.

Attested spellings and counts

يعرف —yʿrf* (115); معرفة —mʿrfh* (60); عرف —ʿrf* (27); بمعروف — bmʿrwf* (22); المعروف —al-mʿrwf* (15); معرفته —mʿrfth* (15); معروف — mʿrwf* (15); ومعرفة —wmʿrfh* (15); بالمعروف —bālmʿrwf* (13); تعرف — tʿrf* (12); عرفة —ʿrfh* (12); نعرف —nʿrf* (11); معروفة —mʿrwfh* (10); يعرفه —yʿrfh* (10); المعرفة —al-mʿrfh* (9); عرفنا —ʿrfnā* (9); عرفه —ʿrfh* (9); عرفت —ʿrft* (8); يعرفونه —yʿrfwnh* (7); معروفا —mʿrwfā* (6); يعرفوا —yʿrfwā* (6); وعرفوا —wʿrfwā* (5); اعترف —ʾtrf* (3); عرفها —ʿrfhā* (3); وعرف —wʿrf* (5); والمعروف —wālmʿrwf* (3); يعرفها —yʿrfhā* (3); أعرف — ʾrf* (2); اعترافه —ʾtrāfh* (2); بمعرفة —bmʿrfh* (2); عارف —ʿārf* (2); عرفا — ʿrfā* (2); عرفات —ʿrfāt* (2); عرفوه —ʿrfwh* (2); نعرفه —nʿrfh* (2); والمعرفة — wālmʿrfh* (2); ويعرف —wyʿrf* (2); يعرفون —yʿrfwn* (2); اعرف —ʾrf* (1); التعريف —al-tʿryf* (1); العرف —al-ʿrf* (1); تعريف —tʿryf* (1); فاعترف — fāʿtrf* (1); ومعرفته —wmʿrfth* (1); معروفين —mʿrwfyn* (1); وعرفة —wʿrfh* (1)

Context L2: ... خطابه عز وجل وإلى معرفة الأشياء ما هي عليه وإلى ...

Context L10: ... الواردة فيه فإن بمعرفة العقدة من عقد تلك الجمل ...

148. صَوْم / صِيَام[148]

ṣawm / ṣiyām

446 occurrences; cumulative coverage 72.29%.

Possible English: fast; fasting; abstain

Attested spellings and counts

صيام —ṣyām* (84); الصيام —al-ṣyām* (54); الصوم —al-ṣwm* (46); فصيام —fṣyām* (35); صائم —ṣāʾm* (30); صوم —ṣwm* (21); صام —ṣām* (18); الصائم —al-ṣāʾm* (17); صياما —ṣyāmā* (13); والصيام —wālṣyām* (12);

[147] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عرف (read dictionary entry).

[148] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: صوم (read dictionary entry).

Context: صوم and صيام commonly denote ritual fasting. The required intention, time and invalidating acts must be established from the passage, not from the noun alone.

Forms and grammar: صام / يصوم / صم = fasted / fasts / fast!; صمت = I or you fasted; صيام / صوم are verbal nouns. صائم / صائمة show agreement; يصم after لم loses the long vowel.

149. حَوْل / حَال[149]

ḥāl / ḥawl

437 occurrences; cumulative coverage 72.39%.

Possible English: condition; state; year; change; around

Context: الحول often means a full year in zakāt. الحال in argument means the condition or situation. The lexical family has several distinct nouns.

Forms and grammar: حال / يحول = changed or intervened / does so; حول / أحوال have contextual noun uses. حالان / حالين are dual forms of condition; حولين can mean two years.

يصوم —yṣwm* (12); صومه —ṣwmh* (10); صيامه —ṣyāmh* (10); فليصمه — flyṣmh* (8); للصائم —llṣāʾm* (8); والصوم —wālṣwm* (7); بصيام —bṣyām* (5); بصيامه —bṣyāmh* (5); صائما —ṣāʾmā* (5); وصوم —wṣwm* (5); لصومه — lṣwmh* (4); يصام —yṣām* (4); للصوم —llṣwm* (3); وصام —wṣām* (3); تصوم — wtṣwm* (2); تصوموا —tṣwmwā* (2); والصائمة —wālṣāʾmh* (2); وتصوم — wṣyām* (2); وصيام —yṣwmh* (2); يصومه —ʾṣwm* (1); أصوم — بالصوم —bālṣwm* (1); بالصيام —bālṣyām* (1); صائمة —ṣāʾmh* (1); صامه — ṣāmh* (1); صم —ṣm* (1); صمت —ṣmt* (1); صوموا —ṣwmwā* (1); صيامها — ṣyāmhā* (1); فصام —fṣām* (1); فصومه —fṣwmh* (1); فيصوم —fyṣwm* (1); وصامت —wṣāmt* (1); ويصوم —wyṣwm* (1); يصومها —yṣwmhā* (1)

Context L0: ... وجل والذين كذبوا بآياتنا صم وبكم في الظلمات من يشإ ...

Context L98: ... غير الفرض والصدقة كذلك والصوم كذلك وسائر أعمال البر والكراهة ...

Attested spellings and counts

حال —ḥāl* (91); المحال —al-mḥāl* (48); الحال —al-ḥāl* (37); بحول — bḥwl* (36); محال —mḥāl* (32); حول —ḥwl* (26); حاله —ḥālh* (19); الأحوال —al-ʾḥwāl* (18); الحولين —al-ḥwlyn* (10); يحيل —yḥyl* (10); حالة —ḥālh* (9); حولين —ḥwlyn* (9); أحوال —ʾḥwāl* (8); ومحال —wmḥāl* (8); يحول — yḥwl* (7); أحواله —ʾḥwālh* (6); فمحال —fmḥāl* (6); للحال —llḥāl* (6); محالة —mḥālh* (6); الحالة —al-ḥālh* (4); الحول —al-ḥwl* (4); محالا —mḥālā* (4); حيلة —ḥylh* (3); إحالة —ʾiḥālh* (2); الأحول —al-ʾḥwl* (2); بحال —bḥāl* (2); تحويل —tḥwyl* (2); حالها —ḥālhā* (2); حيل —ḥyl* (2); لحول —lḥwl* (2); والمحال —wālmḥāl* (2); يحال —yḥāl* (2); أحال —ʾḥāl* (1); أحاله —ʾḥālh* (1);

[149] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حول (read dictionary entry).

الحوالة —al-ḥāltyn* (1); الحالتين —ʾstḥālt* (1); استحالت —ʾstḥālh* (1); استحالة —al-ḥwālh* (1); بالمحال —bālmḥāl* (1); حولا —ḥwlā* (1); حوله —ḥwlh* (1); حولها —ḥwlhā* (1); وحال —wḥāl* (1); يحيله —yḥylh* (1)

Context L0: ... باطل على قصده أو يحول بين أحد وبين ما دعاه ...

Context L2: ... وترى الملائكة حآفين من حول العرش يسبحون بحمد ربهم وقضي ...

150. رَبِيع / رُبْع / أَرْبَعَة[150]

ʾarbaʿah / *rubʿ* / *rabīʿ*

437 occurrences; cumulative coverage 72.50%.

Possible English: four; fourth; one-quarter; Rabīʿ; spring

Context: الربع is a quarter-share, while أربعة counts four items. ربيع commonly names a person in transmission chains, and can mean spring in another setting.

Forms and grammar: أربع / أربعة vary with the counted noun; رابع / رابعة are ordinals; أربعون / أربعين are case forms of forty. ربع / أرباع = quarter / quarters.

Attested spellings and counts

ربيع —rbyʿ* (69); أربعة —ʾrbʿh* (60); أربعين —ʾrbʿyn* (47); ربع —rbʿ* (38); الرابع —al-rbyʿ* (20); الربيع —rbyʿh* (23); ربيعة —ʾrbʿ* (34); أربع —al-rābʿ* (19); الأربعة —al-ʾrbʿh* (15); رابع —rābʿ* (17); أربعا —ʾrbʿā* (16); الأربعين —al-ʾrbʿyn* (10); بأربعة —bʾrbʿh* (12); وأربعين —wʾrbʿyn* (15); أربعون —ʾrbʿmāʾh* (3); أربعمائة —wālrbʿ* (5); والربع —wrbyʿh* (6); وربيعة —ʾrbʿwn* (3); بأربعين —bʾrbʿyn* (3); الأربع —al-ʾrbʿ* (3); الربع —al-rbʿ* (3); الأرباع —wālrbyʿ* (2); والربيع —wālrābʿ* (3); الرابعة —al-rābʿh* (2); والرابع —al-ʾrbāʿ* (1); بأربع —bʾrbʿ* (1); ربع —brbʿ* (1); رابعا —rābʿā* (1); رابعة —rābʿh* (1); وأربع —wʾrbʿ* (1); وأربعة —wʾrbʿh* (1); وربعها —rbʿhā* (1); وربعها —wrābʿhā* (1)

Context L19: ... ما ليس فيه الباب الرابع في كيفية ظهور اللغات التي ...

Context L20: ... العموم أو الخصوص الباب الرابع عشر في أقل الجمع الوارد ...

[150] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ربع (read dictionary entry).

151. خَاصّ / خُصُوص[151]

khāṣṣ / khuṣūṣ

436 occurrences; cumulative coverage 72.61%.

Possible English: particular; specific; exclusive; specify

Context: خاص in an argument contrasts with general wording. تخصيص is restricting a general statement's scope, a different derivation.

Forms and grammar: خصّ / يخصّ = specified or singled out / does so; خاص / خاصة show agreement. مخصوص = specified; تخصيص and خصوص are different nouns.

Attested spellings and counts

خاصة —khāṣh* (70); الخصوص —al-khṣwṣ* (56); تخصيص —tkhṣyṣ* (43); خص —khṣ* (42); خصوص —khṣwṣ* (33); يخص —ykhṣ* (30); التخصيص —al-tkhṣyṣ* (24); مخصوص —mkhṣwṣ* (17); خاص —khāṣ* (12); خصوصا —khṣwṣā* (12); تخصيصه —tkhṣyṣh* (11); مخصوصة —mkhṣwṣh* (9); يخصه —ykhṣh* (8); مخصوصا —mkhṣwṣā* (7); خصصتم —khṣṣtm* (6); نخص —nkhṣ* (6); والخصوص —wālkhṣwṣ* (6); تخصيصا —tkhṣyṣā* (5); خصوا —khṣwā* (5); وتخصيص —wtkhṣyṣ* (5); خصه —khṣh* (4); نخص —fkhṣ* (4); وخص —wkhṣ* (4); المخصوص —al-mkhṣwṣ* (3); بتخصيص —btkhṣyṣ* (3); تخص —tkhṣ* (3); أخص —ʾkhṣ* (2); خاصها —khāṣhā* (2); خصصنا —khṣṣnā* (2); وخاصة —wkhāṣh* (1); يخصون —ykhṣwn* (1)

Context L0: ... امتن علينا بنعم عامة وخاصة فعم النوع الآدمي بأن أرسل ...

Context L4: ... بأنبياء ابتعثهم إلى قومهم خاصة فمؤمن وكافر فريق في الجنة ...

152. شَرَعَ / شَرِيعَة[152]

sharīʿah / sharaʿa

433 occurrences; cumulative coverage 72.71%.

Possible English: revealed law; prescribe; institute

Context: الشريعة refers to revealed law; شرائع may name the laws given to different prophets.

Forms and grammar: شرع / يشرع are verbs; شريعة / شرائع = revealed law / laws; مشروع is a passive participle.

Attested spellings and counts

الشريعة —al-shryʿh* (141); شريعة —shryʿh* (102); الشرائع —al-shrāʾʿ* (88); شرائع —shrāʾʿ* (44); شرع —shrʿ* (40); شرعا —shrʿā* (8); والشرائع —wālshrāʾʿ* (6); شرعية —shrʿyh* (2); الشارع —al-shārʿ* (1); شرعه —shrʿh* (1)

Context L4: ... فلا نبي بعده ولا شريعة بعد شريعته إلى انقضاء الدنيا ...

Context L13: ... صلى الله عليه وسلم شرائع من أوامر ونواه وإباحات باستعمال ...

[151] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: خصص (read dictionary entry).
[152] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: شرع (read dictionary entry).

153. جَاءَ[153]

jāʾa

427 occurrences; cumulative coverage 72.82%.

Possible English: come; arrive; bring with in a construction

Context: جاء به means came with or brought it. جاء في الخبر can introduce something found in a report rather than an event of physical arrival.

Forms and grammar: جاء / يجيء = came / comes; جاءت = she or it came; جئت = I or you came; جاءوا = they came. جيء به = he/it was brought, a passive construction.

Attested spellings and counts

جاء —jāʾ* (323); جاءت —jāʾt* (31); فجاء —fjāʾ* (12); جاءه —jāʾh* (11); وجاء —wjāʾ* (11); جاءني —jāʾnā* (5); جاءنا —jāʾk* (6); جاءك —wjāʾt* (6); وجاءت —jāʾkm* (2); جاءكم —jāʾny* (5); مجيء —mjyʾ* (3); المجيء —al-mjyʾ* (2); جاءهم —jāʾhm* (2); بمجيء —bmjyʾ* (1); جئت —jʾt* (1); جئتني —jʾtny* (1); جاءته —jāʾth* (1); جاءها —jāʾhā* (1); فجاءه —fjāʾh* (1); مجيئا —mjyʾā* (1); يجيء —yjyʾ* (1)

Context L51: ... من قال أو كلما جاء رجل هو أجدل من رجل ...

Context L60: ... فلا معنى لقول لمن جاء بعدهم وبالجملة فلا أضعف ممن ...

154. أَدْخَلَ / دَخَلَ[154]

dakhala / ʾadkhala

426 occurrences; cumulative coverage 72.92%.

Possible English: enter; go in; include; bring in; consummate in a marital construction

Context: دخل بها can indicate consummation of marriage. دخل في can indicate inclusion in a category; the physical meaning entered is not always adequate.

Forms and grammar: دخل / يدخل = entered / enters; أدخل / يدخل = brought in / brings in with different vowels. دخول and إدخال are distinct verbal nouns; داخل is a participle/adjective.

Attested spellings and counts

يدخل —ydkhl* (84); دخلتم —dkhltm* (46); دخل —dkhl* (39); مدخل —mdkhl* (29); داخل —dākhl* (24); دخول —dkhwl* (23); فدخل —fdkhl* (19); يدخله —ydkhlh* (19); دخله —dkhlh* (16); داخلة —dākhlh* (12); أدخل —ʾdkhl* (11); المدخول —al-mdkhwl* (11); دخلت —dkhlt* (10); يدخلون —ydkhlwn* (9); ويدخل —wydkhl* (8); الدخول —al-dkhwl* (6); إدخال —ʾidkhāl* (5); دخلوا —dkhlwā* (5); بالدخول —bāldkhwl* (4); ودخل —wdkhl* (4); أدخلت —ʾdkhlt* (3); تدخل —tdkhl* (3); داخلا —dākhlā* (3); فيدخل —fydkhl* (3); مدخلا —mdkhlā* (3); وأدخل —wʾdkhl* (3); الداخل —al-dākhl* (2); بدخول —bdkhwl* (2); تدخلوا —tdkhlwā* (2); فدخلت —fdkhlt* (2); للدخول —lldkhwl* (2); ندخل —ndkhl* (2); يدخلها —ydkhlhā* (2); أدخله —ʾdkhlh* (1); دخلنا —dkhlnā* (1); دخولا —dkhwlā* (1); دخوله —dkhwlh* (1); فأدخل —fʾdkhl* (1); فليدخل —flydkhl* (1); مدخول —

[153]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: جيأ (read dictionary entry).
[154]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: دخل (read dictionary entry).

mdkhwl* (1); مدخولا —mdkhwlā* (1); ودخول —wdkhwl* (1); يدخلوا — ydkhlwā* (1)

Context L18: ... أو عامدا لها أو أدخل فيه ما ليس منه كذلك ...

Context L27: ... فيكل فيها الذهن الكليل ويدخل مع طول الأمر وكثرة العمل ...

155. إِحْسَان / حَسَنَة / حَسَن[155]

ḥasan / *ḥasanah* / *ʾiḥsān*

422 occurrences; cumulative coverage 73.03%.

Possible English: good; beautiful; good deed; excellence; Ḥasan; Ḥusayn

Context: الحسن frequently names al-Ḥasan. حسن can instead evaluate something as good; a technical classification of a report requires its context. الحسين is a different personal name.

Forms and grammar: حسن / حسنة show gender; أحسن is a comparative or a verb according to vowels; إحسان is a verbal noun. حسن and حسين are distinct formations, not case variants.

Attested spellings and counts

أحسن — ḥsn* (41); حسن — w'ḥsn* (46); وأحسن — al-ḥsn* (110); الحسن — ʾḥsn* (37); حسنة — ḥsnh* (24); بإحسان — b'iḥsān* (18); حسنا — ḥsnā* (17); محسن — yḥsn* (13); يحسن — wālḥsn* (15); والحسن — ʾiḥsānā* (16); إحسانا — mḥsn* (9); بحسنة — ʾstḥsān* (8); استحسان — al-ʾiḥsān* (8); الإحسان — bḥsnh* (7); حسان — ḥsān* (6); حسنات — ḥsnāt* (6); حسناته — ḥsnāth* (5); إحسان — wḥsn* (4); وحسن — llḥsn* (4); للحسن — bāl'iḥsān* (4); بالإحسان — ʾiḥsān* (3); استحسن — ʾstḥsn* (3); الحسنات — al-ḥsnāt* (3); أحسنوا — ʾḥsnwā* (2); بأحسن — b'ḥsn* (2); بحسن — bḥsn* (2); الحسنة — al-ḥsnh* (1); الحسنى — al-ḥsnā* (1); المحسنين — al-mḥsnyn* (1); تحسن — tḥsn* (1); تحسين — tḥsyn* (1); فأحسن — f'ḥsn* (1); فحسن — fḥsn* (1); والإحسان — wāl'iḥsān* (1); يحسنون — yḥsnwn* (1)

Context L2: ... إن الله يأمر بالعدل والإحسان وإيتآء ذي القربى وينهى عن ...

Context L4: ... في طريق فيها مروج حسنة وفي خلالها مهالك ومخاوف وظلال ...

[155] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حسن (read dictionary entry).

156. سَمَاع / سَمِـعَ[156]

samiʿa / samāʿ

422 occurrences; cumulative coverage 73.13%.

Possible English: hear; listen; hearing; receipt by audition

Context: سمعت فلانا in a chain asserts hearing the named speaker. In a legal scenario سمع can instead describe ordinary hearing or an ability to hear.

Forms and grammar: سمع / يسمع = heard / hears; سمعنا / سمعت = I or you heard / we heard; سمعه = heard him or his hearing according to vowels. سماع is a verbal noun.

Attested spellings and counts

سمعت —smʿt* (118); سمع —smʿ* (71); يسمع —ysmʿ* (33); سميع —smyʿ* (28); سمعنا —smʿnā* (19); سمعه —smʿh* (19); يسمعون —ysmʿwn* (19); سمعوا —smʿwā* (13); السمع —al-smʿ* (9); سماع —smāʿ* (9); سمعته —smʿth* (8); وسمع —wsmʿ* (8); يسمعه —ysmʿh* (8); أسمع —ʾsmʿ* (7); تسمع —tsmʿ* (7); نسمع —nsmʿ* (7); سماعه —smāʿh* (6); سامع —sāmʿ* (4); سماعا —smāʿā* (3); سمعناه —smʿnāh* (3); فسمع —fsmʿ* (3); فسمعا —fsmʿā* (3); وسمعت —wsmʿt* (3); المسمعي —al-msmʿy* (2); سمعا —smʿā* (2); سمعها —smʿhā* (2); سمعوه —smʿwh* (2); يسمعها —ysmʿhā* (2); تسمعون —tsmʿwn* (1); فسمعت —fsmʿt* (1); فسمعته —fsmʿth* (1); وسماعه —wsmāʿh* (1)

Context L4: ... له قلب أو ألقى السمع وهو شهيد قال أبو محمد ...

Context L45: ... ناصرين فأخبر تعالى كما تسمع أن ما اتبع قولا وافقه ...

157. مَيِّت / مَوْت / مَاتَ[157]

māta / mawt / mayyit

422 occurrences; cumulative coverage 73.23%.

Possible English: die; death; deceased; dead animal

Context: الميت can identify a deceased person. ميتة in food law commonly means an animal that died without lawful slaughter, rather than simply any feminine deceased referent.

Forms and grammar: مات / يموت = died / dies; ماتت = she or it died; موت = death; ميت / ميتة agree in gender in some uses. موتى / أموات are plural formations.

Attested spellings and counts

مات —māt* (125); الميت —al-myt* (38); موت —mwt* (38); موته —mwth* (36); الموت —al-mwt* (22); يموت —ymwt* (22); لموت —lmwt* (20); ميتة —myth* (15); ميت —myt* (13); الميتة —al-myth* (12); ومات —wmāt* (10); الموتى —al-mwtā* (7); ماتت —mātt* (6); فمات —fmāt* (5); ماتوا —mātwā* (5); بموته —bmwth* (4); للميت —llmyt* (4); والموت —wālmwt* (4); والميتة —wālmyth* (4); ميتا —mytā* (3); يمت —ymt* (3); الميتات —al-mytāt* (2); تموت —tmwt* (2); فيموت —fymwt* (2); مت —mt* (2); موتا —mwtā* (2); وموت —wmwt* (2); ويموت —wymwt* (2); يمات —ymāt* (2); بموت —bmwt* (1); فماتا —fmātā* (1); فماتت —fmātt* (1); لمات —lmāt* (1); موات —mwāt* (1); موتانا —mwtānā* (1); موتها —mwthā* (1); موتى —mwtā* (1); والميت —wālmyt* (1); والميتات —wālmytāt* (1)

[156]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: سمع (read dictionary entry).

[157]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: موت (read dictionary entry).

158. صَدَاق / صَدَقَة / صَدَقَ[158]

ṣadaqa / *ṣadaqah* / *ṣadāq*

402 occurrences; cumulative coverage 73.33%.

Possible English: tell the truth; truthful; charity; bridal dower

Context: صدقة is charity, while صداق is dower. تصدق describes giving charity; صدق in testimony concerns truthfulness. Shared radicals do not make those nouns interchangeable.

Forms and grammar: صدق / يصدق = was truthful / is truthful; صدّق = affirmed as true. صدقة / صدقات = charity payment(s); صادق = truthful; الصديق can be an epithet or a name.

Context L2: ... تعالى كل نفس ذآئقة الموت ونبلوكم بالشر والخير فتنة وإلينا ...

Context L16: ... قال تعالى حرمت عليكم الميتة والدم ولحم الخنزير ومآ أهل ...

Attested spellings and counts

الصداق —ṣdqh* (72); صدق —ṣdq* (35); صادقين —ṣādqyn* (30); صدقة —al-ṣdāq* (20); الصديق —al-ṣdyq* (19); تصدق —tṣdq* (18); الصدقة —al-ṣdqh* (17); وصدق —wṣdq* (17); صادقا —ṣādqā* (11); تصديق —tṣdyq* (10); صدقت —ṣdqt* (10); مصدقا —mṣdqā* (10); يتصدق —ytṣdq* (10); يصدق —yṣdq* (9); صدقتم —ṣdqtm* (7); بالصدقة —bālṣdqh* (6); صادق —ṣādq* (6); الصدقات —al-ṣdqāt* (5); تصدقوا —tṣdqwā* (5); تصديقه —tṣdyqh* (5); والصدقة —wālṣdqh* (5); التصديق —al-tṣdyq* (4); الصادق —al-ṣādq* (4); الصدق —al-ṣdq* (4); صداق —ṣdāq* (4); صدقه —ṣdqh* (4); صدقوا —ṣdqwā* (4); الصادقين —al-ṣādqyn* (3); بالصداق —bālṣdāq* (3); والصداق —fṣdq* (3); فصدق —ṣdāqā* (3); صداقها —ṣdāqhā* (3); صداقا —wālṣdāq* (3); والصدقات —wālṣdqāt* (3); الصادقة —al-ṣādqh* (2); فصدقوا —bālṣdq* (2); بالصدق —bṣdqh* (2); بصدقة —ṣādqh* (2); صادقة —fṣdqwā* (2); وصدقته —wṣdqth* (2); ويصدق —wyṣdq* (2); أتصدق —ʾtṣdq* (1); أصدقها —ʾṣdqhā* (1); المصدق —al-mṣdq* (1); المصدقين —al-mṣdqyn* (1); بصداق —bṣdāq* (1); تصدقت —tṣdqt* (1); صدقات —ṣdqāt* (1); صدقاتهن —ṣdqāthn* (1); صدقته —ṣdqth* (1); صديقه —ṣdyqh* (1); فالصداق —fālṣdāq* (1); فتصدق —ftṣdq* (1); لصدق —lṣdq* (1); مصدق —mṣdq* (1); وتصدق —wtṣdq* (1); يصدقه —yṣdqh* (1)

Context L25: ... فلو كانت حجج العقول صادقة لما تغيرت أدلتها قال أبو ...

Context L39: ... منهمآ أتبعه إن كنتم صادقين فإن لم يستجيبوا لك فعلم ...

[158] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: صدق (read dictionary entry).

159. وَلِيّ / وَلَاء[159]

waliyy / walāʾ

399 occurrences; cumulative coverage 73.43%.

Possible English: guardian; ally; patron; authority; affiliation

Context: ولي in marriage may be a guardian; الولاء in manumission is a specific legal affiliation. أولى often means more entitled, with the construction determining entitlement to what.

Forms and grammar: ولي / أولياء = guardian or ally / guardians or allies; وليه = his guardian; تولى / يتولى = assumed charge or turned away, according to construction. مولى / موالي have context-dependent patron/client senses.

Attested spellings and counts

أولى —ʾwlā* (157); مولى —mwlā* (32); وليت —wlyt* (24); بأولى —bʾwlā* (16); وليه —wlyh* (16); تولى —twlā* (14); ولاء —wlāʾ* (13); الولاء —al-wlāʾ* (12); وموالیکم —wmwālykm* (11); وليها —wlyhā* (10); الولي —al-wly* (9); تولوا — twlwā* (9); وأولى —wʾwlā* (5); لمولى —lmwlā* (4); ولاية —wlāyh* (4); يتولى — ytwlā* (4); أولياء —ʾwlyāʾ* (3); الوالي —al-wāly* (3); الولاة —al-wlāh* (3); فولوا —fwlwā* (3); مواليه —mwālyh* (3); ولى —wlā* (3); وليا —wlyā* (3); وولي — wwly* (3); يلي —yly* (3); توليه —tlyh* (3); تولي —twly* (2); لولي —lwly* (2); لوليه —lwlyh* (2); موالي —mwāly* (2); والمولى —wālmwlā* (2); ولاءه —wlāʾh* (2); وليهم —wlyhm* (2); يتولهم —ytwlhm* (2); الأولياء —al-ʾwlyāʾ* (1); المولى — al-mwlā* (1); بالولاء —bālwlāʾ* (1); تولية —twlyh* (1); توليت —twlyt* (1); فلأولى —flʾwlā* (1); للولي —llwly* (1); مواليها —mwālyhā* (1); والأولى — wālʾwlā* (1); وتولى —wtwlā* (1); ولايته —wlāyth* (1); يليك —ylyk* (1); يوليه —ywlyh* (1)

Context L2: ... غنيا أو فقيرا فالله أولى بهما فلا تتبعوا الهوى أن ...

Context L38: ... أسلموا فقد هتدوا وإن تولوا فإنما عليك لبلاغ ولله بصير ...

160. نَحْن[160]

naḥn

394 occurrences; cumulative coverage 73.53%.

Possible English: we; us; our

Context: Independent and attached pronoun forms refer to the speaker's group or the people addressed; the referent is determined by context.

Attested spellings and counts

نحن —nḥn* (177); ونحن —wnḥn* (165); فنحن —fnḥn* (48); إيانا —ʾīānā* (4)

Context L19: ... الباب الثاني هذا الذي نحن فيه وهو ترتيب أبواب هذا ...

Context L40: ... إلى قوله وهكذا نقول نحن اتباعا لربنا عز وجل بعد ...

[159] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ولي (read dictionary entry).

[160] **Editorial lexical note:** Grammatical pronoun identification; no Arabic-root etymology is asserted. These notes are editorial, not a quotation from Lisān al-ʿArab.

Forms and grammar: نحن is first-person plural; أنتم is second-person masculine plural; أنتما is dual. Attached forms change with syntactic role; they are not verb tenses.

161. جَعَلَ[161]

jaʿala

391 occurrences; cumulative coverage 73.62%.

Possible English: make; appoint; put; assign; begin in a construction

Context: جعل may assign a status or payment rather than physically make something. With a following imperfect it can introduce the beginning of an action.

Forms and grammar: جعل / يجعل = made or assigned / makes or assigns; جعلت = I, you or she according to vowels; جعلنا = we made; جعله = he made/appointed it or him.

Attested spellings and counts

جعل —jʿl* (105); يجعل —yjʿl* (57); وجعل —wjʿl* (29); جعلنا —jʿlnā* (19); جعلوا —jʿlwā* (18); جعله —jʿlh* (12); فجعل —fjʿl* (12); يجعلون —yjʿlwn* (11); وجعلوا — wjʿlwā* (7); يجعله —yjʿlh* (7); تجعلوا —tjʿlwā* (6); فجعلوا —fjʿlwā* (6); وجعله —wjʿlh* (6); جعلت —jʿlt* (5); جعلوه —jʿlwh* (5); فجعله —fjʿlh* (5); ليجعل —lyjʿl* (5); يجعلونه —yjʿlwnh* (5); جعلته —jʿlth* (4); فجعلها —fjʿlhā* (4); فجعلوه —fjʿlwh* (4); نجعل —njʿl* (4); ويجعل —wyjʿl* (4); لجعل —ljʿl* (3); وجعلت —wjʿlt* (3); وجعلها —wjʿlhā* (3); وجعلوه —wjʿlwh* (3); جعلهما — jʿlhmā* (2); يجعلها —yjʿlhā* (2); الجاعل —al-jāʿl* (1); الجعل —al-jʿl* (1); تجعل —tjʿl* (1); جعلا —jʿlā* (1); جعلتم —jʿltm* (1); جعلناها —jʿlnāhā* (1); فاجعلوا — fājʿlwā* (1); فيجعل —fyjʿl* (1)

Context L0: ... الله يضلله ومن يشأ يجعله على صراط مستقيم و وجعلنا ...

Context L2: ... التي سماها الأوائل المنطق فجعل لها خالقها بهذه القوة سبيلا ...

162. شَكّ[162]

shakk

390 occurrences; cumulative coverage 73.72%.

Possible English: doubt; uncertainty; suspect

Attested spellings and counts

شك —shk* (313); يشك —yshk* (30); للشك —llshk* (12); الشك — al-shk* (11); نشك —nshk* (6); بالشك —bālshk* (5); بشك —bshk* (3); شاكا —shākā* (3); وشك —wshk* (3); شاك —shāk* (2); أشك —ʾshk* (1); مشكوك —mshkwk* (1)

[161]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: جعل (read dictionary entry).

[162]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: شكك (read dictionary entry).

Context: شك is uncertainty about a fact or argument. Its legal effect depends on the particular rule and the contrast with certainty.

Forms and grammar: شك / يشك = doubted / doubts; شكا is a noun case form in one reading; مشكوك فيه = doubted. شكّه can be his doubt or he doubted it according to vowels.

163. قَسْم / قَسَم / قَاسِم[163]

qasm / qasam / qāsim

388 occurrences; cumulative coverage 73.81%.

Possible English: divide; portion; class; oath; Qāsim

Context: قسم can be a division/share or an oath with different vowels. القسامة is a specific oath procedure; القاسم often names a narrator.

Forms and grammar: قسم / يقسم = divided / divides, or swore / swears with different vowels. أقسم = swore; قسمة = division; أقسام = parts or classes. قاسم is a participial form and personal name.

Context L4: ... اللهم إلا أن يكون شاكا في منقلبه متحيرا في مصيره ...

Context L9: ... نوعه وإنقاذهم من حيرة الشك وظلمة الباطل وإخراجهم إلى بيان ...

Attested spellings and counts

قاسم —qāsm* (92); القاسم —al-qāsm* (57); القسم —al-qsm* (30); قسم —qsm* (26); أقسام —ʾqsām* (24); قسمين —qsmyn* (20); ينقسم —ynqsm* (19); والقاسم —al-qsāmh* (9); القسامة —qsmh* (14); وقسم —wqsm* (10); قسمة —wālqāsm* (7); والقسم —wālqsm* (7); أقساما —ʾqsāmā* (6); تنقسم —tnqsm* (6); فيقسمان —fyqsmān* (5); مقسم —mqsm* (5); القسمة —al-qsmh* (4); قسما —qsmā* (4); قسمان —qsmān* (4); التقسيم —al-tqsym* (3); القسمين —al-qsmyn* (3); تقسم —tqsm* (3); تقسيم —tqsym* (3); تقسيمهم —tqsymhm* (3); فقسم —fqsm* (3); أقسامه —ʾqsāmh* (2); أقسم —ʾqsm* (2); قسامة —qsāmh* (2); قسمتها —qsmthā* (2); قسمه —qsmh* (2); يقسم —yqsm* (2); أقسمت —ʾqsmt* (1); أقسموا —ʾqsmwā* (1); بالقسامة —bālqsāmh* (1); تقسيمه —tqsymh* (1); قسمت —qsmt* (1); قسمها —qsmhā* (1); لقسمة —lqsmh* (1); للقاسم —llqāsm* (1); مقاسمة —mqāsmh* (1)

Context L25: ... وجه واحد وقد يكون أقساما ...

Context L26: ... واحدا فينتقل المرء من قسم فاسد منها إلى آخر فاسد ...

[163] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قسم (read dictionary entry).

164. فَاسِد / فَسَاد[164]

fasād / fāsid

386 occurrences; cumulative coverage 73.91%.

Possible English: invalidity; corruption; spoil; invalid; unsound

Context: فاسد can describe a transaction, ritual act or argument. English invalid, unsound or corrupt depends on the noun and the author's distinction in that passage.

Forms and grammar: فسد / يفسد = became unsound / becomes unsound; أفسد = spoiled or invalidated. فاسد / فاسدة agree in gender; فساد and إفساد are distinct verbal nouns.

Attested spellings and counts

فاسد —fāsd* (97); الفاسد —al-fāsd* (80); فساد —fsād* (38); فاسدة —fāsdh* (37); الفاسدة —al-fāsdh* (33); الفساد —al-fsād* (12); إفساد —ʾifsād* (10); أفسد —ʾfsd* (9); فاسدا —fāsdā* (9); فسادا —fsādā* (7); وفساد —wfsād* (7); بفساد —bfsād* (5); يفسد —yfsd* (5); فسادها —fsādhā* (4); مفسد —mfsd* (4); مفسدا —mfsdā* (4); وإفساد —wʾifsād* (4); فساده —fsādh* (3); وفساده —wfsādh* (3); أفسدت —ʾfsdt* (2); بفساده —bfsādh* (2); فسد —fsd* (2); والفساد —wālfsād* (2); المفسدين —al-mfsdyn* (1); بالفساد —bālfsād* (1); تفسد —tfsd* (1); فسدت —fsdt* (1); ففاسد —ffāsd* (1); يفسده —yfsdh* (1); يفسدها —yfsdhā* (1)

Context L4: ... سخيف الاختيار ضعيف العقل فاسد التمييز وبرهان ذلك أن كل ...

Context L9: ... ما يشغل به أهل فساد التمييز من كسب المال المنتقل ...

165. بَكْر / بِكْر / بُكْرَة[165]

bakr / bikr / bukrah

378 occurrences; cumulative coverage 74.00%.

Possible English: Bakr; virgin; firstborn; early morning

Context: بكر often occurs in Abū Bakr's name. البكر in marriage law commonly means a virgin; بكرة can name the early morning.

Forms and grammar: بكر as a proper name and بِكر as a common noun need different readings. أبكار is a plural noun. Case vowels and attached particles alter the written context without identifying one unique person.

Attested spellings and counts

بكر —bkr* (350); بكرة —bkrh* (16); بكار —bkār* (4); البكر —al-bkr* (3); بالبكر —bālbkr* (2); بكرا —bkrā* (2); وبكر —wbkr* (1)

Context L145: ... فيه وهكذا بقي أبو بكر وعمر رضي الله عنهما أزيد ...

Context L159: ... بن الحجاج حدثنا أبو بكر بن أبي شيبة وعمرو الناقد ...

[164] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: فسد (read dictionary entry).
[165] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بكر (read dictionary entry).

166. مَال / أَمْوَال[166]

māl / ʾamwāl

377 occurrences; cumulative coverage 74.09%.

Possible English: property; wealth; assets; money

Context: مال includes property beyond coin or cash. ماله can refer to his assets, while ما له written as two words can be an entirely different construction.

Forms and grammar: مال / أموال are singular/collective and plural; ماله / مالها / أموالهم attach possessive pronouns. مالا is a common accusative form; مالي can mean my wealth or financial according to context.

Attested spellings and counts

مال —māl* (89); المال —al-māl* (46); أموالهم —ʾmwālhm* (41); ماله —mālh* (36); الأموال —al-ʾmwāl* (31); مالا —mālā* (18); أموال —ʾmwāl* (12); بأموالكم —bʾmwālkm* (12); وأموالهم —wʾmwālhm* (12); والمال —wālmāl* (10); بأموالهم —bʾmwālhm* (9); وأموالكم —wʾmwālkm* (9); أموالكم —ʾmwālkm* (8); والأموال —wālʾmwāl* (7); وماله —wmālh* (7); أموالنا —ʾmwālnā* (5); بماله —bmālh* (4); بمالك —bmālk* (3); مولاه —mwlāh* (3); مالي —mālhā* (2); مالها —bālmāl* (2); فمال —fmāl* (2); لمال —lmāl* (2); بالمال —māly* (2); بمال —bmāl* (1); للمال —llmāl* (1); مائل —māʾl* (1); مائلا —māʾlā* (1); ومال —wmāl* (1)

Context L4: ... عرض جاه أو نمو مال أو نيل لذة من طاعة ...

Context L9: ... فساد التمييز من كسب المال المنتقل عما قريب فضول إلا ...

167. سَوَاء / اسْتَوَى[167]

sawāʾ / ʾstawā

376 occurrences; cumulative coverage 74.18%.

Possible English: equal; alike; the same; be level

Context: سواء can say that two legal cases are alike; it does not itself state why. سواء ... أو can mean whether ... or. استوى has a range of lexical constructions.

Forms and grammar: يساوي / ساوى = equalled / equals; يستوي / استوى is a different pattern; مساواة is equality. سواء is not a feminine or plural agreement ending.

Attested spellings and counts

سواء —swāʾ* (128); سواه —swāh* (48); وسواء —wswāʾ* (34); بسواء —bswāʾ* (23); سوى —swā* (20); يستوي —ystwy* (18); مستويا —mstwyā* (14); ساوى —sāwā* (13); التسوية —al-tswyh* (9); أسوة —ʾswh* (8); استواء —ʾstwāʾ* (8); تسوية —tswyh* (8); فسواء —fswāʾ* (7); تساوي —tsāwy* (6); يساوي —ysāwy* (6); استوى —ʾstwā* (4); السواء —al-swāʾ* (4); وسوى —wswā* (4); المساواة —al-msāwāh* (3); سواهم —swāhm* (3); استووا —ʾstwwā* (2); سواها —swāhā* (2); استوت —ʾstwt* (1); فسوى —fswā* (1); يساويه —ysāwyh* (1); يسوي —yswy* (1)

Context L2: ... رحمة ربه قل هل يستوي الذين يعلمون والذين لا يعلمون ...

[166] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: مول (read dictionary entry).
[167] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: سوا (read dictionary entry).

Context L32: ... أخبر بمثل ما نخبر سواء وأن المدعين للإلهام ولإدراك ما ...

168. وَاقِعَة / وَقَعَ[168]

waqaʿa / wāqiʿah

369 occurrences; cumulative coverage 74.27%.

Possible English: happen; occur; take effect; event

Context: وقع can mean an act took place or acquired effect. وقوع الطلاق refers to divorce taking effect, not a literal fall.

Forms and grammar: يقع / وقع = occurred / occurs; وقعت = she or it occurred; واقعة / وقائع = event(s). واقع can be an adjective/participle or a different verb form according to vowels.

Attested spellings and counts

يقع —yqʿ* (151); وقع —wqʿ* (62); تقع —tqʿ* (24); وقوع —wqwʿ* (22); واقع —wāqʿ* (18); يوقع —ywqʿ* (18); أوقع —ʾwqʿ* (11); وقعت —wqʿt* (11); الواقع —al-wāqʿ* (8); الواقعة —al-wāqʿh* (7); وقوعا —wqwʿā* (6); إيقاعه —ʾīqāʿh* (4); وأوقع —wʾwqʿ* (4); واقعة —wāqʿh* (4); ووقع —wwqʿ* (4); يوقعه —ywqʿh* (4); الوقوع —al-wqwʿ* (3); فيقع —fyqʿ* (2); وقوعه —wqwʿh* (2); بوقوع —bwqwʿ* (1); توقع —twqʿ* (1); ويقع —wyqʿ* (1); يقعان —yqʿān* (1)

Context L16: ... وبيان التنازع الواقع منا وبيان ما يقع فيه ...

Context L20: ... هذا الباب سبب الاختلاف الواقع بين الأئمة الباب الثاني عشر ...

169. أَخْطَأَ / خَطَأ[169]

khaṭaʾ / ʾakhṭaʾa

367 occurrences; cumulative coverage 74.36%.

Possible English: error; mistake; err; accidental

Context: خطأ can describe an incorrect opinion or unintentional action. In homicide discussion it may classify accidental killing.

Forms and grammar: أخطأ / يخطئ = erred / errs; أخطأت = I or you erred; خطأ is a noun. مخطئة / مخطئ show agreement; الخطأ adds the article.

Attested spellings and counts

خطأ —khṭʾ* (149); الخطأ —al-khṭʾ* (90); أخطأ —ʾkhṭʾ* (30); مخطئا — mkhṭʾā* (19); فأخطأ —fʾkhṭʾ* (18); أخطأتم —ʾkhṭʾtm* (13); والخطأ — wālkhṭʾ* (10); بالخطأ —bālkhṭʾ* (9); وأخطأ —wʾkhṭʾ* (6); وخطأ —wkhṭʾ* (4); أخطأت —ʾkhṭʾt* (3); بخطأ —bkhṭʾ* (3); مخطئون —mkhṭʾwn* (3); خطاياهم —khṭāyāhm* (2); خطيئة —khṭyʾh* (2); فخطأ —fkhṭʾ* (2); للخطأ —llkhṭʾ* (2); خطيئته —khṭyʾth* (1); وأخطأت —wʾkhṭʾt* (1)

Context L9: ... الجاهلة من غرض خسيس خطأ إلا ما قصد به إظهار ...

[168] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: وقع (read dictionary entry).

[169] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: خطأ (read dictionary entry).

Context L10: ... إثمين إثم التقليد وإثم الخطأ ونقصت أجور من ...

170. مَنَعَ[170]

manaʿa

364 occurrences; cumulative coverage 74.45%.

Possible English: prevent; prohibit; withhold; bar; refuse

Context: منع can concern refusing property, stopping an act or excluding an argument. يمتنع can mean is impossible or abstains, depending on its subject.

Forms and grammar: منع / يمنع = prevented / prevents; منعني = prevented me; امتنع / يمتنع is a distinct pattern; مانع = preventing or impediment; ممنوع = prevented or prohibited.

Attested spellings and counts

المنع —al-mnʿ* (54); منع —mnʿ* (37); يمنع —ymnʿ* (31); ممتنع —mmtnʿ* (20); منعنا —mnʿnā* (19); منعه —mnʿh* (19); الممتنع —al-mmtnʿ* (15); مانع —mānʿ* (15); مانعا —mānʿā* (12); المانع —al-mānʿ* (11); ومنع —wmnʿ* (8); امتناع —ʾmtnāʿ* (7); بالمنع —bālmnʿ* (7); بمانع —bmānʿ* (6); منعهم —mnʿhm* (6); والمنع —wālmnʿ* (6); يمنعون —ymnʿwn* (5); امتنع —ʾmtnʿ* (4); بمنع —bmnʿ* (4); مانعة —mānʿh* (4); ممتنعا —mmtnʿā* (4); منعت —mnʿt* (4); منعتم —mnʿtm* (4); منعك —mnʿk* (4); منعوا —mnʿwā* (4); نمنع —nmnʿ* (4); ومنعه —wmnʿh* (4); ومنعوا —wmnʿwā* (4); يمتنع —ymtnʿ* (4); المانعون —al-mānʿwn* (3); امتناعه —ʾmtnāʿh* (3); ممنوع —mmnwʿ* (3); فمنعوا —fmnʿwā* (2); فيمنع —fymnʿ* (2); لمنع —lmnʿ* (2); ممنوعا —mmnwʿā* (2); منعا —mnʿā* (2); ومنعتم —wmnʿtm* (2); ومنعهم —wmnʿhm* (2); المانعين —al-mānʿyn* (1); الممنوع —al-mmnwʿ* (1); تمنعوا —tmnʿwā* (1); منعتموه —mnʿtmwh* (1); منعته —mnʿth* (1); منعكم —mnʿkm* (1); منعها —mnʿhā* (1); منعهما —mnʿhmā* (1); منعهن —mnʿhn* (1); ويمنعون —wymnʿwn* (1); يمنعني —ymnʿny* (1); يمنعه —ymnʿh* (1); يمنعهم —ymnʿhm* (1); يمنعوا —ymnʿwā* (1); يمنعوه —ymnʿwh* (1)

Context L0: ... قوما في سبيل ما ومنعهم التوفيق في سبيل أخرى كما ...

Context L47: ... تعالى المحاجة إلا بعلم ومنع منها بغير علم ...

[170] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: منع (read dictionary entry).

171. جَمَل / جُمْلَة[171]

jumlah / jamal

363 occurrences; cumulative coverage 74.54%.

Possible English: whole; total; statement; camel

Context: جملة can summarize a total or a proposition; جَمَل is a camel. The noun and its vowels distinguish an argument summary from an animal.

Forms and grammar: جملة / جمل = statement(s) with different vowels from جمل / جمال, camel(s). أجمل can mean summarized; مجمل = summary or unelaborated, according to context.

Attested spellings and counts

جملة —jmlh* (234); الجملة —al-jmlh* (42); وبالجملة —wbāljmlh* (16); الجمل — al-jml* (15); بالجملة —bāljmlh* (12); جملته —jmlth* (7); جميل —jmyl* (6); مجمل —mjml* (5); جمل —jml* (4); وجملة —wjmlh* (4); أجمل —ʾjml* (3); بجمل — bjml* (3); مجملا —mjmlā* (3); الجميلة —al-jmylh* (2); جملتها —jmlthā* (2); إجمال —ʾijmāl* (1); جملا —jmlā* (1); جملتهم —jmlthm* (1); جميلا —jmylā* (1); جميلة —jmylh* (1)

Context L9: ... الله عليه وسلم وشرح الجمل التي تجمع أصناف أحكامه والعبارات ...

Context L10: ... العقدة من عقد تلك الجمل يلوح الحق في ألوف من ...

172. ثَابِت / ثَبَتَ[172]

thabata / thābit

361 occurrences; cumulative coverage 74.63%.

Possible English: be established; remain firm; established; Thābit

Context: ثبت can mean a report or claim is established. ثابت may be an adjective or the personal name Thābit.

Forms and grammar: يثبت / ثبت = was established / is established; أثبت = established or proved; ثابتة / ثابت agree in gender. ثبوت and إثبات are distinct verbal nouns.

Attested spellings and counts

ثابت —thābt* (78); ثبت —thbt* (67); إثبات —ʾithbāt* (37); يثبت — ythbt* (28); الثابتة —al-thābth* (20); فثبت —fthbt* (15); وثبت —wthbt* (14); الثبات —al-thbāt* (12); الثابت —al-thābt* (10); أثبت —ʾthbt* (9); إثباته — ʾithbāth* (8); ثابتة —thābth* (8); ثبات —thbāt* (8); ثبتت —thbtt* (8); ثبتَ —tthbt* (6); ويثبت —wythbt* (6); مثبت —mthbt* (5); ثابتا —thābtā* (4); وثابت —wthābt* (4); والثابت —wālthābt* (3); وأثبت —wʾthbt* (2); أثبته — ʾthbth* (1); أثبتوا —ʾthbtwā* (1); الإثبات —al-ʾithbāt* (1); بأثبت —bʾthbt* (1); وثبتوا —thbtwā* (1); وإثبات —wʾithbāt* (1); وإثباته —wʾithbāth* (1); ونثبت — wtthbt* (1); يثبتوا —ythbtwā* (1)

Context L15: ... في القرآن الذي قد ثبت أنه من قبله عز وجل ...

Context L19: ... الكتاب الباب الثالث في إثبات حجج العقل وبيان ما يدركه ...

[171] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: جمل (read dictionary entry).
[172] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ثبت (read dictionary entry).

173. نَقْل / نَقَلَ[173]

naqala / naql

361 occurrences; cumulative coverage 74.72%.

Possible English: transfer; transmit; quote; report

Context: Here transmission often means reporting another legal school's opinion, not necessarily transmitting a prophetic report.

Forms and grammar: ينقل / نقل = he transmitted / transmits; ينقلون / نقلوا = they transmitted / transmit. نقلت is ambiguous without vowels; الناقل is the transmitter.

Attested spellings and counts

النقل —nql* (125); نقله —nqlh* (49); منقول —mnqwl* (34); نقل —al-nql* (31); بنقل —bnql* (18); المنقول —al-mnqwl* (17); ينقل —ynql* (17); نقلا —nqlā* (10); الناقل —al-nāql* (8); نقلوه —nqlwh* (7); بالنقل —bālnql* (6); نقلها —nqlhā* (5); ونقل —wnql* (5); نقلهم —nqlhm* (4); نقلوا —nqlwā* (4); ننقل —nnql* (4); ينقله —ynqlh* (4); تنقل —tnql* (3); نقلت —nqlt* (3); الناقلين —al-nāqlyn* (2); ناقل —nāql* (2); ونقله —wnqlh* (2); ينقلها —ynqlhā* (1)

Context L4: ... وكل ما قلنا فلم نقله جزافا بل لم نقل كلمة ...

Context L25: ... ويناضل عنه لأننا لم نقل إن كان معتقد لمذهب ما ...

174. قَطْع / قَطَعَ[174]

qaṭaʿa / qaṭʿ

359 occurrences; cumulative coverage 74.80%.

Possible English: cut; sever; interrupt; terminate; be certain

Context: قطع can describe cutting a physical object, breaking a transmission link or decisively establishing something. Legal consequences are not supplied by the root alone.

Forms and grammar: يقطع / قطع = cut / cuts; انقطع = became interrupted; مقطوع = cut off; منقطع = disconnected. قطعه can be his cutting or he cut it according to vowels.

Attested spellings and counts

قطع —qṭʿ* (42); القطع —al-qṭʿ* (37); يقطع —yqṭʿ* (35); نقطع —nqṭʿ* (31); مقطوع —mqṭwʿ* (20); تقطع —tqṭʿ* (17); قطعا —qṭʿā* (15); وقطع —wqṭʿ* (12); المقطوع —al-mqṭwʿ* (11); بقطع —bqṭʿ* (11); قاطع —qāṭʿ* (10); منقطع —mnqṭʿ* (9); ونقطع —wnqṭʿ* (9); يقطعون —yqṭʿwn* (9); أقطع —ʾqṭʿ* (8); والقطع —wālqṭʿ* (8); انقطع —ʾnqṭʿ* (7); قطعتم —qṭʿtm* (7); قطعة —qṭʿh* (6); القاطعة —al-qāṭʿh* (5); فتقطع —ftqṭʿ* (5); قاطعة —qāṭʿh* (5); فاقطعوا —fāqṭʿwā* (4); قطعت —qṭʿt* (4); انقطعت —ʾnqṭʿt* (3); فقطع —fqṭʿ* (3); قاطعا —qāṭʿā* (3); ويقطعون —wyqṭʿwn* (3); القاطع —al-qāṭʿ* (2); انقطاع —ʾnqṭāʿ* (2); فقطعت —fqṭʿt* (2); والمقطوع —wālmqṭwʿ* (2); وانقطاع —wānqṭāʿ* (2); بالقطع —bālqṭʿ* (1); فمنقطع —fmnqṭʿ* (1); فمنقطعة —fmnqṭʿh* (1); فنقطع —fnqṭʿ* (1);

[173] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نقل (read dictionary entry).
[174] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قطع (read dictionary entry).

قطعه —qṭʿh* (1); قطعها —qṭʿhā* (1); قطعوا —qṭʿwā* (1); ليقطع —lyqṭʿ* (1); منقطعة —mnqṭʿh* (1); ينقطع —ynqṭʿ* (1)

Context L23: ... الرابع والثلاثون في الاحتياط وقطع الذرائع الباب الخامس ... والثلاثون في ...

Context L39: ... إلى ما أوجبته الحجة القاطعة وقال تعالى قل فأتوا بكتاب ...

175. بَاعَ / بَيّع[175]

bāʿa / bayʿ

349 occurrences; cumulative coverage 74.89%.

Possible English: sell; sale; purchase in some lexical uses; trade

Context: بيع in the legal discussion usually means sale or a sale contract. بيع versus هبة distinguishes sale from gift. Determine who buys and sells from the sentence's roles.

Forms and grammar: باع / يبيع = sold / sells; بعتُ = I sold; يباع = is sold. بيع / بيوع = sale / sales; بائع = seller; مبيع = sold object. ابتاع = bought.

Attested spellings and counts

بيع —byʿ* (90); البيع —al-byʿ* (30); باع —bāʿ* (23); بيعه —byʿh* (12); تبايعتم — البائع —lbyʿ* (10); لبيع —wbyʿ* (11); وبيع —byʿtm* (11); البيوع —al-bywʿ* (10); بيعهن —al-bāʾʿ* (9); ابتياع —ʾbtyāʿ* (8); يبيع —ybyʿ* (8); بيعة —byʿh* (7); والبيع —byʿhn* (6); المبتاع —al-mbtāʿ* (5); المبيع —al-mbyʿ* (5); بيعها —byʿhā* (5); للبائع —wālbyʿ* (5); يباع —ybāʿ* (5); ابتاع —ʾbtāʿ* (4); ابتياعه —ʾbtyāʿh* (4); llbāʾʿ* (4); نبيع —nbyʿ* (4); يبتاعه —ybtāʿh* (4); البيعة —al-byʿh* (3); باعه — bāʿh* (3); بيعا —byʿā* (3); تباع —tbāʿ* (3); وباع —wbāʿ* (3); يبتاع —ybtāʿ* (3); بيعهم — بعني —bʿny* (2); بايع —bāyʿ* (2); ببيع —bbyʿ* (2); باعها —bāʿhā* (2); والبيوع —llmbtāʿ* (2); للمبتاع —llbyʿ* (2); للبيع —tbyʿwā* (2); تبيعوا —tbyʿhm* (2); يبيعها —ybyʿh* (2); يبيعه —yb ʿ* (2); يبع —wbyʿhā* (2); وبيعها —wālbywʿ* (2); التبايع —ybyʿhā* (2); ابتاعه —ʾbtāʿh* (1); ابتع —ʾbtʿ* (1); ابتياعها —ʾbtyāʿhā* (1); المتبايعان — al-tbāyʿ* (1); المبايعات —al-mbāyʿāt* (1); المبيعة —al-mbyʿh* (1); بعه —bʿth* (1); بايعنا —bāyʿnā* (1); بالبيع —bālbyʿ* (1); al-mtbāyʿān* (1); فباع —fbāʿ* (1); فبيعه —fbyʿh* (1); فبع —fbʿ* (1); فباعها —fbāʿhā* (1); فابتاعه —fābtāʿh* (1); فابتاع —fābtāʿ* (1); بيعتين —byʿtyn* (1); —bʿh* (1); فيبيعه —fybyʿh* (1); وابتياع —wābtyāʿ* (1); fybāʿ* (1); متبايعين —mtbāyʿyn* (1); وبيعه —wbyʿh* (1); يبعه —ybʿh* (1); يبعها —ybʿhā* (1)

[175] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بيع (read dictionary entry).

Context L45: ... ذلك بأنهم قالوا إنما لبيع مثل لربا وأحل الله لبيع ...

Context L98: ... غير الذي يلبسه المرء وبيع السلاح ممن لا يؤمن منه ...

176. خَطَّاب / خِطْبَة / خُطْبَة[176]

khuṭbah / khiṭbah / khaṭṭāb

347 occurrences; cumulative coverage 74.98%.

Possible English: sermon; marriage proposal; address; al-Khaṭṭāb

Context: خطبة can mean a sermon or a marriage proposal, with different first vowels. الخطاب in a patronymic often identifies al-Khaṭṭāb; it need not mean an address.

Forms and grammar: خطب / يخطب = addressed or proposed / addresses or proposes; خِطبة / خُطبة distinguish two nouns. خطاب and خطّاب are different formations; neither is a case ending.

Attested spellings and counts

الخطاب —al-khṭāb* (166); خطاب —khṭāb* (33); خوطبنا —khwṭbnā* (18); الخطبة —al-khṭbh* (15); خطب —khṭb* (14); يخاطب —ykhāṭb* (12); خاطب —khāṭb* (10); يخطب —ykhṭb* (10); المخاطب —al-mkhāṭb* (8); خاطبنا —khāṭbnā* (8); خوطب —khwṭb* (7); خطبته —khṭbth* (6); مخاطبا —mkhāṭbā* (6); خطبة —khṭbh* (5); خطبنا —khṭbnā* (5); المخاطبين —al-mkhāṭbyn* (4); خطابا —khṭābā* (4); خاطبه —khāṭbh* (3); نخطب —fkhṭb* (2); للخطبة —llkhṭbh* (2); مخاطب —mkhāṭb* (2); مخاطبة —mkhāṭbh* (2); بالخطبة —bālkhṭbh* (1); خطيبا —khṭybā* (1); مخاطبين —mkhāṭbyn* (1); وخاطبنا —wkhāṭbnā* (1); وخطبته —wkhṭbth* (1)

Context L23: ... السابع والثلاثون في دليل الخطاب الباب الثامن والثلاثون في إبطال ...

Context L85: ... صادقين قلنا نعم إنما خاطب الله بهذا من قال بالباطل ...

177. سَبِيل / سُبُل[177]

sabīl / subul

347 occurrences; cumulative coverage 75.06%.

Possible English: way; path; means

Context: سبيله refers to His path in the Quran quotation; السبل denotes the other paths.

Attested spellings and counts

سبيل —sbyl* (278); سبيلا —sbylā* (30); سبيلهم —sbylhm* (14); السبيل —al-sbyl* (11); سبيله —sbylh* (8); السبل —al-sbl* (4); سبيلنا —sbylnā* (2)

Context L0: ... وسدده لاختياره وسهل عليه سبيله وخذل منهم من شاء فطبع ...

Context L2: ... الطرق ويساوي عندها بين السبل فتبقى النفس في حيرة تتردد ...

[176] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: خطب (read dictionary entry).
[177] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: سبل (read dictionary entry).

Forms and grammar: سبيل is singular; سبل is a broken plural. سبيله adds his / its; السبل adds the definite article.

178. بَاب / أَبْوَاب[178]

bāb / ʾabwāb

346 occurrences; cumulative coverage 75.14%.

Possible English: door; entrance; chapter; subject division

Context: باب names a chapter in Al-Ihkam. أبوابه in the Nuqat introduction is a metaphor for the ways of approaching a subject.

Forms and grammar: باب is singular; أبواب is a broken plural. الباب adds the article; أبوابه adds his / its.

Attested spellings and counts

الباب —al-bāb* (182); باب —bāb* (157); أبواب —ʾbwāb* (5); الأبواب — al-ʾbwāb* (2)

Context L2: ... على الكافرين قيل ادخلوا أبواب جهنم خالدين فيها فبئس مثوى ...

Context L18: ... من غلط في هذا الباب بأن ترك ما هو من ...

179. فَضْل / أَفْضَل[179]

faḍl / ʾafḍal

338 occurrences; cumulative coverage 75.23%.

Possible English: excess; virtue; merit; better; prefer

Context: فضل can be a remaining surplus or merit. أفضل means better or best; preference between legal acts is supplied by context.

Forms and grammar: فضل / يفضل has vowel-dependent readings; فضّل / يفضّل = preferred / prefers. فضيلة / فضائل = virtue(s); تفاضل = difference in amount or merit.

Attested spellings and counts

أفضل —ʾfḍl* (61); فضل —fḍl* (48); متفاضلا —mtfāḍlā* (34); الفضل — al-fḍl* (31); فضلا —fḍlā* (27); فضله —fḍlh* (24); فاضل —fāḍl* (18); أفاضل —ʾfāḍl* (7); الأفضل —al-ʾfḍl* (7); التفاضل —al-tfāḍl* (7); الفاضل — al-fāḍl* (6); فضلهم —fḍlhm* (6); وأفضل —wʾfḍl* (6); وفضل —wfḍl* (6); فاضلا —al-fḍylh* (5); المفاضلة —al-mfāḍlh* (4); المفضل —al-mfḍl* (4); الفضيلة —fāḍlā* (4); فضيلة —fḍylh* (4); لفضل —lfḍl* (4); وفضله —wfḍlh* (4); تفاضل —tfāḍl* (3); والفضل —wālfḍl* (3); الفضلاء —al-fḍlāʾ* (2); بفضل —bfḍl* (2); تفضل —tfḍl* (2); والفضائل —wālfḍāʾl* (2); بالفضل —bālfḍl* (1); تفضيل — tfḍyl* (1); فضلة —fḍlh* (1); فضلت —fḍlt* (1); فضلها —fḍlhā* (1); فضول — fḍwl* (1); فضولا —fḍwlā* (1)

Context L0: ... والعصيان أولئك هم الراشدون فضلا من الله ونعمة والله عليم ...

[178]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بوب (read dictionary entry).
[179]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: فضل (read dictionary entry).

Context L4: ... إله إلا هو فلا فضيلة إلا اتباع ما أمر الله ...

180. أُمَّة / أَمَة[180]

ʾamah / ʾummah

337 occurrences; cumulative coverage 75.31%.

Possible English: enslaved woman; community; nation

Context: أَمَة in status law is an enslaved woman. أُمَّة is a community. Their unvowelled spellings can coincide in some forms but the meanings differ.

Forms and grammar: أمة / إماء = enslaved woman / women; أمم / أمة = community / communities with different vowels. أمته may be his enslaved woman or his community according to vowels.

Attested spellings and counts

الأمة —al-ʾmh* (185); أمة —ʾmh* (62); والأمة —wālʾmh* (23); أمته —ʾmth* (21); أمم —ʾmm* (10); الإماء —al-ʾimāʾ* (10); للأمة —llʾmh* (5); وإمائكم —wʾimāʾkm* (5); بأمة —bʾmh* (4); والإماء —wālʾimāʾ* (3); فالأمة —fālʾmh* (2); وأمة —wʾmh* (2); إماء —ʾimāʾ* (1); بالأمة —bālʾmh* (1); لأمته —lʾmth* (1); وإمائهم —wʾimāʾhm* (1); وللأمة —wllʾmh* (1)

Context L0: ... علم كذلك زينا لكل أمة عملهم ثم إلى ربهم مرجعهم ...

Context L2: ... من بعدهم وهمت كل أمة برسولهم ليأخذوه وجادلوا بالباطل ... ليدحضوا ...

181. لَفْظِيّ / لَفْظ[181]

lafẓ / lafẓiyy

337 occurrences; cumulative coverage 75.39%.

Possible English: wording; expression; utterance; verbal

Context: لفظي often contrasts something actually expressed with a semantic or mentally supplied governor. لفظ concerns expression, not necessarily one dictionary word.

Forms and grammar: لفظ / ألفاظ = expression / expressions; لفظي / لفظية = verbal, masculine / feminine; بلفظه = in its actual wording.

Attested spellings and counts

اللفظ —al-lfẓ* (108); لفظ —lfẓ* (100); بلفظ —blfẓ* (54); الألفاظ —al-ʾlfāẓ* (45); لفظا —lfẓā* (10); واللفظ —wāllfẓ* (8); بلفظه —blfẓh* (6); اللفظين —al-lfẓyn* (4); ألفاظه —ʾlfāẓh* (2)

Context L19: ... الناس الباب الخامس في الألفاظ الدائرة بين أهل النظر الباب ...

Context L41: ... الأحاديث والآي في ظاهر اللفظ ولم يقم لنا بيان الناسخ ...

[180] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أما (read dictionary entry); أمم (read dictionary entry).

[181] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: لفظ (read dictionary entry).

182. يَد / أَيْدٍ[182]

yad / ʾaydin

332 occurrences; cumulative coverage 75.47%.

Possible English: hand; possession; control; power

Context: بيده can be physically in his hand or under his control. اليد in a property dispute may describe possession rather than a body part.

Forms and grammar: يد / يدان / يدين = hand / two hands with case variation; أيد / أياد are plurals. يده / يدها / أيديهم attach possessive pronouns; اليدين can refer to the two hands.

Attested spellings and counts

دينكم —dynkm* (76); بيده —bydh* (35); يد —yd* (30); يديه —ydyh* (25); وأيديكم —wʾydykm* (16); بأيديهم —bʾydyhm* (14); يده —ydh* (14); اليد —al-yd* (12); يدي —ydy* (12); أيديهما —ʾydyhmā* (11); أيديهم —ʾydyhm* (10); بيد —byd* (10); اليدين —al-ydyn* (7); أيدينا —ʾydynā* (5); باليد —bālyd* (5); بيدك —bydk* (5); بيدها —bydhā* (5); يدا —ydā* (5); يدها —ydhā* (5); أيدي —ʾydy* (4); الأيدي —al-ʾydy* (4); نودي —nwdy* (4); بأيدي —bʾydy* (3); بيدي —bydy* (2); واليد —wālyd* (2); يدين —ydyn* (2); يودى —ywdā* (2); بأيديكم —b'ydykm* (1); بأيدينا —bʾydynā* (1); لبيد —lbyd* (1); واليدين —wālydyn* (1); ويده —wydh* (1); يدك —ydk* (1); يودي —ywdy* (1)

Context L16: ... يئس الذين كفروا من دينكم فلا تخشوهم واخشون اليوم أكملت ...

Context L27: ... يطلبه المرء وهو بين يديه في جملة أشياء كثيرة فيطول ...

183. قَدَم / قَدَّمَ / قَدِمَ[183]

qadima / qaddama / qadam

325 occurrences; cumulative coverage 75.55%.

Possible English: come; precede; put forward; earlier; foot

Context: قدمنا can mean we previously presented, according to vowels and pattern. القدم is a foot in bodily contexts; المتقدم can mean the earlier-mentioned person or statement.

Attested spellings and counts

قدمنا —qdmnā* (74); تقدم —tqdm* (48); المتقدم —al-mtqdm* (18); تقديم —tqdym* (15); الإقدام —al-ʾiqdām* (14); أقدم —ʾqdm* (13); يقدم —yqdm* (13); قدم —qdm* (11); قديما —qdymā* (10); متقدمة —mtqdmh* (9); المتقدمة —al-mtqdmh* (7); قدمناه —qdmnāh* (7); متقدم —mtqdm* (7); مقدم —mqdm* (7); يتقدم —ytqdm* (7); يقدمون —yqdmwn* (6); تقدمت —tqdmt* (5); إقدام —ʾiqdām* (4); فتقدم —ftqdm* (4); قديم —qdym* (4);

[182] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: يدي (read dictionary entry).

[183] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قدم (read dictionary entry).

Forms and grammar: قدم / يقدم and قدّم / يقدّم are different patterns; تقديم = putting forward. قدم / أقدام = foot/feet; قديم / قديمة = old or earlier.

وتقدم —wtqdm* (4); التقدم —al-tqdm* (3); مقدمة —mqdmh* (3); أقدموا —ʾqdmwā* (2); المتقدمين —al-mtqdmyn* (2); المقدم —al-mqdm* (2); المقدمة —al-mqdmh* (2); بتقديم —btqdym* (2); تقديمه —tqdymh* (2); فقدم —fqdm* (2); قدموا —qdmwā* (2); مقدما —mqdmā* (2); وإقدام —wʾiqdām* (2); وقدموا —wqdmwā* (2); القدم —al-qdm* (1); القدماء —al-qdmāʾ* (1); تقدمنا —tqdmnā* (1); تقدمه —tqdmh* (1); قدمت —qdmt* (1); قدمه —qdmh* (1); قدميه —qdmyh* (1); وتقديم —wtqdym* (1); وقدم —wqdm* (1); يقدموا —yqdmwā* (1)

Context L48: ... الحجاج المذموم على ما قدمناه فوجدناه قد قال وما نرسل ...

Context L66: ... يكون ضرورة إلا بكلام متقدم بين المصطلحين على وضعها أو ...

184. اعْتَدَى / عَدُوّ[184]

ʿaduww / ˀtadā

322 occurrences; cumulative coverage 75.63%.

Possible English: enemy; transgress; exceed; pass beyond

Context: عدا can mean except in an excluding construction. اعتدى is transgressed; العدو is an enemy, not a plural verb.

Forms and grammar: أعداء / عدو = enemy/enemies; يتعدّى / تعدّى = exceeded / exceeds; عدوان = transgression. تعدّ can be a shortened verb form, requiring its grammatical context.

Attested spellings and counts

يتعدى —ʿdāh* (23); عداه —ʿdā* (94); عدو —ʿdw* (27); يتعد —ytʿd* (25); عدا —ytʿdā* (19); تعدى —tʿdā* (15); تعتدوها —tʿtdwhā* (12); تعدي —tʿdy* (10); تعتدوا —tʿtdwā* (9); تعد —tʿd* (9); تعديه —tʿdyh* (8); عداها —ʿdāhā* (7); نتعدى —ntʿdā* (7); عداهما —ʿdāhmā* (5); أعداء —ˀdāʾ* (4); اعتدى —ˀtdā* (4); العادي —al-ʿādy* (4); العدوي —al-ʿdwy* (4); التعدي —al-tʿdy* (3); العدو —al-ʿdw* (3); عدوه —ʿdwā* (3); عدوا —ʿdwh* (3); تعديها —tʿdyhā* (3); عادت —ʿādt* (3); وعدوانا —wtʿd* (2); وتعد —mtʿd* (2); متعد —ʿdāwh* (2); عداوة —wʿdwānā* (2); اعتداء —ˀtdāʾ* (1); العادون —al-ʿādwn* (1); المعتدي —al-mʿtdy* (1); نتعدى —ttʿdā* (1); تعديا —tʿdyā* (1); نتعد —ntʿd* (1); نتعده —ntʿdh* (1); والعدوان —wālʿdwān* (1); وتعدى —wtʿdā* (1); يتعداه —ytʿdāh* (1)

Context L0: ... دون الله فيسبوا الله عدوا بغير علم كذلك زينا لكل ...

Context L9: ... بموجب ذلك وإن ما عدا هذا مما يتنافس فيه الناس ...

[184]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عدا (read dictionary entry).

185. وَقْت / مِيقَات[185]

waqt / mīqāt

320 occurrences; cumulative coverage 75.71%.

Possible English: time; appointed time; time limit; prescribed boundary

Context: وقت الصلاة is the time for prayer. ميقات can be a fixed time or a pilgrimage entry boundary. The noun's complement identifies what is scheduled.

Forms and grammar: وقت / أوقات = time / times; ميقات / مواقيت = prescribed time or boundary / plural. وقته / وقتها change the referent; وقتا is a common accusative form.

Attested spellings and counts

وقت —wqt* (132); الوقت —al-wqt* (53); وقتها —wqthā* (42); بوقت — bwqt* (20); وقته —wqth* (17); أوقات —ʾwqāt* (12); وقتا —wqtā* (12); أوقاتها —ʾwqāthā* (9); الأوقات —al-ʾwqāt* (6); ووقت —wwqt* (3); الوقتين — al-wqtyn* (2); لوقت —lwqt* (2); لوقتها —lwqthā* (2); التوقيت —al-twqyt* (1); المواقيت —al-mwāqyt* (1); الميقات —al-myqāt* (1); توقيت —twqyt* (1); للوقت —llwqt* (1); ميقات —myqāt* (1); ووقتها —wwqthā* (1); يوقت —ywqt* (1)

Context L22: ... الإسلامية لكل مؤمن وكافر ووقت لزوم الشرائع للإنسان الباب الحادي ...

Context L25: ... يكون حقا بإطلاق في وقت واحد من وجه واحد وقد ...

186. وَضَعَ / مَوْضِـع[186]

waḍaʿa / mawḍiʿ

314 occurrences; cumulative coverage 75.79%.

Possible English: put; lay down; remove; give birth; place

Context: وضعت can describe a woman giving birth in the relevant passage. موضوع in report evaluation can mean fabricated; physical placement is a different use.

Forms and grammar: وضع / يضع = put / puts; وضعنا = we put; موضع / مواضع = place(s). موضوعة / موضوع show agreement; وضعها can have noun-plus-possessive or verb-plus-object readings.

Attested spellings and counts

موضع —mwḍʿ* (34); موضوعه —mwḍwʿh* (28); وضع —wḍʿ* (27); المواضع —al-mwāḍʿ* (26); مواضع —mwāḍʿ* (22); موضوع —mwḍwʿ* (20); موضعه —mwḍʿh* (16); وضعه —wḍʿh* (15); مواضعه —mwāḍʿh* (13); موضوعة — mwḍwʿh* (11); الموضع —al-mwḍʿ* (10); موضعها —mwḍʿhā* (8); الموضوع —al-mwḍwʿ* (7); موضوعا —mwḍwʿā* (7); وضعت —wḍʿt* (6); ووضع — wwḍʿ* (6); الموضعين —al-mwḍʿyn* (5); مواضعها —mwāḍʿhā* (5); ويضع — wyḍʿ* (5); يضع —yḍʿ* (5); توضع —twḍʿ* (4); موضعا —mwḍʿā* (4); موضعين — mwḍʿyn* (4); وضعها —wḍʿhā* (4); الموضوعة —al-mwḍwʿh* (3); تضع —tḍʿ* (3); يوضع —ywḍʿ* (3); فوضع —fwḍʿ* (2); ونضع —wnḍʿ* (2); ووضعه —wwḍʿh* (2); الوضع —al-wḍʿ* (1); بوضع —bwḍʿ* (1); فموضوع —fmwḍwʿ* (1); فوضعه — fwḍʿh* (1); موضعهما —mwḍʿhmā* (1); يضعن —yḍʿn* (1); يضعها —yḍʿhā* (1)

[185] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: وقت (read dictionary entry).
[186] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: وضع (read dictionary entry).

Context L33: ... أنه قد خفي عنهم موضعه منذ مائة وسبعين عاما وإن ...

Context L57: ... صلى الله عليه وسلم وضع السؤال موضعه وكيفية المحاجة في ...

187. وَلَدَ / وَلَد[187]

walad / *walada*

310 occurrences; cumulative coverage 75.86%.

Possible English: child; offspring; son; bear a child; parent

Context: ولد can include offspring without specifying sex unless qualified. ولدت can describe giving birth; the final vowel and subject determine who did so.

Forms and grammar: أولاد / ولد = child / children; والدان / والدة / والِد = father or parent / mother / parents. يولد / وِلد and يولد / وُلد distinguish active/passive by vowels; ولده = his child in a noun phrase.

Attested spellings and counts

ولد —wld* (55); الوليد —al-wlyd* (36); الأولاد —al-ʾwlād* (27); ولده — wldh* (15); الولد —al-wld* (14); أولادكم —ʾwlādkm* (13); ولدت —wldt* (13); مولود —mwlwd* (11); للوالدين —llwāldyn* (10); الوالدين —al-wāldyn* (9); ولدها —wldhā* (9); الولادة —al-wlādh* (8); أولادهن —ʾwlādhn* (7); بولده — bwldh* (7); تولد —twld* (7); يولد —ywld* (7); بولدها —bwldhā* (6); والدة — wāldh* (6); والوليد —wālwlyd* (5); والد —wāld* (4); ولادة —wlādh* (4); ولدا —wldā* (4); أولاد —ʾwlād* (3); أولادهم —ʾwlādhm* (3); ولدته —wldth* (3); ووولده —wwldh* (3); أولاده —ʾwlādh* (2); فولدت —fwldt* (2); مولد — mwld* (2); والده —wāldh* (2); والولد —wālwld* (2); الوالد —al-wāld* (1); للولد —llwld* (1); لولد —lwld* (1); لولده —lwldh* (1); والأولاد —wālʾwlād* (1); والوالد —wālwāld* (1); ولادته —wlādth* (1); ولدوا —wldwā* (1); وليدة — wlydh* (1); وولد —wwld* (1); ووليدة —wwlydh* (1)

Context L2: ... ولو على أنفسكم أو الوالدين والأقربين إن يكن غنيا أو ...

Context L4: ... وعبده المنتخب من جميع ولد آدم محمدا صلى الله عليه ...

[187] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ولد (read dictionary entry).

188. جَهْل / مَجْهُول[188]

jahl / majhūl

302 occurrences; cumulative coverage 75.94%.

Possible English: ignorance; not know; unknown

Context: مجهول in report assessment can mean a transmitter's identity/status is unknown. الجاهلية names the pre-Islamic period in its historical use.

Forms and grammar: جهل / يجهل = did not know / does not know; جاهل / جاهلة show agreement; مجهول / مجهولة = unknown. جهالة and جاهلية are distinct nouns.

Attested spellings and counts

جاهل —jāhl* (46); جهل —jhl* (45); الجهل —al-jhl* (31); الجاهل —al-jāhl* (27); مجهول —mjhwl* (24); الجاهلية —al-jāhlyh* (18); الجهال —al-jhāl* (14); جهله —jhlh* (14); يجهله —yjhlh* (10); بجهالة —bjhālh* (9); جاهلا —jāhlā* (9); لجهله —ljhlh* (8); بجهله —bjhlh* (6); والجاهل —wāljāhl* (6); المجهول —al-mjhwl* (5); والجهل —wāljhl* (5); جهلها —jhlhā* (4); يجهل — yjhl* (4); أجهل —ʾjhl* (3); بالجهل —bāljhl* (3); بمجهول —bmjhwl* (2); جهلا —jhlā* (2); مجهولون —mjhwlwn* (2); الجهالة —al-jhālh* (1); بجهل —bjhl* (1); جاهلين —jāhlyn* (1); مجهولان —mjhwlān* (1); مجهولين —mjhwlyn* (1)

Context L2: ... ما منحه الله تعالى والجاهل يسر لما لا يدري حقيقة ...

Context L4: ... رفض ما قاد إليه الجهل والشهوة والغضب المولد للعصبية وحمية ...

189. وَرَدَ / وُرُود[189]

warada / wurūd

293 occurrences; cumulative coverage 76.01%.

Possible English: arrive; occur; be transmitted

Context: ورد in a discussion of evidence often means that a text or report has been transmitted.

Forms and grammar: ورد / يرد = occurred / occurs; ورود is a verbal noun; وارد is an active participle.

Attested spellings and counts

ورد —wrd* (111); الوارد —al-wārd* (67); ورود —wrwd* (50); وردت — wrdt* (22); وارد —wārd* (18); واردة —wārdh* (10); وروده —wrwdh* (9); وورد —wwrd* (4); ورودها —wrwdhā* (2)

Context L20: ... عشر في أقل الجمع الوارد فيها الباب الخامس عشر في ...

Context L41: ... فقط أو في مسائل وردت فيها أحاديث لم تثبت عندنا ...

[188] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: جهل (read dictionary entry).

[189] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ورد (read dictionary entry).

190. حَمْل / حَمَلَ[190]

ḥamala / ḥaml

292 occurrences; cumulative coverage 76.08%.

Possible English: carry; bear; pregnancy; load; interpret

Context: حمل الكلام على can mean interpret wording as. الحامل is a pregnant woman in the relevant context, while حامل can otherwise mean a carrier.

Forms and grammar: حمل / يحمل = carried / carries; حملت can refer to carrying or pregnancy. حامل / حوامل = pregnant woman/women in a common use; محمول = carried or construed.

Attested spellings and counts

حمل —ḥml* (54); يحتمل —yḥtml* (27); يحمل —yḥml* (26); تحمل —tḥml* (23); حملته —ḥmlth* (18); حمله —ḥmlh* (15); حملها —ḥmlhā* (10); محمول —mḥmwl* (10); حامل —ḥāml* (9); الحامل —al-ḥāml* (8); وحمل —wḥml* (8); بحمل —bḥml* (7); نحمل —nḥml* (7); محمولا —mḥmwlā* (6); وحملها —wḥmlhā* (6); حملتم —ḥmltm* (5); حملنا —ḥmlnā* (5); حاملا —ḥāmlā* (4); حملوا —ḥmlwā* (4); يحملوا —yḥmlwā* (4); الحمل —al-ḥml* (3); تحتمل —tḥtml* (3); فحمل —fḥml* (3); وحمله —wḥmlh* (3); وحملوا —wḥmlwā* (3); احتمل —ʾḥtml* (2); بحملها —bḥmlhā* (2); حملت —ḥmlt* (2); حملهم —ḥmlhm* (2); يحملها —yḥmlhā* (2); تحمله —tḥmlh* (1); حامله —ḥāmlh* (1); حملا —ḥmlā* (1); حملك —ḥmlk* (1); حملهن —ḥmlhn* (1); فحملت —fḥmlt* (1); للحمل —llḥml* (1); محمولة —mḥmwlh* (1); والحمل —wālḥml* (1); ويحتمل —wyḥtml* (1); يحمله —yḥmlh* (1)

Context L20: والسنة والأخذ بالظاهر منهما وحمل كل ذلك على الوجوب والفور ...

...

Context L54: ... تعالى لله يعلم ما تحمل كل أنثى وما تغيض لأرحام ...

191. رَجْعَة / رَجَعَ[191]

rajaʿa / rajʿah

291 occurrences; cumulative coverage 76.15%.

Possible English: return; retract; refer back; marital return

Context: رجع can describe returning property or retracting an opinion. رجعة in divorce law concerns taking a wife back during the relevant legal period, a specific use.

Attested spellings and counts

راجع —rājʿ* (31); رجع —rjʿ* (27); الرجوع —al-rjwʿ* (25); رجعوا —rjʿwā* (25); رجعتم —rjʿtm* (21); يرجع —yrjʿ* (19); رجوع —rjwʿ* (16); فرجع —frjʿ* (13); ورجع —wrjʿ* (10); راجعون —rājʿwn* (9); راجعة —rājʿh* (8); المرجوع —al-mrjwʿ* (7); راجعا —rājʿā* (7); رجعة —rjʿh* (6); نرجع —nrjʿ* (5); والرجعة —wālrjʿh* (5); ويرجع —wyrjʿ* (5); ترجعوهن —trjʿwhn* (4); والرجوع —wālrjwʿ* (4); الرجعة —al-rjʿh* (3); رجعي —rjʿy* (3); رجعيا —

[190]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حمل (read dictionary entry).
[191]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: رجع (read dictionary entry).

Forms and grammar: رجع / يرجع = returned / returns; رجعت = I, you or she according to vowels; راجع / يراجع is another pattern. رجعي / رجعية are relational adjectives; رجوع and رجعة are different nouns.

rjʿyā* (3); رجوعه —rjwʿh* (3); مراجعة —mrājʿh* (3); أرجع —ʾrjʿ* (2); ارجع ورجعوا —frjʿwā* (2); فرجعوا —rjʿnā* (2); رجعنا —rjʿt* (2); رجعت —ʾrjʿ* (2); يراجع —yrājʿ* (2); يرجعوا —yrjʿwā* (2); الرجعي —al-rjʿy* (1); المراجعة —al-mrājʿh* (1); بالرجعة —bālrjʿh* (1); ترجع —trjʿ* (1); ترجعي — رجوعها trjʿy* (1); راجعت —rājʿt* (1); رجعتها —rjʿthā* (1); رجعية —rjʿyh* (1); فارجع —fārjʿ* (1); فليراجعها —flyrājʿhā* (1); فيرجع —fyrjʿ* (1); مرجعه —mrjʿh* (1)

Context L15: ... الدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون فوجب علينا ...

Context L25: ... مثبتي حجج العقول في رجوع من رجع عن مذهب كان ...

192. سَارَ / سَائِر[192]

sāʾir / *sāra*

290 occurrences; cumulative coverage 76.22%.

Possible English: remaining; other; all; travel

Context: سائر can mean the remainder or, in broader usage, all; decide from the contrast in the sentence.

Forms and grammar: سائر is an active-participle-shaped word; سار / يسير = travelled / travels; سيرة is conduct or biography.

Attested spellings and counts

سائر —sāʾr* (187); وسائر —wsāʾr* (74); سائرها —sāʾrhā* (12); يسير —ysyr* (9); سائرهم —sāʾrhm* (8)

Context L21: ... أن الحق في واحد وسائر الأقوال كلها خطأ الباب السابع ...

Context L41: ... لله رب العالمين وأما سائر مذاهبنا فنحن منها على غاية ...

193. أُجْرَة / أَجْر[193]

ʾajr / *ʾujrah*

289 occurrences; cumulative coverage 76.29%.

Possible English: reward; wage; hire; compensation

Attested spellings and counts

أجر —ʾjr* (61); مأجور —mʾjwr* (48); أجرا —ʾjrā* (43); أجورهن —ʾjwrhn* (30); يؤجر —yʾjr* (24); الأجر —al-ʾjr* (19); الإجارة —al-ʾijārh* (14); أجران — أجره ʾjrān* (12); وأجر —wʾjr* (6); مأجورا —mʾjwrā* (5); فأجره —fʾjrh* (4)

[192] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: سير (read dictionary entry).

[193] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أجر (read dictionary entry).

Context: أجر can be a divine reward or a wage. إجارة names a lease/hiring arrangement, a related legal noun with its own conditions.

Forms and grammar: أجر / أجور = reward or wage / plural; أجرة = fee or wage; استأجر / يستأجر = hired / hires. أجيره = his hired worker; مؤجر = lessor in a relevant reading.

194. أَكَلَ[194]

ʾakala

289 occurrences; cumulative coverage 76.36%.

Possible English: eat; consume; take or appropriate figuratively

Context: أكل مال can mean consuming or wrongfully taking wealth, not literally eating coins or property. Food-law passages often use the literal sense.

Forms and grammar: أكل / يأكل / كل = ate / eats / eat!; أكلت = I or you ate; كلوا = eat!, plural. مأكول = something eaten; يؤكل = is eaten; أكله may be a verb plus object or a noun plus possessive.

بأجر —ʾjrh* (3); المؤاجر —al-mʾājr* (3); أجور —ʾjwr* (2); الأجور —al-ʾjwr* (2); استأجر —ʾijārh* (1); إجارة —bʾjr* (2); أجرهم —ʾjrhm* (1); أجيرا —ʾjyrā* (1); المستأجر —al-mstʾjr* (1); بالإجارة —bālʾijārh* (1); للمستأجر —ʾstʾjr* (1); والأجر —wālʾjr* (1); والإجارة —wālʾijārh* (1); وأجره —wʾjrh* (1); والمستأجر —wālmstʾjr* (1)

Context L2: ... الجنة حيث نشآء فنعم أجر العاملين وترى الملائكة حآفين من ...

Context L9: ... الإسلام كان له مثل أجر كل من عمل بها لا ...

Attested spellings and counts

أكل —ʾkl* (73); الأكل —al-ʾkl* (59); تأكلوا —tʾklwā* (20); أكله —ʾklh* (17); كلوا — يأكل —yʾkl* (10); والأكل —wālʾkl* (10); وكلوا —wklwā* (14); أكلها — آكل —ʾākl* (6); تأكل —tʾkl* (7); بالأكل —bālʾkl* (7); يؤكل —yʾklwn* (5); نأكل —nʾkl* (5); فكلوه —fklwh* (5); ʾklhā* (5); فأكل —fʾkl* (4); الآكل —al-ʾākl* (3); المآكل —al-mʾākl* (3); فكلوا —yʾkl* (5); وأكل —mʾkwl* (2); مأكول —mʾkwl* (2); للأكل —llʾkl* (2); فأكله —fʾklh* (2); —fklwā* (3); بأكله — بأكل —bʾkl* (1); أكلت —ʾklt* (1); يأكله —yʾklh* (2); —wʾkl* (2); وأكله —fly ʾkl* (1); فليأكل —fʾklwā* (1); فأكلوا —tʾklh* (1); تأكله —bʾklh* (1); يأكلها —yʾklhā* (1); وأكلها —wʾklhā* (1); —wʾklh* (1)

Context L16: ... والموقوذة والمتردية والنطيحة ومآ أكل السبع إلا ما ذكيتم وما ...

Context L45: ... وقال الله تعالى لذين يأكلون لربا لا يقومون إلا كما ...

[194]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أكل (read dictionary entry).

195. طَلَّقَ / طَلَاق[195]

ṭalāq / ṭallaqa

289 occurrences; cumulative coverage 76.43%.

Possible English: divorce; divorce someone; release; unrestricted

Context: الطلاق concerns divorce; مطلق in an argument may instead mean unqualified or unrestricted. The shared root does not make every form a marital term.

Forms and grammar: يطلّق / طلّق = divorced / divorces; طلقة / طلقات = one pronouncement / pronouncements. طالق = divorced or a woman described as such; مطلقة is a related feminine participle; إطلاق = release or leaving unqualified.

Attested spellings and counts

الطلاق —al-ṭlāq* (37); يطلق —yṭlq* (24); المطلقة —al-mṭlqh* (19); طلق — أطلق —ṭlq* (19); طالق —ṭālq* (13); تطلق —ttlq* (13); طلاق —ṭlāq* (17); طلاقا —ṭlāqā* (10); ʾṭlq* (12); طلقها —ṭlqhā* (11); فطلقوهن —fṭlqwhn* (11); والطلاق —wālṭlāq* (9); المطلق —al-mṭlq* (8); مطلقا —mṭlqā* (8); الإطلاق — al-ʾiṭlāq* (7); بالطلاق —bālṭlāq* (6); إطلاق —ʾiṭlāq* (4); طلاقها —ṭlāqhā* (4); طلقة —ṭlqh* (4); طلقت —ṭlqt* (4); مطلق —mṭlq* (4); مطلقة —mṭlqh* (4); وللمطلقات —wllmṭlqāt* (4); يطلقها —yṭlqhā* (4); المطلقات —al-mṭlqāt* (3); انطلقت —ʾnṭlqt* (3); طلاقه —ṭlāqh* (3); طلقتموهن —ṭlqtmwhn* (3); بطلاق — bṭlāq* (2); فطلقها —fṭlqhā* (2); وطلاق —wṭlāq* (2); أطلقه —ʾṭlqh* (1); أطلقها —ʾṭlqhā* (1); أطلقوا —ʾṭlqwā* (1); انطلق —ʾnṭlq* (1); بإطلاق —bʾiṭlāq* (1); طلقتين —ṭlqtyn* (1); طلقني — ṭlqny* (1); فالطلاق —fālṭlāq* (1); فانطلق —fānṭlq* (1); للمطلقة —llmṭlqh* (1); وأطلق —wʾṭlq* (1); وإطلاقه —wʾiṭlāqh* (1); يطلقون —yṭlqwn* (1); تطليقتان —ttlyqtān* (1); طالقا —ṭālqā* (1)

Context L25: ... الشيء لا يكون حقا بإطلاق في وقت واحد من وجه ...

Context L54: ... قامت الحجة وعاندوا الحق أطلق الله تعالى السيف حينئذ وقال ...

196. مَدِينَة[196]

madīnah

289 occurrences; cumulative coverage 76.50%.

Possible English: city; Medina

Context: المدينة in a discussion of early jurists usually names Medina; مدينة can also mean a city generically.

Attested spellings and counts

المدينة —al-mdynh* (214); بالمدينة —bālmdynh* (60); مدينة —mdynh* (13); المدن —al-mdn* (2)

Context L165: ... وقتنا هذا ومن خلاء مدينة قد عهدناها معمورة إلى وقتنا ...

Context L202: ... بعض وبعضها بمكة وبعضها بالمدينة وبعضها أكمل من بعض فهلا ...

[195] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: طلق (read dictionary entry).
[196] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: مدن (read dictionary entry).

Forms and grammar: مدينة / مدن = city / cities. المدينة adds the article; المدينة المنورة is a proper-place expression.

197. قُدْرَة / قَدْر[197]

qadr / qudrah

287 occurrences; cumulative coverage 76.58%.

Possible English: amount; measure; extent; ability; determine

Context: قدر can give a quantity or an estimate. يقدر can mean is able or estimates, depending on vowels and construction. A numeral or following noun often clarifies it. القدرية is a theological-school label used by the author; it is not a tense or plural of a measure. The polemical claims remain his own.

Forms and grammar: قدر / يقدر have several vowel-dependent readings; قادر / قادرة = able; مقدار / مقادير = measure(s); قدرة = ability. بقدر = to the extent of or in an amount of.

Attested spellings and counts

يقدر —yqdr* (46); مقدار —mqdār* (38); قدر —qdr* (25); قدير —qdyr* (21); المقدار —al-mqdār* (17); قادر —qādr* (14); بمقدار —bmqdār* (12); قدره —qdrh* (11); قدرة —qdrh* (8); قدرته —qdrth* (8); ومقدار —wmqdār* (8); القدرة —al-qdrh* (6); المقادير —al-mqādyr* (6); قادرا —qādrā* (6); القدر —al-qdr* (5); مقدارا —mqdārā* (5); القادر —al-qādr* (4); بقدر —bqdr* (4); تقديره —tqdyrh* (4); مقداره —mqdārh* (4); نقدر —nqdr* (4); القدور —al-qdwr* (3); تقدير —tqdyr* (3); وقدر —wqdr* (3); أقدر —ʾqdr* (2); المقدور —al-mqdwr* (2); تقدروا —tqdrwā* (2); قدرنا —qdrnā* (2); قدروا —qdrwā* (2); مقدور —mqdwr* (2); يقدرون —yqdrwn* (2); بقدرته —bqdrth* (1); تقدر —tqdr* (1); قادرين —qādryn* (1); قدرت —qdrt* (1); لمقدار —lmqdār* (1); والقدر —wālqdr* (1); والقدرية —wālqdryh* (1); وقدرته —wqdrth* (1)

Context L2: ... ترجعون فالفاضل يسر لمعرفته بمقدار ما منحه الله تعالى والجاهل ...

Context L12: ... من قصده بأمله وهو القادر على كل شيء لا إله ...

198. تَقْلِيد[198]

taqlīd

282 occurrences; cumulative coverage 76.64%.

Possible English: follow another's authority; imitation; unquestioning adherence

Context: In Ibn Hazm's argument تقليد concerns accepting a person's religious ruling without its proof. Reporting evidence and following authority are distinguished.

Attested spellings and counts

التقليد —al-tqlyd* (92); تقليد —tqlyd* (50); تقليدا —tqlydā* (40); قلد —qld* (33); يقلد —yqld* (28); تقليده —tqlydh* (13); المقلد —al-mqld* (8); قلدوا —qldwā* (8); قلده —qldh* (4); المقلدين —al-mqldyn* (3); مقلد —mqld* (3)

Context L10: ... من قلدهم إثمين إثم التقليد وإثم الخطأ ونقصت أجور من ...

Context L23: ... السادس والثلاثون في إبطال التقليد الباب السابع والثلاثون في دليل ...

[197] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قدر (read dictionary entry).
[198] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: قلد (read dictionary entry).

Forms and grammar: قلد / يقلد = followed / follows; مقلد identifies the follower; تقليد is the verbal noun.

199. عَدَد / عِدَّة[199]

ʿadad / ʿiddah

275 occurrences; cumulative coverage 76.71%.

Possible English: number; count; waiting period; prescribed count

Context: العدة in marital law commonly means the waiting period. عدة can also mean a number or equipment with other vowels; the topic selects the sense.

Forms and grammar: عد / يعد = counted / counts; عدد / أعداد = number(s); اعتدت = she observed the waiting period when read accordingly. عدتها = her waiting period or its number according to context.

Attested spellings and counts

وعد —wʿd* (42); عدد —ʿdd* (41); العدد —al-ʿdd* (29); عدة —ʿdh* (26); يعد —yʿd* (20); العدة —al-ʿdh* (15); عددا —ʿddā* (13); لعدتهن —lʿdthn* (11); فعدة —fʿdh* (10); يعتد —yʿtd* (10); الأعداد —al-ʾdād* (7); بعدد —bʿdd* (6); عد —ʿd* (6); عددهم —ʿddhm* (5); أعداد —ʾdād* (4); معدودات —mʿdwdāt* (4); وعدة —wʿdh* (4); أعدت —ʾdt* (3); عدتها —ʿdthā* (3); عدت —ʿdt* (2); عدده —ʿddh* (2); معدود —mʿdwd* (2); العددين —al-ʿddyn* (1); بالعدد —bālʿdd* (1); كعدة —kʿdh* (1); وأعدوا —wʾdwā* (1); وعدد —wʿdd* (1); يعتدون —yʿtdwn* (1); يعده —yʿdh* (1); عداد —ʿdād* (1); تعدون —tʿdwn* (1); تعتدونها —tʿtdwnhā* (1)

Context L4: اختيار الشيء القليل في عدده الضعيف في منفعته المشوب بالآلام ...

...

Context L27: ... ما يعرض هذا في أعداد يسيرة ولا فيما أخذ بمقدمات ...

200. نِكَاح / نَكَحَ[200]

nikāḥ / nakaḥa

274 occurrences; cumulative coverage 76.78%.

Possible English: marriage; marry; sexual intercourse in some lexical contexts

Context: نكاح in legal discussion commonly names the marriage relationship or contract. The precise intended sense must follow the author's argument and the object of the verb.

Attested spellings and counts

نكاح —nkāḥ* (61); النكاح —al-nkāḥ* (49); تنكحوا —tnkḥwā* (37); نكح —nkḥ* (17); ينكح —ynkḥ* (17); نكاحه —nkāḥh* (12); والنكاح —wālnkāḥ* (10); نكاحا —nkāḥā* (9); نكاحها —nkāḥhā* (6); إنكاح —ʾinkāḥ* (5); تنكح —tnkḥ* (5); وأنكحوا —wʾnkḥwā* (5); ونكاح —wnkāḥ* (5); الإنكاح —al-ʾinkāḥ* (4); بالنكاح —bālnkāḥ* (4); تنكحوهن —tnkḥwhn* (4); لنكاح —lnkāḥ* (4); الناكح —al-nākḥ* (3); نكحت —nkḥt* (3); أنكح —ʾnkḥ* (2);

[199] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عدد (read dictionary entry).

[200] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نكح (read dictionary entry).

Forms and grammar: نكح / ينكح = married / marries; أنكح = married someone off; إنكاح is its verbal noun. نكاحها = her marriage; نكحها = he married her when vowelled as a verb.

أنكحه —ʾinkāḥh* (2); بنكاح —bnkāḥ* (2); فنكاحها —fnkāḥhā* (2); إنكاحه —ʾnkḥh* (1); المنكوحة —al-mnkwḥh* (1); بإنكاح —bʾinkāḥ* (1); فالنكاح —fālnkāḥ* (1); فانكحوا —fānkḥwā* (1); ينكحها —ynkḥhā* (1)

Context L183: ... مات فأراد قسم ميراثه ونكاح نسائه أو أن فلانا طلق ...

Context L191: ... عليه السلام من صفات النكاح والحج وغير ذلك وقد يكون ...

201. إِبْرَاهِيم[201]

ʾibrāhīm

268 occurrences; cumulative coverage 76.84%.

Possible English: Ibrāhīm; Abraham

Context: The name can designate the prophet or a later narrator. A patronymic, epithet and context identify the person; the glossary does not merge all occurrences into one biography.

Forms and grammar: لإبراهيم / وإبراهيم attach and / to or for. Case endings vary. No Arabic root meaning is asserted for this personal name.

Attested spellings and counts

إبراهيم —ʾibrāhym* (251); وإبراهيم —wʾibrāhym* (10); لإبراهيم —lʾibrāhym* (7)

Context L0: ... الفاضلان صلى الله عليهما إبراهيم ويوسف إذ يقول إبراهيم فلما ...

Context L42: ... فذكر عز وجل تقدير إبراهيم عليه السلام قومه على نقله ...

202. ذَهَب / ذَهَبَ[202]

dhahaba / dhahab

257 occurrences; cumulative coverage 76.91%.

Possible English: go; depart; adopt a view; gold

Context: ذهب إلى قول means adopted a view. الذهب is gold in transactions; the metal noun is not a tense form of went.

Attested spellings and counts

مذهب —mdhhb* (49); ذهب —dhhb* (39); الذهب —al-dhhb* (38); مذهبه —mdhhbh* (19); مذهبهم —mdhhbhm* (18); مذاهبهم —mdhāhbhm* (14); بالذهب —bāldhhb* (13); المذهب —al-mdhhb* (8); ذهبا —dhhbā* (7); وذهب —wdhhb* (7); مذاهب —mdhāhb* (5); المذاهب —al-mdhāhb* (4); تذهب —tdhhb* (4); والذهب —wāldhhb* (4); يذهب —ydhhb* (4); بمذهب —bmdhhb* (3); لمذهب —lmdhhb* (3); اذهب —ʾdhhb* (2); فذهب —fdhhb* (3); ذهبت —dhhbt* (2); ويذهب —wydhhb* (2); بذهاب — ذهاب —dhhāb* (2)

[201] **Editorial lexical note:** Personal-name identification from the book; no Arabic-root etymology or Lisān lexical definition is asserted for this name.

[202] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ذهب (read dictionary entry).

Forms and grammar: ذهب / يذهب / اذهب = went / goes / go!; ذهبنا = we went. ذهبا can be an accusative noun or a dual verb according to vowels; مذهب = position or school.

203. زَوْج / تَزَوَّجَ[203]

zawj / tazawwaja

255 occurrences; cumulative coverage 76.97%.

Possible English: spouse; husband; wife; pair; marry

Context: زوج can refer to either spouse in classical usage. The surrounding pronouns and the legal scenario identify husband or wife; English gender cannot always be fixed from the noun alone.

Forms and grammar: زوج / أزواج = spouse or pair / spouses or pairs; زوجة is a feminine form. تزوج / يتزوج = married / marries; زوجها = her husband or he married her off, depending on vowels.

bdhhāb* (1); بذهب —bdhhb* (1); ذهبوا —dhhbwā* (1); فذهبت —fdhhbt* (1); مذاهبكم —mdhāhbkm* (1); وذهبت —wdhhbt* (1); يذهبن —ydhhbn* (1)

Context L25: ... رجوع من رجع عن مذهب كان يعتقده ويناضل عنه لأننا ...

Context L27: أوائل المعارف إلى صحة المذهب المطلوب طريقا بعيدا كثير الشعب ... ...

Attested spellings and counts

زوج —zwj* (33); زوجها —zwjhā* (26); تزوج —tzwj* (15); زوجته — أزواجا zwjth* (15); أزواجهم —ʾzwājhm* (14); يتزوج —ytzwj* (14); الزوجة — ʾzwājā* (13); الزوج —al-zwj* (13); الزواج —al-zwāj* (9); al-zwjh* (8); بالزواج —bālzwāj* (8); تزوجها —tzwjhā* (8); أزواج —ʾzwāj* (7); أزواجه —zwjh* (5); فتزوجها —ftzwjhā* (5); يتزوجها —ytzwjhā* (5); زوجة — ʾzwājh* (4); الأزواج —al-ʾzwāj* (4); الزوجين —al-zwjyn* (4); زواج — zwāj* (4); زوجا —zwjā* (4); لزوجها —lzwjhā* (4); تزوجت —tzwjt* (3); زوجه —zwjh* (3); الزوجات —al-zwjāt* (2); بزوجة —bzwjh* (2); زوجتك — zwjtk* (2); زوجتي —zwjty* (2); زوجي —zwjy* (2); وتزوجها —wtzwjhā* (2); وزوجه —wzwjh* (2); أتزوج —ʾtzwj* (1); أتزوجها —ʾtzwjhā* (1); الزوجية — al-zwjyh* (1); المتزوجة —al-mtzwjh* (1); زوجك —zwjk* (1); زوجناكها — zwjnākhā* (1); زوجين —zwjyn* (1); لزوج —lzwj* (1); لزوجته —lzwjth* (1); للأزواج —llʾzwāj* (1); للزوج —llzwj* (1); متزوجة —mtzwjh* (1); والزوجة — wālzwjh* (1)

Context L33: ... مباح لي أخذه وأن زوجه مباح لي وطؤها وهذا لا ...

Context L63: ... فيغسل أعلاه أو أن يتزوج أربعا ولا يتزوج خمسا أو ...

[203] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: زوج (read dictionary entry).

204. بُدّ[204]

budd

254 occurrences; cumulative coverage 77.03%.

Possible English: escape; alternative; avoiding in لا بد

Context: لا بد means there is no avoiding it, it is necessary, or must. Translating بد alone as must loses the negative construction that supplies that sense.

Forms and grammar: بدّ is a noun in لا بد من. Its dictionary family also has scattering-related verbs, but these are different lexical uses. Keep من and the following complement with the expression.

Attested spellings and counts

بد —bd* (254)

Context L25: ... مذهب إلى مذهب لا بد له ضرورة من أن يكون ...

Context L33: ... يكذب بعضها بعضا فلا بد من حاكم يميز الحق منها ...

205. عَظُمَ / عَظِيم[205]

ʿaẓuma / ʿaẓīm

253 occurrences; cumulative coverage 77.09%.

Possible English: be great; magnify; great; magnificent

Context: العظيم is a divine epithet at the end of the introduction. ويعظم concerns increasing the work's benefits.

Forms and grammar: عظيم is an adjective; العظيم adds the definite article. Unvowelled يعظم permits different verb patterns; its reading must be resolved from the clause.

Attested spellings and counts

أعظم —ʾʿẓm* (84); عظيم —ʿẓym* (62); العظيم —al-ʿẓym* (51); عظيما —ʿẓymā* (30); عظم —ʿẓm* (18); العظمة —al-ʿẓmh* (2); وتعظيم —wtʿẓym* (2); وعظيم —wʿẓym* (2); إعظاما —ʾiʿẓāmā* (1); يستعظم —ystʿẓm* (1)

Context L4: ... على الكثير في عدده العظيم في منفعته الخالص من الكدر ...

Context L55: ... عظيم ما أفادنا الله تعالى في ...

[204] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بدد (read dictionary entry).
[205] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عظم (read dictionary entry).

206. نَصْر / مَنْصُور[206]

naṣr / manṣūr

252 occurrences; cumulative coverage 77.15%.

Possible English: help; victory; support; Manṣūr

Context: منصور commonly names a transmitter. نصر can describe supporting a position or victory, according to its object.

Forms and grammar: نصر / ينصر = helped / helps; ناصر = helper; منصور = helped or victorious, also a proper name. أنصار is a plural; personal names retain their identity.

Attested spellings and counts

منصور —mnṣwr* (42); نصر —nṣr* (39); الأنصاري —al-ʾnṣāry* (36); والنصارى والأنصار —wālnṣārā* (23); الأنصار —al-ʾnṣār* (22); نصارى —nṣārā* (19); ومنصور —wālʾnṣār* (19); نصراني —nṣrāny* (6); النصارى —al-nṣārā* (5); ينصره —wmnṣwr* (5); نصره —nṣrh* (4); والنصراني —wālnṣrāny* (4); النصرانية —ynṣrh* (4); النصر —al-nṣr* (3); ينصر —ynṣr* (3); أنصار —ʾnṣār* (2); نصرا —nṣrā* (2); للأنصار —llʾnṣār* (2); منصورا —mnṣwrā* (2); —al-nṣrānyh* (2); أنصاري —ʾnṣāry* (1); نصرانيا —nṣrānyā* (2); ينصرون —ynṣrwn* (2); الأنصارية —al-ʾnṣāryh* (1); النصراني —al-nṣrāny* (1); ونصر —wnṣr* (1)

Context L4: ... تعين النفس المميزة على نصر العدل وعلى إيثار ما دلت ...

Context L45: ... من كان هودا أو نصارى تلك أمانيهم قل هاتوا برهانكم ...

207. عَبَّاس / عَبَسَ[207]

ʿabbās / ʿabasa

251 occurrences; cumulative coverage 77.22%.

Possible English: ʿAbbās; frown

Context: عباس and العباس commonly identify a person, especially Ibn ʿAbbās in citations. Do not translate the name as a description of the narrator's expression.

Forms and grammar: عبس / يعبس = frowned / frowns; عبّاس is a different formation, often a proper name. Case vowels and the presence of ال do not alone establish which person is meant.

Attested spellings and counts

عباس —ʿbās* (223); العباس —al-ʿbās* (26); عبس —ʿbs* (1); والعباس —wālʿbās* (1)

Context L60: ... الله عليهم وحاج ابن عباس الخوارج بأمر علي رضى الله ...

Context L381: ... حكم عثمان أيضا وابن عباس وذكر ابن عمر أنه عمل ...

[206] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نصر (read dictionary entry).
[207] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عبس (read dictionary entry).

208. ظَنّ[208]

ẓann

250 occurrences; cumulative coverage 77.28%.

Possible English: supposition; think; presume

Context: The author contrasts uncertain judgment with evidence in some contexts. ظن is not automatically a technical verdict about every argument in which it appears.

Forms and grammar: ظن / يظن = thought / thinks; ظنوا = they thought. ظنه can be a noun plus suffix or a verb with an object.

Attested spellings and counts

ظنوا (32); بالظن —bālẓn* (66); ظن —ẓn* (55); يظن —yẓn* (41); الظن —al-ẓn* (14); ظنه —ẓnwā* (13); ظنهم —ẓnhm* (9); ظنا —ẓnā* (7); يظنون —yẓnwn* (5); بظنه —bẓnh* (4); الظنون —al-ẓnwn* (2); ظننت —ẓnnt* (2)

Context L12: ... كل مطلوب وخلصناها مما يظن أنه برهان وليس ببرهان وبينا ...

Context L19: ... الحقيقة وبيان غلط من ظن في العقل ما ليس فيه ...

209. مِياَه / مَاء[209]

māʾ / miyāh

249 occurrences; cumulative coverage 77.34%.

Possible English: water; waters; disguise or misrepresent in a different derivation

Context: الماء normally means water in purification law. تمويه in argument concerns obscuring or misrepresenting, a separate derived use; it is not the plural of water.

Forms and grammar: أمواه / مياه / ماء are singular and plural formations. مائه = his or its water; بالماء = with water. يموّه / موّه are derived verb forms with distinct contextual meanings.

Attested spellings and counts

الماء —al-māʾ* (70); تمويه —tmwyh* (26); موهوا —mwhwā* (25); تمويهم —tmwyhhm* (22); التمويه —al-tmwyh* (19); ماء —māʾ* (15); موه —mwh* (11); وتمويه —wtmwyh* (8); وموهوا —wmwhwā* (8); بماء —bmāʾ* (6); للماء —llmāʾ* (6); يموه —ymwh* (6); تمويها —tmwyhā* (5); ممو ه —mmwh* (5); بالماء —bālmāʾ* (3); فتمويه —ftmwyh* (3); والماء —wālmāʾ* (3); يموهون —ymwhwn* (3); المموه —al-mmwh* (2); وموه —wmwh* (2); فموه —fmwh* (1)

Context L21: ... ومعنى هذه اللفظة وإبطال التمويه بذكرها الباب الثامن والعشرون في ...

Context L25: ... قال أبو محمد هذا تمويه فاسد ولا حجة لهم على ...

[208] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ظنن (read dictionary entry).
[209] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: موه (read dictionary entry).

210. بَاقٍ / بَقِيَ[210]

baqiya / bāqin

248 occurrences; cumulative coverage 77.40%.

Possible English: remain; be left; remaining

Context: بقي can identify what remains of property, a period or an argument. It is not always a statement about physical survival.

Forms and grammar: يبقى / بقي = remained / remains; لم يبق drops the final weak letter. باق / باقية show agreement; بقايا / بقية = remainder(s).

Attested spellings and counts

باق —bāqy* (24); باقي —bqy* (41); يبق —ybq* (39); وبقي —wbqy* (25); بقاء — بقي —bāq* (20); يبقى —ybqā* (15); الباقي —al-bāqy* (9); باقية —bāqyh* (9); ويبقى — bqā'* (7); فبقي —fbqy* (7); باقيه —bāqyh* (6); الباقين —al-bāqyn* (5); بقيت —bqyh* (3); بقية —bāqyān* (4); باقيان —al-bqā'* (4); البقاء —wybqā* (5); يبقي —'ibqā'* (2); إبقاء —bqyt* (3); فيبقى —fybqā* (3); وبقيت —wbqyt* (3); ybqy* (2); أبقت —'bqt* (1); أبقى —'bqā* (1); الباقون —al-bāqwn* (1); الباقية — al-bāqyh* (1); باقون —bāqwn* (1); باقيا —bāqyā* (1); باقيها —bāqyhā* (1); بالبقاء —bālbqā'* (1); ببقاء —bbqā'* (1); فبقيت —fbqyt* (1); وباقي —wbāqy* (1); وتبقى —wtbqā* (1)

Context L9: ... إلى الفوز في دار البقاء كان أفضل ما عاناه المرء ...

Context L35: ... فهو باطل ضرورة فلم يبق إلا أن من الخبر ...

211. عَصَى / مَعْصِيَة[211]

ʿaṣā / maʿṣiyah

248 occurrences; cumulative coverage 77.46%.

Possible English: disobey; disobedience; sin; staff in a distinct noun use

Context: معصية concerns disobedience; the person or command disobeyed is supplied by context. عصا can instead be a staff with another lexical reading.

Forms and grammar: يعصي / عصى = disobeyed / disobeys; عاص / عصاة = disobedient person(s); معاص / معصية = disobedience(s). The final weak letter changes in some verb forms.

Attested spellings and counts

عاص —ʿāṣ* (49); عاصيا —ʿāṣyā* (37); عصى —ʿṣā* (25); العاص —al-ʿāṣ* (24); ومعصية — معصية —mʿṣyh* (23); المعصية —al-mʿṣyh* (19); يعص —yʿṣ* (10); والمعصية —wmʿṣyh* (7); عصاه —ʿṣāh* (6); يعصي —yʿṣy* (6); العصاة —al-ʿṣāh* (5); وعصى —wʿṣā* (4); —wālmʿṣyh* (5); بمعصية —bmʿṣyh* (4); عصاة —ʿṣāh* (4); معصيته — عصيان —ʿṣyān* (3); عاصون —ʿāṣwn* (3); المعاصي —al-mʿāṣy* (3); يعصه —yʿṣh* (2); mʿṣyth* (3); العاصي —al-ʿāṣy* (2); بالمعصية —bālmʿṣyh* (2); عاصية —ʿāṣyh* (1); والمعاصي —wālmʿāṣy* (1)

Context L4: ... لذة من طاعة أو معصية فليس ذلك عقلا بل هو ...

[210] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بقي (read dictionary entry).

[211] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عصا (read dictionary entry).

Context L13: ... عز وجل وليكب من عصاه في النار الحامية وصح أنه ...

212. تَمَّ / تَمَام[212]

tamma / tamām

244 occurrences; cumulative coverage 77.52%.

Possible English: be complete; finish; completion; complete

Context: تم can mark completion of an act or an argument. أتم means completed or made complete; a legal requirement of completion depends on the sentence.

Forms and grammar: تم / يتم = became complete / becomes complete; أتم / يتم = completed / completes with different vowels. تام / تامة agree; تمام and إتمام are different verbal nouns.

Attested spellings and counts

وأتممت —wʾtmmt* (31); تمام —tmām* (25); التميمي —al-tmymy* (23); يتم —ytm* (23); وأتموا —wʾtmwā* (21); أتم —ʾtm* (11); أتموا —ʾtmwā* (11); تام —tām* (10); تميم —tmym* (9); تامة —tāmh* (8); إتمام —ʾitmām* (7); تتم —ttm* (7); تم —tm* (6); وليتم —wlytm* (6); وتمت —wtmt* (5); الإتمام —al-ʾitmām* (4); التام —al-tām* (4); تاما —tāmā* (4); تمت —tmt* (4); فأتم —fʾtm* (3); أتمها —ʾtmhā* (2); بتمامه —btmāmh* (2); تمامه —tmāmh* (2); فأتموا —fʾtmwā* (2); فيتم —fytm* (2); وأتم —wʾtm* (2); وتمام —wtmām* (2); التامة —al-tāmh* (1); التمام —al-tmām* (1); بإتمام —bʾitmām* (1); بتمامها —btmāmhā* (1); تمامها —tmāmhā* (1); وإتمام —wʾitmām* (1); وتميم —wtmym* (1); يتموا —ytmwā* (1)

Context L4: ... ومتالف ثم يفضي عند تمام ذلك اليوم إلى دار ضيقة ...

Context L16: ... اليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم الأسلام ...

213. زَكَّى / زَكَاة[213]

zakāh / zakkā

244 occurrences; cumulative coverage 77.58%.

Possible English: zakāt; obligatory alms; purify; attest uprightness

Attested spellings and counts

الزكاة —al-zkāh* (133); زكاة —zkāh* (60); والزكاة —wālzkāh* (24); الزكوات —al-zkwāt* (7); زكاته —zkāth* (4); زكى —zkā* (4); يزكي —yzky* (3); للزكاة —llzkāh* (2); بزكاة —bzkāh* (1); تزكى —tzkā* (1); زكاتها —zkāthā* (1); وزكاة —wzkāh* (1); يزك —yzk* (1); يزكيها —yzkyhā* (1); يزكيهم —yzkyhm* (1)

[212] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: تمم (read dictionary entry).

[213] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: زكا (read dictionary entry).

Context: الزكاة names the prescribed levy in its legal discussion. تزكية may instead concern purification or assessment of a witness; do not assume every form denotes the payment.

Forms and grammar: زكاة / زكوات = zakāt payment(s); زكّى / يزكّي = purified or paid zakāt / does so. زكاته / زكاتها attach possessive referents; الزكاة has the definite article.

214. طَلَبَ / طَالِب[214]

ṭalaba / ṭālib

244 occurrences; cumulative coverage 77.64%.

Possible English: seek; request; claimant; Ṭālib

Context: طلب can be a request or pursuit of evidence. طالب in a patronymic can be the name Ṭālib; elsewhere it means seeker or claimant.

Forms and grammar: طلب / يطلب = sought / seeks; طالب / طالبة show agreement; طلبه = sought it or his request according to vowels. مطالب is another derived form.

215. عَيْن[215]

ʿayn

242 occurrences; cumulative coverage 77.70%.

Possible English: eye; specific thing; spring; asset; the very same

Context: بعينه commonly means that very item/person. عين in property discussion may be a specific asset, not an anatomical eye.

Context L130: ... لا الركوع والسجود معنى الزكاة طهارة الأنفس ومعنى الحج القصد ...

Context L144: ... قبل ذلك أمر كالصوم والزكاة وتحريم بعض ما لم يكن ...

Attested spellings and counts

طلب —ṭlb* (72); طالب —ṭālb* (52); يطلب —yṭlb* (19); طلبه —ṭlbh* (15); الطلب —al-ṭlb* (14); المطلب —al-mṭlb* (13); وطلب —wṭlb* (12); بطلب — bṭlb* (6); لطلب —lṭlb* (6); الطالب —al-ṭālb* (5); طلبها —ṭlbhā* (5); نطلب — nṭlb* (5); يطلبه —yṭlbh* (5); المطلوب —al-mṭlwb* (4); تطلب —ttlb* (2); طلبا — ṭlbā* (2); مطلوبا —mṭlwbā* (2); طالبه —ṭālbh* (1); طلبت —ṭlbt* (1); فطلب — fṭlb* (1); للطالب —llṭālb* (1); مطالبته —mṭālbth* (1)

Context L18: ... إيصال العلم إلى من طلبه ورجاء ثواب الله عز وجل ...

Context L22: ... الحادي والثلاثون في صفة طلب الفقه وصفة المفتي وصفة الاجتهاد ...

Attested spellings and counts

بعينه —bʿynh* (75); عين —ʿyn* (45); العين —al-ʿyn* (22); بعينها —bʿynhā* (17); معان —mʿān* (11); عينه —ʿynh* (8); أعين —ʾʿyn* (6); العيان —al-ʿyān* (6); تعين —tʿyn* (6); الأعيان —al-ʾʿyān* (5); العينين —al-ʿynyn* (4); بأعيانها —bʾʿyānhā* (4); للعيان —llʿyān* (4); بأعيانهم —bʾʿyānhm* (3); بالعيان — bālʿyān* (3); عينها —ʿynhā* (3); بعين —bʿyn* (2); عيانا —ʿyānā* (2); عينين — ʿynyn* (2); عينيه —ʿynyh* (2); يعين —yʿyn* (2); يعينه —yʿynh* (2); أعان —

[214] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: طلب (read dictionary entry).
[215] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عين (read dictionary entry).

Forms and grammar: عين / أعين / عيون are noun and plurals with context-dependent uses. عينه / عينها change referent; معيّن = specified, a different formation.

عينا —ʿynā* (1); أعيان —ʾaʿyān* (1); أعينهم —ʾaʿynhm* (1); المعين —al-mʿyn* (1); والعين —wālʿyn* (1); معين —mʿyn* (1); وبالعيان —wbālʿyān* (1)

Context L4: ... ومنها قوة العقل التي تعين النفس المميزة على نصر العدل ...

Context L24: ... الإمام وهو عندهم رجل بعينه إلا أنه الآن منذ مائة ...

216. ذُو / ذَات[216]

dhū / dhāt

240 occurrences; cumulative coverage 77.76%.

Possible English: possessor of; having; one with; self or essence in some nouns

Context: ذو مال means a person possessing property. ذات can be a feminine corresponding form or a noun meaning self/essence; the construction decides.

Forms and grammar: ذي / ذا / ذو are case forms of the masculine construct noun; ذات feminine; ذوا / ذوي dual; أولو / أولي plural case forms. Do not confuse ذا here with the demonstrative.

Attested spellings and counts

ذي —dhy* (95); ذو —dhw* (61); ذوي —dhwy* (21); ذات —dhāt* (17); ذوا —dhwā* (16); ذاته —dhāth* (8); وذي —wdhy* (5); ذاتها —dhāthā* (4); بذات —bdhāt* (3); وذو —wdhw* (3); وذوات —wdhwāt* (3); ذوات —dhwāt* (2); بذي —bdhy* (1); وذوي —wdhwy* (1)

Context L2: ... يأمر بالعدل والإحسان وإيتآء ذي القربى وينهى عن الفحشاء والمنكر ...

Context L4: ... في قصر أنيق واسع ذي بساتين وأنهار ورياض وأشجار ونواوير ...

217. نَعَمْ / نِعْمَ[217]

naʿam / niʿma

239 occurrences; cumulative coverage 77.82%.

Possible English: yes; excellent is; livestock in a different noun use

Attested spellings and counts

نعم —nʿm* (110); ونعم —wnʿm* (50); نعمتي —nʿmty* (34); فنعم —fnʿm* (10); النعم —al-nʿm* (9); نعمة —nʿmh* (9); النعامة —al-nʿāmh* (6); نعمته —nʿmth* (5); الأنعام —al-ʾnʿām* (2); النعام —al-nʿām* (1); النعيم —al-nʿym* (1); نعمه —nʿmh* (1); والنعمة —wālnʿmh* (1)

Context L2: ... من الجنة حيث نشآء فنعم أجر العاملين وترى الملائكة حآفين ...

[216] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ذا (read dictionary entry).
[217] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نعم (read dictionary entry).

Context: نعم normally answers affirmatively when read نَعَمْ. نِعْمَ introduces praise, while نَعَم can mean livestock.

Forms and grammar: نعم is not always a verb with a hidden subject. Vowels and construction distinguish answer, praise and noun. ونعم / فنعم add so / and.

218. أَبَد[218]

ʾabad

238 occurrences; cumulative coverage 77.87%.

Possible English: forever; ever; never in a negative clause

Context: أبدا with a negation often means never; its scope comes from the sentence.

Forms and grammar: أبد is a noun of time; أبدا is its adverbial accusative. These are not tense changes.

Context L4: ... التي تخيرها لنا واهب النعم لا إله إلا هو فلا ...

Attested spellings and counts

أبدا —ʾbdā* (213); الأبد —al-ʾbd* (18); أبد —ʾbd* (7)

Context L4: ... من الكدر والمضار الخالد أبدا حمق شديد وعدم للعقل البتة ...

Context L33: ... ولا صحت ديانة أحد أبدا لأنه لا يعجز أحد عن ...

219. طُرُق / طَرِيق[219]

ṭarīq / ṭuruq

237 occurrences; cumulative coverage 77.93%.

Possible English: road; way; method; route of transmission

Context: من طريق فلان generally means through the transmission of a named person. It need not describe travel on a road.

Forms and grammar: طرق / طريق = route / routes; طريقه = his route or method. The word may be grammatically masculine or feminine in usage. طريقيه can be a dual construction with a suffix.

Attested spellings and counts

طريق —ṭryq* (144); الطريق —al-ṭryq* (34); طرق —ṭrq* (20); الطرق —al-ṭrq* (12); طريقا —ṭryqā* (8); طريقه —ṭryqh* (6); طارق —ṭārq* (3); طريقة —ṭryqh* (3); وطارق —wṭārq* (3); طريقهم —ṭryqhm* (2); طرقه —ṭrqh* (1); طريقهما —ṭryqhmā* (1)

Context L0: ... على قلبه ووعر عليه طريق الحق ووفق قوما في سبيل ...

Context L2: ... لها الجور ويعميانها عن طريق الرشد قال تعالى وإذا قيل ...

[218] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أبد (read dictionary entry).
[219] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: طرق (read dictionary entry).

220. كَيْف[220]

kayf

235 occurrences; cumulative coverage 77.99%.

Possible English: how; in what manner

Context: An interrogative word asking about manner; فكيف adds a connective, so how or then how.

Forms and grammar: كيف is generally fixed in form; a prefixed conjunction does not change its base role.

Attested spellings and counts

فكيف —fkyf* (123); كيف —kyf* (77); وكيف —wkyf* (29); وكيفية —wkyfyh* (4); كيفيته —kyfyth* (2)

Context L2: ... ليدحضوا به الحق فأخذتهم فكيف كان عقاب وكذلك حقت كلمة ...

Context L4: ... دنياه على آجل أخراه فكيف بمن اختار فانيا عن قريب ...

221. هُنَا / هُنَالِكَ[221]

hunā / hunālika

234 occurrences; cumulative coverage 78.05%.

Possible English: here; there; at this point

Context: هاهنا / ههنا often refer to the present point of argument. هنالك / هناك can be spatial or refer back to a discussed situation.

Forms and grammar: هنا is indeclinable; هاهنا and ههنا add a demonstrative element. هنالك / هناك indicate greater distance in a common use; they have no verb tense.

Attested spellings and counts

ههنا —hhnā* (165); هنالك —hnālk* (32); هنا —hnā* (25); هناك —hnāk* (9); فهنا —fhnā* (1); وهنالك —whnālk* (1); وههنا —whhnā* (1)

Context L25: ... الكتاب المذكور ولم ندع هنالك في تبيين كل ما ذكرناه ...

Context L28: ... هو خطأ صريح فمن هنا دخلت عليهم الشبهة وإنما ...

222. مَرَّ / مَرَّة[222]

marrah / marra

233 occurrences; cumulative coverage 78.10%.

Possible English: once; time; pass; go by

Attested spellings and counts

مرة —mrh* (114); ومرة —wmrh* (40); مرتين —mrtyn* (17); مرات —mrāt* (16); فمرة —fmrh* (13); مرتان —mrtān* (10); يمر —ymr* (8); مر —

[220] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: كيف (read dictionary entry).
[221] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: هنا (read dictionary entry).
[222] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: مرر (read dictionary entry).

Context: مرة counts an occurrence, not a duration of a specified length. مرّ can describe passing a place or a prior mention.

Forms and grammar: مرة / مرات = one time / times; مرتان / مرتين are dual case forms. مر / يمر = passed / passes; مرارا = repeatedly.

223. أُخْت / أَخ[223]

ʾakh / ʾukht

232 occurrences; cumulative coverage 78.16%.

Possible English: brother; sister; fellow; sibling

Context: أخ can indicate kinship or fellowship. In inheritance, the surrounding qualifiers identify full, paternal or maternal relations.

Forms and grammar: أخي / أخا / أخو / أخ show construct/case forms; إخوان / إخوة are plurals. أخوات / أخت = sister(s); أخاه / أخيه change with case, not which brother is meant.

mr* (4); فمر —fmr* (3); المري —al-mry* (2); مرارا —mrārā* (2); مررت — mrrt* (2); المستمر —al-mstmr* (1); ومررت —wmrrt* (1)

Context L42: ... ملة إبراهيم المحاجة والمناظرة فمرة للملك ومرة لقومه والاستدلال ... كما ...

Context L54: ... هو بالحجة لأن السيف مرة لنا ومرة علينا وليس كذلك ...

Attested spellings and counts

وأخواتكم —w'khwātkm* (40); أخيه —'khyh* (19); أخي —'khy* (14); الأختين —al-'khtyn* (14); إخوة —'ikhwh* (13); فإخوانكم —f'ikhwānkm* (13); الأخ —al-'kh* (12); الإخوة —al-'ikhwh* (10); أخت —'kht* (9); إخواننا — ʾikhwānnā* (8); أخو —'khw* (7); أخا —'khā* (6); أخيها —'khyhā* (5); إخوانكم —'ikhwānkm* (5); الأخت —al-'kht* (5); إخوته —'ikhwth* (4); لأخيه — l'khyh* (4); والإخوة —wāl'ikhwh* (4); أخ —'kh* (3); أختها —'khthā* (3); أخاك — ʾkhāk* (2); أختان —'khtān* (2); أخته —'khth* (2); الأخوات —al-'khwāt* (2); أخاه —wāl'khwāt* (2); والأخوات —w'khy* (2); وأخي —ll'ikhwh* (2); للإخوة —'khāh* (1); أختا —'khtā* (1); أختين —'khtyn* (1); أخواتها —'khwāthā* (1); وأخته —ll'kht* (1); إخوتها —'ikhwthā* (1); أخوها —'khwhā* (1); وأختها —w'khthā* (1); وإخوة —w'ikhwh* (1); والأخ — wāl'kh* (1)

Context L160: ... لثلث فإن كان له إخوة فلأمه لسدس من بعد وصية ...

[223] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أخا (read dictionary entry).

Context L172: ... حرمت عليكم أمهاتكم وبناتكم وأخواتكم وعماتكم وخالاتكم وبنات لأخ وبنات ...

224. ضَرُورَة / ضَرُورِيّ[224]

ḍarūrah / ḍarūriyy

231 occurrences; cumulative coverage 78.22%.

Possible English: necessity; necessary

Context: ضرورة and ضروري describe necessity in Ibn Hazm's argument; they do not by themselves mean emergency.

Forms and grammar: ضرورة is a noun; ضروري is a related adjective. The article and the prefix ب may attach.

Attested spellings and counts

ضرورة —ḍrwrh* (175); ضروري —ḍrwry* (30); الضروري —al-ḍrwry* (18); وبالضرورة —wbālḍrwrh* (8)

Context L25: ... مذهب لا بد له ضرورة من أن يكون أحد استدلاليه ...

Context L27: ... على أن الحساب علم ضروري لا يتناقض فيجد أعدادا متفرقة ...

225. عُشْر / عَشَرَة / عَشْر[225]

ʿashr / ʿasharah / ʿushr

230 occurrences; cumulative coverage 78.27%.

Possible English: ten; tenth; one-tenth; twenty in a derived numeral

Context: عشر/عشرة count ten; العشر can name a tenth-share or ten days according to vowels and context. عشرين / عشرون mean twenty.

Forms and grammar: Numeral agreement depends on the counted noun: عشر / عشرة are not interchangeable. عشرين / عشرون vary by case; عاشر / عاشرة are ordinals; عاشوراء is a named day.

Attested spellings and counts

عشرة —ʿshrh* (68); عشر —ʿshr* (66); عشرين —ʿshryn* (16); العشر — al-ʿshr* (10); عشرات —ʿshrāt* (9); وعشرا —wʿshrā* (9); وعشرين — wʿshryn* (9); عشرا —ʿshrā* (8); العشرة —al-ʿshrh* (6); عاشوراء —ʿāshwrāʾ* (6); معشر —mʿshr* (6); عشرون —ʿshrwn* (4); العاشر —al-ʿāshr* (3); العشرين — al-ʿshryn* (3); بعشر —bʿshr* (2); وعشر —wʿshr* (2); أعشار —ʾʿshār* (1); العاشرة —al-ʿāshrh* (1); فعشرة —fʿshrh* (1)

Context L19: ... في تأخير البيان الباب العاشر في القول بموجب القرآن ...

Context L20: ... الباب الحادي عشر في الأخبار التي هي السنن ...

[224] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: ضرر (read dictionary entry).
[225] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عشر (read dictionary entry).

226. نَقَضَ / تَنَاقُض[226]

naqaḍa / *tanāquḍ*

228 occurrences; cumulative coverage 78.33%.

Possible English: undo; invalidate; break; contradiction

Context: نقض can mean breaking an agreement or invalidating an argument. تناقض describes contradiction, a different derivation rather than a plural of نقض.

Forms and grammar: نقض / ينقض = undid / undoes; انتقض = became undone or invalidated; تناقضوا = they contradicted themselves or one another. منقوض = invalidated.

Attested spellings and counts

تناقض —tnāqḍ* (47); تناقضوا —tnāqḍwā* (26); تناقضهم —tnāqḍhm* (25); نقض —mtnāqḍ* (9); متناقض —al-tnāqḍ* (9); التناقض —ynqḍ* (19); ينقض —nqḍ* (9); نقضوا —nqḍwā* (8); يتناقض —ytnāqḍ* (7); تناقضا —tnāqḍā* (6); وتناقض —wtnāqḍ* (6); يتناقضون —ytnāqḍwn* (6); ينتقض —yntqḍ* (6); تناقضتم —tnāqḍtm* (4); ناقض —nāqḍ* (4); انتقض —ʾntqḍ* (3); انتقضت —ʾntqḍt* (3); بالتناقض —bāltnāqḍ* (3); تنقض —tnqḍ* (3); نقضه —nqḍh* (3); تناقضه —tnāqḍh* (2); فتناقض —ftnāqḍ* (2); فتناقضوا —ftnāqḍwā* (2); فنقضوا —fnqḍwā* (2); متناقضون —mtnāqḍwn* (2); نقضتم —nqḍtm* (2); والتناقض —wāltnāqḍ* (2); وتناقضوا —wtnāqḍwā* (2); ينقضه —ynqḍh* (2); انتقاض —ʾntqāḍ* (1); مناقضة —mnāqḍh* (1); نقضت —nqḍt* (1); وتناقضه —wtnāqḍh* (1)

Context L27: ... الحساب علم ضروري لا يتناقض فيجد أعدادا متفرقة في قرطاس ...

Context L101: ... بخلاف أمر كان قبله ينقض به أمر الأول والاستثناء ورود ...

227. عِلَّة / تَعْلِيل[227]

ʿillah / *taʿlīl*

225 occurrences; cumulative coverage 78.38%.

Possible English: reason; explanatory cause; explanation

Context: Second- and third-order explanations concern why a rule is proposed rather than simply how an expression is spoken. A reason is not automatically a legal operative cause.

Forms and grammar: علة / علل = reason / reasons; التعليل names the act of explaining; an illness is another lexical sense.

Attested spellings and counts

علة —ʿlh* (96); العلل —al-ʿll* (48); العلة —al-ʿlh* (38); التعليل —al-tʿlyl* (15); معلول —wālʿll* (2); والعلل —ʿlth* (2); علته —tʿlyl* (8); تعليل —bālʿll* (15); بالعلل —mʿlwl* (1)

Context L23: ... التاسع والثلاثون في إبطال العلل التي يدعيها أهل القياس والفرق ...

Context L98: ... أثمانهم والحلق في غير علة أو حج أو عمرة والأكل ...

[226] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نقض (read dictionary entry).
[227] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: علل (read dictionary entry).

228. هُدًى / هَدْي[228]

hady / hudanā

219 occurrences; cumulative coverage 78.44%.

Possible English: sacrificial offering; guidance; guide; gift in a derived form

Context: الهدي in pilgrimage is an offering. هدى is guidance. هدية means gift, a different noun rather than a case form of the sacrificial term.

Forms and grammar: هدى / يهدي = guided / guides; أهدى = gave a gift or offering; هدية / هدايا = gift(s). هديه can mean his offering or his guidance according to vowels.

Attested spellings and counts

هدى —hdā* (45); يهدي —yhdy* (32); مهدي —mhdy* (23); الهدى —al-hdā* (19); الهدي —al-hdy* (18); ويهدي —wyhdy* (18); وهدى —whdā* (12); هدي —hdy* (11); هديا —hdyā* (10); هدانا —hdānā* (6); أهدى —ʾhdā* (3); بهدي —bhdy* (3); يهتدون —yhtdwn* (3); هاد —hād* (2); هداه —hdāh* (2); والهدى —wālhdā* (2); أهداها —ʾhdāhā* (1); الهادي —al-hādy* (1); الهداية —al-hdāyh* (1); الهدية —al-hdyh* (1); هداية —hdāyh* (1); هدايته —hdāyth* (1); والهدي —wālhdy* (1); وهدي —whdy* (1); يهد —yhd* (1); يهديه —yhdyh* (1)

Context L9: ... بيان ما يرجو به هدى أهل نوعه وإنقاذهم من حيرة ...

Context L39: ... من عند الله هو أهدى منهما أتبعه إن كنتم صادقين ...

229. شَرْط[229]

sharṭ

218 occurrences; cumulative coverage 78.49%.

Possible English: condition; stipulation; require

Context: شرط can be an agreed contractual stipulation or a necessary condition. Which kind it is comes from the transaction or rule under discussion.

Forms and grammar: شرط / شروط = condition(s); اشترط / يشترط = stipulated / stipulates; شرطه = his condition or he stipulated it according to vowels. اشتراط is a verbal noun.

Attested spellings and counts

شرط —shrṭ* (76); الشرط —al-shrṭ* (35); بشرط —bshrṭ* (15); الشروط —al-shrwṭ* (14); شروط —shrwṭ* (12); يشترط —yshtrṭ* (10); وشرط —wshrṭ* (8); شروطا —shrwṭā* (7); شروطهم —shrwṭhm* (6); اشترط —ʾshtrṭ* (5); والشروط —wālshrwṭ* (5); شرطا —shrṭā* (4); واشترط —wāshtrṭ* (3); والشرط —wālshrṭ* (3); يشترطون —yshtrṭwn* (3); اشتراط —ʾshtrāṭ* (2); شرطه —shrṭh* (2); واشتراط —wāshtrāṭ* (2); اشترطه —ʾshtrṭh* (1); المشترط —al-mshtrṭ* (1); بالشرط —bālshrṭ* (1); فاشترط —fāshtrṭ* (1); يشترطه —yshtrṭh* (1); يشترطها —yshtrṭhā* (1)

Context L21: ... استصحاب الحال وبطلان العقود والشروط إلا ما نص عليه منها ...

Context L84: ... به والنطق بذلك ولم يشترط عليه السلام عليهم ألا يكون ...

[228] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: هدي (read dictionary entry).

[229] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: شرط (read dictionary entry).

230. مُنْكَر / أَنْكَرَ[230]

ʾankara / munkar

218 occurrences; cumulative coverage 78.54%.

Possible English: deny; reject; objectionable; unrecognized

Context: منكر may describe an objectionable act or, in hadith terminology, an objectionable report; those uses must be distinguished.

Forms and grammar: أنكر / ينكر = denied / denies; إنكار is a verbal noun; منكر is a participle-shaped noun or adjective.

Attested spellings and counts

ننكر —nnkr* (57); أنكر —ʾnkr* (53); ينكر —ynkr* (35); المنكر —al-mnkr* (21); منكر —mnkr* (16); إنكار —ʾinkār* (12); الإنكار —al-ʾinkār* (12); ينكرون — ynkrwn* (4); أنكروه —ʾnkrwh* (3); تنكر —tnkr* (3); أنكرت —ʾnkrt* (2)

Context L45: ... لا يهدي لقوم لظالمين أنكر الله تعالى أن يكذب المرء ...

Context L60: ... رضى الله عنه وما أنكر قط أحد من الصحابة الجدال ...

231. صِفَة[231]

ṣifah

216 occurrences; cumulative coverage 78.60%.

Possible English: attribute; description; quality

Context: A scholar's صفة is a quality under discussion, such as learning or understanding; it need not be a physical description.

Forms and grammar: صفة / صفات = quality / qualities; وصف / يصف = described / describes. وصفه can be his description or he described him.

Attested spellings and counts

صفة —ṣfh* (83); الصفة —al-ṣfh* (42); صفات —ṣfāt* (21); الصفات — al-ṣfāt* (20); صفته —ṣfth* (18); وصف —wṣf* (9); وصفه —wṣfh* (8); يصف — yṣf* (4); صفاته —ṣfāth* (3); ووصف —wwṣf* (3); الموصوف —al-mwṣwf* (2); صفاتهم —ṣfāthm* (1); صفاتهما —ṣfāthmā* (1); والصفة —wālṣfh* (1)

Context L17: ... النبي عليه السلام هذه صفة الدين الحق الذي كل ما ...

Context L22: ... الباب الحادي والثلاثون في صفة طلب الفقه وصفة المفتي وصفة ...

232. يَا[232]

yā

215 occurrences; cumulative coverage 78.65%.

Possible English: O; a vocative address

Attested spellings and counts

يا —yā* (207); فيا —fyā* (5); ويا —wyā* (3)

Context L2: ... لعلكم تذكرون وقال تعالى يا أيها الذين آمنوا كونوا قوامين ...

Context L15: ... عهوده إلينا اللازمة لنا يا أيها الذين آمنوا أطيعوا الله ...

[230] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نكر (read dictionary entry).
[231] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: وصف (read dictionary entry).
[232] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: يا (read dictionary entry).

Context: يا addresses a person or another entity. English may omit O in natural dialogue, but the Arabic vocative still marks who is being addressed.

Forms and grammar: يا is indeclinable. فيا / ويا add so / and; the following noun or name has its own vocative syntax. أيها in يا أيها is a different construction.

233. يَمِين[233]

yamīn

215 occurrences; cumulative coverage 78.70%.

Possible English: right hand; right side; oath; good fortune

Context: يمين in procedure commonly means an oath; in another passage it is the right hand or side. The object and accompanying verb distinguish them.

Forms and grammar: أيمان / يمين = oath / oaths in a common legal usage. يمينه = his oath or right hand; باليمين = by oath or with the right hand. يمنى is a feminine adjective.

Attested spellings and counts

اليمين —al-ymyn* (67); أيمانكم —ʾymānkm* (43); يمين —ymyn* (15); أيمانهم —ʾymānhm* (14); ميمون —mymwn* (13); ميمونة —mymwnh* (10); يمينه —ymynh* (8); باليمين —bālymyn* (7); أيمن —ʾymn* (6); الأيمان —al-ʾymān* (6); يمينا —ymynā* (5); بيمين —bymyn* (4); واليمين —wālymyn* (3); أيماننا —ʾymānnā* (2); ليمينه —lymynh* (2); يمينك —ymynk* (2); أيمان —ʾymān* (1); الأيمن —al-ʾymn* (1); اليماني —al-ymāny* (1); فالأيمن —fālʾymn* (1); لليمين —llymyn* (1); وأيمانهم —wʾymānhm* (1); يمن —ymn* (1); يمينها —ymynhā* (1)

Context L0: ... ولكن الله حبب إليكم الأيمان وزينه في قلوبكم وكره إليكم ...

Context L110: ... أبي ربيعة ألقت ذكاء يمينها في كافر يريد الليل لأنه ...

234. أُذُن / أَذَان / إِذْن[234]

ʾidhn / ʾadhān / ʾudhun

213 occurrences; cumulative coverage 78.75%.

Possible English: permission; announce; call to prayer; ear

Context: إذن is permission; الأذان is the call to prayer; أذن can instead mean ear with different vowels.

Attested spellings and counts

يأذن —yʾdhn* (57); إذن —ʾidhn* (27); بإذن —bʾidhn* (24); الأذان —al-ʾdhān* (22); بإذنه —bʾidhnh* (20); أذن —ʾdhn* (17); يؤذن —yʾdhn* (6); أذنوا —ʾdhnwā* (4); المؤذن —al-mʾdhn* (4); أذنيه —ʾdhnyh* (3); فأذن —fʾdhn* (3); يؤذنه —yʾdhnh* (3); آذانهم —ʾādhānhm* (2); أذان —ʾdhān* (2);

[233] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: يمن (read dictionary entry).

[234] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أذن (read dictionary entry).

Forms and grammar: أذن / يأذن = permitted / permits; أذّن / يؤذّن = called to prayer / calls. أُذن / آذان = ear(s); إذنها = her permission in the relevant reading.

إذنه —ʾidhnh* (2); الأذنين —al-ʾdhnyn* (2); الإذن —al-ʾidhn* (2); بالأذان —bāl'dhān* (2); أذانه —ʾdhānh* (1); إذنهم —ʾidhnhm* (1); الأذن —al-ʾdhn* (1); بإذنها —b'idhnhā* (1); تستأذن —tst'dhn* (1); فأذنا —f'dhnā* (1); مؤذن —m'dhn* (1); مؤذنا —m'dhnā* (1); وأذان —w'dhān* (1); والأذان —wāl'dhān* (1); والأذن —wāl'dhn* (1)

Context L0: ... ونذيرا وداعيا إلى الله بإذنه وسراجا منيرا ...

Context L112: ... لنفس أن تؤمن إلا بإذن الله ويجعل لرجس على لذين ...

235. خَلَقَ / يَخْلُقُ[235]

khalaqa / *yakhluqu*

213 occurrences; cumulative coverage 78.81%.

Possible English: create; make; creation; character; manners (khuluq)

Context: يخلق refers to the creation of the theologians mentioned in the introduction. خُلُق / أخلاق concern character or manners, distinct from خَلْق, creation; unvowelled spellings require context.

Forms and grammar: خلق is a perfect verb; يخلق is the imperfect.

Attested spellings and counts

خلق —khlq* (73); يخلق —ykhlq* (20); الخالق —al-khālq* (19); خلقه —khlqh* (18); وخلق —wkhlq* (13); الخلق —al-khlq* (12); خلقت —khlqt* (8); خلقها —khlqhā* (8); مخلوق —mkhlwq* (8); خالق —khālq* (7); خلقهم —khlqhm* (7); خالقه —khālqh* (5); المخلوقين —al-mkhlwqyn* (4); المخلوقات —al-mkhlwqāt* (2); تخلق —tkhlq* (2); خلقا —khlqā* (2); خلقنا —khlqnā* (2); بخلقه —bkhlqh* (1); خلقكم —khlqkm* (1); مخلوقا —mkhlwqā* (1)

Context L4: ... الهاشمي المكي إلى جميع خلقه من الجن والإنس فنسخ بملته ...

Context L12: ... تعالى من يشاء من خلقه فيضرب لنا في ذلك بقسط ...

236. طَوَاف / طَائِفَة[236]

ṭawāf / *ṭā'ifah*

211 occurrences; cumulative coverage 78.86%.

Possible English: circumambulation; go around; group; party

Attested spellings and counts

طائفة —ṭā'fh* (103); طوائف —ṭwā'f* (25); الطائفة —al-ṭā'fh* (22); الطائفتين —al-ṭā'ftyn* (21); وطائفة —wṭā'fh* (8); يطوف —yṭwf* (8); فطائفة —fṭā'fh* (5); الطائف —al-ṭā'f* (3); الطوائف —al-ṭwā'f* (3); طاف —ṭāf* (3); الطائفتان —al-ṭā'ftān* (2); الطواف —al-ṭwāf* (2); الطائفي —al-ṭā'fy* (1); بالطائفتين

[235] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: خلق (read dictionary entry).
[236] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: طوف (read dictionary entry).

Context: الطواف commonly names circumambulation in pilgrimage. طائفة is a group of people, not a tense or case form of the ritual noun.

Forms and grammar: طاف / يطوف = went around / goes around; طواف is the verbal noun; طائف is participial. طائفة / طوائف = group(s); the latter is a separate derived noun.

237. حَنِيف / حَنِيفَة[237]

ḥanīfah / ḥanīf

210 occurrences; cumulative coverage 78.91%.

Possible English: Ḥanīfah; Ḥanafī; upright in religion

Context: أبو حنيفة is the scholar Abū Ḥanīfah. الحنفيون / الحنفيين identify followers of his school. A school name and the adjective حنيف are not interchangeable references.

Forms and grammar: حنيف / حنفاء are adjective and plural; حنفي is a relational adjective, with feminine حنفية and plurals حنفيين / حنفيون. حنيفة also occurs in a personal designation.

238. حِين[238]

ḥīn

210 occurrences; cumulative coverage 78.96%.

Possible English: time; when; at the time

Context: حين introduces a time or circumstance. It does not by itself specify a fixed duration.

Forms and grammar: حين / أحيان = time / times; أحيانا = sometimes. حينئذ = at that time, a compound expression.

—bālṭāʾftyn* (1); تطوف —tṭwf* (1); والطائف —wālṭāʾf* (1); والطواف — wālṭwāf* (1); يطف —yṭf* (1)

Context L88: ... وعلمه وعقله باقيان وقالت طائفة منهم حد العلم منا ومن ...

Context L118: ... فأين ما ادعته هذه الطائفة المغفلة من أن الإقدام على ...

Attested spellings and counts

حنيفة —ḥnyfh* (152); الحنفيين —al-ḥnfyyn* (33); الحنفي —al-ḥnfy* (14); حنيفا —ḥnyfā* (6); الحنفية —al-ḥnfyh* (3); الأحنف —al-ʾḥnf* (1); حنفاء — ḥnfāʾ* (1)

Context L42: ... لله فتبعوا ملة إبراهيم حنيفا وما كان من لمشركين ومن ...

Context L241: ... أو مالكا أو أبو حنيفة والشافعي وسفيان والأوزاعي وأحمد وداود ...

...

Attested spellings and counts

حينئذ —ḥynʾdh* (114); حين —ḥyn* (90); وحين —wḥyn* (5); الحين — al-ḥyn* (1)

Context L13: ... وهذا حين نبدأ في ذلك بحول الله ...

Context L42: ... بشيء من ذلك فيعارض حينئذ بما ينبغي وقال تعالى يمعشر ...

239. خَمْسَة / خُمُس[239]

khamsah / khumus

210 occurrences; cumulative coverage 79.01%.

Possible English: five; fifth; one-fifth; fifty

Context: خمسة counts five items; الخمس names a fifth-share in the appropriate context. خمسين / خمسون mean fifty, not five.

Forms and grammar: خمس / خمسة vary with the counted noun's gender; خامس / خامسة are ordinals. خمسين / خمسون vary by case; خمسمائة is five hundred. خُمُس / أخماس denote fraction(s).

Attested spellings and counts

الخمس —al-khms* (32); خمس —khms* (32); خمسة —khmsh* (28); خمسين —khmsyn* (23); خامس —khāms* (11); الخامس —al-khāms* (10); خمسون —khmswn* (10); خمسا —khmsā* (7); خامسة —khāmsh* (6); الخمسين —al-khmsyn* (5); الخميس —al-khmys* (5); وخمسين —wkhmsyn* (5); الخمسة —al-khmsh* (4); بخمس —bkhms* (4); خمسمائة —khmsmāʾh* (4); بخمسين —bkhmsyn* (3); خمسه —khmsh* (3); الخامسة —al-khāmsh* (2); الخمسون —al-khmswn* (2); بالخمس —bālkhms* (2); والخامس —wālkhāms* (2); وخامسها —wkhāmshā* (2); وخمسة —wkhmsh* (2); وخمسون —wkhmswn* (2); بخمسة —bkhmsh* (1); والخامسة —wālkhāmsh* (1); وخمس —wkhms* (1); وخمسا —wkhmsā* (1)

Context L19: ... ويتخاطب بها الناس الباب الخامس في الألفاظ الدائرة بين أهل ...

Context L20: ... الجمع الوارد فيها الباب الخامس عشر في الاستثناء منها الباب ...

240. حَيّ / حَيَاة / حَيَوَان[240]

ḥayy / ḥayāh / ḥayawān

209 occurrences; cumulative coverage 79.06%.

Possible English: alive; life; living creature; modesty

Context: حي describes being alive; الحيوان is a living creature. حياء is modesty, a separate noun in the family.

Forms and grammar: حي / حية agree in gender; حياة = life; يحيي / أحيا = gave life or revived / does so. حية can also mean snake, distinguished by context.

Attested spellings and counts

حي —ḥy* (32); الحيوان —al-ḥywān* (18); الحي —al-ḥy* (16); يستحي —ystḥy* (14); حياته —ḥyāth* (13); يحيي —yḥyy* (12); حيا —ḥyā* (11); حياة —ḥyāh* (10); حيوان —ḥywān* (10); الحياة —al-ḥyāh* (9); الحياء —al-ḥyāʾ* (8); حياء —ḥyāʾ* (8); أحياء —ʾḥyāʾ* (7); إحياء —ʾiḥyāʾ* (6); أحيا —ʾḥyā* (4); الأحياء —al-ʾḥyāʾ* (4); الحية —al-ḥyh* (4); حية —ḥyh* (3); يحييكم —yḥyykm* (3); أحياها —ʾḥyāhā* (2); استحيا —ʾstḥyā* (2); بتحية —btḥyh* (2); حيوانا —ḥywānā* (2); لحي —lḥy* (2); يستحيون —ystḥywn* (2); يستحيي —ystḥyy* (2); بالحيوان —bālḥywān* (1); والحياء —wālḥyāʾ* (1); والحيوان —wālḥywān* (1)

[237] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حنف (read dictionary entry).
[238] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حين (read dictionary entry).
[239] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: خمس (read dictionary entry).
[240] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حيا (read dictionary entry).

Context L0: ... عن بينة ويحيى من حي عن بينة وخص من شاء ...

Context L38: ... العبد المؤيد بالمعجزات من إحياء الموتى وغير ذلك ومنها قوله ...

241. تَشْبِيه / شَبَه[241]

shabah / tashbīh

207 occurrences; cumulative coverage 79.11%.

Possible English: resemblance; likening; ambiguity

Context: تشبيه can concern a comparison; the author's theological or grammatical context determines its technical sense.

Forms and grammar: شبه / أشباه = likeness / likenesses; أشبه is comparative; متشابه is a participle-shaped adjective.

Attested spellings and counts

أشبه —ʾshbh* (62); شبه —shbh* (38); المتشابه —al-mtshābh* (28); يشبه —yshbh* (23); الشبه —al-shbh* (17); التشبيه —al-tshbyh* (13); تشبيه —tshbyh* (10); يشبهه —yshbhh* (10); شبهه —shbhh* (4); مشابهة —mshābhh* (1); وأشباه —wʾshbāh* (1)

Context L21: ... الباب الحادي والعشرون في المتشابه من القرآن والمحكم والفرق بينه ...

Context L93: ... العنكبوت وبناء النحل وما أشبه ذلك وأخذ الصبي الثدي وما ...

242. اجْتِهَاد[242]

ʾjtihād

204 occurrences; cumulative coverage 79.16%.

Possible English: effort; independent legal reasoning

Context: In legal contexts اجتهاد concerns exerting judgment on evidence; the surrounding text determines the author's conditions for it.

Forms and grammar: اجتهد / يجتهد are verbs; اجتهاد is the verbal noun. مجتهد / مجتهدون / مجتهدين identify the person, number and case.

Attested spellings and counts

الاجتهاد —al-ājthād* (39); اجتهد —ʾjthd* (27); اجتهاده —ʾjthādh* (24); اجتهاد —ʾjthād* (18); مجاهد —mjāhd* (18); مجتهد —mjthd* (15); الجهاد —al-jhād* (13); المجتهد —al-mjthd* (8); والاجتهاد —wālājthād* (8); بالاجتهاد —bālājthād* (7); مجتهدا —mjthdā* (6); اجتهادهم —ʾjthādhm* (4); المجتهدين —al-mjthdyn* (4); يجتهد —yjthd* (4); جاهدوا —jāhdwā* (3); جهاد —jhād* (3); مجتهدون —mjthdwn* (2); يجاهدون —yjāhdwn* (1)

Context L11: ... اتبعهم مجتهدا من كفلين إلى كفل واحد ...

Context L22: ... الفقه وصفة المفتي وصفة الاجتهاد وما يلزم لكل واحد طلبه ...

[241] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: شبه (read dictionary entry).
[242] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: جهد (read dictionary entry).

243. حَرِير / حُرّ[243]

ḥurr / ḥarīr

204 occurrences; cumulative coverage 79.21%.

Possible English: free person; free; silk; liberate

Context: حر in status law contrasts with enslaved. حرير is silk, not a plural of حر. تحرير رقبة concerns freeing an enslaved person in the relevant legal formula.

Forms and grammar: حر / حرة show gender; حرائر / أحرار are plurals. حرّر / يحرّر = freed or set down precisely / does so; تحرير is a verbal noun with context-dependent sense.

Attested spellings and counts

الحر —al-ḥr* (35); حر —ḥr* (28); الحرة —al-ḥrh* (24); فتحرير —fthryr* (18); وتحرير —wthryr* (9); الحرير —al-ḥryr* (8); بالحر —bālḥr* (5); تحرير —thryr* (5); الحرية —al-ḥryh* (4); حرير —ḥryr* (4); للحرة —llḥrh* (4); والحر —wālḥr* (4); حرائر —ḥrāʾr* (3); للحر —llḥr* (3); والحرائر —wālḥrāʾr* (3); الحرائر —al-ḥrāʾr* (2); حرين —ḥryn* (2); كالحرة —kālḥrh* (2); أحرارا —ʾḥrārā* (1); حار —ḥār* (1); كالحر —kālḥr* (1); والحرة —wālḥrh* (1); الأحرار —al-ʾḥrār* (13); حرة —ḥrh* (13); حرا —ḥrā* (11);

Context L54: ... كثيرا فأزهقته منها يوم الحرة ويوم قتل عثمان رضي الله ...

Context L66: ... معاناة ما يطرد به الحر والبرد والسباع ويعاني به الأمراض ...

244. عُثْمَان[244]

ʿuthmān

201 occurrences; cumulative coverage 79.26%.

Possible English: ʿUthmān; a personal name

Context: عثمان can designate the caliph or a later narrator. A patronymic or chain identifies the person, rather than the spelling alone.

Forms and grammar: وعثمان adds and; لعثمان adds to/for. Case vowels vary. The dictionary root supplies lexical/name discussion, not a biography of every bearer.

Attested spellings and counts

عثمان —ʿthmān* (154); وعثمان —wʿthmān* (45); فعثمان —fʿthmān* (2)

Context L54: ... يوم الحرة ويوم قتل عثمان رضي الله عنه ويوم قتل ...

Context L226: ... فإن قال قائل فإن عثمان رضي الله عنه وجبير بن ...

[243] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: حرر (read dictionary entry).
[244] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عثم (read dictionary entry).

245. جَدّ / جِدًّا / جَدِيد[245]

jadd / *jiddan* / *jadīd*

194 occurrences; cumulative coverage 79.31%.

Possible English: grandfather; seriousness; very; new; renew

Context: الجد in inheritance is a grandfather; جدا commonly intensifies an adjective. The vowelled forms and topic separate these uses.

Forms and grammar: جد / أجداد = grandfather(s); جديد / جديدة = new; جدّد / يجدّد = renewed / renews; جدة can mean grandmother in its kinship reading.

Attested spellings and counts

جدا —jdā* (101); الجد —al-jd* (28); جده —jdh* (11); الجدة —al-jdh* (7); جدي —jdy* (7); تجديد —tjdyd* (5); جدة —jdh* (5); وجدته —wjdth* (5); الأجداد —al-ʾjdād* (3); جديد —jdyd* (3); والأجداد —wālʾjdād* (3); جديدة —jdydh* (2); والجد —wāljd* (2); والجدات —wāljdāt* (2); والجدة —wāljdh* (2); أجداده —ʾjdādh* (1); الجدات —al-jdāt* (1); جد —jd* (1); جداته —jdāth* (1); جدته —jdth* (1); للجد —lljd* (1); والجد —wlljd* (1); يجدد —yjdd* (1)

Context L4: ... في تمييزه وفاسد العقل جدا ظاهر الحمق رديء الاختيار مذموما ...

Context L27: ... الحاسب جمعها فإن كثرت جدا فربما غفل وغلط حتى إذا ...

246. عَدْل / عَدَالَة[246]

ʿadl / *ʿadālah*

194 occurrences; cumulative coverage 79.36%.

Possible English: justice; fairness; uprightness; equivalent

Context: العدل can describe justice or the author's account of divine justice; عدل in testimony can mean an upright witness. A verb with عن can mean turn aside.

Forms and grammar: يعدل / عدل are verbs; عدل / عدول can describe an upright person / persons; عدالة is a noun.

Attested spellings and counts

عدل —ʿdl* (69); العدل —al-ʿdl* (68); العدالة —al-ʿdālh* (21); عدول —ʿdwl* (15); عدلا —ʿdlā* (9); يعدل —yʿdl* (6); عدالة —ʿdālh* (4); عدله —ʿdlh* (1); يعدلون —yʿdlwn* (1)

Context L2: ... الإنسانية قوة مختلفة فمنها عدل يزين لها الإنصاف ويحبب إليها ...

Context L4: ... النفس المميزة على نصر العدل وعلى إيثار ما دلت عليه ...

[245] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: جدد (read dictionary entry).
[246] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عدل (read dictionary entry).

247. لُغَة[247]

lughah

191 occurrences; cumulative coverage 79.40%.

Possible English: language; linguistic usage

Context: لغة can refer to a language or an attested manner of speaking within Arabic.

Forms and grammar: لغة / لغات = language or usage / languages or usages; اللغة adds the article.

Attested spellings and counts

اللغة —al-lghh* (191)

Context L66: ... حال المصطلحين على وضع اللغة قبل اصطلاحهم عليه فهذا من ...

Context L72: ... قد بدلت الألفاظ في اللغة العربية تبديلا وهو في البعد ...

248. أَنَا[248]

ʾanā

190 occurrences; cumulative coverage 79.45%.

Possible English: I; me in a gloss determined by English syntax

Context: أنا is the independent first-person singular pronoun. It may be emphatic when an Arabic verb already identifies the speaker.

Forms and grammar: فأنا / وأنا add and / so. أنا contrasts with نحن, we. The attached suffix ـني is an object me; ـي is often possessive my. They have different grammatical roles.

Attested spellings and counts

أنا —ʾnā* (144); وأنا —wʾnā* (27); لأنا —lʾnā* (10); فأنا —fʾnā* (9)

Context L38: ... الجدال المأمور به المحمود لأنا قد وجدناه تعالى قد قال ...

Context L52: ... إن كنتم مؤمنين ومآ أنا عليكم بحفيظ قالوا يشعيب أصلواتك ...

[247] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: لغا (read dictionary entry).

[248] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أنن (read dictionary entry).

249. رَفْع / رَفَعَ[249]

rafaʿa / rafʿ

189 occurrences; cumulative coverage 79.50%.

Possible English: raise; lift; remove; transmit up to

Context: رفع can mean removing a ruling or raising an object. مرفوع in report discussion can describe attribution to the Prophet, a technical contextual sense.

Forms and grammar: يرفع / رفع = raised / raises; رفعه = raised it or his raising according to vowels; مرفوع = raised/attributed; ارتفاع is another verbal noun.

Attested spellings and counts

مرفوع —ʾrtfʿ* (16); ارتفع —yrfʿ* (18); يرفع —rāfʿ* (26); رافع —rfʿ* (49); رفع —mrfwʿ* (9); رفعه —rfʿh* (7); فارتفع —fārtfʿ* (7); ارتفعت —ʾrtfʿt* (6); ارتفاع —ʾrtfāʿ* (5); رافعا —rāfʿā* (4); رفعت —rfʿt* (4); ورفع —wrfʿ* (4); برفع — brfʿ* (3); ترفع —trfʿ* (3); مرتفع —mrtfʿ* (3); وارتفع —wārtfʿ* (3); المرفوع — al-mrfwʿ* (2); رفاعة —rfāʿh* (2); فرفع —frfʿ* (2); فرفعه —frfʿh* (2); والرفع — wālrfʿ* (2); يرفعه —yrfʿh* (2); أرفع —ʾrfʿ* (1); الرافع —al-rāfʿ* (1); بالرفع — bālrfʿ* (1); ترتفع —trtfʿ* (1); رفعوا —rfʿwā* (1); مرفوعا —mrfwʿā* (1); ورافع —wrāfʿ* (1); ورفعه —wrfʿh* (1); يرتفع —yrtfʿ* (1); يرفعون —yrfʿwn* (1)

Context L70: ... كنتم صادقين فهذا التأكيد يرفع الإشكال ويقطع الشغب فيما قلنا ...

Context L81: ... وادعوا أن الملائكة الذين يرفعون الأعمال لا يفهمون إلا العبرانية ...

250. هِبَة / وَهَبَ[250]

wahaba / hibah

189 occurrences; cumulative coverage 79.54%.

Possible English: give; grant; gift; Wahb

Context: هبة is a gift, distinguished from sale or inheritance. وهب may instead be the narrator's name Wahb.

Forms and grammar: يهب / وهب = gave / gives; هبات / هبة = gift(s); وهبه = gave him/it or his gift according to vowels. هب can also introduce suppose in an argument.

Attested spellings and counts

وهب —whb* (76); الوهاب —al-whāb* (73); الهبة —al-hbh* (7); هبته — hbth* (6); هبة —hbh* (4); هبكم —hbkm* (4); الهبات —al-hbāt* (3); يهبه —yhbh* (3); بالهبة —bālhbh* (2); والهبة —wālhbh* (2); وهبت —whbt* (2); الموهوب —al-mwhwb* (1); للواهب —llwāhb* (1); هبك —hbk* (1); وهبة — whbh* (1); وهبته —whbth* (1); وهبه —whbh* (1); ووهب —wwhb* (1)

Context L57: ... بن فتح عن عبد الوهاب بن عيسى عن أحمد بن ...

Context L117: ... ما أنفذوه فيها من هبة وبيع ثم أطلقنا على أخذها ...

[249] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: رفع (read dictionary entry).

[250] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: وهب (read dictionary entry).

251. بَتَّة[251]

battah

182 occurrences; cumulative coverage 79.59%.

Possible English: definitely; altogether; decisively

Context: البتة or بتة reinforces a categorical denial or assertion; it is not a new sentence.

Forms and grammar: بتة is an adverbial expression; بت / يبت concern deciding or cutting off.

Attested spellings and counts

البتة —al-bth* (181); بتة —bth* (1)

Context L4: ... حمق شديد وعدم للعقل البتة ولو أن أمرأ خير في ...

Context L18: ... منه كذلك فلا يخرج البتة الخطأ في أحكام الديانة عن ...

252. مَغْفِرَة / غَفَرَ[252]

ghafara / maghfirah

182 occurrences; cumulative coverage 79.63%.

Possible English: forgive; forgiveness

Context: غفور describes abundant forgiveness; the cited passage determines who is forgiven and under what conditions.

Forms and grammar: غفر / يغفر = forgave / forgives; مغفرة is a verbal noun; غفور is an intensive adjective.

Attested spellings and counts

غفور —ghfwr* (89); غفورا —ghfwrā* (40); مغفرة —mghfrh* (15); يغفر —yghfr* (15); المغفرة —al-mghfrh* (12); غفر —ghfr* (9); والمغفرة —wālmghfrh* (2)

Context L16: ... متجانف لإثم فإن الله غفور رحيم فأيقنا أن الدين قد ...

Context L172: ... سلف إن لله كان غفورا رحيما ...

253. أَرْض[253]

ʾarḍ

181 occurrences; cumulative coverage 79.68%.

Possible English: earth; land; ground; a parcel of land

Attested spellings and counts

الأرض —al-ʾrḍ* (142); والأرض —wālʾrḍ* (13); أرض —ʾrḍ* (10); بأرض —bʾrḍ* (5); الأرضين —al-ʾrḍyn* (4); أرضه —ʾrḍh* (2); بالأرض —bālʾrḍ* (2); أرضا —ʾrḍā* (1); أرضهم —ʾrḍhm* (1); وأرض —wʾrḍ* (1)

[251] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: بتت (read dictionary entry).
[252] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: غفر (read dictionary entry).
[253] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: أرض (read dictionary entry).

Context: أرض can mean a particular property or ground generally. The land's ownership and legal status require the surrounding qualifiers.

Forms and grammar: أرض / أراض / أراضين / أرضون are singular and plural formations in their constructions. أرضها / أرضه attach possessives; أرضا is a common accusative form.

Context L2: ... الذي صدقنا وعده وأورثنا الأرض نتبوأ من الجنة حيث نشآء ...

Context L4: ... قلنا أفلم يسيروا في الأرض فتكون لهم قلوب يعقلون بهآ ...

254. أَدْرِي / دَرَى[254]

darā / *ʾadrī*

181 occurrences; cumulative coverage 79.72%.

Possible English: know; be aware; understand

Context: لا ندري means we do not know. أدراك can mean made you know, while أدري commonly means I know; their vowels and constructions differ.

Forms and grammar: يدري / درى = knew / knows; دريت = I or you knew; ندري = we know. دراية is a noun; لم يدر drops the final weak letter. دار, a house, belongs to a different family.

Attested spellings and counts

ندري —ndry* (62); يدري —ydry* (54); أدري —ʾdry* (20); تدرى — tdrā* (11); يدر —ydr* (8); يدرون —ydrwn* (8); يدرى —ydrā* (5); تدرون — tdrwn* (4); تدري —tdry* (4); ندر —ndr* (3); يدريه —ydryh* (2)

Context L2: ... والجاهل يسر لما لا يدري حقيقة وجهه ولما فيه وباله ...

Context L30: ... وقت للاستدلال فيه ولا يدري أحد كيف وقع له ذلك ...

255. عَمْد / تَعَمَّدَ[255]

ʿamd / *taʿammada*

180 occurrences; cumulative coverage 79.77%.

Possible English: intention; intentional; deliberately; rely on

Context: عمدا in legal classification contrasts with mistake. اعتمد can instead mean relied on; a shared root does not settle the kind of intention at issue.

Attested spellings and counts

عمدا —ʿmdā* (55); تعمد —tʿmd* (21); عامدا —ʿāmdā* (20); متعمدا — mtʿmdā* (15); تعمدت —tʿmdt* (13); العمد —al-ʿmd* (9); عمد —ʿmd* (9); عامد —ʿāmd* (7); وتعمد —wtʿmd* (6); يتعمد —ytʿmd* (5); العامد — al-ʿāmd* (4); والعمد —wālʿmd* (3); عمدة —ʿmdh* (2); يعمد —yʿmd* (2); المتعمد —al-mtʿmd* (1); بالعمد —bālʿmd* (1); بتعمده —btʿmdh* (1); نتعمد —ttʿmd* (1); عمدت —ʿmdt* (1); متعمد —mtʿmd* (1); نعتمد —nʿtmd* (1); والعامد —wālʿāmd* (1); وعمدة —wʿmdh* (1)

[254]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: درى (read dictionary entry).

[255]**Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: عمد (read dictionary entry).

Forms and grammar: تعمّد / يتعمّد = intended deliberately / intends; عامد / متعمد are participles. عمدا is adverbial; عمد can have other noun/verb readings according to vowels.

256. نَوَى / نِيَّة[256]

niyyah / nawā

179 occurrences; cumulative coverage 79.81%.

Possible English: intention; intend

Context: نية concerns intention. The legal act's required object and timing of intention must be read from the passage.

Forms and grammar: نوى / ينوي = intended / intends; نويت = I or you intended; نيات = intentions. نيته / نيتها attach possessive referents; ينو after a jussive particle drops the weak ending.

257. مُوسَى[257]

mūsā

178 occurrences; cumulative coverage 79.85%.

Possible English: Moses

Context: A proper name or a historical group label. Polemical claims about groups are attributed to the author; a name label does not establish a person's or group's views.

Forms and grammar: Personal and place names identify a referent rather than a verb tense. Prefixed و means and; ب and ل can add prepositional meaning. Group names are distinguished from ordinary lexical uses.

Context L18: ... من الدين مخطئا غير عامد للمعصية أو عامدا لها أو ...

Context L23: ... نية الخطأ غير المقصود والعمد المقصود بالفعل والنية جميعا وحيث ...

...

Attested spellings and counts

نية —nyh* (52); النية —al-nyh* (46); نوى —nwā* (26); نيته —nyth* (12); بالنيات —bālnyāt* (9); ينو —ynw* (7); ينوي —ynwy* (7); ونوى —wnwā* (6); بالنية —bālnyh* (5); النيات —al-nyāt* (4); نواه —nwāh* (2); أنو —ʾnw* (1); فنوى —fnwā* (1); ينوه —ynwh* (1)

Context L23: ... الثاني والثلاثون في وجوب النيات في الأعمال والفرق بين الخطأ ...

...

Context L150: ... لم يتجانف لإثم والأعمال بالنيات فهو مجتهد مأجور مرة في ...

Attested spellings and counts

موسى —mwsā* (167); وموسى —wmwsā* (6); لموسى —lmwsā* (5)

Context L57: ... أبو داود حدثنا أبو موسى بن إسماعيل ثنا حماد هو ...

Context L78: ... التوراة والإنجيل والزبور وكلم موسى عليه السلام بالعبرانية وأنزل ... الصحف ...

[256] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: نوي (read dictionary entry).

[257] **Editorial lexical note:** Name identification from the source context; no Lisān al-ʿArab etymology is asserted for this proper-name entry.

258. أَمْكَنَ / مُمْكِن[258]

ʾamkana / mumkin

177 occurrences; cumulative coverage 79.90%.

Possible English: be possible; enable; possible

Context: يمكن expresses possibility; it need not imply permission or probability.

Forms and grammar: يمكن / أمكن are verbs; ممكن / ممكنة mark gender; إمكان is a noun.

Attested spellings and counts

يمكن —ymkn* (94); ممكن —mmkn* (41); أمكن —ʾmkn* (23); إمكان —ʾimkān* (6); الإمكان —al-ʾimkān* (6); أمكنه —ʾmknh* (3); ويمكن — wymkn* (2); أمكنهم —ʾmknhm* (1); ممكنة —mmknh* (1)

Context L2: ... ما هي عليه وإلى إمكان التفهم الذي به ترتقي درجة ...

Context L66: ... معرفته دون تعليم فلا يمكن البتة معرفته إلا بمعلم علمه ...

259. شَافِعِيّ / شَفَاعَة / شُفْعَة[259]

shāfiʿiyy / shafāʿah / shufʿah

173 occurrences; cumulative coverage 79.94%.

Possible English: al-Shāfiʿī; Shāfiʿī; intercession; pre-emption

Context: الشافعي names the jurist or, by context, an adherent/relational adjective. الشفعة is the legal right of pre-emption, distinct from intercession.

Forms and grammar: شافع is a participial form; شافعي adds a relational ending; شافعيين / شافعيون vary by case. شفاعة and شفعة are distinct nouns, not tense variants.

Attested spellings and counts

الشافعي —al-shāfʿy* (71); والشافعي —wālshāfʿy* (44); الشافعيين — al-shāfʿyyn* (20); الشفعة —al-shfʿh* (8); للشافعي —llshāfʿy* (6); يشفع — yshfʿ* (6); شفاعة —shfāʿh* (5); شفعة —shfʿh* (5); بالشفعة —bālshfʿh* (4); الشفاعة —al-shfāʿh* (1); بالشفاعة —bālshfāʿh* (1); شفع —shfʿ* (1); شفعته — shfʿth* (1)

Context L241: ... مالكا أو أبو حنيفة والشافعي وسفيان والأوزاعي وأحمد وداود ... رضي ...

Context L292: ... عن أبي حنيفة ومالك والشافعي وأحمد وداود رضي الله عنهم ... ...

[258] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: مكن (read dictionary entry).
[259] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: شفع (read dictionary entry).

260. شُعْبَة / شَعْبِيّ[260]

shuʿbah / shaʿbiyy

169 occurrences; cumulative coverage 79.98%.

Possible English: branch; division; Shuʿbah; al-Shaʿbī

Context: شعبة and الشعبي commonly name different transmitters, Shuʿbah and al-Shaʿbī. A lineage or relational adjective is not a case variant of the personal name.

Forms and grammar: شعب / شعبة = branch / branches; شعبي is a relational adjective. The final ة in شعبة belongs to the name or noun, not a feminine form that can automatically be removed.

Attested spellings and counts

شعبة —shʿbh* (94); الشعبي —al-shʿby* (58); شعبان —shʿbān* (7); والشعبي — wālshʿby* (6); وشعبة —wshʿbh* (4)

Context L357: ... بأنه شاهد ذلك منه شعبة الإمام الرئيس ابن الحجاج ...

Context L360: ... الجدة وعلمه المغيرة بن شعبة ومحمد بن مسلمة وبينهما وبين ...

261. أَشْهُر / شَهْر[261]

shahr / ʾashhur

168 occurrences; cumulative coverage 80.02%.

Possible English: month; make known; famous

Context: شهر usually counts a month. مشهورة describes something well known, a different derivation rather than a plural of month.

Forms and grammar: شهر / أشهر / شهور = month(s); شهرين / شهران are dual case forms. أشهر can also be a comparative or verb according to vowels; شهرة = renown.

Attested spellings and counts

أشهر —ʾshhr* (47); شهر —shhr* (32); شهرين —shhryn* (22); مشهور — mshhwr* (17); شهرا —shhrā* (13); الشهر —al-shhr* (11); المشهور — al-mshhwr* (5); المشهورة —al-mshhwrh* (4); الأشهر —al-ʾshhr* (3); بشهر —bshhr* (3); الشهرين —al-shhryn* (2); شهران —shhrān* (2); مشهورة — mshhwrh* (2); بالشهر —bālshhr* (1); بالشهور —bālshhwr* (1); مشهورا — mshhwrā* (1); وأشهر —wʾshhr* (1); وشهر —wshhr* (1)

Context L101: ... قول القائل إن خدمتني شهرا أعطيتك درهما والتفسير والشرح هما ...

Context L230: ... هو المكتوب في المصاحف المشهورة في الآفاق كلها وجب الانقياد ...

[260] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: شعب (read dictionary entry).
[261] **Dictionary reference:** Ibn Manẓūr, Lisān al-ʿArab (Arabic dictionary); headword: شهر (read dictionary entry).